



Islands Trust

**NORTH PENDER ISLAND  
OFFICIAL COMMUNITY PLAN BYLAW No. 171, 2007**

AS AMENDED BY NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW(S) NO. 182, 184, 197, 203, 207, 209, 211, 216, 222, and 223

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Certified copies of the Official Community Plan are available from the Islands Trust Office, Suite 200 – 1627 Fort Street, Victoria BC V8R 1H8

Consolidated: December 14, 2023

**TABLE OF AMENDMENTS**

<b>Bylaw No.</b>	<b>Date of Adoption</b>	<b>Date of Bylaw Consolidation</b>	<b>Map Amendments</b>
Bylaw No. 182, Amendment No. 1, 2009	July 29, 2010	July 30, 2010	
Bylaw No. 184, Amendment No. 2, 2010	June 7, 2011	June 15, 2011	
Bylaw No. 197, Amendment No. 2, 2012	November 26, 2015	December 1, 2015	Schedule B
Bylaw No. 203, Amendment No. 2, 2016	April 6, 2017	June 1, 2017	
Bylaw No. 207, Amendment No. 3, 2016	May 24, 2018	July 26, 2018	Schedule B
Bylaw No. 209, Amendment No. 4, 2016	May 24, 2018	July 26, 2018	Schedule B
Bylaw No. 211, Amendment No. 1, 2017	October 25, 2018	December 10, 2016	Schedule B
Bylaw No. 216, Amendment No. 1, 2018	November 29, 2018	December 10, 2018	
Bylaw No. 222, Amendment No. 1, 2020	March 24, 2022	June 10, 2022	
Bylaw No. 223, Amendment No. 1, 2021	December 12, 2023	December 14, 2023	Schedule B

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**

**BYLAW No. 171**

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**A BYLAW TO ADOPT THE OFFICIAL COMMUNITY PLAN FOR PART OF THE NORTH PENDER ISLAND LOCAL TRUST AREA**  
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WHEREAS the North Pender Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the North Pender Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the North Pender Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS Sections 876 and 882, respectively, of Division (2) of Part 26 of the *Local Government Act* applies to the Committee and authorizes it to adopt an Official Community Plan and outlines procedures for developing and adopting such plans including a public hearing and Ministerial approval;

AND WHEREAS Section 27 of the *Islands Trust Act* requires that the Executive Committee of the Islands Trust must approve an Official Community Plan prior to adoption;

AND WHEREAS Section 877 of the *Local Government Act* lists the subjects that must be addressed in a Plan;

AND WHEREAS Section 884(1) of the *Local Government Act* provides that the adoption of an official community plan does not commit or authorize the North Pender Island Local Trust Committee to proceed with any project that is specified in the Plan;

NOW THEREFORE the North Pender Island Local Trust Committee enacts as follows:

CITATION

1. This Bylaw shall be cited as the "North Pender Island Official Community Plan Bylaw No. 171, 2007".

APPLICATION

2. This Bylaw applies to the North Pender Island Local Trust Area shown on Schedule H to this bylaw.

ORGANIZATION

3. Schedules A, B, C, D, E, F, G, H, I, J, K, L, M, N and O attached to and forming part of this Bylaw, are hereby designated as the North Pender Island Official Community Plan Bylaw No. 171, 2007.

ADOPTED

4. The Schedules comprising this Bylaw are as follows:

- Schedule A: Policy Document
- Schedule B: Land Use
- Schedule C: Sensitive Ecosystems
- Schedule D: Lands Potentially Subject to Park Dedication
- Schedule E: Road Classification
- Schedule F: Select Surface Water Resources
- Schedule G: Agricultural Land Reserve
- Schedule H: Bylaw Area
- Schedule I: Development Permit Area One (Woodland Sensitive Ecosystem)
- Schedule J: Development Permit Area Two (Herbaceous Sensitive Ecosystem)
- Schedule K: Development Permit Area Three (Riparian Sensitive Ecosystem)
- Schedule L: Development Permit Area Four (Wetland Sensitive Ecosystem)
- Schedule M: Development Permit Area Five (Cliff Sensitive Ecosystem)
- Schedule N: Development Permit Area Six (Intertidal Sensitive Ecosystem)
- Schedule O: Development Permit Area Seven (Raptor and Heron Nests)

BYLAW REPEAL

5. The “North Pender Island Official Community Plan Bylaw No. 83, 1996” (as amended) is repealed.

SEVERABILITY

6. 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 31<sup>st</sup> day of May, 2007.

PUBLIC HEARING HELD this 28<sup>th</sup> day of July, 2007.

READ A SECOND TIME this 30<sup>th</sup> day of August, 2007.

READ A THIRD TIME this 30<sup>th</sup> day of August, 2007.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this 9<sup>th</sup> day of October, 2007.

APPROVED BY THE MINISTER OF COMMUNITY SERVICES this 28<sup>th</sup> day of November, 2007.

ADOPTED this 31<sup>st</sup> day of January, 2008

Kathy Jones

Sheila Malcolmson

**SECRETARY**

**CHAIRPERSON**

ADOPTED

SCHEDULES

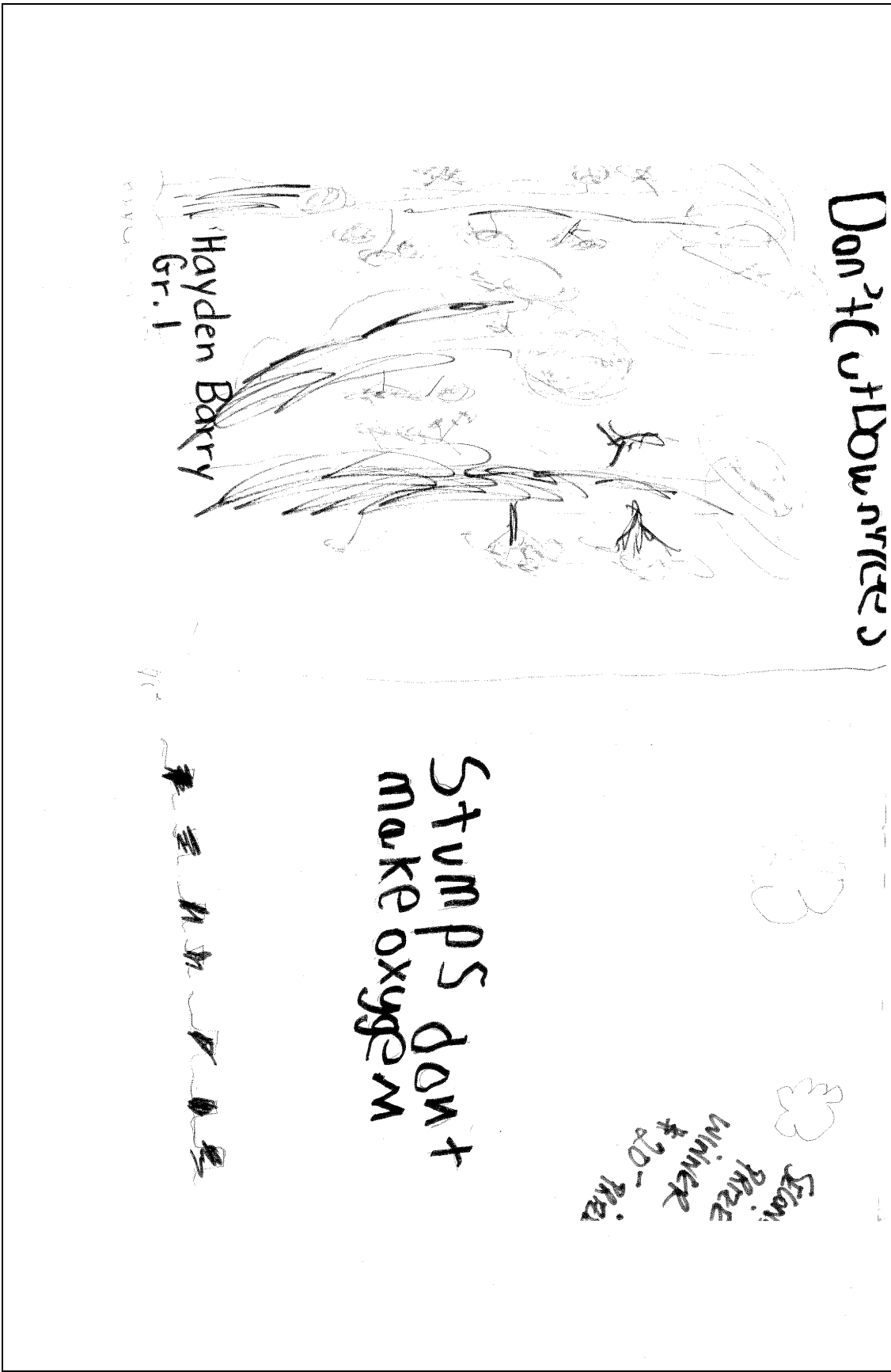
Schedule A:	Policy Document
Schedule B:	Land Use
Schedule C:	Sensitive Ecosystems
Schedule D:	Lands Potentially Subject to Park Dedication
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**SCHEDULE A**



Photo: Islands Trust

**INTRODUCTION**

Starting in 2004, the North Pender Island Local Trust Committee commenced a process to review and update North Pender’s Official Community Plan (OCP). The OCP had last been updated in 1996 and with the passage of time and changing circumstances, a need was identified to address specific issues and to consider the long term vision and goals of the community.

Islands Trust  
Mandate

As part of the Islands Trust Area, planning for North Pender must consider and address the unique mandate of the Islands Trust. The province, in recognition of the unique amenities and environment of the islands, passed the Islands Trust Act in 1974 which established the Islands Trust with a mandate, embodied in the “object” of the Islands Trust:

**“The object of the trust is to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”**

The trust area encompasses the Gulf Islands and water areas stretching from Denman Island in the north to the US border in the south, and from the foreshore of Vancouver Island to the Mainland. The North Pender Island Local Trust Area is one of 12 local trust areas and one Island Municipality within the Islands Trust Area. Each Local Trust Committee has been provided with most of the land use planning authority of a regional district board. The decision to establish the Islands Trust some thirty years ago was due in large part to the fact that the islands were endowed with such a unique character and environment in a setting of natural beauty.

Why prepare a  
community  
plan?

By planning for the future, individuals and communities can achieve a degree of certainty and predictability, anticipate needs, address concerns, and achieve desired goals. Land use planning is a process by which the allocation, type and intensity of uses is determined in a manner that is efficient and equitable, and that provides sustainable benefits for individuals, the community, and the

environment. By planning for the spatial distribution and intensity of land uses, certainty can be created for the community and individuals, the impacts of future development and growth can be anticipated, community goals can be articulated, and measures can be considered to limit impacts on the environment and the community. Planning balances the decisions made by individuals with the collective desires and objectives of the community, and the need for a sustainable natural environment. One of the most effective and fundamental tools in planning is an Official Community Plan (OCP).

What is an OCP?

An OCP is a document that lays out a community's long-term vision and strategy for guiding future planning and land use. As a legal document, an OCP is required by the Local Government Act to include policy statements or map designations concerning:

- the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years;
- the approximate location, amount and type of present and proposed commercial, industrial, institutional, agricultural, recreational and public utility land uses;
- the approximate location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;
- restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development; and
- the approximate location and phasing of any major road, sewer and water systems; the approximate location and type of present and proposed public facilities, including schools, parks and waste treatment and disposal sites.

An OCP represents the consensus of the community on future growth and development. It provides objectives and policies that inform the Local Trust Committee in making land use decisions. Residents, businesses, landowners and governments all depend upon the OCP to assess future community potential. An OCP contains broad goals, objectives for particular land uses, specific and general policies, advocacy policies, maps and development permit area guidelines; it does not contain regulations or detailed prescriptions

Islands Trust Policy Statement

In response to the need for preservation and protection of the Trust Area and its unique amenities and environment, Trust Council has adopted the Islands Trust Policy Statement. The Policy Statement is intended to establish a vision for the future and provide a general strategy for land use planning in the Trust Area. It contains commitments of Trust Council, policies that direct Local Trust Committees, and recommendations. An OCP must be consistent with the Islands Trust Policy Statement and must contain provisions addressing Policy Statement directive policies.

How was the plan prepared?

This OCP was prepared in consultation with residents, owners, community groups, specific focus groups, other stakeholder groups and various levels of government. The process proceeded in three phases: community consultation, policy development and bylaw adoption. The community consultation and policy development phases involved 11 focus groups, holding some 25 public meetings, and numerous community and Local Trust Committee meetings. The Local Trust Committee, as the elected local government responsible for land use planning, provided direction on all aspects of the development of the plan, considered all policy options and recommendations, and adopted the plan in compliance with the provisions of the Local Government Act and other relevant provincial legislation.

How is the plan organized?

In addition to this introduction, the plan is organized into 7 Parts:

Part 1 (Broad Community Goals): articulates the overall goals, principles, and long term vision of the community.

Part 2 (Planning for Sustainable Communities - Objectives and Policies for Land Use): the objectives and policies in this part apply to the specific land use designations on the island. These provisions flow from and expand upon the broad community goals.

Part 3 (Services): identifies the community's objectives and goals for the various services that are provided and needed on the island. As most services are provided by other agencies or levels of government, many of these policies are advocacy policies.

Part 4 (Stewardship of Resources): provides objectives and policies for unique or important features on the island, such as sensitive ecosystems, groundwater, natural hazards and heritage resources.

Part 5 (Preserving and Protecting Our Ecosystems): includes objectives and policies encouraging ecological stewardship and designates special areas or features, and establishes objectives and guidelines for the issuing of development permits.

Part 6 (Temporary Commercial and Industrial Use Permits): designates areas where the Local Trust Committee may consider issuing temporary permits for uses not otherwise permitted by zoning.

Part 7 (Administration and Implementation): includes the interpretative provisions of the plan, such as definitions, and sets out how the plan should be implemented.

Where does the plan apply?

The OCP applies to all land on North Pender Island and the surrounding waters. OCP policies are directive upon the Local Trust Committee, not individuals. The policies guide future LTC decision-making and are implemented by other tools, principally zoning. The policies are legally binding on the LTC, but there is no compulsion on an LTC to implement particular policies in an OCP.

### **Sustainable Community**

North Pender Island is predominantly rural in character and the goals, objectives and policies of this plan support the retention of that character. Preserving a healthy community involves balancing environmental, social and economic sustainability.

Working with the environment means recognizing the island's natural ecological diversity as an essential component of what people value about the community. To protect the dynamic ecological systems, the community and local government must work to identify sensitive ecosystems, be aware of their complexity and ensure that growth and development is carefully implemented.

BL 182

Climate change, caused by increased concentrations of greenhouse gases in the atmosphere, will result in increased stresses upon the island's ecosystems, habitats, and groundwater resources. Efforts to reduce the community's carbon emissions and footprint, and to adapt to climate change impacts, will be on-going challenges.

Population

North Pender Island is 2728 hectares (6741 acres) in area, with a permanent population of around 2000 people in 2006. There are also a significant number of part-time or seasonal residents. The population increased from 1775 in 2001, a rate of population increase between 2001 and 2006 of over 12% (or 2.3% per year). This represents an increase in growth, following slower growth (5%) between 1996 and 2001, and

is similar to the rate of population growth which occurred between 1991 and 1996. Based on these past patterns of population growth, and on projections prepared for larger areas, the projected growth rate will average over 1% per year up to 2031.

The mean age on North Pender in 2001 was 56, compared to a provincial mean age of 38. A significantly smaller proportion of the North Pender Island population is under age 35 compared to the province as a whole, while the proportion of the population in 55-69 age range is more than twice the provincial average. The proportion of the population age 70 and over is close to the provincial average. The average household size on North Pender is 1.9 persons, a decline from previous years, and is smaller than the average household size for the province as a whole.

Approximately 75% of the 2001 population has either not moved since 1996 (60%) or had moved from another location on North Pender or the southern gulf islands (15%). Another 20% of residents had moved to North Pender from elsewhere in the province since 1996, and 5% had moved to North Pender from another province or country between 1996 and 2001.

In 2006, approximately half of North Pender property owners lived on the island, 38% had their principal address elsewhere in BC, 7% were resident elsewhere in Canada (other than BC) and 4% resided in another country.

Economy The economy of the southern gulf islands as a whole has a very low level of dependence on resource industries in comparison to the non-metropolitan B.C. economy as a whole (2%, compared to 22%). The proportion of economic income generated by tourism and agriculture in the southern gulf islands (7% and 2% respectively) is similar to the non-metropolitan provincial averages. In comparison to other non-urban areas, the islands are disproportionately dependant upon private, non-employment income, primarily private investment income and private pensions (one-third of economic income is derived from these sources). Although the economic contribution of traditional land-based industries is now a small portion of the overall economic activity of North Pender, there is a long history of generating sustenance from the land through agriculture and forestry, and from land development to provide housing. Significant areas of the island remain in the Agricultural Land Reserve (13% of the island) or as private managed forest land, and techniques of working with the land are evolving in response to growing recognition of the importance of natural systems and local self-sufficiency. Active agriculture and working forests remain a crucial component of the rural landscape and economy, and the LTC is committed to collaborating with landowners, farmers and provincial bodies to preserve and support these activities.

Employment and family incomes on North Pender tend to be lower than the provincial average. Of those in the workforce, almost half are self-employed, with many working from home. However, the majority of the workforce travels by private vehicle, and there the level of auto-dependence exceeds the provincial average. Overall, the southern gulf islands are ranked very positively in terms of socio-economic indicators.

Land Use The predominant land use on North Pender is residential. Over two-thirds of the land area is designated and zoned for residential use (Rural Residential and Rural). All residential land on the island is zoned to permit single family dwellings (and accessory cottages under certain circumstances), there is no multiple unit zoning. The bulk of the remaining land is designated for agriculture (13%) or has protected status (15%). There are limited areas designated for various institutional and service uses (less than 1% of the island's land area), commercially designated land (also less than 1% of the island) and only around 6 hectares (15 acres) of land designated for industrial uses.

There are approximately 2200 lots on North Pender, the majority in the Rural Residential, Rural and Agricultural land use designations. Of the existing residential lots, about half have occupied

dwellings and a quarter are occupied seasonally. The remainder are undeveloped. Of the more than 500 undeveloped residential lots on North Pender in 2003, about two-thirds were the Magic Lake area. Overall, 60% of the existing lots on North Pender were in Magic Lake.

The rate at which new lots were being created through subdivision on North Pender declined through the 1990 and the early 2000s. In the period of 1977-1991 an average of 32 new lots were created each year. Between 1991 and 2003 the average number of additional lots being created each year fell to 8. The pace of building activity as measured by building permits and the value of construction has increased substantially since about 2002. However, over the long term, the number of net new dwellings constructed each year has averaged just over 20 per year.

Under the community plan and current zoning, just over 200 additional lots could be created through subdivision. Over one third of this subdivision potential is situated in the north-west part of the island (Port Washington and McKinnon Road areas). Other areas with unrealized subdivision potential include a number of large Rural parcels and the Razor Point area.

The combined number of existing vacant and potential new lots exceeded 700 in 2004. Based on a long term average of 25 new dwellings per year, there is currently enough land designated and zoned to accommodate 25 years of residential growth (this includes both permanent and seasonal dwellings). Based on the recent rate of 40 net new dwellings per year, there is currently sufficient land designated and zoned to accommodate 17 years of residential growth. However, much of the currently designated and zoned residential land may be located in areas that are unsuitable for development due to the presence of environmentally sensitive areas, topography, lack of availability of groundwater, or poor access. A review of population growth, remaining vacant lots and potential new lots should be undertaken following release of the complete 2006 census data.

## Stewardship of Natural Resources

The majority of the land area on North Pender is privately owned, predominantly in relatively small rural residential lots. Many of these properties still contain the natural attributes, features and values that attract people to the Trust Area. Through this plan, the community reaffirmed a commitment to the practices and principles of voluntary stewardship of the private lands. The OCP commits the Local Trust Committee to supporting the desire for voluntary stewardship by supporting, encouraging, and promoting education and initiatives fostering voluntary stewardship of private lands.

## Ecosystem Preservation and Protection

North Pender Island is situated within the Coastal Douglas-fir moist maritime subzone of the biogeoclimatic ecosystem classification. This zone represents only 0.3 % of the total land area of British Columbia and is confined to a small area in and around the Strait of Georgia<sup>1</sup>. It is a unique ecosystem, with high biodiversity values and at-risk species and ecological communities. The forested ecosystem is dominated by Douglas-fir, with occurrences of Garry oak, cedar and arbutus. The ecosystems of North Pender, like the rest of the Strait of Georgia area, have been heavily disturbed by human activity, including fire suppression, logging, clearing for agriculture and settlement and the introduction of non-native, or invasive, species. Approximately three-quarters of the island's land area is classified as having been modified by human disturbance, with many of the remaining undisturbed areas threatened by fragmentation.

Small islands are particularly vulnerable to ecosystem degradation due to the lack of wilderness areas to which species can withdraw when faced with a shortage of habitat. In addition, as the landscape becomes less continuous and more broken or fragmented, the integrity of the land begins to suffer.

The incremental progression of rural development, logging and the construction of roads has all played a part in the decline of natural ecosystems; as have factors such as increased tourism, invasive species and climate change. Many of the impacts on natural ecosystems occur over a long period of time, making it hard to notice changes until it is too late. Over time, the impacts on the local natural ecosystems results in: loss of specialized habitat, change to natural systems and their ecological functions, and landscape fragmentation and loss of wildlife corridors.

The benefits of protecting natural ecosystems are numerous, including preserving: local biodiversity, ecological processes, wildlife corridors and linkages, critical habitat for species at risk and ecosystem services. In addition, preservation and protection of natural ecosystems brings nature into the community, provides recreational and learning opportunities, provides economic benefits and leaves a legacy for future generations.

The paramount urgency for biological sustainability has been recognized by the United Nations Convention on Biological Diversity. Canada was the first industrialized country to sign the Convention. The 182 countries who have signed the Convention have recognized that all forms of human enterprise, including all social and economic activity, depend upon the ongoing integrity of biological diversity (biodiversity).<sup>2</sup>

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<sup>1</sup> Ward et al. 1998. Sensitive Ecosystem Inventory: East Vancouver Islands and Gulf Islands 1993-1997. Volume I: Methodology, Ecological Descriptions and Results.

<sup>2</sup> Convention on Biological Diversity (with annexes). Concluded at Rio de Janeiro June 5, 1992. The Secretariat of the Convention on Biological Diversity. United Nations Environment Program.

Biodiversity means the entire variety of life on Earth and the complex connections within and between the systems that support life on Earth. Biodiversity underlies the life and health of all life-forms including people; it supports and preserves all of our basic life-support systems—food production, water supply, oxygen replenishment, waste disposal and soil conservation. Biodiversity provides us not only with life itself but with a wide range of goods and services, flood control, climate regulation, pollination of crops and flowers and much more. Biodiversity also allows us to create economic wealth in many ways including endeavours such as tourism and recreation in the natural environment and through the inspiration of wild nature for photographers and artists of many kinds.

Biodiversity, however, is being reduced faster than at any time in history. When biodiversity is diminished, the ecosystems on which we inevitably depend are less resilient and the services they provide are less secure. A study conducted by 1,300 experts from 95 countries has concluded that roughly 60 percent of ecosystem services that support life on Earth—fresh water, fisheries, air and water regulation, and the regulation of regional climate, natural hazards and pests—are being degraded or used unsustainably and harmful consequences of this degradation could grow significantly worse.

This situation is of particular concern to the Southern Gulf Islands. British Columbia is Canada's most biologically diverse province. Among the 133 ecosections into which BC has been divided, the Southern Gulf Islands rank among the highest in need of conservation of its biodiversity.

With the vision, planning and forethought encompassed in this OCP, North Pender will be able to thrive socially and economically within the sustaining capacity of the ecosystems on which they depend. With biodiversity rapidly declining worldwide, the need for human settlements to respect ecological integrity has become a global responsibility. This can only be achieved if land use planning embodies the principles of environmental, social and economic sustainability which underlie the spirit and intent of this Official Community Plan.

PART 1 BROAD COMMUNITY GOALS

1.1 STATEMENT OF PRINCIPLES

The goals, objectives and policies of this plan are based on the principles of ecological integrity, sustainable community, support for heritage and culture, good governance and support for the quality of life. Further, land use decision-making should be based on the precautionary principle that when an activity raises threats of harm to the natural environment or human health, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.

These principles are intended to provide a framework for decision-making and community living that recognizes:

- 1) the objectives of the Islands Trust through the development of bylaws that balance the needs of the human and natural environments;
- 2) the limitations of our land and natural environment including an understanding that land is a requirement to sustain life rather than simply a commodity; and,
- 3) the need for residents, guests and visitors to respect the needs and aspirations of our community.

1.2 GOALS

The Goals of this Official Community Plan are:

- 1) To advance and support the Object of the Islands Trust "to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the Province."
- 2) To preserve and protect the rural character of North Pender Island.
- 3) To identify and protect environmentally sensitive areas and at-risk species and their habitats.
- 4) To establish a network of protected areas.
- 5) To recognize that the island's social and economic environments flow from an interrelationship with its natural ecosystems, and that land and water sustain life, ecosystems and the community.
- 6) To plan for a pattern of activity and land use which ensures the sustainable use of natural resources and protects biodiversity, natural processes, habitats and species.
- 7) To plan in a manner that respects the environmental, cultural, social and economic welfare of the community.
- 8) To protect the island's water supply, watershed and groundwater recharge areas.

ADOPTED

- 9) To preserve, protect and encourage farming, the protection of farmland, the sustainability of farming, and to make the relationship of farming to other land uses a priority in land use decisions.
- 10) To plan for commercial and economic activities that provide mutual benefits for the community and for visitors, promote an economically diverse community and are compatible with the conservation of resources and the protection of community character and values.
- BL 182 11) To plan for a transportation system which meets the needs of residents and visitors and provides for a variety of modes of transportation without detracting from the rural character of the community.
- 12) To provide a means for residents to enjoy and traverse the countryside through a system of trails, walkways and open spaces.
- 13) To encourage strong neighbourhoods by enabling them to have an active role with local government and to promote neighbour-caring-for-neighbour concepts.
- 14) To support and promote education and initiatives fostering voluntary stewardship of private lands.
- 15) To ensure that Local Trust Committee decision-making occurs in a manner that is open, informative, participatory, accountable and responsive.
- BL 182 16) To remove or remediate existing sources of pollution or contamination of air, land and water, including visual and noise pollution and to reduce greenhouse gas emissions.
- 17) To discourage the use of pesticides, herbicides and fungicides for cosmetic purposes.
- BL 182 18) To encourage a more compact, complete and connected community, in a manner that ensures that overall development potential and density are not increased unless authorized elsewhere in the plan.

PART 2 PLANNING FOR SUSTAINABLE COMMUNITIES

OBJECTIVES AND POLICIES FOR LAND USE

Schedules "B" and "D" establish the approximate location of present and proposed land uses in conjunction with the objectives and policies and other map schedules of this plan.

2.1 RESIDENTIAL LAND USES

Residential Objectives

- 1) To encourage a housing pattern that is appropriate to the rural character of the Island.
- 2) To provide for a range of housing options that serve the needs of all residents and property owners of North Pender Island.
- BL 182 3) To plan for a land use pattern which ensures the sustainable use of natural resources and minimizes greenhouse gas emissions.
- 4) To promote use of indigenous vegetation for plantings in residential lot use.
- 5) To protect the island's visual and ecological amenities.
- 6) To preserve and enhance the scenic quality along roadways.

Residential Policies

- 2.1.A Maximum site coverage and setback and height limitations shall be regulated, and maximum floor area regulations may be established, to preserve rural character and to minimize resource and energy demands on the island.
- 2.1.B The Capital Regional District, or any other agency having jurisdiction, is encouraged to implement noise, nuisance and unsightly premises regulations that reflect standards of rural character, not urban character.
- 2.1.C The Local Trust Committee shall consider the use of regulations, development permit area designations where permitted and the acceptance of covenants from property owners to preserve the retention of screening vegetation.
- 2.1.D Except where specifically authorized elsewhere in this plan, consideration may not be given to applications to rezone land within the Rural Residential and Rural designations to a higher density without amendment to this plan.
- 2.1.E No consideration may be given to applications to rezone land within the Rural Residential and Rural designations that would result in the transfer of density without amendment to this plan.
- 2.1.F Subject to policies in Subsection 2.3 of this plan (Seniors and Affordable Housing policies) consideration may be given to applications to rezone land within the Rural

ADOPTED

Residential and Rural designations to a higher density where the additional density takes the form of seniors and affordable housing.

- BL 182      2.1.G    The Local Trust Committee should review residential development potential and may consider changes to policies and regulations where the changes could limit or reduce greenhouse gas emissions.
- BL 216      2.1.H    Accessory housing options such as secondary suites may be permitted as a way to increase the stock of rental housing without negatively impacting the rural sense of place or the carrying capacity of the island.
- BL 223      2.1.I    If the Local Trust Committee considers Development Variance Permit applications to vary the maximum floor area of residential dwellings, the following should be incorporated into the building proposal where feasible:
- a) The design and construction of a dwelling should incorporate energy efficient features.
  - b) Installation of a freshwater collection and storage system with a minimum cistern storage capacity of 18,000 litres.
  - c) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.
  - d) Limit site coverage of impermeable surfaces.
  - e) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation and unnecessary removal of trees should be avoided.
  - f) Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.
  - g) Maximize undisturbed areas and consider measures for protect sensitive ecosystems.
  - h) Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.

2.1.1 RURAL RESIDENTIAL LAND USE

Background

Lands in this designation include the smaller lot subdivisions of Magic Lake and Trincomali, in which lots sizes average less than 0.2 hectares (0.5 acres) in area, and the Port Washington, Hope Bay and Razor Point areas, in which lots sizes have generally averaged 0.6 hectares (1.5 acres).



Photo: Islands Trust

Rural Residential Objectives

- 1) To preserve the opportunity for a rural lifestyle.
- 2) To guide new rural residential development to preserve conservation areas and natural habitat and to limit or reduce greenhouse gas emissions.
- 3) To control further rural residential development on agricultural lands, environmentally sensitive lands or on lands that provide significant natural value.

BL 182

Rural Residential Policies

- 2.1.1.1 The principal use shall be residential. Accessory uses shall not detract from the rural character of the island.

- BL 203 2.1.1.2 Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use except where authorized by a Temporary Use Permit.
- BL 203 2.1.1.3 Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage.
- 2.1.1.4 Regulations governing the location and size of lots in Rural Residential Areas shall be established with respect to:
- a) the size, density and character of neighbouring parcels of land;
  - b) accessibility to proposed parcels and availability of a sustainable water supply;
  - c) sewage disposal capability of the parcels to be created;
  - d) the need:
    - i) for a range of rural land use activities in association with a residential land use;
    - ii) to create a sense of community and of neighbourhood;
    - iii) to cluster development to avoid environmentally sensitive areas and areas of scenic or natural resource value;
    - iv) to preserve scenic, aesthetic, and natural values;
    - v) to protect areas common to a strata development.
- BL 182 2.1.1.5 Lot clustering as a means to preserve large remainder lots for rural land use, to reduce emissions or preservation of the natural landscape should be encouraged through the use of minimum and average lot sizes and through applicable development permit area guidelines.
- 2.1.1.6 Consolidation of existing lots is encouraged.
- 2.1.1.7 Creation of lots that are incapable of residential development due to lack of water, inadequate sewage disposal capability or because of awkward design, slope, terrain or other environmental considerations shall be prohibited.
- 2.1.1.8 Land in the Rural Residential designation shall have a 0.6 hectare (1.5 acre) average lot size and a density of one dwelling per lot, with provisions for one additional dwelling in the form of a cottage on lots over 1.2 hectares (3 acres) in area. Specific zoning regulations may be considered for lots with pre-existing dwellings or cottages.
- 2.1.1.9 Larger lots and/or increased setback requirements shall be required where Rural Residential areas abut areas suitable for agriculture as a means to minimize conflicts between rural residential and agricultural land use activity.
- BL 216 2.1.1.10 Secondary suites may be permitted within principal dwellings with the intent of providing long term rental housing options for residents. A maximum of one secondary suite, limited in floor area, shall be permitted per lot.

2.1.2 RURAL LAND USE

Background

There were approximately 300 lots which were wholly or partially designated Rural in 2004. Nineteen of these lots are 8 hectares (20 acres) or more in area and may be subject to future subdivision.

Rural lands contribute to the island's working landscape, providing resources such as agriculture and forestry, and also play a major role in providing the community's rural setting. Rural lands also may contain environmentally sensitive areas and habitat for at-risk species. By virtue of their size and composition, rural lands play a key role in water catchment, aquifer recharge and providing essential water to the island.

Rural Objectives

- 1) To promote the retention of large parcels of land for scenic, aesthetic and natural resource values and long term rural use.
- 2) To support and promote the working landscape for sustainable agriculture and woodlot management.
- 3) To preserve the opportunity for a rural lifestyle.
- 4) To preserve natural features and environmentally sensitive areas.

Rural Policies

2.1.2.1 The principal uses on lands in the Rural land use designation shall be residential and agricultural.

BL 203 2.1.2.2 Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use except where authorized by a Temporary Use Permit.

BL 203 2.1.2.3 Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage.

2.1.2.4 The Rural designation shall have a 4 hectare (10 acre) average lot size and a density of one dwelling per lot, with provisions for one additional dwelling in the form of a cottage on lots over 1.2 hectares (3 acres) in area. Specific zoning regulations may be considered for lots with pre-existing dwellings or cottages.

2.1.2.5 Despite policy 2.1.2.3 above, the Local Trust Committee may give consideration to applications to rezone lots to permit a second dwelling for the purposes of encouraging clustering and retaining rural lots for agricultural and forestry uses. Any such application is subject to the following criteria:

- a) The proposal is limited to one additional dwelling and one additional cottage, for a maximum density of two dwellings and two cottages.
- b) The lot is at least 8 hectares (20 acres) in area.
- c) The lot is rezoned to permit no subdivision.

BL 182

- d) Prior to approval, the Local Trust Committee should satisfy itself that any relevant land use issues are addressed, including, but not limited to, slope stability, potable water, septic disposal capability, appropriate clustering, environmental impacts, visual impacts, archaeological resources, climate change impacts and the cumulative impacts of such applications on the availability of future housing.

BL 182

- e) The Local Trust Committee may give consideration to permitting the dwellings to be attached where energy savings can result.

BL 182

2.1.2.6 Lot clustering as a means to preserve large remainder lots for rural land use, to reduce emissions or preservation of the environmentally sensitive areas should be encouraged through the use of minimum and average lot sizes and through applicable development permit area guidelines.

2.1.2.7 The sustainable agricultural use of rural land should be encouraged and regulations should not restrict or inhibit sustainable farming.

2.1.2.8 The Local Trust Committee may consider applications to permit accessory campgrounds upon application by the landowner. The Local Trust Committee should consider the following criteria in assessing any application to permit an accessory campground:

- a) Small scale campgrounds may be considered by application for a temporary commercial use permit or by application for rezoning as a site specific accessory use on larger properties in the Rural designation.
- b) Applications may also be considered on large lots in the Agricultural designation as agri-tourist accommodation, subject to the policies specific to that land use designation.
- c) Applications should be for accessory, small scale, low impact campgrounds, primarily oriented to tent camping, without individual power and water hook-up.
- d) Applications for large scale campgrounds and facilities that would have all, or a majority of the sites, designed to accommodate recreational vehicles will not be considered.
- e) Preference should be given to applications on lots 4 hectares (10 acres) or larger in area. Applications involving lots with an area less than 4 hectares (10 acres) may be considered where the circumstances of the site and the application would result in compliance with all applicable criteria.

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- f) Accessory campgrounds should not include retail commercial uses and structures should be limited to tables, picnic and cooking areas and necessary water and septic facilities.
- g) In assessing an application to permit a campground, the Local Trust Committee should determine that the site is suitable for the proposed use. The applicant should demonstrate that there is an adequate supply of potable water, appropriate sewage disposal facilities, adequate fire suppression measures, provision for on-site management, safe access, sufficient parking and a site layout in which the individual sites are well screened and adequately separated.
- h) In assessing any application, the Local Trust Committee should consider any potential impacts on neighbouring land uses, traffic patterns, environmentally sensitive areas and at-risk species and their habitats and the cumulative impact of campgrounds on the community. Applications should be referred to applicable agencies for comment, including the Fire Chief.
- i) Approval of an application to permit an accessory campground should include measures to ensure that accommodation is temporary and short term only.
- j) If the parcel subject to the application may be subdivided in the future, the Local Trust Committee should consider the appropriateness of the proposed campground in relation to any potential subdivision layout and may consider provisions restricting or regulating future subdivision while the campground use is permitted or the campground is operating.
- k) The Local Trust Committee should consider an appropriate combination of site-specific zoning regulations, rezoning to a new zone, temporary use permits, designation as a development permit area and Section 219 covenants in the implementation of this policy.
- l) The Local Trust Committee may consider requiring development information for any application through adoption of a development approval information bylaw.
- m) Campgrounds which would be the principal use on a property should only be considered by application to re-designate and rezone the property to an appropriate commercial accommodation land use designation and zone. Such an application shall be consistent with all relevant commercial accommodation policies.

2.1.2.9 Secondary suites may be permitted within principal dwellings with the intent of providing long term rental housing options for residents. A maximum of one secondary suite, limited in floor area, shall be permitted per lot.

BL 216

## 2.1.3 HOME BASED BUSINESS AND HOME INDUSTRY



Photo: Islands Trust

Background

Home Based Business and Home Industry play a significant role in the island's economic welfare, providing opportunities for employment together with products and services that may not otherwise be available from existing commercial or industrial enterprises. In 2001, nearly 200 residents worked from home, approximately one in three residents who were part of the labour force. Home Based Business uses are commercial uses that are accessory to a residential use; Home Industry uses are industrial uses that are accessory to a residential use. Home Industry can provide significant economic value and benefit to the community and, where consistent with the goals and principles of this plan, is an appropriate use on larger rural lots.

Home Based Business and Industry Objectives

- 1) To permit Home Based Business as a means of promoting self-sufficiency and economic opportunities that are compatible with the conservation of resources and the protection of community character.
- 2) To regulate Home Based Business by managing impacts as well as regulating use.
- 3) To permit Home Industry as an appropriate accessory use on larger lots as a means of promoting self-sufficiency and economic opportunities that are compatible with the conservation of resources and the protection of community character.
- 4) To regulate Home Industry in order to limit the impacts of the use.

Home Based Business Policies

- 2.1.3.1 Home Based Business shall be permitted as secondary to a principal residential use only.
- 2.1.3.2 Home Based Business shall not cause significant adverse impacts to adjacent properties or to the environmental quality of the island and shall be managed in cooperation with other agencies having jurisdiction through the regulation of screening, noise control, odour emission, traffic generation, water consumption and waste removal.
- 2.1.3.3 Parking of vehicles for the benefit of a home based business shall not interfere with the use and enjoyment of public roads or neighbouring properties.
- 2.1.3.4 Sales of craft items and other products made on the premises and the provision of services shall be permitted from the home. Products secondary to a service may also be sold from the home.
- 2.1.3.5 Direct sale of products manufactured elsewhere and/or not secondary to a service shall not be permitted at the vendor's home.

Home Industry Policies

- 2.1.3.6 Home Industry should be permitted as a use accessory to a principal residential use on lots 2 hectares (5 acres) or larger in the Rural and Agricultural designations.
- 2.1.3.7 Regulations should ensure that the owner or operator of the Home Industry use is resident on the property.
- 2.1.3.8 Home Industry uses should be limited to small scale manufacturing and/or processing.
- 2.1.3.9 The regulation of Home Industry as an accessory use should address the following factors:
  - a) parking
  - b) number of employees on a lot
  - c) number of Home Industries on a lot
  - d) area used for a Home Industry
  - e) direct sales
  - f) noise
  - g) setbacks and screening
  - h) use of groundwater water
  - i) septic disposal
  - j) potential soil and water contamination
  - k) lighting and signage
  - l) waste disposal
  - m) hours of operation

## 2.2 AGRICULTURAL LAND USES



Photo: Islands Trust

Background

In British Columbia, the *Agricultural Land Commission Act* established the Agricultural Land Commission to "preserve agricultural land, encourage the establishment and maintenance of farms and the use of land in an agricultural land reserve compatible with agricultural purposes". The Islands Trust endorses this protection and supports the intent of the *Agricultural Land Commission Act*.

The Agricultural designation encompasses lands within the Agricultural Land Reserve (ALR) and includes lands where soil conditions and topography have created areas suitable for agriculture. Agricultural land may be used for growing, rearing, producing and harvesting agricultural products, including trees, and the processing of primary agricultural products harvested, reared or produced locally, and the repair of farm machinery and implements used in local farming. As of 2005, there were 358 hectares (886 acres) of land on North Pender in the Agricultural designation. According to the 2001 census there were 29 farms on North Pender, with an average area of 26 hectares (65 acres); much of the land used for farming is not in the ALR or Agricultural land use designation.

Farming has traditionally been an important activity on North Pender Island. Today, many of the original large farms have been subdivided into smaller parcels which are still viable for agriculture. The preservation, protection and encouragement of farming, the sustainability of

farming, and the relationship of farming to other land uses shall be a priority in land use decisions.

Agriculture Objectives

- 1) To recognize and protect the "right to farm" as provided for in the *Farm Practices Protection Act*, subject to the other provisions of this OCP.
- 2) To balance the preservation of environmentally sensitive areas and at-risk species and their habitats with agricultural best practices.
- 3) To support initiatives that protect agricultural land and that maintain farmland in active production.
- 4) To identify and protect land suitable for agricultural uses.
- 5) To support public organizations promoting agriculture.
- 6) To support efforts of producers to supply a local food source.
- 7) To support farming as an important traditional land use, lifestyle and livelihood on North Pender Island.
- 8) To support the economic viability of farms without compromising the agricultural land capability.
- 9) To preserve agricultural land, to limit the non-farm use of agricultural land, and to prevent the conversion of agricultural land to uses that may degrade or impair the land's long-term agricultural potential or productivity.
- 10) To accommodate a level and type of residential use on agricultural land that is consistent with farming.
- 11) To protect farmland as a resource for agriculture, a source of heritage, and a distinct landscape defining the community without impairing agricultural change in response to changing conditions.
- 12) To increase public awareness of farming practices and the importance of agriculture.
- 13) To support organic farms and other ecologically sound farming practices.
- 14) To ensure that uses along ALR boundaries are compatible with farming.

Agriculture Policies

- 2.2.1 The "right to farm" shall be respected by not permitting land use on adjacent, or nearby properties that could adversely affect farming activities and by requiring buffers and/or setbacks on the adjacent properties.
- 2.2.2 The average parcel size on land within the Agricultural designation shall be 16 hectares (40 acres) and density shall be limited to one dwelling and one cottage per

ADOPTED

parcel. Applications to the ALC for subdivision that are consistent with average parcel size may be supported.

- 2.2.3 Removal of soil suitable for agricultural purposes from a parcel may be prohibited.
- 2.2.4 Roadside stands, small scale marketing and processing, and agricultural education and research shall be permitted uses.
- 2.2.5 The Local Trust Committee may consider zoning regulations permitting additional accommodation for farm help, provided the accommodation is necessary for farm purposes, provides cooking and washing facilities, and is temporary in nature, limited in size, and consistent with the recommendations of the Regional Agrologist.
- 2.2.6 Pursuant to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, aggregate extraction of a volume less than 500 m<sup>3</sup> per parcel should be permitted.
- 2.2.7 Subject to local government jurisdiction, commercial use of airstrips and heli-pads should be prohibited.
- 2.2.8 The Local Trust Committee may consider regulating greenhouses, land-based aquaculture facilities, and pet boarding and breeding facilities in order to limit and mitigate the impacts of these uses on groundwater, the environment and surrounding properties, provided the regulations are consistent with provincial legislation and regulations.
- 2.2.9 Subdivision regulations should prohibit severance of agricultural land by linear developments, such as roads and utility corridors.
- 2.2.10 Applications to include land in the ALR should be supported.
- 2.2.11 No consideration may be given to applications to rezone land within the Agricultural designation that would result in the transfer of density.
- 2.2.12 Except where specifically authorized elsewhere in this plan, consideration may not be given to applications to rezone land within the Agricultural designation that would result in an increase in density.
- 2.2.13 The Local Trust Committee should not support applications to the ALC for non-farm use, except where it can be demonstrated that the proposed non-farm use would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the land, and the proposed non-farm use is consistent with zoning or a policy in this plan.
- 2.2.14 The Local Trust Committee supports the preservation and maintenance of the island's agricultural land base and applications for exclusion of land from the ALR will not be considered.
- 2.2.15 When it considers rezoning applications that are not related to farming, the Local Trust Committee will ensure that the proposed new use will not reduce the quality and quantity of water for farming and the proposed new use should not result in

either a decrease or an increase in water flows onto to, or from, adjacent agricultural land. Rezoning applications which might affect farmland will be referred to the Regional Agrologist for comment.

- 2.2.16 When it considers rezoning applications for land that borders agricultural land, the Local Trust Committee will ensure that zoning changes are not made in a way that would have a negative effect on farming and the applicant may be required to provide qualified professional advice on the potential impacts on farming.
- 2.2.17 Zoning changes should not be considered that would allow multi-family, industrial, institutional or commercial developments in the Agriculture designation except for agri-tourist accommodation which is accessory to a working farm operation.
- 2.2.18 The Local Trust Committee may consider the regulation of the placement and removal of fill to protect the natural environment, including significant waterfowl habitat, and where possible, to preserve, maintain, and enhance soil for agricultural purposes.
- 2.2.19 The Local Trust Committee may consider regulating agri-tourism activities.
- 2.2.20 Agri-tourist accommodation may be permitted as the equivalent of bed and breakfast accommodation. The Local Trust Committee may consider applications for rezoning or temporary use permit that would permit agri-tourist accommodation providing for more than 3 units, provided that:
- a) the use is accessory to working farm operations;
  - b) the use is on agriculturally designated land that is in the ALR; the application is consistent with ALC policies;
  - c) the working farm will continue in operation and will not be adversely affected;
  - d) potable water of sufficient quantity for both farming and non-farming use is available;
  - e) sewage disposal facilities are suitable;
  - f) on-site parking is adequate;
  - g) the impact of increased traffic on adjacent roadways is considered;
  - h) the environmental and climate change impact of the proposal is considered;
  - i) and the impact on adjacent properties is addressed.
- 2.2.21 The Local Trust Committee may consider temporary commercial use permit or rezoning applications to permit accessory campgrounds as agri-tourist accommodation. In addition to the criteria established in policies 2.2.20 and 2.1.2.7 (Rural Land Use), applications for accessory campgrounds in this designation shall not exceed 10 campsites, campsites and indoor units shall be considered equivalent for purposes of density and applications should comply with relevant Agricultural Land Commission policies.
- 2.2.22 The Local Trust Committee may consider an amendment to this plan to designate land as a development permit area for the protection of farming with the intent of ensuring effective buffering and other measures between farming and other uses.

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## ADOPTED

- 2.2.23 The Local Trust Committee shall consider the appointment of an additional Advisory Planning Commission to advise the Local Trust Committee on specific issues and initiatives relating to agriculture. This APC should be asked to examine the role of agriculture and food supply in creating sustainable communities and to make recommendations to the LTC on any changes to its policies or regulations.
- 2.2.24 The Local Trust Committee may undertake or support an initiative to identify properties not currently in the ALR and Agricultural designation but which have agricultural potential and are primarily used for farming, so that these properties may be protected for future agriculture.
- 2.2.25 Where there is a potential for conflict related to the regulation of agriculture and environmental protection, the Agricultural Land Commission and the Ministry of Agriculture and Lands and the Ministry of Environment shall be consulted.

### Advocacy Policies

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- 2.2.26 Secondary suites may be permitted within principal dwellings with the intent of providing long term rental housing options for residents. A maximum of one secondary suite, limited in floor area, shall be permitted per lot.
- 2.2.27 The Local Trust Committee will encourage partnerships with the farming community, senior governments and private enterprise to promote development of the agricultural sector.
- 2.2.28 The Local Trust Committee will support application of the Canada-BC Environmental Farm Plan Program.
- 2.2.29 The Local Trust Committee will support creation of a land-for-lease program for landowners to identify themselves to farmers wishing to lease farmland.
- 2.2.30 Landowners are encouraged to avoid the use of pesticides, herbicides and fungicides. If used, pesticides, herbicides and fungicides should be applied in a manner that avoids damage to adjoining lands and drainage areas.
- 2.2.31 Production methods should be selected to maintain soil quality and to ensure surface and groundwater recharge areas are not contaminated by agricultural activities.
- 2.2.32 Pre-purchase of crops, co-ops and local farmers markets are encouraged as a means to support the island farm economy.
- 2.2.33 Physical barriers, including fencing and appropriate indigenous vegetation are encouraged to restrict access by farm animals to water courses.
- 2.2.34 Amalgamation of lots and limiting the subdivision of agricultural land is encouraged.
- 2.2.35 Collection of rainwater for irrigation purposes is encouraged.
- 2.2.36 Sound environmental practices shall be encouraged in accordance with current best practices. Landowners and farmers are encouraged to preserve and protect

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seasonally flooded agricultural fields, which are considered an important ecosystem providing resting and feeding opportunities for migratory bird species.

- 2.2.37 The Local Trust Committee may request that the Subdivision Approving Officer consider the effect of any proposed subdivision on farming, and if the proposed subdivision is within or adjacent to agricultural land, and require the applicant to provide an examination and report on the proposed subdivision to address any potential conflict with farming.
- 2.2.38 The Local Trust Committee will work with the local farming community and relevant agencies to support and develop an appropriate signage program for agri-tourism on North Pender Island.

## 2.3 COMMUNITY SERVICE LAND USES

### Background

North Pender is well served by facilities for health care, education, public protection, and community and social services. Most facilities are provided through the voluntary initiatives of members of the community. Residents value maintaining a diverse community able to accommodate people of varying ages, income and abilities. In order to achieve this, the community may need to explore options for ensuring housing for working people, young families, seniors and those who have special needs. Currently, seniors housing is provided at Plumtree Court, which is owned and operated by the non-profit Pender Islands Seniors Housing Society.



Photo: Islands Trust

### Community Service Objectives

- 2) To ensure that North Pender Island is a healthy community with residents working together to improve the quality of life.
- 3) To facilitate community services that meet the social and physical needs of the community.
- 4) To support community facilities through efforts of community members.
- 5) To ensure that all community service facilities are accessible to all members of the community.
- 6) To permit a range of housing options without detracting from the rural character of North Pender Island.

Community Service Policies

- 2.3.1 Preference shall be given to applications involving community service facilities that will be located close to the school and medical centre, the library, the Driftwood Centre and the fire stations.
- 2.3.2 Regulations shall require that adequate parking facilities be provided in any expansion of existing public facilities or in the development of new facilities.
- 2.3.3 Land acquired or dedicated for public service use may be zoned for public service use within any land use designation except the Agricultural designation or zone.

Community Service Advocacy Policies

- 2.3.4 Development of recreational and cultural facilities to serve the needs of all groups within the island community, including people with special needs, is encouraged.
- 2.3.5 Public service facilities shall be for the Pender Islands only.
- 2.3.6 The North Pender Island Local Trust Committee should support and encourage efforts to expand or improve the electronic communications on the island in order to reduce the need to travel.

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Seniors Housing Policies



Photo: Islands Trust

- 2.3.7 The LTC will support efforts by organizations or agencies to conduct a seniors housing needs assessment within the community.
- 2.3.8 Applications for rezoning to a higher density than permitted by current zoning may be considered within the Rural Residential and Rural land use designations, subject

to the other policies in this plan, where the application would result in the provision of seniors housing.

- 2.3.9 Any additional density greater than that permitted by current zoning shall be in the form of units reserved exclusively for occupancy by seniors.
- 2.3.10 Any application should include an assessment demonstrating the need for the proposed type and number of seniors housing units in the community.
- 2.3.11 The number of units should not exceed the number identified as needed for the community by a seniors housing needs assessment.
- 2.3.12 Any application should result in units being located on land suitable for development, including in areas with modified ecosystems, accessible to existing services and on reasonably level terrain.
- 2.3.13 Developments should be encouraged to incorporate water conservation measures and energy efficient building design elements.
- 2.3.14 Applications may take the form of any of a range of housing options from fully independent units to supportive care.
- 2.3.15 Applications may involve units in the form of clustered detached dwellings, duplexes or attached ground-oriented housing.
- 2.3.16 Applications may include the provision of units through, public agencies or not-for-profit organizations.
- 2.3.17 Applications shall include provision of a housing agreement limiting occupancy of the dwellings to seniors. Such a housing agreement may also include provisions limiting rental, lease, sale or share prices of the units.
- 2.3.18 The Local Trust Committee may consider requiring development information for seniors housing rezoning applications through adoption of a development approval information bylaw.

Seniors Housing Advocacy Policies:

- 2.3.19 The Local Trust Committee will encourage agencies, organizations and ministries to support or undertake efforts that would allow seniors to remain in their own homes as long as possible.

Affordable Housing Policies

- 2.3.20 Applications for rezoning to a higher density than permitted by current zoning may be considered within the Rural Residential or Rural land use designations, subject to the other policies in this plan, if the application would result in the provision of affordable housing and a housing agreement.
- 2.3.21 Any additional density greater than that permitted by current zoning shall be in the form of units reserved exclusively for occupancy as affordable housing.

- 2.3.22 Applications for rezoning to a higher density to permit affordable housing may involve units in the form of clustered detached dwellings, duplexes or attached ground-oriented housing.
- 2.3.23 Zoning should regulate the density, size and siting of units in order to maintain rural residential character.
- 2.3.24 The form and character of any development may be controlled through designation as a development permit area or through the granting of a covenant.
- 2.3.25 Developments shall be encouraged to incorporate water conservation measures and energy efficient building design elements.
- 2.3.26 Applications for affordable housing shall include provision of a housing agreement ensuring that rental, lease, sale or share prices are fixed below average rates within the region.
- 2.3.27 Applications for affordable housing may also include provisions in the housing agreement limiting occupancy of the dwellings to rental, lease, co-housing or cooperative tenure.
- 2.3.28 Rezoning applications may be considered that would permit the creation an additional fee simple lot where one affordable dwelling is to be constructed by a non-profit organization on that lot.
- 2.3.29 All applications for affordable housing shall site development on land with modified ecosystems and the development shall be in proximity and accessible to existing roads and services.
- 2.3.30 The Local Trust Committee may consider requiring development information for affordable housing applications through adoption of a development approval information bylaw.
- 2.3.31 The Local Trust Committee will encourage multi-family rental dwellings that are limited to residential rental tenure.
- 2.3.31 Zoning should regulate the density, size and siting of multi-family rental dwelling units in order to maintain rural character.
- 2.3.32 Developments shall be encouraged to incorporate water conservation measures and energy efficient building design elements.
- 2.3.33 Applications for rezoning to a higher density to permit multi-family dwelling units may only be supported by the Local Trust Committee if there is adequate quality and quantity of freshwater.
- 2.3.35 Multi-family rental dwellings should be located in close proximity and accessible to existing roads, transportation and services.

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## 2.4 COMMERCIAL LAND USES



Photo: Islands Trust

Background

The location of commercial-zoned properties on North Pender is due more to historical factors than to any deliberate planning efforts. In 1976, when the Official Community Plan came into effect, properties on which commercial ventures were already located were given commercial designation. At that time commercial activity was encouraged to locate next to existing commercial development at Hope Bay, Port Washington, and in an area within or adjacent to Magic Lake Estates. Development of a dominant core was not encouraged.

The Driftwood Service Centre incorporating a restaurant and some small retail space was selected as the site for the B.C. Liquor Store and the Post Office. A subsequent rezoning allowed for the addition of other stores.

Other commercial ventures that developed since the mid-1970's include the retail services at the entrance to Magic Lake Estates, along Port Washington road and the reconstruction of the retail and office services located at Hope Bay dock.

The amount of tourist-commercial designated and zoned property has not increased since the mid-1970's. At present there are 8 such properties. In 1991 the number of accommodation units permitted per acre was reduced to prevent large scale resort developments and in 1999 the Land Use Bylaw established site-specific zoning regulations for retail uses and tourist accommodation unit densities. The current zoning would permit 208 commercial guest accommodation units; as of 2005, 58 have been developed.

Commercial Objectives

- 1) To encourage on-island commercial enterprises and minimize reliance on off-island travel.
- 2) To provide for economic opportunities that are compatible with conservation of resources and protection of community character.
- 3) To ensure that commercial development does not adversely affect rural character and lifestyle.
- 4) To protect the character and integrity of quiet residential and rural neighbourhoods.
- 5) To prevent strip development.
- BL 182 6) To ensure that commercial establishments provide adequate parking facilities and meet the requirements for a broad range of transportation options.
- BL 182 7) To maintain the pattern of dispersed small scale commercial enterprises throughout the island where proximity to residential populations can limit or reduce the need for vehicle trips.
- 8) To preserve heritage commercial buildings.

General Commercial Policies

- 2.4.1 Commercial development shall be small scale, low density business enterprise designed to meet the needs of residents and visitors.
- 2.4.2 Priority may be given to new or additional commercial ventures in the following locations:
  - a) on the Commercially designated and zoned lands at the Driftwood Centre;
  - b) by application to rezone the remainder of the commercially designated lot at Schooner Way and Wallace Road;
  - c) by application to rezone the commercially designated land on Port Washington Road;

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

- 2.4.3 Commercial accommodation or retail commercial centres in the Agricultural Land Reserve will not be permitted except for agri-tourist accommodation which is accessory to a working farm operation.
- 2.4.4 Applications for commercial rezoning must prove adequate water supply and waste disposal capability for both present and projected needs.
- 2.4.5 Commercial proposals which would have significant deleterious effects on adjacent land uses will not be permitted.

- 2.4.6 Strip development of commercial businesses shall be prohibited-through the implementation of appropriate development permit area guidelines.
- 2.4.7 New buildings are encouraged to comply with Silver, Gold or Platinum LEED Rating System standards.
- 2.4.8 New buildings are encouraged to incorporate water conservation measures, including rainwater catchment systems
- 2.4.9 Parking and storage areas should be suitably screened to maintain the rural character of the area.
- 2.4.10 In order to manage stormwater and drainage on-site, parking areas should utilize porous or permeable surfaces and impervious surfaces should be minimized. Swales and open ditches should be used rather than curb and gutter systems.
- 2.4.11 Preservation of the store at Port Washington will be encouraged because of its heritage character.
- 2.4.12 Destination gaming facilities, such as casinos and commercial bingo halls shall not be permitted.
- 2.4.13 Marinas shall be regulated to ensure the compatibility of the location, size and nature of the marinas with ecosystems and the character of the area, and should be required to provide marine pump-out services.

Tourist Commercial Policies

- 2.4.14 Tourist oriented or commercial recreational activity shall not be permitted as a principal use on lands suitable for agriculture or in hazardous or environmentally sensitive areas.
- 2.4.15 Commercial campgrounds for the temporary accommodation of island visitors shall be permitted provided they reflect the rural character of the island.
- 2.4.16 The Local Trust Committee will support efforts to develop a tourism plan that provides for mutual benefits for the community and for visitors, promotes an economically diverse community and that is compatible with the conservation of resources and the protection of community character and values.
- 2.4.17 No consideration may be given to applications to increase density or to transfer density in the commercial designations without amending this plan.
- 2.4.18 The Local Trust Committee may give consideration to regulations increasing the maximum permitted floor area of individual commercial guest accommodation units, provided there is no net increase in the total floor area permitted in each location.
- 2.4.19 Regulations should limit the residential use of commercial guest accommodation units.

ADOPTED

- 2.4.20 Regulations should require that on-site staff accommodation is provided for larger commercial guest accommodation developments.

2.5 INDUSTRIAL LAND USES

Background

Five parcels of land on North Pender are currently zoned for industrial use. Several adjacent areas are designated for industrial use but are not currently industrially zoned.

Industrial Objectives

- 1) To encourage on-island industrial enterprises that do not adversely affect rural character and lifestyle.
- 2) To limit industrial development to specific areas of the island.
- 3) To prevent strip development.
- 4) To ensure that any industry is sited to minimize adverse effects upon neighbouring properties.

Industrial Policies

- 2.5.1 Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.
- 2.5.2 Priority may be given to the following locations for new or additional industrial development:
- a) by application to rezone the industrially designated land on Port Washington Road;
- The Local Trust Committee may consider requiring development information for industrial rezoning applications through adoption of a development approval information bylaw.
- 2.5.3 Industrial activity shall not be permitted in areas suitable for agriculture, or in hazardous or environmentally sensitive areas.
- BL 182 2.5.4 Applications for industrial rezoning must prove sustainable water supply and waste disposal capability, and include provision for remediation of any existing contamination, and in reviewing any application for new industrial uses, the local trust committee should consider potential climate change impacts.
- 2.5.5 Strip development of industrial businesses shall be prohibited through the implementation of appropriate development permit area guidelines.
- 2.5.6 Industrial activity, parking and storage areas should be screened.
- 2.5.7 Marine industrial activities that would damage or adversely alter the foreshore shall be prohibited.

## 2.6 CONSERVATION AREAS, NATIONAL PARKS COMMUNITY RECREATION AND FUTURE PARKS

Background

Scenic qualities provide a rural setting and pleasant pastoral views throughout North Pender Island. Voluntary stewardship of land is the primary means by which this feature of island living is maintained. Protection of environmentally sensitive areas and at-risk species and their habitats and significant natural sites is a fundamental Islands Trust policy.

Public recreation amenities on the island include trails and foot paths, parks, a golf course, a disc golf course, school grounds, shoreline access and viewing areas. Some sites provide an opportunity to enjoy the natural environment while others provide more developed recreational facilities. Parks Canada is a major land-holder, with significant land area on North Pender located within the Gulf Islands National Park Reserve. Prior Centennial Campground, part of the Gulf Islands National Park Reserve, provides 17 campsites on a 15.5 hectare (38.4 acre) parcel. Other parks, including community parks, may be obtained through land dedication at time of subdivision. These park sites are held by the Crown and can remain as natural areas in perpetuity; most park sites are administered by the Pender Islands Parks Commission as community parks.



Photo: Islands Trust

Conservation Areas, National Parks, Community Recreation and Future Park Objectives

- 1) To retain a rural appearance through the preservation of agricultural lands, ecological reserves, parks and natural areas.

## ADOPTED

- 2) To facilitate retention of large parcels and promote voluntary stewardship of those lands in keeping with the rural character of the island.
- 3) To identify and protect environmentally sensitive areas and at-risk species and their habitats and other significant natural sites, features and landforms.
- 4) To plan, establish and maintain a network of protected areas that preserve representative ecosystems and maintain their ecological integrity.
- 5) To promote ecological values.
- 6) To designate the location and type of future parks.
- 7) To work cooperatively with Parks Canada, the Pender Islands Parks Commission and conservancy groups in advancing the goals of this plan.

### Conservation Areas, National Parks, Community Recreation and Future Park Policies

- 2.6.1 Preservation of land as open space, ecological reserves or natural areas will be supported through land use regulation, lot clustering, development permit area designation, the granting of covenants and by public acquisition through land dedication or conveyance to appropriate conservation agencies.
- 2.6.2 Land acquired or dedicated as park or as a conservation area should be designated appropriately on Schedule 'B' of this plan and zoned accordingly.
- 2.6.3 Lands located within the Gulf Islands National Park Reserve should have a separate designation on Schedule 'B' of this plan and should be zoned appropriately, recognizing that the Local Trust Committee has no jurisdiction over federal land.
- 2.6.4 The Local Trust Committee will work with Parks Canada to address community impacts arising from the establishment of the Gulf Islands National Park Reserve.
- 2.6.5 The Local Trust Committee may consider regulations to mitigate the impacts of development on park lands or conservation areas.
- 2.6.6 Dedication of land, rather than cash-in-lieu, shall be required on lands identified on Schedule "D" of this plan where parkland dedication is required at the time of subdivision, as authorized by the Local Government Act.
- 2.6.7 The Local Trust Committee will identify locations that are a priority for the creation of pedestrian walkways, linear parks and trails, cycling paths and trails, pull-outs and lay-bys, and public ocean accesses in cooperation with other agencies and community groups.
- 2.6.8 The Local Trust Committee will, in cooperation with community groups and other agencies, identify and protect environmentally sensitive areas and at-risk species and their habitats.

- 2.6.9 The Local Trust Committee will, in cooperation with community groups and other agencies, undertake planning for the establishment and maintenance of a network of protected areas.

Advocacy Policies

- 2.6.10 Land dedicated or acquired as park land should be maintained as an ecological reserve or natural area (which may have walking trails) if the site provides a special natural feature, wetland characteristic, wildlife habitat, scenic or archaeological value.
- 2.6.11 Land dedicated or acquired as park land should be maintained as a community recreation park if the site is:
- a) not appropriate for protection as an ecological reserve or natural area;
  - b) not of historic or archaeological significance;
  - c) contributing to a network of walking trails.
- 2.6.12 Development of trails and creation of pedestrian and bicycle paths along a public right of way shall be encouraged.
- 2.6.13 The Ministry of Transportation shall be requested to allocate sufficient space within a road right of way to allow for the development of pedestrian and bicycle paths separate from vehicular traffic and to construct such paths should the opportunity present itself.
- 2.6.14 The Capital Regional District shall be requested to ensure that cash paid in lieu of park dedication at the time of subdivision within the North Pender Island Local Trust Area shall be administered for the benefit of the North Pender Island Local Trust Area.
- 2.6.15 The Local Trust Committee will request, in cooperation the Pender Islands Parks Commission and the CRD, that the Ministry of Transportation maintain public accessibility to ocean accesses.

PART 3 SERVICES

3.1 TRANSPORTATION SERVICES

BACKGROUND

Schedule "E" establishes the approximate location and type of present transportation requirements in conjunction with the objectives and policies and other map schedules of this plan.

3.1.1 Water Transport

Background

The principal water transportation system serving North Pender Island is provided by B.C. Ferry Services Inc. which maintains regular daily sailings from Otter Bay to Swartz Bay, Tsawwassen, Salt Spring, Galiano, Mayne and Saturna Islands. Water taxi services are available. North Pender Island secondary school students travel daily by water bus to the high school on Salt Spring Island or by ferry to Sidney.

There are three marinas - Otter Bay Public Marina, Port Browning Public Marina and Thieves Bay Marina, none of which are private yacht clubs - and several anchorages and sheltered bays. Boat launching ramps are located at Hamilton Beach, Wallace Point and Thieves Bay and government wharfs are located at Port Washington, Browning Harbour and Hope Bay.

Bulk sand and gravel and occasional special cargoes are also delivered by barge to Hamilton Beach.

Water Transport Objectives

- 1) To facilitate water transportation services and private marine craft access.
- 2) To prohibit any future use of marinas as private yacht clubs.

Water Transport Policies

3.1.1.1 One dock location for fuel barge or tanker traffic may be permitted, subject to provincial and federal environmental safety standards.

3.1.1.2 Use of marinas as private yacht clubs shall be prohibited.

3.1.1.3 Expansion of public and community dock lease or license areas only be considered through application for rezoning.

3.1.1.4 Regulations shall require adequate parking for boat launching facilities.

3.1.1.5 Permanent anchoring of floating camps or houseboats and residential use of any vessel moored or beached shall not be permitted, except for one marina caretaker residence.

Advocacy Policies

3.1.1.6 B.C. Ferry Services Inc. shall be requested to:

- a) provide an adequate level of service for the needs of residents;
- b) ensure that expansion of ferry services follows, rather than anticipates, demand;
- c) undertake efforts to reduce greenhouse gas emissions within its own operations, is encouraged to support lower fares for smaller vehicles, and to create and maintain facilities and services, including bicycle racks, supporting travel by means other than private automobile; and
- d) consider local input in decision-making and recognize that island residents and businesses are critically dependant upon an affordable ferry fare structure.

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3.1.2 Air Transportation

Background

Several aircraft landing sites including a private grass airstrip provide access to North Pender Island. A commercial service operates from Bedwell Harbour on South Pender on request. Float planes can also berth at Port Browning, Hope Bay, Port Washington, Shingle Bay, and Otter Bay. A helicopter pad equipped with night lighting adjacent to the private airstrip is used by the B.C. Air Ambulance Service.

The air space above North Pender Island is part of a major flight corridor regulated by Transport Canada for aircraft travelling between Victoria and Vancouver.

Air Transportation Objectives

- 1) To ensure safe and convenient access by air.

Air Transportation Policies

3.1.2.1 Applications to expand wharves to allow for additional moorage space for float planes will not be supported.

Advocacy Policies

3.1.2.2 The establishment of a second emergency helicopter night landing pad will be supported.

3.1.2.3 Expansion of the existing private airstrip is not considered compatible with the rural character of the island.

3.1.2.4 The Local Trust Committee shall request Transport Canada to prohibit aircraft noise and routing that affects the North Pender Local Trust Area.

3.1.3 Road Transportation

Background

BL 182

The development and maintenance of the island's road network is fundamentally connected to the pattern of land use and development and efforts should be made to balance transportation and safety needs with the goal of sustainable development.

There are school bus and taxi services in operation on-island.

Road Transportation Objectives

- 1) To protect the scenic beauty and rural character of the island's roadways.
- 2) To minimize the impacts of new roads on the rural character of the island.
- 3) To provide safe transportation routes that do not invite excessive speed.
- 4) To ensure safe access for emergency vehicles.
- 5) To create safe paths for pedestrians and cyclists.
- 6) To protect roads having heritage value.
- 7) To encourage and support alternative forms of transportation.

BL 182

Road Transportation Policies

3.1.3.1 The Local Trust Committee shall consider the appointment of an additional Advisory Planning Commission to advise the Local Trust Committee on specific issues and initiatives relating to community transportation.

BL 182

3.1.3.2 The Local Trust Committee will support initiatives to reduce auto-dependence, including, but not limited to, buses, mini-buses, carpooling, car-stops, neighbourhood zero-emission vehicles, paths and trails, car co-ops, electric vehicle plug-ins, and park-and-ride.

3.1.3.3 The Local Trust Committee will identify locations that are a priority for the creation of pedestrian walkways, linear parks and trails, cycling paths and trails, pull-outs and lay-bys, and public ocean accesses in cooperation with other agencies and community groups. Identification of such locations shall be subject to the protection of environmentally sensitive areas, at-risk species and their habitats, biodiversity and respect the integrity of farms.

Advocacy Policies

3.1.3.4 The Local Trust Committee will consult with the Ministry of Transportation regarding development of the major road pattern shown on Schedule "E" of this plan.

ADOPTED

- 3.1.3.5 The Local Trust Committee will request that the Ministry of Transportation ensure that construction of new roads conforms to the natural contours of the land.
- 3.1.3.6 The Local Trust Committee will request that the Ministry of Transportation ensure traffic safety by limiting speed and not by widening roads or constructing straighter roads.
- 3.1.3.7 The Local Trust Committee will request that the Ministry of Transportation reduce speed limits on roads designated for scenic/heritage value.
- 3.1.3.8 The Local Trust Committee will consult with the Ministry of Transportation concerning signs on, and adjacent to, highways.
- 3.1.3.9 The Local Trust Committee will consult with the RCMP on enforcement of speed limits.
- 3.1.3.10 The Local Trust Committee will request that the Ministry of Transportation ensure that new roads do not fragment environmentally sensitive areas and at-risk species and their habitats.
- 3.1.3.11 The Local Trust Committee will request that maintenance contractors retain as much roadside vegetation as is feasible.
- 3.1.3.12 The Local Trust Committee will request that the Ministry of Transportation consider provision of a second access to Magic Lake Estates.
- 3.1.3.13 The Local Trust Committee will request that the Ministry of Transportation develop a network of pedestrian walkways, cycling paths and trails, and public ocean accesses.
- 3.1.3.14 The Local Trust Committee will cooperate with the Pender Islands Parks Commission in the identification, designation and creation of linear parks and trails to connect residential areas and services.
- 3.1.3.15 The Local Trust Committee will request, in cooperation the Pender Islands Parks Commission and the CRD, that the Ministry of Transportation maintain public accessibility to ocean accesses.
- 3.1.3.16 It is the policy of the Local Trust Committee that North Pender Island should not be connected to Vancouver Island, the mainland or another island by a bridge or tunnel, notwithstanding the existing bridge between North and South Pender Islands.
- 3.1.3.17 The Local Trust Committee will support efforts to reduce automobile idling.

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### 3.2 WATER SYSTEMS

#### Background

North Pender has an average annual precipitation of approximately 75 cm (30 inches), 90% of which occurs in winter months. Quantity and quality suffers at other times.

There are three community water systems on North Pender Island: Magic Lake, Trincomali and Razor Point. Buck Lake Reservoir and Magic Lake Reservoir are treated domestic water sources for Magic Lake Estates. When full development of this subdivision occurs, Roe Lake may be required as an additional water source.

Lots outside of the community water systems are typically supplied by individual wells. Alternative or additional water supply systems, such as private residential desalination systems and the collection and storage of rainwater are also in use.

The location of the existing community water systems and water licences are shown on Schedule F.



Photo: Islands Trust

#### Water Systems Objectives

- 1) To ensure that a sustainable supply of potable water is available before any rezoning or subdivision is approved.
- 2) To support public education on water use and conservation.
- 3) To encourage alternative means to supply on-island drinking water.

- 4) To ensure water is available for fire fighting purposes.

Water Systems Policies

- 3.2.1 The Local Trust Committee shall regulate land use to protect groundwater resources and ensure that 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 groundwater.
- 3.2.2 Use and setbacks of buildings and other improvements shall be regulated to protect community wells.
- 3.2.3 Subdivision regulations shall establish that not less than 2045 litres/day/lot (450 gallons/day/lot), shall be proven available prior to subdivision approval, except in instances where there would be no increase in the density or intensity of use and all lots have an established supply of potable water.
- 3.2.4 Regulations may be considered requiring the installation of rainwater catchment systems in new construction.
- 3.2.5 To reduce the risk of flood damage, regulations shall require that all buildings be sited in accordance with best practices.
- 3.2.6 Regulations may be established to prohibit the use of desalination systems.
- 3.2.7 The Local Trust Committee may consider regulations requiring community water systems for new subdivisions
- 3.2.8 The Local Trust Committee may consider subdivision and servicing regulations requiring installation of water service for fire-fighting purposes.

Advocacy Policies

- 3.2.9 The Local Trust Committee shall:
- a) support a combination of local water supply systems;
  - b) support water conservation and education programs;
  - c) work to guarantee access to water supplies for fire-fighting purposes where appropriate.
- 3.2.10 The quality of domestic water supplies and community water systems should be monitored regularly. Use of water saving devices is encouraged.
- 3.2.11 The responsible agencies and ministries should be encouraged to:
- a) monitor the quantity and quality of water supplied from the groundwater systems;
  - b) administer well drilling activities and the tapping of watershed and aquifer resources;
  - c) establish limits on the number of wells authorized in relation to known water supply volumes

3.3 WASTE DISPOSAL

3.3.1 Sewage Disposal

Background

Sewage is disposed of through systems which conventionally include septic tanks and disposal fields. The Magic Lake Treatment Facility is the only engineered system on North Pender Island. This system involves sewage treatment, an ocean outfall, and sludge disposal.

Sewage Disposal Objectives

- 1) To ensure that sewage disposal facilities do not contaminate groundwater, drinking water sources, foreshore areas or marine environments.
- 2) To promote public education about sewage disposal systems.

Sewage Disposal Policies

- 3.3.1.1 The Local Trust Committee may consider regulations requiring community sewage disposal systems for new subdivisions.

Advocacy Policies

- 3.3.1.2 The Vancouver Island Health Authority shall be requested:

- a) to encourage alternative sewage treatment methods that minimize water consumption;
- b) to assess suspected contamination problems;
- c) to permit reuse and separate disposal of grey water.

3.3.2 Solid Waste Disposal

Background

Solid waste produced on North Pender Island is disposed of by collection and landfill, incineration, composting and recycling. Private contractors serve the Island and dispose of garbage at the Hartland Landfill on Vancouver Island. Incineration of cleared vegetation is a common practice on North Pender Island. Incineration of household garbage, building materials, and hazardous or toxic substances is prohibited by provincial and regional legislation.

Solid Waste Objectives

- 1) To ensure environmentally safe disposal of solid waste.
- 2) To encourage public education on waste reduction, recycling and safe methods of disposal.

Solid Waste Policies

- 3.3.2.1 Regulations shall permit the continued operation of an island location where waste can be taken for recycling.
- 3.3.2.2 The storage and disposal of hazardous and toxic wastes on North Pender Island shall be prohibited.
- 3.3.2.3 Regulations shall prohibit the use of land on North Pender Island as a landfill.

Advocacy Policies

- 3.3.2.4 Efforts shall be pursued to enhance education about reducing, reusing and recycling and protection of the environment through responsible waste management and consumer practises.
- 3.3.2.5 Chipping, mulching and composting of natural debris is encouraged.
- 3.3.2.6 The Local Trust Committee will support efforts to remove or remediate instances of existing contamination.
- 3.3.2.7 The Local Trust Committee supports the involvement of the Fire Department in operating and maintaining a permit system to regulate burning of appropriate materials.

PART 4 STEWARDSHIP OF RESOURCES

4.1 GROUNDWATER RESOURCES

Objectives

- 1) To implement land use planning that ensures the sustainable use of groundwater resources as a source of potable drinking water.
- 2) To ensure that the supply of groundwater on North Pender remains as a shared community resource that should not be used as a private commodity.
- 3) To ensure land use does not pollute the groundwater resources.
- 4) To ensure the best available information and science regarding the groundwater resources is utilized so water resources are preserved for current and future generations.

Surface and Groundwater Resources

Background

For a resource that is so widely used and vital to life, groundwater on North Pender Island is not only poorly understood, but is also subject to misconception. At one time, some islanders believed that North Pender's groundwater originated from Mount Baker in Washington State. It is now known that the source of all surface and groundwater on North Pender Island (as on the other neighbouring islands) is precipitation.

Groundwater levels rise in late fall and winter as a result of heavy precipitation, and decline in spring and summer from periods of drought. Low groundwater levels in summer are exacerbated by an influx of visitors to North Pender Island.

There are two distinct groundwater regimes<sup>1</sup> on North Pender Island. One exists in unconsolidated surficial deposits that overly bedrock. The second and increasingly exploited groundwater regime exists within the fractured, jointed and faulted sedimentary bedrock. A number of aquifers<sup>2</sup> exist on North Pender Island, including the Allison Fault. Fractured bedrock aquifers are complex and not easily understood, yet groundwater use on North Pender has increased dramatically over the past few decades. Sound land use decision making will ensure the resource is managed to sustain the integrity of the island ecosystems, residents and visitors.

Policies

- 4.1.1 The Local Trust Committee shall work with other agencies and the community in the implementation of a Groundwater Management Strategy. The Strategy should involve the following elements:

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<sup>1</sup> Groundwater regime refers to water below the land surface in a zone of saturation.

<sup>2</sup> Aquifer refers to a water-bearing geological formation capable of yielding sufficient water to meet a human demand.

- a) development of groundwater aquifer vulnerability mapping that identifies intrinsic aquifer susceptibility and land use hazards;
- b) identification of groundwater recharge areas and development of a sustainable groundwater yield model;
- c) recommended amendments to policy and regulations that would enhance the protection of groundwater from potential contamination and promote the sustainable use of the groundwater resource;
- d) assess the potential magnitude of groundwater demand under existing zoning and create a zoning framework to implement necessary changes to secure sustainable water resources; and
- e) develop a database of all wells on the island (existing, abandoned, etc.) that includes the location, age, depth, depth to water and other relevant parameters.

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- 4.1.2 Siting regulations and appropriate buffer areas will be established to ensure the protection of wetlands and watercourses.
- 4.1.3 Watersheds, wetlands, creeks and groundwater recharge areas shall be protected through regulation of land use. Vegetation removal in and adjacent to such features may be limited through the implementation of development permit areas.
- 4.1.4 Development which may contaminate or compromise the sustainability of surface or ground water resources shall not be permitted.
- 4.1.5 The Local Trust Committee may consider rezoning large lots with subdivision potential and sensitive watershed areas in order to limit development in sensitive areas and to cluster development in other parts of the lot, with no net change in density.
- 4.1.6 The precautionary principle should be applied with respect to the planning, utilization and protection of potable water supplies, so decision makers act with a conservative approach regarding the impacts of land use on water supplies.
- 4.1.7 Groundwater shall not be used as a commercial commodity or for heavy industrial use.
- 4.1.8 No piping of water from a source outside of the Bylaw area shall be permitted.

Surface and Groundwater Advocacy Policies

- 4.1.9 The Local Trust Committee encourages the regulation of groundwater use by:
  - a) licensing and well drilling permits; and
  - b) monitoring water quality and quantity.
- 4.1.10 Ponds for water storage are supported provided that there will be no adverse impact on natural water courses or nearby surface water supplies.

- 4.1.11 The Local Trust Committee encourages provincial agencies to regulate the practice of hydrofracturing of groundwater wells in order to protect the integrity of neighbouring wells and reduce occurrences of salt water intrusion.
- 4.1.12 Methods of water conservation such as low water use fixtures, low water use landscaping and gardens, collection and retention of rainwater in cisterns and other means shall be encouraged.
- 4.1.13 Use of chemical pesticides and herbicides in residential gardens shall be discouraged in order to protect water sources.

## 4.2 COASTAL AREAS

### Coastal Area Objectives

- 1) To protect sensitive coastal areas.

### Coastal Area Policies

- 4.2.1 Regulations should protect natural coastal processes from the impacts of development.
- 4.2.2 Ocean vistas may be protected by regulation.
- 4.2.3 Use of the foreshore, and the surface of marine waters within the North Pender Island Local Trust Area shall be regulated by zoning.
- 4.2.4 All offshore reefs and islets shall remain free of any development of structures other than aids to navigation.
- 4.2.5 The Local Trust Committee shall implement zoning regulations, appropriate development permit area guidelines and consider adoption of a development approval information bylaw in order to ensure that all tidal and coastal fresh water marshlands are retained in their natural state.
- 4.2.6 Marshes, bluffs and other natural features along the coast shall be protected from erosion, pollution and other impacts of development by:
  - a) ensuring that any use of the foreshore does not result in permanent damage to natural features;
  - b) encouraging use of community docks or multi-user docks; and
  - c) ensuring that waterfront development is sufficiently setback to permit natural erosion and accretion processes to occur without endangering structures.
- 4.2.7 Maintenance of public access and the right to recreational use of the foreshore shall be protected.
- 4.2.8 Filling, deposit, or excavation of materials on the foreshore shall be prohibited.
- 4.2.9 Aquaculture shall be subject to rezoning.

BL 223

- 4.2.10 No structures, including boathouses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes.
- 4.2.11 Existing private moorage for docks permitted on a site-specific basis in those areas designated as Marine (M) on Schedule "B". New applications for private moorage for docks may be considered by site-specific rezoning subject to:
- a) the proposal demonstrating minimal impacts on the marine environment, including eelgrass, bull kelp, forage fish, or other important habitat;
  - b) the proposal demonstrating minimal impacts on upland sensitive ecosystems or habitat;
  - c) the proposal demonstrating no impacts on archaeological or cultural sites or resources;
  - d) structures being appropriately sited and of a scale to minimize visual impacts;
  - e) structures incorporating current best practices for dock construction;
  - f) consideration being given to providing for shared or common moorage; and
  - g) consideration being given to the cumulative impacts of private moorage.

#### 4.3 HAZARDOUS AREAS

Significant areas on the island may be potentially hazardous to development due to a combination of steep slope and geology. The long established zoning pattern on the island has resulted in some lots being located, wholly or partially, in areas that may be subject to landslide hazard (mainly in the form of rock fall).

##### Hazardous Areas Objectives

- 1) To protect development from hazardous conditions.

##### Hazardous Areas Policies

- 4.3.1 The Local Trust Committee shall request that the subdivision approving officer refer all subdivision applications to the fire chief.
- 4.3.2 Areas identified as potentially hazardous to development should be designated as development permit areas for the protection of development from hazardous conditions, and may include adoption of a development approval information bylaw.

#### 4.4 FORESTRY RESOURCES

##### Forestry Objectives

- 1) To encourage the retention of large land holdings and parcels for sustainable forestry use.

Forestry Advocacy Policies

- 4.4.1 Maintenance of adequate tree cover is necessary to protect the groundwater resource and to sustain wildlife and vegetation. Voluntary stewardship of forested areas by property owners is encouraged to protect these resources.
- 4.4.2 Property owners are encouraged to:
- a) replant areas after logging with more than one ecologically indigenous suitable species before brush encroachment occurs;
  - b) ensure that adequate fire protection is available through development of strategies for slash abatement and adequate site preparation, suitable access, fire breaks and other strategies to prevent the spread of fire;
  - c) use practices for logging and access construction least damaging to soil and vegetation;
  - d) leave buffer strips along roads, trails, ocean front, streams, wetland and lake shores with widths being dependent on topography, aesthetics, wind conditions, tree size and species, density and other needs such as animal or bird habitat preservation;
  - e) minimize environmental and social impacts when transporting logs;
  - f) consider wildlife needs including habitat in integrated management plans;
  - g) protect watersheds and areas of ecological, geological, and archaeological interest;
  - h) avoid herbicides, pesticides, fungicides or other toxic substances;
  - i) protect and preserve heritage trees and unique tree species, including but not limited to Garry oak, arbutus, western flowering dogwood, western yew and Rocky Mountain juniper, except where proximity may be injurious to livestock;
- 4.4.3 The use of forest areas as a means to screen and buffer adjacent land uses or to enhance the scenic qualities of the island shall be encouraged.

## 4.5 MINERAL AND ENERGY RESOURCES

Background

North Pender Island is composed of sedimentary rocks laid down approximately 80 million years ago in the Cretaceous Period. The geology consists of three distinct layers: Upper Cretaceous sandstone, shale and conglomerates of the Nanaimo group.

The only known mineral occurrence on North Pender island is an old quarry, located at Hope Bay, which produced sandstone in 1896. There are several sand and gravel deposits that are suitable for extraction and have been used locally; sand and gravel is also imported by barge.

The Ministry of Energy, Mines and Petroleum Resources, mandated to administer mineral, aggregate and energy resources under the *Mines Act*, *Mineral Tenure Act*, *Petroleum and Natural Gas Act* and the *Coal Act*, is responsible for the reclamation, permitting, inspection and safety of sand and gravel operations. Mineral potential on North Pender Island is considered by the Ministry of Energy, Mines and Petroleum Resources to be low. There are

no coal, mineral, placer or petroleum/natural gas tenures nor has any assessment work been recorded.

Mineral and Energy Resource Objectives

- BL 182
- 1) To encourage conservation of energy and use of renewable energy resources.
  - 2) To encourage alternate forms of energy production in order to reduce and limit carbon emissions and fossil fuel dependency

Mineral and Energy Resource Policies

- 4.5.1 The Local Trust Committee will support development of an energy conservation plan in conjunction with other agencies and community groups.
- 4.5.2 Regulations shall permit the generation of renewable energy through the use of devices such as windmills and solar panels.

Mineral and Energy Resource Advocacy Policies

- 4.5.3 The moratorium on oil and gas exploration in the Trust Area is supported.
- 4.5.4 The Ministry of Energy, Mines and Petroleum Resources shall be requested to establish a reserve on the whole North Pender Island Local Trust Area against exploration for mineral or petroleum resources.
- 4.5.5 Educational and informational programs on energy conservation shall be encouraged.

## 4.6 HERITAGE RESOURCES



Photo: Islands Trust

Heritage Resource Background

## Pre-1860 Heritage Features

Archaeological evidence indicates that North Pender was occupied by aboriginal people on a seasonal basis as early as 6000 years ago. Evidence of early settlements includes midden deposits, lithic scatters, hearths, postholes and remains of stone, bone and shell tools and ornaments. There are 38 recorded archaeological sites on the island with most found on the foreshore areas. A midden, known as the Pender Canal Site and now part of the Gulf Islands National Park Reserve, was excavated in 1984 through 1986 by Simon Fraser University and forms the basis for some of our understanding of Gulf Islands history.

Archaeological sites are automatically protected by the Provincial *Heritage Conservation Act*. This protection applies equally to private and Crown land and to recorded and unknown sites. Provincial permitting is required to develop within a protected archaeological site. Protection of archaeological sites is reflected in the policies of this plan.

## Post-1860 Heritage Features

North Pender was first settled by Europeans in 1878. The earliest buildings still in use are homes built by Washington Grimmer and Lawrence and James Auchterlonie more than 100 years ago. None of these have been officially designated. There are two remaining commercial buildings which that are more than a century old, both located adjacent to the Port Washington dock.

## Landscape Heritage Features

Landscape features of cultural or historical significance include orchards, gardens and parks, old growth or heritage trees, trails, and roads.

### Heritage Resource Objectives

- 1) To encourage identification, protection, preservation and enhancement of heritage resources, including lands and structures of natural, archaeological, historic, cultural, aesthetic, educational or scientific heritage value.
- 2) To preserve and protect the heritage values and character of historic coastal settlement patterns and remains.
- 3) To increase public awareness and appreciation of heritage resources.

### Heritage Resource Policies

- 4.6.1 The Local Trust Committee will support the creation of an inventory of lands and structures of natural, historic, cultural, aesthetic, educational or scientific heritage value or character.
- 4.6.2 The Local Trust Committee will support an updated inventory of archaeological resources.
- 4.6.3 The Local Trust Committee may amend this plan to designate any real property as a heritage site under Part 27 of *Local Government Act* and identify the features or characteristics that contribute to the heritage value or character of the property.
- 4.6.4 All development applications shall be reviewed for the presence of known and recorded archaeological sites. Applicants will be notified if the application is within a known, protected archaeological site. Notification may include direction to engage a professional consulting archaeologist to determine if an archaeological impact assessment is necessary to manage development related impacts.
- 4.6.5 Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities.
- 4.6.6 The Local Trust Committee will encourage the granting of covenants to the LTC to protect heritage features.

### Advocacy Policies

- 4.6.7 The Local Trust Committee will advocate for the designation and protection of eligible heritage sites under the *Heritage Conservation Act*.
- 4.6.8 The Local Trust Committee will support programs to increase education, recognition, awareness and appreciation of heritage resources.

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- 4.6.9 The Local Trust Committee shall work with the Canadian Coast Guard, the RCMP, the South Pender Island Local Trust Committee and other organizations to educate users about the speed limit through the canal separating North and South Pender in order to reduce the rate at which erosion is occurring near the Canal Site.

## 4.7 CLIMATE CHANGE MITIGATION AND ADAPTION

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Background

Climate change results from the increasing concentration of heat-trapping greenhouse gases in the atmosphere as the result of human activities - primarily the burning of fossil fuels and deforestation. The rise in atmospheric greenhouse gas concentrations has in turn triggered an increase in the average temperatures of near-surface air and ocean water, with temperatures projected to rise over the next century. Although seemingly slight, these temperature changes could have potentially dramatic and negative impacts on ecological systems around the globe.

The *Local Government Act* now requires that all local governments include in their Official Community Plans targets to reduce greenhouse gas (GHG) emissions and policies and actions to achieve these targets.

The following targets, objectives, policies and actions are a step in ensuring that the reduction of GHG emissions specifically, and the impact of climate change in general, become part of the planning process for North Pender Island. This section of the Plan contains objectives and policies relating to the reduction of GHG emissions and the broader topic of climate change adaptation and mitigation.

Target

This plan supports a target of reducing greenhouse gas emissions by 33% by 2020 from 2007 levels. Emission reductions within the local trust area may result from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land use policies and regulations.

Objectives

The objectives of this section are:

- 1) To establish climate change as a factor in land use decision-making.
- 2) To encourage a resilient rural community in order to prepare North Pender for the stresses of climate change and declining fossil fuel availability.
- 3) To support efforts and policies to help our community adapt to climate change impacts.
- 4) To work with others to support actions to limit emissions.
- 5) To recognize the role that natural areas, particularly forests, wetlands, and other sensitive ecosystems, play in storing carbon.
- 6) To facilitate and encourage community discussion of future development patterns and options.

Policies and Actions

- 4.7.1 The Local Trust Committee may consider amending policies and zoning to permit secondary dwelling units in appropriate locations in order to limit or reduce greenhouse gas emissions.
- 4.7.2 The Local Trust Committee may consider amending the parking requirements for commercial uses, to require alternatives to parking spaces, including but not limited to: bicycle racks, electric vehicle plug-ins, or cash-in-lieu for use for trails and paths.
- 4.7.3 The Local Trust Committee may consider creation and implementation of development permit areas to effectively manage lot layout in new subdivisions, to limit or regulate large-scale tree removal, and to implement energy conservation features in new construction in order to limit or reduce greenhouse gas emissions.
- 4.7.4 The Local Trust Committee may consider amending policies, zoning and development permit area provisions to allow for second-storey residential dwelling units in commercial designations in order to provide for affordable dwelling units and to encourage residences closer to services and amenities in appropriate locations and with appropriate regulation.
- 4.7.5 The Local Trust Committee may consider amending zoning or establishing development permit area provisions requiring cisterns or other water conservation measures for new construction.
- 4.7.6 The Local Trust Committee may consider amending zoning in the Industrial or Community Service designations to provide community wood chipping and community composting services.
- 4.7.7 The Local Trust Committee may review and consider amending the provisions for existing development permit areas to ensure that objectives and guidelines support energy conservation and alternative transportation options.
- 4.7.8 The Local Trust Committee should consider potential climate change impacts and GHG emissions in reviewing any application.
- 4.7.9 The Local Trust Committee should consider developing or adopting a sustainability checklist for use by applicants for new construction.
- 4.7.10 The Local Trust Committee may consider amending zoning regulations to permit or facilitate small-scale renewable energy production, such as solar collectors, wind turbines and geothermal heating.
- 4.7.11 The Local Trust Committee should support and encourage review of the community's development pattern and consideration of changes to policies and regulations that would result in a more sustainable development pattern.

Advocacy Policies

- 4.7.12 The Local Trust Committee encourages residents to retain and restore natural areas and vegetation as a means of storing carbon.
- 4.7.13 The Local Trust Committee should support efforts to increase local food security and sustainable agriculture, including supporting community gardens and local land trusts in appropriate locations.
- 4.7.14 The Local Trust Committee should support the efforts and initiatives of groups and individuals in the community to raise awareness of the impacts of climate change, reduce carbon dependence, and increase community resilience.
- 4.7.15 The Local Trust Committee should support development of a Community Energy Strategy and regional community energy plans.
- 4.7.16 Regional, provincial and federal agencies are encouraged to undertake actions and support initiatives to reduce greenhouse gas emissions.
- 4.7.17 Developers of public and community buildings are encouraged to incorporate energy efficient design features in all projects.
- 4.7.18 The Local Trust Committee should support efforts to create shared energy production in neighbourhoods.

PART 5 PRESERVING AND PROTECTING OUR ECOSYSTEMS



Photo: Mark Kaarremaa, Imageplay

5.1 ENVIRONMENTAL STEWARDSHIP

Preamble

People are attracted to North Pender for many reasons, but residents and visitors can unwittingly contribute to the degradation and loss of integrity of these areas for both present and future generations.

Island residents have a role in stewardship of the island and expect visitors and all levels of government to collaborate in the long term sustainability of its environmental resources. North Pender's Sensitive Ecosystems are identified in a generalized way on Schedule C. More detailed digital ecosystem mapping is available from the Islands Trust. Many of the island's ecosystems have been fragmented and degraded by human activity and a high proportion are considered at risk provincially. Remnants of eight sensitive ecosystem classes have been identified on North Pender: Old Forest, Woodland, Herbaceous, Riparian, Wetland, Cliff, Freshwater and Intertidal, along with significant areas of the important Mature Forest ecosystem.

The Local Trust Committee supports and encourages the four 'R's' of voluntary stewardship:

*Research* – spend time in local parks and conservation areas to become more familiar with native species and the different habitats that make up the island. Walk your land in all seasons and at different times of day. Learn to identify which plants are native and what wildlife may reside on

or near your property. Contact local conservation organizations for information on what to look out for.

*Retain* – often the best thing one can do as a steward is to do nothing. It is hard to improve upon a natural system or feature that has evolved over many lifetimes. Preserving a natural area is a simpler and easier choice than trying to restore it.

*Restore* – if an area has been modified beyond its natural ability to recover, one may decide to take action to restore the area to its natural state. It may be near to impossible to reintroduce completely the complexity of species that once resided there; at best, one may have to concentrate on doing no further harm and reintroducing some of the plant life that once occupied the site. Start by identifying and removing any exotic or invasive plants and replanting with native plants, which, once established, will require minimal water and maintenance and begin to attract and support the wildlife dependant upon them.

*Reserve* – there are many options to explore, short and long term, for protecting natural areas into the future, including voluntary stewardship agreements, lease, covenants and outright dedication or donation. Aside from the more obvious rewards for taking such action there may be substantial tax and financial benefits involved as well. Contact the Islands Trust Fund or a local conservancy for more information.

### Objectives

- 1) To protect, and encourage awareness of, the environmental resources in the local trust area.
- 2) To ensure that land uses permitted by regulation are respectful of the island's environmental sensitivities.
- 3) To support private individuals, community groups and government agencies promoting awareness of environmental resources and the means for their protection.
- 4) To identify and protect environmentally sensitive areas and at-risk species and their habitats and significant natural sites, features and landforms.
- 5) To facilitate retention of large parcels and promote voluntary stewardship of those lands in keeping with the rural character of the island.
- 6) To promote ecological values.

### Policies

- 5.1.1 The Local Trust Committee shall identify and protect environmentally sensitive areas and at-risk species and their habitats and significant natural sites, features and landforms. Protection should take the form of regulation, the establishment of development permit areas for protection of the natural environment, its ecosystems and biological diversity, a development approval information bylaw, conservation covenants, acquisition, or donation.
- 5.1.2 The Local Trust Committee may consider rezoning large lots with subdivision potential and environmentally sensitive areas in order to limit development in

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environmentally sensitive areas and to cluster development in other parts of the lot, with no net change in density.

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- 5.1.3 The Local Trust Committee will implement the provincial Riparian Areas Regulation through the designation of a development permit area.
- 5.1.4 Owners of land identified on Schedule C (Sensitive Ecosystems) as containing Mature Forest ecosystems are encouraged to limit tree removal and forestry activities within this important ecosystem. Mature Forest ecosystems are considered important because of high biodiversity values, which increase with the age of the forest, landscape connectivity and the provision of buffers for adjacent sensitive ecosystems.
- 5.1.5 Landowners and farmers are encouraged to preserve and protect seasonally flooded agricultural fields, which are considered an important ecosystem providing resting and feeding opportunities for migratory bird species.
- 5.1.6 The Local Trust Committee shall consider the appointment of an additional Advisory Planning Commission to advise the LTC on specific issues and initiatives relating to Environmentally Sensitive Areas and Development Permit Areas for protection of the natural environment.

## 5.2 DEVELOPMENT PERMIT AREAS

### What are Development Permit Areas?

Certain areas or features on North Pender are recognized as being particularly sensitive to the impacts of future development. These include sensitive ecosystems, areas of potential landslide hazard, and commercial and industrial areas. The island's sensitive ecosystems are a crucial part of what makes North Pender and the Trust Area unique; they are rare and provincially, nationally, and internationally significant. The island's geology and development pattern create issues with developing in areas that may be prone to hazards from rockfall. Although only a small proportion of the island's land is designated for commercial and industrial land uses, development in these areas can have significant impacts on the community. For these areas, further review may be needed before development takes place.

Development permits are a tool which provides for review and management of development at the site level. Areas of particular concern may be designated as Development Permit Areas (DPA) and within these areas a Development Permit (DP) may be needed prior to development work being undertaken. Development permits are issued by the Local Trust Committee based on the objectives and guidelines in this part of the OCP. Development permits cannot prevent development that is otherwise permitted by zoning, but is a means to manage the development in such a way as to mitigate the impacts of development.

#### Statutory Authority

The Local Government Act authorizes a Local Trust Committee to designate Development Permit Areas (DPA) within an OCP for one or more of six purposes. In this plan, the Local Trust Committee has designated DPA for the following purposes:

- 1) the protection of the natural environment, its ecosystems and biological diversity.
- 2) protection of development from hazardous conditions.
- 3) establishment of objectives for the form and character of commercial, industrial or multi-family residential development.

Where the LTC has designated certain areas as DPA, the owner must obtain a Development Permit before subdividing land within the DPA, starting construction of, addition to or alteration of a building or other structure, or altering land within an area designated under (1) or (2) above. In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and in the instance where there are conflicts or inconsistencies between guidelines, the precedence shall be given to DPA for protection of the natural environment, its ecosystems and biological diversity. Only one development permit, containing conditions based on guidelines in all applicable DPA, is required.

Pursuant to section 920.1 of the Local Government Act (Designation of development approval information areas), the plan designates all DPA as areas for which, in specified circumstances, development approval information may be required under that section. Development approval information means information on the anticipated impact of the proposed activity or development on the community.

5.2.1 SENSITIVE ECOSYSTEM DEVELOPMENT PERMIT AREAS  
DEVELOPMENT PERMIT AREAS ONE THROUGH SIX

5.2.1.1 Authority

Development permit areas One through Six are established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity. In considering the issuance of a development permit, the LTC should be satisfied that the objectives of the DPA have been met where applicable and may impose conditions where appropriate.

5.2.1.2 Application Requirements

All applications shall be consistent with all requirements established in the fees bylaw, development procedures bylaw and development approval information bylaw adopted by the North Pender Island Local Trust Committee.

5.2.1.3 General Applicability

The following activities shall require a development permit whenever they occur within Development Permit Areas One, Two, Three, Four, Five and Six, unless specifically exempted below.

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

The designation of Development Permit Areas One through Six includes portions of six of the sensitive ecosystems identified on the Sensitive Ecosystems on North Pender Island mapping. The sensitive ecosystem mapping is at a scale of 1:10,000 and is based on air photos flown in 2004. The mapping was themed from Terrestrial Ecosystem Mapping (TEM) data using Resource Information Standards Committee (RISC) Standard for Mapping Ecosystems at Risk in BC. The Sensitive Ecosystems on North Pender Island mapping consists of a digital record compiled by means of a geographic information system maintained at the offices of the Islands Trust. A generalized copy of the Sensitive Ecosystems on North Pender Island mapping is partially reproduced as Schedule C of this OCP. As mapping technology and information improves, new sensitive ecosystems may be identified and the location and boundaries of existing sensitive ecosystems may be revised as more site specific information becomes available. Such changes would necessitate an amendment to this bylaw.

5.2.1.4 Development Permit Exemptions

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

- a) for certainty: development or alteration of land occurring outside of a development permit area;
- b) submission to the Islands Trust of a written statement from a registered professional biologist with relevant experience confirming the absence of a sensitive ecosystem within the area that would be affected by the proposed work (for example, due to mapping error);

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- c) determination by Islands Trust staff that the land subject to the proposed work does not contain a sensitive ecosystem;
- d) the placement of impermanent structures , such as benches, tables and garden ornaments;
- e) forest management activities on land classified as managed forest land under the *Private Managed Forest Land Act*;
- f) forest management activities on land that is the subject of a valid and subsisting woodlot license or tree farm license under the *Forest Act*;
- g) work undertaken by an agent of the Crown;
- h) land where a conservation covenant under section 219 of the Land Title Act is registered against title, is granted to the North Pender Island Local Trust Committee and a recognized conservancy and includes provisions which protect sensitive ecosystems in a manner consistent with the applicable DPA guidelines;
- i) the maintenance of existing gardens;
- j) the removal of dangerous trees posing an immediate threat to life or property;
- k) the removal of invasive, non-indigenous trees or vegetation;
- l) the removal of trees or vegetation minimally necessary for the construction of any of the uses, buildings or structures exempted from the requirement for a development permit;
- m) the repair, maintenance, alteration or reconstruction of existing legal or legal non-conforming buildings, structures or utilities provided there is no alteration of undisturbed land or vegetation (a building permit may still be required); or
- n) the repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing.

### 5.2.1.5 OVERALL GUIDELINES

The following guidelines are applicable to Development Permit Areas One, Two, Three, Four, Five and Six:

1. Where lots are not subject to further subdivision, applicable guidelines should be considered to the extent reasonable within the constraints of the site and the lot.
2. Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.
3. The area cleared and disturbed for development should be minimized.
4. Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.
5. Buildings and associated infrastructure should be sited with sufficient undisturbed space around significant mature or established trees to protect root systems.
6. Undeveloped buffer areas should be retained around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.
7. Natural features should be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare

plants, unique land forms, rock outcroppings, mature trees, spits and dunes should be protected.

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

18. The LTC may consider variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.

#### 5.2.1.6 SUBDIVISION GUIDELINES

The following guidelines are applicable to any subdivision proposal within Development Permit Areas One, Two, Three, Four, Five and Six:

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.
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.
3. Provision should be made for any recommended buffer areas adjacent to sensitive ecosystems and habitat.
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.
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.
6. Septic disposal sites should be located in a manner that minimizes potential impacts on sensitive ecosystems and habitat.
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.
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.
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.
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.

## 5.2.2 DEVELOPMENT PERMIT AREA ONE – WOODLAND ECOSYSTEMS

### 5.2.2.1 Designation

Development Permit Area One is shown in a generalized representation on Schedule I. The definitive designation and delineation of Development Permit Area One consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

### 5.2.2.2 Special Conditions or Objectives that Justify the Designation

Woodland Ecosystems are one of the most threatened ecosystems in the region and are nationally, provincially, and regionally rare. Woodland Ecosystems are open deciduous forests, composed of pure or mixed stands of Garry oak or mixed stand of arbutus and Douglas- fir. Mature big-leaf maple can also be found in sites designated as woodland. Woodlands may include non-forested openings, often with shallow soils and bedrock outcroppings. The diverse physical structure of woodland stands (snags, rotten limbs, and logs) increases the range of habitat niches available to different species. A rich assemblage of plants, insects, reptiles and birds are drawn to these ecosystems due to the food sources, habitat and proximity to the ocean.

Garry oak woodlands support the highest plant species diversity of any terrestrial ecosystem in British Columbia and have been particularly affected by urban and rural development, fragmentation, and invasive species. It has been estimated that only 5% of historic Garry oak woodlands remain.

The objective of this development permit area is as follows:

1. To preserve and protect remaining sensitive woodland ecosystems.

### 5.2.2.3 Development Permit Exemptions

In addition to the exemptions listed in 5.2.1.4, the following activities are exempt from any requirement for a development permit in DPA One:

- a) the removal of trees, other than Garry Oak, Arbutus, Pacific Yew or Pacific Dogwood, with a trunk diameter of less than 20 centimeter (measured 1.5 metres above the ground), provided that stumps and root systems are not removed.

### 5.2.2.4 Woodland Ecosystem Guidelines

In addition to the Overall Guidelines and Subdivision Guidelines, the following specific guidelines are applicable to Development Permit Area One (Woodland ecosystems):

1. Large mature and old trees, trees containing cavities, the root systems of trees, rare plant species, native grasses and associated under-storey vegetation should be protected.
2. Unnecessary removal of dead or declining trees, downed logs, snags and leaf litter should be avoided.
3. Consideration should be given to requiring fencing as a condition of a permit in order to manage access.

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4. Where feasible, cut dangerous trees to a level where they are safe rather than removing entirely.
5. Denning and nesting sites of rare, threatened or endangered species should be protected.
6. Stairs, walkways and other access within a sensitive ecosystem adjacent to the shoreline should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.

### 5.2.3 DEVELOPMENT PERMIT AREA TWO – HERBACEOUS ECOSYSTEMS

#### 5.2.3.1 Designation

Development Permit Area Two is shown in a generalized representation on Schedule J. The definitive designation and delineation of Development Permit Area Two consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

#### 5.2.3.2 Special Conditions or Objectives that Justify the Designation

Herbaceous Ecosystems are very rare, comprising the island's open wildflower meadows and grassy hilltops, and are usually interspersed with moss-covered rock outcrops. They typically occur as small openings in forested areas with gentle to moderate slopes not exceeding 30% grades. They are located from the salt spray zone near shorelines to the summits of local hills. Herbaceous ecosystems are characterized by thin soils which are easily disturbed and prone to development and recreational uses.

The objective of this development permit area is as follows:

1. To preserve and protect remaining sensitive herbaceous ecosystems.

#### 5.2.3.3 Herbaceous Ecosystem Guidelines

In addition to the overall and subdivision guidelines, the following specific guidelines are applicable to Development Permit Area Two (Herbaceous ecosystems):

1. Denning and nesting sites of rare, threatened or endangered species should be protected.
2. Native grasses, rare plants, and wildflower ecosystems and associated soils should be preserved.
3. Removal of mature and old trees, dead and declining trees and the root systems of trees should be avoided.
4. Consideration should be given to including conditions requiring the restoration of native vegetation where it has been disturbed.
5. Stairs, walkways and other access within a sensitive ecosystem adjacent to the shoreline should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.

## 5.2.4 DEVELOPMENT PERMIT AREA THREE – RIPARIAN ECOSYSTEMS

### 5.2.4.1 Designation

Development Permit Area Three is shown in a generalized representation on Schedule K. The definitive designation and delineation of Development Permit Area Three consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

### 5.2.4.2 Special Conditions or Objectives that Justify the Designation

Riparian ecosystems support a high concentration of vascular plants, mosses, amphibians and small mammal species.

Riparian areas function as natural water storage and purifying systems for improved water quality and provide safe corridors for wildlife movement. The riparian areas need to be large enough to protect habitat, prevent flooding, control erosion, reduce sedimentation and recharge groundwater.

The objective of this development permit area is as follows:

1. To preserve and protect remaining sensitive riparian ecosystems.

### 5.2.4.3 Riparian Ecosystem Guidelines

In addition to the overall and subdivision guidelines, the following specific guidelines are applicable to Development Permit Area Three (Riparian ecosystems):

1. The filling or draining of permanent or seasonally wet areas should be avoided.
2. Locating roads, driveways and utility corridors along or across riparian ecosystems should be avoided; where crossings have to be located within the ecosystem the crossings should, to the extent feasible:
  - a) Be narrow and perpendicular to the riparian ecosystem;
  - b) Share facilities;
  - c) Minimize impacts on streams and other water bodies;
  - d) Conform to topography to minimize cut and fill;
  - e) Not restrict natural movement of surface and groundwater;
3. The construction of roads, buildings, structures and utility corridors involving disturbance of soil should avoid direct run-off into watercourses.
4. Disruption of natural hydrologic cycles and aquatic processes, including stream flows, seasonal flooding, stream channel movements, or natural slope in water bodies should be avoided.
5. Vegetation cover which helps stabilise banks, reduce erosion and provide habitat should be maintained.
6. Removal of vegetation that would reduce the natural functions of the sensitive ecosystem should be avoided.

## 5.2.5 DEVELOPMENT PERMIT AREA FOUR – WETLAND ECOSYSTEMS

### 5.2.5.1 Designation

Development Permit Area Four is shown in a generalized representation on Schedule L. The definitive designation and delineation of Development Permit Area Four consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

### 5.2.5.2 Special Conditions or Objectives that Justify the Designation

Wetland ecosystems include areas on the island that are characteristically wet or contain saturated soils and are dominated by water-loving plants. Classes of wetlands include swamps, marshes, bogs, fens, wet meadows, estuaries and similar shallow water areas that are not part of an active floodplain or stream.

Wetlands provide a specialized habitat for diverse and unique species, and are a vital link between upland and open water aquatic environment. They are cherished for their diversity of life and as opportunities for recreational activities and eco-tourism.

Wetland ecosystems are sensitive and important because they exhibit rarity, high biodiversity, fragility, specialized habitat, specialized functions and connectivity. Wetland ecosystems are rare in the Trust Area. Over the past 150 years, wetlands have declined due to agricultural development, flood control, forestry, coastal development and residential development.

The objective of this development permit area is as follows:

1. To preserve and protect remaining sensitive wetland ecosystems.

### 5.2.5.3 Wetland Ecosystem Guidelines

In addition to the overall and subdivision guidelines, the following specific guidelines are applicable to Development Permit Area Four (Wetland ecosystems):

1. Filling or draining of permanent or seasonally wet areas should be avoided.
2. Wetland vegetation and structure should be retained.
3. Rare or threatened animal or plant communities and breeding and nesting sites should be protected.
4. Locating roads, driveways and utility corridors along or across wetland ecosystems should be avoided; where crossing have to be located within the ecosystem the crossing should, to the extent feasible:
  - a) Be narrow and perpendicular to a riparian ecosystem;
  - b) Share facilities;
  - c) Minimize impacts on water bodies;
  - d) Conform to topography to minimize cut and fill;
  - e) Not restrict the natural movement of surface and groundwater;

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5. The construction of roads, buildings, structures and utility corridors involving disturbance of soil should be conducted in such a manner as to avoid direct run-off into wetlands.
6. Disruption of natural hydrologic cycles and natural aquatic processes, including water flows, seasonal flooding, channel movements, windthrow or natural slope, should be avoided.
7. Vegetation cover which helps stabilise banks and reduce erosion and provides habitat should be maintained.
8. Removal of vegetation that would reduce the natural functions of the sensitive ecosystem should be avoided.
9. Permit conditions may include timing of work in and around sensitive wetland ecosystems, fencing and flagging, and posting of notices.
10. Alteration of vernal pools to create year-round water features should be avoided.

## 5.2.6 DEVELOPMENT PERMIT AREA FIVE – CLIFF ECOSYSTEMS

### 5.2.6.1 Designation

Development Permit Area Five is shown in a generalized representation on Schedule M. The definitive designation and delineation of Development Permit Area Five consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

### 5.2.6.2 Special Conditions or Objectives that Justify the Designation

Cliff ecosystems consist of the island's steep, vertical or overhanging rock faces where sparse vegetation may occur in crevices or on ledges. Because they are naturally rare, cliffs are one of the most poorly represented of all the sensitive ecosystems. Although rocky outcrops, shorelines, and cliffs are generally robust and stable, the shallow soils are especially susceptible to erosion, damage from recreational activities, and other human disturbances.

Open ledges and horizontal fissures on cliffs are known to provide nesting sites for birds such as the blue listed Turkey Vulture or the red listed 'Anatum' Peregrine Falcon. Cliff crevices are used for roosting by bats, and the open cliff faces are used for foraging. Deep crevices are used for shelter and overwintering of snakes and lizards.

The objective of this development permit area is as follows:

1. To preserve and protect remaining sensitive cliff ecosystems.

### 5.2.6.3 Cliff Ecosystem Guidelines

In addition to the overall and subdivision guidelines, the following specific guidelines are applicable to Development Permit Area Five (Cliff ecosystems):

1. Denning and nesting sites of rare, threatened or endangered species should be protected.
2. Native grasses, rare plants, and wildflower ecosystems and associated soils should be protected and maintained.
3. Talus and rock debris that occurs at the base of rock outcroppings should be maintained.
4. The faces of rock outcrops and cliffs should be protected.
5. Permit conditions requiring the restoration of native vegetation where it has been disturbed should be considered.
6. Stairs, walkways and other access within a sensitive ecosystem adjacent to a shoreline should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.

## 5.2.7 DEVELOPMENT PERMIT AREA SIX – INTERTIDAL ECOSYSTEMS

### 5.2.7.1 Designation

Development Permit Area Six is shown in a generalized representation on Schedule N. The definitive designation and delineation of Development Permit Area Six consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

### 5.2.7.2 Special Conditions or Objectives that Justify the Designation

Intertidal ecosystems include the island's marine ecosystems where total vegetated coverage of the surface areas is less than 5%. Intertidal ecosystems are valued for their important habitats for marine and estuarine organisms. Areas such as salt marshes, eelgrass or kelp beds provide habitat for sensitive and ecologically important fish. These ecosystems are an important regional resource, supporting economic activities ranging from fisheries and kelp harvesting to tourism and recreational activities.

The objective of this development permit area is as follows:

1. To preserve and protect remaining sensitive intertidal ecosystems.

### 5.2.7.3 Intertidal Ecosystem Guidelines

In addition to the overall and subdivision guidelines, the following specific guidelines are applicable to Development Permit Area Six (Intertidal ecosystems):

1. Stairs, walkways and other access within a sensitive intertidal ecosystem should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.
2. Docks should be sited to avoid impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.
3. Docks should be constructed in a manner which allows free flow of water beneath the dock and supports should be located on a hard substrate.
4. Floating docks that do not rest on the bottom at any time and a minimal ramp should be utilized rather than fixed wharves.
5. Piers on pilings and floating docks are preferred over solid-core piers.
6. Docks should not incorporate unenclosed plastic foam or other non-biodegradable materials and should be constructed of stable materials that will not degrade water quality.
7. Boat launch ramps should only be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is required.

## 5.2.8 DEVELOPMENT PERMIT AREA SEVEN - RAPTOR NESTS

### 5.2.8.1 Authority

This development permit area is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity. In considering the issuance of a development permit, the LTC should be satisfied that the objective of the DPA has been met where applicable and may impose conditions where appropriate.

### 5.2.8.2 Application Requirements

All applications shall be consistent with all requirements established in the fees bylaw, development procedures bylaw and development approval information bylaw adopted by the North Pender Island Local Trust Committee.

### 5.2.8.3 General Applicability

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

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

### 5.2.8.4 Development Permit Exemptions

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

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

- m) the repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing.

#### 5.2.8.5 Designation

Development Permit Area Seven is shown in a generalized representation on Schedule O and generally incorporates a 30-50 metre radius around identified eagle, osprey and great blue heron nesting sites. The definitive designation and delineation of Development Permit Area Seven consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

#### 5.2.8.6 Special Conditions or Objectives that Justify the Designation

The North Pender Island Local Trust Area contains habitat used by bald eagles, other raptors and great blue herons for nesting and breeding.

Bald Eagles are a regionally significant species and include both resident and wintering birds. Resident eagles establish a territory around a nest, with most pairs using the same site for all their breeding life. Nests are semi-permanent structures which represent a considerable investment of energy. Nest abandonment – either permanent or temporary – can result from tree damage or removal, nest damage or human disturbance during the critical nesting period from January 15<sup>th</sup> to August 30<sup>th</sup>. Eagle nest trees requirements are specialized: typically large, very old trees near the water and although second growth trees are sometimes used, most nest trees are Douglas firs over 150 years of age, usually within one kilometre of the shoreline. Human activity related to logging and land development have resulted in the loss of nest sites, which results in a permanent reduction in the nesting population. Gradual loss of nesting habitat is considered to be the most significant factor affecting bald eagle abundance in B.C. (BC Ministry of Environment, Lands and Parks. *Environmental Objectives, Best Management Practices and Requirements for Land Developments*. 2001) and specifically on Vancouver Island and the gulf Islands, habitats within low-elevation coastal habitats in the Coastal Douglas fir Biogeoclimatic zone have been degraded by human developments (BC Ministry of Water, Land and Air Protection. *Best Management Practices for Raptor Conservation during Urban and Rural Land Development in British Columbia*. 2005)

Great Blue Herons are a blue-listed (threatened) species. Breeding is concentrated in the Strait of Georgia, with large colonies generally occurring in relatively contiguous forest, fragmented forest or solitary trees and associated with extensive estuarine mudflats and eelgrass beds. Colonies are dynamic, especially in areas of high disturbance and habitat destruction and human disturbance has been implicated in historical colony abandonment. In particular, disturbance from humans can cause herons to temporarily abandon breeding attempts, allowing predators to take eggs.

Other Raptors include falcons, hawks, ospreys, owls and other eagle species. Healthy raptor populations are important in maintaining a balance in prey populations. Protection of habitat, including nesting areas, is important in order to maintain raptor populations.

In considering the issuance of a development permit, the LTC should be satisfied that the objectives of the DPA have been met where applicable and may impose conditions where appropriate.

The objective of this development permit area is as follows:

1. To preserve and protect remaining raptor and heron nesting sites.

## 5.2.8.7 Guidelines

1. Where an application involves a proposal to subdivide land, the layout of proposed lots should be configured in such a manner as to ensure, to the extent practical, that Bald Eagle, other raptor, or Blue Heron nesting trees are protected by clustering lots through lot averaging or bare land strata. Where feasible, the lot containing the nesting tree should be of a sufficient size to accommodate the permitted level of development, including driveway access, septic disposal systems, and accessory uses, in addition to an adequate buffer around the nesting tree.
2. Where an application involves proposals to construct or locate new buildings, structures, roads, driveways, utility corridors, or to clear or alter undisturbed land or vegetation in areas within the DPA, development should, where feasible:
  - a) Avoid disturbance of occupied nesting, roosting and feeding sites.
  - b) Retain existing natural habitats suitable for raptors and herons, such as potential or currently unoccupied nesting trees, perches, roosting trees, snags, and trees with cavities.
  - c) Where possible, retain groups of trees rather than isolated single trees to provide an inter-locking canopy.
  - d) Maintain an effective buffer of undisturbed vegetation around nest sites. Larger buffer areas may be suitable on larger lots; lesser buffer areas may be suitable in areas of longstanding development, on small lots and where on-going activity has habituated birds to human presence.
  - e) Locate new trails, buildings and roads away from nesting, roosting and foraging areas.
  - f) Consider restoration or enhancement of key habitat features where they have been disturbed.
3. Permits may include conditions respecting the timing or phasing of development work, including conditions restricting significant work to periods when eggs and young are not present in the nesting sites, and restoration or enhancement of key habitat features.
4. The LTC may consider variances to relax siting, size or subdivision regulations where the variance may result in enhanced protection of a nesting tree or colony or habitat feature.

ADOPTED

5.2.9 DEVELOPMENT PERMIT AREA EIGHT - HAZARDOUS SLOPES

THIS SECTION RESERVED

5.2.10 DEVELOPMENT PERMIT AREA NINE - COMMERCIAL AND INDUSTRIAL FORM AND CHARACTER

5.2.10.1 Authority

This development permit area is established, pursuant to Section 919.1(1)(f) of the *Local Government Act*, for the purpose of establishing objectives for the form and character of commercial and industrial development.

5.2.10.2 Special Conditions or Objectives that Justify the Designation

Existing zoning establishes a significant potential for new or additional commercial and industrial development. This includes approximately 150 units of commercial guest accommodation. The other policies in this Plan support commercial and industrial development that provides economic opportunities that are compatible with the conservation of resources and the protection of community character. Commercial development should be small scale and low density and such development should not adversely affect the rural character and lifestyle of the community. Design guidelines can reduce the potential conflicts between commercial and industrial development and neighbouring properties. The densities permitted by zoning within this DPA could have negative effects on nearby residential properties if development is not carefully managed. By paying attention to the design of new commercial and industrial development, the potential for on-going conflicts between land uses can be minimized.

The objective of this development permit area is to ensure that new or additional commercial or industrial uses are developed in a manner that is consistent with and enhances rural character and avoids impacts on adjacent properties.

5.2.10.3 General Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

- 1) Construction of, addition to or alteration of a building or other structure.

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5.2.10.4 Designation

This development permit area includes all land in the Bylaw Area that is zoned Commercial One, Commercial Two, Commercial Three, Comprehensive Development One, Light Industrial, Industrial, Community Service (o) and Water Two.

5.2.10.5 Application Requirements

All applications shall be consistent with all requirements established in the fees bylaw, development procedures bylaw and development approval information bylaw adopted by the North Pender Island Local Trust Committee.

5.2.10.6 Development Permit Exemptions

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

- a) subdivision of land;
- b) the maintenance of existing landscaping;
- c) the repair or maintenance of existing buildings or structures, including lighting and signage, provided there is no addition to lot coverage or area, no exterior alterations requiring a building permit or no change in the use of external materials that results in the alteration to the form or character of the building or structure;
- d) internal renovations or alterations;
- e) new construction not requiring a building permit, with the exception of: structures over the water or foreshore, new landscaping, new roads and paved driveways, and new parking areas;
- f) marine navigation aids and mooring buoys;
- g) repair and maintenance of existing roads, parking areas, paths and trails; and
- h) construction of unpaved driveways and walkways.

#### 5.2.10.7 Guidelines

The intent of this development permit area is to ensure that development in the form of new buildings, structures or landscaping meets the objectives described above. In considering the issuance of a development permit, the LTC should be satisfied that the following guidelines have been met where applicable and impose conditions where appropriate:

1. Where an application involves a proposal to construct or alter general commercial buildings or structures, which are buildings and structures designed and intended for commercial uses other than for commercial guest accommodation, the building form and character should adhere to the following guidelines:
  - a) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.
  - b) Buildings should be designed and sited with the main entrance oriented to the front lot line or to the main point of entry from the road.
  - c) Building form and character should be similar to the scale, mass and character of adjacent non-commercial properties, without being imitative or derivative of adjacent dwellings.
  - d) Building mass should be limited to one or one-and-a-half storeys above grade; two storey buildings may be considered where there are sloping sites or where second storeys would be designed and used for accessory dwelling units.
  - e) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height.
  - f) Building mass should be softened by the use of small-scale elements such as windows, panels, entrances and other detail features in order to avoid monotony in design.
  - g) Buildings should not be designed with blank walls presenting an aspect to the highway or to highly visible areas; features such as garage doors and windowless facades should be minimized.

- h) Buildings should be detached; attached or connected units giving the impression of strip development should not be considered.
  - i) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture.
  - j) Architectural variety should be provided through the use of pitched roofs, dormers and similar features.
  - k) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation.
  - l) Elements such as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing and building design.
  - m) Social gathering should be encouraged by creating spaces such as porches, patios and gardens that are visible and accessible.
2. Where an application involves a proposal to construct or alter tourist commercial buildings or structures, which are buildings designed and intended for use as commercial guest accommodation units, building form and character should adhere to the following guidelines:
- a) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.
  - b) Where there are significant numbers of commercial guest accommodation units proposed or permitted on a site, development should incorporate a variety of building types, including attached or multi-unit buildings, in order to minimize the development footprint on the site and to minimize impacts on adjacent properties.
  - c) Building form and character should be similar to the scale, mass and character of adjacent non-commercial properties without being imitative or derivative of adjacent dwellings.
  - d) Building mass should be limited to two storeys above grade.
  - e) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height.
  - f) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture.
  - g) Architectural variety should be provided through the use of pitched roofs, peaked roof lines, dormers and similar features.

ADOPTED

- h) New buildings should result in minimal disturbance to existing vegetation.
  - i) Such elements as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing, and building design.
  - j) Development along the shoreline should be visually unobtrusive and conform to the existing contours of the shoreline.
  - k) Development should be designed and sited in such a manner as to preserve existing significant views and view corridors from adjacent properties and public lands. Consideration should be given to siting a first storey below grade where it results in a lower profile building and protection of views.
  - l) Structures intended to access the foreshore, docks and marinas should be small-scale and low-profile. Stairs and ramps should follow the existing contours of the site, incorporate landings, utilize small concrete pilings and have gaps between boards.
3. Where an application involves a proposal to construct or alter industrial buildings or structures, building form and character should adhere to the following guidelines:
- a) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.
  - b) Industrial buildings and structures should be functional and not include unnecessary design features or elements.
  - c) Buildings should be limited in height to one storey or one-and-a-half storeys. Height may exceed a standard storey where it is functionally required as part of a production process. A second storey may be considered where the visual impact would be minimal and where the second storey would be designed and used for an accessory dwelling or site office
  - d) Buildings should be designed and sited to avoid creating visual and noise impacts from industrial operations.
  - e) Elements such as roof top mechanical equipment, shipping and loading areas, external storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing, and building design.
4. All applications should include landscaping adhering to the following guidelines:
- a) A landscape plan should be professionally prepared and should:
    - i. provide supporting documentary evidence pertaining to landscape specifications, irrigation requirements, planting lists (highlighting indigenous species), cost estimates, and the total value of the work;
    - ii. identify existing vegetation by type and identify areas which are to be cleared;

ADOPTED

- iii. provide for the landscape treatment of the frontage of the site which abuts onto existing or future public roads;
  - iv. provide for vegetative buffers along lot lines;
  - v. identify how landscape treatment will avoid the use of herbicides, pesticides and fungicides.
- 
- b) Existing site topography and landscape features should not be altered in order to create new landscaping.
  - c) Existing indigenous vegetation should be retained wherever possible. Significant existing indigenous vegetation within all setback areas should be preserved (i.e. wetlands and mature wooded areas). Significant existing indigenous vegetation within the buildable area of the site should be preserved wherever possible through careful and innovative site design.
  - d) An adequate landscaped strip should be provided along all roads. The width and extent of this buffer strip should be established based on the overall useable site area of the parcel, the extent of existing vegetation, the provision for adequate access and visual clearances, and any zoning requirements for landscape screening.
  - e) Landscaped strips should be provided adjacent to the boundary of the Agricultural Land Reserve, along abutting residential properties and adjacent to watercourses.
  - f) Any storage areas on the property facing public roadways should have adequate landscape screening or the provision of other screening consistent with the overall character of the site and with the other guidelines in this section.
  - g) Proposed new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions; buffer planting using massing of indigenous trees and shrubs is encouraged.
  - h) Appropriate planting should be used to soften building massing, to break up parking areas and to provide screening along lot lines. It is not intended that plantings form a full-height visual screen around the whole site and screen all buildings from view; planting should reduce and soften the apparent scale and mass of buildings, provide screens, and create breaks in a building façade or at building corners.
  - i) New drainage swales and detention basins should be planted with materials that will assist in the treatment of stormwater runoff and that are also complementary to the surrounding natural vegetation.
  - j) All landscaping and screening should be completed within 12 months of an occupancy permit being issued and should meet or exceed the British Columbia Society of Landscape Architects and British Columbia Nursery Trades Association standards.
  - k) The application should include a security, in the form of an irrevocable letter of credit for 125% of the value of the quoted landscaping cost.

- 5 All applications should provide a parking layout plan, adhering to the following guidelines:
- a) Large impervious and surfaced parking areas should be avoided. Parking should be provided through smaller parking areas evenly dispersed throughout the development and separated with planted landscaped areas. Porous or permeable surfaces should be used where practical and impervious surfaces should be minimized and swales and open ditches should be installed rather than curb and gutter systems.
  - b) Visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in and around parking areas.
  - c) Parking should be located at the sides or rear of buildings wherever feasible.
  - d) Development should provide for and clearly identify pedestrian circulation areas, preferably with different paving and/or landscaping treatment.
  - e) All significant paved parking areas should be included within the context of any stormwater water plan and incorporate oil/water separators.
  - f) The shared use of a common access between businesses is encouraged. The number of accesses should be limited to the number required for traffic safety.
  - g) All new development should include provision for bicycle parking or storage.
6. Lighting proposed as part of an application for a new building or overall site development should adhere to the following guidelines:
- a) Lighting for walks and parking areas should be small in scale and used to illuminate signs, displays and pedestrian paths.
  - b) High intensity lighting in parking lots and along roadsides is discouraged.
  - c) Security and other lighting should not be placed so as to shine directly onto residential or agricultural properties or to reduce the effectiveness of any landscaped buffer.
7. Signs should adhere to the following guidelines:
- a) Each site should have no more than one freestanding sign, located on the same lot as the development.
  - b) One sign should be installed for each business premise. All signs should be integrated into the overall design of the building and should not extend above the top wall of a building.
  - c) Billboards and roof signs should not be permitted.
  - d) Signs should not be backlit or equipped with flashing, oscillating or moving lights or beacons.

8. Where an application involves a proposal to construct or alter commercial or industrial marine structures over the water or the foreshore, the form and character of development should adhere to the following guidelines:
- a) New marine construction should take the form of floating structures rather than the placement of new fill.
  - b) New structures should display a marine character, exemplified by the use of materials such as wood and metal. Unenclosed polystyrene floats should not be used.
  - c) Development should not involve the construction of new buildings, including boathouses and boatsheds, over the water or foreshore. Limited numbers of small service, emergency, storage and utility structures may be considered on commercial docks, wharves and access ramps.
  - d) The visual impact of floats, moored boats and accessory structures, as seen from the sea and from upland residential lots, should be minimized. Floats and walkways should be designed to the minimum size required by applicable safety standards and marina layout should be designed to avoid moorage that results in the massing of large numbers of boats in a single location.
  - e) Barge ramps and boat launches should be designed to be visually unobtrusive.
  - f) Use of shoreline hardening (revetments and seawalls) should be avoided. Where seawalls are required to protect upland buildings or structures, natural materials that will weather to the appearance of native rock in the vicinity should be used.
  - g) Construction of new breakwaters should be avoided. Where existing breakwaters are replaced or conditions require a new breakwater, the use of floating breakwaters is encouraged. Where conditions require bottom-founded breakwaters, these structures should use natural materials that will weather to the appearance of native rock in the vicinity.
  - h) Public access to the foreshore should be maintained.
9. The LTC may consider variances to siting or size regulations where the variance may result in closer adherence to the guidelines in this section.

5.2.11 DEVELOPMENT PERMIT AREA TEN – RIPARIAN AND AQUATIC DEVELOPMENT PERMIT AREA  
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5.2.11.1 Authority

This development permit area is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity. Terms used in this section that are defined in the Riparian Areas Regulation (RAR) are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time.

5.2.11.2 Development Approval Information

The Riparian and Aquatic DPA is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a qualified environmental professional (QEP) may be required due to the special conditions and objectives described herein.

5.2.11.3 Application Requirements

The applicant must, in addition to any other application requirements enacted or imposed by the Local Trust Committee, provide at their expense an assessment report from a Qualified Environmental Professional (QEP) which has been submitted to RAR Notification System.

5.2.11.4 General Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

- a) removal, alteration, disruption, or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;
- d) creation of non-structural impervious or semi-impervious surfaces;
- e) construction of flood protection works;
- f) construction of roads, trails, docks, floats, ramps and bridges;
- g) provision and maintenance of residential sewer and water services;
- h) development of residential drainage systems;
- i) development of residential utility corridors;
- j) subdivision as defined in section 872 of the *Local Government Act*.

A separate development permit, or additional development permit conditions in a single permit, may be required or imposed if the development is occurring in another development permit area designated in this plan.

## 5.2.11.5 Development Permit Exemptions

The following activities are exempt from any requirement for a development permit:

- a) the reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation.
- b) forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
- c) forest management activities on land that is the subject of a woodlot license or tree farm license under the *Forest and Range Practices Act*;
- d) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*
- e) mining activities regulated by the *Mines Act*;
- f) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- g) for certainty, actions undertaken by the Crown or an agent of the Crown;
- h) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- i) gardening and yard maintenance activities, not involving the cosmetic application of pesticides, within an existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land;
- j) the construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence, or 1.5 metres on either side of the fence in agricultural areas;
- k) ecological restoration and enhancement projects undertaken or authorized by a public body;
- l) work that is authorized by Fisheries and Oceans Canada by permit under section 35 of the *Fisheries Act*;
- m) changes in or about a stream authorized under Section 9 of the *Water Act*;

## 5.2.11.6 Designation

This development permit area includes all land designated on Schedule P of this plan as being within the Riparian and Aquatic DPA. This DPA includes the riparian assessment areas related to the watercourses and water bodies identified on Schedule P, consisting of the stream and:

1. for a stream, a 30 metre strip on both sides of the stream measured from the high water mark;
2. for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
3. for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank; and
4. for all other water bodies, an area encompassing the water body and 30 metres around the water body measured from the natural boundary of the water body.

and Schedule P shall be so interpreted. Development Permit Area Ten is shown in a generalized representation on Schedule P. The designation and delineation of Development

Permit Area Ten consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust. The actual location of the streams and water bodies may need to be determined on a site-specific basis by a qualified environmental professional or a surveyor.

5.2.11.7 Special Conditions and Objectives that Justify the Designation

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is a policy of the Islands Trust Council that local trust committees shall in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the province of British Columbia’s *Fish Protection Act*, requires that local governments establish regulations to protect riparian areas. The reason for this designation is to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

5.2.11.8 Guidelines

Prior to undertaking any development activities within the Riparian and Aquatic DPA an owner of property shall apply to the LTC for a development permit, and the following guidelines apply:

- a) In general, all development in this DPA should be undertaken in a manner that minimizes impacts on the riparian area and on aquatic ecosystems, including from the application of pesticides and other chemicals for non-essential cosmetic purposes. Where a QEP has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and aquatic ecosystems, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and aquatic ecosystems, consistent with the measures and recommendations described in the report.
- b) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP, and the owner should be required to implement a plan for protecting the SPEA over the long term through measures that may be implemented as conditions of the development permit.
- c) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP at the applicant’s expense may be required during construction and development phases, as specified in a development permit.

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- d) The following guidelines are applicable to floats and associated structures within the development permit area:
  - i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the feature;
  - ii) a ramp or float should not rest on the bed of the water body;
  - iii) the use of treated wood in the waterbody should be avoided;
  - iv) floatation material should be contained within a durable shell to prevent disintegration;
  - v) semi-transparent surfacing should be used on ramps and floats (e.g. grating or separated boards);
  - vi) any areas disturbed during installation should be restored;
  - vii) where a float is being replaced, all old materials should be removed.
  
- e) If the nature of the proposed project in a riparian assessment area or the surface of a waterbody changes after the QEP report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the LTC may require the applicant to have the QEP update the assessment at the applicant's expense and DP conditions may be revised accordingly.
  
- f) The LTC may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of the SPEA or aquatic ecosystem in compliance with recommendations of a QEP report.

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 or cottage as temporary commercial accommodation for a period of less than a month at a time by persons other than the owner or a permanent occupier.
  - 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 must 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 must 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

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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 must be referred to the water system for information.
- 6.4.8 A short term vacation rental temporary use permit must not be issued if located within the Trincomali Improvement District.
- 6.4.9 The applicant must 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 must 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 must restrict advertising to one unilluminated sign, with a maximum area of 0.6 m<sup>2</sup>.
- 6.4.12 The temporary use permit must 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 must 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 must 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, outdoor burning, wildfire 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 must:
  - a) limit the number of bedrooms that can be used for short term vacation rentals;

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- 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 must require the approval of the Agriculture Land Commission prior to the permit being issued.

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

6.4.18 The Local Trust Committee must not approve more than 20 temporary use permits for short term vacation rentals within the Magic Lake Estates Water System Area.

6.4.19 A short term vacation rental temporary use permit must not be issued in a dwelling or cottage that does not have Occupancy Permit approval.

PART 7 ADMINISTRATION AND IMPLEMENTATION

7.1 PURPOSE

The purpose of this official community plan bylaw is to further the object of the *Islands Trust Act* through long-range land use policy for the North Pender Island Local Trust Area. This bylaw provides a statement of local government goals, objectives and policies. It is intended to provide policy guidance for the North Pender Island Local Trust Committee and the public regarding the existing and proposed land use and development in the Local Trust Area.

7.2 ISLANDS TRUST AUTHORITY

The Islands Trust Act gives the Islands Trust, via its Local Trust Committees, essentially the same land use planning authority as a regional district board under the *Local Government Act*. Bylaws must be approved by the Islands Trust Executive Committee and, in the case of Official Community Plans, also by the Minister of Community Services before adoption by the Local Trust Committee.

The North Pender Island Local Trust Committee is the Local Trust Committee with responsibility for land use planning and regulations within the North Pender Island Local Trust Area. This committee has three members; two locally elected trustees and a member of the Executive Committee appointed by the chairperson of the Islands Trust Council.

The purpose of the Trust Council, Executive Committee, and Local Trust Committees, is to carry out the object of the Islands Trust which is:

To preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the province.

The legislated object defines the purpose of providing authority to the Islands Trust for land use regulation. Local trust committees employ the available planning powers of the *Local Government Act* to preserve, protect, and effectively maintain the rural nature, health, natural environment and vitality of the Trust Area.

7.3 AREA OF JURISDICTION

The provisions of this Bylaw apply to that portion of the North Pender Island Local Trust Area shown on Schedule "H", which forms part of this Bylaw. The provisions of this bylaw are not applicable to those portions of the North Pender Island Local Trust Area subject to North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002.

7.4 ADVOCACY POLICIES

Community goals and objectives included in this Bylaw that address matters that are outside the jurisdiction of the North Pender Island Local Trust Committee are considered "advocacy policies". These advocacy policies encourage others to take actions that the Local Trust Committee believes would contribute to the goals and objectives of the plan. This Bylaw

cannot and does not represent a commitment from other agencies or persons to act according to community goals, objectives or policies.

7.5 PUBLIC FACILITIES

Any designation or policy for proposed public facilities on private lands including but not restricted to roads, parks, trails, parking facilities, and public and community facilities that are not available for acquisition through dedication, grants, or as an amenity through a zoning regulation and that are not subject to committed funds either through a capital expenditure plan or other budgeting process of the public agency responsible for the proposed facility, shall be deemed to be a community goal of this Bylaw.

7.6 IMPLEMENTATION

Section 884 of the *Local Government Act* specifies that:

"An official community plan does not commit or authorize a municipality, regional district (includes a local trust committee pursuant to Section 27 of the *Islands Trust Act*) or improvement district to proceed with any project that is specified in the plan."

and

"All bylaws enacted or works undertaken by a council, board or greater board (includes a local trust committee pursuant to Section 27 of the *Islands Trust Act*), or by the trustees of an improvement district, after the adoption of an official community plan must be consistent with the relevant plan."

7.7 INTERPRETATION

- 1) In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the three digit numbers policies and the lower case letters articles:  
Part: 1  
Section: 1.1  
Policies: 1.1.1 and 1.1.1.1  
Article: a)
- 2) The final interpretation as to the precise location of boundaries on any map schedule shall be defined by:
  - a) Where boundaries coincide with lot lines, the boundaries are the lot lines.
  - b) Where a boundary is shown as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream the centreline of that feature is the boundary.
  - c) Where land based and water based boundaries coincide, the common boundary shall be the surveyed lot line as shown on a plan registered in the Land Title Office, and where there is no such plan the natural boundary of the sea is the common boundary.

- d) Where a boundary does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from the map schedule and in that case the boundary is the midpoint of the line delineating the boundary on the schedule.
- 3) In interpreting the objectives and policies of the Plan, the term "shall" or "will" denotes that the indicated measure must be taken or applied. The term "should" or "may" indicates that the suggestion is intended as a guideline.
- 4) Throughout this Plan, the words listed below shall be defined as follows:

Agri-tourism - tourist activity, service or facility accessory to land that is classified as a farm under the *Assessment Act*.

Agri-tourist Accommodation - accommodation for agri-tourism on a farm under the *Assessment Act*.

Biodiversity - the full range of variety and variability within and among living organisms and the ecological complexes in which they occur, encompassing ecosystem or community diversity, species diversity, and genetic diversity.

Conservation – actions, legislation or institutional arrangements that lead to the protection or preservation of a given species, group of species, habitat, natural area, or property or area of human heritage value or character.

Ecosystem – a complete system of living organisms interacting with the soil, land, water, and nutrients that make up their environment. An ecosystem is the home of living things, including humans. An ecosystem can be any size—a log, pond, field, forest, or the earth’s biosphere—but it always functions as a whole unit. Ecosystems are commonly described according to the major type of vegetation—for example, old-growth forest or grassland ecosystem.

Environmentally Sensitive Area - places that have special environmental attributes worthy of retention or special care. These areas are critical to the maintenance of productive and diverse plant and wildlife populations. Examples include rare ecosystems, habitats for species at risk and areas that are easily disturbed by human activities. Some of these environmentally sensitive areas are home to species which are nationally or provincially significant, others are important in a more local context. They range in size from small patches to extensive landscape features, and can include rare and common habitats, plants and animals.

Farm - the occupation or use, for agricultural purposes, of one or several parcels of land

Foreshore - the area between the high and low water mark of tidal water.

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Housing Pattern – the density, distribution, scale, type and siting of residential development in relation to landholdings and the landscape.

Island - North Pender Island and any additional area that this Plan applies to as defined by this Bylaw.

Local Trust Committee - The North Pender Island Local Trust Committee.

Official Community Plan - A community plan adopted pursuant to Part 26, Division (2), Section 876 of the *Local Government Act*.

Park - Park land acquired through dedication of land at time of subdivision, donation or by purchase through a community parks function of a regional district unless otherwise specified in this Bylaw.

Plan - An Official Community Plan adopted for North Pender Island.

Precautionary Principle – the recognition that when an activity raises threats of harm to the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically

Preserve – to maintain a given condition. Preservation often requires maintaining the processes that generate the desired condition.

Protect – to maintain over the long-term by managing, or if necessary limiting, the type and intensity of development or activity to ensure that valued attributes are not compromised or destroyed.

Rural Character – a pattern of land uses in which open space, the natural landscape and agriculture predominate over the built environment.

Senior – a person age 65 and older.

Sensitive Ecosystem – ecosystems which are fragile and/or rare, or those ecosystems which are ecologically important because of the diversity of species they support.

Stewardship – voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area.

Sustainable – capable of meeting the environmental, economic and social needs of current generations without compromising the ability of future generations to meet their needs.

## 7.8 AMENDMENT PROCEDURE

This Bylaw may be amended by the North Pender Island Local Trust Committee, at its initiative or in response to an application. Individuals seeking amendment shall submit applications in the form provided for in the bylaws of the Local Trust Committee that address fees and procedures.

7.9 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.