



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: May 26, 2023
Time: 10:00 am
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

			Pages
1.	CALL TO ORDER	10:00 AM - 10:00 AM	
2.	APPROVAL OF AGENDA	10:00 AM - 10:05 AM	
3.	TRUSTEE REPORT	10:05 AM - 10:15 AM	
4.	CHAIR'S REPORT	10:15 AM - 10:20 AM	
5.	ELECTORAL AREA DIRECTOR'S REPORT		
6.	TOWN HALL AND QUESTIONS	10:20 AM - 10:35 AM	
7.	COMMUNITY INFORMATION MEETING - None		
8.	PUBLIC HEARING - None		
9.	MINUTES	10:35 AM - 10:45 AM	
9.1	Local Trust Committee Minutes Dated May 5, 2023 (for Adoption)		3 - 9
9.2	Section 26 Resolutions-without-meeting Report - None		
9.3	Advisory Planning Commission Minutes - None		
10.	BUSINESS ARISING FROM THE MINUTES		
10.1	Follow-up Action List Dated May 2023		10 - 13
11.	DELEGATIONS		
12.	CORRESPONDENCE		

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

12.1	Various Correspondence re North Pender Forestry Concerns – A total of 8 pieces of public correspondence have been received and provided to the LTC as a combined file.	
13.	APPLICATIONS AND REFERRALS	10:45 AM - 11:55 AM
13.1	Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 530 (for response) (attached)	14 - 16
13.2	NP-TUP-2022.5 (Sketch) - Staff Report (attached)	17 - 52
13.3	NP-DVP-2023.2 and NP-DP-2023.1 (Ensing) - Staff Report (attached)	53 - 133
14.	LOCAL TRUST COMMITTEE PROJECTS	11:55 AM - 12:05 PM
14.1	North Pender LUB Review Project – Bylaw No. 224 - Consideration of Adoption (tentative)	134 - 230
15.	REPORTS	12:05 PM - 12:15 PM
15.1	Work Program Report	
15.1.1	<u>Active Projects Report Dated May 2023 (attached)</u>	231 - 231
15.1.2	<u>Future Projects Report Dated May 2023 (attached)</u>	232 - 233
15.1.3	<u>List of Potential LTC Major Projects - Staff Memo (attached)</u>	234 - 235
15.2	Applications Report Dated May 2023 (attached)	236 - 241
15.3	Trustee and Local Expense Report Dated March 2023 (attached)	242 - 242
15.4	Adopted Policies and Standing Resolutions (attached)	243 - 246
15.5	Local Trust Committee Webpage	
15.6	Islands Trust Conservancy Report - None	
16.	NEW BUSINESS	12:15 PM - 12:30 PM
16.1	Discussion of Trustee Communication	
17.	UPCOMING MEETINGS	
17.1	Next Regular Meeting Scheduled for July 28, 2023 at the St. Peter's Anglican Hall, Pender Island	
18.	TOWN HALL	12:30 PM - 12:45 PM
19.	CLOSED MEETING - None	
20.	ADJOURNMENT	12:45 PM - 12:45 PM



DRAFT

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

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: May 5, 2023
Location: Anglican Parish Hall
4703 Canal Road, RR 1, North Pender Island BC

Members Present: David Maude, Chair
Deb Morrison, Local Trustee
Aaron Campbell, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Brad Smith, Island Planner
Narissa Chadwick, Island Planner (via Zoom)
Warren Dingman, Bylaw Enforcement Manager
Fran Munro, Recorder

Others Present: Approximately 5 members of the public were present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:30 a.m. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was adopted as presented.

3. TRUSTEE REPORT

Trustee Campbell advised he has been meeting with people and receiving emails and letters. Most of their issues revolve around housing. He attended the Housing Summit.

Trustee Morrison advised of work on Fire Smart and the Forest Management issues.

4. CHAIR'S REPORT

There is agreement on a common sense approach for all and that everyone is working well together.

The housing project on Mayne Island is taking giant steps. The Budget from the last Trust Council meeting was a smoother process and sets the foundation for next year.

5. ELECTORAL AREA DIRECTOR'S REPORT - None

6. TOWN HALL AND QUESTIONS

Michael Sketch discussed the proposed Groundwater DPA and how many trees can be removed per hectare. Lots larger than 3 acres can remove 5 trees per hectare. He questioned if this could be increased for firewood use.

7. COMMUNITY INFORMATION MEETING – None

8. PUBLIC HEARING – None

9. MINUTES

9.1 Local Trust Committee Special Meeting Minutes Dated March 11, 2023 (for Adoption)

By general consent, the minutes were adopted as presented.

9.2 Local Trust Committee Minutes Dated March 17, 2023 (for Adoption)

By general consent, the minutes were adopted as presented.

9.3 Local Trust Committee Public Hearing Record Dated March 17, 2023 (for Receipt)

Received for information.

9.4 Section 26 Resolutions-without-meeting Report - None

9.5 Advisory Planning Commission Minutes – None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated April 2023

Planner Smith advised there were none to report on.

11. DELEGATIONS - None

12. CORRESPONDENCE

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

12.1 Various Correspondence re North Pender Forestry Concerns – A total of 48 pieces of public correspondence have been received and provided to the LTC as a combined file.

Chair Maude advised the process at this point is to listen. He advised that all letters and emails should be forwarded to everyone. Trustee Morrison encouraged people to reach out.

Trustee Campbell likes to get correspondence via email and encourages it. It is more efficient than oral communication.

13. APPLICATIONS AND REFERRALS

13.1 Saturna Island Local Trust Committee Referral for Draft Bylaw No. 138 – For Response (attached)

A long-time property owner on Saturna Island has applied to have his property rezoned to allow for two lots to be created on the waterfront rather than inland.

Trustee Morrison advised this is an ongoing dilemma, getting referrals with no context and the policy needs to be revisited.

Trustee Campbell advised all the information is needed to make a decision.

NP-2023-050

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee interests are unaffected by the Saturna Island Local Trust Committee Draft Bylaw No. 138.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Groundwater Project - Staff Report (attached)

Planner Chadwick reported on the Groundwater Project. She stated the regulations are included in the Land Use Bylaw and will be going to a public hearing. She also inquired of the LTC how to move forward with the Official Community Plan amendments, and what the recommended boundaries should be.

Trustee Campbell asked what an amendment would mean and stated it can't be moved forward simply. He questioned whether a local project can piggyback on another major project.

Trustee Morrison asked if it would be a minor or major project, but that it needs more discussion.

Regional Planning Manager Kojima advised the focus could shift from the Development Permit changes to a communication project.

NP-2023-051

It was MOVED and SECONDED,

That the North Pender Island LTC amend the scope of the Groundwater Sustainability Implementation Project to focus on community consultation, and that Staff report back with a modified work plan.

CARRIED

15. REPORTS

15.1 Work Program Report (attached)

15.1.1 Active Projects Report Dated April 2023

Update Groundwater Project – received for information.

15.1.2 Future Projects Report Dated April 2023

Received for information.

15.2 Applications Report Dated April 2023 (attached) - None

15.3 Trustee and Local Expense Report Dated Feb 2023 (attached) - None

15.4 Adopted Policies and Standing Resolutions

15.4.1 Standing Resolutions - Staff Report (attached)

Staff presented a report with recommendations concerning standing resolutions.

NP-2023-052

It was MOVED and SECONDED,

That the North Pender Island LTC rescind the following standing resolutions:

- a. 2005-005
- c. 2007-146
- d. 2011-050
- f. 2020-011
- g. 2020-012
- h. 2020-026

CARRIED

15.4.2 Adopted Policies and Standing Resolutions (attached)

15.5 Local Trust Committee Webpage – None

15.6 Islands Trust Conservancy Report – None

16. NEW BUSINESS

16.1 North Pender LTC Protocol Agreements

Trustee Morrison asked about Protocol Agreements.

NP-2023-053

It was Moved and Seconded,

That the North Pender Island Local Trust Committee invite Director Paul Brent of the CRD to the North Pender Island LTC Minutes to discuss Protocol Agreements between the Islands Trust and the CRD.

CARRIED

16.2 Options for forest and tree management on North Pender Island

Staff presented a staff report with options. Discussion ensued regarding recent tree removal on Schooner Way and tree protection on the island more generally. Communication with property owners was a key concern.

NP-2023-054

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee invite the local realtors, the Pender Island Conservancy and the Fire Department to the July 28 LTC meeting to discuss communications with new land owners.

CARRIED

16.3 Draft Annual Report Wording - for approval (attached)

NP-2023-056

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee approve the format and outline of contents for the 2022/23 Annual Report.

CARRIED

16.4 North Pender Island LTC Freedom of Information and Protection of Privacy Bylaw No. 233 - Request for Decision (attached)

NP-2023-057

It was MOVED and SECONDED,

That North Pender Island Local Trust Committee Bylaw No. 233, cited as “North Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 233, 2023” be read a first time.

CARRIED

NP-2023-058 That North Pender Island Local Trust Committee Bylaw No. 233, cited as “North Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 233, 2023” be read a second time.

CARRIED

NP-2023-059

That North Pender Island Local Trust Committee Bylaw No. 233, cited as “North Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 233, 2023” be read a third time.

CARRIED

NP-2023-060

That North Pender Island Local Trust Committee Bylaw No. 233, cited as “North Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 233, 2023” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

16.5 Topic Discussion for June 24, 2023 Special Meeting

Maps should be made available for conversation for the June 24, 2023 meeting, and Housing, Groundwater Sustainability and Forestry should be discussed at this meeting. It was requested to place these topics into a Pender Post ad by the May 19 deadline.

CRD and Fire Smart are requested to be added to the Agenda.

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for May 26, 2023 at the Anglican Hall, Pender Island beginning at 10:00 a.m.

NP-2023-061

It was MOVED and SECONDED,

That North Pender Island Local Trust Committee schedule all Regular Business Meetings of the NPI LTC to commence at 10:00 a.m.

CARRIED

18. TOWN HALL

Mary Beth Rondeau addressed the Groundwater issue

Michael Sketch added further to speaker Rondeau’s comments. He stated there are 3 waterfront lots which have reverse osmosis. He was not sure if it was from the ocean or a well. He further stated that ocean water cannot be de-salinated safely, and feels the public should be informed of this issue.

Kathy Kronk feels that the Province, the CRD and Islands Trust are not doing their part.

19. CLOSED MEETING (Distributed Under Separate Cover)

19.1 Motion to Close Meeting

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

- Adoption of In-Camera Meeting Minutes Dated March 17, 2023
- Appointment of APC Members
- Bylaw Enforcement

AND that the recorder and staff attend the meeting.

CARRIED

19.2 Recall to Order

Chair Maude recalled the meeting to order at 1:00 p.m.

19.3 Rise and Report

APC appointments have been deferred.

20. ADJOURNMENT

By general consent, the meeting was adjourned at 12:45 p.m.

David Maude, Chair

Certified Correct:

Fran Munro, Recorder

Follow Up Action Report

North Pender Island

27-Oct-2022

Activity	Responsibility	Dates	Status
1 13.1 Staff to request legal opinion on Section 3.4.4 of Bylaw No. 103 and impacts to proposed land use bylaw amendments. (ON HOLD - APRIL 2023)	Kim Stockdill	Target: 09-Dec-2022	In Progress

05-May-2023

Activity	Responsibility	Dates	Status
1 9.1 March 11, 2023 LTC special meeting minutes adopted as presented 9.2 March 17, 2023 LTC regular meeting minutes adopted as presented	Sheree Rialp	Target: 17-May-2023	Completed
2 13.1 Saturna Island LTC BL 138 referral - LTC resolved that 'Interests Unaffected by Bylaw' - staff to update referral record and respond to SA LTC.	Jas Chonk	Target: 17-May-2023	Completed
3 14.1 Groundwater Project - scope amended to community consultation - staff to amend workplan and bring back to the LTC for endorsement	Brad Smith	Target: 20-Jul-2023	In Progress
4 15.1.2 Provide bullet list of potential major projects in next agenda including affordable housing, groundwater sustainability	Brad Smith Jas Chonk	Target: 19-May-2023	Completed

Follow Up Action Report

North Pender Island

05-May-2023

Activity	Responsibility	Dates	Status
5 15.4.1 Resolution from staff report passed by LTC precluding items B and E from list - Staff to update standing resolution list to remove: a. 2005-005 c. 2007-146 d. 2011-050 f. 2020-011 g. 2020-012 h. 2020-026	Jas Chonk Robert Kojima	Target: 19-May-2023	Completed
6 16 New Business - add new agenda item under New Business for May 26: "Discussion of Trustee Communication"	Brad Smith Jas Chonk	Target: 19-May-2023	Completed
7 16.1 Protocol agreements - staff to invite CRD Director Paul Brent to a future LTC meeting to discuss NP LTC and CRD protocol agreements Jas - add to agenda when Paul confirms availability - Planner will provide direction on what agenda	Brad Smith Jas Chonk	Target: 12-May-2023	In Progress
8 16.2 Staff to invite realtors, Pender Island conservancy and fire department to discuss communications with new landowners Jas - Please add a CIM to July 28 meeting agenda with topic: Communications with New Landowners	Brad Smith Jas Chonk	Target: 23-Jun-2023	In Progress

Follow Up Action Report

North Pender Island

05-May-2023

Activity	Responsibility	Dates	Status
9 16.3 Annual Report Wording approved by consent	Robert Kojima	Target: 12-May-2023	Completed
10 16.4 FOI BL 233 given 1st, 2nd and 3rd reading - Jas to update BL and send to EC for approval	David Marlor Jas Chonk	Target: 19-May-2023	Completed
11 16.5 June 24th special meeting: Two topics for discussion - Water sustainability/forestry and housing Brad - provide advertisement for Pender Post by May 15 - invite CRD director Staff to provide: CDF maps Groundwater Project Maps	Brad Smith Jas Chonk	Target: 15-May-2023	Completed
12 16.5 Staff to amend all future regular meeting times from currently scheduled 1030 to 10 am.	Jas Chonk Sheree Rialp	Target: 12-May-2023	Completed
13 In Camera - Rise and Report - - minutes adopted as presented - appointment of APC members deferred to a future date	Jas Chonk Sheree Rialp	Target: 12-May-2023	Completed

13-May-2023

Activity	Responsibility	Dates	Status
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Follow Up Action Report

North Pender Island

13-May-2023

Activity	Responsibility	Dates	Status
1 LUB Review Project 1. Bylaw No. 224 is amended by adding stairs to the foreshore to the exemption from the NB of the sea. (DONE) 2. Bylaw No. 229 is amended by increasing maximum floor area of dwellings all by 500 ft2. (DONE) 3. Bylaw Nos. 223, 224, and 229 all given Third Reading and to be sent to EC for approval. Bylaws to be added to project webpage. (DONE) 4. Bylaw No. 223 to be sent to Minister for approval.	Brad Smith Jas Chonk Kim Stockdill	Target: 09-Jun-2023	In Progress



Islands Trust

BYLAW REFERRAL FORM

1-500 Lower Ganges Road
Salt Spring Island, BC V8K 2N8
Ph: (250) 537-9144
ssiinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 530 Date: May 1, 2023

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

APPLICANTS NAME / ADDRESS:

Salt Spring Island Local Trust Committee (SS LTC)

PURPOSE OF BYLAW:

Accessory Dwelling Units (ADUs) to be permitted in most residential zones, with conditions.

GENERAL LOCATION:

Salt Spring Island

LEGAL DESCRIPTION:

Multiple

SIZE OF PROPERTY AFFECTED:

Multiple

ALR STATUS:

Multiple

OFFICIAL COMMUNITY PLAN DESIGNATION:

Multiple

OTHER INFORMATION:

- We sent out a referral for comments to your office back in November, 2021, on a draft bylaw to expand secondary suites to be permitted in more zones on Salt Spring Island. The Salt Spring Island Local Trust Committee (SS LTC) subsequently recommended expanding secondary suites to allow more housing types to be permitted on the island.
- Proposed Bylaw No. 530 on Accessory Dwelling Units (ADUs) to provide additional housing options was created and draft Bylaw 526 on secondary suites became part of Proposed Bylaw No. 530 on accessory dwelling units. The SS LTC gave Proposed Bylaw No. 530 the second reading followed by a public hearing in August, 2022. Upon comments from the community and First Nations the SS LTC requested staff to revise the bylaw to address the concerns raised in the comments.
- The SS LTC subsequently passed resolutions to re-hear the proposed bylaw a second time with amendments at their meeting on April 13, 2023 and requested staff to refer the proposed bylaw to agencies and First Nations for comment.
- The amended proposed bylaw included the following development standards (please see attached Proposed Bylaw No. 530 for details):
 - Limits to building size and height
 - Distance between buildings and interior lot line setbacks
 - Driveway restrictions to reduce impermeable surface
- Based on the data in the BC Housing study on ADUs, and the lack of uptake since the adoption of ADUs in Gabriola Island and North Pender Island, the SS LTC is anticipating the uptake of available lots resulting from the adoption of the proposed bylaw to be less than 10%. However, the SS LTC, passed a resolution and requested staff to monitor the outcome and report back in two years following adoption of the proposed bylaw.
- Please provide comments/concerns on the revised Proposed Bylaw No. 530 on ADUs.

Please fill out the Response Summary on the back of this form. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Louisa Garbo

Title: Island Planner

This referral has been sent to the following agencies:

First Nations

Cowichan Tribes
Halalt First Nation
Ts'uubaa-asatx First Nation
Lyackson First Nation
Penelakut Tribe
Stz'uminus First Nation
Malahat First Nation
Pauquachin First Nation
Tsartlip First Nation
Tsawout First Nation
Tseycum First Nation
Semiahmoo First Nation
Tsawwassen First Nation
Hul'qumi'num Treaty Group (for information only)
Te'Mexw Treaty Association (for information only)

Provincial Agencies

Agricultural Land Commission
BC Assessment Authority
Ministry of Municipal Affairs
Ministry of Housing
Ministry of Transportation & Infrastructure
Ministry of Forest Lands, Natural Resource Operations and Rural
Development (water authorization)
FrontCounter BC

Regional Agencies

CRD – All Referrals & K. Campbell (SSI Senior Manager)
CRD – SSI Building Inspection
CRD – SSI Director
Vancouver Island Health Authority
Islands Trust Bylaw Enforcement and Compliance
SSI Advisory Planning Commission
SSI Agricultural Advisory Planning Commission

Non-Agency Referrals

BC Ambulance Service
North Salt Spring Waterworks District
RCMP
SSI Chamber of Commerce
SSI Fire-Rescue

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Cowichan Valley Regional District

**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

Salt Spring Island Trust Area
(Island)

(Signature)

(Date)

530
(Bylaw Number)

(Title)

(Agency)

File No.: NP-TUP-2022.5 (Sketch)

X-ref NP-BE-2018.9 (Sketch)

DATE OF MEETING: May 26, 2023

TO: North Pender Island Local Trust Committee

FROM: Brad Smith, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Temporary Use Permit - Temporary Storage of Personal Possessions
Applicant: Michael Sketch
Location: 1101 Andrew Place

RECOMMENDATION

1. That the North Pender Island Local Trust Committee not approve issuance of Temporary Use Permit application NP-TUP-2022.5 (Sketch).

REPORT SUMMARY

The purpose of the report is to consider a Temporary Use Permit (TUP) for the use of a portion of the subject property for the temporary storage of personal possessions in up to six (6) shipping containers with a maximum floor area of 90 m².

The recommendation above is supported as:

- The North Pender Island Land Use Bylaw No. 103, 1996 (LUB) does not permit a non-residential use, structure or building (other than a pump house) on residentially zoned land where there is no principal use;
- Three previous rezoning applications have been submitted seeking changes to the LUB to permit the proposed storage use outright even in the absence of a principal use, the previous LTC denied all three of these applications from proceeding at the preliminary report stage;
- Adjacent property owners and other nearby residents have expressed concerns regarding the issuance of a TUP to allow the continued use of the lot for storage without an associated principal use;
- There is no indication that a principal residential use will be initiated on the subject property and there is no willingness demonstrated by the applicant to provide a plan to unwind the temporary use in the absence of a principal use being established, despite the LTC making a specific request to the applicant to provide a cease of use plan.

BACKGROUND

The proposal is proceeding as a result of bylaw enforcement action (NP-BE-2018.9). The violation on the property is for the placement of accessory structures (6 storage containers) on the subject property on Andrew Place without a Building Permit being issued by the CRD for a principal building or structure on same the lot. When the

use was initiated, Bylaw Enforcement received numerous complaints about the size and nature of the use. Upon investigation and verifying the contravention, the applicant was given the following alternatives to bring his property into conformance with the LUB:

- Obtain and maintain an active residential Building Permit for the property with the CRD in order to establish a 'pathway to compliance'.
- Remove the storage containers and cease the use on the property.
- Apply for a Temporary Use Permit (TUP).
- Apply to rezone the property to allow the use and the size of the use on the property.

The applicant has pursued rezoning three times. In rezoning application NP-RZ-2019.1 (Sketch), the applicant sought a change to the LUB to allow accessory uses prior to a principal residential use that would apply to all residentially zoned properties on North Pender (with some exceptions). The LTC denied the application in April 2019. The applicant then applied for rezoning to legalize the structures located on the property (NP-RZ-2019.1). The LTC denied the application in September 2019.

The applicant returned in 2021 with a similar application to NP-RZ-2019.2. The LTC again denied the application. The applicant is now seeking a TUP as a viable alternative to legalize the use of the storage structures in the absence of rezoning approval.

The LTC first considered the TUP application at the March 17, 2023 regular meeting. At that meeting, the LTC decided to defer a decision on the application in order to provide an opportunity for the applicant to submit a cease of use plan. The following resolution was passed in support of this request:

NP-2023-14

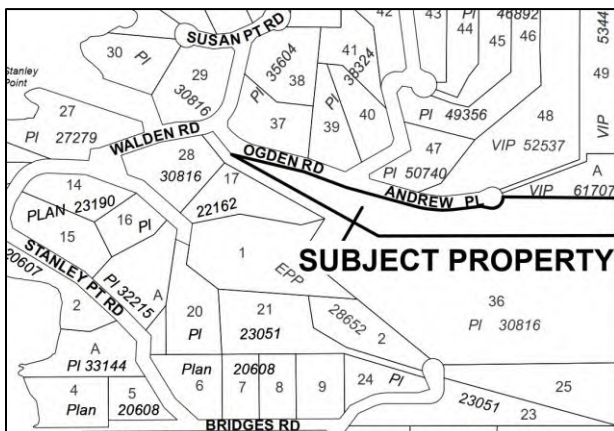
It was Moved and Seconded,

that the North Pender Island Local Trust Committee request the applicant to submit a cease of use plan to the Local Trust Committee by April 30, 2023.

CARRIED

The subject property is 2.19 hectares and is located at the terminus of Andrew Place. There are no other structures on the property other than those located in the proposed TUP area.

Figure 1 – Subject Property



Site context is included in Attachment 1 and mapping in Attachment 2. A copy of the revised statutory notice is Attachment 3 and the proposed TUP is Attachment 4. Public correspondence is Attachment 5. Staff visited the property with the property owner on March 2, 2023.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

The following ITPS statement is the most applicable. The visual/aesthetic impacts associated with a potential temporary storage use has the most relevance. It is up to the LTC to decide if the potential impacts outweigh the benefits to the applicant.

5.2 Growth and Development

- 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

North Pender Official Community Plan

Rural Residential Objectives

- 1) To preserve the opportunity for a rural lifestyle.

Rural Residential Policies

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

The applicant's property is designated as RR - Rural Residential in the North Pender Island Official Community Plan No. 171 (OCP). There is a small portion of the property that is designated in Development Permit Area 4 – Wetland Ecosystems (see Attachment 1.2). This DPA is distant from where the storage containers have been sited.

The TUP application proposes storage use on the property with minimal potential for establishing a principal residential use. Therefore, staff is of the opinion that the proposal is contrary to the above OCP policy 2.1.1.1.

The OCP also includes three general TUP guidelines. The application is consistent with these guidelines.

- 6.1 The North Pender Island Local Trust Committee may issue temporary use permits for any area covered by this plan.
- 6.2 The Local Trust Committee may consider requiring development information for temporary use permit applications through adoption of a development approval information bylaw.
- 6.3 The Local Trust Committee should consider the climate change impacts of any significant change in use in reviewing temporary use permit applications.

Land Use Bylaw

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

The specific subsection of the LUB that is the subject of the application is in Section 'General Regulations' of the LUB and is as follows:

- 3.4.3 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.

For clarity, staff have consistently interpreted the 'temporary dwelling' portion of the Subsection as supplementary. That is to say, an accessory building does not have to be occupied as a temporary dwelling. However, in order to obtain a building permit for the principal building for a residence from the CRD, water and sewer are required. In addition, the regulation is noted as being a single accessory building, not multiple structures.

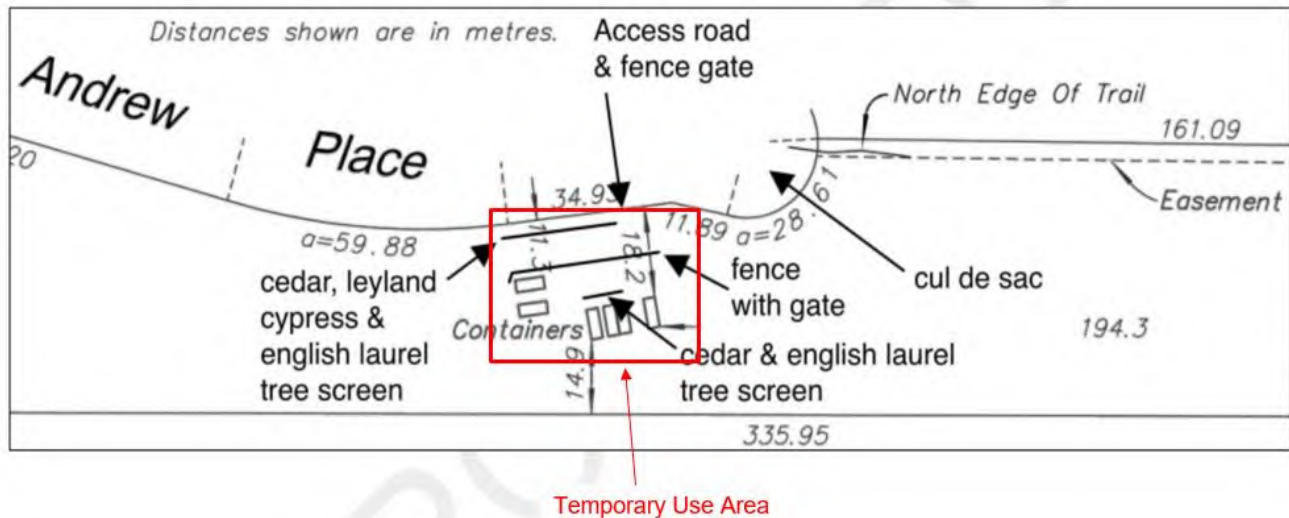
TUP Conditions

The proposed conditions in the updated TUP are:

- a) The storage structures permitted in Section 2 (above) are limited to a maximum of six (6) shipping containers with a combined floor area of 90 m² and a maximum height of 4.0 m;
- b) All uses permitted in Section 2 (above) shall be limited to the specific portion of the subject property labelled 'Temporary Use Area' on Schedule 'A' and the six (6) shipping containers shall be sited as shown on Schedule A;
- c) The existing fence, gate and planted trees that provide screening for the 'Temporary Use Area' as shown on Schedule A shall be maintained for the entire period of the Permit;
- d) Additional fencing with the same height and character as the existing fence shall be installed along the western edge of the temporary use area as shown in Schedule A;
- e) 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 for the purpose of investigating a complaint.

Note that a new condition has been added (item D above) upon request of the LTC to expand the screening fence along the western edge of the proposed TUP area.

The use is only allowed in the designated Temporary Use Area of the subject property as shown below:



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.

A TUP term of three (3) years is the maximum permitted by legislation, and the owner 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.

Water Cistern

There is currently a large water cistern sited in the TUP area between the two containers located on the western edge of the proposed TUP area (see photo in Attachment 2). The water cistern was not included in the site plan submitted by the applicant nor was it included in the TUP application. The applicant uses the cistern to irrigate the screening hedges that have been planted at the site. Staff are of the view that the cistern could be considered a use permitted in any zone based on 3.1.1 (4) of the LUB general regulations:

- (4) water supply facilities, including reservoirs, treatment plants, pumping stations and intake structures;

Planning for Cease of Use

Given the use is intended to be temporary only, planning staff and the LTC have encouraged the applicant to provide a plan in writing to unwind the temporary use at some point in the future. To date, the applicant has been unable to provide such a written plan (see correspondence from applicant included as Attachment 6). As this is the case, staff continue to not be supportive of the application given there is no consideration being made by the applicant to end the land use in a reasonable and agreed upon timeframe.

Potential Impacts on Direct Neighbours and Neighbourhood

The potential impacts of the proposed temporary use can be considerable on direct neighbours and the local neighbourhood. Generally, in this case, these include potential noise and nuisance, visual/aesthetic impacts, and risk of change of neighbourhood character.

Upon the applicant placing the shipping containers on his property, the Islands Trust received numerous complaints via telephone and writing. Concerns expressed by neighbours included the storage use on the property, the visual impact of the containers and the legality of the use. Phone complaints from other neighbours on Stanley Point were also overwhelmingly against the current use.

Several submissions from the community were received in response to the original TUP notification sent out in March 2023 (Attachment 5). A majority of the respondents were not in favour of the TUP being approved, citing concerns around overall legality and visual/aesthetic impacts of the shipping containers.

Consultation

Statutory Requirements

Revised TUP Notices were circulated to surrounding property owners and residents, published in the May 17, 2023 Driftwood newspaper (Attachment 3) and posted on North Pender Island community bulletin boards.

The statutory notification period ends at 4:30 p.m. May 17, 2023, although comments will still be received up to the May 26, 2023 LTC meeting.

At the time of writing, staff have received no new responses to the second statutory notification. Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

There are no archaeological sites listed in the Remote Access to Archaeological Data (RAAD) within the property or within 100 metres. 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 *Heritage Conservation Act*. If such material is encountered, the Archaeology Branch should be contacted immediately.

Rationale for recommendation

In summary, the recommendation on page 1 is supported as:

- The North Pender Island Land Use Bylaw No. 103, 1996 (LUB) does not permit an accessory structure or building (other than a pump house) on residentially zoned land where there is no principal use;
- Three previous rezoning applications have been submitted seeking changes to the LUB to permit the proposed storage use outright even in the absence of a principal use, the previous LTC denied all three of these applications from proceeding at the preliminary report stage;
- Adjacent property owners and other nearby residents have expressed concerns regarding the issuance of a TUP to allow the continued use of the lot for storage without an associated principal use;
- There is no indication that a principal residential use will be initiated on the subject property and there is no willingness demonstrated by the applicant to provide a plan to unwind the temporary use in the absence of a principal use being established, despite the LTC making a specific request to the applicant to provide a cease of use plan.

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 physical screening requirements 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-2022.5 (Sketch) be amended by the addition of the following condition(s): _____

3. Issue the permit

The LTC may issue the temporary use permit. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee approve Temporary Use Permit application NP-TUP-2022.5 (Sketch) for a period of (XX) years.

Submitted By:	Brad Smith, Island Planner	May 10, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	May 11, 2023

ATTACHMENTS

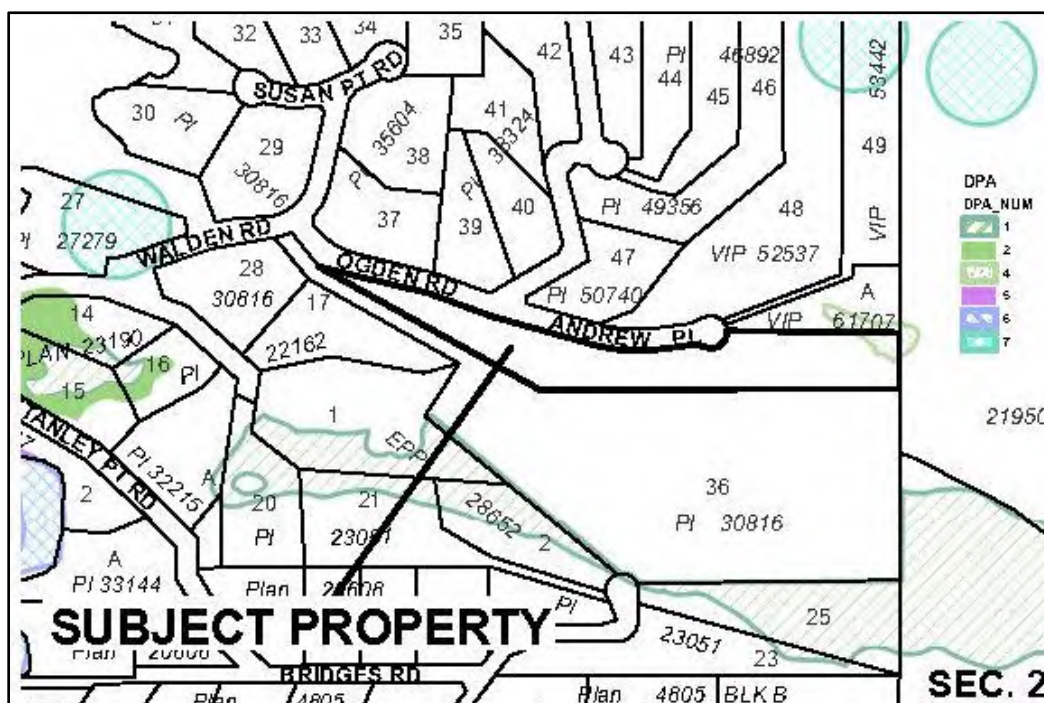
1. Site Context
2. Maps, Plans, Photographs
3. Notice
4. Draft TUP
5. Community Correspondence
6. Correspondence from Applicant

ATTACHMENT 1 – MAPS AND PHOTOGRAPHS

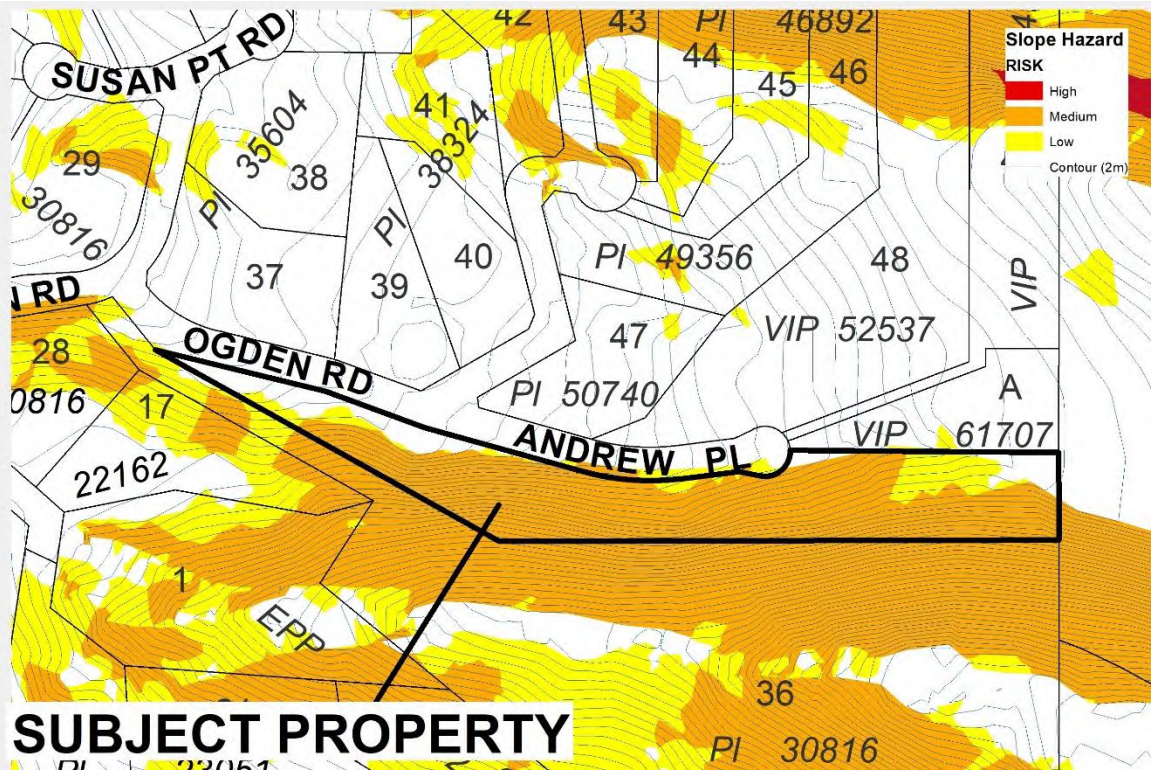
1.1 ORTHOPHOTO AND ZONING



1.2 DPAs



1.3 STEEP SLOPE HAZARD AND CONTOURS



1.4 PHOTOGRAPHS

MARCH 2, 2023 – VIEW FROM OUTSIDE TUP AREA



MARCH 2, 2023 – SHIPPING CONTAINERS



MARCH 2, 2023 – WATER CISTERN



MARCH 2, 2023 – WESTERN EDGE OF TUP AREA WITH NO FENCE SCREENING



ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	THE FRACTIONAL NORTH WEST 1/4 OF SECTION 23, PENDER ISLAND, COWICHAN DISTRICT, EXCEPT PARTS IN PLANS 20607, 20608, 21047, 21390, 22162, 23051, 27279, 30816, 32215, 35604, 38324, 46892, 49356, 50740, VIP52537 AND VIP53442
PID	007-934-211
Civic Address	Andrew Place (Stanley Point)

LAND USE

Current Land Use	Rural Residential (Vacant)
Surrounding Land Use	Rural Residential and Community Park (South)

HISTORICAL ACTIVITY

File No.	Purpose
NP-RZ-2019.1	Overall amendment to LUB to allow accessory uses prior to establishing principal residential use – denied by the LTC.
NP-RZ-2019.2	Amendment to LUB to allow accessory uses on subject parcel prior to establishing principal residential use – denied by the LTC.
NP-RZ-2021.1	Amendment to LUB to allow accessory uses on subject parcel prior to establishing principal residential use – denied by the LTC.

POLICY/REGULATORY

Official Community Plan Designations	RR - Rural Residential in the North Pender Island Official Community Plan No. 171 (OCP). Small portion of the property that is designated in Development Permit Area 4 – Wetland Ecosystems (see Attachment 2.2).
Land Use Bylaw	Rural Residential (RR) in the North Pender Island Land Use Bylaw No. 103, 1996 (LUB).
Other Regulations	Land Use Contract (F43165) This applies to the subdivision and building approvals and defers matters of land use to current zoning and official community plans. Expires in 2024. Building Scheme (EC113255)
Covenants	N/A
Bylaw Enforcement	NP-BE-2018.9 For placing of structures (shipping containers) without principal residential use (current application)

SITE INFLUENCES

Islands Trust Fund	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.

Z:\09 Current Planning\09 NP\3540 TUP\25 Applications (P)\2022\NP-TUP-2022.5 (Sketch)\06 Staff Reports\Attachments\A 1 Site Context.docx

Species at Risk	None listed on TAPIS
Sensitive Ecosystems	Wetland sensitive ecosystem listed on extreme northeast of property. Not in proximity to current development.
Hazard Areas	See Attachment 2.3 –majority of the subject property has medium slope stability risk and purported geotechnical issues.
Archaeological Sites	There are no archaeological sites listed in the Remote Access to Archaeological Data (RAAD) within the property or within 100 metres. 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> . 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	Clearing and surfacing and placing of structures has a nominal impact on GHG emission changes resulting from approval. Reuse of structures (sea cans) has benefit versus new construction.
Shoreline Classification	Not Applicable
Shoreline Data in TAPIS	N/A

NOTICE
NP-TUP-2022.5
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

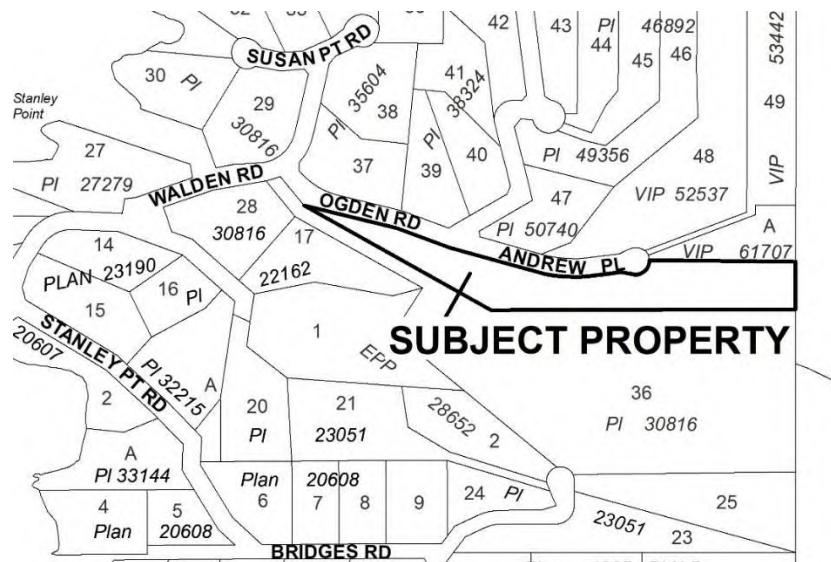
NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the North Pender Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to The Fractional North West 1/4 Of Section 23, Pender Island, Cowichan District Except Parts In Plans 20607, 20608, 21047, 21390, 22162, 23051, 27279, 30816, 32215, 35604, 38324, 46892, 49356, 50740, VIP52537 and VIP53442 (PID: 007-934-211). This property is located at **1101 Andrew Place**.

The purpose of this temporary use permit would be to permit the use of the subject property for the **temporary storage of personal possessions** in a maximum of six (6) shipping containers.

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.

This permit was first considered at the March 17, 2023 LTC meeting. At that meeting, the LTC deferred a decision on the permit application until the May 26, 2023 LTC meeting. The LTC also directed staff to include an additional condition in the draft permit requiring the installation of additional fence screening on the western edge of the permit area.

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 **May 5, 2023** and continuing up to and including **May 17, 2023**.

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 Brad Smith, Island Planner at (778) 679-5185. 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., **May 17, 2023**.

The LTC may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:30 a.m., May 26, 2023**.

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.



Islands Trust

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2022.5 (Sketch)**

1101 Andrew Place

To: Michael Sketch for Stanley Point Estates Ltd.

1. This Permit applies to the land described below:

The Fractional North West 1/4 Of Section 23, Pender Island, Cowichan District Except Parts In Plans 20607, 20608, 21047, 21390, 22162, 23051, 27279, 30816, 32215, 35604, 38324, 46892, 49356, 50740, VIP52537 And VIP53442 (PID: 007-934-211).

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

a) the **temporary storage of personal possessions** in a maximum of six (6) shipping containers.

3. The uses shall be carried on subject to the following conditions:

- a) The storage structures permitted in Section 2 (above) are limited to a maximum of six (6) shipping containers with a combined floor area of 90 m² and a maximum height of 4.0 m;
- b) All uses permitted in Section 2 (above) shall be limited to the specific portion of the subject property labelled 'Temporary Use Area' on Schedule 'A' and the six (6) shipping containers shall be sited as shown on Schedule A;
- c) The existing fence, gate and planted trees that provide screening for the 'Temporary Use Area' as shown on Schedule A shall be maintained for the entire period of the Permit;
- d) Additional fencing with the same height and character as the existing fence shall be installed along the western edge of the temporary use area as shown in Schedule A;
- e) 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

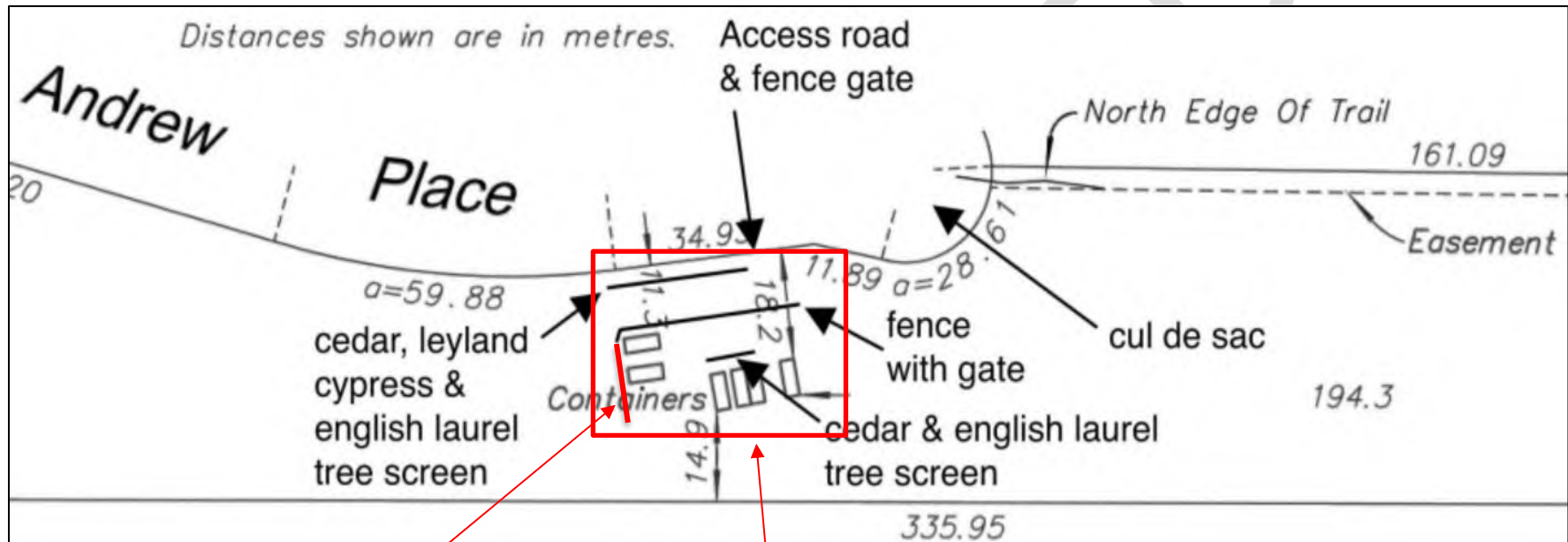
Date Issued

PROPOSED

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-TUP-2022.5 (Sketch)

SCHEDULE 'A' – SITE PLAN



Location of Additional
Fencing to Be Installed

Temporary Use Area

From: [SouthInfo](#)
Sent: Thursday, March 9, 2023 8:49 AM
To: [Brad Smith](#); [Robin Ellchuk](#)
Subject: FW: Attn: Brad Smith -- Re NP-TUP-2022.5 (Sketch)

From: Russ Francis
Sent: Wednesday, March 8, 2023 9:41 PM
To: SouthInfo
Cc: Deb Morrison ; Aaron Campbell ; David Maude
Subject: Attn: Brad Smith -- Re NP-TUP-2022.5 (Sketch)

To:

Brad Smith Island Planner
David Maude LTC Chair
Deb Morrison North Pender Island Trustee
Aaron Campbell North Pender Island Trustee

-

Re: Sketch Proposal NP-TUP-2022.5

I strongly oppose approval of this proposal.

This property owner has:

- deliberately flaunted the requirements of the North Pender Land Use Bylaw since 2018 by dumping multiple large shipping containers on a lot zoned Rural Residential
- repeatedly applied for *ex post facto* variances and a TUP—all declined by the North Pender LTC
- ignored Island Trust orders to remove the containers
- declined to pay resulting violation fines
- forced the Island Trust to obtain enforcement orders from the B.C. Supreme Court

The consequences of Mr Sketch's actions are:

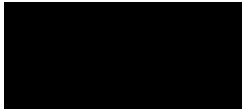
- significant additional workload for IT planning staff
- increased litigation costs for IT taxpayers
- a growing atmosphere of property owners ignoring the requirements of IT bylaws
- bringing the administration of Southern Gulf Islands bylaws into disrepute

To allow this proposal would only encourage further retroactive nose-thumbing at the rule of law in the Southern Gulf Islands in general, and in particular on North Pender Island.

Consequently, I encourage the LTC to reject the proposal.

Thank you.

Russ Francis



From: [SouthInfo](#)
Sent: Thursday, March 9, 2023 11:15 AM
To: [Brad Smith](#); [Robin Ellichuk](#)
Subject: FW: Michael Sketches's Application to Allow Shipping Container on Rural Zoned Property

From: Shahid Hussain
Sent: Thursday, March 9, 2023 10:46 AM
To: SouthInfo ; David Maude ; Deb Morrison ; Aaron Campbell
Subject: Michael Sketches's Application to Allow Shipping Container on Rural Zoned Property

Hello Everyone

I am not very close to the issue but I totally align with Russ Francis' Comments (shown below) that he has forwarded to you earlier. Michael has deliberately and intentionally ignored all the community concerns, bylaws and restrictions assuming that he can get away with anything if he continuously ignores any LTC decisions, community concerns and civil society's legal and sensible rulings. Couple of years ago I met with him, urging him to reconsider his opposition and ignoring the decisions that LTC and court have imposed in order to maintain and respect friendship and relationships with the neighbours and community in general. I am even promised to contribute money and raise some money to help defray the cost of moving his container to another legal location, possibly in Sydney, so this controversy will be mitigated. He of course totally ignored me.

Anyway, I am not sure what the LTC has in mind to grant him another three years of grace period, but it will set a dangerous precedent that if you keep on ignoring and resisting bylaw restrictions and other major decisions, the problem will go away.

So, I would like you to seriously reconsider your decisions.

S Hussain

Brad Smith Island Planner
David Maude LTC Chair
Deb Morrison North Pender Island Trustee
Aaron Campbell North Pender Island Trustee

Re: [Sketch Proposal NP-TUP-2022.5](#)

I strongly oppose approval of this proposal.

This property owner has:

- deliberately flaunted the requirements of the North Pender Land Use Bylaw since 2018 by dumping multiple large shipping containers on a lot zoned Rural Residential
- repeatedly applied for *ex post facto* variances and a TUP—all declined by the North Pender LTC
- ignored Island Trust orders to remove the containers
- declined to pay resulting violation fines
- forced the Island Trust to obtain enforcement orders from the B.C. Supreme Court

The consequences of Mr Sketch's actions are:

- significant additional workload for IT planning staff
- increased litigation costs for IT taxpayers
- a growing atmosphere of property owners ignoring the requirements of IT bylaws
- bringing the administration of Southern Gulf Islands bylaws into disrepute

To allow this proposal would only encourage further retroactive nose-thumbing at the rule of law in the Southern Gulf Islands in general, and in particular on North Pender Island.

Consequently, I encourage the LTC to reject the proposal.

Thank you.

March 9, 2023

Dear Pender Island Local Trust Committee:

Re: NP-TUP-2022.5

We thank staff for the notification concerning the proposed issuance of a Temporary Use Permit to alter the rural/residential use of the subject property at 1101 Andrew Place. We understand that the proposed TUP is a way of legitimizing the current unauthorized use of the subject property. We have not been involved in this matter to date and appreciate the opportunity to provide the perspective and impact [REDACTED]

Our family has owned a property zoned as rural/residential [REDACTED] for almost 30 years. [REDACTED] We love our beautiful property and have been waiting for our retirement to have the time to enjoy its trees, terrain, wildlife and water-front view. We bought the property from Ralph and Marion Sketch, parents of the TUP applicant, who kindly helped us as a young couple to acquire the property. We enjoyed our association with Ralph and Marion Sketch and miss them.

We understand that the proposed TUP will enable the maintenance of commercial storage containers on [REDACTED] residential property for several years to come. We also understand that these proposed commercial and industrial uses will be allowed to stay for up to six more years if PILTC issues the first permit. For my husband and I, this will mean that this property use, if approved, will be in place for much of the time we have left to enjoy our property [REDACTED]. Storage is typically allowed in industrial and commercial zones.

We have not been able to see the report that you will be receiving this coming week, and we understand that you are able to deny or issue this broad approval on the 17th of March. Knowing that the Island Trust was established to preserve the natural and rural character of the Gulf Islands gives us comfort that your deliberations will not result in an approval of this otherwise prohibited use. We have a vacant rural/residential property that requires safeguarding because of its natural beauty; we pay our taxes; and, we have always followed the rules and never contemplated a similar commercial or industrial temporary use of any kind. We expect the same [REDACTED]

Our family hopes that the members of the PILTC, with your jurisdictional authority, will agree with us, and deny the permit and direct the termination of the unauthorized use and the removal to the storage containers.

Please confirm receipt of this communication. We will not be able to attend the meeting in person and trust this letter provides a clear and unequivocal statement of our opposition to the

application. [REDACTED]

Respectfully,
[REDACTED]

Sylvia Russell and Jamie Ross
[REDACTED]

Pender Island, BC

March 15, 2023

To: Islands Trust and North Pender LTC Trustees

SouthInfo@islandstrust.bc.ca

Aaron Campbell: acampbell@islandstrust.bc.ca

David Maude: dmaude@islandstrust.bc.ca

Deb Morrison: dmorrison@islandstrust.bc.ca

Re: Proposed North Pender by-law amendment on house size and setbacks

I am a full time resident of Pender Island and have owned property on North Pender since 1980.

I am re-writing to express my support for the proposed bylaw amendments being considered.

5.1 Rural Residential 1 (RR1) Zone

Siting and size

- I support the amendments to bylaw concerning house size and boundary setbacks. The rationale for the proposed changes is clear and compelling and is related both to the environment and to the character of the Gulf Islands.
- My specific interest in the proposed bylaw amendment related to house size relates to climate change and environmental degradation.
- As you know we are in the midst of a catastrophic triple threat involving massive loss of biodiversity, widespread pollution of the natural systems on which all life depends and run-away climate change with all its negative impacts. All based on excessive consumption of the earth's resources.
- The Island Trust has recognized this with its declaration of a Climate Emergency and the Right to a Health Environment, and it is heartening that the North Pender Island Trust is beginning to take positive action to address this emergency.
- As the recent comprehensive Ecological Footprint study on Galiano Island showed, even frugal Southern Gulf Islanders are living well beyond the carrying capacity of the earth and of our islands. The Galiano Residents'

annual per capita contribution of 8.4 tons of CO₂ is twice the global average and 4.5 times what is sustainable. It would take 4.5 earths to maintain the lifestyle of Galianians and presumably Penderites!

See: <https://galianoconservancy.ca/oneisland/>

- In their study they found that housing, its construction and maintenance, contributes about 20% of the footprint. Only transportation and food make bigger contributions. The larger the dwellings the larger the footprint.
- Increased individual house size means increased resource use, more disturbance of the land as well as an increase in the area of land impermeable to groundcover. This means more stormwater runoff, increased soil compaction, disruption of local water tables, and increased habitat fragmentation. Other impacts include increased construction costs and energy consumption.
- I think the proposed limitations on house size are reasonable and easily defensible in this context.
- The other component of the rationale is also persuasive. The rural nature and natural diversity of our island environment are critical components that the Trust was mandated to preserve and protect for future generations. Large structures degrade this rural character.

3.3 Siting and Setback Regulations

- I support the proposed 15 meter setback of buildings from the natural boundary of the sea. The environmental rationale for this setback is solid and a similar 15 meter setback of buildings should be applied to wetlands lakes and streams for the same reasons. The proposal now is only 7.5 meters.
- I note that some Pender residents have pointed out the proscription of fencing within this setback entails a health risk for those whose property is high bank bordering the ocean and I think this reasonable exception should be accommodated.
- It is noted that there are proposed 60 and 30 meter setbacks of septic fields and pits used for agricultural, commercial or industrial purposes from the natural boundary of the sea and wetlands lakes and streams respectively,

but no mention of setbacks for residential septic fields. The health and environmental rationale for the setbacks applies equally irrespective of whether it is commercial or residential. In addition the W̱SÁNEĆ First Nations have expressed concern regarding the impact of structures and septic installations on their ability to harvest shellfish in their original territories. I suggest setback of residential septic installations be added to the amendment.



Peter D Paré



From: SouthInfo
Sent: Wednesday, March 15, 2023 8:29 AM
To: Brad Smith
Subject: FW: Michael Sketch rewable Permit

From: andrea spalding <[REDACTED]>
Sent: Tuesday, March 14, 2023 10:21 PM
To: David Maude <dmaude@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Aaron Campbell <acampbell@islandstrust.bc.ca>; SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: Michael Sketch rewable Permit

Dear North Pender Island Trustees, Trust Planner and Committee Chair,

We believe Michael Sketch is being considered for a renewable 3-year permit to allow his large shipping containers to remain on Rural Residential land, contrary to the North Pender Land Use Bylaw. We, David and Andrea Spalding, strongly oppose this. We are neighbours, and have been appalled at Mr Sketch's continued defiance of bylaws, orders, and fines, and how this affects our neighbourhood.

We are strong supporters of Island Trust and are dismayed to see this happening. We feel permitting ongoing defiance of Trust Decisions undermines the whole concept of Preserving and Protecting our Island and its neighbourhoods, and is also encouraging others to ignore Trust decisions.

Sincerely
Andrea and David Spalding

Andrea Spalding Artist /Writer (she/her)

[REDACTED]

Pender Island, British Columbia

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

I acknowledge with gratitude my location on S,DÁYES (Pender Island) the unceded traditional territory of the WSÁNEĆ peoples

From: SouthInfo
Sent: Thursday, March 16, 2023 1:49 PM
To: Brad Smith
Subject: FW: Michael Sketch TUP

From: Andrew Mastalerz <[REDACTED]>
Sent: Thursday, March 16, 2023 1:05 PM
To: David Maude <dmaude@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Aaron Campbell <acampbell@islandstrust.bc.ca>; SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: Michael Sketch TUP

Dear Sir or Madam,

I am writing to You in support of Michaels's application.
The storage area occupies a small portion of his land and a considerable effort has been made o conceal the containers from public view.
In my opinion Michael should be allowed more time to store his possessions on his land on a temporary basis while he is seeking permanent solution.

Andrew Mastalerz

Sent from [Mail](#) for Windows

From: SouthInfo
Sent: Thursday, March 16, 2023 8:31 AM
To: Brad Smith
Subject: FW: M Sketch submission re TUP application for 17Mar2023
Attachments: M Sketch to LTC on TUP application for 17Mar2023.pdf

From: MICHAEL SKETCH <[REDACTED]>
Sent: Thursday, March 16, 2023 6:40 AM
To: David Maude <dmaude@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Aaron Campbell <acampbell@islandstrust.bc.ca>; SouthInfo <SouthInfo@islandstrust.bc.ca>
Cc: mgmsketch <[REDACTED]>
Subject: M Sketch submission re TUP application for 17Mar2023

**Submission to the North Pender Local Trust
Committee (LTC) for the business
meeting of Friday, 17 March, 2023, 10:30 A.M. at the
Anglican Church Hall
respecting Temporary Use Permit Application NP -
TUP – 2022.5 (Sketch)
respecting a portion of the parcel on the south border
of Andrew Place road, PID 007-934-211**

Trustees Deb Morrison, Aaron Campbell and Chair Maude – I ask the LTC to grant my request for a three year temporary use permit (TUP) to allow continued land use for structures which would be an accessory residential use, were there a residential principal use. The land use bylaw (LUB) doesn't allow structures without a principal use for my parcel, which is zoned Rural Residential (RR).

My request for a variation of the RR zone regulation is modest. The footprint for the six medium size (20 ft.) shipping containers is less than 1% of the 5 ¼ acre parcel area. The subject TUP area was formerly a dump for two

logging operations, then for the building of the Andrew Place cul de sac road. Today the site is cleared of debris and leveled in two attractive stages. English laurel and cedar screening trees are growing well in the middle.

Please see the remainder of my submission in the attached PDF.

Michael Sketch



Submission to the North Pender Local Trust Committee (LTC) for the business meeting of Friday, 17 March, 2023, 10:30 A.M. at the Anglican Church Hall respecting Temporary Use Permit Application NP - TUP – 2022.5 (Sketch) respecting a portion of the parcel on the south border of Andrew Place road, PID 007-934-211

Trustees Deb Morrison, Aaron Campbell and Chair Maude – I ask the LTC to grant my request for a three year temporary use permit (TUP) to allow continued land use for structures which would be an accessory residential use, were there a residential principal use. The land use bylaw (LUB) doesn't allow structures without a principal use for my parcel, which is zoned Rural Residential (RR).

My request for a variation of the RR zone regulation is modest. The footprint for the six medium size (20 ft.) shipping containers is less than 1% of the 5 ¼ acre parcel area. The subject TUP area was formerly a dump for two logging operations, then for the building of the Andrew Place cul de sac road. Today the site is cleared of debris and leveled in two attractive stages. English laurel and cedar screening trees are growing well in the middle. The staff report shows the TUP area with snow cover. Very nearly the entire TUP area is permeable to rain water as each shipping container rests on a corner support.

Alder trees alone were cut to accommodate the TUP area. A row of alder trees were left at the north boundary and the summer foliage is a very effective screen in front of the fence. An image photographed from the direction of the only neighbour's house on the north side of Andrew Place follows.



I don't believe those passing by would notice the shipping containers behind the alder foliage if they didn't know they were there. The staff report shows this view in winter.

Andrew Place is a cul de sac and there is very little vehicle traffic; none being seen in my twice weekly visits to access the shipping containers this winter. The other unbuilt parcels (save one) served by Andrew Place have water views and it is unlikely that a residence will be built with a view of the shipping containers. The smaller parcel adjacent (north) my own has no road frontage and can only be built to the east and out of sight of my shipping container storage.

There is some summer pedestrian use of Andrew Place by those residents who walk the easement trail on the northern boundary of my parcel, which access was greatly improved as part of this project.

The view of the gate in the screening fence from the angle of the cul de sac follows, this time photographed without alder tree foliage contributing to screening.



The gate and fence design minimizes monotony and they are almost entirely built without milled board lumber. The additional row of screening trees in front of the fence have not done well due to poor sand soil and lack of sunlight.

History

Although Trustee Morrison is familiar with the history, the new members of the LTC may not be.

I have been part owner of the Andrew Place parcel since 1968 and the sole owner since 1996. In that time I have been careful to preserve the beauty of the forest landscape, particularly to the east beyond the cul de sac.

Firewood has been harvested, mostly dead stock, as I rent my accommodation and use a wood stove. I would have liked to build a woodshed but didn't do so because no structures were allowed without a residence, which I could not afford.

On Pender, since about 2007, apparently with a rapid increase in Airbnb commercial use of residential zoning, the shortage of long term rental houses has become acute.

I had been fortunate with two long leases since 1995, but in 2018 a new owner required use of the house I was renting. I had two months to vacate and no place to move to. There wasn't land zoned to store residential use items and none with potential privacy for a customer who must sort contents in the open. It would be prohibitively expensive and impractical to move, store and access my household possessions off island.

Therefore I invested in my own land and improved the immediate TUP site to accommodate shipping container storage. The alternative would have been a wooden building with a foundation. Apart from capital cost and 'time to installation' concerns, a shipping container is secure and both weather (with interior ceiling insulation) and rodent proof. Steel shipping containers are eminently recyclable and sufficiently strong as to resist boulder impact. Further, boulder impact can be accommodated by sliding motion as the container isn't fixed to a foundation. There are very few, but there are one or two boulders on the hillside above the shipping containers. Shipping containers can be easily and attractively screened from public view with a combination of fence and trees.

no choice – I have been fortunate with rental accommodation on Pender since 1995 and when in 2018 the luck ran out, I had no choice in the two months available, but to use my land contrary to the LUB and apply for that use after the fact. I knew that due both to matters arising before my father's death in 1993 and matters which arose after I returned to Canada in 1995, that there would be spirited complaints to bylaw enforcement at the first opportunity after my offence under the LUB. And so there have been. Notwithstanding, I had to move my possessions to long term secure storage which would not increase my monthly costs as I aged and which was private and easily accessible. Therefore I believe I had no choice but to use my land and ask for zoning adjustment help from the LTC later.

LUB restriction on land use without a principle use reasonable and fair to landowners and consistent with the Islands Trust Object¹?

On North Pender, the current land use bylaw doesn't allow accessory structures (apart from water source related) on land without a principle use; in my case a residence. The reason I've been given by staff is the highest and best use of the land. That is a residence for residential zoning. A common sense in that rationale is that the highest and best land use will be likely to yield a higher property tax revenue for the Trust.

However on Galiano Island, structures are allowed on unbuilt land and I understand that allowance isn't abused and further that the serious impact on parcel ecosystems comes with full residential use. There is then an argument to allow structures on a small (under 5%) of unbuilt land with the expectation that overall, the island will have more lots which are used, but don't impact the environment as would be the case with all lots in full residential use at buildout.

¹ Under Section 4 of the Islands Trust Act, LTCs are established (1989 Act) and continued (current Act) to carry out the Object.

The rationale for prohibiting accessory structures on unbuilt land because the highest and best residential use will generate an optimum property tax return can't be construed as consistent with the Trust Object, but allowing a limited accessory structure use on unbuilt land can be anticipated to further the Object because there will probably be fewer residences with the associated environmental impact.

my application to amend the LUB – I knew a significant number of residents with structures on unbuilt land and none would speak to amending the LUB to allow their uses, for fear of bylaw enforcement. In good faith I asked then N Pender planner Justine Starke and she thought the application had merit. I made the application to amend the LUB but before it was heard by the LTC, Justine left to the CRD. My application was ridiculed and failed.

my application to rezone my parcel – I applied for rezoning before I found a fence builder and gate builder to screen the shipping containers and suspected the lack of screening was a reason why the LTC refused my rezoning application. I was questioned repeatedly as to the contents of the containers.

my second application to rezone my parcel – Having found fence builder and gate maker who were both available and who would build an interesting screen with rural character which used a minimum of milled board lumber, I applied a second time for rezoning. There seemed to be no interest in the screening and the LTC declined my request for rezoning. That my application was 'after the fact' appeared to have been significant in the refusal.

my application for a TUP today – Despite my need for secure, private and inexpensive storage of my possessions being long term because of continued and anticipated shortage of rental accommodations, Bylaw Enforcement Officer Dingman said that staff had recommended applying for a TUP, with periodic renewals feasible provided I didn't otherwise offend the LUB. The Local Government Act allows for one, three year renewal and thereafter a new TUP application must be made. There is a significant cost for the applicant but the LTC maintains regular oversight of the land use.

I submit that my current use of land does not have an adverse effect on Stanley Point resident property owners respecting noise and nuisance, or a visual/aesthetic detriment, or a change in neighbourhood character, given the fence and tree screening.

I don't believe my use of land establishes a precedent for misuse of land or offence to the Land Use Bylaw. My applications to the LTC have been for a small variation of zoned land use which is allowed for in the Local Government Act. I sincerely regret the circumstance beyond my control which resulted in my (2018) immediate need for an unauthorized use of my land and I regret the consequent impact on bylaw enforcement and the LTC. I have been assessed appreciable financial penalty and have paid all monies owing under bylaw enforcement.

Reticent – The staff report comments that I am reticent to give a written plan to cease my present use of land outside the provisions of the LUB. However I have been sincere in my reasons for not giving an undertaking to remove my stored possessions or otherwise satisfy the LUB. I can't predict the long term rental situation, nor whether a change a financial circumstance will enable me to build a residence on the parcel.

Conclusion – I ask the LTC to grant a three year TUP for my present use of land within the (staff report) designated TUP area of my Andrew Place Parcel.

Thank you for considering and deliberating my application.

Michael Sketch
[REDACTED]
[REDACTED]

From: Russ Francis <[REDACTED]>
Sent: Monday, May 15, 2023 9:22 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Cc: Deb Morrison <dmorrison@islandstrust.bc.ca>; Aaron Campbell <acampbell@islandstrust.bc.ca>; David Maude <dmaude@islandstrust.bc.ca>
Subject: Comments on NP-TUP-2022.5 (Sketch)

May 15, 2023

To:

Brad Smith Island Planner

David Maude LTC Chair

Deb Morrison North Pender Island Trustee

Aaron Campbell North Pender Island Trustee

Re: Sketch Proposal NP-TUP-2022.5

As with multiple, failed earlier proposals concerning this property, I strongly oppose approval of this proposal.

I note that the LTC has previously rejected a TUP for this property, the only difference this time being the proposed addition of a few meters of fencing.

Regarding the fencing:

- all of the points previously listed (below) apply regardless of whether any change is made to fencing
- fencing provides no validation of any sort of the property owner's deliberate and repeated, flouting of the LUB
- the fencing proposal appears to be nothing other than a delaying tactic, wasting yet more of Pender Island taxpayers' money and IT planning staff resources
- the fencing appears to be nothing less than adding the proverbial "lipstick to a pig"
- if merely adding fencing to an activity that is contrary to the LUB makes it acceptable, presumably a host of other activities proscribed by the LUB would be allowed.
- can we expect pubs, commercial grow-ops or used car lots to be permitted, as long as they are fenced?

This property owner has:

- deliberately flaunted the requirements of the North Pender Land Use Bylaw since 2018 by dumping multiple large shipping containers on a lot zoned Rural Residential
- repeatedly applied for *ex post facto* variances and a TUP—all declined by the North Pender LTC
- ignored Island Trust orders to remove the containers
- declined to pay resulting violation fines
- forced the Island Trust to obtain repeated enforcement orders from the B.C. Supreme Court

The consequences of Mr Sketch's actions are:

- significant additional workload for IT planning staff
- increased litigation costs for IT taxpayers
- a growing atmosphere of property owners ignoring the requirements of IT bylaws
- bringing the administration of Southern Gulf Islands bylaws into disrepute

To allow this proposal would only encourage further retroactive nose-thumbing at the rule of law in the Southern Gulf Islands in general, and in particular on North Pender Island.

I encourage the LTC to reject the proposal.

Thank you.

Russ Francis

[REDACTED]

[REDACTED]

[REDACTED]

STAFF REPORT

File No.: NP-DP-2023.1 (Ensing)
NP-DVP-2023.2 (Ensing)

DATE OF MEETING: May 26, 2023
TO: North Pender Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Permit & Development Variance Permit Application
Applicant: Duane Ensing – Villamar Design
Location: 7943 Plumper Way

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2023.1(Ensing); and,
2. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2023.2 (Ensing).

REPORT SUMMARY

This report is to consider a Development Permit (DP) and Development Variance Permit (DVP) application for the subject property located at 7943 Plumper Way.

The purpose of the DP application is to ensure there are measures in place for the protection of Woodland Sensitive Ecosystems (DPA 1), Herbaceous Sensitive Ecosystems (DPA 2), and Intertidal Sensitive Ecosystems (DPA 6) in association with the proposed removal of the existing dwelling and construction of a new dwelling and garage. The above recommendation for the DP is supported as:

- the objectives and specific guidelines of the DPAs have been met;
- all relevant recommendations of a professional environmental assessment report have been incorporated into the conditions of the proposed DP; and,
- implementing and monitoring conditions in the proposed DP will ensure the protection of the sensitive ecosystems located on the subject property.

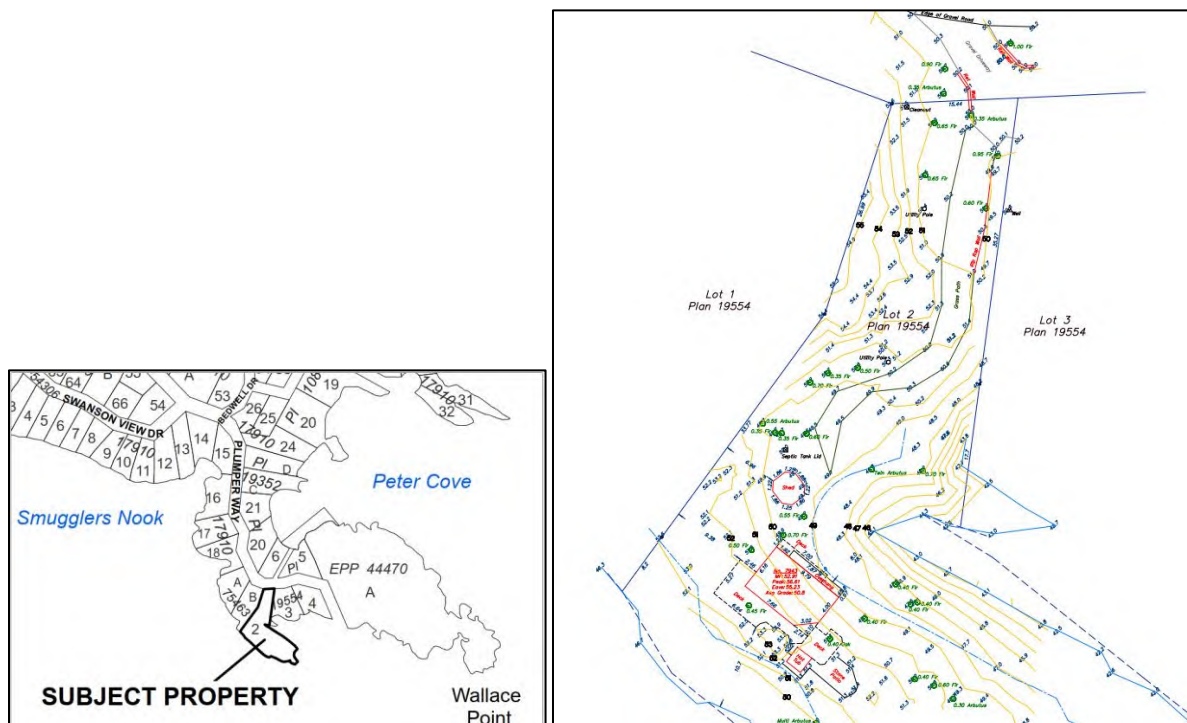
The purpose of the DVP application is to permit the construction of the new dwelling located as close as 7.5 from the natural boundary of the sea, whereas there is a 15 m setback from the natural boundary. The garage building would not require variance. The above recommendation for the DVP is supported as:

- A majority of the proposed development footprint for the new dwelling is located within the envelope of the existing dwelling;
- The particular geography of the subject lot on a point of land with foreshore on three sides renders it nearly impossible to site a dwelling outside of the 15 m setback from the natural boundary of the sea;
- As this circumstance is somewhat unique, the variances do not challenge the overall intent of the bylaw provisions.

BACKGROUND

The combined DP and DVP applications were submitted to the Islands Trust in advance of a Building Permit application to secure necessary approvals for the removal of the existing dwelling and the construction of a new dwelling and accessory building (garage). The property is located at 7943 Plumper Way (Figure 1). Currently, there is the one existing dwelling and one small accessory building (storage shed) located on the property.

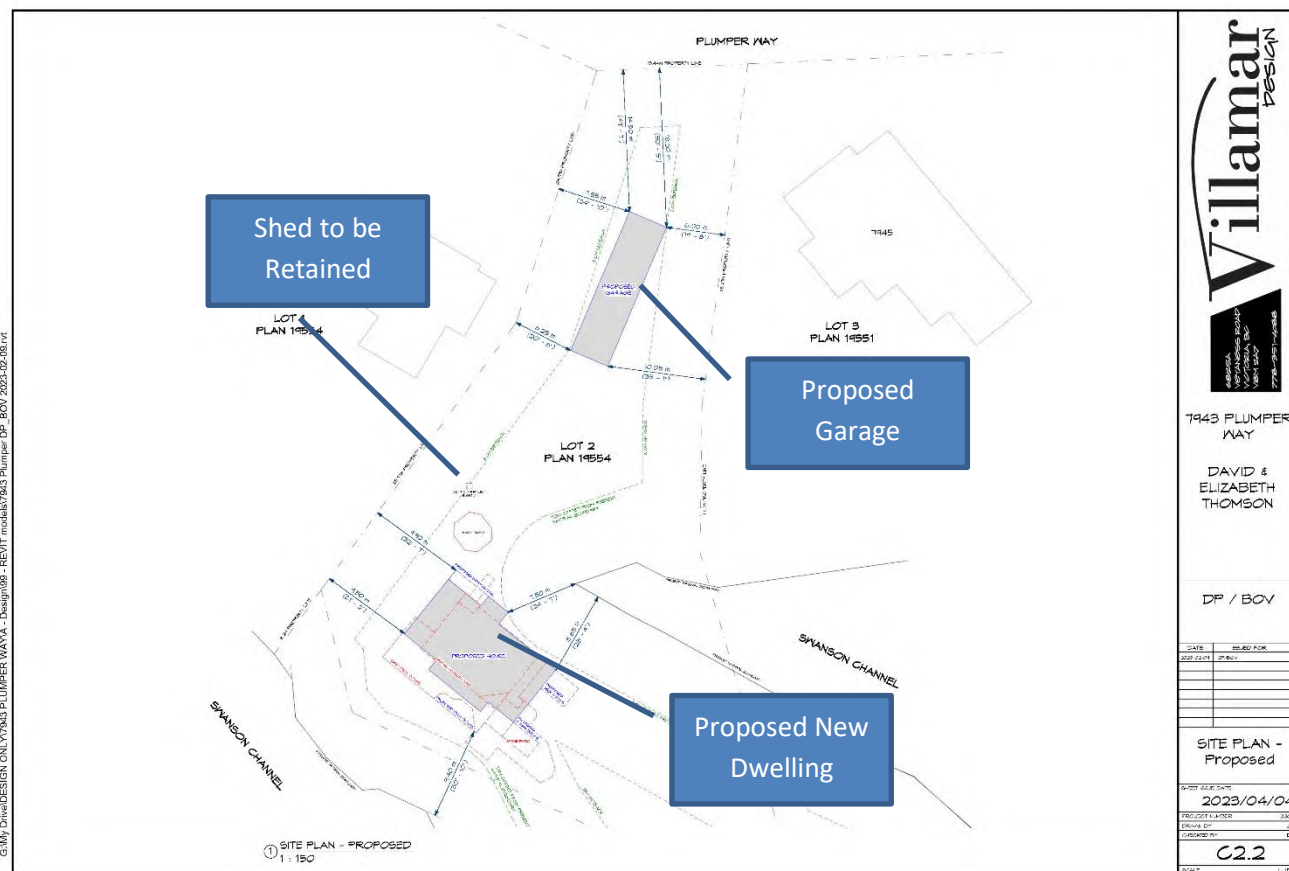
Figure 1 – Subject Property and Current Site Plan



As shown in Figure 2, the proposal for future development includes:

- Removal of existing dwelling;
- Construction of new dwelling mostly within footprint of existing dwelling;
- Construction of a new garage;
- Retain existing shed as currently sited.

Figure 2 – Proposed Development Site Plan



Additional site context is included as Attachment 1, maps and photos in 2, and building design/elevation drawings in Attachment 3. Staff visited the site and met with the property owner in April 2023.

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

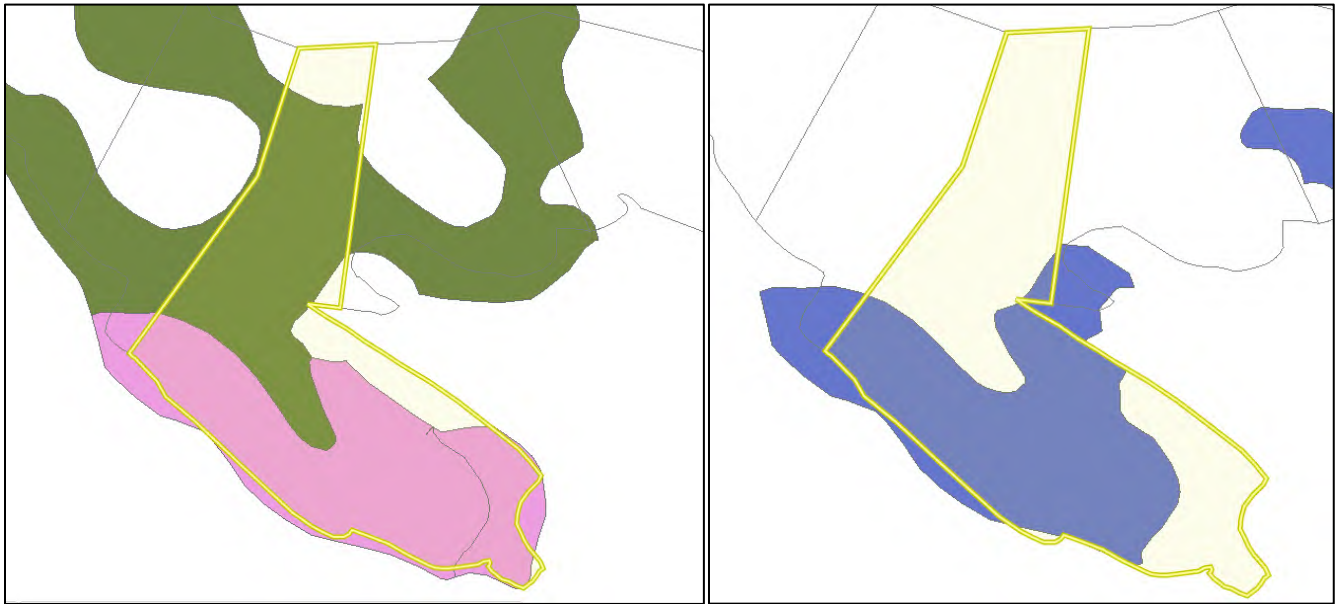
Islands Trust Policy Statement:

- 3.1.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.1.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
- 3.3.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

Official Community Plan

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

Woodland Ecosystems (DPA 1 - Green), Herbaceous Ecosystems (DPA 2 – Pink), and Intertidal Ecosystems (DPA 6 - Blue) are designated on the subject property as shown below:



The proposed siting of the new dwelling is located in DPA 1, 2 and 6. The proposed siting of the new garage is in DPA 1 only. More detailed mapping including with ortho are included in the Biologists report (Attachment 4). The Intertidal DPA is intended to designate sensitive foreshore areas, however as it is an older and less accurate dataset than the terrestrial sensitive ecosystem DPAs, the designation can overlap with upland terrestrial areas.

Land Use Bylaw

The property is zoned as **Rural Residential (b)** in the North Pender Island Land Use Bylaw No. 103, 1996 (LUB). With the exception of the proposed dwelling that is the subject of the DVP application, the proposed uses, density and siting meet the requirements of the LUB.

The site specific (b) notation requires that no secondary suites be built in areas zoned RR (b). This does not apply in this case as no secondary suite is being proposed.

Development Permit

Biologist's Report

In December 2021, Caurinus Environmental was contacted by the property owner to complete an environmental inventory, condition and impact assessment of the subject property in consideration of the existing DPAs. The required report (Attachment 4) undertook a detailed site inventory and documented the habitat conditions for flora, birds, mammals, and amphibians and reptiles.

The report concludes that:

“the proposed expansion of a primary dwelling and a construction of a new garage at 7943 Plumper Way, Pender Island, BC will minimally encroach on the designated Woodland and Herbaceous Ecosystem DPAs (Figure 4, 5). It is our opinion that the guidelines and recommendations we have outlined above will ensure that further detrimental impacts to the sensitive and threatened ecosystems on the subject property can be avoided.”

The report makes the following findings with respect to impact assessment and tree removal:

Tree Removal

The current property is 3760 m² (0.376 ha) in size with the Woodland and Herbaceous Ecosystem DPAs covering the majority of the property (3648 m² (0.365 ha); 97%). The proposed construction activities will encompass ~84.2 m² (0.01 ha) or 2.3% of the Woodland and Herbaceous Ecosystem DPAs (Figure 4, 5). The current owners have stated that they want to minimize the number of trees affected by the projects. The property has been previously disturbed by historic land use, with the Woodland Ecosystem DPA having been maintained as an open forest consisting of young to mature trees, and with much of the Herbaceous Ecosystem DPA being in a state of regeneration (though this is limited due to heavy deer browsing). The impact of tree removal will vary depending on site location and construction activities.

Dwelling

The proposed dwelling expansion will disturb 20.9 m² of the Woodland and Herbaceous Ecosystem DPA. Many potential impacts to both the DPAs have been mitigated in advance by attempting to minimize the extent of the proposed dwelling expansion. Only trees that are currently within 5 m of the dwelling will be removed (Plate 4b). Accordingly, five trees (Table 5; Figure 5; 4 Douglas-fir and 1 Garry oak) will be removed in the footprint of the proposed dwelling expansion.

Garage

The proposed garage will disturb 63.3 m² of the Woodland Ecosystem DPA in a rocky area where little previous disturbance has occurred (Plate 4c). The footprint of the proposed garage has been selected based on proximity to the road and the narrowness of the North side of the property (Plate 4a, b). The two grand fir (Table 5; Figure 5) to be removed are below the minimum standard (< 20 cm DBH; North Pender Island Official Community Plan Bylaw No.171. 2007) and hence do not require compensation planting (Table 1; Table 5).

A subsequent memo was provided by the RP Bio assessing any impacts to DPA 6 which was not considered in the original report (Attachment 5). The findings of that review conclude that:

“It is my professional opinion that the ecological values identified in the Intertidal Ecosystem DPA (Official Community Plan Bylaw No. 171, 2007) will not be impacted by the expansion of the primary dwelling on the property, providing the mitigation measures as outlined in the assessment report are implemented.”

An arborists report was also completed that the RP Bio used to support his recommendations for tree protection and planting (Attachment 6).

Measures for the protection of the DP areas are recommended in the reports for construction and tree removal and have been incorporated into the proposed DP (Attachment 7). The scope of conditions considered in the draft DP include:

- Construction Management
- Sensitive Species Protection
- Invasive Plant Management
- Erosion Control

- Hydrology
- Tree Removal and Protection of Existing Trees
- Restoration Planting
- Monitoring

A DP Guideline checklist completed by the QEP is included at end of the RP Bio report in Attachment 4.

Development Variance Permit

The applicant is seeking variance from LUB bylaw provision 3.7.1 which states:

3.7.1 No building or structure other than one referred to in Subsection 3.7.2 may be sited, nor fill placed to support a building or structure, within 15 metres upland of the natural boundary of the sea nor 7.6 metres upland of the natural boundary of a lake, wetland or stream, and for this purpose paved areas of asphalt, concrete or similar material are "structures".

For reference, 3.7.2 states:

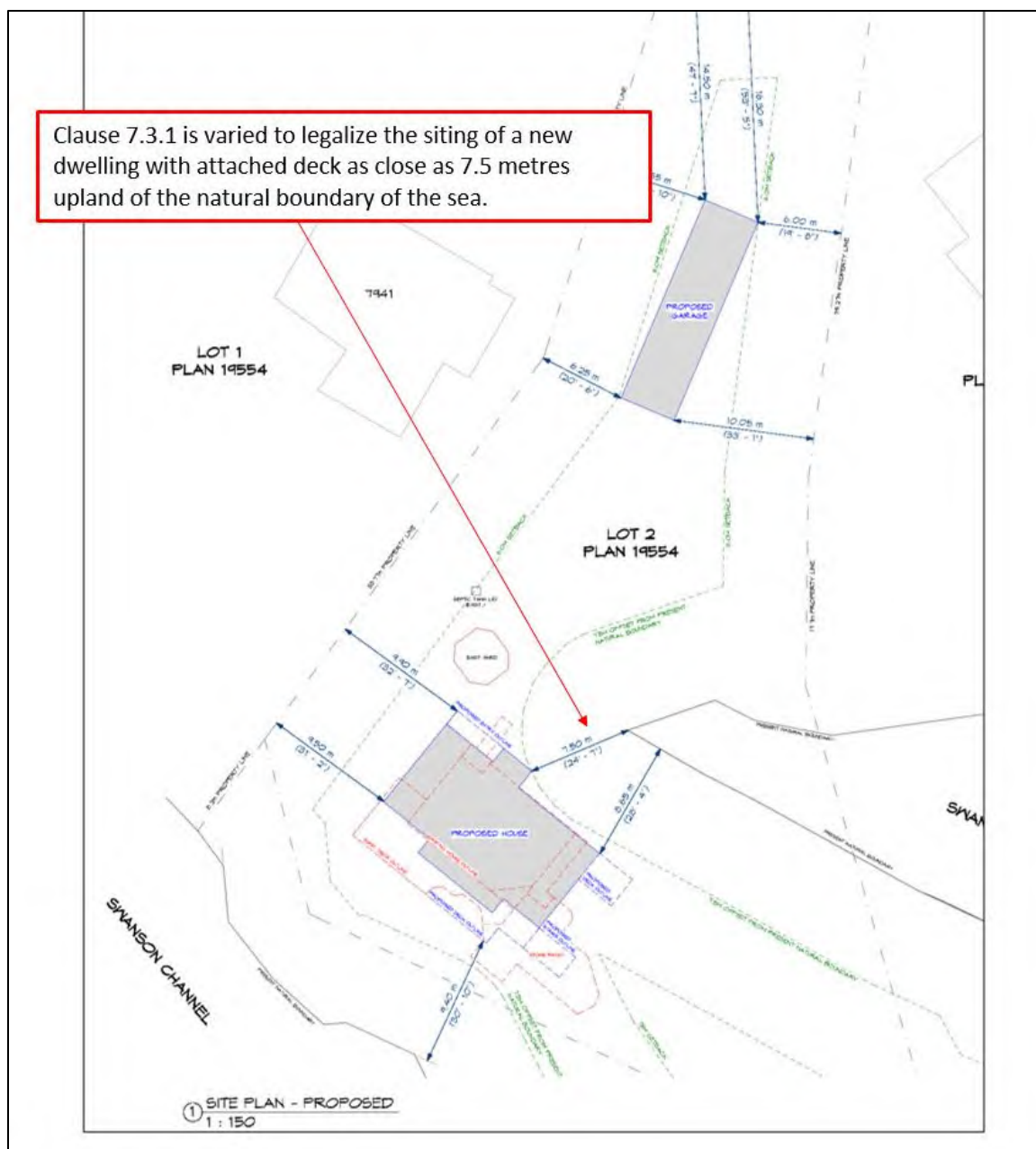
3.7.2 Walkways and stairs to access a dock or the foreshore and not exceeding a height of 1 metre and a width of 1.2 metres, anchor pads or abutments up to 1.5 metres in width for the purpose of securing a dock structure or wharf to the upland, up to 3 metres length of a dock walkway or ramp, and pumphouses are exempt from Subsection 3.7.1, and pumphouses used exclusively for housing an individual water system are exempt from the setback provisions specified in Part 8 of this Bylaw.

The proposed DVP permit (Attachment 8) states:

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

- a) Clause 3.7.1 which states that “no building or structure other than one referred to in Subsection 3.7.2 may be sited, nor fill placed to support a building or structure, within 15 metres upland of the natural boundary of the sea...” is varied to permit the siting of a new dwelling with attached deck as close as 7.5 metres upland of the natural boundary of the sea

The wording “as close as 7.5 m” is used as shown in the site plan drawing below there are several points of the proposed new dwelling and deck that encroach within 15 m on all sides, with the closest point being 7.5 metres.



The siting of the structures otherwise comply with LUB regulations including height and standard setbacks.

Rationale for the Variance

The rationale for the proposed variance is as follows:

- A majority of the proposed development footprint for the new dwelling is located within the envelope of the existing dwelling;
- The particular geography of the subject lot on a point of land with foreshore on three sides renders it nearly impossible to site a dwelling outside of the 15 m setback from the natural boundary of the sea;
- As this circumstance is somewhat unique, the variances do not challenge the overall intent of the bylaw provisions.

Impact on Neighbouring Properties

The location and size of the proposed new dwelling and garage would be visible to immediately adjacent properties. Some visual and site line impacts may occur, as well as some disturbance during construction.

One letter has been submitted by an immediate neighbour expressing concerns with the variance and the overall scope of the development (Attachment 9).

Intent of the Regulations being Varied

The overall purpose of the 15 m setback from the natural boundary of the sea is to minimize impacts on adjacent properties and the public realm related to:

- Protecting marine and foreshore and nearshore habitats;
- Limiting the visual impact of development on adjacent properties;
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area;
- Maintaining privacy;
- Establishing a consistent development pattern within a local area;
- Establishing certainty with respect to residential development by maintaining consistent siting regulations. Given the unique geography of the subject property and that a majority of new development is within the existing building footprint, the proposed variance is supported by staff as it is relatively minor in nature and does not challenge the overall intent of the bylaw regulations

Potential Impacts of Granting the Variances

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. In this case, the unique geography of the subject parcel in relation to the 15 m from the natural boundary of the sea creates a situation where it is nearly impossible to build a new dwelling without variance.

Septic Assessment

The applicant has submitted a letter from a septic professional confirming that septic upgrades can utilize the existing site of the septic disposal field (Attachment 10).

Consultation

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

DVP Notices were circulated to surrounding property owners and residents (Attachment 10). The notification period ends at 4:30 p.m. on May 19, 2023.

At the time of writing, staff have received one written submission in response to the notification (Attachment 11). The submission from an immediate neighbour is not in support of the proposed variance or development plan overall.

Any additional submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

With respect to the potential for archaeological material to be found on the property during the proposed development, Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the DP and DVP application is consistent with respect to LTC Standing Resolutions on reconciliation.

According to provincial records there are no known archaeological sites recorded on the subject property, but it is noted that given the waterfront location and proximity to previously recorded arch site, there is high potential for arch site to exist on property. As such, 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 *Heritage Conservation Act*. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a *Heritage Conservation Act* permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

ALTERNATIVES

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

Development Permit:

1. Request further information

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

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

2. Deny the application

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

That the North Pender Island Local Trust Committee deny application NP-DP-2023.1 (Ensing) as it does not comply with guideline_____.

Development Variance Permit:

3. Amend the permit and approve the permit as amended

The LTC may opt to make amendments to the permit as circulated.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee amend NP-DVP-2023.2 by____; and, .

That the North Pender Island Local Trust Committee approve issuance of NP-DVP-2023.2 as amended.

4. 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

5. Deny the application

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

That the North Pender Island Local Trust Committee deny application NP-DVP-2023.2.

NEXT STEPS

Submitted By:	Brad Smith, Island Planner	May 17, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	May 18, 2023

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Elevation Drawings
4. Biologist's EA Report (Jan 23, 2023)
5. Biologist's EA Report Addendum (Feb 3, 2023).
6. Arborists Report (Dec 7, 2022)
7. Draft Development Permit NP-DP-2023.2 (Ensing)
8. Draft Development Variance Permit NP-DVP-2023.1 (Ensing)
9. Public Submission to DVP Notice
10. Septic Report
11. Notice (DVP)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 2, Section 6, Pender Island, Cowichan District, Plan 19554
PID	002-305-453
Civic Address	7943 Plumper Way

LAND USE

Current Land Use	Rural Residential (b)
Surrounding Land Use	Rural Residential (b) and Water 1 (W1)

HISTORICAL ACTIVITY

File No.	Purpose
UN-BOV-1985.25	No record in electronic files regarding purpose or outcome of application – could potentially be to legalize siting of existing dwelling in setback from natural boundary of the sea

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). Woodland Ecosystems (DPA 1), Herbaceous Ecosystems (DPA 2), and Intertidal Ecosystems (DPA 6) designated as shown in Attachment 2.2
Land Use Bylaw	The subject property is zoned as Rural Residential (b) in the North Pender Island Land Use Bylaw 103, 1996. The site specific (b) notation requires that no secondary suites be built in areas zoned RR (b).
Other Regulations	None
Covenants	None
Bylaw Enforcement	None

SITE INFLUENCES

Islands Trust Conservancy	This application has no considerations for the Islands Trust Conservancy.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	Water zone adjacent to property designated SAR Critical Southern Resident Orca
Sensitive Ecosystems	Woodland: Conifer; Herbaceous Ecosystems Bull Kelp beds located in foreshore adjacent to property
Hazard Areas	None
Archaeological Sites	According to provincial records there are no known archaeological sites recorded on the subject property, but it is noted that given the waterfront

	location and proximity to previously recorded arch site, there is high potential for arch site to exist on property. As such, by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Tree removal mitigated by tree planting requirements in draft DP

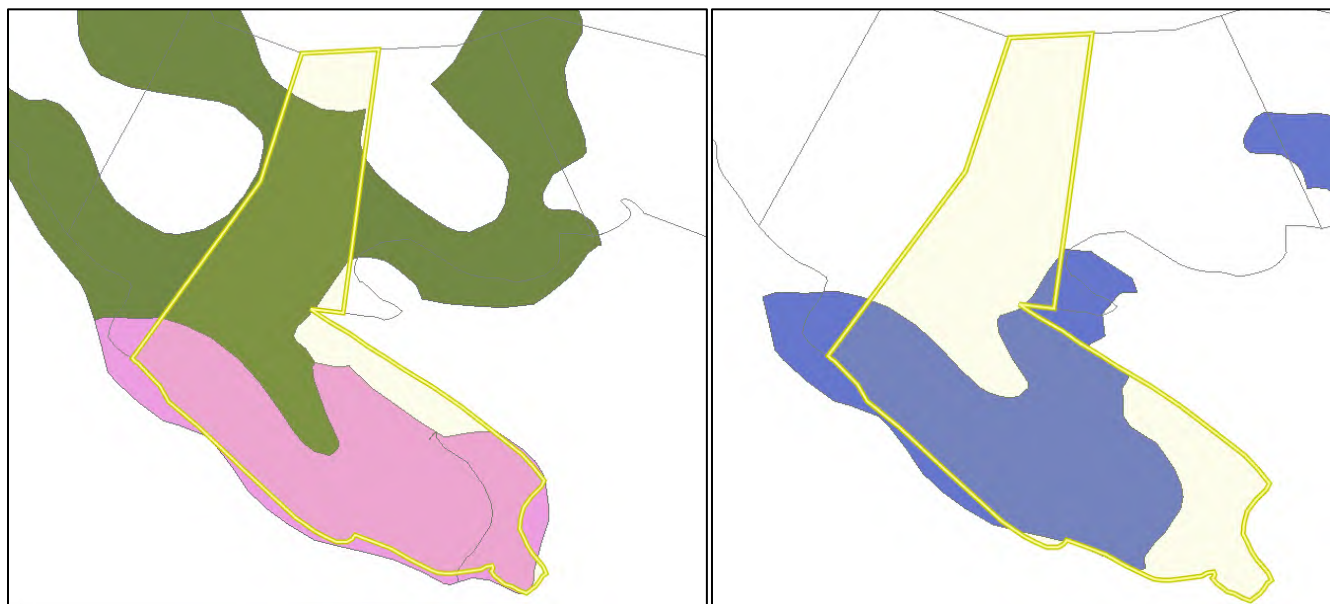
ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO WITH ZONING

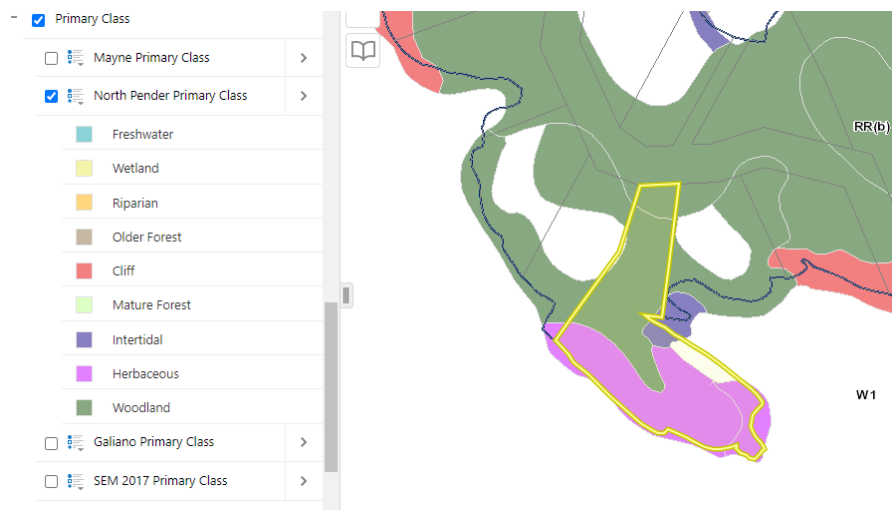


2.2 DPAs

Woodland Ecosystems (DPA 1 - Green), Herbaceous Ecosystems (DPA 2 – Pink), and Intertidal Ecosystems (DPA 6 - Blue) are designated on the subject property as shown below:



2.3 Sensitive Ecosystem Mapping



2.3 PROPOSED SITE PLAN



2.3 PHOTOGRAPHS



MARINE SIDE OF EXISTING DWELLING



LOCATION OF PROPOSED GARAGE



SIDE OF HOUSE WITH EXPANSION AND REMOVAL OF TWO TREES



SIDE OF HOUSE FACING ROAD



SIDE OF HOUSE AND DECK



EXISTING PATIO



SIDE OF HOUSE AND EXISTING SHED



LONG VIEW OF OVERALL DEVELOPMENT AREA



① 3D View 1



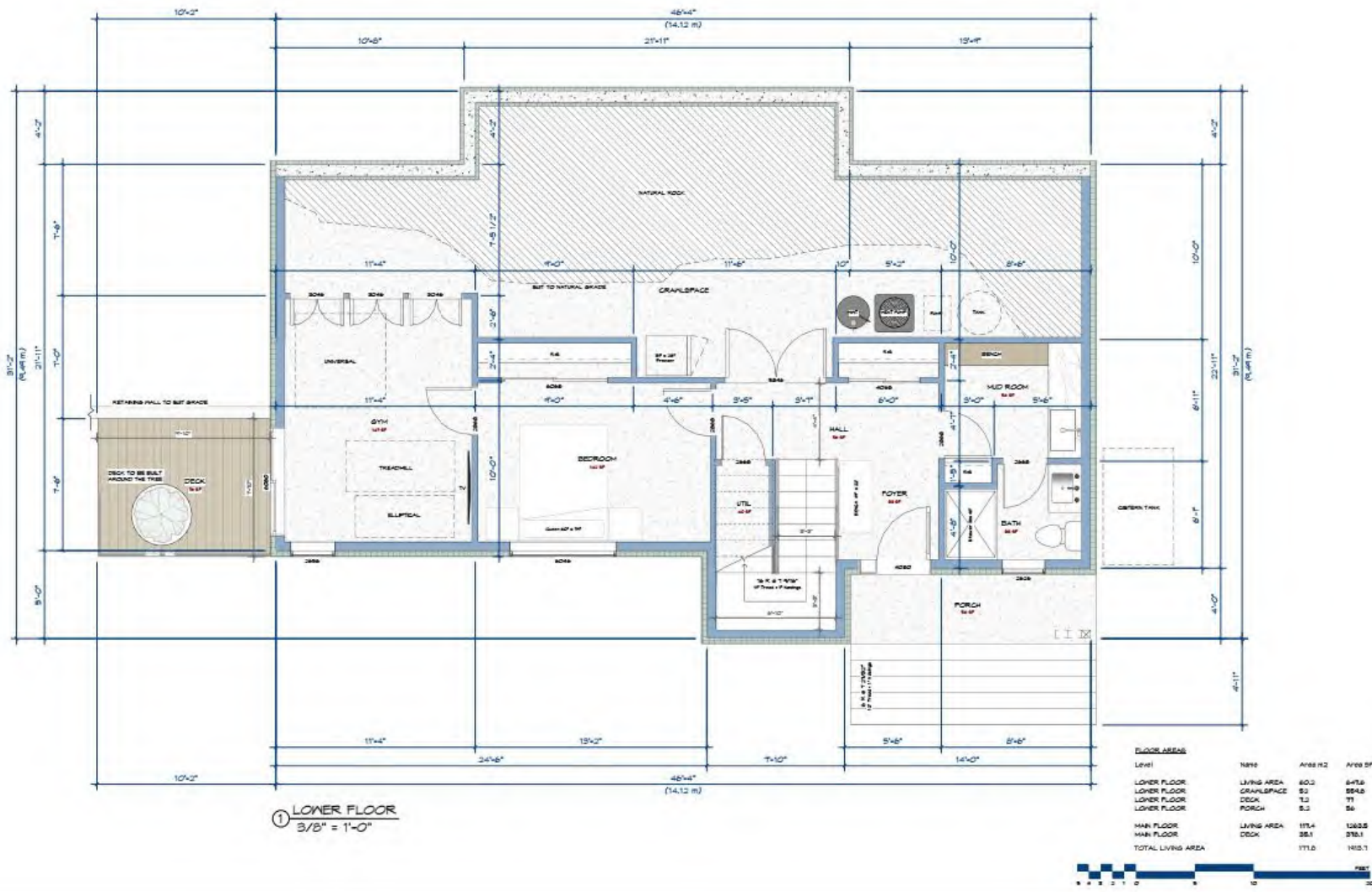
② 3D View 2

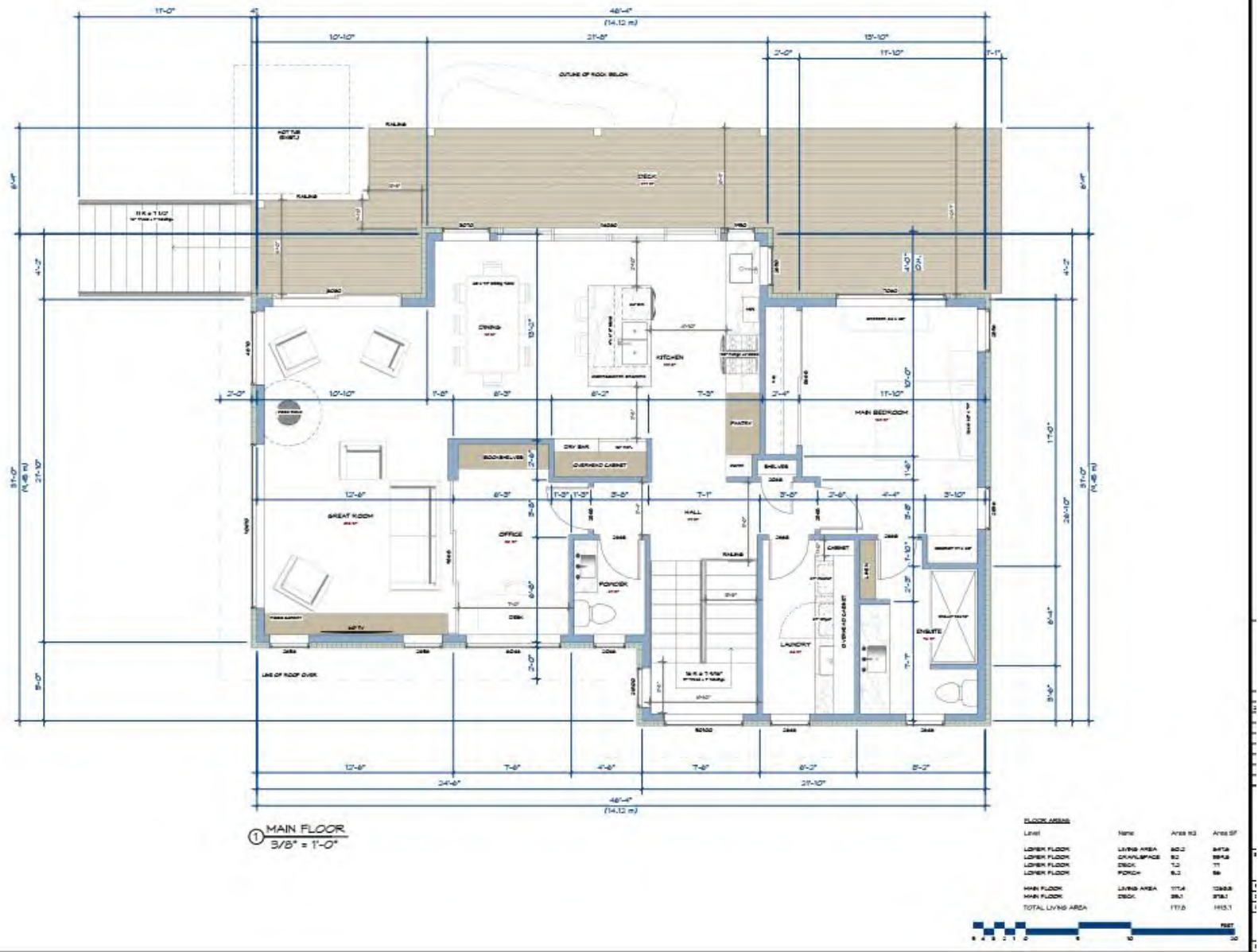


③ 3D View 3

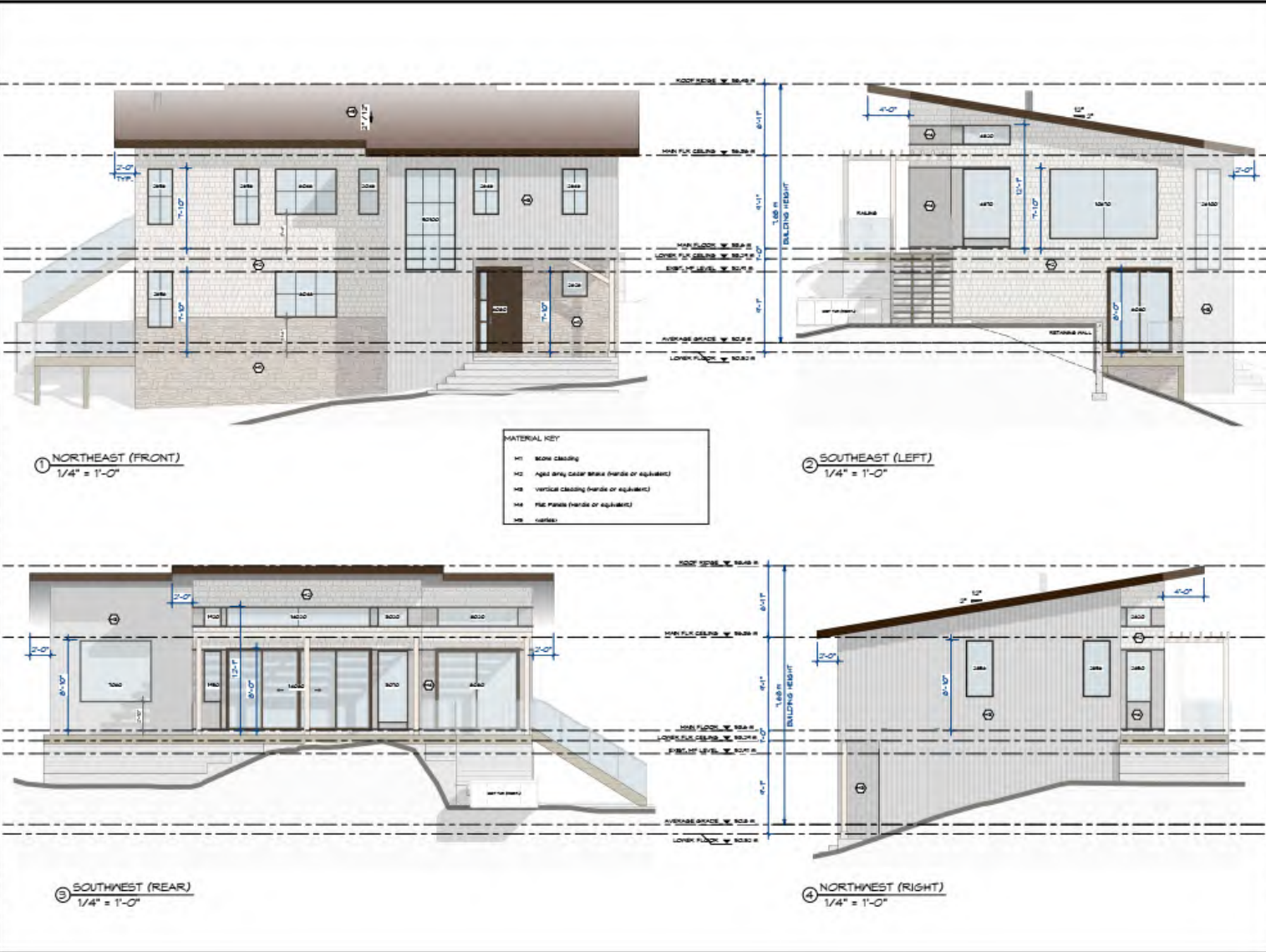


④ 3D View 4





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Villamar design

7943 PLUMPER WAY

DAVID & ELIZABETH THOMSON

DP / BOV

DATE	ISSUED FOR
2023-02-09	DP/BOV

ELEVATIONS

SHEET ISSUE DATE
2023/02/06

PROJECT NUMBER
2226

DRAWN BY
JH

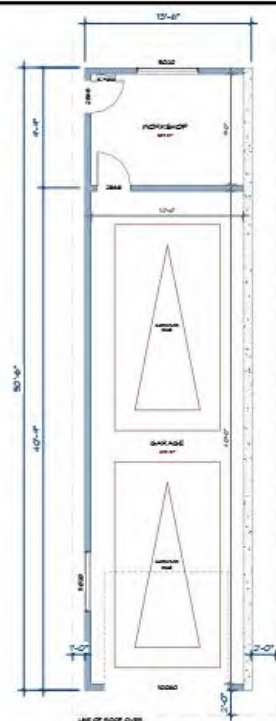
CHECKED BY
DS

C5

SCALE
1/4" = 1'-0"

MATERIAL KEY

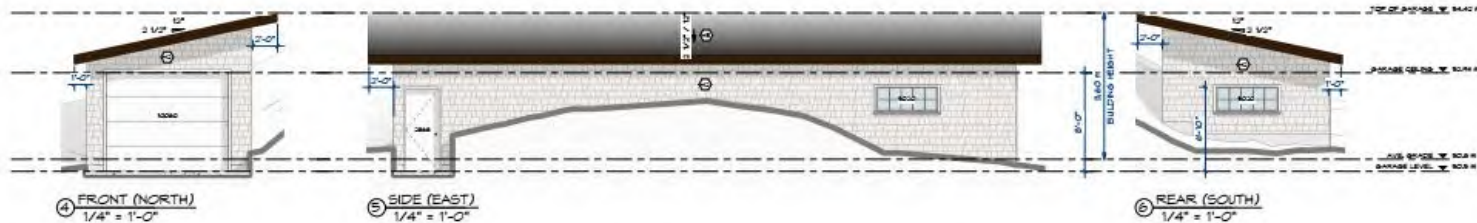
M1	Stone cladding
M2	Aged grey cedar shake (handle or equivalent)
M3	Vertical cladding (handle or equivalent)
M4	Flat panels (handle or equivalent)
M5	Center



② GARAGE FLOOR PLAN
1/4" = 1'-0"



③ GARAGE ROOF PLAN
1/4" = 1'-0"



Villamar
DESIGN

7943 PLUMPER
WAY

DAVID &
ELIZABETH
THOMSON

DP / BOV

DATE	SAVED FOR
2028-00-09	DPABOV

GARAGE

SHEET ISSUE DATE	
2023/02/06	
PROJECT NUMBER	2208
DRAWN BY	JH
CHECKED BY	DS
C6	
SCALE	1/4" = 1'-0"

Environmental Assessment of 7943 Plumper Way, Pender Island, BC

Submitted To:

David Thomson

On

January 23, 2023

Prepared By:

Dan Baxter and Erin O'Brien



Caurinus Project No.: CE2022004

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1.0 Introduction

In December 2021, Caurinus Environmental was contacted by David Thomson to complete an environmental inventory, condition and impact assessment in both a designated Woodland Ecosystem and Herbaceous Ecosystem DPA at 7943 Plumper Way on Pender Island (Figure 1). The purpose of this report is to provide a complete environmental inventory, impact assessment and strategies with other disciplines to guide the expansion of a primary dwelling and a construction of a new garage in an environmentally responsible manner.

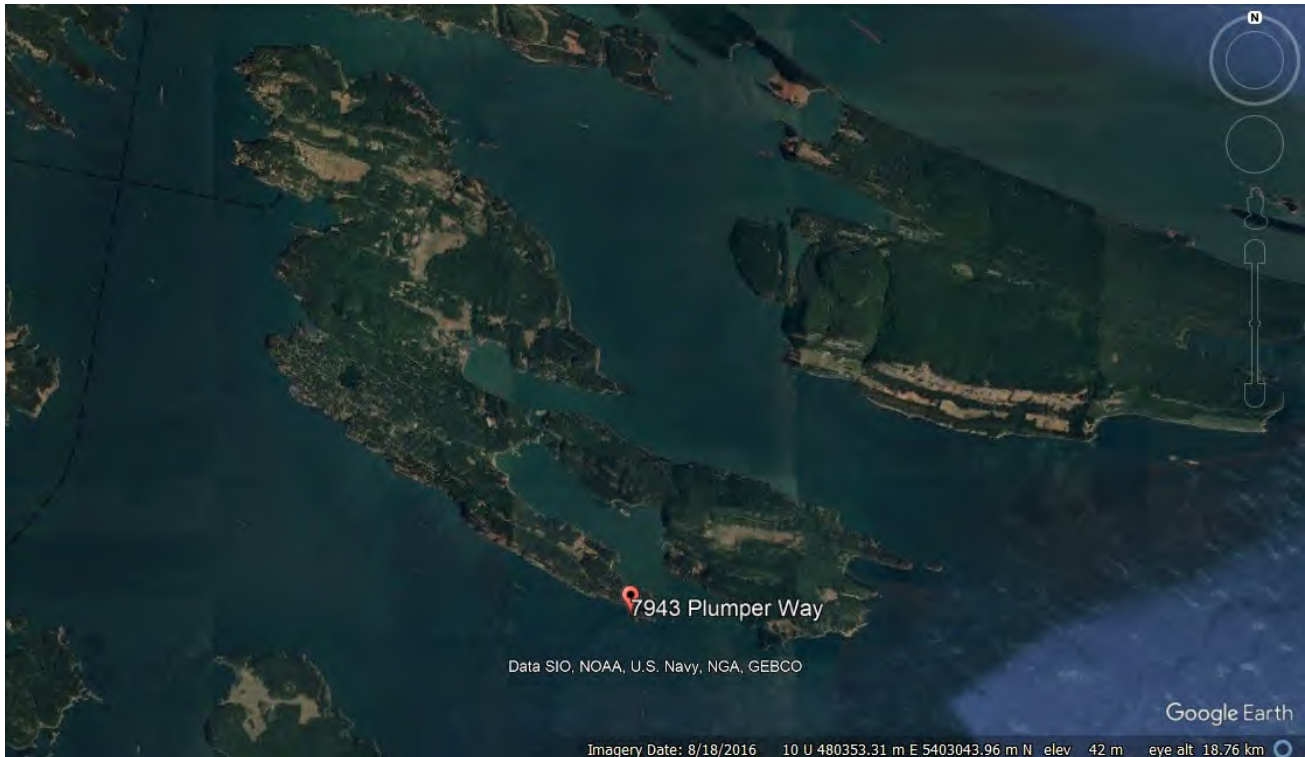


Figure 1. 7943 Plumper Way, Pender Island, BC (Google Earth 2022).

The subject property is located in the North Pender Island Local Trust Area, Capital Regional District (CRD), and is approximately 0.38 ha (0.93 acres) in size. The property is located on 7943 Plumper Way, on the Southernmost tip of North Pender Island (Figure 2). The legal description for the parcel is:

- Lot 2 Plan, VIP19554 Section 6, Cowichan Land District, Portion Pender Island (PID: 002-305-453)



Figure 2. 7943 Plumper Way, Pender Island, BC (e-valueBC, BC Assessment 2022).

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

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

2.0 Supporting Inventories

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

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

2.1 Physical Resources

Humid Temperate Ecodomain

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

Humid Maritime & Highlands Ecodivision

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

Georgian Depression Ecoprovince (GED)

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

SGI - Southern Gulf Islands Ecosession

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

2.2 Topography

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

2.3 Hydrology

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

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

2.4 Biological

2.4.1 Biogeoclimatic Ecosystem

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

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

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

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

- CDFmm DS/01: Douglas-fir – Salal
- CDFmm DA/02: Douglas-fir - Shore Pine – Arbutus
- CDFmm SC/00: Cladina - Wallace's selaginella
- CDFmm BE: Beach
- CDFmm RO: Rock Outcrop



Figure 3. Property Ecosystems: (2889: 50% Douglas-fir Salal, Mature Forest, 50% Douglas-fir - Shore Pine - Arbutus, Mature Forest; 3801: 80% Douglas-fir - Shore Pine - Arbutus, Young Forest, 20% Cladina - Wallace's selaginella, Herb; 4412: 100% Cladina - Wallace's selaginella, Herb; 4904: 100% Beach, Sparse/bryoid; 4884: 100% Rock Outcrop, Sparse/bryoid (Islands Trust (MapIT) 2022).

Woodland Ecosystem DPA

Woodland Ecosystems are one of the most threatened ecosystems in the region. Portions of the subject property have been locally designated as a Woodland Ecosystem DPA by the Islands Trust. This designation includes forest such as open deciduous and mixed deciduous conifer, and include snags, coarse woody debris, and downed trees that provide habitat niches for a variety of species. They are generally restricted to areas with shallow soils on south-facing slopes in areas with extremely dry summers. The Woodland Ecosystem DPA present is designated as 3801: 80% Douglas-fir - Shore Pine - Arbutus, Young Forest, 20% Cladina - Wallace's selaginella, Herb (Figure 4).



Figure 4. Location of Woodland Ecosystem DPA on the subject property. 3801: 80% Douglas-fir - Shore Pine - Arbutus, Young Forest, 20% Cladina - Wallace's selaginella, Herb.

Herbaceous Ecosystem DPA

Herbaceous Ecosystems are rare ecosystems, comprising open wildflower meadows and grassy hilltops, and are usually interspersed with moss-covered rock outcrops. Vegetation in these areas is generally low-growing, dominated by grasses and forbs. They are located from the salt spray zone near shorelines to the summits of local hills. Herbaceous ecosystems are characterized by shallow thin soils and rapidly draining soil conditions. Low rainfall, and extreme summer temperatures create drying conditions. These ecosystems are rare, fragile and exceptionally vulnerable to all types of human disturbance. The Herbaceous Ecosystem DPA includes ecosystems designated as 4412: 100% Cladina - Wallace's selaginella, Herb; 4884: 100% Rock Outcrop, Sparse/bryoid (Figure 5).



Figure 5. Location of Herbaceous Ecosystem DPA on the subject property. 4412: 100% Cladina - Wallace's selaginella, Herb; 4884: 100% Rock Outcrop, Sparse/bryoid (Islands Trust (MapIT) 2022).

3.0 Site Inventory

Dan Baxter (B.Sc., R.P.Bio) and Erin O'Brien (Ph.D.) of Caurinus Environmental conducted a site visit and review of current information pertaining to the subject property and surrounding areas in November 2022. The review included online satellite imagery, reports, independent studies and recent Terrestrial Ecosystem Mapping (TEM). The subject property is accessed from Plumper Way (Figure 2). The property begins on the south side of the roadway and continues south and then southeasterly until it ends at the edge of the property at the Salish Sea. The property has been previously disturbed by historic land use and there is an existing old driveway on the North side of the property and a primary dwelling lying inside both the Woodland and Herbaceous Ecosystem DPAs.

3.1 Conservation Data Centre

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

3.2 Flora

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

- **3801: Development Permit Area 1: Woodland Sensitive Ecosystem – 80% Douglas-fir - Shore Pine - Arbutus, Young Forest, 20% Cladina - Wallace's selaginella, Herb**
- **4412: Development Permit Area 2: Herbaceous Sensitive Ecosystem – 100% Cladina - Wallace's selaginella, Herb**
- **4884: Development Permit Area 2: Herbaceous Sensitive Ecosystem – 100% Rock Outcrop, Sparse/bryoid**
- **2889: 50% Douglas-fir Salal, Mature Forest, 50% Douglas-fir - Shore Pine - Arbutus, Mature Forest;**
- **4904: 100% Beach, Sparse/bryoid;**

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

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

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

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

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

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

The Douglas-fir – Shore pine – Arbutus plant community is provincially **Red** Listed (BC List Status 2022) and is ranked S1 (critically imperiled; Provincial Conservation Status 2022) in British Columbia. This critically imperiled habitat is situated in coastal areas with favourable scenic aspects and is in high demand for new and re-development in the region. In the entire Coastal Douglas-fir Zone, due to continued development pressures, only ~0.5% has been identified as mature or old forest (BC's Coast Region: Species & Ecosystems of Conservation Concern 2010). Historically, this ecological community has experienced significant declines as a result of extensive past timber harvesting, grazing, and extensive rural and urban development. Threats include development, agriculture, fire suppression, invasive species, recreational use, grazing and browsing by domestic livestock and the overabundance of black-tailed deer (*Odocoileus hemionus columbianus*; BC's Coast Region: Species & Ecosystems of Conservation Concern 2010).

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

- **CDFmm DO/00: Cladina—Wallace’s selaginella**

The Cladina-Wallace’s selaginella ecosystem is a non-forested ecosystem occurring on shallow to very shallow soils typical of rock outcrops. Typically, it occurs on warm, south facing aspects but can also occur on cool aspects. This ecosystem can be subdivided into several associations, as some sites are dominated by broom moss, others by rock moss and yet others by Cladina and Wallace’s selaginella. Non-vascular flora dominates the unit with species such as Cladonia species, hoary and common rock moss, sidewalk moss, and Wallace’s selaginella.

The Cladina—Wallace’s selaginella plant community is provincially **Blue** Listed (B.C. List Status 2022) and is ranked S2 (special concern, vulnerable to extirpation or extinction; Provincial Conservation Status 2022) in British Columbia. This sparsely distributed, highly vulnerable and ecologically sensitive community is threatened by human disturbance that commonly occurs with recreational activities. These disturbances can cause lichen, forb and moss cover to be easily separated from the shallow layers of humus growing on a thin layer of soil over rocky outcrops. Historically, clearing of habitat with favourable scenic aspects leading to invasive species introduction have been the main threat to this habitat, but increased summer drought due to climate change may result in loss of the vegetation community and erosion of the thin sensitive soils. The lichen layer is particularly vulnerable, as it requires very long periods to recover following disturbance (BC Conservation Data Centre 2022).

- **CDFmm BE: Beach**

Beach units are characterized by sorted sediments reworked by wave action. These units are typically void of vegetation and consist of either sand or coarse fragments such as gravels, cobbles, and stones, with scattered driftwood, seaweed, and various washed-up items along the shoreline.

- **CDFmm RO: Rock Outcrop**

Rock outcrops are bedrock outcroppings with little soil development and sparse vegetation cover. Rock outcrops can be steep or gentle slopes. Often rock outcrops are associated with drier CDF sites adjacent to Garry oak-Brome/mixed grasses and Cladina-Wallace’s selaginella units. Coastal rock outcrops can occur in coastal regions and are exposed to salt spray and high winds.

Habitat description

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

Site Inventory Description:

Most polygons on the property have been previously disturbed to some extent either from historical clearing for development or selective tree removal. We conducted a comprehensive vegetation survey throughout the Woodland Ecosystem DPA (3801) and the Herbaceous Ecosystem DPA (4412, 4884) and assessed the remainder of the property for presence of invasive species that may spread into the Woodland and Herbaceous Ecosystem DPAs. As the property is located along the shorefront and includes both an open woodland and herbaceous component, the diameter of all trees on the property were measured based on diameter at breast height (DBH; Table 1) to ensure the most accurate tree density (stems per hectare; sph) calculation for tree replacement. Seven trees are projected to be removed for the proposed expansion of the primary dwelling and a construction of a new garage; however, two of the trees in the proposed garage footprint are below the minimum standard (< 20 cm DBH) and will not need compensation planting (Table 1; Trees 5, 6). Plant species detected during the site survey are presented in Table 2; invasive species detected included Scotch broom (*Cytisus scoparius*), Himalayan blackberry (*Rubus armeniacus*), Spurge-laurel (*Daphne laureola*), Hairy cat’s ear (*Hypochaeris radicata*) and tree lupine (*Lupinus arboreus*). Also present are exotic species that have the potential to become

invasive: Rose campion (*Lychnis coronaria*), Common foxglove (*Digitalis purpurea*) and Leafy purge (*Euphorbia esula*). No species at risk were detected during the vegetation survey. However, the timing of our inventory (fall) would not preclude the potential occurrence of rare species at another point during the growing season, particularly annual herbaceous plants that typically occur in herbaceous ecosystems early in the growing season.

Table 1. Diameter of trees on property at 7943 Plumper Way, Pender Island, BC. Tree # corresponds to the locations indicated in Figure 5.

Proposed Dwelling Expansion Area (Woodland and Herbaceous Ecosystem)			Proposed Garage Area (Woodland Ecosystem)			Herbaceous Ecosystem (Remainder of Trees on Property)		
Tree	#	DBH (cm)	Tree	#	DBH (cm)	Tree	#	DBH (cm)
Arbutus	10	51.9	Douglas-fir	1	94.8	Douglas-fir	20	36.9
Douglas-fir	11	30.3	Douglas-fir	2	62.0	Seaside Juniper	21	30.1
Douglas-fir	12	32.3	Douglas-fir	3	63.6	Douglas-fir	22	48.5
Douglas-fir	13	56.7	Douglas-fir	4	58.1	Douglas-fir	28	40.6
Douglas-fir	15	55.5	Grand Fir	5	11.3	Douglas-fir	29	60.6
Douglas-fir	16	71.9	Grand Fir	6	13.9	Arbutus	30	35.2
Douglas-fir	17	62.6	Douglas-fir	7	53.2	Seaside Juniper	31	27.0
Douglas-fir	18	63.0	Douglas-fir	8	40.4	Douglas-fir	32	25.4
Douglas-fir	19	44.4	Douglas-fir	9	63.0	Arbutus	34	20.0
Garry Oak	23	27.3	Douglas-fir	14	61.5	Arbutus	35	26.0
Douglas-fir	24	33.0				Douglas-fir	36	28.5
Douglas-fir	25	36.8				Arbutus	37	18.2
Douglas-fir	26	44.0						
Douglas-fir	27	41.4						

Table 2. List of plant species detected in the Woodland and Herbaceous Ecosystem DPAs at 7943 Plumper Way, Pender Island, BC

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Lichens					
Coastal reindeer	<i>Cladina portentosa</i>	Native	S5	Yellow	Not Listed
False pixie cup	<i>Cladonia chlorophaea</i>	Native	S5	Yellow	Not Listed
Cumberland rock shield	<i>Xanthoparmelia cumberlandia</i>	Unlisted	SNA	Unlisted	Unlisted
Frog pelt	<i>Peltigera neopolydactyla</i>	Native	S5	Yellow	Not Listed
Freckle pelt	<i>Peltigera britannica</i>	Native	S5	Yellow	Not Listed
Seaside kidney	<i>Nephroma laevigatum</i>	Native	S4S5	Yellow	Not Listed
Bullseye lichen	<i>Placopsis sp.</i>	Native	-	-	-
Clubmosses					
Wallace's selaginella	<i>Selaginella wallacei</i>	Native	S5	Yellow	Not Listed
Mosses					
Oregon beaked-moss	<i>Eurhynchium oregonum</i>	Native	S5	Yellow	Not Listed
Small hair moss	<i>Oligotrichum aligerum</i>	Native	S4S5	Yellow	Not Listed
Red-stemmed feathermoss	<i>Pleurozium schreberi</i>	Native	S5	Yellow	Not Listed
Haircap moss	<i>Polytrichum sp.</i>	Native	-	-	-
Yellow moss	<i>Homalothecium fulgens</i>	Native	S4S5	Yellow	Not Listed
Broom moss	<i>Dicranum scoparium</i>	Native	S5	Yellow	Not Listed

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Black rock moss	<i>Andreaea rupestris</i>	Native	S5	Yellow	Not Listed
Succulents					
Brittle prickly pear cactus	<i>Opuntia fragilis</i>	Native	S5	Yellow	Not Listed
Broad-leaved stonecrop	<i>Sedum spathulifolium</i>	Native	S5	Yellow	Not Listed
Oregon stonecrop	<i>Sedum oreganum</i>	Native	S5	Yellow	Not Listed
Grasses					
Western fescue	<i>Festuca occidentalis</i>	Native	S5	Yellow	Not Listed
Columbia brome	<i>Bromus vulgaris</i>	Native	S5	Yellow	Not Listed
Sweet vernalgrass	<i>Anthoxanthum odoratum</i>	Exotic	SNA	Exotic	Not Listed
Bristly dogtail grass	<i>Cynosurus echinatus</i>	Exotic	SNA	Exotic	Not Listed
Soft brome	<i>Bromus hordeaceus</i>	Exotic	SNA	Exotic	Not Listed
Orchard grass	<i>Dactylis glomerata</i>	Exotic	SNA	Exotic	Not Listed
Fescue sp.	<i>Festuca sp.</i>	-	-	-	-
Other plant sp.					
Licorice fern	<i>Polypodium glycyrrhiza</i>	Native	S5	Yellow	Not Listed
Yarrow	<i>Achillea millefolium</i>	Exotic	SNA	Exotic	Not Listed
Sheep sorrel	<i>Rumex acetosella</i>	Exotic	SNA	Exotic	Not Listed
White hawkweed	<i>Hieracium albiflorum</i>	Native	S5	Yellow	Not Listed
Puget Sound gumweed	<i>Grindelia integrifolia</i>	Native	S5	Yellow	Not Listed
Leafy spurge	<i>Euphorbia sp.</i>	Exotic	-	-	-
Common groundsel	<i>Senecio vulgaris</i>	Exotic	SNA	Exotic	Not Listed
Common foxglove	<i>Digitalis purpurea</i>	Exotic	SNA	Exotic	Not Listed
Rose campion	<i>Lychnis coronaria</i>	Exotic	SNA	Exotic	Not Listed
Scotch broom	<i>Cytisus scoparius</i>	Invasive	SNA	Exotic	Not Listed
Spurge-laurel	<i>Daphne laureola</i>	Invasive	SNA	Exotic	Not Listed
Hairy cat's ear	<i>Hypochaeris radicata</i>	Invasive	SNA	Exotic	Not Listed
Himalayan blackberry	<i>Rubus armeniacus</i>	Invasive	SNA	Exotic	Not Listed
Tree lupine	<i>Lupinus arboreus</i>	Invasive	SNA	Exotic	Not Listed
Hairy honeysuckle	<i>Lonicera hispidula</i>	Native	S5	Yellow	Not Listed
Oceanspray	<i>Holodiscus discolor</i>	Native	S5	Yellow	Not Listed
Douglas-fir	<i>Pseudotsuga menziesii</i>	Native	S5	Yellow	Not Listed
Seaside juniper	<i>Juniperus maritima</i>	Native	S4S5	Yellow	Not Listed
Arbutus	<i>Arbutus menziesii</i>	Native	S5	Yellow	Not Listed
Garry oak	<i>Quercus garryana</i>	Native	S5	Yellow	Not Listed

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

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

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

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

3.3 Fauna

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

Birds

The following 13 bird species were observed on or adjacent to the property during the site visit, with the **Blue** listed double-crested cormorant (*Phalacrocorax auratus*) detected offshore in the Salish Sea (Table 3). The birds detected on site are typical for the area in late fall. No heron or raptor nests were detected during the site visit.

Table 3. List of bird species detected at 7943 Plumper Way, Pender Island, BC

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Red Crossbill	<i>Loxia curvirostra</i>	Native	S5	Yellow	Not Listed
American Robin	<i>Turdus migratorius</i>	Native	S5	Yellow	Not Listed
European Starling	<i>Sturnus vulgaris</i>	Exotic	SNA	Exotic	Not Listed
Belted Kingfisher	<i>Megasceryle alcyon</i>	Native	S4S5	Yellow	Not Listed
American Kestrel	<i>Falco sparverius</i>	Native	S4S5B	Yellow	Not Listed
Cooper's Hawk	<i>Accipiter cooperii</i>	Native	S5	Yellow	Not at Risk
Northern Flicker	<i>Colaptes auratus</i>	Native	S5	Yellow	Not Listed
Dark-eyed Junco	<i>Junco hyemalis</i>	Native	S5	Yellow	Not Listed
Flyover Species					
Common Raven	<i>Corvus corax</i>	Native	S5	Yellow	Not Listed
Marine Species					
Double-crested cormorant	<i>Phalacrocorax auritus</i>	Native	S3S4	Blue	Not at Risk
Canada Goose	<i>Branta canadensis</i>	Native	S5	Yellow	Not Listed
Bonaparte's Gull	<i>Chroicocephalus philadelphia</i>	Native	S5	Yellow	Not Listed
Pigeon Guillemot	<i>Cephus columba</i>	Native	S4	Yellow	Not Listed

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

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

https://explorer.natureserve.org/AboutTheData/Statuses*

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

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

Mammals

Three species of mammal were detected during our site visit (Table 4), with the **Red** listed killer whale (*Orcinus orca*) detected offshore in the Salish Sea. We detected black-tailed deer evidence in the form of pellets at multiple locations on the property. Evidence of the presence of river otters was present in the form of scat along the rocky shoreline in the Herbaceous Ecosystem DPA. Other mammals that may be on site, but which were not directly surveyed include small rodents and bats. Suitable habitat for bat roosting and nursery sites includes clefts in steep rock outcrops and standing dead trees with hollow interiors or flaking bark (Lausen *et al.* 2022); these features are present on the subject property and may support roosting or hibernating bats.

Table 4. List of mammal species detected at 7943 Plumper Way, Pender Island, BC

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Terrestrial					
Black-tailed Deer	<i>Odocoileus hemionus columbianus</i>	Native	S5	Yellow	Not Listed
River Otter	<i>Lontra canadensis</i>	Native	S5	Yellow	Not Listed
Marine					
Killer Whale (transient)	<i>Orcinus orca</i>	Native	S2	Red	Threatened

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

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

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

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

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

Amphibians and Reptiles

No reptiles or amphibians were detected during our site visit but may occur in the warmer months. The Herbaceous Ecosystem DPA portion of the property (Figure 5) has a suitable southern exposure with a rocky outcrop (Plate 1) that can provide shelter and protection from predators as well as possible basking sites. The most common species found within this type of habitat are the Northern Alligator Lizard (*Elgaria coerulea*) and Garter snakes (*Thamnophis sp.*), as they are more likely to persist within urban landscapes, provided that critical habitat features for their survival are maintained. Any crevices in the rocky outcrops can provide excellent breeding nursery and hibernation habitat for a variety of snakes as well as alligator lizards (Ovaska *et al.* 2004). No hibernacula were found on the property.

Plate 1. Rocky outcrop and shelter area Herbaceous Ecosystem DPA (2913) with suitable snake and alligator lizard habitat located at 7943 Plumper Way, Pender Island, BC



3.4 On Site Land Use

The majority of the subject property lies within both the Woodland and Herbaceous Ecosystem DPAs, and the majority of the DPAs consist of an open regenerating forest with an open understory (Plate 2a, 2b; Figure 4, 5). There is a short unmaintained driveway on the North end of the property to the left of the proposed garage site (Plate 3). Much of the site for the proposed dwelling expansion has been historically modified with tree removal and shrub clearing (Plate 4a, 4b, 4c). Developed properties exist on either side of the property, both located within the open regenerating forest (Plates 5, 6).

Plate 2a. Regenerating forest with open understory within Woodland Ecosystem DPA at proposed dwelling expansion and garage at 7943 Plumper Way, Pender Island, BC



Plate 2b. Herbaceous Ecosystem DPA with open habitat at proposed dwelling expansion at 7943 Plumper Way, Pender Island, BC



Plate 3. Short existing driveway left of proposed garage location at 7943 Plumper Way, Pender Island, BC



Plate 4a. Evidence of historical disturbance (tree and shrub removal) within Woodland Ecosystem DPA at short existing driveway at 7943 Plumper Way, Pender Island, BC.



Plate 4b. Evidence of historical disturbance (tree and shrub removal) within Woodland Ecosystem DPA at 7943 Plumper Way, Pender Island, BC.



Plate 4c. Evidence of historical disturbance (tree and shrub removal) within Herbaceous Ecosystem DPA at 7943 Plumper Way, Pender Island, BC.



Plate 5. Eastern side of subject property (7943 Plumper Way, Pender Island, BC.) showing view of adjacent development.



Plate 6. Western side of subject property (7943 Plumper Way, Pender Island, BC.) showing view of adjacent development.



4.0 Impact Assessment

Tree Removal

The current property is 3760 m² (0.376 ha) in size with the Woodland and Herbaceous Ecosystem DPAs covering the majority of the property (3648 m² (0.365 ha); 97%). The proposed construction activities will encompass ~84.2 m² (0.01 ha) or 2.3% of the Woodland and Herbaceous Ecosystem DPAs (Figure 4, 5). The current owners have stated that they want to minimize the number of trees affected by the projects. The property has been previously disturbed by historic land use, with the Woodland Ecosystem DPA having been maintained as an open forest consisting of young to mature trees, and with much of the Herbaceous Ecosystem DPA being in a state of regeneration (though this is limited due to heavy deer browsing). The impact of tree removal will vary depending on site location and construction activities.

Dwelling

The proposed dwelling expansion will disturb 20.9 m² of the Woodland and Herbaceous Ecosystem DPA. Many potential impacts to both the DPAs have been mitigated in advance by attempting to minimize the extent of the proposed dwelling expansion. Only trees that are currently within 5 m of the dwelling will be removed (Plate 4b). Accordingly, five trees (Table 5; Figure 5; 4 Douglas-fir and 1 Garry oak) will be removed in the footprint of the proposed dwelling expansion.

Garage

The proposed garage will disturb 63.3 m² of the Woodland Ecosystem DPA in a rocky area where little previous disturbance has occurred (Plate 4c). The footprint of the proposed garage has been selected based on proximity to the road and the narrowness of the North side of the property (Plate 4a, b). The two grand fir (Table 5; Figure 5) to be removed are below the minimum standard (< 20 cm DBH; North Pender Island Official Community Plan Bylaw No.171. 2007) and hence do not require compensation planting (Table 1; Table 5).



Figure 5. Location of proposed expansion of a primary dwelling and a new garage at 7943 Plumper Way within the Woodland and Herbaceous Ecosystem DPAs. Seven trees (shown highlighted in yellow) are proposed to be removed to accommodate this development. The roots of one Douglas-fir (#24; highlighted green) may be susceptible to damage during dwelling expansion construction.

Hydrology

The importance of water stored in the soil during summer drought (See Section 2.3 Hydrology), the ongoing loss of trees such as grand fir and western redcedar, as well as increasing effects of disease on species like arbutus due to increasing moisture stress and drought severity with climate change (Seebacher 2007) are all issues of great concern on Pender Island and all surrounding Southern Gulf Islands within the Coastal Douglas-fir region. The proposed expansion of a primary dwelling and construction of a new garage will increase interception of

precipitation and hence alter soil water inputs within the Woodland Ecosystem and Herbaceous Ecosystem DPAs. Any development that reduces water inputs to the soil can potentially have significant effects on tree mortality under already stressful conditions, and so this component of the proposed development will require consideration for rainwater collection and diversion to the DPAs. Currently, the property owners plan to install water catchment system tanks. Water from the tanks will be used to irrigate surrounding trees and vegetation in both the Woodland and Herbaceous Ecosystem DPAs, to compensate for interception and mitigate effects of increasing regional drought severity. The planned construction work itself will have minimal effects on the hydrology of the property providing proper safeguards are in place to prevent water runoff. (See Section 5 below.)

Introduction of Non-native Flora

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

5.0 Mitigation and Recommendations

Site Specific Recommendations

Tree Replacement

The trees under consideration for removal from the Woodland and Herbaceous Ecosystem DPAs on the subject property include four Douglas-fir (DBH 33.0-63.0 cm), two Grand Fir (DBH 11.3-13.9) and one Garry Oak (DBH 27.3 cm; Table 5). The roots of one Douglas-fir (#24; DBH 33.0) may be susceptible to damage during dwelling expansion construction; however, retention of this Douglas-fir is a priority for the homeowners.

Table 5. Diameter (DBH) of seven trees proposed to be removed from the Woodland and Herbaceous Ecosystem DPAs, for which compensation may be required at 7943 Plumper Way, Pender Island, BC

Woodland Ecosystem			Herbaceous Ecosystem		
Tree	#	DBH (cm)	Tree	#	DBH (cm)
Grand Fir ¹	5	11.3	Douglas-fir	18	63.0
Grand Fir ¹	6	13.9	Douglas-fir	19	44.4
Douglas-fir ²	17	62.6	Garry Oak	23	27.3
			Douglas-fir	22	48.5

¹Trees below the minimum standard (< 20 cm DBH) and will not need compensation planting if removed

²This Douglas-fir is outside the footprint of the planned development, but roots may be impacted by dwelling expansion

Tree species used in compensatory planting should be selected to suit the soil, light and groundwater conditions of the site, should be native to the region, and should consider wildlife habitat values where possible. The subject property is south facing and very exposed. Any openings in the canopy have the potential to receive significant direct sun exposure during the summer; hence pioneer species that tolerate high light and low moisture conditions should be planted to provide shade for later successional species such as grand fir to naturally seed in. We suggest compensatory planting, particularly in the Woodland Ecosystem DPA, with Douglas-fir to replace the fir that will be removed, as this species is well suited to the soil characteristics in the area and can tolerate relatively exposed sites (BC Ministry of Farming, Natural Resources and Industry 2020). Garry oak is similarly well adapted to hot, dry conditions characteristic of the Gulf Islands. With adequate rainfall in early spring and early autumn, relatively large oaks may develop on sites where severe summer drought limits other species (Niemic

et al. 1995). Garry oak prefers sites that are mesic to dry grasslands, rocky outcrops and very dry to moderately dry soils. Both Garry oak and arbutus are well adapted to grow on sites that are often too dry to support any other tree species (Klinka *et al.* 1989). Hence, to maintain existing habitat diversity and enhance the ecological value of the Woodland and Herbaceous Ecosystem DPAs, compensatory planting of Garry oak and arbutus seedlings will also be appropriate. Given that much of the Herbaceous Ecosystem DPA is composed of exposed bedrock, there are few microsites with sufficient soil depth to accommodate planting. The property owners have already planted one Garry oak seedling and one arbutus in the Herbaceous Ecosystem DPA in appropriate microsites.

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

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

It should be noted, however, that the above planting prescriptions are derived from forest growth and yield models used in an industrial forest management context in British Columbia, which incorporate variable but significant tree mortality estimates (Weiskittel *et al.* 2011). Hence, these numbers exceed the desired final stem density of a mature stand. In the present context, given that the property owner will be required to ensure 100% tree survival (including replacement of dead or dying stock as necessary), it is reasonable to require that the number of plantings achieve a stand density characteristic of old-growth stands in the Coastal Douglas-fir ecoregion (e.g. ~153 stems per hectare, sph; Chatwin 1997). In this instance, four Douglas-fir and one Garry oak located in the Woodland and Herbaceous Ecosystem DPAs will need to be compensated for the expansion of the primary dwelling and construction of a new garage. These developments will encompass approximately 84.2 m², or 0.01 ha, of the Woodland and Herbaceous Ecosystem DPAs, leaving 0.364 ha of DPA area (0.15 ha Woodland; 0.21 Herbaceous) undisturbed and potentially available for compensatory planting.

With the expansion of the dwelling and construction of garage, there will be 30 trees remaining in the DPAs on the subject property (including 14 in the Woodland Ecosystem DPA). To achieve a stem density of 153 sph in 0.15 ha of Woodland Ecosystem DPA, nine trees (Douglas-fir recommended) should be planted to compensate for the mature fir that may need to be removed, and to return the Woodland Ecosystem DPA to a density appropriate for a mature Douglas-fir forest (bringing the number of trees in the Woodland Ecosystem DPA to 23, or 153 sph). Four trees are proposed to be removed from the Herbaceous Ecosystem DPA, including one Garry oak and three Douglas-fir (Table 5). Given the owners have already planted one Garry oak and one arbutus in this DPA, we suggest an additional arbutus and Garry oak be planted to provide compensation for the four trees that will be removed. Note that Herbaceous ecosystems are not characterized by dense tree cover, and so it will be sufficient that the canopy trees removed for construction are replaced 1:1. Several microsites with reasonably deep soils have been identified with the owners that would support seedling planting and browse protection cage installation. All planted seedlings must be maintained and replaced as needed in the event of mortality. We further recommend diversion of rainwater catchment from the constructed dwelling to plantings – either as part of the dwelling design or via manual watering through drought months to ensure planting survival until root

establishment (until trees reach a free-to-grow stage, approximately 1.5 m). All plantings must be protected from deer browsing by enclosing seedlings in wire cages until the trees are established and have reached a height sufficient to ensure their leading stems are beyond the reach of deer (~1.5 – 2 m; Plate 7).

Retention of the remaining trees present in the Woodland and Herbaceous Ecosystem DPAs on the subject property will help stimulate the natural tree regeneration process on the property, since mature Douglas-fir and Garry oak provide a source of seed for future regeneration. The roots of one Douglas-fir (#24; Figure 5) may be susceptible to damage during dwelling expansion construction. All efforts will be made to avoid damage to the root of the tree during construction and the owners will monitor the condition of the tree over time. If tree #24 begins to show signs of stress (e.g. needles turning red or dying back from the top), the tree can be topped or limbed as necessary in the future to maintain some vertical structure for wildlife habitat while also ensuring safety to buildings and residents. In this case, the 1:1 ratio for tree replacement with a Douglas-fir seedling in the Herbaceous Ecosystem DPA will apply. In addition, snags (standing dead trees) provide nest sites and a source of food in the form of insects for many avian species [brown creeper (*Certhia americana*), red-breasted nuthatch (*Sitta canadensis*), and woodpeckers] as well as providing shelter for Pacific tree frogs (*Pseudacris regilla*), several species of bats, and many invertebrates. Hence all remaining live and dead trees should be retained within the Woodland and Herbaceous Ecosystem DPAs on the subject property in the future.

Plate 7. Example of protective barrier that should be installed around planted seedlings to prevent deer browsing, consisting of galvanized wire fencing anchored with rebar.



Hydrology

The proposed rainwater capture system with storage cisterns will limit soil water recharge in both the Woodland and Herbaceous Ecosystem DPAs through precipitation inputs. Where possible, excess drainage from the dwelling and proposed garage should be engineered to direct water flow so that it is maintained within the Woodland and Herbaceous Ecosystem DPAs to maximize soil water uptake and storage. Redirecting

eavestrough flow from the new dwelling toward new tree plantings and into the Woodland and Herbaceous Ecosystem DPAs more generally will help to compensate for tree removals, enhance the survival of planted seedlings and maintain soil water inputs within the DPA.

Maintaining Native Species

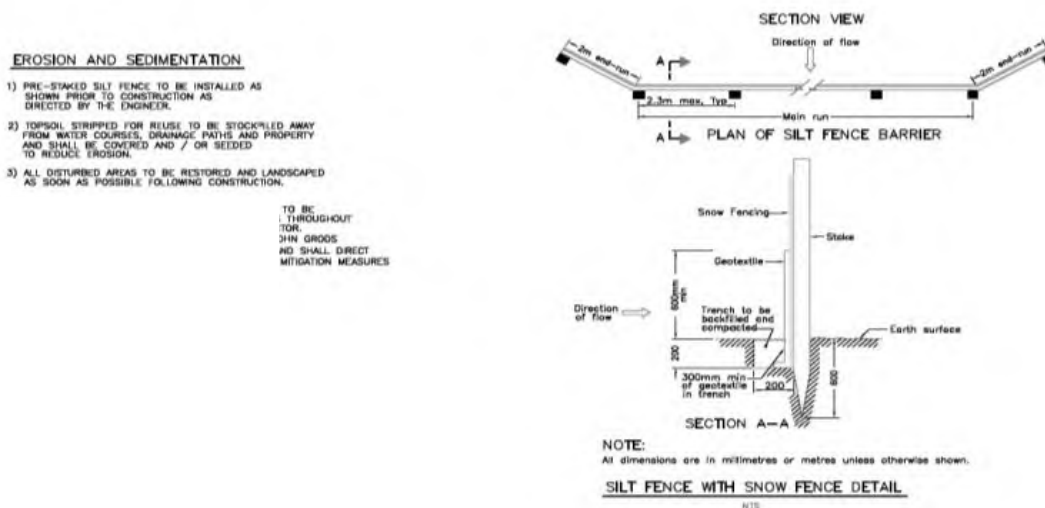
1. To maintain ecological integrity of the Woodland and Herbaceous Ecosystem DPAs and the larger property, no tree removal beyond that required for the proposed dwelling and associated construction should occur. This includes the retention of standing dead trees (snags), as these features provide critical habitat for many species of birds, bats, and invertebrates. Existing seedlings or young trees should be managed to provide the best opportunity for survival (e.g. removal of competing vegetation and non-native species as needed, protection from deer browsing).
2. Retention of all mature trees currently present in the Woodland and Herbaceous Ecosystem DPAs on the property will help stimulate the natural tree regeneration process, since mature Douglas-fir, arbutus and Garry oak provide a source of seed for future regeneration.
3. The removal of invasive species (particularly Scotch broom) is recommended inside the Woodland and Herbaceous Ecosystem DPAs, including throughout the entire property, to prevent its continued spread and improve the quality of natural areas. Scotch Broom modifies soil chemistry and prevents native species from establishing, shades out native species, and competes with native plants for access to pollinators and hence it is critical that it be eliminated from this landscape to restore it to a healthy and diverse native plant community. Small broom plants can be pulled in the winter or spring when the soil is moist, whereas removal of large plants should be achieved by cutting the plants at or just below the ground to avoid soil disturbance and erosional loss, as well as to reduce germination of seeds contained in the soil seed bank. (Germination is enhanced in newly disturbed soil.) Cutting plants when they are in full bloom in the spring will minimize resprouting, as all nutrients have been moved from roots into above ground parts at this time. We note that the property owners have already invested considerable effort in the removal of large broom plants along the shoreline, and continuing this stewardship is encouraged.
4. Landscaping and restoration of natural areas throughout the Woodland and Herbaceous Ecosystem DPAs should be conducted using *only native plant species*.
5. We recommend planting small seedlings as the best way to ensure tree root systems are able to develop undisturbed and to avoid transplant stress commonly associated with larger nursery stock. Planting small seedlings is also less invasive and can be done by hand rather than bringing in equipment to plant larger trees. This is especially relevant because replanting will be occurring in the sensitive Woodland and Herbaceous Ecosystem DPAs.
6. Any newly planted trees and shrubs require little care; however, until they reach a sufficient height ("free to grow" stage of 1.5-2.0 m), irrigation and protection from wildlife browsing will be necessary. We recommend that wire cages be used to protect new seedlings and shrubs from animal damage (Plate 7). Cages must be expandable or sufficiently wide to allow for plant growth while still ensuring protection from browsing. Barriers should start close to the ground and extend past the reach of deer, at least 1.5 m in height. Unhealthy, dying or dead stock should be replaced in the next regular planting season. Douglas-fir are generally drought tolerant once established, but young seedlings will require regular watering during the summer drought months. Garry oak seedlings should be planted within the Woodland and Herbaceous Ecosystem DPAs away from other tree species, as they prefer open areas with low levels of shade. All seedlings will require regular watering until well established.
7. Seed in annual and perennial herbaceous species in mossy and grassy areas of rock outcrops in the herbaceous ecosystem (e.g. nodding onion, sea blush, Hooker's onion, shooting star, small-flowered and bicoloured lupine, native fescues). There are a number of non-native grasses established in this ecosystem, and low-growing native plants such as the above species will help to outcompete these

non-native species, enhance biodiversity and provide habitat for native pollinators. These ecosystems are very sensitive to mechanical disturbance, so limit foot traffic to avoid damage to the sensitive lichen and moss cover.

8. Seaside juniper has been declining and remains regionally rare, and we recommend protection of the naturally occurring juniper in the Herbaceous Ecosystem DPA; several of the trees are small and heavily browsed by deer, and we recommend wire protective cages be installed to allow these existing trees to grow.

Erosion

9. Prior to construction, install silt fence as illustrated below to prevent surface transport of soil or fill and other material beyond the immediate construction area, particularly along the shoreline. Note that, due to shallow and sensitive soils in the Herbaceous Ecosystem DPA, silt fence may need to be installed and weighed down at the ground level as opposed to below the ground surface.



10. Install silt barrier fencing as close as possible to the construction area and ensure no equipment crosses the barrier. Storage of building materials must be limited to areas on or near the driveway and the south side of the house as is practical.
11. We recommend ongoing invasive plant removal, as well as revegetation with native plant species in areas of disturbance to help avoid further introduction of non-native species. All restoration planting should occur during the fall and winter months (Sept through Mar) to allow for plant root establishment prior to summer drought. However, irrigation of plantings will still be necessary for several years after planting (see above).
12. Plant shrubs such as oceanspray along eroding bank where broom has been removed; keep broom cut but avoid pulling plants along the edge of banks to minimize erosion.
13. Ensure no excavation of any works involving ground disturbance is carried out during heavy precipitation events.
14. Any soils exposed for prolonged periods, i.e., greater than 2 weeks, shall be covered. Covering may include tarping or hydromulch (without seed mixture) and must be maintained.

Excavation and Root Damage

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

Introduction of Non-native Flora

16. Contractors should inspect their equipment and vehicles to ensure they do not transport invasive plant species seeds onto or off the property. All equipment should be washed prior to arrival. Manual removal of weeds from equipment should be performed regularly. *This is critical and must be communicated to contractors prior to initiation of work onsite.*
17. Landscaping and restoration of disturbed areas should be conducted using only native plant species.

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

18. For project planning in the Gulf Islands region, the songbird nesting window is March 12 to August 17 across all habitat types, with peak nesting occurring between May 1 and July 22 (Department of Environment and Climate Change 2020). Where flexibility exists, all construction activities should be avoided during this peak nesting period.
19. Denning and nesting sites of rare, threatened or endangered species, if detected in the future, should be protected.
20. All future landscaping works in the areas adjacent to the Woodland and Herbaceous Ecosystem DPAs will not occur during heavy rain deposition events.
21. Minimize disturbance and maintain undeveloped habitat in as natural a state as possible.

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

Oceanspray - *Holodiscus discolor*
Red Osier Dogwood - *Cornus stolonifera*
Saskatoon - *Amelanchier alnifolia*
Twinberry - *Lonicera involucrata*
Sweet Gale - *Myrica gale*
Red Flowering Currant - *Ribes sanguineum*
Pacific Ninebark - *Physocarpus capitatus*
Highbush Cranberry - *Viburnum edule*
Mock Orange - *Philadelphus lewisii*
Snowberry - *Symphoricarpos albus*
Salal – *Gaultheria shallon*
Sword fern - *Polystichum munitum*
Nootka Rose - *Rosa nutkana*
Evergreen Huckleberry - *Vaccinium ovatum*
Nodding onion - *Allium cernuum*
Sea blush (*Plectritis congesta*)
Hooker's onion (*Allium acuminatum*)
Shooting star (*Dodecatheon sp.*)
Small-flowered and bicoloured lupine (*Lupinus*)
Native fescues (*Festuca sp.*)

6.0 Monitoring and Restoration

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

7.0 Conclusion

The proposed expansion of a primary dwelling and a construction of a new garage at 7943 Plumper Way, Pender Island, BC will minimally encroach on the designated Woodland and Herbaceous Ecosystem DPAs (Figure 4, 5). It is our opinion that the guidelines and recommendations we have outlined above will ensure that further detrimental impacts to the sensitive and threatened ecosystems on the subject property can be avoided. If you have any questions or comments, please contact the undersigned at your convenience.

Respectfully Submitted,

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

Daniel Baxter

Erin O'Brien



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North Pender Island Local Trust Committee

Development Approval Information Checklist

Development Permit Area Applications

The attached checklists are intended to assist consulting professionals in submitting complete and relevant reports. A completed checklist(s) for each relevant Development Permit Area should be submitted to the Islands Trust along with all professional reports.

Instructions

Landowners/applicants should ensure that:

1. The relevant checklist(s) is provided to all their consulting professionals
2. A completed checklist is submitted with the professional reports
3. If not all information is provided in the report or with the application, that the professional has consulted with, and obtained prior approval, of the Islands Trust.

Consulting Professionals:

1. Complete and attach the relevant checklist(s) to your professional report indicating that the report has addressed all relevant development approval information requirements.
2. Where the professional is of the opinion that because of the nature of the site or the development proposal specific information is not relevant, the professional should:
 - a. Contact the planner as early as possible and consult on the need for the particular information;
 - b. Describe clearly in the report why the particular information is not relevant; and
 - c. Indicate on the checklist that the information is not applicable (N/A)
3. Where a site is designated within two or more DPAs, all relevant checklists should be completed.

Note: it is at the determination of the Islands Trust planner whether or not specific information is required. Failure to provide complete information without prior consultation with and the approval of the Islands Trust may result in delays in processing an application or requirements for additional information.

Pursuant to North Pender Island Local Trust Committee Development Approval Information Bylaw No 134, the applicant shall provide, as part of a development permit application, a report prepared by a qualified professional with relevant experience containing the following information. Where a professional is of the opinion that any of the following information requirements are not relevant for the proposal in question, the professional shall indicate the rationale for such an opinion, either in the body

of the report or in a separate certification. The determination of whether and what extent that development approval information is required is at the discretion of the Islands Trust official.

File No: _____

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)			Office Use only
	Information and Documentation Required	✓	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:	✓	
	The proposed development and associated features	✓	
	The development permit area boundary	✓	
	Existing buildings and structures	✓	
	Roads and driveways	✓	
	Topographic features	✓	
	Significant features identified in the site inventory	N/A	
	Where development would occur on slopes exceeding 20% grade: site profiles and cross sections demonstrating terrain conditions prior to disturbance	N/A	
Site Inventory	A site inventory providing information on the ecosystem classification, based on current best practices, providing information on: - existing plant communities - marine, aquatic and terrestrial habitats - sensitive ecosystems - nesting trees - the presence of rare species and rare plant communities - current on-site and adjacent land uses - slope stability - erosional processes - hydrology and flood potential - topography	✓	
	Site background analysis that includes the following known information: - A check for observed species and ecosystems at risk - A description of the context of the site including the use of adjacent lands and proximity to protected areas - A check for the presence of raptor and heron nests - A check for the presence of fish-bearing water courses	✓	
	A conservation evaluation that identifies environmentally valuable features on or near the proposed development. The evaluation should be based on current best practices, such as the RISC standard	✓	
Development Proposal	A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. Alternative development options.	✓	
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development, consisting of anticipated impacts on the following:	✓	
	Sensitive ecosystems	✓	
	Rare plant communities	✓	
	Rare species habitat	✓	
	Site hydrology	✓	

SENSITIVE ECOSYSTEMS DEVELOPMENT PERMIT AREA (DPA ONE THROUGH SIX AND FOR NPAI SHORELINE DPA)			Office Use only
	Information and Documentation Required	✓	
	The assessment should identify impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area	✓	
Measures	A description of all recommended measures to limit, mitigate and manage the impacts of the development on environmentally valuable features	✓	
	A description of mitigation measures and their anticipated effectiveness in maintaining the health, form and function of environmentally valuable features.	✓	
Monitoring	Recommended monitoring requirements, identifying actions that will be taken to ensure all proposed activities are completed as described, a monitoring schedule and process for resolving any non-compliance	✓	
Restoration	Recommended actions to restore or enhance ecosystem functions or habitat that have been degraded prior to development or that would be impacted by the proposed development	✓	



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caurinusenvironmental@gmail.com

28 February 2023

To Whom it May Concern:

Re: Review of Intertidal Ecosystems Development Permit Area 6 – at Lot 2 Plan, VIP19554 Section 6, Cowichan Land District, Portion Pender Island (PID: 002-305-453):

In December 2021, Caurinus Environmental was contacted by David Thomson to complete an environmental inventory, condition and impact assessment for the proposed minimal expansion of the dwelling at 7943 Plumper Way on Pender Island. The objective of Development Permit Area 6 is to preserve and protect remaining sensitive intertidal ecosystems, defined as marine ecosystems where total vegetated coverage of the surface area is less than 5% (Section 5.2.7.2; Official Community Plan Bylaw No. 171, 2007). As such, the Intertidal Ecosystem DPA covers the installation of stairs, walkways, boat launch ramps, docks or any other access to the ocean, in addition to the general conditions applicable to all Sensitive Ecosystem DPAs, such as building construction. In the case of the subject property at 7943 Plumper Way, the Intertidal Ecosystem DPA polygon almost entirely overlaps the Herbaceous Ecosystem DPA (Figure 1); the Herbaceous DPA was identified during our onsite assessment and supports significant (>5%) vegetative coverage (including mosses, lichens, stonecrop and grasses) typical of coastal herbaceous ecosystems. Presumably, the location of the Intertidal DPA overlapping this polygon reflects the fact that there are documented bull kelp (*Nereocystis luetkeana*) beds in the waters surrounding the subject property (Figure 1), which are one of the marine resources Intertidal DPAs are intended to protect by limiting adjacent shoreline activity; however, this overlap ensures that all mitigation measures provided in the assessment report will be sufficient to protect the intertidal environment in the same way as they will protect the coastal herbaceous ecosystem.



Figure 1: Polygons depicting the Intertidal Ecosystem DPA (translucent blue) and Herbaceous Ecosystem, DPA (light green) at 7943 Plumper Way on Pender Island.

It is my professional opinion that the ecological values identified in the Intertidal Ecosystem DPA (Official Community Plan Bylaw No. 171, 2007) will not be impacted by the expansion of the primary dwelling on the property, providing the mitigation measures as outlined in the assessment report are implemented. Any proposed future development within the Intertidal Ecosystem DPA should continue to require the issuance of a Development Permit before any works proceed.

Please do not hesitate to contact me if you have any additional questions or concerns, or if you require additional information.

CAURINUS ENVIRONMENTAL

Per:

Daniel Baxter

Dan Baxter, B.Sc., R.P.Bio. #1999
Project Manager



Tree Inventory Report – 7943 Plumper Way, Pender Island, BC

Date: Dec 07, 2022

Rick Heinrichs – Oakstead Tree & Property Care Inc.

7040 West Saanich Road, Brentwood Bay, V8M 1G8

office@oakstead.com

250-652-9223

ISA Certified Arborist # PN-7986A

ISA Tree Risk Assessment Qualified

BC Certified Wildlife/Danger Tree Assessor

Client: David Thomson

Address: 7943 Plumper Way, Pender Island, BC

Project location: Same

Date of Field Assessment: Nov. 28, 2022

1. Services:

1.1 Conduct an inventory of up to 27 trees to be removed or retained on site. This will entail:

- i) Locating and numbering trees (including attachment of metal tags). Existing metal tags may be used if there are any.
- ii) Determination of Species, Diameter at Breast Height (DBH), Live Crown Ratio, and Crown diameter.
- iii) A tree condition assessment as well as recommendation to remove or retain trees based on condition
- iv) Determination of Tree Protection Zone (TPZ) for all trees shown on the site plan and neighbor trees where the roots may be impacted by development.
- v) Inventory summary table.
- vi) Production of a Map showing tree locations and Tree Protection Zones (TPZ) overlaid on relevant portions of the Site Plan CAD map.
- vii) A joint on-site meeting to discuss the development plans and options for trees.

Inventory Methods

The tree inventory took place on Nov 28, 2022. Oakstead met the client on site and we walked the property together to discuss general intentions for development. All trees within the property were identified and numbered (see Table 1).

At each tree the following data was collected:

- *Tree Species* determination
- *Measurements:* Diameter-at-Breast Height (DBH) using a diameter tape.
- *Estimates:* Live Crown Ratio (LCR), and Crown width
- *Assessments:* Health and Structure

- *Protected Tree Status* – The OCP recognizes 4 species of importance, requiring cautious development practices around them; Arbutus, Garry Oak, Western Yew, and Pacific Dogwood. All mature species were tallied, regardless of status.
- *Tree Risk* – Level 1 assessment, as noted above in the Scope of Work. This is a rudimentary assessment based on a brief walk-around. The intent is to identify obvious hazards, or those trees recommended for more in-depth assessment.
- All trees were marked with a numbered metal tag.

Following the data collection, an over-all consideration of tree species, size, age, site conditions, and tree condition were used to determine an effective *Tree Protection Zone*, or *Root Protection Zone*, for each tree. See Table 1

Site Conditions

The property is located on an exposed, rocky, south facing shoreline near the southern tip of North Pender Island. Bedrock is visible at numerous locations on the lot. Soils are shallow. To remaining windfirm trees may have extensive root networks. The trees on this shoreline have adapted to the wind exposure at this location, as shown by their flat - topped crown shape. There is evidence of tree failures, and root decay organisms in the area.

Inventory Results and Observations

There were a total of 30 trees tallied. Douglas Fir (*Pseudotsuga menziesii*) are the dominant species on this land. There are 4 Arbutus (*Arbutus menziesii*), including a patch of smaller young Arbutus on the shore designated as tree #30. One Garry Oak exists near the existing building. See Table 1 and map in appendices

All Douglas Fir have adapted to strong winds. Through branch breakage in the wind, they develop more streamlined crowns in order to sustain their position. Most of these Fir have received pruning to reduce load ("sail") on the crowns. Tree #23 has received excessive pruning which has compromised the health of the tree.

Tree #1 is heavily scarred and contains nails and other metal bits. Pavement and driving surfaces exist over a large portion of the Root Protection Zone. I rated its condition as poor.

Phaeolis schweinitzii conks are evident in tree #24. Due to its proximity to tree #24, tree #23 could be infected through root contact. Although not too tall, these trees are at risk of failing and they should be removed.

Tree #27, Arbutus, is dying and not likely to live more than a few more years.

There are several trees with leans that have "self-corrected" meaning the tree is not lifting, but rather, has adjusted.

Many of the Douglas Fir exhibit horizontal tension cracks on their trunks. This is an indication of the strain on the tree but not necessarily an indication of failure. Most of these cracks heal over and or increase girth and taper.

Vertical torsion cracks are also identified at locations which are oozing sap. This, again, is not an indication of failure as the vast majority of trees heal over and strengthen at these locations.

I considered the remaining trees to be in moderate to good condition structurally, as well as from the health perspective. See Table 1

Trees on this site adapt to the exposed, and somewhat extreme living conditions by adjusting their crown shape and developing expanded root networks. In this way they are more securely anchored and are more able to maximize access to water and nutrients.

Tree Inventory Data for David Thomson 7943, Plumper Way, Pender Island										
Arborist: Rick Heinrichs PN7986A				Oakstead Tree & Property Care Inc.			Brentwood Bay, BC.			
Date of assessment: Nov 28, 2022										
Tag#	Survey	Location:	Name	DBH	LCR	Crwn	Cond.	Cond.	General Remarks - Risk - Retain/Remove	RPZ(m)
	Y/N	On,Off,	Common	(cm)	(%)	(diam)	Health	Struc.		radius
		Shared,	Botanical							
		City								
1	y	on	Arbutus (Arbutus menziesii)	33	10	5	p	m	scarred, nails, embedded metal. Road compaction over part of root zone.	5
2	y	on	Douglas Fir Pseudotsuga menziesii	65	35	5	g	m	sweep that has corrected, horizontal checking	7.8
3	y	on	dfir	63	40	6	g	m		resinosis on north face, likely a torsion crack. horizontal checking
4	y	on	dfir	94	40	11	g	m	Road compaction over part of root zone	12
5	y	on	dfir	58	35	5	g	m	sweep corrected, torsion split not recent, Road compaction over part of root zone	7
6	y	on	dfir	53	75	6	g	m	likely torsion crack causing resinosis.	6.4
7	y	on	dfir	40	30	4	m	m	wind adapt	4.8
8	y	on	dfir	62	50	7	m	m	torsion crack, resinosis	7.4
9	y	on	dfir	61	45	8	m	m	torsion crack, resinosis	7.3
10	y	on	dfir	57	35	6	m	m	spiral pruning and gaff marks	6.8
11	y	on	dfir	31	25	6	m	g		3.7
12	y	on	dfir	30	20	5	m	g	topped	3.6
13	y	on	arb	52	30	7	m	m	scarring from base to 12m	7.8
14	y	on	arb	78	25	11	g	g	multi stem (55, 38)	11.7
15	y	on	dfir	71	75	10	g	m		8.5
16	y	on	dfir	62	20	5	m	m	basal swelling. history of basal pruning. Likely to need removal if #17 stump is removed (entangled roots)	7.4
17	y	on	dfir	64	45	10	m	m	next to house, to be removed. If either #17 or #18 are removed for the building footprint, the stump will need to be extracted which is likely to destabilize the other tree. Evidence of branches falling on house roof.	7.7
18	y	on	dfir	48	60	6	g	m	sweep corrected, to be removed. If either #17 or #18 are removed for the building footprint, the stump will need to be extracted which is likely to destabilize the other tree	5.8
19	y	on	dfir	51	40	5	m	m	Planned for removal. verticle cracking, horizontal cracking	6.1
20	y	on	Garry Oak (Quercus garryana)	26	50	4	g	g	Planned for removal	2.1
21	y	on	dfir	32	15	3	g	m	leaning corrected	3.8
22	y	on	dfir	38	25	5	g	m	leaning away from house	4.6
23	y	on	dfir	43	10	3	p	p	heavily over pruned, possibly infected through root contact with fungus from neighboring tree.	4.9
24	y	on	dfir	41	20	4	p	p	Phaeolis schweinitzii conks at base	4.9
25	y	on	dfir	40	65	3	g	m		4.8
26	y	on	dfir	79	90	6	g	m		9.5
27	y	on	arb	26	2	1	p	p	dying - likley not to last more than a few years.	3.9
28	y	on	Juniper (Juniperous spp)	26	70	4	g	g		2.1
29	y	on	dfir	28	50	4	m	g		3.4
30	y	on	arb	30	25	4	m	m		3.6

Table 1 – Tree Inventory at 7943 Plumper Way, North Pender Island.

Definitions - The following definitions apply to terms used in the Inventory table:

DBH – Diameter of the trunk at Breast Height

LCR – Live Crown Ratio – an estimated ratio of the height of the crown compared to the total height of the tree.

Crwn Diam – estimated width of the crown.

RPZ – Tree or Root Protection Zone – The radius from the trunk within which consideration should be given to Protection of the tree, especially the roots. This zone is normally fenced during development. The following activities conducted within the TPZ can injure tree roots:

- Excavation
- Compaction
- Blasting
- Concrete work clean-up
- Fueling equipment
- Grade changes
- Material storage
- Changes to the water table

The size of the TPZ is dependent on:

- Species
- Size and Age
- Health
- Growing site conditions
- How restricted root growth currently is.

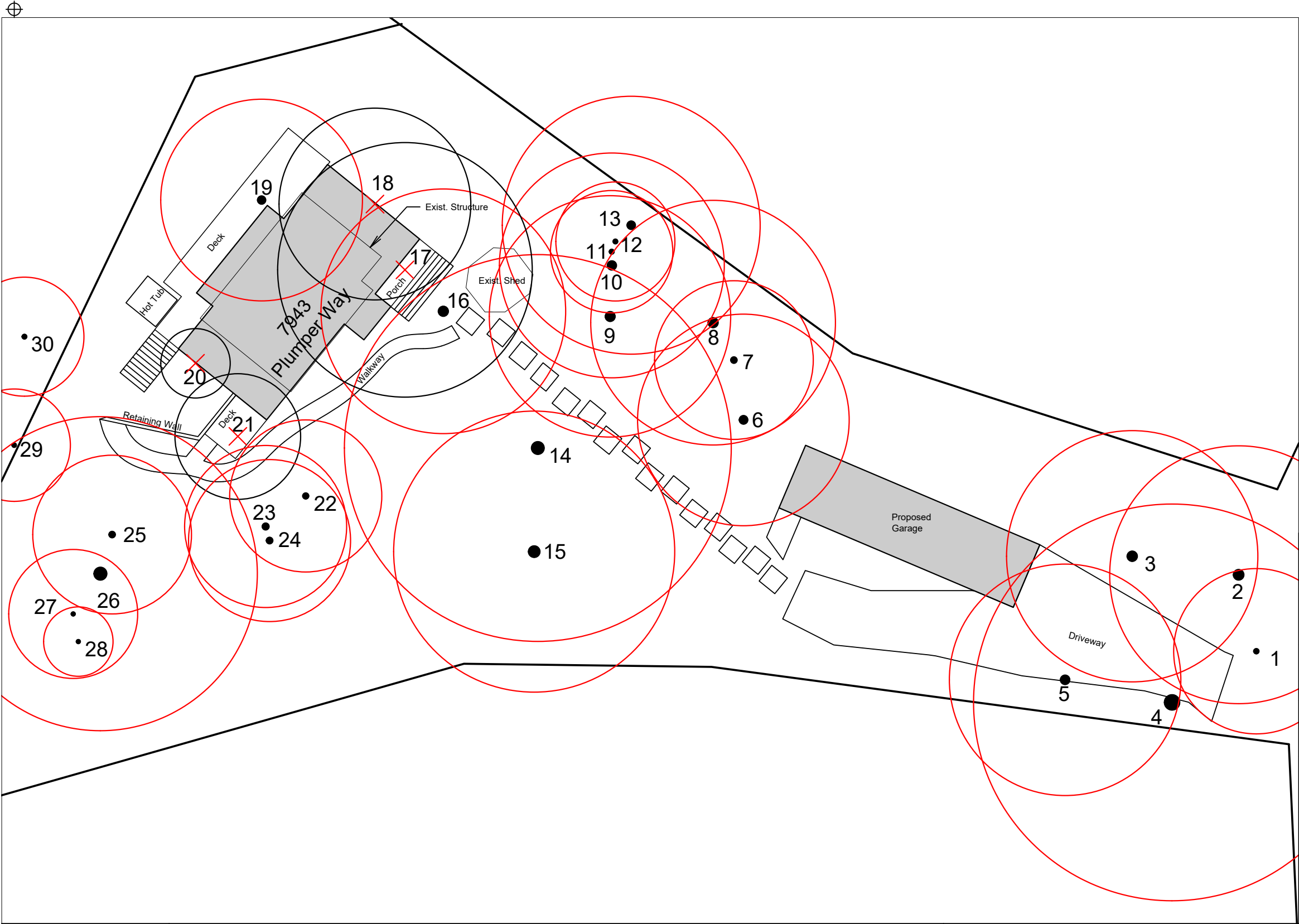
Disclaimer

Please understand that my observations are based on a strictly visual inspection of the property and trees, and some hidden or buried symptoms and signs may not have been observed. I did not conduct excavation, or aerial inspection to make observations. Specialty arborists would be needed to conduct root or root crown inspections and extent-of-decay analysis on your trees, if these additional inspections are desired. Although the condition of your trees will change throughout the year, my analysis is only based on the observations I gathered at the time of inspection. I do not guarantee the safety, health, or condition of any of your trees. There is no warranty or guarantee, expressed or implied, that problems or deficiencies in your trees may not arise in the future. Arborists are tree specialists who use their knowledge, education, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce the risk of living trees. Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice. Arborists cannot detect every condition that could possibly lead to structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like any medicine, cannot be guaranteed. Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.



Rick Heinrichs

Appendices

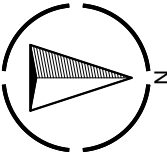


OAKSTEAD TREE & PROPERTY CARE INC.
7040 West Saanich Road Victoria, BC, Canada
Arborists: Rick Heinrichs - ISA# PN7986A
Jon Heinrichs - ISA# PN9219A



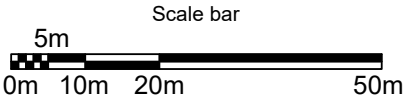
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All dates are formatted to ISO 8601(YYYY.MM.DD). Measurements dated in the title block refer to arborists measurements related to trees. direct site plan surveys/measurements are not carried out by Oakstead unless otherwise stated under Survey Source. All dimensions represented are in meters unless otherwise specified. This drawing and design are and shall at all times remain the exclusive property of Oakstead Tree & Property Care and cannot be reproduced without written consent. Written dimensions shall have precedence over scaled dimensions. Contractors shall verify and shall be responsible for all dimensions and conditions on the job and Oakstead shall be informed of any variations from the dimensions and conditions as shown on this drawing. Contractors shall ensure that all construction will comply to all applicable building codes. Oakstead will not accept responsibility for variations or modifications of these plans. These plans are not to be used to define property boundaries.

Project Title		7943 PLUMPER WAY TREE MANAGEMENT PLAN						
Legal Description		LOT 2, PLAN VIP19554, SECTION 6, COWICHANLAND DISTRICT, PORTION PENDER ISLAND						
Drawing Title		TREE SURVEY						
Municipality		Islands Trust						
Project Arborist		RICK.H						
Survey Source		Villamar Design, 6825A Veyaness Rd, Victoria, BC						
Accessed		2022.12.05						
Scale	1:250	DNS ID						
		P1	LA	P	00	TS	01	
Measured	RICK H.	Drawn			CASPAR G.			
Date	2022.11.28	Date			2022.12.07			
Checked	RICK H.	Sheet Size			Tabloid (11"x17")			
Date	2022.12.07	Sheet No.			1.1			



LEGEND

	Protected Root Zone		Tree Diameter (DBH)		Tree Removal





**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
NP-DP-2023.1**

To: David Thomson and E. Claire Thomson

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

Lot 2, Section 6, Pender Island, Cowichan District, Plan 19554
(PID: 002-305-453)

2. This Development Permit NP-DP-2023.1 authorizes the deconstruction of the existing dwelling and construction of a new dwelling and garage and restoration planting within Development Permit Area (DPA) 1 – Woodland Sensitive Ecosystems, DPA 2 – Herbaceous Sensitive Ecosystems, and DPA 6 – Intertidal Sensitive Ecosystems subject to the following requirements and conditions:

General

- a. All construction, land alteration and tree removal shall be substantively consistent with Schedules 'A' 'B', 'C', 'D' and 'E' attached to and forming part of this permit.

Construction Management

- a. All contractors and construction personnel are to be notified of the DPA locations and the conditions of this development permit by providing copies to all contractors.
- b. Storage of building materials must be limited to areas on or near the driveway and the south side of the house as is practical.
- c. Construction shall minimize disturbance and maintain undeveloped habitat in as natural a state as possible.
- d. A spill control kit shall remain on site for the entire construction period when machines are being used.

Sensitive Species Protection

- e. DPA ecosystems are very sensitive to mechanical disturbance and foot traffic, so foot traffic and access by machines shall be minimized to the extent possible to avoid damage to the sensitive lichen and moss cover.
- f. In the Gulf Islands region, the songbird peak nesting window occurs between May 1 and July 22. Where flexibility exists, all construction activities shall be avoided during this peak nesting period.
- g. Denning and nesting sites of rare, threatened or endangered species, if detected in the future, shall be protected.

Invasive Plant Management

- h. Contractors shall inspect their equipment and vehicles to ensure they do not transport invasive plant species seeds onto or off the property. All equipment shall be washed prior to arrival. Manual removal of weeds from equipment shall be performed regularly. This is critical and must be communicated to contractors prior to initiation of work onsite.
- i. Landscaping and restoration of natural areas throughout the Woodland and Herbaceous Ecosystem DPAs shall be conducted using only native plant species.
- j. The ongoing removal of invasive species (particularly Scotch broom) is required inside the Woodland and Herbaceous Sensitive Ecosystem DPAs, and recommended throughout the entire property, to prevent its continued spread and improve the quality of natural areas.

Erosion Control

- k. Prior to construction, install silt fence as illustrated in Schedule B to prevent surface transport of soil or fill and other material beyond the immediate construction area, particularly along the shoreline. Note that, due to shallow and sensitive soils in the Herbaceous Ecosystem DPA, silt fence may need to be installed and weighed down at the ground level as opposed to below the ground surface.
- l. Install silt barrier fencing as close as possible to the construction area and ensure no equipment crosses the barrier.
- m. Ensure no excavation of any works involving ground disturbance is carried out during heavy precipitation events.
- n. Any soils exposed for prolonged periods, i.e., greater than 2 weeks, shall be covered. Covering may include tarping or hydromulch (without seed mixture) and must be maintained.
- o. All future landscaping works in the areas adjacent to the Woodland and Herbaceous Ecosystem DPAs will not occur during heavy rain deposition events.

Hydrology

- p. Where commercially practicable, excess drainage from the new dwelling and garage shall be engineered to direct water flow so that it is maintained within the Woodland and Herbaceous Ecosystem DPAs to maximize soil water uptake and storage.

Tree Removal and Protection of Existing Trees

- q. No tree removal beyond what is described in Schedule C is permitted. For Tree #24 as shown in Schedule C, special care shall be taken during excavation to minimize root damage. If roots are required to be damaged, tree removal is only authorized after inspection and approval by a registered arborist.
- r. Temporary fencing shall be installed around all trees shown on Schedule C, except those trees to be removed, prior to and during all construction with the fencing distance consistent with the recommended Root Protection Zones (RPZs) as shown in Schedule D. Where incursion into the RPZs is required, construction activities within these RPZs shall be minimized as much as practicable.
- s. All contractors must use the lightest possible equipment for lowest impact and avoid cutting or damaging large lateral anchoring tree roots.
- t. All trees other than those identified for removal in Schedule C shall be retained and native plant species shall remain undisturbed within the DPAs. This includes the retention of standing dead trees (snags), as these features provide critical habitat for many species of birds, bats, and invertebrates.

- u. Existing seedlings or young trees shall be managed to provide the best opportunity for survival (e.g. removal of competing vegetation and non-native species as needed, protection from deer browsing).
- v. Wire protective cages shall be installed over the naturally occurring juniper in the Herbaceous Ecosystem DPA to allow these existing trees to grow.

Restoration Planting

- w. Nine Douglas-Fir trees shall be planted to compensate for the mature Douglas fir that may need to be removed, and to return the Woodland Ecosystem DPA to a density appropriate for a mature Douglas-fir forest.
- x. One arbutus tree and one Garry oak tree shall be planted to provide compensation for the four trees that will be removed.
- y. Planting of small seedlings shall occur as the best way to ensure tree root systems are able to develop undisturbed and to avoid transplant stress commonly associated with larger nursery stock.
- z. All replacement trees shall be protected from foraging by wildlife by the use of cages and/or netting (chicken wire, mesh etc.) until the trees are established. Cages must be expandable or sufficiently wide to allow for plant growth while still ensuring protection from browsing.
- aa. Revegetation with native plant species must occur in areas of disturbance to help avoid further introduction of non-native species. All restoration planting shall occur during the fall and winter months (Sept through Mar) to allow for plant root establishment prior to summer drought.
- bb. Plant shrubs such as oceanspray along eroding bank where broom has been removed; keep broom cut but avoid pulling plants along the edge of banks to minimize erosion
- cc. Seed in annual and perennial herbaceous species in mossy and grassy areas of rock outcrops in the herbaceous ecosystem (e.g. nodding onion, sea blush, Hooker's onion, shooting star, small-flowered and bicoloured lupine, native fescues). A list of appropriate plants is included as Schedule D.
- dd. All replanting shall be maintained by the property owner including necessary irrigation for a period of 3 (three) years from the date of completion of the planting, or until they have reached a suitable 'free to grow' stage of 1.5 metres, to ensure survival. Unhealthy, dying or dead stock shall be replaced at the owner's expense in the next regular planting season.

Monitoring

- ee. Monitoring and guidance is to be conducted by a registered professional biologist (R.P. Bio.) to ensure that all deconstruction, construction management and restoration conditions herein have been met to the satisfaction of the R.P. Bio.
 - ff. The monitoring QEP(s) shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within three months (3) of the development work being completed.
3. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 4. Any further development within the designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.

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 the lawful completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS 29TH DAY OF APRIL, 2021.

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF ____, 2023, THIS PERMIT AUTOMATICALLY LAPSES.

DEVELOPMENT PERMIT 2020.3
Schedule "A" - Site Plan



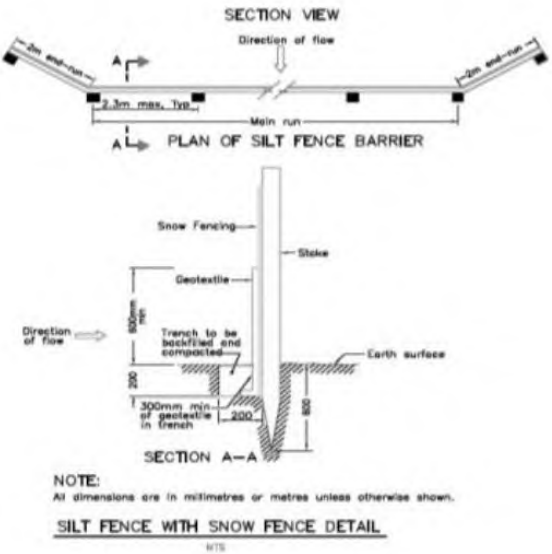
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2023.1

Schedule “B” - Silt Fence Diagram

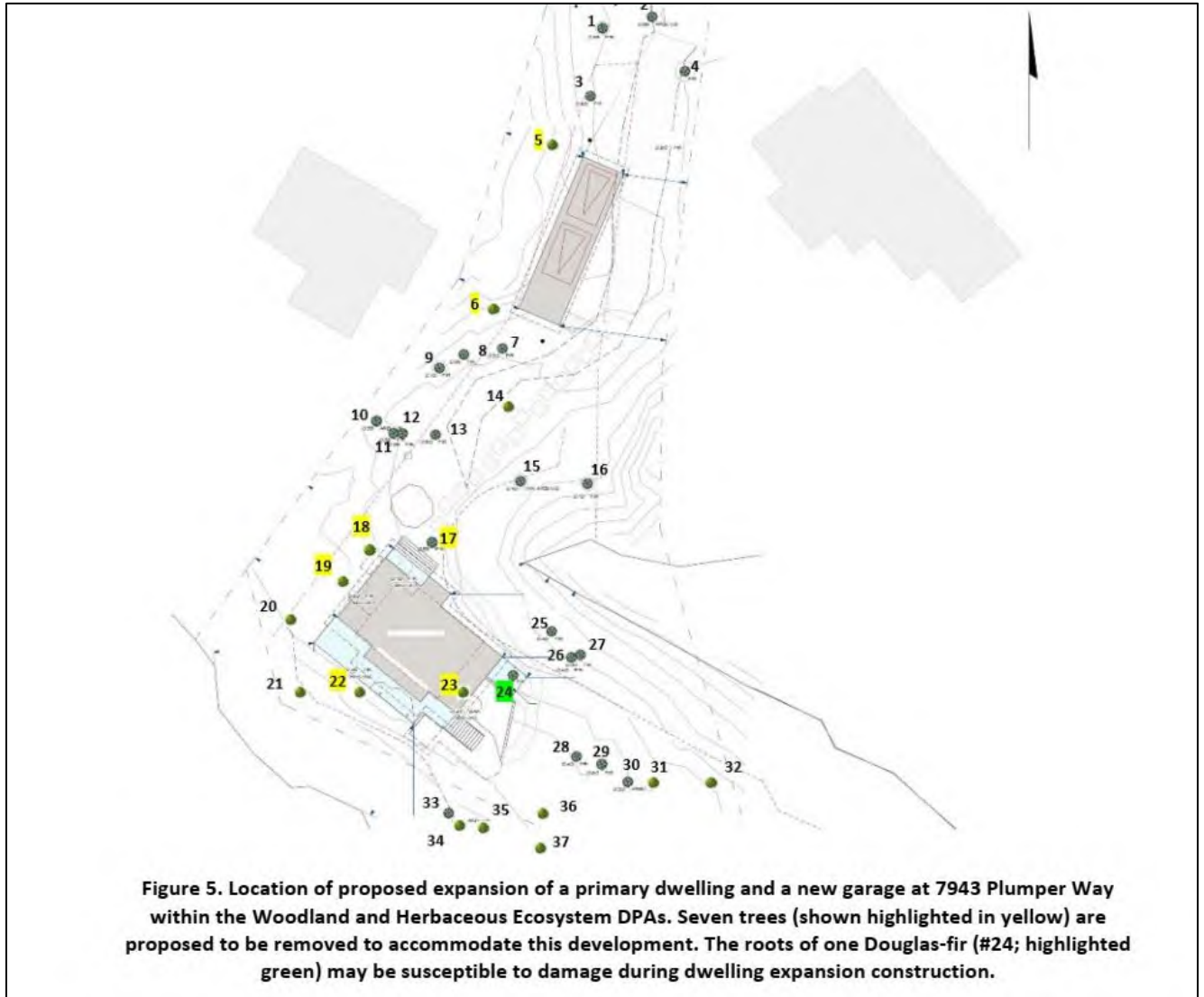
EROSION AND SEDIMENTATION

- 1) PRE-STAKED SILT FENCE TO BE INSTALLED AS SHOWN PRIOR TO CONSTRUCTION AS DIRECTED BY THE ENGINEER.
 - 2) TOPSOIL STRIPPED FOR REUSE TO BE STOCKPILED AWAY FROM WATER COURSES, DRAINAGE PATHS AND PROPERTY AND SHALL BE COVERED AND / OR SEEDED TO REDUCE EROSION.
 - 3) ALL DISTURBED AREAS TO BE RESTORED AND LANDSCAPED AS SOON AS POSSIBLE FOLLOWING CONSTRUCTION.
- TO BE
THROUGHOUT
TOR.
JHN GRODS
RD SHALL DIRECT
MITIGATION MEASURES



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2023.1
Schedule "C" - Tree Removal Plan



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2023.1 Schedule "D" – List of Trees with RPZ Radius

Tree Inventory Data for David Thomson 7943, Plumper Way, Pender Island										
Arborist: Rick Heinrichs PN7986A			Oakstead Tree & Property Care Inc. Brentwood Bay, BC.							
Date of assessment: Nov 28, 2022										
Tag#	Survey	Location:	Name	DBH	LCR	Crwn	Cond.	Cond.	General Remarks - Risk - Retain/Remove	RPZ(m) radius
		Y/N	Common	(cm)	(%)	(diam)	Health	Struc.		
		On,Off, Shared, City	Botanical							
1	y	on	Arbutus (Arbutus menziesii)	33	10	5	p	m	scarred, nails, embedded metal. Road compaction over part of root zone.	5
2	y	on	Douglas Fir Pseudotsuga menziesii	65	35	5	g	m		7.8
3	y	on	dfir	63	40	6	g	m	sweep that has corrected, horizontal checking	7.6
4	y	on	dfir	94	40	11	g	m	resinosis on north face, likely a torsion crack. horizontal checking	12
5	y	on	dfir	58	35	5	g	m	Road compaction over part of root zone	7
6	y	on	dfir	53	75	6	g	m	sweep corrected, torsion split not recent, Road compaction over part of root zone	6.4
7	y	on	dfir	40	30	4	m	m	likely torsion crack causing resinosis.	4.8
8	y	on	dfir	62	50	7	m	m	wind adapt	7.4
9	y	on	dfir	61	45	8	m	m	torsion crack, resinosis	7.3
10	y	on	dfir	57	35	6	m	m	torsion crack, resinosis	6.8
11	y	on	dfir	31	25	6	m	g	spiral pruning and gaff marks	3.7
12	y	on	dfir	30	20	5	m	g		3.6
13	y	on	arb	52	30	7	m	m	topped	7.8
14	y	on	arb	78	25	11	g	g	scarring from base to 12m	11.7
15	y	on	dfir	71	75	10	g	m	multi stem (55, 38)	8.5
16	y	on	dfir	62	20	5	m	m	basal swelling. history of basal pruning. Likely to need removal if #17 stump is removed (entangled roots)	7.4
17	y	on	dfir	64	45	10	m	m	next to house, to be removed. If either #17 or #18 are removed for the building footprint, the stump will need to be extracted which is likely to destabilize the other tree.	7.7
18	y	on	dfir	48	60	6	g	m	Evidence of branches falling on house roof. sweep corrected, to be removed. If either #17 or #18 are removed for the building footprint, the stump will need to be extracted which is likely to destabilize the other tree	5.8
19	y	on	dfir	51	40	5	m	m	Planned for removal. verticle cracking, horizontal cracking	6.1
20	y	on	Garry Oak (Quercus garryana)	26	50	4	g	g		2.1
21	y	on	dfir	32	15	3	g	m	Planned for removal	3.8
22	y	on	dfir	38	25	5	g	m	leaning corrected	4.6
23	y	on	dfir	43	10	3	p	p	leaning away from house	4.9
24	y	on	dfir	41	20	4	p	p	heavily over pruned, possibly infected through root contact with fungus from neighboring tree.	4.9
25	y	on	dfir	40	65	3	g	m	Phaeolis schweinitzii conks at base	4.8
26	y	on	dfir	79	90	6	g	m		9.5
27	y	on	arb	26	2	1	p	p	dying - likley not to last more than a few years.	3.9
28	y	on	Juniper (Juniperous spp)	26	70	4	g	g		2.1
29	y	on	dfir	28	50	4	m	g		3.4
30	y	on	arb	30	25	4	m	m		3.6

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2023.1

Schedule “E” – List of Recommended Native Plants

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

Oceanspray - *Holodiscus discolor*
Red Osier Dogwood - *Cornus stolonifera*
Saskatoon - *Amelanchier alnifolia*
Twinberry - *Lonicera involucrata*
Sweet Gale - *Myrica gale*
Red Flowering Currant - *Ribes sanguineum*
Pacific Ninebark - *Physocarpus capitatus*
Highbush Cranberry - *Viburnum edule*
Mock Orange - *Philadelphus lewisii*
Snowberry - *Symphoricarpos albus*
Salal – *Gaultheria shallon*
Sword fern - *Polystichum munitum*
Nootka Rose - *Rosa nutkana*
Evergreen Huckleberry - *Vaccinium ovatum*
Nodding onion - *Allium cernuum*
Sea blush (*Plectritis congesta*)
Hooker’s onion (*Allium acuminatum*)
Shooting star (*Dodecatheon sp.*)
Small-flowered and bicoloured lupine (*Lupinus*)
Native fescues (*Festuca sp.*)



Islands Trust

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
NP-DVP-2023.2**

To: David and Elizabeth Thomson

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

Lot 2, Section 6, Pender Island, Cowichan District, Plan 19554
(PID: 002-305-453)

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

- a) Clause 3.7.1 which states that “no building or structure other than one referred to in Subsection 3.7.2 may be sited, nor fill placed to support a building or structure, within 15 metres upland of the natural boundary of the sea...” is varied to permit the siting of a new dwelling with attached deck as close as 7.5 metres upland of the natural boundary of the sea.

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 (INSERT DATE)

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY (INSERT DATE), THIS PERMIT AUTOMATICALLY LAPSES.

From: [REDACTED] >

Sent: Tuesday, May 16, 2023 11:40 AM

To: Brad Smith <bsmith@islandstrust.bc.ca>

Subject: Objection to Development Variance Permit Application for 7943 Plumper Way, Pender Island

Dear Mr. Smith,

Thank you for returning my call this morning and for clarifying the Islands Trust process for Development Permit Variance Applications. I mailed a letter to Islands Trust on May 3 stating we are 'not in support of the development application' for 7943 Plumper Way. With more thought and a better understanding of proposed contravention of important setback requirements, I hereby attached a revised letter of non-support (objection). We do not support the proposed plans for 7943 Plumper Way, not the new construction dwelling nor the new construction garage.

Please call if you have questions or require clarification of our position: [REDACTED].

Thank you for your consideration.

Marty Proctor

[REDACTED]
[REDACTED]

May 16, 2023

Brad Smith Island Planner

Via email to BSmith@IslandsTrust.bc.ca

Subject: 7943 Plumper Way (Portion Pender Island, Lot 2, Plan VIP 19554 Section 6, Cowichan Land District. P.I.D. 002-305-453) – **REVISED Objection to Development Variance Permit Application**

We understand that North Pender Island Local Trust Committee will be considering an application to allow the existing dwelling at 7943 Plumper Way to be demolished and replaced with a new dwelling that is significantly larger than the existing dwelling and encroaches on the required setback from the natural boundary of the sea. The expansion to the west by approximately seven feet and the increase in roof height by approximately nine feet at the south end of the new construction dwelling, relative to the existing structure, will certainly detrimentally impact our enjoyment of our adjacent property.

The existing dwelling at 7943 Plumper Way was here before we bought our home at [REDACTED] and we accepted it without complaint. However, when we bought our home at [REDACTED] it was our understanding that it would not be possible to reconstruct a new, larger dwelling on the site due to setback requirements and the objectives of the DPAs which are designed to preserve the wonderful character of Pender Island, particularly in sensitive areas. We cannot support the subject Development Permit Variance application for 7943 Plumper Way because we strongly believe the new construction dwelling will negatively impact wildlife that we frequently observe accessing the land and water within the setback corridor and will also negatively impact our enjoyment of our property.

Further, we do not support, and in fact strongly object to the construction of a garage (new building) on the ocean's edge immediately east of our property (north of the proposed new dwelling). We are very concerned about the plan to jack-hammer and excavate a large volume of rock which is part of the hill that our property sits on. We are very concerned about the stability of the hill and fear that the excavation process including jack hammers and drills may destabilize and/or damage our property. Further, we see that the very narrow strip of land where the garage is planned is very close to the ocean and is an important corridor for deer and other wildlife. The proposed garage (new structure) will certainly detrimentally impact our enjoyment of our property and will erode the beauty of the waterfront land. I believe that excavating green and beautiful ocean front land to construct a parking garage is inconsistent with Islands Trust's values.

Finally, we are concerned about the plans for waste-water treatment at 7943 Plumper Way. We are aware that the existing septic system is very small and we believe that it is inadequate for the needs of the larger dwelling that is planned for permanent, full-time occupation on the subject property. We would like an opportunity to review the waste-water treatment plans for the subject property.

Respectfully, [REDACTED]

[REDACTED]
Marty Proctor
[REDACTED]
[REDACTED]

cc. David & Elizabeth Thomson (hand delivered)



Re: 7943 Plumper Way, Pender Island BC

May 18, 2023

NEWater Septic and Drainage Ltd. completed a site evaluation at the above address on May 17, 2023 to determine if the site has adequate soil conditions to support the residential wastewater flows produced from a proposed new ~2000 sqft (186 sqm) 2 bedroom home. The property meets all the design criteria set forth in the BC Sewerage System Standard Practice Manual (SPM) Version 3. See below for the standards based on current standard practice.

The site evaluation consisted of 2 test pits and 2 permeameter tests. Both test pits exceeded the recommended native soil vertical separation (VS) and as constructed VS in the SPM. Both pits were hand dug to a depth of 90 cm and had healthy strong roots to that depth. A seasonal high water table is determined to be below 90 cm. The permeability results both confirmed a hydraulic loading rate (HLR) of 30 Liters per day per sqm (L/day/sqm)

- The daily design flow (DDF) for a 2 bedroom home under 240 sqm is 1000 liters per day (Lpd).
- Minimum septic tank volume is 3000 L, NEWater recommends a 4141 L - 2 chamber polyethylene septic tank.
- Minimum pump chamber size for timed or micro dosing is 2000 L, NEWater recommends a 2090 L polyethylene pump chamber
- The linear loading rate (LLR) is used to calculate the minimum length required for the drain field. The LLR for this site is 150. LLR is calculated by $DDF/LLR = \text{minimum system length}$. For this site, using the DDF of 1000 and the LLR of 150 results in a length as 6.7 m or minimum length of 7.5 m. The site can accommodate a length of 11.2 m for the proposed drain field exceeding the recommendations in the SPM.
- The hydraulic loading rate (HLR) is used to calculate the minimum drain field size. For this site, both soil texture and permeability tests result in a HLR of 30 L/day/sqm. HLR is

calculated by DDF/HLR. This project has a DDF of 1000 Lpd and a HLR of 30 L/day/sqm, $1000/30 = 33.4$ sqm. The proposed drain field is 11.2 m long x 3 m wide for a total area of 33.6 sqm.

NEWater recommends an at grade bed for this site. An at grade bed results in minimal impact to the site and also provides maximum soil depth for the treatment of wastewater.

This report is a summary of the site evaluation. A filing will be submitted to the Vancouver Island Health Authority complete with design rational, proposed system layout and cross section and design details.

Please feel free to contact any with any questions.

John Langard

250 213 3834

john@newatersepic.ca

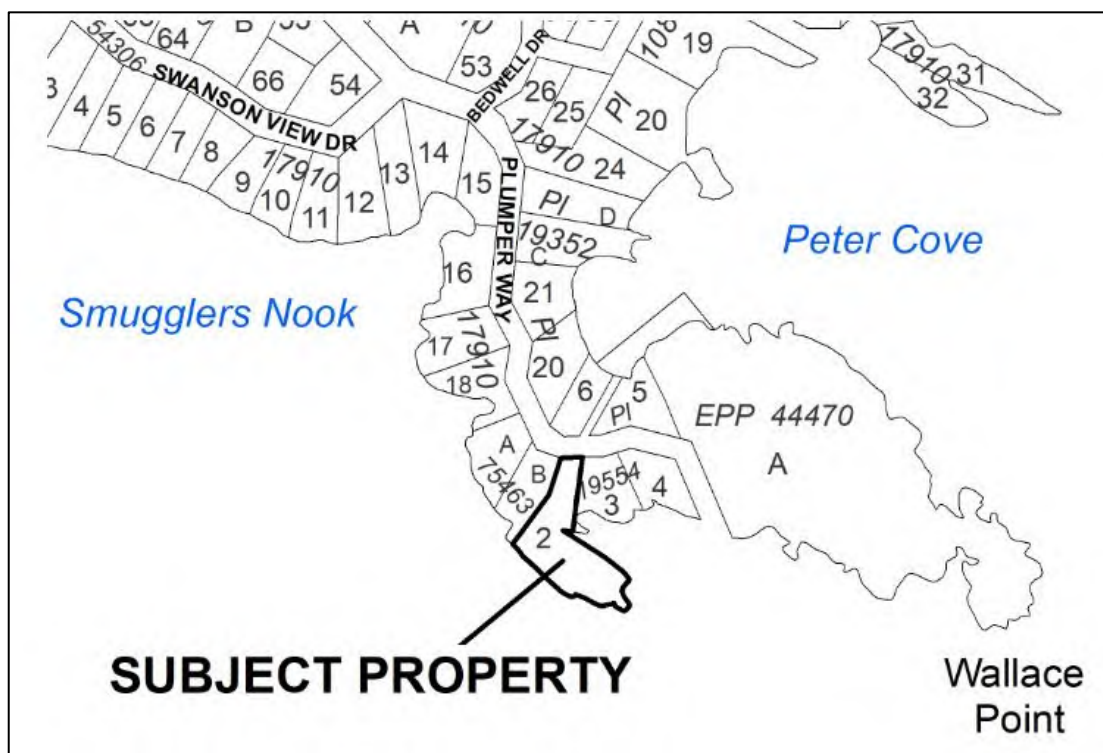
NOTICE
NP-DVP-2023.2
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

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:

- Permitting the siting of a new dwelling and attached deck in the 15 metre setback from the natural boundary of the sea.

The property is located at **7943 Plumper Way** and is legally described as **Lot 2, Section 6, Pender Island, Cowichan District, Plan 19554** (PID: 002-305-453).

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 **May 8, 2023** and continuing up to and including **May 19, 2023**.

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 Brad Smith, Island Planner at (778) 679-5185. 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, **May 19, 2023**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:30 a.m., May 26, 2023**.

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

File No.: NP-6500-20 LUB Review

DATE OF MEETING: May 26, 2023

TO: North Pender Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Brad Smith, Island Planner

SUBJECT: NP LUB Review Project – Adoption of proposed Bylaw No. 224

RECOMMENDATIONS

1. **That the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be adopted.**

REPORT SUMMARY

The purpose of this report is to provide the North Pender Island Local Trust Committee (LTC) with proposed Bylaw No. 224 for consideration of adoption. The recommendation above is supported as:

- All statutory requirements have been completed for proposed bylaw including the required notification and holding of a public hearing consistent with the *Local Government Act*;
- Proposed Bylaw No. 224 has been reviewed and approved by the Islands Trust Executive Committee.

BACKGROUND

The LUB Review Project was initiated in late 2019 with a focus to implement policies in the Official Community Plan by amending the Land Use Bylaw. Through the early stages, the LTC and staff identified six focus areas for the project: residential maximum floor area, agricultural regulations, industrial regulations, Commercial 2 (tourist accommodation) zoning, marine and shoreline regulations, and technical amendments which include a new bylaw format. Discussion Papers were prepared for each topic outlining current regulations and policies, and options for the LTC to consider.

After three community information meetings (CIM) in late 2020, the LTC and staff started to draft bylaws based on options in the discussions papers and from comments from the CIM. In 2021 to 2022 the bylaws were amended, which included rescinding bylaw readings, to address concerns raised by the community and the Agricultural Advisory Planning Commission. In total over the past three years the LTC has held approximately 13 community information meeting.

Detailed background to the project, including staff reports is available on the Islands Trust website:

<https://islandstrust.bc.ca/island-planning/north-pender/projects/>

Proposed Bylaws

There are three bylaws associated with the North Pender LUB Project (Bylaw Nos. 223, 224, and 229). The project is now in the final step of this process with the proposed bylaws receiving approval from the Executive Committee on May 24, 2023. The next step is for the LTC to consider fourth reading of bylaw No. 224. Bylaw No 229 (LUB amending bylaw) will not be returned to the North Pender LTC for approval until Bylaw No. 223 (OCP amending bylaw) has been approved by the Minister.

North Pender Island Local Trust Committee Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022”, is intended replace the current North Pender LUB No. 103. Bylaw No. 224 includes technical amendments, new bylaw formatting, and numerous other bylaw amendments with the purpose to support policies in the OCP.

Bylaw Approval Steps

Proposed Bylaw No. 224 was given first and second reading on March 11, 2023.

A Community Information Meeting (CIM) and Public Hearing for proposed Bylaw No. 224 on May 13, 2023.

Proposed Bylaw No. 224 was given third reading on third reading on September May 13, 2023 following the Public Hearing.

Islands Trust Executive Committee approved proposed Bylaw No. 224 on May 24, 2023

ALTERNATIVES

1. Receive for information

The LTC may receive the report for information.

2. Proceed no further

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

NEXT STEPS

If the LTC chooses to proceed, Bylaw No. 224 will replace Bylaw No. 103.

Submitted By:	Kim Stockdill, Island Planner	May 16, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	May 16, 2023

ATTACHMENTS

1. Bylaw No. 224



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, 2022”.
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 11th day of March , 2023.

READ A SECOND TIME this 11th day of March , 2023.

PUBLIC HEARING HELD this 13th day of May , 2023.

READ A THIRD TIME this 13th day of May , 2023.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this
day of , 202_

ADOPTED this day of , 202_

SECRETARY

CHAIRPERSON

SCHEDULE A
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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; or a group of geological formations, or a part of one or more geological formations that is groundwater bearing and 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, a regional district, a water utility, a

society, or a water supplier.”

“composting facility” means the use of land, buildings or structures for processing organic matter through the biological decomposition of organic materials in accordance with the *Environmental Management Act*, *Public Health Act*, *Organic Matter Recycling Regulation*, and the Capital Regional District Composting Facilities Regulation Bylaw.

“contractor 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.

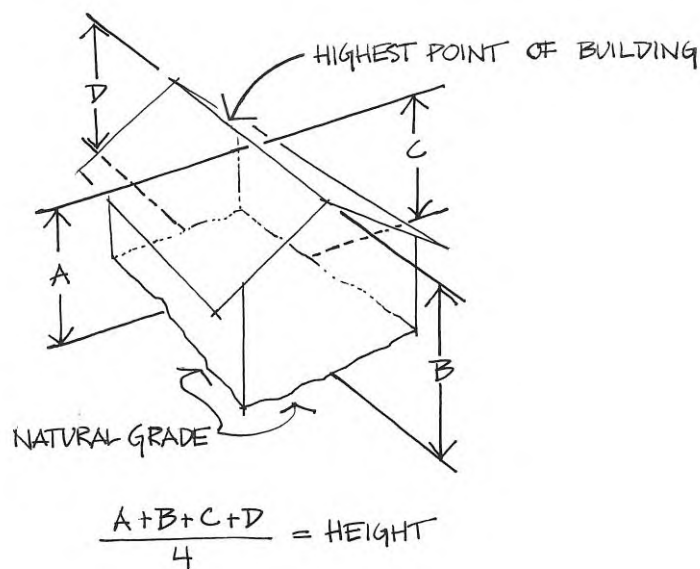


Figure 1-1 Illustration of calculation of height

"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.

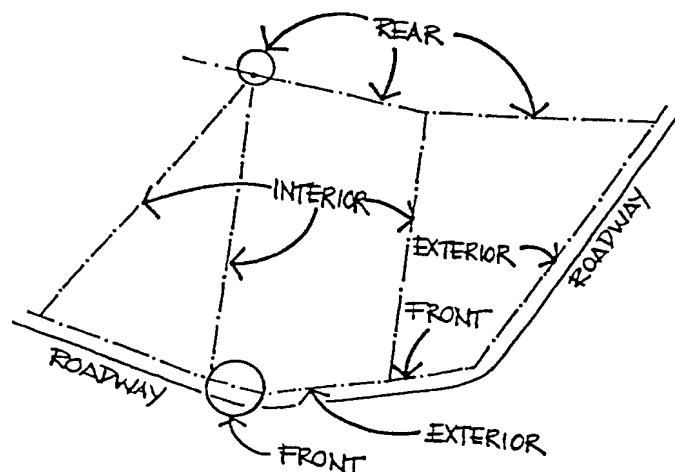


Figure 1-2 Illustration of lot lines

"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 that is safe to drink, fit for domestic purposes and meets the Health Canada Guidelines for Canadian Drinking Water Quality or any guidance documents or legislation which may be enacted in substitution."

"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 and stairs to access the foreshore 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*; 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) [Placeholder]
- (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) 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

- (14) 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.
- (15) 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

- (16) 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) [Placeholder]
- (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*; and ,
 - (h) *Accessory uses, buildings and structures*.

Density

- (2) There may not be more than one (1) *dwelling*, one (1) *secondary suite* and one (1) *cottage* on any *lot*.
- (3) One (1) *cottage* is permitted on each *lot* with an area of 1.2 hectares or larger.
- (4) Despite Subsection 5.3(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) *[Placeholder]*
- (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 District, Plan 14577 except that part in Plan VIP65874.	1) In addition to the uses permitted by Subsection 5.3(1), the following are permitted home industries: (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 417m ² floor area and 139m ² 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 m ² 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>dwellings</i> 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 (h). (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) *[Placeholder]*
- (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) *[Placeholder]*
- (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) *[Placeholder]*
- (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 5063, Pender Island, lying within the Agricultural (AG) Zone.	(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. (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).

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 7.
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	(1) The maximum number of tourist accommodation units permitted on the lot is 20. (2) Despite Subsection 5.8(9) and 5.8(10), the lot may contain one tourist accommodation unit with a maximum floor area of 280 m ² which is excluded from the total floor area calculation for all tourist

			accommodation units on the lot.
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 VIP52864 Section 17	The maximum number of tourist accommodation units permitted on the lot is 33.
7	C2(g)	Portion of Lot 1, VIP 59811, Section 15	The maximum number of <i>tourist accommodation units</i> permitted on the lot is 27.

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	Despite Subsection 5.10(1), 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	Despite Subsection 5.10(1), the only uses permitted in this location are: (a) The processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment; (b) <i>Contractor Yard</i> ; and, (c) <i>Accessory buildings and structures</i> .
5	GI(e)	Westerly portion of land legally described as a portion of Parcel G,	Despite Subsection 5.10(1), the only uses permitted in this location are:

		DD47659I excluding Plans 2648, 9912 and 37908 and VIP54314	(a) <i>Contractor Yard</i> ; (b) Storage of gravel; and, (c) <i>Accessory buildings and structures.</i>
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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 uses 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)	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 5.17			
	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 (1) 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> . (2) 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. (3) 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, the only *buildings* or *structures* permitted are playground structures, playing field fences and goalposts, picnic tables, toilets, and *accessory buildings* and *structures* to sports events.

Subdivision Lot Area Requirements

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

Site-Specific Regulations

- (5) 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 5.18	
	1	2	3
	Site-Specific Zone	Location Description	Site Specific Regulations
1	CP2(a)	The westerly upland portion of Magic Lake to the westerly road boundary.	(1) In addition to the uses permitted in Subsection 5.18(1), one (1) structure to store non-motorized boats is also permitted.

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

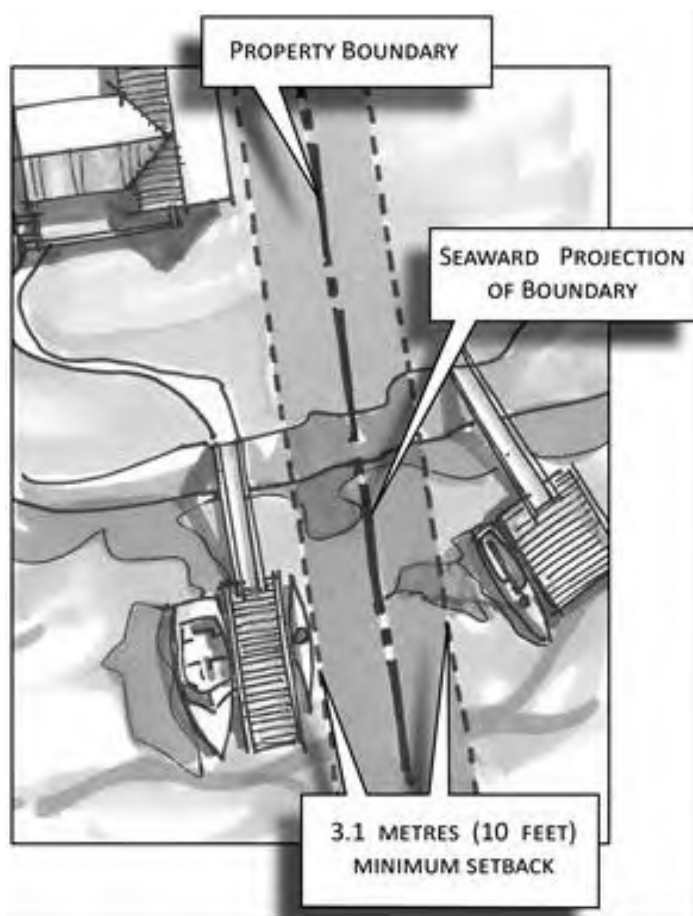
- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Private docks accessory to the residential use of an abutting upland *lot* or *lots* abutting the sea, and providing access to that *lot* or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

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*.

- (1) Where potable water is proposed to be supplied to lots in a subdivision by an established community water system, the applicant for subdivision must provide written confirmation from the community water system that it is able to supply potable water for the permitted principal use and density to each lot.
- (2) Where potable water is proposed to be supplied to lots in a subdivision by creating a

community water system, the applicant for subdivision must provide proof of all authorizations required under the *Drinking Water Protection Act*, the *Water Utility Act* or any other enactment pertaining to water supply systems.

- (3) Where potable water is proposed to be supplied to lots in a subdivision from a stream, the applicant for subdivision must provide proof of authorization in the form of a water licence confirming that the total volume of water granted to the licence holder is able to supply potable water for domestic uses at the volume specified in Table 1 to each lot.
- (4) Where potable water is proposed to be supplied to lots in a subdivision by drilled wells 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(6), 8.12(7) and 8.12(8);
 - c. Each well has sufficient available groundwater to provide the daily required volume of potable water for the permitted domestic uses on each lot in accordance with Table 1;
 - d. Each well for which a water licence has not been issued has sufficient available groundwater volume for all permitted non-domestic, non-agricultural, non-park, non-conservation area principal uses for each lot at the permitted density of use; and
 - e. Includes recommendations for mitigation measures, if applicable, to ensure long-term sustainable yield of the drilled well.

TABLE 1 DOMESTIC POTABLE WATER SUPPLY STANDARDS FOR SUBDIVISION	
USE	VOLUME (per day per lot)
<i>Per lot (including one dwelling)</i>	2000 litres
<i>Each additional permitted dwelling and cottage per lot</i>	2000 litres

- (5) Where the potable water is proposed to be supplied to lots in a subdivision by drilled wells, for any well where a water licence has not been issued the applicant for subdivision must also provide written certification under seal of a hydrogeologist:
 - 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 each 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 each 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.

- (6) Where a water license has not been issued and where potable water is proposed to be supplied to lots in a subdivision 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; and
 - b. withdrawing the total daily required volume specified in Subsection 8.12(4) over a maximum period of 24 hours; and
 - c. monitoring groundwater levels continuously during the pumping test and during the recovery period.
- (7) Where potable water is to be supplied by a drilled well a sounding tube or wellhead port must be installed to enable the insertion of water level monitoring equipment.
- (8) Drilled wells used for the purposes of subdivision must not be located within 50 metres of the natural boundary of the sea.
- (9) If the daily required volume of potable water cannot be supplied in accordance with Subsection 8.12(1) or if the certification in Articles 8.12(4)(c) and 8.12(4)(d) cannot be made, the Approving Officer may nonetheless approve the subdivision provided that the applicant grants a s.219 covenant to the North Pender Island Local Trust Committee and the Capital Regional District that restricts the development of the subdivision to the uses or density of the uses for which a certification has been made under Subsections 8.12(1) or 8.12(4).
- (10) Where the certification under Article 8.12(5)(d) states that a water supply is not potable but can be made potable with a treatment system, the Approving Officer may approve subdivision provided that the applicant grants a s. 219 covenant under the *Land Title Act* to the North Pender Island Local Trust Committee and the Capital Regional District that requires on-going treatment of the water to potable water standards recommended by a hydrogeologist.
- (11) 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.
- (12) 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.
- (13) The requirements of Subsections 8.12(1) and 8.12(2) do not apply where the proposed subdivision is a boundary adjustment that does not result in an increase in the number of lots or permitted dwelling units, 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

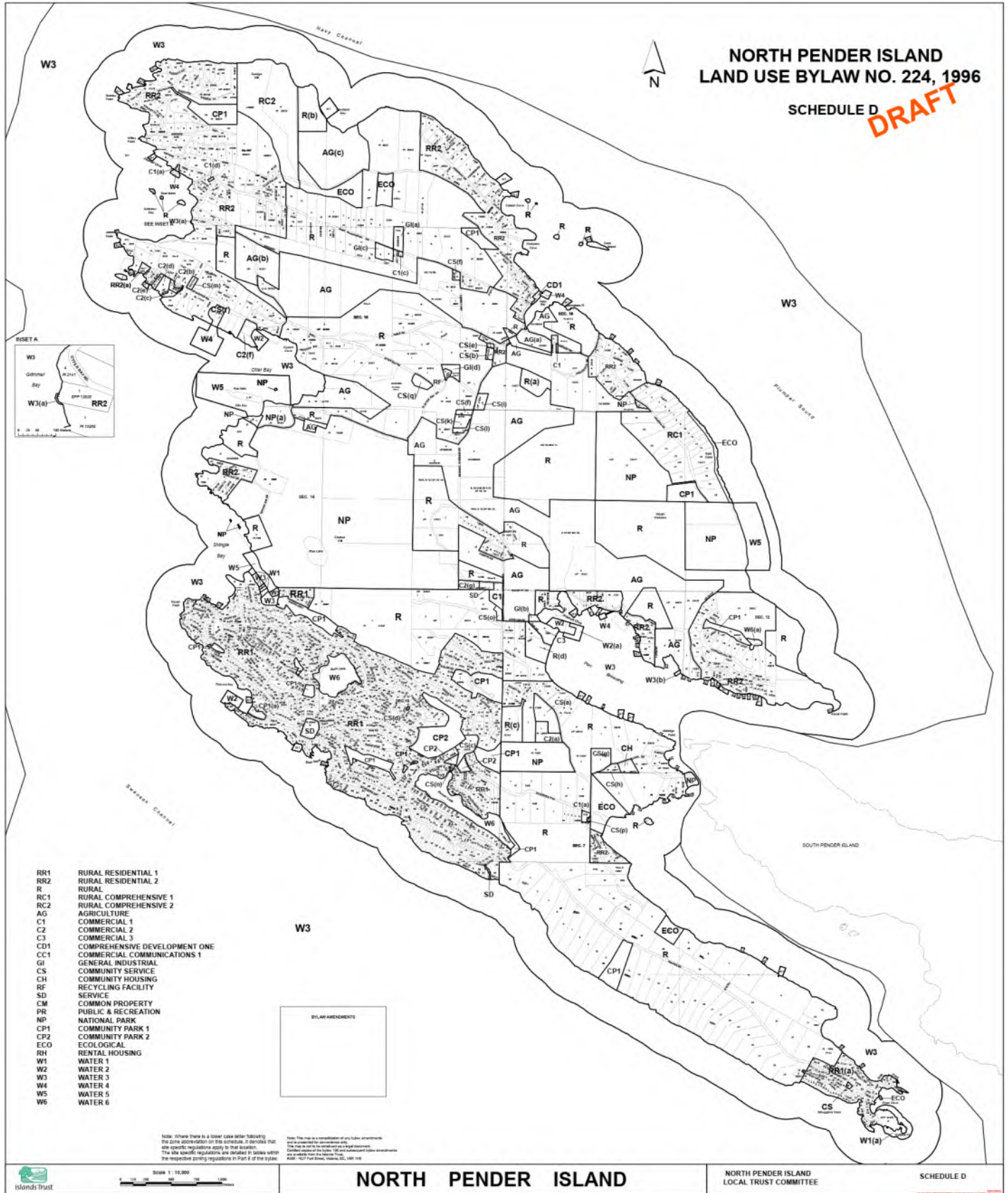
tents only in which case the parking space may be in a common parking area from which access is provided to the camping spaces by trails.

- (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:

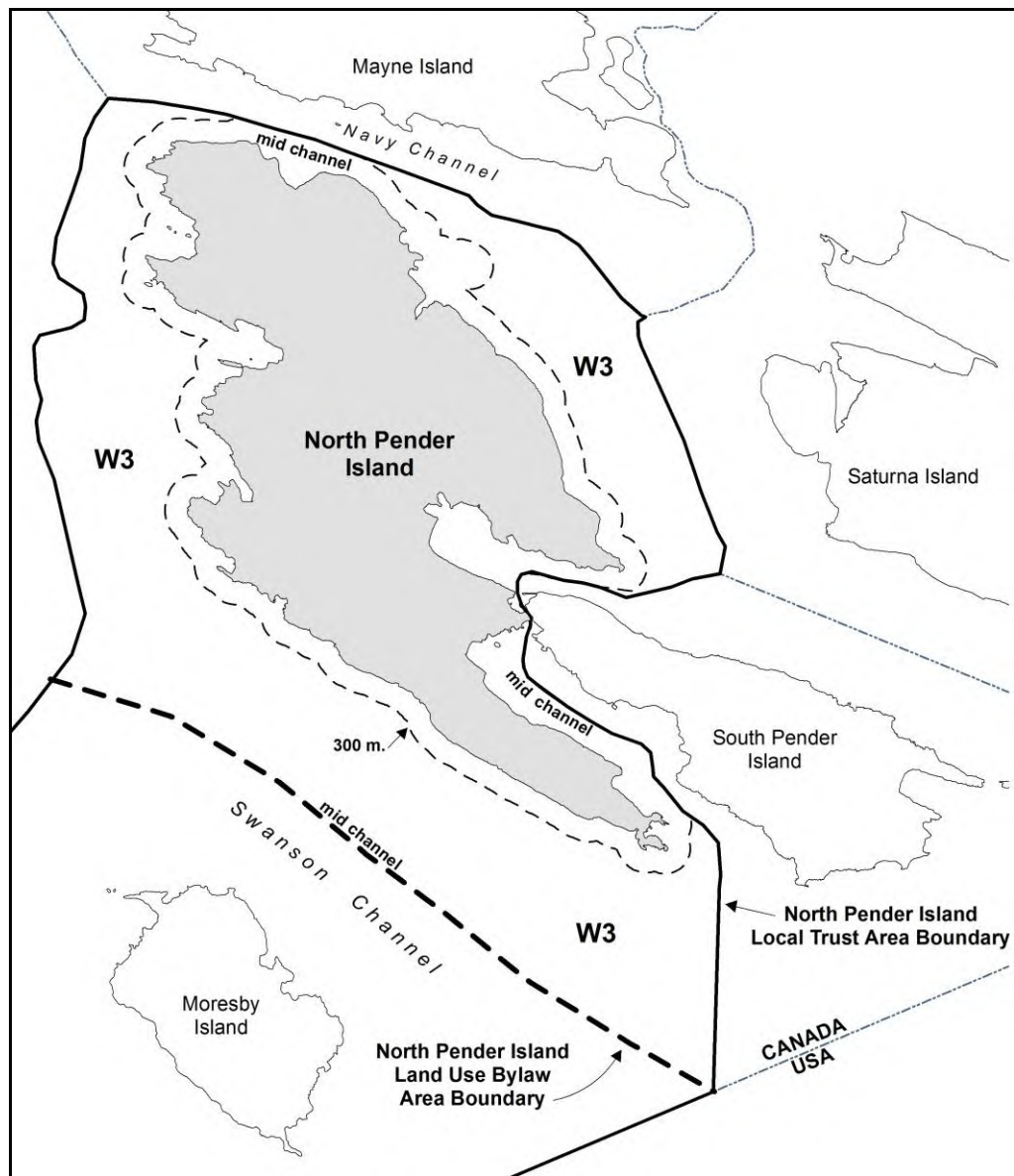
Number of Camping Spaces	Toilets		Urinals	Washbasins		Showers	
	Men	Women	Men	Men	Women	Men	Women
1 to 15	1	1	1	1	1	1	1
16 to 30	1	2	1	2	2	1	1
31 to 45	2	2	1	3	3	1	1
46 to 50	2	2	2	3	3	2	2

- (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) 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.

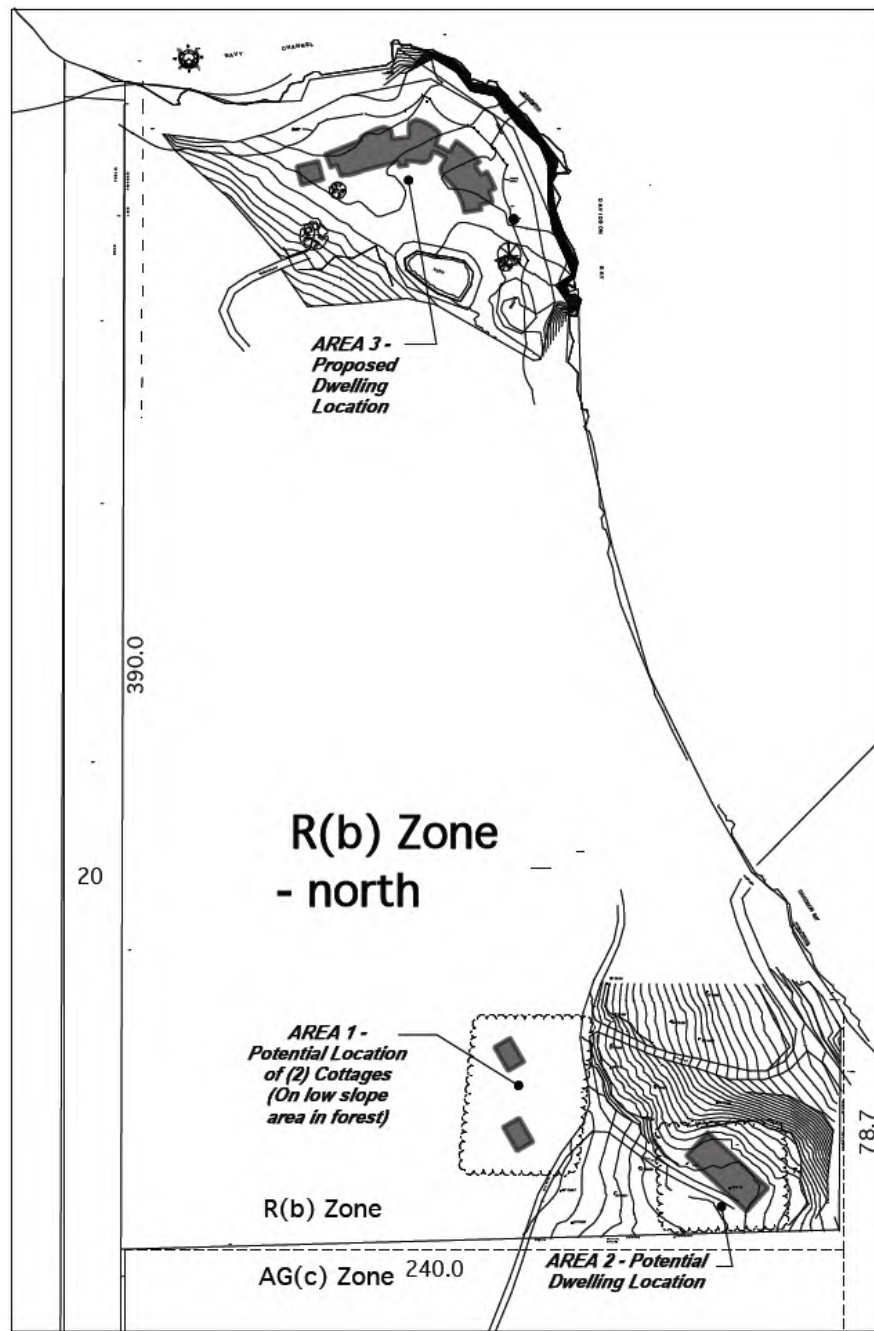
SCHEDULE B (ZONING MAP)



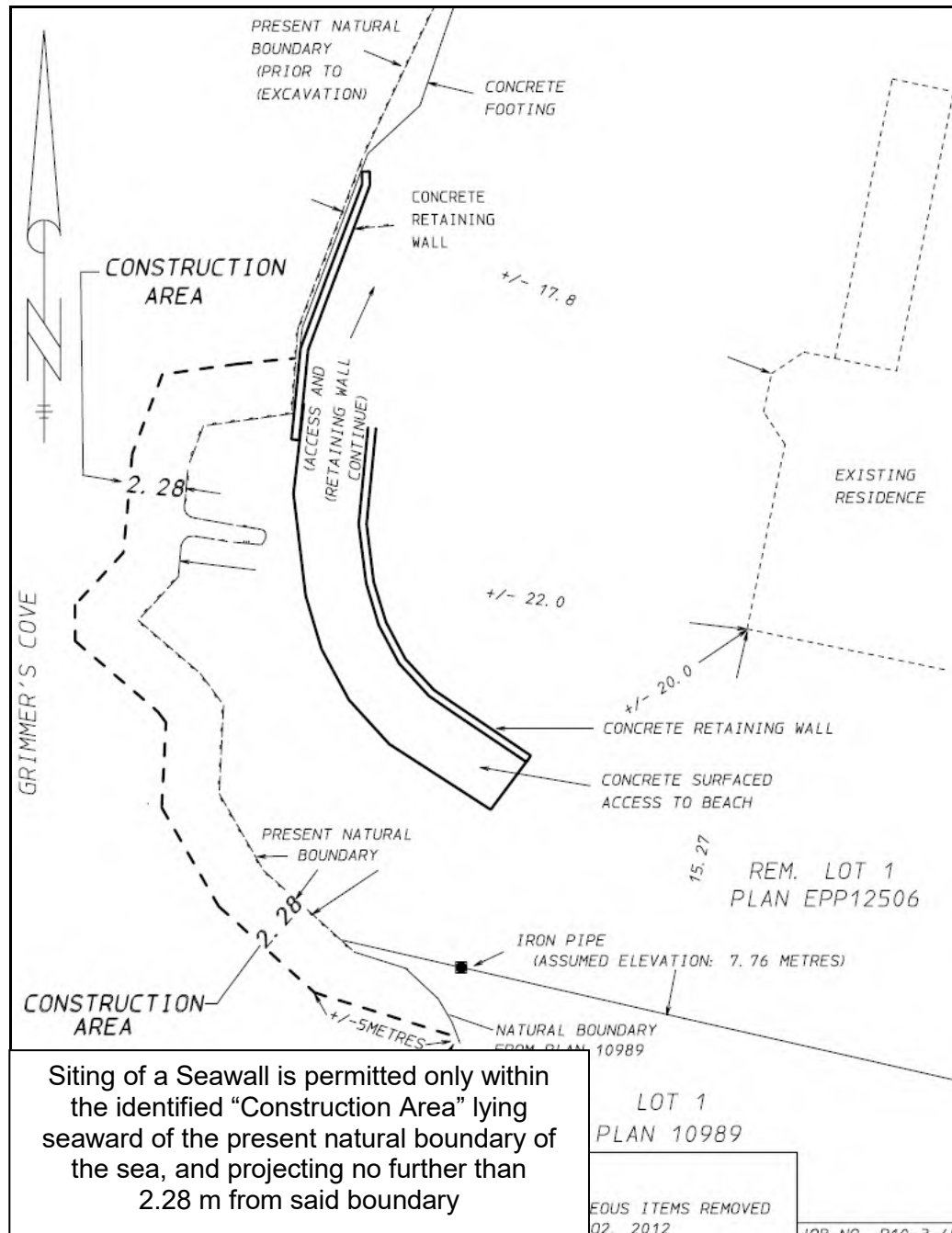
SCHEDULE C (BYLAW AREA MAP)



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



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



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Active Projects Report

North Pender Island

1. LUB Review Project

Responsible

Dates

Public Hearing is scheduled for May 13, 2023.

Rec'd: 07-Nov-2019

Target: 01-May-2023

2. Groundwater Sustainability Project

Responsible

Dates

Phase 1 and 2: Groundwater Sustainability Mapping Project (2019-2021) - COMPLETED

Rec'd: 29-Nov-2018

Target: 01-Apr-2024

Phase 3: Groundwater Mapping Implementation - COMPLETED

Phase 4: Community Consultation - On-going

Future 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. *Raptors Nests*

Responsible

Date Received

To update the raptor nests mapping.

27-Jan-2022

3. *Affordable Housing Options*

Responsible

Date Received

A project to review affordable housing options.

24-Mar-2022

4. *Accessory Dwelling Units*

Responsible

Date Received

Review options for accessory dwelling units on North Pender.

26-May-2022

5. *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

6. *Browning to Driftwood Corridor Plan*

Responsible

Date Received

Coordination on a transportation plan for the Driftwood to Port Browning corridor.

11-Aug-2022

North Pender Island

7. *Soil Bylaw Project*

Responsible

Date Received

Work on Soil bylaw was undertaken in 2021 and 2022. Project deferred prior to bylaw readings

29-Apr-2021

DATE OF MEETING: May 26, 2023
TO: North Pender Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: List of potential Major Projects

PURPOSE

The purpose of this staff memo is to provide the Local Trust Committee (LTC) with information on potential Major Projects that could be pursued by the LTC.

BACKGROUND

At the May 5, 2023 meeting, the LTC directed staff to provide a list of potential Major Projects the LTC could pursue. This memo provides a brief summary on some potential topics the LTC could consider with respect to initiating a major project.

Major projects are any LTC projects that are anticipated to require a budget over \$5,000 in any given fiscal year. These projects would be supported by a planner from the Regional Planning Team and are required to have a business case approved by Trust Council. LTCs wishing to undertake a Major Project should start developing a business case in the spring, and endorse the business case by July in order to have it reviewed by Regional Planning Committee and by the Financial Planning Committee in October and November meetings. The Financial Planning Committee's recommendations on the business case would then be considered at the December Trust Council for inclusion in the budget for the following fiscal year.

Each LTC can also have up to one Minor Project at a time. A Minor project requires less than \$5000 per year, is relatively limited in scope, is supported by the LTC's assigned Island Planner and is funded from a budget allocated by the Director of Planning Services. An LTC could initiate a Minor Project in the current fiscal year to undertake initial work on a project and submit a business case for subsequent fiscal year.

OPTIONS

1) Housing Review

Trustees have indicated an interest in conducting a review of current housing stock on North Pender and to explore options to increase housing, and in particular long-term rental housing. This would harmonize with work already underway by the Regional Planning Committee to assess current housing options and to develop strategies and approaches to increase rental housing stock and improve affordability. The Mayne and Denman LTCs are currently undertaking housing projects.

There are two projects currently on the LTC's future projects list that a review of housing could encompass:

- a) Affordable Housing Options - A project to review affordable housing options
- b) Accessory Dwelling Units – A Project to Review options for accessory dwellings

2) Implementation of Groundwater Project DPAs

At the May 5, 2023 meeting, the LTC directed staff to carry on with a public engagement/education component of the groundwater project as a Minor LTC project. Staff will bring an amended work plan for endorsement at the July 28, 2023 meeting. However, there are also components of the groundwater project that could be pursued as a Major Project, such as the implementation of proposed groundwater recharge DPA areas.

3) Review of DPAs

Trustees have indicated an interest in reviewing the current suite of DPAs on North Pender to determine if existing DPAs remain valid and functional and to identify potential other DPAs that could be established, such as the inclusion of Coastal Douglas-fir (CDF) ecosystems as a DPA designation.

There are three projects currently on the LTC's future projects list that a review of DPAs could encompass:

- a) Implementation of CDF ecosystem toolkit and mapping
- b) Update of Raptors nests mapping
- c) Review of DPAs to update guidelines/requirements, and outline options for new DPAs.

NEXT STEPS

Staff await direction from the LTC on what major project the LTC decides to pursue. Determination of next steps is dependent on that direction.

Submitted By:	Brad Smith, PAg Island Planner	May 16, 2023
Concurrence:	Robert Kojima Regional Planning Manager	May 16, 2023

Applications

Board of Variance

File Number	Applicant Name	Date Received	Purpose
NP-BOV-2023.1	Cameron, Heather	03-Jan-2023	Appeal to Board of Variance for structural alteration.

Planner: Brad Smith

Planning Status

Status Date: 18-May-2023

BoV hearing scheduled for June 13

Status Date: 27-Apr-2023

Applicant still working on design schematics for retaining structure.

Status Date: 28-Feb-2023

Planner met with applicant to review variance requests - mutually agreed that additional work is needed by applicant with respect to retaining wall scope and engineering plans- March 7 meeting postponed

File Number	Applicant Name	Date Received	Purpose
NP-BOV-2023.3	Michael McDonald and Gillian Reid McDonald	17-Mar-2023	3722 RUM RD: Appeal to Board of Variance for siting of a deck in a setback.

Planner: Brad Smith

Planning Status

Status Date: 18-May-2023

BoV hearing scheduled for June 13

Status Date: 17-May-2023

Requested mapping info from GIS.

Status Date: 18-Apr-2023

Planner Brad Smith assigned.

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2018.5	PICSS c/o HARDAL MANAGEMENT INC	23-May-2018	Application for development permit for a building in a form and character DPA
Planner: Charly Caproff			
Planning Status			
Status Date: 03-Feb-2023			
Emailed applicant to inquire whether they want to proceed with DP			
Status Date: 19-Dec-2022			
File re-assigned to Charly Caproff			
Status Date: 13-Oct-2022			
E-mail to applicant requesting status update.			

File Number	Applicant Name	Date Received	Purpose
NP-DP-2023.1	Villamar Design	08-Mar-2023	7943 PLUMPER WAY: Application for a DP for development in a woodland and a herbaceous DPA.
Planner: Brad Smith			
Planning Status			
Status Date: 18-May-2023			
Staff report on May 26, 2023 agenda			
Status Date: 27-Apr-2023			
Scheduled to be on May 26 LTC agenda, planner still waiting on updated site plan and septic report from applicant			
Status Date: 17-Apr-2023			
Planner conducted site visit and met with property owner			

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
NP-DP-2023.2	Shaw, Erin	11-Apr-2023	449 ARBUTUS SPUR: Application for a DP for development in a Geotechnical DPA.

Planner: Charly Caproff

Planning Status

Status Date: 08-May-2023

Planner Charly Caproff assigned.

Status Date: 12-Apr-2023

File created in EDM.

Status Date: 12-Apr-2023

Requested Statutory Right of Ways from applicant.

File Number	Applicant Name	Date Received	Purpose
NP-DP-2023.3	Shave, Becky	04-May-2023	4815 SCHOONER WAY: Application for a DP for development in a DPA.

Planner: Brad Smith

Planning Status

Status Date: 18-May-2023

Scheduled to be on July 28, 2023 agenda

Status Date: 10-May-2023

Planner Brad Smith assigned.

Status Date: 08-May-2023

File created in EDM.

Applications

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
NP-DVP-2023.2	Villamar Design	17-Apr-2023	7943 PLUMPER WAY: Application for a variance for siting of a dwelling in a setback.

Planner: Brad Smith

Planning Status

Status Date: 27-Apr-2023

Scheduled for May 26 LTC meeting, planner still waiting on septic report and updated site plan

Status Date: 18-Apr-2023

File created in EDM.

Status Date: 18-Apr-2023

Subject Property Map + Mailing List requested from GIS.

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: 26-Apr-2023

Request by strata to defer adoption until after AGM. Would be on July LTC meeting agenda

Status Date: 12-Apr-2023

EC approval

Status Date: 05-Apr-2023

Package prepared for Apr 12 EC agenda

Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
NP-SUB-2020.1	BRADFORD & MILLIKEN	05-Mar-2020	1610 Schooner Way - A subdivision referral for two lot boundary adjustment. MoTI file #: 2020-00549
Planner: Charly Caproff			
Planning Status			
Status Date: 19-Dec-2022 File re-assigned to Charly Caproff			
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.			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2022.5	Stanley Point Estates Ltd.	06-Dec-2022	Application for a temporary use permit for shipping containers.
Planner: Brad Smith			
Planning Status			
Status Date: 27-Apr-2023 Scheduled to be on agenda for May 26 LTC meeting			
Status Date: 21-Mar-2023 Application deferred to May meeting			
Status Date: 09-Mar-2023 Staff report on March 17, 2023 LTC agenda			

Applications

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2023.4	Gu, Wenjun (Aaron)	05-Apr-2023	4801 PIRATES RD: Application for a temporary use permit for a short term vacation rental.

Planner: Charly Caproff

Planning Status

Status Date: 11-May-2023

Planner Charly Caproff assigned.

Status Date: 10-May-2023

Requested Subject Property Map from GIS.

Status Date: 05-May-2023

Reached out to applicant for fee.

File Number	Applicant Name	Date Received	Purpose
NP-TUP-2023.5	Gulf Excavating Ltd	03-May-2023	4415 BEDWELL HARBOUR RD: Application for renewal of a temporary use permit for aggregate storage (gravel, sand) and redmix concrete batch plant.

Planner: Brad Smith

Planning Status

Status Date: 18-May-2023

Requires new permit, application to be updated, applicant to pay additional fee, scheduled for July 28, 2023 agenda

Status Date: 17-May-2023

Planner Brad Smith assigned.

Status Date: 08-May-2023

Reached out to applicant for fee.

Islands Trust
LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending March 2023

650 North Pender	Invoices posted to Month ending March 2023	<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	2,659.93	463.07
65210-650	LTC - Local Exp - APC Meeting Expenses	399.00	122.86	276.14
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>2,782.79</u>	<u>1,269.21</u>
Projects				
73001-650-2006	North Pender OCP/LUB	2,000.00	792.88	1,207.12
73001-650-4115	North Pender Groundwater Strategy Implementation	2,000.00	390.60	1,609.40
TOTAL Project Expenses		<u>4,000.00</u>	<u>1,183.48</u>	<u>2,816.52</u>

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2023-040 (Standing) Proposed Bylaws 224 & 229 - 4606 Razor Point Rd That the North Pender Island Local Trust Committee move to suspend bylaw enforcement on the Industrial zoned portion of 4606 Razor Point Road until the completion of Bylaw 224 and 229.	Carried	11-Mar-2023
2022-002 (Standing) Travel Trailer Enforcement that the North Pender Island Local Trust Committee direct bylaw staff to defer enforcement on unlawful dwellings, except in the following circumstances: a. There are concerns regarding health and safety; b. There are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are beings used in excess of capacity or ability as a result of unlawful dwellings; c. There are concerns of possible contamination of wells or other drinking water sources; d. Unlawful dwellings are in environmentally sensitive areas; e. There are non-permitted campgrounds; and f. That the North Pender Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of the neighbouring residents or the residents on the property subject to enforcement.	Carried	27-Jan-2022

Standing Resolutions Log

North Pender Island

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

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-072 (Standing)	Carried	04-Jul-2019
13.2 Standing Resolution - Reconciliation Report 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
16.2. Rise and Report 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
13.2 Advisory Planning Commission - Staff Memo 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.		

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2019-016 (Standing) 12.4 Adopted Policies and Standing Resolutions 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) 12.2 Retail Cannabis Licensing - Staff Report 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
2006-080 (Standing) Communications Policy 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