



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: October 27, 2022
Time: 10:00 am
Location: Electronic Meeting

			Pages
1.	CALL TO ORDER	10:00 AM - 10:00 AM	
2.	APPROVAL OF AGENDA	10:00 AM - 10:05 AM	
3.	TRUSTEE REPORT	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 September 29, 2022 (for Adoption)		4 - 11
8.2.	Section 26 Resolutions-without-meeting Report - None		
8.3.	Advisory Planning Commission Minutes - None		
9.	BUSINESS ARISING FROM THE MINUTES		
9.1.	Follow-up Action List Dated Oct 2022		12 - 15
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 - 11:45 AM	

12.1.	Mayne Island Local Trust Committee Referral for Proposed Bylaws 181 and 183 (for response) (attached)	16 - 26
12.2.	NP-DVP-2022.1 (Regan) - Staff Report (attached)	27 - 45
12.3.	NP-TUP-2022.3 (Schrodt) - Staff Report (attached)	46 - 73
13.	LOCAL TRUST COMMITTEE PROJECTS	11:45 AM - 12:15 PM
13.1.	LUB Review Project – Staff Report (attached)	74 - 191
14.	REPORTS	12:15 PM - 12:25 PM
14.1.	Work Program Report (attached)	
14.1.1.	<u>Top Priorities Report Dated Oct 2022</u>	192 - 192
14.1.2.	<u>Projects List Report Dated Oct 2022</u>	193 - 194
14.2.	Applications Report Dated Oct 2022 (attached)	195 - 198
14.3.	Trustee and Local Expense Report Dated August 2022 (attached)	199 - 199
14.4.	Adopted Policies and Standing Resolutions (attached)	200 - 204
14.5.	Local Trust Committee Webpage	
14.6.	Islands Trust Conservancy Report - None	
15.	NEW BUSINESS	12:25 PM - 12:45 PM
15.1.	Resolution Wording - Staff Memo (attached)	205 - 206
16.	INFORMATION ITEMS	12:45 PM - 12:50 PM
16.1.	The Climate Projections Report for Islands Trust Area https://islandstrust.bc.ca/document/climate-projections-for-islands-trust-area/	
16.2.	Islands Trust Conservancy Current Campaigns https://islandstrust.bc.ca/conservancy/current-campaigns/	
16.3.	2022 Election Results Trust Council https://islandstrust.bc.ca/about-us/governance/2022-local-election/	
16.4.	Nov 2022 Islands Trust Council Quarterly Meeting Announced https://islandstrust.bc.ca/event/trust-council-quarterly/	
17.	UPCOMING MEETINGS	

17.1. Next Regular Meeting - to be determined

18. TOWN HALL 12:50 PM - 1:05 PM

19. CLOSED MEETING - None

20. ADJOURNMENT 1:05 PM - 1:05 PM



North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: September 29, 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 (Electronically)
Phil Testemale, Planner 2 (Electronically)
Pat Todd, Recorder

There were approximately seven (7) members of the public in attendance.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:00 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations and spoke to Friday being the National Day for Truth and Reconciliation.

2. APPROVAL OF AGENDA

Item 16 to be discussed after Item 4.

By general consent the agenda was adopted as amended.

3. TRUSTEE REPORT

Trustee McConchie expressed appreciation and thanks to Local Trust Committee (LTC), staff, everyone who participated and stated that this term has been rewarding, challenging and historical. He detailed a number of questions voters should ask candidates.

Trustee Morrison spoke in appreciation of the thoughtful discussions and that participants listen to each other. Noted the importance of being informed when voting. She encouraged attendance at the first Trust Council meeting as there will be discussion regarding the Trust Council Policy Statement.

4. CHAIR'S REPORT

Chair Patrick reported that Trust Council directed staff to review Trust Policy Statement: to clarify some terms, definitions, etc. The first Trust Council meeting will be November 17-19 and

will be an in-person meeting in Victoria. She spoke to enjoying the opportunity to get to know North Pender and to work with the Trustees.

5. TOWN HALL AND QUESTIONS

Dorothy Murdoch spoke to proposed changes for C2 zoning for rental housing and offered a number of suggestions. At the August Special Meeting maps had changed with no notification. Water from Driftwood Center identified as an issue with no consultation. She spoke against removing Tourist Accommodation and would request LTC reconsider and reinstate.

Joyce Thayer referred to a number of submissions she had made regarding Bylaw No. 103 and is asking LTC to add: definition of a farm and in 3.4.4 substitute word farm with agriculture. This would clarify farming not allowed on residential lands.

Michael Sketch raised 2 points:

1. LUB Project – policies missing in Official Community Plan (OCP). Need to check Trust Policy Statement is reflected in OCP. Asked if LTC will amend OCP which limits development in areas with water issues.
2. Project 7: Driftwood Area Plan – no resolution to support project.

Staff responded that new Trustees can modify/alter Projects List.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated August 11, 2022

By general consent the Local Trust Committee minutes of August 11, 2022 were adopted.

8.2 Local Trust Committee Special Meeting Minutes Dated August 13, 2022

By general consent the Local Trust Special Meeting minutes of August 13, 2022 were adopted.

8.3 Local Trust Committee Special Meeting Minutes Dated September 1, 2022

By general consent the Local Trust Special Meeting minutes of September 1, 2022 were adopted.

8.4 Section 26 Resolutions-without-meeting Report - None

8.5 Advisory Planning Commission Minutes – None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated Sept 2022

There was discussion to clarify actions for next LTC.

Regional Planning Manager (RPM) Kojima stated this could be reviewed at October meeting.

Suggested successful candidates be invited to attend next meeting.

10. DELEGATIONS

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

12.1 NP-DP-2022.3 (Little Shell Island)

Planner Testemale reviewed the application. The land is a significant First Nations historical site which is being compromised by erosion. He noted the reports and efforts taken to date by the owner and that all guidelines and conditions in the application have been met. The work has been initiated as there is urgency to protect the area before winter storm season as requested by the Tsawout First Nation. He added that LTC approval of application is retroactive – as staff was unable to add application until this meeting.

The applicant and consultant verified that work is progressing, revegetation will be with native plants and work to date satisfies the Development Permit.

Discussion:

- Concerns raised regarding retroactive approval;
- LTC should be notified immediately when First Nations are a party to an application in light of reconciliation efforts;
- Need to streamline process to protect Archaeological sites;
- Geotechnical and Environment Reports completed;
- If Delegation Bylaw had been in place, application could have been completed earlier;
- Critical to protect archaeological sites;
- Recognition of owner reaching out to First Nations;
- Construction design based on human and natural factors – boulder style sea wall; and
- Permit addresses need to maintain/repair with climate change impacts.

NP-2022-115

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2022.3 (Churchill-Brown).

CARRIED

The applicant expressed appreciation for support and assistance of Planner.

12.2 NP-RZ-2022.1 (Sidney Island)

RPM Kojima reviewed the application which is for an amendment to North Pender Associated Island Land Use Bylaw (LUB) regulations. Recommendation is to amend North Pender Associated Islands LUB to allow recreational vehicles for accommodation for a limited time period, to allow kitchens in hunters cabins/sleeping cabins and to increase maximum floor area for storage buildings.

Applicant (delegated by Stata) spoke to changes on island. Need for owners to spend time on property to determine best building site and to be able to stay on site while building. There are no visitor accommodations on the island. Recommendation is for alternate accommodation period to be 4 years.

RPM Kojima stated that as proposed there is no need to change OCP. The last review in 2013 included significant amendments for Sidney Island.

Discussion:

- Years ago owners tended to build large dwellings for families/visitors;
- Cottages have not been permitted – converted to dwellings;
- Most lots approximately 2 acres;
- Demographics of island have changed;
- Interest in smaller houses with bunkies;
- Consider aggregate square footage; and
- Stata Council can regulate usage.

NP-2022-116

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to prepare a draft bylaw to amend North Pender Associated Islands Bylaw No. 148, 2003, as it pertains to Sidney Island, to allow residential use of recreational vehicles for a limited period, to permit kitchens in existing hunters' cabins, and to amend the maximum floor area of permitted storage buildings.

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

Trustee Morison raised the question of LUB Review Project on next agenda.

RGM Kojima stated report from Planner Stockdill can be revised and added to agenda for October 27.

Discussion:

- C2 Zoning Driftwood – go forward for next LTC;
- Planner to include in Oct. 27 Staff Report – comments regarding residential lighting; and
- Report circulated potentially 2 weeks prior to meeting; on website and posted 1 week ahead of meeting to allow time for review.

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated Sept 2022

Discussion regarding Groundwater Project

- Staff to ensure website is up to date;
- Page with maps difficult to find;
- Simplify access;
- Suggest reference as Fresh Water; and
- Links to Freshwater Sustainability Page.

14.1.2 Projects List Report Dated Sept 2022

Item 7 – Driftwood Area Plan

Discussion:

- Concept project;
- Focus should be on neighbourhood – policies for area;
- Could stand alone or be incorporated with OCP;
- Conversation was for a transportation corridor not just Driftwood Centre; and
- Suggest change to Port Browning/Driftwood Centre Corridor.

NP-2022-117

It was Moved and Seconded,

that the North Pender Local Trust Committee request staff to rename Project 7 to “Browning to Driftwood Corridor Plan” and text to reflect changes.

CARRIED

14.2 Applications Report Dated Sept 2022

NP-DP-2018.5 - It was noted that to date there has been no information received from Nu to Yu.

Staff patience with application is appreciated.

14.3 Trustee and Local Expense Report Dated July 2022

Discussion regarding funding options for Raptor Mapping.

Need to have a method of using community members to update IT resources and be able to compensate – encourage local procurement. This could be accomplished through a change to Procurement Policy.

Staff will draft a motion for LTC to request Trust Council consider an amendment to Procurement Policy.

14.4 Adopted Policies and Standing Resolutions

Received for information

14.5 Local Trust Committee Webpage

Will be updated upon conclusion of meeting.

14.6 Islands Trust Conservancy Report Dated July 13, 2022

14.6.1 Islands Trust Conservancy Plan - Referral for Comment

Received for information

15. NEW BUSINESS

15.1 North Pender Island Local Trust Committee Delegation Bylaw No. 231

RPM Kojima reviewed the proposed bylaw which would delegate issuance of development permits to staff. It is based on the template endorsed by Trust Council.

Discussion:

- Applications that are government to government and First Nations should be immediately forwarded to Trustees;
- Getting closer to streamlining – still some questions;
- Defer to January 2023 meeting;
- There are a number of checks and balances;
- Protocol agreements with First Nations recommended approach and should be raised at Trust council; and
- Resolution for October meeting to forward to Trust Council regarding need for Protocol Agreements.

16. UPCOMING MEETINGS

16.1 Special Meeting Scheduled for October 1, 2022 at the Anglican Hall, Pender Island

NP-2022-118

It was Moved and Seconded,

that the Special Meeting scheduled for October 1, 2022 be rescheduled in the new term.

CARRIED

Discussion as to challenges to organize special meeting and proposed LUB will be going to next term.

Staff asked to communicate to those on email list and directly linked to Bylaw as to meeting status.

16.2 Regular Meeting Scheduled for October 27, 2022 at the Anglican Hall, Pender Island

NP-2022-119

It was Moved and Seconded,

that the Regular Business Meeting scheduled for October 27, 2022 be an electronic meeting.

CARRIED

Discussion as to agenda items and hesitancy to hold meeting in light of election.

17. TOWN HALL

Michal Sketch requested Transportation Corridor be clarified.

Regular Business Meeting closed at 12:15 for In Camera Meeting.

18. CLOSED MEETING

18.1 Motion to Close Meeting

NP-2022-120

It was Moved and Seconded,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3 s. 90(1) (d)(f) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated March 24, 2022
- Bylaw Enforcement

AND that the recorder and staff attend the meeting.

18.2 Recall to Order

The regular business meeting was recalled to order at 12:32 pm.

18.3 Rise and Report

Chair to rise and report at next regular business meeting.

19. ADJOURNMENT

By general consent the meeting was adjourned at 12:33 pm.

Laura Patrick, Chair

Certified Correct:

Pat Todd, 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 14.3 Soil Bylaw Project - Staff to draft a soil deposit and removal bylaw with revisions as outlined in the March 24 staff report - Bring project to LTC for consideration in new term	Robert Kojima	Target: 03-Nov-2022	Completed

Follow Up Action Report

North Pender Island

28-Apr-2022

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

26-May-2022

Activity	Responsibility	Dates	Status
1 13.3 Schedule special meeting via zoom for the Groundwater Project - bring project back in new term	Narrisa Chadwick Robin Ellchuk William Shulba	Target: 29-Jul-2022	Completed

11-Aug-2022

Activity	Responsibility	Dates	Status
1 14.1 LUB Amendments Project 1. Schedule Public Hearing for Bylaw Nos. 223, 224, and 229 - Sept 29th or Oct 1st. (DEFERRED UNTIL AFTER ELECTION)	Kim Stockdill	Target: 16-Sep-2022	Completed

29-Sep-2022

Activity	Responsibility	Dates	Status
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Follow Up Action Report

North Pender Island

29-Sep-2022

Activity	Responsibility	Dates	Status
1 Oct 1, 2022 Special Meeting - to be deferred until after the Election. Staff to cancel meeting, post on website, and send notice to email subscribers. Meeting will be rescheduled after the election with the new LTC. Staff to invite C2 zoned MacKinnon Road owners.	Jas Chonk Kim Stockdill Robin Ellchuk	Target: 07-Oct-2022	Completed
2 October 27, 2022 regular NP LTC meeting to be an electronic meeting. Staff to create Zoom meeting.	Jas Chonk Robin Ellchuk	Target: 14-Oct-2022	Completed
3 NP LTC minutes for August 11, August 13, and September 1, 2022 all adopted as is.	Robin Ellchuk	Target: 14-Oct-2022	Completed
4 Staff to invite new NP Trustee(s) to electronic October 27, 2022 meeting.	Kim Stockdill	Target: 21-Oct-2022	Completed
5 12.1 NP-DP-2022.3 - DP approved. Staff to add monitoring to TAPIS (if required), issue permit, and close file.	Jas Chonk Phil Testemale	Target: 28-Oct-2022	Completed
6 12.2 NP-RZ-2022.1 (Sidney Island) - Staff to prepare a draft bylaw and ITPS checklist.	Jas Chonk Robert Kojima	Target: 25-Nov-2022	Completed
7 LUB Review Project - Bring forward Oct 1st staff report to Oct 27, 2022 regular meeting. Add comments regarding Farm definition/Right to Farm Act.	Kim Stockdill	Target: 27-Oct-2022	Completed
8 Groundwater Project - Add maps to project website - PENDING	Narrisa Chadwick	Target: 28-Oct-2022	In Progress

Follow Up Action Report

North Pender Island

29-Sep-2022

Activity	Responsibility	Dates	Status
9 Staff to provide draft motion for the October 27th LTC meeting to request Trust Council amend the Procurement Policy to permit local trust committees to provide funding for local groups	Robert Kojima	Target: 27-Oct-2022	Completed
10 15.1 NP LTC Delegation Bylaw No. 231 to be deferred to the January 2023 meeting.	Robert Kojima	Target: 28-Oct-2022	Completed
11 18.1 NP LTC IC meeting minutes from March 24, 2022 adopted as is.	Robin Ellchuk	Target: 14-Oct-2022	Completed
12 Staff to provide wording for te Oct 27th meeting for NPILTC to request Trust Council support development of protocol agreements with First Nations	Robert Kojima	Target: 20-Oct-2022	Completed



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Mayne Island Local Trust Area Bylaw No.: 181 and 183 Date: September 29, 2022

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Mayne Island Housing Society (MIHS)

PURPOSE OF BYLAW:

The purpose of these bylaws is to support the rezoning of the subject property to accommodate the development of ten units of affordable multi-family rental housing to be managed, built and operated by the Mayne Island Housing Society.

Bylaw 181 (Official Community Plan Amendment) – Designates the proposed multi-family rental housing portion of the parent property from Rural designation to Rural – Multi-family residential (R-MR) designation.

Bylaw 183 (Land Use Bylaw Amendment) – Enables the creation of three lots from a 10 acre parent of property. The property is proposed to be split zoned to enable the creation of two new zones. One new zone (Comprehensive Development Three (CD3)) will support the development of 10 units of affordable multifamily rental housing on 3 acres. The CD3 zone will be removed from the area permitted to have secondary suites. The second new zone R(f) will enable the subdivision of the remainder of the lot into two lots within the Rural Zone.

Professional reports and staff reports are available on the Mayne Island webpage:

<https://islandstrust.bc.ca/island-planning/mayne/current-applications/>

GENERAL LOCATION:

375 Village Bay Road, Mayne Island Local Trust Area

LEGAL DESCRIPTION:

002-552-256

SIZE OF PROPERTY AFFECTED:

10 acres (4 hectares)

ALR STATUS:

OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural (R)

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

Narissa Chadwick

(Signature)

Name: Narissa Chadwick

Title: Island Planner
Contact Info: Tel: 250-405-5189
Email: nchadwick@islandstrust.bc.ca

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Regional Agencies

Capital Regional District – Regional Housing
Capital Regional District – Building Inspection
Capital Regional District – Regional Parks and Community Services
Capital Regional District – Southern Gulf Islands Harbours Commission (Integrated Water Services)
Capital Regional District – Environmental Resource Management
Island Health
Mayne Island Fire Rescue

Provincial Agencies

Ministry of Transportation & Infrastructure
Ministry of Municipal Affairs
Ministry for Attorney General and Minister responsible for Housing

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee

Non-Agency Referrals

BC Assessment Authority
BC Hydro and Power Authority
Telus
BC Housing

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Snuneymuxw First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area
(Island)

(Signature)

(Date)

181 and 183
(Bylaw Number)

(Name and Title)

(Agency)

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 181

A BYLAW TO AMEND MAYNE ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 144, 2007

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

1. CITATION

This Bylaw may be cited for all purposes as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2021".

2. SCHEDULES

Mayne Island Official Community Plan No. 144, 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 27TH DAY OF JUNE 2022.

PUBLIC HEARING HELD THIS DAY OF 20__

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 20__.

APPROVED BY THE MINISTER MUNICIPAL AFFAIRS THIS DAY OF 20__.

ADOPTED THIS DAY OF 20__.

CHAIR

SECRETARY

**MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 181**

SCHEDULE 1

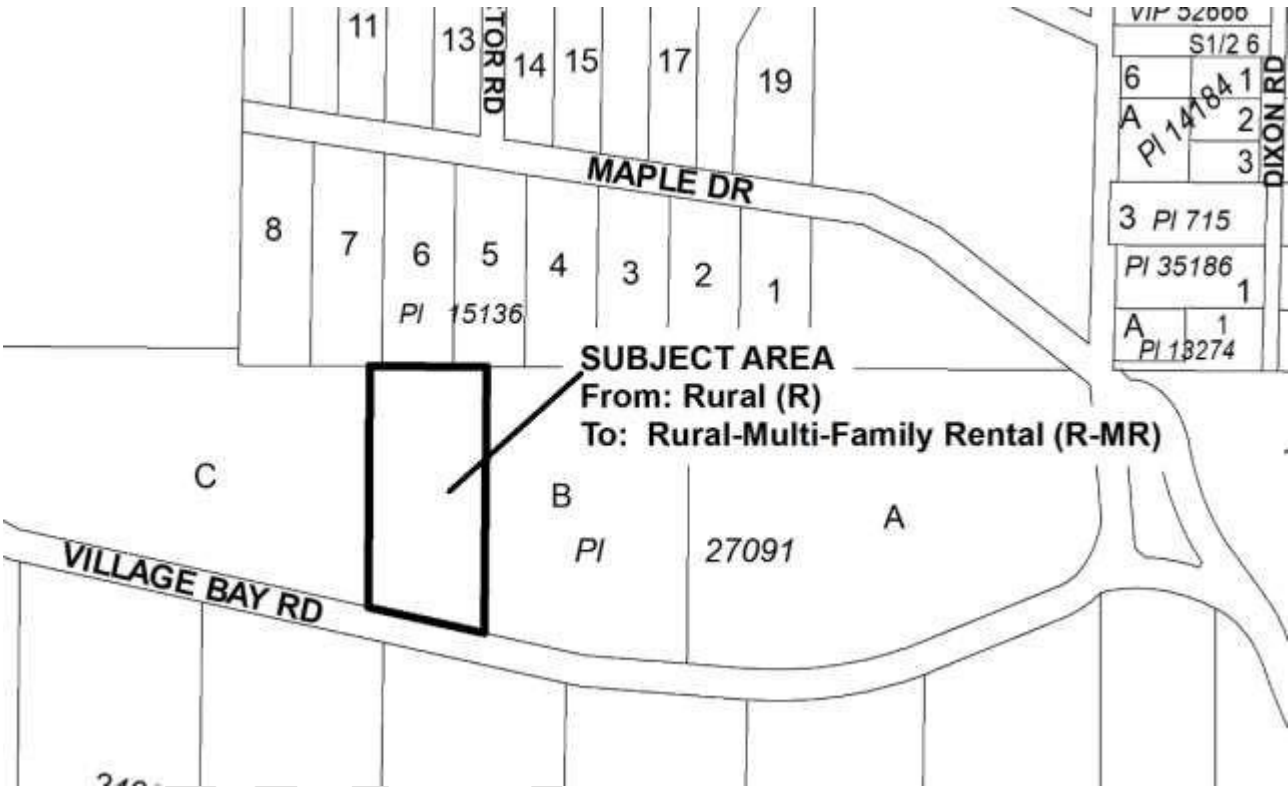
The Mayne Island Official Community Plan No. 144, 2007, is amended as follows:

1. By amending Schedule B by changing the land use designation on a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091 from Rural (R) to Rural – Multi-Family Residential (R-MR) as shown on Plan No. 1, which is attached to and forms part of this bylaw.

PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 181

Plan No.1



PROPOSED

MAYNE ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 183

A BYLAW TO AMEND MAYNE ISLAND LAND USE BYLAW NO. 146, 2008

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

1. Citation

This bylaw may be cited for all purposes as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2021”.

2. Mayne Island Local Trust Committee Bylaw No. 146, cited as “Mayne Island Land Use Bylaw No. 146, 2008,” is amended as follows:

2.1 By adding to Definitions ““Multi-family rental housing” means residential use of attached dwelling units that are limited to residential rental tenure.’

2.2 By adding to the definition of Dwelling unit “multi-family housing” after “secondary suite”

2.3 By adding to Definitions ““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.’

2.4 By inserting a new row in the table in subsection to 5.5 (14) in the Rural (R) zone as follows:

Column 1	Column 2	Column 3
Site-Specific Zone	Location Description	Site Specific Regulations
R (f)	A portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091	(1) Despite 5.5(13) above the average lot area must not be less than 1.3 hectares (3.3 acres).

2.5 By adding “5.28 Comprehensive Development Three (CD3) Zone” as a new zone following subsection 5.27:

“The purpose of the Comprehensive Development Three Zone is to provide for and regulate the development of multi-family rental housing.

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 housing
- (b) Accessory uses, buildings and structures

Density

- (2) The maximum number of dwelling units in the CD3 zone is 10
- (3) The maximum lot coverage is 20%.

Size and Siting

- (4) The minimum setback for any building or structure is:
 - (a) 8 metres (26 feet) from any front, rear or exterior side lot line;
 - (b) 8 metres (26 feet) from any interior side lot line;
- (5) The maximum height for any dwelling unit is 9 metres (29.5 feet).
- (6) The maximum height for any accessory building or structure is 5 metres (16.5 feet).

Subdivision Lot Area Requirements

- (7) The minimum lot area is 1.3 hectares (3.3 acres).

Form of Tenure

- (8) All dwelling units in the Comprehensive Development Three (CD3) Zone shall be limited to residential rental tenure.”
- 2.6 By adding “Comprehensive Development Three CD3” to 4.1(1) (Division into Zones) following “Comprehensive Development Two CD2”
- 2.7 Schedule “B” – Zoning Map, is amended by changing the zoning classification of a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091, from Rural (R) to Comprehensive Development Three (CD3) as shown on Plan No.1, which is attached to and forms part of this bylaw, and by making such alterations to Schedule “B” to Bylaw No. 146 as required to effect this change.
- 2.8 Schedule “B” – Zoning Map, is amended by changing the zoning classification of a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091, from Rural (R) to (R(f) as shown on Plan No.1, which is attached to and forms part of this bylaw, and by making such alterations to Schedule “B” to Bylaw No. 146 as required to effect this change.
- 2.9 Schedule “D” – Zoning Map, is amended by removing a portion of Lot B, Section 7, Mayne Island, Cowichan District Plan 27091 from “areas where secondary suites are permitted” as shown on Plan No. 2, which is attached to and forms part of this bylaw, and the making of such alterations to Schedule “D” to Bylaw No.146 as required to effect this change.

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 27TH DAY OF JUNE 2022.

READ A SECOND TIME THIS DAY OF 20__.

READ A THIRD TIME THIS DAY OF 20__.

PUBLIC HEARING HELD THIS DAY OF 20__.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ 20__

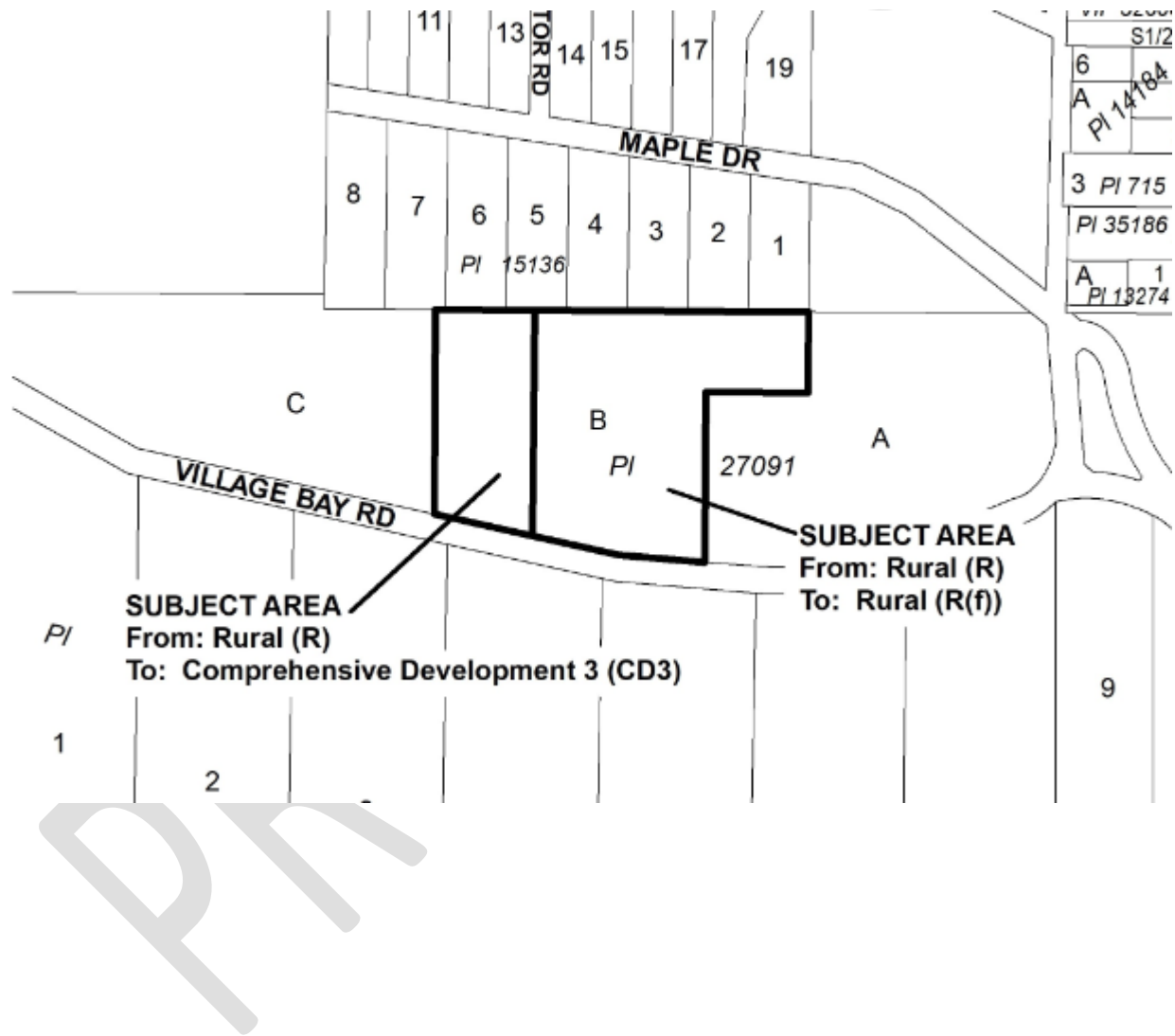
ADOPTED THIS _____ DAY OF _____ 20__

CHAIR

SECRETARY

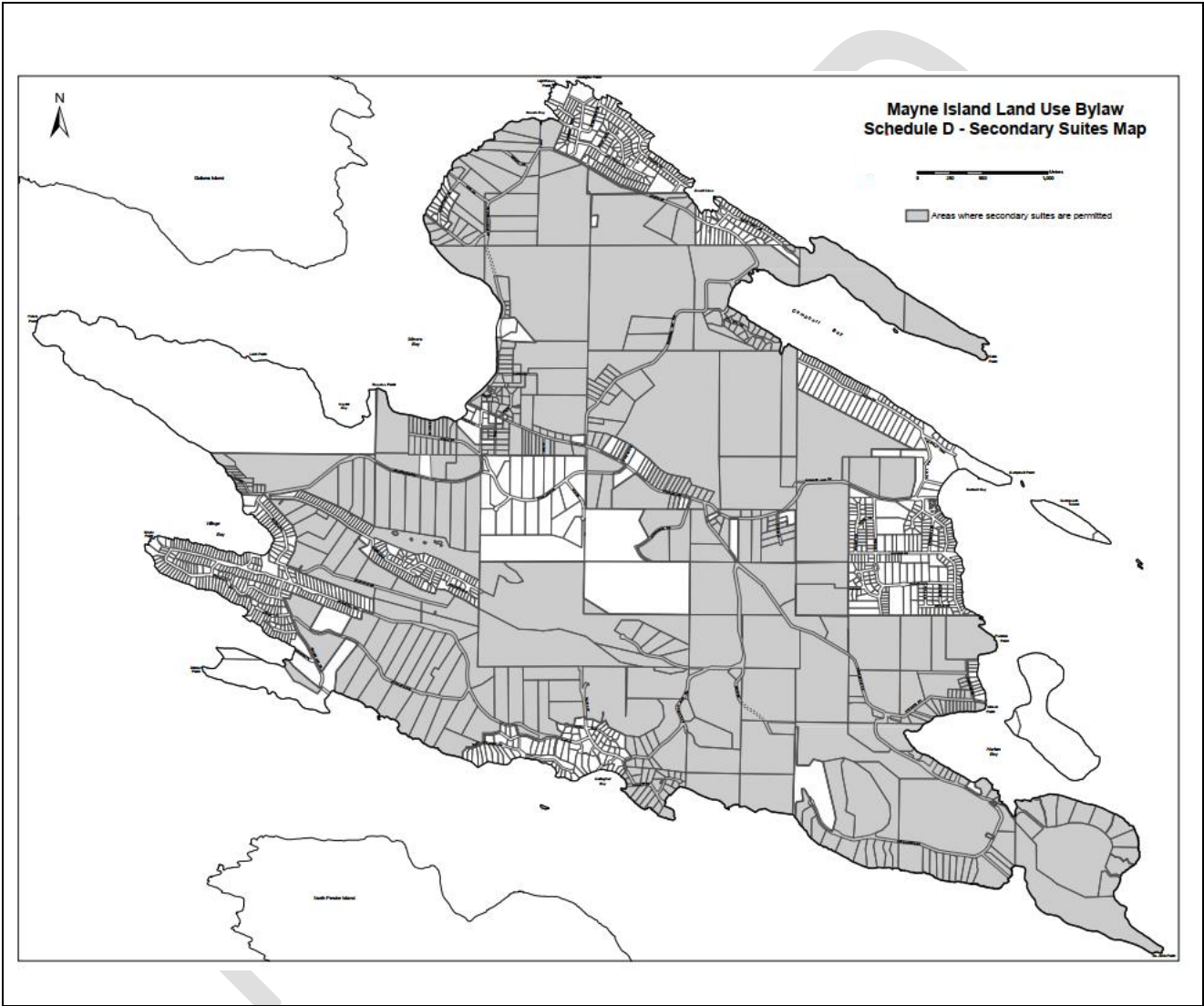
MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 183

Plan No. 1



MAYNE ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 183

Plan No. 2



DATE OF MEETING: October 27, 2022
TO: North Pender Island Local Trust Committee
FROM: Kim Stockdill
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Variance Permit
Applicant: Heather Regan & Patrick Regan
Location: 3701 Sextant Cres

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit application NP-DVP-2022.1 (Regan).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit. The variance is to legalize the siting of an existing dwelling with an attached deck and permit the extension of a deck within the rear lot line setback.

RATIONALE FOR VARIANCE

Granting the variance will:

- Legalize the siting of an existing house and deck.
- Allow for the extension of an existing deck.
- Facilitate location of deck to avoid removal of any trees.
- Have limited to no impact to neighbouring properties and is supported by neighbours.

BACKGROUND

The application is to vary Clause 8.1.5(1)(a) in the Rural Residential zone in the North Pender Island Land Use Bylaw No. 119, 2018 (LUB) which states:

No building or structure may be located within 7.6 metres of any front or rear lot line.

The property is 0.12 ha (0.3 ac) in size and is a corner lot in Magic Lake. The property slopes downward from the south-eastern edge of the property towards the west side of the property. The dwelling has a one-level entrance from the south eastern edge of Sextant Crescent. The dwelling is then two storeys where the property slopes down towards the western side of the lot. The deck extension is located on the western side of the house. An existing fence and mature vegetation border the southern rear lot line which greatly reduces the visibility of the new deck extension from the neighbouring property to the south.

The application will legalize the siting of a pre-existing non-conforming dwelling that was constructed in the late 1960s and also permit the extension of an attached deck. The shape of the subject property is not traditional in the sense that the front lot line borders the road and the rear lot line is opposite to the front lot line. A 'front lot line' is defined in the North Pender LUB as "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 is deemed the front lot line**". As seen in Figure Two, the front lot line is a small part of the lot line that borders the intersection of Signal Hill and Sextant Crescent (northern most lot line). The NP LUB then defines a 'rear lot line' as "**the lot line that is opposite the front lot line in the case of a lot having four 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". By this definition, the rear lot line is the one opposite to the front lot line, making the rear lot line the southern lot line (see Figure 2). Although technically, and by definition in the North Pender LUB, the southern property line is the rear lot line, in most cases this lot line would be considered an interior side lot line.

The setback for a rear lot line is 7.6 metres (25 feet) and the setback for an interior lot line is 3.0 metres (10 feet). The dwelling was constructed in the late 1960s prior to the Capital Regional District (CRD) Building Bylaw and prior to any land use bylaws; therefore, the house was constructed prior to any setback regulations. Setbacks were then established in CRD Bylaw No. 103 making the siting of the existing home legal non-conforming.

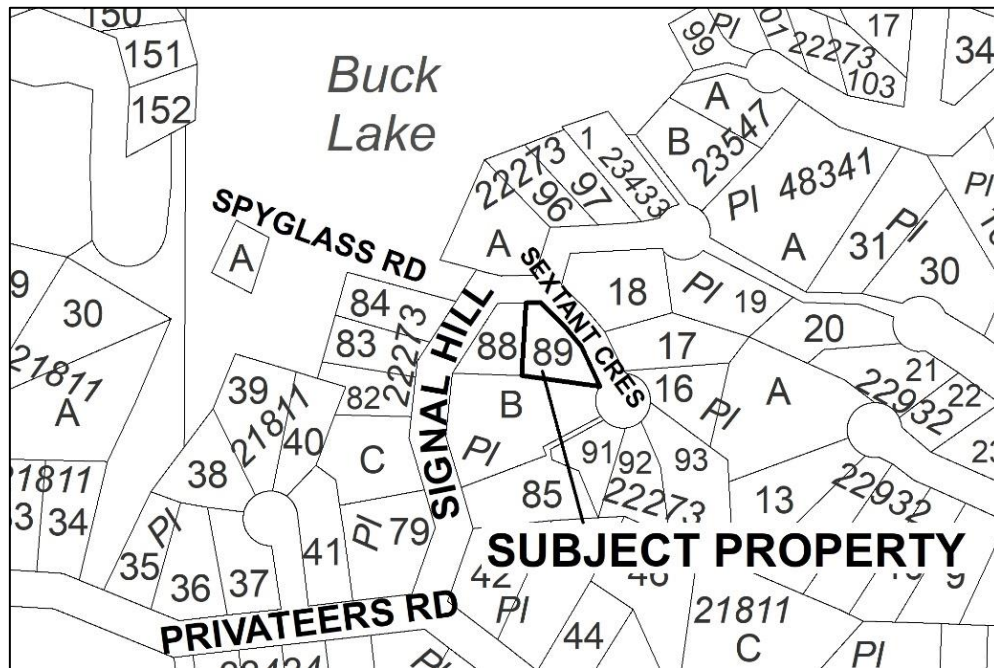
The deck extension would add an additional 360 ft² (33 m²) of deck space to the back of the dwelling and would extend 3.2 metres (10.5 feet) to the south into the rear lot line setback. The applicants stated that they chose the location of the deck extension as it would have the least impact on the land and neighbours, and no trees would be required to be removed. The applicants have also discussed the deck proposal with both neighbours directly to the south and west (the properties that could be the most impacted), they both property owners support the location of the deck and the variance application (see Attachment No. 3).

As only a portion of the proposed deck extension is located within the rear lot line setback (see blue shaded area in Figure No. 2), the variance is required to allow the siting of the southern most portion of the proposed deck extension within the rear lot line setback, and to legalize the siting of a portion of the dwelling within the rear lot line setback.

A copy of the Notice and proposed permit NP-DVP-2022.1 (Regan) are Attachments 4 & 5.

Staff visited the subject property for this application on October 13, 2022. Photographs from the site visit can be found in Attachment 2. 4.

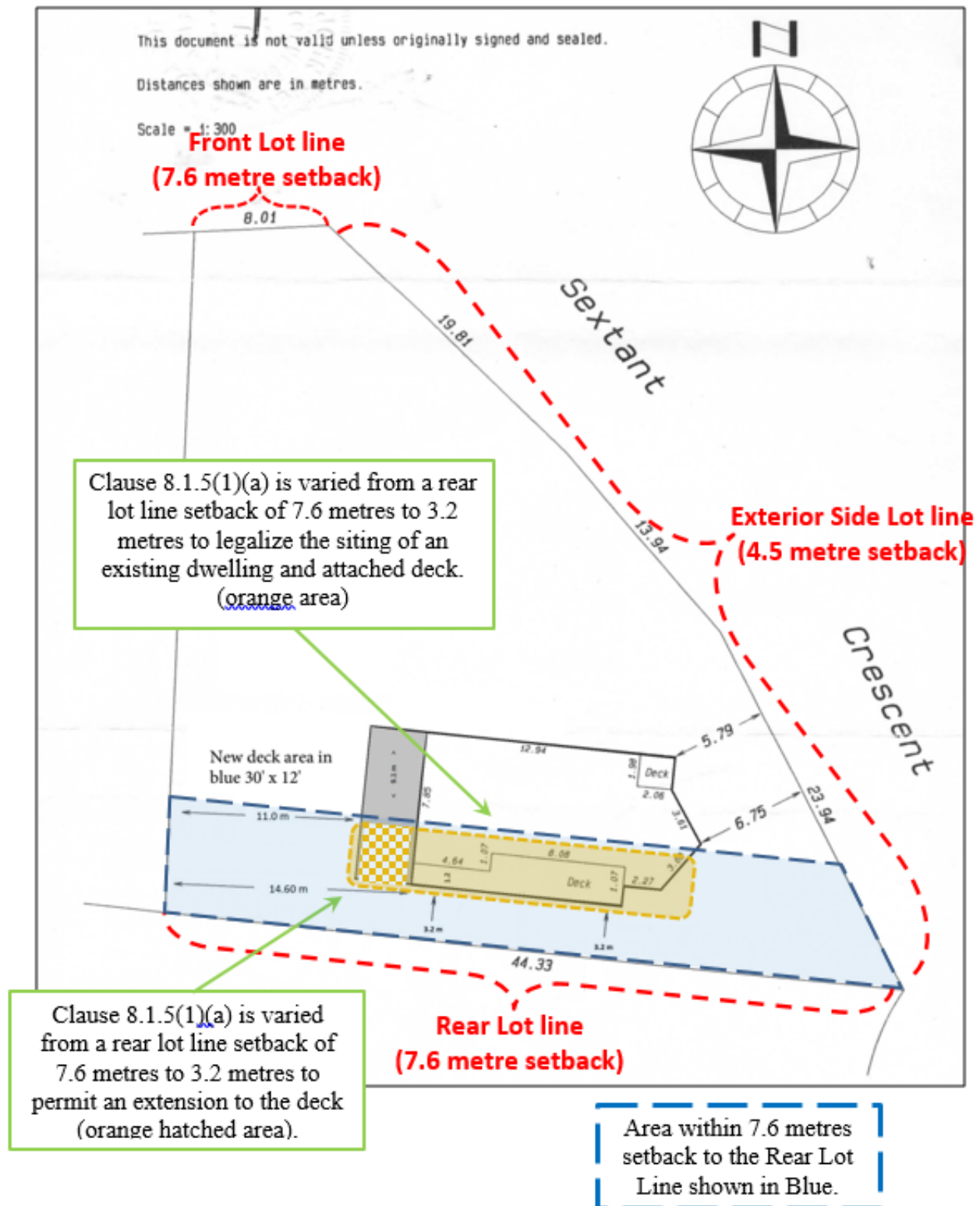
Figure One - Subject Property



Picture One – View from Sextant Road looking west towards subject dwelling (area in red notes area of new deck extension)



Figure Two- Site Plan



ANALYSIS

Policy/Regulatory

Official Community Plan:

The property is designated as **RR - Rural Residential** in the North Pender Island Land Use Official Community Plan (OCP) No. 171, 2007.

There are no **Development Permit Areas (DPA)** designated on the subject property.

Land Use Bylaw:

The property is zoned as **Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 103, 1996.

The existing residential use complies with use and density provisions of the zone on the property.

Issues and Opportunities

Impact on Neighbouring Properties and Natural Environment

The impacts on the neighbouring properties are minimal as the location of the extension to the deck would be screened by an existing fence and mature vegetation. In addition, the property owner received letters of support from the property owners who would be most impacted by the deck extension (property to the south and property to the west).

The Intent of the Regulation being Varied

The overall purpose of the height regulation is to minimize impacts on adjacent properties related to:

- Limiting the visual impact of development on adjacent properties.
- Establishing a consistent development pattern within a local area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.

Potential Impacts of Granting the Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation each application should be evaluated on its own merits.

Consultation

DVP Notices were circulated to surrounding property owners and residents. The notification period will end at 4:30 p.m. on October 26, 2022.

Staff received three letters of support for the variances requested as part of the application package. Two letters of support are from property owners of neighbouring lots. Any other submissions received prior to the LTC meeting will be forwarded to Trustees and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the DVP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants.

Recommendation

Staff are recommending approval of this variance as it would legalize the siting of an existing dwelling unit and would permit the construction of a deck extension that would have a minor impact to neighbouring properties. Staff is recommending that the recommendations on page 1 be supported for the following reasons:

- The rationale for the variance is reasonable.
- If southern property lot line was considered an 'interior side lot line', no variance would be required.
- The location of the deck extension would not require the removal of any trees.
- The applicant has provided letters of support from neighbours.
- The impacts on neighbouring properties are minimal.
- Variance will legalize the sitting of a legal non-conforming dwelling.
- The proposed variance does not challenge the intent of the regulation.

ALTERNATIVES

1. Request further information

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

Recommended wording for the resolution is as follows:

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

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC should state the reasons for denial.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny Development Variance Permit application NP-DVP-2022.1 (Regan)

Submitted By:	Kim Stockdill, Island Planner	October 17, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	October 19, 2022

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Letters of Support (3)
4. Notice
5. Draft NP-DVP-2022.1 (Regan)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 89, Section 10, Pender Island, Cowichan District, Plan 22273
PID	003-274-161
Civic Address	3701 Sextant Cres
Property Size	0.12 ha (0.3 ac)

LAND USE

Current Land Use	Rural Residential
Surrounding Land Use	Rural Residential

HISTORICAL ACTIVITY

File No.	Purpose
NP-BP-2022.19	Extension to deck

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). No Development Permit Areas designated in the OCP on the subject property.
Land Use Bylaw	The property is in the Rural Residential (RR) Zone in the LUB. The residential uses comply with use and density provisions for the zone on the property.
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

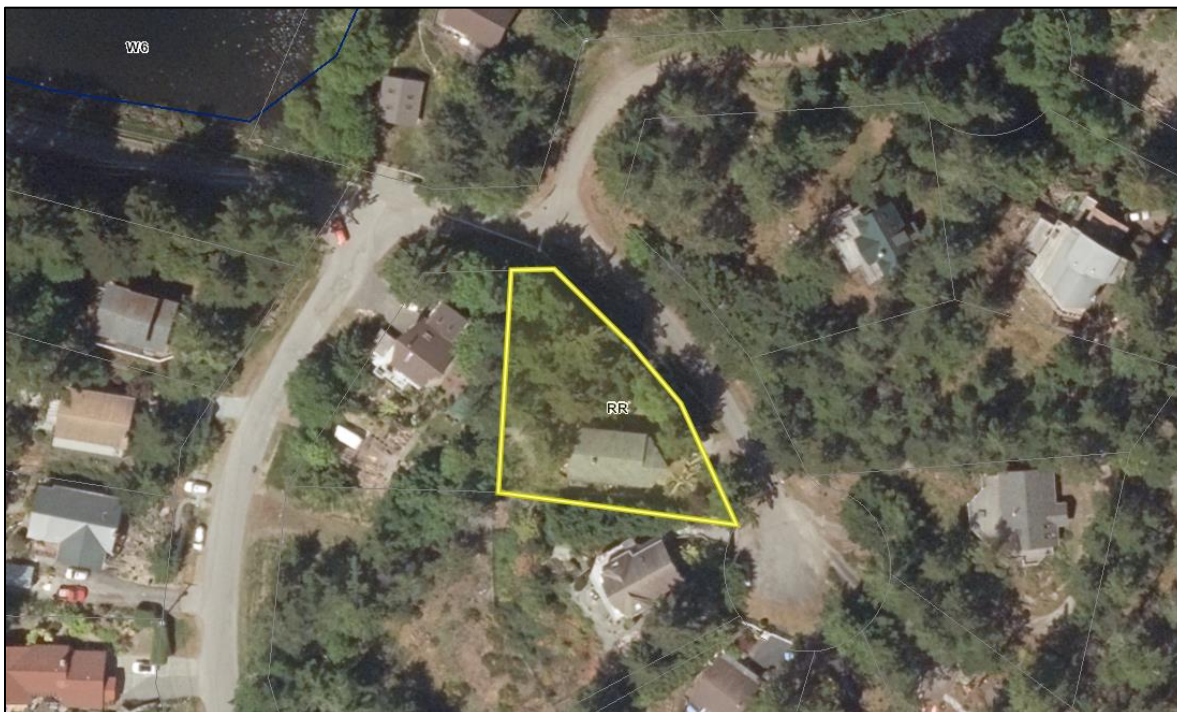
SITE INFLUENCES

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	None listed on TAPIS Mapping
Sensitive Ecosystems	None located on property.
Hazard Areas	Areas of Low and Moderate Slope Hazard (Attachment 2.2)
Archaeological Sites	There are no archaeological sites identified on the provincial RAAD site. Notwithstanding 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

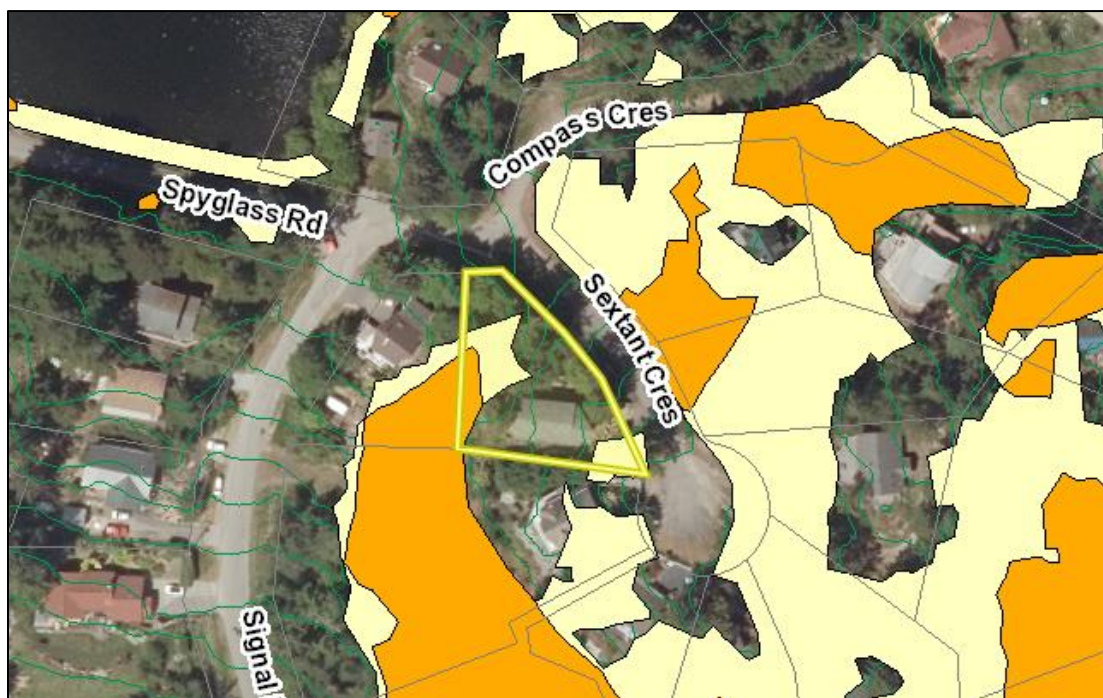
	under the <i>Heritage Conservation Act</i> . This would most likely be indicated by the presence of areas of dark-stained soils containing conspicuous amounts of fire-stained or fire-broken rock, artifacts such as arrowheads or other stone tools, or even buried human remains. If such material is encountered 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	There is little to no anticipated climate change induced impacts from the proposed construction as the property owners are extending an existing deck in an area where no trees will be required to be removed.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	Not Applicable.

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

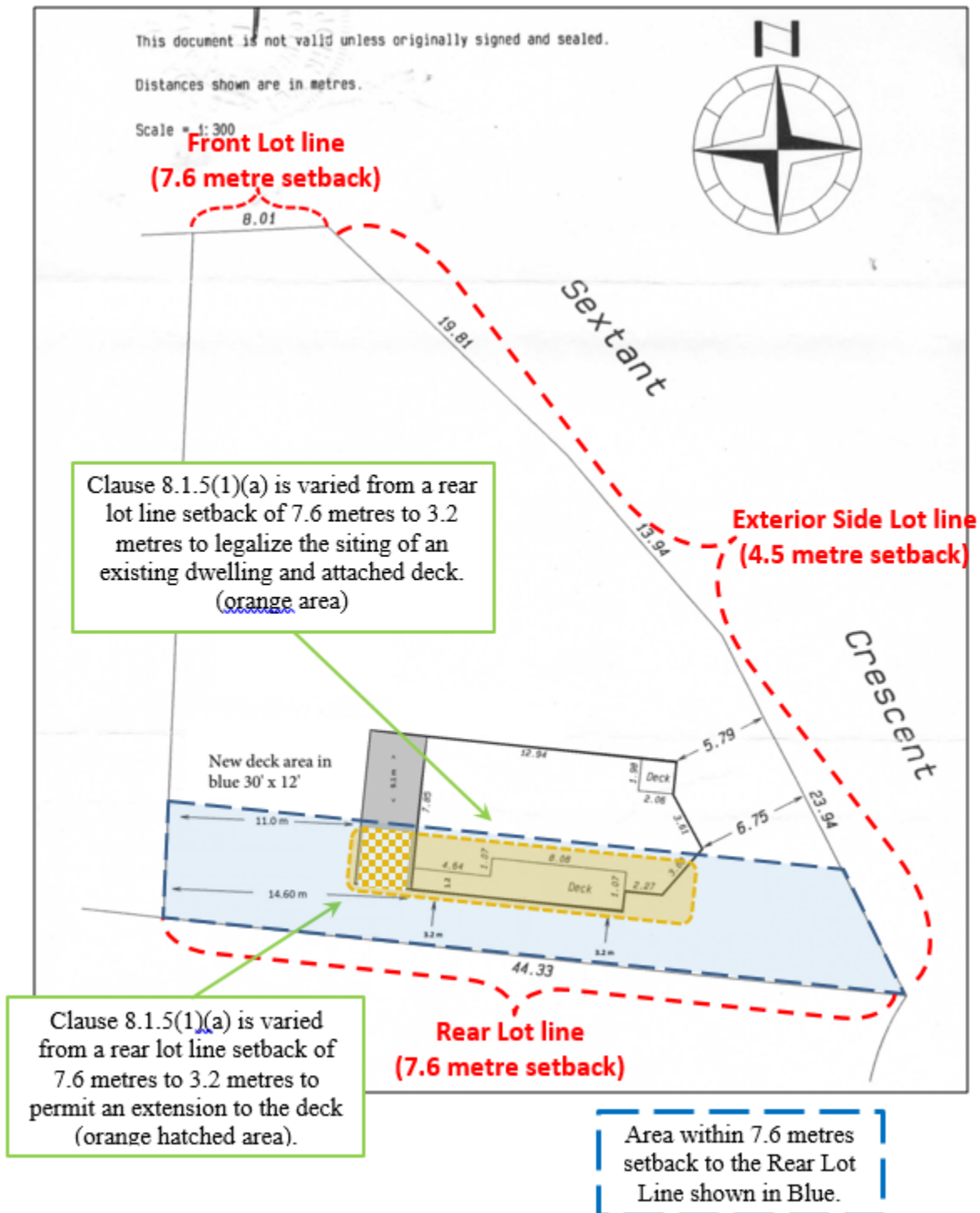
2.1 ORTHOPHOTO WITH ZONING



2.2 2 METRE CONTOURS AND STEEP SLOPE HAZARD MAPPING



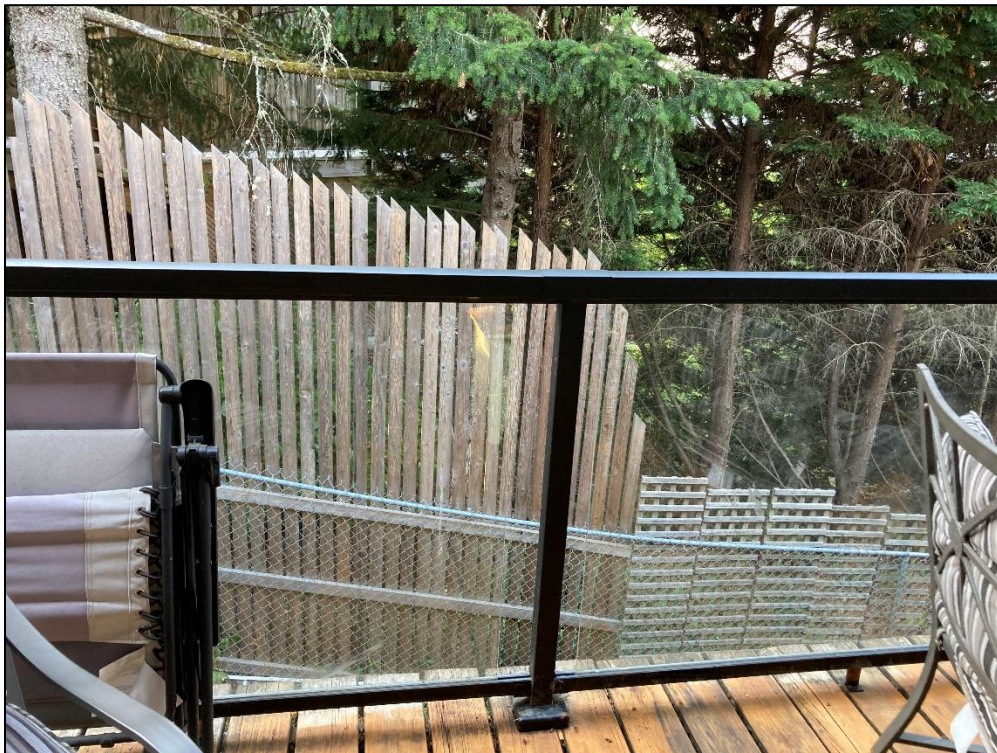
2.3 SITE PLAN



2.4 PHOTOGRAPHS



VIEW FROM SEXTANT ROAD (LOCATION OF DECK EXTENSION NOTED BY ARROW)



LOOKING EAST TOWARDS NEIGHBOURING PROPERTY. FENCED AND EXISTING VEGETATION ADD PRIVACY.

2.4 PHOTOGRAPHS.. CONTINUED



Looking southwest towards neighbouring property. Privacy fence runs and vegetation runs along property line. Limited visibility of new deck extension to neighbouring lot.



Looking west from back of home towards new deck extension. New deck extension is located where no trees would be required to be removed.

Michael Doyle
3705 Signal Hill
North Pender, BC V0N 2M0

North Pender Islands Trust
Board of Variance
200-1627 Fort Street
Victoria, BC
V8R 1H8

July 20, 2022

To Whom It May Concern,

I am writing to you today to give my support to our neighbours, Liam and Heather Regan, who reside at 3701 Sextant Crescent. Heather and Liam wish to extend their legal non-conforming deck.

We have viewed their proposed site plan, and with the current deck extending twelve feet, with the new deck area added being 12 X 30, and I am satisfied with this plan. I feel that this has no impact on my property or my privacy.

Please contact me if you have any questions or require further information.

Sincerely,

Michael Doyle

Brad and Laura Dixon
3703 Sextant Crescent
North Pender, BC V0N 2M0

North Pender Islands Trust
Board of Variance
200-1627 Fort Street
Victoria, BC
V8R 1H8

July 12, 2022

To Whom It May Concern,

I am writing to you today to give my support to our direct neighbours, Liam and Heather Regan, who reside at 3701 Sextant Crescent. Heather and Liam wish to extend their legal non-conforming deck.

We have viewed their proposed site plan, and with the current deck extending twelve feet, with the new deck area added being 12 X 30, we are satisfied with this plan. We feel that this is an advantage to both properties, giving each property more privacy from each other when enjoying time on our decks with friends and family.

Please contact me if you have any questions or require further information.

Kind regards,

Brad and Laura Dixon

Frank and Martha Deme
3702 Signal Hill
North Pender, BC V0N 2M0

North Pender Islands Trust
Board of Variance
200-1627 Fort Street
Victoria, BC
V8R 1H8

July 20, 2022

To Whom It May Concern,

I am writing to you today to give my support to our direct neighbours, Liam and Heather Regan, who reside at 3701 Sextant Crescent. Heather and Liam wish to extend their legal non-conforming deck.

We have viewed their proposed site plan, and with the current deck extending twelve feet, with the new deck area added being 12 X 30, we are satisfied with this plan. We feel that this will not impact us in any way, and will still provide privacy between the two properties.

Please contact me if you have any questions or require further information.

Sincerely,

Frank and Martha Deme

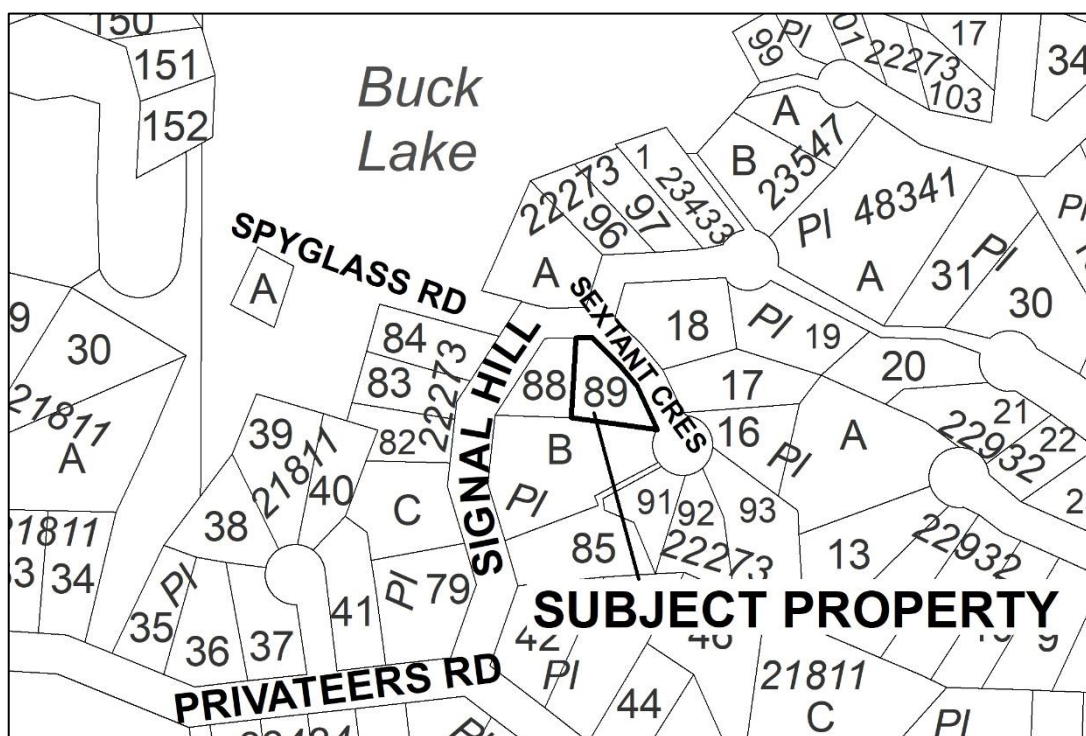
NOTICE
NP-DVP-2022.1
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the North Pender Island Land Use Bylaw No.103 by:

- Legalizing the siting of an existing dwelling with attached deck and by permitting the extension of an existing deck in the rear lot line setback.

The property is located at **3701 Sextant Crescent** and is legally described as Lot 89, Section 10, Pender Island, Cowichan District, Plan 22273 (PID: 003-274-161).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **October 13, 2022** and continuing up to and including **October 24, 2022**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on North Pender Island.

Enquiries or comments should be directed to Kim Stockdill, Island Planner at (250) 405-5157, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **October 24, 2022**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **10 a.m., October 27, 2022**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

Jas Chonk, Deputy Secretary



DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT NP-DVP-2022.1

To: Heather Regan and Patrick Regan

1. This Development Variance Permit applies to the land described below:

Lot 89, Section 10, Pender Island, Cowichan District, Plan 22273
(PID: 003-274-161)

2. North Pender Island Land Use Bylaw No. 103, 1996 is varied as follows:

- a) Clause 8.1.5(1)(a) which states that no building or structure may be located within 7.6 metres of a rear lot line is varied to legalize the siting of an existing dwelling with attached deck and to permit the extension of an existing deck within 3.2 metres of the rear lot line.

The development shall be consistent with Schedule 'A' which is attached to and form part of this permit.

3. 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, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS ##th DAY OF [MONTH], [YEAR].

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

SCHEDULE 'A'

This document is not valid unless originally signed and sealed.

Distances shown are in metres.

Scale = 1:300



**Front Lot line
(7.6 metre setback)**

Clause 8.1.5(1)(a) is varied from a rear lot line setback of 7.6 metres to 3.2 metres to legalize the siting of an existing dwelling and attached deck. (orange area)

**Exterior Side Lot line
(4.5 metre setback)**

New deck area in blue 30' x 12'

Clause 8.1.5(1)(a) is varied from a rear lot line setback of 7.6 metres to 3.2 metres to permit an extension to the deck (orange hatched area).

**Rear Lot line
(7.6 metre setback)**

Area within 7.6 metres setback to the Rear Lot Line shown in Blue.

DATE OF MEETING: October 27, 2022

TO: North Pender Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Temporary Use Permit - STVR
Applicant: Charles Schrodt
Location: 2703 Yawl St

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit application NP-TUP-2022.3 (Schrodt)

REPORT SUMMARY

The purpose of the report is to consider a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within an existing dwelling.

BACKGROUND

The application is for an STVR use proposed within an existing three (3) bedroom dwelling with an approximate floor area of 1500 ft². The oceanfront home is located within Magic Lake Estates. The maximum number of guests proposed is **six (6)**.

The applicant's rationale is that the use: *"Our jobs are now requiring us to be on the Mainland more often and with the rising costs of inflation, we have reached a moment in time where we need to rent out our home part-time. Our goal is to eventually move to Pender Island fulltime but we are not yet in a position to do so. We have heard from neighbours and locals that renting our home part-time on Airbnb will allow us the flexibility we need all while being able to continue to enjoy our home. Our goal is to rent the home to families and couples and we plan to continue being on Island as much as possible."*

As mentioned above, the applicant resides in the dwelling on a part time basis with the goal to live fulltime on the island in the future. They propose to rent to a maximum of six (6) people, primarily targeting families and couples. They plan to rent out less than twenty five (25) weeks of the year, and will rent no more than thirty (30) days from May 1 to September 30 in a calendar year. There is also privacy screening (a mix of fencing and existing vegetation) to screen the house from neighbouring properties.

The applicant has provided a 'letter of purpose' that includes the rationale for the use (Attachment 3). A copy of the proposed guest information booklet is Attachment 4.

The waterfront property is 0.15 ha (0.36 ac) in size and with the dwelling located at the end of Yawl Lane (Figure 1). There is no new development proposed with this application. Staff visited the property on October 13, 2022 and photos from the site visit can be found in Attachment No. 2. A copy of the Notice is Attachment 8 and the proposed TUP is Attachment 9.

FIGURE 1 – SUBJECT PROPERTY

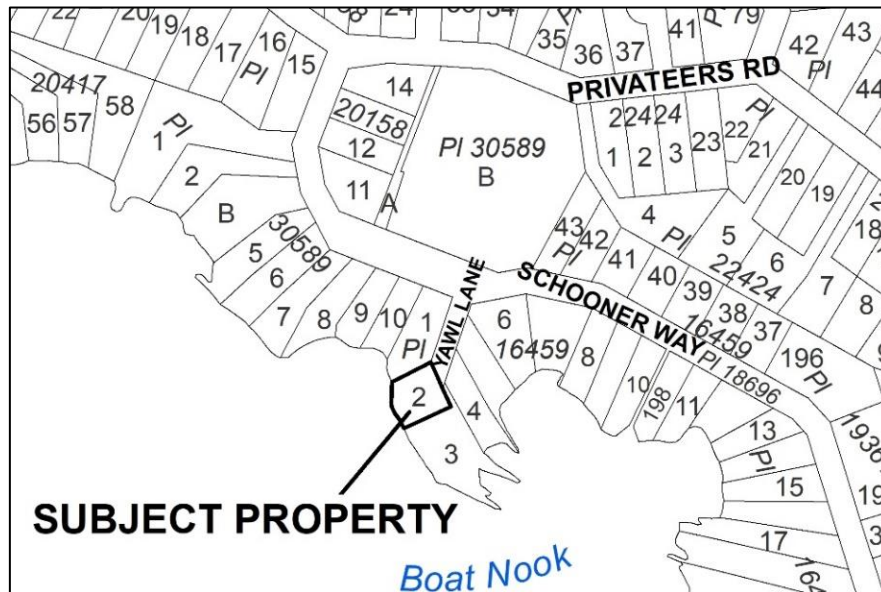


FIGURE 2 – SITE PLAN



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

- 4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
- 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

The proposal for a Temporary Use Permit to allow for a commercial vacation rental within a dwelling unit is consistent with the above policies.

Official Community Plan:

The property is designated as **RR (Rural Residential)** in the North Pender Island Official Community Plan No. 171, 2007 (OCP). Guidelines for STVR TUP applications are contained in the OCP.

A compliance checklist has been revised for the OCP's new STVR Guidelines that form Bylaw 222. A completed checklist for this proposal is Attachment 5. In summary, the application conforms to the temporary use permit guidelines.

A portion of the property is located within the **Woodland Development Permit Area No. 1**. As there is no land alteration or construction intended, a Development Permit is not required. As a condition of the Development Permit, the STVR operator must provide information for guests indicating the location of the woodland sensitive area, and information on how to avoid impacting the sensitive ecosystem.

Land Use Bylaw:

The property is zoned **Rural Residential (RR)**. RR zoning permits a single-family dwelling and accessory uses.

Issues and Opportunities

Cumulative Impacts, Proximity and Number of STVRs

Assessing cumulative impacts entails that the LTC's exercise its discretion to determine where the threshold for impacts lie for a local neighbourhood and the island as a whole on a case-by-case basis. Assessing compliance

with new and existing policies for maximum guest capacity, a cap on STVRs numbers in Magic Lake Estates, distance to other STVRs, and other information provides guidance for that determination.

There are no other STVR permits in the immediate neighbourhood and the closest STVR permit is NP-TUP-2020.4 (Ganasi), which is 400 metres to the east on Privateers Road (Attachment 6). A TUP was issued for a STVR on the neighbouring lot located at 2705 Yawl Lane (NP-TUP-2017.6 & renewal: NP-TUP-2020.6) and the property owner recently notified staff that they are not interested in reapplying for a TUP for this use.

Draft policy 6.4.18 limits the maximum number of permits to twenty (20). There are currently ten (10) TUPs issued for STVRs, and all are in Magic Lake Estates.

Potential Impacts on Direct Neighbours and Neighbourhood

The potential impacts of an STVR use can be considerable on direct neighbours and the local neighbourhood. Generally, these include noise and nuisance, change of neighbourhood character, traffic and other impacts. Further, the use can potentially impact established commercial accommodation operations by increasing alternative supply.

Given the size of the small limit on the number of guests, the limit of the use to 30 days from May 1 to September 30, privacy fencing and screening surrounding the property, impacts on neighbours should be minimal.

TUP Conditions

The TUP conditions have the objective of ensuring that the use does not have an unreasonable impact on neighbours and the local area, and, in the event it does, provide the ability to enforce compliance with the conditions of the TUP. The recommended term of three (3) years is the maximum permitted by legislation, and the owners would be eligible to apply to renew for a further three (3) years. The LTC may opt to reduce that timeframe if they judge that a shorter time to gauge any impacts and concerns prior to a renewal application is preferable.

Additional Conditions

There are other guidelines that have not been included in the draft TUP that the LTC may opt to include by amendment. These are as follows:

- *The following **mitigating measures** are required:*
 - *retention of existing screening and fencing; and/or,*
 - *the installation of addition screening; and*
- *the **dates** during which the use may occur are limited to _____.*

Consultation

Statutory Requirements

TUP Notices were circulated to surrounding property owners and residents, published in the *Driftwood* newspaper (Attachment 8) and posted on North Pender Island community bulletin boards. The notification period ended at 4:30 p.m. on October 24, 2022.

At the time of writing, staff has received one (1) response to notification in favour of the application (Attachment 7). Staff spoke with two separate neighbours who wished to remain anonymous. They expressed concerns with STVRs in general within Magic Lake as they felt they contribute to noise and traffic, and impact the neighbourhood negatively. Any further submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

There is no additional development proposed outside the current footprint of the existing dwelling with no proposed disturbance or impact to any possible archaeological sites. The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

Rationale for recommendation

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

- The rationale for the use is reasonable;
- The size of dwelling, guest capacity of six (6) people is reasonable and complies with the TUP guidelines;
- The cumulative impacts of STVR use from approval of the TUP would be small given the neighbourhood and island context;
- Limiting the number of days in the summer months would further limit impacts and provide certainty to neighbours;
- Consultation through notification neighbours has generated 1 letter of support; and,
- The permit provides conditions consistent with OCP guidelines and would ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.

ALTERNATIVES

1. Request further information

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

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

2. Amend or Add conditions

The LTC may wish to further amend the TUP by placing further limits on the adding conditions such as reducing the maximum number of days in the summer, physical screening requirements, water conservation measures and/or changing the time period that the permit would be valid. If selecting this alternative the LTC should specify the additional conditions. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee amend Temporary Use Permit NP-TUP-2022.3(Schrodt) be amended by the addition of the following condition(s): _____

3. Deny the application

The LTC may deny the application and proceed no further. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny Temporary Use Permit application NP-TUP-2022.3 (Schrodt).

Submitted By:	Kim Stockdill, Island Planner	October 17, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	October 19, 2022

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Addendum Letter of Purpose
4. Guest Information
5. Guideline Checklist
6. STVR Issued Permits Map
7. Correspondence (if any)
8. Notice
9. Draft TUP

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 2, Section 9, Pender Island, Cowichan District, Plan 16459
PID	003-971-783
Civic Address	2703 Yawl Lane

LAND USE

Current Land Use	Rural Residential/Water
Surrounding Land Use	Rural Residential/Water

HISTORICAL ACTIVITY

File No.	Purpose
N/A	N/A

POLICY/REGULATORY

Official Community Plan Designations	The property is designated as RR – Rural Residential designation and North Pender Island Official Community Plan No.171, 2007. There is a Woodland Development Permit Area designated on a portion of the property.
Land Use Bylaw	The property is zoned as Rural Residential (RR) in the North Pender Island Land Use Bylaw No. 103, 1996.
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	The proposal has no implications for the Island Trust Fund.
Regional Conservation Strategy	The proposal has no implications for the Regional Conservation Strategy.
Species at Risk	None on TAPIS Mapping
Sensitive Ecosystems	Area of 'Sensitive Ecosystem:' Woodland (Attachment 2.3)
Hazard Areas	Areas of Steep Slope Hazard (Low & Moderate) are shown as Attachment 2.2
Archaeological Sites	Remote Access to Archaeological Data (RAAD) information indicates there are no archaeological sites noted within the property however, there is an occurrence of high archaeological potential. As such, the applicant has also been sent the Islands Trust Chance Find Protocol and provincial guidance on archaeological sites. By copy of this report, the owners and applicant should be aware that there 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. The applicant has also been sent the Islands Trust Chance Find Protocol and provincial guidance on archaeological sites.
Climate Change Adaptation and Mitigation	There is no new development proposed with the application. Potential GHG emission changes resulting from approval and comment would be from transportation to and from, and on the island by guests. Impacts on proposed development from anticipated or possible climate change induced hazards are small given the location.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

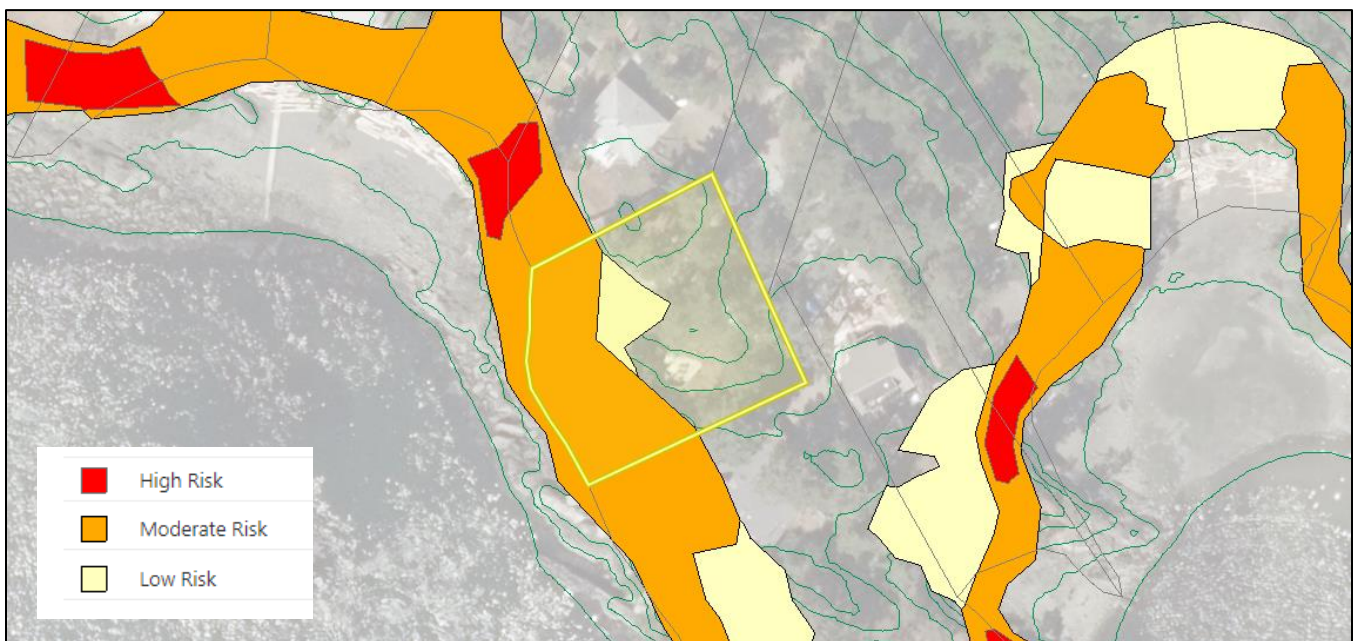
2.1 SITE PLAN



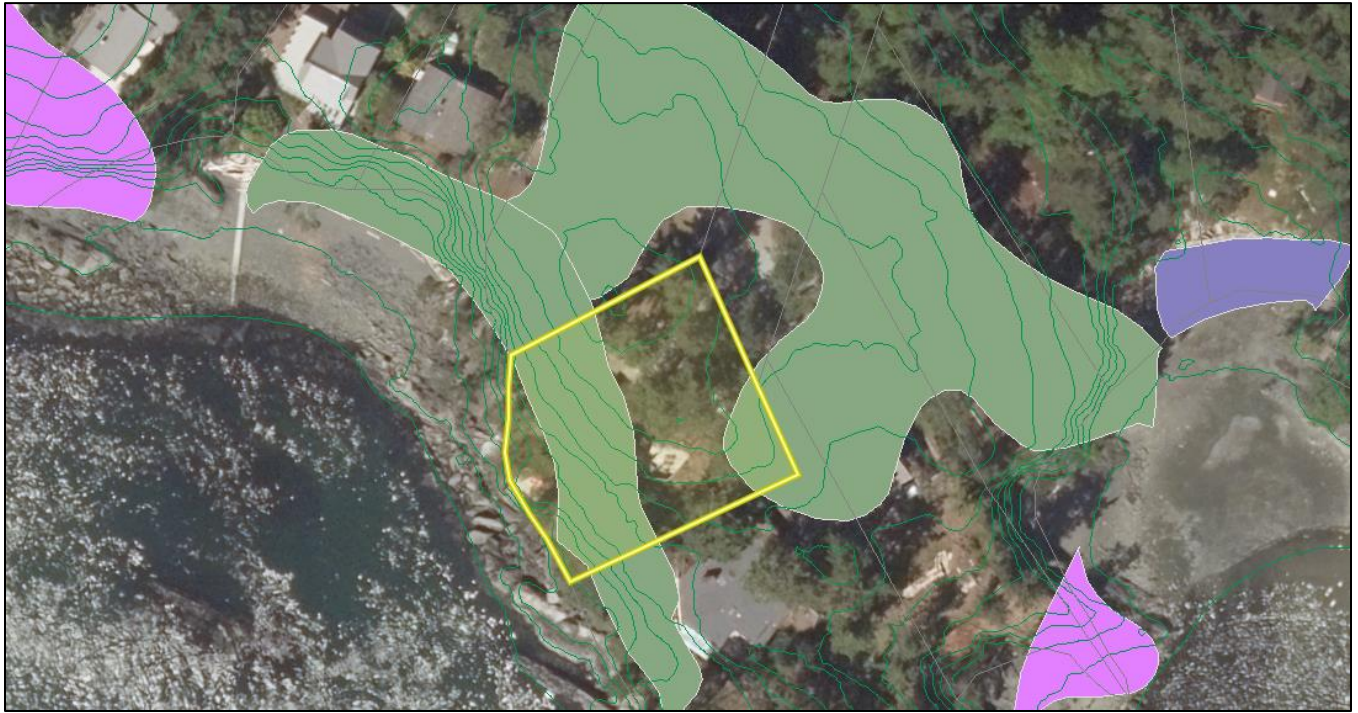
2.2 ORTHOPHOTO



2.2 CONTOURS & STEEP SLOPE HAZARD MAPPING



2.3 SENSITIVE ECOSYSTEM MAPPING



2.4 PHOTOGRAPHS



Looking southwest towards front of property (gated entrance)

2.4 PHOTOGRAPHS (CONT'D)



Front of house with plenty of off-street parking



Looking northeast towards gated entrance and privacy fence

2.4 PHOTOGRAPHS (CONT'D)



Looking north towards upper neighbouring lot (2705 Yawl Lane)



Looking north towards lower portion of 2705 Yawl Lane

2.4 PHOTOGRAPHS (CONT'D)



Looking east towards lower neighbouring lot (2701 Yawl Lane)



Looking north towards upper portion of 2701 Yawl Lane

2.4 PHOTOGRAPHS (CONT'D)



Looking northwest towards house



Looking southwest towards ocean from north side of the deck

August 2, 2022

Dear members of the Islands Trust,

Since moving to Pender Island in 2018, we have felt so grateful for the opportunity to live in and contribute to such a wonderful community. We fell in love with the island while visiting an Airbnb the year prior and knew we wanted to be on Pender forever. We purchased our dream home in Magic Lake Estates, which has become a haven for ourselves, family and friends. We even got married on our property and our neighbours have told us we have brought a wonderful sense of community and bonding to our street.

Our jobs are now requiring us to be on the Mainland more often and with the rising costs of inflation, we have reached a moment in time where we need to rent out our home part-time. Our goal is to eventually move to Pender Island full-time but we are not yet in a position to do so.

We have heard from neighbours and locals that renting our home part-time on Airbnb will allow us the flexibility we need all while being able to continue to enjoy our home. Our goal is to rent the home to families and couples and we plan to continue being on Island as much as possible.

We care so much for the island and we will be incredibly responsible as Airbnb hosts. Along with the application you have received, you will find attached supplemental information and a set of house rules that reflect this.

We thank you sincerely for time, guidance and consideration.

Charles & Sheh Schrodtt

Attachment No. 4

House rules

Check-in: After 3:30 p.m.

Checkout: 11:00 a.m.

Self check-in with lockbox

No smoking

No pets

No parties or events

below

Arbutus Breeze Additional House Rules:

Welcome to your paradise away from home! To help us make your stay as memorable as possible, please look over our House Rules and confirm that they have been read within 48 hours of your booking.

Please no shoes inside the house. We have left a mat by the front door landing for your shoes while you're indoors.

Please keep noise to a minimum after 9 pm.

While we do a thorough professional clean between each guest stay, we kindly ask that prior to leaving, you clean and put away any dishes or kitchenware used and put any dirty towels in the laundry bins in the laundry room. It helps us get through our cleaning process quicker and allows us to keep cleaning costs down for you and future guests.

Any noise disruptions alerting our neighbours will result in guests being asked to vacate the property immediately. Please note we are in constant communication with our neighbours and live in a tight knit community. We will be alerted if there is excess noise, parties or events.

Switch off lights and heating when they are not in use or when leaving the house. Please ensure fireplace is not in use prior to leaving the premises.

Please do not rearrange the furniture.

No carrying or using illegal drugs of any kind or the authorities will be called and guests will be asked to vacate the property immediately.

Please do not exceed the number of guests you have indicated in your original reservation. If your plans change and you require additional guests, please reach out to us first.

We understand that accidents happen, but please let us know when they do. Chances are we can fix them as effortlessly as possible which also means better chances of preventing any damage charges after your stay.

Keep the entry and driveway gates closed and the front door locked. Please ensure all doors and accessible windows are locked when leaving the premises. We want to ensure every guest stay remains safe and problem free.

Lost key are subject to a \$50 charge.

An extra cleaning fee of \$500 will be applied if the no smoking, no pets and/or no parties rules are broken and your damage deposit will also be forfeited.

Our neighbours are great and keep the community safe and friendly. Please be respectful of them and their property while enjoying ours.

Environmental Concerns

Our home is located in a Sensitive Woodland Ecosystem. While we encourage our guests to explore the beauty of the outdoors on Pender Islands, we ask that you respect all flora and fauna. You can help keep our islands beautiful by staying on marked trails, not removing any plant matter from forests or lands surrounding the house, only use the water you need, enjoy our wildlife from a distance, and don't leave any trash in our parks or forests. These simple guidelines will help preserve the beauty of our wonderful islands.

Garbage & Recycling

There are garbage and recycling bins on the deck off the kitchen. Garbage and recycling is picked up on Wednesday mornings. If your rental falls on a Wednesday, please place bins at the bottom of the driveway by 11 am that day. If your short term rental does not include a Wednesday or you accumulate more post Wednesday, garbage and recycling must be taken off the property and disposed of at Medicine Beach Liquor Store (\$6-9) per bag. (Medicine Beach Liquor Store, 5827 Schooner Way)

Water Conservation

Health & safety

Airbnb's COVID-19 safety practices apply

Carbon monoxide alarm

Smoke alarm

Fire extinguisher and fire blanket

You must also acknowledge

Must climb stairs unless remaining on main floor. There is one staircase inside the house leading to the lower floor as well as outdoor steps throughout the property. The lower floor has 2 guest bedrooms, one washroom and laundry room.

Emergency Service Contact

Please dial 911 for police, fire, ambulance or any emergency.

On island contact: Daniel Klenner: (604) 724-8992

Host Contact: Charles Schrodtt (778) 549-9755

*This information will be provided to guests in a visible binder upon home entry.

WOODLAND ECOSYSTEMS

NORTH PENDER ISLAND DEVELOPMENT PERMIT AREA

What Are They?

Woodland ecosystems are open deciduous, and mixed deciduous-coniferous forests. They are found on North Pender Island in areas where conditions have prevented the establishment of dense coniferous forests.

Woodland ecosystems generally are restricted to rocky knolls, south-facing slopes and ridges where soils are shallow and extremely dry in summer. They are found along the coast of southern British Columbia, Washington, Oregon and California, and exist here because of the warm, dry climate and fire history of this area.

Two woodland ecosystem types are found on North Pender island:

Garry Oak Woodlands

These are biologically rich areas, that support an incredible diversity of plants, including close to 100 species considered to be at risk. In areas with deeper soils, Garry oak woodlands include stunning and diverse wildflower meadows.

Arbutus/Douglas-fir Woodlands

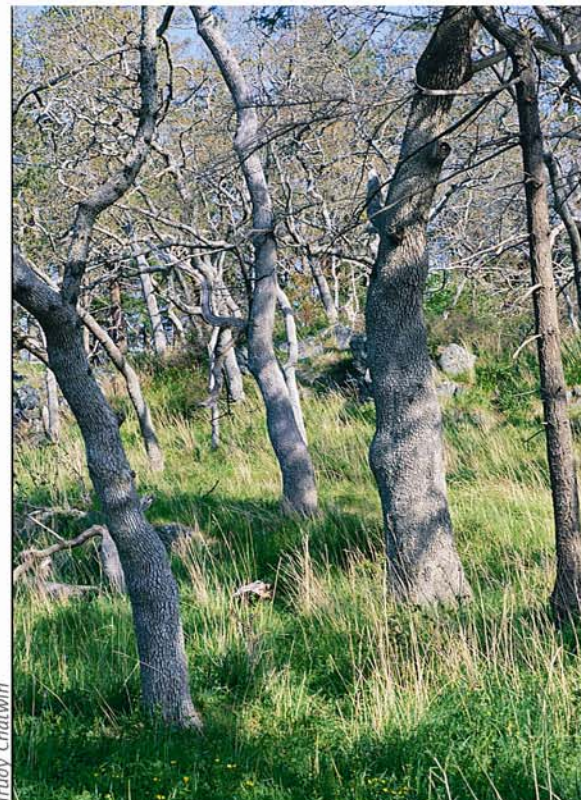
These areas are found on dry south facing slopes with rocky, nutrient-poor soils. They support only a few understory species such as dull Oregon grape and hairy honeysuckle.



Why They Are Important

Woodland ecosystems are the most threatened ecosystem type found within the Islands Trust area. They are officially designated as nationally, provincially and regionally rare.

Garry oak woodlands support the highest plant species diversity of any terrestrial ecosystem in British Columbia. They have been particularly impacted by development.



Woodland ecosystems make up only 4.6% of North Pender Island

Their Purpose

The purpose of the Woodland Ecosystems Development Permit Area (DPA) is to offer protection to the remaining woodland ecosystems on North Pender Island by guiding any new development that might occur within them. The areas covered by the Woodland Ecosystems DPA are indicated in Schedule I of the North Pender Island Official Community Plan (OCP).

What Does This Mean?

If you have a property that is wholly or partially located within a Woodland Ecosystems DPA you will need to obtain a development permit from the Islands Trust before undertaking certain new land-altering activities identified in the North Pender Island OCP.

The regular maintenance of existing buildings and landscaping, as well as any development that takes place outside of the DPA does not require a Development Permit.



Islands Trust

Extent of Woodland Ecosystems DPA Areas on North Pender Island



How You Can Protect This Ecosystem

Establish a Surrounding Buffer

A protective vegetated buffer around a woodland area will help protect it from potentially harmful outside influences and disturbance.

Control Invasive Species

The open nature of woodlands and their increasing proximity to new developments makes them particularly vulnerable to the intrusion of non-native species such as Scotch broom and gorse.

Limit Access

Any form of human and domestic animal access may severely affect the understorey vegetation, soil, tree health, or stand age structure in these sensitive and very dry ecosystems.

Maintain the Existing Hydrologic Regime

Surface or groundwater drainage patterns can be easily and detrimentally altered by the construction of roads, trails, houses and gardens. Any changes to these patterns can seriously affect the health of these dry ecosystems.

Consider Establishing a Protective Covenant

Properties with woodland ecosystems may qualify for the Natural Area Protection Tax Exemption Program. This program provides landowners who permanently protect natural features of their land with the opportunity to receive a 65% exemption in property taxes on the protected portion of their land. www.islandstrustfund.bc.ca/naptep.cfm

Mark Kaarremaa



Associated Species

Animals

Alligator lizards, garter snakes, songbirds, bats, butterflies

Plants

Garry Oak, arbutus, Douglas-fir, oceanspray, hairy honeysuckle, false box, purple peavine, white fawn lily, common camas, electrified cat's tail moss

Rare Species

Sharp-tailed snake, *Propertius duskywing* butterfly, Western Screech Owl, apple moss

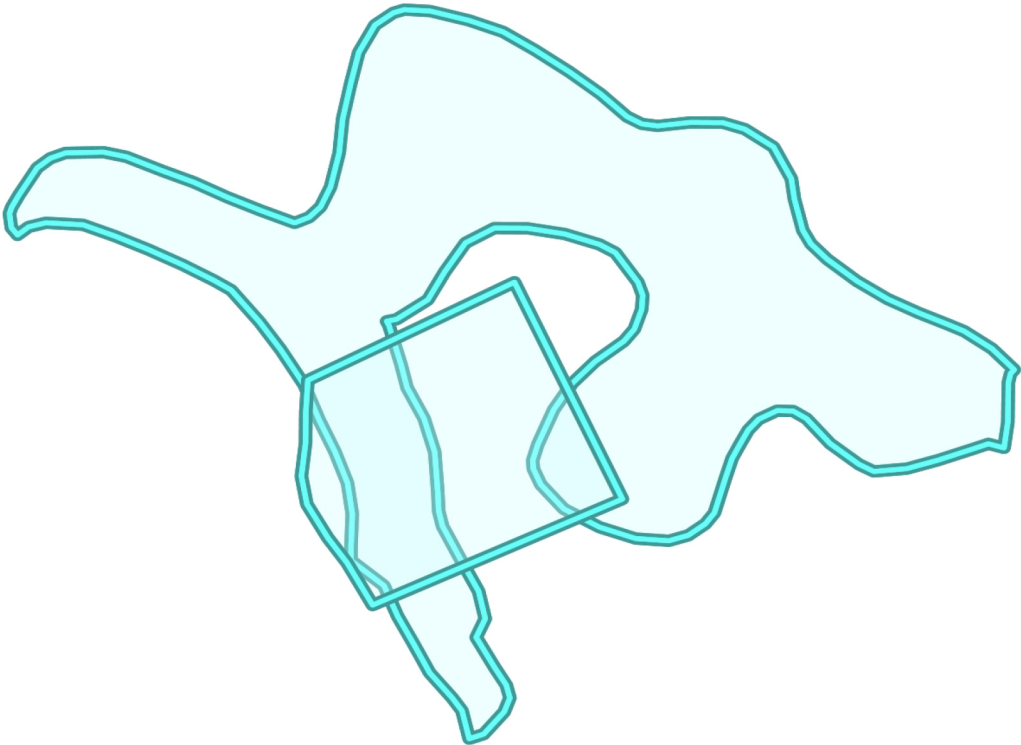
***Ecosystem DPAs guide
development in identified
ecologically sensitive areas***

For More Information

To determine if your land has a Woodland Ecosystems DPA on it consult the North Pender Island Official Community Plan (OCP). Copies of the OCP are available from Islands Trust offices in Victoria and Pender Island, and on-line at:

www.islandstrust.bc.ca/ltc/np

If you have any questions about DPAs please contact Islands Trust staff by phone by dialing 1.800.663.7867 and requesting 250.405.5151 or by email at npi@islandstrust.bc.ca.



Development Permit Area Data

Development Permit Area Number: 1

Bylaw: 171

DPA Description: Woodland Sensitive Ecosystem

66

Trust Area: NP

Official Community Plan: North Pender Island

Attachment 5: TUP Checklist for Short TERM Vacation Rental

NP-TUP-2022.3 (Schrodt)
2703 Yawl Lane

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.	The proposed use meets the definition of STVR.
b) Residential Appearance - The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence	No exterior changes proposed.
c) Cumulative Effects - The Local Trust Committee may consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	No other STVR TUPs near the subject property.
d) Distance to Another STVR - The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.	Closest STVR TUP is 400 metres from subject property.
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use:	
i. Private Well - If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit.	N/A
ii. Community Water System (Magic Lake & Razor Point) - If the property is serviced by a community water system, the draft permit must be sent to the water system for information.	Yes - Property is on Magic Lake Water. If approved, staff will refer the TUP to the CRD.
iii. Trincomali Improvement District - A short term vacation rental temporary use permit must not be issued if located within the Trincomali Improvement District.	N/A

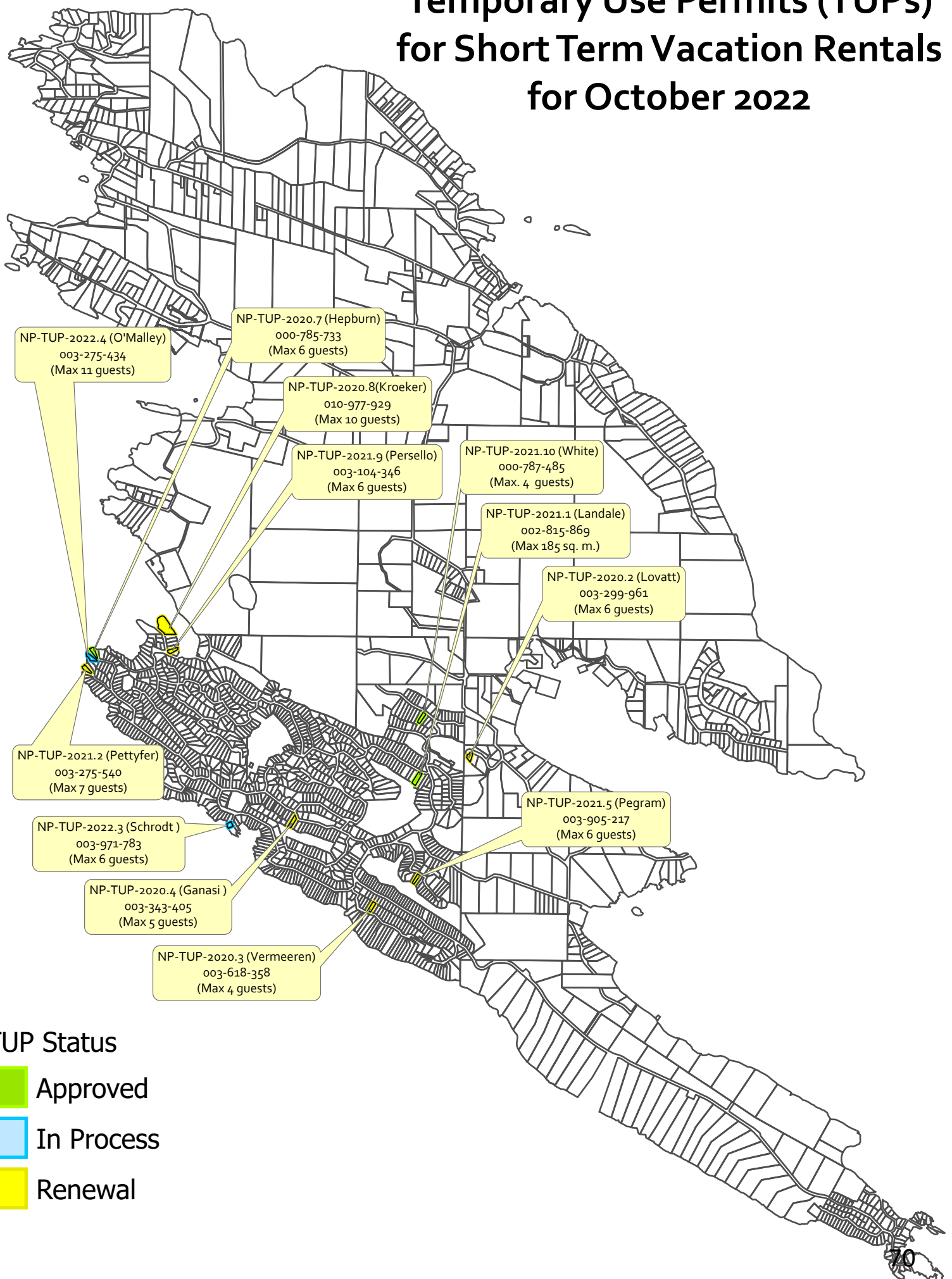
Attachment 5: TUP Checklist for Short TERM Vacation Rental

Guidelines	Comments
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two (2) vehicles	Complies.
g) Sensitive Ecosystems - If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.	Yes – Condition in draft TUP to provide guests with information on the location of the Woodland Sensitive Ecosystem located on the property, and how to avoid or minimize impacts on the sensitive ecosystem.
h) Signage - The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m ² .	Yes – condition in TUP.
i) Operator Contact - The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.	Yes – condition in TUP.
j) Operator Contact & TUP to Neighbours - The permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Yes – condition in TUP.
k) Guest Information - The permit should require the landowner post the following information for guests:	
i. remind guests that the property is located in a residential area;	Yes
ii. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);	Yes
iii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and,	Yes
iv. the applicant provide the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the short term vacation rental is in use.	Yes
l) Permit Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. limit the number of bedrooms that can be used for short term vacation rentals;	Yes, a maximum of three bedrooms as stated in TUP condition.
ii. limit the number of guests to six (6) for properties located within the Magic Lake Estates Water System Area;	Yes, condition of TUP.
iii. limit the number of days the short term vacation rental may be in use from the period	Yes, limited to 30 days.

Attachment 5: TUP Checklist for Short TERM Vacation Rental

Guidelines	Comments
of May 1 to September 30 in a calendar year to a total of thirty days;	
iv. require mitigating measures to address neighbours' concerns , such as retention of existing screening and fencing, or installation of additional screening;	Not a condition, but existing fencing and screening on property.
v. require the landowner/operator to post contact information and permit information at the entrance to the property;	Yes, a condition of the TUP.
vi. prohibit camping or occupancy of RVs on the property;	Yes, a condition of the TUP.
vii. prohibit the rental or provision of motorized personal watercraft;	Yes, a condition of the TUP.
viii. prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;	Yes, a condition of the TUP.
ix. prohibit outdoor fires; and	Yes, a condition of the TUP.
x. establish the dates during which the use may occur.	Maximum of 30 days from May 1 to September 30.
m) Agriculture Land Reserve - A temporary use permit a short term vacation rental on a parcel in the Agricultural Land Reserve must require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A
n) Owner Occupancy - An application for a short term vacation rental temporary use permit must not be considered if the dwelling unit is not occupied on a regular basis by the property owners.	Yes, owner uses premise year round.
o) Maximum Number of STVRs - The Local Trust Committee must not approve more than twenty (20) temporary use permits for short term vacation rentals within the Magic Lake Estates Water System Area.	The total number of issued TUPs in Magic Lakes is ten (10).
p) Occupancy Permit - A short term vacation rental temporary use permit must not be issued in a dwelling or cottage that does not have Occupancy Permit approval	As per the CRD, dwelling pre-dated the CRD Building Bylaw therefore no occupancy document was required.
q) Bylaw Enforcement - The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received	Yes, condition of TUP.

Temporary Use Permits (TUPs) for Short Term Vacation Rentals for October 2022



TUP Status

- Approved
- In Process
- Renewal

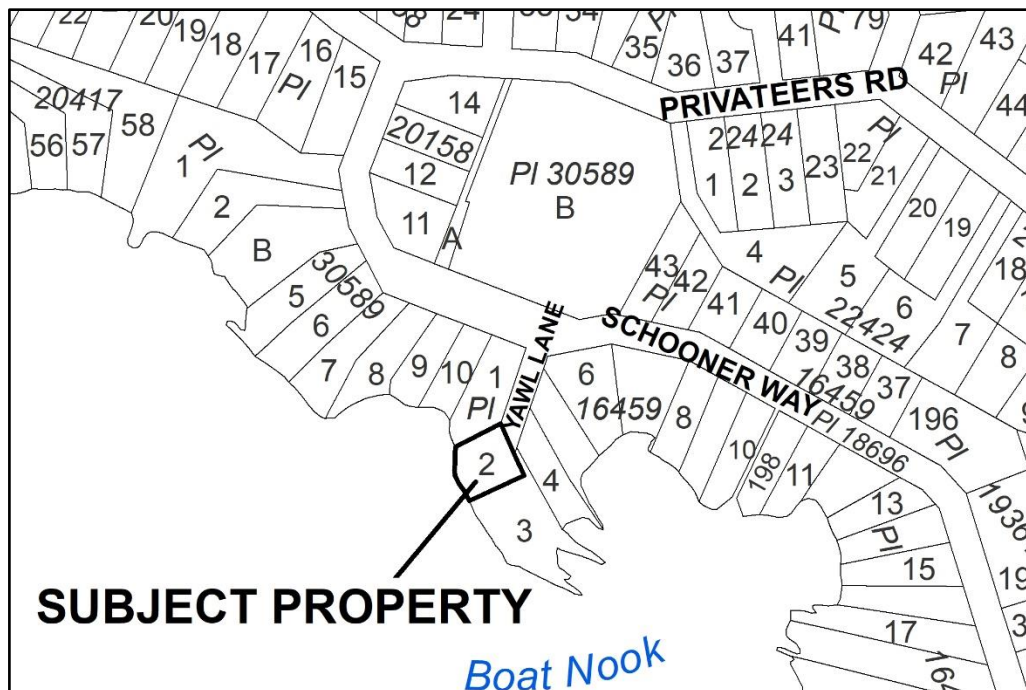
NOTICE
NP-TUP-2022.3
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the North Pender Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to Lot 2, Section 9, Pender Island, Cowichan District, Plan 16459 (PID: 003-971-783). This property is located at **2703 Yawl Lane**.

The purpose of this temporary use permit would be to permit a **Short Term Vacation Rental** use within the Dwelling Unit.

The establishment of these uses would be subject to the conditions specified in the attached proposed permit. The permit would be issued for **three (3) years** and the owner may apply to the LTC to have it renewed once for an additional three (3) years.

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **October 13, 2022** and continuing up to and including **October 24, 2022**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on North Pender Island.

Enquiries or comments should be directed to Kim Stockdill, Island Planner at (250) 405-5157. For Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 p.m., **October 24, 2022**.

The LTC may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:00 a.m., October 27, 2022**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.



DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE TEMPORARY USE PERMIT NP-TUP-2022.3 (Schrodt)

2703 Yawl Road

To: Charles Schrodt

1. This Permit applies to the land described below:

Lot 2, Section 9, Pender Island, Cowichan District, Plan 16459
(PID: 003-971-783).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

- a) a **Short Term Vacation Rental** within the Dwelling Unit.

3. and is subject to the following conditions:

- a) A **parking** area that will accommodate a minimum of two (2) vehicles for the Short Term Vacation Rental (STVR) is required and must be wholly contained on the subject property;
 - b) the property owner shall provide information for guests indicating the location of the **woodland sensitive area**, and information on how to avoid impacting the sensitive features;
 - c) **signage** advertising the STVR use may not exceed 0.6 m²;
 - d) either the property owner or other designated **contact** must be available on North or South Pender Island by telephone 24 hours per day, seven days per week when the STVR is in use, and the name (s) and contact information shall be provided to STVR guests upon arrival;
 - e) either the property owner or other designated **contact** must provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit ;
 - f) the property owner must post within the dwelling the following **information for guests**:
 - i. remind guests that the property is located in a residential area;
 - ii. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); and
 - iii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service;
 - iv. the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the STVR is in use;
 - g) the **maximum number of bedrooms** that can be used for the STVR use is limited to **three (3)**.
 - h) the **maximum number of guests** is limited to **six (6)**.
 - i) the STVR use is **limited to a thirty (30) days** from the period of **May 1 to September 30** in a calendar year;
 - j) the property owner or operator shall **post contact information and permit information** at the entrance to the property;
 - k) The following activities are **prohibited**:

- i.* camping and occupancy of recreational vehicles;
 - ii.* the rental or provision of motorized personal watercraft;
 - iii.* the use on Magic Lake or Buck Lake of watercraft brought from off island; and,
 - iv.* outdoor fires; and,
 - l) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or STVR renter for the purpose of investigating a complaint;
4. This permit is valid for **three (3)** years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

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

Deputy Secretary, Islands Trust

Date Issued



DATE OF MEETING: October 27, 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

This staff report is for the North Pender Island Local Trust Committee's (LTC's) information only.

REPORT SUMMARY

The purpose of this report is to provide further information on items requested from the September 1st, 2022 North Pender Special Meeting and the September 29th, 2022 regular meeting.

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 September 1, 2022 LTC special meeting the LTC passed the following resolutions:

NP-2022-109

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to schedule a special meeting and a community information meeting on October 1, 2022 regarding the LUB Review Project.

CARRIED

NP-2022-110

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 223, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021" be amended by deleting Plan No. 2.

CARRIED

NP-2022-111

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 second time as amended.

CARRIED

NP-2022-112**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”, be read a second time as amended.

CARRIED

NP-2022-113**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”, be read a second time as amended.

CARRIED

Staff have amended the proposed bylaws based on the resolutions above. The amended bylaws are attached to the staff report for the LTC’s consideration.

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, the Policy Statement Directives Checklists were endorsed, and second reading was given on September 1, 2022.

ANLYSIS**1. Setbacks of Buildings/Structures to Wetlands/Streams/Sea**

The current Land Use Bylaw (LUB) No. 103 and proposed Bylaw No. 224 both establish setbacks for buildings and structures, with some exceptions, of 15 metres from the natural boundary of the sea and 7.6 metres from the natural boundary of a lake, wetland and stream. Increasing these setbacks without further analysis would lead to the creation of legal non-conforming siting for dwellings, cottages, and/or accessory structures. In addition, wetlands and streams (other than RAR streams and wetland DPAs) are not well mapped, can have indeterminate boundaries, are not well defined in terms of natural, or naturalized, wetlands versus artificial dug ponds, which leads to interpretation issues, and setbacks of building and structures do not protect these features from land alteration. If the LTC wishes to pursue reviewing setbacks to wetlands, streams, lakes and the sea this should involve updated mapping of the features and consideration of options to best protect the features, staff recommend adding this to the Projects List. The project could entail a full review of current legislation, review of definitions, consideration of regulatory options and also a mapping project to outline which watercourses on North Pender would be considered a lake, stream, or wetland. At this time, staff do not recommend further amendments to proposed Bylaw No. 224 in relation to this topic.

Current regulation in proposed Bylaw No. 224:

Subsection 3.3(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 paved areas of asphalt, concrete or similar material are "*structures*".

Subsection 3.3(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 or community *dock* or wharf to the upland *lot*;
- (c) *Pump/utility shed* with a *floor area* of 10 m² or less; and,
- (d) Fences.

Subsection 3.3(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.

Subsection 3.3(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.

2. Setback for Septic Systems to Wells & Sea

The Sewerage System Regulation includes setback requirements for septic holding tanks and sewerage systems to a well. In addition, the Regulation outlines cases where exemptions to the setback could be achieved. Section 3.1 of the Sewerage System Regulations is as follows:

Setback from wells

3.1 (1) In this section:

"professional" means a professional competent in the area of hydrogeology;

"well" means a well used to supply a domestic water system.

(2) Subject to subsections (3) and (4) (b), a person must not construct

- (a) a holding tank less than 15 metres from a well, or
- (b) a sewerage system less than 30 metres from a well.

(3) Subsection (2) does not apply if a person receives, before construction, written advice from a professional that it would not likely cause a health hazard to construct a holding tank or sewerage system at a distance less than the distance required under that subsection.

(4) If a person receives from a professional written advice respecting the distance from a well that a holding tank or sewerage system should be constructed to reasonably avoid causing a health hazard,

(a) the person must give to a health officer

- (i) a copy of the advice, and
- (ii) notice of whether the person intends to construct the holding tank or sewerage system and, if so, the distance from the well the person intends to construct the holding tank or sewerage system, and

(b) a person must not construct a holding tank or sewerage system at a distance less than that indicated by the professional.

Staff do not recommend amending proposed Bylaw No. 224 to include a setback regulation for septic systems to a well. Although the Regulation includes a 30 metre setback, the Regulation also outlines where exceptions are made to the setback. This is based on a professional reliance model where a registered professional provides their professional opinion as to why reducing the 30 metre setback would not cause a health hazard. In addition, a copy of this professional report is given to the health office (Island Health).

If the North Pender LTC did amend proposed Bylaw No. 224 to include a 30 metre setback, and if a scenario arose where a property owner received a professional report recommending a reduction to the setback and it met the criteria of the Sewerage System Regulation, the property owner would then have to apply for a Development Variance Permit or Board of Variance. The issues with including a 30 metre setback for septic systems to wells are:

- Sewerage requirements are governed under Sewerage System Regulation and Island Health,
- Relies on the professional reliance model, and local government approval is not required,
- Requiring a DVP or BOV would require property owners to go through an unnecessary permit process and increased financial burden.

Although the Sewerage System Regulation does not specify a setback for a sewerage system to the natural boundary of the sea, a professional reliance model is used and the standards specify a minimum horizontal distance of 15 metres from marine bodies.

3. Floor Area/Height of a storey 1.5 metres

The LTC requested staff to research how the Capital Regional District (CRD) defines floor area and a storey, and more specifically if there's a reference to 'livable space' in the BC Building Code. The following applicable definitions are from the BC Building Code:

- **Building** means any structure used or intended for supporting or sheltering any use or occupancy.
- **Floor area** means the space on any storey of a building between exterior walls and required firewalls, including the space occupied by interior walls and partitions, but not including exits, vertical service spaces, and their enclosing assemblies.
- **Storey** means that portion of a building that is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.

In addition, there is no reference in the BC Building Code to 'livable space'. Based on the BC Building Code above, the calculation of floor area is more inclusive as it does not exclude areas with a floor to ceiling height of 1.5 metres.

4. Outhouses

Outhouses, also known as a 'privy', are regulated by the Sewerage System Regulation by Island Health. The intent of the regulation is to regulate sewerage systems for residential use of a maximum size. The Sewerage System Regulation prior to 2004 did include, by definition, a privy to be a sewerage system. However the current Sewerage System Regulation, adopted in 2004, does not consider a privy to be a 'sewerage system'. The Regulation defines a sewerage system as "a system for treating domestic sewage that uses one or more treatment methods and a discharge area, but does not include a holding tank or a privy"; therefore, a privy is not a permitted use for a sewerage system.

As outhouses are already restricted by Island Health, additions to the LUB are not required. Although if the LTC would like to amend proposed Bylaw No. 224 to prohibit outhouses/privies in all zones with the exception to parks, the LTC may consider following draft motion:

Draft Motion:

“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 adding a new subsection to Section 3.2 ‘Prohibited in All Zones’ as follows: “privies, except for in the National Park, Community Park 1, and Community Park 2 zones.”.

5. Agri-tourism, Agri-tourist Accommodation and the Definition of ‘Farm’

The LTC requested staff provide comments on the letter dated September 29, 2022 (attached). The letter writer requests the LTC to remove agri-tourism and agri-tourist accommodation regulations as they believe the current draft of Bylaw No. 224 would allow these uses in the RR1 and RR2 zones, in addition, they recommend removing Section 3.13(3) that requires the uses to be only permitted on a lot with Farm Status. Furthermore they believe these uses should not be permitted in the R, RC1, and RC2 zone. Staff provide the following comments:

- The Agricultural Land Commission requires Agri-tourism and Agri-tourist Accommodation to be only conducted on land with Farm Status (land that is classified as a farm under the *Assessment Act*) and on land in the Agricultural Land Reserve (ALR).
- Proposed Bylaw No. 224, as written, would not permit Agri-tourism and Agri-tourist Accommodation in the RR1 and RR2 zones.
- There are portions of RC2 and Rural zoned land that are located within the ALR, therefore they are included as permitted uses in the zone. The LTC has the option to remove Agri-tourism and Agri-tourist Accommodation use from the RC2 zone as no RC1 properties are located within the ALR.
- No further amendments to definitions. Adding a definition of ‘farm’ in the LUB is not recommended as the term alone is not used in the LUB. Terms used in the LUB are “Farm operation” and “Farm Status” both in which are defined in the LUB.

A letter dated September 23, 2022 (attached) was received by the LTC to suggest amendments to the current Land Use Bylaw No. 103 in light of the Public Hearing for proposed Bylaw No. 224 to be delayed until after the election. The letter included two suggestions to amend Bylaw No. 103:

- To add a definition of ‘farm’; and,
- To remove the word ‘farm’ from Subsection 3.4.4 and replace it with ‘agriculture’.

The intent of the suggestions above is to clarify Subsection 3.4.4 in the current LUB that allows a building for farm purposes to be up to a maximum of 10 metres in height.

Any amendments to the current Land Use Bylaw would require an amendment bylaw. Any amending bylaw would have to go through the proper legislative process of receiving First Reading, Second Reading, holding a Public Hearing, Third Reading, approval by the Executive Committee, and then final bylaw approval by the LTC. Creating a new amending bylaw would take at a minimum of 9 months from bylaw drafting to bylaw adoption. Staff do not recommend the LTC give direction to staff to create a secondary LUB amending bylaw, and recommend the approval of proposed Bylaw No. 224 to add clarity to the 10 metre height allowance for agricultural buildings.

6. Residential Outdoor Lighting

Outdoor lighting and creating a nuisance to neighbours is not regulated in a land use bylaw, but rather should be regulated by a nuisance bylaw. In the North Pender Island Local Trust Area, only the Capital Regional District (CRD) has the authority by the *Local Government Act* to regulate or prohibit nuisances that disturb the peace. The current and proposed North Pender LUBs does regulate lighting by restricting the installation and operation of exterior artificial lighting on a lot for the purpose associated with home businesses and home industry. The

rationale for this regulation is to limit the impact of a commercial or industrial use (that otherwise would not be permitted in the zone) on the residential environment.

7. Driftwood Centre – Commercial 2 Zoning

This item was added to the staff report to act as a topic to bring forward for the newly elected LTC. The property manager for the Driftwood mentioned there is plenty of groundwater for this lot, although to date there has been no groundwater study any future Commercial 2 uses.

8. MacKinnon Road – Commercial 2 Zoning

The proposed density for the four Commercial 2 zoned parcels on MacKinnon Road are shown below in Table No. 1. The LTC proposed to reduce the density further, but upon receiving a site plan from the property owner of 1329 and 1333 MacKinnon Road, the LTC agreed to retain the density as outlined in proposed Bylaw No. 224 (density in red below).

Table No. 1 – MacKinnon Rd C2 Density

Property	Lot Area (ha)	Current Density as per Bylaw No. 103	Proposed Density agreed to between Property Owners and LTC (as shown in proposed Bylaw No. 224)	Proposed reduction at Aug 11/22 meeting (motion was rescinded)
1325 MacKinnon Rd	0.56	9	3	3
1329 MacKinnon Rd	1.23	26	15	7
1333 MacKinnon Rd	0.57	10	5	5
1349 MacKinnon Rd	0.75	10	8	3

Further Amendments

If the LTC wishes to make amendments to proposed Bylaw No. 223, 224, or 229, Second Reading for the bylaw must be rescinded prior to making amendments. The process to amend a bylaw are:

1. Rescind Second Reading by resolution – See Alternative No. 1
2. Make amendments to bylaw by resolution – See Alternative No. 2
3. Give bylaw Second Reading as amended by resolution. – See Alternative No. 3

PUBLIC HEARING

The LTC gave direction to staff to schedule public hearings for proposed Bylaw Nos. 223, 224, and 229. The scheduling of the Public Hearings have been placed on hold until after the election.

ALTERNATIVES

1. Rescind Second Reading

Recommended wording for the resolution is as follows:

That the Second Reading of Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021” be rescinded.

That the Second Reading of Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be rescinded.

That the Second Reading of Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022” be rescinded.

2. Amend the proposed bylaw (s)

Recommended wording for the resolution is as follows:

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

3. Give Second Reading as amended

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee proposed Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021” be read a second time as amended.

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

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

4. Proceed no further

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

Submitted By:	Kim Stockdill, Island Planner	October 20, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	September 22, 2022

ATTACHMENTS

1. Letter from J. Thayer, K. & T. Bell, & A. Stephenson dated September 29, 2022
2. Letter from J. Thayer, K. & T. Bell, & A. Stephenson dated September 23, 2022
3. Proposed Official Community Plan Bylaw No. 223
4. Proposed Land Use Bylaw No. 224
5. Proposed Land Use Bylaw No. 229

September 29, 2022

To: Ben McConchie – North Pender Island Trustee
Deb Morrisom – North Pender Island Trustee
Laura Patrick – North Pender Island Trustee
Via email: southinfo@islandstrust.ca

Re: Proposed Bylaw 224 – Further Amendments

We wish to thank the trustees for their consideration of and implementation of most of our suggestions for changes to proposed bylaws 224 and 229 to make it absolutely clear that agriculture and agri-tourism/agri-tourist accommodation are not permitted uses in the RR2 zone, at the meeting of August 13, 2022. However, as the bylaw is currently written there remains the possibility that agri-tourism/agri-tourist accommodation may be allowed in the RR1 and RR2 zones unless section 3.13 (3) is deleted from s.13 setting out the Agri-tourism and Agri-tourist Accommodation Regulations.

Farm status is defined in the proposed bylaw as “land classified as a farm pursuant to the (BC) Assessment Act”. If s. 3.13 (3) which states that “*Agri-tourism and Agri-tourist accommodation uses* are only permitted on a lot with *Farm Status*.” remains in the bylaw, any land owner, who owns land including land in RR1 or RR2 zones might apply for and achieve this status and attempt to conduct agri-tourism and build agri-tourist accommodation when is clearly the intent of the bylaw that such activities not take place in these zones. Simply put Farm Status for taxation purposes should not be a criteria for determining if Agri-tourism and Agri-tourist Accommodation uses are allowed.

Further s. 3.13 (3) is inconsistent with section 3.13(4) which states that agri-tourism can only take place on ALR land. Section 3.13 (4) is also inconsistent with sections 5.3 (1) (h); 5.4 (1) (h) and s. 5.5 (1) (e) of Bylaw 224 as currently drafted as the proposed bylaw also zones R, RC1, and RC2 land for accessory agri-tourism and agri-tourist accommodation.

If, as we understood it from the meeting of August 13, 2022, the intent of the trustees was to confine agri-tourism and agri-tourist accommodations to ALR lands as set out in s. 3.13 (4) then we propose the following amendment to the bylaw at the meeting of September 1st.

Moved that:

1. Section 3.13 (3) be deleted from s. 3.13 of proposed bylaw 224.
2. Section 5.3 (1) h be deleted from s. 5.3 of proposed bylaw 224.
3. Section 5.4 (1) (h) be deleted from s. 5.4 of proposed bylaw 224; and
4. Section 5.5 (1) (e) be deleted from s. 5.5 of proposed bylaw 224.

Also as confusion appears to remain as to the distinction between farm status for taxation purposes pursuant to the provisions of the *BC Assessment Act* and a farm operation for bylaw zoning purposes it is important to include the following changes to the definition section 1.1. to make it absolutely clear the zones where agriculture operations and farming for zoning purposes take place.

We suggest the following:

Moved that:

1. The following words be added to the definition of agriculture in s.1.1 of proposed bylaw 224 “in a zone where agriculture is a principle permitted use.”; and
2. The following definition of farm be added to the definition section s.1.1 “Farm” means a farm operation conducted on a lot that is zoned for agriculture as a principal permitted use.

Thank you for your consideration of our requests and suggestions.

Joyce Thayer

Karen and Tom Bell

Ann Stephenson

■■■■

From: Joyce Thayer <[REDACTED]>

Sent: Friday, September 23, 2022 11:29 AM

To: Deb Morrison <dmorrison@islandtrust.bc.ca>; Benjamin McConchie <bemconchie@islandtrust.bc.ca>; Laura Patrick <lpatrick@islandtrust.bc.ca>; Kim Stockdill <kstockdill@islandtrust.bc.ca>; SouthInfo <SouthInfo@islandtrust.bc.ca>

Subject: Amendment to Bylaw 103

Please see attached submission for consideration at the upcoming Trust Meeting of September 29th.

Joyce Thayer

Karen and Tom Bell

Ann Stephensen

September 23, 2022

TO: Deb Morrison – North Pender Island Trustee

Benjamin McConachie – North Pender Island Trustee

Laura Patrick- Chair North Pender Island Trust

Via Email : Southinfo@islandtrust.ca

RE: Amendment of Bylaw 103 to include a definition of “Farm”

I write further to our submissions to the trustees at the meetings of August 11, 2022 and September 1, 2022 which focused on amendments to bylaw 224 to address the issue of what uses are permitted on Rural Residential RR properties in light of the decision to approve the construction of an over height accessory building at 4218 Clam Bay Rd.

We appreciate the consideration given to our concerns and the amendments to Bylaw 224 which have been implemented to address them.

At the last meeting of September 1, 2022 the trustees decided to delay the implementation of Bylaw 224 until after the upcoming election of trustees in October. Since this decision the building which initiated our concern has been inspected and, in our view incorrectly, found to be compliant with the current bylaw.

The position that we have put forward is that it is not the intent of the current bylaw to allow construction of over height accessory buildings for farm purposes on RR lands. To ensure that there is no further misunderstanding of the intent of the current Land Use Bylaw 103 going forward it is important to immediately amend Bylaw 103. We ask that Bylaw 103 be amended at the meeting of September 29, 2022 to include a definition of “Farm” and to amend s. 3.4.4 of the section relating to accessory buildings as follows:

Moved that:

1. the following definition of farm be added to s. 1.1 of Bylaw 103

“Farm” means a farm operation on a lot that is zoned for agriculture as a principal permitted use.

2. Section 3.4.4 of Bylaw 103 be amended to delete the word farm and substitute the word agricultural so that s.3.4.4 states as follows:

3.4.4 An accessory building or structure may not exceed 4.6 meters in height and one story except for a pumphouse, which may not exceed 3 meters in height, and a building used for agricultural or forestry purposes which may not exceed 10 meters in height.

Thank you for your consideration of our request.

Joyce Thayer
Karen and Tom Bell
Ann Stephenson

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.
READ A SECOND TIME THIS	1 ST	DAY OF	SEPTEMBER	2022.
PUBLIC HEARING HELD 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 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.”

3. By adding the following new policy to Section 4.2 Coastal Area Policies:

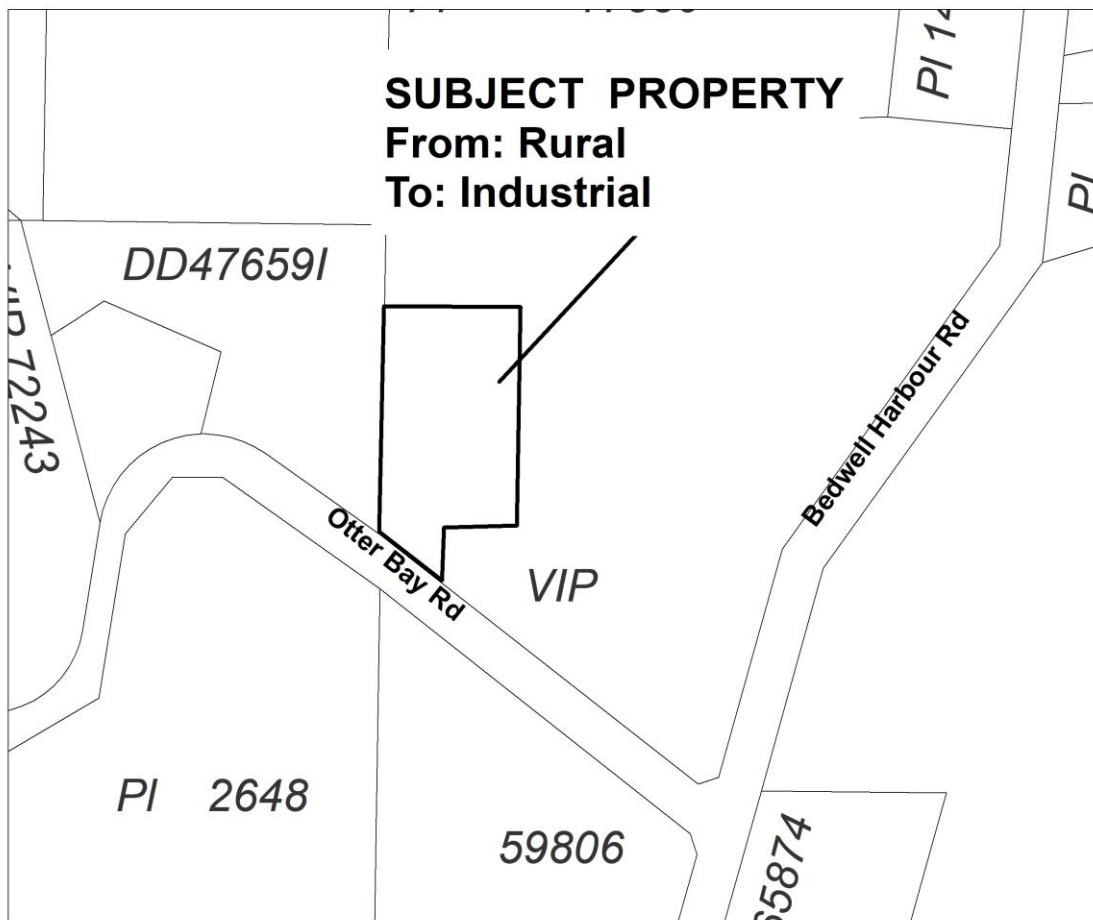
“4.2.11 Existing private moorage for docks permitted on a site-specific basis in those areas designated as Marine (M) on Schedule “B”. New applications for private moorage for docks may be considered by site-specific rezoning subject to:

 - 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.”
4. Schedule “B” – LAND USE MAP is amended as shown on Plan Nos. 1, 2, and 3 attached to and forming part of this bylaw.

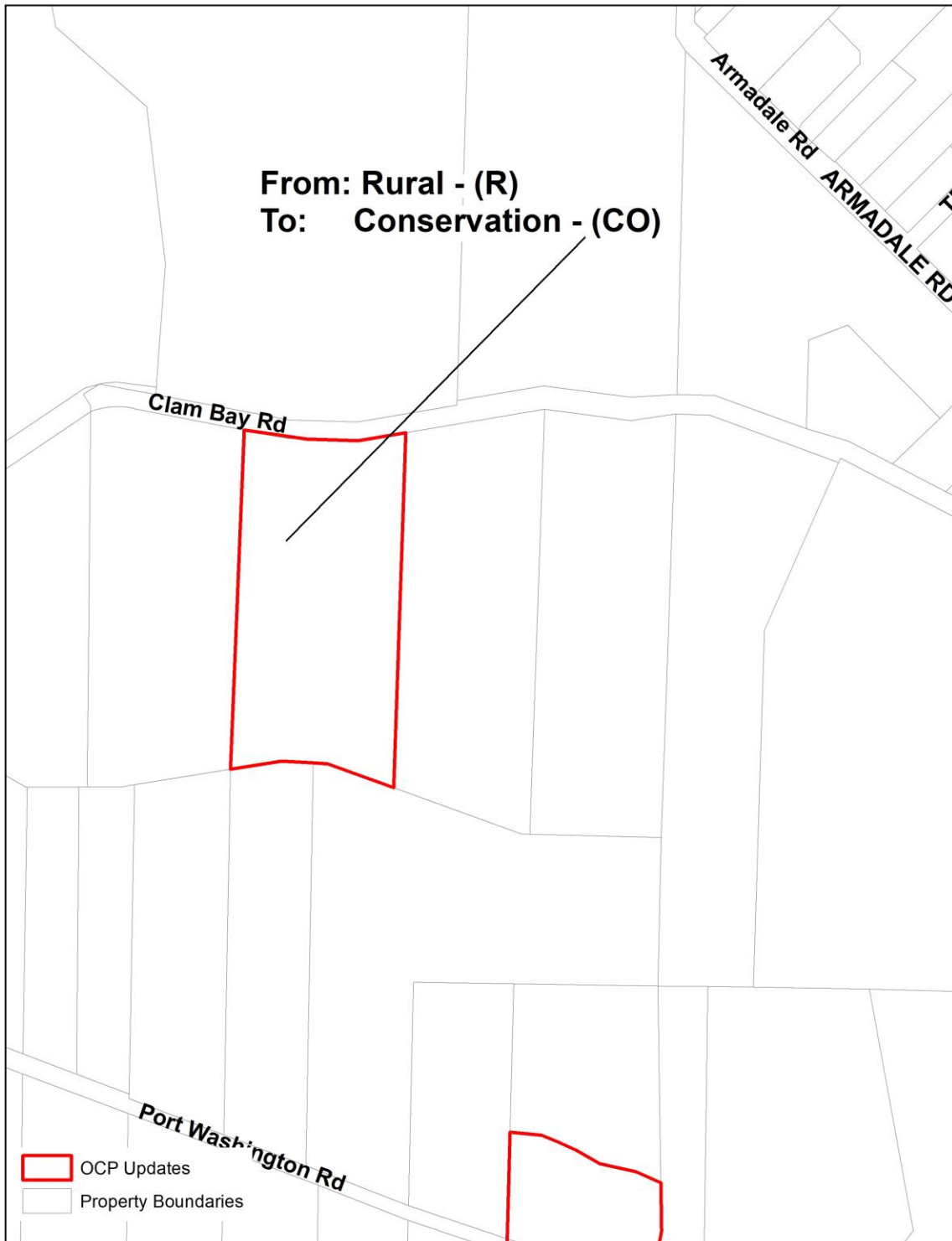
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 223

PLAN NO. 1



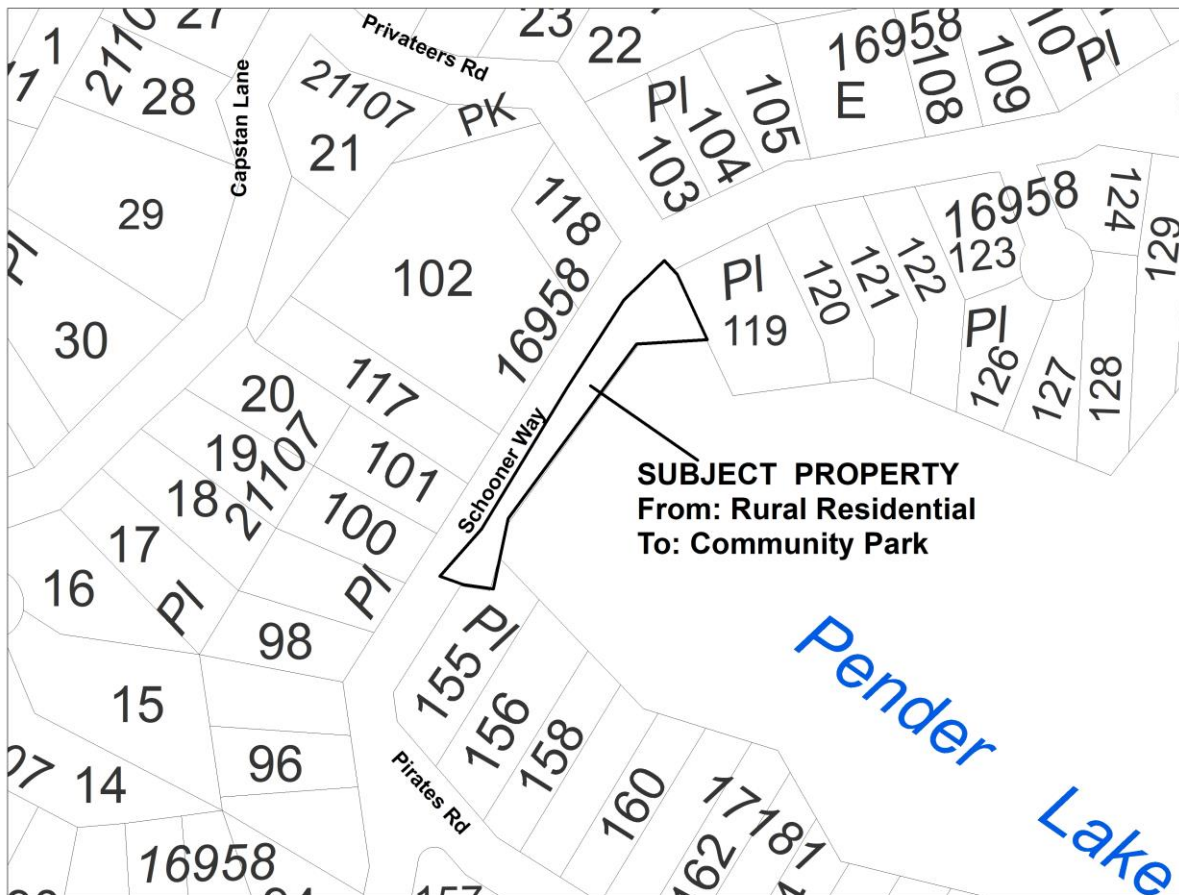
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 223

PLAN NO. 2



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 223

PLAN NO. 3





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.
READ A SECOND TIME this 1st day of September , 2022.
PUBLIC HEARING HELD 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

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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.

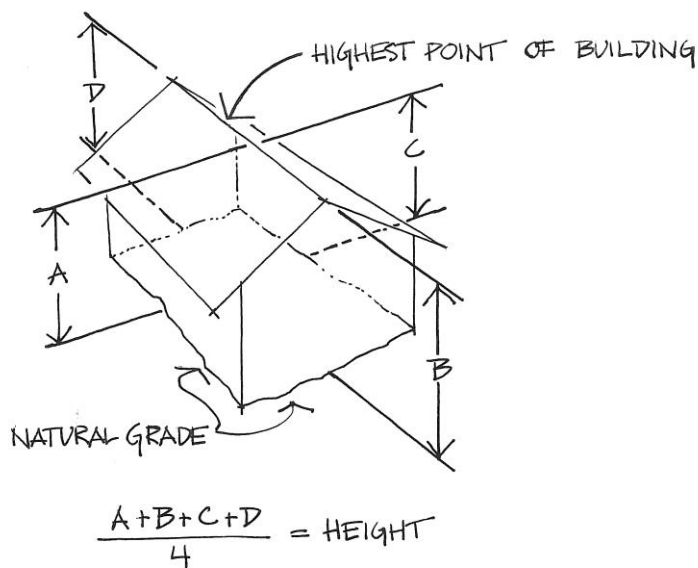


Figure 1-1 Illustration of calculation of height

"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.

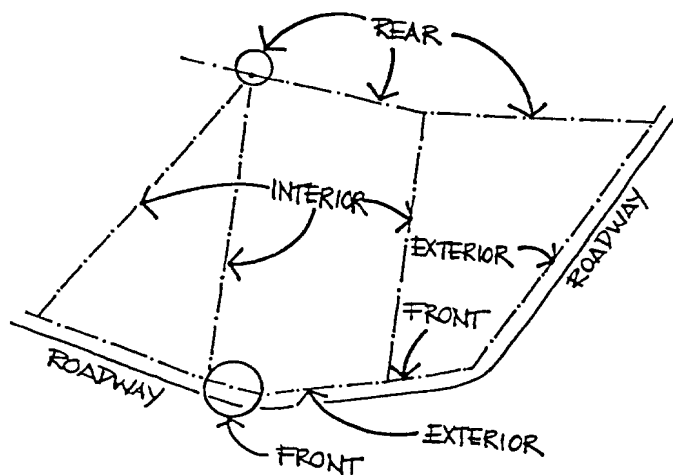


Figure 1-2 Illustration of lot lines

"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) One *pump/utility shed* with a maximum floor area of 10 m²;
- (5) water supply facilities, including reservoirs, treatment plants, pumping stations and intake structures;
- (6) electricity and telephone lines for the distribution of service to North Pender Island or South Pender Island, and water and sewer service lines;
- (7) solar collectors in any land zone for the purposes of supplying power to the *lot* on which the *structure* is located;
- (8) wind generators in any land zone for the purposes of supplying power to the *lot* on which the *structure* is located;
- (9) the use of land under the *Private Managed Forest Land Act* for forest management activities related to timber production or harvesting;
- (10) 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,
- (11) despite Subsection 3.1(10), 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 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 or community *dock* or wharf to the upland *lot*;
 - (c) *Pump/utility shed* with a *floor area* of 10 m² or less; and,
 - (d) Fences.
- (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 the Rural, Rural Comprehensive 1, Rural Comprehensive 2, and Agriculture zones 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) All *buildings and structures* must not exceed 4.6 metres in *height* and one storey except for a *dwelling or cottage*.
- (8) *Lot coverage* may not exceed 25 percent.

- (9) 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)

- (10) The maximum *floor area* of a *cottage* must not exceed 80 m².
- (11) Despite Subsection 5.1(9), 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

- (12) *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
- (13) *Accessory* pig farming, dog breeding, and boarding kennels is only permitted on a lot greater than 1.2 hectares in area.
- (14) *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.
- (15) 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

- (16) 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.
- (17) 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

- (18) 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) *Secondary Suite*;
 - (d) *Horticulture*;
 - (e) Keeping of *livestock*;
 - (f) Keeping of bees;
 - (g) *Accessory home business*;
 - (h) *Accessory* rabbit, poultry raising, pig farming, dog breeding, and boarding kennels; 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 5.2(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) All *buildings and structures* must not exceed 4.6 metres in *height* and one storey except for a *dwelling or cottage*.
- (8) *Lot coverage* may not exceed 25 percent.

- (9) 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)
For dwelling located within the Agricultural Land Reserve		500 m ² (5382 ft ²)

- (10) 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.
- (11) Despite Subsection 5.2(9), 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

- (12) *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
- (13) *Accessory* pig farming, dog breeding, and boarding kennels is only permitted on a lot greater than 1.2 hectares in area.
- (14) 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.
- (15) 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

- (16) 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.
- (17) 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

- (18) 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) 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	(1) Despite Subsections 5.2(1) and 5.2(2), the only permitted uses are 2 (two) <i>dwelling</i> s, and the <i>uses</i> permitted by Articles 5.2(1)(a), (c), (d), (e), (f), (g), (h), and (i). (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> .

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)
For dwelling located within the Agricultural Land Reserve		500 m ² (5382 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	
7	C2(g)	Portion of Lot 1, VIP 59811, Section 15	Despite Subsection 5.8.1, <i>Tourist Accommodation</i> <i>use</i> is not permitted on the lot.

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), propane sales, and <i>accessory buildings and structures</i> .
2	GI(b)	Portion of the NW ¼ 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>uses</i> permitted in this location is covered boat storage and <i>accessory buildings and structures</i> and all covered boat storage <i>buildings and structures</i> and <i>accessory building and structures</i> must not exceed a height of 4.6 metres
3	GI(c)	Portions of Lot 8 & 9, Plan 6294, Section 18	The only <i>uses</i> permitted are: (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; (c) the servicing and repairing of goods, materials and equipment; and the processing, crushing and storage of gravel; and, (d) <i>Accessory buildings and structures</i> .
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 <i>uses</i> are also permitted: (a) <i>Waste transfer facility</i> ; (b) <i>Composting facility</i> ; (c) <i>Recycling or reuse facility</i> ; (d) The processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment; and, (e) <i>Accessory buildings and structures</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; (c) Recycling and reuse facility; (d) <i>Contractor yard</i> ; and, (e) Storage of gravel. (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(q).
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</i> or <i>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

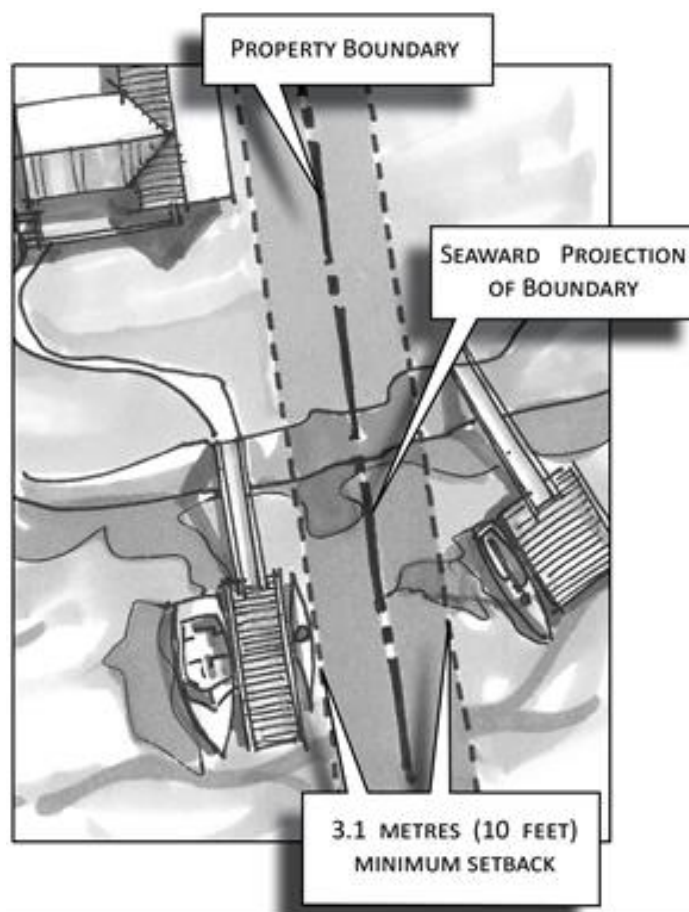
- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Private docks accessory to the residential use of an abutting upland *lot* or *lots* abutting the sea, and providing access to that *lot* or 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

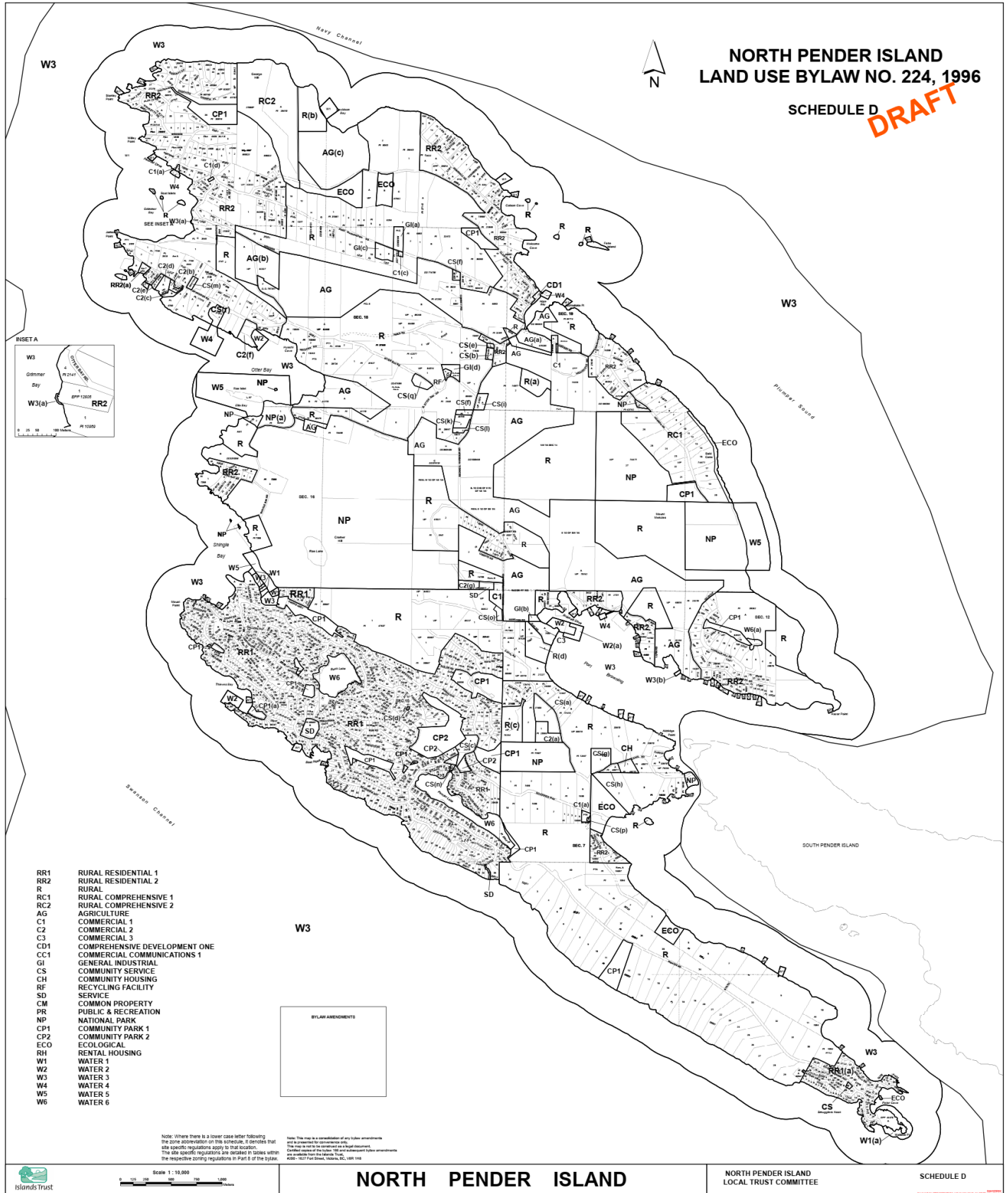
- (1) Every campground must have access to a *highway* by way of a single hard-surfaced or gravelled driveway access route at least 6.7 metres in width, on which motor vehicle parking is not allowed.
- (2) All camping spaces and service buildings must have direct driveway access to the driveway referred 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:

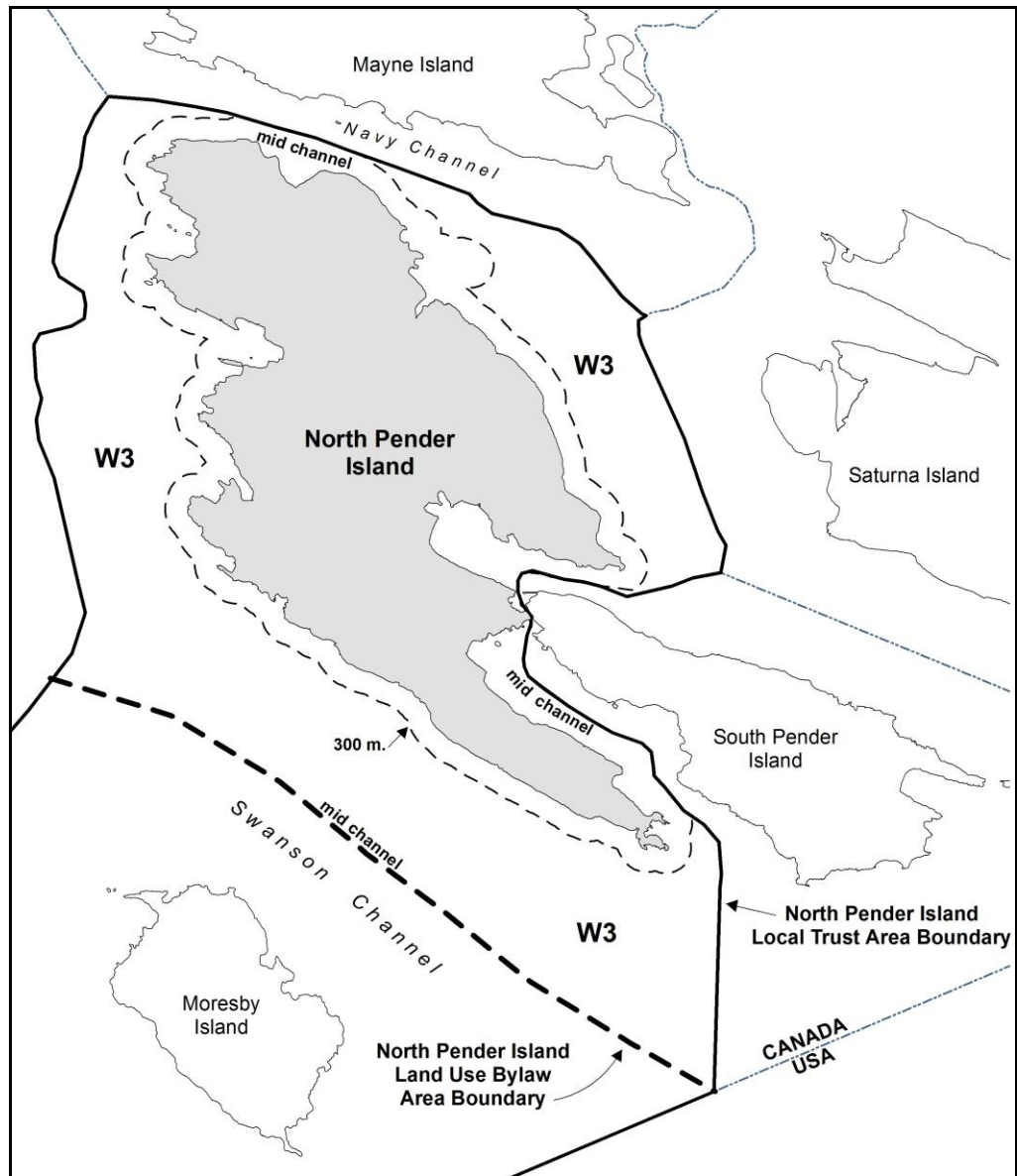
Number of Camping Spaces	Toilets		Urinals	Washbasins		Showers	
	Men	Women	Men	Men	Women	Men	Women
1 to 15	1	1	1	1	1	1	1
16 to 30	1	2	1	2	2	1	1
31 to 45	2	2	1	3	3	1	1
46 to 50	2	2	2	3	3	2	2

- (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.

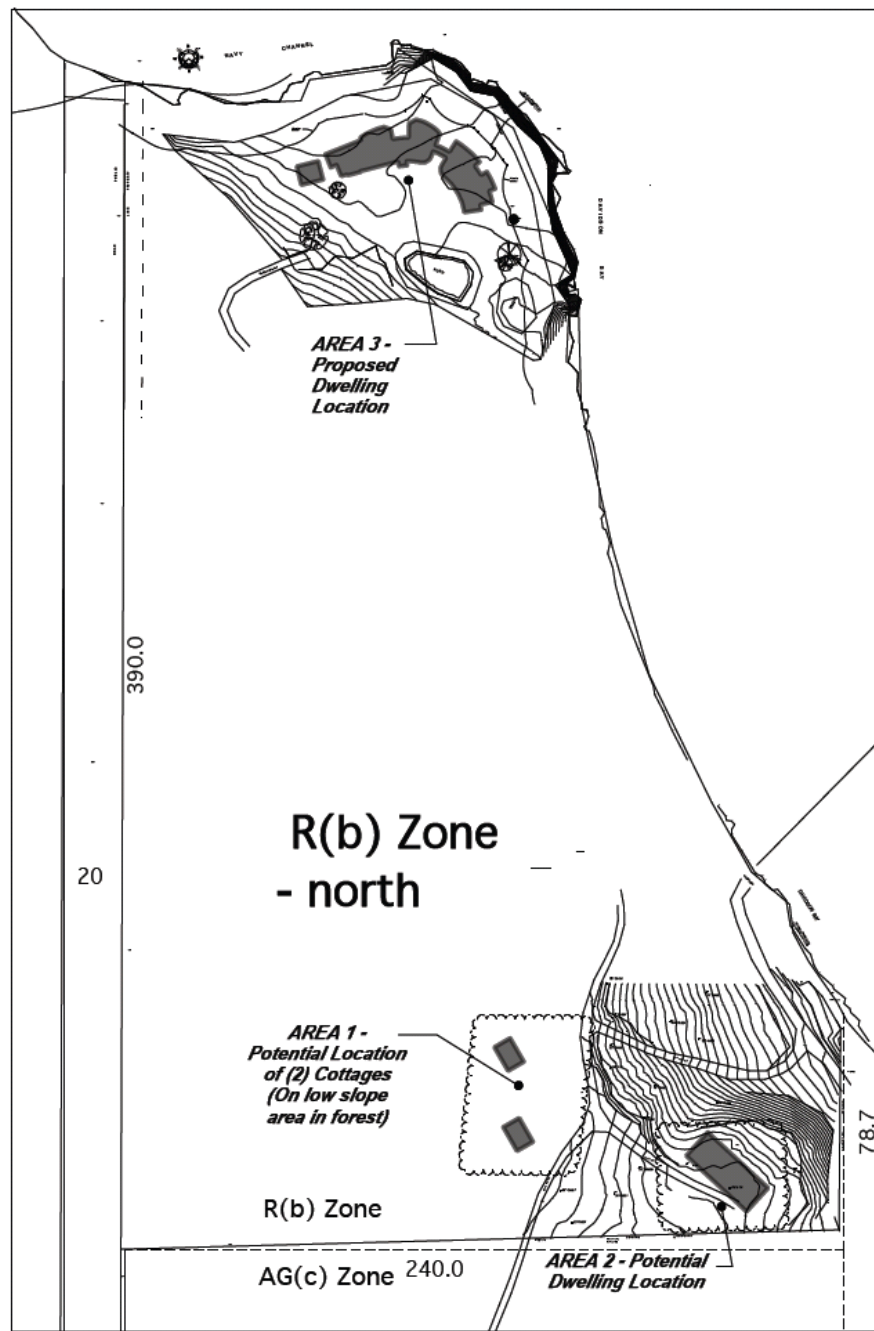
SCHEDULE B (ZONING MAP)



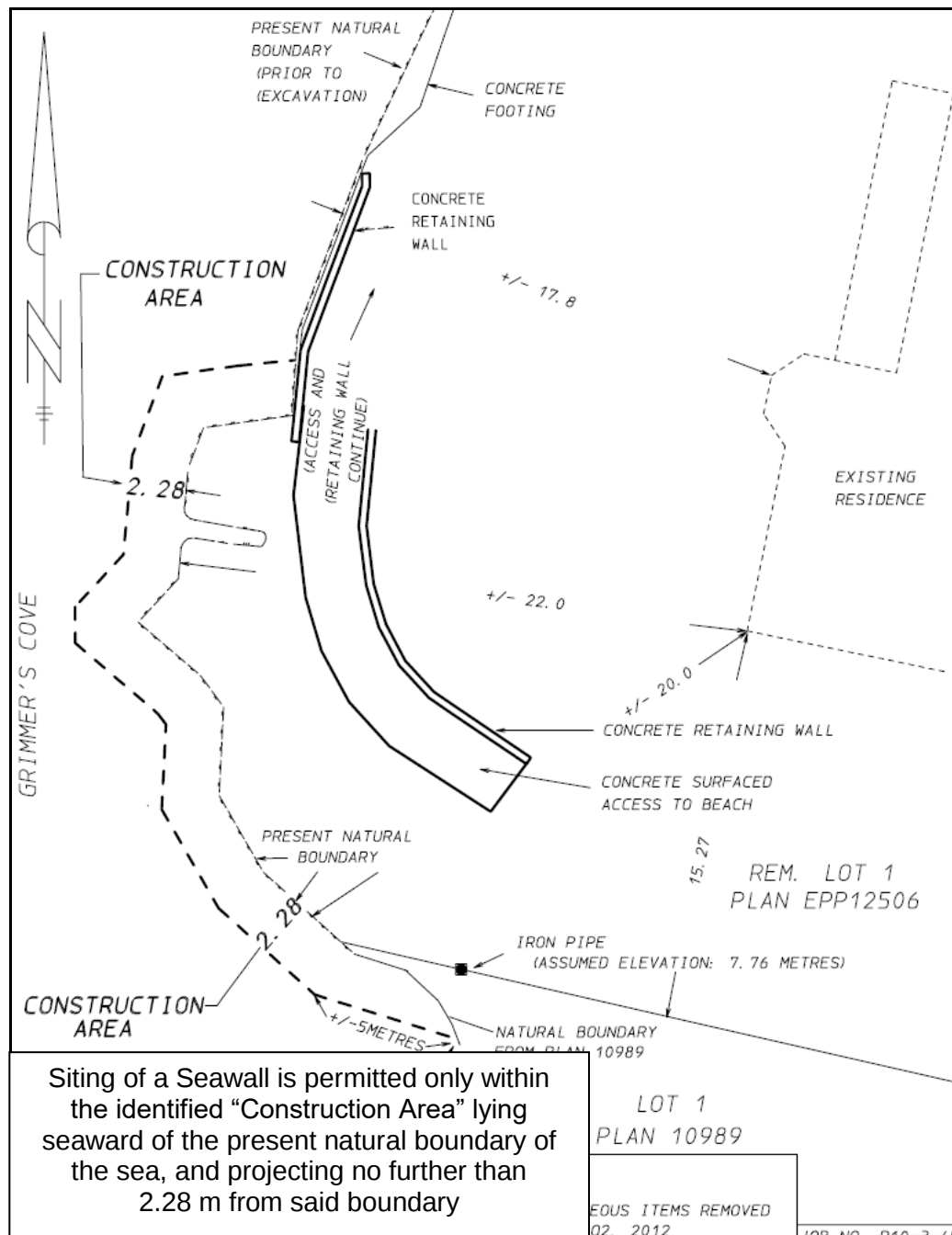
SCHEDULE C (BYLAW AREA MAP)



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

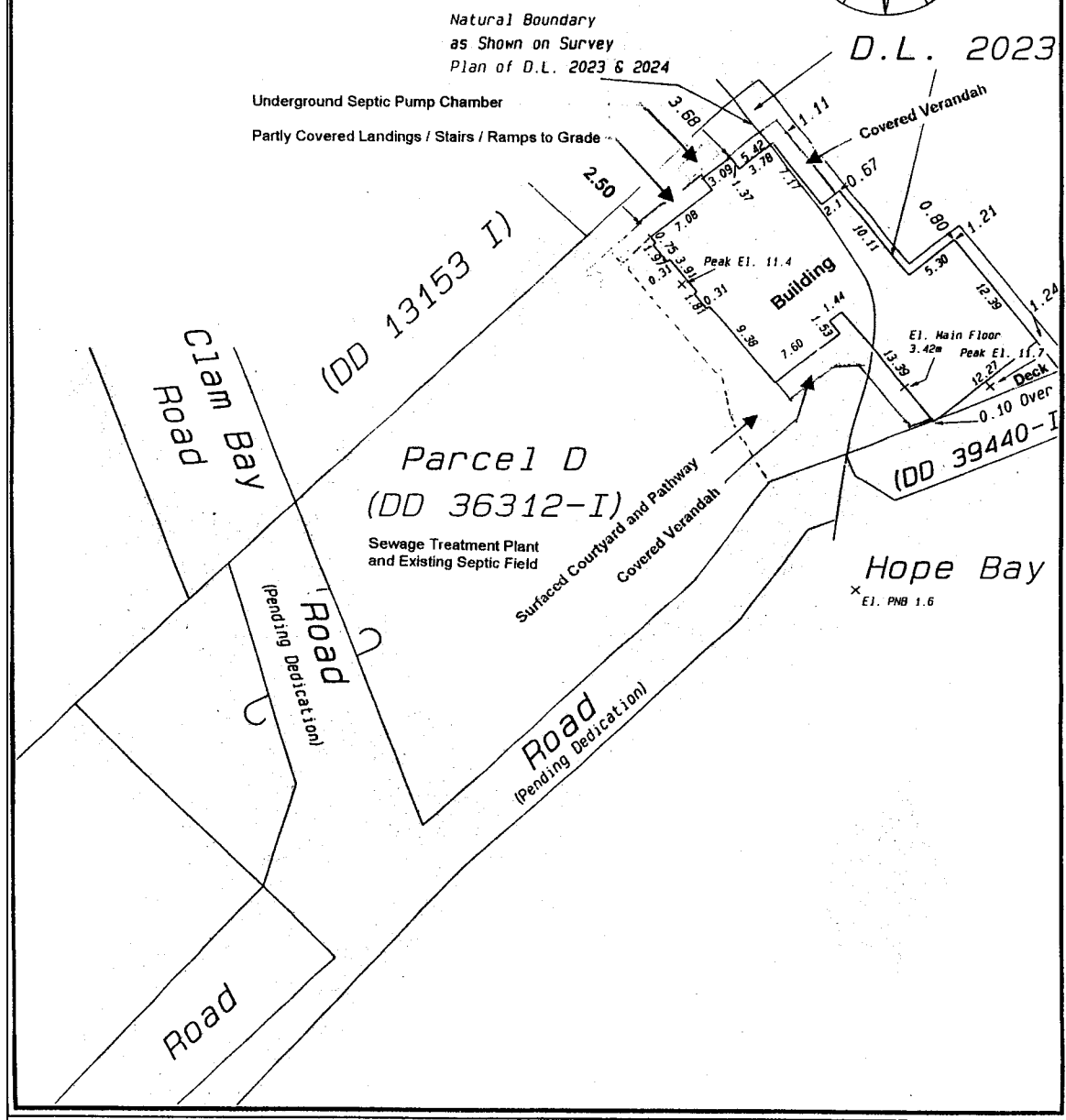
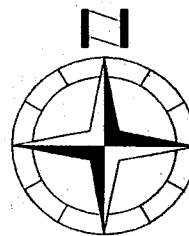


SCHEDULE E (Detailed Plans – W3(a) Sewall Plan)



**This drawing is adapted from a survey by
Richard J. Wey and Associates Land Surveying Inc.,
dated the 11th day of September 2003.**

**Distances shown are in metres.
Scale = approximately 1:500.
Elevations are to an assumed datum.
Dimensions are to building framing.**



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)); and,
- (2) 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.

2.3 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	GI(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; (d) <i>Accessory</i> storage of a maximum of five (5) motorized or non-motorized trucks; and five (5) construction containers; and, (e) <i>Accessory buildings and structures</i> .

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.

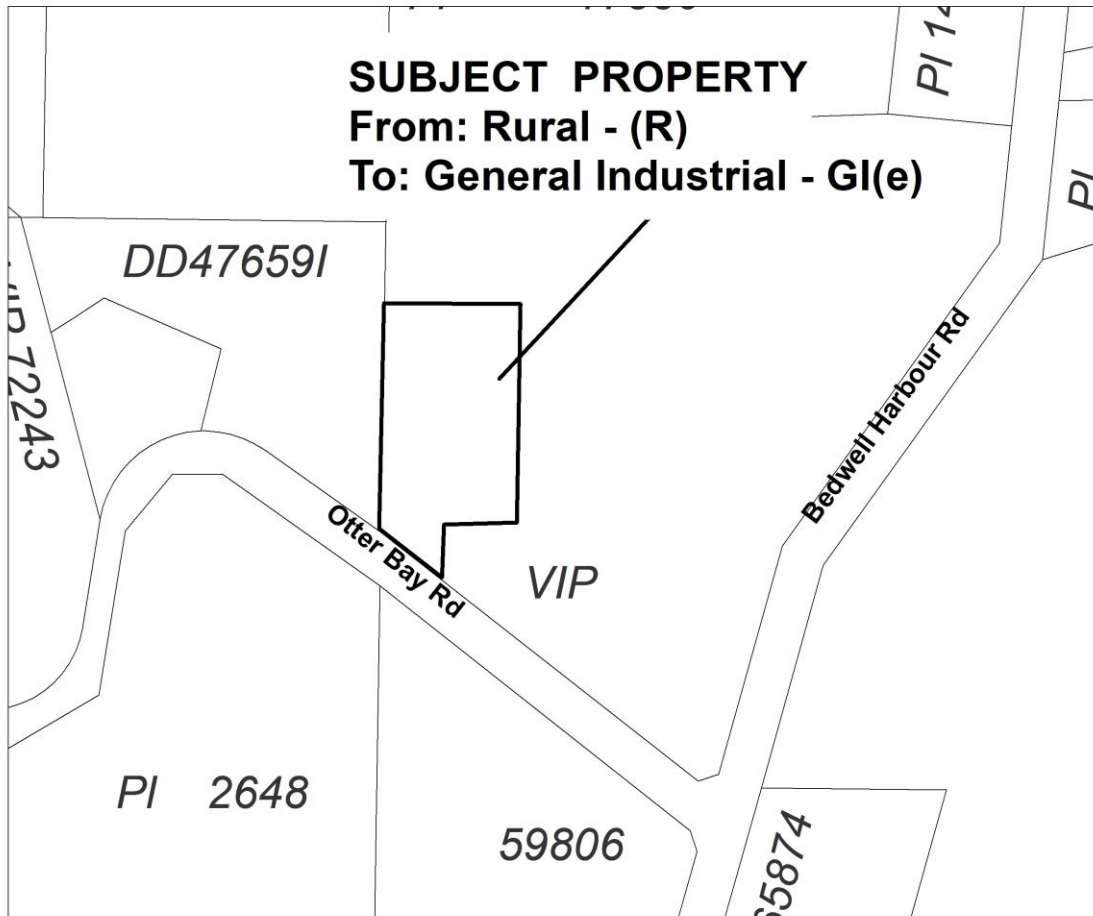
READ A FIRST TIME THIS	26 TH	DAY OF	MAY	2022.
READ A SECOND TIME THIS	1 ST	DAY OF	SEPTEMBER	2022.
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

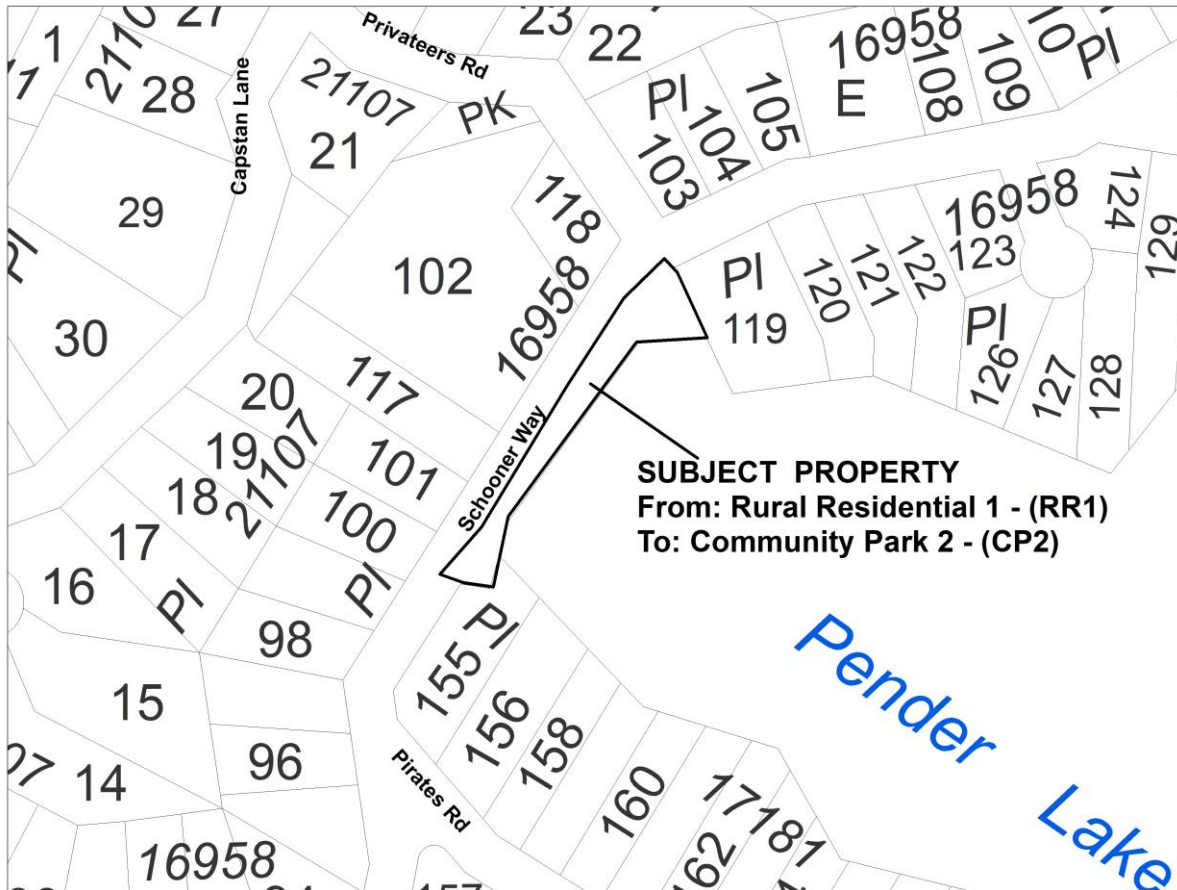
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229

Plan No. 1



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 229**

Plan No. 2



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: 01-Dec-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

6. *Review DPAs*

Responsible

Date Received

To review the Development Permit Areas in the NP Official Community Plan to update guidelines, requirements, and outline options for new DPAs.

11-Aug-2022

Projects Report

North Pender Island

7. *Browning to Driftwood Corridor Plan*

Responsible

Date Received

Creation of an area plan for the Driftwood to Port Browning corridor to review current/future land uses, OCP policies, and a transportation plan.

11-Aug-2022



Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.5	PICSS c/o HARDAL MANAGEMENT INC Planner: Phil Testemale	23-May-2018	Application for development permit for a building in a form and character DPA
Planning Status			
Status Date: 13-Oct-2022 E-mail to applicant requesting status update.			
Status Date: 13-Oct-2022 Applicant finalizing SUB 2017.3 as priority			
Status Date: 17-May-2021 Associated Subdivision (2017.3) is nearing completion. Applicants will be initiating work on form and character DP			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2022.1	Regan, Heather and Liam Planner: Kim Stockdill	23-Aug-2022	3701 Sextant Cres - Application for a variance for siting of a deck in a setback.
Planning Status			
Status Date: 20-Sep-2022 Staff reviewing file and have tentatively placed application on Oct 27/22 LTC agenda.			
Status Date: 26-Aug-2022 Fee received from applicant.			
Status Date: 26-Aug-2022 Planner Stockdill assigned to NP-DVP-2022.1.			



Applications

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. Bylaw No. 232 (LUB)

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

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.



Applications

Subdivision

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

Planner: Phil Testemale

Planning Status

Status Date: 13-Oct-2022

E-mail to applicant requesting status update.

Status Date: 13-Oct-2022

Response - applicant is delayed by legal matters (signatures) with owners. Anticipates completion in a few weeks.

Status Date: 20-May-2021

Awaiting easements (water) and final subdivision plan to complete.

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: 14-Oct-2022

Applicant away until November. Will review need for DP/DVP application then.

Status Date: 12-Oct-2022

E-mail to applicant requesting status update.

Status Date: 02-Apr-2021

PLR from MoTI rec'd. Applicants reviewing options.



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2022.3	Schrodt, Charles	26-Jul-2022	Short Term Vacation Rental

Planner: Kim Stockdill

Planning Status

Status Date: 20-Sep-2022

Staff reviewing application and tentatively placed on Oct 27/22 LTC agenda.

Status Date: 16-Aug-2022

Assigned to Planner Stockdill.

Status Date: 08-Aug-2022

Sent email to applicant requesting processing fee by e-transfer.

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2022.4	O'Malley, Pauline	04-Aug-2022	Renewal of TUP - STVR.

Planner: Phil Testemale

Planning Status

Status Date: 04-Oct-2022

Additional fees received from applicant. - CC

Status Date: 04-Oct-2022

E-mail to applicant requesting changes based on OCP guidelines.

Status Date: 03-Oct-2022

Additional fees required - note to PTA

Islands Trust
LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending August 2022

650 North Pender	Invoices posted to Month ending August 2022	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	460.00	0.00	460.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	3,123.00	789.14	2,333.86
65210-650	LTC - Local Exp - APC Meeting Expenses	399.00	60.00	339.00
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>4,052.00</u>	<u>849.14</u>	<u>3,202.86</u>
Projects				
73001-650-2006	North Pender OCP/LUB	2,000.00	639.13	1,360.87
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>639.13</u>	<u>3,360.87</u>

North Pender Island

Resolution Number	Action	Date
2022-002 (Standing) 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 being 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.	Carried	27-Jan-2022
2020-026 (Standing) that the North Pender Local Trust Committee direct bylaw enforcement to not enforce on restaurants or liquor primary establishments setting up temporary structures within their respective lots contrary to parking regulations and existing development permits while Covid-19 restrictions limiting seating capacity and occupancy are in place and subject establishments receiving required provincial approvals such as from the Liquor and Cannabis Regulation Branch and establishments following relevant provincial protocols.	Carried	21-May-2020
2020-012 (Standing) That the North Pender Island Local Trust Committee has no objection to Liquor and Cannabis Regulation Branch issuance of Temporary Expanded Service Area Authorizations for liquor primary and manufacturer licensees within the North Pender Island Local Trust Area.	Carried	19-Jun-2020



North Pender Island

Resolution Number	Action	Date
2020-011 (Standing)	Carried	04-Jun-2020
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.		
2020-010 (Standing)	Carried	30-Jan-2020
that the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications: a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and staff are directed to continue with enforcement until the use is ceased. b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease. c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee, bylaw enforcement actions, including the issuing of notices will continue d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.		



North Pender Island

Resolution Number	Action	Date
2019-074 (Standing)	Carried	04-Jul-2019
that the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.		
2019-072 (Standing)	Carried	04-Jul-2019
that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.		
2019-061 (Standing)	Carried	30-May-2019
that the North Pender Local Trust Community refer Short Term Vacation Rental Temporary Use Permits in the Magic Lake sewer catchment to the Magic Lake Sewer and Water Committee to confirm infrastructure capacity.		
2019-030 (Standing)	Carried	28-Feb-2019
that the North Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.		



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

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



File No.:

DATE OF MEETING: October 27, 2022
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
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SUBJECT: Draft Resolutions

PURPOSE

At the September meeting the LTC requested that staff provide resolution wording for two potential resolutions:

- The LTC to request Trust Council consider an amendment to Procurement Policy to have a method of using community members to update IT resources and be able to compensate.
 - The LTC to request Trust Council support development of protocol agreements with First Nations
1. Request to amend procurement policy: the request is the result of the LTC's wish to be able to commission and to compensate local community groups or individuals to provide environmental information, including mapping, which is potentially useful to Islands Trust. Current procurement policy requires a budget, a contract and potentially a competitive bidding process, for the purchase services like a mapping product. In addition, recent changes to the *Professional Governance Act* (BC) and related regulations require that biologists be registered with the College of Applied Biology to practice applied biology and in the view of ITC staff this includes mapping, requiring at least the involvement of an R.P.Bio. In discussion with the Director of Trust Area Services, her advice was that the most effective approach would be for trustees to support the pending Environmental Grants program when it comes to Trust Council; recent changes to the *Islands Trust Act*, and would allow for financial assistance to increase knowledge and awareness of the environment.

Alternately, if the LTC still wishes to request changes to the procurement policy, resolution wording would be:

THAT the North Pender Island Local Trust Committee request that Trust Council review procurement policy 6.5.3 to provide a method for local trust committees to compensate community members who provide environmental data to Islands Trust.

2. Encourage Protocol Agreements with First Nations. The request was the result of the LTC's desire to see regular and consistent First Nations involvement, particularly in applications. Resolution wording would be:

That the North Pender Island Local Trust Committee request that Trust Council prioritize and support the creation of protocol agreements with First Nations

Submitted By:	Robert Kojima, Regional Planning Manager	October 20, 2022
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