



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: November 26, 2020
Time: 10:00 am
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	10:00 AM - 10:00 AM	
2.	APPROVAL OF AGENDA	10:00 AM - 10:05 AM	
3.	TRUSTEE REPORT		
4.	CHAIR'S REPORT		
5.	TOWN HALL AND QUESTIONS	10:05 AM - 10:35 AM	
6.	COMMUNITY INFORMATION MEETING		
	None		
7.	PUBLIC HEARING		
	None		
8.	MINUTES	10:35 AM - 10:45 AM	
8.1.	Local Trust Committee Minutes Dated October 24, October 29 & November 7 (for Adoption)		4 - 18
8.2.	Section 26 Resolutions-without-meeting Report Dated November 2020		
8.3.	Advisory Planning Commission Minutes		
	None		
9.	BUSINESS ARISING FROM THE MINUTES		
9.1.	Follow-up Action List Dated November 2020		19 - 21
10.	DELEGATIONS		

11. **CORRESPONDENCE**
Correspondence received concerning current applications or projects is posted to the LTC webpage
12. **APPLICATIONS AND REFERRALS** 10:45 AM - 11:30 AM
 - 12.1. **NP-DP-2020.5 (Mill Bay Marine Group) - Staff Report** 22 - 78
13. **LOCAL TRUST COMMITTEE PROJECTS**
 - 13.1. **Land Use Bylaw (OCP Implementation) - Staff Report (attached)** 79 - 83
 - 13.2. **Short Term Vacation Rental Review (STVR) - Staff Report (attached)** 84 - 91
 - 13.3. **Groundwater Sustainability Project - Staff Report (attached)** 92 - 101
14. **REPORTS** 11:30 AM - 12:00 PM
 - 14.1. **Work Program Report**
 - 14.1.1. Top Priorities Report Dated November 2020 102 - 102
 - 14.1.2. Projects List Report Dated November 2020 103 - 103
 - 14.2. **Applications Report Dated November 2020 (attached)** 104 - 111
 - 14.3. **Trustee and Local Expense Report**
None
 - 14.4. **Adopted Policies and Standing Resolutions (attached)** 112 - 116
 - 14.5. **Local Trust Committee Webpage**
 - 14.6. **Islands Trust Conservancy Report**
None
15. **NEW BUSINESS** 12:00 PM - 12:20 PM
 - 15.1. **First Nations Advisory Committee - Lisa Wilcox - Memo (attached)** 117 - 118
16. **UPCOMING MEETINGS** 12:20 PM - 12:30 PM
 - 16.1. **Next Regular Meeting Scheduled for January 28, 2021 - Location: TBD**

16.2. Electronic Meetings

that in order to meet the principles of openness, transparency, and accessibility, meetings of the North Pender Island Local Trust Committee will be held electronically until Ministerial Orders under the *Emergency Program Act* and requirements or recommendations under the *Public Health Act* change regarding public attendance at trust body meetings; and that such meetings be live streamed, and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

16.3. Special Meeting - Joint South / North Pender - November 28, 2020 at 10:00 AM

- | | | |
|------------|-----------------------------------|--------------------|
| 17. | TOWN HALL | 12:30 PM - 1:00 PM |
| 18. | CLOSED MEETING

None | |
| 19. | ADJOURNMENT | 1:00 PM - 1:00 PM |



North Pender Island Local Trust Committee

Minutes of Special Meeting

Date: October 24, 2020
Location: Electronic Meeting (Zoom Webinar)

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

Staff Present: Robert Kojima, Regional Planning Manager
Shannon Brayford, Recorder
Maple Hung, Planning Team Assistant, Host

Public: There were approximately nineteen (19) attendees in the 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.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Staff Presentation

Chair Patrick invited Regional Planning Manager Robert Kojima to deliver a presentation.

The presentation, which included a slide show delivered through the “shared screen” function, included the following topics:

- The inventory of agricultural land on North Pender Island.
- The Agricultural Land Commission (ALC), their role, and their policies.
- The development and role of the North Pender Island Special Agricultural Advisory Planning Commission (AAPC)

- Key topics of consideration including: Cannabis production, Agricultural Land Reserve boundaries, and technical amendments to maps.

3.2 Community Information Meeting – Agriculture Regulations Amendments Review 4.

Chair Patrick introduced the AAPC and noted that the first portion of the discussion time would provide an opportunity for that commission to discuss the matter and ask questions.

Chair Patrick invited each member of the AAPC to introduce themselves in turn. Following the introductions, she recognized members for comments and questions.

Matthew Vasilev, Barbara Johnstone, George Leroux, and Ben Kadel addressed the difficulty that local farmers face in securing housing for farm workers. They also discussed the Proposed Land Use Bylaw (LUB) Amendment c) prohibiting manufactured homes and that proposed amendment's relation to the ALC's position on manufactured homes for farm workers versus general secondary residences on a property.

Martha MacMahon, Ann Stephenson, and George Leroux addressed permitting agriculture as a primary use in rural residential zoning. The benefits of allowing farmers to purchase smaller, more affordable rural residential lots were noted.

Trustee Morrison request input from the Commission regarding whether a lower limit on land size should be considered for permitting agricultural activity outside of the agricultural zone.

George Leroux, Barbara Johnstone, Ben Kadel, and Matthew Vasilev addressed the benefits of allowing agri-tourism and agri-processing. The following points were discussed:

- The ALC regulations that are in place to discourage or prevent these activities.
- The matter of slaughter plants, including the benefits of local access, consideration of mobile units, and success stories in similar locations.
- The importance of remembering that solutions can be scaled to suite the location and that the community can form collaborative models.
- The ALC's regulations that limit the amount of imported material that can be processed on site and the rationale for considering "Pender-wide" boundaries as local versus the property's boundaries only.
- The building regulations that prevent development of agri-tourism and sustainable building in general

George Leroux and Ben Kadel addressed marine permaculture, noting its benefits for food production and sequestering carbon.

The LTC noted that the matter should be considered when they undertake their Marine foreshore work.

Richard Piskor encouraged the LTC to advocate to the ALC on the famer's behalf to help the ALC to understand and consider the unique and special requirements of the Outer Southern Gulf Islands.

It was noted by the LTC will provide further direction to the AAPC following the LTC's October meeting.

George Leroux requested that the LTC reconsider placing arbitrary size restrictions on structures because they may not remain relevant and they can then discourage incoming farmers.

Michael Sketch encouraged the LTC to prioritize the protection of prime agricultural soil.

Ben Kadel noted that building regulations need to become adaptive to protecting health and safety, and also, promoting sustainable living arrangements, which has specific benefit for farmers looking to increase sustainable housing to support their land.

Trustee Morrison discussed some of the regulations that would need to be considered when moving toward sustainable housing. She encouraged the AAPC to consider what regulations would promote their objectives and what regulations would need to be in place to prevent activities that they would not like to see on farm land.

A discussion of composting and burning was held, including cooperative composting and regulations that prevent large scale burns that might be required in the management of farm lands.

4. ADJOURNMENT

By general consent the meeting was adjourned at 11:41 a.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: October 29, 2020
Location: Electronic Meeting (Zoom Webinar)

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

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Phil Testemale, Island Planner 2

Shannon Brayford Recorder
Maple Hung, Host, Planning Assistant

Public: There were approximately eleven (11) attendees in 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.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee McConchie provided a report including the following points:

- Federal Bill regarding freighter anchorages and the impact on the local region;
- Re-election of Adam Olsen as local Member of the Legislative Assembly;
- Congratulated Paul Brent as appointment to Southern Gulf Islands Capital Regional District Alternate Director; and
- Noted that he is a volunteer Commissioner with the Pender Islands Parks and Recreation Commission.

Trustee Morrison provided a report including the following points:

- Echoed the congratulations in local elections and appointments;
- Highlighted local events coming up including the Climate Speaker Series; and

- Encouraged further participation in the Community Information Meetings regarding the Land Use Bylaw Review.

4. CHAIR'S REPORT

Chair Patrick provided a report including the following points:

- Upcoming Trust council dates and deadlines for receiving delegations, she noted that draft budget discussions will take place at this time; and
- Highlighted the work of the Salish Sea Forum.

5. TOWN HALL AND QUESTIONS

Anne Burdett requested and received information on accessing video recordings of the Climate Speaker Series.

Anne Burdett requested that the Local Trust Committee (LTC) consider allowing the public to view the list of names of other public attending the electronic meeting.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes

8.1.1 September 10, 2020 Regular Meeting Minutes

By general consent the Local Trust committee meeting minutes of September 10, 2020 were adopted.

8.1.2 September 19, 2020 Special Meeting Minutes

By general consent the Local Trust committee meeting minutes of September 19, 2020 were adopted.

8.1.3 October 2, 2020 Special Meeting Minutes

By general consent the Local Trust committee meeting minutes of October 2, 2020 were adopted.

8.1.4 October 3, 2020 Special Meeting Minutes

By general consent the Local Trust committee meeting minutes of October 3, 2020 were adopted.

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

Received for information.

8.3 Advisory Planning Commission Minutes - None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated October 2020

Regional Planning Manager (RPM) Kojima noted that the report from Lisa Wilcox will be postponed to the November 2020 meeting.

10. DELEGATIONS

10.1 Michael Sketch re NP-ALR-2019.1

Michael Sketch noted that photographs and a written report were submitted to support his delegation. In his oral presentation he encouraged the LTC to deny the application which seeks to exclude the Agricultural Land Reserve (ALR) portion of the I1 (b) Zone from the ALR. He provided history and rationale for his request and encouraged restoration of the farmland.

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

12.1 NP-ALR-2019.1 – Burdett - Staff Report

Planner Testemale provided an overview of the staff report, including the purpose of the application, the options available to the LTC, and a rationale for the staff report's recommendation.

Chair Patrick invited Anne Burdett, the applicant, to speak.

Anne Burdett encouraged the LTC to reconsider the report's statement that the applicants have been operating "illegally" and provided a rationale for this request. She addressed the historical role of the Islands Trust in the islands' waste transfer issues and the zoning issues with the property in question prior to their current ownership.

Chair Patrick invited Harry Williams, the reporting Agrologist, to speak. Technical difficulties prevented his participation; however, he was able to provide written responses through email regarding the agricultural uses suited to the sloped portion of the site and on questions of soils mapping.

The LTC requested and received information on the historical uses of the site and the process for remediation that would be required if the Agricultural Land Commission (ALC) did not approve the inclusion and exclusion request.

A discussion was held by the LTC including the impact their decision could have on:

- Total land within the Agricultural Land Reserve (ALR);
- Waste management matters and how it is or is not relevant to this application;
- Financial impact on current property owners; and
- Overall planning and future for the area surrounding the property in question.

NP-2020-042

It was Moved and Seconded,

that the North Pender Island Local Trust Committee supports application NP-ALR-2019.1 (Burdett) for inclusion and exclusion of land in the Agricultural Land Reserve and directs staff to forward the application to Agricultural Land Commission for further consideration.

CARRIED

12.2 Temporary Use Permit Renewals - Staff Report

Planner Testemale noted that five Temporary Use Permit (TUP) renewal applications are being considered. He provided an overview of each application individually and summarized the rationale for each associated recommendation.

A discussion was held including the following points:

- The proposed length of the extensions
- Historical community concerns regarding Short Term Vacation Rentals (STVRs)

12.2.1 NP-TUP-2020.2 – Lovatt

Chair Patrick invited Mr. Lovatt to address the Committee.

Mr. Lovatt provided remarks encouraging the LTC to understand the motivation of property owners to protect their homes and relationships with neighbours.

NP-2020-043

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2020.2 (Lovatt) for a period of two (2) years

CARRIED

12.2.2 NP-TUP-2020.3 – Vermeeren

Chair Patrick invited the applicant to address the LTC.

The applicant addressed the letter of concern regarding the vegetative screening. He invited direct requirements from the LTC and noted that the immediate neighbour has been actively collaborating on the barrier's installation.

NP-2020-044

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2020.3 (Vermeeren) for a period of two (2) years

CARRIED

12.2.3 NP-TUP-2020.4 - Joshua Ganasi

NP-2020-045

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2020.4 (Ganasi) for a period of two (2) years

CARRIED

12.2.4 NP-TUP-2020.5 - Pauline O'Malley

The LTC discussed the past requirement for inclusion of hydro and CRD water usage data for this application and the benefit of inclusion of this requirement moving forward.

Chair Patrick invited the applicant to speak.

Pauline O'Malley responded to LTC questions regarding pre-screening of guests, educational information provided to guests, and monitoring of hydro and water consumption.

NP-2020-046

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2020.5 (O'Malley) for a period of two (2) years

CARRIED

12.2.5 NP-TUP-2020.6 - Robert Pasion

Chair Patrick invited the applicant to speak.

Robert Pasion provided an overview of the requirements of guests and their personal plans for the property.

NP-2020-047

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2020.6 (Pasion) for a period of two (2) years

CARRIED

Note: A break was held from 12:23 pm – 12:27 p.m.

12.3 NP-DP-2020.4 – Casey - Staff Report

Planner Testemale provided an overview of the staff report, including the rationale for the amendment application (renewal) and the associated staff report. Planner Testemale also provided information regarding bylaw issues on this and neighbouring properties.

Chair Patrick acknowledged the applicant who provided an overview of their work on the site.

The LTC requested and received information on the following topics:

- Impact of the decision on the Development Permit Area (DPA)
- The overall health and management of Magic Lake.
- Impact of this decision on general policies regarding eco-system management

RPM Kojima provided advice regarding the LTC's legislative limits when making a decision on this application.

NP-2020-048

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2020.4 (Casey)

CARRIED

Trustee Morrison requested that the minutes record that this application is an example of the process issue with professional judgement regarding the way Development Permit Areas (DPAs) are written regarding tree cutting.

12.4 Mayne Island Local Trust Committee Bylaws 177 and 178 Referral

NP-2020-048

It was Moved and Seconded,

that the North Pender Island Local Trust Committee respond o Mayne Island Local Trust Committee Bylaws 177 and 178 referrals with "interests unaffected".

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Short Term Vacation Rental Review - Staff Report

Planner Stockdill provided an overview of the staff report, the contents of the draft bylaw, and the temporary permit use guidelines included.

A discussion was held, including the following points:

- Recommendations for scheduling consultation and public comments;
- The inclusion of the 200 m radius limitation and the need for community feedback; and
- The history of Temporary Use Permits for Short Term Vacation Rentals.

NP-2020-049

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 222, cited as the “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020”, be read a first time.

CARRIED

NP-2020-050

It was Moved and Seconded,

that the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 222, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

13.2 Land Use Bylaw Review – Staff Memo

Planner Stockdill provided an overview of the staff memo, noting the recommendations for decisions regarding extending the deadline for written submission from the Special Agricultural Advisory Planning Commission to January 4, 2021 and scheduling of a joint South Pender and North Pender Community Information meeting regarding floor space.

There was general consensus that the deadline for the written submission from the Special Agricultural Advisory Planning Commission be extended to January 4, 2021.

NP-2020-050

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to schedule a community information meeting with the South Pender Island Local Trust Committee to be held via zoom in early January 2021.

CARRIED

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated October 2020

RPM Kojima provided an overview of the current top priorities.

14.1.2 Projects List Report Dated October 2020

Received for information

14.2 Applications Report Dated October 2020

Received for information

14.3 Trustee and Local Expense Report Dated August 2020

Received for information

14.4 Adopted Policies and Standing Resolutions

Received for information

14.5 Local Trust Committee Webpage

Received for information

14.6 Islands Trust Conservancy Report Dated October 2020

Received for information

15. NEW BUSINESS

15.1 Development Permit Area – Discussion

By general consensus this item was postponed to the next meeting.

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for November 26, 2020

16.2 Draft 2021 LTC Meeting Schedule - for Adoption

NP-2020-050

It was Moved and Seconded,

that the North Pender Island Local Trust Committee adopt the 2021 Meeting Schedule as presented.

CARRIED

17. TOWN HALL

Chair Patrick invited public comment and heard none.

18. CLOSED MEETING

None

19. ADJOURNMENT

By general consent the meeting was adjourned at 1:34 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



North Pender Island Local Trust Committee

Minutes of Special Meeting

Date: November 7, 2020
Location: Electronic Meeting (Zoom Webinar)

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

Staff Present: Kim Stockdill, Island Planner
Shannon Brayford, Recorder
Maple Hung, Planning Team Assistant, Host

Public: There were approximately seven (7) attendees in the 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.

2. APPROVAL OF AGENDA

It was recommended that item 3.3 Joint Meeting with the South Pender Island Local Trust Committee be added to the agenda.

By general consent the agenda was approved as presented

3. BUSINESS ITEMS

3.1 Staff Presentation

Planner Stockdill delivered a presentation on Conservation Subdivision Review, Tourist Commercial Regulation Review, and Marine and Shoreline Regulations Review. It was accompanied by a slideshow through the “shared screen” function and was delivered in sections with opportunities for discussion and public comment following each subtopic.

Conservation Subdivision

Planner Stockdill provided information on the topic and summary of the options available.

The Local Trust Committee (LTC) discussed opportunities and requirements for subdivision, in addition to regulations and restrictions available to local governments.

Peter Pare requested information on altering zoning and using down-zoning to decrease opportunities for subdivision.

Tourist Commercial Zoning Options

Planner Stockdill provided information on the topic and summary of the options available.

The LTC requested and received information on general zoning, specific zoning on select properties, and opportunities to amend zoning to provide clarity.

Michael Sketch recommended that the LTC consider reducing the allowable density to reduce the number of cottages allowed in the C2 zone. He further recommended that the size of each cottage be increased to allow accommodation of a family or couple.

Michael Sketch spoke against conservation subdivision and provided a rationale for encouraging the LTC to abandon the option.

Marine and Shoreline Options

Planner Stockdill provided information on the topic and summary of the options available.

The LTC requested and received information on the following topics:

- Proposed process for individual applications for rezoning to allow installation of docks.
- Environmental benefits of controlling and reducing impacts on the foreshore.
- Opportunities for collaborative work with other jurisdictions.
- Consideration of regulations for septic fields and tanks.
- Practical application of regulations for vertical setback regulations.
- Regulations for living on boats in marine zones.

Recommendations for Minor and Technical Amendments

Planner Stockdill provided an overview of the purpose of minor and technical amendments and noted the availability of a list of such recommendations.

The LTC requested and received information on the intent of the proposed amendment for setbacks for solar panels.

Michael Sketch noted that there is a wide variety of minor and technical amendments. He cautioned the community and the LTC to pay close attention to the proposed amendments, including prohibition of pit toilets.

Michael Sketch encouraged the LTC to consider allowing storage containers and provided a rationale for the benefits.

Barbara Johnstone encouraged the LTC to refer the list of Minor and Technical Amendments to the Special Agricultural Advisory Planning Commission (AAPC).

Sue Long provided comments on the recommended prohibition of pit toilets.

Michael Sketch encouraged the LTC to consider allowing structures on unbuilt lots and provided a rationale for the recommendation.

Peter Pare noted that the many of the regulations that would serve the LTC's mandate to preserve and protect, are not within the LTC's jurisdiction. He requested information on how the community could facilitate increasing the power of the Islands Trust.

The LTC discussed the purpose of the bylaw review and opportunities to collaborate with other agencies and levels of government.

Richard Piskor echoed the recommendation of referring the list of technical and minor amendments to the AAPC.

There was general consensus that the Technical and Minor Amendment list be sent to the Special Agricultural Advisory Planning Commission.

It was further noted that some amendments would be appropriately referred to the Advisory Planning Commission (APC) and that this shall be considered at the next regular business meeting.

3.2 Community Information Meeting

Note: The community was invited to comment during the staff presentation and comments are recorded under item 3.1.

3.3 Joint Meeting with the South Pender Island Local Trust Committee

Trustee McConchie provided an overview of the rationale for holding an additional joint meeting with the South Pender Island LTC on November 28, 2020.

A discussion of adding a second meeting was held.

NP-2020-051

It was Moved and Seconded,

that the North Pender Island Local Trust Committee schedule a special joint meeting with the South Pender Island Local Trust Committee for November 28, 2020.

CARRIED

4. ADJOURNMENT

By general consent the meeting was adjourned at 12:00 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder
North Pender Island Local Trust Committee
Electronic Special Meeting Minutes
November 7, 2020

DRAFT

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Follow Up Action Report

North Pender Island

02-Jul-2020

Activity	Responsibility	Dates	Status
1 15.2 - staff directed to investigate the creation of a First Nations advisory committee	Lisa Wilcox Robert Kojima	Target: 18-Nov-2020	Completed

29-Oct-2020

Activity	Responsibility	Dates	Status
1 8.1 The following minutes were adopted as presented: September 10, 2020 Regular Meeting Minutes September 19, 2020 Special Meeting Minutes October 2, 2020 Special Meeting Minutes October 3, 2020 Special Meeting Minutes	Maple Hung	Target: 20-Nov-2020	Completed
2 12.1 Staff to forward the application NP-ALR-2019.1 (Burdett) for inclusion and exclusion of land to Agricultural Land Commission for further consideration.	Phil Testemale	Target: 27-Nov-2020	Completed
3 12.2.1 NP-TUP-2020.2 (Lovatt) was approved. Staff to issue permit, notify applicant, and close file. Monitoring to be set up for expiry, mapping to be updated.	Maple Hung Phil Testemale	Target: 27-Nov-2020	Completed
4 12.2.2 NP-TUP-2020.3 (Vermeeren) was approved. Staff to issue permit, notify applicant, and close file. Monitoring to be set up for expiry, mapping to be updated.	Maple Hung Phil Testemale	Target: 27-Nov-2020	Completed



Follow Up Action Report

North Pender Island

29-Oct-2020

Activity	Responsibility	Dates	Status
5 12.2.3 NP-TUP-2020.4 (Ganasi) was approved. Staff to issue permit, notify applicant, and close file. Monitoring to be set up for expiry, mapping to be updated.	Maple Hung	Target: 27-Nov-2020	Completed
6 12.2.4 NP-TUP-2020.5 (O'Malley) was approved. Staff to issue permit, notify applicant, and close file. Monitoring to be set up for expiry, mapping to be updated.	Maple Hung Phil Testemale	Target: 27-Nov-2020	Completed
7 12.2.5 NP-TUP-2020.6 (Pasion) was approved. Staff to issue permit, notify applicant, and close file. Monitoring to be set up for expiry, mapping to be updated.	Maple Hung Phil Testemale	Target: 27-Nov-2020	Completed
8 12.3 NP-DP-2020.4 (Casey) was approved. Staff to issue permit, notify applicant, and close file. Monitoring to be set up for follow up inspection(s)	Maple Hung Phil Testemale	Target: 27-Nov-2020	Completed
9 12.4 Mayne LTC Bylaw Nos. 177 & 178 - Interests Unaffected.	Maple Hung	Target: 06-Nov-2020	Completed
10 13.1 NP STVR Project: 1. NP Bylaw No. 222 was given first reading. 2. ITPS for Bylaw 222 was endorsed. 3. Staff to initiate FN and agency referral process for Bylaw No. 222.	Kim Stockdill Maple Hung	Target: 27-Nov-2020	Completed

Follow Up Action Report

North Pender Island

29-Oct-2020

Activity	Responsibility	Dates	Status
11 13.2 LUB Review Project 1. Schedule electronic Special Meeting with CIM in conjunction with SP LTC for maximum floor area regulation discussion in early January 2021. 2. Notify Special APC that deadline extended to January - done	Kim Stockdill Maple Hung	Target: 25-Dec-2020	Completed
12 16.2 NP LTC approved 2021 LTC regular meeting schedule.	Maple Hung	Target: 27-Nov-2020	Completed

07-Nov-2020

Activity	Responsibility	Dates	Status
1 Staff to schedule a Special Meeting (CIM) in conjunction with the SP LTC on Saturday, November 28th to discuss maximum floor area.	Maple Hung	Target: 20-Nov-2020	Completed

STAFF REPORT

File No.: NP-DP-2020.5 (Pt Browning)
(NP-SUB-2016.2; NP-RZ-
2016.2 and 2016.3)

DATE OF MEETING: November 26, 2020
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Development Permit Application
Applicant: Josh McKammey
Location: 4605 Oak Road (Marina) and 4602 Oak Road (Henshaw)

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2020.5 (Port Browning Marina Resort Ltd.)

REPORT SUMMARY

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

The purpose of the DP is for measures for the protection of sensitive ecosystems for a proposed **Boundary Adjustment Subdivision** between the two subject properties within; **Development Permit Area One - Woodland Sensitive Ecosystems, Two – Herbaceous Ecosystems, and Four – Wetland Ecosystems.**

The purpose of the subdivision is to rationalize lot boundaries to 2018 zoning and OCP amendments that are part of the purchase agreement and redevelopment plan of Port Browning Marina.

The above recommendation is supported as: the objectives and guidelines for the DPAs have been met, and all recommendations of a Biologist's Report have been incorporated into the draft DP.

Copies of the DPA Checklist and proposed Development Permit GL-DP-2020.5 (Port Browning) are Attachments 4 and 5.

BACKGROUND

No new development is associated with this application. Notwithstanding, there is requirement to obtain a Development Permit to finalize a boundary adjustment subdivision (NP-SUB-2016.2) between the two (2) properties. This type of subdivision does not create any new lots, but rather moves the dividing boundary as shown in Figure 1. The current configuration of Lot 3 is divided (or 'hooked') by Oak Road. The boundary adjustment will incorporate the alienated portion north of Oak Road into Lot A as the new Lot 2.

Mill Bay Marine Group purchased the Port Browning Marina in 2015, part of which was an agreement to incorporate the alienated portion and rezone that as part of the overall application for the redevelopment of the marina. Rezoning application NP-RZ-2016.2 increased the commercially zoned area of Lot 3 and the subject area, but reduced the density of allowable commercial accommodation. Specifically it amended the OCP map and rezoned that portion of Lot 3 (4602 Oak Road) from **Rural (R)** to **Commercial 3 (C3)** as well as all of Lot A (4605 Oak Road) from **Commercial C3 (a)** to **Commercial C3** (see Attachment 2.1). In addition, the rezoning increased the commercial water zone of the marina. Bylaws 207 and 208 (adopted May, 2018.) completed the amendments and rezoning.

Application NP-RZ-2016.3 applied to the portion of Lot 3 south of the road (and 4606 Oak Road to the north) to amend the OCP map and rezone both to a site specific **Rural (R(d))** zone that permits sewer infrastructure as an additional use. The zoning accommodates the sewer treatment plant, infrastructure and access for the marina that is located on the adjacent Lot A. Bylaws 209 and 210 (adopted in May, 2018.) completed those amendments and rezoning.

The final staff report on those two rezoning applications is available on the Islands Trust website:
http://www.islandstrust.bc.ca/media/345740/agenda-package-north-pender-ltc-regular_may24_2018.pdf.

The staff report that preceded the Public Hearing, which has more comprehensive background information, is available here: <http://www.islandstrust.bc.ca/media/343791/np-2017-04-27-ltc-agd-pkg.pdf>

The shared overall objective of the three (3) DPAs are to preserve and protect remaining sensitive ecosystems.

As required, the owners retained Sara Bonar, R.P. Bio. to undertake a biological assessment and make recommendations in accordance with the DPA guidelines. The report “Port Browning, North Pender Island , BC, Boundary Line Adjustment, Development Permit Application” (Sara Bonar, R.P.Bio., Aquaparian Environmental Consulting Ltd., September 23, 2020 – ‘Biology Report’) is Attachment 3 and is discussed further in ‘Issues and Opportunities’ (below).

Staff have visited the properties on numerous occasions. Recent images of the sensitive ecosystems are part of the appendices of the Biology Report.

This application is solely for the lot line adjustment. Any further development on either property will require that a new Development Permit(s) be issued.

ANALYSIS

Policy/Regulatory

Official Community Plan:

Lot A and the portion of Lot 3 north of Oak Road are designated as **Tourist Commercial – TC** in the North Pender Island Official Community Plan 171, 2007. The remainder of Lot 3 south of Oak Road is designated as **Rural - R** (Attachment 2.2)

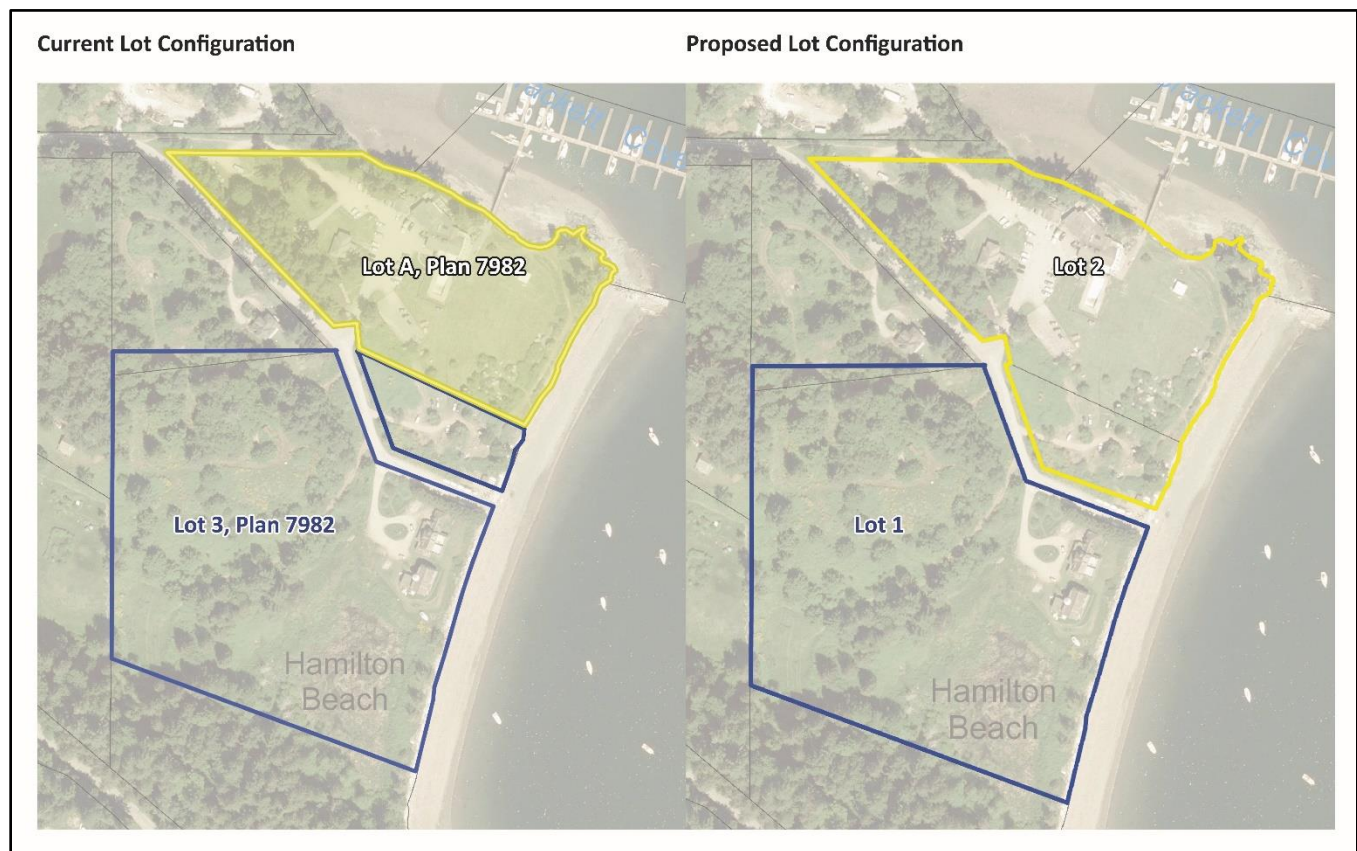
Development Permit Areas

The following DPAs are designated in the OCP on the properties (see also Attachment 2.3):

- **DPA One - Woodland Sensitive Ecosystems (Lot A),**
- **DPA Two – Herbaceous Ecosystems (Lot 3) , and**
- **DPA Four – Wetland Ecosystems(Lot 3)**

A DPA checklist for relevant guidelines for subdivision is Attachment 4. As indicated on the checklist, most DP guidelines are non-applicable. In summary, the proposal meets the applicable guidelines contained in the DPA.

FIGURE 1 – Subject Properties and Proposed Lot Configuration



Land Use Bylaw:

The current zoning of the two properties are described on pages 1 and 2 (above) and shown on Attachment 2.1. Approval of this DP as well as approval and registration of the subdivision will rationalize the property boundaries to the current zoning boundaries.

Issues and Opportunities

Biology Report

As above, a Biology Report was submitted as a requirement of the application (Attachment 3). The report provides a baseline environmental assessment for both properties reviewing sensitive ecosystem mapping, raptor and heron nesting mapping, BC Conservation Data Centre information and mapping and results of a field survey.

In conclusion, the report identifies that the boundary adjustment "...will not require any land modification such as vegetation removal, soil disturbance or construction." (p. 5) As such, the only recommendations made are for the removal of invasive species and encouraging native species. These are incorporated in the Draft DP (Attachment 5).

Other Subdivision Conditions

In addition to the requirement to obtain a DP, the other significant Islands Trust requirement was for the removal of an illegal second dwelling from Lot 3. This was completed in July of 2020.

If the DP is approved, and once the final subdivision plan is reviewed, staff can submit a letter of final approval to the Provincial Approving Officer (Ministry of Transportation and Infrastructure).

Consultation

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

First Nations

As a part of the rezoning application for the Marina (p. 2 - above), an Archaeological Overview Assessment and Archaeological Impact Assessment were completed for the Lot A and the subject portion of Lot 3. Based on the findings of the AIA, a Section 219 covenant (CA 6746425) in favour of the LTC was registered on the two property titles. In part, that covenant provides protection of the identified archaeological resources and control for future development of Lot A (new Lot 2) in identified areas.

Despite the fact no development proposed as part of this application, staff provided a reminder to the applicants of the terms of that covenant and their obligations under the *Heritage Conservation Act*.

Rationale for Recommendation

The recommendation on page 1 is supported as; the objectives and guidelines for the DPAs have been met, and all recommendations of a Biologist's Report have been incorporated into the draft DP.

ALTERNATIVES

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

Development Permit

1. Request further information

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

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

2. Deny the application

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

That the North Pender Island Local Trust Committee deny application NP-DP-2020.5 (Port Browning Marina) as it does not comply with guideline_____.

Submitted By:	Phil Testemale, Planner 2	November 18, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	November 18, 2020

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Biologist's Report
4. DPA Guideline Checklist
5. Development Permit NP-DP-2020.5 (Port Browning)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot A (DD G54184) of Section 11, Pender Island, Cowichan District, Plan 7982 Lot 3, Section 11, Pender Island, Cowichan District, Plan 7982, Except Part in Plan 21227 and 1772RW
PID	005-034-311 (Lot A) and 005-636-591 (Lot 3)
Civic Address	4602 (Lot A) and 4605 (Lot 3) Oak Road

LAND USE

Current Land Use	Rural and Tourist Commercial (Marina)
Surrounding Land Use	Rural, Industrial (Boat Storage) and Agricultural

HISTORICAL ACTIVITY

File No.	Purpose
	See report body for recent, relevant applications.

POLICY/REGULATORY

Official Community Plan Designations	Lot A and the portion of Lot 3 north of Oak Road are designated as Tourist Commercial – TC in the North Pender Island Official Community Plan 171, 2007. The remainder of Lot 3 south of Oak Road is designated as Rural -R The following DPAs are designated: • DPA One - Woodland Sensitive Ecosystems (Lot A), • DPA Two – Herbaceous Ecosystems (Lot 3) , and • DPA Four – Wetland Ecosystems(Lot 3)
Land Use Bylaw	Lot A and the portion of Lot 3 north of Oak Road are zoned as Commercial 3 (C3) in the North Pender Island Land Use Bylaw
Other Regulations	N/A
Covenants	CA 6746425 (Density and Archaeological Protection) both Lots CA 6746422 (Development Control –Temporary) both Lots
Bylaw Enforcement	Neither lot has no open enforcement files.

SITE INFLUENCES

Islands Trust Conservancy	The application has no impacts for the Islands Trust Conservancy
Regional Conservation Strategy	The application has no impacts for the regional conservation plan.

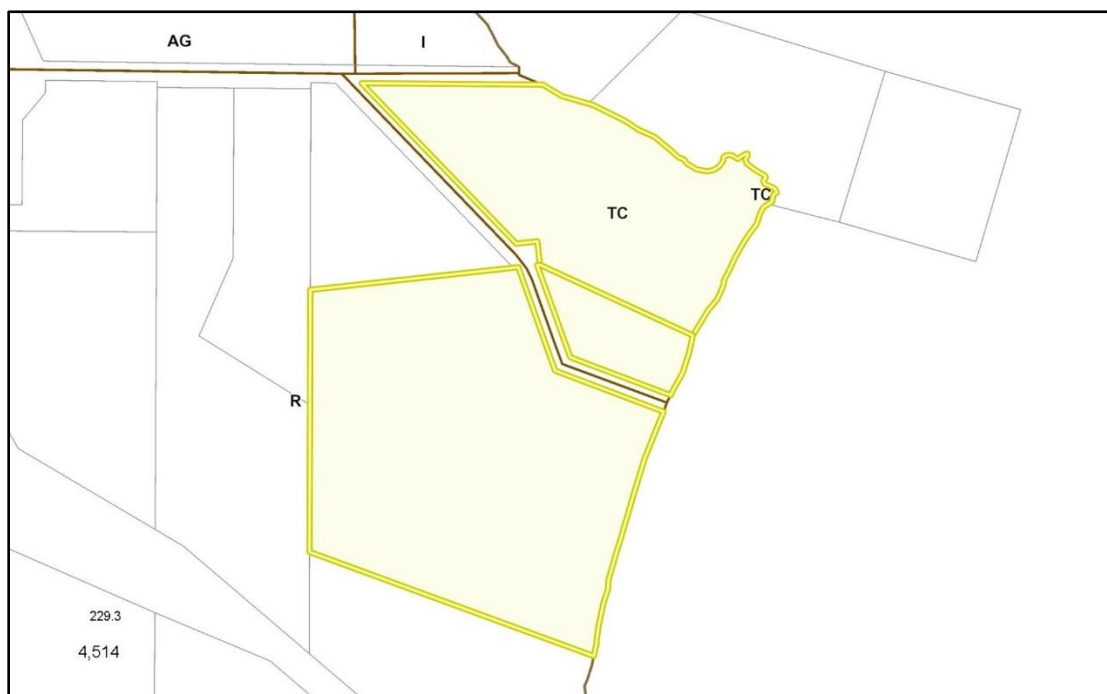
Species at Risk	See: Biology Report (Attachment 3)
Sensitive Ecosystems	See: Biology Report (Attachment 3) and Mapping (Attachments 2.3 to 2.5)
Hazard Areas	N/A
Archaeological Sites	See Report body for information on registered sites and covenants
Climate Change Adaptation and Mitigation	No new development proposed with application
Shoreline Classification	Sediment Shoreline - Pebble/Sand
Shoreline Data in TAPIS	See Attachment 2.5

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

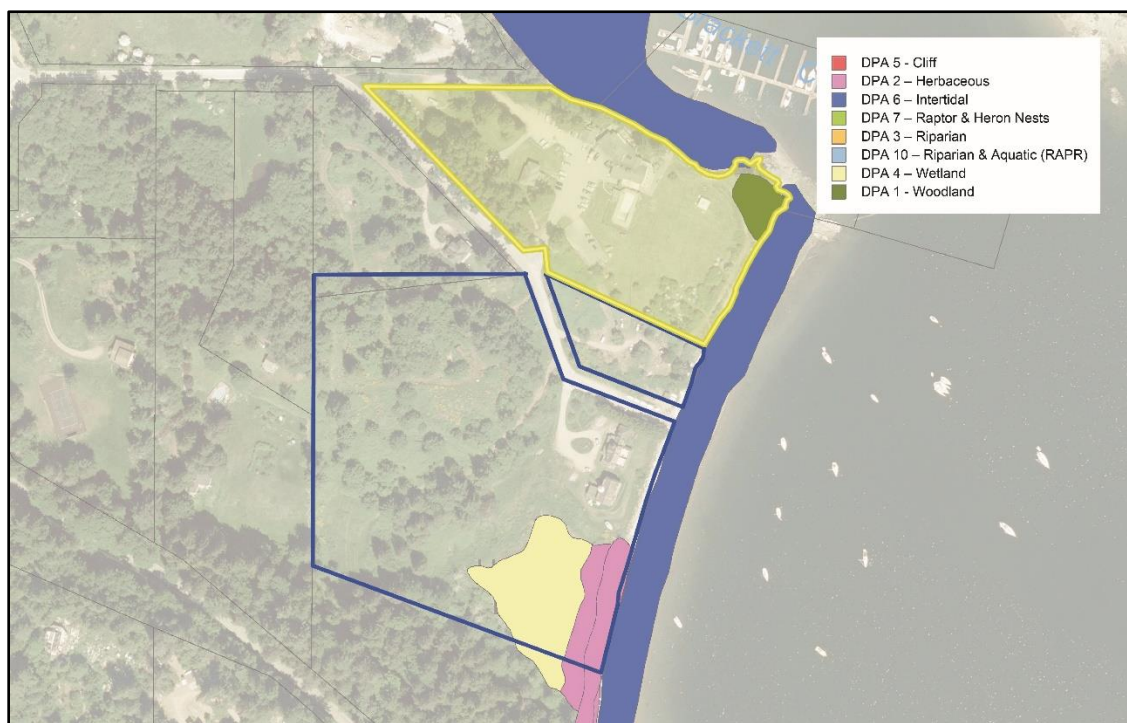
2.1 ZONING AND CURRENT LOT CONFIGURATION



2.2 OCP DESIGNATIONS



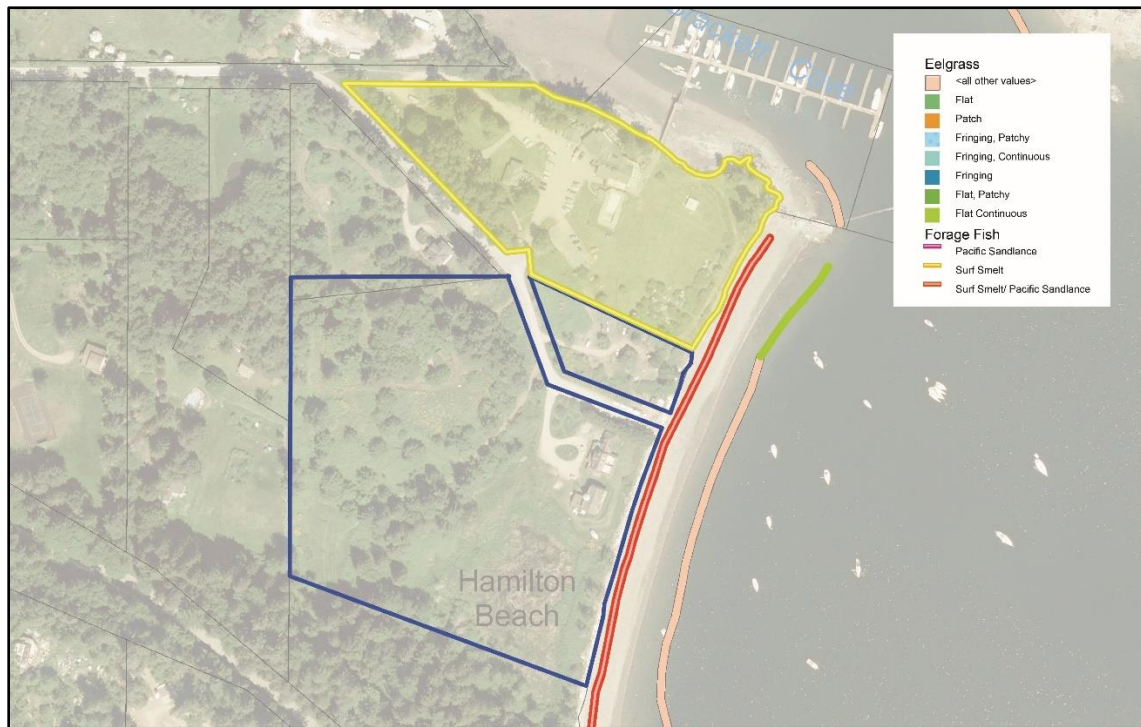
2.3 DPAs



2.4 SENSITIVE ECOSYSTEM MAPPING (TERRESTRIAL)



2.5 MARINE SENSITIVE ECOSYSTEMS





September 23, 2020

Duane Shaw, President
Mill Bay Marine Group
740 Handy Road
Mill Bay BC, V0R 2P0

Via Email: duane@mbmg.ca

**RE: PORT BROWNING MARINA RESORT, NORTH PENDER ISLAND BC
BOUNDARY LINE ADJUSTMENT, DEVELOPMENT PERIT APPLICATION**

1.0 INTRODUCTION

Aquaparian Environmental Consulting Ltd (Aquaparian) was retained by the Mill Bay Marine Group (MBMG) to complete an environmental assessment of the upland area of the Port Browning Marina on North Pender Island to support a Boundary Line Adjustment and Development Permit application. The two affected parcels are legally identified as follows:

- Lot 3, Section 11, Pender Island, Cowichan District, Plan 57, SEE CA2589972 (PID:005-636-591). Size of parcel 4.39 ha (10.86 ac)
- Lot A (DDG54184) of Section 11, Pender Island, Cowichan District, Plan 7982 (PID:005-034-311). Size of parcel 2.15 ha (5.32 ac).

The project is limited to a boundary line adjustment to incorporate an area of Lot A within the Port Browning Marina development (Lot 3). No development or land alteration is proposed for this application. However, the subject parcels have been identified as containing Woodland, Herbaceous, Wetland and Intertidal Sensitive Ecosystems which require a Development Permit application. This report is required as supporting documentation for the DP application.

A site location map has been included as Figure 1. A site plan showing the proposed lot boundary adjustment and existing buildings has been included as Figure 2. Site photographs are included in Appendix A.

2.0 PROPERTY INFORMATION

The subject parcels are located at the end of Oak Road on North Pender Island and are also accessed by boat to the marina. The parcel is situated at the head of a bay on the south east side of North Pender Island immediately north of the channel between North and South Pender Islands. Two small coves are located off the northern half of the head of the bay, Hamilton Cove and Brackett Cove which are separated by a point of land. The marina is located in

Hamilton Cove. The parcel's shoreline is comprised of the south shore of Hamilton Cove which is predominantly bedrock which bends roughly 90 degrees southward along a portion of the head of the bay which is a gravel beach. Residential acreages with patches of forest are located to either side of the resort.

Most of the subject parcel has been cleared and developed for the existing resort development which includes a marina, a pub, pool, tennis court, a house, two cabins, outbuildings, large lawn area, a water supply, sanitary treatment system and two driveways off Hamilton Road. Hamilton Road becomes Oak Road beside the resort and terminates with a boat ramp. The subject property is located on the north side of Oak Road and includes the existing resort property (Lot A) and a 1.7 acre portion of Lot 3 which is separated from the remainder of the property by Oak Road. The lot boundary adjustment is to include this 1.7 acre portion in the resort development.

3.0 BACKGROUND REVIEW

3.1 SENSITIVE ECOSYSTEM MAPPING

A review of the Island's Trust Development Permit Area map identifies Lot A (the existing resort) contains a small patch of Woodland Sensitive Ecosystems polygon on the northeast point of land and Intertidal Sensitive Ecosystem polygon running along the shoreline. Lot 3 contains Intertidal Sensitive Ecosystem polygon running along the shoreline and a small patch of Herbaceous Sensitive Ecosystem polygon and Wetland Sensitive Ecosystem polygon located in the southern portion of the parcel near the shoreline, south of Oak Road. There are no streams located within the subject parcel which is the area north of Hamilton and Oak Roads. None of these ecosystems will be impacted by the proposed boundary adjustment as no land alteration or development is proposed. The Island's Trust map showing the Sensitive Ecosystem polygons is included in Figure 3.

3.2 HABITAT WIZARD

A review of the provincial Habitat Wizard atlas indicates the wetland within the southern portion of Lot 3, south of Oak Road is fed by a small unnamed stream (925-258000) that discharges to the beach. No other information was available for this watercourse.

3.3 WILDLIFE TREE STEWARDSHIP ATLAS & GREAT BLUE HERON ATLAS

A review of the Wildlife Tree Stewardship Atlas (WiTS) identified a Bald eagle nest tree near the end of Oak Road in 1987 (BAEA-101-109). This nest was not observed on site. As these records are maintained on a volunteer basis, the nest may have fallen since it was recorded in 1987.

A review of the BC Great Blue Heron Atlas identified a Great blue heron nesting colony near the Pender Canal approximately 1.3km to the southeast of the subject parcel. No heron nest trees or suitable nest trees were observed on or near the subject parcel.

A screen shot of the WiTS Atlas and the BC Great Blue Heron Atlas is included as Figure 4.

3.4 BC CONSERVATION DATA CENTRE

A search of the BC Conservation Data Centre, identified North Pender Island to be located within the Coastal Douglas fir Moist Maritime Biogeoclimatic zone (CDFmm).

Ecosystem Occurrence Mapping identified most of North Pender Island is comprised of the Douglas fir / dull Oregon grape Ecological Community which is a Red-listed plant community (Extirpated, Endangered or Threatened) (Shape ID 65812). The occurrence data identified it is comprised of 84% young and 13% mature Douglas-fir dominated forests, with some areas having components of old veteran trees. These forests have mostly regenerated after selective or clear-cut logging, with some areas regenerated after fire. Other tree species include grand fir, arbutus, western redcedar, bigleaf maple and red alder, typically varying by localized site conditions and time since disturbance. This ecological community represents approximately 1210 ha or 57% of the element occurrence (BC CDC). The upper forested portion of the subject property is mapped within this polygon.

The BC CDC also identified the terrain of North Pender Island associated with this plant community is comprised of a mixture of morainal materials, weathered bedrock and glaciomarine deposits, with some areas of colluvial veneers.

The entire island is also identified with a Masked Species Occurrence record. These records are only accessible under a signed agreement with the province not to share the data with a third party. As there is no proposed land alteration, Aquaparian did not request the province to check their records to determine if the location is within or close proximity of the subject parcel.

A search of the BC Species and Ecosystems Explorer for the project site within the North Pender Island Trust Area identified the potential for 10 Red and 22 Blue-listed (Special concern) species within forest habitat. Most of these species are unlikely to be found in the study area due to lack of suitable habitat. The species list has been included in Appendix B. As most of the parcel is already developed for marina and resort use and no new land alteration is planned, no species are expected to be impacted by this lot line adjustment. A detailed species inventory was not conducted as part of this study.

4.0 SITE OBSERVATIONS

Aquaparian (Sarah Bonar R.P.Bio) completed a site assessment on September 10, 2020. The site is mostly developed with the Port Browning Marina tucked into Hamilton Cove off the head of the bay and upland resort development buildings and an expansive lawn area between the buildings and the east facing beach. Portions of the property support stands of mature second growth trees with a developed understory. Habitat values within the property were deemed to be moderate due to the nature of the resort development.

The topography of the parcel generally slopes from the west toward the east where the beach is located. The northern boundary is formed by the top of bank above Hamilton Cove which is steep in the upland area and low beside the lawn area. The land rises up again at the northwestern corner which is a small hill with a stand of 9 mature Douglas fir trees 50-80 cm diameter and one juniper tree which is bent over by some past damage. Understory vegetation is sparse comprised of grass, licorice fern, trailing honeysuckle, bracken fern, Scotch Broom (introduced, invasive), chicory (introduced) and English hawthorn (introduced, invasive).

The shoreline extending south from the hill appears to be a constructed berm approximately 2m high with a compacted grass trail along the crest. The beach is comprised of gravel with a slope of approximately 10%. There is no evidence of erosion and there is an abundance of drift logs on the upper intertidal. The foreshore side of the berm is vegetated with herbaceous species including entire leaved-gumweed, grass, chicory, queen Anne's lace, silver burweed, and nootka rose. The backshore side of the berm is vegetated with tall shrubs including English hawthorn, nootka rose, snowberry, one Garry oak and one Douglas fir at the south end of the berm and several fruit trees.

The lawn between the buildings and beach berm is gently sloping to relatively flat and lower in elevation than the beach berm toward the middle. As understood, the lawn area is comprised of fill (Pers. Comm). This area may once have been intertidal with a rocky islet where the small hill is.

The 1.7 acre parcel bounded by Oak Road is primarily vegetated with a large patch of Himalayan blackberry and several fruit trees. It is partially cleared with a small portion used for boat storage beside the boat ramp.

The upland section of the property Adjacent to Hamilton Road is partially forested with a stand of second growth trees dominated by Douglas fir, western red cedar, arbutus, bigleaf maple and red alder trees. The understory is comprised of Indian plum, bracken fern, salal, dull Oregon grape, nootka rose, oceanspray, and scotch broom. The secondary sewage treatment system and disposal field is located within this upper area of the property in a cleared area adjacent to

the forested section. The northern boundary of the property upland of the cove is also forested with the same species of second growth trees and understory vegetation.

Site observations confirmed the presence of the Woodland and Intertidal Sensitive Ecosystems within the subject area. Neither will be impacted by the proposed boundary line adjustment.

No Great blue heron or Bald eagle nest trees were identified within or in close proximity of the study site.

5.0 RECOMMENDATIONS

The proposed boundary adjustment will not require any land modification such as vegetation removal, soil disturbance or construction.

Aquaparian recommends removal of invasive species within the property which included English hawthorn, Scotch broom and Himalayan blackberry to enhance the habitat value within the property. Removal can be completed over time as resources allow and would require annual removal or new shoots as they come up in the spring. Once invasive species are removed, native species can be encouraged and retained in those areas.

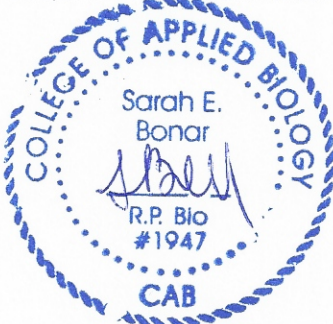
6.0 CONCLUSION

Aquaparian was retained to complete an Environmental Assessment for a proposed boundary line adjustment for the Port Browning Marina and Resort. Information in the report has been formulated to meet the Island's Trust Sensitive Ecosystems Development Permit Area Site Inventory requirements for North Pender Island.

This report has been completed in accordance with generally accepted biological practices. No other warranty is made, either expressed or implied. Aquaparian trusts that the information provided in this report meets your requirements. Any questions regarding information provided in this document, please contact the undersigned at (250) 591-2258.

Regards,

AQUAPARIAN ENVIRONMENTAL CONSULTING LTD



Sarah Bonar B.Sc., R.P.Bio
Principal

\\AQUAPARIAN-NAS\Documents\Projects\Projects\N672 North Pender Marina\Port Browning Marina Baseline Inventory Report.docx



203-321 WALLACE ST, NANAIMO, BC V9R 5B6
SARAH BONAR 250-714-8446 CHRIS ZAMORA 250-714-8864

7.0 REFERENCES

B.C. Conservation Data Centre. 2020. Species/Community Summary: *species name or ecosystem name*. B.C. Ministry of Environment.
Available: <http://a100.gov.bc.ca/pub/eswp/> (Sept 23, 2020).

B.C. Conservation Data Centre. 2020. BC Species and Ecosystems Explorer. B.C. Ministry of Environment, Victoria B.C. Available: <http://a100.gov.bc.ca/pub/eswp/> (Sept 23, 2020)

BC Great Blue Heron Nest database Internet Website: <http://cmnmaps.ca/gbhe/>

BC Ministry of Environment. Habitat Wizard Database Internet Website:
http://webmaps.gov.bc.ca/imf5/imf.jsp?site=moe_habwiz

Pojar, J. , K. Klinka, and D.A. Demarchi. 1991. *The Coastal Douglas Fir Zone*. In. *Ecosystems of British Columbia*. J. Pojar and D. Meidinger eds. BC Ministry of Forests, Victoria, pp. 96 – 111.

Wildlife Tree Stewardship (WITS) Atlas. Internet website: <http://www.cmnmaps.ca/wits/>

FIGURE 1
SITE LOCATION MAP

FIGURE 1
SITE LOCATION MAP

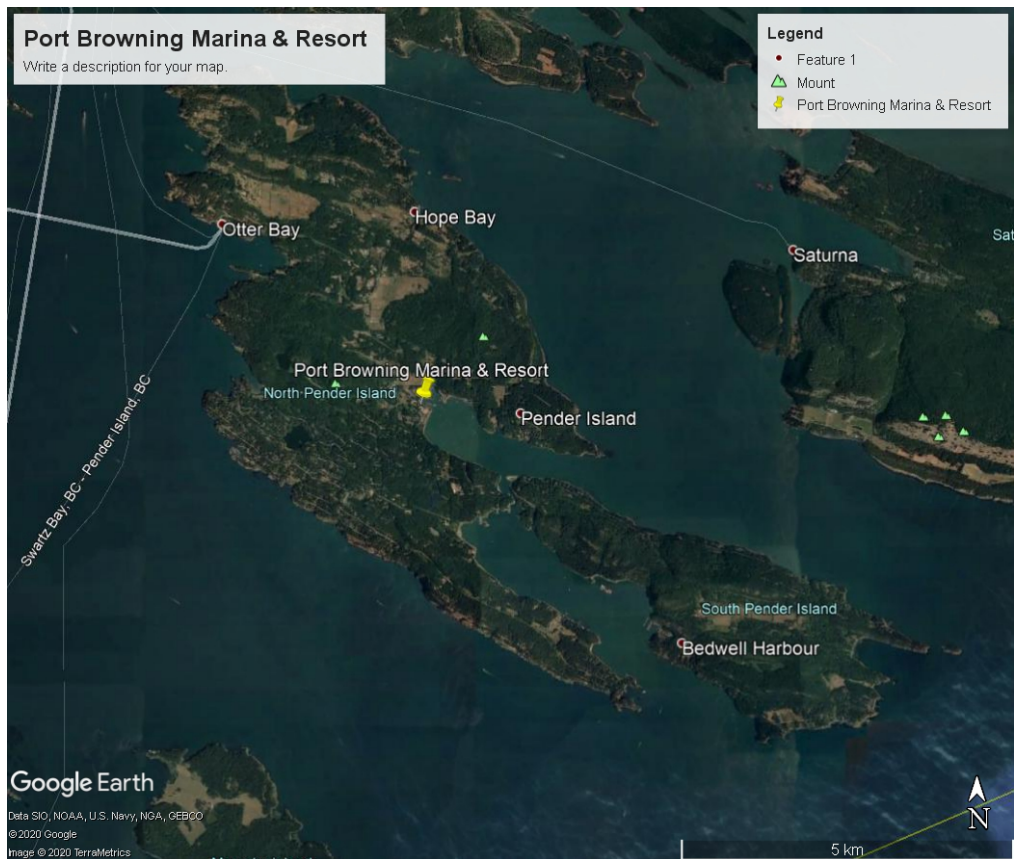


FIGURE 2
SITE PLAN

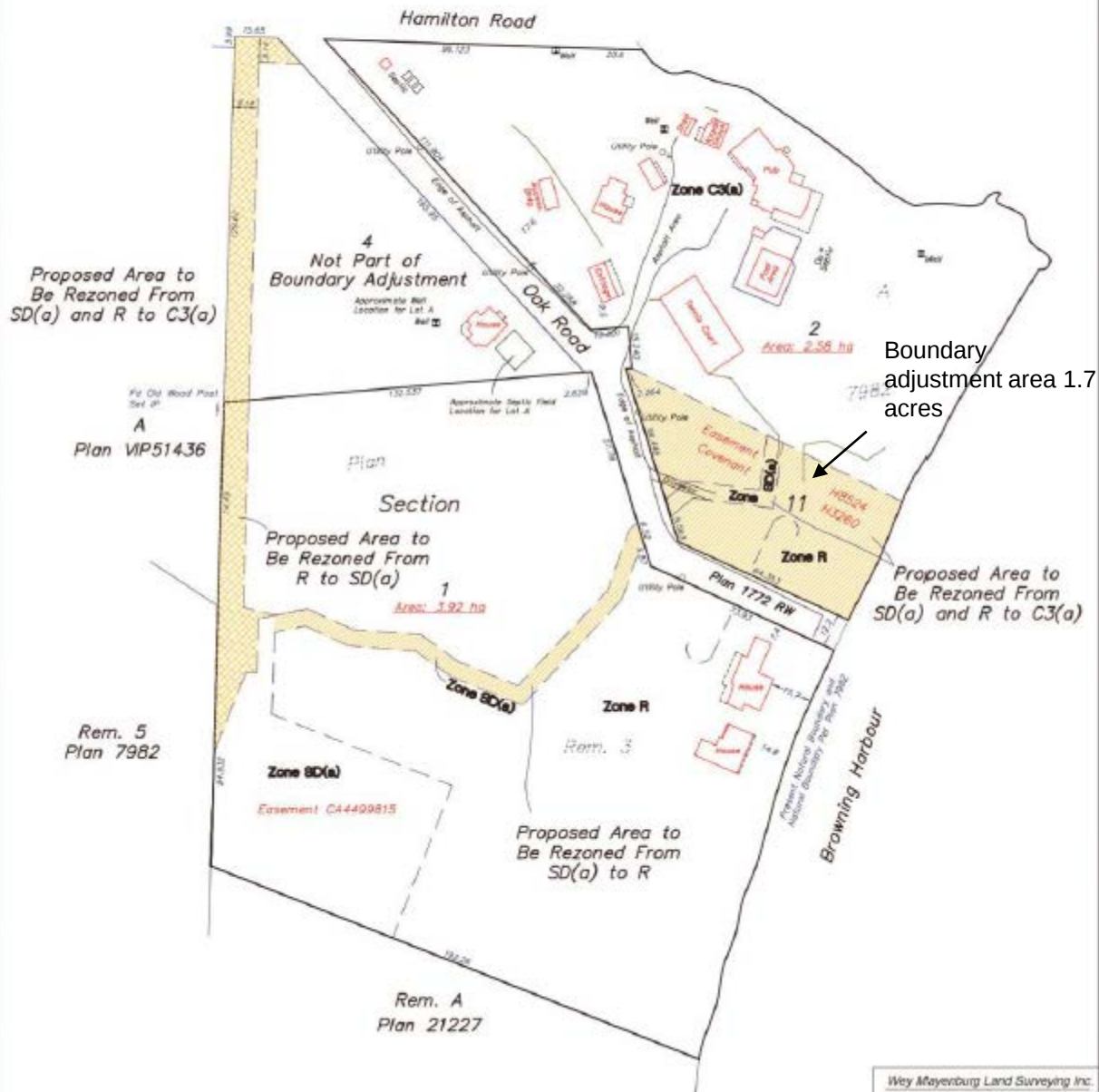
Proposed Boundary Adjustment of
Lot 3 (Except Part in Plan 21227 and 1772RW) and
Lot A (DD G54184), Section 11, Cowichan District, Plan 7982.



Scale = 1:1000

Dated this 4th day of November, 2015.

Distances shown are in metres



The subject property is affected by the following registered documents:
Lot 3, H0524, H0260, C4499815.

Wey Mayenburg Land Surveying Inc.
www.weysurveys.com
84-2227 James White Boulevard
Sidney, BC V8L 1Z9
Telephone (250) 634-3355
Fax: 702681ProJLE

FIGURE 3
ISLANDS TRUST - SENSITIVE ECOSYSTEM POLYGONS

Island's Trust Sensitive Ecosystem Map

Development Permit Areas

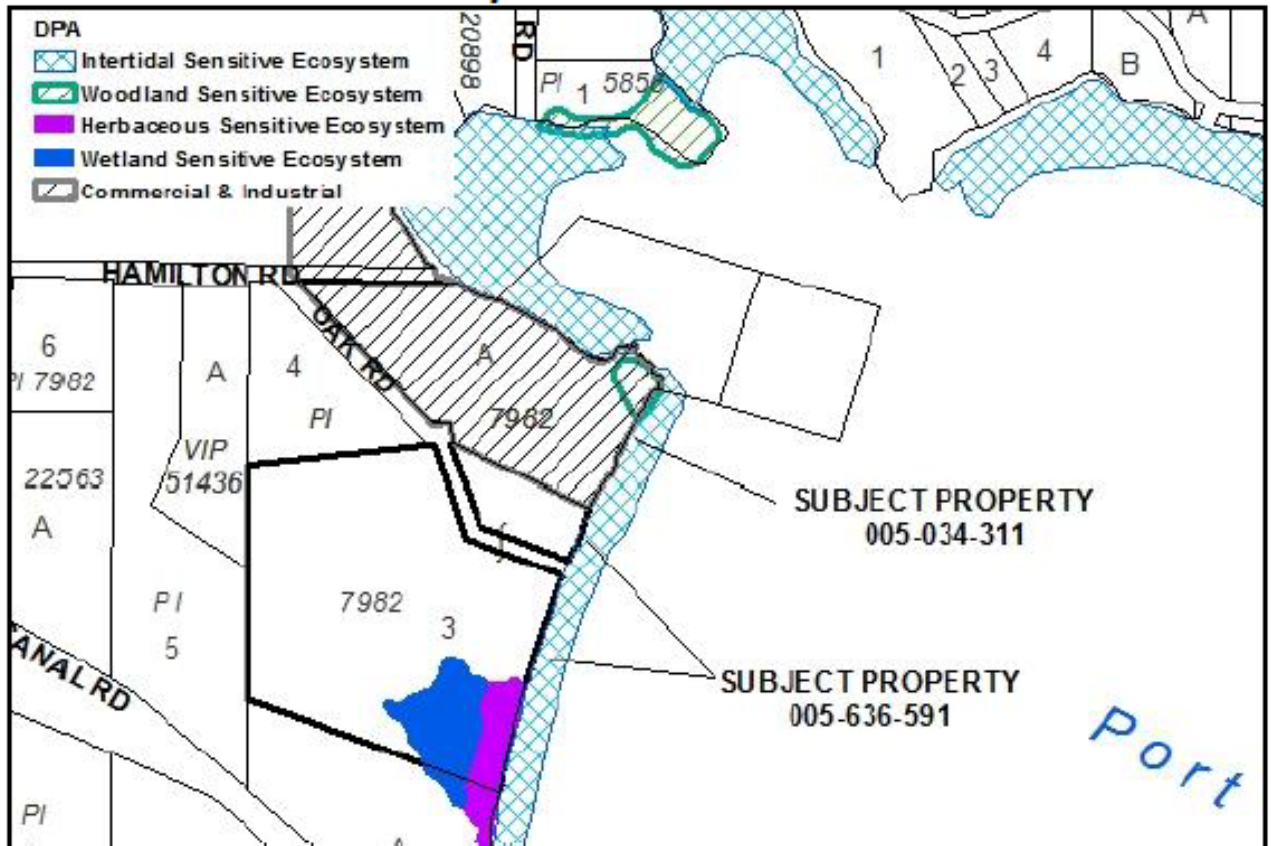
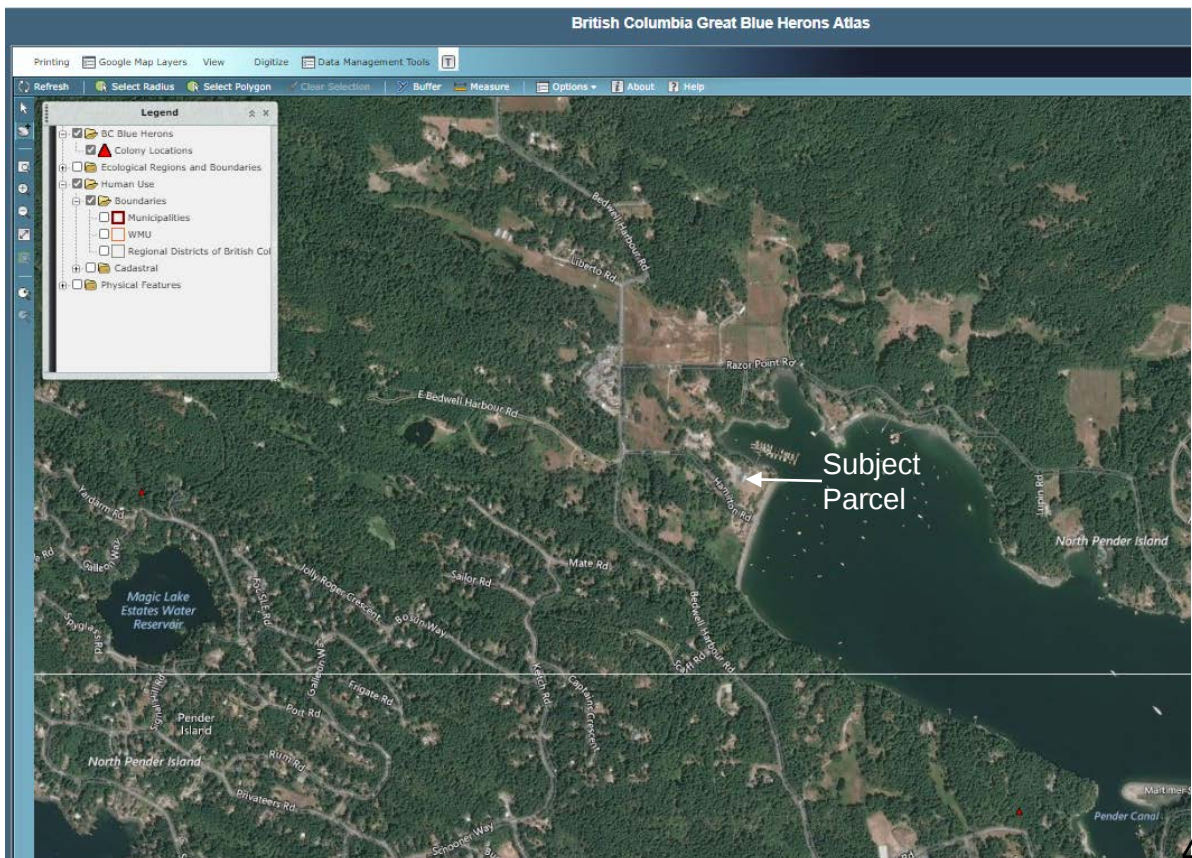
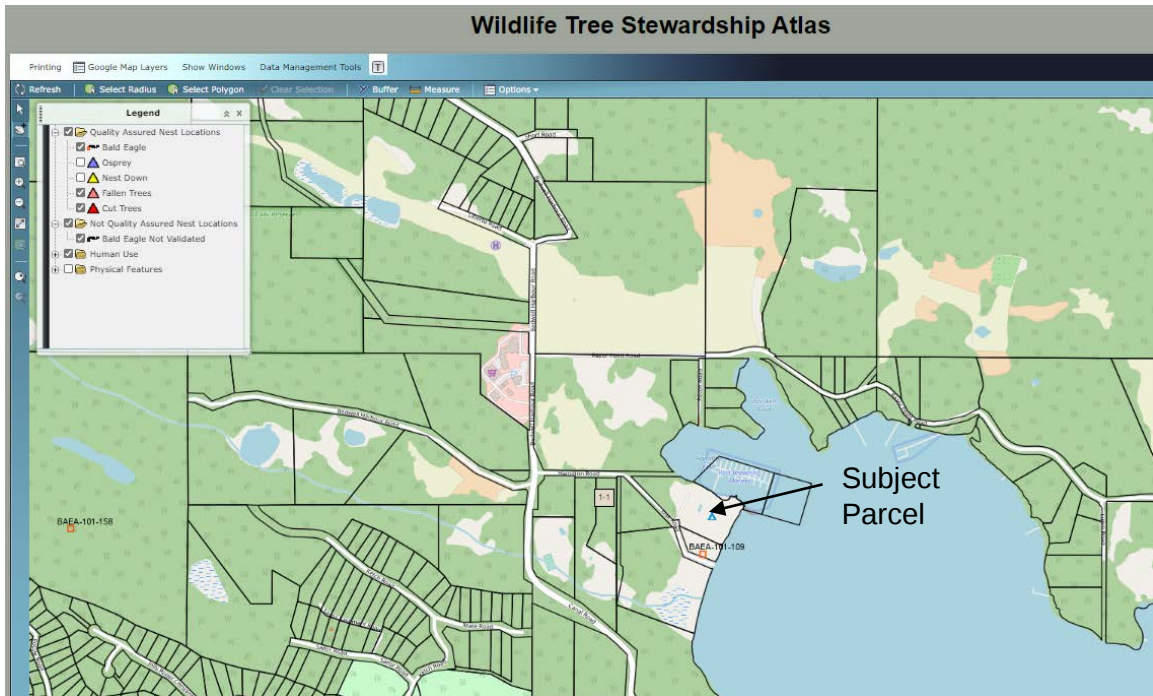


FIGURE 4
BC GREAT BLUE HERON ATLAS
AND
WILDLIFE TREE STEWADSHIP ATLAS

WILDLIFE TREE STEWARDSHIP ATLAND AND BC GREAT BLUE HERON ATLAS SEARCH RESULTS



APPENDIX A
SITE PHOTOGRAPHS

APPENDIX A SITE PHOTOGRAPHS



Photo 1. Looking toward the Northeast corner with the stand of mature Douglas fir (Woodland SEI) and the east facing beach (Intertidal SEI) from the marina dock.



Photo 2. Looking toward northeast corner from the cove showing how the lawn area is low compared to the small hill that the Woodland is on.



Photo 3. Looking toward the Marina ramp and restaurant along the north facing shore of the cove.



Photo 4. Looking north toward the marina from the lawn area.



Photo 5. Looking east toward the Woodland on the hill from the lawn area.



Photo 6. Looking south across the lawn area.

Photo 6. Looking west toward the restaurant and pool from the lawn area.



Photo 7. Looking south along the top of the shoreline berm.



Photo 8. Looking north Along the gravel beach from the end of Oak Road and the boat ramp.



Photo 9 & 10. Looking along Hamilton Road and the adjacent tree stand.



Photo 11. Showing two of the houses in the central portion of the property.

APPENDIX B
BC CDC SEARCH RESULTS



BC Conservation Data Centre: Ecosystem Occurrence Report

Shape ID: 65812

Scientific Name: *Pseudotsuga menziesii* / *Berberis nervosa*

English Name: Douglas-fir / dull Oregon-grape

Identifiers

Occurrence ID: 9330

Shape ID: 65812

Element Group: Ecological Community

Status

Provincial Rank: S1

BC List: Red

Global Rank: G2

Locators

Survey Site: NORTH PENDER ISLAND

Directions:

Biogeoclimatic Unit: CDF mm

Ecosection: SGI

Occurrence Information

First Observation Date: 2004

Last Observation Date: 2006

Occurrence Data:

This coniferous forest occurrence is based on Terrestrial Ecosystem Mapping and has been confirmed by 30 ecosystem plots. It is mostly comprised of young (84%) and mature(13%) Douglas-fir dominated forests, with some areas having components of old veteran trees. These forests have mostly regenerated after selective or clear-cut harvesting, but some areas have regenerated after fire. Other tree species include grand fir, arbutus, western redcedar, bigleaf maple and red alder, typically varying by localized site conditions and time since disturbance. The terrain is comprised of a mixture of morainal materials, weathered bedrock and glaciomarine deposits, with some areas of colluvial veneers. This ecological community represents approximately 1210 ha or 57% of the element occurrence.

General Description:

The occurrence is spread out over much of North Pender Island, B.C. North Pender Island has fairly high levels of development with area cleared for agriculture and widespread rural residential development. This occurrence is distributed across the island on a variety of aspects and slopes occurring adjacent to areas of active farming, development and younger forest..

Environmental Summary:

The terrain is comprised of a mixture of morainal, weathered bedrock and glaciomarine deposits, with some areas of colluvial veneers.

Occurrence Rank and Occurrence Rank Factors

Rank*: C : Fair estimated viability

Note: in the case of Ecological Communities, "viability" should read as "ecological integrity".

Rank Date: 13-01-18

Rank Comments:

Although the occurrence is considered large for this ecosystem, the fair condition and landscape context reduce the Ecological Integrity rank to Fair.

Condition of Occurrence:

The occurrence is predominantly mapped as young forest with a smaller component of mature stands. The complexity of the vertical stand structure is mixed, depending on the stand origin. Areas that were from natural fire with or without selective harvesting, will have more complex structure than clear-cut areas. The natural vegetation of the occurrence is fragmented by roads, rural residential, commercial and agricultural activity. Natural vegetation within the occurrence is more than 50% of the land cover. Condition is assessed as Fair.

Size of Occurrence:

The size of this occurrence is considered large within this fragmented landscape (1210.0 ha).

Landscape Context:

More than 75% of North Pender Island has internal fragmentation from roads, rural residential and farming activities. In some areas road density is high and the agricultural areas are at least 10% of the island. Overall, natural vegetation occurs over more than half of the island but is moderately to highly fragmented.

Version

Version Date: 2013-01-18

Version Author: de Groot, A. and C.M. Cadrin

Mapping Information

Estimated Representation Accuracy: Medium

Estimated Representation Accuracy Comments: The ecological community occupies 57.25% (1210 ha) of the mapped occurrence.

Confident that full extent is represented by Occurrence: ?

Confidence extent Definition: Uncertain whether full extent of EO is known

Additional Inventory Needed: Y

Inventory Comments: Field plots and 13 notes confirming this ecosystem. Project name - Terrestrial Ecosystem Mapping of the Southern Gulf islands.

This element occurrence is based on available ecosystem mapping. Many factors influence the reliability of an ecosystem map. Depending on the scale of aerial images used to capture the ecosystems, very small ecosystems and some types of disturbance may not be visible and will not be mapped. If the air photos are not current, new disturbance may have occurred since the time of mapping and the inventory may not accurately represent the current state of the landscape. Other factors, such as the skill and experience of the mapper within the study area, and the field survey intensity level will also influence the reliability of the map.

Documentation

References:

Canadian Wildlife Service, Ministry of Environment, Lands and Parks Vancouver Island Region, and B.C. Conservation Data Centre. 1997. Sensitive Ecosystems Inventory: East Vancouver Island and Gulf Islands. Clover Point Cartographics Ltd., Victoria.

Carter, H. and S. Sealy. 2005. Who solved the mystery of the Marbled Murrelet? Northwest Nat. 86(1): 2-11.

Churchill, J., T. Tripp and T. Innes. 2009. Conversion of existing Southern Gulf Islands (SGI) ecosystem mapping to provincial Terrestrial Ecosystem Mapping standards. Madrone Environmental Services Ltd. Unpublished report prepared for Islands Trust, Victoria, B.C. 16pp.

Terrestrial Ecosystem Mapping [TEM] of the Southern Gulf Islands. 2007c. Prepared for T. Golumbia, Gulf Islands National Park Reserve, Sidney, B.C. by R.N Green, B.A. Blackwell and Associates Ltd, North Vancouver, B.C. 1:10,000 spatial data

Please visit the website http://www.env.gov.bc.ca/cdc/gis/eo_data_fields_06.htm for definitions of the data fields used in this occurrence report.

Suggested Citation:

B.C. Conservation Data Centre. 2014. Occurrence Report Summary, Shape ID: 65812, Douglas-fir / dull Oregon-grape. B.C. Ministry of Environment. Available: <http://maps.gov.bc.ca/ess/hm/cdc>, (accessed Sep 23, 2020).


[\(//www2.gov.bc.ca/\)](http://www2.gov.bc.ca/)

BC Species & Ecosystems Explorer

[Modify Search \(/pub/eswp/search.do?method=change\)](/pub/eswp/search.do?method=change)
[New Search \(/pub/eswp/search.do?method=reset\)](/pub/eswp/search.do?method=reset)
[Export Results](#)
[Help](#)
Search Results 10 records
[Show 10 rows](#)
[Column Visibility](#)
[Sort Order](#)
[Scientific Name](#)
[Ascending](#)

Scientific Name	English Name	Biogeoclimatic Units	Provincial	BC List	Global	COSEWIC	SARA	Provincial FRPA	Land Use Objectives
<i>Accipiter gentilis laingi</i> (/pub/eswp/reports.do?elcode=ABNKC12062)	Northern Goshawk, <i>laingi</i> subspecies	CDF CWH	S2 (2010)	Red	G5T2 (2016)	T (2013)	1-T (2003)	Y	(/
<i>Buteo swainsoni</i> (/pub/eswp/reports.do?elcode=ABNKC19070)	Swainson's Hawk	BG BWBS CDF ICH IDF MS PP SBS	S2B (2015)	Red	G5 (2016)				(/
<i>Callophrys johnsoni</i> (/pub/eswp/reports.do?elcode=IILEPE2100)	Johnson's Hairstreak	CDF CMA CWH	S2? (2020)	Red	G3 (2017)			Y	(/

Scientific Name	English Name	Biogeoclimatic Units	Provincial	BC List	Global	COSEWIC	SARA	Provincial FRPA	Land Use Objectives	
 <i>Cephalanthera austini</i> (/pub/eswp/reports.do?elcode=PMORC0F010)	phantom orchid	CDFmm CWHdm CWHxm	S2 (2019)	Red	G4 (1990)	E (2014)	1-T (2003)			(/
 <i>Coenonympha tullia insulana</i> (/pub/eswp/reports.do?elcode=IILEPN6038)	Common Ringlet, <i>insulana</i> subspecies	CDF CWH	S1 (2013)	Red	G5T3T4 (1998)					(/
 <i>Gulo gulo vancouverensis</i> (/pub/eswp/reports.do?elcode=AMAJF03014)	Wolverine, <i>vancouverensis</i> subspecies	CMA CWH MH	SH (2017)	Red	G4TH (2016)	SC (2014)	1-SC (2018)	Y		(/
 <i>Lepus americanus washingtonii</i> (/pub/eswp/reports.do?elcode=AMAE03014)	Snowshoe Hare, <i>washingtonii</i> subspecies	CDF CWH	S1 (2011)	Red	G5T3T5 (1996)					
 <i>Mustela frenata altifrontalis</i> (/pub/eswp/reports.do?elcode=AMAJF02034)	Long-tailed weasel, <i>altifrontalis</i> subspecies	CDF CWH MH	SH (2011)	Red	G5TNR					
 <i>Setophaga castanea</i> (/pub/eswp/reports.do?elcode=ABPBX03220)	Bay-breasted Warbler	BWBS CWH ICH MS SBS	S2B (2015)	Red	G5 (2016)			Y		(/

Scientific Name	English Name	Biogeoclimatic Units	Provincial	BC List	Global	COSEWIC	SARA	Provincial FRPA	Land Use Objectives
 <i>Strix occidentalis</i> (/pub/eswp/reports.do?elcode=ABNSB12010)	Spotted Owl	CWH ESSF IDF MH	S1 (2018)	Red	G3G4 (2016)	E (2008)	1-E (2003)	Y	

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Search Criteria

BC Conservation Status:Red (Extirpated, Endangered, or Threatened)

AND Distribution: Native

AND 'Local Trust Areas':North Pender Island Local Trust Area

AND Habitat Subtypes: Conifer Forest - Mesic (average)

Sort Order:Scientific Name Ascending

Notes

1. Citation: B.C. Conservation Data Centre. 2020. BC Species and Ecosystems Explorer. B.C. Minist. of Environ. Victoria, B.C. Available: <http://a100.gov.bc.ca/pub/eswp/> (<http://a100.gov.bc.ca/pub/eswp/>) (accessed Sep 23, 2020).

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Scientific Name

Ascending

Scientific Name	English Name	Biogeoclimatic Units	Provincial	BC List	Global	COSEWIC	SARA	Provincial FRPA	Land Use Objectives
<i>Ardea herodias fannini</i> (/pub/eswp/reports.do?elcode=ABNGA04011)	Great Blue Heron, <i>fannini</i> subspecies	CDF CWH	S2S3B,S4N (2018)	Blue	G5T4 (2016)	SC (2008)	1-SC (2010)	Y	
<i>Brachyramphus marmoratus</i> (/pub/eswp/reports.do?elcode=ABNNN06010)	Marbled Murrelet	CDF CWH MH	S3B,S3N (2015)	Blue	G3 (2016)	T (2012)	1-T (2003)	Y	
<i>Cardellina canadensis</i> (/pub/eswp/reports.do?elcode=ABPBX16030)	Canada Warbler	BWBS CDF CWH	S3S4B (2015)	Blue	G5 (2016)	T (2008)	1-T (2010)		
<i>Cervus elaphus roosevelti</i> (/pub/eswp/reports.do?elcode=AMALC01013)	Roosevelt Elk	CWH MH	S3S4 (2017)	Blue	G5T4 (2016)				

Scientific Name	English Name	Biogeoclimatic Units	Provincial	BC List	Global	COSEWIC	SARA	Provincial FRPA	Land Use Objectives
 <i>Contopus cooperi</i> (/pub/eswp/reports.do?elcode=ABPAE32010)	Olive-sided Flycatcher	BWBS CDF CWH ESSF ICH IDF MH MS PP SBPS SBS SWB	S3S4B (2015)	Blue	G4 (2016)	SC (2018)	1-T (2010)		
 <i>Corynorhinus townsendii</i> (/pub/eswp/reports.do?elcode=AMACC08010)	Townsend's Big-eared Bat	BG CDF CWH ICH IDF PP	S3S4 (2015)	Blue	G4 (2016)				
 <i>Epargyreus clarus</i> (/pub/eswp/reports.do?elcode=IILEP04020)	Silver-spotted Skipper	CDF CWH ESSF ICH IDF MH MS PP	S3 (2020)	Blue	G5 (2016)				
 <i>Glaucidium gnoma swarthi</i> (/pub/eswp/reports.do?elcode=ABNSB08015)	Northern Pygmy-owl, <i>swarthi</i> subspecies	CDF CWH MH	S3S4 (2018)	Blue	G4G5T3T4Q (2019)			Y	

Scientific Name	English Name	Biogeoclimatic Units	Provincial	BC List	Global	COSEWIC	SARA	Provincial FRPA	Land Use Objectives
 <i>Gulo gulo luscus</i> (/pub/eswp/reports.do?elcode=AMAJF03011)	Wolverine, <i>luscus</i> subspecies	BAFA BWBS CMA CWH ESSF ICH IDF IMA MH MS SBPS SBS SWB	S3 (2010)	Blue	G4T4 (2016)	SC (2014)	1-SC (2018)	Y	
 <i>Hirundo rustica</i> (/pub/eswp/reports.do?elcode=ABPAU09030)	Barn Swallow	BAFA BG BWBS CDF CWH ESSF ICH IDF IMA MH MS PP SBPS SBS SWB	S3S4B (2015)	Blue	G5 (2016)	T (2011)	1-T (2017)		

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Search Criteria

BC Conservation Status:Blue (Special Concern)
AND Distribution: Native
AND 'Local Trust Areas':North Pender Island Local Trust Area
AND Habitat Subtypes: Conifer Forest - Mesic (average)
Sort Order:Scientific Name Ascending

Notes

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Scientific Name

Ascending

Scientific Name	English Name	Biogeoclimatic Units	Provincial	BC List	Global	COSEWIC	SARA	Provincial FRPA	Land Use Objectives	
<i>Megascops kennicottii kennicottii</i> (/pub/eswp/reports.do?elcode=ABNSB01042)	Western Screech-Owl, <i>kennicottii</i> subspecies	CDF CWH MH	S2S3 (2017)	Blue	G4G5T4 (2016)	T (2012)	1-T (2005)			(/pub
<i>Mustela erminea anguinae</i> (/pub/eswp/reports.do?elcode=AMAJF02014)	Ermine, <i>anguinae</i> subspecies	CDF CWH MH	S3 (2010)	Blue	G5T3 (2016)					(/pub

Scientific Name	English Name	Biogeoclimatic Units	Provincial	BC List	Global	COSEWIC	SARA	Provincial FRPA	Land Use Objectives	
 <i>Oreamnos americanus</i> (/pub/eswp/reports.do?elcode=AMALE02010)	Mountain Goat	BAFA BG BWBS CDF CMA CWH ESSF ICH IDF IMA MH MS PP SBPS SBS SWB	S3 (2015)	Blue	G5 (2016)					
 <i>Patagioenas fasciata</i> (/pub/eswp/reports.do?elcode=ABNPB01080)	Band-tailed Pigeon	CDF CWH ICH IDF MS SBS	S3S4 (2015)	Blue	G4 (2016)	SC (2008)	1-SC (2011)			
 <i>Phalacrocorax auritus</i> (/pub/eswp/reports.do?elcode=ABNFD01020)	Double-crested Cormorant	BWBS CDF CWH ICH IDF PP SBPS SBS	S3S4 (2015)	Blue	G5 (2016)	NAR (1978)				(/pub

Scientific Name	English Name	Biogeoclimatic Units	Provincial	BC List	Global	COSEWIC	SARA	Provincial FRPA	Land Use Objectives	
 <i>Pinicola enucleator carlottae</i> (/pub/eswp/reports.do?elcode=ABPBY03013)	Pine Grosbeak, <i>carlottae</i> subspecies	CMA CWH MH	S3 (2005)	Blue	G5T3 (2016)					
 <i>Pinus albicaulis</i> (/pub/eswp/reports.do?elcode=PGPIN04010)	whitebark pine	BAFAun BAFAunp CMAunp CWHdm CWHds CWHms CWHun CWHvm CWHws ESSFdc ESSFdcp ESSFdcw ESSFdk ESSFdkp ESSFdku ESSFdkw ESSFdm ESSFdmp ESSFdmw ESSFdv ESSFdvp ESSFdvw ESSFmc ESSFmcp ESSFmk ESSFmkp ESSFmm ESSFmmp ESSFmv	S2S3 (2019)	Blue	G3? (2020)	E (2010)	1-E (2012)			(/pub

Scientific Name	English Name	Biogeoclimatic Units	Provincial	BC List	Global	COSEWIC	SARA	Provincial FRPA	Land Use Objectives	(
		ESSFmvp								
		ESSFmw								
		ESSFmwp								
		ESSFmww								
		ESSFvc								
		ESSFvcp								
		ESSFvcw								
		ESSFwc								
		ESSFwcp								
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		ESSFwmw								
		ESSFwv								
		ESSFwvp								
		ESSFxc								
		ESSFxcp								
		ESSFxcpw								
		ESSFxv								
		ESSFxvp								
		ESSFxvw								
		ICHdm								
		ICHdw								
		ICHmc								
		ICHmk								
		ICHmm								
		ICHmw								
		ICHvk								
		ICHwk								
		IDFdc								
		IDFdk								
		IDFdm								
		IDFdw								

Scientific Name	English Name	Biogeoclimatic Units	Provincial	BC List	Global	COSEWIC	SARA	Provincial FRPA	Land Use Objectives	
		IDFww IDFxc IDFxb IMAw IMAw MHmm MHmm MSdc MSdk MSdm MSdv MSmw MSxk MSxv SBPSxc SBSdh SBSmc SBSvk SBSwk								
 <i>Pristiloma johnsoni</i> (/pub/eswp/reports.do?elcode=IMGAS80050)	Broadwhorl Tightcoil	CDF CWH MH	S3 (2015)	Blue	G3 (2013)					
 <i>Progne subis</i> (/pub/eswp/reports.do?elcode=ABPAU01010)	Purple Martin	BWBS CDF CWH ICH	S3S4B (2019)	Blue	G5 (2016)					(/pub

Scientific Name	English Name	Biogeoclimatic Units	Provincial	BC List	Global	COSEWIC	SARA	Provincial FRPA	Land Use Objectives	
 <i>Setophaga virens</i> (/pub/eswp/reports.do?elcode=ABPBX03100)	Black-throated Green Warbler	BWBS CDF CWH ESSF ICH SBS	S3B (2015)	Blue	G5 (2016)			Y		(/pub

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Search Criteria

BC Conservation Status:Blue (Special Concern)
 AND Distribution: Native
 AND 'Local Trust Areas':North Pender Island Local Trust Area
 AND Habitat Subtypes: Conifer Forest - Mesic (average)
 Sort Order:Scientific Name Ascending

Notes

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Scientific Name

Ascending

Scientific Name	English Name	Biogeoclimatic Units	Provincial	BC List	Global	COSEWIC	SARA	Provincial FRPA	Land Use Objectives	
<i>Sorex trowbridgii</i> (/pub/eswp/reports.do?elcode=AMABA01220)	Trowbridge's Shrew	CDF CWH	S3 (2015)	Blue	G5 (2016)					(/pub,
<i>Ursus arctos</i> (/pub/eswp/reports.do?elcode=AMAJB01020)	Grizzly Bear	BAFA BWBS CMA CWH ESSF ICH IDF IMA MH MS SBPS SBS SWB	S3? (2015)	Blue	G4 (2016)	SC (2012)	1-SC (2018)	Y		

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Search Criteria

BC Conservation Status:Blue (Special Concern)
 AND Distribution: Native
 AND 'Local Trust Areas':North Pender Island Local Trust Area
 AND Habitat Subtypes: Conifer Forest - Mesic (average)
 Sort Order:Scientific Name Ascending

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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:	X	
	▪ The proposed development and associated features	X	
	▪ The development permit area boundary	X	
	▪ Existing buildings and structures	X	
	▪ Roads and driveways	X	
	▪ Topographic features	X	
	▪ Significant features identified in the site inventory	X	
	Where development would occur on slopes exceeding 20% grade: site profiles and cross sections demonstrating terrain conditions prior to disturbance	N/A	
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	X	
	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	X	
	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	X	
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.	X	
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	X	
	▪ Rare plant communities	X	
	▪ Rare species habitat	X	

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)			Office Use only
	Information and Documentation Required	✓	
	Site hydrology	N/A	
	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	N/A	
Measures	A description of all recommended measures to limit, mitigate and manage the impacts of the development on environmentally valuable features	N/A	
	A description of mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.	N/A	
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	N/A	
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	X	

**DPA Checklist: NP-DP-2020.5 (Port Browning Marina)
Boundary Adjustment Subdivision (NP-SUB-2016.2)**

Guidelines	Comments
<i>Subdivision DPA Guidelines</i>	
1. Subdivisions should, where feasible, protect sensitive ecosystems and habitat by clustering lots in areas with disturbed or modified ecosystems. Sensitive ecosystems and habitats should be incorporated within a parcel of a sufficient size to accommodate the permitted level of development, including driveway access and septic disposal systems, while also avoiding alteration and fragmentation of the sensitive ecosystems and habitat.	The change in the lot configurations do not intersect with or impact any of the Development Permit Areas. There is no development associated with the application.
2. Sensitive ecosystems and habitat should be protected from clearing, grading and filling during the land development and construction phases of subdivision. Permit conditions may include requirements for fencing, signs and timing of work.	N/A
3. Provision should be made for any recommended buffer areas adjacent to sensitive ecosystems and habitat.	N/A
4. Lots should be configured to minimize driveway lengths within sensitive ecosystems. The provision of shared driveways may be considered as a condition of a permit if it can reduce impacts on sensitive ecosystems and habitat.	N/A
5. A community water system, as an alternative to individual wells, may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.	N/A
6. Septic disposal sites should be located in a manner that minimizes potential impacts on sensitive ecosystems and habitat.	N/A
7. Storm water management systems, where needed, should be designed in a manner that avoids the impacts of run-off on sensitive ecosystems and habitat.	N/A
8. Where applicable, lots should be configured to allow the siting of docks and stairs to the foreshore with minimal impact on sensitive shoreline and intertidal areas.	N/A
9. Pre-designation of building sites may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.	N/A
10. The LTC may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a sensitive ecosystem or habitat.	N/A



PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT PERMIT NP-DP-2020.5

To: Port Browning Marina Resort Ltd. and Lucille Henshaw
c/o Josh McKanney, Mill Bay Marine Group

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

Lot A (DD G54184) of Section 11, Pender Island, Cowichan District, Plan 7982
(PID: 005-034-311)

Lot 3, Section 11, Pender Island, Cowichan District, Plan 7982, Except Part in Plan 21227 and
1772RW
(PID: 005-636-591)

2. This Development Permit NP-DP-2020.5 authorizes a boundary adjustment subdivision within Development Permit Areas ("DPAs") One – Woodland Ecosystem; Two – Herbaceous Ecosystems; and Four – Wetland Ecosystem, subject to the following requirements:

General

- a. The 'Final Subdivision Plan' submitted to the Land Titles Office for registration be substantively consistent with Schedule 'A' attached to and forming part of this permit.

Protection from Introduction of Non-Native Flora

- b. The removal of non-native and invasive species such as Scotch broom, Himalayan blackberry, English ivy and non-native rose is encouraged. Keeping the Scotch broom and Himalayan blackberry trimmed before flowering will help reduce the spread of seed in the area.
 - c. The retention of dead or declining trees, downed logs, snags and leaf litter within the DPA is encouraged.
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.

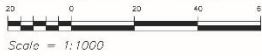
- AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE, THIS XX DAY OF _____, 2020.

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

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2020.5 Schedule "A" (Subdivision Plan)

Proposed Boundary Adjustment of
Lot 3 (Except Part in Plan 21227 and 1772RW) and
Lot A (DD G54184), Section 11, Cowichan District, Plan 7982.



Dated this 4th day of November, 2015.

Distances shown are in metres.



Proposed Lot 2



Proposed Lot 1



Prior Lot Boundary



DATE OF MEETING: November 26, 2020
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: NP LUB Review – Project Update

RECOMMENDATION

No recommendations at this time.

REPORT SUMMARY

The purpose of this report is to provide an update on the Land Use Bylaw (LUB) Review Project and to determine areas of further research for the North Pender Island Local Trust Committee's (LTC) consideration in regards to the seven focus topics.

BACKGROUND

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

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

To date the LTC has completed four Community Information Meetings (CIM) regarding the LUB Review Project. An electronic CIM was held on September 19th, 2020 to discuss the topic of Maximum Floor Area with a total of seven attendees. The second CIM was held on October 3rd, 2020 with the topic of Industrial Regulations review with a total of ten attendees. The third CIM on October 24th (Agriculture topic) had a total of 19 attendees including members from the North Pender Special Agriculture Advisory Planning Commission (SAAPC). The fourth CIM on November 7th had seven attendees and focused on the remaining topics: Conservation Subdivision Review, Tourist Commercial Regulation Review, Shoreline Regulations Review, and Minor Technical Amendment.

At the October 29, 2020 LTC regular meeting the North Pender Island, the following resolution was passed:

NP-2050-050

That the North Pender Island Local Trust Committee direct staff to schedule a community information meeting with the South Pender Island Local Trust Committee to be held via zoom in early January 2021.

At the November 7th, 2020 North Pender LTC Special Meeting, the follow resolution was passed:

NP-2020-051

That the North Pender Island Local Trust Committee schedule a special joint meeting with the South Pender Island Local Trust Committee for November 28, 2020.

Background information regarding the project, Discussion Papers, PowerPoint presentations, correspondence, and the Project Charter can be found on the North Pender Project webpage:

<http://www.islandstrust.bc.ca/npender/ocp-implementation-project>

ANALYSIS

Discussion Topics – Further information

The following are items noted by staff that the LTC has expressed further information may be required:

Residential floor area review:

The North Pender and South Pender Trustees have expressed an interest in holding a joint LTC meeting in order to discuss maximum floor area regulations. There has been interest from the LTCs to have a consistent approach with siting regulations in the North Pender and South Pender Land Use Bylaws. The North Pender and South Pender LTCs have given direction to staff to schedule two such meetings: one on November 28th, and the second meeting, in early January 2021 (specific date to be scheduled). Minutes from these two meetings will be included in the January 28th, 2021 North Pender LTC meeting agenda for review and discussion.

Conservation subdivision review:

This topic was discussed at the November 7th, 2020 CIM. One of the items discussed was the subdivision potential remaining on North Pender Island. A map produced in 2013 shows the subdivision potential at that time: <http://www.islandstrust.bc.ca/media/240687/SUB%20POT.LargeLotsHighlighted.pdf>. Staff can provide an updated subdivision potential map to show the subdivisions that have been completed since 2013. Further information on 2013/2014 Conservation Subdivision Project can be found here: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/projects-initiatives/previous-projects/conservation-subdivison-review/>

Tourist Commercial regulation review:

Staff will forward the Discussion Paper to all known Tourist Commercial operators and property owners by the end of this year for their review and comments on options outlined in the paper.

Marine shoreline regulations review:

This topic was discussed at the November 7th, 2020 CIM. The LTC expressed an interest for further information regarding vertical setback from the sea regulations and live-aboard regulations for marinas. Staff can report back with further information on these to items in a subsequent staff report in early 2021.

Agricultural regulations amendments:

The SAAPC had their first meeting on November 17th, 2020 and have scheduled additional meetings for November and December 2020. Staff have notified the SAAPC that the review deadline for their comments has been extended to January 4, 2021. In addition, the list of minor and technical amendments were sent to the SAAPC for their review and comments.

Industrial regulation review:

Staff will forward the Discussion Paper to all known Industrial operators and property owners by the end of this year for their review and comments on options outlined in the paper.

Minor and technical amendments:

The LTC should provide direction to staff if any further clarification or additional information is required.

Referrals

At the November 7, 2020 Special Meeting, the LTC noted that one or more of the discussion papers should be referred to the North Pender Advisory Planning Commission (APC). A draft resolution (No. 2) is included in the 'Alternatives' section of this staff report for the LTC's consideration.

Staff will also continue with early referral to First Nations for their comments on the seven topics.

Consultation

As shown in the attached Project Charter, the project is in the stage of early public consultation and referrals. The information gathered from the Special Meetings and correspondence will help determine how the LTC may wish to proceed with amendments to the LUB for each topic. The project timeline states that draft bylaws should be presented by mid-Spring and further consultation for the draft bylaws will commence next summer (June to August 2021). If the LTC wishes to hold additional Special Meetings, a resolution is required.

Rationale for Recommendation

No recommendation is required as the project is progressing as outlined in timeline in the Project Charter.

ALTERNATIVES

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

1. Request further information

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

That the North Pender Island Local Trust Committee request staff to provide further information on...

2. Refer a Discussion Paper to the Advisory Planning Commission

The LTC may opt to refer one or more Discussion Papers to the Advisory Planning Commission to provide comments on the options outlined in the Discussion Paper(s). Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request staff to XXX Discussion Paper to the North Pender Island Advisory Planning Commission for comment.

3. Proceed no further

The LTC may choose to proceed no further with the project.

NEXT STEPS

Continue with public consultation and early referrals. Staff will report back with a summary of comments in early 2021 and with next steps for the project.

Submitted By:	Kim Stockdill Island Planner	November 18, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	November 18, 2020

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

DATE OF MEETING: November 26, 2020
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: NP STVR Review – Second Reading & CIM/Public Hearing Scheduling

RECOMMENDATION

1. That the North Pender Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 222, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020”.

REPORT SUMMARY

The purpose of this report is to provide a project update and to outline the next steps for the Short Term Vacation Rental (STVR) project.

BACKGROUND

A draft Official Community Plan (OCP) bylaw No. 222 was presented to the North Pender Island Local Trust Committee (LTC) at the October 29th, 2020 regular LTC meeting. The LTC then passed the following resolutions:

NP-2020-049

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 222, cited as the “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020”, be read a first time.

NP-2020-050

It was Moved and Seconded,

that the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 222, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020”, is not contrary to or at variance with the Islands Trust Policy Statement.

Background information regarding the project and the updated Project Charter can be found on the North Pender Project webpage: <http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/projects-initiatives/np-stvr-review-project/>

The staff report presented at the October 29th LTC meeting stated that a subsequent staff report will be presented at the November meeting outlining comments received to date, and to outline options for scheduling a Community Information Meeting (CIM) and a Public Hearing for proposed Bylaw No. 222.

ANALYSIS

Proposed Bylaw No. 222

Proposed Bylaw No. 222 amends the Temporary Use Permit (TUP) section of the North Pender OCP for STVRs. The proposed bylaw includes, but not limited to, the following amendments to the TUP guidelines for STVRs:

- Restriction on the number of STVR TUPs (no more than one TUP STVR within a 200 metre buffer from another TUP STVR);
- Additional drinking water guidelines and restrictions;
- Amended notification requirements and additional contact information guidelines;
- Limit the number of guests to 6 within Magic Lake Estates Water System Area;
- Limit number of days a STVR may operate during the summer months to a total of 30 days; and
- A restriction on STVR TUP applications from absentee property owners.

If the LTC is proposes to make minor amendments to the bylaw, a draft resolution is included in the 'Alternatives' section of this staff report. Furthermore, making amendments after First Reading may require the bylaw to be resent out for referral. A bylaw may be altered after the public hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

Consultation

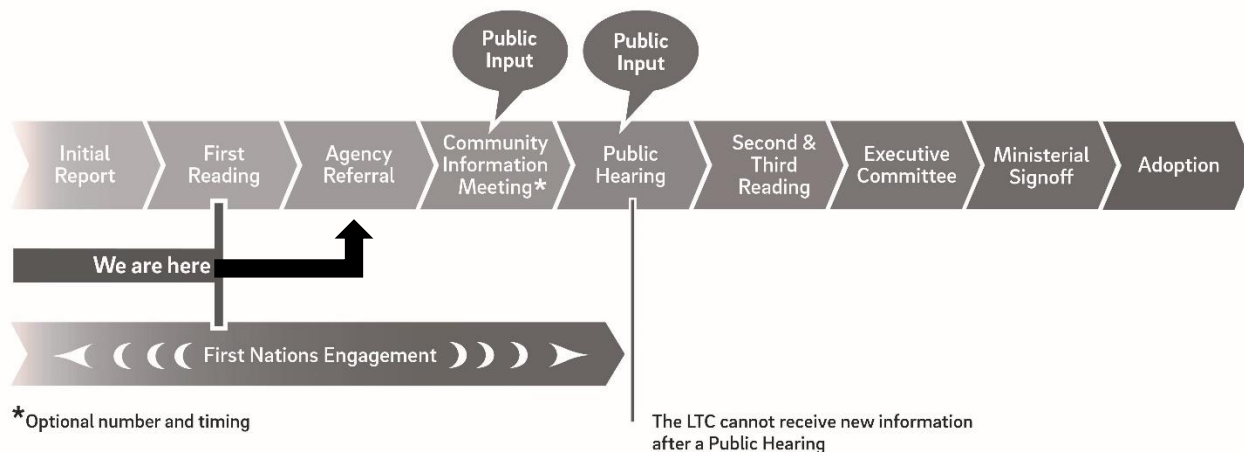
Staff have referred Bylaw No. 222 to the agencies and First Nations outlined in the October 29, 2020 staff report. At the time of writing this report, no responses from agencies or First Nations have been received. All comments received will be forwarded to the North Pender LTC and will be included in the Public Hearing binder.

There have been a few pieces of correspondence received from community members. Comments from the correspondence include, but are not limited to, a request for the LTC to consider: increasing the 200 metre buffer to 500 metres, changing the notification requirements, and to amend the summer rental requirements (increase the limit of 30 days, or change the limits to two weeks out of every four weeks). Correspondence received to date can be found on the North Pender STVR Project webpage:
<http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender/projects-initiatives/np-stvr-review-project/>

Timeline

The [project charter](#) provides the timeline for the project, but generally the process for OCP amendments are as follows:

- LTC gives direction to staff to draft bylaws;
- LTC gives first reading;
- Bylaw referrals sent, with comments to be received prior to Public Hearing;
- Community Information Meeting and Public Hearing held;
- LTC gives direction for second and third reading;
- Proposed bylaw referred to Executive Committee and the Minister of Municipal Affairs & Housing for approval; and
- LTC gives final reading and adopts bylaw.



Statutory Requirements

In accordance with regular statutory requirements, a Public Hearing is required for any bylaw amendment and it is normal practice to hold a CIM prior to that. Staff are recommending that the CIM be scheduled in conjunction with the Public Hearing given there has already been extensive public and stakeholder consultation on this topic.

If LTC decides to proceed with a Public Hearing, LTC will need to decide whether it be scheduled as part of a regular LTC meeting or a Special Meeting. The Public Hearing notice would be posted as per statutory and bylaw requirements in advance of the Public Hearing.

The project is currently on schedule as the Project Charter's timeline includes a public hearing to be scheduled for February 2021. Staff are recommending the CIM and Public Hearing for proposed Bylaw No. 222 be scheduled for the February 25, 2021 NP LTC regular meeting.

Rationale for Recommendation

Staff are recommending that the LTC schedule a CIM and Public Hearing in early 2021 based on the following:

- The LTC completed community consultation at the beginning of the project (online survey);
- The proposed bylaw addresses a number of issues and concerns raised during the community consultation;
- Bylaw referral deadline is mid to late December. Staff will bring back the proposed bylaw for second reading and with all correspondence received from the referral for the January 28th, 2021 LTC meeting.

ALTERNATIVES

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

1. Conduct a CIM on a separate day prior to the Public Hearing.

The LTC may consider conducting a CIM electronically on a day prior to holding a Public Hearing.

Resolution:

That the North Pender Island Local Trust Committee direct staff to schedule an electronic Community Information Meeting for proposed Bylaw No. 222 on a day prior to the Public Hearing for proposed Bylaw No. 222.

2. Minor amendments to the Proposed Bylaw No. 222.

The LTC may consider making amendments to Proposed Bylaw No. 222. If the amendments are minor and do not require the bylaw to be rescinded, the following resolution can be used.

Resolution:

That Bylaw No. 222, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020” be amended as follows:...

3. 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.

Resolution:

That the North Pender Island Local Trust Committee request that staff provide the following additional information:_____.

4. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Based on direction from LTC, staff will make arrangements for a Public Hearing in conjunction with a CIM for the February 2021 LTC meeting. Staff will also prepare a staff report for the January 2021 LTC meeting summarizing comments from the referrals and for the LTC to consider second reading of proposed Bylaw No. 222.

Submitted By:	Kim Stockdill Island Planner	November 17, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	November 17, 2020

Attachment:

1. Proposed Bylaw No. 222

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 222

A BYLAW TO AMEND NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 171, 2007

The North Pender Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020”.

2. SCHEDULES

North Pender Island Official Community Plan No. 171, 2007 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

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

READ A FIRST TIME THIS	29TH	DAY OF	OCTOBER,	2020
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 222**

SCHEDULE 1

The North Pender Island Official Community Plan Bylaw No. 171, 2007, is amended as follows:

1. By deleting Part 6 Temporary Use Permits and replacing it with the following:

“PART 6 TEMPORARY USE PERMITS

An Official Community Plan may designate areas where temporary uses may be allowed. A temporary use permit may allow a use not permitted by zoning, specify conditions under which the temporary use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. A permit may be issued for a period of up to three years and may be renewed only once, after which a new application is required.

Temporary Use Permit Policies and Guidelines

- 6.1 The North Pender Island Local Trust Committee may issue temporary use permits for any area covered by this plan.
- 6.2 The Local Trust Committee may consider requiring development information for temporary use permit applications through adoption of a development approval information bylaw.
- 6.3 The Local Trust Committee should consider the climate change impacts of any significant change in use in reviewing temporary use permit applications.
- 6.4 In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental temporary use permit:
 - 6.4.1 For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling, cottage, or secondary suite as temporary commercial accommodation for a period of less than a month at a time by persons other than the owner or a permanent occupier.
 - 6.4.2 The Local Trust Committee may consider issuance of a short term vacation rental temporary use permit provided the short term vacation rental use would not alter the residential appearance of the residence.
 - 6.4.3 The Local Trust Committee should consider the cumulative effects on the neighbourhood and Island of all temporary use permits issued for short term vacation rentals.

- 6.4.4 The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.
- 6.4.5 The applicant should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use.
- 6.4.6 If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test, professional report, or rainwater system may be required for the application or as a condition of the permit.
- 6.4.7 If the property is serviced by a community water system, the application should be referred to the water system for information.
- 6.4.8 A short term vacation rental temporary use permit should not be issued if located within the Trincomali Improvement District.
- 6.4.9 The applicant should demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- 6.4.10 If the proposal is located on a property identified as containing a sensitive ecosystem, the temporary use permit should require that the applicant provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- 6.4.11 The temporary use permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m².
- 6.4.12 The temporary use permit should require that the owner or other designated contact be available on North or South Pender Island by telephone or email at all times when the short term vacation rental is in use.
- 6.4.13 The temporary permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number and email, and a copy of the temporary use permit.
- 6.4.14 The permit should require the applicant post the following information for guests:
- a) remind guests that the property is located in a residential area;
 - b) information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
 - c) emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and

- d) the applicant provide the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the short term vacation rental is in use.

6.4.15 In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit may:

- a) limit the number of bedrooms that can be used for short term vacation rentals;
- b) limit the number of guests to 6 for properties located within the Magic Lake Estates Water System Area;
- c) limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;
- d) require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
- e) require the landowner/operator to post contact information and permit information at the entrance to the property;
- f) prohibit camping or occupancy of RVs on the property;
- g) prohibit the rental or provision of motorized personal watercraft;
- h) prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;
- i) prohibit outdoor fires; and
- j) establish the dates during which the use may occur.

6.4.16 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.

6.4.17 A temporary use permit may be issued for a short term vacation rental within a secondary suite.

6.4.18 An application for a short term vacation rental temporary use permit should not be considered if the dwelling unit is not occupied on a regular basis by the property owners.

DATE OF MEETING: November 26, 2020

TO: Local Trust Committees (Southern Region)

FROM: William Shulba, P.Geo, Senior Freshwater Specialist
Local Planning Services

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Southern Gulf Islands Groundwater Sustainability Strategy Update

REPORT SUMMARY

The intention of this report is to provide preliminary results of the Southern Gulf Islands Groundwater Sustainability Strategy (project) with respect to the information involved, data generated, review process, update process, and next steps. Local trust committees should also consider if they wish to retain the project as a priority in the next fiscal year to proceed with a review of potential Official Community Plans (OCP) and Land-use Bylaw (LUB) amendments.

BACKGROUND

In March 2019, the Islands Trust Council declared a climate emergency in the Islands Trust Area, directing staff to include a central focus on equitable climate change mitigation, adaptation, and resilience into strategic planning.

The Islands Trust Policy Statement (policy 4.4.2) requires that local trust committees and island municipalities include in their OCP and LUB measures that ensure:

- neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater;
- water quality is maintained; and
- existing, anticipated and seasonal demands for water are considered and allowed for.

The Southern Gulf Island Local Trust Committees have identified groundwater resources as a priority in their OCPs and as part of their approval of land-use applications over the past decades. Previous researchers have recommended actions with respect to an ecosystem vulnerability approach to groundwater sustainability strategy and the Province of BC supports deep collaboration in groundwater-focused projects at the local government level and are an external partner in this project.

In summer of 2019, five local trust committees passed resolutions making the *Southern Gulf Islands Groundwater Sustainability Strategy* a top priority project and endorsing the project charter. GW Solutions of Nanaimo, B.C. was retained by Islands Trust in 2019/2020 fiscal year to undertake the main deliverables of the project. The data collection was conducted over the 2019/20 fiscal and deliverables in the form of draft maps and reports were received by Islands Trust in June 2020. The project was reviewed by staff and peer reviewed from July to October 2020, and modifications to the methodology and mapping are currently being made based on those reviews.

ANALYSIS

Project Phases

The Groundwater Sustainability Strategy project is a multi-year project set out in several phases to accomplish goals of groundwater sustainability for the Islands Trust Area.

- Phase 0: Data and Information Inventory
- Phase 1: Groundwater Recharge Potential Mapping
- Phase 2: Groundwater Availability Assessment
- Phase 3: Groundwater Sustainability Planning

The Southern Gulf Islands Groundwater Sustainability Strategy project Phase 0, Phase 1, and Phase 2, which included defined objectives, deliverables, and review, were conducted in fiscal years 19/20 and 20/21 and are completed or will be completed early in 2021. In Phase 3, mapping will be integrated into local planning services as the final deliverables are received. LTCs should also consider if they wish to identify further work in the form of potential Official Community Plan (OCP) and Land-use Bylaw (LUB) amendments as Priority projects in fiscal 21/22.

Phase Objectives

Phase 0: Data and Information Inventory

- Inventory existing datasets that are required to assess groundwater recharge and availability; and
- Identify data gaps to be addressed in the future to improve understanding of groundwater availability.

Phase 1: Groundwater Recharge Potential Mapping

- Develop and run groundwater recharge potential spatial model for the Southern Gulf Islands; and
- Provide full and open access to groundwater recharge geospatial model including input data sets and output results for incorporation into Islands Trust mapping services.

Phase 2: Groundwater Availability Assessment

- Develop and run a spatial groundwater budget assessment for the Southern Gulf Islands; and
- Provide full and open access to groundwater budget data dashboard including input data sets and output results for utilization by Islands Trust planning team.

Phase 3: Groundwater Sustainability Planning

- Finalize mapping to manage water resources on the Southern Gulf Islands through an improved understanding of groundwater recharge and availability;
- Provide tools for planning staff to support advice to LTCs in consideration of development proposals and long range planning projects;
- Provide documentation and educational materials to increase groundwater literacy in island communities; and
- Potential amendments to OCP and LUB.

Phase Methodology

Phase 1 Groundwater Recharge Potential Mapping

Groundwater recharge is a hydrologic process, where water moves downward from surface to subsurface into the forest floor and into aquifers in an integrated network of water-saturated geologic units and bedrock fractures. Groundwater recharge potential of a landscape depends on factors such as the capacity soils to retain water, interaction of watershed ecosystems, changes in topography, geology, biogeography, land-use, and precipitation distribution.

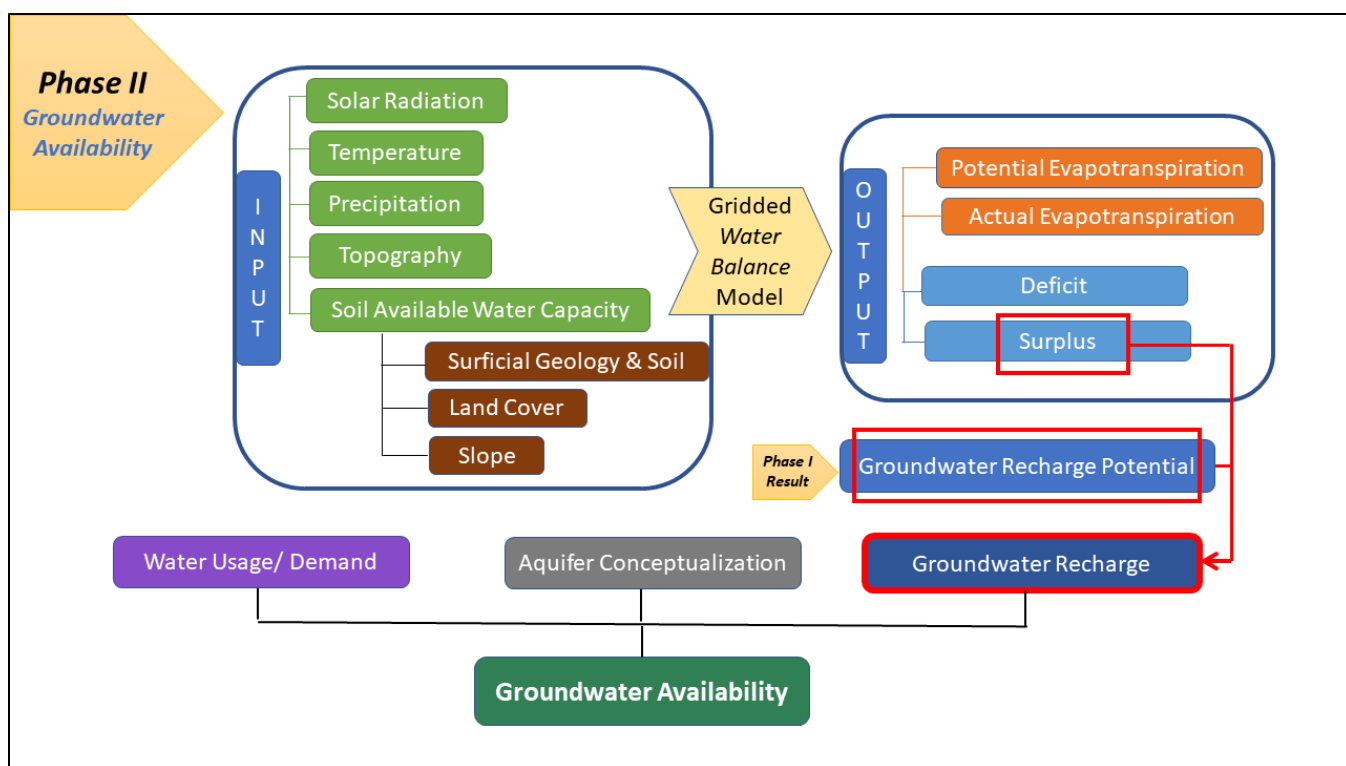
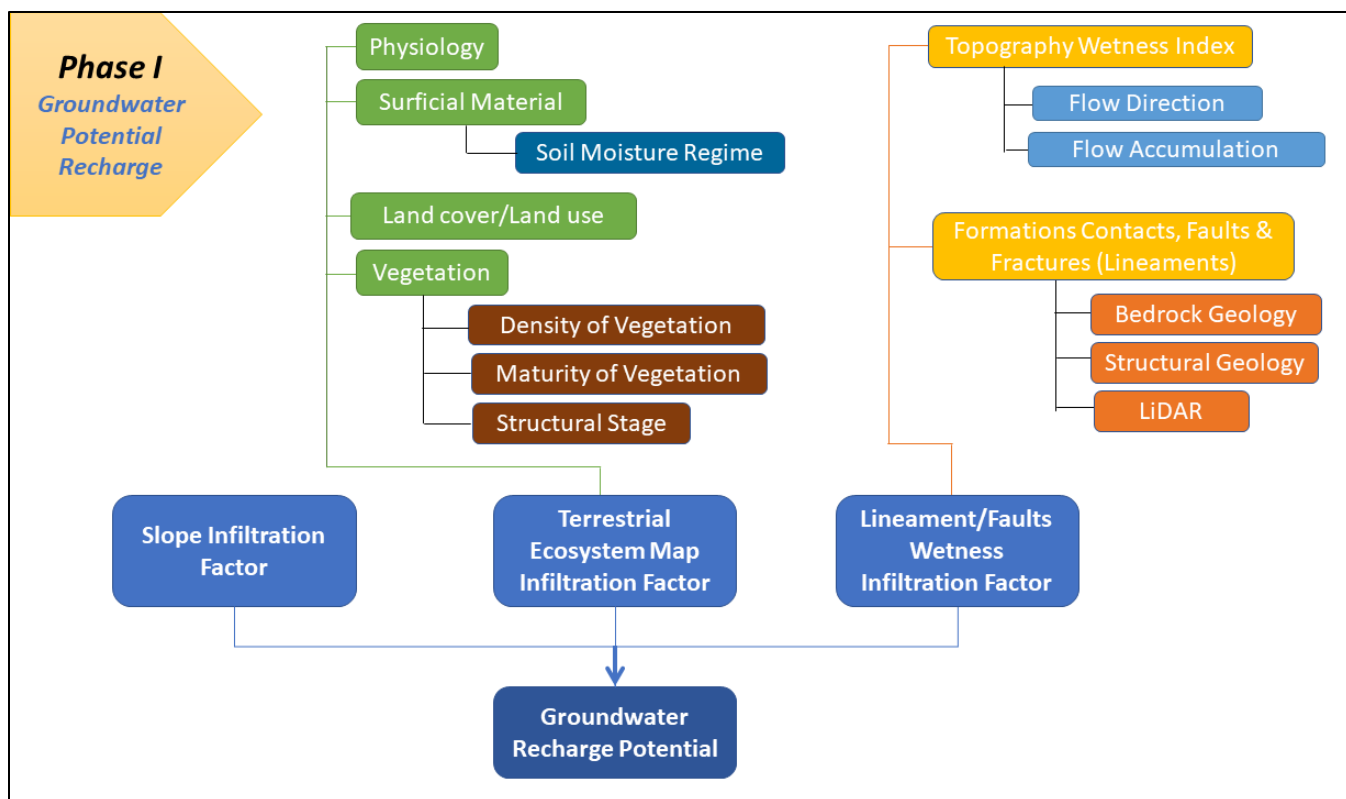
This project intends to spatially identify the intrinsic potential of an island to recharge groundwater and estimates the amount of groundwater available for use by island communities and the environment for each month. Across the Southern Gulf Islands, *diffuse recharge* is dependant on soil properties such as texture and moisture, land cover, forest age, and vegetation types specific to a Terrestrial Ecosystem Mapping (TEM) unit. *Localized recharge* in bedrock dominant landscapes is addressed by the analysis of topographic slope, faults, geologic contacts, and landscape lineaments.

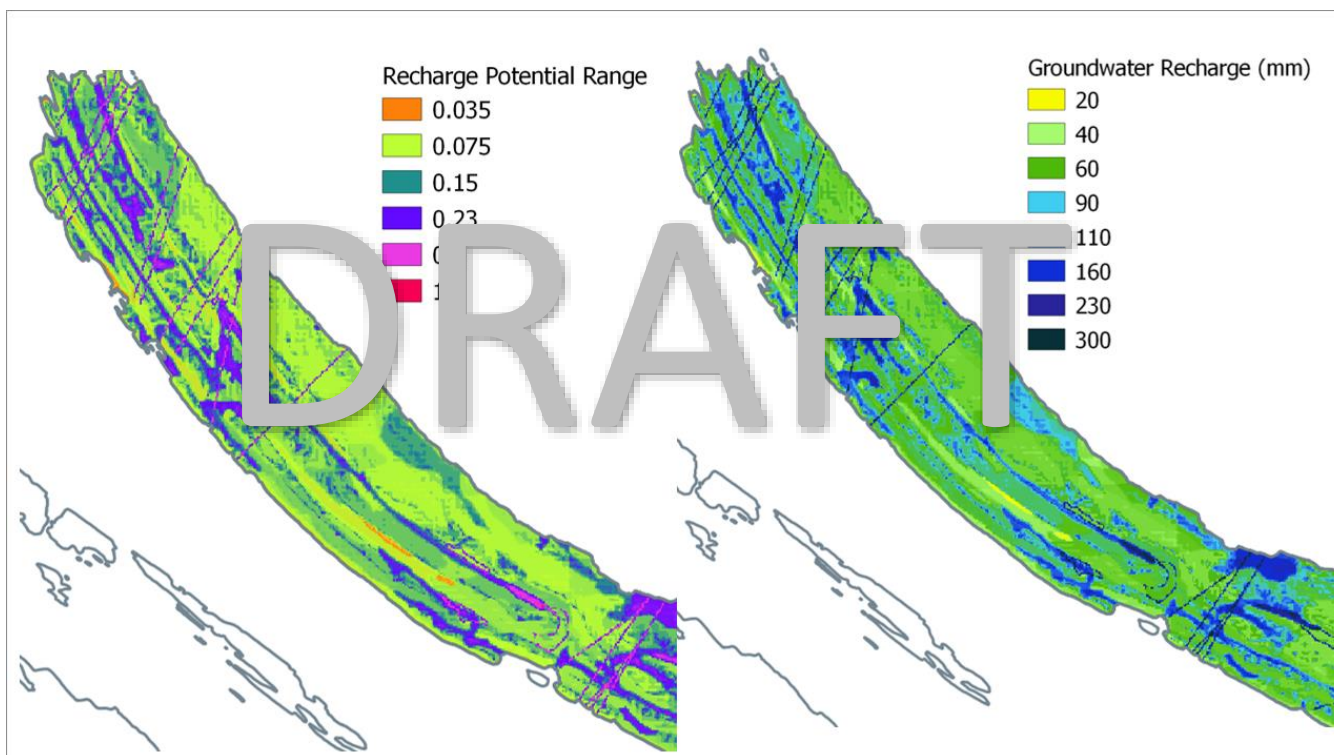
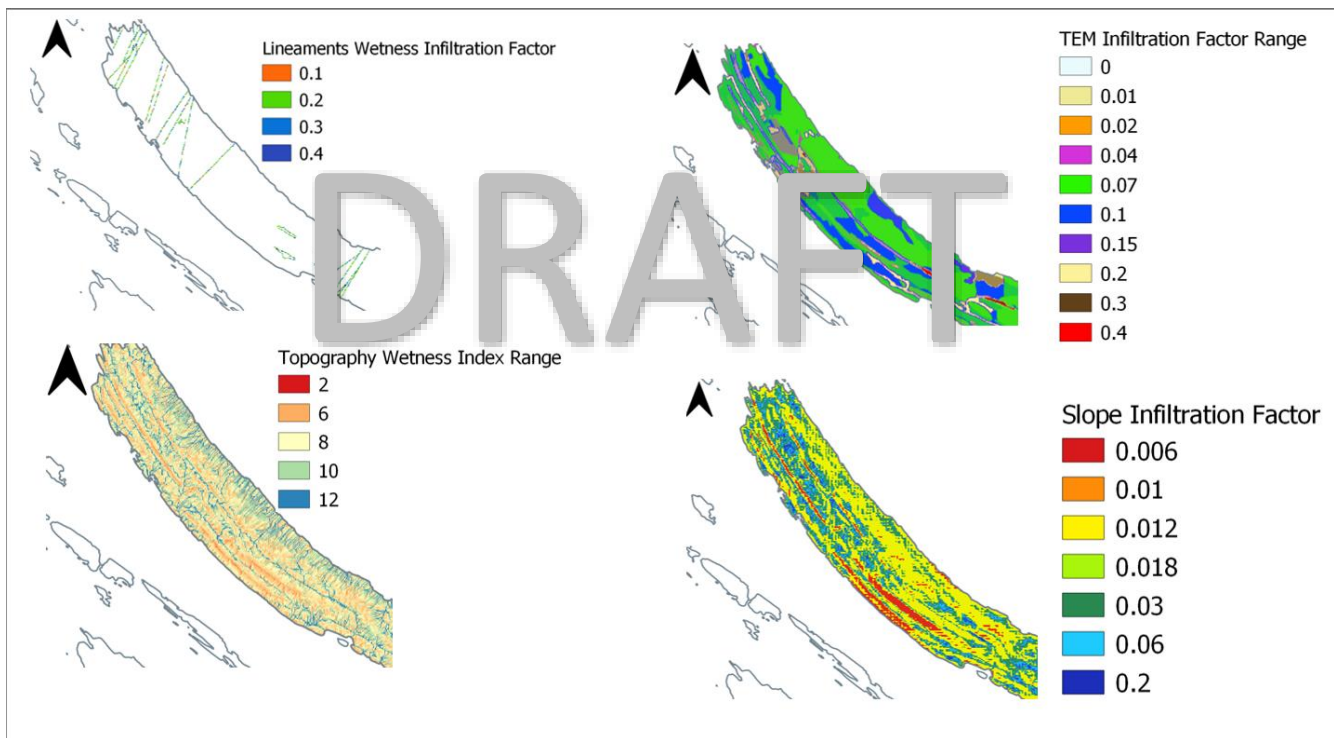
Groundwater recharge potential calculated at a 20 m x 20 m grid scale is organized into categories with low (less than 15%), moderate (15 - 23%), good (23 - 50%) and high (more than 50%) recharge potential. Using downscaled Pacific Climate Impacts Consortium climate data to estimate precipitation across the region, integrated with recharge potential maps, the amount of groundwater recharge ranges between 20 and 300 mm/year per grid cell.

As part of this phase, three-dimensional hydrogeological conceptual models were created from processing over 1700 groundwater well drilling reports stored in the GWELLS provincial database. These data were extracted, cleaned, and standardized for information related to fractures depth and estimated well yield. These island models known as implicit models, are dynamic to input data updates and are vital in conceptualization of the groundwater systems to further understand areas of interest including aquifer architecture, groundwater well density, risk of saltwater intrusion, intrinsic aquifer vulnerability to contamination, and spatial groundwater recharge distribution.

As part of this phase, groundwater regions, also known as groundwater management units, were delineated based on drainage areas, bedrock geology, mapped aquifers, structural geology and the distribution and characteristics of water wells. 48 groundwater regions have been defined for the Southern Gulf Islands. These regions are on the intermediate scale, whereby the regional scale is considered island-wide and the local scale is an individual parcel. The groundwater region is of similar scale to island watersheds and land-use zoning.

Below are flow diagrams that identify how each method contributes to the Phase with associated examples of the deliverables of the project, highlighting the northern tip of Galliano Island.





Phase 2: Groundwater Availability

To quantify the amount of groundwater available within groundwater regions, a methodology has been developed based on the climate variables, groundwater recharge potential, estimated water demand/usage, and three-dimensional island hydrogeological models.

To characterize aquifers and groundwater use, the provincial groundwater wells database GWELLS was extracted, cleaned, and standardized information related to fractures. Over 3000 wells were listed within the Southern Gulf Islands with approximately 1700 providing information on both fracture depth and estimated fracture yield per fracture. Driller reported groundwater yield information was extracted from 83% of the wells. These yields were classified and approximately 40% of the wells reports yields less than 2 USgpm (US gallons per minute), 40% of the wells reported yields between 2 to 15 USgpm, and 10 % greater than 15 USgpm. These values were used with land-use per parcel from BC Assessment to determine the amount of water that is being used by each parcel. Surface water use was estimated from water license information such as license status, application status, expiry date, granted volume, and use purpose and integrated into the groundwater budget model.

Based on the information presented in the GWELLS database and the type of water use for each well, the wells were classified into the following categories: *Water Supply System, Test Well, Private Domestic, Observation Well, Irrigation, Commercial and Industrial, and Unknown Well Use*. Unfortunately, the GWELLS database does not include all wells because groundwater well registration was voluntary prior to the implementation of the Water Sustainability Act on February 29, 2016.

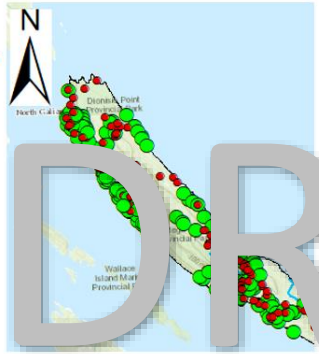
The GWELLS database does not include information on pumped volumes, only potential yields reported by drillers. Water usage for surface water and groundwater sources has been estimated since actual usage data is very poorly measured. Water usage was estimated from collation of BC Assessment land-use cadastral parcel map, GWELLS database, and water service areas regulated by VIHA.

This approach to understanding groundwater availability, a balance between estimated groundwater recharge potential to estimated water demand, has resulted in the percentage of groundwater usage to groundwater availability for each groundwater region. It reveals that groundwater usage reaches up to 75% of the groundwater recharge in some areas of the Southern Gulf Islands. This likely creates stress on environmental needs and/or can result in water conflicts.

Water Wells

Fracture data availability

- Fracture data
- No fracture data



Licenses of Points of Diversion

Current Licenses

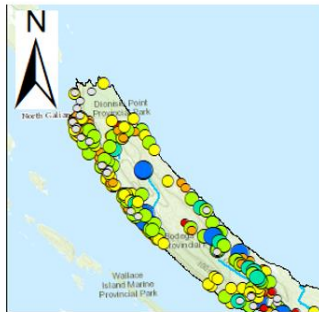
- Domestic
- Irrigation
- Industrial
- Commercial
- Supply System



Water Wells

Yield Range

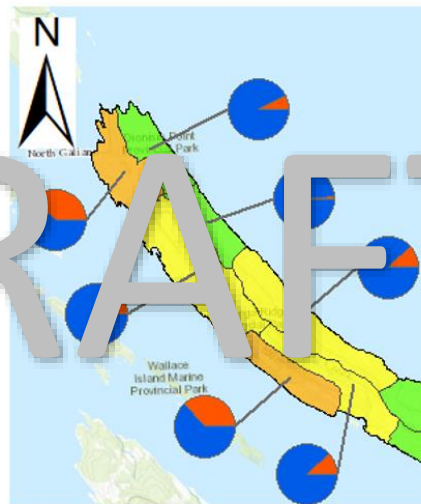
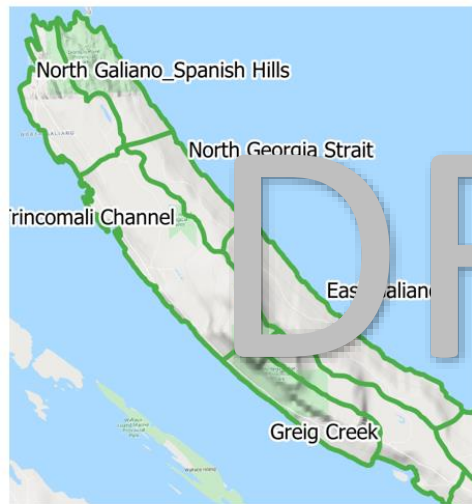
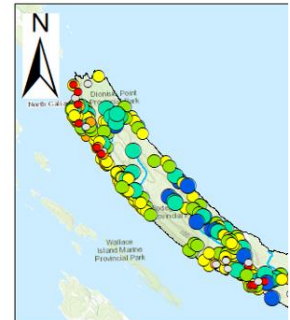
- <0.5 gpm
- 0.5-2 gpm
- 2-5 gpm
- 5-15 gpm
- 15-25 gpm
- >25 gpm
- Unknown



Water Wells

Depth Range

- <30 ft
- 30-100 ft
- 100-200 ft
- 200-300 ft
- 300-450 ft
- >450 ft
- Unknown



Water Budget Summary

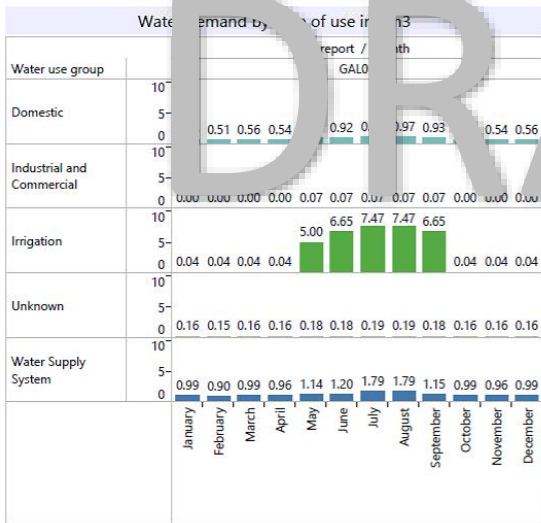
% of Usage from Recharge

- <10%
- 10-30%
- 30-50%
- 50-75%

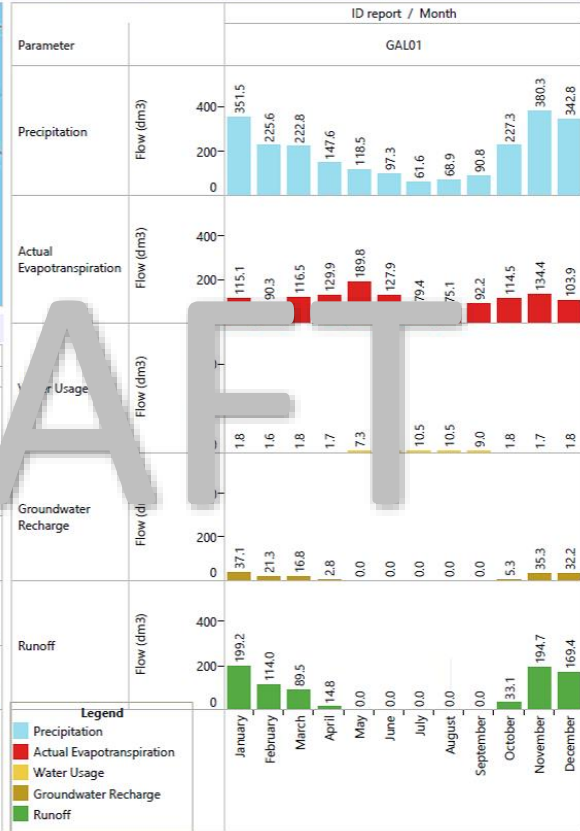
Groundwater Recharge

- Groundwater Usage
- Available Groundwater

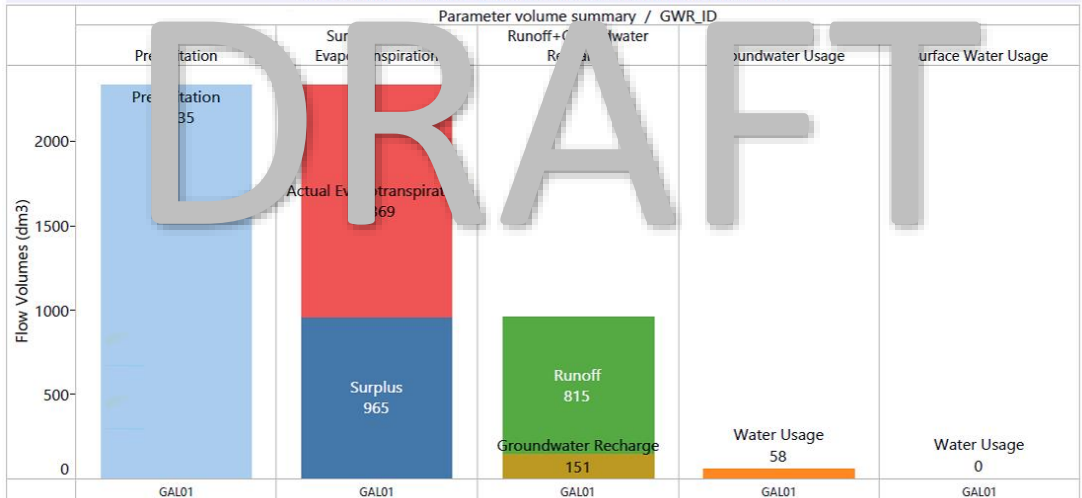
Water budget report for the watershed: North Galiano_Spanish Hills



Water budget summary for North Galiano_Spanish Hills watershed



Annual flow volume report for North Galiano_Spanish Hills



Consultation

Due to the complexity and scope of the Project, Islands Trust Senior Freshwater Specialist identified in the Project Charter that a review is required to ensure the applicability and efficacy of the Project.

“Technical Services” budget for this project were carried over to fiscal year 2020/21 to retain groundwater consultants to provide professional reviews of the Project. In addition, several organizations, agency staff, and researchers supplied peer reviews at no cost to the project.

In July 2020, Islands Trust received peer reviews of the Project from the Hornby Water Stewardship, Salt Spring Island Watershed Protection Alliance, Provincial Hydrogeologists, Dr. Diana Allen of Simon Fraser University, and Dr. John Cox of Mount Royal University.

In August 2020, Islands Trust retained groundwater professionals Allan Daikin P.Eng, Allan Kohut P.Eng, Mike Wei P.Eng, Western Water Associates, and Dr. James Henderson P.Geo to provide professional reviews of the Project.

The intentions of the review are:

- to update the GW Solutions Project report to Islands Trust;
- to refine the recharge potential mapping methodology to be applied to the Southern Gulf Islands, and to Denman, Hornby, and Gabriola in FY20/21; and
- to coordinate sharing of groundwater expertise, information and knowledge.

Several reviewers acknowledged that GW Solutions has done a lot of work and brought good value to the Islands Trust. The Hornby Water Stewardship described the report as a “*fascinating read*” and described the approach as providing a promising understanding of the health of groundwater supplies in any Gulf Island. Others stated that the report provided a lot of very useful information to Islands Trust.

There were several common themes and recommendations among the reviews regarding the reporting of the project including but not limited to:

- improvements to the GW Solutions report readability and approachability,
- data errors and data limitations,
- increased study on the geological environments of the area,
- more focus on the Terrestrial Ecosystem Mapping,
- further investigation of the hydrogeology of groundwater discharge regions as they relate to surface water, and
- more explanation of the water balance methodology.

The review was mostly technical in nature and provided direction to improve the methodology and outcomes that the project team is currently working though to implement changes.

Timeline

The following timeline is a basic overview of the progress of the project and identification of timing of next steps.

Project Initialization Report	February 28, 2019
Master Project Charter	July 2, 2019
Request for Proposal	October 10, 2019
Contract Awarded	November, 2019
Project Deliverables	March 2020
Updated Draft Report	May, 2020
Peer (Volunteer) Reviews	June – July 2020
Professional (Contracted) Reviews	August – November 2020
Contractor Procurement	November 2020
Preliminary Staff Report	November 2020
Deliverables Finalization	January – February 2021
Final Report	March 2021

NEXT STEPS

1. Consultant finalization of the *Islands Trust Groundwater Recharge Mapping project* to addresses the recommendations of the peer review of the Southern Gulf Islands Groundwater Sustainability Strategy project.
2. The final draft of the project deliverables including groundwater recharge maps, groundwater assessment maps, and technical report in early 2021 for a final review before delivery to LTCs and presentation to the public.
3. Implementation through integration of mapping and data into routine review of land use applications and long range planning projects. This would be similar to how sensitive ecosystem data, slope hazard and other mapping data currently considered during application reviews.
4. LTC consideration of retaining the project as a Top Priority in fiscal year 21/22 to review options and consider potential amendments to bylaws. This could include amendments to OCP policies, amendment of existing development permit areas or establishment of new development permit areas, or amendment to existing regulations or establishment of new regulations for water storage or conditions of use. There is potential for the project to be conducted concurrently for more than one LTC in the region.

Submitted By:	William Shulba, P.Geo Senior Freshwater Specialist	November 18, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	November 18, 2020

Top Priorities Report

North Pender Island

1. <i>STVR review</i>	Responsible	Dates
to review the policies, regulations and impacts of STVRs	Kim Stockdill	Rec'd: 05-Sep-2019 Target: 01-Jul-2021
2. <i>Climate Change Adaptation, Mitigation and Resilience</i>	Responsible	Dates
Phase 1: Groundwater Sustainability Mapping Project (2019-2020)	William Shulba	Rec'd: 29-Nov-2018
Phase 2: Sea level rise adaptation (2020-21)		Target: 31-Mar-2020
3. <i>LUB Review</i>	Responsible	Dates
To consider potential LUB amendments to implement OCP policies, and to make technical amendments	Kim Stockdill Robert Kojima	Rec'd: 07-Nov-2019 Target: 01-Jan-2022

Projects Report

North Pender Island

1. *Coastal Douglas Fir Ecosystem*

Responsible

Date Received

Consider implementation of toolkit and mapping
- LPC to develop model bylaw in 2021-22

01-Feb-2019

2. *Soil Removal and Deposit Bylaw*

Responsible

Date Received

To investigate adopting a soil removal and deposit bylaw

02-Jul-2020

**Applications****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:** 13-Nov-2020

Package prepared (cheque to Minister of Finance c/o ALC); memo to FIN signed by RPM, delivered with package to Finance Officer. - SRialp

Status Date: 09-Nov-2020

Staff report, all attachments, and resolution uploaded to ALC portal.

Status Date: 30-Oct-2020

Approved to forwarding to ALC. Staff processing referral

Development Permit

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

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

Nu to Yu - File on hold awaiting building and landscaping plans from applicant. x- ref to NP-RZ-2016.4 and NP-SUB-2017.3

Status Date: 06-Jun-2018

Issued receipt for cheque, pink copy to Finance and original scanned with cheque for e-files; emailed scanned receipt and cheque to Applicant, mailed original; added hard copy to application folder.

Status Date: 04-Jun-2018

Received from Applicant cheque for application fee by post mail.

**Applications****Development Permit**

File Number	Applicant Name	Date Received	Purpose
NP-DP-2020.2	Hsu, Henry	21-Jul-2020	4707 Buccaneers Road - application to remove existing manufactured home and demolish concrete pad. Replace with new concrete foundation and single detached house. Joint DP and DVP application.

Planner: Phil Testemale**Planning Status****Status Date:** 03-Nov-2020

Awaiting approval from RAPR for DP-2020.2 - Application postponed to January 26, 2021 Meeting

Status Date: 22-Oct-2020

Rescheduled to November 26, 2020 LTC (QEP has submitted RAPR)

Status Date: 06-Aug-2020

E-mailed applicant for information on timing and other buildings and structures

File Number	Applicant Name	Date Received	Purpose
NP-DP-2020.3	HOYLAND & BROWN	14-Aug-2020	6604 Razor Point Rd. - Application for a development permit to request a variance for foreshore deck.

Planner: Phil Testemale**Planning Status****Status Date:** 18-Nov-2020

Biologist hired to complete DP - Jan. 28, 2021 Agenda

Status Date: 09-Nov-2020

Site plan received. Require proposal from applicant, complete DP (biologist) and DP Fees

Status Date: 21-Oct-2020

Requested further update to survey.



Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2020.5	McKAMEY, JOSH / MILL BAY MARINE GROUP	30-Sep-2020	Boundary line adjustment to incorporate part of Lot A within Lot 3.

Planner: Phil Testemale

Planning Status

Status Date: 18-Nov-2020

DP Drafted and Staff Report on November 26 agenda for consideration.

Status Date: 16-Nov-2020

Recd email fr Applicant acknowledging email re fee amount and options, will follow up. - SR

Status Date: 13-Nov-2020

RPM assigned to Planner; Planner requested from Applicant signature of one lot owner in application. - SR

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2020.4	Hsu, Henry	21-Jul-2020	4707 Buccaneers Road - Development Variance Permit to remove existing manufactured home and demolish concrete pad. Replace with new concrete foundation and single detached house. Joint DP and DVP application.

Planner: Phil Testemale

Planning Status

Status Date: 03-Nov-2020

Awaiting approval from RAPR for DP-2020.2 - Application postponed to January 26, 2021 Meeting

Status Date: 22-Oct-2020

Awaiting RAPR approval. November LTC agenda

Status Date: 06-Aug-2020

E-mailed applicant for information on timing and other buildings and structures

**Development Variance Permit**

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2020.5	HOYLAND, Steve & BROWN, Jessie Planner: Phil Testemale	16-Jul-2020	6604 Razor Point Rd. - Combined DVP and DP application for foreshore deck.
Planning Status			
Status Date: 18-Nov-2020 Applicant finalizing plans to reduce portions. Biologist hired for DP. Jan. 28, 2021 Agenda.			
Status Date: 09-Nov-2020 Site plan received. Require proposal from applicant, complete DP (biologist) and DP Fees			
Status Date: 03-Nov-2020 Applicant called. Will finalize survey and give a proposal by 13-11-2020			

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2016.1	Mainroad South Island Contracting	11-Jan-2016	3323 PORT WASHINGTON RD To change from a TUP to permanent zoning for works yard.
Planner: Phil Testemale			
Planning Status			
Status Date: 12-Nov-2020 Requested update on outstanding requirements.			
Status Date: 01-Oct-2020 Applicants finalizing requirements			
Status Date: 11-Aug-2020 Requested schedule from applicants on outstanding requirements.			



Applications

Rezoning

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: 03-Nov-2020 forwarded to finance to process refund, file to be closed			
Status Date: 02-Nov-2020 Justine @CRD advised to make cheque out c/o herself. Completed refund memo, to RPM for signature. - SR			
Status Date: 30-Oct-2020 Prepared refund package for FIN. Emailed Justine @CRD to advise on contact to receive refund cheque. - SRialp			

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2008.9	Jl Properties Inc	21-Oct-2008	James Island - To create 83 lots
Planner: Phil Testemale			
Planning Status			
Status Date: 07-Oct-2020 Draft layout approved. Staff reviewing covenant requirements.			
Status Date: 29-Jul-2020 Islands Trust informed that PAO consulting with Tsawout			
Status Date: 16-Jul-2020 Applicants have received a PLA from MoTI for 79 lots (76 residential and 3 commercial). Conditions for s. 219 covenants.			



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: Kim Stockdill

Planning Status

Status Date: 02-Jul-2020

Access road construction plans submitted for information.

Status Date: 13-Sep-2019

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

Status Date: 17-May-2019

strata access route layout and standards approved by MoTI and PAO

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: 18-Nov-2020

NP-DP-2020.5 (Port Browning Marina) on Nov. 26, 2020 agenda for consideration.

Status Date: 14-Oct-2020

Application for DP received - November LTC

Status Date: 11-Aug-2020

Applicants will be applying for a DP as a condition of the subdivision approval.



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: 09-Sep-2020

Revised Drainage report -complies with sub regs. E-mail to applicant and cc'd to MoTI

Status Date: 05-Aug-2020

Drainage report submitted and reviewed. Request certification ref. sub regs (4.6.9)

Status Date: 03-Mar-2020

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

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2020.2	Wey Mayenburg Land Surveying Inc.	31-Aug-2020	4242, 4246, 4250 Armadale Road - Referral of a subdivision application for proposed two lots.

Planner: Phil Testemale

Planning Status

Status Date: 28-Oct-2020

Review Response sent to MoTI.

Status Date: 27-Oct-2020

Revised Plan received

Status Date: 06-Oct-2020

Initial review completed. Awaiting clarification on non-conforming cottage(s)



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2020.7	HEPBURN, LESLIE	02-Nov-2020	STVR within dwelling unit (RENEWAL)

Planner: Phil Testemale

Planning Status

Status Date: 18-Nov-2020

New application required. Applicant contacted. Pending new fees and direction on moratorium.

Status Date: 12-Nov-2020

RPM assigned Planner, created and sent letter of payment receipt to Applicant; package emailed to LTC, paper file copy to Planner. - SR

Status Date: 10-Nov-2020

Cheque payment received from Applicant by post. - SR

Standing Resolutions Log

North Pender Island

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



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2020-010 (Standing)	Carried	30-Jan-2020
that the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and staff are directed to continue with enforcement until the use is ceased. b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease. c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee, bylaw enforcement actions, including the issuing of notices will continue d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.		
2019-074 (Standing)	Carried	04-Jul-2019
that the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.		



Standing Resolutions Log

North Pender Island

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



Standing Resolutions Log

North Pender Island

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

Standing Resolutions Log

North Pender Island

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

BRIEFING

To:	Local Planning Committee	For the Meeting of:	November 26, 2020
From:	Lisa Wilcox, Senior Intergovernmental Policy Advisor	Date Prepared:	November 10, 2020
SUBJECT:	First Nations Advisory Committee		

PURPOSE: On July 2, 2020 North Pender Local Trust Committee directed staff to investigate the creation of a First Nations advisory committee.

BACKGROUND: On July 4, 2019 the North Pender Island Local Trust Committee adopted the Standing Resolution - Reconciliation committing to:

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.

Since the adoption of the Standing Resolution – Reconciliation, the North Pender LTC has undertaken many reconciliation initiatives including: training in reconciliation and the history and legacy of residential school; participation in the Reconciliation Working Group; meetings with Cultural Knowledge Holders to understand how to respectfully be on the land; and reviews of current policy documents.

Local Trust Committees have the ability to appoint advisory planning commissions (APC), and most LTCs have at least one, and sometimes additional APCs are appointed, typically for special purposes. These APCs are appointed to provide advice to LTCs "on all matters respecting land use, community planning or proposed bylaws and permits." Legislation requires that "at least 2/3 of the members of an advisory planning commission must be residents" of the local trust area. Local trust committees typically refer

various applications or projects to APCs for advice from time to time, and currently APCs are comprised of interested volunteer constituents of differing backgrounds and expertise. At this time, there are not seats set aside for Indigenous participants on any advisory planning commissions. The legislation makes APCs subject to the open meeting rules of the Community Charter, and also provides legal protection for commissioners. Appointment and meeting procedures are established by bylaws adopted by each LTC. The appointment of persons to *ad hoc* bodies that provide advice comparable to what an APC would provide is not recommended by legal counsel.

Indigenous participation in advisory planning commissions would bring understanding and worldviews that are currently not present, and could bring cultural and historical perspectives and advice that is not present in non-Indigenous participants. The current structure of advisory planning commissions is lacking in reconciliation guiding principles given that non-Indigenous advisory participants are advisors on lands and waters that are subject to the treaty and territorial rights and title of First Nation community members. However, as described above, the legislation regarding APCs would limit the effectiveness of Indigenous participation on APCs.

Currently, some local governments have undertaken to include seats for Indigenous community members or elected officials in a governance advisory or committee structure, including Capital Regional District, and Vancouver Parks Board. The structure may include a representative appointed from a First Nation government, or a representative appointed through provincial legislation.

Collaborating in the formation of Indigenous participation in advisory planning commissions would require engagement with First Nation governments within the Islands Trust Area or Local Trust Area. Dialogue regarding the appointment of members to an APC would need to include consideration of eligible individuals, elected or non-elected representatives, on or off-reserve participants, multi or individual First Nation participation. Funding or grant requests may be necessary to support the capacity and costs associated with participation. As well as understanding the legislative or legal requirements related to participation in advisory planning commissions.

As well, North Pender Island Local Trust Committee should consider if this is most appropriate as a local initiative or if it would be more effective as part of the overall Reconciliation Action Plan as a Trust-wide project. What is clear at this time is that local trust committees and other Trust bodies lack Indigenous participation and advice from knowledge holders that could provide invaluable contributions to the advice received at a local and Trust-wide level. In order to consider effective options, the Senior Intergovernmental Policy Advisor (SIPA) would look to follow-up with the Reconciliation Working Group of Trust Programs Committee to engage and seek direction from other agencies and correspond with Naut'sa mawt Tribal Council and WSÁNEĆ Leadership Council Society.

ATTACHMENT(S):

1. None

FOLLOW-UP: Staff seeks direction on reviewing the creation of a First Nations Advisory Committee as a Trust-wide project by examining other Province-wide processes, and speaking to interagency partners and First Nations governments. North Pender Islands Local Trust Committee requests the Reconciliation Working Group of Trust Programs Committee correspond with Naut'sa mawt Tribal Council and WSÁNEĆ Leadership Council Society seeking advice.

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Reviewed By/Date: Robert Kojima, Regional Planning Manager, November 18/2020