



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: May 21, 2020
Time: 10:00 am
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	10:00 AM - 10:15 AM	
2.	APPROVAL OF AGENDA		
3.	TRUSTEE REPORT		
4.	CHAIR'S REPORT		
5.	TOWN HALL AND QUESTIONS	10:15 AM - 10:30 AM	
6.	COMMUNITY INFORMATION MEETING		
	None		
7.	PUBLIC HEARING		
	None		
8.	MINUTES	10:30 AM - 10:40 AM	
8.1	Local Trust Committee Minutes Dated April 23, 2020 (for Adoption)		3 - 7
8.2	Section 26 Resolutions-without-meeting Report - None		
8.3	Advisory Planning Commission Minutes - None		
9.	BUSINESS ARISING FROM THE MINUTES	10:40 AM - 10:50 AM	
9.1	Follow-up Action List Dated May 2020		8 - 9
10.	DELEGATIONS	10:50 AM - 11:00 AM	
10.1	John Aftias re NP-TUP-2019.7 (Burdett)		
11.	CORRESPONDENCE		

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

12.	APPLICATIONS AND REFERRALS	11:00 AM - 12:00 PM	
12.1	NP-DP-2020.1 (Calverley) - Staff Report (Attached)		10 - 41
12.2	NP-TUP-2019.7 (Burdett) - Staff Report (Attached)		42 - 57
13.	LOCAL TRUST COMMITTEE PROJECTS	12:00 PM - 1:00 PM	
13.1	Groundwater Sustainability Project – verbal update (William Shulba)		
13.2	LUB Review Project - Staff Memo (Attached)		58 - 60
13.2.1	<u>Industrial Lands - Staff Report (Attached)</u>		61 - 75
13.2.2	<u>Residential Dwelling Floor Area - Staff Report (Attached)</u>		76 - 82
14.	REPORTS	1:00 PM - 1:15 PM	
14.1	Work Program Report (attached)		
14.1.1	<u>Top Priorities Report Dated May 2020</u>		83 - 83
14.1.2	<u>Projects List Report Dated May 2020</u>		84 - 85
14.2	Applications Report Dated May 2020 (attached)		86 - 91
14.3	Trustee and Local Expense Report - None		
14.4	Adopted Policies and Standing Resolutions (attached)		92 - 94
14.5	Local Trust Committee Webpage		
14.6	Islands Trust Conservancy Report - None		
14.6.1	<u>NAPTEP Information - Staff Memo (Attached)</u>		95 - 97
15.	NEW BUSINESS	1:15 PM - 1:25 PM	
15.1	Annual Report - Request for Decision (Attached)		98 - 100
16.	UPCOMING MEETINGS		
16.1	Next Regular Meeting Scheduled for July 2, 2020 - Electronic Meeting		
17.	TOWN HALL	1:25 PM - 1:40 PM	
18.	CLOSED MEETING		
	None		
19.	ADJOURNMENT	1:40 PM - 1:40 PM	

North Pender Island Local Trust Committee Minutes of Electronic Regular Meeting

Date: April 23, 2020
Location: Electronic Meeting (via ZOOM webinar)
200-1627 Fort Street, Victoria BC

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

Staff Present: Robert Kojima, Regional Planning Manager
Shannon Brayford, Recorder
Maple Hung, Planning Team Assistant
Jas Chonk, Legislative Clerk
Phil Testemale, Planner 2
Narissa Chadwick, Planner

Public: There were approximately (14) members of the public which joined the ZOOM webinar.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:00 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

Chair Patrick provided an overview of the electronic format and the impact the format will have on the meeting.

2. APPROVAL OF AGENDA

Regional Planning Manager (RPM) Kojima noted that a revised document had been circulated for Item 12.2 NP-TUP-2019.7 (Burdett).

By general consent the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee McConchie thanked the Islands Trust Staff for facilitating the online format.

Trustee Morrison echoed the thanks to staff and also thanked local community members who are working hard during the pandemic.

4. CHAIR'S REPORT

Chair Patrick reported that Trust Council's June meeting will be moved to an electronic format and more information will follow. She further reported that Trust Council met electronically to approve a zero increase for the annual budget.

5. TOWN HALL AND QUESTIONS

None

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated February 27, 2020 (for Adoption)

By general consent the Local Trust committee meeting minutes of February 27, 2020 were adopted as presented.

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

Received for information.

8.3 Advisory Planning Commission Minutes

None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated April 2020

RPM Kojima requested further direction from the Local Trust Committee (LTC) regarding Item 6, joint public education with the Capital Regional District (CRD).

The LTC requested an update regarding Item 1 - NP-TUP-2018.5 (Grimmer).

Planner Testemale provided an update on the outstanding payment of the required security.

A discussion of missed deadlines, the penalties for missing deadlines, and the impact that the current pandemic is having on the processing of applications was held.

10. DELEGATIONS

None

11. CORRESPONDENCE

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

11.1 Robert Fenton re Affordable Housing

A discussion was held regarding the recommendation that North Pender Island create affordable housing through the building of an RV Park.

The correspondence was received for information.

11.2 Active Transportation Correspondence - Staff Memo

Planner Chadwick provided an overview of the correspondence received and related discussions with Capital Regional District (CRD) staff, including the priority areas that were highlighted in the memo provided to the trustees.

Planner Chadwick further outlined possible routes for moving forward and the inter-agency collaboration that would facilitate that.

A discussion was held regarding potential efficiencies through inter-island collaboration, challenges collaborating with other governmental agencies, and the need for an organization to take leadership in coordinating the effort.

By general consent Trustee McConchie shall discuss the matter with the Southern Gulf Island Capital Regional District Director David Howe and report back at the next meeting.

12. APPLICATIONS AND REFERRALS

12.1 NP-DP-2020.1 (Calverley) - Staff Report

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

The LTC requested and received information on how identification of sensitive ecosystems can be improved in the future.

A discussion of the application, alternative options available to the applicant through collaboration with the neighbouring property, and the importance of protecting the wetland was held.

NP-2020-018

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request further information from the applicant regarding NP-DP-2020.1 (Calverley) as to the current status of negotiations with their neighbours to determine feasibility of best protection for the wetlands.

CARRIED

12.2 NP-TUP-2019.7 (Burdett) - draft TUP for discussion - Staff Report

Planner Testemale provided an overview of the application and progress to date.

A discussion of the draft permit, the professional reporting requirements, and inclusion of residential recycling was held.

NP-2020-019

It was Moved and Seconded,

that the North Pender Island Local Trust Committee recommend the following amendments to the draft NP-TUP-2019.7 (Burdett):

- That the timeframe be changed to two years.
- That any renewal or new application require an environmental management plan.
- That residential recycling be included for one calendar year.

CARRIED

12.3 Salt Spring Island Local Trust Committee Bylaw No. 520 Referral

Chair Patrick provided an overview of the referral and a discussion was held.

NP-2020-020

It was Moved and Seconded,

that the North Pender Island Local Trust Committee respond with “approval not recommended” due to the reason outlined below: The preservation of rural land is a priority for the North Pender Island Local Trust Committee and using rural land for commercial accommodations is not an appropriate use of land.

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated April 2020

RPM Kojima provided an overview of top priorities report.

Planner Chadwick provided an overview of the Short Term Vacation Rental survey project and the current volume of responses received.

RPM Kojima reviewed the process moving forward and the potential ways that the process could be adapted to accommodate physical distancing requirements.

A discussion of the Land Use Bylaw review project was held and the LTC highlighted areas of importance within that project.

14.1.2 Projects List Report Dated April 2020

A discussion of inter-island collaboration opportunities, such as Coastal Douglas-fir Mapping, was held.

14.2 Applications Report Dated April 2020

The LTC requested and received updates on the applications listed on the report.

A discussion of NP-DP-2018.5 was held and Planner Testemale provided an overview of the project to date and the process moving forward.

14.3 Trustee and Local Expense Report Dated February 2020

Received for information.

14.4 Adopted Policies and Standing Resolutions

Received for information.

14.5 Local Trust Committee Webpage

No comments were made.

14.6 Islands Trust Conservancy Report Dated February 2020

Received for information.

15. NEW BUSINESS

None

16. UPCOMING MEETINGS

16.1 Next Regular Meeting - May 21, 2020 (Electronic)

17. CLOSED MEETING

None

18. ADJOURNMENT

By general consent the electronic meeting was adjourned at 12:38 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder

Follow Up Action Report

North Pender Island

27-Feb-2020

Activity	Responsibility	Dates	Status
1 12.1 NP-TUP-2018. (Grimmer): TUP approved for issuance. Issuance pending receipt of security.	Jas Chonk Phil Testemale	Target: 06-Mar-2020	Completed
2 Staff directed to write a letter to CRD re: joint public education for overlapping areas of interest with DPs in watershed areas - UPDATE: letter to be drafted to Magic Lake Sewer and Water Committee seeking joint education on riparian areas for Chair's signature	Phil Testemale Robert Kojima	Target: 06-Mar-2020	In Progress

23-Apr-2020

Activity	Responsibility	Dates	Status
1 8.1 Minutes of the Feb 27th meeting adopted as presented	Maple Hung	Target: 01-May-2020	Completed
2 11.2 Correspondence: Trustee McConchie to discuss bike path/trail options with electoral area director and report back to LTC		Target: 14-May-2020	In Progress
3 12.1 NP-DP-2020.1 (Calverley) - consideration deferred and applicant requested to provide information on the status of negotiations with neighbours to determine feasibility of easement to further protect wetlands.	Phil Testemale	Target: 24-Jun-2020	Completed

Follow Up Action Report

North Pender Island

23-Apr-2020

Activity	Responsibility	Dates	Status
4 12.2 NP-TUP-2019.7 (Burdett) - draft TUP to be revised to include a two year period <u>and</u> that renewal or any new permit to require environmental report <u>and</u> to include residential recycling for one calendar year as a permitted use	Phil Testemale	Target: 14-May-2020	Completed
5 12.3 SSILTC Bylaw 520 - approval not recommended [see minutes for resolution wording]	Jas Chonk	Target: 01-May-2020	Completed

DATE OF MEETING: April 23, 2020

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Development Permit Application
Applicant: Fred Calverley
Location: Wallace Road – Lot 2, Section 7, Pender Island, Cowichan District, Plan 35333 PID 000-336-459

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit application NP-DP-2020.1 (Calverley).
2. That the North Pender Island Local Trust Committee request the applicant voluntarily applies all conditions of Development Permit NP-DP-2020.1 (Calverley) to 'Wetland Area 3' as indicated on Schedule 'A' of the permit.

REPORT SUMMARY

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

The application is for measures for the protection of the sensitive ecosystem and construction management for proposed construction (realignment) of an access driveway within **Development Permit Area (DPA) Four – Wetland Ecosystems**.

The specific objective of the designation of the DPA is:

To preserve and protect remaining sensitive wetland ecosystems

Copies of the Development Permit Area Checklist and proposed Development Permit NP-DP-2020.1 (Calverley) are Attachments 3 & 5.

In summary, the above recommendation for the proposal is supported there are limited feasible alternatives for legal access to the main portion of the subject property; the submitted Biologist's report indicates the development would have a minimal impact on the wetland DP Area; the report makes recommendations to further mitigate impacts all of which are incorporated into the proposed DP, as well as recommended conditions from Islands Trust and Islands Trust Conservancy staff; and, the objectives and specific guidelines of the DPA have been met.

BACKGROUND

The application is to facilitate the realignment of an existing access driveway to contain the drive completely within the 'panhandle' of the subject property. The rationale is to locate legal access entirely on the subject property as the applicant intends to sell.

The current driveway location is shown in Figure 1 and a detail of the proposed realignment (extracted from the Biologist's report) is shown in red in Figure 2. It is noted that only the area indicated as 'Wetland 1' is designated in Development Area Four. 'Wetland 3' was not part of the mapping that established the DPA. (See also Attachment 2.2)

Previously, there was a reciprocal agreement between the applicant (who also owns Remainder Lot 37) and the owners of Lot 1 and 3 (same owner) for the shared use of the driveway. The relationship deteriorated over a period of time and in late August of 2019 culminated with the owner of Lot 1 and 3 refusing permission to the applicant to use any part of the existing driveway on their property. Presently, the existing driveway is not being used by either the owner of Lots 1 and 3 (they have an informal agreement to access a residence on Lot 3 via another driveway further west on Rem. Lot 38) nor by the applicant, as the subject property is undeveloped.

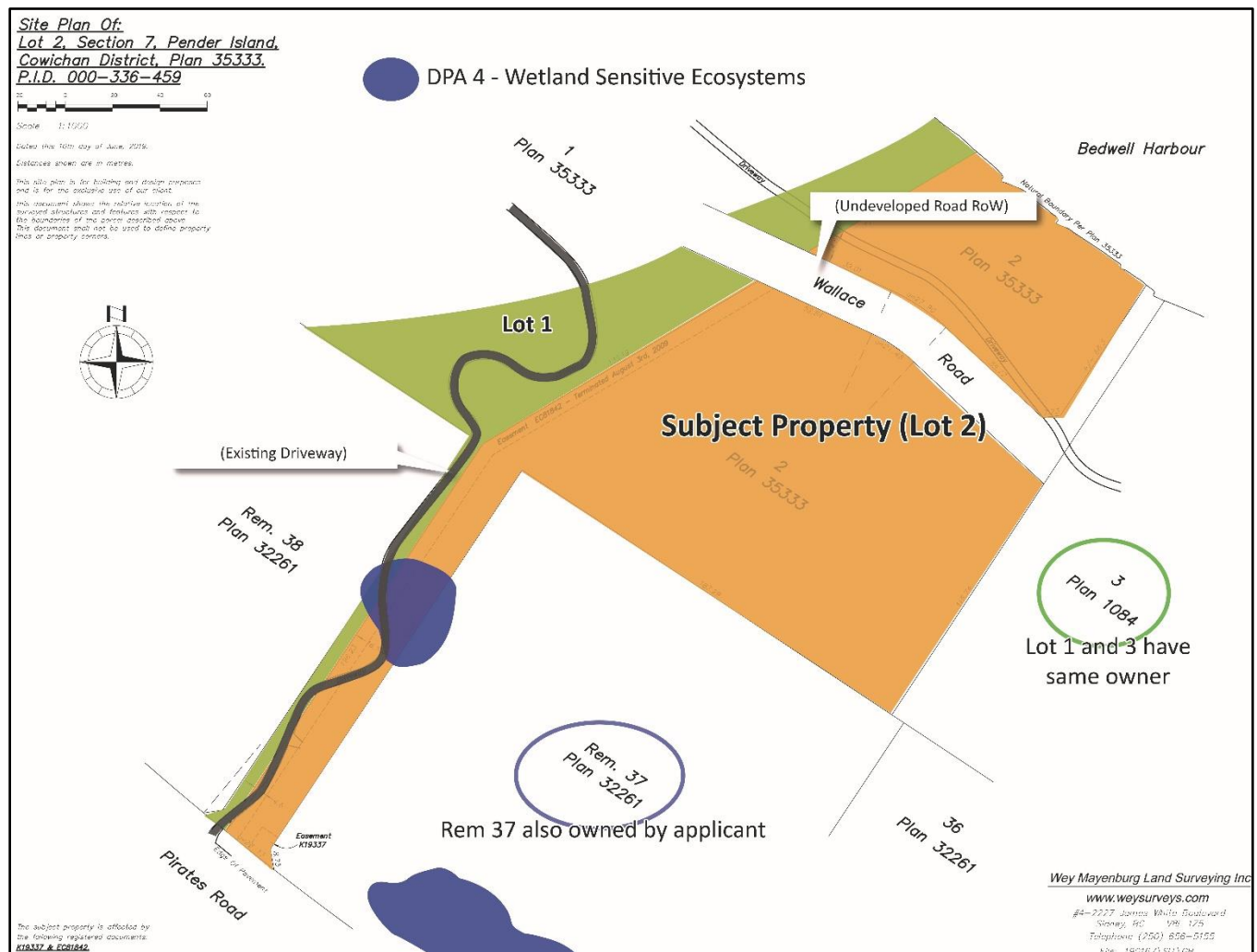
Although there are other alternatives for legal access, these are either not feasible or more environmentally impactful and costly than the current proposal. Further discussion on alternatives is in 'Issues and Opportunities' (below).

As required, the applicant hired Dave Gooding, R.P. Bio who conducted a site visit and prepared a report "Driveway realignment near DPA Wetlands, Lot 2, Sect. 7, North Pender Island" (Gooding Hydrology Ltd., November 11, 2019 –Attachment 4). The report analysed the wetland ecosystem along the panhandle corridor and 'ground truthed' the actual location and extent of the designated wetland as well as another previously unmapped and undesignated wetland area (wetland # 3). The report summaries that the relocation would require the removal of only two trees; maintain a buffer of 3.2 metres between the driveway and the wetland area # 1; and "...would have no significant effect on wetland # 1 hydrology or vegetation" (p.2). The report is discussed further in 'Issues and Opportunities' (below).

A completed DPA checklist is attached to the main report that makes numerous construction management recommendations consistent with the guidelines all of which have been included in the draft DP.

Staff have not been able to conduct a site visit.

Figure 1 – Subject Property and Ownership

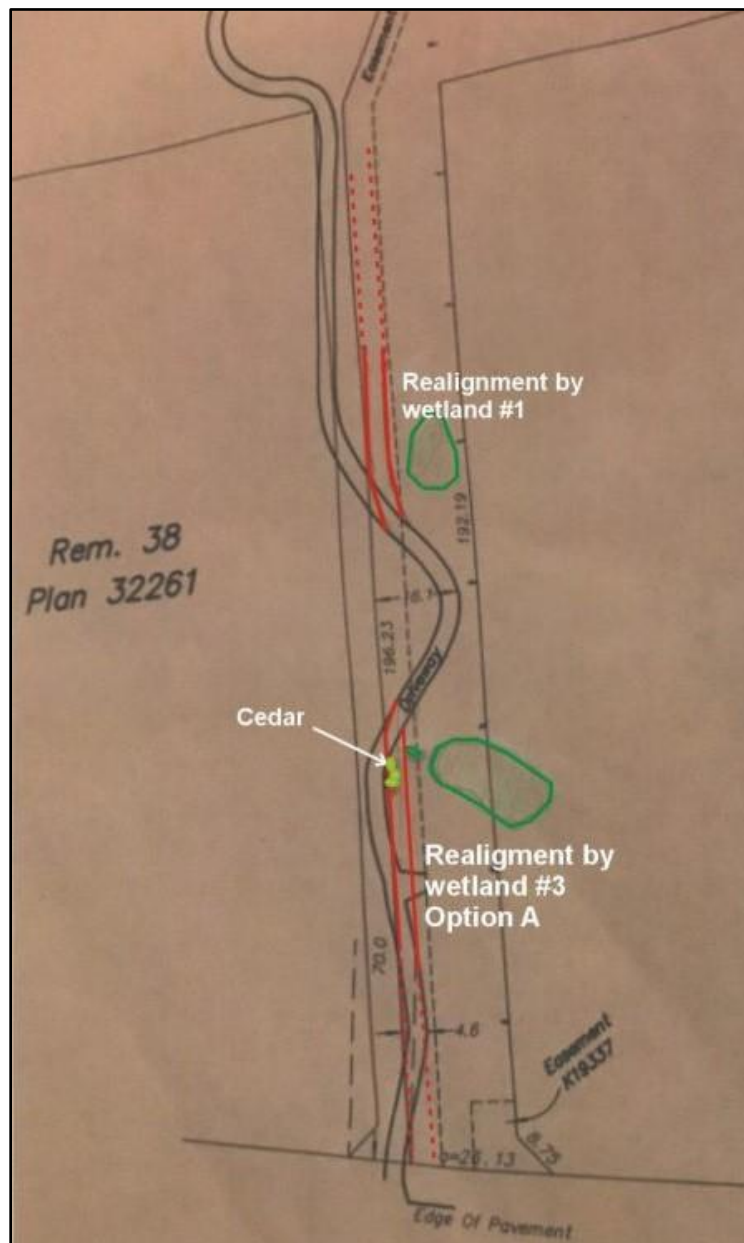


ANALYSIS

Islands Trust Policy Statement:

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

Figure 2 – Map from Biologist's Report



Official Community Plan:

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

Development Permit Area 4 (DPA) – Wetland Ecosystems is designated on the property as shown in Attachment 2.2 and on Figure 1 – Site Plan.

The *DPA Guidelines Checklist* has been completed and is Attachment 4. In summary, all objectives and conditions of the DPA have been met.

Land Use Bylaw:

The property is zoned as **Rural (R)** and **Water 6 (W6)** in the North Pender Island Land Use Bylaw No. 103, 1996 (Attachment 2.1). The subject property is currently undeveloped.

Islands Trust Conservancy:

As there is an ITC Covenant on adjacent property (Rem. DL 38), the application and a draft of the proposed DP were sent to ITC staff for information. ITC staff responded that the conditions in the draft permit were reasonable and also recommended that the works take place in August/early September outside of bird nesting and amphibian migration times. That condition has been placed in the draft permit.

Issues and Opportunities**Alternative Access Solutions****OCP Policies:**

5.2.1.5.2. Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.

5.2.1.5.13. Driveways and other accesses should be limited to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.

5.2.5.3.4. Locating roads, driveways and utility corridors along or across wetland ecosystems should be avoided...

On the principle of avoidance, Staff requested the applicant indicate what the steps he has undertaken in order to find alternatives to developing in the wetland area. The potential alternative solutions are as follows:

1. For the owners of Lots 1, 2 and Rem. Lot 38 to grant reciprocal easements on a shared driveway in its current location.
2. Obtaining an easement from the owner of S ½ of Lot 1, Sec 7 to connect from the developed portion of Wallace Road from where it terminates on the north side of that property across (south)to dedication (undeveloped) extension on the south side of the property (see Figure 3).
3. Alternatives routing of the driveway on Lot 37 (also owned by the applicant).

Summaries for each alternatives follows:

Current Location

Although the applicant has reported that the relationship with the owner of Lot 1 has improved since last summer and they are cooperating, he does not view maintaining the current driveway location and negotiating easements as a viable option because:

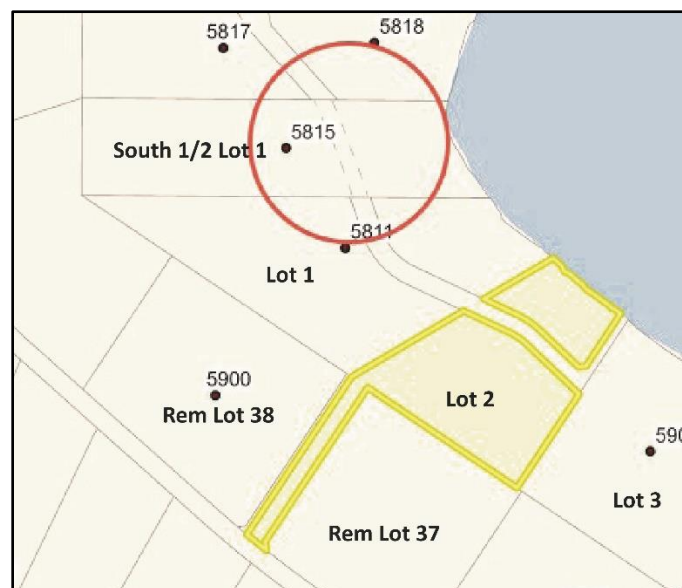
- It makes the property difficult to sell without secure access;
- He has constructed a substantial portion of the driveway from the north area of the subject property to the panhandle area north of 'Wetland 1' already; and,

- Apparently, the owners of Rem Lot 38 were (before the survey being conducted in June 2019) unaware that a portion of the driveway was on their property and they are not interested in granting an easement for that to remain.

Wallace Drive

The built portion of Wallace Road currently terminates at the north property line of the S ½ of Lot 1, Sec 7 (5815 Wallace Drive – Figure 3). The ability of Wallace Road to be used to legally access the subject property in addition to Lots 1 and 3 is limited as there is an undedicated/unbuilt portion of Wallace Road on the S ½ of Lot 1, Sec 7 that creates a ‘gap’ (red circle in Figure 3). The public use of undedicated roads can only happen when public funds have been spent on the ongoing maintenance of a travelled road and it has been deemed public under Section 42 of the Transportation Act. This does not apply in this situation.

Figure 3 – Wallace Road Dedication



The dedication of the undeveloped portion of Wallace Road south of the S 1/3 of Lot 1 would have occurred at the time of subdivision with the intention of extending Wallace Road as the area continues to be subdivided and developed over time. Lots 1 and 2 were approved as panhandle lots to provide access to publicly maintained road and grant unfettered legal access. The S ½ of Lot 1, Sec 7 was not part of that subdivision and with current zoning and designations, there is no further subdivision potential with any of these lots.

Therefore, any potential for Wallace Road to be completed would require provincial expropriation, which is remote. Ministry of Transportation and Infrastructure staff suggest that lots 1 and 2 and to continue the use their panhandle access to Pirates Road. Alternatively, they could approach the owner of the S ½ L1 S7 to discuss an easement over the property, effectively completing the Wallace Road dedication and providing legal access for Lots 1 & 2. The applicant has indicated that the owner is not favourable to access being developed across his property.

Rem. Lot 37

In discussing alternatives with the applicant and reviewing the Biology report, the ability to navigate around the designated wetland areas by creating access partially on Lot 37 (owned by applicant as well) would entail the

clearing and removal of significant stands of mature trees and result in significantly more impactful to the environment in general and more specifically to the sensitive ecosystems on both lots than the current proposal.

Biologist's Report

As above the Biologist's report "Driveway realignment near DPA Wetlands, Lot 2, Sect. 7, North Pender Island" (Gooding Hydrology Ltd., November 11, 2019 –Attachment 4) was submitted in support of the application. A completed DPA checklist was included as required.

In addition to the inventory and analysis of the condition and location of the designated wetland ecosystem, the proposal identified and assessed an unmapped 'Wetland Area 3' and gave options and made recommendations for realigning the driveway in that specific area (for clarification – Wetland 2 is the designated wetland area on Rem. Lot 37 - see Figure 2). As that is not a designated area, any compliance with the report recommendations is voluntary for the applicant although he has indicated that he intends to follow all recommendations.

The report also included the required Development Approval Information checklist and made construction management and timing recommendations to limit, mitigate and manage impacts including monitoring. All recommendations have all been incorporated into the draft DP.

The report concluded that there "...would have no significant effect on wetland # 1 hydrology or vegetation." (p.2)

Consultation:

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

Agencies

As above, the Ministry of Transportation and Infrastructure was consulted (above) to establish the viability of access to the property via Wallace Road.

First Nations:

At this time, the proposed development does not raise concerns related to preservation and protection of archaeological locations however as there are areas of mapped archaeological potential on the provincial mapping, the Local Trust Committee Standing Resolutions on Reconciliation and the Islands Trust Chance Find Protocol have been included as Attachment 6.

Rationale for Recommendation:

In summary, the recommendations on page 1 are supported as:

- There are limited viable alternatives for legal access to the main portion of the property either from Wallace Road or Pirates Road;
- the submitted Biologist's report indicates the development would have a minimal impact on the wetland DP Area;
- all recommendations to further mitigate impacts through construction management, timing and monitoring have been incorporated into the draft permit;

- Construction timing and other conditions recommended by staff have also been incorporated into the draft permit; and,
- the objectives and specific guidelines of the DPA have been met.

ALTERNATIVES

1. Request further information

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

Resolution:

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 a DP guideline has not been met. If this alternative is selected, the LTC MUST state the guideline(s) that has not been met.

Resolution:

That the North Pender Island Local Trust Committee deny application NP-DP-2020.1 (Calverley) as the following guideline(s) have not been met _____.

Submitted By:	Phil Testemale, Planner 2	April 16, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	April 16, 2020

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. DPA Guidelines Checklist
4. Biologist's report with Checklist "Driveway realignment near DPA Wetlands, Lot 2, Sect. 7, North Pender Island" (Gooding Hydrology Ltd., November 11, 2019)
5. Draft Development Permit NP-DP-2020.1 (Calverley)
6. Local Trust Committee Standing Resolutions on Reconciliation, the Islands Trust Chance Find Protocol

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 2, Section 7, Pender Island, Cowichan District, Plan 35333
PID	PID 000-336-459
Civic Address	Pirates Road

LAND USE

Current Land Use	Vacant (Rural Zoning)
Surrounding Land Use	Rural

HISTORICAL ACTIVITY

File No.	Purpose
	N/A

POLICY/REGULATORY

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

SITE INFLUENCES

Islands Trust Conservancy	As there is an ITC Covenant on adjacent property (Rem. DL 38), the application was sent to ITC staff for information and recommended conditions have been incorporated into the draft permit.
Regional Conservation Strategy	The application has no consideration for the RCS.
Species at Risk	The checklist as part of the Biologist's report (Attachment 4) states: <i>No observed species or ecosystems at risk near proposed works, no raptor or heron nests nearby, and not a fish bearing water course (p.6).</i>
Sensitive Ecosystems	See DPA Mapping (Attachment 2.2) and Biologist Report (Attachment 4, p.6)
Hazard Areas	Steep Slope Hazard Mapping is shown in Attachment 2.3
Archaeological Sites	There are no archaeological sites are noted within the property or within 100 metres. However, archaeological potential occurs on the property. In addition to the protocol information (Attachment 7), 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	Development in DPA is limited. Protection of wetland will have benefits. Elevation limits many climate change induced hazards (i.e. sea level rise)

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

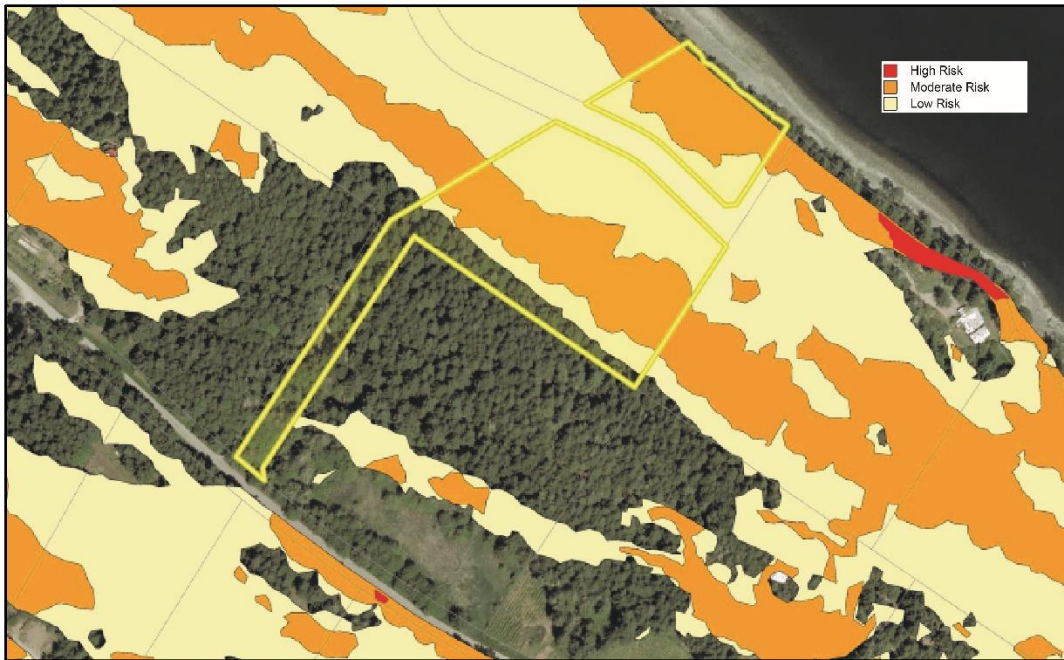
2.1 ORTHOZONING



2.2 DPAs



2.3 STEEP SLOPE MAPPING



2.4 ITC COVENANT



DPA Checklist: NP-DP-2020.1 (Claverley)
Driveway Realignment

Guidelines	Comments
<i>Overall DPA Guidelines</i>	
1. Where lots are not subject to further subdivision, applicable guidelines should be considered to the extent reasonable within the constraints of the site and the lot.	Complies
2. Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.	Alternatives not feasible or economical.
3. The area cleared and disturbed for development should be minimized.	Complies
4. Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.	N/A
5. Buildings and associated infrastructure should be sited with sufficient undisturbed space around significant mature or established trees to protect root systems.	Complies
6. Undeveloped buffer areas should be retained around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.	Complies – 3.2 m buffer as minimum
7. Natural features should be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare plants, unique land forms, rock outcroppings, mature trees, spits and dunes should be protected.	N/A
8. Connections and corridors should be maintained to provide continuity between sensitive ecosystems and important habitat.	Condition in permit
9. Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.	Condition in DP

Guidelines		Comments
10.	Soil removal and deposit within or adjacent to a sensitive ecosystems or habitat should be avoided.	Condition in permit
11.	Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.	Complies
12.	Septic fields should be located in such a manner that the possibility of pollution of sensitive ecosystems or habitat is avoided.	N/A
13.	Driveways and other accesses should be limited to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.	Complies/conditions in permit.
14.	Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure.	N/A
15.	Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible.	N/A
16.	Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.	N/A
17.	The permit conditions may include:	
	a) the construction of permanent or temporary fencing around sensitive features;	Condition in permit
	b) fencing, flagging and posting of notices during construction;	Condition in permit
	c) limits on blasting in sensitive areas;	N/A
	d) limits on construction timing;	Condition in permit
	e) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;	Condition in permit

Guidelines	Comments
f) restoration or enhancement of disturbed sensitive ecosystems and habitat	N/A
18. The LTC may consider variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.	N/A
<i>Wetland Ecosystem Guidelines</i>	
1. Filling or draining of permanent or seasonally wet areas should be avoided.	Complies
2. Wetland vegetation and structure should be retained.	Condition in permit
3. Rare or threatened animal or plant communities and breeding and nesting sites should be protected.	Condition in permit
4. Locating roads, driveways and utility corridors along or across wetland ecosystems should be avoided; where crossing have to be located within the ecosystem the crossing should, to the extent feasible: a) Be narrow and perpendicular to a riparian ecosystem; b) Share facilities; c) Minimize impacts on water bodies; d) Conform to topography to minimize cut and fill; e) Not restrict the natural movement of surface and groundwater.	Complies/conditions in permit
5. The construction of roads, buildings, structures and utility corridors involving disturbance of soil should be conducted in such a manner as to avoid direct run-off into wetlands.	Condition in permit
6. Disruption of natural hydrologic cycles and natural aquatic processes, including water flows, seasonal flooding, channel movements, windthrow or natural slope, should be avoided.	Condition in permit
7. Vegetation cover which helps stabilise banks and reduce erosion and provides habitat should be maintained.	Condition in permit

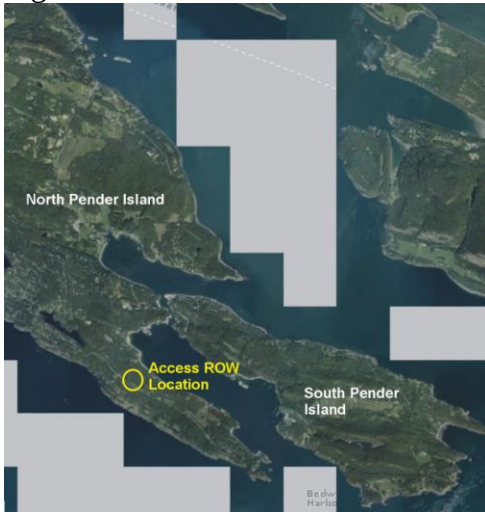
Guidelines		Comments
8.	Removal of vegetation that would reduce the natural functions of the sensitive ecosystem should be avoided.	Condition in permit
9.	Permit conditions may include timing of work in and around sensitive wetland ecosystems, fencing and flagging, and posting of notices.	Conditions in permit
10.	Alteration of vernal pools to create year-round water features should be avoided.	N/A

Nov 11, 2019

Mr. Doug Calverley
39 Brantford Crescent NW
Calgary, Alberta T2L 1N9

Re: Driveway realignment near DPA4 Wetlands, Lot 2 Sect 7 North Pender Island

Figure 1: Location



Realignment of the access driveway to Lot 2 off Pirates Rd is proposed, in order to move the portions of the driveway which are currently on the narrow Lot 1 access ROW fully onto the Lot 2 access Right Of Way (ROW). This re-alignment would put one of the new driveway locations going through a mapped DPA4 wetland. A development permit was required by Islands Trust. An assessment and report by a QEP is required for the development permit to be approved. A site visit was performed on October 16 by Dave Gooding PEng and Kathy Reimer RPBio, with the owner. Assessed access ROW location on North Pender Island is shown to left.

The access ROW had been surveyed and flagged. During the site visit it was noted that the DPA4 mapping of the wetlands on the ROW, shown on figure 2 to the right, was not accurate or complete.

Wetland #1 does not extend across the entire 19.9 m ROW to Lot 2. There is approximately 6.7 m between the west edge of wetland vegetation and the west boundary of Lot 2 access ROW.

Wetland #2 is not mapped as extending into the access ROW. However, there is a third wetland area to the northwest of wetland #2, which drains into wetland #2 and extends into the access ROW.

Figure 2: DPA 4 mapping

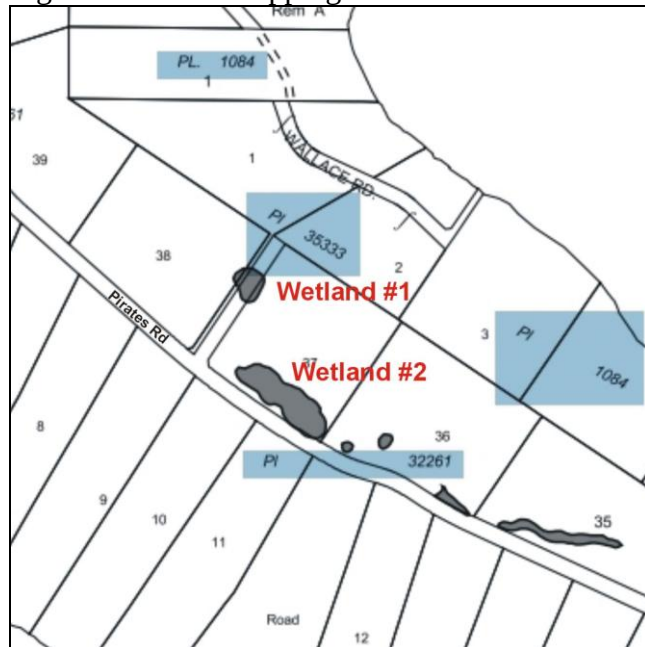


Figure 3: Wetlands on or near the access ROW



General location and size of these three identified wetlands is shown on figure 3 to left.

The groundwater drainage pattern is also shown on figure 3. Unmapped wetland #3 is a sedge wetland fed by the hillside and swale to the northwest, and drains towards wetland #2. A small area of sedge wetland vegetation (1mx2m) is located adjacent to the inside of the driveway bend to the west of wetland #2.

Proposed relocations of the driveway near wetlands

Wetland #1

The edge of wetland vegetation of wetland #1 closest to the driveway is approximately 6.7 m from the ROW boundary. Relocating the driveway 3.5 m to the east as it passes by this wetland puts the driveway within the ROW and leaves a minimum buffer strip of 3.2 m between the new driveway and the wetland. This would require removal of two trees adjacent to the current driveway, shown with red circles in photo 1 above. This portion of the driveway relocation would have no significant effect on wetland #1 hydrology or vegetation.

Photo 1: Realignment by wetland #1, looking south



Photo 2: Realignment by wetland #3, looking south



Wetland #3

Moving the driveway 3.5 m to the east is the minimum required for the driveway to be fully on the Lot 2 access ROW (option A). This would require removal of the cedar and single fir on the inside of the bend. Closest approach to wetland #3 is 6.4 m.

Realigning further east through an opening in the trees does not require removing the trees, however the isolated cedars and fir

would likely suffer some root damage, affecting their probability of survival. This option B would also completely cover the small patch (1mx2m) of wetland vegetation seen in the foreground of photo 2. Closest approach to wetland #3 would be 3.6 m.

Option A is recommended, as requiring the minimum area of fill in the swale leading down to wetland #3, and the widest buffer strip for wetland #3. The base of the new road bed should be constructed of coarse rock and clean gravel to a depth of 0.5 m, to allow drainage. Construction of option A in this manner would have no significant effect on the hydrology or vegetation of wetland #3.

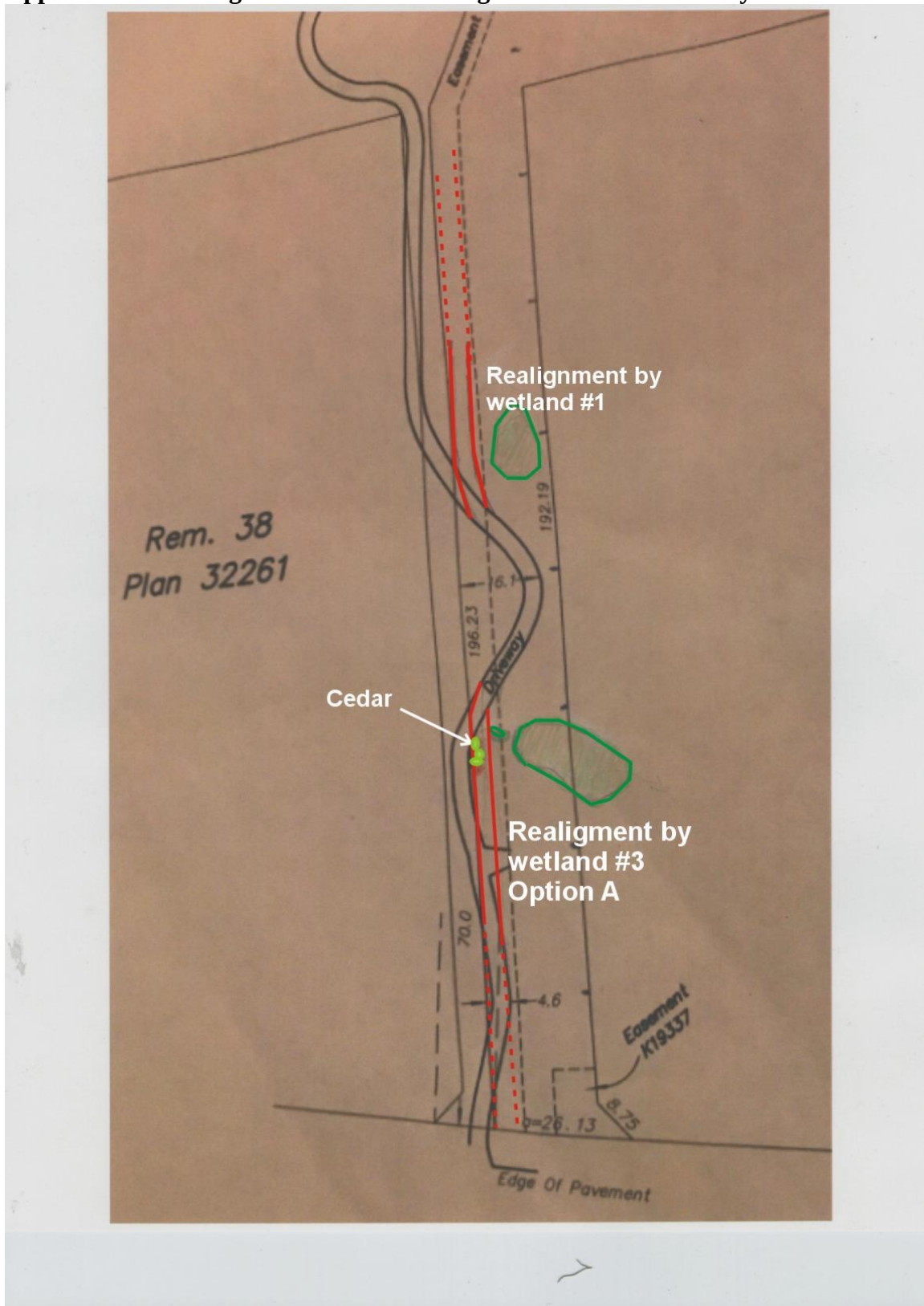
A drawing of the proposed realignments and the wetlands is attached as appendix 1.

Acknowledgement: Site visit was performed, and report preparation consulted on, with Kathy Reimer MSc RPBio.



Dave Gooding, P.Eng.

Appendix 1: Drawing of wetlands and realignments on ROW survey



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

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

Instructions

Landowners/applicants should ensure that:

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

Consulting Professionals:

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

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

Pursuant to North Pender Island Local Trust Committee Development Approval Information Bylaw No 134, the applicant shall provide, as part of a development permit application, a report prepared by a qualified professional with relevant experience containing the following information. Where a professional is of the opinion that any of the following information requirements

are not relevant for the proposal in question, the professional shall indicate the rationale for such an opinion, either in the body of the report or in a separate certification. The determination of whether and what extent that development approval information is required is at the discretion of the Islands Trust official.

May, 2013

OFFICE USE ONLY

File No:

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)			Office Use only
	Information and Documentation Required	✓	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:		
	The proposed development and associated features		Driveway realignment only
	The development permit area boundary		Site Plan see Gooding Hydrology
	Existing buildings and structures		engineering report "Pirates Rd
	Roads and driveways		driveway wetlands2" shows 3
	Topographic features		wetland sedge areas, only 1 of
	Significant features identified in the site inventory		which was captured on the DPA mapping.
	Where development would occur on slopes exceeding 20% grade: site profiles and cross sections demonstrating terrain conditions prior to disturbance		
Site Inventory	A site inventory providing information on the ecosystem classification, based on current best practices, providing information on: - existing plant communities - marine, aquatic and terrestrial habitats - sensitive ecosystems - nesting trees - the presence of rare species and rare plant communities - current on-site and adjacent land uses - slope stability - erosional processes - hydrology and flood potential - topography		Wetland plant species in mapped areas in the above noted report include slough sedge, salal, salmon berry in 2 nd growth fir and cedar forest. No nesting trees noted, hydrology not altered or slope stability affected by proposed works as prescribed. No flood hazard potential.
	Site background analysis that includes the following known information: - A check for observed species and ecosystems at risk - A description of the context of the site including the use of adjacent lands and proximity to protected areas - A check for the presence of raptor and heron nests - A check for the presence of fish-bearing water courses		No observed species or ecosystems at risk near proposed works, no raptor or heron nests nearby, and not a fish bearing water course.
	A conservation evaluation that identifies environmentally valuable features on or near the proposed development. The evaluation should be based on current best practices, such as the RISC standard		Riparian trees should be protected around the wetlands. There should be no tree removal beyond that recommended in the above noted report.

Development Proposal	A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. Alternative development options.		The proposed development is a realignment of two short portions of the driveway, involves removal of around 5 trees. Above noted eng. report provides mitigative measures to ensure no deposition of soil to wetlands or alteration of site hydrology.
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development, consisting of anticipated impacts on the following:		
	Sensitive ecosystems		None
	Rare plant communities		None
	Rare species habitat		None
SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)			Office Use only
	Information and Documentation Required	✓	
	Site hydrology		
	The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area		No impacts if recommendations of engineers report followed
Measures	A description of all recommended measures to limit, mitigate and manage the impacts of the development on environmentally valuable features		Temporary fencing, to reduce damage to roots of leave trees, should be constructed along the edge of the eventual road fill along the two wetland sedge areas.
	A description of mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.		Construction should be done during the dry season. If done during the wet season, a filter fabric fence should be installed between the temporary fencing and wetland #3 to prevent silt infilling the wetland.
Monitoring	Recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, a monitoring schedule and process for resolving any non-compliance		A QEP should monitor the tree falling and ensure the temporary fence installation is completed before earthwork begins. If done during the wet season, monitor should ensure the filter fence by wetland #3 is in place before soil disturbance.
Restoration	Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development		None necessary

OFFICE USE ONLY

File No:

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

OFFICE USE ONLY

File No:

RIPARIAN AND AQUATIC DEVELOPMENT PERMIT AREA (DPA 10)			Office Use only
	Information and Documentation Required	✓	

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



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2020.1**

To: Cecile Calverley c/o Fred Calverley

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

Lot 2, Section 7, Pender Island, Cowichan District, Plan 35333
PID: 003-336-459

2. This Development Permit NP-DP-2020.1 authorizes the construction ('realignment') of a driveway within **Development Permit Area ("DPA") 4 – Wetland Ecosystem Development Permit Area**, subject to the following requirements and conditions:

General

- a. The location and extent of driveway construction shall be generally consistent with Schedule 'A', attached to and forming part of this permit.
- b. The voluntary application of all conditions in this permit to the area shown as 'wetland area #3' on Schedule 'A' is encouraged.
- c. The width of the new running surface and verges should be minimized and should be constructed using impervious fill materials.
- d. The monitoring Qualified Environmental Professional (QEP) should ensure that the design and construction of the driveway directs runoff away from wetlands, and does not disrupt natural hydrologic cycles and natural aquatic processes, including water flows, seasonal flooding, channel movements or the migration of amphibians.

Timing

- e. Construction should be undertaken between August and early September outside of bird nesting and amphibian migration times.
- f. Construction should be undertaken during dry weather and not during periods of prolonged rainfall deposition.

Tree Protection and Removal

- g. Temporary construction fencing as specified in h. ii (below) must be erected along the edge of the proposed road fill in the DPA to protect damage to tree roots system.
- h. Any tree removal shall be under the supervision of the monitoring QEP and be limited to the removal of the two (2) trees with the area shown as 'wetland #1' on Schedule 'A', attached to and forming part of this permit.
- i. The removal of invasive plant species (i.e. Scotch broom and spurge-laurel) on the subject property is encouraged.
- j. Any landscaping and restoration within the DPA shall use native trees and shrubs only.

Encroachment

- k. There must be no deposition into the wetland area of any materials from the construction process including construction materials, aggregates, rock, soil or vegetation.
- l. There must be no encroachment into the wetland area by heavy equipment or machinery, nor any contact with existing mature trees in the DPA in general.

Sediment and Erosion Control

- m. All necessary measures to protect the wetland ecosystem must be used by the property owners and contractors through the construction process, specifically:
 - i. Prior to commencing construction, temporary construction fencing (combined high visibility 'snow fencing' with 'silt fencing') must be erected along the edge of the proposed road fill in the DPA in accordance with the specification in Schedule 'B' , attached to and forming part of this permit.
 - ii. The removal of vegetation is limited to the minimum amount required for the final driveway surface.
 - iii. Construction should be staged to clear vegetation and cover with gravel in sections to limit erosion and sedimentation from exposed materials.
 - iv. Verges on either side of the running surface should be covered by hand with straw.
 - v. Any soils exposed or deposited for a period of greater than two (2) weeks shall covered and maintained by means of tarps in good repair and/or hydromulch (without seeds).

Construction Management

- n. All contractors and construction personnel are to be notified of the DPA location and the conditions of this Development Permit.
- o. Prior to arrival, hired contractors should wash and inspect all vehicles and equipment should to ensure invasive plant seeds are not transported onto the subject property. Any weeds should be manually removed on a regular basis.
- p. Prior to leaving, hired contractors should inspect all vehicles and equipment to ensure invasive plant seeds are not transported off of the subject property
- q. A spill control kit shall remain on site for the entire construction period.

Monitoring

- r. The monitoring QEP(s) shall monitor the construction and compliance with all conditions with this permit to include at a minimum one (1) site visit during construction and one (1) visit upon the development work being completed.
 - s. The monitoring QEP(s) shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within one (1) month of the development work being completed.
- 3. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 - 4. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.

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

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, THIS
DAY OF APRIL, 2020.

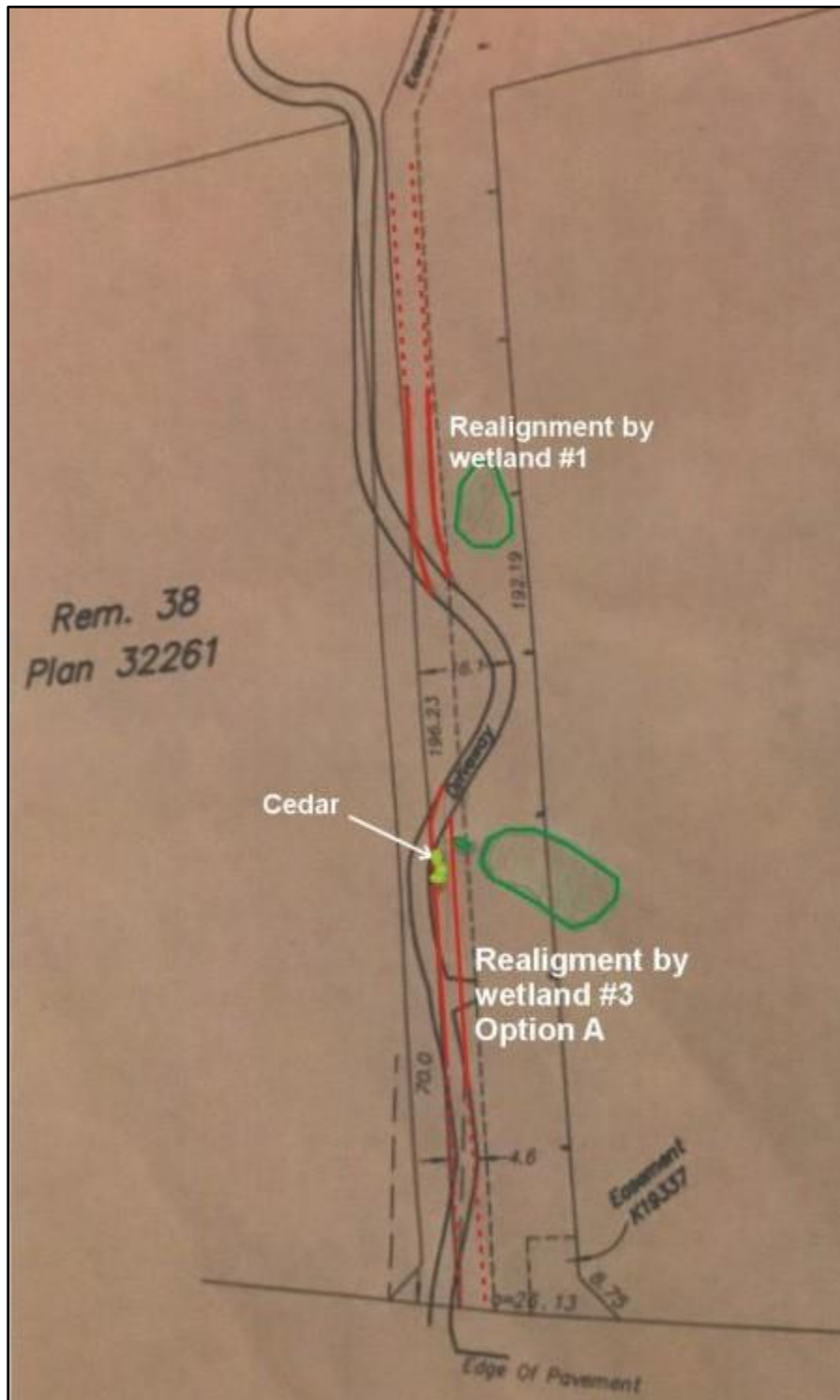
Secretary, Islands Trust

Date Issued

IF THE DEVELOPMENT HEREIN IS NOT COMMENCED BY THE ## DAY OF MONTH, 20## THIS PERMIT
AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2020.1
Schedule 'A' (Biologist's Site Plan)



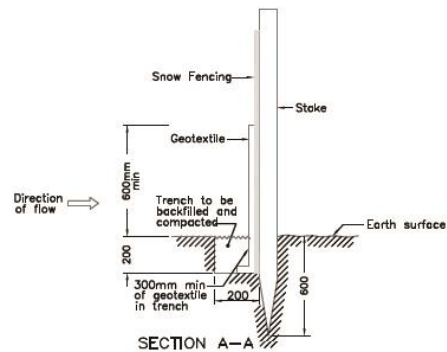
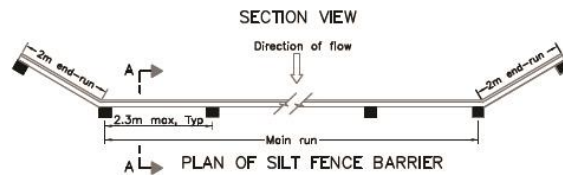
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2020.1 Schedule "B"

Erosion and Sedimentation Control Measures

EROSION AND SEDIMENTATION

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



NOTE:

All dimensions are in millimetres or metres unless otherwise shown.

SILT FENCE WITH SNOW FENCE DETAIL

NTS



Cultural Protocol for Chance Finds and Ancestral Remains within Islands Trust Area

Purpose:

The purpose of this protocol is to provide culturally relevant guidelines to the Islands Trust in cooperation with the Province of British Columbia, the Archaeology Branch, archaeologists (academic, cultural resource management or otherwise), other agencies or individuals and the public, as to the procedures for handling human remains within First Nations treaty and traditional territories. This is to facilitate the culturally appropriate and respectful treatment of these remains.

Mandate:

The Islands Trust Area is located within British Columbia, Canada, and anyone undertaking land-altering activities in areas of known and recorded archaeological or variable archaeological potential should be adhering to the Heritage Act, Island Trust by-laws, other agency and government permitting, and all legal requirements related to land alteration. Chance finds outside of archaeological sites require work to stop to allow for assessment and protection of the area.

Authority:

First Nations within the Islands Trust Area represent the cultural and heritage interests throughout the Trust Area.

Procedures:

The following steps will apply in cases where ancestral remains are found in unexpected situations (e.g. construction of buildings or renovations, building of roads, natural erosion, ground disturbance or alteration) or during archaeological projects or studies under, or not under, a First Nation cultural and heritage permit.

A. Unexpected Discoveries

In cases where the First Nation is notified that ancestral remains are discovered by chance, the following shall apply:

1. The First Nation Lands and Resources Department or Council or Band Manager/Administrator must be notified immediately.

2. The coroner's office and local policing authority must be notified.
3. Representatives from the First Nation (contact determined by First Nation) and the coroner's office will determine whether the find is of contemporary forensic concern. The Archaeological Branch and/or archaeologists can offer advice on such matters.
4. If the remains are of First Nation/Indigenous ancestry, and are under no immediate threat or further disturbance, they will not be excavated or removed, unless determined otherwise by the First Nation.
5. If the remains have been partially or completely removed, the First Nation will facilitate their removal or mediate the situation.
6. If the remains are under threat, removal under the authority of the coroner, police authority and First Nation will coordinate removal.
7. If desired, the First Nation may allow for a qualified physical anthropologist, or archaeologists with training in human osteology and First Nation handling of ancestral remains, to assess the found remains in order to implement conservation measures.
8. Any analysis of ancestral remains must be limited to basic recording and in field observation until representatives of the First Nation arrive at the site.

B. Permitted Archaeological Projects

In cases where ancestral remains encountered in the course of project under a First Nation cultural and heritage permit, the First Nation must be contacted immediately.

1. Extreme care and respect for ancestral remains is required. If uncovered, they must not be removed, but left in place. For any reason they are removed, they must be placed in a clean handkerchief or blanket, placed in a solid box with cedar boughs.
2. The field director or permit holder must contact the First Nation and seek advice on how the ancestral remains should be handled.
3. The First Nation will determine the disposition of the ancestral remains.
4. Any analysis of ancestral remains must be limited to basic recording and in field observation until representatives of the First Nation arrive at the site.

Contacts at Islands Trust include Local Trustee and Senior Intergovernmental Policy Advisor, Victoria Office lwilcox@islandstrust.bc.ca or (604) 348-6885.

DATE OF MEETING: May 21, 2020

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Warren Dingman, Manager of Compliance and Enforcement

SUBJECT: **Temporary Use Permit Application – Pender Island Waste Management**
Applicant: Mike and Anne Burdett (Pender Island Waste Management)
Location: 4415 Bedwell Harbour Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit application NP-TUP-2019.7 (Burdett)

REPORT SUMMARY

The purpose of this report is to provide Temporary Use Permit (TUP) NP-TUP-2019.7 (Burdett) for consideration by the North Pender Local Trust (LTC).

The application for a **full service waste transfer facility** on an approximate 0.66 ha (1.65 ac.) portion of the above-mentioned property.

The above-noted recommendation is supported as: the site was selected as a 'full service waste transfer' location during the LTC's waste management project; the application will allow the use to continue for a limited time of two (2) years; and, upon application for renewal a professional environmental management plan is required as a condition of the permits. If the LTC is not satisfied with that reporting, they can deny renewal and enforcement would be initiated.

BACKGROUND

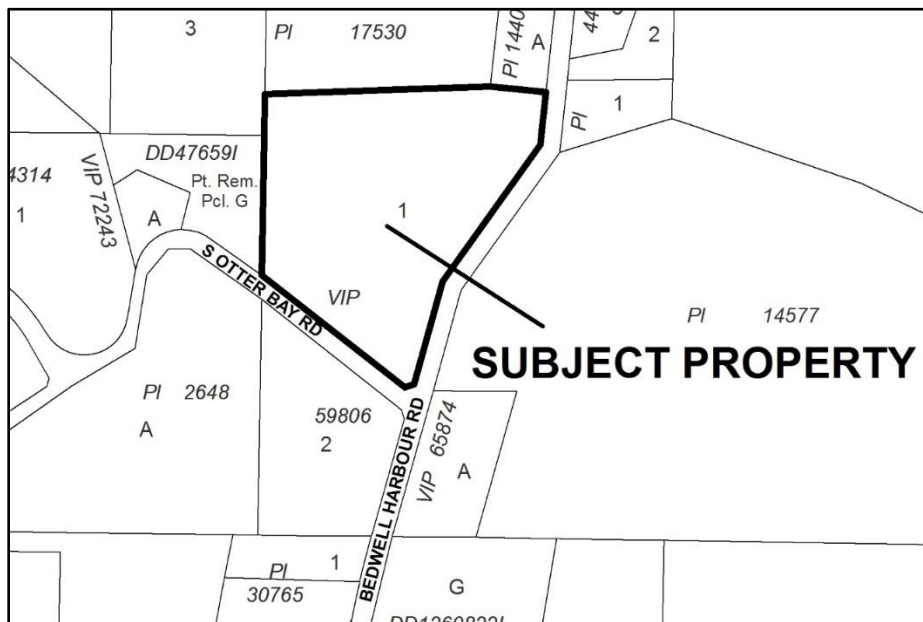
The application is proceeding as the applicant's company (Pender Island Waste Management) requires a permitted or zoned site to legally undertake waste transfer. There are currently no properties on North Pender Island that are zoned for a full service waste transfer facility.

The transfer and sorting for the applicant's operation has until recently been undertaken on the **Industrial 1 (b) - I1 (b)** portion of the applicant's own property at **4606 Razor Point Road**. The only allowable use in that zone is **boat storage** and the majority of that portion is within the provincial Agricultural Land Reserve (ALR).

Further Background to this application, including one (1) staff report and three (3) staff memos are available on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/current-application-documents/>

The Notice and proposed draft NP-TUP-2019.7 are Attachments 1 and 2.

Figure 1 – Subject Property



Specific File Activity:

The application was reviewed most recently by the LTC on April 23, 2020. The following is a summary of activities that have occurred for this application since that time:

- At its April 23, 2020 Regular Meeting, the LTC passed the following motions:

NP-2020-019

It was Moved and Seconded,

that the North Pender Island Local Trust Committee recommend the following amendments to the draft NP-TUP-2019.7 (Burdett):

- That the timeframe be changed to two years.
- That any renewal or new application require an environmental management plan.
- That residential recycling be included for one calendar year.

CARRIED

- Staff amended the draft TUP as directed (above) by the LTC and undertook statutory notification to neighbours and in the *Driftwood* newspaper.
- At the time of writing, staff have received two (2) phone calls and one (1) letter in response (see: 'correspondence - below)

Figure 2 – TUP Area and Location

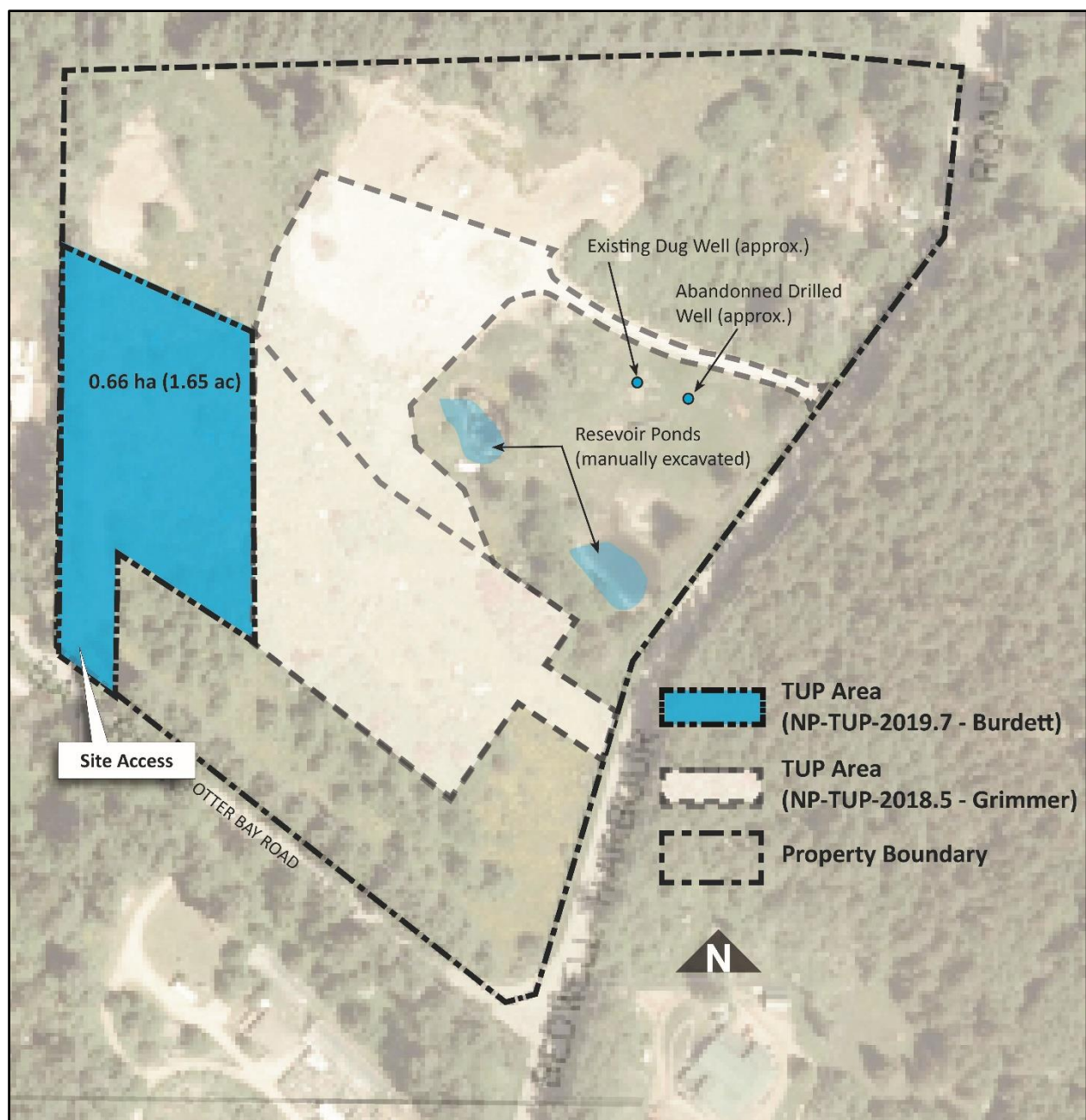
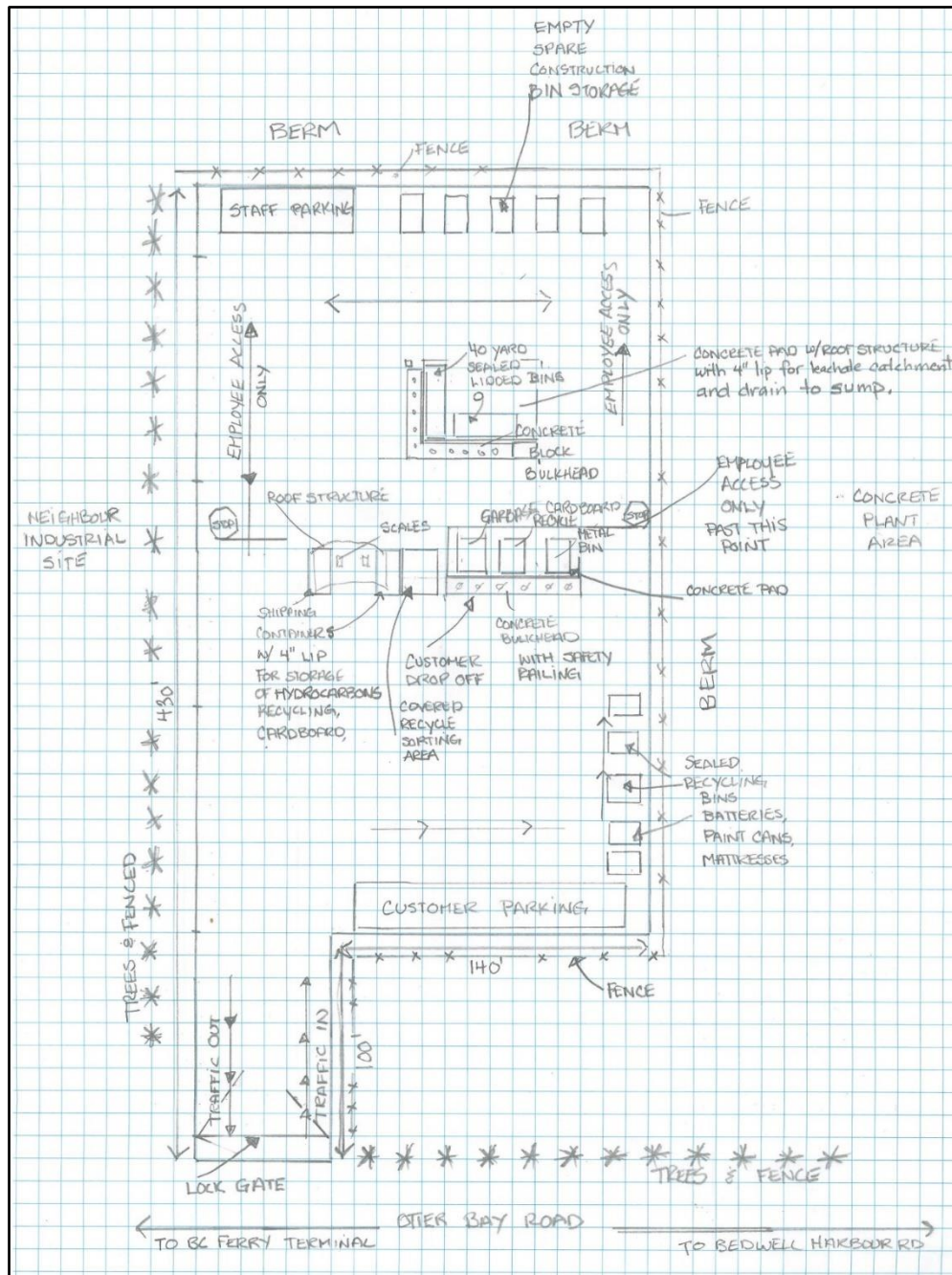


Figure 3 – Applicant's/TUP Site Plan



Consultation

Statutory Requirements

As required a notice was circulated and mailed to surrounding properties within 100 metres of the property and published in a local newspaper (the *Driftwood*) on May 13, 2020. The notification period ends on May 15, 2020.

In response to the notification, at the time of writing, staff has received two(2) phone calls from neighbours both of whom were opposed, and one (1) letter from the Pender Island Recycling Society. The latter outlined successful steps that have been taken to manage traffic to safely receive residential recycling during the COVID

19 crisis and requested that the one year allowance for accepting residential recycling be removed from the permit.

Any further submissions will be submitted to the LTC and reported at the LTC Regular Meeting.

Agencies

This proposal does not trigger any agency referrals.

First Nations

Prior staff memos and reports recommended that consideration should be given to mitigate adverse environmental impacts that may impact Indigenous concerns affecting their lands or resources and that it would be advisable for applicants to provide letters of support or concurrence from First Nations governments in the area or notification to First Nation governments of the application. To date, the applicants have not provided any letters of support. If received, letters will be submitted to the LTC and reported at the LTC Regular Meeting.

The applicant, by copy of the staff report for January 30, 2020, was supplied with information on Chance Find Protocols.

Rationale for Recommendation

The recommendations on page 1 are supported as:

- The site was selected as a 'full service waste transfer' location as part of the land use planning for the LTC's waste management project.
- The application would allow the use to continue for a limited time of two (2) years.
- Upon application for renewal a professional environmental management plan is required as a condition of the permits. If the LTC is not satisfied with that reporting, they can deny renewal and enforcement could be initiated to cease the use.

ALTERNATIVES

1. Request further information

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

Recommended wording for the resolution is as follows:

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

2. Amend the TUP and Approve Issuance as Amended

The LTC may opt to amend the proposed permit by changing conditions, including shortening the time frame. Additional restrictions may require re-notification.

Recommended wording for the resolutions are as follows:

That the North Pender Island Local Trust Committee amend Temporary Use Permit NP-TUP-2019.7 (Burdett) by adding_____; And,

That the North Pender Island Local Trust Committee approve Temporary Use Permit NP-TUP-2019.7 as amended

3. Defer the application

The LTC may opt to defer consideration of the permit. If selecting this alternative, the LTC should describe the rationale.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee defer consideration of Temporary Use Permit NP-TUP-2019.7 (Burdett) for the following reason(s):_____.

4. 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 Temporary Use Permit NP-TUP-2019.7 (Burdett).

Submitted By:	Phil Testemale, Planner 2	May 13, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	May 13, 2020

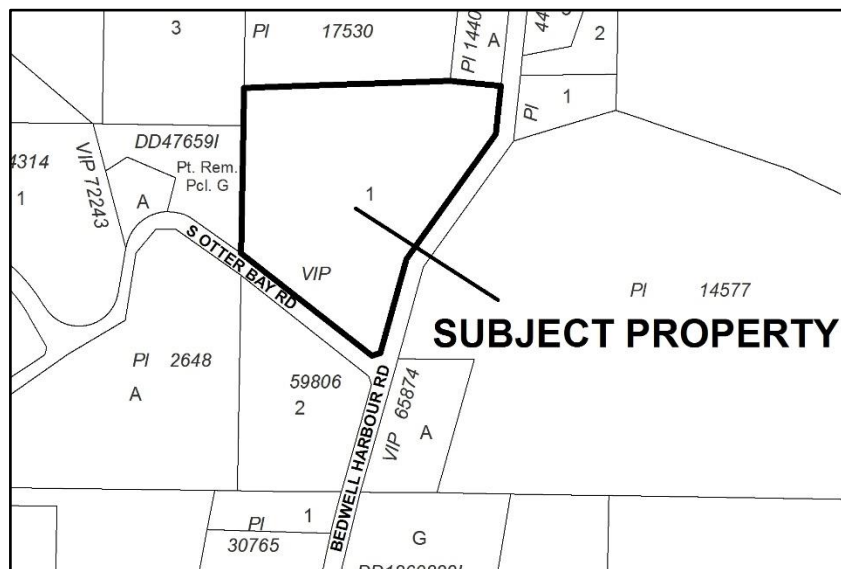
ATTACHMENTS

1. Notice
2. Draft NP-TUP-2019.7
3. Correspondence

NOTICE

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE (LTC) TEMPORARY USE APPLICATION – NP-TUP-2019.7

Michael and Anne Burdett have applied for a **Temporary Use Permit (TUP)** to allow a full service waste transfer facility on a portion of the property located at 4415 Bedwell Harbour Road and shown in the sketch map below. The property is zoned **Rural (R)** and the uses would be subject to the conditions in the TUP (attached and/or online). The TUP is proposed to be issued for up to two (2) years and may be renewed once for up to three (3) additional years.



Copies of background documents and the TUP are available on the Islands Trust website: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-applications/> and at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. between 8:30 a.m. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, from **May 1, 2020** up to and including **May 15, 2020**. Enquiries or written comments will be received before 4:30 p.m. on **May 18, 2020**:

- Phil Testemale, Planner 2: (250) 405-5170 or toll free: Enquiry BC
- email: information@islandstrust.bc.ca

The LTC may consider a resolution allowing for the issuance of the TUP during the regular business meeting on **Thursday, May 21, 2020**.

Applications are available for review by the public upon prior request. Written comments made in response to this notice will also be available for public review.

Jas Chonk, Deputy Secretary



PROPOSED

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2019.7 (Burdett/PI Waste Management)**

4415 Bedwell Harbour Road

To: Barbara and Glen Grimmer
c/o Michael and Anne Burdett (Pender Island Waste Management Ltd.)

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) Full service waste transfer - the use of land, buildings or structures for:
 - i. receiving, storing, sorting, compacting and transferring solid waste;
 - ii. commercial recycling;
 - iii. residential recycling;
 - iv. commercial composting; and
 - v. public drop off waste transfer
- b) Storage of motorized and non-motorized vehicles and equipment accessory to the uses permitted in 2(a) directly required for the waste management business known as "Pender Island Waste Management Ltd".

3. This permit allows buildings and structures accessory to the uses permitted in Section 2. (above) as shown on Schedule 'B' attached to and forming part of this permit, and required for the business known as "Pender Island Waste Management Ltd" and no others and specified as follows:

- a) One (1) covered waste transfer building(s) to contain a maximum of 2 (two) – forty (40) yard volume lidded disposal bins and equipped with a minimum 8" concrete slab foundation and 4" high (minimum) concrete berm with a centre-screened drain and a sump for the purpose of catching and containing any leachate to prevent any contamination to the natural environment;
- b) A maximum of eight (8) – fifteen (15) yard volume disposal bins of which three (3) indicated for 'customer drop off' must be placed on a minimum 8" concrete slab;

- c) A maximum of one (1) hydrocarbon storage building (a 'sea container') that is lockable and weather proof and equipped with a 15.25 cm (6 in.) "kick plate" to contain any spillage; and,
 - d) A maximum of one (1) general purpose storage building (a 'sea container').
4. The uses may be carried out subject to the following conditions and specifications:
- 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 use.
 - d) The use permitted as 'residential recycling' in 2.a) iii (above) is permitted only for a period of one (1) year from the date of issuance of this permit, and is not permitted as part of any renewal of this permit.
 - e) Storage and use of motorized and non-motorized vehicles and equipment accessory to the uses permitted in Section 2 (above) is limited to the following:
 - i. A maximum of five (5) trucks; and,
 - ii. A maximum of five (5) construction containers
 - f) Volumes of waste transfer is not to exceed 600 tons per annum.
 - g) All waste transfer uses must be setback 30 m from any well or surface water body.
 - h) All household bagged garbage will be removed within 72 hours of pickup.
 - i) The TUP area is to be maintained clear of litter and safe for the general public and an end of day survey of the site for any possible litter is to be performed daily.
 - j) Dust must be regularly controlled by application of water to or other non-toxic method of dust control.
 - k) The transfer, storage and shipping of discarded goods and materials permitted by 2(a) above shall not include any hazardous waste, including household hazardous waste as defined by Capital Regional District Environmental Services, bulk liquids and semi-solid sludges, including septage, black water, and sewage treatment sludge, biomedical waste, dead animals and slaughterhouse and farming wastes.
 - l) Drywall may be temporarily stored and transferred off North Pender Island for disposal.
 - m) The uses permitted by 2.a) (above) shall not include car hulks.

- n) Other than the uses indicated in 2.a) (above), the processing of discarded goods and materials is prohibited.
 - o) The placement of signage denoting what is and is not accepted at the site and what is accepted at the recycling facility at a separate location, fees, and hours of operation.
 - p) All other signage, with the exception of directional and instructional signage within the Temporary Use Area, must conform to Part 5 Sign Regulations of the North Pender Land Use Bylaw No. 103, 1996.
 - q) Vegetation is to be retained or planted on berms and maintained along all zone boundaries or lot lines abutting the non-industrial uses consistent with Subsection 3.13 Landscape Screening of the North Pender Land Use Bylaw No. 103, 1996.
 - r) The hours of operation for public disposal of discarded goods and materials shall be limited to:
 - i. Friday: 10:00 a.m. to 2:00 p.m.
 - ii. Sunday and Statutory Holiday Mondays: 1:00 p.m. to 4 p.m.
 - s) Public access is limited to the portion of Temporary Use area delineated for customer access on Schedule 'B' attached to and forming part of this permit.
 - t) The hours of operation for the emptying of collection bins shall be limited to between the hours of 8:00 a.m. and 5 p.m. Monday to Saturday.
 - u) Any other noise generated by the facility must occur between 7:00 a.m. and 7:00 p.m. where all reasonable measures are taken to abate noise.
 - v) Vehicle access to and from the Temporary Use Area shall be restricted to the use of only the one access point on Otter Bay Road as indicated on Schedule 'A'.
 - w) The vehicular access driveways shall be surfaced with road base (or similar) extending a minimum of 75 metres from Otter Bay Road, and the surface shall be maintained for the duration of the permit and any renewal period.
 - x) 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.
 - y) Any application for renewal must include the submission of a comprehensive environmental management plan prepared by a qualified professional with experience in waste management.
5. This permit is valid for two (2) 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.
6. 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 XX DAY OF MONTH, 2020.

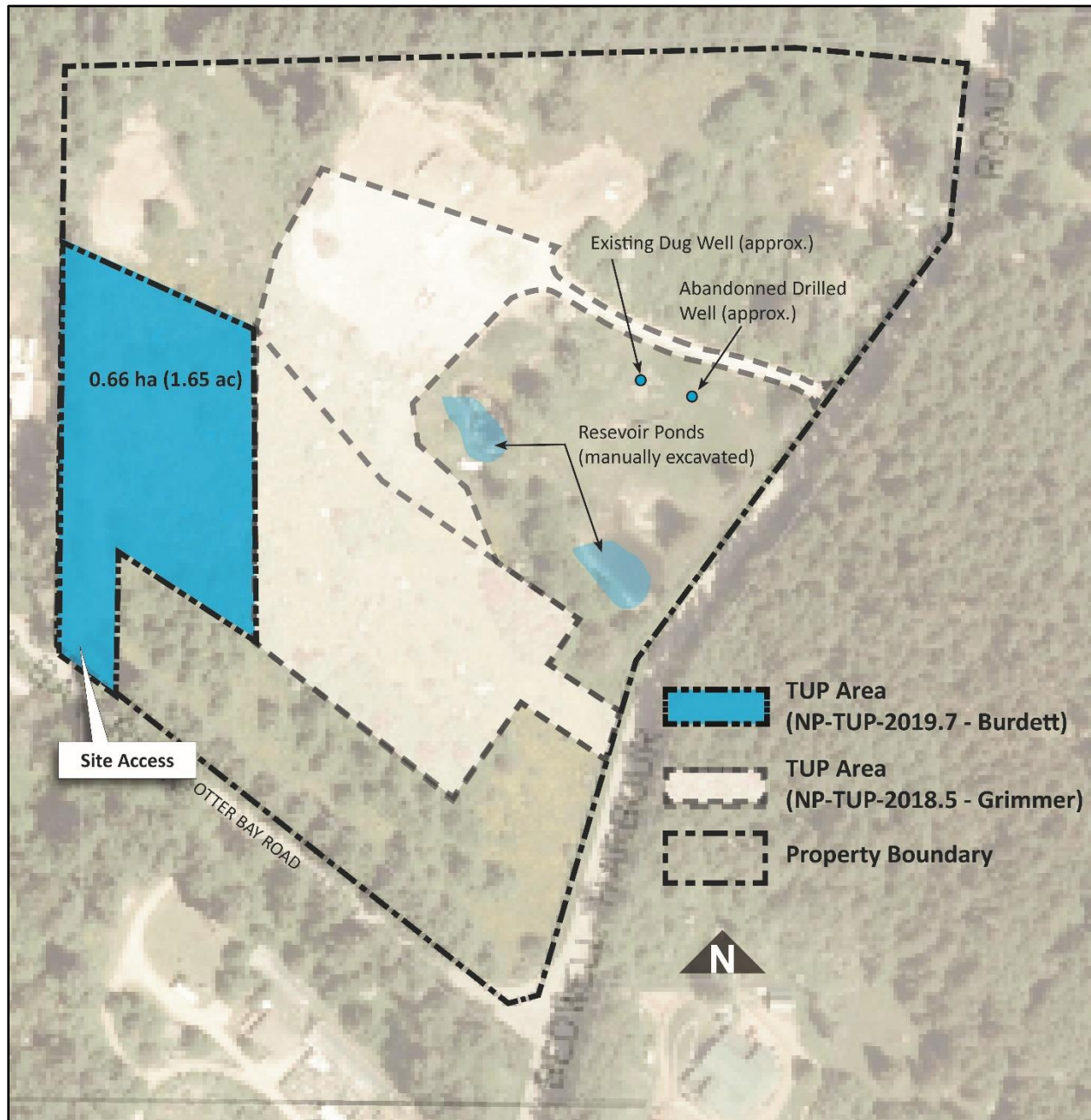
Deputy Secretary, Islands Trust

Date Issued

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-TUP-2019.7
SCHEDULE 'A'

TUP AREA

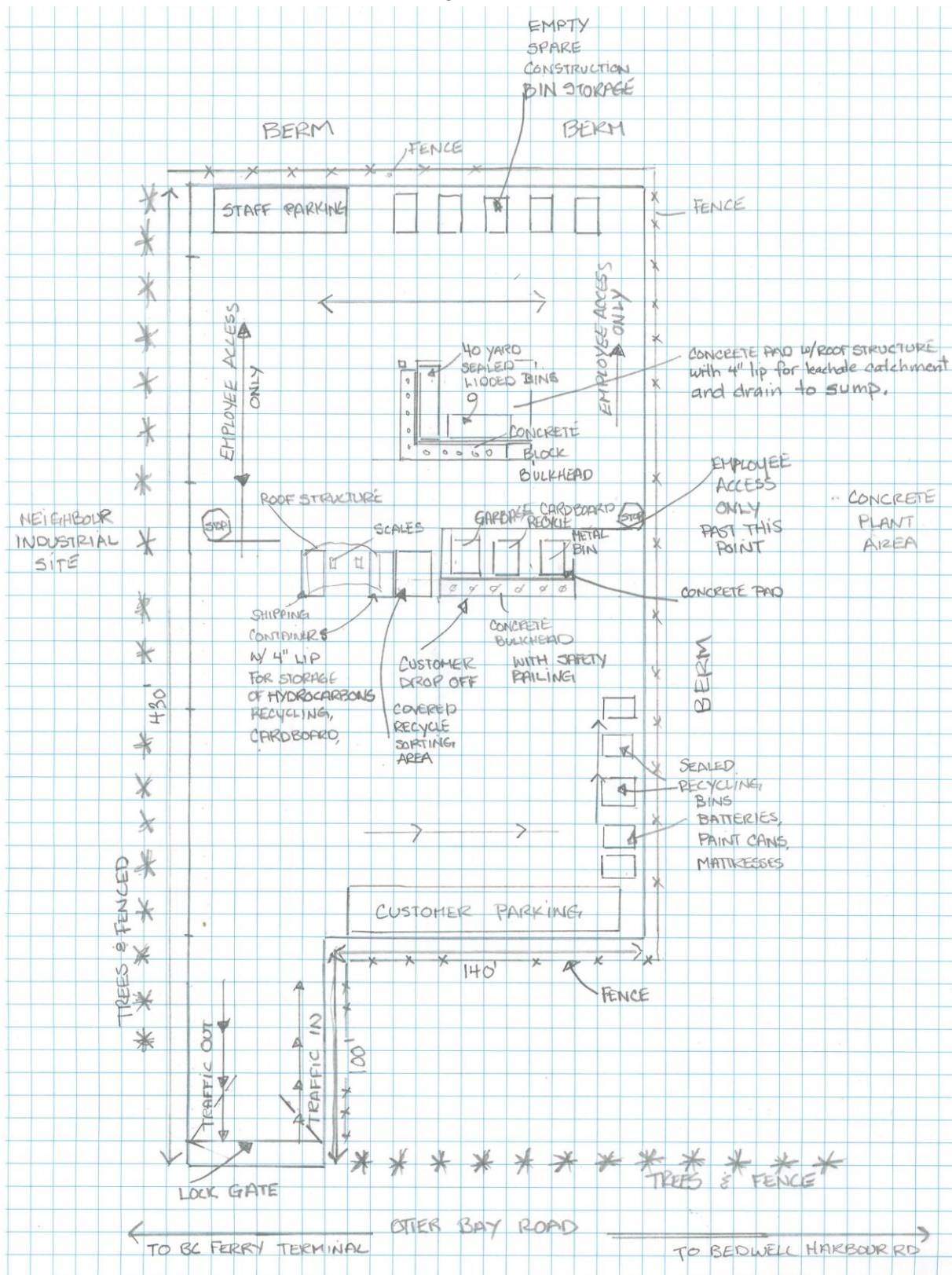


NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-TUP-2019.7

SCHEDULE 'B'

SITE PLAN



To: North Pender Island Local Trust Committee (the “Trust Committee”)
From: Pender Island Recycling Society (“PIRS”)
Re: Temporary Use Permit NP-TUP-2019.7 (Burdett/ PI Waste Management)
4415 Bedwell Harbour Road

PIRS is a not for profit charitable society whose sole purpose is to provide environmentally responsible recycling services for the residents of the Pender Islands.

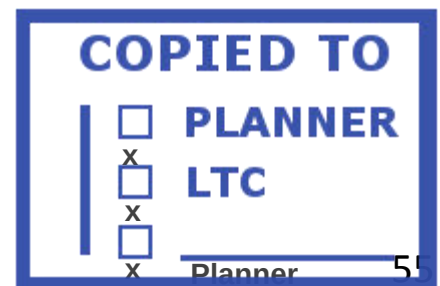
PIRS has been providing this service since 1986.

PIRS writes to voice their concern regarding the proposed amendment of the draft TUP to include residential recycling for a duration of one year, which was reviewed by the Trust Committee at the electronic meeting dated April 23, 2020.

As requested by PIRS in their submission at the Trust Committee Meeting on February 27, 2020, the draft TUP initially submitted to the Trust Committee on April 23, 2020 had been amended to include the definition of Full Service Recycling set out in draft by-law 215. This revised definition *excluded* residential recycling and was consistent with the business currently conducted by PI Waste Management, as well as with the existing by-laws which zone PIRS' property for the purpose of accepting residential recycling.

PIRS understands that the amendment to TUP 2019.7 – which added residential recycling for one year - was proposed after concern was expressed respecting the ability of PIRS to handle residential recycling during the Covid 19 crisis.

PIRS has temporarily revised their operating procedures to protect their staff and the public in light of the Covid 19 crisis and has continued to provide their services uninterrupted. Given the vulnerable nature of the Pender population these changes were essential.



The initial measures adopted reduced the open hours to one day a week – Saturdays from the hours of 10 am to 3 pm. The method of accepting recycling was also revised to allow for appropriate social distancing. The number of vehicles allowed to unload was limited to two at a time and the materials were not handled by staff. The materials were then left for the following Friday before handling and baling by staff to minimize the risk of Covid 19 exposure.

As is true in many other municipalities, the reduced hours resulted in long line-ups. PIRS tried to mitigate this by opening an hour earlier and closing an hour later. Traffic control by PIRS staff was in place immediately to ensure that the traffic flow continued unimpeded along Otter Bay Rd. PIRS consulted with both the RCMP and the Fire Department to ensure that they were following best practices for maintaining traffic flow along the Otter Bay Rd when lineups occurred.

When the extra hours did not significantly reduce the length of the line-up, PIRS added another day of opening to the schedule: Fridays from 9 am to 4 pm. This planned change went into effect April 24th and 25th and has resulted in a steady flow of traffic in the two weeks that followed with no lineup on Otter Bay Rd. PIRS has also been granted permission to use an adjoining property for overflow traffic further reducing the possibility of traffic backing up along Otter Bay Rd. PIRS also regularly posts on Facebook in real time informing the public when traffic is light.

With these measures in place, PIRS is confident that they can safely and responsibly continue to meet the recycling needs of Pender Island residents without assistance. PIRS will continue to monitor the situation and make further changes as needed – ensuring that any changes made prioritize the safety of our staff and the residents we serve.

PIRS requests that the amendment to NP-TUP- 2019.7 authorizing the acceptance of residential recycling for a year be removed and that the definition of Full Service Waste Transfer be restored to that initially included in the draft submitted to the Trust Committee April 23, 2020:

Full service waste transfer – the use of land, buildings or structures for:

- i. receiving, storing, sorting, compacting and transferring solid waste;
- ii. commercial recycling;
- iii. commercial composting; and
- iv. public drop off waste transfer

PIRS values its constructive relationship with the Trust Committee. PIRS would gladly make arrangements for an electronic meeting to discuss this issue if this would be of assistance. The Board and management of PIRS welcome any questions that may arise from this request.

PIRS also requests the opportunity to speak to the proposed amendment at the upcoming electronic Trust Committee meeting on May 20, 2020.

Yours truly,

PIRS Board of Directors:

Davy Rippner, Chair

Joyce Thayer, Secretary Treasurer

Niki Roberts, Executive Director

Robb Zuk

Anne Kaye

Kari Huhtala

DATE OF MEETING: May 21, 2020

TO: North Pender Island Local Trust Committee

FROM: Robert Kojima, Regional Planning Manager
Southern Team

COPY: Phil Testemale, Planner 2
Narissa Chadwick, Island Planner

SUBJECT: LUB Review Project – Discussion Papers

PURPOSE

This memo introduces two discussion papers for the LUB Review Project and updates the LTC on the status of the project.

The project was identified by LTC in late 2019 and the project charter was endorsed in January (project charter attached). The objective of the project is to implement Official Community Plan (OCP) policies through amendments to the Land Use Bylaw (LUB). The project encompasses 7 topic areas:

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

For the initial phase (Feb – June), the project charter identifies that staff will undertake a review of the topics and issues, and prepare background material and options for consideration. For the May 21st meeting agenda staff have prepared discussion papers on two topics: Residential Floor Area and Industrial Land Uses. There is also background on the Conservation Subdivision topic available on [the previous projects webpage](#) from 2013-14 (staff will also be compiling and summarizing this information). The purpose of the discussion papers is to provide policy and regulatory context, identify issues with the current regulations, and provide some options that can potentially be implemented through LUB amendments.

NEXT STEPS

At this point, the LTC can receive the discussion papers, and should identify if there is any additional information that should be added or areas that should be expanded upon.

Additional background work on the other topic areas is scheduled for receipt at the next LTC meeting. Staff are optimistic that most of the analysis can be completed by the next meeting, but the LTC should be aware that the southern team is short one Island Planner position until mid-July, which may affect the project timeline

Once the background analysis phase of the project is complete, the LTC will be asked to consider consultation options in detail. Options for consultation are currently uncertain due to the Covid-19 emergency.

As the LTC receives discussion papers, they will also be posted to the project webpage.

Submitted By:	Robert Kojima, Regional Planning Manager	May 14, 2020
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ATTACHMENTS

1. Project Charter

OFFICIAL COMMUNITY PLAN IMPLEMENTATION – Project Charter v1

North Pender Island Local Trust Committee

Date: January 30, 2020

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

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

Objectives

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

In Scope

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

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

Out of Scope

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

Workplan Overview

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

Project Team

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

Budget

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

NORTH PENDER ISLAND
LAND USE BYLAW REVIEW

INDUSTRIAL LAND USE REVIEW
DISCUSSION PAPER

May 2020

Table of Contents

Background	2
Policy and Regulatory Context	3
Current Policies and Regulations	4
Inventory	8
Discussion	12
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Background

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

The project is categorized into 7 topic areas:

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

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

The purpose of this Discussion Paper is to provide an overview of Industrial Land Uses, reviewing general regulatory mechanisms, providing an inventory of industrial lands, and identifying issues and options for implementation through LUB amendments.

This preliminary report summarizes and discusses the following:

- Regulatory mechanisms available to the LTC for decision making and regulation of Industrial activity;
- The current regulation of Industry on North Pender through the OCP and Land Use Bylaw;
- An inventory of Industrial land uses;
- A discussion of issues and opportunities with current regulation; and,
- A preliminary discussion of policy options.

Policy and Regulatory Context

The following is a brief summary of the range of regulatory mechanisms – the tools - available for land use management of industrial lands. These are common to other local government jurisdictions and Trust Areas and for most the authority for the Local Trust Committee to implement them is derived from the *Local Government Act*.

1. OCP Designations

The OCP is a guiding document that lays out a community's long-term vision and strategy for future planning and land use. It provides objectives and policies, from the broad to the more specific, which inform the Local Trust Committee in making land use decisions; it does not contain regulations or detailed prescriptions. It includes policies and mapping designations of the approximate location, amount and type of present and proposed industrial, land uses.

2. Zoning

Zoning effectively implements the visions and strategies of the OCP. For North Pender this is established in the Land Use Bylaw (LUB), which regulates how land, buildings and other structures may be used. The LUB divides the island into zones and regulates density and use; siting and size of buildings and uses; and the size and shape of lots created by subdivision.

3. Temporary Use Permits (TUPs)

TUPs are a mechanism for allowing specific land uses in circumstances where zoning does not currently permit the use, as well as specifying conditions under which that temporary use can be carried out, and regulating the construction of buildings and structures for the use. They can serve as a precursor to rezoning – a 'trial run' to determine suitability - or where the use is truly temporary in nature. Designation and guidelines are established in the OCP and a TUP can be issued for up to three years and renewed once for a further three. Part 6 of the OCP establishes that TUPs can be applied for in any area covered by the OCP (the entire island).

4. Development Permit Areas

Development permit areas are designated in the OCP and establish areas or particular uses for protection of sensitive ecosystems, or objectives for the form and character of development. DPAs do not specifically regulate or prohibit uses, rather they specify guidelines for how proposed development in that area can address the special conditions or objectives.

5. Home Industry

Certain industrial uses are permitted as accessory uses on larger non-industrial lots.

6. Section 219 Covenants

Primarily by negotiation through the rezoning process, the LTC can enter into Section 219 Covenants with landowners to restrict uses on a specific lot. These can be temporary or permanent and are typically used to restrict land uses that otherwise cannot be restricted in a zoning bylaw.

Current Policies and Regulations

OCP Policies and Objectives

The following is an overview of the objectives, policies and designations in the North Pender Island OCP related to industrial lands.

General

There are numerous general principles and goals in Part 1 (p.13) that are relevant to the review and implementation of industrial land policies. These are intended to provide an overall decision-making framework that balance the needs of the human and natural environments. The goals can be summarized as emphasizing a sustainable approach to economic activity and development that provides opportunity for economic activity while preserving and protecting the natural environment and rural character of North Pender.

Home Based Industry

Although not part of this review, home industry plays a significant economic role on North Pender. These are uses that permitted as accessory to a residential use on larger rural lots. Objectives and policies indicate that regulations should limit the size, location, environmental and neighbourhood impacts consistent with other goals and principles of this plan.

Industrial Objectives and Policies

Specific Industrial objectives, policies and guidelines are found on page 42 and 43 of the OCP. The objectives encourage industrial enterprises that do not adversely affect rural character and lifestyle; limits industrial development to specific areas of the island; prevents strip development; and that industry is sited to minimize adverse effects upon neighbouring properties.

Policies are as follows:

2.5.1 Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.

2.5.2 Priority may be given to the following locations for new or additional industrial development:

a) by application to rezone the industrially designated land on Port Washington Road;

The Local Trust Committee may consider requiring development information for industrial rezoning applications through adoption of a development approval information bylaw.

2.5.3 Industrial activity shall not be permitted in areas suitable for agriculture, or in hazardous or environmentally sensitive areas.

2.5.4 Applications for industrial rezoning must prove sustainable water supply and waste disposal capability, and include provision for remediation of any existing contamination, and in reviewing any application for new industrial uses, the local trust committee should consider potential climate change impacts.

2.5.5 Strip development of industrial businesses shall be prohibited through the implementation of appropriate development permit area guidelines.

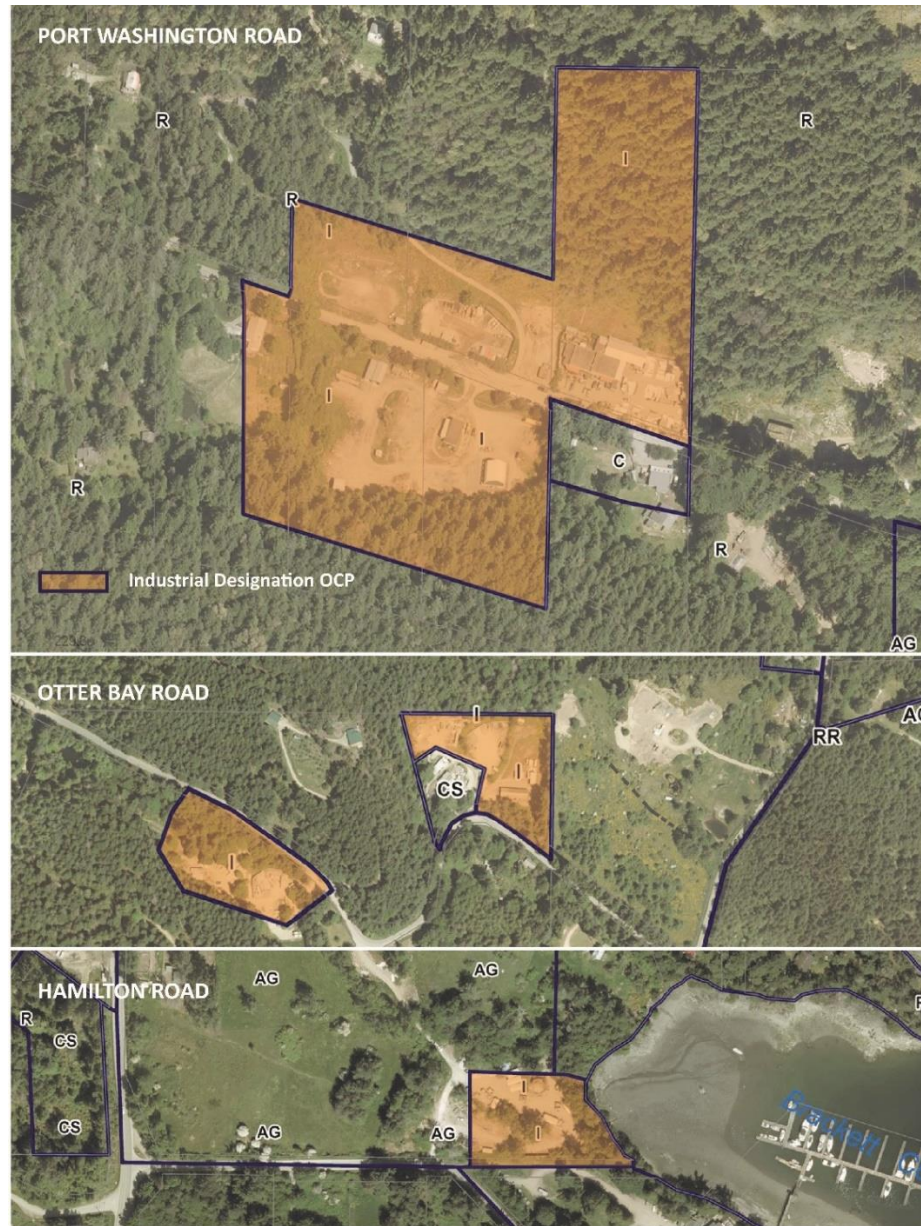
2.5.6 Industrial activity, parking and storage areas should be screened.

2.5.7 Marine industrial activities that would damage or adversely alter the foreshore shall be prohibited.

Map (Schedule B) Designations

Figure 1 indicates the areas of North Pender that are designated **Industrial (I)** in the OCP. The total area of designated land is 8.8 ha (acres). The 2.0 hectares of area designated but not zoned is located along Port Washington Road. It is noted that the designations only correspond roughly to the topographic constraints of the area.

Figure 1 – OCP Designations



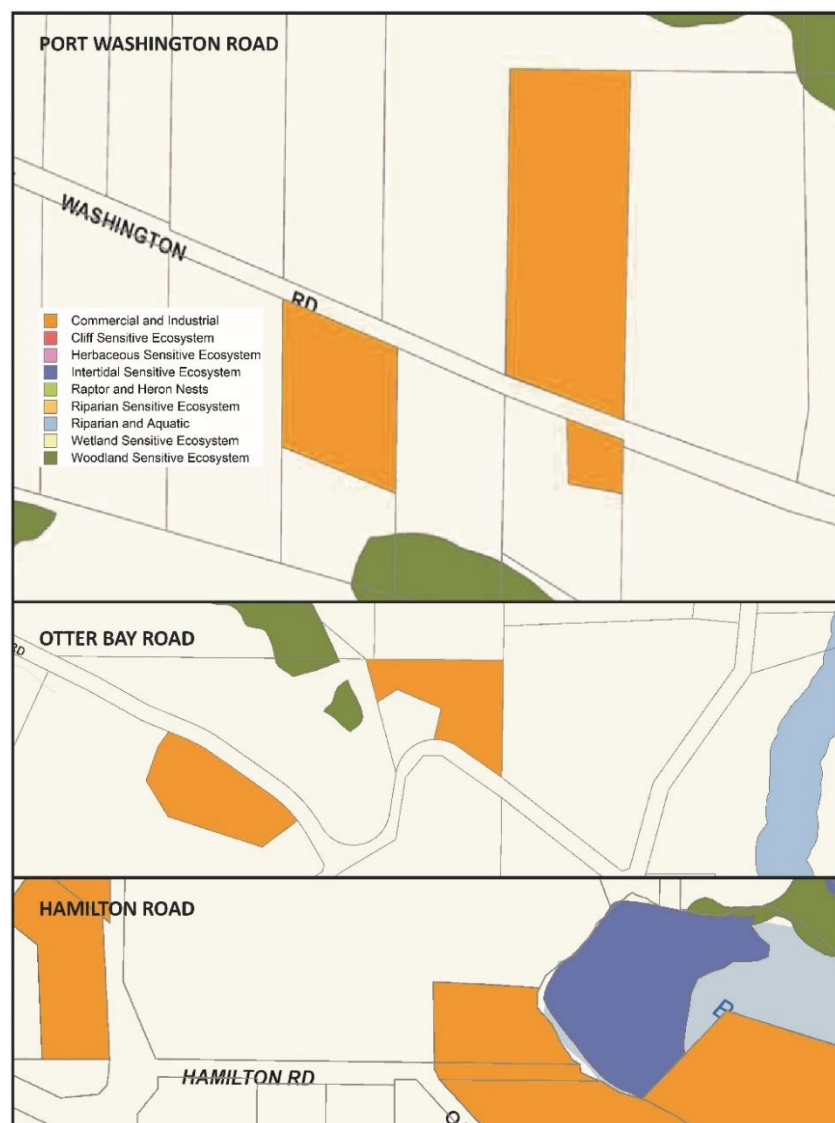
Development Permit Area(s)

All commercial and industrial zoned properties on North Pender are designated in **Development Area Nine – Commercial and Industrial Form and Character**. That DPA has the objective of ensuring that new or additional commercial and industrial development is consistent with and enhances rural character and avoids impacts on adjacent properties.

The applicable guidelines for building form for industrial development are not as extensive as those for commercial and emphasize functional building design and limiting visual impacts. In addition, there are guidelines for landscaping/screening, parking, lighting and signage.

The DPA is not for the protection of the natural environment (sensitive ecosystems) although some areas of properties designated as Industrial on Port Washington Road do have DPA One – Woodland designated on the upland portions.

Figure 2 – DPAs



Land Use Bylaw

The Land Use Bylaw is the main mechanism for implementing the OCP. Zoning establishes the legally permitted use, density, siting, subdivision, screening and landscaping and other regulation for any given parcel of land. There are currently two industrial zones **Light Industrial (I1)** and **Industrial (I2)**; the subdivision requirements and permitted uses are excerpted as follows:

8.8 Light Industrial (I1) Zone

8.8.1 Subdivision Requirements

- (1) *No lot having an area less than 1.2 hectares may be created by subdivision in the Light Industrial (I1) Zone.*

8.8.2 Permitted Uses

- (1) *In addition to the uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Light Industrial (I1) Zone:*
 - (a) *storage of goods, materials and equipment other than dangerous or hazardous materials, salvaged motor vehicle parts and scrap;*
 - (b) *retail sale of building, gardening and landscaping materials and supplies;*
 - (c) *small engine repair;*
 - (d) *storage of motor vehicles, recreational vehicles, boats and trailers;*
 - (e) *manufacturing; and*
 - (f) *accessory dwellings.*

8.9 Industrial (I2) Zone

8.9.1 Subdivision Requirements

- (1) *No lot having an area less than 1.2 hectares may be created by subdivision in the Industrial Zone.*

8.9.2 Permitted Uses

- (1) *In addition to the uses permitted in Section 3.1 of this Bylaw, the following uses and no others are permitted in the Industrial Zone:*
 - (a) *storage of dangerous or hazardous materials, salvaged motor vehicle parts and scrap;*
 - (b) *processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment;*
 - (c) *auto body repair shop;*
 - (d) *motor vehicle wrecking, crushing and salvaging;*
 - (e) *processing, crushing and storage of gravel; and*
 - (f) *accessory dwelling.*

Notwithstanding the above, all industrially zoned properties on North Pender have site-specific zoning. This means that currently only the specific use listed for a property is permitted. Changing the uses on a particular parcel require a TUP or zoning amendment.

Inventory

Zoned Lands

Five (5) parcels of land on North Pender are currently zoned for industrial use with a total area of 6.03 hectares. These are itemized in Table 1 and mapped in Figure 3.

Table 1 – Current Zoning

Site-Specific Zone Reference	Map Ref.	Address	Zoned Area	Site Specific Regulations (The only uses permitted at the locations)
I1(a)	A	3338 Port Washington Road (Home Hardware)	1.8 ha	• <i>storage of goods, materials and equipment other than dangerous or hazardous materials, salvaged motor vehicle parts and scrap;</i> • <i>retail sale of building, gardening and landscaping materials and supplies</i> • <i>propane sales.</i>
I1(b)	B	4606 Razor Pint Road (portion)	0.5 ha	• <i>boat storage.</i>
I2(a)	C	3323 Port Washington Road (portion) (Mainroad Works Yard)	0.8 ha	• <i>the storage of dangerous or hazardous materials, servicing and repairing of goods, materials and equipment,</i> • <i>the processing, crushing and storage of gravel</i>
I2(b)	D	3418 South Otter Bay Road (portion former cement plant)	1.4 ha	• <i>the processing, crushing and storage of gravel</i>
I2(c)	E	3418 South Otter Bay Road (portion by recycling)	1.3 ha	• <i>the processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment</i>

Current/Pending Rezoning Application

There is one current application for a rezoning (NP-RZ-2016.1 the Mainroad works yard – 3323 Port Washington Road shown as 'F' in Figure 3). That application has had a Public Hearing but has been in abeyance for an extended period. Table 2 is excerpted from the amending bylaw and indicates the extent of uses that would be allowed on the rezoned portions of the property (discussed further below).

Table 2

Site-Specific Zone Reference	Address/Legal Description	Site Specific Regulations (The only uses permitted at that location)
I2(a)	3323 Port Washington Road (portion) (Mainroad Works Yard) Lot 8 & 9, Plan 6294, Section 18	• <i>the storage and processing of materials, including dangerous or hazardous materials, supplies and equipment used for, or generated from, the construction, maintenance and repair of highways;</i> • <i>the storage of materials, including dangerous or hazardous materials, supplies and equipment used for telecommunications networks and the supply of electricity; and,</i> • <i>the servicing and repairing of goods, materials and equipment; and the processing, crushing and storage of gravel.</i>

There is an anticipated/required rezoning application for 3334 Port Washington Road (see next) that currently has a TUP (Bigham) that was approved for issuance for one year (indicated as 'G' in Figure 2).

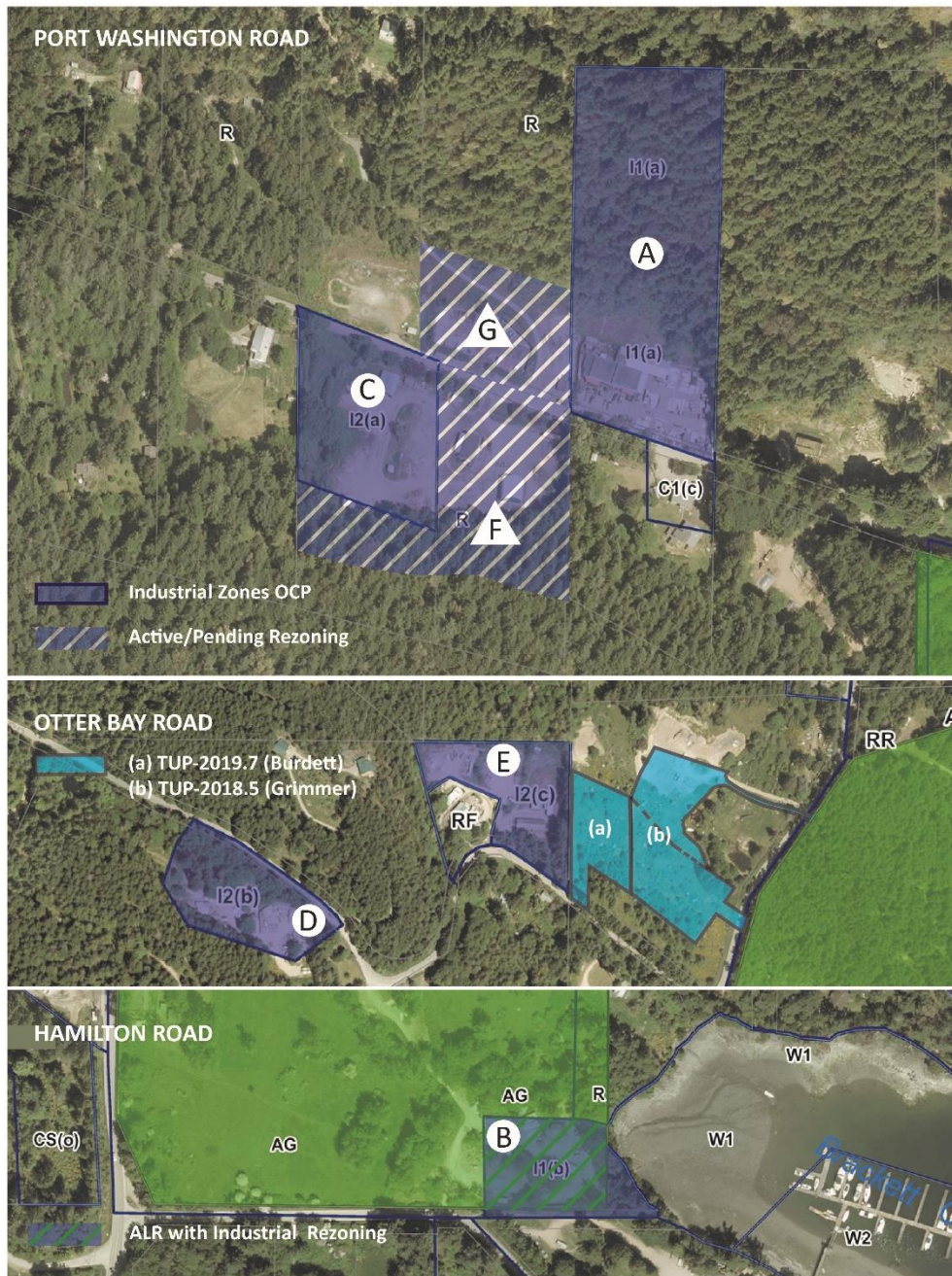
Temporary Use Permits (TUPs)

There are currently two (2) TUPs that have been issued and one that is being considered for issuance. The term (expiry) for these are in Table 3.

Table 3

TUP	Expires	Address	Permitted Uses
2018.5 (Grimmer)	May 2021	4415 Bedwell Harbour Road	• <i>A concrete batch plant operation.</i> • <i>The storage, handling and wholesale of aggregates defined as sand, drainage rock and gravel.</i> • <i>For certainty, and for the purposes of this permit, handling is defined as blending, but does not include screening, sorting, crushing or washing.</i> • <i>Storage of motorized and non-motorized vehicles and equipment directly required for the concrete and excavation business know as "Gulf Excavating Ltd".</i>
2020.1 (Bigham)	April 2021	3334 Port Washington Road	• <i>The storage and handling of aggregates, soils and mulch (not including screening, sorting, crushing or washing).</i> • <i>Wholesale of aggregates, soils and mulch.</i> • <i>Accessory retail sales of bulk aggregates, soils and mulch including landscape stone materials to the general public (limited by volume)</i> • <i>Storage of recreational vehicles, to a maximum of six (6).</i> • <i>Siting of shipping containers, 15 m² (2.4m x 6.0 m) in size, for storage use, to a maximum of twelve (12).</i> • <i>Storage of empty propane tanks, to a maximum of 15 (Fifteen).</i> • <i>Storage of motorized and non-motorized vehicles and equipment directly required for the business</i>
2019.7 (Burdett)	Pending	4415 Bedwell Harbour Road	• <i>Full service waste transfer - the use of land, buildings or structures for:</i> ○ <i>receiving, storing, sorting, compacting and transferring solid waste;</i> ○ <i>commercial recycling;</i> ○ <i>residential recycling;</i> ○ <i>commercial composting; and</i> ○ <i>public drop off waste transfer</i> • <i>Storage of motorized and non-motorized vehicles and equipment accessory to the uses permitted in 2(a) directly required for the waste management business known as "Pender Island Waste Management Ltd".</i>

Figure 3 – Current Zoning, Applications & TUPs



Discussion

The following is a discussion of issues and opportunities for Industrial Lands.

Overall the review process as well as policy considerations or any zoning amendments should strive to balance the Object with industrial economic activities that have the potential to have negative impacts on immediate neighbours the natural environment and rural character. Further, the review process as well as policy considerations or any zoning amendments should be informed by the outcomes of the ongoing LTC Groundwater Sustainability Project. Particular concern is groundwater vulnerability, given the impactful nature of industrial uses. Consultation through engagement and referral with First Nations throughout the review process is an imperative.

- **OCP Map Designations** – the following are issues identified with the OCP Map designations (ref: Figure 1 – above):
 - Port Washington Road designations are mainly applied to properties as a whole, and do not align with physical constraints of the land and potential hazards (topography) and sensitive ecosystems. In this area, the topography is relatively flat adjacent to the road, which is more suited to industrial use for numerous reasons. However, the land rises on both sides of the road where the hillsides are largely treed. Here any industrial uses would be impractical, potentially hazardous, and visually impactful. The map designations should be rationalized to address such constraints.
 - There is also a portion of a rural lot designated for future industrial, but is used residentially with no anticipated future industrial use.
 - The property where Home Hardware is located is designated Industrial. However, the long-term use is more accurately commercial and along with the zoning on the property could be amended.
 - The designation on the portion of 4406 Razor Point Road that is also in the Agricultural Land Reserve (ALR - see Figures 2 and 3), and along with the zoning, is inconsistent with the Agricultural Land Commission regulations.
- **Current Uses and Zones** – the list of permitted uses in the two industrial zones have not been updated since the bylaw was developed over 20 years ago and do not reflect the full range of basic light industrial uses. A revised list of uses should be considered though consultation with owners and operators, and incorporated into changes to those zones.
- **Two Industrial Zones** - the potential for and desirability of new heavy industry is limited, making the need for continuing with the current distinction into two zones is questionable. Zoning could be simplified by establishing one general industrial zone, permitting basic light industrial uses (e.g. contractor businesses, etc.).
- **Site-Specific Zoning** – All industrial zones on North Pender are site-specific zone variants of the Light Industrial (I1) or Industrial (I2), where only the specific uses listed are permitted, reflecting the uses that were occurring there at the time the zone was established. As a result, there are no properties that are readily available and zoned to permit the full list of uses. This creates an inflexible environment where operators have limited options for mobility or the flexibility to expand or diversify. Additionally, the timeframe and cost for a rezoning for a different, but still light industrial use, is prohibitive, particularly for small businesses.

Added to this is limited ownership of industrially owned lands and the willingness of owners to lease for certain uses, all of which can lead to situations where uses are unlawfully initiated or the urgency for a use to be initiated demands a quicker timeframe than an average or quick rezoning amendment. Such a reactive process has numerous pitfalls including a lack of consultation, reporting and analysis of suitability and the perception that industrial development is unplanned.

Expanding the list of uses, creating a single, general zone and potentially rezoning specific properties may serve to create greater certainty and flexibility.

- **Subdivision** – the current minimum lot size for both zones is 1.2 ha. That size limits the ability for lots to be created separate from the split-zoned parent parcel, allowing subdivision of the industrial portions could increase the diversity of lots and ownership and make the industrial uses more flexible and affordable. This is particularly the case as many of the existing industrial zones are part of larger split-zoned lots, or hooked to other lots. Reducing the minimum lot size, particularly in conjunction with broader allowable uses could result in more flexibility.
- **Current TUPs** - there is the opportunity through this process to consider incorporating current TUP operations into zoning. Particularly where operating on industrially designated land.

Options

The main options identified for amending the Industrial zoning are summarized as follows:

1. Review and Amend OCP Map Designations
 - a. Review and amend OCP land use designations to rationalize for the suitability of land for industrial use (particularly remove designations from steep slopes and sensitive areas).
 - b. Remove designations where current use and zoning is not industrial or suitable for industrial
 - c. Consider amending OCP designations to include land areas adjacent to the existing designations and zones where owners indicate a desire.
2. Review and Amend Current Zones
 - a. Combine the two industrial zones into a single general industrial zone.
 - b. Review and update the permitted uses, allowing basic, light industrial uses.
 - c. Remove most or all of the site-specific zoning.
 - d. Amend subdivision lot sizes to permit industrial zoned lands to be subdivided from split-zoned or hooked lots.
3. Consider amending zoning on Specific Properties
 - a. 3338 Port Washington (Home Hardware) to a commercial zone
 - b. 4406 Razor Point Road – amend zoning and OCP designation on ALR portion of the property.
 - c. 3323 Port Washington Road - Mainroad yard – consider a broader set of uses.
 - d. Consider incorporating current TUPs into zoning.

NORTH PENDER ISLAND LAND USE BYLAW REVIEW

RESIDENTIAL FLOOR AREA REVIEW DISCUSSION PAPER

May 2020



Islands Trust

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Background

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

The project is categorized into 7 topic areas:

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

Some topics will likely involve greater community engagement and consultation than others. In the initial phase, the project charter identifies that staff will undertake a review of the topics and issues, and prepare background material and options for consideration. This discussion paper addresses the background and policy options for the Residential Floor Area topic, and is intended to inform discussion and deliberation.

The issue is the potential introduction of maximum floor area provisions for dwellings in Residential zones. Cottages are regulated by a maximum floor area, and dwellings are limited solely by regulations establishing setbacks, maximum height and overall lot coverage, there is no maximum floor area for dwellings.

Policy

The OCP Residential Policy addressing the issue is as follows:

- 2.1.A Maximum site coverage and setback and height limitations shall be regulated, and maximum floor area regulations may be established, to preserve rural character and to minimize resource and energy demands on the island (**emphasis added**).

As a Residential policy, it is applicable to the Rural and Rural Residential land use designations (Section 2.1).

Current Regulations

The OCP policy is applicable to the Rural Residential (RR), Rural (R) and the two Rural comprehensive zones (RC1 and RC2). Currently, dwelling size is regulated by the combination of lot coverage (25% in all the zones), maximum height (9.7m) and setbacks. Cottages are dwellings limited in floor area to a maximum of 56m², by definition, in all zones.

Discussion

Maximum floor area is a basic control on development; in most bylaws, including North Pender's, floor area is the total area of the useable space of a building, defined as the measure of the area of all the storeys of a building. In the North Pender LUB cottages are a dwelling with a defined maximum floor area (56m²). The OCP policy suggests that the LTC may consider establishing a maximum floor area regulation for dwellings, and provides basic rationale of preserving rural character and limiting resource and energy demands. These rationale are supported by other policies and objectives throughout the OCP. Other considerations supporting the introduction of maximum floor area may include protection of green space on residential lots for visual, environmental, and stormwater management purposes; and, generally minimizing visual and other impacts often associated with large dwellings. Potential issues with implementing a new maximum floor area regulation for dwellings include:

- Considering and addressing the diversity of lot sizes, configurations, split-zoned lots, natural features, and land uses within the residential zones, which may limit the application of a single maximum floor area regulation.
- Ensuring that any new regulations do not unreasonably restrict development.
- Recognizing that some existing dwellings may be rendered legally non-conforming.
- Minimizing unnecessary costs associated with development for owners and administrative burdens for regulatory agencies.

Prior to proceeding with implementing regulatory changes, the LTC should consider what issues there are with the current regulations, what is the problem or concern that it is seeking to address and the goal or intent of changes to regulations:

- One of the stated objectives of the policy is the preservation of rural character, which is notoriously difficult to define, and while moderately sized homes may be an aspect of that objective, consideration should be given to the question.
- Reducing resource and energy demands is the other stated objective, however such demands are related as much to occupancy and age of construction as to the size of a dwelling. There are also other tools, such as development permit areas, which may be more directly applicable to addressing resource use in new construction rather than floor area limits.

Implementing a single, maximum floor area for dwellings would be relatively straightforward to administer, other options (such as a floor area ratio, or total maximum floor area for all buildings on a lot) may present more challenges. The current regulation establishing a maximum floor area for cottages is straight forward to administer, accurate plans are usually not an issue. Additions to existing dwellings may result in the need for applicants to provide more detailed plans than otherwise required. Regulations defining crawlspaces and attic spaces should also be reviewed to ensure they are consistent with building code and support implementation of a maximum floor area regulation.

Options

There are two primary options which would directly implement the policy:

1. Establish a maximum floor area for dwellings. Administratively, this would have minimal effect on development requirements: dwelling plans are detailed and floor area calculations are usually included. A single maximum floor area limit is easy for owners and designers to understand. If the intent is to limit excessively massive or imposing dwellings, then a regulation with a relatively large maximum floor area would achieve that, regardless of lot size. The main challenge with implementing such a regulation is determining an appropriate maximum floor area that most closely achieves the policy objective, has a degree of acceptance, and does not result in a disproportionate increase in variance applications. A maximum floor area of 5,000 ft² (465m²) has been established in the North Pender Associated Islands LUB for dwellings on James and Sidney Islands. South Pender recently amended its LUB to establish maximum floor area for dwellings, ranging from 353 m² (3800 ft²) to 560 m² (6030 ft²), depending of lot size. A maximum floor area could be varied by application for DVP or appeal to the Board of Variance.
2. Establish a Floor Area Ratio (FAR) as maximum dwelling regulation. FAR is a measure of the maximum permitted building floor area of a dwelling expressed as a ratio of the area of the lot. The ratio is to the lot area, where the lot area is 1 and the maximum floor area is a multiple of the lot area. For example, with a FAR of 0.20 the maximum floor area would be 20% of the lot area. So for a 0.1 hectare (.25 acre) lot the maximum floor area would be 200 m² (i.e. 20% of 1000m²) or (2152ft²). The maximum floor area in this example could be developed on one, two or potentially three stories, with respective building footprints of 20%, 10%, or 6.66% of the lot area. The advantages of using an FAR is that it would directly relate the maximum buildable area to the area of the lot (larger lot, more developable floor area), and is flexible in that it allows an owner to build higher (limited by the maximum height) but with a smaller footprint. The disadvantages of implementing an FAR include:
 - The need for detailed plans and surveys: in order to determine the maximum FAR, an accurate plan incorporating the floor area of the proposed building and a current survey with the area of the lot would be required.
 - It may be challenging for an owner to readily understand or determine their maximum permitted floor area.
 - It would still permit large or massive dwellings on larger lots.
 - Small lots (older lots or stratas) could be disadvantaged.
 - FAR is not typically used for residential development in rural areas with disparate lot sizes: it is a tool that works best in denser areas with consistent lot sizes and configurations and with the goal of implementing density in a manner that provides both flexibility and achieves public benefit and objectives.
 - Because of the variability in lot sizes even within the Rural Residential zones, settling on a single FAR may prove challenging.
3. Retain current regulations: there is no obligation on the part of the LTC to implement a policy in the OCP.

Other options that do not explicitly implement the policy, but can achieve related results include:

4. Decrease maximum permitted lot coverage. Lot coverage is a measure of the proportion of a lot that may be covered by buildings or structures, but excludes paving or similar surfaces. It differs from floor area in that it is measured on a horizontal plane only, includes all structures, and is measured to the drip line. Maximum lot coverage is currently 25% in the residential zones. Reducing lot coverage may be an option supporting the objectives of retaining rural character and minimizing the impacts of massive or extensive building and development. It would also indirectly limit the size of dwellings, protect greenspace and encourage on-site retention of drainage. In terms of impacts, existing properties could potentially be rendered non-conforming – although existing buildings and structures could be repaired and maintained. Such a change may increase demand for variances as owners would more readily run up against lot coverage limits during development. Administratively, there would be increased requirements at time of development (including during minor additions or construction of accessory buildings) in order to determine compliance with the regulation. For example, survey plans showing all buildings and structures would need to be required more often than currently in order to determine compliance.
5. Retain current lot coverage regulation, but include impervious surfaces. This would support two objectives of the lot coverage provision: to retain greenspace and encourage on-site retention of drainage, but would not alter the regulation for current owners with respect to buildings or other structures. There is the potential that if there were existing properties with extensive paving they could be rendered non-conforming – however the effects of non-conformity would be minimal as existing structures could be repaired or maintained. In terms of administration, there would be increased requirements at time of development (including during minor additions or construction of accessory buildings) in order to determine compliance with regulations. For example, survey plans would have to include the area and extent of all paved surfaces. Also, as there is no permitting of new paving, there is no ready mechanism for administering the regulation in absence of a building permit for a building or structure.
6. An alternative approach that would address dwelling size more directly would be to implement two lot coverage requirements: one for all buildings and structures, and a second smaller provision for dwellings. For example, all lots, regardless of size, have a maximum lot coverage of 25% (as currently) while dwellings would have smaller maximum lot coverage (e.g. 5% or 10%). The result would be that it would effectively establish a maximum floor area for dwellings on smaller lots (depending on the percentage chosen), but would not effectively limit dwelling size on larger lots.
7. Establish a maximum floor area for all buildings. This would include accessory buildings and cottages in the calculation of floor area, but provide an owner with flexibility to distribute the total floor area between the dwelling, cottage (up to the maximum) and accessory buildings. However, this could result a massive building on a small lot. In terms of administration, there would be increased requirements at time of development (including during minor additions or construction of accessory buildings) in order to determine compliance with regulations.
8. Establish a total FAR for all buildings (including accessory buildings). As above, this would incorporate accessory buildings, while providing more flexibility. This option would increase requirements for development: floor area and lot area would need to be surveyed and

calculated for all applications. On the other hand it would provide more flexibility for owners to distribute floor area between accessory buildings and the dwelling (and cottages where permitted). It may have limited impact on the development of massive buildings, but affect undersized lot owners more. And finally, this would be a complex regulation for owners to understand and interpret, and would be atypical for rural areas.

If the LTC does consider revised regulations, it should first define the problem and issues to be addressed and the desired outcome, then be satisfied that the proposed regulations can be effective in achieving at least most of the LTC's goals and also reasonable in terms of their application.

Top Priorities Report

North Pender Island

1. STVR review

to review the policies, regulations and impacts of STVRs

Responsible

Narrisa Chadwick

Dates

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

2. Climate Change Adaptation, Mitigation and Resilience

Phase 1: Groundwater Sustainability Project (2019-2020)

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

Responsible

William Shulba

Dates

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

3. LUB Review

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

Responsible

Robert Kojima

Dates

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

**Projects Report****North Pender Island****1. *Climate Change Adaptation and Community Resilience*****Responsible****Date Received**

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

22-Jan-2009

2. *Official Community Plan Update***Responsible****Date Received**

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

22-Jan-2009

3. *Agricultural Building Watercourse Setbacks***Responsible****Date Received**

Implement Ministry of Agricultural Standards for Building Setbacks from Watercourses in Farming Areas.

28-Jul-2011

4. *Geological Hazard Mapping***Responsible****Date Received**

Continue work on proposed DPA for Hazardous Areas

22-Feb-2012



5. Shoreline Project Implementation

Date Received

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

Date Received

7. Freshwater sustainability

Date Received

29-Oct-2015

Date Received

01-Feb-2019



Applications

Agricultural Land Reserve

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

Planner: Phil Testemale

Planning Status

Status Date: 05-Feb-2020

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

Status Date: 07-Jan-2020

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

Status Date: 17-Dec-2019

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

File Number	Applicant Name	Date Received	Purpose
NP-ALR-2020.1	Lundquist, Al	31-Jan-2020	ALC Application for (Non-Farm Use) / (Inclusion).

Planner: Phil Testemale

Planning Status

Status Date: 13-May-2020

July 2, 2020 agenda: non-farm use and inclusion application

Status Date: 17-Apr-2020

Applicant is in discussions with owners over options.

Status Date: 06-Mar-2020

Request for (agrologist's) report from applicant on inclusion area.



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.5	PICSS c/o HARDAL MANAGEMENT INC Planner: Phil Testemale	23-May-2018	Application for development permit for a building in a form and character DPA
Planning Status			
Status Date: 13-May-2020 Nu to Yu - File on hold awaiting building and landscaping plans from applicant. x- ref to NP-RZ-2016.4 and NP-SUB-2017.3			
Status Date: 06-Jun-2018 Issued receipt for cheque, pink copy to Finance and original scanned with cheque for e-files; emailed scanned receipt and cheque to Applicant, mailed original; added hard copy to application folder.			
Status Date: 04-Jun-2018 Received from Applicant cheque for application fee by post mail.			
File Number	Applicant Name	Date Received	Purpose
NP-DP-2020.1	CALVERLEY, Fred & Cecile Planner: Phil Testemale	20-Feb-2020	Wallace Road - Application for a DP for development in a protection area.
Planning Status			
Status Date: 13-May-2020 On May 21, 2020 agenda by request of applicant			
Status Date: 26-Mar-2020 DP Drafted - April 23, 2020 LTC for consideration			
Status Date: 20-Mar-2020 Fees received, LTC notified.			



Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2020.2	Randall, Jaimes	21-Apr-2020	38228 Schooner Way - development variance permit application to reduce setback of a dwelling.

Planner: Phil Testemale

Planning Status

Status Date: 13-May-2020

July 2, 2020 agenda

Status Date: 23-Apr-2020

Fees received, file created, notified LTC, maps & mailing list requested, waiting for planner to be assigned

Status Date: 21-Apr-2020

PTA received plans and application, waiting on fees

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2020.3	Mansley, Jess	28-Apr-2020	2319 MacKinnon Road - development variance permit for siting of an accessory building in a setback.

Planner: Phil Testemale

Planning Status

Status Date: 13-May-2020

July 2, 2020 agenda

Status Date: 06-May-2020

Fees recieved, LTC notified, Maps & Mailing List requested, sent to planner.

Status Date: 29-Apr-2020

PTA created file, waiting on fees from applicant.

**Applications****Rezoning**

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

Planner: Phil Testemale**Planning Status****Status Date:** 13-May-2020

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

Status Date: 26-Mar-2020

Options provided to the applicant. Awaiting response.

Status Date: 03-Feb-2020

Applicants have reactivated their application. Report to LTC April 2, 2020 agenda

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

Planner: Phil Testemale**Planning Status****Status Date:** 13-May-2020

E-mailed PIPRC.

Status Date: 21-Jan-2020

Planner will contact PIPRC about proceeding with application as is.

Status Date: 23-Oct-2019

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



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2012.4	Edgewood Estates c/o Graham Ross	29-Nov-2012	2218 CLAM BAY RD: referral of a bare land strata subdivision application for 11 lots, including remainder

Planner: Phil Testemale

Planning Status

Status Date: 13-Sep-2019

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

Status Date: 17-May-2019

strata access route layout and standards approved by MoTI and PAO

Status Date: 09-May-2019

Meeting with applicant - update on progress of application

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

Planner: Phil Testemale

Planning Status

Status Date: 27-Jun-2019

Conditions on PLA outstanding (particularly removal of illegal dwelling)

Status Date: 09-Jan-2018

Awaiting Ministerial signature

Status Date: 19-Jul-2017

Bylaws approved by EC



Applications

Subdivision

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

Planner: Phil Testemale

Planning Status

Status Date: 03-Mar-2020

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

Status Date: 07-Feb-2020

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

Status Date: 26-Sep-2019

Applicant advised of regulatory requirements, professional hydrologist certification

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2019.7	Burdett, Anne	15-Nov-2019	Application for a temporary use permit for waste transfer facility use

Planner: Phil Testemale

Planning Status

Status Date: 13-May-2020

Notification completed and on May 21, 2020 agenda for consideration of issuance

Status Date: 17-Apr-2020

Permit drafted and on April 23, 2020 agenda for review and comment < notification

Status Date: 09-Apr-2020

LTC waived DAI requirement for addendum to Environ. Assess Report and Environmental Management Plan. Proceeding with drafting of permit.



Standing Resolutions Log

North Pender Island

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



Standing Resolutions Log

North Pender Island

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

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2006-080 (Standing)	In Favour	25-May-2006
Policy Number NP-LTC-01-06 (Communications Policy) establishes guidance for the preparation and dissemination of routine non-statutory notices, extraordinary notices and trustee newsletters.		
2005-005 (Standing)	In Favour	27-Jan-2005
The LTC will appoint Advisory Planning Commission members as representative of various local areas on North Pender and/or representative of various community organizations		



MEMORANDUM

File No.: NP-NAP-2020.1

DATE OF MEETING: May 21, 2020
TO: North Pender Island Local Trust Committee
FROM: Kathryn Martell, Ecosystem Protection Specialist
SUBJECT: NAPTEP Information Item

PURPOSE

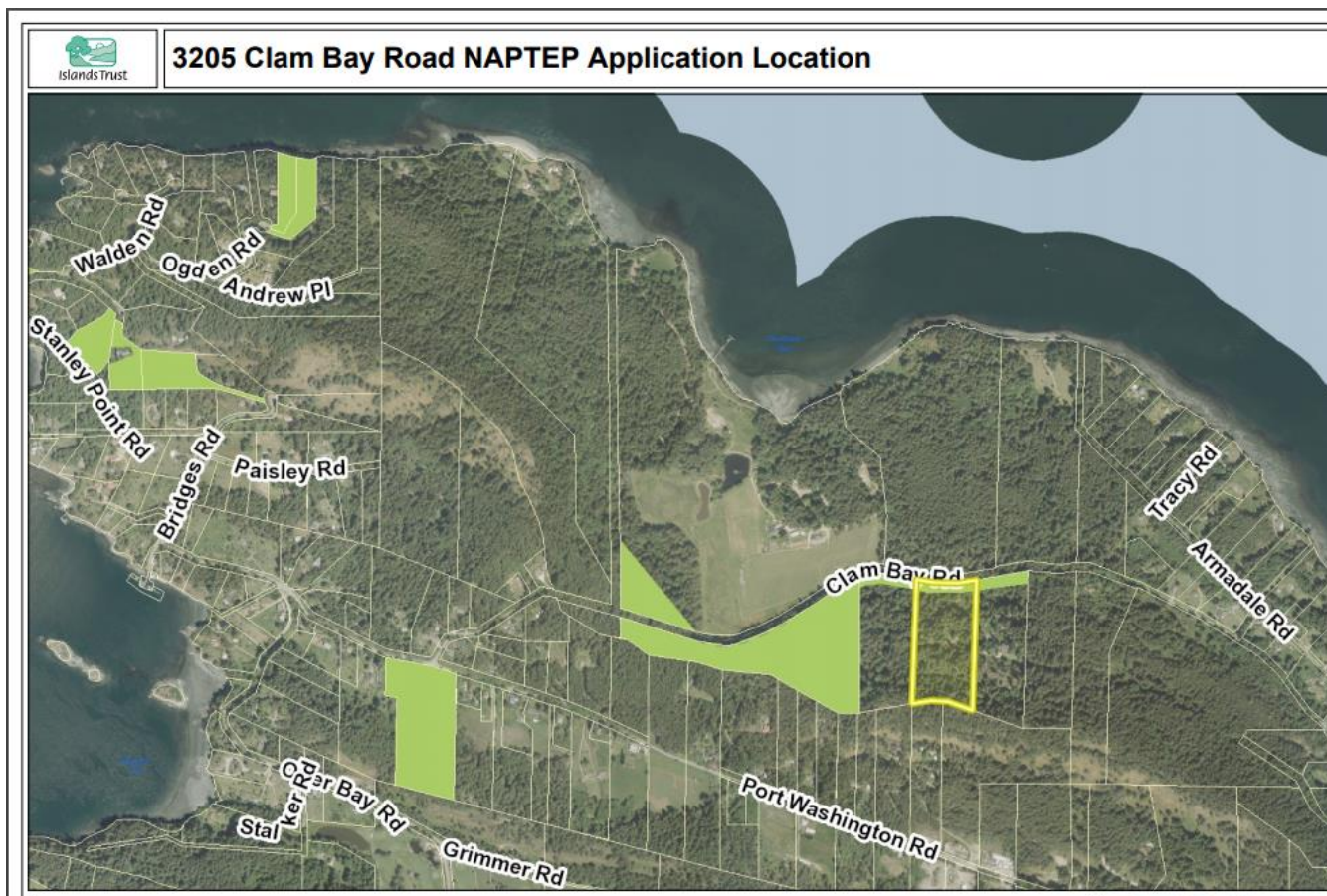
The Islands Trust Conservancy has received a Natural Area Protection Tax Exemption Program (NAPTEP) application from Lisa Baile to covenant approximately 3.99 ha (9.85 acres) of North Pender Island (see map). As per NAPTEP policy, the North Pender Island Local Trust Committee is being advised of this application as an information item.

BACKGROUND INFORMATION

The landholder is interested in protecting this 3.99ha undeveloped property from any future development. The property has a small existing covenant held by the Islands Trust Conservancy along its northern boundary, adjacent to Clam Bay Road, to protect mixed old forest and several scattered old growth Douglas-fir trees across several properties (shown in green on map).

The Islands Trust Conservancy Board will be reviewing this application at its May 26, 2020 meeting. In order to meet NAPTEP timelines for tax exemption for this year, this information is being shared with the North Pender LPC in advance of the ITC Board meeting. The application will be presented to Trust Council at its June 2020 meeting so that it can consider whether or not to award a Natural Area Exemption Certificate (to exempt a portion of the property tax). Approval will be subject to a conservation covenant being registered on the land title and a baseline report that is satisfactory to the Islands Trust Conservancy Board.

The Islands Trust Conservancy Board currently holds 9 NAPTEP covenants in the North Pender Island Local Trust Area (8 on North Pender, and 1 on Little D'Arcy Island). Further information on the NAPTEP program can be obtained from the Islands Trust website at www.islandstrust.bc.ca or from the Islands Trust Conservancy website at www.islandstrustconservancy.ca.



Location of NAPTEP Application property (yellow outline). Existing Islands Trust Conservancy covenants are shown in green.

Property Information

Property Description: PID: 024-289-582, Lot B Section 22 Pender Island Cowichan District Plan VIP 67942

Property size: 3.99ha (9.85 ac); [BC Assessment: 4.05ha (10ac)]

NAPTEP Natural Values & Amenities

The natural values of the proposed covenant area, according to the NAPTEP Regulations, are listed below. Values were determined by evaluating the application submitted by the property owner, the baseline report for the existing Ledingham Covenant on the property's northern boundary, and Islands Trust mapping resources. No site visit was conducted due to travel restrictions resulting from the Covid-19 pandemic.

1. Mature-older forest ecosystem (NAPTEP Regulation Section 2(a)):

The proposed covenant area consists largely of mixed mature forest ecosystems.

2. Woodland Ecosystem (NAPTEP Regulation Section 2(a)):

There are steep mossy bluff areas that are mapped woodland ecosystems, dry, open stands of Douglas-fir and Arbutus with non-forested openings.

3. Areas that are relatively undisturbed by human activity and are key habitat for rare native plant species or plant communities (NAPTEP Regulation Section 2(b)):

The following rare plant communities have been mapped on the property (in the Terrestrial Ecosystem Mapping project for the Coastal Douglas-fir zone [2009, and 2017 updates]):

- a. Douglas-fir – Dull Oregon-grape Ecological Community (Red listed)
- b. Douglas-fir – Alaska Oniongrass (Red-listed)
- c. Grand fir – Dull Oregon-grape (Red-listed)

Other

The application will be referred to local First Nations.

NEXT STEPS

- Islands Trust Conservancy Board review of application, May 26, 2020
- Trust Council review of application, 3 June 2020
- Follow-up staff site visit once travel restrictions are removed.

Submitted By:	Kathryn Martell, R.P.Bio A/Ecosystem Protection Specialist	May 13, 2020
Concurrence:	Kate Emmings, A/ Manager, Islands Trust Conservancy	May 13, 2020

ATTACHMENTS

n/a



REQUEST FOR DECISION

To: North Pender Island Local Trust Committee
For the Meeting of: May 21, 2020

From: Clare Frater, Director, TAS
Date Prepared: May 13, 2020

SUBJECT: 2019-20 ANNUAL REPORT – APPROVAL OF NORTH PENDER ISLAND LOCAL TRUST COMMITTEE SECTION

RECOMMENDATION:

That North Pender Island Local Trust Committee approve the attached text as presented for inclusion in the 2019-2020 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs & Housing.

CHIEF ADMINISTRATIVE OFFICER COMMENTS: N/A

1 PURPOSE:

Approval of annual report sections by committees so that Trust Council is able to easily approve its annual report in June 2020 without further editing from staff or trustees at the Trust Council meeting.

2 BACKGROUND:

Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services communications staff, reporting to Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.i](#).

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: None. Timely approval of committee text will ensure smooth delivery of the Islands Trust annual report, in compliance with the *Islands Trust Act*, Section 19.

FINANCIAL: No implications for existing policy

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by Executive Committee and consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Municipal Affairs and Housing and circulate it as indicated in Trust Council's policy.

FIRST NATIONS: None.

OTHER: N/A

- 4 **RELEVANT POLICY(S):** This approach complies with Section 19 of the *Islands Trust Act and* Trust Council's [Annual Report Policy 6.10.i](#).
- 5 **ATTACHMENT:** North Pender Island Local Trust Committee input to Annual Report (draft)
-

RESPONSE OPTIONS

Recommendation: That North Pender Island Local Trust Committee approve the attached text as presented for inclusion in the 2019-2020 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs & Housing.

Alternative: None

Prepared By: Clare Frater, Director, Trust Area Services

North Pender Island Local Trust Committee

The North Pender Island Local Trust Committee (NP LTC) held nine regular business meetings in the 2019/20 fiscal year, as well as four Community Information Meetings, one special meeting, and one public hearing.

Work for this period focused on advancing the NP LTC priorities to address waste management, groundwater sustainability, and landowner education.

The NP LTC also initiated key projects including a review of short term vacation rental policies and regulations and commencing an Land Use Bylaw update to implement Official Community Plan policies.

The NP LTC received and considered applications for two development variance permits, five development permits, six temporary use permits, three rezonings, and one cannabis retail referral and one cell tower referral. Staff also reviewed thirty-five building permit and crown referrals, and one subdivision referral.

The NP LTC also adopted a standing resolution stating its intent engage in reconciliation by honouring the Truth and Reconciliation Commission Calls to Action and the United Nations Declaration on the Rights of Indigenous Peoples as well as its intent to work with First Nations governments on implementing actions that support reconciliation and maintain relationships based on respect and recognition.