



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: October 28, 2021
Time: 9:30 am
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

			Pages
1.	CALL TO ORDER	9:30 AM - 9:30 AM	
2.	APPROVAL OF AGENDA	9:30 AM - 9:35 AM	
3.	TRUSTEE REPORT	9:35 AM - 9:45 AM	
4.	CHAIR'S REPORT	9:45 AM - 9:50 AM	
5.	TOWN HALL AND QUESTIONS	9:50 AM - 10:05 AM	
6.	COMMUNITY INFORMATION MEETING		
	None		
7.	PUBLIC HEARING		
	None		
8.	MINUTES	10:05 AM - 10:15 AM	
8.1.	Local Trust Committee Regular Minutes Dated July 29, 2021 (for Adoption)		4 - 9
8.2.	Local Trust Committee Special Meeting Minutes Dated September 7, 2021 (for Adoption)		10 - 12
8.3.	Section 26 Resolutions-without-meeting Report Dated Oct 2021		13 - 13
8.4.	Agricultural Advisory Planning Commission Minutes Dated September 23 and September 27, 2021 (for Receipt)		14 - 16
9.	BUSINESS ARISING FROM THE MINUTES		
9.1.	Follow-up Action List Dated Oct 2021		17 - 19
10.	DELEGATIONS		

11. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

12. APPLICATIONS AND REFERRALS

10:15 AM - 11:30 AM

- | | | |
|-------|---|-----------|
| 12.1. | NP-DP-2021.5 (Resuello) – Staff Report (attached) | 20 - 93 |
| 12.2. | NP-DP-2021.1 (Charest) – Staff Report (attached) | 94 - 127 |
| 12.3. | NP-DVP-2021.3 (Driessen) - Staff Report (attached) | 128 - 152 |
| 12.4. | NP-TUP-2021.8 (Murdoch) - Staff Report (attached) | 153 - 167 |
| 12.5. | NP-DP-2021.6 (Amenyogbe) - Staff Report (attached) | 168 - 215 |
| 12.6. | Trust Council Policy Statement Bylaw No. 183 Referral (for response) (attached) | 216 - 258 |
| 12.7. | Salt Spring Island Local Trust Committee Referral for Proposed Bylaws No. 504 and 505 (for response) (attached) | 259 - 270 |
| 12.8. | Salt Spring Island Local Trust Committee Referral for Proposed Bylaws No. 523 and 524 (for response) (attached) | 271 - 280 |

13. LOCAL TRUST COMMITTEE PROJECTS

14. REPORTS

11:30 AM - 11:40 AM

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|---------|---|-----------|
| 14.1. | Work Program Report (attached) | |
| 14.1.1. | <u>Top Priorities Report Dated Oct 2021</u> | 281 - 281 |
| 14.1.2. | <u>Projects List Report Dated Oct 2021</u> | 282 - 282 |
| 14.2. | Applications Report Dated Oct 2021 (attached) | 283 - 289 |
| 14.3. | Trustee and Local Expense Report Dated August 2021 (attached) | 290 - 290 |
| 14.4. | Adopted Policies and Standing Resolutions (attached) | 291 - 295 |
| 14.5. | Local Trust Committee Webpage | |
| 14.6. | Islands Trust Conservancy Report Dated August 2021 | 296 - 297 |

15. NEW BUSINESS

11:40 AM - 12:00 PM

- | | | |
|-------|---|-----------|
| 15.1. | New Fee Bylaw - Request for Decision (attached) | 298 - 314 |
|-------|---|-----------|

16. UPCOMING MEETINGS

12:00 PM - 12:10 PM

- | | | |
|-------|---|--|
| 16.1. | Next Regular Meeting Scheduled for November 25, 2021 at the Anglican Parish Hall, Pender Island | |
|-------|---|--|

16.2. Draft 2022 LTC Meeting Schedule (attached) (for approval)

315 - 315

- | | | |
|------------|-----------------------|----------------------------|
| 17. | TOWN HALL | 12:10 PM - 12:25 PM |
| 18. | CLOSED MEETING | |
| | None | |
| 19. | ADJOURNMENT | 12:25 PM - 12:25 PM |



DRAFT

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: July 29, 2021
Location: Electronic Meeting (Zoom Webinar)

Members Present: _____ Laura Patrick, Chair
_____ Benjamin McConchie, Local Trustee
_____ Deb Morrison, Local Trustee

Staff Present: _____ Kim Stockdill, Planner
_____ Shannon Brayford, Recorder
_____ Dionne LoForte, Planning Assistant (Host)

Public: There were approximately nine (9) attendees in the webinar.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 9:00 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. RISE AND REPORT - In-Camera Meeting - June 24, 2021 (NP-DP-2020.1 Calverley)

By general consent it was agreed that the Rise and Report shall include that the North Pender Islands Local Trust Committee agreed, by resolution to direct staff to write back to the owner's counsel expressing the opinion that the condition is valid.

3. APPROVAL OF AGENDA

By general consent the agenda was approved as presented

4. TRUSTEE REPORT

Trustee McConchie provided a report including the following points:

- Addressed news of the uncovering of further mass graves of Indigenous people and noted the Islands Trust's efforts toward Reconciliation.
- Reported that he is available at the Farmers Markets to interact with residents and discuss issues such as the Islands Trust Policy Statement.

- Reported that Magic Lakes Estates area has a boil water advisory and residents should check the Capital Regional District (CRD) website to see if their address is impacted.

Trustee Morrison addressed the Trust Policy Statement work and encouraged the community to send feedback through the website. She reported that first reading is tentatively scheduled for December and encouraged residents to reach out personally with questions and comments.

5. CHAIR'S REPORT

Chair Patrick reported that the Executive Committee will bring an engagement plan for the Trust Policy Statement to the next Trust Council meeting, which will be held virtually September 21-23, 2021. She provided an overview of the process by which members of the community can apply to attend as a delegation.

Chair Patrick reported that she attended a meeting with representatives of the owners of James Island. She provided an overview of the topics addressed in the meeting, the requests made by the James Island representatives, and noted her confirmation to the representatives that requests for the Local Trust Committee (LTC) to reconsider any past decisions would need to be submitted to the LTC.

6. TOWN HALL AND QUESTIONS

Donn Korbin requested and received information on why his correspondence was not included in the agenda package.

Donn Korbin requested and received information on the Governance and Management Review including the rationales for and practical application of recommendations.

Michael Sketch requested and received information on the plans for public consultation regarding the Trust Policy Statement. He noted that he has submitted a recommended revision for the document to Trust Council.

Chris Roper provided an update on the matter of a private helicopter on a residence near his home. He provided an overview of the complaints lodged with various provincial, federal, and local agencies.

A discussion of the limitations of the Islands Trust's jurisdiction on such matters was held. The LTC also discussed the ways in which they are supporting residents on this issue including interfacing with other levels of government and considering revisions to the Land Use Bylaw (LUB).

7. COMMUNITY INFORMATION MEETING

None

8. PUBLIC HEARING

None

9. MINUTES

9.1 Local Trust Committee Minutes Dated June 24, 2021 (for Adoption)

By general consent the Local Trust committee meeting minutes of June 24, 2021 were adopted as presented.

9.2 Section 26 Resolutions-without-meeting Report

None

9.3 Advisory Planning Commission Minutes

None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated July 2021

Received for information.

11. DELEGATIONS

None

12. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the LTC webpage

13. APPLICATIONS AND REFERRALS

13.1 NP-DVP-2021.2 (Murdoch) - Staff Report

Planner Stockdill provided an overview of the application and associated staff report.

Chair Patrick acknowledged the applicant Dorothy Murdoch and invited her to address the LTC.

Dorothy Murdoch provided an overview of the application and explained the purpose of the educational sign.

NP-2021-080

It was Moved and Seconded

that the North Pender Island Local Trust Committee approve issuance of Development Variance Permit application NP-DVP-2021.2 (Murdoch).

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 LUB Review – Staff Report

Planner Stockdill provided an overview of the staff report.

Planner Stockdill addressed agricultural regulations, noting that most of the North Pender Islands Agricultural Advisory Planning Commission (AAPC) recommendations had been received and incorporated.

Planner Stockdill requested that the LTC provide feedback on the proposed Rural Residential 2 (RR2) zone.

A discussion was held which included the benefits and concerns of not restricting the RR2 zoning by size. There was general support of incorporating the new RR2 zone without size restriction.

Planner Stockdill requested LTC feedback on proposed options for supporting farm worker accommodation. She also provided an overview of the recent Agricultural Land Commission announcement and its impact on future LTC decisions.

A discussion was held and there was general support of supporting the AAPC's recommendations. The LTC further noted that they would like the AAPC's feedback on that matter.

NP-2021-081

It was Moved and Seconded

that the North Pender Island Local Trust Committee request that staff refer farm worker accommodation and the new Agricultural Land Commission residential rules to the North Pender Island Agricultural Advisory Planning Commission.

CARRIED

Planner Stockdill addressed Tourist Accommodations. She provided an overview of the plans to reduce density on properties on Mackinnon Road. She outlined the original recommendations and noted feedback received from the property owners.

A discussion was held including the importance of receiving the data from the ongoing groundwater study. There was general consensus that the matter be considered after the groundwater data is delivered in September 2021.

Planner Stockdill provided an overview of the options for the Driftwood Centre and the preferences expressed by the property's delegate.

A discussion of opportunities for requiring ground water access and storage for properties with tourist accommodations was held.

Planner Stockdill addressed and requested feedback on the options for Employee Housing Options.

A discussion was held and the LTC expressed support for making provision of employee housing mandatory.

Planner Stockdill requested feedback on proposed Marine and Shoreline amendments. She noted that staff is seeking information on the current dock applications to ensure that they can be considered in the bylaw.

There was general support for the proposed amendment.

Note: A break was held from 10:40-10:45 am

A discussion was held regarding public consultation for the project.

NP-2021-081

It was Moved and Seconded

that the North Pender Island Local Trust Committee request staff to schedule two Special Meetings in the Fall 2021 to present the draft bylaws for the Land Use Bylaw Review Project.

CARRIED

15. REPORTS

15.1 Work Program Report

15.1.1 Top Priorities Report Dated July 2021

The LTC requested and received an update on the Short Term Vacation Rental review project and the Ground Water Sustainability Project review project.

The LTC requested that the Pender Islands Fire Rescue Fire Chief be invited to the September meeting to discuss forest fire safety.

15.1.2 Projects List Report Dated July 2021

Received for information.

15.2 Applications Report Dated July 2021

Received for information.

15.3 Trustee and Local Expense Report Dated May 2021

Received for information.

15.4 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage

No comments heard.

15.6 Islands Trust Conservancy Report

None

16. NEW BUSINESS

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for September 30, 2021, Location: TBD

A discussion was held regarding the location of the next regular meeting. It was noted that an in-person meeting has been scheduled for September 30, 2021 and that provincial requirements will be carefully considered and abided by.

18. TOWN HALL

Michael Sketch addressed Commercial 2 (C2) Zoning and the LTC's historical handling of density reductions. He addressed the importance of consideration of ground water and cautioned against allowing for density transfers.

19. CLOSED MEETING

None

20. ADJOURNMENT

By general consent the meeting was adjourned at 11:05 am.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder

DRAFT



Islands Trust

North Pender Island Local Trust Committee Minutes of Special Meeting

Date: September 7, 2021

Location: Electronic Meeting (Zoom Webinar)

Members Present: Laura Patrick, Chair
Benjamin McConchie, Local Trustee
Deb Morrison, Local Trustee

Staff Present: Narissa Chadwick, Island Planner
William Shulba, Senior Freshwater Specialist
Pat Todd, Recorder
Dionne LoForte, Administrative Assistant (Host)

Public: There were approximately 30 attendees in the Zoom webinar.

Guest: Sylvia Barroso, Ministry of Forests, Lands, Natural Resource Operations and Rural Development

1. CALL TO ORDER

Chair Patrick called the meeting to order at 6:02 p.m. She acknowledged that the meeting was being held in the traditional territories of the Coast Salish First Nations and related an excerpt from “Honouring Water” written by Assembly of First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. COMMUNITY INFORMATION MEETING

3.1. Groundwater Sustainability Implementation Project

Senior Freshwater Specialist, William Shulba, speaking from traditional territories of many First Nations just outside of Edmonton, outlined the Groundwater Sustainability Science Program and mentioned that Planner Chadwick had been very involved with this project.

Information reviewed in the slide presentation included:

1. Groundwater Footprint of Islands Trust Area

- Changing climate and societal stresses critical
- Planning, use of local resources and Authorities, setting priorities, pooling knowledge and commitment important
- Traditional knowledge holders can educate

2. Aquifer Conceptualization Project

- Island water comes via rain, snow and fog and is a unique amenity for the islands
- Carryover from year to year is minimal
- Three mapped aquifers on North Pender: defined by geology and topography
- Water levels in wells from fractures are a factor of atmospheric pressures and may get salt water intrusion

3. Groundwater Recharge Mapping

- A spring is a discharge area
- Lake/pond could be a recharge area
- An area with large discharge likely an area with minimal recharge
- Damp soil absorbs more readily
- North Pender has a fraction of the recharge compared to Galiano

4. Groundwater Sustainability

- Need to balance between usage and demand versus groundwater recharge availability

5. Groundwater Availability

- Irrigation biggest user
- 500 billion litres of water yearly with only 460 million in recharge
- No recharge in summer and high demand
- Recharge potential likely to be lessened with changing climate

6. Groundwater Sustainability Implementation

- Islands Trust Freshwater Sustainability Strategy
- Regulatory framework through Water Sustainability Act
- Groundwater users should apply by Feb. 2022 to secure their First in Time, First in Right water rights
- Register groundwater wells
- Review of Official Community Plan (OCP) existing policies: review options and opportunity to update OCP
- Islands Trust brochure – Be a Water Saver

Members of the community were invited to comment and the following discussion points were raised:

- Question regarding regulation of groundwater usage: residential is deemed the right of 2000 litres per day; drought may require restrictions to 250 litres per day; there are exceptions; no fees for overuse
- Short-term vacation rental properties using groundwater are encouraged by the Province to apply for a water license
- Volume of irrigation from groundwater is overestimated – potential irrigation
- A pdf of the presentation is available under the meeting details on the website
- Monitoring at local level is critical
- A lot of precipitation – important to catch and store
- Forests are the cheapest storage solution
- Question of rain projections; timing of rain events will change with climate change
- Freshwater Atlas is still being developed; however, there is one available on the provincial website
- Ongoing conversation/education critical

Sylvia Barroso, Provincial Ministry of Forests, Lands, Natural Resource Operations and Rural Development, noted that records are being taken and retained on nondomestic water usage. Domestic usage could be averaged from other districts. She noted that islanders typically have a lower than average usage. Licensing will improve quality of information.

Chair Patrick expressed appreciation to staff for the presentation/information, to Sylvia Barroso for attending and to all those who joined the meeting.

4. ADJOURNMENT

By general consent, the meeting was adjourned at 8:10 p.m.

Laura Patrick, Chair

Certified Correct:

Pat Todd, Recorder



Resolutions Without Meetings Log

North Pender Island

Resolution Number	Action	Date
2021-001 That the North Pender Island Local Trust Committee request staff to schedule a Special Electronic Meeting for October 22, 2021 for the Land Use Bylaw Review Project.	Carried	04-Oct-2021



DRAFT

North Pender Island

Special Agricultural Advisory Planning Commission

DRAFT Minutes of Regular Meeting

Date: September 27, 2021

Location: Electronic Meeting

Members Present: Barbara Johnstone (Chair), George Leroux, Ben Kadel, Martha McMahon, Barry Denluck, Ann Stephenson

Regrets: Kathy Heslop, Richard Piskor, Anne Burdette (Matthew Vasilev resigned Sept 25)

Staff Present: Shannon Brayford (Recorder)

Public: There were no public attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Johnstone called the meeting to order at 12:00 pm.

2. APPROVAL OF AGENDA

It was recommended that Trust Policy Statement (Agriculture) be added to the agenda.

By general consensus, the agenda was approved as amended.

3. ADOPTION OF MINUTES OF SEPTEMBER 23, 2021

By general consensus, the minutes of September 23, 2021 were adopted as presented.

4. BUSINESS ITEMS

4.1 DISCUSSION OF REFERRAL

4.1.a Farm Worker Housing

A discussion was held regarding the staff report's discussion of farm worker housing. The following points were raised:

- Agricultural Land Commission (ALC) regulations for housing on Agricultural Land Reserve (ALR) land, including flexible housing options.

- Differences in secondary farm accommodations and farm labour accommodations, including usage and affordability
- Consideration of allowing secondary housing on ALR land in line with the ALC regulations or in line with rural residential.
- The option of using Temporary Use Permits for farm worker housing and the concerns/challenges with this approach.

NPAAPC-2021-007

It was MOVED and SECONDED,

That, the North Pender Agricultural Advisory Planning Commission has reviewed the staff memorandum of August 25, 2021, and notes that the response is essentially that the Agricultural Land Commission has changed the rules to allow cottages on farms to solve the farm worker housing issue. The Commission does not believe that this is the solution to farm working housing and continues to believe that the Trust needs to engage with the Committee to discuss creative ways for farm worker housing that are appropriate to farming on Pender. The Commission directs Chair Johnstone and George Leroux to prepare a written response and submit it to the Local Trust Committee by October 6, 2021

CARRIED

NPAAPC-2021-008

It was MOVED and SECONDED,

That, the North Pender Agricultural Advisory Planning Commission notes that the Agricultural Land Commission has amended the rules for secondary dwellings on Agricultural Land Reserve Lands and the Commission recommends that the Local Trust Committee adopt the Agricultural Land Reserve amended rules for secondary dwellings on agricultural land for all agricultural lands on North Pender.

CARRIED

A discussion was held regarding the Official Community Plan (OCP), the ways in which the OCP could be in conflict should the NPAAPC's recommendations be adopted, and the NP AAPC's role in recommending amendments to the OCP.

4.1.b Trust Policy Statement

It was noted that the Commission had requested that the LTC charge them with consideration of the draft Trust Policy Statement.

As a group, the Commission reviewed, discussed, and made revisions to their written response to the Trust Policy Statement using the shared screen function on Zoom. There was general consensus that the content shall be retained, but that George Leroux shall make and circulate revisions to neutralize the overall tone.

A discussion was held regarding the opportunities for input, the value and challenges of not including definitions in the document.

Chair Johnstone reported that she had sent an email to the Local Trust Committee requesting a meeting and had a favourable response from one of the members. There was general consensus that meeting should be held separate from the LTC's regular business meeting.

It was noted that additional groups in the Gulf Islands may have an interest in agricultural matters and formation of a broader working group for agricultural matters should be considered.

5. Adjournment

By general consent the meeting was adjourned at 1:05 pm

Barbara Johnstone, Chair

Certified Correct:

Shannon Brayford, Recorder

Follow Up Action Report

North Pender Island

28-Jan-2021

Activity	Responsibility	Dates	Status
1 NP LTC requests direction from Director Clare Frater on how to advocate for best practices related to dock maintenance and ocean health.	Clare Frater	Target: 26-Feb-2021	In Progress

27-May-2021

Activity	Responsibility	Dates	Status
1 LTC requests staff draft a letter to the CRD indicating a need for improved communication regarding any CRD projects within the Islands Trust particularly between CRD, Trustees, IT staff and contractors. Letter to be cc'd to SGI Forum and other applicable recipients.	Kim Stockdill	Target: 25-Jun-2021	Completed
2 NP LTC to advocate to prohibit helicopter use in the Islands Trust area - Trust Area Services to follow up	Clare Frater Mike Richards	Target: 30-Jul-2021	In Progress

24-Jun-2021

Activity	Responsibility	Dates	Status
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Follow Up Action Report

North Pender Island

24-Jun-2021

Activity	Responsibility	Dates	Status
1 13.1 LUB Review Project 1. Staff to draft bylaw based on gradual scale for max floor area (example B with reduction by 500 ft ²) (DONE), amend definition of lot coverage and floor area (DONE), and list of incentives in OCP to address house size variances (for Nov/Dec 2021). 2. Amended Project Charter adopted. Update date on PC and repost to project website. (DONE)	Kim Stockdill	Target: 30-Jul-2021	In Progress
2 13.2 Soil Bylaw Project - Staff to prepare bylaw based on comments from June 24, 2021 LTC meeting and report back with draft bylaw at a subsequent meeting.	Jas Chonk Robert Kojima	Target: 24-Sep-2021	In Progress

29-Jul-2021

Activity	Responsibility	Dates	Status
1 9.1 LTC adopted June 24, 2021 minutes as is.	Sheree Rialp	Target: 20-Aug-2021	Completed
2 13.1 NP-DVP-2021.2 (Murdoch) - DVP approved. Please issue permit, contact applicant and close file in TAPIS.	Jas Chonk Sheree Rialp	Target: 27-Aug-2021	Completed

Follow Up Action Report

North Pender Island

29-Jul-2021

Activity	Responsibility	Dates	Status
3 14.1 Staff to schedule two Special Meetings for the LUB Review Project in November and Dec/Jan.	Kim Stockdill	Target: 29-Oct-2021	In Progress



DATE OF MEETING: October 28, 2021
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Development Permit Application
Applicant: Raymart Resuello
Location: 3703 Lookout Cres.

RECOMMENDATION

1. **That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2021.5 (Resuello)**

REPORT SUMMARY

This report is to consider a Development Permit (DP) application.

The purpose of the DP is for measures for the protection of the sensitive riparian and aquatic ecosystem and construction management for the demolition of an existing dwelling and construction of a new dwelling within **Development Permit Area Ten – Riparian and Aquatic (DPA)**.

BACKGROUND

The DP application was submitted to the Islands Trust in advance of a Building Permit Review application and CRD building permit. This was initially made as a combined application with a Development Variance Permit (DVP), however staff subsequently determined the variance to be unnecessary.

The subject property is located at 3703 Lookout Crescent and is 0.15 ha (0.381 ac). The lot is south facing and slopes gently from its height at the roadway south to Magic Lake. As with most properties on Magic Lake, the legal property extends into a portion of the lake (Figure 2). Vegetation is predominantly manicured lawn and ornamental plants and shrubs with some native shrubs along the lake shoreline. A few coastal Douglas-fir trees occur adjacent to the access with a shrub understory. Currently on the property there is an existing dwelling, a fenced garden area, open lawn areas, and a dock structure (pier construction - Attachment 2.6).

The extent of development is the demolition of the existing dwelling and construction of the new dwelling. The applicants will also be constructing a small accessory building entirely outside of the DPA and not part of this application. The siting of the proposed dwelling is shown in Figure 2 and elevations are shown in Attachment 2.4

Z:\09 Current Planning\09 NP\3160 DP\25 Applications (P)\2021\NP-DP-2021.5 (Resuello) xref NP-DVP-2021.4\06 Staff Reports\NP-DP-2021.5 (Resuello) Staff Report_2021-10-28.docx

The specific objective of the designation of the DPA is:

To protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fishlife processes.

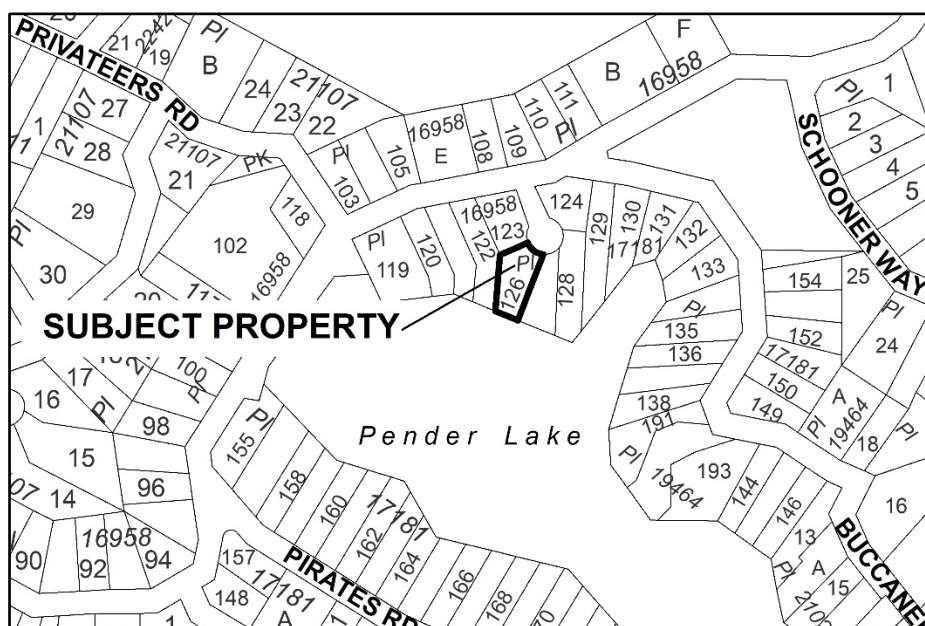
As DPA 10 is designated on the property, the applicants are required to comply with the DPA guidelines as well as provincial *Riparian Areas Protection Regulations (RAPR)*. Accordingly, the applicants hired Micaele Florendo, R.P.Bio of Maddison Consultants Ltd. who prepared and submitted a comprehensive Environmental Assessment (Biologist's Report). That includes the required RAPR Assessment Report submitted to the provincial Ministry of Forests, Lands and Natural Resources Operations and Rural Development (FLNRORD). An abridged¹ version of the Biologist's Report is Attachment 4. Confirmation that it complied with the RAPR standards was provided on June 30, 2021. The report is discussed further in 'Issues and Opportunities' (below).

Although RAPR only applies to the upland portion, the DPA extends over the water of Magic Lake (the 'Aquatic' ecosystem) which is subject to the *Water Sustainability Act (WSA)*. However, there is no new development proposed in that area as part of this application.

Copies of the DPA Checklist and proposed Development Permit NP-DP-2021.5 (Resuello) are Attachments 3 and 5.

Staff visited the site on October 15, 2021.

Figure 1 – Subject Property



¹ The following appendices were removed to reduce the reports length: A: Regulatory Setting; B: Sensitive Species; F; Resume and H: Reportable Levels for Certain Substances

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Islands Trust Policy Statement:

- 3.1.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.1.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
- 3.3.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

Official Community Plan:

The subject property is designated as **Rural Residential - RR** in the North Pender Island Official Community Plan Bylaw No. 171, 2007.

Development Permit Area 10 (DPA) – Riparian and Aquatic is designated on the property as shown in Attachment 2.2

Land Use Bylaw:

Both properties are is zoned as **Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 103, 1996 (Attachment 2.1). The current uses and density meet the requirements of the LUB, although the existing dwelling does not conform to the minimum side lot line setback on the east boundary.

Issues and Opportunities

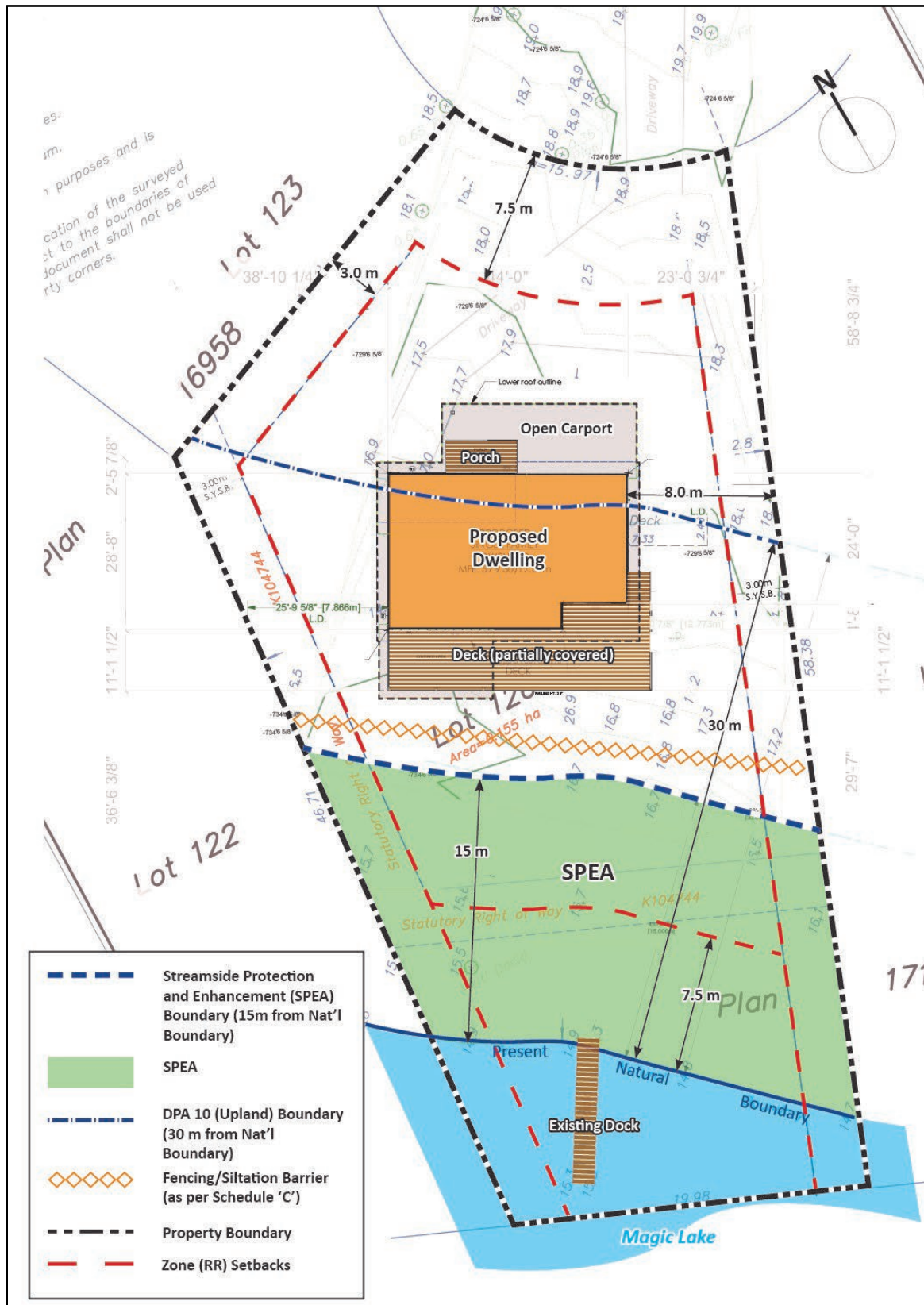
Development Permit

Biologist's Report

The Biologist's Report undertook a detailed site inventory and documented the habitat conditions for vegetation, wildlife, aquatic resources and identified wildlife species. No rare species, species at risk species, species of special interest or critical habitat were identified. The report determined that there was moderate potential for one (1) sensitive plant species and seventeen (17) sensitive animal species to occur on the property (Attachment 4, p.9).

The RPAR Assessment Report included in the Biologist's Report undertook the required assessment of the Riparian Assessment Area (equivalent to the DP Area at 30 metres from the natural boundary of the lake). The report establishes zones of sensitivity (ZOS) based on riparian functions: Leaf Litter; Inputs of Large Woody Debris; and, Shading to control water temperature. The Streamside Protection and Enhancement Area (SPEA) was assigned at 15 m perpendicular from the high water mark of the lake with measures for protection and enhancement of that area. Under RAPR, access to the lake for recreation is permitted across the SPEA in the form of a minimal earthen (foot) path.

Figure 2 – Site Plan



Recommended 'avoidance and minimization measures' for impacts to potential sensitive species and the protection of the DP area generally, the SPEA and the aquatic environment are on pages 9 to 12 of the Biologist's Report. The conclusion of the report is as follows:

If the recommendations for the construction at 3703 Lookout Crescent are implemented as described by the qualified professional, Micaele Florendo of Maddison Consultants Ltd., and the avoidance and minimization measures are implemented correctly then the proposed development is not expected to result in any significant environmental impacts. (p.12)

All recommendations and measures have been incorporated in to the proposed DP under the categories of *General, Protection of Trees and Vegetation, Sediment and Erosion Control, Stormwater Management, Construction Management, Protection of Aquatic Area and Monitoring.*

Adherence to the conditions of the DP and monitoring will mitigate impacts from the proposed development to the riparian areas within the SPEA.

Consultation

There is no public or agency consultation regularly associated with a DP application. In addition, there is no statutory notification required.

First Nations

With respect to the potential for archaeological material to be found on the property during the proposed development, Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the DP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act compliance have provided the Islands Trust directly to the applicants.

Rationale for Recommendation

In summary, the recommendation on page 1 is supported as:

- the objectives and specific guidelines of the DPA have been met;
- all relevant recommendations of a professional environmental assessment report have been incorporated into the conditions of the proposed DP; and,
- implementing and monitoring conditions in the draft DP will ensure the protection of the sensitive riparian and aquatic ecosystem.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendations:

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are a potential delay in construction and costs to the applicant. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

2. Deny the application

The LTC may deny the application. Note, if this alternative is selected, the decision SHOULD be accompanied by specifying which guideline(s) the application does not comply with. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DP-2021.5 (Resuello) as it does not comply with guideline_____.

NEXT STEPS

Submitted By:	Phil Testemale, Planner 2	October 20, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	October 20, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. DPA Guidelines Checklist
4. Environmental Assessment Report
5. Draft Development Permit NP-DP-2021.5

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 126, Sections 8 and 10, Pender Island, Cowichan District, Plan 17181
PID	003-907-112
Civic Address	3703 Lookout Crescent

LAND USE

Current Land Use	Rural Residential (RR)
Surrounding Land Use	Rural Residential (RR) and Community Park (CP)

HISTORICAL ACTIVITY

File No.	Purpose
NP-DVP-2021.4	Combined application with present DP. Cancelled as unnecessary.

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as RR - Rural Residential in the North Pender Island Official Community Plan No. 171, 2007 (OCP). Development Permit Area Ten – Riparian and Aquatic Habitat designated as shown in Attachment 2.2
Land Use Bylaw	The subject property is zoned as Rural Residential in the North Pender Island Land Use Bylaw 103, 1996.
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	Biologist's Report (Attachment 4) identified no species at risk or potential.
Sensitive Ecosystems	Riparian and aquatic (subject of current application) (Attachments 2.2 and 2.3)
Hazard Areas	N/A
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres. There is a no archeological potential mapped within 100 metres of the property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is

	encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Protection and enhancement of SPEA through the RAR and DP process will benefit GHG emissions through vegetation retention and enhancement and lake temperature moderation. Increased GHG through demolition and new construction. Elevation would preclude many climate change induced hazards (i.e. sea level rise).

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO WITH ZONING AND BUILDING FOOTPRINTS



2.2 DPA TEN



2.3 SENSITIVE ECOSYSTEM MAPPING



2. 4 BUILDING ELEVATIONS

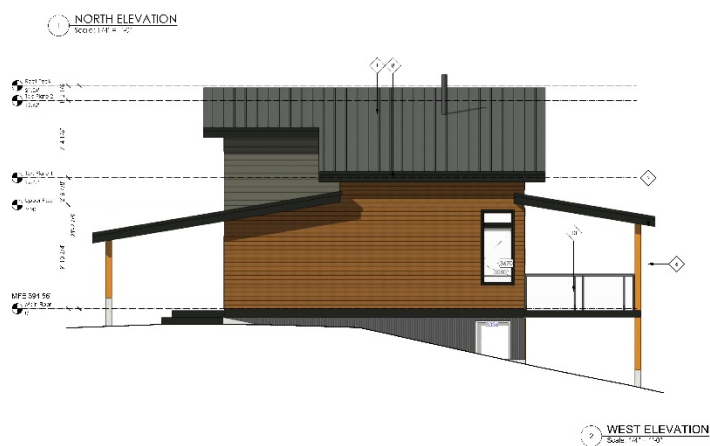
VERSTER RESIDENCE

Lot 126, 3703 Lookout Crescent, Pender Island BC.



EXTERIOR FINISHES - SEE COLOUR SCHEDULE

1. WHITE PLYWOOD SHEATHING
2. BULKHEAD STUDS - HORIZONTAL OR PARALLEL - EXTERIOR
3. COMPOSITE WOOD SHAKES
4. EXTERIOR WOOD SHAKES - 1/2\"
5. VERTICAL WOOD SHAKES
6. HORIZONTAL WOOD SHAKES
7. SHIP LAP WOOD SHAKES
8. HORIZONTAL WOOD SHAKES
9. SHIP LAP WOOD SHAKES
10. SHIP LAP WOOD SHAKES



2.4 BUILDING ELEVATIONS

VERSTER RESIDENCE

Lot 126, 3703 Lookout Crescent, Pender Island BC.



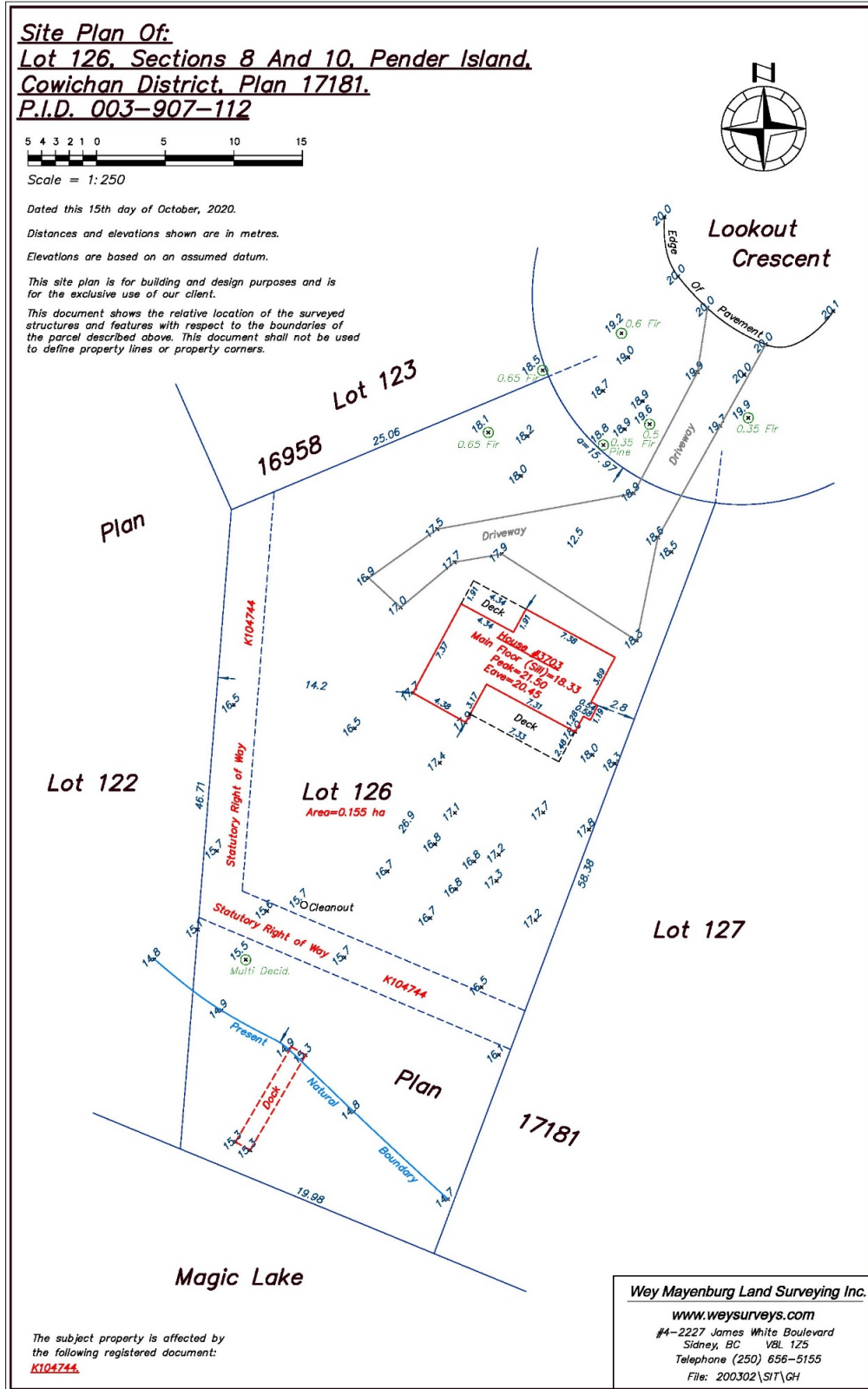
3 SOUTH ELEVATION
Scale: 1/4" = 1'-0"



EAST ELEVATION
Scale: 1/4" = 1'-0"

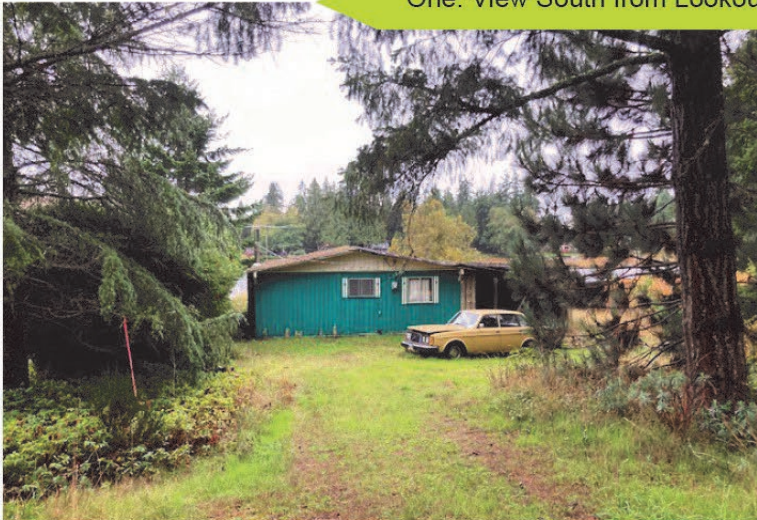
- EXTERIOR FINISHES - SEE COLOUR SCHEDULE**
1. BRICKWORK - AS SUPPLIED
 2. 150 GR. GROUT BEHIND BRICKS AND ADJ. BRICKS FOR PATTERNS
 3. CONCRETE ON WEAP. SPONGE
 4. 2" X 8" FLOOR BOARDS WITH 1/4" GAPS
 5. 1/2" PLY BRACKED W/ 2x4S
 6. WOOD TRIMMING 1" R
 7. REPAIRS TO EXIST. WORK
 8. METAL CUTTER & 2" DOWNSPOUT
 9. 2" x 8" SILL
 10. PRE-PAINTED METAL ROUND GLASS DOOR

2.5 SURVEY



2.6 PHOTOGRAPHS (CONT'D)

One: View South from Lookout Cres.



Two: View South Along West Side of Existing Dwelling



Three: View South of Forehore



2.6 PHOTOGRAPHS (CONT'D)

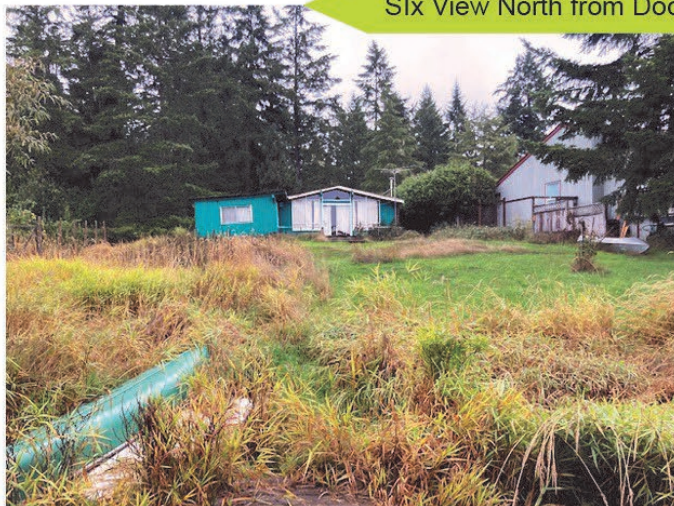
Four: View Eastward of Shoreline Area



Five: View of Shoreline Area



Six View North from Dock Toward Existing Dwelling



ATTACHMENT 3 – DPA GUIDELINES CHECKLIST

Riparian and Aquatic DPA Checklist: NP-DP-2021.5 (Reusello) Demolition and New Dwelling

Guidelines	Comments
1. In general, all development in this DPA should be undertaken in a manner that minimizes impacts on the riparian area and on aquatic ecosystems, including from the application of pesticides and other chemicals for non-essential cosmetic purposes. Where a QEP has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and aquatic ecosystems, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and aquatic ecosystems, consistent with the measures and recommendations described in the report.	<i>Riparian Areas Protection Regulation (RAPR)</i> Assessment Report was prepared by Micaele Florendo, R.P.Bio of Madison Consultants Ltd. and submitted to the provincial Ministry of Forests, Lands and Natural Resources Operations and Rural Development (FLNRORD). Notification from FLNRORD rec'd August 27, 2021. Conditions based on recommended measures in RAPR Assessment Report have been placed in draft Development Permit for: <i>General, Construction Timing, Protection of Trees and Vegetation, Encroachment, Sediment and Erosion Control, Stormwater Management, Construction Management, Protection of Aquatic Area and Monitoring</i>
2. The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP, and the owner should be required to implement a plan for protecting the SPEA over the long term through measures that may be implemented as conditions of the development permit.	Complies – no development in SPEA.
3. Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.	Monitoring conditions in draft DP.
4. The following guidelines are applicable to floats and associated structures within the development permit area: i) floats should not be placed in areas identified as important to fish life processes where	No new development in aquatic area, however, conditions for maintaining and repairing existing dock structure in the draft DP.

Guidelines	Comments
installation of a float would compromise the functioning of the feature; ii) a ramp or float should not rest on the bed of the water body; iii) the use of treated wood in the waterbody should be avoided; iv) floatation material should be contained within a durable shell to prevent disintegration; v) semi-transparent surfacing should be used on ramps and floats (e.g. grating or separated boards); vi) any areas disturbed during installation should be restored; vii) where a float is being replaced, all old materials should be removed.	
5. If the nature of the proposed project in a riparian assessment area or the surface of a waterbody changes after the QEP report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the LTC may require the applicant to have the QEP update the assessment at the applicant's expense and DP conditions may be revised accordingly.	N/A
6. The LTC may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of the SPEA or aquatic ecosystem in compliance with recommendations of a QEP report.	N/A

ENVIRONMENTAL ASSESSMENT

3703 LOOKOUT CRESCENT, NORTH PENDER ISLAND, BC

Submitted to:

Richard Zheng
AJIA Custom Prefab Homes
1367 Crown Street
North Vancouver, BC, V7J 1G4

Prepared by:

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(604) 838-2321

Maddison Consultants Project No. M210



May 7, 2021

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APPENDICES

A:	REGULATORY SETTING
B:	SENSITIVE SPECIES
C:	DATA SHEET
D:	DETAILED RIPARIAN AREAS PROTECTION REGULATION ASSESSMENT
E:	SITE PHOTOGRAPHS
F:	RESUME
G:	PLANT AND ANIMAL SPECIES OBSERVED ON SITE
H:	REPORTABLE LEVELS FOR CERTAIN SUBSTANCES

INTRODUCTION

Maddison Consultants, Ltd. (Maddison Consultants) was retained by Mr. Zheng of AJIA Custom Prefab Homes to conduct an environmental assessment on the property located at 3703 Lookout Crescent, Pender Island, British Columbia (BC). More specifically, the property location is described as Lot 126, Plan VIP17181, Section 8 & 10, Cowichan Land District, Portion Pender Island; parcel ID number 003-907-112. The location of the property is depicted on Figure 1.

The property is within Development Permit Area 10, the Riparian and Aquatic Development Permit Area, of the *North Pender Island Official Community Plan Bylaw No. 171, 2007*. Pender Lake, also referred to as Magic Lake, borders the property to the south, and therefore, under above mentioned document, an environmental assessment and a detailed assessment under the *Riparian Areas Protection Regulation* are required for the Development Permit application.

This environmental assessment will focus on the potential impacts to the natural environment that may occur as a result of the proposed development, which includes the demolition of an existing house and construction of a new house. The new house will connect to existing utilities available on the property for the existing house. Existing infrastructure on the property includes a house, shed, fenced garden, fence, dock and a gravel driveway (Figure 2). No work is planned for the existing dock. Figure 3 illustrates the proposed works and their locations on the property.

This report includes general information regarding the studies performed within the property, their findings and relevant sensitive biological resources that were identified on the property. Specifically, the environmental assessment identified the potential for species of management concern to occur within and in close proximity to the property. Also included in this report are the recommended avoidance and minimization measures to offset potential impacts to these biological resources.



Notes:

- Background imagery from Map It, Islands Trust, 2021 & Google Maps, 2021
- Existing wells (based on Provincial database)
- Property boundaries are approximate
- Not to scale
- Revision date: 18 April 2021



LEGEND

-  Watercourse
-  Flow Direction
-  Stream Buffer
-  Existing Well
-  Property Boundary (approx.)
-  Existing Fence

Notes:

- Background imagery from Google Maps, 2021
- Property boundaries are approximate
- Not to scale
- Revision date: 18 April 2021

PROPERTY LOCATION AND DESCRIPTION

The property is approximately 0.156 hectares (ha) in size and is located in the North Pender Island Local Trust Area. It is zoned as Rural Residential and within the Water 6 zone. Surrounding the property, to the north is Lookout Crescent, rural residential to the east and west and Magic Lake (Pender Lake) to the south.

The property has a southern aspect, with elevations that range from approximately 70 metres (m) to 74 m. The property is located within the Coastal Douglas Fir biogeoclimatic zone (CDF), moist maritime subzone (mm). Existing development on the property includes a house, shed, fenced garden, fence, dock and a gravel driveway.

REGULATORY REQUIREMENTS

The property is located within Development Permit Area 10 (Riparian and Aquatic Development Permit Area) of the *North Pender Island Official Community Plan Bylaw No. 171, 2007*. Magic Lake borders the property to the south, and therefore, under above mentioned document, an environmental assessment is required under the *Riparian Areas Protection Regulation*.

Development on the property may also be subject to federal and provincial government regulations which include, but are not limited to, the: *Fisheries Act, Migratory Birds Convention Act, Canadian Environmental Assessment Act, Species at Risk Act, BC Environmental Assessment Act, Water Sustainability Act, Wildlife Act and Weed Control Act*. A summary of the legislation and how they may relate to the proposed project is included in Appendix A.

METHODS

Literature Review and Records Search

A literature review was conducted to identify the presence, or potential occurrence, of species at risk (e.g., plant and animal species) in the vicinity of, and/or within the property. The resources used to compile the list, along with a table depicting the identified sensitive species, are included in Appendix B.

Field Surveys

Micaele Florendo, R.P. Bio., of Maddison Consultants conducted a biological reconnaissance survey and a detailed assessment using the Riparian Areas Protection Regulation (RAPR) methodology of the property on April 10, 2021. The survey was conducted on foot from approximately 10:00 am until 11:13 am. Weather conditions were clear and sunny during the survey. The survey characterized the biological resources on and around the property and the area of proposed ground disturbance. The purpose of the survey was to determine the potential presence and/or absence of listed wildlife species identified with the Conservation Data Centre (CDC) and/or listed on Schedule 1 of the *Species at Risk Act* (SARA) on the property; and, to identify the Stream Protection Enhancement Area (SPEA). The completed data sheets from the field survey are included in Appendix C. The detailed assessment under the *Riparian Area Protection Regulation* is included in Appendix D.

Photographs taken at various locations throughout the survey area to document existing conditions are attached in Appendix E. A resume for Micaele Florendo is attached in Appendix F.

Rocks, cobble and woody debris throughout the property were overturned in an attempt to detect amphibians, reptiles, slugs and snails. All wildlife and plant species observed directly or otherwise, were noted. Vascular plants were identified in the field according to Pojar and Mackinnon (1994); and, voucher specimens were collected for identification according to eFlora (1998 - 2002). Animal species observed within the property were identified according to Sibley (2003) and National Geographic (1987). A list of the observed plant and animal species is attached as Appendix G.

EXISTING ENVIRONMENTAL SETTING

The property is located within the Moist Maritime Subzone of the Coastal Douglas Fir (CDFmm) biogeoclimatic zone, the mildest climate in Canada. This CDF zone occurs at low elevations from sea level to 150 m, along the southeastern top of Vancouver Island, on several Gulf Islands and along a narrow strip on the mainland (Ministry of Forests, 1991).

It occurs in the rainshadow of Vancouver Island and the Olympic Mountains and is characterized by warm, dry summers and wet winters. The Moist Maritime Subzone has a mean annual precipitation of 142 mm and a mean annual temperature ranges from 8.8°C to 10.5°C with a mean annual temperature of 9.5°C (Ministry of Forests, 1991).

Coastal Douglas fir (*Pseudotsuga menziesii* var. *menziesii*) is the most common species in the forest cover; however, western red cedar (*Thuja plicata*) and grand fir (*Abies grandis*) are also very common (Ministry of Forests, 1991). On sunnier, drier sites arbutus (*Arbutus menziesii*) and Garry oak (*Quercus garryana*) trees are also common. Shrub species that dominate the understory of CDFmm forests include salal (*Gaultheria shallon*), dull Oregon grape (*Mahonia nervosa*), oceanspray (*Holodiscus discolor*) and Oregon beaked moss (*Kindbergia oregana*) (Ministry of Forests, 1991).

Characteristic soils in the CDF have resulted from morainal, colluvial and marine deposits. The prevailing humus forms are characterized by moder to weak mor formation (Ministry of Forests, 1991). Soils are usually Brunisols, grading with increased precipitation to Humo-Ferric Podzols.

The property has a southern aspect and is developed as rural residential land. Existing development on the property includes a house, shed, fenced garden, fence, dock and a gravel driveway. The property is mapped within the wetland, lacustrine and rural ecosystems (MapIT, 2021). Habitat within the property is predominantly manicured lawn and ornamental vegetation with some native shrubs along the lake shoreline. A few coastal Douglas fir trees occur adjacent to the access with a shrubby understory. One waterbody, Pender Lake (Magic Lake) borders the property to the south.

Vegetation

The property is dominated by manicure lawn and ornamental vegetation; however, there are a few native species scattered throughout. Dominant species include reed canary grass (*Phalaris arundinacea*) and Douglas fir.

Other vegetation species found on the property include daffodil (*Narcissus L.*), rose species (*Rosa sp.*), common dandelion (*Taraxacum officinale*), purple dead nettle (*Lamium purpureum*), pink campion (*Silene coronaria*), curly dock (*Rumex crispus*), dull Oregon grape (*Mahonia nervosa*), creeping thistle (*Cirsium arvense*), meadow buttercup (*Ranunculus acris*), oxeye daisy (*Leucanthemum vulgare*), white clover (*Trifolium repens*), bedstraw (*Galium aparine*), sand bittercress (*Cardamine parviflora var. arenicola*), trailing blackberry (*Rubus ursinus*), snowberry (*Symphoricarpos albus*), cypress spurge (*Euphorbia cyparissias*), pine (*Pinus sp.*), salal, bristly ox-tongue (*Picris hierachoides*), eastern red cedar (*Juniperus Virginiana*), English daisy (*Bellis perennis*), oceanspray (*Holodiscus discolor*), vetch (*Vicia sp.*), horsetail (*Equisetum sp.*) and common bentgrass (*Agrostis capillaris*).

Vegetation found along the lakeshore include yellow water lily (*Nuphar lutea*), reed canary grass, water milfoil (*Myriophyllum sp.*), small-flowered bulrush (*Scirpus microcarpus*), willow (*Salix sp.*) and rose (*Rosa sp.*)

Wildlife

No amphibians or reptile species were detected within the property during the field survey. Amphibian species that are likely to occur within and adjacent to the property include the American bullfrog (*Lithobates catesbeianus*), Pacific tree frog (*Pseudacris regilla*) and northern red-legged frog (*Rana aurora*). The garter snake (*Thamnophis elegans*), a reptile, is likely to occur within and adjacent to the property.

Seventeen bird species were observed during the field survey including Canada goose (*Branta canadensis*), ruby-crowned kinglet (*Regulus calendula*), violet-green swallow (*Tachycineta thalassina*), northern flicker (*Colaptes auratus*), red-winged blackbird (*Agelaius phoeniceus*), American goldfinch (*Spinus tristis*), house finch (*Haemorhous mexicanus*), yellow-rumped warbler (*Setophaga coronata*), red-breasted nuthatch (*Sitta canadensis*), mallard (*Anas platyrhynchos*), dark-eyed junco (*Junco hyemalis*), white-crowned sparrow (*Zonotrichia leucophrys*), common raven (*Corvus corax*) and black-capped chickadee.

One mammal species was observed on the property, a black-tailed deer (*Odocoileus hemionus hemionus*). Other mammal species that have the potential to occur on the property include several species of shrews and mice, river otter (*Lontra canadensis*) and northern flying squirrel (*Glaucomys sabrinus*).

Aquatic Resources

The property borders Pender Lake, also known as Magic Lake, to the south. Magic Lake is a man-made reservoir (Magic Lake Estates Reservoir) which was created by damming and diverting flow from Shingle Creek. The reservoir is a secondary source for drinking water to the homes in Magic Lake Estates; the primary source is Buck Lake, which is to the northwest of Magic Lake. Magic Lake is 15 ha, has an average elevation of 71 m, and a perimeter of 2.7 kilometers (km) (Ministry of Environment, 2021). The Islands Trust map-it indicates that the Ordinary High Water Mark for this controlled lake is approximately 69 m elevation (MapIt, 2021). Magic Lake has an average depth of approximately 0.30 m and a maximum depth of 4.4 m (Lake Lubbers, 2021). Magic Lake is stocked with rainbow trout (*Oncorhynchus mykiss*), most recently in 2017 and 2018 by the Freshwater Fisheries Society of BC.

Fish habitat along the property's lakeshore is limited to cover and forage habitat. Substrates are organic and fines and vegetation is dominated by reed canary grass.

There are no watercourses, drainages or ditches located on the property.

The Stream Protection Enhancement Area (SPEA) of Pender/Magic Lake was assessed in the field and was determined to be 15 m.

Identified Wildlife Species

The field survey conducted for this assessment determined that there is a moderate to high potential for 1 sensitive plant species and 17 sensitive animal species to occur in the vicinity of the subject property. Of the 17 animal species, 3 of them are strictly aquatic species.

The sensitive plant species with a moderate to high potential off occurring on the subject property is Vancouver Island beggarticks (*Bidens amplissima*). The sensitive animal species include swamp fingernailclam (*Musculium partumemium*), western thorn (*Carichium occidentale*), umbilicate sprite (*Promentetus umbelicatellus*), rocky mountain physa (*Physella propingua*), sunset physa (*Physella virginia*), western pondhawk (*Erythemis collocata*), common wood-nymph (*Cercyonis pegala incana*), common ringlet (*Coenonympha tullia insulana*), sharp-tailed snake (*Contia tenuis*), northern red-legged frog (*Rana aurora*), great blue heron (*Ardea herodias fannini*), band-tailed pigeon (*Columba fasciata*), short-eared owl (*Asio flammeus*), western screech-owl (*Megascops kennicottii kennicottii*), olive-sided flycatcher (*Contopus cooperi*), barn swallow (*Hirundo rustica*) and common nighthawk (*Chordeiles minor*). The sensitive animal species that are strictly aquatic are the swamp fingernailclam, rocky mountain physa and sunset physa. In addition, Vancouver Island beggarticks is closely associated with shorelines.

AVOIDANCE AND MINIMIZATION MEASURES

The field survey conducted for this environmental assessment determined that there was a moderate potential for 1 sensitive plant species and 17 sensitive animal species to occur on the property. Although none of these species were detected within the subject property at the time of the survey, potential habitat does occur on and/or within close proximity of the property.

To minimize and avoid potential impacts to these sensitive species, as well as other wildlife, and their associated habitat, the following avoidance and minimization measures shall be implemented prior to the construction staging and the commencement of the site demolition:

- Construction should occur outside of the breeding bird and nesting season for migratory birds (March 15 – August 30). If construction must occur during the breeding bird nesting season, then a qualified biologist will conduct a nesting survey to ensure there are no active nests present on the existing structure. A biologist shall be considered qualified if they are a Registered Professional Biologist in good standing with the College of Applied Biology and have a minimum of five years' experience conducting nest surveys in BC. If no active nests are present, construction should be initiated within 3 days of the nesting bird survey. If nests are observed during the nesting bird survey, then construction should be completed outside of the nesting season, or when a qualified biologist confirms that the young have fledged.

- Ground disturbance should occur outside of the seasonal migration of reg-legged frogs (March 1 – August 15). If construction must occur during the seasonal migration, a sweep of the proposed area should occur prior to regrading and/or construction.
- Should amphibians, reptiles and/or mammals be observed within the immediate vicinity during construction activities, all activities will be stopped until the animal has relocated itself outside the immediate area of construction.

Demolition of the existing house, including removal of debris as well as construction of the pre-fabricated house on the property have the potential to cause environmental impacts as a result of erosion, sedimentation, hydrocarbon release and concrete use. The following protection measures will be implemented to protect the natural environment, the SPEA and lakeshore and surrounding wildlife habitat from potential impacts:

- A 15 m SPEA will be clearly marked in the field by the Qualified Environmental Professional (QEP) prior to the commencement of the equipment staging and the house demolition/construction
- To prevent encroachment and protect the SPEA, a silt fence will be installed as per manufacturer's guidelines outside the 15 m SPEA. To ensure proper installation, the QEP will monitor the installation. The silt fence must remain in place, in good working order, until the house construction and site seeding has been completed.
- All construction equipment and materials used for site preparation, construction and maintenance are to be situated and operated from outside of the SPEA.
- Construction activities on the property could result in the deposition of sediments and/or sediment-laden waters to the lake. The following erosion and sediment control measures will be implemented to minimize the potential of sediment and/or sediment laden waters in the lake:
 - Schedule work to avoid wet, windy and rainy periods (heed weather advisories).
 - Construction activities will be timed so that they avoid significant rainfall events. A significant rainfall event is considered to be anything greater than 25 mm over a 24-hour period as forecasted by Environment Canada.
 - Exposed soils will be covered with either jute netting, burlap, tarp or straw prior to any significant rainfall event.
 - Any soils exposed during construction shall be seeded immediately following construction.
- No ground disturbance is to occur within the SPEA of the lake.
- If the proposed construction will require the use of concrete, there is the potential that concrete waste and/or concrete wash water could be delivered to the receiving environment (e.g., watercourses and/or the ground). Therefore, the following measures will be implemented to minimize and/or avoid potential impacts:

- Fresh concrete or cement will be isolated from the lake for up to 48 hours after placement;
- containers or trucks carrying cement or fresh concrete shall be equipped with return wash buckets such that wash water is returned into the drum of the truck, the truck then returns to its base of operations where such water or excess concrete is treated;
- collection of all of the concrete waste and/or wash water within containment areas will be vacuumed up and removed from site for disposal;
- the treatment of concrete waste and/or waste water to mitigate potential sedimentation and contamination that results in a high pH; and,
- no concrete pouring will occur within the SPEA.
- The use of any machinery during construction has the potential to spill hydrocarbon-based fluids (*i.e.*, fuels and lubricants); therefore, the following measures will be implemented to minimize or avoid potential impacts:
 - Equipment will be in good mechanical order, free of excess oil and grease.
 - Equipment shall be inspected daily to ensure that it is leak-free. Equipment with leaks will not be permitted onsite until repaired.
 - Servicing of equipment is to be done within containment areas (*i.e.*, bermed or otherwise isolated) or at an appropriate work yards operated by the contractor or his supplier.
 - Grease and oil required for machinery maintenance will be properly applied. Excess as well as all containers, lids and contaminated cloths and applicators will be cleaned up and disposed of in an environmentally appropriate manner.
 - Small drips will be collected including the surrounding soil and placed into 5-gallon buckets with lids for disposal at an approved facility.
 - Refueling of all machinery will occur a minimum of 30 m away from all waterbodies. Tanks utilized for refueling will be equipped with automatic back-pressure shut-off valves, and nozzles will be kept locked at all times, except during refueling. Spigots should be metal to prevent them being accidentally or intentionally damaged. A crew member will remain in attendance at all times while refueling is being carried out.
 - In addition, fully stocked spill kits will be required on site and will be equipped with adequate spill cleanup equipment (*i.e.*, absorbents and booms) in the event that a spill should occur.
 - All spills in the lake and ground spills that are above the provincial reportable levels included in Appendix H will also be reported immediately to the following government agencies. Spill response advice can be obtained from both Environment Canada and EEP. Report spills to: The Environmental Emergency Program (EEP; previously known as the Provincial Emergency

Program [PEP]) at 1-800-663-3456. The EEP will notify the necessary municipal, provincial and federal agencies.

CONCLUSION

The proposed works includes the demolition and removal of the current house and the construction of the prefabricated new house. The field survey conducted for this environmental assessment determined that there is a low to moderate to high potential for 1 sensitive plant species and 17 sensitive animal species to occur in the vicinity of the property. However, the Vancouver Island beggarticks, swamp fingernailclam, rocky mountain physa and sunset physa are closely associated with the lake and, as such, are not expected to occur within the proposed project area. With the avoidance and minimization measures identified above, the proposed project is not expected to result in significant impacts to the sensitive species if they occur on the property.

Pender/Magic Lake is located on the south side of the property. This is a fish-bearing waterbody that is stocked with rainbow trout. During the field survey it was determined that the Stream Protection Enhancement Area for the lake is 15 m. Although the property is within the Riparian and Aquatic Development Permit Area, the proposed works do not encroach into the SPEA or the lake. Therefore, if the avoidance and minimization measures outlined in this report are implemented, then the project is not likely to result in a habitat alteration, disturbance and/or destruction (HADD) under the federal *Fisheries Act*, nor a contravention under the *Water Sustainability Act*. However, should there be any deviation from these measures, or a change to the proposed works that may impact the SPEA or riparian area, then the QEP will be consulted.

If the recommendations for the construction at 3703 Lookout Crescent are implemented as described by the qualified professional, Micaele Florendo of Maddison Consultants Ltd., and the avoidance and minimization measures are implemented correctly then the proposed development is not expected to result in any significant environmental impacts.

CORPORATE AUTHORIZATION

This report, entitled "Environmental Assessment for 3703 Lookout Crescent, Pender Island, British Columbia" has been prepared by Maddison Consultants, Ltd. (Maddison Consultants) for the exclusive use of Mr. Zheng of AJIA Custom Prefab Homes, using generally accepted scientific and technical practices, environmental legislation, guidelines, regulations and standards in effect at the time of report's preparation.

The material contained in this report reflects Maddison Consultants' best judgment in light of the information available at the time the environmental consulting services and report preparation (Services) were conducted. This Environmental Assessment is valid for five years after the date of the field survey.

The reported information provides a representation of the general environmental conditions in the areas assessed (Study Area). The data presented were collected at specific locations and findings outlined in this report cannot and should not be extrapolated to other areas outside of the Study Area, or other sites that were not specifically investigated.

The assessment classifications provided in this report are intended for the sole use of the landowners for the Specific Services referenced herein and for no other purpose whatsoever. Any other reliance on this report by the landowners, or a third party, is not authorized and Maddison Consultants does not accept any responsibility for any such use or reliance.

Services provided by Maddison Consultants have been conducted during this Assessment in a manner consistent with the level of skill exercised by members of the profession currently practicing under similar conditions and in the jurisdiction in which the services are provided. No other warranty or guarantee, expressed or implied, is made concerning the study results, or any other portion of the report.

Maddison Consultants Ltd.

Micaele Florendo, P.Biol., R.P.Bio.
Principal Biologist

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APPENDIX C

DATA SHEETS

BIOLOGICAL EVALUATION DATA SHEET

MADDISON
CONSULTANTS

Project Name: _____ Project #: M210
Location/Site ID #: 3703 Lookout Cres Date: April 10, 2021
Biologist: Michael Florento Start Time: 10:00am End: 11:30am
Survey Type: Biocheck
Weather (cloud cover, est. wind speed/direction, precipitation): Clear, Sunny

Air temp (°C): _____

General Site Conditions (topography, soils, aspect, slope, vegetation/plant communities):
Southern aspect - predominantly lawn and ornamental vegetation.

Existing Habitat Quality: Poor Fair Moderate Good Pristine

Adjacent Land Uses:

North: LOOKOUT LANE, Rural residential
South: Mud Lake
East: Rural Residential
West: Rural Residential

Animal Species Present (observed, detected, activity):

<u>LABO</u>	<u>SPER</u>	<u>MAIL</u>	<u>CORA</u>
<u>RCKI</u>	<u>AMGO</u>	<u>DEJU</u>	<u>BCH</u>
<u>VGBW</u>	<u>NOFL</u>	<u>WCSO</u>	
<u>MOFI</u>	<u>YRWA</u>	<u>SP TO</u>	
<u>RWBL</u>	<u>RBDU</u>	<u>PIDJ</u>	

Plant Species Present ("D" dominant):

<u>Red canary grass</u>	<u>Rumex crisp</u>	<u>hairy blackberry</u>	<u>english daisy</u>	<u>yellow water lily</u>
<u>Tall fescue</u>	<u>White clover</u>	<u>ma. bully</u>	<u>red clover</u>	<u>Red canary grass</u>
<u>Douglas fir (D)</u>	<u>creeping thistle</u>	<u>Cypress spurge</u>	<u>orchard grass</u>	<u>milfoil</u>
<u>Rosa sp.</u>	<u>Ranunculus ac.</u>	<u>Pink sp</u>	<u>Vicia sp</u>	<u>Scirpus mar</u>
<u>Common dandelion</u>	<u>oxeye daisy</u>	<u>Sabal</u>	<u>equisetum</u>	<u>Willow</u>
<u>Purple dead nettle</u>	<u>white clover</u>			<u>Rosa sp.</u>

Existing Structures Present:

house, Deck (in need of repair) graded dirt access

Visible Site Disturbances?:

lawn maintenance, landscaping

WPT 659 SW corner house
660 mid corner - near deck
661 - 665 lake bank.

SPEA FOR LAKE - LWD - 15m
- property on
N side so
SPEA is 15m
Little - 15m
shade - 30m due S

BIOLOGICAL EVALUATION DATA SHEET

MADDISON
CONSULTANTS LTD.

Sensitive Natural Communities Present?:

No

Yes (describe)

lake front - SPCA set back for lake applies -

Federal/Provincial Listed Animal or Plant Species, or Species Proposed for Listing, Present?:

No

Yes (list)

Other Special Interest Species Present?:

No

Yes (list)

Designated Critical Habitat Present?

No

Yes (describe habitat, location, source)

Will Proposed Action Involve Tree Removal?

No

Yes (describe circumstances)

Will Proposed Action Involve Water Diversion?

No

Yes (describe circumstances)

outside SPCA for lake

Will Proposed Action Fragment or Impede Wildlife Movement?

No

Yes (describe)

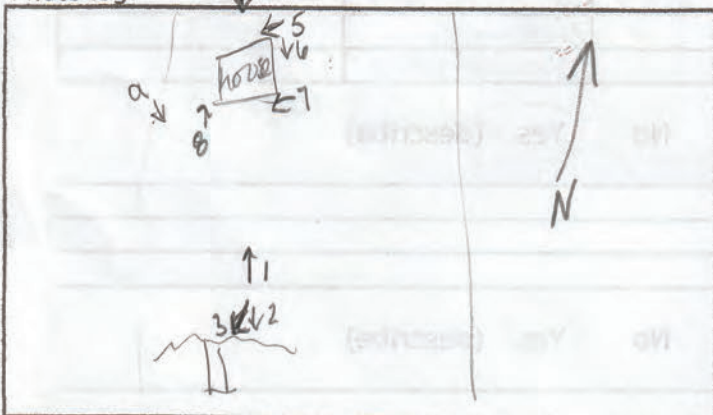
Bird nests observed in project vicinity?

No

Yes (describe)

not on structure

Photo log:



- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12

APPENDIX D

DETAILED RIPARIAN AREAS PROTECTION REGULATION ASSESSMENT

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Riparian Areas Protection Regulation: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date May 7, 2021

I. Primary QEP Information

First Name	Micaele	Middle Name	J
Last Name	Florendo		
Designation	Registered Professional Biologist	Company	Maddison Consultants Ltd.
Registration #	1423	Email	micaele@maddison-consultants.com
Address	1265 Adams Road		
City	Bowen Island	Postal/Zip	V0N 1G2
Prov/state	BC	Country	Canada
		Phone #	604.838.2321

II. Secondary QEP Information (use Form 2 for other QEPs)

First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	Phone #
Prov/state		Country	

III. Developer Information

First Name	Richard	Middle Name	
Last Name	Zheng		
Company	AJIA Custom Prefab Homes		
Phone #	604.990.1133 x 233	Email	Richard@ajia.ca
Address	1367 Crown Street		
City	North Vancouver	Postal/Zip	V7J 1G4
Prov/state	BC	Country	Canada

IV. Development Information

Development Type	Family Residential		
Area of Development (ha)	0.024	Riparian Length (m)	18
Lot Area (ha)	0.156	Nature of Development	redevelopment
Proposed Start Date	2021-09-01	Proposed End Date	2023-09-30

V. Location of Proposed Development

Street Address (or nearest town)	3703 Lookout Crescent						
Local Government	Islands Trust, Regional District of			City	Pender Island		
Stream Name	Magic (Pender) Lake						
Legal Description (PID)	003-907-112			Region	Vancouver Island		
Stream/River Type	Lake			DFO Area	South Coast		
Watershed Code	925-258000-88400						
Latitude	48	45	53.1533	Longitude	-123	17	16.3118

Table of Contents for Assessment Report**Page Number**

1. Description of Fisheries Resources Values	3
2. Results of Riparian Assessment (SPEA width)	5
3. Site Plan	7
4. Measures to Protect and Maintain the SPEA (detailed methodology only).	
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2. Windthrow.....	8
3. Slope Stability.....	8
4. Protection of Trees.....	8
5. Encroachment	8
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Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

The property is approximately 0.156 hectares (ha) in size and is located in the North Pender Island Local Trust Area. It is zoned as Rural Residential and within the Water 6 zone. Surrounding the property, to the north is Lookout Crescent, rural residential to the east and west and Magic Lake (Pender Lake) to the south.

The property has a southern aspect, with elevations that range from approximately 70 metres (m) to 74 m. Existing infrastructure on the property includes a house, shed, fenced garden, fence, dock and a gravel driveway. The property is located within the Coastal Douglas Fir biogeoclimatic zone (CDF), moist maritime subzone (mm). Existing development on the property includes a house, shed, fenced garden, fence, dock and a gravel driveway.

The proposed construction includes the demolition of an existing house and construction of a new house. The new house will connect to existing utilities available on the property for the existing house. No work is planned for the existing dock..

The property borders Pender Lake, also known as Magic Lake, to the south. Magic Lake is a man-made reservoir (Magic Lake Estates Reservoir) which was created by damming and diverting flow from Shingle Creek. The reservoir is a secondary source for drinking water to the homes in Magic Lake Estates; the primary source is Buck Lake, which is to the northwest of Magic Lake. Magic Lake is 15 ha, has an average elevation of 71 m, and a perimeter of 2.7 kilometers (km) (Ministry of Environment, 2021). The Islands Trust map-it indicates that the Ordinary High Water Mark for this controlled lake is approximately 69 m elevation (MapIt, 2021). Magic Lake has an average depth of approximately 0.30 m and a maximum depth of 4.4 m (Lake Lubbers, 2021). Magic Lake is stocked with rainbow trout (*Oncorhynchus mykiss*), most recently in 2017 and 2018 by the Freshwater Fisheries Society of BC.

No watercourses, drainages, streams or ditches were detected on the property during the on site assessment.

Section 2. Results of Riparian Assessment (SPEA width)

The detailed assessment conducted on April 10, 2021 determined that the SPEA width on the north side of Magic (Pender) Lake is 15 metres. The SPEA will be marked in the field by the QEP prior to construction.

Refer to Section 3 of Technical Manual

Date: April 10, 2021

Lake – Magic (Pender) Lake

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X	
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[illegible]

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Gradient (%)

Page 10

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C/P

1

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[illegible]

a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*,

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Richard Zheng;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

Yes No

--	--

X

Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes

a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;

b) I am qualified to carry out this part of the assessment of the development proposal made by the developer Richard Zheng;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

1

SH

Method employed if other than TR

10

$$\frac{1}{x}$$

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	15	South bank					
Litter fall and insect drop ZOS (m)	15						
Shade ZOS (m) max	30						
		Yes		No	X		
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)						
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report		
SPEA maximum	15	(For ditch use table3-7)					

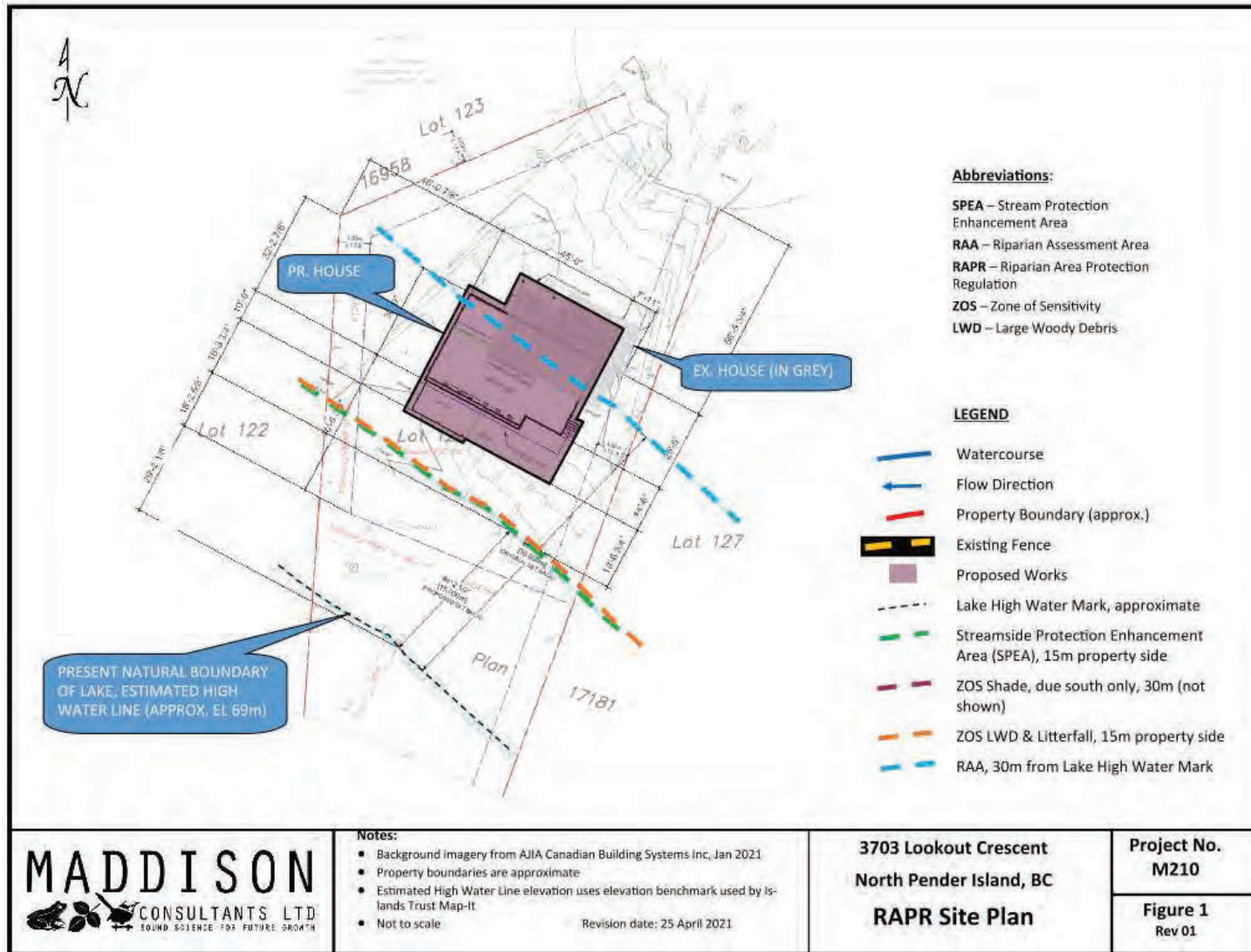
I, Micaele Florendo, hereby certify that:

- I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
- I am qualified to carry out this part of the assessment of the development proposal made by the developer Richard Zheng;
- I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- In carrying out my assessment of the development proposal, I have followed the technical manual to the Riparian Areas Protection Regulation.

Comments

Proposed construction is on the north side of Magic (Pender) Lake. No other waterbodies were detected on site during the assessment. Therefore, the SPEA for the proposed project on Magic Lake is 15 metres from the High Water Mark. As Pender Lake is a controlled lake, the Islands Trust MapIt program has indicated that the elevation for the lake is 69 metres. Therefore, this elevation is considered the Ordinary High Water Mark for the Lake.

Section 3. Site Plan



Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	Vegetation within footprint of the proposed construction is ornamental grasses, forbs and shrubs. No trees will be removed for the demolition and construction of the house.
I, <u>Micaele Florendo</u>, hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Richard Zheng</u>; g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
2. Windthrow	vegetation within the footprint of the proposed construction is ornamental grasses, forbs and shrubs. Therefore the proposed construction is not anticipated to create a windthrow hazard in the vicinity of the subject property.
I, <u>Micaele Florendo</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Richard Zheng</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
3. Slope Stability	Terrain has limited slope, exposed soils will be covered during heavy rain events and seeded after construction.
I, <u>Micaele Florendo</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Richard Zheng</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
4. Protection of Trees	The proposed construction does not change the existing condition with respect to adjacent trees. Therefore, no protection measures are required.
I, <u>Micaele Florendo</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Richard Zheng</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
5. Encroachment	The SPEA for the lake will be marked in the field ahead of construction to ensure equipment will be staged and operated outside the SPEA. A silt fence will be installed outside of the SPEA of the lake to reduce the opportunity of encroachment into the SPEA.
I, <u>Micaele Florendo</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Richard Zheng</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
6. Sediment and Erosion Control	Construction will not occur during heavy rain events; exposed soils will be covered prior to heavy rain events

FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

	and reseeded after construction. Prior to the commencement of construction, a silt fence will be installed as per manufacturer's guidelines outside of the SPEA for the lake, as directed by the QEP.
I, <u>Micaele Florendo</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Richard Zheng</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and in carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
7. Stormwater Management	n/a. The demolition and construction of a house will not significantly alter the current hydrology of the site.
I, <u>Micaele Florendo</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the <u>Richard Zheng</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	
8. Floodplain Concerns (highly mobile channel)	n/a this is a controlled lake used as a secondary source to supply drinking water to the Magic Lake Estates Reservoir.
I, <u>Micaele Florendo</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Richard Zheng</u>; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Minister's technical manual to the Riparian Areas Protection Regulation.	

Section 5. Environmental Monitoring

Environmental Monitoring (EM) shall be conducted by the QEP, who will be retained by the Property Owner

- Environmental monitoring is recommended during the installation of the silt fence

Section 6. Photos

View to the north of the house to be removed from the existing dock.



View to the west along the south side of the existing house.



FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

View to the south from the front yard towards Pender (Magic) Lake.



View to the south from the existing access of the existing house to be removed.



FORM 1

Riparian Areas Protection Regulation - Qualified Environmental Professional - Assessment Report

View to the southwest of the existing dock and Pender (Magic) Lake shoreline. No work is planned for the dock.



Section 7. Professional Opinion**Qualified Environmental Professional opinion on the development proposal's riparian assessment.**Date May 7, 20211. I/We Micaele Florendo, R.P. BioPlease list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer Richard Zheng, which proposal is described in section 3 of this Assessment Report (the "development proposal");
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the specifications of the Riparian Areas Protection Regulation and assessment methodology set out in the minister's manual; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) n/a the site of the proposed development is subject to undue hardship, (if **applicable, indicate N/A otherwise**) and
- b) ☒ the proposed development will meet the **riparian protection standard** if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report.

[NOTE: "Qualified Environmental Professional" means an individual as described in section 21 of the Riparian Areas Protection Regulation.]

APPENDIX E

SITE PHOTOGRAPHS



Photograph 1. North view along west side of existing house.



Photograph 2. North view of property from existing dock.



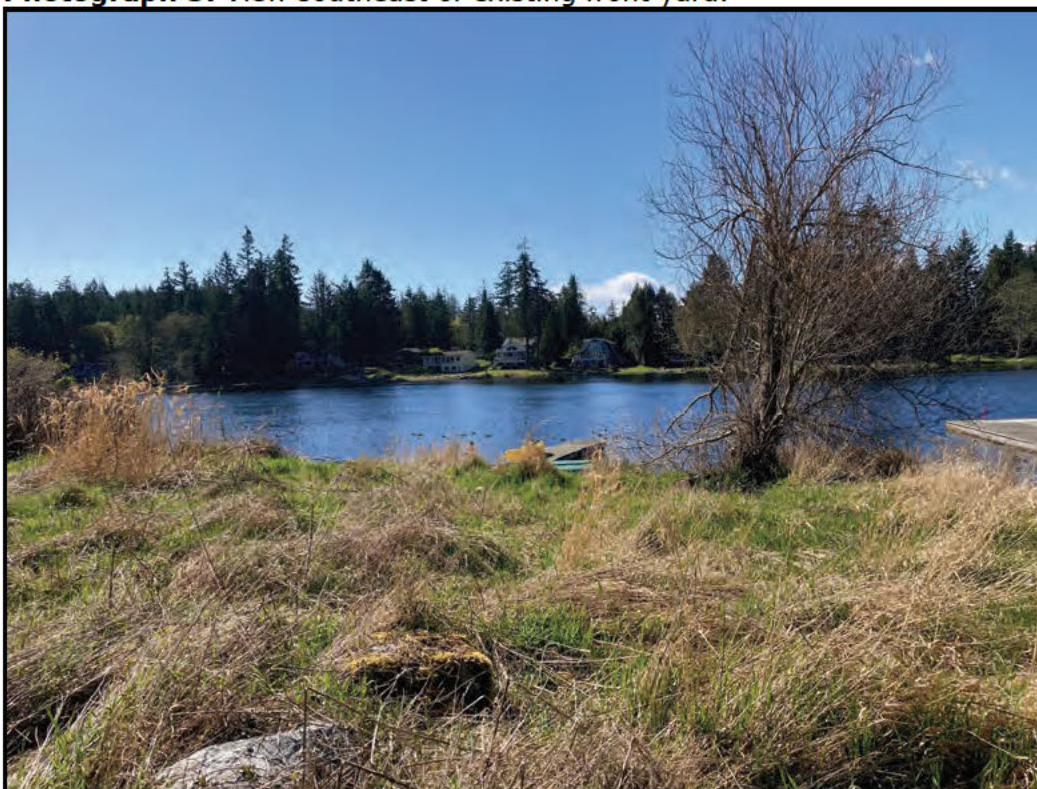
Photograph 3. View south along east side of existing house.



Photograph 4. View west along south side of existing house.



Photograph 5. View southeast of existing front yard.



Photograph 6. View south from front yard towards Pender/Magic Lake.



Photograph 7. View south of existing house to be replaced.



Photograph 8. View north towards house that will be replaced.



Photograph 9. View southwest of existing dock.

APPENDIX G

PLANT AND ANIMAL SPECIES OBSERVED

PLANT SPECIES OBSERVED

The following plant species were observed in the assessment area by biologist Micaele Florendo during the site survey.

* Introduced, nonnative species

BRYOPHYTES

* <i>Juniperus Virginiana</i>	eastern redcedar
* <i>Myriophyllum sp.</i>	water milfoil
<i>Pseudotsuga menziesii</i>	Douglas fir

ANGIOSPERMAE: DICOTYLEDONAE

DICOT FLOWERING PLANTS

* <i>Bellis perennis</i>	English daisy
<i>Cardamine parviflora var. arenicola</i>	sand bittercress
* <i>Cirsium arvense</i>	creeping thistle
* <i>Euphorbia cyparissias</i>	cypress spurge
<i>Holodiscus discolor</i>	oceanspray
* <i>Lamium purpureum</i>	purple dead nettle
* <i>Leucanthemum vulgare</i>	oxeye daisy
<i>Mahonia nervosa</i>	dull Oregon-grape
* <i>Nuphar lutea</i>	yellow water lily
<i>Picris hierachioides</i>	bristly ox-tongue
* <i>Ranunculus acris</i>	meadow buttercup
<i>Rosa sp.</i>	rose
<i>Rubus ursinus</i>	trailing blackberry
* <i>Rumex crispus</i>	curly dock
* <i>Silene coronaria</i>	rose campion
<i>Symphoricarpos albus</i>	common snowberry
* <i>Taraxacum officinale</i>	common dandelion
* <i>Trifolium repens</i>	white clover
* <i>Vicia sp.</i>	vetch

ANGIOSPERMAE: MONOCOTYLEDONAE MONOCOT FLOWERING PLANTS

* <i>Agrostis capillaris</i>	colonial bentgrass
* <i>Narcissus L.</i>	daffodill
* <i>Phalaris arundinacea</i>	reed canary grass
<i>Scirpus microcarpus</i>	small-flowered bulrush

Taxonomy and nomenclature are based on the following:

Klinkenberg, Brian. (Editor) 2020. *E-Flora BC: Electronic Atlas of the Flora of British Columbia* [eflora.bc.ca]. Lab for Advanced Spatial Analysis, Department of Geography, University of British Columbia, Vancouver.

ANIMAL SPECIES OBSERVED

This is a list of animals noted in the study area. Presence may be noted if a species is seen, or heard, or identified by the presence of tracks, scat or other signs.

* Introduced species

AVES

Anatidae

Anas platyrhynchos
Branta canadensis

Corvidae

Corvus corax

Hirundinidae

Tachycineta thalassina

Paridae

Poecile atricapillus

Sittidae

Certhia Americana
Sitta canadensis

Regulidae

Regulus calendula

Parulidae

Dendroica coronata

Emberizidae

Junco hyemalis
Zonotrichia leucophrys

Icteridae

Agelaius phoeniceus

Fringillidae

Carduelis tristis
Carpodacus mexicanus

MAMMALIA

Cervidae

Odocoileus hemionus columbianus

BIRDS

Swans and Geese

mallard
Canada goose

Jays, crows and their allies

common raven

Swallows

violet-green swallow

Chickadees and Titmice

black-capped chickadee

Nuthatches

brown creeper
red-breasted nuthatch

Kinglets

ruby-crowned kinglet

Wood warblers

yellow-rumped warbler

Emberizids

dark-eyed junco
white-crowned sparrow

Blackbirds

red-winged blackbird

Fringilline, Cardueline Finches and Allies

American goldfinch
house finch

MAMMALS

Deer, Elk and Allies

black-tailed deer

North Pender Island Local Trust Committee

Development Approval Information Checklist

Development Permit Area Applications

The attached checklists are intended to assist consulting professionals in submitting complete and relevant reports. A completed checklist(s) for each relevant Development Permit Area should be submitted to the Islands Trust along with all professional reports.

Instructions

Landowners/applicants should ensure that:

1. The relevant checklist(s) is provided to all their consulting professionals
2. A completed checklist is submitted with the professional reports
3. If not all information is provided in the report or with the application, that the professional has consulted with, and obtained prior approval, of the Islands Trust.

Consulting Professionals:

1. Complete and attach the relevant checklist(s) to your professional report indicating that the report has addressed all relevant development approval information requirements.
2. Where the professional is of the opinion that because of the nature of the site or the development proposal specific information is not relevant, the professional should:
 - a. Contact the planner as early as possible and consult on the need for the particular information;
 - b. Describe clearly in the report why the particular information is not relevant; and
 - c. Indicate on the checklist that the information is not applicable (N/A)
3. Where a site is designated within two or more DPAs, all relevant checklists should be completed.

Note: it is at the determination of the Islands Trust planner whether or not specific information is required. Failure to provide complete information without prior consultation with and the approval of the Islands Trust may result in delays in processing an application or requirements for additional information.

Pursuant to North Pender Island Local Trust Committee Development Approval Information Bylaw No 134, the applicant shall provide, as part of a development permit application, a report prepared by a qualified professional with relevant experience containing the following information. Where a professional is of the opinion that any of the following information requirements are not relevant for the proposal in question, the professional shall indicate the rationale for such an opinion, either in the body of the report or in a separate certification. The determination of whether and what extent that development approval information is required is at the discretion of the Islands Trust official.

File No: _____

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)			Office Use only
	Information and Documentation Required	✓	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:		
	▪ The proposed development and associated features		
	▪ The development permit area boundary		
	▪ Existing buildings and structures		
	▪ Roads and driveways		
	▪ Topographic features		
	▪ Significant features identified in the site inventory		
	Where development would occur on slopes exceeding 20% grade: site profiles and cross sections demonstrating terrain conditions prior to disturbance		
Site Inventory	A site inventory providing information on the ecosystem classification, based on current best practices, providing information on: ▪ existing plant communities ▪ marine, aquatic and terrestrial habitats ▪ sensitive ecosystems ▪ nesting trees ▪ the presence of rare species and rare plant communities ▪ current on-site and adjacent land uses ▪ slope stability ▪ erosional processes ▪ hydrology and flood potential ▪ topography		
	Site background analysis that includes the following known information: ▪ A check for observed species and ecosystems at risk ▪ A description of the context of the site including the use of adjacent lands and proximity to protected areas ▪ A check for the presence of raptor and heron nests ▪ A check for the presence of fish-bearing water courses		
	A conservation evaluation that identifies environmentally valuable features on or near the proposed development. The evaluation should be based on current best practices, such as the RISC standard		
Development Proposal	A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. Alternative development options.		
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development, consisting of anticipated impacts on the following: ▪ Sensitive ecosystems ▪ Rare plant communities ▪ Rare species habitat		

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)			Office Use only
	Information and Documentation Required	✓	
	▪ Site hydrology		
	The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area		
Measures	A description of all recommended measures to limit, mitigate and manage the impacts of the development on environmentally valuable features		
	A description of mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.		
Monitoring	Recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, a monitoring schedule and process for resolving any non-compliance		
Restoration	Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development		

File No: _____

RAPTOR AND HERON NEST DEVELOPMENT PERMIT AREA (DPA 7)			Office Use only
	Information and Documentation Required	✓	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:		
	▪ The proposed development and associated features		
	▪ The natural boundary of the sea		
	▪ The development permit area boundary		
	▪ Existing buildings and structures		
	▪ Roads and driveways		
	▪ Significant features identified in the site inventory, including the nest tree		
	Where development would occur on slopes exceeding 20% grade: site profiles and cross sections demonstrating terrain conditions prior to disturbance		
Evaluation	An evaluation of the site and the current status of the nest tree, following current best practices.		
Development Proposal	A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing or trimming, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. Alternative development options.		
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development on the nesting site, consisting of anticipated impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area.		
Measures	A description of all measures to limit, mitigate and manage the impacts of the development on the nesting site.		
	A description of feasible mitigation measures and their anticipated effectiveness in maintaining the health and function of nesting site.		
	Any recommended measures to restore or enhance the health of the nesting site.		

File No: _____

RIPARIAN AND AQUATIC DEVELOPMENT PERMIT AREA (DPA 10)			Office Use only
	Information and Documentation Required	✓	
Riparian Assessment	A description of the fisheries resource values in the watercourse, including species of fish that frequent the waterbody and fish habitat present.	✓	
	The results of the riparian assessment, using a detailed or simple assessment as indicated in the Riparian Areas Regulation, and establishing the Streamside Protection and Enhancement Area (SPEA) width for the subject parcel.	✓	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:	✓	
	▪ Topographic features	✓	
	▪ Location of top of bank	✓	
	▪ High water mark	✓	
	▪ SPEA widths, any ZOS	✓	
	▪ All buildings, structures and supporting infrastructure	✓	
Measures	A description of all measures to maintain and protect the SPEA from development, including where appropriate: ▪ assessment and treatment of danger trees, ▪ windthrow, ▪ slope stability, ▪ tree protection during construction, ▪ encroachment and ▪ sediment and erosion control.	✓	
Monitoring	Recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance	✓	
Certification	Professional certification by a Qualified Environmental Professional preparing the report that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides his or her professional opinion that: ▪ if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or ▪ if the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.	✓	



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
NP-DP-2021.5**

To: Diane Verster
c/o Raynard Resuello

1. This Development Permit (the "Permit") applies to the land described below and all buildings, structures and other developments therein:

Lot 126, Sections 8 and 10, Pender Island, Cowichan District, Plan 17181
(PID 003-907-112)

2. This Development Permit NP-DP-2021.5 authorizes the construction of a single-family dwelling an earthen foot path within Development Permit Area ("DPA") 10 – Riparian and Aquatic Development Permit Area, subject to the following requirements and conditions:

Riparian (Upland) Area
General

- a. All construction shall be substantively consistent with Schedules 'A', 'B' and 'C' attached to and forming part of this permit.
- b. One (1) natural (unpaved) footpath to a maximum width of 0.8 m. for access to the existing dock structure is permitted to be constructed and maintained across the Streamside Protection and Enhancement Area (SPEA) as delineated on Schedules 'A' & 'B', attached to and forming part of this permit.
- c. The footpath (2. b. – above) shall be constructed under the supervision of the monitoring Qualified Environmental Professional (QEP - as specified under 'Monitoring' - below).
- d. No other construction or ground disturbance other than the footpath (2. b. – above) is permitted in the SPEA.

Construction Timing

- e. Construction, demolition and/or required tree removal should occur outside of the breeding bird and nesting season for migratory birds (March 15 – August 30). If construction needs to occur during the breeding bird nesting season, then the monitoring QEP shall conduct a nesting bird survey ('survey') to ensure there are no active nests present on the existing dwelling. If the survey determines that no active nests are present, construction should be initiated within three (3) days of the nesting bird survey. If nests are observed by the survey, then construction should be completed outside of the nesting season, or when the monitoring qualified biologist confirms that the young have fledged.
- f. Any ground disturbance should occur outside of the seasonal migration of reg-legged frogs (March 1 – August 15). If construction must occur during the seasonal migration, a sweep of the proposed area should occur prior to regrading and/or construction.
- g. Should amphibians, reptiles and/or mammals be observed within the immediate vicinity during construction activities, all activities will be stopped until the animal has relocated itself outside the immediate area of construction.

Protection of Trees and Vegetation

- h. All trees shall be retained and native plant species shall remain undisturbed within the SPEA.
- i. Any standing dead trees ("snags") shall be left in the SPEA to provide habitat.
- j. Any landscaping and/or restoration in the SPEA shall use native plant and tree species only.
- k. The removal of invasive plant species (i.e. Scotch broom, spurge-laurel Common periwinkle, English Ivy, Himalayan and cutleaf blackberry) in the SPEA and on the subject property as a whole is encouraged.
- l. In order to minimize soil disturbance, the removal of invasive plants within the SPEA should be undertaken in a manner that minimizes soil disturbance by cutting above-ground growth and not pulling plants along the stream bank. Above-ground growth should be removed on a continual basis over multiple growing seasons.
- m. Any removal of invasive plants should be replaced immediately by native species of trees and shrubs to encourage soil stability.
- n. Upon completion of construction, any unnecessary pruning of trees and shrubs in the SPEA is to be avoided, particularly those overhanging the water's edge to maintain maximum shading of aquatic habitat for fish.

Encroachment

- o. A permanent shrub line is to be planted to delineate the SPEA from the rest of the property.
- p. The shrub line is to be planted under the supervision of the monitoring QEP and shall use only native species such as salal, oceanspray and red-flowering current.

Sediment and Erosion Control

All necessary measures to protect the water quality and fish habitat must be used by the property owners and contractors through the construction process, specifically:

- q. Prior to commencing land alteration, demolition or construction, the SPEA Boundary shall be clearly marked on the land by the monitoring QEP.
- r. Prior to commencing land alteration, demolition or construction the area between the proposed construction and the SPEA Boundary across the length of the property, temporary fencing and silt fencing shall be installed and remain in place until construction is completed as shown in Schedule 'A' and in accordance with the specification in Schedule 'C' , attached to and forming part of this permit.
- s. Construction, restoration and landscaping should be undertaken during dry weather and not during periods of prolonged wet, windy and rainy weather.
- t. Construction activities should be timed so that they avoid significant rainfall events. A significant rainfall event is considered to be anything greater than 25 mm over a 24-hour period as forecasted by Environment Canada.
- u. Any soils exposed or deposited for a period of greater than two (2) weeks and/or prior to any significant rainfall event shall be covered and maintained by means of tarps in good repair, jute , straw and/or hydromulch (without seeds).
- v. Within the SPEA, the standing trees and snags and natural vegetation shall not be removed to assist in preventing erosion into the stream and lake systems, and to encourage water uptake and drainage.
- w. Outside the SPEA, on the property as whole and within the aquatic environment, disturbance to the natural systems should be minimized and the retention of standing trees and snags and natural vegetation is encouraged to assist in preventing erosion into the aquatic system, and to encourage water uptake, drainage, and minimize soil saturation around the proposed dwelling.

Stormwater Management

- x. During construction and when construction is completed, storm water drainage and rain water collection from the dwelling should be directed away from the SPEA to the extent practical as determined by the monitoring QEP.
- y. To offset peak flows, overland flow and soil saturation, the dwelling should include the installation and maintenance of a non-potable rainwater collection system (barrels or cistern connected to the dwellings rainwater leaders).

Construction Management

- z. All contractors and construction personnel are to be notified of the SPEA location and the conditions of this Development Permit.
- aa. There must be no encroachment into the SPEA by heavy equipment or machinery, nor any contact with existing mature trees in the DPA in general.
- bb. To avoid transportation of invasive species onto the subject property and/or aquatic environment, the following measures shall be implemented:
 - i. Prior to arrival, hired contractors should wash and inspect all vehicles, machinery and equipment should to ensure invasive plant seeds are not transported onto the subject property. Any weeds should be manually removed on a regular basis.
 - ii. Prior to leaving, hired contractors should inspect all vehicles, machinery and equipment to ensure invasive plant seeds are not transported off of the subject property.
- cc. To avoid any spill of hydrocarbon, based fluids (i.e., fuel or lubricants) the following measures shall be implemented:
 - i. Equipment and machinery will be in good mechanical order, free of excess oil and grease.
 - ii. Equipment and machinery shall be inspected daily to ensure that it is leak-free. Equipment with leaks will not be permitted onsite until repaired.
 - iii. Servicing of equipment and machinery is to be done within containment areas (i.e., bermed or otherwise isolated) or at an appropriate work yards operated by the contractor or his supplier.
 - iv. Grease and oil required for equipment or machinery maintenance will be properly applied. Excess as well as all containers, lids and contaminated cloths and applicators will be cleaned up and disposed of in an environmentally appropriate manner.
 - v. Small drips will be collected including the surrounding soil and placed into 5-gallon buckets with lids for disposal at an approved facility.
 - vi. Refueling of all machinery will occur a minimum of 30 m away from all waterbodies. Tanks utilized for refueling will be equipped with automatic back-pressure shut-off valves, and nozzles will be kept locked at all times, except during refueling. Spigots should be metal to prevent them being accidentally or intentionally damaged. A crew member will remain in attendance at all times while refueling is being carried out.
 - vii. Fully stocked spill kits shall be required on site and will be equipped with adequate spill cleanup equipment (i.e., absorbents and booms) in the event that a spill should occur.
 - viii. All spills in the lake and ground spills that are above the provincial reportable levels included in Appendix H will also be reported immediately to the following government agencies. Spill response advice can be obtained from both Environment Canada and EEP. Report spills to: The Environmental Emergency

Program (EEP; previously known as the Provincial Emergency Program [PEP]) at 1-800-663-3456. The EEP will notify the necessary municipal, provincial and federal agencies.

- dd. To avoid concrete waste and/or concrete wash impacting the SPEA and aquatic environment, the following measures shall be implemented:
 - i. Fresh concrete or cement will be isolated from the lake for up to 48 hours after placement.
 - ii. Containers or trucks carrying cement or fresh concrete shall be equipped with return wash buckets such that wash water is returned into the drum of the truck, the truck then returns to its base of operations where such water or excess concrete is treated.
 - iii. Collection of all of the concrete waste and/or wash water within containment areas will be vacuumed up and removed from site for disposal.
 - iv. The treatment of concrete waste and/or waste water to mitigate potential sedimentation and contamination that results in a high pH.
 - v. No concrete pouring will occur within the SPEA.
- ee. There shall be no storage of building materials or waste within the SPEA as delineated on Schedules 'A' & 'B'.
- ff. There must be no other deposition into the SPEA of any materials from the construction process such as rock, soil or vegetation.

Water (Aquatic) Portion – existing dock maintenance and repair

Protection of Aquatic Area (Below High Water Mark – HWM)

- gg. The dock structure shall remain in its current location in accordance with Schedule 'A' and 'B'.
- hh. With the exception of footings for the structure, no portion of the structure shall rest on the lakebed or foreshore (SPEA).
- ii. There is to be no dredging or placement of fill below the HWM.
- jj. There shall be no removal of rocks, or woody debris such as stumps, logs and snags from the lakebed.

Monitoring

- kk. Monitoring and guidance is to be conducted by the QEP who shall be a registered professional biologist (R.P. Bio.) to ensure that all construction, construction management and restoration conditions herein have been met to the satisfaction of the R.P. Bio.
 - ll. The monitoring QEP(s) shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within one (1) month of the development work being completed.
- 3. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 - 4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
 - 5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 103,

1996 and to obtain other approvals necessary for the lawful completion of the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS
#TH DAY OF MONTH, 2021.**

Deputy Secretary, Islands Trust

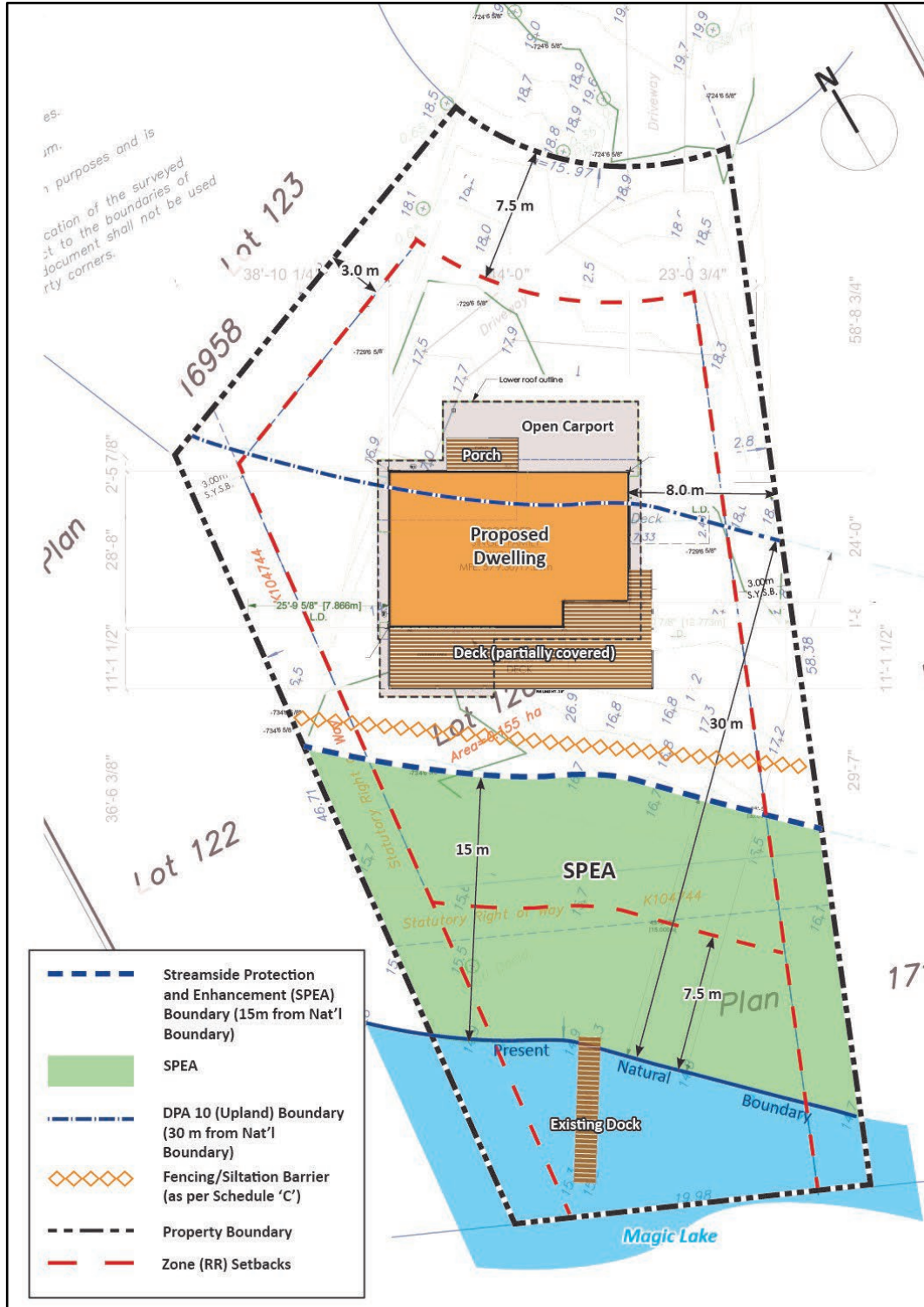
Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE #rd DAY OF MONTH, 202#, THIS
PERMIT AUTOMATICALLY LAPSES.**

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2021.5

Schedule "A" (Site Plan)



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2021.5
Schedule “B” (Biologist’s RAPR Assessment Plan)



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

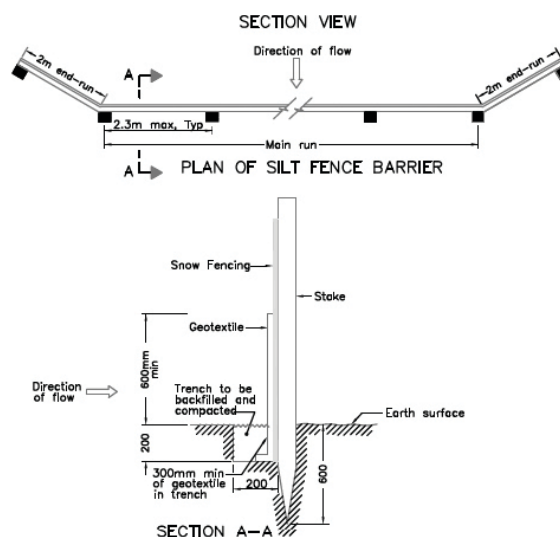
DEVELOPMENT PERMIT 2021.5

Schedule "C"

Erosion and Sedimentation Control Measures

EROSION AND SEDIMENTATION

- 1) PRE-STAKED SILT FENCE TO BE INSTALLED AS SHOWN PRIOR TO CONSTRUCTION AS DIRECTED BY THE ENGINEER.
- 2) TOPSOIL STRIPPED FOR REUSE TO BE STOCKPILED AWAY FROM WATER COURSES, DRAINAGE PATHS AND PROPERTY AND SHALL BE COVERED AND / OR SEEDED TO REDUCE EROSION.
- 3) ALL DISTURBED AREAS TO BE RESTORED AND LANDSCAPED AS SOON AS POSSIBLE FOLLOWING CONSTRUCTION.
- 4) ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED ON A REGULAR BASIS THROUGHOUT THE COURSE OF CONSTRUCTION BY THE CONTRACTOR. THE QUALIFIED ENVIRONMENTAL MONITOR (QEM) JOHN GRODS SHALL HALT PROGRESS OF ANY AND ALL WORK AND SHALL DIRECT CONTRACTOR TO REPAIR / ALTER CONSTRUCTION MITIGATION MEASURES IF THEY ARE NOT PERFORMING ADEQUATELY.



NOTE:

All dimensions are in millimetres or metres unless otherwise shown.

SILT FENCE WITH SNOW FENCE DETAIL

NTS



File No.: NP-DP-2021.1

NP-BP-2020.30

DATE OF MEETING: October 28, 2021

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Kim Stockdill, Island Planner

SUBJECT: Development Permit Application
Applicant: Perry Charest
Location: Easement area of 2622 Spyglass Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2021.1 (Charest)

REPORT SUMMARY

This report is to consider a Development Permit (DP) application.

The purpose of the DP application is for measures for the protection of the sensitive riparian and aquatic ecosystem and construction management for the proposed installation of a sanitary sewer connection within **Development Permit Area Ten – Riparian and Aquatic (DPA)**.

BACKGROUND

The DP application was submitted to the Islands Trust subsequent to a Building Permit Review application (NP-BP-2020.30).

The applicant is the owner of Lot 148 (2724 Spyglass Road), and, as shown on Figure 2, there is a legal easement (EW7758) that extends eastward from the northeast corner of Lot 148 on Lot 147 (2622 Spyglass Road) to the CRD sewer right-of-way (RoW) and to the shoreline of Buck Lake. That easement permits the owner Lot 148 to install and maintain a sanitary sewer line, water line and foot access to the lake.

The purpose of the application is for the construction of a new sewer line within the easement area for the dwelling under construction on Lot 148 (Attachment 2.5). The easement is 2.0 m wide and approximately 35 m in length and is almost entirely designated within DPA 10 (Figure 2 and Attachment 2.2). The extent of development is the excavation, installation and restoration of the sewer line (min. 10 cm [4 inch] pipe buried approximately 0.45 m [1.5 ft]) to the CRD sewer main connection ('manhole' shown in Figure 2). The proposal also includes restoration of the disturbed ground with native grass seeding.

Staff have discussed the proposed excavation and construction methods with the contractor (Big Dig-Em). They have indicated that hand digging is impractical and could be more damaging from siltation as soils would be exposed for significantly longer than a day for an excavator. The machinery will be limited to using a mini-excavator. If access is not possible from Lot 147, they have alternatives for accessing the easement either from Lot 148 (craning) or via the CRD RoW.

The topography of the easement area initially drops steeply from its height in the west at the stairs which area partially in the easement (Attachment 2.5). From there it steps down more moderately to the RoW area which is a gently sloped area that extends to a small ledge above the natural boundary of the lake. Other than the portion of the stairs, and buried existing CRD infrastructure, there are no other structures in the easement area. There is an existing narrow, unsurfaced footpath leading from the stairs to the lake.

The area varies between widely spaced fir and cedar, and grassed areas. In the easement there are no trees upslope of the sewer connection manhole, however there is one mature Cedar (shown on Figure 2) the root system of which extends into the easement. There is no tree removal required or proposed.

The owner of Lot 148 does have the alternative to connect to another CRD lateral main above on Spyglass Road. However, the cost and reliance on an electronic lift pump makes that less desirable to the applicant than a gravity system through the easement.

The specific objective of the designation of the DPA is:

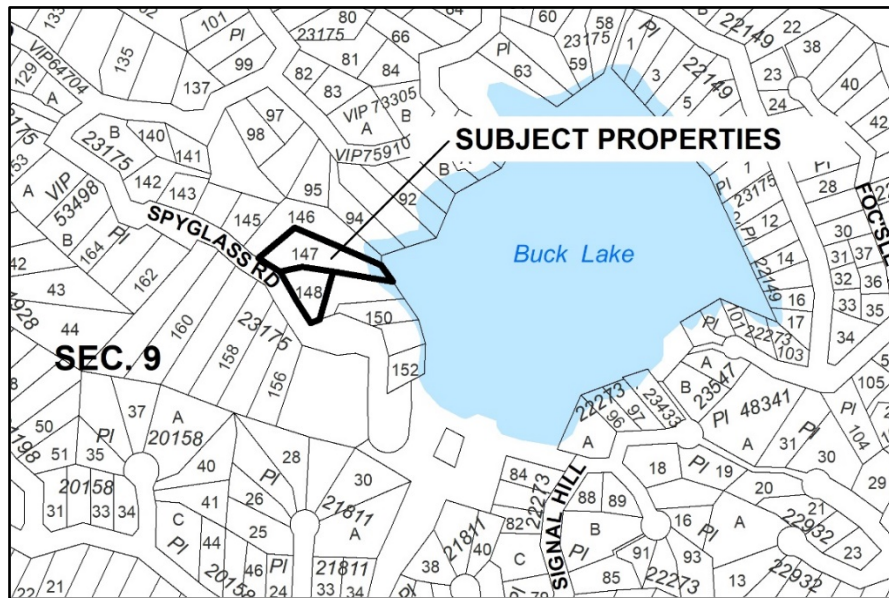
To protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fishlife processes.

As DPA 10 is designated on the easement, the applicants are required to comply with the DPA guidelines as well as provincial *Riparian Areas Protection Regulations (RAPR)*. Accordingly, the applicants hired Dave Gooding, R.P.Bio of Gooding Hydrology who prepared and submitted a RAPR Assessment Report ('Biologist's Report - Attachment 4) to the provincial Ministry of Forests, Lands and Natural Resources Operations and Rural Development (FLNRORD). Confirmation that it complied with the RAPR standards was provided on August 27, 2021. The report is discussed further in 'Issues and Opportunities' (below).

Copies of the DPA Checklist and proposed Development Permit NP-DP-2021.1 (Charest) are Attachments 3 and 5.

Staff visited the site on October 15, 2021.

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Islands Trust Policy Statement:

- 3.1.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.1.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
- 3.3.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

Official Community Plan:

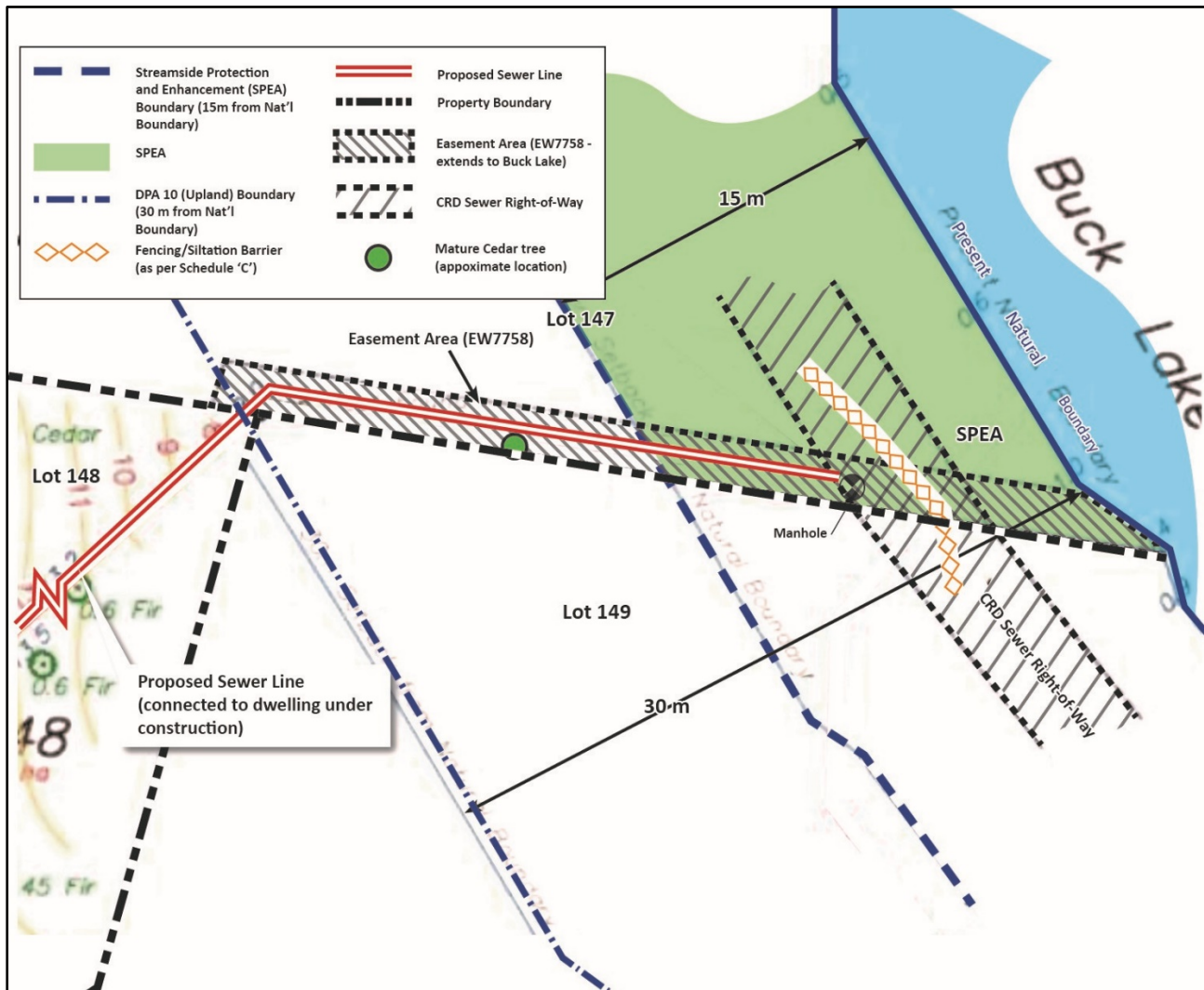
The subject property is designated as **Rural Residential - RR** in the North Pender Island Official Community Plan Bylaw No. 171, 2007.

Development Permit Area 10 (DPA) – Riparian and Aquatic is designated on the property as shown in Attachment 2.2

Land Use Bylaw:

The subject property is zoned as **Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 103, 1996 (Attachment 2.1). The current and proposed uses, density and siting meet the requirements of the LUB.

Figure 2 – Site Plan



Issues and Opportunities

Development Permit

Biologist's Report

The Biologist's Report undertook an assessment of the Riparian Assessment Area (which is equivalent to DP Area at 30 metres from the natural boundary of the lake [Figure 2 and Attachment 2.2]). It establishes three (3) zones of sensitivity (ZOS) based on three riparian functions: Leaf Litter; Inputs of Large Woody Debris; and, Shading to control water temperature. It did not inventory or identify any potential rare or at risk species.

The report identified that the root system of the mature Cedar shown on Figure 2 was vulnerable to potential damage from the excavation. It recommended that the excavation should be routed to the north of that tree. FLNRO in their response to local government recommended that tunnelling in that area versus excavation. As above that was discussed with the contractor who stated that the other alternative was for shallow excavation and fill in that area.

The Biologist's Report established the Streamside Protection and Enhancement Area (SPEA) and measures for protection and enhancement of that area. This was assigned at 15 m perpendicular from the high water mark of the lake.

To connect to the CRD main, the sewer line has to extend approximately 6 metres into the SPEA. Although FLNORD cannot technically approve any development in a SPEA given *RAP Regulation*, they did assess that the QEP has demonstrated that impacts to the SPEA during construction would be minimal, and that the vegetation potential of the SPEA would be unchanged. As such, in cases like this where denying access to municipal/regional infrastructure associated with development would be unreasonable, they provided notification of compliance to the local government. Notwithstanding, staff notes OCP Guideline 5.2.11.8 b) states there should be no work in the SPEA, and, as such, the application does comply with all guidelines. Further, as above, the applicant does have another alternative if the DP is not approved.

Under RAPR, access to the lake for recreation is permitted across the SPEA in the form of an earthen (foot) path. The improvement or reconstruction of the existing path under the supervision of the monitoring QEP is permitted and the stairs can be maintained as they pre-exist the DPA.

The proposal for restoration entails native grass seeding and maintenance of the disturbed areas.

Measures for the protection of the DP area and SPEA are recommended in the report have been incorporated in to the proposed DP. These are under the categories of *General, Protection of Trees and Vegetation, Sediment and Erosion Control, Stormwater Management, Construction Management, Restoration and Monitoring*.

Adherence to the conditions of the DP and monitoring will mitigate impacts from the proposed development to the riparian areas within the SPEA.

Consultation

There is no public or agency consultation regularly associated with a DP application. In addition, there is no statutory notification required.

First Nations

With respect to the potential for archaeological material to be found on the property during the proposed development, Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the DP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act compliance have provided the Islands Trust directly to the applicants.

Rationale for Recommendation

In summary, the recommendation on page 1 is supported as:

- FLNORD has approved the works and the objectives and specific guidelines of the DPA have been met with the exception of the specific guideline prohibiting work in the SPEA;
- all relevant recommendations of a professional RAPR assessment report have been incorporated into the conditions of the proposed DP; and,

- implementing and monitoring conditions in the draft DP will ensure the protection of the sensitive riparian and aquatic ecosystem.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendations:

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are a potential delay in construction and costs to the applicant. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

2. Deny the application

The LTC may deny the application. Note, if this alternative is selected, the decision SHOULD be accompanied by specifying which guideline(s) the application does not comply with. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DP-2021.1 (Charest) as it does not comply with OCP guideline 5.2.11.8 b).

Submitted By:	Phil Testemale, Planner 2	October 20, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	October 20, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. DPA Guidelines Checklist
4. Biologist's (RAPR Assessment) Report
5. Draft Development Permit NP-DP-2021.1

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Easement EW7758 Area of Lot 147 , Section 9, Pender Island, Cowichan District, Plan 23175
PID	003056-236
Civic Address	2622 Spyglass Road.

LAND USE

Current Land Use	Rural Residential (RR)
Surrounding Land Use	Rural Residential (RR) and Community Park (CP)

HISTORICAL ACTIVITY

File No.	Purpose

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as RR - Rural Residential in the North Pender Island Official Community Plan No. 171, 2007 (OCP). Development Permit Area Ten – Riparian and Aquatic Habitat designated as shown in Attachment 2.2
Land Use Bylaw	The subject property is zoned as Rural Residential in the North Pender Island Land Use Bylaw 103, 1996.
Other Regulations	Easement EW7758 - permits installation and maintenance of sewer and water - in favour of Lot 148
Covenants	N/A
Bylaw Enforcement	

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	QEP EA Report (Attachment 4) identified no species at risk or potential.
Sensitive Ecosystems	Riparian and aquatic (subject of current application)
Hazard Areas	Attachment 2.4
Archaeological Sites	No archaeological sites are noted within the property or within 100 metres. There is a archeological potential mapped approximately 100 metres distant from the property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that

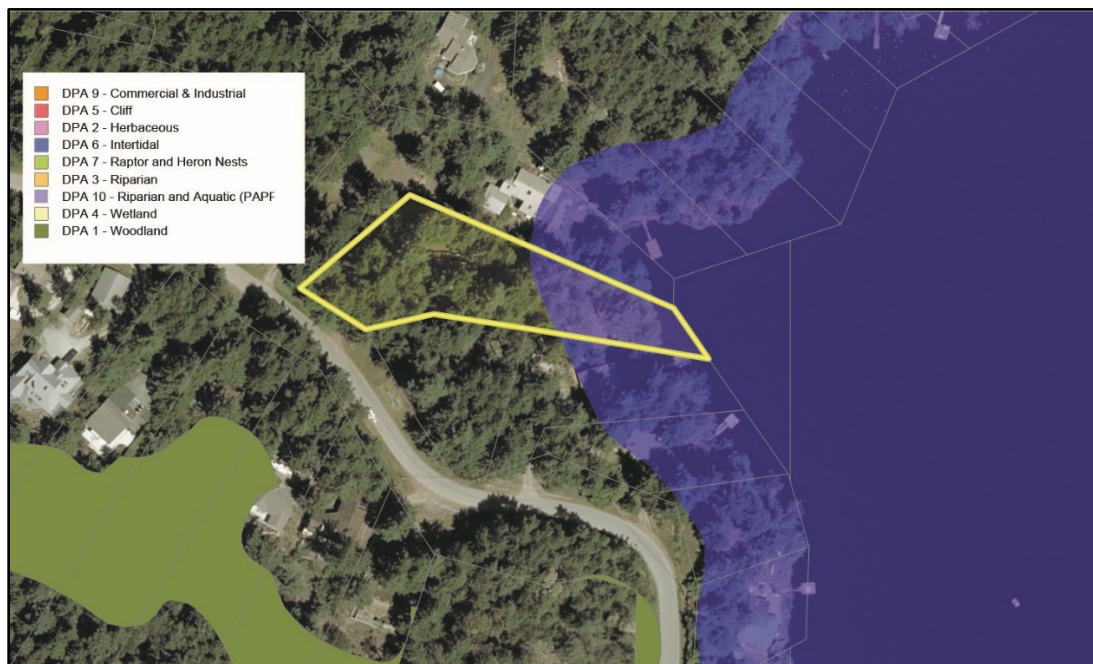
	is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Protection of SPEA through the RAR and DP process will benefit GHG emissions through tree and ground cover retention and lake temperature moderation. Nominal GHG emissions from infrastructure installation. Elevation of property precludes many climate change induced hazards (i.e. sea level rise)

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO WITH ZONING



2.2 DPA TEN



2.3 SENSITIVE ECOSYSTEM MAPPING

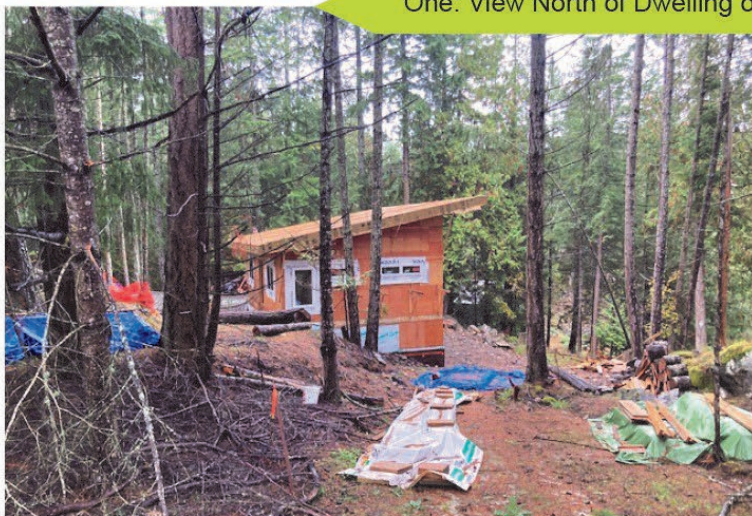


2.4 STEEP SLOPE MAPPING

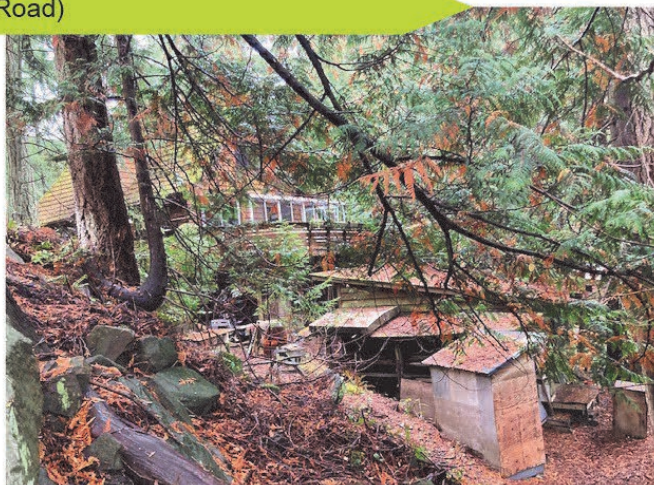


2.5 PHOTOGRAPHS

One: View North of Dwelling on Lot 148 (2724 Spyglass Road).



Two: Dwelling on Lot 147 (2622 Spyglass Road)

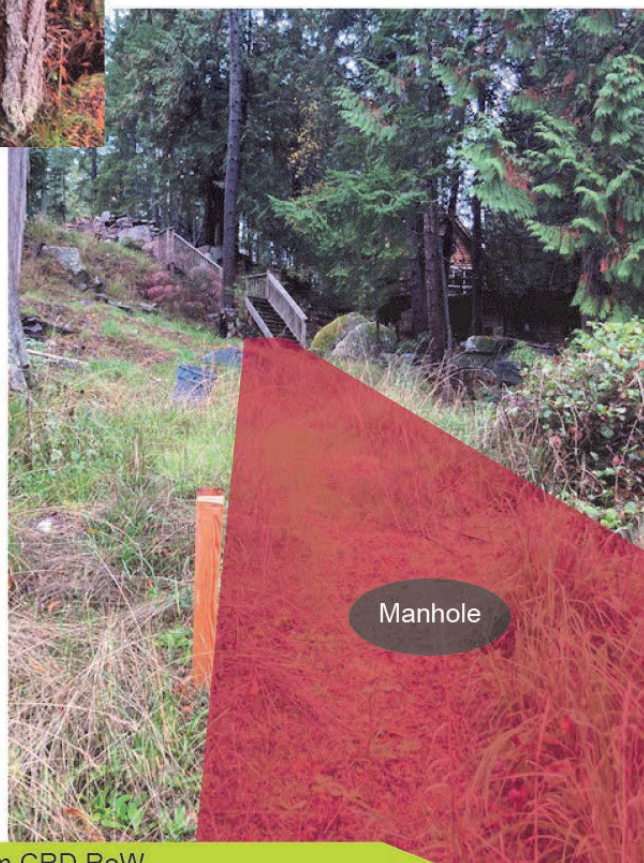


Three: View East Toward Easement Area, Buck Lake



2.5 PHOTOGRAPHS (CONT'D)

Four: View Eastward of Shoreline Area (Approx. Easement in Red)



Five: Reverse View West Up Easement from CRD RoW

2.5 PHOTOGRAPHS (CONT'D)

Six View Above Shoreline of Buck Lake



ATTACHMENT 3 – DPA GUIDELINES CHECKLIST

Riparian and Aquatic DPA Checklist: NP-DP-2021.1 (Charest) Sanitary Sewer Installation

Guidelines	Comments
1. In general, all development in this DPA should be undertaken in a manner that minimizes impacts on the riparian area and on aquatic ecosystems, including from the application of pesticides and other chemicals for non-essential cosmetic purposes. Where a QEP has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and aquatic ecosystems, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and aquatic ecosystems, consistent with the measures and recommendations described in the report.	<i>Riparian Areas Protection Regulation (RAPR)</i> Assessment Report was prepared by Dave Gooding n Baxter, R.P.Bio of Gooding Hydrology and submitted to the provincial Ministry of Forests, Lands and Natural Resources Operations and Rural Development (FLNRORD). Notification from FLNRORD rec'd August 27, 2021. Conditions based on recommended measures in RAPR Assessment Report have been placed in draft Development Permit for: <i>General, Protection of Trees and Vegetation, Encroachment, Sediment and Erosion Control, Stormwater Management, Construction Management, Restoration and Monitoring</i>
2. The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP, and the owner should be required to implement a plan for protecting the SPEA over the long term through measures that may be implemented as conditions of the development permit.	Does not comply – development in SPEA permitted by FLNRORD stating non-approval for infrastructure deemed unreasonable and the vegetation conditions will be unchanged. The applicant has another alternative which avoids the SPEA.
3. Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP at the applicant's expense may be required during construction and development phases, as specified in a development permit.	Monitoring conditions in draft DP.
4. The following guidelines are applicable to floats and associated structures within the development permit area: i) floats should not be placed in areas identified as important to fish life processes where	N/A

Guidelines	Comments
installation of a float would compromise the functioning of the feature; ii) a ramp or float should not rest on the bed of the water body; iii) the use of treated wood in the waterbody should be avoided; iv) floatation material should be contained within a durable shell to prevent disintegration; v) semi-transparent surfacing should be used on ramps and floats (e.g. grating or separated boards); vi) any areas disturbed during installation should be restored; vii) where a float is being replaced, all old materials should be removed.	
5. If the nature of the proposed project in a riparian assessment area or the surface of a waterbody changes after the QEP report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the LTC may require the applicant to have the QEP update the assessment at the applicant's expense and DP conditions may be revised accordingly.	N/A
6. The LTC may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of the SPEA or aquatic ecosystem in compliance with recommendations of a QEP report.	N/A

Riparian Areas Regulation: Assessment Report

Please refer to submission instructions and assessment report guidelines when completing this report.

Date 2021-07-01

I. Primary QEP Information

First Name	David	Middle Name	Douglas
Last Name	Gooding		
Designation	P.Eng.	Company	Gooding Hydrology
Registration #	22102	Email	dgooding@saltspring.com
Address	681 Rainbow Rd		
City	Saltspring Island	Postal/Zip	V8K 2M6
Prov/state	B.C.	Country	Canada
Phone #	250 538-1869		

II. Secondary QEP Information (use Form 2 for other QEPs)

First Name		Middle Name	
Last Name			
Designation		Company	
Registration #		Email	
Address			
City		Postal/Zip	Phone #
Prov/state		Country	

III. Developer Information

First Name	Perry	Middle Name	
Last Name	Charest		
Company			
Phone #	778 2017779	Email	kpcharest@yahoo.ca
Address			
City		Postal/Zip	
Prov/state		Country	

IV. Development Information

Development Type	Construction: Single family residential		
Area of Development (ha)	0.1	Riparian Length (m)	
Lot Area (ha)	0.18	Nature of Development	new
Proposed Start Date		Proposed End Date	

V. Location of Proposed Development

Street Address (or nearest town)	2724 Spyglass Rd		
Local Government	Islands Trust, CRD	City	N Pender Island
Stream Name	Buck Lake (Magic Lake Estates Reservoir 1 on FISS)		
Legal Description (PID)	003-056-244	Region	1
Stream/River Type	Lake	DFO Area	South Coast
Watershed Code	920-258000-15500 wtrbdy ident 00049VICT		
Latitude	48	46	20.6
Longitude	123	18	1.5

Completion of Database Information includes the Form 2 for the Additional QEPs, if needed.
Insert that form immediately after this page.

Table of Contents for Assessment Report

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3. Site Plan	6
4. Measures to Protect and Maintain the SPEA (detailed methodology only).	
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3. Slope Stability.....	7
4. Protection of Trees.....	7
5. Encroachment	7
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7. Floodplain.....	8
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7. Assessment Report Professional Opinion	12

Section 1. Description of Fisheries Resources Values and a Description of the Development proposal

The subject property, as identified above, is located over 30 m from the west shore of 9.3 ha Buck Lake, on North Pender Island. However, the easement from the property to connect to the main sewer trunk line enters the RAA and SPEA to within 9 m of the HWM.

Buck Lake, or "Magic Lake Estates Reservoir 1", as it is listed in FISS, was identified by the Islands Trust's March 2010 report "North and South Pender Islands Riparian Area Regulation Stream Identification", by Madrone Environmental Services Ltd, as having a resident Rainbow Trout population. This report states that three vertical bedrock waterfalls block passage between Buck Lake and the ocean. Downstream, above tidewater where the creek runs into Boat Nook, on the south coast of North Pender Island, the lowest reach of Buck Lake Creek could potentially be accessed by Anadromous fish, however this lower reach is stated in the report to have a narrow (0.5 m) riffle pool structure, with gravel "limited in extent and quality" for potential spawning use by Anadromous fish, and rearing habitat "extremely limited". This was confirmed in the field by Madrone.

Riparian area consists of a 5 m strip of semi-mature douglas fir and cedar between the lake's natural boundary and the grassed 5 m wide sewer trunk line right of way (ROW). Upslope of the sewer ROW along this section of the lakeshore varies between widely spaced fir and cedar, and grassed areas. In the easement for sewer connection of 2724 Spyglass Rd, there are no trees upslope of the sewer connection manhole within the 15 m SPEA or the 30 m RAA.

The residence is currently under construction on the subject property, well outside of the RAA. Proposed activity within the RAA is to excavate and bury a sewer connection line from the residence to the existing sewer manhole approximately 9 m from the lake HWM. Installation of the sewer connection line would be done during the summer dry period, with silt fencing installed prior to works. The bare ground over the connection line would be seeded with native grass seed immediately following completion of works, and watered so as to be established by the beginning of fall rainy season in October.

2. Results of Detailed Riparian Assessment

Refer to Chapter 3 of Assessment Methodology

Date: 2021-07-01

Description of Water bodies involved (number, type)

Lake, 9.3 ha storage reservoir

Stream

Wetland

Lake

Ditch

Number of reaches

1

Reach #

1

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

	Channel Width(m)	Gradient (%)	
starting point			I, <u>David D Gooding PEng</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>of developer</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
upstream			
downstream			
Total: minus high /low mean			
Channel Type	R/P	C/P	

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data below
			I, <u>David D Gooding PEng</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>(name of developer)</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation.
Polygon No:	1		
SPVT Type	LC	SH	TR
			X
Polygon No:			
SPVT Type	LC	SH	TR

FORM 1

Riparian Areas Regulation - Qualified Environmental Professional - Assessment Report

Polygon No:		Method employed if other than TR				
SPVT Type						

Zone of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)	15					
Litter fall and insect drop ZOS (m)	15					
Shade ZOS (m) max	7	South bank	Yes	x	No	
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)					
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report	
SPEA maximum	15	(For ditch use table3-7)				

Segment No:		If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)						
Litter fall and insect drop ZOS (m)						
Shade ZOS (m) max		South bank	Yes		No	
SPEA maximum		(For ditch use table3-7)				

Segment No:		If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons				
LWD, Bank and Channel Stability ZOS (m)						
Litter fall and insect drop ZOS (m)						
Shade ZOS (m) max		South bank	Yes		No	
SPEA maximum		(For ditch use table3-7)				

I, David D Gooding PEng, hereby certify that:

a) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the *Fish Protection Act*

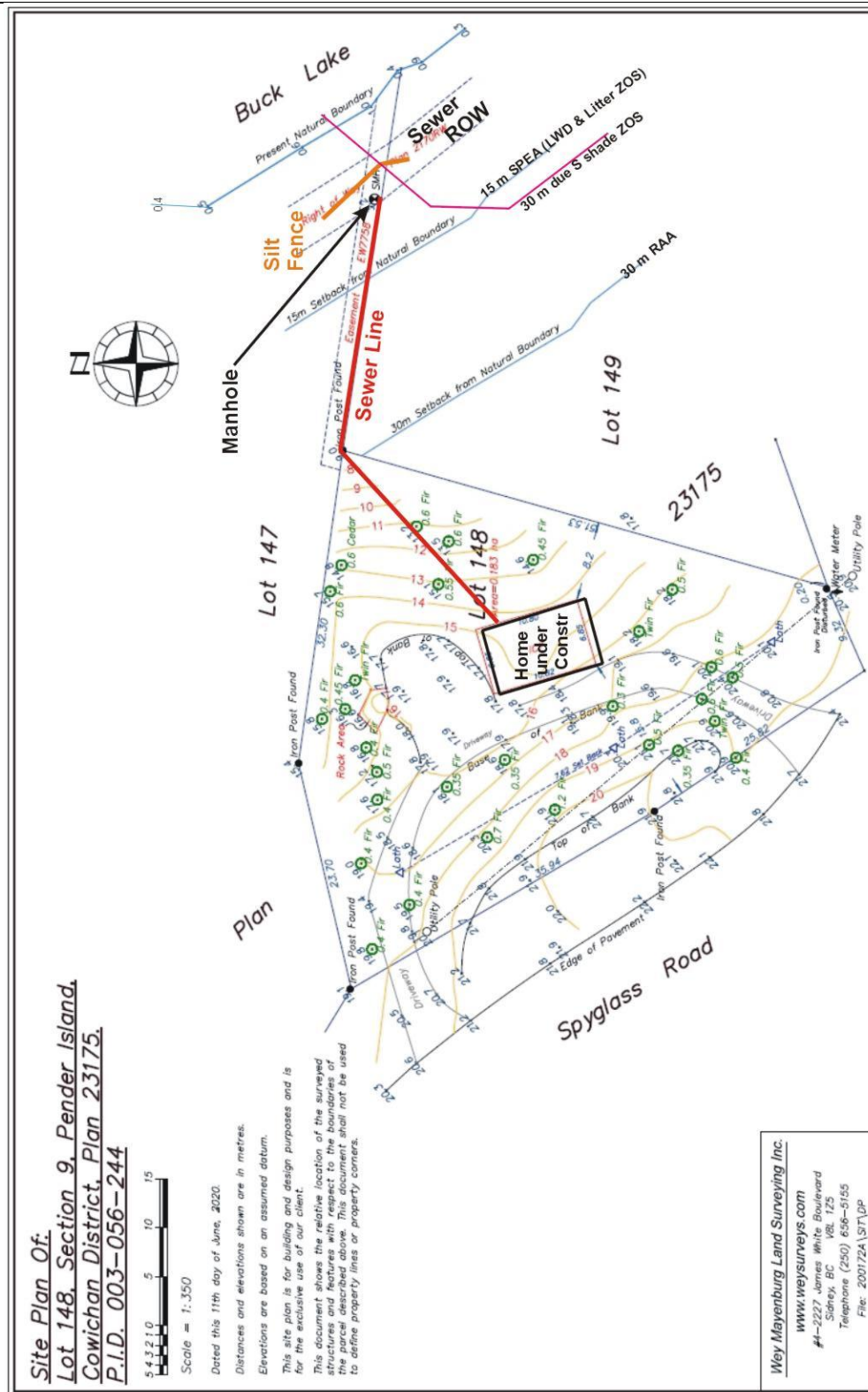
b) I am qualified to carry out this part of the assessment of the development proposal made by the developer (name of developer) ;

c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and

d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule 1 of the Riparian Areas Regulation.

Comments

Shoreline is the WSW shore, with a variable shade ZOS which is around 7 m on sewage easement
--

Section 3. Site Plan

Section 4. Measures to Protect and Maintain the SPEA

1. Danger Trees	There are no danger trees within the SPEA.
I, <u>David D Gooding P.Eng.</u>, hereby certify that: e) I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; f) I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Perry Charest</u> (<i>name of developer</i>); g) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
2. Windthrow	No trees are being cleared within the RAA which might increase hazard of windthrow to existing trees within the SPEA.
I, <u>David D Gooding P.Eng.</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Perry Charest</u> (<i>name of developer</i>); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
d. Slope Stability	There is a short section of slope on the easement upslope of the 30 m RAA on the subject property boundary which is at around a 60% slope, however there is adequate large angular boulder size rock on this slope which can be used to stabilize this short slope. There is no danger of slope instability affecting the SPEA.
I, <u>David D Gooding P.Eng.</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Perry Charest</u> (<i>name of developer</i>); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
e. Protection of Trees	There are no trees within the SPEA along or close to the proposed trench excavation which could be damaged by the excavation. There is one cedar at around 19 m from HWM (outside of the SPEA) which could sustain root damage if the trench is dug along the south side of the easement. The excavated trench should be dug to the north side of the easement near this cedar.
I, <u>David D Gooding P.Eng.</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer <u>Perry Charest</u> (<i>name of developer</i>); c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
d. Encroachment	There are no measures which can be recommended to protect the treed portion of the SPEA between the sewage ROW and the HWM as the easement is not belong to the property owner except to allow seer connection.
I, <u>David D Gooding P.Eng.</u>, hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i>; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer	

FORM 1

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developer <u>Perry Charest</u> (<i>name of developer</i>) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
e. Sediment and Erosion Control	A silt filter fence should be installed on the downslope side of the sewer ROW as shown on the site plan prior to excavation, and kept in place until grass is re-established on the disturbed soil upslope.
I, <u>David D Gooding P.Eng.</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer developer <u>Perry Charest</u> (<i>name of developer</i>) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
d. Stormwater Management	Stormwater drainage from the parking area on the property should be directed towards the rocky slope to the north of the easement, and not concentrated and directed down the easement.
I, <u>David D Gooding P.Eng.</u> , hereby certify that: a. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; b. I am qualified to carry out this part of the assessment of the development proposal made by the developer developer <u>Perry Charest</u> (<i>name of developer</i>) ; c. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	
e. Floodplain Concerns (highly mobile channel)	There are no floodplain concerns.
I, <u>David D Gooding P.Eng.</u> , hereby certify that: f. I am a qualified environmental professional, as defined in the Riparian Areas Regulation made under the <i>Fish Protection Act</i> ; g. I am qualified to carry out this part of the assessment of the development proposal made by the developer developer <u>Perry Charest</u> (<i>name of developer</i>) ; h. I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation	

Section 5. Environmental Monitoring

Attach text or document files explaining the monitoring regimen Use your "return" button on your keyboard after each line. It is suggested that all document be converted to PDF *before* inserting into the PDF version of the assessment report. Include actions required, monitoring schedule, communications plan, and requirement for a post development report.

An environmental monitor should be retained to ensure that the silt filter fencing prescribed is properly installed and of adequate length to intercept sediment from bare soil upslope.

The environmental monitor will check that planting for revegetation in native grasses of the bare soils on the slope uphill of the sewer ROW is done, and that the grass is established before the silt filter fencing is removed, and a post development sign off report submitted to Islands Trust by the monitor.

Section 6. Photos

Photo 1: Looking north along sewer ROW. Manhole lower left corner



Photo 2: Looking west up easement, 15 m SPEA stake center, 30 m RAA stake visible at base of stairs upper center. Manhole lower right corner



FORM 1

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Photo 3: Looking east down easement from 30 m RAA stake to 15 m SPEA and person standing on manhole at upper right.



Section 7. Professional Opinion

Assessment Report Professional Opinion on the Development Proposal's riparian area.

Date 2021-07-01

1. I David Gooding P.Eng.

Please list name(s) of qualified environmental professional(s) and their professional designation that are involved in assessment.)

hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Regulation made under the *Fish Protection Act*;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developer Perry Charest (name of developer), which proposal is described in section 3 of this Assessment Report (the "development proposal");
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the assessment methods set out in the Schedule to the Riparian Areas Regulation; AND

2. As qualified environmental professional(s), I hereby provide my professional opinion that:

- a) ☒ if the development is implemented as proposed by the development proposal there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed, **OR**
(Note: include local government flex letter, DFO Letter of Advice, or description of how DFO local variance protocol is being addressed)

- b) ☐ if the streamside protection and enhancement areas identified in this Assessment Report are protected from the development proposed by the development proposal and the measures identified in this Assessment Report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area in which the development is proposed.

[NOTE: "qualified environmental professional" means an applied scientist or technologist, acting alone or together with another qualified environmental professional, if

- (a) the individual is registered and in good standing in British Columbia with an appropriate professional organization constituted under an Act, acting under that association's code of ethics and subject to disciplinary action by that association,
- (b) the individual's area of expertise is recognized in the assessment methods as one that is acceptable for the purpose of providing all or part of an assessment report in respect of that development proposal, and
- (c) the individual is acting within that individual's area of expertise.]



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
NP-DP-2021.1**

To: Erwin and Johanna Henhapl
c/o Perry Charest

1. This Development Permit (the "Permit") applies to the land described below and all buildings, structures and other developments therein:

Easement EW7758 Area of Lot 147, Section 9, Pender Island, Cowichan District,
Plan 23175
(PID 003-056-236)

2. This Development Permit NP-DP-2021.1 authorizes the installation of a sanitary sewer line within Development Permit Area ("DPA") 10 – Riparian and Aquatic Development Permit Area, subject to the following requirements and conditions:

General

- a. All construction shall be substantively consistent with Schedules 'A', 'B' and 'C' attached to and forming part of this permit.
- b. One (1) natural (unpaved) footpath to a maximum width of 0.8 m. for access to the existing dock structure is permitted to be constructed and maintained across the Streamside Protection and Enhancement Area (SPEA) as delineated on Schedules 'A' & 'B', attached to and forming part of this permit.
- c. The footpath (2. b. – above) shall be constructed under the supervision of the monitoring Qualified Environmental Professional (QEP - as specified under 'Monitoring' - below).
- d. No other construction or ground disturbance other than the installation of the sanitary sewer line and footpath

Protection of Trees and Vegetation

- e. All trees shall be retained and native plant species shall remain undisturbed within the SPEA.
- f. To avoid root damage to the mature Cedar tree located (approximately) as shown on Schedules 'A' and 'B', the installation of the sewer line in proximity to the tree's root system (the 'drip line') should be by undertaken by either tunnelling, trenching by hand digging, or shallow excavation and fill.
- g. Any standing dead trees ("snags") shall be left in the SPEA to provide habitat.
- h. Any landscaping and/or restoration in the SPEA shall use native plant and tree species only.
- i. The removal of invasive plant species (i.e. Scotch broom, spurge-laurel Common periwinkle, English Ivy, Himalayan and cutleaf blackberry) in the SPEA and on the subject property as a whole is encouraged.
- j. In order to minimize soil disturbance, the removal of invasive plants within the SPEA should be undertaken in a manner that minimizes soil disturbance by cutting above-ground growth and not pulling plants along the stream bank. Above-ground growth should be removed on a continual basis over multiple growing seasons.
- k. Any removal of invasive plants should be replaced immediately by native species of trees and shrubs or grasses to encourage soil stability.

- l. Upon completion of construction, any unnecessary pruning of trees and shrubs in the SPEA is to be avoided, particularly those overhanging the water's edge to maintain maximum shading of aquatic habitat for fish.

Sediment and Erosion Control

All necessary measures to protect the water quality and fish habitat must be used by the property owners and contractors through the construction process, specifically:

- m. Prior to commencing land alteration or installation, the SPEA Boundary shall be clearly marked on the land by the monitoring QEP.
- n. Prior to commencing land alteration, temporary fencing and silt fencing shall be installed downslope of the sewer main connection and remain in place until construction is completed and reseeded grasses are fully established on the disturbed upslope area as shown in Schedule 'A' and 'B' and in accordance with the specification in Schedule 'C' , attached to and forming part of this permit.
- o. Excavation, installation and restoration planting should be undertaken during dry weather and not during periods of prolonged wet, windy and rainy weather.
- p. Excavation and installation activities should be timed so that they avoid significant rainfall events. A significant rainfall event is considered to be anything greater than 25 mm over a 24-hour period as forecasted by Environment Canada.
- q. Any soils exposed or deposited for a period of greater than two (2) weeks and/or prior to any significant rainfall event shall be covered and maintained by means of tarps in good repair, jute , straw and/or hydromulch (without seeds).
- r. Outside the SPEA on the easement area as a whole, disturbance to the natural systems should be minimized.
- s. The retention of standing trees and snags and natural vegetation is encouraged on Lot 148, Plan 23175, to assist in preventing erosion into the aquatic system, and to encourage water uptake, drainage, and minimize soil saturation around the dwelling.

Stormwater Management

- t. There shall be no stormwater drainage infrastructure or flow leading to, or within, the easement area.
- u. During construction and when construction is completed, stormwater drainage and rain water collection from the dwelling and parking area on Lot 148, Plan 23175, shall be directed away (north) from the easement area and SPEA.

Construction Management

- v. All contractors and construction personnel are to be notified of the SPEA location and the conditions of this Development Permit.
- w. Encroachment into the SPEA by heavy equipment or machinery should be minimized and hand trenching is encouraged to the extent practical, and there should be no contact with existing mature trees in the SPEA or DPA in general.
- x. To avoid transportation of invasive species onto the subject property and/or aquatic environment, the following measures shall be implemented:
 - i. Prior to arrival, hired contractors should wash and inspect all vehicles, machinery and equipment should ensure invasive plant seeds are not transported onto the subject property. Any weeds should be manually removed on a regular basis.

- ii. Prior to leaving, hired contractors should inspect all vehicles, machinery and equipment to ensure invasive plant seeds are not transported out of the subject area of property.
- y. To avoid any spill of hydrocarbon, based fluids (i.e., fuel or lubricants) the following measures shall be implemented:
 - i. Equipment and machinery will be in good mechanical order, free of excess oil and grease.
 - ii. Equipment and machinery shall be inspected daily to ensure that it is leak-free, and any with leaks will not be permitted onsite until repaired.
 - iii. Servicing of equipment and machinery is to be done within containment areas (i.e., bermed or otherwise isolated) or at an appropriate work yards operated by the contractor or his supplier.
 - iv. Grease and oil required for equipment or machinery maintenance will be properly applied. Excess as well as all containers, lids and contaminated cloths and applicators will be cleaned up and disposed of in an environmentally appropriate manner.
 - v. Small drips will be collected including the surrounding soil and placed into 5-gallon buckets with lids for disposal at an approved facility.
 - vi. Refueling of all machinery will occur a minimum of 30 m away from all waterbodies. Tanks utilized for refueling will be equipped with automatic back-pressure shut-off valves, and nozzles will be kept locked at all times, except during refueling. Spigots should be metal to prevent them being accidentally or intentionally damaged. A crew member will remain in attendance at all times while refueling is being carried out.
 - vii. Fully stocked spill kits shall be required on site and will be equipped with adequate spill cleanup equipment (i.e., absorbents and booms) in the event that a spill should occur.
 - viii. All spills in the lake and ground spills that are above the provincial reportable levels included in Appendix H will also be reported immediately to the following government agencies. Spill response advice can be obtained from both Environment Canada and EEP. Report spills to: The Environmental Emergency Program (EEP; previously known as the Provincial Emergency Program [PEP]) at 1-800-663-3456. The EEP will notify the necessary municipal, provincial and federal agencies.
- z. There shall be no storage of materials or waste within the SPEA as delineated on Schedules 'A' & 'B'.
- aa. There must be no other deposition into the SPEA of any materials from the construction process such as rock, soil or vegetation.

Restoration

- bb. The area of disturbance by the sewer installation shall be revegetated with the planting of native grass species and shall be maintained with regular watering by the owner of Lot 148, Plan 23175 until fully established as confirmed by the monitoring QEP.

Monitoring

- cc. Monitoring and guidance is to be conducted by the QEP who shall be a registered professional biologist (R.P. Bio.) to ensure that all construction, construction management and restoration conditions herein have been met to the satisfaction of the R.P. Bio.

- dd. The monitoring QEP(s) shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within one (1) month of the development work being completed.
3. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
 5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for the lawful completion of the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS
#TH DAY OF MONTH, 2021.**

Deputy Secretary, Islands Trust

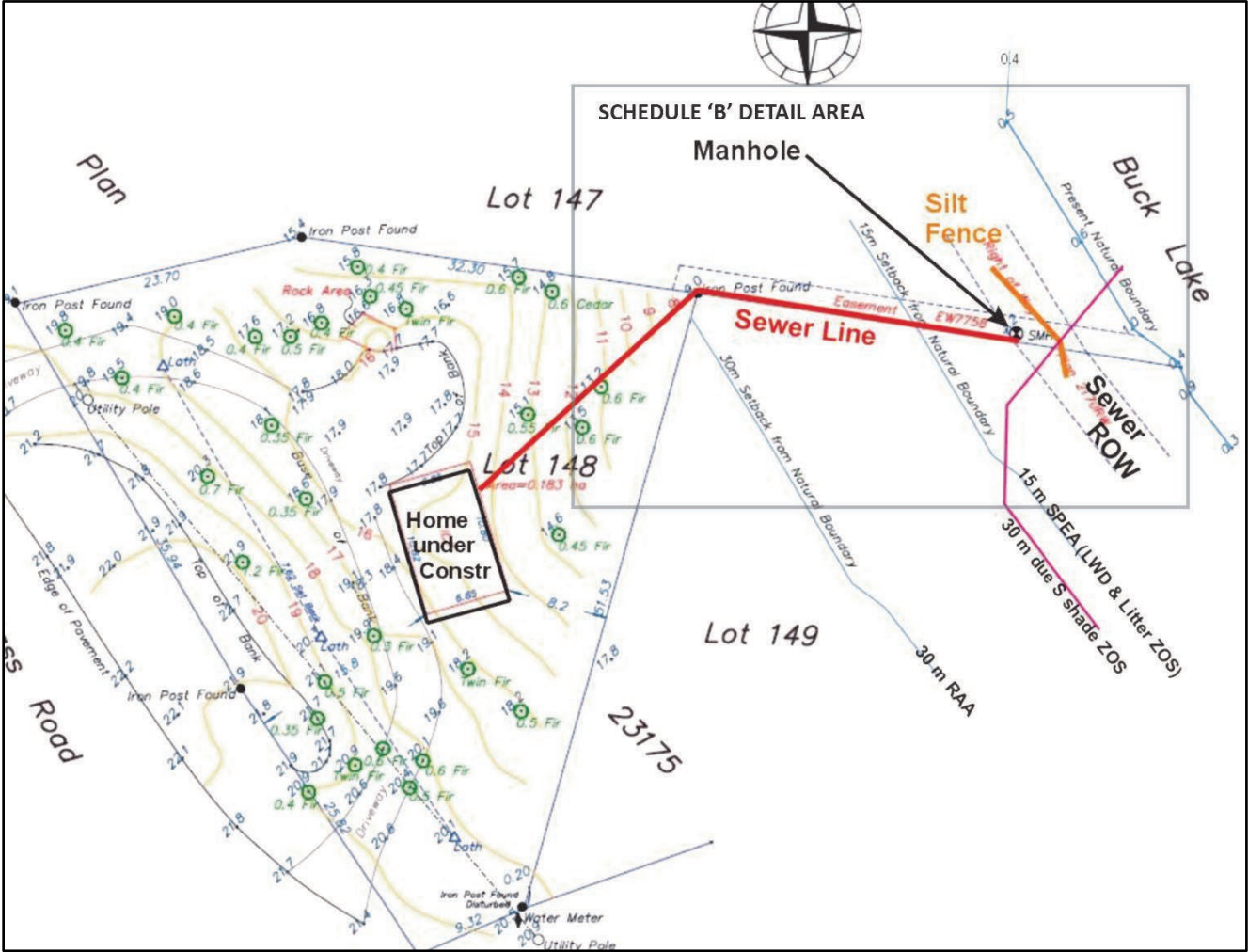
Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE #rd DAY OF MONTH, 202#, THIS
PERMIT AUTOMATICALLY LAPSES.**

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

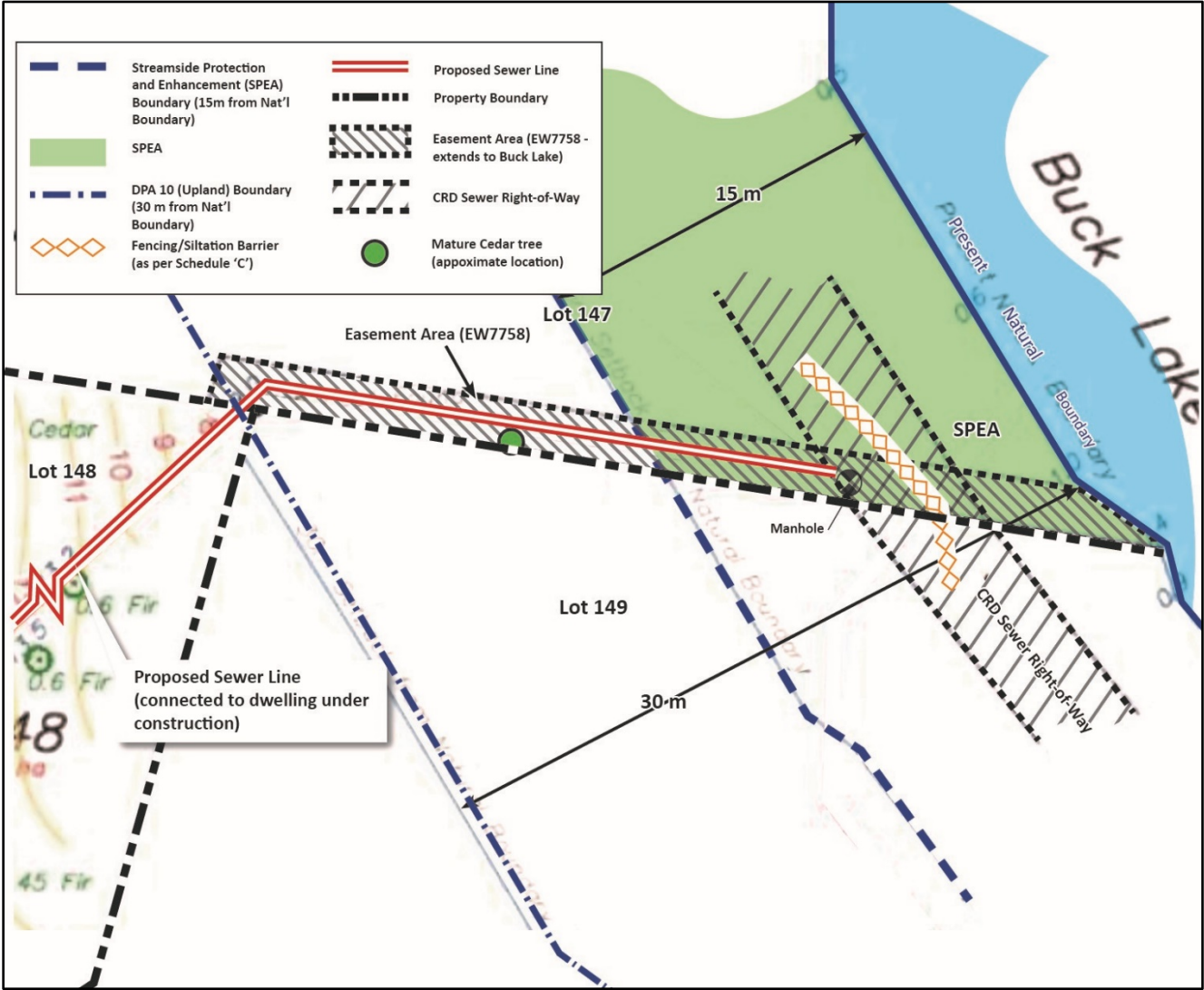
DEVELOPMENT PERMIT 2021.1

Schedule "A" (Biologist's RAPR Assessment Plan)



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2021.1
Schedule "B" (Site Plan Detail)



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

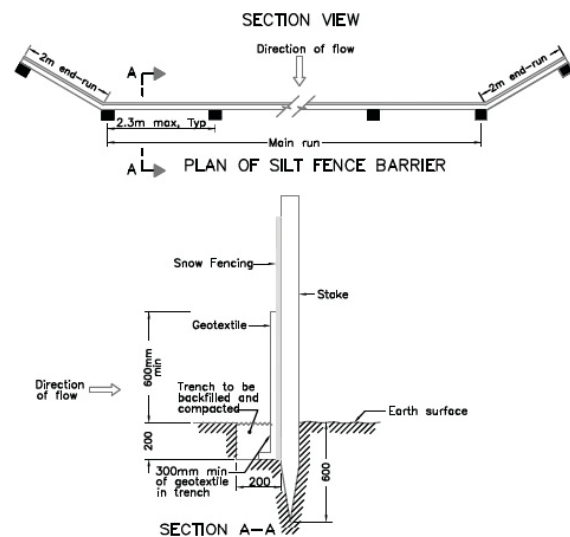
DEVELOPMENT PERMIT 2021.1

Schedule "C"

Erosion and Sedimentation Control Measures

EROSION AND SEDIMENTATION

- 1) PRE-STAKED SILT FENCE TO BE INSTALLED AS SHOWN PRIOR TO CONSTRUCTION AS DIRECTED BY THE ENGINEER.
- 2) TOPSOIL STRIPPED FOR REUSE TO BE STOCKPILED AWAY FROM WATER COURSES, DRAINAGE PATHS AND PROPERTY AND SHALL BE COVERED AND / OR SEEDED TO REDUCE EROSION.
- 3) ALL DISTURBED AREAS TO BE RESTORED AND LANDSCAPED AS SOON AS POSSIBLE FOLLOWING CONSTRUCTION.
- 4) ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED ON A REGULAR BASIS THROUGHOUT THE COURSE OF CONSTRUCTION BY THE CONTRACTOR. THE QUALIFIED ENVIRONMENTAL MONITOR (QEM) JOHN GRODS SHALL HALT PROGRESS OF ANY AND ALL WORK AND SHALL DIRECT CONTRACTOR TO REPAIR / ALTER CONSTRUCTION MITIGATION MEASURES IF THEY ARE NOT PERFORMING ADEQUATELY.



NOTE:

All dimensions are in millimetres or metres unless otherwise shown.

SILT FENCE WITH SNOW FENCE DETAIL

NTS



File No.: NP-DVP-2021. 4 (Driessen)
NP-BP-2021.29
NP-BE-2011.9

DATE OF MEETING: October 28, 2021
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Kim Stockdill. Island Planner
SUBJECT: Development Variance Permit Application
Applicant: Peter Driessen
Location: 181 Mapleleaf Lane, Sidney Island

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit application NP-DVP-2021.3 (Driessen).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit. The siting variances are for the proposed construction of a **dwelling**.

RATIONALE FOR VARIANCE

The setback regulation has no effect given the legal status of the limited common property (LCP) and the intent of the regulation. Further, granting the variance will:

- Permit the siting of a dwelling within a setback on the subject property.
- The dwelling has been sited to avoid the Sidney Island Geotechnical Development Permit Area
- Allow for the siting of the dwelling in area to provide a better aspect and views and preserve two (2) mature trees.

BACKGROUND

The application is the result of a Building Permit Review application (NP-BP-2021.29) for a new dwelling on the property. It was initially made as a combined application with a Development Permit (DP) for development in the Sidney Island Geotechnical DPA, however, the applicant subsequently adjusted the siting to avoid the DP Area making that application unnecessary.

The purpose of the application is to permit the construction of a new dwelling as close as 0.0 metres to an interior lot line between the subject property and a 'finger' of limited common property (LCP) that projects into the subject property (Figures 1 and 2).

Specifically, the application is to vary the **setback from a lot line** provisions of the **Sidney Island Comprehensive Development Zone (CD2)** in the North Pender Associated Islands Land Use Bylaw No. 148 (LUB) as shown in Figure 2 and as follows:

- a) Subsection 5.20 (4) which states that any building or structure, except a fence or pump/utility house, shall be 10 metres (33 feet) from any lot line, is varied to permit a **building (dwelling)** that is a minimum of **0.0 metres** (0.0 feet) from a lot line.

The subject property is located at 181 Mapleleaf Lane on Sidney Island and currently contains a travel trailer that is being unlawfully used a dwelling and is the subject of enforcement file NP-BE-2011.9 (Attachment 2.1). A condition of the Building Permit (NP-BP-2021.29) for the new dwelling will be that the trailer must be removed from the property prior to final occupancy.

A cover letter from the applicant is Attachment 3, noting that was submitted for the combined application and the DP portion of that is now irrelevant. The letter explains the background of the creation of the 6 m wide strip of limited common property to access the well.

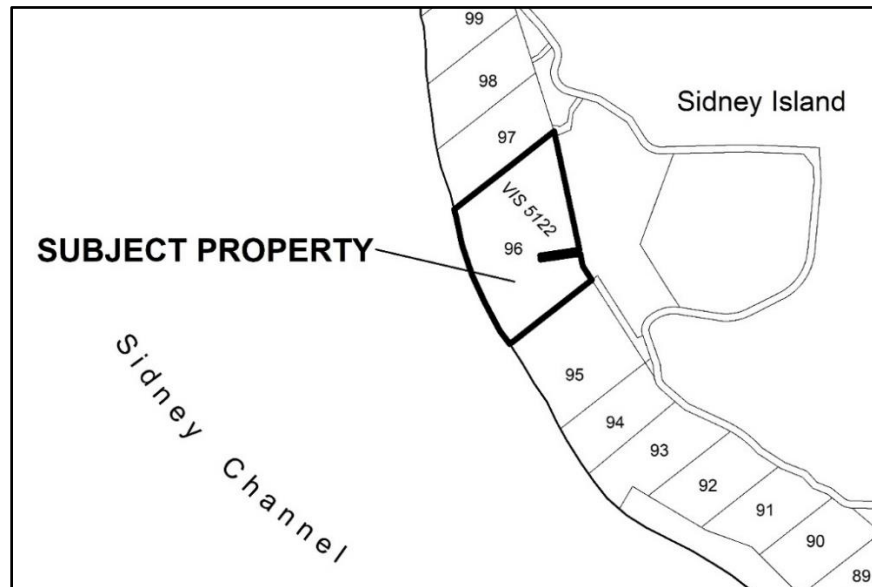
The proposed house site was selected for view and aspect and to maintain a minimum 14 metre distance from two old growth trees (shown on Figure 2), based on the advice of an arborist's report by Dr. Julian Dunster (Attachment 4). According to the applicant, moving the dwelling to meet the required 10 metre setback would place it in an undesirable location where views are blocked by one of the old growth trees, which the applicant does not wish to cut down that tree.

The property is typical of others on this side of Sidney Island with a relatively flat upper terrace, a steep bank area (Geotechnical Development Permit Areas A and B), and a lower flat shoreline area (Attachments 2.2, 2.3 and 2.6). Photos provided by the applicant show the vegetation in the area of the house location as larger area of grassland interspersed with mature trees and understory and orchard trees (Attachment 2.7).

A copy of the Notice and proposed permit NP-DVP-2021.3 (Driessen) are Attachments 5 & 6.

Staff have not visited the subject property due to travel restrictions and accessibility.

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Official Community Plan:

The property is designated as **R - Residential** in the North Pender Land Use Official Community Plan (OCP) No. 144.

As above, the **Sidney Island Geotechnical and Shoreline Development Permit Areas** are designated on the subject property as shown on Attachment 2.2. The proposed development is fully outside of the DPAs.

Land Use Bylaw:

Sidney Island Comprehensive Development Zone (CD2) in the North Pender Associated Islands Land Use Bylaw No. 148 (LUB).

The use and density of the new dwelling comply with the zone on the property, and the condition of the BP will require the removal of the existing travel trailer which would bring the property fully into compliance with the LUB.

Issues and Opportunities

Impact on Neighbouring Properties

Given that the LCP strip is for the exclusive use of the subject lot, there are effectively no impacts to the neighbouring property in question.

The applicant has stated that one of the rationales for a variance is to preserve two (2) mature trees, one of which would be removed if the building was to be moved to meet the setback requirements. Additionally, the dwelling location has been moved to avoid the geotechnical DPA.

[illegible]

The Intent of the Regulation being Varied

The overall purpose of siting regulations are to minimize impacts on adjacent properties related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent height and siting regulations.

Potential Impacts of Granting the Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period ended at 4:30 p.m. on October 19, 2021.

At the time of writing, staff have received no submissions in response to notification. Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the DVP application is consistent with respect to LTC Standing Resolutions on reconciliation. Islands Trust recommends that applicants seek guidance from the Archaeological Branch with a Heritage Conservation Permit to alter the land due to the proximity and presence of Remote Access to Archaeological Data (RAAD) on the property; and note that it is illegal to alter or impact known or unknown archaeological sites. In addition, to provide applicants with awareness regarding otherwise unknown archaeological areas, staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on *Heritage Act* directly to the applicants.

Rationale for Recommendation

Staff is recommending that the application be supported for the following reasons:

- The rationale for the variance is reasonable.
- The regulation is a technicality given the legal status of the LCP.
- The applicant has moved the proposed location to avoid a DP Area.
- Impacts to neighbouring properties, specifically the LCP, with the granting of the variances would be nil.
- The proposed variance does not challenge the intent of the regulation.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust_____.

2. Deny the application

The LTC may deny the application. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DVP-2021.3 (Driessen).

NEXT STEPS

- If the application is denied, the owners could apply to the Board of Variance.

Submitted By:	Phil Testemale, Planner 2	October 21, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	October 21, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Cover Letter from applicant
4. Arborist's Report
5. Notice
6. Draft Development Variance Permit NP-DVP-2021.3

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Strata Lot 96, Section 5, Sidney Island, Range 1W, North Saanich District, Strata Plan VIS5122
PID	026-298-1228
Civic Address	181 Mapleleaf Lane, Sidney Island
Property Size	3.23 ha (7.99 acres)

LAND USE

Current Land Use	Residential (illegal trailer – see: Bylaw Enforcement)
Surrounding Land Use	Residential , Community Service Two (Common Property) and Forestry 1 (Common Property)

HISTORICAL ACTIVITY

File No.	Purpose
NP-BE-2011.9	See 'bylaw enforcement' below

POLICY/REGULATORY

Official Community Plan Designations	Designated as Residential – R in the North Pender Associated Islands Official Community Plan No.147, 2002 The following Development Permit Area (DPA)s are designated on the property (see Attachment 2.2): • Sidney Island Geotechnical and • Sidney Island Shoreline
Land Use Bylaw	Zoned as Sidney Island Comprehensive Development (CD2) in the North Pender Associated Islands Land Use Bylaw No.148, 2003
Other Regulations	
Covenants	None relevant to current application
Bylaw Enforcement	NP-BE-2011. 9 The condition of the Building Permit (NP-BP-2021.29), must be removed from the property prior to final occupancy on the new dwelling

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None listed.
Sensitive Ecosystems	There is no development proposed in or in proximity to the shoreline DPA (15 metres from the Natural Boundary of the Sea). Islands Trust Ecosystem

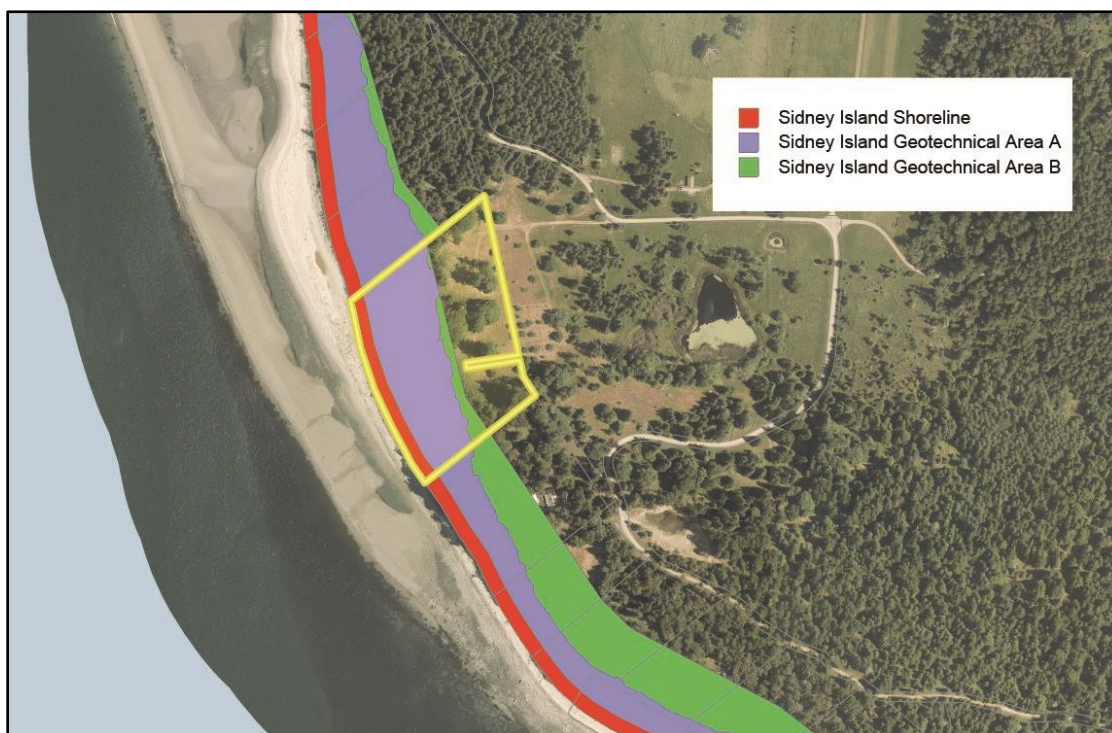
	Mapping database indicates Mature Forest on the majority of the property with a small portion of riparian on the southwest corner (Attachment 2.5).
Hazard Areas	As above, the Sidney Island Geotechnical DPAs A and B are designated for the protection of development from hazardous conditions. See also Attachment 2.3 (Contours)
Archaeological Sites	See Report Body under 'First Nations'
Climate Change Adaptation and Mitigation	GHG emission changes are linked to allowable density on the property and will not change with approval of the DPA. The siting has been verified by a Geotechnical Report that confirms that the development will be safeguarded from climate change induced hazards, particularly toe erosion at the base of the slope which has been accounted for in the recommended, revised setback.
Shoreline Classification	Estuary/Tidal Flats (Attachment 2. 5)
Shoreline Data in TAPIS	Eel grass beds in Sidney Channel (100 metres offshore)

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO AND ZONING



2.2 DPAs



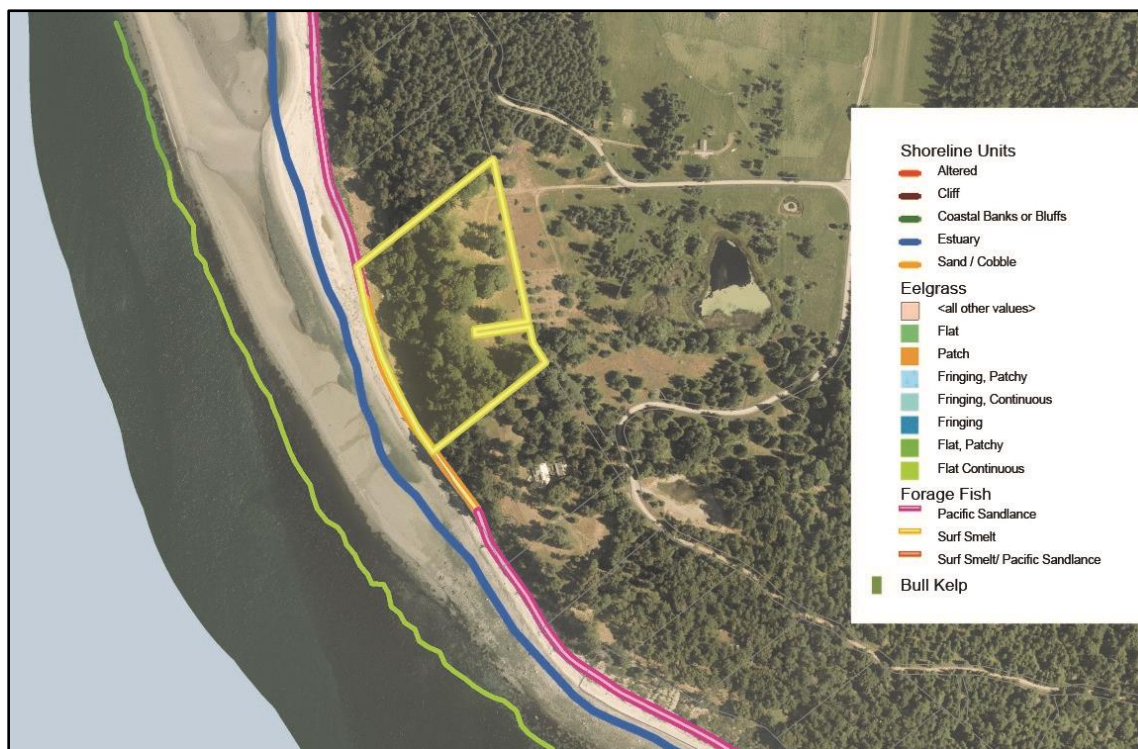
2.3 CONTOURS (2 M)



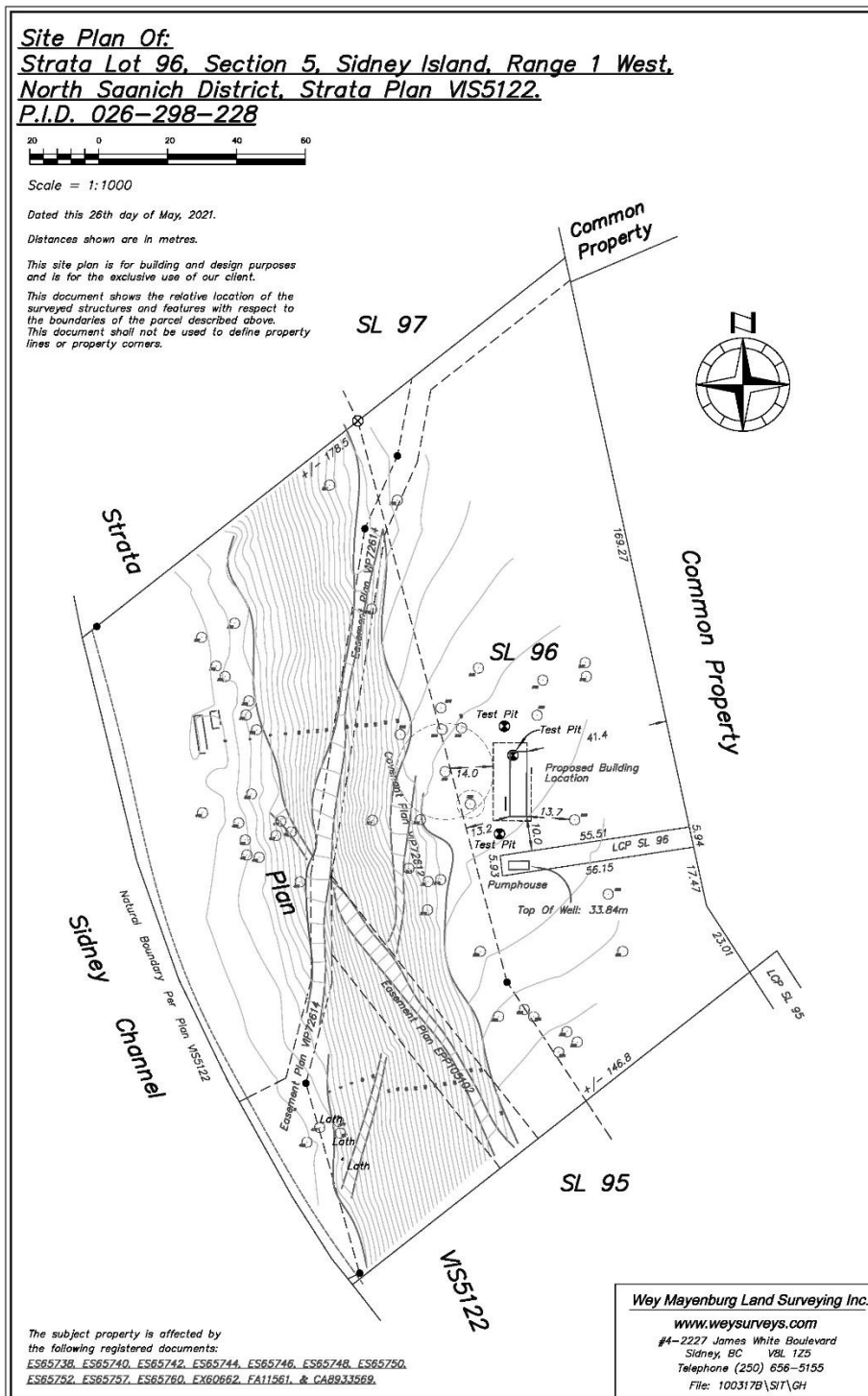
2.4 SENSITIVE ECOSYSTEM MAPPING



2.5 MARINE SENSITIVE ECOSYSTEMS AND SHORELINE UNITS

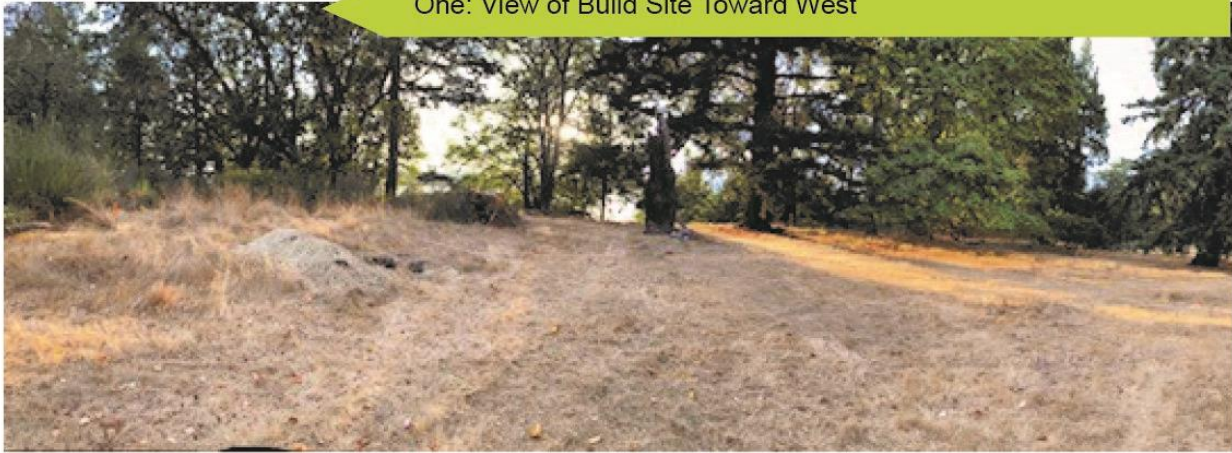


2.6 SURVEY PLAN (N.B. DWELLING LOCATION NOT ACCURATE)



2.7 PHOTOGRAPHS

One: View of Build Site Toward West



Two: View North Showing Pumphouse and Mature Trees



Three: View South of Build Site (Flagged) and Pumphouse in Background



Attachment 3

Notes regarding development variance permit and development permit application
Sidney Island strata lot 96, PID 026-298-228
Peter Driessen, property owner and applicant, 16 June 2021

Development permit application

The proposed site for the single family dwelling crosses into the Development Permit Area (DPA). The justification is outlined in the attached letter from a geotechnical engineer.

Development variance permit application

The applicant is seeking a variance from the Island Trust Bylaw 147 section 5.20(4) that requires a 10 meter setback from any lot line.

The proposed site for the single family dwelling is within 10 meters of the lot lines delineating a 6m by 56m strip of Limited Common Property (LCP) that includes a well.

The lot lines that result from the existence of this LCP strip do not protect any neighbours. The closest interior side lot line is the boundary between lots 96 and 95 is between 40 and 60 meters away from the LCP strip.

The LCP strip and resulting lot lines exist because at an early stage of the strata subdivision planning in 2001, the well was declared common property for the use of all strata lots, since there were no other wells on the island at the time. The applicant negotiated exclusive access to the well (for a price), however, it was too late to erase the common property from the subdivision plan that was filed at land titles. Thus the strip was designated limited common property for the exclusive use of lot 96.

The proposed house site is chosen for reasons of view and aspect and a minimum 14 meter distance from two old growth trees, based on the advice of arborist Dr. Julian Dunster (attached). An alternative (black-and-white) plan shows the 14 meter circles around the two trees and the 10 meter setback from the LCP which constrain the house site to be in an undesirable location where views are blocked by one of the old growth trees, and the applicant does not wish to cut down that tree. The alternative site may be improved by moving the house site further south, thus locating it within 10 meters of the LCP lot lines referred to above.

A DVP is required for both the proposed site and the alternative site. Thus it is requested that the DVP apply to any house site for which part of the house footprint is within 10 meters of the LCP lot lines.

DUNSTER & ASSOCIATES

Environmental Consultants Ltd.

Inspection and Assessment
of Two Old Growth Douglas-fir trees
on Sidney Island, BC.

Undertaken for Peter Driessen.

June 10, 2021

Dr. Julian A. Dunster, R.P.F., R.P.P., ISA Certified Arborist
ASCA Registered Consulting Arborist # 378
ISA Tree Risk Assessment Qualified
Honourary Life Member ISA + PNWISA

Inspection and Assessment of Two Old Growth Douglas-fir trees on Sidney Island, BC.

Background

This risk assessment report has been prepared for Peter Driessen to assist in checking the condition and risk issues associated with two old growth Douglas-fir trees located on his property on Sidney Island. The site was visited on June 7th 2021. Both trees were assessed at Level 3 (advanced risk assessment) using an Arbotom to conduct sonic tomography, and a Resistograph® to check wood condition as a second test.

Figure 1 shows the property location on the south west area of the island.



Figure 1. Property location.

Figure 2 provides a detailed look at the location of the two trees, which for convenience are shown as 1 and 2.



Figure 2. Location of the two trees tested.

Site conditions

Both trees are old growth and have the characteristic deeply furrowed bark, and old gnarly crown formations. The soil in the area was noted with reference to a recently opened trench about 20 metres away. That shows at least 2 metres of sandy soil with a thin organic horizon. The land is flat at the top of the bank and both trees are partially sheltered by other trees closer to the edge of the bank.

Tree # 1.

The tree has a twin leader with both close together and vertical. The overall form is open grown, in very good health with dense foliage and very little crown dieback. There have been some limb failures in the past, and the north side on the lower trunk has a number of dead stubs requiring attention. There is one larger surface root on the north side and good root flare around the entire tree. There are no obvious defects on any part of the tree trunk.

Figure 3 shows the tomogram taken at about 30 centimetres above ground. Figure 4 shows the drill data at sensor 1.

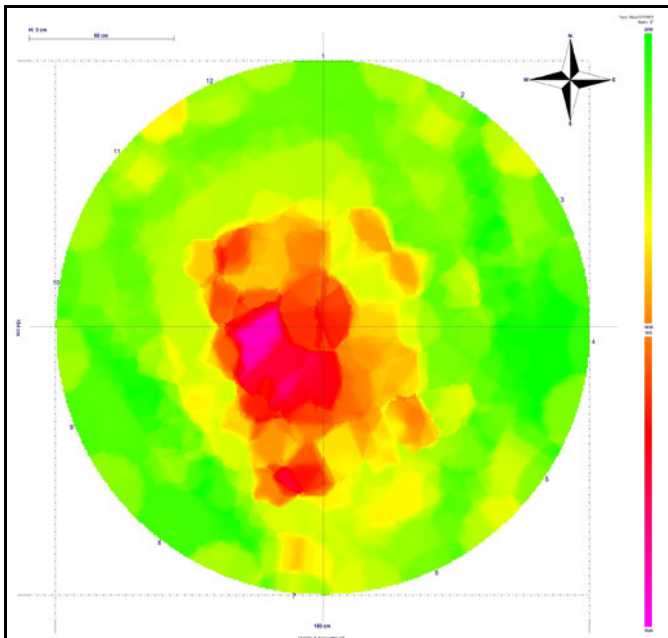


Figure 3. Tomogram for tree 1.

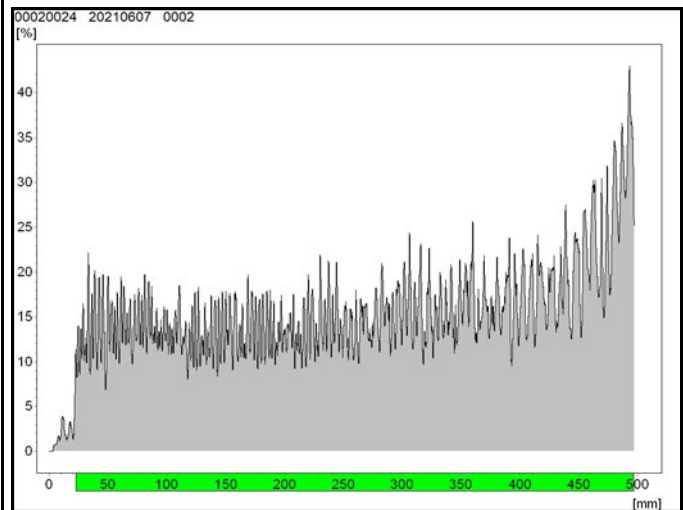


Figure 4. Drill data at sensor 1 - tree 1.

The tomogram tells me that there is some decay inside the tree trunk, and that is as would be expected for a Douglas-fir tree of this age. The decay is most likely to be a brown cubical decay caused by *Phaeolus schweinitzii* which is very common in the Pacific Northwest and can lead to whole stem failure. The standing stump to the south east of tree 1 shows the result when the entire cross section has been digested by this disease. The drill data shows that there is at least 48 centimetres of very sound wood by sensor 1. Using that as a guideline I am confident that the trunk of tree 1 has plenty of sound shell wall wood in place and that it is not seriously compromised.

The risks associated with trees of this size are whole tree failure by uprooting, stem failure, or limb failure, and all of these occurring in a windstorm. Based on the test results the risks are rated as follows.

Target affected by:	House - tree or limbs from south or east side	People nearby
Likelihood of Impact	High	High
Likelihood of Failure within the next five years	tree - improbable limbs - possible	tree - improbable limbs - possible
Consequences	Significant	Severe
Overall risk rating	Tree = Low. Limbs = Moderate	Tree = low. Limbs = Moderate

Mitigation Options and Reinspection

The main concern in this tree is the possibility of falling limbs. None of the live limbs require attention. They can fail in a strong wind but none of them stand out as being more likely to fail than the others. The dead limbs on the north side should be shortened see Figure 5. Normally, I would recommend pruning them off but to retain the old growth appearance it would be better to have them snapped off and retain a more natural look. This can be accomplished by sending a tree climber up who can then test and remove weak limbs that way. Unless there are obvious changes I see no need to reinspect the tree for at least five years.

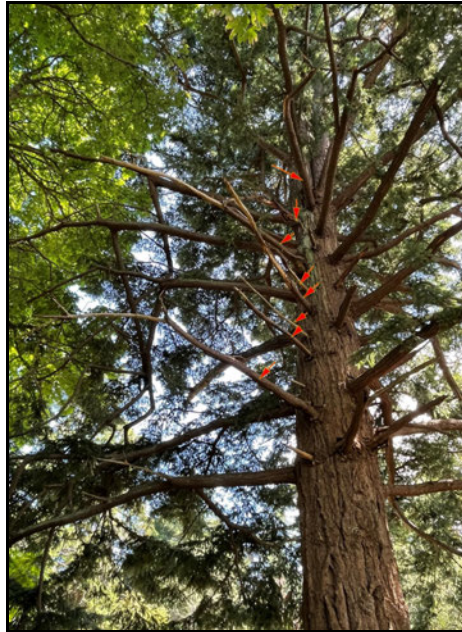


Figure 5. Limbs requiring attention
- tree 1.

Tree 2.

The tree has a twin leader with both close together and vertical. The overall form is open grown, in good health with dense foliage, but there are patches of crown dieback. There have been some limb failures in the past. There is one limb on north side that is overextended and should be pruned back a little. There are no obvious defects on any part of the tree trunk.

Figure 6 shows the tomogram taken at about 30 centimetres above ground. Figure 7 shows the drill data at sensor 1.

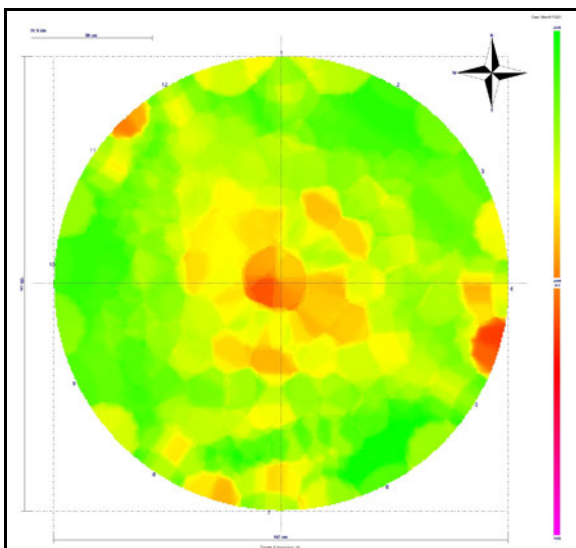


Figure 6. Tomogram for tree 2.

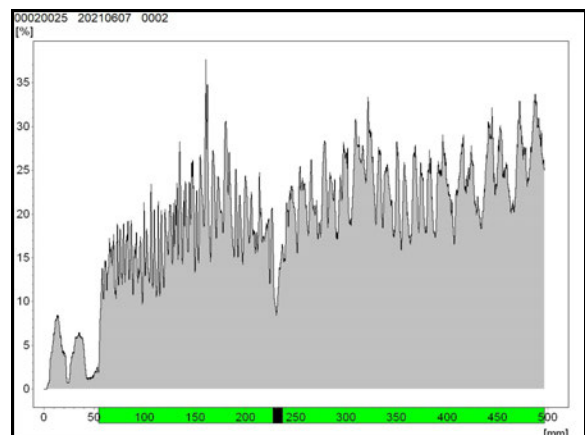


Figure 7. Drill data at sensor 1 - tree 2.

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The tomogram tells me that there is some decay inside the tree trunk, though less than for tree 1. Again, the decay is most likely to be a brown cubical decay caused by *Phaeolus schweinitzii* which is very common in the Pacific Northwest and can lead to whole stem failure. The drill data shows that there is at least 48 centimetres of very sound wood by sensor 1. The drop in resistance at around 23 centimetres from the edge is most likely to be a ring shake caused by a storm event long ago. There is no evidence of decay associated with that feature. The trunk of tree 2 has plenty of sound shell wall wood in place and that it is not seriously compromised.

The risks associated with tree is failure by uprooting, stem failure, or limb failure, and all of these occurring in a windstorm. Based on the test results the risks are rated as follows.

Target affected by:	House - tree or limbs from south or east side	People nearby
Likelihood of Impact	House = high. Limb failures = low	High
Likelihood of Failure within the next five years	tree - improbable limbs - possible	tree - improbable limbs - possible
Consequences	Significant	Severe
Overall risk rating	Tree = Low. Limbs = Low	Tree = low. Limbs = Moderate

Mitigation Options and Reinspection

For tree 2 I would suggest removing the areas of deadwood by pruning them out. On the north side there is one limb that should be shortened to reduce the lever arm length and thus reduce the likelihood of that one limb failing. This is shown in Figure 8.



Figure 8. Pruning work for tree 2.

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As with tree 1, the main concern the possibility of falling limbs. Two of the live limbs require attention as shown in Figure 8. The dead limbs should be shortened or removed altogether, and for this tree that can be done by standard pruning. Unless there are obvious changes I see no need to reinspect the tree for at least five years.

I recommend that you get the pruning work undertaken before the house work starts, that way any workers in the vicinity will be better protected.

Summary

I tested two old growth Douglas-fir trees. Both have minor amounts of trunk decay and both are considered to be a low risk for trunk failure. The dead limbs on both trees should be treated as described.

Limitations of This Assessment

It is the policy of Dunster & Associates Environmental Consultants Ltd. to attach the following clauses regarding limitations. We do this to ensure that developers, owners, and approving officers are clearly aware of what is technically and professionally realistic in retaining trees.

- 1 The assessment of the trees presented in this report has been made using a Level 3 Risk Assessment procedure (ground based, advanced assessment of the trunk, visual assessment of the rest of the tree). That includes a visual examination of each tree for structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of insect attack, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the current or planned proximity of property and people. Except where specifically noted in the report, neither of the trees examined were dissected, cored, probed, or climbed, and detailed root crown examinations involving excavation were not undertaken.

Notwithstanding the recommendations and conclusions made in this report, it must be realised that trees are living organisms, and their health and vigour constantly changes over time. They are not immune to changes in site conditions, or seasonal variations in the weather.

While reasonable efforts have been made to ensure that the trees recommended for retention are healthy, no guarantees are offered, or implied, that these trees, or all parts of them, will remain standing. It is both professionally and practically impossible to predict with absolute certainty the behaviour of any single tree -- or group of trees --, or all their component parts, in all given circumstances. Inevitably, a standing tree will always pose some risk. Most trees have the potential for failure in the event of adverse weather conditions, and this risk can only be eliminated if the tree is removed.

Although every effort has been made to ensure that this assessment is reasonably accurate, the trees should be re-assessed periodically. In accordance with standard practice, the assessment presented in this report is valid at the time it was undertaken. It is not a guarantee of safety.

- 2 Notwithstanding the recommendations made in this report, Dunster & Associates Environmental Consultants Ltd. accept no responsibility for the implementation of all or any part of this report, unless we have specifically been requested to examine said implementation activities. Approval and implementation of this report in no way implies any inspection or supervisory role on the part of Dunster & Associates Environmental Consultants Ltd. In the event that inspection or supervision of all or part of the implementation of the report is requested, said request shall be in writing and the details

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Environmental Consultants Ltd.

agreed to in writing by both parties. Any on site inspection or supervisory work undertaken by Dunster & Associates Environmental Consultants Ltd. shall be recorded in written form and submitted to the client as a matter of record.

- 3 This report was prepared by Dunster & Associates exclusively for the Peter Driessen. The contents reflect Dunster & Associates' best assessment of the trees in light of the information available to it at the time of preparation of this report. Any use which a third party makes of this report, or any reliance on or decisions made based upon this report, are made at the sole risk of any such third parties. Dunster & Associates accepts no responsibility for any damages or loss suffered by any third party or by the Client as a result of decisions made or actions based upon the use or reliance of this report by any such party.
- 4 The report has 8 pages and shall be considered a whole, no sections are severable, and the report shall be considered incomplete if any pages are missing. The original report has colour illustrations. If the reader has a black and white copy of the report it shall be considered incomplete and any interpretation of the report may be incorrect in the absence of a full colour copy. Dunster & Associates accepts no responsibility for any such misinterpretations.

Yours truly,

On Behalf of Dunster & Associates Environmental Consultants Ltd.



Dr. Julian A. Dunster, R.P.F., R.P.P., ISA Certified Arborist
ASCA Registered Consulting Arborist # 378
ISA Tree Risk Assessment Qualified
Honourary Life Member ISA + PNWISA



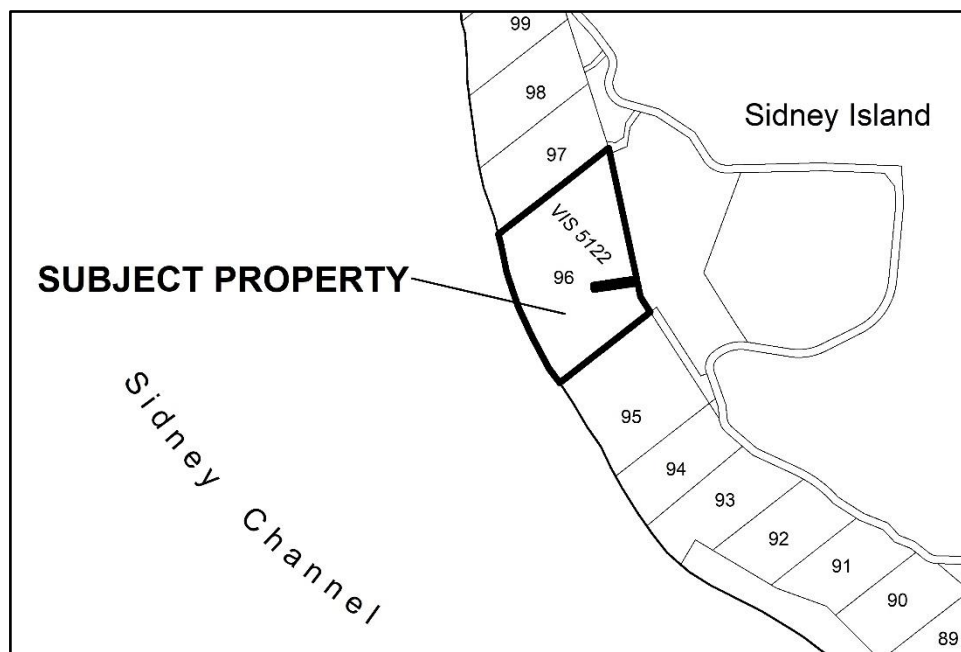
NOTICE
NP-DVP-2021.3
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit. The proposed permit would vary the North Pender Associated Islands Land Use Bylaw No. 148 as follows:

- A variance to reduce a lot line setback for a proposed dwelling as shown on the attached, proposed permit.

The property is located at **181 Mapleleaf Lane** and is legally described as Strata Lot 96, Section 5, Sidney Island, Range 1W, North Saanich District, Strata Plan VIS5122 (PID: 026-298-228).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **October 8, 2021** and continuing up to and including **October 19, 2021**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on North Pender Island.

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170. For Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC: 1-800-663-7867; by fax at (250) 405-5155; or by email to southinfo@islandstrust.bc.ca before **4:30 p.m., October 19, 2021**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **9:30 a.m., October 28, 2021**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

Jas Chonk, Deputy Secretary



Islands Trust

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
NP-DVP-2021.3**

To: Peter Driessen

1. This Development Variance Permit applies to the land described below:

Strata Lot 96, Section 5, Sidney Island, Range 1W, North Saanich District, Strata Plan VIS5122
(PID: 026-298-228)

2. North Pender Associated Islands Land Use Bylaw 148, 2003 is varied as follows:

- a) Subsection 5.20 (4) which states that any building or structure, except a fence or pump/utility house, shall be 10 metres (33 feet) from any lot line, is varied to permit a **building (dwelling)** that is a minimum of **0.0 metres** (0.0 feet) from a lot line.

The development shall be consistent with Schedule 'A', which is attached to and forms part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Associated Islands Land Use Bylaw No. 148, 2003" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 202#.

Deputy Secretary, Islands Trust

Date of Issuance

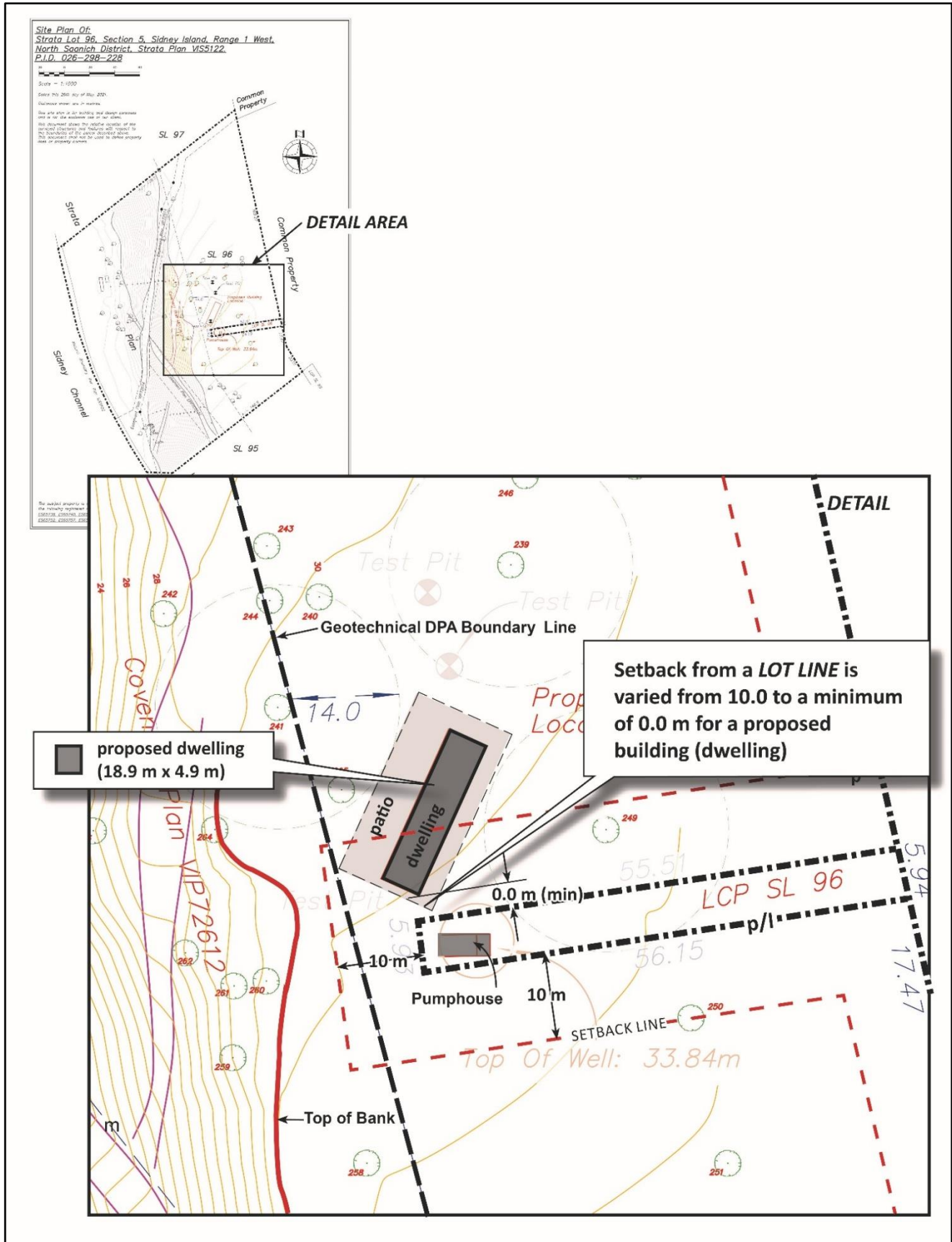
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##TH DAY OF MONTH, 202#, THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2021.3

SCHEDULE 'A'

Site Plan





File No.: File Number: NP-TUP-2021.8

x.ref (NP-TUP-2018.4 &
NP-TUP-2016.1)

DATE OF MEETING: October 28, 2021

TO: North Pender Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Temporary Use Permit
Applicant: Dorothy Murdoch
Location: Lot 3, Section 10, Pender Island, Cowichan District, Plan VIP54822

RECOMMENDATION

1. **That the North Pender Island Local Trust Committee approve the Temporary Use Permit NP-TUP-2021.8 for a period of three (3) years.**

REPORT SUMMARY

The purpose of this report is to consider a Temporary Use Permit (TUP) for the following uses on a 1.0 ha (2.47 ac.) portion on the subject property:

- The storage and processing of landscape materials (soil and mulch).
- The storage of gravel (aggregates).
- Storage of equipment and materials that are directly required for the maintenance and construction of the Driftwood Centre only, and specifically limited to the following:
 - Construction, electrical and plumbing material.
 - Motorized equipment and vehicles.
 - Landscaping materials including soils, mulch, and plants.
- For certainty, and for the purposes of this permit, processing is defined as screening and sorting, but does not include crushing or washing.

In summary, the above recommendation for the TUP is supportable as the uses are necessary and reasonable for the operation of the Driftwood Centre; for the past five years since issuance of the first TUP the applicant has generally complied with the conditions of the TUP; and, there have been no reported adverse effects on neighbouring properties. Further, the TUP will be valid for a period of three (3) years upon at which time an application to renew the TUP or an application for rezoning will be required to continue the use.

BACKGROUND

This is the third application the North Pender Island Local Trust Committee (LTC) has received regarding the above requested uses. The applicant first applied for a TUP in 2016 (NP-TUP-2016.1) to the previously elected LTC. The LTC at that time approved the TUP for a period of two year but with the amendment that the permit would not include gravel screening.

The applicant then applied to renew the TUP in 2018 (NP-TUP-2018.4). This permit was renewed for a three year period as there had not been any complaints and the applicant/owner had complied with the conditions of the TUP since issuance in 2016. The TUP issued in 2018 expired on June 27, 2021. The LTC should be aware of Standing Resolution 2020-10 which addresses unlawful land uses and planning applications. If the LTC approves the application then no further action is required with regards to this Standing Resolution; although if the LTC places the application on hold, then the applicant must comply with the Standing Resolution.

As the renewal TUP expired in June, the applicant is now re-applying for a TUP for the same uses permitted in the 2016 and 2018 permits. A copy of the draft NP-TUP-2021.8 (Murdoch) permit is attached.

Planning and bylaw enforcement staff completed a site visit on August 11, 2021. During this site visit it was noted that landscape material was stored outside of the designated landscaping storage area. The applicant indicated that they will relocate this material to be in compliance with the permit.

FIGURE 1 - SUBJECT PROPERTY

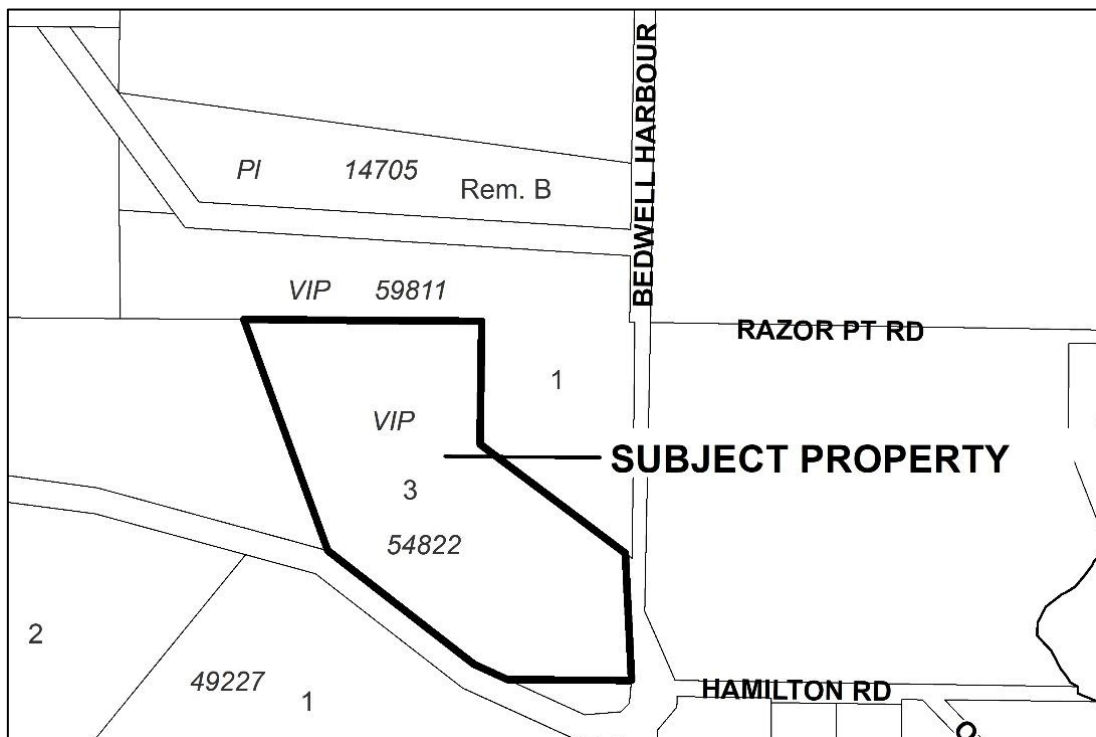
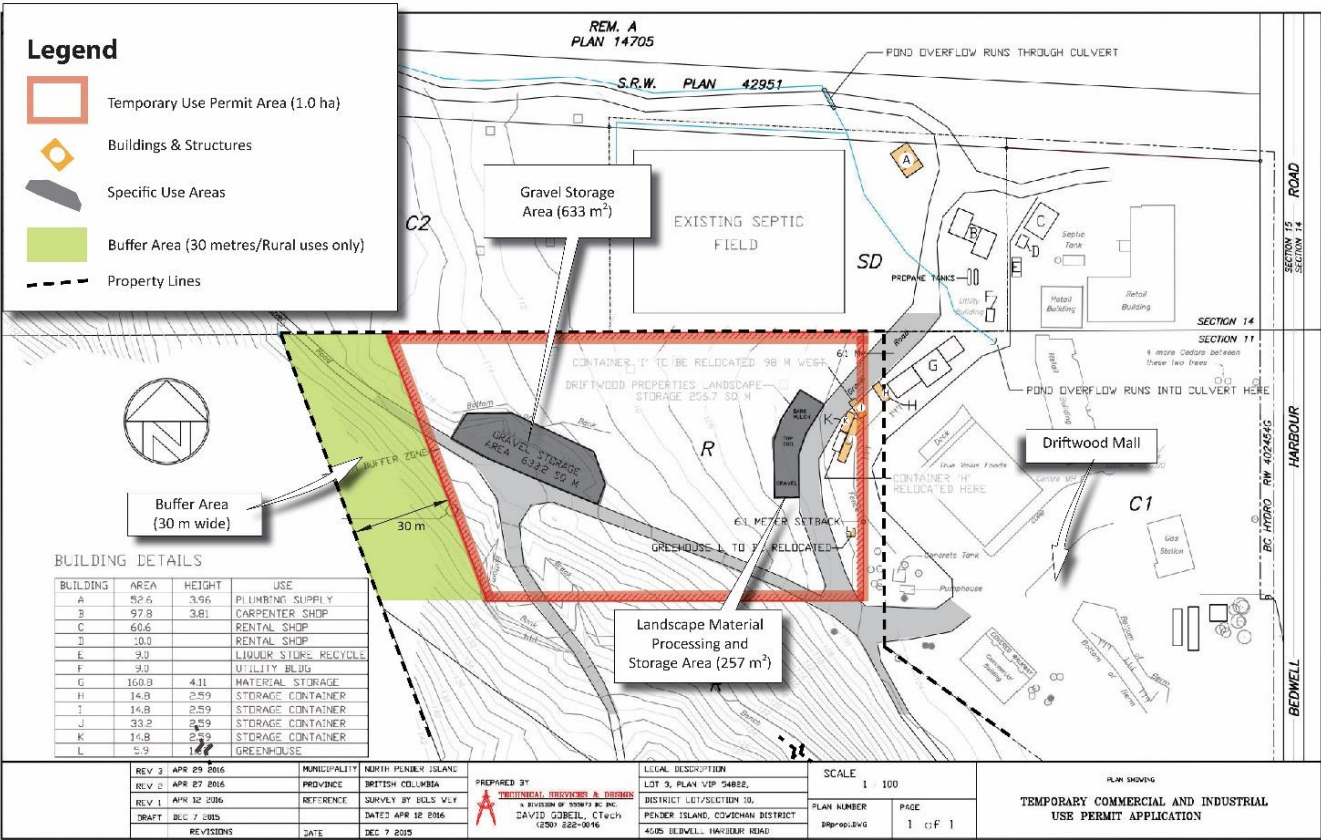


FIGURE 2 – SITE PLAN



ANALYSIS

Islands Trust Policy Statement:

The following ITPS policies are relevant and support the proposal:

5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.

5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

Official Community Plan:

The property is designated as **R - Rural** and **Community Service** in the North Pender Island Official Community Plan No. 171, 2007 (OCP).

Guidelines for TUP applications are contained in the OCP. In summary, the proposal meets the applicable guidelines.

Land Use Bylaw:

The property is split-zoned **Rural (R)** and **Community Service (o) (CS(o))** in the North Pender Island Land Use Bylaw (LUB) No. 103, 1996 (LUB).

The TUP will permit the continued, specific uses on property in compliance with the LUB.

Issues and Opportunities***Uses***

The uses permitted are required for ongoing construction and maintenance of the Driftwood Centre (adjacent) property which has a limited area to facilitate and screen them. All of the buildings and structures permitted in the TUP are not permanently sited and easily removed.

Impacts on Neighbouring Properties

There is a 30 metre buffer strip between the TUP Use Area and the rural property as shown on the site plan (Figure 2). This is to limit potential noise, dust and visual impacts on the direct neighbours. All other neighbours are either separated by substantial distances or owned by the applicant. Furthermore, the uses of gravel storage and landscape materials are to be located in specified areas only and contained by structural blocking.

Over the past five years there have been no complaints received by planning and enforcement staff, nor have any impacts on neighbouring properties been observed. Bylaw enforcement did notice the storing of derelict vehicles and garbage outside of the TUP area on the property. The applicant has since removed the items in question from the property. File remains open to monitor for compliance.

Consultation***Statutory Requirements***

TUP Notices were circulated to surrounding property owners and residents and published in the *Driftwood* newspaper October 20, 2021. Notice was also posted to the North Pender Island community bulletin boards. The notification period ended at 4:30 p.m. on October 19, 2021.

Staff have not received any correspondence at the time of writing. Any submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

First Nations

Islands Trust notes that the application property is subject to archaeological potential as noted in the Remote Access to Archaeological Data (RAAD). The Islands Trust advises that the applicant should seek clarity from the Archaeological Branch and the Heritage Conservation Act about permitting to understand that it is illegal to impact both known and unknown archaeological sites.

Rationale for Recommendation

In summary, the recommendation on page 1 for the renewal of the TUP is supportable as:

- The uses are necessary and reasonable for the operation of the Driftwood Centre.
- There has been no change in uses since the first TUP application (NP-TUP-2016.1).

- The applicant has complied with the conditions of the TUP and a minor infraction since the TUP was issued.
- There have been no reported adverse effects on neighbouring properties.
- The TUP will be valid for a period of three (3) years upon at which time an application for TUP renewal or rezoning will be required to continue the use.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

2. Add conditions

The LTC may wish to amend the TUP by adding additional conditions. If selecting this alternative the LTC should specify the additional conditions.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee amend Temporary Use Permit NP-TUP-2021.8 (Murdoch) by adding the following conditions: _____; and,

That the North Pender Island Local Trust Committee approve Temporary Use Permit application NP-TUP-2021.8 (Murdoch) as amended.

3. Deny the application

The LTC may deny the application and proceed no further.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny Temporary Use Permit NP-TUP-2021.8 (Murdoch).

Submitted By:	Kim Stockdill, Island Planner	October 21, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	October 21, 2021

ATTACHMENTS

1. Site Context
2. Maps & Photos
3. Draft TUP NP-TUP-2021.8
4. Notice

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 3, Section 10, Pender Island, Cowichan District, Plan VIP 54822
PID	018-191-941
Civic Address	4605 Bedwell Harbour Road

LAND USE

Current Land Use	Rural (No permanent improvements) and uses under NP-TUP-2016.1
Surrounding Land Use	North is Driftwood Centre (commercial retail); east across Bedwell Harbour Road is Agricultural; west and south are Rural

HISTORICAL ACTIVITY

File No.	Purpose
NP-RZ-2016.4	Relocation of Nu to Yu Store on a 0.6 ha portion to SE.

POLICY/REGULATORY

Official Community Plan Designations	R – Rural and Community Service in OCP Designation]North Pender Island Official Community Plan No. 171, 2007. There are no DPAs or Heritage Conservation Areas designated on the property.
Land Use Bylaw	Property is currently zoned Rural (R) and CS(o) in the North Pender Land Use Bylaw No. 103, 1996 (Attachment 2.3)
Other Regulations	
Covenants	EF10096 – CRD No Build on adjacent (to west) Lot 2
Bylaw Enforcement	NP-BE-2021.12 is for the storage of derelict vehicles on the property (outside of TUP area). Applicant has indicated that derelict vehicles have now been removed.

SITE INFLUENCES

Islands Trust Fund	This application has no considerations for the Trust Fund
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	N/A
Sensitive Ecosystems	The only identified sensitive ecosystem is Mature Forest (Attachment 2.5
Hazard Areas	See Attachment 2.5 and comments in main body of report.

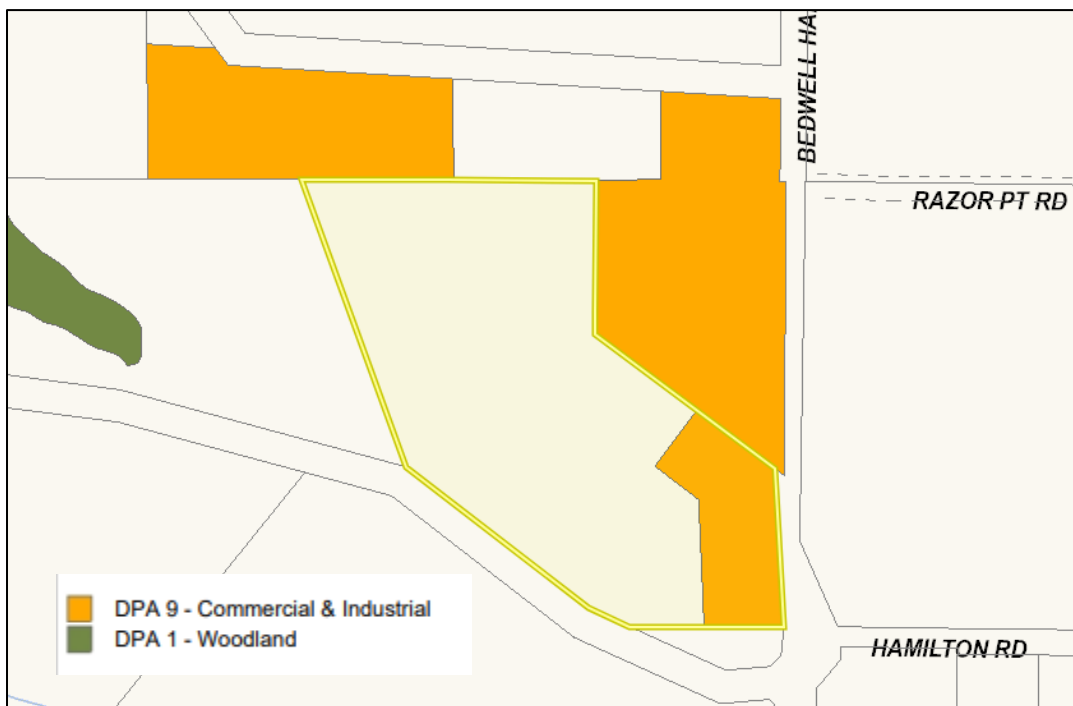
Archaeological Sites	Islands Trust notes that the application property is subject to archaeological potential as noted in the Remote Access to Archaeological Data (RAAD). The Islands Trust advises that the applicant should seek clarity from the Archaeological Branch and the Heritage Conservation Act about permitting to understand that it is illegal to impact both known and unknown archaeological sites.
Climate Change Adaptation and Mitigation	The uses are temporary and all structures are non-permanent. The location has limited exposure to climate change induced hazards (i.e. sea level rise.)

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

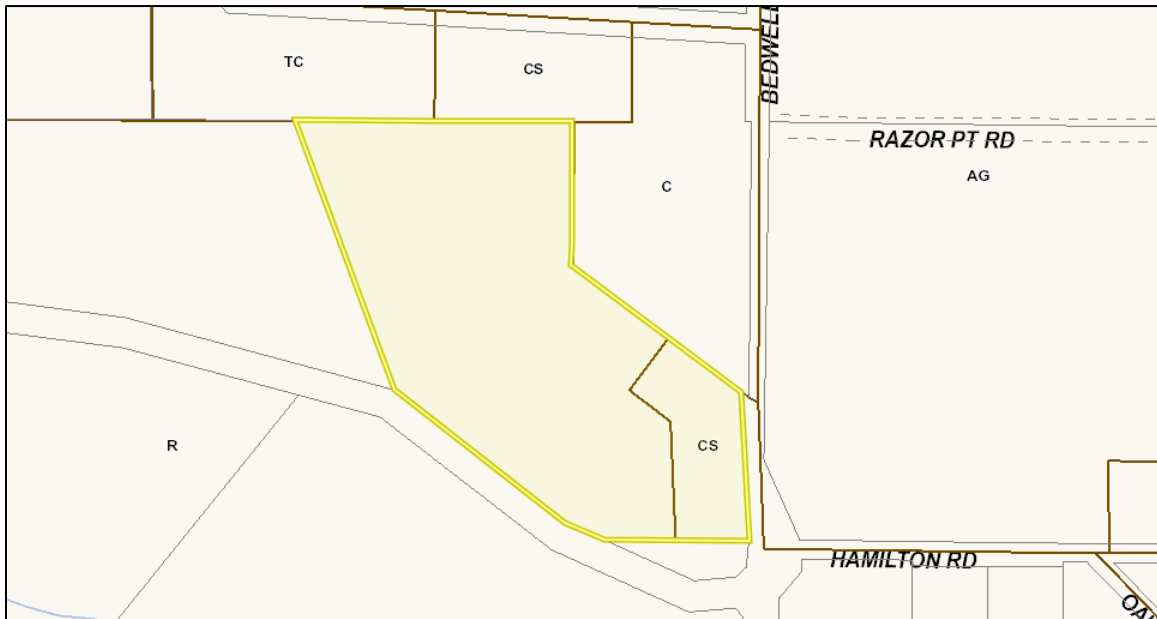
2.1 ORTHOPHOTO



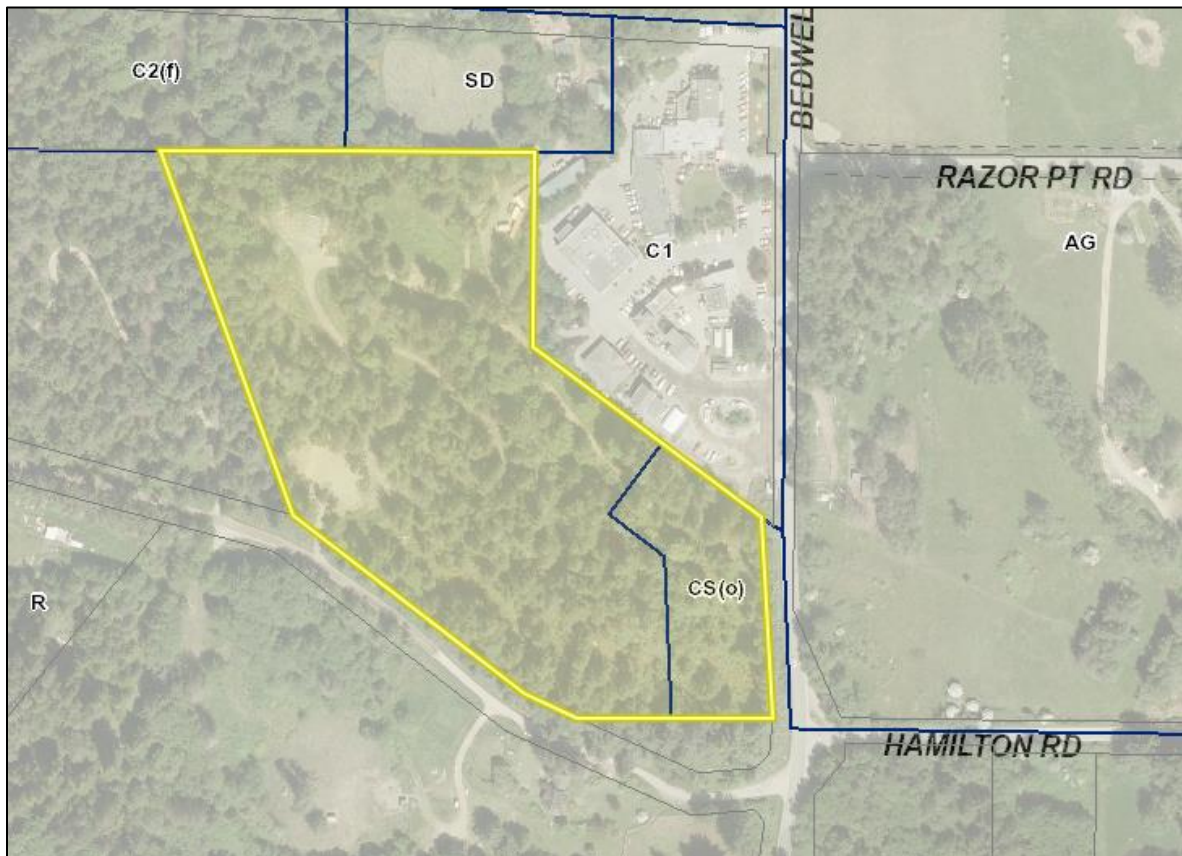
2.2 DPAs



2.3 CURRENT OCP DESIGNATIONS



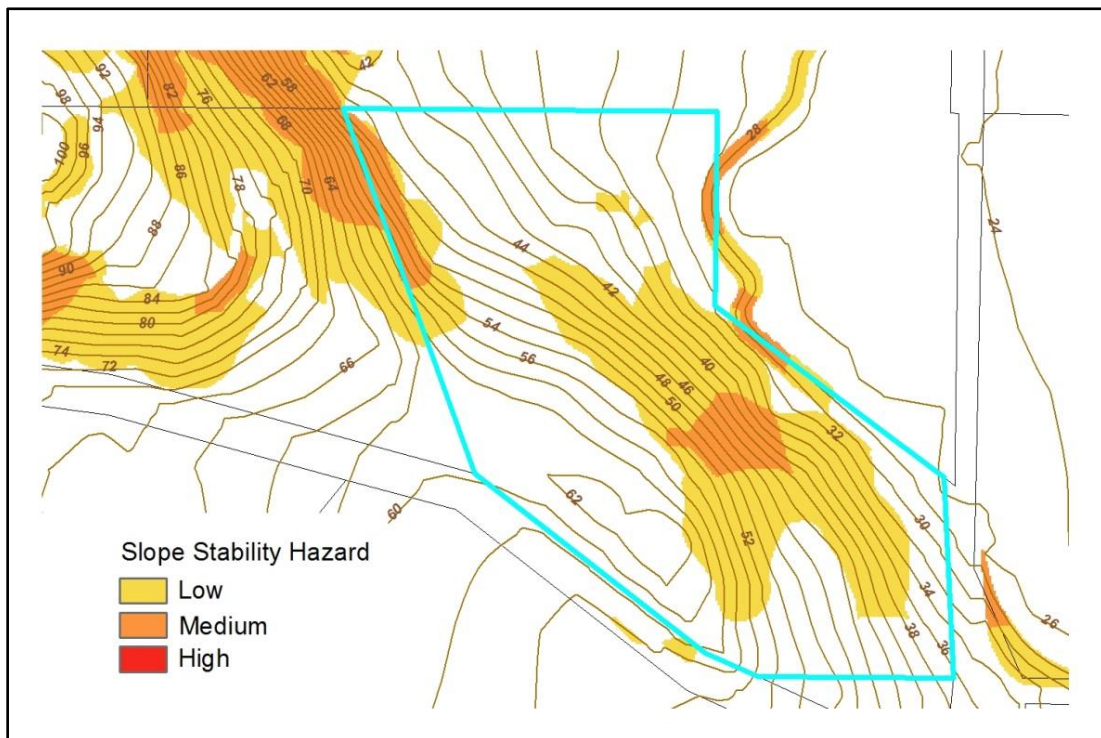
2.4 CURRENT ZONING



2.5 SENSITIVE ECOSYSTEM MAPPING



2.5 STEEP SLOPE MAPPING



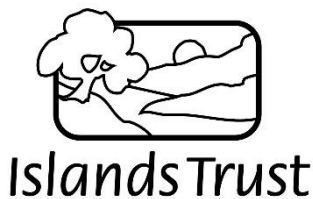
2.6 SITE VISIT PHOTOS – AUGUST 11, 2021

LOOKING NORTH TOWARDS GRAVEL STORAGE AREA



LOOKING SOUTH - LANDSCAPING MATERIAL THAT APPLICANT NEEDS TO RELOCATE TO DESIGNATED LANDSCAPING MATERIAL STORAGE AREA





NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2021.8 (Murdoch)

To: Hardal Management Inc.
c/o Dorothy Murdoch

1. This Permit applies to the land described below:

That portion of:

Lot 3, Section 10, Pender Island, Cowichan District, Plan VIP54822
(PID: 018-191-941)

indicated as 'Temporary Use Permit Area' on Schedule 'A' attached to and forming part of this permit.

2. This Permit is issued for the purpose of allowing the following uses in the 'Temporary Use Permit Area':
- a) The storage and processing of landscape materials (soil and mulch).
 - b) The storage of gravel (aggregates).
 - c) Storage of equipment and materials that are directly required for the maintenance and construction of the Driftwood Centre only, and specifically limited to the following:
 - i. Construction, electrical and plumbing material.
 - ii. Motorized equipment and vehicles.
 - iii. Landscaping materials including soils, mulch, and plants.
 - d) For certainty, and for the purposes of this permit, processing is defined as screening and sorting, but does not include crushing or washing.
3. The uses may be carried out in the 'Temporary Use Permit Area' subject to the following conditions and specifications and shall be substantively consistent with Schedule 'A', attached to and forming part of this permit:
- a) No on-site composting or storage of composted materials is permitted.
 - b) No transfer or storage of waste materials.
 - c) No accessory storage or use of the Temporary Use Permit Area by tenants of the Driftwood Centre or others, with the sole exception of the storage and processing of landscape materials as permitted by this Permit.
 - d) No burning is permitted on any portion of the subject property.
 - e) No commercial sales.
 - f) No screening or sorting of aggregates (gravel).
 - g) Processing of aggregates, soils and mulch is restricted to 8:00 a.m. to 4:30p.m. Monday through Saturday.

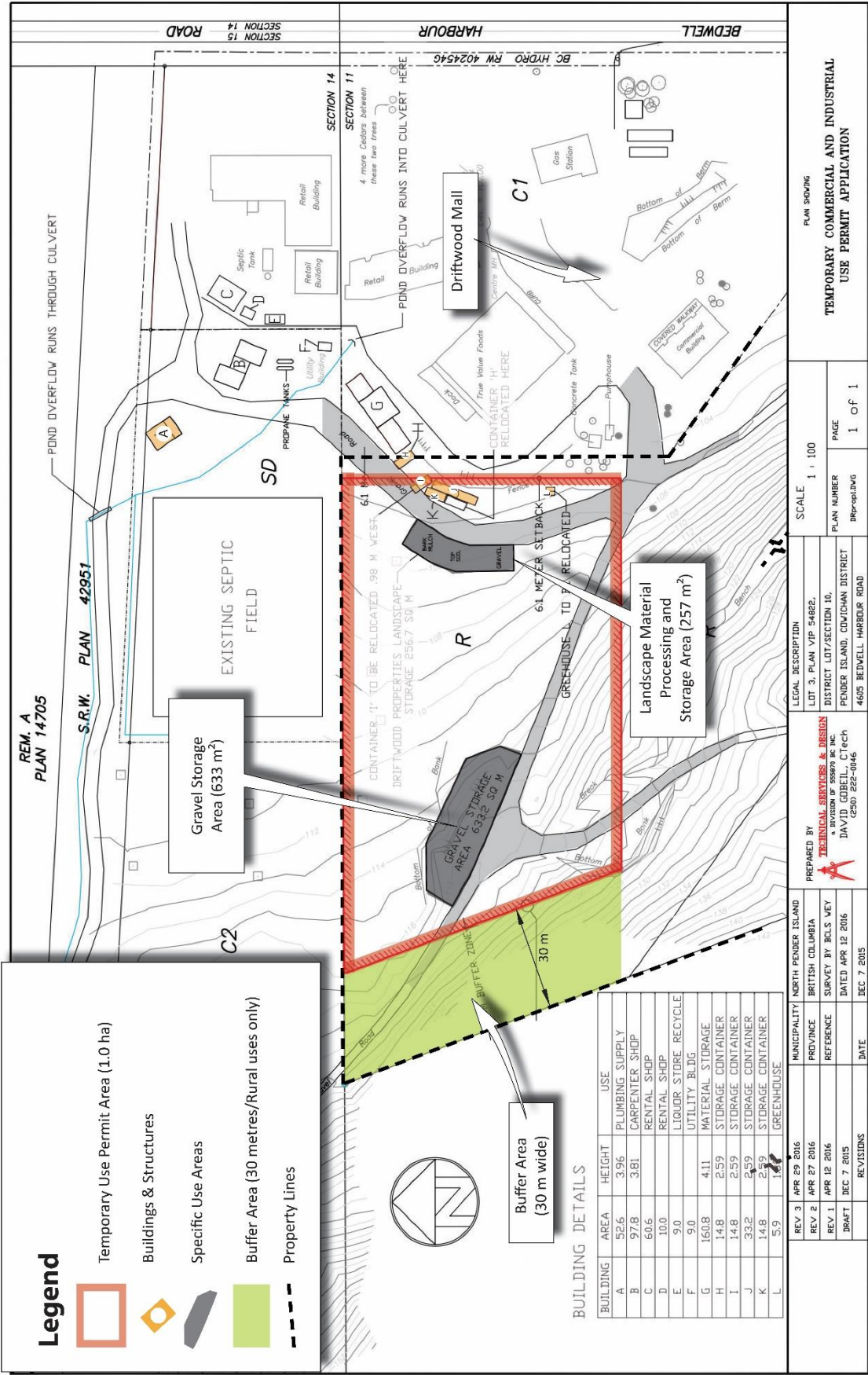
- h) Aggregates and landscape materials stored on-site shall be contained within areas delineated along three sides with concrete lock block walls measuring a maximum height of 2 blocks (1.5 m). in the specific use areas shown on Schedule 'A'.
 - i) The maximum volume of aggregates and landscape materials stored at one time is limited to 900 m³ (1177 yd³).
 - j) One greenhouse, not to exceed 28 m² (300 ft²) in size is permitted in the 'Temporary Use Permit Area' identified on Schedule 'A'.
 - k) All equipment and materials permitted by this Permit are to be removed from the site by the date of the expiry of this permit.
4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including, but not limited to, approvals from the Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS XXTH DAY OF XXX, 202X.

Deputy Secretary, Islands Trust

Date Issued

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2021.8
SCHEDULE 'A'



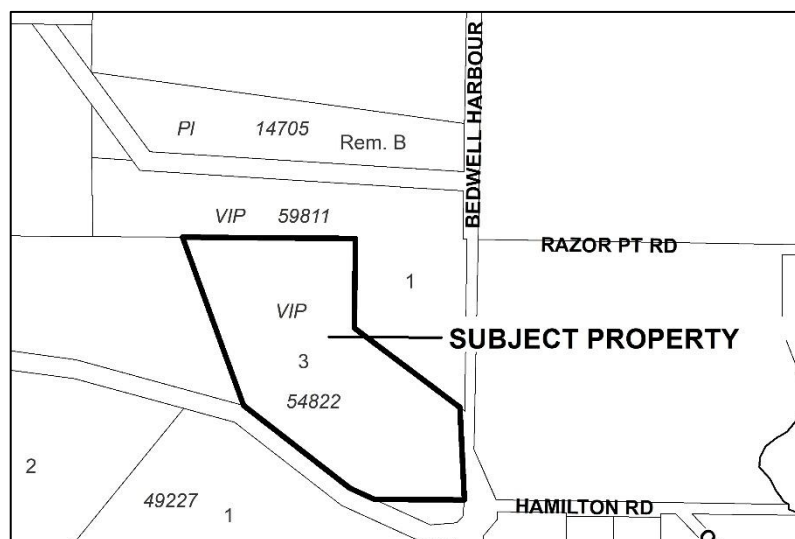
NOTICE
NP-TUP-2021.8
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the North Pender Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to Lot 3, Section 10, Pender Island, Cowichan District, Plan VIP54822 (PID 018-191-941). This property is located at 4605 Bedwell Harbour Road.

The purpose of this Temporary Use Permit is to permit:

- a) The storage and processing of landscape materials (soil and mulch).
- b) The storage of gravel (aggregates).
- c) Storage of equipment and materials that are directly required for the maintenance and construction of the Driftwood Centre only, and specifically limited to the following: construction, electrical and plumbing material; motorized equipment and vehicles; and landscaping materials including soils, mulch, and plants.
- d) For certainty, and for the purposes of this permit, processing is defined as screening and sorting, but does not include crushing or washing.

The establishment of these uses would be subject to the conditions specified in the attached proposed permit. The permit would be issued for three (3) years and the owner may apply to the LTC to have it renewed once for an additional three (3) years. The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **October 8, 2021** and continuing up to and including **October 19, 2021**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on North Pender Island.

Enquiries or comments should be directed to Kim Stockdill, Island Planner at (250) 405-5157, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 p.m., **October 19, 2021**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **9:30 a.m., October 28, 2021**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

DATE OF MEETING: October 28, 2021

TO: North Pender Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Development Permit Application
Applicant: Roger Amenyogbe
Location: 7904 Plumper Way

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of proposed Development Permit NP-DP-2021.6 (Amenyogbe)

REPORT SUMMARY

The purpose of this report is to consider a Development Permit (DP) application on the subject property. The DP application would permit the construction of a portion of a dwelling unit, the placement of a cistern, and the removal of two trees in **Development Permit Area One – Woodland Sensitive Ecosystem (DPA)**.

The above recommendations for the DP are supported as: all guidelines of the DPA have been met including mitigation, and all recommendations of the Biologist's report have been incorporated into the proposed DP.

BACKGROUND

The application is the result of an Islands Trust Preliminary Plan Review application (NP-BP-2021.15) application which determined the proposed dwelling unit and accessory structures were located within the Woodland DPA. After notifying the property owners and applicant, the Building Permit process was placed on hold until a Development Permit was approved. Subsequently the applicant amended the original building plans by reducing the building footprint of the original proposal (removing a backyard pool from the plans) and shifted the location of dwelling unit and cistern further south on the property to lessen the impact on the sensitive ecosystem. As shown on Figure 2, only a small portion of the proposed dwelling unit will be located within the DPA.

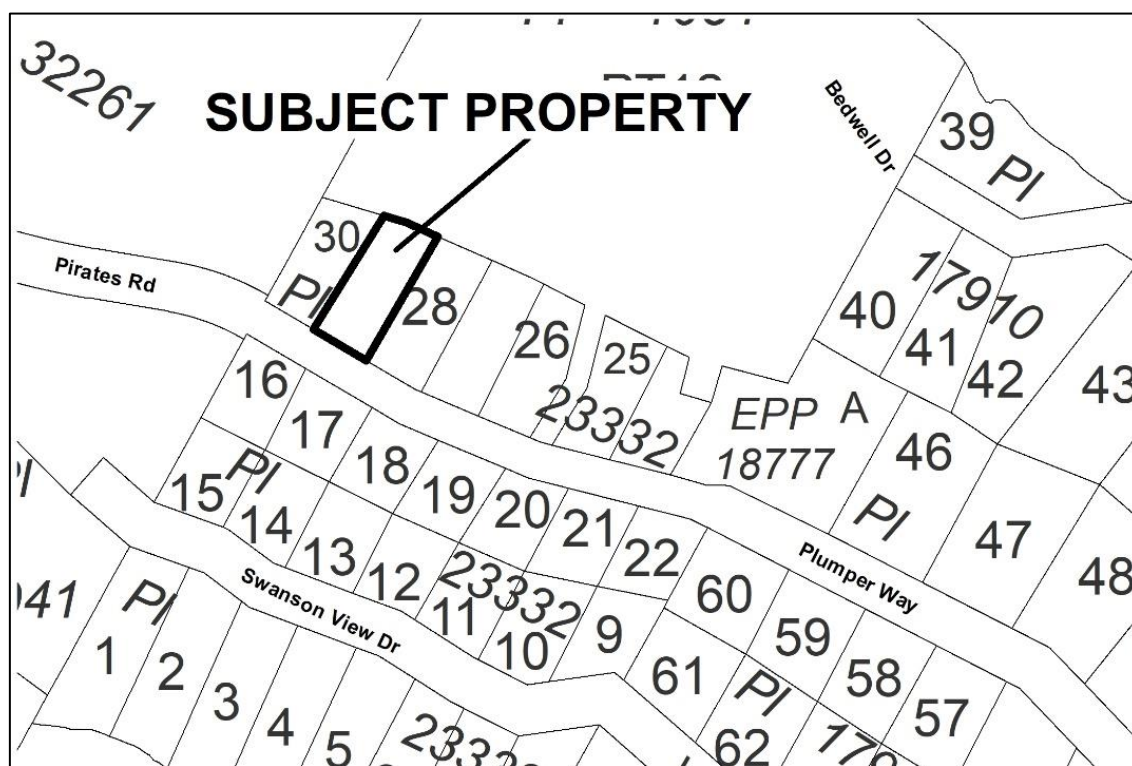
The proposal will also include the removal of two trees (one mature Douglas-fir and one bigleaf maple) in order to accommodate the location of a proposed cistern. Recommendation on replanting are discussed below under Biologist's report.

A Biologist's report entitled 'Environmental Assessment of 7904 Plumper Way, Pender Island, BC' (Dan Baxter and Erin O'Brien, Caurinus Environmental, August 2, 2021) was submitted in support of the application (Attachment 4). All recommendations of the report as they apply to the DPA have been incorporated into the draft DP. This is discussed further in 'Issues and Opportunities' below.

A copy of the Development Permit Area Checklist for DPA 1 and the proposed Development Permit NP-DP-2021.6 (Amenyogbe) are attached.

Staff visited the property on October 15, 2021. Pictures from the site visit are attached to the staff report – Attachment No. 2.

Figure 1 – Subject Property:



ANALYSIS

Official Community Plan:

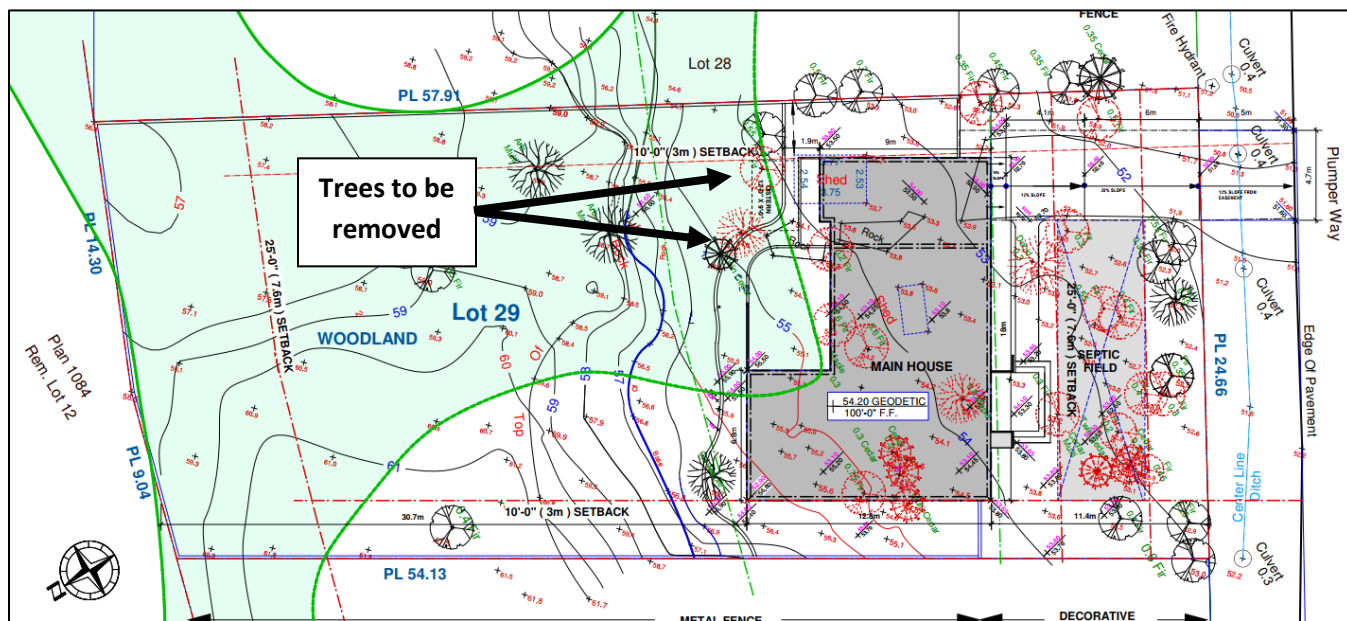
The property is designated **RR - Rural Residential** in the North Pender Island Official Community Plan No. 171, 2007.

As stated above the **Development Permit Area One – Woodland Sensitive Ecosystem (DPA)** is designated on the subject property. (Attachment 2).

DPA Guidelines

The DPA guidelines are analyzed in Attachment 4 and, in summary, the application meets the guidelines.

Figure 2 – Site Plan:
(DPA shown as green area below)



Land Use Bylaw:

The property is zoned as **Rural Residential b (RRb)** in the North Pender Island Land Use Bylaw No. 103, 1996 (Attachment 2.1)

The existing uses and siting of on the property comply with the LUB.

Issues and Opportunities

visit. An impact assessment statement indicates that the proposed removal of two trees in the DPA can increase sunlight to the forest floor which could lead to the introduction of non-native species through seed and vegetation dispersal. The Biologist states that areas that have undergone ground disturbance must be kept clear of invasive plants to prevent introduction of non-native species into the sensitive DPA ecosystem (included in Development Permit).

In terms of tree replacement, the report states that since the mature maples require more area than Douglas-fir given their typically greater crown spread, the recommendation for replanting is 8 Douglas-fir seedlings and 2 bigleaf maples. In addition, the maple to be removed has a dead top (girdling due to sapsucker foraging is evident partway up the trunk), and so replacement planting will enhance the ecological value of the DPA over the long term by introducing healthy young trees to the forest.

The report makes numerous recommendations for measures to retain and provide ecological value to the property as a whole. These include tree replacement and criteria (8 Douglas fir seedlings and 2 big-leaf maples), maintenance, invasive species removal, silt fencing installation, timing, and construction management and monitoring. The report concludes that the proposed dwelling unit and cistern will minimally encroach on the Woodland DPA and that the recommendations will ensure that further detrimental impacts to the sensitive ecosystem can be avoided.

Conditions in Permit.

All recommendations of the Biologist's report have been incorporated into the Draft DP (Attachment 5). They are under the headings of ***Restoration, Native and Invasive Species Management, Hydrology, Erosion, and Construction Management and Monitoring.***

Consultation

There is no public or agency consultation regularly associated with a DP application. In addition, there is no statutory notification required.

First Nations

With respect to the potential for archaeological material to be found on the property during the proposed development, Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the DP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act compliance have provided the Islands Trust directly to the applicants.

Rationale for Recommendation

The recommendation on page 1 is supported as: all guidelines of the DPA have been met including mitigation, and all recommendations of the Biologist's report have been incorporated into the proposed DPA.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust

2. Deny the application

The LTC may deny the application.

The LTC is advised to cite the DPA guideline it does not comply with. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DP-2021.6 (Amenyogbe) for the following reasons....

Submitted By:	Kim Stockdill, Island Planner	October 18, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	October 21, 2021

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. DPA Guideline Checklist
4. 'Environmental Assessment of 7904 Plumper Way, Pender Island, BC' (Dan Baxter and Erin O'Brien, Caurinus Environmental, August 2, 2021)
5. Draft Development Permit (NP-DP-2021.6)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 29, Section 6, Pender Island, Cowichan District, Plan 23332
PID	PID 003-084-051
Civic Address	7904 Plumper Way

LAND USE

Current Land Use	Vacant (Rural Residential b Zoning)
Surrounding Land Use	Rural & Rural Residential

HISTORICAL ACTIVITY

File No.	Purpose
NP-BP-2021.15	Building permit for a dwelling unit. On hold until DP approved.

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as RR – Rural Residential in the North Pender Island Official Community Plan No. 171, 2007 (OCP). Development Permit Area One – Woodland Sensitive Ecosystem is designated as shown in Attachment 2.2
Land Use Bylaw	The subject property is zoned as Rural Residential b (RR(b)) in the North Pender Island Land Use Bylaw 103, 1996
Other Regulations	N/A
Covenants	None
Bylaw Enforcement	None

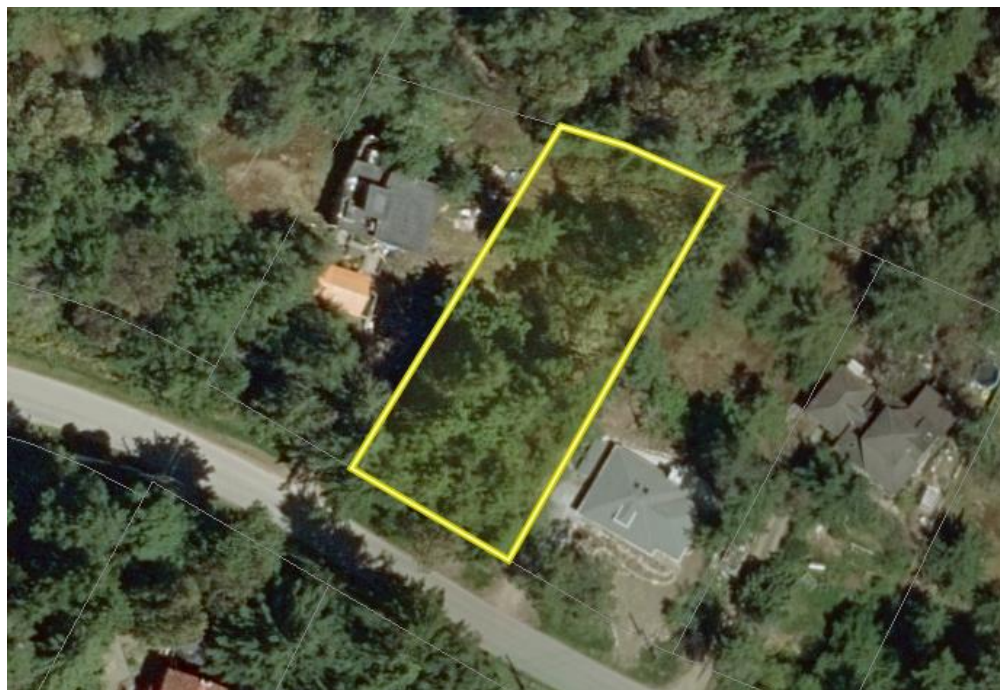
SITE INFLUENCES

Islands Trust Conservancy	N/A
Regional Conservation Strategy	The application has no consideration for the RCS.
Species at Risk	The checklist as part of the Biologist's report (Attachment 4) states: No observed species or ecosystems at risk near proposed works, no raptor or heron nests nearby, and not a fish bearing water course (p.6).
Sensitive Ecosystems	See DPA Mapping (Attachment 2.2) and Biologist Report (Attachment 4)
Hazard Areas	Steep Slope Hazard Mapping is shown in Attachment 2.3
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . This would most likely be indicated by

	the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Loss of trees impactful to GHG on small scale, however replacement trees will compensate overlong term. No other development proposed re: hazards.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

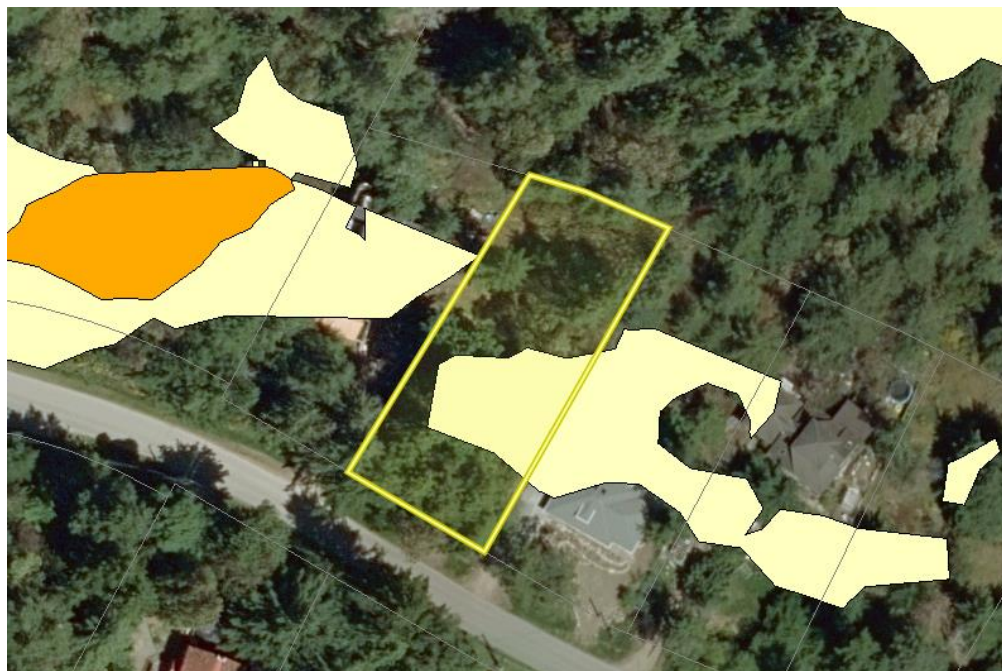
2.1 ORTHOZONING



2.2 DPAs (WOODLAND DPA SHOWN IN GREEN BELOW)



2.3 STEEP SLOPE MAPPING (LOW RISK SLOPE SHOWN IN LIGHT YELLOW)



2.4 PHOTOS



2.4 PHOTOS



ATTACHMENT 4 -DPA CHECKLIST
NP-DP-2021.6(AMENYOGBE)
DPA 1 – WOODLAND SENSITIVE ECOSYSTEM

Guidelines		Comments
Overall DPA Guidelines		
1.	Where lots are not subject to further subdivision, applicable guidelines should be considered to the extent reasonable within the constraints of the site and the lot.	n/a
2.	Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.	Applicants amended original building plans by reducing the building footprint of the original proposal, and shifting the dwelling unit and cistern outside of the DPA as much as possible.
3.	The area cleared and disturbed for development should be minimized.	2 trees will be removed for placement of cistern. Replanting will be a requirement of the permit.
4.	Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.	One small area will be disturbed due to the placement of a cistern and a small portion of the dwelling unit. No other development or removal will take place on the property within the DPA.
5.	Buildings and associated infrastructure should be sited with sufficient undisturbed space around significant mature or established trees to protect root systems.	n/a
6.	Undeveloped buffer areas should be retained around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.	n/a
7.	Natural features should be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare plants, unique land forms, rock outcroppings, mature trees, spits and dunes should be protected.	By the very nature of the removal, two mature trees will not be not retained. Remediation (replanting and ongoing invasive species removal are conditions of Proposed DP – Attachment 6
8.	Connections and corridors should be maintained to provide continuity between sensitive ecosystems and important habitat.	n/a

Guidelines		Comments
9.	Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.	Remediation conditions of permit require planting of native trees.
10.	Soil removal and deposit within or adjacent to a sensitive ecosystems or habitat should be avoided.	No soil removal or deposit within the DPA. Silt fencing outside of DPA is a requirement of the DP.
11.	Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.	n/a
12.	Septic fields should be located in such a manner that the possibility of pollution of sensitive ecosystems or habitat is avoided.	n/a
13.	Driveways and other accesses should be limited to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.	n/a
14.	Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure.	n/a
15.	Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible.	n/a
16.	Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.	n/a
17.	The permit conditions may include:	
	a) the construction of permanent or temporary fencing around sensitive features;	Silt fencing is a requirement of the DP.
	b) fencing, flagging and posting of notices during construction;	n/a
	c) limits on blasting in sensitive areas;	n/a

Guidelines	Comments
d) limits on construction timing;	Tree planting time window specified in Biologist's report and permit.
e) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;	Yes, DP states that where possible, excess drainage from the dwelling unit or cistern and outdoor terrace should be engineered to direct water flow back toward the Woodland Ecosystem DPA to maximize soil water uptake and storage.
f) restoration or enhancement of disturbed sensitive ecosystems and habitat	Yes – condition to plant 10 replacement saplings as per Biologist's report.
18. The LTC may consider variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.	n/a
Woodland Ecosystem Guidelines	
1. Large mature and old trees, trees containing cavities, the root systems of trees, rare plant species, native grasses and associated under-storey vegetation should be protected.	See Guideline 7 comment above.
2. Unnecessary removal of dead or declining trees, downed logs, snags and leaf litter should be avoided.	Condition in permit.
3. Consideration should be given to requiring fencing as a condition of a permit in order to manage access.	n/a
4. Where feasible, cut dangerous trees to a level where they are safe rather than removing entirely.	n/a
5. Denning and nesting sites or rare, threatened or endangered species should be protected.	n/a
6. Stairs, walkways and other access within a sensitive ecosystem adjacent to the shoreline should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow existing contours of the site, utilize small concrete pilings and have gaps between boards.	n/a

Environmental Assessment of 7904 Plumper Way, Pender Island, BC

Submitted To:

Allison and Bohdan Pisak

On

August 2, 2021

Prepared By:

Dan Baxter and Erin O'Brien



Caurinus Project No.: CE2021006

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1.0 Introduction

In April 2021, Caurinus Environmental was contacted by Roger Amenyogbe on behalf of Allison and Bohdan Pisak to complete an environmental inventory, condition and impact assessment in a designated Woodland Ecosystem DPA at 7904 Plumper Way on Pender Island (Figure 1). The purpose of this report is to provide a complete environmental inventory, impact assessment and strategies with other disciplines to guide the construction of a primary dwelling and the installation of a cistern in an environmentally responsible manner.

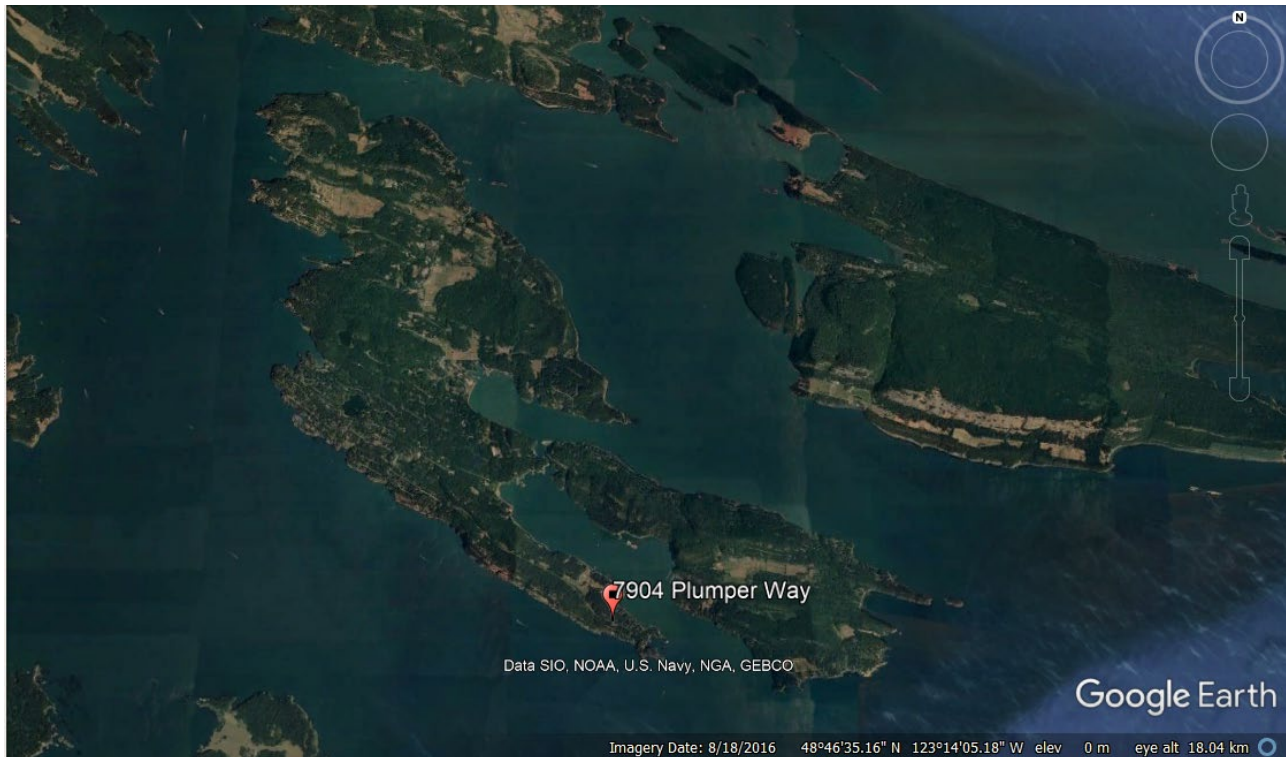


Figure 1. Pender Island; Gulf Islands (Google Earth 2021).

The subject property is located in the North Pender Island Local Trust Area, Capital Regional District (CRD), and is approximately 0.13 ha (0.33 acres) in size. The property is located on Plumper Way, approximately 650 m Northwest of Peter Cove (Figure 2). The legal description for the parcel is:

- Lot 29 Plan, VIP23332, Section 6, Land District 16, Portion, Pender Island (PID: 003-084-051)



Figure 2. 7904 Plumper Way, Pender Island (e-valueBC, BC Assessment 2021).

The purposed area is currently zoned RR2 (Rural Residential) in a strata lot with adjacent property to the north designated as Rural and properties to the south, east and west designated as Rural Residential. The subject property falls under the jurisdiction of the North Pender Island Local Trust Area and consequently must conform to the North Pender Island Official Community Plan Bylaw No.171, 2007. Both phases of the environmental assessment are included in this report: Ecological Assessment Phase as well as Impact Assessment and Mitigation Phase. Other regulatory frameworks which also guide the assessments and strategies within this report include, but are not limited to:

1. Species at Risk Act (SARA) - Federal
2. Migratory Birds Convention Act – Federal
3. Wildlife Act – Provincial

2.0 Supporting Inventories

A review of current information pertaining to the subject property and surrounding areas was conducted using the following resources:

- **Biogeoclimatic maps and online satellite imagery of the subject property**
- **BC Conservation Data Centre (CDC)**
- **Ecocat, Ecosystems Report Catalogue**
- **Terrestrial Ecosystem Mapping**

2.1 Physical Resources

Humid Temperate Ecodomain

In British Columbia, the ecosystems of the Gulf Islands originate from the most southerly extent of the Humid Temperate Ecodomain extending from the continental slope and shelf, all the coastal islands, adjacent mountains, the central interior plateau, and the southern interior mountains. The climate is characterized by strong seasonal cycles of temperature and precipitation with a distinct winter (CPAWS 2005; Demarchi 2011).

Humid Maritime & Highlands Ecodivision

This Ecodivision occurs along the coast from the western edge of the Continental Slope eastward to the effective height of land on the Coast Mountains, including the Nass Basin and Nass Ranges. This Ecodivision's climate is temperate, with abundant rainfall throughout the year, but with reduced precipitation in summer. Coniferous tree species that occur include Douglas-fir (*Pseudotsuga menziesii*), Western redcedar (*Thuja plicata*), Western hemlock (*Tsuga heterophylla*), Sitka spruce (*Picea sitchensis*), amabilis fir (*Abies amabilis*), and yellow-cedar (*Chamaecyparis nootkatensis*). In the extreme south of the province, where it is much drier, it contains arbutus (*Arbutus menzeisii*) and Garry oak communities (CPAWS 2005; Demarchi 2011).

Georgian Depression Ecoprovince (GED)

This ecoprovince lies between the Vancouver Island Mountains and Olympic Mountains to the west and the southern Coast Mountains and northern Cascade Ranges to the east. In British Columbia, the Georgia Depression Ecoprovince is a large basin that encompasses the southeastern Vancouver Island Mountains, the Nanaimo Lowlands, and the Gulf Islands in the west, the Strait of Georgia in the middle, and the Georgia Lowlands and Fraser Lowlands in the east (CPAWS 2005; Demarchi 2011).

SGI - Southern Gulf Islands Ecoregion

These islands occur from Newcastle and Gabriola islands south to Chatman, Discovery and Chain islands, including the inter-island channels and sounds that extend across the Strait of Georgia, and the San Juan Islands in Washington. The islands consist of folded and faulted shale and sandstone/conglomerate, with some volcanic stocks intermixed. This has resulted in the many linear valleys and island separations. The northwesterly aligned folded structure and the eroding power of southeasterly moving glacial ice have resulted in the prominent northwesterly-southeasterly alignment of the Gulf Islands. As the glaciers retreated, it resulted in very deep deposits of sediments on this lowland. Streams that originate here are short and often ephemeral, drying in the summer (CPAWS 2005; Demarchi 2011).

2.2 Topography

The bedrock geology plays a large role in the topography of the islands. North Pender bedrock is categorized as the Late Cretaceous Nanaimo Group with the strata consisting of alternating interbeds of sandstone, shale, siltstone, and conglomerate. This has led to the steep rugged topography following the trends of the major resistant bedrock units (sandstones and conglomerates), with the valleys being comprised of sandy or clay soils located over less resistant shale and along fault lines (Kenney *et al.* 1988; Kohut *et al.* 2001). Locally the surveyed property has been incised heavily and scraped down to the bedrock with large deposits of sediment throughout (Kohut *et al.* 2001). From the centre of the subject area on a small ridge, the property slopes in opposite directions: northeast to the adjacent lot to the North and southwest towards the property boundary near Plumper Way.

2.3 Hydrology

Soils, climate, vegetation cover, and surface topography work together in a complementary manner. Soils directly influence precipitation infiltration rate, the rate of surface runoff, and ultimately groundwater

recharge/discharge as well as soil moisture content (Kenney *et al.* 1988). North Pender Island lies in the Coastal Douglas-fir zone (Kenney *et al.* 1988) which is the driest mesothermal climate in British Columbia. The climate of the Gulf Islands is highly variable and annual precipitation averages 873.8 mm. Pender Island can be in drought conditions for long periods resulting in annual precipitation as low as 399.8 mm (Henderson 1998). Precipitation is the only source of groundwater replenishment and is the primary source of potable water on the island. Outflows of water consist of surface runoff, evapotranspiration, springs, and seepage to the ocean. The critical factors which influence hydrogeology include soil type and thickness, bedrock stratigraphy and structure, cultural interference, and vegetation type and density (Henderson 1998). The general low primary porosity and permeability of bedrock on North and South Pender Islands indicates the reduced potential for water storage and accessibility. Hydrograph and precipitation data from North Pender Island indicate that there is a very close relationship between climatic factors and groundwater recharge due to the short time between precipitation and groundwater recharge (Henderson 1998). The location of the islands in a tectonically active area has the potential advantage of enhanced secondary porosity and permeability (Kenney *et al.* 1988).

2.4 Biological

2.4.1 Biogeoclimatic Ecosystem

In British Columbia, resource managers have advocated Terrestrial Ecosystem Mapping (TEM) to establish natural resource baselines for planning and management purposes. Furthermore, these databases are to be used by stakeholders and resource planners to provide guidance for the private sector and all levels of government regarding conservation and management at a meaningful scale, such as community development plans, and to do so in a common language.

Climate, topography and surface geology influence the site hydrology, which in turn influences the biological resources on site. This ecological principle is fundamental to most Ecological Landscape Classifications. The vegetation assessment utilizes the Biogeoclimatic Ecosystem Classification (BEC) which is used extensively throughout British Columbia to report and describe terrestrial ecosystems. In the BEC system, climate is the most significant determinant of ecosystems, influencing soil characteristics which in turn influence the climax (old growth) vegetation, its composition and structure.

The subject property is located in the CDFmm - Moist Maritime Coastal Douglas-fir subzone occurring in the Southern Gulf Islands (Pojar and Mackinnin 1994). The Southern Gulf Islands ecosystems are heavily influenced by the rain shadow of the mountains on Vancouver Island and Washington's Olympic Peninsula. This results in warm, dry summers and mild, wet winters. The Southern Gulf Islands fall predominantly into the Coastal Douglas-Fir biogeoclimatic zone. The most common tree species found are Douglas-fir, Western redcedar and Garry oak (*Quercus garryana*). Other common species include salal (*Gaultheria shallon*) and Oregon grape (*Mahonia aquifolium*) in upland areas, wild rose (*Rosa acicularis*), snowberry (*Symphoricarpos albus*) and oceanspray (*Holodiscus discolor*) in rocky outcrops, and bigleaf maple (*Acer macrophyllum*), sword fern (*Polystichum munitum*), and salmonberry (*Rubus spectabilis*) in moister regions (Meidinger and Pojar 1991; Demarchi 2011).

The following ecosystems were noted within the subject property (Green and Klinka 1994; Figure 3):

- **CDFmm DS/01: Douglas-fir – Salal**
- **CDFmm DA/02: Douglas-fir - Shore Pine – Arbutus**
- **CDFmm RR/00: Rural Residential**



Figure 3. Property Ecosystems: (2924: 100% Douglas-Fir-Salal, Young Forest; 4430: 100% Douglas-Fir-Salal, Young Forest; 2950: 100% Douglas-fir - Shore Pine – Arbutus, Young Forest; 4637: 100% Rural Residential (Islands Trust (MapIT) 2021).

Woodland Ecosystem DPA

Portions of the property have been locally designated as a Woodland Ecosystem DPA by the Islands Trust. This designation includes forest such as open deciduous and mixed deciduous conifer. They are generally restricted to areas with shallow soils on south-facing slopes in areas with extremely dry summers. The Woodland Ecosystem DPA present is designated as Douglas-fir – Shore Pine – Arbutus (Figure 4).



Figure 4. Location of Woodland Ecosystem DPA on the subject property. 2950: 100% Douglas-fir - Shore Pine – Arbutus, Young Forest (Islands Trust (MapIT) 2021).

3.0 Site Inventory

Dan Baxter (B.Sc., R.P.Bio) and Erin O’Brien (Ph.D.) of Caurinus Environmental conducted a site visit and review of current information pertaining to the subject property and surrounding areas in April 2021. The review included online satellite imagery, reports, independent studies and recent Terrestrial Ecosystem Mapping (TEM). The subject property is accessed from Plumper Way (Figure 2). The property begins on the southwest side of the roadway and continues in a southeasterly direction until it connects to the adjacent Rural property. The property has been previously disturbed by historic land use in the Woodland Ecosystem DPA and much of it is in a state of regeneration with young to mature trees present.

3.1 Conservation Data Centre

British Columbia Conservation Data Centre (CDC) is an extension of the Ministry of Environment and Climate Change Strategy and is the provincial coordinator of tracking rare and endangered species (native plants, animals, and natural plant communities) in British Columbia on provincial, national and international levels. Documented locations of sensitive (at-risk or endangered) and non-sensitive species were reviewed for the area using a 1 km search radius; no known sensitive species occurrences have been reported in the area (Data review: April 29, 2021).

3.2 Flora

The ecosystems on the property categorized by the Islands Trust (Figure 3) were as follows:

- **2924: 100% Douglas-Fir-Salal, Young Forest**
- **4430: 100% Douglas-Fir-Salal, Young Forest**
- **4637: 100% Rural Residential**
- **2950: Development Permit Area 1: Woodland Sensitive Ecosystem – 100% Douglas-fir - Shore Pine – Arbutus, Young Forest**

The following section summarizes the provincial Terrestrial Ecosystem Mapping TEM - ecosystems found on the subject property site. The following ecosystems were identified in a literature review and confirmed during the survey of the property:

Woodland - CDFmm: Coastal Douglas-fir Zone, Moist Maritime

- **CDFmm DA/02: Douglas-fir – Shore pine – Arbutus**

This forested ecosystem is dominated by Douglas-fir and arbutus with shore pine (*Pinus contorta contorta*) occurring on the driest and poorest sites. In areas with rock outcrops and/or small islands, Garry oak can also occur. Forest canopies are discontinuous with large gaps, due to rock outcrops and pockets of shallow soil. These forests are typically found on drier, poorer sites including crests, upper slopes, and warm aspects. Soils are shallow, mostly medium-textured ranging from fine sand to silty loam and have a very dry moisture regime with a very poor to medium soil nutrient regime. Some have a thin soil deposited by glacial melt water or till origin overlying bedrock. Drainage ranges from very rapid to well. The shrub layer consists of diverse drought-tolerant shrubs such as hairy honeysuckle (*Lonicera hispidula*), Nootka rose (*Rosa nutkana*), Oregon grape, oceanspray, salal with saskatoon (*Amelanchier alnifolia*) being present in minor amounts. The herb layer usually includes Columbia brome (*Bromus vulgaris*), purple peavine (*Lathyrus nevadensis*), orange honeysuckle (*Lonicera ciliosa*), broad-leaved starflower (*Trientalis latifolia*), white fawn lily (*Erythronium oregonum*), Pacific sanicle (*Sanicula crassicaulis*), and trailing blackberry (*Rubus ursinus*).

The Douglas-fir – Shore pine – Arbutus plant community is provincially **Red** Listed (B.C. List Status 2021) and is ranked S1 (critically imperiled; Provincial Conservation Status 2021) in British Columbia. This critically imperiled habitat is situated in coastal areas with favourable scenic aspects and is in high demand for new and re-development in the region. In the entire Coastal Douglas-fir Zone, due to continued development pressures, only ~0.5% has been identified as mature or old forest (BC's Coast Region: Species & Ecosystems of Conservation Concern 2010). Historically, this ecological community has experienced significant declines as a result of extensive past timber harvesting, grazing, and extensive rural and urban development. Threats include development, agriculture, fire suppression, invasive species, recreational use, grazing and browsing by domestic livestock and the overabundance of black-tailed deer (*Odocoileus hemionus columbianus*; BC's Coast Region: Species & Ecosystems of Conservation Concern 2010).

- **CDFmm DS/01: Douglas-fir – Salal**

Forested site dominated by Douglas-fir, in association with grand fir (*Abies grandis*) and Western redcedar. Typical site conditions for zonal DS forests are mid to upper slope positions and gentle topography. Soils are most often moderately-well to well drained and medium-textured loamy soils. Understory species can include snowberry, pinegrass (*Calamagrostis rubescens*), birch-leaved spirea (*Spiraea betulifolia*), salal, dull Oregon-grape (*Mahonia nervosa*), oceanspray, sword fern and Oregon beaked moss (*Eurhynchium oregonum*).

Rural Residential - CDFmm: Coastal Douglas-fir Zone, Moist Maritime

- **CDFmm RR/00: Rural Residential**

The Rural Residential classification describes any area that has undergone modifications by which residences and other human developments have altered the natural habitat such that natural processes and functions have been hampered and native plant communities are not supported.

Habitat description

The subject property was assessed during the site visit for the possible occurrence of all provincially Red- and Blue-listed species as well as federal Species at Risk Act-scheduled species.

Site Inventory Description:

All polygons on the property have been previously disturbed to some extent either from clearing for development or selective logging. We conducted a comprehensive vegetation survey throughout the Woodland Ecosystem DPA (2950) and assessed the remainder of the property, where historical disturbance has occurred, for presence of invasive species that may spread into the DPA. Plant species detected during the site survey are presented in Table 1; invasive species detected included Scotch broom (*Cytisus scoparius*) and Spurge-laurel (*Daphne laureola*). No species at risk were detected during the vegetation survey. However, the timing of our inventory (spring) would not preclude the potential occurrence of rare species at another point during the growing season. Given the prior disturbance to the area, however, it is unlikely such species would be found on site.

Table 1. List of plant species detected at 7904 Plumper Way, Pender Island, BC.

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Mountain sweet cicely	<i>Osmorhiza berteroi</i>	Native	S5	Yellow	Not Listed
Salal	<i>Gaultheria shallon</i>	Native	S5	Yellow	Not Listed
Hairy honeysuckle	<i>Lonicera hispidula</i>	Native	S5	Yellow	Not Listed
Miner's lettuce	<i>Claytonia perfoliata</i>	Native	S5	Yellow	Not Listed
Oregon grape	<i>Mahonia nervosa</i>	Native	S5	Yellow	Not Listed
Oregon beaked-moss	<i>Eurhynchium oregonum</i>	Native	S5	Yellow	Not Listed
Grass sp.	-----	----	----	----	----
American vetch	<i>Vicia americana</i>	Native	S5	Yellow	Not Listed
Broad-leaved starflower	<i>Trientalis latifolia</i>	Native	S4S5	Yellow	Not Listed
Wood saxifrage	<i>Saxifraga mertensiana</i>	Native	S5	Yellow	Not Listed
Sword fern	<i>Polystichum munitum</i>	Native	S5	Yellow	Not Listed
Red-stemmed feathermoss	<i>Pleurozium schreberi</i>	Native	S5	Yellow	Not Listed
Arbutus	<i>Arbutus menziesii</i>	Native	S5	Yellow	Not Listed
Douglas-fir	<i>Pseudotsuga menziesii</i>	Native	S5	Yellow	Not Listed
Western redcedar	<i>Thuja plicata</i>	Native	S5	Yellow	Not Listed
Big-leaf maple	<i>Acer macrophyllum</i>	Native	S5	Yellow	Not Listed
Scotch broom	<i>Cytisus scoparius</i>	Exotic	SNA	Exotic	Not Listed
Spurge-laurel	<i>Daphne laureola</i>	Exotic	SNA	Exotic	Not Listed

¹Origin Status: <https://ibis.geog.ubc.ca/biodiversity/eflora/>

²BC Status: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/status-ranks>

<https://explorer.natureserve.org/AboutTheData/Statuses>

³BC List: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/red-blue-yellow-lists>

⁴COSEWIC: <http://www.cosewic.ca/index.php/en-ca/assessment-process/wildlife-species-assessment-process-categories-guidelines/status-categories>

3.3 Fauna

During the site visit, all provincially Red- and Blue-listed species as well as Species at Risk Act-scheduled species were assessed for possible occurrence on the subject property. This wildlife assessment only considers vertebrate animals. The study area was carefully assessed for evidence of recent or past use by wildlife species. The following species were detected during the survey of the property:

Birds

The following 14 bird species were observed on or adjacent to the property during the site visit, with no species at risk detected (Table 2). The birds detected on site are typical for the area in early spring. No heron or raptor nests were detected during the site visit.

Table 2. List of bird species detected at 7904 Plumper Way, Pender Island, BC.

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Red-breasted Nuthatch	<i>Sitta canadensis</i>	Native	S5	Yellow	Not Listed
Yellow-rumped Warbler	<i>Setophaga coronata</i>	Native	S5B	Yellow	Not Listed
Orange-crowned Warbler	<i>Leiothlypis celata</i>	Native	S5B	Yellow	Not Listed
Violet-green Swallow	<i>Tachycineta thalassina</i>	Native	S4S5B	Yellow	Not Listed
House Finch	<i>Haemorhous mexicanus</i>	Native	S5	Yellow	Not Listed
White-crowned Sparrow	<i>Zonotrichia leucophrys</i>	Native	S5	Yellow	Not Listed
Chestnut-backed Chickadee	<i>Poecile rufescens</i>	Native	S5	Yellow	Not Listed
Pine Siskin	<i>Spinus pinus</i>	Native	S5B	Yellow	Not Listed
Spotted Towhee	<i>Pipilo maculatus</i>	Native	S5	Yellow	Not Listed
Dark-eyed Junco	<i>Junco hyemalis</i>	Native	S5	Yellow	Not Listed
Song Sparrow	<i>Melospiza melodia</i>	Native	S5	Yellow	Not Listed
Flyover Species					
Red Crossbill	<i>Loxia curvirostra</i>	Native	S5	Yellow	Not Listed
Common Raven	<i>Corvus corax</i>	Native	S5	Yellow	Not Listed
Turkey Vulture	<i>Cathartes aura</i>	Native	S4	Yellow	Not Listed

¹Origin Status: <https://ibis.geog.ubc.ca/biodiversity/efauna/>

²BC Status: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/status-ranks>

https://explorer.natureserve.org/AboutTheData/Statuses*

³BC List: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/red-blue-yellow-lists>

⁴COSEWIC: <http://www.cosewic.ca/index.php/en-ca/assessment-process/wildlife-species-assessment-process-categories-guidelines/status-categories>

Mammals

One species of mammal was detected during our site visit (Table 4), and no species at risk were detected. We detected black-tailed deer evidence in the form of pellets at multiple locations on the property. Other mammals that may be on site, but which were not directly surveyed include small rodents and bats. Suitable habitat for bat roosting and nursery sites include clefts in steep rock outcrops and standing dead trees with hollow interiors or flaking bark (Nagorsen and Brigham 1993); these features are present on the subject property and may support roosting or hibernating bats.

Table 4. List of mammal species detected at 7904 Plumper Way, Pender Island, BC.

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Black-tailed Deer	<i>Odocoileus hemionus columbianus</i>	Native	S5	Yellow	Not Listed

¹Origin Status: <https://ibis.geog.ubc.ca/biodiversity/efauna/>

²BC Status: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/status-ranks>

<https://explorer.natureserve.org/AboutTheData/Statuses>

³BC List: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/red-blue-yellow-lists>

⁴COSEWIC: <http://www.cosewic.ca/index.php/en-ca/assessment-process/wildlife-species-assessment-process-categories-guidelines/status-categories>

Amphibians and Reptiles

No reptiles or amphibians were detected during our site visit but may occur in the warmer months. The northern portion of the property in Woodland Ecosystem DPA (2950) has a suitable southern exposure with a rocky outcrop (Plate 1) that can provide shelter and protection from predators as well as possible basking sites. The most common species found within this type of habitat are the Northern Alligator Lizard (*Elgaria coerulea*) and Garter snakes (*Thamnophis sp.*), as they are more likely to persist within urban landscapes, provided that critical habitat features for their survival are maintained. The crevices in the rocky outcrops can provide excellent breeding nursery and hibernation habitat for a variety of snakes as well as alligator lizards (Ovaska *et. al.* 2004). This area also provides potential habitat for the endangered Sharp-tailed Snake (*Contia tenuis*; Habitat Acquisition Trust 2015) and should be investigated further. No hibernacula were found on the property.

Plate 1. Rocky outcrop on property in Woodland Ecosystem DPA (2950) with suitable snake and alligator lizard habitat located at 7904 Plumper Way, Pender Island BC.



3.4 On Site Land Use

Approximately half of the subject property lies within the Woodland Ecosystem DPA, and the majority of the DPA consists of an open regenerating forest with an open understory (Plate 2a, 2b; Figure 4). Outside the Woodland Ecosystem DPA there are numerous examples of historical disturbance such as selective logging on the property (Plate 3) as well as an old cedar split-rail fence adjacent to Plumper Way (Plate 4). Developed properties exist on either side of the property, both placed within the open regenerating forest (Plates 5, 6).

Plate 2a. Regenerating forest with open understory at 7904 Plumper Way, Pender Island BC.



Plate 2b. Regenerating forest with open understory located within Woodland Ecosystem DPA at 7904 Plumper Way, Pender Island BC.



Plate 3. Evidence of historical disturbance (tree removal) at 7904 Plumper Way, Pender Island BC.



Plate 4. Evidence of previous land use represented by an old cedar split-rail fence at 7904 Plumper Way, Pender Island BC.



Plate 5. Northwestern side of subject property showing view of adjacent development.



Plate 6. Southeastern side of subject property showing view of adjacent development.



4.0 Impact Assessment

Tree Removal

Many potential impacts to the Woodland Ecosystem DPA have been mitigated in advance by planning the construction of the dwelling and associated cistern installation as much as possible outside of the Woodland Ecosystem DPA. Hence, with the exception of one Douglas-fir (DBH 34.5 cm) and a mature bigleaf maple (DBH 29.0 cm) that will need to be removed for placement of the cistern, all trees removed for the construction of the dwelling will lie outside of the DPA (Appendix 1).

Hydrology

The importance of water stored in the soil during summer drought (See Section 2.3 Hydrology), the ongoing loss of trees such as grand fir and western redcedar, as well as increasing effects of disease on species like arbutus due to increasing moisture stress and drought severity with climate change (Seebacher 2007) are all issues of great concern on Pender Island. Installation of patio stones around the proposed dwelling will cause interception of precipitation and hence alter soil water inputs within the Woodland Ecosystem DPA. Any development that reduces water inputs to the soil can potentially have significant effects on tree mortality under already stressful conditions, and so this component of the proposed development will require consideration for rainwater collection and diversion to the DPA. The planned construction work itself will have minimal effects on the hydrology of the property providing proper safeguards are in place to prevent water runoff. (See Section 5 below.)

Introduction of Non-native Flora

Areas of tree removal have the potential to increase sunlight to the forest floor and these areas are vulnerable to the introduction and spread of non-native species through seeding and vegetative dispersal. Because invasive plants can readily disperse into sensitive ecosystems following their introduction in adjacent areas of disturbance, areas that have undergone ground disturbance near a DPA must be kept clear of invasive plants to prevent introduction of non-native species into the sensitive DPA ecosystem. In addition, construction activities involving the use of heavy equipment, as well as revegetation of disturbed areas using commercial reseeding preparations, have the potential to introduce non-native vegetation to immediate and surrounding areas.

5.0 Mitigation and Recommendations

Site Specific Recommendations

Tree Replacement

The trees to be removed from the DPA on the subject property include a mature Douglas-fir (DBH 34.5 cm) and bigleaf maple (DBH 29.0 cm). Tree species used in compensatory replanting should be selected to suit the soil, light and groundwater conditions of the site, should be native to the region, and should consider wildlife habitat values where possible. The subject property is south facing and so receives significant direct sun exposure during the summer; hence pioneer species that tolerate high light conditions should be planted to provide shade for later successional species such as Western redcedar to naturally seed in. We suggest compensatory planting with Douglas-fir to replace the fir that will be removed, as this species is well suited to the soil characteristics in the area and can tolerate relatively exposed sites (BC Ministry of Farming, Natural Resources and Industry 2020). Maple trees are important for enriching the typically shallow soils in Coastal Douglas-fir forests through leaf litter fall; to maintain this important function in the Woodland DPA, we recommend compensatory planting of maple saplings to replace the mature maple that will also be removed. The maple to be removed has a dead top (girdling

due to sapsucker foraging is evident partway up the trunk), and so replacement planting will enhance the ecological value of the DPA over the long term by introducing healthy young trees to the forest.

The criteria below apply to the replacement of trees under the Fisheries Act, Wildlife Act or Land Title Act by the BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development:

- **0 mm - 151 mm (6") DBH - 2 replacement trees or 4 shrubs (for up to 50% of trees being replaced in this range);**
- **152 mm - 304 mm (12") DBH - 3 replacement trees**
- **305 mm - 456 mm (18") DBH - 4 replacement trees**
- **457 mm - 609 mm (24") DBH - 6 replacement trees**
- **610 mm - 914 mm (36") DBH - 8 replacement trees**
- **Trees > 914 mm DBH (36") - will require individual approval and replacement criteria prior to removal.**
- **DBH = diameter at breast height, approximately 1.5 m**

It should be noted, however, that the above planting prescriptions are derived from forest growth and yield models used in an industrial forest management context in British Columbia, which incorporate variable but significant tree mortality estimates (Weiskittel *et al.* 2011). Hence, these numbers exceed the desired final stem density of a mature stand. In the present context, given that the property owner will be required to ensure 100% tree survival (including replacement of dead or dying stock as necessary), it is reasonable to require that the number of plantings achieve a moderate mature stand density (eg ~1000 stems per hectare, sph; Ministry of Forest 1999), as would be required in managed coastal Douglas-fir stands. In this instance, the Douglas-fir and bigleaf maple located in the Woodland Ecosystem DPA that will need to be removed for installation of the cistern encompass approximately 10 m² (including crown spread), or 0.01 ha. Hence, to achieve a density of 1000 stems/ha, 10 trees will need to be planted within the DPA as compensation for the loss of the ecological value of these canopy trees. Mature maples require more area than Douglas-fir given their typically greater crown spread, so we recommend plantings consist of 8 Douglas-fir seedlings and 2 bigleaf maples.

Seedlings should be planted in pockets of deeper soil, which on the subject property are generally located either on the south side of the rock face closer to the house (shown with blue line on map in Appendix 1), or on the north – northeast side of the property beyond the rocky ridge. Low-lying areas will typically have greater soil accumulation, so higher points on the ridge should be avoided. All plantings must be protected from deer browsing by enclosing seedlings in metal cages until the trees are established and have reached a height sufficient to ensure their leading stems are beyond the reach of deer (~1.5 – 2 m; see Plate 7). Plantings must also be watered as needed to ensure their survival to a free-to-grow stage (~1.5 m in height), and any trees that do not survive must be replaced to maintain the 10 compensatory plantings within the DPA.

In forests with minimal disturbance, it is preferable to allow the forest to regenerate naturally with seedlings that are typically already present in a fully functioning forest (Drengson and Taylor 2008). Further, retention of the trees currently present in the Woodland Ecosystem DPA on the subject property will help stimulate the natural tree regeneration process on the property, since mature Douglas-fir and arbutus provide a source of seed for future regeneration. In addition, snags (standing dead trees) provide nest sites and a source of food in the form of insects for many avian species [brown creeper (*Certhia americana*), red-breasted nuthatch (*Sitta canadensis*), and woodpeckers] as well as providing shelter for Pacific tree frogs (*Pseudacris regilla*), several species of bats, and many invertebrates. Hence all remaining live and dead trees should be retained within the Woodland Ecosystem DPA on the subject property in the future.

Plate 7. Example of protective barrier that should be installed around planted seedlings to prevent deer browsing.



Hydrology

The proposed rainwater capture system with storage cistern, combined with proposed installation of impervious surfaces such as paving stones, will limit soil water recharge in the DPA through precipitation inputs. Where possible, excess drainage from the dwelling and outdoor terrace should be engineered to direct water flow back toward the Woodland Ecosystem DPA to maximize soil water uptake and storage, and overflow from the cistern (if applicable) should similarly be directed toward the DPA. Redirecting eavestrough flow from the new dwelling towards the Woodland Ecosystem DPA will help to compensate, enhance and maintain soil water inputs and hence mitigate the installation of the proposed impervious patio terrace surfaces.

Maintaining Native Species

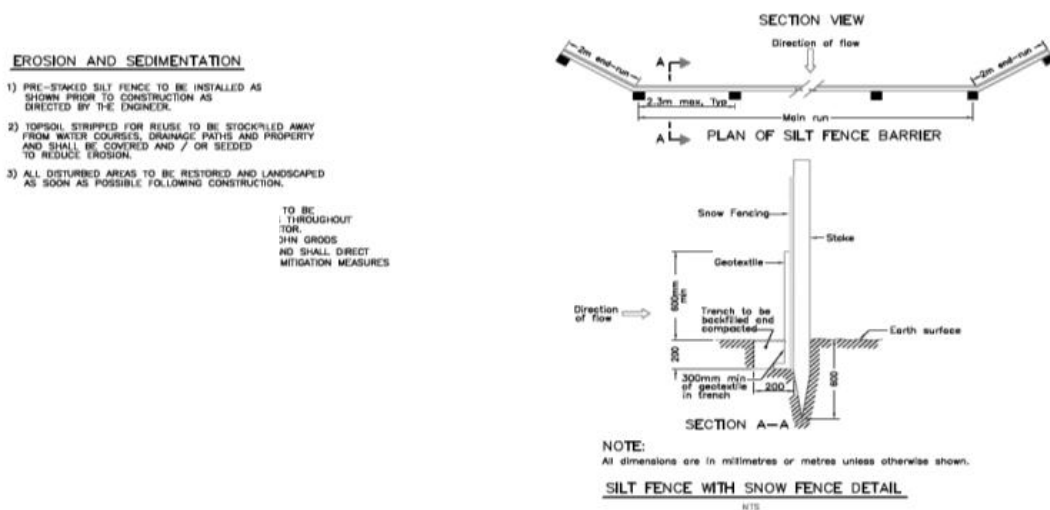
1. To maintain ecological integrity of the Woodland Ecosystem DPA and the larger property, minimizing tree removal is recommended throughout. This includes standing dead trees (snags), as these features provide critical habitat for many species of birds, bats, and invertebrates. Existing seedlings or young trees should be managed to provide the best opportunity for survival (e.g. removal of competing vegetation and non-native species as needed, protection from deer browsing).
2. Retention of all mature trees currently present in the Woodland Ecosystem DPA on the property will help stimulate the natural tree regeneration process, since mature Douglas-fir and arbutus provide a source of seed for future regeneration.
3. The removal of invasive species (particularly Scotch broom) is recommended throughout the entire property, including the Woodland Ecosystem DPA, to prevent its continued spread and improve the

quality of natural areas. Scotch Broom modifies soil chemistry and prevents native species from establishing, shades out native species, and competes with native plants for access to pollinators and hence it is critical that it be eliminated from this landscape to restore it to a healthy and diverse native plant community. Small broom plants can be pulled in the winter or spring when the soil is moist, whereas removal of large plants should be achieved by cutting the plants at or just below the ground to avoid soil disturbance and erosional loss, as well as to reduce germination of seeds contained in the soil seed bank. (Germination is enhanced in newly disturbed soil.) Cutting plants when they are in full bloom in the spring will minimize resprouting, as all nutrients have been moved from roots into above ground parts.

4. Landscaping and restoration of natural areas outside the Woodland Ecosystem DPA should be conducted using *only native plant species*.
5. We recommend planting small seedlings as the best way to ensure tree root systems are able to develop undisturbed and to avoid transplant stress commonly associated with larger nursery stock. Planting small seedlings is also less invasive and can be done by hand rather than bringing in equipment to plant larger trees. This is especially relevant because replanting will be occurring in the sensitive Woodland Ecosystem DPA.
6. Any newly planted trees and shrubs require little care; however, until they reach a sufficient height ("free to grow" stage of 1.5 m), irrigation and protection from wildlife browsing and will be necessary. It is recommended that cages and netting (chicken wire, stucco wire, etc.) be used to protect new seedlings and shrubs from animal damage (Plate 7). Cages must be expandable to allow for plant growth while still ensuring protection from browsing. Barriers should start close to the ground and extend past the reach of deer, at least 1.5 m in height. Unhealthy, dying or dead stock should be replaced in the next regular planting season. Douglas-fir are generally drought tolerant once established, but young seedlings will require regular watering during the summer drought months. Young maples should be planted in a shady area within the DPA and will require regular watering until well established.

Erosion

7. Prior to construction, install silt fence as illustrated below to prevent surface transport of soil or fill and other material beyond the immediate construction area.



8. Install silt barrier fencing as close as possible to the construction area and ensure no equipment crosses the barrier. Storage of building materials must be limited to areas on or near the driveway and the south side of the house as is practical.
9. We recommend ongoing invasive plant removal, as well as revegetation with native plant species in areas of disturbance to help avoid further introduction of non-native species. All restoration planting should occur in the spring (Feb-Mar) to allow for plant root establishment and soil stabilization before being exposed to winter precipitation.
10. Ensure no construction work is carried out during precipitation events.
11. Any soils exposed for prolonged periods, i.e., greater than 2 weeks, shall be covered. Covering may include tarping or hydromulch (without seed mixture) and must be maintained.

Excavation and Root Damage

12. Use lightest possible equipment for lowest impact and avoid cutting or damaging large lateral anchoring tree roots.

Introduction of Non-native Flora

13. Contractors should inspect their equipment and vehicles to ensure they do not transport invasive plant species seeds onto or off the property. All equipment should be washed prior to arrival. Manual removal of weeds from equipment should be performed regularly.
14. Landscaping and restoration of disturbed areas should be conducted using only native plant species.

The following measures would help retain or enhance ecological value of the property as a whole:

15. To maintain ecological integrity of the Woodland Ecosystem DPA, all existing canopy trees must be maintained. This includes standing dead trees (snags), as these features provide critical habitat for many species of birds, bats, and invertebrates. Existing seedlings or young trees should be managed to provide the best opportunity for survival (e.g. removal of competing vegetation and non-native species as needed, protection from herbivore browsing). Retention of all mature trees in the Woodland Ecosystem DPA on the property will help stimulate the natural tree regeneration process, since mature Douglas-fir and arbutus provide a source of seed for future regeneration.
16. All future landscaping works in the areas adjacent to the DPA will not occur during rain deposition events.
17. Minimize disturbance and maintain undeveloped habitat in as natural a state as possible.
18. For project planning in the Gulf Islands region, the songbird nesting window is March 12 to August 17 across all habitat types, with peak nesting occurring between May 1 and July 22 (Department of Environment and Climate Change 2020). All construction activities should be avoided during this peak nesting period.

The following species list is an example of the type of deep rooted, drought tolerant native plants that could be planted on the subject property as part of landscaping and post-construction site restoration.

Ocean spray - *Holodiscus discolor*
 Red Osier Dogwood - *Cornus stolonifera*
 Saskatoon - *Amelanchier alnifolia*
 Red Elderberry - *Sambucus racemosa*
 Twinberry - *Lonicera involucrata*
 Sweet Gale - *Myrica gale*
 Hardhack - *Spirea douglasii*

Nootka Rose - *Rosa nutkana*
Red Flowering Currant - *Ribes sanguineum*
Thimbleberry - *Rubus parviflorus*
Pacific Ninebark - *Physocarpus capitatus*
Highbush Cranberry - *Viburnum edule*
Mock Orange - *Philadelphus lewisii*
Snowberry - *Symphoricarpos albus*
Salal – *Gaultheria shallon*
Sword fern - *Polystichum munitum*
Nootka Rose - *Rosa nutkana*
Evergreen Huckleberry - *Vaccinium ovatum*
Nodding onion - *Allium cernuum*

6.0 Monitoring and Restoration

A follow-up site visit by a Qualified Environmental Professional (QEP) is recommended in the future, to assess the effectiveness of the proposed mitigation procedures. A restoration plan is not needed at this time as the integrity of the Woodland Ecosystem DPA will be minimally affected with the proposed development.

7.0 Conclusion

The proposed construction of a new dwelling and installation of a cistern at 7904 Plumper Way, Pender Island BC will minimally encroach on the designated Woodland Ecosystem DPA (Appendix 1). It is our opinion that the guidelines and recommendations we have outlined above will ensure that further detrimental impacts to the sensitive and threatened ecosystems on the subject property can be avoided. If you have any questions or comments, please contact the undersigned at your convenience.

Respectfully Submitted,

Dan Baxter (B.Sc., R.P.Bio.) and Erin O'Brien (Ph.D.)

Daniel Baxter

Erin O'Brien



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Appendix 1

Site Plan for 7904 Plumper Way, Pender Island BC

This drawing must not be scaled. The General Contractor shall verify all dimensions before and levels prior to construction of work.

All work shall be done in accordance with the approved plans. Variations and modifications to work shall be carried out without written permission from the Architect.

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DATE: _____

NOTES:

REVISION:

DATE	NOTES	REVISION
05/24/21	Revised for Permit	1
05/24/21	Revised for Permit	2
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Revised for Development
June, 8th 2021

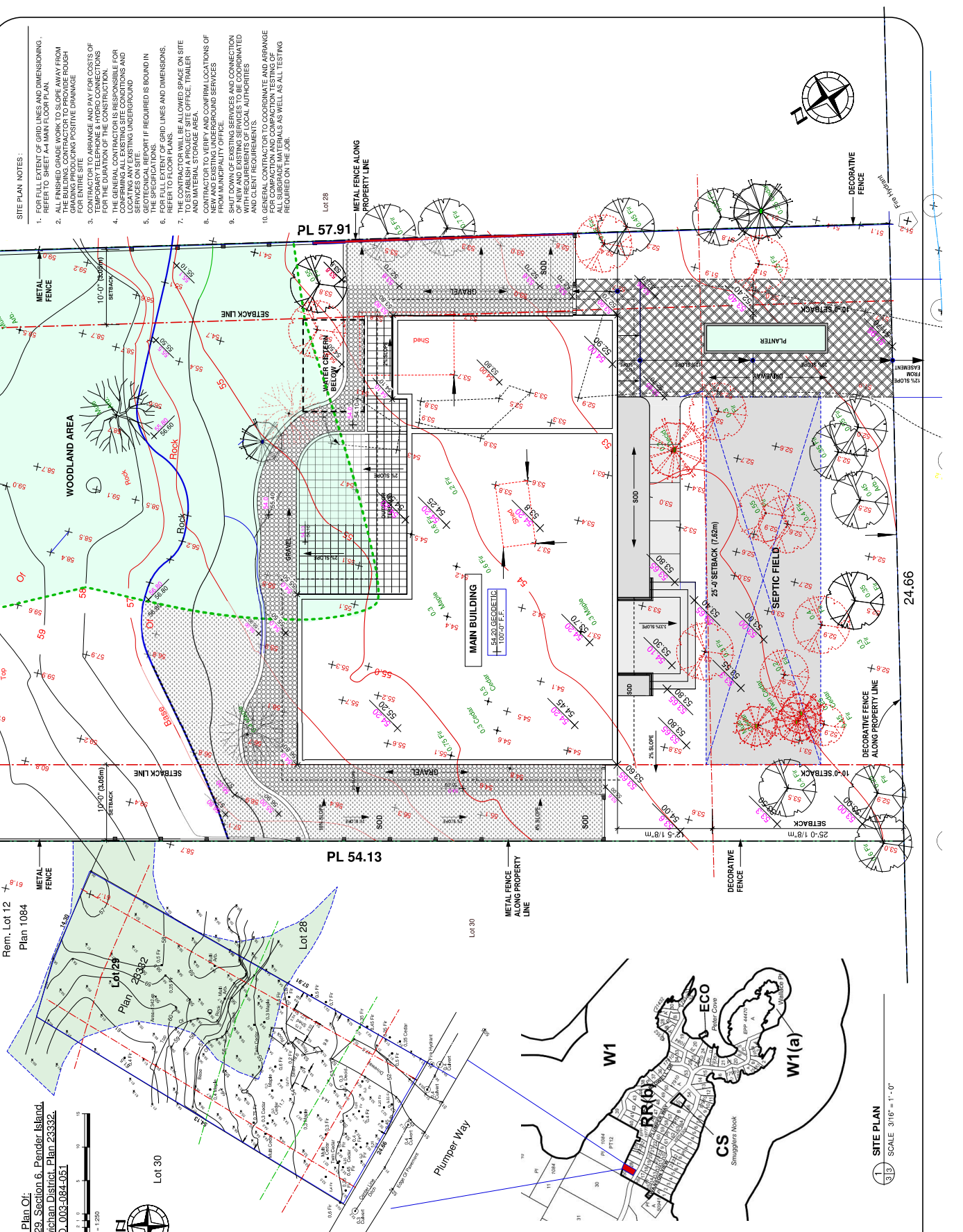
roger amenyogbe
architect
2204-4800 STATION HILL DRIVE
VANCOUVER, B.C. V6L 2A5
TEL: 604-271-1477
FAX: 604-271-1478
WWW.ROGERAMENYOGBE.COM

Project Location:
**7904 Plumber Way
Pender Island
B.C.**

Project Title:
**Private Residence of
Allison & Bohdan Pisak**

Drawing Title:
Site Plan

Scale: 3/16" = 1'-0"
Drawing Number: **A-3**



North Pender Island Local Trust Committee Development Approval Information Checklist Development Permit Area Applications

The attached checklists are intended to assist consulting professionals in submitting complete and relevant reports. A completed checklist(s) for each relevant Development Permit Area should be submitted to the Islands Trust along with all professional reports.

Instructions

Landowners/applicants should ensure that:

1. The relevant checklist(s) is provided to all their consulting professionals
2. A completed checklist is submitted with the professional reports
3. If not all information is provided in the report or with the application, that the professional has consulted with, and obtained prior approval, of the Islands Trust.

Consulting Professionals:

1. Complete and attach the relevant checklist(s) to your professional report indicating that the report has addressed all relevant development approval information requirements.
2. Where the professional is of the opinion that because of the nature of the site or the development proposal specific information is not relevant, the professional should:
 - a. Contact the planner as early as possible and consult on the need for the particular information;
 - b. Describe clearly in the report why the particular information is not relevant; and
 - c. Indicate on the checklist that the information is not applicable (N/A)
3. Where a site is designated within two or more DPAs, all relevant checklists should be completed.

Note: it is at the determination of the Islands Trust planner whether or not specific information is required. Failure to provide complete information without prior consultation with and the approval of the Islands Trust may result in delays in processing an application or requirements for additional information.

Pursuant to North Pender Island Local Trust Committee Development Approval Information Bylaw No 134, the applicant shall provide, as part of a development permit application, a report prepared by a qualified professional with relevant experience containing the following information. Where a professional is of the opinion that any of the following information requirements are not relevant for the proposal in question, the professional shall indicate the rationale for such an opinion, either in the body of the report or in a separate certification. The determination of whether and what extent that development approval information is required is at the discretion of the Islands Trust official.

File No: _____

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)			Office Use only
	Information and Documentation Required	✓	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:	✓	
	▪ The proposed development and associated features	✓	
	▪ The development permit area boundary	✓	
	▪ Existing buildings and structures	✓	
	▪ Roads and driveways	✓	
	▪ Topographic features	✓	
	▪ Significant features identified in the site inventory	✓	
	Where development would occur on slopes exceeding 20% grade: site profiles and cross sections demonstrating terrain conditions prior to disturbance		
Site Inventory	A site inventory providing information on the ecosystem classification, based on current best practices, providing information on: ▪ existing plant communities ▪ marine, aquatic and terrestrial habitats ▪ sensitive ecosystems ▪ nesting trees ▪ the presence of rare species and rare plant communities ▪ current on-site and adjacent land uses ▪ slope stability ▪ erosional processes ▪ hydrology and flood potential ▪ topography	✓	
	Site background analysis that includes the following known information: ▪ A check for observed species and ecosystems at risk ▪ A description of the context of the site including the use of adjacent lands and proximity to protected areas ▪ A check for the presence of raptor and heron nests ▪ A check for the presence of fish-bearing water courses	✓	
	A conservation evaluation that identifies environmentally valuable features on or near the proposed development. The evaluation should be based on current best practices, such as the RISC standard	✓	
Development Proposal	A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. Alternative development options.	✓	
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development, consisting of anticipated impacts on the following:		
	▪ Sensitive ecosystems	✓	
	▪ Rare plant communities	✓	
	▪ Rare species habitat	✓	

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)			Office Use only
	Information and Documentation Required	✓	
	Site hydrology	✓	
	The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area	✓	
Measures	A description of all recommended measures to limit, mitigate and manage the impacts of the development on environmentally valuable features	✓	
	A description of mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.	✓	
Monitoring	Recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, a monitoring schedule and process for resolving any non-compliance	✓	
Restoration	Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development	✓	

OFFICE USE ONLY

File No: _____

RAPTOR AND HERON NEXT DEVELOPMENT PERMIT AREA (DPA 7)			Office Use only
	Information and Documentation Required	✓	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:		
	The proposed development and associated features		
	The natural boundary of the sea		
	The development permit area boundary		
	Existing buildings and structures		
	Roads and driveways		
	Significant features identified in the site inventory, including the nest tree		
	Where development would occur on slopes exceeding 20% grade: site profiles and cross sections demonstrating terrain conditions prior to disturbance		
Evaluation	An evaluation fo the site and the current status of the nest tree, following current best practices.		
Development Proposal	A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing or trimming, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. Alternative development options.		
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development on the nesting site, consisting of anticipated impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area.		
Measures	A description of all measures to limit, mitigate and manage the impacts of the development on the nesting site.		
	A description of feasible mitigation measures and their anticipated effectiveness in maintaining the health and function of nesting site.		
	Any recommended measures to restore or enhance the health of the nesting site.		

OFFICE USE ONLY

File No: _____

RIPARIAN AND AQUATIC DEVELOPMENT PERMIT AREA (DPA 10)			Office Use only
	Information and Documentation Required	✓	
Riparian Assessment	A description of the fisheries resource values in the watercourse, including species of fish that frequent the waterbody and fish habitat present.		
	The results of the riparian assessment, using a detailed or simple assessment as indicated in the Riparian Areas Regulation, and establishing the Streamside Protection and Enhancement Area (SPEA) width for the subject parcel.		
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:		
	▪ Topographic features		
	▪ Location of top of bank		
	▪ High water mark		
	▪ SPEA widths, any ZOS		
	▪ All buildings, structures and supporting infrastructure		
Measures	A description of all measures to maintain and protect the SPEA from development, including where appropriate: ▪ assessment and treatment of danger trees, ▪ windthrow, ▪ slope stability, ▪ tree protection during construction, ▪ encroachment and ▪ sediment and erosion control.		
Monitoring	Recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, including a monitoring schedule and process for resolving any non-compliance		
Certification	Professional certification by a Qualified Environmental Professional preparing the report that he or she is qualified to carry out the assessment, that the assessment methods have been followed, and provides his or her professional opinion that: ▪ if the development is implemented as proposed there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area, or ▪ if the streamside protection and enhancement areas identified in the report are protected from the development and the measures identified in the report as necessary to protect the integrity of those areas from the effects of the development are implemented by the developer, there will be no harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes in the riparian assessment area.		

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2021.6**

To: Allison Pisak & Bohdan Pisak

1. This Development Permit (the "Permit") applies the land described below and all buildings, structures and other developments therein:

LOT 29, SECTION 6, PENDER ISLAND, COWICHAN DISTRICT, PLAN 23332
PID: 003-084-051

2. This Development Permit NP-DP-2012.1 authorizes the construction of a portion of the dwelling unit, placement of a cistern and removal of one (1) mature Douglas-fir and one (1) bigleaf maple trees as indicated in Schedule 'A' within Development Permit Area ('DPA') 1 – Woodland Sensitive Ecosystem, subject to the following requirements and conditions:

Restoration (Tree Replacement)

- a. Eight (8) Douglas fir small saplings and two (2) maple small saplings shall be planted in pockets of deeper soil, which on the subject property are located on the south side of the rock face closer to the north-side of proposed dwelling unit or on the north/northeast side of the property beyond the rocky ridge.
- b. All restoration planting should occur in the spring (Feb-Mar) to allow for plant root establishment and soil stabilization before being exposed to winter precipitation.
- c. All replanting should be maintained by the property owner including necessary irrigation until the saplings reach a height of 1.5 metres to ensure survival. Unhealthy, dying or dead stock should be replaced at the owner's expense in the next regular planting season.
- d. All replacement trees shall be protected from foraging by wildlife by the use of metal cages and/or fencing until the trees reach a height of 1.5 metres.
- e. All existing trees shall be retained and native plant species shall remain undisturbed within the area of DPA 1 as shown on Schedule "A" attached to and forming part of this permit.
- f. Any dead trees ("snags") shall be left in place to provide habitat.
- g. There shall be no soil removal or deposit within any DPA on the subject property.

Native and Invasive Species Management

- h. The ongoing removal of invasive plant species (particularly Scotch broom) is required throughout the property to prevent its continued spread and improve the quality of natural areas.
- i. Landscaping and restoration of natural areas outside the Woodland Ecosystem DPA should be conducted using only native plant species.

Hydrology

- j. Where possible, excess drainage from the dwelling unit and outdoor terrace should be engineered to direct water flow back toward the Woodland Ecosystem DPA to maximize soil water uptake and storage, and overflow from the cistern (if applicable) should similarly be directed toward the DPA. Redirecting eavestrough flow from the new dwelling towards the Woodland Ecosystem DPA will help to compensate, enhance and maintain soil water inputs and hence mitigate the installation of the proposed impervious patio terrace surfaces.

Erosion

- k. Prior to construction, install silt fence (as illustrated on Schedule 'B') to prevent surface transport of soil or fill and other material beyond the immediate construction area.
- l. Install silt barrier fencing as close as possible to the construction area and ensure no equipment crosses the barrier. Storage of building materials must be limited to areas on or near the driveway and the south side of the dwelling unit where practical.
- m. Any soils exposed for prolonged periods, i.e., greater than 2 weeks, shall be covered. Covering may include tarping or hydromulch (without seed mixture) and must be maintained.

Construction Management

- n. Any hired contractors should inspect their equipment and vehicles to ensure they do not transport invasive plant species seeds onto or off the property. All equipment should be washed prior to arrival.
- o. Use lightest possible equipment for lowest impact and avoid cutting or damaging large lateral anchoring tree roots.

Monitoring

- p. A follow-up site visit by a Qualified Environmental Professional (QEP) is required to assess the effectiveness of the proposed mitigation procedures.
- 3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
 - 4. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 - 5. This permit does not relieve the applicant from complying with the provisions of the North Pender Island Land Use Bylaw unless varied by this Permit.

This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, THIS
rd DAY OF , 2021.

Deputy Secretary, Islands Trust

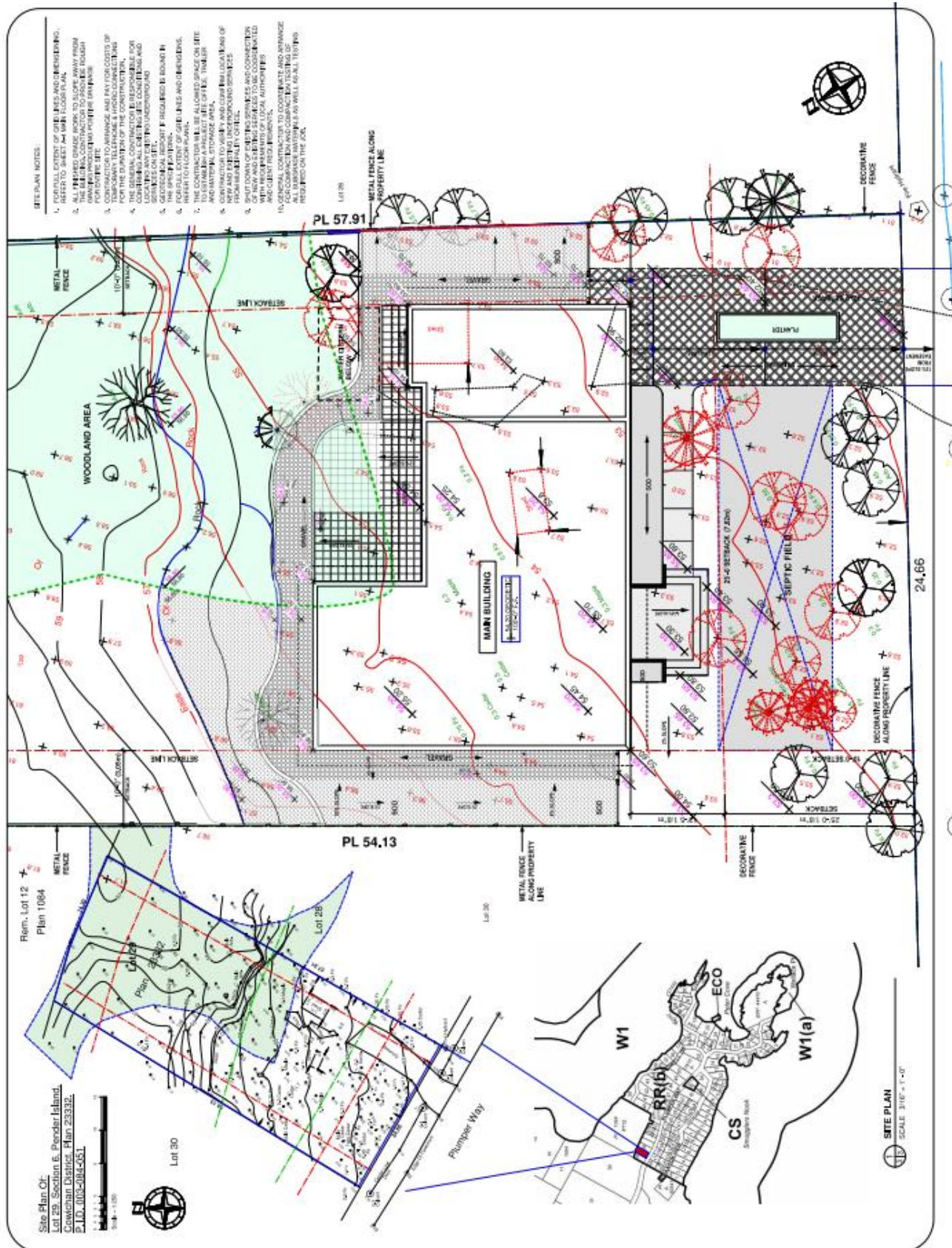
_____, 2021

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ##th DAY OF MONTH, 2021 THIS PERMIT AUTOMATICALLY LAPSES.

DRAFT

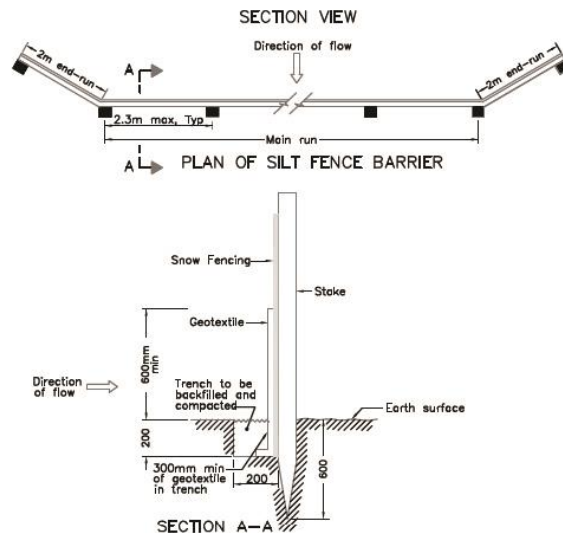
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2021.6
SCHEDULE 'A'
Site Plan



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2021.6
SCHEDULE 'B'
Erosion – Silt Fencing

EROSION AND SEDIMENTATION

- 1) PRE-STAKED SILT FENCE TO BE INSTALLED AS SHOWN PRIOR TO CONSTRUCTION AS DIRECTED BY THE ENGINEER.
- 2) TOPSOIL STRIPPED FOR REUSE TO BE STOCKPILED AWAY FROM WATER COURSES, DRAINAGE PATHS AND PROPERTY AND SHALL BE COVERED AND / OR SEEDED TO REDUCE EROSION.
- 3) ALL DISTURBED AREAS TO BE RESTORED AND LANDSCAPED AS SOON AS POSSIBLE FOLLOWING CONSTRUCTION.
- 4) ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED ON A REGULAR BASIS THROUGHOUT THE COURSE OF CONSTRUCTION BY THE CONTRACTOR. THE QUALIFIED ENVIRONMENTAL MONITOR (QEM) JOHN GRODS SHALL HALT PROGRESS OF ANY AND ALL WORK AND SHALL DIRECT CONTRACTOR TO REPAIR / ALTER CONSTRUCTION MITIGATION MEASURES IF THEY ARE NOT PERFORMING ADEQUATELY.



NOTE:

All dimensions are in millimetres or metres unless otherwise shown.

SILT FENCE WITH SNOW FENCE DETAIL

NTS

From: Daniela Murphy
Sent: Thursday, July 22, 2021 1:57 PM
To: Becky McErlean; Jas Chonk; Kate Emmings
Cc: Corlynn Strachan
Subject: Referral of Islands Trust Policy Statement - Draft Bylaw No. 183
Attachments: TC-BL-183_Policy Statement Bylaw Referral Form.pdf; New-Draft-Policy-Statement-Colour-Coded.pdf

Dear Referral Coordinator,

Islands Trust is engaging with agencies and community groups for input concerning an update to the Islands Trust Policy Statement. As per Section 15 of the Islands Trust Act, the Policy Statement is a general statement of Islands Trust Council's policies to carry out its preserve and protect mandate. It guides the development of local official community plans and regulatory bylaws throughout the Islands Trust Area. The document has not been substantively updated in over 25 years. In the face of new environmental, social, and economic realities, Trust Council is now striving to update the document through the lenses of reconciliation, climate change and affordable housing.

There are many draft amendments to the Policy Statement in different locations throughout the document that may affect your agency. We would encourage you to review the [Project Overview Briefing](#) along with other resources available on the [Islands 2050 webpage](#). Your response is important to this process as it can help us prepare for the future and ensure that the Policy Statement furthers the Islands Trust mandate to preserve and protect.

Agencies Information Session Webinar

On **Wednesday, July 28, 2021 from 1:00 p.m. to 3:00 p.m.**, Islands Trust will be hosting a Zoom webinar for referral agencies to provide information on the draft Policy Statement Bylaw and an opportunity for questions and answers.

Please register in advance for this Zoom webinar:

https://islandstrust.zoom.us/webinar/register/WN_nyXptbv6RWugCwftiQyJmA

After registering, you will receive a confirmation email containing information about joining the webinar.

Your Response is Respectfully Requested:

Attached to this email is a bylaw referral package that includes our referral form and links to the draft bylaw. Project information can be found on our website here:

<https://islandstrust.bc.ca/programs/islands-2050/>

We understand that there are numerous demands on your time, however, we genuinely welcome any comments you may have. Your referral response with regards to this draft bylaw is respectfully requested by **Tuesday, October 22, 2021**. If we do not receive a response from you within the time requested, we will proceed with the approval process.

Should you have any questions or require further information, please contact David Marlor, Director – Local Planning Services at islands2050@islandstrust.bc.ca or at 250-405-5151.

Please direct referral responses to islands2050@islandstrust.bc.ca

or by mail to:

Islands Trust - Islands 2050
200 – 1627 Fort Street
Victoria, BC
V8R 1H8

Thank you for your time and attention to this matter.
Respectfully,

Daniela Murphy

Daniela Murphy

Legislative Clerk/Deputy Secretary

Islands Trust

1-500 Lower Ganges Road | Salt Spring Island BC V8K 2N8

T 250-538-5606 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I am humbly thankful to live and work in the treaty lands and territories of the BO'KEĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXET, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəx", Scia'new, səlilwətaʔt, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SÁÁUTW, Stz'uminus, ʔaʔəmen, toq qaymıx", Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwxu/ʔop qaymıx", and x"məθk"əyəm.



ISLANDS 2050 BYLAW REFERRAL FORM

Islands Trust – Islands 2050
200 – 1627 Fort Street
Victoria, BC V8R 1H8
islands2050@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Islands Trust Area Bylaw No.: TC 183 Date: July 22, 2021

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 90 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PURPOSE OF BYLAW:

The Islands Trust Act requires that Islands Trust Council adopt a Policy Statement. The current Policy Statement has not been substantively updated in over 25 years. The purpose of this bylaw is to update the Policy Statement through the lenses of reconciliation, climate change, and affordable housing.

GENERAL LOCATION:

The Islands Trust Policy Statement is a general policy that applies to all of the Islands Trust Area, including Bowen Island Municipality. For a map of the Islands Trust Area, please visit: <https://islandstrust.bc.ca/mapping-resources/mapping/>

YOUR RESPONSE IS RESPECTFULLY REQUESTED:

Your response to this referral will help to ensure that the Policy Statement furthers the mandate of the Islands Trust, in cooperation with the Province and other agencies. Please note that the Islands Trust Policy Statement requires the approval of the Minister of Municipal Affairs before Trust Council can adopt this bylaw.

There are many draft amendments to the Policy Statement in different locations throughout the document that may affect your agency. We would encourage you to review the [Project Overview Briefing](#) along with other resources available on the [Islands 2050 webpage](#).

On Wednesday, July 28, 2021, from 1:00 p.m. to 3:00 p.m., Islands Trust will be hosting a Zoom webinar to provide information to referral agencies on the draft Policy Statement Bylaw and an opportunity for questions and answers.

Please register in advance for this Zoom webinar: <https://islandstrust.zoom.us/j/nyXptbv6RWugCwftiQyJmA>

After registering, you will receive a confirmation email containing information about joining the webinar.

If you are unable to attend on this day, the session will be recorded and posted to the [Islands 2050 webpage](#) on the Islands Trust website.

Please return the response form by **Tuesday, October 22, 2021** to islands2050@islandstrust.bc.ca

OTHER INFORMATION:

For more information on the Islands 2050 Policy Statement Amendment Project, including the Draft New Policy Statement: <https://islandstrust.bc.ca/programs/islands-2050/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: David Marlor

Title: Director, Local Planning Services

This referral has been sent to the following agencies:

Federal Agencies

Environment and Climate Change
Fisheries & Oceans, Canada (Fish Protection and Aquaculture - Pacific Region)
Transport Canada
Parks Canada

Regional Agencies

Capital Regional District
Comox Valley Regional District
Cowichan Valley Regional District
Metro Vancouver Regional District
Nanaimo Regional District
qathet Regional District
Sunshine Coast Regional District

School District Boards

School District No. 45 (West Vancouver – Gambier)
School District No. 46 (Gambier)
School District No. 64 (Gulf Islands: Galiano, Mayne, North Pender, South Pender, Salt Spring, Saturna)
School District No. 68 (Gabriola/Ballenas Winchelsea)
School District No. 69 (Lasqueti/Ballenas Winchelsea)
School District No. 71 (Denman/Hornby)
School District No. 79 (Thetis)

First Nations

Cowichan Tribes
SXIMELEŁ (Esquimalt) Nation
Halalt First Nation
Homalco First Nation
K'ómoks (Comox) First Nation
Klahoose First Nation
Lake Cowichan First Nation
Lyackson First Nation
MÁLEXEŁ (Malahat) Nation
xʷməθkʷəy̓əm Musqueam Indian Band
BOKEĆEN (Pauquachin) First Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
Semiahmoo First Nation
Shíshálh (Sechelt) Nation
Snaw-naw-as (Nanoose) First Nation
Snuneymuxw (Nanaimo) First Nation
Lekwungen (Songhees) Nation
Skwxwú7mesh (Squamish) Nation
Stz'uminus First Nation
Tla'amin (Sliammon) First Nation
T'Sou-ke (Sooke) Nation
WJOŁEŁP (Tsartlip) First Nation
S7ÁUTW (Tsawout) First Nation
Tsawwassen First Nation
Tsleil-Waututh/ Səlilwətaʔ/Selilwitulh (Burrard Inlet) Nation
WŚIKEM (Tseycum) First Nation
We Wai Kai (Cape Mudge) First Nation
Wei Wai Kum (Campbell River) First Nation

Treaty Groups

Nanwakolas Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Naut'sa mawt Tribal Council
Te'Mexw Treaty Association

Adjacent Local Trust Committees and Municipalities

Ballenas-Winchelsea Islands Local Trust Committee
Bowen Island Municipality
Denman Island Local Trust Committee
Gabriola Island Local Trust Committee
Galiano Island Local Trust Committee
Gambier Island Local Trust Committee
Hornby Island Local Trust Committee
Lasqueti Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Islands Trust Conservancy Board

Provincial Agencies

Agricultural Land Commission
Attorney General (Housing Policy Branch)
BC Ferries
Ministry of Agriculture
Ministry of Energy, Mines and Petroleum Resources
Ministry of Environment and Climate Change Strategy
Ministry of Environment and Climate Change Strategy (BC Parks and Conservation Officer Service Division)
Ministry of Environment and Climate Change Strategy (Climate Action Secretariat)
Ministry of Forests, Lands, Natural Resource Operations and Rural Development – South Coast Office, Crown Lands, Water Licensing, Ecosystems, Archaeology
Ministry of Health
Ministry of Indigenous Relations and Reconciliation (West Coast Office; South Coast Office)
Ministry of Municipal Affairs and Housing (Intergovernmental Relations and Planning Branch)
Ministry of Transportation and Infrastructure on Vancouver Island and South Coast

Improvement District Boards

Gabriola Fire Protection District
Graham Lake Improvement District
Schmidt Improvement District
Galiano Estates Improvement District
Gossip Island Improvement District
Montague Improvement District
Spanish Hills Improvement District
Wise Island Improvement District
Bennett Bay Waterworks District
Campbell-Bennett Bay Improvement District
Lighthouse Point Waterworks District
Mayne Island Improvement District
Village Point Improvement District
Georgina Improvement District
Razor Point Improvement District
Trincomali Improvement District
Harbour View Improvement District
Mount Belcher Improvement District
North Salt Spring Waterworks District
Piers Island Improvement District
Salt Spring Island Fire Protection District
Scott Point Waterworks District
Saturna Shores Improvement District
Thetis Island Improvement District
Vaucroft Improvement District

BYLAW REFERRAL FORM
RESPONSE SUMMARY

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Islands Trust Area (Islands 2050)

(Island)

(Signature)

(Date)

TC 183

(Bylaw Number)

(Title)

(Agency)



Islands Trust

Islands Trust Council **DRAFT Bylaw No. 183**
ISLANDS TRUST POLICY STATEMENT BYLAW, 2021

ISLANDS TRUST POLICY STATEMENT

Updated – July 15, 2021

(Engagement Draft - Colour-Coded Version)

Sections highlighted in blue: primarily reconciliation related amendments

Sections highlighted in green: primarily climate change related amendments

Sections highlighted in pink: primarily housing related amendments

Sections highlighted in yellow: general edits for clarity, accuracy, or brevity

References highlighted in (blue parentheses) at the end of each policy refer to the corresponding policy in the 2003 consolidated version of the Policy Statement or indicate (new) policies.

A clean version of this draft (without colour coding) is available on the Islands 2050 webpage at: <https://islandstrust.bc.ca/programs/islands-2050/>.

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PART 1 - INTRODUCTION

1.1 ACKNOWLEDGMENT (new)

Islands Trust Council acknowledges that the Islands Trust Area is located within the treaty and territorial lands and waters of the BOKEĆEN, K'ómoks, Lək'wəŋən, Lyackson, MÁLEXEŁ, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, sə́lílwətaʔt, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SṐÁUTW, Stz'uminus, łaʔəmen, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwu/ʔop qaymıxʷ, and xʷməθkʷəy̓əm (collectively referred to hereinafter as 'First Nations').

Islands Trust Council acknowledges that the lands and waters encompassing the Trust Area are subject to the treaty and territorial rights of First Nations. The Trust Area has been home to Indigenous Peoples since time immemorial and their relationship to these lands and waters continues to this day. Islands Trust Council honours the rich history and cultural heritage within the region and has stated its commitment to reconciliation and meaningful engagement with First Nations in the Trust Area.

1.2 ESTABLISHMENT OF THE ISLANDS TRUST

To understand the Islands Trust governance model, it is helpful to understand its origins. In the 1960s, as the urban centres of Vancouver, Nanaimo, and Victoria were experiencing rapid population growth, the Gulf Islands in British Columbia began facing unprecedented pressure for residential development. Gulf Island residents, whose islands were under the jurisdiction of regional districts at the time, began expressing widespread concern that the area's highly-valued and fragile environment could be irreversibly damaged by unrestrained development. In 1969, the provincial government responded by instituting a temporary 10-acre minimum lot size freeze on the subdivision of land until island communities could adopt plans and regulations to control growth.

In 1972, an all-party provincial Select Standing Committee on Municipal Affairs was established to investigate the unique problems facing the Trust Area. In its 1973 report¹ to the Legislative Assembly of British Columbia, the Committee concluded that development pressures arising from the area's proximity to major urban centres were damaging the very features that made the region so attractive to residents and visitors. The Committee recommended the formation of an 'Islands Trust' to assume the primary responsibility for coordinated governance of the region.

In response to the Committee's recommendations, the Government of British Columbia enacted the *Islands Trust Act*² in 1974. The Act established Islands Trust as a trust with a conservation-oriented responsibility to preserve and protect the Islands Trust Area for the benefit of residents of the Trust Area and of British Columbia more broadly.

In the years following the establishment of Islands Trust, pressure for development of the Trust Area islands continued. Between 1974 and 1987, the Area's resident population increased by sixty per cent, far exceeding the growth rate of adjacent areas. Several amendments were made to the *Islands Trust Act* during this period, giving Islands Trust community planning and land use authority comparable to that of a regional district under the *Local Government Act*. From 1974 to 1977, local trust committees vetted regional district bylaws for compliance with the Islands Trust Object. In 1977, in response to concerns about administrative inefficiencies, the *Islands Trust Act* was amended to transfer land use regulation from regional districts to local trust committees. Aware of the urgent need for plans to guide decisions on growth management and land use, Trust Area communities developed official community plans. Nonetheless, pressure for residential development continued, as did public concern for the future of the Trust Area.

In 1987, the provincial government initiated a second review related to the Islands Trust Area, this time focusing on public opinion of Islands Trust and its role. The results showed overwhelming public support for both Islands Trust and the Islands Trust Object, and suggested ways in which the Trust and its legislation could be strengthened. In response, an amended *Islands Trust Act* was put into effect in 1990, reaffirming the Province's commitment to careful planning and development in the Trust Area. In the amended Act, Islands Trust retained its original authority and its dual responsibility to residents of both the Trust Area and British Columbians more broadly. The new legislation also amended the structure of Islands Trust and greatly broadened its functions and responsibilities. One of the most notable changes was the assignment of a regional-level planning function to Islands Trust Council.

¹ British Columbia, [*Official Report of Debates of the Legislative Assembly \(Hansard\)*](#), 30th Parl, 3rd Sess, p 255 (25 September 1973).

² British Columbia, [*Islands Trust Act*](#), RSBC 1996, c 239.

1.3 PRESENT CONTEXT

Many of the challenges that the Islands Trust Area was facing in 1974 remain pressing today, and are further complicated by new social, economic, and environmental dynamics.

In 2019, Trust Council adopted a Reconciliation Declaration acknowledging that First Nations have resided in the lands and waters that encompass the Trust Area since time immemorial and honouring the rich history and cultural heritage of this special region. Trust Council acknowledges that it has a duty to seek meaningful engagement with First Nations in the Trust Area and strives to be guided by the specific reconciliation principles and recommendations of the Truth and Reconciliation Commission's Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples, the *Declaration on the Rights of Indigenous Peoples Act*, and the Missing and Murdered Indigenous Women and Girls Calls for Justice, that fall within Trust Council's jurisdiction.

Trust Council also adopted a Climate Emergency Declaration in 2019, committing to urgent and equitable climate action across the region. The health and integrity of ecosystems, communities, and the built environment are increasingly compromised by the adverse impacts of climate change such as rising sea levels, ocean acidification, storm surge flooding, windstorms, droughts, wildfires, and invasive species. Biodiversity - the diversity within species, between species, and of ecosystems - is declining at an alarming rate, leading to species extinctions locally and across the globe. In order to effectively preserve and protect the unique amenities and environment of the Trust Area in this context, it will be critical to identify, monitor, mitigate, and adapt to the ripple effects of climate change on both ecosystems and communities. In this context, Trust Council will benefit from being guided by the best available science, social science, local knowledge, and Indigenous ways of knowing. In the face of uncertainties around the rate and scale of climate impacts, it will also be important to foster more precautionary and adaptive approaches to decision-making, safeguarding future generations as best as possible.

Research by the Islands Trust Conservancy on the conversion of natural areas for human use highlights that some islands in the Trust Area are reaching or surpassing accepted thresholds for ecosystem health³. A widely accepted threshold for the region is approximately 30-40% of converted area for any given habitat. As land conversion begins to go above this threshold, the number of species in a given habitat can be expected to decline far more rapidly. A 2021 report on *The State of the Salish Sea*⁴ describes the Salish Sea bioregion as being under relentless pressure from an accelerating convergence of global and local environmental stressors and the cumulative impacts of 150 years of development. It chronicles how ecosystem decline has outpaced protection and restoration efforts, and how population growth and urbanization have led to detrimental changes to the landscape and seascape, including habitat fragmentation, shoreline armouring, conversion of vegetated areas to impervious surfaces, and profound changes in watershed and wetland hydrology. The report calls for strategic, multijurisdictional policy approaches, informed by multiple ways of knowing and grounded in an understanding of the complex relationships between people and place:

"...Now is the time to shift thought and policy paradigms from treating the environment as a resource to instead build systems of relationships and responsiveness that are based in science and incorporate the interconnected system of humans and environments."

³ Islands Trust (2019). *State of the Islands Indicator Project: Final Report*

⁴ Sobocinski, K.L. (2021). *State of the Salish Sea*. G. Broadhurst and N.J.K. Baloy (Contributing Eds.). Salish Sea Institute, Western Washington University.

Many islands in the Trust Area are also facing a lack of safe, secure, and affordable housing that is threatening the long-term sustainability and resilience of Trust Area communities. The gap between those who can, and those who cannot, afford a home is growing rapidly amidst a backdrop of skyrocketing real estate values, loss of rental stock, prevalence of not-permitted, unsafe, and unhealthy housing with no permanency or security for families, and growing rates of homelessness. Without affordable, safe, secure, and diverse housing options, seniors are finding it difficult to age in place and an increasing percentage of island workers must commute from off-island locations. First Nations community members continue to be alienated from their homelands and opportunities to live on the islands due to the forced removal and genocide they experienced and continue to experience to this day. As Trust Council endeavours to support community needs for affordable housing within the confines of its jurisdictional mandate, it acknowledges the need for place-based, multigenerational, and integrated solutions to sustainability that address equity, diversity, and inclusion in meaningful ways, while respecting the natural limitations and adaptive capacities of island ecosystems.

In this complex policy landscape, the Policy Statement plays a vital role in articulating Trust Council's strategic policy priorities, principles, and approaches, centred firmly in the Islands Trust Object to preserve and protect the unique amenities and environment of the Trust Area, not only for this generation, but also for many generations to come, including First Nations who wish to come home or have access to traditional uses.

1.4 THE ISLANDS TRUST OBJECT AND ITS MEANING

The *Islands Trust Act* sets out the special-purpose mandate for Islands Trust, referenced in the legislation as its “object”:

“The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.” (*Islands Trust Act*)

The following sections provide a fuller explanation of key phrases in the Islands Trust Object.

“... to preserve and protect the Trust Area...”

The Islands Trust Area is a scenic archipelago of 13 major islands, over 450 smaller islands and islets, and surrounding waters in the Salish Sea. The area of jurisdiction is established by Schedule A of the *Islands Trust Act*. The region is home to more than 26,000 residents and is the homeland of more than 28,000 Coast Salish Peoples.

The mandate to ‘preserve and protect’ aims to ensure the continued existence, either at current or enhanced levels, of the unique amenities and environment of the Trust Area. This involves first identifying the unique amenities and environment in each local planning area and then instituting measures for their preservation and protection. Appropriate developments can thus be guided to areas which are most suitable, with minimal impact to the unique amenities and environment of the area. Official community plan and bylaw provisions such as setbacks and parcel size can be used as site specific protection measures where development is permitted.

“...and its unique amenities and environment...”

The Trust Area is valued and unique, not because of any one quality or feature, but rather because of its particular combination of characteristics and location.

Located within the Coastal Douglas-fir and Coastal Western Hemlock biogeoclimatic zones, the Trust Area is home to an exceptionally high biodiversity of rare and culturally significant species, including over 100 federally-listed and over 300 provincially-listed species at risk. These ecosystems are classified as ‘sensitive’ because of their rarity and vulnerability to disturbances such as human impacts and climate change. The Trust Area also plays an important role in provincial and national efforts to reduce greenhouse gas emissions by capturing and storing carbon in natural areas such as forests, soils, mycelium networks, wetlands, and eelgrass meadows.

Islands are places of last refuge and first (local) extinction. Existing at the interface of land and sea, they provide transition habitats that support high terrestrial and marine biodiversity. At the same time, islands need extra care due to a number of unique vulnerabilities they hold as small, closed systems, surrounded by water. Unlike larger islands or the mainland, islands in the Trust Area have significant water supply constraints, due to small watersheds, shallow soils, a heavy reliance on groundwater, and a high vulnerability to the impacts of a changing climate, such as drought and saltwater intrusion. Species habitat and migration corridors on these islands are also constrained by the natural boundaries of shorelines and are impacted by the proportion and configuration of land converted for human use. In addition, coastal and marine ecosystems, resident communities, and First Nations’ archaeological sites and shoreline harvesting are all highly vulnerable to the climate change impacts associated with sea level rise and ocean acidification.

The Trust Area is also valued and unique because it is located within the treaty and territorial lands and waters of the Coast Salish Peoples. First Nations have called these lands and waters home since time immemorial and their relationship with this place continues to this day as stewards and caretakers for seven generations to come. First Nations in the Trust Area have creation stories that describe the spiritual and geophysical formation of the islands in the Salish Sea. Their history, stewardship, and knowledge of the region is reflected through oral history, language, place names, cultivated features of the landscape, Indigenous law, and protocols. Indigenous descriptions of the interrelationships between the landscape and all beings provide important context to the understanding of this special place. In this context, Indigenous cultural heritage is recognized as a unique amenity in the Trust Area and includes, but is not limited to: cultural and spiritual sites; ancestral loved ones' burial cairns and resting places; artifacts; petroglyphs; pictographs; place names; culturally significant species; medicinal plants; and traditional harvesting areas.

Trust Area islands are also home to vibrant communities that aspire to live sustainably and in respectful relationship with these lands and waters. Trust Council understands its preserve and protect mandate is strengthened by healthy and inclusive communities that are dependent on sustainable, energy efficient, and appropriately located housing, transportation, and infrastructure. Trust Area communities strongly value the rich natural beauty and biodiversity of the islands, the silence, quietude and tranquility of rural island landscapes and dark night skies, and the abundant opportunities for nature connection that the islands afford. These opportunities are not only to be enjoyed by residents, but also by British Columbians and visitors to the region, who all play important roles in helping to preserve and protect the Trust Area. Effective stewardship of the Trust Area relies on a collective community commitment to foster lower ecological footprints by reducing greenhouse gas emissions, striving to find new paths to conserve finite natural resources, and seeking nature-based solutions to climate change.

“...for the benefit of the residents of the Trust Area and of British Columbia generally ...”

Islands Trust is responsible to the present and future resident communities of the Trust Area and British Columbia, as well as to First Nations who have resided in the area since time immemorial. Resident communities include a diverse mix of year-round residents, part-time residents, absentee land owners, and First Nations who were forcibly removed from their homelands through colonization. The benefits to British Columbians include the preservation and protection of one of the most ecologically sensitive and biodiverse regions in the country, the safeguarding of natural carbon sinks to sequester greenhouse gas emissions, and opportunities for nature connection in close proximity to major urban centres.

“... in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia ...”

First Nations, and a number of municipalities, regional districts, improvement districts, other persons and organizations, and provincial agencies have responsibilities and interests related to the preservation and protection of the Trust Area. Trust Council recognizes that it does not have the jurisdictional powers to fulfill its mandate independently and must obtain the assistance of other jurisdictions. To achieve its object, Islands Trust must be an educator, coordinator, collaborator, and initiator, guiding individuals, communities, organizations, and other government agencies to uphold and support the Islands Trust Object. While Trust Council can provide the necessary leadership, responsibility for the preservation and protection of the Trust Area rests with many, including Trust Area residents, communities, other government agencies, organizations, and the Province. Trust Council further recognizes that meaningful engagement and cooperation with First Nations is critical to the preservation and protection of the region, to Trust Council's reconciliation commitments, and to the implementation of the provincial *Declaration on the Rights of Indigenous Peoples Act*.

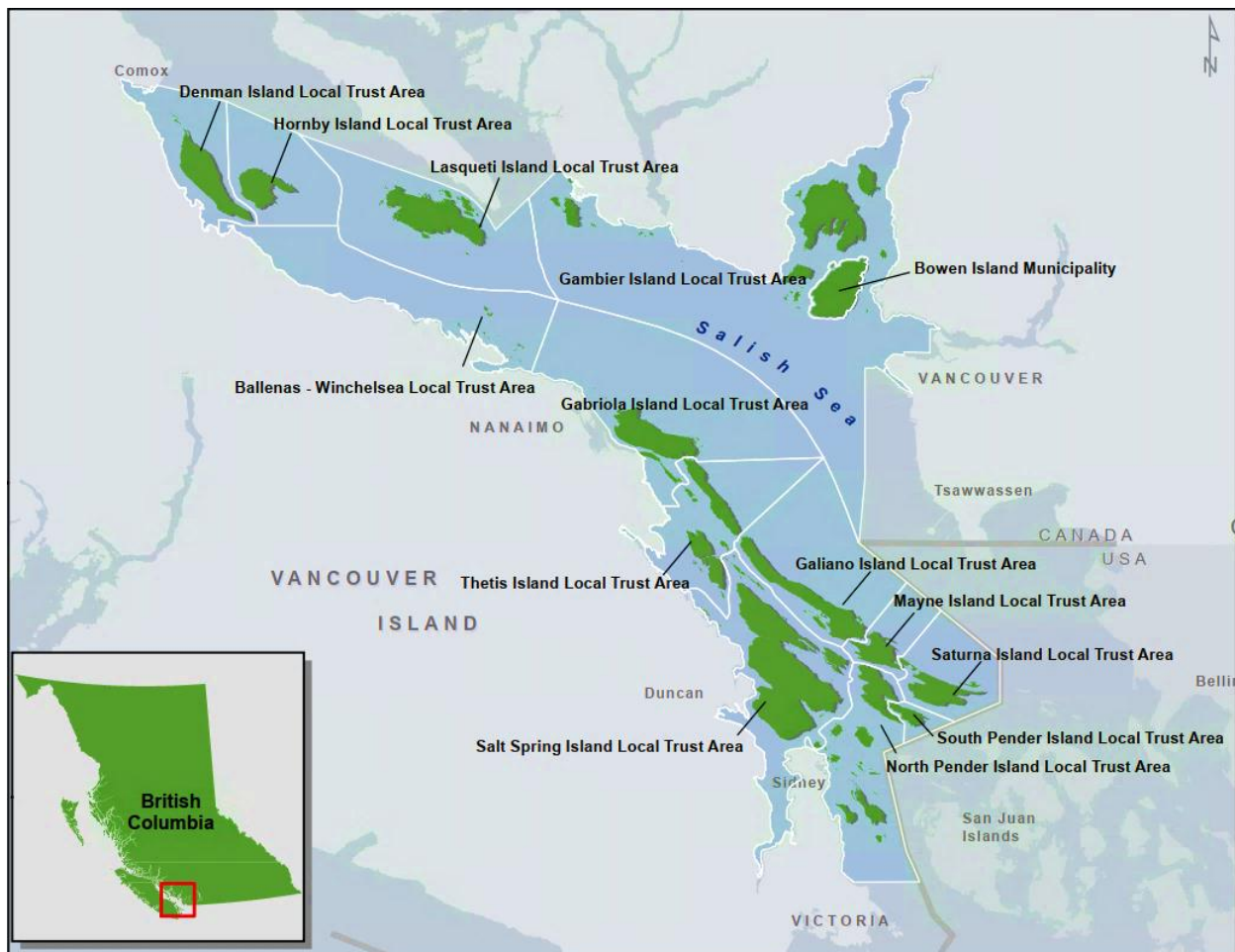
1.5 LOCATION OF THE ISLANDS TRUST AREA

The Islands Trust Area is an archipelago of 13 major islands and more than 450 smaller islands and surrounding waters in the Salish Sea, situated between the mainland of British Columbia and southern Vancouver Island. The specific boundaries of the Trust Area are noted in Schedule A of the *Islands Trust Act*.

The 13 major islands include:

- Bowen Island
- Denman Island
- Gabriola Island
- Galiano Island
- Gambier Island
- Hornby Island
- Lasqueti Island
- Mayne Island
- North Pender Island
- Salt Spring Island
- Saturna Island
- South Pender Island
- Thetis Island

(new map)



PART 2: PURPOSE AND IMPLEMENTATION OF THE POLICY STATEMENT

2.1 PURPOSE OF THE ISLANDS TRUST POLICY STATEMENT

Section 15 of the *Islands Trust Act* stipulates that Trust Council must, by bylaw, adopt a Trust Policy Statement that applies to the Trust Area. The purpose of the Policy Statement is to establish a general statement of policies of Trust Council to carry out the Islands Trust Object to preserve and protect the unique amenities and environment of the Trust Area.

The Policy Statement aims to establish a vision for the future of the Trust Area that reflects the values and interests of the environment, residents, First Nations, and British Columbians, for this generation and for generations to come. It provides a framework for Trust Council to assume a leadership role in 'place protection planning' in the Trust Area, which entails preserving and protecting the unique amenities and environment of the Trust Area through a combination of:

- conservation-oriented land use planning and regulation;
- engagement with First Nations;
- inter-agency coordination and advocacy;
- public / community engagement; and
- stewardship education.

As the Trust's overarching policy document, the Policy Statement guides the formulation of Trust-wide strategic plans, official community plans and regulatory bylaws, protocol agreements and other cooperative arrangements with First Nations, inter-agency coordination and advocacy, thematic action plans and strategies, as well as public engagement and education initiatives.

The Policy Statement bylaw becomes effective upon the date of adoption. It is not retroactive and has no effect on any local trust committee or municipal bylaw in effect before its adoption.

2.2 ROLES AND RESPONSIBILITIES

Islands Trust Council cannot effectively implement the Policy Statement without the support of First Nations and a wide range of partners. The original 1974 vision was that the Trust would be a "fully representative co-coordinating body", whose task it was to bring together each group, agency, or government partner to act in the best interests of the islands and residents, with due regard for the broader and Province-wide interest. Assistance, cooperation, and collaboration are required from local trust committees, island municipalities, the Islands Trust Conservancy Board, First Nations and their associations and organizations, the provincial government, other government agencies, non-governmental organizations, communities, property owners, residents and visitors. In the spirit of the *Islands Trust Act*, it is expected that all corporate entities of the Trust will coordinate and advocate to other agencies on matters involving potential conflict between the legislated Islands Trust Object and the legislated mandates of other agencies.

Role of the Minister of Municipal Affairs

The Minister of Municipal Affairs of the Government of British Columbia (or the designated provincial minister responsible for municipal affairs) approves the Policy Statement bylaw and provides an avenue of appeal for municipalities if neither the Executive Committee nor Trust Council approves a bylaw that has been submitted to them. The Minister and Ministry staff can also facilitate communication between the Islands Trust and other government agencies on policy matters.

Role of Islands Trust Council

The *Islands Trust Act* assigns to Islands Trust Council the responsibility for development, adoption, amendment, and implementation of the Policy Statement. Recognizing the varying roles and responsibilities of other parties to help fulfill the Islands Trust Object, Trust Council has included three types of policies in the Policy Statement:

a) Commitments of Trust Council

These policies reflect Trust Council's high-level regional commitments, positions, priorities, and approaches related to the Islands Trust Object and its implementation. They help clarify Trust Council's regional governance approach and offer interpretive context to guide decision-making.

b) Directive Policies for Local Trust Committees and Island Municipalities

These policies direct local trust committees and island municipalities to include certain types of policies and approaches in their official community plans and bylaws, unless explicit reasons are given to justify not doing so. Directive policies generally commence with the phrase "Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws..." These policies generally strive for a harmonized regional approach while also leaving flexibility for more detailed, locally-appropriate implementation tools and strategies.

c) Coordination Policies for Trust Council

These policies reflect Trust Council's role in coordinating, advocating, and engaging with a host of other parties (including government agencies, non-governmental organizations, property owners, residents and visitors) regarding decisions or actions they can undertake in support of the Policy Statement and the Islands Trust Object. In some cases, these can form the basis of protocol agreements between the Trust and other agencies. Sections 8 and 9 of the *Islands Trust Act* stipulate that Trust Council may enter into coordination agreements and make recommendations to other parties for the purpose of carrying out the Islands Trust Object. Section 8 also stipulates that Trust Council may make recommendations to the Lieutenant Governor in Council respecting the determination, implementation, and carrying out of policies for the preservation and protection of the Trust Area and its unique amenities and environment.

Trust Council may review the Policy Statement annually to prioritize actions, assess progress, and consider possible amendments. Trust Council also serves as an avenue of appeal for local trust committees and island municipalities if a bylaw submitted to the Executive Committee is not approved.

Role of Executive Committee

Part 3 of the *Islands Trust Act* stipulates that the Executive Committee of Trust Council is required to review all bylaws of local trust committees and those bylaws of island municipalities that deal with the adoption of an official community plan. Such bylaws have no effect unless approved by Executive Committee, and the Committee cannot approve such a bylaw if it is "contrary to or at variance with" the Policy Statement. If there is no official community plan in place for an island municipality, Executive Committee is required to review all bylaws of the municipality and no bylaw that is contrary to the Policy Statement can be approved. Executive Committee also monitors the progress of Trust Council in achieving the goals defined in the Policy Statement, and makes recommendations to Trust Council in this regard.

Role of Local Trust Committees

As set out in the *Islands Trust Act*, bylaws of local trust committees cannot be "contrary to or at variance with" the Policy Statement. The Policy Statement contains policies that direct local trust committees to address certain matters in their official community plans and regulatory bylaws, but generally does not stipulate the specific policies, planning tools, or regulations to be used because the social and environmental characteristics of islands vary. Official community plans must contain policies relating to

Trust Council's directives or must explicitly state the reasons and justifications for not doing so. Each local trust committee works with its island community to develop policies and regulations to fulfill the Islands Trust Object and Policy Statement in ways that are suitable to local needs and conditions.

Role of Island Municipalities

Municipalities in the Trust Area, like local trust committees, are directed to address certain matters in their official community plans. Where a particular policy requires an island municipality to address a particular matter, the official community plan must contain policies that implement Trust Council's directive or must explicitly state the reasons and justifications for not doing so.

Role of the Islands Trust Conservancy Board

The *Islands Trust Act* assigns the Islands Trust Object to the Islands Trust Conservancy Board, as well as to Trust Council, local trust committees and island municipalities. Although the Islands Trust Conservancy Board does not take direction from Trust Council, it plays an essential role in helping to support the Policy Statement objectives and the fulfillment of place protection planning in the Trust Area through science-based conservation planning, engagement with First Nations, identification and protection of core conservation areas, as well as education and communication initiatives. To support the Islands Trust Object, the Islands Trust Conservancy Board also plays a key role in accepting voluntary donations of property and covenants and purchasing lands. Close collaboration and policy alignment between Islands Trust and Islands Trust Conservancy is critical to carrying out the Islands Trust Object.

Role of First Nations

First Nations play an integral role in governance and cooperative decision-making in the Trust Area. Trust Council acknowledges the treaty and territorial rights and title of First Nations in the Trust Area and is committed to aligning Islands Trust policies and processes with the *Declaration on the Rights of Indigenous Peoples Act*. Trust Council is further committed to ensuring that it seeks meaningful engagement with First Nations now and into the future. Cooperative mechanisms such as protocol agreements and mutually supportive strategies and action plans provide frameworks for effective communication, information sharing, and cooperative decision-making.

Role of Other Government and Non-Governmental Organizations

Other government agencies and non-governmental organizations play an important role in contributing to the preservation and protection of the unique amenities and environment of the Trust Area through cooperative actions based on the Policy Statement and the Islands Trust Object. Cooperative mechanisms such as protocol agreements and mutually supportive strategies and action plans support the sustainability of the Trust Area and fulfillment of the Islands Trust Object.

Role of Property Owners, Residents, Visitors and Communities

The assistance and cooperation of property owners, residents, visitors, and communities is vital to the preservation and protection of the unique amenities and environment of the Trust Area and to the implementation of the Policy Statement in each local planning area. Individuals have many opportunities to participate in local planning decisions and to work with other members of their communities to support the Islands Trust Object. The Trust can also equip communities and individuals with education and tools to help support the preserve and protect mandate and specific policies contained in the Policy Statement.

2.3 IMPLEMENTATION AND AMENDMENT POLICIES

Trust Council's Policies 1.2.1 (Policy Statement Amendment Policy) and 1.3.1 (Policy Statement Implementation Policy) guide the implementation and amendments of the Policy Statement. These are separate policies approved by Trust Council and do not require a legislative approval process.

The Policy Statement bylaw may be amended by Trust Council with the approval of the minister responsible for municipal affairs. Regardless of the source, all proposals for amendments to the Policy Statement are compiled by Executive Committee and brought forward for the consideration of Trust Council. Trust Council may, from time to time, initiate a review of the entire Policy Statement.

Trust Council's Policy Statement Implementation Policy establishes policies and procedures for statutory bylaw referrals and other implementation strategies and decision support tools that assist Executive Committee, local trust committees, island municipalities, Islands Trust planning staff, and other relevant parties to ensure that bylaws are consistent with the Islands Trust Policy Statement.

PART 3: REGIONAL GOVERNANCE (new)

GOAL: To establish regional governance approaches that uphold the Islands Trust Object

CONTEXT:

The Governance Challenge: The Islands Trust Area today faces converging challenges and compounding vulnerabilities. Trust Council must contend with intense development pressures, increasing climate change impacts, one of the highest densities of species at risk in Canada, freshwater scarcity, changing demographics, and a widespread lack of affordable housing. While populations, numbers of visitors, and the demand for intensified use and residential development of the Trust Area can be expected to continue to grow, capacities of the Trust Area's natural systems remain limited and are increasingly compromised by climate change and the cumulative effects of human activity. Potential for conflict exists: conflict between the unending pressures for development and intensified use, and the duty to preserve and protect the unique amenities and environment of this special place. To keep everything in the Trust Area exactly as it is today would be impossible. Changes will occur. Nonetheless, if the Trust Area's unique amenities and environment are to be preserved and protected for current and future generations, priorities must be defined and management strategies established.

Establishing Priorities and Limitations: Advancing the Islands Trust Object is the preeminent duty of Trust Council, its committees, and all locally elected trustees in the Trust Area. This unique statutory mandate prioritizes the preservation and protection of the unique amenities and environment of the Trust Area. Acknowledging the need to shift towards less human-centric and less settler-centric planning paradigms, Trust Council commits to place priority on preserving and protecting the integrity of the environment and Indigenous cultural heritage in the Trust Area. This entails, first and foremost, the identification and safeguarding of protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage. To these ends, Trust Council should be guided by detailed, area-based understandings of the Trust Area and its unique amenities and environment, that are informed by multiple ways of knowing, including the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. Furthermore, the uncertainties around the rate and scale of climate change are mandating more precautionary approaches to stewardship of the Trust Area. The **Precautionary Principle** states that the lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental damage to habitats or species when there is a threat of serious or irreversible environmental degradation. Having established these clear understandings, priorities, and approaches, community needs can then be addressed sustainably, equitably, and within the natural limitations of these special islands, for the benefit of current and future generations.

Regional and Localized Approaches: Underpinning the Islands Trust regional governance approach is a strong acknowledgment that a degree of local autonomy supports effective governance in the Trust Area. Each island within the Trust Area has unique characteristics and has developed in its own unique way over the years. While the preeminent duty of all locally elected officials is to uphold the Islands Trust Object and regional mandate in all aspects of local planning and decision-making, they are to do so in a way that is sensitive and suitable to local circumstances, and guided by open, consultative public participation.

3.1 Regional Governance Policies

Commitments of Trust Council

- 3.1.1 The primary responsibility of Trust Council is to provide leadership for the preservation and protection of the **unique amenities and environment** of the Trust Area. (Guiding Principle #1)
- 3.1.2 Trust Council commits to place priority on preserving and protecting the integrity of the environment **and Indigenous cultural heritage** in all decision-making. (Guiding Principle #2)
- 3.1.3 It is Trust Council's policy that, to achieve the Islands Trust Object, the rate and scale of growth and development in the Trust Area must be carefully managed and requires limitation. (Guiding Principle #4)
- 3.1.4 It is Trust Council's policy that **decision-making should be guided by the Precautionary Principle, and the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing.** (Guiding Principle #3)
- 3.1.5 **Trust Council commits to seek close collaboration and policy alignment with the Islands Trust Conservancy Board, acknowledging the interconnected roles each entity plays in regional conservation planning and in carrying out the Islands Trust Object.** (new)
- 3.1.6 **Trust Council commits to seek meaningful engagement with First Nations in the Trust Area, recognizing First Nations' treaty and territorial lands and waters, and will be guided by the specific reconciliation principles and recommendations of the Truth and Reconciliation Commission's Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples, the Declaration on the Rights of Indigenous Peoples Act, and the Missing and Murdered Indigenous Women and Girls Calls for Justice, that fall within Trust Council's jurisdiction.** (new)
- 3.1.7 **Trust Council commits to take a leadership role in coordinating with, and advocating to, other government agencies and non-governmental organizations, and making recommendations to the provincial government, for the purpose of carrying out the Islands Trust Object.** (new)
- 3.1.8 Trust Council commits to seek open, consultative public participation, acknowledging its importance to effective decision-making in the Trust Area. (Guiding Principle #5)
- 3.1.9 It is Trust Council's policy that island communities within the Trust Area are themselves best able to determine the most effective local government structure to support their local autonomy and specific community needs within the Islands Trust Object. (5.8.3)
- 3.1.10 It is Trust Council's policy that island municipalities shall, in all of their actions, have regard for the Islands Trust Policy Statement and the Islands Trust Object. (5.8.4)
- 3.1.11 Trust Council commits to implement a plan for the advancement of the Policy Statement as part of its annual budget process, and to direct Executive Committee to report on progress achieved in fulfilling the goals defined in the Policy Statement. (Guiding Principle #6)

Directive Policies for Local Trust Committees and Island Municipalities

- 3.1.12 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, place priority on the integrity of the environment and Indigenous cultural heritage in all decision-making and limit the rate and scale of growth and development in their planning area. (new, based on Guiding Principles #1 and #4)
- 3.1.13 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ground decision-making in the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new, based on Guiding Principle #3)
- 3.1.14 Local trust committees and island municipalities shall, in the development and implementation of official community plans and regulatory bylaws, provide opportunities for public engagement and collaboration. (5.8.2)
- 3.1.15 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, seek meaningful engagement with First Nations and strive to align decision-making with the principles of the *Declaration on the Rights of Indigenous Peoples Act* that fall within their jurisdiction. (new)

PART 4: ECOSYSTEM PRESERVATION AND PROTECTION

GOAL: To Preserve, Protect, **Restore, and Sustainably Steward** Trust Area Ecosystems

CONTEXT:

Environmental Integrity: The Islands Trust Area contains the most biodiverse and endangered ecosystems in British Columbia and a number of species that are of high cultural significance to First Nations. These ecosystems are treasured for their intrinsic value and also for the many supports they provide to human well-being. An **ecosystem** is understood as a dynamic system of living species interacting with their non-living environment. Some ecosystems rely on a delicate mix of species and conditions that are easily affected by human activities and environmental disturbances. These ecosystems are termed 'sensitive' and are prevalent in the Trust Area. An ecosystem has '**environmental integrity**' when its dominant characteristics, natural composition, structure, function, and processes occur within their natural ranges of variation and can withstand and recover from most disruptions imposed by human activity or environmental dynamics such as climate change. In the Trust Area, the establishment of networks of protected areas and unfragmented forest reserves that are large enough to contain and sustain native Trust Area species is essential to environmental integrity.

Restoration: In the face of the global climate and biodiversity crises, it has never been more critical to preserve and protect ecosystems in the Trust Area. In addition, there is now an imperative to restore these fragile ecosystems and assist in their recovery due to the cumulative impacts of development and human use of natural areas, as well as the impacts of a changing climate. **Ecosystem restoration** is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed. Restoration can happen in many ways, such as active reforestation or wetland remediation, or by simply removing pressures so that nature can recover and adapt on its own.

Adaptive Management: The specific impacts of the climate and biodiversity crises and their policy implications may be difficult to predict in exact detail, timing, and scope. Adaptive management approaches offer pathways to minimize uncertainty and maximize policy effectiveness. These are structured, iterative processes of decision-making intended to reduce uncertainty over time through periodic monitoring and evaluation, and evidence-based policy adjustments.

Nature-Based Solutions: In seeking integrated solutions that address the impacts of climate change on both ecosystems and communities, nature-based solutions offer opportunities for multiple co-benefits. Nature-based solutions are actions to protect, sustainably manage, and restore ecosystems that address societal challenges effectively and adaptively, simultaneously providing human well-being and biodiversity benefits.

Sustainable Stewardship: As humans modify the Trust Area, ecosystems are subject to various pressures. With sustainable, regenerative use, ecosystems will be more healthy and resilient and better able to support human well-being in a variety of ways. **Sustainability**, in this context, is defined as the ability to meet the needs of the present without compromising the ability of future generations to meet their own needs. **Stewardship**, in this context, refers to the responsible use and protection of natural systems, through conservation and sustainable use.

4.1 Environmental Integrity Policies

Commitments of Trust Council

- 4.1.1 It is Trust Council's policy that proactive land use planning is essential to the preservation and protection of Trust Area ecosystems. (3.1.1 first bullet)
- 4.1.2 It is Trust Council's policy that protection must be given to the natural processes, habitats, and species of the Trust Area, including those of old forests, Coastal Douglas-fir forests, Coastal Western Hemlock forests, Garry Oak/Arbutus forests, wetlands, open coastal grasslands, the vegetation of dry rocky areas, lakes, streams, estuaries, tidal flats, salt water marshes, drift sectors, lagoons, kelp forests, eelgrass meadows, and spawning areas. (3.1.1 second bullet)
- 4.1.3 Trust Council commits to establish and sustain a network of protected areas throughout the Trust Area, in collaboration with the Islands Trust Conservancy Board, acknowledging that unfragmented connectivity is necessary to preserve ecosystems in sufficient size and distribution to sustain their environmental integrity. (3.1.2)
- 4.1.4 Trust Council shall strive to account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies, and Trust Area species and their habitats, informed by the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (3.1.1 third bullet)
- 4.1.5 Trust Council shall strive to identify and monitor the impacts of climate change on ecosystems through climate vulnerability assessments and shall utilize adaptive management processes and nature-based solutions that are informed by the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify, establish, and maintain a network of protected areas of sufficient size and distribution to preserve the environmental integrity of ecosystems in their planning area. (3.1.4)
- 4.1.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, and in collaboration with the Islands Trust Conservancy Board, identify, preserve, protect, and support the restoration of the following elements in their planning area, utilizing the best available quantitative and qualitative data, inclusive of Indigenous ways of knowing and community input: (3.1.3)
- sensitive ecosystems (cliff, freshwater, herbaceous, old and mature forest, riparian, wetland, and woodland ecosystems)
 - contiguous, unfragmented forests and associated ecosystems
 - freshwater networks and groundwater recharge areas
 - eelgrass meadows, kelp forests, and forage fish spawning areas
 - species and ecosystems at risk
 - Indigenous cultivation and harvesting areas such as clam gardens, camas meadows, and other areas as identified by First Nations

- 4.1.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, regulate land use and development to **reduce emissions to air, land, and water**. (3.1.5)
- 4.1.9 **Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify means to reduce climate vulnerability and support climate adaptation measures for ecosystems within their planning area.** (new)

Coordination Policies for Trust Council

- 4.1.10 **Trust Council shall, in collaboration with the Islands Trust Conservancy Board, seek the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing regarding ecosystem preservation, protection, restoration, and sustainable stewardship in the Trust Area through respectful, culturally-sensitive and collaborative approaches with First Nations, Indigenous Knowledge Holders, the Province, other government agencies, non-governmental organizations, and communities.** (new)
- 4.1.11 Trust Council shall coordinate with, and advocate to, other government agencies to foster actions, programs, and incentives that: (3.1.9)
- place priority on the integrity of the environment in the Trust Area
 - protect the diversity of native species and habitats in the Trust Area; and
 - prevent pollution of the air, land, **freshwater networks**, and marine waters of the Trust Area
- 4.1.12 Trust Council shall coordinate with, and advocate to, other government agencies to:
- regulate and monitor the harvesting of fish, wildlife, and vegetation in the Trust Area so as to protect **terrestrial and aquatic species** populations and habitats (4.3.1)
 - consult with **First Nations**, local trust committees, island municipalities, and Trust Area communities prior to decisions regarding regulation of hunting or harvesting of wildlife or vegetation in the Trust Area (4.3.1)
 - **consult with First Nations to preserve First Nations' traditional harvesting areas;** and (new)
 - to protect, for public use, areas supporting naturally occurring shellfish populations and other marine life, and to establish public shellfish reserves in the Trust Area. (4.3.2)
- 4.1.13 Trust Council shall advocate to the provincial government to enforce standards for the control of emissions polluting the **air, lands, and waters** of the Trust Area. (3.1.10)
- 4.1.14 Trust Council shall, **in cooperation with First Nations and the Islands Trust Conservancy Board**, advocate to **other government agencies**, non-governmental organizations, Crown corporations, municipalities, regional districts, non-governmental organizations, property owners, **residents, and visitors** to protect **natural areas** in the Trust Area through education, stewardship tools, acquisitions, conservation covenants and careful management. (3.1.11)

4.2 Freshwater Stewardship Policies

Commitments of Trust Council

- 4.2.1 Trust Council commits to take a precautionary approach to the sustainable stewardship of watershed ecosystems, freshwater networks, and groundwater recharge areas in the Trust Area, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, and the public, and on the basis of the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new)
- 4.2.2 It is Trust Council's policy that: (3.3.1)
- the watershed ecosystems, freshwater networks, and groundwater recharge areas of the Trust Area should be identified, protected, and where possible, restored or rehabilitated; and
 - the wetlands of the Trust Area, including those in the Agricultural Land Reserve that have not been altered in the past for agriculture, should not be drained, filled, or degraded.
- 4.2.3 It is Trust Council's policy that freshwater use in the Trust Area should not impede the inherent rights of First Nations to access freshwater streams for cultural and spiritual purposes.
- 4.2.4 It is Trust Council's policy that islands in the Trust Area should be self-sufficient in their supply of freshwater.⁵ (4.4.1)
- 4.2.5 It is Trust Council's policy that new desalination plants should not be permitted in the Trust Area due to their high energy demands and adverse impacts to coastal and marine ecosystems. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 4.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify means to prevent further loss or degradation of watershed ecosystems, freshwater networks, groundwater recharge areas, and freshwater aquatic species in their planning area. (3.3.2)
- 4.2.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ensure: (4.4.2)
- that neither the density nor intensity of land use is increased in groundwater regions⁶ where the quality or quantity of the supply of freshwater is likely to be inadequate or unsustainable;
 - that existing, anticipated, and seasonal water demand and supply projections are considered and allowed for;
- and shall strive to ensure: (4.4.2, 4.4.1)
- that freshwater quality is maintained; and
 - that islands are self-sufficient in their supply of freshwater⁵.
- 4.2.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, strive to ensure that freshwater use is not to the detriment of in-stream uses such as: fish and fish habitat uses; Indigenous cultural and spiritual use; aesthetic and recreational uses; and, the maintenance of water quality in lakes, streams, and wetlands. (4.4.3)
- 4.2.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit new desalination plants in the Trust Area. (new)

⁵ ...with the sole exception of Piers Island which is supplied by the Capital Regional District water system.

⁶ Groundwater regions are delineated water management areas that provide a useful basis for assessing area-specific water quality and quantity characteristics for planning purposes.

Coordination Policies for Trust Council

- 4.2.10 Trust Council shall coordinate with, and advocate to, the provincial government, regional districts, improvement districts, and other agencies to enact legislation protecting freshwater sustainability, watershed ecosystems, freshwater networks, groundwater recharge areas, and freshwater aquatic species at risk in the Trust Area, in accordance with the Islands Trust Object. (4.4.6)
- 4.2.11 Trust Council shall coordinate with, and advocate to, the provincial government to implement property tax incentives for the retention of groundwater and watershed recharge areas and freshwater wetlands in the Trust Area. (4.4.5)
- 4.2.12 Trust Council shall encourage, educate, and advocate to government agencies and non-governmental organizations, property owners, residents, and visitors to adopt water conservation practices in the Trust Area, including through the use of innovative technologies such as rainwater harvesting, above-ground water cisterns, alternative sewage disposal systems, reuse of water, the treatment and use of grey water, and the use of water saving devices. (4.4.4, 4.4.7)
- 4.2.13 Trust Council shall, in collaboration with Islands Trust Conservancy, encourage government agencies, non-governmental organizations, property owners, residents, and visitors to protect watershed ecosystems through voluntary donations, acquisitions, conservation covenants, and careful management. (3.3.3)

4.3 Forest Stewardship Policies

Commitments of Trust Council

- 4.3.1 Trust Council commits to take a precautionary approach to the stewardship of forest ecosystems in the Trust Area, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, and the public, and on the basis of the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new)
- 4.3.2 It is Trust Council's policy that:
- forest ecosystems in the Trust Area should be protected; (3.2.1)
 - the remaining stands of relatively undisturbed Coastal Douglas-fir and Coastal Western Hemlock zones, and their associated ecosystems, should be preserved and protected; (3.2.1)
 - forest cover is a representative characteristic of the Trust Area and should be maintained; and (4.2.4)
 - the aesthetic value of forest land should be protected. (4.2.5)
- 4.3.3 It is Trust Council's policy that forest harvesting in the Trust Area should be limited, small-scale, sustainable, regenerative, supportive of climate action, respectful of Indigenous harvesting areas, and protective of the environmental integrity of the Trust Area. (new, replacing 4.2.1 - 4.2.2)
- 4.3.4 It is Trust Council's policy that management plans related to sustainable forest harvesting in the Trust Area should include appropriate monitoring and evaluation mechanisms to uphold the long-term environmental integrity of forest ecosystems, and should preserve and protect the inherent rights of First Nations to harvest forest resources for cultural purposes. (4.2.3 + new)
- 4.3.5 It is Trust Council's policy that the clear-cutting of forests and logging of old-growth trees is inappropriate anywhere in the Trust Area, acknowledging the multiple adverse impacts these activities incur on the fragile ecosystems, environmental integrity, and carbon capture and storage potential of the Trust Area. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 4.3.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prioritize the environmental integrity of the Trust Area by protecting unfragmented forest ecosystems, on a scale of forest stands and landscapes, from the potentially adverse impacts of growth, development and land use. (3.2.2, 4.2.6)
- 4.3.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, retain large land holdings and parcel sizes to enable sustainable forest harvesting practices and direct the location of roads and utility corridors to minimize the fragmentation of forests. (4.2.7)
- 4.3.8 Local Trust Committees and Island Municipalities shall, in their Official Community Plans and regulatory bylaws, designate protected forest ecosystem reserves where the preservation of native biodiversity and corridors is especially critical and where there should be no extraction. (4.2.8)

Coordination Policies for Trust Council

- 4.3.9 Trust Council shall coordinate with, and advocate to, the provincial government to grant Islands Trust the necessary jurisdictional authority to preserve and protect forest ecosystems, including:
- legislation to prohibit clear-cutting and logging of old-growth in the Trust Area; and
 - authority to regulate tree cutting in the Trust Area. (new)
- 4.3.10 Trust Council shall coordinate with, and advocate to, the provincial government to adopt legislation establishing sustainable forest harvesting practices that protect environmental integrity on a scale of forest stands and landscapes by preserving, protection, and restoring: (4.2.11)
- the diversity of forest structure and composition;
 - the physical, chemical, and biotic diversity of soils;
 - natural aquatic and wetland ecosystems;
 - the full range of natural habitats in the forest landscape, including old-growth; and
 - connectivity of forest habitats sufficient for different life stages and dispersal needs of native species.
- 4.3.11 Trust Council shall coordinate with, and advocate to, the provincial government to:
- implement engagement mechanisms that ensure the full and meaningful participation of First Nations and Trust Area communities in decisions concerning the use of forest lands; (4.2.9)
 - provide education and extension programs to promote sustainable forest harvesting and the protection of forest ecosystems; (4.2.10)
 - adopt statutes and guidelines to reduce invasive non-native species in forest ecosystems; (4.2.12)
 - designate forest ecosystem reserves where no extraction shall take place in order to promote the preservation of native biodiversity; (4.2.13)
 - require that applicants identify the protective actions needed to maintain sustainable forest land use and environmental integrity, prior to approval of tree cutting plans; and (4.2.14)
 - implement property tax incentives for the practice of sustainable forest harvesting. (4.2.15)
- 4.3.12 Trust Council shall coordinate with, and advocate to, the Province, when developing specific forest tenures, to assign to Trust Council or to the Islands Trust Conservancy Board, the holding of areas not to be harvested. (4.2.16)
- 4.3.13 Trust Council shall, in collaboration with the Islands Trust Conservancy Board, encourage government agencies, non-governmental organizations, property owners, residents, and visitors to protect forest ecosystems through voluntary donations, acquisitions, conservation covenants, and careful management. (3.2.3)

4.4. Agricultural Land Stewardship Policies

Commitments of Trust Council

- 4.4.1 Trust Council commits to take a precautionary approach to the stewardship of agricultural lands in the Trust Area, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, and the public, and on the basis of the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new)
- 4.4.2 It is Trust Council's policy that agricultural activity in the Trust Area should be small-scale, sustainable, regenerative, supportive of local climate action and food security, respectful of Indigenous harvesting areas, and protective of the environmental integrity of the Trust Area. (new, 4.1.2, 4.1.3)

Directive Policies for Local Trust Committees and Island Municipalities

- 4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify and preserve appropriate areas for agricultural land to support small-scale, sustainable, regenerative agriculture, while carefully considering downstream impacts, wildlife habitat, and adjacent properties. (4.1.3, 4.1.4, 4.1.6)
- 4.4.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, direct the location and construction of roads and utility corridors to minimize fragmentation of agricultural lands. (4.1.7 simplified)
- 4.4.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, encourage sustainable farming and consider land uses and activities that support the economic viability of farms without compromising the agricultural capability of agricultural land. (4.1.5, 4.1.8)

Coordination Policies for Trust Council

- 4.4.6 Trust Council shall coordinate with, and advocate to, the provincial government to ensure:
- that where a road must sever agricultural land to provide access to lands beyond, the road is built to the minimum standard necessary to service that land; (4.1.10)
 - that farming in the Agricultural Land Reserve in the Trust Area does not adversely impact Indigenous food security and traditional harvesting practices, cultural heritage, or the environmental integrity of protected area networks in the Trust Area; (new)
 - that legislation, guidelines, and incentives are established to support local farmers in adopting the highest standards of environmental protection of ecosystems, wildlife habitats, and native species diversity, in accordance with the Islands Trust Object; (new)
 - that support is given to small-scale sustainable farmers to reduce greenhouse gas emissions emanating from agriculture and adapt to climate variability in the Trust Area; (new)
 - that a separate farm class to provide property tax incentives be retained; (4.1.12)
 - that the threshold for farm income necessary for farm class status is appropriate to the small scale of sustainable agriculture within the Trust Area; and (4.1.12)
 - that the total land area subject to the farm class may include land that is left uncultivated to protect environmental integrity. (4.1.12)

4.5 Soil and Mineral Stewardship Policies

Commitments of Trust Council

- 4.5.1 It is Trust Council's policy that the preservation and protection of healthy and productive soils is integral to the environmental integrity, food security, and carbon capture and storage capacity of the Trust Area. (new)
- 4.5.2 It is Trust Council's policy that there should be no extraction of peat, metals, minerals, or petroleum resources in the Trust Area. (4.6.1)
- 4.5.3 It is Trust Council's policy that there should be no extraction of aggregate from the foreshore or the sea floor of the Trust Area. (4.6.2)
- 4.5.4 It is Trust Council's policy that there should be no removal or excavation of soil or fill from middens or foreshore areas that have been identified as culturally significant areas. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 4.5.5 Local trust committees and island municipalities shall, in their regulatory bylaws related to soil removal and deposit, include policies that foster the preservation, protection, and restoration of productive soils in the Trust Area. (4.6.3)
- 4.5.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit the removal or excavation of soil or fill from middens or foreshore areas that have been identified as culturally significant areas. (new)

4.6 Coastal and Marine Stewardship Policies

Commitments of Trust Council

- 4.6.1 Trust Council commits to take a precautionary approach to the stewardship of coastal and marine ecosystems in the Trust Area, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, and the public, and on the basis of the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new)
- 4.6.2 It is Trust Council's policy that coastal and marine food harvesting and aquaculture in the Trust Area should be small-scale, sustainable, regenerative, supportive of local climate action and food security, respectful of Indigenous harvesting areas, and protective of the environmental integrity of the Trust Area. (new/4.5.1)
- 4.6.3 It is Trust Council's policy that development, activity, buildings, or structures should not result in a loss of marine or coastal habitat, restrict public access to, from or along the marine shoreline, or interfere with natural coastal processes. (4.5.3, 4.5.4)
- 4.6.4 It is Trust Council's policy that development should be directed to sites away from: (4.5.5)
- areas of environmental sensitivity, including eelgrass meadows, kelp forests, forage fish spawning areas, tidal salt marshes, mud flats, and coastal wetlands;
 - areas of naturally occurring stocks of clams or oysters; and
 - First Nations' traditional harvesting areas, middens, and other archaeologically significant resources.
- 4.6.5 It is Trust Council's policy that aquaculture should be directed to sites away from: (4.5.6)
- areas of recreational significance;
 - areas where an aquaculture operation would conflict with established or designated upland land uses; and
 - areas where an aquaculture operation would conflict with marine or freshwater protection
 - areas where an aquaculture operation would conflict with established or designated anchorage or moorage.
- 4.6.6 It is Trust Council's policy that aquaculture related development, activity, buildings, or structures should not result in site alteration including, but not limited to, substrate modification or the use of metal pipes or plates. (4.5.7)
- 4.6.7 It is Trust Council's policy that the following restrictions are necessary in order to preserve and protect the sensitive coastal and marine waters of the Trust Area:
- finfish farms should not be permitted; (4.5.2)
 - artificial reefs should not be developed, except where they provide significant environmental benefit;⁷ (3.4.3)
 - ocean dumping should not be permitted; (new)
 - seawalls and other hard shoreline armouring should not be developed; (new)
 - moorage and anchorage sites in eelgrass meadows should not be permitted; (new)
 - new private docks should be limited to boat access only properties; (new)
 - freighter anchorage sites in the Trust Area should be eliminated; and (new)
 - oil tankers should not be permitted to transit through Trust Area waters. (new)

⁷ Interpretive Note: Small scale habitat enhancement structures known as 'reef balls', which are placed in marine areas with the approval of Fisheries and Oceans Canada, are not considered to be artificial reefs for the purposes of this policy.

Directive Policies for Local Trust Committees and Island Municipalities

- 4.6.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify appropriate locations for marine dependent land uses and means to prevent further loss or degradation of coastal and marine ecosystems in their planning area. (3.4.4, 4.5.8)
- 4.6.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, include policies that preserve, protect, and support the restoration of eelgrass meadows, kelp forests, forage fish spawning areas, tidal salt marshes, mud flats, and coastal wetlands, acknowledging their multifaceted roles in supporting carbon capture and storage, soft shoreline protection, and the provision of habitats and spawning areas for coastal and marine aquatic species. (new)
- 4.6.10 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, direct the location of buildings and structures such that they do not: (4.5.5, 4.5.10)
- adversely impact sensitive coastal and marine ecosystems, naturally occurring stocks of shellfish, eelgrass meadows, kelp forests, forage fish spawning areas, tidal salt marshes, mud flats, coastal wetlands, middens, or archaeological sites;
 - interfere with natural coastal processes;
 - restrict First Nations' access to traditional coastal and marine harvesting sites;
 - restrict public access to, from, or along the marine shoreline
- 4.6.11 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, direct the location and operation of commercial aquaculture tenures away from:
- areas of cultural, spiritual, archaeological, or recreational significance;
 - areas where an aquaculture operation would conflict with established or designated upland land uses, anchorages or moorages. (new, based on 4.5.6)
- 4.6.12 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, direct the location, size, and nature of marinas such that they do not compromise the environmental integrity of the coastal and marine environment, Indigenous cultural heritage, or community character in their planning area. (4.5.9)
- 4.6.13 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boathouses, boardwalks, and causeways. (4.5.11)
- 4.6.14 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit new private docks except where properties are boat-access only. (new)
- 4.6.15 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, consider the current and anticipated impacts of sea level rise and determine shoreline buffers and setbacks accordingly. (new)
- 4.6.16 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit the use of seawalls and other hard shoreline armouring in the Trust Area and include policies that foster soft shoreline protection. (new)

Coordination Policies for Trust Council

4.6.17 Trust Council shall coordinate with, and advocate to, federal and provincial government agencies to:

- establish a network of protected coastal and marine areas and implement statutes and guidelines for sustainable coastal zone management (3.4.2)
- adopt legislation establishing sustainable aquaculture practices that protect environmental integrity and First Nations rights to traditional shellfish harvesting in the Salish Sea; (new)
- develop existing and new programs such as “harvest refugia”, which protect and enhance the populations of native marine species of the Trust Area; (3.4.6)
- research the impacts of the introduction of new marine species into the coastal and marine waters of the Trust Area before such species are introduced; (3.4.7)
- prohibit finfish farms in the marine waters of the Trust Area; (4.5.2)
- prohibit the development of artificial reefs in the Trust Area except where they provide significant environmental benefit. (3.4.3)

4.6.18 Trust Council shall coordinate with, and advocate to, federal and provincial government agencies to:

- develop legislation to regulate sewage discharge from shoreline areas and boats; and (3.4.8)
- support the removal of abandoned and derelict vessels, plastics, ghost fishing gear, and other marine debris from the coastal and marine waters of the Trust Area; (new)
- eliminate and prohibit the use of commercial freighter anchorage sites in the Trust Area, acknowledging the multiple adverse impacts this practice incurs on the sensitive coastal and marine ecosystems, environmental integrity, and carbon capture and storage potential in the Trust Area; and (new)
- prohibit oil tankers from transiting through the coastal and marine waters of the Trust Area. (new)
- develop effective oil spill prevention, preparedness, and geographic response plans for the Trust Area, acknowledging the unique risks and vulnerabilities of the Salish Sea. (new)

PART 5: HERITAGE PRESERVATION AND PROTECTION (new)

GOAL: To Preserve and Protect Natural, Cultural, and Community Heritage in the Trust Area

CONTEXT:

The Islands Trust Area is a place of exceptional cultural heritage and has been home to the BOKEĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXET, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səliłwətaʔt, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SṪÁUTW, Stz'uminus, ʔaʔəmen, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwxu/ʔop qaymıxʷ, and xʷməθkʷəy̓əm Peoples since time immemorial. The relationship of First Nations to these lands, waters, and place is intrinsically linked to the preservation and protection of the Trust Area.

Heritage Preservation: Trust Council recognizes heritage as a 'unique amenity' of the Trust Area that is to be preserved and protected under the Islands Trust Object. In this context, heritage includes places, objects, knowledge, artistic expressions, or events that are of historical, cultural, aesthetic, educational, or scientific significance. In the Trust Area, heritage preservation includes the Indigenous cultural heritage of First Nations who have called these lands and waters home since time immemorial, in addition to the extraordinary natural landscapes and community heritage buildings on each island.

Indigenous Cultural Heritage: Indigenous cultural heritage in the Trust Area includes, but is not limited to, areas utilized and occupied by Indigenous Peoples such as village sites, cultural and spiritual areas, known and unknown archaeological areas, objects and artifacts, culturally modified trees, cultivation areas, harvesting areas on land and marine foreshores, fish weirs and clam gardens, medicinal plants and culturally significant species and landmarks. Indigenous cultural heritage also includes ancestral loved ones' resting places, trees used for burial boxes, cairns, caves used for cultural purposes, petroglyphs and pictographs, and place names. First Nations have an inherent right to identify their own cultural heritage, interpret its meaning, and safeguard its value. This inherent right exists outside of the colonial frameworks that have traditionally regulated and defined heritage.

Community Heritage:

Community heritage in the Trust Area can include buildings, settlement areas, places, objects, artistic expressions, or events identified by the community as having heritage character or heritage value to the community, to be protected for future generations.

Natural Heritage:

Natural heritage in the Trust Area is understood to include natural features, geological and physiographical formations, and delineated natural areas which are of outstanding universal value from an aesthetic, conservation, or scientific perspective.

5.1 Heritage Preservation and Protection Policies

Commitments of Trust Council

- 5.1.1 It is Trust Council's policy that the preservation, protection, and restoration of natural, cultural, and community heritage in the Trust Area is essential to the Islands Trust Object and must be guided by meaningful, respectful, and culturally sensitive engagement with First Nations. (5.6.1)
- 5.1.2 It is Trust Council's policy that local and regional planning decisions should not incur adverse impacts to the natural heritage, Indigenous cultural heritage, or community heritage in the Trust Area. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 5.1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify, preserve, protect, and support the restoration of natural heritage sites in their planning area. (new)
- 5.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify, preserve, protect, and support the restoration of Indigenous cultural heritage in their planning area in cooperation with First Nations and other government agencies. (5.6.3)
- 5.1.5 Local trust committees and island municipalities shall, in their Official Community Plans and regulatory bylaws, identify, preserve, protect, and support the restoration of local community heritage in their planning area. (5.6.2)

Coordination Policies for Trust Council

- 5.1.6 Trust Council shall engage with First Nations, First Nation organizations and societies, Indigenous Knowledge Holders, other government agencies, non-governmental organizations, and Trust Area communities to seek the best available archaeological inventory data, Indigenous Knowledge, and cultural knowledge regarding natural heritage, Indigenous cultural heritage, and local community heritage in the Trust Area. (new)
- 5.1.7 Trust Council shall engage with, and advocate to, other government agencies, non-governmental organizations, property owners, residents, and visitors with educational materials and tools to help preserve and protect natural heritage, Indigenous cultural heritage, and local community heritage in the Trust Area. (new)
- 5.1.8 Trust Council shall encourage other government agencies, non-governmental organizations, property owners and residents to protect natural, cultural, and community heritage in the Trust Area through tax incentive programs, voluntary donations, acquisitions, conservation covenants and careful management. (new)

PART 6: SUSTAINABLE AND RESILIENT COMMUNITIES

GOAL: To Foster Sustainable and Resilient Communities in the Trust Area

CONTEXT:

Sustainability and Resilience: Sustainable and resilient communities can be understood to be communities that are able to meet their own needs and adapt to new environmental, social, and economic pressures without compromising the integrity of the environment or the ability of future generations to meet their own needs. Resilience, in this context, refers to the capacity of communities to continue to function in the face of external stressors such as climate change, while also learning to adapt, reorganize and evolve into new modes of sustainability. With responsible stewardship and sustainable, regenerative use, ecosystems will be better able to support Trust Area communities in a myriad of ways, including through the provision of clean drinking water, natural processes of carbon capture and storage, nature-based mitigation of climate impacts to the built environment, the safeguarding of local and Indigenous food security and harvesting, as well as the many health benefits of nature connection.

Rural Island Planning: Islands within the Trust Area are rural and contrast markedly with surrounding urban areas, as do their respective resident communities. Traditional land use planning approaches are often ill-suited or insufficient in addressing the unique strengths, vulnerabilities, and water supply constraints of island ecosystems, or the higher standards of preservation and protection mandated by the Islands Trust Object. In the face of accelerating climate and biodiversity crises, business as usual is no longer viable. Trust Area communities play a critical role in the stewardship of the islands and must collectively and equitably work towards place-based, multigenerational, and integrated solutions to sustainability. This involves collective commitments to reduce greenhouse gas emissions, foster new low-carbon ways of living, reduce individual and community ecological footprints, and support those most vulnerable to adapt to the impacts of climate change. Trust Council also recognizes that new development models must be established to transition to more compact, energy efficient, and appropriately situated development that is carefully planned and managed to safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage, now and into the future.

Affordable Housing: The Trust Area is facing an acute shortage of diverse and affordable housing options needed to support the long-term sustainability and resilience of Trust Area communities. The Canada Housing and Mortgage Corporation considers housing to be 'affordable' when it costs less than 30% of before-tax household income. Housing is not affordable when it costs so much that individuals and families have trouble paying for other necessities such as food, health and transportation. For renters, shelter costs include rent and any payments for electricity, fuel, water and other municipal services. For owners, shelter costs include mortgage payments (principal and interest), property taxes, and any condominium fees, along with payments for electricity, fuel, water and other municipal services. In the Trust Area, factors such as rising real estate prices and building costs, an increase in short-term rentals paired with a growing lack of long-term rentals, changing demographics, and increasing numbers of people wanting to move to the islands, are all significantly affecting the availability, affordability, and suitability of housing options across the Trust Area. An increasing percentage of island workers are thus forced to commute from off-island locations. Seniors are finding it challenging to age in place. Socio-economic disparities are widening. In this context, Trust Council acknowledges the need for multijurisdictional and integrated approaches to address these community housing needs in a manner that is appropriate to the Trust Area and its unique amenities and environment.

6.1 Rural Island Planning Policies

Commitments of Trust Council

- 6.1.1 It is Trust Council's policy that the rural characteristics of islands in the Trust Area, including the scenic value of rural landscapes, opportunities for nature connection, and low levels of noise and light pollution, are unique amenities that are to be preserved and protected in accordance with the Islands Trust Object. (5.1.1-5.1.3)
- 6.1.2 It is Trust Council's policy that all development in the Trust Area, of any scale or for any purpose, should be compact, energy-efficient, sustainable, and appropriately situated in order to minimize greenhouse gas emissions and safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area. (new)
- 6.1.3 It is Trust Council's policy that growth, development, and economic opportunities in the Trust Area should be small scale, sustainable, climate resilient, compatible with community character, and in alignment with the Islands Trust Object. (5.2.1, 5.7.1)
- 6.1.4 Trust Council shall strive to identify, monitor, and address the impacts of climate change on Trust Area communities through climate vulnerability assessments, adaptive management approaches, and nature-based solutions that are informed by the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new)
- 6.1.5 It is Trust Council's policy that recreational activities, trails, and active transportation networks in the Trust Area should be small scale, appropriately located, and sustainable, and should safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area. (5.5.1)
- 6.1.6 It is Trust Council's policy that destination gaming facilities such as casinos and commercial bingo halls are not appropriate to, and should not be located in, the Trust Area. (5.5.2)
- 6.1.7 It is Trust Council's policy that there should be public access, on each major island in the Trust Area, to beaches and areas of recreational significance, while not compromising Indigenous cultural heritage or First Nations access to coastal and marine harvesting areas, or the environmental integrity of terrestrial and aquatic ecosystems. (5.5.5)

Directive Policies for Local Trust Committees and Island Municipalities

- 6.1.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ensure that growth and development, of any scale or for any purpose, is compact, energy-efficient, sustainable, and appropriately situated in order to minimize greenhouse gas emissions and safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area. (new)
- 6.1.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prioritize the protection of tree cover, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area. (5.1.3, 5.2.2)
- 6.1.10 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, include policies related to the aesthetic, environmental, and social impacts of development. (5.2.3)

- 6.1.11 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources, and community character. (5.2.4)
- 6.1.12 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, establish appropriate density limits for efficient and sustainable use of the land base that help to safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area. (5.2.5)
- 6.1.13 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards. (5.2.6)
- 6.1.14 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify appropriate locations, types, and safe public access to:
- recreational facilities;
 - bicycle, pedestrian, and equestrian trail systems; and
 - community marinas, boat launches, docks, and anchorages that are small scale, sustainable, and that do not compromise the integrity of protected areas, terrestrial and aquatic ecosystems, Indigenous cultural heritage, or Indigenous access to coastal and marine harvesting areas. (5.5.4-5.5.7)
- 6.1.15 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit destination gaming facilities such as casinos and commercial bingo halls. (5.5.3)
- 6.1.16 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, include policies addressing economic opportunities that are compatible with sustainability and protection of community character. (5.7.2)
- 6.1.17 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, include policies addressing their community's long-term needs for educational, institutional, community, and health-related facilities and services, as well as cultural and recreational facilities and services. (5.8.6)
- 6.1.18 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify means to reduce the climate vulnerability of communities, including nature-based solutions and actions that prioritize:
- protection of the carbon capture and storage capacity of natural areas;
 - low-carbon housing, buildings, transportation, and agriculture;
 - preservation, protection, and restoration of biodiversity;
 - freshwater sustainability;
 - soft shoreline and foreshore protections; and
 - wildfire risk mitigation (new)

Coordination Policies for Trust Council

- 6.1.19 Trust Council shall coordinate with, and advocate to, regional districts, improvement districts, and provincial and federal government agencies to adapt their policies and support systems to safeguard the rural island character, sustainability, and resilience of Trust Area communities, in accordance with the Islands Trust Object. (new)
- 6.1.20 Trust Council shall coordinate with, and advocate to, government agencies, non-governmental organizations, communities, property owners, residents, and visitors to help develop and adopt climate mitigation and adaptation strategies, action plans, and measures that are appropriate to the unique strengths and vulnerabilities of rural islands in the Trust Area. (new)
- 6.1.21 Trust Council shall advocate to provincial government agencies to work with local communities through public consultation processes to evaluate and modify road construction and road system proposals to encompass the environmental, economic, and social values of the community. (5.3.9)
- 6.1.22 Trust Council shall advocate to property owners, residents, and visitors to reduce the burning of wood and fossil fuels by adopting sustainable alternative technologies. (5.1.4)
- 6.1.23 Trust Council shall advocate to government agencies, non-governmental agencies, property owners, residents, and visitors to use renewable sources of energy within the Trust Area. (5.8.8)

6.2 Housing Policies

Commitments of Trust Council

- 6.2.1 It is Trust Council's policy that all housing in the Trust Area should be compact, energy-efficient, sustainable, and appropriately situated in order to minimize greenhouse gas emissions and safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area.
- 6.2.2 It is Trust Council's policy that community sustainability and resilience are supported by the availability of diverse and affordable housing that cater to a range of age groups and income levels. (5.8.6)
- 6.2.3 Trust Council commits to foster a strategic, multijurisdictional, equitable, and integrated approach to addressing the diverse housing needs of Trust Area communities, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, and the public, and on the basis of the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing.

Directive Policies for Local Trust Committees and Island Municipalities

- 6.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, strive to address housing needs in their planning area by identifying appropriate locations where density increases could support safe, secure, and affordable housing, while safeguarding protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage. (new)
- 6.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify and assess the impacts of short-term rentals of dwellings on the availability of safe, secure, and affordable housing in their planning area and, where necessary, regulate and limit the number of short-term rentals accordingly. (new)
- 6.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify appropriate floor area and lot coverage limits for residential development in their planning area, in order to effectively minimize greenhouse gas emissions, cumulative effects, biodiversity loss, climate vulnerability, and destruction of Indigenous cultural heritage. (new)

Coordination Policies for Trust Council

- 6.2.7 Trust Council shall coordinate with, and advocate to, other government agencies, non-governmental organizations, and Trust Area communities, to foster safe, secure, and affordable housing in the Trust Area, in alignment within the Islands Trust Object, and respectful of the integrity of the environment and Indigenous cultural heritage in the Trust Area. (new)
- 6.2.8 Trust Council shall advocate to other government agencies, non-governmental organizations, and property owners to foster safe, secure, and affordable housing for Indigenous Peoples in the Trust Area, in alignment with the Islands Trust Object and respectful of protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area. (new)

6.3 Transportation Policies

Commitments of Trust Council

- 6.3.1 It is Trust Council's policy that community sustainability and resilience are supported by appropriately situated public and active transportation networks that serve to reduce greenhouse gas emissions, support electric vehicles and electric bicycles, and promote health and well-being. (new)
- 6.3.2 It is Trust Council's policy that no island in the Trust Area should be connected to Vancouver Island, the mainland or another island by a bridge or tunnel⁸. (5.3.2)
- 6.3.3 It is Trust Council's policy that local trust committees and island municipalities should be consulted and involved in decision-making related to the provision of transportation and ferry services, utilities, or facilities that may affect the sustainability and resilience of communities in their planning areas. (5.3.1)

Directive Policies for Local Trust Committees and Island Municipalities

- 6.3.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, foster the establishment of appropriately situated public and active transportation networks, including but not limited to bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use and support a transition to electric vehicle and electric bicycles. (5.3.7)
- 6.3.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, strive to ensure that road location, design, construction, and systems do not adversely impact the integrity of protected area networks, contiguous forests, watershed ecosystems, freshwater networks, groundwater recharge areas, agricultural lands, coastal and marine areas, or Indigenous cultural heritage in the Trust Area. (5.3.5)
- 6.3.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, develop a classification system of rural roadways, including scenic or heritage road designations, in recognition of the Islands Trust Object. (5.3.4)
- 6.3.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify appropriate areas for the landing of emergency helicopters. (5.3.6)

Coordination Policies for Trust Council

- 6.3.8 Trust Council shall advocate to provincial and federal agencies to ensure safe shipment of materials that are hazardous to the environment. (5.3.8)
- 6.3.9 Trust Council shall advocate to provincial government agencies to work together with local communities through public consultation processes to evaluate and modify road construction, road system proposals, and active transportation networks to address the environmental, economic, and social values of communities in the Trust Area. (5.3.9)
- 6.3.10 Trust Council shall advocate to provincial government agencies in support of the electrification of ferries in the Trust Area. (new)

⁸ ...with the sole exception of the existing bridge between North and South Pender Islands

6.4 Waste Disposal Policies

Commitments of Trust Council

- 6.4.1 It is Trust Council's policy that it is acceptable for waste originating in the Trust Area to be safely disposed of within the Trust Area. (5.4.1)
- 6.4.2 It is Trust Council's policy that:
- neither hazardous nor industrial waste should be disposed of in the Trust Area;
 - local recycling operations should be established; and
 - local programs for chipping of wood waste and disposal of hazardous wastes should be established. (5.4.2)
- 6.4.3 It is Trust Council's policy that there should be minimal burning of solid waste in the Trust Area. (5.4.3)

Directive Policies for Local Trust Committees and Island Municipalities

- 6.4.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify acceptable locations for the disposal of solid waste. (5.4.4)

Coordination Policies for Trust Council

- 6.4.5 Trust Council shall coordinate with, and advocate to, government agencies, corporations, property owners, and residents to contribute to the reduction of greenhouse gas emissions by reducing waste, and to use innovative technologies and safe alternatives for disposal of sewage effluent. (5.4.5)

From: Daniela Murphy
Sent: Thursday, August 5, 2021 12:15 PM
To: Karla Campbell; Christine Condon; chris.laughlin@viha.ca; Bylaw Enforcement; Martin.Collins@gov.bc.ca; doug.pepper@gov.bc.ca; McIntyre, Cathie BCA:EX; Nichols, Kris MUNI:EX; Leech, Haley TRAN:EX; Darryl.Slater@gov.bc.ca; developmentreferrals@BCTransit.com; FrontCounterBC@gov.bc.ca; amanda.vanderkloof@bcas.ca; info@nsswaterworks.ca; saltspring@rcmp-grc.gc.ca; jguy@sd64.org; chamber@saltspringchamber.com; dlundy@saltspringfire.com; info@islandpathways.ca; Becky McErlean; Jas Chonk; mtippett@cvrld.bc.ca
Cc: jarnet@crd.bc.ca; Shannon.lambie@gov.bc.ca; Kristine Mayes; Rob Pingle; Geordie Gordon
Subject: Referral of Salt Spring Island Local Trust Committee Proposed Bylaws No. 504 & 505 - 221 Drake Road, Salt Spring Island (Dragonfly Commons)
Attachments: SS-BL-504_1st Reading.pdf; SS-BL-505_1st Reading.pdf; SS-RZ-2017.2_BL-504_BL-505_Referral_FRM.pdf

Dear Referral Coordinator,

The Salt Spring Island Local Trust Committee (SS LTC) has asked that its proposed bylaws: Bylaw No. 504 cited as "Salt Spring Island Official Community Plan 2008, Amendment No. 4, 2017, and Bylaw No. 505 cited as "Salt Spring Island Land Use Bylaw 1999, Amendment No. 4, 2017" be referred to you for comment. Please find both of these proposed bylaws attached to this email.

The proposed bylaws would rezone the subject property from Rural (R) to Residential 4 variant (a) (R4(a)) to permit:

- 30 affordable dwelling units;
- a common building not exceeding a total floor area of 250 square metres with a maximum of two bedrooms, two bathrooms and a kitchen; and,
- a limited number of home-based businesses.

Proposed Bylaws No. 504 and 505 were previously referred for comment and questions in 2017. Bylaw No. 505, amending Salt Spring Island Land Use Bylaw No. 355, was previously worded only to reduce the minimum lot size required for subdivision of the subject property. As Bylaw No. 505 has been substantially reworded to reflect a different approach by the applicant, re-referral is necessary. Bylaw No. 504, amending the Salt Spring Island Official Community Plan, remains unchanged from the previous referral. Comments on both bylaws are welcome.

The staff report and information relating to the application can be found on our website, <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/> under SS-RZ-2017.2

A reply is respectfully requested by **Monday, September 20, 2021**. We understand that there are numerous demands on your time, however, we genuinely welcome any comments or questions you may have.

Should you have any questions, or require further information, please contact Planner Geordie Gordon at ggordon@islandstrust.bc.ca or 250-537-9144.

Please direct referral responses to ssiinfo@islandstrust.bc.ca

Or by mail to: Islands Trust, 1 – 500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8

Thank you for your time and attention to this matter.

Yours truly,

Daniela Murphy

Legislative Clerk/Deputy Secretary

Islands Trust

1-500 Lower Ganges Road | Salt Spring Island BC V8K 2N8

T 250-538-5606 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I am humbly thankful to live and work in the treaty lands and territories of the BOKÉĆEN, K'ómoks, Lákw'ənan, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səlilwətaʔ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SÁÁUTW, Stz'uminus, ʔaʔəmen, toq qaymɪxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉP, WSIKEM, Xeláltxw, Xwémalhkwxu/ʔop qaymɪxʷ, and xʷməθkʷəy̓əm.



Islands Trust

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Ph: (250) 537-9144
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 504 and 505 Date: August 5, 2021

You are requested to comment on the attached Bylaws for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaws will be held at a later date.

APPLICANTS NAME / ADDRESS:

Fernando and Tammy Dos Santos, 416 Old Scott Road, Salt Spring Island, BC, V8K 2L7, f.dos.santos111@gmail.com

PURPOSE OF BYLAW:

The purpose of OCP proposed bylaw amendment No. 504 is to re-designate the property from rural neighbourhood (RL) to a residential neighbourhood (RN) variant which would allow for medium density of approximately 7 lots/hectare or 3 lots/acre.

The purpose of LUB proposed bylaw amendment No. 505 is to rezone the property from its Rural(R) designation to a Residential (R4) variant to allow for the development of up to 30 lots on the subject property.

GENERAL LOCATION:

221 Drake Road, Salt Spring Island

LEGAL DESCRIPTION:

LOT A, SECTION 20, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 28650 – PID 001-751-581

SIZE OF PROPERTY AFFECTED:

4.26 Hectares

ALR STATUS:

None

OFFICIAL COMMUNITY PLAN DESIGNATION:

Presently Rural Neighbourhood

OTHER INFORMATION:

To review the staff report or for more information on application SS-RZ-2017.2, go to: <http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Geordie Gordon

Title: Planner 2

This referral has been sent to the following agencies:

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation

Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation

Semiahmoo First Nation
Tsawwassen First Nation

Hul'qumi'num Treaty Group (for information only)
Te'Mexw Treaty Association (for information only)

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Economic Development Commission
CRD – SSI Parks and Recreation
CRD – SSI Building Inspection
CRD – SSI Director
CRD – SSI Transportation Commission
CRD – Environmental Eng. Division
CRD – Housing Secretariat
CRD – Parks & Community Services
CRD – Ganges Sewer Commission
CRD – SSI Liquid Waste Disposal Local Service Commission
Vancouver Island Health Authority
Islands Trust Bylaw Enforcement and Compliance
SSI Advisory Planning Commission
SSI Agricultural Advisory Planning Commission

Provincial Agencies

Agricultural Land Commission
Ministry of Agriculture
BC Assessment Authority
Ministry of Municipal Affairs
Ministry of Transportation & Infrastructure
Ministry of Forest Lands, Natural Resource Operations and Rural
Development Water Authorizations
BC Transit
Front Counter BC

Non-Agency Referrals

BC Ambulance Service
North Salt Spring Waterworks District
RCMP
School District No. 64
SSI Chamber of Commerce
SSI Fire-Rescue
Island Pathways

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area

(Island)

(Signature)

(Date)

504 & 505

(Bylaw Number)

(Title)

(Agency)

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 504

A BYLAW TO AMEND SALT SPRING ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 434, 2008

The Salt Spring Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Official Community Plan Bylaw No. 434, 2008, Amendment No. 4, 2017”.

2. Salt Spring Island Local Trust Committee Bylaw No. 434, cited as “Salt Spring Island Official Community Plan Bylaw No. 434, 2008”, Schedule “A”, Volume 1 is amended as shown on Schedule No. 1, attached to and forming part of this bylaw.

READ A FIRST TIME THIS 5TH DAY OF OCTOBER 2017

READ A SECOND TIME THIS _____ DAY OF _____ 20__

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20__

READ A THIRD TIME THIS _____ DAY OF _____ 20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ 20__

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS _____ DAY OF _____ 20__

ADOPTED THIS _____ DAY OF _____ 20__

Chair

Secretary

PROPOSED

SS-BL-504

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 504

SCHEDULE NO. 1

1. Schedule “A”, Volume 1 is amended as follows:

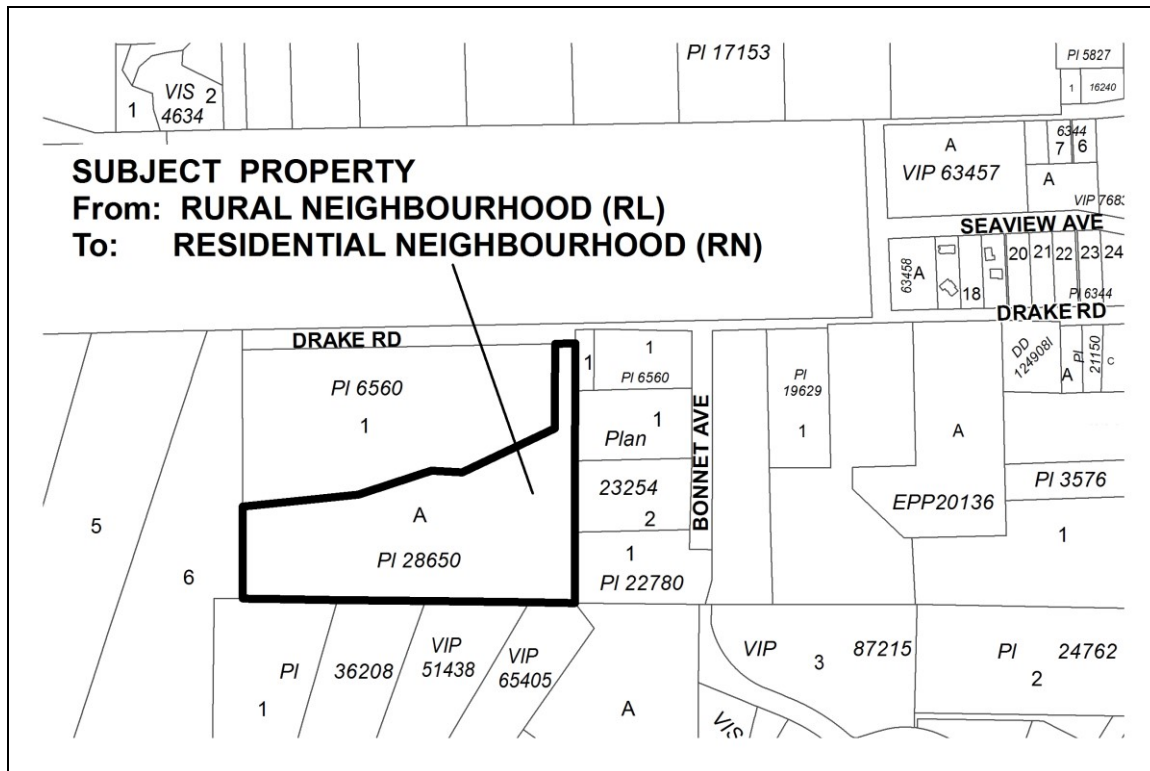
- 1.1 Map 1 – “Plan Area with Land and Shoreline Use Designations” is amended by changing the land use designation of Lot A, Section 20, Range 3 East, North Salt Spring Island, Cowichan District Plan 28650 (PID 001-751-581) from Rural Neighbourhood (RL) to Residential Neighbourhood (RN) as shown on Plan No. 1.

PROPOSED

SS-BL-504

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 504**

PLAN NO. 1



PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 505

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW, 1999

The Salt Spring Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as "Salt Spring Island Land Use Bylaw, 1999, Amendment No. 4, 2017".

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as "Salt Spring Island Land Use Bylaw, 1999," is amended as shown on Schedule Nos. 1 and 2 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 27TH DAY OF JULY 2021

READ A SECOND TIME THIS _____ DAY OF _____ 20__

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20__

READ A THIRD TIME THIS _____ DAY OF _____ 20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ 20__

ADOPTED THIS _____ DAY OF _____ 20__

Chair

Secretary

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 505**

SCHEDULE NO. 1

1. Bylaw No. 355 is amended as follows:

- 1.1 Section 9.9 – RESIDENTIAL ZONES, Sub-section 9.9.4 - “Exceptions in Particular Locations” is amended by adding a new R4(a) zone variation as follows:
“Zone Variation – R4(a)

- (17) Despite all other regulations of this bylaw, the only principal uses permitted within lands zoned R4(a) are:
- (a) Affordable housing units in single family dwelling units,
 - (b) Affordable housing units in Duplexes,
- (18) Despite subsection 9.9.2 Size, Siting and Density of Permitted Uses, Buildings and Structures:
- (a) The maximum number of affordable housing dwelling units is 30.
- (19) Despite all other regulations of this bylaw, the following accessory structure is permitted within lands zoned R4(a):
- (a) a common building with a maximum floor area of 250m² and containing:
 - (i) a maximum of two bedrooms;
 - (ii) a maximum of two bathrooms including a shower enclosure and/or bathtub;
 - (iii) a kitchen;
 - (iv) more than three separate rooms.
- (20) Home-based businesses are permitted as an accessory use. Despite Section 3.13, only the following occupations may be conducted as a home-based business within lands zoned R4(a):
- (a) Sales of products manufactured elsewhere, provided persons employed in the home-based business carry out all distribution of such products offsite.
 - (b) Business and professional offices where in-person services are conducted off-site.
 - (c) Child day care, limited to a maximum of two children, exclusive of the operators’ children.

- 1.2 And by making such alterations to Bylaw No. 355 as are required to effect these changes.

PROPOSED

SS-BL-505

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 505

SCHEDULE NO. 2

2. Bylaw No. 355 is amended as follows:

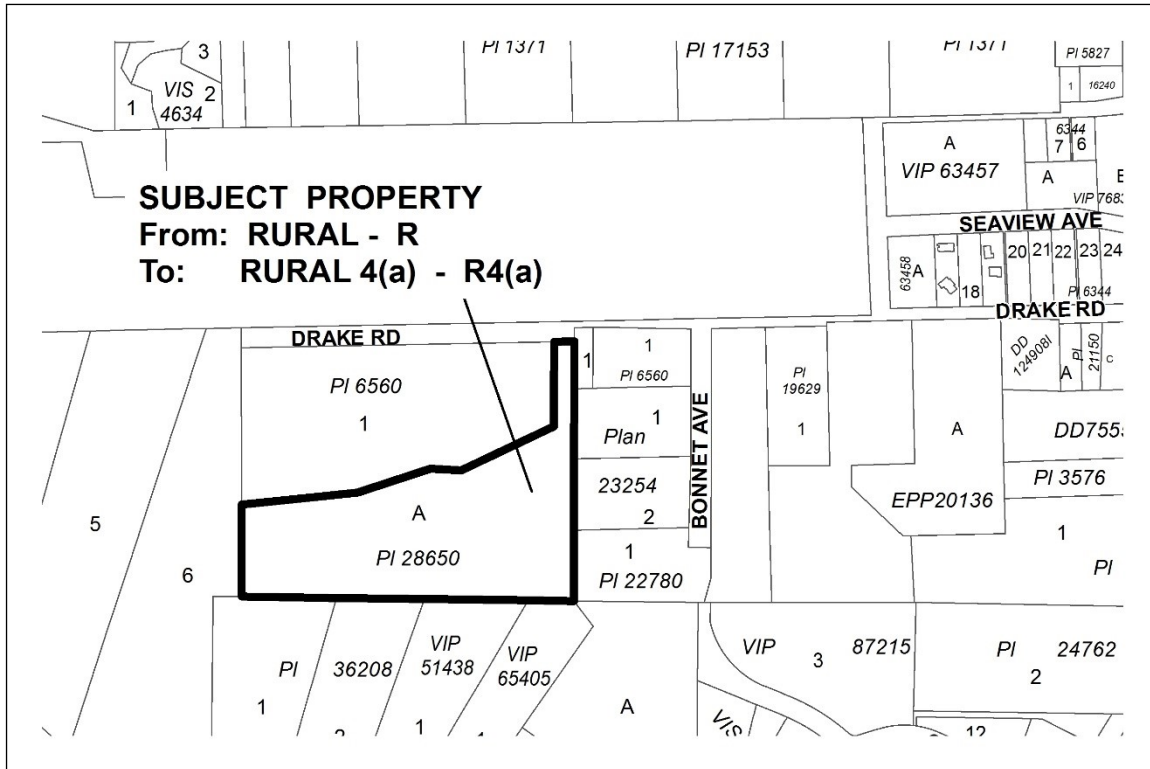
- 1.1 **SCHEDULE "A" – ZONING MAP** is amended by changing the zoning classification of Lot A, Section 20, Range 3 East, North Salt Spring Island, Cowichan District (PID 001-751-581, 221 Drake Road), from Rural to Residential 4 (R4(a)) as shown on Plan 1.

PROPOSED

SS-BL-505

**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 505**

PLAN NO. 1



From: Daniela Murphy
Sent: Thursday, August 5, 2021 2:29 PM
To: Karla Campbell; Christine Condron; chris.laughlin@viha.ca; chamber@saltspringchamber.com; info@nsswaterworks.ca; dlundy@saltspringfire.com; info@islandpathways.ca; annemacey@shaw.ca; 'Elizabeth White'; Martin.Collins@gov.bc.ca; McIntyre, Cathie BCA:EX; developmentreferrals@BCTransit.com; doug.pepper@gov.bc.ca; Leech, Haley TRAN:EX; FrontCounterBC@gov.bc.ca; Jas Chonk; Becky McErlean; mtippett@cvrld.bc.ca
Cc: jarnet@crd.bc.ca; Kristine Mayes; Rob Pingle; Shannon.lambie@gov.bc.ca
Subject: Referral of Salt Spring Island Local Trust Committee Proposed Bylaws No. 523 & 524 - 125 Churchill Road, Salt Spring Island (Francis Bread Bakery)
Attachments: SS-BL-523_1st R.pdf; SS-BL-524_1st R.pdf; SS-RZ-2020.2_BL-523_BL-524_Referral_FRM.pdf

Dear Referral Coordinator,

The Salt Spring Island Local Trust Committee (SS LTC) has asked that its proposed bylaws: Bylaw No. 523 cited as "Salt Spring Island Official Community Plan 2008, Amendment No. 1, 2021, and Bylaws No. 524 cited as "Salt Spring Island Land Use Bylaw 1999, Amendment No. 1, 2021" be referred to you for comment. Please find both of these proposed bylaws attached to this email.

The proposed bylaws would rezone the subject property from Residential 7 (R7) to Commercial 4 variant b (C4(b)) to permit:

- indoor retail sales;
- indoor production of food and drink items, clothing, crafts, artwork, jewellery and similar items (provided water consumption does not exceed 1,600 litres/day);
- one restaurant not exceeding a total floor area of 110 square metres with a maximum of 38 indoor and outdoor seats; and,
- two commercial guest accommodation units not to exceed 25 square metres each.

The staff report and information relating to the application can be found on our website, <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/> under SS-RZ-2020.2.

A reply is respectfully requested by **Monday, September 20, 2021**. We understand that there are numerous demands on your time, however, we genuinely welcome any comments or questions you may have.

Should you have any questions, or require further information, please contact Planner Kristine Mayes at kmayes@islandstrust.bc.ca or 250-537-9144.

Please direct referral responses to ssiinfo@islandstrust.bc.ca

Or by mail to: Islands Trust, 1 – 500 Lower Ganges Road, Salt Spring Island, BC V8K 2N8

Thank you for your time and attention to this matter.
Yours truly,

Daniela Murphy

Legislative Clerk/Deputy Secretary

Islands Trust

1-500 Lower Ganges Road | Salt Spring Island BC V8K 2N8

T 250-538-5606 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I am humbly thankful to live and work in the treaty lands and territories of the BOKÉĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəx", Scia'new, səlilwətaʔt, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SÁÁUTW, Stz'uminus, ʔaʔəmen, toq qaymux", Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwxu/ʔop qaymux", and x"məθk"əyám.



Islands Trust

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Ph: (250) 537-9144
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 523 and 524 Date: August 5, 2021

You are requested to comment on the attached Bylaws for potential effect on your agency's interests. We would appreciate your response within 45 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected. For your information a Public Hearing to consider the Bylaws will be held at a later date.

APPLICANTS NAME / ADDRESS:

Peter Hunt and Meghan Carr/125 Churchill Road, Salt Spring Island, BC V8K 2R3

PURPOSE OF BYLAW:

To permit indoor retail sales, Indoor production of food and drink items, clothing, crafts, artwork, jewellery and similar items (provided water consumption does not exceed 1,600 litres/day); one restaurant not exceeding a total floor area of 110 square metres with a maximum of 38 indoor and outdoor seats; and two commercial guest accommodation units not to exceed 25 square metres each.

GENERAL LOCATION:

125 Churchill Road, Salt Spring Island

LEGAL DESCRIPTION:

LOT 3, SECTIONS 3 AND 4, RANGE 4 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN VIP54776

SIZE OF PROPERTY AFFECTED:

0.89 hectares (2.21 acres)

ALR STATUS:

Non-ALR

OFFICIAL COMMUNITY PLAN DESIGNATION:

Residential Neighbourhoods

OTHER INFORMATION:

Use(s) have been operating unlawfully since 2011 & 2015 (Commercial Guest Accommodation Units) and 2018 (Restaurant). To review the staff report or for more information on application SS-RZ-2020.2, go to: <http://www.islandstrust.bc.ca/islands/local-trust-areas/salt-spring/current-applications/current-application-documents/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

D. Murphy

on behalf of Planner Mayes

(Signature)

Name: Kristine Mayes

Title: Planner 1

This referral has been sent to the following agencies:

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation
Malahat First Nation
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation
Semiahmoo First Nation
Tsawwassen First Nation

Hul'qumi'num Treaty Group (for information only)

Te'Mexw Treaty Association (for information only)

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – Building Inspection
CRD – Economic Development Commission
CRD – Parks and Recreation Commission
CRD – SSI Transportation Commission
Vancouver Island Health Authority

Non-Agency Referrals

Chamber of Commerce
North Salt Spring Waterworks District
SSI Fire-Rescue
Island Pathways SSI – Partners Creating Pathways
Salt Spring Island Agricultural Advisory Planning Commission
Salt Spring Island Advisory Planning Commission
Salt Spring Island Agricultural Alliance

Provincial Agencies

Agricultural Land Commission
BC Assessment Authority
BC Transit
Ministry of Agriculture, Food and Fisheries
Ministry of Transportation & Infrastructure
Front Counter BC

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee

Mayne Island Local Trust Committee

North Pender Island Local Trust Committee

Thetis Island Local Trust Committee

Cowichan Valley Regional District

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

523 and 524
(Bylaw Number)

(Title)

(Agency)

PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 523

A BYLAW TO AMEND SALT SPRING ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 434, 2008

The Salt Spring Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as "Salt Spring Island Official Community Plan Bylaw No. 434, 2008, Amendment No. 1, 2021".

2. Salt Spring Island Local Trust Committee Bylaw No. 434, cited as "Salt Spring Island Official Community Plan Bylaw No. 434, 2008," is amended as shown on Schedule Nos. 1 and 2 attached to and forming part of this bylaw.

READ A FIRST TIME THIS 29TH DAY OF JUNE 2021

READ A SECOND TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

PROPOSED

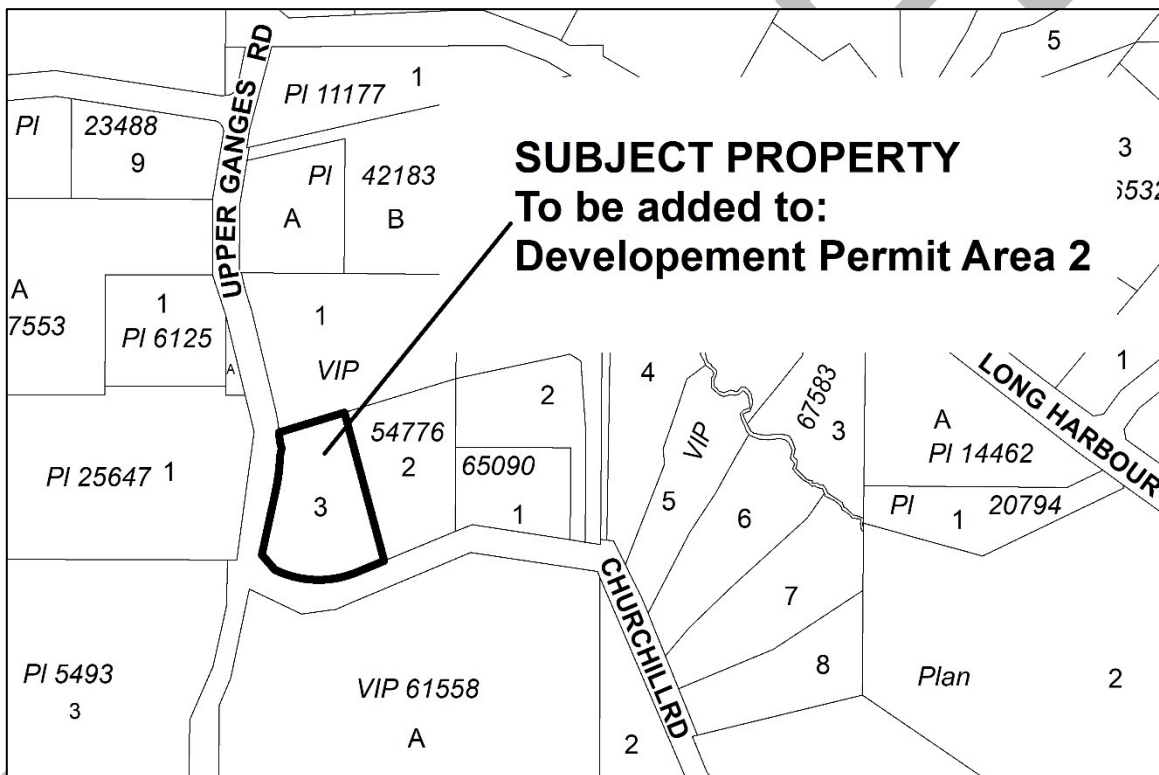
SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 523

SCHEDULE NO. 1

1. Schedule "A", Volume 2 is amended as follows:

- 2.1 Map 19 – Development Permit Area 2 Non-Village Commercial and General Employment is amended by including Lot 3, Sections 3 and 4, Range 4 East, North Salt Spring Island, Cowichan District, Plan VIP54776 as shown on Plan No. 1 of this bylaw.

PLAN NO. 1



PROPOSED

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 524

A BYLAW TO AMEND SALT SPRING ISLAND LAND USE BYLAW NO. 355, 1999

The Salt Spring Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Salt Spring Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Salt Spring Island Land Use Bylaw, 1999, Amendment No. 1, 2021”.

2. Salt Spring Island Local Trust Committee Bylaw No. 355, cited as “Salt Spring Island Land Use Bylaw, 1999,” is amended as follows:

2.1 By inserting in Subsection 9.2.4 – Exceptions in Particular Locations – the following new Commercial 4 Zone Variation (b) – C4(b) after Zone Variation C4(a):

“Zone Variation – C4(b)

(18) The following additional *uses* are permitted:

- (a) *Indoor Retail Sales.*
- (b) *Indoor* production of food and drink items, clothing, crafts, artwork, jewellery and similar items for *retail* or *wholesale sales*, provided there is a retail outlet on the premises and provided water consumption does not exceed 1600 litres/day;
- (c) One restaurant not to exceed a total *floor area* of 110 square metres with a maximum number of 38 of *indoor* and *outdoor* seats; and
- (d) Two *Commercial guest accommodation units* in *cabins* not to exceed a total *floor area* of 25 square metres each.

(19) A *vegetation screen* must be provided and maintained within the *buffer area* along any property line that abuts property not *zoned* for *commercial use* in accordance with Section 3.4.

(20) Despite Subsection 9.2.3, the Minimum average area of *lots* in a *subdivision* is 1 ha.

And by making consequential numbering alterations to effect this change.

2.2 By changing the zoning classification of Lot 3, Sections 3 and 4, Range 4 East, North Salt Spring Island, Cowichan District, Plan VIP54776 from Residential 7 – (R7) to Commercial 4 Zone Variation (b) – C4(b), as shown on Plan No. 1 attached to and

forming part of this bylaw, and by making such alterations to Schedule “A” of Bylaw No. 355 as are required to effect this change.

READ A FIRST TIME THIS 29TH DAY OF JUNE 2021

READ A SECOND TIME THIS _____ DAY OF _____ 20_____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20_____

READ A THIRD TIME THIS _____ DAY OF _____ 20_____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

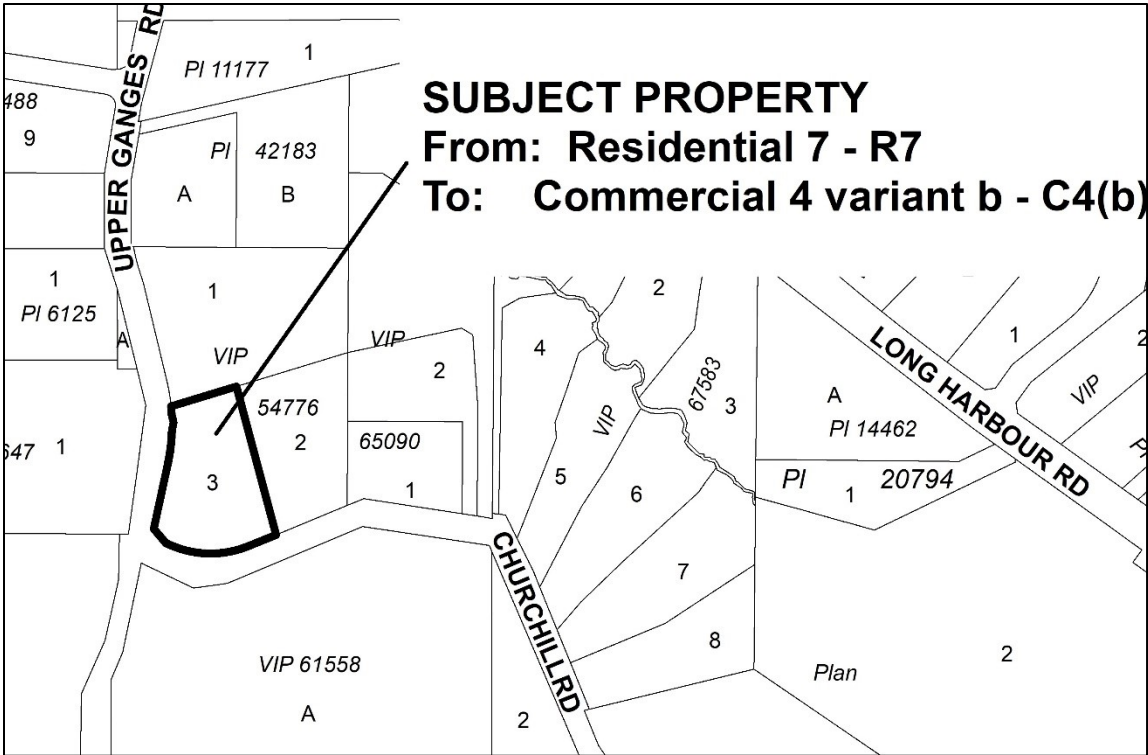
 _____ DAY OF _____ 20_____

ADOPTED THIS _____ DAY OF _____ 20_____

Chair

Secretary

Plan No. 1





Top Priorities Report

North Pender Island

1. *STVR Review Project*

Bylaw No. 222 was given First Reading, referrals have been sent, and Public Hearing and Community Information Meeting held on February 25, 2021.

Responsible

Kim Stockdill

Dates

Rec'd: 05-Sep-2019
Target: 01-Jul-2021

2. *Groundwater Sustainability Project*

Phase 1 and 2: Groundwater Sustainability Mapping Project (2019-2020) - Completing in spring 2021

Responsible

Narrisa Chadwick
William Shulba

Dates

Rec'd: 29-Nov-2018
Target: 30-Sep-2022

Phase 3: Groundwater Mapping Implementation -
- Project Charter - January 2021

3. *LUB Review Project*

Project is in the community consultation phase. Recommendations for a draft bylaw will be considered by the LTC in late 2021.

Responsible

Kim Stockdill

Dates

Rec'd: 07-Nov-2019
Target: 01-Jan-2022

4. *Soil bylaw*

To consider a soil deposit and removal bylaw

Responsible

Dates

Rec'd: 25-Mar-2021
Target: 31-Mar-2022

Projects Report

North Pender Island

1. *Coastal Douglas Fir Ecosystem*

Responsible

Date Received

Consider implementation of toolkit and mapping
- LPC to develop model bylaw in 2021-22

01-Feb-2019

2. *Soil Removal and Deposit Bylaw*

Responsible

Date Received

To investigate adopting a soil removal and deposit bylaw

02-Jul-2020



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.5	PICSS c/o HARDAL MANAGEMENT INC	23-May-2018	Application for development permit for a building in a form and character DPA

Planner: Phil Testemale

Planning Status

Status Date: 17-May-2021

Associated Subdivision (2017.3) is nearing completion. Applicants will be initiating work on form and character DP

Status Date: 13-May-2020

Nu to Yu - File on hold awaiting building and landscaping plans from applicant. x- ref to NP-RZ-2016.4 and NP-SUB-2017.3

Status Date: 06-Jun-2018

Issued receipt for cheque, pink copy to Finance and original scanned with cheque for e-files; emailed scanned receipt and cheque to Applicant, mailed original; added hard copy to application folder.

File Number	Applicant Name	Date Received	Purpose
NP-DP-2021.1	CHAREST, PERRY	10-Feb-2021	2724 Spyglass Road - Application for a sensitive ecosystem DPA, to run sewer line from Lot 148 using easement on Lot 147 (PID 003-056-236) to sewer line near Buck Lake

Planner: Phil Testemale

Planning Status

Status Date: 12-Oct-2021

Assessment report now submitted. Provincial approval confirmed. October 28 agenda for consideration

Status Date: 17-Jun-2021

FLNRO has not received assessment report from QEP (Dave Gooding). Applicant advised that file moved to July 29, 2021 for consideration pending approvals.

Status Date: 10-Mar-2021

Planner assigned by RPM; sent confirmation email to Applicant that we are proceeding further with application; emailed AppPkg to LTC; requested Subj Prop Map from GIS; physical folder to Planner. - SR



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2021.5	Raymart Resuello/AJIA Canadian Building Sys. Inc.	21-Jun-2021	3703 LOOKOUT CRES - Application for a DP for development in a riparian DPA

Planner: Phil Testemale

Planning Status

Status Date: 22-Jul-2021

October 28 agenda for consideration

Status Date: 15-Jul-2021

file assigned to Phil by RPM, pmt receipt letter and planner details emailed to applicant, LTC emailed. - DL

Status Date: 14-Jul-2021

mapping request sent - DL

File Number	Applicant Name	Date Received	Purpose
NP-DP-2021.6	Roger Amenyogbe	12-Aug-2021	7904 PLUMPER WAY - application for a DP for development in a sensitive ecosystem DPA

Planner: Kim Stockdill

Planning Status

Status Date: 28-Oct-2021

Application placed on Oct 28, 2021 LTC agenda.

Status Date: 23-Aug-2021

reviewed by RPM, assigned to Kim S, LTC emailed, applicant emailed a payment received and chance find letter - DL

Status Date: 16-Aug-2021

EDM folder created -DL



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2021.7	Brodie, Arlynn	05-Oct-2021	433 ARBUTUS SPUR - Application for a DP for development in a sensitive ecosystem DPA.

Planner: Phil Testemale

Planning Status

Status Date: 14-Oct-2021

fees received, mapping request sent, assigned to Phil, LTC emailed, payment receipt and chance find letter sent to applicant - DL

Status Date: 13-Oct-2021

fee request email sent - DL

Status Date: 08-Oct-2021

Application folders created in EDM and entered in TAPIS. - PJ

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2021.3	Peter Driessen	17-Jun-2021	181 MAPLELEAF LANE - application for a DVP for a single family dwelling to be built 1 meter inside Development Permit Area

Planner: Phil Testemale

Planning Status

Status Date: 23-Aug-2021

DVP Permit and Notice drafted and forwarded to applicant. Onn hold pending rescheduling of September 30 LTC

Status Date: 23-Jun-2021

Assigned to Phil -DL

Status Date: 22-Jun-2021

Fees request email sent -DL



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2008.9	Jl Properties Inc	21-Oct-2008	James Island - To create 83 lots

Planner: Phil Testemale

Planning Status

Status Date: 21-Apr-2021

Correspondence from applicant's legal counsel on April 29, 2021 LTC agenda

Status Date: 17-Mar-2021

In camera meeting scheduled for March 26, 2021

Status Date: 18-Feb-2021

Feb 25, 2021 agenda for acceptance of covenants. Cash-in-lieu pending review and CRD Board approval

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.4	Edgewood Estates c/o Graham Ross	29-Nov-2012	2218 CLAM BAY RD: referral of a bare land strata subdivision application for 11 lots, including remainder

Planner: Kim Stockdill

Planning Status

Status Date: 04-May-2021

PLR request received. Extension for one year granted by MOTI.

Status Date: 08-Mar-2021

PLA extension request received. Replied with no objections.

Status Date: 02-Jul-2020

Access road construction plans submitted for information.



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2017.3	Jim Petrie	19-Dec-2017	Referral of a subdivision application for 2 lots

Planner: Phil Testemale

Planning Status

Status Date: 20-May-2021

Awaiting easements (water) and final subdivision plan to compete.

Status Date: 09-Sep-2020

Revised Drainage report -complies with sub regs. E-mail to applicant and cc'd to MoTI

Status Date: 05-Aug-2020

Drainage report submitted and reviewed. Request certification ref. sub regs (4.6.9)

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2020.1	BRADFORD & MILLIKEN	05-Mar-2020	1610 Schooner Way - A subdivision referral for two lot boundary adjustment. MoTI file #: 2020-00549

Planner: Phil Testemale

Planning Status

Status Date: 02-Apr-2021

PLR from MoTI rec'd. Applicants reviewing options.

Status Date: 17-Mar-2021

Combined DVP/DP required.

Status Date: 05-Feb-2021

Review Response sent to MoTI.

**Applications****Subdivision**

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2020.2	Wey Mayenburg Land Surveying Inc.	31-Aug-2020	4242, 4246, 4250 Armadale Road - Referral of a subdivision application for proposed two lots.
Planner: Phil Testemale			
Planning Status			
<u>Status Date:</u> 18-Mar-2021			
VIHA Letter rec'd - Condition 6 MoTI requiring verification of septic fields			
<u>Status Date:</u> 17-Mar-2021			
DVP req'd			
<u>Status Date:</u> 09-Mar-2021			
PLR rec'd			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2021.7	Jeremy Harwood/Windjammer Self Storage	15-Jun-2021	3601 SAILOR EASEMENT RD - Application for a temporary use permit for a commercial storage facility.
Planner: Phil Testemale			
Planning Status			
<u>Status Date:</u> 15-Sep-2021			
restrictive covenants received; planner and LTC emailed. -DL\napplicant emailed payment receipt and chance find letter - DL			
<u>Status Date:</u> 14-Sep-2021			
awaiting receipt of 3 rest cov's - DL			
<u>Status Date:</u> 09-Sep-2021			
sent to RPM for review and assignment. GIS mapping emailed -DL			



Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2021.8	Hardal	22-Jun-2021	4605 Bedwell Harbour Rd - to allow storage and processing of landscape materials that are used for the maintenance and operation of Driftwood Centre

Planner: Kim Stockdill

Planning Status

Status Date: 20-Oct-2021

Application placed on October 28, 2021 LTC agenda.

Status Date: 15-Jul-2021

Correct Title Search emailed in by applicant, assigned to Kim, Fee payment received and planner info letter sent - DL

Status Date: 12-Jul-2021

fee request email sent, application documents complete - DL

Islands Trust
LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending August 2021

650 North Pender	Invoices posted to Month ending August 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	510.00	0.00	510.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	3,470.00	1,459.30	2,010.70
65210-650	LTC - Local Exp - APC Meeting Expenses	444.00	0.00	444.00
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>4,458.00</u>	<u>1,459.30</u>	<u>2,998.70</u>
Projects				
73001-650-2006	North Pender OCP/LUB	5,000.00	329.25	4,670.75
73001-650-4115	North Pender Groundwater Strategy Implementation	2,500.00	0.00	2,500.00
73001-650-4116	North Pender Soil Bylaw	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>11,500.00</u>	<u>329.25</u>	<u>11,170.75</u>

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2020-026 (Standing) that the North Pender Local Trust Committee direct bylaw enforcement to not enforce on restaurants or liquor primary establishments setting up temporary structures within their respective lots contrary to parking regulations and existing development permits while Covid-19 restrictions limiting seating capacity and occupancy are in place and subject establishments receiving required provincial approvals such as from the Liquor and Cannabis Regulation Branch and establishments following relevant provincial protocols.	Carried	21-May-2020
2020-012 (Standing) That the North Pender Island Local Trust Committee has no objection to Liquor and Cannabis Regulation Branch issuance of Temporary Expanded Service Area Authorizations for liquor primary and manufacturer licensees within the North Pender Island Local Trust Area.	Carried	19-Jun-2020
2020-011 (Standing) That given the COVID-19 pandemic and the declaration of a state of emergency throughout the Province of British Columbia, the North Pender Island Local Trust Committee directs that bylaw enforcement action be deferred in the following circumstances: 1. A commercial use operating in a residential zones, provided that the use: a. was lawfully operating within the local trust area prior to the declaration of the state of emergency; b. has been forced to vacate lawfully zoned premises as the result of COVID-19 related orders, guidance or effects; c. is currently operating from premises where the principal residence of the owner or operator of the commercial use is located; d. is complying with the home business regulations (Section 3.5) of the Land Use Bylaw other than: i. being a prohibited use under subsection 3.5.3 and; ii. may be conducted outside of a permitted building (subsection 3.5.1), provided it is not operated within a setback area; and e. is complying with health or provincial requirements. 2. Upon the lifting of the state of emergency, deferred enforcement action may be commenced, but owners or operators should be provided with a reasonable time to comply.	Carried	04-Jun-2020



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2020-010 (Standing) that the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and staff are directed to continue with enforcement until the use is ceased. b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease. c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee, bylaw enforcement actions, including the issuing of notices will continue d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.	Carried	30-Jan-2020
2019-119 (Standing) that the North Pender Island Local Trust Committee place a moratorium on new Short Term Vacation Rental Temporary Use Permits for a limited time while the Local Trust Committee completes the Short Term Vacation Rental Review.	Carried	28-Nov-2019
2019-074 (Standing) that the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.	Carried	04-Jul-2019



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-072 (Standing) that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.	Carried	04-Jul-2019
2019-061 (Standing) that the North Pender Local Trust Community refer Short Term Vacation Rental Temporary Use Permits in the Magic Lake sewer catchment to the Magic Lake Sewer and Water Committee to confirm infrastructure capacity.	Carried	30-May-2019
2019-030 (Standing) that the North Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.	Carried	28-Feb-2019



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-016 (Standing) that the North Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.	Carried	31-Jan-2019
2018-070 (Standing) that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property, where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: o Name of the applicant and a description of the proposal in general terms. o The location of the proposed establishment and the subject site. o The place, date and time when, both a build meeting will be held and a resolution of the Local Trust Committee is considered. o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application. o How public comments may be submitted to the local trust committee.	Carried	06-Sep-2018
2011-050 (Standing) It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff that they will adopt In Camera minutes when there are other reasons to close a meeting to the public.	Carried	28-Apr-2011
2007-146 (Standing) THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to property on which North Pender Island Land Use Bylaw No. 103 permits public assembly uses, such as restaurants, community halls or church halls, and there are no issues related to parking or past complaints, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.	Carried	30-Aug-2007

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2006-080 (Standing)	Carried	25-May-2006
Policy Number NP-LTC-01-06 (Communications Policy) establishes guidance for the preparation and dissemination of routine non-statutory notices, extraordinary notices and trustee newsletters.		
2005-005 (Standing)	Carried	27-Jan-2005
The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations		



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY AUGUST 24, 2021 BOARD SPECIAL MEETING (OPEN PORTION)

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- The Islands Trust Conservancy (ITC) Board thanked Donald Clarke for his service as an appointed member of the ITC Board from August 2019 to August 2021. Don Clarke is a member of the Black River First Nation, and has spent over 25 years working in over 50 First Nations communities (throughout Western Canada) in the area of political advising, negotiations, administration, education, capacity building, strategic planning, Treaty rights, and in strengthening of local, economic and cultural development. His expertise provided important insights to Board decision-making and he will be missed.
- The Minister of Municipal Affairs has reappointed Linda Adams to the ITC Board for a term ending in August 2023. Linda Adams has served on the Board since August 2018. She is an educator, land use planner, local government consultant and the former Chief Administrative Officer (CAO) of Islands Trust. Linda is currently on the faculty of Capilano University's School of Public Administration, where she coordinates a course for Chief Administrative Officers in BC local governments.
- The ITC Board thanked Devin Hentschel for his work as the ITC Conservation Technician. Devin joined ITC as a summer co-op student and assisted the ITC with annual property monitoring, restoration projects and the Species at Risk Program. Devin is returning to study Biology at the University of Victoria.
- The ITC Board thanked Erin Coulson for her work with ITC as a part-time Communications Specialist. Erin assisted with the ITC Annual Report, the Heron Newsletter and with issuing ITC News Releases and she will be missed.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board received and approved its audited financial statements. These are available at islandstrust.bc.ca/about-us/accountability/finance/
- The Minister of Municipal Affairs will be posting a notice of position for a vacant seat at the ITC Board. Staff will circulate the notice of position to trustees and the Bowen Island Municipality and will post it to the Islands Trust website at islandstrust.bc.ca/whats-happening/expressions-of-interest/.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board considered land conservation proposals in the in camera portion of its meeting.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board reviewed the Sidney Island Ecological Restoration Project Plan, including the Sidney Island Forest Restoration Strategy and Fallow Deer Eradication on Sidney Island. The Sidney Island Ecological Restoration Project is a joint project with First Nations, Parks Canada, the Province of BC and the Sallia Forest Strata. More information about the project is available at pc.gc.ca/en/agence-agency/bib-lib/rapports-reports/core-2018/ouest-west/ouest-west11
- The ITC Board approved Property Management Fund Guidelines. These guidelines will provide direction for use of the Property Management Fund

5. COMMUNICATIONS AND OUTREACH

- The 2020/2021 Annual Report process has been completed and the final report will be posted to the website at islandstrust.bc.ca/about-us/accountability/annual-report/ shortly.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- There were no updates regarding fundraising and conservancy support, but those interested in donating to ongoing Conservancy campaigns can find information at islandstrust.bc.ca/conservancy/current-campaigns/
- Islands Trust Conservancy is now participating in the Willpower campaign. Information about gifts in your will can be found at willpower.ca/charities/islands-trust-conservancy/

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)



REQUEST FOR DECISION

To: Local Trust Committees **For the Meeting of:** October 28, 2021

From: David Marlor, Director, Local Planning Services **Date Prepared:** September 15, 2021

SUBJECT: New Fee Bylaws

RECOMMENDATION:

That the North Pender Local Trust Committee request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services.”

DIRECTOR COMMENTS:

The recommendation will allow staff to draft a fee bylaw specific to each local trust committee’s needs based on the model fee bylaw adopted by Trust Council.

1 PURPOSE: To update all local trust committee fee bylaws to be consistent with the new Application Processing Services policy.

2 BACKGROUND:

At its regular business meeting in June 2021, Trust Council adopted a new Application Processing Services Policy that includes a model Fee Bylaw. Trust Council also passed the following resolution:

That Trust Council request all local trust committees to consider adoption of a new application processing fees bylaw based on the model fees bylaw attached to Policy 5.6.1 “Application Processing Services”.

The Trust Council application processing services policy has been amended to:

1. clarify more specifically the activities covered by the application fee to remove ambiguity;
2. remove the need for planners to determine the work required at the start of the process, which has been identified as practically impossible to implement;
3. establish an objective of 80 per cent of the average processing cost for cost recovery;
4. add more clarity around when cost recovery agreements are required, and what are considered extraordinary cost charges; and
5. add a model fees bylaw to the policy as an attachment.

A new model fees bylaw has been developed that:

1. has updated fees that better reflect the actual average cost of processing the various types of applications, designed to include the staff costs and the fixed costs, such as meeting expenses and advertising;
2. adds consideration for recovery of costs associated with First Nation site visits if required;
3. adds more robust fee refund policy to improve fairness;
4. adds an annual automatic increase of fees of two percent to reflect the estimated actual cost increases due to inflation and collective agreement increases for staff;
5. retains ability of local trust committees to reduce fees by up to 20 percent, intended to allow flexibility recognizing local factors affecting cost of application processing;
6. adds flexibility to allow for reduced temporary use permits fees for community benefits as defined by the local trust committee in its official community plan; and
7. adds a 20 per cent higher fee for applications where development began without a permit or permission to reflect the higher cost of processing such an application.

Each local trust committee has been asked by Trust Council to update its fee bylaw to be consistent with the model fee bylaw approved by Trust Council. If a local trust committee wishes to adjust fees in accordance with items 5 and 6 above, the local trust committee should include this request in the resolution to develop a draft fee bylaw. While a local trust committee is under no legislative obligation to amend its fees bylaw, Trust Council has developed the model fee bylaw to assist in assuring the fees charged better reflect the cost of processing applications using shared resources throughout the Islands Trust Area.

Please note that fees charged are to recover the average cost of processing that type of application. Fees cannot be used to be punitive, or to raise funds above the average cost of processing an application. Local trust committees cannot charge fees for building permit referrals or Crown land referrals as there is no authority provided to do so.

Local trust committees are authorized to charge fees for different types of applications as follows:

- **Section 462 of the *Local Government Act*** provides that a local government may, by bylaw, impose fees related to applications and inspections to recover the average costs of processing official community plan amendments, land use bylaw amendments, subdivisions bylaw amendments, heritage conservation bylaw amendments, issuance of a development permit, development variance permit, temporary use permit, heritage alteration permit, land use contract amendments, heritage revitalisation agreement amendments, board of variance orders, and inspection of works and services related to applications and permits, and subdivision applications;
- **Section 31(2)(b) of the *Islands Trust Act*** provides that a local trust committee may impose fees to recover the cost of processing siting and use permits;
- **Section 41 of the *Liquor Control and Licensing Act*** provides that a local government may, by bylaw, impose fees to recover the cost of processing liquor and liquor licensing referrals; and
- **Section 35 of the *Cannabis Control and Licensing Act*** provides that a local government may, by bylaw, impose fees to recover the cost of processing a referral for a license under that Act.

Section 462 of the *Local Government Act* also states that local governments must not impose a fee, charge a tax or require works or services to be provided unless authorized by this Act or any other Act. For this reason, fees are not charged for processing of building permit and Crown land referrals, as there is no authorization in any Act for local trust committees to recover these costs.

Fee bylaws are administrative bylaws. There is no requirement for public input. The local trust committee may consider first, second and third readings all at one meeting. The Executive Committee must approve the bylaw before the local trust committee can consider adoption.

Ideally, all local trust committees will have considered updating their bylaws by March 2022 so that the assumptions on revenue can be included in the next fiscal year budget process.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Staff will draft a fee bylaw based on the model fee bylaw and bring back to a future local trust committee meeting for consideration.

FINANCIAL:

No financial implication from the recommendation.

POLICY:

Updating the Fee bylaw will be consistent with Trust Council Policy 5.6.1 Application Processing Services.

IMPLEMENTATION/COMMUNICATIONS:

Local planning staff assigned to the local trust committee will draft fee bylaw for local trust committee consideration.

FIRST NATIONS:

No First Nations implications from the recommendations.

OTHER:

No other implications from the recommendations.

4 RELEVANT POLICY(S):

Trust Council Policy 5.6.1 Application Servicing Process

5 ATTACHMENT(S):

Trust Council Policy 5.6.1 Application Processing Services

RESPONSE OPTIONS

Recommendation:

That the North Pender Local Trust Committee request Staff to draft a new fee bylaw based on the model fee bylaw attached to Trust Council Policy "5.6.1 Application Processing Services."

Alternative:

That the North Pender Local Trust Committee request Staff to draft a new fee bylaw based on the model fee bylaw attached to Trust Council Policy "5.6.1 Application Processing Services" with the following modifications: [list modifications].

Prepared By: David Marlор, Director, Local Planning Services

Reviewed By/Date: Julia Mobbs, Director, Administrative Services/August, 2021



Policy:	5.6.1
Approved By:	Trust Council
Approval Date:	June 9, 2021 Repeals policies 5.6.1, 5.6.2 and 5.6.3
Amendment Dates:	
Policy Holder:	Director of Local Planning Services

APPLICATION PROCESSING SERVICES POLICY

Purpose

This policy is intended:

- to identify the services provided by Islands Trust and the different levels of costs associated with these services;
- to provide direction for the preparation of Fees Bylaws and Schedules by Local Trust Committees (LTCs);
- to provide the principles by which cost recovery for extraordinary services beyond the standard fee can be negotiated and agreed to by an applicant and a LTC;
- to recover from applicants 100 per cent of the average cost of processing the development applications, while permitting consideration of lower cost recovery for environmental protection and community benefit.

A. Definitions

1. Application Processing Services include:

- 1.1 Bylaw Amendments to an official community plan, zoning bylaw, subdivision bylaw or other land use bylaws;
- 1.2 Development Application Requests for:
 - 1.2.1 Development Permits,
 - 1.2.2 Development Variance Permits,
 - 1.2.3 Temporary Use Permits,
 - 1.2.4 Soil Removal and Deposit Permits,
 - 1.2.5 Heritage Alteration Permits,
 - 1.2.6 Board of Variance Orders,
 - 1.2.7 Liquor Licensing Permits,
 - 1.2.8 Cannabis Licensing Permits,
 - 1.2.9 Siting & Use Permits,
 - 1.2.10 Land Use Contracts;
- 1.3 Agency Referral Responses and Comments on applications referred from other agencies.

2. Service Levels include:

- 2.1 Information Service that involves providing information to applicants and the general public at no cost, as a public service, and funded by property taxation revenues.
 - 2.2 Standard Application Processing Service that involves providing a specific service to applicants as a direct response to an application, whether directly to Islands Trust or through a referral from another agency, and primarily funded by established fees paid by an applicant.
 - 2.3 Extraordinary Processing Service is a service provided to the applicant that is beyond the standard processing service, with funding provided by the applicant as a deposit with the application fee or through a cost recovery agreement.
3. Costs:
- 3.1 General Service Costs includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs.
 - 3.2 Estimated Direct Costs include advertisements, delivery of notices, hall rentals, minute taking at public hearings and community information meetings, and staff travel to attend public hearings and community information meetings.
 - 3.3 Extraordinary Processing Costs include costs beyond the standard processing service such as additional community information meetings, review of technical reports provided by specialists hired by the applicant, and specific legal services such as the preparation and registration of legal documents and the acquisition of legal advice.
4. Community Benefit:
- 4.1 Community benefit is the provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit or amenity.

B. Policy

1. Standard Application Processing Services

Applicants are responsible for paying different rates based on the level of service. The details involved in each level of a standard application processing service are identified below.

1.1 Information Service – No Fee Required

Information services are considered a public service and include:

- 1.1.1 ***providing information*** on application process requirements including a meeting with staff;
- 1.1.2 ***providing assistance*** to complete an application;
- 1.1.3 ***determination*** of applicable fees;

1.1.4 **identification** of readily identifiable issues to be addressed.

1.2 Application and Processing Service – Included in Application Fee

For rezoning applications, temporary use permit applications, development variances, development permits, liquor and cannabis retail license applications, and strata conversion applications, the application fee covers the following services:

- 1.2.1 comprehensive staff assessment including site visit where required;
- 1.2.2 staff reports;
- 1.2.3 discussion between planners and applicant throughout process;
- 1.2.4 review of archaeological data;
- 1.2.5 staff referral to other agencies, advisory planning commissions, and analysis of their comments;
- 1.2.6 bylaw or resolution drafting, including review for compatibility with Trust Object and policies and the relevant Official Community Plan;
- 1.2.7 staff report with recommendation for Local Trust Committee (LTC) approval consideration;
- 1.2.8 processing bylaws through Executive Committee for approval consideration, if necessary;
- 1.2.9 forwarding to Minister of Municipal Affairs and Housing for approval consideration, if necessary;
- 1.2.10 adoption of all bylaws or issuing of permits as required.

1.3 Public Hearing – Included in Application Fee

Services related to a Public Hearing that will be provided to an applicant who has paid an application fee include:

- 1.3.1 conducting one public hearing with staff present (includes staff time, staff travel costs and estimated direct costs such as meeting place rental, newspaper notice of public hearing, minute taker fee, and delivery of notices when needed).

1.4 Community Information Meeting – Included in Application Fee

Services related to a Community Information Meeting that will be provided to an applicant who has paid an application fee include:

- 1.4.1 conducting one community information meeting with staff present (includes staff time, staff travel costs, and estimated direct costs such as meeting place rental and delivery of notices when needed).

2. Extraordinary Processing Services – additional fees required

Extraordinary Processing Services are services provided to the applicant that are beyond the standard processing services identified in 1.1- 1.4. Applicants are responsible for paying additional fees for extraordinary processing services.

2.1 Role of LTC in Determining Necessity for Extraordinary Services

- 2.1.1 Local trust committees (LTCs) can determine the necessary requirements for processing applications. These requirements may necessitate extraordinary processing services, where the actual or estimated processing service level costs are in excess of the costs of a standard application fee for a similar process because:
 - 2.1.1.1 of additional requirements such as additional public consultation, complex covenant requirements or extensive staff time; or,
 - 2.1.1.2 the processing requirements include services obtained from professions outside Islands Trust such as special technical assistance and/or specific legal services; or,
 - 2.1.1.3 the processing requirements include First Nations site visit(s).
- 2.1.2 The Regional Planning Manager is responsible for assisting LTCs in identifying and costing extraordinary processing service requirements and advising the LTCs of the options available to handle these requirements.
- 2.1.3 The Regional Planning Manager is responsible for ensuring that complex service requirements include terms of reference which outline detailed criteria and parameters for the extraordinary services that are required.

2.2 Provision of Extraordinary Processing Services

- 2.2.1 Extraordinary processing services can be provided by Islands Trust via a cost recovery agreement, with costs to be paid by the applicant, in addition to the applicable standard fee.
- 2.2.2 A resolution of the LTC following the recommendation of the Regional Planning Manager is required to proceed.
- 2.2.3 When extraordinary processing service requirements have been identified, the applicant should be advised by staff that the application cannot be processed until additional funds are provided by the applicant and a cost recovery agreement with the Islands Trust is signed and a security deposit has been received.

3. Extraordinary Services Cost Recovery Agreements

3.1 Extraordinary Services Cost Recovery – Principles

- 3.1.1 Cost Recovery Agreements reflect a service level which includes the extraordinary services needed to undertake the approval process for a complex application.
- 3.1.2 Cost Recovery Agreements will endeavour to recover all costs of processing that exceed the standard costs of processing services.
- 3.1.3 The existence of a Cost Recovery Agreement will not fetter a LTC's discretion with respect to an application before the committee.
- 3.1.4 Authority for negotiating Cost Recovery Agreements is provided within the respective LTC Fees Bylaws.
- 3.1.5 Cost Recovery Agreements will proceed only by resolution of the LTC after consultation with the Regional Planning Manager, except in situations where an applicant is seeking to discuss an issue directly with Islands Trust legal advisors, in which case the Director of Local Planning Services may approve the Cost Recovery Agreement.
- 3.1.6 The Cost Recovery Agreement letter will be submitted, together with the recommendation of the Regional Planning Manager and the LTC resolution, for approval by the Director of Local Planning Services (or designate) prior to final agreement with the applicant.

3.2 Services Requiring Extraordinary Services Cost Recovery Agreement

The services identified below are considered to be beyond the scope of standard processing services. These services require payment, in addition to standard application fees established in the Fees Bylaw, of additional fees based on a cost recovery agreement between the Islands Trust and an applicant:

- 3.2.1 staff time required for covenant development;
- 3.2.2 staff time to attend more public consultation meetings than that already covered by the standard application fee, including community information meetings, advisory planning commission meetings, and public hearings;
- 3.2.3 technical assessments or studies as required by the local trust committee;
- 3.2.4 retaining special technical assistance required by the local trust committee;
- 3.2.5 additional legal counsel services required for the application not covered under the estimated direct costs of the Fees Bylaw;
- 3.2.6 process agreement negotiation;
- 3.2.7 First Nations site visits;
- 3.2.8 other resources and/or services required by the local trust committee to process the application not covered by the Fees Bylaw.

4. Funding Basis and Fee Adjustments

- 4.1 Application processing services are funded primarily through fees, as per a LTC's Fees Bylaw. Local trust committees should adopt a Fees Bylaw consistent with the model Fees Bylaw in Attachment 1.
- 4.2 Standard fees in Fees Bylaws are to be based on average processing costs, as per Section 462 of the *Local Government Act*, Section 31(2)(b) of the *Islands Trust Act*, Section 41 of the *Liquor Control and Licensing Act*, and Section 35 of the *Cannabis Control and Licensing Act*. Standard fees are calculated as the product of staff labour costs multiplied by processing time (including Planner and administrative support). Standard application fees include estimated direct costs.
- 4.3 A local trust committee may enact variances of up to 20% below what is indicated in the Trust Council's Model Fees Bylaw when adopting a LTC Fees Bylaw. The following criteria must be considered when evaluating a fee variance:
 - 4.3.1 the level of community/environmental benefit offered by the type of application;
 - 4.3.2 variances in direct costs (e.g. hall rental); and,
 - 4.3.3 an amendment to an approved application occurring within 6 months of the approval date.
- 4.4 Variance to a Fees Bylaw must be adopted by bylaw amendment. All LTC Fees Bylaws and Fees Bylaw amendments must be approved by the Executive Committee before adoption by a LTC.
- 4.5 Where the model fees bylaw permits reduced fees for temporary use permits that have a community benefit and are small scale, the local trust committee fees bylaw must specify the actual community benefit to which the fee applies, and should be supported by policies in the official community plan on what are considered amenities to the community.
- 4.6 Applications for development that begin without a permit or bylaw authorisation are subject to a 20 per cent surcharge to recover the additional cost in processing these types of applications.

5. Application Fee Sponsorship

- 5.1 If eligible, as identified in [Trust Council Policy 4.1.13 Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications](#), the applicant may apply for development application fee sponsorship.

6. Development Approval Information

- 6.1 The Development Approval Information (DAI) Bylaw provides a mechanism to ensure that the LTC receives appropriate reports and documentation (such as reports from engineers, biologists, hydrogeologists, and geotechnical specialists) from applicants to support rezoning, temporary use permit, and development permit applications.
- 6.2 DAI bylaws reduce operational costs by ensuring that applications are complete and the information provided is appropriate.
- 6.3 Local trust committees should adopt a development approval information bylaw.
- 6.4 The Regional Planning Committee should develop a model Development Approval Information bylaw for addition as Attachment 2 to this policy.

C. Legislated References

Local Government Act, S.462

Local Government Act, S.486

Liquor Control and Licensing Act, S.41

Cannabis Control and Licensing Act, S.35

D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures

- 1. Model Fees Bylaw

[INSERT LTC NAME] LOCAL TRUST COMMITTEE

BYLAW NO. [XX]

A bylaw to prescribe fees for amending bylaws, issuing permits, examining applications for subdivision, and examining other referrals and applications. Model fees reflect the cost recovery for application processing.

WHEREAS Section 462 of the *Local Government Act* provides that a local government may, by bylaw, impose fees related to applications and inspections; Section 41 of the *Liquor Control and Licensing Act* and Section 35 of the *Cannabis Control and Licensing Act* provides that a local government may, by bylaw, impose fees for referral of a license under that Act, **[DENMAN AND HORNBY ONLY and Section 31(2)(b) of the Islands Trust Act provides that a local trust committee may impose a fees to recover the cost of processing siting and use permits]** ;

NOW THEREFORE the **[Insert LTC Name]** Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the **[Insert LTC Name]** Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

Citation

1.1 This bylaw may be cited as the "[Insert LTC Name] Local Trust Committee Fees Bylaw, No. [XX]".

Interpretation

2.1 In this bylaw:

"Applicant" means:

2.1.1 the person authorized under the _____ Island Local Trust Committee Procedures Bylaw No. ____, _____ to make an application in respect of a bylaw or permit under the *Islands Trust Act* or Part 14 or Part 15 of the *Local Government Act*;

2.1.2 an applicant for a license under the *Liquor Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;

- 2.1.3 an applicant for a license under the *Cannabis Control and Licensing Act* in respect of which the Local Trust Committee is requested or required to provide comments or recommendations;
- 2.1.4 an applicant for subdivision review under the *Land Title Act* or the *Strata Property Act*;
- 2.1.5 an applicant for the conversion of a previously occupied building to strata lots under the *Strata Property Act*;
- 2.1.6 an applicant for a soil deposit permit or soil removal permit issued pursuant to a bylaw enacted under Part 14 of the *Local Government Act*; or
- 2.1.7 an applicant to a board of variance established under Part 14 of the *Local Government Act*.

“Application Processing Fee” means the initial amount payable to the Islands Trust in respect of any application under this bylaw.

“Community Benefit” refers to an application that results in provision of an amenity that is of value to the community, and identified in the Official Community Plan as a community benefit.

[NOTE: This is in relation to temporary use permits for a use under a specified size that provides a community benefit. The local trust committee would define community benefit here based on its official community plan definition of community benefit]

“General Service Cost” includes average hourly cost of each staff position involved in processing the applications multiplied by the average number of hours taken to complete processing of that type of application, and includes administrative overhead costs..

“Estimated Direct Costs” for bylaw amendments listed in Table 1 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including:

1. newspaper advertising for one community meeting,
2. notifications, postal and delivery costs of statutory notifications for one public hearing,
3. rental of premises for one community meeting meetings and/or one public hearing,
4. contract minute-taker costs recording or preparation of minutes of one community meeting and/or one public hearing and,
5. staff travel expenses for one site visit, one community meeting and one public hearing.

“Estimated Direct Costs” for temporary use permits listed in Table 2 means the Islands Trust’s estimate of its actual average cost of disbursements associated with the processing of an application, including

1. one newspaper advertisement, notifications, postal and delivery costs of statutory notifications for one community meeting,
2. rental of premises for one community meeting,
3. contract minute-taker costs recording or preparation of minutes of one community meeting, and
4. staff travel expenses for one site visit, one community meeting.

“Islands Trust” means the Director of Local Planning Services or their authorized representative.

Application Fees

3.1 Prior to the processing of an application listed in Column 1 of Table 1, Table 2, Table 3 or Table 4, the applicant must deliver to Islands Trust the corresponding application processing fee in the amount shown in Column 2 subject to section 4. The application fee includes general service costs and estimated direct costs.

TABLE 1 – Bylaw Amendments (OCP and Zoning Bylaw)	
Column 1: Type of Application	Column 2: Fee
1. Major (e.g. change to density or land use designation)	\$7,800
2. Minor (e.g. policy change without changing density or land use designation not requiring an OCP amendment)	\$4,600

TABLE 2 – Permits	
Column 1: Development Permit in Respect of:	Column 2: Fee
1. Protection of Natural Environment, Ecosystems and Biological Diversity	\$1,000
2. Protection of Development from Hazardous Conditions	\$1,000
3. Protection of Farming	\$1,000
4. Objectives for Form and Character	\$1,700
5. Objectives to Promote Energy Conservation	\$1,000
6. Objectives to Promote Water Conservation	\$1,000
7. Objectives to Promote the Reduction of Greenhouse Gas Emissions	\$1,000
8. Development Permit Amendment	\$1,000

Type of Development Variance Permit	
9. Development variance permit (commercial, industrial or institutional development)	\$1900
10. Development variance permit (residential development)	\$1900
Type of Temporary Use Permit	
11. Temporary Use Permit (residential/commercial/industrial)	\$2150
12. Temporary Use Permit for residential uses and commercial uses under 95 square metres that provide community benefit..	\$1000
13. Temporary Use Permit Renewal	\$700
14. Temporary Use Permit Renewal (Community Benefit)	\$350
Other Permits	
15. Siting and Use Permit	\$250
16. Heritage Alteration Permit	\$1,700
Combination Applications	
17. Development Permit in respect of a protection area or water and energy conservation in combination with a companion application for a Development Variance Permit	\$2,500
18. Development Permit in respect of form and character in combination with a companion application for a Development Variance Permit	\$3,000

TABLE 3 – Subdivision Referrals	
Column 1	Column 2: Fee
1. Application for Subdivision Review – base fee	\$1,000
2. Application for Subdivision Review – per additional lot created	\$100
3. Application for Subdivision Review – parcel line adjustments only, creating no additional parcels	\$500

TABLE 4 – Other Applications	
Column 1: Type of Application	Column 2: Fee
1. Board of Variance	\$2,200
2. Land Use Contract amendment	\$2,000
3. Liquor & Cannabis Regulation Branch – Retail License Application and Process	\$1,500
4. Liquor & Cannabis Regulation Branch – Temporary License Change	\$500
5. Strata Conversions	\$1,500

4. Fee for After-the-Fact Application

- 4.1 An application for a permit or bylaw amendment to authorize work or an activity already undertaken, or in operation as of the date the application is made, the rated in 3.1 will be subject to a 20% surcharge.

5. Collection and Refund of Application Processing Fee Amounts

- 5.1 The total application processing fee must be received before the processing of the application can begin.
- 5.2 An applicant may withdraw their application at any time through written notice to the Planning Assistant and/or the Planner responsible for processing the application.
- 5.3 If an applicant withdraws an application before staff undertakes any planning work on the application, the Islands Trust must refund to the applicant the Application Fee, less \$100.
- 5.4 For an application in Table 1, or a Temporary Use Permit in Table 2, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned by the regional planning manager to the planner; 50% refund if the first staff report has been submitted to the LTC; 25% refund once public notice of a public hearing or permit has been sent out, no refund will be provided after a Public Hearing or after consideration of the Permit by the local trust committee.
- 5.5 For applications in Table 2 (except for Temporary use Permit applications), Table 3 and Table 4, the applicant will be eligible for: 75% refund if the application is withdrawn once the file has been assigned to the planner; no refund will be provided if the first staff report has been submitted to the LTC.

6. Extraordinary Service Costs (ESC)

- 6.1 Extraordinary Services Costs will be paid by the Applicant through a cost recovery agreement, entered into with Islands Trust, in addition to the application processing fee.

- 6.2 Where legal work is required for the preparation of covenants, registration of covenant at Land Title Offices, registration of notice of a permit or housing agreement at the Land Title Office or for other purposes related to the application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.3 Where site visits involving First Nations are required for the processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.4 Where there may be need for additional community information meeting or public hearing not covered by the application processing fee, staff will provide the Applicant with an estimate of costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.5 Where other additional costs beyond the general service costs and estimated direct costs not specified above are required for processing of an application, staff will provide the Applicant with an estimate of the costs. The Applicant will pay a deposit of 150% of this estimate.
- 6.6 If the amount paid by Islands Trust in respect of Extraordinary Service Costs is less than the deposit provided to the Islands Trust, the Islands Trust shall provide the Applicant with the amount and the applicant shall pay the amount upon receipt. The local trust committee may withhold the consideration of issuance of any permit or hold the consideration of adoption of any bylaw in abeyance until the amount has been paid.
- 6.7 Islands Trust must refund the unused portion of any Extraordinary Service Costs deposit to the applicant if it is unused for any reason.

- 7.1 Fees in section 3.1 increase by 2% on April 1st of each year following the date of adoption of the bylaw.
- 7.2 The (Insert LTC Name) will maintain a record of annual 2% increases and make that record available for public inspection.

- 8.1 Pursuant to Islands Trust Policy 4.1.13, Guidelines for Executive Committee Sponsored or Local Trust Committee Initiated Development Applications, an applicant may apply to the Executive Committee of Islands Trust for development application fee sponsorship.

- 9.1 In the event a portion of this bylaw is set aside by a court of competent jurisdiction, the invalid portion shall be severed and the remainder of the bylaw remains in force and in effect.

- 10.1 “[Insert LTC Name] Local Trust Committee Fees Bylaw No. [XX]” is repealed upon adoption of this bylaw.
- 10.2 Any application for which a fee has been fully paid at the time this bylaw comes into force shall be processed to completion in accordance with the fee provisions of the repealed bylaw.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE OF 2022 BUSINESS MEETINGS

THE LTC HAS ADOPTED THE FOLLOWING DATES FOR ITS 2022 MEETING SCHEDULE.
MEETINGS ARE SUBJECT TO CHANGE. PLEASE VISIT THE NORTH PENDER LTC WEBSITE FOR UP-TO-DATE SCHEDULE INFORMATION. THE LTC WILL MEET ON THE LAST THURSDAY OF EACH MONTH @ 9:00 A.M. UNLESS OTHERWISE NOTED*

DATE	LOCATION
January 27	St. Peter's Anglican Church Hall
February 24	St. Peter's Anglican Church Hall
March 31	St. Peter's Anglican Church Hall
April 28	St. Peter's Anglican Church Hall
May 26	St. Peter's Anglican Church Hall
June 30	St. Peter's Anglican Church Hall
July 28	St. Peter's Anglican Church Hall
September 29	St. Peter's Anglican Church Hall
October 27	St. Peter's Anglican Church Hall
November 24	St. Peter's Anglican Church Hall

These are regular business meetings of the Local Trust Committee, where they will consider items such as bylaws, applications, and correspondence.

ALL REGULAR BUSINESS MEETINGS ARE OPEN TO THE PUBLIC

Website: www.islandstrust.bc.ca/npender
Email: southinfo@islandstrust.bc.ca
Phone: 250-405-5151