

DATE OF MEETING: April 5, 2024

TO: North Pender Island Local Trust Committee

FROM: Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Rezoning Application – Concrete Plant at 4415 Bedwell Harbour Rd.  
 Applicant: Aaron Grimmer – Gulf Excavating Ltd.  
 Location: 4415 Bedwell Harbour Rd.

## RECOMMENDATION

1. That the North Pender Island Local Trust Committee directs staff to proceed with application NP-RZ-2024.1 (Grimmer) and to prepare draft bylaws.

## REPORT SUMMARY

The purpose of this preliminary report is to provide information regarding rezoning application NP-RZ-2024.1 (Grimmer) and to seek direction from the North Pender Island Local Trust Committee (LTC) to proceed, or not proceed, with the application, including the preparation of draft bylaws.

The above recommendation is supported as:

- At the outset, the proposal appears reasonable and consistent with policies of the North Pender Island Official Community Plan No. 171 (OCP) and Islands Trust Policy Statement (ITPS);
- The business provides an important community service and there have been no complaints or concerns raised with the operation under the current Temporary Use Permit (TUP);
- Directing staff to proceed will trigger the issuance of a terms of reference (TOR) that will identify any additional information and professional reports required from the applicant; and,
- Proceeding with draft bylaws will facilitate First Nations and agency referrals and public input to identify any outstanding issues or concerns with the proposed rezoning.

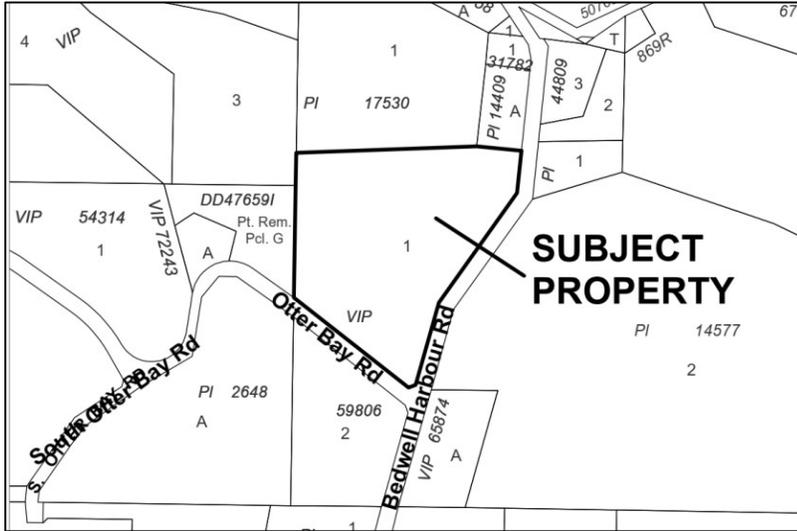
## BACKGROUND

The property owner and business operator have submitted a rezoning application to permit the continued operation of a concrete batch plant and associated uses on a portion of the subject property shown in Figure 1, which is zoned Rural (R) and does not permit industrial uses.

The operation of the concrete plant is currently permitted under temporary use permit NP-TUP-2023.5 (Attachment 1) which expires on July 28, 2026. A bylaw enforcement file (NP-BE-2012.8) originally cited the extension of the excavation business from 3418 South Otter Bay Road to the subject property. As a remedy, the

property owner was required to get a TUP. Bylaw enforcement staff continue to monitor the activities on the land base for compliance with the TUP and the operator has been cooperative in addressing any concerns.

**Figure 1 – Subject Property**



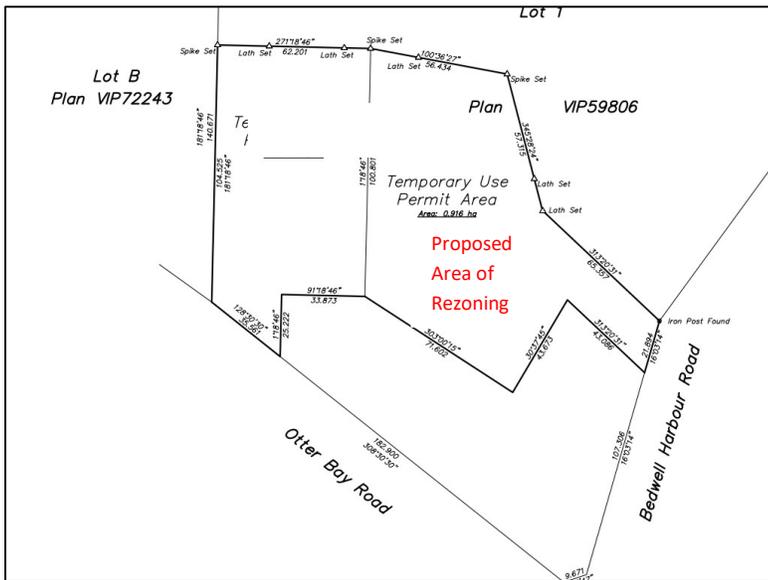
Based on the direction of the LTC to require that the property seek a permanent change in land use through rezoning rather than the ongoing issuance of TUPs, the following condition is included in NP-TUP-2023.5.

***Rezoning Application Submission***

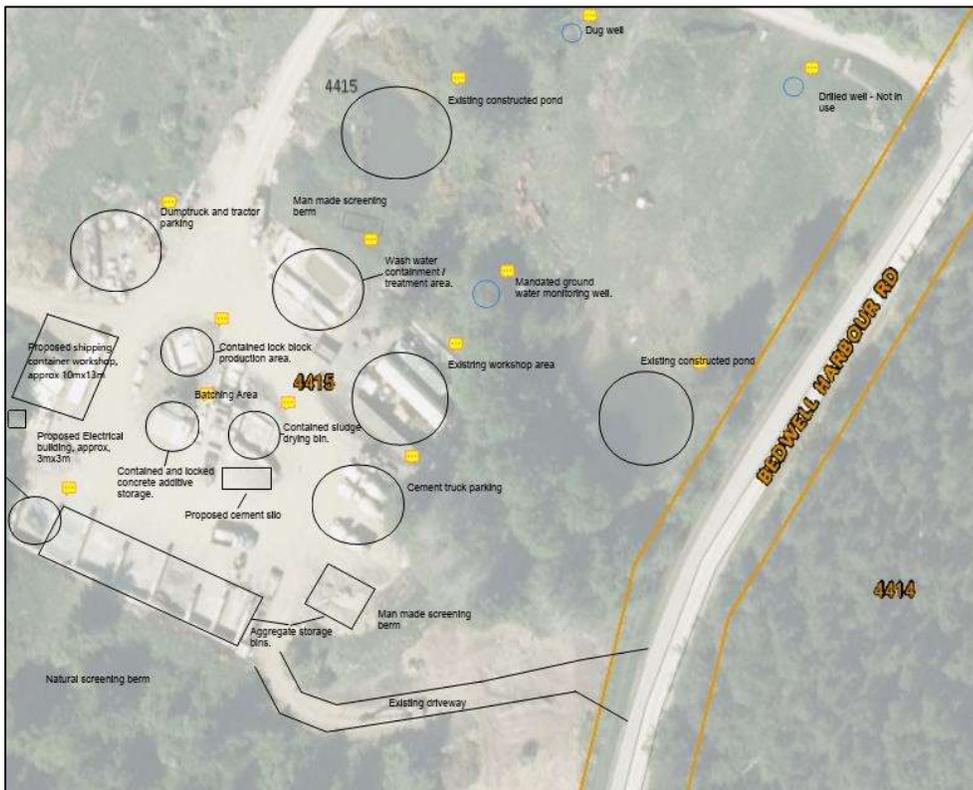
- ii) The property owner shall submit a rezoning application to the North Pender Island Local Trust Committee for the long-term operation of the concrete batch plant on the property within six (6) months of the issuance of the permit or this permit shall cease to be valid.

As such, the applicant has now submitted a rezoning application seeking to rezone a portion of the property from Rural (R) to General Industrial (GI), consistent with the current TUP area as shown in Figure 2.

**Figure 2. Area Proposed for Rezoning**



The applicant is proposing the following layout in the area to be rezoned as shown in Figure 3:



Planning staff visited the site in March 2023 and observed no issues with the current operation or the proposed rezoning. Additional site context is included as Attachment 2, and maps and plans in Attachment 3. The applicant has provided a letter with additional context and rationale that is included as Attachment 4.

## ANALYSIS

### Policy/Regulatory

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

The proposed rezoning to permit a site specific industrial use on a portion of the lot for the operation of a concrete plant would not appear to be contrary or at variance with any Policy Statement directive policies; however a more comprehensive review with a checklist would be provided at consideration of First Reading if the application proceeds.

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

The property is designated as R- Rural in the North Pender Island Official Community Plan No. 171, 2007 (OCP).

Rezoning of a portion of the property to permit industrial uses would require an OCP amendment. The Industrial Land Use Policies of the OCP need to be considered, including minimizing impacts on neighbouring properties and the environment.

Consistent with policy 2.5.4, the applicant will be required to prove sustainable water supply and waste disposal capability. Screening should also be required for industrial activity, parking and storage areas. The existing GI zone includes screening requirements.

There are no Development Permit Areas designated on the subject property. However, if the amendment proceeds, the industrial zone would become designated as a Commercial and Industrial Form and Character DPA and the applicant would then be required to obtain a development permit consistent with the requirements of DPA 9 in the OCP prior to operating.

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

A majority of the subject property is zoned as **Rural (R)** in the North Pender Island Land Use Bylaw (LUB) No. 224, 2022 (LUB). Rural zoning does not permit the industrial use currently authorized through TUP.

A portion of the parcel is also zoned General Industrial(e), which is a site specific zoning that permits a waste transfer facility commercial composting, and commercial recycling. The operation of this business on the same subject parcel is completely independent from the concrete plant business.



As with the GI(e) zoned portion of the lot, where a site specific regulation is in place to further limit what specific industrial activities can occur on that portion of the parcel, staff would likely recommend site specific regulations for this rezoning proposal, limiting the permitted uses to those specific to operating the concrete plant and associated activities.

## **Issues and Opportunities**

### ***Community Benefit***

Since NP-TUP-2023.5 was issued, there have no known complaints or concerns raised with the operation of the concrete plant. It is understood by staff that the local family run business provides an important service to the island and appears to be well operated. If the land was successfully rezoned, the applicant has stated it would provide the necessary certainty to upgrade the batch plant to allow for automatic feeding of the base materials that would significantly increase efficiency and productivity.

### ***Section 219 Covenant***

The LTC could require that the applicant grant a s. 219 Land Title Act covenant to the LTC for any additional restrictions not included in the LUB amendments. For example, a covenant could include ongoing conditions for water use/quality monitoring and reporting, or a more detailed site plan such as that shown in Figure 3 that describes very specifically where structures can be located, size etc.

### ***Terms of Reference***

Should the LTC direct staff to proceed, staff will issue a terms of reference (TOR) consistent with North Pender Island Development Approval Information Bylaw No. 134 (DAI). This TOR will further describe the reporting requirements of the applicant in respect of the rezoning proposal. Prior to the issuance of the TOR, staff will review the reports already submitted as part of the previous TUP applications, and in particular the existing groundwater and waste disposal information with the Senior Freshwater Specialist.

## **Consultation**

Draft bylaws would be sent to potentially affected government agencies and First Nations for referral.

In accordance with regular statutory requirements as an OCP amendment is needed, a public hearing is required and it is normal practice to hold a Community Information Meeting (CIM) prior to that. With direction from LTC, these would be scheduled either separately or concurrently after draft bylaws are complete, reviewed and have received at least First Reading.

Public hearing notice would be posted as per statutory and bylaw requirements in advance of a public hearing, including notification of the proposed rezoning to all properties located within 100 m of the subject property.

## **Timeline**

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

## Archaeological Sites

Islands Trust reviews all applications/permits to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. In this case, there are no registered archaeological sites on the subject property, however there is archaeological potential identified.

Further to that review, staff direct the applicant to the following guidelines:

- All archaeological and cultural heritage is protected under the *Heritage Conservation Act* and areas of archaeological potential may contain undocumented archaeological sites which would be automatically protected under the *Heritage Conservation Act* (including all intact or disturbed sites) and require a permit from the BC Archaeology Branch. Further information regarding permits: <https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits>
- In the event that archaeological features or materials are found, either intact or disturbed on the subject property, stop work immediately and contact the BC Archaeology Branch at 250-953-3334 or [archaeology@gov.bc.ca](mailto:archaeology@gov.bc.ca).
- Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork.
- For more information regarding registered archaeological sites and archaeological potential on the subject property, submit an Archaeological Information Request Form: [www.archdatarequest.nrs.gov.bc.ca](http://www.archdatarequest.nrs.gov.bc.ca).

## Rationale for Recommendation

The recommendation on page 1 is supported as:

- At the outset, the proposal appears reasonable and consistent with policies of the North Pender Island Official Community Plan No. 171 (OCP) and Islands Trust Policy Statement (ITPS);
- The business provides an important community service and there have been no complaints or concerns raised with the operation under the current Temporary Use Permit (TUP);
- Directing staff to proceed will trigger the issuance of a terms of reference that will identify any additional information and professional reports required from the applicant; and,
- Proceeding with draft bylaws will facilitate First Nations and agency referrals and public input to identify any outstanding issues or concerns with the proposed rezoning.

## ALTERNATIVES

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

### 1. Request further information

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

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

### 2. Deny the application

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

*That the North Pender Island Local Trust Committee proceed no further with application NP-RZ-2024.1.*

**3. Hold the application in abeyance**

The LTC may choose to hold the application in abeyance.

**4. Receive for information**

The LTC may receive the report for information

**NEXT STEPS**

Based on direction from the LTC, staff will initiate the drafting of amending bylaws and issue a TOR to the applicant consistent with the DAI bylaw.

|               |  |                |
|---------------|--|----------------|
| Submitted By: | Brad Smith, Island Planner               | March 24, 2024 |
| Concurrence:  | Robert Kojima, Regional Planning Manager | March 25, 2024 |

**ATTACHMENTS**

1. Temporary Use Permit NP-TUP-2023.5
2. Site Context
3. Mapping and Plans
4. Rationale Letter from Applicant



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

**4415 Bedwell Harbour Road**

To: Barbara and Glenn Grimmer  
c/o Aaron Grimmer

1. This Permit applies to the land described below:

That portion of:

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

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

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

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

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

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

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

**General**

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

**Access and Hours of Operation**

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

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

***Water and Waste Management***

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

***Hydrocarbon Management***

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

***Landscape & Screening***

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

### ***Groundwater Monitoring***

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

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

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

### ***Monitoring***

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

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

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

- c) The security provided by the permit holder shall be in the form of:
    - i. An irrevocable letter of credit with a clause for automatic renewal, or cash equivalent;
    - ii. Payable to the Islands Trust; And,
    - iii. In the amount of \$10,000.00
  - d) Where the use authorized by this permit has ceased; or a rezoning application has been received by the Islands Trust; or the permit has expired and the use on the land ceased prior to commencement of any work pursuant to this permit, the security shall be returned to the permit holder, minus any funds still required to satisfy the Condition 5.a of this permit, provided that the conditions have been met.
6. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
7. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 224, 2022", and for regulatory compliance and requirement to obtain other approvals necessary for the proposed uses with other authorities including the Provincial Ministry of Environment, Ministry of Transportation and Infrastructure, Capital Regional District, or Island Health.

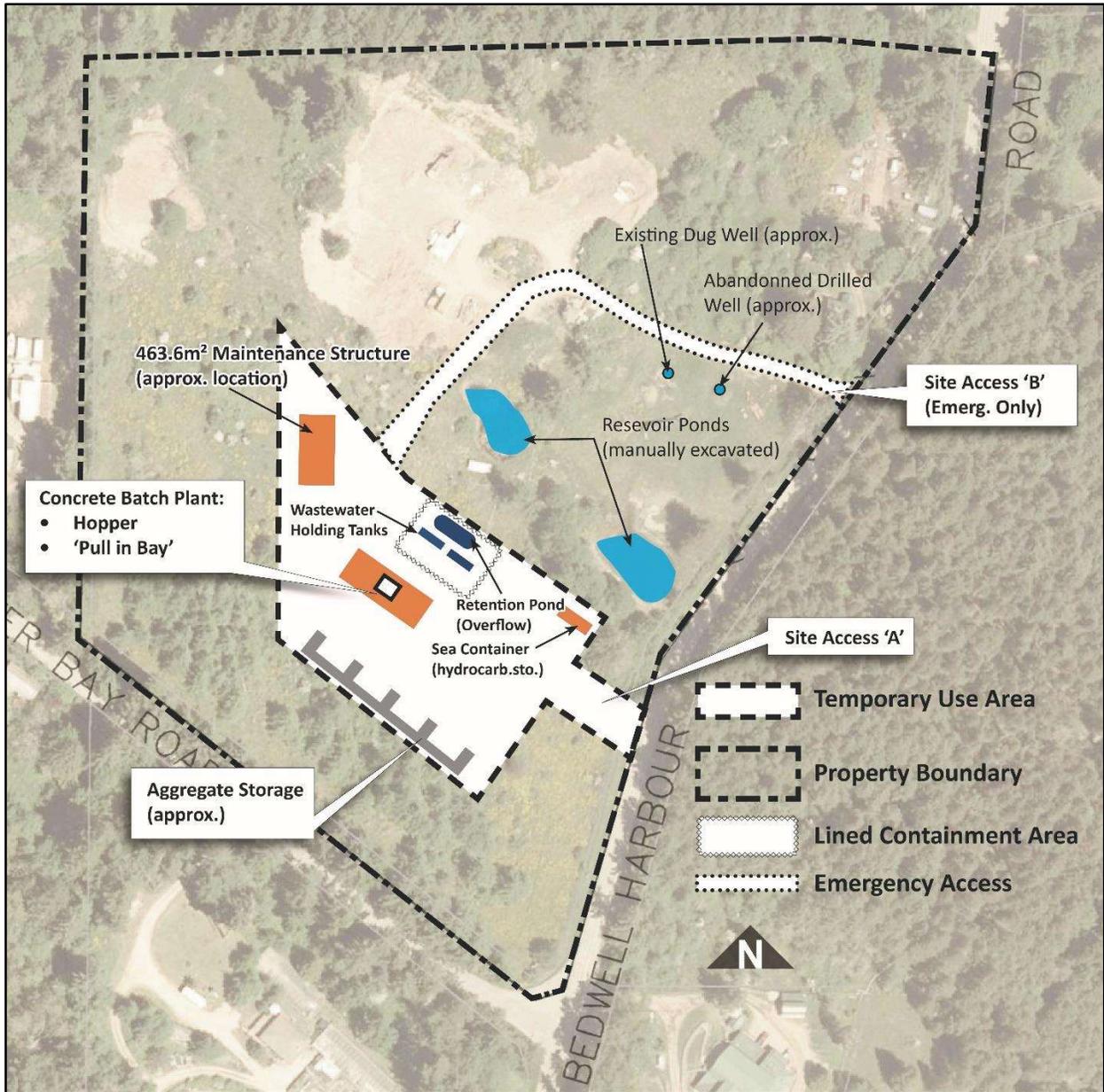
**AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS 28<sup>TH</sup> DAY OF JULY, 2023.**

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

\_\_\_\_\_  
July 31, 2023  
Date Issued

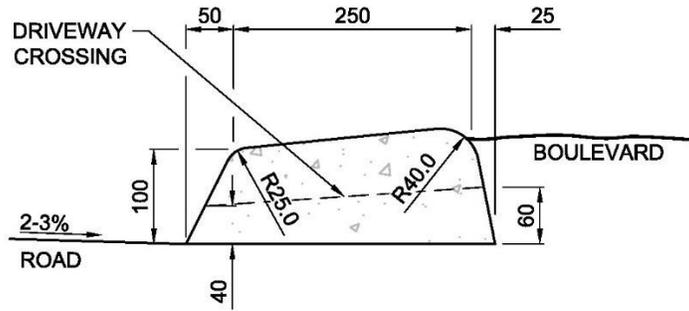
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
NP-TUP-2023.5  
SCHEDULE 'A'

SITE PLAN

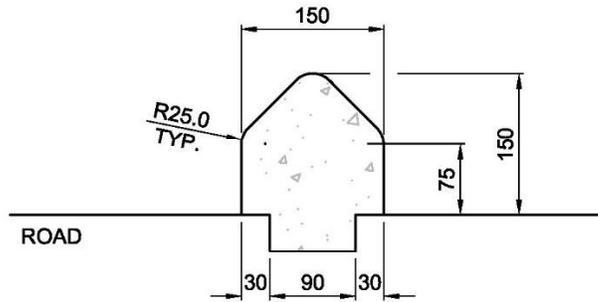


NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
NP-TUP-2023.5  
SCHEDULE 'B'

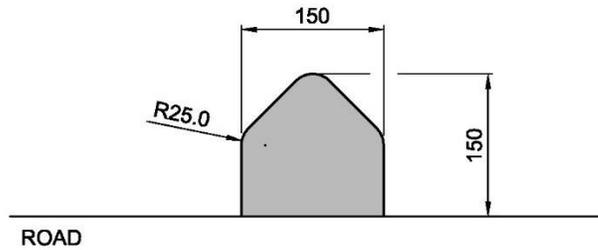
CURB CROSS SECTIONS



TEMPORARY CONCRETE CURB 1



TEMPORARY CONCRETE CURB 2



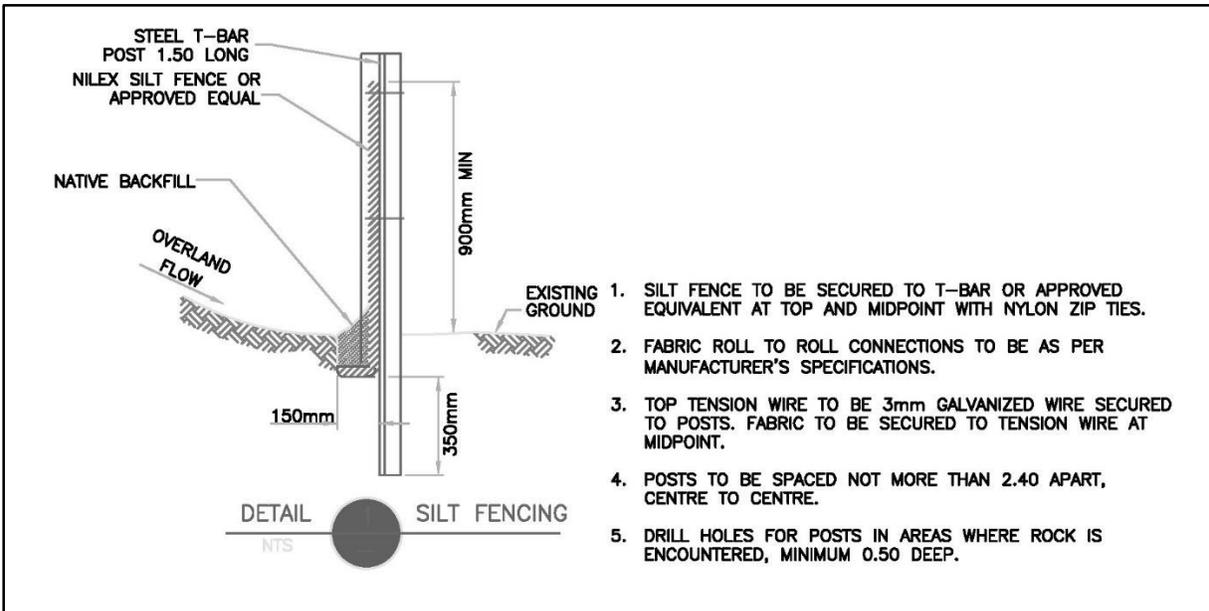
TEMPORARY ASPHALT CURB

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-TUP-2023.5

SCHEDULE 'C'

SILT FENCE SPECIFICATIONS



## NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

### NP-TUP-2023.5

### SCHEDULE 'D'

#### DUST SUPPRESSION

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

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

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

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

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

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

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

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

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

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

Some alternatives for minimizing dust emissions from plant site traffic:

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

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

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

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

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

### ***Dust Suppression***

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

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

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

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

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

**CHECKLIST**

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

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

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

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

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

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

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

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

| CONDITION/REGULATION  | COMPLETED<br>/COMPLIANT<br>( Y/N ) | SCHEDULE DATE TO BE<br>COMPLETED/COMMENTS |
|---|------------------------------------|---|
| <b>7. SPILL RESPONSE AND PREVENTION</b>   |                                    |   |
| <b>7.1 Spill Response</b>   |                                    |   |
| - Spill Response Steps reviewed by all staff (pp. 14 -16)   |                                    |   |
| - Spill Response Steps posted in appropriate areas  |                                    |   |
| <b>7.2 Spill Response Equipment</b>   |                                    |   |
| - Standard Spill Kit  |                                    |   |
| - Vehicle Spill Kit   |                                    |   |
| <b>7.3 Spill Prevention (BMP)</b>   |                                    |   |
| <p>- Equipment is to be inspected daily to ensure that it is leak-free and functioning as intended. All fuel/oil caps will be manually checked to ensure that they are tightened down. Equipment will be tagged out of service if found to be leaking. Servicing of equipment that is absolutely necessary on-site is to be done within containment areas (i.e., bermed or otherwise isolated) or at an appropriate work yard operated by the contractor or his supplier;</p>                                       |                                    |   |
| <p>- Equipment or machinery found to be leaking will have containment trays/buckets placed under drips/leaks that cannot be stopped (e.g., cannot be drained into an appropriate container), will have absorbent pads wrapped around leaky connections or placed under areas where a tray or bucket cannot be fitted, etc.). The person identifying the malfunction or accidental leak will notify the foreman or site supervisor, who will arrange repairs or transport off-site, and/or mechanic, if on site.</p> |                                    |   |

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

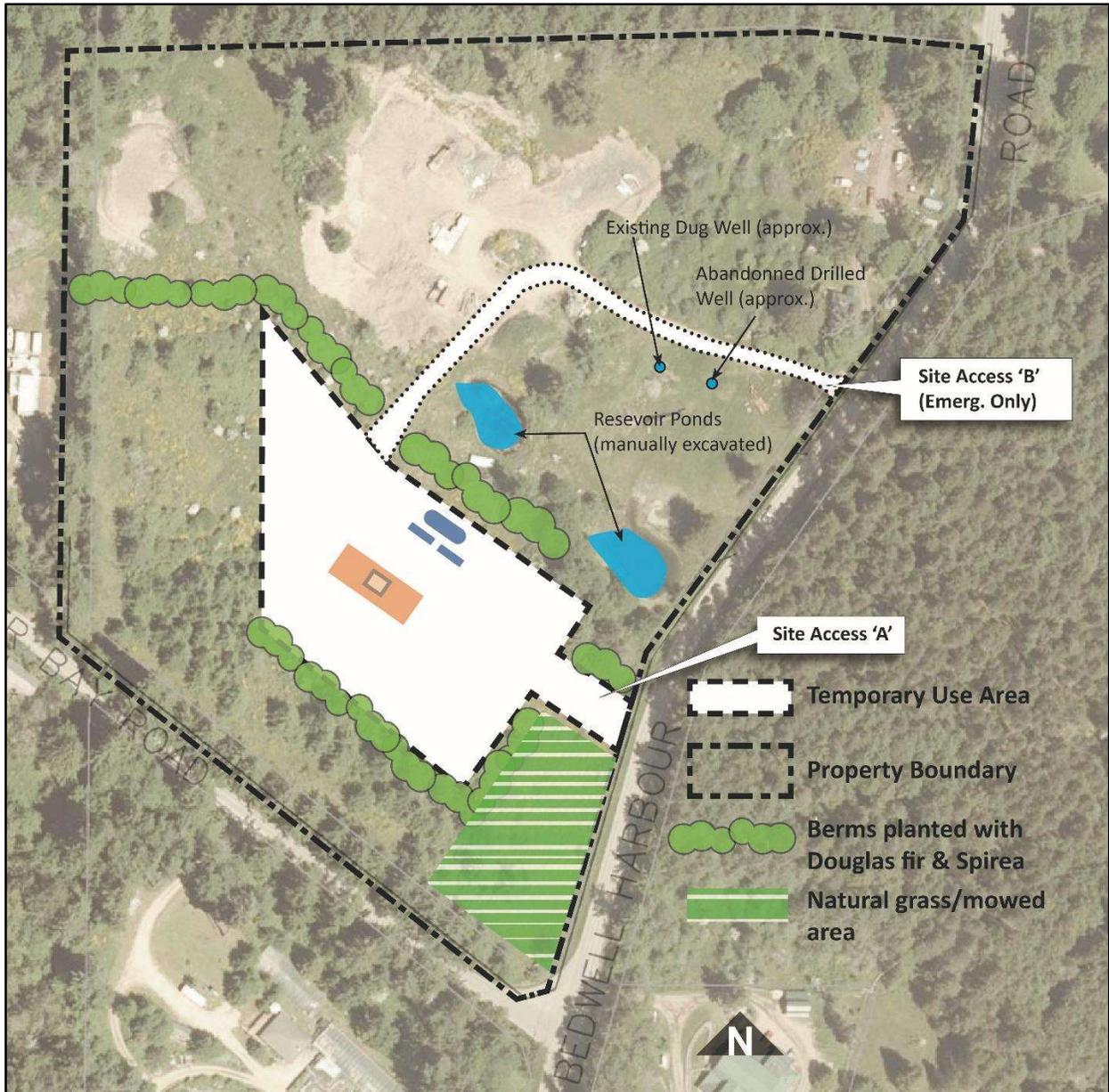
| CONDITION/REGULATION  | COMPLETED<br>/COMPLIANT<br>( Y/N ) | SCHEDULE DATE TO BE<br>COMPLETED/COMMENTS |
|---|------------------------------------|---|
| <ul style="list-style-type: none"> <li>- Fire extinguishers and other emergency response equipment and supplies will be kept in known and visible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

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

| <b>Additional Comments:</b> |  |  |
|-----------------------------|--|--|
|                             |  |  |
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NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
NP-TUP-2023.5  
SCHEDULE 'F'

LANDSCAPE PLAN



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

**PLANTING SCHEME**

**Islandscapes**

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

July 4, 2018

Proposed Landscape Plan for Gulf Excavating Temporary Use Permit Application:

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

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

\* Leyland cypress are fast-growing conifers that provide excellent screening. They are not native to the island. The native alternative would be *Thuja plicata* (Western Redcedar). It would not necessarily be appropriate to the area as it has higher water needs than the area will provide over time. Many of the island cedar are dying.

3. A 6 foot high solid cedar gate to be built at proposed emergency access road (existing driveway) at the entrance to the temporary use application area to complete visual screening from Bedwell Harbour Road.

4. Estimated cost:

- pull broom with excavator special attachment: 3,780.00
- finish rake and seed with farm equipment: 1,500.00
- seed: 570.00
- plant material: 1,019.20
- irrigation and screening: 450.00
- wooden gate: 1,500.00

## ATTACHMENT 1 – SITE CONTEXT

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### LOCATION

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

### LAND USE

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

### HISTORICAL ACTIVITY

| File No.                      | Purpose  |
|-------------------------------|--|
| NP-SUB-1993.4 and 1994.6      | Historical subdivision files                         |
| NP-TUP-2018.5, 2021.4, 2023.5 | Temporary use permit for concrete batch plant        |
| NP-TUP-2019.7 and 2022.3      | Temporary use permit for waste transfer facility use |

### POLICY/REGULATORY

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

### SITE INFLUENCES

|                                |  |
|--------------------------------|--|
| Islands Trust Conservancy      | The application has no considerations for the Islands Trust Conservancy.       |
| Regional Conservation Strategy | The application has no considerations the Regional Conservation Strategy Plan. |
| Species at Risk                | See page 8 of EA report  |

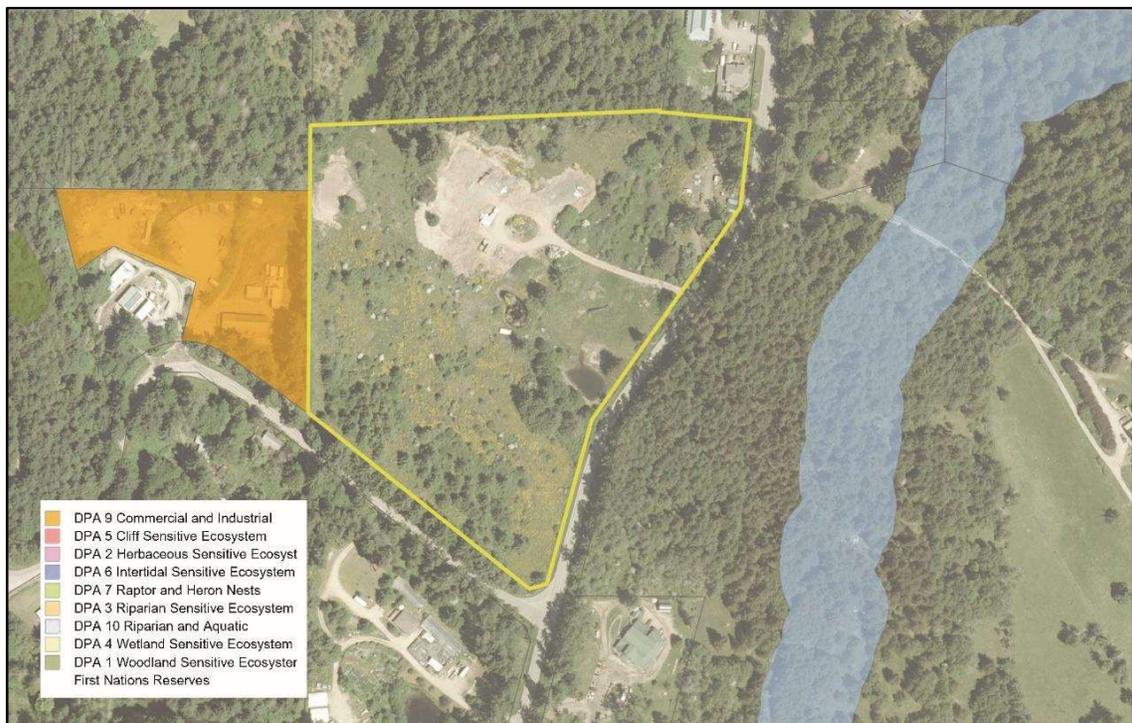
|  |  |
|--|--|
| Sensitive Ecosystems                     | See discussion in EA Report ; in the main body of the report; and, Attachment 2.2  |
| Hazard Areas                             | N/A  |
| Archaeological Sites                     | <p>There is a mapped archaeological site (also shown on Figure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

# ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

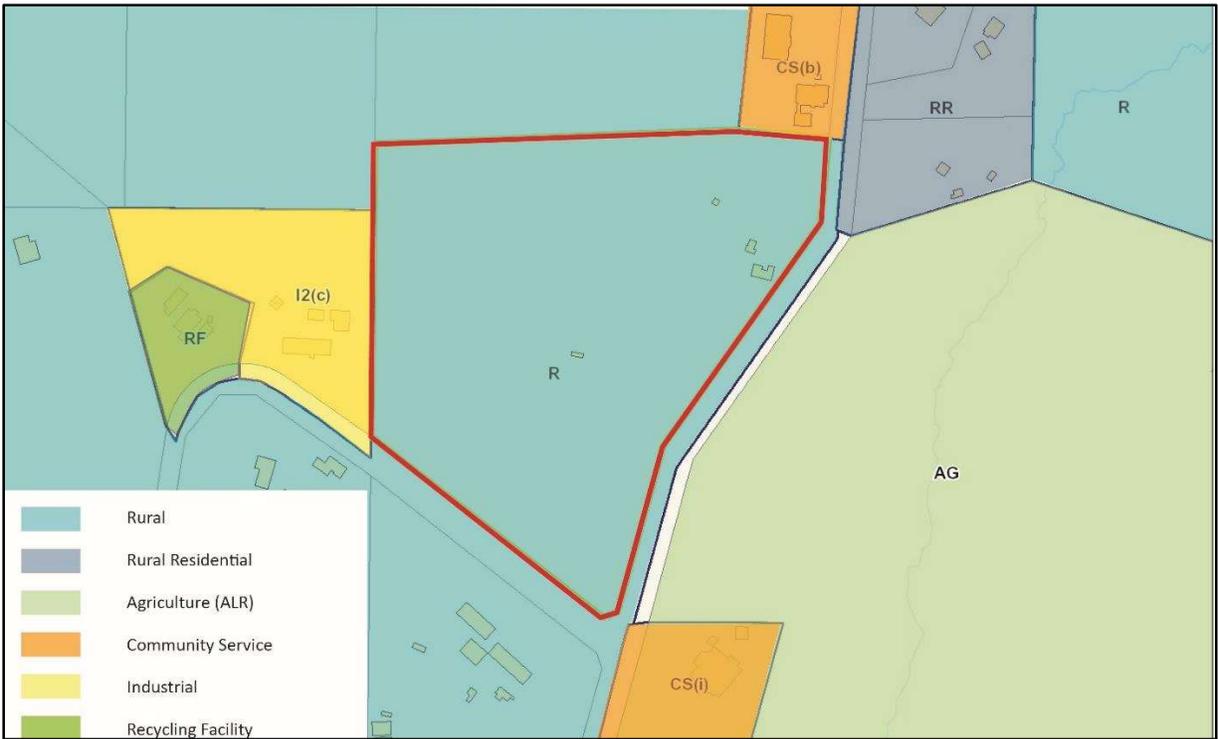
## 2.1 ZONING AND ORTHOPHOTO



## 2.2 DEVELOPMENT PERMIT AREAS



## 2.3 LAND USES



## 2.4 GROUNDWATER VULNERABILITY







**NOTES:**  
 PROPERTY IS CURRENTLY ZONED AS RURAL, BORDERING INDUSTRIAL ZONED PROPERTY TO THE WEST  
 PROPOSED CEMENT SILO WILL BE LOW PROFILE, SO AS NOT TO BE VISIBLE FROM OUTSIDE THE CURRENT TUP AREA.

**GULF EXCAVATING LTD**  
 4415 BEDWELL HARBOUR RD  
 PENDER ISLAND, BC V0N2M1  
 office@gulfexcavating.com

**LOT 1, SECTION 18, PENDER ISLAND, COWICHAN DISTRICT, PLAN VIP 59806, PID 018-948-421**

**SITE PLAN FOR REZONING APPLICATION: NP-RZ-2024.1**



BEDWELL HARBOUR RD

4414

Total: 41.08 m

40.87 m

4416

37.43 m

34.99 m

Total: 35.04 m

OTTER BAY RD

4417

3416

4401

GULF EXCAVATING LTD.  
4415 BEDWELL HARBOUR RD.  
PENDER ISLAND, BC, V0N2M1  
office@gulfexcavating.com

MARCH 13, 2024

FILE NUMBER : NP-RZ-2024.1

**RE: LOT 1, SECTION 18, PENDERS ISLAND, COWICHAN DISTRICT, PLAN VIP 59806, PID 018-948-421**

ATTENTION: NORTH PENDERS ISLAND LOCAL TRUST COMMITTEE

AS MOST TRUST MEMBERS ARE AWARE, GULF EXCAVATING LTD HAS BEEN CONTINUING TO OPERATE AT THE SUBJECT PROPERTY WITHIN THE PROPOSED BOUNDARIES UNDER THE MOST CURRENT TEMPORARY USE PERMIT **NP-TUP-2023.6**.

AS SUCH, THE CURRENT USES IN THE PRESCRIBED AREA OF THE SUBJECT PROPERTY DESCRIBED IN **NP-TUP-2023.6** ARE THE USES REQUIRED TO BE SET FORTH IN THIS REZONING APPLICATION.

WITH THE EXCEPTION OF THE CONSTRUCTION OF A SMALL POWER BUILDING, A SHIPPING CONTAINER STRUCTURE WORKSHOP, AND A LOW-PROFILE CEMENT SILO THE FACILITY WILL REMAIN UNCHANGED FROM CURRENT USAGE.

IN REGARD TO NEIGHBOURING PROPERTIES; TO THE WEST 3418 SOUTH OTTER BAY RD. IS ZONED INDUSTRIAL AND IS USED FOR WAREHOUSING. IN THE NORTH WEST CORNER OF THE PROPERTY A SMALL PORTION BORDERS 3303 AMIES RD, ZONED RURAL WITH A SINGLE FAMILY DWELLING. TO THE NORTH, THE PROPERTY SHARES A BORDER WITH 4315 CORBETT RD, ZONED RURAL, WITH A SINGLE FAMILY DWELING, AND 4409 BEDWELL HARBOUR RD, ZONED RURAL AND IS USED FOR A PUBLIC LIBRARY, COMMUNITY THRIFT STORE, AND CHILD DAYCARE FACILITY THAT IS CURRENTLY UNDER RENOVATIONS. TO THE EAST 4414 BEDWELL HARBOUR ROAD IS ZONED RURAL AND IS HOME TO AN INDUSTRIAL MACHINE SHOP. TO THE SOUTH EAST IS A PARCEL DONATED BY THE OWNER OF 4414 BEDWELL HARBOUR ROAD, USED FOR THE ISLANDS COMMUNITY HALL, 4418 BEDWELL HARBOUR RD. TO THE SOUTH 4417 BEDWELL HARBOUR RD IS ZONED RURAL WITH A SINGLE FAMILY DWELLING. FINALLY, TO THE SOUTHWEST 4401 OTTER BAY RD IS ZONED RURAL WITH A SINGLE FAMILY DWELLING.

THE LTC HAS IN ITS POSSESSION ALL ENVIRONMENTAL REPORTS CONDUCUTED BY ISLANDER ENGINEERING, BUT WE ARE ABLE TO PROVIDE AGAIN IF NECESSARY.

IN THE COMPANY'S OPINION, REZONING IS THE ONLY LOGICAL NEXT STEP FORWARD TO BE ABLE TO CONTINUE TO PROVIDE JOBS, GENERATE TAX DOLLARS, AND PROVIDE RELIABLE AND ECONOMICAL SOLUTIONS FOR PENDERS AND THE SURROUNDING GULF ISLANDS.

REGARDS,

AARON GRIMMER, GULF EXCAVATING LTD