



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: August 11, 2022
Time: 10:00 am
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

			Pages
1.	CALL TO ORDER	10:00 AM - 10:00 AM	
2.	APPROVAL OF AGENDA	10:00 AM - 10:05 AM	
3.	TRUSTEE REPORT	10:05 AM - 10:15 AM	
4.	CHAIR'S REPORT	10:15 AM - 10:20 AM	
5.	TOWN HALL AND QUESTIONS	10:20 AM - 10:35 AM	
6.	COMMUNITY INFORMATION MEETING		
	None		
7.	PUBLIC HEARING		
	None		
8.	MINUTES	10:35 AM - 10:45 AM	
8.1.	Local Trust Committee Minutes Dated May 26, 2022 (for Adoption)		3 - 12
8.2.	Local Trust Committee Special Meeting Minutes Dated July 7, 2022 (for Adoption)		13 - 19
8.3.	Local Trust Committee Special Meeting Minutes Dated July 26, 2022 (for Adoption) - Late Item		
8.4.	Section 26 Resolutions-without-meeting Report - None		
8.5.	Agricultural Advisory Planning Commission Minutes Dated July 11, 2022 (for Receipt)		20 - 22
9.	BUSINESS ARISING FROM THE MINUTES		
9.1.	Follow-up Action List Dated August 2022		23 - 26
10.	DELEGATIONS		

11.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
12.	APPLICATIONS AND REFERRALS	10:45 AM - 11:15 AM
12.1.	NP-DP-2022.2 (Funk) - Staff Report (attached)	27 - 80
13.	LOCAL TRUST COMMITTEE PROJECTS	11:15 AM - 12:00 PM
13.1.	North Pender Land Use Bylaw Review Project – Staff Report (attached)	81 - 198
14.	REPORTS	12:00 PM - 12:10 PM
14.1.	Work Program Report (attached)	
14.1.1.	<u>Top Priorities Report Dated August 2022</u>	199 - 199
14.1.2.	<u>Projects List Report Dated August 2022</u>	200 - 200
14.2.	Applications Report Dated August 2022 (attached)	201 - 204
14.3.	Trustee and Local Expense Report Dated May 2022 (attached)	205 - 205
14.4.	Adopted Policies and Standing Resolutions (attached)	206 - 210
14.5.	Local Trust Committee Webpage	
14.6.	Islands Trust Conservancy Report Dated May 2022	211 - 213
15.	NEW BUSINESS	12:10 PM - 12:30 PM
15.1.	Delegation of Development Permits	214 - 221
15.2.	UBCM Attendance - Trustee Morrison	
16.	UPCOMING MEETINGS	
16.1.	Next Regular Meeting Scheduled for September 29, 2022 at the St. Peter's Anglican Church Hall, Pender Island	
17.	TOWN HALL	12:30 PM - 12:45 PM
18.	CLOSED MEETING	
	None	
19.	ADJOURNMENT	12:45 PM - 12:45 PM



DRAFT

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

North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: May 26, 2022
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

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

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Narissa Chadwick, Island Planner
Pat Todd, Recorder

Public: There were nine (9) members of the public present.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:02 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the North Pender Island Local Trust Committee (LTC) meeting agenda was approved.

3. TRUSTEE REPORT

Trustee Morrison, as an educator, acknowledged and expressed her sympathies to families in Texas regarding recent school shooting. Time leading up to Islands Trust election is expected to be challenging adding to current stresses of living with difficult housing situations, pandemic, etc. Importance of community coming together, listening to each other, being civil and kind were emphasized. Trustees and Islands Trust staff should not have to deal with harsh, vile communication.

Trustee McConchie spoke to the importance of engagement: if constituents are angry it is still important to hear. There has been a lot of correspondence regarding the tree cutting bylaw and fire concerns. He spoke with Fire Department, who wish to not be politicized. There was a Transportation meeting and a referendum will be held on October 15 to create a Transportation Commission – looking at interisland ferries and a community bus. A tribute was held for Jim Dunlop, founding member of the Pender Highlanders Pipe Band.

4. CHAIR'S REPORT

Chair Patrick informed the Committee that an article will be coming forth regarding Islands Issues. Trust Council will be June 21-23 (virtual meeting) and encouraged everyone to subscribe to the website for the agenda and notifications. There was a meeting with Minister Fleming, Minister of Transportation and Infrastructure (MOTI). Encouraged to include all the islands in work plans and the importance of working with Islands Trust (IT). It was felt that Minister Fleming was very aware of island issues. Further direction is required prior to any amendments to the Act.

Trustee McConchie added that there are concerns regarding the bridge linking North and South Pender and heavy equipment. It is Important that the Minister address this as soon as possible.

5. TOWN HALL AND QUESTIONS

Dayton Funk: asked about secondary suites, property development – feels criteria are changing all the time. Proposed location of dwelling and accessory buildings to minimize impact on a Development Permit Area (DPA) however wishes the Land Use Bylaw would permit a carriage house (cottage over a garage). Identified measurement inconsistencies: some in square feet/some in square meters.

Staff confirmed that the Land Use Bylaw (LUB) does not allow carriage houses at this time. Could vary floor area of cottage by applying for a Development Variance Permit (DVP) to increase floor area of a cottage.

Don Corbin: raised concern as to possible conflict of interest. LUB amendments restrict housing sizes, reduce supply, financial impact for affordable housing. Requested Chair to ensure that a conflict of interest does not exist. Mentioned two acclaimed trustees and non-resident trustees.

Chair Patrick expressed confidence in legitimacy and competency of LTC.

Trustee McConchie asked for proof of conflict and spoke to accusations.

Chris Roper: Expressed appreciation to Trust members for time and efforts and noted importance of being respectful. Requested information regarding bylaw for personal helicopters.

Staff stated Bylaw No. 224 will restrict use of helicopters in all zones except for evacuation/emergency use. There will be a Public Hearing (PH) and Community Information (CIM) Meeting for drafted bylaw amendments to allow more engagement.

Mick Collins: To speak to Magic Lake issues after Community Information Meeting.

George LaRue: Spoke to LTC in March regarding concerns with groundwater DPAs and the Official Community Plan (OCP) proposed amendment. Asked for project map status and stated proposal is based on science and has not been ground proofed. Usage rates quoted do not represent Island usage. Questioned cost, implementation and maintenance. There is a perceived need to control through regulation – importance of education.

Michael Sketch: Addressed rezoning applications. New land use designations felt to be out of scope and requested both rezonings be removed. Reviewed history of Port Washington Road

and amending LUB to allow residential use of shed. Driftwood Centre rezoning application for residential housing was previously defeated, concerned as to fresh water supply. Cautioned against “packing” housing together.

Jane Baker: currently looking to move back to island however there is a scarcity of rentals. Existing property could be modified e.g., carriage house over garage, to permit return to island. Housing needs for staff raised; tiny homes option; water recovery; use of solar; and need to lower costs.

Trustee Morrison stated this is an on-going conversation, involving zoning, safety in housing, maintaining rural character. Building Code does not permit tiny homes.

Chair added need of Province to move to change Building Code.

Trustee McConchie reviewed LTC actions to address housing situations – no immediate solution.

6. COMMUNITY INFORMATION MEETING

6.1 Fees Bylaw No. 226

Regional Planning Manager (RPM) Kojima summarized bylaw which has been under review since 2019. Trust Council endorsed increased fee structure.

Discussion:

- Reason why fees increased now;
- This is the first fee increase in 15 years, to more closely reflect actual costs;
- Applicant pays versus the tax payer;
- Transparency is important and explanation as to where dollars go;
- Application cost components identified: site visits, notices, staff reports, Planner’s time, administration time, etc.;
- Governance controls costs recovery; and
- Number of costs incurred with applications for which fees cannot be charged.

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated April 28, 2022

Question was raised as to inclusion of names of speakers.

RPM Kojima clarified policy.

It was agreed that Trustees wanted names included in minutes.

Amendments: page 4 – after last bullet to add: Public Attendee 1, Don Corbin, left meeting;

page 4 – Chair’s Report – last bullet to read: The Salt Spring Island LTC will be meeting...

By general consent the minutes were adopted as amended.

8.2 Section 26 Resolutions-without-meeting Report - None

8.3 Agricultural Advisory Planning Commission Minutes Dated May 16, 2022

Received for information.

Break from 11:33 – 11:47

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated May 2022

RPM Kojima stated staff will be meeting with Fire Department staff and will report back to LTC.

Trustee Morrison spoke to importance of access to water, ponds, etc.

10. DELEGATIONS

11. CORRESPONDENCE

11.1 Robert Fenton re Recreational Vehicles

Discussion:

- Different regulations of CRD and IT;
- Tiny homes on wheels currently not certified;
- Proposal to Minister Eby; and
- Wait for CRD action regarding requested changes to Building Code.

11.2 CRD Pender Parks and Recreation Commission re Magic Lake Zoning

Staff reviewed inclusion of private docks on Magic Lake and zoning of Magic Lake Park in LUB review.

12. APPLICATIONS AND REFERRALS

12.1 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw 530

Discussion:

- Density expansion;
- Definition of use;
- Severe shortage of rentals for workers;
- Equity/diversity for a healthy community;
- Add accessory dwelling units to Projects List; and

- Linked to Federal and Provincial responsibilities.

NP-2022-061

It was Moved and Seconded,

that North Pender Island Local Trust Committee interests are not affected by Salt Spring Island Local Trust Committee Proposed Bylaw 530.

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 North Pender Island Local Trust Committee Fees Bylaw No. 226

Discussion:

- Request for Regional Planning Committee Package that details fees breakdown;
- Proposed Bylaw has inflation built in;
- Costs a deterrent for people of limited means and question of illegal activity rather than pay application fee;
- Concerns valid and have been considered: sponsorships for community and non-profit groups;
- Do fees need adjusting;
- Continue to monitor costs/adjust yearly;
- Costs are an average;
- Continue tracking of applications processing;
- CRD charges for Building Permits but IT checks zoning and cannot charge a fee;
- Suggest hearing applicant where reasonable /waive late application 20% fee;
- No incentive for efficiency;

Trustee McConchie stated uncomfortable moving Bylaw forward in light of community unrest with IT and regulations.

Trustee Morrison suggested Trust Council consider annual or biannual recalculation for actual costs/review.

RPM Kojima stated it is unlikely that LTC would be able to waive fees on an individual basis.

NP-2022-062

It was Moved and Seconded,

that the North Pender Local Trust Committee request Trust Council add to its agenda a discussion of the Model Fees Bylaw for the June meeting.

CARRIED

13.2 LUB Review Project

Planner Stockdill reviewed the staff report and the timeline for the project.

Discussion:

- Secondary Suites option 2 was favoured through general consent: “exclude the floor area of a secondary suite from the total floor area of all buildings”;
- Rural Zones 500 sq. m favoured by general consent;
- Revisit the two rezoning sites at a CIM for community feedback; and
- Opposition to increasing industrial zoned land; not in favour of addition to Bylaw – include at first reading to get community feedback/comment.

NP-2022-063

It was Moved and Seconded,

that North Pender Local Trust Committee ask staff to remove Plan #1 from Bylaw 223.

DEFEATED (CHAIR
PATRICK AND TRUSTEE
MORRISON OPPOSED)

Staff will arrange CIM’s for July 7, 6:30 pm. (zoom), July 28, 10:00 am. (zoom) and August 13 (in person). Notices will be placed in Pender Post and sent to Trustees to add to their posts.

NP-2022-064

It was Moved and Seconded,

that the North Pender Local Trust Committee Regular Committee meeting be moved from July 28, 2022 to August 11, 2022.

CARRIED

NP-2022-065

It was Moved and Seconded,

that the North Pender Local Trust Committee meeting scheduled for June 30, 2022 be canceled.

CARRIED

NP-2022-066

It was Moved and Seconded,

that the North Pender Local Trust Committee amend draft Bylaw Nos. 223 and 229 by rezoning the northwest end of Magic Lake to permit a community park.

CARRIED

NP-2022-067

It was Moved and Seconded,

that the North Pender Local Trust Committee amend draft Bylaw Nos. 223 and 229 by adding a 'community dock' as a permitted use in the Water 6 Zone.

CARRIED

NP-2022-068

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Draft Bylaw No. 223, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021", be read a first time.

CARRIED

NP-2022-069

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as "North Pender Island Land Use Bylaw No. 224, 2022", as amended, be read a first time.

CARRIED

NP-2022-070

It was Moved and Seconded,

that the North Pender Island Local Trust Committee draft Bylaw No. 229, cited as "North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022", as amended, be read a first time.

CARRIED

NP-2022-071

It was Moved and Seconded,

that the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 223, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021", is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

NP-2022-072

It was Moved and Seconded,

that the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

NP-2022-073

It was Moved and Seconded,

that the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

13.3 Groundwater Project

Planner Chadwick reviewed the staff report. Map is forthcoming. Looking at lots and area coverage. OCP amendment would address language, include map designating DPA and include some general changes. Possible exemptions are detailed. DPAs don’t stop development – just direct what and how development can be done.

Discussion:

- Early engagement/consultation with First Nations;
- Concern with community disconnect and misunderstanding;
- Need to educate populace/communication critical;
- Endorse guidelines and exemptions;
- Schedule a focussed meeting – better understanding of science;
- Identify areas critical for recharge;
- Commercial/industrial areas should be included;
- Simplify ground water management;
- Special Meeting to focus on project; and
- Develop information package – questions and answers.

NP-2022-074

It was Moved ad Seconded,

that North Pender Local Trust Committee request staff to schedule a Special Meeting regarding the Groundwater Sustainability Project.

CARRIED

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated May 2022

Received for information.

14.1.2 Projects List Report Dated May 2022

NP-2022-075

It was Moved and Seconded

that North Pender Local Trust Committee request staff to add Accessory Dwelling Units to Projects List.

CARRIED

14.2 Applications Report Dated May 2022

Received for information.

14.3 Trustee and Local Expense Report Dated March 2022

Trustee Morrison noted underspending by \$9,000.00.

Staff stated this due to no Public Hearing and that unspent dollars go to Reserves at year end.

14.4 Adopted Policies and Standing Resolutions

Received for information.

14.5 Local Trust Committee Webpage

Will be updated at conclusion of meeting.

14.6 Islands Trust Conservancy Report Dated March 2022

Received for information.

15. NEW BUSINESS

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for August 11, 2022 at the Anglican Church Hall, Pender Island.

17. TOWN HALL

Ann Burdett: noted co-operation between business owners and IT.

Michael Sketch: Important to preserve and protect prime agricultural land. Mapping has begun. Suggested a hydrologist to review all applications. Current location is a prime site for Waste Management which is a necessity under Local Government Act.

18. CLOSED MEETING

None

19. ADJOURNMENT

By general consent the meeting was adjourned at 2:40 pm.

Laura Patrick, Chair

Certified Correct:

Pat Todd, Recorder



DRAFT

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

North Pender Island Local Trust Committee

Minutes of Special Meeting

Date: July 7, 2022
Location: Electronic Meeting

Members Present: Laura Patrick, Chair (by telephone)
Benjamin McConchie, Trustee, Acting Chair

Staff Present: Kim Stockdill, Island Planner
Lauren Edwards, Recorder

Regrets: Deb Morrison, Trustee
Phil Testamale, Planner 2

Public: There were approximately 19 attendees via Zoom

1. CALL TO ORDER

Trustee McConchie, Acting Chair, called the meeting to order at 6:30 pm. He commented that the Land Use Bylaw Review Project was initiated three and a half years ago and that on August 11, 2022 there will be a meeting for discussion and vote on the project.

He acknowledged his honour to teach music and be a trustee on SENĆOŦEN speaking land and the strides being made to rebuild broken bridges. He stated that the Pender Island LTC has worked hard towards reconciliation, especially with regards to James Island, and that Chair Patrick and the trustees can be contacted for more information.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Staff Presentation – Land Use Bylaw Review Project and overview of proposed Bylaws 223, 224, and 229

Planner Stockdill provided a PowerPoint presentation on bylaws 223, 224 and 229, and some of her reporting included that:

- The project began in early 2020 to do a full review of the Land Use Bylaw (LUB) and implement policies and initiatives in the Official Community Plan (OCP) to ensure the LUB is up to date and to do a technical review and minor amendments for the LUB.

- The various topics that staff and the LTC wanted to highlight through this process were:
 - Residential and maximum floor area;
 - Conservation subdivision;
 - Agricultural regulations;
 - Industrial regulations;
 - Tourist Accommodation (C2 Zoning) review;
 - Marine and shoreline regulations; and
 - Other minor technical amendments.
- The conservation subdivision topic was removed to be addressed as its own project.
- The progression of the project included:
 - Discussion papers submitted nearly two years ago and available on the Islands Trust website;
 - Engagement with First Nations during the fall of 2020 and into January 2021;
 - In the spring of 2021, a referral was received from the Agricultural Advisory Committee and recommendations were incorporated;
 - In the summer and fall of 2021, the LTC narrowed the project scope; and
 - Two community information meetings were held this year which highlighted hot topics.
- Bylaw 224 contains the majority of amendments and is consistent with the OCP and can proceed on its own track. It will require approval from the Executive Committee before adoption by the LTC.
- Bylaw 223 is the OCP amendment bylaw and will accompany bylaw 229 which are rezonings that require amendments to the OCP. OCP amendment bylaws require approval of the Minister of Municipal Affairs and it is not known how long the approval will take.
- All three bylaws received first reading at the May 26, 2022 LTC meeting and the bylaws and staff reports can be found on the project website titled Land Use Bylaw Review.
- Hot topics presented were:
 - RR1 and RR2 Zones
 - Maximum Floor Area
 - Legal Non-Conforming
 - Accessory Structures on bare land
 - Helicopters
 - MacKinnon Road (C2 Zoned) Properties
 - Docks

- Information provided included:
 - RR1 zoning throughout Magic Lake and Trincomali areas;
 - All other RR properties will be rezoned to new RR2 zoning;
 - A chart detailing maximum floor area per lot was presented;
 - With regards to legal non-conforming, a legal dwelling constructed prior to bylaw 224 can be replaced or altered provided it does not exceed the original floor area at the time the bylaw was adopted;
 - Bare land is permitted to have one outbuilding and one utility shed prior to constructing the building;
 - Helicopters for other than emergency use is not permissible;
 - Four MacKinnon Road properties are zoned Commercial 2 (Tourist Accommodation Zone). Property owners agreed to reduce density down to 23 tourist accommodation units; and
 - The LTC proposes to rezone the area around North Pender to Water 3 which does not permit private docks. Properties with a licencing application in process with the Province will retain Water 1 zoning and future private docks would require an application for rezoning.
- Planner Stockdill asked that members of the public provide comment on the following topics for discussion at upcoming community information meetings:
 - The new Rural Residential 2 zones: agricultural buildings could be between 30 and 50 feet in height depending on distance from lot lines. One consideration is that the LTC could restrict heights;
 - Port Washington store site: rezone to RR2 to allow a dwelling to be constructed. If rezoned, owners will apply to amalgamate the properties and shift property lines for parking area;
 - The portion of land behind the Driftwood Centre: The LTC is considering rezoning to rental housing which could allow up to 16 multifamily rental units;
 - The last three properties relate to waste transfer use, commercial composting and recycling:
 1. 4415 Bedwell Harbour Road: the LTC is considering rezoning a portion of this property to General Industrial (e) which only allows use currently permitted in the TUP. It would require an OCP designation and would be part of Bylaw 223.
 2. Portions of 3418 South Otter Road: The LTC is considering rezoning from industrial to community service site specific use.
 3. The other portion of 3418 South Otter Road: The LTC is proposing rezoning from Industrial (c) to General Industrial (d) to allow industrial zoning uses.
- Next steps are community information meetings:
 - A Zoom meeting is scheduled for July 28th and will include a presentation.
 - An in-person meeting is scheduled on August 13th at 11:00 am at Anglican hall and will include an open house and Q&A.
 - At the Regular LTC meeting on August 11th, the LTC may make more amendments to the bylaws or give direction to schedule a public hearing.

- For Bylaw 224, there is potential for a public hearing in the next few months and potential for bylaw adoption in the fall.
- For Bylaw 223 and 229, the timeline for potential adoption is unknown.
- All correspondence being sent to the LTC regarding this project should include southinfo@islandstrust.bc.ca
- The presentation made at this meeting is on the Project website.

Trustee McConchie invited the public to ask questions. The following comments were made:

Kathi D. (Allison) from Pender Island stated concern about the 2500 square foot limit. She has a house grandfathered and has ability to make a suite for her father, but 800 square feet of the basement is unusable. She asked whether 2500 square feet is too low and whether square footage of an unusable basement will be taken into consideration.

Planner Stockdill responded that Bylaw 224 maximum is 2500 square feet and includes any area greater than five feet in height. A second suite may require a Development Variance Permit (DVP) as the floor area includes the basement.

Kathy D. commented that she will put in writing that the 2500 square feet is too low as homeowners with sloping basements would be penalized.

Trustee McConchie commented that this item will be discussed with trustees as it should not impede homeowners.

Dale Henning stated that he was confused by the presentation regarding helicopters and the statement regarding bylaw enforcement. With no authority to enforce the bylaw, he asked why it was included.

Trustee McConchie responded that:

- There had been a lot of correspondence on this issue;
- Many community members are concerned about aeronautics in the Gulf Islands.
- Pender Island already has a bylaw regarding helipads.
- The creation of an unenforceable law should be discussed.
- There are low flying planes over the Gulf Islands that do not follow flight paths.
- He gets emails once per week regarding helijet, etc.
- He stated that the question is: What is the future of avionics on the islands? And, should local governments have a say, especially if it pertains to the environment?

Dale Henning commented that:

- Aviation is part of West Coast living and while float planes make a lot of noise, they transfer a lot of people. They are an essential part of tourism and medical transport; and

- The Islands Trust has been criticized many times for spending money on silly projects and there is one guy who is fortunate to own a helicopter; and, that Helijet cannot be limited, aircraft fly low and that has to be lived with.

Trustee McConchie stated that he had not received any correspondence with that opinion, but has received numerous correspondence indicating Islands Trust should pursue this issue. He invited Dale Henning to write to the LTC.

Dale Henning commented that years ago the property behind the Driftwood Centre was proposed for senior housing or rental housing. He suggested that Islands Trust take a close look at rental housing.

Planner Stockdill stated that, rather than posting to Facebook, it is important for the public to write to the southinfo@islandstrust.bc.ca in order to ensure their comments become part of the public record and so that each trustee has an opportunity to read them.

Sara Miles commented that in the most recent staff report a motion was carried to incorporate the Groundwater Sustainability Project draft LUB into the draft Bylaw 224. She asked for a summary of what that means.

Planner Stockdill reported that this item will be included in the meeting for July 28th and that there are three items of the Groundwater Project that was incorporated into this project: adding definition into bylaw 224, adding cistern and updating subdivision regulations.

Elizabeth Botman stated that she bought a home 12 years ago which was zoned as a sensitive eco system. She stated that she does not see that mentioned here and asked if there was a change to the category.

Planner Stockdill responded that DVP areas were established based on the sensitive eco system mapping and this project does not deal with that. She asked that Elizabeth Botman contact her directly.

Planner Stockdill also confirmed that any zoning can have an accessory building as long as it meets the setback requirements.

Planner Stockdill explained that the new RR1 zone for Magic Lake and Trincomali are small lots with one dwelling unit and no agriculture as a principle permitted use. Water is also a concern throughout the island including these areas.

Trustee McConchie reported that the LTC received the Agricultural Advisory Planning Commission's opinion that Magic Lake and Tracomalley are different than more rural parts of the Island and there should be differences in the zoning regulations. He reported that the Magic Lake Property Owners Association is voting to investigate incorporation and hopefully this new zoning will address some of their concerns.

Planner Stockdill provided direction and information regarding the Islands Trust website including that the Projects page holds the Land Use Bylaw Review documents.

Ann Burdett questioned how trustees can confidently move forward with these changes and that she has bylaw enforcement stating otherwise with regards to an outbuilding allowance.

Planner Stockdill responded that an outbuilding cannot currently be constructed on bare land, but that the proposed Bylaw 224 will allow it.

Trustee McConchie commented on the thoroughness of the project's process which included analysis, public debate and transparency. He further commented that the process has been ongoing for over three years and that the most helpful comments were those for which individuals addressed specific problems that resulted in alterations. He feels confident and wants to hear from the public on specific matters.

Sara Miles asked whether the LTC can factor density and changes into the decision making while well licensing applications are still in process with the Province and may take several months to process.

Trustee McConchie reported that there were creative solutions the Groundwater Project addressed and the decision was to move to the next phase at the next meeting.

Trustee McConchie read aloud Chair Patrick's typed comment that well registration and licensing is with the Province who work with Islands Trust. The Islands Trust is working on the science and it is a work in progress.

Trustee McConchie commented that this will need more discussion.

Sara Miles asked that if somebody's potable domestic water supply is affected by an authorized development who is liable? Is there any policy?

Planner Stockdill stated that the LTC will be scheduling a community information meeting regarding the Groundwater Project and that William Shulba can provide an answer.

Planner Stockdill invited Ann to have a discussion with her directly concerning her question regarding industrial zones.

Trustee McConchie stated that he discussed this issue with bylaw enforcement and there may be an opportunity for bylaw enforcement to bring the report for discussion at a future date.

Trustee McConchie commented that it is not too late to express yourself or ask questions. He asked that the public write to southinfo@islandstrust.bc.ca and that Chair Patrick and the trustees can be contacted.

4. ADJOURNMENT

By general consent the meeting was adjourned at 7:55 pm.

Ben McConchie, Trustee, Acting Chair

Certified Correct:

Lauren Edwards, Recorder

North Pender Island
Agricultural Advisory Planning Committee

DRAFT Minutes of Special Meeting

Date: July 11, 2022
Location: Meeting by Zoom
Members Present: Anne Burdett, Barb Johnstone, George Leroux, Martha McMahon, Ann Stephenson
Recorder: George Leroux
Staff Present: None
Public: There were no public attendees

1. CALL TO ORDER

Chair Johnstone called the meeting to order at 3:02 PM.

2. APPROVAL OF AGENDA

Agenda

The Committee approved the following Agenda items:

1. Minutes of September 2021 meeting
2. Request from the North Pender Local Trust Committee (NPLTC) regarding maximum floor area
3. Farm Worker Housing
4. New Business
 - a. Farm Building heights
 - b. AAPC Chair

NP-AAPC-2022-003

It was Moved and Seconded,

that the North Pender Agricultural Advisory Planning Commission approve the agenda as presented.

CARRIED

Moved – Barbara Johnstone, Seconded – Ann Stephenson

3. ADOPTION OF MINUTES OF SEPTEMBER 27, 2021

The Agricultural Advisory Planning Commission (AAPC) Committee approves the minutes of the September 2021 meeting.

NP-AAPC-2022-004

It was Moved and Seconded,

that the North Pender Agricultural Advisory Planning Commission approve the September 2021 meeting minutes as presented.

CARRIED

Moved – Ann Stephenson, Seconded – George Leroux

4. BUSINESS ITEMS

4.1 DISCUSSION OF REFERRAL

4.1.a North Pender Local Trust Committee (NPLTC) Referral

The LTC asked the AAPC, by way of memo dated April 19, 2022 from Kim Stockdill:

- *Does the NPAAPC still recommend a maximum floor area of 500 m² for a dwelling located in the ALR in light of allowing a second detached dwelling unit on ALR lands; or,*
- *Would the NPAAPC recommend a smaller maximum floor area for a dwelling unit or cottage in the ALR based on the new regulations?*

The AAPC understands the following zoning criteria from the NP Land Use Bylaw:

- To be zoned AG, the land must be in the Agricultural Land Reserve;
- Agriculture is to be an “approved use” in the Agriculture (AG), Rural (R) and Rural Residential 2 (RR2) Zones
- For subdivision purposes, the AG zone requires a minimum lot size of 16 ha

It is important to distinguish the AG zone from the R and RR2 zones. AG zoned land, by virtue of being in the ALR, is covered by the Agricultural Land Use Regulation (ALUR) and governed by the Agricultural Land Commission (ALC).

The Agricultural Land Commission did extensive consultation across the province with local governments to arrive at the recommended maximum house size of 500 m² for the primary dwelling and 90 m² for the secondary dwelling. The Committee is not aware of any reasoning from the LTC or the Trust that indicates a lower house size limit should be applied to ALR land than that provided by the ALUR. In our view any Rural Lot > 16ha should have the same house size limit as that set for the ALR.

NP-AAPC-2022-005

It was Moved and Seconded,

that the North Pender Agricultural Advisory Planning Commission recommends that the maximum house size on any land classified as Agricultural Land Reserve land follow the Agricultural Land Use Regulation (ALUR), and

That any Rural zone lots greater than 16 ha have the same house size limits as set by the Agricultural Land Use Regulation (ALUR).

CARRIED

Moved – Anne Burdett; Seconded – Martha McMahon

4.1.b Farm Worker Housing

The Committee, having reviewed recent drafts of the proposed Land use Bylaw amendments, noted that there are no provisions for farm worker housing in the AG zoned / ALR land.

NP-AAPC-2022-006

It was Moved and Seconded,

that the North Pender Agricultural Advisory Planning Commission reiterates its request that the North Pender Local Trust Committee include provision for farm worker housing as a permitted use in section 8.3.2 of the draft bylaw.

CARRIED

Moved – Barb Johnstone; Seconded – Ann Stephenson; Carried

5. New Business

5.1 Farm Buildings

The Committee was made aware of a tall building, far exceeding the 4.6 m maximum allowable height, being built on a 0.8 ha Rural Residential property apparently for farm purposes.

NP-AAPC-2022-007

It was Moved and Seconded,

that the North Pender Agricultural Advisory Planning Commission requests of the North Pender Local Trust Committee more information about the farm purposes requiring a 10 m tall building on a 0.8 ha RR ocean front property.

CARRIED

Moved – Ann Stephenson, Seconded – Martha McMahon; Carried

5.2 AAPC Chair

The Committee noted that the terms for the AAPC expire on July 31, 2022. Unless renewed or reappointed the Committee will be extinguished at that time.

6. ADJOURNMENT

By general consent, the meeting was adjourned at 4:45 PM.

Barbara Johnstone, Chair

George Leroux, Recorder



Follow Up Action Report

North Pender Island

28-Jan-2021

Activity	Responsibility	Dates	Status
1 NP LTC requests direction from Director Clare Frater on how to advocate for best practices related to dock maintenance and ocean health.	Clare Frater	Target: 26-Feb-2021	In Progress

27-May-2021

Activity	Responsibility	Dates	Status
1 NP LTC to advocate to prohibit helicopter use in the Islands Trust area - Trust Area Services to follow up	Clare Frater Mike Richards	Target: 30-Jul-2021	In Progress

27-Jan-2022

Activity	Responsibility	Dates	Status
1 14.1.1 Provide suggestions for on-site fire safety review prior to issuance of STVR TUPs. (Staff to provide options when Bylaw No. 222 is to be adopted) - MEETING PENDING	Phil Testemale	Target: 25-Mar-2022	In Progress

24-Mar-2022

Activity	Responsibility	Dates	Status
1 13.3 Bylaw No. 222 adopted. Consolidate OCP bylaw.	Jas Chonk	Target: 22-Apr-2022	Completed
2 14.3 Soil Bylaw Project - Staff to draft a soil deposit and removal bylaw with revisions as outlined in the March 24 staff report.	Robert Kojima	Target: 28-Jul-2022	In Progress



Follow Up Action Report

North Pender Island

24-Mar-2022

Activity	Responsibility	Dates	Status
3 19. Closed Meeting 1. IC minutes of Feb 24, 2022 adopted. 2. All three BOV members appointed. 3. Rise and report at April 28, 2022 meeting.	Jas Chonk Robin Ellchuk	Target: 22-Apr-2022	Completed

28-Apr-2022

Activity	Responsibility	Dates	Status
1 14.3 Groundwater Sustainability Project/LUB Amendments 1. Use of cisterns on private land for fire prevention (by fire department).	Kim Stockdill Narrisa Chadwick	Target: 20-May-2022	In Progress

26-May-2022

Activity	Responsibility	Dates	Status
1 8.1 NP LTC minutes of April 28, 2022 approved as amended.	Robin Ellchuk	Target: 10-Jun-2022	Completed
2 12.1 SSILTC Bylaw No. 530 - interests unaffected.	Jas Chonk	Target: 10-Jun-2022	Completed
3 13.1 LTC requests Trust Council to add the discussion of fee bylaws to the June 2022 meeting agenda.	Kim Stockdill Robert Kojima	Target: 10-Jun-2022	Completed

Follow Up Action Report

North Pender Island

26-May-2022

Activity	Responsibility	Dates	Status
4 13.2 LUB Review Project 1. Amend draft Bylaw No. 224 to allow dwellings in R zone over 16ha to allow 500m2 dwellings and exclude secondary suites from total floor area of buildings. 2. Amend draft Bylaw No. 229 to allow one community dock in W6 zone and rezone upland park from RR to CP2. 3. Amend draft Bylaw No. 223 to re-designate upland park from RR to CP. 4. Draft Bylaw Nos. 223, 224, and 229 all given First Reading as amended. 5. ITPS checklist endorsed for proposed Bylaw Nos. 223, 224, and 229. 6. Send proposed draft bylaw nos. 223, 224, 229 out for referral. 7. Place CIM meeting notices in July/August Pender Post.	Jas Chonk Kim Stockdill	Target: 30-Jun-2022	Completed
5 13.3 Schedule special meeting via zoom for the Groundwater Project.	Narrisa Chadwick Robin Ellchuk William Shulba	Target: 29-Jul-2022	In Progress
6 14.1 Add 'Accessory Dwelling Units' to the Project's List.	Kim Stockdill	Target: 10-Jun-2022	Completed

Follow Up Action Report

North Pender Island

26-May-2022

Activity	Responsibility	Dates	Status
7 New Meetings/Changes to current meetings: 1. Cancel Thursday, June 30th regular meeting. 2. Schedule an online only (Zoom meeting) Special Meeting (CIM) for Thursday, July 7th from 6:30 to 8:30 for the LUB Review Project. 3. Move the regular LTC meeting on Thursday, July 28th to Thursday, August 11th. Check for Anglican Hall availability. 4. Schedule an online only (Zoom meeting) Special Meeting for Thursday, July 27th from 10am to 12pm for a CIM for the LUB Review Project. 5. Schedule an in-person Special Meeting for Saturday, August 13th. Please see if the Anglican Hall is available. This is an in person Special meeting (Open House and CIM) for the LUB Review Project.	Kim Stockdill Robin Ellchuk	Target: 10-Jun-2022	Completed



DATE OF MEETING: August 11, 2022
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Combined Development Permit & Development Variance Permit Application
Applicant: Dayton Funk
Location: 1346 MacKinnon Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2022.2 (Funk).

REPORT SUMMARY

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

The purpose of the **DP application** is for land alteration, tree removal and establishment of building areas within **Development Permit Area (DPA) One – Woodland Ecosystems**.

BACKGROUND

The DP application was submitted to the Islands Trust in order to establish buildable areas and proceed with site preparation activities and the installation of infrastructure in advance of detailed building design and Building Permit application(s).

Approximately 50% of the property is designated within DPA One (Figure 2), and any development or land alteration within the DPA requires a DP or an exemption. The specific objective of the designation of the DPA is:

To preserve and protect remaining sensitive woodland ecosystems.

Referencing Figures 2 & 3, the extent of the proposed development on the property is as follows:

- Overall: site preparation and installation of infrastructure for a future dwelling (including secondary suite) and an accessory building (garage/workshop).

Specifically within the DPA:

- the removal of nineteen (19) trees (Arbutus and Douglas fir) from dwelling and garage development sites;

- the restoration planting (including protection and maintenance) of sixty (60) replacement seedlings;
- excavation of building sites and expansion of a portion of driveway;
- installation of septic disposal tank; and,
- Trenching and installation of buried septic infrastructure, hydro and water services (partially in the DPA).

Specifically outside the DPA:

- Installation of a septic disposal field and associated infrastructure; and
- removal of the pump shed from the well to be reused as a future electrical substation (not in DPA).

As required, a biologist's report entitled 'Environmental Assessment of 1346 MacKinnon Road, Pender Island, BC' (Dan Baxter and Erin O'Brien, Caurinus Environmental, May 12, 2022 – 'Biologist's report') was submitted to the Islands Trust as part of the application (Attachment 3). A complete inventory of the property's physical and natural makeup are described in the Biologist's report supplemented by Attachment 1.

The Biologist's report and DPA conditions are discussed further in 'Issues and Opportunities' below.

The applicants provided an addendum to the application that includes their intent for the uses on the land, design approach, staging, and the use of existing buildings (Attachment 2). That includes plans for installation of a rainwater catchment system associated with the construction of a 300 – 315 m² (3200-3400 ft² - approx.) dwelling and a 95 m² (1024 ft² - approx.) garage in 2023-2024.

There are geotechnical restrictive covenant areas both within and outside the DPA placed on the property by the Ministry of Transportation and Infrastructure (MoTI) at the time of subdivision. A professional geotechnical analysis was submitted to the Islands Trust, however, this applies to the covenant areas that have no application to the DPA.

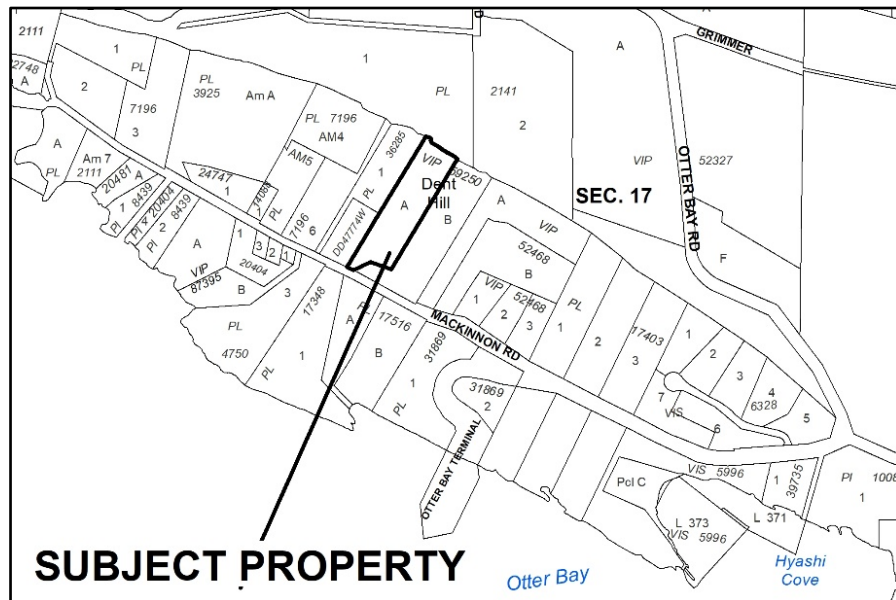
The property is 1.57 ha (3.89 ac) in size and initially rises moderately from MacKinnon Road, then more steeply through the middle section to a knoll formation ('Dent Hill') where the development sites are located. There is an existing driveway winding from MacKinnon Road through the middle of the property and leading to the proposed development sites. The DPA predominantly consists of open regenerating forest with an open understorey and that the majority of the proposed development sites have been historically modified with tree removal and shrub clearing. The development areas have also been selected as: they avoid the geotechnical covenant areas; are on a topographical bench formation; they provide the best solar exposure for alternate power generation; and, are contiguous in elevation with adjacent properties. There are alternative, developable areas on the property both at the lowest portion adjacent to MacKinnon Road, and on the receding slope (north facing) at the top. However, the applicants have provided information indicating that the south portion is constrained given the required distance from a septic disposal field to the property's well (in the south east corner), and that the northern portion is topographically inaccessible and would require significant ballasting. Referencing Figure 2, the property currently has the following existing buildings and structures, all of which are located outside of the DPA:

- a pumphouse - 4.75 m² (51 ft²) – to be refurbished and used as an electrical shed);
- an accessory shed – 5.0 m² (53 ft²) - storage; and,
- an accessory building 35 m² (376 ft²) - storage.

The proposed DP is Attachment 5

Staff have not conducted a site visit to the property due to a rise in COVID cases in June when travel was scheduled.

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

The property is designated **RR - Rural Residential** in the North Pender Island Official Community Plan No. 171, 2007.

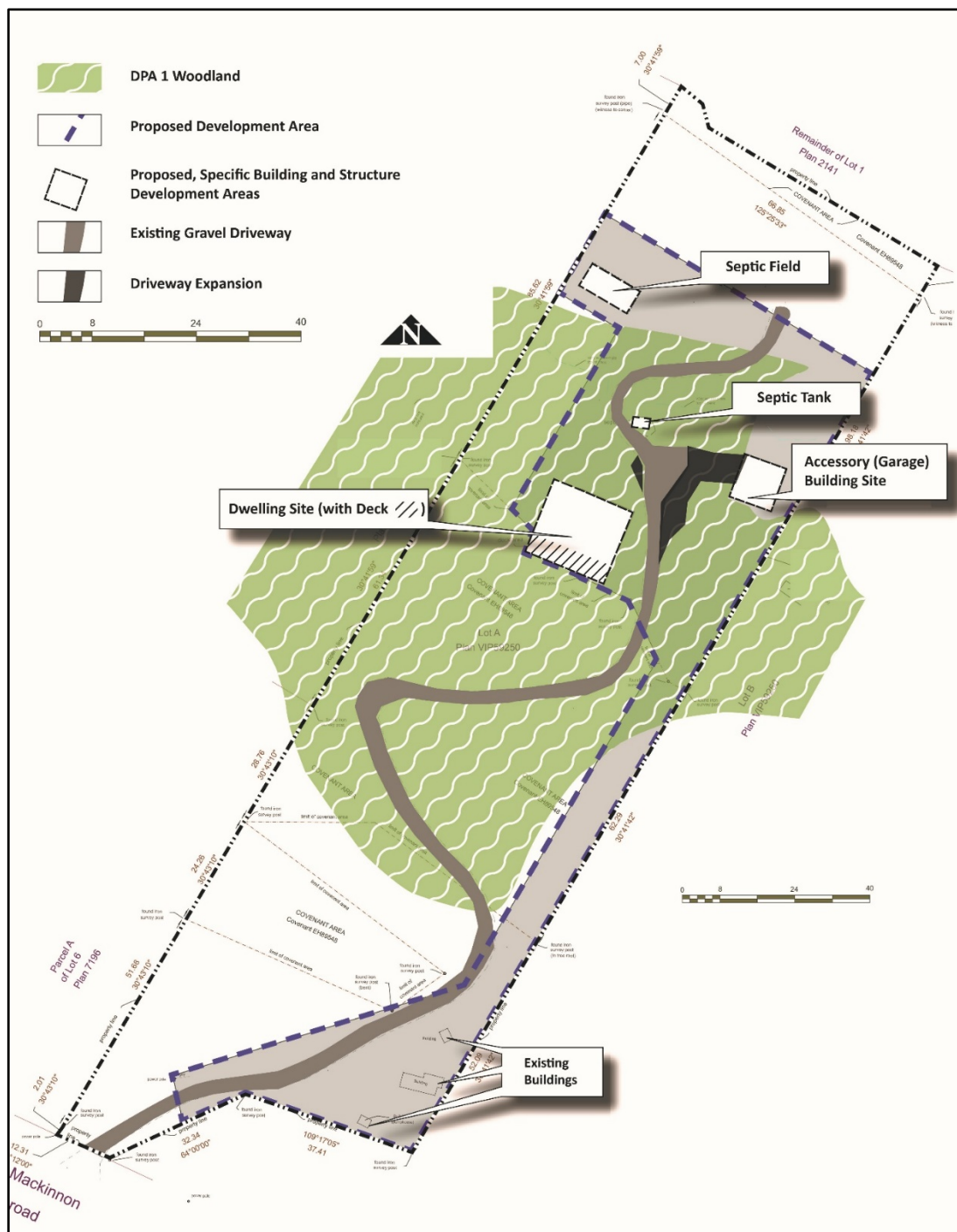
Development Permit Areas:

Development Permit Area One – Woodlands Ecosystem (DPA) is designated on the subject property. (Attachment 1, Figures 2 & 3). The DPA guidelines are analysed in Attachment 4 and, in summary, the proposed development substantively meets the objective and guidelines.

Land Use Bylaw:

The property is zoned as **Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 103, 1996 (Attachment 1). The proposed uses and density meet the requirements of the LUB.

Figure 2 – Site Plan



Issues and Opportunities

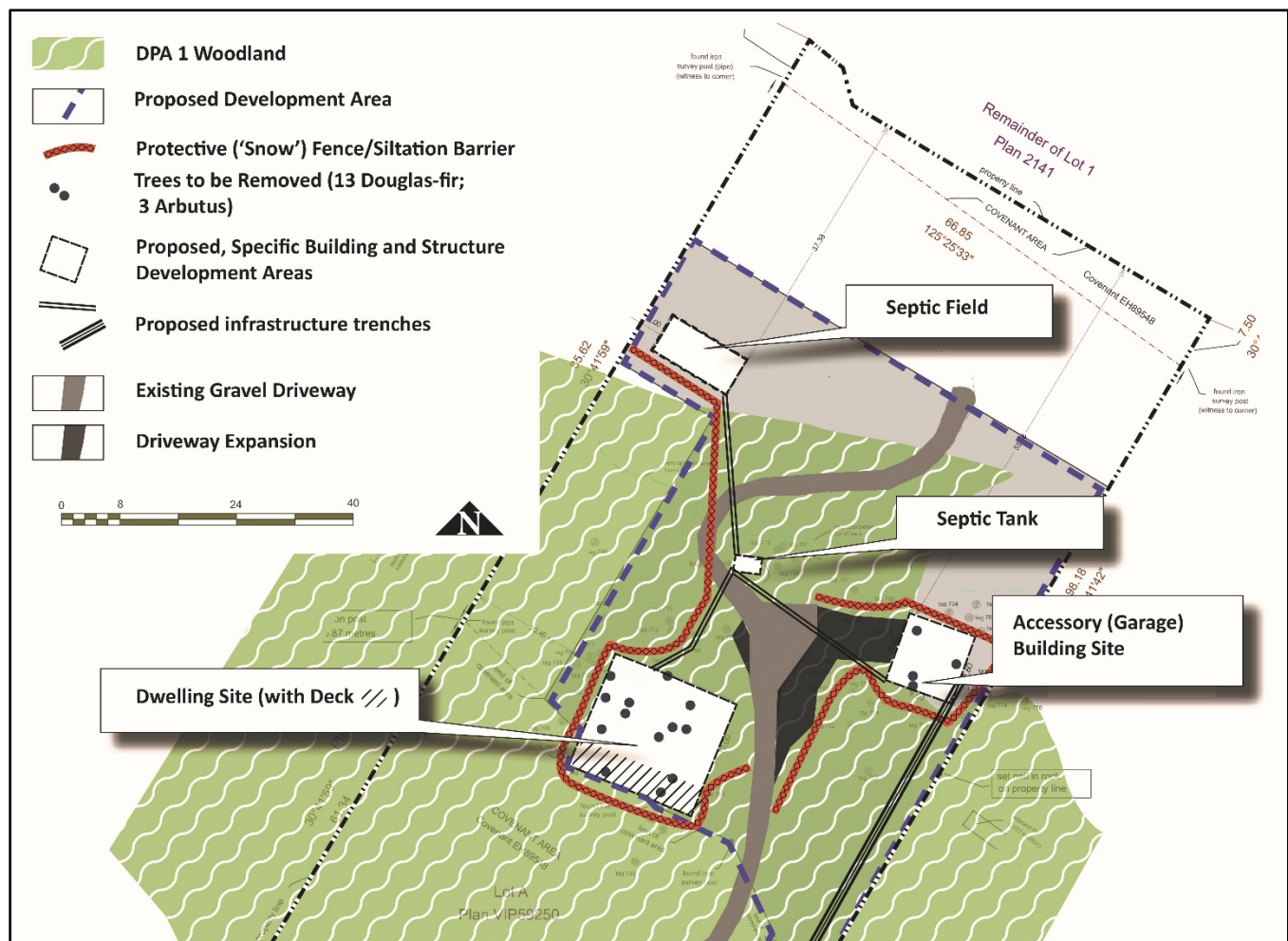
Biologist's Report

The Biologist's report inventories the biophysical context and the site specific conditions of flora, fauna (birds, mammals, and amphibians and reptiles) and historic disturbance from land use. It notes that no rare, species at risk, raptor or heron nests were identified on the property. The report provides an impact assessment for tree and vegetation removal, hydrology, and the potential introduction of non-native flora and fauna (pp. 20-22). Recommendations for mitigation with tree replacement (restoration), hydrology, maintaining native species, erosion, and construction management and monitoring are provided on pages 22 to 28.

The Biologist's report concludes that the proposed development "...will minimally encroach on the designated ...DPA..." and that following the guidelines and recommendations "...will ensure that further detrimental impacts to the sensitive and threatened ecosystems on the subject property can be avoided." (p. 28)

The Biologist's report at includes a completed professional's checklist, and all recommendations of the as they apply to DPA guidelines have been incorporated into the draft DP.

Figure 3 –Detail Site Plan



Conditions in Permit.

In addition to the foregoing, additional conditions consistent with the DPA guidelines and similar applications have been placed in the draft DP.

The DPA Checklist confirms that relevant guidelines have been met (Attachment 4). There are alternatives for siting outside of the DPA, however, the historical disturbance of the development areas, the minimization of incursion into the designated area, and restoration measures meet the overall objective of the DPA. The implementation with monitoring of the draft DP would ensure the protection of the sensitive woodland ecosystem.

Consultation

There is no public or agency consultation regularly associated with a DP application, nor any requirement for statutory notification.

First Nations

With respect to the potential for archaeological material to be found on the property during the proposed additions, Islands Trust reviews all applications/permits using Remote Access to Archaeological Data (RAAD) mapping to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Staff have provided the Islands Trust Chance Find Protocol and the Provincial Archaeological Branch guidelines on *Heritage Act* and other guidance itemized in Attachment 1.

Rationale for Recommendation

The recommendation on page 1 is supported as:

- The objective and guidelines of the DPA have been met, and
- All recommendations of the Biologist's report have been incorporated into the proposed DPA.
- Implementing and monitoring conditions in the draft DP will ensure the protection of the sensitive woodland ecosystem.

Alternatives

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

1. Request further information

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

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

2. Determine that the DPA guidelines are not being met

The LTC may determine that the application as presented does not meet one or more guidelines of DPA-1. If this is the case, the LTC may request that the applicant amend the proposal to more closely align with DPA guidelines. The LTC should indicate which guidelines are not being met and the reasons for this. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee has determined that application NP-DP-2022.2 (Funk as presented on August 11, 2022 does not meet guideline(s) _____ for the following reasons:
_____.

Submitted By:	Phil Testemale, Planner 2	July 26, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	July 26, 2022

ATTACHMENTS

1. Site Context
2. Applicant's Statement
3. Biologist's report
4. DPA Guideline Checklist
5. Draft Development Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot A, Section 17, Pender Island, Cowichan District, Plan VIP 59250
PID	018-876-838
Civic Address	1346 MacKinnon Road

LAND USE

Current Land Use	Rural Residential:  <i>Orthophoto</i>
Surrounding Land Use	Rural Residential and Community Service (Legion – see 'Zoning Map' - below)

HISTORICAL ACTIVITY

File No.	Purpose
NP-SUB-1993.3 and 1995.1	Historical subdivision creating subject lot.

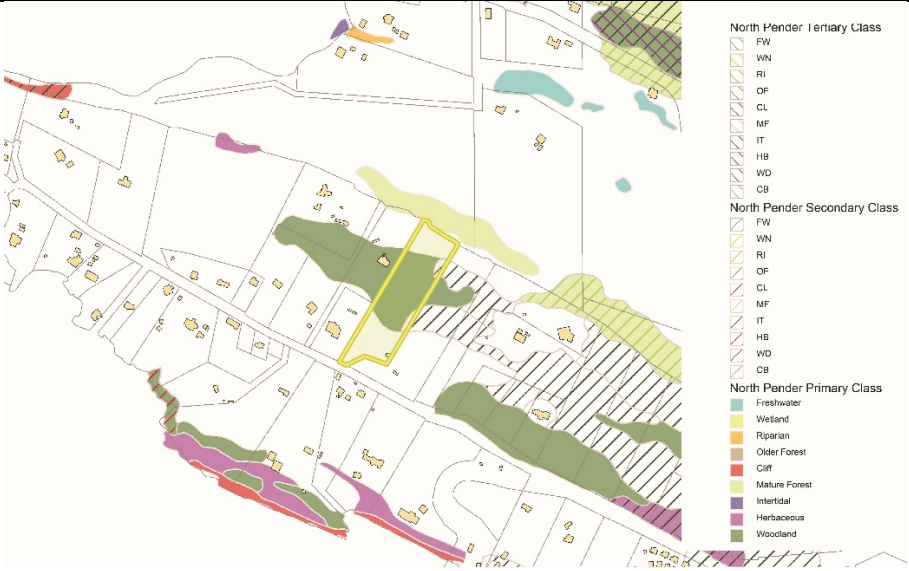
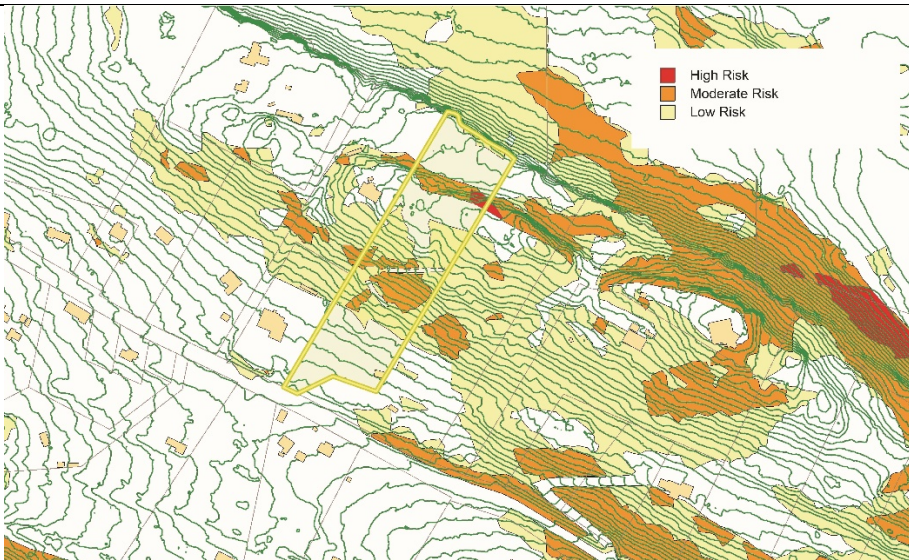
POLICY/REGULATORY

Official Community Plan Designations	The property is designated as RR - Rural Residential in the North Pender Island Official Community Plan No. 171, 2007 (OCP). Development Permit Area One – Woodland Sensitive:
--------------------------------------	--

	 <i>Development Permit Areas</i>
Land Use Bylaw	The subject property is zoned as Rural Residential in the North Pender Island Land Use Bylaw 103, 1996.  <i>Zoning Map</i>
Other Regulations	N/A
Covenants	Restrictive Covenant EH89548 (Ministry of Transportation and Infrastructure – geotechnical)
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	Biologist's Report (Attachment 3 identified no species at risk).

Sensitive Ecosystems	 <i>Sensitive Ecosystem Mapping (ITC)</i>
Hazard Areas	 <i>Steep Slope Hazard Mapping</i>
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates there are no archaeological sites, however there are areas of high archaeological potential within 100 metres of the property. Given the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Impacts from the proposed development will have some impacts on GHG emissions, particularly from tree removal and new construction. However, restoration plantings The subject property is above 45 m elevation above sea level.

Development Permit Application
1346 MacKinnon Road (Funk)

Introduction

The purchase of 1346 MacKinnon Road on December 1, 2020, is a Family Endeavor. Our Family consists of three family units. 1) Carol and Dayton Funk, retired organic farmers currently residing in Saskatchewan 2) Jason Funk, web developer, owner and operator of Whitkow Interactive, currently residing in Vancouver with his wife, Jennifer Rai, office manager of Hub City Cycling. 3) Jonathan Funk, web developer and graphic designer, also currently residing in Vancouver.

We had explored several islands and locations in B.C. when we came upon this property. Its quiet, rural atmosphere with plenty of natural space, birds, wildlife and beautiful fauna was the perfect fit for us. Prior to our purchase, we did our due diligence and research. We discovered the property was in a DPA - Woodland and also had a non-inhabitable covenant attached to the title. Many hours were spent researching and consulting with several local professionals. As a result, we are convinced we have chosen the best building site. Our plan complies with the existing bylaws, and will create the least amount of disturbance to the DPA and protect our water source. There is an existing driveway to the site and much of the property had already been disturbed as was evident by the invasive species of Scotch Broom and black berry that flourished there. We have spent a considerable amount of sweat equity and expense to clear and dispose of rubbish and invasive plants. We are committed to the ongoing monitoring and care of our property and its unique ecosystem.

Our goal is to develop the property as a full time residence for two family units and part time residence for the third family unit. After examining many options, we decided that the best plan within the existing bylaws is to build a primary dwelling with a secondary suite and an accessory building (garage/workshop).

Enclosed in this package is our Development Permit Application. Biologist report will follow shortly. Accurate set backs and elevations are not included as the design is not complete. The purpose of this application is to proceed with development of infrastructure needed for primary dwelling and accessory building, trenching of electricity, water, propane and sewage lines and installing the electrical substation, septic tank, septic field and driveway. Details are included in the development proposal section of this application.

Respectfully yours,

The Funk Family

Development Plan

To prepare site and install infrastructure for future dwelling (including secondary suite) and accessory building (garage/workshop)

- remove pump shed from well and set aside for use as future electrical substation
- remove trees from development site (as per Biologists report to follow shortly)
- excavate building site and driveway
- trench from garage to well and hydro pole
- install water and electrical line from garage to well
- install underground electrical line from garage site to substation and hydro pole
- install propane line from garage to proposed propane tank site
- trench and install septic tank
- trench sewage line from septic tank to septic field
- install septic field
- trench from sewage tank to garage

Ideally, we would like to begin this stage of our development fairly soon (pending approval of course) and have it completed well before the rainy season starts to help prevent erosion.

Following this, we will begin the building permit application process to start construction of dwelling and garage in 2023-2024.

Summary

Once this phase of our development is underway, we intend to complete the design of our buildings to blend into the landscape. ICF construction and passive solar design will enhance our energy efficiency. The dwelling will be designed with a butterfly roof and the garage with a flat roof. Color scheme will blend with natural surroundings. The design of the dwelling is a balance of privacy and comfortable living for two, possibly three family units as well as consideration of our environmental impact. Both the primary dwelling and secondary suite have two stories for maximum space and minimum footprint. Shared spaces such as laundry, storage, garage, utilities, water system and outdoor living areas will further lesson our impact on the surroundings. With the south facing direction we hope to take advantage of active solar energy yet to be designed.

We have owned and observed this property and island for a full year, studying its seasons and weather patterns. This has prompted us to plan the 20K litre rainfall water catchment that will be used for gardening, trees and flowers with residual overflow directed to natural trees and landscape. The 30K litre well water reserve will ensure a supply of water in the dry summer months as well as fire protection. A propane generator will assist in dealing with the power outages.

Our family is excited to proceed with our project. We really enjoy Pender Island and look forward to spending more time there. We all have a great appreciation for its unique and sensitive ecosystem. We will make every effort to care for it.

Attachment 3

Environmental Assessment of 1346 MacKinnon Road, Pender Island, BC

Submitted To:

Dayton Funk

On

May 12, 2022

Prepared By:

Dan Baxter and Erin O'Brien



Caurinus Project No.: CE2021005

Table of Contents

1.0	<i>Introduction</i>	3
2.0	<i>Supporting Inventories</i>	4
2.1	Physical Resources	5
2.2	Topography	5
2.3	Hydrology	5
2.4	Biological	6
3.0	<i>Site Inventory</i>	8
3.1	Conservation Data Centre	8
3.2	Flora	9
3.3	Fauna	13
3.4	On Site Land Use	15
4.0	<i>Impact Assessment</i>	20
5.0	<i>Mitigation and Recommendations</i>	22
6.0	<i>Monitoring and Restoration</i>	28
7.0	<i>Conclusion</i>	28
8.0	<i>References</i>	29

1.0 Introduction

In February 2021, Caurinus Environmental was contacted by Dayton Funk to complete an environmental inventory, condition and impact assessment in a designated Woodland Ecosystem DPA at 1346 MacKinnon Road on Pender Island (Figure 1). The purpose of this report is to provide a complete environmental inventory, impact assessment and strategies with other disciplines to guide the construction of a primary dwelling and a garage in an environmentally responsible manner.

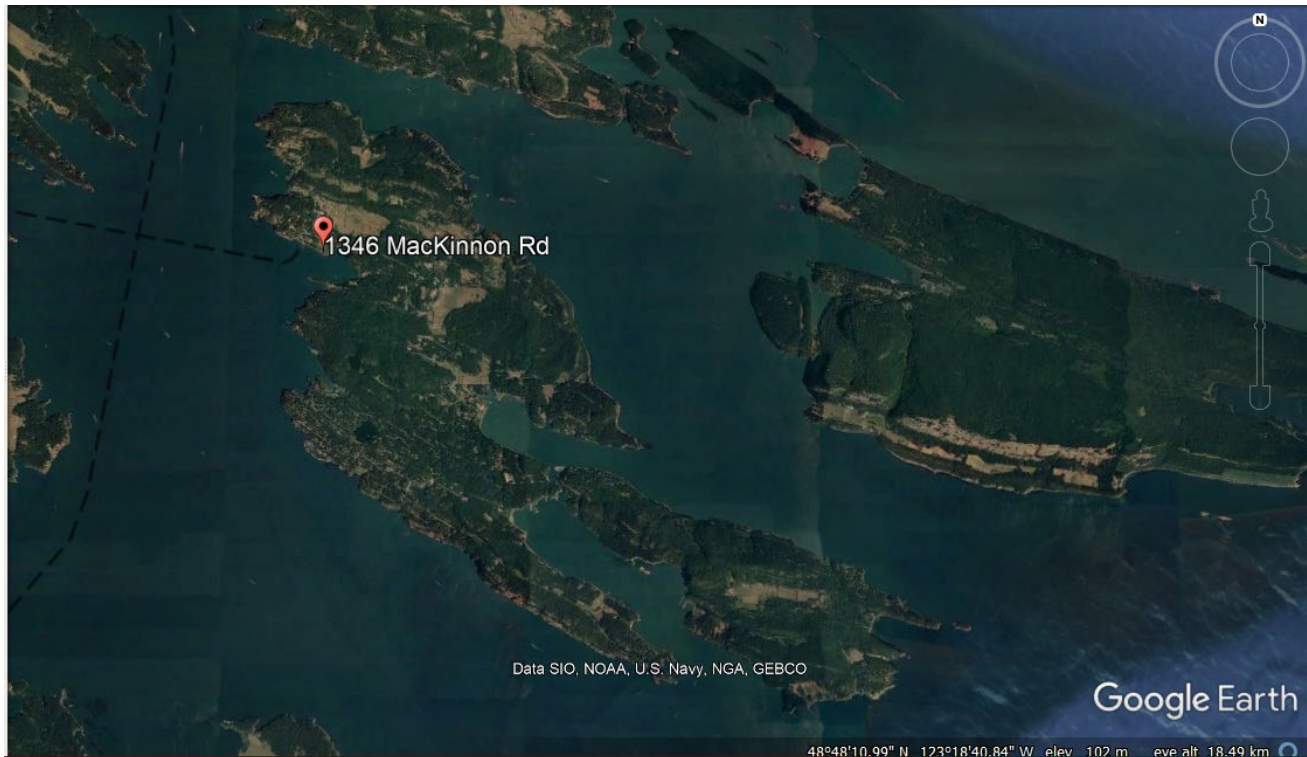


Figure 1. Pender Island; Gulf Islands (Google Earth 2021).

The subject property is located in the North Pender Island Local Trust Area, Capital Regional District (CRD), and is approximately 1.57 ha (3.89 acres) in size. The property is located on 1346 MacKinnon Road, approximately 450 m North of Otter Bay ferry Terminal (Figure 2). The legal description for the parcel is:

- Lot A Plan, VIP59250 Section 17, Land District 16, Portion Pender Island (PID: 018-876-838)

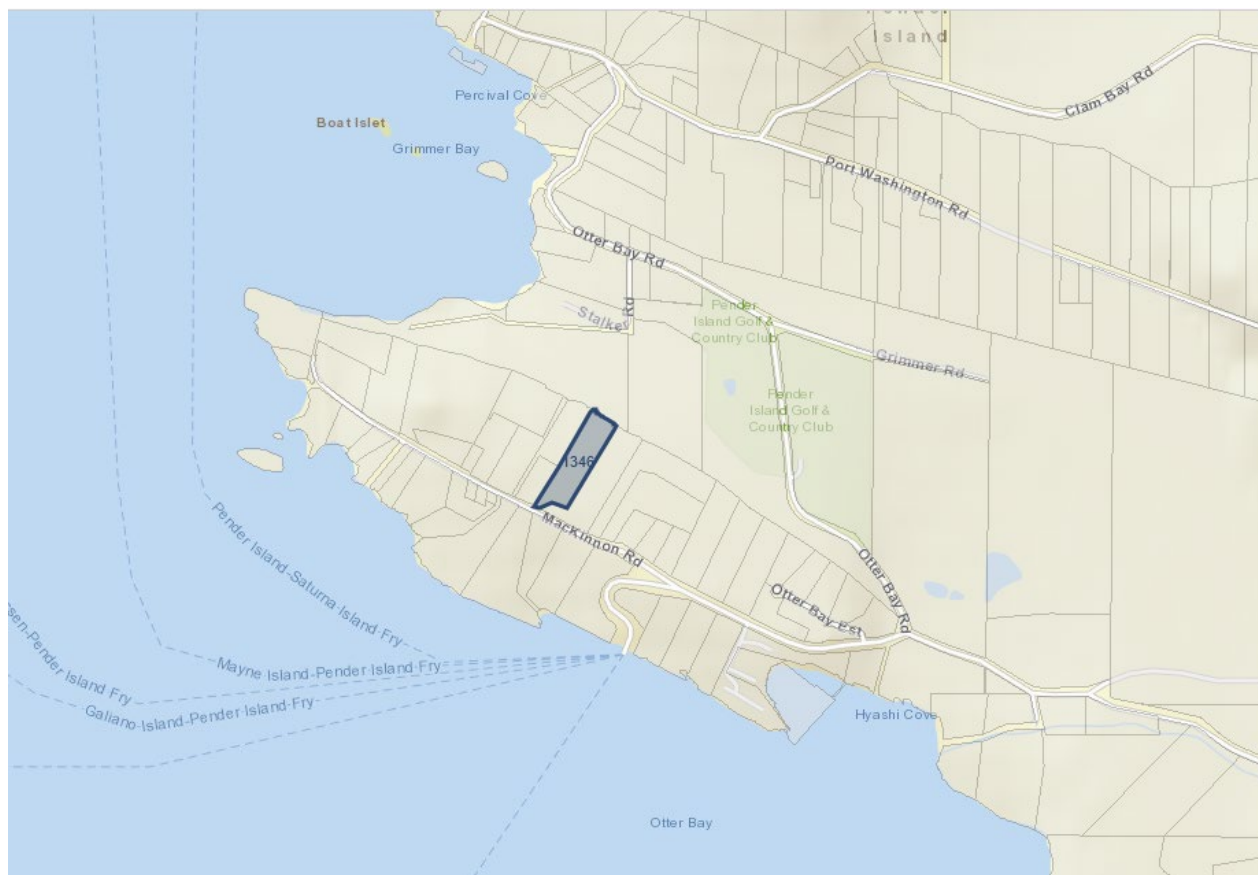


Figure 2. 1346 MacKinnon Road, Pender Island, BC (e-valueBC, BC Assessment 2021).

The proposed area is currently zoned RR2 (Rural Residential) with adjacent property to the north designated as Rural and properties to the south, east and west designated as Rural Residential. The subject property falls under the jurisdiction of the North Pender Island Local Trust Area and consequently must conform to the North Pender Island Official Community Plan Bylaw No.171, 2007. Both phases of the environmental assessment are included in this report: Ecological Assessment Phase as well as Impact Assessment and Mitigation Phase. Other regulatory frameworks which also guide the assessments and strategies within this report include, but are not limited to:

1. Species at Risk Act (SARA) - Federal
2. Migratory Birds Convention Act – Federal
3. Wildlife Act – Provincial

2.0 Supporting Inventories

A review of current information pertaining to the subject property and surrounding areas was conducted using the following resources:

- Biogeoclimatic maps and online satellite imagery of the subject property
- BC Conservation Data Centre (CDC)
- Ecocat, Ecosystems Report Catalogue
- Terrestrial Ecosystem Mapping

2.1 Physical Resources

Humid Temperate Ecodomain

In British Columbia, the ecosystems of the Gulf Islands originate from the most southerly extent of the Humid Temperate Ecodomain extending from the continental slope and shelf, all the coastal islands, adjacent mountains, the central interior plateau, and the southern interior mountains. The climate is characterized by strong seasonal cycles of temperature and precipitation with a distinct winter (CPAWS 2005; Demarchi 2011).

Humid Maritime & Highlands Ecodivision

This Ecodivision occurs along the coast from the western edge of the Continental Slope eastward to the effective height of land on the Coast Mountains, including the Nass Basin and Nass Ranges. This Ecodivision's climate is temperate, with abundant rainfall throughout the year, but with reduced precipitation in summer. Coniferous tree species that occur include Douglas-fir (*Pseudotsuga menziesii*), Western redcedar (*Thuja plicata*), Western hemlock (*Tsuga heterophylla*), Sitka spruce (*Picea sitchensis*), amabilis fir (*Abies amabilis*), and yellow-cedar (*Chamaecyparis nootkatensis*). In the extreme south of the province, where it is much drier, it contains arbutus (*Arbutus menzeisii*) and Garry oak communities (CPAWS 2005; Demarchi 2011).

Georgian Depression Ecoprovince (GED)

This ecoprovince lies between the Vancouver Island Mountains and Olympic Mountains to the west and the southern Coast Mountains and northern Cascade Ranges to the east. In British Columbia, the Georgia Depression Ecoprovince is a large basin that encompasses the southeastern Vancouver Island Mountains, the Nanaimo Lowlands, and the Gulf Islands in the west, the Strait of Georgia in the middle, and the Georgia Lowlands and Fraser Lowlands in the east (CPAWS 2005; Demarchi 2011).

SGI - Southern Gulf Islands Ecoregion

These islands occur from Newcastle and Gabriola islands south to Chatman, Discovery and Chain islands, including the inter-island channels and sounds that extend across the Strait of Georgia, and the San Juan Islands in Washington. The islands consist of folded and faulted shale and sandstone/conglomerate, with some volcanic stocks intermixed. This has resulted in the many linear valleys and island separations. The northwesterly aligned folded structure and the eroding power of southeasterly moving glacial ice have resulted in the prominent northwesterly-southeasterly alignment of the Gulf Islands. As the glaciers retreated, it resulted in very deep deposits of sediments on this lowland. Streams that originate here are short and often ephemeral, drying in the summer (CPAWS 2005; Demarchi 2011).

2.2 Topography

The bedrock geology plays a large role in the topography of the islands. North Pender bedrock is categorized as the Late Cretaceous Nanaimo Group with the strata consisting of alternating interbeds of sandstone, shale, siltstone, and conglomerate. This has led to the steep rugged topography following the trends of the major resistant bedrock units (sandstones and conglomerates), with the valleys being comprised of sandy or clay soils located over less resistant shale and along fault lines (Kenney *et al.* 1988; Kohut *et al.* 2001). Locally the surveyed property has been incised heavily and scraped down to the bedrock with large deposits of sediment throughout (Kohut *et al.* 2001). The subject area consists of a gentle downward slope beginning from the northern property boundary and continuing steeply south towards Mackinnon Road.

2.3 Hydrology

Soils, climate, vegetation cover, and surface topography work together in a complementary manner. Soils directly influence precipitation infiltration rate, the rate of surface runoff, and ultimately groundwater recharge/discharge as well as soil moisture content (Kenney *et al.* 1988). North Pender Island lies in the Coastal

Douglas-fir zone (Kenney *et al.* 1988) which is the driest mesothermal climate in British Columbia. The climate of the Gulf Islands is highly variable and annual precipitation averages 873.8 mm. Pender Island can be in drought conditions for long periods resulting in annual precipitation as low as 399.8 mm (Henderson 1998). Precipitation is the only source of groundwater replenishment and is the primary source of potable water on the island. Outflows of water consist of surface runoff, evapotranspiration, springs, and seepage to the ocean. The critical factors which influence hydrogeology include soil type and thickness, bedrock stratigraphy and structure, cultural interference, and vegetation type and density (Henderson 1998). The general low primary porosity and permeability of bedrock on North and South Pender Islands indicates the reduced potential for water storage and accessibility. Hydrograph and precipitation data from North Pender Island indicate that there is a very close relationship between climatic factors and groundwater recharge due to the short time between precipitation and groundwater recharge (Henderson 1998). The location of the islands in a tectonically active area has the potential advantage of enhanced secondary porosity and permeability (Kenney *et al.* 1988).

2.4 Biological

2.4.1 Biogeoclimatic Ecosystem

In British Columbia, resource managers have advocated Terrestrial Ecosystem Mapping (TEM) to establish natural resource baselines for planning and management purposes. Furthermore, these databases are to be used by stakeholders and resource planners to provide guidance for the private sector and all levels of government regarding conservation and management at a meaningful scale, such as community development plans, and to do so in a common language.

Climate, topography and surface geology influence the site hydrology, which in turn influences the biological resources on site. This ecological principle is fundamental to most Ecological Landscape Classifications. The vegetation assessment utilizes the Biogeoclimatic Ecosystem Classification (BEC) which is used extensively throughout British Columbia to report and describe terrestrial ecosystems. In the BEC system, climate is the most significant determinant of ecosystems, influencing soil characteristics which in turn influence the climax (old growth) vegetation, its composition and structure.

The subject property is located in the CDFmm - Moist Maritime Coastal Douglas-fir subzone occurring in the Southern Gulf Islands (Pojar and Mackinnon 1994). The Southern Gulf Islands ecosystems are heavily influenced by the rain shadow of the mountains on Vancouver Island and Washington's Olympic Peninsula. This results in warm, dry summers and mild, wet winters. The Southern Gulf Islands fall predominantly into the Coastal Douglas-Fir biogeoclimatic zone. The most common tree species found are Douglas-fir, Western redcedar and Garry oak (*Quercus garryana*). Other common species include salal (*Gaultheria shallon*) and Oregon grape (*Mahonia aquifolium*) in upland areas, wild rose (*Rosa acicularis*), snowberry (*Symphoricarpos albus*) and oceanspray (*Holodiscus discolor*) in rocky outcrops, and bigleaf maple (*Acer macrophyllum*), sword fern (*Polystichum munitum*), and salmonberry (*Rubus spectabilis*) in moister regions (Meidinger and Pojar 1991; Demarchi 2011).

The following ecosystems were noted within the subject property (Green and Klinka 1994; Figure 3):

- **CDFmm DS/01: Douglas-fir – Salal**
- **CDFmm DA/02: Douglas-fir - Shore Pine – Arbutus**
- **CDFmm DO/04: Douglas-fir - Grand fir - Oregon grape**

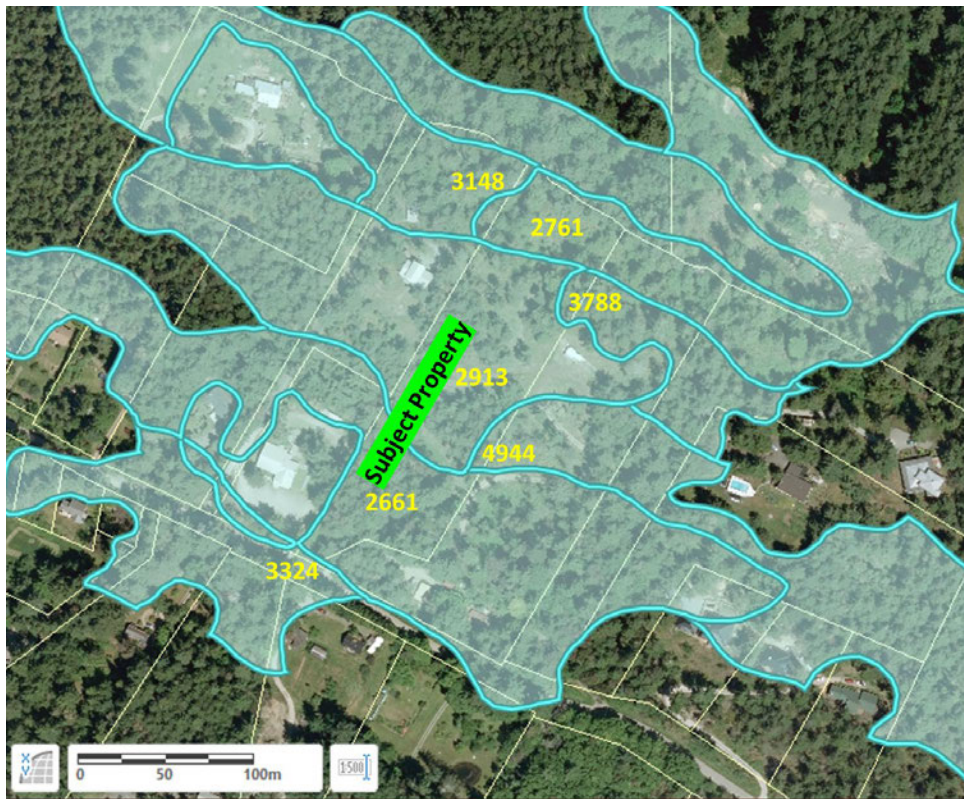


Figure 3. Property Ecosystems: (2913: 70% Douglas-fir - Shore Pine – Arbutus, Young Forest, 30% Douglas-fir Salal, Young Forest; 2661: 70% Douglas-Fir-Salal, Young Forest, 30% Douglas-fir - Grand Fir - Oregon Grape , Young Forest; 2761: 100% Douglas-fir - Grand Fir - Oregon Grape, Young Forest; 3148: 70% Douglas-Fir-Salal, Young Forest, 30% Douglas-fir - Grand Fir - Oregon Grape, Young Forest; 3788: 70% Douglas-fir Salal, Young Forest; 30% Douglas-fir - Shore Pine - Arbutus, Young Forest; 3324: 70% Douglas-Fir-Salal, Young Forest, 30% Douglas-fir - Grand Fir - Oregon Grape, Young Forest; 4944: 80% Douglas-fir Salal, Young Forest; 20% Douglas-fir - Shore Pine - Arbutus, Young Forest (Islands Trust (MapIT) 2021).

Woodland Ecosystem DPA

Portions of the property have been locally designated as a Woodland Ecosystem DPA by the Islands Trust. This designation includes forest such as open deciduous and mixed deciduous conifer. They are generally restricted to areas with shallow soils on south-facing slopes in areas with extremely dry summers. The Woodland Ecosystem DPA present is designated as 70% Douglas-fir - Shore Pine – Arbutus, Young Forest; 30% Douglas-fir Salal, Young Forest (Figure 4).

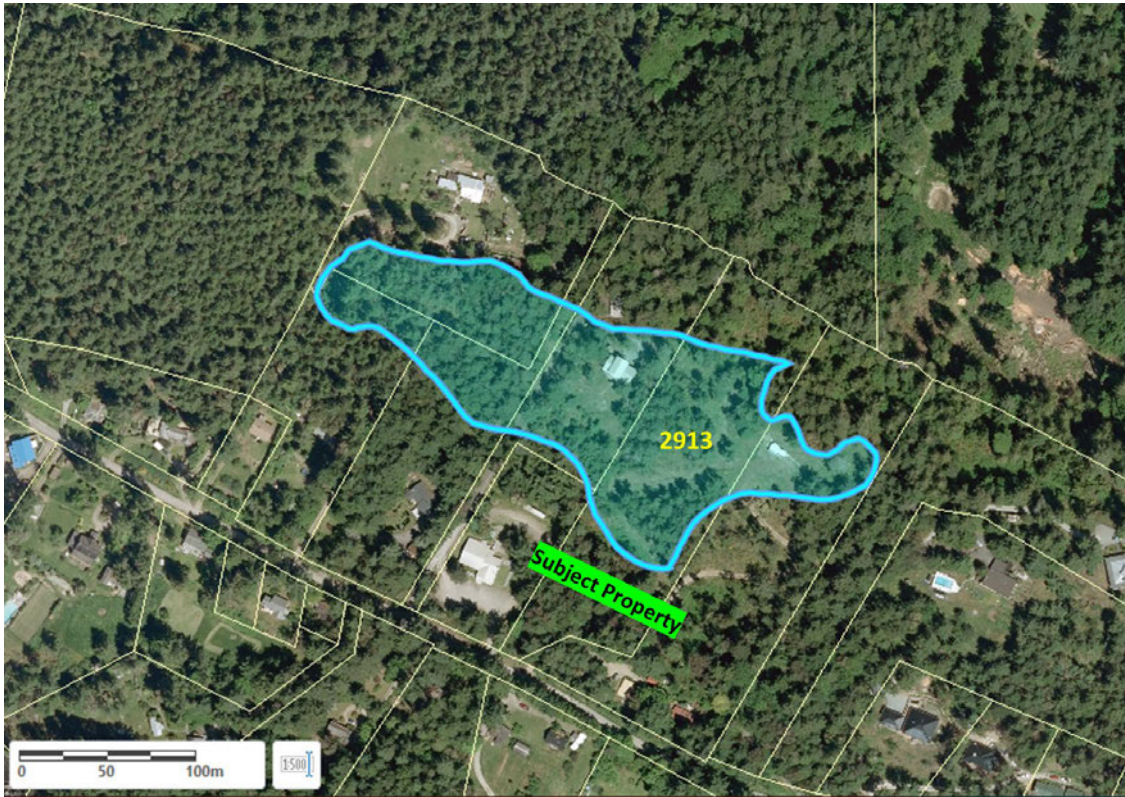


Figure 4. Location of Woodland Ecosystem DPA on the subject property. 2913: 70% Douglas-fir - Shore Pine – Arbutus, Young Forest; 30% Douglas-fir Salal, Young Forest (Islands Trust (MapIT) 2021).

3.0 Site Inventory

Dan Baxter (B.Sc., R.P.Bio) and Erin O’Brien (Ph.D.) of Caurinus Environmental conducted a site visit and review of current information pertaining to the subject property and surrounding areas in April 2021. The review included online satellite imagery, reports, independent studies and recent Terrestrial Ecosystem Mapping (TEM). The subject property is accessed from MacKinnon Road (Figure 2). The property begins on the northeast side of the roadway and continues in a northeasterly direction until it connects to the adjacent large Rural Residential property. The property has been previously disturbed by historic land use and there is an existing road running through the Property extending inside the Woodland Ecosystem DPA.

3.1 Conservation Data Centre

British Columbia Conservation Data Centre (CDC) is an extension of the Ministry of Environment and Climate Change Strategy and is the provincial coordinator of tracking rare and endangered species (native plants, animals, and natural plant communities) in British Columbia on provincial, national and international levels. Documented locations of sensitive (at-risk or endangered) and non-sensitive species were reviewed for the area using a 1 km search radius; no known sensitive species occurrences have been reported in the area (Data review: Jan 5, 2022).

3.2 Flora

The ecosystems on the property categorized by the Islands Trust (Figure 3) were as follows:

- **2913: Development Permit Area 1: Woodland Sensitive Ecosystem – 70% Douglas-fir - Shore Pine – Arbutus, Young Forest; 30% Douglas-fir Salal, Young Forest**
- **2661: 70% Douglas-Fir-Salal, Young Forest, 30% Douglas-fir - Grand Fir - Oregon Grape, Young Forest**
- **2761: 100% Douglas-fir - Grand Fir - Oregon Grape, Young Forest**
- **3148: 70% Douglas-Fir-Salal, Young Forest, 30% Douglas-fir - Grand Fir - Oregon Grape, Young Forest**
- **3788: 70% Douglas-fir Salal, Young Forest, 30% Douglas-fir - Shore Pine - Arbutus, Young Forest**
- **3324: 70% Douglas-Fir-Salal, Young Forest, 30% Douglas-fir - Grand Fir - Oregon Grape, Young Forest**
- **4944: 80% Douglas-fir Salal, Young Forest; 20% Douglas-fir - Shore Pine - Arbutus, Young Forest**

The following section summarizes the provincial Terrestrial Ecosystem Mapping TEM - ecosystems found on the subject property site. The following ecosystems were identified in a literature review and confirmed during the survey of the property:

Woodland - CDFmm: Coastal Douglas-fir Zone, Moist Maritime

- **CDFmm DA/02: Douglas-fir – Shore pine – Arbutus**

This forested ecosystem is dominated by Douglas-fir and arbutus with shore pine (*Pinus contorta contorta*) occurring on the driest and poorest sites. In areas with rock outcrops and/or small islands, Garry oak can also occur. Forest canopies are discontinuous with large gaps, due to rock outcrops and pockets of shallow soil. These forests are typically found on drier, poorer sites including crests, upper slopes, and warm aspects. Soils are shallow, mostly medium-textured ranging from fine sand to silty loam and have a very dry moisture regime with a very poor to medium soil nutrient regime. Some have a thin soil deposited by glacial melt water or till origin overlying bedrock. Drainage ranges from very rapid to well. The shrub layer consists of diverse drought-tolerant shrubs such as hairy honeysuckle (*Lonicera hispidula*), Nootka rose (*Rosa nutkana*), Oregon grape, oceanspray, salal with saskatoon (*Amelanchier alnifolia*) being present in minor amounts. The herb layer usually includes Columbia brome (*Bromus vulgaris*), purple peavine (*Lathyrus nevadensis*), orange honeysuckle (*Lonicera ciliosa*), broad-leaved starflower (*Trientalis latifolia*), white fawn lily (*Erythronium oregonum*), Pacific sanicle (*Sanicula crassicaulis*), and trailing blackberry (*Rubus ursinus*).

The Douglas-fir – Shore pine – Arbutus plant community is provincially **Red** Listed (BC List Status 2021) and is ranked S1 (critically imperiled; Provincial Conservation Status 2021) in British Columbia. This critically imperiled habitat is situated in coastal areas with favourable scenic aspects and is in high demand for new and re-development in the region. In the entire Coastal Douglas-fir Zone, due to continued development pressures, only ~0.5% has been identified as mature or old forest (BC's Coast Region: Species & Ecosystems of Conservation Concern 2010). Historically, this ecological community has experienced significant declines as a result of extensive past timber harvesting, grazing, and extensive rural and urban development. Threats include development, agriculture, fire suppression, invasive species, recreational use, grazing and browsing by domestic livestock and the overabundance of black-tailed deer (*Odocoileus hemionus columbianus*; BC's Coast Region: Species & Ecosystems of Conservation Concern 2010).

- **CDFmm/01: Douglas-fir - Grand fir - Oregon grape**

Mature and old forests contain moderately open to closed stands typically dominated by Douglas-fir, in association with one or both of grand fir (*Abies grandis*) and western redcedar. Secondary species can include Bigleaf maple, western hemlock and red alder (*Alnus rubra*). Typically found on middle to upper sites on gently sloping ground with deep, medium-textured soil, indicated by the absence of arbutus which may be an

incidental on some sites. In the understory, the shrub layer is dominated by dull Oregon-grape (*Mahonia nervosa*), salal, oceanspray, and trailing blackberry. The herb layer generally consists of broad-leaved starflower, sword fern, and bracken fern (*Pteridium aquilinum*). Younger stands have denser canopies due to the varying shade tolerance of leading young Douglas-fir.

The Douglas-fir - Grand Fir - Oregon Grape plant community is provincially **Red** Listed (BC List Status 2021) and is ranked S1 (critically imperiled; Provincial Conservation Status 2021) in British Columbia. This critically imperiled habitat is situated in coastal areas and has experienced significant declines as a result extensive past timber harvesting, grazing, and extensive rural and urban development for human use. Consequently, very little of this kind of coastal old growth is left in the world, and virtually all of it is in fragments. In the entire Coastal Douglas-fir Zone, due to continued development pressures, less than 1% (possibly <0.5%) has been identified as mature or old forest (British Columbia Ministry of Water, Land and Air Protection 2004). Threats include continued development, agriculture, fire suppression, invasive species, recreational use, grazing and browsing by domestic livestock and the overabundance of deer (BC's Coast Region: Species & Ecosystems of Conservation Concern 2010).

- **CDFmm DS/01: Douglas-fir – Salal**

Forested site dominated by Douglas-fir, in association with grand fir and Western redcedar. Typical site conditions for zonal DS forests are mid to upper slope positions and gentle topography. Soils are most often moderately-well to well drained and medium-textured loamy soils. Understory species can include snowberry, pinegrass (*Calamagrostis rubescens*), birch-leaved spirea (*Spiraea betulifolia*), salal, dull Oregon-grape, oceanspray, sword fern and Oregon beaked moss (*Eurhynchium oregonum*).

Habitat description

The subject property was assessed during the site visit for the possible occurrence of all provincially Red- and Blue-listed species as well as federal Species at Risk Act-scheduled species.

Site Inventory Description:

All polygons on the property have been previously disturbed to some extent either from clearing for development or selective logging. We conducted a comprehensive vegetation survey throughout the Woodland Ecosystem DPA (2913) and assessed the remainder of the property, where historical disturbance has occurred, for presence of invasive species that may spread into the Woodland Ecosystem DPA. The diameter of the nineteen trees that are projected to be removed for the proposed construction of the primary dwelling and garage were measured based of diameter at breast height (DBH; Table 1). Consequently, three of the trees are below the minimum standard (< 20 cm DBH) and will not need compensation planting; Table 1). Plant species detected during the site survey are presented in Table 2; invasive species detected included Scotch broom (*Cytisus scoparius*), Himalayan blackberry (*Rubus armeniacus*), Spurge-laurel (*Daphne laureola*) and Oxeye daisy (*Leucanthemum vulgare*). Also present are exotic species that have the potential to become invasive: Rose campion (*Lychnis coronaria*), Common foxglove (*Digitalis purpurea*) and Common hawthorn (*Crataegus monogyna*). No species at risk were detected during the vegetation survey. However, the timing of our inventory (fall) would not preclude the potential occurrence of rare species at another point during the growing season. Given the prior disturbance to the area, however, it is unlikely such species would be found on site.

Table 1. Diameter of nineteen trees projected to be removed at 1346 MacKinnon Road, Pender Island, BC.

Proposed Primary Dwelling		Proposed Garage	
Tree Type	DBH (cm)	Tree Type	DBH (cm)
Arbutus	40.6	Douglas-fir	46.1
Arbutus	25.8	Douglas-fir	29.4
Arbutus	11.8	Douglas-fir	24.4
Douglas-fir	54.8	Douglas-fir	21.9
Douglas-fir	49	Douglas-fir	17.4
Douglas-fir	44.3	Douglas-fir	17.3
Douglas-fir	39		
Douglas-fir	38.7		
Douglas-fir	36		
Douglas-fir	36		
Douglas-fir	34.1		
Douglas-fir	30.6		
Douglas-fir	3.1		

Table 2. List of plant species detected at 1346 MacKinnon Road, Pender Island, BC.

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Oregon beaked-moss	<i>Eurhynchium oregonum</i>	Native	S5	Yellow	Not Listed
Red-stemmed feathermoss	<i>Pleurozium schreberi</i>	Native	S5	Yellow	Not Listed
Sword fern	<i>Polystichum munitum</i>	Native	S5	Yellow	Not Listed
Deer fern	<i>Struthiopteris spicant</i>	Native	S5	Yellow	Not Listed
Grass sp.	-----	----	----	----	----
Wood saxifrage	<i>Saxifraga mertensiana</i>	Native	S5	Yellow	Not Listed
Yerba buena	<i>Clinopodium douglasii</i>	Native	S5	Yellow	Not Listed
Salal	<i>Gaultheria shallon</i>	Native	S5	Yellow	Not Listed
Hairy honeysuckle	<i>Lonicera hispidula</i>	Native	S5	Yellow	Not Listed
Sweet mountain cicely	<i>Osmorhiza occidentalis</i>	Native	S4	Yellow	Not Listed
Oregon grape	<i>Mahonia nervosa</i>	Native	S5	Yellow	Not Listed
Oceanspray	<i>Holodiscus discolor</i>	Native	S5	Yellow	Not Listed
Wood saxifrage	<i>Saxifraga mertensiana</i>	Native	S5	Yellow	Not Listed
Trailing blackberry	<i>Rubus ursinus</i>	Native	S5	Yellow	Not Listed
Arbutus	<i>Arbutus menziesii</i>	Native	S5	Yellow	Not Listed
Douglas-fir	<i>Pseudotsuga menziesii</i>	Native	S5	Yellow	Not Listed
Western redcedar	<i>Thuja plicata</i>	Native	S5	Yellow	Not Listed
Big-leaf maple	<i>Acer macrophyllum</i>	Native	S5	Yellow	Not Listed
Exotic					
Herb Robert	<i>Geranium robertianum</i>	Exotic	SNA	Exotic	Not Listed
Common foxglove	<i>Digitalis purpurea</i>	Exotic	SNA	Exotic	Not Listed
Common hawthorn	<i>Crataegus monogyna</i>	Exotic	SNA	Exotic	Not Listed
Rose campion	<i>Lychnis coronaria</i>	Exotic	SNA	Exotic	Not Listed
Wall lettuce	<i>Mycelis muralis</i>	Exotic	SNA	Exotic	Not Listed
Invasive					
Scotch broom	<i>Cytisus scoparius</i>	Exotic	SNA	Exotic	Not Listed
Spurge-laurel	<i>Daphne laureola</i>	Exotic	SNA	Exotic	Not Listed
Hairy cat's ear	<i>Hypochaeris radicata</i>	Exotic	SNA	Exotic	Not Listed
Himalayan blackberry	<i>Rubus armeniacus</i>	Exotic	SNA	Exotic	Not Listed
Oxeye daisy	<i>Leucanthemum vulgare</i>	Exotic	SNA	Exotic	Not Listed
Cotoneaster	<i>Cotoneaster sp.</i>	Exotic	SNA	Exotic	Not Listed

¹Origin Status: <https://ibis.geog.ubc.ca/biodiversity/eflora/>

²BC Status: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/status-ranks>

<https://explorer.natureserve.org/AboutTheData/Statuses>

³BC List: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/red-blue-yellow-lists>

⁴COSEWIC: <http://www.cosewic.ca/index.php/en-ca/assessment-process/wildlife-species-assessment-process-categories-guidelines/status-categories>

3.3 Fauna

During the site visit, all provincially Red- and Blue-listed species as well as Species at Risk Act-scheduled species were assessed for possible occurrence on the subject property. This wildlife assessment only considers vertebrate animals. The study area was carefully assessed for evidence of recent or past use by wildlife species. The following species were detected during the survey of the property:

Birds

The following 13 bird species were observed on or adjacent to the property during the site visit, with no species at risk detected (Table 3). The birds detected on site are typical for the area in early spring. No heron or raptor nests were detected during the site visit.

Table 3. List of bird species detected at 1346 MacKinnon Road, Pender Island, BC.

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Red-breasted Nuthatch	<i>Sitta canadensis</i>	Native	S5	Yellow	Not Listed
American Robin	<i>Turdus migratorius</i>	Native	S5	Yellow	Not Listed
Varied Thrush	<i>Ixoreus naevius</i>	Native	S5	Yellow	Not Listed
Golden-crowned Kinglet	<i>Regulus satrapa</i>	Native	S5	Yellow	Not Listed
Brown Creeper	<i>Certhia americana</i>	Native	S5	Yellow	Not Listed
Northern Flicker	<i>Colaptes auratus</i>	Native	S5	Yellow	Not Listed
Chestnut-backed Chickadee	<i>Poecile rufescens</i>	Native	S5	Yellow	Not Listed
Pine Siskin	<i>Spinus pinus</i>	Native	S5B	Yellow	Not Listed
Spotted Towhee	<i>Pipilo maculatus</i>	Native	S5	Yellow	Not Listed
Dark-eyed Junco	<i>Junco hyemalis</i>	Native	S5	Yellow	Not Listed
Flyover Species					
Red Crossbill	<i>Loxia curvirostra</i>	Native	S5	Yellow	Not Listed
Common Raven	<i>Corvus corax</i>	Native	S5	Yellow	Not Listed
American Crow	<i>Corvus brachyrhynchos caurinus</i>	Native	S5	Yellow	Not Listed

¹Origin Status: <https://ibis.geog.ubc.ca/biodiversity/efauna/>

²BC Status: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/status-ranks>
https://explorer.natureserve.org/AboutTheData/Statuses*

³BC List: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/red-blue-yellow-lists>

⁴COSEWIC: <http://www.cosewic.ca/index.php/en-ca/assessment-process/wildlife-species-assessment-process-categories-guidelines/status-categories>

Mammals

One species of mammal was detected during our site visit (Table 4), and no species at risk were detected. We detected black-tailed deer evidence in the form of pellets at multiple locations on the property. Other mammals that may be on site, but which were not directly surveyed include small rodents and bats. Suitable habitat for bat roosting and nursery sites include clefts in steep rock outcrops and standing dead trees with hollow interiors or flaking bark (Nagorsen and Brigham 1993); these features are present on the subject property and may support roosting or hibernating bats.

Table 4. List of mammal species detected at 1346 MacKinnon Road, Pender Island, BC.

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Black-tailed Deer	<i>Odocoileus hemionus columbianus</i>	Native	S5	Yellow	Not Listed

¹Origin Status: <https://ibis.geog.ubc.ca/biodiversity/efauna/>

²BC Status: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/status-ranks>

<https://explorer.natureserve.org/AboutTheData/Statuses>

³BC List: <https://www2.gov.bc.ca/gov/content/environment/plants-animals-ecosystems/conservation-data-centre/explore-cdc-data/red-blue-yellow-lists>

⁴COSEWIC: <http://www.cosewic.ca/index.php/en-ca/assessment-process/wildlife-species-assessment-process-categories-guidelines/status-categories>

Amphibians and Reptiles

No reptiles or amphibians were detected during our site visit but may occur in the warmer months. The northern portion of the property below the location of the proposed dwelling in Woodland Ecosystem DPA (2913) has a suitable southern exposure with a rocky outcrop (Plate 1, 2) that can provide shelter and protection from predators as well as possible basking sites. The most common species found within this type of habitat are the Northern Alligator Lizard (*Elgaria coerulea*) and Garter snakes (*Thamnophis sp.*), as they are more likely to persist within urban landscapes, provided that critical habitat features for their survival are maintained. The crevices in the rocky outcrops can provide excellent breeding nursery and hibernation habitat for a variety of snakes as well as alligator lizards (Ovaska *et. al.* 2004). This area also provides potential habitat for the endangered Sharp-tailed Snake (*Contia tenuis*; Habitat Acquisition Trust 2015) and should be investigated further. No hibernacula were found on the property.

Plate 1. Rocky outcrop on property (with close-up) in Woodland Ecosystem DPA (2913) with suitable snake and alligator lizard habitat located at 1346 MacKinnon Road, Pender Island BC.



3.4 On Site Land Use

The majority of the subject property lies within the Woodland Ecosystem DPA, and the majority of the DPA consists of an open regenerating forest with an open understory (Plate 2a, 2b; Figure 4). There is a long historical driveway running through the middle of the property leading to the proposed development sites (Plate 3a, 3b, 4a). Much of the site for the proposed dwelling has been historically modified with tree removal and shrub clearing (Plate 4a, 4b, 4c). Developed properties exist on either side of the property, both placed within the open regenerating forest (Plates 5, 6).

Plate 2a. Regenerating forest with open understory within Woodland Ecosystem DPA at proposed dwelling location at 1346 MacKinnon Road, Pender Island BC.



Plate 2b. Regenerating forest with open understory within Woodland Ecosystem DPA at proposed garage location at 1346 MacKinnon Road, Pender Island BC.



Plate 3a. Southern section of existing driveway at 1346 MacKinnon Road, Pender Island BC.



Plate 3b. Northern section of existing driveway at 1346 MacKinnon Road, Pender Island BC.



Plate 4a. Evidence of historical disturbance (tree and shrub removal) within Woodland Ecosystem DPA at proposed driveway landing at 1346 MacKinnon Road, Pender Island BC.



Plate 4b. Evidence of historical disturbance (tree and shrub removal) within Woodland Ecosystem DPA at proposed dwelling site at 1346 MacKinnon Road, Pender Island BC.



Plate 4c. Evidence of historical disturbance (tree and shrub removal) within Woodland Ecosystem DPA at proposed garage site at 1346 MacKinnon Road, Pender Island BC.



Plate 5. Eastern side of subject property (1346 MacKinnon Road, Pender Island BC) showing view of adjacent development.



Plate 6. Western side of subject property (1346 MacKinnon Road, Pender Island BC) showing view of adjacent development.



4.0 Impact Assessment

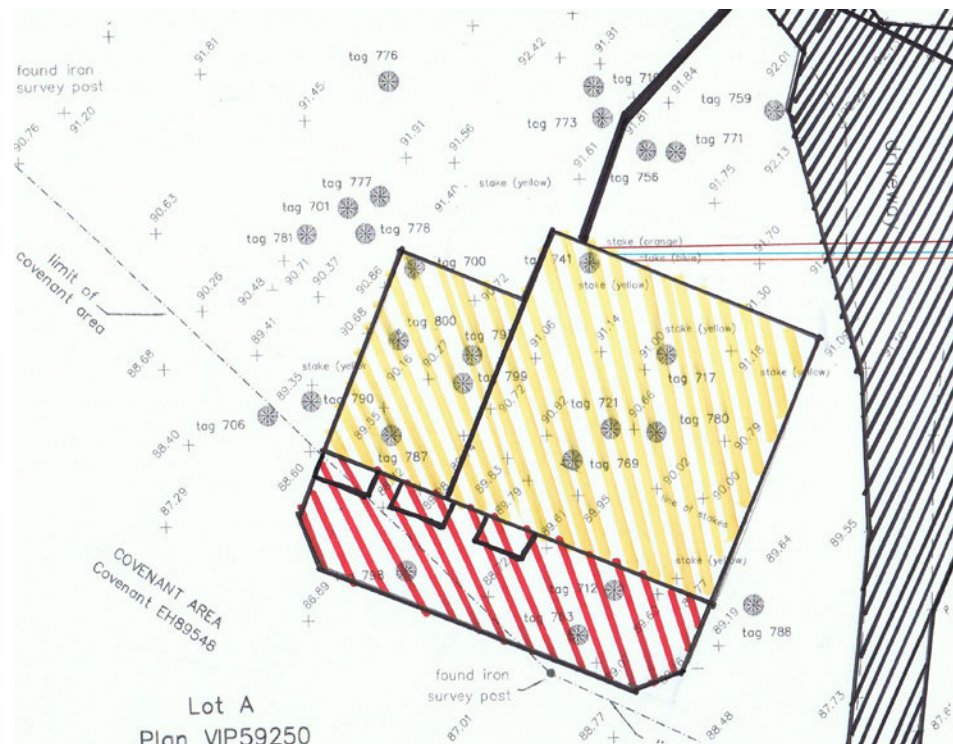
Tree Removal

The current property is 15700 m² (1.57 ha) in size with the Woodland Ecosystem DPA covering approximately half the property (0.775 ha). The proposed construction activities will encompass ~345.6 m² (0.0346 ha) or 4.5% of the Woodland Ecosystem DPA (Appendix 1a, 1b). The current owners have stated that they want to minimize the number of trees affected by the projects. The property has been previously disturbed by historic land use in the Woodland Ecosystem DPA and much of it is in a state of regeneration with young to mature trees present. The impact of tree removal will vary depending on site location and construction activities. Consequently, three of the trees to be removed are below the minimum standard (< 20 cm DBH; North Pender Island Official Community Plan Bylaw No.171. 2007) and will not need compensation planting (Table 1; Table 5).

Dwelling

The proposed dwelling will disturb 256.4 m² of the Woodland Ecosystem DPA. Many potential impacts to the Woodland Ecosystem DPA have been mitigated in advance by attempting to place the proposed dwelling in a site that has been partially cleared of trees and adjacent to the existing driveway (Plate 4b). Accordingly, 12 trees (Table 1; Figure 5; 9 Douglas-fir and 3 arbutus) will be removed in the footprint of the proposed dwelling.

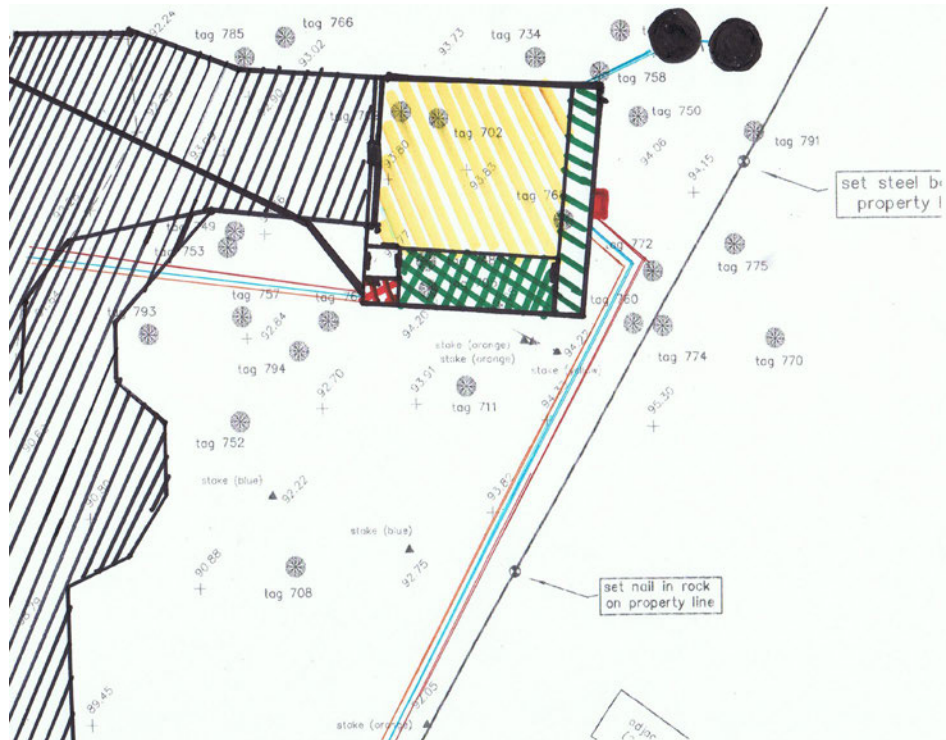
Figure 5. Location of proposed dwelling on property within the Woodland Ecosystem DPA with designated 12 trees (shown with black • in footprint) to be removed.



Garage

The proposed garage will disturb 89.2 m² of the Woodland Ecosystem DPA in an area where previous disturbance has occurred (Plate 4c). The footprint of the proposed garage has been selected based on the minimal removal of trees and the avoidance of a large veteran Douglas-fir tree (DBH 81.9 cm). In total, 4 Douglas-fir (Table 1, Figure 6) will be removed for placement of the proposed garage.

Figure 6. Location of proposed garage on property within the Woodland Ecosystem DPA with designated 4 trees (shown with black • in footprint) to be removed.



Driveway

The driveway is partially located in the Woodland Ecosystem DPA in an area where previous disturbance has occurred and runs north from the southern end of the property, ending with a small landing at the north side of the property (Plate 3a, 3b, 4a). No tree removal will occur adjacent to the existing driveway during any proposed activities (Appendix 1a, 1b).

Hydrology

The importance of water stored in the soil during summer drought (See Section 2.3 Hydrology), the ongoing loss of trees such as grand fir and western redcedar, as well as increasing effects of disease on species like arbutus due to increasing moisture stress and drought severity with climate change (Seebacher 2007) are all issues of great concern on Pender Island. Construction of the dwelling and adjacent garage will cause interception of precipitation and hence alter soil water inputs within the Woodland Ecosystem DPA. Any development that reduces water inputs to the soil can potentially have significant effects on tree mortality under already stressful conditions, and so this component of the proposed development will require consideration for rainwater collection and diversion to the DPA. Currently, the property owners plan to install water catchment system tanks. Water from the tanks will be used to water surrounding vegetation and a planned garden outside the Woodland Ecosystem DPA. The planned construction work itself will have minimal effects on

the hydrology of the property providing proper safeguards are in place to prevent water runoff. (See Section 5 below.)

Introduction of Non-native Flora

Areas of tree removal have the potential to increase sunlight to the forest floor and these areas are vulnerable to the introduction and spread of non-native species through seeding and vegetative dispersal. Because invasive plants can readily disperse into sensitive ecosystems following their introduction in adjacent areas of disturbance, areas that have undergone ground disturbance near a DPA must be kept clear of invasive plants to prevent introduction of non-native species into the sensitive DPA ecosystem. In addition, construction activities involving the use of heavy equipment, as well as revegetation of disturbed areas using commercial reseeding preparations, have the potential to introduce non-native vegetation to immediate and surrounding areas.

5.0 Mitigation and Recommendations

Site Specific Recommendations

Tree Replacement

The trees to be removed from the Woodland Ecosystem DPA on the subject property include 13 mature Douglas-firs (DBH 25.8-49.0 cm) and 3 arbutus (DBH 11.8-40.6 cm).

Table 5. Diameter (DBH) of sixteen trees in the Woodland Ecosystem DPA where compensation will be required at 1346 MacKinnon Road, Pender Island, BC.

Proposed Primary Dwelling		Proposed Garage	
Tree Type	DBH (cm)	Tree Type	DBH (cm)
Arbutus	40.6	Douglas-fir	46.1
Arbutus	25.8	Douglas-fir	29.4
Arbutus	11.8	Douglas-fir	24.4
Douglas-fir	54.8	Douglas-fir	21.9
Douglas-fir	49		
Douglas-fir	44.3		
Douglas-fir	39		
Douglas-fir	38.7		
Douglas-fir	36		
Douglas-fir	36		
Douglas-fir	34.1		
Douglas-fir	30.6		

Tree species used in compensatory replanting should be selected to suit the soil, light and groundwater conditions of the site, should be native to the region, and should consider wildlife habitat values where possible. The subject property is south facing and currently well shaded. Any openings in the canopy have the potential to receive significant direct sun exposure during the summer; hence pioneer species that tolerate high light conditions should be planted to provide shade for later successional species such as Western redcedar to naturally seed in. We suggest compensatory planting with Douglas-fir to replace the fir that will be removed, as

this species is well suited to the soil characteristics in the area and can tolerate relatively exposed sites (BC Ministry of Farming, Natural Resources and Industry 2020). Arbutus are suitable for warm, dry sites especially on south and west aspects that may be of marginal value for production of other tree species. Arbutus prefer rocky soils derived from glacial sands and gravels or hard glacial till with low moisture retention. To maintain the habitat characteristics and enhance the ecological value of the Woodland Ecosystem DPA, we recommend compensatory planting of arbutus saplings to replace the mature arbutus that will also be removed. Given that the DPA is generally well shaded, there are appropriate microsites that will support the establishment of arbutus seedlings.

The general criteria below apply to the replacement of trees for the forestry industry under the Fisheries Act, Wildlife Act or Land Title Act by the BC Ministry of Forests, Lands, Natural Resource Operations and Rural Development:

- **0 mm - 151 mm (6") DBH - 2 replacement trees or 4 shrubs (for up to 50% of trees being replaced in this range);**
- **152 mm - 304 mm (12") DBH - 3 replacement trees**
- **305 mm - 456 mm (18") DBH - 4 replacement trees**
- **457 mm - 609 mm (24") DBH - 6 replacement trees**
- **610 mm - 914 mm (36") DBH - 8 replacement trees**
- **Trees > 914 mm DBH (36") - will require individual approval and replacement criteria prior to removal.**

It should be noted, however, that the above planting prescriptions are derived from forest growth and yield models used in an industrial forest management context in British Columbia, which incorporate variable but significant tree mortality estimates (Weiskittel *et al.* 2011). Hence, these numbers exceed the desired final stem density of a mature stand. In the present context, given that the property owner will be required to ensure 100% tree survival (including replacement of dead or dying stock as necessary), it is reasonable to require that the number of plantings achieve a moderate mature stand density (eg ~1000 stems per hectare, sph; Ministry of Forest 1999), as would be required in managed coastal Douglas-fir stands. It should be noted, however, that the above planting prescriptions are derived from forest growth and yield models used in an industrial forest management context in British Columbia, which incorporate variable but significant tree mortality estimates (Weiskittel *et al.* 2011). Hence, these numbers exceed the desired final stem density of a mature stand. In the present context, given that the property owner will be required to ensure 100% tree survival (including replacement of dead or dying stock as necessary), it is reasonable to require that the number of plantings achieve a moderate mature stand density (eg ~1000 stems per hectare, sph; Ministry of Forests 1999), as would be required in managed coastal Douglas-fir stands. In this instance, Douglas-fir and arbutus located in the Woodland Ecosystem DPA will need to be removed for installation of the proposed dwelling, and garage. These developments will encompass approximately 345.6 m², or 0.0346 ha, of the Woodland Ecosystem DPA, leaving 0.740 ha of the DPA undisturbed and available for compensatory planting.

There are presently approximately 600 trees (including a large proportion of young stems, < 20 cm DBH) within this 0.740 ha of the DPA outside the footprints of the proposed dwelling and associated developments; to achieve a stem density of 1000 sph within this area, we would require 740 mature trees to be established and reach maturity. Given that the survival probability of Douglas-fir saplings that have reached a free to grow stage (at least 1.5 m) can be up to 70% after 20 years (Arnott 1975; Piatek *et al* 2003) and 60% after 90 years (Cruickshank 2017), we would predict that up to 228 of the 600 trees currently in the DPA may not survive due to resource competition. Given the approximate numbers of trees calculated to be present on the Woodland

Ecosystem DPA for this project, compensatory planting calculations will be adapted to help retain a natural stem density within the undisturbed DPA area over the long term.

To accommodate the proposed construction activities, sixteen mature trees (Table 5; >20 cm DBH) will be removed from within the DPA. These sixteen trees will be compensated with 50 seedlings, and to offset the ~30% expected mortality of saplings after they reach a minimum of 1.5 m (see above), an additional 10 seedlings must be planted to ensure complete replacement of the mature trees that will be removed from within the DPA. Hence, to compensate for any potential future seedling die off and to retain a density of 1000 stems/ha, 60 trees will need to be planted within the remaining Woodland Ecosystem DPA as compensation for the loss of the ecological value of these canopy trees. According to the Provincial criteria for tree replacement (above), 139 trees would be required to replace the sixteen trees removed for construction; however, this would greatly increase resource competition among the existing trees in the DPA and cause increased mortality due to the current high stem density and low soil nutrients typically present on North Pender Island (BC's Coast Region: Species & Ecosystems of Conservation Concern 2010). Arbutus seedlings have a low survival rate (Oregon State University 2020), and when mature, arbutus require more area than Douglas-fir given their typically greater crown spread. Therefore, we recommend compensatory plantings consist of 44 Douglas-fir and 16 arbutus seedlings.

Where possible, seedlings should be planted in pockets of deeper soil. Low-lying areas will typically have greater soil accumulation, so higher points on rocky ridges should be avoided. All plantings must be protected from deer browsing by enclosing seedlings in metal cages until the trees are established and have reached a height sufficient to ensure their leading stems are beyond the reach of deer (~1.5 – 2 m; see Plate 7). Plantings must also be watered as needed to ensure their survival to a free-to-grow stage (~1.5 m in height), and any seedlings that do not survive to this stage must be replaced to maintain the 60 compensatory plantings within the Woodland Ecosystem DPA.

Retention of the remaining trees present in the Woodland Ecosystem DPA on the subject property will help stimulate the natural tree regeneration process on the property, since mature Douglas-fir and arbutus provide a source of seed for future regeneration. In addition, snags (standing dead trees) provide nest sites and a source of food in the form of insects for many avian species [brown creeper (*Certhia americana*), red-breasted nuthatch (*Sitta canadensis*), and woodpeckers] as well as providing shelter for Pacific tree frogs (*Pseudacris regilla*), several species of bats, and many invertebrates. Hence all remaining live and dead trees should be retained within the Woodland Ecosystem DPA on the subject property in the future.

Plate 7. Example of protective barrier that should be installed around planted seedlings to prevent deer browsing.



Hydrology

The proposed rainwater capture system with storage cistern will limit soil water recharge in the Woodland Ecosystem DPA through precipitation inputs. Where possible, excess drainage from the dwelling and outdoor terrace should be engineered to direct water flow so that it is maintained within the Woodland Ecosystem DPA to maximize soil water uptake and storage, and overflow from the cistern (if applicable) should similarly be so that it is maintained within Woodland Ecosystem DPA. Redirecting eavestrough flow from the new dwelling toward new tree plantings and into the Woodland Ecosystem DPA more generally will help to compensate for tree removals, enhance the survival of planted seedlings and maintain soil water inputs within the DPA.

Maintaining Native Species

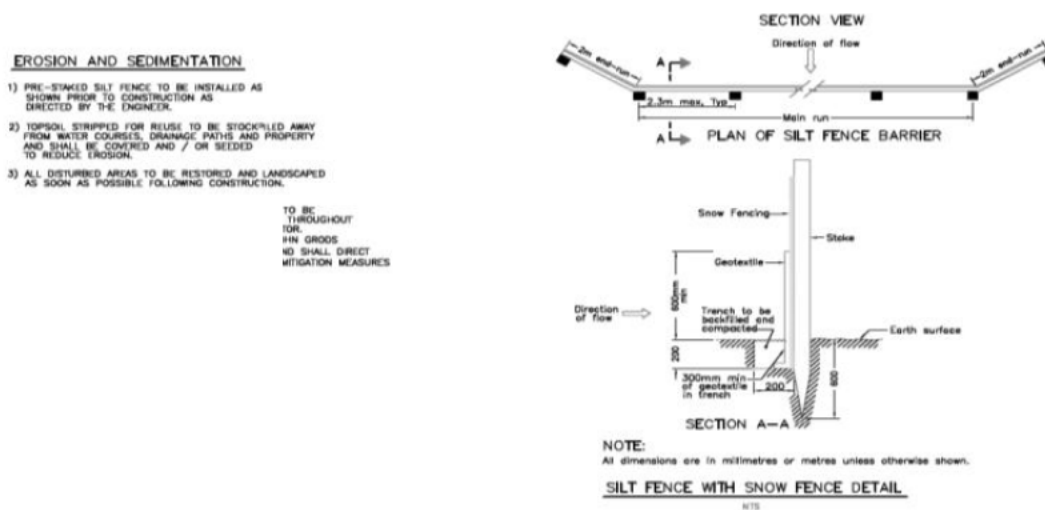
1. To maintain ecological integrity of the Woodland Ecosystem DPA and the larger property, no tree removal beyond that required for the proposed dwelling and associated construction should occur. This includes the retention of standing dead trees (snags), as these features provide critical habitat for many species of birds, bats, and invertebrates. Existing seedlings or young trees should be managed to provide the best opportunity for survival (e.g. removal of competing vegetation and non-native species as needed, protection from deer browsing).
2. Retention of all mature trees currently present in the Woodland Ecosystem DPA on the property will help stimulate the natural tree regeneration process, since mature Douglas-fir and arbutus provide a source of seed for future regeneration.
3. The removal of invasive species (particularly Scotch broom) is recommended inside the Woodland Ecosystem DPA, including throughout the entire property, to prevent its continued spread and improve the quality of natural areas. Scotch Broom modifies soil chemistry and prevents native species from establishing, shades out native species, and competes with native plants for access to pollinators and hence it is critical that it be eliminated from this landscape to restore it to a healthy and diverse native plant community. Small broom plants can be pulled in the winter or spring when the soil is moist, whereas removal of large plants should be achieved by cutting the plants at or just below the ground to avoid soil disturbance and erosional loss, as well as to reduce germination of

seeds contained in the soil seed bank. (Germination is enhanced in newly disturbed soil.) Cutting plants when they are in full bloom in the spring will minimize resprouting, as all nutrients have been moved from roots into above ground parts at this time.

4. Landscaping and restoration of natural areas throughout the Woodland Ecosystem DPA should be conducted using *only native plant species*.
5. We recommend planting small seedlings as the best way to ensure tree root systems are able to develop undisturbed and to avoid transplant stress commonly associated with larger nursery stock. Planting small seedlings is also less invasive and can be done by hand rather than bringing in equipment to plant larger trees. This is especially relevant because replanting will be occurring in the sensitive Woodland Ecosystem DPA.
6. Any newly planted trees and shrubs require little care; however, until they reach a sufficient height ("free to grow" stage of 1.5 m), irrigation and protection from wildlife browsing will be necessary. We recommend that cages and netting (chicken wire, stucco wire, etc.) be used to protect new seedlings and shrubs from animal damage (Plate 7). Cages must be expandable to allow for plant growth while still ensuring protection from browsing. Barriers should start close to the ground and extend past the reach of deer, at least 1.5 m in height. Unhealthy, dying or dead stock should be replaced in the next regular planting season. Douglas-fir are generally drought tolerant once established, but young seedlings will require regular watering during the summer drought months. Arbutus seedlings should be planted within the Woodland Ecosystem DPA in a shady area as seedlings establish best in partial shade, and young trees can survive in dense shady areas. All seedlings will require regular watering until well established.

Erosion

7. Prior to construction, install silt fence as illustrated below to prevent surface transport of soil or fill and other material beyond the immediate construction area.



8. Install silt barrier fencing as close as possible to the construction area and ensure no equipment crosses the barrier. Storage of building materials must be limited to areas on or near the driveway and the south side of the house as is practical.
9. We recommend ongoing invasive plant removal, as well as revegetation with native plant species in areas of disturbance to help avoid further introduction of non-native species. All restoration planting should occur in the fall (Sept-Oct) or the spring (Feb-Mar) to allow for plant root establishment and soil stabilization before being exposed to winter precipitation.

10. Ensure no excavation of any works involving ground disturbance is carried out during heavy precipitation events.
11. Any soils exposed for prolonged periods, i.e., greater than 2 weeks, shall be covered. Covering may include tarping or hydromulch (without seed mixture) and must be maintained.

Excavation and Root Damage

12. Use lightest possible equipment for lowest impact and avoid cutting or damaging large lateral anchoring tree roots.

Introduction of Non-native Flora

13. Contractors should inspect their equipment and vehicles to ensure they do not transport invasive plant species seeds onto or off the property. All equipment should be washed prior to arrival. Manual removal of weeds from equipment should be performed regularly.
14. Landscaping and restoration of disturbed areas should be conducted using only native plant species.

The following measures would help retain or enhance ecological value of the property as a whole:

15. For project planning in the Gulf Islands region, the songbird nesting window is March 12 to August 17 across all habitat types, with peak nesting occurring between May 1 and July 22 (Department of Environment and Climate Change 2020). Where flexibility exists, all construction activities should be avoided during this peak nesting period.
16. All future landscaping works in the areas adjacent to the Woodland Ecosystem DPA will not occur during heavy rain deposition events.
17. Minimize disturbance and maintain undeveloped habitat in as natural a state as possible.

The following species list is an example of the type of deep rooted, drought tolerant native plants that could be planted on the subject property as part of landscaping and post-construction site restoration.

Oceanspray - *Holodiscus discolor*
 Red Osier Dogwood - *Cornus stolonifera*
 Saskatoon - *Amelanchier alnifolia*
 Twinberry - *Lonicera involucrata*
 Sweet Gale - *Myrica gale*
 Hardhack - *Spirea douglasii*
 Red Flowering Currant - *Ribes sanguineum*
 Pacific Ninebark - *Physocarpus capitatus*
 Highbush Cranberry - *Viburnum edule*
 Mock Orange - *Philadelphus lewisii*
 Snowberry - *Symphoricarpos albus*
 Salal – *Gaultheria shallon*
 Sword fern - *Polystichum munitum*
 Nootka Rose - *Rosa nutkana*
 Evergreen Huckleberry - *Vaccinium ovatum*
 Nodding onion - *Allium cernuum*

6.0 Monitoring and Restoration

A follow-up site visit by a Qualified Environmental Professional (QEP) is recommended in the future, to assess the effectiveness of the proposed mitigation procedures. A restoration plan is not needed at this time as the integrity of the Woodland Ecosystem DPA will be minimally affected with the proposed development.

7.0 Conclusion

The proposed construction of a primary dwelling and a garage new dwelling at 1346 MacKinnon Road, Pender Island BC will minimally encroach on the designated Woodland Ecosystem DPA (Appendix 1a, 1b). It is our opinion that the guidelines and recommendations we have outlined above will ensure that further detrimental impacts to the sensitive and threatened ecosystems on the subject property can be avoided. If you have any questions or comments, please contact the undersigned at your convenience.

Respectfully Submitted,

Dan Baxter (B.Sc., R.P.Bio.) and Erin O'Brien (Ph.D.)



Caurinus Environmental

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APPENDIX 1A

B.C. Land Surveyor's Site Plan of:

Lot A, Section 17, Pender
Island, Cowichan District, Plan VP59250



Scale 1:400
All distances are in metres

City address: 1546 Mackinnon Road
Pender Island, B.C.

Parcel Identifier Number 015-575-535

Charged against the title
Component D105545

Tree Table
Tree tags are orange plastic disks nailed to trees
(EAST OF DRIVEWAY)

TAG NO	DBH	SPECIES
738	0.6	fr
739	0.5	fr
740	0.6	fr
741	0.7	arbutus
742	0.3	fr
743	0.3	fr
744	0.3	fr
745	0.3	fr
746	0.3	fr
747	0.3	fr
748	0.3	fr
749	0.3	fr
750	0.3	fr
751	0.3	fr
752	0.3	fr
753	0.3	fr
754	0.3	fr
755	0.3	fr
756	0.3	fr
757	0.3	fr
758	0.3	fr
759	0.3	fr
760	0.3	fr
761	0.3	fr
762	0.3	fr
763	0.3	fr
764	0.3	fr
765	0.3	fr
766	0.3	fr
767	0.3	fr
768	0.3	fr
769	0.3	fr
770	0.3	fr
771	0.3	fr
772	0.3	fr
773	0.3	fr
774	0.3	fr
775	0.3	fr
776	0.3	fr
777	0.3	fr
778	0.3	fr
779	0.3	fr
780	0.3	fr
781	0.3	fr
782	0.3	fr
783	0.3	fr
784	0.3	fr
785	0.3	fr
786	0.3	fr
787	0.3	fr
788	0.3	fr
789	0.3	fr
790	0.3	fr
791	0.3	fr
792	0.3	fr
793	0.3	fr
794	0.3	fr
795	0.3	fr
796	0.3	fr
797	0.3	fr
798	0.3	fr
799	0.3	fr
800	0.3	fr

(WEST OF DRIVEWAY)

TAG NO	DBH	SPECIES
798	0.4	arbutus
799	0.3	fr
800	0.3	fr
801	0.3	fr
802	0.3	fr
803	0.3	fr
804	0.3	fr
805	0.3	fr
806	0.3	fr
807	0.3	fr
808	0.3	fr
809	0.3	fr
810	0.3	fr
811	0.3	fr
812	0.3	fr
813	0.3	fr
814	0.3	fr
815	0.3	fr
816	0.3	fr
817	0.3	fr
818	0.3	fr
819	0.3	fr
820	0.3	fr
821	0.3	fr
822	0.3	fr
823	0.3	fr
824	0.3	fr
825	0.3	fr
826	0.3	fr
827	0.3	fr
828	0.3	fr
829	0.3	fr
830	0.3	fr
831	0.3	fr
832	0.3	fr
833	0.3	fr
834	0.3	fr
835	0.3	fr
836	0.3	fr
837	0.3	fr
838	0.3	fr
839	0.3	fr
840	0.3	fr
841	0.3	fr
842	0.3	fr
843	0.3	fr
844	0.3	fr
845	0.3	fr
846	0.3	fr
847	0.3	fr
848	0.3	fr
849	0.3	fr
850	0.3	fr

Area
1.575 hectares

Legend

Direction spot elevation
Direction wooden stake with
coloured flagging set by owner
Direction tree and tag number
Tree attribute not to scale
Not all trees are tagged
Buildings are measured to the exterior
of exterior walls unless otherwise indicated
Elevations are geoidic

Septic Field

Septic Tank

Dwelling/2nd suite

Deck

Rainwater Retention Tanks

Fire Protection tank

Accessory Bldg

Generator

Propane Line

Water line

Electrical Line

Black water

Propane Tank

Storage shed

Accessory Storage Bldg

Well and pump shed

Driveway

Electrical Substation

BC Hydro Pole

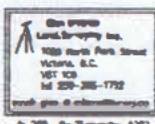
MACKINNON ROAD

Property dimensions are
derived from Land Title Plans
and field survey.

The signatory accepts no responsibility or liability
for any damages that may be
suffered by a third party as a result of any
omissions, errors or omissions herein based
on this document.

This plan was prepared for the exclusive
use of our client.

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consent of the signatory.



Is 299, Sec 21-pender-5357

Certified correct this 9th day of June 2021

Glen
Mitchell
1DC232
Date: 2021.06.09
15-0007-0707
S.C.L.S.

This document is not valid unless originally signed and sealed
or otherwise authenticated as indicated.

APPENDIX 1B

B.C. Land Surveyors' Site Plan of
Lot 4, Section 11, Pender Island, Cowichan District, Plan W400220

Scale 1:400
At distance of 10 metres

Site address: 1200 Mackinon Road
Pender Island, B.C.
Official Register Number: W40-070-020

Legend
Property and adjacent
features shown with the
boundary lines of the lot
shown. The lot is shown
with the lot line shown.
The adjacent lot is shown
with the lot line shown.
The adjacent lot is shown
with the lot line shown.

Table 1: Lot Data

Lot No.	Area (sq. ft.)	Area (sq. m.)	Area (ac.)
1	1,200,000	110,113	2.52
2	1,200,000	110,113	2.52
3	1,200,000	110,113	2.52
4	1,200,000	110,113	2.52
5	1,200,000	110,113	2.52
6	1,200,000	110,113	2.52
7	1,200,000	110,113	2.52
8	1,200,000	110,113	2.52
9	1,200,000	110,113	2.52
10	1,200,000	110,113	2.52
11	1,200,000	110,113	2.52
12	1,200,000	110,113	2.52
13	1,200,000	110,113	2.52
14	1,200,000	110,113	2.52
15	1,200,000	110,113	2.52
16	1,200,000	110,113	2.52
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 DPA 1 - Woodland Sensitive Ecosystem

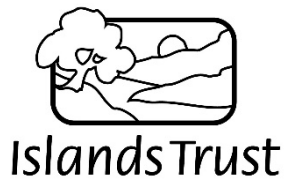
ATTACHMENT 4 – DPA GUIDELINES CHECKLIST

DPA Checklist: NP-DP-2022.1 Site Preparation, Tree Removal and Restoration

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

Guidelines		Comments
9.	Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.	Complies – conditions of proposed DP.
10.	Soil removal and deposit within or adjacent to a sensitive ecosystems or habitat should be avoided.	Complies.
11.	Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.	Complies - conditions for redirection of runoff and encouragement of rainwater catchment systems in proposed DP.
12.	Septic fields should be located in such a manner that the possibility of pollution of sensitive ecosystems or habitat is avoided.	Complies (outside of DPA).
13.	Driveways and other accesses should be limited to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.	Complies – existing driveway with minimal expansion permitted with proposed DP.
14.	Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure.	N/A
15.	Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible.	N/A
16.	Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.	N/A
17.	The permit conditions may include:	
	a) the construction of permanent or temporary fencing around sensitive features;	None
	b) fencing, flagging and posting of notices during construction;	Yes – conditions in proposed DP.
	c) limits on blasting in sensitive areas;	N/A

Guidelines	Comments
d) limits on construction timing;	Yes – conditions in proposed DP.
e) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;	Yes - conditions in proposed DP.
f) restoration or enhancement of disturbed sensitive ecosystems and habitat	Yes – conditions in proposed DP.
18. The LTC may consider variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.	N/A
<i>Woodland Ecosystem Guidelines</i>	
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.	Replacement of mature trees with restoration planting.
2. Unnecessary removal of dead or declining trees, downed logs, snags and leaf litter should be avoided.	Complies - conditions in proposed DP.
3. Consideration should be given to requiring fencing as a condition of a permit in order to manage access.	N/A
4. Where feasible, cut dangerous trees to a level where they are safe rather than removing entirely.	Conditions in proposed DP.
5. Denning and nesting sites or rare, threatened or endangered species should be protected.	N/A
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 existing contours of the site, utilize small concrete pilings and have gaps between boards.	N/A



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2022.2**

To: Dayton and Carol Funk
Jonathan Funk
Jason Funk and Jennifer Rai

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

LOT A, SECTION 17, PENDER ISLAND, COWICHAN DISTRICT, PLAN VIP59250
PID: 018-876-838

2. This Development Permit NP-DP-2022.2 authorizes the alteration of land including site preparation and installation of in-ground infrastructure for the siting of a dwelling and accessory building, including the removal of thirteen (13) mature Douglas-fir and three (3) Arbutus trees and restoration planting within **Development Permit Area ('DPA') 1 – Woodland Sensitive Ecosystem**, subject to the following requirements and conditions:

General

- a. Overall the permitted development within the DPA shall minimize land and vegetation disturbance and maintain undeveloped habitat in as natural a state as possible.
- b. Development shall be substantively consistent with Schedules 'A', 'B' and 'C', attached to and forming part of this permit.
- c. The development of a dwelling and accessory building is permitted in the specific locations and areas shown on Schedules 'A' and 'B', and any expansion or relocation of the areas would require an amendment to this permit or a new permit.

Mitigation and Restoration (Tree Replacement & Retention)

- d. A total of sixty (60) replacement small seedlings (forty four (44) Douglas-fir and sixteen (16) Arbutus) shall be planted in the DPA outside of the area of permitted development.
- e. Site selection for seedling planting shall be in areas selected for soil type and depth, and shading in consultation with the monitoring QEP.
- f. All seedlings used in replanting shall be selected to suit the soil, light and groundwater conditions of the site, shall be native to the region, shall be of a size that minimizes the need for machinery and should be selected for wildlife habitat values where possible.
- g. All restoration planting shall occur in the fall (Sept-Oct) or spring (Feb-Mar) to allow for plant root establishment and soil stabilization before being exposed to the peak drought season or winter precipitation.
- h. All new seedling trees shall be maintained by the property owner until they have reached a "free to grow" height of 1.5 m. to include; exclusion fencing as per condition 2(i) ; the removal of invasive weeds (e.g., Himalayan blackberry (*Rubus armeniacus*), Scotch broom); and, irrigation through the summer drought months to ensure seedling establishment.

- i. All new seedlings shall be protected from foraging by wildlife by the use of exclusion fencing consisting of expandable metal cages and/or fencing that starts close to the ground and is expanded and maintained until the trees reach a minimum height of 1.5 metres.
- j. Unhealthy, dying or dead stock shall be replaced at the owner's expense in the next regular planting season to maintain the total replacement number of seedlings at sixty (60).
- k. To maintain ecological integrity of the ecosystem and to provide habitat, nesting opportunities and shelter, all existing trees, including standing dead trees ("snags"), and native plant species shall be retained within the DPA.
- l. With the exception of the minimum amount of excavation and clearing for the designated building sites, there shall be no further soil removal or deposit within the DPA as shown on Schedules 'A' and 'B'.
- m. The retention of mature trees and snags in areas of the property outside of the DPA is strongly encouraged.

Hydrology

- n. Stormwater drainage of roof areas and impermeable landscape features (terrace) should be redirected toward the replacement seedling plantings in the DPA where feasible.
- o. The installation of rainwater catchment systems with the dwelling and accessory buildings are encouraged.

Native and Invasive Species Management (Retention, Planting & Removal)

- p. The area of DPA outside of permitted development areas shall be maintained in an undeveloped habitat in as natural a state as possible.
- q. Additional landscaping and restoration inside the DPA, shall be conducted using only native plant species.
- r. The ongoing removal of invasive plant species (particularly Scotch broom) is required within replanting areas, to prevent its continued spread and improve the quality of natural areas.
- s. Removal of Scotch broom shall be undertaken by cutting larger plants at or just below the ground to avoid soil disturbance and erosional loss, as well as to reduce germination of seeds contained in the soil seed bank.
- t. The use of native plant species for landscaping and removal of invasive species in areas of the property outside of the DPA is strongly encouraged.

Construction Management

- u. Prior to the commencement, and for the duration, of development the following measures shall be undertaken by the property owner:
 - i. The DPA shall be delineated on the ground and construction access limited to the area of development with the installation of a combined snow/silt fence between the proposed development area and the DPA boundary as shown in Schedule 'B' and in accordance with the specification in Schedule 'C', attached to and forming part of this permit
 - ii. Mature trees adjacent to the construction footprint should be protected from damage with the installation of snow-fencing around the drip line of trees to prevent compaction of root systems by heavy equipment.
- v. Any hired contractors shall inspect their equipment and vehicles to ensure they do not transport invasive plant species seeds onto or off the property; the manual removal of invasive weed species from machinery and equipment should occur regularly, and all machinery and equipment shall be washed prior to arrival.
- w. Seedling replanting should be done by hand where feasible, and where machinery is required for replanting and building excavation the lightest possible machinery shall be use.

- x. There shall be no incursion by machinery or equipment into the DPA outside of the permitted building envelopes as shown on Schedules 'A' and 'B'.
- y. There shall be no storage of construction supplies and waste in the DPA outside of the permitted building envelopes as shown on Schedules 'A' and 'B'.
- z. Any soils exposed or deposited for a period of greater than two (2) weeks and/or prior to any significant rainfall event shall be covered and maintained by means of tarps in good repair, jute, straw and/or hydromulch (without seeds).
- aa. Construction, restoration and landscaping should be undertaken during dry weather and not during periods of prolonged wet, windy and rainy weather.
- bb. Where feasible construction activities should avoid the peak annual songbird nesting windows of May 1st to July 22nd.

Monitoring

- cc. A follow-up site visit by a QEP once the revegetation is completed is required to assess the effectiveness of the restoration.
 - dd. The monitoring QEP(s) shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within one (1) month of the restoration work being completed.
3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
 4. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 5. This permit does not relieve the applicant from complying with the provisions of the North Pender Island Land Use Bylaw unless varied by this Permit.

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

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 202#.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE #TH DAY OF MONTH, 202#, THIS PERMIT AUTOMATICALLY LAPSES.

The site plan for Lot A (Plan VIP69250) illustrates the proposed development within a green-shaded DPA 1 Woodland area. Key features include:

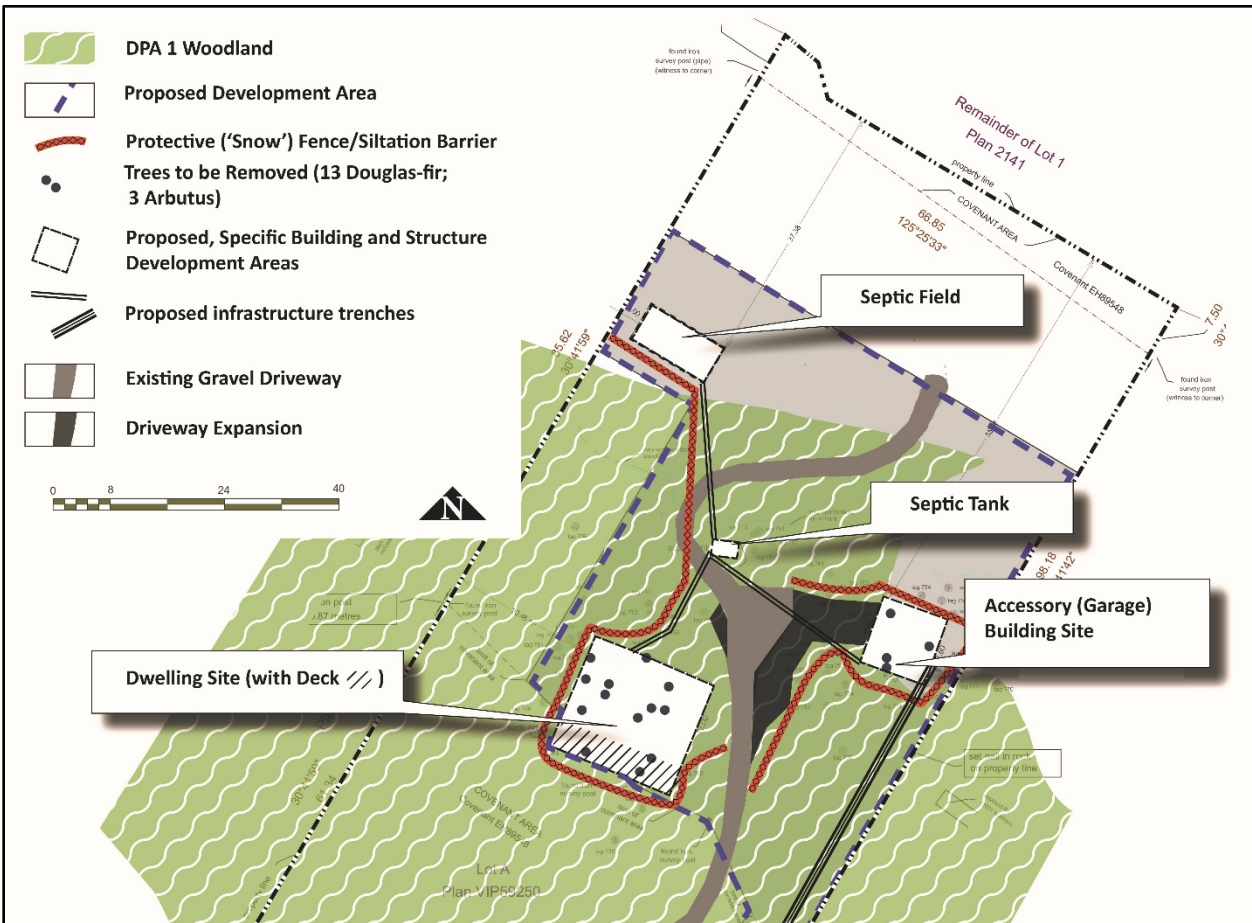
- Proposed Development Area:** Indicated by a blue dashed line, showing the layout of the dwelling, septic field, septic tank, and accessory building.
- Proposed, Specific Building and Structure Development Areas:** Shown as white rectangles with black outlines, representing the dwelling site (with deck), septic field, septic tank, and accessory (garage) building site.
- Existing Gravel Driveway:** Represented by a grey shaded area, showing the current access to the lot.
- Driveway Expansion:** Indicated by a black dashed line, showing the proposed extension of the driveway.

Surrounding land parcels include:

- Parcel A of Lot 6, Plan 7196:** Located to the southwest, separated by a boundary line with a bearing of 30°45'10" and a distance of 12.31.
- Remainder of Lot 1, Plan 2141:** Located to the northeast, separated by a boundary line with a bearing of 30°41'19" and a distance of 7.00.
- Parcel A of Lot 1, Plan 7196:** Located to the south, separated by a boundary line with a bearing of 30°41'19" and a distance of 62.29.

The plan also shows various boundary lines with bearings and distances, such as 30°41'19" and 30°45'10", and specific area measurements like 109°17'05" and 37.41. A north arrow and a scale bar (0 to 40) are provided for orientation and measurement.

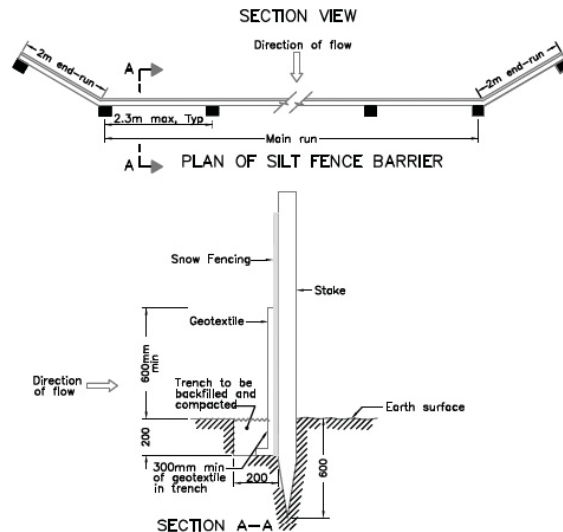
Detail Site Plan – Tree Removal



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2022.2
SCHEDULE 'C'
Erosion and Sedimentation Control Measures

EROSION AND SEDIMENTATION

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



NOTE:

All dimensions are in millimetres or metres unless otherwise shown.

SILT FENCE WITH SNOW FENCE DETAIL

NTS

DATE OF MEETING: August 11, 2022
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: LUB Review Project – Proposed Bylaw Nos. 223, 224, & 229

RECOMMENDATION

1. That the North Pender Island Local Trust Committee direct staff to schedule a Public Hearing for proposed Bylaw Nos. 223, 224, and 229.

REPORT SUMMARY

The purpose of this report is to provide options for the LTC's consideration for further amendments to the bylaws, and outline options for public hearings for the proposed Bylaw Nos. 223, 224, and 229.

BACKGROUND

Background information regarding the project, staff reports, Discussion Papers, PowerPoint presentations, correspondence, and the Project Charter can be found on the North Pender Project webpage: <https://islandstrust.bc.ca/island-planning/north-pender/projects/>.

At the May 26, 2022 LTC regular meeting the LTC passed the following resolutions:

NP-2022-066

It was Moved and Seconded,

that the North Pender Local Trust Committee amend draft Bylaw Nos. 223 and 229 by rezoning the northwest end of Magic Lake to permit a community park.

CARRIED

NP-2022-067

It was Moved and Seconded,

that the North Pender Local Trust Committee amend draft Bylaw Nos. 223 and 229 by adding a 'community dock' as a permitted use in the Water 6 Zone.

CARRIED

NP-2022-068

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Draft Bylaw No. 223, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021", be read a first time.

CARRIED

NP-2022-069

It was Moved and Seconded,

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

CARRIED

NP-2022-070

It was Moved and Seconded,

that the North Pender Island Local Trust Committee draft Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022”, as amended, be read a first time.

CARRIED

NP-2022-071

It was Moved and Seconded,

that the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

NP-2022-072

It was Moved and Seconded,

that the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

NP-2022-073

It was Moved and Seconded,

that the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

Summary of Proposed Bylaws

Bylaw No. 223

The proposed Official Community Plan (OCP) amendment Bylaw No. 223 is attached to the staff report. Proposed Bylaw No. 223 would support and enable the amendments to the Land Use Bylaw in Bylaw No. 229.

Bylaw No. 224

Proposed Bylaw No. 224, if adopted, will replace the Land Use Bylaw (LUB) No. 103. Proposed Bylaw No. 224 is attached to this staff report and will be posted to the project webpage.

Bylaw No. 229

Proposed Bylaw No. 229 includes amendments to the Land Use Bylaw that require enabling policies in the OCP. Proposed Bylaw No. 229 is attached to the staff report.

The North Pender Island LTC gave first reading to proposed Bylaw Nos. 223, 224 and 229 on May 6, 2022 and the Policy Statement Directives Checklists were endorsed.

ANALYSIS

Pump/Utility Shed

Proposed Bylaw No. 224 will permit one pump/utility shed prior to the construction of a dwelling only (Subsection 3.5.4). The intent was for one 'pump/utility shed' with a limited floor area of 10 m² to be permitted in all zones (except the Ecological zone) as part Section 3.1 'General Regulations – Permitted in All Zones'. By permitting one 'pump/utility shed' in all zones would allow the construction of a shed prior to the establishment of any principle permitted use. The following motion is for the LTC's consideration:

Draft Motion No. 1

"That the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as "North Pender Island Land Use Bylaw No. 224, 2022" be amended to add one pump/utility shed with a maximum floor area of 10 m² to Section 3.1."

Height of Agriculture Buildings

Proposed Bylaw No. 224 includes the following height regulations for agriculture buildings and structures (Subsection 3.4.2):

- (2) *Agriculture buildings and structures located in a zone where Agriculture is a principal use must not exceed:*
- (a) 10 metres in *height* and two storeys if located 30 metres or less from any *lot line*; or
 - (b) 15 metres in *height* and two storeys if located greater than 30 metres from any *lot line*.

Staff have received concerns from community members with regards to the allowing agriculture buildings/structures that are 10 metres in height (or potentially 15 metres in height if located greater than 30 metres from a lot line) on small lot properties in the Rural Residential 1 and 2 (RR1 & RR2) zones. Although the RR1 zone does not permit 'Agriculture' as a principle permitted use, 'Horticulture' is allowed as an accessory use in every zone (except the Ecological zone) as per the General Regulations – Subsection 3.1.1).

In order to limit tall agriculture or horticulture buildings or structures on small RR1 and RR2 lots, the LTC could consider amending proposed Bylaw No. 224 to only allow these 10-15 metres buildings on lots equal to or greater than 1.2 hectares (3 acres) in area:

Draft Motion No. 2

"That the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as "North Pender Island Land Use Bylaw No. 224, 2022" be amended by only permitting agriculture buildings and structures with a height of 10 metres or more on Rural Residential 1 and Residential 2 zoned lots with an area of 1.2 hectares or greater."

Maximum Floor Area – Agriculture Permitted Zones

At the March 24, 2022 meeting, the LTC requested staff to send a referral to the Agricultural Advisory Planning Committee (AAPC) to provide comments on if the AAPC still supports a maximum dwelling floor area of 500 m² on lots located in the Agricultural Land Reserve (ALR). The AAPC provided the following recommendations:

1. that the maximum house size on any land classified as ALR land follow the Agricultural Land Reserve Use (ALRU) Regulation [which permits a dwelling to have a maximum floor area of no more than 500 m²] and,

2. That any Rural zone lots greater than 16 ha have the same house size limits as set by the ALUR Regulation.

Currently the proposed Bylaw No. 224 does permit ALR dwellings to have a maximum floor area limit of 500 m² therefore no further amendments would be required for Item No. 1. In order to address Item No. 2 to allow dwellings with a maximum floor area of 500 m² on Rural-zoned lots greater than 16 ha (regardless if their located in the ALR), the following draft motion may be considered by the LTC:

Draft Motion No. 3

“That the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to permit dwellings with a maximum floor area of 500 m² on Rural zoned lots with an area of 16 ha or greater.”

Industrial Zones – Request from Property Owners/Family Members

1. 3418 South Otter Bay Rd (Gulf Excavating Site/Old Batch Plant) – proposed Bylaw No. 224 would rezone the property from Industrial 2(b) to Community Service (q) which would only permit the following uses:

- Waste transfer facility;
- Commercial composting; and,
- Recycling and reuse facility.

A family member of the property owners has expressed a concern with the limited proposed uses (listed above). The LTC could consider allowing an additional use of a ‘contractor yard’ to this site in order to permit the existing use.

Draft Motion No. 4

“That the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to allow a ‘contractor yard’ use on 3418 South Otter Bay Road in addition to the uses as outlined in the Community Service (q) zone.”

2. 4606 Razor Point Rd (Boat Storage portion of property) – proposed Bylaw No. 224 would retain the existing zone that allows ‘boat storage’ as the only use for the General Industrial (b) zone. The GI(b) zone does not permit any accessory uses. The property owner has requested the LTC consider allowing an electrical shed in addition to the boat storage use on the GI(b) portion of the subject property.

Draft Motion No. 5

“That the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022 ” be amended to allow uses outlined in Section 3.1 (Permitted in All Zones) on 4606 Razor Point Road in addition to the uses as outlined in the General Industrial (b) zone.”

1200/1201 Port Washington Road

Proposed Bylaw No. 229 will rezone 1200 & 1201 Port Washington Road from a site specific Commercial 1 C1(a) zone to Rural Residential 2 (RR2). A concern was raised by a community member that since there are two properties, the RR2 zone would allow one dwelling on each lot. To relieve that concern, staff recommend rezoning the two properties to a site specific RR2 zone that would only permit one dwelling within the zone (rather than one dwelling per lot).

Draft Motion No. 6

“That the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 229, 2022” be amended to rezone 1200 & 1201 Port Washington Road to a site specific Rural Residential 2 zone that would only permit one dwelling within the zone.

COMMUNITY INFORMATION MEETINGS

The North Pender Island LTC held two online Community Information Meetings on July 7 and July 28, 2022. The powerpoint presentation and recording of the meeting can be found on the North Pender LTC website. A third CIM will be held on Saturday, August 13th and will be held in-person. The August 13th CIM will be a combination of an open house and formal town hall.

PUBLIC HEARING

The LTC should give direction to staff to schedule public hearings for proposed Bylaw Nos. 223, 224, and 229 (see recommendation No. 1). Staff recommend holding a special meeting in September for the public hearings. Generally a Community Information Meeting is scheduled prior to a public hearing (at the same meeting) to allow community members to ask questions prior to the formal public hearing. As the LTC has held three CIMs over the past two months, the LTC should consider just holding the public hearings without a CIM at the special meeting.

A public hearing is a quasi-judicial process within and following which specific procedures must be followed. Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

Further Amendments

The LTC has the discretion to amend the bylaw before or after the Public Hearing. A bylaw may be altered after the public hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner’s consent. If the LTC wishes to amend the proposed bylaws in terms of altering use or density, staff recommend those amendments are made prior to the notification of the public hearing. These amendments can be made at the August 11th LTC meeting or the CIM on August 13th.

Timeline

The following outlines a general timeline for the remainder of the project:

- Public Hearings and Second & Third Reading for Bylaw Nos. 223, 224, & 229 - September, 2022
- EC Approval for Bylaw Nos. 223, 224, & 229 – September 20 or October 5, 2022

- Final Adoption of Bylaw No. 224 – October 2022 (by special meeting)
- Minister Approval for Bylaw No. 223 – Early 2023
- Final Adoption of Bylaw Nos. 223 & 229 – Early 2023

ALTERNATIVES

1. Amend the draft bylaw (s)

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

That the North Pender Island Local Trust Committee draft Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021” be amended by:...

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

That the North Pender Island Local Trust Committee draft Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022” be amended by:...

2. Referral to the Advisory Planning Commission

The LTC may opt to refer an item or topic to the Advisory Planning Commission for comment. Recommended wording for the resolution is as follows:

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

3. Proceed no further

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

NEXT STEPS

Staff will schedule public hearings for proposed Bylaw Nos. 223, 224, and 229 for September 2022.

Submitted By:	Kim Stockdill, Island Planner	July 26, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	July 26, 2022

ATTACHMENTS

1. Proposed Official Community Plan Bylaw No. 223
2. Proposed Land Use Bylaw No. 224
3. Proposed Land Use Bylaw No. 229

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 223

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

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

1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021”.

2. SCHEDULES

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

3. SEVERABILITY

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

READ A FIRST TIME THIS	26 TH	DAY OF	MAY	2022.
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 223**

SCHEDULE 1

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

1. By adding the following new policy to Section 2.1 Residential Land Uses:

“2.1I 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. By deleting Rural Residential Policy 2.1.1.1 and replacing it with:

“2.1.1.1The principal use shall be residential. Agriculture is also a principal use on those Rural Residential lots not connected to a water system with the exception of those lots connected to the Razor Point Water System. Accessory uses shall not detract from the rural character of the island.”

3. By adding the following new polices to Section 2.3 Community Service Land Uses:

“2.3.31 The Local Trust Committee will encourage multi-family rental dwellings that are limited to residential rental tenure.

2.3.32 Zoning should regulate the density, size and siting of multi-family rental dwelling units in order to maintain rural character.

2.3.33 Developments shall be encouraged to incorporate water conservation measures and energy efficient building design elements.

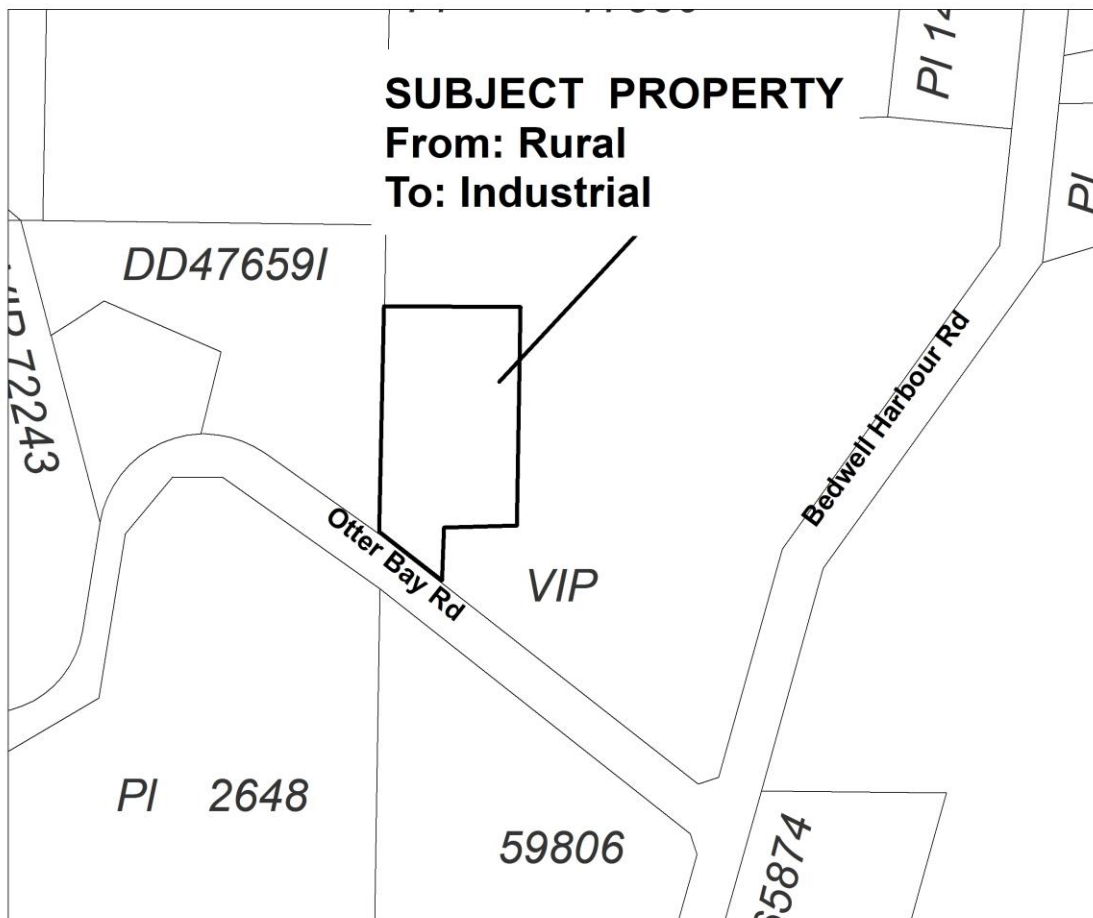
2.3.34 Applications for rezoning to a higher density to permit multi-family dwelling units may only be supported by the Local Trust Committee if there is adequate quality and quantity of freshwater.

2.3.35 Multi-family rental dwellings should be located in close proximity and accessible to existing roads, transportation and services.”

4. By adding the following new policy to Section 4.2 Coastal Area Policies:
“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.”
5. Schedule “B” – LAND USE MAP is amended as shown on Plan Nos. 1, 2, 3, 4, 5, and 6 attached to and forming part of this bylaw.

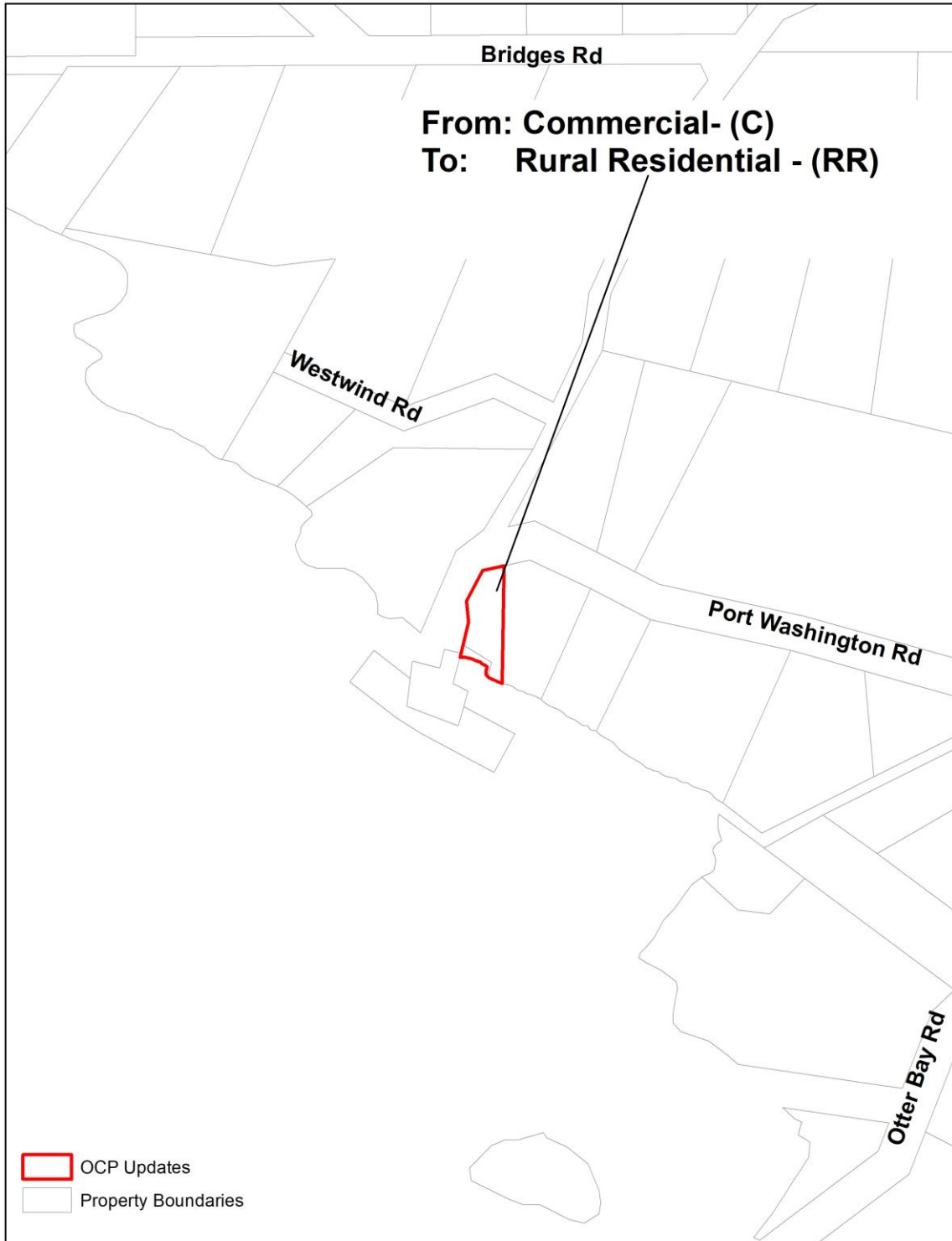
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 223

PLAN NO. 1



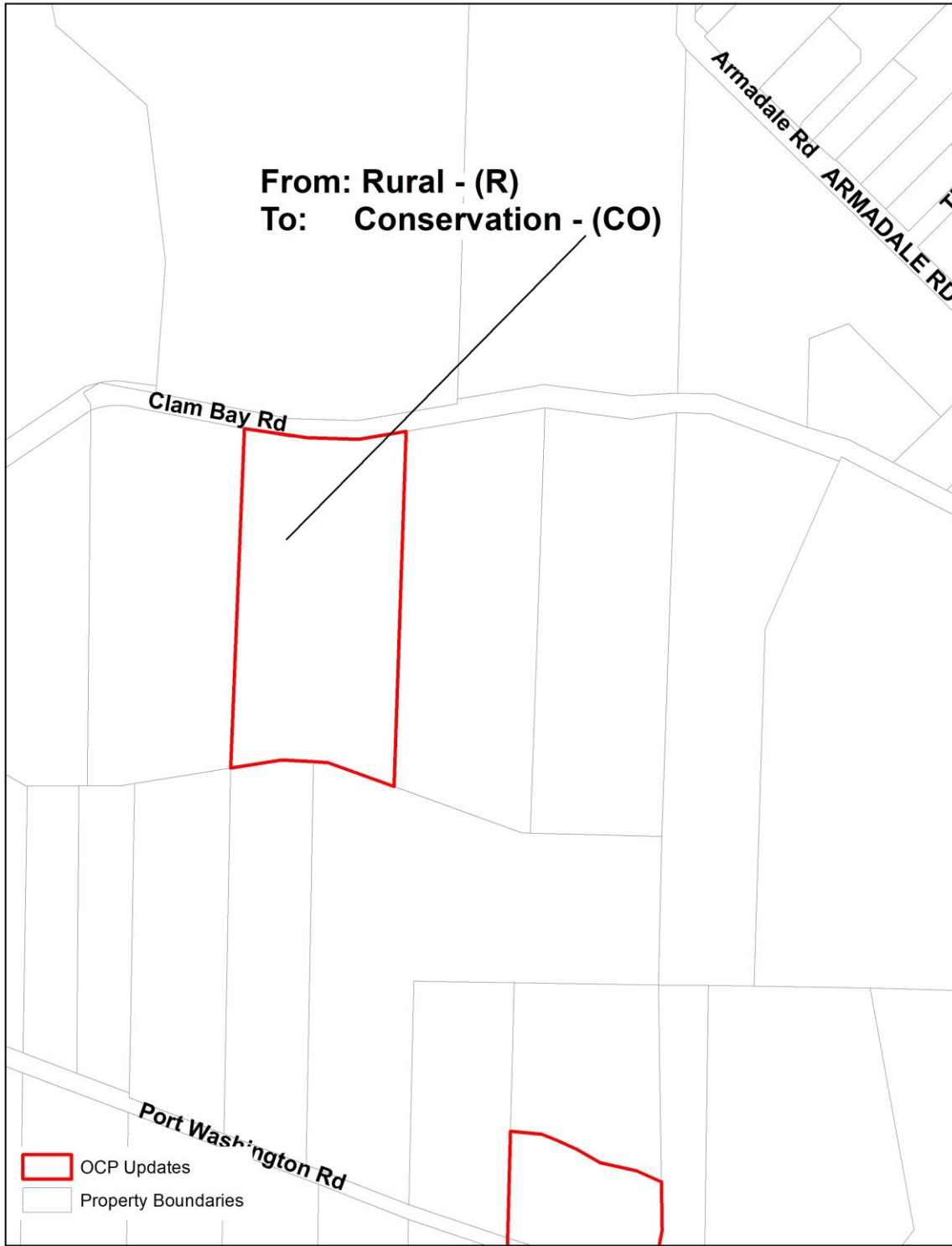
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BYLAW NO. 223

PLAN NO. 2



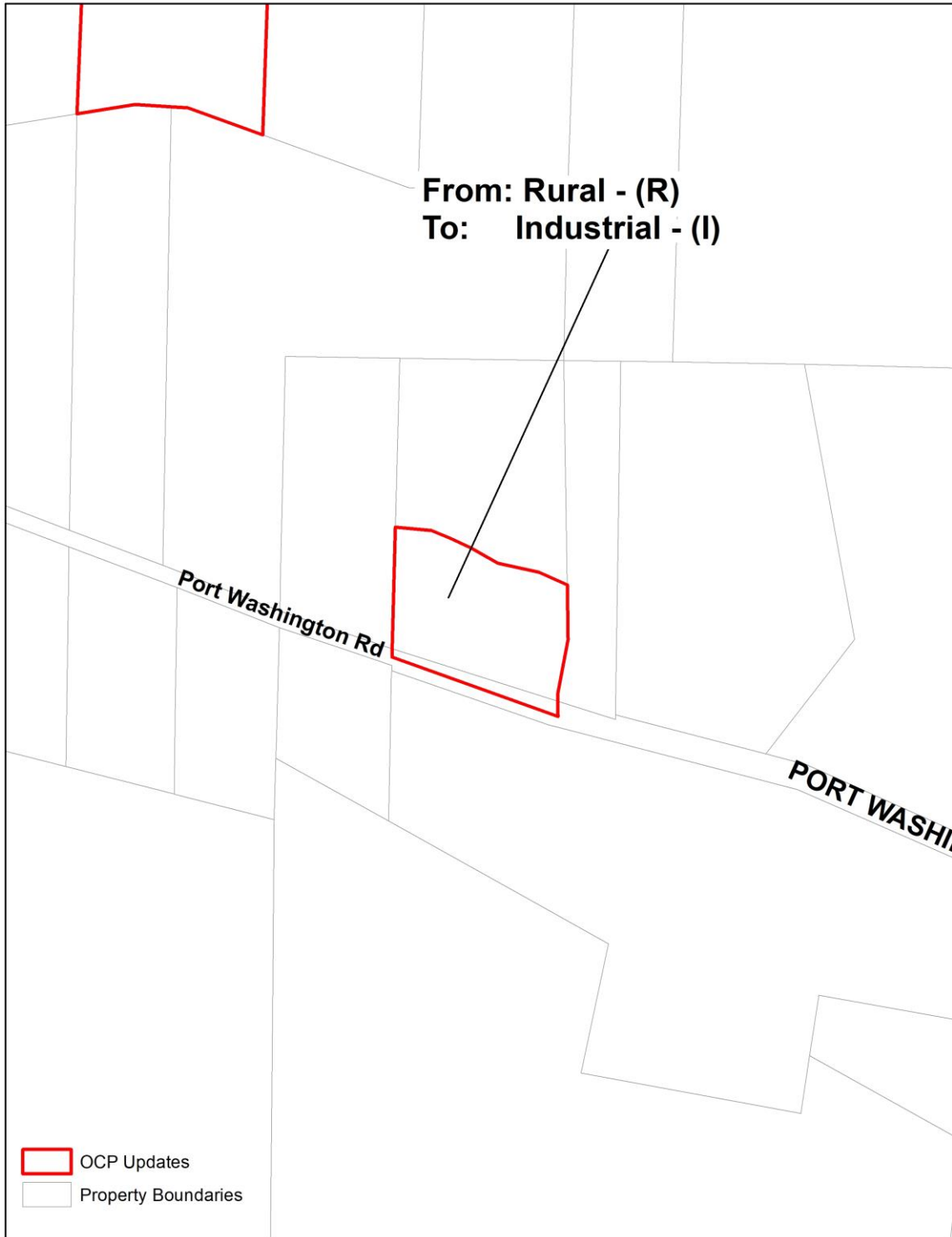
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BYLAW NO. 223

PLAN NO. 3



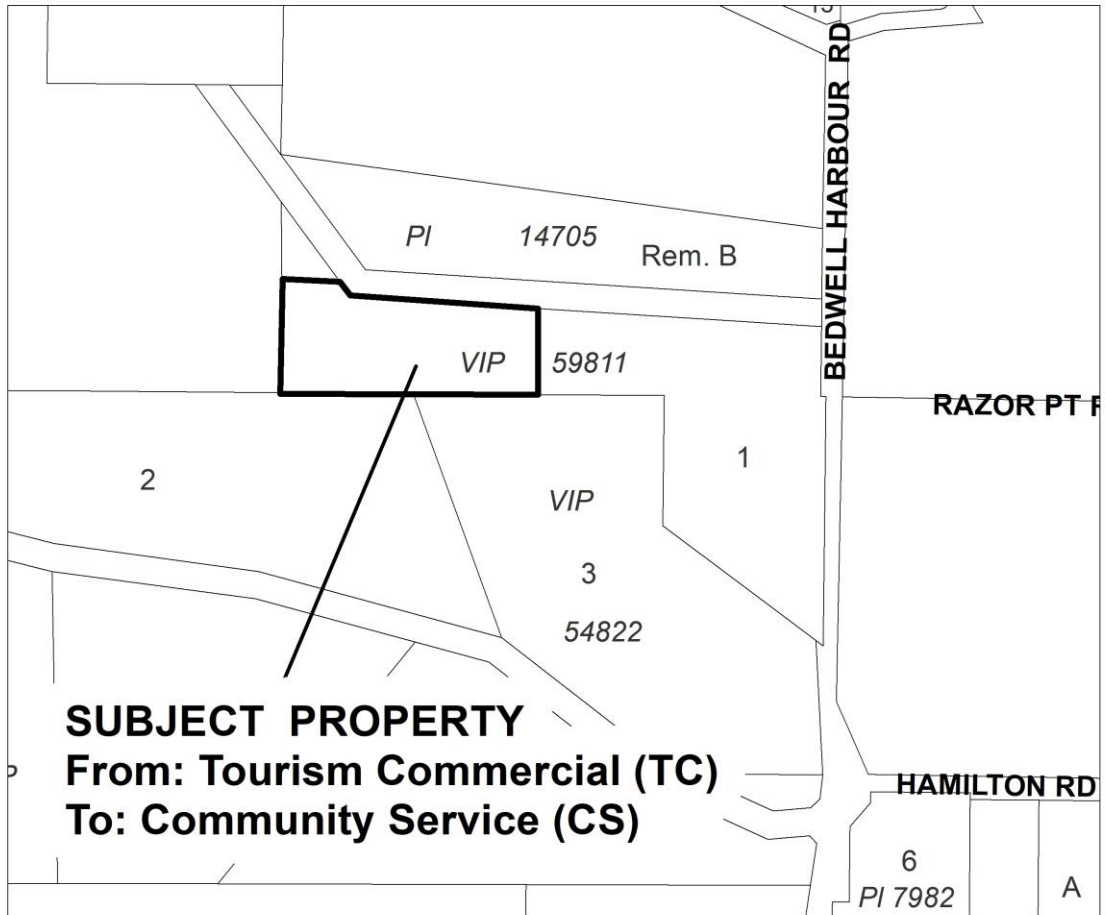
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 223

PLAN NO. 4



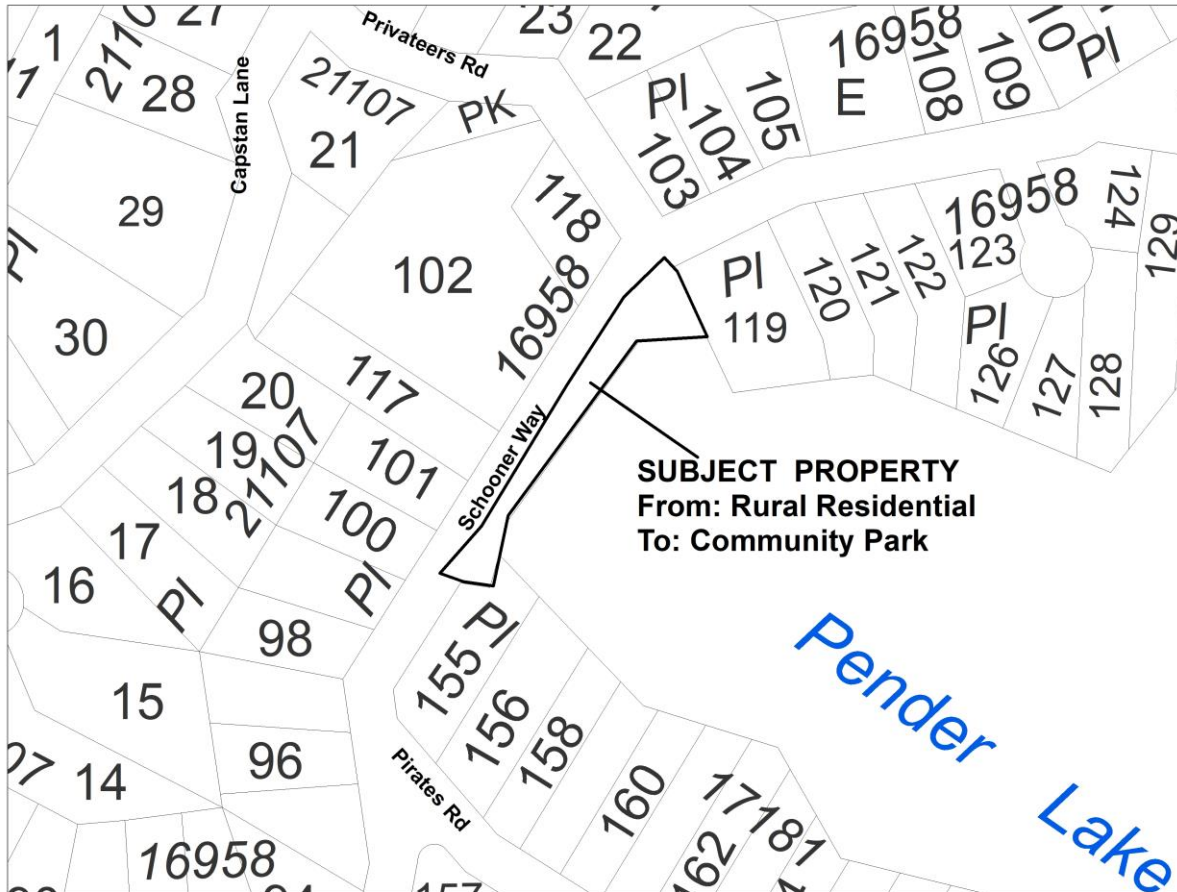
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 223

PLAN NO. 5



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 223

PLAN NO. 6





PROPOSED

**NORTH PENDER ISLAND
LAND USE BYLAW No. 224, 2022**

Consolidation as of: _____, 202__

Note: Items in italics are explanatory notes to the template and are not intended to form part of any LUB

Table of Amendments		
Bylaw No.	Date of Adoption	Date of Bylaw Consolidation

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
LAND USE BYLAW No. 224, 2022**

A Bylaw to establish regulations and requirements respecting the use of land, including the surface of water, the use, siting and size of buildings and structures, the provision of parking, landscaping and screening and the subdivision of land within the North Pender Island Local Trust Area.

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 the North Pender Island Local Trust Committee wishes to adopt a Land Use bylaw and other development regulations and to show by map the boundaries of the zones;

AND WHEREAS the North Pender Island Local Trust Committee has held a Public Hearing;

NOW THEREFORE the North Pender Island Local Trust Committee enacts in open meeting assembled as follows:

1. This Bylaw may be cited for all purposes as the “North Pender Island Land Use Bylaw No. 224, 202_.”
2. The following schedules attached hereto are hereby made part of this Bylaw and adopted as the Land Use Bylaw for that part of the North Pender Island Local Trust Area as shown on Schedule C:
 - (1) Schedule A (Land Use Bylaw Text)
 - (2) Schedule B (Zoning Map)
 - (3) Schedule C (Bylaw Area Map)
 - (4) Schedule D (Detailed Plans – R(b) Siting Plan)
 - (5) Schedule E (Detailed Plans – W3(a) Sewall Plan)
 - (6) Schedule F (Comprehensive Development Zones – Plan CD1(a))
3. 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.
4. Bylaw No. 103 cited “North Pender Island Land Use Bylaw 103, 1996” and all of its amendments are repealed.

READ A FIRST TIME this 26th day of May , 2022.
PUBLIC HEARING HELD this day of , 202_.
READ A SECOND TIME this day of , 202_.
READ A THIRD TIME this day of , 202_.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 202_
ADOPTED this day of , 202_

SECRETARY

CHAIRPERSON

SCHEDULE A
TABLE OF CONTENTS

SCHEDULE A	1
PART 1 INTERPRETATION	6
1.1 Definitions	6
1.2 Referencing	13
1.3 Units of Measure	13
1.4 Information Notes	13
PART 2 ADMINISTRATION	14
2.1 Application	14
2.2 Conformity	14
2.3 Inspection	14
2.4 Violation	14
2.5 Penalty	14
2.6 Covenants	15
2.7 Owner's Cost	15
2.8 Enforcement of Siting Regulations	15
2.9 Repeal and Replacement	15
PART 3 GENERAL REGULATIONS	16
3.1 Permitted in All Zones	16
3.2 Prohibited in All Zones	16
3.3 Siting and Setback Regulations	17
3.4 Height Regulations	18
3.5 Accessory Uses, Buildings and Structures	18
3.6 Fence Regulations	19
3.7 Home Business Regulations	19

3.8	Home Industry Regulations	20
3.9	Landscape Screening and Landscape Strips	21
3.10	Secondary Suite Regulations	22
3.11	Cistern Requirements	22
3.12	Derelict Vehicle Regulations	23
3.13	Agri-tourism and Agri-tourist Accommodation Regulations	23
3.14	Lots Divided by a Zone Boundary	23
3.15	Use of Common Property	24
PART 4	ESTABLISHMENT OF ZONES	25
4.1	Division into Zones	25
4.2	Zone Boundaries	26
PART 5	ZONE REGULATIONS	27
5.1	Rural Residential 1 (RR1) Zone	27
5.2	Rural Residential 2 (RR2) Zone	30
5.4	Rural Comprehensive 1 (RC1) Zone	36
5.5	Rural Comprehensive 2 (RC2) Zone	38
5.6	Agricultural (AG) Zone	40
5.7	Commercial 1 (C1) Zone	43
5.8	Commercial 2 (C2) Zone	45
5.9	Commercial 3 (C3) Zone	48
5.10	General Industrial (GI) Zone	50
5.11	Community Service (CS) Zone	51
5.12	Community Housing (CH) Zone	55
5.14	Recycling Facility (RF) Zone	57
5.15	Service (SD) Zone	58
5.16	National Park (NP) Zone	59
5.17	Community Park 1 (CP1) Zone	60

5.18	Community Park 2 (CP2) Zone	62
5.19	Ecological (ECO) Zone	62
5.20	Water 1 (W1) Zone	63
5.22	Water 3 (W3) Zone	67
5.23	Water 4 (W4) Zone	68
5.24	Water 5 (W5) Zone	69
5.25	Water 6 (W6) Zone	70
5.26	Comprehensive Development 1 (CD1) Zone	72
PART 6	SIGN REGULATIONS	75
6.1	Permitted Signs	75
6.2	Prohibited Signs	75
6.3	Exempt Signs	75
6.4	Lighting of Signs	75
6.5	Obsolete Signs	75
PART 7	PARKING REGULATIONS	76
7.1	Location	76
7.2	Design Standards	76
7.3	Calculation	77
7.4	Number of Off-Street Parking Spaces	77
PART 8	SUBDIVISION REGULATIONS	79
8.1	Lot Area Calculations	79
8.2	Exemptions from Average and Minimum Lot Area Requirements	79
8.3	Covenants Prohibiting Further Subdivision and Development	79
8.4	Boundary Adjustment Subdivisions	80
8.5	Lot Frontage and Lot Shape	80
8.6	Split Zoned Lots	81
8.7	Split or Hooked Lots	81

8.8	Double Frontage Lots	81
8.9	Water Access Subdivisions	81
8.10	Public Access to Water Bodies	81
8.11	Highway Standards	81
8.12	Water Supply Standards	82
8.13	Sewage Disposal Standards	84
8.14	Drainage Standards	85
PART 9 CAMPGROUND REGULATIONS		85
9.1	Campground Standards - Zoning	86
9.2	Campground Building Standards	86
SCHEDULE B (ZONING MAP)		88
SCHEDULE C (BYLAW AREA MAP)		89
SCHEDULE D (DETAILED PLANS – R(B) SITING PLAN)		89
SCHEDULE E (DETAILED PLANS – W3(A) SEWALL PLAN)		91
SCHEDULE F (COMPREHENSIVE DEVELOPMENT ZONES – PLAN CD1(A))		92

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PART 1 INTERPRETATION

1.1 Definitions

Information Note: *where defined terms appear in the body of the bylaw they are denoted by the use of italics.*

"accessory" in relation to a use, building or structure means incidental, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot or, if the accessory use, building or structure is located on the common property in a bare land strata plan, on a strata lot in that strata plan.

"agri-tourism" means an activity referred to in Section 12 of the Agricultural Land Reserve Use Regulation.

"agri-tourist accommodation" means a use accessory to a working farm operation for the purpose of accommodating commercial guests within specific structures on specific portions of a parcel of land.

"agriculture" means the use of land, buildings or structures for a farm operation.

"animal enclosure" means a pen or fenced area used for non-grazing in which animals are confined.

"Approving Officer" means the Approving Officer for North Pender Island appointed pursuant to the *Land Title Act*.

"aquifer" means a geological formation, a group of geological formations, or a part of one or more geological formations, that is capable of storing, transmitting and yielding groundwater.

"bed and breakfast" means a home business comprising the provision of sleeping accommodation and a morning meal to paying guests.

"buffer area" means an area of a campground in which no camping space, service building, parking area, recreational vehicle sewage disposal station, or recreation area other than a waterfront recreation area is located.

"building" means a roofed structure wholly or partially enclosed by walls, including a mobile home, used or intended to be used for supporting or sheltering any use or occupancy.

"cafe" means a restaurant in which the service of alcoholic beverages is not provided.

"camp facility" means lands, buildings, and structures used periodically for eating, sleeping, recreation and education activities serving the needs of organizations or large groups and not intended for commercial guest accommodation or use by the travelling public.

"campground" means premises developed for the provision of commercial accommodation to campers in recreational vehicles and tents, for a maximum period of 21 consecutive days at any one camping space and 3 months in any calendar year in any one campground.

"camping space" means an area of a campground developed or laid out for the accommodation of a recreational vehicle or a maximum of two tents.

"community water system" means a system of waterworks that serves more than one lot and is owned, operated and maintained by an improvement district, Regional District, water utility, society, or water supplier.

"contractor's yard" means the use of land, buildings, or structures for the storage of materials, equipment, and vehicles for a building, construction, landscaping business, or other trades.

"construction trailer" means a non-residential building which is manufactured and pre-assembled, which is designed to be moved from one place to another and which is designed not to be supported on a permanent foundation.

"cottage" means a dwelling with a limited floor area that is located on the same parcel as another dwelling.

"dock" means a structure or set of structures, accessory to an abutting upland lot, and may consist of a ramp, walkway, and float, constructed on or over the water that is connected to the shore, and that is used for the purpose of mooring private boats and for providing pedestrian access to and from the moored boats.

"dwelling" means a building used as a residence for a single household and containing a single set of facilities for food preparation and eating, sleeping and living areas.

"Engineer" means a member of the Association of Professional Engineers and Geoscientists of British Columbia.

"employee housing" means the use of a dwelling, either in a separate building or within a portion of a building, for occupation solely by an employee of a principal use on the same lot or premises, or by an individual related by blood, adoption, common-law marriage, foster parenthood to such an employee, or cohabiting with such an employee in a spousal relationship.

"Farm operation" means a farm use as defined under the *Agricultural Land Commission Act*.

"Farm Status" means land classified as a farm pursuant to the *(BC) Assessment Act*.

"farm retail sales" means the retail sale of tangible farm products grown or raised on a farm or association to which the owner of the farm belongs.

"ferry terminal" means the use of land or water for marine ferry operations, including slips and marine structures, the embarkation/disembarkation of passengers and vehicles, terminal buildings, storage, vehicular queuing areas approaching the ferry slips, accessory vehicle storage, and accessory commercial services.

"float" means a floating non-roofed structure that is used as a landing or moorage place for marine transport or for recreational purposes and which is free to rise and fall with sea level change and, for all conditions of tidal change, does not rest on the sea bed.

"floor area" means the total area of all storeys of a building measured to the interior surface of the exterior walls, exclusive of any floor area occupied by any cistern used for the collection of rainwater for domestic use or fire protection, and for this purpose, all areas of a building having a floor and a ceiling of at least 1.5 metres apart constitute a storey.

"floor area ratio" means the figure obtained by dividing the total floor area of all buildings and structures on a lot by the total lot area.

"frontage" means the length of that lot boundary which abuts a highway, other than a lane or a walkway, or an access route in a bare land strata plan.

"Groundwater" means water naturally occurring below the surface of the ground.

"Guidelines for Canadian Drinking Water Quality" means the current edition of the publication of that name published by Health Canada.

"hazardous waste" means any chemical compound, mixture, substance or article which is defined as a hazardous waste in the *Hazardous Waste Regulation* enacted under the *Environmental Management Act*.

"height" means the vertical distance between the highest point of a building or structure and the average natural grade, being the average undisturbed elevation of the ground at the perimeter of the building or structure calculated by averaging the elevations at the midpoints of all the exterior walls. In the case of buildings and structures on the surface of water, average natural grade shall be the natural boundary for a building or structure fixed to the bed of the water and the watermark of any floating building or structure. In the case of a fence, height means the vertical distance between the top of the fence and the grade at any point along the fence.

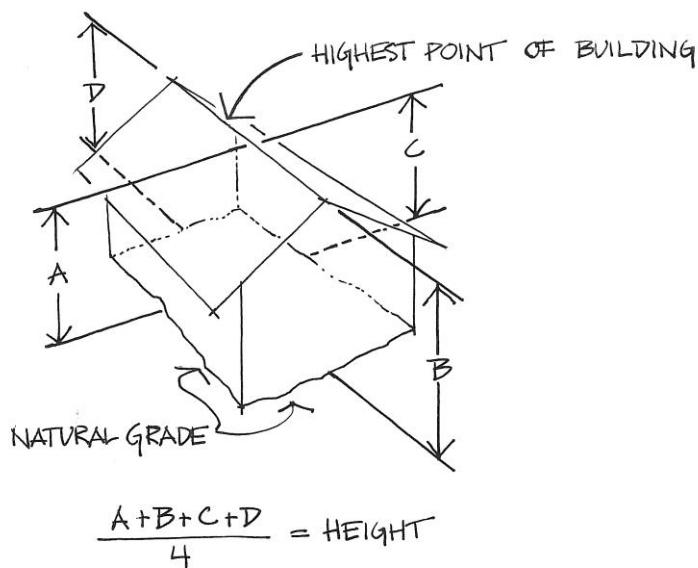


Figure 1-1 Illustration of calculation of height

"highway" includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but does not include a private right-of-way on private property.

"home business" means an accessory commercial use conducted on a residential lot and includes: short term vacation rentals, bed and breakfast and any profession, trade, business, artistic endeavour, where such activities are clearly accessory to a principal residential use.

"horticulture" means the use of land for the rearing of plants.

"Hydrogeologist" means an engineer or geoscientist with competency in the field of hydrogeology, regulated under the *Professional Governance Act*, Engineers and Geoscientists Regulation.

"impermeable material" means buildings, structures, asphalt, concrete, brick, stone, and wood, grouted pavers and other surfaces that prevent water from penetrating into the ground beneath. Impermeable material does not include gravel, wood chips, bark mulch, soil pavement, wood decking with spaced boards, and other materials which have permeable characteristics when in place and are not placed on a layer of material that is impenetrable by water such as plastic sheeting.

"landscape screen" means a visual barrier consisting of natural vegetation, trees, shrubs, fencing, or a combination of those elements, broken only by necessary access ways for pedestrians and vehicles and serving to screen land uses from abutting land and highways.

"landscape strip" means natural vegetation, trees, shrubs, fencing, or a combination of those elements, broken only by necessary access ways for pedestrians and vehicles and serving to protect the natural environment and prevent hazardous conditions.

"livestock" means grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle, horses, goats, sheep, hogs, llamas, and alpacas.

"Local Trust Committee (LTC)" means the North Pender Island Local Trust Committee.

"lot" means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Strata Property Act*.

"lot coverage" means the total area of those portions of a lot that are covered by buildings and structures, divided by the area of the lot, and for this purpose the area of a lot that is covered by a building or structure is measured to the drip line of the roof and "structures" includes impermeable material.

"lot line" means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office, or the boundary of a lot as otherwise described under the *Land Title Act*; and

"front lot line" means the lot line that is common to the lot and an abutting highway or access route in a bare land strata plan, and where there are two or more such lot lines the shortest (other than corner cuts) is deemed the front lot line;

"rear lot line" means the lot line that is opposite the front lot line in the case of a lot having four or more sides, and where the rear portion of a lot is bounded by intersecting side lot lines the point of intersection is deemed the rear lot line;

"exterior side lot line" means a lot line that is not a front or rear lot line and that is common to the lot and an abutting highway or access route in a bare land strata plan; and

"interior side lot line" means a lot line that is not a front, rear or exterior side lot line.

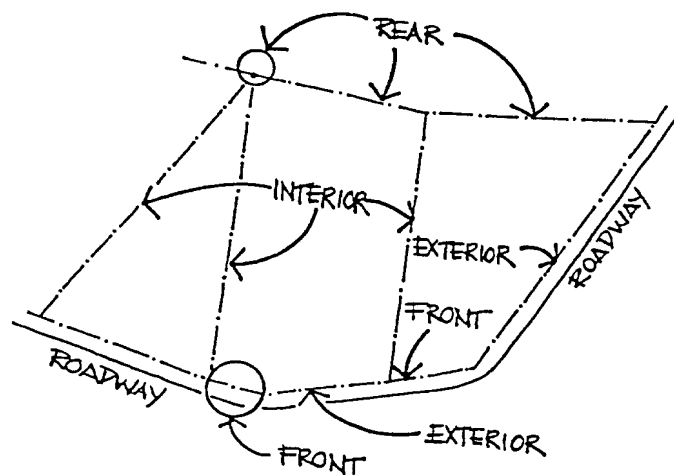


Figure 1-2 Illustration of lot lines

"manufacturing" means an industrial use involving the fabrication or assembly of articles or materials into new products.

"marina" means the use of a water area for the temporary storage of boats and includes the installation of docks, floats, wharves, ramps and walkways, breakwater, marine sewage pump-out stations and the provision of wharfage services to the boating public.

"marine geothermal loop" means a renewable geoexchange system (geothermal heat exchange) utilizing the natural occurring temperature of the ocean for the purpose of heating and cooling that:

- a. is a closed-loop system using only freshwater as the circulating heat transfer fluid,
- b. meets or exceeds the Canadian CSA design standards CAN/CSA-448-02, as amended from time to time, and
- c. is designed and installed by a Registered System Designer accredited by the Canadian Geoexchange Coalition, or the International Ground Source Heat Pump Association."

Information Note: *Installation of marine geothermal loops are also required to obtain the necessary permits or approvals from provincial and federal agencies.*

"mobile home" means a dwelling suitable for year-round occupancy, designed, constructed or manufactured to be moved from one place to another by being towed or carried and meets a minimum CSA-Z240 standard.

"moorage" means the tying or securing of a vessel to a fixed structure or mooring buoy.

"multiple-family dwelling" means a building used as a residence for two or more households.

"multiple-family rental dwelling" means residential use of attached dwelling units that are limited to residential rental tenure.

"multiple-family rental dwelling unit" means the use of a portion of a multi-family rental dwelling by a single household and is limited to residential rental tenure.

"natural boundary" means the visible high water mark of any sea, lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil or rock of the bed of the body of water a character distinct from that of its banks, its vegetation, as well as in the nature of the soil itself.

"outbuilding" means a building or structure that may be constructed or placed on a lot prior to a principal dwelling and which may be used for uses ordinarily accessory to a principal residential use.

"panhandle lot" means a lot that fronts on a highway by means of a strip of land that is narrower than the main portion of the lot.

"personal service" means a commercial use of a building in which services are provided to the body or the clothing of a person, but does not include laundromats and dry cleaners.

"personal watercraft" means a vessel typically less than 5 metres (16 feet) in length that is propelled by machinery, commonly a jet pump, and designed to be operated by a person standing, kneeling or sitting on the vessel rather than standing or sitting inside the vessel.

"potable" means water provided by a domestic water system that meets the standards prescribed by regulation including Health Canada Guidelines for Canadian Drinking Water Quality, and is safe to drink and fit for domestic purposes without further treatment.

"principal" in relation to a use, building or structure means the main or primary use, building or structure, as the case may be, conducted or constructed on a lot.

"pump/utility shed" means an accessory building containing only equipment for pumping and processing of water or sewage, or electrical equipment and communication service equipment.

"pumping test" means a flow test to determine the long-term sustainable yield of a well, conducted under supervision of a hydrogeologist, and that is consistent with the British Columbia Guide to Conducting Pumping Tests, Guidance for Technical Assessments in Support of an Application for Groundwater Use in British Columbia, other guidance documents which may be issued, applicable legislation, and consists of pumping groundwater from a well typically for 12 to 72 hours depending on *aquifer* characteristics.

"recreational vehicle" means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, but does not include a mobile home or manufactured home.

"recycling and reuse facility" means the use of land, *buildings* or *structures* for receiving, storing, sorting, compacting and transferring recyclable materials that originate from residential, commercial, institutional, demolition or construction sources, and includes public drop off.

"residential rental tenure" means the granting of a right to occupy a dwelling unit as living accommodation where the minimum occupancy period is thirty consecutive days, and where the dwelling unit is not owned by a dwelling unit occupant, but where regular payments are made to the owner for the use of the dwelling unit.

"restaurant" means the use of a building for the serving of meals and alcoholic beverages, and with a food-primary license.

"retail sales" means the selling of goods or merchandise to the general public for personal or household consumption.

"roadway" means the travelled portion of a highway.

"school" means a public or private educational institution that does not include residential accommodation or dormitories.

"secondary suite" means an accessory, self-contained dwelling, located within the principal dwelling on a lot and having a lessor floor area than the principal dwelling.

"setback" means the horizontal distance that a building or structure must be sited from a specified lot line, building or feature.

"short-term vacation accommodation" means the use of a dwelling or cottage, or a portion 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. For this purpose, a dwelling or *cottage* used as *short term vacation rental* shall be considered an accessory *home business*.

"sign" means any device or medium including its supporting structure, visible from the sea, any highway or lot other than the one on which it is located, and which is used to attract attention for advertising, information or identification purposes.

"structure" means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, but excludes fences, septic fields, concrete and asphalt paving, or similar surfacing of the land.

"tourist accommodation" means the provision of temporary accommodation for travellers in the form of successive occupancy by different persons where the same person shall not occupy any unit for a time period exceeding 30 days in any calendar year.

"tourist accommodation unit" means a detached cabin, a room, or a suite of rooms providing tourist accommodation.

"use" means the purpose or activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

"utility" means broadcast transmission, electrical, telecommunications, sewer or water services and facilities established or licensed by a government, or government agency, excluding private radio or television antennae, and includes navigational aids.

"waste transfer facility" means the use of a site, *buildings* and *structures* for receiving, storing, compacting, sorting, and transferring solid waste that originates from residential, commercial, institutional, demolition or construction sources, and includes public drop off.

"wetland" means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions supports, vegetation typically adapted for life in saturated soil conditions, including marshes, swamps and bogs.

"wharf" means a structure consisting of a fixed platform extending beyond the natural boundary of the sea over water which is used as a landing or wharfage place for watercraft, and includes the railings and supporting structure embedded in the sea.

"wharfage" means the tying of a boat or seaplane to a wharf, float or dock that is in turn connected to an upland lot by a ramp or walkway.

"zone" means a zone established by Part 5 of this Bylaw.

1.2 Referencing

- (1) In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the parenthetical numbers subsections, the lower case letters articles and the roman numerals clauses:

Part:	1
Section:	1.1
Subsection:	1.1(1)
Article:	1.1(1)(a)
Clause	1.1(1)(a)(i)

1.3 Units of Measure

- (1) Metric dimensions are used in this Bylaw. Imperial equivalents, where shown in parentheses are approximate, are provided for convenience only, and do not form part of this Bylaw.

1.4 Information Notes

- (1) Where a paragraph or sentence in this Bylaw is preceded by the words “Information Note”, the contents of the paragraph or sentence are provided only to assist in understanding of the bylaw and do not form a part of it.

PART 2 ADMINISTRATION

2.1 Application

- (1) This Bylaw shall apply to that part of the North Pender Island Local Trust Area as shown on Schedule C. Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, and also all surface waters and air spaces.

2.2 Conformity

- (1) No person may use or occupy or permit any land, water surface, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw.
- (2) No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as permitted by this Bylaw.
- (3) Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.
- (4) Any existing lot that is less than the minimum lot area specified in the applicable zone for the creation of new lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.
- (5) No lot or area may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders any existing use, building or structure illegal or non-conforming

2.3 Inspection

- (1) The Islands Trust Bylaw Enforcement Officer or any other person designated by the Islands Trust to administer this Bylaw is authorized to enter, at any reasonable time, upon any property that is subject to regulation under this Bylaw, for the purpose of inspecting and determining whether the regulations, prohibitions and requirements are being met.

2.4 Violation

- (1) Any person who does any act or thing or permits any act or thing to be done in contravention of the provisions of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw is deemed to have committed an offence under this Bylaw.

2.5 Penalty

- (1) Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty as provided in the *Offence Act* and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

2.6 Covenants

- (1) Where under this Bylaw an owner of land is required or authorized to grant a covenant restricting subdivision or development, the covenant must be granted to the Local Trust Committee pursuant to Section 219 of the *Land Title Act* in priority to all financial charges and delivered in registerable form satisfactory to the Local Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the Local Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenanter.

2.7 Owner's Cost

- (1) If any provision of this Bylaw requires a report, study, covenant, plan or similar item to be prepared, unless otherwise stated, the owner shall pay all costs.

2.8 Enforcement of Siting Regulations

- (1) Every applicant for a development permit or a development variance permit must provide a plan signed by a B.C. Land Surveyor showing the location on the *lot* of all existing and proposed *buildings, structures* and sewage absorption fields in relation to *lot* and *zone* boundaries, watercourses, wells and the sea, and in relation to other *buildings* on the *lot*, unless the *Local Trust Committee* or the official assigned to provide planning services to the Local Trust Area determines that the provision of such a plan is not reasonably necessary to establish whether the proposed *buildings, structures* and sewage absorption fields comply with the siting requirements of this or any other Bylaw.

2.9 Repeal and Replacement

- (1) Where this bylaw refers to other acts or regulations which have been repealed, amended, revised or consolidated, the reference in this bylaw must be construed as being a reference to the substituted enactment relating to the same subject matter. If there are no provisions in the substituted enactments relating to the same subject matter, the former act or regulations are construed as remaining in effect.
- (2) Where this bylaw refers to other government departments, ministries or agencies which have had a change in title or name, the reference in this bylaw must be construed as being a reference to the substituted title(s) or name(s) of the government departments, ministries or agencies relating to the same subject matter.

PART 3 GENERAL REGULATIONS

3.1 Permitted in All Zones

Except where specifically prohibited, the following uses, building and structures are permitted in any zone except the Ecological (ECO) Zone:

- (1) *uses, buildings and structures*, which are *accessory* to a *principal* permitted use, building or structure on the same lot, including accessory horticulture;
- (2) parks other than playgrounds and playing fields, hiking and bicycling paths, horse riding trails and ecological reserves;
- (3) *Construction trailers* solely for construction purposes on a *lot* being developed, and for a period not to exceed the duration of such construction or for one year, whichever is less;
- (4) water supply facilities, including reservoirs, treatment plants, pumping stations and intake structures;
- (5) electricity and telephone lines for the distribution of service to North Pender Island or South Pender Island, and water and sewer service lines;
- (6) solar collectors in any land zone for the purposes of supplying power to the *lot* on which the *structure* is located;
- (7) wind generators in any land zone for the purposes of supplying power to the *lot* on which the *structure* is located;
- (8) the use of land under the *Private Managed Forest Land Act* for forest management activities related to timber production or harvesting;
- (9) where *agriculture* is permitted in any zone, *farm retail sales* is permitted if the *lot* has *Farm Status* or is located within the Agricultural Land Reserve, and the total indoor and outdoor floor area for the *farm retail sales* shall not exceed 300 m²; and,
- (10) despite Subsection 3.1(9), road-side produce stands not exceeding 10 m² in floor area and used for the selling of farm products that are grown or reared on the land upon which the stand is located.

3.2 Prohibited in All Zones

The following *uses, buildings and structures* are prohibited in every zone:

- (1) yacht clubs and *marinas* the use of which is restricted to members of a private club;
- (2) disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged pursuant to a permit under the Sewage Disposal Regulation or the *Waste Management Act*;
- (3) the disposal or storage of hazardous or toxic waste, other than the temporary storage of such waste in the Recycling Facility (RF) Zone and the General Industrial (GI) Zone, and for the

purposes of this exception "temporary" means that not more than 6 months' accumulation of such waste may be stored;

- (4) fur farming, except as permitted in the Agricultural Land Reserve by a person licensed under the Fur Farm Act;
- (5) the sale and rental of personal watercraft;
- (6) derelict or abandoned docks, floats, ramps or walkways;
- (7) airport and airstrip facilities and related accessory buildings and structures; and
- (8) heliports and helipad, other than for emergency evacuation use.

Information Note: All aeronautics uses are federally regulated under the Aeronautics Act.

3.3 Siting and Setback Regulations

- (1) No *building* or *structure*, other than those in Subsection 3.3(2), may be sited, nor fill placed to support a *building* or *structure*, within:
 - (a) 15 metres upland of the *natural boundary* of the sea;
 - (b) 1.5 metres from the *natural boundary* of the sea as measured on the vertical plane; and,
 - (c) 7.6 metres upland of the *natural boundary* of a lake, wetland or stream,

and for the purpose of this subsection, fences and paved areas of asphalt, concrete or similar material are "*structures*".

- (2) The following *buildings* or *structures* are exempt from Subsection 3.3(1):
 - (a) Walkways, stairs or a ramp accessory to a permitted private *dock* in the Water 1 or Water 6 Zones with a width less than 1.2 metres and a length less than 3 metres;
 - (b) Anchor pads or abutments up to 1.5 metres in width for the purpose of securing a permitted private *dock* or wharf to the upland *lot*; and,
 - (c) *Pump/utility shed with a floor area of 10 m² or less.*
- (3) *Pump/utility sheds* with a floor area of 10 m² or less, and utility poles are exempt from the setback provisions specified in this Bylaw.
- (4) No sewage disposal field or septage pit used for agricultural, commercial or industrial purposes may be sited within 60 metres of the *natural boundary* of the sea, nor within 30 metres of the *natural boundary* of a lake, wetland, stream or domestic water source.
- (5) No mushroom barn, or animal enclosure used or intended to be used to confine more than 4500 kilograms of livestock, poultry or farmed game, may be sited within 30 metres of any *lot* line.
- (6) No permanent animal enclosure use may be sited within 7.6 metres of any *lot* line and no agricultural waste storage area may be sited within 15 metres of any *lot* line.
- (7) No commercial storage of petroleum, pesticide or other chemical is permitted within 30 metres of any domestic water source or well nor within 15 metres of the *natural boundary* of any lake,

wetland, stream or the sea, and no such substance may be stored on North Pender Island unless the storage area is bermed or otherwise equipped to contain a spill of the entire quantity of the substance stored.

- (8) No automobile repair, commercial boat repair, or commercial boat building *use* may be sited within 50 metres of the *natural boundary* of any lake, wetland, stream, or Ecological (ECO) Zone.
- (9) All siting measurements must be made on a horizontal plane from the *natural boundary*, *lot line* or other feature specified in this Bylaw to the nearest portion of the *building* or *structure* in question.
- (10) Despite Subsection 3.3(9), chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, ornamental features, steps, eaves, sunlight control projections, canopies, balconies, or porches that project beyond the face of a *building*, the minimum distances to a *lot line* or a natural feature specified in this Bylaw may be reduced by not more than 0.6 metres, but such reduction applies only to the projecting feature.

3.4 Height Regulations

- (1) A *dwelling* or *cottage* must not exceed 9.7 metres in *height*.
- (2) *Agriculture buildings* and *structures* located in a zone where *Agriculture* is a *principal use* must not exceed:
 - (a) 10 metres in *height* and two storeys if located 30 metres or less from any *lot line*; or
 - (b) 15 metres in *height* and two storeys if located greater than 30 metres from any *lot line*.
- (3) An *accessory building* or *structure* may not exceed 4.6 metres in *height* and one storey, except for:
 - (a) a *cottage* which may not exceed 9.7 metres in *height* and two storeys;
 - (b) a *pump/utility shed*, which may not exceed 3 metres in *height*; or
 - (c) a *building* used for forestry purposes on land classified as managed forest land under the *Private Managed Forest Land Act*, which may not exceed 10 metres in *height* and two storeys.
- (4) The *height* regulations for *buildings* and *structures* specified elsewhere in this Bylaw do not apply to radio and television antennas for reception of signals by individual households, spires on a church or other religious *building*, chimneys, flag poles, lightning poles, fire and hose towers, *utility* poles, roof-mounted solar collectors, farm silos and grain bins, and water storage tanks in the Community Service (CS) Zone.

3.5 Accessory Uses, Buildings and Structures

- (1) A *building* or *structure* *accessory* to a *dwelling* may not be used for human habitation except as permitted by Subsection 3.5.3.
- (2) Unless a *building* or *structure* on a *lot* is attached to a *principal building* on the *lot* by a completely enclosed *structure* having walls, roof and floor, it is for the purposes of this Bylaw deemed not to be part of the *principal building*, but is deemed to be an *accessory building* or *structure*.

- (3) An *accessory building* or *structure* may be constructed or placed and occupied as a temporary *dwelling* prior to the construction of a *principal building* or *structure* on the same *lot* provided that a building permit has been issued for the *principal building* or *structure* and the water supply and sewage disposal facilities for the *principal building* or *structure* have been installed.
- (4) One *outbuilding* and one *pump/utility shed* may be constructed or placed on a *lot* prior to the construction of a *dwelling* on the same *lot*, subject to:
 - (a) the *floor area* not exceeding 10 m²;
 - (b) a maximum of one *outbuilding* per *lot*; and
 - (c) the *height* not exceeding 4.6 metres.
- (5) On a *lot* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, and Rural Comprehensive 2, a maximum of one (1) accessory shipping container is permitted if the *lot* is greater than 0.4 hectares in area.
- (6) Shipping containers must be screened from neighbouring lots, roads, or the sea by use of landscape screening in compliance with Subsection 3.9.1.

3.6 Fence Regulations

- (1) Fences shall be permitted in any *zone* and shall not exceed 3 metres in *height* within the required setback area.

3.7 Home Business Regulations

- (1) *Home businesses* must be conducted entirely within a *dwelling*, *cottage* or permitted *accessory building* except that this restriction does not apply to the use of land for a pottery kiln or for outdoor activities associated with a kindergarten, nursery school, daycare or *horticulture*.
- (2) With the exception of *short term vacation rentals*, the combined *floor areas* of all *home businesses* on a *lot* must not exceed 65 m², except for a *lot* located within the Agricultural Land Reserve, in which case the combined *floor area* must not exceed 100 m².
- (3) Except for the *retail sale* of goods produced, processed or repaired as part of a *home business*, and *retail sale* of articles directly related to a *personal service* provided as a *home business*, the following activities are not permitted:
 - (a) retail or wholesale selling of any product or material; and
 - (b) the serving of food or drink products on the *lot* as part of a *home business* except for *bed and breakfast home business* in which case a morning meal may be served to paying guests.
- (4) Not more than four persons per *lot* may be employed in any *home business* in addition to any residents of the *lot* in which such business is carried on, and at least one of the employees of a *home business* must live on the *lot*. In the case of a *short term vacation rental*, the operator or another person responsible for the *short term vacation rental* must live in a permitted *dwelling* or *cottage* on the *lot*.

- (5) Except for one unilluminated nameplate not exceeding 0.6 m² in area in respect of each *home business*, no *sign* or other advertising matter may be exhibited or displayed on the lot where a *home business* is conducted, and no exterior artificial lighting may be installed or operated on the *lot* for a purpose associated with a *home business*.
- (6) No storage of materials, commodities or finished products is permitted in connection with the operation of a *home business*, other than within a permitted *building* in which case the total *floor area* used for such storage must not exceed 65 m².
- (7) In addition to the off-street parking spaces required for the *dwelling* as required by this Bylaw, in no event fewer than two such additional spaces must be provided for patrons of a *home business*, but no such additional spaces are required if the nature of the *home business* is such that patrons do not call at the lot.
- (8) The following additional regulations apply to *bed and breakfast home businesses*:
 - (a) not more than six (6) guests may be accommodated at any one time;
 - (b) not more than three (3) bedrooms may be used to accommodate guests;
 - (c) in addition to the two (2) parking spaces required for the dwelling, one additional parking space for each bedroom used for bed and breakfast accommodation must be provided, despite Subsection 3.7.7;
 - (d) no rental of equipment or material is permitted except to registered guests; and,
 - (e) a bed and breakfast home business must be conducted solely within a principal dwelling or cottage.
- (9) The operator of every *home business* must comply with all licensing, health and other applicable regulations of the Province of British Columbia and the Capital Regional District, including building, public health, noise, air quality, and water quality regulations.
- (10) No vehicle or equipment used by, or in the conduct of, a *home business* shall be stored in a required front yard setback or in a required side yard setback without being screened from view.
- (11) No more than one *dwelling* or one *cottage* may be used for a *short term vacation rental* on a *lot*.
- (12) A *home business use* must not generate any noise in the course of its operations that may be heard at any *lot line*.

3.8 Home Industry Regulations

- (1) The following uses and no others are permitted as home industries:
 - (a) boat building and repair;
 - (b) automobile repair;
 - (c) sawmilling, planning and manufacturing of wood products;
 - (d) *contractor yards* providing service within the North Pender, South Pender, Saturna, Mayne, Galiano and Salt Spring Island Local Trust Areas;
 - (e) processing of raw materials of any kind harvested or extracted from within the North Pender, South Pender, Saturna, Mayne, Galiano or Salt Spring Island Local Trust Areas;
 - (f) design, fabrication and assembly of automated packaging machinery and equipment; and,

- (g) welding, machining and fabrication.
- (2) Not more than one home industry may be conducted on a *lot*, the combined *floor areas* of all *buildings* and *structures* used in the home industry must not exceed 185 m², and areas used for outdoor storage in connection with the home industry must not exceed 930 m².
- (3) A home industry use:
 - (a) is not permitted on any *lot* less than 2 hectares in area;
 - (b) must be sited not less than 50 metres from any *lot line* and not less than 30 metres from any lake, wetland, stream or the sea;
 - (c) must be screened from view by a *landscape screen* from abutting *lots* and from public lands and public road rights of way;
 - (d) may only be operated between the hours of 8 am to 8 pm, Monday through Friday;
 - (e) must not generate any noise in the course of its operations that may be heard at any *lot line*;
 - (f) no more than 5 vehicles used in the home industry may be stored on the *lot*; and,
 - (g) no vehicle or equipment used by, or in the conduct of, a home industry shall be stored in a required front yard setback or in a required side yard setback without being screened from view.
- (4) Not more than four persons per *lot* may be employed in any home industry in addition to any residents of the premises in which such business is carried on, and at least one of the employees of a home industry must live on the premises.
- (5) Except for one unilluminated nameplate not exceeding 0.6 m² in area in respect of each home industry, no *sign* or other advertising matter may be exhibited or displayed on the *lot* where a home industry is conducted, and no exterior artificial lighting may be installed or operated on the *lot* for a purpose associated with a home industry.
- (6) In addition to the off-street parking spaces required for the *dwelling* as required by this Bylaw, in no event fewer than two such additional spaces must be provided for patrons of a home industry, but no such additional spaces are required if the nature of the home industry is such that patrons do not call at the premises.
- (7) The operator of every home industry must comply with all licensing, health and other applicable regulations of the Province of British Columbia and the Capital Regional District, including building, public health, noise, air quality, and water quality regulations.

3.9 Landscape Screening and Landscape Strips

- (1) If this Bylaw requires *landscape screening* of outdoor storage areas or other *uses* or *structures*, the screening may be broken only by necessary access, and must be provided in the form of:
 - (a) existing native vegetation that provide a complete and permanent visual screen around the *uses* or *structures*; or
 - (b) a row of drought tolerant native evergreen plants that will attain a sufficient height and density to provide a complete and permanent visual screen around the *uses* or *structures*, planted and maintained continuously.

- (2) If this Bylaw requires *landscape screening* separating *uses*, the screening must be provided along the required *lot lines*, broken only by driveways or walkways necessary for access, in the form of:
 - (a) existing native vegetation that provide a complete and permanent visual screen between the *uses* being separated, to a width of at least 1.5 metres on *lots* less than 0.4 hectares in area and to a width of at least 3 metres on *lots* equal to or greater than 0.4 hectares in area; or
 - (b) a row of drought tolerant native evergreen plants that will attain a sufficient height and density to screen the *use* or *structure*, planted and maintained continuously so as to provide a complete and permanent visual screen between the *lot* being screened and the adjacent *lots*.
- (3) If this Bylaw requires a *landscape strip* to be provided, existing native vegetation, at least 3 metres in width, adjacent to at least two of the *lot lines*, other than the *rear lot line*, must be retained as a *landscape strip* so as to provide environmental protection, broken only by driveways or walkways necessary for access and any clearing necessary for the construction and maintenance of fencing.

3.10 Secondary Suite Regulations

- (1) There is a maximum of one *secondary suite* permitted per lot.
- (2) A *secondary suite* shall be entirely located within the *building* that contains the *principal dwelling*.
- (3) The maximum *floor area* for a *secondary suite* is 90m² (968 ft²) and it must not exceed 40 per cent of the *floor area* of the *principal dwelling*.
- (4) The entrance to a *secondary suite* from the exterior of the *building* must be separate from the entrance to the *principal dwelling*.
- (5) A *secondary suite* must not be subdivided from the *principal dwelling* under the *Land Title Act* or the *Strata Property Act*.
- (6) A *secondary suite* may not be used as a *short term vacation rental* or a *bed and breakfast home business*.
- (7) A building permit for a *lot* outside a *community water system* shall not be issued for a *secondary suite* unless a freshwater catchment and storage system having a capacity of at least 18,000 litres is installed on the lot.

3.11 Cistern Requirements

- (1) A building permit for a *lot* outside a *community water system* shall not be issued for a new *building* to be used as a *dwelling*, including a *cottage*, unless a cistern (or combination of cisterns) is located on the *lot* for the storage of freshwater having a total capacity of at least 18,000 litres.
- (2) The *floor area* occupied by any cistern located in a *building* and the housing provided for such cistern is excluded from the calculation of the *floor area* of the *building* and the *lot coverage* of the *lot* on which it is located.

3.12 Derelict Vehicle Regulations

- (1) Except as permitted in the General Industrial (GI) Zone, no *lot* may be used for:
 - (a) the storage of more than two unlicensed motor vehicles (other than farm and forest equipment and vehicles), unless the vehicles are stored within a permitted building that is completely enclosed;
 - (b) the wrecking or storage of derelict or abandoned vehicles, trailers or other discarded machinery or equipment; and
 - (c) the storage of detached or salvaged motor vehicle parts or scrap, unless the parts are stored within a permitted building that is completely enclosed.

3.13 Agri-tourism and Agri-tourist Accommodation Regulations

- (1) *Buildings or structures* used solely for *agri-tourism* are not permitted.
- (2) *Agri-tourism* must be in compliance with the Agricultural Land Reserve Use Regulation.
- (3) *Agri-tourism* and *agri-tourist accommodation* uses are only permitted on a *lot* with *Farm Status*.
- (4) *Agri-tourism* and *agri-tourist accommodation* uses are only permitted on a *lot* located in the Agricultural Land Reserve.
- (5) *Agri-tourist accommodation* must be *accessory* to an active *agri-tourism* activity.
- (6) *Agri-tourist accommodation* must be *accessory* to a working *farm operation*.
- (7) *Agri-tourist accommodation buildings and structures* must not exceed a *lot coverage* of 5 percent.
- (8) *Agri-tourist accommodation* must not be in use for more than 180 days in a calendar year.
- (9) *Agri-tourist accommodation* may include associated *uses* such as meeting rooms and dining facilities for paying registered guests wholly contained within an *agri-tourist accommodation unit*, but may not include a *restaurant* or any commercial or retail goods and services other than those permitted by the *zone* in which the *agri-tourist accommodation* use is located within.
- (10) The maximum number of guests that may be accommodated in any *agri-tourist accommodation* at any one time, either alone or in combination with a *bed and breakfast*, is not to exceed 10 guests and 10 bedrooms.

3.14 Lots Divided by a Zone Boundary

- (1) If a *lot* is divided by one or more *zone* boundaries, the number of *dwellings* and *cottages* permitted must be calculated by reference to the areas of the portions of the *lot* lying within each *zone*, and the *dwellings* and *cottages* may only be constructed on any portion of the *lot* if and to the extent that the minimum *lot* area or density regulation for that portion is complied with.

- (2) Despite Subsection 3.14.1, if one of the portions of the *lot* is in the Agricultural (AG) Zone, the *dwelling* or *cottage* permitted in respect of that portion of the *lot* may be sited on another portion of the *lot*.
- (3) If a *lot* is divided by one or more *zone* boundaries, and a portion of the *lot* is in the Agricultural (AG) Zone, the *lot coverage* for the *lot* may not exceed 35 percent.

3.15 Use of Common Property

- (1) Land comprising the common property in a strata plan is not a *lot* for the purposes of the use and density regulations in this Bylaw but may be used for *uses accessory* to *principal uses* located on strata *lots* in the same strata plan, other than *home businesses* and home industries.

PART 4 ESTABLISHMENT OF ZONES

4.1 Division into Zones

- (1) The North Pender Island Local Trust Area is divided into the following zones, the geographic boundaries of which are as shown on the Zoning Map designated as Schedule "B" that forms part of this Bylaw and the regulations for which are set out in Part 5.

<u>Zone Name</u>	<u>Zone Abbreviation</u>
Rural Residential 1	RR1
Rural Residential 2	RR2
Rural	R
Rural Comprehensive 1	RC1
Rural Comprehensive 2	RC2
Agricultural	AG
Commercial 1	C1
Commercial 2	C2
Commercial 3	C3
General Industrial	GI
Community Service	CS
Community Housing	CH
Rental Housing	RH
Recycling Facility	RF
Service	SD
National Park	NP
Community Park 1	CP1
Community Park 2	CP2
Ecological	ECO
Water 1	W1
Water 2	W2
Water 3	W3

Water 4	W4
Water 5	W5
Water 6	W6
Comprehensive Development 1	CD1

4.2 Zone Boundaries

- (1) Where zone boundaries on Schedule "B" coincide with lot lines, the zone boundaries are the lot lines.
- (2) Where a zone boundary is shown on Schedule "B" as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream is the zone boundary.
- (3) Where land based and water based zone boundaries shown on Schedule "B" coincide, the zone boundary shall be the surveyed lot line as shown on the most recent plan registered in the Land Title Office, and where there is no such plan the natural boundary of the sea is the zone boundary
- (4) Where a zone boundary shown on Schedule "B" 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 Schedule "B" and in that case the zone boundary is the midpoint of the line delineating the zone boundary.

PART 5 ZONE REGULATIONS

5.1 Rural Residential 1 (RR1) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
 - (a) *Dwelling*;
 - (b) *Cottage*;
 - (c) *Secondary Suite*;
 - (d) *Accessory home business*;
 - (e) *Accessory rabbit, poultry raising, pig farming, dog breeding, boarding kennels, and keeping of livestock; and,*
 - (f) *Accessory uses, buildings and structures.*

Density

- (2) There may not be more than one (1) *dwelling*, one (1) *secondary suite* and one (1) *cottage* on any *lot*.
- (3) One (1) *cottage* is permitted on each *lot* with an area of 1.2 hectares or larger.
- (4) Despite Subsection 5.1(2), in those instances where a *dwelling* of 56.0 m² or less in *floor area* existed on September 23, 1999 on a *lot* 0.6 hectares or larger, one additional *principal dwelling* is permitted.

Siting and Size

- (5) The minimum *setback* for any *building or structure* shall be:
 - (a) 7.6 metres from any front or rear *lot line*;
 - (b) 3 metres from any interior side *lot line*; and,
 - (c) 4.5 metres from any exterior side *lot line*.
- (6) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.1(5) must be increased by 3 metres.
- (7) *Lot coverage* may not exceed 25 percent.

- (8) The maximum *floor area* per *lot*:

Lot Area	The total floor area of all buildings, excluding the floor area of a secondary suite, may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (Less than 1 acre)	500 m ² (5382 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 1.2 ha (1 to 3 acres)	1000 m ² (10,764 ft ²)	279 m ² (3000 ft ²)
1.2 ha or greater (3 acres or greater)	3000 m ² (32,292 ft ²)	325 m ² (3500 ft ²)

- (9) The maximum *floor area* of a *cottage* must not exceed 80 m².
- (10) Despite Subsection 5.1(8), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this Bylaw, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this Bylaw.

Conditions of Use

- (11) *Accessory* rabbit and poultry raising is only permitted on a *lot* that does not abut a lake or reservoir used as a source of *potable* water supply
- (12) *Accessory* pig farming, dog breeding, and boarding kennels is only permitted on a lot greater than 1.2 hectares in area.
- (13) *Accessory* keeping of livestock is only permitted on a *lot* greater than 0.4 hectares in area that does not abut a lake or reservoir used as a source of *potable* water supply, or a wetland.
- (14) A *lot* 2.4 hectares or larger must have a *landscape strip* for environmental protection complying with Subsection 3.9(3).

Subdivision Lot Area Requirements

- (15) No *lot* having an area less than 0.4 hectares, or in the case where a community water or community sewage system is provided, an area less than 0.25 hectares may be created by subdivision in the Rural Residential 1 Zone.
- (16) No subdivision plan shall be approved in the Rural Residential 1 Zone unless the *lots* created by the subdivision have an average area of at least 0.6 hectares.

Site-Specific Regulations

- (17) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

	Table 5.1		
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	RR1(a)	Trincomali Improvement District	Despite 5.1(1)(c), <i>secondary suites</i> are not permitted.

5.2 Rural Residential 2 (RR2) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
 - (a) *Dwelling*;
 - (b) *Cottage*;
 - (c) *[Placeholder]*;
 - (d) *Secondary Suite*;
 - (e) *Accessory home business*;
 - (f) *Accessory rabbit, poultry raising, pig farming, dog breeding, boarding kennels; and keeping of livestock*;
 - (g) *Accessory agri-tourism and agri-tourist accommodation*; and,
 - (h) *Accessory uses, buildings and structures*.

Density

- (2) There may not be more than one (1) *dwelling*, one (1) *secondary suite* and one (1) *cottage* on any *lot*.
- (3) One (1) *cottage* is permitted on each *lot* with an area of 1.2 hectares or larger.
- (4) Despite Subsection 5.2(2), in those instances where a *dwelling* of 56.0 m² or less in *floor area* existed on September 23, 1999 on a lot 0.6 hectares or larger, one additional *principal dwelling* is permitted.

Siting and Size

- (5) The minimum *setback* for any *building or structure* shall be:
 - (a) 7.6 metres from any front or rear *lot line*;
 - (b) 3 metres from any interior side *lot line*; and,
 - (c) 4.5 metres from any exterior side *lot line*.
- (6) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.2(5) must be increased by 3 metres.
- (7) *Lot coverage* may not exceed 25 percent.
- (8) The maximum *floor area* per *lot*:

Lot Area	The total floor area of all buildings, excluding the floor area of a secondary suite, may not exceed::	The floor area of a dwelling may not exceed:
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Less than 0.4 ha (Less than 1 acre)	500 m ² (5382 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 1.2 ha (1 to 3 acres)	1000 m ² (10,764 ft ²)	279 m ² (3000 ft ²)
1.2 ha or greater (3 acres or greater)	3000 m ² (32,292 ft ²)	325 m ² (3500 ft ²)
For dwelling located within the Agricultural Land Reserve		500 m ² (5382 ft ²)

- (9) The maximum *floor area* of a *cottage* must not exceed 80 m², except for a *cottage* located in the Agricultural Land Reserve is permitted to have a *maximum floor area* of 90 m².
- (10) Despite Subsection 5.2(8), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this Bylaw, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this Bylaw.

Conditions of Use

- (11) *Accessory* rabbit and poultry raising is only permitted on a *lot* that does not abut a lake or reservoir used as a source of *potable* water supply
- (12) *Accessory* pig farming, dog breeding, and boarding kennels is only permitted on a lot greater than 1.2 hectares in area.
- (13) *Accessory* keeping of livestock is only permitted on a *lot* greater than 0.4 hectares in area that does not abut a lake or reservoir used as a source of *potable* water supply, or a wetland.
- (14) A *lot* 2.4 hectares or larger must have a *landscape strip* for environmental protection complying with Subsection 3.9(3).

Subdivision Lot Area Requirements

- (15) No *lot* having an area less than 0.4 hectares, or in the case where a community water or community sewage system is provided, an area less than 0.25 hectares may be created by subdivision in the Rural Residential 2 Zone.
- (16) No subdivision plan shall be approved in the Rural Residential 2 Zone unless the *lots* created by the subdivision have an average area of at least 0.6 hectares.

Site-Specific Regulations

- (17) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Table 5.2			
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	RR2(a)	That Part of Amended Lot 7 (DD 90604-I)	(1) Despite Subsections 5.2(1) and

	of Section 17, Pender Island, Cowichan District, Plan 2111, lying to the South East of a boundary extending South 24 degrees West from a point on the North East boundary of said amended lot, distant 7.242 chains along the said north east boundary from the most easterly corner of said amended lot, except that part in Plan 20481. PID: 006-646-981	5.2(2), the only permitted uses are 2 (two) <i>dwellings</i>, and the <i>uses</i> permitted by Articles 5.2(1)(a), (c), (d), (e), (f), (g), and (h). (2) Despite Article 5.2(5)(a), no <i>building</i> or <i>structure</i> may be located within 5 metres of a <i>front lot line</i>.
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5.3 Rural (R) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
 - (a) *Dwelling*;
 - (b) *Cottage*;
 - (c) *Agriculture*;
 - (d) *Secondary Suite*;
 - (e) *Accessory home business*;
 - (f) *Accessory home industry*;
 - (g) *Accessory pig farming, dog breeding, and boarding kennels*;
 - (h) *Accessory agri-tourism and agri-tourist accommodation*; and,
 - (i) *Accessory uses, buildings and structures*.

Density

- (2) There may not be more than one (1) *dwelling*, one (1) *secondary suite* and one (1) *cottage* on any *lot*.
- (3) One (1) *cottage* is permitted on each *lot* with an area of 1.2 hectares or larger.
- (4) Despite Subsection 5.3(2), in those instances where a *dwelling* of 56.0 m² or less in *floor area* existed on September 23, 1999 on a lot 0.6 hectares or larger, one additional *principal dwelling* is permitted.

Siting and Size

- (5) The minimum *setback* for any *building or structure* shall be:
 - (a) 7.6 metres from any front or rear *lot line*; and,
 - (b) 6.1 metres from any interior or exterior side *lot line*.
- (6) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.3(5) must be increased by 3 metres.
- (7) *Lot coverage* may not exceed 25 percent.

- (8) The maximum *floor area* per *lot*:

Lot Area	The total floor area of all buildings, excluding the floor area of a secondary suite, may not exceed::	The floor area of a dwelling may not exceed:
Less than 0.4 ha (Less than 1 acre)	500 m ² (5382 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 1.2 ha (1 to 3 acres)	1000 m ² (10,764 ft ²)	279 m ² (3000 ft ²)
1.2 ha or greater (3 acres or greater)	3000 m ² (32,292 ft ²)	325 m ² (3500 ft ²)
16 ha or greater (40 acres or greater)		500 m ² (5382 ft ²)

- (9) The maximum *floor area* of a *cottage* must not exceed 80 m², except for a *cottage* located in the Agricultural Land Reserve is permitted to have a *maximum floor area* of 90 m².
- (10) Despite Subsection 5.3(8), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this Bylaw, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this Bylaw.

Conditions of Use

- (11) Accessory pig farming, dog breeding, and boarding kennels is only permitted on a lot greater than 1.2 hectares in area.
- (12) A *lot* 8.0 hectares or larger must have a *landscape strip* for environmental protection complying with Subsection 3.9(3).

Subdivision Lot Area Requirements

- (13) No *lot* having an area less than 0.6 hectares may be created by subdivision in the Rural Zone.
- (14) No subdivision plan shall be approved in the Rural Zone unless the *lots* created by the subdivision have an average area of at least 4.0 hectares.

Site-Specific Regulations

- (15) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

	Table 5.3		
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	R(a)	A Portion of Lot 2, Sections 18 and 19, Pender Island, Cowichan	1) In addition to the uses permitted by Subsection 5.3(1), the following are permitted home industries:

		District, Plan 14577 except that part in Plan VIP65874.	(a) the design, fabrication and assembly of automated packaging machinery and equipment; and (b) welding, machining and fabrication, provided that (b) is occasional, secondary to and operates in conjunction with (a). (2) The uses permitted in 1(a) and 1(b) above are limited to the existing 417m² floor area and 139m² storage area, employing at this location no more than 10 persons not residing on the property.
2	R(b)	That Part of Parcel K, (DD50314-I), Section 22 and 23, Cowichan Land District, lying west of District Plan 5063, Pender Island, lying within the Rural (R) Zone	(1) Despite Subsection 5.3(13), no lot having an area less than 8 hectares may be created by subdivision on the portion of the property zoned Rural (R(b)). (2) Despite Subsection 5.3(1), the only permitted <i>uses</i> in this location are <i>dwelling</i>s, one <i>secondary suite</i>, <i>cottages</i>, <i>agriculture</i> and <i>accessory agri-tourism</i> and <i>accessory agri-tourist accommodation</i>. (3) Despite Subsections 5.3(2) and 5.3(3), a maximum of two <i>dwelling</i>s and two <i>cottages</i> are permitted in the portion of the <i>lot</i> zoned Rural (R(b)). (4) Despite Subsection 5.3(8), the maximum permitted <i>floor area</i> for one <i>dwelling</i> is 700 m² on the portion of the lot zoned Rural (R(b)). (5) Despite Subsection 5.3(8), the maximum permitted <i>floor area</i> for one <i>dwelling</i> is 300 m² on the portion of the property zoned Rural (R(b)). (6) The two <i>dwelling</i>s and two <i>cottages</i> permitted in the portion of the lot zoned Rural (R(b)) must be sited in accordance with "R(b) Siting Plan" attached as Schedule D. (7) Two <i>cottages</i> on the lot may be attached and if two <i>cottages</i> are attached, they are deemed to be two separate <i>buildings</i> for the purposes of density and <i>floor area</i>.
3	R(c)	That part of the South West ¼ of Section 11, Pender Island, Cowichan District, lying to the west of the westerly limit of Canal Road as said road was gazetted 22 nd June, 1955; except parts in plans 11907, 13416, 22618, 23566 and 27405. PID 009-674-292	(1) Despite Subsection 5.8(1), in no case may the frontage of any lot be less than 15 metres. (2) Despite Subsection 5.3(1), the only permitted <i>uses</i> in this location are the <i>uses</i> permitted by Article 5.3(1)(a), (b), (d), (e), (f), (g), and (i). (3) Despite Subsection 5.3(13), no <i>lot</i> having an area of less than 2.8 hectares may be created by subdivision.
4	R(d)	Lot 3, Section 11, Plan 7982 except Part in Plan 21227; and Lot 4, Section 11, Pender Island, Cowichan District, Plan 7982.	(1) In addition to the <i>uses</i> permitted by Subsection 5.3(1), the following <i>use</i> is permitted: (a) the treatment and disposal of sewage generated on Lot A (DDG54184), Section 11, Plan 7982.

5.4 Rural Comprehensive 1 (RC1) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
- (a) *Dwelling*;
 - (b) *Cottage*;
 - (c) *Agriculture*;
 - (d) *Secondary Suite*;
 - (e) *Accessory home business*;
 - (f) *Accessory home industry*;
 - (g) *Accessory pig farming, dog breeding, and boarding kennel*;
 - (h) *Accessory agri-tourism and agri-tourist accommodation*; and,
 - (i) *Accessory uses, buildings and structures*.

Density

- (2) There may not be more than one (1) *dwelling*, one (1) *secondary suite* and one (1) *cottage* on any *lot*.
- (3) One (1) *cottage* is permitted on each *lot* with an area of 1.2 hectares or larger.

Siting and Size

- (4) The minimum *setback* for any *building or structure* shall be:
- (a) 7.6 metres from any front or rear *lot line*; and,
 - (b) 6.1 metres from any interior or exterior side *lot line*.
- (5) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.4(4) must be increased by 3 metres.
- (6) Lot coverage may not exceed 25 percent.
- (7) The maximum *floor area* per *lot*:

Lot Area	The total floor area of all buildings, excluding the floor area of a secondary suite, may not exceed::	The floor area of a dwelling may not exceed:
Less than 0.4 ha (Less than 1 acre)	500 m ² (5382 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 1.2 ha	1000 m ² (10,764 ft ²)	279 m ² (3000 ft ²)

(1 to 3 acres)		
1.2 ha or greater (3 acres or greater)	3000 m ² (32,292 ft ²)	325 m ² (3500 ft ²)
For dwelling located within the Agricultural Land Reserve		500 m ² (5382 ft ²)

- (8) The maximum *floor area* of a *cottage* must not exceed 80 m², except for a *cottage* located in the Agricultural Land Reserve is permitted to have a *maximum floor area* of 90 m².
- (9) Despite Subsection 5.3(7), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this Bylaw, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this Bylaw.

Conditions of Use

- (10) Accessory pig farming, dog breeding, and boarding kennels is only permitted on a *lot* greater than 1.2 hectares in area.
- (11) A *lot* 8.0 hectares or larger must have a *landscape strip* for environmental protection complying with Subsection 3.9(3).

Subdivision Lot Area Requirements

- (12) No *lot* having an area less than 0.85 hectares may be created by subdivision in the Rural Comprehensive 1 Zone.
- (13) No more than 26 *lots* may be created by subdivision in the Rural Comprehensive 1 Zone.
- (14) Despite Subsection 8.5(4), no *lot* in the Rural Comprehensive 1 Zone shall have an average depth greater than five times its average width.

5.5 Rural Comprehensive 2 (RC2) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
- (a) *Dwelling*;
 - (b) *Agriculture*;
 - (c) *Accessory home business*;
 - (d) *Accessory home industry*;
 - (e) *Accessory agri-tourism and agri-tourist accommodation*; and,
 - (f) *Accessory uses, buildings and structures*.

Density

- (2) There may not be more than ten (10) *dwellings* in the Rural Comprehensive 2 Zone.
- (3) In the event of the subdivision of Lot A, of Section 23, Pender Island, Cowichan District, Plan 28410 or of Parcel D (DD 21950F) of Section 23, Pender Island, Cowichan District, Except Part in Plan 28410, the maximum density shall be one (1) *dwelling* per *lot*.

Siting and Size

- (4) The minimum *setback* for any *building or structure* shall be:
- (a) 7.6 metres from any front or rear *lot line*; and,
 - (b) 6.1 metres from any interior or exterior side *lot line*.
- (5) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.5(4) must be increased by 3 metres.
- (6) Lot coverage may not exceed 25 percent.
- (7) The maximum *floor area* per *lot*:

Lot Area	The total floor area of all buildings, excluding the floor area of a secondary suite, may not exceed::	The floor area of a dwelling may not exceed:
Less than 0.4 ha (Less than 1 acre)	500 m ² (5382 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 1.2 ha (1 to 3 acres)	1000 m ² (10,764 ft ²)	279 m ² (3000 ft ²)
1.2 ha or greater (3 acres or greater)	3000 m ² (32,292 ft ²)	325 m ² (3500 ft ²)

- (8) Despite Subsection 5.3(7), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this Bylaw, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this Bylaw.

Conditions of Use

- (9) A *lot* 8.0 hectares or larger must have a *landscape strip* for environmental protection complying with Subsection 3.9(3).

Subdivision Lot Area Requirements

- (10) No *lot* having an area less than 0.3 hectares may be created by subdivision in the Rural Comprehensive 2 Zone.
- (11) No subdivision plan may be approved in the Rural Comprehensive 2 zone unless the *lots* created by the subdivision have an average area of at least 3.26 hectares.
- (12) No subdivision may result in the creation of more than 10 lots in the Rural Comprehensive 2 zone.
- (13) No subdivision may result in the creation of additional *lots* within the Agricultural Land Reserve.

5.6 Agricultural (AG) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
- (a) *Dwelling*;
 - (b) *Cottage*;
 - (c) *Agriculture*;
 - (d) *Secondary Suite*;
 - (e) *Accessory home business*;
 - (f) *Accessory home industry*;
 - (g) *Accessory agri-tourism and agri-tourist accommodation*; and,
 - (h) *Accessory uses, buildings and structures*.

Density

- (2) There may not be more than one (1) *dwelling*, one (1) *secondary suite* and one (1) *cottage* on any *lot*.
- (3) One (1) *cottage* is permitted on each *lot* with an area of 1.2 hectares or larger.

Siting and Size

- (4) The minimum *setback* for any *building or structure* shall be:
- (a) 7.6 metres from any front or rear *lot line*; and,
 - (b) 6.1 metres from any interior or exterior side *lot line*.
- (5) No *building or structure* associated with an *agriculture use*, other than an animal enclosure, may be located within 7.5 metres of any *lot line*.
- (6) Despite Article 5.6(4)(a), temporary road-side produce stands not exceeding 10 m² in *floor area* and used for the selling of farm products that are grown or reared on the *lot* upon which the stand is located on may be sited within the *front lot line setback*.
- (7) *Lot coverage* for *buildings or structures* may not exceed 35 percent, plus an additional 40 percent for commercial greenhouses only.
- (8) The maximum *floor area* per *lot*:

Lot Area	The total floor area of all buildings, excluding the floor area of a secondary suite, may not exceed::	The floor area of a dwelling may not exceed:
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Less than 0.4 ha (Less than 1 acre)	500 m ² (5382 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 1.2 ha (1 to 3 acres)	1000 m ² (10,764 ft ²)	279 m ² (3000 ft ²)
1.2 ha or greater (3 acres or greater)	3000 m ² (32,292 ft ²)	325 m ² (3500 ft ²)
For dwelling located within the Agricultural Land Reserve		500 m ² (5382 ft ²)

- (9) The maximum *floor area* of a *cottage* must not exceed 80 m², except for a *cottage* located in the Agricultural Land Reserve is permitted to have a *maximum floor area* of 90 m².
- (10) Despite Subsection 5.3(8), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this Bylaw, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this Bylaw.

Conditions of Use

- (11) Every commercial greenhouse must be screened from view by a landscape screen complying with Section 3.9.

Subdivision Lot Area Requirements

- (12) No *lot* having an area less than 16 hectares may be created by subdivision in the Agricultural Zone.

Site-Specific Regulations

- (13) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Table 5.6			
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	AG(a)	Parcel C, DD67638I, Section 19.	Despite Subsection 5.6(1), the only permitted uses in this location are <i>camp facility</i> and the uses permitted by 8.3.2 (1) (a), (c) and (d).
2	AG(b)	Lot A, Plan VIP52327, Section 17 and that Portion of Parcel F, DD78736I, Section 17	Despite Subsection 5.6(1), the only uses permitted in this location are those permitted by Article 5.6(1)(c) and a golf course, including an <i>accessory</i> golf club house containing an <i>accessory restaurant</i> and pro-shop and five (5) <i>accessory</i> golf course <i>buildings</i> , including one equipment shed, one maintenance building, two golf cart storage sheds and one <i>pump/utility shed</i> .
3	AG(c)	That Part of Parcel K, Section 22 and 23, Cowichan Land District, lying west of District Plan	(1) Despite Subsection 5.6(1) the only permitted <i>uses</i> in this location are the <i>uses</i> permitted by 8.3.2(1)(a), (c), (e), (g), (h) and one manager's suite consisting of sleeping, cooking and sanitary facilities.

		5063, Pender Island, lying within the Agricultural (AG) Zone.	(2) The manager's suite is not to exceed 55m² in <i>floor area</i>. (3) Despite Subsection 5.6(2), a maximum of one dwelling is permitted in the portion of the property zoned Agricultural (AG)(c). (4) Despite Subsection 5.6(12), no lot having an area less than 30 hectares may be created by subdivision on the portion of the property zoned Agricultural (AG)(c).
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5.7 Commercial 1 (C1) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
 - (a) *Retail Sales*;
 - (b) Motor vehicle and machinery sales;
 - (c) Offices, including banks;
 - (d) *Personal services*;
 - (e) Home appliance and small equipment repairs;
 - (f) *Restaurants*;
 - (g) *Cafes*;
 - (h) Bakeries;
 - (i) Printing and publishing business;
 - (j) Automobile service stations;
 - (k) *Accessory dwelling*; and
 - (l) *Accessory uses, buildings and structures*.

Density

- (2) Only one (1) *accessory dwelling* permitted per *lot*.

Siting and Size

- (3) No *building* or *structure* may exceed 9.7 metres in *height*.
- (4) The minimum *setback* for any *building* or *structure* shall be:
 - (a) 7.6 metres from any front or rear *lot line*; and,
 - (b) 6.1 metres from any interior or exterior side *lot line*.
- (5) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.7(4) must be increased by 3 metres.
- (6) *Lot coverage* may not exceed 25 percent.
- (7) On a *lot* less than 0.7 hectares in area, an *accessory dwelling* must be located in the same *building* as the *principal* commercial *use* and have a separate outside entrance.
- (8) On a *lot* equal to or greater than 0.7 hectares in area, an *accessory dwelling* may be located in a separate *building* from that accommodating the *principal* commercial *use*.

- (9) No *accessory dwelling* may have a *floor area* greater than 140 m².

Conditions of Use

- (10) An *accessory dwelling* is only for the *use* of a caretaker, owner, or operator of a permitted *principal use*.
- (11) Every external storage area must be screened from view by a landscape screen complying with Subsection 3.9(1).
- (12) Every *use* outlined in Subsection 5.7(1) must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2)

Subdivision Lot Area Requirements

- (13) No *lot* having an area less than 0.8 hectares may be created by subdivision in the Commercial 1 Zone.

Site-Specific Regulations

- (14) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Table 5.7			
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	C1(a)	Lot 1, Plan 3658 and Lot 1, Plan 73194, Section 23.	Despite Subsection 5.7(1), the only uses permitted in this location are those permitted by Articles 5.7(1)(a), (c), and (g), and the transfer, storage, and shipping of discarded goods and materials.
2	C1(b)	Portion of Part C, DD69864I, Section 18 lying to the south of the main highway from Hope Bay to Port Washington	Despite Subsection 5.7(1), the only uses permitted in this location are those permitted by Articles 5.7(1)(a), (g), and (h).
3	C1(c)	A portion of Lot B, Plan 23183, Section 23	Despite Subsection 5.7(1), the only uses permitted in this location are those permitted by Articles 5.7(1)(a) and (d), excluding laundromats and drycleaners.
4	C1(d)	A portion of Lot 6, Plan 1695, Section 7 lying east of a boundary parallel to and perpendicularly distant 260 feet from the easterly boundary of said lot	Despite Subsection 5.7(1), the only uses permitted in this location are those permitted by Articles 5.7(1)(a), (c), (f), (g), and (h).

5.8 Commercial 2 (C2) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
 - (a) *Tourist Accommodation*;
 - (b) *Campground*;
 - (c) *Accessory dwelling*;
 - (d) *Accessory retail sales*;
 - (e) *Accessory* laundromat, *restaurant*, *café*, recreation facility, boat rental, and premises, other than a neighbourhood pub, licensed under the *Liquor Control and Licensing Act*;
 - (f) *Accessory* boat launching ramps and marina services when adjacent to Water 2 (W2) Zone; and,
 - (g) *Accessory uses, buildings and structures*.

Density

- (2) The maximum number of *tourist accommodation units* on a *lot* may not exceed the site-specific density limits as per Subsection 5.8(22).
- (3) No *tourist accommodation building* may contain more than 18 *tourist accommodation units*.
- (4) There may not be more than two (2) *accessory dwellings* on any *lot*.

Siting and Size

- (5) No *building or structure* may exceed 9.7 metres in *height*.
- (6) The minimum *setback* for any *building or structure* shall be:
 - (a) 7.6 metres from any front or rear *lot line*; and,
 - (b) 6.1 metres from any interior or exterior side *lot line*.
- (7) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.8(6) must be increased by 3 metres.
- (8) *Lot coverage* may not exceed 25 percent.
- (9) The maximum *floor area* for a *tourist accommodation unit* is 56 m².
- (10) Despite Subsection 5.8(9), the maximum *floor area* of a *tourist accommodation unit* is permitted to be 121 m² as long as the total *floor area* of all *tourist accommodation units* on the *lot* does not exceed the permitted number of *tourist accommodation units* as outlined in Subsection 5.8(22) multiplied by 56 m².
- (11) The *floor area* devoted exclusively to *accessory retail sales* must not exceed 140 m².

- (12) The total *floor area* devoted exclusively to the *accessory uses* permitted by Article 5.8(1)(e) must not exceed the total *floor area* devoted exclusively to the *principal uses* on the *lot*.
- (13) If two *accessory dwellings* are sited on a *lot*, the *floor area* of one *dwelling* must not exceed 140 m².

Conditions of Use

- (14) An *accessory dwelling* is only for the *use* of a caretaker, owner, operator, or employee of a permitted *principal use*.
- (15) At least one (1) *accessory dwelling* must be occupied by the caretaker, owner, operator, or employee while the *tourist accommodation use* is in operation.
- (16) If two (2) *accessory dwellings* are sited on a *lot*, one (1) *dwelling* must be *occupied by an employee* of the *tourist accommodation use*.
- (17) An employee may occupy one *tourist accommodation unit* with a maximum *floor area* no greater than 140 m².
- (18) The *accessory uses* as outlined in Subsection 5.8(1)(e) are only permitted on a *lot* with an area greater than 1.0 hectares.
- (19) Every external storage area must be screened from view by a *landscape screen* complying with Subsection 3.9(1).
- (20) Every *use* outlined in Subsection 5.8(1) must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2)

Subdivision Lot Area Requirements

- (21) No *lot* having an area less than 0.6 hectares may be created by subdivision in the Commercial 2 Zone.

Site-Specific Regulations

- (22) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

		Table 5.8	
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	C2(a)	Lot 1, Plan 23566, Section 11	The maximum number of <i>tourist accommodation units</i> permitted on the lot is 25.
2	C2(b)	Lot 1, Plan 4750, Section 17 excluding Plan 20404	The maximum number of tourist accommodation units permitted on the lot is 5.
3	C2(c)	Lot B, Plan VIP87395, Section 17	The maximum number of tourist accommodation units permitted on the lot is 8.
4	C2(d)	Lot A, Plan VIP87395, Section 17	The maximum number of tourist accommodation units permitted on the lot is 15.
5	C2(e)	Lot 2, Plan 8439, Section 17 excluding Plan 20404	The maximum number of tourist accommodation units permitted on the lot is 3.
6	C2(f)	Parcel C, DD82824I, Section 17 and a portion of Lot A	The maximum number of tourist accommodation units permitted on the lot is 33.

		VIP52864 Section 17	
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5.9 Commercial 3 (C3) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
 - (a) *Tourist Accommodation*;
 - (b) *Campground*;
 - (c) *Marina*;
 - (d) *Accessory dwelling*;
 - (e) *Accessory* laundromat, *restaurant*, *café*, recreation facility, retail sales, boat rental, and premises, other than a neighbourhood pub, licensed under the *Liquor Control and Licensing Act*;
 - (f) *Accessory* boat launching ramps and marina services when adjacent to Water 2 (W2) Zone; and,
 - (g) *Accessory uses, buildings and structures*.

Density

- (2) The maximum number of *tourist accommodation units* permitted in the Commercial 3 Zone is 29.
- (3) No *tourist accommodation building* may contain more than 18 *tourist accommodation units*.
- (4) There may not be more than two (2) *accessory dwellings* on any *lot*.

Siting and Size

- (5) No *building* or *structure* may exceed 9.7 metres in *height*.
- (6) Despite Subsection 5.9(5), the maximum *height* for a *tourist accommodation building* is 10.7 metres.
- (7) The minimum *setback* for any *building* or *structure* shall be:
 - (a) 7.6 metres from any front or rear *lot line*; and,
 - (b) 6.1 metres from any interior or exterior side *lot line*.
- (8) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.9(7) must be increased by 3 metres.
- (9) *Lot coverage* may not exceed 15 percent.
- (10) The maximum *floor area* for a *tourist accommodation unit* is 56 m².
- (11) Despite Subsection 5.9(10), the maximum *floor area* of a *tourist accommodation unit* is 121 m², with the total *floor area* of all *tourist accommodation units* in the Commercial 3 Zone not exceeding 1876 m².
- (12) The *floor area* devoted exclusively to *accessory retail sales* must not exceed 140 m².

- (13) The maximum *floor area* of an *accessory dwelling* is 140 m².

Conditions of Use

- (14) An *accessory dwelling* is only for the *use* of a caretaker, owner, operator, or employee of a permitted *principal use*.
- (15) Every external storage area must be screened from view by a *landscape screen* complying with Subsection 3.9(1).
- (16) Every *use* outlined in Subsection 5.9(1) must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2)

Subdivision Lot Area Requirements

- (17) No *lot* having an area less than 0.6 hectares may be created by subdivision in the Commercial 3 Zone.

5.10 General Industrial (GI) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
 - (a) *Contractor Yard*;
 - (b) *Manufacturing*;
 - (c) Wholesale and *retail sales* of building, gardening, landscaping materials and supplies;
 - (d) Auto body repair;
 - (e) Indoor storage;
 - (f) Storage of motor vehicles, *recreational vehicles*, boats and trailers;
 - (g) Storage and handling of goods, materials, and equipment other than dangerous or hazardous materials, salvaged motor vehicle parts or scrap;
 - (h) *Accessory dwelling*;
 - (i) *Accessory uses, buildings and structures*.

Density

- (2) Only one (1) *accessory dwelling* permitted per *lot*.

Siting and Size

- (3) No *building* or *structure* may exceed 9.7 metres in *height*.
- (4) The minimum *setback* for any *building* or *structure* shall be:
 - (a) 9.2 metres from any front or rear *lot line*; and,
 - (b) 15 metres from any interior or exterior side *lot line*.
- (5) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.10(4) must be increased by 3 metres.
- (6) *Lot coverage* may not exceed 33 percent.
- (7) The maximum *floor area* of an *accessory dwelling* is 140 m².

Conditions of Use

- (8) An *accessory dwelling* is only for the *use* of a caretaker, owner, operator, or employee of a permitted *principal use* located on the same *lot*.
- (9) Every *use* outlined in Subsection 5.10(1) must be screened from view by a *landscape screen* complying with Subsection 3.9(1).

- (10) Every commercial *use* must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2)

Subdivision Lot Area Requirements

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

Site-Specific Regulations

- (12) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

		Table 5.10	
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	GI(a)	Parcel C, DD68964I, Section 18, except that part thereof lying south of the main highway from Hope Bay to Port Washington	Despite Subsection 5.10(1), the only uses permitted in this location are those permitted by Articles 5.10(1)(c) and (g) and propane sales.
2	GI(b)	Portion of the NW $\frac{1}{4}$ of Section 11 except the south 26.364 chains and except Parcel A (DD143808I) and except those parts shown outlined in red on Plan 5632 and 262R and except those parts in Plans 5856, 7982 and 20898	Despite Subsection 5.10(1), the only <i>use</i> permitted in this location is boat storage.
3	GI(c)	Portions of Lot 8 & 9, Plan 6294, Section 18	In addition to the uses permitted in Subsection 5.10(1), the following uses are also permitted: (a) the storage and processing of materials, including dangerous or hazardous materials, supplies and equipment used for, or generated from, the construction, maintenance and repair of <i>highways</i> ; (b) the storage of materials, including dangerous or hazardous materials, supplies and equipment used for telecommunications networks and the supply of electricity; and, (c) the servicing and repairing of goods, materials and equipment; and the processing, crushing and storage of gravel.
4	GI(d)	Portion of Parcel G, DD47659I, excluding Plans 2648, 9912 and 37908 and VIP54314	In addition to the uses permitted in Subsection 5.10(1), the following uses are also permitted: (a) <i>Waste transfer facility</i> ; (b) Composting facility; and, (c) <i>Recycling or reuse facility</i> .

5.11 Community Service (CS) Zone

Permitted Uses

The uses permitted in the Community Service Zone are established by site specific regulations in Subsection 5.11(8).

Density

The density permitted in the Community Service Zone are established by site specific regulations in Subsection 5.11(8).

Siting and Size

- (1) No *building* or *structure* may exceed 9.7 metres in *height*.
- (2) The minimum *setback* for any *building* or *structure* shall be:
 - (a) 7.6 metres from any front or rear *lot line*; and,
 - (b) 3 metres from any interior side *lot line*; and,
 - (c) 4.5 metres from any exterior side *lot line*.
- (3) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.11(2) must be increased by 3 metres.
- (4) Lot coverage may not exceed 25 percent.

Conditions of Use

- (5) Every external storage area and works yard must be screened from view by a *landscape screen* complying with Subsection 3.9(1).
- (6) Every community service *use* must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, and Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2)

Subdivision Lot Area Requirements

- (7) No *lot* having an area less than 2.0 hectares may be created by subdivision in the Community Service Zone.

Site-Specific Regulations

- (8) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

	Table 5.10		
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	CS(a)	Lot 1, Section 11, Plan 27405	The only <i>use</i> permitted in this location is church.

2	CS(b)	Lot A, Section 18, Plan 14409	The only <i>uses</i> permitted in this location are library, preschool and charity retail stores.
3	CS(c)	Lot 8, Section 10, Plan 24778	The only <i>uses</i> permitted in this location are public emergency services and public works yard.
4	CS(d)	Lot 20, Section 10, Plan 24777	The only <i>use</i> permitted in this location is water tank.
5	CS(e)	Lot 20, Section 10, Plan 24777	The only <i>use</i> permitted in this location is church.
6	CS(f)	Lot A, Section 18 Plan 22835	The only <i>uses</i> permitted in this location are public utility.
7	CS(g)	Lot 1, Plan 29572, Section 11	The only <i>use</i> permitted in this location is <i>school</i> .
8	CS(h)	Lot A, Plan 40871, Section 11	The only <i>uses</i> permitted in this location are health clinic, public emergency services.
10	CS(i)	Lot A, Plan 65874, Section 18	The only <i>use</i> permitted in this location is community hall.
11	CS(j)	Lots 1, Plan 30765, Section 15	The only <i>uses</i> permitted in this location are public emergency and protection services, and one (1) <i>accessory dwelling</i> .
12	CS(k)	Lot 2, Plan 30765, Section 15	The only <i>uses</i> permitted in this location are public emergency services.
13	CS(l)	Lot 2, Plan 18611, Section 15	The only <i>use</i> permitted in this location is cemetery.
14	CS(m)	Parcel A (DD47774W) of Lot 6 Plan 7196 Section 17	(1) The only <i>uses</i> permitted in this location are private clubs including club hall rentals. (2) The gross <i>floor area</i> of the <i>uses</i> permitted in (1) may not exceed 483 m ² .
15	CS(n)	Lot 131, Sections 8 and 10, Pender Island, Cowichan District, Plan 17181	The only <i>use</i> permitted in this location is church.
16	CS(o)	A portion of Lot 3, Section 2, Pender Island, Cowichan District, Plan VIP54822	(1) The only <i>uses</i> permitted in this area is the <i>retail sale</i> of used goods where all proceeds from sales are donated to community organizations and projects on North Pender Island. (2) Despite Subsection 5.11(7), no lot having an area less than 0.6 hectares may be created by subdivision in the Community Service CS (o) zone.
17	CS(p)	Portion of THAT PART of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695, Lying of the East of a Boundary Parallel to and Perpendicularly Distant 260 feet from the Easterly Boundary	The only <i>use</i> permitted in this area is: the housing of equipment for the supply and distribution of telecommunications and cable service as a regulated service utility, not to include retail or office uses.
18	CS(q)	Westerly portion of land legally described as a portion of Parcel G, DD47659I excluding Plans 2648, 9912 and 37908 and VIP54314	(1) The only <i>uses</i> permitted in this location are: (a) Waste transfer facility; (b) Composting facility; and, (c) Recycling and reuse facility. (2) Despite Subsection 5.11(2), no <i>building</i> or <i>structure</i> may be located: (a) within 9.2 metres of any front lot line or rear lot line; or (b) within 15 metres of any interior side lot or exterior side lot line. (3) Despite Subsection 5.11(7), no <i>lot</i> having an area

			less than 1.2 ha may be created by subdivision that is zoned CS(g).
19	CS(r)	Lot A, Section 17, Pender Island, Cowichan District, Plan VIP75211 and Lot 2, Section 17, Pender Island, Cowichan District, Plan 31869	The only permitted <i>use</i> in this location is <i>ferry terminal</i> .

5.12 Community Housing (CH) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
 - (a) Two-family *dwelling*s managed by a non-profit society; and,
 - (b) *Accessory uses, buildings and structures*.

Density

- (2) There may not be more than one (1) *dwelling* per 0.1 hectares of lot area, to a maximum of 20 *dwelling*s per *lot*.

Siting and Size

- (3) No *building or structure* may exceed 9.7 metres in *height*.
- (4) The minimum *setback* for any *building or structure* shall be:
 - (a) 7.6 metres from any front or rear *lot line*;
 - (b) 3.0 metres from any interior side *lot line*; and,
 - (c) 4.5 metres from any exterior side *lot line*.
- (5) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.12(4) must be increased by 3 metres.
- (6) *Lot coverage* may not exceed 25 percent.

Conditions of Use

- (7) Every external storage area must be screened from view by a *landscape screen* complying with Subsection 3.9(1).
- (8) Every *multi-family dwelling* must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2)

Subdivision Lot Area Requirements

- (9) No *lot* having an area less than 2.0 hectares may be created by subdivision in the Community Housing Zone.

5.13 Rental Housing (RH) Zone

[Placeholder]

5.14 Recycling Facility (RF) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
 - (a) Community or local non-profit society owned recovery, storage, processing and shipping of discarded materials; and,
 - (b) *Accessory uses, buildings and structures.*

Density

- (2) *Lot coverage* may not exceed 80 percent.

Siting and Size

- (3) No *building or structure* may exceed 9.7 metres in *height*.
- (4) The minimum *setback* for any *building or structure* shall be:
 - (a) 7.0 metres from any front *lot line*; and
 - (b) 3.0 metres from any rear *lot line*, interior or exterior side *lot line*; and,

Conditions of Use

- (5) Every external storage area and works yard must be screened from view by a *landscape screen* complying with Subsection 3.9(1).
- (6) Every *use* must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2)

Subdivision Lot Area Requirements

- (7) No *lot* having an area less than 0.2 hectares may be created by subdivision in the Recycling Facility Zone.

5.15 Service (SD) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
- (a) Treatment and disposal of sewage.

Siting and Size

- (2) No *building* or *structure* may exceed 4.6 metres in *height*.
- (3) The minimum *setback* for any *building* or *structure* shall be:
- (a) 7.6 metres from any front or rear *lot line*; and,
- (b) 6.1 metres from any interior or exterior side *lot line*.

Conditions of Use

- (4) Every sewage treatment system located above ground must be screened from view by a *landscape screen* complying with Subsection 3.9(1).

Subdivision Lot Area Requirements

- (5) No *lot* having an area less than 0.4 hectares may be created by subdivision in the Service Zone.

Site-Specific Regulations

- (6) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

		Table 5.15	
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	SD(a)	Part of Lot 3, Section 11, Plan 7982 except Part in Plan 21227	Despite Subsection 5.15(1), the only use permitted in this location is the treatment and disposal of sewage generated on Lot A (DDG54184), Section 11, Plan 7982.

5.16 National Park (NP) Zone

Information Note: The Federal Crown is not subject to local government regulations, including zoning, and uses consistent with the Canada National Parks Act and other approved Gulf Islands National Park Reserve management documents are generally permitted on lands in the National Park Reserve.

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
 - (a) Informational, interpretive, cultural, and historical uses and facilities;
 - (b) Natural and cultural resource management and protection;
 - (c) Camping and picnicking areas; and
 - (d) Park operations and maintenance facilities;

Density

- (2) Lot coverage may not exceed 10 percent.

Siting and Size

- (3) No *building* or *structure* may exceed 9.0 metres in *height*.
- (4) The minimum *setback* for any *building* or *structure* is 7.6 metres from any *lot line*.

Subdivision Lot Area Requirements

- (5) No *lot* having an area less than 65 hectares may be created by subdivision in the National Park Zone.

Site-Specific Regulations

- (6) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

		Table 5.16	
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	NP(a)	Lot 1, Plan 15769, Section 16	(1) Despite Subsection 5.16(1), one <i>dwelling</i> is permitted in this location. (2) The maximum <i>floor area</i> of the <i>dwelling</i> may not exceed 140 m ² .

5.17 Community Park 1 (CP1) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
- (a) Playgrounds and playing fields; and,
 - (b) Picnic facilities.

Density

- (2) Lot coverage may not exceed 5 percent.

Siting and Size

- (3) No *building or structure* may exceed 9.0 metres in *height*.
- (4) The minimum *setback* for any *building or structure* is 7.6 metres from any *lot line*.

Conditions of Use

- (5) Despite Section 3.1, *buildings or structures*, other than playground structures, playing field fences and goalposts, picnic tables and toilets, are not permitted.

Subdivision Lot Area Requirements

- (6) No *lot* may be subdivided in the Community Park 1 Zone.

Site-Specific Regulations

- (7) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

	Table 5.16		
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	CP1(a)	The WEST 1/2 of Section 10, Pender Island, Cowichan District, Except Parts in Plans 16459, 16958, 21107, 21811, 2149, 22273, 22424, 22932, 23175, 23433, 23487, 24776, 30587, 30589 And 31146 (Thieves Bay Community Park)	(1) In addition to the buildings and structures permitted in Subsection 5.17(1), the following are permitted: (a) picnic shelter (2) The maximum size of a picnic shelter is 80.2 m ² measured to the drip line of the roof in accordance with <i>lot coverage</i> . (3) No <i>building or structure</i> , with the exception of playing field fences and picnic tables, may be located: (a) within 7.6 metres of any front or rear <i>lot line</i> measured to the drip line of the roof; or (b) within 3 metres of any interior side <i>lot line</i> ,

			nor within 4.5 metres of any exterior side <i>lot line</i> measured to the drip line of the roof. (4) No <i>building</i> or <i>structure</i>, with the exception of playing field fences, may exceed 4.6 metres in <i>height</i>.
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5.18 Community Park 2 (CP2) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
 - (a) Playgrounds and playing fields; and,
 - (b) Picnic facilities.

Density

- (2) Lot coverage may not exceed 5 percent.

Conditions of Use

- (3) Despite Section 3.1, *buildings* or *structures*, other than playground structures, playing field fences and goalposts, picnic tables, toilets, and *accessory buildings* and *structures* to sports events, are not permitted.

Subdivision Lot Area Requirements

- (4) No *lot* may be subdivided in the Community Park 2 Zone.

5.19 Ecological (ECO) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section, and all other *uses* are prohibited:
 - (a) Ecological reserves and nature reserves.

Conditions of Use

- (2) Despite Section 3.1, no other *uses*, *buildings* or *structures*, except for those permitted in Subsection 5.19(1), are permitted in the Ecological Zone.

Subdivision Lot Area Requirements

- (3) No *lot* may be subdivided in the Ecological Zone.

5.20 Water 1 (W1) Zone

Permitted Uses

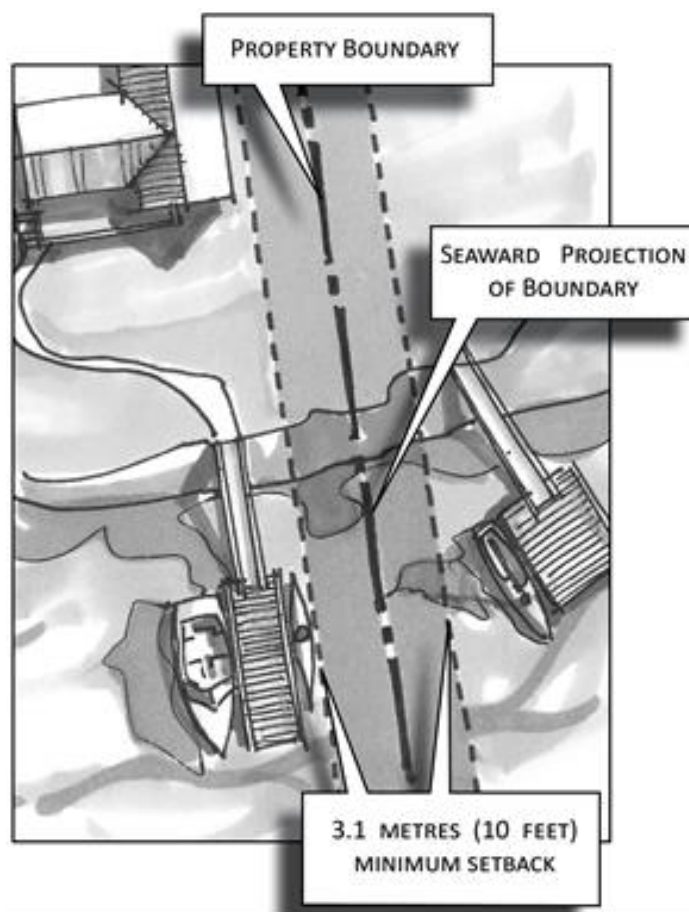
- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Private docks accessory to the residential use of an abutting upland *lot* or *lots* abutting the sea, and providing access to that *lot* or those *lots*;
 - (b) Pilings necessary for the establishment or maintenance of the *uses* permitted by Article 5.20(1)(a); and,
 - (c) Marine navigation, marine navigation aids and marker buoys.

Density

- (2) A maximum of one (1) private *dock* is permitted per abutting upland residential *lot*.

Siting and Size

- (3) No structure may be located within 3 metres of the seaward projection of any side lot line of the abutting upland lot.



- (4) The maximum water area that may be covered by *floats* and *wharves* is 37 m².

- (5) The width of any ramp or walkway, including handrails, used to access any *dock, float* or *wharf* permitted in Subsection 5.20(1) shall not exceed 1.5 metres.

Conditions of Use

- (6) No *building*, including a boat house, may be constructed or erected on any *float* or *wharf* in the Water 1 Zone.
- (7) No person may reside on any structure or on any boat or vessel moored or wharfed in the Water 1 Zone.
- (8) For certainty, no commercial or industrial activity or *use* is permitted in the Water 1 Zone.

Site-Specific Regulations

- (9) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

		Table 5.10	
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	W1(a)	The land covered with water fronting Lot 23, Section 6, Pender Island, Cowichan District, Plan 1084, Except part in Plan 19554.	(1) Despite Subsection 5.20(4) the maximum water area that may be covered by a float is 83.6 m ² . (2) Despite Subsection 5.20(2), a maximum of one (1) private dock is permitted in the W1(a) Zone.

5.21 Water 2 (W2) Zone

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Marinas;
 - (b) Yacht clubs;
 - (c) Wharfage facilities for water taxis, ferries, fishing boats, sea planes and similar craft;
 - (d) Boat launch ramps;
 - (e) Marine navigation, marine navigation aids and marker buoys;
 - (f) Accessory breakwaters, piers, dolphins and pilings necessary for the establishment or maintenance of any *use* permitted in this *zone*;
 - (g) Accessory sale and rental of boats and sporting equipment, except personal watercraft;
 - (h) Accessory fuelling stations; and,
 - (i) Accessory *buildings* located on *docks*.

Density

- (2) A maximum of one (1) private *dock* is permitted per abutting upland residential *lot*.

Siting and Size

- (3) No building or structure may exceed 4.5 metres in *height*.
- (4) The maximum *floor area* of all accessory buildings on located *docks* is not to exceed 37m² within any one location in the Water 2 Zone.
- (5) No *dock* or other *structure* may be located outside of the boundaries of a water lease or licence of occupation.

Conditions of Use

- (6) No person may reside on any building, structure, boat or vessel moored or wharfed, in the Water 2 Zone.

Site-Specific Regulations

- (7) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Table 5.21			
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	W2(a)	Part of District Lot 107, Cowichan District and Unsurveyed Crown Land covered by water being part of the bed of Port Browning, Cowichan District.	Despite Subsection 5.21(1), the only <i>use</i> permitted in this area are floating wave attenuators.

5.22 Water 3 (W3) Zone

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
- (a) Marine navigation, marine navigational aids and marker buoys and no other *uses* are permitted in the Water 3 Zone.

Site-Specific Regulations

- (2) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

Table 5.10			
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	W3(a)	The land covered with water fronting a portion of Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan EPP12506 and Lot 1, Section 17 and 23, Pender Island, Cowichan District, Plan 10989	(1) In addition to the uses permitted in Subsection 5.20(1) the following are permitted: (a) Erosion protection in the form of seawalls. (2) Despite Subsection 5.20(3), siting of a seawall is permitted only within the identified “Construction Area” lying seaward of the present <i>natural boundary</i> of the sea, and projecting no further than 2.28 metres from said boundary, as shown on “W3(a) Seawall Plan” of Schedule E. (3) The maximum <i>height</i> of a seawall is 5.5 metres, measured from the base on the downslope side, and at no point can a seawall project more than 0.3 metre above the finished grade on the upslope side.
2	W3(b)	The land covered with water fronting Lot B, Section 11, Pender Island, Cowichan District, Plan 32264, Except part in Plan VIP68515.	(1) In addition to the uses permitted in Subsection 5.20(1), the following is permitted: (a) Placement of a <i>marine geothermal loop</i> for the purpose of domestic heating and cooling accessory to the upland residential property.

5.23 Water 4 (W4) Zone

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section, and all other uses are prohibited:
 - (a) Marine navigation, marine navigation aids and marker buoys;
 - (b) *Ferry terminal*;
 - (c) Public port facilities; and,
 - (d) Accessory breakwaters, docks, piers, dolphins, and pilings necessary for the establishment or maintenance of such port facilities.

5.24 Water 5 (W5) Zone

Information Note: *The Federal Crown is not subject to local government regulations, including zoning, and uses consistent with the Canada National Parks Act and other approved Gulf Islands National Park Reserve management documents are generally permitted on lands, including submerged lands, in the National Park Reserve.*

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section, and all other uses are prohibited:
 - (a) Marine navigation aids;
 - (b) Natural resource management and protection; and,
 - (c) *Dock, wharfage, and moorage accessory* to the Upland National Park lands.

5.25 Water 6 (W6) Zone

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Community water supply facilities, including reservoirs, treatment plants, pumping stations, intake *structures*, water and sewer lines;
 - (b) Private *floats* and ramps accessory to the residential *use* of an abutting upland *lot*;
 - (c) Pilings necessary for the establishment or maintenance of *uses* permitted by Subsection 5.25(1); and,
 - (d) Navigation aids and marker buoys.

Density

- (2) A maximum of one (1) private *float* is permitted per abutting upland residential *lot*.

Siting and Size

- (3) No *building* or *structure* may exceed 4.5 metres in *height*.
- (4) No *structure* may be located within 3 metres of any side *lot line*.
- (5) Where the *structure* cannot be constructed entirely within the *lot* boundaries of the residential *lot*, no *structure* may be located within 3 metres of the projection of any side *lot line* of the abutting upland *lot* and must receive written authorization from the Capital Regional District.
- (6) The maximum water area that may be covered by a *float* is 15 m².
- (7) The maximum size of any float is 6 metres in any dimension.
- (8) The maximum length of any ramp is 6 metres and shall be constructed in compliance with Subsection 3.3(2).

Conditions of Use

- (9) No *building*, including a boat house, may be constructed or erected on a private *float* in the Water 6 Zone.
- (10) No derelict or abandoned *floats*, ramps or walkways are permitted in the Water 6 Zone.
- (11) No person may reside on any structure, boat or vessel in the Water 6 Zone.
- (12) For certainty, no commercial or industrial activity or *use* is permitted in the Water 6 Zone.

Site-Specific Regulations

- (13) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

		Table 5.25	
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	W6(a)	Gardom Pond	Despite Subsection 5.25(6), the maximum water area that may be covered by a float is 3 m ²

5.26 Comprehensive Development 1 (CD1) Zone

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
 - (a) *Retail Sales*;
 - (b) Offices, including banks;
 - (c) *Personal services*;
 - (d) Home appliance repairs;
 - (e) *Restaurants*;
 - (f) *Cafes*;
 - (g) Bakeries;
 - (h) Printing and publishing business;
 - (i) Sale and rental of boats and sporting equipment, except *personal watercraft*;
 - (j) Seawalls and pilings necessary for the establishment or maintenance of any *use* permitted in this Zone;
 - (k) *Accessory dwelling*; and
 - (l) *Accessory uses, buildings and structures*.

Density

- (2) *Lot coverage* may not exceed 25 percent.
- (3) Only one (1) *accessory dwelling* is permitted.

Floor Area

- (4) The maximum *floor area* of an *accessory dwelling* is 140 m².

Setbacks

- (5) The *setbacks* from all *lot lines* and the *natural boundary* of the sea for the *building* and for the surfaced courtyard and pathway shown on Plan CD1(a) of Schedule F shall be those shown on Plan CD1(a) of Schedule F, exclusive of roof overhangs, stairs, landings, ramps and septic disposal systems.
- (6) Roof overhangs may in no case project more than 0.8 metres into the *setbacks* shown on Plan CD1(a) of Schedule F. Stairs, landings and ramps may in no case be sited closer than 2.5 metres to a *lot line*.

- (7) Portions of the sewage treatment system consisting of a contained package treatment plant, grease interceptors, emergency overflow tank and the associated *utility* lines may be sited as close as 1.0 metre to a *lot line*.
- (8) Despite Subsection 3.3(4), portions of the sewage treatment system consisting of a contained package treatment plant, grease interceptors, emergency overflow tank and the associated *utility* lines may be sited as close as 1.0 metres upland from the *natural boundary* of the sea.
- (9) The *setbacks* for any *buildings* or *structures* not shown on Plan CD1(a) of Schedule F shall be those for the Commercial 1 Zone on any upland *lot* and those for the Water 2 Zone within a water lease or license of occupation.

Height

- (10) The maximum *height* above the *natural boundary* of the sea for the *building* shown on Plan CD1(a) of Schedule F shall be 12 metres;
- (11) The maximum *height* of any *buildings* or *structures* not shown on Plan CD1(a) of Schedule F shall be those for the Commercial 1 Zone on the upland lots and those for the Water 2 Zone within a water lease or license of occupation.
- (12) The number of storeys of any *building* shall not exceed two (2) above finished grade.

Signs

- (13) Despite Subsection 6.1(2), no *signs* may be erected, or affixed to the outside of any *structure*, except:
 - (a) One wall *sign*, provided that:
 - (i) the area covered by the *sign* does not exceed 8m² ;
 - (ii) the top edge of the *sign* does not project above the top of the *building*; and,
 - (iii) the *sign* is placed flush against the side of the *building*.
 - (b) One freestanding *sign*, not exceeding a total area of 1.1 m².
 - (c) One *sign*, not exceeding a total area of 1.1 m², on each business premise, advertising the type of business, occupation or trade conducted on the premises or the principal product or service sold.
 - (d) One *sign*, not exceeding a total area of 0.6 m², pertaining to the lease, sale, name of owner, name of lot or use of the accessory dwelling permitted in Article 5.26(1)(k).

Parking

- (14) Despite Subsection 7.5(2), the minimum number of parking spaces required in the Comprehensive Development 1 Zone for the accessory dwelling is one (1) parking space.
- (15) In addition to the parking spaces provided, a minimum of 5 bicycle parking spaces must be provided in the form of a fixed structure that supports the bicycle frame and permits the bicycle wheels to be locked to the frame.
- (16) Despite Sections 7.1 and 7.2, the required off-street parking spaces may be accessed directly from a *highway*.
- (17) Despite Subsection 7.1(4), a parking area may be located within the *setback* from the front *lot line*.
- (18) Despite Subsection 7.1(5), a parking area may be sited 0.0 metres from an interior or exterior side *lot line*.

- (19) Despite Subsection 3.3(1), *structures* and paved areas associated with a parking area may be sited as close as 7.0 metres upland from the *natural boundary* of the sea.

Conditions of Use

- (20) An *accessory dwelling* is only for the *use* of a caretaker, owner, or operator of a permitted *principal use* located on the same *lot*.
- (21) An *accessory dwelling* must be located in the same *building* as a *principal commercial use* and have a separate outside entrance.
- (22) Every external storage area on the upland *lots* must be screened from view by a *landscape screen* complying with Subsection 3.9(1).
- (23) Every commercial *building* must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2)

Subdivision Lot Area Requirements

- (24) No *lot* having an area less than 0.4 hectares may be created by subdivision in the Comprehensive Development 1 Zone.

PART 6 SIGN REGULATIONS

6.1 Permitted Signs

- (1) In the Rural Residential 1 Zone, Rural Residential 2 Zone, Rural Comprehensive 1 Zone, Rural Comprehensive 2 Zone, or Rural (R) Zone, no *sign* may be erected on any *lot* or affixed to the outside of any *building* or *structure* except:
 - (a) one (1) *sign* in respect of any *home business* or home industry or combination of them;
 - (b) one (1) *sign* pertaining to the lease, sale, name of owner or property or use of a lot or building on which they are placed; and,
 - (c) no sign may exceed a total area of 0.6 m².
- (2) In any Commercial, Agricultural, Institutional or Industrial zones, no *signs* of any kind or nature may be erected on any premises or affixed to the outside of any *building* or *structure*, except for:
 - (a) one (1) *sign* not exceeding a total area of 1.1 m² within 7.5 metres of the front or side lot line;
 - (b) one (1) *sign* on each business premise, advertising the type of business, occupation or trade conducted on the premises or the principal produce or service sold; and,
 - (c) one (1) *sign* not exceeding the area specified in Subsection 6.1(1) in respect of any *accessory dwelling* permitted on the *lot*.

For the purpose of this subsection, two identical *signs*, back to back and facing opposite directions, are considered to be one *sign*.

6.2 Prohibited Signs

- (1) Any *sign* that is internally illuminated; any *sign* with moving parts; and any noise making *sign* is prohibited.

6.3 Exempt Signs

- (1) Nothing in this Bylaw prohibits the erection of a *sign* by an agency of government for purposes of public health or safety, or by a candidate in a municipal, provincial or federal election during the period prior to the election.

6.4 Lighting of Signs

- (1) Any light illuminating a *sign* must be controlled so as not to cast light onto neighbouring *lot* or into the eyes of oncoming motorists.

6.5 Obsolete Signs

- (1) Any *sign* which has become obsolete because of discontinuance of the business, service or activity which it advertises must be removed from the premises within thirty days after the *sign* becomes obsolete.

PART 7 PARKING REGULATIONS

7.1 Location

- (1) Any parking space must be wholly provided on the same *lot* as the *building* or *use* in respect of which it is required.
- (2) Despite Subsection 7.1(1), if required parking spaces cannot physically be accommodated on the same *lot* as the *building* or *use* in respect of which they are required, they may be provided on a different *lot* within 100 metres, if that *lot* is in the same *zone* or another *zone* in which parking is a permitted *principal use*.
- (3) If, under Subsection 7.1(2), parking spaces are provided on a *lot* other than the one on which the *use* is located in respect of which they are required, the owner of the *lot* must grant a covenant restricting the *use* of the *lot* or a portion of the *lot* to motor vehicle parking spaces for the *lot* on which the *use* is located.
- (4) No parking area may be located within the required front yard *setback* area for the *zone* within which the *lot* is located, except where Subsection 7.1(5) applies.
- (5) If a parking area is located on a *lot*, it must be sited at least 3 metres from any side *lot line*.
- (6) If a parking area is located on the same *lot* as a *dwelling* but not within the *dwelling*, it must be sited at least 1.5 metres from the *dwelling*.
- (7) Every off-street parking area provided or required on any *lot* with an industrial *use*, the access to such area must have a hard surface if such area is between the *principal building* on the *lot* and the *highway* giving access to the *lot*. Any area at the rear or the side of the *principal building* provided or required for off-street parking need must be surfaced so as to minimize the carrying of dirt or foreign matter onto the *highway*.
- (8) For the purpose of Subsection 7.1(7) the term "hard surface" means a durable, dust free surface constructed of concrete block, compacted crushed gravel, or similar material, and permeable by water.
- (9) If a parking area is provided in respect of a *home business* or industry and the parking area abuts a *lot* on which a residential *use* is permitted, the parking area must be screened by a *landscape screen* complying with Section 3.9.

7.2 Design Standards

- (1) Each required off-street parking space must be a minimum of 2.6 metres in width, and a minimum of 5.5 metres in length, exclusive of access drives or aisles, ramps, columns, or similar obstructions, and have vertical clearance of at least 2 metres. For parallel parking, the length of the parking spaces must be increased to 7.3 metres except end spaces, which must be a minimum length of 5.5 metres.
- (2) Manoeuvring aisles must be a minimum of 7.3 metres wide for 90 degree parking, 5.5 metres wide for 60 degree parking, and 3.6 metres wide for 45 degree parking and parallel parking. Where parking is directly off a lane, the lane may be considered part of the aisle and in such cases the combined width of the aisle and parking spaces must be a minimum of 12.8 metres.

- (3) Each parking space provided under Subsection 7.3(1) must have a width of at least 3.7 metres; be clearly identified for use only by persons with disabilities; and be located so as to provide the most convenient access to an accessible building entrance or, if the parking area serves several premises, so as to provide equally convenient access to all such premises.
- (4) Adequate access to and exit from individual parking spaces must be provided at all times by means of unobstructed manoeuvring aisles.
- (5) Any lighting must be so arranged as to direct or reflect the light exclusively on the parking area at illumination levels of 11 Lux or less.

7.3 Calculation

- (1) If a *use* requires more than 30 parking spaces, one additional parking space for persons with disabilities and one space for a pick up/drop off area must be provided.

7.4 Number of Off-Street Parking Spaces

- (1) When any new *use* of land or *buildings* or *structures* takes place or when any existing *use* of land or *buildings* or *structures* is enlarged or increased in capacity, provision must be made for off-street vehicular parking spaces in accordance with the standards set out in this section.
- (2) The number of off-street parking spaces required in respect of particular *uses* is set out in Table 7.1, and where a particular *use* is not listed the number required for the most similar listed *use* applies.

Table 7.1 : Number of Off-Street Parking Spaces	
Use of Building or Lot	Minimum Number of Parking Spaces Required
Dwelling	2 per <i>dwelling</i>
Cottage	1 per <i>cottage</i>
Secondary Suite	1
Home Business (other than Bed & Breakfast) Home Industry	2
Bed & Breakfast	1 per room
Community Housing Rental Housing	1 per
Retail Stores Personal Services Banks Repair Shops in commercial zones Medical Office Single Tenant Office	1 per 35 m ² of <i>floor area</i>
Multi-Tenant Office	1 per 30 m ² of <i>floor area</i>
Restaurants Cafes Premises licensed under the <i>Liquor Control and Licensing Act</i>	1 per 3 seats
Tourist Accommodation	1 per <i>Tourist Accommodation Unit</i>
Campground	2 plus 1 per camping space
Private Clubs Churches Libraries Museums Fire Hall	1 per 35 m ² of <i>floor area</i>
Community Halls Lodge Halls Churches	1 per 4 seats
Indoor Recreation Facilities	1 per 35 m ² of <i>floor area</i>
Industrial Use Warehouses Wholesale and Storage Buildings Servicing and Repair - Industrial zones Recycling Facilities Printing and Publishing	1 per 35 m ² of <i>floor area</i>
Ferry Dock Facilities	100
Marinas Yacht Clubs	1 per 5 Berths
Fish Buying Stations Wharfage of Sea Planes Water Taxis and Fishing Boats Marine Fuel Sales	1 per Berth
Storage and Sale of Petroleum Fuels	1
Cemeteries	15
Golf Courses	2 per Tee

PART 8 SUBDIVISION REGULATIONS

8.1 Lot Area Calculations

- (1) Subdivisions must comply with the minimum and average *lot* area regulations set out in Part 5 of this Bylaw except that a park to be dedicated upon deposit of the subdivision plan need not comply with those regulations and the Approving Officer may approve a subdivision creating a single *lot* not complying with those regulations if the owner grants to the North Pender Island Local Trust Committee a covenant restricting the use of the *lot* to park use. For the purposes of this Bylaw, the average *lot* area is the sum of the gross areas of the proposed *lots* divided by the number of proposed *lots*, subject to Subsection 8.1(2).
- (2) If an owner of *lot* being subdivided dedicates as parkland more than 5 percent of the land being subdivided, the area greater than 5 percent may, for the purpose of determining compliance with average lot area regulations set out in Part 5 of this Bylaw, be included in the total area of *lots* being created, and the park or parks are deemed not to be *lots*.
- (3) No lot having an area of less than 16 hectares may be subdivided under the *Local Government Act* to provide a residence for a relative of the owner unless the lot is entirely within the Agricultural Land Reserve.

8.2 Exemptions from Average and Minimum Lot Area Requirements

- (1) The average and minimum *lot* areas specified in Part 8 do not apply:
 - (a) if the *lot* being created is to be used solely for the unattended equipment necessary for the operation of facilities referred to in Subsection 3.1(5) and 3.1(6) of this Bylaw or for ambulance or fire protection facilities, a community sewer system, a community gas distribution system, a community radio or telephone receiving antenna, a radio or television broadcasting antenna, a telecommunication relay, an automatic telephone exchange, an air or marine navigational aid, or an electrical substation or generating station, and the owner grants a covenant complying with Subsection 2.6(1) of this Bylaw restricting the use of the *lot* to that use and prohibiting residential and manufacturing uses on that *lot*;
 - (b) if the *lot* being created is for park use, and ecological reserve, or dedication to the Crown;
 - (c) to the consolidation of two or more *lots* into a single parcel; or,
 - (d) to a boundary adjustment subdivision, provided that the subdivision would not increase the area of any *lot* to the point where the new *lots* created could be subdivided into more *lots* than would be permitted under this Bylaw without the boundary adjustment.

8.3 Covenants Prohibiting Further Subdivision and Development

- (1) If a subdivision is proposed that yields the maximum number of *lots* permitted by the applicable minimum and average *lot* areas specified by this Bylaw, and one or more of the *lots* being created has an area equal to or greater than twice the applicable average *lot* area, the applicant must grant a covenant complying with Subsection 2.6(1) of this Bylaw in respect of every such *lot*, prohibiting further subdivision of the *lot* and prohibiting construction, erection, or occupancy on the *lot* of more than one *dwelling* and, if a *cottage* is a permitted use of the *lot*, more than one such *cottage*.
- (2) If a subdivision is proposed that yields fewer than the maximum number of *lots* permitted by the applicable minimum and average *lot* areas specified by this Bylaw, and:

- (a) one or more of the *lots* being created has an area equal to or greater than twice the applicable average *lot* area; and
- (b) one or more of the *lots* being created has an area less than the applicable average *lot* area;

the applicant must grant a covenant complying with Subsection 2.6(1) of this Bylaw in respect of every *lot* referred to in Article 8.3(2)(a) prohibiting:

- (c) the subdivision of the *lot* so as to create a greater total number of *lots* by subdivision and re-subdivision of the original *lot* than would have been created had the first subdivision created the maximum number of *lots* permitted by the applicable minimum and average *lot* areas specified by this Bylaw; and
 - (d) the construction, erection, or occupancy on the *lot* of *dwelling*s and, if permitted by this Bylaw, *cottages* so as to create greater density of such development on the original *lot* than would have been created had the original *lot* been developed to the greatest density permitted by this Bylaw.
- (3) If the approval of a bare land strata plan would create common property on which this Bylaw would permit the construction of a *dwelling* or *cottage* if the common property were a *lot*, the applicant must grant a covenant complying with Subsection 2.6(1) of this Bylaw in respect of the common property prohibiting the further subdivision of the common property, the construction of any *dwelling* or *cottage* on the common property, and the disposition of the common property separately from the strata *lots*.

8.4 Boundary Adjustment Subdivisions

- (1) The Approving Officer must not approve a boundary adjustment, which would increase the area of any *lot* to the point where the new *lots* created could be subdivided into more *lots* than would be permitted under this Bylaw without the boundary adjustment unless the applicant grants a covenant complying with Subsection 2.6(1) of this Bylaw in respect of every such *lot*, prohibiting further subdivision of the *lot*.

8.5 Lot Frontage and Lot Shape

- (1) The frontage of any *lot* in a proposed subdivision must be at least 10 percent of its perimeter, provided that in no case may the frontage be less than 20 metres.

Information Note: *The minimum frontage established in Section 512 of the Local Government Act is 10% of the perimeter of the lot. The Local Trust Committee has jurisdiction to exempt a lot or a subdivision from this requirement.*

- (2) If a panhandle *lot* is not capable of being further subdivided under the provisions of this Bylaw, the minimum width of the access strip at any point must be 10 metres.
- (3) If a panhandle *lot* is capable of being further subdivided under the provisions of this Bylaw, the minimum width of the access strip at any point must be 20 metres.
- (4) No *lot* shall have an average depth greater than three times its average width, except where otherwise specified in the *Zone* regulations.

8.6 Split Zoned Lots

- (1) The creation of an additional *lot* lying within two or more *zones* is prohibited.
- (2) If a *lot* proposed to be subdivided is divided by a *zone* boundary, a separate calculation of the number of *lots* permitted must be made for each portion, and no *lot* may be created in respect of any fractional area resulting from such calculation.
- (3) A boundary adjustment subdivision resulting in a *lot* lying in two or more *zones* is prohibited except where the *lot* being subdivided is located in two or more *zones*.

8.7 Split or Hooked Lots

- (1) No *lot* that is divided into two or more portions by a *highway* or other *lot* may be created by subdivision.

8.8 Double Frontage Lots

- (1) No *lot* having frontage on more than one *highway* may be created by subdivision, unless it is a corner *lot*.

8.9 Water Access Subdivisions

- (1) *Highway* access must be provided to every *lot* created by subdivision on North Pender Island.
- (2) If a subdivision with water access only is approved on an island other than North Pender Island within the North Pender Island Local Trust Area, the owner of *lot* being subdivided must provide motor vehicle parking spaces in accordance with Part 7 of this Bylaw for each *dwelling* and *cottage* permitted by this Bylaw in respect of each *lot* being created. Such parking spaces must be located at the most reasonable location giving access by water to the subdivision.

8.10 Public Access to Water Bodies

- (1) The Approving Officer may require that *highways* giving access to the shore of any body of water, dedicated to the Crown at the time of subdivision, be consolidated into one or more larger areas and should require that such a *highway* be located in an area of high recreational value or so as to provide access to such an area.

8.11 Highway Standards

- (1) The purpose of the standards set out in Subsections 8.11(2) through 8.11(10) is to ensure that the construction of roadways in connection with the subdivision of land does not result in the alteration of the land to an extent that is inconsistent with the object of the Islands Trust under the Islands Trust Act, the Islands Trust Policy Statement, or the North Pender Island Official Community Plan.
- (2) Proposed roadway centreline and pedestrian path locations must be surveyed and flagged at maximum 15 metre intervals prior to subdivision application to facilitate inspection by the Approving Officer. No trees or other vegetation may be removed from the highway right-of-way prior to application and inspection by the Approving Officer.

- (3) No trees or other vegetation may be removed from the right-of-way without written permission of the Approving Officer, and in no case may trees or other vegetation be removed beyond the extent of earthworks directly required for the construction of the roadway.
- (4) No obstructions of any kind, including utility poles and hydrants, may be located within 1.5 metres measured horizontally of the edge of the shoulder of the roadway.
- (5) All culverts must be provided with local rock head walls to the height of adjacent shoulders. Head walls may be dry stone or set in mortar provided sufficient stability under water runoff is assured. Culverts must be adequately sized to carry 20 year estimated flows with a minimum diameter of 300 mm at driveways and 400 mm under intersecting roads.
- (6) Fragmentation of land in any Agriculture (AG) Zone by roads or other service corridors is prohibited.
- (7) No roadway may be located or constructed so as to connect North Pender Island to any other island except South Pender Island.
- (8) No roadway may be located so as to divert the flow of a surface watercourse or divert or contaminate in any way a groundwater aquifer, but this subsection does not prohibit the culverting of a surface watercourse for a roadway crossing or the construction of a stormwater retention facility provided that such culverting or construction is in accordance with the "Standards and Best Practices for Instream Works", the *Water Sustainability Act*, and the *Fisheries Act*.
- (9) The design of roadways must to the greatest extent possible follow the natural contours of the land so as to minimize the extent of cutting and filling required to construct the roadway.
- (10) Native vegetation must be reinstated in all portions of a highway not comprising the roadway, following the completion of construction of a roadway and any associated utilities.

Information Note: For information on road standards see the *Letter of Agreement between the Islands Trust and the Ministry of Transportation and Highways*, dated October 20, 1992 and amended July 18, 1996.

8.12 Water Supply Standards

- (1) Each lot in a proposed subdivision must be supplied with sufficient *potable* water to supply the uses permitted on the *lot* by this Bylaw according to the standards set out in Table 1.

TABLE 1 POTABLE WATER SUPPLY STANDARDS FOR SUBDIVISION	
USE	VOLUME (per day per lot)
<i>One Dwelling and one Cottage</i>	2000 litres
<i>Each additional permitted dwelling</i>	2000 litres

Information Note: If more than one dwelling is connected to the same source of water, the water system may be subject to the Drinking Water Protection Act, the Water Utility Act or other regulations pertaining to water supply systems.

Information Note: Water obtained from a stream, or non-domestic groundwater use requires a licence under the Water Sustainability Act.

- (2) Where *potable* water is to be supplied by a *community water system*, the *community water system* must provide written confirmation that it is able to supply *potable* water for the uses specified in Table 1 to each *lot*.
- (3) Where *potable* water is to be supplied from a stream, the applicant for subdivision must provide proof of authorization (water licence) indicating the total volume of water granted to the licence holder confirming that it is able to supply potable water for the volume specified in Table 1 to each *lot*.
- (4) Where a lot proposed to be subdivided contains a non-domestic use that requires a licence under the *Water Sustainability Act*, the applicant must provide proof of authorization (water licence) indicating the total volume of water granted to the licence holder confirming that it is able to supply water for the non-domestic use, as well as *potable* water for the volume specified in Table 1 to each *lot*.
- (5) In the absence of a water licence, where *potable* water is to be supplied by a drilled well, a *pumping test* shall be carried out on each well in a proposed subdivision by:
 - (a) pumping *groundwater*, at a constant rate, for a minimum period of 12 hours;
 - (b) withdrawing the total daily required volume specified in Table 1 over a maximum period of 24 hours; and,
 - (c) monitoring *groundwater* levels continuously during the *pumping test* and during the recovery period.
- (6) Where *potable* water is to be supplied by a drilled well in accordance with Subsection 8.12(5), a sounding tube or wellhead port must be installed to enable the insertion of water level monitoring equipment.
- (7) Drilled wells used for the purposes of subdivision application must not be located within 50 metres of the *natural boundary* of the sea.
- (8) Where *potable* water is to be supplied by a drilled well in accordance with Subsection 8.12(5), the applicant for subdivision must provide written certification under seal of a *Hydrogeologist* that:
 - (a) each well has been constructed in accordance with the Groundwater Protection Regulation;
 - (b) each well has been constructed in accordance with Subsections 8.12(5) and 8.12(6);
 - (c) each well has sufficient available *groundwater* to provide the daily required volume of *potable* water for each *lot* in accordance with Table 1; and
 - (d) includes recommendations for mitigation measures, if applicable, to ensure long-term sustainable yield of the drilled well.
- (9) If the daily required volume of *potable* water cannot be supplied in accordance with Subsection 8.12(2) or if the certification referred to in Article 8.12(8)(c) cannot be made, the applicant must grant a covenant under the *Land Title Act* to the North Pender Island Local Trust Committee

that restricts the development of the subdivision to the uses for which there is a sufficient volume of water.

- (10) Where the potable water supply is provided through a drilled well or water licence, a *Hydrogeologist* must also provide:
- (a) results of a water quality analysis, completed by an accredited laboratory;
 - (b) a plan of the proposed subdivision indicating the location where each water sample was taken;
 - (c) a statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan;
 - (d) confirmation, based on the accredited laboratory water quality analysis, that the proposed water supply source is *potable*, or can be made *potable*, with a treatment system; and,
 - (e) confirmation, based on the accredited laboratory water quality analysis of chloride concentrations, that the drilled well is not likely to be affected by the intrusion of saline *groundwater* or sea water in accordance with the Province of British Columbia guidance documents;
- (11) If the water to be supplied is not *potable*, but can be made *potable* with a treatment system, the applicant must grant a covenant under the *Land Title Act* to the North Pender Island Local Trust Committee that requires on-going treatment of the water to *potable* water standards.
- (12) For the purposes of subdivision, drilled wells impacted by seawater intrusion or whose operation is likely to cause seawater intrusion are not permitted sources of *potable* water.
- (13) For the purposes of subdivision, alternative *potable* water supplies including, but not limited to, shallow dug wells, rainwater catchment and desalination are not permitted sources of *potable* water.
- (14) Subsections 8.12(1) through 8.12(13) shall not apply where the proposed subdivision is a boundary adjustment that does not result in an increase in the number of *lots* or permitted *dwellings*, provided that all *lots* in the subdivision are currently serviced by existing wells, *community water* system connection or water licence.

8.13 Sewage Disposal Standards

- (1) Each *lot* that is proposed to be created by subdivision must be demonstrated by the applicant to contain an area or areas of sufficient size and appropriate characteristics to satisfy the requirements of the Sewerage System Regulation under the *Public Health Act* for conventional septic tank or package treatment plan sewage disposal systems in respect of the *buildings*, *structures* and uses that are permitted on the lot by this Bylaw, if no other acceptable septic system is available.
- (2) The information referred to in Subsection 8.13(1) must be provided to the Building Inspector where an application for a building permit is made and the information has not previously been provided in respect of the subdivision of the *lot* on which the *building* is proposed to be constructed, except that the information need only be provided in respect of the *building* or *structure* that is the subject of the permit application.
- (3) No sewage may be disposed of by means of discharge to a watercourse or the sea or, in the case of a residential zone, on a *lot* other than that on which it was generated, except where that *lot* is used only for the purpose of sewage disposal.

8.14 Drainage Standards

- (1) Every subdivision must be designed and constructed so as to maximize the proportion of precipitation, which is percolated into the ground and to minimize direct overland runoff.
- (2) Every surface drainage system must be designed to provide for the continuity of any existing surface drainage system serving the drainage basin in which the lot to be subdivided is located.
- (3) No watercourse or water body may be diverted, altered or used for surface drainage purposes so as to transfer water between watershed basins.
- (4) Every surface drainage system must be designed so that the system is capable of conveying the peak rate of runoff from a 10 year storm for the entire drainage basin within which the subdivision or development is located when such basin is fully developed.
- (5) Every surface drainage system must be designed and constructed so as to minimize scouring and erosion of ditch banks.
- (6) All drainage works, ditches, culverts and appurtenances must be located in statutory rights of way granted to the Crown, or in dedicated *highways*.
- (7) If storm water is discharged from a surface drainage system to the sea or a watercourse on or adjacent to the *lot* being subdivided or developed, the system must be constructed and designed to retain storm water for the period of time necessary to allow for the settling of silt and other suspended solids.
- (8) To the extent that is practicable, surface drainage systems must be designed so as to permit withdrawal of water for fire suppression from storm water retention facilities and drainage ditches, and the use of storm water to recharge fire protection cisterns.
- (9) Every applicant for subdivision must provide the written certification under seal of an Engineer with experience in storm water management that the drainage system for the subdivision has been designed in accordance with Subsections 8.14(1) to 8.14(8).
- (10) The certification required in Subsection 8.14(9) must be provided to the Building Inspector if an application for a building permit is made and the certification has not previously been provided in respect of the subdivision of the lot on which the building is proposed to be constructed, and the provisions of Subsections 8.14(1) through 8.14(8) apply with the necessary changes, except that the certification need only be provided in respect of the *lot* that is the subject of the permit application.
- (11) In addition to the matters referred to in Subsection 8.14(10), if the building permit application indicates that more than 185 m² of impervious surfaces excluding roof areas are proposed to be developed on the *lot*, the Engineer must certify that neither the annual volume of runoff from the lot, nor the pattern of runoff, will be altered as a result of the development.

PART 9 CAMPGROUND REGULATIONS

9.1 Campground Standards - Zoning

- (1) The minimum lot area for a campground is 1.2 hectares.
- (2) Camping spaces must not cover more than 22 percent of the *lot* and no campground may have more than 50 camping spaces.
- (3) Camping spaces must have an area of at least 110 m², or 84m² in the case of spaces for tents only, and must be clearly identified by a unique number or other identification.
- (4) No area of a campground other than a camping space complying with the requirements of this section may be occupied by a tent or *recreational vehicle*.
- (5) Accessory retail sales uses in a campground may not exceed 18.6 m² in *floor area*.
- (6) No camping space may be located less than 30 metres from a front lot line, 15 metres from any other lot line, or 3 metres from any driveway.

9.2 Campground Building Standards

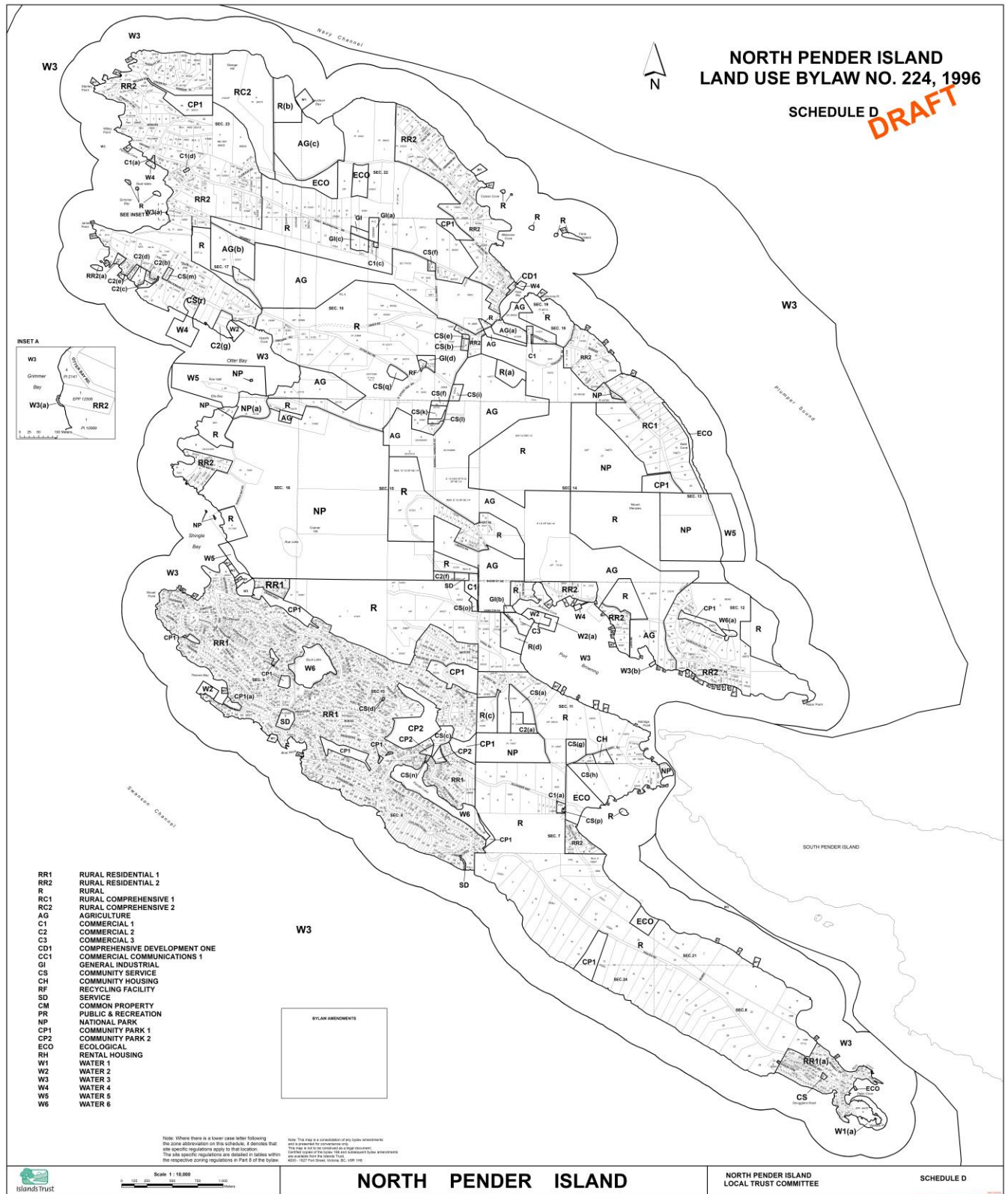
- (1) Every campground must have access to a *highway* by way of a single hard-surfaced or gravelled driveway access route at least 6.7 metres in width, on which motor vehicle parking is not allowed.
- (2) All camping spaces and service buildings must have direct driveway access to the driveway referred to in Subsection 9.2(1), except that tent spaces may have access by trails not exceeding 2 metres in width and such driveways must be hard-surfaced or gravelled to a width of at least 3 metres in the case of one-way roadways, 4.3 metres in the case of two-way driveways, and 12 metres in the case of a turning circle at the end of a cul-de-sac.
- (3) Every campground must have a buffer area at least 30 metres wide adjacent to the front lot line and 15 metres wide adjacent to every other lot line, and driveways in the buffer area must be of the shortest length practicable.
- (4) Every campground must have an outdoor recreation area for playground, sports and games uses, comprising at least 5 percent of the area of the campground, and such area must be exclusive of any buffer or parking area, camping space, or other campground facility.
- (5) One camping space may, despite any other provision of this Bylaw, be occupied for up to 6 months in any 12 month period by a campground owner or operator, and such space may include office and retail sales facilities.
- (6) Every camping space must be clearly identified as a space for a *recreational vehicle* or tents or as a space for tents only.
- (7) Camping spaces for *recreational vehicles* or tents may be occupied by only one *recreational vehicle* and up to two tents, and camping spaces for tents only may be occupied by up to two tents.
- (8) One motor vehicle parking space must be provided in respect of each camping space, located adjacent to the driveway giving access to the space, except in the case of camping spaces for tents only in which case the parking space may be in a common parking area from which access is provided to the camping spaces by trails.

- (9) Every camping space must be equipped with a garbage container that is durable, watertight, insect-proof and rodent-proof.
- (10) Every campground must be furnished with a constant supply of fresh water in compliance with the *Drinking Water Protection Act*
- (11) Every campground must be equipped with sewage disposal facilities in the form of a connection to a community sewer system or an on-site sewage disposal system, as defined in the Sewerage System Regulation under the *Public Health Act*, but no individual camping space may be connected to a community sewer system or sewage disposal system.
- (12) Every campground must be provided with a service building equipped with flush type toilet and urinal fixtures, washbasins and showers as follows:

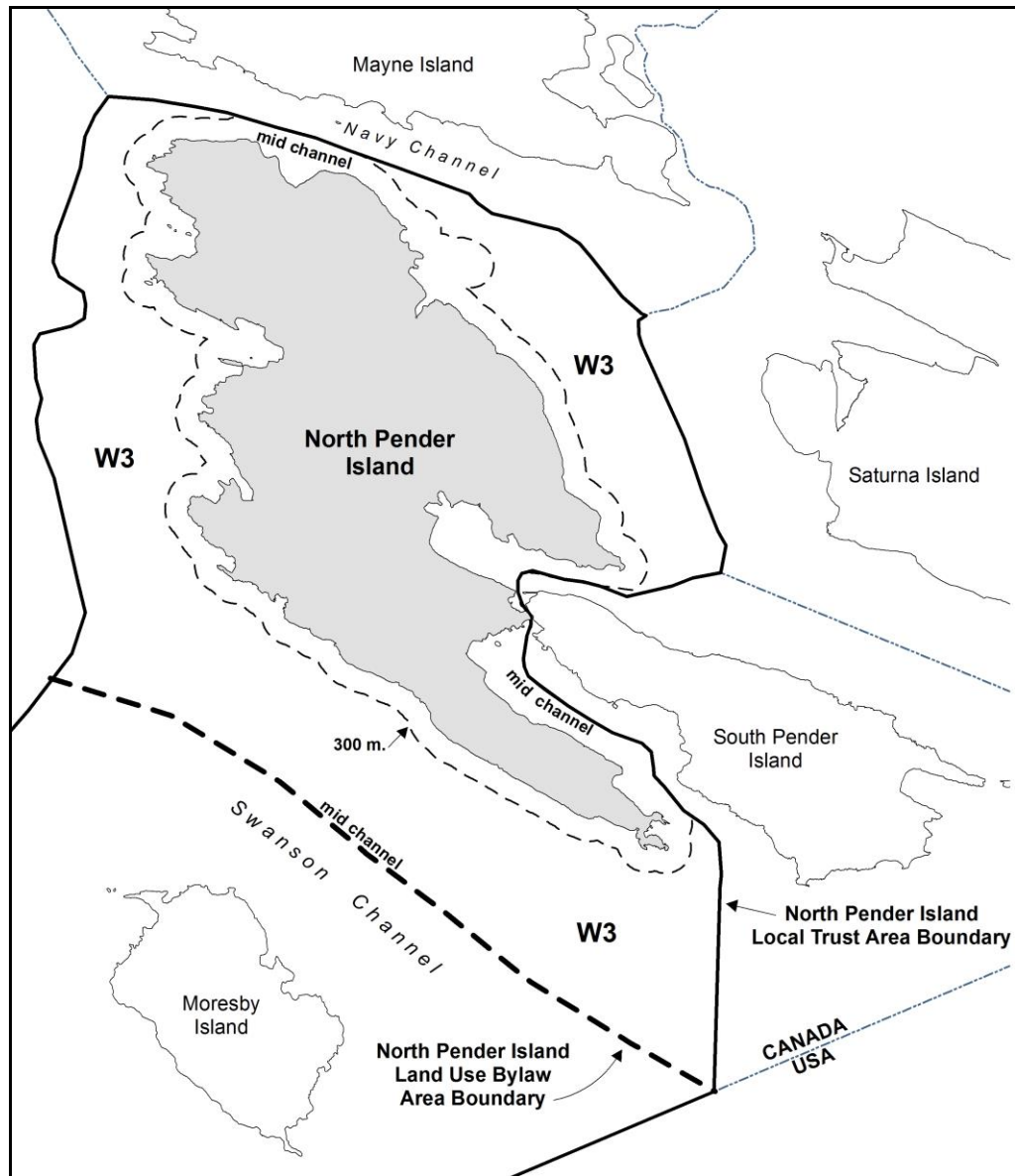
Number of Camping Spaces	Toilets		Urinals	Washbasins		Showers	
	Men	Women	Men	Men	Women	Men	Women
1 to 15	1	1	1	1	1	1	1
16 to 30	1	2	1	2	2	1	1
31 to 45	2	2	1	3	3	1	1
46 to 50	2	2	2	3	3	2	2

- (13) Every service building must be equipped with a conveniently located kitchen - type sink for the disposal of dishwashing water and similar water wastes.
- (14) Every service building must be of permanent construction and comply with the following requirements:
 - (a) all rooms must be adequately lighted and ventilated, and all ventilation openings adequately screened;
 - (b) cv all walls, floors and partitions must be constructed of materials that are easily cleaned and not subject to damage from frequent cleaning or disinfecting;
 - (c) all showers and toilets must be installed in separate compartments and facilities designated for males and females separated by tight partitions; and
 - (d) all such *buildings* must be located at least 4.5 metres from any camping space, but not more than 150 metres from any camping space except such camping spaces as may be designated and used exclusively by recreational vehicles equipped with a toilet and facilities for washing.
- (15) Campgrounds providing camping spaces for *recreational vehicles* must be furnished with a sewage disposal station adjacent to a driveway in compliance with the Sewerage System Regulation.

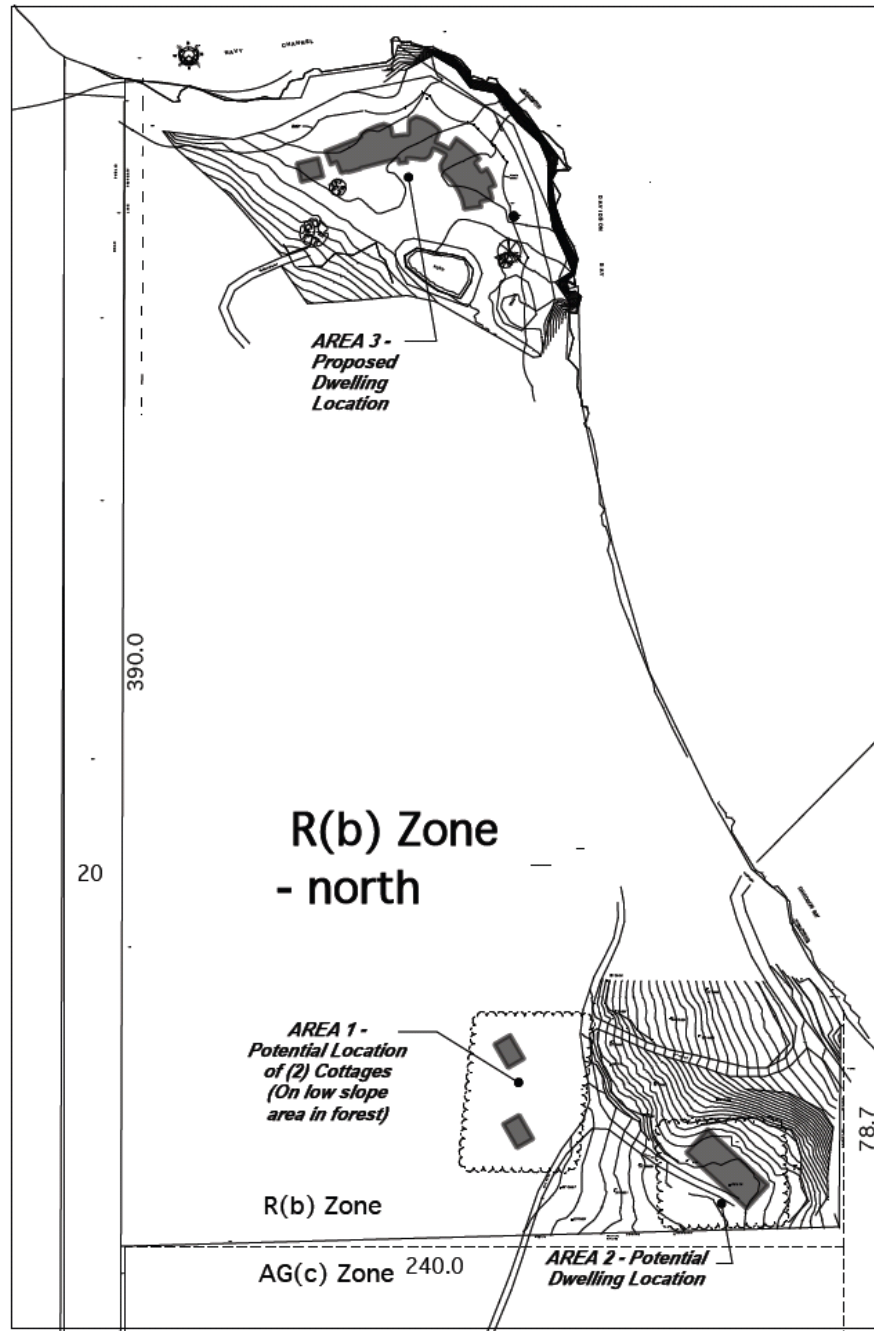
SCHEDULE B (ZONING MAP)



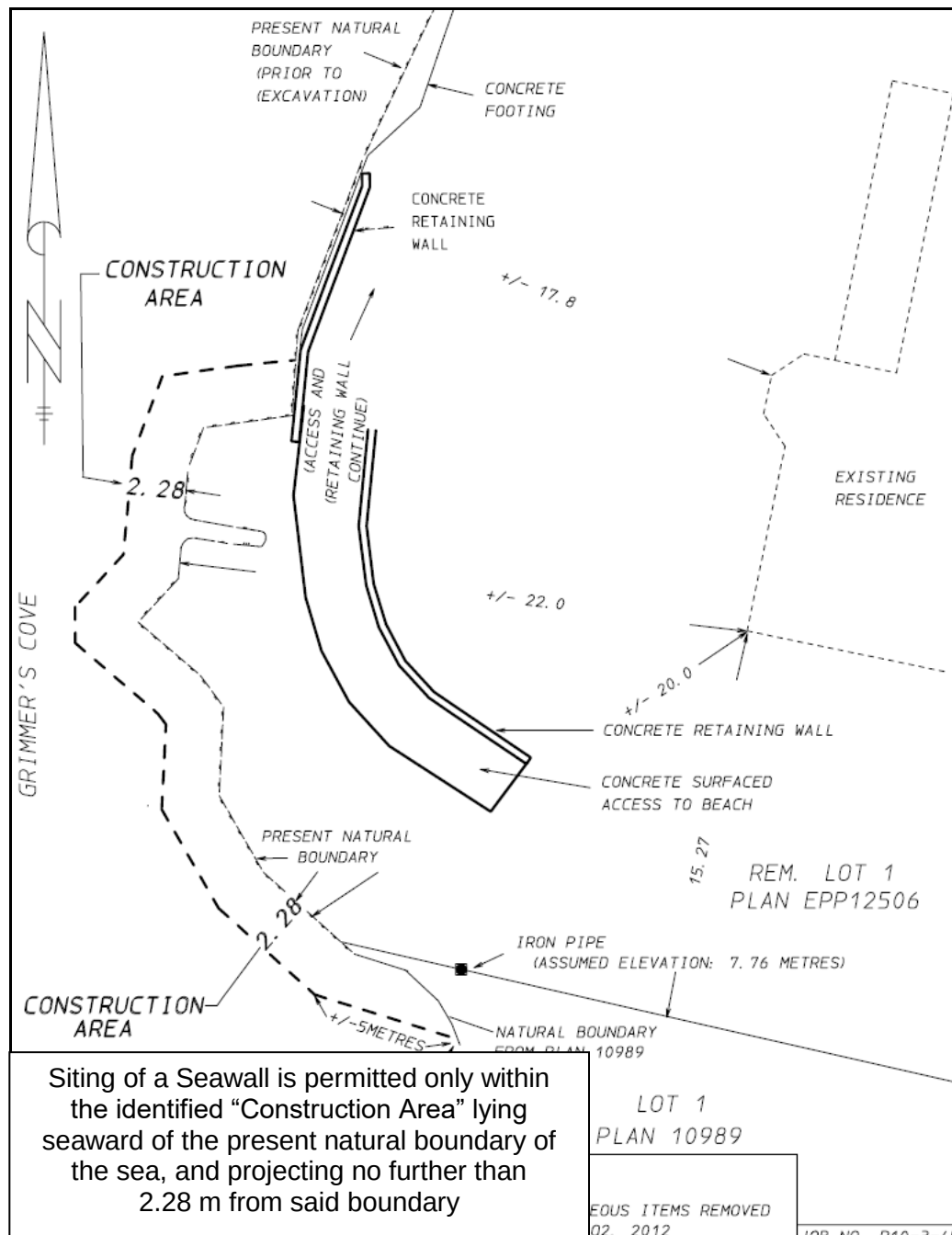
SCHEDULE C (BYLAW AREA MAP)



SCHEDULE D (Detailed Plans – R(b) Siting Plan)



SCHEDULE E (Detailed Plans – W3(a) Sewall Plan)



191

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 229

A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW NO. 224, 2022

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022”.

2. North Pender Island Local Trust Committee Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022,” is amended as follows:

2.1 Schedule “B” – Zoning Map, is amended by changing the zoning classification of:

- (1) a portion of Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806 from Rural (R) to General Industrial (GI(e));
- (2) Lot 1, Section 23, Pender Island, Cowichan District, Plan 3658 from Commercial 1a (C1(a)) to Rural Residential 2 (RR2);
- (3) Lot 1, Section 23, Pender Island, Cowichan District, Plan VIP73194 from Commercial 1a (C1(a)) to Rural Residential 2 (RR2);
- (4) a portion of Lot 1, Sections 10 and 15, Pender Island, Cowichan District, Plan VIP59811 from Commercial 2f (C2(f)) to Rental Housing (RH); and
- (5) a portion of land northeast of Magic Lake from Rural Residential 1 (RR1) to Community Park 2 (CP2),

as shown on Plan Nos. 1, 2 3, and 4 attached to and forming part of this bylaw, and by making such alterations to Schedule “B” to Bylaw No. 224 as are required to effect these changes.

2.2 By adding the word “Agriculture” to Article 5.2(1)(c).

2.3 By adding the following a new site specific regulation to Table 5.10 in Subsection 5.10(12):

	Table 5.10		
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations

5	Gl(e)	Portion of Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806	Despite Subsection 5.10(1), the only uses permitted in this location are: (a) <i>waste transfer facility</i> ; (b) commercial composting; (c) commercial recycling; and (d) Accessory storage of a maximum of five (5) motorized or non-motorized trucks; and five (5) construction containers.
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2.4 By adding the following to Section 5.13 'Rental Housing (RH) Zone':

"Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:

- (a) *Multi-family rental dwelling*; and,
- (b) *Accessory uses, buildings and structures*.

Density

- (2) There may not be more than 16 *multiple-family rental dwelling units* per lot.

Siting and Size

- (3) No *building or structure* may exceed 9.7 metres in *height*.
- (4) The minimum *setback* for any *building or structure* shall be:
 - (a) 7.6 metres from any front or rear *lot line*;
 - (b) 3.0 metres from any interior side *lot line*; and,
 - (c) 4.5 metres from any exterior side *lot line*.
- (5) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.13(4) must be increased by 3 metres.
- (6) *Lot coverage* may not exceed 25 percent.
- (7) The maximum *floor area* of a *multiple-family rental dwelling unit* must not exceed 93 m².

Conditions of Use

- (8) Every external storage area must be screened from view by a *landscape screen* complying with Subsection 3.9(1).
- (9) Every *multi-family rental dwelling* must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2)

Subdivision Lot Area Requirements

- (10) No *lot* having an area less than 1.2 hectares may be created by subdivision in the Rental Housing Zone.”

- 2.5 By adding the following new article to Section 5.25 ‘Water 6 (W6) Zone’ and renumbering accordingly:

“5.25(1)(c) Community dock accessory to the upland community park use.”

- 2.6 By adding the following new subsection after Subsection 5.25(2) under the heading ‘Density’:

“(3) A maximum of one (1) community dock is permitted in the Water 6 Zone.”

3. SEVERABILITY

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

READ A FIRST TIME THIS 26TH DAY OF MAY 2022.

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ 20____

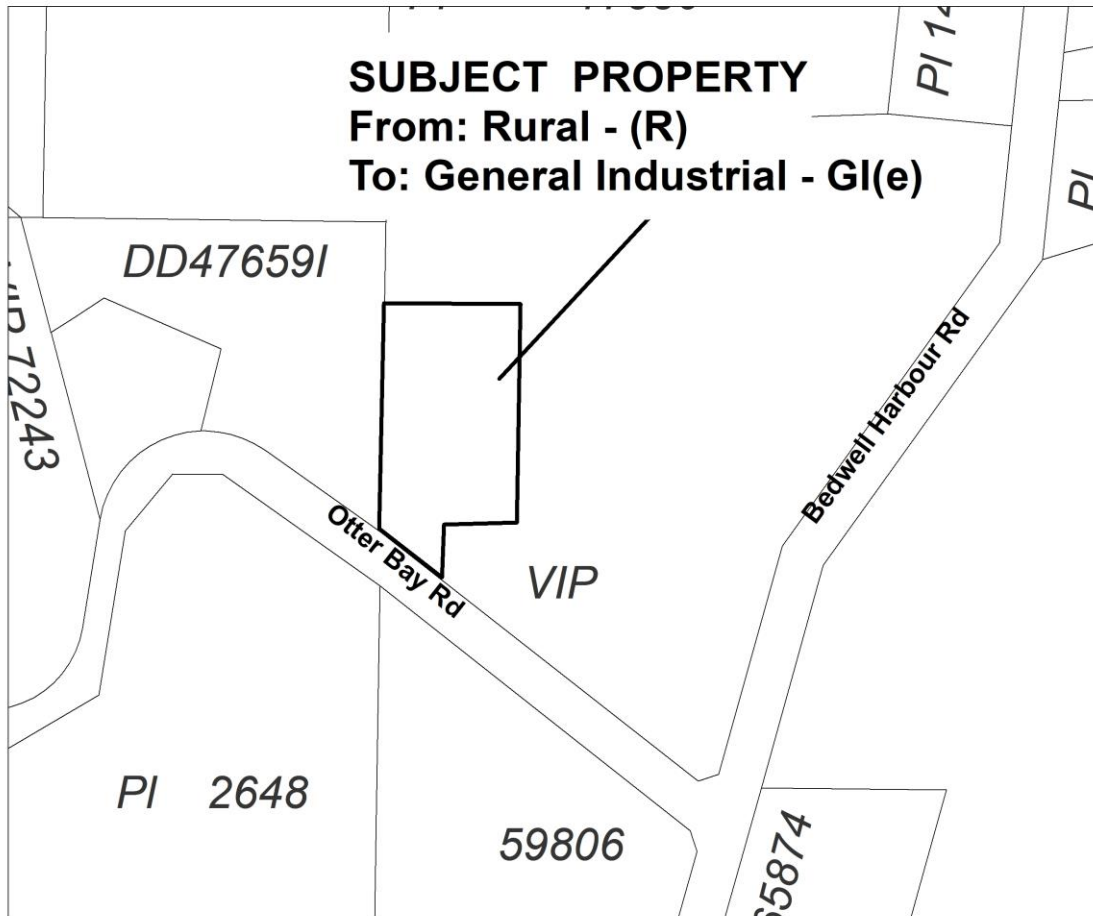
ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

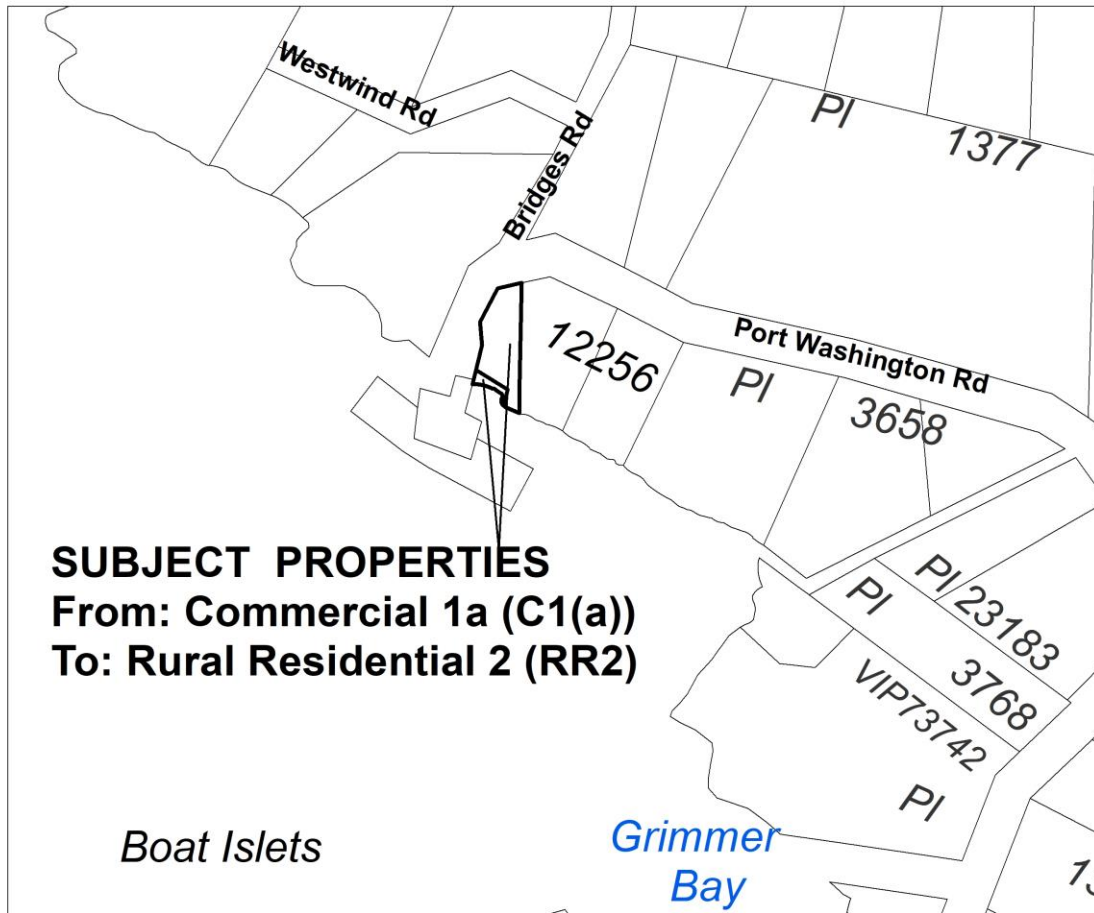
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229

Plan No. 1



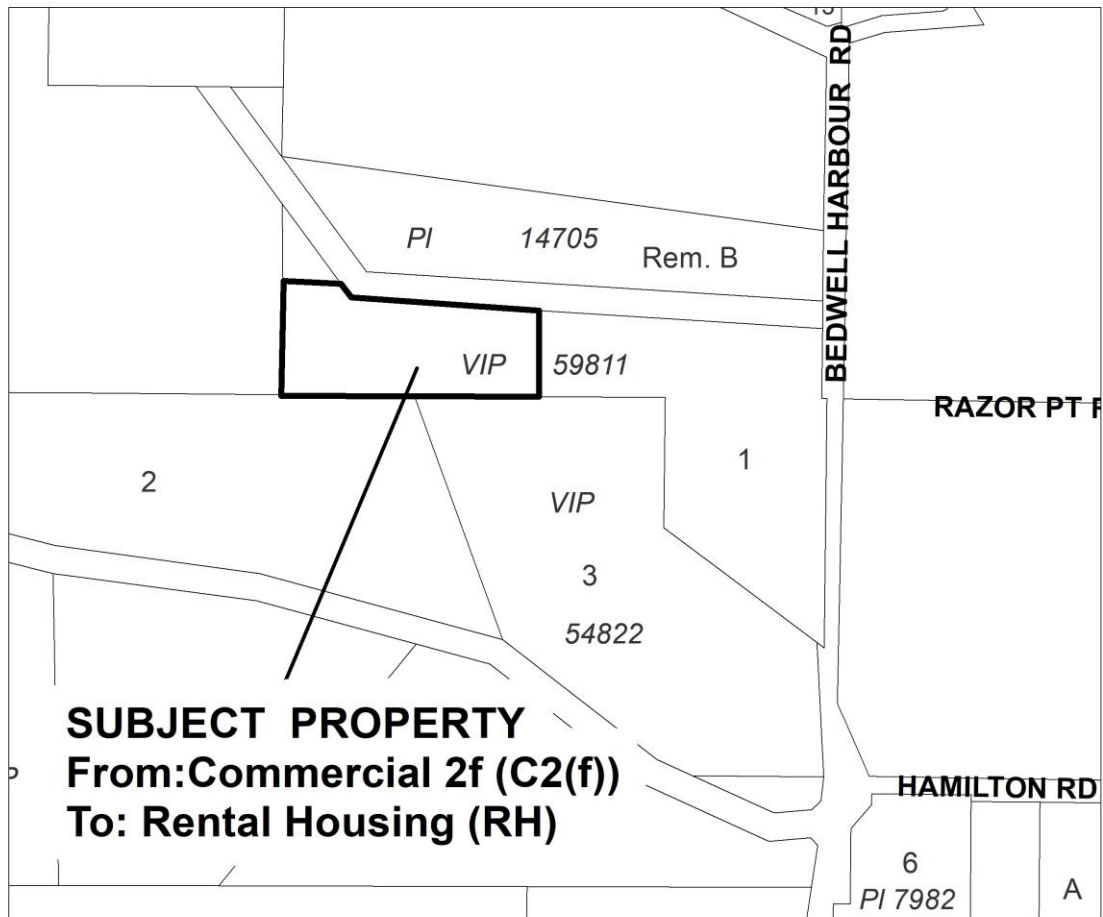
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229

Plan No. 2



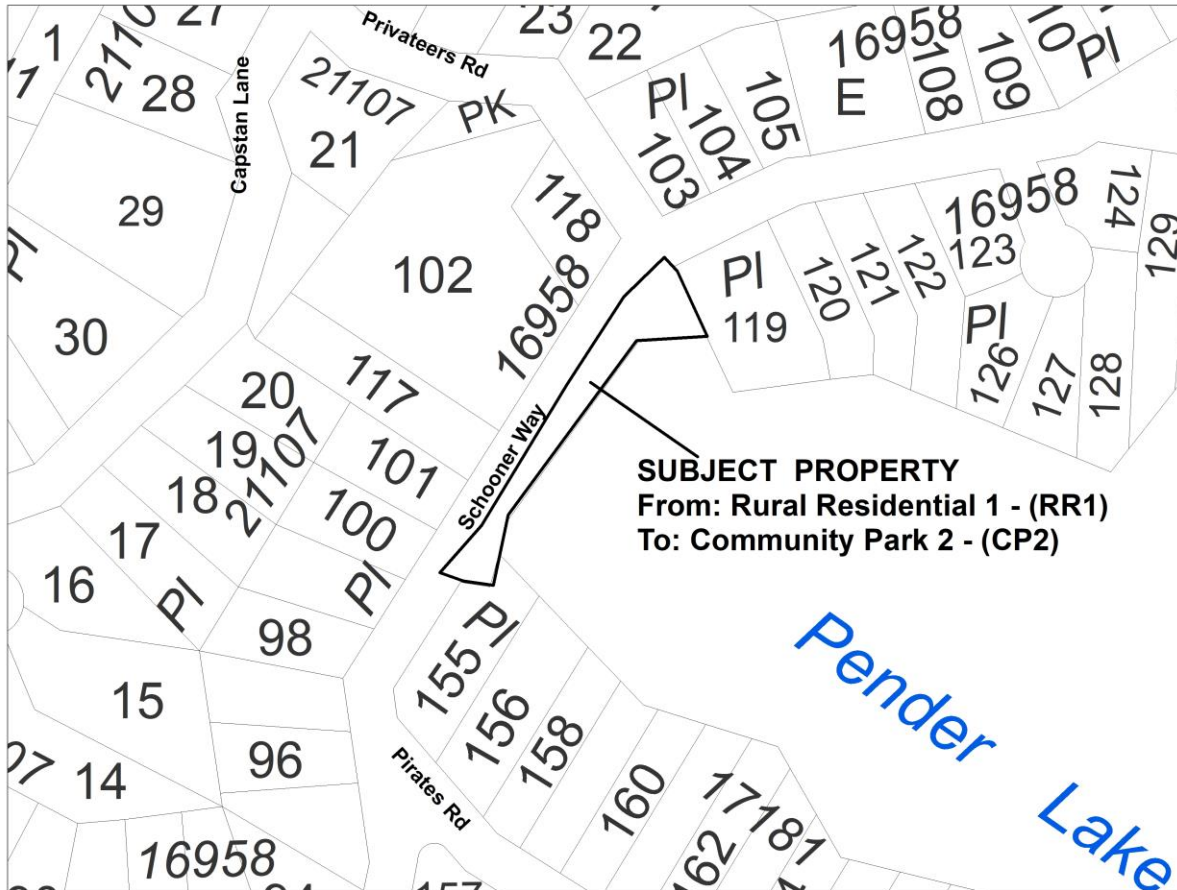
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229

Plan No. 3



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229

Plan No. 4



Top Priorities Report

North Pender Island

2. Groundwater Sustainability Project

Phase 1 and 2: Groundwater Sustainability Mapping Project (2019-2020) - COMPLETED

Narrisa Chadwick
William Shulba

Rec'd: 29-Nov-2018
Target: 30-Sep-2022

Phase 3: Groundwater Mapping Implementation - ON-GOING

3. LUB Review Project

Project is in the community consultation phase. Recommendations for a draft bylaw will be considered by the LTC in late 2021.

Kim Stockdill

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

4. Soil bylaw

To consider a soil deposit and removal bylaw

Robert Kojima

Rec'd: 25-Mar-2021
Target: 29-Jul-2022

Projects Report

North Pender Island

1. *Coastal Douglas Fir Ecosystem*

Responsible

Date Received

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

01-Feb-2019

2. *Soil Removal and Deposit Bylaw*

Responsible

Date Received

To investigate adopting a soil removal and deposit bylaw

02-Jul-2020

3. *Raptors Nests*

Responsible

Date Received

To update the raptor nests mapping.

27-Jan-2022

4. *Affordable Housing Options*

Responsible

Date Received

A project to review Pender Island based affordable housing options.

24-Mar-2022

5. *Accessory Dwelling Units*

Responsible

Date Received

Review options for accessory dwelling units on North Pender.

26-May-2022



Applications

Development Permit

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

Planning Status

Status Date: 17-May-2021

Associated Subdivision (2017.3) is nearing completion. Applicants will be initiating work on form and character DP

Status Date: 13-May-2020

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

Status Date: 06-Jun-2018

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

File Number	Applicant Name	Date Received	Purpose
NP-DP-2022.2	Funk, Dayton	02-May-2022	Development Permit

Planner: Phil Testemale

Planning Status

Status Date: 12-May-2022

Dayton called this morning and advised us that the Biology Report will be coming shortly. Once we receive the report, it will be saved in the EDM folder for Phil's review.

Status Date: 05-May-2022

Received good site plans from applicant.

Status Date: 05-May-2022

Robert K. assigned file to Phil.



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2022.3	Advantec Global	14-Jun-2022	Development Permit

Planner: Phil Testemale

Planning Status

Status Date: 20-Jun-2022

Robert K. assigned file to Phil.

Status Date: 20-Jun-2022

North Pender Application Package created.

Status Date: 20-Jun-2022

LTC package sent to North Pender LTC, Robin, Jas and Phil. Advised North Pender LTC that the assigned planner is Planner Phil Testemale.

Rezoning

File Number	Applicant Name	Date Received	Purpose
NP-RZ-2022.1	Sidney Island Strata Corporation	23-Mar-2022	Application to amendment Bylaw #148 to permit an expanded use of recreational vehicles and accessory buildings on Sidney Island.

Planner: Robert Kojima

Planning Status

Status Date: 20-Jul-2022

Applicant response, confirming AGM support for rezoning and direction to work with staff on specifics of application

Status Date: 17-Jun-2022

Applicant meeting - applicant to take several questions back to strata to resolve

Status Date: 19-May-2022

Meeting set up with applicant following May 28th AGM



Applications

Subdivision

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

Planner: Kim Stockdill

Planning Status

Status Date: 04-May-2021

PLR request received. Extension for one year granted by MOTI.

Status Date: 08-Mar-2021

PLA extension request received. Replied with no objections.

Status Date: 02-Jul-2020

Access road construction plans submitted for information.

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

Planner: Phil Testemale

Planning Status

Status Date: 20-May-2021

Awaiting easements (water) and final subdivision plan to complete.

Status Date: 09-Sep-2020

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

Status Date: 05-Aug-2020

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



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2020.1	BRADFORD & MILLIKEN	05-Mar-2020	1610 Schooner Way - A subdivision referral for two lot boundary adjustment. MoTI file #: 2020-00549

Planner: Phil Testemale

Planning Status

Status Date: 02-Apr-2021

PLR from MoTI rec'd. Applicants reviewing options.

Status Date: 17-Mar-2021

Combined DVP/DP required.

Status Date: 05-Feb-2021

Review Response sent to MoTI.

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

Planner: Phil Testemale

Planning Status

Status Date: 18-Mar-2021

VIHA Letter rec'd - Condition 6 MoTI requiring verification of septic fields

Status Date: 17-Mar-2021

DVP req'd

Status Date: 09-Mar-2021

PLR rec'd

Islands Trust
LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending May 2022

650 North Pender	Invoices posted to Month ending May 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	460.00	0.00	460.00
LTC Local				
65050-650	LTC "Executive Expense on LTC's"	1,226.00	0.00	1,226.00
65200-650	LTC - Local Exp - LTC Meeting Expenses	3,123.00	0.00	3,123.00
65210-650	LTC - Local Exp - APC Meeting Expenses	399.00	0.00	399.00
65220-650	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-650	LTC - Local Exp - Special Projects	280.00	0.00	280.00
TOTAL LTC Local Expense		<u>5,278.00</u>	<u>0.00</u>	<u>5,278.00</u>
Projects				
73001-650-2006	North Pender OCP/LUB	2,000.00	0.00	2,000.00
73001-650-4115	North Pender Groundwater Strategy Implementation	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>4,000.00</u>	<u>0.00</u>	<u>4,000.00</u>



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2022-002 (Standing)	Carried	27-Jan-2022
that the North Pender Island Local Trust Committee direct bylaw staff to defer enforcement on unlawful dwellings, except in the following circumstances: a. There are concerns regarding health and safety; b. There are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are beings used in excess of capacity or ability as a result of unlawful dwellings; c. There are concerns of possible contamination of wells or other drinking water sources; d. Unlawful dwellings are in environmentally sensitive areas; e. There are non-permitted campgrounds; and f. That the North Pender Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of the neighbouring residents or the residents on the property subject to enforcement.		
2020-026 (Standing)	Carried	21-May-2020
that the North Pender Local Trust Committee direct bylaw enforcement to not enforce on restaurants or liquor primary establishments setting up temporary structures within their respective lots contrary to parking regulations and existing development permits while Covid-19 restrictions limiting seating capacity and occupancy are in place and subject establishments receiving required provincial approvals such as from the Liquor and Cannabis Regulation Branch and establishments following relevant provincial protocols.		
2020-012 (Standing)	Carried	19-Jun-2020
That the North Pender Island Local Trust Committee has no objection to Liquor and Cannabis Regulation Branch issuance of Temporary Expanded Service Area Authorizations for liquor primary and manufacturer licensees within the North Pender Island Local Trust Area.		



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2020-011 (Standing) That given the COVID-19 pandemic and the declaration of a state of emergency throughout the Province of British Columbia, the North Pender Island Local Trust Committee directs that bylaw enforcement action be deferred in the following circumstances: 1. A commercial use operating in a residential zones, provided that the use: a. was lawfully operating within the local trust area prior to the declaration of the state of emergency; b. has been forced to vacate lawfully zoned premises as the result of COVID-19 related orders, guidance or effects; c. is currently operating from premises where the principal residence of the owner or operator of the commercial use is located; d. is complying with the home business regulations (Section 3.5) of the Land Use Bylaw other than: i. being a prohibited use under subsection 3.5.3 and; ii. may be conducted outside of a permitted building (subsection 3.5.1), provided it is not operated within a setback area; and e. is complying with health or provincial requirements. 2. Upon the lifting of the state of emergency, deferred enforcement action may be commenced, but owners or operators should be provided with a reasonable time to comply.	Carried	04-Jun-2020
2020-010 (Standing) that the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and staff are directed to continue with enforcement until the use is ceased. b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease. c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee, bylaw enforcement actions, including the issuing of notices will continue d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.	Carried	30-Jan-2020



Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-074 (Standing) that the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.	Carried	04-Jul-2019
2019-072 (Standing) that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.	Carried	04-Jul-2019
2019-061 (Standing) that the North Pender Local Trust Community refer Short Term Vacation Rental Temporary Use Permits in the Magic Lake sewer catchment to the Magic Lake Sewer and Water Committee to confirm infrastructure capacity.	Carried	30-May-2019
2019-030 (Standing) that the North Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.	Carried	28-Feb-2019



Standing Resolutions Log

North Pender Island

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

Standing Resolutions Log

North Pender Island

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



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MAY 24, 2022 BOARD MEETING (OPEN PORTION)

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- The Islands Trust Conservancy (ITC) continues to have a vacancy for one Ministerial appointment to the ITC Board. The [Crown Agencies and Board Resourcing Office](#) is responsible for posting the position.
- ITC Board welcomed Aislyn King as the summer Co-op Student to the ITC team. She will be working as the GIS & Conservation Technician over the summer.
- ITC Board received verbal updates from the ITC Chair and Vice Chair about the Islands Trust Governance Review, the final 2022/23 Islands Trust Budget and the Policy Statement Review Process.
- ITC Board approved audited financial statements for 2021/22.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Manager presented the request for decision regarding the ITC Plan Review to Board members, advising the plan will have a shorter timeline than previous plans (three years instead of five years), and noted the timelines for internal and First Nations referrals processes. The intent is to move towards a more robust engagement of First Nations over the next two to three years in preparation for the next ITC Plan. ITC Board approved the draft ITC Three-Year Plan and directed staff to refer it to local trust committees, the Bowen Island Municipality, Trust Council and First Nations and to bring a final draft to the Board for approval at its November 2022 meeting.
- ITC Board directed staff to prepare a Project Charter for the next ITC Five-Year Plan (2026-2030) with an emphasis on First Nations engagement.
- ITC Board provided input for the draft, July 13, 2022, ITC/Executive Committee liaison meeting. The liaison meeting provides an opportunity for ITC to liaise with Executive Committee regarding overlapping Trust Council and ITC work priorities.
- ITC Board reviewed correspondence received since the last meeting.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Manager presented the Sandy Beach Nature Reserve Management Plan to Board members. Board members discussed adding climate solutions to future management plans including planting of niche species adaptive to climate change. Staff noted that the current



Climate Change Project is examining mitigation and adaptation actions for ITC managed lands. ITC Board approved the plan as amended.

4. COVENANT AND PROPERTY MANAGEMENT

- ITC Board discussed the referral of Proposed Bylaw 526 - Farm Housing Project (Salt Spring). ITC Board recommended approval of Salt Spring Island Local Trust Committee Bylaw 526, subject to the following conditions:
 - Increase of setbacks for any new uses from all lot lines adjacent to the McFadden Creek Nature Sanctuary of 200m, due to potential heron nesting areas (a blue listed species at risk); and
 - Increase of setbacks for any new uses from all lot lines adjacent to other ITC conservation areas to 30 m.

ITC Board also requested the Salt Spring Island Local Trust Committee consider the development of other protections for conservation areas on Salt Spring Island, such as:

- Restrictions on timing of construction to September 15 – January 15 for lots adjacent to ITC and other conservation areas;
- Implementation of erosion controls and soil compaction controls during construction for lots adjacent to ITC and other conservation areas; and
- Increase of setbacks for all lots adjacent to and/or near sensitive ecosystems.
- ITC Board approved placement of a Memorial Bench in the McRae NAPTEP Covenant (Gabriola) noting the bench is in memory of the late Stanley and Maxine McRae..
- ITC Board received a Fallow Deer briefing for Mayne Island and passed a resolution encouraging Trust Council to strongly advocate to the Province for the implementation of sustained, evidence based solutions to invasive Fallow Deer populations on Mayne Island, as requested by the Mayne Island Conservancy Society, to prevent Fallow Deer invasions to other islands.

5. COMMUNICATIONS AND OUTREACH

- ITC Board were presented with the draft 2021/22 Annual Report for approval. Minor edits were noted and the text was approved (as amended) for approval by Trust Council. Communications Specialist noted that this Annual Report was designed to compliment the ITC [Impact Report](#) that is now available on the website.
- The Species at Risk Coordinator briefed Board members on the results of the Gathering for Species at Risk workshop (held March 17, 2022) and [highlighted outcomes of workshop](#).
- The ITC Ecosystem Protection Specialist briefed Board members on the recent Bull Kelp polygon mapping. The [mapping has been uploaded into Map IT and TAPIS mapping](#).

6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC Board approved the following Opportunity Fund Grants:



ISLANDS TRUST CONSERVANCY

ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

- \$6,000 to Gabriola Land and Trails Trust in support of their Nature Stewards program;
 - \$4,950 to the Galiano Conservancy Association for items noted in their application;
 - \$5,000 to help Raincoast Conservation Foundation and the Pender Islands Conservancy Association protect 18 hectares (44.5 acres) of land known as KELÁ_EKE Kingfisher Forest on North Pender Island. Thanks to the generosity of an anonymous donor and the Sitka Foundation this donation will be matched, making it a \$10,000 contribution towards the protection of this forest. See our [News Release for further details](#).
- ITC Board received a Species at Risk Program update, including information about extension of funding from Environment and Climate Change Canada. ITC Board directed staff to draft and sign an amended contribution agreement with Environment and Climate Change Canada (ECCC), extending the existing Species at Risk Program funding until March 31, 2026, including a budget increase for the 2022/23 fiscal year of \$25,000 and the addition of \$220,000/year in funding for the next three fiscal years (2023/24 through 2025/26).

To find out more about Islands Trust Conservancy and our current goals, to donate to our Opportunity Fund, or to subscribe to email updates, visit our website: <https://islandstrust.bc.ca/conservancy/>

Shortcuts of interest:

- **Goals:** <https://islandstrust.bc.ca/conservancy/conservation-planning/>
- **Opportunity Fund:** (context) <https://islandstrust.bc.ca/conservancy/supporting-local-conservancies/opportunity-fund-grants/> ; (to donate online) <https://islandstrust.bc.ca/donate-to-conservancy/>
- **Request key updates via email:** <https://islandstrust.bc.ca/subscribe/> (NB: by scrolling down, you may also add your home address for a free hardcopy of the Heron newsletter, published three times per year)



File No.: 12-14-6500-20
Permit Delegation

DATE OF MEETING: August 11, 2022
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Kim Stockdill, Island Planner
Phil Testemale, Planner 2
SUBJECT: Delegation of Development Permits

RECOMMENDATION

1. That the North Pender Island Local Trust Committee request staff to prepare a bylaw that would delegate the issuance of development permits to staff for the following development permit areas:
 - a) North Pender Island OCP Bylaw No. 171, 2007, Development Permit Areas One through Six (Sensitive Ecosystems), Seven (Raptor Nests) and 10 (Riparian and Aquatic)
 - b) North Pender Associated Islands OCP Bylaw No. 147, 2002, Shoreline, Sidney Island Geotechnical and Sidney Island Shoreline Development Permit Areas

REPORT SUMMARY

Local trust committees now have the authority to delegate issuance of development permits (DP) to staff. In June, Trust Council adopted a policy (attached) that provides guidance to local trust committees and staff in considering adopting a delegation bylaw and also requested that local trust committees consider adoption of delegation bylaws. This report reviews the North Pender Island Local Trust Committee development permit areas (DPA) based on the Trust Council policy criteria, and recommends that the LTC consider a bylaw to delegate issuance of certain development permits to staff.

BACKGROUND

Following requests to the Minister from Trust Council, recent amendments to the *Islands Trust Regulation* by the Minister have empowered local trust committees to delegate the issuance of development permits to staff. This authority has long been provided to other local governments in British Columbia, and was also a recommendation of the recent governance review and of previous Local Planning Services reviews. Delegation of the issuance of development permits to staff would be expected to improve efficiency, reduce the size of LTC agendas, reduce staff time spent on development permit applications, reduce processing times, and provide greater certainty for applicants.

Approval or refusal is based on adherence to guidelines, and supporting information in the form of reports can be required by bylaw. However, not all development permit areas may be suitable for delegation. The Trust Council policy provides criteria for the consideration of delegation by local trust committees, as well as policies directing staff in the implementation of delegation, and this report provides a review of the LTC's DPA based on the criteria in the policy and makes recommendations as to which DPA meet the criteria for consideration of

delegation. The policy also states that staff should prioritize delegation bylaws for LTCs that would support delegation of DPs to staff. If the LTC does not support delegation, the LTC should proceed no further and staff will focus on those LTCs that support delegation (see alternative 2 below for resolution wording).

Analysis

Staff have reviewed the LTC's DPA provisions, along with the recent history of applications, based on the policy criteria.

1. Volume of applications:

- a. 35 DP applications have been received over the past five years, this is second only to Salt Spring in terms of the number of DP applications, and approximately twice the number of DVPs received for North Pender in the same period. These are broken down by DPA as follows:

Development Permit Area	Number of applications (2017 – 22)
DPA 1 – 6 (Sensitive Ecosystems)	12
DPA 7 (Raptor Nests)	1
DPA 9 (Form and Character)	3
DPA 10 (Riparian and Aquatic)	9
NP Associated Islands DPAs	
Shoreline	1
Sidney Island Geo-tech	9
Sidney Island Shoreline	

The overwhelming majority of DP applications are for Environmental DPA (including RAR) and for the geo-technical hazard area on Sidney Island.

- b. Processing time for applications has generally been between 4 and 12 weeks, from the moment a complete application is received until it can be first considered by the LTC (where applications take longer than this is where applicants have not provided reports, the application changes mid-stream, or the application is dependent upon another approval). The longer processing times are generally when the timing of the application doesn't align with LTC meetings, when new information is received, or when there are particularly high volumes and/or staff shortages. Consequently, delegating DPs would be expected to reduce processing times by eliminating the need for applications to be advanced to LTC agendas, and thus also eliminating the need to prepare staff reports for the LTC.

2. Date of adoption of Development Permit Areas:

- a. DPA 1 through 6 and DPA 8 and DPA 9 were all adopted in 2008 as part of the current OCP. Although drafted a decade and half ago, these guidelines would still be considered current
- b. DPA 10 (Riparian and Aquatic) was adopted in 2011 in order to implement the Riparian Areas Regulation. This DPA remains consistent with provincial requirements.
- c. Associated Islands Shoreline DPA was adopted in 2003, and would still be considered current. The Sidney Island Shoreline and Geotechnical DPA were adopted in 2013.

3. Development Approval Information Bylaw: There is a Development Approval Information Bylaw that establishes specific requirements for all DPA except the commercial and industrial form and character DPA (DPA 9).

4. Professional Reports: Professional reports are required for all DPA except DPA 9 (Form and Character).
5. Assessment of Guidelines: The Environmental, RAR and Geo-technical DPA provisions have proven to be comprehensive, effective and objective. Staff have long used checklists to assess compliance with the guidelines, checklists are also provided to professionals to assist in addressing each relevant guideline in their reports. The guidelines for the Form and Character DPA are more subjective, design oriented and while comprehensive, tend to call for an interpretation of the guidelines rather than based on professional recommendations.

Summary: staff consider that the issuance of DPs for the Environmental and Geotechnical Hazard DPA can be delegated to staff, the guidelines are comprehensive and relatively objective, staff have long been assessing compliance with guidelines against professional reports, and incorporating professionals' recommendations into DP conditions. However, applications for the Commercial and Industrial Form and Character DPA should continue to be considered by the LTC; while the guidelines are comprehensive, the more subjective interpretation of design-based guidelines, along with the sometimes high profile nature of these DPs, make staff reluctant to recommend delegation. Form and character DP applications have made up less than 10% of DP applications over the last 5 years.

Timeline

A delegation bylaw is an administrative bylaw, requiring three readings, Executive Committee approval, and adoption by the LTC. If the LTC gives direction to proceed with a delegation bylaw staff will bring a draft bylaw, based on the model bylaw endorsed by Trust Council, to the next LTC meeting with a recommendation to give three readings and refer it to EC. If approved by the EC the LTC could adopt the bylaw at a subsequent meeting or by RWM.

Rationale for Recommendation

Trust Council has adopted a policy for delegation of development permits to staff and has requested LTCs consider adopting delegation bylaws. Delegation of DPs has been recommended in the governance review. Staff has prioritized the North Pender LTC's DPA for review and consideration of delegation based on the high volume of applications and has assessed the DPAs to be appropriate for delegation with the exception of form and character DPs.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If the LTC requests information which requires a significant amount of staff time in analysis or community consultation, the bylaw should be added to the LTC's work program. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that staff report back to the LTC with the following information: .

2. Proceed no further

If the LTC does not support delegation of DPs, either in principle or based on a consideration of the DPA provisions, the LTC should resolve to proceed no further. If the decision is based on DPA being considered out of date or in need of review, the resolution could specify proceeding no further until such time as the DPA(s) in question have been reviewed and updated.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee proceed no further with consideration of the delegation of the issuance of development permits to staff.

3. Defer Consideration

The LTC may defer consideration, effectively directing that delegation be considered in the next term of the LTC.

That the North Pender Island Local Trust Committee defer consideration of the delegation of the issuance of development permits to staff and request that staff bring the report back to an agenda in the new term.

NEXT STEPS

If direction to proceed is given, staff will prepare the draft delegation bylaw for consideration of three readings.

Submitted By:	Robert Kojima, Regional Planning Manager	July 21, 2022
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ATTACHMENTS

1. Trust Council Policy – Delegation of Land Use Permits



Policy:	
Approved By:	
Approval Date:	
Amendment Date(s):	
Policy Holder:	Director of Local Planning Services

Delegation of Land Use Permits

Purpose

To provide policy for local trust committee consideration of the delegation of the power to issue certain land use permits to staff

Principles

1. Local trust committee delegation of the issuance of development permits to staff is intended to improve overall efficiency, reduce the number of items on local trust committee agendas and streamline processing of permits.
2. Delegation may be warranted as the scope of determining the approval or refusal of permits is determined by consistency with guidelines adopted by local trust committees.
3. Delegation of the power to issue development permits to staff has been recommended by external reviews, and amendments to the *Islands Trust Regulation* now provide local trust committees with the authority to delegate the issuance of development permits to staff.
4. The delegation of the issuance of development permits to staff by local trust committees should only be implemented where development permit area provisions are consistent with the criteria outlined in this policy.
5. The delegation of the power to issue minor development variance permits to staff may be considered by future amendment of this policy and amendment of delegation bylaws.

A. Definitions

B. Policy

1. Delegation by Bylaw

1.1 Delegation of the power to issue development permits may only be implemented by the adoption of a delegation bylaw by a local trust committee.

1.2 Delegation bylaws adopted by local trust committees should be substantially consistent with the bylaw template attached to this policy.

1.3 A delegation bylaw should only delegate the power to issue permits to staff for development permit areas (DPA) that meet the criteria outlined in this policy.

- 1.4 A delegation bylaw should only delegate the authority to issue permits to the Director and in his or her absence to Regional Planning Managers.
 - 1.5 The staff person reviewing the application shall not also approve or refuse the permit.
 - 1.6 A delegation bylaw should not delegate authority to issue form and character development permits except where a local trust committee considers the guidelines to be sufficiently objective.
 - 1.7 A delegation bylaw should not delegate permits requiring variances unless the local trust committee has also delegated the issuance of minor development variance permits to staff.
 - 1.8 The bylaw must include the opportunity for the owner of the land subject to the decision to have the local trust committee reconsider the decision.
- 2 Local trust committees should only consider delegation of issuance of permits to staff for development permit areas that meet the following criteria:
 - 2.1 The development permit area provisions are relatively current.
 - 2.2 A development approval information bylaw has been adopted, or the application requirements are equivalent (e.g. a DPA enacted consistent with the *Riparian Area Protection Regulation* or geo-technical hazard area DPA).
 - 2.3 Professional reports can be required to provide an assessment of impacts and to recommend measures that can be included as conditions of a permit.
 - 2.4 Guidelines have been assessed by staff to be relatively thorough, clear, current and certain.
- 3 Local Planning Services staff should prioritize drafting of delegation bylaws for:
 - 3.1 Local trust committees that have indicated support for delegation.
 - 3.2 Local trust committees that receive higher volumes of permit applications.
- 4 Local Planning Services shall implement the following procedures where delegation has been authorized by a local trust committee bylaw:
 - 4.1 Checklists for compliance or non-compliance with guidelines for each DPA shall be prepared prior to implementing delegation.
 - 4.2 The local trust committee shall be provided with a copy of permit applications and copied on the decision to issue or to refuse a permit.

- 4.3 Where the planner reviewing the application determines that the application does not comply with one or more of the guidelines, applicants shall be provided with advice as to why the application does not comply and shall be given the opportunity to revise the application before a decision to issue or refuse the application is made.
- 4.4 The planner reviewing an application shall provide the checklist, draft permit and a written recommendation with reasons to the Director or Regional Planning Manager prior to the delegate making a decision to approve or refuse issuance of a permit.
- 4.5 Where the Director or Regional Planning Manager determines that an application is contrary to one or more of the guidelines, the application shall be refused unless the delegate is satisfied that the permit would be consistent with the overall objectives of the development permit area, that the non-compliance is minor, and that compliance with the guideline would result in the application being contrary to other, more relevant guidelines.
- 4.6 If issuance of a permit is refused, the owner of the subject property shall be provided written reasons for the refusal and informed of the opportunity to request a reconsideration by the local trust committee.
- 4.7 The Director may recommend that an applicant for a refused permit apply for reconsideration by the local trust committee.
- 4.8 Procedures for reconsideration, consistent with the bylaw, shall be established by the Director.

C. Legislated References

Local Government Act sections 229 [delegation of authority], 230 [bylaw required for delegation], 232 [reconsideration of delegate's decision] 490(5) [development permits: general authority] and 498.1 [delegation of power to issue development variance permit].

BC Reg 119/90 as amended by *B.C. Reg 275/21* [delegation of authority]

D. Attachments:

a. Delegation Bylaw Template

ATTACHMENT A
Delegation Bylaw Template