



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: July 30, 2020
Time: 10:00 am
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	10:00 AM - 10:15 AM	
2.	APPROVAL OF AGENDA		
3.	TRUSTEE REPORT		
4.	CHAIR'S REPORT		
5.	TOWN HALL AND QUESTIONS	10:15 AM - 10:30 AM	
6.	COMMUNITY INFORMATION MEETING		
	None		
7.	PUBLIC HEARING		
	None		
8.	MINUTES	10:30 AM - 10:40 AM	
8.1	Local Trust Committee Minutes Dated July 2, 2020 (for Adoption)		4 - 9
8.2	Section 26 Resolutions-without-meeting Report Dated July 2020		10 - 10
8.3	Advisory Planning Commission Minutes - None		
9.	BUSINESS ARISING FROM THE MINUTES	10:40 AM - 10:50 AM	
9.1	Follow-up Action List Dated July 2020		11 - 12
10.	DELEGATIONS		
	None		
11.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>		

12.	APPLICATIONS AND REFERRALS	10:50 AM - 11:00 AM	
12.1	Mayne Island Local Trust Committee Bylaw No. 180 Referral (Attached)		13 - 20
13.	LOCAL TRUST COMMITTEE PROJECTS	11:00 AM - 12:00 PM	
13.1	Land Use Bylaw Review		
13.1.1	<u>LUB Review Project (Attached)</u>		21 - 26
13.1.2	<u>Shoreline Discussion Paper (Attached)</u>		27 - 39
14.	REPORTS	12:00 PM - 12:15 PM	
14.1	Work Program Report (attached)		
14.1.1	<u>Top Priorities Report Dated July 2020</u>		40 - 40
14.1.2	<u>Projects List Report Dated July 2020</u>		41 - 42
14.2	Applications Report Dated July 2020 (attached)		43 - 46
14.3	Trustee and Local Expense Report Dated May 2020 (attached)		47 - 47
14.4	Adopted Policies and Standing Resolutions (attached)		48 - 52
14.5	Local Trust Committee Webpage		
14.6	Islands Trust Conservancy Report Dated July 2020		53 - 54
15.	NEW BUSINESS	12:15 PM - 12:30 PM	
15.1	Contiguous Forest Mapping in the Islands Trust Area Report		55 - 86
16.	UPCOMING MEETINGS	12:30 PM - 12:35 PM	
16.1	Next Regular Meeting Scheduled for September 10, 2020 - Resolution to hold Electronic Meeting		
17.	TOWN HALL	12:35 PM - 12:50 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)(a)(d)(i) for the purpose of considering:

- *Adoption of In-Camera Meeting Minutes Dated February 27, 2020*
- *Appointment of Agricultural APC Members*

AND that the recorder and staff attend the meeting.

18.2 Recall to Order

18.3 Rise and Report

19. ADJOURNMENT

12:50 PM - 12:50 PM



North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: July 2, 2020

Location: Electronic Meeting (Zoom Webinar)

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

Staff Present: Robert Kojima, Regional Planning Manager
Narissa Chadwick, Island Planner
Phil Testemale, Island Planner
Shannon Brayford, Recorder
Maple Hung, Planning Team Assistant, Zoom Host

Public: There were approximately (12) attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:02 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions were recommended:

- Add under New Business. Soils Remediation Bylaw
- Add, under New Business, First Nations Advisory Committee.

By general consent the agenda was adopted as amended.

3. TRUSTEE REPORT

Trustee Morrison acknowledged the work of local residents and businesses to move forward under the conditions of COVID-19. She encouraged the public to email comments and suggestions about both COVID-19 related matters and also Trust Level Policy. She provided an update on the bylaw enforcement program and assured the community that the Local Trust Committee (LTC) is working to keep enforcement a priority.

Trustee McConchie reported on meetings with the Ministry of Transportation and Infrastructure regarding the state of roads on the Penders, the installation of a bike lane, and the painting of

yellow lines. He provided an overview of the outcomes of Trust Council and also noted increasing collaboration between Islands Trust and the Capital Regional District (CRD).

4. CHAIR'S REPORT

Chair Patrick reported on the work of the Local Planning Committee, particularly in regards to the ecosystem management and the Coastal Douglas Fir.

5. TOWN HALL AND QUESTIONS

Amanda Griesbach spoke in favour of the online meetings and encouraged consideration of continuing the practice. She addressed the Marine Conservation Area and encouraged the LTC to support and expedite the process.

Anne Burdett requested and received information on whether the recorded meetings would be available to the public after the meetings.

Michael Sketch recommended that Islands Trust consider storing only the audio recordings of meetings if data size is an issue. He further noted that he had sent a submission to the LTC electronically regarding the Land Use Bylaw (LUB) Review with encouragement to understand that where industrial zoning conflicts with Agricultural Land Reserve (ALR) land, the Agricultural Land Commission (ALC) is the superior regulation. He further encouraged the LTC to use the LUB review as an opportunity to correct errors.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated May 21, 2020 (for Adoption)

It was recommended that under Item 12.2, the phrase, "Allow land use to be completed" be replaced with "Allow the land use bylaw project to be completed".

By general consent the minutes were adopted as amended.

8.2 Section 26 Resolutions-without-meeting Report Dated June 2020

Chair Patrick noted the Resolutions-without-meeting (RWM) listed and provided an overview of the rationale.

8.3 Advisory Planning Commission Minutes

None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated June 2020

Regional Planning Manager (RPM) Kojima provided an overview of the list.

10. DELEGATIONS

None

11. CORRESPONDENCE

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

11.1 George Leroux re LTC meetings

The letter was received for information and it was noted that, although was not received in time for inclusion in the previous agenda package, it had been addressed at the previous meeting.

12. APPLICATIONS AND REFERRALS

12.1 NP-DVP-2020.2 (Randall) - Staff Report

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

A discussion of the application was held. Topics included the alternatives available to the applicant should the application be denied, the circumstances that led to the application, and the options available for a Development Variance Permit.

The LTC requested and received information from the applicant regarding the removal of the outbuilding and the intended purpose of the workshop.

NP-2020-029

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2020.2 (Randall).

CARRIED

12.2 NP-DVP-2020.3 (Mansley) - Staff Report

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

A discussion of the application was held. The Trustees requested and received information from the applicant regarding the situation that lead to the application and consultation with the impacted neighbour.

NP-2020-030

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2020.3 (Mansley).

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Land Use Bylaw Review

RPM Kojima provided an overview of the three discussion papers. He offered an overview of the process moving forward.

13.1.1 Tourist Commercial Zoning

A discussion of the report was held, including the history of the commercial zoning process and its impact on the current state of zoning.

13.1.2 Agricultural Zoning

The LTC requested and received information on tourism in the agricultural zone and the associated regulations of the Agricultural Land Commission.

A discussion was held regarding the scope of the LUB Review and whether review of the ALR map should be included. The discussion included highlighting opportunities and challenges of encouraging local farming.

13.1.3 Conservation Subdivision Regulations

The LTC requested and received a rationale from staff regarding the report's recommendation.

13.2 Short Term Vacation Rentals Review - Staff Report

Planner Chadwick provided an overview of the staff report and outlined rationales for the recommendations.

A discussion was held regarding a community request that Short Term Vacation Rentals (STVRs) be closed in support of the COVID19 response. Staff provided an overview of the options available to the LTC.

The LTC requested and received information on the data and data gaps regarding the number of unregulated STVRs on the island. Further discussion was held about initiating proactive bylaw enforcement when unregulated STVRs are identified.

NP-2020-031

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request that staff identify amendments to the guidelines for Temporary Use Permits for Short Term Vacation Rentals in primary dwellings.

CARRIED

NP-2020-032

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request that staff revise the project charter to reflect the change in approach

CARRIED

Note: A break was held from 12:15 – 12:21 pm

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated June 2020

The LTC requested and received information on revising the timeline for the Groundwater Sustainability Project.

14.1.2 Projects List Report Dated June 2020

The LTC requested and received information on the purpose of the report

14.2 Applications Report Dated June 2020

The LTC requested and received an update on the application made by the Nu to Yu.

14.3 Trustee and Local Expense Report Dated May 2020

Received for information

14.4 Adopted Policies and Standing Resolutions

Received for information

14.5 Local Trust Committee Webpage

No comments were heard.

14.6 Islands Trust Conservancy Report Dated May 2020

Received for information.

15. NEW BUSINESS

15.1 Soils Remediations Bylaw

Trustee McConchie provided a rationale for proposing a Soils Remediation Bylaw. He requested and received advice from staff.

A discussion of proposing a related bylaw was held, including the benefits and challenges of the potential regulations.

NP-2020-033

It was Moved and Seconded,

That the North Pender Island Local Trust Committee add “Soils Removal and Deposit Bylaw” to the Projects List

CARRIED

15.2 First Nations Advisory Planning Commission

Trustee McConchie provided a rationale for proposing the creation of a First Nations Advisory Planning Commission.

A discussion of a pilot project that fosters better dialogue was held. The discussion included points regarding the complex nature of the project, the Trustees' hopes for potential outcomes of the project, and the limitations of the current feedback system.

NP-2020-034

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to investigate the creation of a First Nations Advisory Committee.

CARRIED

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for July 23 - Electronic Meeting

A discussion of altering the next meeting date from July 23, 2020 until July 30, 2020 was held.

It was agreed that it shall be considered and changed by RWM if possible.

17. TOWN HALL

Amanda Griesbach spoke in favour of the electronic meeting system and the LTCs willingness to pilot new projects for First Nations consultation, ground water, climate change and other matters.

Michael Sketch encouraged the LTC to review each of the directive policies while they are completing their Land Use Bylaw Review.

18. CLOSED MEETING

None

19. ADJOURNMENT

By general consent the meeting was adjourned at 1:12 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



Resolutions Without Meetings Log

North Pender Island

Resolution Number	Action	Date
2020-013	Carried	06-Jul-2020
THAT the North Pender Island Local Trust Committee regularly scheduled meeting for Thursday, July 23, 2020, be rescheduled to Thursday, July 30, 2020.		

Follow Up Action Report

North Pender Island

27-Feb-2020

Activity	Responsibility	Dates	Status
1 Staff directed to write a letter to CRD re: joint public education for overlapping areas of interest with DPs in watershed areas - UPDATE: letter to be drafted to Magic Lake Sewer and Water Committee seeking joint education on riparian areas for Chair's signature	Phil Testemale Robert Kojima	Target: 29-May-2020	Completed

02-Jul-2020

Activity	Responsibility	Dates	Status
1 8.1 Minutes of May 21st adopted as amended	Maple Hung	Target: 10-Jul-2020	Completed
2 12.1 NP-DVP-2020.2 (Randall) - approved for issuance	Jas Chonk	Target: 10-Jul-2020	Completed
3 12.2 NP-DVP-2020.3 (Mansley) - approved for issuance	Jas Chonk	Target: 10-Jul-2020	Completed
4 13.2 STVR Review - staff to report back with potential TUP guidelines for consideration and to update project charter	Narrisa Chadwick	Target: 26-Aug-2020	In Progress
5 13.1 LUB Review - post discussion papers to webpage	Maple Hung	Target: 07-Jul-2020	Completed
6 15.1 Add Soil Removal and Deposit bylaw to projects list	Robert Kojima	Target: 10-Jul-2020	Completed

Follow Up Action Report

North Pender Island

02-Jul-2020

Activity	Responsibility	Dates	Status
7 15.2 - staff directed to investigate the creation of a First Nations advisory committee	Lisa Wilcox Robert Kojima	Target: 21-Oct-2020	In Progress
8 16.1 Re-schedule July 23rd meeting to July 30th by RWM	Maple Hung	Target: 09-Jul-2020	Completed



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. BC V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Mayne Island Local Trust Area **Bylaw No.:** 180 **Date:** July 16, 2020

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PURPOSE OF BYLAW:

Technical Updates to the Mayne Island Land Use Bylaw.

Professional reports and staff reports are available on the Mayne Island webpage:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/mayne/projects-initiatives/lub-technical-review/>

GENERAL LOCATION:

Mayne Island Local Trust Area

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

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

(Signature)

Name: Narissa Chadwick

Title: Island Planner
Contact Info: Tel: 250-405-5189
Email: nchadwick@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Provincial Agencies

Ministry of Forest, Lands & Natural Resource Operations
-- Crown Lands And Resources

Non-Agency Referrals

Mayne Island Parks and Recreation Commission

Regional Agencies

Capital Regional District – Building Inspection
Capital Regional District – Regional Parks and Community Services

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area

(Island)

180

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 180

A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO. 146, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2020”.

2. Mayne Island Local Trust Committee Bylaw No. 146, cited as “Mayne Island Land Use Bylaw No. 146, 2008,” is amended as follows:

2.1 By deleting the definition of “Concrete” in its entirety.

2.2 By deleting the word “Regional District” from the definition of “Hall” and replacing it with “local government.”

2.3 By adding “and no other uses” to the definition of “Park, passive recreation” after “signage.”

2.4 By deleting “doe” from the definition of “School” and replacing it with “does.”

2.5 By deleting “, and passive recreation parks” from subsection 3.1(2)

2.6 By inserting a new subsection 3.1(7) as follows:

“3.1(7) Passive recreation park, each park limited to hiking and walking trails and signs not exceeding 1 square metre each.”

2.7 By inserting a new subsection 3.1(8) as follows:

“(8) Water system facilities owned and operated by a regional district, improvement district or community water utility, including wells, pumphouses, lines, water collection and storage tanks, and septic systems.”

2.8 Deleting “Without limiting the generality of subsection 3.6(1),” from subsection 3.6(2).

2.9 By inserting “not exceeding 2 metres (6.6 feet) in height” following the word “wall” in article 3.8(1)(c) (Landscape Screening).

2.10 By inserting a new subsection 3.10(2) as follows:

- (2) If a lot is divided by one or more zone boundaries, lot coverage and maximum floor area must be calculated by reference to the areas of the portions of the lot lying within each zone.

2.11 By deleting “20m² (87ft²)” from subsection 5.9(5) and replacing it with “20m² (215 ft²).”

2.12 By deleting subsection 5.10(10) in its entirety and replacing with “rescinded.”

2.13 By inserting a new row in the table in subsection 5.21(3) in the Water Moorage (W2) zone as follows:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
W2(b)	Area of foreshore fronting Plan VIS 6703 contained within DL 560 and identified as Licence 113232.	Despite 5.21(1) the only uses permitted in this location are: (a) Dock, accessory to the upland uses, and limited to one float not exceeding a size of 36.5 m ² .

2.14 Deleting the phrase “no additional lots are created;” from article 8.2(1)(d) and replacing it with “the area of any lot would not be increased to an extent that it could be subdivided into more lots than would be permitted under this bylaw without the boundary adjustment;”

2.15 By updating outdated references to the local government act as follows:

- 2.15.1 By deleting the number “946” in Table of Contents page 3 and replacing it with the number “514”.
- 2.15.2 By deleting the number “946” in section 8.4 and subsection 8.4(1) and replacing it with the number “514”.
- 2.15.3 By deleting the number “944” in subsection 8.5(1) and replacing it with the number “512”.

2.16 By adding the phrase “and emergency services” to the definition of ‘Community Wharf’ after “for area residents”

Map Amendments

- 2.17 Schedule "B" (Zoning Map) is amended by changing the zoning classification of an area of foreshore fronting Plan VIS 6703 contained within DL 560 and identified as License 113232 from W2 to W2(b) as shown on Plan No. 1 attached to and forming part of this bylaw, and by making such alterations to Schedule "B" to Land Use Bylaw No. 146 as are required to effect this change.
- 2.18 Schedule "D" (Secondary Suites Map) is amended by including the area "being added to where secondary suites are permitted" as shown on Plan No. 2 attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

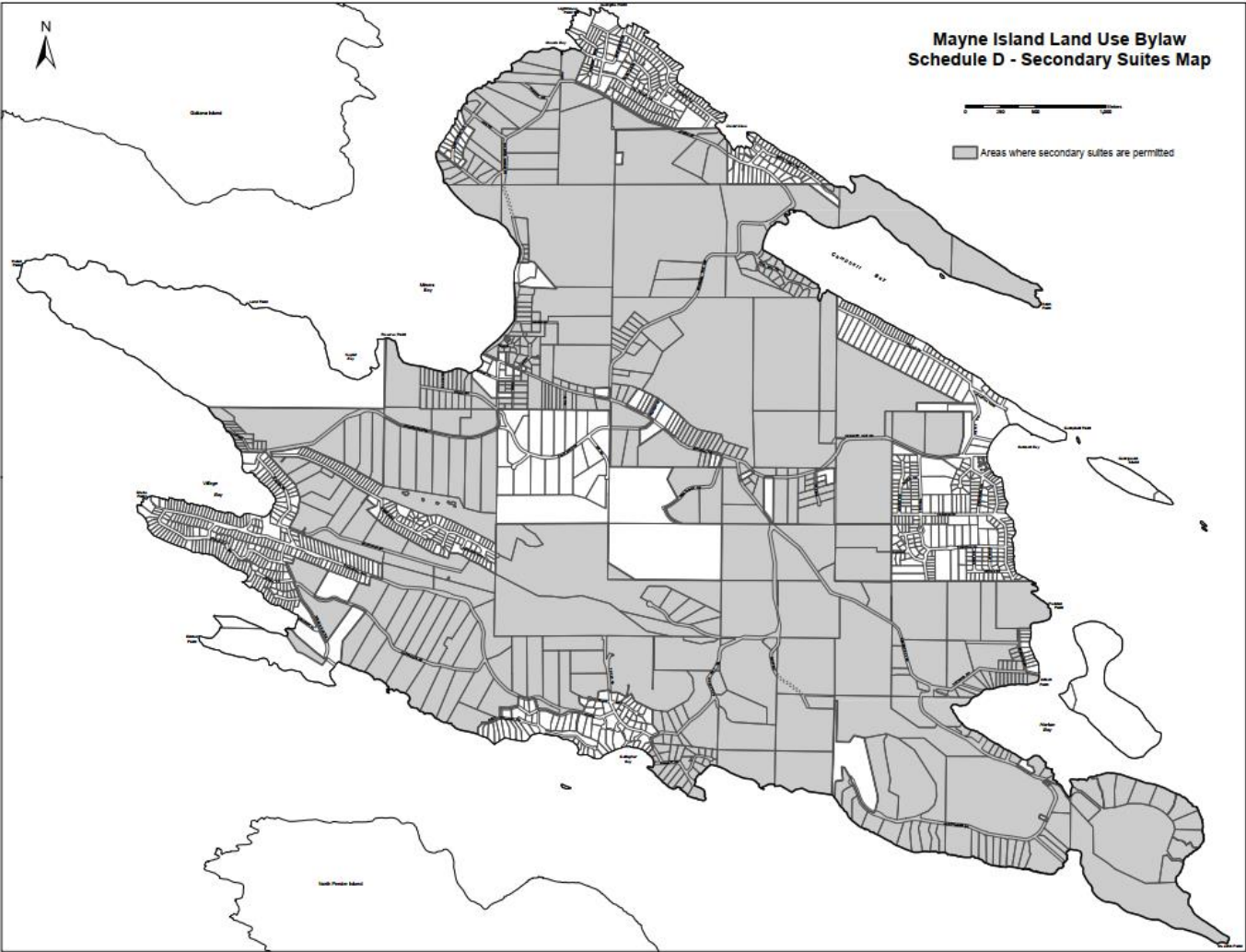
READ A FIRST TIME THIS	29 TH	DAY OF	JUNE	2020.
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 180

Plan No. 2



File No.: 6500-20
(NP LUB Review Project)

DATE OF MEETING: July 30, 2020
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
SUBJECT: LUB Review Project

RECOMMENDATION

1. That the North Pender Island Local Trust Committee identify preferred options for community consultation on the LUB project.

REPORT SUMMARY

The purpose of this report is to provide the LTC with a summary of proposed minor and technical amendments, provide the final discussion paper on shoreline and marine issues, and to provide the LTC with options on public consultation.

BACKGROUND

The project was identified by the LTC in late 2019 and the project charter was endorsed in January (attached). The objective of the project is to implement Official Community Plan (OCP) policies through amendments to the Land Use Bylaw (LUB). The project encompasses seven topic areas:

1. Residential floor area review.
2. Conservation subdivision review.
3. Tourist Commercial regulation review.
4. Marine shoreline regulations review.
5. Agricultural regulations amendments.
6. Industrial regulation review.
7. Minor and technical amendments

During the initial phase (Feb – June), the project charter identified that staff undertake a review and analysis of the issues, and prepare background material and options for consideration. To date, staff have prepared five discussion papers (please see project [webpage](#)), with a sixth (Marine and Shoreline regulations) is on this agenda. The Marine and Shoreline paper provides an overview of marine jurisdiction, relevant OCP policies, existing zoning regulations, key issues, and options for potential amendments. In addition, this staff report attaches a table outlining proposed minor and technical amendments – these are primarily issues that staff have identified and tracked over the past few years as potential corrections, clarifications, or general improvements to zoning regulations. As previously, the LTC should identify if there is any additional information that should be addressed

in the discussion paper or any additional minor amendments that should be considered. The completion of the final discussion paper will conclude the research and analysis phase of the project.

CONSULTATION

The next phase of the project is community, stakeholder and First Nations engagement. The consultation phase is proposed to be completed at the end of 2020. Given Covid-19 restrictions on public gatherings, the option of holding conventional public meetings is limited, so the LTC should give consideration to alternate methods of consultation, including:

- Referral to the Advisory Planning Commission, including the Agricultural APC (the LTC has advertised for, and is considering appointments to, an Agricultural Advisory Planning Commission).
- Targeted consultation with stakeholder groups (e.g. landowners in specific zones) may be an option.
- Establishing an open comment period for the public to provide feedback
- Consideration of holding public consultation either electronically, or in-person where they can be held consistent with public health rules and recommendations.

Staff will work with the Senior Intergovernmental Policy Advisor to undertake early consultation with First Nations.

Caveats related to Advisory Planning Commission meetings:

1. APC meetings have to be convened and run as normal – i.e. APCs cannot meet electronically
2. The LTC should consider whether there is a venue open that the APC can meet at that can accommodate the commissioners and some members of the public.
3. If a member is unable to attend due to health concerns, they could attend electronically, provided there is a quorum of the APC at the meeting.
4. APC Chair is responsible to ensure social distancing and public health rules are followed.
5. A planner may attend (if needed) the meeting as per normal, or may connect electronically.

Options for consultation by topic:

- The appointment of an Agricultural Advisory Planning Commission provides the LTC with the opportunity to refer the agricultural topic to this special APC, requesting that the AAPC review the discussion paper and other material and provide advice to the LTC on potential LUB amendments by November.
- The existing APC also provides a venue for advice on some of the other topics, the LTC may wish to refer or more of the other topics to the APC for review, again requesting that advice be provided to the LTC by November. In particular, the following may benefit from APC review and comment:
 - Residential floor area
 - Tourist Commercial
 - Industrial zoning
 - Shoreline and Marine

- General public input: the LTC should invite community input on the project generally. The website will have all the background material posted, and the public can be notified by subscriber email, and other advertising, and invited to submit comments.
- Mail-out to owners in the industrial and C2 zones inviting specific comment.
- One or more electronic information meetings can be scheduled, where members of the public with a connection can participate. This would be best scheduled for early fall.
- The LTC may want to consider setting aside time during the town halls at regular meetings for input specifically on this project.
- Depending on the status of the provincial health orders, holding in-person town halls or open houses may be considered in the fall.

Staff will also identify any agencies where early referrals may be appropriate (e.g. the ALC), and as noted above, undertake early First Nations engagement.

NEXT STEPS

Once the LTC identifies consultation options, staff will initiate referrals and advertising. At the next regular meeting, the LTC should review the consultation initiated to date and consider any additional steps – such as the scheduling of public meetings.

Submitted By:	Robert Kojima, Regional Planning Manager	July 22, 2020
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ATTACHMENTS

1. Table of minor and technical amendments
2. Project charter

Table of Minor and Technical Amendments

Topic	Policy	Ref.	Issues	Comments
a) Landscape Screening Review	Regulations to retain screening vegetation	2.1.C	<i>Review of effectiveness, intent, and practicality of existing regulations; consider potential amendments</i>	- existing requirements are often unsuited for rural landscapes - ambiguity in regulations: screening, fencing, planting
b) Home Industry Regulations	Home Industry regulations review	2.1.3.6 – 2.1.3.9	<i>OCP establishes policies for updating these regulations</i>	- harmonize regulations (i.e. lot coverage and setbacks) - review list of uses and consider broader use categories - ensure regulations address mitigation of impacts - use should be manufacturing/processing - address parking of vehicles/equipment
c) Subdivision regulations	Review of subdivision servicing regulations, including proof of potable water, applicability of road standards and drainage.	3.3.1.1	<i>Opportunity to provide updated standards for subdivision regulations</i> <i>Road and storm drainage regulations are not LTC jurisdiction</i>	- amendments should be technical changes - update proof of potable water standards - consider harmonization with South Pender regulations, with updated/revised proof of water requirements
d) Renewable energy	Review zoning regulations to permit renewable energy devices	4.5.2 4.7.10	<i>Siting of fixtures would be main amendment.</i>	- Siting exemptions for solar panels and power sheds
e) Mandatory rainwater catchment systems	Regulations may be considered requiring the installation of rainwater catchment systems in new construction	3.2.4 4.7.5	<i>Non-potable water storage requirements can be implemented through zoning regulations. Priority areas may be identified following completion of the groundwater review project</i>	- define scope and application of a regulation, ie new principal dwelling and cottages on wells - review experiences on Galiano, Saturna - coordinate with Groundwater Sustainability project
f) Commercial zoning Review	Review C1 zoning	4.7.2 4.7.4	<i>Review site-specific zones, update use categories, parking alternatives</i>	- review use categories, - extend general uses to site specific zones, - consider rezoning the old port Washington store site
g) Ferry Terminal	Ferry terminal zoning	3.1.1.6	<i>Upland portion of ferry terminal should be zoned to a community service zone (currently RR)</i>	- technical amendment only (i.e. Mayne terminal zoning) - terminal upgrades are planned, any significant expansion of terminal should be by a separate rezoning - engagement with First Nations prior to initiating any amendments

Topic	Policy	Ref.	Issues	Comments
Other minor amendments:				
h) Incorporate TUPs into zoning	Consider amending zoning to make on-going (non-STVR) TUPs permanent uses		<i>There are currently 4 non-STVR TUPs that may be candidates for LTC-initiated zoning amendments that would make the uses permanent</i>	- TUP-2019.4 - medicine beach drop-off - TUP-2020.1 –3334 Port Washington - rezone to industrial - TUP-2016.1 – site-specific zoning on portion of Rural lot behind Driftwood - TUP-2018.4 Disc park shelter
i) Community Park zoning			<i>Relevance of existing 2 zones, no buildings permitted</i>	<i>Consult with parks commission, consider amendments to permit shelters and storage buildings</i>
j) Forestry and Agricultural buildings	Amendments to AG and R zoning to address agricultural and forestry building height		<i>Agricultural buildings defined by use only, consider amendments to permit higher buildings on AG lots with larger setbacks. Rural zoning does not specifically allow for non-agricultural buildings that are not accessory to a dwelling.</i>	<i>- minor amendments should be considered to address persistent interpretation issues</i>
k) Accessory buildings	Construction of accessory buildings prior to residence		<i>Permit one non-residential building on RR zoned lots prior to construction of dwelling</i>	<i>- review other LUBs, should be limited and minor</i>
l) Prohibited uses	Review of prohibited uses		<i>Update to address shipping containers, pit toilets and uses identified in other bylaws</i>	<i>Review for consistency with other LUBs</i>
m) Use permitted in all zones	Review		<i>General review for accuracy</i>	<i>Review for consistency with other LUBs</i>
n) Technical Amendments	Technical updates / corrections		• <i>Alphabetical order of definitions (e.g. cottage, multiple-family dwelling)</i> • <i>“multiple-family dwelling” definition should be “more than two households” or “three or more households” and a definition of “two-family dwelling” should be added.</i> • <i>Add Definition of pumphouse and electrical shed</i> • <i>Permit pumphouses and electrical sheds prior to principal dwellings, allow electrical sheds in setbacks and establish size restrictions</i> • <i>Mapping:C2(c) and C2(d) zone boundary</i> • <i>Magic Lake tennis courts – consider adding as a permitted use</i> • <i>Add secondary suites to RC zones</i> • <i>Add provision to resolve Inconsistency between natural boundary and lot line setbacks</i> • <i>clarity that no residential use of RVs</i> • <i>review regulations on connections between buildings for consistency with BCBC</i> • <i>Review lot coverage for split zoned lot calculations</i> • <i>Administration and enforcement: currently states that enforcement officers must give prior notice: update to be consistent with other bylaws that state entry at reasonable times.</i> • <i>Correct typos, update legislative references</i>	
o) Formatting	Re-format LUB to Islands Trust LUB template, adopt a new base bylaw		<i>Any extensive amendments to LUB should include re-formatting LUB into standard template and adopting a new base bylaw</i>	

OFFICIAL COMMUNITY PLAN IMPLEMENTATION – Project Charter v1

North Pender Island Local Trust Committee

Date: January 30, 2020

Purpose: project to consider implementation of a OCP policies through amendments to the Land Use Bylaw

Background: The current OCP was adopted in 2007. Subsequently a number of amendments have been made to both the OCP and LUB that implemented some policies in the OCP, however there has not been a comprehensive review of the Land Use Bylaw to implement all relevant policies and initiatives in the OCP, nor to update the LUB for technical and minor amendments.

Objectives

To amend various regulations in the LUB to implement policies in the OCP, to address legislative changes, and to make technical and other minor amendments to the LUB

In Scope

Amendments to LUB regulations based on OCP policies and technical and minor LUB amendments.

- Residential dwelling floor area
- Lot clustering through conservation subdivision
- Tourist commercial zoning amendments
- Marine and shoreline zoning
- Agricultural amendments relating to ALR Act or Regulation changes
- Industrial zoning regulation amendments
- Minor or technical amendments
- Amendments to regulations to implement climate change policies added to OCP in 2010
- Bylaw formatting consistent with model LUB
- Consequential amendments to the OCP if required to fully implement in-scope regulatory changes

Out of Scope

- Substantive policy amendments to the OCP
- Significantly amended or new Development Permit Areas
- OCP mapping amendments establishing new land use designations
- Substantive regulatory changes to the LUB not identified in current OCP policies

Workplan Overview

Deliverable/Milestone	Date
Project charter endorsed	January 2020
Staff research and analysis of options, preparation of background documents, reports and discussion papers	Feb – June 2020
LTC review of background material and consideration of public consultation options	June 2020
First Nations engagement	June – Nov 2020
Public consultation (scope, extent and timing to differ for topic areas), early referrals	July – Nov 2020
LTC review of consultation results and consideration of amendment options	Jan – Feb 2021
Preparation of draft bylaw (blackline and new format)	Mar – May 2021
LTC Consideration of draft bylaw	May 2021
Community Information meetings / agency and First Nations referrals	June – Aug 2021
Legislative Process (longer if OCP amendments required)	Sept – Dec 2021

Project Team

Robert Kojima	Project Sponsor
TBD	Project Manager
Phil Testemale	Planning support
Lisa Wilcox	Intergovernmental rel.
Maple Hung/Jas Chonk	Admin Support
Jackie O'Neill	Mapping Support
RPM Approval: Robert Kojima Date: January 20, 2020	LTC Endorsement: Resolution #: Date: Jan 30, 2020

Budget

Budget Sources: LPS Project budget		
Fiscal	Item	Cost
2020-21	Public consultation	\$1000
2020-21	First Nations consultation	\$1500
2020-21	Legal / contingency	\$1500
2020-21	Total (2020-21)	\$4000
2021-22	Consultation, legislative process	\$3000

NORTH PENDER ISLAND
LAND USE BYLAW REVIEW

MARINE AND SHORELINE
DISCUSSION PAPER

JULY 2020



Islands Trust

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Background

The North Pender Island Local Trust Committee has initiated a project to implement Official Community Plan (OCP) policies through amendments to the Land Use Bylaw (LUB). The LTC has endorsed a [project charter](#) which establishes a process and timeline for the project.

The project is categorized into 7 topic areas:

1. Residential floor area review.
2. Conservation subdivision review.
3. Tourist Commercial regulation review.
4. Marine shoreline regulations review.
5. Agricultural regulations amendments.
6. Industrial regulation review.
7. Minor and technical amendments

Some topics will likely involve greater community engagement and consultation than others. In the initial phase, the project charter identifies that staff will undertake a review of the topics and issues, and prepare background material and options for consideration.

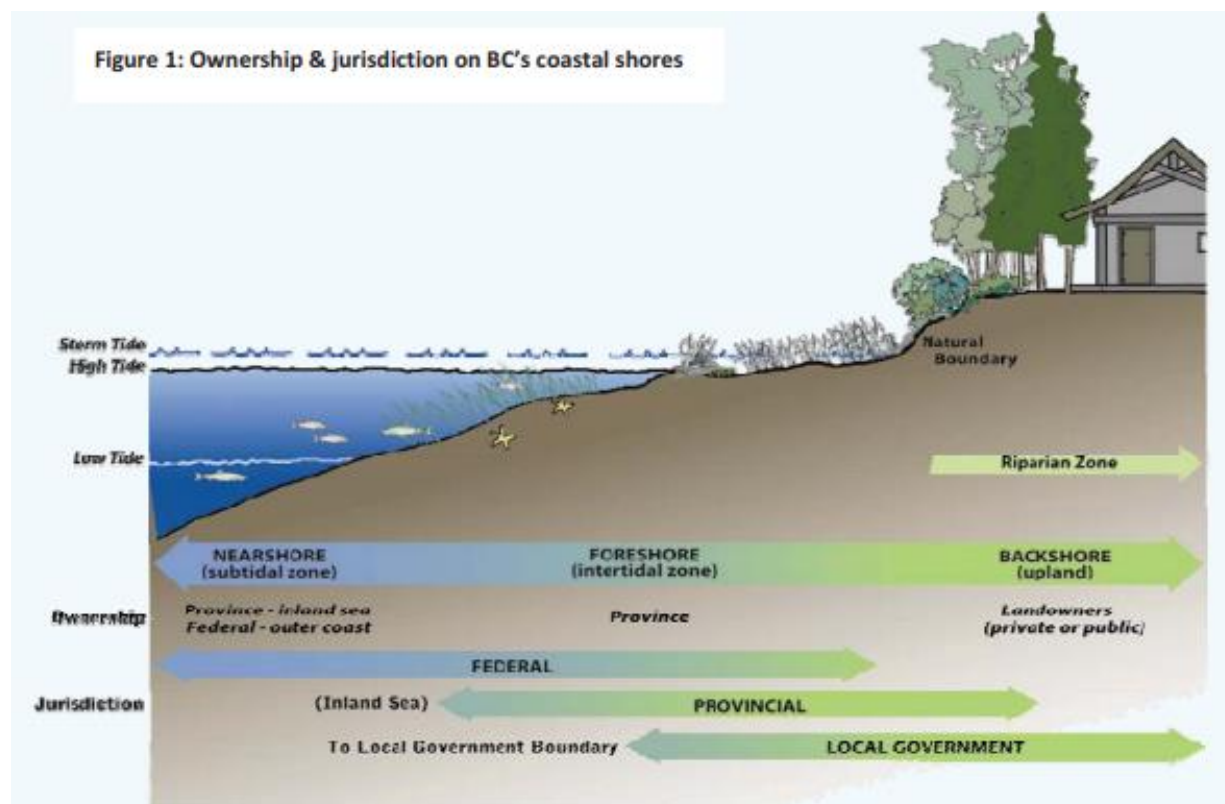
Discussion Paper Purpose:

The purpose of this Discussion Paper is review North Pender's marine zoning and shoreline regulations and identify how they support OCP objectives as well as address climate impacts. The discussion paper includes a high level overview of jurisdiction, identifies key issues related to marine and shoreline environments and proposes options for Land Use Bylaw amendments.

Discussion

1. Marine Shoreline Jurisdiction

All levels of government have some role in managing coastal shores in BC. Area of ownership and jurisdiction on BC's coastal shores is identified in Figure 1.



Source: https://www.salishsea.ca/resources/Riparianrights/Greenshores%20JurisdictionIssueSheet_finalVer4.pdf

Local Governments have the authority to plan and regulate land use within its boundaries, which may extend over the surface of the water in the foreshore and nearshore out to the jurisdictional boundary. Policy and regulatory tools include: official community plans, zoning, develop permit areas and subdivision authority. Local government zoning regulation of water is valid and applicable to the extent that it does not directly conflict with provincial or federal regulation, or impair core aspects of the federal jurisdiction over shipping and navigation. Federally owned land, such as port land, or Reserve land, as well as the Province's use of its own land and waters, will be immune from land use regulation.

The provincial government owns most of the foreshore (the area between the low water level and the natural boundary of the sea). The province issues permits, licenses or leases for a range of issues including: private and public moorage, wharves, marinas, aquaculture, and log storage. The Province also establishes regional coastal zone plans where needed.

The federal government has jurisdiction over offshore waters –from the low water mark out to about 12 nautical miles along the outer coast. Responsibilities include: fish and fish habitat protection including shoreline/riparian vegetation and the protection of public navigation.

First Nations have authority similar to provincial and local governments over upland and aquatic lands within Reserves. Outside reserves, traditional rights to marine resources are the subject of ongoing Treaty negotiations. All other governments have a duty to consult with First Nations on any shoreline tenure applications.

2. North Pender’s Marine and Shoreline Policies and Regulations

OCP Policies

The key goals in the North Pender Island Official Community plan that relate to shoreline and marine environments are those that speak to the need to “protect sensitive areas and at-risk species” and “plan for a pattern of activity and land use which ensures the sustainable use of natural resources and protects biodiversity, natural processes, habitats and species”. There are a number of OCP policies that support these goals in the shoreline and marine environment.

Coastal Areas Policies (4.2) focus on the protection of sensitive coastal areas. They are as follows:

- 4.2.1 Regulations should protect natural coastal processes from the impacts of development.
- 4.2.2 Ocean vistas may be protected by regulation.
- 4.2.3 Use of the foreshore, and the surface of marine waters within the North Pender Island Local Trust Area shall be regulated by zoning.
- 4.2.4 All offshore reefs and islets shall remain free of any development of structures other than aids to navigation.
- 4.2.5 The Local Trust Committee shall implement zoning regulations, appropriate development permit area guidelines and consider adoption of a development approval information bylaw in order to ensure that all tidal and coastal fresh water marshlands are retained in their natural state.
- 4.2.6 Marshes, bluffs and other natural features along the coast shall be protected from erosion, pollution and other impacts of development by: a) ensuring that any use of the foreshore does not result in permanent damage to natural features; b) encouraging use of community docks or multi-user docks; and c) ensuring that waterfront development is sufficiently setback to permit natural erosion and accretion processes to occur without endangering structures.
- 4.2.7 Maintenance of public access and the right to recreational use of the foreshore shall be protected.
- 4.2.8 Filling, deposit, or excavation of materials on the foreshore shall be prohibited.
- 4.2.9 Aquaculture shall be subject to rezoning.
- 4.2.10 No structures, including boathouses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes.

Other OCP policies related to the shoreline and marine environments include:

- Prohibiting marine industrial activities that would damage or adversely alter the foreshore (2.5.7).

- Prohibiting the permanent anchoring of floating camps or houseboats and residential use of any vessel moored or beached, except for one marina caretaker residence (3.1.1.5).
- Limiting shoreline structural modifications in number and extent to support or protect permitted or existing use or structure (5.2.1.5 (14))
- Preference to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Avoiding harder construction methods where possible (5.2.1.5 (15)).
- Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides that habitat should be retained or enhanced (5.2.1.5 (16)/5.2.1.6 (8)/ 5.2.2.4 (Woodland Ecosystem DPA Guidelines)/ 5.2.3.3 (Herbaceous Ecosystem DPA Guidelines).
- The Commercial and Industrial DPA includes a number of guidelines related to structures in the foreshore to limit visual impact.
- Recognition of the need for efforts and policies to help the community adapt to climate change impacts.
- The OCP also contains an Intertidal Ecosystem DPA (DPA 6) developed to “preserve and protect remaining sensitive intertidal ecosystems”.

In considering potential amendments to the LUB to better implement OCP policies related to the marine and shoreline environment, attention should be paid to what is currently in the OCP (as identified above) and what is missing with respect to addressing the impacts of climate change and the interest of First Nations. While climate change is acknowledged in the OCP there are no specific policies related to climate change impacts such as sea level rise. There are also no policies related to First Nations interests in the marine and shoreline environments.

Relevant LUB Definitions:

"marina" means the use of a water area for the temporary storage of boats and includes the installation of floats, wharves, piers, ramps and walkways, marine sewage pump-out stations and the provision of wharfage services to the boating public.

"moorage" means the tying of a boat to a buoy or similar object that is in turn anchored to the bed of the sea.

"natural boundary" means the visible high water mark of the sea, a lake, a stream or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the bank, in vegetation, as well as in the nature of the soil itself.

"personal watercraft" means a vessel less than 5 metres in length that is propelled by machinery, commonly a jet pump, and designed to be operated by a person standing, kneeling or sitting on the vessel rather than standing or sitting inside the vessel.

"wharfage" means the tying of a boat or seaplane to a wharf, float or dock that is in turn connected to an upland lot by a ramp or walkway

Items in the marine environment that are mentioned in zoning but not defined include: “dock”, “float”, “wharf”, “ramp”, and “walkway”.

Relevant LUB Regulations:

General Regulations

Prohibited Uses

- 3.2.1 The following uses, buildings and structures are prohibited in every zone: BL 179 (1) yacht clubs and marinas the use of which is restricted to members of a private club;

Siting

- 3.7.1 No building or structure other than one referred to in Subsection 3.7.2 may be sited, nor fill placed to support a building or structure, within 15 metres upland of the natural boundary of the sea nor 7.6 metres upland of the natural boundary of a lake, wetland or stream, and for this purpose paved areas of asphalt, concrete or similar material are "structures".
- 3.7.2 Walkways and stairs to access a dock or the foreshore and not exceeding a height of 1 metre and a width of 1.2 metres, anchor pads or abutments up to 1.5 metres in width for the purpose of securing a dock structure or wharf to the upland, up to 3 metres length of a dock walkway or ramp, and pumphouses are exempt from Subsection 3.7.1, and pumphouses used exclusively for housing an individual water system are exempt from setback provisions specified in Part 8 of this Bylaw.

Zoning

North Pender has five marine water zones which extend over the surface of the water (see Schedule D map of LUB).

Water 1 (W1) Zone is the most extensive foreshore zone extending around most of the perimeter of the island and is intended to permit private moorage uses. It permits outright: private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea; pilings necessary for the establishment or maintenance of the uses; boat launching ramps; and marine navigation, marine navigation aids and marker buoys. Only one float, wharf, ramps and walkway is permitted abutting each upland lot. Size of floats and wharves is limited to 37m². The width of ramps and walkways is limited. No structure may be located within 3 metres of the seaward projection of any side lot line of the abutting upland lot. Building on a float or wharf is not permitted. Living in a structure, boat or vessel in W1 is not permitted.

Water 2 (W2) Zone is intended to regulate marinas and the three existing marinas are included in this zone. It permits a number of uses specific to that use including: sale and rental of boats and sporting equipment, except personal watercraft; marinas; yacht clubs; wharfage facilities for water taxis, ferries, fishing boats, sea planes and similar craft; marine fuelling stations. Accessory buildings are permitted on docks. The maximum floor area may not exceed 37m². Living in a structure, boat or vessel in W2 is not permitted.

Water 3 (W3) Zone extends to the boundary of the North Pender Island Local Trust Area and permits only marine navigation, marine aides and marker buoys and on other uses.

Water 4 (W4) Zone is intended for public wharf facilities, and the zone includes the ferry terminal and the community docks. The zone permits marine navigation, marine navigation aids, marker buoys, ferry dock, public port facilities, and seawalls, breakwaters, ships, docks, piers, dolphins, and pilings necessary for the establishment or maintenance of such port facilities . All other uses are prohibited.

Water 5 (W5) Zone recognizes the National Park Reserve Marine component; while the federal government is not subject to zoning, the zone permits marine navigational aids, natural resource management and protection and docks, wharfage, and moorage accessory to the upland National Park lands. No other uses are permitted.

3. Issues and Interests Related to the Marine and Shoreline Environment

There are a number of issues and interests related to the marine and shoreline environments in the Islands Trust area identified below.

People living aboard structures, boats and vessels within the marine areas of Islands Trust. This can be a more significant problem in Local Trust Areas where living in structures, boats and vessels in marine zones is not clearly prohibited in regulation. North Pender’s zoning bylaws explicitly prohibit this use. BC Supreme Court ruled in the case of District of West Kelowna v. Newcomb (August 2013) that a local government’s zoning power can extend to regulation of long-term moorage. This was affirmed by the BC Court of Appeal. There are currently no bylaw enforcement files on North Pender Islands related to this issue.

Debris related to derelict docks and other structures are a common problem in the Islands Trust Area¹. In addition to abandoned boats, barges, and buoys, broken-up floats and docks scatter the marine environment creating hazards and negative ecological impact. Currently the only water zone on North Pender that prohibits “derelict or abandoned floats, ramps or walkways” is Water 6 Zone which is designated on Buck Lake and Magic Lake.

Ecological Impacts of development in shoreline and marine environments range from those related to onshore ecosystems to those in the intertidal area and beyond (which can include impacts on Southern Resident Killer Whales). Any type of disturbance in these areas can have impacts on ecological processes. Having the setback of 15 metres from the natural boundary of the sea enables North Pender to prohibit development in a large portion of the foreshore (except for walkways, stairs and pumphouses) without a development variance permit. This, in addition to the restrictions on the size of docks and width of walkways and stairs, effectively reduces ecological impacts. North Pender’s OCP also designates extensive sensitive ecosystem development permit areas, and many of the terrestrial ecosystem designations occur in backshore areas. In addition there is the existing intertidal DPA described above.

¹ <http://www.islandstrust.bc.ca/media/346733/abandoned-vessels-web-10-30-2018.pdf>

Sealevel Rise is an issue of increasing concern as climate change impacts become increasingly evident. Provincial environmental reporting indicates that the average sea level has risen along most of the B.C. coast over the past century. Sea Level rise in combination with storm surge could result in damage to coastal infrastructure, property loss from erosion, habitat loss, decreasing biodiversity, saltwater intrusion into coastal aquifers, and loss of cultural and historical sites. North Pender's 15 metre setback from the sea helps to mitigate some potential impacts. This setback can also be seen as a procedural hurdle for property owners wanting to take measures to protect their properties using both hard infrastructure and soft shore approaches. Development variance permits (DVP) are required for any structures within a setback. Soft shore approaches utilize natural materials and work with ecological processes to mediate impacts such as erosion, bank instability and other changes to shoreline that can result from sea level rise, storm surge and other factors. Most hard infrastructure and some soft shore treatments may require a DVP. However, there would be soft shore treatments not involving structures that do not require a variance, effectively incentivizing soft shore approaches over hardening.

First Nations interests and knowledge must be considered, where possible, with any in development or alteration of marine and shoreline environment. First Nations interests include mitigating and addressing shifts in the health of ecosystems which impact the livelihood and cultural ways of life of Indigenous Peoples on the coast. Mapping on North Pender identifies a significant amount of potential archeological sites along the shoreline. Bylaw referral processes require First Nations consultation, so any rezoning applications along the foreshore or backshore would involve consultation. The Islands Trust is working to improve engagement with First Nations and the integration of Indigenous knowledge into all land use planning processes.

Options

The options below identify potential LUB amendments.

1. Changes to Setback from the Natural Boundary of the Sea

Increasing the setback from the natural boundary of the sea in areas subject to significant impacts from sea level rise and erosion, which could help to limit property damage resulting from rising sea levels and storm surge events. Implementing this option would require data related to elevation and sea level rise potential over time to identify at-risk areas and appropriate setbacks.

Creating a vertical, as well as a horizontal, set back requirement could also be considered. Vertical setbacks are not typically used in Islands Trust Area bylaws. This option would assist in implementing provincial recommendations and requirements for building and subdivision. It would require investigation into the potential of implementing height in setbacks from the natural boundary of the sea generally in zoning.

2. Prohibit derelict “docks, floats, ramps and walkways” in all marine water zones

Currently the only water zone on North Pender that prohibits “derelict or abandoned floats, ramps or walkways” is Water 6 Zone which related to Buck and Magic lakes. While including such a prohibition in all the water zones may assist in some enforcement instances, in many cases the owner of an abandoned dock cannot be located or the enforcement may not be possible.

3. Require rezoning for new docks

Currently “private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea” are permitted outright in the W1 zone. New docks must comply with the size restrictions in the zone, but otherwise need no discretionary approval. The LTC may wish to consider changes that would make new docks a discretionary use, rather than the current outright use. This would be implemented by restricting the W1 zoning to current private moorage tenures and require rezoning to W1 for any future docks. In the process of rezoning, site specific considerations and restrictions could be addressed. This changed approach was implemented last term in South Pender’s updated Land Use Bylaw. While there are not a large number of new dock tenures annually, the LTC should consider the impact of processing private moorage rezoning applications.

4. Changes to Zoning to Encourage Soft Shore Mitigation Efforts

Soft shore approaches to addressing erosion, bank instability and other changes to shoreline that are associated with a variety of factors including sea level rise and storm surge recognize the ecological features and functions of the shoreline ecosystems. In addition to addressing impacts, soft shore approaches can contribute to the preservation of ecosystems. “Green Shores” is a program of the Stewardship Centre of BC which promotes the use of “soft shore” approaches.

As a soft shore/green shores approach relies on the use of natural materials, in a number of cases the introduction of these materials into the setback from the natural boundary of the sea would not require

a development variance permit. However, there may be cases where the extent to which the use natural materials constitute a structure. Zoning provisions could be reviewed to see if amendments could be made to permit structures associated with a green shores approach within the natural boundary setback from the sea, while still prohibiting shoreline hardening.

5. Additional Potential Amendments to Regulations

Definitions: existing marine related definitions should be reviewed for accuracy and relevance, and terms such as “dock”, “float”, “wharf”, “ramp”, walkway” and “derelict” should be considered for inclusion in the definitions, this would foster consistency with other bylaws, provide clearer interpretation and contribute to enforcement where needed.

Use Categories: review the use categories in the W1, W2 and W4 zones, and consider changes to:

- Clarify private moorage as the principal permitted use in W1
- Remove boat launch ramps as a permitted use abutting residential lots in W1
- Clarify marinas as the principal use in W2
- Clarify community docks and ferry terminals as the principal use in W4

Structures in the setback from the natural boundary: while current regulations limit permitted structures to stairs and walkways, the regulations should be reviewed for potential amendments that would address the extent and scale of walkways.

6. Other Opportunities (Out of Scope)

While the purpose of this discussion paper is to focus on amendments to the LUB, a further project that could be considered in future is the implementation of a shoreline Development Permit Area to protect the shoreline and marine ecosystem, address impacts associated with sea level rise and storm events on structures and to regulate shoreline alteration. The Galiano Local Trust Area currently has a DPA that serves this purpose. It includes guidelines encouraging soft shore approaches to shoreline protection. Also, Islands Trust Local Planning Committee has recently initiated a project to examine issues related to the Marine and Shoreline environment in the Trust Area and identify policy and regulatory opportunities for Local Trust Committees.

Conclusion

The North Pender Island OCP contains a number of policies related to the marine and shoreline environment. North Pender Island land use bylaw includes provisions such as setbacks and restrictions on walkway width and dock size as well as prohibiting living in structures, boats or vessels in marine water zones support a number of these policies.

There a number of amendments to LUB regulations, and other regulatory approaches, that could be considered in order to support the OCP goals of protecting “sensitive areas and at-risk species” and planning “for a pattern of activity and land use which ensures the sustainable use of natural resources and protects biodiversity, natural processes, habitats and species” in the marine and shoreline environment, as well as address climate change impacts related to sea level rise and storm surge.

Top Priorities Report

North Pender Island

1. STVR review

to review the policies, regulations and impacts of STVRs

Responsible

Narrisa Chadwick

Dates

Rec'd: 05-Sep-2019
Target: 01-Jul-2021

2. Climate Change Adaptation, Mitigation and Resilience

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

Phase 2: Sea level rise adaptation (2020-21)

Responsible

William Shulba

Dates

Rec'd: 29-Nov-2018
Target: 31-Mar-2020

3. LUB Review

To consider potential LUB amendments to implement OCP policies, and to make technical amendments

Responsible

Kim Stockdill
Robert Kojima

Dates

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



Projects Report

North Pender Island

1. *Climate Change Adaptation and Community Resilience*

Responsible

Date Received

Review available baseline data and consider policy and regulatory land use changes to address climate change adaption and community resilience

22-Jan-2009

2. *Official Community Plan Update*

Responsible

Date Received

- View corridor review
- Parks and Conservation area review
- Include advocacy policies for ultra vires regulations removed from the LUB (commercial airstrips, private marinas, use of personal watercraft)
- Marine riparian areas policies
- Policies to address roadside sign placement.
- Designate locations for Level 2 Charging Stations
- Designate locations for additional Car Stop Locations
- Designate locations for additional Bicycling-Walking Routes
- Review of heritage Roads

22-Jan-2009

3. *Agricultural Building Watercourse Setbacks*

Responsible

Date Received

Implement Ministry of Agricultural Standards for Building Setbacks from Watercourses in Farming Areas as folloow-up to RAR implementation

28-Jul-2011

4. *Geological Hazard Mapping*

Responsible

Date Received

Consider implementing DPA for Hazardous Areas

22-Feb-2012



Projects Report

North Pender Island

5. *Shoreline Project Implementation*

Responsible

Date Received

Investigate incorporating shoreline information and classification into new Gulf Islands app and using QR code for smart phones

26-Jan-2012

6. *Conservation Subdivisions*

Responsible

Date Received

Continue 2013-2014 work to reduce environmental impacts of subdivision through conservation subdivisions regulations. Consult with community on recommendations for LUB and OCP amendments drafted in 2014.

03-Feb-2015

- LUB amendments being considered during LUB Review project

7. *Freshwater sustainability*

Responsible

Date Received

Implement Official Community Plan policies on potable water and groundwater resources, especially policies in OCP 4.1.1.

29-Oct-2015

- Groundwater Mapping project on-going Top Priority - scheduled for completion in fall 2020

8. *Coastal Douglas Fir Ecosystem*

Responsible

Date Received

Consider implementation of toolkit and mapping

01-Feb-2019

- LPC to develop model bylaw in 2021-22

9. *Soil Removal and Deposit Bylaw*

Responsible

Date Received

To investigate adopting a soil removal and deposit bylaw

02-Jul-2020



Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
NP-ALR-2019.1	Burdett, Anne	15-Nov-2019	Application for Inclusion/Exclusion of land in the Agricultural Land Reserve

Planner: Phil Testemale

Planning Status

Status Date: 05-Feb-2020

Contact from Madrone Environmental re: Agrology report. Extended deadline to April 7, 2020. Other requirements for application completed/underway.

Status Date: 07-Jan-2020

Letter sent to applicant as application incomplete. Request information within 60 days.

Status Date: 17-Dec-2019

PTA created file, fees paid, LTC notified, given to Planner

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.5	PICSS c/o HARDAL MANAGEMENT INC	23-May-2018	Application for development permit for a building in a form and character DPA

Planner: Phil Testemale

Planning Status

Status Date: 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.

Status Date: 04-Jun-2018

Received from Applicant cheque for application fee by post mail.



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.1	Mainroad South Island Contracting	11-Jan-2016	3323 PORT WASHINGTON RD To change from a TUP to permanent zoning for works yard.

Planner: Phil Testemale

Planning Status

Status Date: 12-Jun-2020

Met with applicants to discuss options. Applicants undertaking work for outstanding conditions prior to bringing forward.

Status Date: 13-May-2020

E-mailed applicant to update on OCP Implementation and to request response on options provided in March.

Status Date: 26-Mar-2020

Options provided to the applicant. Awaiting response.

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2018.3	TIM HALL PENDER ISLAND PARKS & RECREATION COMMISSION	05-Jul-2018	Application for rezoning of portion of Danny Martin Park from 'Community Service' to 'Community Park'

Planner: Phil Testemale

Planning Status

Status Date: 22-Jul-2020

E-mailed Justine Starke at CRD to liaise with PIPRC. Propose closing and adding amendments for CP to OCP Implementation project.

Status Date: 21-Jan-2020

Planner will contact PIPRC about proceeding with application as is.

Status Date: 23-Oct-2019

E-mail to Justine Starke, CRD requesting update and advice on proceeding



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2008.9	Jl Properties Inc	21-Oct-2008	James Island - To create 83 lots

Planner: Phil Testemale

Planning Status

Status Date: 16-Jul-2020

Applicants have received a PLA from MoTI for 79 lots (76 residential and 3 commercial). Conditions for s. 219 covenants.

Status Date: 10-Jul-2020

Revised layout plan response to MoTI.

Status Date: 25-Jan-2018

PLA extension granted by MoTI-expires 01/25/2019. Monitoring set.

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: Phil Testemale

Planning Status

Status Date: 02-Jul-2020

Access road construction plans submitted for information.

Status Date: 13-Sep-2019

PLA Extension request rec'd. Reply with no objections.

Status Date: 17-May-2019

strata access route layout and standards approved by MoTI and PAO



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2016.2	PORT BROWNING MARINA RESORT	06-Jun-2016	4605 and 4602 OAK Rd: referral of a boundary adjustment subdivision application

Planner: Phil Testemale

Planning Status

Status Date: 16-Jul-2020

Unlawful dwelling now removed. Applicants proceeding with PLA conditions

Status Date: 15-Jul-2020

Respond to 180 day PLA - no objections.

Status Date: 29-Jun-2020

MBMG advises that dwelling almost removed. Undertaking to finalize subdivision.

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2017.3	Jim Petrie	19-Dec-2017	Referral of a subdivision application for 2 lots

Planner: Phil Testemale

Planning Status

Status Date: 03-Mar-2020

Potable water report compliant with bylaw requirements. Applicant working on remaining conditions precedent of subdivision

Status Date: 07-Feb-2020

Hydrology report received and being reviewed. Comments back to Western Water awaiting final report.

Status Date: 26-Sep-2019

Applicant advised of regulatory requirements, professional hydrologist certification

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending May 2020

650 North Pender	Invoices posted to Month ending May 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	755.00	0.00	755.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	2,703.00	402.75	2,300.25
65210-650	LTC - Local Exp - APC Meeting Expenses	258.00	0.00	258.00
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>3,505.00</u>	<u>402.75</u>	<u>3,102.25</u>
Projects				
73001-650-2006	North Pender OCP/LUB	4,000.00	0.00	4,000.00
73001-650-4108	North Pender Short Term Vacation Rental (STVR) Review	4,000.00	0.00	4,000.00
TOTAL Project Expenses		<u>8,000.00</u>	<u>0.00</u>	<u>8,000.00</u>

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2020-026 (Standing) that the North Pender Local Trust Committee direct bylaw enforcement to not enforce on restaurants or liquor primary establishments setting up temporary structures within their respective lots contrary to parking regulations and existing development permits while Covid-19 restrictions limiting seating capacity and occupancy are in place and subject establishments receiving required provincial approvals such as from the Liquor and Cannabis Regulation Branch and establishments following relevant provincial protocols.	Carried	21-May-2020
2020-012 (Standing) That the North Pender Island Local Trust Committee has no objection to Liquor and Cannabis Regulation Branch issuance of Temporary Expanded Service Area Authorizations for liquor primary and manufacturer licensees within the North Pender Island Local Trust Area.	Carried	19-Jun-2020
2020-011 (Standing) That given the COVID-19 pandemic and the declaration of a state of emergency throughout the Province of British Columbia, the North Pender Island Local Trust Committee directs that bylaw enforcement action be deferred in the following circumstances: 1. A commercial use operating in a residential zones, provided that the use: a. was lawfully operating within the local trust area prior to the declaration of the state of emergency; b. has been forced to vacate lawfully zoned premises as the result of COVID-19 related orders, guidance or effects; c. is currently operating from premises where the principal residence of the owner or operator of the commercial use is located; d. is complying with the home business regulations (Section 3.5) of the Land Use Bylaw other than: i. being a prohibited use under subsection 3.5.3 and; ii. may be conducted outside of a permitted building (subsection 3.5.1), provided it is not operated within a setback area; and e. is complying with health or provincial requirements. 2. Upon the lifting of the state of emergency, deferred enforcement action may be commenced, but owners or operators should be provided with a reasonable time to comply.	Carried	04-Jun-2020



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2020-010 (Standing)	Carried	30-Jan-2020
that the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and staff are directed to continue with enforcement until the use is ceased. b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that by as 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.		
2019-074 (Standing)	Carried	04-Jul-2019
that the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.		



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-072 (Standing) that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.	Carried	04-Jul-2019
2019-061 (Standing) that the North Pender Local Trust Community refer Short Term Vacation Rental Temporary Use Permits in the Magic Lake sewer catchment to the Magic Lake Sewer and Water Committee to confirm infrastructure capacity.	Carried	30-May-2019
2019-030 (Standing) that the North Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.	Carried	28-Feb-2019



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-016 (Standing) that the North Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.	Carried	31-Jan-2019
2018-070 (Standing) that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property, where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: o Name of the applicant and a description of the proposal in general terms. o The location of the proposed establishment and the subject site. o The place, date and time when, both a build meeting will be held and a resolution of the Local Trust Committee is considered. o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application. o How public comments may be submitted to the local trust committee.	Carried	06-Sep-2018
2011-050 (Standing) It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff that they will adopt In Camera minutes when there are other reasons to close a meeting to the public.	Carried	28-Apr-2011
2007-146 (Standing) THAT where a Liquor Control and Licensing Branch Special Occasion License referral relates to property on which North Pender Island Land Use Bylaw No. 103 permits public assembly uses, such as restaurants, community halls or church halls, and there are no issues related to parking or past complaints, staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration.	Carried	30-Aug-2007

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2006-080 (Standing) 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



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality July 14, 2020

Islands Trust Conservancy Board News

The Islands Trust Conservancy Board endorsed proposed adjustments to the 2020 annual monitoring program for nature reserves and conservation covenants due to the COVID-19 pandemic.

The Board and the Executive Committee shared a liaison meeting, July 14, 2020 and discussed:

- Working with the Province, including potential changes to Natural Area Protection Tax Exemption Program (NAPTEP) legislation and a Provincial funding request
- Working with Trust Council, including work associated with the Climate Change Emergency Declaration, ITC Budgets and ITC work towards a strategic charitable giving program
- Other items as per the agenda at <http://www.islandstrustconservancy.ca/about-us/meetings/>

The liaison meeting occurs annually as per Islands Trust policy.

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work of ITC. The ITC continues to work towards 4 long-term goals and 25 objectives that further conservation in the entire Trust Area. For more information, visit www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

Islands Trust Acting Senior Policy Advisor presented a brief overview of the Climate Action Plan (CAP) currently in development by the Climate Policy Working Group (CPWG). The CPWG supports joint collaboration and communication between Trust Area Services, Local Planning Services and ITC for incorporating climate change into policy guidance. Resources will be used from both Trust Area Services and Islands Trust Conservancy.

Goal 2 – Strong relationships with First Nations

The ITC Board considered ways to advance engagement with First Nations through considerations in all of its land management and acquisition decisions.

Goal 3 – Protection of core conservation areas

Property Management

Staff are conducting a reduced monitoring season to accommodate travel restrictions due to COVID-19.

The ITC Board approved conservation covenant management plans for Winter Wren Wood on Denman Island (see island updates below).

Land Acquisition and Covenants

The ITC Board approved the transfer of 3.4 ha of land on Keats Island which will become the Sandy Beach Nature Reserve. This will be the ITC's 30th Nature Reserve and was a requirement of rezoning as directed by the Gambier Island Local Trust Committee.

The ITC approved a small covenant on Salt Spring Island which will provide a buffer area for the Lower Mount Erskine Nature Reserve which is managed by the ITC.

Goal 4 – A strong voice for nature conservation

The Board directed staff to prepare a histogram showing the size distribution of Island Trust Conservancy nature reserves and covenants.

Activities by Local Trust Area/Island Municipality

Denman – The Board approved the Denman Conservancy Association's update of the Management Plan for Winter Wren Wood dated April 18, 2020 with the recommendation that the Denman Conservancy seek assistance from ITC staff or First Nations such that the property management becomes inclusive of climate change and reconciliation.

Gambier – The Board directed the Chair to sign the Transfer Agreement, between the Convention of Baptist Churches of British Columbia and the Islands Trust Conservancy, for the transfer of Sandy Beach. The Board directed staff to bring recommendations to the Board regarding the use of the required \$12,000 contribution from the Convention of Baptist Churches.

Salt Spring – The Board authorized the Chair to sign a conservation covenant over a small area adjacent to the Lower Mount Erskine Nature Reserve which is managed by ITC.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca

REQUEST FOR DECISION

To: Trust Council **For the Meeting of:** June 16, 2020
From: Local Planning Committee **Date Prepared:** June 11, 2020
SUBJECT: Contiguous Forest Mapping Project

RECOMMENDATION:

That the Trust Council circulate the “Contiguous Forest Mapping in the Islands Trust Area Report” prepared by Cabin Forestry Ltd, and the “Map Book, Forest Ecosystems in the Islands Trust” to local trust committees and Bowen Island Municipality for information.

CHIEF ADMINISTRATIVE OFFICER’S COMMENTS:

This work is undertaken at the direction of the Local Planning Committee and in cooperation with the Islands Trust Conservancy, and the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP). The completion of this work fulfils Trust Council Strategic Plan Strategy No. 1, and provides material for undertaking Strategy No. 2.

1 PURPOSE:

To present the results of the contiguous forest mapping project requested and funded by the Islands Trust Local Planning Committee.

2 BACKGROUND:

At its regular business meeting on June 11, 2020, the Local Planning Committee passed the following two resolutions:

That the Local Planning Committee request that Staff develop a Project Charter, budget, scope and timeline creation of model development permit areas for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas-fir zones throughout the Trust Area, and information from upcoming delegation to TC and work being done on salt spring island be incorporated into the project.

That the Local Planning Committee forward the “Contiguous Forest Mapping in the Islands Trust Area Report” prepared by Cabin Forestry Ltd, and the “Map Book, Forest Ecosystems in the Islands Trust” to Trust Council with a recommendation to circulate to local trust committees and Bowen Island Municipality for information.

The Islands Trust and Islands Trust Conservancy (ITC) are working to advance Coastal Douglas-fir (CDF) protection throughout the Islands Trust Area, and to prioritize protection of remaining areas of contiguous forest cover.

In August, 2019, the Local Planning Committee passed resolution 2019-016:

That the Local Planning Committee direct staff to spend up to \$15,000 to map contiguous tracks of the Coastal Douglas-fir zone and its associated ecosystems in partnership with the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP).

Islands Trust staff worked with Islands Trust Conservancy Staff to contract, through a competitive process, Cabin Forestry Ltd. to conduct this work. The project objective was to map patches of connected forest across the full extent of the Islands Trust Area, including all islands and islets, with a goal of identifying important areas of contiguous forest for protection.

The A/Manager and A/Ecosystem Protection Specialist worked closely with planning staff and the contractor to develop appropriate methodology to identify contiguity and to determine 'quality' or ability of patches to provide ecosystem functions. At draft stages planners were engaged to ensure that the final map products are suitable to inform their work and to meet the needs of the Local Planning Committee.

The final product consists of a report, a series of maps, and spatial data that can be integrated with our existing TAPIS mapping, to be used by planners and other Islands Trust and ITC staff.

This work completes Trust Council Strategic Plan Strategy No 1:

Map contiguous tracks of the Coastal Douglas fir zone (CDF) and associated ecosystems to aid in protection of that zone and its associated ecosystems.

The work also informs Trust Council Strategic Plan Strategy No. 2:

Create a model development permit for Local Trust Committee-Bowen Island Official Community Plans bylaws to protect Coastal Douglas fir zones throughout the Trust Area

Work won Strategy 2 is envisioned to occur in Fiscal Year 2021/22, and as such a budget and Project Charter has not been created for this work.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

No implications.

FINANCIAL:

Consideration of budget for FY2021/22 to include work on Strategic Plan Strategy No. 2

POLICY:

Consistent with Islands Trust Council Strategic Plan.

IMPLEMENTATION/COMMUNICATIONS:

Staff will forward copies of the report and maps to local trust committees and Bowen Island Municipality.

FIRST NATIONS:

No implications.

OTHER:

No other implications.

4 RELEVANT POLICY(S):

2.3.1 Council Committees policy

2.3.2 Local Planning Committee Terms of Reference

6.2.1 Priority Setting/Review guidelines

5 ATTACHMENT(S):

- 1 *Contiguous Forest Mapping in the Islands Trust Area*, report prepared by CABIN Forestry Ltd, March 2020.
- 2 Map Book, *Forest Ecosystems in the Islands Trust*, containing maps for each Trust Area (low resolution attached, high resolution maps available).

RESPONSE OPTIONS

Recommendation:

That the Trust Council circulate the “Contiguous Forest Mapping in the Islands Trust Area Report” prepared by Cabin Forestry Ltd, and the “Map Book, Forest Ecosystems in the Islands Trust” to local trust committees and Bowen Island Municipality for information.

Alternative:

As directed by Trust Council.

Prepared By: David Marlor, Director, Local Planning Services

Reviewed By/Date:

Contiguous Forest Mapping in the Islands Trust Area

Prepared by:

Cabin Resource Management
Unit 20A - 100 Kalamalka Lake Road
Vernon, BC V1T 9G1

For:

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



Islands Trust



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1.0 Executive Summary

Cabin Resource Management was hired by the Islands Trust to map contiguous forest patches in consultation with the Islands Trust Conservancy (ITC). The goal of the mapping exercise was to identify contiguous forest patches within the Islands Trust Area in order to provide the Islands Trust with information to underpin policy, regulatory and legal conservation tools that protect Coastal Douglas-fir forests and their associated ecosystems. This mapping was identified as an essential step in the Islands Trust's report titled ["Protecting the Coastal Douglas-fir Zone & Associated Ecosystems: An Islands Trust Toolkit."](#)

After the initial proposal of using overlays of Terrestrial Ecosystem Mapping (TEM) and disturbance layers in a Geographic Information System (GIS), various subsequent analyses were evaluated by the project team and members of the ITC staff. Consultation with ITC staff was focused on the identification of ecological values and careful consideration of the geographic scale of the planning activities that would be informed by the resulting product. Following the identification of the ecological parameters, Islands Trust staff provided input on the draft mapping products and these products were adjusted to reflect planning needs. The resulting maps and data sets show the distribution of forested ecosystems in the Islands Trust Area, differentiating between established forests and forested ecosystems in earlier structural stages; a stand quality rating was calculated considering low or high intensity of effects based on road density and structure locations.

2.0 Background Information

The Islands Trust and the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership have emphasized the protection of Coastal Douglas-fir (CDF) and associated ecosystems in order to maintain their unique ecological value and the numerous ecosystem services they provide. Mapping of the CDF and associated ecosystems is essential to the establishment of conservation priorities and the administration of regulatory tools such as zoning and Development Permit Areas (DPAs) which can serve to protect these values.

3.0 Approach and Rationale

Through consultation with the ITC, a constraints mapping and inventory approach¹ was taken to identify and map contiguous forest patches. The patches were subsequently ranked by the presence and the type of disturbance within the forested area. The consultation

¹ Constraints mapping is used in land use planning to minimize negative effects to a landscape and to identify areas of high or low sensitivity. Areas of constraint are present when there is higher potential for environmental impact or where there are high value natural resources (e.g. older forest).

process focused strongly on accurate problem definition and avoiding the incorporation of implicit biases in the model design.

TEM polygons were chosen as the basic spatial unit of the analysis. Each TEM polygon has a defined spatial boundary and unique attributes. The individual polygons provide spatially explicit information that describes the distribution of ecological features on the landscape. These TEM polygons can be aggregated to larger patch sizes composed of sets of polygons which share common attributes. Where these attributes define a forested ecosystem, the aggregated set of adjacent units may form a contiguous area where boundaries are shared. At the landscape level, defined by islands, the aggregated patch size is an informative metric. For instance, this can tell us how much recruitment stage forest is present versus established forest for an island. While large aggregated polygons may store a quantitative summary of their individual TEM components, any variation within the patch cannot be shown on the maps. The value of maintaining TEM polygons as intact spatial units is that their boundaries and attributes are defined by a standard process and the attributes can be queried to provide more information than is symbolized in map layouts.

In ranking contiguous forest patches, proposed approaches included evaluation of patch size, and defining interior versus edge affected patches. Much of the relevant literature regarding contiguity and continuity of forested ecosystems focuses on large fauna, most of which are absent from the Islands Trust study area. The chosen approach did not use contiguity criteria from any specific animal species to limit the spatial distribution of forested ecosystems as the use of such criteria risked de-valuing or excluding patches that did not meet the criteria for that particular species. For instance, it was recognized during modelling parameter discussions that if a minimum patch size criterion was set, it would discount small patches that otherwise provide important refuge for many wildlife species. Likewise, a similar result would be realized if only "interior forest" patches set back from the forest edge were considered high-quality or included in the final data set.

The following analyses were undertaken to describe the forested components of the Islands Trust land base:

1. Use of Terrestrial Ecosystem Mapping: TEM was acquired by the ITC between 2007 and 2011 and was updated in 2017. The TEM formed the basis of both the disturbance layers generated in this analysis and the classification of contiguous forest patches. TEM polygons are based on air-photo interpretation at 1:10,000 to 1:20,000 scale and field sampling. Each polygon has attributes that indicate the ecosystems types (site units) within the polygons, their relative representation and attributes such as structural stage. Anthropogenic features are also attributed as unique Map Codes in the TEM (*Standard for Terrestrial Ecosystem Mapping in British Columbia*, 1998).

2. Incorporation of disturbances into analyses: Provincial road and structure location data sets were used to augment the information contained in the TEM. Because of the significant investment in TEM mapping made by the Islands Trust and the ecological merits of the data, it was intended that the integrity of that data set be preserved in any data products resulting from the subsequent analysis. As such, information was added to the polygon framework of the TEM without modifying the TEM polygons spatially. The approach was first subtractive, removing anthropogenically modified sites on the landscape. The threshold for anthropogenic disturbance was set at 20%. The assumption was made that above this threshold the value of ecological communities would decrease in response to losses of habitat availability. This threshold is consistent with the low-risk target for maintaining habitat representation across a Coastal Douglas-fir landscape described in *Conservation Planning in the Coastal Douglas-fir Ecosystem* (Holt, 2007). Natural non-forest ecosystems were then removed from the data set, and impacts on the remaining forested area were identified.

Road presence was determined to be a negative impact on the score of patch quality where it occurred above a linear density threshold. Unless they were greater than 20% of a polygon in the original TEM, roads were not considered to break contiguity of forest patches. The presence of roads is generally considered to affect both plant and animal communities. The impacts may include the avoidance of roads by certain species, direct mortality of species, as well as negative effects associated with the use of roads by humans and the increased colonization of habitat by invasive plant species. The general effects of roads on large vertebrate population at the landscape scale is well supported, however site-level effects on specific species may be more difficult to generalize (USFS, 2001). The threshold at which road density affects animal populations varies widely by species, with estimates ranging from 0.36 - 1.9 km/km² for large mammals and avoidance distances ranging from 35 m for salamanders and 300 m for deer (Robinson et al, 2010). These effects may be due to either presence of the infrastructure or motor vehicle traffic. Road features that were considered infrequently used by the public, or that were designated for non-motorized use only, were excluded from the analysis. Polygons with road densities greater than 1 km/km² were considered high road density polygons, and this layer was included in patch quality analysis.

Structure location point density was classified using the Jenks natural breaks classification method. Where structure location points occurred at high densities in TEM polygons, the TEM polygons were classified as anthropogenic non-forest sites. At low structure densities, the forest ecological quality of TEM polygons was reduced. This procedure attempted to fill gaps in the disturbance mapping present in the TEM.

The potential edge effects created by structures location points were not quantified because they did not bisect polygons and were not always visible in aerial photos. The low-density structures were not considered to have equivalent effects to road edges but may still cause lesser edge effects which are not accounted for in the analysis.

3. "Naturalness" was classified: Forest patches were described using a three-class system representing their relative "naturalness". All forest ecosystems were retained in the analysis.
4. Identification of areas with restoration potential: The final forest polygon layer was divided into early and late structural stage classes. The purpose of this was to identify polygons that have not matured into the "young forest" stage but have the potential to increase in structural complexity as they age.

4.0 Analysis Procedure

1. TEM Disturbance Mapping
 - a) Non-forest polygons were identified in the TEM. Non-forest attributes are indicated by a '00' code in the Site Series field. Polygons which represented 20% or greater non-forest area were identified.
 - b) Non-forest polygons with 20% or greater anthropogenic disturbance were identified. Polygons with Map Codes corresponding to the following definitions were flagged: 'Cultivated Field', 'Cultivated Orchard', 'Cultivated Vineyard', 'Exposed Soil', 'Golf Course', 'Gravel Pit', 'Industrial', 'Pasture', "Reservoir", 'Road Surface', 'Rural Development', 'Transmission Line', 'Urban/Suburban'.
2. Additional Disturbance Calculation
 - a) The Structure Point data set from the BC Wildfire Service was used to identify structures which were not present in the TEM data used above.
 - i. The structure density per TEM polygon was calculated as the number of structures within each polygon boundary divided by the polygon area in hectares. The resulting data were classified using Jenks breaks, rounded to the nearest whole number.

Range	Class	Non-Forest Polygon
<=1	1	NO
>1, <=4	2	NO

>4, <=9	3	YES
>9, <=21	4	YES
>21, <=86	5	YES

- ii. Polygons with a structural density of Class 3 or higher were considered to have anthropogenic modification equivalent to the anthropogenic map codes identified above and were removed from the forested area. Class 2 was considered to have a lesser influence on the forested ecosystem and were considered in the classification of forest ecosystem quality below. Class 1 was considered to have a negligible effect.
- b) Roads from the Digital Road Atlas were used to identify additional linear disturbance not represented in the TEM.
 - i. Roads that were classified as 'driveway', 'pedestrian', 'recreation', 'restricted' and 'resource' were removed from the analysis.
 - ii. The linear density of roads within each polygon was calculated by dividing the total length of all road segments within each polygon by the area of the enclosing polygon.
 - iii. The resulting data were grouped into two classes – 'High' and 'Low' where road density was greater than 1 km / km² and less than or equal to 1 km / km². The polygons with high road density classes were considered to have an influence on forested ecosystems and were not excluded from the forested area but were used in rating forest ecosystem quality.

3. Forest Patch Classification

- a) Forested polygons were divided into two classes. For each TEM polygon 'Established Forest' was identified where the Structural Stage was greater than 4 in at least 50% of the combined deciles of the polygon. The remaining forested polygons were classified as 'Recruitment Forest'.
- b) The 'naturalness' of each forested polygon was rated using the following criteria ranking disturbance:

Disturbance	Modifier
No Disturbance	0
Road Class High	-1
Road Class Low	0
Structure Class 2	-1

Structure Class 1	0
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- c) The cumulative disturbance scores were represented by the following patch quality classes:

Map Class	Disturbance Level	Score
3	Low	0
2	Moderate	-1
1	High	-2

5.0 Results

Forest mapping in the Islands Trust reveals highly variable spatial patterns of forest distributions between islands. Visual interpretation of the data shows corridors between larger contiguous patches, the dominance of stands in the recruitment stage of their growth, and different matrices of forest patches and disturbances. For instance, the mapping of Bowen Island shows corridors between large established forest patches with relatively undisturbed interiors (Figure 1). Whereas the mapping of northern portion of Salt Spring Island shows a more diffuse distribution of smaller patches of different quality and structural stage classes (Figure 2). Another unique pattern is observed on North Pender where Class 1 mature forest is sparsely distributed within an anthropogenically dominated landscape (Figure 3). Many islands show a combination of these patterns. Complete map layouts for the local trust areas are appended to this document and are available in digital form.

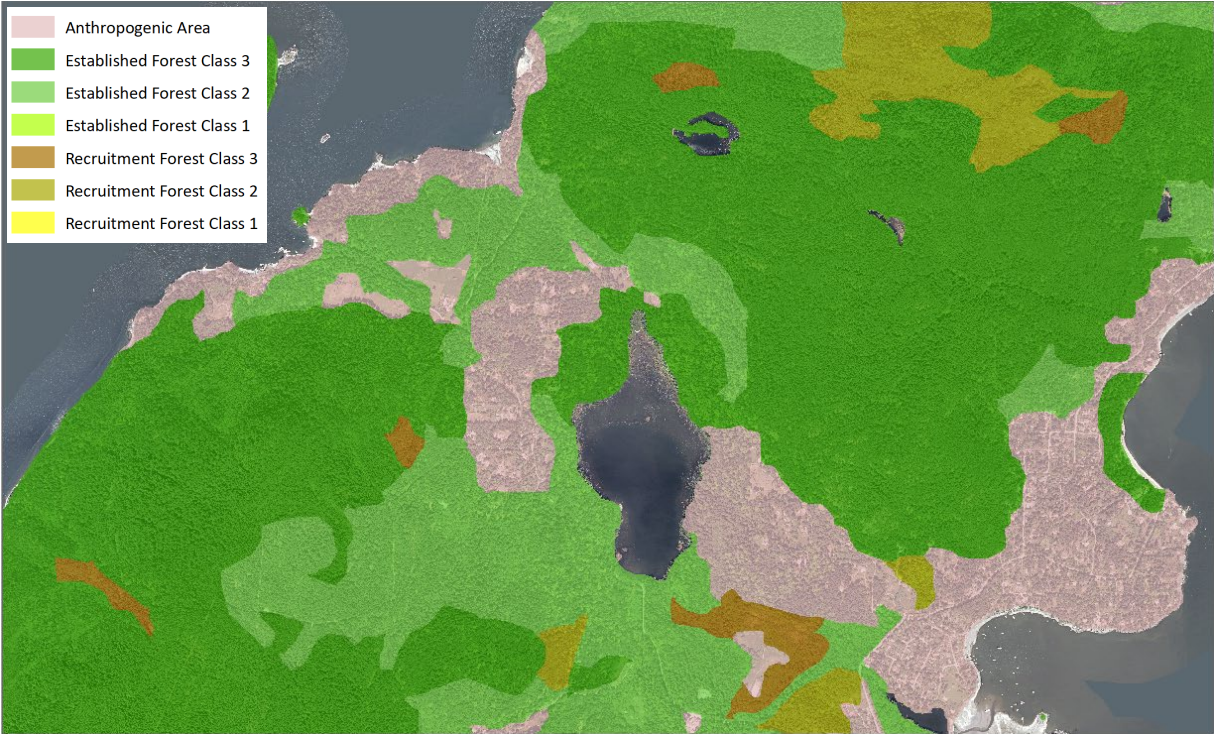


Figure 1. Corridors connecting large established forest areas on Bowen Island.



Figure 2. Diffuse patches of forested ecosystems in different structural stages on Salt Spring Island.

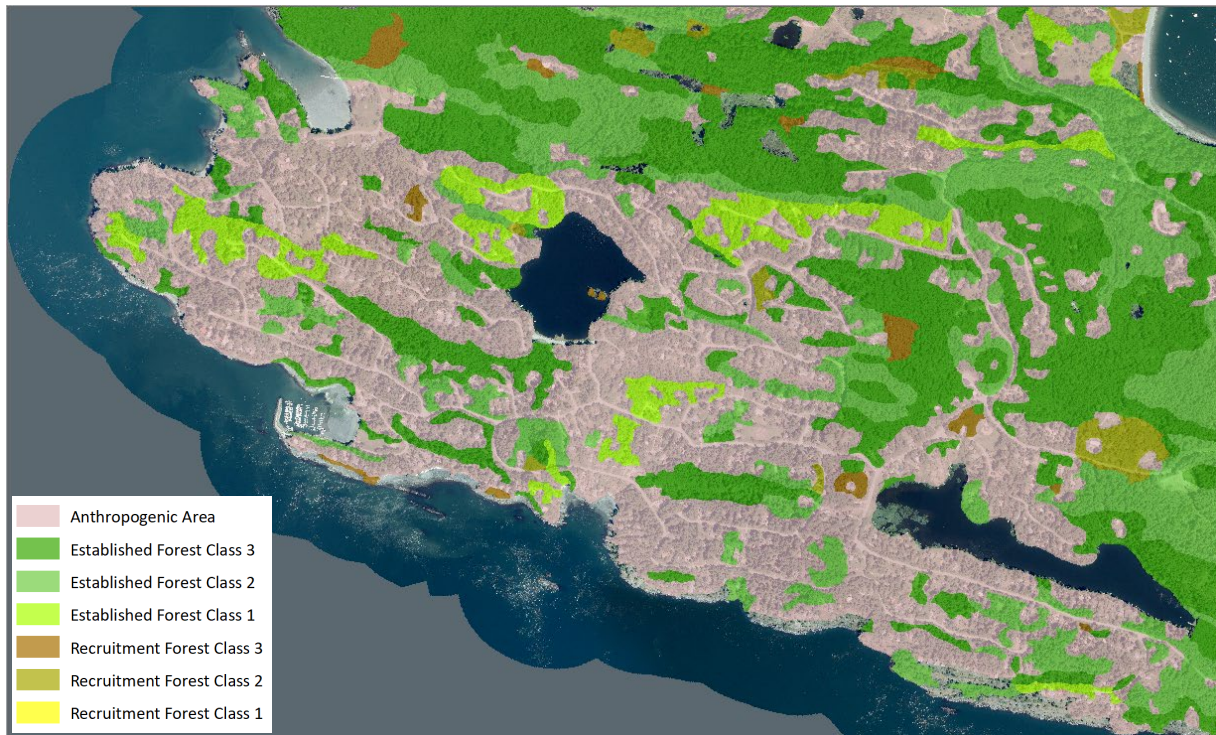


Figure 3. Small mature patches embedded in matrix of anthropogenic landscape features on North Pender.

6.0 Interpretation and Use

Using the provided mapping, management decisions can be contextualized in the forested, non-forest, and anthropogenic landscape. The data provided here can be used to inform the planning of Development Permit Areas (DPA) or recommend zoning restrictions in some areas, provided site-level ground truthing is completed. However, the key utility of this product is to help planners understand the wider spatial context in which those specific decisions are being made and to emphasize the unique patterns in each local trust area which bear on those decisions.

The variability observed in the spatial organization and size distribution of the patches between islands, as well across islands, provides an important context for site-level management decisions. However, the degree of variability described by this mapping places the weight of decision making on a case-by-case interpretation of the results.

Interpretation of these map products to define conservation goals, particular to each island or local trust area, will help inform key management decisions. For instance, restoration efforts could be focused on areas where early succession forests are dominant. Likewise, where the forested landscape is composed of small isolated patches of established forest, protection measures may be appropriate to increase connectivity between patches, to

protect this scarce resource. The provided map products can be used to identify areas of connectivity between forest patches, prioritize their protection from development pressures, or identify areas of potential connectivity towards which restoration can be focused. Some combination of these strategies should be utilized in each trust area, but the balance and emphasis of management actions must rest on a detailed assessment of the needs and values of each local trust area and incorporate a variety of data, local and traditional knowledge. Local trust area specific GIS models or decision support systems may have utility, but a detailed synthesis of available knowledge and an articulation of values is critical to this process.

It is recognized that logging occurs on private land in the Islands Trust. It may be difficult to anticipate these activities as parcels change ownership and the values of the owners change over time. It may be prudent to encourage the long term, sustainable management of private forests and the incorporation of public values into this management. The mapping tools currently available to the Islands Trust can be useful in developing measures which take into consideration the existing level of fragmentation of the forested ecosystems. For instance, existing road openings and forest edges and can be used to minimize the creation of new disturbances. Alternative silviculture systems such as single tree or small patch selection could also be used to maintain canopy cover over the landscape.

7.0 Limitations

The most challenging limitation inherent in this type of analysis is the scale and accuracy of the underlying mapping. Since primary data collection was outside the scope of this project, it relied on the previously collected TEM data. This was mapped at the 1:10,000-1:20,000 scale, depending on the island. This level of precision means that decisions which require highly detailed mapping should employ a measure of "ground truthing" to verify the accuracy of TEM boundaries and attributes in the field. While considerable effort was made within the scope of this project to ensure the TEM data attributes followed conventional standards, errors and omissions may be present which would require additional field work to correct. Some of these errors may have been introduced by land use changes which occurred after the completion of this initial field work. Likewise, the identification and mapping of contiguous forest was generalized, as it was not specific to any species habitat and therefore avoided over specifying the model. Relevant ecological questions might become evident at finer scales that are not addressed here. These mapping products should be used to contextualize site-level decisions within the forested landscape but not be relied on to execute them.

8.0 Considerations for Future Work

Constraints mapping and inventory of forested ecosystems in the Islands Trust may form the basis of further analysis or provide context for other types analysis of the Trust's forest ecosystems.

Trust Area Specific Modelling and Mapping: The present model could be further developed to reflect the conservation planning goals of each trust area and the development challenges they face. This could resemble a refinement of the patch quality ratings to incorporate conservation values which have been identified per island.

LiDAR Analysis of Forest Resources: LiDAR could be used to update the present analysis with greater precision and accuracy. This will identify both recent openings and small openings in the canopy that are not presently accounted for in the TEM, and would provide a more accurate inventory of forest resources. Furthermore, the identification of veteran trees from this data set may have value for planning around natural heritage values. Additionally, LiDAR may be used in some cases to expedite the ground-truthing of DPA or zoning sites.

Resiliency and Climate Change: This inventory of forest resources in the Islands Trust could be improved by an assessment of the resiliency of stands to a changing climate and modelling compositional changes of forest ecosystems. These models can help inform long-term, multi-generational decision-making.

Carbon: Using a detailed forest inventory, the current and potential storage and sequestration rates of forest carbon can be calculated under different management scenarios. As the carbon economy matures, these models may become critical to responsible management of forest resources and provide an economic incentive for sustainable forest management.

9.0 References

Holt, R.F. (2007). *Conservation Planning and Targets for the Coastal Douglas Fir Ecosystem. A Science Review and Preliminary Approach*. Integrated Land Management Bureau, Nanaimo.

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10.0 Appendices

A. Decision criteria for constraints and forest mapping.

Map Feature	Objective	Analysis	Decision criteria
Anthropogenic Non-forest	Identify anthropogenically modified polygons	TEM data classification	>= 20 % non-forest polygon (Site Series = '00') and TEM Map Code represents anthropogenic landscape feature. (Holt, 2001).
Natural Non-forest	Identify natural non-forest polygons	TEM data classification	>= 20 % non-forest and TEM map code represents natural non-forest features such as rock outcrops, open water, etc.
Roads	Model disturbance caused by roads	Density analysis	Road density is over or under a threshold of 1 km / km ² . (USDA, 2001).
Structures	Model disturbance caused by structures	Density analysis	Structure density is classified by Jenks breaks. Higher classes represent disturbances not captured in TEM but observed in ortho photography.
Structural stage	Distinguish between structurally complex mature forest and early succession forests.	TEM data classification	Established Forest has TEM Structural Stage > 4 in >= 50 % of polygon. The remainder are Recruitment Forest stands in early succession.

B. Summary of forested TEM units by local trust area.

STRUCTURAL STAGE CLASS		Established Forest			Recruitment Forest			Total (ha)
PATCH QUALITY CLASS		1	2	3	1	2	3	
TRUST AREA	BM		1,162	2,543		148	93	3,947
	DE		729	674		1,162	421	2,986
	EX			29			14	43
	GB	17	2,094	517		821	79	3,528
	GL		2,594	910	3	1,456	220	5,183
	GM	8	1,641	6,312	18	366	460	8,803
	HO		568	835		2	371	1,776
	LA		1,392	4,551		34	151	6,129
	MA	15	673	869		61	92	1,709
	NP	34	1,184	2,171	2	174	152	3,717
	SA	14	1,336	1,565	2	98	163	3,178
	SP	2	301	387		35	17	742
	SS	14	3,360	5,273		1,827	2,825	13,300
	TH		1,205	1,947		366		3,518
Total (ha)		105	18,239	28,583	24	6,549	5,059	58,559



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VERNON, BC, V1T9G1
778-475-3655

Prepared By:

A handwritten signature in black ink, appearing to be "Liam Quan".

Liam Quan, FIT
Resource Analyst
Cabin Resource Management

Reviewed By:



Mike Crone, RPF
Partner
Cabin Resource Management

May 4, 2020

"I certify that the work described herein fulfills the standards expected of a member of the Association of British Columbia Forest Professionals and that I did personally supervise the work."



Trust Area **BM**

Forest Ecosystems In The Islands Trust

- Private Road/Driveway
- Road
- Anthropogenic Area
- Established Forest Class 3
- Established Forest Class 2
- Established Forest Class 1
- Recruitment Forest Class 3
- Recruitment Forest Class 2
- Recruitment Forest Class 1
- Federal/Provincial Parks, Nature Reserves And Protected Areas
- Trust Area Boundary

This map series shows forested ecosystems in the Islands Trust. It contrasts these against anthropogenically modified landscape features to illustrate the matrix of forest patches of different types across the landscape.

"Recruitment Forest" designates stands in early structural stages and includes forests in stages of development up to the pole/sapling stage.
"Established Forest" designates young to old forests.

Preliminary analysis removed Anthropogenic (heavily disturbed) areas as well as Natural, Non-Forest areas. For each forested polygon, the level of disturbance was assessed based on road and structure density.

Class 3: undisturbed or minor disturbance
Class 2: moderate disturbance
Class 1: high disturbance

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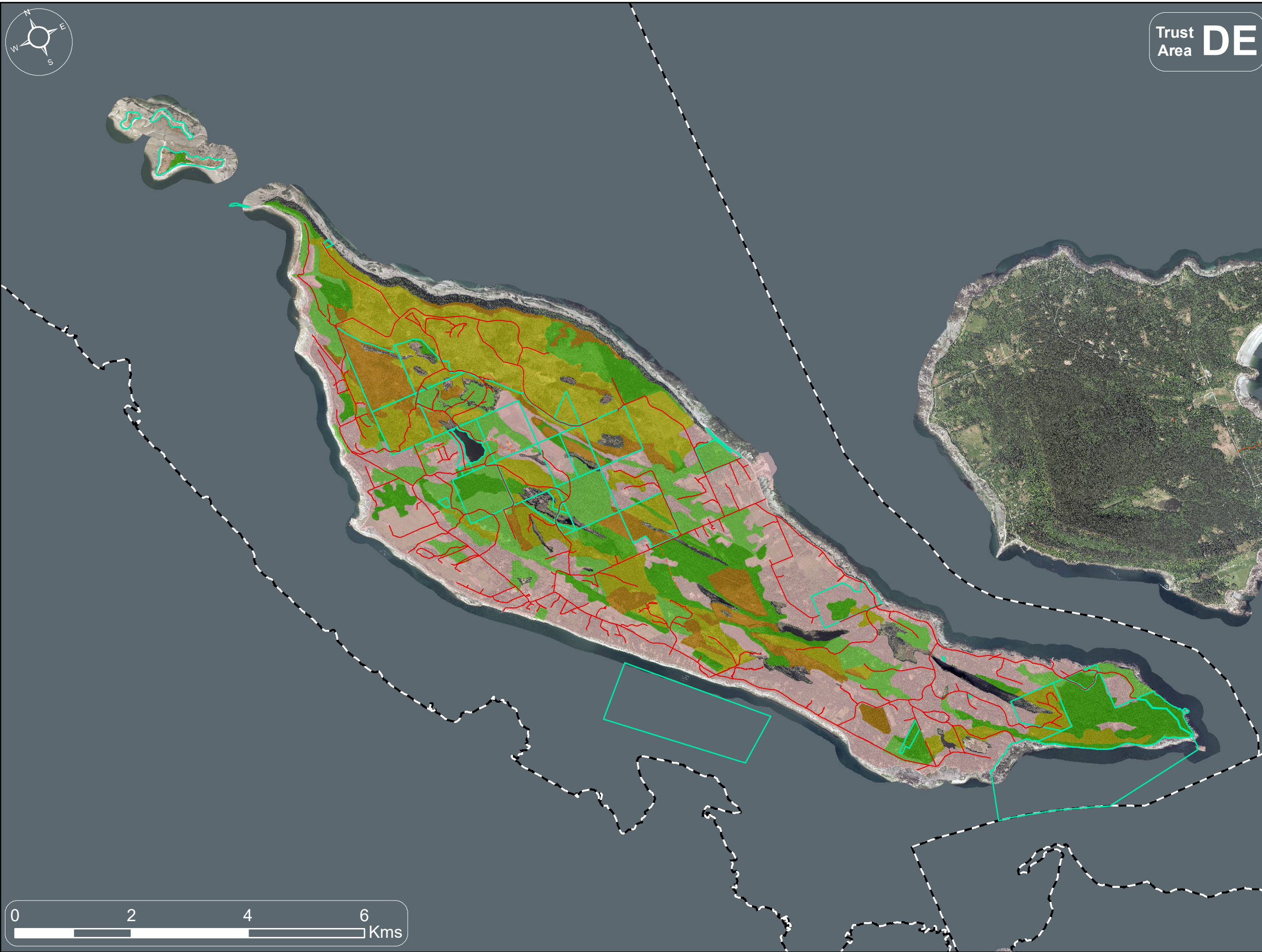


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Trust Area **DE**

Forest Ecosystems In The Islands Trust

- Private Road/Driveway
- Road
- Anthropogenic Area
- Established Forest Class 3
- Established Forest Class 2
- Established Forest Class 1
- Recruitment Forest Class 3
- Recruitment Forest Class 2
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Forest Ecosystems In The Islands Trust

- Private Road/Driveway
- Road
- Anthropogenic Area
- Established Forest Class 3
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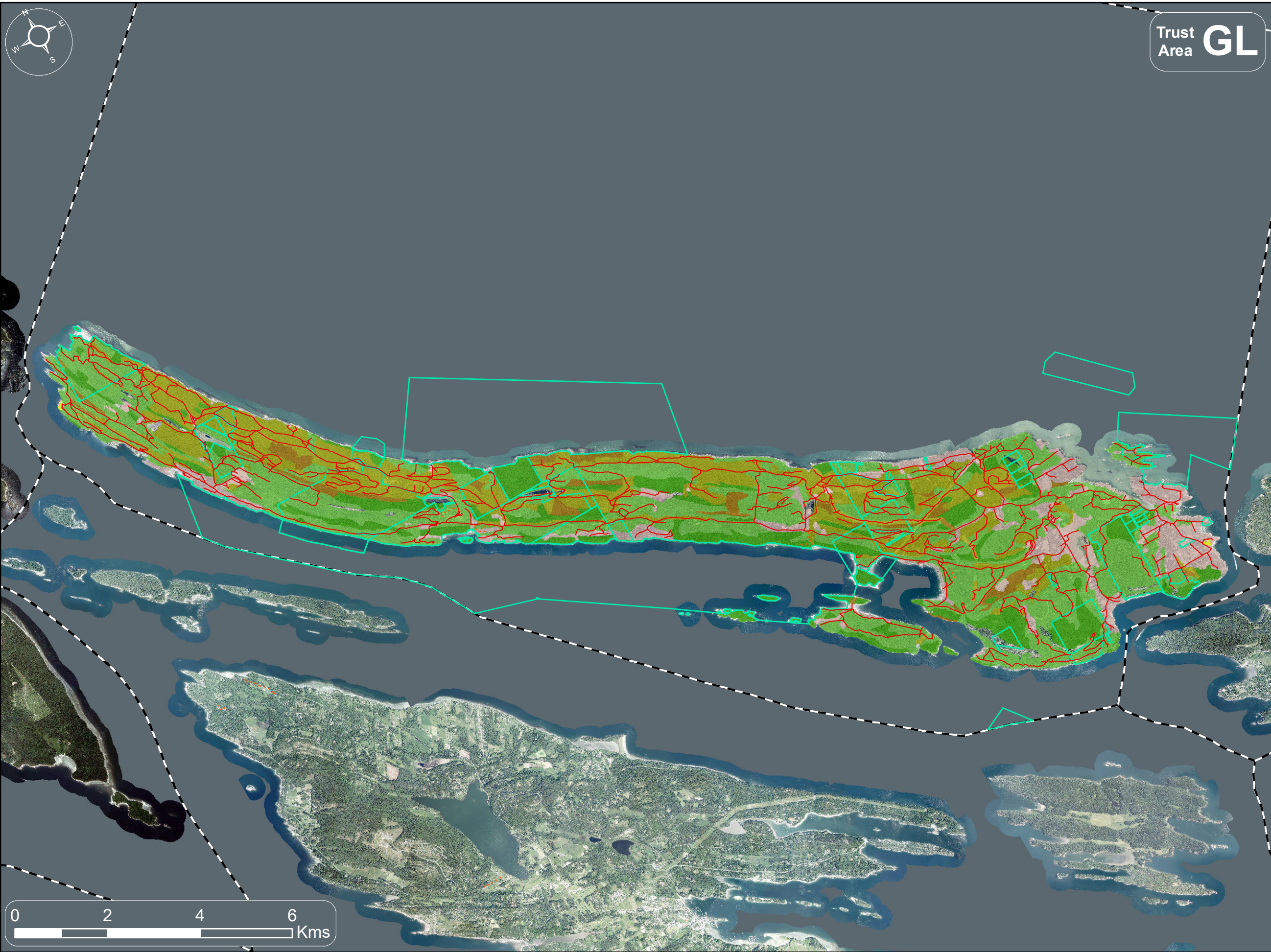


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Trust Area **GL**

Forest Ecosystems In The Islands Trust

- Private Road/Driveway
- Road
- Anthropogenic Area
- Established Forest Class 3
- Established Forest Class 2
- Established Forest Class 1
- Recruitment Forest Class 3
- Recruitment Forest Class 2
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Forest Ecosystems In The Islands Trust

- Private Road/Driveway
- Road
- Anthropogenic Area
- Established Forest Class 3
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Forest Ecosystems In The Islands Trust

- Private Road/Driveway
- Road
- Anthropogenic Area
- Established Forest Class 3
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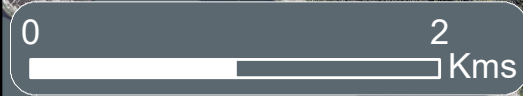
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Trust
Area **LA**

Forest Ecosystems In The Islands Trust

- Private Road/Driveway
- Road
- Anthropogenic Area
- Established Forest Class 3
- Established Forest Class 2
- Established Forest Class 1
- Recruitment Forest Class 3
- Recruitment Forest Class 2
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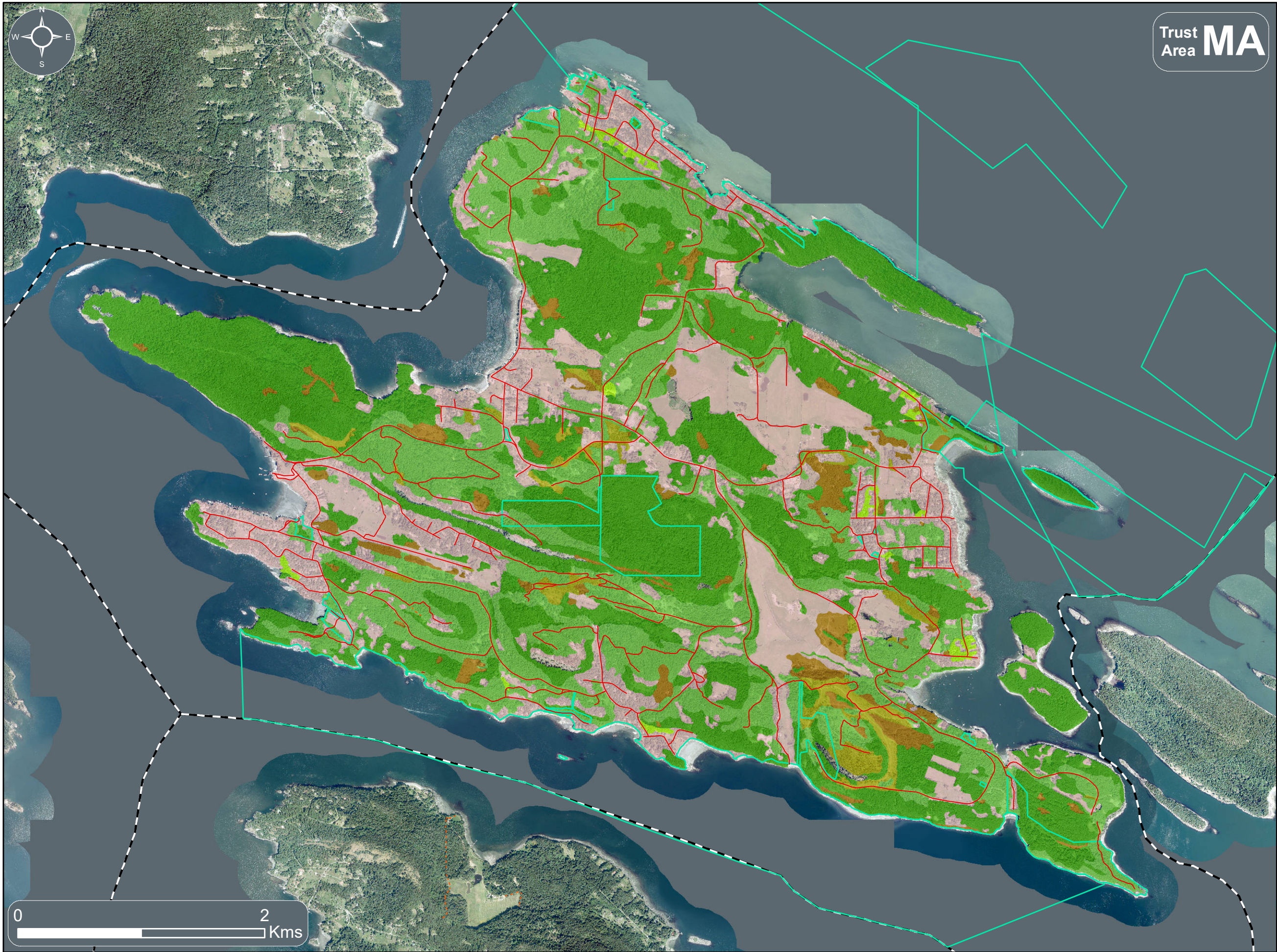


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Trust Area **MA**

Forest Ecosystems In The Islands Trust

- Private Road/Driveway
- Road
- Anthropogenic Area
- Established Forest Class 3
- Established Forest Class 2
- Established Forest Class 1
- Recruitment Forest Class 3
- Recruitment Forest Class 2
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- Trust Area Boundary

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Trust Area **NP**

Forest Ecosystems In The Islands Trust

- Private Road/Driveway
- Road
- Anthropogenic Area
- Established Forest Class 3
- Established Forest Class 2
- Established Forest Class 1
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- Recruitment Forest Class 2
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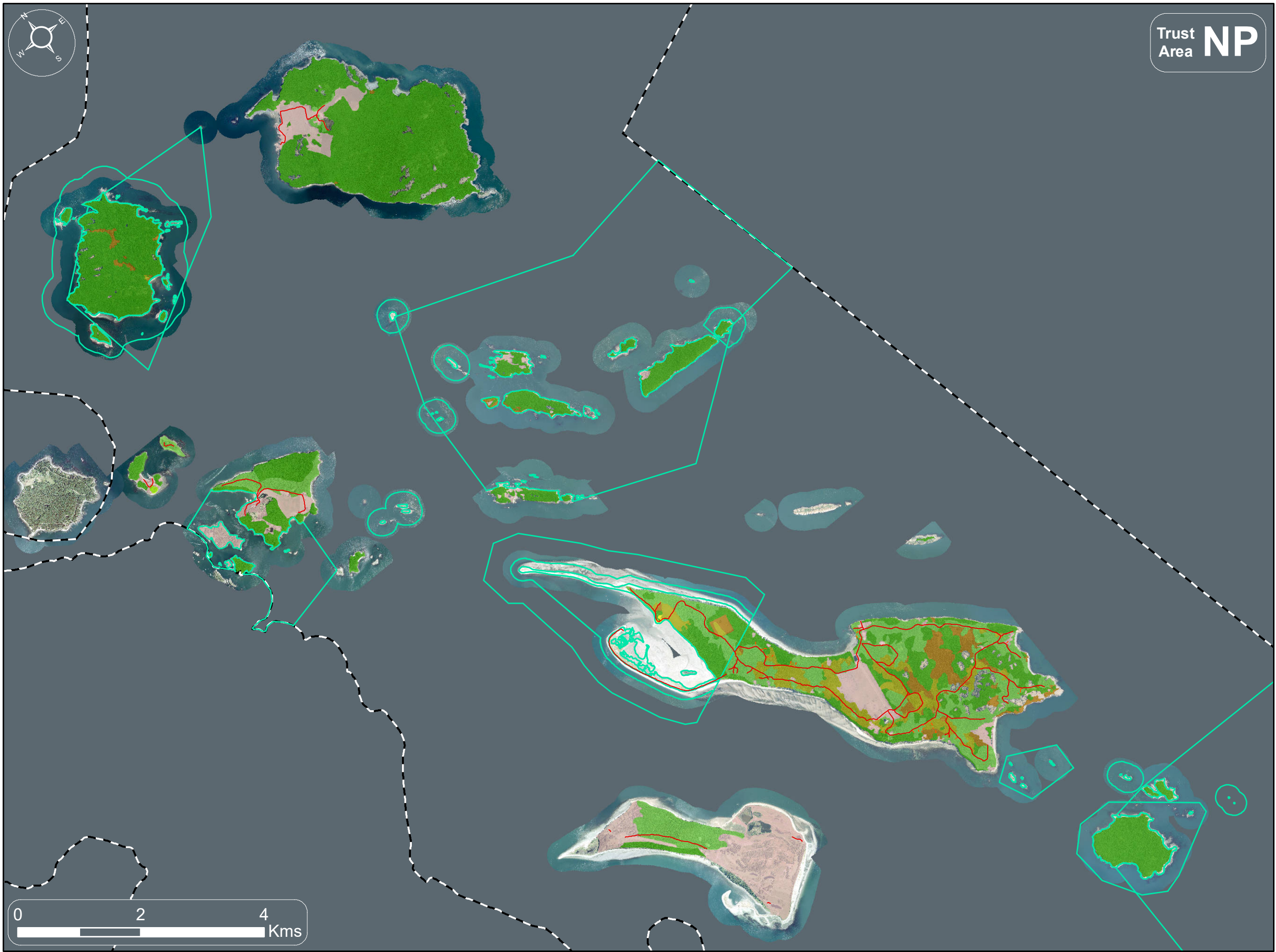
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Trust
Area **NP**

Forest Ecosystems In The Islands Trust

- - - Private Road/Driveway
- Road
- Anthropogenic Area
- Established Forest Class 3
- Established Forest Class 2
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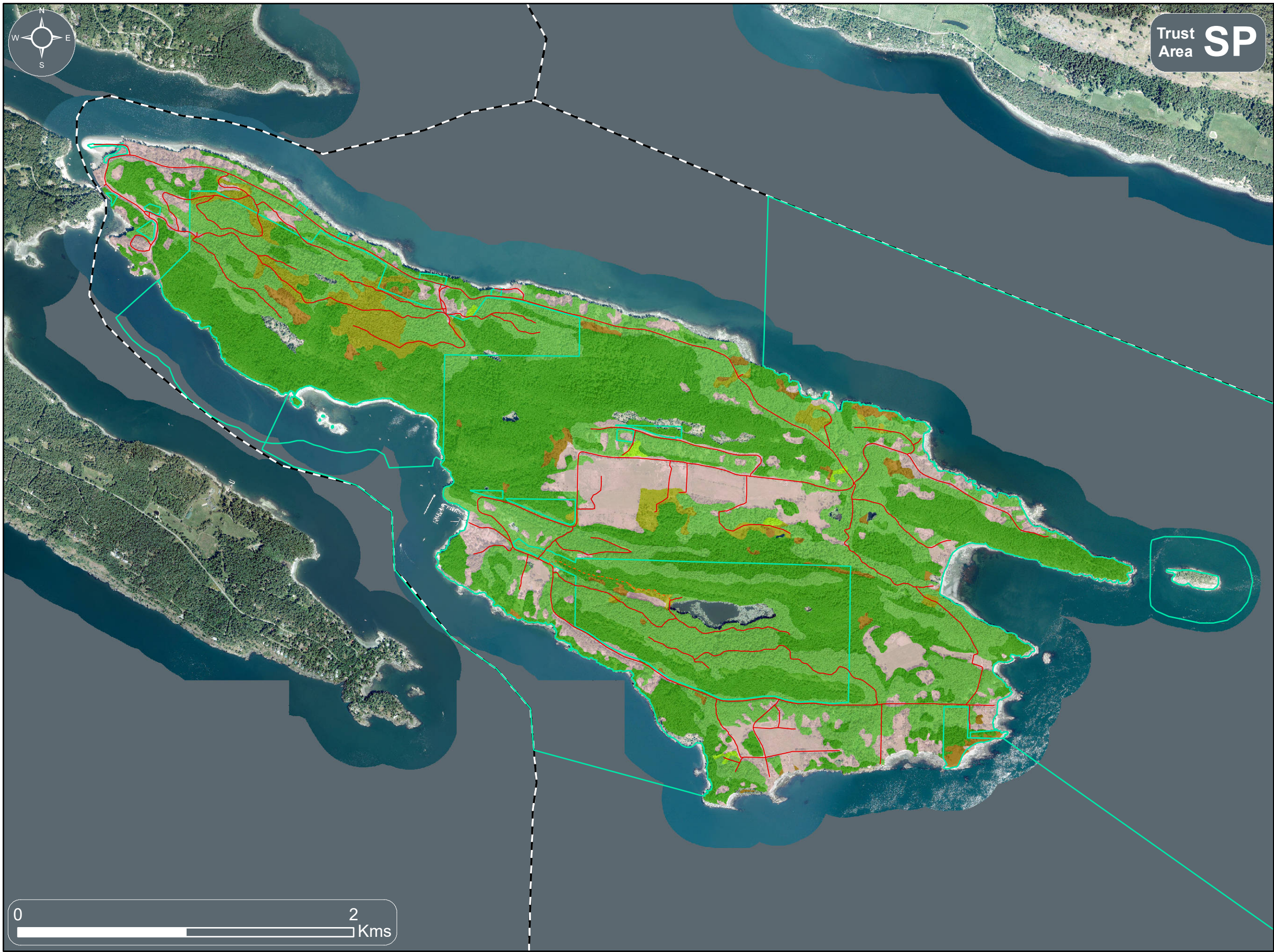
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Trust Area **SP**

Forest Ecosystems In The Islands Trust

- Private Road/Driveway
- Road
- Anthropogenic Area
- Established Forest Class 3
- Established Forest Class 2
- Established Forest Class 1
- Recruitment Forest Class 3
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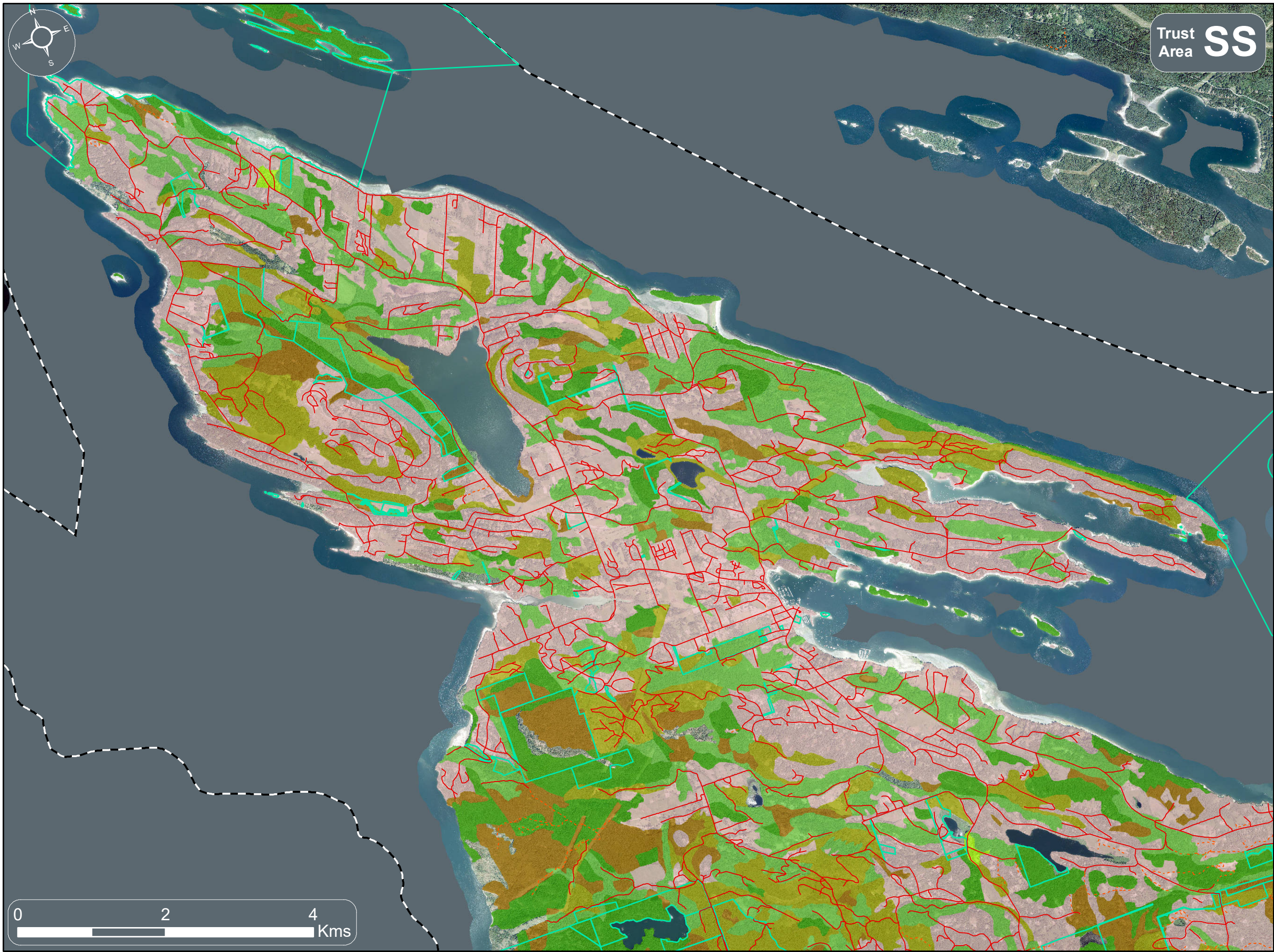
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Trust Area **SS**

Forest Ecosystems In The Islands Trust

- Private Road/Driveway
- Road
- Anthropogenic Area
- Established Forest Class 3
- Established Forest Class 2
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Trust Area **SS**

Forest Ecosystems In The Islands Trust

- Private Road/Driveway
- Road
- Anthropogenic Area
- Established Forest Class 3
- Established Forest Class 2
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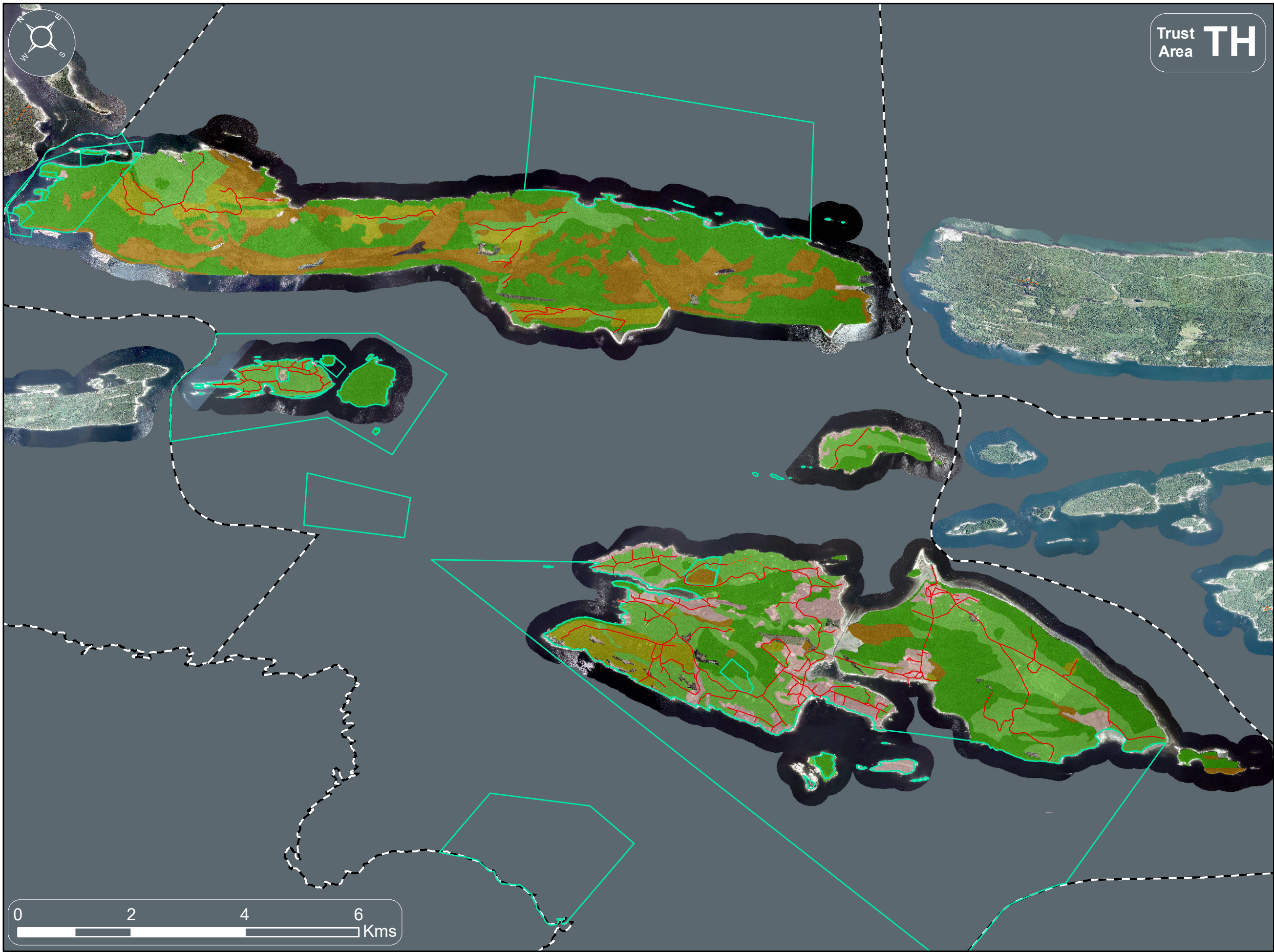
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This map series shows forested ecosystems in the Islands Trust. It contrasts these against anthropogenically modified landscape features to illustrate the matrix of forest patches of different types across the landscape.

"Recruitment Forest" designates stands in early structural stages and includes forests in stages of development up to the pole/sapling stage.
"Established Forest" designates young to old forests.

Preliminary analysis removed Anthropogenic (heavily disturbed) areas as well as Natural, Non-Forest areas. For each forested polygon, the level of disturbance was assessed based on road and structure density.

Class 3: undisturbed or minor disturbance
Class 2: moderate disturbance
Class 1: high disturbance

Refer to the associated report, *Contiguous Forest Mapping in the Islands Trust Area*, Cabin Resource Management, 2020.

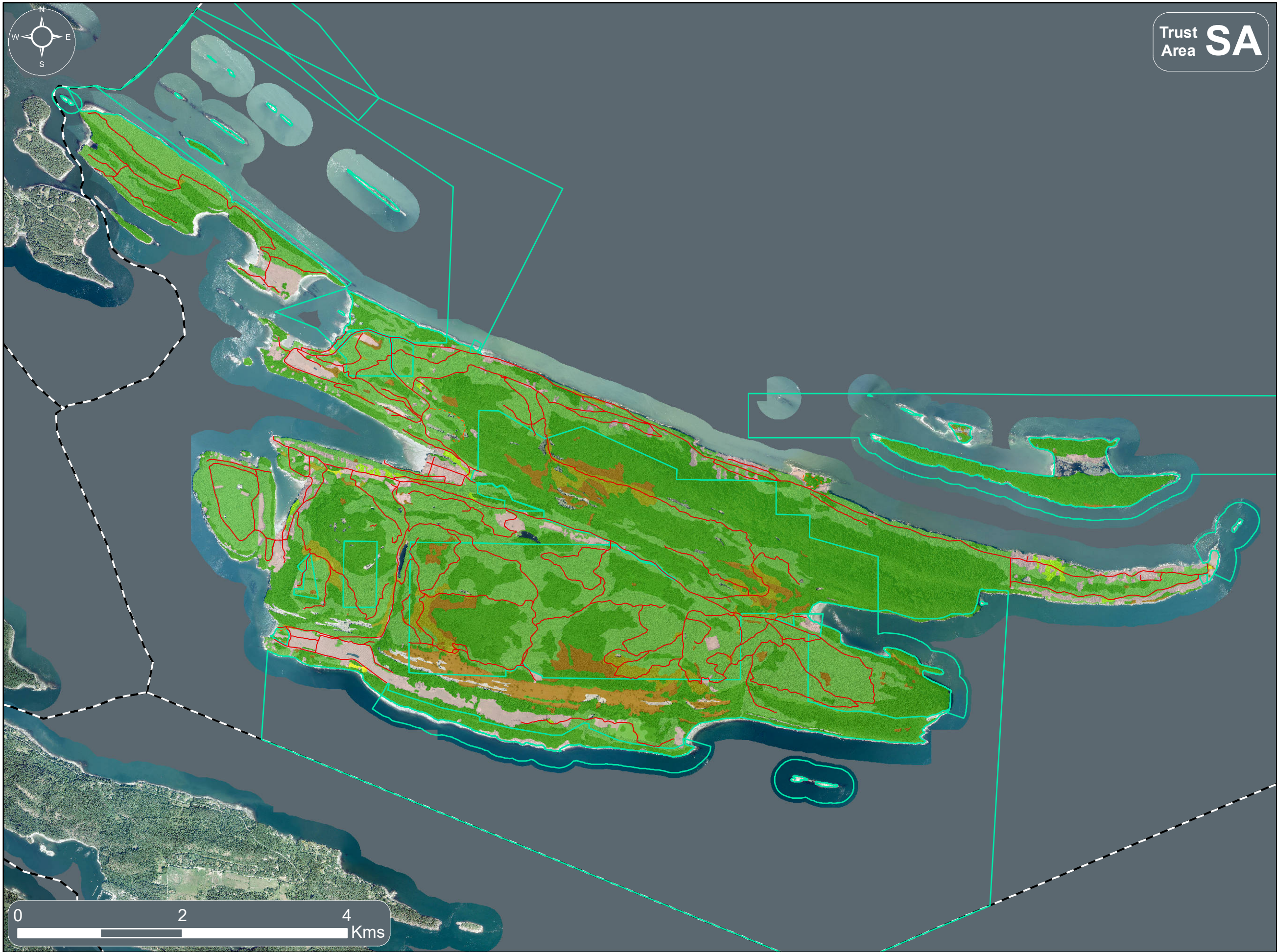
Projection: UTM 10N, NAD 1983
Data Sources: All data provided by the Islands Trust and the Government of British Columbia (Copyright 2020, The Province of British Columbia, used under license)
Drawn By: Liam Quan, Cabin Resource Management
March 31, 2020
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Trust
Area **SA**

Forest Ecosystems In The Islands Trust

- Private Road/Driveway
- Road
- Anthropogenic Area
- Established Forest Class 3
- Established Forest Class 2
- Established Forest Class 1
- Recruitment Forest Class 3
- Recruitment Forest Class 2
- Recruitment Forest Class 1
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