



# North Pender Island Local Trust Committee

## Regular Meeting Agenda

Date: July 28, 2023  
Time: 10:00 am  
Location: Anglican Parish Hall  
4703 Canal Road, RR#1, North Pender Island, BC

---

	<b>Pages</b>
1. CALL TO ORDER	10:00 AM - 10:00 AM
2. APPROVAL OF AGENDA	10:00 AM - 10:05 AM
3. TRUSTEE REPORT	10:05 AM - 10:15 AM
4. CHAIR'S REPORT	10:15 AM - 10:20 AM
5. ELECTORAL AREA DIRECTOR'S REPORT	
6. TOWN HALL AND QUESTIONS	10:20 AM - 10:35 AM
7. COMMUNITY INFORMATION MEETING	10:35 AM - 11:20 AM
7.1 Communications with New Landowners	
8. PUBLIC HEARING - None	
9. MINUTES	11:20 AM - 11:30 AM
9.1 Local Trust Committee Special Meeting Minutes of May 13, 2023 (for Adoption)	4 - 7
9.2 Local Trust Committee Public Hearing Record of May 13, 2023 (for Receipt)	8 - 9
9.3 Local Trust Committee Minutes Dated May 26, 2023 (for Adoption)	10 - 17
9.4 Local Trust Committee Special Meeting Minutes Dated June 24, 2023 (for Adoption)	18 - 25
9.5 Section 26 Resolutions-without-meeting Report - None	
9.6 Advisory Planning Commission Minutes - None	
10. BUSINESS ARISING FROM THE MINUTES	
10.1 Follow-up Action List Dated July 2023	26 - 28

11.	<b>DELEGATIONS</b>	
12.	<b>CORRESPONDENCE</b>	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
13.	<b>APPLICATIONS AND REFERRALS</b>	11:30 AM - 12:45 PM
13.1	<b>NP-RZ-2022.1 (Sidney Island Strata Corporation) - Proposed Bylaw No. 232 - Consideration of Adoption - Staff Report (attached)</b>	29 - 32
13.2	<b>NP-TUP-2023.5 (Grimmer) - Staff Report (attached)</b>	33 - 107
13.3	<b>NP-DP-2023.2 (Shaw) - Staff Report (attached)</b>	108 - 133
13.4	<b>NP-DP-2023.3 (Shave) – Staff Report (attached)</b>	134 - 194
13.5	<b>NP-TUP-2023.4 (Gu) - Staff Report (attached)</b>	195 - 227
13.6	<b>Saturna Island Local Trust Committee SA-ALR-2023.1 Application Referral - For Response (attached)</b>	228 - 231
14.	<b>LOCAL TRUST COMMITTEE PROJECTS</b>	12:45 PM - 1:15 PM
14.1	<b>Heron Nest DPA Update Project – Staff Report (attached)</b>	232 - 237
14.2	<b>Housing Access and Affordability Project – Staff Report (attached)</b>	238 - 244
15.	<b>REPORTS</b>	1:15 PM - 1:25 PM
15.1	<b>Work Program Report (attached)</b>	
15.1.1	<u>Active Projects Report Dated July 2023</u>	245 - 245
15.1.2	<u>Future Projects Report Dated July 2023</u>	246 - 247
15.2	<b>Applications Report Dated July 2023 (attached)</b>	248 - 252
15.3	<b>Trustee and Local Expense Report Dated May 2023 (attached)</b>	253 - 253
15.4	<b>Adopted Policies and Standing Resolutions (attached)</b>	254 - 257
15.5	<b>Local Trust Committee Webpage</b>	
15.6	<b>Islands Trust Conservancy Report - None</b>	
16.	<b>NEW BUSINESS</b>	1:25 PM - 1:40 PM
16.1	<b>Options for Establishing a Water Advisory Commission – Staff Memo (attached)</b>	258 - 259
16.2	<b>North Pender Island LTC Freedom of Information and Protection of Privacy Bylaw No. 233 - Consideration of Adoption (attached)</b>	260 - 264

**17. UPCOMING MEETINGS**

**17.1** Next Regular Meeting Scheduled for September 29, 2023 at the Anglican Church Hall, Pender Island

**18. TOWN HALL** 1:40 PM - 1:55 PM

**19. CLOSED MEETING (Distributed Under Separate Cover)**

**19.1 Motion to Close Meeting**

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

- *Adoption of In-Camera Meeting Minutes Dated May 5, 2023*
- *Bylaw Enforcement*

*AND that the recorder and staff attend the meeting.*

**19.2 Recall to Order**

**19.3 Rise and Report**

**20. ADJOURNMENT** 1:55 PM - 1:55 PM



**DRAFT**

Local Trust Committee Minutes  
Subject to Approval  
by the Local Trust Committee

## North Pender Island Local Trust Committee Minutes of Special Meeting

**Date:** May 13, 2023  
**Location:** St. Peter's Anglican Church Hall  
4703 Canal Road, RR 1, North Pender Island BC

**Members Present:** David Maude, Chair  
Deb Morrison, Local Trustee  
Aaron Campbell, Local Trustee

**Staff Present:** Kim Stockdill, Island Planner  
Fran Munro, Recorder

**Others Present:** Approximately 12 members of the public were present.

### 1. CALL TO ORDER

Chair Maude called the Public Hearing to order at 1:02 p.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

### 3. COMMUNITY INFORMATION MEETING

#### 3.1 Land Use Bylaw Review Project – Proposed Bylaws 223, 224, and 229

- Planner Stockdill advised that this is the 13<sup>th</sup> meeting relating to these Bylaws
- These Bylaws cover Residential, Agricultural, Industrial, Commercial and Marine Zoning
- The first speaker supported changing the area back to residential and asked for clarification on why the two lots have not been consolidated
- Planner Stockdale clarified that the landowner intends to apply to have the lots consolidated, and that the owner would only be permitted to have one residential building on the lot regardless of whether the lots are consolidated
- Planner Stockdale advised that the shed on the property cannot be used for residential use and nothing can be done with it at this time
- Michael Sketch asked whether the North Pender Official Community Plan (OCP) guides residential development at or below the natural boundary
- Planner Stockdale replied that it depends on the situation, but generally those areas are designated primarily for marine use

- Trustee Morrison wanted it noted in the recording that the intention of the LTC is to not have residential zoning on the water lot
- Trustee Morrison advised that we are only approving the LUB with the understanding that the zoning we are doing on ALR land is not in force until the ALR itself allows for the change in use as the ALR rules supersede the Islands Trust regulations
- Michael Sketch of North Pender Island had numerous questions regarding residential development, the Island Trust Map and ALC. IP Stockdill, Trustee Morrison, Trustee Campbell and Chair Maude responded as well
- Trustee Morrison added some of her concerns here regarding the ALR. Not perfect but needs to go forward. Trustee Campbell added his views as well
- IP Planner Stockdill explained the Bylaws and amendments related to them.

There were 3 public submissions to date.

#### **4. PUBLIC HEARING**

##### **4.1 Land Use Bylaw Review Project – Proposed Bylaws 223, 224, and 229**

###### **4.1.1 Recess for Public Hearing**

North Pender Local Trust Committee meeting closed at 1:30 p.m.

###### **4.1.2 Recall to Order**

North Pender Local Trust Committee meeting recalled at 1:52 p.m.  
Public Hearing Record under separate cover.

Chair Maude explained that it is post public hearing regarding proposed bylaws 223, 224, and 229 and therefore there will be no more discussion on these bylaws.

#### **5. BUSINESS ITEMS**

##### **5.1 Land Use Bylaw Review Project – Proposed Bylaws 223, 224, and 229 – Post Public Hearing Staff Report (Attached)**

LTC advised no further hearings.

###### **NP-2023-061**

###### **It was Moved and Seconded,**

That the North Pender Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by amending Article 3.3(2)(a) by adding the words, “and stairs to access the foreshore” after the words “Water 6 Zones”.

**CARRIED**

**NP-2023-062**

**It was Moved and Seconded,**

That the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022” be amended by amending 2.2, 2.3, 2.5, 2.6, 2.7 and 2.8 by increasing the maximum floor area by 500ft.

**CARRIED**

**NP-2023-063**

**It was Moved and Seconded,**

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

**CARRIED**

**NP-2023-064**

**It was Moved and Seconded,**

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

**CARRIED**

**NP-2023-065**

**It was Moved and Seconded,**

That the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Use Bylaw No. 224, 2022, Amendment No. 1, 2022” be read a third time as amended.

**CARRIED**

**NP-2023-066**

**It was Moved and Seconded,**

That the North Pender Island Local Trust Committee proposed Bylaw Nos. 223, 224, and 229 be forwarded to the Secretary of the Island Trust for Executive Committee Approval.

**CARRIED**

**NP-2023-067**

**It was Moved and Seconded,**

That the North Pender Island Local Trust Committee proposed Bylaw No. 223 be forwarded to the Minister of Municipal Affairs for approval.

**CARRIED**

**6. ADJOURNMENT**

**By general consent**, the meeting was adjourned at 4:30 p.m.

---

David Maude, Chair

Certified Correct:

---

Fran Munro, Recorder



**DRAFT**

**Public Hearing Record  
Received for Information  
by Local Trust Committee**

**North Pender Island Local Trust Committee  
Record of a Public Hearing  
Proposed Bylaws 223, 224 and 229**

**Date:** May 13, 2023  
**Location:** St. Peter's Anglican Church Hall  
4703 Canal Road, RR 1, North Pender Island BC

**Members Present:** David Maude, Chair  
Deb Morrison, Local Trustee  
Aaron Campbell, Local Trustee

**Staff Present:** Kim Stockdill, Island Planner  
Fran Munro, Recorder

**Others Present:** Approximately 12 members of the public were present.

**4.1 Land Use Bylaw Review Project – Proposed Bylaws 223, 224, and 229**

Chair Maude called the Public Hearing to order at 1:30 p.m. He read a statement outlining the content, purpose, and process of the Public Hearing.

Planner Stockdill read a statement related to the purpose of proposed Bylaw Nos. 223, 224 and 229 and their development to date.

**Joyce Thayer** believed the bylaw addressed the concerns raised by the community and urged the LTC to move forward without further delay.

**Michael Sketch** raised the concern that the conflict between the ALR bylaws and the LTC bylaws is unnecessary and requested that the LTC remove the local bylaws until the ALR provides their decision on this matter. Michael proposed that the LTC remove the Bylaw, allow the owner to amalgamate the two lots, and then the owner could re-apply for residential zoning. Michael urged the LTC to consider amending the bylaws to allow accessory use of 1-3% of the land before building a residential property on the lot.

Chair Maude called three times for speakers and no comments were made.

There being no further submissions, Chair Maude closed the Public Hearing at 1:51 p.m.

**I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS  
RESPECTING THE MEETING HELD.**

\_\_\_\_\_  
**RECORDER**

\_\_\_\_\_  
**DATE**



# DRAFT

## North Pender Island Local Trust Committee Minutes of Regular Meeting

**Date:** May 26, 2023  
**Location:** Anglican Parish Hall  
4703 Canal Road, RR#1, North Pender Island BC

**Members Present:** David Maude, Chair  
Aaron Campbell, Local Trustee  
Deb Morrison, Local Trustee

**Staff Present:** Brad Smith, Island Planner  
Pat Todd, Recorder

**Others Present:** There were seven (7) members of the public present.

### 1. CALL TO ORDER

Chair Maude called the meeting to order at 10:01 a.m. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

### 3. TRUSTEE REPORT

Trustee Morrison expressed appreciation to everyone who contacted her regarding concerns/issues. Encouraged involvement with National Parks Visitor Strategy meetings. Emphasized the importance of people to share information at the upcoming June meeting. Acknowledged Chair Maude's efforts in a difficult meeting regarding Bylaws and spoke to the importance of engaging with First Nations.

Trustee Campbell reported last two weeks rather quiet. Regarding Bylaw review: thanks to Chair Maude, Planner Stockdill and community - a lot of positive and negative feedback. Suggestion is to examine housing as a project.

### 4. CHAIR'S REPORT

Chair Maude spoke to the Official Community Plan (OCP) proposed updates. Appreciation for ensuring due diligence completed. First Nations referral brought a lot of important information back to North Pender. Proper documentation is in place to pass Bylaws.

**5. ELECTORAL AREA DIRECTOR'S REPORT**

Rob Fenton (Director Brent’s alternate) gave Director Brent’s regrets – he is in a meeting regarding housing. Capital Regional District (CRD) is looking for available funding from governments – pursuing subsidy for secondary suites, etc. Detailed the 4 A’s: Acceptable: connected to services; Affordable: critical; Alternate housing; e.g. tiny homes; and Available. CRD looking to work with LTC towards solutions.

Invitation for Director Brent to attend June meeting – listen to the community and work with LTC on housing.

**6. TOWN HALL AND QUESTIONS**

**Speaker:** questioned NPLTC accessing Housing Accelerator Fund. Salt Spring Island is on board and Mayne Island as well. Got zoning for secondary suites.

Planner Smith detailed there is a lot of work to do within the community and the application closure date was too close. Islands Trust (IT) is working on a tool kit – collecting everything that has been accomplished and working to prepare for future funding projects/applications.

MaryBeth Rondeau: important to develop a housing action plan – be focused.

Chair Maude stated funding announced with a short time line and need to be 100% prepared.

Planner Smith spoke to effectiveness of focusing on Salt Spring Island and Mayne Island at this time.

Trustee Morrison: volume of information being requested. Looking at total Trust area and then focusing on specific communities is a good option. Continue to pursue what NPLTC needs to do.

**7. COMMUNITY INFORMATION MEETING – None**

**8. PUBLIC HEARING – None**

**9. MINUTES**

**9.1 Local Trust Committee Minutes Dated May 5, 2023**

**By general consent,** the Local Trust Committee meeting minutes of May 5, 2023 were adopted.

**9.2 Section 26 Resolutions-without-meeting Report - None**

**9.3 Advisory Planning Commission Minutes – None**

**10. BUSINESS ARISING FROM THE MINUTES**

**10.1 Follow-up Action List Dated May 2023**

Trustees expressed appreciation for update.

**11. DELEGATIONS**

**12. CORRESPONDENCE**

**12.1 Various Correspondence re North Pender Forestry Concerns – A total of 8 pieces of public correspondence have been received and provided to the LTC as a combined file.**

**13. APPLICATIONS AND REFERRALS**

**13.1 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 530**

**NP-2023-068**

**It was Moved and Seconded,**

that the North Pender Local Trust interests are not affected by Salt Spring Island Local Trust Committee proposed Bylaw No. 530.

**CARRIED**

Policy regarding this type of referral needs to be reviewed by Trust Council.

**13.2 NP-TUP-2022.5 (Sketch)**

Planner Smith reviewed the staff report. Decision had been deferred in March. IT has received some additional correspondence mostly opposed to application. Applicant's submitted plan for cease of use was unclear as to what actions would be taken and when.

Applicant referred to a letter sent this morning to NPLTC. Added would make application for a Building Permit if financially able but not able to at this time.

Discussion:

- Purpose of temporary permit: move to rezoning or cease use except as Short Term Vacation Rental (STVR)
- Review of all concerns: some personal vs. actual issues
- Acknowledgement of existing housing issues
- Trustee Campbell - Would support for 3 years and review within current LTC term
- Need for an exit strategy
- Minimal community support of application
- Containers may not be only issue
- Question of a compromise
- Use of TUP to breach OCP
- Housing issue: "stand down" on living in trailers
- Site specific
- Sympathetic to situation however there is strong opposition to site
- Amend OCP- less regulation regarding housing
- Two applications had been submitted to rezone – both unsupported
- Could stipulate in TUP that all materials be removed at end of term
- Housing issue will not resolve in 3 years

- Need to increase flexibility
- Could use sites zoned for storage – better move by community standards
- Enforcement could be deferred through a motion
- Unique situation with no clear resolution
- Chair in support of staff recommendation – suggest bylaw enforcement update at next meeting

**NP-2023-069**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee not approve issuance of Temporary Use Permit application NP-TUP-2022.5 (Sketch).

**CARRIED 2/1 Trustee Campbell**

**NP-2023-070**

**It was Moved and Seconded,**

that the North Pender Local Trust Committee direct Bylaw enforcement staff to initiate a compliance agreement with Mr. Sketch and provide an update July 28, 2023 Local Trust Committee meeting.

**CARRIED**

**13.3 NP-DVP-2023.2 and NP-DP-2023.1 (Ensing)**

Planner Smith reviewed staff report. Biologist report included stating development is reasonable. One letter received with concerns regarding habitat impact and sight lines; a number of letters in support. Explained that a Development Variance Permit (DVP) allows more discretion with approval while a Development Permit (DP) gives less discretion so LTC should start with that decision.

Applicant: efforts to make house more comfortable, safe and efficient. Development of proposed structure is in line with biologist’s recommendations. It is a unique property and there has been consultation with neighbours. Owners planting trees to minimize impact.

Discussion

- Tricky lot – appreciate what has been proposed
- Least impact
- Bylaws dictate height allowances
- Least impactful rebuild as it largely uses existing footprint for house

**NP-2023-071**

**It was Moved and Seconded,**

That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2023.1(Ensing).

**CARRIED**

**NP-2023-072**

**It was Moved and Seconded,**

That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2023.2 (Ensing).

**CARRIED**

Applicant expressed appreciation to all for work completed.

**14. LOCAL TRUST COMMITTEE PROJECTS**

**14.1 North Pender LUB Review Project – Bylaw No. 224**

**NP-2023-073**

**It was Moved and Seconded,**

That the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be adopted.

**CARRIED**

Appreciation expressed for efforts to date – can move forward.

**15. REPORTS**

**15.1 Work Program Report**

15.1.1 Active Projects Report Dated May 2023 – received for information

15.1.2 Future Projects Report Dated May 2023 – received for information

15.1.3 List of Potential LTC Major Projects

Planner Smith discussed options for projects. There is a Trust wide focus on housing. Could begin with a Minor Project to develop Terms of Reference then go on to a Major Project to address implementation.

Discussion

- Major Project involves a budgetary request
- Housing – business case for next year
- Minor Project - proposed update to raptor nest mapping
- Question of updating Development Permit Areas (DPA)
- Data is in hand for potential Minor Project and could schedule amendments to OCP to update maps
- 6 months minimum if data available: could initiate Project Charter – update staff report – First and Second Reading – public hearing and community information meeting
- Structural issue with Trust-dilemma on how projects are framed
- Important to get raptor nest information updated in schedules
- Could do groundwater education without staff time

- Integrate into conversations regarding housing
- Housing as a Major Project would include groundwater availability in discussions

**NP-2023-074**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee establish housing as a Major Project and direct staff to develop a draft Project Charter and Business Plan for July 28, 2023 Local Trust Committee meeting.

**CARRIED**

**NP-2023-075**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee defer Groundwater Education with landowners as a Minor Project and establish updating Raptors Nesting Mapping as a priority Minor Project.

**CARRIED**

Discussion

- Groundwater will be critical factor for consideration with Housing Project
- Trust Council Regional Planning needs to consider how to construct learning efforts broadly across Trust area – Trust wide requirement

**15.2 Applications Report Dated May 2023**

Question raised regarding concrete plant.

Planner Smith: not a renewal but a request for new permit. Notification required which couldn't be completed within time frame. Will be brought to July 28<sup>th</sup> meeting. Consideration being given to rezoning with use of a TUP while rezoning application in progress.

Question regarding STVR 2023.4 TUP.

Staff reported issue resolved.

**15.3 Trustee and Local Expense Report Dated March 2023 – received for information**

**15.4 Adopted Policies and Standing Resolutions – received for information**

**15.5 Local Trust Committee Webpage – to update upon close of meeting**

**15.6 Islands Trust Conservancy Report – None**

## 16. NEW BUSINESS

### 16.1 Discussion of Trustee Communication

Discussion

- Consideration of a monthly practice to share notes, links, upcoming meetings/events across Trust
- Better communication with community
- Email could then be forwarded to community networks
- “What’s Happening” for next 6 week period
- Staff recommended: email to Staff with a specific ask and how best to address
- Better co-ordination needed at Trust level for these communications
- Collective interest

## 17. UPCOMING MEETINGS

### 17.1 Next Regular Meeting Scheduled for July 28, 2023 at the St. Peter's Anglican Hall, Pender Island

Planner Smith addressed previous discussion as to meeting with Realtors, Fire Department, CRD regarding information package for new homeowners. Could include in a CIM at July 28<sup>th</sup> meeting – hear community issues/concerns/thoughts.

Discussed including these agencies in Special Meeting being held June 24<sup>th</sup>. Agenda includes groundwater and Forestry DV - looking for community direction/input.

Trustee Morrison will invite identified agencies to meeting.

## 18. TOWN HALL

**Speaker** – Groundwater Recharge Project: issue as to salt water intrusion – very little information available. Province mandates capping well if salt water present. Importance of interconnectivity of groundwater and housing.

Discussion

- understanding and knowledge better improves appreciation vs. policies and regulations
- more information to applicants - better understanding in context of impact on community
- regulations are meaningful and appropriate
- information critical
- resource of IT Groundwater Specialist important

**Speaker** – request for clarification regarding LUB – attached schedules

Planner Smith spoke to the siting plans, detailed schedules, sea wall – a particular area and unique approval of Site Specific Bylaw

19. **CLOSED MEETING** – None

20. **ADJOURNMENT**

**By general consent**, the meeting was adjourned at 12:09 p.m.

---

David Maude, Chair

Certified Correct:

---

Pat Todd, Recorder



**DRAFT**

Local Trust Committee Minutes Subject  
to Approval  
by the Local Trust Committee

## North Pender Island Local Trust Committee Minutes of Special Meeting

**Date:** June 24, 2023  
**Location:** Pender Island Community Hall  
4418 Bedwell Harbour Road, North Pender Island BC

**Members Present:** David Maude, Chair  
Deb Morrison, Local Trustee  
Aaron Campbell, Local Trustee

**Staff Present:** Brad Smith, Island Planner  
Katherine Vogt, Recorder

**Others Present:** Paul Brent, Capital Regional District (CRD) Electoral Area Director for the Southern Gulf Islands  
Rob Fenton, Alternate Director for the Southern Gulf Islands  
Approximately eleven (11) members of the public were present

### 1. CALL TO ORDER

Chair Maude called the Public Hearing to order at 1:06 p.m. He read a statement outlining the content, purpose, and process of the Public Hearing. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations. He introduced Trustees, Staff, Recorder, and Meeting Host; and welcomed Members of the Public.

### 2. APPROVAL OF AGENDA

**By general consent**, the agenda was approved as presented.

### 3. BUSINESS ITEMS

#### 3.1 Groundwater and Forestry Discussion

Trustees introduced the discussion on groundwater and forestry, noting that they were seeking feedback from the public on the possibilities for conservation of local groundwater recharge areas which are outlined on watershed maps available on the Islands Trust website; and feedback on such forestry issues as wildfire risk and 'Fire Smart' protocols.

Planner Smith added that a Development Permit Area (DPA) for groundwater recharge areas; and a Coastal Douglas Fir DPA with exemptions, were possibilities for consideration.

Members of the public asked or noted the following:

- It is a Trust policy that islands should be self-sufficient in their water supply and that density should be restricted in areas of low supply. Freshwater trucking onto the island indicates a problem. Gabriola Island has freshwater trucking data from the trucking suppliers. Can Trustees access such hard data, including that of saltwater intrusion into wells?
  - A Trustee noted a previous well-monitoring initiative that sought funding. Seeking data from private companies could be a problem; and shaming individuals for their water usage would be ill-advised
  - Planner Smith noted that the Islands Trust Senior Freshwater Specialist William Shulba had mapped out regional areas of saltwater intrusion; these maps were now available on the Islands Trust website
  - A Trustee noted that LTC funds could be used to purchase well monitoring equipment
- Ponds and cisterns for wildfire suppression are critical and could be considered for new developments. Grants for these could be sought
  - A Trustee responded that such water stores determined firefighting response times
- The Province is desperate for people to register their wells, so they should be providing funding for well monitoring
  - Planner Smith clarified that provincial use of continuous Wi-Fi monitoring devices seems to be geared towards commercial agricultural water usage
  - A Trustee added that residential electronic smart-meter monitoring devices were being promoted by some groups
- What authority does the Islands Trust have to implement rules regarding excessive water usage?
  - A Trustee responded that the Islands Trust could be precautionary and pre-emptive; or do nothing until better data was available
- General data regarding freshwater trucking volumes could be helpful to see trends
  - The Chair clarified that a past Freedom of Information (FOI) request for freshwater trucking data involved water coming from the Nanaimo Regional District, which is a government body and not a private company
  - A Trustee added that water may be trucked for a variety of reasons and does not necessarily indicate excessive usage
  - A Trustee noted that certain areas of the island had serious saltwater intrusion; that winter water volumes were abundant; that it was preferable to pump water for storage in the winter; and, that grants should be sought for water storage
- What about the future possibility of trucked water being denied or unavailable?
  - A Trustee responded that a FOI request for a private company would be unhelpful; rather, community members could be asked what their water problems are
- I support the LTC pausing on more land use planning regulations because it would be more productive to ascertain the actual cost to design and implement a comprehensive water monitoring plan
  - A Trustee responded that it was a primary role of the Trust to collaborate with other government agencies

- The Chair responded that decades ago the Province had a well monitoring program that could provide further water usage data
- FOI data on trucked water for Galiano and Gabriola Islands recently presented to Trust Council indicates a significant influx of population density; a freshwater trucker for North Pender told me that two summers ago, he was trucking 1100 gallons of water per day, 5 days a week, throughout the summer, to a commercial tourist zone on North Pender. The LTC has not adequately addressed this long-standing, seasonal high-density issue
- A lot of water in the winter just runs off
  - A Trustee acknowledged that proof of water using winter versus summer well water volumes is an issue; also, that a lot of large properties may be turned over and could be subdivided down to 10 acres, so having an extra layer of water information to inform future development is helpful; also, that many summer residences became full time residences during the COVID Pandemic
- Can we have a Citizen Working Group on Groundwater Availability so that local knowledge about groundwater can be compiled? This would augment Specialist Shulba's commendable work by highlighting areas that do not conform to the general maps. Also, it is commendable that the LTC has not gone ahead with a groundwater recharge DPA, given the many groundwater anomalies that occur on North Pender
- It is worth looking into water protection of entire watersheds through a DPA approach or other tools. Community water protection is paramount whereas cisterns and fire protection sprinklers should be treated more as an individual responsibility rather than a community one
- There are several areas of the island that have water quality issues due to irresponsible and illegal digging of garbage into dug and covered holes in the ground. Some of these areas have been cleaned up and there are bylaws against this dumping, but the bylaws have not historically been well enforced. Derelict vehicles and boats with toxic paint have leached toxins into groundwater  
Monitoring and testing of toxic sites should be done by the Province
  - A member of the public added that locals would have good knowledge of where precisely these toxic sites are. Thankfully, such dumping is not as common a practice as it used to be
- A large DPA for protection of forests on another island has not been well enforced. Is this due to lack of money or lack of power?
  - Planner Smith responded that Regional Districts, Municipalities, and the Islands Trust may establish DPAs through the Local Governments Act for very specific values such as conservation of a species, but not for broad purposes. Municipalities have broader Community Charter given control over individual tree protection and animal management. Trust Council and Regional Districts requested broader powers of tree protection beyond the powers of the DPA such as has been given to municipalities; but the Province has rejected this request, perhaps because the broadening of powers was deemed to be too great
  - A Trustee noted that the Trust has asked the Province to comprehensively review bylaw enforcement. Also, the Trust rescinding their tree protection

request was because it was considered an ineffective strategy. Large-scale tree-cutting is a problem because removal of tree canopy dries the landscape and threatens biodiversity. Danger trees are a problem. The binary of tree/no trees needs to be overcome. DPAs related to water and climate change are future possibilities. Preservation of water for the ecosystem has not been brought up. A DPA that is not enforced is not worth pursuing. Enforcement of problem tree cutting needs to be done by the Province, since they have jurisdiction over it.

**By general consent**, the meeting was recessed at 2:19 pm and reconvened at 2:26 pm.

Members of the public asked or noted the following:

- As groundwater is drawn down too excessively, there is risk of irreversible saltwater intrusion; yet the Islands Trust Policy Statement is silent on this issue, despite that the mandate of the Trust is to preserve and protect. Saltwater intrusion is especially occurring on the perimeters of all Gulf Islands; but on North Pender, saltwater intrusion even occurs far inland. Monitoring of ocean and well levels in the saltwater intrusion vulnerable zones needs to happen to forestall irreversible freshwater losses; and high-density development near the oceanfront needs to be restricted, though this would be very politically unpopular
  - A Trustee noted that densities could be increased if atmospheric water was required; and groundwater use restricted. Forest dryness, biodiversity, and water quality would still be outstanding issues
- Regarding forest management, what tracts of land are protected and not protected from extensive tree cutting on North Pender? Education and discussion are needed
  - The Chair noted that North Pender seems to have more development potential than other islands
  - Director Brent acknowledged that the Islands Trust has produced statistics on how much area of each island is considered protected by covenanted land. There may be maps associated with the statistics. Privately owned land is not considered protected
  - A Trustee noted that many people were protecting the trees on their property well; the problem is what happens when these properties are turned over
- Irreversible erosion happens when tree canopy is removed. Downstream of recent timber cutting on North Pender reveals recent sediment deposits at culverts revealed by grass growing in the new sediment. Cedars drying from the top down are occurring due to loss of canopy and topsoil
- Urbanization of Southern Vancouver Island has driven a narrative that the forests are dying; on North Pender, we have 71% solid forest which is much more than 30 years ago. Longer, drier summers due to climate change are what is causing cedar die off
- Future climate conditions are an unknown factor
  - Director Brent described the possibilities for the Trust and CRD to collaborate in approaching the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) for discussions on regional forest issues

- It is unfair to compromise a neighbor's well by excessive tree cutting. Municipalities provide tree cutting protections; but the Trust does not
- The Trust Council's original request to the Province for the same power as municipalities to regulate tree-cutting was rejected based on urban versus rural considerations. Perhaps the original Trust request could be recrafted to target larger-scale tree cutting on private properties

**NP-2023-76**

**It was MOVED and SECONDED,**

that the North Pender Island Local Trust Committee request that staff provide a staff memorandum on the July 28, 2023 Local Trust Committee meeting agenda with options regarding the establishment of a North Pender Island Water Advisory Committee.

**CARRIED**

A Trustee added that water independence and water quality were the two overriding categories of discussion to consider when posing questions to the community regarding water.

Trustee Morrison announced that she would initiate communications with other Trustees in the Southern Gulf Islands for a future regional forestry review and conversation.

**3.2 Housing Access and Affordability Discussion**

A Trustees asked members of the public to provide feedback on what they considered would be appropriate affordable housing for North Pender.

Alternate Director Rob Fenton noted that he had handed out his professionally considered comments to current meeting participants and wished to highlight the following:

- The Southern Gulf Islands Community Economic Sustainability Commission (CESC) has completed numerous housing studies
- A Southern Gulf Islands Housing Strategy was approved in May 2022 by the CRD Board. Justine Starke, CRD Manager for Southern Gulf Islands (SGI) Service Delivery, oversees the CRD Housing Strategy and has previously worked with the Trust
- CRD Director Brent has made housing a priority
- Discussion at a recent Rural islands Economic Partnership (RIEP) meeting showed that nearly every issue on the table is greatly affected by the housing crisis
- Funding for lower market development requires government subsidy. No local affordable housing has been developed for 20 years. Government funding is uncertain but hopeful. Zoning and financing must be creative to accommodate the numbers
- Construction costs have really risen recently
- One housing possibility is that funding for Conservancy properties could be raised by selling a small portion for regular housing, holding a portion for non-profit housing, and leaving the rest of the property conserved. Through this approach, there would be no cost for the land for an affordable housing project. The Conservancy and the

Trust would need to agree. A non-profit society would have to own the affordable housing portion of the land. Most likely the affordable housing will need to be alternate, perhaps modular. The Provincial Rental Housing Corporation could be used to provide funding shortfalls for land that the Conservancy would wish to acquire. Once the private lots are sold off, the Conservancy can pay back the funds borrowed.

Director Brent noted the following:

- The housing crisis on the island was causing the loss of many young people and workers; and causing stress for many. No provincial money is coming to the islands because it is rural low density with little infrastructure
- The CRD is working on a Temporary Use Permit (TUP) for trailers. Currently it is illegal to sleep in trailers year-round according to the BC building code. However, if you have a building permit, it is allowable to live in a trailer for 1 to 2 years
- Affordable housing units on the Gulf Islands would likely cost between \$550,000 to \$600,000 per unit
  - A Trustee asked if the empty house tax could be applied on North Pender; how occupancy of current housing stock could be increased; and how tiny homes could be supported
  - Director Brent responded that the Provincial Secondary Suite Program will fund \$40,000 per suite and the CRD is looking at modeling something similar. Island Trust Senior Planner Narissa Chadwick is working with CRD Manager Justine Starke on a joint submission for funding from the Canada Mortgage and Housing Corporation (CMHC) Accelerator Fund
  - A Trustee noted that the building code for tiny homes is a problem

Members of the public noted or asked the following:

- We don't need any more single-family homes. Existing secondary suites should be legalised, and new secondary suites supported
- A Director for the Pender Islands Housing Society (PIHS) clarified that they have zoning for 8 more units at Plum Tree Court; and their operating agreement and funding with BC Housing expires in 2028; and the proposed 8 more units will not be connected to BC Housing; rather, no-age-restriction funding is being sought. Affordable market rent, which is considered 20% below normal market rent, will be applied
- A Regional exemption for the Southern Gulf Islands should be sought for some BC Building Code regulations, as is done in the Okanagan, especially for tiny homes
  - Director Brent responded that the CRD has tried for tiny homes but the Province has said no; and, that secondary suites are fraught with legal and liability issues for the landlord. The Province should backstop tenant risk for a housing society
- Can the Trust or CRD further facilitate the Plum Tree Court project?
  - The PIHS Director noted that the Plumtree Court is zoned for duplex buildings only. The new units could be a single building

- A Trustee noted the ‘Community Benefit’ clause in the Official Community Plan (OCP) may simplify the Plum Tree Court process
- We need short-term permits and long-term planning and safety considerations for affordable housing
  - A Trustee noted that it was the CRD’s jurisdiction to legalise secondary suites, but the Trust could provide a TUP for a trailer while the CRD would provide the safety TUP for it
- There are many illegal Airbnbs that have depleted the long term rental stock and are not being enforced
  - A Trustee responded that there are resident present and resident non-present Airbnbs; the former does not need a permit; the latter must seek a TUP and these are being attempted to be enforced
- Can we have a housing project for North Pender such as has been done on Denman, Mayne, and Salt Spring Islands to deal with this housing crisis that is not humane?

Planner Smith noted that there were no safety regulations for trailers.

- Director Brent responded that a \$500.00 Notice on Title of a derelict building situation can be acquired from or required by the CRD
- Why do cities have an empty house tax, but we don’t?
  - Director Brent responded that there was not much speculation here in 2012 when the speculation tax was applied. The Rural Islands Economic Partnership has proposed an empty tax for the Southern Gulf Islands for direct delivery to affordable housing; the other better option is to direct some of the property transfer tax revenues into local communities. Currently, that tax is the Provincial Government’s top source of revenue
- The Southern Gulf Island Housing Strategy Report has references to ‘smart growth’ and ‘complete communities’ of concentrated development with green spaces in between. But dispersed density is better for available water resources; so affordable housing might be better dispersed than concentrated. The West Coast Environmental Law Association has determined that the ‘smart growth’ model is entirely inappropriate to the Trust area
- Homeowners are moving into their secondary suites and renting out their main homes on a short term basis in a legal loophole that bypasses the intent of the secondary suite bylaw to provide long term rentals. Many people do not want to be long term landlords
  - A Trustee noted that homeowners did not actively capitalize on the secondary suite option legally
  - Director Brent noted that Airbnb provides insurance to homeowners for property damage. Governments should be able to duplicate this so that long term landlords have greater protection
  - A Trustee noted that the manner in which projects are handled in the Trust can be frustrating; and it is not intended to put the environment ahead of people.

**4. ADJOURNMENT**

**By general consent**, the meeting was adjourned at 4:00 p.m.

---

David Maude, Chair

Certified Correct:

---

Katherine Vogt, Recorder

## Follow Up Action Report

### North Pender Island

#### 27-Oct-2022

Activity	Responsibility	Dates	Status
1 13.1 Staff to request legal opinion on Section 3.4.4 of Bylaw No. 103 and impacts to proposed land use bylaw amendments. (ON HOLD - APRIL 2023)	Kim Stockdill	Target: 09-Dec-2022	In Progress

#### 05-May-2023

Activity	Responsibility	Dates	Status
1 14.1 Groundwater Project - scope amended to community consultation - staff to amend workplan and bring back to the LTC for endorsement	Brad Smith	Target: 20-Jul-2023	Completed
2 16.1 Protocol agreements - staff to invite CRD Director Paul Brent to a future LTC meeting to discuss NP LTC and CRD protocol agreements Jas - add to agenda when Paul confirms availability - Planner will provide direction on what agenda	Brad Smith Jas Chonk	Target: 12-May-2023	In Progress
3 16.2 LTC to invite realtors, Pender Island conservancy and fire department to discuss communications with new landowners  Jas - Please add a CIM to July 28 meeting agenda with topic: Communications with New Landowners - DONE	Brad Smith Jas Chonk	Target: 23-Jun-2023	Completed

#### 13-May-2023

Activity	Responsibility	Dates	Status
----------	----------------	-------	--------

## Follow Up Action Report

### North Pender Island

#### 13-May-2023

Activity	Responsibility	Dates	Status
<b>1</b> LUB Review Project 1. Bylaw No. 224 is amended by adding stairs to the foreshore to the exemption from the NB of the sea. (DONE) 2. Bylaw No. 229 is amended by increasing maximum floor area of dwellings all by 500 ft2. (DONE) 3. Bylaw Nos. 223, 224, and 229 all given Third Reading and to be sent to EC for approval. Bylaws to be added to project webpage. (DONE) 4. Bylaw No. 223 to be sent to Minister for approval - DONE	Brad Smith Jas Chonk Kim Stockdill	Target: 09-Jun-2023	Completed

#### 26-May-2023

Activity	Responsibility	Dates	Status
<b>1</b> 9.1 May 5, 2023 LTC meeting minutes adopted as presented.	Emily Bryant Sheree Rialp	Target: 09-Jun-2023	Completed
<b>2</b> 13.1 SSI LTC BL 530 - LTC resolved that interests are unaffected. Staff to prepare response to SSI LTC.	Jas Chonk	Target: 09-Jun-2023	Completed
<b>3</b> 13.2 NP-TUP-2022.5 (Sketch) 1) TUP application denied - staff to close out TUP file - Jas/Chloe - Done 2) BL enforcement to initiate compliance agreement and update LTC at July 28, 2023 meeting - Warren	Brad Smith Chloe Cookson Emily Bryant Jas Chonk Warren Dingman	Target: 09-Jun-2023	Completed

## Follow Up Action Report

### North Pender Island

#### 26-May-2023

Activity	Responsibility	Dates	Status
<b>4</b> 13.3 NP-DVP-2023.2 and NP-DP-2023.1 (Ensing) 1) DVP - approved as presented - staff to send permit (Jas), close out file (Chloe) 2) DP - approved as presented - staff to send permit (Jas), close out file (Chloe)	Brad Smith Chloe Cookson Jas Chonk	Target: 09-Jun-2023	Completed
<b>5</b> 14.1 North Pender LUB Review Project - BL 224 adopted - staff to update base bylaws and web content	Jas Chonk	Target: 09-Jun-2023	Completed
<b>6</b> Staff to initiate draft Project Charter and Business Case for housing as a major project and bring back to LTC at the July 28, 2023 meeting	Brad Smith Robert Kojima	Target: 30-Jun-2023	Completed
<b>7</b> Staff to initiate Project Charter for Updates to Raptors Nest DPA project and bring back to LTC at the July 28, 2023 meeting	Brad Smith Robert Kojima	Target: 30-Jun-2023	Completed

#### 24-Jun-2023

Activity	Responsibility	Dates	Status
<b>1</b> Water Advisory Committee - staff to provide a staff memo to LTC with options for the establishment of a North Pender advisory committee.	Brad Smith	Target: 17-Jul-2023	Completed



DATE OF MEETING: July 28, 2023

TO: North Pender Island Local Trust Committee

FROM: Robert Kojima, Regional Planning Manager  
Southern Team

COPY: Brad Smith, Island Planner

SUBJECT: Bylaw No. 232 - Sidney Island Bylaw Amendment Application  
Applicant: Sidney Island Strata Corporation  
Location: Sidney Island

## RECOMMENDATION

1. That North Pender Island Local Trust Committee Bylaw No 232, cited as “North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022”, be adopted.

## REPORT SUMMARY

Bylaw No. 232 is attached for consideration of adoption. The bylaw would amend North Pender Associated Islands Land Use Bylaw No. 148 as it pertains to the residential strata lots on Sidney Island. The Sidney Island Strata Corporation made the application to amend the zoning applicable to the residential lots on Sidney Island in order to permit limited use of recreational vehicles as a residence prior to construction of a dwelling and to permit a larger accessory building to be constructed prior to construction of a dwelling, along with some additional minor amendments. Previous reports and background can be found here: [islandstrust.bc.ca/island-planning/north-pender/current-applications/](http://islandstrust.bc.ca/island-planning/north-pender/current-applications/)

## BACKGROUND

At the LTC meeting of September 29, 2022 the LTC received a preliminary report and directed staff to prepare a draft bylaw.

At the meeting of January 20, 2023, the LTC gave First Reading to the bylaw and directed scheduling of a public hearing. A public was held at the regular meeting of March 17, 2023. Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The bylaw received further readings and was referred to Executive Committee at the March meeting. EC approved the bylaw on April 12<sup>th</sup>. The Strata Council requested that consideration of adoption be deferred until after the Strata Annual General Meeting, which was held on May 27<sup>th</sup>, and at which were adopted amendments to the strata bylaws to manage use of RVs.

## Rationale for Recommendation

Overall, the LUB amendments are minor, consistent with the OCP and Policy Statement, and are intended to provide for improved management of development on the island. Proceeding with the bylaw would also help resolve outstanding enforcement issues, provide an opportunity for strata lot owners to develop a familiarity with

Z:\09 Current Planning\09 NP\3650 RZ\25 Applications (P)\2022\NP-RZ-2022.1 Sidney Island Strata Corporation\06 Staff Reports\NP-LTC\_2023-07-28\_RPT.docx

their properties prior to building a permanent dwelling, regulate on-going practices on the island, and implement changes requested by the strata.

**ALTERNATIVES**

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

**1. Deny the application**

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

*That the North Pender Island Local Trust Committee proceed no further with application NP-RZ-2022.1.*

**2. Hold the application in abeyance**

The LTC may choose to hold the application in abeyance.

**3. Receive for information**

The LTC may receive the report for information

**NEXT STEPS**

If the LTC adopted the bylaw, staff will consolidate the amendment into the base bylaw and continue to work with the Sidney Island strata on implementation measures.

Submitted By:	Robert Kojima, Regional Planning Manager	July 7, 2023
---------------	--	--------------

**ATTACHMENTS**

- 1. Bylaw 232

# PROPOSED

## NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 232

---

### A BYLAW TO AMEND NORTH PENDER ASSOCIATED ISLANDS LAND USE BYLAW NO. 148, 2003

---

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022”.

2. North Pender Island Local Trust Committee Bylaw No. 148, cited as “North Pender Associated Islands Land Use Bylaw No. 148, 2003” is amended as follows:

2.1 Section 1.1 (Definitions) – the definition of ‘sleeping cabin’ is amended by deleting the word “only”, deleting words “does not” and replacing them with the word “may”, and by deleting the word “any”.

2.2 Subsection 5.20(1) (Sidney Island Comprehensive Development Zone (CD2) – Permitted Uses) – is amended by inserting the following as a new article (d):

“(d) Use of a recreational vehicle as a temporary residence, subject to 5.20(9).”

2.3 Article 5.20(8)(a) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by inserting the phrase “and the building may contain washroom facilities,” following the word “lot,”.

2.4 Article 5.20(8)(b) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by inserting the phrase “prior to construction of a principal dwelling,” following the word “lot”.

2.5 Article 5.20(8)(c) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by deleting the number “25” and replacing it with the number “40” and by deleting the number “269” and replacing it with the number “430”.

2.6 Article 5.20(8)(d) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by deleting the word “shed” and replacing it with the word “building”.

2.7 Article 5.20(8)(e) (Sidney Island Comprehensive Development Zone (CD2)) – is amended by inserting the phrase “and 5.20(1)(b)” following the number 3.5.

2.8 Subsection 5.20(9) (Sidney Island Comprehensive Development Zone (CD2)) – is deleted in its entirety and replaced with the following:

“Despite Article 3.10(1)(a) one recreational vehicle may be used as temporary residence prior to the construction of a single family dwelling on a lot without issuance of a building permit for a single family dwelling subject to:

- (a) the use of any recreational vehicle as a temporary dwelling may not exceed four years from the date the use commenced;
- (b) articles 3.10(1)(b) through 3.10(1)(e); and
- (c) the storage of any recreational vehicles that is not being used as a temporary residence prior to the construction of a single family dwelling is not permitted.”

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	20 <sup>TH</sup>	DAY OF	JANUARY	2023.
PUBLIC HEARING HELD THIS	17 <sup>TH</sup>	DAY OF	MARCH	2023.
READ A SECOND TIME THIS	17 <sup>TH</sup>	DAY OF	MARCH	2023.
READ A THIRD TIME THIS	17 <sup>TH</sup>	DAY OF	MARCH	2023.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	12 <sup>TH</sup>	DAY OF	APRIL	2023.
ADOPTED THIS	_____	DAY OF	_____	20____

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY



File No.: NP-TUP-2023.5 (Grimmer)  
X-Ref NP-TUP-2021.4 (Grimmer)

DATE OF MEETING: July 28, 2023

TO: North Pender Island Local Trust Committee

FROM: Brad Smith, Island Planner  
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Temporary Use Permit Application – Concrete Batch Plant  
Applicant: Aaron Grimmer  
Location: 4415 Bedwell Harbour Road

## RECOMMENDATION

- 1. That the North Pender Island Local Trust Committee (LTC) approve the issuance of Temporary Use Permit NP-TUP-2023.5 (Grimmer).**

## REPORT SUMMARY

The purpose of this report is to present Temporary Use Permit (TUP) NP-TUP-2023.5 (Grimmer) application for consideration by the North Pender Local Trust Committee (LTC).

This TUP application is to permit the continued operation of a concrete batch plant and associated uses on a .54 ha (1.35 ac. – approx.) portion of the subject property. This land use has been permitted previously via NP-TUP-2018.5 (Grimmer) which was approved for one year by the previous LTC in February 2020, and then subsequently renewed by the LTC for two additional years in May 2021.

The previous TUP brought the subject property into compliance with the North Pender Island Land Use Bylaw 224, 2023 (previously LUB 103). A new permit is required to continue this land use in the absence of rezoning.

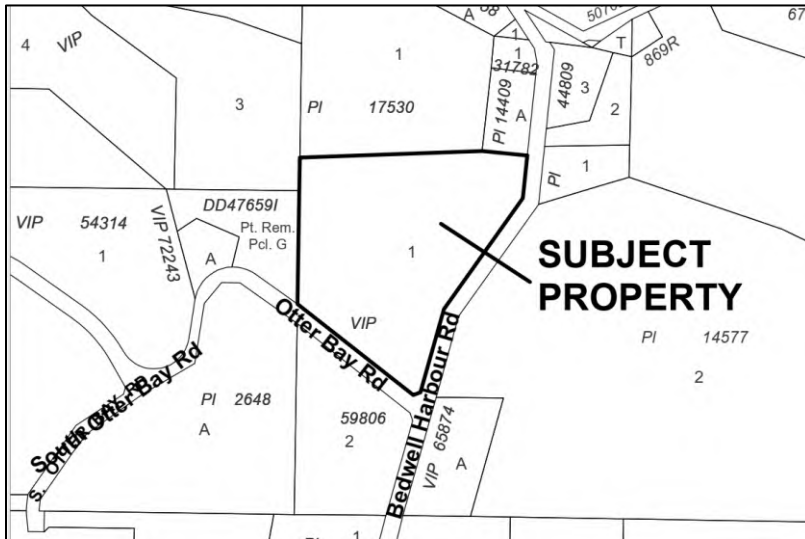
The recommendation above is supported as:

- There have been no significant concerns or issues raised with the operation of the concrete batch plant during the previous three year TUP period;
- The applicant has submitted a professional report confirming that all environmental conditions of the previous TUP to protect the environment have been satisfactorily met;
- The applicant is required to submit a rezoning application prior to the expiration of the TUP and this has been included as a specific condition of the draft TUP.

## BACKGROUND

The TUP application is for operating a concrete batch plant and associated uses on a 0.54 ha (1.35 ac. – approx.) portion of the subject property (See Figure 1), which is zoned **Rural (R)** and does not permit industrial uses. The uses are currently being undertaken on the property under an existing TUP (NP-TUP-2021.4) which expired on May 27, 2023 (included as Attachment 1 for reference).

**Figure 1 – Subject Property**



A bylaw enforcement file (NP-BE-2012.8) originally cited the extension of the excavation business from the 3418 South Otter Bay Road to the subject property. As a remedy, the property owner was required to get a TUP. Bylaw enforcement staff continue to monitor the activities on the land base for compliance with the TUP.

Planning staff visited the site in March 2023. Additional site context is included as Attachment 2, and maps and plans in Attachment 3. The new draft TUP is included as Attachment 4.

## ANALYSIS

### TUP Conditions

The proposed conditions of the new TUP are the essentially the same as the previous TUP approved in 2019 and renewed in 2021. A few changes were made to the new draft TUP to remove language that is redundant. Specifically, the following changes were made:

- 1) References to phasing are removed and the new permit only includes the 0.54 hectare area previously referenced as schedule B (now Schedule A in new permit)

**Phasing**

- a) The 'Temporary Use Area' as indicated on Schedule 'A' in size and configuration is valid only for the one year duration of this permit.
- b) Any renewal of this permit shall limit the 'Temporary Use Area' to the 0.54 ha (2.25 ac) area indicated on Schedule 'B', and Schedule 'A' shall cease to be a valid part of this permit.

- 2) All references to Schedule B are removed, as per above, and other schedules are re-lettered accordingly.
- 3) Landscape and screening condition (ee) has been removed as these plantings are completed.

**Environmental Monitoring Inspection Report**

As part of the approval requirements for the previous TUP, the applicant has submitted an environmental monitoring inspection report completed by Island Engineering Ltd. (IEL) and dated May 31, 2022.

IEL previously completed an Environmental Impact Assessment for the Site in January 2019. That assessment concluded that *while there were no observable environmental impacts at the site as a result of site activities, management plans should be prepared for the storage and handling of wash water, petroleum hydrocarbons, and other chemicals in order to mitigate any potential risks of environmental impacts.*

Following this recommendation, IEL prepared an Environmental Management Plan (EMP) for the site activities in October 2019, and a condition was included in the previous TUP as follows:

**Environmental Management Plan and Reporting**

- ff) The uses permitted in Section 2. (above) shall conform to all operational methods, environmental mitigation measures, best management practices and environmental monitoring requirements contained in the "Environmental Management Plan" ('EMP' - Islander Engineering Ltd., October 2019) and submitted to the Islands Trust, Victoria Office on October 3, 2019.

The May 31, 2022 report includes the results of a subsequent site inspection that was conducted to assess compliance with the recommended Best Management Practices (BMPs) provided within the EMP and included as conditions of the TUP. The findings of the inspection report conclude that all of the conditions/regulations have been completed to the satisfaction of the professional engineer, except for one recommendation for increased inspection of silt fences, which is required daily.

The inspection report does include two specific comments/recommendations beyond the existing conditions:

<b>Additional Comments:</b>	
1.	GEL to pay close attention to rain forecast and ensure that wastewater / excess concrete has been treated / covered / stored within sealed vessel (10,000 gallon tank) ahead of rain fall.
2.	It is suggested that GEL consider installation of a groundwater monitoring well down gradient from the concrete batch plant and water management area to allow for monitoring of groundwater quality as a result of TUP activities.

These have been incorporated into the draft TUP as conditions as follows for consideration by the LTC:

## Under Waste and Waste Management

- w) The operator shall ensure that wastewater / excess concrete has been treated / covered / stored within a sealed vessel (10,000 gallon tank) ahead of rain fall.

## Under Groundwater Monitoring (New Header)

- dd) A groundwater monitoring well shall be installed down gradient from the concrete batch plant and water management area within one (1) year of the issuance of this permit to allow for monitoring of groundwater quality resulting from TUP activities.

Bylaw enforcement staff have also monitored compliance with the TUP conditions, and as of the last site visit in February 2023, all conditions have been met.

### ***Rezoning Application***

The property owner has previously committed to submitting a rezoning application to permit the concrete plant activities on the land base over the long term. To date, the property owner has not produced a rezoning plan or submitted an application. The LTC could require the submission of a rezoning application in a specific time frame. Staff have added the following condition to the draft TUP that requires an application within six months of the permit being issued for consideration by the LTC.

#### ***Rezoning Application Submission***

- ii) The property owner shall submit a rezoning application to the North Pender Local Trust Committee for the long -term operation of the concrete batch plan on the property within six (6) months of the issuance of the permit or this permit shall cease to be valid.

Alternatively, the LTC could deny the TUP application and require a ceasing of land use until rezoning is applied for/approved.

### **Consultation**

#### ***Statutory Requirements***

TUP Notices were circulated to surrounding property owners and residents, published in the July 19, 2023 Driftwood newspaper (Attachment 3) and posted on North Pender Island community bulletin boards.

The statutory notification period ends at 4:30 p.m. July 19, 2023, although comments will still be received up to the July 28, 2023 LTC meeting.

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

### **First Nations**

As the operating footprint and proposed land uses remain the same, there is no new development or land disturbance proposed and therefore any potential impacts to any possible archaeological sites. As reviewed, the TUP application is consistent with respect to LTC Standing Resolutions on reconciliation. Additionally, to provide applicants with awareness regarding unknown archaeological areas, staff previously forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act compliance when the original permit was issued.

### **Rationale for Recommendation**

The recommendations on page 1 are supported as:

- There have been no significant concerns or issues raised with the operation of the concrete batch plant during the previous three year TUP period;
- The applicant has submitted a professional report confirming that all environmental conditions of the previous TUP to protect the environment have been satisfactorily met;
- The applicant is required to submit a rezoning application prior to the expiration of the TUP and this has been included as a specific condition of the draft TUP.

### **ALTERNATIVES**

The following alternatives are as follows:

#### **1. Request further information**

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

Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust the following information:\_\_\_\_\_.*

#### **2. Amend the TUP and Approve Issuance as Amended**

The LTC may opt to amend the proposed permit by adding further restrictions (conditions, including shortening the time frame).

Recommended wording for the resolutions are as follows:

*That the North Pender Island Local Trust Committee amend Temporary Use Permit NP-TUP-2023.5 (Grimmer) by adding\_\_\_\_\_.*

*That the North Pender Island Local Trust Committee issue renewal Temporary Use Permit NP-TUP-2023.5 (Grimmer) as amended.*

#### **3. Deny the application**

The LTC may deny the application.

Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee deny application NP-TUP-2023.5 (Grimmer).*

**4. Deny the application and Request a Rezoning Application**

The LTC may deny the application and request that the applicant make a rezoning application.

Recommended wording for the resolution is as follows:

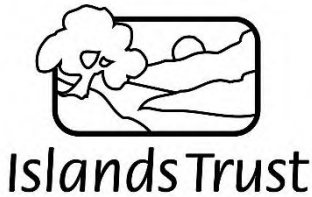
*That the North Pender Island Local Trust Committee deny application NP-TUP-2023.5 (Grimmer) and request that the applicant submit a rezoning application for the proposed uses on the subject property.*

**NEXT STEPS**

Submitted By:	Brad Smith, Islands Planner	July 19, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	July 19, 2023

**ATTACHMENTS**

- 1) NP-TUP-2021.4
- 2) Site Context
- 3) Maps, Plans
- 4) Draft NP-TUP-2023.5
- 5) Environmental Inspection Report
- 6) Notice



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
TEMPORARY USE PERMIT**

**NP-TUP-2021.4 (Grimmer)  
Renewal of NP-TUP-2018.5 (Grimmer)**

**4415 Bedwell Harbour Road**

To: Barbara and Glen Grimmer  
c/o Aaron Grimmer

1. This Permit applies to the land described below:

That portion of:

Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806  
(PID: 018-948-421).

Indicated as 'Temporary Use Area' on Schedules 'A' and 'B' attached to and forming part of this permit.

2. This permit is issued for the purpose of permitting the owner to conduct the following uses and no others in the Temporary Use Area of the property:

- a) A concrete batch plant operation.
- b) The storage, handling and wholesale of aggregates defined as sand, drainage rock and gravel.
- c) For certainty, and for the purposes of this permit, handling is defined as blending, but does not include screening, sorting, crushing or washing.
- d) Storage of motorized and non-motorized vehicles and equipment directly required for the concrete and excavation business know as "Gulf Excavating Ltd".

3. This permit allows the following existing buildings and structures as shown on Schedule 'A' and 'B'.

- a) Buildings and structures accessory to the uses permitted in Section 2. (above) and as shown on Schedules 'A' and 'B' attached to and forming part of this permit and specified as follows:
  - i. One (1) concrete hopper;
  - ii. One (1) 'Pull in Bay' constructed of concrete 'lock-blocks';
  - iii. Impermeable wastewater holding tanks, and a retention pond adequate in number and capacity for wastewater collection and recycling for the concrete batch operation;
  - iv. One (1) fuel storage building ('sea container');
  - v. One (1) Maintenance Structure (fabric/'coverall' type) a with maximum area of 463.6 m<sup>2</sup> (4990 ft<sup>2</sup>) and a maximum height of 4.6 metres.

4. The uses may be carried out subject to the following conditions and specifications shown on Schedules 'B', 'C', 'D', 'E', 'F', 'G' and 'H' attached to and forming part of this permit:

**Phasing**

- a) The 'Temporary Use Area' as indicated on Schedule 'A' in size and configuration is valid only for the **one year** duration of this permit.
- b) Any renewal of this permit shall limit the 'Temporary Use Area' to the 0.54 ha (2.25 ac) area indicated on Schedule 'B', and Schedule 'A' shall cease to be a valid part of this permit.

**General**

- c) The uses permitted in Section 2. (above) may not result in any contamination or degradation of the groundwater aquifers in the vicinity of the subject property or downstream aquatic areas.
- d) All vehicles, equipment, buildings and materials permitted by Section 2. and 3. (above) are to be removed from the site by the date of the expiry of this permit. The removal of screening is not a condition of this permit.
- e) Unless a rezoning application is received by the Islands Trust, upon the expiry of this permit, the Temporary Permit Area of the property shall be remediated to return to the condition prior to the commencement of the concrete batch plant operation in 2018.
- f) The maximum volume of concrete produced each month is limited to 382 m<sup>3</sup> (500 yd<sup>3</sup>).
- g) The maximum volume of aggregates stored on site is limited to 2294 m<sup>3</sup> (3000 yd<sup>3</sup>).
- h) Storage and use of motorized and non-motorized vehicles and equipment accessory to the uses permitted in Section 2. (above), and motorized vehicles are further limited as follows:
  - i. Two (2) dump truck;
  - ii. One (1) 'pup' loader;
  - iii. Two (2) 'pup' trailers';
  - iv. Three (3) excavators;
  - v. One (1) Tractor with low-bed trailer;
  - vi. Four (4) concrete trucks; and,
  - vii. A maximum of two (2) other vehicles.

**Access and Hours of Operation**

- i) Vehicle access to and from the Temporary Use Area shall be restricted to the use of only one of the two access point on Bedwell Harbour Road at any given time as indicated on Schedules 'A' and 'B'.
- j) Both vehicular access driveways shall be surfaced with road base (or similar) extending a minimum of 75 metres from Bedwell Harbour Road, and the surface shall be maintained for the duration of the permit and any renewal period.
- k) There is to be no public access to and from the concrete batch plant area of the Temporary Use Area Site.
- l) The specific area containing wastewater holding tanks shall be guarded with a locked, non mountable fence to a height of 1.8 metres to prevent access.
- m) The specific area containing retention pond (overflow) shall be guarded with locked, non mountable fence to a height of 1.8 metres to prevent access.
- n) Hours of operation, including movement of vehicles and equipment, are restricted to between 8:00 a.m. and 4:30 p.m., Monday to Friday.

- o) Hours of operation, including movement of vehicles and equipment, are restricted to between 9:00 a.m. and 3:00 p.m. on Saturdays with no more than two (2) deliveries on any Saturday and where all reasonable measures are taken to abate noise.
- p) Hours of operation may be extended to between 5:00 a.m. and 7 p.m., Monday to Friday exclusively for off-island loads as necessarily determined by ferry schedules and where all reasonable measures are taken to abate noise.

***Water and Waste Management***

- q) All paved surfaces within the ‘concrete batching area’ as shown on Schedule ‘A’ and ‘B’ are to be bounded by a 150 mm x 150 mm extruded curb with a minimum reverse 1% grade for wastewater capture and collection in accordance with the specifications shown on Schedule ‘C’.
- r) The lined secondary containment area for the wastewater holding tanks is to be lined and maintained with a minimum 45 mil. rubber pond liner.
- s) Surface water not related to concrete production shall be directed away from wastewater collection areas.
- t) Siltation control is to be installed to prevent the release of any suspended materials in surface runoff from the Temporary Use Area within all site ditching as shown on Schedule ‘A’ and ‘B’ and specified in Schedule ‘D’ attached to and forming part of this permit.
- u) Dust control measures shall be implemented in accordance with the “Recommended Guidelines for Environmental Management Practices for Canadian ready Mixed Concrete Industry” as excerpted on Schedule ‘E’.
- v) All waste concrete shall be disposed of through creating concrete “loc-blocks” on site.
- w) Aggregates stored on-site shall be contained within areas delineated along three sides with concrete “loc-block” walls measuring a maximum height of two (2) blocks (1.5 m).
- x) Aggregates stored on-site shall be covered with secured tarps in good condition to prevent leachates caused by rainfall.

***Hydrocarbon Management***

- y) Storage of chemicals and hydrocarbons is to be contained in corrosion-resistant tanks securely anchored on flat surfaces.
- z) Storage of chemicals and hydrocarbons is to be contained in a locked, weather protected (roofed) structure (‘sea container’) with a 15.25 cm (6 in.) “kick plate” as shown on Schedules ‘A’ and ‘B’.
- aa) Containment for chemicals and hydrocarbons within the seacan is to be contained in a lined cell providing a minimum of 120% of the volume of stored liquids.
- bb) Emergency spill kits are to be provided at all areas where chemicals and/or fuel is stored.

***Landscape & Screening***

- cc) The Temporary Use Area is to be screened by earthen berms planted with Douglas fir and speria as shown on Schedule ‘G’.
- dd) The berms are to be roughened and contoured to an angle of 3H:1V to prevent runoff.
- ee) All surface areas of the berms are to be planted with Douglas fir and Speria species within (6) months of the date of issuance of the permit in accordance with Schedule ‘G’ and ‘H’.

### ***Environmental Management Plan and Reporting***

ff) The uses permitted in Section 2. (above) shall conform to all operational methods, environmental mitigation measures, best management practices and environmental monitoring requirements contained in the “Environmental Management Plan” (‘EMP’ - Islander Engineering Ltd., October 2019) and submitted to the Islands Trust, Victoria Office on October 3, 2019.

### ***Monitoring***

gg) The ‘Monitoring Environmental Consultant’ shall be Islander Engineering Ltd. or a qualified professional licenced in the Province of BC with relevant experience in Environmental Management and hydrogeology.

hh) The Monitoring Environmental Consultant shall prepare and submit to the Islands Trust a monitoring report on adherence to the ‘Environmental Management Plan’ within one (1) year of the issuance of this permit, and that report shall include a completed checklist as shown on Schedule ‘F’, attached to and forming part of this Permit.

ii) The Islands Trust Bylaw Enforcement Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit for the purpose of investigating a complaint.

5. Pursuant to Section 502 of the *Local Government Act*, the Local Trust Committee requires security to ensure that any damage to the natural environment resulting from the contravention of a condition of this permit is corrected:

a) Where the Local Trust Committee considers that a condition in the permit has been contravened resulting in damage to the natural environment, the Local Trust Committee may undertake and complete the works required to correct the damage to the natural environment, at the cost of the permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the permit holder.

b) Any interest earned on the security provided under Condition 5.c.i shall accrue to the permit holder and be paid to them immediately on return of the security or, on default, become part of the amount of the security.

c) The security provided by the permit holder shall be in the form of:

i. An irrevocable letter of credit with a clause for automatic renewal, or cash equivalent;

ii. Payable to the Islands Trust; And,

iii. In the amount of \$10,000.00

d) Where the use authorized by this permit has ceased; or a rezoning application has been received by the Islands Trust; or the permit has expired and the use on the land ceased prior to commencement of any work pursuant to this permit, the security shall be returned to the permit holder, minus any funds still required to satisfy the Condition 5.a of this permit, provided that the conditions have been met.

6. This permit is valid for two (2) year from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.

7. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996", and for regulatory compliance and requirement to obtain other approvals necessary for the proposed uses with other authorities including the Provincial Ministry of Environment, Ministry of Transportation and Infrastructure, Capital Regional District, or Island Health.

**AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS 27<sup>TH</sup> DAY OF MAY, 2021.**

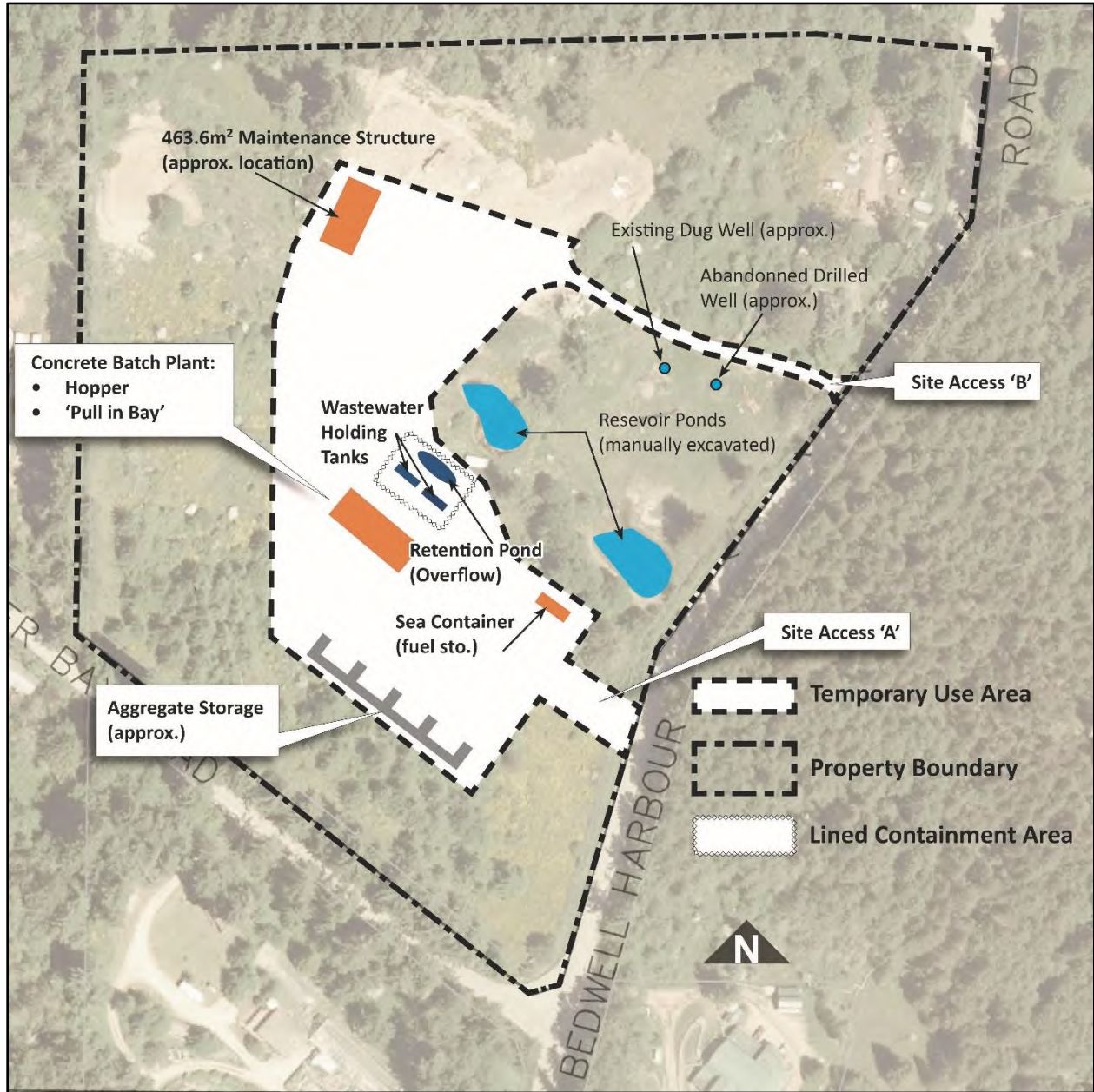
\_\_\_\_\_  
Deputy Secretary, Islands Trust

\_\_\_\_\_  
June 2, 2021

Date Issued

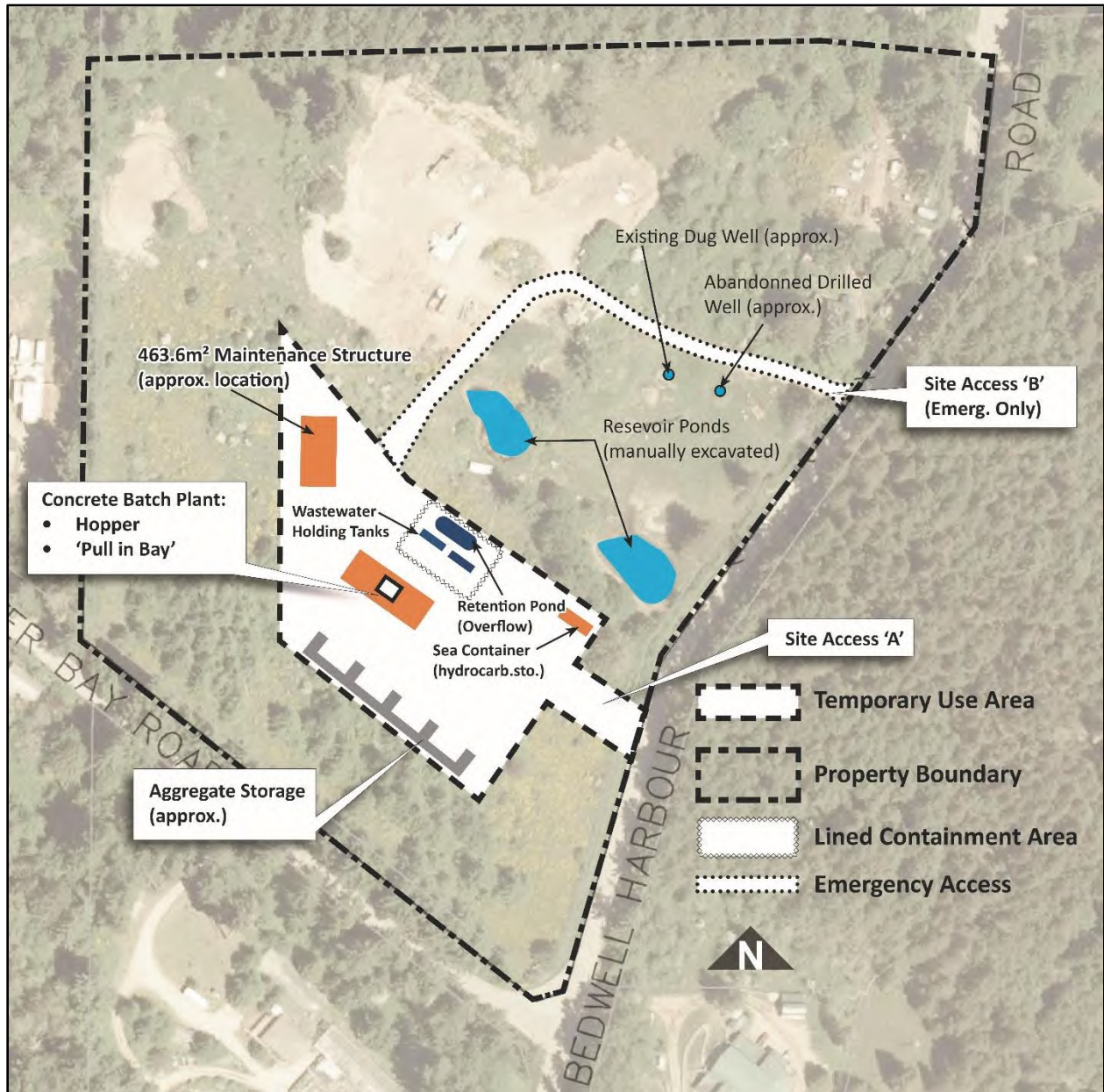
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**NP-TUP-2021.4**  
**SCHEDULE 'A'**

**SITE PLAN A (NOT VALID WITH RENEWAL)**



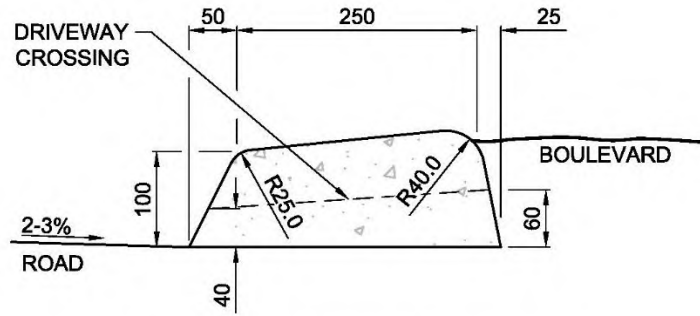
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**NP-TUP-2021.4**  
**SCHEDULE 'B'**

**SITE PLAN B (RENEWAL AREA)**

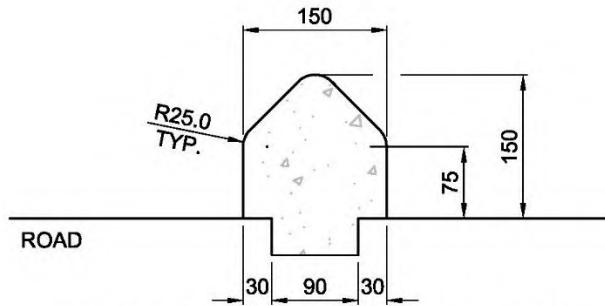


NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
NP-TUP-2021.4  
SCHEDULE 'C'

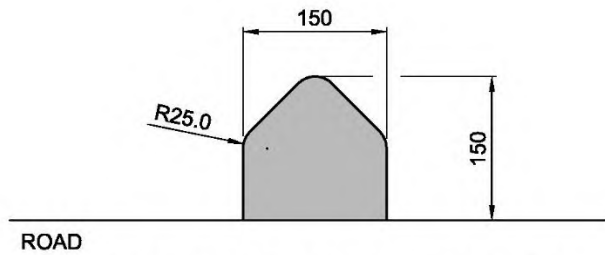
CURB CROSS SECTIONS



TEMPORARY CONCRETE CURB 1



TEMPORARY CONCRETE CURB 2



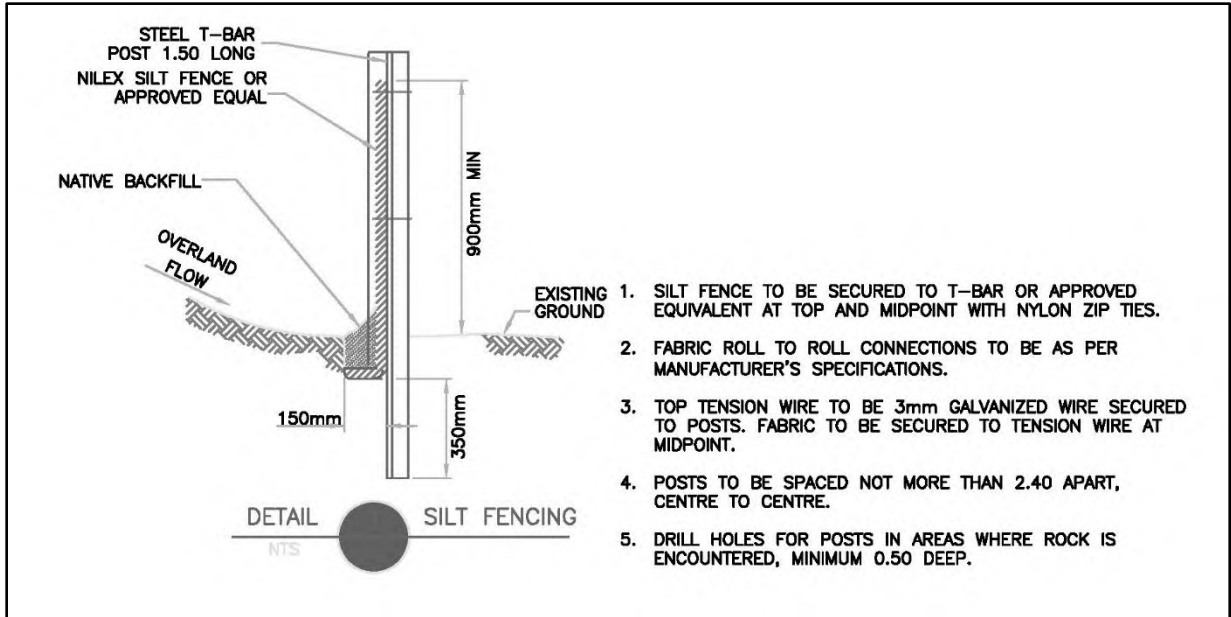
TEMPORARY ASPHALT CURB

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-TUP-2021.4

SCHEDULE 'D'

SILT FENCE SPECIFICATIONS



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

**NP-TUP-2021.4**

**SCHEDULE 'E'**

**DUST SUPPRESSION**

**MINIMIZING SOURCES FOR DUST EMISSIONS – Excerpted from 'Recommended Guidelines for Environmental Management Practices for Canadian Ready Mixed Concrete Industry'**

The plant manager's air quality management program should address the following objectives:

- Identify all sources for dust emissions that are released into the atmosphere from the plant and property by plant operations.
- Collect airborne particulates from point source dust emissions through air filtration mechanisms where practical.
- Suppress the airborne particles from fugitive source dust emissions generated from the plant and property site.
- It is important for any air quality management program to also consider local climatic conditions for the plant site, with consideration for prevailing wind directions, average daily temperatures and seasonal precipitation.

***Batch Plant Operations***

The handling or transfer of aggregates and other raw materials into or within the batch plant can help minimize and eliminate batch plant dust emissions. Some alternatives for minimizing dust emissions from batch plant operations:

- Fine tune the batching sequence to deliver a smooth, controlled flow of raw material into the plant mixer
- Consider covers or partial enclosures for elevated conveyors into plant
- Enclose or shield aggregate storage areas and transfer points

***Aggregate Storage and Handling***

The storage or handling of aggregates and any other raw materials around the plant site can help minimize and eliminate plant site dust emissions. Some alternatives for minimizing dust emissions from aggregates storage:

- Consider higher moisture content in aggregates delivered to yard
- Partial enclosures or below grade pads for aggregate stockpile areas
- Minimize exposed surface area of aggregate stockpiles
- Minimize number of transfer points for raw materials
- Minimize drop heights for conveyor or hoppers

***Traffic Areas***

Some alternatives for minimizing dust emissions from plant site traffic:

- Consider paving or hard surfacing of high traffic areas around yard
- Keep paved or hard surfaced areas clean
- Dust suppression using water or chemical dust suppressants

***Diesel Engine Exhaust Emissions***

Diesel engine exhaust systems for all fixed and mobile equipment in use at the plant site provide multiple point source emissions. As mixer trucks wait in the yard, it is important to minimize the amount of engine idling time to reduce exhaust emissions and save fuel.

Maintaining correct engine-operating temperatures also helps in reducing exhaust emissions and prolongs equipment life. A regular preventive maintenance program will keep equipment and vehicle

engines running at optimal performance. Equipment and vehicle pollution control devices should be included as part of the regular maintenance inspection.

### ***Dust Suppression***

Small water droplets, produced by water spray bars, are effective as a dust suppression measure. The dust particles cling to the small water droplets, preventing the dust particles from becoming airborne. Some best management practices for dust suppression:

- Using a water spray bar or spray ring to rinse down the charge hopper at the truck mixer load point.
- Using a water truck with spray bars for wetting down plant yard surfaces and roadways.
- Wetting down aggregate stockpiles using water spray bars or sprinklers.

These best management practices for dust suppression would also require coordination with water management for the plant site and property:

- Using spray bars for dust suppression at aggregate transfer points (e.g., at the end of the conveyor belt which charges the aggregate bins).
- Installing a soaker hose or spray bar at the plant yard entrance for mixer truck wheel wash.
- Water used for dust suppression purposes should not be allowed to mix with surface runoff from the plant property.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
NP-TUP-2021.4  
SCHEDULE 'F'**

**CHECKLIST**

**Checklist for Compliance with Environmental Management Plan (Islander Engineering, Oct. 2019)**

<b>CONDITION/REGULATION</b>	<b>COMPLETED /COMPLIANT ( Y/N )</b>	<b>SCHEDULE DATE TO BE COMPLETED/COMMENTS</b>
<b>ENVIRONMENTAL MGMT ACT</b>		
- <b>Contaminated Sites Regulation</b>		
- <b>Fisheries Act</b>		
- <b>Waste Discharge Act</b>		
- <b>Spill Reporting Regulation</b>		
- <b>Hazardous Waste Regulation</b>		
- <b>Water Sustainability Act</b>		
<b>ASSIGNMENT OF ROLES &amp; RESPONSIBILITIES (p.5)</b>		
- <b>Supervisor</b>		
- <b>Health, Safety &amp; Environmental Representative</b>		
- <b>All Employees</b>		

<b>5. WATER MANAGEMENT</b>		
<b>5.1.1 Wastewater Reduction (BMP):</b>		
- Minimize the need for exterior truck washing by controlling dust losses from the batching area;		
- Train employees with regards to water use, ensuring that they understand the importance of controls and the possible impact to the environment and company liability;		
- Limit or eliminate freshwater use by recycling processed water and using captured storm water runoff wherever possible; Reduce total water usage during drum washout by using multiple small rinses, rather than large volume single rinses;		

CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Consider the use of hydration stabilization admixtures;		
- Consider dry washout procedures;		
<b>5.1.2 Water Collection/Containment (p.9)</b>		
- All paved surfaces within the batching area should be curbed and graded to allow for effective capture and collection of wastewater;		
- Any surface water not related to concrete production should be directed away from wastewater collection areas;		
- Equipment and vehicular traffic should be minimized through batching area where wastewater may be present;		
- Sufficient capacity must be provided for wastewater holding tanks / basins;		
- Wastewater holding tanks / basin shall be impermeable;		
- Sufficient secondary containment (i.e., berms) shall be provided to capture any overflow from wastewater holding facilities.		
- Any breaches in containment facilities that cause release of wastewater to the environment shall be considered a spill incident and spill response measures, described in Section 6, shall be followed.		

CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
<b>5.2. Storm Water Runoff</b>		
<b>5.2.2 BMP:</b>		
- Encourage surface water to seep into the soil naturally;		
- Preserve natural vegetation where possible;		
- If possible, retain woody debris and organic matter on-site as mulch;		
- Roughen or terrace slopes to prevent erosion. Limit slope steepness and length to reduce runoff velocity;		
- Cover soil stockpiles and bare slopes with mulch, tarps, etc;		
- Re-vegetate or landscape disturbed areas of the Site as soon as possible. If areas of the Site must be left disturbed during the rainy seasons, sow a temporary cover crop,		
- apply mulch or lay geotextile to stabilize exposed soils;		
- Keep machinery within specific access areas. Limit the extent of machine access areas to the minimum necessary to conduct operations in a feasible and practical manner;		
- Control disposal or runoff of water containing suspended materials or other harmful substances in accordance with federal, provincial and municipal requirements;		
- If it is not possible to isolate and divert flowing water from a work area (due to water depth and volume) isolate works with a structure (e.g., silt curtain, sand bags, earthen berm, etc.) to keep silty water from leaving the Site;		

CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Avoid clearing vegetation from work zones during snowmelt or heavy rains;		
- Isolate work / excavation areas from all flowing water;		
- Inspect all silt fences and other controls (i.e., catch basin inserts, stop logs) on a daily basis prior to the start of work and correct deficiencies immediately. Pay special attention in areas where construction activities have changed natural contours or drainage patterns to ensure that controls are properly located for effectiveness		
<b>5.3 Water Treatment</b>		
- Protocol in place for overflow incidents		

CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
<b>6. CHEMICAL AND PETROLEUM HYDROCARBON MANGEMENT</b>		
<b>6.2 Storage and Handling</b>		
<ul style="list-style-type: none"> <li>- Concrete additives are currently stored within manufacturer containers within a covered, plastic sheet-lined secondary containment structure at the top of the batch plant.</li> </ul>		
<ul style="list-style-type: none"> <li>- Mechanical fluids (oils / waste oils) are stored within a transportation seacan with a welded lip at the entrance, which provides secondary containment to small jugs of hydraulic fluid within. Waste oil is stored within an above ground storage tank within a separate plastic sheet-lined cell within the seacan.</li> </ul>		
<ul style="list-style-type: none"> <li>- Fuel is stored within fuel tanks and tidy tanks aboard various vehicles and equipment throughout the Site. There is no bulk fuel storage on Site</li> </ul>		
<b>Best Management Practices</b>		
<ul style="list-style-type: none"> <li>- Locate storage facilities away from high traffic areas, with reasonable protection from vehicle / equipment damage;</li> </ul>		
<ul style="list-style-type: none"> <li>- Provide storage areas with a means (i.e., lock and key) to control access to the materials so that only authorized (e.g., trained) personnel may remove and use the materials;</li> </ul>		
<ul style="list-style-type: none"> <li>- Ensure tanks are corrosion-resistant and stable / anchored securely on a flat surface;</li> </ul>		
<ul style="list-style-type: none"> <li>- If possible, store drums and pails of related products in same area;</li> </ul>		

CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Ensure all materials are properly labelled and remain in original containers with lid intact for as long as reasonable for Site operations;		
- Protect liquids from freezing, where applicable;		
- Provide minimum 120% secondary containment for all volumes of liquid stored;		
- Provide with a means of segregating combustible and flammable materials from oxidizing agents and other sources of ignition (i.e., away from sparks and/or with physically separated storage areas)		
- Provide with a means of preventing water reactive and pyrophoric materials from coming in contact with accumulated water (i.e., roofed enclosures)		
- Provide emergency spill kits/supplies within the storage area, including fire extinguishers, non-sparking shovels, sand bags, etc.		
<b>6.3 Disposal</b>		
- Source reduction procedure in place		
- Returns procedure in place		

CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
<b>7. SPILL RESPONSE AND PREVENTION</b>		
<b>7.1 Spill Response</b>		
- Spill Response Steps reviewed by all staff (pp. 14 -16)		
- Spill Response Steps posted in appropriate areas		
<b>7.2 Spill Response Equipment</b>		
- Standard Spill Kit		
- Vehicle Spill Kit		
<b>7.3 Spill Prevention (BMP)</b>		
<ul style="list-style-type: none"> <li>- Equipment is to be inspected daily to ensure that it is leak-free and functioning as intended. All fuel/oil caps will be manually checked to ensure that they are tightened down. Equipment will be tagged out of service if found to be leaking. Servicing of equipment that is absolutely necessary on-site is to be done within containment areas (i.e., bermed or otherwise isolated) or at an appropriate work yard operated by the contractor or his supplier;</li> </ul>		
<ul style="list-style-type: none"> <li>- Equipment or machinery found to be leaking will have containment trays/buckets placed under drips/leaks that cannot be stopped (e.g., cannot be drained into an appropriate container), will have absorbent pads wrapped around leaky connections or placed under areas where a tray or bucket cannot be fitted, etc.). The person identifying the malfunction or accidental leak will notify the foreman or site supervisor, who will arrange repairs or transport off-site, and/or mechanic, if on site.</li> </ul>		

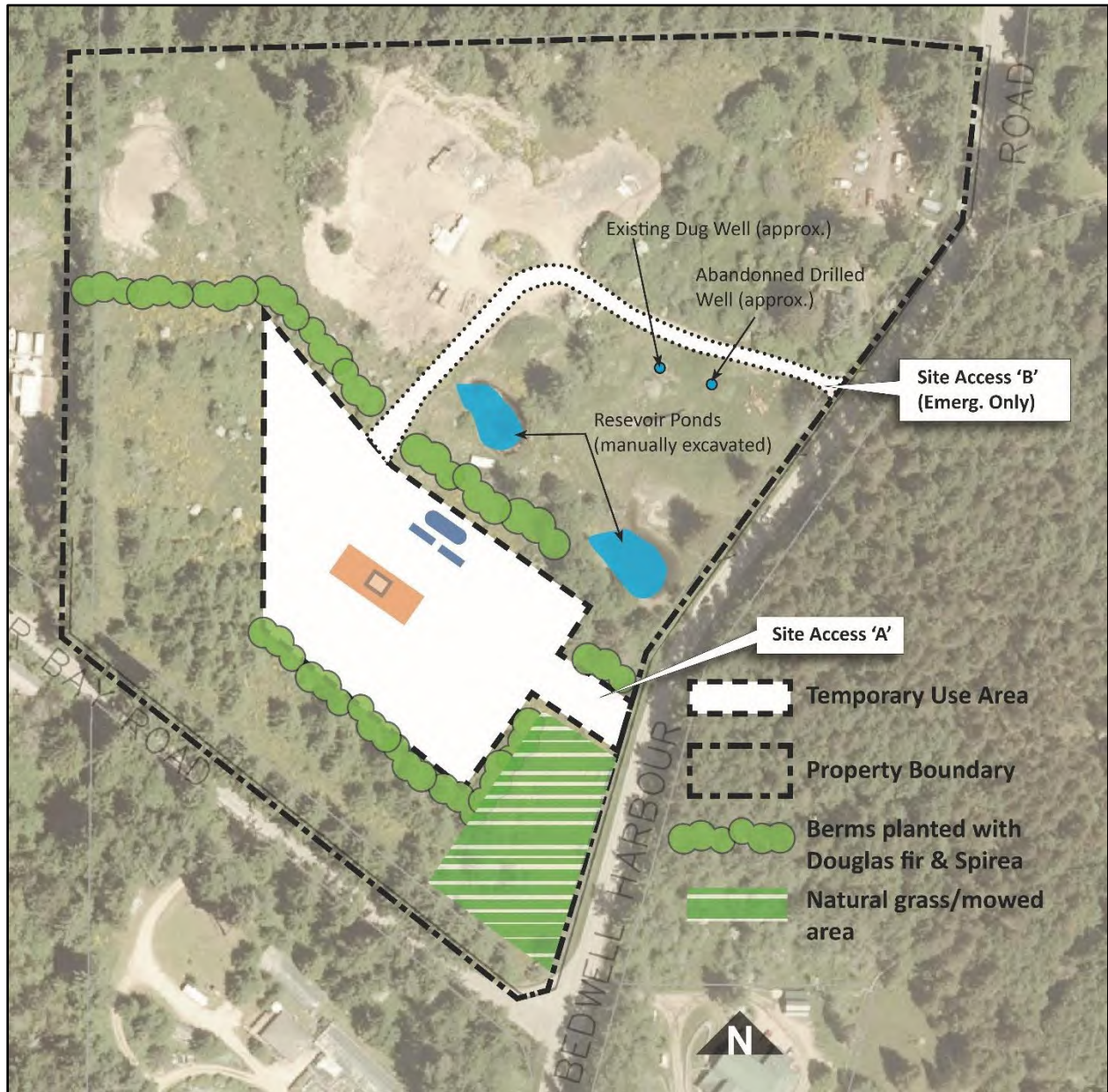
CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
<ul style="list-style-type: none"> <li>- All workers/operators will be responsible for cleaning up observed leaks and/or wiping down equipment, even if the leak or spill is non-reportable.</li> </ul>		
<ul style="list-style-type: none"> <li>- Grease and oil required for maintenance will be properly applied. Excess will be cleaned up and disposed of in an environmentally appropriate manner, as will all containers, lids, and contaminated cloths and applicators.</li> </ul>		
<ul style="list-style-type: none"> <li>- During fuelling of larger compressors, light plants, etc., a portable drip tray lined with absorbent pads will be placed under the fuel tube and cap area. Absorbent pads will be used to wipe off any drips on the fuel spigot or side of equipment.</li> </ul>		
<ul style="list-style-type: none"> <li>- Jerry cans will be stored within a sealed tool box tray with lid or other suitable storage locker with ventilation, and placed in a containment tray when outside of the storage container.</li> </ul>		
<ul style="list-style-type: none"> <li>- When heavy machinery is not in use (i.e., overnight, weekends, or idle for the day), a portable drip tray will be placed under the main engine compartment.</li> </ul>		

CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
<ul style="list-style-type: none"> <li>- Fire extinguishers and other emergency response equipment and supplies will be kept in known and visible locations and access to them will not be blocked by other materials or equipment. A list of emergency contacts will be posted at predetermined, accessible and visible locations, as well as kept with the emergency response equipment. By law, fire extinguishers are routinely inspected and certified, as is other fire-suppressant equipment and materials.</li> </ul>		
<ul style="list-style-type: none"> <li>- Waste oil or materials will be removed from site as soon as possible in accordance with Transportation of Dangerous Goods requirements and the BC Special Waste Regulations.</li> </ul>		
<ul style="list-style-type: none"> <li>- The Emergency Spill Response Plan will be implemented when required.</li> </ul>		
<ul style="list-style-type: none"> <li>- The Emergency Spill Response Plan will be posted on-site, and all personnel made aware of its content and location of response materials, as well as emergency contact names and numbers.</li> </ul>		
<ul style="list-style-type: none"> <li>- Oil spill response materials and equipment, such as absorbent pads, booms and leak proof containers, will be kept on-site in sufficient quantities and in an easily accessible location to contain and clean up the amount of fuel, oil or other petroleum hydrocarbons used/stored on site.</li> </ul>		

CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
<b>8. MONITORING AND REPORTING</b>		
<b>8.1 Environmental Consultant</b>		
- Scheduled Follow-Up Monitoring (Wet Season)		
- Annual Monitoring		
<b>8.2 Gulf Excavating Ltd.</b>		
- Procedure for weekly Site Inspection including completion of 'Environmental Monitoring Checklist/Report' with each inspection.		

<b>Additional Comments:</b>		

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**NP-TUP-2021.4**  
**SCHEDULE 'G'**  
**LANDSCAPE PLAN**



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**NP-TUP-2021.4**  
**SCHEDULE 'H'**

**PLANTING SCHEME**

**Islandscapes**

---

3724 Port Road, Pender Island, BC V0N 2M2 250.629.6053

July 4, 2018

Proposed Landscape Plan for Gulf Excavating Temporary Use Permit Application:

1. South and east areas bordering proposed new driveway at Bedwell Harbour Road and Otter Bay Road: restore farm pastureland by removing invasive species, primarily broom. Finish rake areas with farm equipment and seed with pasture seed mixture. Do not change existing grades or natural contours, retain native trees and shrubs. The natural contours completely screen the proposed temporary use application area from view.

2. There is a 50 foot strip below the upper pond and an adjacent 10 foot strip that should be planted to screen the temporary use application area from view from Bewell Harbour Road. These areas at base of upper pond dam to be planted with 10 *Chamaecyparis lawsonia* 5 gallon (Leyland cypress)\* on staggered 6 foot centers to provide coniferous screen and 15 feet away from the base of the dam to not affect the integrity of the dam. The area in front of the cypress closest to Bedwell Harbour Road to be planted with 4 *Malus fesca* 3 gallon (Pacific crab apple), 3 *Holodiscus discolor* 3 gallon (ocean spray) and 3 *Philadelphus lewisii* 3 gallon (native mock orange). Sizes are suggested, and will depend on availability. These native shrubs will soften the informal cypress hedge and allow it to act as a pollinator-attracting hedgerow. Disturbed soils to be finish raked and seeded with a low growing fescue grass mixture to hold soils while plants are established. Plantings to be screened from deer and irrigated for a period of three years.

**section deleted**

## ATTACHMENT 1 – SITE CONTEXT

---

### LOCATION

Legal Description	Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806
PID	018-948-421
Civic Address	4415 Bedwell Harbour Road

### LAND USE

Current Land Use	Rural (Residential, agriculture [grazing, orchard] and quarry.
Surrounding Land Use	North – Rural and Community Service (Library; Nu to Yu) East – Rural Residential and Agriculture South – Community Service (Community Centre) and Rural West – Industrial (site specific) and Rural

### HISTORICAL ACTIVITY

File No.	Purpose
NP-SUB-1993.4 and 1994.6	Historical subdivision files

### POLICY/REGULATORY

Official Community Plan Designations	The property is designated as <b>R- Rural</b> in the North Pender Island Official Community Plan No. 171, 2007 (OCP).  There are no Development Permit Areas designated on the subject property.
Land Use Bylaw	The property is zoned as <b>Rural (R)</b> in the North Pender Island Land Use Bylaw (LUB) No. 103, 1996 (LUB).  The TUP would permit the specific uses (structures) on property it into compliance with the LUB.
Other Regulations	DAI Letter issued September 18, 2018. Requirement for EA Report; Details of operation and water usage.
Covenants	None
Bylaw Enforcement	NP-BE-2012.8. Active file. Application is for compliance (Industrial uses of land without zoning).

### SITE INFLUENCES

Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	The application has no considerations the Regional Conservation Strategy Plan.
Species at Risk	See page 8 of EA report
Sensitive Ecosystems	See discussion in EA Report ; in the main body of the report; and, Attachment

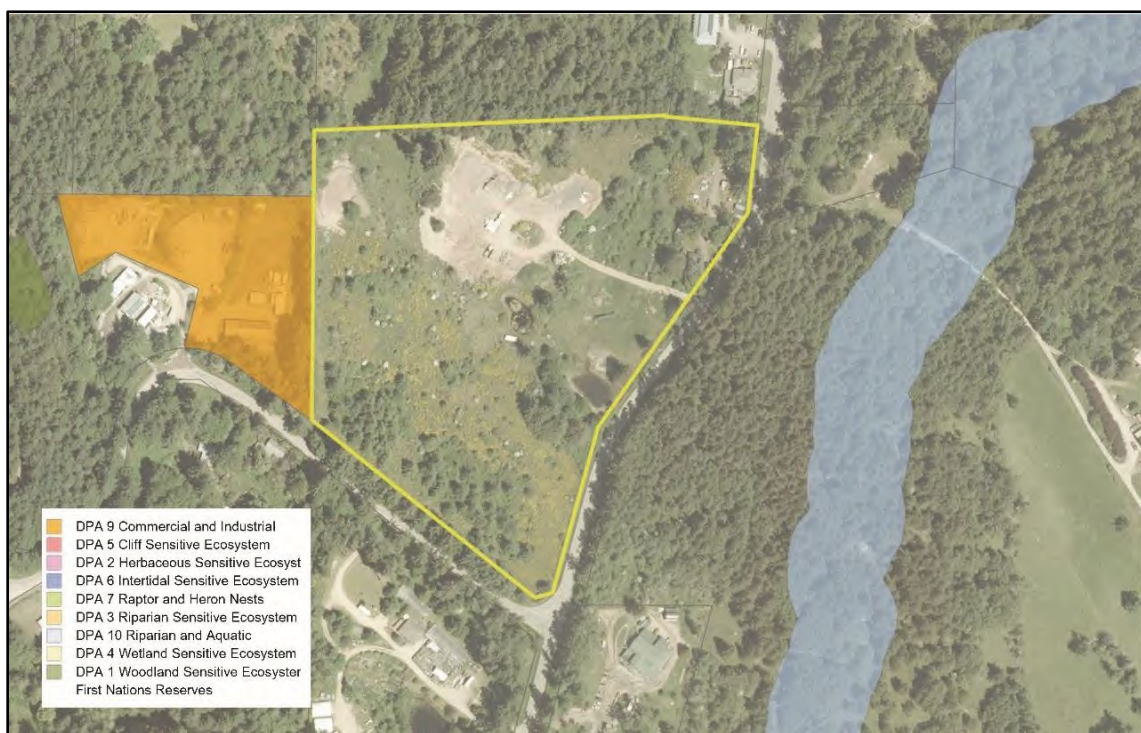
	2.2
Hazard Areas	N/A
Archaeological Sites	<p>There is a mapped archaeological site (also shown on Figure 2 in report body) on the southeast corner of the property. An Archaeological Impact Assessment (AIA) was contracted by the Local Trust Committee as part of the waste transfer project. The AIA by Stantec Consulting (dated September 11,) surveyed the property to determine the extent of archaeological resources and encountered no archaeological resources (including within the mapped site).</p> <p>Notwithstanding the foregoing and information from RAAD, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.</p>
Climate Change Adaptation and Mitigation	N/A
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable

# ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

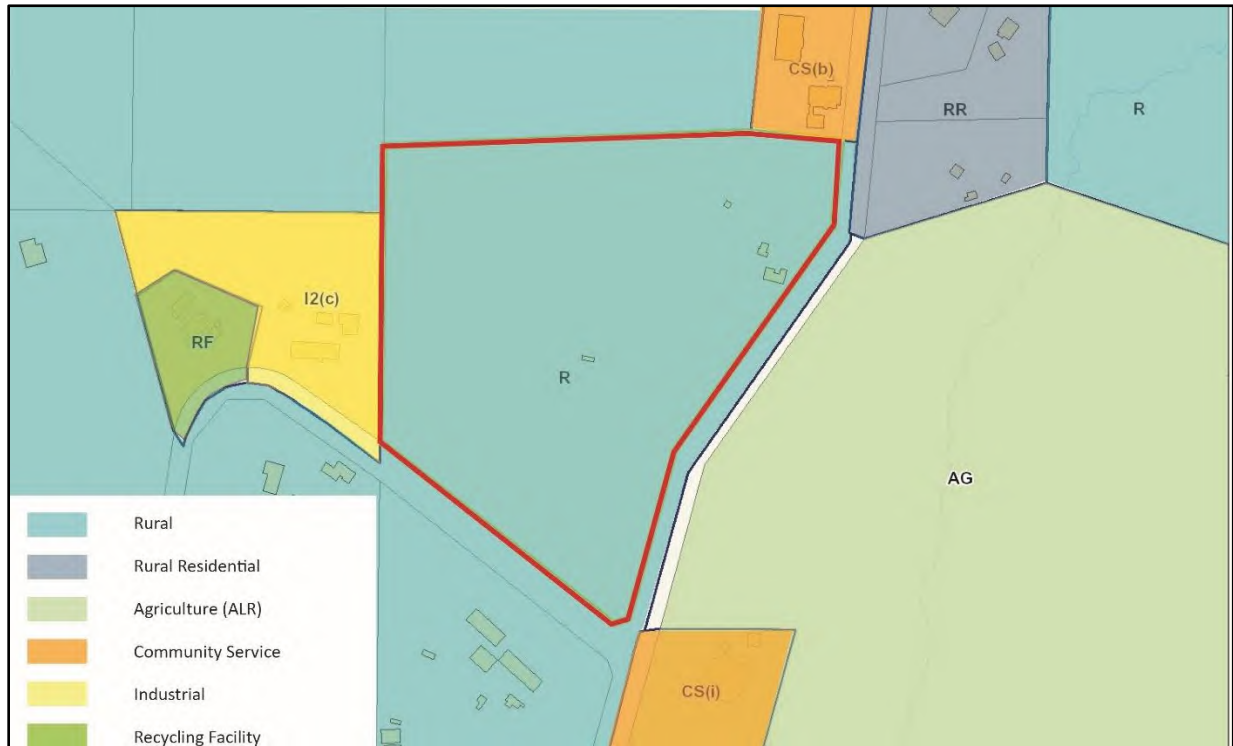
## 2.1 ZONING AND ORTHOPHOTO



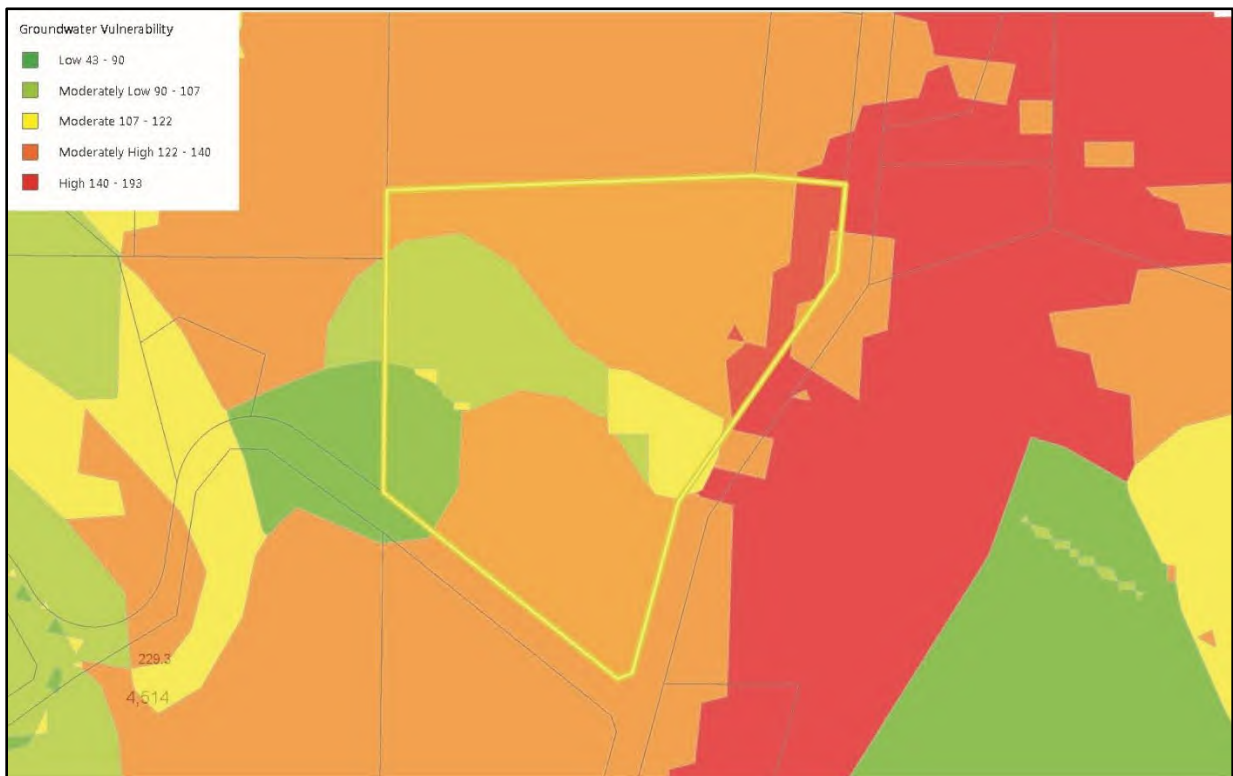
## 2.2 DEVELOPMENT PERMIT AREAS



## 2.3 LAND USES



## 2.4 GROUNDWATER VULNERABILITY





**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
TEMPORARY USE PERMIT  
NP-TUP-2023.5 (Grimmer)**

**4415 Bedwell Harbour Road**

To: Barbara and Glenn Grimmer  
c/o Aaron Grimmer

1. This Permit applies to the land described below:

That portion of:

Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806  
(PID: 018-948-421).

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

2. This permit is issued for the purpose of permitting the owner to conduct the following uses and no others in the Temporary Use Area of the property:

- a) A concrete batch plant operation.
- b) The storage, handling and wholesale of aggregates defined as sand, drainage rock and gravel.
- c) For certainty, and for the purposes of this permit, handling is defined as blending, but does not include screening, sorting, crushing or washing.
- d) Storage of motorized and non-motorized vehicles and equipment directly required for the concrete and excavation business know as "Gulf Excavating Ltd".

3. This permit allows the following existing buildings and structures as shown on Schedule 'A'.

- a) Buildings and structures accessory to the uses permitted in Section 2. (above) and as shown on Schedule 'A' attached to and forming part of this permit and specified as follows:
  - i. One (1) concrete hopper;
  - ii. One (1) 'Pull in Bay' constructed of concrete 'lock-blocks';
  - iii. Impermeable wastewater holding tanks, and a retention pond adequate in number and capacity for wastewater collection and recycling for the concrete batch operation;
  - iv. One (1) fuel storage building ('sea container');
  - v. One (1) Maintenance Structure (fabric/'coverall' type) a with maximum area of 463.6 m<sup>2</sup> (4990 ft<sup>2</sup>) and a maximum height of 4.6 metres.

4. The uses may be carried out subject to the following conditions and specifications shown on Schedules 'B', 'C', 'D', 'E', 'F' and 'G' attached to and forming part of this permit:

**General**

- a) The uses permitted in Section 2. (above) may not result in any contamination or degradation of the groundwater aquifers in the vicinity of the subject property or downstream aquatic areas.
- b) All vehicles, equipment, buildings and materials permitted by Section 2. and 3. (above) are to be removed from the site by the date of the expiry of this permit. The removal of screening is not a condition of this permit.
- c) Unless a rezoning application is received by the Islands Trust, upon the expiry of this permit, the Temporary Permit Area of the property shall be remediated to return to the condition prior to the commencement of the concrete batch plant operation in 2016.
- d) The maximum volume of concrete produced each month is limited to 382 m<sup>3</sup> (500 yd<sup>3</sup>).
- e) The maximum volume of aggregates stored on site is limited to 2294 m<sup>3</sup> (3000 yd<sup>3</sup>).
- f) Storage and use of motorized and non-motorized vehicles and equipment accessory to the uses permitted in Section 2. (above), and motorized vehicles are further limited as follows:
  - i. Two (2) dump truck;
  - ii. One (1) 'pup' loader;
  - iii. Two (2) 'pup' trailers';
  - iv. Three (3) excavators;
  - v. One (1) Tractor with low-bed trailer,
  - vi. Four (4) concrete trucks; and,
  - vii. A maximum of two (2) other vehicles

**Access and Hours of Operation**

- g) Vehicle access to and from the Temporary Use Area shall be restricted to the use of only one of the two access point on Bedwell Harbour Road at any given time as indicated on Schedule 'A'.
- h) Both vehicular access driveways shall be surfaced with road base (or similar) extending a minimum of 75 metres from Bedwell Harbour Road, and the surface shall be maintained for the duration of the permit and any renewal period.
- i) There is to be no public access to and from the concrete batch plant area of the Temporary Use Area Site.
- j) The specific area containing wastewater holding tanks shall be guarded with a locked, non mountable fence to a height of 1.8 metres to prevent access.
- k) The specific area containing retention pond (overflow) shall be guarded with locked, non mountable fence to a height of 1.8 metres to prevent access.
- l) Hours of operation, including movement of vehicles and equipment, are restricted to between 8:00 a.m. and 4:30 p.m., Monday to Friday.
- m) Hours of operation, including movement of vehicles and equipment, are restricted to between 9:00 a.m. and 3:00 p.m. on Saturdays with no more than two (2) deliveries on any Saturday and where all reasonable measures are taken to abate noise.

- n) Hours of operation may be extended to between 5:00 a.m. and 7:00 p.m., Monday to Friday exclusively for off-island loads as necessarily determined by ferry schedules and where all reasonable measures are taken to abate noise.

***Water and Waste Management***

- o) All paved surfaces within the 'concrete batching area' as shown on Schedule 'A' are to be bounded by a 150 mm x 150 mm extruded curb with a minimum reverse 1% grade for wastewater capture and collection in accordance with the specifications shown on Schedule 'C'.
- p) The lined secondary containment area for the wastewater holding tanks is to be lined and maintained with a minimum 45 mil. rubber pond liner.
- q) Surface water not related to concrete production shall be directed away from wastewater collection areas.
- r) Siltation control is to be installed to prevent the release of any suspended materials in surface runoff from the Temporary Use Area within all site ditching as shown on Schedule 'A' and specified in Schedule 'C' attached to and forming part of this permit.
- s) Dust control measures shall be implemented in accordance with the "Recommended Guidelines for Environmental Management Practices for Canadian ready Mixed Concrete Industry" as excerpted on Schedule 'D'.
- t) All waste concrete shall be disposed of through creating concrete "loc-blocks" on site.
- u) Aggregates stored on-site shall be contained within areas delineated along three sides with concrete "loc-block" walls measuring a maximum height of two (2) blocks (1.5 m).
- v) Aggregates stored on-site shall be covered with secured tarps in good condition to prevent leachates caused by rainfall.
- w) The operator shall ensure that wastewater / excess concrete has been treated / covered / stored within a sealed vessel (10,000 gallon tank) ahead of rain fall.

***Hydrocarbon Management***

- x) Storage of chemicals and hydrocarbons is to be contained in corrosion-resistant tanks securely anchored on flat surfaces.
- y) Storage of chemicals and hydrocarbons is to be contained in a locked, weather protected (roofed) structure ('sea container') with a 15.25 cm (6 in.) "kick plate" as shown on Schedule 'A'.
- z) Containment for chemicals and hydrocarbons within the seacan is to be contained in a lined cell providing a minimum of 120% of the volume of stored liquids.
- aa) Emergency spill kits are to be provided at all areas where chemicals and/or fuel is stored.

***Landscape & Screening***

- bb) The earthen berms planted with Douglas fir and speria as shown on Schedule 'F' and described in Schedule G must be maintained and irrigated as necessary to assist in survival for the entire period of the temporary use permit.
- cc) The berms are to be maintained in a roughened state and contoured to an angle of 3H:1V to prevent runoff.

### ***Groundwater Monitoring***

- dd) A groundwater monitoring well shall be installed down gradient from the concrete batch plant and water management area within one (1) year of the issuance of this permit to allow for monitoring of groundwater quality resulting from TUP activities.

### ***Environmental Management Plan and Reporting***

- ee) The uses permitted in Section 2. (above) shall conform to all operational methods, environmental mitigation measures, best management practices and environmental monitoring requirements contained in the “Environmental Management Plan” (‘EMP’ - Islander Engineering Ltd., October 2019) and submitted to the Islands Trust, Victoria Office on October 3, 2019.

### ***Monitoring***

- ff) The ‘Monitoring Environmental Consultant’ shall be Islander Engineering Ltd. or a qualified professional licenced in the Province of BC with relevant experience in Environmental Management and hydrogeology.
- gg) The Monitoring Environmental Consultant shall prepare and submit to the Islands Trust a monitoring report on adherence to the ‘Environmental Management Plan’ within one (1) year of the issuance of this permit, and that report shall include a completed checklist as shown on Schedule ‘E’, attached to and forming part of this Permit.
- hh) The Islands Trust Bylaw Enforcement Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit for the purpose of investigating a complaint.

### ***Rezoning Application Submission***

- ii) The property owner shall submit a rezoning application to the North Pender Local Trust Committee for the long -term operation of the concrete batch plan on the property within six (6) months of the issuance of the permit or this permit shall cease to be valid.
5. Pursuant to Section 502 of the *Local Government Act*, the Local Trust Committee requires security to ensure that any damage to the natural environment resulting from the contravention of a condition of this permit is corrected:
- a) Where the Local Trust Committee considers that a condition in the permit has been contravened resulting in damage to the natural environment, the Local Trust Committee may undertake and complete the works required to correct the damage to the natural environment, at the cost of the permit holder, and may apply the security in payment of the cost of the works with any excess to be returned to the permit holder.
  - b) Any interest earned on the security provided under Condition 5.c.i shall accrue to the permit holder and be paid to them immediately on return of the security or, on default, become part of the amount of the security.
  - c) The security provided by the permit holder shall be in the form of:

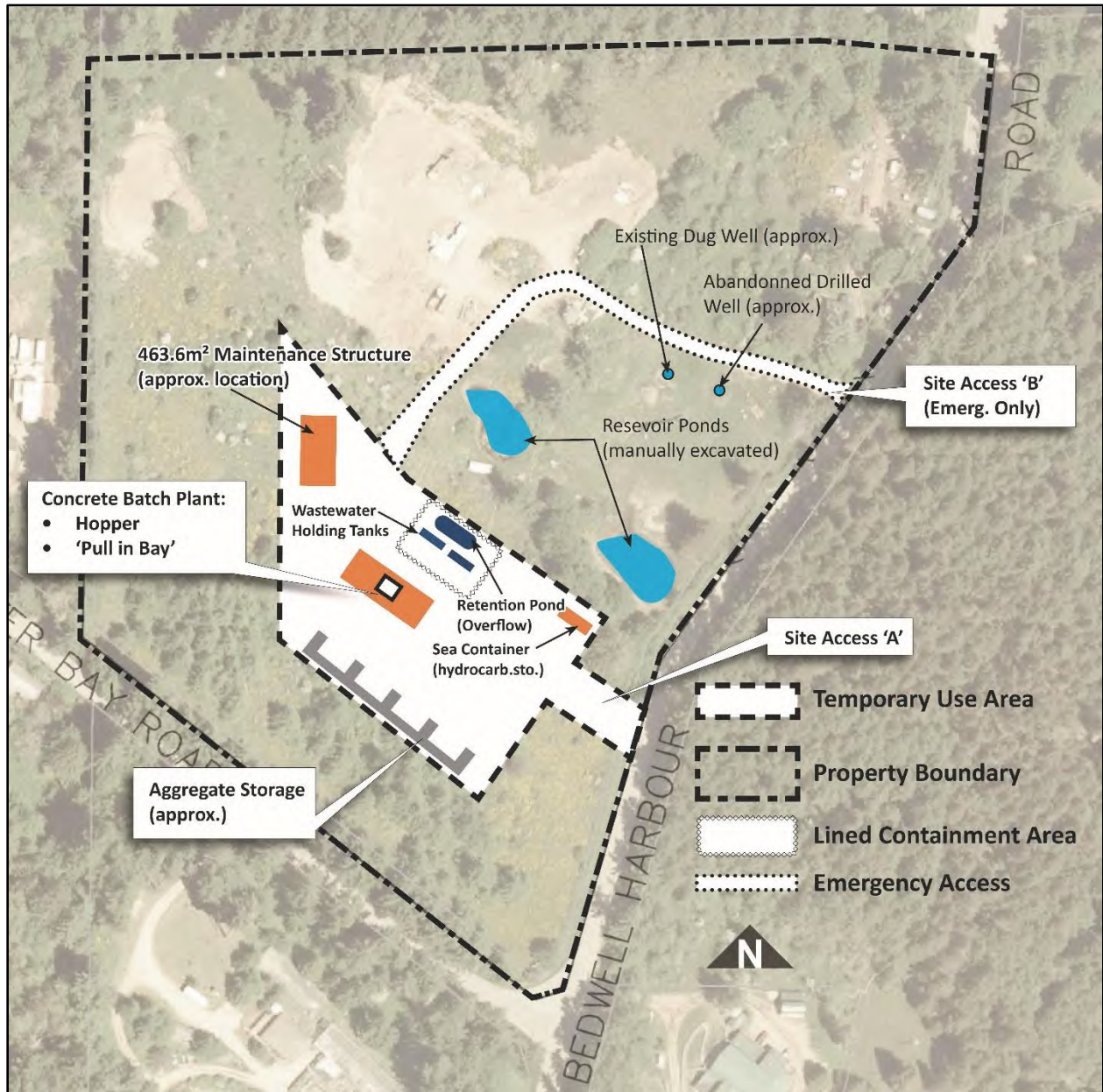
- i. An irrevocable letter of credit with a clause for automatic renewal, or cash equivalent;
    - ii. Payable to the Islands Trust; And,
    - iii. In the amount of \$10,000.00
  - d) Where the use authorized by this permit has ceased; or a rezoning application has been received by the Islands Trust; or the permit has expired and the use on the land ceased prior to commencement of any work pursuant to this permit, the security shall be returned to the permit holder, minus any funds still required to satisfy the Condition 5.a of this permit, provided that the conditions have been met.
- 6. This permit is valid for one (1) year from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
- 7. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 224, 2022", and for regulatory compliance and requirement to obtain other approvals necessary for the proposed uses with other authorities including the Provincial Ministry of Environment, Ministry of Transportation and Infrastructure, Capital Regional District, or Island Health.

**AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS XXDAY OF XX, 2023.**

\_\_\_\_\_  
Deputy Secretary, Islands Trust

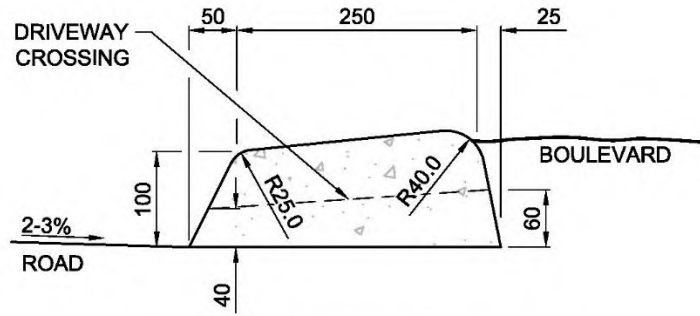
\_\_\_\_\_  
Date Issued

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**NP-TUP-2023.5**  
**SCHEDULE 'A'**  
**SITE PLAN**

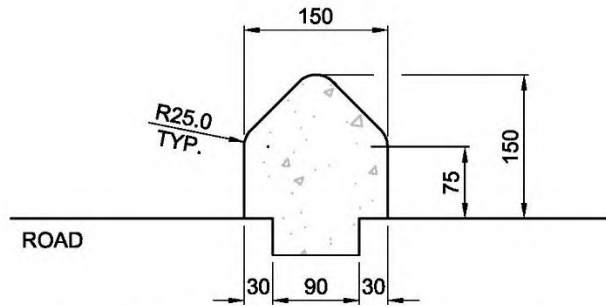


NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
NP-TUP-2023.5  
SCHEDULE 'B'

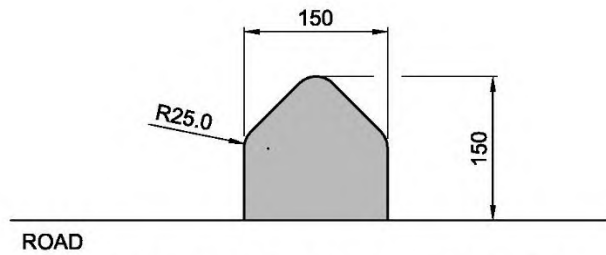
CURB CROSS SECTIONS



TEMPORARY CONCRETE CURB 1



TEMPORARY CONCRETE CURB 2



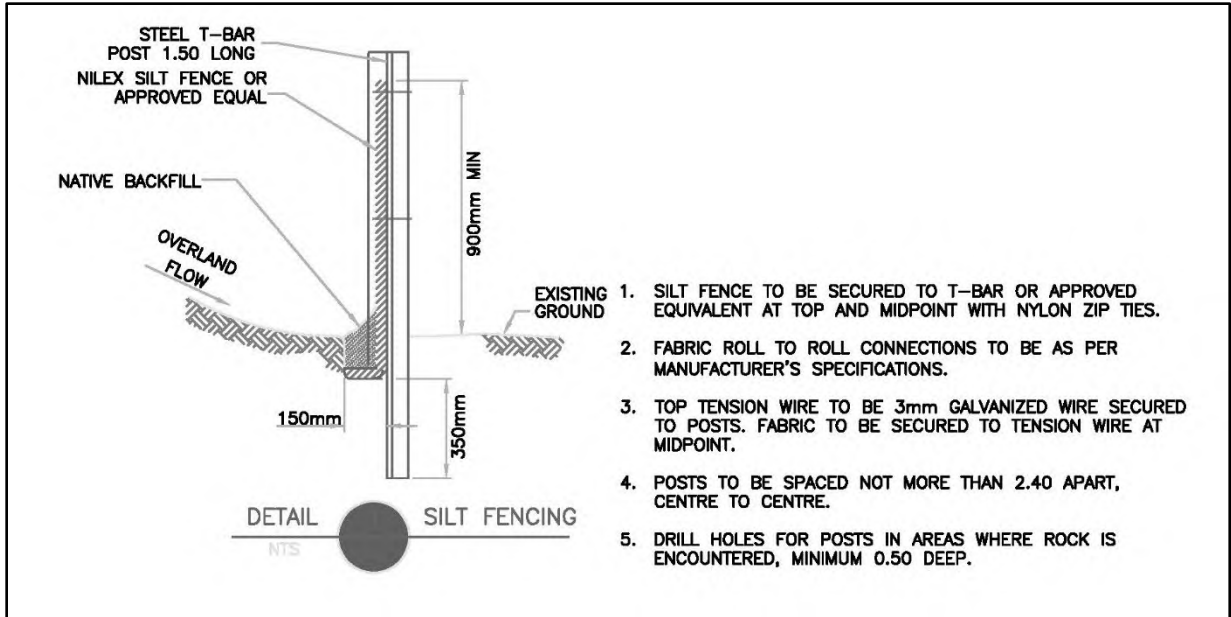
TEMPORARY ASPHALT CURB

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-TUP-2023.5

SCHEDULE 'C'

SILT FENCE SPECIFICATIONS



## NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

### NP-TUP-2023.5

### SCHEDULE 'D'

#### DUST SUPPRESSION

##### **MINIMIZING SOURCES FOR DUST EMISSIONS – Excerpted from 'Recommended Guidelines for Environmental Management Practices for Canadian Ready Mixed Concrete Industry'**

The plant manager's air quality management program should address the following objectives:

- Identify all sources for dust emissions that are released into the atmosphere from the plant and property by plant operations.
- Collect airborne particulates from point source dust emissions through air filtration mechanisms where practical.
- Suppress the airborne particles from fugitive source dust emissions generated from the plant and property site.
- It is important for any air quality management program to also consider local climatic conditions for the plant site, with consideration for prevailing wind directions, average daily temperatures and seasonal precipitation.

##### ***Batch Plant Operations***

The handling or transfer of aggregates and other raw materials into or within the batch plant can help minimize and eliminate batch plant dust emissions. Some alternatives for minimizing dust emissions from batch plant operations:

- Fine tune the batching sequence to deliver a smooth, controlled flow of raw material into the plant mixer
- Consider covers or partial enclosures for elevated conveyors into plant
- Enclose or shield aggregate storage areas and transfer points

##### ***Aggregate Storage and Handling***

The storage or handling of aggregates and any other raw materials around the plant site can help minimize and eliminate plant site dust emissions. Some alternatives for minimizing dust emissions from aggregates storage:

- Consider higher moisture content in aggregates delivered to yard
- Partial enclosures or below grade pads for aggregate stockpile areas
- Minimize exposed surface area of aggregate stockpiles
- Minimize number of transfer points for raw materials
- Minimize drop heights for conveyor or hoppers

##### ***Traffic Areas***

Some alternatives for minimizing dust emissions from plant site traffic:

- Consider paving or hard surfacing of high traffic areas around yard
- Keep paved or hard surfaced areas clean
- Dust suppression using water or chemical dust suppressants

##### ***Diesel Engine Exhaust Emissions***

Diesel engine exhaust systems for all fixed and mobile equipment in use at the plant site provide multiple point source emissions. As mixer trucks wait in the yard, it is important to minimize the amount of engine idling time to reduce exhaust emissions and save fuel.

Maintaining correct engine-operating temperatures also helps in reducing exhaust emissions and prolongs equipment life. A regular preventive maintenance program will keep equipment and vehicle

engines running at optimal performance. Equipment and vehicle pollution control devices should be included as part of the regular maintenance inspection.

### ***Dust Suppression***

Small water droplets, produced by water spray bars, are effective as a dust suppression measure. The dust particles cling to the small water droplets, preventing the dust particles from becoming airborne. Some best management practices for dust suppression:

- Using a water spray bar or spray ring to rinse down the charge hopper at the truck mixer load point.
- Using a water truck with spray bars for wetting down plant yard surfaces and roadways.
- Wetting down aggregate stockpiles using water spray bars or sprinklers.

These best management practices for dust suppression would also require coordination with water management for the plant site and property:

- Using spray bars for dust suppression at aggregate transfer points (e.g., at the end of the conveyor belt which charges the aggregate bins).
- Installing a soaker hose or spray bar at the plant yard entrance for mixer truck wheel wash.
- Water used for dust suppression purposes should not be allowed to mix with surface runoff from the plant property.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**NP-TUP-2023.5**  
**SCHEDULE 'E'**

**CHECKLIST**

**Checklist for Compliance with Environmental Management Plan (Islander Engineering, Oct. 2019)**

<b>CONDITION/REGULATION</b>	<b>COMPLETED /COMPLIANT ( Y/N )</b>	<b>SCHEDULE DATE TO BE COMPLETED/COMMENTS</b>
<b>ENVIRONMENTAL MGMT ACT</b>		
- <b>Contaminated Sites Regulation</b>		
- <b>Fisheries Act</b>		
- <b>Waste Discharge Act</b>		
- <b>Spill Reporting Regulation</b>		
- <b>Hazardous Waste Regulation</b>		
- <b>Water Sustainability Act</b>		
<b>ASSIGNMENT OF ROLES &amp; RESPONSIBILITIES (p.5)</b>		
- <b>Supervisor</b>		
- <b>Health, Safety &amp; Environmental Representative</b>		
- <b>All Employees</b>		

<b>5. WATER MANAGEMENT</b>		
<b>5.1.1 Wastewater Reduction (BMP):</b>		
- Minimize the need for exterior truck washing by controlling dust losses from the batching area;		
- Train employees with regards to water use, ensuring that they understand the importance of controls and the possible impact to the environment and company liability;		
- Limit or eliminate freshwater use by recycling processed water and using captured storm water runoff wherever possible; Reduce total water usage during drum washout by using multiple small rinses, rather than large volume single rinses;		

CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Consider the use of hydration stabilization admixtures;		
- Consider dry washout procedures;		
<b>5.1.2 Water Collection/Containment (p.9)</b>		
- All paved surfaces within the batching area should be curbed and graded to allow for effective capture and collection of wastewater;		
- Any surface water not related to concrete production should be directed away from wastewater collection areas;		
- Equipment and vehicular traffic should be minimized through batching area where wastewater may be present;		
- Sufficient capacity must be provided for wastewater holding tanks / basins;		
- Wastewater holding tanks / basin shall be impermeable;		
- Sufficient secondary containment (i.e., berms) shall be provided to capture any overflow from wastewater holding facilities.		
- Any breaches in containment facilities that cause release of wastewater to the environment shall be considered a spill incident and spill response measures, described in Section 6, shall be followed.		

CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
<b>5.2. Storm Water Runoff</b>		
<b>5.2.2 BMP:</b>		
- Encourage surface water to seep into the soil naturally;		
- Preserve natural vegetation where possible;		
- If possible, retain woody debris and organic matter on-site as mulch;		
- Roughen or terrace slopes to prevent erosion. Limit slope steepness and length to reduce runoff velocity;		
- Cover soil stockpiles and bare slopes with mulch, tarps, etc;		
- Re-vegetate or landscape disturbed areas of the Site as soon as possible. If areas of the Site must be left disturbed during the rainy seasons, sow a temporary cover crop,		
- apply mulch or lay geotextile to stabilize exposed soils;		
- Keep machinery within specific access areas. Limit the extent of machine access areas to the minimum necessary to conduct operations in a feasible and practical manner;		
- Control disposal or runoff of water containing suspended materials or other harmful substances in accordance with federal, provincial and municipal requirements;		
- If it is not possible to isolate and divert flowing water from a work area (due to water depth and volume) isolate works with a structure (e.g., silt curtain, sand bags, earthen berm, etc.) to keep silty water from leaving the Site;		

CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Avoid clearing vegetation from work zones during snowmelt or heavy rains;		
- Isolate work / excavation areas from all flowing water;		
- Inspect all silt fences and other controls (i.e., catch basin inserts, stop logs) on a daily basis prior to the start of work and correct deficiencies immediately. Pay special attention in areas where construction activities have changed natural contours or drainage patterns to ensure that controls are properly located for effectiveness		
<b>5.3 Water Treatment</b>		
- Protocol in place for overflow incidents		

CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
<b>6. CHEMICAL AND PETROLEUM HYDROCARBON MANGEMENT</b>		
<b>6.2 Storage and Handling</b>		
<ul style="list-style-type: none"> <li>- Concrete additives are currently stored within manufacturer containers within a covered, plastic sheet-lined secondary containment structure at the top of the batch plant.</li> </ul>		
<ul style="list-style-type: none"> <li>- Mechanical fluids (oils / waste oils) are stored within a transportation seacan with a welded lip at the entrance, which provides secondary containment to small jugs of hydraulic fluid within. Waste oil is stored within an above ground storage tank within a separate plastic sheet-lined cell within the seacan.</li> </ul>		
<ul style="list-style-type: none"> <li>- Fuel is stored within fuel tanks and tidy tanks aboard various vehicles and equipment throughout the Site. There is no bulk fuel storage on Site</li> </ul>		
<b>Best Management Practices</b>		
<ul style="list-style-type: none"> <li>- Locate storage facilities away from high traffic areas, with reasonable protection from vehicle / equipment damage;</li> </ul>		
<ul style="list-style-type: none"> <li>- Provide storage areas with a means (i.e., lock and key) to control access to the materials so that only authorized (e.g., trained) personnel may remove and use the materials;</li> </ul>		
<ul style="list-style-type: none"> <li>- Ensure tanks are corrosion-resistant and stable / anchored securely on a flat surface;</li> </ul>		
<ul style="list-style-type: none"> <li>- If possible, store drums and pails of related products in same area;</li> </ul>		

CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
- Ensure all materials are properly labelled and remain in original containers with lid intact for as long as reasonable for Site operations;		
- Protect liquids from freezing, where applicable;		
- Provide minimum 120% secondary containment for all volumes of liquid stored;		
- Provide with a means of segregating combustible and flammable materials from oxidizing agents and other sources of ignition (i.e., away from sparks and/or with physically separated storage areas)		
- Provide with a means of preventing water reactive and pyrophoric materials from coming in contact with accumulated water (i.e., roofed enclosures)		
- Provide emergency spill kits/supplies within the storage area, including fire extinguishers, non-sparking shovels, sand bags, etc.		
<b>6.3 Disposal</b>		
- Source reduction procedure in place		
- Returns procedure in place		

CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
<b>7. SPILL RESPONSE AND PREVENTION</b>		
<b>7.1 Spill Response</b>		
- Spill Response Steps reviewed by all staff (pp. 14 -16)		
- Spill Response Steps posted in appropriate areas		
<b>7.2 Spill Response Equipment</b>		
- Standard Spill Kit		
- Vehicle Spill Kit		
<b>7.3 Spill Prevention (BMP)</b>		
<ul style="list-style-type: none"> <li>- Equipment is to be inspected daily to ensure that it is leak-free and functioning as intended. All fuel/oil caps will be manually checked to ensure that they are tightened down. Equipment will be tagged out of service if found to be leaking. Servicing of equipment that is absolutely necessary on-site is to be done within containment areas (i.e., bermed or otherwise isolated) or at an appropriate work yard operated by the contractor or his supplier;</li> </ul>		
<ul style="list-style-type: none"> <li>- Equipment or machinery found to be leaking will have containment trays/buckets placed under drips/leaks that cannot be stopped (e.g., cannot be drained into an appropriate container), will have absorbent pads wrapped around leaky connections or placed under areas where a tray or bucket cannot be fitted, etc.). The person identifying the malfunction or accidental leak will notify the foreman or site supervisor, who will arrange repairs or transport off-site, and/or mechanic, if on site.</li> </ul>		

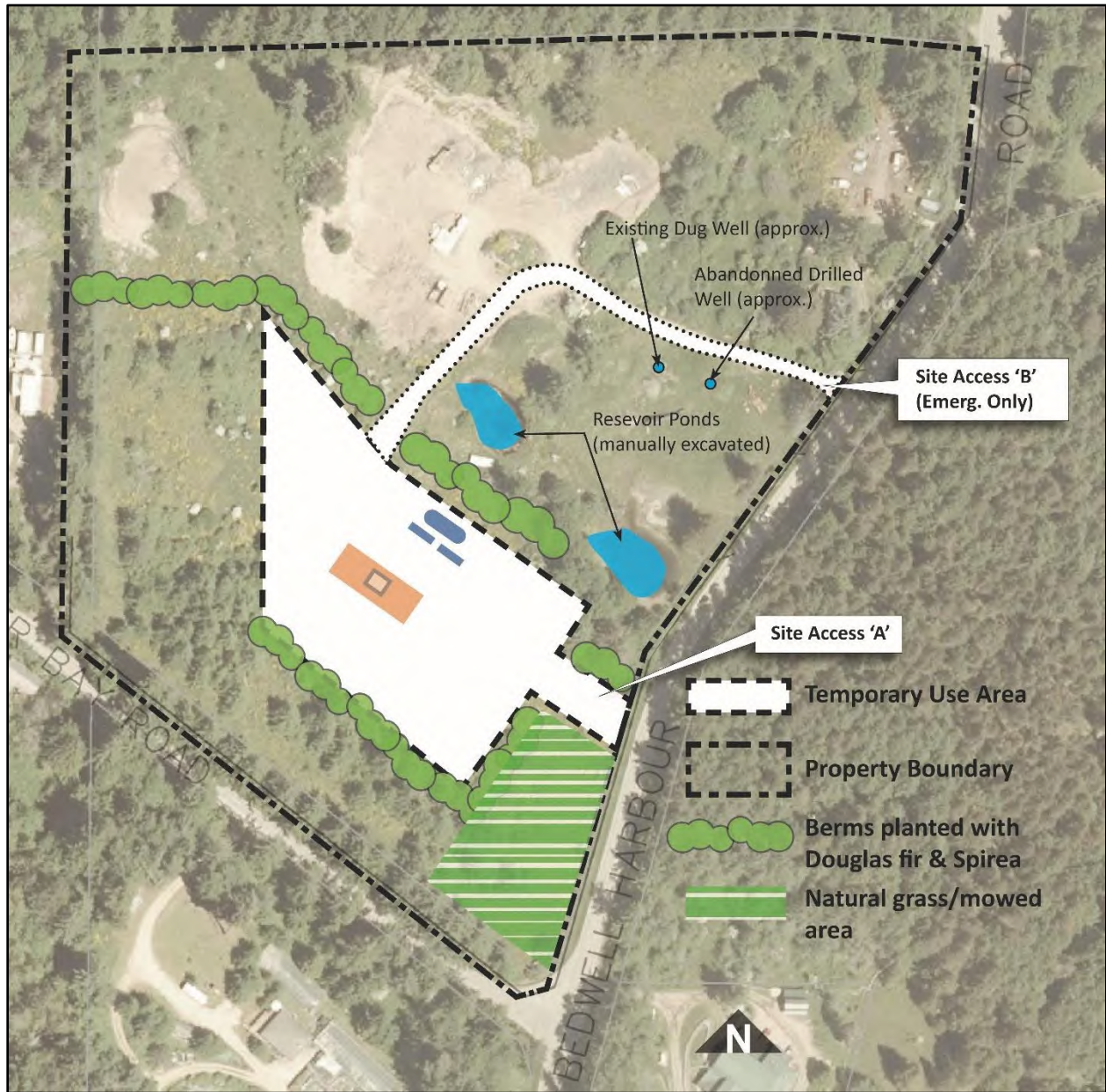
CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
<ul style="list-style-type: none"> <li>- All workers/operators will be responsible for cleaning up observed leaks and/or wiping down equipment, even if the leak or spill is non-reportable.</li> </ul>		
<ul style="list-style-type: none"> <li>- Grease and oil required for maintenance will be properly applied. Excess will be cleaned up and disposed of in an environmentally appropriate manner, as will all containers, lids, and contaminated cloths and applicators.</li> </ul>		
<ul style="list-style-type: none"> <li>- During fuelling of larger compressors, light plants, etc., a portable drip tray lined with absorbent pads will be placed under the fuel tube and cap area. Absorbent pads will be used to wipe off any drips on the fuel spigot or side of equipment.</li> </ul>		
<ul style="list-style-type: none"> <li>- Jerry cans will be stored within a sealed tool box tray with lid or other suitable storage locker with ventilation, and placed in a containment tray when outside of the storage container.</li> </ul>		
<ul style="list-style-type: none"> <li>- When heavy machinery is not in use (i.e., overnight, weekends, or idle for the day), a portable drip tray will be placed under the main engine compartment.</li> </ul>		

CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
<ul style="list-style-type: none"> <li>- Fire extinguishers and other emergency response equipment and supplies will be kept in known and visible locations and access to them will not be blocked by other materials or equipment. A list of emergency contacts will be posted at predetermined, accessible and visible locations, as well as kept with the emergency response equipment. By law, fire extinguishers are routinely inspected and certified, as is other fire-suppressant equipment and materials.</li> </ul>		
<ul style="list-style-type: none"> <li>- Waste oil or materials will be removed from site as soon as possible in accordance with Transportation of Dangerous Goods requirements and the BC Special Waste Regulations.</li> </ul>		
<ul style="list-style-type: none"> <li>- The Emergency Spill Response Plan will be implemented when required.</li> </ul>		
<ul style="list-style-type: none"> <li>- The Emergency Spill Response Plan will be posted on-site, and all personnel made aware of its content and location of response materials, as well as emergency contact names and numbers.</li> </ul>		
<ul style="list-style-type: none"> <li>- Oil spill response materials and equipment, such as absorbent pads, booms and leak proof containers, will be kept on-site in sufficient quantities and in an easily accessible location to contain and clean up the amount of fuel, oil or other petroleum hydrocarbons used/stored on site.</li> </ul>		

CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
<b>8. MONITORING AND REPORTING</b>		
<b>8.1 Environmental Consultant</b>		
- Scheduled Follow-Up Monitoring (Wet Season)		
- Annual Monitoring		
<b>8.2 Gulf Excavating Ltd.</b>		
- Procedure for weekly Site Inspection including completion of 'Environmental Monitoring Checklist/Report' with each inspection.		

<b>Additional Comments:</b>		

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
NP-TUP-2023.5  
SCHEDULE 'F'  
LANDSCAPE PLAN



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**NP-TUP-2023.5**  
**SCHEDULE 'G'**  
  
**PLANTING SCHEME**

## Islandscapes

---

3724 Port Road, Pender Island, BC V0N 2M2 250.629.6053

July 4, 2018

### Proposed Landscape Plan for Gulf Excavating Temporary Use Permit Application:

1. South and east areas bordering proposed new driveway at Bedwell Harbour Road and Otter Bay Road: restore farm pastureland by removing invasive species, primarily broom. Finish rake areas with farm equipment and seed with pasture seed mixture. Do not change existing grades or natural contours, retain native trees and shrubs. The natural contours completely screen the proposed temporary use application area from view.

2. There is a 50 foot strip below the upper pond and an adjacent 10 foot strip that should be planted to screen the temporary use application area from view from Bewell Harbour Road. These areas at base of upper pond dam to be planted with 10 *Chamaecyparis lawsonia* 5 gallon (Leyland cypress)\* on staggered 6 foot centers to provide coniferous screen and 15 feet away from the base of the dam to not affect the integrity of the dam. The area in front of the cypress closest to Bedwell Harbour Road to be planted with 4 *Malus fesca* 3 gallon (Pacific crab apple), 3 *Holodiscus discolor* 3 gallon (ocean spray) and 3 *Philadelphus lewisii* 3 gallon (native mock orange). Sizes are suggested, and will depend on availability. These native shrubs will soften the informal cypress hedge and allow it to act as a pollinator-attracting hedgerow. Disturbed soils to be finish raked and seeded with a low growing fescue grass mixture to hold soils while plants are established. Plantings to be screened from deer and irrigated for a period of three years.

**section deleted**



**ISLANDER**  
ENGINEERING

Memorandum

Date: May 31 2022

To: **Aaron Grimmer**  
**Gulf Excavation Ltd.**  
**4415 Bedwell Harbour Road**  
**North Pender Island, BC**

Project: 2181

Re: **Environmental Monitoring Inspection (May 31 2022) at 4415 Bedwell Harbour**  
**Road, North Pender Island, BC**

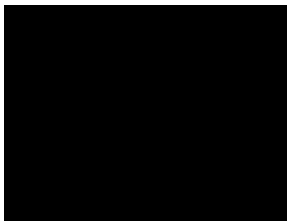
---

Islander Engineering Ltd. (IEL) was retained by Mr. Aaron Grimmer of Gulf Excavation Ltd. (GEL) to provide environmental services in support of a Temporary Use Permit Application related to a concrete batch plant operation, shale rock quarrying and general operations at 4415 Bedwell Harbour Road on North Pender Island, BC ("the Site").

IEL and TRI Environmental Consulting Inc. (TRI) previously completed an Environmental Impact Assessment for the Site in January 2019. The assessment concluded that while there were no observable environmental impacts at the Site as a result of the Site activities, management plans should be prepared for the storage and handling of wash water, petroleum hydrocarbons, and other chemicals in order to mitigate any potential risks of environmental impacts. Following this recommendation, IEL prepared an Environmental Management Plan (EMP) for the Site activities in October 2019. This letter includes the results of a subsequent site inspection, carried out on May 31, 2022, that was conducted to assess compliance with the recommended Best Management Practices (BMPs) provided within the EMP.

Please contact the undersigned with any questions.

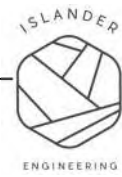
Prepared by:



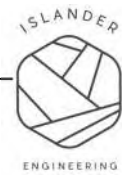
Sean Babulic, P. Eng  
Project Engineer

Attachments:

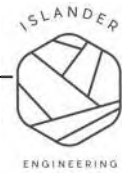
1. May 31 2022 Site Inspection Checklist
2. May 31 2022 Site Inspection Photos



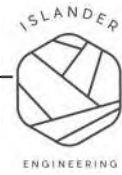
CONDITION/REGULATION	COMPLETE (Y/N)	COMMENTS
<b>5. WATER MANAGEMENT</b>		
<b>5.1.1 Wastewater Reduction (BMP):</b>		
- Minimize the need for exterior truck washing by controlling dust losses from the batching area;	Yes	Site supervisor reports that dust suppression treatments are applied to accessways annually.
- Train employees with regards to water use, ensuring that they understand the importance of controls and the possible impact to the environment and company liability;	Yes	Only trained staff (Site supervisor & lead hand) are permitted to operate water treatment system.
- Limit or eliminate freshwater use by recycling processed water and using captured storm water runoff wherever possible; Reduce total water usage during drum washout by using multiple small rinses, rather than large volume single rinses;	Yes	Recycled process water is now treated to neutral acidity prior to re-use onsite.
- Consider the use of hydration stabilization admixtures;	Yes	Plastocrete-250 is used for concrete batching.
- Consider dry washout procedures;	Yes	Operator considers this option but does not find it appropriate or necessary.
<b>5.1.2 Water Collection/Containment (p.9)</b>		
- All paved surfaces within the batching area should be curbed and graded to allow for effective capture and collection of wastewater;	Yes	Concrete apron at entrance to batching area has been expanded to allow for more effective capture of wastewater generated during production of concrete. (Photo 6)
- Any surface water not related to concrete production should be directed away from wastewater collection areas;	Yes	The working area outside of the batching area has been regraded with crushed rock to prevent general site runoff from entering the batching area. (Photo 7)
- Equipment and vehicular traffic should be minimized through batching area where wastewater may be present;	Yes	Only concrete trucks will enter the batching area.
- Sufficient capacity must be provided for wastewater holding tanks / basins;	Yes	Treatment of pH laden waters is now carried out on a regular basis to reduce wastewater volumes. Carbon dioxide injection is being used



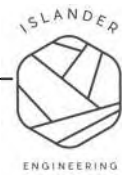
CONDITION/REGULATION	COMPLETE (Y/N)	COMMENTS
		<p>in batches as required to lower pH prior to reuse of waters for concrete manufacturing.</p> <p>An additional 10,000 gallon tank has been added to the wastewater circulation system to accommodate large storm flows, if needed.</p> <p>GEL intends to add a sump pump to the treatment area to pump to storage in case of flooding.</p> <p>Reduction in the overall catchment area contributing to the wastewater collection is expected to reduce volume of wastewater generated during heavy rains.</p>
<ul style="list-style-type: none"> <li>- Wastewater holding tanks / basin shall be impermeable;</li> </ul>	Yes	45 mil poly liners are present within all wastewater basins.
<ul style="list-style-type: none"> <li>- Sufficient secondary containment (i.e., berms) shall be provided to capture any overflow from wastewater holding facilities.</li> </ul>	Yes	<p>GEL to ensure regular / timely treatment of wastewater to minimize the amount of stored volume present at any given time, but especially in anticipation of large volumes of rainfall.</p> <p>If possible, fully treat all wastewater and pump treated volume to holding tanks ahead of rains to prevent overflow of high pH waters.</p>
<ul style="list-style-type: none"> <li>- Any breaches in containment facilities that cause release of wastewater to the environment shall be considered a spill incident and spill response measures, described in Section 6, shall be followed.</li> </ul>	Yes	Acknowledged by GEL. Site supervisor to inform IEL in case of breach / spill.
<b>5.2. Storm Water Runoff</b>		
<b>5.2.2 BMP:</b>		
<ul style="list-style-type: none"> <li>- Encourage surface water to seep into the soil naturally;</li> </ul>	Yes	Where appropriate, site grading has improved to encourage general site runoff to infiltrate to ground. (Photo 7)
<ul style="list-style-type: none"> <li>- Preserve natural vegetation where possible;</li> </ul>	Yes	No new disturbance to vegetated areas noted.
<ul style="list-style-type: none"> <li>- If possible, retain woody debris and organic matter on-site as mulch;</li> </ul>	Yes	Acknowledged by GEL.



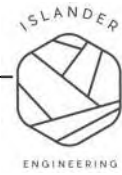
CONDITION/REGULATION	COMPLETE (Y/N)	COMMENTS
- Roughen or terrace slopes to prevent erosion. Limit slope steepness and length to reduce runoff velocity;	Yes	Slopes of exposed soils appear to have been vegetated. (Photo 1)
- Cover soil stockpiles and bare slopes with mulch, tarps, etc;	Yes	Stockpiles of excess concrete / grout have tarp covers. (Photo 13 / 14)
- Re-vegetate or landscape disturbed areas of the Site as soon as possible. If areas of the Site must be left disturbed during the rainy seasons, sow a temporary cover crop,	Yes	Seeding of landscaped area south of Site Access 'A' appears to have successfully provided cover to disturbed area. (Photo 1)
- apply mulch or lay geotextile to stabilize exposed soils;	Yes	Limited exposed soils are noted to be present.
- Keep machinery within specific access areas. Limit the extent of machine access areas to the minimum necessary to conduct operations in a feasible and practical manner;	Yes	It is noted that Access A is now being used as primary access point for the Site, and equipment used for concrete batching is limited to the permit area. (Photo 2)
- Control disposal or runoff of water containing suspended materials or other harmful substances in accordance with federal, provincial and municipal requirements;	Yes	On-site reservoirs are expected to provide adequate settling time to prevent discharge of sediment laden waters to the municipal right of way. Site inspection was performed during relatively dry period so behaviour of site runoff was not observed in person. Surface water pH within upper pond was recorded within acceptable range (pH = 7.6). (Photo 18)
- If it is not possible to isolate and divert flowing water from a work area (due to water depth and volume) isolate works with a structure (e.g., silt curtain, sand bags, earthen berm, etc.) to keep silty water from leaving the Site;	Yes	Sedimentation was observed on the up-gradient side of silt fencing in several areas, indicating that isolation / sediment control measures have being working at times.  It is recommended that GEL clears sedimentation and reinstalls silt fencing on a more consistent basis (Photo 11)
- Avoid clearing vegetation from work zones during snowmelt or heavy rains;	Yes	Noted, but no further vegetation removal is planned.
- Isolate work / excavation areas from all flowing water;	Yes	Site regrading to further increase isolation of work area.
- Inspect all silt fences and other controls (i.e., catch basin inserts, stop logs) on a daily basis prior	No	Silt fencing appears to have performed but likely requires increased inspection /



CONDITION/REGULATION	COMPLETE (Y/N)	COMMENTS
to the start of work and correct deficiencies immediately. Pay special attention in areas where construction activities have changed natural contours or drainage patterns to ensure that controls are properly located for effectiveness		maintenance (sediment removal) to ensure ongoing performance. (Photo 11)
<b>5.3 Water Treatment</b>		
- Protocol in place for overflow incidents	Yes	Protocol in place, however GEL is continually adapting to changing site operations. It is recommended that uncovered surplus concrete / grout and wastewater is kept to a minimum before being stored / treated to avoid potential overflow situations. (Photo 12)
<b>6. CHEMICAL AND PETROLEUM HYDROCARBON MANGEMENT</b>		
<b>6.2 Storage and Handling</b>		
- Concrete additives are currently stored within manufacturer containers within a covered, plastic sheet-lined secondary containment structure at the top of the batch plant.	Yes	The additive storage shed continues to adequately contain materials.
- Mechanical fluids (oils / waste oils) are stored within a transportation seacan with a welded lip at the entrance, which provides secondary containment to small jugs of hydraulic fluid within. Waste oil is stored within an above ground storage tank within a separate plastic sheet-lined cell within the seacan.	Yes	Mechanical fluids continue to be stored adequately.
- Fuel is stored within fuel tanks and tidy tanks aboard various vehicles and equipment throughout the Site. There is no bulk fuel storage on Site	Yes	Three tidy tanks present onsite.
<b>Best Management Practices</b>		
- Locate storage facilities away from high traffic areas, with reasonable protection from vehicle / equipment damage;	Yes	Storage facility is outside of trafficked areas.

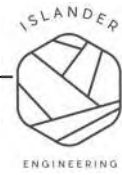


CONDITION/REGULATION	COMPLETE (Y/N)	COMMENTS
<ul style="list-style-type: none"> <li>- Provide storage areas with a means (i.e., lock and key) to control access to the materials so that only authorized (e.g., trained) personnel may remove and use the materials;</li> </ul>	Yes	Both the mechanical fluid shed and additives shed can be locked to prevent unauthorized access
<ul style="list-style-type: none"> <li>- Ensure tanks are corrosion-resistant and stable / anchored securely on a flat surface;</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>- If possible, store drums and pails of related products in same area;</li> </ul>	Yes	Products are stored together where applicable.
<ul style="list-style-type: none"> <li>- Ensure all materials are properly labelled and remain in original containers with lid intact for as long as reasonable for Site operations;</li> </ul>	Yes	Materials remain in manufacturer containers with labels.
<ul style="list-style-type: none"> <li>- Protect liquids from freezing, where applicable;</li> </ul>	N/A	
<ul style="list-style-type: none"> <li>- Provide minimum 120% secondary containment for all volumes of liquid stored;</li> </ul>	Yes	
<ul style="list-style-type: none"> <li>- Provide with a means of segregating combustible and flammable materials from oxidizing agents and other sources of ignition (i.e., away from sparks and/or with physically separated storage areas)</li> </ul>	Yes	No smoking or ignition sign posted outside of mechanical fluid storage shed.
<ul style="list-style-type: none"> <li>- Provide with a means of preventing water reactive and pyrophoric materials from coming in contact with accumulated water (i.e., roofed enclosures)</li> </ul>	Yes	Roofs present for bulk material storage.  Consider covering waste water area / excess concrete storage area.
<ul style="list-style-type: none"> <li>- Provide emergency spill kits/supplies within the storage area, including fire extinguishers, non-sparking shovels, sand bags, etc.</li> </ul>	Yes	Spill kits are located throughout the site.
<b>6.3 Disposal</b>		



CONDITION/REGULATION	COMPLETE (Y/N)	COMMENTS
- Source reduction procedure in place	Yes	Procedure limited to following prescribed maintenance schedules, thereby limiting unnecessary waste.
- Returns procedure in place	Yes	
<b>7. SPILL RESPONSE AND PREVENTION</b>		
<b>7.1 Spill Response</b>		
- Spill Response Steps reviewed by all staff (pp. 14 -16)	Yes	
- Spill Response Steps posted in appropriate areas	Yes	Within mechanical fluid shed and additive shed.
<b>7.2 Spill Response Equipment</b>		
- Standard Spill Kit	Yes	Spill kits are located throughout the Site.
- Vehicle Spill Kit	Yes	
<b>7.3 Spill Prevention (BMP)</b>		
- Equipment is to be inspected daily to ensure that it is leak-free and functioning as intended. All fuel/oil caps will be manually checked to ensure that they are tightened down. Equipment will be tagged out of service if found to be leaking. Servicing of equipment that is absolutely necessary on-site is to be done within containment areas (i.e., bermed or otherwise isolated) or at an appropriate work yard operated by the contractor or his supplier;	Yes	Equipment is inspected during daily pre-trip inspections.
- Equipment or machinery found to be leaking will have containment trays/buckets placed under drips/leaks that cannot be stopped (e.g., cannot be drained into an appropriate container), will have absorbent pads wrapped around leaky connections or placed under areas where a tray or bucket cannot be fitted, etc.). The person identifying the malfunction or accidental leak will notify the foreman or site supervisor, who	Yes	Drip trays observed in place throughout site.

CONDITION/REGULATION	COMPLETE (Y/N)	COMMENTS
will arrange repairs or transport off-site, and/or mechanic, if on site.		
- All workers/operators will be responsible for cleaning up observed leaks and/or wiping down equipment, even if the leak or spill is non-reportable.	Yes	Acknowledged by staff at time of inspection.
- Grease and oil required for maintenance will be properly applied. Excess will be cleaned up and disposed of in an environmentally appropriate manner, as will all containers, lids, and contaminated cloths and applicators.	Yes	Acknowledged by staff at time of inspection.
- During fuelling of larger compressors, light plants, etc., a portable drip tray lined with absorbent pads will be placed under the fuel tube and cap area. Absorbent pads will be used to wipe off any drips on the fuel spigot or side of equipment.	Yes	Acknowledged by staff at time of inspection.
- Jerry cans will be stored within a sealed tool box tray with lid or other suitable storage locker with ventilation, and placed in a containment tray when outside of the storage container.	Yes	
- When heavy machinery is not in use (i.e., overnight, weekends, or idle for the day), a portable drip tray will be placed under the main engine compartment.	Yes	Drip trays noted below several pieces of heavy equipment. It is recommended that air compressors / generators / fuel containing equipment also be stored with drip trays / secondary containment.



CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
<p>- Fire extinguishers and other emergency response equipment and supplies will be kept in known and visible locations and access to them will not be blocked by other materials or equipment. A list of emergency contacts will be posted at predetermined, accessible and visible locations, as well as kept with the emergency response equipment. By law, fire extinguishers are routinely inspected and certified, as is other fire-suppressant equipment and materials.</p>	<p>Yes</p>	<p>Fire extinguishers present onsite.</p>
<p>- Waste oil or materials will be removed from site as soon as possible in accordance with Transportation of Dangerous Goods requirements and the BC Special Waste Regulations.</p>	<p>Yes</p>	<p>Materials are removed from Site when necessary.</p>
<p>- The Emergency Spill Response Plan will be implemented when required.</p>	<p>Yes</p>	<p>Acknowledged by staff at time of inspection.</p>
<p>- The Emergency Spill Response Plan will be posted on-site, and all personnel made aware of its content and location of response materials, as well as emergency contact names and numbers.</p>	<p>Yes</p>	<p>Posted within mechanical fluid storage area and additive storage area.</p>
<p>- Oil spill response materials and equipment, such as absorbent pads, booms and leak proof containers, will be kept on-site in sufficient quantities and in an easily accessible location to contain and clean up the amount of fuel, oil or other petroleum hydrocarbons used/stored on site.</p>	<p>Yes</p>	<p>Several spill kits and bulk spill response supplies are located across the Site.</p>



CONDITION/REGULATION	COMPLETED /COMPLIANT ( Y/N )	SCHEDULE DATE TO BE COMPLETED/COMMENTS
<b>8. MONITORING AND REPORTING</b>		
<b>8.1 Environmental Consultant</b>		
- Scheduled Follow-Up Monitoring (Wet Season)	Yes	Wet season inspection planned for Oct / Nov 2022
- Annual Monitoring	Yes	Inspection conducted annually (2021 / 2022)
<b>8.2 Gulf Excavating Ltd.</b>		
- Procedure for weekly Site Inspection including completion of 'Environmental Monitoring Checklist/Report' with each inspection.	Yes	GEL reports weekly inspections are ongoing and will provide record to IEL.

<b>Additional Comments:</b>	
1.	GEL to pay close attention to rain forecast and ensure that wastewater / excess concrete has been treated / covered / stored within sealed vessel (10,000 gallon tank) ahead of rain fall.
2.	It is suggested that GEL consider installation of a groundwater monitoring well down gradient from the concrete batch plant and water management area to allow for monitoring of groundwater quality as a result of TUP activities.



**Photo 1 – Grassy field to south of Access Road ‘A’. Vegetation has successfully covered previously disturbed area.**



**Photo 2 – Site Access ‘A’, complete with roadside ditching, gravel surfacing and stabilized banks.**



**Photo 3 – Site entrance at Access 'A'. Relatively clear of debris as a result of site activities.**



**Photo 4 – Lockable gate at site entrance.**



Photo 5 – Overview of site, looking south towards batching area.



Photo 6 – Concrete batching area with enlarged concrete apron.



Photo 7 – Site grading improvements convey surface waters away from batching area.



Photo 8 – Poly lined lock block fabrication cell.



Photo 9 – Water treatment module including pH treatment.



Photo 10 – Automated pH treatment controller.



**Photo 11 – Sediment buildup adjacent to silt fencing up-gradient of settling pond. It is recommended that ditching is excavated on a regular basis to avoid over sedimentation and rerouting of surface runoff.**



**Photo 12 – Excess concrete from cleaning of drums. Recommended to maintain minimum volume in this cell to avoid overflow / flooding.**



Photo 13 – Parked trucks with spill trays and covered stockpile.



Photo 14 – Covered stockpile of waste concrete and mixed aggregate for reuse.



Photo 15 – Air compressors requiring drip trays.



Photo 16 – Water treatment area overview.



Photo 17 – Tidy tanks aboard flat bed truck, used for fueling equipment onsite.



Photo 18 – Upper pond, down gradient of batching operations (pH = 7.6).

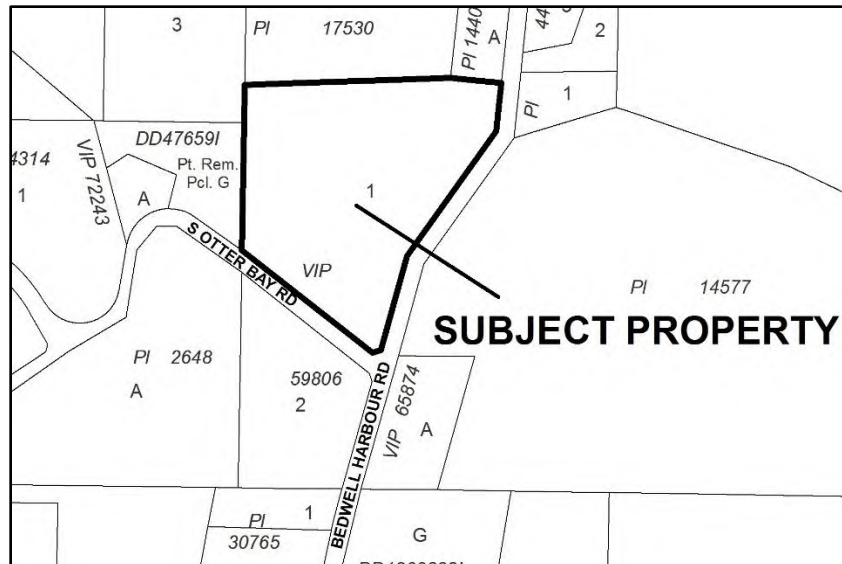
**NOTICE**  
**NP-TUP-2023.5**  
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

**NOTICE** is hereby given pursuant to Section 494 of the *Local Government Act* that the North Pender Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a **Temporary Use Permit**. The proposed permit would apply to a portion of Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806 (PID: 018-948-421). The property is located at **4415 Bedwell Harbour Road**, North Pender Island.

The **purpose** of this **temporary use permit** would be to permit the continued use of a portion of the subject property for the **operation of a concrete batch plant and associated uses**. Temporary permit NP-TUP-2018.5 was issued in May 2020 for one (1) year and renewed for two (2) years in June 2021 to permit this temporary land use. A new permit is now required to continue this temporary land use.

The establishment of the use would be subject to the conditions specified in the attached permit. The permit would be issued for up to three (3) years and the owner may apply to the LTC to have it renewed once for up to an additional three (3) years.

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **July 7, 2023** and continuing up to and including **July 19, 2023**.

For the convenience of the public only, and not to satisfy Section 494 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on North Pender Island.

Enquiries or comments should be directed to Brad Smith at (250) 405-5194. For Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC: 1-800-663-7867; by fax at (250) 405-5155; or by email to [southinfo@islandstrust.bc.ca](mailto:southinfo@islandstrust.bc.ca) before **4:30 p.m., July 19, 2023**.

The LTC may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:00 a.m., July 28, 2023**.

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



DATE OF MEETING: July 28, 2023  
TO: North Pender Island Local Trust Committee  
FROM: Charly Caproff, Planner 1  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: Development Permit NP-DP-2023.2  
Applicant: Erin Shaw  
Location: 449 Arbutus Spur

## RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2023.2 (Shaw)

## REPORT SUMMARY

The purpose of this report is for the North Pender Local Trust Committee (LTC) to consider a Development Permit (DP) application for development within the **Sidney Island Geotechnical Development Permit Area (DPA)** on the above noted property. The applicant has supplied a geotechnical report (Attachment 3) that supports development of a single family dwelling 15 metres (49 feet) from the crest of the foreshore slope (crest of the slope to be verified by a surveyor prior to construction).

The objectives of the DPA are:

- To protect the shoreline banks from development activities which exacerbate the natural erosion process;
- To limit development in hazardous areas susceptible to erosion; and
- To preserve the integrity of coastal processes and reduce cumulative impacts to the coastal shoreline.

The application is based on a professional geotechnical assessment that meets all relevant objectives and guidelines for the DPA and is therefore supported.

## BACKGROUND

The owner is seeking approval for a reduced setback from the foreshore crest and general siting of a single-family dwelling. There is a 10 m<sup>2</sup> (108 ft<sup>2</sup>) shed on the property, sited within the area deemed stable for residential development (Attachment 2). The exact siting of the proposed dwelling has not been determined, pending the outcome of this application. The property is within the following development permit areas: Sidney Island Geotechnical Area A, Sidney Island Geotechnical Area B, and Sidney Island Shoreline. The geotechnical setbacks coincide with a registered covenant established at the time of subdivision for Sidney Island which was based on recommendations from Levelton Engineering.

As part of the application, a geotechnical assessment report was provided. The report 'Geotechnical Assessment Strata Lot 79 – Sidney Island, BC' (Ryzuk Engineering, November 3<sup>rd</sup>, 2022) meets the DPA Guidelines. The geotechnical assessment report can be found as Attachment 3 and the DPA guideline checklist as Attachment 4. The report supports development within Geotechnical Area B. The proposed development area does not encroach into Geotechnical Area A nor Sidney Island Shoreline DPAs.

## **ANALYSIS**

### **Policy/Regulatory**

#### ***Islands Trust Policy Statement:***

Applicable ITPS statements:

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

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

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

The proposal is supported by the above ITPS policies.

#### ***Official Community Plan:***

The property is designated as Residential in the North Pender Associated Islands Official Community Plan No. 1247, 2002 (OCP).

There are two development permits areas on the property, Sidney Island Geotechnical Area and Sidney Island Shoreline. The Shoreline DPA is not impacted by the application.

#### ***Land Use Bylaw:***

The property is zoned as **Sidney Island Comprehensive Development Zone 2 (CD2)** in the North Pender Associated Islands Land Use Bylaw No. 148, 2003

The proposed setback meets the minimum setback from the natural boundary of the sea. Once plans are received, the planner can determine whether the dwelling complies with the 10 metre (33 feet) setback from the front and interior side lot lines.

### **Issues and Opportunities**

#### **Sidney Island Geotechnical DP**

The Geotechnical DPA was established to prevent development in hazardous areas. Area A is the shoreline banks area and Area B is the upland, relatively level area. As land development and alteration will have different impacts on each geotechnical area, the Development Permit Exemptions and Guidelines are predominately specific to each Area.

The submitted geotechnical assessment report by Ryzuk Engineering (Attachment 3) addresses the Local Trust Committee OCP and DPA objectives and guidelines and Section 56 of the Community Charter (for the future

building permit). Slope stability analysis was conducted to determine the amount of slope regression under a seismic event with a 2% probability of exceedance in 50 years. It was determined the slope met Engineers and Geoscientists of British Columbia (EGBC) Guidelines and is considered stable for residential construction. The report states that a single-family residence can be constructed near the centre of the site, no closer than 15 metres from the crest of the slope. The crest of the slope would be confirmed by a surveyor prior to construction. The report recommends that all surface water flows should be diverted from the slope crest and discharged on the northeast lot section. No storm water is to be discharged on the foreshore slope. Should tree removal occur within Geotechnical Area B, it is recommended in the report that it be carried out by a qualified arborist and ground disturbance is limited.

Analysis of compliance with the DP Guidelines can be found as Attachment 4.

### **Consultation**

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

### **Rationale for Recommendation**

The recommendation on page one (1) is supported as:

- the application is based on a professional geotechnical assessment which meets all of the relevant objectives and guidelines for the DPA; and
- all recommendations of that assessment have been incorporated into the proposed DPA.

### **ALTERNATIVES**

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

#### **1. Request further information**

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

*That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust*  
\_\_\_\_\_.

#### **2. Deny the application**

The LTC may deny the application. If this alternative is selected, the LTC MUST state the reasons for denial.

Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee deny application NP-DP-2023.2 for the follows reasons*  
\_\_\_\_\_.

Submitted By:	Charly Caproff, Planner 1	July 17, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	July 17, 2023

**ATTACHMENTS**

1. Site Context
2. Maps, Plans, Photographs
3. Geotechnical Assessment Report
4. DPA Guideline Checklist
5. Draft Development Permit

# ATTACHMENT 1 – SITE CONTEXT

## LOCATION

Legal Description	STRATA LOT 79 SECTION 1 SIDNEY ISLAND RANGE 1W NORTH SAANICH DISTRICT STRATA PLAN VIS5122 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (SEE PLAN AS TO LIMITED ACCESS)
PID	026-298-058
Civic Address	Lot 79 Sidney Island

## LAND USE

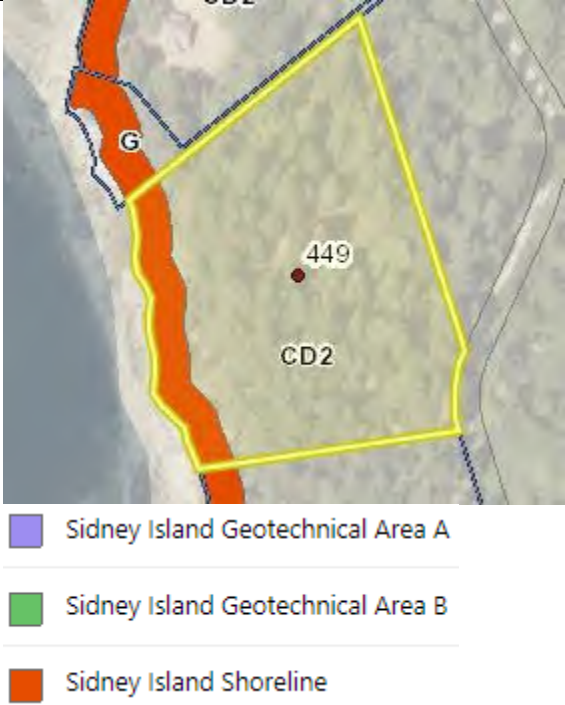
Current Land Use	Vacant land
Surrounding Land Use	Residential and Forestry

## HISTORICAL ACTIVITY


File No.	Purpose
NP-DVP-2004.10	Vary subdivision regulations
NP-DVP-2004.13	Revision to previous DVP – density transfer of Strata lot 4 to Strata lot 18
NP-DVP-2004.9	Vary subdivision regulations
NP-SUB-2004.2	Bare land strata subdivision

## POLICY/REGULATORY

Official Community Plan Designations	<p>The property is designated as <b>Residential</b> in the North Pender Associated Islands Official Community Plan No. 147, 2002 (OCP).</p> 
--------------------------------------	--

	
Land Use Bylaw	This property is zoned <b>Sidney Island Comprehensive Development 2 (CD2)</b> in the North Pender Associated Islands Land Use Bylaw No. 148, 2003 (LUB).
Other Regulations	N/A
Covenants	S. 219 covenants with the Province of BC EX60662 – Water treatment ES65752 – Geotechnical Restrictive covenant
Bylaw Enforcement	N/A

#### SITE INFLUENCES

Islands Trust Fund	N/A
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	Adjacent to SAR Critical Habitat for Southern Resident Orcas
Sensitive Ecosystems	

Hazard Areas	N/A
Archaeological Sites	No archaeological potential or sites on subject property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No additional impacts to GHG emissions anticipated as a result of this application.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Eel grass meadow in proximity Forage fish spawning habitat Bull kelp beds

## ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

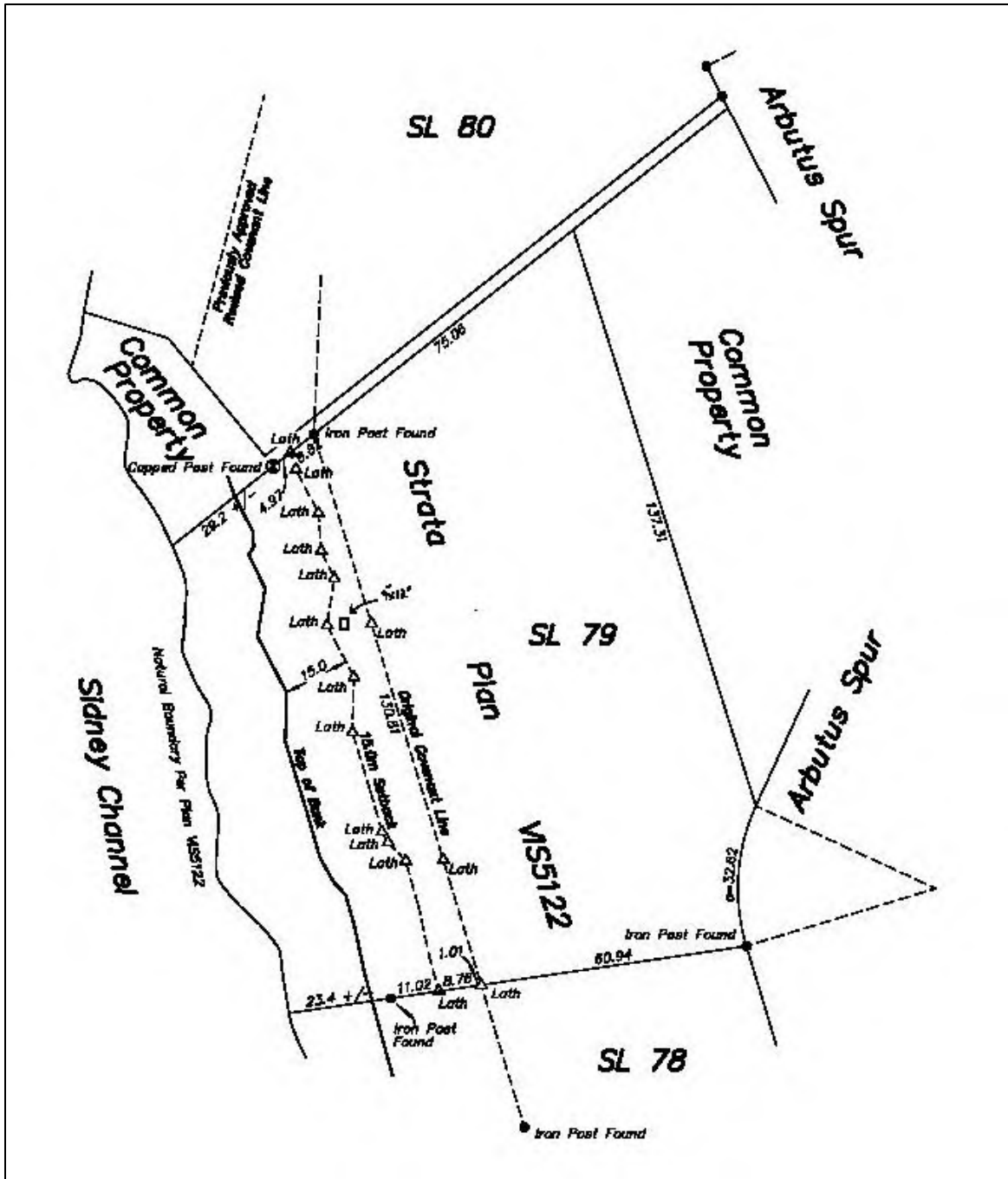
---

### 2.1 AERIAL VIEW

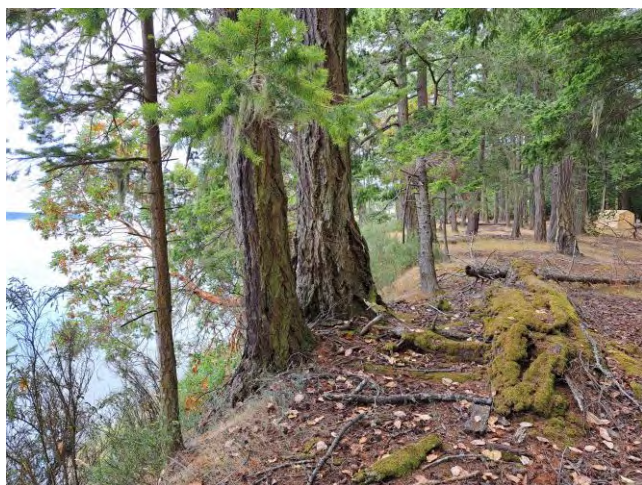


### 2.2 SITE PLAN





## 2.3 SITE VISIT JULY 11, 2023





**RYZUK GEOTECHNICAL**  
Engineering & Materials Testing

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

November 3<sup>rd</sup>, 2022  
File No: 11418-1

Erin Shaw & Jamie Cassels  
1630 Hollywood Crescent  
Victoria, BC  
V8S 1H7

Attn: Erin Shaw (By E-mail: erinshaw@shaw.ca)

Re: Geotechnical Assessment  
Strata Lot 79 – Sidney Island, BC

As requested, we attended the referenced site on October 20<sup>th</sup>, 2022 to conduct a geotechnical assessment. The referenced site is located within Sidney Island's Geotechnical Development Permit Area (DPA), as per North Pender Associated Islands Official Community Plan, Bylaw No. 147 (Bylaw No. 147). We understand that Bylaw No. 147 restricts the removal of trees larger than 0.2 m in diameter within the DPA, and that a geotechnical hazard assessment of the lot is required. Our assessment included a review of the Sidney Island Geotechnical Development Permit Area map, the Sidney Island Residential Subdivision geotechnical report prepared by Levelton Engineering Ltd., as well as our file information from previous projects in the area. Our associated observations, comments, and recommendations pertaining to potential geohazards on site are contained herein. The work has been undertaken in accordance with, and is subject to, the previously signed Terms of Engagement.

The site is approximately rectangular in shape, with dimensions roughly 120 m wide by 110 m long, and is bounded by Sidney Channel to the west, similar strata lots to the north and south, and common property on Arbutus Spur to the east. There is currently a geotechnical covenant line on the property, which is located approximately 42 m east of the west property line that restricts building construction to the west of the line. We understand that in the future you may construct a single-family residence centrally on the parcel, and that you wish to assess the feasibility of moving the building west of the current covenant line.

Topography in the west portion of the site slopes up steeply at roughly 45 degrees from the natural boundary and beach area at Sidney Channel over a horizontal distance of approximately 21 m, becoming near vertical within 3 - 4 m of the crest of the slope. The total elevation difference from the toe of the slope to the crest is approximately 20 m. From the crest, the site slopes down gently at roughly 10 degrees with minor localized variation to the property line at the east. The east portion of the site is undeveloped and host to forested cover of arbutus, spruce and cedar with an open understory.

Soil conditions observed at the site and on the foreshore slope generally consisted of 3 – 4 m of dense/very stiff native brown silt, silty gravel and some sand atop roughly 15 m of dense Quadra Sands. The Quadra Sands generally comprised dense to very dense grey sand with some silt and gravel, interbedded with more gravelly and silty layers. At the base of the exposed slope weathered Granodiorite

bedrock was observed for roughly 5 m up from the beach elevation. The beach and intertidal area had exposed similar bedrock. Some evidence of erosion was observed on the slope, with some debris flow sands and silts noted on the mid and lower portions of the slope. Additionally, several trees located at the slope crest had rootballs undermined with trees leaning toward the foreshore. At one location several trees and their root systems were observed at the slope toe which had been transported downslope in an episode of shallow slope failure. However, there was some low-lying vegetation and small trees on the slope which indicates that the surficial soils on the slope have been stable for some time.

It is expected that the crest of the slope will likely retreat from its current location due to erosion of weathered soils on the slope and during a seismic event. The Levelton report notes that at this location no toe regression has occurred since 1976 due to the resistant bedrock exposed and that there will be no toe regression over the design life of 75 years for a residential structure. We expect that the rate of erosion of the soil slope will be far less than the average rate of 0.25 m/ year documented in the Levelton report because of limited erosion at the toe. Levelton indicates that the long-term stable slope angle for the exposed soils is expected to be about 2H:1V (26°). Using this metric the line of intersection of a 2H:1V projection from the bedrock toe intersects the parcel approximately 15 m landward of the current slope crest.

To quantify the amount of seismically induced slope regression, we have conducted a slope stability analysis of the foreshore slope. A limit equilibrium slope stability analysis was done using RocScience Slide 2018 software (version 8.016), considering a design seismic event with a 2% probability of exceedance in 50 years. We undertook modeling using a slope-displacement based seismic coefficient. We calculated a K15 value for the slope to be 0.27g, with moment magnitude (M) of 7 and  $S(0.5) = 1.1$ . Under this scenario, the pseudo-static limit equilibrium analysis generates a  $FS > 1$  and as per the Engineers and Geoscientists of British Columbia (EGBC) Guidelines this slope is considered stable for residential construction. This modeling indicates that slope displacements along the slip surface would be 0.15 m or less; these are considered tolerable with respect to life safety as per the EGBC Guidelines. The results of this analysis indicated that the regression encountered during the design seismic event would extend approximately 7 m from the crest of the slope.

Based on the above, we conclude that a single-family residence can be constructed near the center of the site, west of the existing geotechnical covenant, without being at risk of seismic or erosion based slope regression. It is recommended that the proposed residence be constructed no closer than 15 m from the crest of the slope, west of the existing geotechnical covenant line, which will need to be confirmed by a surveyor prior to construction. As well, to help prevent further increase in the rate of erosion of the slope, any surface water flow should be directed away from the slope crest and discharged on the northeast portion of the lot. In addition to this, no stormwater is to be discharged on the foreshore slope.

Based on our discussions, we understand that tree removal will probably be limited to trees within the proposed building footprint, if such exist. We expect the removal of select trees within area 'B' of the DPA would not result in a significant change to the existing slope stability conditions, provided tree removal is carried out by a qualified arborist and ground disturbance is limited during removal.

The offset proposed above for the proposed single-family residence is considered to be sufficient to mitigate the geohazard risks from erosion-based slope regression and seismically induced slope regression, considering a seismic event with a 2% probability of exceedance in 50 years. As such, we consider the site safe for the use intended, that being single family residential use, in accordance with Section 56 of the Community Charter. Further to this, we consider that the work proposed will be in

conformance with the objectives of the North Pender Associated Islands Official Community Plan, Bylaw No. 147.

We hope the preceding is suitable for your purposes at present, however if you have any questions with respect to the above, please contact us.

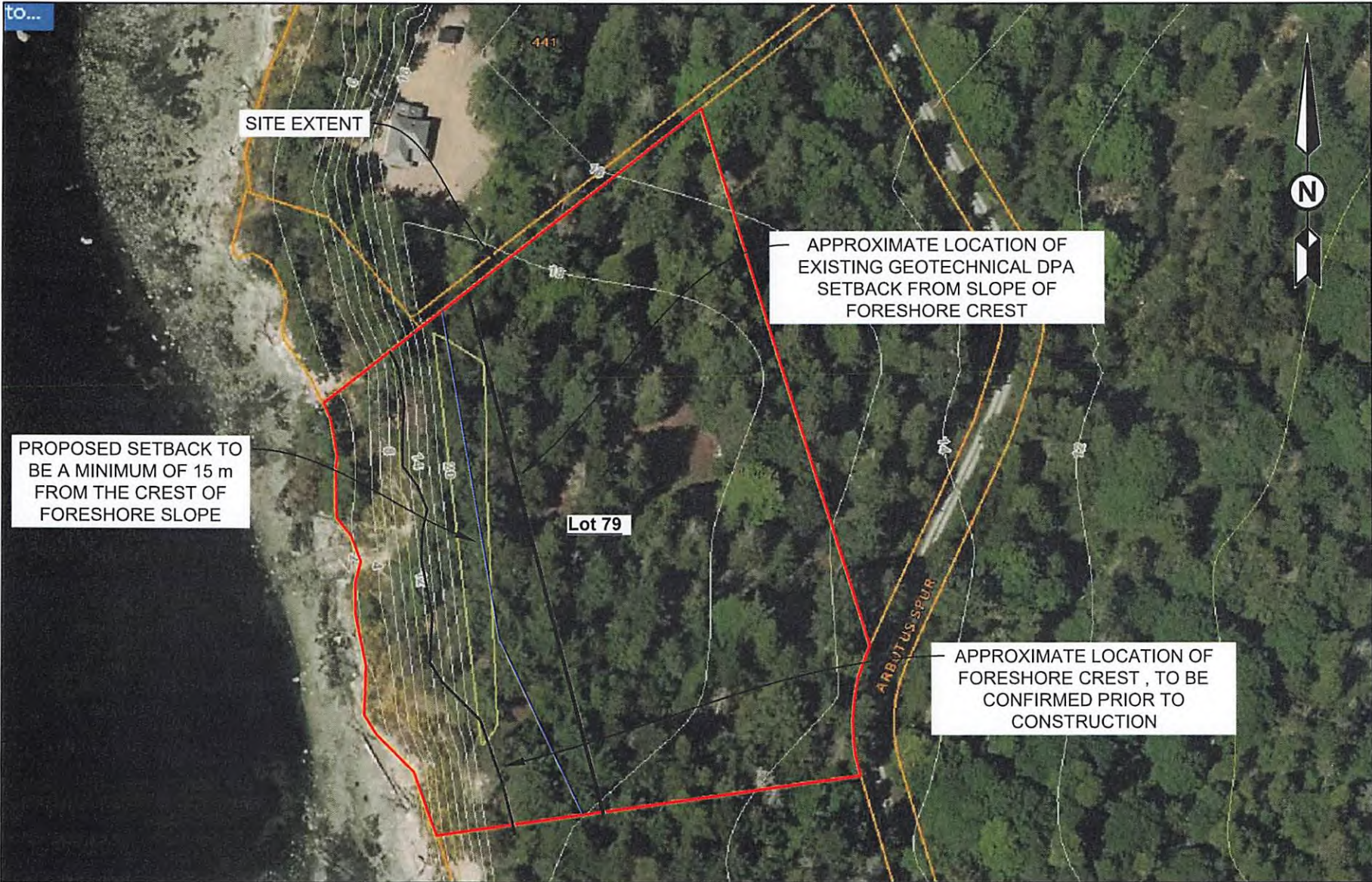
Sincerely,  
Ryzuk Geotechnical



Tony Grimison, P.Geol.  
Intermediate Geoscientist

Attachments: - Ryzuk Drawing 11418-1 Sheet 1 – SITE PLAN, dated October 31, 2022  
- Geotechnical Development Permit Area Checklist – Sidney Island

to...



PROPOSED SETBACK TO BE A MINIMUM OF 15 m FROM THE CREST OF FORESHORE SLOPE

APPROXIMATE LOCATION OF EXISTING GEOTECHNICAL DPA SETBACK FROM SLOPE OF FORESHORE CREST

APPROXIMATE LOCATION OF FORESHORE CREST, TO BE CONFIRMED PRIOR TO CONSTRUCTION

Lot 79

ARBUTUS SPUR



R:\Ryzuk Data\9-11000-1\6-11999-11418-1 Lot 79\5 Ryzuk Drawings\Working Drawings\141418-1\_2022-10-14\_BASemap.dwg

**NOTES**

1. Background image taken from CRD Digital Mapping Tool 2021 imagery
2. Location of Geotechnical Development Permit Area lines and crest of foreshore slope based on Islands Trust Map of Sidney Island.

**RYZUK**  
GEOTECHNICAL  
ENGINEERING & MATERIALS TESTING

#6-40 CADILLAC AVENUE - VICTORIA, BC V8Z 1T2  
TEL: 250-475-3131  
mail@ryzuk.com

SEAL

PTPN: 1002996

DRAWN BY	TGG	CLIENT	ERIN SHAW AND JAMIE CASSELS	
COORDINATOR	SWM	PROJECT TITLE	GEOTECHNICAL ASSESSMENT	
REVIEW	SWM	PROJECT ADDRESS	LOT 79 SIDNEY ISLAND, BC	
SCALE	NTS	DRAWING NAME	SITE PLAN	
DATE	2022/10/31	PROJECT No.	11418-1	
		SHEET No.	1 of 1	REVISION
				0

### Geotechnical Development Permit Area Checklist – Sidney Island

Guideline	Yes?	No?	N/A?	Has the guideline been met and/or how are you addressing the guideline?
A development permit should not allow any land alteration or other development activities to take place within any area identified by a geological hazard assessment as subject to a landslide or other geotechnical hazard with a probability in excess of 2% in 50 years.	✓			The proposed development / land alteration, including, but not limited to, the construction of a residence 15 m to the west of the current geotechnical line will be outside of the area within Lot 79 subject to a landslide or other geotechnical hazard with a probability of excess of 2 % in 50 years.
All applications should include a geological hazard assessment from a qualified professional licensed in the Province of BC with experience in geotechnical engineering stating that the proposed land alteration or other development will not result in slope instability or other geological failure hazard with a probability in excess of 2% in 50 years. Where the geological hazard assessment report describes an area suitable for development provided that specific measures are taken, the development permit should only allow the development to occur in compliance with the measures described in the report.	✓			The proposed development / land alteration (as outlined in our <i>Geotechnical Assessment Report</i> of October 31, 2022), in our professional opinion, will not result in slope instability or other geological failure hazard with a probability of excess of 2 % in 50 years.
Any area proposed to be cleared and disturbed for development should be minimized and landowners are encouraged to retain existing trees and vegetation in areas that may be reasonably considered subject to erosion as determined by a qualified professional. Where a permit authorizes the cutting of trees, re-planting and maintenance of disturbed areas should be considered for inclusion as a condition of the permit. The introduction of non-native species should be avoided and the permit may require a landscaping plan and a security, in the form of an irrevocable letter of credit, for 125% the cost of re-planting as determined by a professional landscaper.	✓			We consider that the proposed select tree removal, within area "B" of the development permit area, to be minimal and to be outside of areas subject to significant erosion. However, we recommend that tree removal is carried out by a qualified arborist, that ground disturbance is limited during removal, and that the stumps and roots outside of the proposed residence footprint are left in place.
All on-site drainage should be directed away from the shoreline or crest of slope.	✓			We understand that all onsite drainage will be directed away from both the shoreline and the crest of the slope.
Any land alteration or development involving the disturbance of the soil must be conducted in such a manner as to limit direct run-off into the sea and prevent the release of sediment towards the shore.	✓			We do not anticipate any significant run off into the sea and release of sediment towards the shore resulting from the proposed development / land alteration. However, recommend that the proposed development / land alteration be carried out with minimal ground disturbance.
When structures for bank stabilization measures are proposed, it should be demonstrated that the 'softest' possible measures have been applied before increasingly 'harder' measures are required. Monitoring and regular reporting to the Islands Trust by a registered professional engineer or geoscientist at the applicant's expense may be required during construction and land development phases, as specified in a development permit.			✓	
Any proposed bank stabilization should be limited to that minimally necessary to prevent damage to existing structures, uses or features. Applications involving stabilization features should include a report, prepared by a qualified professional licensed in the Province of BC with experience in geotechnical engineering, which describes the proposed stabilization measures including:			✓	
The Local Trust Committee may consider variances to siting or size regulations where the variance could result in enhanced protection of the eroding sandbanks.			✓	

## Attachment 4: DPA Checklist

**NP-DP-2023.2 (Shaw)**  
**449 Arbutus Spur**

Guidelines		Comments
<b>Guideline 1</b>	A development permit should not allow any land alteration or other development activities to take place within any area identified by a geological hazard assessment as subject to a landslide or other geotechnical hazard with a probability in excess of 2% in 50 years.	Complies.
<b>Guideline 2</b>	All applications should include a geological hazard assessment from a qualified professional licensed in the Province of BC with experience in geotechnical engineering stating that the proposed land alteration or other development will not result in slope instability or other geological failure hazard with a probability in excess of 2% in 50 years. Where the geological hazard assessment report describes an area suitable for development provided that specific measures are taken, the development permit should only allow the development to occur in compliance with the measures described in the report.	<p>Ryzuk geotechnical report states:</p> <ul style="list-style-type: none"> <li>• <i>The offset proposed ... for the proposed single-family residence is considered to be sufficient to mitigate the geohazard risk from erosion-based slope regression and seismically induced slope regression, considering a seismic event with a 2% probability of exceedance in 50 years.</i></li> <li>• <i>It is recommended that the proposed residence be constructed no closer than 15 m from the crest of the slope, west of the existing geotechnical covenant line, which will need to be confirmed by a surveyor prior to construction.</i></li> <li>• <i>...to help prevent further increase in the rate of erosion of the slope, any surface water flow should be directed away from the slope crest and discharged on the northeast portion of the lot. In addition to this, no stormwater is to be discharged on the foreshore slope.</i></li> </ul> <p>Conditions included in the draft permit in reference to the geotechnical assessment.</p>
<b>Guideline 3</b>	Any area proposed to be cleared and disturbed for development should be minimized and landowners are encouraged to retain existing trees and vegetation in areas that may be reasonably considered subject to erosion as determined by a qualified professional. Where a permit authorizes the cutting of trees, replanting and maintenance of disturbed areas should be considered for inclusion as a condition of the permit. The introduction of non-native species should be avoided and the permit may require a landscaping plan and a security, in the form of an irrevocable letter of	<p>Ryzuk geotechnical report states that:</p> <ul style="list-style-type: none"> <li>• <i>We expect that the removal of select trees within area 'B' of the DPA would not result in a significant change to the existing slope stability conditions, provided tree removal is carried out by a qualified arborist and ground disturbance is limited during removal.</i></li> </ul> <p>Conditions included in the draft permit in reference to the geotechnical assessment.</p>

## Attachment 4: DPA Checklist

Guidelines		Comments
	credit, for 125% the cost of re-planting as determined by a professional landscaper.	
<b>Guideline 4</b>	All on-site drainage should be directed away from the shoreline or crest of slope.	See Guideline 2.  Condition included in the draft permit in reference to the guideline and the geotechnical assessment.
<b>Guideline 5</b>	Any land alteration or development involving the disturbance of the soil must be conducted in such a manner as to limit direct runoff into the sea and prevent the release of sediment towards the shore.	See Guideline 2.  Condition included in the draft permit in reference to the guideline and the geotechnical assessment.
<b>Guideline 6</b>	When structures for bank stabilization measures are proposed, it should be demonstrated that the 'softest' possible measures have been applied before increasingly 'harder' measures are required. Monitoring and regular reporting to the Islands Trust by a registered professional engineer or geoscientist at the applicant's expense may be required during construction and land development phases, as specified in a development permit.	N/A
<b>Guideline 7</b>	Any proposed bank stabilization should be limited to that minimally necessary to prevent damage to existing structures, uses or features. Applications involving stabilization features should include a report, prepared by a qualified professional licensed in the Province of BC with experience in geotechnical engineering, which describes the proposed stabilization measures including: <ul style="list-style-type: none"> <li>a) The need for the proposed bank stabilization to protect existing structures, uses or features, including alternative measures available that would be feasible or sufficient.</li> <li>b) An evaluation of on-site drainage and confirmation that the erosion is not caused or exacerbated by upland conditions such as drainage control or loss of vegetation.</li> </ul>	N/A

## Attachment 4: DPA Checklist

<b>Guidelines</b>		<b>Comments</b>
	<p>c) How the stabilization measure would protect existing structures, uses or features.</p> <p>d) If any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposed stabilization, including at sites on other properties or foreshore locations.</p> <p>e) Potential impacts to the natural shoreline processes resulting from the proposed stabilization.</p> <p>f) Whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the stabilization.</p> <p>g) Recommendations for conditions that should be incorporated into the development permit in order to achieve the objectives of this Development Permit Area.</p>	
<b>Guideline 8</b>	The Local Trust Committee may consider variances to siting or size regulations where the variance could result in enhanced protection of the eroding sandbanks.	



Islands Trust

# PROPOSED

## NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT NP-DP-2023.2

To: Erin Shaw and James Cassels

1. This Development Permit (the "Permit") applies to the land described below:

STRATA LOT 79 SECTION 1 SIDNEY ISLAND RANGE 1W NORTH SAANICH DISTRICT STRATA PLAN VIS5122 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V (SEE PLAN AS TO LIMITED ACCESS) (PID: 026-298-058)

2. This Development Permit NP-DP-2023.2 authorizes the construction of buildings or other structures and alteration of land on the area of land identified on Schedule 'A' within Sidney Island Geotechnical Permit Area (DPA) as designated in the North Pender Associated Islands OCP Bylaw No. 147, 2002 ('OCP'), subject to the following requirements and conditions:

### ***Siting***

- a) The siting of building and structures, including the existing 10 square metre (108 square foot) building, shall be restricted to the area east of the boundary annotated as 'Proposed setback to be a minimum of 15 m from the crest of the foreshore slope' (Proposed Setback) as shown on the Geotechnical Assessment Site Plan and survey plan attached to and forming part of this permit as **Schedule 'A'**;
- b) All other requirements and exemptions in the DPA apply;

### ***Geotechnical Assessment***

- c) Construction of, alteration to, or addition of any building or structure and any alteration of land shall comply with the recommendations of the geotechnical assessment prepared by Tony Grimison, P.Geo. of Ryzuk Geotechnical, dated November 3<sup>rd</sup> 2022 attached to and forming part of this permit as **Schedule 'B'**;

### ***Construction, Tree Removal and Storm Water Management***

- d) Land clearing and tree removal is limited to the building envelope and up to 15 m of the building envelope perimeter plus the driveway access and septic field;
  - e) Tree removal for development is to be approved by a qualified arborist;
  - f) During construction, and when construction is completed, all on-site drainage and stormwater must be directed away from the slope crest and discharged on the northeast portion of the lot;
  - g) Any land alteration or development involving disturbance of the soil must be conducted in such a manner as to limit direct run-off into the sea and prevent the release of sediment westward towards the shore.
3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
  4. The area described herein shall be developed substantively in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.

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

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

\_\_\_\_\_  
Deputy Secretary, Islands Trust

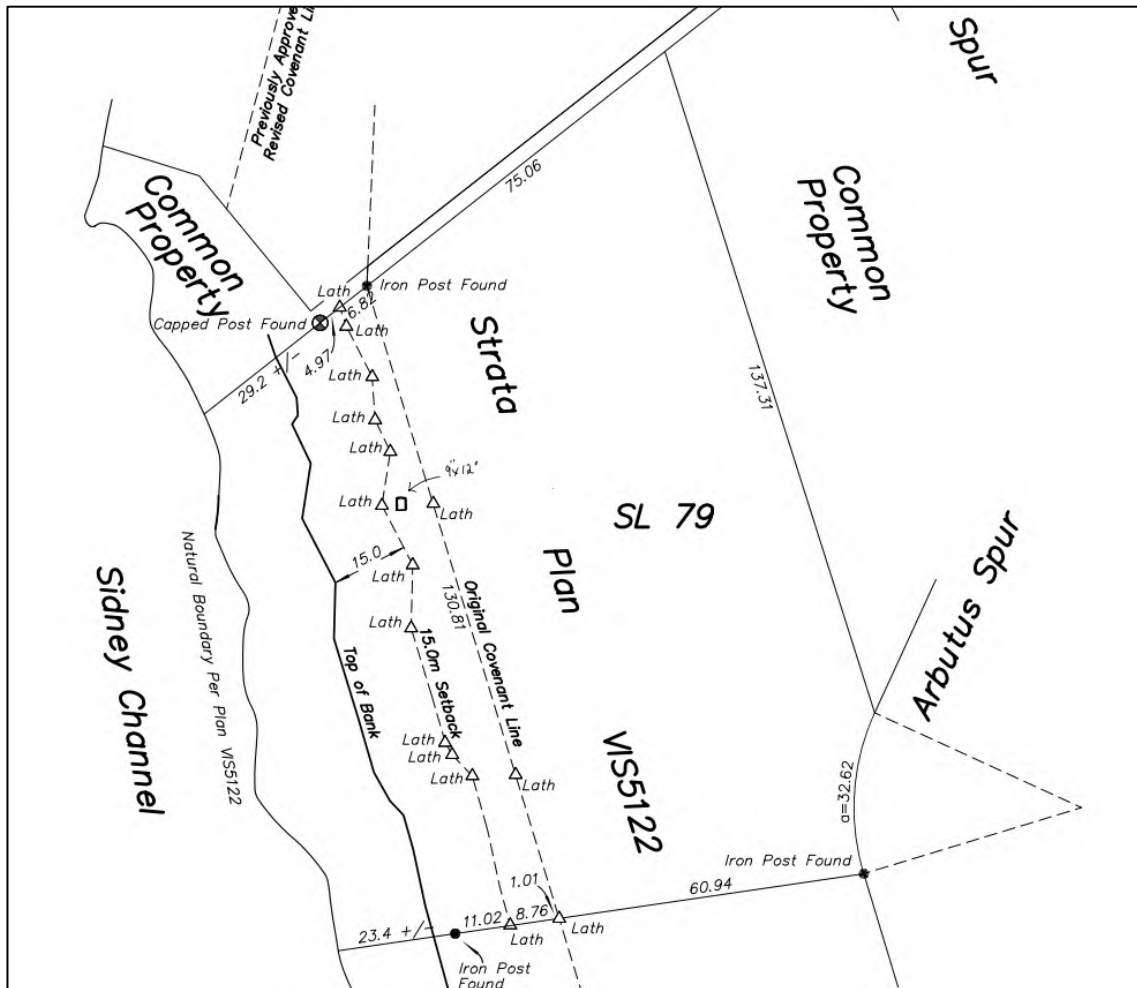
\_\_\_\_\_  
Date of Issuance

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

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**NP-DP-2023.2**

**SCHEDULE 'A'**

Proposed setback area from the foreshore crest



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**NP-DP-2023.2**

**SCHEDULE 'B'**

**Geotechnical Assessment**



**RYZUK GEOTECHNICAL**  
Engineering & Materials Testing

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

November 3<sup>rd</sup>, 2022  
File No: 11418-1

Erin Shaw & Jamie Cassels  
1630 Hollywood Crescent  
Victoria, BC  
V8S 1H7

Attn: Erin Shaw (By E-mail: erinshaw@shaw.ca)

Re: Geotechnical Assessment  
Strata Lot 79 – Sidney Island, BC

As requested, we attended the referenced site on October 20<sup>th</sup>, 2022 to conduct a geotechnical assessment. The referenced site is located within Sidney Island's Geotechnical Development Permit Area (DPA), as per North Pender Associated Islands Official Community Plan, Bylaw No. 147 (Bylaw No. 147). We understand that Bylaw No. 147 restricts the removal of trees larger than 0.2 m in diameter within the DPA, and that a geotechnical hazard assessment of the lot is required. Our assessment included a review of the Sidney Island Geotechnical Development Permit Area map, the Sidney Island Residential Subdivision geotechnical report prepared by Levelton Engineering Ltd., as well as our file information from previous projects in the area. Our associated observations, comments, and recommendations pertaining to potential geohazards on site are contained herein. The work has been undertaken in accordance with, and is subject to, the previously signed Terms of Engagement.

The site is approximately rectangular in shape, with dimensions roughly 120 m wide by 110 m long, and is bounded by Sidney Channel to the west, similar strata lots to the north and south, and common property on Arbutus Spur to the east. There is currently a geotechnical covenant line on the property, which is located approximately 42 m east of the west property line that restricts building construction to the west of the line. We understand that in the future you may construct a single-family residence centrally on the parcel, and that you wish to assess the feasibility of moving the building west of the current covenant line.

Topography in the west portion of the site slopes up steeply at roughly 45 degrees from the natural boundary and beach area at Sidney Channel over a horizontal distance of approximately 21 m, becoming near vertical within 3 - 4 m of the crest of the slope. The total elevation difference from the toe of the slope to the crest is approximately 20 m. From the crest, the site slopes down gently at roughly 10 degrees with minor localized variation to the property line at the east. The east portion of the site is undeveloped and host to forested cover of arbutus, spruce and cedar with an open understory.

Soil conditions observed at the site and on the foreshore slope generally consisted of 3 - 4 m of dense/very stiff native brown silt, silty gravel and some sand atop roughly 15 m of dense Quadra Sands. The Quadra Sands generally comprised dense to very dense grey sand with some silt and gravel, interbedded with more gravelly and silty layers. At the base of the exposed slope weathered Granodiorite

---

Ryzuk Geotechnical

bedrock was observed for roughly 5 m up from the beach elevation. The beach and intertidal area had exposed similar bedrock. Some evidence of erosion was observed on the slope, with some debris flow sands and silts noted on the mid and lower portions of the slope. Additionally, several trees located at the slope crest had rootballs undermined with trees leaning toward the foreshore. At one location several trees and their root systems were observed at the slope toe which had been transported downslope in an episode of shallow slope failure. However, there was some low-lying vegetation and small trees on the slope which indicates that the surficial soils on the slope have been stable for some time.

It is expected that the crest of the slope will likely retreat from its current location due to erosion of weathered soils on the slope and during a seismic event. The Levelton report notes that at this location no toe regression has occurred since 1976 due to the resistant bedrock exposed and that there will be no toe regression over the design life of 75 years for a residential structure. We expect that the rate of erosion of the soil slope will be far less than the average rate of 0.25 m/ year documented in the Levelton report because of limited erosion at the toe. Levelton indicates that the long-term stable slope angle for the exposed soils is expected to be about 2H:1V (26°). Using this metric the line of intersection of a 2H:1V projection from the bedrock toe intersects the parcel approximately 15 m landward of the current slope crest.

To quantify the amount of seismically induced slope regression, we have conducted a slope stability analysis of the foreshore slope. A limit equilibrium slope stability analysis was done using RocScience Slide 2018 software (version 8.016), considering a design seismic event with a 2% probability of exceedance in 50 years. We undertook modeling using a slope-displacement based seismic coefficient. We calculated a K15 value for the slope to be 0.27g, with moment magnitude (M) of 7 and S(0.5) = 1.1. Under this scenario, the pseudo-static limit equilibrium analysis generates a FS > 1 and as per the Engineers and Geoscientists of British Columbia (EGBC) Guidelines this slope is considered stable for residential construction. This modeling indicates that slope displacements along the slip surface would be 0.15 m or less; these are considered tolerable with respect to life safety as per the EGBC Guidelines. The results of this analysis indicated that the regression encountered during the design seismic event would extend approximately 7 m from the crest of the slope.

Based on the above, we conclude that a single-family residence can be constructed near the center of the site, west of the existing geotechnical covenant, without being at risk of seismic or erosion based slope regression. It is recommended that the proposed residence be constructed no closer than 15 m from the crest of the slope, west of the existing geotechnical covenant line, which will need to be confirmed by a surveyor prior to construction. As well, to help prevent further increase in the rate of erosion of the slope, any surface water flow should be directed away from the slope crest and discharged on the northeast portion of the lot. In addition to this, no stormwater is to be discharged on the foreshore slope.

Based on our discussions, we understand that tree removal will probably be limited to trees within the proposed building footprint, if such exist. We expect the removal of select trees within area 'B' of the DPA would not result in a significant change to the existing slope stability conditions, provided tree removal is carried out by a qualified arborist and ground disturbance is limited during removal.

The offset proposed above for the proposed single-family residence is considered to be sufficient to mitigate the geohazard risks from erosion-based slope regression and seismically induced slope regression, considering a seismic event with a 2% probability of exceedance in 50 years. As such, we consider the site safe for the use intended, that being single family residential use, in accordance with Section 56 of the Community Charter. Further to this, we consider that the work proposed will be in

Erin Shaw and Jamie Cassels  
Lot 79 – Sidney Island, BC

November 3<sup>rd</sup>, 2022

conformance with the objectives of the North Pender Associated Islands Official Community Plan, Bylaw No. 147.

We hope the preceding is suitable for your purposes at present, however if you have any questions with respect to the above, please contact us.

Sincerely,  
Ryzuk Geotechnical



Tony Grimison, P.Geol.  
Intermediate Geoscientist

Attachments: - Ryzuk Drawing 11418-1 Sheet 1 – SITE PLAN, dated October 31, 2022  
- Geotechnical Development Permit Area Checklist – Sidney Island



- NOTES**
1. Background image taken from CRD Digital Mapping Tool 2021 imagery
  2. Location of Geotechnical Development Permit Area lines and crest of foreshore slope based on Islands Trust Map of Sidney Island.

**RYZUK**  
**ENGINEERING & MATERIALS TESTING**

#6-40 CADILLAC AVENUE - VICTORIA, BC V8Z 1T2  
 TEL: 250-475-3131  
 mal@ryzuk.com

PTPN: 1002996

DRAWN BY	TGG	CLIENT	ERIN SHAW AND JAMIE CASSELS
FORLEAD	SWM	PROJECT TITLE	GEOTECHNICAL ASSESSMENT
REVIEW	SWM	PROJECT ADDRESS	LOT 79 SIDNEY ISLAND, BC
SCALE	NTS	DRAWING NAME	<b>SITE PLAN</b>
DATE	2022/10/31	PROJECT No.	11418-1
		SHEET No.	1 of 1
		REVISION	0

**Geotechnical Development Permit Area Checklist – Sidney Island**

Guideline	Yes?	No?	N/A?	Has the guideline been met and/or how are you addressing the guideline?
A development permit should not allow any land alteration or other development activities to take place within any area identified by a geological hazard assessment as subject to a landslide or other geotechnical hazard with a probability in excess of 2% in 50 years.	✓			The proposed development / land alteration, including, but not limited to, the construction of a residence 15 m to the west of the current geotechnical line will be outside of the area within Lot 79 subject to a landslide or other geotechnical hazard with a probability of excess of 2 % in 50 years.
All applications should include a geological hazard assessment from a qualified professional licensed in the Province of BC with experience in geotechnical engineering stating that the proposed land alteration or other development will not result in slope instability or other geological failure hazard with a probability in excess of 2% in 50 years. Where the geological hazard assessment report describes an area a suitable for development provided that specific measures are taken, the development permit should only allow the development to occur in compliance with the measures described in the report.	✓			The proposed development / land alteration (as outlined in our <i>Geotechnical Assessment Report of October 31, 2022</i> ), in our professional opinion, will not result in slope instability or other geological failure hazard with a probability of excess of 2 % in 50 years.
Any area proposed to be cleared and disturbed for development should be minimized and landowners are encouraged to retain existing trees and vegetation in areas that may be reasonably considered subject to erosion as determined by a qualified professional. Where a permit authorizes the cutting of trees, re-planting and maintenance of disturbed areas should be considered for inclusion as a condition of the permit. The introduction of non-native species should be avoided and the permit may require a landscaping plan and a security, in the form of an irrevocable letter of credit, for 125% the cost of re-planting as determined by a professional landscaper.	✓			We consider that the proposed select tree removal, within area "B" of the development permit area, to be minimal and to be outside of areas subject to significant erosion. However, we recommend that tree removal is carried out by a qualified arborist, that ground disturbance is limited during removal, and that the stumps and roots outside of the proposed residence footprint are left in place.
All on-site drainage should be directed away from the shoreline or crest of slope.	✓			We understand that all onsite drainage will be directed away from both the shoreline and the crest of the slope.
Any land alteration or development involving the disturbance of the soil must be conducted in such a manner as to limit direct run-off into the sea and prevent the release of sediment towards the shore.	✓			We do not anticipate any significant run off into the sea and release of sediment towards the shore resulting from the proposed development / land alteration. However, recommend that the proposed development / land alteration be carried out with minimal ground disturbance.
When structures for bank stabilization measures are proposed, it should be demonstrated that the 'softest' possible measures have been applied before increasingly 'harder' measures are required. Monitoring and regular reporting to the Islands Trust by a registered professional engineer or geoscientist at the applicant's expense may be required during construction and land development phases, as specified in a development permit.		✓		
Any proposed bank stabilization should be limited to that minimally necessary to prevent damage to existing structures, uses or features. Applications involving stabilization features should include a report, prepared by a qualified professional licensed in the Province of BC with experience in geotechnical engineering, which describes the proposed stabilization measures including:		✓		
The Local Trust Committee may consider variances to siting or size regulations where the variance could result in enhanced protection of the eroding sandbanks.		✓		



DATE OF MEETING: July 28, 2023  
TO: North Pender Island Local Trust Committee  
FROM: Brad Smith, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: Development Permit NP-DP-2023.3  
Applicant: Linda (Becky ) Shave  
Location: 4815 Schooner Way

## RECOMMENDATION

1. **That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2023.3 (Shave).**

## REPORT SUMMARY

The purpose of this report is for the North Pender Local Trust Committee (LTC) to consider a Development Permit (DP) application to require restoration of forest habitat impacted by unauthorized tree removal within Development Permit Area 7 – Raptor Nests (DPA 7) on the above noted property, as part of the compliance process.

The draft DP also sets out conditions for protection of the designated Douglas-Fir nesting tree and any future development within the DPA. The above recommendation is supported as:

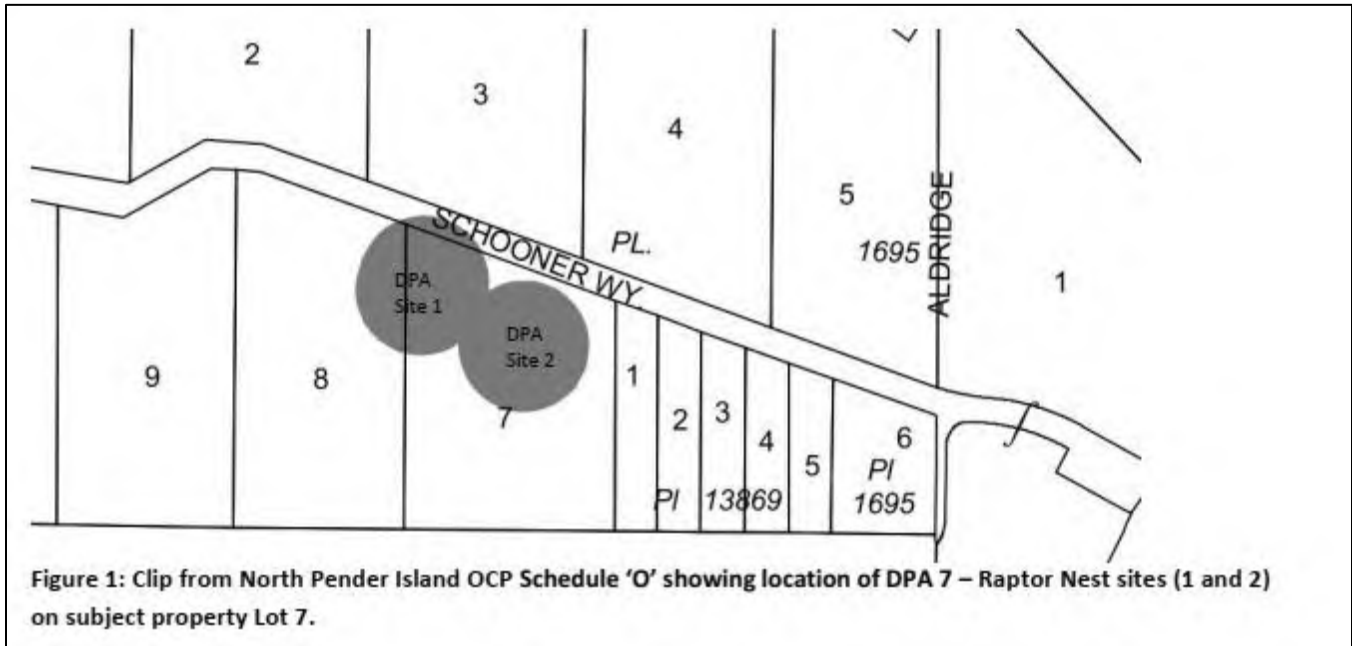
- In the absence of a DP issued prior to development, a DP requiring restoration will impose conditions for site restoration and future protection;
- The conditions within the draft DP are based on a well-considered and comprehensive assessment report completed by a professional biologist and are supported by staff;
- The draft DP also includes specific conditions for Douglas-Fir nesting tree protection and future development within the DPA; and,
- Bylaw enforcement staff continues to seek additional remedies including potential court action for the unauthorized tree removal.

## BACKGROUND

In the fall of 2022, the subject property was purchased by the current owners. Portions of the land were subsequently logged to establish residential building sites, to provide materials for future construction, and to generate income through firewood and timber sales.

Schedule O of the North Pender Island Official Community Plan No. 171 (OCP) shows two areas designated as 'Development Permit Area 7 – Raptor Nests' located on the subject property (Figure 1). Tree removal and land alteration has occurred in these areas, and subsequently the property owner has been requested to seek a DP which requires an assessment of impacts by a professional biologist and recommendations for site restoration and future protection.

**Figure 1. Location Of Property and DPA 7**



There is currently one small cabin on the property located within the impacted DPA area (Figure 2). The property owners are preparing the property for further development including the construction of a new dwelling outside of the DPA. There is also an active bylaw enforcement file open for the unauthorized tree removal (NP-BE-2023.2).

**Figure 2. Site Plan**

**Site Plan Of:  
 Lot 7, Section 7, Pender Island,  
 Cowichan District, Plan 1695,  
 P.I.D. 007-094-581**



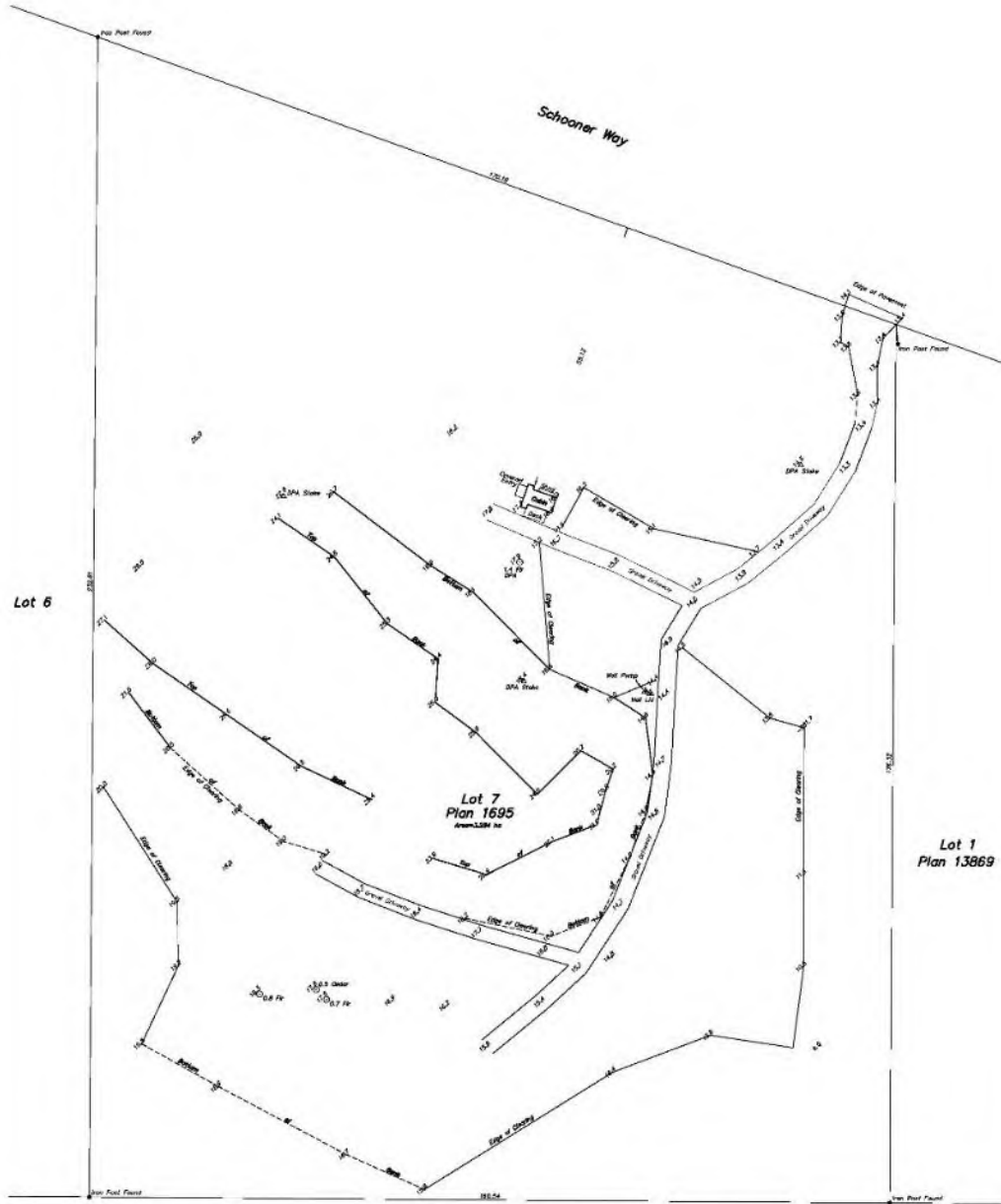
Scale = 1:400

Dated this 18th day of March, 2002.

Distances and directions shown are in metres.

Boundaries are shown as possible when necessary and defined from OSM 18-18.

This site plan is for building and design purposes and is for the exclusive use of the client.  
 The document shows the relative location of the proposed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property interests.



Part NW 1/4  
 Section 7

Way Measurement Land Surveying Inc.  
 www.waymeasure.com  
 #1-2527 Angus Street, Victoria  
 British Columbia V8W 2G5  
 Telephone (250) 856-5555  
 Fax: (250) 856-5740

Planning staff visited the property in February and March 2023. Additional site context is included as Attachment 1. Maps and plans are included as Attachment 2. A letter from the property owners is included as Attachment 3.

## ANALYSIS

### Policy/Regulatory

#### ***Official Community Plan***

The property is designated as Rural in the OCP.

#### **Development Permit Area Seven - Raptor Nests**

The OCP includes areas designated as DPA 7 – Raptor Nests. The North Pender Island Local Trust Area contains habitat used by bald eagles, other raptors and great blue herons for nesting and breeding. To protect these habitats, the stated objective of DPA 7 is: *To preserve and protect remaining raptor and heron nesting sites.*

To realize this objective, DPA 7 generally incorporates a 30-50 metre radius around identified eagle, osprey and great blue heron nesting sites. When encountering DPA 7 on the land base, the general applicability of DPA 7 is as follows:

##### 5.2.8.3 General Applicability

The following activities shall require a development permit whenever they occur within Development Permit Area Seven, unless specifically exempted below.

- a) Subdivision of land.
- b) Construction of, addition to, or alteration of a building or other structure.
- c) Alteration of land.

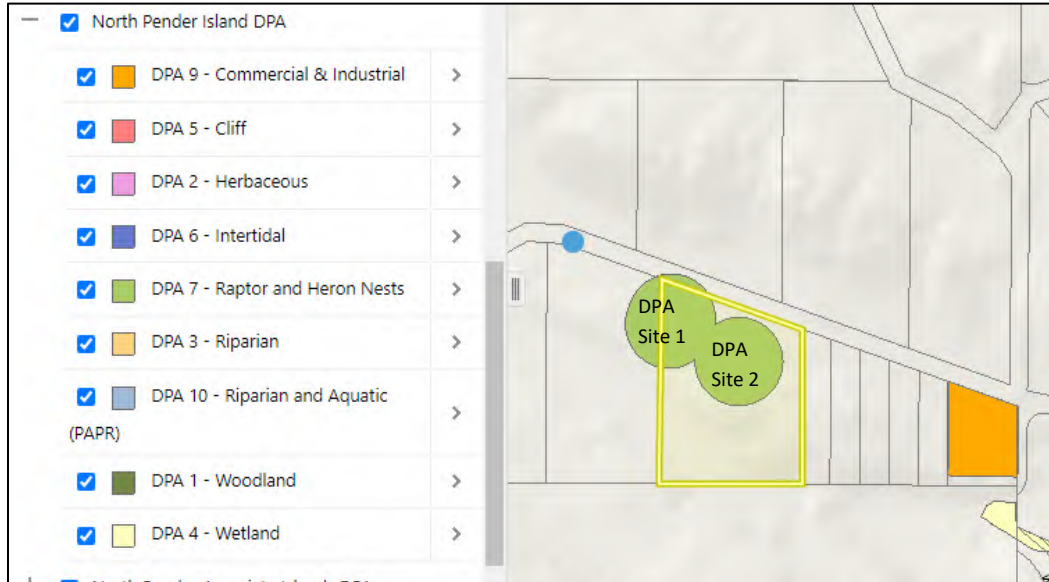
The OCP also includes several exemptions:

##### 5.2.8.4 Development Permit Exemptions

The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other applicable local, provincial or federal requirements.

- a) for certainty: development or alteration of land occurring outside of a development permit area;
- b) the placement of impermanent structures, such as benches, tables and garden ornaments;
- c) submission to the Islands Trust of a written statement from a registered professional biologist with relevant experience, stating that the proposed work would have no impact on any raptor or heron nesting site;
- d) in the case of eagle nest trees, construction activities more than 30 metres from the base of the nest tree between the dates of August 16<sup>th</sup> and January 14<sup>th</sup>.
- e) forest management activities on land classified as managed forest land under the *Private Managed Forest Land Act*;
- f) forest management activities on land that is the subject of a valid and subsisting woodlot license or tree farm license under the *Forest Act*;
- g) work undertaken by an agent of the Crown;
- h) the maintenance of existing gardens;
- i) the removal of dangerous trees posing an immediate threat to life or property;
- j) the removal of invasive, non-indigenous trees or vegetation;
- k) the removal of trees or vegetation minimally necessary for the construction of any of the uses, buildings or structures exempted from the requirement for a development permit;
- l) the repair, maintenance, alteration or reconstruction of existing legal or legal non-conforming buildings, structures or utilities provided there is no alteration of undisturbed land or vegetation (building permit may be required); or

In this case, the subject property has two areas designated DPA 7, as shown below:



### **June 2022 Caurinus Letter – Exemption of Site 1**

Caurinius Environmental was retained to review the DPA on the property and provided a letter in June 2022 (Attachment 4). While it is not clear who received this information prior to tree removal in the DPA, and why these recommendations were not followed, the report finds that the two historic heron nesting alder trees located at site 1 are no longer viable as a nesting site and as such should be exempt under exemption Article C:

c) submission to the Islands Trust of a written statement from a registered professional biologist with relevant experience, stating that the proposed work would have no impact on any raptor or heron nesting site;

The same letter determined that the Douglas-fir tree located in Site 2 is still viable and thus should be subject to DPA 7 provisions.

### **2023 DPA Impact Assessment Report**

Keith Erickson (Erickson Environmental) was retained by the owner following enforcement action to complete a development permit assessment report for areas of the property that are subject to DPA 7 and were impacted by tree cutting and related disturbance (Attachment 5).

The observations of Caurinius in 2022 to exempt the Great Blue Heron nest trees (ie. DPA Site 1) were confirmed during the site visit by Keith Erickson on April 27th, 2023. As such, DPA Site 1 is deemed to be exempted and is not further considered in the assessment report or the draft DP conditions.

In summary, the assessment report:

- establishes the DPA Site 2 based on accurate survey of the tree location and the parameters set out in the North Pender OCP;
- provides an assessment of the ecological impacts resulting from tree cutting and related activity within the DPA;
- provides a corresponding prescription for ecological restoration; and,

- makes recommendations to help minimize future potential impacts to the health and viability of the identified Douglas-fir raptor nest tree.

The assessment is based on observations made during two site visits to the property, conducted on April 27th, 2023 and May 27th, 2023. It is also informed by a report produced by Caurinus Environmental dated June 30th, 2022 and by direct communication with the owners.

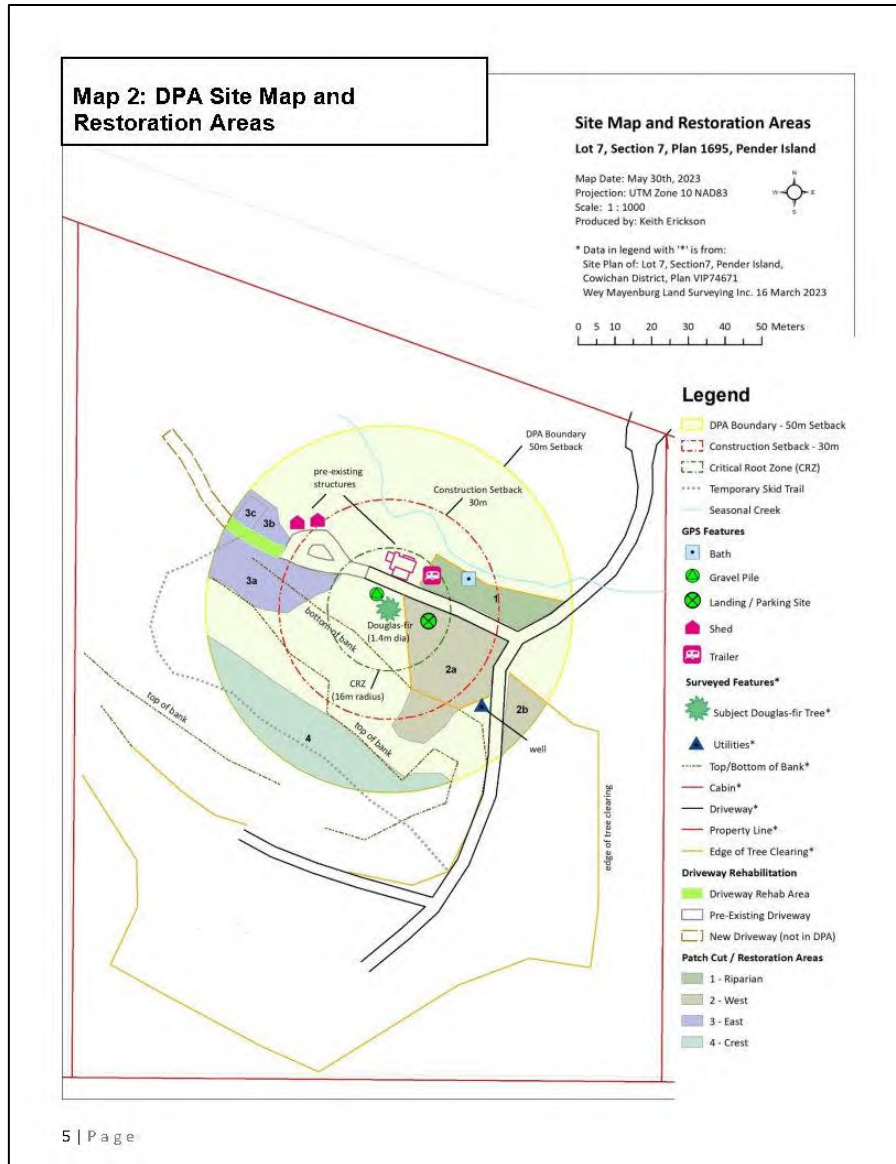
The DPA 7 guideline checklist is included as attachment to the assessment report on p. 28. All of the applicable guidelines have been met. There are also several photos in the assessment report for additional reference.

### ***Draft Development Permit***

In accordance with the recommendations of the professional biologist, the draft DP (Attachment 6) includes site specific conditions with respect to the following:

- Nesting Tree Protection
- General requirement for ecological restoration
- “Restoration Area” Site Prescriptions
- Timing
- Monitoring

The schedules attached to the DP provide further detail and guidance. In particular, Schedule A provides a site map to guide restoration and protection activities, as shown in Figure 3:



5 | Page

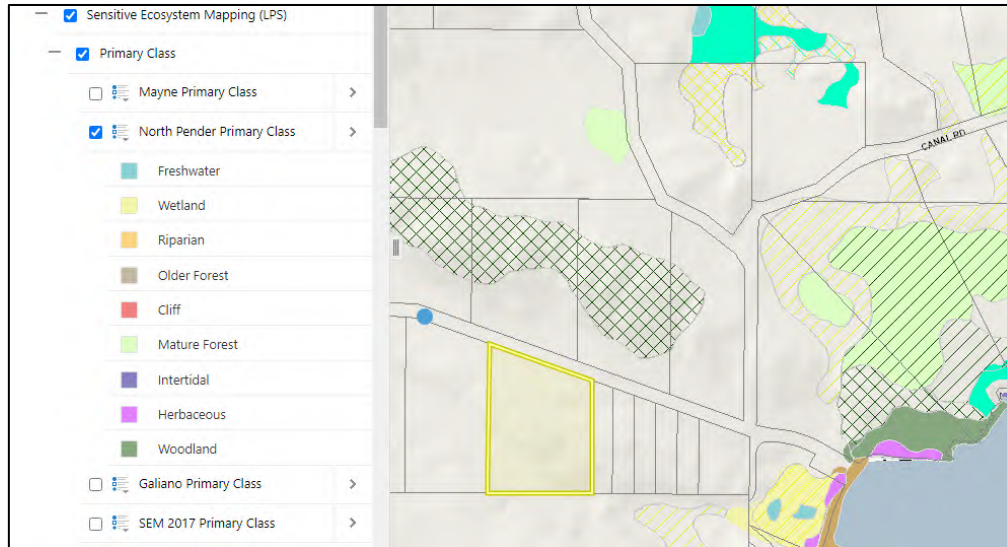
**Land Use Bylaw**

The property is zoned as **Rural** in the North Pender Island Land Use Bylaw No. 224, 22023. The proposed development of a new dwelling on the property does not conflict with current LUB regulations including siting and density provisions.

The property owner should be aware that any building plans requiring a building permit must be screened by the Islands Trust as a first step in that process by submitting a [building permit review form](#).

**Sensitive Ecosystem Mapping**

Islands Trust mapping shows no sensitive ecosystems located on the subject property.



**Bylaw Enforcement**

As part of the bylaw enforcement and compliance process, the property owner has agreed to apply for a DP to to establish conditions to address impacts of unauthorized tree removal. Bylaw enforcement continues to also seek further remedy through the courts.

**Archaeological Potential**

There is archaeological potential identified on the subject property. The applicant should be aware that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

**Consultation**

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

**Rationale for Recommendation**

The recommendation on page one (1) is supported as:

- A DP is the best tool available to establish conditions for site restoration and future protection;
- The conditions within the draft DP are based on a well-considered and comprehensive assessment report completed by a professional biologist and are therefore supported by staff;
- The draft DP also includes specific conditions for Douglas-Fir nesting tree protection and future development within the DPA; and,
- Bylaw enforcement staff continue to seek additional remedies including potential court action for the unauthorized tree removal.

**ALTERNATIVES**

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

**1. Request further information**

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

*That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust \_\_\_\_\_.*

**2. Deny the application**

The LTC may deny the application. If this alternative is selected, the LTC MUST state the reasons for denial.

Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee deny application NP-DP-2023.3 (Shave) for non-compliance with the following guideline(s) \_\_\_\_\_.*

Submitted By:	Brad Smith, Island Planner	July 20, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	July 20, 2023

**ATTACHMENTS**

1. Site Context
2. Maps, Plans
3. Letter from Applicant
4. Caurinius DPA Assessment, June 2022
5. K Erickson DPA Assessment, June 2023
6. Draft Development Permit

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

Legal Description	Lot 7, Section 7, Pender Island, Cowichan District, Plan 1695
PID	007-094-591
Civic Address	4815 Schooner Way Pender Island BC

### LAND USE

Current Land Use	Residential land with one small cabin
Surrounding Land Use	Large lot residential

### HISTORICAL ACTIVITY

File No.	Purpose
	None

### POLICY/REGULATORY

Official Community Plan Designations	The property is designated as Rural (R).  There are two DPA 7 – Raptor Nests polygons located on the subject property, logging has impacted both areas, one is deemed exempt.
Land Use Bylaw	The property is zoned Rural (R).
Other Regulations	None
Covenants	None
Bylaw Enforcement	NP-BE-2023.2 – in respect of tree removal in DPA 7 – file is open and ongoing

### SITE INFLUENCES

Islands Trust Fund	None
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	None
Sensitive Ecosystems	None
Hazard Areas	None
Archaeological Sites	Potential identified. The applicant should be aware that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

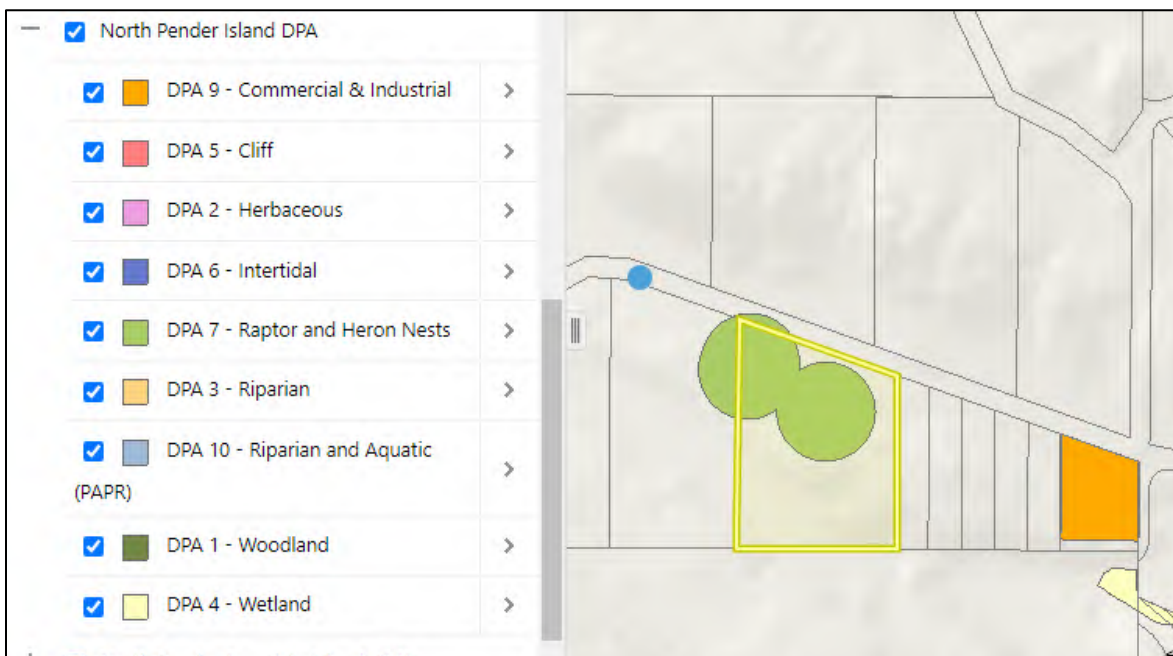
Climate Change Adaptation and Mitigation	Removal of mature trees in DPA impacts carbon storage potential
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	None

# ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

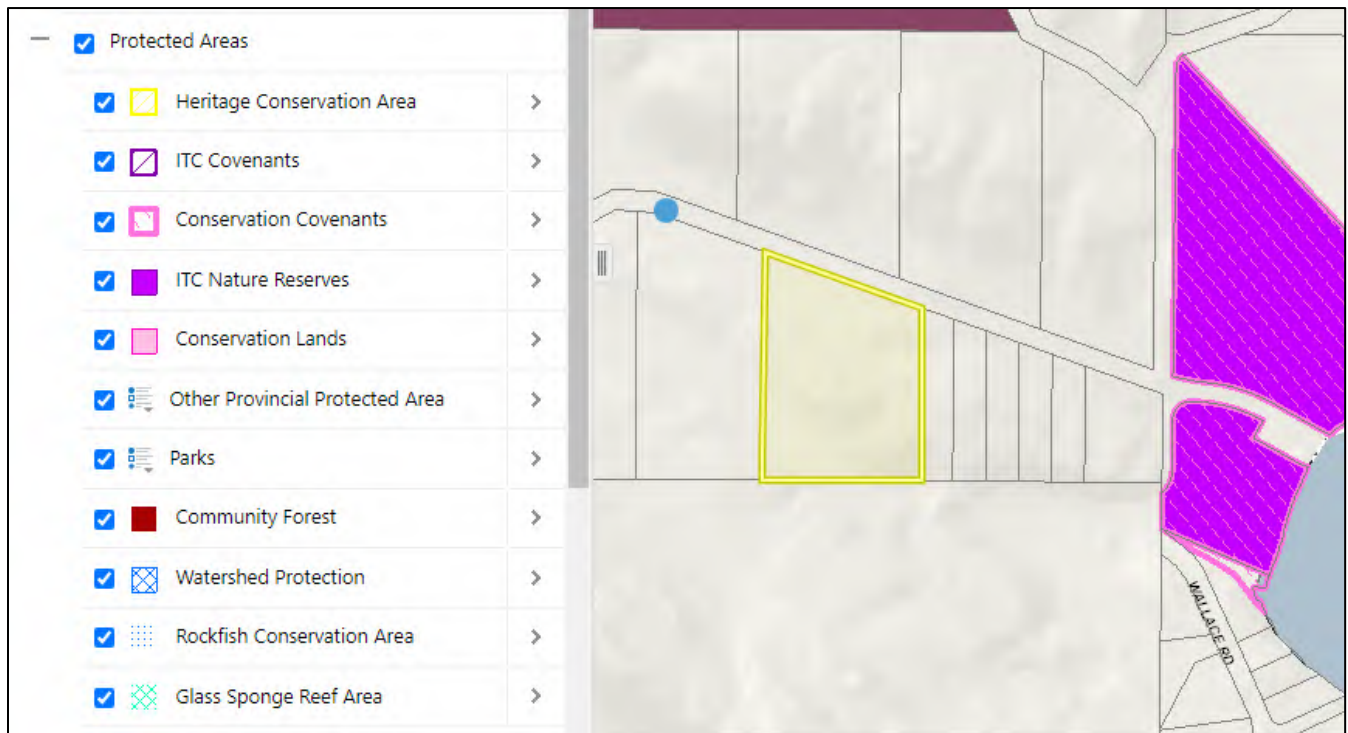
## 2.1 ORTHO AND ZONING



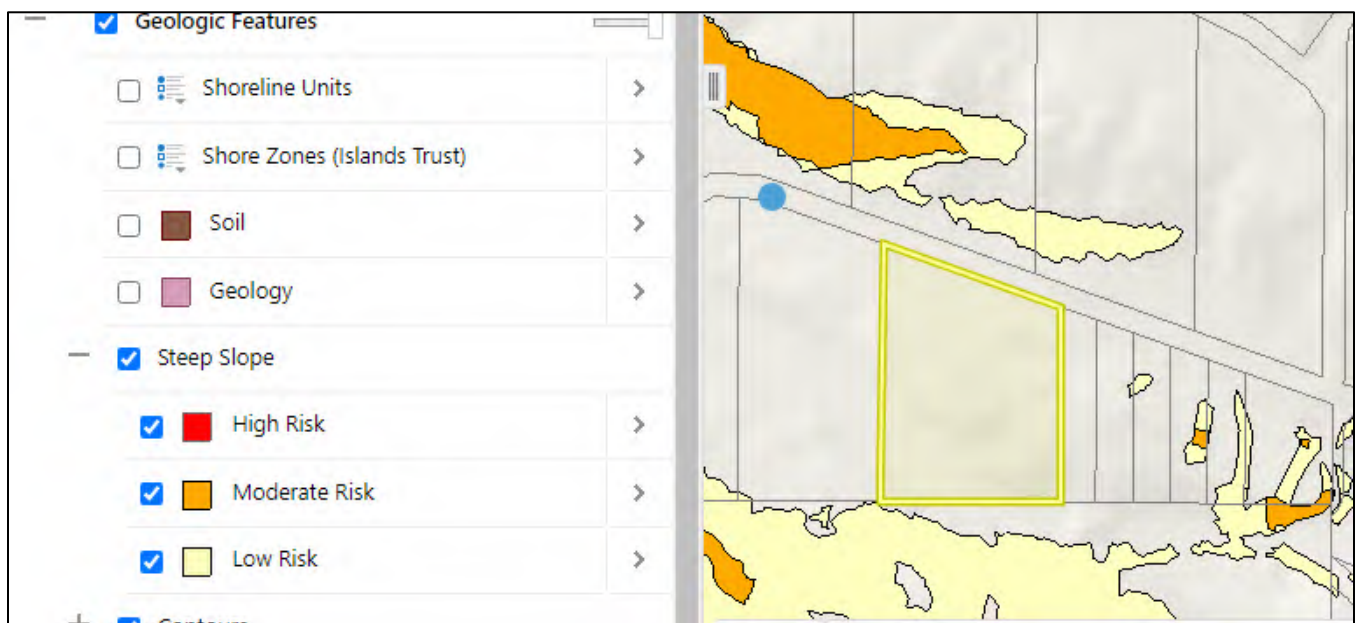
## 2.2 DPAs



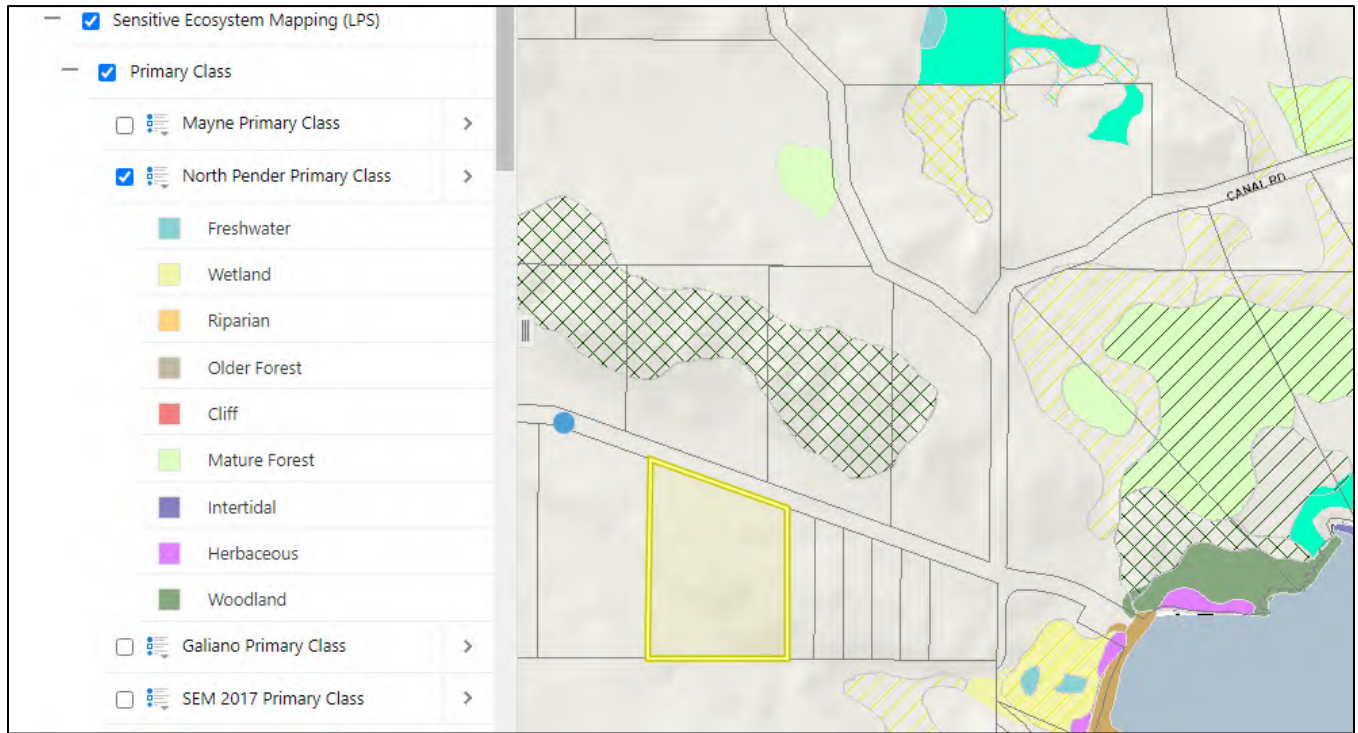
## 2.3 PROTECTED AREAS



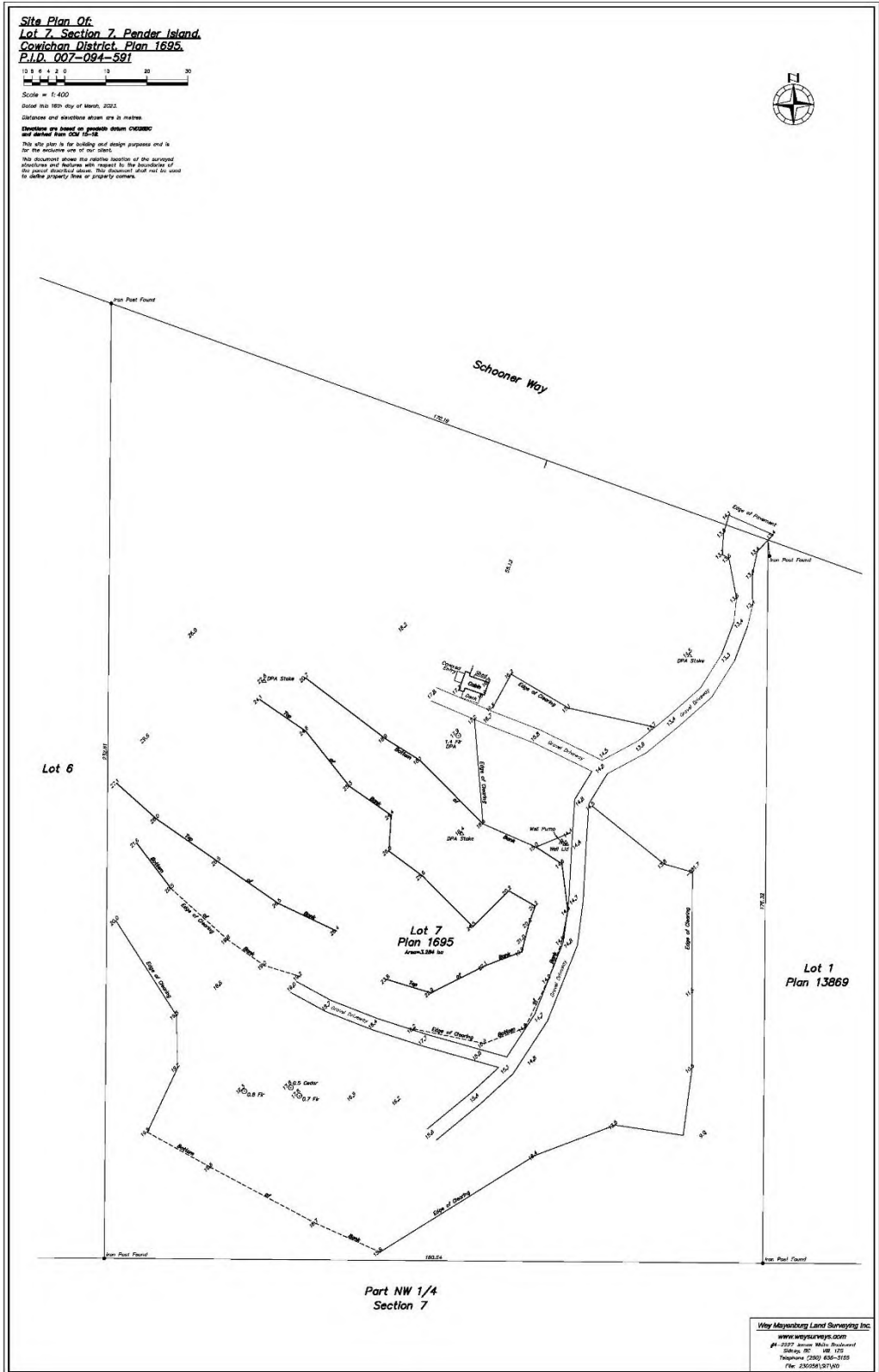
## 2.4 SLOPE HAZARD AREAS



## 2.5 SENSITIVE ECOSYSTEMS



## 2.6 SITE PLAN



Date: May 4<sup>th</sup>, 2023

From: Becky Shave

4815 Schooner Way Pender Island, BC

RE: DPA Application

To whom it may concern;

My family purchased the above mentioned property in September of 2022. When purchasing, the agent representing us stated that there was “this thing called a DPA on the property”. She explained that it was “no big deal as the nesting site had been vacant for years and they would just ask the sellers to apply to have the DPA removed”. To ensure we had covered all bases we had this action written into our purchase agreement. We moved forward with the purchase and made the unfortunate assumption that the sellers had indeed followed through with this removal.

We hired a forestry consulting company to assist us in clearing a space to build a home and provide the basic infrastructure for roads to reach the back of the property where we plan to build. We applied for and obtained a timber mark with the province of BC. Felling started the first week of January 2023 and ended January 13<sup>th</sup>, 2023. It wasn't until Island Trust Bylaw Enforcement attended the property on January 16<sup>th</sup>, 2023 that we were informed that the DPA in question was indeed still active. Bylaw enforcement attended the property again on January 20<sup>th</sup>, 2023.

With all development already complete on the property, bylaw informed us that we would need to apply for a retroactive permit complete with a qualified biologist report with any amendment or remediation action. Delays were significant as the first company hired insisted that we were also in violation of the BC Waterways Act and that the Province needed to perform a site visit and complete their own assessment. Whilst waiting for the province to attend, IT Bylaw enforcement spent two full days measuring out and staking the location/boundaries of the DPA.

Provincial Bylaw and a biologist attended the property March 29<sup>th</sup>, 2023 and walked the entire property with myself and partner. They both determined NO VIOLATIONS were present on the property and that no report would need to be filed. This of course only applies to any potential water ways present.

Finally, a biologist from Galiano attended the property last week, April 27<sup>th</sup>, 2023 and is currently compiling his assessment. I was present throughout his thorough inspection of the DPA and property in it's entirety. His preliminary plan that he shared with me was that the Raptor tree identified currently houses no active nest. The small area cut into the existing DPA area will need some remediation in the form of tree planting, strategic placement of smaller fallen limbs and some transplanting of native ferns/low lying foliage. While on site he identified small seedlings that can be transplanted into the areas needing remediation. Autumn has been identified as a more favourable time of year to plant.

We have no further plans to alter/develop within the DPA boundaries. Long term, we plan to build a home at the back of the property which has no impact on this DPA. Our experience in working with the Island Trust to date has been for the most part, a positive one, and hope this respectful path to continue as we move forward.

Sincerely,

Becky Shave



Caurinus Environmental

3601 Masthead Cr.  
Pender Island BC Canada  
VON 2M0  
250-222-0370; 250-222-4571  
[caurinusenvironmental@gmail.com](mailto:caurinusenvironmental@gmail.com)

30 June 2022

To Whom it may Concern:

**Re: Review of Raptor and Heron Nests Development Permit Areas (DPAs) on Lot 7 Plan VIP1695 Section 7 Land District 16 Portion Pender Island (PID: 007-094-591) – 4815 Schooner Way.**

Caurinus Environmental was retained to review the Raptor and Heron Nest DPAs present at 4815 Schooner Way on North Pender Island. The subject property on Schooner Way hosts two Raptor and Heron Nests DPAs, protecting nest sites which historically have been used by great blue herons (*Ardea herodias*) and osprey (*Pandion haliaetus*; Figure 1). The subject property was visited on June 26, 2022 and the Raptor and Heron Nest DPAs were assessed to determine the viability of the nest trees for current and future use by raptors or herons.

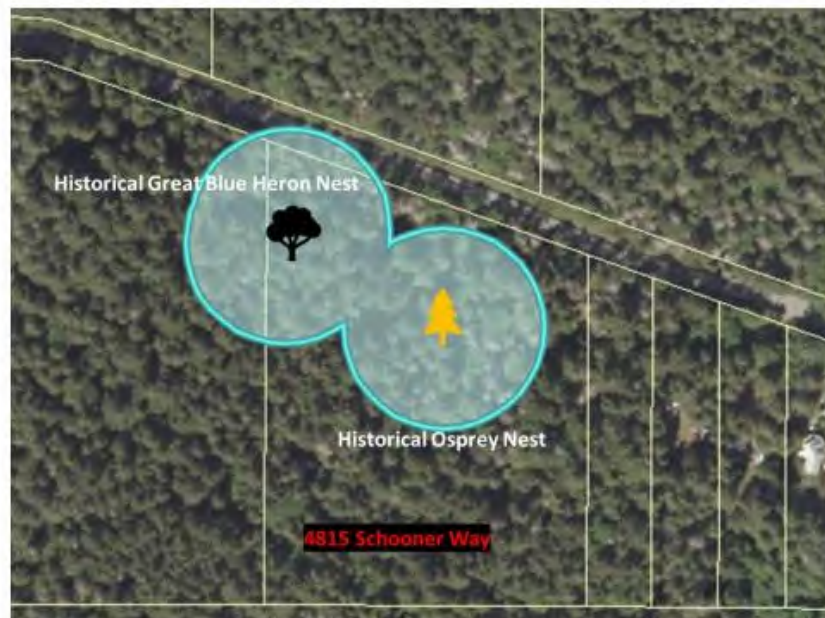


Figure 1: Location of the Raptor and Heron Nest DPAs at 4815 Schooner Way on Pender Island.

The purpose of the Raptor and Heron Nests DPA and the Provincial guidelines is to provide protection for the core features of a nest site by minimizing potentially adverse effects from disturbance due to human activities. The overriding regulation in Section 34 of the Wildlife Act states that:

“A person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys: a) a bird or its egg, b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.”

Disturbances can include access by humans and their pets, changes in microclimate, access by predators, equipment operation, blasting, aircraft operation, or other acoustic disturbance. Buffers help to maintain the long-term environmental and economic values of an environmentally sensitive area, generally preclude permanent structures, and require the retention of natural vegetation. During the breeding season, osprey (Apr 21- Sept 5) and great blue herons (Jan 15 - Sept15) on the BC coast can be especially sensitive to activities such as machine landscaping and construction. Hence, although the Raptor and Heron Nests DPA extends 30-50 m from the trunk of the nest tree, provincial recommendations state that there should be a minimum protective buffer of 100 m around an osprey nest. To provide further protection from acoustic disturbance for osprey, any construction activities taking place during the breeding season should have an *additional* 100 m ‘quiet’ buffer zone. In the case of great blue herons, the province recommends a buffer of at least 200 m in rural areas, with an additional 200 metre ‘no disturbance’ buffer recommended during the nesting season, especially for colonies not previously accustomed to people and their activities (BC Ministry of Water, Land and Air Protection 2005).

The historical osprey nest tree is a mature veteran Douglas-fir (*Pseudotsuga menziesii*; DBH 1.4m) and is approximately 15m from the current dwelling on the property. The great blue heron nest trees consisted of two red alders (*Alnus rubra*) adjacent to each other located in the NW corner of the property (Figure 1; Table 1) and may have also included a third Western redcedar in the same area (*Thuja plicata*; personal communication, David Manning).

**Table 1: Location of the Raptor and Heron Nests DPAs at 4815 Schooner Way on Pender Island.**

Nest Species	Tree Type	UTM Northing	UTM Easting
Osprey	Douglas-Fir (OSP1)	479860	5401051
Great blue heron	Red Alder (GBH1)	479781	5401094
Great blue heron	Red Alder (GBH2)	479784	5401100

Currently, the Douglas-fir osprey nest tree (OSP1; Plate 1) is well-rooted, shows no sign of decay, and has retained the large supporting upper branches; hence, it remains viable as a future nesting site for not only osprey, but bald eagles as well. It is surrounded by other mature trees that can serve as perching areas for adult birds during nesting and rearing of young.

**Plate 1. Douglas fir osprey nest tree (centre of photo) located at 4815 Schooner Way. The tree is not currently supporting a raptor nest in the 2022 breeding season (Photo Credit Murrough O'Brien).**



At present, the great blue heron nest trees (GBH1 & GBH2) have died and no longer have any appropriate structures to support great blue heron nests. GBH1 has come down and all that remains is a stump and remnant coarse woody debris (Plate 2). GBH2 is still standing but has lost all viable nesting structure (top of tree, branches) and will likely come down over the next few winters (Plate 3).

Plate 2. Photo of historical red alder great blue heron nest tree (GBH1) located at 4815 Schooner Way.



Plate 3. Photo of historical red alder great blue heron nest tree (GBH2) located at 4815 Schooner Way.



Canopy tree species present on the subject property are typical of Douglas-fir – Salal ecosystems, including Douglas-fir, grand fir (*Abies grandis*), and Western redcedar. There are several other veteran Douglas-fir within the vicinity of OSP1 in the Raptor and Heron Nests DPA, which are functioning as critical seed trees for regeneration, as well as perch and foraging trees for songbirds and raptors in the area. Birds detected on the property during the site visit include: pacific wren (*Troglodytes pacificus*), house finch (*Haemorhous mexicanus*), red-breasted nuthatch (*Sitta canadensis*), western tanager (*Piranga ludoviciana*), Pacific-slope flycatcher (*Empidonax difficilis*), dark-eyed junco (*Junco hyemalis*), orange-crowned warbler (*Leiothlypis celata*), chestnut-backed chickadee (*Poecile rufescens*), American robin (*Turdus migratorius*), song sparrow (*Melospiza melodia*) and purple martin (*Progne subis*).

We recommend that any proposed future development planned within the Raptor and Heron Nests DPA GBH1 & GBH2 (Table 1) be exempt from requiring a Development Permit as there is no longer any viable supporting tree in the area that could accommodate a new raptor or heron nest. Any proposed future development within the DPA centered around the Douglas-fir (OSP1, Table 1) should continue to require the issuance of a Development Permit, however, because the supporting veteran tree remains in good condition to support raptor nests in future years. Large veteran trees are becoming increasingly rare in the Coastal Douglas-Fir ecoregion due to ongoing losses to enhance view corridors or accommodate development, as well as losses due to storms. Given that the reproductive success of raptors such as bald eagles and osprey is entirely dependent on the presence of large veteran trees on the landscape, it is essential that those veteran trees that remain are afforded as much protection as possible. The tree in question has supported raptor nests in the past; the objective of the Raptor and Heron Nests DPA is “to preserve and protect remaining raptor and heron nesting sites” (North Pender Island OCP, Section 5.2.8.6), including the retention of “existing natural habitats suitable for raptors and herons, such as potential or currently unoccupied nesting trees, perches, roosting trees, snags, and trees with cavities” (Section 5.2.8.7).

We also recommend that current and future property owners remove any invasive species located within the Raptor and Heron Nests DPA as well as throughout the property as part of ongoing land stewardship. Any revegetation on the properties in the future should be completed using only locally sourced native plants.

Please do not hesitate to contact us if you have any additional questions or concerns, or if you require additional information.

**CAURINUS ENVIRONMENTAL**

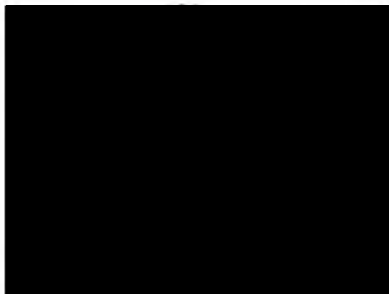
Per:



Dan Baxter, B.Sc., R.P.Bio. #1999  
Project Manager



Erin O'Brien, Ph.D.  
Director of Science





# Development Permit Area Assessment Report

*Lot 7, Section 7, Plan 1695, Pender Island  
4815 Schooner Way, Pender Island, BC  
PID: 007-094-591*

June 1<sup>st</sup>, 2023

Prepared For

Becky Shave  
4815 Schooner Way, Pender Island, BC  
catahoulabecky@gmail.com

Keith Erickson R.P.Bio. (#2132)

355 Melissa Road, Galiano Island, BC, V0N 1P0, kericksongaliano@gmail.com

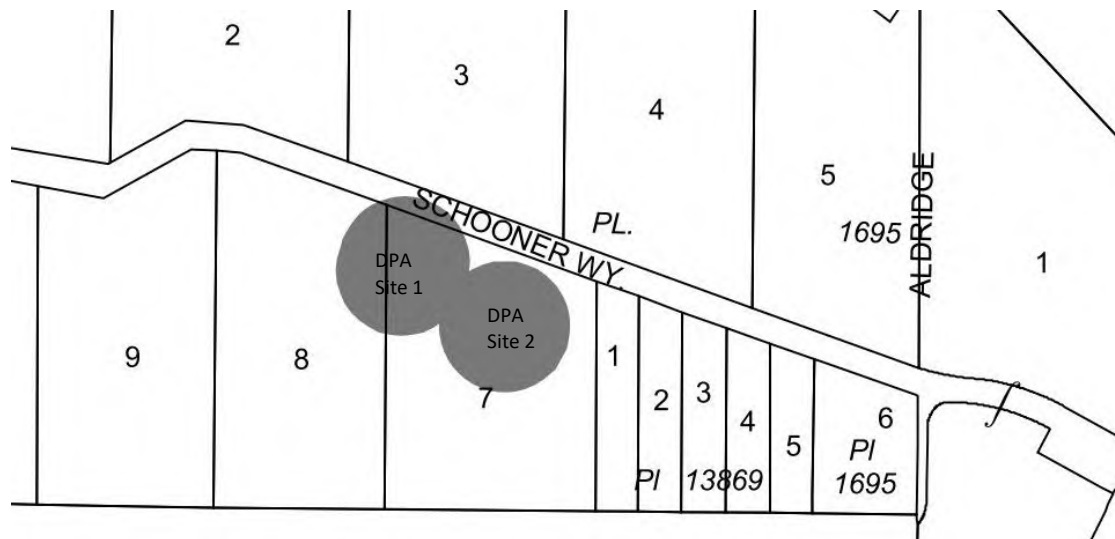
## Contents

Introduction .....	3
Map 1: Site Plan .....	4
Map 2: DPA Site Map and Restoration Areas .....	5
Evaluation .....	6
Description of Land Alteration / Development .....	10
Impact Assessment .....	17
Measures.....	21
Future Potential Development.....	21
Ecological Restoration.....	22
General Notes: .....	22
Prescription .....	24
DAI Checklist.....	28

## Introduction

Keith Erickson (Erickson Environmental) was retained by the owner, Becky Shave, of Lot 7, Section 7, Plan 1695, Pender Island ('the property') to complete a retro-active development permit assessment report for areas of the property that are subject to Development Permit Area 7 in the North Pender Official Community Plan and were impacted by tree cutting and related disturbance over the winter of 2022/23. In the fall of 2022, the subject property was purchased by the current owners. Portions of the land were subsequently logged to establish residential building sites, to provide materials for future construction, and to generate income through firewood and timber sales.

Schedule O of the North Pender Island Official Community Plan shows two areas designated as 'Development Permit Area 7 – Raptor Nests' located on the Property.



**Figure 1: Clip from North Pender Island OCP Schedule 'O' showing location of DPA 7 – Raptor Nest sites (1 and 2) on subject property Lot 7.**

This report establishes the Development Permit Area (DPA) based on accurate survey of the tree location and the parameters set out in the North Pender OCP, provides an assessment of the ecological impacts resulting from tree cutting and related activity within the DPA, and provides a corresponding prescription for ecological restoration. The report also makes recommendations to help minimize future potential impacts to the health and viability of the identified raptor nest tree.

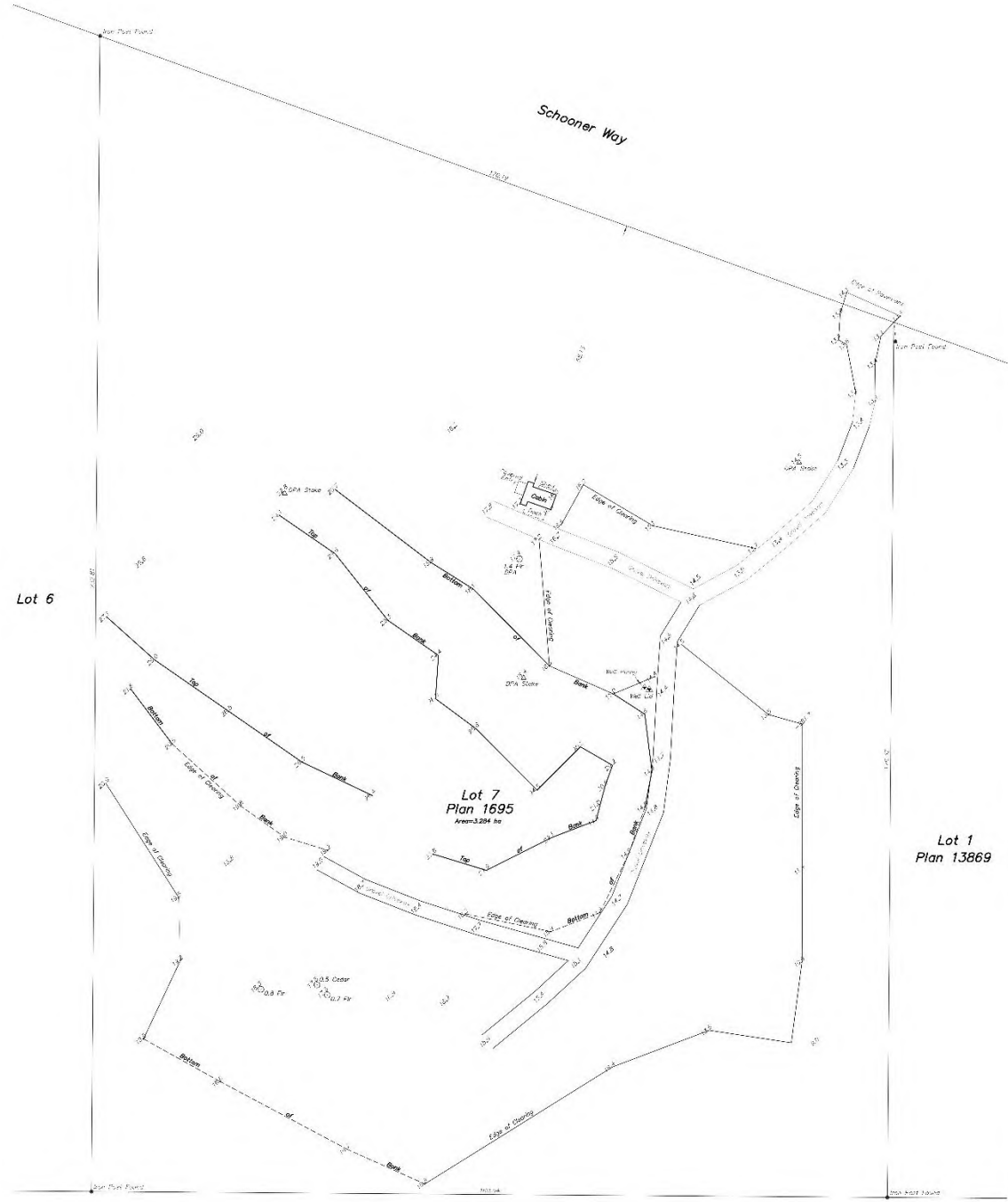
The assessment in this report is based on observations made during two site visits to the property, conducted on April 27<sup>th</sup>, 2023 and May 27<sup>th</sup>, 2023. It is informed by a report produced by Caurinus Environmental dated June 30<sup>th</sup>, 2022 and by direct communication with the owners.

# Map 1: Site Plan

**Site Plan Of:**  
**Lot 7, Section 7, Pender Island,**  
**Cowichan District, Plan 1695,**  
**P.I.D. 007-094-591**



Scale: 1:200  
 North: 0° 0' 0" (True)  
 Datum: NAD 83  
 Elevations are based on geoid datum CGVD2011 and derived from OCM 15-18.  
 This site plan is for zoning and design purposes and is for the exclusive use of the client.  
 All dimensions shown are rounded to the nearest millimeter and therefore are subject to the standard of the surveying profession. The accuracy of the site plan is subject to the accuracy of the original survey.



Part NW 1/4  
 Section 7

Way Meadows Land Surveying Inc.  
 www.waymeadows.com  
 41 2227 Juniper White Road  
 Courtenay, BC V9N 1S2  
 Telephone: (250) 856-5155  
 Fax: (250) 856-5156

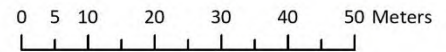
# Map 2: DPA Site Map and Restoration Areas

## Site Map and Restoration Areas Lot 7, Section 7, Plan 1695, Pender Island

Map Date: May 30th, 2023  
 Projection: UTM Zone 10 NAD83  
 Scale: 1 : 1000  
 Produced by: Keith Erickson

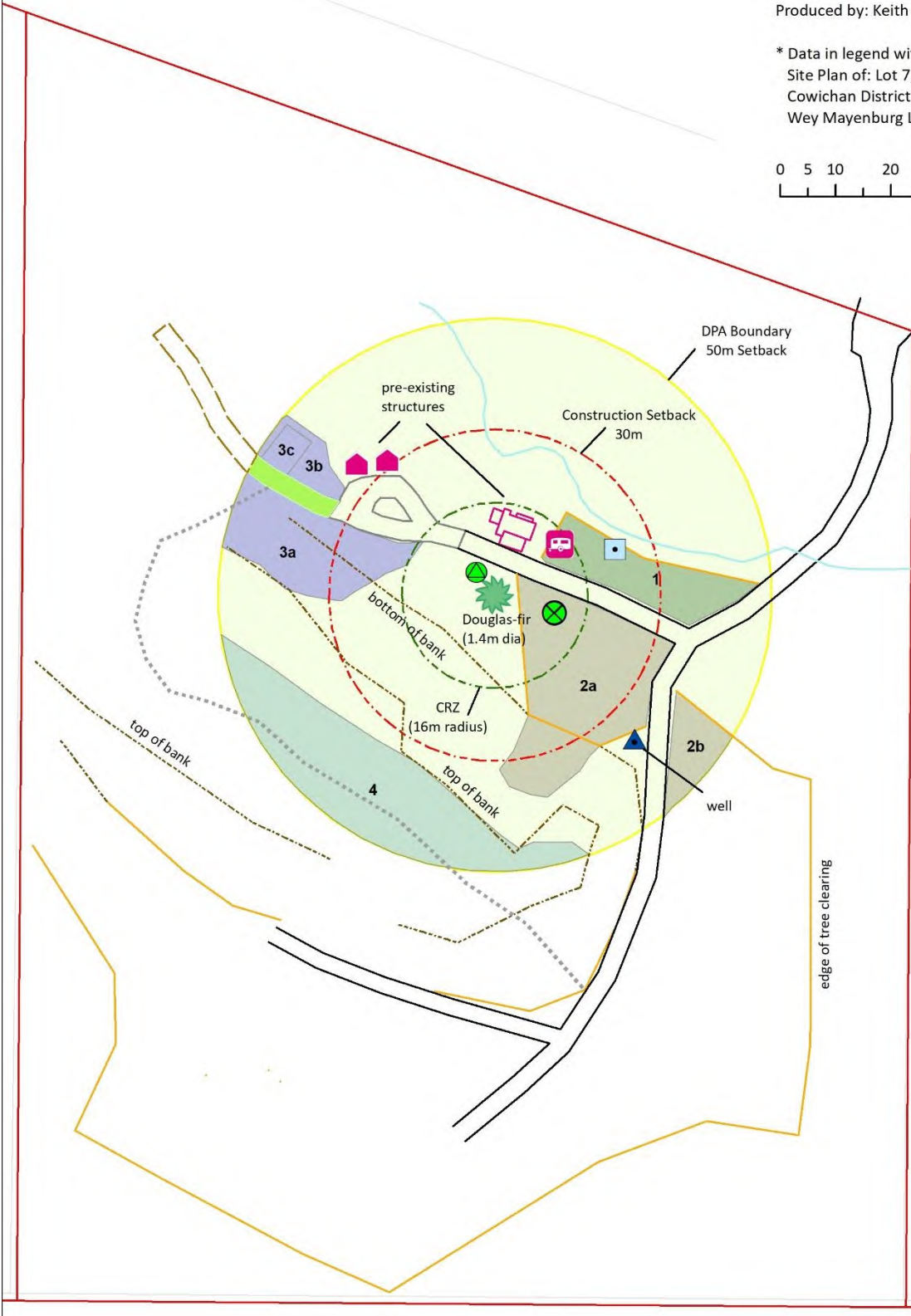


\* Data in legend with '\*' is from:  
 Site Plan of Lot 7, Section 7, Pender Island,  
 Cowichan District, Plan VIP74671  
 Wey Mayenburg Land Surveying Inc. 16 March 2023



### Legend

- DPA Boundary - 50m Setback
- Construction Setback - 30m
- Critical Root Zone (CRZ)
- Temporary Skid Trail
- Seasonal Creek
- GPS Features**
- Bath
- Gravel Pile
- Landing / Parking Site
- Shed
- Trailer
- Surveyed Features\***
- Subject Douglas-fir Tree\*
- Utilities\*
- Top/Bottom of Bank\*
- Cabin\*
- Driveway\*
- Property Line\*
- Edge of Tree Clearing\*
- Driveway Rehabilitation**
- Driveway Rehab Area
- Pre-Existing Driveway
- New Driveway (not in DPA)
- Patch Cut / Restoration Areas**
- 1 - Riparian
- 2 - West
- 3 - East
- 4 - Crest



## Evaluation

The site is a partially developed residential property that is 3.284 hectares in size. Two raptor / heron nest trees and their associated development permit areas are designated under Development Permit Area (DPA) 7 of the North Pender Island Official Community Plan with their locations shown on Schedule O.

An assessment of the Raptor Nest DPA's to determine the viability of the nest trees for current and future use by raptors or herons was conducted on June 26th, 2022 by Caurinus Environmental, with the results summarized in a letter dated June 30th, 2022. Caurinus stated that Site 1 (see Figure 1 above) was a historical great blue heron (*Ardea herodias*) nesting area but that both former nest trees were dead (one fallen) and no longer viable. Caurinus recommended that this area be exempt from requiring a development permit. These observations were confirmed during the site visit by Keith Erickson on April 27th, 2023, with DPA Site 1 being exempted and not further considered in this report.

Caurinus also assessed the status of a large diameter (1.4m), old-growth Douglas-fir (*Pseudotsuga menziesii*) tree located within Site 2 (see Figure 1 above), stating that it is a historical osprey (*Pandion haliaetus*) nesting site. Caurinus stated that the large fir "...remains viable as a future nesting site for not only osprey, but bald eagles (*Haliaeetus leucocephalus*) as well. It is surrounded by other mature trees that can serve as perching areas for adult birds during nesting and rearing of young." Caurinus recommended that any proposed development within this DPA site should require the issuance of a Development Permit as the tree remains in good condition to support raptor nests.

Keith Erickson's observations during the April 27th, 2023 site visit corroborate the condition and viability of the subject Douglas-fir tree. Moderate dieback of needles and small branches was observed in the crown of the tree, yet the crown remains robust and appears healthy. No conks or large cavities were observed on the trunk of the tree indicating that heart rot is not pervasive. Only a few small cavities in the thick bark at the base of the trunk were observed. Large diameter branches at the top of the tree are of ample size to support an eagle nest and likely have a view of Bedwell Harbour to the east.

Despite having potential for large raptor nesting, the tree is currently not active. There were no nests observed during the site visit, and the current owners indicated that they have not observed nesting activity.

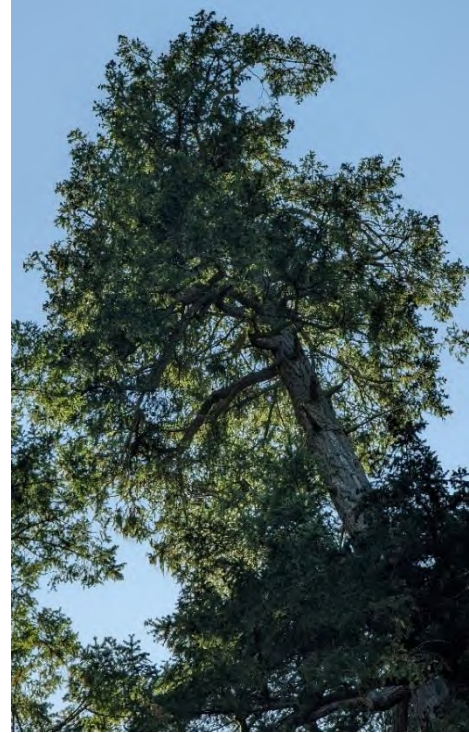
The DPA location identified within the North Pender OCP 'Schedule O' map was not accurate (likely due to typical GPS and mapping error). For this report, the precise location of the

identified large diameter Douglas-fir tree was surveyed by a BC Land Surveyor (see Map 1). The DPA was then established as a 50m buffer around the subject tree as per OCP guidelines (see Map 2) and was subsequently roughly flagged on the ground by Keith Erickson as a visual reference for the owners.

Since the time of the Caurinus report, areas surrounding the potential nest tree were logged. These areas are shown on Map 2 as “Patch Cut / Restoration Areas”. While the identified nest tree itself and many of its immediate neighbours are intact and show no signs of any direct mechanical damage, the surrounding microclimatic conditions and soils have been impacted.

The DPA includes a small northwest facing slope that transitions from the crest down to the lower slope and depression. The gradient is steeper on the upper portions (30 to 50%) and flattens out in the lower areas (5%). A small seasonal creek (flowing on April 27<sup>th</sup> and dried up on May 27<sup>th</sup>) and associated riparian wetlands run through the depression along the northeastern portion of the DPA, down through the neighbouring property to the east and ultimately into the Medicine Beach Wetland.

The topographic variation creates soil conditions that are varied and support diverse ecological communities. The crest and upper slope areas are characterized by relatively shallower, dryer and poorer soils that support Douglas-fir – salal (*Gaultheria shallon*) and Douglas-fir – dull Oregon-grape (*Mahonia nervosa*) communities with western redcedar (*Thuja plicata*) in the subcanopy (CDFmm/01). This community transitions to the lower slope, flatter areas where soils are slightly deeper, moister, and richer with Western redcedar, grand fir (*Abies grandis*), and bigleaf maple (*Acer macrophyllum*) becoming more influential in the canopy along with sword fern (*Polystichum munitum*) and vanilla leaf (*Achlys triphylla*) in the understory (CDFmm/04). Along the edges of the seasonal creek, soils are even moister and richer, expressed by the presence of salmonberry (*Rubus spectabilis*), lady fern (*Athyrium filix-femina*), slough sedge (*Juncus effusus*), pacific water parsley (*Oenanthe sarmentosa*), and skunk cabbage (*Lysichiton americanus*) (CDFmm/06 to CDFmm/11).



Photos 1 (left) shows the subject large diameter (1.4m) Douglas-fir tree from the ground (marked with a red X).

Photos 2 (top right) and 3 (bottom right) show the crown of the tree. Note the large diameter radial branching. No nests were observed during the site visit.



**Photo 4 shows the general transition of the topography and the ecological communities within the DPA. From right to left in the photo, the topography moves from the crest of a small hill to the lower slope and depression. Similarly, the forest transitions from a relatively dryer, poorer CDFmm/01, Douglas-fir – salal community to a relatively moister and richer CDFmm/ 04, Western redcedar / Douglas-fir – sword fern community.**



**Photo 5 shows the transition from the CDFmm/04seasonal Western redcedar / Douglas-fir – sword fern community to the wetter seasonal creek and swampy riparian areas running from bottom left corner through the middle of the photo (outlined in red), where pacific water parsley, lady fern and other wet soil indicators are growing.**

## Description of Land Alteration / Development

It is estimated that the property was logged roughly 80 or 90 years ago, based on tree ring observation (stumps) as well as personal communication with the owner. The original logging entry removed most of the merchantable wood at the time, leaving the young, small-diameter trees along with a few scattered old veteran trees that were not economically desirable for timber, including the Douglas-fir that is the subject of the DPA. A driveway, cabin, and dug well were developed sometime after the logging, estimated by the current owner to be about 60 to 65 years ago. Pre-existing development also includes an open-walled shed and an outhouse located adjacent to the cabin and accessed by a turn-around loop at the end of the original driveway. A small, (roughly 2.5m x 2m) concrete 'bath' was constructed adjacent to the seasonal creek at an unknown time by previous owners.

The well, the original driveway, the bath, and the buildings are all located within the 50m DPA 7 setback.

More recently, since the transfer of the property to the current owner, the cabin has been occupied, areas of the property were logged, the road and driveway system were maintained and expanded, and new landings were cleared for sorting, milling, and storage.

Recent development and land alterations occurring within the DPA specifically include:

1. Driveway to the cabin and outbuildings has been repaired and maintained. This work was completed by the owners and was described by them as follows: "There was a gravel/rock based road to the cabin but years of tree fall left an approximate 4" to 6" layer of decomposing soil. We removed the soil and laid down approx 4" of crush [gravel] over the existing road."
2. The turnaround loop was not upgraded and is now used as an outdoor work area.
3. The pre-existing driveway was additionally expanded through the DPA to access the northwestern portion of the property. Topsoil was removed, the under burden compacted, and crush gravel was layered on top. The section of added road lying within the DPA is approximately 16m in length by 3m wide.
4. Topsoil from the driveway maintenance and the road addition was stripped and stored in several piles that remain on site off to the side of the roadbed.
5. A small travel trailer is located in a cleared and leveled area adjacent to the cabin.
6. A roughly 4m x 6m area has been cleared and compacted (across the driveway from the trailer) and is used as a turn around / parking space.
7. A roughly 5m x 5m area at the base of the subject Douglas-fir tree and just across the driveway from the cabin was cleared and partially compacted and used as a pull out for

a pick-up truck during the April 27<sup>th</sup> site visit. The site was subsequently used as a temporary storage area for gravel (on a tarp) during the May 27<sup>th</sup> site visit.

8. A roughly 7.5m x 5.5m landing was cleared and partially compacted and is being used as a temporary timber storage site. The landing is located on the western edge of the DPA just beyond the turnaround and shed and identified as polygon 3c on Map 2.
9. Logging – small patch cuts where all trees were removed in a contiguous area. These areas are represented on Map 2 by polygons “1, 2a, 2b, 3a, 3b, and 4”. The total area of patch cut is approximately 2,509m<sup>2</sup> (0.25 ha) and covers approximately 1/3 of the DPA. These areas were accessed via temporary skid trails for tracked machinery. Cut trees were limbed, bucked, and removed. Large branches and slash were piled and remain on site. Small branches and debris were mostly left in place. Generally, soils were not overly compacted by the logging activity (except for specific sites listed above) and should support healthy regeneration. Patch Cut 1 (Map 2) extends to the edge of, and has resulted in the daylighting of the seasonal creek.
10. Logging - individual tree selection from the remaining areas on the south side of the driveway/road where a partial forest canopy was retained. Individual trees were felled into the patch cut clearings and pulled out with relatively minor impact to the soils of the retained forest area.

Plans for future development and land alteration within the DPA are limited and include:

- a. Ongoing maintenance of the driveway and existing buildings.
- b. Construction of a small (<100ft<sup>2</sup>) pump house around the existing well.
- c. Possible connection to the power grid for a future building site outside of the DPA that would require hydro/power lines to run through the DPA along the existing driveway.
- d. Connection to existing well for a future building site outside of the DPA that will require a supply line to run through a small portion of the DPA along the existing driveway.



**Photo 6 is a montage that shows the repaired pre-existing driveway and buildings. The cabin is in the foreground while the open walled shed and outhouse as well as the turnaround are on the far left of the montage beyond the parked car. The travel trailer and corresponding leveled area is also shown. These photos were taken from the base of the subject Douglas-fir tree.**



Photo 7 shows the pre-existing driveway turnaround that is currently used as an outdoor work area. The cabin is in the background. The subject Douglas-fir tree is in the background and marked with a red X. This photo was taken from the front of the open walled shed.



Photo 8 shows the pre-existing dug well and location for a future pump house (<100ft<sup>2</sup>).



Photo 9 shows the portion of the driveway within the DPA that was added and extended from the original pre-existing driveway, between the red lines. Topsoil that was removed from the new road section is stored off to the side, outlined in yellow.



Photo 10 shows the location of the travel trailer and concrete bath. A topsoil pile is also shown, outlined in yellow. The small seasonal creek runs from right to left along the bottom edge of the photo (in blue). The photo shows the patch cut logging up to the edge of the creek and to the east of the subject Douglas-fir tree (marked with red X) identified as patch cuts 1 (creek to driveway) and 2a (driveway to steep slope) on Map 2.



Photo 11 shows the roughly 4m x 6m area that has been cleared and compacted as a landing / parking space. It is flanked by a couple of large logs on the far side and two large rocks in the fore. The subject Douglas-fir is marked with a red X.



Photo 12 shows the partially compacted and temporary gravel storage site (gravel not in this photo taken on April 27th, but observed during the May 27th site visit), outlined in yellow. The cabin is just out of the frame on the left. The subject Douglas-fir is marked with a red X.



Photo 13 shows the cleared landing used for temporary storage of milled timber. The landing fronts on the newly added driveway/road.



Photo 14 shows patch cut 3a to the west of the subject Douglas-fir tree (marked with a red X on far left of photo). A temporary skid trail catches the edge of the DPA and is shown on the far right of the photo. A topsoil pile is outlined in yellow.



**Photo 15 shows patch cut 4 along the crest of the small hill. The temporary skid trail runs down the centre of the clearing from the bottom left corner of the photo through the to the centre background and is covered in small slash debris. The subject Douglas-fir is out of the frame to the right.**



**Photo 16 shows an example of the retained forest where individual trees have been cut and removed. Note the low disturbance to the soils and relatively healthy condition of the forest understory.**

## Impact Assessment

Development that pre-dated the adoption of DPA 7 into the North Pender Island OCP along with subsequent maintenance and repair of the pre-existing infrastructure are exempted from requiring a DPA and related assessment. Section 5.2.8.4 (P.80) of the OCP provides a list of exemptions from the requirement of a permit and includes:

- l. the repair, maintenance, alteration or reconstruction of existing legal or legal nonconforming buildings, structures or utilities provided there is no alteration of undisturbed land or vegetation (building permit may be required); or*
- m. the repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing.*

The maintenance, alteration and repair of the cabin, shed, outhouse, bath, driveway, and turnaround area, provided there is no expansion or alteration of undisturbed land are all exempted from DPA guidelines and are not further considered in this report.

Full consideration is given to the impacts on the DPA from new development and land alteration that has occurred (described in points '2' through '10' in the previous section above) and to potential impacts from planned development (described in points 'a' through 'd' in the previous section above). The North Pender Island OCP, under Section 5.2.8.6 (p.81) states an objective for DPA 7 "To preserve and protect remaining raptor and heron nesting sites." It also sets out guidelines for development within the DPA under Section 5.2.8.7.2 that states:

*Where an application involves proposals to construct or locate new buildings, structures, roads, driveways, utility corridors, or to clear or alter undisturbed land or vegetation in areas within the DPA, development should, where feasible:*

- a) Avoid disturbance of occupied nesting, roosting and feeding sites.*
- b) Retain existing natural habitats suitable for raptors and herons, such as potential or currently unoccupied nesting trees, perches, roosting trees, snags, and trees with cavities.*
- c) Where possible, retain groups of trees rather than isolated single trees to provide an inter-locking canopy.*

*d) Maintain an effective buffer of undisturbed vegetation around nest sites. Larger buffer areas may be suitable on larger lots; lesser buffer areas may be suitable in areas of longstanding development, on small lots and where on-going activity has habituated birds to human presence.*

*e) Locate new trails, buildings and roads away from nesting, roosting and foraging areas.*

*f) Consider restoration or enhancement of key habitat features where they have been disturbed.*

In this case, these guidelines will primarily inform the consideration of impacts from activities that have already occurred, and ultimately to frame measures for restoration and rehabilitation of the DPA. They will also be used to consider the impacts from proposed development.

Given that there is no current raptor nest in the subject Douglas-fir, nor within the 50m setback, the report does not consider disturbance to occupied sites or actively nesting raptors and herons. The impact assessment is focused on the protection of the potential and unoccupied raptor nest tree (subject Douglas-fir) and related habitat.

Patch cut logging has resulted in the complete removal of large maturing and mature trees from approximately 0.25 hectares within the DPA or roughly 1/3<sup>rd</sup> of the DPA. This has resulted in the loss of potential recruitment trees for future nesting sites and has removed a portion of the natural canopy cover from areas directly surrounding the subject large diameter Douglas-fir. Individual tree selection cutting within the remaining areas of the DPA has contributed to further loss of potential recruitment trees but has retained a natural canopy cover.

No direct mechanical damage to the trunk or canopy of the subject tree was observed.

Impacts from the logging and related development on the subject Douglas-fir tree and to the ecology of the DPA are difficult to quantify but include:

- Damage to the root system from the temporary landing/parking space and the temporary gravel storage site. Soil compaction limits or damages the ability of lateral roots and their related fine root systems to access moisture and nutrients from the soil and mycorrhizal networks. These two compacted areas represent only a small portion of the area occupied by the tree's root system and may not lead to mortality or significant dieback; however, this is an added source of stress on the tree's health.
- Increased exposure to wind, particularly from the southwest and west, potentially resulting in a broken top, loss of branches or blow down of the subject Douglas-fir.

- Increased exposure to and intensity of summer drought due to loss of micro-climate regulating forest canopy resulting in stress on the tree's root system.
- Increased infiltration of precipitation due to canopy loss may result in 'flashier' and more extreme soil moisture conditions leading to stress on the root system.
- Reduced cover of interlocking tree canopy (particularly to the west) that would otherwise provide a screen and buffer from potential disturbances to a future nest site.
- Reduced soil productivity and impediment to natural forest succession in areas where soils were stripped and compacted, including the landing/parking area, the timber storage landing, and the new driveway extension.
- Slash piles are scattered throughout the patch cut areas. Piles impede revegetation and natural regeneration in their footprints. They are also a fire hazard and increase the risk of shifting a low intensity ground fire into a high intensity crown fire if located within or adjacent to forested areas. Spreading the larger diameter slash found in piles across the otherwise depleted patch cut areas in a more natural pattern can provide ecological benefit and reduce fire risk.
- Topsoil has been stripped from road and landing sites and left in piles alongside the driveway. As exposed soil piles these are subject to erosion with the risk of adding sediment to the nearby seasonal creek. They are also less conducive for natural forest revegetation over time. Vegetation growing on large soil piles depend on precipitation for moisture, becoming very dry in summer as their rooting zones do not receive any sub-surface moisture inputs.
- Patch cut 1 included tree cutting, slash piling and topsoil piling right up to the edge of the seasonal creek channel and related riparian wetland. A healthy riparian ecosystem serves to moderate temperatures in the creek through shading, stabilizes banks and minimizes sediment inputs, provides nutrient inputs, and provides essential cover and life stage elements for wildlife.

Other than in areas specifically noted above, soils were not left overly compacted and are generally conducive to regeneration of tree and understory vegetation. Robust natural regeneration of sword fern, vanilla leaf and other native species was observed throughout the patch cut areas during the May 27<sup>th</sup> site visit, particularly in polygon 1 adjacent to the seasonal creek. Natural regeneration was less successful in areas subject to thick slash, slash piles, topsoil piles, or compacted landings/parking/storage areas.

Potential impacts to the subject Douglas-fir tree and to the ecology of the DPA from future planned development are negligible. The construction of a small pump house (<100m<sup>2</sup>) around the well head is within a previously disturbed area and beyond 30m from the subject tree. The establishment of water lines servicing a future building site outside of the DPA on the southern portion of the property will not adversely impact the DPA if they are confined to the existing

driveway corridor, for the portion that passes through the DPA. Similarly, a new hydro service brought in from Schooner Way along the main access driveway, and confined to the existing driveway corridor will have minimal impact to the DPA.

If the existing, or an upgraded BC Hydro service at the cabin is used to provide power for a new development on the southern portion of the property, there is potential to cause damage to the subject Douglas-fir tree if a trench for buried lines, or holes for power poles, are excavated within the tree's rooting zone.

Additionally, any expansion or widening of the pre-existing driveway, or creation of additional cleared and compacted sites within the vicinity of the subject Douglas-fir would cause damage to the root system of the tree.

In reference to the construction of the pumphouse, as it is to be located more than 30m from the subject Douglas-fir, it is noted that this activity would be exempted from requiring a DPA permit even if the tree were to become an active raptor nesting site, so long as the construction did not occur during nesting and rearing season between January 14<sup>th</sup> and August 16<sup>th</sup>. (North Pender Island OCP Section 5.2.8.4.d, p80).

Ongoing residential use and related activity on the property, along with such use on neighbouring properties, does not necessarily conflict with future use of the subject Douglas-fir tree by raptors for nesting. Both Eagles and Osprey are known for their ability to create new nest sites in proximity to a variety of anthropogenic conditions, often in urban areas, directly adjacent to roads and highways, or, to trails with intensive recreational use.

The next section provides measures and recommendations aimed at minimizing impacts from development on future potential use of the site by raptors for perching and nesting. Measures aim to protect the subject Douglas-fir tree from being directly damaged, protect the remaining surrounding forest canopy and natural vegetation within the DPA, and help to restore areas that have been impacted by recent logging and land alteration.

# Measures

## Future Potential Development

The following recommended measures serve to protect the identified Douglas-fir (potential raptor nest tree) from future development and land alteration related impacts.

1. Establish a 'critical rooting zone' (CRZ) around the tree where no disturbance to the natural vegetation or soil may occur, except within the footprint of the pre-existing cabin site and driveway. For the purposes of this report the CRZ is determined using a 1 to 12 ratio or 12cm of buffer radius for every 1cm of diameter at breast height (dbh). The dbh of the subject Douglas-fir is 140cm, which results in a 16.8m protected radius around the tree. The CRZ boundaries may be adjusted in accordance with a certified arborist report.
2. Do not cut, remove, or otherwise damage remaining trees within the DPA (50m radius around subject Douglas-fir) except in accordance with North Pender Island OCP Section 5.2.8.4.i that exempts "the removal of dangerous trees posing an immediate threat to life or property", or Section 5.2.8.4.j exempting "the removal of invasive, non-indigenous trees or vegetation".
3. No additional construction, development of infrastructure, or land alteration is permitted within 30m of the base of the subject Douglas-fir.
4. A qualified environmental professional (QEP) should be consulted if future development or construction is planned outside of the 30m buffer but within the 50m DPA setback area. The QEP must determine if a raptor nest has been established and if so, whether it is occupied or active. If necessary, a subsequent DPA application could then be made with specific recommendations pertaining to such future development.
5. Do not widen or expand the pre-existing driveway surface (as surveyed) within the DPA. Where the driveway passes through the CRZ, also avoid excavating below the top dressing to minimize further impacts to the rooting zone. This measure may be adjusted in accordance with a certified arborist report.
6. BC Hydro lines, water lines, and other utilities travelling through the DPA should be buried under or immediately alongside the footprint of the existing driveway (as shown on Map2), except for the portion of driveway located within the CRZ (as per recommendation 7 below).
7. If establishing a power line connection from the pre-existing cabin to a future development site outside of the DPA, minimize impact to the CRZ by locating trenching and/or pole

excavation outside of the CRZ and/or as far away from the subject Douglas-fir tree as possible. This measure may be adjusted in accordance with a certified arborist report.

8. All excavating, landscaping, forestry or construction contractors and personnel who will be working on the property should be notified of the location of the subject Douglas-fir, the boundaries of the CRZ and the boundaries of the DPA along with the conditions of this permit by providing copies to the contractor.

## Ecological Restoration

Considering the impacts to the DPA caused by recent logging and related land alteration over the winter of 2022/2023, ecological restoration measures are recommended to help establish a healthy, functioning forest ecosystem that includes the pre-existing human residential use and related infrastructure. Objectives for the recommendations are:

- To augment natural tree regeneration in patch cut areas to re-establish a contiguous, interlocking tree canopy on all sides of the subject Douglas-fir tree.
- To rehabilitate soils where they have been stripped and/or compacted and establish native vegetation and tree cover.
- To re-establish native shrub and tree cover along the riparian of the seasonal creek to provide shading and to enhance habitat.

### General Notes:

1. The restoration prescription is broken down by the Restoration Areas shown on Map 2.
2. Generally, the planting prescription is meant to augment the natural regeneration of the site and is focused on helping to establishing a contiguous forest canopy more quickly than may otherwise occur. It will do this by establishing trees that are already 2 to 3 years old and fencing them to prevent deer browse. Understorey vegetation is already naturally re-establishing (May 27<sup>th</sup> site visit). Unlogged areas immediately adjacent to the patch cut sites will provide an additional source of recruitment to establish natural richness and diversity in these areas over the next several years. Plantings in Restoration Area 1 aim to help re-establish fern and shrub cover in the understory in addition to establishing a tree canopy, due to the sensitive riparian values associated with the seasonal creek.
3. Prescriptions for remediation of areas where soils have been compacted and/or stripped rely on use of the 'rough and loose' methodology. A description and methodology for making sites 'rough and loose', can be found at the following link: [https://www.cclmportal.ca/sites/default/files/2020-02/Making\\_Site\\_Rough\\_and\\_Loose.pdf](https://www.cclmportal.ca/sites/default/files/2020-02/Making_Site_Rough_and_Loose.pdf)

4. Coarse woody debris (CWD) is an essential component of a healthy functioning forest. It provides ecological services such as habitat for wildlife, microsites and variation for plants, fungi, insects, and micro-organisms, it retains moisture, and contributes to long-term nutrients cycling. Generally, larger diameter debris lasts longer on the site and provides a greater suite of services over its lifespan.
5. Planting: The following excerpt provides guidance on planting (from *Technical Note #6 Planting Trees on Upland Forested Sites* Milo Mihajlovich and Pat Wearmouth, 2012, *The Boreal Research Institute* <https://www.nait.ca/applied-research/technical-resources>)

“The best microsite provides moisture, nutrients, light, and warmth to the seedling. This means planting a seedling mid-slope at the micro level, where roots will not dry out or be flooded. Rocks, lumps of soil, or logs and stumps absorb heat from the sun during the daytime and radiate that heat at night. A seedling planted next to these obstacles stays warmer during the night, so has more energy for establishment and growth. Obstacles also reduce the wind at ground level, and catch snow during the winter, further protecting the planted seedling.

At the chosen microsite, the seedling needs to be planted correctly. First, the planting hole needs to be deep enough that the seedling is planted to the top of the root plug. If any portion of the root plug is exposed to the sun and wind the roots will dry out quickly, killing the seedling. If the hole is too shallow, the planter may have to force the root plug into the hole, damaging the roots, or causing the roots to bend upwards – a condition known as a "J-root". This impairs the future growth of the seedling. Planting deep is better than shallow.

After backfilling around the root plug with soil the seedling should be upright and firmly placed, with no air pockets around the roots. Often bark, moss and leaf litter are used for backfilling. These materials are not suitable as they are highly aerated so result in the root plug drying out. J-roots, air pockets and poor backfilling can be judged by digging up a sample of seedlings to check the root position, and then replanting the seedling. Firmness can be checked by pulling gently on the top of the seedling. Seedlings that have not been backfilled properly or with unsuitable materials will easily lift out of the ground.”

6. Fencing: All planted trees and shrubs, except for Douglas-fir and sword fern, should be fenced to protect them from deer browse while they establish a healthy root system. Individual plants can be protected using 4ft tall stucco wire or chicken wire made into a circle with an 18” to 24” diameter, placed over top of the seedling, and secured to the ground by tying (using rebar wire or zap straps) to a 24” to 30” length of rebar that is pounded into the ground.

## Prescription

### *Restoration area 1 (~300m<sup>2</sup>)*

1. Relocate travel trailer to a site outside of the 50m DPA setback. Apply 'rough and loose' treatment to area of compacted and leveled soil in and directly around the footprint of the trailer.
2. Rehabilitate concrete bath area to reduce impacts from use and clearing directly adjacent to the seasonal creek. The concrete bath is located only a meter or so from the edge of the creek channel and its depth is not known. Removal of the bath from the site would require excavation very close to the channel resulting in a potential breach and potential sediment contributions through erosion. It is recommended instead that the bath be filled and covered to the natural grade with topsoil (use soil from pile immediately adjacent to bath). While depth of soil over the concrete will not be sufficient to support rooting and growth of large trees/shrubs, it occupies a very small area and will readily support growth of a variety of ferns and smaller shrubs.
3. Remove slash pile from site. Do not burn slash pile in place – the extreme heat will sterilize the soil underneath the pile and impede revegetation of the site. Large diameter slash (branch or log diameter greater than 7.5cm) can be spread across the patch cut sites in a more natural pattern and not in thick accumulations or piles.
4. Remove soil piles from site. Topsoil can be used to rehabilitate compacted landing and road areas or should be stored outside the DPA. When moving, minimize excavation and compaction to native soils under the piles. Ensure site is left rough and hummocky rather than flat and graded.
5. Augment natural regeneration by planting and fencing.
  - a. 6 x sword fern in trailer site after rough and loose.
  - b. 4 x sword fern on bath site after burial and grading with topsoil.
  - c. Plant 12 trees (6 x western redcedar, 2 x Douglas-fir, 2 x bigleaf maple, 2 x red alder (*Alnus rubra*), scattered throughout the polygon 1 area with a rough guide of 5m spacing
  - d. 20 x shrubs scattered within a 5m buffer of the creek channel and over its entire length. Shrub species should include salmonberry and Scouler's willow (*Salix scouleriana*) and may also include thimbleberry (*Rubus parviflora*), mock orange (*Philadelphus Lewisii*), red-osier dogwood (*Cornus stolonifera*), nootka rose (*Rosa nootkensis*), or other suitable native species for moist, rich soil conditions.

### *Restoration Area 2a (~700m<sup>2</sup>)*

1. Apply 'rough and loose' treatment to the soils in the compacted landing/parking site in polygon 2a (see Map 2).
2. Coarse woody debris (diameter >7.5cm) can be added to polygon 2a, sources from slash piles in other restoration polygons.
3. Plant and fence 28 trees (6 x western redcedar, 16 x Douglas-fir, 4 x bigleaf maple, 2 x grand fir), scattered throughout the polygon with a rough guide of 5m spacing.

### *Restoration Area 2b (135m<sup>2</sup>)*

1. This small polygon, located on the opposite side of the driveway to the subject Douglas-fir, and on the margin of the 50m setback, has includes a large pile of slash that can be used as a source of large woody debris for restoration of Polygon 2a. It is otherwise recommended that the slash accumulation be removed from the site (burned / chipped etc.) to reduce fire risk.

### *Restoration Area 3a and 3b (~500m<sup>2</sup>)*

1. Remove slash pile from site. Do not burn slash pile in place – the extreme heat will sterilize the soil underneath the pile and impede revegetation of the site. Large diameter slash (branch or log diameter greater than 7.5cm) can be spread across the patch cut sites in a more natural pattern and not in thick accumulations or piles to provide essential coarse woody debris related ecological services (habitat, moisture retention, long-term nutrients).
2. Remove soil piles from site. Topsoil can be used to rehabilitate compacted landing and road areas or should be stored outside the DPA. When moving, minimize excavation and compaction to native soils under the piles. Ensure site is left rough and hummocky rather than flat and graded.
3. Plant and fence 20 trees (4 x western redcedar, 12 x Douglas-fir, 2 x bigleaf maple, 2 x grand fir), scattered throughout the polygons with a rough guide of 5m spacing.

### *Restoration Area 3c (~40m<sup>2</sup>)*

1. Relocate timber and or other stored material outside of the DPA.
2. Apply rough and loose treatment to the compacted soil area.
3. Scatter coarse woody debris (diameter >7.5cm), sourced from slash piles within the DPA, across the site.
4. Plant and fence 2 trees (any - Western redcedar / Douglas-fir / bigleaf maple / grand fir) in the rough and loose area.

### *Driveway Rehabilitation Area (~60m<sup>2</sup>)*

1. Strip crush rock off driveway surface and relocate outside of DPA.
2. Add topsoil to driveway surface using piles located throughout the DPA (roughly to grade if enough material available).
3. Apply rough and loose treatment to the roadbed area.
4. Scatter coarse woody debris (diameter >7.5cm), sourced from slash piles within the DPA, across the site.
5. Plant and fence 3 trees (any - Western redcedar / Douglas-fir / bigleaf maple / grand fir) in the rough and loose area.

### *Gravel Storage / Landing Area (~25m<sup>2</sup>)*

1. Remove gravel from this site immediately. Be careful not to damage underlying native soils through excavation or compaction while moving gravel.
2. Scarify or gently loosen top 4 inches of compacted duff/soil directly under gravel with tines of excavator bucket. Deeper excavation will increase the risk of damage to the root systems of surrounding trees, including the subject Douglas-fir.
3. Scatter coarse woody debris (diameter >7.5cm), sourced from slash piles within the DPA, across the site.
4. Fence or otherwise block access to this area where it meets the edge of the driveway to prevent compaction of the soils.

### *Restoration Area 4 (~840m<sup>2</sup>)*

1. This polygon is located on the periphery of the DPA outside of the 30m buffer area, on the crest of the hill and is buffered from the subject Douglas-fir by a stand of maturing trees where only single tree selection logging was completed. Impacts from the patch cut in this polygon on the subject Douglas-fir tree are minimal. A single skid trail was used to access this site by tracked machine and resulting compaction is limited. Allowing for natural forest regeneration and vegetation growth in this area is considered adequate.

### *Timing*

- Machine work including rough and loose treatments and dispersal of debris and topsoil should be completed in late summer to early fall (September – October).
- Planting and fencing should be completed in late fall to early spring (November – March).

*Summary Planting List*

Western redcedar	16
Douglas-fir	30
bigleaf maple	8
grand fir	4
red alder	2
Any (cedar/fir/doug-fir/maple)	5
Scouler's willow / Salmonberry / other shrubs	20
Sword fern	10
<b>TOTAL PLANTINGS</b>	<b>95</b>

File No: \_\_\_\_\_

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



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT PERMIT  
NP-DP-2023.3**

To: Linda Shave

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

Lot 7, Section 7, Pender Island, Cowichan District, Plan 1695  
PID: 007-094-591

2. This Development Permit NP-DP-2023.3 authorizes retroactive habitat restoration and shrub/tree planting within Development Permit Area 7 – Raptor Nests (DPA 7) to address unauthorized tree removal. It also sets out conditions for protection of the designated Douglas-Fir nesting tree and future development within the DPA.

***General***

- a. All land alteration, habitat restoration and shrub/tree planting shall be substantively consistent with Schedules 'A', 'B' and 'C' and 'D' attached to and forming part of this permit.

***Nesting Tree Protection***

- b. A 'critical rooting zone' (CRZ) is established around the protected Douglas-Fir where no disturbance to the natural vegetation or soil shall occur, except within the footprint of the pre-existing cabin site and driveway. For the purposes of this permit the CRZ is determined using a 1 to 12 ratio or 12cm of buffer radius for every 1cm of diameter at breast height (dbh). The dbh of the subject Douglas-fir is 140cm, which results in a 16.8 m protected radius around the tree. The CRZ boundaries may be adjusted in accordance with a certified arborist report.
- c. There shall be no cutting, removal, or otherwise damage to remaining trees within the DPA (50m radius around subject Douglas-fir) except in accordance with North Pender Island OCP Section 5.2.8.4.i that exempts "the removal of dangerous trees posing an immediate threat to life or property", or Section 5.2.8.4.j exempting "the removal of invasive, non-indigenous trees or vegetation".
- d. No additional construction, development of infrastructure, or land alteration is permitted within 30 m of the base of the protected Douglas-fir.
- e. A qualified environmental professional (QEP) shall be consulted if future development or construction is planned outside of the 30m buffer but within the 50m DPA setback area. The QEP must determine if a raptor nest has been established and if so, whether it is occupied or active. If necessary, a subsequent DPA application shall then be made with specific recommendations pertaining to such future development.
- f. There shall be no widening or expansion of the pre-existing driveway surface (as surveyed in Schedule B) within the DPA.

- g. Where the driveway passes through the CRZ, there shall be no excavating below the top dressing to minimize further impacts to the rooting zone. This measure may be adjusted in accordance with a certified arborist report.
- h. BC Hydro lines, water lines, and other utilities travelling through the DPA shall be buried under or immediately alongside the footprint of the existing driveway (as shown on Map2), except for the portion of driveway located within the CRZ (as per condition (i) below).
- i. If establishing a power line connection from the pre-existing cabin to a future development site outside of the DPA, the installer shall minimize impact to the CRZ by locating trenching and/or pole excavation outside of the CRZ and/or as far away from the subject Douglas-fir tree as possible. This measure may be adjusted in accordance with a certified arborist report.
- j. All excavating, landscaping, forestry or construction contractors and personnel who will be working on the property shall be notified of the location of the subject Douglas-fir, the boundaries of the CRZ and the boundaries of the DPA along with the conditions of the Permit.

***Ecological Restoration - General***

- k. Remediation of areas where soils have been compacted and/or stripped shall rely on use of the 'rough and loose' methodology. A description and methodology for making sites 'rough and loose', can be found at the following link:  
[https://www.cclmportal.ca/sites/default/files/2020-02/Making\\_Site\\_Rough\\_and\\_Loose.pdf](https://www.cclmportal.ca/sites/default/files/2020-02/Making_Site_Rough_and_Loose.pdf)
- l. Existing seedlings or young trees shall be managed to provide the best opportunity for survival (i.e. removal of competing vegetation and non-native species as needed, protection from deer browsing).
- m. The planting methodology described in Schedule C shall be utilized to maximize planting survivability.
- n. All planted trees and shrubs, except for Douglas-fir and sword fern, shall be fenced to protect them from deer browse while they establish a healthy root system. Individual plants can be protected using 1.3 m tall stucco wire or chicken wire made into a circle with an 0.45 - to 0.60 m diameter, placed over top of the seedling, and secured to the ground by tying (using rebar wire or zap straps) to a " to 0.75 m length of rebar that is pounded into the ground.
- o. All replanting shall be maintained by the property owner including necessary irrigation for a period of 3 (three) years from the date of completion of the planting, or until they have reached a suitable 'free to grow' stage of 1.5 metres, to ensure survival. Unhealthy, dying or dead stock shall be replaced at the owner's expense in the next regular planting season.
  - a. Contractors shall inspect their equipment and vehicles to ensure they do not transport invasive plant species seeds onto or off the property. All equipment shall be washed prior to arrival. Manual removal of weeds from equipment shall be performed regularly.
  - b. A spill control kit shall remain on site for the entire period when machines are being used.

***Ecological Restoration – "Restoration Area" Site Prescriptions***

- p. Site specific restoration prescription boundaries shall be defined by *Restoration Areas 1, 2a, 2b, 3a, 3b, and 3c, Driveway Rehabilitation Area, Gravel Storage/Landing Area, and Restoration Area 4* as shown on Map 2 -Schedule A.
- q. The site specific restoration prescriptions included as Schedule D for Restoration Areas 1, 2a, 2b, 3a, 3b, and 3c, Driveway Rehabilitation Area, Gravel Storage/Landing Area, and Restoration Area 4 shall be implemented substantively in accordance with the specific conditions described for each Restoration Area within Schedule D.

- r. The number and type of plantings shall be consistent with the summary planting list included in Schedule D.

***Timing***

- s. Machine work including rough and loose treatments and dispersal of debris and topsoil shall be completed in late summer to early fall (September – October).
- t. Planting and fencing shall be completed in late fall to early spring (November –March).

***Monitoring***

- u. Monitoring and guidance is to be conducted by a registered professional biologist (R.P. Bio.) to ensure that all restoration conditions herein have been met to the satisfaction of the R.P. Bio.
  - v. The monitoring QEP(s) shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within three months (3) of the development work being completed.
- 3. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
  - 4. Any further development within the designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
  - 5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 103, 1996 and to obtain other approvals necessary for the lawful completion of the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS DAY OF , 2023.**

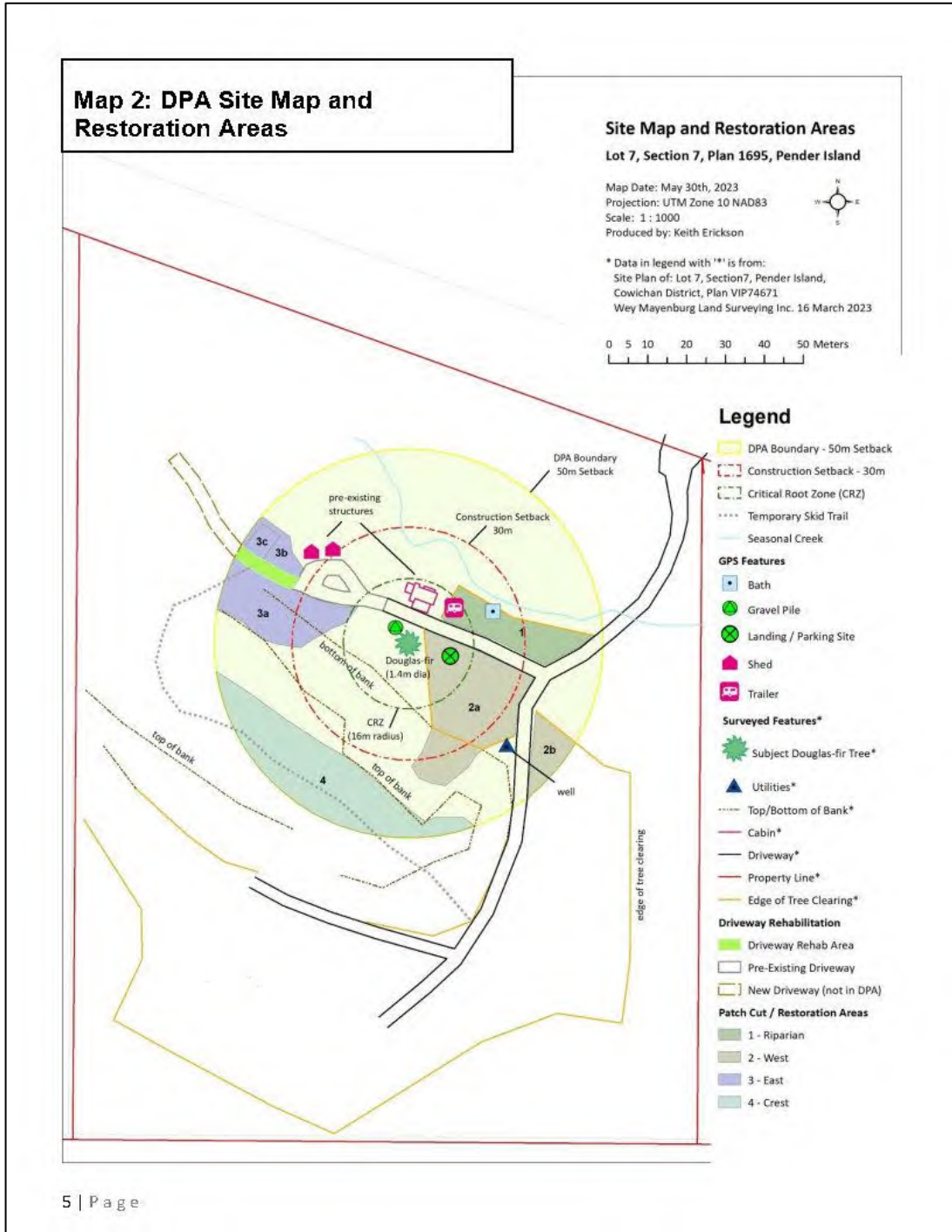
\_\_\_\_\_  
Deputy Secretary, Islands Trust

\_\_\_\_\_  
Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE 2<sup>ND</sup> DAY OF JUNE, 2025, THIS PERMIT AUTOMATICALLY LAPSES.**

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

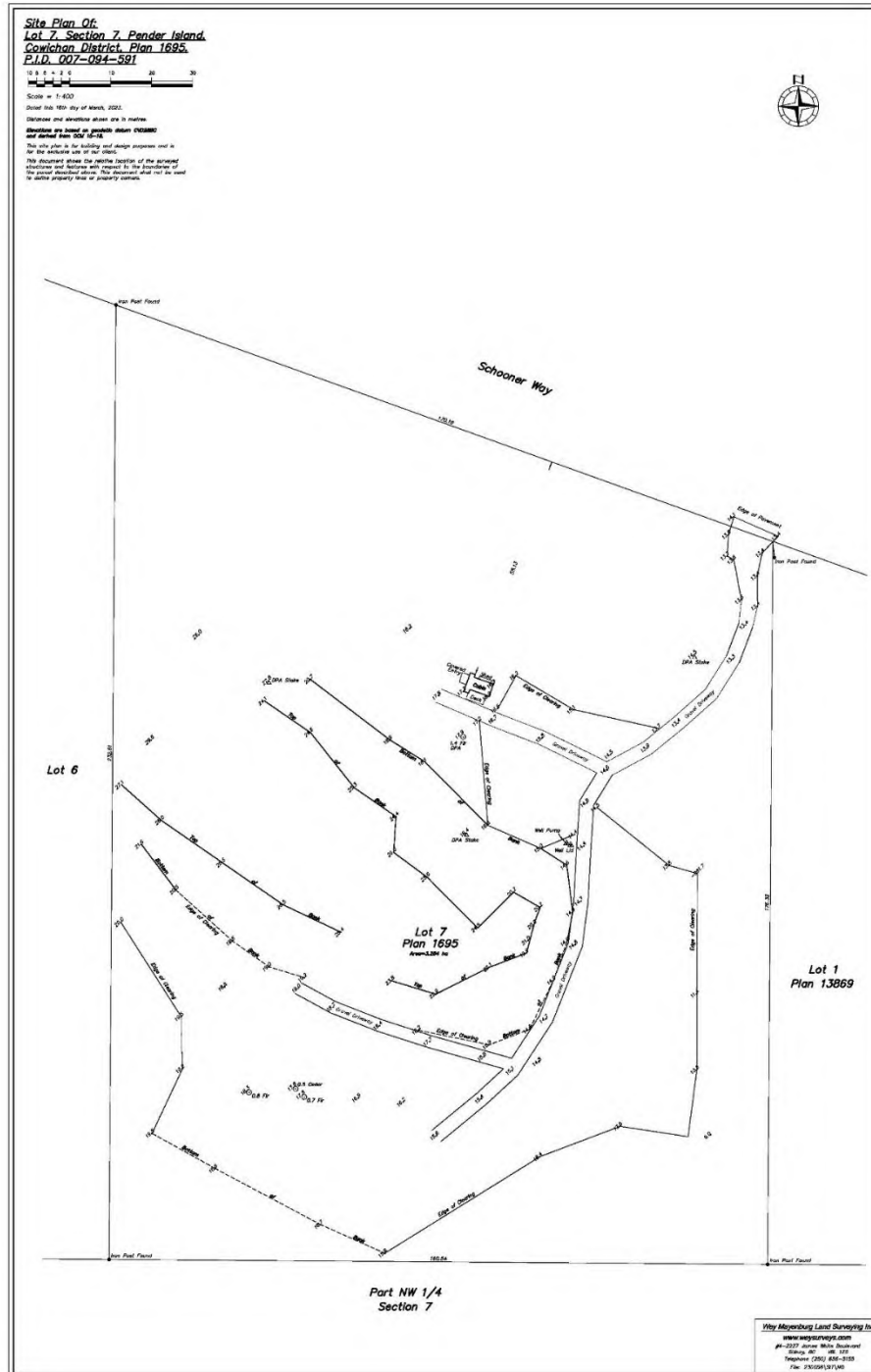
DEVELOPMENT PERMIT 2023.3  
Schedule "A" - Site Map and Restoration Areas



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2023.1

Schedule "B" – Site Plan



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2023.1  
Schedule "C" – Planting Methodology

5. Planting: The following excerpt provides guidance on planting (from *Technical Note #6 Planting Trees on Upland Forested Sites* Milo Mihajlovich and Pat Wearmouth, 2012, *The Boreal Research Institute* <https://www.nait.ca/applied-research/technical-resources>)

"The best microsite provides moisture, nutrients, light, and warmth to the seedling. This means planting a seedling mid-slope at the micro level, where roots will not dry out or be flooded. Rocks, lumps of soil, or logs and stumps absorb heat from the sun during the daytime and radiate that heat at night. A seedling planted next to these obstacles stays warmer during the night, so has more energy for establishment and growth. Obstacles also reduce the wind at ground level, and catch snow during the winter, further protecting the planted seedling.

At the chosen microsite, the seedling needs to be planted correctly. First, the planting hole needs to be deep enough that the seedling is planted to the top of the root plug. If any portion of the root plug is exposed to the sun and wind the roots will dry out quickly, killing the seedling. If the hole is too shallow, the planter may have to force the root plug into the hole, damaging the roots, or causing the roots to bend upwards – a condition known as a "J-root". This impairs the future growth of the seedling. Planting deep is better than shallow.

After backfilling around the root plug with soil the seedling should be upright and firmly placed, with no air pockets around the roots. Often bark, moss and leaf litter are used for backfilling. These materials are not suitable as they are highly aerated so result in the root plug drying out. J-roots, air pockets and poor backfilling can be judged by digging up a sample of seedlings to check the root position, and then replanting the seedling. Firmness can be checked by pulling gently on the top of the seedling. Seedlings that have not been backfilled properly or with unsuitable materials will easily lift out of the ground."

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

**DEVELOPMENT PERMIT 2023.1**

**Schedule "D" – Restoration Area Prescriptions and Planting List**

## Prescription

### *Restoration area 1(~300m2)*

1. Relocate travel trailer to a site outside of the 50m DPA setback. Apply 'rough and loose' treatment to area of compacted and leveled soil in and directly around the footprint of the trailer.
2. Rehabilitate concrete bath area to reduce impacts from use and clearing directly adjacent to the seasonal creek. The concrete bath is located only a meter or so from the edge of the creek channel and its depth is not known. Removal of the bath from the site would require excavation very close to the channel resulting in a potential breach and potential sediment contributions through erosion. It is recommended instead that the bath be filled and covered to the natural grade with topsoil (use soil from pile immediately adjacent to bath). While depth of soil over the concrete will not be sufficient to support rooting and growth of large trees/shrubs, it occupies a very small area and will readily support growth of a variety of ferns and smaller shrubs.
3. Remove slash pile from site. Do not burn slash pile in place – the extreme heat will sterilize the soil underneath the pile and impede revegetation of the site. Large diameter slash (branch or log diameter greater than 7.5cm) can be spread across the patch cut sites in a more natural pattern and not in thick accumulations or piles.
4. Remove soil piles from site. Topsoil can be used to rehabilitate compacted landing and road areas or should be stored outside the DPA. When moving, minimize excavation and compaction to native soils under the piles. Ensure site is left rough and hummocky rather than flat and graded.
5. Augment natural regeneration by planting and fencing.
  - a. 6 x sword fern in trailer site after rough and loose.
  - b. 4 x sword fern on bath site after burial and grading with topsoil.
  - c. Plant 12 trees (6 x western redcedar, 2 x Douglas-fir, 2 x bigleaf maple, 2 x red alder (*Alnus rubra*), scattered throughout the polygon 1 area with a rough guide of 5m spacing
  - d. 20 x shrubs scattered within a 5m buffer of the creek channel and over its entire length. Shrub species should include salmonberry and Scouler's willow (*Salix scouleriana*) and may also include thimbleberry (*Rubus parviflora*), mock orange (*Philadelphus Lewisii*), red-osier dogwood (*Cornus stolonifera*), nootka rose (*Rosa nootkensis*), or other suitable native species for moist, rich soil conditions.

### *Restoration Area 2a (~700m<sup>2</sup>)*

1. Apply 'rough and loose' treatment to the soils in the compacted landing/parking site in polygon 2a (see Map 2).
2. Coarse woody debris (diameter >7.5cm) can be added to polygon 2a, sources from slash piles in other restoration polygons.
3. Plant and fence 28 trees (6 x western redcedar, 16 x Douglas-fir, 4 x bigleaf maple, 2 x grand fir), scattered throughout the polygon with a rough guide of 5m spacing.

### *Restoration Area 2b (135m<sup>2</sup>)*

1. This small polygon, located on the opposite side of the driveway to the subject Douglas-fir, and on the margin of the 50m setback, has includes a large pile of slash that can be used as a source of large woody debris for restoration of Polygon 2a. It is otherwise recommended that the slash accumulation be removed from the site (burned / chipped etc.) to reduce fire risk.

### *Restoration Area 3a and 3b (~500m<sup>2</sup>)*

1. Remove slash pile from site. Do not burn slash pile in place – the extreme heat will sterilize the soil underneath the pile and impede revegetation of the site. Large diameter slash (branch or log diameter greater than 7.5cm) can be spread across the patch cut sites in a more natural pattern and not in thick accumulations or piles to provide essential coarse woody debris related ecological services (habitat, moisture retention, long-term nutrients).
2. Remove soil piles from site. Topsoil can be used to rehabilitate compacted landing and road areas or should be stored outside the DPA. When moving, minimize excavation and compaction to native soils under the piles. Ensure site is left rough and hummocky rather than flat and graded.
3. Plant and fence 20 trees (4 x western redcedar, 12 x Douglas-fir, 2 x bigleaf maple, 2 x grand fir), scattered throughout the polygons with a rough guide of 5m spacing.

### *Restoration Area 3c (~40m<sup>2</sup>)*

1. Relocate timber and or other stored material outside of the DPA.
2. Apply rough and loose treatment to the compacted soil area.
3. Scatter coarse woody debris (diameter >7.5cm), sourced from slash piles within the DPA, across the site.
4. Plant and fence 2 trees (any - Western redcedar / Douglas-fir / bigleaf maple / grand fir) in the rough and loose area.

### *Driveway Rehabilitation Area (~60m<sup>2</sup>)*

1. Strip crush rock off driveway surface and relocate outside of DPA.
2. Add topsoil to driveway surface using piles located throughout the DPA (roughly to grade if enough material available).
3. Apply rough and loose treatment to the roadbed area.
4. Scatter coarse woody debris (diameter >7.5cm), sourced from slash piles within the DPA, across the site.
5. Plant and fence 3 trees (any - Western redcedar / Douglas-fir / bigleaf maple / grand fir) in the rough and loose area.

### *Gravel Storage / Landing Area (~25m<sup>2</sup>)*

1. Remove gravel from this site immediately. Be careful not to damage underlying native soils through excavation or compaction while moving gravel.
2. Scarify or gently loosen top 4 inches of compacted duff/soil directly under gravel with tines of excavator bucket. Deeper excavation will increase the risk of damage to the root systems of surrounding trees, including the subject Douglas-fir.
3. Scatter coarse woody debris (diameter >7.5cm), sourced from slash piles within the DPA, across the site.
4. Fence or otherwise block access to this area where it meets the edge of the driveway to prevent compaction of the soils.

### *Restoration Area 4 (~840m<sup>2</sup>)*

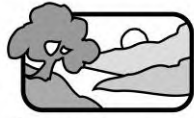
1. This polygon is located on the periphery of the DPA outside of the 30m buffer area, on the crest of the hill and is buffered from the subject Douglas-fir by a stand of maturing trees where only single tree selection logging was completed. Impacts from the patch cut in this polygon on the subject Douglas-fir tree are minimal. A single skid trail was used to access this site by tracked machine and resulting compaction is limited. Allowing for natural forest regeneration and vegetation growth in this area is considered adequate.

### *Timing*

- Machine work including rough and loose treatments and dispersal of debris and topsoil should be completed in late summer to early fall (September – October).
- Planting and fencing should be completed in late fall to early spring (November – March).

*Summary Planting List*

Western redcedar	16
Douglas-fir	30
bigleaf maple	8
grand fir	4
red alder	2
Any (cedar/fir/doug-fir/maple)	5
Scouler's willow / Salmonberry / other shrubs	20
Sword fern	10
<b>TOTAL PLANTINGS</b>	<b>95</b>



DATE OF MEETING: July 28, 2023  
TO: North Pender Island Local Trust Committee  
FROM: Charly Caproff, Planner 1  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: Temporary Use Permit NP-TUP-2023.4  
Applicant: Laurie Rupert  
Location: 4801 Pirates Road

## RECOMMENDATION

- 1. That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2023.4 (Gu)**

## REPORT SUMMARY

The purpose of this report is for consideration of a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within a dwelling unit.

In summary the above recommendation for the issuance of the TUP is supported as: the property is adequately screened from neighbouring properties, the application meets overall TUP guideline requirements, water quality concerns have been addressed, and the proposed permit provides conditions to ensure the use does not have adverse effects on neighbours, and in the event it does, there is recourse of enforcement or non-renewal.

## BACKGROUND

The owners recently purchased the property and are seeking a TUP for a STVR. The applicants have stated that they wish to provide quality accommodation supporting tourism on North Pender Island (Attachment 4). They state they want to ensure both guests and neighbours have a positive experience with the STVR and that the property will receive regular property inspections, prompt responses should any concerns arise, and are committed to maintaining a clean and well-kept property that is visually appealing and respectful of the neighbourhood (Attachment 4). The property is located at 4801 Pirates Road in a residential area. The dwelling is not visible from the road and well screened from neighbouring properties with the existing vegetation.

The initial water quality results for the well servicing the dwelling had levels of coliform bacteria and non-coliform bacteria exceeding safe limits for potable water. The owners have taken measures to improve the water quality as per recommendations from a qualified professional and retested the well. Staff have received confirmation that the well now meets limits for drinking water and that a 2000 litre cistern will be installed, connected to a UV treatment system rated at 10 gallons per minute (Attachment 5). Staff contacted Plumbing on Tap, who was retained by the owner to conduct the second well test, to confirm that the treatment system and cistern are sufficient and appropriate for the proposed use.

The application overall meets the TUP guidelines (Attachment 6). There are no STVRs within a 200 metre radius of the property. The property is not within the Magic Lake Estates Water System Area which limits the number of guests to six (6). A maximum of eleven (11) guests per booking are proposed. The dwelling is approximately 296 m<sup>2</sup> (3184 ft<sup>2</sup>) with four bedrooms (Attachment 2). The property is within the following Development Permit Area (DPAs): DPA 1 – Woodland Ecosystems, DPA 5 – Cliff Ecosystems, and DPA 10 – Riparian and Aquatic Development. The owners have installed fencing and signage to prevent interaction with DPA 5 and a condition of the permit is for owners to provide guests with information on DPA locations and how to avoid or minimize impacts to the sensitive feature(s). The owners anticipate that the STVR will be available three and a half (3.5) weeks per month, with exception to the period between May 1 and September 30, where STVR use is limited to 30 days. According to the applicant, the owners intend to spend more time at the property during winter months.

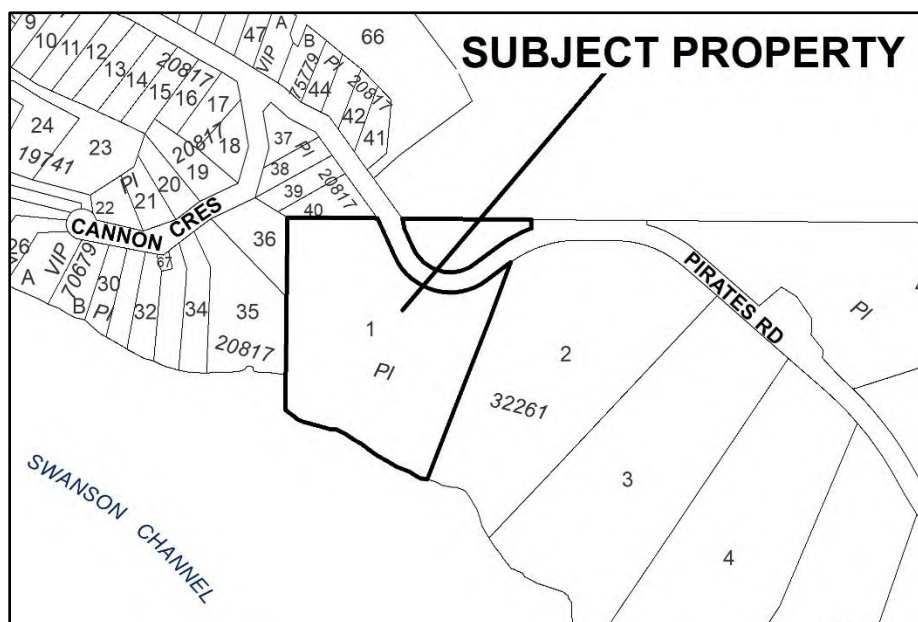


Fig. 1 – Subject Property

## ANALYSIS

### Policy/Regulatory

#### **Official Community Plan:**

The property is designated as **Rural (R)** in the North Pender Island Official Community Plan No. 171, 2007 (OCP). As per subsection 2.1.1.2, short term vacation rentals shall not be permitted as a principal use except where authorized by a TUP. Guidelines for TUP applications for STVRs are contained in the OCP.

The property contains the following DPAs: DPA One (1) – Woodland Ecosystems, DPA Five (5) – Cliff Ecosystems, and DPA Ten (10) – Riparian and Aquatic Development (Attachment 2). There is no development as part of this application, and therefore no Development Permit is required. The applicant is required to provide guests with information on this sensitive ecosystem, consistent with subsection 6.40.10 of the OCP.

#### **Land Use Bylaw:**

The property is zoned **Rural (R)** in the North Pender Island Land Use Bylaw No. 224. Accessory home business, which includes short-term vacation accommodation, is a permitted use.

## Issues and Opportunities

Potential issues arising from the proposed use include:

- Increased traffic on Pirates Road and noise in a residential with a maximum of eleven (11) guests;
- Pressure on the existing well to support a maximum of eleven (11) guests;
- Impact on the availability of rental housing for long-term residents; and
- Impacts to the DPAs on the property

The house is not visible from the road and the entrance is gated. The caretaker lives nearby and according to her, the property will not be bookable if she is unavailable. There is ample off-street parking to accommodate a greater number of guests. According to the owner, the maximum number of people nineteen (19) years or older per booking is eight (8). Installation of a UV treatment system and cistern to support the use are included as permit conditions. As stated previously, the owners do not intend to rent the property full-time. They have installed fencing and signage to prevent guests from entering the cliff ecosystem and providing information regarding DPAs on the property is a permit condition.

## Consultation

### ***Statutory Requirement - Notification***

TUP notices were circulated to surrounding property owners and residents on July 7, 2023. The notice was published in the Driftwood on July 19, 2023. The notification period ended on July 19, 2023. At the time of writing the report, no submissions have been received regarding the proposed use. Any submissions received after the agenda is published will be sent to LTC prior to the July 28 meeting and will be raised by the planner at that meeting.

### ***First Nations***

Although no development is proposed for this application, property owners will be notified that there are areas of archaeological potential on the property and forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on the Heritage Act directly to the applicants.

## Rationale for Recommendation

The recommendation on page one (1) is supported as:

- The application overall complies with the TUP guidelines;
- There are no other legal STVRs in the vicinity of the property;
- The property is adequately screened from the street and neighbours; and
- There are measures that can be taken should the STVR have an adverse impact on neighbours

## ALTERNATIVES

### **1. Request further information**

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

Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust the following information:\_\_\_\_\_.*

**2. Amend the TUP and Approve Issuance as Amended**

The LTC may opt to amend the proposed permit by adding further restrictions (conditions, including reducing the total number of guests).

Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee amend application NP-TUP-2023.4 (Gu) by adding\_\_\_\_\_.*

**3. Deny the application**

The LTC may deny the application.

Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee deny application NP-TUP-2023.4 (Gu).*

**NEXT STEPS**

Submitted By:	Charly Caproff, Planner 1	July 17, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	July 18, 2023

**ATTACHMENTS**

1. Site Context
2. Maps, Plans, Photographs
3. Guest Information
4. Owner Rationale Letter
5. Well testing results
6. TUP Guidelines
7. Notice
8. Draft permit NP-TUP-2023.4 (Gu)

## ATTACHMENT 1 – SITE CONTEXT

---

### LOCATION

Legal Description	LOT 1, SECTION 7, PENDER ISLAND, COWICHAN DISTRICT, PLAN 32261
PID	001-080-539
Civic Address	4801 Pirates Rd

### LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

### HISTORICAL ACTIVITY


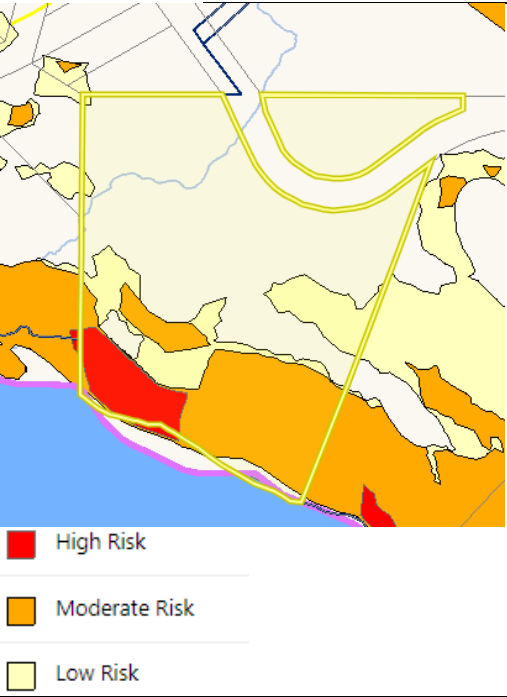
File No.	Purpose

### POLICY/REGULATORY

Official Community Plan Designations	<p>The property is designated <b>Rural (R)</b> in the North Pender Official Community Plan No. 171, 2007 (OCP)</p> <p>Development permit areas (DPA) include:                      DPA One (1) – Woodland Ecosystems                      DPA Five (5) – Cliff Ecosystems                      DPA Ten (10) – Riparian and Aquatic Development</p> <p>There is no development as part of this application, and therefore not Development Permit is required.</p>
Land Use Bylaw	The property is zoned <b>Rural (R)</b> in the North Pender Island Land Use Bylaw No. 224, 2022
Other Regulations	
Covenants	
Bylaw Enforcement	

### SITE INFLUENCES

Islands Trust Fund	
Regional Conservation Strategy	Application does not impact RCS
Species at Risk	

<p>Sensitive Ecosystems</p>	 <p>Woodland</p>	
<p>Hazard Areas</p>	 <p>High Risk</p> <p>Moderate Risk</p> <p>Low Risk</p>	
<p>Archaeological Sites</p>	<p>Although no development is proposed for this application, property owners will be notified that there are areas of archaeological potential on the property and forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on the Heritage Act directly to the applicants.</p>	
<p>Climate Change Adaptation and Mitigation</p>	<p>Minimal impact.</p>	
<p>Shoreline Classification</p>	<p>Rock Shoreline - Low Rock/Boulder</p>	
<p>Shoreline Data in TAPIS</p>	<p>SAR Critical Habitat Southern Resident Orca</p>	

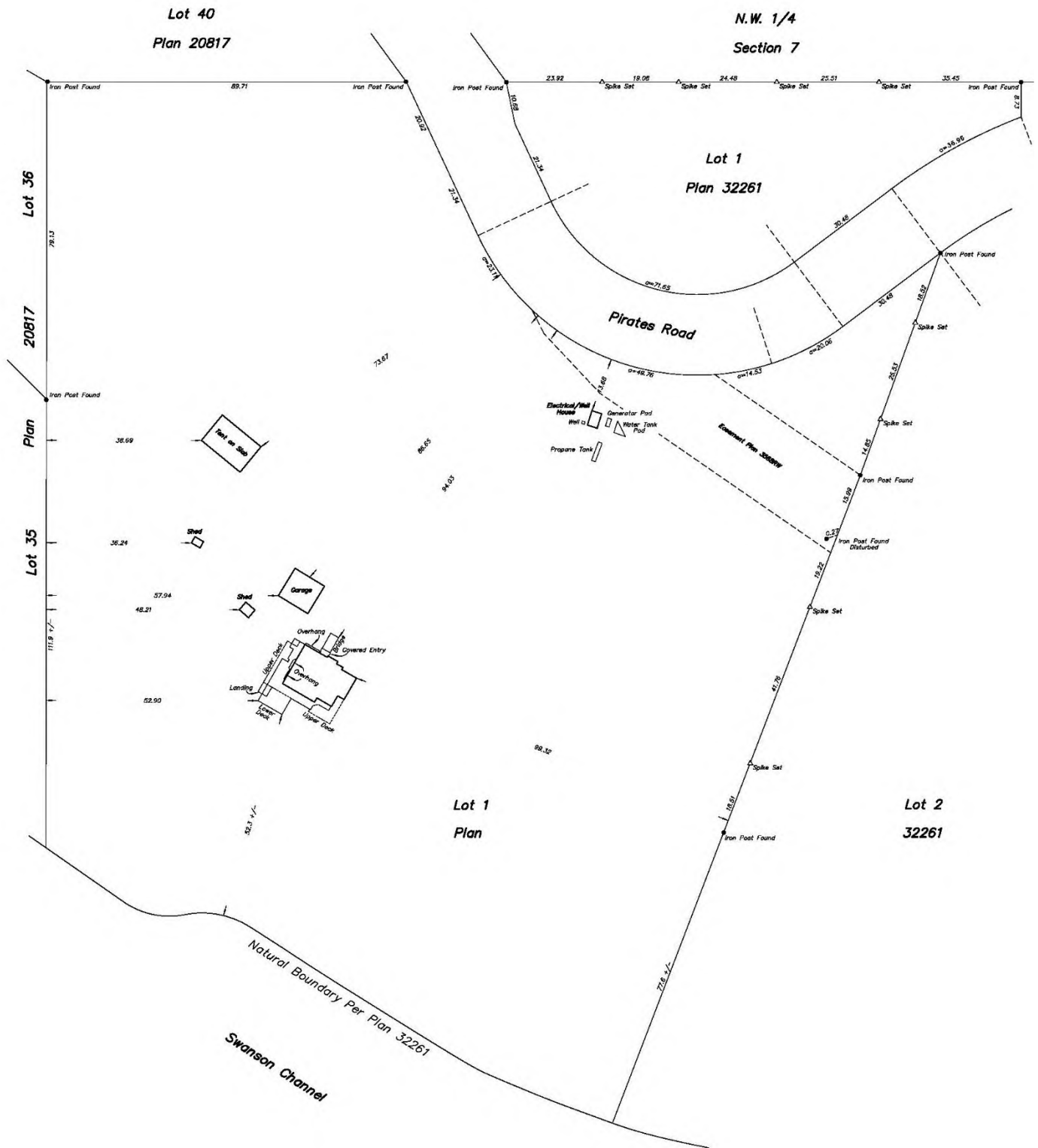
## ATTACHMENT 2 – MAPS, PLANS, PHOTOGRAPHS

---

### 2.1 AERIAL VIEW



## 2.2 SITE PLAN



### 2.3 SITE VISIT JUNE 21, 2023

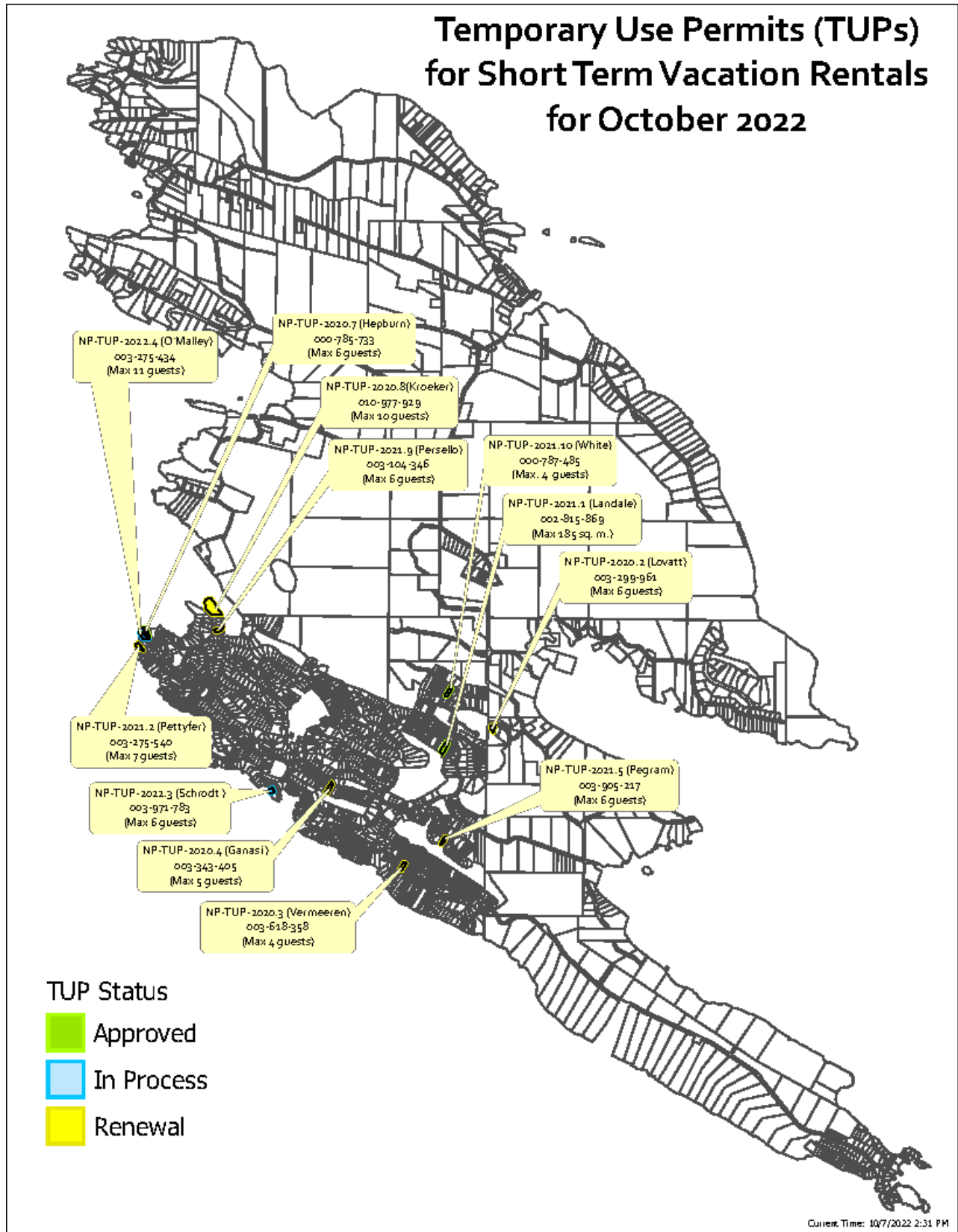








2.4 TUP MAP NORTH PENDER



## ATTACHMENT 3 – GUEST INFORMATION

---

### Pirates Hideaway

#### **\*CHECK-IN/CHECK-OUT PROCEDURES**

#### **CHECK-IN TIME 4 P.M PST**

There is only a 6 hour window to completely clean, disinfect and set up for the next guest.

Please respect the work schedule

#### **\*THINGS TO NOTE UPON ARRIVAL**

The water will be on already

The electrical panel is downstairs.

#### **CHECK-OUT 10 AM PST**

The day you are scheduled to leave. We must be able to enter the home at 10 a.m., If you do not vacate the premises on time, you will be charged for one additional night's stay

**CHECK-OUT PROCEDURES:** Upon departure guests are required to leave the property in the same general condition as it was when they arrived. Please comply with the following before check-out:

- a) Dishes, pots pans, silverware and utensils should be washed and put away. If you don't have time, please load all dishes into the dishwasher and leave it running on a normal cycle.
- b) BBQ cleaned and propane turned off
- c) Windows and doors closed and locked, all lights turned off to conserve energy
- d) Turn down Thermostat
- e) All garbage must be taken away, Recycling bins are out side the kitchen door, we can take that away but if garbage is left there is a \$40.00 per bag to be charged
- f) Garbage can be dropped off at Magic Lake Liquor store

#### **GARBAGE/REC**

**Welcome to our home:**

We hope that you have arrived safely and had no trouble finding our home. We take special pride in keeping our home immaculate and as comfortable as possible for our guest.

We ask that all guests go through the home and report any dissatisfaction to us within the first 24 hours of your stay. It is our desire to provide you the best accommodations possible and will make every attempt to address any concerns you may have.

Please enjoy the orcas (that hopefully swim by) the deer (that often browse near the house) and the eagle nest (north east part of the property, you will see a lot of eagles).

There are many things to do on the island such as hiking, kayaking, golf, wine tasting, cider tasting, disc golf, paddle boarding, swimming and dining out

Please take a few moments to look through this book. It includes contract numbers, house information, local attractions and check-out instructions

We hope that your stay is comfortable and enjoyable

*Welcome to our Pender  
Island Retreat*



*Guest Book*

## **ISLAND DETAILS**

### **About Pender Island**

Pender Island is a popular destination for cycling, fishing, hiking, boating, sailing, scuba diving and other outdoor pursuits. The island also boasts a 9-hole golf course as well as a 27-hole disc golf course (frisbee golf). Pender Island also has numerous art galleries, shops, restaurants and hosts a variety of vocal events throughout the year, including the Pender Island Fall Fair and Lantern Festival. On Saturday mornings during the summer, the Pender Island Farmers Market at the Community Hall offers local produce and handcrafts.

Pender is a choice weekend and year-round holiday destination. Summer is generally a busy time, while the island pace slows down considerably during the winter months. Spring and fall are pleasant times of the year, with fewer tourists and mild weather.

### **Contacts**

**Taxi 250-629-2222** Hours of Service is 6:30 – 1:30am (other times by reservation) Advanced bookings are encouraged to ensure prompt service during peak times.

### **Supermarkets**

Tru Value Foods, Pender Island's supermarket is located in the Driftwood Centre, and now offering 8,000 square feet of wide aisles, well stocked shelves, and a deli and coffee bar, as well as lots of parking.

Southridge Farms on Port Washington Road features health foods, country produce, some bulk produce, a small café and video rentals.

Medicine Beach Market – a small convenience store, next door is the Medicine Beach Liquor Store.

### **Liquor Store**

BC Liquor Store is located in the Driftwood Centre. It is open 10-6pm every day except Sunday.

Medicine Beach Liquor Store is a small beer and wine store and is located beside Medicine Beach Market.

Gas Stations is located in Driftwood Shopping Centre with auto repairs.

ATMS is located in Tru-Value, Gas Station, Pharmacy, Medicine Beach Liquor Store, Poets Cove Resort, and Browning Pub.

### **Churches**

Chapel of Saint Teresa Roman Catholic Church (250) 629-3141

Pender Island United Community church (Inter-Denominational) (250)629-3822

St. Peter's Anglican Church (250)629-3634

## Pirates Hideaway

### \*CHECK-IN/CHECK-OUT PROCEDURES

#### CHECK-IN TIME 4 PM PST

There is only a 6-hour window to completely clean, disinfect and set up for the next guest.

Please respect the work schedule.

### \*THINGS TO NOTE UPON ARRIVAL

The water will be on already.

The electrical panel is downstairs.

#### CHECK-OUT 10 AM PST

The day you are scheduled to leave. We must be able to enter the home at 10 a.m., if you do not vacate the premises on time, you will be charged for one additional night's stay.

**CHECK-OUT PROCEDURES:** Upon departure guests are required to leave the property in the same general condition as it was when they arrived. Please comply with the following before check-out:

- a) Dishes, pots pans, silverware and utensils should be washed and put away. If you don't have time, please load all dishes into the dishwasher and leave it running on a normal cycle.
- b) BBQ cleaned and propane turned off
- c) Windows and doors closed and locked, all lights turned off to conserve energy
- d) Turn down Thermostat
- e) All garbage must be taken away. Recycling bins are out side the kitchen door, we can take that away but if garbage is left there is a \$40.00 per bag to be charged
- f) Garbage can be dropped off at Magic Lake Liquor store

### POWER OUTAGES

Sometimes in intense storms, the power may go out. We have a built-in Generator it will come on but will not run the whole house. If you have any problems call the house manager [REDACTED]

### WATER AND SEPTIC SYSTEM

The water is ok to drink. The toilet water however, uses a septic system. Please DO NOT FLUSH anything other than toilet paper and natural waste down the toilet (Please conservative with the TP).

No feminine products should be flushed at any time.

- Use one-ply paper whenever possible
- No paper towels, Kleenex, tampons, pads, matches, hair, grease, no bleach, no chemicals, etc.
- These are guaranteed to back up the system.
- Also, it is easier on the system if you flush only when absolutely necessary

**SMOKING**

This is a **NON-SMOKING** home. You are permitted to smoke outdoors on the driveway, butts are to be disposed of properly and not left anywhere on the property. Smoking in the house will result in the damage deposit being held.

**NO DAILY HOUSEKEEPING SERVICE**

No daily housekeeping service- White Linens and bath towels are included in the unit, daily maid service is not included so please do not take the towels to the beach with you.

**FIREPLACE**

Please enjoy the fireplace but always be sure to open the flue before starting any fire, if smoke is coming out of the front of the fireplace, put out the fire immediately and ventilate the house. There is firewood outside by the garage. Do not overfill the fireplace and create a blazing fire that could cause damage to the firebox or cause a fire. Keep the fire to a respectable blaze at all times to prevent damage, particularly to the floor. **DO NOT** cut down trees on the property for firewood.

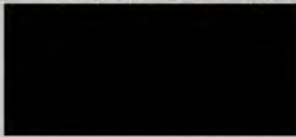
**FIRST AID & FIRE EXTINGUISHER**

A first aid kit is located in the cabinet in the laundry room where the washer and dryer are located (off the kitchen)

The fire extinguisher is located in the kitchen under the kitchen sink

**SHAW: WIRELESS INTERNET**

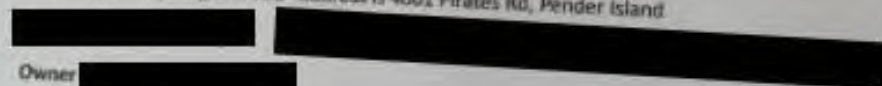
There is Shaw WIFI available for your use, the router is located downstairs



**EMERGENCY NUMBERS AND CONTRACTS:**

We hope you enjoy your home. Here is some useful information for your stay

In case of emergency, dial 911 address is 4801 Pirates Rd, Pender Island



Owner [Redacted]

Pender Island Medical Clinic 250-629-3233

BC Poison Control 24-hour line: 604-682-5050 or 1-800-567-8911

## Pender Islands Recycling Society

Welcome to our beautiful islands! North and South Pender residents are avid recyclers, and we encourage you to recycle with us. Since 1989 PIRS has diverted approximately 1.7 million lbs. of waste and recyclables from landfills. Bring your recyclables to the Recycling Depot during open hours and our staff will happily show you how and ensure to drop off your recyclables.

### Hours of Operation

Summer hours (June-Sept)

Thursday 9am - 3pm

Friday 9am - 4pm

Saturday 9am - 4pm

Winter hours (Oct-May)

Tuesday 10am - 3pm

Thursday 10am - 3pm

Sunday 11am - 3pm

### Contact

Location: 8400 Oriskany Bay Road, 300m west of the Community Hall, on the way to the ferry terminal

Phone: 250-629-6962

Email: [penderislandrecycling@gmail.com](mailto:penderislandrecycling@gmail.com)

Website: [www.penderislandrecycling.com](http://www.penderislandrecycling.com)

### What We Accept (see also updated attached list or see the website)

*All items should be rinsed, clean and dry, please.*

Tin and aluminum cans

Glass bottles and jars

Pop, juice and water bottles, cartons and cans

Milk, soup and broth cans, paper cups and containers

Beer, wine and liquor bottles and cans

Paper products and cardboard

Plastics, plastic packaging/containers and plastic bags

Styrofoam/polystyrene foam (no foam insulation or foam "padding" please)

Spinal, oval and cardboard containers - may have tin ends (from coffee, etc. etc.)

Aerosol cans, empty

Light bulbs, compact fluorescent light bulbs and light fixtures

Batteries, electronics, phones, DVDs, CDs, VCR & cassette tapes, may be in their cases

Small appliances and power tools

Large appliances for a \$25 drop-off fee each, i.e. fridge, stove, washer, dryer

Paint and paint containers, spray paint cans (all with identifying label left on)

Smoke and Carbon monoxide alarms

Scrap metal

### Other Services

The ReCycle Bike Shop is located at the Depot, which offers rebuilt bicycles for sale, as well as parts, tune-ups and repairs by our bicycle mechanic.

Our Free Store has much to offer, including kitchen-ware, hardware items, books, magazines and much more. You never know what may find. Please take what you like, donations are always appreciated, and if you wish to leave anything in the Free Store, please check with staff first.

Dish-wash services are available for a donation, with plates, bowls, cups, glasses, cutlery and many

to be done, to ensure you are having fun and to be aware!  
Diversity of Food, Work, Ability and gender from Volunteers! Always be called for a volunteer for  
the 2017 Christmas, Food, Diapers and Blue Book.  
The Food and Money is mostly for the  
Humboldt Christmas Market through the board by the 1000 requests from the store.

**Full Day**  
The Recycling Society is very active in the island of Pender where it hosts a popular children's  
fundraising event, organizes performing activities and is actively working towards a garbage free  
Pender.

**Has Membership Fee**  
An annual full currency \$20 membership fee per household. As a pro-fair society we provide  
anonymous food support. Please see staff to get a membership or pay online via our website.  
We are very appreciative of the donation of recyclables such as bottles, cans and paper boxes,  
which are a significant source of revenue for PIRS.

**Who We Are**  
The Pender Islands Recycling Society is a registered not-for-profit, charitable status organization run  
by a volunteer board of directors. Our Depot Manager and Staff work hard to keep up with changes in  
the recycling world and make every attempt to ensure that we can accept and process as wide a variety  
of material as possible. We greatly appreciate all the support and friendly cooperation from residents  
and visitors alike. If you are interested in participating on the board, on a committee or at the Full Day  
fundraising events, please contact us.

Please visit our website at [www.pendelandsrecycling.com](http://www.pendelandsrecycling.com) for more detailed information about what  
we accept and services we offer, read our monthly returns in the Pender Post, and find us on  
Facebook at [www.facebook.com/PenderIslandsRecyclingDepot](https://www.facebook.com/PenderIslandsRecyclingDepot). See you at the Depot!

Sincerely,  
*The Pender Islands Recycling Society Board, Depot Manager and Staff*



**Pender  
Island  
REcycling**

☎ 259-228-5862  
☎ 259-228-5863  
☎ 259-228-5864

Annual membership is voluntary.  
**Only \$20 per household.**

☛ **Member Info**  
Provide your mailing address and we will mail you a tax receipt for making a charitable donation. Thank you!

[Home](#) [About Us](#) [Other Services](#) [Inspiration & Links](#) [More info](#) [Membership/Donations](#)

## Hours

**WINTER**  
October through May  
Tues, Thurs, Sat  
10 AM to 3 PM

**SUMMER**  
June through Sept  
Tues, Thurs, Fri, Sat  
10 AM to 3 PM

**STATUTORY HOLIDAYS**  
The depot is CLOSED on:  
Sat, Jul 4, Canada Day  
Sat, Sept 30, National Day for Truth and Reconciliation  
Sat, Nov 11, Remembrance Day

## Recyclables we accept

- Appliances - small and large, also power tools
- Batteries - household and vehicle
- Cellphones
- Books (good condition/usable)
- Cardboard/boxboard
- Drink containers
- Electronics
- Glass - non-deposit (e.g., jam jars)
- Light bulbs and fixtures
- Masks (single use PPE)
- Motor oil, oil filters, and antifreeze
- Paint (oil and latex)
- Paper: cartons and cups
- Paper: printed
- Plastic: bags, containers, non-packaging, and other flexible packaging
- Personal protective equipment
- Scrap metal
- Smoke and CO alarms
- Styrofoam
- Thermostats
- Tin cans and aluminum foil
- Tires (May only)



Every year, the depot processes approximately 217 tonnes of recyclable materials. Thank you for recycling!

Click [here](#) for more information about items that **CAN BE RECYCLED** at the depot and how to prepare them for drop off.



The depot has recycled over 8 million lbs!

[Details About Recyclables We Accept](#) »  
[What Happens To Your Recyclables](#) »  
[Options For Other Types Of Recyclables](#) »

Wenjun Gu  
4801 Pirates Road  
Pender Island, BC  
V0N 2M2

9 May, 2023

Islands Trust  
North Pender Island Local Trust Committee  
200-1627 Fort Street  
Victoria, BC V8R 1H8

Subject: Application for a Short Term Vacation Rental License for 4801 Pirates Road, Pender Island, BC

Dear Members of the North Pender Island Local Trust Committee,

I am writing to apply for a Short Term Vacation Rental (STVR) license for my house located at 4801 Pirates Road, Pender Island, BC. As a new resident of this beautiful island, I am eager to contribute to the local community while promoting responsible tourism. I believe that offering my property as a short term vacation rental would provide visitors with a quality accommodation option and positively impact the local economy.

Here are the primary reasons for my application:

1. Tourism Growth and Need for Diverse Accommodation Options:

Pender Island has experienced a steady increase in tourism, resulting in a growing demand for diverse and quality accommodation options. My property's location and features make it an ideal choice for visitors seeking a comfortable, private, and well-equipped vacation rental.

2. Support to Local Businesses and Economy:

By offering my property as a short term vacation rental, I will contribute to the local economy by encouraging guests to patronize local businesses, such as restaurants, tour operators, and retail shops. This will generate additional revenue for these businesses and foster economic growth on Pender Island.

3. Sustainable and Low-Impact Operations:

As an environmentally-conscious homeowner, I am committed to ensuring that my STVR operates in a sustainable and low-impact manner. This includes implementing energy-efficient practices, providing recycling facilities for guests, and using eco-friendly cleaning products. By adhering to these principles, my STVR will contribute to preserving Pender Island's natural environment.

4. Compliance with Local Regulations and Community Engagement:

I understand and respect the regulations set forth by the Islands Trust and the North Pender Island Local Trust Committee. I assure you that my STVR will adhere to all zoning bylaws, building codes, and other applicable regulations. Additionally, I am committed to maintaining

open communication with my neighbors and the broader community, addressing any concerns or feedback in a timely and respectful manner.

5. Property Management and Maintenance:

To ensure a positive experience for both guests and neighbors, I will actively manage and maintain my property to the highest standards. This includes regular property inspections, prompt responses to any issues that may arise, and a commitment to maintaining a clean and well-kept property that is visually appealing and respectful of the neighborhood.

In conclusion, I believe that offering my property as a short term vacation rental will provide a valuable addition to the accommodation offerings on Pender Island and contribute positively to the local community. I kindly request that the North Pender Island Local Trust Committee consider my application for an STVR license. I am available to discuss my proposal further or provide any additional information as required.

Thank you for your time and consideration.

Sincerely,

Wenjun Gu

Plumbing On Tap  
3620 Foisle Rd  
Pender Island, BC  
V0N 2M2

30Jun23 9:17a  
Well  
water  
1

W175198

TEL: 250 686-6662  
plumbing.on.tap@zoho.com

Arrival temp.: 18.6C  
PD B1126 3006A

Sample: 4801 Pirates Rd Pender Island

<u>Site Code</u>	<u>Date</u>	<u>Time</u>	<u>CFU/100 ml</u>		<u>CFU/100 ml</u>		<u>CFU/100 mL</u>
			<u>TC</u>	<u>T-NC</u>	<u>FC</u>	<u>F-NC</u>	<u>E.coli</u>
Well Pump House	29Jun23	21:00p	0	0	0	0	0

TC = total coliform bacteria

FC = fecal coliform bacteria (aka thermotolerant coliforms)

NC = non-coliform bacteria

CFU/100 ml = colony forming units per 100 milli-litres

Results may be adversely affected if samples are submitted to the laboratory more than 24 to 30 hours after collection.

E. coli = Escherichia coli, FDA/BAM 9th ed, Oct 2020  
Bergy's Manual of Systematic Bacteriology vol 1, AOAC 1984; J.Clin.Micro.,  
J. Intern. Systm. Bact.

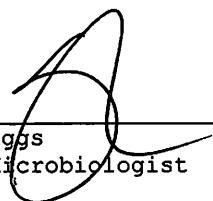
Comments:

For Interpretation of Results:

Total or Fecal Coliforms present greater than 0 CFU/100mL (0 CFU/mL):  
IF Coliform numbers exceed safe limits for drinking water-  
water is not suitable for drinking without treatment.

Total Non-coliform bacteria (=Lactose Fermentors) equal to or greater than  
200 CFU/100mL (2.0 CFU/mL):  
IF the number of organisms present exceed recommended guidelines for  
drinking water; treatment is strongly recommended.

- see following page for chemistry results -

  
\_\_\_\_\_  
W. Riggs  
Sr. Microbiologist

M.B. LABS LTD  
T: 250 656-1334

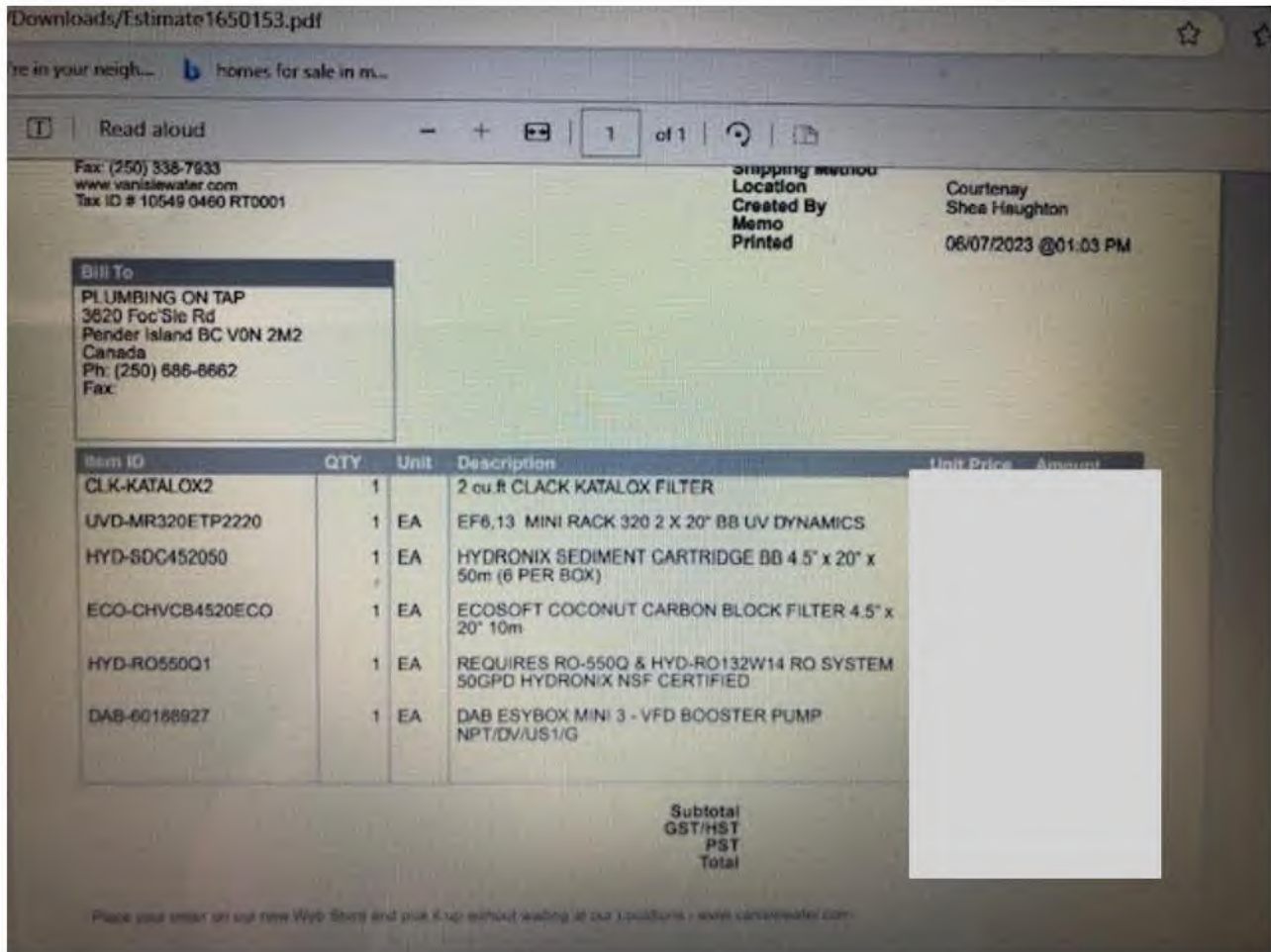
E: info@mblabs.com

W: www.mblabs.com

**From:** Charly Caproff  
**Sent:** Thursday, July 6, 2023 2:18 PM  
**To:** Robert Kojima  
**Subject:** FW: Laurie yanko

**From:** laurie Rupert  
**Sent:** Thursday, July 6, 2023 9:57 AM  
**To:** Charly Caproff <[ccaproff@islandstrust.bc.ca](mailto:ccaproff@islandstrust.bc.ca)>  
**Subject:** Laurie yanko

This is what we payed to get done and we have Craig Fehr from Plumbing on Tap telling us it's all done  
It cost a lot of money



Sent from my iPhone

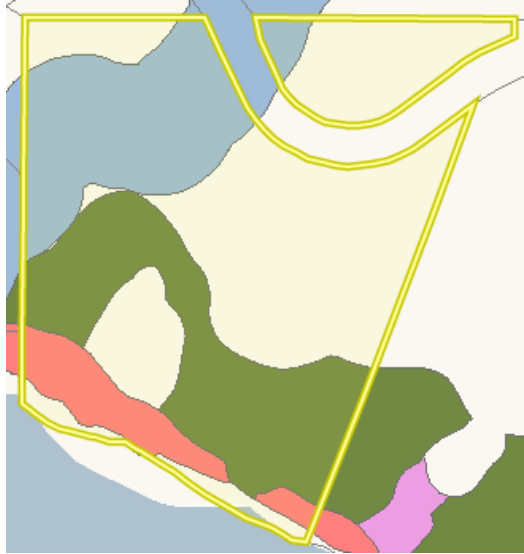
## Attachment 6: TUP Checklist for Short TERM Vacation Rental

**NP-TUP-2023.4 (Gu)**

**4801 Pirates Road North Pender**

Guidelines	Comments
<b>Overall TUP Guidelines</b>	
a) <b>Time Period</b> - For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.	N/A
b) <b>Residential Appearance</b> - The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence	Complies.
c) <b>Cumulative Effects</b> - The Local Trust Committee may consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	Less than 20 active TUPs on Pender Island currently. Not within the Magic Lake Estates Water System Area.
d) <b>Distance to Another STVR</b> - The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.	Closest TUP (NP-TUP-2021.5) is more than 200 metres from another STVR.
e) <b>Water Supply</b> - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use:	
<ul style="list-style-type: none"> <li>i. <b>Private Well</b> - If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit.</li> </ul>	<p>Well water sample results provided by M.B. Labs LTD on June 9 2023. Water purification for bacteria will be required as a condition. Results show that the total coliform bacteria is <b>2 CFU/100 mL</b>. Allowable limit is <b>0 CFU/100 mL</b>. If Coliform numbers exceed safe limits for drinking water then water is not suitable for drinking without treatment. Total non-coliform bacteria is <b>3800 CFU/100 mL</b>. If the total non-coliform bacteria is equal to or greater than <b>200 CFU/100mL</b> then treatment is strongly recommended.</p> <p>Well water sample results provided by Plumbing on Tap on June 30 2023. Total coliform and total fecal coliform bacteria levels meet standards for safe drinking water after shocking the well. Plumbing on Tap recommended installation of a</p>

## Attachment 6: TUP Checklist for Short TERM Vacation Rental

Guidelines	Comments
	treatment system to maintain a bacteria level of zero (0). According to the applicant the system has been purchased and will be installed.
ii. <b>Community Water System (Magic Lake &amp; Razor Point)</b> - If the property is serviced by a community water system, the draft permit must be sent to the water system for information.	N/A
iii. <b>Trincomali Improvement District</b> - A short term vacation rental temporary use permit must not be issued if located within the Trincomali Improvement District.	N/A
f) <b>Parking</b> - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of <b>two (2)</b> vehicles	Application states there is parking space for 6 cars. Confirmed during site visit.
g) <b>Sensitive Ecosystems</b> - If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.	<p>Property has the following DPAs:</p>  <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #4F7942; border: 1px solid black; margin-right: 5px;"></span> DPA 1 - Woodland</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #E34A33; border: 1px solid black; margin-right: 5px;"></span> DPA 5 - Cliff</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #4A77B8; border: 1px solid black; margin-right: 5px;"></span> DPA 10 - Riparian and Aquatic</li> </ul> <p>Owner will be required as a condition of the permit to provide guests with information on the location of the <b>Woodland, Cliff, and Riparian and Aquatic Sensitive Ecosystem</b> located on the property, and how to avoid or minimize impacts on the sensitive feature.</p>

## Attachment 6: TUP Checklist for Short TERM Vacation Rental

Guidelines	Comments
	Fencing and signage has been installed to ensure that there is no damage to DPA 5.
h) <b>Signage</b> - The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m <sup>2</sup> .	Will be a permit condition.
i) <b>Operator Contact</b> - The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.	Will be a permit condition.
j) <b>Operator Contact &amp; TUP to Neighbours</b> - The permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Will be a permit condition. Should the permit be approved, monitoring will be set up to ensure that permit conditions are met.
k) <b>Guest Information</b> - The permit should require the landowner post the following information for guests:	See Attachment 2 for photos of the guest information binder.
i. remind guests that the property is located in a residential area;	Will be a permit condition.
ii. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);	Will be a permit condition.
iii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and,	Will be a permit condition.
iv. the applicant provide the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the short term vacation rental is in use.	Will be a permit condition.
l) <b>Permit Conditions</b> - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. limit the number of <b>bedrooms</b> that can be used for short term vacation rentals;	Four bedrooms are proposed
ii. limit the number of guests to <b>six (6)</b> for properties located within the Magic Lake Estates Water System Area;	Not within the Magic Lake Estates Water System Area – 11 guests is proposed.
iii. <b>limit the number of days</b> the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;	Applicant is requesting 28 days from the period of May 1 to September 30 in a calendar year.
iv. require <b>mitigating</b> measures to address <b>neighbours' concerns</b> , such as retention of existing screening and fencing, or installation of additional screening;	

## Attachment 6: TUP Checklist for Short TERM Vacation Rental

Guidelines	Comments
v. require the landowner/operator to <b>post contact information and permit information</b> at the entrance to the property;	Will be a permit condition.
vi. <b>prohibit</b> camping or occupancy of RVs on the property;	Will be a permit condition.
vii. <b>prohibit</b> the rental or provision of motorized personal watercraft;	Will be a permit condition.
viii. <b>prohibit</b> watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;	N/A
ix. <b>prohibit</b> outdoor fires; and	Will be a permit condition.
x. establish the <b>dates</b> during which the use may occur.	Will be described.
m) <b>Agriculture Land Reserve</b> - A temporary use permit a short term vacation rental on a parcel in the Agricultural Land Reserve must require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A
n) <b>Owner Occupancy</b> - An application for a short term vacation rental temporary use permit must not be considered if the dwelling unit is not occupied on a regular basis by the property owners.	Will be used by the owners during the winter season each year. Intent is to eventually live full-time on North Pender Island according to the property manager.
o) <b>Maximum Number of STVRs</b> - The Local Trust Committee must not approve more than <b>twenty (20)</b> temporary use permits for short term vacation rentals within the Magic Lake Estates Water System Area.	Outside of the Magic Lake Estates Water System Area
p) <b>Occupancy Permit</b> - A short term vacation rental temporary use permit must not be issued in a dwelling or cottage that does not have Occupancy Permit approval	Phone call with CRD 06/21/2023 confirms
q) <b>Bylaw Enforcement</b> - The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received	Will be a permit condition.

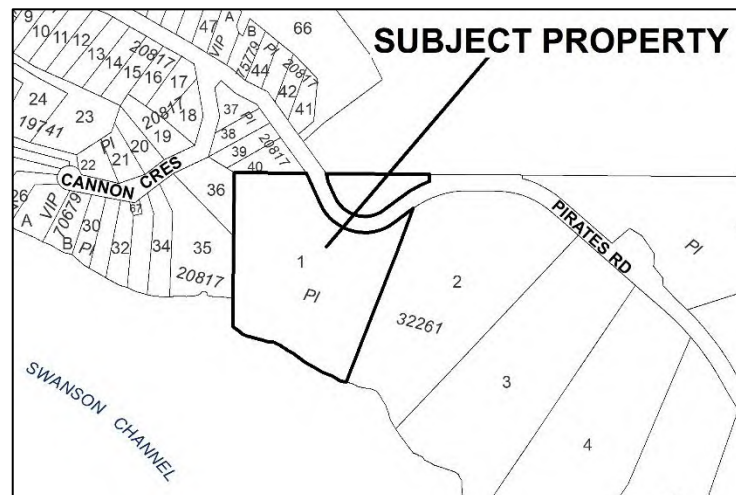
**NOTICE**  
**NP-TUP-2023.4**  
**North Pender Island Local Trust Committee**

**NOTICE** is hereby given pursuant to Section 494 of the *Local Government Act* that the North Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to LOT 1, SECTION 7, PENDER ISLAND, COWICHAN DISTRICT, PLAN 32261 (PID: 001-080-539). This property is located at 4801 Pirates Road, North Pender Island.

The purpose of this temporary use permit would be to permit a Short Term Vacation Rental use within the Dwelling Unit.

The establishment of these uses would be subject to the conditions specified in the attached proposed permit. The permit would be issued for three (3) years and the owner may apply to the LTC to have it renewed once for an additional three (3) years.

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **July 10, 2023** and continuing up to and including **July 21, 2023**.

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

Enquiries or comments should be directed to Charly Caproff, Planner 1 at (250) 405-5172, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: [southinfo@islandstrust.bc.ca](mailto:southinfo@islandstrust.bc.ca) before 4:30 p.m., **July 21, 2023**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:30 a.m., July 28, 2023** at the **St. Peter's Anglican Church Hall**, 4703 Canal Road, on North Pender Island.

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



**North Pender Island Local Trust Committee  
Temporary Use Permit  
NP-TUP-2023.4 (Gu)**

**4801 Pirates Road**

To: Wenjun Gu  
c/o Laurie Rupert

1. This Permit applies to the land described below:

LOT 1, SECTION 7, PENDER ISLAND, COWICHAN DISTRICT, PLAN 32261  
(PID: 001-080-539).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

a) a **Short Term Vacation Rental** within the Dwelling Unit.

3. and is subject to the following conditions:

- a) installation of a 2000 litre cistern connected to a UV treatment system rated at 10 gallons per minute and a pressure pump after the cistern;
- b) a **parking** area that will accommodate a minimum of two (2) vehicles for the STVR is required and must be wholly contained on the subject property;
- c) the property owner shall provide information for guests indicating the location of the **Woodland, Cliff, and Riparian and Aquatic Development sensitive areas**, and information on how to avoid impacting the sensitive features;
- d) **signage** advertising the STVR use may not exceed 0.6 m<sup>2</sup>;
- e) either the property owner or other designated **contact** must be available on North or South Pender Island by telephone 24 hours per day, seven days per week when the STVR is in use, and the name (s) and contact information shall be provided to STVR guests upon arrival;
- f) either the property owner or other designated **contact** must provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit;
- g) the property owner must post within the dwelling the following **information for guests**:
  - i. remind guests that the property is located in a residential area;
  - ii. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); and
  - iii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service;
  - iv. the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the STVR is in use;
- h) *the **maximum number of bedrooms** that can be used for the STVR use is limited to four (4);*
- i) the **maximum number of guests** is limited to **eleven (11)**;



## Islands Trust

- j) the STVR use is limited to a **thirty (30) days** from the period of May 1 to September 30 in a calendar year;
  - k) the following **mitigating measures** are required:
    - i. retention of existing screening and fencing;*
  - l) the property owner or operator shall **post contact information and permit information** at the entrance to the property;
  - m) The following activities are **prohibited**:
    - i. camping and occupancy of recreational vehicles;*
    - ii. the rental or provision of motorized personal watercraft;*
    - iii. and, outdoor fires;*
  - n) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or STVR renter for the purpose of investigating a complaint;
4. This permit is valid for **three (3)** years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 224, 2022" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

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

---

Deputy Secretary, Islands Trust

---

Date Issued



Islands Trust

# APPLICATION REFERRAL FORM

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

Island: Saturna Island Local Trust Area Application No.: SA-ALR-2023.1 Date: July 10, 2023

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.

**APPLICANTS NAME / ADDRESS:**

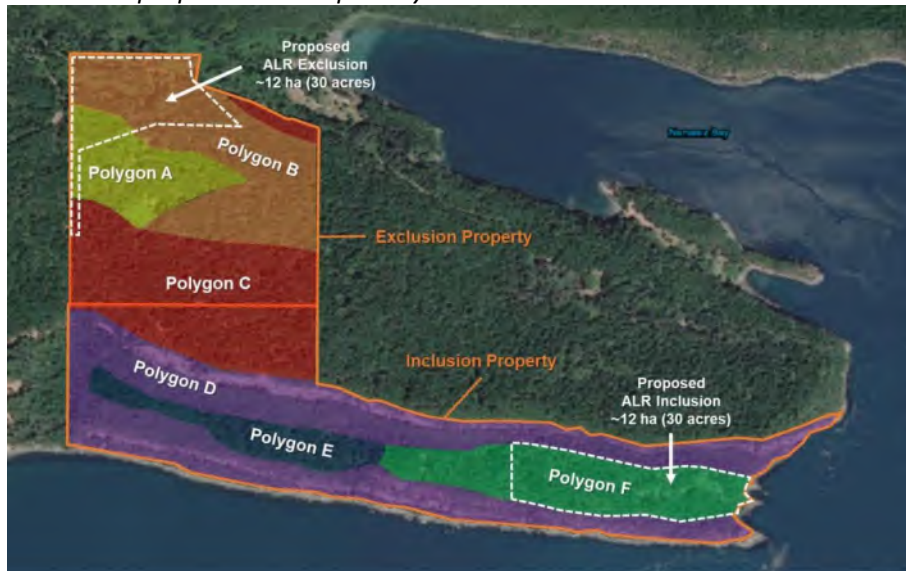
206 Narvaez Bay Road, Saturna Island

**PURPOSE OF BYLAW:**

This referral is in respect of a proposal to exclude 12 hectares for a property on Narvaez Bay Road with a corresponding inclusion of 12 hectares on an adjacent property owned by the same property owner and as identified in the Land Capability for Agriculture Assessment Report found in SA-ALR-2023.1 (Hall) professional report sub-folder at: <https://islandstrust.bc.ca/island-planning/saturna/current-applications/>.

As of September 30, 2020 Agricultural Land Commission (ALC) exclusion applications can only be submitted by a local government, not individual property owners. In this case, the Saturna Island Local Trust Committee (LTC) has passed a resolution in support of the proposed exclusion/inclusion, and has directed staff to initiate the [exclusion process](#) including referring the proposed changes to agencies and First Nations.

The professional report concludes: *Based on the collected information from our field assessment and background review, it is the objective, professional opinion of Madrone that the ALR exclusion and inclusion proposal by the Client (Figure 8; Appendix A) increases the overall capability of agriculture on Saturna Island should the proposal be accepted by Islands Trust and the ALC.*



**GENERAL LOCATION:**

Saturna Island Local Trust Area

**LEGAL DESCRIPTION:**

- 1) Exclusion Property: The North East 1/4 Of Section 2, Saturna Island, Cowichan District, Except Part In Plan 31309
- 2) Inclusion Property: Lot 1, Sections 1 And 2, Saturna Island, Cowichan District, Plan 49833

**SIZE OF PROPERTY AFFECTED:**

Exclusion: 59.16 ha  
Inclusion: 90.66 ha

**ALR STATUS:**

Portion of exclusion property in ALR

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

Exclusion: Rural (R)  
Inclusion: Forest Land (F)

**OTHER INFORMATION:**

Additional information, including a preliminary staff report, is available at: <https://islandstrust.bc.ca/island-planning/saturna/current-applications/>

**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.**

*BSmith*

(Signature)

Name: Brad Smith

Title: Island Planner  
Contact Info: Tel: 778-679-5185  
Email: [bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)

**This referral has been sent to the following agencies:**

**Government Agencies**

Parks Canada  
Ministry of Transportation and Infrastructure  
Agricultural Land Commission

**Regional Agencies**

CRD, Planning and Protective Services, Building Inspection  
Island Health

**Adjacent Local Trust Committees and Municipalities**

North Pender Island Local Trust Committee  
Mayne Island Local Trust Committee  
South Pender Island Local Trust Committee

**First Nations**

Cowichan Tribes  
Halalt First Nation  
Ts'uubaa-asatx Nation  
Lyackson First Nation  
Malahat First Nation  
Pauquachin First Nation  
Penelakut Tribe  
Semiahmoo First Nation  
Snuneymuxw First Nation  
Stz'uminus First Nation  
Tsartlip First Nation  
Tsawout First Nation  
Tsawwassen First Nation  
Tseycum First Nation  
WSANEC Leadership Council

# 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

\_\_\_\_\_  
Saturna Island Local Trust Area  
(Island)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
SA-ALR-2023.1  
(Application Number)

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Agency)



DATE OF MEETING: July 28, 2023  
 TO: North Pender Island Local Trust Committee  
 FROM: Robert Kojima, Regional Planning Manager  
 Southern Team  
 COPY: Brad Smith, Island Planner  
 SUBJECT: Raptor Nest DPA Review Project – Preliminary Report

## RECOMMENDATION

1. That the North Pender Island Local Trust Committee endorse the attached project charter for the Raptor Nest DPA Review Project.

## REPORT SUMMARY

The report attaches a project charter for the Raptor Nest DPA Review Project. The report also outlines the project and provides a preliminary timeline and scope.

## BACKGROUND

At the May meeting the LTC adopted the LUB (Bylaw 224) and proposed two new projects: to request funding for a Major project for housing and to initiate a Minor Project to update the Raptor Nest DPA designations. The following resolution was adopted:

### NP-2023-075

#### **It was Moved and Seconded,**

that the North Pender Island Local Trust Committee defer Groundwater Education with landowners as a Minor Project and establish updating Raptors Nesting Mapping as a priority Minor Project.

A Minor Project is an LTC project that is anticipated to require a budget of under \$5,000 in any given fiscal year, is relatively limited in scope, and can be supported by LTC’s assigned the Island Planner. Each LTC may have one minor project at any one time and funding is supported from a minor projects budget allocated by Trust Council and assigned by the Director of Planning Services.

Staff have prepared the attached project charter for the project.

## ANALYSIS

### Issues and Opportunities

#### Project Scope and Budget

The proposed work plan would limit the scope of the project to updating the mapping for DPA 7, reviewing the DPA provisions, engaging in consultation and undertaking the legislative process to amend the OCP. The budget requested would be for \$5,000 in the current fiscal year, with up to an additional \$5,000 in the next fiscal year. Staff resources are estimated to be primarily the Island Planner's time, with support from other staff as needed.

#### *Update mapping*

The initial work and the bulk of the budget in the first year would be to undertake the procurement process to update the mapping, ensuring that it is consistent with the provincial regulations for applied biologists and Islands Trust mapping standards (in Sept 2022, the Province brought in [regulations](#) which effectively require that anyone doing biology must be registered with the College of Applied Biology).

#### *Review existing DPA provisions*

Staff would review:

- the current guidelines, exemptions and other elements the DPA
- past applications and permits, other jurisdictions regulations
- current best practices.

Resulting in a report to the LTC with options and recommendations, and preparation of a project summary document for public and landowners.

#### *First Nations consultation*

Staff would undertake early engagement to determine Nation's interests and desired level of involvement.

#### *Landowner and stakeholder group engagement:*

Staff would work with the contractor to contact affected landowners to obtain permission to enter property where required.

#### *Community consultation:*

Once the LTC has provided direction to prepare a bylaw amendment, community consultation would be undertaken, including community meeting(s), website updates, and communications materials.

#### *Legislative process*

In order to implement changes to the DPA, an amendment would be required to the OCP, consisting of bylaw readings, a public hearing, and Executive Committee and Ministerial approval.

#### *Implementation*

The final phase would be to implement the amendment through communications to landowners and professionals, and to update to application procedures.

#### Project Benefits and Risks

Benefits of undertaking an amendment to the DPA would include:

- An update of the near two decade old mapping, including incorporating new raptor nests.

- An update of DPA provisions based on experience with applications and any changes to best practices.
- Landowner education on new and existing nest trees.
- Providing a model process and bylaw provisions applicable to other local trust areas.

Potential risks associated with the project may include:

- Incomplete mapping stemming from an inability to gain access to private property, alternatives may need to be considered in these cases.
- Cost and delays resulting from the requirement to involve a Registered Professional Biologist.
- First Nations capacity and timelines to consult may not be consistent with project timeline and budget.

### **Timeline**

The project is proposed to be completed relatively quickly as a targeted review, with the project consisting of the following phases.

Phase 1: Project Initiation: preliminary report and mapping contract procurement process.

Phase 2: Analysis: review of DPA provisions, options to LTC, contact with stakeholder groups and landowners.

Phase 3: First Nations consultation: early engagement and on-going consultation as requested by Nations.

Phase 4: Drafting: LTC review of amendment options and direction to prepare bylaws.

Phase 5: Community Consultation: early contact and community meeting, public review, bylaw referrals.

Phase 6: Legislative Phase: bylaw readings, public hearing, EC and Ministerial approval.

Phase 7: Implementation: public and landowner communication, procedural updates.

Phase	2023												2024											
	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12
<b>Pre-Project</b>																								
<b>Project Initiation</b>																								
<b>Analysis</b>																								
<b>FN Consultation</b>																								
<b>Bylaw Drafting</b>																								
<b>Community Consultation</b>																								
<b>Legislative</b>																								
<b>Implementation</b>																								

### **Rationale for Recommendation**

The recommendation is to proceed with the project as the LTC’s Minor Project. While there are risks to the project associated with budget and timeline, the desire to expeditiously review these DPA provisions, the targeted scope of the project and the availability of funds and staff resources support proceeding as proposed.

### **ALTERNATIVES**

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

**1. Request further information**

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are that commencing work on the project would be delayed. Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee request that...*

**2. Not Proceed with the Project**

The LTC may decide to not proceed with the project.

**3. Receive for information**

The LTC may receive the report for information.

**NEXT STEPS**

If the LTC endorses the project charter, staff will report back at the September LTC meeting.

Submitted By:	Robert Kojima, Regional Planning Manager	July 17, 2023
---------------	--	---------------

**ATTACHMENTS**

1. Project Charter

# Raptor Nest Development Permit Area Review - Project Charter

North Pender Island Local Trust Committee

LTC Endorsement Date: xxx

**Purpose:** To review and update mapping of raptor nests on North Pender Island, and to review and update Development Permit Area designations and provisions as a Minor LTC Project.

**Background:** The current Raptor Nest DPA was adopted in 2008 based upon surveys conducted by local volunteers in 2005 and 2006 through the Wildlife Tree Stewardship initiative (WiTS). Nest trees were mapped with assistance of Islands Trust staff. An update of wildlife trees is needed as new nests are established and older ones abandoned. In addition DPA provisions should be reviewed and updated.

<b>Deliverables</b> <i>Updated mapping of wildlife trees consistent with Islands Trust mapping standards and with recent changes to the Professional Governance Act and regulations.</i>  <i>Revised DPA provisions</i>  <i>Amendments to OCP.</i>	<b>In Scope</b> <ul style="list-style-type: none"> <li>- Raptor nest tree mapping</li> <li>- Report by or endorsed by RP Bio</li> <li>- Review of Raptor Nest DPA</li> <li>- Community consultation on amendments</li> <li>- First Nations consultation</li> <li>- OCP amendment</li> </ul>	<b>Out of Scope</b> <ul style="list-style-type: none"> <li>- Other amendments to OCP or LUB</li> <li>- Other mapping or professional reports.</li> </ul>	<b>IAP2 Engagement Level:</b>  <input checked="" type="checkbox"/> Inform <input checked="" type="checkbox"/> Consult <input type="checkbox"/> Involve <input type="checkbox"/> Collaborate
---	--	---	--

## Workplan Overview

Deliverable/Milestone	Target Date
<i>Project Charter endorsed</i>	July 2023
<i>Project initiation and preliminary report to LTC</i>	Sept 2023
<i>Procurement process for updated mapping</i>	Oct - Nov 2023
<i>Staff review, project summary paper, landowner and stakeholder group engagement</i>	Sept – Nov 2023
<i>Early consultation with First Nations</i>	Sept – Dec 2023
<i>LTC review of amended DPA provisions</i>	Nov 2023
<i>Direction to prepare bylaws</i>	Jan 2024
<i>Final mapping delivered</i>	March 2024
<i>Community consultation on draft bylaws, bylaw referrals</i>	Apr - June 2024
<i>Legislative process to amend OCP</i>	May – Sept 2024
<i>Implementation and communications</i>	Sept – Oct 2024

Project Team	
<i>Brad Smith, Island Planner</i>	<i>Project Manager</i>
<i>Robert Kojima, RPM</i>	<i>Project Sponsor</i>
<i>Mark van Bakel, IS Manager</i>	<i>Mapping</i>
<i>Emily Bryant</i>	<i>Admin support</i>
<b>RPM Approval:</b> <i>Robert Kojima</i> <b>Date:</b> July 14, 2023	<b>LTC Endorsement:</b> Resolution #: <b>Date:</b> xxx

Budget		
Budget Sources:		
Fiscal	Item	Cost
2023-24	Mapping	\$5000
2024-25	Consultation and public hearing	\$3000
2024-25	Contingency	\$2000
	<b>Total</b>	<b>\$10,000</b>

Meeting	Deliverable/Milestone
July 28, 2023	LTC endorsement of project charter
Sept 29, 2023	Preliminary report to LTC, direction to proceed with mapping procurement process and engagement plan
Nov 24, 2023	Report to LTC on proposed updates to DPA provisions
Jan 2024	LTC review of draft DPA amendments and direction to proceed with bylaw
March 2024	Updated mapping received by LTC, direction to proceed with landowner and stakeholder group communication
May 2024	Consideration of first reading
June 2024	Community information meeting
July 2024	Public Hearing, second and third readings, referral to EC and Minister
Sept 2024	LTC review of communications plan
Late 2024	Final adoption upon Ministerial approval of bylaw



File No.: File Number(s)  
(File Name or Cross Ref. No.)

DATE OF MEETING: July 28, 2023

TO: North Pender Island Local Trust Committee

FROM: Robert Kojima, Regional Planning Manager  
Southern Team

COPY: Brad Smith, Island Planner

SUBJECT: Housing Access and Affordability Project – Preliminary Report

## RECOMMENDATION

- 1. That the North Pender Island Local Trust Committee endorse the attached business case for the Housing Access and Affordability Project and that staff forward the business case to the relevant committees and to Trust Council.**

## REPORT SUMMARY

The report attaches a draft business case for the allocation of funding and staff resources for a Housing Project for the next fiscal year. The report also provides a preliminary timeline for the project.

## BACKGROUND

At the May meeting the LTC adopted the LUB (Bylaw 224) and proposed two new projects: one minor project to update DPA designations, and to request funding for a Major project for housing. The following resolution was adopted:

### **NP-2023-074**

#### **It was Moved and Seconded,**

that the North Pender Island Local Trust Committee establish housing as a Major Project and direct staff to develop a draft Project Charter and Business Plan for July 28, 2023 Local Trust Committee meeting.

A Major Project is any LTC project that is anticipated to require a budget over \$5,000 in any given fiscal year. These projects would be supported by a planner from the Regional Planning Team and are required to have a business case approved by Trust Council. The LTC was advised to endorse a business case by July in order to have it reviewed by Regional Planning Committee and by the Financial Planning Committee in their October and November meetings. The Financial Planning Committee’s recommendations on the business case would then be considered at the December Trust Council for inclusion in the budget for the following fiscal year.

While development of a project charter is premature prior to the project being funded and the LTC deliberating on the scope of initiative, staff have developed the attached draft business case to support funding for a Housing review as a Major LTC Project.

## ANALYSIS

Lack of affordable housing has long been a concern of the North Pender community. Previous local trust committees have taken actions such as permitting secondary suites and limiting and regulating short term vacation rentals as discrete initiatives. Housing is also a priority in Trust Council's strategic plan and is a priority of the Regional Planning Committee. There are a number opportunities and initiatives that would support an LTC housing project in the next fiscal year:

- The RPC is developing a housing toolkit that provides an inventory of policy and regulatory options along with supporting information. It is anticipated to be completed in September.
- In addition, RPC is supporting the development of land use suitability mapping that would incorporate data sets such as recent groundwater mapping to identify areas that may be more suitable for additional housing.
- The Southern Gulf Islands Housing Needs Assessment will be updated in 2024.
- Currently two other LTCs are undertaking housing projects (Mayne, Denman) along with an OCP/LUB Review with a strong housing focus (Gabriola). All three projects are being managed by the same Regional Planning Team planner.
- The CRD Board has adopted a Southern Gulf Islands Housing Strategy and the Southern Gulf Islands Economic Sustainability Commission has supported initiatives to encourage housing affordability
- There are anticipated to be continued funding opportunities from senior levels of government related to housing.

Staff are proposing that, if the project is supported by Trust Council, it proceed in three phases over two fiscal years:

1. The first phase to establish the scope of the project, gather data and research, and to engage in consultation with the community, First Nations, and stakeholder groups.
2. The second phase for the LTC to review the results of consultation, consider options and give direction to draft bylaw amendments and to draft a housing action plan.
3. The third phase to undertake consultation on draft bylaws and housing action plan, and proceed with the legislative steps to amend the OCP and LUB.

Potentially a fourth phase could include implementation of non-regulatory housing action plan items. This could be considered as a separate project.

Staff are proposing a budget for fiscal year 2024-25 of \$10,000. This would principally be for the costs of engagement and consultation, along with a contingency amount. This is consistent with funding for consultation for other LTC housing initiatives and includes the fact that much of the research and analysis has been, or will be, completed by RPC or for other LTC's housing initiatives. If the project proceeds as proposed, a similar budget request would be anticipated for the following fiscal year.

A draft timeline is as follows, this would be reviewed, revised and expanded by the LTC during the scoping of the project and the development of the project charter:

<b>DRAFT PROJECT WORK PLAN</b>	
<b>Milestone</b>	<b>Target Dates</b>
<b>Pre-Project</b>	<b>2023</b>
LTC endorsement of Business Case, forwarded to Committees	July
Committees and Trust Council consideration of business case	Sept – Dec
<b>Project Initiation</b>	<b>2024</b>
LTC scoping of project, development of engagement plan and development of Project Charter	Feb – May
Research, data gathering and presentation	March - May
<b>Phase 1: Consultation</b>	<b>2024</b>
First Nation, stakeholder group, and public consultation	May - Dec
<b>Phase 2: Drafting</b>	<b>2025</b>
LTC Review of consultation results and policy options	Jan - March
Direction to draft bylaws and a housing action plan	March
<b>Phase 3: Legislative</b>	<b>2025</b>
LTC Review of draft bylaws and housing action plan	April - June
Referrals, Community Information Meeting(s), revisions and first reading	June - Sept
Community Information Meeting/Public Hearing	Oct
3 <sup>rd</sup> reading, Executive Committee, Minister	Oct - Dec
<b>Phase 4: Implementation</b>	<b>2026</b>
Communications and implementation	Jan - March

### **Rationale for Recommendation**

Staff are of the opinion that the project as outlined in the business case is feasible, subject to the availability of planning staff and funding from Trust Council. This is supported by the on-going experience with other LTC housing initiatives. In the alternative, the LTC could consider undertaking a housing review as the LTC's minor project, supported by the Island Planner, with a more limited project scope.

### **ALTERNATIVES**

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

#### **1. Request further information**

The LTC may request further information prior to making a decision. Staff advise that deferring endorsement of the business case may result in committee deadlines being missed.

*That the North Pender Island Local Trust Committee request that...*

#### **2. Revise the business case**

If the LTC wishes to revise some aspects of the business case, staff recommend that direction be given to make changes and to forward to the relevant committees with the revisions:

*That the North Pender Island Local Trust Committee request that staff revise the Housing Business Case by... and submit the revised Business Case to the relevant committees.*

**3. Not Proceed with the Project**

The LTC may choose to not proceed with the project.

**4. Proceed with the initiative as a Minor Project**

The LTC may request that staff report back with options to proceed with the initiative as the LTC's Minor Project.

**NEXT STEPS**

If the business case is endorsed, staff will forward it to the Regional Planning Committee and Financial Planning Committee for consideration.

Submitted By:	Robert Kojima, Regional Planning Manager	July 13, 2023
---------------	--	---------------

**ATTACHMENTS**

1. Draft Business Case



**Budget Funding Request  
Short-Form Business Case**

Completion of this form initiates a request to the management team, RPC, FPC, and ultimately Trust Council for allocation funding in the next fiscal year budget. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

**TO BE COMPLETED BY INITIATOR**

<p><b>Initiated by (name, title):</b> Robert Kojima, Regional Planning Manager On behalf of the North Pender Island Local Trust Committee</p>	<p><b>Budget Source</b> (select all that apply):</p> <p><input checked="" type="checkbox"/> <b>Specific Project Funding</b> (select all that apply)</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Third Party Contractors</li> <li><input type="checkbox"/> Staff Travel Expense</li> <li><input type="checkbox"/> Staff Overtime Expense</li> <li><input type="checkbox"/> New Staff Member – Temporary for project</li> <li><input type="checkbox"/> Computer Hardware/Software</li> </ul> <p><input type="checkbox"/> <b>Furniture &amp; Equipment</b></p> <p><input type="checkbox"/> <b>Computer Hardware/Software/Supplies</b></p> <p><input type="checkbox"/> <b>New Staff Resources</b> (see Staff Costing Tool)</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Permanent</li> <li><input type="checkbox"/> Temporary</li> </ul> <p>Temp Duration: _____</p> <p><input checked="" type="checkbox"/> <b>Other – please describe:</b> _____</p> <p>For fiscal year 2024-25:</p> <ul style="list-style-type: none"> <li>- Community consultation, First Nations consultation, support for advisory bodies, legal and contingency</li> </ul>
<p><b>Business Area:</b> NPILTC - Planning Services</p>	
<p><b>Name of Request:</b> North Pender LTC Housing Access and Affordability Project</p> <p>2024-25 Phase 1 - \$10,000</p> <p><b>NP-2023-074</b> <b>It was Moved and Seconded,</b> that the North Pender Island Local Trust Committee establish housing as a Major Project and direct staff to develop a draft Project Charter and Business Plan for July 28, 2023 Local Trust Committee meeting.</p> <p style="text-align: right;"><b><u>CARRIED</u></b></p>	
<p><b>Date of Funding Request Submission:</b></p>	<p><b>Funding Required for (date range):</b> <b>April 1, 2024 – March 31, 2025</b></p>
<p><b>ISSUE/OPPORTUNITY:</b> The North Pender Island Local Trust Committee has identified access to affordable housing as a priority issue. The request is to fund a Major Project to engage in community consultation, to consult with First Nations, to engage with stakeholder groups, to review housing options and to undertake amendments to the OCP and LUB</p>	

and development of a housing action plan to improve access to affordable housing in the community. This project would be consistent with Islands Trust Council Strategic Plan Goal to “Strengthen housing affordability throughout the Trust Area”. It would also utilize the recent completed housing toolkit prepared on behalf of the Regional Planning Committee. A Housing Strategy for the Southern Gulf Islands was recently adopted by the CRD Board. Housing related initiatives are currently underway in several other local trust areas and this project would apply and build on options, experiences and lessons from those initiatives. As a Major Project, the initiative would be managed by a planner from the Regional Planning Team, bringing experience with similar projects in other local trust areas.

**PROJECTED RESULTS/DELIVERABLES:** the project would result in amendments to the OCP and LUB that would provide opportunities and options to create more housing diversity and affordability. A Housing Action Plan that includes non-bylaw actions could also be developed.

**RISK ASSESSMENT:** There are several contingencies that could negatively affect the project outcome or deliverables:

1. Lack of staff resources: the regional planning team may not be able to support the project due to other on-going projects or staff shortages
2. First Nations’ capacity and timing may not align with project timelines
3. The LTC may choose to not proceed with amendments
4. Costs may exceed the budget due to consultation or other factors

**ALTERNATIVES CONSIDERED:**

Option 1: Status quo: housing affordability will continue to be eroded in the community

Option 2: Proceed with the initiative as a Minor LTC Project – this would limit the project budget to a maximum of \$5,000 per fiscal year. However, with the availability of the housing toolkit and experience from other local trust areas, staff consider this a viable alternative. If timing is a consideration, the LTC could proceed with the initiative as a Minor Project in the current fiscal year.

Option 3: Defer: the project could be deferred to a future fiscal year, potentially including in the initiative in a more comprehensive OCP/LUB review.

**CRITICAL SUCCESS FACTORS:**

The project would be considered successfully completed if relevant amendments to the OCP and LUB are adopted. Ultimate success would be measured over the longer term through improvements to housing options, accessibility and affordability.

**RECOMMENDED OPTION:** The recommended option is to fund the initiative as a Major LTC Project at the requested amount of \$10,000 for the coming fiscal year. This provides sufficient funding for consultation and for project management by a Regional Planning Team planner. The alternative is for the LTC to proceed as a Minor Project.

**COST/BENEFIT ANALYSIS:**

Quantitative Analysis: \$10,000 for fiscal 2024-25 for phase 1

- Consultation (APC, First Nations, stakeholders, community, communications) - \$8,000
- Contingency - \$2,000

Qualitative Analysis: project would benefit from efficiencies associated with similar projects in other LTA and build on those experiences.

**PURCHASING PROCEDURE:** N/A

**PROPOSED IMPLEMENTATION STRATEGY:**

The project is proposed to be completed over two fiscal years, with phase 1 primarily consisting of consultation and review of options and phase 2 consisting of drafting and review of bylaws, legislative process, and implementation.

**STAFF RESOURCING:**

The project would be managed by a planner assigned from the Regional Planning Team, estimated at 0.25 FTE, with support from the RPM (up to 0.10 FTE), admin support (0.10 FTE) and support from the Senior Indigenous Relations Advisor, the Senior Freshwater Specialist, mapping and communications staff as needed.

**CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION:** N/A

Robert Kojima, Regional Planning Manager

Initiator Name, Title

July 13, 2023

Date

Reviewed by Department Lead: Name, Title

Date

## Active Projects Report

### North Pender Island

#### 0. Major project - Housing Access and Affordability Project

#### Responsible

#### Dates

Pre-project phase: establish project scope and submit business case for Trust Council approval

Rec'd: 26-May-2023

Target: 31-Dec-2023

#### 0. Minor project - Update of Raptors Nest DPAs

#### Responsible

#### Dates

To review and update DPA mapping, DPA provisions, undertake consultation and legislative process to adopt OCP amendment

Brad Smith

Rec'd: 26-May-2023

Target: 31-Mar-2024

#### 1. LUB Review Project

#### Responsible

#### Dates

Bylaws 223 and 229 to be considered for adoption upon Ministerial approval

Brad Smith

Rec'd: 07-Nov-2019

Kim Stockdill

Target: 01-May-2023

## Future Projects Report

### North Pender Island

1. <i>Coastal Douglas Fir Ecosystem</i>	Responsible	Date Received
Consider implementation of toolkit and mapping - LPC to develop model bylaw in 2021-22		01-Feb-2019
2. <i>Raptors Nests</i>	Responsible	Date Received
To update the raptor nests mapping.		27-Jan-2022
3. <i>Affordable Housing Options</i>	Responsible	Date Received
A project to review affordable housing options.		24-Mar-2022
4. <i>Accessory Dwelling Units</i>	Responsible	Date Received
Review options for accessory dwelling units on North Pender.		26-May-2022
5. <i>Review DPAs</i>	Responsible	Date Received
To review the Development Permit Areas in the NP Official Community Plan to update guidelines, requirements, and outline options for new DPAs.		11-Aug-2022
6. <i>Browning to Driftwood Corridor Plan</i>	Responsible	Date Received
Coordination on a transportation plan for the Driftwood to Port Browning corridor.		11-Aug-2022

## Future Projects Report

### North Pender Island

#### 7. *Soil Bylaw Project*

Responsible

Date Received

Work on Soil bylaw was undertaken in 2021 and 2022. Project deferred prior to bylaw readings

29-Apr-2021

#### 8. *Public engagement on groundwater data*

Responsible

Date Received

Project to present information on groundwater project to public and educate landowners

26-May-2023



Board of Variance

File Number	Applicant Name	Date Received	Purpose
NP-BOV-2023.1	Cameron, Heather	03-Jan-2023	Appeal to Board of Variance for structural alteration.

Planner: Brad Smith

Planning Status

**Status Date:** 19-Jul-2023

BoV hearing scheduled for July 26

**Status Date:** 18-May-2023

BoV hearing scheduled for June 13

**Status Date:** 27-Apr-2023

Applicant still working on design schematics for retaining structure.

File Number	Applicant Name	Date Received	Purpose
NP-BOV-2023.4	Jones, Colleen & Thomas	30-Jun-2023	1205 BRIDGES RD: Appeal to Board of Variance for siting of a walled deck in a setback.

Planner: Brad Smith

Planning Status

**Status Date:** 17-Jul-2023

Planner Brad Smith assigned.

**Status Date:** 30-Jun-2023

File created in EDM.

**Status Date:** 30-Jun-2023

Subject Property Map requested from GIS.



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: Charly Caproff

Planning Status

**Status Date:** 03-Feb-2023

Emailed applicant to inquire whether they want to proceed with DP

**Status Date:** 19-Dec-2022

File re-assigned to Charly Caproff

**Status Date:** 13-Oct-2022

E-mail to applicant requesting status update.

File Number	Applicant Name	Date Received	Purpose
NP-DP-2023.2	Shaw, Erin	11-Apr-2023	449 ARBUTUS SPUR: Application for a DP for development in a Geotechnical DPA.

Planner: Charly Caproff

Planning Status

**Status Date:** 17-Jul-2023

Staff report added to agenda items folder

**Status Date:** 08-Jun-2023

Draft permit and report sent to acting RPM to review

**Status Date:** 08-May-2023

Planner Charly Caproff assigned.



Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2023.3	Shave, Becky	04-May-2023	4815 SCHOONER WAY: Application for a DP for development in a DPA.
<b>Planner:</b> Brad Smith			
<b>Planning Status</b>			
<u>Status Date:</u> 18-May-2023 Scheduled to be on July 28, 2023 agenda			
<u>Status Date:</u> 10-May-2023 Planner Brad Smith assigned.			
<u>Status Date:</u> 08-May-2023 File created in EDM.			

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2022.1	Sidney Island Strata Corporation	23-Mar-2022	Application to amendment Bylaw #148 to permit an expanded use of recreational vehicles and accessory buildings on Sidney Island. Bylaw No. 232 (LUB)
<b>Planner:</b> Robert Kojima			
<b>Planning Status</b>			
<u>Status Date:</u> 26-Apr-2023 Request by strata to defer adoption until after AGM. Would be on July LTC meeting agenda			
<u>Status Date:</u> 12-Apr-2023 EC approval			
<u>Status Date:</u> 05-Apr-2023 Package prepared for Apr 12 EC agenda			



**Subdivision**

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2020.1	BRADFORD & MILLIKEN	05-Mar-2020	1610 Schooner Way - A subdivision referral for two lot boundary adjustment. MoTI file #: 2020-00549

**Planner:** Charly Caproff

**Planning Status**

**Status Date:** 27-Jun-2023

Contacted applicant regarding PLR extension and next steps.

**Status Date:** 19-Dec-2022

File re-assigned to Charly Caproff

**Status Date:** 14-Oct-2022

Applicant away until November. Will review need for DP/DVP application then.

**Temporary and Industrial Use Permit**

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2023.4	Gu, Wenjun (Aaron)	05-Apr-2023	4801 PIRATES RD: Application for a temporary use permit for a short term vacation rental.

**Planner:** Charly Caproff

**Planning Status**

**Status Date:** 18-Jul-2023

Draft staff report sent to RPM for review

**Status Date:** 18-Jul-2023

Staff report added to agenda items folder

**Status Date:** 06-Jul-2023

Draft permit approved by RPM -- draft permit and notice sent to admin



**Temporary and Industrial Use Permit**

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2023.5	Gulf Excavating Ltd	03-May-2023	4415 BEDWELL HARBOUR RD: Application for renewal of a temporary use permit for aggregate storage (gravel, sand) and redmix concrete batch plant.

**Planner:** Brad Smith

**Planning Status**

---

**Status Date:** 19-Jul-2023

Staff report on Jul 28, 2023 agenda

**Status Date:** 18-May-2023

Requires new permit, application to be updated, applicant to pay additional fee, scheduled for July 28, 2023 agenda

**Status Date:** 17-May-2023

Planner Brad Smith assigned.

**Islands Trust**  
 LTC EXP SUMMARY REPORT F2024  
 Invoices posted to Month ending May 2023

650 North Pender	Invoices posted to Month ending May 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	468.00	0.00	468.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	1,253.00	411.00	842.00
65210-650	LTC - Local Exp - APC Meeting Expenses	399.00	0.00	399.00
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	280.00	0.00	280.00
TOTAL LTC Local Expense		<u>2,182.00</u>	<u>411.00</u>	<u>1,771.00</u>
Projects				
73001-650-2006	North Pender OCP/LUB	3,000.00	726.60	2,273.40
73001-650-4115	North Pender Groundwater Strategy Implementation	2,500.00	0.00	2,500.00
73001-650-4129	North Pender LUB	0.00	605.71	-605.71
TOTAL Project Expenses		<u>5,500.00</u>	<u>1,332.31</u>	<u>4,167.69</u>

**Standing Resolutions Log**

**North Pender Island**

Resolution Number	Action	Date
<p><b>2023-040 (Standing)</b></p> <p><b>Proposed Bylaws 224 &amp; 229 - 4606 Razor Point Rd</b></p> <p>That the North Pender Island Local Trust Committee move to suspend bylaw enforcement on the Industrial zoned portion of 4606 Razor Point Road until the completion of Bylaw 224 and 229.</p>	<p><b>Carried</b></p>	<p><b>11-Mar-2023</b></p>
<p><b>2022-002 (Standing)</b></p> <p><b>Travel Trailer Enforcement</b></p> <p>that the North Pender Island Local Trust Committee direct bylaw staff to defer enforcement on unlawful dwellings, except in the following circumstances:</p> <ul style="list-style-type: none"> <li>a. There are concerns regarding health and safety;</li> <li>b. There are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are beings used in excess of capacity or ability as a result of unlawful dwellings;</li> <li>c. There are concerns of possible contamination of wells or other drinking water sources;</li> <li>d. Unlawful dwellings are in environmentally sensitive areas;</li> <li>e. There are non-permitted campgrounds; and</li> <li>f. That the North Pender Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of the neighbouring residents or the residents on the property subject to enforcement.</li> </ul>	<p><b>Carried</b></p>	<p><b>27-Jan-2022</b></p>

**Standing Resolutions Log**

**North Pender Island**

Resolution Number	Action	Date
<p><b>2020-010 (Standing)</b></p> <p><b>15.1 Policy options for Bylaw Enforcement Compliance on unlawful uses</b></p> <p>that the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:</p> <ul style="list-style-type: none"> <li>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.</li> <li>b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease.</li> <li>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</li> <li>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.</li> </ul>	<p><b>Carried</b></p>	<p><b>30-Jan-2020</b></p>
<p><b>2019-074 (Standing)</b></p> <p><b>13.3 Model Cell Tower Strategy - Staff Briefing</b></p> <p>that the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.</p>	<p><b>Carried</b></p>	<p><b>04-Jul-2019</b></p>

## Standing Resolutions Log

### North Pender Island

Resolution Number	Action	Date
<p><b>2019-072 (Standing)</b></p> <p><b>13.2 Standing Resolution - Reconciliation Report</b></p> <p>that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.</p>	<p><b>Carried</b></p>	<p><b>04-Jul-2019</b></p>
<p><b>2019-061 (Standing)</b></p> <p><b>16.2. Rise and Report</b></p> <p>that the North Pender Local Trust Community refer Short Term Vacation Rental Temporary Use Permits in the Magic Lake sewer catchment to the Magic Lake Sewer and Water Committee to confirm infrastructure capacity.</p>	<p><b>Carried</b></p>	<p><b>30-May-2019</b></p>
<p><b>2019-030 (Standing)</b></p> <p><b>13.2 Advisory Planning Commission - Staff Memo</b></p> <p>that the North Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.</p>	<p><b>Carried</b></p>	<p><b>28-Feb-2019</b></p>

**Standing Resolutions Log**

**North Pender Island**

Resolution Number	Action	Date
<p><b>2019-016 (Standing)</b></p> <p><b>12.4 Adopted Policies and Standing Resolutions</b></p> <p>that the North Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.</p>	Carried	31-Jan-2019
<p><b>2018-070 (Standing)</b></p> <p><b>12.2 Retail Cannabis Licensing - Staff Report</b></p> <p>that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications: - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property, where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: o Name of the applicant and a description of the proposal in general terms. o The location of the proposed establishment and the subject site. o The place, date and time when, both a build meeting will be held and a resolution of the Local Trust Committee is considered. o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application. o How public comments may be submitted to the local trust committee.</p>	Carried	06-Sep-2018
<p><b>2006-080 (Standing)</b></p> <p><b>Communications Policy</b></p> <p>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.</p>	Carried	25-May-2006



File No.: N/A

DATE OF MEETING: July 28, 2023  
 TO: North Pender Island Local Trust Committee  
 FROM: Brad Smith, Island Planner  
 Southern Team  
 COPY: Robert Kojima, Regional Planning Manager  
 SUBJECT: Establishing a Water Advisory Planning Commission

## PURPOSE

The purpose of this staff memo is to provide the North Pender Local Trust Committee (LTC) with guidance on the process to establish a water advisory planning commission.

## BACKGROUND

At the June 24, 2023 LTC special meeting, the LTC directed staff to provide guidance on how the LTC can establish a water advisory planning commission. To that end, the LTC passed the following resolution:

**NP-2023-76**

**It was MOVED and SECONDED,**

that the North Pender Island Local Trust Committee request that staff provide a staff memorandum on the July 28, 2023 Local Trust Committee meeting agenda with options regarding the establishment of a North Pender Island Water Advisory Committee.

**CARRIED**

In accordance with the *Local Government Act*, the [LTC Advisory Planning Commission Bylaw No. 106](#) provides the framework for establishing advisory planning commissions (APCs). The bylaw allows for the establishment of APCs as follows:

**1. Establishment**

- (a) The North Pender Island Local Trust Committee may appoint one or more Advisory Planning Commissions (APC) for the North Pender Island Local Trust Area to advise as follows:
  - i) If one Advisory Planning Commission (APC) is appointed, that Commission shall advise the Local Trust Committee on matters respecting land use, community planning, or proposed bylaws and permits, pursuant to the *Local Government Act* that are referred to it by the Local Trust Committee.
  - ii) If a second or additional Advisory Planning Commission (APC) is appointed, those Commission(s) shall advise the Local Trust Committee on matters respecting one or more special projects that are matters respecting land use, community planning, or proposed bylaws and permits, pursuant to the *Local Government Act* that are referred to it by the Local Trust Committee

In this case, given it is a special project/topic the commission would fall under ii) above. If the LTC intends to proceed, the LTC should pass the following resolution:

***That the North Pender Local Trust Committee establishes a Water Advisory Commission and directs staff to initiate advertising for membership on the Water Advisory Commission.***

Normally a special APC would be funded from a project budget, there is an LTC expense budget item for APC intended to fund the regular APC. In the absence of an appointed regular APC those funds could be used to support this special APC.

The LTC will also need to give consideration to how many members it is seeking for the commission, when the commission should start up, and who should be appointed by the LTC as secretary of the commission in the absence of dedicated minute taker on North Pender Island, who is typically appointed the secretary of advisory commissions. Staff does not have the capacity to take on this role.

**NEXT STEPS**

Upon direction from the LTC, staff will initiate the advertising process for establishing a Water Advisory Commission.

Submitted By:	Brad Smith, PAg Island Planner	July 19, 2023
Concurrence:	Robert Kojima Regional Planning Manager	July 20, 2023



## REQUEST FOR DECISION

**To:** North Pender Island Local Trust Committee    **For the Meeting of:** July 28, 2023  
**From:** Jas Chonk, Legislative Clerk    **Date Prepared:** July 18, 2023  
**SUBJECT:** Freedom of Information and Protection of Privacy Bylaw

---

### RECOMMENDATION:

1. That North Pender Island Local Trust Committee Bylaw No. 233, cited as “North Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 233, 2023”, be adopted.

**DIRECTOR OF LEGISLATIVE SERVICES COMMENTS:** The proposed Freedom of Information and Protection of Privacy bylaw is in line with current legislation and Schedule of Fees.

---

### 1 PURPOSE:

To adopt the new Freedom of Information and Protection of Privacy bylaw and model bylaw to bring them in line with updated legislation.

### 2 BACKGROUND:

On May 24, 2023, the Executive Committee passed the resolution as recommended:

**THAT the Islands Trust Executive Committee approve North Pender Island Local Trust Committee Bylaw No. 233, cited as "North Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 233, 2023" in accordance with Section 27 of the Islands Trust Act.**

This allows the Local Trust Committee to adopt the new Freedom of information and Protection of Privacy Bylaw that was given first, second and third readings at the May 5, 2023 North Pender Island Local Trust Committee meeting.

### 3 IMPLICATIONS OF RECOMMENDATION

#### ORGANIZATIONAL:

Minimal staff time to update material on the website.

#### FINANCIAL:

Fees incurred can be charged current amounts for actual costs and reflect charges for various media formats, including digital records.

**POLICY: N/A**

**IMPLEMENTATION/COMMUNICATIONS:**

Staff would update the Islands Trust website with the new bylaws.

**FIRST NATIONS:**

There is no impact on First Nations on the adoption of the new Freedom of Information and Protection of Privacy bylaw and model bylaw.

**OTHER:**

There are no other implications of the recommendation.

**4 RELEVANT POLICY(S): N/A**

**5 ATTACHMENT(S):**

**1. North Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 233, 2023**

---

**Alternative:**

1. That this report be referred back to staff for additional information.

Submitted By:	Jas Chonk, Legislative Clerk	July 18, 2023
Concurrence:	David Marlor, Director of Legislative Services	July 20, 2023

# PROPOSED

## NORTH PENDER ISLAND LOCAL TRUST COMMITTEE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY BYLAW NO. 233

---

A Bylaw to designate the head of the North Pender Island Local Trust Committee for the purposes of, and to set fees under, the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended.

---

### GIVEN THAT:

- A. Section 77(a) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended (the "Act"), gives the North Pender Island Local Trust Committee the authority to designate a person as the head of the North Pender Island Local Trust Committee for the purposes of the Act, and
- B. Section 77(c) of the Act gives the North Pender Island Local Trust Committee the authority to set any fees the North Pender Island Local Trust Committee requires to be paid under section 75 of the Act,

THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE ENACTS AS FOLLOWS:

### Citation

- 1. This bylaw may be cited as "North Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 233, 2023".

### Definitions and Interpretation

- 2. In this Bylaw:

"Act"	means the <i>Freedom of Information and Protection of Privacy Act</i> , RSBC 1996, Chapter 165, as amended.
"Commercial Applicant"	means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit.
"Head"	means the person designated under Section 3 of this Bylaw as the head of the of the North Pender Island Trust Committee for the purposes of the Act.
"Request"	means a request for information under Section 5 of the Act.
"Records"	includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

**Designation of Head**

- 3. The person from time to time appointed to the position of Secretary of the Islands Trust is designated as the Head of the North Pender Island Local Trust Committee for the purposes of the Act.
- 4. The person from time to time appointed to the position of Deputy Secretary of the Islands Trust and the person from time to time appointed to the position of Deputy Treasurer of the Islands Trust, each are authorized to perform any duty or exercise any function of the Head who is designated under Section 3.

**Policies and Procedures**

- 5. The Heads authorized to perform the duties of the Head shall operate in accordance with the Act and the Freedom of Information and Protection of Privacy policies, guidelines, and procedures, as set by the Islands Trust Council from time to time.

**Fees**

- 6. The fees that are payable by applicants under the Act are those set out in Schedule A to this bylaw.

**Interpretation**

- 7. Any word or expression used in this bylaw that is not defined in this bylaw has the meaning given to it in the Act on the date of final adoption of this bylaw.

**Repeal**

- 8. "North Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 90, 1994", is hereby repealed and replaced by this bylaw.

READ A FIRST TIME this	5 <sup>TH</sup>	DAY OF	MAY	2023.
READ A SECOND TIME this	5 <sup>TH</sup>	DAY OF	MAY	2023.
READ A THIRD TIME this	5 <sup>TH</sup>	DAY OF	MAY	2023.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	24 <sup>TH</sup>	DAY OF	MAY	2023.
ADOPTED THIS	_____	DAY OF	_____	20__

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**North Pender Island Local Trust Committee  
Freedom of Information and Protection of Privacy  
Bylaw No. 233 - Schedule 'A'**

**Schedule of Maximum Fees**

Item	Description of Services	Fees
1	(a) Application Fee	\$10.00 (non-refundable)
	(b) An applicant's request for his/her own personal information is not subject to any fees.	
2	For applicants other than commercial applicants:	
	(a) for locating and retrieving a record	\$7.50 per ¼ hour after the first 3 hours
	(b) for producing a record manually	\$7.50 per ¼ hour
	(c) for producing a record from a machine readable record from a server or computer	\$7.50 per ¼ hour for developing a computer program to produce the record
	(d) for preparing a record for disclosure and handling a record	\$7.50 per ¼ hour
	(e) for shipping copies	actual costs of shipping method chosen by applicant
	(f) for copying records	
	(i) floppy disks	\$2 per disk
	(ii) CDs and DVDs, recordable or rewritable	\$4 per disk
	(iii) computer tapes	\$40 per tape, up to 2 400 feet
	(iv) microfiche	\$3 per fiche
	(v) microfilm duplication	\$25 per roll for 16mm microfilm \$40 per roll for 35mm microfilm
	(vi) microfiche or microfilm to paper duplication	\$0.50 per page (8.5" x 11")
	(vii) photographs, colour or black and white	\$5 to produce a negative
		\$12 each for 16" x 20" photograph
		\$9 each for 11" x 14" photograph
		\$4 each for 8" x 10" photograph \$3 each for 5" x 7" photograph
	(viii) photographic print of textual, graphic or cartographic record, black and white	\$12.50 each (8" x 10")
	(ix) dot matrix, ink jet, laser print or photocopy, black and white	\$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
	(x) dot matrix, ink jet, laser print or photocopy, colour	\$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
	(xi) scanned electronic copy of a paper record	\$0.10 per page
	(xii) photomechanical reproduction of 105 mm cartographic record/plan	\$3 each
	(xiii) slide duplication	\$0.95 each
	(xiv) audio cassette tape (90 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
	(xv) video cassette recorder (VHS) tape (120 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
3	For commercial applicants for each service listed in Item 2	the actual cost to the public body of providing that service