



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: September 29, 2022
Time: 10:00 am
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

	Pages
1. CALL TO ORDER	10:00 AM - 10:00 AM
2. APPROVAL OF AGENDA	10:00 AM - 10:05 AM
3. TRUSTEE REPORT	10:05 AM - 10:15 AM
4. CHAIR'S REPORT	10:15 AM - 10:20 AM
5. TOWN HALL AND QUESTIONS	10:20 AM - 10:35 AM
6. COMMUNITY INFORMATION MEETING	
None	
7. PUBLIC HEARING	
None	
8. MINUTES	10:35 AM - 10:45 AM
8.1. Local Trust Committee Minutes Dated August 11, 2022 (for Adoption)	4 - 10
8.2. Local Trust Committee Special Meeting Minutes Dated August 13, 2022 (for Adoption)	11 - 19
8.3. Local Trust Committee Special Meeting Minutes Dated September 1, 2022 (for Adoption)	20 - 24
8.4. Section 26 Resolutions-without-meeting Report - None	
8.5. Advisory Planning Commission Minutes - None	
9. BUSINESS ARISING FROM THE MINUTES	
9.1. Follow-up Action List Dated Sept 2022	25 - 28
10. DELEGATIONS	

- 11. CORRESPONDENCE**
- Correspondence received concerning current applications or projects is posted to the LTC webpage*
- 12. APPLICATIONS AND REFERRALS** 10:45 AM - 11:45 AM
- 12.1. NP-DP-2022.3 (Little Shell Island) - Staff Report (attached) 29 - 94
- 12.2. NP-RZ-2022.1 (Sidney Island) - Staff Report (attached) 95 - 108
- 13. LOCAL TRUST COMMITTEE PROJECTS**
- 14. REPORTS** 11:45 AM - 12:00 PM
- 14.1. Work Program Report (attached)
- 14.1.1. Top Priorities Report Dated Sept 2022 109 - 109
- 14.1.2. Projects List Report Dated Sept 2022 110 - 111
- 14.2. Applications Report Dated Sept 2022 (attached) 112 - 116
- 14.3. Trustee and Local Expense Report Dated July 2022 (attached) 117 - 117
- 14.4. Adopted Policies and Standing Resolutions (attached) 118 - 122
- 14.5. Local Trust Committee Webpage
- 14.6. Islands Trust Conservancy Report Dated July 13, 2022 123 - 124
- 14.6.1. Islands Trust Conservancy Plan - Referral for Comment 125 - 148
- 15. NEW BUSINESS** 12:00 PM - 12:20 PM
- 15.1. North Pender Island Local Trust Committee Delegation Bylaw No. 231 - Staff Report (attached) 149 - 154
- 16. UPCOMING MEETINGS**
- 16.1. Special Meeting Scheduled for October 1, 2022 at the Anglican Hall, Pender Island
- 16.2. Regular Meeting Scheduled for October 27, 2022 at the Anglican Hall, Pender Island
- 17. TOWN HALL** 12:20 PM - 12:35 PM
- 18. CLOSED MEETING (Distributed Under Separate Cover)**

18.1. Motion to Close Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3 s. 90(1) (d)(f) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated March 24, 2022
- Bylaw Enforcement

AND that the recorder and staff attend the meeting.

18.2. Recall to Order

18.3. Rise and Report

19. ADJOURNMENT

12:35 PM - 12:35 PM



North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: August 11, 2022
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

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

Staff Present: Kim Stockdill, Island Planner (via zoom)
Phil Testemale, Planner 2
Robin Ellchuk, Recorder

There were approximately 15 members of the public in attendance.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:34 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee McConchie's Report:

Trustee McConchie thanked everyone for attending the meeting. He thanked Chair Patrick and Trustee Morrison for their hard work and in depth discussions this term.

He spoke with CBC news regarding the stepping down of BC Ferries CEO and how important the consistent running of the ferries are to the gulf islands.

There were two Community Information Meetings (CIMs) held in July regarding the North Pender Land Use Bylaw (LUB) Review Project.

He met with Elective representatives informally in the Comox Regional district to discuss broader governance issues. He commented that the new Trustees that will be elected need to continue to work with the governance committee. Trustee McConchie believes application fees need to be reduced.

Trustee Morrison's Report:

Trustee Morrison thanked the Trustees and Staff for their work on the LUB Review Project.

Trustee Morrison is Chair of the Trust Programs Committee and commented that work has slowed down the last year, as there is a public engagement process regarding the Policy Statement. There have been meetings over this past summer to make recommendations to the Trust Council on next steps.

Encouraged community members to run in the election this fall.

4. CHAIR'S REPORT

Chair Patrick's Report:

Trust Council will be meeting in September. The delegations deadline is three weeks before the meeting. This is the last Trust Council meeting of this term.

Chair Patrick was elected to be on the Governance Committee with seven other Trustees. The first meeting went well. The second meeting will be held on September 1, 2022.

5. TOWN HALL AND QUESTIONS

Anne Burdett spoke to their current situation with bylaw enforcement regarding their industrial zoned property that is said to be only zoned for boat storage. The concern is the issue of accessory uses, buildings, and structures being allowed on the property.

Karen Bell spoke to concerns about a newly constructed building at 4218 Clam Bay Road. The community members believe that this building is not in compliance with the permitted use for Rural Residential land under the current bylaw.

Planner Stockdill replied that a Building Permit was received for the construction of the farm building. Horticulture as an accessory use is permitted and under Subsection 3.4.4 an accessory building for farm purposes is permitted but must not exceed 10 metres in height.

Trustee Morrison encouraged the community members to submit a bylaw complaint regarding the construction of this building.

Karen Bell questioned if Islands Trust Staff sought legal advice in this situation.

Planner Stockdill answered that legal advice was not requested.

Joyce Thayer spoke to the concern that rezoning the Rural Residential 2 (RR2) area of the island for Agriculture and Agriculture tourism and accommodation would allow the bylaw to be misused by some. A language review of the bylaw would be appropriate so that what the bylaw is trying to achieve is actually being accomplished.

Veritie Rolfe addressed concerns regarding the property at 4218 Clam Bay Road as not having the space for an orchard and also that there might be plans for the construction of a residential dwelling.

Michael Sketch addressed concerns regarding the Port Washington shed. He recommended to take the Port Washington shed out of the LUB review project and wait until there can be more First Nation consultation on this issue.

George Leroux spoke to the fact that a 0.8 hectre parcel on the East side of island would need a 10x10 building to produce what one could produce on this size of land.

Question was raised there if there was site visit to 4218 Clam Bay Road.

Planner Testemale responded that a field visit was not completed.

_____ break – 11:49am -11:55am _____

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated May 26, 2022 (for Adoption)

By general consent the Local Trust committee meeting minutes of May 26, 2022 were adopted.

8.2 Local Trust Committee Special Meeting Minutes Dated July 7, 2022 (for Adoption)

By general consent the Local Trust Committee Meeting Minutes of July 7, 2022 were adopted.

8.3 Local Trust Committee Special Meeting Minutes Dated July 28, 2022 (for Adoption) - Late Item

By general consent the Local Trust Committee Meeting Minutes of July 28, 2022 were adopted.

8.4 Section 26 Resolutions-without-meeting Report - None

8.5 Agricultural Advisory Planning Commission Minutes Dated July 11, 2022 (for Receipt)

Minutes received.

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated August 2022 – Received.

10. DELEGATIONS – none

11. CORRESPONDENCE - none

12. APPLICATIONS AND REFERRALS

12.1 NP-DP-2022.2 (Funk) - Staff Report

Planner Testemale gave a summary of this application. The application is for tree removal and establishing a building area in Development Permit Area (DPA) No. 1 - Woodland Ecosystems. Approval of the Development Permit (DP) was recommended as all conditions and guidelines have been met.

Discussion regarding the approval of this DP and Planner Testemale spoke to the objective of DPAs is not to limit or deter development, but is rather a management tool to protect sensitive ecosystems.

Trustee Morrison expressed that she appreciated the property owner having an environmental assessment and made application completed before cutting of the trees and beginning construction and encouraged the applicant to seek out ways to have the rain water systems to increase filtration on the ground.

NP-2022-076

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2022.2 (Funk).

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 North Pender Land Use Bylaw Review Project – Staff Report:

Planner Stockdill presented a summary of the LUB Review project with recommendations for a public hearing for the three bylaws being considered in the LUB review project and amendments for the LTC to consider.

NP-2022-077

It was moved and seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to add one pump/utility shed with a maximum floor area of 10 m² to Section 3.1.

CARRIED

Discussion regarding agriculture and horticulture accessory buildings to be discussed at August 13, 2022 special meeting.

NP-2022-078

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to permit dwellings with a maximum floor area of 500 m² on Rural zoned lots with an area of 16 ha or greater.

CARRIED

The North Pender Island Local Trust Committee requested staff to draft a motion for the August 13, 2022 Special Meeting to remove the general industrial uses and retain site specific industrial zoning.

NP-2022-79

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 229, 2022” have property 1200 & 1201 Port Washington Road retain its site specific commercial C1A zoning.

CARRIED

NP-2022-80

It was moved and seconded,

that the North Pender Island Local Trust Committee request that the proposed bylaw 229 be amended cited “North Pender Land Use Bylaw No 229” plan to rezone 1349 McKinnon Rd reduced from 8 units to 3 units and 1329 McKinnon Rd reduce from 15 units to 7 units.

CARRIED

NP-2022-81

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to schedule a Public Hearing for proposed Bylaw Nos. 223, 224, and 229.

CARRIED

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated August 2022

14.1.2 Projects List Report Dated August 2022

Add review of development permit areas to the agenda for the next LTC meeting under Projects list. Flag for next meeting to review projects list to prepare for the next term.

14.2 Applications Report Dated August 2022

For information.

14.3 Trustee and Local Expense Report Dated May 2022

For information.

14.4 Adopted Policies and Standing Resolutions

For information.

14.5 Local Trust Committee Webpage

For information.

14.6 Islands Trust Conservancy Report Dated May 2022

For information.

15. NEW BUSINESS

15.1 Delegation of Development Permits

Planner Testemale summarized delegation of DP bylaws. Discussion g included whether development variance applications would be still be considered by the LTC, and Trustee Morrison requested that staff report on the ability to include a provision to have DP applications generated by enforcement directed to the LTC.

NP-2022-078 82

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to prepare a bylaw that would delegate the issuance of development permits to staff for the following development permit areas:

a) North Pender Island OCP Bylaw No. 171, 2007, Development Permit Areas One through Six; and

(Sensitive Ecosystems), Seven (Raptor Nests) and 10 (Riparian and Aquatic)

b) North Pender Associated Islands OCP Bylaw No. 147, 2002, Shoreline, Sidney Island Geotechnical and Sidney Island Shoreline Development Permit Areas.

CARRIED

15.2 UBCM Attendance - Trustee Morrison

Trustee Morrison would like to attend the UBCM conference being held in Whistler BC on September 12, 2022.

NP-2022-83

It was Moved and Seconded,

that the North Pender Island Local Trust Committee to nominate Trustee Morrison to attend the Union of British Columbia Municipalities conference and the North Pender Island Trust committee authorizes the North Pender Island Local Trust Committee funds for Trustee Morrison to attend Union of British Columbia Municipalities Conference.

CARRIED

Trustee McConchie Moved, and Chair Patrick Seconded
Trustee Morrison abstained from this vote

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for September 29, 2022 at the St. Peter's Anglican Church Hall, Pender Island

17. TOWN HALL

Leslie Kerfoot addressed concerns about further reducing units on the MacKinnon Road properties. Trustee McConchie requested a plan for the property.

Michael Sketch commented The North Pender Advisory Planning Commission was consulted regarding Commercial 2 zone on Pender Island. Fresh water resources would self limit and each island should be self sufficient in fresh water.

18. CLOSED MEETING

None

19. ADJOURNMENT

NP-2022-84

It was Moved and Seconded,

that the North Pender Island Local Trust Committee adjourn today's meeting.

CARRIED

The meeting was adjourned at 2:50 pm.

Laura Patrick, Chair

Certified Correct:

Robin Ellchuk, Recorder



North Pender Island Local Trust Committee Minutes of Special Meeting

Date: August 13, 2022
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

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

Staff Present: Kim Stockdill, Island Planner (Zoom)
Robin Ellchuk, Recorder (Zoom)

1. CALL TO ORDER

Chair Patrick called the meeting to order at 12:02pm. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Community Information Meeting re Land Use Review Project

3.1.1 Open House

3.1.2 Break

3.1.3 Town Hall

Trustee McConchie reviewed the process of today's Community Information Meeting (CIM).

Trustee Morrison reviewed that the public can ask questions and give suggestions in today's CIM meeting.

The following comments were made during the CIM:

Dorothy spoke regarding the Commercial 2 zoning behind the Driftwood Centre. If rental housing for the Driftwood Centre is what the Trustees would like, then the suggestion is to add the rental housing to the permitted uses rather than changing the zoning. She also suggested to postpone readings of the proposed bylaws until after the election.

Karen Bell asked if shipping containers on properties will be grandfathered if the new proposed bylaw is passed and the shipping container regulations are changed.

Planner Stockdill answered that the existing shipping containers will be legal non-conforming.

Karen Bell asked if the property is grandfathered with regards to shipping containers would the property owner be required to screen the shipping containers according to the new regulations.

Planner Stockdill answered that the grandfathered shipping containers wouldn't be required to put up screening.

Bob Wilson of the Magic Lake property association president, discussed RR1 & RR2 zoning for livestock.

Discussion regarding secondary suites and rental of accessory buildings.

Bob Willson commented on the maximum floor area of a dwelling being 2500 sq ft.

Joyce Thayer provided draft motions regarding removing Agriculture and Agri-Tourism as principle or accessory uses for the RR2 zoned areas.

Joyce Thayer would also like to see horticulture and the keeping of livestock to be recognized as permitted principle uses so that vacant properties can be used for these purposes. There needs to be an amendment of bylaw No. 229 as Section 2.2 suggests that Agriculture in RR2 zoned land be a permitted principle use.

Further discussion continues regarding clarity of the definition of farm status and allowable accessory buildings.

Trustee Morrison explained that it could be a safety risk if fences are not allowed in the setback to the natural boundary of the sea. Planner Stockdill will draft a motion regarding fencing being allowed in the setbacks.

George Leroux spoke to the process of amending the bylaws. George questions how the Local Trust Committee (LTC) can hold a Public Hearing in September if the bylaws have not been finalized.

Trustee Morrison agreed and would like a fully complete document that she can review before the Public Hearing.

Trustee McConchie commented that for future Trustees that communication from Trustees to the community members is very important and that this LTC has done its very best to communicate with the community.

Lesley Kerfoot expressed concerns about waiting until after the election to have the Public Hearing regarding the Land Use Bylaw (LUB) Review.

Discussion regarding the process of the bylaws and the timing of another meeting in September.

Michael Sketch commented on how the process needs a policy discussion and to take out any amendments to the bylaws regarding policy change and leave this for an Official Community Plan (OCP) review.

Joyce Thayer spoke to the fact that she has identified specific issues and if the bylaw doesn't get passed, she would like to see these specific issues addressed as amendments to the current bylaw.

Karen Bell requested a motion regarding lighting specifically security night lighting, in Section 5.1 of Bylaw No. 224 regarding RR1 and RR2 zoning to prohibit exterior lighting that affect neighbouring homes.

Further discussion regarding residential lighting and whether the LTC can enforce any restrictions to residential outdoor lighting. Chair Patrick suggested that this could be a project added to the LTC project list for a full review.

Anne Burdett asked the question if there will be a requirement for professional reports regarding rock fall hazards or hydrology with changes in zoning for commercial and industrial property.

Planner Stockdill answered that if the property owners are in compliance with the zoning requirements, then they wouldn't require any further professional reports. There is a potential for further professional reports if the property is in a DPA, or requires a Temporary Use Permit application or Rezoning application.

Dale Henning addressed concerns regarding Bylaw Nos. 224 & 229, Subsections 3.2.7 & 3.2.8 with regards to helipads. He questioned that if the Islands Trust does not have jurisdiction to enforce the bylaw restriction for the building of helipads, then why would the Islands Trust put the time in to creating the bylaw.

Further discussion regarding jurisdiction of helicopter pads and aeronautics.

Karen Bell questioned whether the Islands Trust has asked the Department of Transportation (DOT) to include the Islands Trust in their conversation regarding helipads and helicopters. The Islands Trust could potentially set conditions if they are involved in the consultation process with DOT.

Further discussion regarding advocacy and consultation with government agencies and the Islands Trust.

Dale Henning suggested that the Islands Trust mail out a newsletter of decisions every two weeks to the property owners for better communication of decisions made by the Trust.

Michael Sketch commented that the present bylaw requires vegetation for screening of shipping containers and suggested both a mixed vegetation and fence for screening.

Barb Grimmer asked the question of which zones the shipping containers are permitted in.

Commented that there are some properties that are in the violation of the current rural residential bylaws and the Agricultural Advisory Planning Commission (AAPC) wanted to make sure these properties were legal. The AAPC wanted to allow low impact agriculture such as orchards, sheep, and bee keeping in the RR2 zone.

Break – 1:50pm-2pm

Discussion of the property owners plan for the MacKinnon Road sites.

NP-2022-85

It was Moved and Seconded,

that the North Pender Island Local Trust Committee rescind the resolution made at the North Pender Island Local Trust Committee August 11, 2022 regular meeting that reads: “That the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to reduce the number of tourist accommodation units from 8 to 3 for 1349 MacKinnon Road and from 15 to 7 for 1329 MacKinnon Road”.

CARRIED

NP-2022-86

It was Moved and Seconded,

That the North Pender Island Local Trust Committee proposed bylaw 223, cited as “North Pender island Official Community Plan Bylaw 171, 2007, Amendment No. 1, 2021, be amended by deleting Section 2.

CARRIED

NP-2022-87

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022” be amended by deleting Subsection 2.2.

CARRIED

NP-2022-88

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by adding the following new Article to Subsection 5.2.1: ‘Horticulture’.

CARRIED

NP-2022-89

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by deleting the words “and keeping of livestock” from Article 5.2.1(f), by deleting the word “accessory” from Subsection 5.2.13, and by adding the following new Articles to Subsection 5.2.1: ‘Keeping of Livestock and keeping of bees”.

CARRIED

NP-2022-90

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by deleting Article 5.2.1(g).

CARRIED

NP-2022-91

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as North Pender Island Land Use Bylaw No. 224, 2022” be amended by amending Rural Residential 1 and Rural Residential 2 zones so that all building and structures must not exceed 4.6 metres in height and one storey except for a dwelling or cottage.

CARRIED

NP-2022-92

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by deleting the words “Despite Subsection 5.10(1), the only use permitted in this location is boat storage” and replacing them with “Despite Subsection 5.10(1), the only uses permitted in this location is covered boat storage and accessory buildings and structures and all covered boat storage buildings and structures and accessory building and structures must not exceed a height of 4.6 metres” to the Site-Specific General Industrial b (GI(b)) zone.

CARRIED

NP-2022-93

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by deleting the words “In addition to the uses permitted in Subsection 5.10(1), the following uses are also permitted:” and replacing it with “The only uses permitted are:” and by adding “Accessory buildings and structures” to the list of permitted uses to Site-Specific General Industrial c (GI(c)) zone.

CARRIED

NP-2022-94

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to rezone 3330 Port Washington Road and 3334 Port Washington Road from General Industrial Zone to the Rural Zone.

CARRIED

NP-2022-95

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by adding words “and accessory buildings and structures” to the list of permitted uses to Site-Specific General Industrial a (GI(a)) zone.

CARRIED

NP-2022-96

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021” be amended by deleting Plan No. 4.

CARRIED

NP-2022-97

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022” be amended by adding “Accessory buildings and structures” to the list of permitted uses to Site-Specific General Industrial e (GI(e)) zone.

CARRIED

NP-2022-98

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to allow a ‘contractor yard’ use and ‘the storage of gravel’ on that portion of 3418 South Otter Bay Road in addition to the uses as outlined in the Community Service (q) zone.

CARRIED

Discussion of commercial composting and chipping of wood.
Further discussion of industrial and commercial uses definitions.

NP-2022-99

It was Moved and Seconded,

that the North Pender Island Local Trust proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022 be amended by rezoning Parcel C, DD828241, Section 17 and a portion of Lot A, VIP52864, Section 17 from Commercial 2 g (C2(g)) to Commercial 2 f (C2(f)).

CARRIED

NP-2022-100

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by rezoning the Portion of Lot 1, VIP59811, Section 15 from Commercial 2 f (C2(f)) to Commercial 2 g (C2(g)) and to add the following wording to the Site-Specific Commercial 2 g (C2(g)) zone: “Despite Subsection 5.8.1, Tourist Accommodation use is not permitted on the lot.”

CARRIED

NP-2022-101

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by adding the words “or community” after the word ‘private’ in Article 3.3.2(b).

CARRIED

NP-2022-102

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by deleting the word “fences” from Subsection 3.3.1 and by adding the following new article to Subsection 3.3.2: “Fences.”.

CARRIED

NP-2022-103

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to amend General Industrial d (GI(d)) zone to only permit the following uses: Waste transfer facility; composting facility; recycling or reuse facility; the processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment; and accessory building and structures.

CARRIED

NP-2022-104

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended Subsection 3.4.2 by deleting words “in a zone” and replacing it with “in the Rural, Rural Comprehensive 1, Rural Comprehensive 2, and Agriculture zones”.

CARRIED

NP-2022-105

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021” be amended by deleting Plan No. 5.

CARRIED

NP-2022-106

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022” be amended by deleting Subsection 2.1.4 and by deleting Plan No. 3.

CARRIED

For the next NP LTC meeting in September under projects list in the agenda to include an area plan for the Driftwood centre. For the NP LTC Regular Meeting in September bring forward the lighting motion from Karen Bell’s submission.

Planner Stockdill may be able to prepare a blackline document with the amendments that were made at today’s meeting.

NP2022-107

It was Moved and Seconded,

that the North Pender Island Local Trust Committee schedule a special LTC meeting to review the bylaw amendments.

Public hearing notice could be scheduled on September 29, 2022.

Town Hall: The following comments were made by community members.

Community Member commented that there was a complaint regarding lightning where a neighbour built a hot tub, and the Islands Trust enforced regulations.

Michael Sketch inquired about the motion for the Port Washington shed property. The property owner needs to apply for a zoning change because the current zoning did not address community needs.

Michael Sketch also addressed that in section 46 of the *Agriculture Land Commission Act*, that for land within the Agricultural Land Reserve (ALR) that bylaws must not contravene with the regulations of the ALR.

Trustee Morrison would like to see the ALR document for the next meeting.

NP-2022-108

It was Moved and Seconded,

that the North Pender Island Local Trust Committee adjourn the meeting.

CARRIED

4. ADJOURNMENT

By general consent the meeting was adjourned at 4:01pm.

Laura Patrick, Chair

Certified Correct:

Robin Ellchuk, Recorder



North Pender Island Local Trust Committee

Minutes of Special Meeting

Date: September 1, 2022
Location: Electronic Meeting

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

Staff Present: Kim Stockdill, Island Planner
Robert Kojima, Regional Planning Manager
Robin Ellchuk, Recorder

1. CALL TO ORDER

Chair Patrick called the meeting to order at 3pm. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration: addition of a Town Hall under 3. Business Items.

By general consent the agenda was approved as amended.

3. BUSINESS ITEMS

3.1. TOWN HALL

The below comments were made during the Town Hall.

Susan Bennett: asked why the reduction of units was rescinded on the McKinnon Rd properties at the August 13, 2022 meeting. Susan expressed concern about water availability and the environmental impact of the proposed density for McKinnon Rd.

Trustee McConchie: the Local Trust Committee (LTC) and staff have worked with the property owners to reduce the density on the McKinnon Rd properties. The owners have submitted a proposal to the LTC of what their development plans will be.

Discussion regarding the Public Hearing and the protocols regarding when the density can be changed. After the close of the Public Hearing the use or density cannot be changed.

Kathie D: expressed concerns regarding basement ceiling height and what is included in the floor area calculation of the dwelling.

Discussion regarding floor area of basements and ceiling heights. Capital Regional District's calculation of square footage of livable space should be reviewed. More discussion is needed regarding the basement ceiling heights as it relates to livable space.

Dr. Peter Pare: questioned why the 15 metre setback from the natural boundary of the sea for buildings are not the same for streams and wetlands.

Dr. Peter Pare: questioned why the setback for septic fields for industrial and commercial purposes do not include residential septic fields.

Planner Stockdill: the 15 metre setback is standard for buildings with regards to boundary of the sea. Any setback that is within 30 metres of a stream would be flagged for a Development Permit (DP).

Planner Stockdill: There is a setback of 30 metre from the natural boundary of the sea and wells for residential dwelling's septic fields and this is regulated by Island Health.

Dr. Peter Pare: questioned further why there would be a setback of 30 metre from the sea and not for freshwater sources as the fresh water sources would be a health concern as well.

Dr. Peter Pare: has a suggestion of a fence within the setbacks for safety concerns. This was addressed and added to the bylaw amendments at the August 13, 2022 North Pender (NP) LTC Special Meeting that a fence can be within the setback for the natural boundary of the sea.

Michael Sketch: discussion regarding the setback from the natural boundary of the sea in regards to septic fields. The Land Use Bylaw (LUB) is silent on this and it would be easy to put a clause into the bylaw. A setback from a well should also be included in the LUB.

Rob Botterell: requested the LTC not to pass the bylaws before the election.

Joyce: concerned with the confusion regarding the definition of a farm for tax purposes and a farm for zoning purposes. Also the definition of agriculture use in Rural Residential 1 (RR1) & Rural Residential 2 (RR2) zoned land.

Further discussion of clarification of farm and agricultural as principle use on the RR1 & RR2 zoned land and clarification.

Planner Stockdill: the amendments in the bylaw do not permit agriculture as a principle use in RR1 & RR2 zoned land.

Karen Bell: outdoor lighting regulation was discussed and asked to be put on the agenda to possibly be in the amendments for the LUB. The question was asked of how to proceed to have this issue included in the LUB bylaw amendments.

Trustee Morrison: answered that the lighting regulations would be put on the projects list for the next LTC because it is too late to put on the projects list in this term.

Kathy Cronk: addressed concerns regarding the density for McKinnon Rd due to septic systems issue and water shortages. Would like Trustees to reconsider the density of the McKinnon Rd property to a lower density.

Trustee McConchie: a letter from **Anne Burdett** regarding site specific uses for her property. Anne's concern that there aren't any site specific accessory uses allowed on the property. Boat storage would be allowed but not uses regarding any other part of a business.

Planner Stockdill: The property is allowed boat storage, if the owner wants to have boat maintenance or run a business as a use then they need to apply for a TUP or submit a rezoning application.

3.2 Land Use Bylaw Review Project - Staff Report

Planner Stockdill gave an overview of the bylaw amendments for bylaw Nos. 223, 224 & 229 with regards to the motions that were carried in the August 11, 2022 & August 13, 2022 NP LTC meetings.

Discussion regarding the public hearing whether to hold the public hearing before the end of this term or to wait until after the elections. Further discussion regarding communications not allowed after a public hearing before an election could be an issue if the Trustees are running in the election they would be unable to discuss any further the amendments to the bylaws that were considered at the Public Hearing. Holding a Community Information Meeting (CIM) at the next LTC regular meeting on September 29, 2022 instead of a public hearing to allow the community to further speak to their concerns might be an option.

NP-2022-109

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to schedule a special meeting and a community information meeting on October 1, 2022 regarding the LUB Review Project.

CARRIED

Discussion regarding the motion:

The LTC will hold a CIM and within the meeting bring to discussion to include the following:

- setbacks with regards to wetlands and streams;
- residential septic field setbacks in the LUB Review as there are setbacks for industrial and commercial septic;
- setbacks for septic systems from residential wells;
- discussion regarding 1.5m heights for basements to calculate livable floor area (to possibly add to the building code);

- outhouses;
- definition of ‘farm’;
- residential lighting; and
- discussion of the pros and cons of the density for the McKinnon Rd property.

NP-2022-110

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021” be amended by deleting Plan No. 2.

CARRIED

Discussion:

Trustee Morrison addressed that this motion will be more consistent for the OCP to have the property as commercial zoned land. The motion will make the OCP & LUB review project more consistent. If the land owner would like to have the land use as residential they would need to apply for rezoning.

NP-2022-111

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Draft Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021”, be read a second time as amended.

CARRIED

NP-2022-112

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022”, be read a second time as amended.

CARRIED

NP-2022-113

It was Moved and Seconded,

that the North Pender Island Local Trust Committee draft Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022”, be read a second time as amended.

CARRIED

These motions have been carried to update the bylaws so that the version on the website is the current.

Trustee Morrison encouraged community members to attend the NP LTC Special meeting and CIM on October 1, 2022 and to address their concerns, give suggestions and ask questions.

Trustee McConchie mentioned that there will be an 'all candidates' debate to be hosted in late September or early October held on North Pender Island.

4. ADJOURNMENT

NP-2022-114

It was Moved and Seconded,

that the North Pender island Local Trust Committee adjourn the meeting.

CARRIED

This meeting was adjourned at 4:27pm.

Laura Patrick, Chair

Certified Correct:
Robin Ellchuk, 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 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

27-Jan-2022

Activity	Responsibility	Dates	Status
1 14.1.1 Provide suggestions for on-site fire safety review prior to issuance of STVR TUPs. (Staff to provide options when Bylaw No. 222 is to be adopted) - MEETING PENDING	Phil Testemale	Target: 25-Mar-2022	In Progress

24-Mar-2022

Activity	Responsibility	Dates	Status
1 14.3 Soil Bylaw Project - Staff to draft a soil deposit and removal bylaw with revisions as outlined in the March 24 staff report.	Robert Kojima	Target: 28-Jul-2022	In Progress

Follow Up Action Report

North Pender Island

28-Apr-2022

Activity	Responsibility	Dates	Status
1 14.3 Groundwater Sustainability Project 1. Use of cisterns on private land for fire prevention (by fire department).	Narrisa Chadwick	Target: 20-May-2022	In Progress

26-May-2022

Activity	Responsibility	Dates	Status
1 13.3 Schedule special meeting via zoom for the Groundwater Project.	Narrisa Chadwick Robin Ellchuk William Shulba	Target: 29-Jul-2022	In Progress

11-Aug-2022

Activity	Responsibility	Dates	Status
1 15.1 Delegation of Development Permits: ·Staff directed to prepare a bylaw for delegation of NPI DPAs 1-6, 7 and 10, and NPAI Shoreline, SI Geotech. and SI Shoreline. ·Include or report on excluding DPs resulting from BE in bylaw.	Robert Kojima	Target: 29-Sep-2022	In Progress
2 12.1 NP-DP-2022.2 (Funk) - Issuance of DP	Jas Chonk Phil Testemale	Target: 22-Aug-2022	Completed
3 8.1-8.3 Minutes from May 26, 2022, July 7, 2022, and July 26, 2022 adopted as is.	Robin Ellchuk	Target: 26-Aug-2022	Completed

Follow Up Action Report

North Pender Island

11-Aug-2022

Activity	Responsibility	Dates	Status
4 14.1 Add 'Review of DPAs' to Project's List.	Kim Stockdill	Target: 16-Sep-2022	Completed
5 14.1 LUB Amendments Project 1. Schedule Public Hearing for Bylaw Nos. 223, 224, and 229 - Sept 29th or Oct 1st. (DEFERRED UNTIL AFTER ELECTION)	Kim Stockdill	Target: 16-Sep-2022	In Progress

13-Aug-2022

Activity	Responsibility	Dates	Status
1 LUB Amendments Project 1. Make amendments to Bylaw Nos. 223, 224, and 229. 2. Schedule Special Meeting for Sept 1st to review amended bylaws.	Kim Stockdill Robin Ellchuk	Target: 02-Sep-2022	Completed

01-Sep-2022

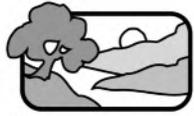
Activity	Responsibility	Dates	Status
1 Schedule a special meeting for Saturday, October 1st to hold a CIM and staff report for the LUB Review Project. Staff report to address: Setbacks to wetlands and streams, well setbacks, floor area definition in relation to the BC Building Code, outhouse regulations, farm definition, outdoor residential lighting, and MacKinnon Rd C2 zoning.	Jas Chonk Kim Stockdill Robin Ellchuk	Target: 23-Sep-2022	Completed

Follow Up Action Report

North Pender Island

01-Sep-2022

Activity	Responsibility	Dates	Status
2 LTC gave second reading to proposed Bylaw Nos. 223, 224, 229. Update bylaws with 2nd reading date and post to project webpage.	Jas Chonk Kim Stockdill	Target: 30-Sep-2022	In Progress



File No.: NP-DP-2022.3 (Churchill-Brown)

DATE OF MEETING: September 29, 2022
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Development Permit Application
Applicant: Paul Churchill-Brown
Location: Little Shell Island (PID 002-869-942)

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2022.3 (Churchill-Brown)

REPORT SUMMARY

The purpose of this report is to consider a Development Permit (DP) application.

The application is to permit development and land alteration, including restoration planting, to protect a significant archaeological site (an ancestral burial site) from erosion and loss that is located within the designated **Shoreline Development Permit Area (DPA)** on the property.

BACKGROUND

The applicable objectives of the designation of the DPA are as follows:

- Objective 2 To limit development in areas susceptible to erosion;*
- Objective 3 To preserve and protect identified sensitive ecosystems;*
- Objective 4 To minimise adverse impacts of land development practices on aquatic (marine) habitats;*

Referencing Figure 2, the extent of the proposed development is as follows:

- Construction of a stack boulder wall seawall, up to 1.5 m (approx.) in height and 22 m in length (approx.), contiguous with shoreline and on either side of the northern projection of the island; and
- Backfilling of the seawall, placement of topsoil and restoration planting of the area with native species.

The owners purchased the island last year and plan to build a dwelling in the future. At the time they were made aware of a registered archaeological site on the island, which is an important ancestral burial ground located on

the northern-most protrusion of land. Subsequently, the owner's contracted an Archaeological Impact Assessment (AIA) of the site under permit from the provincial Archaeology Branch. The AIA, which involved participation by the Tsawout First Nation, identified evidence of erosion of soils and exposed remains and made recommendations for urgent mitigation to protect the site from further erosion and potential loss of remains. The applicant was issued a Site Alteration Permit under the *Heritage Conservation Act* to conduct mitigative measures in December of 2021. Upon request from staff, the Tsawout provided a letter to the Islands Trust that requested the protection works be expedited due to the critical exposed state in some areas (Attachment 2).

The current DP application was made in June of this year, and the applicants have submitted to the Islands Trust the following required professional reporting:

- "Proposed Shoreline Protection, Little Shell Island" (Ryzuk Geotechnical, June 9, 2022 – 'Geotechnical Report') - Attachment 4
- "Environmental Assessment for Little Shell Island Burial Ground Protection" (Corvidae Environmental Consulting Inc., July 2022 – 'EA Report') – Attachment 5

The reports are discussed further in 'Issues and Opportunities' (below)

Given the urgency expressed by the Tsawout, it was recognized that the works may need to proceed in advance of a DP being considered and issued. The applicant is coordinating the works with the contractor and the required on-site presence of an Archaeologist and a member of the Tsawout First Nation. At the time of writing, the works have not been initiated, although it is anticipated that some or all of the works may be completed before the scheduled LTC meeting, making it likely that consideration of the DP would be retroactive. Staff will provide a verbal report to the LTC at the meeting on progress of the works.

The 0.4 ha (1.0 ac) island is a single lot and that currently has a small, uninsulated cabin ('Bunk House') in the centre of the island, a dilapidated 'Beach Hut' on the east side that is partially over the public foreshore, and a private dock facility (with Crown tenure) that is in need of substantial repair. There are also numerous remnant concrete building foundations and low seawalls that are in various states of repair. The island does not have a groundwater well or power. Detailed information on the physical and biological makeup of the island and the surrounding nearshore marine environment is provided in the attached professional reports and Attachment 1.

A separate AIA to survey the rest of the island to determine a possible location for a future dwelling is pending. That may generate a future DP application.

Staff conducted a site visit to the subject property on July 15, 2022 (Attachment 1).

A DPA Checklist and the proposed DP are Attachments 3 and 6.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Applicable ITPS statements:

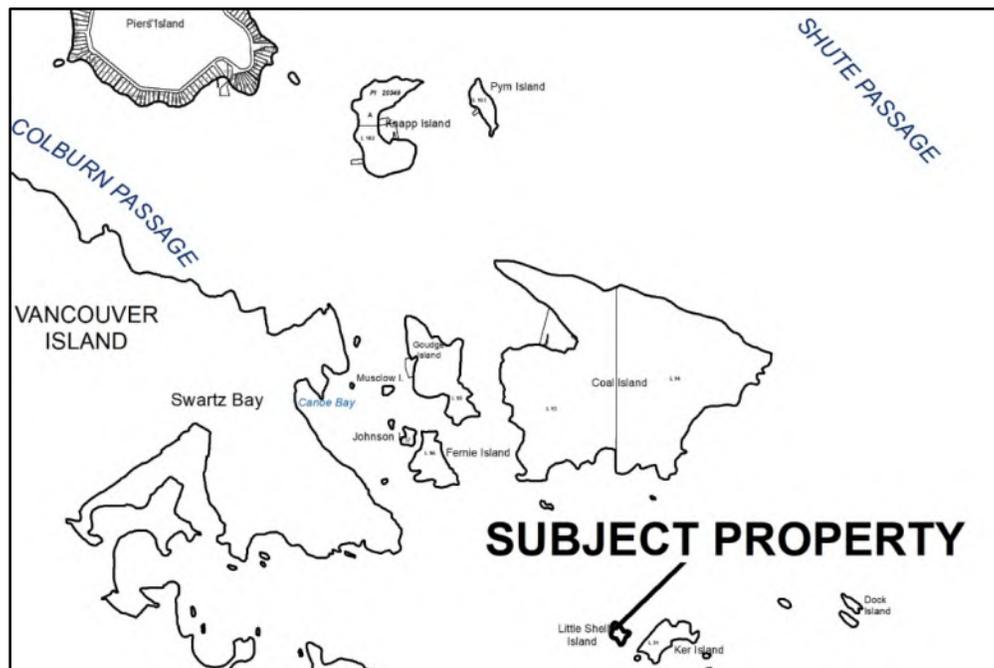
3.4.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas

3.4.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes

5.2.6 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

The proposal is supported by the above ITPS policies.

Figure 1 – Subject Property



Official Community Plan:

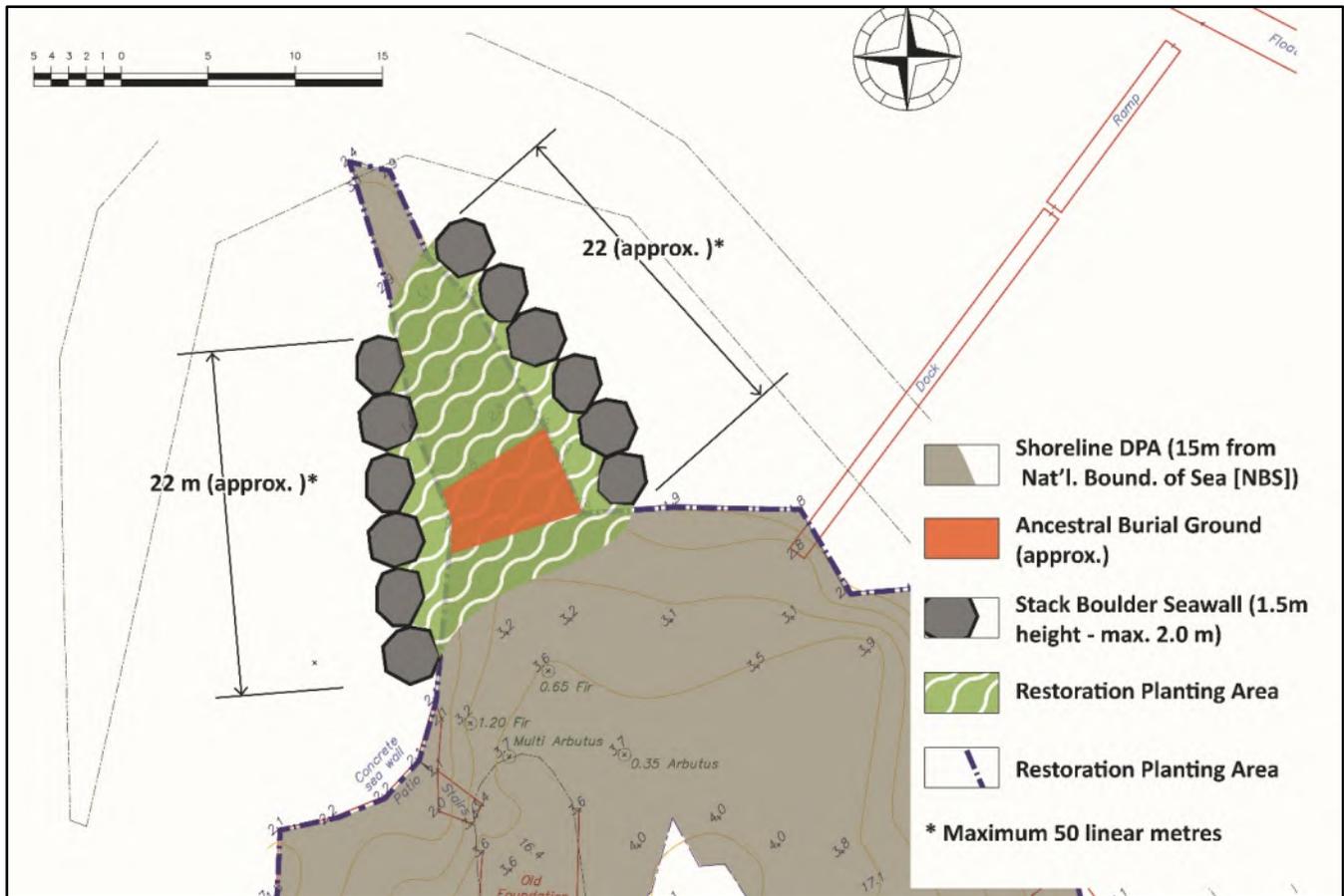
The island is and the designated **R - Residential** and the surrounding water area **M – Marine** in the North Pender Associated Islands Official Community Plan No. 147, 2002.

The **Shoreline Development Permit Area** is designated on the within 15 metres of the Natural Boundary of the Sea (NBS – Figure 2 and Attachment 1). A checklist format analysis of the relevant DP guidelines is Attachment 3. In summary, the application meets the objectives and guidelines of the DPA.

Land Use Bylaw:

The island is zoned as **Rural Residential (RR)** and the adjacent water area is zoned **Water 1 (W1)** in the North Pender Associated Islands Land Use Bylaw No. 148, 2003 (LUB - see Attachment 1). The proposed shoreline protection (armouring – seawall) fully or partially below the NBS and under a height of 2 m with a total linear extent of less than 50 metres complies with the Water 1 (W1) zone regulations.

Figure 2 – Site Plan



Issues and Opportunities

Geotechnical Report

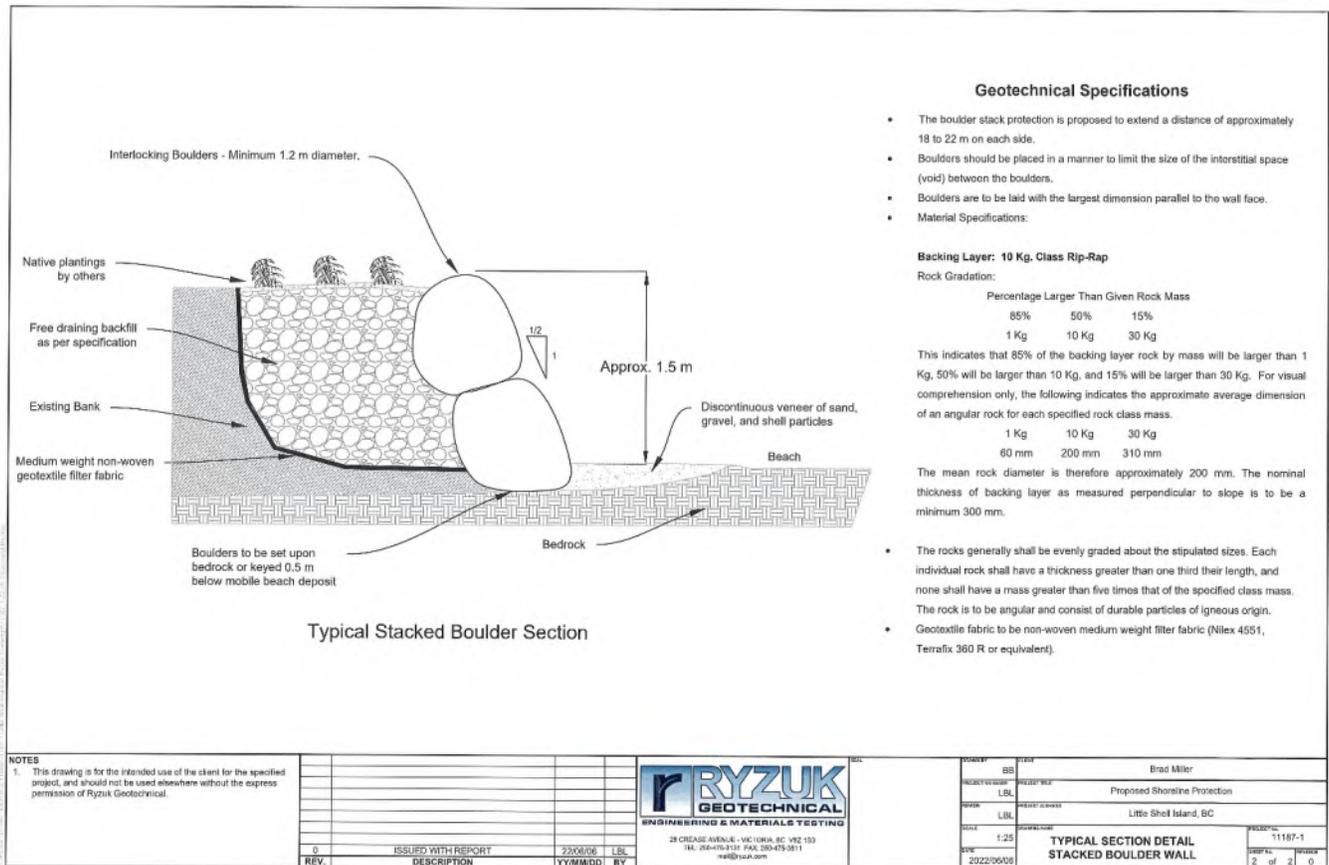
The Geotechnical Report (Attachment 4) assessed the existing shoreline conditions and physical makeup of the specific area of Little Shell where the burial ground is located. That revealed ongoing erosion of soils and potentially of human remains. It notes the site is particularly susceptible to high tide/winter storm events, and concluded that without protection measures substantial loss could occur this coming winter and stressed that they should be put in place as soon as possible (p.2). The report followed the DPA guidelines with respect to limiting impacts from erosion and recommends a boulder stack revetment (seawall) concluding that vegetative stabilization ('Green Shores' methodology) would be insufficient on its own. Referencing Figure 2 and Figure 3 (below), the seawall would be 1.0 to 1.5 m in height extending 18 to 22 m following the natural curve of the

shoreline along either side of the peninsula. The area behind the wall would be backfilled with free draining rip-rap or crush material, with a layer of topsoil to facilitate restoration of native flora (next section).

The wall would be located 2-3 m horizontal from the existing shoreline, which is below NBS on Crown Lands and in the Water 1 zone. The applicant has been advised that it is their responsibility to secure the appropriate permits or permissions from the province for works in that area. The report concludes with the professional opinion that:

“... the current proposed works can be carried out without significant or long term adverse impacts to slope stability or the marine foreshore from a geotechnical perspective.” (p. 4).

Figure 3 – Section of Wall Design (Typical)



Environmental Assessment

The Environmental Assessment (Attachment 5) follows the DPA guidelines and assesses the environmental conditions on the property and the surrounding shoreline/foreshore area, and potential impacts for the specific development. It makes recommendations for protection of environmentally sensitive features and construction methods to minimize impacts.

Potential impacts include: those on sensitive ecosystems (i.e. marine environment); alteration of vegetation and spread of invasive species; wildlife habitat availability and mortality risk; and, sediment movement in the specific area (p.12).

Recommended measures include those to protect the marine foreshore and terrestrial ecosystems and wildlife habitat, restoration planting of native species, invasive species removal, and construction management including erosion and sediment control (pp. 14 to 16).

The report concludes with the professional opinion that:

“implementation of the mitigation and restoration measures recommended in this report, including erosion and sediment controls during construction, planting of native vegetation, and securing the soils and foreshore environment will minimize the impacts of future proposed development on the environment” (p. 15).

DP Conditions

Both the Geotechnical Report (in full) and the Environmental Assessment (excerpted portion) have been attached as schedules to the proposed DP with an overall condition to substantively comply with all recommendations in those reports. Another condition to limit the height and cumulative length of the seawall consistent with LUB regulations has been added to the proposed DP as well. As above, the DPA Checklist confirms that all relevant DPA guidelines have been met (Attachment 2).

Consultation

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

Notwithstanding, staff have communicated with Tsawout First Nation staff, and, upon their request, a copy of the application package was referred by the Island Trust.

First Nations

The applicant has been working with the Tsawout First Nation from the onset of the AIA process, and their participation will continue through the construction phase and with the AIA for the rest of the island. On that basis, the application is consistent with respect to LTC Standing Resolutions on reconciliation.

Rationale for Recommendation

The recommendation in support of approving issuance of the DP is based on the analysis of relevant policies and regulations, and, in particular DPA guidelines. In summary:

- The application is consistent with the expressed priorities of the Tsawout First Nation.
- The application is based on professional geotechnical assessment and environmental assessment both of which meet the relevant objectives and guidelines for the DPA; and
- all recommendations of those assessments 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. Determine that the DPA guidelines are not being met

The LTC may determine that the application as presented does not meet one or more guidelines of DPA-2. If this is the case, the LTC may request that the applicant amend the proposal to more closely align with DPA guidelines. The LTC should indicate which guidelines are not being met and the reasons for this.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee has determined that application NP-DP-2022.3 (Churchill-Brown) as presented on September 29, 2022 does not meet guideline(s) _____ for the following reasons: _____

NEXT STEPS

Submitted By:	Phil Testemale, Planner 2	August 26, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	August 26, 2022

ATTACHMENTS

1. Site Context
2. Letter from Tsawout First Nation
3. DPA Guideline Checklist
4. Geotechnical Report - Ryzuk Geotechnical (June 9, 2022)
5. Environmental Assessment - Corvidae Environmental Consulting Inc. (July 2022)
6. Proposed Development Permit NP-DP-2022.3 (Churchill-Brown)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	THAT PART OF SECTION 91, VICTORIA DISTRICT, BEING THE SMALLER OF TWO ISLANDS COMPRISING SAID SECTION AND KNOWN AS LITTLE SHELL ISLAND
PID	002-869-942
Civic Address	N/A
Lot Size	0.4 ha (1.0 ac)

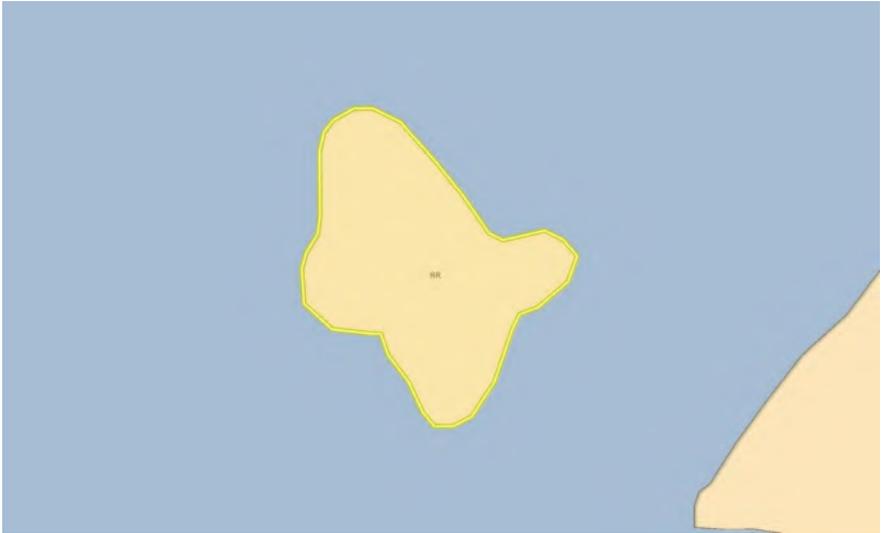
LAND USE

Current Land Use	Rural Residential (Vacant Land)
Surrounding Land Use	Water 1 and Rural Residential (east)
	 <p><i>Orthophoto</i></p>

HISTORICAL ACTIVITY

File No.	Purpose
N/A	

POLICY/REGULATORY

<p>Official Community Plan Designations</p>	<p>The island is and the designated R - Residential and the surrounding water area M – Marine in the North Pender Associated Islands Official Community Plan No. 147, 2002.</p> <p>The Shoreline Development Permit Area (DPA) is designated within 15 m of the Natural Boundary of the Sea (NBS):</p>  <p><i>Development Permit Areas Mapping</i></p>
<p>Land Use Bylaw</p>	<p>The island is zoned as Rural Residential (RR) and the adjacent water area is zoned Water 1 (W1) in the North Pender Associated Islands Land Use Bylaw No. 148, 2003:</p>  <p><i>Zoning</i></p>
<p>Other Regulations</p>	
<p>Covenants</p>	<p>None</p>
<p>Bylaw Enforcement</p>	<p>None</p>

SITE INFLUENCES

Islands Trust Conservancy	There are no Conservancy covenants or properties in the direct area; therefore The proposal does not impact the ITC and no referral has been made.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	None on TAPIS
Sensitive Ecosystems	<p>No terrestrial SEM mapping available. Environmental Assessment has detailed inventory. Marine Sensitive Ecosystems:</p>  <p><i>Marine Sensitive Ecosystem Mapping</i></p>
Hazard Areas	<p>No mapping provided. See Geotechnical Assessment for analysis.</p>  <p><i>Contour Mapping</i></p>
Archaeological Sites	See main staff report

Climate Change Adaptation and Mitigation	The development proposal would have nominal impacts on GHG emissions. The proposed development is, in part, for protection of a significant ancestral site vulnerable to impacts of climate change.
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PHOTOGRAPHS: STAFF CONDUCTED A SITE VISIT ON JULY 15, 2022:



View of North Side of Island



View Southwest of North Projection of Island



View West of North Projection of Island



View North of North Projection of Island



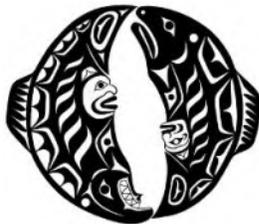
Exposed Burial Site (south side)



Uninsulated Cabin (Centre of Island)



View Southeast of North Side of Island



TSAWOUT FIRST NATION

7728 Tetayut Rd.

SAANICHTON, BC V8M 2E4

May 17, 2022

**Emergency Site Alterations to, DeRu-114, located on Little Shell Island near Sidney, BC
Sea-Beneath Marine & Heritage**

Dear Phil Testemale,

This letter is in reference to the development permit to implement mitigation measures for the protection of ancestral remains on Little Shell Island.

Tsawout First Nation supports the direct issuance of the permit and is in full support of the mitigation measures proposed to protect Tsawout ancestral remains. The temporary measures in place to guard the remains are time sensitive and will not suffice in protecting these remains permanently. Tsawout cultural monitors have been involved with the developers of the project and urge this applications approval within a timely manner.

Thank you for your interest in the views of Tsawout First Nation,

Neesha Nandhra

Referrals Coordinator

Tsawout First Nation

7728 Tetayut rd.

Saanichton, BC

V8M 2E4

T: 250-652-9101

F: 250-652-9114

tsawout.ca

ATTACHMENT 3 – SHORELINE DEVELOPMENT AREA PERMIT GUIDELINES (NP-DP-2022.3 [Churchill-Brown/Little Shell Island])

Guideline	Complies	Comments
<p>1. Development should not occur in areas that are subject to flooding. Applications involving buildings or structures that would have a residential use or involve the storage of goods or materials should include a survey prepared by BC Land Surveyor indicating that the proposed development would be at least 1.5 metres above the natural boundary of the sea. Where land proposed for development is less than 1.5 metres above the natural boundary, applications may include recommendations from a qualified professional licensed in the Province of BC with experience in geotechnical engineering recommending mitigation measures that can be included as conditions of the permit.</p>	N/A	<p>Staff Comments: N/A</p>
<p>2. No development should occur on land that has been determined to be subject to erosion. All applications should include a report from a qualified professional licensed in the Province of BC with experience in geotechnical engineering stating that the land proposed for development is not subject to erosion or slippage. If the land proposed for development is subject to geotechnical hazard, the report should recommend mitigation measures that can be included as conditions of the permit. Landowners are encouraged to retain existing trees and vegetation in areas that may be reasonably considered subject to erosion as determined by a qualified professional.</p>	Yes	<p>Staff Comments: Geotechnical Assessment (GA) with recommendations for protection (seawall) of feature (ancestral burial site).</p>
<p>3. Areas identified by a qualified professional licensed or registered in the Province of BC as containing good examples of one or more of the seven sensitive ecosystems should remain free of development, including buildings and structures and utility corridors. Applications involving building, structures, roads and utility corridors should include a report from a qualified professional licensed or registered in the Province of BC with experience in environmental science stating that the area proposed for development does not contain good examples of one or</p>	Yes	<p>Staff Comments: Environmental Assessment (EA) report with recommendations for mitigation measures conditions of draft DP.</p>

more of the seven identified sensitive ecosystems. If the report identifies good examples of such ecosystems in the vicinity of the area proposed for development, the report should include recommendations for protecting these areas that can be included as conditions of the permit. Landowners are encouraged to retain areas containing such ecosystems in an otherwise undisturbed state.		
4. The construction of roads, buildings, structures and utility corridors involving the disturbance of the soil must be conducted in such a manner as to limit direct run-off into the sea. Development work should adhere to the practices recommended by the Ministry of Water, Land and Air Protection and the Department of Fisheries and Oceans (Land Development Guidelines for the Protection of Aquatic Habitat, September 1993).	Yes	Staff Comments: Erosion control and construction management recommendations in EA/Draft DP
5. Development, construction or other work should not unduly block the ability of the public to access the foreshore from the sea.	N/A	Staff Comments: N/A
6. Shoreline stabilization should be limited to that necessary to prevent damage to existing structures, uses or features. Applications involving construction of shoreline stabilization features should include a report, prepared by a qualified professional licensed in the Province of BC with experience in geotechnical engineering, which describes the proposed modification and shows:		
a) the need for the proposed modification to protect existing structures, uses or features.	Yes	Staff Comments:
b) where the modification would protect proposed structures, the locations on the property where those structures could be built and not require shoreline modification	N/A	Staff Comments: No new proposed structures in need of protection
c) if any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposed modification, including at sites on other properties or foreshore locations.	Yes	Staff Comments: Design ensures shoreline beyond the proposed seawalls are not impacted
d) whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the modification.	Yes	Staff Comments: None cited

e) whether conditions should be incorporated into the development permit to achieve the objectives of this Development Permit Area.	Yes	Staff Comments: All conditions in GA in draft
Where feasible, in the opinion of a qualified professional, shoreline stabilization works should use natural means such as vegetative stabilization or protective berms rather than structural solutions such as concrete or large riprap	No	Staff Comments: GA establishes that 'Green Shores' solutions would be insufficient and ineffective.
7. Septic fields should be located in such a manner that the possibility of pollution of the aquatic environment is minimized. Applications for the siting of a septic disposal system within the DPA should include a report from a qualified professional stating that the area proposed is suitable for locating a septic field and that there is low risk of contamination of the aquatic environment. The report may include recommendations that can be included as conditions of the permit.	N/A	Staff Comments: N/A
8. Buildings and structures should be integrated into the surrounding landscape and sited so as to minimize the removal of trees and indigenous vegetation to the extent reasonably possible	N/A	Staff Comments: N/A
9. Where this development permit area includes wildlife trees, a buffer area around each nest tree should be left undisturbed. The size of the buffer should be determined prior to development by a qualified professional, with advice from the Ministry of Water, Land and Air Protection.	N/A	Staff Comments: Non identified in EA.
10. As a condition of considering an application, an applicant may be required, at the discretion of the LTC upon receipt of an application, to provide any report required by guidelines (2), (3), (6), (7) or (9) using a qualified professional retained by, and reporting to, the Islands Trust. In such an instance, the costs would be recovered from the applicant using a cost recovery agreement	Yes	Staff Comments: Professional reports provided voluntarily.
11. Upon receipt of an application, the LTC may determine that the provision of any report required in guidelines (1), (2), (3), (6), (7) or (9) above is not reasonably necessary to establish compliance with the objectives and guidelines of this development permit area.	N/A	Staff Comments: N/A



RYZUK GEOTECHNICAL

Engineering & Materials Testing

6-40 Cadillac Ave, Victoria, BC, V8Z 1T2 Tel: 250-475-3131 E-mail: mail@ryzuk.com www.ryzuk.com

June 9, 2022
File No: 11187-1

Brad Miller
2200-1710 Bayshore Drive
Vancouver, BC
V6G 3G4

Attn: Paul Churchill-Browne, Owner's Agent (By E-mail: paul.cb@advanctecglobal.com)

Re: Proposed Shoreline Protection
Little Shell Island, BC

As requested, we attended the referenced site on May 17, 2022, to review the existing shoreline conditions as such relate to the proposed protection measures. We understand that the site is located within a Shoreline Development Permit Area as per Islands Trust "North Pender Associated Islands Official Community Plan Bylaw No. 147" (2002), and that proposed works will need to meet the associated guidelines. Our related comments and recommendations for construction of shoreline protection works are provided herein. Our work has been undertaken in accordance with, and is subject to, the previously accepted Terms of Engagement.

Little Shell Island is a small private island of approximately 1 acre (0.4 hectares), located approximately 1.5 km off the northeast coast of Sidney, BC. The island is shown on the attached survey plan by Wey Mayenburg Land Surveying Inc., dated July 16, 2021. It is approximately diamond shaped, comprising a small landform controlled by outcropping bedrock. It is accessed by an existing dock on the northeast side, and has been subject to minor development in the past, including a small beach hut, a bunk house, and localized seawalls on small lengths of the east and west sides. The subject of our assessment was the narrow protrusion of land at the north end of the island, where we understand ancestral human remains have been discovered. The purpose of the current works is to protect these remains, and we understand that an Alteration Permit has been issued by the Ministry of Forests, Lands and Natural Resource Operations through the Heritage Conservation Act, to proceed with such. We understand works will also be done in consultation with the Tsawout First Nation, who will be present throughout the work.

Our review has consisted of a reconnaissance and visual geotechnical assessment of the noted area in the north of the island. From our observations, the shoreline is generally dominated by bedrock outcrop, which consists of a granodiorite presumed to be of the Lower to Middle Jurassic Island Intrusions (Geological Survey of Canada Map 1553A). The rock profile varies in height along the shoreline and the bank above/behind, generally rising between 1-2 m above the beach at most and being below the beach level in others. Within the shoreline bank, soil is present atop the rock in a

layer of variable thickness, the base of which is present at/near the high tide line in the areas proposed for protection. The soil was observed to consist of a dark brown silty/sandy/gravelly and organic deposit of anthropogenic origin, within which the noted remains were observed. The height of the bank along the shoreline in the location of the remains was generally 1 m. Representative photos are attached below. Atop the bank, the land was generally vegetated with grass and native shrubs. Where sediments are present upon the beach, such were observed to consist of a thin, discontinuous layer comprising a mix of shells, sand, and gravel. A small test hole advanced by hand encountered native clay beneath the beach deposit. We expect this is likely present as a limited, intermittent pocket atop the bedrock.



Photos showing the shoreline conditions including erosional scarp at the south of the west side (left) and north (right).

Based on our visual assessment, it is evident that this area of the shoreline has experienced erosion of soils and potentially of existing remains, as a result of tidal action and wave wash. High tide/winter storms in particular tend to have the greatest erosional impact on such areas, when wave influence extends higher than typical and stronger wave energies are experienced. We expect the main contributor is northwesterly storms, and we observed large log debris on the beach, particularly on the west side of the protrusion, which are also associated with such events. If this area remains unprotected we expect that erosion will continue to occur and that substantial additional loss could be experienced in the coming winter. It is therefore recommended that protection works be installed as soon as possible, this summer.

We understand that Development Permit requirements for the proposed works fall under the jurisdiction of Islands Trust, specifically governed by the North Pender Island Local Trust Committee Bylaw No. 147 which is the Official Community Plan for the North Pender Associated Islands. The site is located within 701 Shoreline Development Permit Area. Guideline 6 within the bylaw specifically discusses shoreline stabilization, which “should be limited to that necessary to prevent damage to existing structures, uses or features.” We understand that the existing remains fall within this description and therefore propose a boulder stacked revetment to provide sufficient protection and to prevent future erosion and loss of such. We do not consider vegetative stabilization

alone to be sufficient in this location, as it appears that any previously existing vegetation upon the noted slope face has been lost to coastal erosion. However, it is recommended that vegetation be incorporated atop/behind the revetment to provide some protection against erosion due to occasional overtopping, erosion due to runoff, and for habitat restoration.

As discussed and measured on site, the revetment would consist of a boulder stacked seawall up to 1.5 m high and approximately 18 to 22 m in length on each side of the noted shoreline, located as generally shown on the attached Location Plan. The wall would be located 2-3 m horizontal distance from the existing shoreline, and would curve toward the shoreline at each end and tie into the outcropping bedrock. We expect that such will encroach beyond the Present Natural Boundary (PNB) and associated coordination of Crown foreshore lease permits, if/as required, will be the responsibility of others.

The seawall should consist of large, sound boulders of minimum 1.2 m diameter, placed directly upon the bedrock or keyed sufficiently into native soils (if/where present) to protect against long term erosion and undermining. An embedment of 0.5 m below the base of the mobile beach deposit is typically recommended but may not be feasible as limited soil thickness is anticipated. Given the sloping nature of the bedrock, it is recommended that boulders are field fit into the natural steps in the rock profile, to prevent sliding. Dowelling may be recommended at the time of construction if potential sliding is of concern, and would depend on the site specific placement of boulders at the time of construction. The drawing Typical Stacked Boulder Section shows the proposed wall and specifications.

Behind the boulder stack, we recommend the existing bank be draped with a medium-weight non-woven filter fabric to prevent migration of materials into the granular backfill zone. Backfill should consist of a 10kg class riprap as per the specifications, or an approved alternate blasted/crushed rock product. It is critical that the backfill material is of appropriate size to prevent erosion/loss through the voids in the face of the boulder stack, which can compromise the wall stability.

Site access to complete the work would be by barge and works would be completed from the beach without disturbance to the ancestral remains. All work should be completed in accordance with the Department of Fisheries and Oceans' Standards and Codes of Practice for Projects Near Water, which is available online. Standard precautions include avoiding unnecessary disturbance to the foreshore area, and the use of silt abatement protection when necessary. Work should be suspended in periods of high tide and/or intense rain events.

The works, being located on the shoreline, will be subject to dynamic forces by nature of their location, including tidal action, storms, and the effects of climate change and future sea level rise, including more frequent storms of greater intensity. Accordingly, it should be noted that maintenance/repairs should be anticipated at some point in the future, such as replacing/repairing boulders and/or backfill materials that have shifted or eroded.

Based on the above, and considering that the adjacent shoreline and much of the beach is comprised of outcropping bedrock, it is our opinion that the proposed works can be carried out without significant or long term adverse impacts to slope stability or the marine foreshore from a geotechnical perspective. Given the works will encroach onto the beach, minor adjustments can be expected as the shoreline adjusts.

We trust the preceding is suitable for your purposes at present. If you have any questions, or require anything further, please do not hesitate to contact us.

Sincerely,
Ryzuk Geotechnical



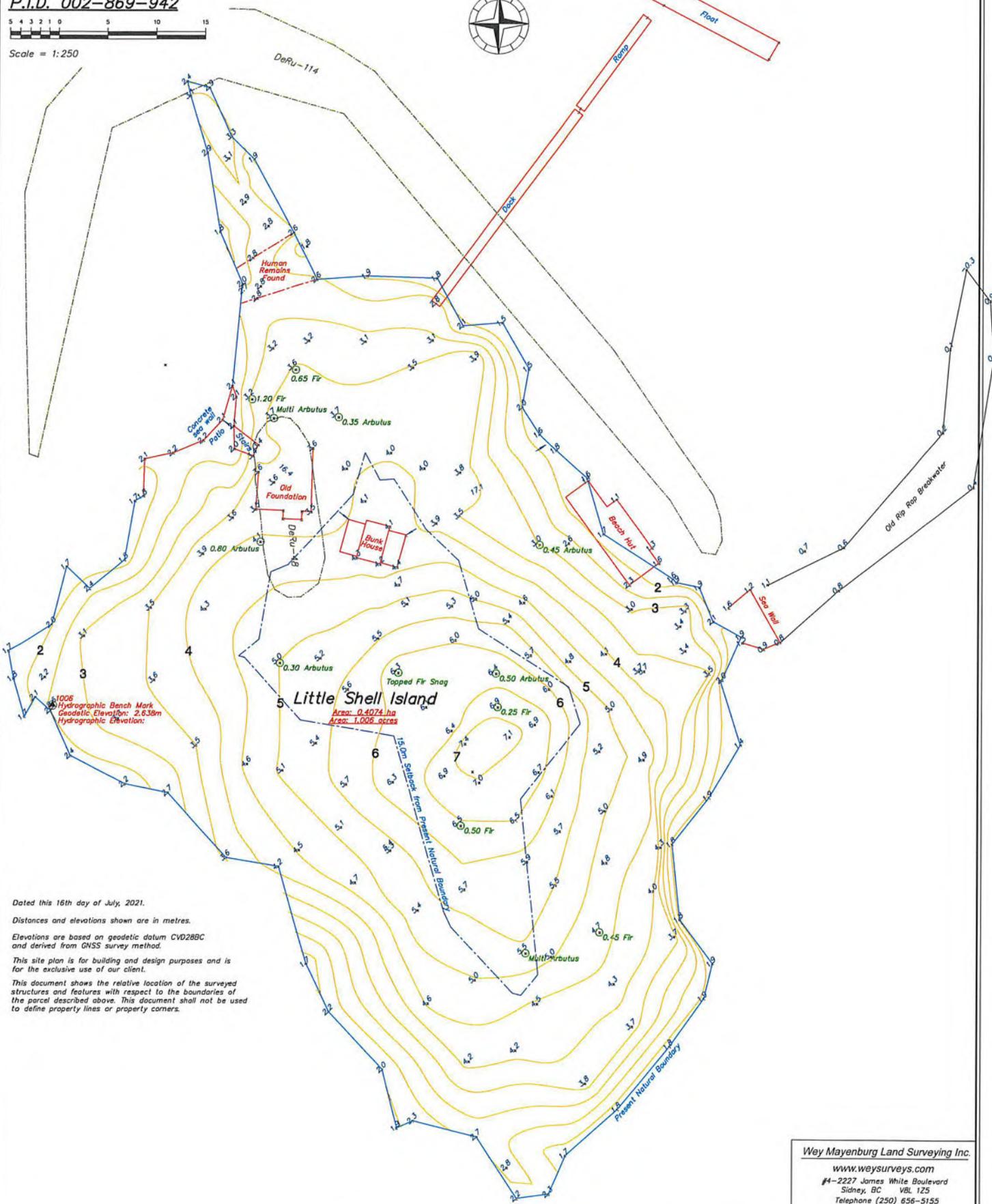
Laura Lessingham, P. Geo.
Lead Geoscientist

- Attachments:
- Site Plan of That Part of Section 91, Victoria District, Being the Smaller of Two Islands Comprising Said Section and Known As Little Shell Island, P.I.D. 002-869-942, Wey Mayenburg Land Surveying Inc., dated July 16, 2021
 - Location Plan drawing Sheet 1 of 2
 - Typical Stacked Boulder Section drawing Sheet 2 of 2

**Site Plan of That Part of Section 91,
Victoria District, Being the Smaller of Two
Islands Comprising Said Section and
Known As Little Shell Island.
P.I.D. 002-869-942**

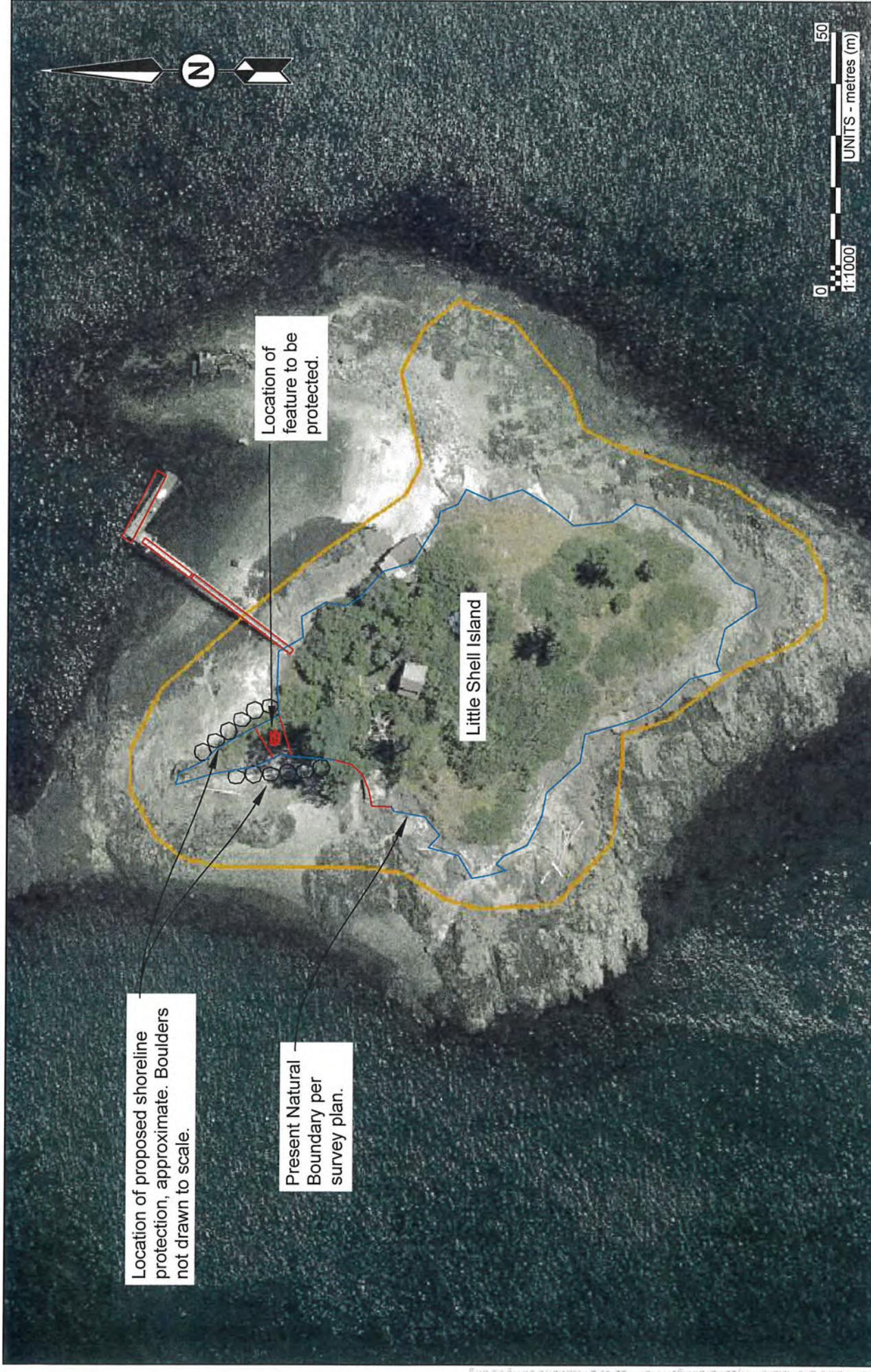


Scale = 1:250



Dated this 16th day of July, 2021.
Distances and elevations shown are in metres.
Elevations are based on geodetic datum CVD28BC and derived from GNSS survey method.
This site plan is for building and design purposes and is for the exclusive use of our client.
This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

Wey Mayenburg Land Surveying Inc.
www.weysurveys.com
#4-2227 James White Boulevard
Sidney, BC V8L 1Z5
Telephone (250) 656-5155
File: 210253\Sit\LE



Location of proposed shoreline protection, approximate. Boulders not drawn to scale.

Location of feature to be protected.

Present Natural Boundary per survey plan.

Little Shell Island

<p>28 CREASE AVENUE - VICTORIA, BC V8Z 1S3 TEL: 250-475-3131 FAX: 250-475-3611 mail@ryzuk.com</p>	SEAL	CLIENT	BRAD MILLER
	DRAWN BY	PROJECT TITLE	PROPOSED SHORELINE PROTECTION
	PROJECT MANAGER	PROJECT ADDRESS	LITTLE SHELL ISLAND, BC
	REVIEW	DRAWING NAME	LOCATION PLAN
SCALE	PROJECT No.	11187-1	REVISION
DATE	SHEET No.	01 of 2	0
DATE	2022/06/06		

NOTES

1. Location of present natural boundary, human remains, and dock are from Wey Mayenburg's Site Plan of July 16, 2021. Overlay on aerial imagery is approximate.
2. Aerial imagery from the CRD Regional Atlas, 2021.

Geotechnical Specifications

- The boulder stack protection is proposed to extend a distance of approximately 18 to 22 m on each side.
- Boulders should be placed in a manner to limit the size of the interstitial space (void) between the boulders.
- Boulders are to be laid with the largest dimension parallel to the wall face.
- Material Specifications:

Backing Layer: 10 Kg. Class Rip-Rap

Rock Gradation:

Percentage Larger Than Given Rock Mass

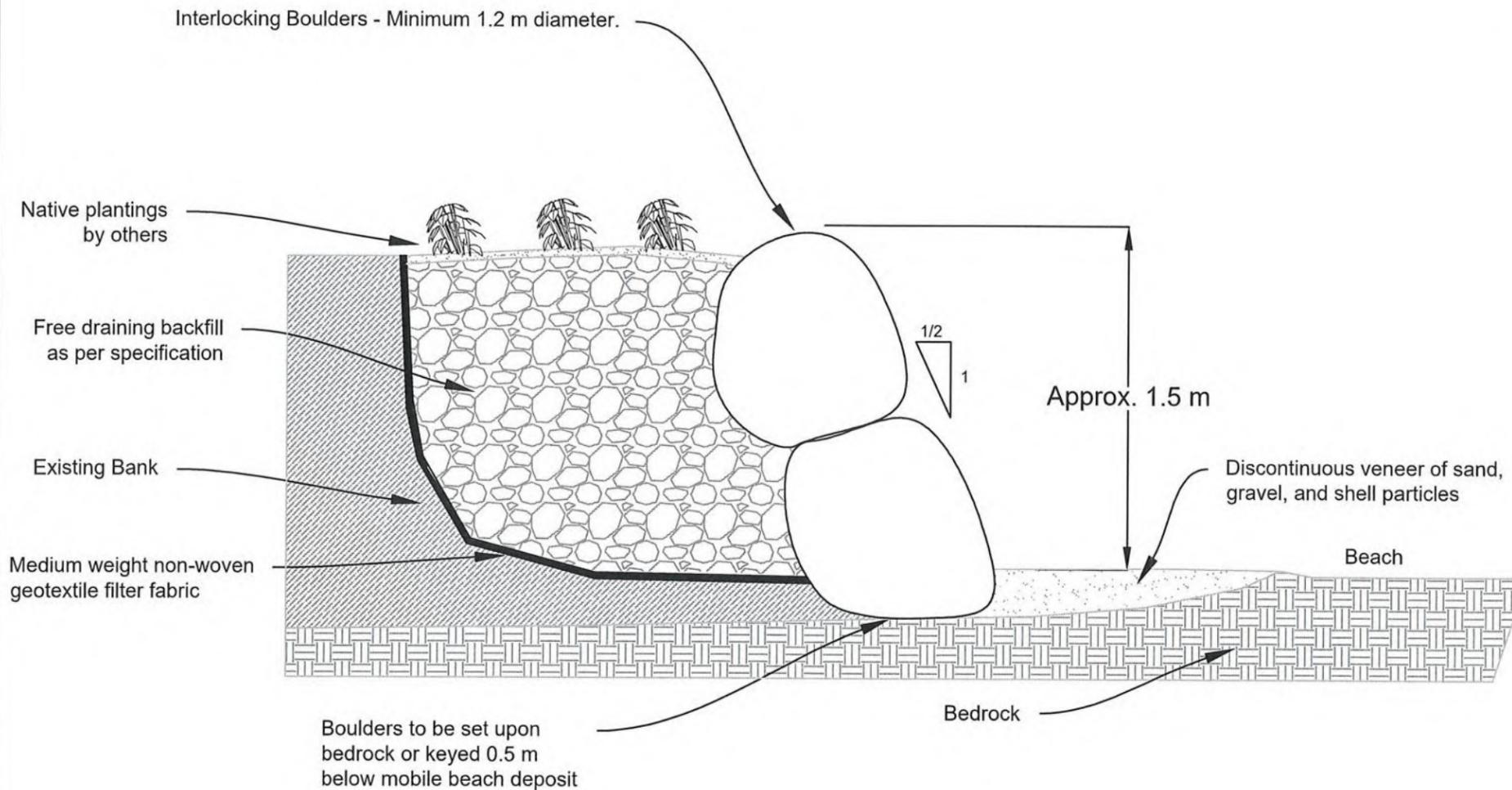
85%	50%	15%
1 Kg	10 Kg	30 Kg

This indicates that 85% of the backing layer rock by mass will be larger than 1 Kg, 50% will be larger than 10 Kg, and 15% will be larger than 30 Kg. For visual comprehension only, the following indicates the approximate average dimension of an angular rock for each specified rock class mass.

1 Kg	10 Kg	30 Kg
60 mm	200 mm	310 mm

The mean rock diameter is therefore approximately 200 mm. The nominal thickness of backing layer as measured perpendicular to slope is to be a minimum 300 mm.

- The rocks generally shall be evenly graded about the stipulated sizes. Each individual rock shall have a thickness greater than one third their length, and none shall have a mass greater than five times that of the specified class mass. The rock is to be angular and consist of durable particles of igneous origin.
- Geotextile fabric to be non-woven medium weight filter fabric (Nilex 4551, Terrafix 360 R or equivalent).



Typical Stacked Boulder Section

NOTES

- This drawing is for the intended use of the client for the specified project, and should not be used elsewhere without the express permission of Ryzuk Geotechnical.

REV.	DESCRIPTION	YY/MM/DD	BY
0	ISSUED WITH REPORT	22/06/06	LBL

RYZUK
GEOTECHNICAL
ENGINEERING & MATERIALS TESTING

28 CREASE AVENUE - VICTORIA, BC V8Z 1S3
TEL: 250-475-3131 FAX: 250-475-3611
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DRAWN BY	BB	CLIENT	Brad Miller
PROJECT MANAGER	LBL	PROJECT TITLE	Proposed Shoreline Protection
REVIEW	LBL	PROJECT ADDRESS	Little Shell Island, BC
SCALE	1:25	DRAWING NAME	TYPICAL SECTION DETAIL STACKED BOULDER WALL
DATE	2022/06/06	PROJECT No.	11187-1
		SHEET No.	2 of 2
		REVISION	0



ENVIRONMENTAL ASSESSMENT

FOR LITTLE SHELL ISLAND BURIAL GROUND PROTECTION

PREPARED FOR:

NORTH PENDER ISLAND TRUST
4605 BEDWELL HARBOUR ROAD
PENDER ISLAND, BC V0N 2M1

CORVIDAE PROJECT #2022-106
JULY 2022



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CAVEAT

This Environmental Assessment (EA) has been prepared with the best information available at the time of writing, including the North Pender Island Official Community Plan, communications with the client and regulators, site visits, review of site plans and design drawings and other documentation relevant to the project. This EA has been developed to assist the project in remaining in compliance with relevant environmental regulations, acts and laws pertaining to the project and to identify and mitigate the expected impacts of the project and reclamation activities directly related to the project.



1 INTRODUCTION

Corvidae Environmental Consulting Inc. (Corvidae) is pleased to provide this Environmental Assessment (EA) for the proposed geotechnical stabilization of a burial site on Little Shell Island (the property; PID 002-869-942). The property is currently zoned as RR – Residential. Little Shell Island is part of the Little Group Islands, located 2 kilometres east of Sidney (Figure 1). The island (the property) is approximately 1 acre in size.

The majority property remains forested, with wind swept patches of Garry oaks dominating the west and southwestern portions of the island. The island has been subject to minor development in the past with the construction of a beach shed, cabin, an old brick foundation with associated seawall and rock path to the west and another small sea wall off the beach to the east. In addition, an ancestral burial ground has been discovered on the northern protrusion of the island; this is where the stabilization is proposed.

The owner plans to protect the ancestral burial through the construction of a seawall around the eroding banks of the northern island, and to develop a house in the centre of the island. The development of the house will be at a future date. This report focuses on the burial site stabilization only, provides the environmental features and focus on the impacts of the seawall development. An updated version of this report will be provided focusing on the development of the house once the plans have been finalized.

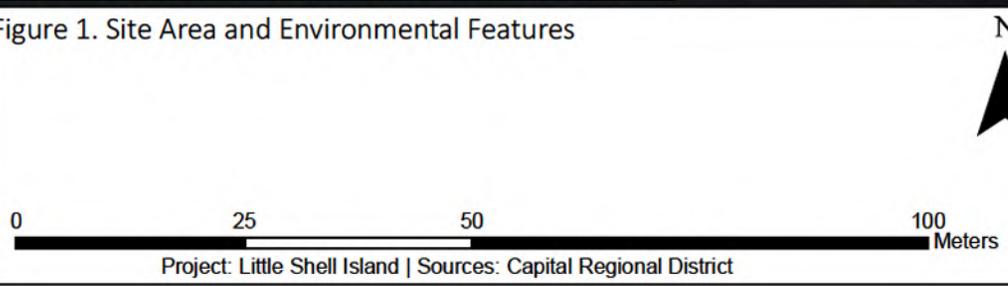
An Alliteration Permit has been issued by the Ministry of Forests, Lands and Natural Resource Operations through the Heritage Conservation Act, to proceed with the protection of the ancestral human remains. The Tsawout First Nations are being consulted on the works of the purposed project and will be present while the work is conducted. Ryzuk Geotechnical has provided a report for the design and implementation for the seawall and is attached as Appendix B.

This document addresses the requirements in Part 7, Section 701 of the North Pender Associate Islands Official Community Plan (OCP) Bylaw No. 147 and provides an assessment on the environmental conditions on the property, potential impacts of the proposed stabilization of the burial site, recommendations on the protection of environmentally sensitive features and methods to minimize impacts of the proposed development.





Figure 1. Site Area and Environmental Features



CORVIDAE
ENVIRONMENTAL CONSULTING INC

Corvidae Project No.
COR-2022-106

Rev. #	Date
0	July 10, 2022

1.1 REGULATORY FRAMEWORK

This environmental assessment is designed to comply with the provisions set out in the North Pender Associated Islands OCP for development permit areas and for compliance with the provisions for environmental protection contained in the following relevant legislation:

Municipal

- North Pender Associated Islands OCP, Bylaw No. 147 (Islands Trust 2002)
 - Shoreline Development Permit Area

“This development permit area is important for protection from flooding and erosion, for the protection of the marine environment from upland influences, for the protection of sensitive ecosystems and for the maintenance of public access to the foreshore. It includes areas of land that lie adjacent to and influence the islands’ shoreline environments. Shoreline areas and beaches may be subject to flood hazard and may contain unstable slopes and soils subject to erosion, land slip and rock falls. Land in proximity to the foreshore may also contain sensitive ecosystems susceptible to the impacts of the development.”

The authority to establish this development permit area is established in Sections 919.1(1)(a) and (b) of the Local Government Act, specifically for the protection of the natural environment, its ecosystems and biological diversity and for the protection of development from hazardous conditions.

See Section 1.2 for details.

The guiding principle for the use of Development Permits is found within the Local Government Act. Development Permit Areas can be designated for purposes such as, but not limited to: protecting, enhancing and restoring the biodiversity and ecological values and functions of environmentally sensitive areas; fostering compatibility between development, existing land uses and environmentally sensitive areas; maintaining connectivity between sensitive ecosystems; and protecting water quality and quantity.

Provincial

- *Wildlife Act* (1996)
- Invasive Species Council of BC
- *Weed Control Act* (1996, current as of October 2016)

Federal

- *Migratory Birds Convention Act* (1994)
- *Species at Risk Act* (SARA) (2002)
- *Fisheries Act* (2019)



1.2 DEVELOPMENT PERMIT AREAS

The property engages a Shoreline Development Permit Area (DPA) (Figure 2). This DPA includes all non-crown land within 15 meters upland of the natural boundary of the sea. This construction of the seawall encroaches into the 15 m shoreline DPA area but is necessary to reduce erosion and protect the ancestral burial ground located on the north end of the property. The northern shoreline also overlaps a Rockfish Conservation Area. The construction of the seawall will help protect this area by reducing the sedimentation in the area caused by the eroding shoreline. All works will be done at low tide to help reduce the impacts of the seawall construction to the shoreline ecosystem and the Rockfish Conservation Area. All seawall construction is above the high tide line (above the Present Natural Boundary).





Capital Regional District

Figure 2. Ecosystem Mapping

- Low Rock/Boulder
- Sand/Cobble
- Rockfish Conservation Area



Project: Little Shell Island | Sources: Capital Regional District

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ENVIRONMENTAL CONSULTING INC

Corvidae Project No.
COR-2022-106

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0	July 10, 2022

Figure 2 60

2 SCOPE OF WORK

Corvidae completed an environmental assessment for the property. The environmental assessment documented the ecological features on the property. Background information was reviewed, including applicable databases. During the assessment, the following features were documented in this report:

- Areas of sensitivity, including the marine environment.
- Areas of habitat and biodiversity values.
- Plant communities and plant species on site.
- Potential wildlife presence and wildlife habitat.
- Soil types and terrain.
- Surface water flow patterns.

Following the field assessment, the biophysical features were identified and mapped. Mitigations to minimize the impacts of the proposed development on the environment have been provided in Section 6.

3 METHODS

3.1 DESKTOP REVIEW

Baseline biophysical conditions were compiled by reviewing the best available data and information including existing reports for the area and conducting searches of online provincial and federal databases:

- BC Conservation Data Centre (BC CDC 2022a and 2022b).
- BC HabitatWizard (Province of BC 2022).
- Aerial photographs of the property (Google Earth 2022).
- North Pender Island Open Data Portal (Islands Trust 2022)
- North Pender Associated Islands OCP Bylaw No. 147 (Islands Trust 2002).
- MAPIT – Islands Trust Mapping Database (Islands Trust 2022)

3.2 FIELD ASSESSMENT

A field assessment of the property was completed by two Qualified Environmental Professionals (QEP) from Corvidae. The assessment included characterization of the marine and terrestrial environments onsite, including vegetation and habitat types, wildlife sign and species observations, wildlife habitat, and assessed the current conditions of the property.



4 ENVIRONMENTAL SITE ASSESSMENT

Corvidae completed a site visit on June 10, 2022. Site photos are included in Appendix A.

4.1 LAND USE

Historically, the island has been used as an ancestral burial ground. More recently, the island has been used as a recreational dwelling with small building being constructed to the northeast and central areas of the island.

4.2 CLIMATE AND BIOGEOCLIMATIC ZONE

The project is located within the Coastal Douglas-fir (CDF) biogeoclimatic zone, specifically in the Moist Maritime Coastal Douglas-fir Subzone (CDFmm) (BC CDC 2022b). The CDFmm occurs at low elevations (<150 m) along southeast Vancouver Island, the southern Gulf Islands, and part of the Sunshine Coast. The CDFmm has the mildest climate in Canada. This subzone has a long growing season with warm, dry summers and mild, wet winters.

4.3 TERRAIN AND SOILS

Soils in the CDF biogeoclimatic zone are generally derived from morainal, colluvial, and marine deposits, and are typically Brunisols, grading with increased precipitation to Humo-Ferric Podzols (Nuszdorfer et al. 1991). From the center of the property the terrain slopes down in all directions to a rocky shoreline, with the exception of a sandy beach area to the northeast. The foreshore area on northern protrusion (ancestral burial ground) is eroding and exposing human remains. This area will need to be armored to ensure that the soil in this area does not complete slump into the ocean.

4.4 VEGETATION

Dry forests in the CDFmm zone are typically dominated by Douglas-fir (*Pseudotsuga menziesii*), arbutus (*Arbutus menziesii*), and western redcedar (*Thuja plicata*). Grand fir (*Abies grandis*) and shore pine (*Pinus contorta* var. *contorta*) may also be present. Salal (*Gaultheria shallon*), dull Oregon-grape (*Mahonia nervosa*), ocean spray (*Holodiscus discolor*), baldhip rose (*Rosa gymnocarpa*), and red huckleberry (*Vaccinium parvifolium*) are common in the shrub layer. Bracken fern (*Pteridium aquilinum*), snowberry (*Symphoricarpos albus*), grasses, and pacific sanicle (*Sanicula crassicaulis*) are common in the herb layer. Oregon beaked-moss (*Eurhynchium oreganum*), step moss (*Hylocomium splendens*), and electrified cat's-tail moss (*Rhytidiadelphus triquetrus*) dominate the well-developed moss layer (Nuszdorfer et al. 1991).

The property remains forested with three dominate forest types on the island. The southern and southwestern extents of the island are dominated by a thicket of wind swept Garry oaks with an understory of grasses and shrubs. As you move north, the Garry oak thins, with the central and central eastern portion of the island being dominated with low lying shrubs, grasses, lichen and mosses. As you continue north, the understory becomes dense with herbaceous vegetation, dense shrubs and a canopy of large Douglas firs and arbutus.

Some weedy (exotic) vegetation has been introduced onto the island from previous development but has not taken over any area of the island. During the site assessment the species in Table 1 were found



on the site. One invasive species were observed; English holly is listed as “Control” under the Coastal Invasive Species Committee. They recommend that for species listed under “Control” focus control measures in high value conservation areas; and use Biological Control, if available, on a landscape scale (Coastal ISC 2021). Measures to remove and prevent invasive species are provided in Section 6.

Table 1. Plant species observed on site during field visit on June 10, 2022

Common Name	Scientific Name	BC Provincial Status ¹	SARA Schedule 1 Status ²
Arbutus	<i>Arbutus menziesii</i>	Yellow	--
Alaska brome	<i>Bromus sitchensis</i>	Yellow	--
American wild carrot	<i>Daucus pusillus</i>	Yellow	--
Baldhip rose	<i>Rosa gymnocarpa</i>	Yellow	--
Broad-leaved stonecrop	<i>Sedum spathulifolium</i>	Yellow	--
Broom moss	<i>Dicranum scoparium</i>	Yellow	--
Bull kelp	<i>Nereocystis luetkeana</i>	--	--
Cleavers	<i>Galium aparine</i>	Yellow	--
Common privet	<i>Ligustrum vulgare</i>	Exotic	--
Common snowberry	<i>Symphoricarpos albus</i>	Yellow	--
Douglas-fir	<i>Pseudotsuga menziesii</i>	Yellow	--
Dovefoot geranium	<i>Geranium molle</i>	Exotic	--
Dull Oregon-grape	<i>Berberis nervosa</i>	Yellow	--
English holly	<i>Ilex aquifolium</i>	Invasive; Exotic	--
European searocket	<i>Cakile maritima ssp. maritima</i>	Exotic	--
Evergreen huckleberry	<i>Vaccinium ovatum</i>	Yellow	--
Garry oak	<i>Quercus garryana</i>	Yellow	--
Hairgrass	<i>Deschampsia sp.</i>	--	--
Hairy honeysuckle	<i>Lonicera hispidula</i>	Yellow	--
Matted field chickweed	<i>Cerastium arvense ssp. strictum</i>	Yellow	--
Meadow death-camas	<i>Toxicoscordion venenosum var. venenosum</i>	Yellow	--
Nodding onion	<i>Allium cernuum</i>	Yellow	--
Oceanspray	<i>Holodiscus discolor var. discolor</i>	Yellow	--
Orchard grass	<i>Dactylis glomerata</i>	Exotic	--
Oregon gumweed	<i>Grindelia stricta</i>	Yellow	--
Pacific sanicle	<i>Sanicula crassicaulis</i>	Yellow	--
Pearly everlasting	<i>Anaphalis margaritacea</i>	Yellow	--
Purple dead-nettle	<i>Lamium purpureum</i>	Exotic	--
Red raspberry	<i>Rubus idaeus</i>	Yellow	--
Rock weed	<i>Fucus distichus</i>	--	--
Saskatoon	<i>Amelanchier alnifolia</i>	Yellow	--
Scouler's willow	<i>Salix scouleriana</i>	Yellow	--
Small-flowered catchfly	<i>Silene gallica</i>	Exotic	--



Common Name	Scientific Name	BC Provincial Status ¹	SARA Schedule 1 Status ²
Small-flowered paintbrush	<i>Castilleja parviflora</i>	Yellow	--
Soft Brome	<i>Bromus hordeaceus</i>	Exotic	--
Sword fern	<i>Polystichum munitum</i>	Yellow	--
Tufted vetch	<i>Vicia cracca ssp. cracca</i>	Exotic	--
Yarrow	<i>Achillea millefolium</i>	Exotic	--

¹ BC CDC 2022a

² Government of Canada 2022

4.5 WILDLIFE

The trees on the property provide nesting and roosting habitat for birds, including migratory songbirds, year-round resident species, raptors, and owls. Many sparrows and other songs birds were observed in the Garry oak thickets to the west. The shrubby understory provides cover and nesting habitat for birds and small mammals. A black oyster catcher nest was found within the eastern seawall adjacent to the beach area, and it is assumed that white crowned sparrows were nesting in the Garry oaks to the west, as their behavior would suggest they were rearing young. There is also large Douglas fir snag in the central area of the island that could be utilized by wildlife.

All nests observed must be inactive before the commencement of work on the seawall. It is assumed that all birds in the observed nests from the June 10 site visit will have fledged before the commencement of work on the seawall. Any clearing of vegetation or disturbance of the shoreline must occur outside the migratory bird window or a nest sweet must be completed.

During the site assessment the species in Table 2 were observed on or near the property.

Table 2. Wildlife Species observed on site during field visit on June 10, 2022

Common Name	Scientific Name	BC Provincial Status ¹	SARA Schedule 1 Status ²
Northwestern crow	<i>Corvus caurinus</i>	Yellow	--
American robin	<i>Turdus migratorius</i>	Yellow	--
Canada goose	<i>Branta canadensis</i>	Yellow	--
North American River Otter (sign)	<i>Lontra canadensis</i>	Yellow	--
Black oystercatcher	<i>Haematopus bachmani</i>	Yellow	--
Gull sp.	<i>Larus sp.</i>	--	--
Great blue heron, <i>fannini</i> subspecies	<i>Ardea Herodias fannini</i>	Blue	--
Pacific Loon	<i>Gavia pacifica</i>	Yellow	--
White-crowned sparrow	<i>Zonotrichia leucophrys</i>	Yellow	--
Song Sparrow	<i>Melospiza melodia</i>	Yellow	--
Spotted towhee	<i>Pipilo maculatus</i>	Yellow	--

¹ BC CDC 2022a

² Government of Canada 2022

4.6 SPECIES AT RISK

No species or ecosystems at risk occurrences overlap the property (BC CDC 2022b). A query of the BC CDC iMap tool yielded two occurrences of the Douglas-fir / dull Oregon-grape ecosystem (*Pseudotsuga*



menziesii / *Mahonia nervosa*) within a two-kilometer radius of the property (BC CDC 2022b) (Figure 3). This ecosystem was not detected during the field assessment.

CRITICAL HABITAT

The property falls within a large polygon that reflects mapped, proposed critical habitat for Marbled Murrelet (*Brachyramphus marmoratus*). (Province of BC 2022b). Marbled murrelets are unlikely to occupy the Site for nesting purposes as this species typically nest on large, mossy limbs in the canopy of large conifers in old-growth forest within 50 km of the ocean (Environment and Climate Change Canada 2021). Old growth forest is not present on the Site. Note, critical habitat mapping is done at a high level to indicate areas in which the biophysical attributes of critical habitat are known to or may occur. It is possible that they may utilize the waters surrounding the island for foraging.

4.7 SHORELINE AND FORESHORE AREA

The shoreline on the property consists sloping bedrock, with the exception of a small sandy beach area to the northeast. Large areas of rock, with mats of rockweed are exposed at low tides. A rip-rap break water has been constructed adjacent to the beach area, and a small rock retaining wall. Another small rock retaining wall has been constructed to the west along the shoreline, which leads to a rock staircase and trail to the cabin and old brick foundation.

The change in tide is causing erosion along shoreline of the northern protrusion and ancient burial ground. The soils in this are supported by small shrubs and a Garry oak, but the constant fluctuation, and battering of sea water has caused significant scouring in this area exposing human remains. Armoring of this area is needed to protect the ancient remains, ensuring that the entire area does not slump into the ocean overtime.



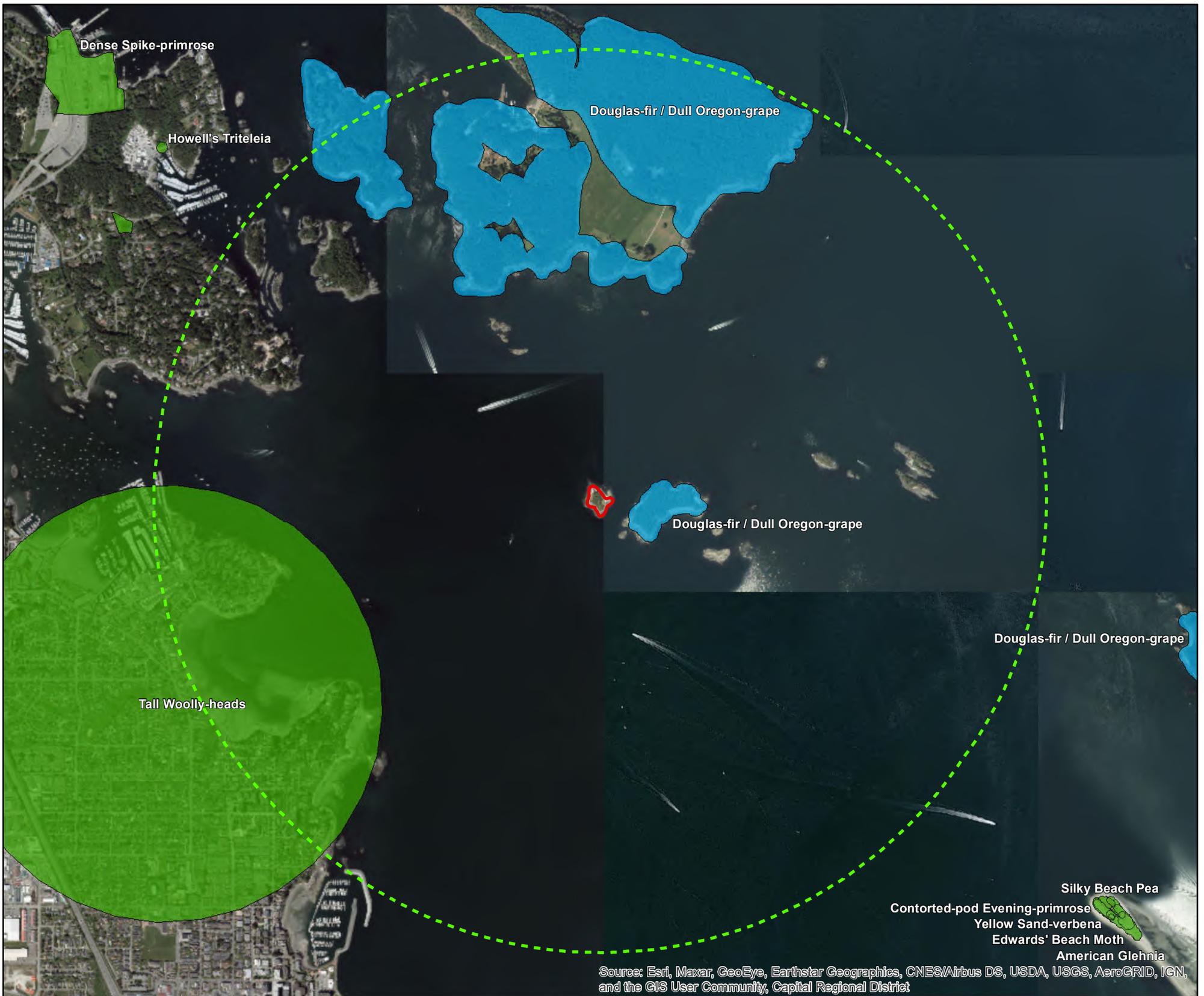


Figure 3 - Potential Species at Risk Occurrences within 2 km of the Property

- Little Shell Island
- 2 km area around property boundary
- Ecological Community
- Vascular Plant

0 500 1,000 2,000 Meters

Project: Little Shell Island | Source: Capital Regional District, DataBC



CORVIDAE
ENVIRONMENTAL CONSULTING INC

Corvidae Project No.
COR-2022-108

Rev. #	Date
0	July 10, 2022

Figure 3 66

5 POTENTIAL ENVIRONMENTAL EFFECTS

The potential impacts of the proposed development of the property on the environment are:

- Impacts on sensitive ecosystem areas, such as the marine environment.
- Alternation of vegetation and spread of invasive plant species.
- Change in wildlife habitat availability and wildlife mortality risk.
- Sediment movement in the project area.

The residual environmental impacts of the activities on the property will be reduced by the implementation of the mitigation and restoration measures recommended in Section 6 of this report.

VEGETATION

The effects of tree and vegetation removal may include loss of biodiversity of plant species and increased susceptibility to invasive plants not only in the cleared area but also in adjacent plant communities. Vegetation immediately adjacent to cleared areas may experience changes to the canopy structure and understory plant species due to windthrow and increased light and moisture penetration.

INVASIVE SPECIES

Invasive plants are particularly adept at colonizing degraded plant communities and disturbed soils. Invasive plants establish readily in disturbed areas as they have a wide ecological tolerance and grow and propagate quickly. The effects of invasive plant establishment may be the reduction or displacement native species by capturing resources and occupying habitats.

WILDLIFE AND WILDLIFE HABITAT

Habitat loss and alteration from vegetation clearing can cause displacement of wildlife, use of less suitable habitat, reduced foraging ability, increased energy expenditure and lower reproductive success. Reduced habitat effectiveness can occur as a result from the creation of habitat edges and the introduction of buildings with many windows into previously unused spaces can increase mortality risk for birds. This island is a sanctuary for marine and shore birds due to being isolated from larger lands.

MARINE FORESHORE AND UPLAND HABITAT

The removal of trees and vegetation in the foreshore area results in the loss of features, functions and conditions that are vital for maintaining shoreline stability. Vegetation in the foreshore area controls surface water run-off from the upland areas, preventing excessive silt and surface run-off pollution from entering the marine environment.

EROSION AND SEDIMENT

Removal of vegetation and ground disturbance may expose soils to erosion and can result in the movement of sediment on the property and into the marine environment. Damage or degradation of soil surfaces during construction can include loss of soil structure, increased erosion, and soil compaction which can negatively affect post-construction reclamation efforts.



6 RECOMMENDED ENVIRONMENTAL PROTECTION MEASURES

The mitigation measures provided in this report are designed to protect sensitive ecosystems and were developed in accordance with:

- North Pender Associated Islands OCP Bylaw No. 147 (Islands Trust 2002).
- Procedures for Mitigating Impacts on Environmental Values (Environmental Mitigation Procedures) (BC Ministry of Environment [MOE] 2014a),
- Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia (Government of BC 2014), and
- Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (BC Ministry of Water, Land and Air Protection 2004),
- Green Shores Program ([Green Shores Home - Stewardship Centre for BC \(stewardshipcentrebc.ca\)](http://www.green-shores.ca)).

PROTECTION OF THE MARINE FORESHORE

Construction of a seawall is needed to protect the foreshore environment from erosion. Currently, the shoreline of the northern protrusion is being eroded and has significant scouring and soil movement into the marine environment. Because of this, a boulder stacked seawall is to be constructed at a height of 1.5 m and backfilled with free draining material, all above the high tide line (Present Natural Boundary). A matt of medium weight non-woven geo-textile filter fabric is to be placed along the existing shoreline to help secure the existing soils and reduce sediment movement.

It is recommended that the construction of the seawall be completed at low tide to reduce the movement of sediments into the ocean, and straw wattles be temporarily placed on the bedrock below the work area to capture sediment. Native vegetation will be planted on top of the free draining backfill. A layer of topsoil will have to be placed on top of the backfill at a minimum depth of 15 cm in order for the native vegetation to establish. This topsoil must be sourced from reputable vendor that sells certified weed free topsoil mixes. This could be a compost, which would be cooked to kill any weed seeds; one recommended source is Peninsula Landscape Supplies (<https://www.peninsulalandscape.com>). A list of the recommended vegetation to plant are provided in Table 5.

VEGETATION

It is recommended that areas disturbed by project construction or activities that are not part of the permanent footprint be replanted with native vegetation. Overall plant density should be approximately one plant per 1 m² of disturbed space. The purpose of using native species is to reduce irrigation maintenance in the future. The optimal time for revegetation is in the fall, prior to the wet winter season. However, planting at any time of the year (with irrigation as needed) is acceptable to prevent invasive species. The native species recommended will aid in soil stabilization and have been identified on the island.

The western and southwestern foreshore area dominated by Garry oaks should be protected, as this area is considered a sensitive Garry oak meadow. The development of the seawall will not encroach into this area, but the development of the home may encroach into this area. More detail will be added



surrounding the protections of this area in the second version of the report for the future proposed dwelling.

Table 3. Recommended native plant species to plant in the riparian area

Common Name	Scientific Name	
Baldhip Rose	<i>Rosa gymnocarpa</i>	~ 1.5 m tall; deciduous shrub with small pink flowers; spreads readily by underground runners.
Evergreen huckleberry	<i>Vaccinium ovatum</i>	0.5-3 m tall shrub; shade tolerant; thrives on wet coastlines
Snowberry	<i>Symphoricarpus albus</i>	~ 0.5 – 2 m tall shrub, drought tolerant; excellent soil-binding characteristics
Sword fern	<i>Polystichum munitum</i>	~ 1.5 m tall; evergreen; grows in sun to shade; drought tolerant; easy to grow

INVASIVE SPECIES

Invasive weed control is difficult for established populations. Currently there is only English holly on the island. When accessing the island, all equipment must be cleaned (all soil removed from treads and washed) prior to accessing the island to avoid introducing weed species to this unique habitat.

Species should be removed using the most appropriate methods, at the correct time of year, and plant material must be disposed of correctly to avoid re-establishment or spread. Following removal, re-seed bare soil with desirable, competing vegetation. For some species, chemical control is possible but not recommended due to the sensitive marine ecosystem adjacent to the property. Details of removal methods for the invasive species on the properties are below in Table 6.

Table 4. Removal and disposal methods for invasive species

Species	Removal Method	Removal Timing	Plant Disposal
English Holly	English holly can be removed by hand pulling small seedlings or cutting mature trees at ground level removing all plant material.	Removal is best done before flowering to eliminate seed production.	Bagged and disposed of properly in a landfill. Do not 'recycle' garden debris or compost.

Mitigation measures to control and minimize the spread of invasive weeds on the site include:

- Clean all machinery before arrival onto the site to ensure that more weed seeds and other propagules (e.g. pieces of root) are not brought into the project area.
- Use available fill and soil from on site where possible. If fill or topsoil is imported from external areas, ensure that it is from a weed-free source.

Areas that have been highly disturbed due to development may be seeded with a native clover or seed mix to compete with weed species, fix nitrogen and provide soil stabilization. And then replanted with native vegetation after establishment of completion of work.

WILDLIFE AND WILDLIFE HABITAT

Mitigation measures to minimize impacts on wildlife and wildlife habitat include:

- Due to the isolated aspects of the island, it is abundant with marine birds. For this reason, Corvidae recommends no dogs on the island.



- Avoid or minimize the removal of established trees and shrubs, where possible. The largest trees were identified and are marked on Figure 1 and should remain in place.
- Vegetation alteration or danger tree removal should be completed outside of the migratory bird window (early-March to end of August; Government of Canada 2022).
- If vegetation clearing is scheduled within the sensitive time period for breeding birds, a QEP should conduct nest search surveys a maximum of 5 days prior to the start of activities. If an active nest is discovered during nest search or trail building activities, the nest will be subject to site-specific mitigation measures (e.g. protective buffer around the nest or unobtrusive monitoring) until the young have naturally fledged/left the area.

EROSION AND SEDIMENT CONTROL

The primary focus of erosion and sediment control planning is erosion control; if there is no erosion then there is no sediment. Erosion control is far more cost effective to implement and manage than sediment control.

Mitigation options to minimize the potential effects of the project on the natural environment include:

- During construction of the seawall, install straw wattles downslope from the seawall construction areas of the shoreline slope.
- Regularly inspect and maintain the erosion and sediment control measures (wattles) during all activities.
- Keep the erosion and sediment control measures in place until all disturbed ground has been permanently stabilized with native plant revegetation. Following planting, remove the wattles.
- Heed weather advisories and scheduling work to avoid wet, windy and rainy periods that may result in high flow volumes and/ or increase erosion and sedimentation.
- Minimize amount of time soils are exposed by seeding and planting as soon as disturbance is complete. Cover exposed soil areas with tarps if for a prolonged period or during rainfall events.

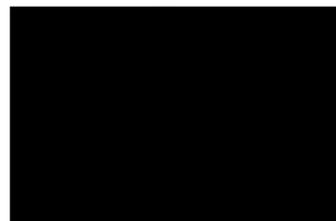
7 CONCLUSION

The potential environmental impacts of the proposed burial protection project on Little Shell Island have been presented in this report. As development plans progress, implementation of the mitigation and restoration measures recommended in this report, including erosion and sediment controls during construction, planting of native vegetation, and securing the soils and foreshore environment will minimize the impacts of future proposed development on the environment.

Report Prepared By:



Brent Rutley, P. Biol, B.Sc.,
Environmental Biologist



Julie Budgen, R.P.Bio., B.Sc.,
Senior Environmental Planner



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APPENDIX A – SITE PHOTOGRAPHS

Photo 1. View looking south at Little Shell Island. June 10, 2022.



Photo 2. View looking south at the western shore at low tide. July 10, 2022.



Photo 3. View looking northeast at the western eroding shoreline of the northern protrusion and ancient burial site (arrow shows eroding/burial area). June 10, 2022.



Photo 4. View looking north at the eastern eroding shoreline of the northern protrusion and ancient burial site. June 10, 2022.



Photo 5. View looking southwest at the beach shack and sandy beach area. June 10, 2022.



Photo 6. View looking north at the rip-rap breakwater and seawall adjacent to the beach area. June 10, 2022.



Photo 7. View of the old brick foundation. June 10, 2022.



Photo 8. View looking south at the cabin. June 10, 2022.



Photo 9. View of the eastern transitional meadow area. June 10, 2022.



Photo 10. View of the western garry oak thicket, June 10, 2022.



Photo 11. View looking south at the northern forested area. June 10, 2022.



Photo 12. View looking east at the western seawall and stone staircase. June 10, 2022.



APPENDIX B – GEOTECHNICAL REPORT

Removed - see Attachment 3



Attachment 6



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT NP-DP-2022.3

To: Brad and Marion Miller
c/o Paul Churchill-Brown

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

THAT PART OF SECTION 91, VICTORIA DISTRICT, BEING THE SMALLER OF TWO ISLANDS COMPRISING SAID SECTION AND KNOWN AS LITTLE SHELL ISLAND (PID: 002-869-942)

2. Whereas the subject property as described above lies within "Shoreline Development Permit Area" (DPA) as designated in the North Pender Associated Islands OCP Bylaw No. 147, 2002 ('OCP'), this development permit NP-DP-2022.3 authorizes the construction of a seawall (a revetment structure for protection of an ancestral burial site) and restoration planting on the area of land and Crown foreshore identified on Schedule 'A' in accordance with with Schedules 'A', 'B' 'C' and 'D', attached to and forming part of this permit.
3. The Permit is subject to the following conditions:
 - 3.1 Compliance with Section 5.15 of the North Pender Associated Islands Land Use Bylaw No. 148, 2002, specifically:
 - 3.1.1 The total linear extent of all seawalls adjacent to the island shall not exceed 50 metres (164 feet); and,
 - 3.1.2 The maximum height of any seawall shall not exceed 2 metres (6 feet) above high-high tide
 - 3.2 Construction of the seawall, including any land alteration, shall comply with the recommendations within the geological assessment report entitled "Proposed Shoreline Protection, Little Shell Island" (Laura Lessingham, P.Geo., Ryzuk Geotechnical, June 9, 2022), attached to and forming part of this permit as **Schedule 'B'**.
 - 3.3 Restoration planting, including any land alteration, shall comply with the recommendations within the excerpted portions of the environmental assessment report entitled "Environmental Assessment for Little Shell Island Burial Ground Protection" (B. Rutley, P. Biol., B.Sc. and J. Budgen, R.P. Bio., Corvidae Environmental Consulting Inc., July 2022), attached to and forming part of this permit as **Schedule 'C'**.

4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
5. The area described herein shall be developed substantively in accordance with the terms, conditions and provisions of this Permit, and any plans, reports and specifications attached to this Permit, which shall form a part thereof.
6. This permit does not relieve the applicant from complying with the provisions of the North Pender Associated Islands Land Use Bylaw No. 148, 2002 nor from acquiring required approvals from other agencies including, but not limited to, the Ministry of Lands, Water and Resource Stewardship and the Department of Fisheries and Oceans.

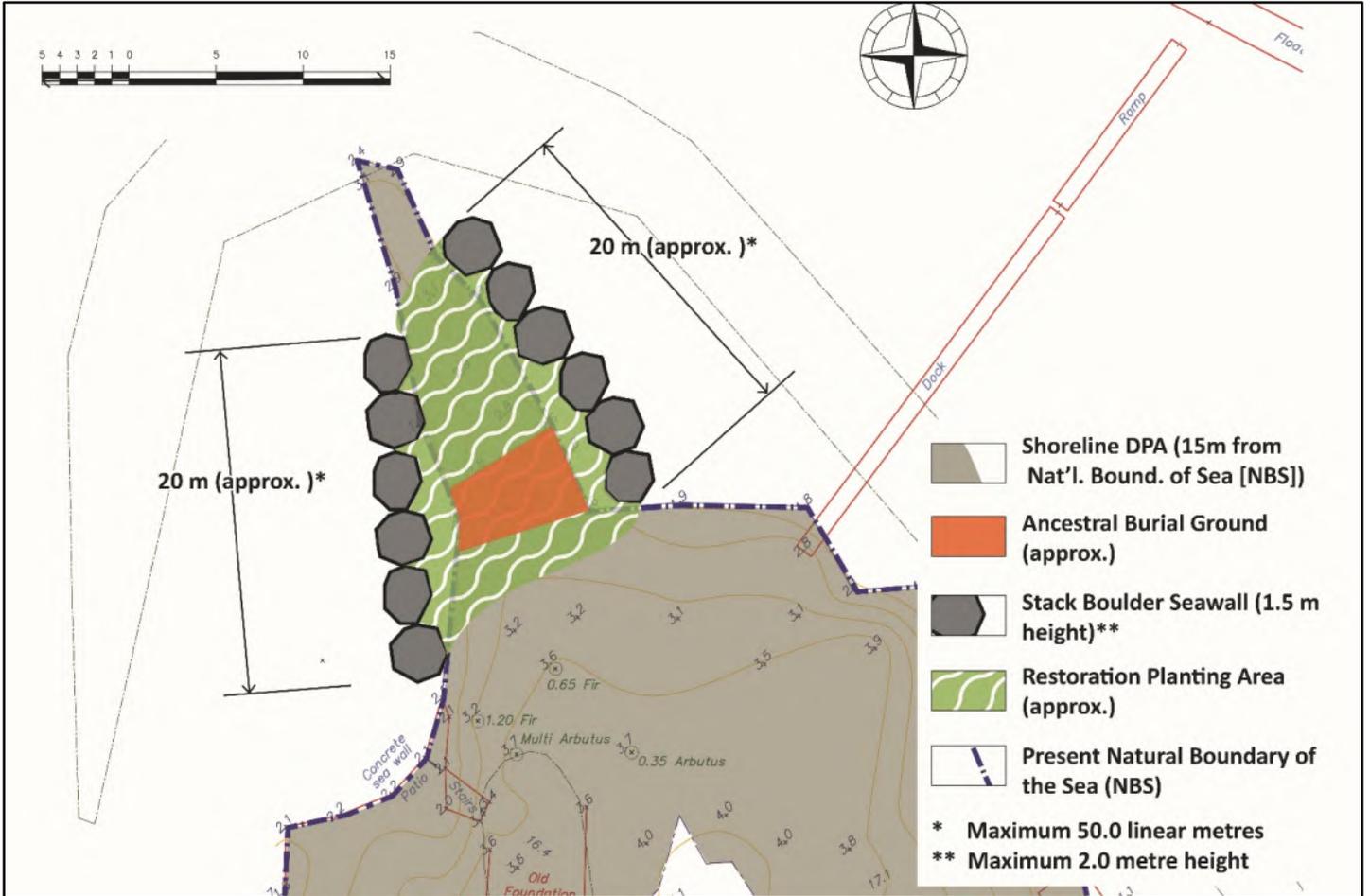
AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, THIS ##TH DAY OF MONTH, 202#.

Deputy Secretary, Islands Trust

Date Issued

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

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2022.3
Schedule 'A'
Site Plan**



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2022.3
Schedule 'B'
Geological Assessment Report**



RYZUK GEOTECHNICAL

Engineering & Materials Testing

6-40 Cadillac Ave, Victoria, BC, V8Z 1T2 Tel: 250-475-3131 E-mail: mail@ryzuk.com www.ryzuk.com

June 9, 2022
File No: 11187-1

Brad Miller
2200-1710 Bayshore Drive
Vancouver, BC
V6G 3G4

Attn: Paul Churchill-Browne, Owner's Agent (By E-mail: paul.cb@advanctecglobal.com)

Re: Proposed Shoreline Protection
Little Shell Island, BC

As requested, we attended the referenced site on May 17, 2022, to review the existing shoreline conditions as such relate to the proposed protection measures. We understand that the site is located within a Shoreline Development Permit Area as per Islands Trust "North Pender Associated Islands Official Community Plan Bylaw No. 147" (2002), and that proposed works will need to meet the associated guidelines. Our related comments and recommendations for construction of shoreline protection works are provided herein. Our work has been undertaken in accordance with, and is subject to, the previously accepted Terms of Engagement.

Little Shell Island is a small private island of approximately 1 acre (0.4 hectares), located approximately 1.5 km off the northeast coast of Sidney, BC. The island is shown on the attached survey plan by Wey Mayenburg Land Surveying Inc., dated July 16, 2021. It is approximately diamond shaped, comprising a small landform controlled by outcropping bedrock. It is accessed by an existing dock on the northeast side, and has been subject to minor development in the past, including a small beach hut, a bunk house, and localized seawalls on small lengths of the east and west sides. The subject of our assessment was the narrow protrusion of land at the north end of the island, where we understand ancestral human remains have been discovered. The purpose of the current works is to protect these remains, and we understand that an Alteration Permit has been issued by the Ministry of Forests, Lands and Natural Resource Operations through the Heritage Conservation Act, to proceed with such. We understand works will also be done in consultation with the Tsawout First Nation, who will be present throughout the work.

Our review has consisted of a reconnaissance and visual geotechnical assessment of the noted area in the north of the island. From our observations, the shoreline is generally dominated by bedrock outcrop, which consists of a granodiorite presumed to be of the Lower to Middle Jurassic Island Intrusions (Geological Survey of Canada Map 1553A). The rock profile varies in height along the shoreline and the bank above/behind, generally rising between 1-2 m above the beach at most and being below the beach level in others. Within the shoreline bank, soil is present atop the rock in a

layer of variable thickness, the base of which is present at/near the high tide line in the areas proposed for protection. The soil was observed to consist of a dark brown silty/sandy/gravelly and organic deposit of anthropogenic origin, within which the noted remains were observed. The height of the bank along the shoreline in the location of the remains was generally 1 m. Representative photos are attached below. Atop the bank, the land was generally vegetated with grass and native shrubs. Where sediments are present upon the beach, such were observed to consist of a thin, discontinuous layer comprising a mix of shells, sand, and gravel. A small test hole advanced by hand encountered native clay beneath the beach deposit. We expect this is likely present as a limited, intermittent pocket atop the bedrock.



Photos showing the shoreline conditions including erosional scarp at the south of the west side (left) and north (right).

Based on our visual assessment, it is evident that this area of the shoreline has experienced erosion of soils and potentially of existing remains, as a result of tidal action and wave wash. High tide/winter storms in particular tend to have the greatest erosional impact on such areas, when wave influence extends higher than typical and stronger wave energies are experienced. We expect the main contributor is northwesterly storms, and we observed large log debris on the beach, particularly on the west side of the protrusion, which are also associated with such events. If this area remains unprotected we expect that erosion will continue to occur and that substantial additional loss could be experienced in the coming winter. It is therefore recommended that protection works be installed as soon as possible, this summer.

We understand that Development Permit requirements for the proposed works fall under the jurisdiction of Islands Trust, specifically governed by the North Pender Island Local Trust Committee Bylaw No. 147 which is the Official Community Plan for the North Pender Associated Islands. The site is located within 701 Shoreline Development Permit Area. Guideline 6 within the bylaw specifically discusses shoreline stabilization, which “should be limited to that necessary to prevent damage to existing structures, uses or features.” We understand that the existing remains fall within this description and therefore propose a boulder stacked revetment to provide sufficient protection and to prevent future erosion and loss of such. We do not consider vegetative stabilization

alone to be sufficient in this location, as it appears that any previously existing vegetation upon the noted slope face has been lost to coastal erosion. However, it is recommended that vegetation be incorporated atop/behind the revetment to provide some protection against erosion due to occasional overtopping, erosion due to runoff, and for habitat restoration.

As discussed and measured on site, the revetment would consist of a boulder stacked seawall up to 1.5 m high and approximately 18 to 22 m in length on each side of the noted shoreline, located as generally shown on the attached Location Plan. The wall would be located 2-3 m horizontal distance from the existing shoreline, and would curve toward the shoreline at each end and tie into the outcropping bedrock. We expect that such will encroach beyond the Present Natural Boundary (PNB) and associated coordination of Crown foreshore lease permits, if/as required, will be the responsibility of others.

The seawall should consist of large, sound boulders of minimum 1.2 m diameter, placed directly upon the bedrock or keyed sufficiently into native soils (if/where present) to protect against long term erosion and undermining. An embedment of 0.5 m below the base of the mobile beach deposit is typically recommended but may not be feasible as limited soil thickness is anticipated. Given the sloping nature of the bedrock, it is recommended that boulders are field fit into the natural steps in the rock profile, to prevent sliding. Dowelling may be recommended at the time of construction if potential sliding is of concern, and would depend on the site specific placement of boulders at the time of construction. The drawing Typical Stacked Boulder Section shows the proposed wall and specifications.

Behind the boulder stack, we recommend the existing bank be draped with a medium-weight non-woven filter fabric to prevent migration of materials into the granular backfill zone. Backfill should consist of a 10kg class riprap as per the specifications, or an approved alternate blasted/crushed rock product. It is critical that the backfill material is of appropriate size to prevent erosion/loss through the voids in the face of the boulder stack, which can compromise the wall stability.

Site access to complete the work would be by barge and works would be completed from the beach without disturbance to the ancestral remains. All work should be completed in accordance with the Department of Fisheries and Oceans' Standards and Codes of Practice for Projects Near Water, which is available online. Standard precautions include avoiding unnecessary disturbance to the foreshore area, and the use of silt abatement protection when necessary. Work should be suspended in periods of high tide and/or intense rain events.

The works, being located on the shoreline, will be subject to dynamic forces by nature of their location, including tidal action, storms, and the effects of climate change and future sea level rise, including more frequent storms of greater intensity. Accordingly, it should be noted that maintenance/repairs should be anticipated at some point in the future, such as replacing/repairing boulders and/or backfill materials that have shifted or eroded.

Based on the above, and considering that the adjacent shoreline and much of the beach is comprised of outcropping bedrock, it is our opinion that the proposed works can be carried out without significant or long term adverse impacts to slope stability or the marine foreshore from a geotechnical perspective. Given the works will encroach onto the beach, minor adjustments can be expected as the shoreline adjusts.

We trust the preceding is suitable for your purposes at present. If you have any questions, or require anything further, please do not hesitate to contact us.

Sincerely,
Ryzuk Geotechnical



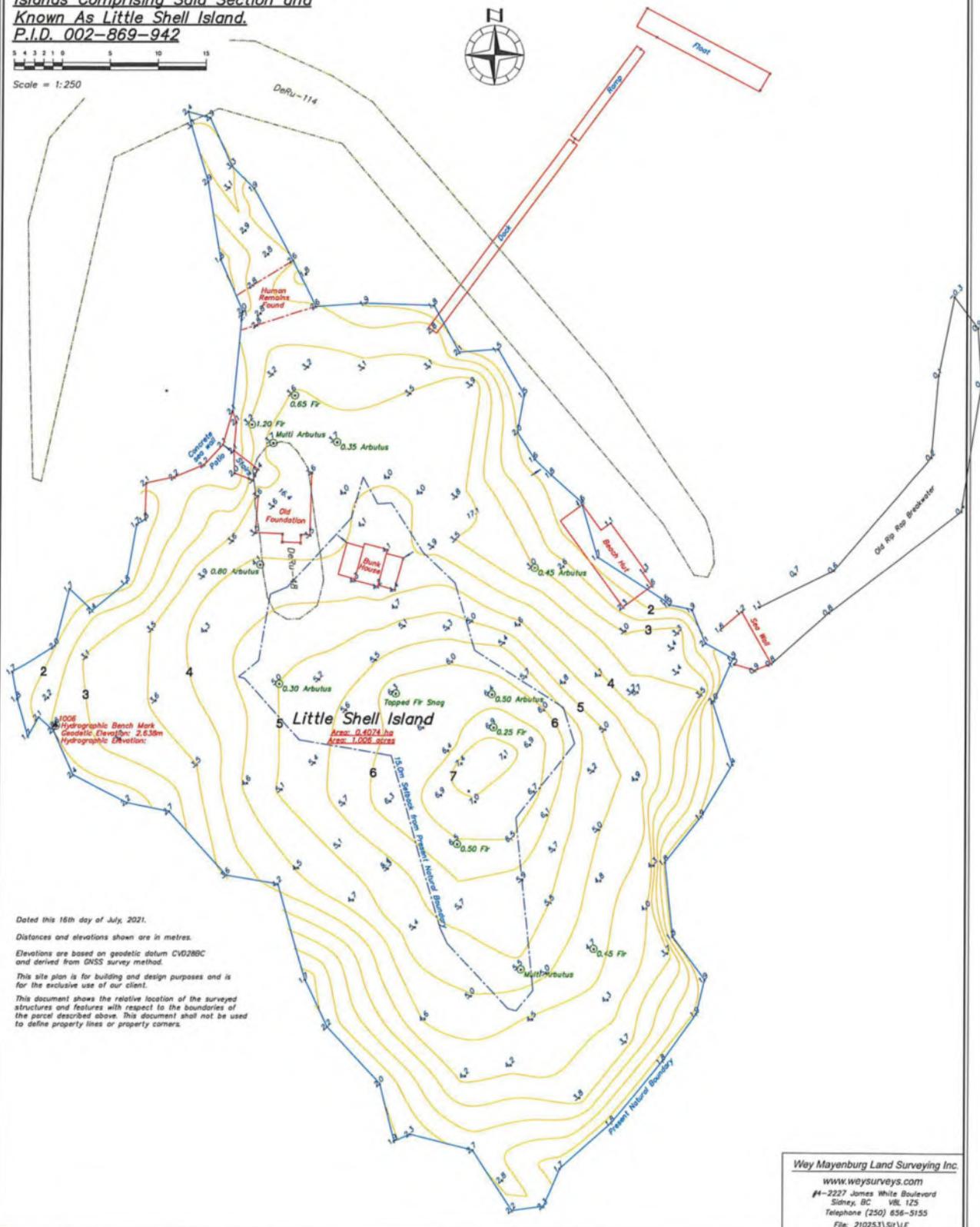
Laura Lessingham, P. Geo.
Lead Geoscientist

- Attachments:
- Site Plan of That Part of Section 91, Victoria District, Being the Smaller of Two Islands Comprising Said Section and Known As Little Shell Island, P.I.D. 002-869-942, Wey Mayenburg Land Surveying Inc., dated July 16, 2021
 - Location Plan drawing Sheet 1 of 2
 - Typical Stacked Boulder Section drawing Sheet 2 of 2

**Site Plan of That Part of Section 91,
Victoria District, Being the Smaller of Two
Islands Comprising Said Section and
Known As Little Shell Island.
P.I.D. 002-869-942**



Scale = 1:250



Dated this 16th day of July, 2021.

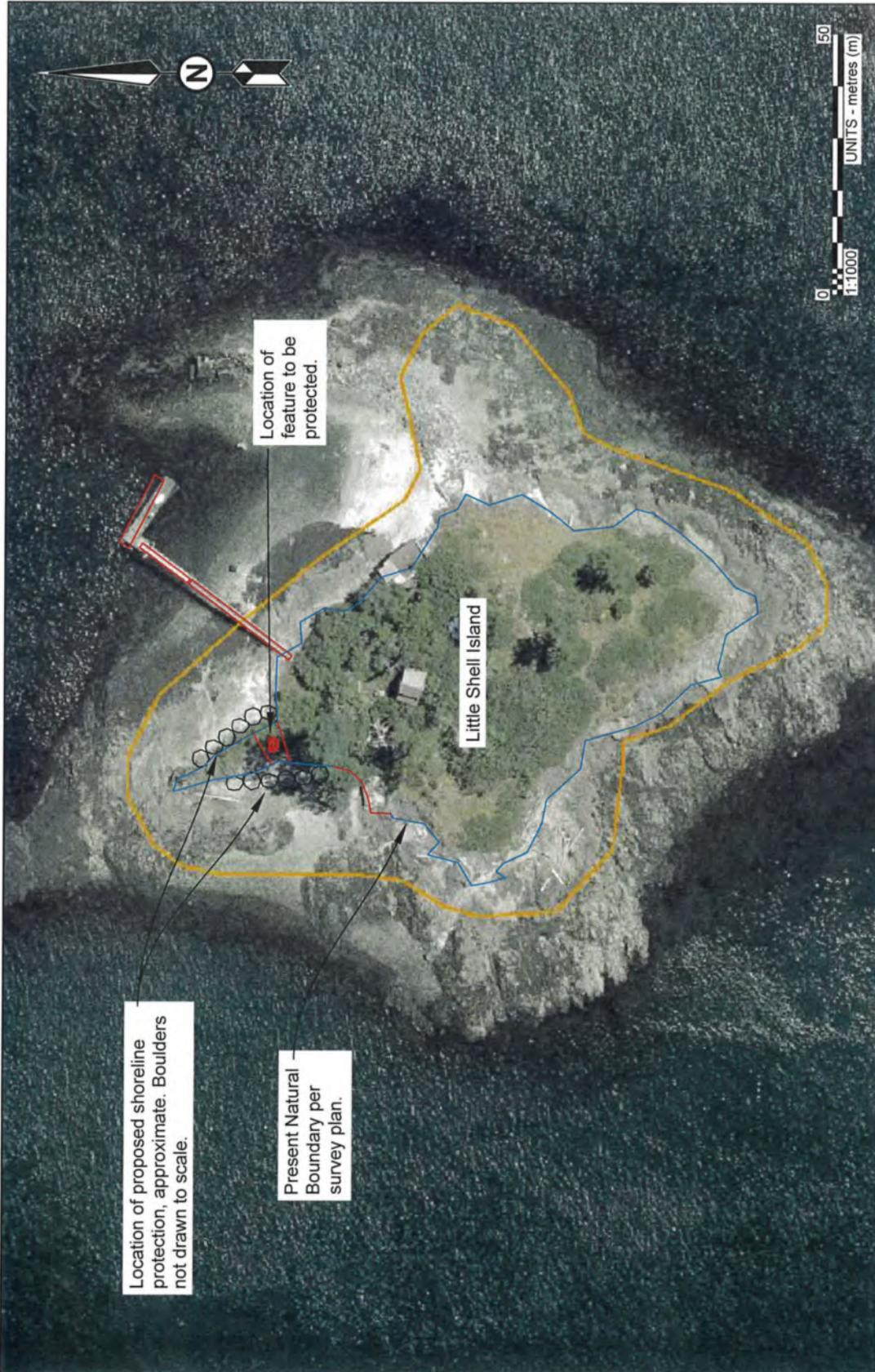
Distances and elevations shown are in metres.

Elevations are based on geodetic datum CVD28BC and derived from GNSS survey method.

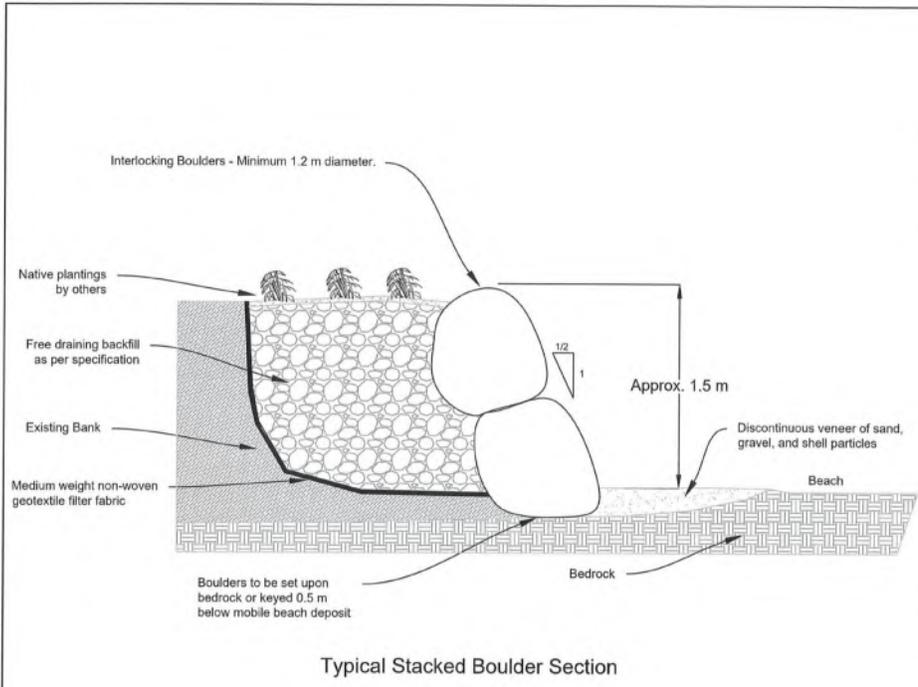
This site plan is for building and design purposes and is for the exclusive use of our client.

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

Wey Mayenburg Land Surveying Inc.
www.weysurveys.com
#4-2227 James White Boulevard
Sidney, BC V8L 1Z5
Telephone (250) 656-5155
File: 2102531_S17\LE



NOTES 1. Location of present natural boundary, human remains, and dock are from Wey Mayenburg's Site Plan of July 16, 2021. 2. Overlay on aerial imagery is approximate. Aerial imagery from the CRD Regional Atlas, 2021.	 28 CREASE AVENUE - VICTORIA, BC V8Z 1S3 TEL: 250-475-3131 FAX: 250-475-3611 mail@ryzuk.com	DRAWN BY: BB PROJECT MANAGER: LBL REVIEW: LBL SCALE: 1:1000 DATE: 2022/06/06	CLIENT: BRAD MILLER
			PROJECT TITLE: PROPOSED SHORELINE PROTECTION PROJECT ADDRESS: LITTLE SHELL ISLAND, BC DRAWING NAME: LOCATION PLAN PROJECT No.: 11187-1 SHEET No.: 01 of 2 REVISION: 0



Typical Stacked Boulder Section

Geotechnical Specifications

- The boulder stack protection is proposed to extend a distance of approximately 18 to 22 m on each side.
- Boulders should be placed in a manner to limit the size of the interstitial space (void) between the boulders.
- Boulders are to be laid with the largest dimension parallel to the wall face.
- Material Specifications:

Backing Layer: 10 Kg. Class Rip-Rap

Rock Gradation:

Percentage Larger Than Given Rock Mass		
85%	50%	15%
1 Kg	10 Kg	30 Kg

This indicates that 85% of the backing layer rock by mass will be larger than 1 Kg, 50% will be larger than 10 Kg, and 15% will be larger than 30 Kg. For visual comprehension only, the following indicates the approximate average dimension of an angular rock for each specified rock class mass.

1 Kg	10 Kg	30 Kg
60 mm	200 mm	310 mm

The mean rock diameter is therefore approximately 200 mm. The nominal thickness of backing layer as measured perpendicular to slope is to be a minimum 300 mm.

- The rocks generally shall be evenly graded about the stipulated sizes. Each individual rock shall have a thickness greater than one third their length, and none shall have a mass greater than five times that of the specified class mass. The rock is to be angular and consist of durable particles of igneous origin.
- Geotextile fabric to be non-woven medium weight filter fabric (Nillex 4551, Terrafix 360 R or equivalent).

NOTES
1. This drawing is for the intended use of the client for the specified project, and should not be used elsewhere without the express permission of Ryzuk Geotechnical.

REV.	DESCRIPTION	YY/MM/DD	BY
0	ISSUED WITH REPORT	22/06/08	LBL

RYZUK
ENGINEERING & MATERIALS TESTING

28 CREASE AVENUE - VICTORIA, BC V8Z 1S3
TEL: 250-475-3131 FAX: 250-475-3611
rhz@ryzuk.com

DESIGNED BY	BB	CHECKED BY	Brad Miller
PROJECT MANAGER	LBL	PROJECT TITLE	Proposed Shoreline Protection
REVIEW	LBL	PROJECT ADDRESS	Little Shell Island, BC
SCALE	1:25	DRAWING NAME	TYPICAL SECTION DETAIL STACKED BOULDER WALL
DATE	2022/06/08	PROJECT No.	11187-1
		DRAWN BY	2
		CHECKED BY	2
		APPROVED BY	0

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT 2022.3
Schedule 'C'
Excerpt from Environmental Assessment Report



excerpt from
ENVIRONMENTAL ASSESSMENT
FOR LITTLE SHELL ISLAND BURIAL GROUND
PROTECTION

PREPARED FOR:

NORTH PENDER ISLAND TRUST
4605 BEDWELL HARBOUR ROAD
PENDER ISLAND, BC V0N 2M1

CORVIDAE PROJECT #2022-106
JULY 2022

CORVIDAE
ENVIRONMENTAL CONSULTING INC

6526 WATER STREET, SOOKE, BC
SOLUTION ORIENTED. PROTECTION OF THE ENVIRONMENT. ABSOLUTE INTEGRITY. OPEN COMMUNICATION. RESPECT

Excerpted Sections

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6 RECOMMENDED ENVIRONMENTAL PROTECTION MEASURES

The mitigation measures provided in this report are designed to protect sensitive ecosystems and were developed in accordance with:

- North Pender Associated Islands OCP Bylaw No. 147 (Islands Trust 2002).
- Procedures for Mitigating Impacts on Environmental Values (Environmental Mitigation Procedures) (BC Ministry of Environment [MOE] 2014a),
- Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development in British Columbia (Government of BC 2014), and
- Environmental Best Management Practices for Urban and Rural Land Development in British Columbia (BC Ministry of Water, Land and Air Protection 2004),
- Green Shores Program ([Green Shores Home - Stewardship Centre for BC \(stewardshipcentrebc.ca\)](http://www.stewardshipcentrebc.ca)).

PROTECTION OF THE MARINE FORESHORE

Construction of a seawall is needed to protect the foreshore environment from erosion. Currently, the shoreline of the northern protrusion is being eroded and has significant scouring and soil movement into the marine environment. Because of this, a boulder stacked seawall is to be constructed at a height of 1.5 m and backfilled with free draining material, all above the high tide line (Present Natural Boundary). A mat of medium weight non-woven geo-textile filter fabric is to be placed along the existing shoreline to help secure the existing soils and reduce sediment movement.

It is recommended that the construction of the seawall be completed at low tide to reduce the movement of sediments into the ocean, and straw wattles be temporarily placed on the bedrock below the work area to capture sediment. Native vegetation will be planted on top of the free draining backfill. A layer of topsoil will have to be placed on top of the backfill at a minimum depth of 15 cm in order for the native vegetation to establish. This topsoil must be sourced from reputable vendor that sells certified weed free topsoil mixes. This could be a compost, which would be cooked to kill any weed seeds; one recommended source is Peninsula Landscape Supplies (<https://www.peninsulalandscape.com>). A list of the recommended vegetation to plant are provided in Table 5.

VEGETATION

It is recommended that areas disturbed by project construction or activities that are not part of the permanent footprint be replanted with native vegetation. Overall plant density should be approximately one plant per 1 m² of disturbed space. The purpose of using native species is to reduce irrigation maintenance in the future. The optimal time for revegetation is in the fall, prior to the wet winter season. However, planting at any time of the year (with irrigation as needed) is acceptable to prevent invasive species. The native species recommended will aid in soil stabilization and have been identified on the island.

The western and southwestern foreshore area dominated by Garry oaks should be protected, as this area is considered a sensitive Garry oak meadow. The development of the seawall will not encroach into this area, but the development of the home may encroach into this area. More detail will be added



surrounding the protections of this area in the second version of the report for the future proposed dwelling.

Table 3. Recommended native plant species to plant in the riparian area

Common Name	Scientific Name	
Baldhip Rose	<i>Rosa gymnocarpa</i>	~ 1.5 m tall; deciduous shrub with small pink flowers; spreads readily by underground runners.
Evergreen huckleberry	<i>Vaccinium ovatum</i>	0.5-3 m tall shrub; shade tolerant; thrives on wet coastlines
Snowberry	<i>Symphoricarpos albus</i>	~ 0.5 – 2 m tall shrub, drought tolerant; excellent soil-binding characteristics
Sword fern	<i>Polystichum munitum</i>	~ 1.5 m tall; evergreen; grows in sun to shade; drought tolerant; easy to grow

INVASIVE SPECIES

Invasive weed control is difficult for established populations. Currently there is only English holly on the island. When accessing the island, all equipment must be cleaned (all soil removed from treads and washed) prior to accessing the island to avoid introducing weed species to this unique habitat.

Species should be removed using the most appropriate methods, at the correct time of year, and plant material must be disposed of correctly to avoid re-establishment or spread. Following removal, re-seed bare soil with desirable, competing vegetation. For some species, chemical control is possible but not recommended due to the sensitive marine ecosystem adjacent to the property. Details of removal methods for the invasive species on the properties are below in Table 6.

Table 4. Removal and disposal methods for invasive species

Species	Removal Method	Removal Timing	Plant Disposal
English Holly	English holly can be removed by hand pulling small seedlings or cutting mature trees at ground level removing all plant material.	Removal is best done before flowering to eliminate seed production.	Bagged and disposed of properly in a landfill. Do not 'recycle' garden debris or compost.

Mitigation measures to control and minimize the spread of invasive weeds on the site include:

- Clean all machinery before arrival onto the site to ensure that more weed seeds and other propagules (e.g. pieces of root) are not brought into the project area.
- Use available fill and soil from on site where possible. If fill or topsoil is imported from external areas, ensure that it is from a weed-free source.

Areas that have been highly disturbed due to development may be seeded with a native clover or seed mix to compete with weed species, fix nitrogen and provide soil stabilization. And then replanted with native vegetation after establishment of completion of work.

WILDLIFE AND WILDLIFE HABITAT

Mitigation measures to minimize impacts on wildlife and wildlife habitat include:

- Due to the isolated aspects of the island, it is abundant with marine birds. For this reason, Corvidae recommends no dogs on the island.



- Avoid or minimize the removal of established trees and shrubs, where possible. The largest trees were identified and are marked on Figure 1 and should remain in place.
- Vegetation alteration or danger tree removal should be completed outside of the migratory bird window (early-March to end of August; Government of Canada 2022).
- If vegetation clearing is scheduled within the sensitive time period for breeding birds, a QEP should conduct nest search surveys a maximum of 5 days prior to the start of activities. If an active nest is discovered during nest search or trail building activities, the nest will be subject to site-specific mitigation measures (e.g. protective buffer around the nest or unobtrusive monitoring) until the young have naturally fledged/left the area.

EROSION AND SEDIMENT CONTROL

The primary focus of erosion and sediment control planning is erosion control; if there is no erosion then there is no sediment. Erosion control is far more cost effective to implement and manage than sediment control.

Mitigation options to minimize the potential effects of the project on the natural environment include:

- During construction of the seawall, install straw wattles downslope from the seawall construction areas of the shoreline slope.
- Regularly inspect and maintain the erosion and sediment control measures (wattles) during all activities.
- Keep the erosion and sediment control measures in place until all disturbed ground has been permanently stabilized with native plant revegetation. Following planting, remove the wattles.
- Heed weather advisories and scheduling work to avoid wet, windy and rainy periods that may result in high flow volumes and/ or increase erosion and sedimentation.
- Minimize amount of time soils are exposed by seeding and planting as soon as disturbance is complete. Cover exposed soil areas with tarps if for a prolonged period or during rainfall events.

7 CONCLUSION

The potential environmental impacts of the proposed burial protection project on Little Shell Island have been presented in this report. As development plans progress, implementation of the mitigation and restoration measures recommended in this report, including erosion and sediment controls during construction, planting of native vegetation, and securing the soils and foreshore environment will minimize the impacts of future proposed development on the environment.

Report Prepared By:



Brent Rutley, P. Biol, B.Sc.,
Environmental Biologist



Julie Budgen, R.P.Bio., B.Sc.,
Senior Environmental Planner





STAFF REPORT

File No.: NP-RZ-2022.1

DATE OF MEETING: September 29, 2022
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Sidney Island Bylaw Amendment Application
Applicant: Sidney Island Strata Corporation
Location: Sidney Island

RECOMMENDATION

- 1. That the North Pender Island Local Trust Committee request staff to prepare a draft bylaw to amend North Pender Associated Islands Bylaw No. 148, 2003, as it pertains to Sidney Island, to allow residential use of RVs for a limited period, to permit kitchens in existing hunters' cabins, and to amend the maximum floor area of permitted storage buildings.**

REPORT SUMMARY

The report introduces an application by the Sidney Island Strata Corporation to amend the zoning applicable to Sidney Island, summarizes the requested amendments, and seeks direction from the LTC to proceed with a draft bylaw.

BACKGROUND

The portion of Sidney Island not located in the National Park Reserve is a 111 lot bare land strata. The strata plan totals approximately 700 hectares (1750 acres), of which 590 ha are common property, including several conservation covenant areas granted to the Islands Trust Conservancy and the Local Trust Committee. The 111 bare land strata lots total about 120 hectares, or 17% of the strata. The northern portion of Sidney Island is in the National Park Reserve ('Sidney Spit').

The Associated Islands bylaws, as they apply to Sidney Island, were last amended in 2013. Amendments to the OCP at that time included establishing new development permit areas; while the amendments to the Land Use Bylaw, in addition to corrections and technical amendments, permitted a second caretakers' dwelling, permitted storage buildings prior to constructing a dwelling, established a maximum floor area for dwellings, and prohibited the storage of recreational vehicles.

The prohibition of recreational vehicles (RVs), while supported by the strata ten years ago, has become an issue in recent years as new owners have brought RVs onto the island and sited and used them on their lots prior to constructing a dwelling. In addition, some owners have built unpermitted structures to provide temporary accommodation on their lots.

Z:\09 Current Planning\09 NP\3650 RZ\25 Applications (P)\2022\NP-RZ-2022.1 Sidney Island Strata Corproation\06 Staff Reports\NP-LTC_2022-09-29_RPT.docx

Approximately a dozen bylaw enforcement complaints were received in the last few years for the use of RVs on Sidney Island. In response to the enforcement complaints, the Strata formed an owners' special committee to survey owners, and to review and report on the issue (please see attached application addendum for more details). Overall, the committee identified that:

- a. The temporary, short term use of RVs is generally tolerated by owners, however some owners have opposed certain RVs and have submitted complaints, resulting in on-going enforcement, and discord between owners.
- b. There is no temporary accommodation available on the island for owners to use while visiting or maintaining their undeveloped lots (STVRs not permitted, and there are no common accommodations other than several basic 'hunters cabins' on the common property).
- c. It is beneficial that owners become familiar with a property prior to building. As owners familiarize themselves with their sites, the desire to build as close as possible to the water decreases, and owners tend to select building sites requiring less tree removal and having less impact.
- d. There is confusion over the status of RVs on the part on new owners: the strata corporation has remained neutral, the CRD doesn't issue permits for RVs, Islands Trust enforces upon complaint, and word of mouth is ambiguous.
- e. In the absence of RVs being permitted, there has also been an increase in other unlawful construction (oversized sheds, 'bunkies', etc.)
- f. There is no desire to allow a proliferation of RVs or to allow permanent or long term use of RVs as an alternative to a dwelling or in addition to a dwelling.
- g. The issue will decline over time as lots are developed with permanent dwellings.

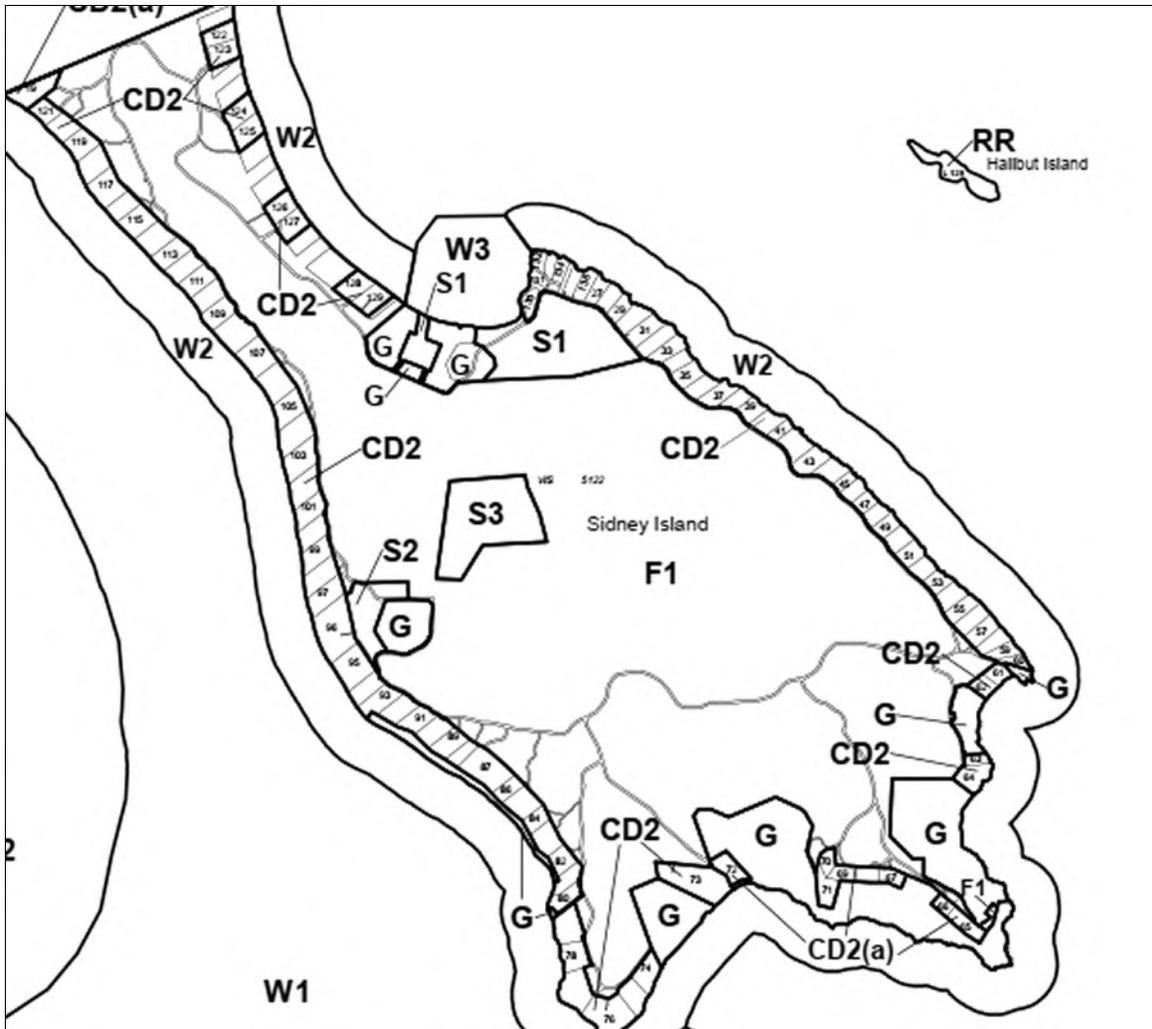
Staff have periodically met with Sidney Island Strata Council members over the past couple of years to discuss the issues and provide potential options. Options considered included:

- Leave the bylaw as it is currently, with Bylaw Enforcement negotiating time to comply with owners of existing RVs.
- The strata council requesting that the LTC identify a review of the Associated Island Bylaws, as they apply to Sidney Island, as an LTC project.
- Individual owners applying to permit RVs temporarily through the Temporary Use Permit process.
- The strata applying for an amendment to the Land Use Bylaw.

The latter option is the approach chosen by the strata. In addition, the strata has proposed the following also be permitted:

- Sleeping cabins (i.e. 'bunkies')
- Allow a larger accessory building prior to construction of a dwelling
- Allow tents for temporary habitation
- Staff also raised addressing the zoning of the sleeping cabins ('hunters' cabins') on the common property, which has been a longstanding issue for the strata.

At this year's Annual General Meeting, there was unanimous support for a resolution directing the Strata Council to apply for an amendment.



Sidney Island Strata - Zoning

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The potential amendments being proposed by the applicants would not appear to be contrary or at variance with any Policy Statement directive policies; however a more comprehensive review with a checklist would be provided at consideration of First Reading if the application proceeds.

Official Community Plan (see Attachment 1 – Policies and Regulations):

The OCP is clear that the principal use in the Residential Designation should be dwellings (and cottages were applicable). While designated Residential, the Sidney Island strata lots were re-zoned Comprehensive Development in a process that permitted the current number of lots, permitted only dwellings and not cottages, and resulted in the granting of conservation covenants. To remain consistent with the OCP principle, zoning permitting RVs should be similar to the current regulations permitting RVs while a dwelling is being constructed: the use should be temporary and not a permanent alternative to a dwelling.

Land Use Bylaw (see Attachment 1 – Policies and Regulations):

The current regulations in the Land Use Bylaw permit the residential use of accessory buildings and RVs while a dwelling is being constructed. The Sidney strata lots are zoned CD2, with permitted uses consisting of one dwelling per lot, accessory buildings and uses, and one storage building permitted prior to construction of the dwelling. In addition, the zoning prohibits the storage of RVs on a lot in the CD2 zone.

Islands Trust Conservancy:

The Islands Trust Conservancy holds several conservation covenants on Sidney Island. If the LTC directs that the application proceed, staff will refer the bylaw to the ITC.

Issues and Opportunities

Recreational Vehicles

The primary proposed change would be to permit residential RVs for a limited period of time. Currently, the bylaw only permits residential use of an RV if a building permit has been issued for a dwelling.

As described above, there appears to be widespread support among members of the strata to allow limited residential use of RVs for a period of time in the absence of a building permit for a dwelling. In addition there was direction at the AGM to utilize the strata’s authority to provide greater oversight and monitoring of the use of RVs in conjunction with Islands Trust bylaw enforcement.

In discussions with representatives of the strata, staff outlined the issues generally with the use of RVs as residences, including that:

- RVs are designed and intended for seasonal, recreational use rather than year-round occupancy. However, given the nature of Sidney Island, use of RVs are typically for a few weeks a year, primarily in the summer. Zoning should also limit the length of stay in any calendar year.
- RVs are outside the scope of the BC Building Code, therefore there is no permitting and inspection process through Building Inspection. This would not provide Islands Trust staff with the ability to confirm siting or compliance with other zoning regulations. However, this is an area where the strata could amend its bylaws and provide oversight and monitoring.
- RVs should be connected to septic fields, and while zoning would require this, without inspection there is no opportunity to confirm this. Again, the strata could exercise its authority to ensure that when RVs are brought onto the island that they are connected to a valid septic system.
- The use of RVs should not be on-going or permanent and the intent, expressed in the OCP, is that the principal use of the Sidney Island strata lots should be residential dwellings. Zoning should limit RVs to a maximum time on any lot (4 years has been proposed) and while that would be enforceable by Islands Trust enforcement staff, the strata is proposing to provide documentation, oversight and monitoring, and potentially enforcement.
- The strata has also proposed that its bylaws be amended to require screening of RVs from adjacent lots. This would help limit visual impacts, and the strata is in the best position to require, inspect and enforce such a requirement.

Other potential amendments

Based on feedback provided in its surveys of strata lot owners, the strata has also requested amendments to:

1. Permit the permanent use of accessory buildings as sleeping cabins, without kitchens (i.e. 'bunkies'). Staff raised a number of concerns with this proposed amendment with the applicant, and would not support such an amendment:
 - By permitting such residential units out-right on all the strata lots, an incentive is created for de facto second dwellings, changing the intent of OCP.
 - Constructing accessory buildings and then using them for residential occupancy would have Building Code implications. And even buildings under 10m², which are exempt from permits as accessory structures, would require permits for residential occupancy
 - Accessory buildings can currently contain washrooms, be heated, just not have kitchen facilities. Occasional use for overflow sleeping accommodation would be unlikely to attract a complaint to bylaw enforcement.
2. Amend the bylaw to allow residential occupation of accessory buildings prior to construction of principal dwelling without a building permit for the principal dwelling. While the intent of this change is understandable, there are issues with zoning and with BC Building code occupancy of accessory buildings:
 - Residential use of an accessory building is currently permitted if a building permit is issued for a dwelling and makes sense on a temporary basis when:
 - a) the accessory building is being constructed while the dwelling is also in the construction process, and the accessory building is finished first; or
 - b) an owner is removing an old dwelling and constructing a new one, or undertaking extensive renovations, and moves into an existing accessory building while the construction is going on.
 - c) Even in these scenarios, occupancy may not meet BC Building Code requirements for residential occupancy. Building inspectors have questioned these regulations in zoning bylaws.
 - If a building is used as a residence then the zoning regulations treat it as a dwelling. An owner wanting a place to live while making long term plans for a permanent house could:
 - a) Construct a small building that can be used a dwelling, but designed and sited so that it can be converted to an accessory building in future.
 - b) This would be the one dwelling on the lot, so permitted by zoning, and could get a building permit and occupancy if constructed to residential occupancy standards.
 - c) Once the permanent, long-term dwelling plans are completed, conversion of the existing small dwelling to a non-residential accessory building would be a condition of occupancy of the permanent dwelling.
 - A viable alternative could be to review and amend the current regulation permitting only one small storage building prior constructing a dwelling, so that it is larger and can have washroom facilities connected to a septic field.

3. Allow tents prior to construction.
 - Amending the zoning to allow tents as a permitted principal use would also not be recommended:
 - a) They are obviously not intended for long-term residential use;
 - b) Allowing temporary use could result in enforcement challenges in terms of establishing length of time being used, etc.
 - c) There is no real ability to connect to septic
 - d) A family is likely going to want more than one tent.
 - As with using accessory buildings as occasional sleeping cabins, short-term tenting is unlikely to become an enforcement issue unless it is on-going and disturbing to neighbours.
4. Hunters Cabins: staff also discussed the status of these cabins located on the common property; although referred to as 'hunters cabins', they tend to be used also by others such as contractors' crews. These are currently permitted as 'sleeping cabins' in the S1 zone, and kitchens are not permitted. These structures are reaching the end of their useful life and previous strata councils have raised the possibility of replacements. Staff discussed the option of including amendments to these to allow for future upgrades or replacement of these structures, in particular allowing for a common kitchen. This could also provide an alternative option for potential purchasers or owners who are visiting undeveloped sites.

Given the above, staff would recommend an amendment that would:

1. Permit RVs as a temporary alternative to a dwelling, limited to a maximum of 4 years on any lot, and to a limited number of days per calendar year.
2. Amend the zoning permitting the hunters' cabins on common property to allow future replacement with cabins with a common kitchen.
3. Amend the current zoning which allows one storage building prior to constructing a dwelling to permit a larger building prior to construction, with a washroom.

Consultation

Given the nature of the proposed amendments, and the fact the strata special committee has undertaken extensive consultation and received support at the AGM, further early community consultation is not recommended. However, if the application proceeds, bylaws would be referred to the Islands Trust Conservancy, potentially affected agencies, and First Nations would also be engaged, and a Public Hearing would be held.

Timeline

If the LTC supports proceeding, an amending bylaw would be drafted and brought back for consideration of First Reading, referrals and scheduling of a public hearing.

Rationale for Recommendation

Staff are recommending that the LTC give direction to proceed with the application and to prepare and amend to Land Use Bylaw No. 148. The recommended amendments would be to permit RVs temporarily as an alternative to a dwelling, to permit larger accessory buildings with washrooms prior to constructing a dwelling,

and to permit kitchen facilities in the common property sleeping cabins. Staff are not recommending permitting sleeping cabins out-right on residential lots or permitting tenting out-right. Proceeding with amendments as recommended would help resolve outstanding enforcement issues, provide an opportunity for strata lot owners to develop a familiarity with their properties prior to building a permanent dwelling, regulate on-going practices on the island, and to work with the strata council.

ALTERNATIVES

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

1. Request further information

The LTC may refer back to staff requesting further information prior to making a decision. Recommended wording for a resolution is as follows:

That the North Pender Island Local Trust Committee request that staff report back with...

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 proceed no further with application NP-RZ-2022.1.

3. Hold the application in abeyance

The LTC may choose to hold the application in abeyance.

4. Receive for information

The LTC may receive the report for information

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Robert Kojima, Regional Planning Manager	September 16, 2022
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ATTACHMENTS

- 1. Policies and Regulations
- 2. Addendum to application

ATTACHMENT # 1– POLICIES AND REGULATIONS

NORTH PENDER ASSOCIATED ISLANDS OFFICIAL COMMUNITY PLAN BYLAW NO. 147, 2002

OCP Objective/Policy	Complies	Planner Comments
<p>402 Residential Policies</p> <p>Objective 3</p> <p>To support residential development patterns that demonstrate a commitment to private stewardship of the land and that reasonably have limited impact upon the appearance of an island, as seen from both the sea and adjacent islands, while recognizing the unique practical challenges associated with locating residences on, and providing safe access to, small islands.</p>	yes	
<p>Policy 1</p> <p>The principal use in this designation shall be residential, in the form of single family dwellings and cottages.</p>	yes	<p>Provided the use is permitted as a temporary alternative to a permanent dwelling.</p>
<p>603 Comprehensive Development Guidelines</p> <p>Guideline 1</p> <p>The use of comprehensive zoning should be considered on any residentially designated land to denote a location where an increase in density has been permitted as a result of an amenity rezoning application.</p>	yes	<p>CD zoning reflects the historical rezoning of the island.</p>

NORTH PENDER ASSOCIATED ISLANDS LAND USE BYLAW NO. 148, 2003

Land Use Bylaw Regulations	Planner Comments
<p>3.5 Accessory Uses, Buildings and Structures</p> <p>(3) An accessory building may be constructed or placed on a lot prior to the construction of a single family dwelling or cottage on the same lot and occupied as a temporary dwelling prior to the construction of a permitted single family dwelling or a cottage on the same lot, subject to:</p> <ul style="list-style-type: none"> (a) issuance of a building permit for the temporary dwelling; (b) the issuance and maintenance of a building permit for a principal dwelling or cottage on the same lot; (c) the provision of sewage disposal facilities for which a sewage disposal permit has been issued under the <i>Health Act</i>; (d) the provision of a domestic water supply; (e) compliance with the use, density and siting requirements of this Bylaw for accessory buildings; and (f) the residential occupancy of accessory building ceases prior to the occupancy of the principal dwelling on the property and all facilities for food preparation and eating are removed. 	<p>These regulations are typical, allowing owners to occupy an accessory building that is (a) built in conjunction with a dwelling but completed first, or (b) where an existing dwelling is being re-developed.</p>
<p>3.10 Temporary Use of Recreational Vehicles</p> <p>(1) A recreational vehicle may only be used as a temporary residence prior to the construction of a permitted single family dwelling or a cottage on the same lot, subject to:</p> <ul style="list-style-type: none"> (a) the issuance and maintenance of a building permit for a principal dwelling or cottage on the same lot; (b) the connection of the recreational vehicle to sewage disposal facilities for which a sewage disposal permit has been issued under the <i>Health Act</i>; (c) the provision of a domestic water supply; (d) compliance with the use, density and siting requirements of this Bylaw for dwellings or cottages; and (e) the occupancy of the recreational vehicles ceases prior to the occupancy of the principal dwelling on the property. <p>Nothing in this Section prohibits the non-residential storage of recreational vehicles on a lot.</p>	<p>These regulations are common in Land Use Bylaws, These permit occupancy of an RV while a dwelling is being constructed or redeveloped</p>

Land Use Bylaw Regulations	Planner Comments
<p>5.20 Sidney island Comprehensive Development Zone (CD 2)</p> <p>(1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:</p> <ul style="list-style-type: none"> (a) Single family dwellings; (b) Accessory uses, buildings and structures. (c) Storage building; subject to subsection 5.20(8). <p>(2) There may not be more than one single family dwelling on any lot.</p> <p>(6) The maximum floor area of a single family dwelling is limited to 465 m² (5,005 ft²).</p> <p>(8) The storage building permitted under 5.20(1)(c) may be constructed prior to a single family dwelling subject to:</p> <ul style="list-style-type: none"> (a) The use is limited to the storage of goods and materials for use on the lot, (b) Only one storage building is permitted on anylot, (c) The floor area is not to exceed 25 square metres (269 square feet), (d) The storage shed is not to beused for human habitation, and (e) For certainty, this does not limit accessory buildings permitted under Section 3.5. <p>(9) Despite Subsection 3.10 the storage of recreational vehicles that are not being used as a temporary residence under that section is not permitted.</p>	<p>Current zoning on Sidney Island strata lots permit one dwelling, one storage building prior constructing a dwelling and no RV storage.</p>

Addendum to Application for Change to Islands Trust Bylaw #148

Roles of Applicants

Richard Hudson is President of the Sidney Island Strata Corporation and in his role as President, acts on behalf of Sidney Island Strata Corporation. All pivotal and final decisions in this application must be authorized by Richard Hudson who is acting on behalf of Sidney Island owners and Strata Council.

Daffydd Hermann is Chair of an ad-hoc bylaw committee constituted by the Sidney Island Strata Corporation to research and pursue the changes within this application, save and except making pivotal and final decisions. His role is to be the primary point of contact working with Islands Trust officials and staff to pursue this application.

Strata Lot Owner Representation

The Strata Properties Act requires that the strata corporation achieve support of a simple majority of owners to pursue the changes sought. Our AGM is in May 2022 where various motions will be put to the owners. Based on survey results, the strata corporation is expecting that the motions will receive overwhelming support. The strata corporation has been advised by Islands Trust that this application will be held in abeyance until after the next municipal election. As such, the AGM results will occur well prior to Islands Trust considering this application giving the strata corporation a proper mandate by the owners.

The following consultation steps have been taken so far:

- Two owner surveys;
- Owner information and feedback meetings (direct consultation with owners in a town hall meeting format);
- Invitations to all owners to provide written submissions;

The results of a survey of owners indicate overwhelming support for the expansion of permitted use of recreational vehicles for temporary habitation on strata lots. This support comes with limitations such as the necessity for proper sewage disposal and a desire to require screening from neighbouring properties, common property, and the waterfront.

Reasons for Pursuing This Application

Non-conforming Recreational vehicles have been present and part of the Sidney Island community in numbers for most of a decade. Their history beyond 10 years is unclear but it is believed to have existed and generally tolerated by owners. In 2019, a couple of owners took

exception to a number (not all) of recreational vehicles resulting in mass reporting to Islands Trust. This caused unrest amongst owners resulting in a special owners community meeting. The result of the meeting was to form a committee to research this issue.

The research indicates that there are several core issues needing a solution:

New lot owners have no viable accommodations available on Sidney Island. There are no commercial accommodations or private rentals allowed. Owners need to become familiar with their lots prior to development to support good environmental and development decisions.

Owners without accommodations are also not able to easily maintain their lots without daily expensive trips to and from the Sidney Island, causing unnecessary consumption of carbon fuels from boat trips. This has also resulted in owners making questionable alternative decisions such as legally clear-cutting their lots (minus set-backs), placing non-conforming structures, buildings, and recreational vehicles on their lots. This can be addressed by the provision of some reasonable accommodation alternatives on the island.

Established owners fear that a proliferation of recreational vehicles will result in the deterioration of their property values. This can be addressed by establishing reasonable health and aesthetic requirements and time-limiting restrictions that are known to new owners when they first begin use of recreational vehicles. As Sidney Island lots are built on, this issue will largely disappear as the need for alternative accommodations will fade away.

New owners receive conflicting information which causes confusion about what the rules actually are. A person first visiting Sidney Island, usually with a Realtor, will see the presence of recreational vehicles (some conforming / some not). New owners usually have no understanding of the sometimes overlapping layers of regulation between CRD, Islands Trust, and the strata corporation. The strata corporation has assumed no role in regulating recreational vehicles and Islands Trust and CRD do not generally take compliance action unless there is a complaint. This combination is problematic and unfair to new owners because there have been strong indicators and information commonly shared that recreational vehicles are “allowed” or “tolerated”.

Structure and Specifics of Application Request

The applicant would like to explore zoning options that would expand options for temporary habitation.

1. Amend section 5.20 of Bylaw #148 to allow recreational vehicles as a permitted use subject to compliance with bylaws and rules made in accordance with the Strata Properties Act. The

outward appearance of this approach is that Islands Trust would be delegating their authority to regulate recreational vehicles to the strata corporation. This is not actually the case. The strata corporation already has the potential for overlapping authority under the Strata Properties Act to regulate this issue but has not done so in the past. There is a strong desire to avoid overlapping compliance and enforcement so arriving at an approach that is coordinated with Islands Trust and consistently applied to all owners – not just ones with a complainant, will achieve the best results.

Islands Trust will always retain the ability to change their own bylaw (#148) and take back more specific authority to limit recreational vehicle use to their satisfaction if the strata corporation fails to act responsibly and reasonably. The corporation is in a much better position to respond to complaints, adjust bylaw details to meet the needs of the community in a timely manner, and achieve compliance without incurring excessive expense.

Issues of paramount importance to Islands Trust such as the requirement of septic disposal could remain with Islands Trust in a hybrid compliance model. Less important issues such as duration, screening, and general upkeep could become the responsibility of the corporation in this divided responsibility model.

2. Amend section 5.20 of Bylaw #148 to allow sleeping cabins. This is a viable alternative to recreational vehicles without a time duration. It provides owners an affordable alternative to building a full home and is in keeping with the Islands Trust OCP objective to promote minimized building footprints.

3. Amend various sections of Bylaw #148 to allow an accessory building on Sidney Island to be constructed without the need to take out a building permit for the primary building. This provides yet another affordable alternative to a recreational vehicle and a full home and promotes minimal building footprints.

4. Amend Bylaw #148 to allow the use of recreational tent structures for temporary habitation. The strata corporation would pass a bylaw to limit the duration to a maximum of 90 days per calendar year.

Structure of Sidney Island Strata Corporation's Bylaw Scope Intent

The Corporation would be proposing to assume responsibility for compliance in the following areas of interest:

1. Limiting the duration of recreational vehicle use to up to 4 years prior to taking out a building permit or removing the RV.
2. Requiring compliance with all Islands Trust recreational vehicle requirements bylaws for approval by the corporation to use a recreational vehicle on a strata lot (example – provision of septic disposal);

3. Requiring screening so that a recreational vehicle cannot be seen from common property within 6 months of placing the recreational vehicle on a strata lot;
4. Requiring screening so that a recreational vehicle cannot be seen from any other strata lot within 6 months of placing the recreational vehicle on a strata lot. This provision may be waived in writing by any affected neighbouring strata lots with view from that lot;
5. Requiring fire suppression equipment available to the recreational vehicle as specified by the Sidney Island Fire Brigade;
6. Allowing temporary use of tent structures for up to 90 days per year on any strata lot.

Benefits to Islands Trust and Sidney Island

Islands Trust has limited resources to conduct compliance and enforcement activities that are usually prompted by complaints. The strata corporation is in a much better position to promote compliance which will reduce the need for Islands Trust intervention and the associated costs.

The strata corporation has an advantage of having real time information on island activities. The corporation will be aware of new recreation vehicle arrivals and be in the best position to administer rules with a consistent approach.

Top Priorities Report

North Pender Island

2. Groundwater Sustainability Project

Phase 1 and 2: Groundwater Sustainability Mapping Project (2019-2020) - COMPLETED

Narrisa Chadwick
William Shulba

Rec'd: 29-Nov-2018
Target: 30-Sep-2022

Phase 3: Groundwater Mapping Implementation - ON-GOING

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.

Kim Stockdill

Rec'd: 07-Nov-2019
Target: 01-Jan-2022

4. Soil bylaw

To consider a soil deposit and removal bylaw

Robert Kojima

Rec'd: 25-Mar-2021
Target: 01-Dec-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
3. Raptors Nests	Responsible	Date Received
To update the raptor nests mapping.		27-Jan-2022
4. Affordable Housing Options	Responsible	Date Received
A project to review Pender Island based affordable housing options.		24-Mar-2022
5. Accessory Dwelling Units	Responsible	Date Received
Review options for accessory dwelling units on North Pender.		26-May-2022
6. Review DPAs	Responsible	Date Received
To review the Development Permit Areas in the NP Official Community Plan to update guidelines, requirements, and outline options for new DPAs.		11-Aug-2022

Projects Report

North Pender Island

7. *Driftwood Centre Area Plan*

Responsible

Date Received

Creation of an area plan for the Driftwood Centre to review current land uses and OCP policies.

11-Aug-2022



Development Permit

File Number	Applicant Name	Date Received	Purpose
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NP-DP-2018.5	PICSS c/o HARDAL MANAGEMENT INC Planner: Phil Testemale	23-May-2018	Application for development permit for a building in a form and character DPA
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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
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NP-DP-2022.3	Advantec Global Planner: Phil Testemale	14-Jun-2022	Development Permit
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Planning Status

Status Date: 26-Aug-2022

On Sept 29th LTC Agenda for consideration

Status Date: 20-Jun-2022

Finance confirmed payment of e-transfer.

Status Date: 20-Jun-2022

Robert K. assigned file to Phil.



Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
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NP-DVP-2022.1	Regan, Heather and Liam	23-Aug-2022	3701 Sextant Cres - Application for a variance for siting of a deck in a setback.
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Planner: Kim Stockdill

Planning Status

Status Date: 20-Sep-2022

Staff reviewing file and have tentatively placed application on Oct 27/22 LTC agenda.

Status Date: 26-Aug-2022

Fee received from applicant.

Status Date: 26-Aug-2022

Planner Stockdill assigned to NP-DVP-2022.1.

Rezoning

File Number	Applicant Name	Date Received	Purpose
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NP-RZ-2022.1	Sidney Island Strata Corporation	23-Mar-2022	Application to amendment Bylaw #148 to permit an expanded use of recreational vehicles and accessory buildings on Sidney Island.
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Planner: Robert Kojima

Planning Status

Status Date: 20-Jul-2022

Applicant response, confirming AGM support for rezoning and direction to work with staff on specifics of application

Status Date: 17-Jun-2022

Applicant meeting - applicant to take several questions back to strata to resolve

Status Date: 19-May-2022

Meeting set up with applicant following May 28th AGM



Subdivision

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.

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 complete.

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)



Subdivision

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.

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

Status Date: 18-Mar-2021
VIHA Letter rec'd - Condition 6 MoTI requiring verification of septic fields

Status Date: 17-Mar-2021
DVP req'd

Status Date: 09-Mar-2021
PLR rec'd



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2022.3	Schrodt, Charles	26-Jul-2022	Short Term Vacation Rental

Planner: Kim Stockdill

Planning Status

Status Date: 20-Sep-2022

Staff reviewing application and tentatively placed on Oct 27/22 LTC agenda.

Status Date: 16-Aug-2022

Assigned to Planner Stockdill.

Status Date: 08-Aug-2022

Sent email to applicant requesting processing fee by e-transfer.

Islands Trust
 LTC EXP SUMMARY REPORT F2023
 Invoices posted to Month ending July 2022

650 North Pender	Invoices posted to Month ending July 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	460.00	0.00	460.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	3,123.00	492.00	2,631.00
65210-650	LTC - Local Exp - APC Meeting Expenses	399.00	60.00	339.00
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	280.00	0.00	280.00
TOTAL LTC Local Expense		<u>4,052.00</u>	<u>552.00</u>	<u>3,500.00</u>
Projects				
73001-650-2006	North Pender OCP/LUB	2,000.00	464.84	1,535.16
73001-650-4115	North Pender Groundwater Strategy Implementation	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>4,000.00</u>	<u>464.84</u>	<u>3,535.16</u>

North Pender Island

Resolution Number	Action	Date
<p>2022-002 (Standing)</p> <p>that the North Pender Island Local Trust Committee direct bylaw staff to defer enforcement on unlawful dwellings, except in the following circumstances:</p> <ul style="list-style-type: none"> a. There are concerns regarding health and safety; b. There are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are beings used in excess of capacity or ability as a result of unlawful dwellings; c. There are concerns of possible contamination of wells or other drinking water sources; d. Unlawful dwellings are in environmentally sensitive areas; e. There are non-permitted campgrounds; and f. That the North Pender Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of the neighbouring residents or the residents on the property subject to enforcement. 	<p>Carried</p>	<p>27-Jan-2022</p>
<p>2020-026 (Standing)</p> <p>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.</p>	<p>Carried</p>	<p>21-May-2020</p>
<p>2020-012 (Standing)</p> <p>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.</p>	<p>Carried</p>	<p>19-Jun-2020</p>

North Pender Island

Resolution Number	Action	Date
<p>2020-011 (Standing)</p> <p>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:</p> <ol style="list-style-type: none"> 1. A commercial use operating in a residential zones, provided that the use: <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> 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. 	<p>Carried</p>	<p>04-Jun-2020</p>
<p>2020-010 (Standing)</p> <p>that the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:</p> <ol style="list-style-type: none"> 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. 	<p>Carried</p>	<p>30-Jan-2020</p>

North Pender Island

Resolution Number	Action	Date
<p>2019-074 (Standing)</p> <p>that the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.</p>	Carried	04-Jul-2019
<p>2019-072 (Standing)</p> <p>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.</p>	Carried	04-Jul-2019
<p>2019-061 (Standing)</p> <p>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.</p>	Carried	30-May-2019
<p>2019-030 (Standing)</p> <p>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.</p>	Carried	28-Feb-2019

North Pender Island

Resolution Number	Action	Date
<p>2019-016 (Standing)</p> <p>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.</p>	Carried	31-Jan-2019
<p>2018-070 (Standing)</p> <p>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.</p>	Carried	06-Sep-2018
<p>2011-050 (Standing)</p> <p>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.</p>	Carried	28-Apr-2011
<p>2007-146 (Standing)</p> <p>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.</p>	Carried	30-Aug-2007



North Pender Island

Resolution Number	Action	Date
2006-080 (Standing) 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.	Carried	25-May-2006
2005-005 (Standing) The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations	Carried	27-Jan-2005



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JULY 13, 2022 BOARD MEETING

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) continues to have a vacancy for one Ministerial appointment to the ITC Board. The [Crown Agencies and Board Resourcing Office](#) has posted the position with an **application deadline of October 7, 2022**, see link on the ITC website at <https://islandstrust.bc.ca/whats-happening/expressions-of-interest/>.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Manager presented a request for decision regarding the 2023/24 Budget submission. Board members discussed appropriate budget for First Nations engagement and indigenous knowledge holder services and rising costs of travel to islands due to inflation. ITC Board also noted a need to include species at risk grant commitments in the budget.
- The ITC Manager presented a request for decision to Board members on Proposed Bylaw 530 – Housing Action Program on Salt Spring. ITC considers referrals in the context of their impact to ITC managed lands. ITC Board indicated to the Salt Spring Island Local Trust Committee that ITC interests would be unaffected by Bylaw 530.
- Following the regular ITC Board meeting, an ITC/Executive Committee liaison meeting between Islands Trust Conservancy Board members and Islands Trust Executive Committee took place. Topics covered in this meeting included updates on the Governance Report, Policy Statement, and the ITC Species At Risk Program. ITC and the Executive Committee also discussed the draft ITC Plan (2023-2025), working with First Nations, biologist support for Regional Planning Committee and liaising with the Provincial Government.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Manager presented a request for decision following a response that was received from the Agricultural Land Commission regarding the Livingstone NAPTEP covenant on Lasqueti Island. The ITC Board approved a revised covenant for registration that included language requiring approval of the ALC prior to making covenant amendments.

4. COVENANT AND PROPERTY MANAGEMENT



ISLANDS TRUST CONSERVANCY

ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

- ITC Board discussed the Lisa Baile Nature Reserve Management Plan and approved the Management Plan, dated March 25, 2022, noting that further engagement with First Nations around appropriate name and naming rights is required.

5. COMMUNICATIONS AND OUTREACH

- ITC Board discussed a briefing about development of an ITC Communications Strategy. Discussion included use of social media to promote ITC, modernization of communications, and appropriate timing to engage current Board members with current staff prior to the election. The ITC Board directed staff to coordinate a board workshop regarding communications.
- ITC Board received correspondence from the Mayne Island Local Trust Committee and the Trust Council regarding Fallow Deer on Mayne Island.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC Board considered a request for research to be carried out by Capilano University at the Long Bay Wetland Nature Reserve on Gambier Island. ITC Board expressed support for the project up to December 31, 2023 and allocated up to \$5,000 from the ITC budget to support the work.

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)



BRIEFING

To: All Local Trust Committees **For the Meeting of:** Various
From: ITC Staff **Date Prepared:** July 22, 2022
SUBJECT: Referral for Comment, Islands Trust Conservancy (ITC) Plan

PURPOSE: The Islands Trust Conservancy (ITC) has completed a draft Three-Year Plan, and is providing to local trust committees for information. Local trust committees may choose to provide comments for consideration of the ITC Board.

BACKGROUND:

The *Islands Trust Act* requires that the ITC prepare and submit to the Minister, at least once every five years, a Trust Fund Plan (ITC Plan), including policies on acquisition, management, and disposal of property, investment of money, goals for major acquisitions, and other matters as required. More recently, it has also summarized the goals of the draft Regional Conservation Plan¹. The current ITC Plan runs until the end of 2022 and the ITC Board is developing its next ITC Plan, which will begin in 2023.

ITC policy requires referral of the ITC Plan to every local trust committee and island municipality as well as to Trust Council for comment. Trust Council will receive the draft ITC Plan at its September meeting.

ATTACHMENT(S): Draft ITC Three-Year Plan

FOLLOW-UP: The Islands Trust Conservancy Plan has been referred to all local trust committees, Bowen Island Municipality, and Trust Council. It will also be referred to First Nations with interests in the Trust Area Comments. All comments will be considered by the ITC Board. The ITC Board intends to submit a final plan to the Minister of Municipal Affairs in December 2022 with a request for approval.

Following adoption of the ITC Plan, the ITC Board will consider a strategy for a multi-year engagement of First Nations to better inform an ITC Plan for 2026-2030.

Prepared By: Kate Emmings, Manager, Islands Trust Conservancy

¹ It is important to distinguish between the Trust Fund Plan, which requires Ministerial approval under the *Islands Trust Act*, and the Regional Conservation Plan, which provides science-based operational direction to the Islands Trust Conservancy Board and its staff. The documents are complementary, but serve different functions.



ISLANDS TRUST CONSERVANCY THREE-YEAR PLAN 2023-2025



ISLANDS TRUST CONSERVANCY

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I. INTRODUCTION

Islands Trust Conservancy¹ manages over 1,350 hectares of diverse island ecosystems in 112 protected areas, in collaboration with private landholders, land trusts and other conservation partners. The Islands Trust Conservancy recognizes that the ability to protect these island ecosystems is possible because of the thousands of years of stewardship by the First Nations with interests in the lands and waters in the Trust Area, which has created a lasting natural legacy throughout the islands.

Islands Trust Conservancy was created by the Province of British Columbia in 1990 as a regional land trust and conservation arm of the Islands Trust to protect in perpetuity some of the most ecologically and culturally significant places in the Islands Trust Area. To do so, the Islands Trust Conservancy works closely with partners to protect sites through land donation, conservation covenants, land purchase and public education.

Islands Trust Conservancy plays an important role in preserving and protecting the unique and fragile ecosystems found in the Strait of Georgia and Howe Sound. The area is among the most biologically diverse regions in the Province of British Columbia and is globally significant with respect to the at-risk Coastal Douglas-fir biogeoclimatic zone. The Islands Trust Area holds 25% of British Columbia's Coastal Douglas-fir zone, the largest percentage of any local government jurisdiction in the province. Within regional districts and biogeoclimatic zones found within the Islands Trust Area, there are a total of 197 red-listed (extirpated, endangered, or threatened) species (25% of the provincial total) and 158 blue-listed (special concern) species (14% of the provincial total) (BC Conservation Data Centre, 2022).²

There are also a high proportion of the province's red and blue-listed ecological communities. The Islands Trust Area supports some of Canada's last remaining Garry Oak ecosystems and the associated rare plants, mosses, butterflies and reptiles. Island coastlines support eelgrass meadows, forage fish habitat, glass sponge reefs and other extraordinary marine environments. These numerous rare and endangered species and ecosystems will not survive unless sufficient habitat is protected and carefully managed for its ecological integrity. The Islands Trust Conservancy's work encouraging and assisting private landholders to protect ecologically valuable land in this region is vital to the provincial government's efforts to protect these important and imperiled ecosystems.

Since the adoption of the previous Islands Trust Conservancy Plan in 2017, Islands Trust Conservancy has deepened its learning about the connection of Indigenous Peoples to the land and waters of the islands. Typically, Islands Trust Conservancy adopts Five-Year Plans to guide its work; however, Islands Trust Conservancy has not had sufficient time to engage with First Nations regarding its strategic directions to be able to submit a 2023-2027 Plan. Consequently, Islands Trust Conservancy Board has elected to create a short Three-Year Plan that is substantively an update of the 2017-2022 Plan. The Three-Year Plan will guide the work of Islands Trust Conservancy while it conducts early and meaningful First Nations engagement prior to adoption of a 2026-2030 Plan. By meaningfully engaging First Nations in the development of the 2026-2030 plan, Islands Trust Conservancy hopes to

¹ Previously known as the Islands Trust Fund Board. Name change effective May 31, 2018

² B.C. Conservation Data Centre. 2022. BC Species and Ecosystems Explorer. B.C. Minist. of Environ. Victoria, B.C. Available: <https://a100.gov.bc.ca/pub/eswp/> (accessed May 7, 2022).

create a Five-Year Plan that advances the objectives of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and the supports the outcomes in the provincial Declaration on the Rights of Indigenous Peoples Action Plan 2022-2027.

2. THE ISLANDS TRUST CONSERVANCY MANDATE, MISSION AND VISION

The Legislated Mandate of the Islands Trust Conservancy

In 1974, the Province of British Columbia recognized the islands between Vancouver Island and the mainland as a special place within the province where the unique beauty, rural character and rare ecosystems should be protected from overdevelopment. Through the *Islands Trust Act*, the province established the Islands Trust, with the following mandate (known as the Object of Islands Trust):

*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, First Nations, other persons and organizations and the government of British Columbia.*³

In 1990, through the enactment of a section of *Islands Trust Act*, the Islands Trust Conservancy (at that time, the Islands Trust Fund) was established as a conservation land trust to assist in carrying out the “preserve and protect” mandate. Part 6 of the *Islands Trust Act* establishes the corporate status, responsibilities, and governance structure of the Islands Trust Conservancy.

The Islands Trust Conservancy is one of 16 corporate entities⁴ charged to uphold the Object of the Islands Trust. It carries out the preserve and protect mandate through the conservation of land as nature reserves, nature sanctuaries, conservation covenants and other interests in land, and public education.

Under the *Islands Trust Act* (Section 44)

1. The Islands Trust Conservancy must prepare and submit to the Minister, at least once every five years, a plan for the trust fund respecting
 - a) policies on acquisition, management and disposal of property of the trust fund,
 - b) policies on investment of money of the trust fund,
 - c) goals for major acquisitions of property by the trust fund, and
 - d) other matters as required by the Minister
2. The Islands Trust Conservancy must not, without the prior approval of the Minister, acquire, hold or dispose of land except in accordance with a trust fund plan under subsection (1) that has been approved by the Minister.

³ In November 2021, the Province of BC passed the Municipal Affairs Statutes Amendment Act (No. 2), 2021 (Bill 26), which included specific reference to First Nations in the Islands Trust’s Object.

⁴ The Corporate entities charged to uphold the Object of the Islands Trust include the Trust Council, the Executive Committee, thirteen local trust committees and the Islands Trust Conservancy.

The Mission and Vision of the Islands Trust Conservancy

The **mission of the Islands Trust Conservancy** is to protect special places by encouraging, undertaking, and assisting in voluntary conservation initiatives within the Islands Trust Area.

The **vision of the Islands Trust Conservancy** is for a network of protected areas that preserve in perpetuity the natural systems of the islands in the Salish Sea.

Reconciliation Declaration

In July 2019, the Islands Trust Conservancy approved a Reconciliation Declaration:

The **Islands Trust Conservancy acknowledges** that the islands and waters that encompass the Salish Sea have been home to Indigenous Peoples since time immemorial. We recognize that we are all intertwined in the ecosystems that are the lands, waters, culture, and ecology that embody this place.

The **Islands Trust Conservancy will strive** to create opportunities for knowledge-sharing, understanding and collaboration as people come together to preserve and protect the special nature of the islands within the Salish Sea.

The **Islands Trust Conservancy is committed** to the protection and preservation of this place through processes that respect and honour reconciliation and mutually respectful relationships with Coast Salish Indigenous Peoples. We express our recognition for the past, present, and future stewardship and knowledge that has been shared by Indigenous Peoples and are humbled and grateful.

3. GOALS AND OBJECTIVES OF THE ISLANDS TRUST CONSERVANCY

Building on Achievements

Protected Lands

Since its inception in 1990, the Islands Trust Conservancy has protected 1,365 hectares (3,370 acres) of ecologically-significant natural area on the islands. As of November 2022, the Islands Trust Conservancy manages 34 Nature Reserves, and works with island landholders to steward 78 conservation covenants for a total of 112 protected areas. Twenty-seven of these protected places are certified as Ecological Gifts by Environment and Climate Change Canada.

In the next three years: The Islands Trust Conservancy will continue to refine the knowledge used for its decision making by developing a renewed 10-year Regional Conservation Plan to ensure that the organization's time and resources are directed towards high-priority land protection projects.

The Islands Trust Conservancy will continue to pursue new and innovative sources of funding to ensure that it can seize time-sensitive land securement opportunities and prevent further loss of the rare and fragile ecosystems of the Islands Trust Area. The Islands Trust Conservancy also intends to increase funding available for property management and restoration of its protected lands.

See Appendix A for a list of properties protected by the Islands Trust Conservancy.

Collaboration

The Islands Trust Conservancy works in partnership with land trusts, conservation groups, First Nations, parks agencies and others focused on conservation in the region. Islands Trust Conservancy staff participate in the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership, the Land Trust Alliance of British Columbia, and the Species and Ecosystems at Risk Local Government Working Group to further the organization's conservation mandate.

The Islands Trust Conservancy supports and enhances the capacity of the local island-based land trusts by providing grants from its Opportunity Fund, working collaboratively on projects, and facilitating education and networking opportunities. The Islands Trust Conservancy's Opportunity Fund is funded by private donations and has provided more than \$105,000 in grants to local land trusts, helping protect more than 525 additional hectares of land, since it was developed in 2005.

In the next three years: The Islands Trust Conservancy will seek to establish and deepen relationships with First Nations and will work towards building trust by finding opportunities to collaborate with First Nations to integrate Traditional Ecological Knowledge into management planning, reconnect youth with island ecosystems and other mutually beneficial initiatives. Islands Trust Conservancy will also meaningfully engage First Nations in the development of the 2026-2030 plan to create a Five-Year Plan that advances the objectives of the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration) and the supports the outcomes in the provincial Declaration on the Rights of Indigenous Peoples Action Plan 2022-2027.

Financial Sustainability

The administration of the Islands Trust Conservancy is funded by the Islands Trust Council, through property taxes collected from the residents and landholders of the Islands Trust Area.

Land securement and any other projects outside of core operations must be funded through external sources, including grants and private donations.

Grants: Because of the density of rare species found in the Islands Trust Area, Islands Trust Conservancy has been successful in negotiating over \$600,000 in federal funding between April 2020 and March 2023 to support land protection and management for species at risk. Islands Trust Conservancy intends to work with the Government of Canada to continue conservation for species at risk.

Private Donations: To augment its ability to protect and manage land, the Islands Trust Conservancy approved a Fund Development Strategy in early 2020. To support the Strategy, a part-time Strategic Fund Development Specialist position was created in 2022. In 2022, the Islands Trust Conservancy was successful in raising over \$100,000 in donations, including being the recipient of two bequests.

Current Funds: Islands Trust Conservancy holds three geographically-restricted funds dedicated to land acquisition – the Lasqueti Island Acquisition Fund, the Gambier Island Acquisition Fund, and the Thetis Island Acquisition Fund – and has guidelines to assist with the future development of other geographically restricted funds. Additionally, Islands Trust Conservancy has a Covenant Management and Defense Fund, and Property Management Fund and two property-specific land management endowments.

In the next three years: The board will continue to promote legacy gifts as a way to fund the protection and stewardship of ecologically significant lands in the region.

Encouraging Private Land Stewardship

Islands Trust Conservancy's innovative tax incentive program for private landholders to place conservation covenants on their properties, the Natural Area Protection Tax Exemption Program (NAPTEP), provides a permanent 65% reduction on property taxes on the portion of an eligible property protected by a conservation covenant.

In the next three years: Islands Trust Conservancy will continue to promote its programs to island landholders, focusing its outreach efforts on the highest priority landscapes. Islands Trust Conservancy Board will welcome conversations with the provincial and federal governments about new or innovative tools that might motivate increased land stewardship in this region and will look to these governments to partner on such programs.

Planning for Regional Conservation

In January 2018, Islands Trust Conservancy Board approved a 10-Year Regional Conservation Plan. The Regional Conservation Plan is the tool used by Islands Trust Conservancy to focus its resources on areas with the highest biodiversity values and greatest need for conservation. Islands Trust Conservancy has designed the Regional Conservation Plan as an information resource for citizens and organizations working towards conservation of biodiversity within the Islands Trust Area.

Based on scientific information and other forms of knowledge, the Regional Conservation Plan identifies areas of interest for conservation within the Islands Trust Area and strategies for achieving better levels of land conservation. Some of the strategies involve land acquisition and conservation covenants with willing landholders. Other strategies involve working with First Nations, partner agencies, local trust committees and Bowen Island Municipality to increase our knowledge base, encouraging protection of ecologically significant land within the Islands Trust Area and managing existing conservation lands effectively.

Goals of the 2018-2027 Regional Conservation Plan

The 2018-2027 Regional Conservation Plan sets out four high level long-term goals that reflect the enduring ambitions of Islands Trust Conservancy to work with island landholders and conservation partners to protect the rich biodiversity of the Islands Trust Area:

1. Identify, investigate and communicate about important natural areas to generate action on conservation priorities

In order to contribute to effective conservation of biodiversity and ecological integrity in the Islands Trust Area, Islands Trust Conservancy needs an understanding of the status of ecosystems and species in the region. Additionally, Islands Trust Conservancy manages over 1,350 hectares of land and can use data to improve and inform its land stewardship. Islands Trust Conservancy will continue to invest in research and data acquisition that supports the conservation of island ecosystems.

2. Strengthen relationships with First Nations to identify and collaborate on shared conservation goals

The Islands Trust Area is in the traditional territories of many First Nations. As part of its current practice, Islands Trust Conservancy invites comment from First Nations in management planning processes and refers public conservation proposals to First Nations where archaeological sites are identified. Islands Trust Conservancy seeks to establish and deepen relationships with First Nations and will work towards building trust and finding opportunities to collaborate with First Nations on projects and policy development where there are opportunities for shared benefits.

3. Continue to secure and manage Islands Trust Conservancy lands and conservation covenants to maximize ecological integrity

The core work of Islands Trust Conservancy is to maintain and contribute to protected area networks which preserve ecological function and high levels of biodiversity in the Islands Trust Area. Islands Trust Conservancy will continue to acquire new nature reserves and conservation covenants as well as use other tools for conserving nature while ensuring that it cares for the lands that it is trusted to manage. Securing adequate funding to pursue new acquisitions as well as manage all protected lands responsibly will be an area of considerable focus for Islands Trust Conservancy.

4. Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area

Islands Trust Conservancy was established in 1990. It has been a consistent presence in conservation of species and ecosystems in the Islands Trust area for almost thirty years. As it moves into the fourth decade of its work, Islands Trust Conservancy will ensure that it can responsibly care for its management responsibilities and participate effectively in partnership opportunities into the future. It will also work to be resilient enough to gracefully navigate change, both on the landscape and as an organization.

The 2018-2027 Regional Conservation Plan is posted on Islands Trust website:

islandstrust.bc.ca/conservancy/conservation-planning/

4. ISLANDS TRUST CONSERVANCY POLICIES

Below is a summary of key Islands Trust Conservancy policies affecting the public interest. A full list of policies, hyperlinked to the Islands Trust website, can be found in Appendix B.

Section 1: Fundraising, Investment and Financial Accountability

General Accounting

The financial transactions of Islands Trust Conservancy are managed using standard accounting procedures and are subject to an annual independent audit. The Audited Financial Statements of Islands Trust Conservancy are available on the Islands Trust website.

To ensure financial accountability, Islands Trust Conservancy will:

- follow the procurement policy established by Islands Trust Council;
- require prior approval of the board for expenditures in excess of \$10,000 unless a prior resolution from the board approves a plan, project or policy authorizing such an expenditure;
- require all financial transactions related to approved projects to be authorized by the Islands Trust Conservancy Manager;
- direct the Islands Trust Conservancy Manager to act on behalf of the board to oversee the management of the bank accounts and investments of the board; and,
- review an updated financial report at each regular board meeting.

Islands Trust Conservancy will not incur any liabilities without the prior approval of the Minister responsible for the Islands Trust.

Fundraising and Investment of Funds

Islands Trust Council approves an annual budget for the administrative operations of Islands Trust Conservancy. This funding covers operating expenses including, but not limited to, board meetings and training, staff salaries and benefits, conservation planning, land and covenant negotiations, communications, fundraising, legal counsel and property management costs. However, the operating budget is not used for direct acquisition of properties (i.e. purchase costs). Accordingly, to purchase land or contribute to acquisitions by other agencies, Islands Trust Conservancy must raise additional funds. The *Islands Trust Act* provides Islands Trust Conservancy with the ability to raise funds in a variety of ways.

The board and staff will solicit funds for the purposes outlined in existing Fund Guidelines⁵ and Fund Agreements⁶. Islands Trust Conservancy will not solicit funds for purposes outside of those approved in Fund Guidelines or Fund Agreements unless it has first reviewed and approved the additional fundraising activity. Islands Trust Conservancy currently manages ten funds.

⁵ As of November 2022, Islands Trust Conservancy has Fund Guidelines for the following funds: Opportunity Fund, Geographically Restricted Funds, Property Management Fund and Covenant Management and Defense Fund.

⁶ Fund Agreements are negotiated agreements with donors regarding the specific use of a restricted donation

Islands Trust Conservancy will not engage in commission-based fundraising, and will not employ contractors utilizing this method for fundraising activities. Islands Trust Conservancy will reserve the right to decline to accept a donation at its discretion.

Islands Trust Conservancy routinely requests cash endowments with land conservation projects associated with development applications. Islands Trust Conservancy invests these endowments only in accordance with the requirements of the *Trustee Act* for the investment of trust property by a trustee. The board ensures that it invests only in forms of property or security in which a prudent investor might invest, and which enable retrieval of the full investment if required.

Islands Trust Conservancy is a corporation that is, for all purposes, an agent of the provincial government, and accordingly is a qualified donee and can issue receipts for income tax purposes for donations. Islands Trust Conservancy is exempt from paying property taxes on its lands.

Section 2: Acquisition, Management and Disposition of Property

General

Under the *Islands Trust Act*, Islands Trust Conservancy can accept donations and grants of land, conservation covenants, other interests in land, cash, securities and other real property in support of the protection of the Islands Trust Area. Islands Trust Conservancy is an approved recipient of gifts of land and interests in land through Environment and Climate Change Canada's Ecological Gifts Program.

When considering proposals, the board will give priority to those proposals that protect larger areas of land, and may defer or decline smaller proposals. The board will only consider accepting covenants and land acquisitions of less than two hectares (4.9 acres) if specific significant features are present.

The board will assess the need for the ongoing management and future legal defense of conservation properties and may, as part of an approval, request or require an endowment or donation to cover management and defense costs associated with the land or covenant.

Land Acquisition

Islands Trust Conservancy will normally only consider the acquisition of lands that meet the Board's definition of Nature Reserve: *an area that has been set aside because it has regionally significant natural ecosystems (landscape units with little or no human development) and may contain nationally and provincially identified ecosystems and species that are considered endangered, threatened or of special concern. The primary purpose of a Nature Reserve is the preservation and protection of the natural ecosystem. The size of a Nature Reserve should be sufficient to ensure that these ecosystems remain viable over the long term. Activities permitted on a nature reserve will have minimal impact on the land and in general will only include hiking and only in areas that are considered not sensitive to this activity. The location and extent of hiking trails will be determined through the management plan process.*

With every land acquisition proposal, Islands Trust Conservancy will evaluate any risks that may hamper the organization's ability to protect the land's natural values in perpetuity. Islands Trust Conservancy will only consider accepting land that needs extensive ecological restoration or substantial management if:

- a) Islands Trust Conservancy has adequate staff resources to manage the on-going requirements;
- b) a substantial cash donation that is adequate to cover on-going restoration and/or management costs is provided; or,
- c) Islands Trust Conservancy has adequate funds available to undertake immediate restoration and/or management requirements.

Islands Trust Conservancy will not accept or acquire any lands where there is an obligation to maintain buildings or structures. The Conservancy may accept and acquire lands that have buildings on-site that can be removed or maintained at the board's discretion.

As a further measure of protection, Islands Trust Conservancy may develop and register a conservation covenant on each of its nature reserves if an appropriate conservation agency can be found to hold the covenant and if the values on the land warrant the investment of staff time and legal fees.

Conservation Covenants

Islands Trust Conservancy will encourage landholders within ecologically significant areas or with significant characteristics or values to protect their land using binding conservation covenants and will work with interested landholders to achieve protection of significant areas.

Islands Trust Conservancy will continue to work with Trust Council to promote and administer the Natural Area Protection Tax Exemption Program (NAPTEP). The program provides a property tax incentive for landholders who register conservation covenants on their lands to protect the natural features and values of their properties.

Islands Trust Conservancy may refuse to acquire properties with existing conservation covenants or other charges on title that include rent charges³. Rent charges will not be included in covenants to be registered on Islands Trust Conservancy owned properties as the Conservancy cannot incur liabilities without ministerial approval.

Management of Property and Covenants

The acquisition of land or registration of conservation covenants does not by itself guarantee the long-term protection of significant features and values. Active management of protected areas is also necessary. Islands Trust Conservancy's primary objectives in managing its properties are to protect public safety and ecological values. Lands held by Islands Trust Conservancy are not parks but are nature reserves and nature sanctuaries, and this concept is considered in acquisition discussions, management planning, insurance and land use zoning.

³ "Rent charge" is similar to a fine and is a charge registered against the land to enable enforcement of a breach of a covenant agreement.

To effectively manage ecologically significant areas, Islands Trust Conservancy works cooperatively with First Nations, landholders, contractors, partner conservation groups and other government agencies. Qualified staff, partners and contractors develop management plans for all lands held by Islands Trust Conservancy. Management plans provide long-term direction regarding allowable public use, the reduction of risk to public safety, and the reduction of risk to ecological values and other significant features.

When Islands Trust Conservancy receives donations of land, it consults with the donor(s) regarding any specific wishes they might have for the property and considers these wishes in the management planning process.

Generally, management plans will address the following matters:

- purpose and objectives for the site;
- background information including the site history;
- First Nations input and engagement;
- environmental inventory;
- management issues such as the extent and nature of protection required, appropriate uses and level of use, research guidelines, risk management, signage, and special needs at the site;
- strategies and actions to achieve the purpose and objectives for the site and to address management issues and needs; and
- traditional use and protection of cultural/archaeological sites.

Islands Trust Conservancy will seek assistance from partners to implement management plans and, where appropriate, will request partners to enter into contracts with Islands Trust Conservancy regarding management operations and responsibilities.

Islands Trust Conservancy monitors all of its lands and covenanted areas regularly to assess the character and key features of the sites, evaluate the effectiveness of the management program, identify any new issues that need to be addressed, and identify and respond to any breaches to the terms of a covenant or trespasses on protected lands.

Islands Trust Conservancy will request, where necessary, that local trust committees or island municipalities rezone Nature Reserves and Nature Sanctuaries to the most appropriate designation and zone for nature protection when it is reviewing Official Community Plans and/or Land Use Bylaws and will work with local trust committees or island municipalities to determine the most appropriate designation and zone.

Disposition of Property

Islands Trust Conservancy intends to maintain its protected areas in perpetuity. However, there are circumstances where Islands Trust Conservancy will consider transferring property (or interests in a property, such as a conservation covenant) it has acquired to another agency.

If Islands Trust Conservancy receives an unrestricted donation of land with little or no ecological value, and if no other barriers to disposition exist, Islands Trust Conservancy may sell the land and place the proceeds in a fund of Islands Trust Conservancy to be decided by the board.

If Islands Trust Conservancy receives a proposal to transfer an ecologically significant property (or an interest in land) to another conservation agency, and determines that there is no legal barrier to transfer and that the proposal is worthy of consideration, Islands Trust Conservancy will direct staff to conduct and prepare a thorough assessment of the proposal for consideration by the board.

Islands Trust Conservancy will only dispose of a fee simple title or an interest in ecologically significant land if it can be determined that the recipient agency has the expertise and long-term financial resources to manage the property or interest as well as, or better than, the board. If the land, or interest in land, was acquired as an Ecological Gift, Islands Trust Conservancy will notify Environment and Climate Change Canada of the disposition.

The board will consider the following tools to ensure that any transferred land and associated values will be protected in perpetuity for the residents of the Trust Area and the people of British Columbia:

- a) Islands Trust Conservancy may transfer land on condition that it be used for conservation purposes, or transfer land as determinable fee simple providing that the land will revert to Islands Trust Conservancy if the land is no longer being used for the specified purposes.
- b) Islands Trust Conservancy may register a conservation covenant on title to land before a transfer, to ensure the protection of the land's ecological values, provided an appropriate agency can be found to hold the covenant, and the recipient agency has the legal authority to accept the encumbrance.

Section 3: Communication, Cooperation and Liaison

Communication

Islands Trust Conservancy board members and staff conduct activities in a manner that enhances Islands Trust Conservancy's reputation as an organization that works proactively, constructively and collaboratively to advance Islands Trust Conservancy Three-Year Plan.

Islands Trust Conservancy's land conservation negotiations are confidential and will be treated as such by all board members and staff of the Islands Trust Conservancy. Generally, information about on-going covenant and land donation projects will not be discussed or announced publicly until the project is complete, unless the project is associated with a development application, or the applicant has specified that the project may be discussed publically.

Collaboration

Islands Trust Conservancy works collaboratively with other agencies, First Nations and individuals to promote conservation in the Islands Trust Area. Staff and Board members participate regularly in partnerships with various levels of government, non-profit organizations, community groups and other agencies to further preservation of nature in the Islands Trust Area. Islands Trust Conservancy wishes to maintain good communications with First Nations and other agencies working in the region. The approach to First Nations engagement will be consistent with Islands Trust First Nations Engagement Principles Policy 6.1.1.

Advocacy

Islands Trust Conservancy will ensure that its advocacy positions are consistent with Islands Trust Conservancy Three-Year Plan and Islands Trust Advocacy Policy 6.10.3 and are supported by a resolution of the board. Advocacy letters from Islands Trust Conservancy to elected officials will be signed by a board member.

5. CONCLUSION

Guided by the Regional Conservation Plan, Islands Trust Conservancy will continue to pursue its mandate in accordance with its policies and in partnership with individuals, island communities and First Nations, as well as local, regional, provincial and national conservation and government agencies.

Islands Trust Conservancy will continue to strive for organizational excellence, and to eliminate barriers to its continued success. With excellent working relationships with the island-based and regional land trusts and strong connections to local and regional governments, the Islands Trust Conservancy is well positioned to take a lead role in the protection of the ecologically significant areas found in Canada's islands in the Salish Sea.

Islands Trust Conservancy looks forward to the next three years of conservation successes, inspired by the generosity and perseverance of our partners, collaborators and supporters, and the endless beauty of fragile island ecosystems.

APPENDIX A: List of Islands Trust Conservancy protected areas, by fiscal year

FISCAL YEAR	PROPERTY NAME	HECTARES PROTECTED	ISLAND	
1992-1993				
Nov. 1992	Scott Covenant Lands	1.00	Salt Spring	
Dec. 1992	Inner Island Nature Reserve	9.40	Denman	
Dec. 1992	Deep Ridge Nature Reserve	14.20	Salt Spring	
			Hectares Protected:	24.60
1993-1994				
Jun. 1993	Enchanted Forest Regional Park Covenant	4.20	South Pender	
Dec. 1993	Coats Millstone Nature Reserve	0.25	Gabriola	
Feb. 1994	Cunningham Covenant	12.17	Salt Spring	
Feb. 1994	Cyril Cunningham Nature Reserve	3.95	Salt Spring	
			Hectares Protected:	20.57
1995-1996				
Jun. 1995	Medicine Beach Nature Sanctuary	8.00	North Pender	
			Hectares Protected:	8.00
1996-1997				
Jun. 1996	Lower Mt. Erskine Nature Reserve	22.00	Salt Spring	
Mar. 1997	Tate Covenant	72.20	Salt Spring	
			Hectares Protected:	94.20
1997-1998				
Jan. 1998	Cable Bay Covenant	61.51	Galiano	
Jan. 1998	Kwel Nature Sanctuary	21.00	Lasqueti	
			Hectares Protected:	82.51
1998-1999				
Jun. 1998	South Winchelsea Island Covenant	10.28	South Winchelsea	
Mar. 1999	Reid Chapman Covenant	0.54	Gabriola	
Mar. 1999	Ledingham Covenant	1.10	North Pender	
			Hectares Protected:	11.92
1999-2000				
Jun. 1999	Retreat Island Covenant	1.60	Galiano	
Jul. 1999	McIntyre Covenant	1.20	Bowen	
Nov. 1999	Dennis Covenant	0.40	North Pender	
Dec. 1999	Singing Woods Nature Reserve	9.00	Bowen	
Dec. 1999	Terminal Creek Covenant North	0.30	Bowen	
Dec. 1999	Terminal Creek Covenant South	0.85	Bowen	
Jan. 2000	Brooks Point Regional Park Covenant	4.00	South Pender	
			Hectares Protected:	17.35

2000-2001

Dec. 2000	Floating Cattails Marsh Covenant	1.92	Saturna	
Dec. 2000	Strand-Dohan Covenant	0.52	Saturna	
Feb. 2001	Trincomali Nature Sanctuary	12.00	Galiano	
			Hectares Protected:	14.44

2001-2002

Jun. 2001	Lindsay Dickson Nature Reserve	52.40	Denman	
Jul. 2001	Green Frog Farm Covenant	24.30	Galiano	
Jul. 2001	Longini Covenant	8.00	Galiano	
Aug. 2001	Burnt Snag Covenant	6.60	Sidney	
Aug. 2001	Dragonfly Pond Covenant	4.40	Sidney	
Aug. 2001	Kingfisher Pond Covenant	1.40	Sidney	
Aug. 2001	Sandbanks Covenant	3.01	Sidney	
Aug. 2001	Sunrise Covenant	0.47	Sidney	
Aug. 2001	Windthrow Covenant	26.60	Sidney	
Aug. 2001	Woodpecker Pond Covenant	0.94	Sidney	
Oct. 2001	Lot 31 Covenant	67.43	Salt Spring	
Jan. 2002	Ruffed Grouse Covenant	11.5	Salt Spring	
Feb. 2002	Ruby Alton Nature Reserve	1.60	Salt Spring	
Feb. 2002	Horton Bayviary Nature Reserve	0.52	Mayne	
			Hectares Protected:	209.17

2002-2003

Aug. 2002	Keough Covenant	0.66	Salt Spring	
Sept. 2002	Where 'Ere You Walk Covenant	0.34	Salt Spring	
Dec. 2002	Winter Wren Wood Covenant	2.50	Denman	
Jan. 2003	Loretta's Wood Nature Reserve**	40.00	North Pender	-40.00
Mar. 2003	Manzanita Ridge Covenant	20.00	Salt Spring	
			Hectares Protected:	63.50

2003-2004

Dec. 2003	Cottonwood Creek Covenant	4.31	North Pender	
Dec. 2003	Treetop Covenant	10.22	Sidney	
Feb. 2004	Old Point Farm Covenant	8.89	Saturna	
			Hectares Protected:	23.42

2004-2005

May 2004	Laughlin Lake Covenant	11.00	Galiano	
May 2004	Sharp-tailed Snake Covenant	0.03	North Pender	
Jan. 2005	Brigade Bay Bluffs Nature Reserve	5.14	Gambier	
Jan. 2006	Long Bay Wetland Nature Reserve	38.00	Gambier	
			Hectares Protected:	54.17

**transfer of Loretta's Wood to Parks Canada, March 2005

2005-2006

Mar. 2005	Meadow Valley Covenant	1.40	Thetis
Nov. 2005	Bachmann Covenant	2.07	Gabriola
Oct. 2005	Shacum Covenant	4.00	Salt Spring
Oct. 2005	Walter Bay NAPTEP Covenant	2.38	Salt Spring
Oct. 2005	Owls Call NAPTEP Covenant	3.31	Salt Spring
Oct. 2005	Leader NAPTEP Covenant	1.80	Salt Spring
Oct. 2005	Arthur Lineham NAPTEP Covenant	23.69	Salt Spring
Dec. 2005	Mount Trematon Nature Reserve	57.87	Lasqueti
Jan. 2006	Morrison Marsh Nature Reserve	51.73	Denman
			Hectares Protected: 148.25

2006-2007

May 2006	Vogt Covenant	29.74	Salt Spring
May 2006	Elder Cedar (S'ul-hween X'pey) Nature Reserve	64.67	Gabriola
Jul. 2006	Little D'Arcy NAPTEP Covenant	8.15	North Pender LTA
Oct. 2006	Barrineau NAPTEP Covenant	1.76	Galiano
Nov. 2006	David Otter Nature Reserve	3.04	Bowen
			Hectares Protected: 107.36

2007-2008

Aug. 2007	Oscar's Landing Covenant	0.69	North Pender
Aug. 2007	Richardson NAPTEP Covenant	1.75	Salt Spring
Oct. 2007	My Whim NAPTEP Covenant	2.20	Salt Spring
Oct. 2007	Polden NAPTEP Covenant	3.39	Salt Spring
			Hectares Protected: 8.03

2008-2009

May. 2008	Mount Artaban Nature Reserve	107.00	Gambier
Oct. 2008	Wennanec NAPTEP Covenant	1.64	Salt Spring
Oct. 2008	Frog Haven NAPTEP Covenant	3.60	Salt Spring
Oct. 2008	Woodwinds NAPTEP Covenant	0.76	North Pender
Oct. 2008	Lot 16 NAPTEP Covenant	0.31	North Pender
Oct. 2008	Lot A NAPTEP Covenant	0.95	North Pender
			Hectares Protected: 114.26

2009-2010

Oct. 2009	Steil's Woods NAPTEP Covenant	1.49	North Pender
Nov. 2009	Westbourne NAPTEP Covenant	1.69	Galiano
Mar. 2010	McRae NAPTEP Covenant	7.37	Gabriola
			Hectares Protected: 10.55

2010-2011

Jul. 2012	Fairy Fen Nature Reserve	18.10	Bowen
Oct. 2010	Frog Song Forest Covenant	1.78	North Pender
			Hectares Protected: 19.88

2011-2012

Nov. 2011	John Osland Nature Reserve	66.37	Lasqueti
Aug. 2011	Lot 44 (Ogden Road)	0.76	North Pender
Dec. 2011	Great Beaver Swamp Covenant	10.20	Galiano
Sep. 2011	Lot 45 (Ogden Road) Covenant	0.86	North Pender
Oct. 2011	Lot 16 addition NAPTEP Covenant	0.18	North Pender
Oct. 2011	Garry Oaks NAPTEP Covenant	0.50	North Pender
			Hectares Protected: 78.87

2012-2013

Oct. 2012	Nighthawk Hill NAPTEP Covenant	0.91	North Pender
Oct. 2012	Myra Powers NAPTEP Covenant	4.69	Hornby
Oct. 2012	Valens Brook Nature Reserve	3.74	Denman
Dec. 2012	Laughlin Lake Nature Reserve addition	0.50	Galiano
			Hectares Protected: 9.84

2013-2014

Apr. 2013	Mount Tuam Covenant	13.40	Salt Spring
Apr. 2013	Vanilla Leaf Land Nature Reserve	40.50	Galiano
May 2013	Burren's Acres Nature Reserve	2.03	Gabriola
Sep. 2013	Stanley Point Covenant (Lot 21)	1.31	North Pender
			Hectares Protected: 57.24

2014-2015

Sep. 2014	Old Divide NAPTEP Covenant	0.81	Salt Spring
Oct. 2014	McFadden Creek Nature Sanctuary	5.09	Salt Spring
Feb. 2015	Goldenback Fern Covenant	0.29	Salt Spring
			Hectares Protected: 6.19

2015-2016

May 2015	Finlay Lake Covenant	6.73	Galiano
Oct. 2015	Wallace Point NAPTEP Covenant	1.63	North Pender
Nov. 2015	Clam Bay Farm Covenant	8.26	North Pender
			Hectares Protected: 16.62

2016-2017

Aug. 2016	Fischer Covenant	6.12	Hornby
Feb. 2017	Moore Hill Nature Reserve	21.04	Thetis
Mar. 2017	Isabella Point Covenant	2.15	Salt Spring
			Hectares Protected: 29.31

2017-2018

Sep. 2017	Settlement Lands Covenant	63.25	Denman
Jan. 2018	Fairyflipper Forest Nature Reserve	16.60	Thetis
			Hectares Protected: 79.85

2018-2019

Sep. 2018	Swift Family Link Island NAPTEP Covenant	19.30	Link	
Dec. 2018	Valens Brook Nature Reserve Addition	2.55	Denman	
				Hectares Protected: 21.85

2019-2020

Jul. 2019	Salish View Nature Reserve	11.47	Lasqueti	
				Hectares Protected: 11.47

2020-2021

Dec. 2020	Sandy Beach Nature Reserve	3.30	Keats	
Feb. 2021	Lisa Baile Nature Reserve	4.05	North Pender	
				Hectares Protected: 7.35

2021-2022

Jul. 2021	Earl Batista Covenant	0.86	Salt Spring	
Sep 2021	Saturnina Island Nature Sanctuary (Lease)	4.05	Saturnina	
Oct. 2021	Woodpecker Forest NAPTEP Covenant	3.73	North Pender	
Oct. 2021	Moss Mountain NAPTEP Covenant	45.43	Salt Spring	
				Hectares Protected: 54.07

2022-2023

April 2022	Link Island Nature Sanctuary	21.45	Link	
				Hectares Protected: 21.45

Total Hectares Protected: 1366.7

Notes: Properties called Nature Reserves or Nature Sanctuaries are owned or leased by Islands Trust Conservancy.

NAPTEP - Natural Area Protection Tax Exemption Program

APPENDIX B: Complete List of Islands Trust Conservancy Policies

BYLAW #2 [A Bylaw to Regulate the Meetings of the Islands Trust Conservancy Board and Committees of the Islands Trust Conservancy Board](#)

POLICIES Policies are online at islandstrust.bc.ca/about-us/accountability/policies/

SECTION 1 ORGANIZATIONAL

- 1.1 Islands Trust Conservancy Board Member Appointments, Reappointments and Elections
- 1.2 Board and Committee Elections
- 1.3 Islands Trust Conservancy Board Roles and Responsibilities
- 1.4 Board Standards of Conduct
- 1.5 Board Member Attendance and Participation and Member Removal
- 1.6 Annual Budget Submissions
- 1.7 Fundraising and Donations
- 1.9 Funds For Partnership Acquisition Projects Policy

SECTION 2 LAND TRANSACTIONS AND PROPERTY MANAGEMENT

- 2.1 Board Approval of Projects and Transactions
- 2.2 Assessing Conservation Proposals
- 2.3 Acquisition and Management of Land
- 2.4 Conservation Covenants
- 2.5 Natural Area Protection Tax Exemption Covenants
- 2.6 Heritage Forest Land Acquisition and Protection
- 2.7 Disposition of Land
- 2.8 Covenant Enforcement
- 2.9 Management Plan Costs

SECTION 3 COMMUNICATIONS, COOPERATION AND LIAISON

- 3.1 Islands Trust Conservancy and Local Planning Services Coordination
- 3.2 Communicating Information Regarding Covenant and Acquisition Projects
- 3.3 Relationships with External Groups
- 3.4 Islands Trust Conservancy Role in Partnership Acquisition Projects
- 3.5 Consulting Trust Council, Local Trust Committees, Island Municipalities, and Local Trustees on Islands Trust Conservancy Board Matters
- 3.6 Research
- 3.7 Freedom of Information and Protection of Privacy – Routinely Released Information
- 3.8 Freedom of Information and Protection of Privacy
- 3.9 Freedom of Information and Protection of Privacy – Designation of Fees

File No.: 12-14-6500-20
Permit Delegation

DATE OF MEETING: September 29, 2022
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Bylaw No. 231 - Delegation of Development Permits

RECOMMENDATION

1. That the North Pender Island Local Trust Committee Bylaw No. 231, cited as “North Pender Island Local Trust Committee Delegation Bylaw No. 231, 2022”, be read a First Time.
2. That the North Pender Island Local Trust Committee Bylaw No. 231, cited as “North Pender Island Local Trust Committee Delegation Bylaw No. 231, 2022”, be read a Second Time.
3. That the North Pender Island Local Trust Committee Bylaw No. 231, cited as “North Pender Island Local Trust Committee Delegation Bylaw No. 231, 2022”, be read a Third Time.
4. That the North Pender Island Local Trust Committee Bylaw No. 231, cited as “North Pender Island Local Trust Committee Delegation Bylaw No. 231, 2022”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

The report attaches a draft bylaw for LTC consideration that would delegate issuance of most development permits to staff. Bylaw 231 is based on the template endorsed by Trust Council and implements the direction provided by the LTC at the last meeting.

BACKGROUND

Local trust committees now have the authority to delegate issuance of development permits (DP) to staff. In June, Trust Council adopted a policy that provides guidance to local trust committees and staff in considering adopting a delegation bylaw and also requested that local trust committees consider adoption of delegation bylaws. At the August 11th meeting, staff provided a report that reviewed the North Pender Island Local Trust Committee development permit areas (DPA) based on the Trust Council policy criteria, and recommended that the LTC consider a bylaw to delegate issuance of most development permits to staff.

Staff’s review concluded that the issuance of DPs for all the Environmental and Hazard DPAs can be delegated to staff, the guidelines are comprehensive and relatively objective, staff have long been assessing compliance with guidelines against professional reports, and incorporating professionals’ recommendations into DP conditions. However, applications for the Commercial and Industrial Form and Character DPA should continue to be

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considered by the LTC; while the guidelines are comprehensive, the more subjective interpretation of design-based guidelines, along with the sometimes high profile nature of these DPs, made staff reluctant to recommend delegation.

That the August 11th meeting, the LTC adopted the following resolution:

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It was Moved and Seconded that the North Pender Island Local Trust Committee request staff to prepare a bylaw that would delegate the issuance of development permits to staff for the following development permit areas:

a) North Pender Island OCP Bylaw No. 171, 2007, Development Permit Areas One through Six; and (Sensitive Ecosystems), Seven (Raptor Nests) and 10 (Riparian and Aquatic)

b) North Pender Associated Islands OCP Bylaw No. 147, 2002, Shoreline, Sidney Island Geotechnical and Sidney Island Shoreline Development Permit Areas.

A trustee also requested that staff report on the ability to include a provision to have DP applications generated by enforcement directed to the LTC. Whether or not a development permit application originates due to bylaw enforcement or by other means (owner’s initiative, building permit referral, etc.) is not a condition of delegation authorized in either the Local Government Act or the Islands Trust Regulation. Whether a permit is approved or refused by either the LTC or a delegate must be based on adherence with the guidelines, and the delegation bylaw provides only very limited discretion to delegated staff to approve a DP that doesn’t comply with all the DP guidelines. A DP for work done without a permit would likely be refused by the delegated staff, and essentially referred to the LTC through the appeal process.

A delegation bylaw is an administrative bylaw, requiring three readings, Executive Committee approval, and adoption by the LTC. The LTC can proceed to give three readings and refer it to EC. If approved by the EC the LTC could adopt the bylaw at a subsequent meeting or by RWM.

Rationale for Recommendation

Trust Council has adopted a policy for delegation of development permits to staff and has requested LTCs consider adopting delegation bylaws. Delegation of DPs has been recommended in the governance review. Staff has prioritized the North Pender LTC’s DPA for review and consideration of delegation based on the relative volume of applications and has assessed the DPAs to be appropriate for delegation with the exception of form and character DPs. The North Pender LTC has given direction to draft a bylaw to delegate the issuance of most DPs to staff.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If the LTC requests information which requires a significant amount of staff time in analysis or community consultation, the bylaw should be added to the LTC’s work program. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that staff report back to the LTC with the following information: .

2. Proceed no further

If the LTC does not support delegation of DPs, either in principle or based on a consideration of the DPA provisions, the LTC should resolve to proceed no further. If the decision is based on DPA being considered out of date or in need of review, the resolution could specify proceeding no further until such time as the DPA(s) in question have been reviewed and updated.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee proceed no further with consideration of Bylaw 231.

3. Defer Consideration

The LTC may defer consideration, effectively directing that delegation be considered in the next term of the LTC.

That the North Pender Island Local Trust Committee defer consideration of Bylaw 231 and request that staff bring the report back to an agenda in the new term.

NEXT STEPS

If the recommended readings are given, staff will forward the bylaw to EC for approval.

Submitted By:	Robert Kojima, Regional Planning Manager	September 16, 2022
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ATTACHMENTS

1. Bylaw No. 231, 2022

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 231, 2022**

**A bylaw of the North Pender Island Local Trust Committee to Delegate the Power to Issue Certain
Land Use Permits**

The North Pender Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the North Pender Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

SHORT TITLE

1. This bylaw may be cited as “North Pender Island Local Trust Committee Delegation Bylaw No. 231, 2022”.

DEFINITIONS

2. In this bylaw:

“**Act**” means the Local Government Act.

“**Local Trust Committee**” means the North Pender Island Local Trust Committee.

“**Director**” means the Director of Local Planning Services.

“**Regional Planning Manager**” means the Manager assigned to the Local Trust Committee.

DELEGATION

3. The Local Trust Committee hereby delegates to the Director, or in his or her absence the Regional Planning Manager, the power to issue a development permit or a development permit amendment under Section 490 of the Act in respect of development permits issued within the following development permit areas:
 - a. North Pender Island Official Community Plan Bylaw No. 171, 2007:
 - i. Development Permit Area One;
 - ii. Development Permit Area Two;
 - iii. Development Permit Area Three;
 - iv. Development Permit Area Four;
 - v. Development Permit Area Five;
 - vi. Development Permit Area Six;
 - vii. Development Permit Area Seven;
 - viii. Development Permit Area Ten.
 - b. North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002:
 - i. 701 Shoreline Development Permit Area;
 - ii. 702 Sidney Island Geotechnical Covenant Area Development Permit Area;
 - iii. 703 Sidney Island Shoreline Development Permit Area.

4. The delegation under Section 3 does not include the authority to vary or supplement a land use regulation or a subdivision regulation.
5. The Director, or in his or her absence the Regional Planning Manager, is also delegated the power to require, under Section 502 of the Act, an applicant to provide security in an amount stated in the Permit by way of an irrevocable letter of credit or the deposit of securities in a form satisfactory to the Director.
6. The amount of security to be provided under Section 502 of the Act, in relation to a development permit issued by the delegate, shall be 125% of the cost of site restoration, landscaping, remediation of damage to the natural environment or improvements including materials and installation, as determined by a professional landscape architect, a nursery person, a landscape contractor, a habitat biologist, or another person approved by the Director to provide.
7. For clarity, a person to whom a power, duty or function has been delegated under this bylaw has no authority to further delegate to another person any power, duty or function that has been delegated by this Bylaw.

RECONSIDERATION

8. An applicant may have a decision of the delegate in relation to a permit reconsidered by the Local Trust Committee by submitting a written request for reconsideration to the Deputy Secretary within thirty days after the decision is delivered to or made available to the applicant.
9. The request for reconsideration must include the following:
 - a. the applicant's address for receiving correspondence related to the request for reconsideration;
 - b. a copy of the written decision;
 - c. reasons why the applicant wishes the decision to be reconsidered by the Local Trust Committee;
 - d. the decision which the applicant requests be made by the Local Trust Committee;
 - e. reasons in support of the decision requested from the Local Trust Committee; and
 - f. a copy of any documents which support the applicant's request for reconsideration by the Local Trust Committee.
10. Each reconsideration request shall be placed on the agenda of a regular Local Trust Committee meeting and shall include a copy of the materials that were considered by the delegate in making the decision that is to be reconsidered and any further materials delivered by the owner.
11. The Local Trust Committee may consider any presentations made by the applicant and may either:
 - a. confirm all or part of the delegate's decision,
 - b. set aside all or part of the delegate's decision; or
 - c. amend the delegate's decision or make a new decision.

