



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: April 4, 2025
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 - 10:25 AM
2.	TERRITORIAL ACKNOWLEDGEMENT	
3.	APPROVAL OF AGENDA	
4.	TRUSTEE REPORT	
5.	CHAIR'S REPORT	
6.	ELECTORAL AREA DIRECTOR'S REPORT	
7.	TOWN HALL AND QUESTIONS	10:25 AM - 10:40 AM
8.	COMMUNITY INFORMATION MEETING - None	
9.	PUBLIC HEARING - None	
10.	MINUTES	10:40 AM - 10:50 AM
10.1	Local Trust Committee Minutes Dated January 31, 2025 (for Adoption)	4 - 11
10.2	Section 26 Resolutions-without-meeting Report - None	
10.3	Advisory Planning Commission Minutes Dated March 4, 2025 (for Receipt)	12 - 15
11.	BUSINESS ARISING FROM THE MINUTES	
11.1	Follow-up Action List Dated Mar 2025	16 - 17
12.	DELEGATIONS	
13.	CORRESPONDENCE	

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

14.	APPLICATIONS AND REFERRALS	10:50 AM - 11:40 AM	
14.1	PL-DVP-2024-0330 (Keay) - Staff Report (attached)		18 - 43
14.2	PL-DVP-2024-0350 (Smith) - Staff Report (attached)		44 - 63
14.3	PL-DP-2025-0033 (Lansdowne) - Staff Report (attached)		64 - 143
15.	LOCAL TRUST COMMITTEE PROJECTS	11:40 AM - 12:30 PM	
15.1	Housing Access and Affordability Project - Staff Report (attached)		144 - 154
15.2	Raptor Nest Development Permit Area (DPA) Review Project Update - Staff Memo (attached)		155 - 156
16.	REPORTS	12:30 PM - 12:40 PM	
16.1	Work Program Report (attached)		
16.1.1	<u>Active Projects Report Dated Mar 2025</u>		157 - 157
16.1.2	<u>Future Projects Report Dated Mar 2025</u>		158 - 159
16.2	Applications Report Dated Mar 2025 (attached)		160 - 163
16.3	Trustee and Local Expense Report Dated Jan 2025 (attached)		164 - 164
16.4	Adopted Policies and Standing Resolutions (attached)		165 - 168
16.5	Local Trust Committee Webpage		
16.6	Islands Trust Conservancy Report Dated Feb 2025		169 - 170
17.	NEW BUSINESS	12:40 PM - 12:45 PM	
17.1	6601 Razor Point Road Covenant Update		
18.	UPCOMING MEETINGS		
18.1	Special Community Information Meeting Scheduled for April 12, 2025 at the Pender Island Community Hall		
18.2	Next Regular Meeting Scheduled for May 30, 2025 at the St Peter's Anglican Church Hall, Pender Island		
19.	TOWN HALL	12:45 PM - 1:00 PM	
20.	CLOSED MEETING (Distributed Under Separate Cover)		

20.1 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):

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

AND that the recorder and staff attend the meeting.

20.2 Recall to Order

20.3 Rise and Report

21. ADJOURNMENT

1:00 PM - 1:00 PM

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: January 31, 2025
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

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

Staff Present: Robert Kojima, Regional Planning Manager (electronic)
Brad Smith, Island Planner
Warren Dingman, Bylaw Compliance & Enforcement Manager
(electronic)
Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: There were 7 members of the public present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:00 a.m.

2. TERRITORIAL ACKNOWLEDGEMENT

Chair Maude acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

3. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

17.2 Helicopters - Discussion

By general consent, the agenda was adopted as amended.

4. TRUSTEE REPORT

Trustee Campbell reported the following:

- Attended Trust Council in December
- Attending Tiny Homes on Wheels Steering Committee meetings to gather professionals to advocate for regulatory changes

Trustee Morrison reported the following:

- Attended Committee of the Whole meetings to continue work on draft Trust Policy
- Attended discussion about Building Climate Resilient Communities
- Attended Trust Council in December and voted against proposed 2025/26 budget

5. CHAIR'S REPORT

Chair Maude reported the following:

- Attending Committee of the Whole meetings in preparation of moving draft Trust Policy Statement towards First Reading
- Attended Trust Council in December
- BC Ferries requested a consultation session during the upcoming Trust Council meetings being held in March in Nanaimo

6. ELECTORAL AREA DIRECTOR'S REPORT - none

7. TOWN HALL AND QUESTIONS

A member of the public spoke to both the impacts of increased truck traffic resulting from the potential industrial zoning on Port Washington Road. The speaker expressed their intention to submit a Freedom of Information request to determine if Trustee Campbell has received any gifts from an applicant due to Trustee Campbell's statement that he has watched hockey with the applicant.

A member of the public asked if the owner of a hotel being built on Harbour Hill Drive has put forward an application for a short-term vacation rental for property purchased on Captains Crescent that is seemingly being renovated for worker accommodations.

The Planner stated no applications have been received , and the Chair noted property being used to house workers is not a short-term vacation rental and the only way to determine unpermitted use is through a bylaw contravention complaint.

A member of the public asked if a residence on Pender Island can be rented as a short-term vacation rental if the owner does not reside in the home.

The following replies were provided:

- A short-term vacation rental is permitted through home-based business regulations which specify the requirement that someone live on the property
- An individual could apply for a Temporary Use Permit to operate a short-term vacation rental and these permits are issued at the discretion of the Local Trust Committee
- Bylaw Compliance and Enforcement staff pro-actively review vacation rental advertisements and, based on Trust Council Policy that an individual is advertising non-permitted use, new files are opened as necessary
- North Pender is not excluded from provincial regulations that require short-term vacation operators to be registered
- If North Pender opted into provincial short-term vacation regulations, enforcement would be conducted by a provincial enforcement team and any Temporary Use Permits in place might no longer be considered lawful due to conflicts with provincial regulations
- Rental periods longer than thirty days are not considered short-term vacation rentals and fall under the *BC Residential Tenancy Act*

8. COMMUNITY INFORMATION MEETING - None

9. PUBLIC HEARING - None

10. MINUTES

10.1 Local Trust Committee Minutes Dated November 29, 2024 (for Adoption)

NP-2025-001

It was MOVED AND SECONDED,

that North Pender Island Local Trust Committee amend the minutes of the November 29, 2024 meeting to move item 17.3 to follow item No. 14.3.

CARRIED

By general consent the North Pender Island Local Trust Committee minutes of November 29, 2024 were adopted as amended.

10.2 Section 26 Resolutions-without-meeting Report Dated January 2025

Received for information.

10.3 Advisory Planning Commission Minutes Dated December 13, 2024 and January 17, 2025 (for Receipt)

Received for information.

11. BUSINESS ARISING FROM THE MINUTES

11.1 Follow-up Action List Dated January 2025

Received for information.

12. DELEGATIONS

12.1 Capital Regional District – Pender Parks and Recreation Commission re: Schooner Way Trail Updates

Justine Starke, Capital Regional District (CRD) Manager, Service Delivery, Southern Gulf Islands provided the following information:

- Work on the Schooner Way Trail is commencing
- Hazardous, dead, and dying trees, as identified by a qualified arborist, will be removed
- Tree removal will occur over the next month to respect nesting windows

Pender Island Parks and Recreation Commission Project Coordinator Rob Fawcett made the following comments:

- A three-metre-wide active style trail with an engineered pathway designed to accommodate walkers and cyclists will run from Danny Martin Baseball Park to the school
- Complimentary trail system from the ferry to the school will be built by CRD Regional Parks in the future
- Have received License of Occupation from Ministry of Transportation and Transit
- Ministry of Transportation and Transit provided 850 cubic metres of material from the “Dip” project

Discussion ensued and the following comments and clarifications were noted:

- Statutory right of ways have been obtained

- Width of trail is within the design of BC Active Transportation style which allows for walkers and cyclists going both ways
- Engineer has looked at sight lines around bends and corners, proximity to road, safe distances from the edge of the asphalt, and drainage factors in trail design
- Radius of polygon of raptors nest mapping extends to the edge of Schooner Way on one property, and there are dead or dying trees within that polygon that will be removed

A Trustee noted trees within the proposed Raptors Nest Development Permit Area are being removed and Manager Starke noted that had the Development Permit Area been impacted the work would be eligible for exemptions under the guidelines.

A Trustee requested the parties pro-actively consult with Pender Islands Conservancy on all future trail work and Manager Starke indicated the Conservancy had been informed of the trail concept and invited to comment during the previous two years.

13. CORRESPONDENCE

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

13.1 Pender Islands Conservancy re Environmental Assessment

Discussion ensued and the following comments were recorded:

- The Local Trust Committee can review the Environmental Assessment report when it is received and determine if it addresses concerns raised by Pender Islands Conservancy
- Island Planner Smith noted that terms of reference for the assessment were outlined in the report
- A public consultation process would be undertaken should the Local Trust Committee give direction to draft bylaws
- The Local Trust Committee can direct the applicant to provide any additional information required to better inform the decision-making process

14. APPLICATIONS AND REFERRALS

14.1 PLDVP20240301 (Stacyszyn) - Staff Report

Island Planner Smith indicated the Development Variance Permit application is to allow a secondary suite to be 1.5% larger than the maximum 40% floor area coverage of the principal dwelling unit.

The applicant was in attendance and spoke to the application.

The Local Trust Committee had no questions for the applicant or the planner.

NP-2025-002

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee approve issuance of PL-DVP-2024-0301 (Stacyszyn).

CARRIED

The meeting was recessed for a break at 11:18 a.m. and reconvened at 11:30 a.m.

14.2 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 541 (for Response)

NP-2025-003

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee interests are unaffected by the Salt Spring Island Local Trust Committee Draft Bylaw No. 541.

CARRIED

15. LOCAL TRUST COMMITTEE PROJECTS

15.1 Housing Access and Affordability Project – Staff Memorandum

Island Planner Smith summarized the memorandum and advised the Local Trust Committee to consider extending the term of the Housing Advisory Commission to facilitate the continuation of their work.

Discussion ensued and potential topics for referral to the Advisory Planning Commission were identified and included use of alternative water sources and multi family residential opportunities.

NP-2025-004

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee requests that the Special Advisory Planning Commission on Housing be extended to a second one-year term starting on March 1, 2025.

CARRIED

15.2 Raptor Nest Development Permit Area Project – Staff Memorandum

Island Planner Smith summarized the memorandum and noted the following:

- Referral responses are being received
- Islands Trust Conservancy has provided additional information for consideration to be outlined in a report provided at an upcoming meeting
- Options for a mail out to community members were summarized
- Details about extending the QEP contractor's scope of work were outlined

Trustees highlighted the importance of sending information to all property owners where the DPA is located on their land to provide further clarity and information about the Development Permit Area.

NP-2025-005

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee directs staff to send a mail out to all property owners with parcels that contain at least a portion of the parcel proposed to be located within newly updated Development Permit Area 7 including those parcels only affected by seasonal buffering areas.

CARRIED

NP-2025-006

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee requests staff to investigate the feasibility of awarding a service contract to Caurinus Environmental Consulting to provide additional support to staff for property-owner enquiries regarding specific nesting tree locations and features in respect of the Raptor Nest Development Permit Area Review Project.

CARRIED

NP-2025-007

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee requests that staff amend the Raptor Nest Development Permit Area Review Project charter to add a budget line item for the 2025-26 fiscal year in the amount of \$5,000 for additional consultation, holding of a public hearing and contingency.

CARRIED

16. REPORTS

16.1 Work Program Report

16.1.1 Active Projects Report Dated January 2025

Received for information.

16.1.2 Future Projects Report Dated January 2025

Island Planner Smith noted Raptor Nest Item No. 2 and 3 have been moved up and Item No. 4 is being looked at part of the housing project.

NP-2025-008

It was MOVED AND SECONDED,

that North Pender Island Local Trust Committee request staff to remove Item No. 4 Accessory Dwellings from the Future Projects Report as it is already been considered as part of the housing project.

CARRIED

16.2 Applications Report Dated January 2025

Island Planner Smith will forward Trustees information on file for Application NP_SUB_2023.1 (Mayenburg), commonly known as Edgewood Estates.

16.3 Trustee and Local Expense Report Dated November 2024

Received for information.

16.4 Adopted Policies and Standing Resolutions

Received for information.

16.5 Local Trust Committee Webpage

No updates required at this time.

16.6 Islands Trust Conservancy Report Dated November 2024

Received for information.

17. NEW BUSINESS

17.1 Options for potential downzoning of 6601 Razor Point Road - Staff Memorandum

Regional Planning Manager Kojima summarized the memorandum and highlighted the following:

- Report provides background on relevant legislation
- It is possible for local governments to change zoning on a property that results in reduced development
- There are risks and legal challenges associated with downzoning
- A landowner would have the entire period that the bylaw is being considered, plus an additional twelve months after it is adopted, to get subdivision approval
- Downzoning can not remove all potential economic uses from the property
- There are options available that would affect the potential to subdivide but the current dwelling would not be affected
- Should the Local Trust Committee wish to pursue the matter the work would need to be undertaken as a minor project

Discussion ensued and the following comments and clarifications were noted:

- Timelines for completion of the current minor project were outlined
- Trustees could consider engaging the property owner in discussion and encourage them to pursue a covenant
- There is a lot of communication that needs to occur before a downzoning decision is considered

17.2 Helicopters – Discussion

Discussion about jurisdiction to regulate use of helicopters occurred and the following comments were noted:

- Bylaw Compliance and Enforcement staff investigated a complaint previously and received a legal opinion specifying helicopters are federally regulated
- There is a prohibition put into the Land Use Bylaw on heliports and helipads with the rationale being the possibility the court could issue a different decision, or federal legislation could change, providing local governments jurisdictional authority
- Affected neighbours could submit bylaw enforcement complaints that would allow bylaw enforcement staff to investigate issues unrelated to the actual landing of the helicopter

- Staff will recirculate the legal opinion that provides the definition of an aerodrome
- The Bylaw Compliance and Enforcement Manager indicated the matter has been unsuccessfully challenged in multiple jurisdictions across Canada

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled for April 4, 2024 at the St. Peter's Anglican Church Hall, Pender Island

19. TOWN HALL

There were no comments from the public.

20. CLOSED MEETING

20.1 Motion to Close Meeting

NP-2025-009

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1)(a):

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

AND that the recorder and staff attend the meeting.

CARRIED

The regular meeting was closed to the public at 12:19 p.m.

20.2 Recall to Order

The meeting was recalled to order at 12:26 p.m.

20.3 Rise and Report

Chair Maude rose and reported that the in-camera minutes of June 14, 2024 were adopted and Peter Parè, Michael Dine, Lisa Baile, Joyce Thayer, Jay Gilbert, and Theresa Barker were appointed to the Advisory Planning Commission

21. ADJOURNMENT

By general consent the meeting was adjourned at 12:27 p.m.

David Maude, Chair

Certified Correct:

Lisa Millard, Recorder

Minutes of the North Pender Island Advisory Planning Commission

Date: March 4, 2025
Location: Fireside Room, St. Peter's Church

Members Present: Lisa Baile
Theresa Barker
Mike Dine
Jay Gilbert
Peter Pare
Joyce Thayer

Staff Present: Brad Smith, Island Planner
Carly Bilney, APC Secretary (electronic)

Members of the Public: There were no members of the public present.

1. Call to Order

Chair Pare called the meeting to order at 9:08 a.m. He welcomed new members and invited them to introduce themselves.

2. Orientation for New Members

Chair Pare provided an outline of the work the Advisory Planning Commission has so far completed. He made the following comments:

- The Commission compiled a list of recommendations for the Local Trust Committee, and added an addendum after receiving feedback from the housing survey results
- The recommendations have been included in the North Pender Island Draft Housing Action Plan
- Next steps will include prioritizing the recommendations for the Local Trust Committee
- Two documents that have yet to be received are the Suitable Land Analysis and an island-wide build-out plan

3. Approval of Agenda

By general consent, the agenda was approved as presented.

4. North Pender January 17, 2025 APC Minutes (for Adoption)

By general consent, the North Pender Advisory Planning Commission minutes of January 17, 2025 were adopted.

5. Discussion of draft Housing Action Plan

Planner Smith arrived at 9:20 a.m., introduced himself, and provided an orientation for new members of the Advisory Planning Commission. He outlined the work of the present Commission and made the following comments:

- The aim is to present a draft plan and seek input from the Local Trust Committee at the April 4 meeting and at a Community Information Meeting on April 12, and to adopt the plan by the May Local Trust Committee meeting
- Considering land for a potential housing project could be explored with the Suitable Land Analysis
- A build-out analysis measures the maximum amount of dwellings that could exist on the island as it is currently zoned, and considers subdivision potential
- The Suitable Land Analysis should be presented to the Local Trust Committee in the next few months and a build-out analysis would be ready in the following term. A build-out analysis would be done by a third party and a call for proposals could be put out in May following adoption of the plan
- Next steps can be focused on zoning changes (e.g. Mayne Island has made progress with Flexible Housing zoning)

Discussion ensued and the following comments were made:

- The need for public safety in all housing initiatives was emphasized
- There needs to be a mechanism to ensure the places in which people are sleeping are safe
- The Housing Plan includes specific reference to fire safety
- A draft bylaw that references septic and potable water, with regards to safety, could also include safety inspections, sufficient water for fire suppression, and access for emergency vehicles
- Feedback can be provided about including data related to fire suppression in the Suitable Land Analysis when the project is presented
- The bylaw change should include an allowance for worker accommodation at the fire hall
- The Secondary Suite Incentive Program (BC Housing) and the Rural Housing Program (Capital Regional District) together offer up to \$80,000 in forgivable loans to build a suite to rent at under-market value for five years
- Five years is a reasonable amount of time for property owners to rent out a dwelling in exchange for increased density
- The Housing Action Plan is an overarching document and the goal is to have everything within it considered by the Local Trust Committee over the next 16 months
- There were only ten properties where the owners operated a short-term vacation rental and did not live on the land, and they held temporary use permits (TUP); the Commission recommended the Local Trust Committee not opt into Bill 35 in 2025, and not renew the TUPs
- The Housing Action Plan recommends a review of short-term vacation rental guidelines (and possibly removing reference to TUPs) and developing educational materials
- There are many more properties that are illegally operating short-term vacation rentals, but both the Islands Trust and the province have limited enforcement resources

- The impact that increased housing initiatives has had on the business community is difficult to measure
- Most businesses would express a need for safe worker housing

Planner Smith reviewed the list of goals included in the draft Housing Action Plan. The following comments were made:

- Goal 1
 - Work is underway
 - Presenting the results would include analysis of the information and identifying potential sites for higher density
 - An APC member stressed that Goals 2-4 in the plan are heavily dependent on having the Suitable Land Analysis and Build-Out Analysis completed
- Goal 2
 - This process would include a broad sweep of changes in zoning, and would include analysis of draft bylaw language that includes input from agencies, stakeholders, First Nations and community members
 - Discussion ensued about why school properties and parks are included in Action 9 that refers to rezoning for non-market housing in public land use designations; opposition was expressed to the inclusion of parks
 - Planner Smith agreed to remove parks from the planning document
 - Discussion ensued about the differences between tiny homes on wheels, recreational vehicles and manufactured homes. Planner Smith is attending a workshop related to this topic in Nanaimo and will report back to the Commission
- Goal 3
 - Involves trying to engage with community members to participate in housing initiatives
 - Planner Chadwick has done work on Mayne Island related to trading increased density for community amenities
 - We would need to consider the impact that an additional number of people would have on an existing amenity base, as well as the development cost charge
 - Elected officials have broad discretion to seek amenities (e.g. park land, affordable housing units, cash, a rec centre, etc.)
- Goal 4
 - We could do a blanket mailout so people will be cognizant of the work being done, and perhaps participate
- Goal 5
 - Input is being sought from Islands Trust's Senior Indigenous Relations Advisor Joe Elliott to seek better understanding about the housing needs of First Nations
 - All Islands Trust bylaws are referred to First Nations and a higher standard of engagement with First Nations is sought in all work

Planner Smith invited Commission members to provide feedback and noted he would update the draft Housing Action Plan based on today's discussion.

6. Communication Method

Members expressed a preference for using a link to access shared Google Docs.

7. Next Meeting

Planner Smith commented that it would be helpful to have some Advisory Planning Commission members present at the April 4 Local Trust Committee meeting and the April 12 Community Information Meeting.

The next meeting will be Tuesday, April 15 at 9:30am at St. Peter's Church.

8. Adjournment

By general consent the meeting was adjourned at 10:48 a.m.

Peter Pare, Chair

Certified Correct:

Carly Bilney, Recorder

Follow Up Action Report

North Pender Island

31-Jan-2025

Progress	Activity	Responsibility	Dates	Status
100%	1 10.1 November 29, 2024 LTC meeting minutes adopted as amended - amended to change order of 17.3 to before 14.4 as requested by LTC at start of meeting	Emily Bryant	Target: 14-Feb-2025	Completed
0%	2 14.1 PLDVP20240301 (Stacyszyn) - Permit approved as presented - staff to issue permit and close file	Emily Bryant Jas Chonk	Target: 14-Feb-2025	Completed
0%	3 14.2 SSI Bylaw No 541 - LTC responds that interests are unaffected	Jas Chonk	Target: 14-Feb-2025	Completed
0%	4 15.2 Raptor Nest DPA project 1) Staff to send letter to all property owners within buffer areas including both core and seasonal buffers (~361 properties) 2) Staff to investigate the feasibility of retaining Caurinus Environmental on contract to support raptor project to provide information support for staff consultation with property owners 3) Staff to request \$5,000 for 2025/26 fiscal for Raptor Project - DONE	Brad Smith Emily Bryant	Target: 18-Apr-2025	In Progress
100%	5 15.1 Housing Access and Affordability Project - LTC extended special APC to a new term ending March 1, 2025	Emily Bryant Jas Chonk	Target: 14-Feb-2025	Completed
0%	6 Future Project List - Staff to remove item 4. ADUs from future projects list as it is being considered in housing project	Brad Smith	Target: 31-Jan-2025	Completed

Follow Up Action Report

North Pender Island

31-Jan-2025

Progress	Activity	Responsibility	Dates	Status
100%	7 In Camera Rise and Report 1) June 14 meeting minutes adopted as presented 2) 6 members appointed to APC as presented in staff report - staff to initiate letters and send orientation packages to new members - extend invite to new members for March 4 meeting	Emily Bryant Jas Chonk	Target: 14-Feb-2025	Completed

DATE OF MEETING: April 4, 2024
TO: North Pender Island Local Trust Committee
FROM: Brad Smith
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Variance Permit – Dock and Associated Walkway
Applicant: Charles Keay
Location: 2603 Galleon Way

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit application NP-PL-DVP-2024-0330 (Keay).

REPORT SUMMARY

The purpose of the report is to consider a Development Variance Permit (DVP) application to permit the siting of an existing residential dock structure and associated upland walkway located at 2603 Galleon Way.

RATIONALE FOR VARIANCE

The above recommendation is supported as:

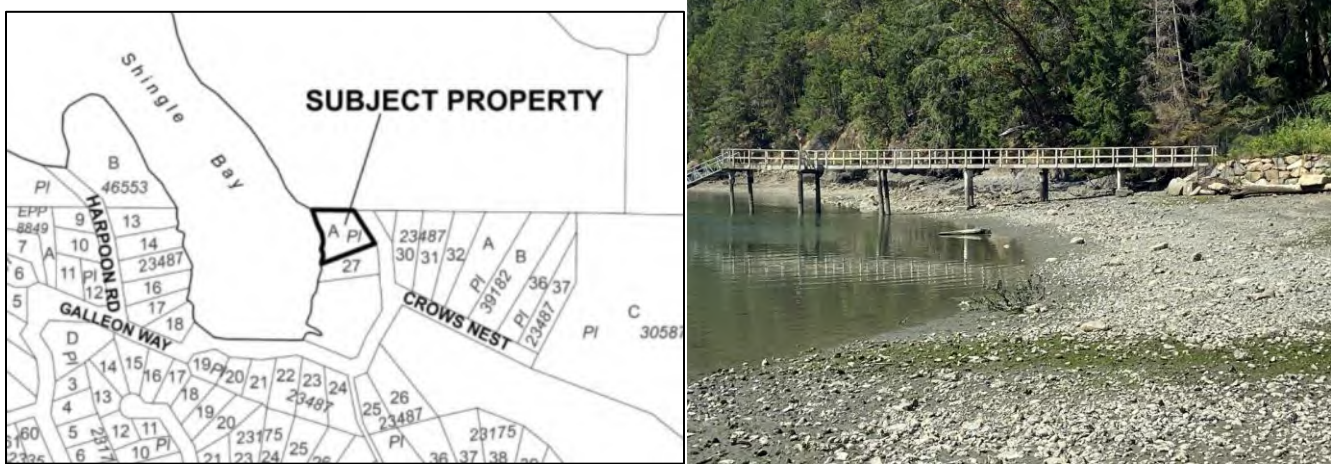
- The dock has been in place since the 1980's and no new construction or land disturbance is required;
- Authorization is in place for the dock structure to be located in the National Park Reserve Marine Area;
- The variances are relatively minor and are not impactful to neighbours or the natural environment;
- The proposed variances do not challenge the intent of the regulation; and,
- There were no concerns raised during the notification period.

BACKGROUND

The subject property is located at 2603 Galleon Way (Figure 1). The lot is built out with a residential dwelling and associated structures.

The dock structure was built in the early 1980's. At that time, lot setback bylaw provisions, including the 3 m seaward projection, were in place, so the dock structure is not legal non-conforming in respect of siting. As such, the property owner is now seeking to bring the dock structure and an associated upland concrete walkway into compliance with the North Pender Island Land Use Bylaw No. 224 (LUB).

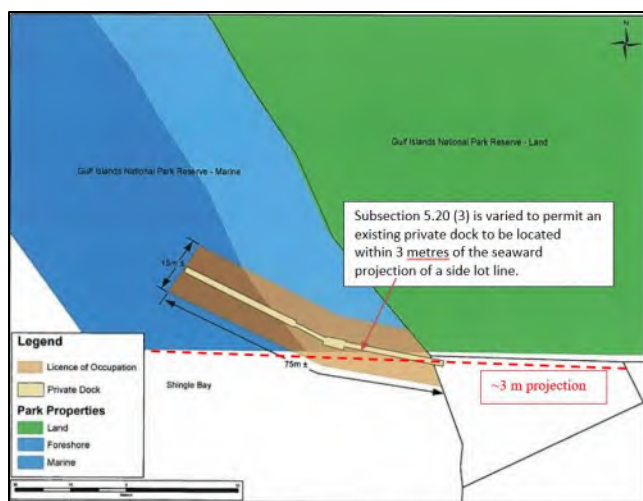
Figure One - Subject Property and Dock Structure



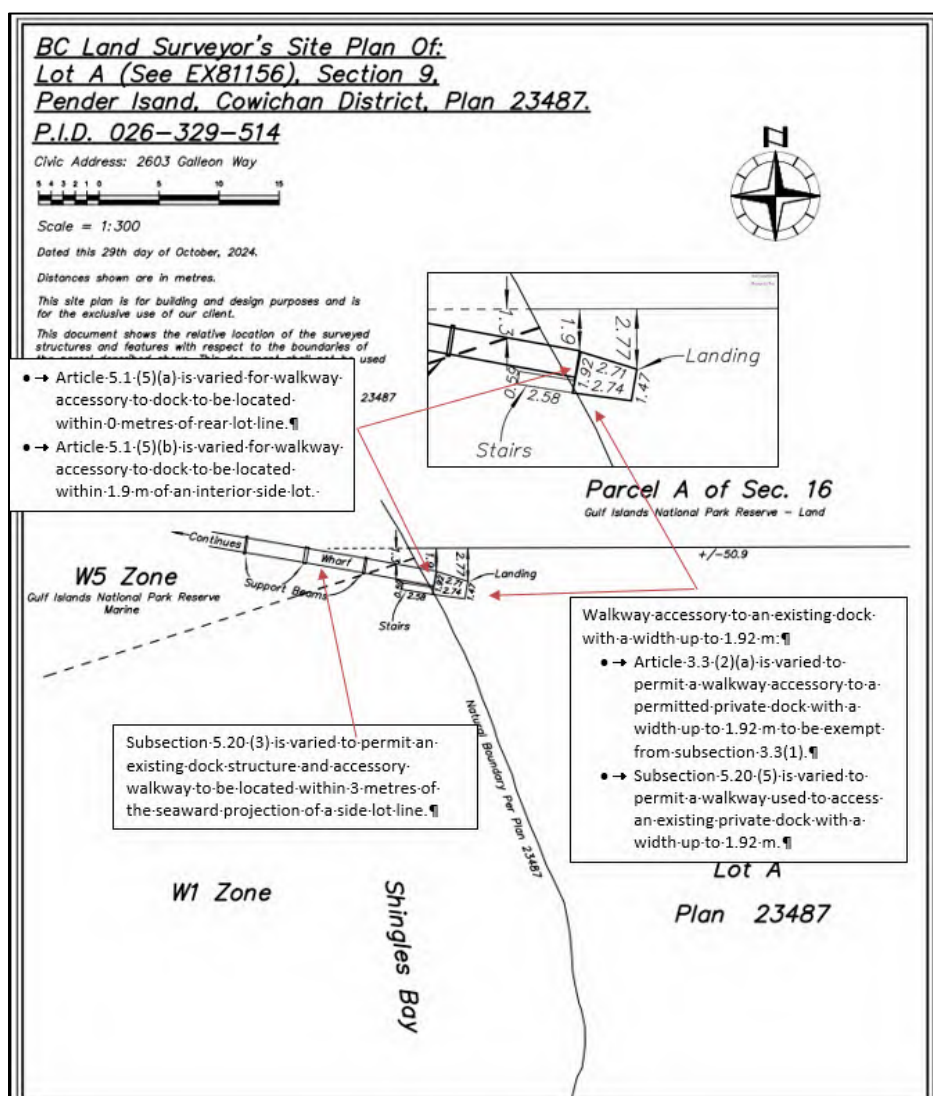
The specific LUB variances being sought are:

- a) Article 3.3 (2)(a), which states that the following 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*, is varied to permit a walkway accessory to a permitted private dock structure with a width up to 1.92 metres to be exempt from subsection 3.3 (1).
- b) Article 5.1 (5)(a), which states that the minimum setback for any building or structure shall be 7.6 metres from any front or rear lot line, is varied to permit a walkway accessory to a permitted private dock to be located within 0 metres of a rear lot line.
- c) Article 5.1 (5)(b), which states that the minimum setback for any building or structure shall be 3 metres from any interior side lot line, is varied to permit a walkway accessory to a permitted private dock to be located within 1.9 m of an interior side lot line.
- d) Subsection 5.20 (3), which states that no structure may be located within 3 metres of the seaward projection of any side lot line of the abutting upland lot, is varied to permit the siting of permitted private dock structure and accessory walkway located within 3 metres of the seaward projection of a side lot line.
- e) Subsection 5.20 (5) which states that 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, is varied to permit a walkway used to access an existing private dock with a width up to 1.92 m.

To help the LTC understand the seaward projection provision, the image below shows the approximate extension of the 3 m projection from the upland lot line, with the dock extending across that projection.



The variances are further shown on the following site plan drawing that is included in the draft permit:



Staff walked the foreshore area abutting the subject property in December 2024 including the location of the dock. No concerns were noted. Additional site context is included in Attachment 1 and maps and photos are

included in Attachment 2. A copy of the proposed permit and statutory notice is included as Attachments 3 and 4. A rationale letter from the applicant is included as Attachment 5.

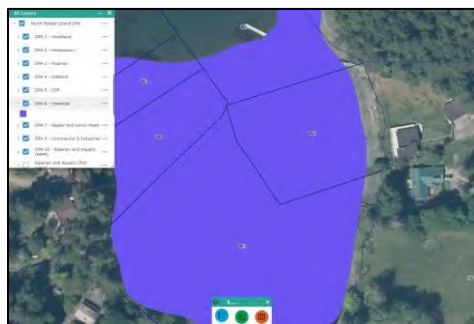
ANALYSIS

Policy/Regulatory

Official Community Plan

The subject parcel is designated as Rural Residential in the North Pender Island Land Use Official Community Plan (OCP) No. 171, 2007. The uses on the lot are consistent with the residential policies of the OCP.

There is Development Permit Area 6 - Intertidal (DPA 6) located within the foreshore where the dock is located. However, as the dock has been in place prior to the establishment of DPA 6, and no new unpermitted construction or development has occurred, it is exempt from the requirement for a development permit.

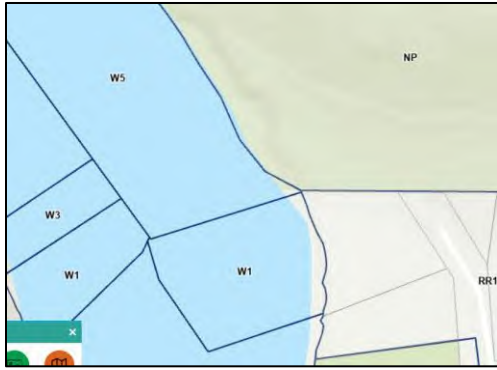


Land Use Bylaw

The upland subject parcel is zoned Rural Residential 1 (RR1) in the LUB. The current upland residential uses comply with LUB use and density provisions.

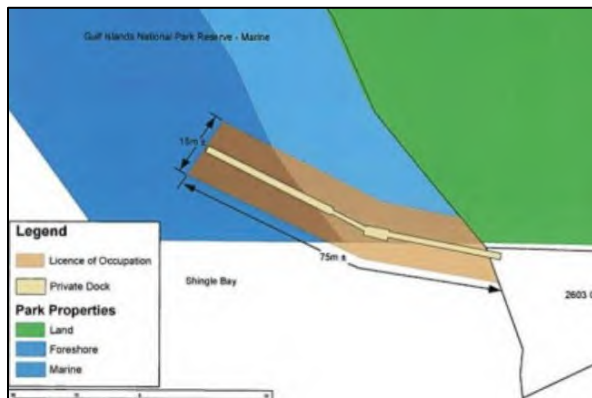
The dock structure requiring variance extends from the subject parcel into the Water 1 and the Water 5 zones. The Water 1 zone permits one private dock per abutting upland residential lot. The Water 1 zone includes a provision that no structure may be located within 3 metres of the seaward projection of any side lot line of the abutting upland lot. The dock structure also encroaches into rear and side lot setbacks, and the associated upland concrete walkway is wider than permitted.

The dock extends into the Water 5 (W5) zone. The W5 zone, which is located in the National Park Marine Area, does not permit docks. However, this more restrictive zoning was established after dock construction when the upland portion also became National Park, so the dock is legally non-conforming in respect of zoning and the dock use is permitted.



Federal Authorization

An existing federal Licence of Occupation is in place for the dock to be sited within the National Park Marine Area, as shown below:



Issues and Opportunities

Impact on Neighbouring Properties and Natural Environment

The impacts on the neighbouring properties are minimal as the dock has been in place for several years, there are no immediate dwellings with site lines affected, and the lot most potentially affected to the immediate north of the subject parcel is National Park Reserve land with no active foreshore use or structures. Environmental impact is also minimal as no new construction or development is required, and the dock is permitted to be located in the National Park Reserve marine area by the federal government. At the time of writing this report, there have been no concerns raised by neighbours in response to the DVP notification.

The Intent of the Regulation being Varied

The overall purpose of the zoning requirements with respect to lot setback and seaward projection and maximum upland walkway width are to:

- Limit the impact of shoreline and marine development on adjacent properties and the environment.
- Establish a consistent development pattern for docks within the Trust Area.

- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintain a rural character.
- Establish certainty with respect to residential development by maintaining consistent siting regulations.

Potential Impacts of Granting the Variance

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

In this case, staff are of the view that the variances are reasonable as the dock and associated walkway have been in place for several decades with no issues or complaints, there is minimal impact on adjacent properties or the environment, no new construction or habitat disturbance is required, and the variances are relatively minor.

Seawall Revetment

Recent work has been completed to construct a foreshore revetment structure on the subject property. This work was authorized by the North Pender Island Board of Variance (NP-BOV-2021.2). Staff have reviewed the BOV conditions for construction and consider the work to be complete and in compliance including revegetation and other restoration requirements.



Consultation

DVP Notices were circulated to surrounding property owners and residents as per statutory requirements. The notification period ended at 4:30 pm, March 26, 2025. Staff have received no responses from neighbouring residents at time of report writing. Responses received after the publishing of this staff report will be provided to the LTC prior to the April 4 meeting, and spoken to by staff at that meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. There are archaeological sites identified on the provincial RAAD site in the immediate area, but there is archaeological potential identified in the area.

By copy of this report, the owners and applicant should be aware that there is a chance that the upland lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*.

Recommendation

The recommendation on page 1 is supported as:

- The dock has been in place since the 1980’s and no new construction or land disturbance is proposed;
- Provincial and Federal authorizations are in place for the dock structure;
- The variances are relatively minor and are not-impactful to neighbours or the natural environment;
- The proposed variances do not challenge the intent of the regulation; and,
- There were no concerns raised during the notification period.

ALTERNATIVES

1. Request further information

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

Recommended wording for the resolution is as follows:

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

2. Deny the application

The LTC may deny the application(s).

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny Development Variance Permit application NP-PL-DVP-2024-0330 (Keay).

Submitted By:	Brad Smith, Island Planner	March 11, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	March 11, 2025

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Draft Permit
4. Notice
5. Rationale Letter from Applicant

ATTACHMENT 2 – SITE CONTEXT – 2603 GALLEON WAY

LOCATION

Legal Description	LOT A (SEE EX81156) SECTION 9 PENDER ISLAND COWICHAN DISTRICT PLAN 23487
PID	026-329-514
Civic Address	2603 Galleon Way, North Pender Island
Lot Size	0.31 ha (0.76 ha)

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential, Water 1, Water 6, National Park, Community Park

HISTORICAL ACTIVITY

File No.	Purpose
NP-BOV-2021.2	Variance for construction of foreshore revetment structure
NP-BP-2021.14	Renovation and addition to existing single family dwelling and garage

POLICY/REGULATORY

Official Community Plan Designations	North Pender Island OCP No. 171, 2007 Designation: Rural Residential (RR) Intertidal DPA
Land Use Bylaw	North Pender Island LUB No. 224 Zoning: Rural Residential 1 (RR1)
Other Regulations	None
Covenants	None
Bylaw Enforcement	NP-BE-2022.19 – concerns raised around seawall revetment construction – work authorized, file closed

SITE INFLUENCES

Islands Trust Conservancy	N/A
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	Ecosystems at Risk - <i>CDC:Pseudotsuga menziesii</i> / <i>Mahonia nervosa</i> Marine Critical Habitat - Marbled Murrelet, Southern Resident Killer Whale
Sensitive Ecosystems	Littoral ecosystem near foreshore – Young forest in adjacent National Park
Hazard Areas	None
Archaeological Sites	There are no registered archaeological sites identified on the provincial RAAD site in the immediate area, however there is archaeological potential identified in the area. By copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain

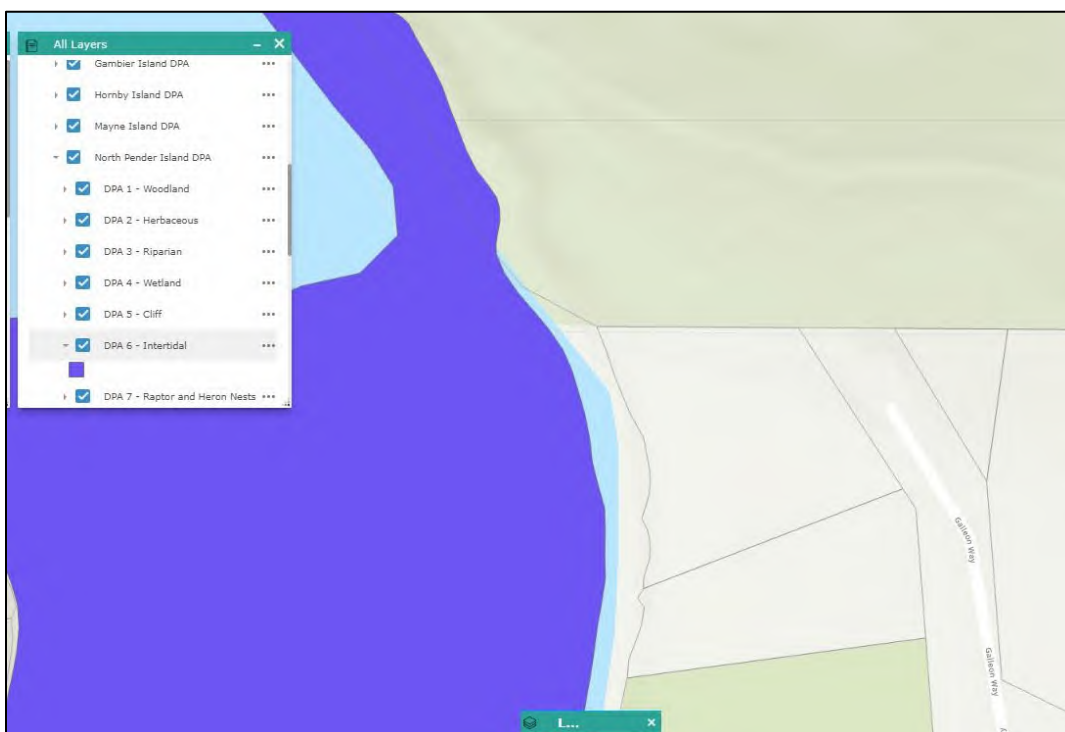
	previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> .
Climate Change Adaptation and Mitigation	N/A

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

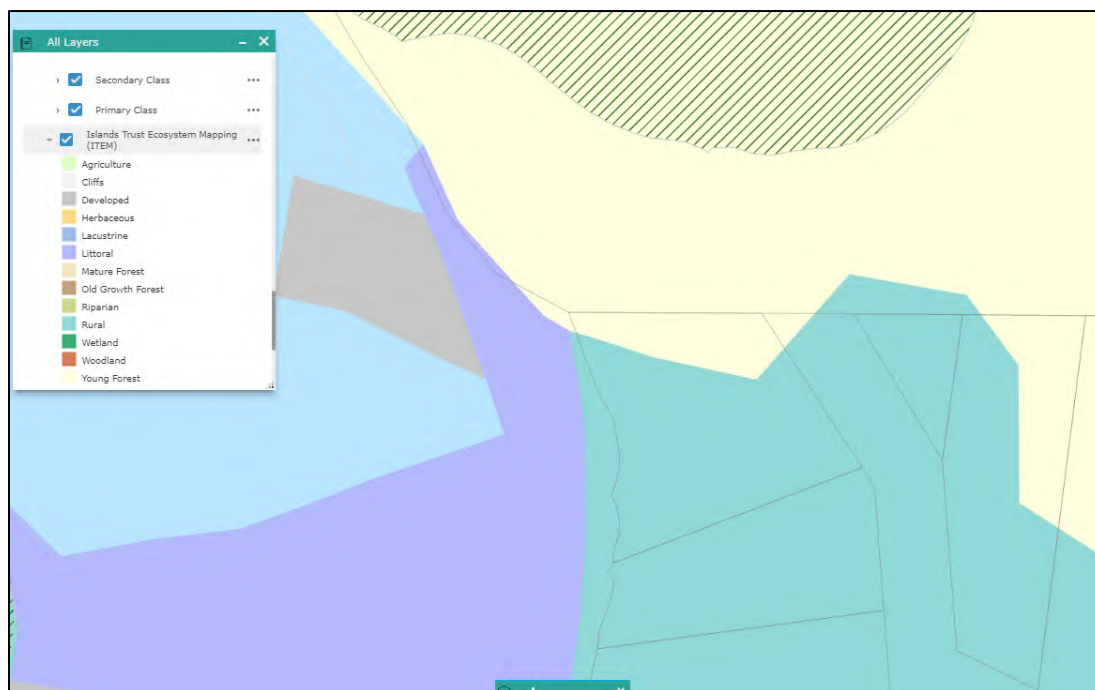
2.1 ORTHOPHOTO AND ZONING



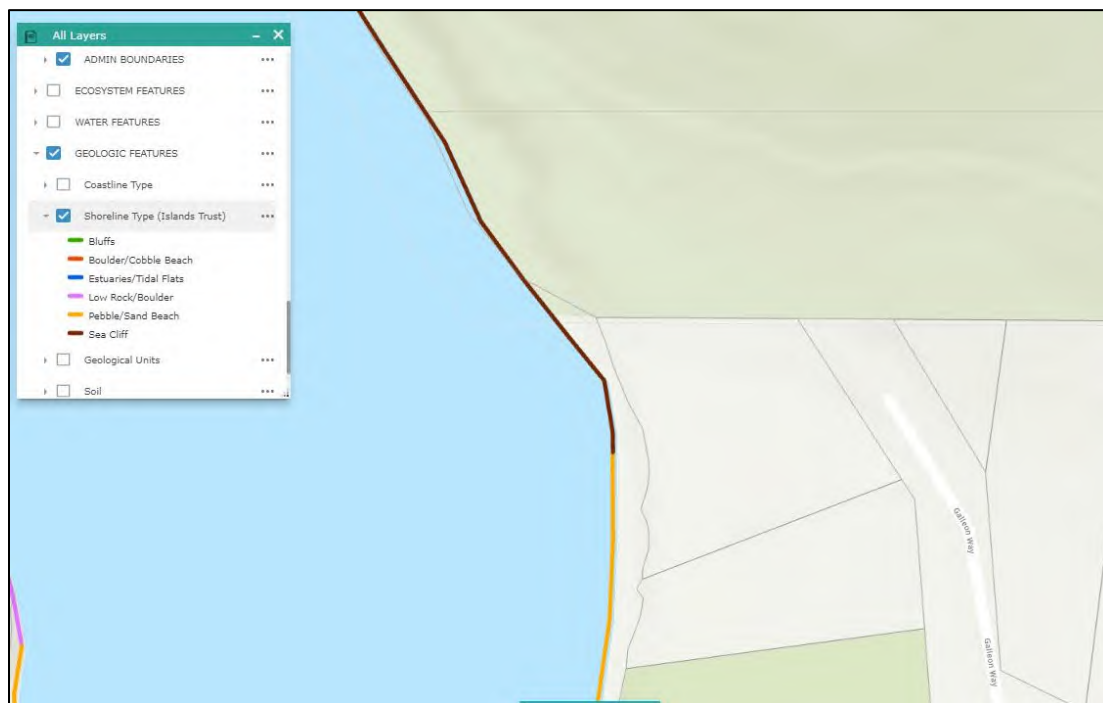
2.2 DPAs



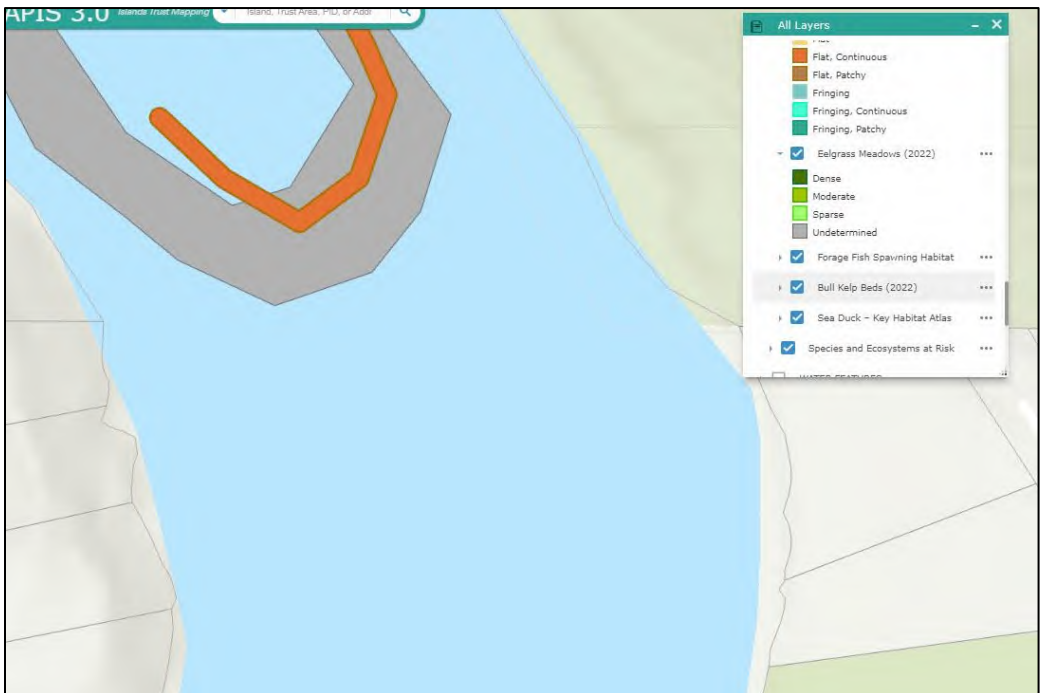
2.3 SENSITIVE ECOSYSTEM MAPPING



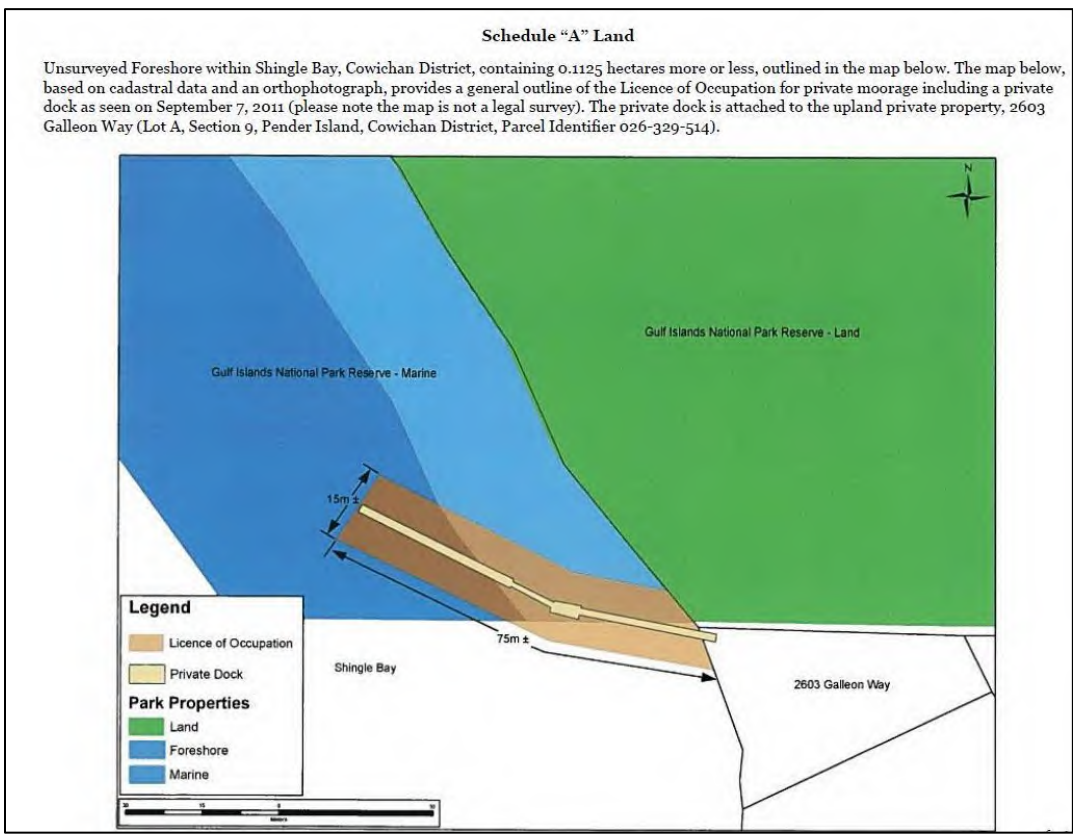
2.4 SHORELINE UNITS



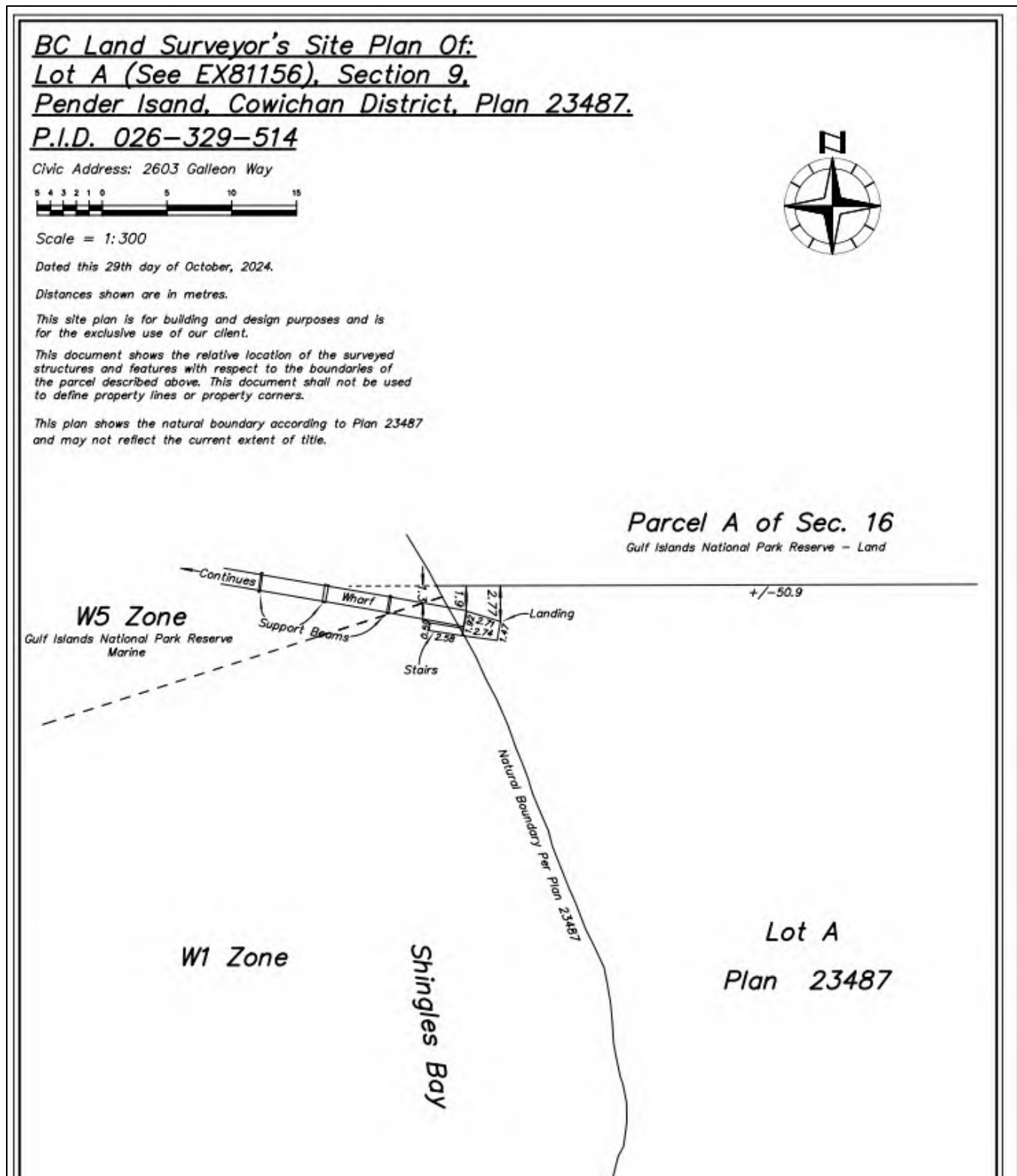
2.5 MARINE ECOSYSTEMS



2.6 LICENCE OF OCCUPATION AREA



2.7 SITE PLAN



2.8 PHOTOGRAPHS





**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
PLDVP20240330**

To: Charles and Jane Keay

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

LOT A (SEE EX81156) SECTION 9 PENDER ISLAND COWICHAN DISTRICT PLAN 23487
PID: 026-329-514

2. North Pender Island Land Use Bylaw No. 224, 2022 is varied as follows:

- a) Article 3.3 (2)(a), which states that the following 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*, is varied to permit a walkway accessory to a permitted private dock structure with a width up to 1.92 metres to be exempt from subsection 3.3 (1).
- b) Article 5.1 (5)(a), which states that the minimum setback for any building or structure shall be 7.6 metres from any front or rear lot line, is varied to permit a walkway accessory to a permitted private dock to be located within 0 metres of a rear lot line.
- c) Article 5.1 (5)(b), which states that the minimum setback for any building or structure shall be 3 metres from any interior side lot line, is varied to permit a walkway accessory to a permitted private dock to be located within 1.9 m of an interior side lot line.
- d) Subsection 5.20 (3), which states that no structure may be located within 3 metres of the seaward projection of any side lot line of the abutting upland lot, is varied to permit the siting of permitted private dock structure and accessory walkway located within 3 metres of the seaward projection of a side lot line.
- e) Subsection 5.20 (5) which states that 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, is varied to permit a walkway used to access an existing private dock with a width up to 1.92 m.

The development shall be consistent with Schedule 'A' and 'B' attached to and forming 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. 224, 2022” 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 ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF XX, 2025.

Deputy Secretary, Islands Trust

Date of Issuance

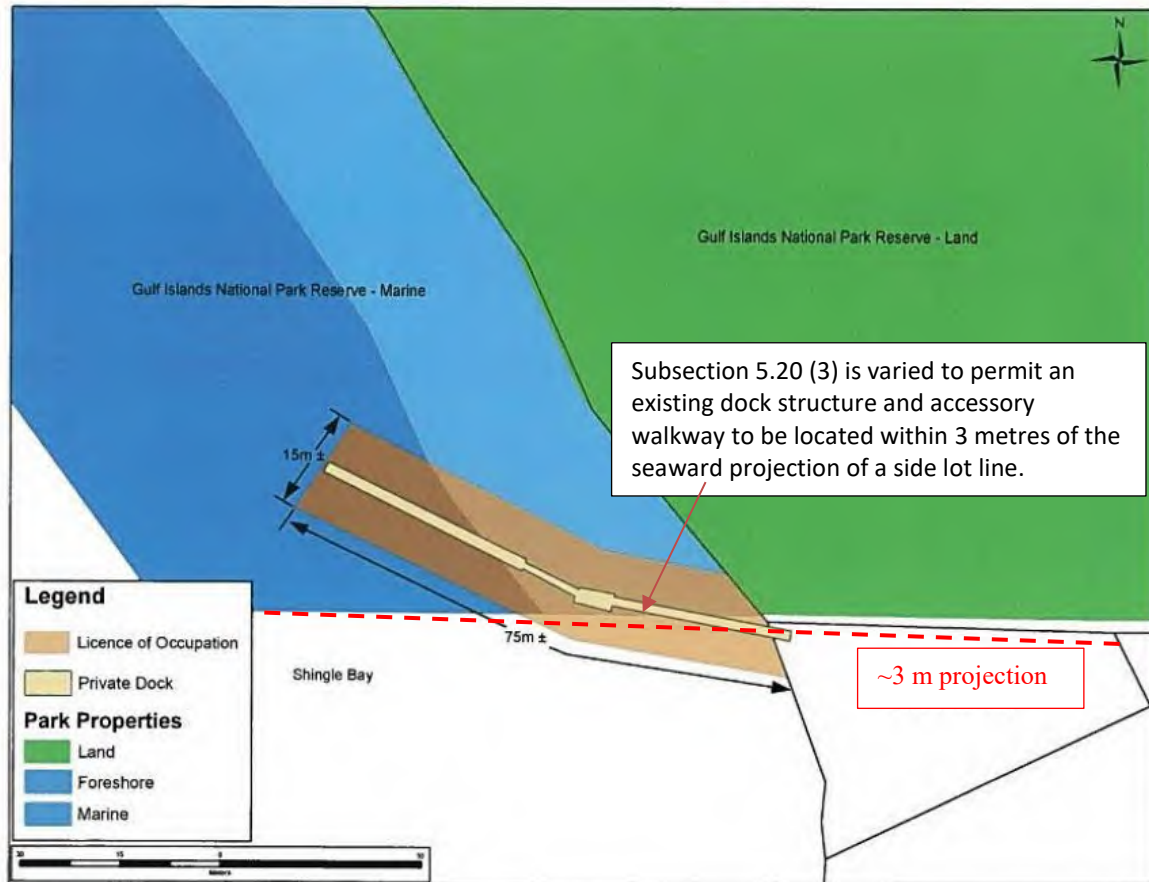
IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##TH DAY OF MONTH, 2027 THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
PLDVP20240330

SCHEDULE 'A' – LICENCE OF OCCUPATION AREA

Schedule "A" Land

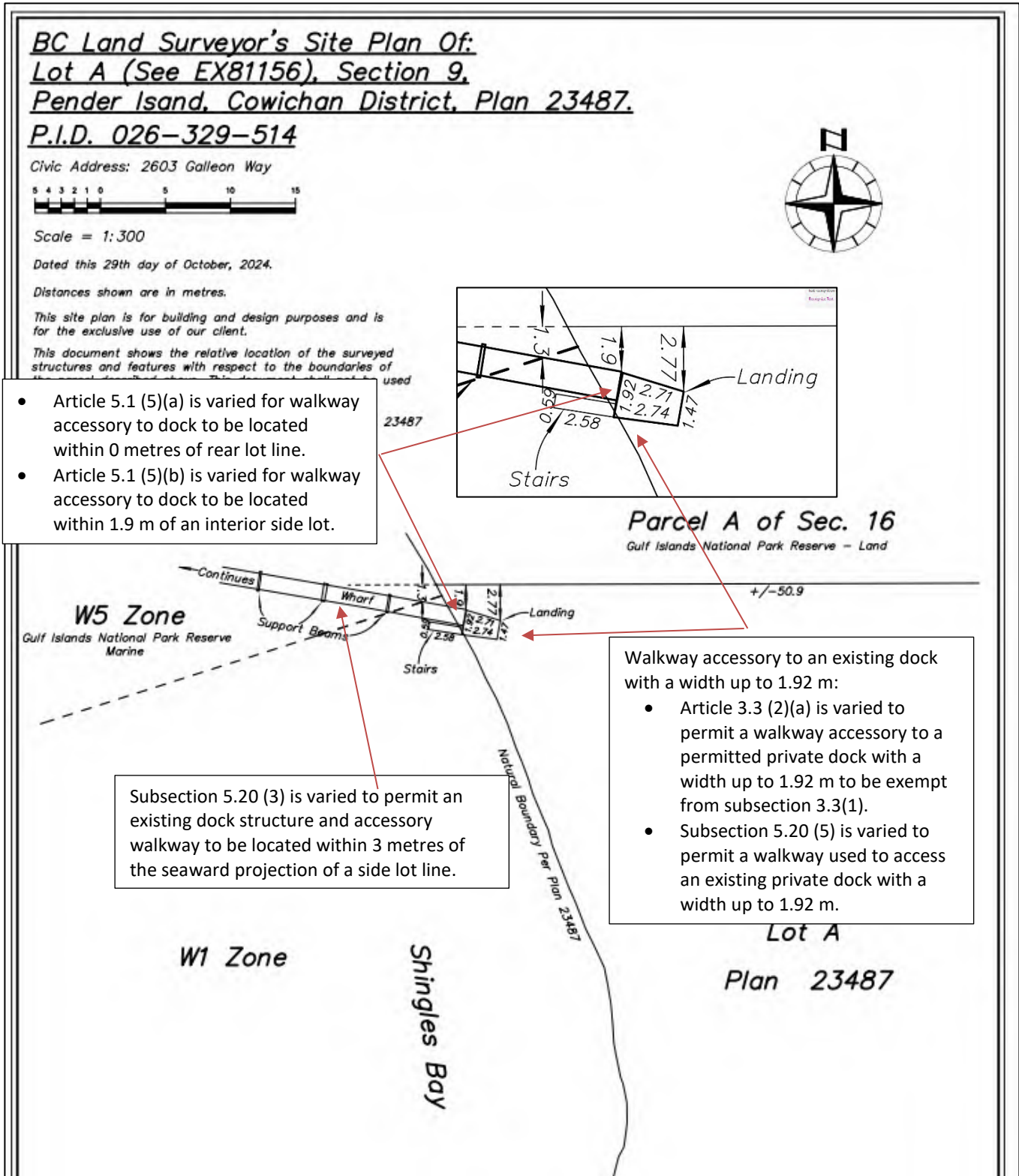
Unsurveyed Foreshore within Shingle Bay, Cowichan District, containing 0.1125 hectares more or less, outlined in the map below. The map below, based on cadastral data and an orthophotograph, provides a general outline of the Licence of Occupation for private moorage including a private dock as seen on September 7, 2011 (please note the map is not a legal survey). The private dock is attached to the upland private property, 2603 Galleon Way (Lot A, Section 9, Pender Island, Cowichan District, Parcel Identifier 026-329-514).



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

PLDVP20240330

SCHEDULE 'B'



NOTICE
PLDVP20240330
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

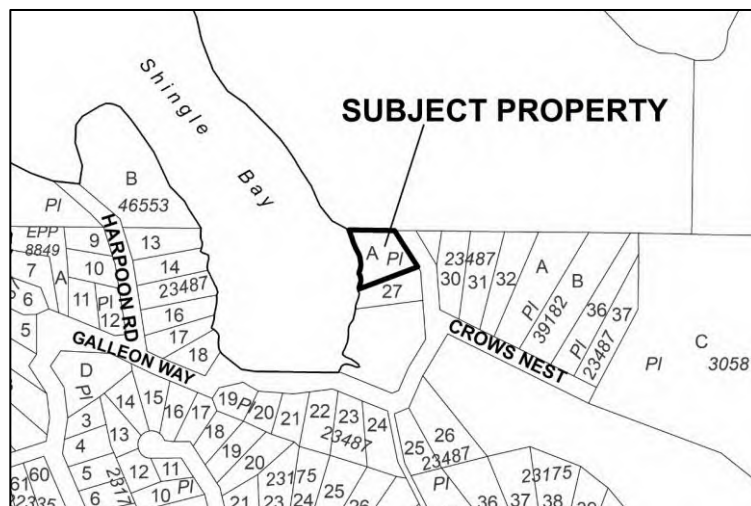
NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the North Pender Island Land Use Bylaw No. 224, 2022 by:

- Permitting the siting of an existing private dock structure and walkway to be located within 3 metres of the seaward projection of a side lot line and within rear lot and interior side lot setbacks;
- Permitting an existing walkway accessory to the dock to have a width greater than the maximum allowed.

The property is located at **2603 Galleon Way** and is legally described as:

LOT A (SEE EX81156) SECTION 9 PENDER ISLAND COWICHAN DISTRICT PLAN 23487
 PID: 026-329-514

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 **March 14, 2025** and continuing up to and including **March 26, 2025**.

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 at (250) 405-5194, 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, **March 26, 2025**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular meeting starting at **10:00 a.m.** on **April 4, 2025**, to be held at the **St. Peter's Anglican Church Hall**, 4703 Canal Rd, North Pender Island.

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.

Brad Smith
Southern Team

Islands Trust
200-1627 Fort Street
Victoria BC, V8R 1H8
250-405-5170
bsmith@islandstrust.bc.ca

December 4, 2024

Re: 2603 Galleon Way: Development Variance Permit Application

Dear Mr. Smith,

I am writing to formally request approval of a development variance permit for the size of an existing walkway structure and siting of an existing dock and walkway structure located at 2603 Galleon Way, North Pender Island. Along with my mother, Jane Keay, we are the owners of 2603 Galleon Way.

Variance Details:

Variance #1:

Bylaw:

North Pender Land Use Bylaw No. 224, Section 3.3 (2)(a): Siting and Setback Regulations

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

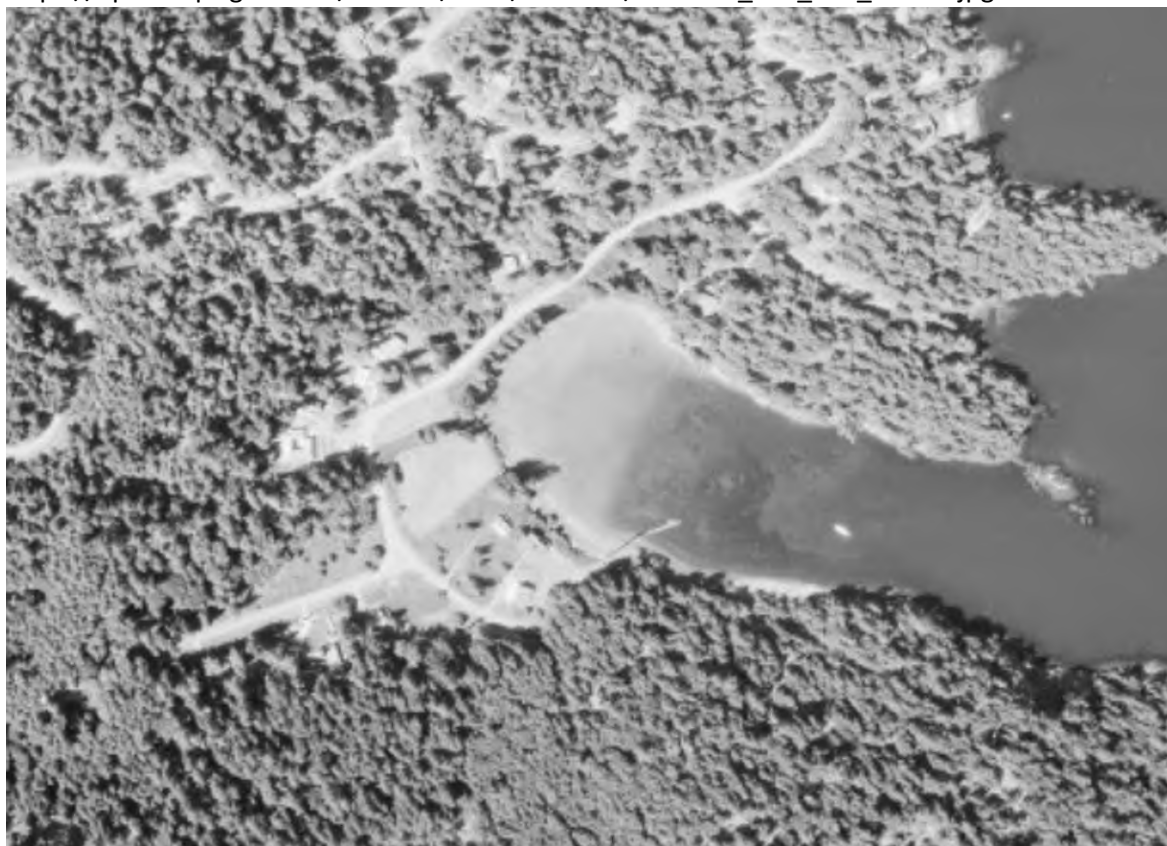
Summary:

Per the legal survey attached in this application, the concrete walkway and stair structure adjacent to the wood dock structure measure 1.92 m in width at its widest point. The length of the concrete walkway is 2.74 m at its longest point. The stairs adjacent to the wood dock structure are 0.59 m in width and 2.58 m in length.

The concrete walkway structure is assumed to have been built concurrent to the wood dock structure, as a concrete structure supports the wood dock structure and is integrated with the concrete walkway. The earliest aerial photography from the Government of British Columbia, dating back to 1985, shows the dock structure in its current location. It is unclear if the concrete walkway is present. We became owners of the property in 2020 and have made no improvements or modifications to these structures.

Below is the historical aerial photograph and current photos of the walkway structure.

https://openmaps.gov.bc.ca/thumbs/1985/bc85013/bc85013_174_12n_thumb.jpg







Request for Variance:

To permit the existing concrete walkway structure to remain in place, unchanged.

Rationale for Variance:

When the dock structure was completed in 1985 or earlier, the land use bylaw in effect was North Pender Island Zoning Bylaw No. 5. There were no limitations within Bylaw No. 5 limiting the size of dock (private float) walkways at the time of construction. Our interpretation is that the concrete walkway structure was built at the same time as the wood dock structure and that this is a legal non-conforming use, however, as the aerial photograph resolution is not clear enough to determine if the concrete walkway is present, we are requesting a variance.

The variance required for the existing walkway size relative to the current sizing requirements is minor. The width is 0.7 m more than the permitted size. The function of the walkway is integral to the dock structure, as it is supporting the wood dock structure as it meets the land. Removing this structure or reducing its size would be challenging and require disturbing the natural environment.

Our immediate neighbour to the north of this structure is Gulf Islands National Park, with whom we have a licence to occupy their lands with this dock structure. Our neighbour immediately to the south, 2605 Galleon Way, has previously supported in writing our foreshore revetment structure application that was approved in 2022. This relatively small concrete pad is not visible and has no impact on the use and enjoyment of their property.

Variance #2 & 3:

Variance #2 Bylaw:

North Pender Land Use Bylaw No. 224, Section 5.1 (5)(b): Rural Residential 1 (RR1) Zone, Siting and Size

The minimum setback for any building or structure shall be: 3 metres from any interior side lot line

Variance #3 Bylaw:

North Pender Land Use Bylaw No. 224, Section 5.20 (3): Water 1 (W1) Zone | Siting and Size

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

Summary:

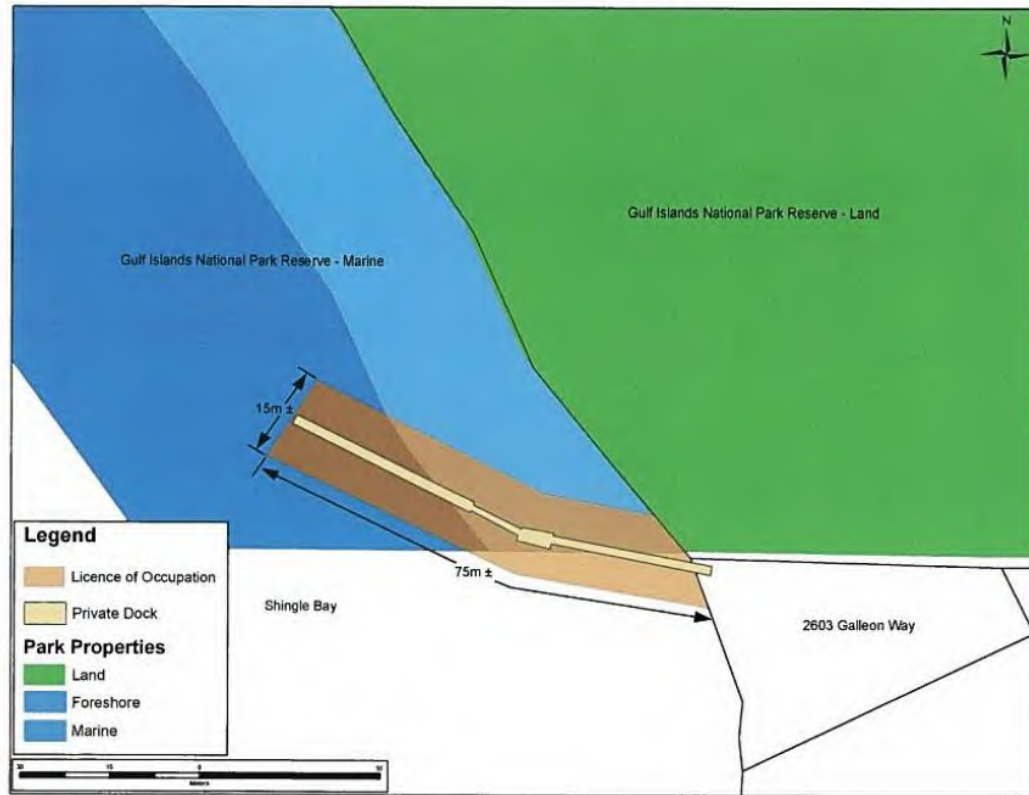
Both variances concern the 3-meter interior side lot line setback and the 3-meter seaward projected side lot line setback. As such, we will address them together in this summary and rationale.

The earliest aerial photography from the Government of British Columbia, dating back to 1985, shows the dock structure in its current location. Since purchasing this property in 2020, we have made no changes or modifications to the dock structure.

During our due diligence before purchasing the property on November 20, 2020, we were provided with an existing Licence of Occupation. This licence, issued by Her Majesty the Queen, in right of Canada, represented herein by the Minister of the Environment for the purposes of the Parks Canada Agency, granted the previous owner permission to use and occupy a specific parcel of land located in Gulf Islands National Park Reserve, including portions of Shingle Bay, North Pender Island, as outlined in Schedule "A," which is included below.

Schedule "A" Land

Unsurveyed Foreshore within Shingle Bay, Cowichan District, containing 0.1125 hectares more or less, outlined in the map below. The map below, based on cadastral data and an orthophotograph, provides a general outline of the Licence of Occupation for private moorage including a private dock as seen on September 7, 2011 (please note the map is not a legal survey). The private dock is attached to the upland private property, 2603 Galleon Way (Lot A, Section 9, Pender Island, Cowichan District, Parcel Identifier 026-329-514).



On November 20, 2020, the licence was renewed for a 5 year period with Parks Canada.

Per the included legal site survey, the following encroachments are noted:

1. **RR1 Zone:** The walkway and a small portion of the dock encroach on the 3-meter interior side lot line setback. This lot line is shared with Gulf Islands National Park.
2. **Water 1 Zone:** The dock structure lies within 3 meters of the seaward projection of the interior side lot line.
3. **Water 5 Zone:** The dock structure crosses over the seaward projection of the interior side lot line. The land use bylaw notes that "the Federal Crown is not subject to local government regulations, including zoning. Uses consistent with the *Canada National Parks Act* and other approved Gulf Islands National Park Reserve management plans are generally permitted on lands, including submerged lands, in the National Park Reserve."

Request for Variance:

To permit the existing siting of the dock structure to remain in place, unchanged.

Rationale for Variance:

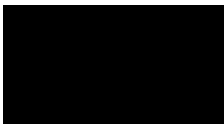
While the dock and walkway encroach on the 3-meter setback, we hold a valid Licence of Occupation with Parks Canada permitting the occupation of these areas.

Relocating the dock is not feasible and would cause significant environmental disruption. Furthermore, such relocation is unnecessary, as Parks Canada has explicitly authorized the siting of our dock in this location. The dock has been in existence for at least 39 years, in plain sight within Shingle Bay, and to our knowledge there have been no complaints or concerns filed with Islands Trust over its siting in relation to Gulf Islands National Park.

Since acquiring the property, we have committed substantial time and resources to its maintenance and improvement. For example, in our previously approved Board of Variance application for a foreshore revetment structure, we addressed the degradation of the foreshore. We replaced a decaying wood pile seawall installed by previous owners, with a structure designed in alignment with the Islands Trust's preferred Green Shores approach. This project has now undergone two years of vegetation establishment and recently achieved Green Shores Silver certification.

We deeply respect our property and take great effort to care for it, we ask the Land Trust Committee to approve the requested variances.

Sincerely,

A solid black rectangular box used to redact the signature of Charles Keay.

Charles Keay



File No.: PL-DVP-2024-0350

DATE OF MEETING: April 4, 2025

TO: North Pender Island Local Trust Committee

FROM: Bruce Belcher, Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: PL-DVP-2024-0350
Applicant: Doug Smith
Location: 5410 Hooson Road, North Pender Island

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of PL-DVP-2025-0350.

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) to vary the maximum height and number of storeys for an accessory building from 4.6 metres and one storey, to 8.61 metres and two storeys for an existing agricultural building to be converted to an accessory building.

RATIONALE FOR VARIANCE

The applicant's rationale for the variance is to save and repurpose the existing barn and use the building as a shop, office, and storage space. The barn is a long-standing structure with no additions proposed that would create any new impacts on neighbours, and predates the current owners purchase of the property.

BACKGROUND

The variance application is following an Islands Trust Preliminary Plan Review for proposed alterations and a change of use for the existing barn on the property. Staff identified that since the building was changing its use from an agriculture building to an accessory building its current height and storeys would be non-conforming with the North Pender Land Use Bylaw No. 224, 2022 (LUB).

The specific variance to the LUB is as follows:

- a) Subsection 3.4 (3) which states that *an accessory building or structure may not exceed 4.6 metres in height and one storey* is varied to permit the conversion of an existing barn to an accessory building (workshop, office, and storage) with a maximum height of 8.61 metres and two storeys.

The subject lot is located at 5410 Hooson Road on North Pender Island. The parcel is zoned as Rural (R) and is 4.19 ha (10.348 ac) in area. The existing barn is sited lawfully on the property 7.73 metres from the interior side lot line which has a minimum required setback of 6.10 metres.

Additional to the existing barn, the property has a principal dwelling currently under construction, and an accessory carport under construction, as well as an existing greenhouse. The converted building would have a floor area of 183.54 m², bringing the estimated total floor area of all buildings on the lot to 325m² and well under the maximum permitted floor area of 3000m² for a parcel of this size. The existing lot coverage is also well below the maximum permitted coverage of 25% which would equal 10,475m².

A copy of the notice and proposed permit PL-DVP-2024-0350 are included with this report as Attachment 4 and 5. The applicant has provided a letter explaining their rationale for the variance application included as Attachment 3. Staff completed a site visit on the property on March 24th, photos of the site are included as Attachment 2.

If the application is denied, the owners could apply to the Board of Variance or alter the plans to conform with the LUB.

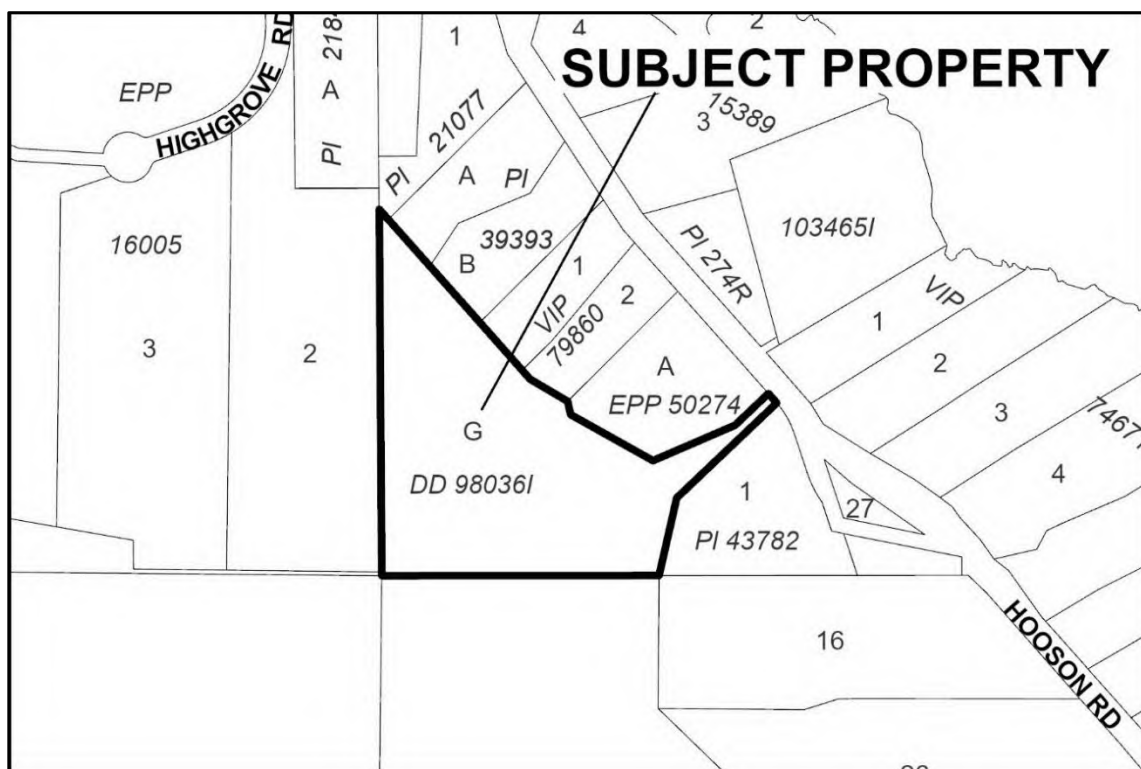


Figure 1 - Subject Property Location

ANALYSIS

Intent of Regulations being varied

The overall purpose of the maximum height and storey regulations are to minimize impacts on adjacent properties related to:

- Limiting the visual impact of development on adjacent properties;
- Establishing consistent development patterns within a local area;
- Protecting view, scenic areas, and distinctive features contributing to the overall visual quality and scenic value of the Trust Area;
- Maintaining rural character;
- Establishing certainty with respect to development by maintaining consistent height regulations.

Land Use Bylaw

The parcel is zoned Rural in the LUB. Among other permitted uses this zoning permits agriculture uses and accessory uses, buildings and structures.

- Agriculture is defined as the use of land, buildings or structures for a farm operation.
- Accessory is defined as, 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.

Granting a variance does not exempt an owner from complying with the permitted uses within the property's zone.

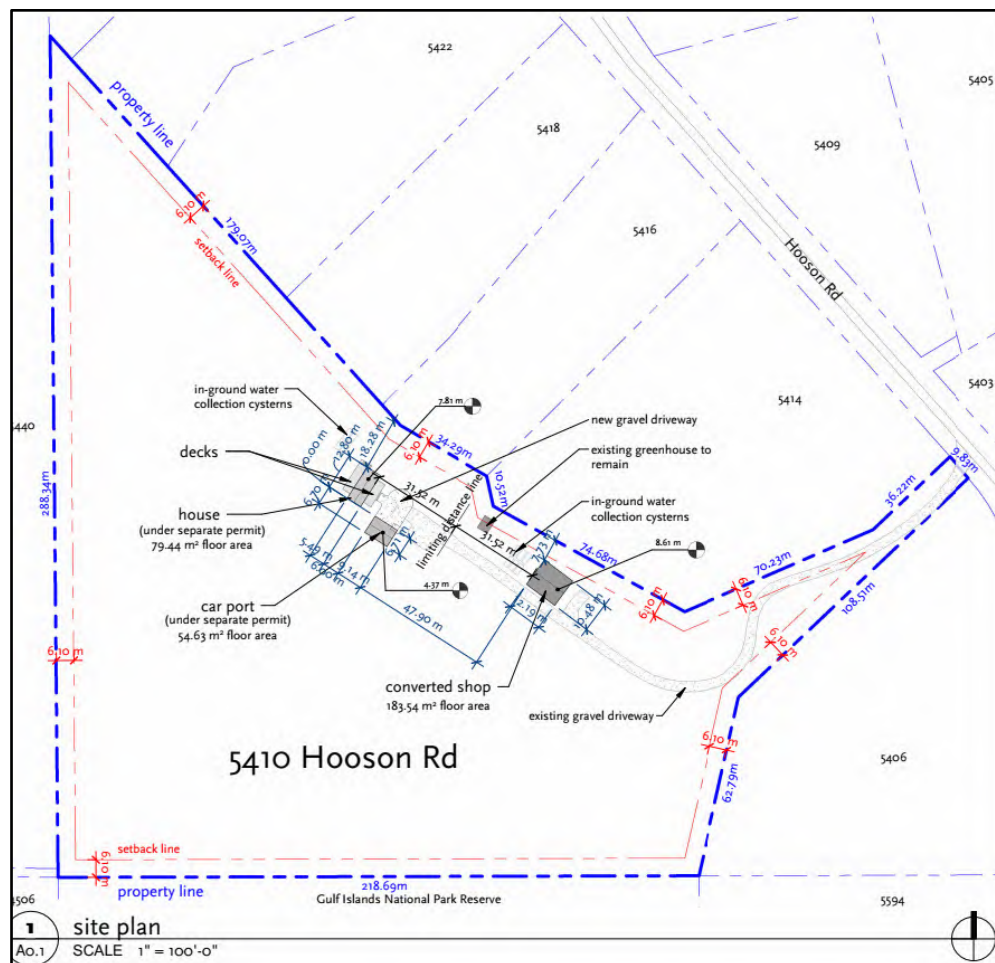


Figure 2 - Site Plan

Potential impacts of granting to variance

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

If the variance is approved the anticipated impacts on neighbouring properties are minimal since it is a long-standing building with no proposed additions or expansion to the building. The existing building is not sited near any buildings on neighbouring properties and is shielded from the road and neighbouring properties by trees.

Circulation

The draft permit was circulated to surrounding property owners and residents on March 14, 2025. The notification period will end on March 26, 2025.

At the time of writing, staff have received one letter of objection to the application. Any comments received subsequently will be forwarded to the Local Trust Committee and reported at the meeting.

First Nations

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

Rationale for Recommendation

Staff is recommending that the resolution on page 1 be supported for the following reasons:

- Repurposing an existing building rather than building a new accessory building is considered a reasonable rationale for a variance;
- The proposed variance would not challenge the intent of the regulations due to no new impacts created on neighbouring property’s views nor any additional land alteration;
- The building is consistent with the lot coverage, siting, and total floor area regulations;
- Granting the variance would not exempt the building from complying with the permitted uses associated with the property’s zoning, specifically the building could not be used for human habitation.

ALTERNATIVES

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

1. Request further information

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

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

2. 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 refuse application PL-DVP-2024-0350.

Submitted By:	Bruce Belcher, Planner 2	March 26, 2025
---------------	--------------------------	----------------

Concurrence:	Robert Kojima, Regional Planning Manager	March 26, 2025
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ATTACHMENTS

1. Site Context
2. Plans, Photographs
3. Applicant Letter
4. Notice
5. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	PARCEL "G" (DD 98036-I) OF THE SOUTH EAST 1/4 OF SECTION 19, PENDER ISLAND, COWICHAN DISTRICT, EXCEPT THOSE PARTS IN PLANS 12147, 20226, 21077, 23416, 43782, VIP53926 AND EPP50274
PID	004-097-858
Civic Address	5410 Hooson Road, North Pender Island
Property Size	4.18 ha

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential, National Park

HISTORICAL ACTIVITY

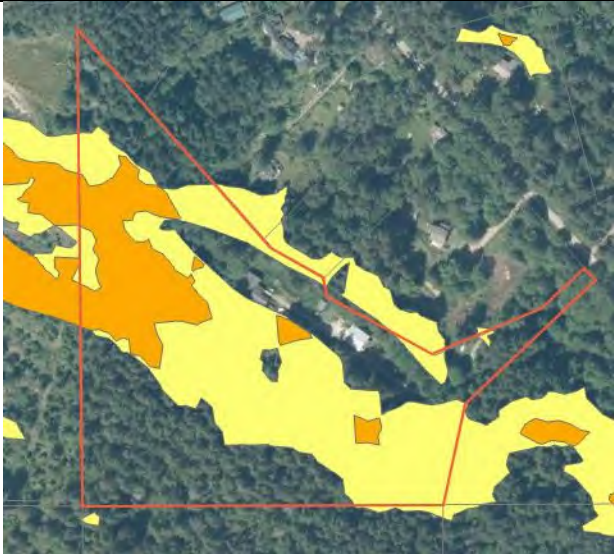
File No.	Purpose
NP-DVP-2014.2	Variance for split zoning subdivision
NP-SUB-2014.3	Boundary line adjustment subdivision
PLBP20240131	New single-family dwelling, carport

POLICY/REGULATORY

Official Community Plan Designations	Rural Land Use
Land Use Bylaw	Rural
Covenants	N/A
Bylaw Enforcement	N/A

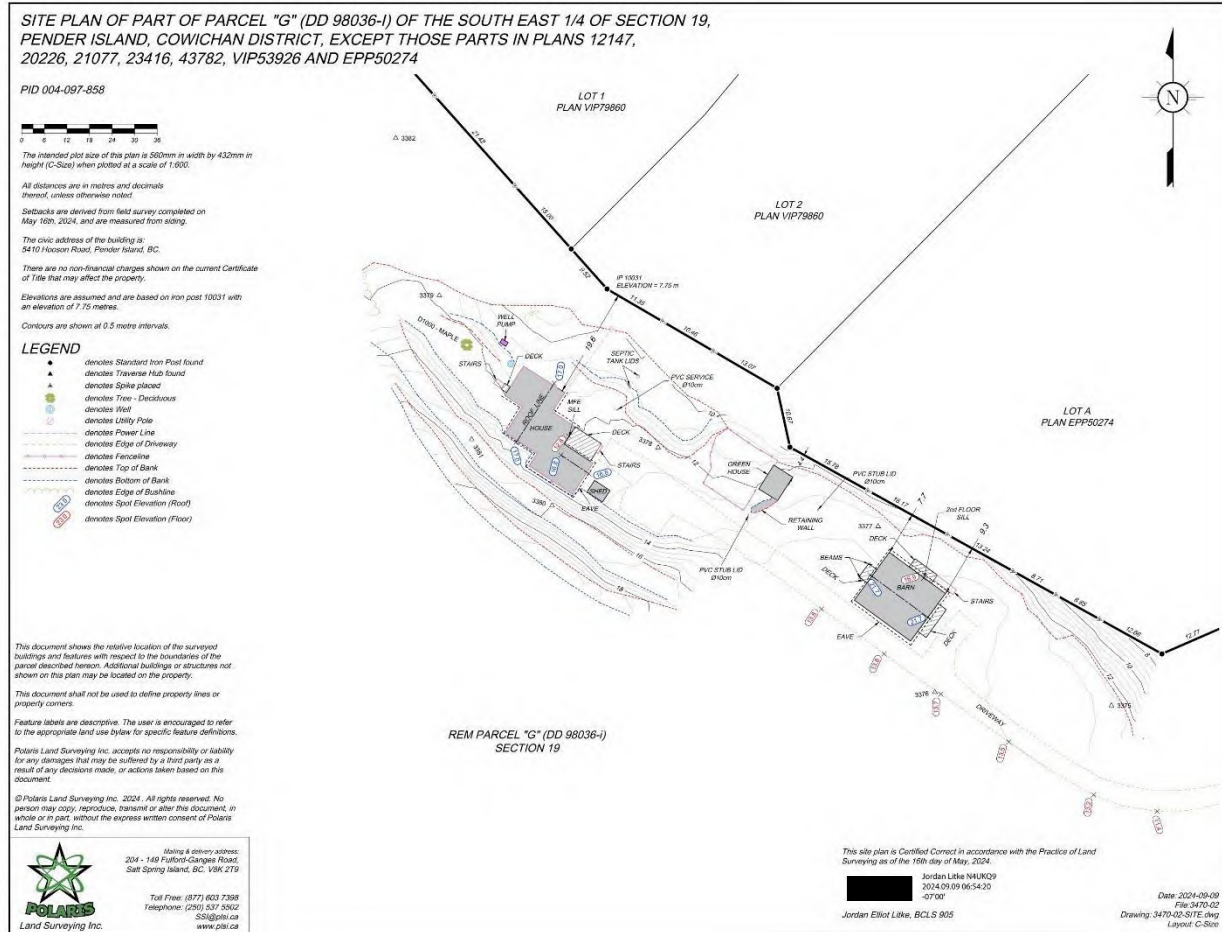
SITE INFLUENCES

Species at Risk	Douglas-fir / dull Oregon-grape ecological community
Sensitive Ecosystems	The subject property is identified within Sensitive Ecosystem Inventory mapping as Mature Forest Ecosystems. For additional details regarding the Mature Ecosystems, please refer to page 16 of the Islands Trust Sensitive Ecosystem Guide.
Hazard Areas	Moderate, Low-risk steep slopes

	
Archaeological Sites	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	No anticipated impacts associated with proposed variance.

ATTACHMENT 2 – PLANS AND PHOTOS

2.1 SURVEY PLAN



2.2 PHOTOS



EXISTING BARN, LOOKING NORTH-WEST



EXISTING BARN, LOOKING SOUTH-EAST

2.2 PHOTOS, CONTINUED



PROPERTY LINE MARKER ADJACENT TO EXISTING BARN, LOOKING EAST



PROPERTY LINE MARKERS, LOOKING EAST

2.2 PHOTOS, CONTINUED



PROPERTY LINE MARKER ADJACENT TO EXISTING BARN, LOOKING NORTH-EAST



EXISTING BARN, LOOKING WEST

2.2 PHOTOS, CONTINUED



EXISTING BARN, VIEW FROM DRIVEWAY LOOKING NORTH-WEST



EXISTING BARN, VIEW FROM DRIVEWAY AND PROPERTY LINE LOOKING WEST

2024-12-09

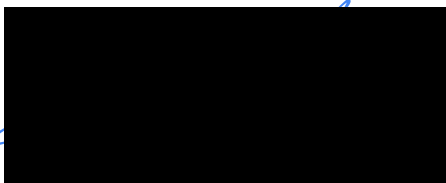
Re: 5410 Hooson Rd, Pender Island BC

Attention Island Trust Planning Department:

The home owners at 5410 Hooson Road are hoping to save and repropose the barn on their property into a shop with some storage & office space. This would include repairing the building and updating the exterior; however, this will also require changing the use from a farm building to an accessory building, and the existing structure is over the maximum height allowance for accessory buildings per the zoning bylaw. Due to this, we are seeking a variance for an accessory building height of 8.61m to save and reuse the existing building. As the barn is a long-standing structure there will be no changes to the visual or other (if any) impacts on the neighbors.

If you have any questions about any of this, please don't hesitate to reach out.

Sincerely,



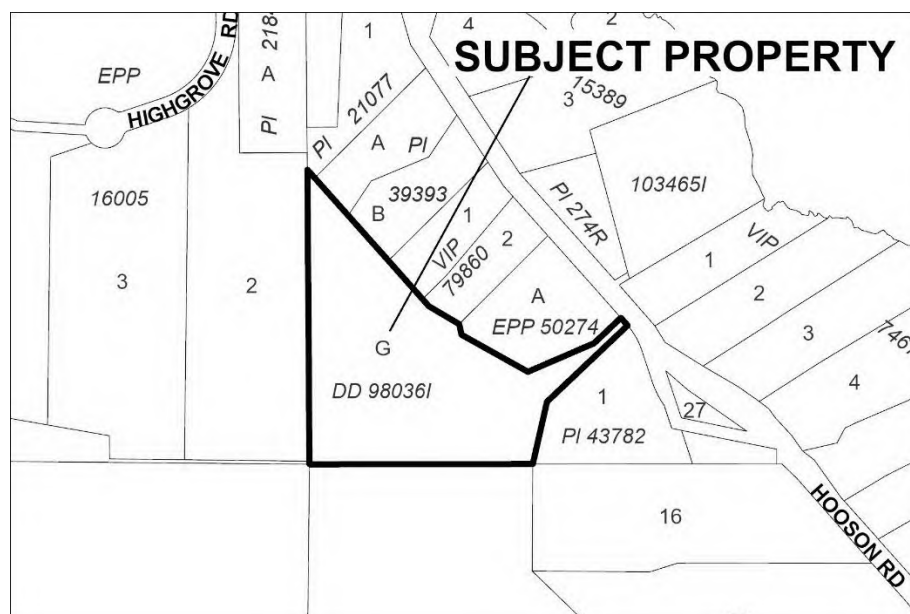
Doug Smith
Third Axis Design Ltd.
dsmith@thirdaxis.ca

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. 224, 2022 by:

- Increasing the maximum height regulations from 4.6 to 8.61 metres and from one to two storeys for the conversion of an existing barn to an accessory building (workshop, office, and storage).

The property is located at **5410 Hooson Road** and is legally described as PARCEL "G" (DD 98036-I) OF THE SOUTH EAST 1/4 OF SECTION 19, PENDER ISLAND, COWICHAN DISTRICT, EXCEPT THOSE PARTS IN PLANS 12147, 20226, 21077, 23416, 43782, VIP53926 AND EPP50274 (PID: 004-097-858).

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 **March 14, 2025** and continuing up to and including **March 26, 2025**.

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 Bruce Belcher at (250) 405-5179, 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, **March 26, 2025**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular meeting starting at **10:00 a.m. on April 4, 2025**, to be held at the **St. Peter's Anglican Church Hall**, 4703 Canal Rd, North Pender Island.

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



Islands Trust

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
PLDVP20240350**

To: Kevin Phillips and Tanya Prestay
c/o Doug Smith, Third Axis Design

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

PARCEL "G" (DD 98036-I) OF THE SOUTH EAST 1/4 OF SECTION 19, PENDER ISLAND, COWICHAN DISTRICT, EXCEPT THOSE PARTS IN PLANS 12147, 20226, 21077, 23416, 43782, VIP53926 AND EPP50274 (PID: 004-097-858)

2. North Pender Island Land Use Bylaw No. 224, 2022 is varied as follows:

- a) Subsection 3.4 (3) which states that *an accessory building or structure may not exceed 4.6 metres in height and one storey* is varied to permit the conversion of an existing barn to an accessory building (workshop, office, and storage) with a maximum height of 8.61 metres and two storeys.

The development shall be consistent with Schedule 'A', 'B' and 'C' attached to and forming 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. 224, 2022" 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 ISLAND LOCAL TRUST COMMITTEE THIS TH DAY OF , 2025.

Deputy Secretary, Islands Trust

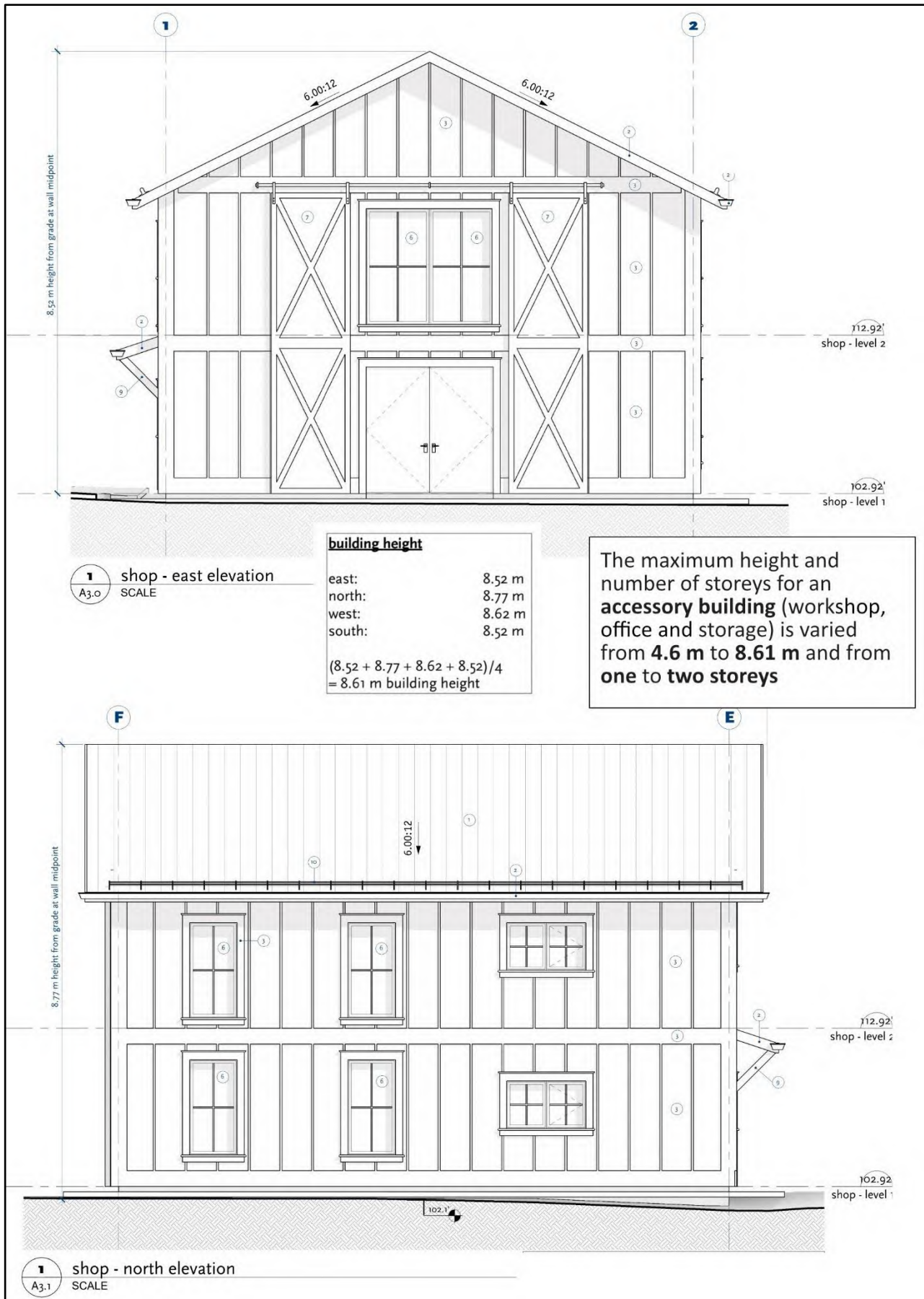
Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##TH DAY OF MONTH, 2027 THIS PERMIT AUTOMATICALLY LAPSES.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

PLDVP20240350

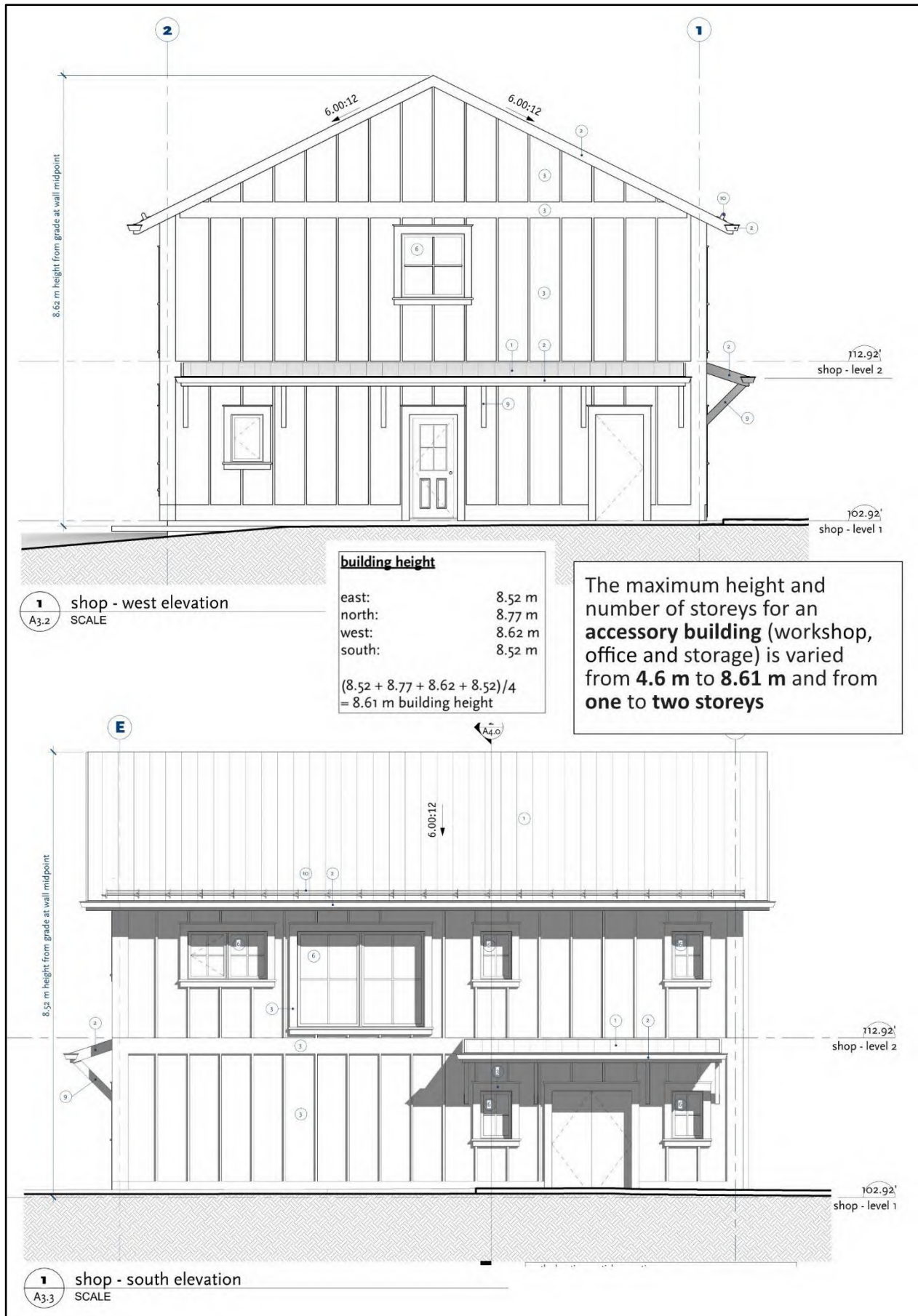
SCHEDULE 'A' (1 of 2)



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

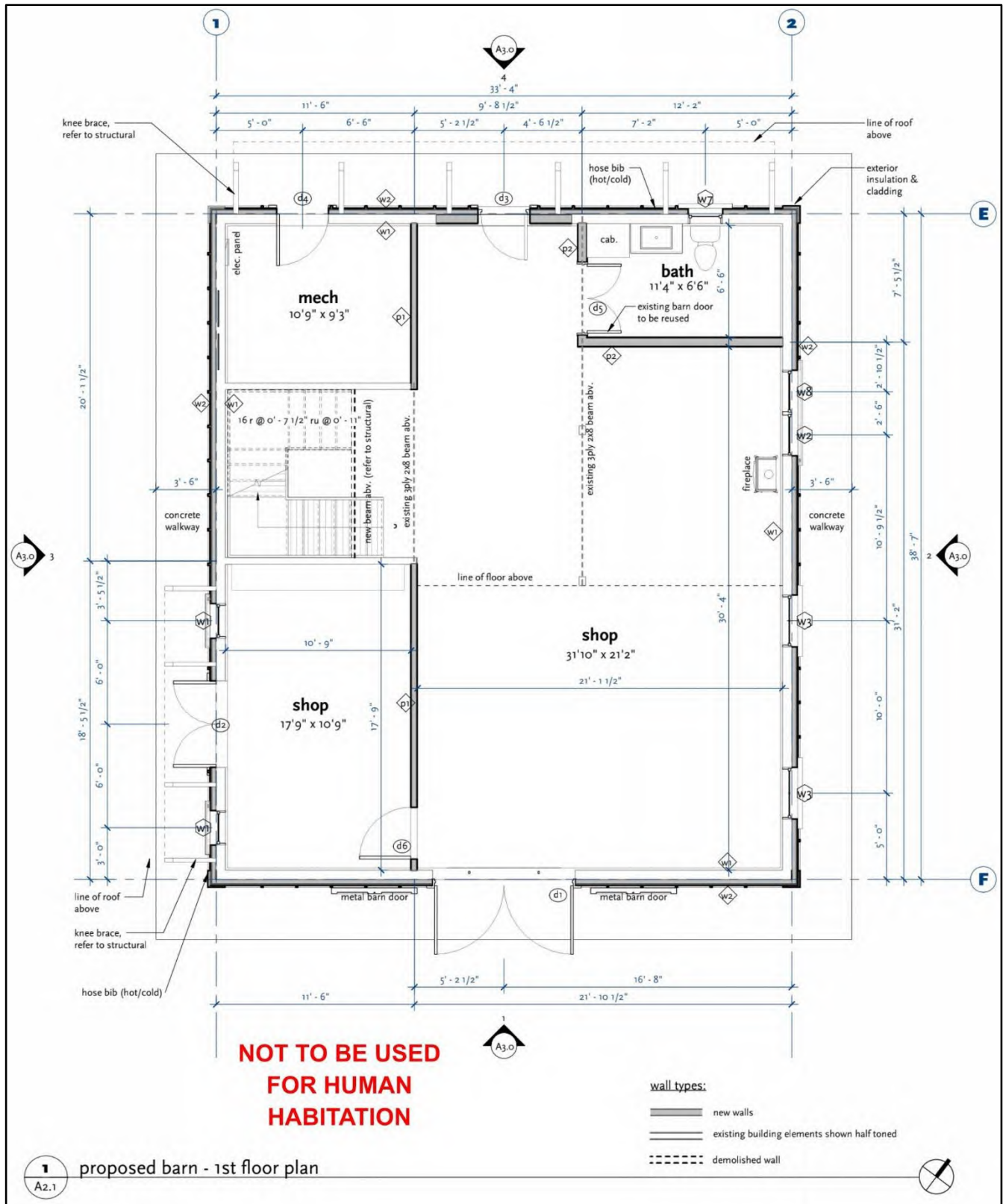
PLDVP20240350

SCHEDULE 'A' (2 of 2)



PLDVP20240350

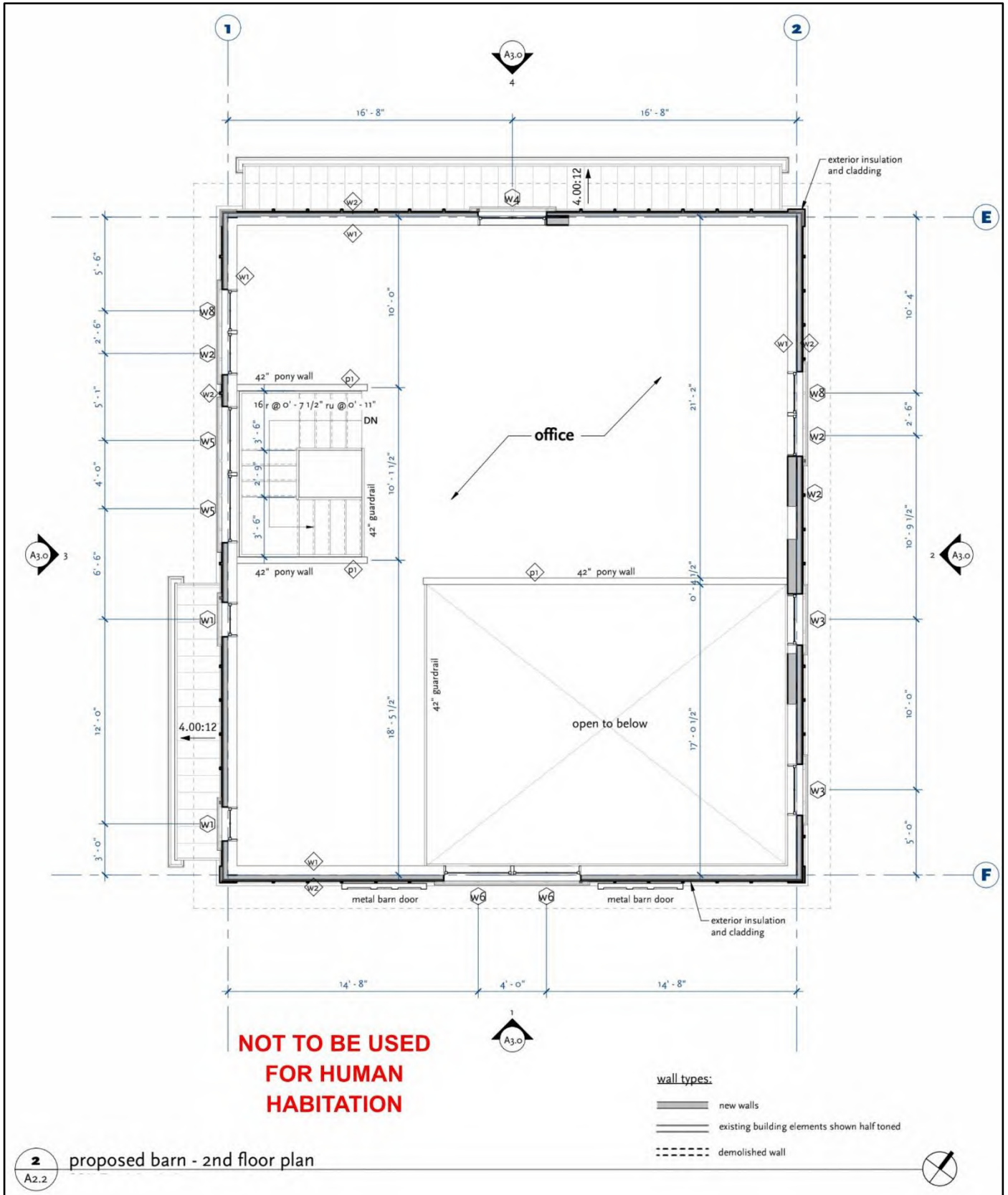
SCHEDULE 'B' (1 of 2)



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

PLDVP20240350

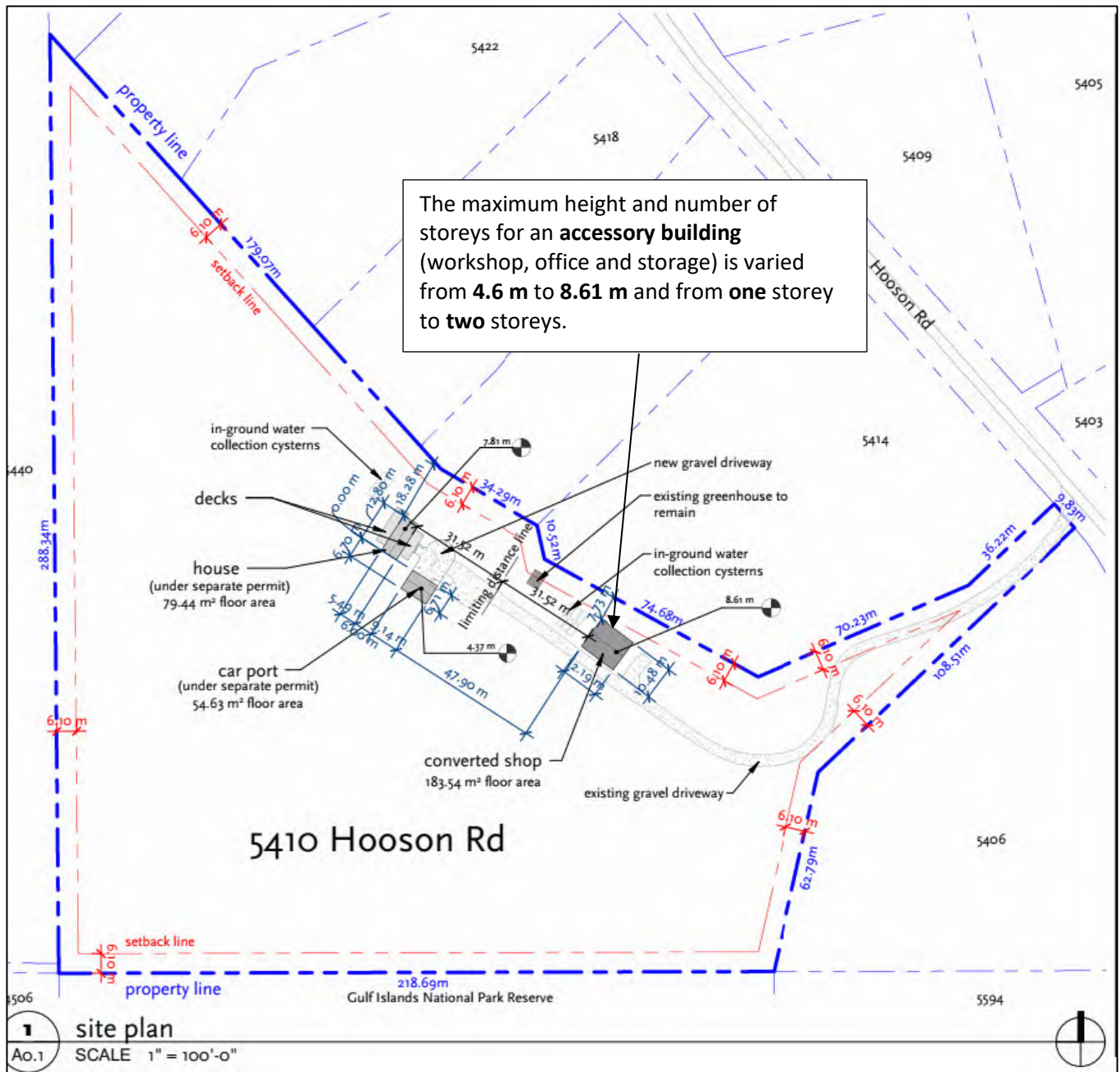
SCHEDULE 'B' (2 of 2)

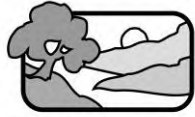


NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

PLDVP20240350

SCHEDULE 'C'





File No.: NP-PLDP20250033
(Lansdowne)

DATE OF MEETING: April 4, 2025
TO: North Pender Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Permit Amendment Application
Applicant: Jim Kings
Location: 6915 Pirates Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-PLDP20250033 (Lansdowne).

REPORT SUMMARY

This report is to consider a Development Permit (DP) application for the subject property located at 6915 Pirates Road.

The purpose of the proposed DP is to authorize the construction of a new dwelling and retroactive land restoration and mitigation resulting from land clearing for a utilities corridor and access stairway construction within **Development Permit Area 2 (DPA 2 2) - Herbaceous Ecosystems**.

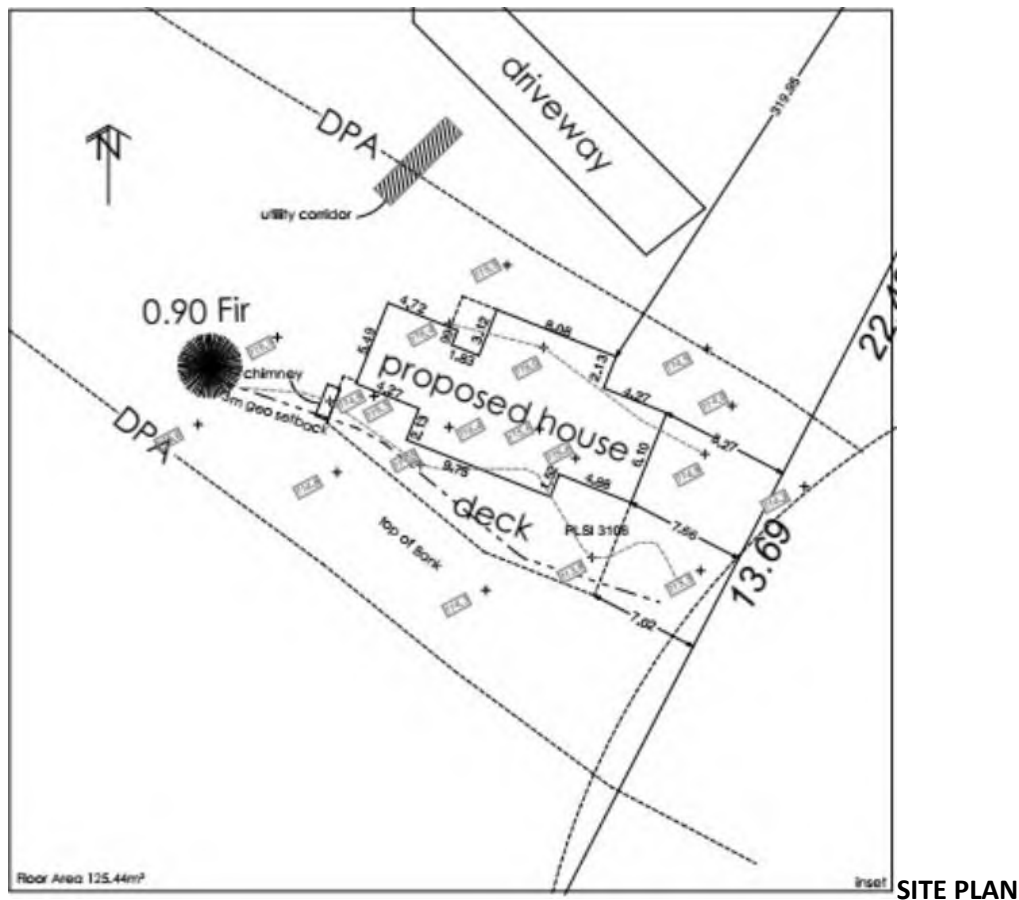
The recommendation above is supported as:

- The objectives and guidelines of the DPA have been met;
- The conditions within the draft DP are based on an assessment report completed by a professional biologist and are supported by staff;
- In the absence of a DP issued prior to utilities corridor land clearing and access stairway construction, a retroactive DP will impose conditions for site restoration and future protection;
- Implementation, restoration and monitoring conditions in the DP will ensure the protection of the sensitive herbaceous ecosystem and woodland ecosystem downslope of the development.

BACKGROUND

The applicant has submitted a development permit for the construction of a new dwelling on the subject parcel located at 6915 Pirates Road. The dwelling is proposed to be sited on a flat bedrock bench within DPA 2 as shown in Figure 1.

Figure 1 – Subject Property and Building Site



The parcel is currently undeveloped except for the driveway, a temporary staircase to access the building site, and land cleared for a utility corridor. Portions of that stairway and land clearing were completed in DPA 2 without authorization, including the removal of a large Douglas-fir tree (Figure 2). As such, the draft DP also includes conditions for retroactive site restoration and future protection in these areas.

Figure 2. Unauthorized Tree Removal, Stair Construction and Land Clearing in DPA 2



Site context and mapping are included as Attachment 1 and 2. Draft permit NP-DP-2022.2 is included as Attachment 3. Professional reports from the RP. Bio are included as Attachments 4 and 5. A rationale letter from the applicant is included as Attachment 6. The DPA checklist is included as Attachment 7. Staff conducted a site visit on March 4, 2025.

ANALYSIS

Policy/Regulatory

Official Community Plan

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

The parcel contains Woodland Ecosystems (DPA 1), Herbaceous Ecosystems (DPA 2), and Cliff (DPA 5) as shown in Figure 2. The proposed development is located within the upper section of DPA 2.



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

The objective of DPA 2 is to preserve and protect remaining sensitive herbaceous ecosystems. DPA 2 specific guidelines include:

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

Land Use Bylaw

The property is zoned **Rural** in the North Pender Island Land Use Bylaw No. 224, 2022. The proposed uses and density meet the requirements of the LUB.

Issues and Opportunities

QEP Assessment Reports

The applicant has submitted two professional reports from Caurinus Environmental, dated January 15, 2025 and March 11, 2025 (Attachments 3 and 4.)

In summary, the assessment reports:

- Provide background information and an assessment of the ecological impacts resulting from proposed dwelling construction and related activity within the DPA;
- Provide a corresponding prescription for ecological restoration including retroactively for utility corridor land clearing and stairway construction; and,
- Makes recommendations to help minimize future potential impacts to the health and viability of DPA 2 on the property.

- Conclude that the proposed conditions and recommendations outlined in the reports will ensure that detrimental impacts to the highly sensitive and threatened ecosystems on the subject property can be avoided as much as possible.

Draft Development Permit

In accordance with the recommendations of the QEP, the draft DP (Attachment 6) includes site specific conditions with respect to the following for dwelling construction and retroactive site restoration:

- Construction Management
- Sensitive Species Protection
- Invasive Plant Management
- Erosion Control
- Hydrology
- Tree Removal (4 trees in total) and Protection of Existing Trees
- Tree Planting
- Utilities Access Corridor Vegetation Protection and Remediation
- General Site Restoration and Replanting
- Monitoring.

The schedules attached to the DP provide further detail and guidance. The DPA 2 guideline checklist is included Attachment 7. It concludes that all of the applicable guidelines have been met. There are also several photos in the assessment report for additional reference.

Staff are of the view that with the proposed conditions impacts of the proposed development within DPA 2 can be minimized as much as possible.

Access Stairway Replacement

The QEP has concluded that *“The newly constructed stairway leading to the Herbaceous Ecosystem DPA has had little impact on the overall health and ecological integrity of this sensitive ecosystem, with the landing and associated supports installed with minimal disturbance to the underlying moss and vegetation layer...”*. As such the draft DP gives no consideration to restoration of this area.

However, although built to code, the applicant indicates that the access stairway may be only temporary, and that the preferred route to the dwelling would potentially be through the utilities corridor. Staff have advised the applicant that this DP would not authorize that work, and a new permit, or permit amendment would be required, including a QEP assessment of an alternate route and stair deconstruction.

Consultation

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

Archaeological Potential

There is archaeological potential identified on the subject property. The applicant should be aware 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.

Rationale for Recommendation

The recommendation on page 1 is supported as:

- The objectives and guidelines of the DPA have been met;
- The conditions within the draft DP are based on an assessment report completed by a professional biologist and are supported by staff;
- In the absence of a DP issued prior to utilities corridor land clearing and access stairway construction, a retroactive DP will impose conditions for site restoration and future protection;
- Implementation, restoration and monitoring conditions in the DP will ensure the protection of the sensitive herbaceous ecosystem and woodland ecosystem downslope of the development.

Alternatives

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

1. Request further information

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

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

2. Determine that the DPA guidelines are not being met

The LTC may determine that the application as presented does not meet one or more guidelines of DPA 2. If this is the case, the LTC may request that the applicant amend the proposal to more closely align with DPA guidelines. The LTC should indicate which guidelines are not being met and the reasons for this. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee has determined that application NP-PLDP20250033 as presented on April 4, 2025 does not meet guideline(s) _____ for the following reasons: _____.

Submitted By:	Brad Smith, Island Planner	March 13, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	March 13, 2025

ATTACHMENTS

1. Site Context
2. Maps and Site Plans
3. Draft Permit NP-PLDP20250033
4. Biologist's report dated January 15, 2025

5. Biologist's report addendum dated March 11, 2025
6. Rationale Letter from applicant
7. DP Checklist

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 19, SECTIONS 6 AND 24, PENDER ISLAND, COWICHAN DISTRICT, PLAN 32261
PID	001-080-865
Civic Address	6915 Pirates Road
Lot Size	4.04 hectares (9.99 acres)

LAND USE

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

HISTORICAL ACTIVITY

File No.	Purpose
None	N/A

POLICY/REGULATORY

Official Community Plan Designations	Designated as Rural in the North Pender Island Official Community Plan No. 171, 2007 (OCP). Woodland Ecosystems (DPA 1), Herbaceous Ecosystems (DPA 2), and Cliff (DPA 5) located on parcel – see mapping
Land Use Bylaw	Zoned as Rural in the North Pender Island Land Use Bylaw No. 224.
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	Presence of <i>Crassula connata</i> (Erect Pigmyweed) in seaward portion of lot, not in development site Ecosystem at Risk - CDC: <i>Pseudotsuga menziesii</i> / <i>Mahonia nervosa</i> Sharp-tailed Snake - Potential Habitat – CRD - in seaward portion of lot, not in development site Southern Resident Killer whale critical habitat in adjacent Water 1 zone
Sensitive Ecosystems	Woodland: Conifer; Herbaceous Ecosystems
Hazard Areas	Moderate and steep slope – see mapping
Archaeological Sites	There are no registered archaeological sites identified on the provincial RAAD site in the immediate area, however there is archaeological potential identified in the area. By copy of this report, the owners and applicant

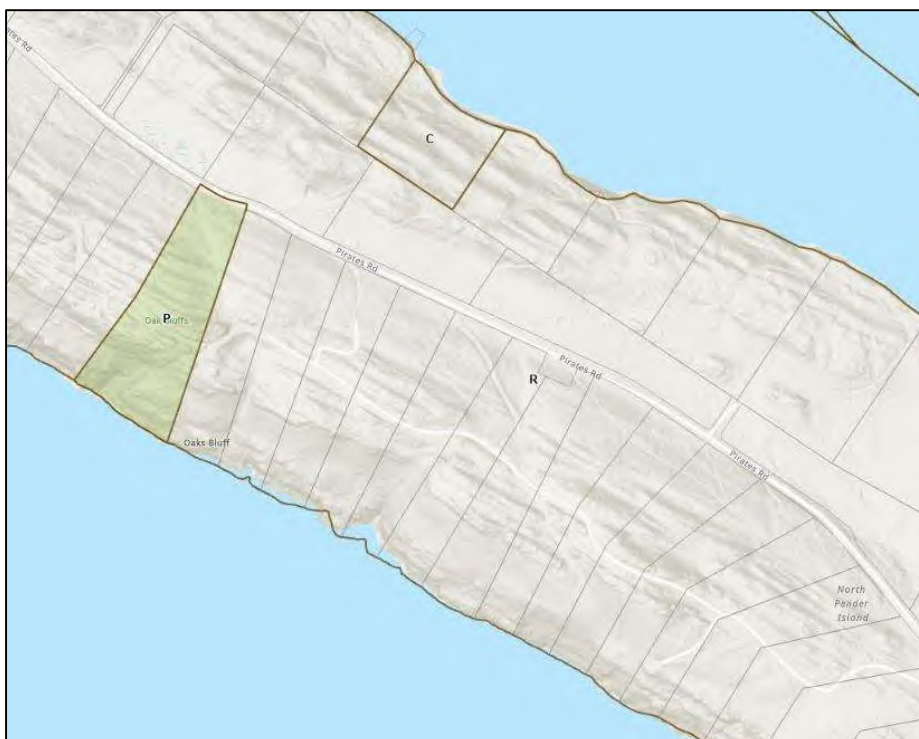
	should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> .
Climate Change Adaptation and Mitigation	Tree removal mitigated by tree planting requirements in draft DP
Shoreline Type	Cliff

ATTACHMENT 2 – MAPS, PLANS

2.1 ORTHOPHOTO AND ZONING

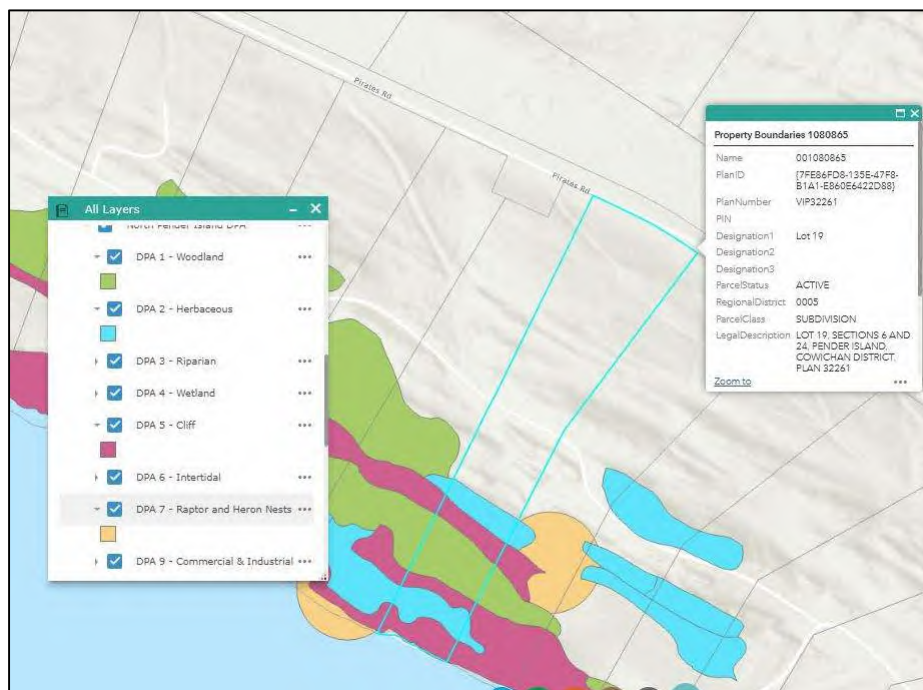


2.2 OCP DESIGNATION

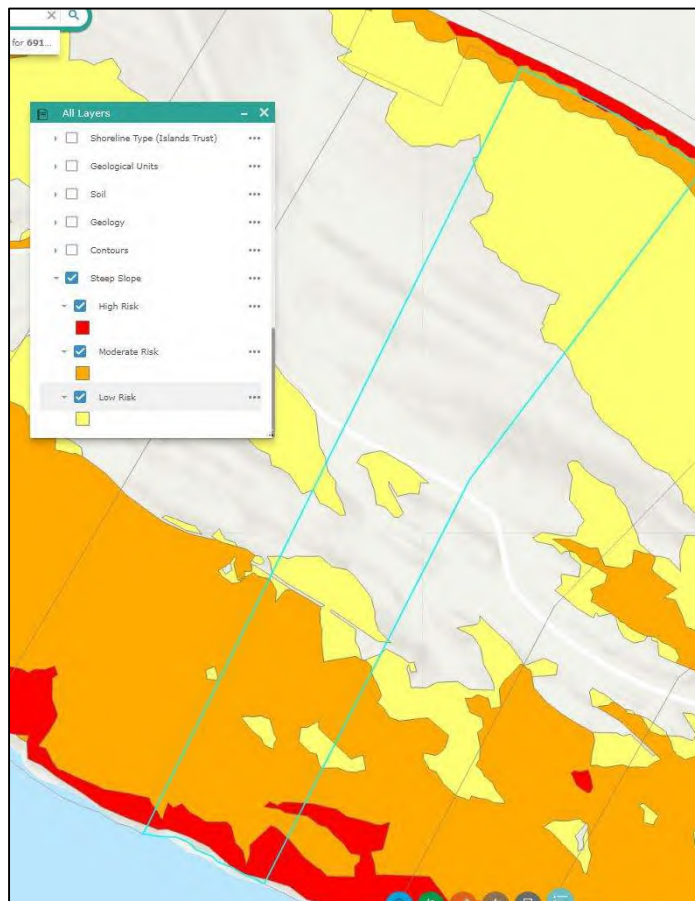


\\islandstrust.local\DFSMain\EDM\09 Current Planning\09 NP\3160 DP\25 Applications (P)\2025\NP-PLDP20250033 (Lansdowne)\06 Staff Reports\Att 2 Maps and Plans.docx

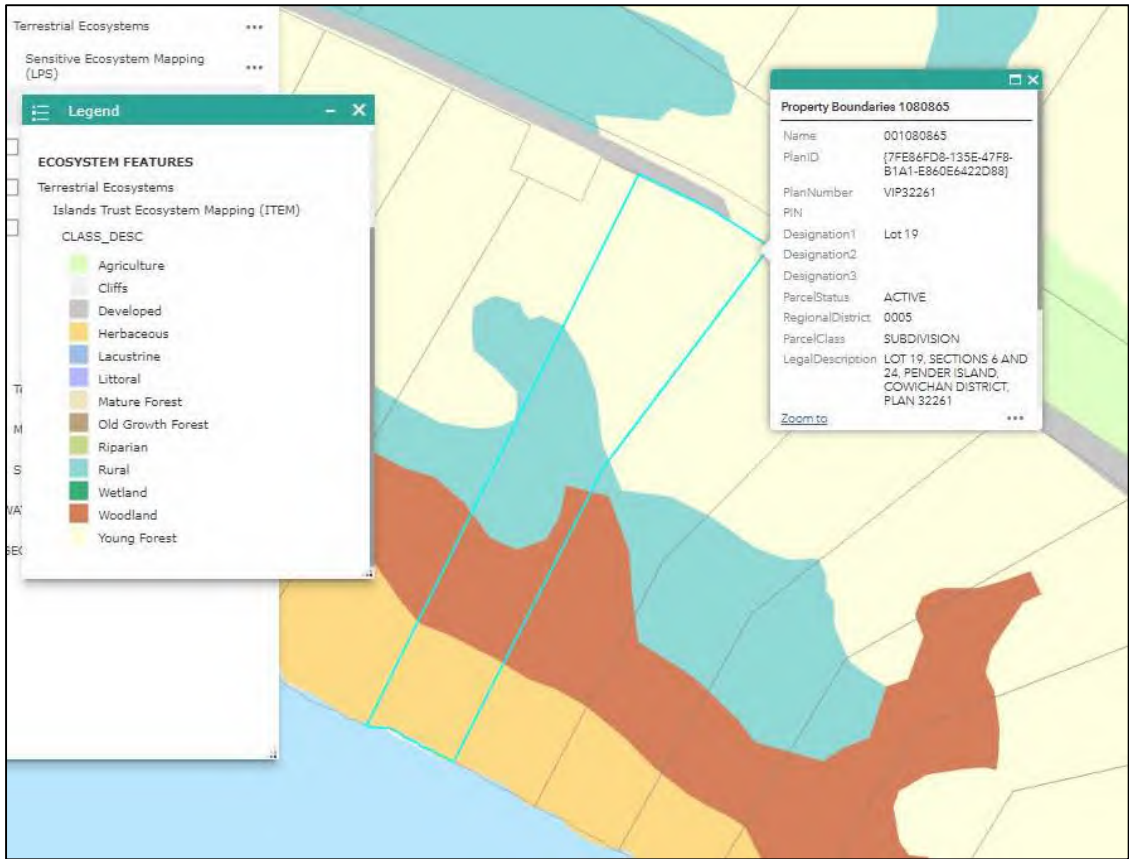
2.3 DEVELOPMENT PERMIT AREAS



2.4 Steep Slope



2.5 Sensitive Ecosystem Mapping



2.7 Site Survey and Site Plan

**SITE PLAN AND PARTIAL BOUNDARY STAKEOUT OF LOT 19, SECTIONS 6 AND 24,
PENDER ISLAND, COWICHAN DISTRICT, PLAN 32261**

PID 001-080-865



The intended plot size of this plan is 562mm in width by 864mm in height (D-Size) when plotted at a scale of 1:500.

All distances are in metres and decimals thereof, unless otherwise noted.

Field survey completed on March 12, 2024.

The civic address is: 6915 Pirates Road, Pender Island, BC.

The following non-financial charges are shown on the current Certificate of Title and may affect the property:

H20561 - Easement
H20562 - Easement
H20563 - Easement
H20564 - Easement
H20565 - Easement
H20566 - Easement
H20567 - Easement
H20568 - Easement
H20569 - Easement
H20570 - Easement
H20571 - Easement

Elevations are assumed and are based on Traverse Hub 3100' with an elevation of 100.00 metres.

LEGEND

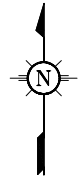
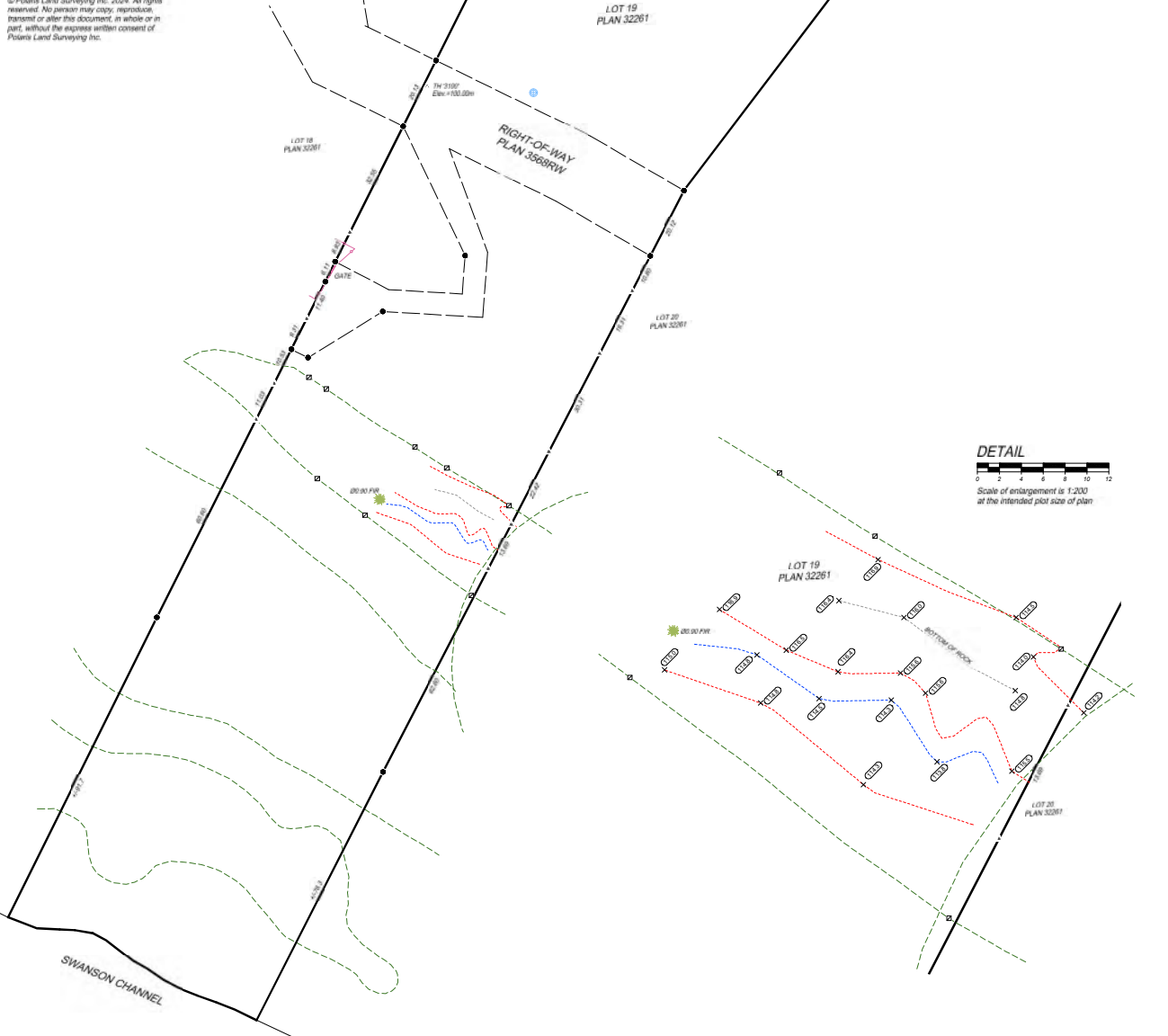
- denotes Top of Bank
- denotes Bottom of Bank
- denotes Bottom of Rock
- denotes Fenceline
- denotes Tree - Coniferous
- denotes Well
- denotes Spot Elevation
- denotes DPA Boundary
- denotes Standard Iron Post found
- denotes Spike placed
- denotes Yellow Ribbon placed

This document shows the relative location of the surveyed buildings and features with respect to the boundaries of the parcel described herein. This document shall not be used to define property lines or property corners.

Feature labels are descriptive. The user is encouraged to refer to the appropriate land use bylaw for specific feature definitions.

Potenti Land Surveying Inc. accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

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POLARIS
Land Surveying Inc.

Mailing & delivery address:
204 - 149 Fultford-Gargner Road,
Salt Spring Island, BC, V8K 2T9

Toll Free: (877) 603 7398
Telephone: (250) 537 5502
334@polsi.ca
www.polsi.ca

This site plan is certified correct as of the 12th day of March, 2024.

Jordan Elliot Link, BCLS 805

Date: 2024-03-22
File: 4064-01
Drawing: 4064-01-SITE.dwg
Layout: D-Size

Produced from original digital file provided by:
Polaris Land Surveying Inc.
204-149 Fulford-Ganges Rd.
Salt Spring Is.
887-603-7398
www.plsi.ca

Measured from interior surfaces of exterior walls	
House Lower Floor Area	125 m ²
House Upper Floor Area	N/A
Cottage Lower Floor Area	N/A
Cottage Upper Floor Area	N/A
Total Floor Area	125 m ²
Lot Area	40,494 m ²
Floor Space ratio	0.3%
Tl: Floor Area/ Lot Area	

Measured @ Centre of Each Exterior Wall per LUB 224		
Wall	Natural Grade From Datum	
1		114.161
2		115.942
3		113.811
4		115.292
5		113.817
6		114.927
7		115.991
8		115.021
9		115.631
10		115.581
11		115.991
12		115.981
13		116.051
14		114.211
15		
16		
17		
18		
19		
20		
Total		1611.951
Max. Grade From Datum		115.141
Notes / Number of Walls		
Roof Elevation		120.691
Building Hgt. Above Ave. Grade		5.551
Roof Bev. - Ave. Grade		
Max Allowable Building Hgt. From		9.711
Notes		
N. Pender LUB 224 par 3.4.1		

Site Plan of Lot 19, Sec. 6 & 24
Pender Island, Cowichan Dist.
Plan 32261

PID 001-080-865

Distances in Metres

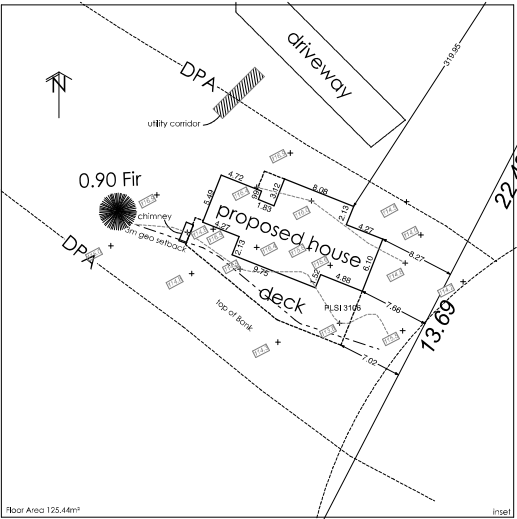
Field Survey Completed on:

Civic Address
6915 Pirates Rd., Pender Island

This Property is Subject to the Following Charges:

H26561 - Easement
H26562 - Easement
H26563 - Easement
H26564 - Easement
H26565 - Easement
H26566 - Easement
H26567 - Easement
H26569 - Easement
H26570 - Easement
H26561 - Easement

Elevations are assumed and are based on Traverse Hub '3100' with an elevation of 100 metres.



Chg ID	Change Name	Trans. Date
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purpose	planning only
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19, sec. 6-24
an vlp32261
w-g dist.
001-080-865

41

7905 Bedwell Dr.
Pender Island BC
V0N 2M2

37 Hooson Rd.,
Underland, bc
v0n 2m1
250-361-5996



6915 Pirates Rd.
Pender Island BC
V0N 2M2

project	Bluff House
file name	Kings
drawn by	health [ansdowne

1 of 35
Architectural Site
plan

AS-001



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
NP-PLDP20250033**

To: Jim Kings

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

LOT 19, SECTIONS 6 AND 24, PENDER ISLAND, COWICHAN DISTRICT, PLAN 32261
(PID: 001-080-865)

2. This Development Permit **NPPLDP20250033** authorizes the construction of a new dwelling and retroactive land restoration and mitigation resulting from land clearing for a utilities corridor and access stairway construction within **Development Permit Area 2 (DPA 2 2) - Herbaceous Ecosystems**, subject to the following requirements and conditions:

General

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

Construction Management

- b. All contractors and construction personnel are to be notified of the development within DPA 2 and the conditions of this development permit by providing copies to all contractors.
- c. Storage of building materials must be limited to areas outside of DPA 2.
- d. Construction shall minimize disturbance and maintain undeveloped habitat in as natural a state as practicable.
- e. A spill control kit shall remain on site for the entire construction period if machines are being used.
- f. Foot traffic and access by machines shall be minimized to the extent possible in DPA 2 to avoid damage to the sensitive lichen and moss cover.

Sensitive Species Protection

- g. Denning and nesting sites of rare, threatened or endangered species, if detected in the future, shall be protected.
- h. A QEP shall monitor the Bald Eagle nest on the adjacent property and the lower nest near the shoreline between Mid-March to Mid-April prior to development to determine whether either nest site is in use.

- i. If a Bald Eagle nesting pair is discovered, the permit holder shall comply with the following buffers throughout the breeding season (until the end of August, or until the young fledge):
 - a. a 100 m radius from the nest site for all construction-related activities; and,
 - b. an added 100m radius from the nest site during the breeding season as a 'Breeding season quiet buffer' ((i.e. no mechanical equipment operation such as excavators, large trucks, tree felling and chainsaw work).
- j. A wildlife camera shall be installed by a QEP and directed toward the entrance of the potential turkey vulture nest cave in DPA 2 to ensure that no vultures are using the site for breeding. This monitoring shall begin during the last week of March and continue for one month, until the last week of April. Once a QEP has reviewed the images and recordings and can confirm that there are no nesting turkey vultures present, the project may proceed.
- k. If a Turkey Vulture nesting pair is discovered, the permit holder shall comply with the following buffers throughout the breeding season (until the end of August, or until the young fledge):
 - a. a 200 m radius from the nest site for all construction-related activities; and,
 - b. an added 100m radius from the nest site during the breeding season as a 'Breeding season quiet buffer' ((i.e. no mechanical equipment operation such as excavators, large trucks, tree felling and chainsaw work).
- l. Construction activity shall avoid disturbance of large woody material (decomposing logs), rock piles and boulder overhangs that provide microsites potentially used by snakes as refugia or basking areas.

Invasive Plant Management

- m. Contractors shall inspect their equipment and vehicles regularly 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 shall be communicated to contractors prior to initiation of work onsite.
- n. Landscaping and restoration of natural areas throughout DPA 2 shall be conducted using only native plant species.
- o. The ongoing removal of invasive species (particularly Scotch broom) shall occur within DPA 2 to prevent its continued spread and improve the quality of natural areas. Where invasive plants occur along the cliff edge of DPA 2, ensure all stems are cut and not pulled to maintain stabilization of the bank. Keeping Scotch broom trimmed before flowering will also help reduce seed set and spread.

Erosion Control

- p. Prior to construction, contractors shall install silt fence as illustrated in Schedule B to prevent surface transport of soil or fill and other material toward the seaward edge of the Herbaceous Ecosystem DPA 2 beyond the immediate construction area.
- q. Contractors shall install silt barrier fencing as close as possible to the construction area and ensure no equipment crosses the barrier into adjacent areas of the DPA 2.
- r. Immediately stabilize area by any activity associated with the project using silt barrier fencing to prevent erosion and/or sedimentation, and subsequently through revegetation with native species suitable for the site.
- s. To further stabilize the bank from future erosion, ongoing invasive plant removal, paired with revegetation shall occur using native plant species in areas of disturbance to help avoid further introduction of non-native species. All restoration planting shall occur in the fall-

- spring (Nov-Feb) to allow for plant root establishment before being exposed to summer drought, and plantings should be mulched to enhance soil moisture retention
- t. Ensure no work involving ground disturbance is carried out during precipitation events.
- u. 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.

Hydrology

- v. Any overflow shall be directed toward the southwest side of the rocky outcrop to permit the natural movement of water and terrestrial nutrients to flow toward the ocean, consistent with existing drainage patterns on the landscape.
- w. The proposed deck (Appendix 1) shall use a permeable and flow-through design to help mitigate the loss of seasonal precipitation inputs into the DPA 2 as a result of the proposed development.

Tree Removal and Protection of Existing Trees

- x. In addition to the one (1) Douglas-fir tree already removed, three (3) additional Douglas-fir trees are permitted to be removed as shown in Schedule C.
- y. If roots of any additional trees are required to be damaged, tree removal is only authorized after inspection and approval by a registered arborist.
- z. 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.
- aa. All contractors must use the lightest possible equipment for lowest impact and avoid cutting or damaging large lateral anchoring tree roots.
- bb. All trees other than those identified for removal in Schedule C shall be retained and native plant species shall remain undisturbed within the DPA 2. This includes the retention of standing dead trees (snags), as these features provide critical habitat for many species of birds, bats, and invertebrates.
- cc. 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).
- dd. Planting sites should be identified as areas with reasonably deep soils that would support seedling planting and browse protection cage installation.
- ee. Wire protective cages shall be installed over the naturally occurring juniper in the Herbaceous Ecosystem DPA 2 to allow these existing trees to grow.
- ff. The lightest possible equipment shall be used during excavation activities to ensure the lowest impact and to avoid cutting or damaging large lateral anchoring tree roots adjacent to the construction site.

Tree Planting

- gg. Seventeen trees (17) shall be planted in DPA 2 or the downslope Woodland DPA 1 to compensate for the four (4) Douglas-fir trees permitted to be removed (one retroactive).

- hh. A minimum of 9 of the planted trees must be Garry Oak trees. Garry Oak trees shall be planted in deeper soil pockets in DPA 2 to help stabilize slopes and provide nutrients through leaf litter fall.
- ii. Species type for the 8 other planted trees are at the discretion of the permit holder but must consist of only Garry Oak, Douglas-fir, arbutus or shoreline pine species. These eight trees may be planted in DPA 2 or in the Woodland DPA 1 to the south, downslope from the Herbaceous and Cliff DPA areas.
- jj. 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.
- kk. All planted seedlings must be maintained and replaced as needed in the event of mortality.
- ll. Planting sites shall be identified as areas with reasonably deep soils that would support seedling planting and browse protection cage installation.
- mm. 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.
- nn. Mulching of trees and watering through drought months is required to ensure planting survival until root establishment (until trees reach a free-to-grow stage, approximately 1.5 m). Diversion of rainwater catchment to trees through dwelling design is recommended to maximize use for tree growth; manual watering may also occur.

Utilities Access Corridor Vegetation Protection and Remediation

- oo. Once all utilities have been installed, the area along the disturbed area and any other works related to utilities installation shall be topped with locally sourced, clean soil and replanted with groundcover species to restore and stabilize the slope.
- pp. Revegetation of rocky areas within the Herbaceous DPA 2 shall consist of ground cover species such as broadleaf stonecrop (*Sedum spathulifolium*), kinnikinnick (*Arctostaphylos uva-ursi*), nodding onion (*Allium cernuum*), woolly sunflower (*Eriophyllum lanatum*), Oregon gumweed (*Grindelia stricta*), camas (*Camassia quamash*), sea blush (*Plectritis congesta*) and small-flowered blue-eyed Mary (*Collinsia parviflora*), and drought-tolerant grasses such as native fescue (e.g. *Festuca roemerii*) should be planted in the localized cover soil. Seeding in addition to planting will help to ensure maximal coverage and minimize invasion by non-native disturbance-adapted species.
- qq. Any runoff from the new proposed dwelling shall be diverted away from any restoration area until plants become established, to ensure that heavy rainfall events do not washout any restoration work.

General Site Restoration and Replanting

- rr. 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.
- ss. Revegetation shall consist of shrubs such as oceanspray, red-flowering currant (*Ribes sanguineum*), Nootka rose (*Rosa nutkana*) and saskatoon (*Amelanchier alnifolia*), and ground cover species such as kinnikinnick, nodding onion, woolly sunflower (*Eriophyllum lanatum*), Oregon gumweed (*Grindelia stricta*), camas (*Camassia quamash*), and drought-tolerant grasses such as native fescue (e.g. *Festuca roemerii*).

- tt. Seeding in addition to planting will help to ensure maximal coverage and minimize invasion by non-native disturbance-adapted species. Seeding annual and perennial herbaceous species shall occur in all disturbed 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.
- uu. 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

- vv. Monitoring and guidance is to be conducted by a registered professional biologist (R.P. Bio.) to ensure that all construction management and restoration conditions herein have been met to the satisfaction of the R.P. Bio.
 - ww. 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 Area 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
__ DAY OF __, 2025.**

Deputy Secretary, Islands Trust

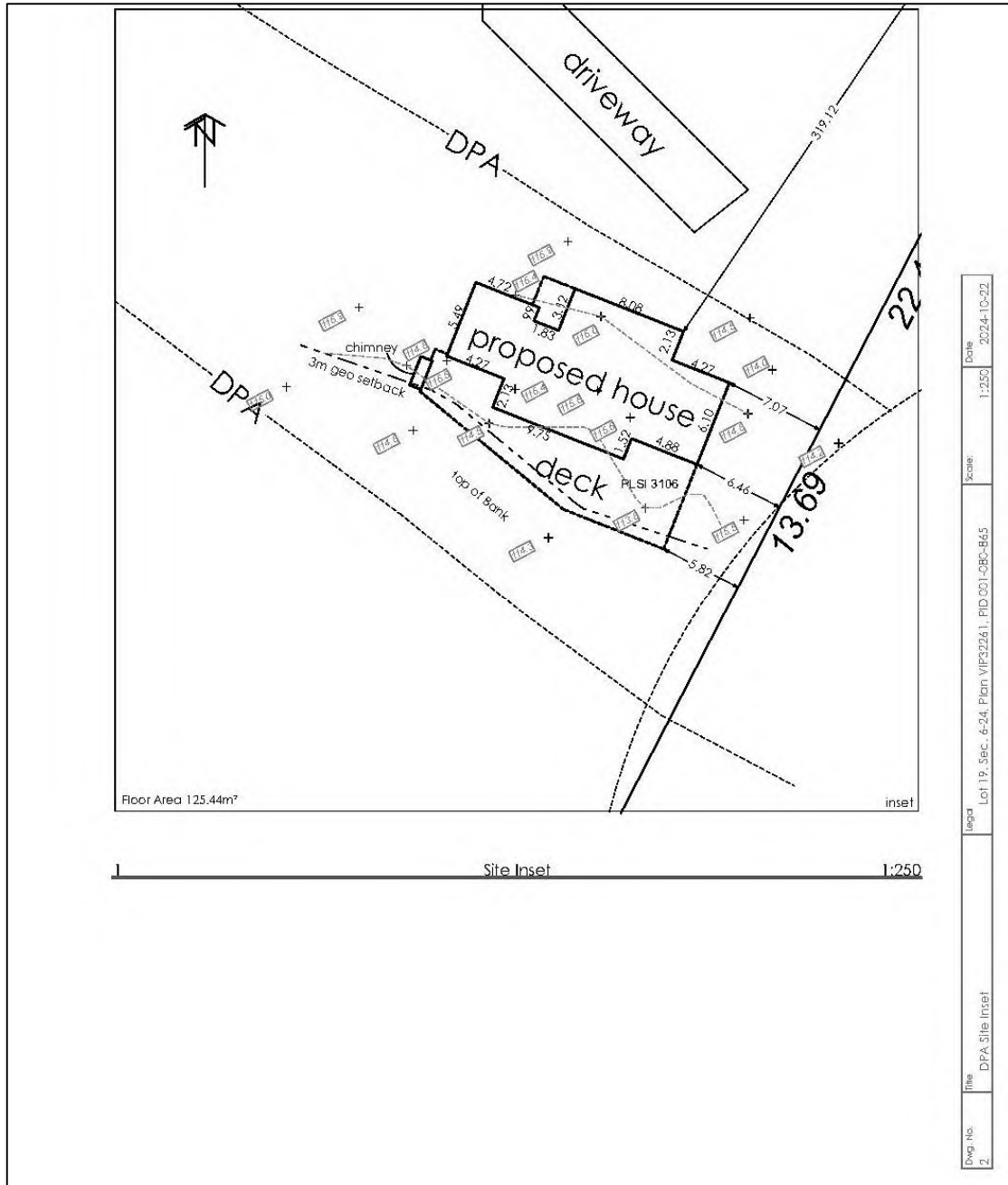
June 2, 2023
Date of Issuance

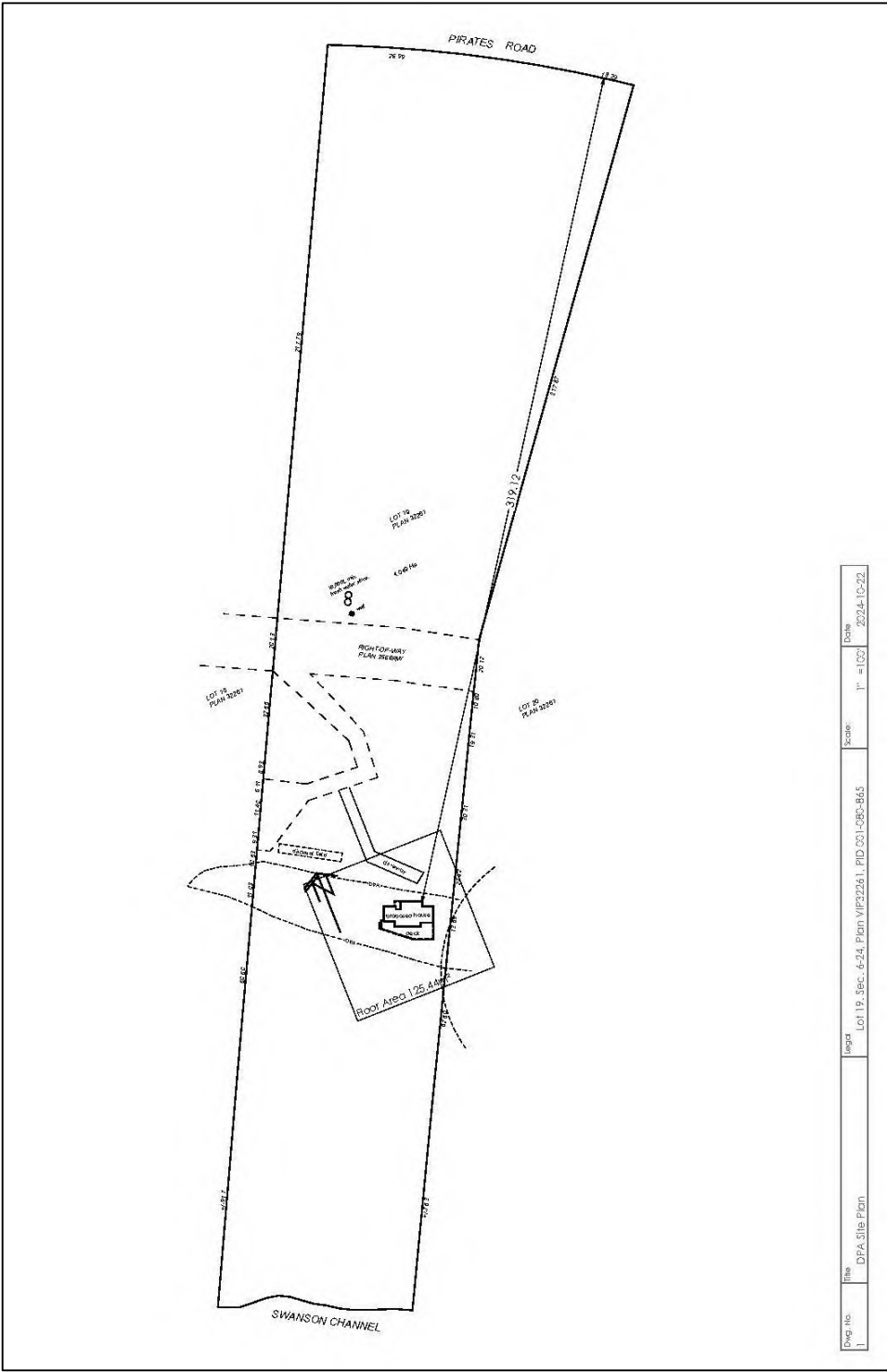
**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE DAY OF , 2027, THIS PERMIT
AUTOMATICALLY LAPSES.**

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2023.1

Schedule "A" - Site Plan (2 pages)

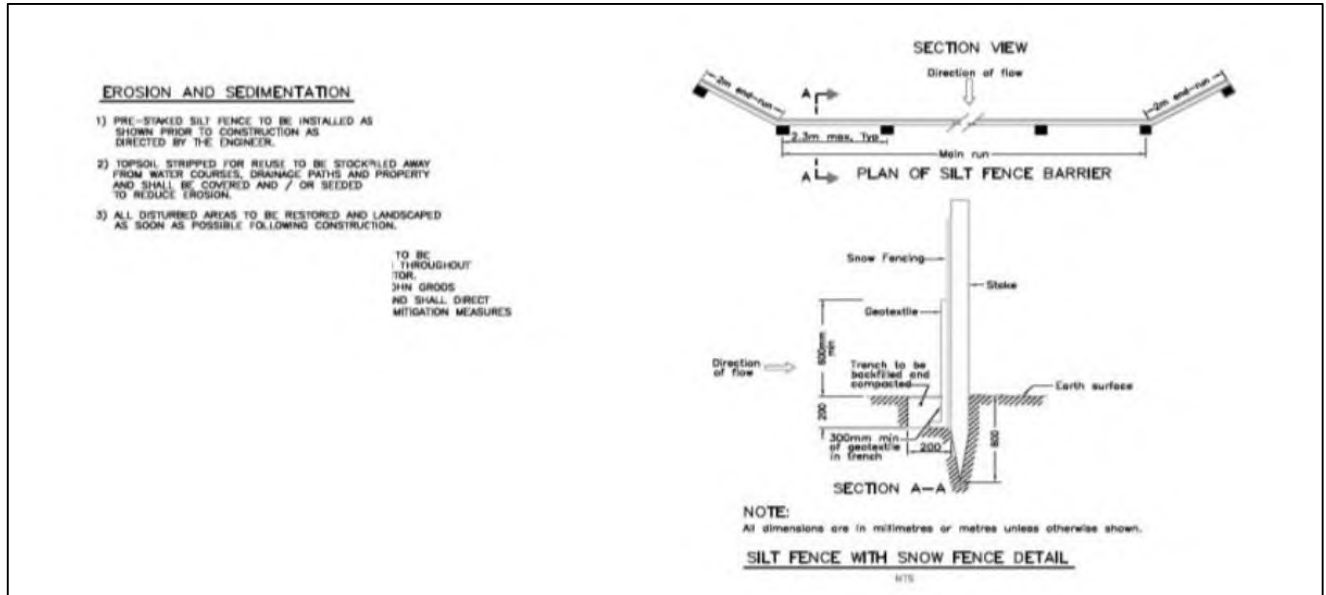




NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

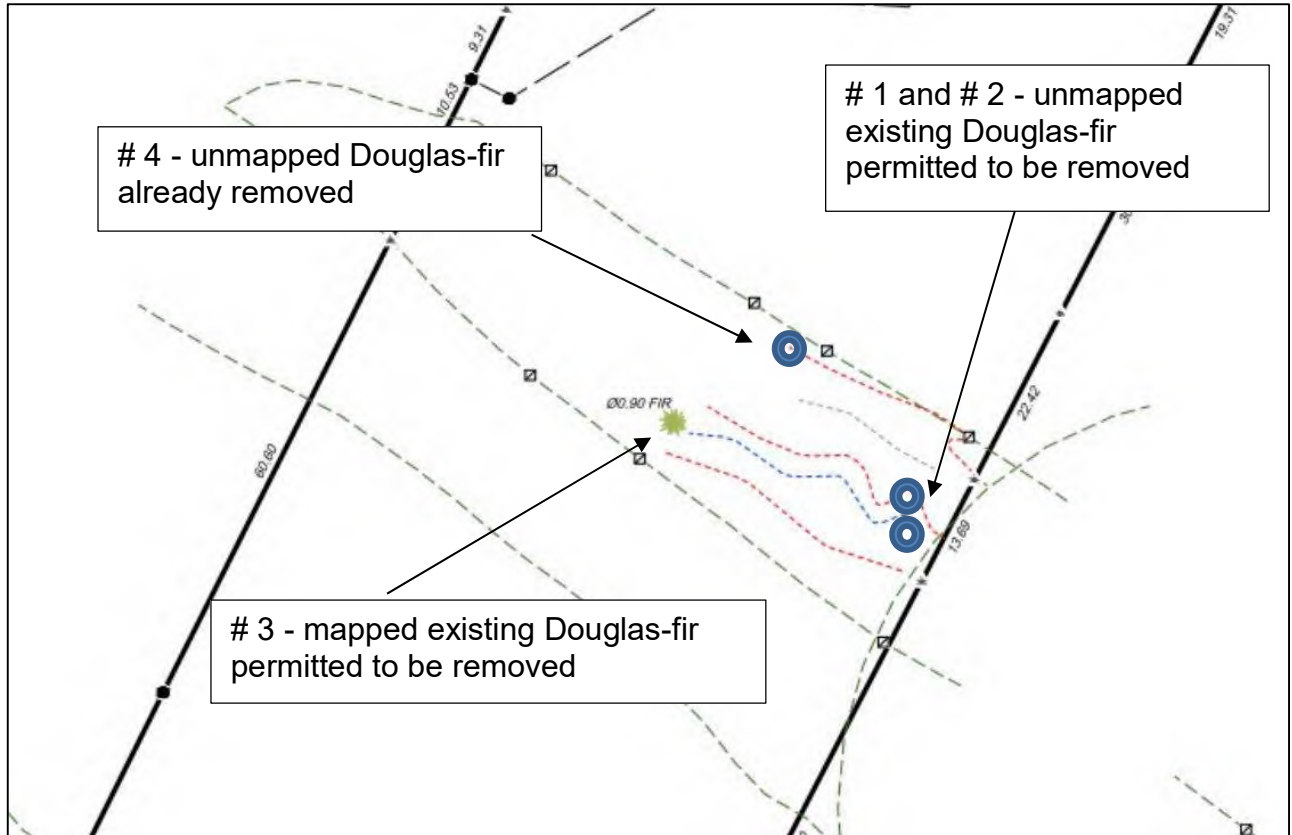
DEVELOPMENT PERMIT 2023.1

Schedule "B" - Silt Fence Diagram



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2023.1 Schedule "C" - Tree Removal Plan



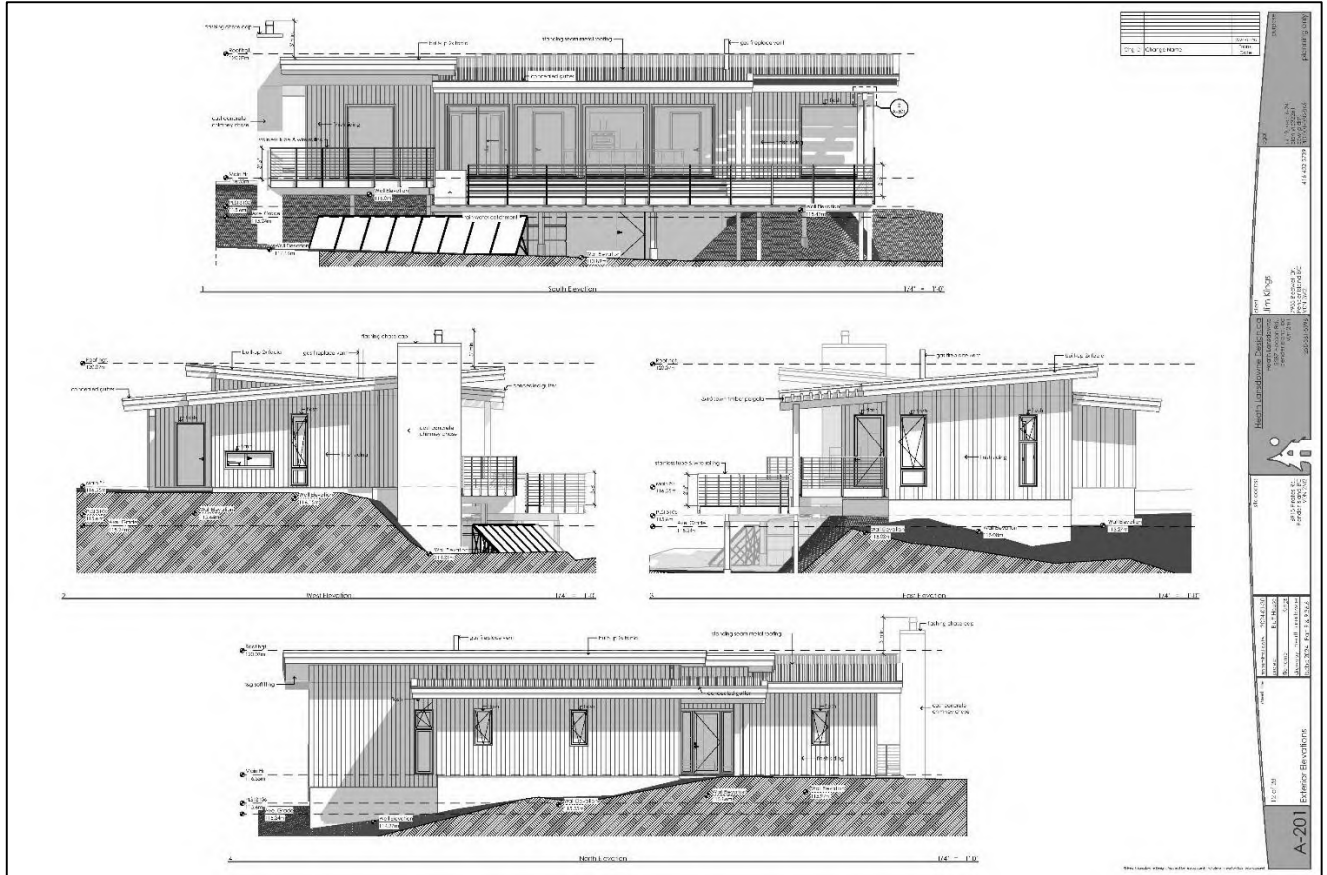
Trees # 1 and 2

Table 1. Diameter of trees in the proposed dwelling site at 6915 Pirates Road, Pender Island, BC. (* DBH of 2 new trees to be removed in DPA)

Herbaceous Ecosystem DPA		
Tree Species	#	DBH (cm)
*Douglas-fir	1	20.7
*Douglas-fir	2	21.9
Douglas-fir	3	25.2
Douglas-fir (Stump)	4	83.0

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

DEVELOPMENT PERMIT 2023.1 Schedule "D" – Elevation Drawings



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 sp.*
Native fescues - *Festuca sp.*

Environmental Assessment of 6915 Pirates Road, North Pender Island, BC



Submitted To: Jim King

January 15, 2025

Prepared By: Dan Baxter and Erin O'Brien



Caurinus Project No.: CE202404

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1.0 Introduction

In November 2024, Caurinus Environmental was contacted by Jim King to complete an environmental inventory, condition and impact assessment in an Herbaceous Ecosystem DPA at 6915 Pirates Road on Pender Island (Figure 1). The purpose of this report is to provide a complete environmental inventory, impact assessment and strategies with other disciplines to guide the construction of a primary dwelling in an environmentally responsible manner.

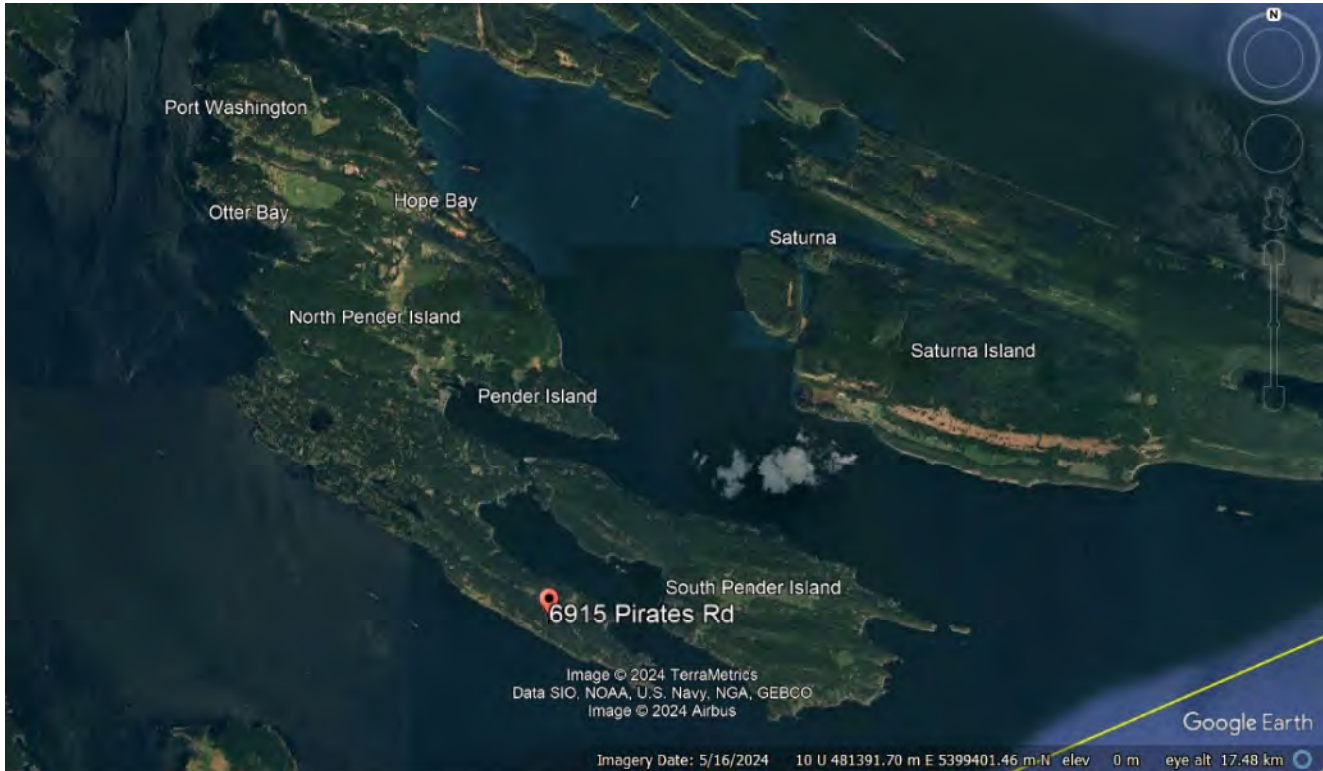


Figure 1. 6915 Pirates Road Pender Island, BC (Google Earth 2024).

The subject property is located in the North Pender Island Local Trust Area, Capital Regional District (CRD), and is approximately 4.05 ha (10 acres) in size. The property is located on 6915 Pirates Road, on the Southernmost tip of North Pender Island (Figure 2). The legal description for the parcel is:

- Lot 19 Plan, VIP32261, Section 6/24, Cowichan Land District, Portion Pender Island (PID: 001-080-865)



Figure 2. 6915 Pirates Road, Pender Island, BC (e-valueBC, BC Assessment 2024).

The subject property is currently zoned R (Rural) with adjacent properties to the north, east and west designated as Rural. 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 (*Quercus garryana*) communities (CPAWS 2005; Demarchi 2011).

Georgian Depression Ecoprovince (GED)

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

SGI - Southern Gulf Islands Ecoregion

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

2.2 Topography

The bedrock geology plays a large role in the topography of the islands. North Pender bedrock is categorized as the Late Cretaceous Nanaimo Group with the strata consisting of alternating interbeds of sandstone, shale, siltstone, and conglomerate. This has led to the steep rugged topography following the trends of the major resistant bedrock units (sandstones and conglomerates), with the valleys being comprised of sandy or clay soils located over less resistant shale and along fault lines (Kenney *et al.* 1988; Kohut *et al.* 2001). Locally, the surveyed property has been incised heavily and scraped down to the bedrock with 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. Other common species include salal (*Gaultheria shallon*) and Oregon grape (*Mahonia aquifolium*) in upland areas, Nootka rose (*Rosa nutkana*), 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 RF/06: Western redcedar - Grand fir – Foamflower**
- **CDFmm DO/03: Douglas-fir - Oniongrass**
- **CDFmm SC/00: Cladina - Wallace's selaginella**
- **CDFmm RO: Rock Outcrop**

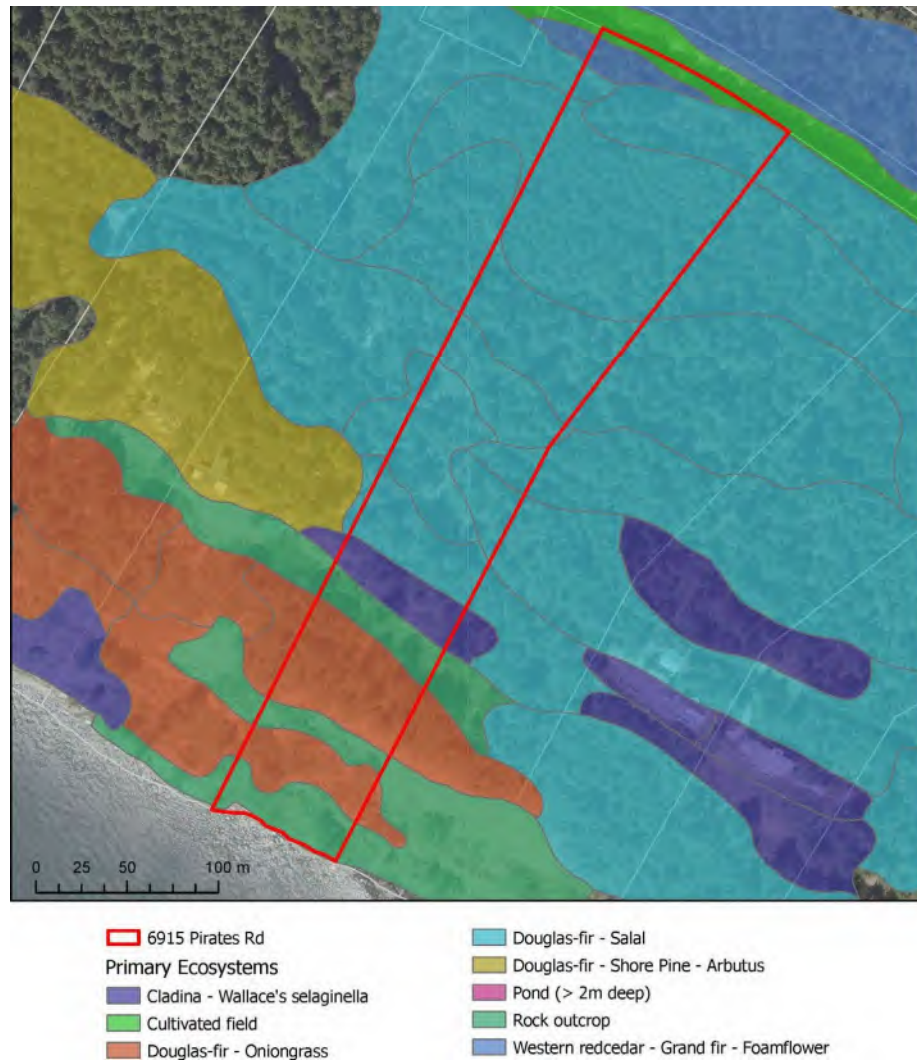


Figure 3. Property Ecosystems: (Douglas-fir Salal, Mature Forest/Young Forest; Western redcedar-Grand fir-Foamflower, Wetland/Mature Forest; Douglas-fir – Oniongrass, Mature Forest/Young Forest; Cladina - Wallace's selaginella, Herb; Rock Outcrop, Sparse/bryoid (Islands Trust (MapIT) 2024).

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 Douglas-fir – Oniongrass (Figure 4).

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 Cladina - Wallace's selaginella (Figure 4).

Cliff Ecosystem DPA

Cliff Ecosystems are rare ecosystems that consist of steep, vertical or overhanging rock faces where sparse vegetation may occur in crevices or on ledges. Although these ecosystems are generally robust and stable, the shallow soils are especially susceptible to erosion, damage from recreational activities, and human disturbances. Open ledges and horizontal fissures on cliffs can provide nesting sites for birds such as turkey vultures (*Cathartes aura*) and peregrine falcons (*Falco peregrinus*). Cliff crevices are used for roosting by bats, and the open cliff faces are used for foraging. Deep crevices are used for shelter and overwintering of snakes and lizards. The Cliff Ecosystem DPA includes ecosystems designated as Rock Outcrop (Figure 4).



Figure 4. Location of Herbaceous, Woodland and Cliff Ecosystem DPA on the subject property (Islands Trust (MapIT) 2024).

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 2024. The review included online satellite imagery, reports, independent studies and recent Terrestrial Ecosystem Mapping (TEM). The subject property is accessed off Pirates Road from a private roadway (Figure 2). The property begins on the south side of the roadway and continues southwesterly until it ends at Swanson Channel in the Salish Sea. The property has been recently disturbed by the construction of a driveway, utilities corridor and stairway just north and along the edge of the Herbaceous Ecosystem DPA.

3.1 Conservation Data Centre

British Columbia Conservation Data Centre (CDC) is an extension of the Ministry of Environment and Climate Change Strategy and is the provincial coordinator of tracking rare and endangered species (native plants, animals, and natural plant communities) in British Columbia on provincial, national and international levels. Documented locations of sensitive (at-risk or endangered) and non-sensitive species were reviewed for the area using a 1 km search radius; no sensitive species occurrences have been documented on or within 1 km of the subject property (Data review: Dec 1, 2024).

3.2 Flora

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

- **Development Permit Area 1: Woodland Sensitive Ecosystem - Douglas-fir – Oniongrass, Mature Forest/Young Forest**
- **Development Permit Area 2: Herbaceous Sensitive Ecosystem – 100% Cladina - Wallace's selaginella, Herb**
- **Development Permit Area 5: Cliff Sensitive Ecosystem – 100% Rock Outcrop, Sparse/bryoid**
- **Woodland - Douglas-fir Salal, Mature Forest/Young Forest**
- **Woodland/Marsh - Western redcedar-Grand fir-Foamflower, Wetland/Mature Forest**

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 DO/03: Douglas fir – Onion Grass**

The tree layer of this ecosystem classification is dominated by Douglas-fir with Garry oak present on warm aspects; arbutus is the only other tree species present. It is typically found on crests to upper slopes where bedrock is near the surface or forms outcrops. Soils are shallow, mostly sandy loamy, often with moderate coarse fragments, but can be deeper where Garry oak is present. The shrub layer is sparse with small amounts of oceanspray and hairy honeysuckle (*Lonicera hispidula*) as well as regeneration of the overstory species. The herb layer is diverse with many annual and perennial species.

The Douglas-fir/onion grass plant community is provincially **Red** Listed (B.C. List Status 2024) and is ranked S1 (critically imperiled; Provincial Conservation Status 2024) in British Columbia. This rare ecological community occurs within a very small but highly urbanized range. Historically, this community has a very restricted range and occurs infrequently in mostly small patches within the natural landscape. Of the remaining ~1%, only 3 km² has been identified as mature or old forest (BC Ministry of Water, Land and Air Protection 2004). This ecological community has experienced significant declines as a result of permanent conversion to urban land cover, rural

developments, and road infrastructure. This ecosystem is found in areas with favourable scenic aspects and is in high demand for new and re-development in the region; hence, it has been depleted to near-extirpation in British Columbia. Threats include development, agriculture, fire suppression, invasive species, recreational use, grazing and browsing by domestic livestock and the overabundance of deer (BC Ministry of Water, Land and Air Protection 2004).

- **CDFmm RF/06: Western redcedar – Grand fir – Foamflower**

This forested ecosystem is dominated by mature to old forests of western redcedar and grand fir, with a moderate cover of Douglas-fir and western hemlock and a low occurrence of bigleaf maple and western yew (*Taxus brevifolia*). The canopy tends to have more complete closure and ingress of western redcedar, with few shade-tolerant shrubs and herbs persisting in the understory. This ecological community tends to occur on lower slopes on east to west aspects, over morainal and inactive fluvial materials. Soils are classified as moderate to fine-textured, Gleyed Dystric Brunisols and are often hummocky. Soil moisture is generally mesic and the soil nutrient regime is rich to very rich. The shrub layer consists of dull Oregon grape, salal, and red huckleberry (*Vaccinium parvifolium*). The herb layer is dominated by three-leaved foamflower (*Tiarella trifoliata*), vanilla leaf (*Achlys triphylla*) and western trillium (*Trillium ovatum*).

The Western redcedar – Grand fir – Foamflower plant community is provincially **Red Listed** (B.C. List Status 2024) and is ranked S1 (Critically Imperiled; Provincial Conservation Status 2024) in British Columbia. This system has been harvested throughout its range and much of the land alienated from forest re-establishment by agricultural, industrial and urban development. Less than 0.01% of this forested ecosystem is represented in the old climax stage with no known occurrences of intact forest with high ecological integrity (Cooke 2011). Due to the constant pressures from harvesting, primarily followed by development for urban/industrial use, invasive alien species and increasing Columbian black-tailed deer populations near developed areas have impacted the disturbed understory of this ecosystem resulting in a constantly disturbed community with little opportunity to recover (BC Conservation Data Centre 2013). Climate change impacts may result in summer drought becoming more common, changing actual soil moisture regimes over the long term, and possibly increasing fire, disease and insect hazards (Cooke 2011).

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

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

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 2024) and is ranked S2 (special concern, vulnerable to extirpation or extinction; Provincial Conservation Status 2024) 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 2024).

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

This ecosystem can be defined by having very steep slopes of exposed bedrock, which may include steep-sided sand bluffs. Generally, there are portions of rocky outcrops that are gentle to steep, bedrock escarpment or outcropping, with little soil development and sparse vegetation. The coastal cliff has a marine influence, generally near-vertical bedrock with accumulation of soil limited to fissures and ledges. These open ledges and horizontal fissures are known to provide avian nesting sites. Cliff crevices can be used for roosting bats while deep crevices are used for shelter and overwintering of snakes and lizards.

- **CDFmm SV/RO: Rock Outcrop: sparsely vegetated**

Rock outcrop are generally comprised of exposed bedrock, usually at the top of knolls or on portions of steeper slopes. Environmental factors influencing plant and animal establishment include steepness and activity of slopes; aspect and position on a slope; exposure to severe weather conditions; lack of moisture or continuous seepages; and whether the site is wind-blown or fully sheltered. Rapid drainage and the accumulation of soil organic matter that is limited to bedrock fissures and ledges results in shallow-rooted stunted trees such as Garry oak, arbutus and Douglas-fir. Patches of kinnikinnick (*Arctostaphylos uva-ursi*) may be present, and scattered baldhip rose (*Rosa gymnocarpa*) can also occur. Herbs can include Stonecrop (*Sedum sp.*), small-flowered alumroot (*Heuchera micrantha*), and nodding onion (*Allium cernuum*). Introduced grasses are typical, with mosses and lichens developing in the shallow soils. Sparsely vegetated ecosystems are areas of low vascular vegetation cover, generally 5 – 10%, usually discontinuous, interspersed with bare sand, gravel, or exposed bedrock. These unique landforms are often in a dynamic state of change due to factors such as water level changes, sediment deposition, sediment erosion and mass wasting. Although species diversity is low in these ecosystems in comparison to other sensitive ecosystems, they provide a variety of specialized wildlife habitats. They support slowly developing pioneer plant communities that are formed by species adapted to hostile environmental conditions (McPhee *et al.* 2000).

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 current or historical clearing for development or selective tree removal. We conducted a comprehensive vegetation survey throughout the Herbaceous Ecosystem DPA and assessed the Woodland Ecosystem DPA of the property for presence of invasive species that may spread into the Herbaceous Ecosystem DPA. The proposed dwelling is to be located on a long ridge that runs southeast parallel to Pirates Road and includes both open woodland and herbaceous components. Since the proposed development is only occurring within the Herbaceous Ecosystem DPA and these ecosystems are not characterized by significant tree cover, we only measured the diameter at breast height (DBH) of the trees within the DPA that would be directly impacted by the proposed development to determine tree replacement criteria (Table 1). The Herbaceous Ecosystem DPA is highly sensitive to ground disturbance, and the proposed dwelling construction and associated land alteration activities will cause net loss of this ecosystem from the landscape through the removal of the thin soils and vegetative ground cover in the

footprint of the proposed dwelling; hence our inventory focused on this ecosystem and its associated herbaceous species (namely non-vascular plants including mosses, clubmosses and liverworts, as well as lichens).

Currently only one Douglas-fir is proposed to be removed for the construction of the proposed dwelling. However, prior to our survey, a stairway leading up to the Herbaceous Ecosystem DPA was constructed, a veteran Douglas-fir (DBH 83.0) was felled, and the entire moss and lichen covering was removed from the rockface delineating the boundary of the Herbaceous DPA. This work was carried out by a local contractor while clearing an area for a driveway and utilities access corridor (Plates 1-4).

Plate 1. Newly constructed stairway against the bedrock surface in the Herbaceous Ecosystem DPA at 6915 Pirates Road, Pender Island, BC. Felled veteran Douglas-fir stump also visible in front of stairs.



Plate 2. Loss of herbaceous cover from the bedrock surface in the Herbaceous Ecosystem DPA due to construction of utilities access corridor at 6915 Pirates Road, Pender Island, BC. Also visible is the felled veteran Douglas-fir stump at the top of the ridge.



Plate 3. Disturbance to the Herbaceous Ecosystem DPA with exposed tree and shrub roots (inset), causing erosion risk following construction of utilities access corridor at 6915 Pirates Road, Pender Island, BC.



Plate 4. Stump of Douglas-fir (DBH 83.0) tree that was removed from the Herbaceous Ecosystem DPA during construction of utilities access corridor at 6915 Pirates Road, Pender Island, BC.



Plant species detected during the site survey are presented in Table 2; non-native and invasive species detected included Scotch broom (*Cytisus scoparius*), common foxglove (*Digitalis purpurea*), dovefoot geranium (*Geranium molle*), sheep sorrel (*Rumex acetosella*), hedgehog dogtail grass (*Cynosurus echinatus*) and Hairy cat's ear (*Hypochaeris radicata*). No species at risk were detected during the vegetation survey. However, the timing of our inventory (late fall) would not preclude the potential occurrence of rare species at another point during the growing season, particularly annual plants that typically occur in herbaceous ecosystems early in the growing season.

Table 1. Diameter of trees in the proposed dwelling site at 6915 Pirates Road, Pender Island, BC.

Herbaceous Ecosystem DPA		
Tree Species	#	DBH (cm)
Douglas-fir	1	25.2
Douglas-fir (Stump)	2	83

Table 2. List of plant and lichen species detected in the Herbaceous Ecosystem DPA at 6915 Pirates Road, 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
Questionable rockfrog	<i>Xanthoparmelia cumberlandia</i>	Unlisted	SNA	Unlisted	Unlisted
Frog pelt	<i>Peltigera neopolydactyla</i>	Native	S5	Yellow	Not Listed
Dragon pixie	<i>Cladonia squamosa</i>	Native	S5	Yellow	Not Listed
Xanthoria	<i>Xanthoria sp.</i>	Native	-	-	-
Clubmosses					
Wallace's selaginella	<i>Selaginella wallacei</i>	Native	S5	Yellow	Not Listed
Mosses					
Rough-moss	<i>Claopodium crispifolium</i>	Native	S4S5	Yellow	Not Listed
Haircap moss	<i>Polytrichum sp.</i>	Native	-	-	-
grey rock-moss	<i>Racomitrium canescens</i>	Native	S4S5	Yellow	Not Listed
Broom moss	<i>Dicranum scoparium</i>	Native	S5	Yellow	Not Listed
Long rock-moss	<i>Racomitrium elongatum</i>	Native	S4S5	Yellow	Not Listed
Bottle-brush moss	<i>Amphidium lapponicum</i>	Native	S5	Yellow	Not Listed
Electrified cat's-tail moss	<i>Rhytidiadelphus triquetrus</i>	Native	S5	Yellow	Not Listed
Liverworts					
Tree ruffle liverwort	<i>Porella navicularis</i>	Native	S5	Yellow	Not Listed
Other plant sp.					
Hairy honeysuckle	<i>Lonicera hispidula</i>	Native	S5	Yellow	Not Listed
Licorice fern	<i>Polypodium glycyrrhiza</i>	Native	S5	Yellow	Not Listed
Goldenback fern	<i>Pentagramma triangularis</i>	Native	S5	Yellow	Not Listed
Oregon boxwood	<i>Paxistima myrsinites</i>	Native	S5	Yellow	Not Listed
Mountain sweet-cicely	<i>Osmorhiza berteroi</i>	Native	S5	Yellow	Not Listed
Miner's lettuce	<i>Claytonia perfoliata</i>	Native	S5	Yellow	Not Listed
Dull Oregon grape	<i>Berberis nervosa</i>	Native	S5	Yellow	Not Listed
Tall Oregon grape	<i>Berberis aquifolium</i>	Native	S5	Yellow	Not Listed
Fescue sp.	-----	----	----	----	----
Brome sp.	-----	----	----	----	----

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Trees					
Garry oak	<i>Quercus garryana</i>	Native	S5	Yellow	Not Listed
Douglas-fir	<i>Pseudotsuga menziesii</i>	Native	S5	Yellow	Not Listed
Arbutus	<i>Arbutus menziesii</i>	Native	S5	Yellow	Not Listed
Invasive/non-native					
Common foxglove	<i>Digitalis purpurea</i>	Exotic	SNA	Exotic	Not Listed
Scotch broom	<i>Cytisus scoparius</i>	Exotic	SNA	Exotic	Not Listed
Hairy cat's-ear	<i>Hypochaeris radicata</i>	Exotic	SNA	Exotic	Not Listed
Dovefoot geranium	<i>Geranium molle</i>	Exotic	SNA	Exotic	Not Listed
Sheep sorrel	<i>Rumex acetosella</i>	Exotic	SNA	Exotic	Not Listed
Hedgehog dogtail grass	<i>Cynosurus echinatus</i>	Exotic	SNA	Exotic	Not Listed

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

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

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

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

3.3 Fauna

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

Birds

Six bird species were observed on or adjacent to the property during the site visit (Table 3). A small cave with 2 entrances is located on the property adjacent to the proposed building site (within 25 m) that has the potential to be used by Turkey vultures as a nesting site (Plates 4a,b). No evidence of recent occupancy (within the past breeding season) such as feathers or scat were present; however, vultures commonly move between nest sites within a territory in successive years (David Manning, personal communication). The birds detected on site are typical for the area in late fall. No heron nests were detected during the site visit; however, there are two documented bald eagle (*Haliaeetus leucocephalus*) nests located 52 m and 155 m from the proposed dwelling (Wildlife Tree Stewardship Atlas 2024; Figure 5). Notable migratory birds that are highly likely to occupy the Herbaceous DPA and surrounding bluffs during summer months include common nighthawk (*Chordeiles minor*), which is Blue listed in BC and federally listed as Schedule 1 (Special Concern) under SARA. This species is declining rapidly across its range; declines are attributed to factors including loss of bluff nesting habitats to residential development.

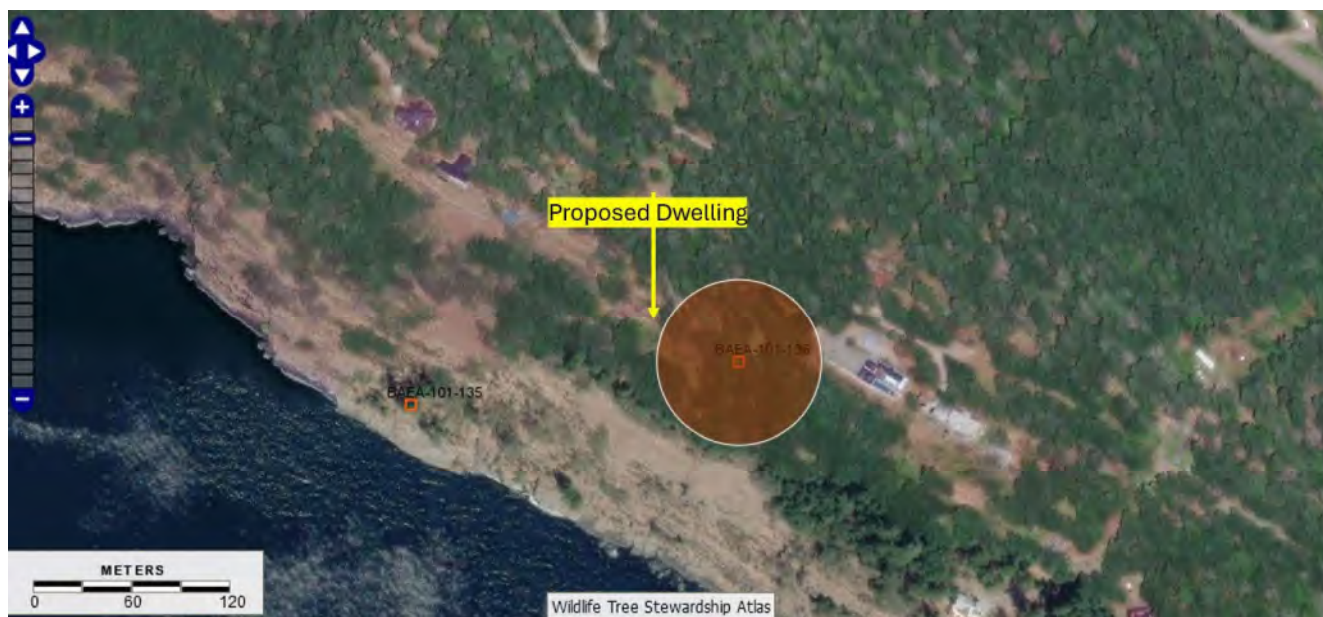


Figure 5. Bald eagle nest locations (red squares; BAEA-101-136 (52m), BAEA-101-135 (155m), relative to the proposed dwelling on Pender Island, BC. Data are from the BC Wildlife Tree Stewardship Atlas (accessed Dec 2024).

Table 3. List of bird species detected at 6915 Pirates Road, Pender Island, BC.

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Pine siskin	<i>Spinus pinus</i>	Native	SB5	Yellow	Not Listed
Red-breasted nuthatch	<i>Sitta canadensis</i>	Native	S5	Yellow	Not Listed
Pileated woodpecker	<i>Dryocopus pileatus</i>	Native	S5	Yellow	Not Listed
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

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>

Plate 4a. Entrance to potential Turkey Vulture nest site adjacent to the proposed dwelling building site at 6915 Pirates Road, Pender Island, BC.



Plate 4b. Interior and visible back entrance to potential Turkey Vulture nesting site adjacent to the proposed dwelling building site at 6915 Pirates Road, Pender Island, BC.



Turkey Vultures: Nesting site and timing summary

Breeding pairs of vultures arrive in the Southern Gulf Islands region in March, but most return to their nest sites during the first half of April. The most important factor in nest site selection appears to be isolation from disturbance by humans and potential predators (Kirk and Mossman 1998). Nest sites are located in caves, alcoves and/or crevices in rock cliffs and bluffs, among large rock rubble, and occasionally on the forest floor (Campbell *et al.* 2005). Once a nest site is selected, the breeding period can last up to 4 months with peak egg-laying

occurring from mid-May to early June. Incubation can last up to 40 days with the eggs hatching from late June through early July; by September most of the young have fledged. Any disturbance during this time – particularly from the nest site selection through early nestling periods – can lead to nest abandonment (Coleman and Fraser 1987).

Mammals

Two mammal species were detected during our site visit (Table 4), with no species at risk detected. We detected the presence of black-tailed deer (*Odocoileus hemionus columbianus*) in the form of pellets and trails at multiple locations on the property. Evidence of river otters (*Lontra canadensis*) was present in the form of scat within 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 6915 Pirates Road, 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

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 several reptile species are likely to 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 5) 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 disturbed landscapes, provided that critical habitat features for their survival are maintained. Any crevices in rocky outcrops like those present on the subject property can provide excellent breeding nursery and hibernation habitat for a variety of reptiles, including the **red-listed** sharp-tailed snake (*Contia tenuis*) as well as alligator lizards (Rutherford and Gregory 2003; Ovaska *et al.* 2004). Indeed, the entire southwest-facing ridge above Swanson Channel is classified as high-quality sharp-tailed snake habitat (Figure 6). No hibernacula were detected on the subject property during the site assessment.

Plate 5. Rocky outcrop and shelter area in Herbaceous Ecosystem DPA with suitable snake and alligator lizard habitat located at 6915 Pirates Road, Pender Island, BC.



Figure 6. Potential sharp-tailed snake habitat (red polygon) at 6915 Pirates Road, Pender Island, BC (CRD Regional Map 2024).

3.4 On Site Land Use

The majority of the subject property consists of Douglas-fir – Salal forest, with a major change in habitat at the boundary of the Herbaceous Ecosystem DPA. There is a short, recently built driveway on the north side of the property ending on the edge of the Herbaceous Ecosystem DPA (Plate 6). Most of the recent site disturbance has occurred just inside the boundary of the new driveway along the edge of the Herbaceous DPA (Plates 1-4). The proposed dwelling site is composed of open herbaceous habitat (Plate 7) and has been left relatively undisturbed, except for a pruned Douglas-fir (DBH 25.2; Plate 8) tree. A developed residential property exists on the northwest side of the subject property, with dwellings located in the open herbaceous habitat, while the property to the southeast, which contains the bald eagle nest, is forested and undeveloped (Plates 9,10).

Plate 6. Newly constructed driveway and adjacent utilities corridor along the boundary of the Herbaceous Ecosystem DPA at 6915 Pirates Road, Pender Island, BC.



Plate 7. Herbaceous Ecosystem DPA with open habitat at proposed dwelling site at 6915 Pirates Road, Pender Island, BC.



Plate 8. Douglas-fir (DBH 25.2) with evidence of pruning at the proposed dwelling location within the Herbaceous Ecosystem DPA at 6915 Pirates Road, Pender Island, BC.



Plate 9. Northwest side of subject property (6915 Pirates Road, Pender Island, BC) showing view of adjacent development. House is located on the other side of boulders and trees.



Plate 10. Southeastern side of subject property (6915 Pirates Road, Pender Island, BC) showing view of adjacent forested property.



4.0 Impact Assessment

The newly constructed stairway leading to the Herbaceous Ecosystem DPA has had little impact on the overall health and ecological integrity of this sensitive ecosystem, with the landing and associated supports installed with minimal disturbance to the underlying moss and vegetation layer. The majority of the damage has occurred during the building of the utilities access corridor adjacent to the north side of the DPA (Plates 2,3). This disturbance will result in localized erosion and sediment transport from the top of the bluff down to the driveway, as soil and supporting tree roots have been disturbed or fully removed. Elsewhere in the DPA, soil and vegetation cover are generally intact. Critically for herbaceous ecosystems, much of the vegetative cover can take from 50 to well over 100 years to recover (average growth rates of 4.8 to 11.1 mm/year and average ages of over 100 years for lichens, Ahti 1959; up to 50 years for liverwort regeneration, Peck and Muir 2001); hence, disturbance to ground cover during all activities must be minimized in severity and extent. Potential impacts of this proposed development on the Herbaceous Ecosystem DPA centre around the movement of equipment and materials, excavation activity, direct net loss of habitat in dwelling footprint, subsequent reclamation, and redirection of rain and groundwater as part of the dwelling design. To safeguard from erosion, planting or seeding will be necessary to help restore any disturbed areas.

Tree Removal

During the construction of the utilities access corridor adjacent to the Herbaceous DPA, a local excavating company removed a large veteran Douglas-fir (DBH 83.0; Plate 4) from the DPA. In addition, a second Douglas-fir (DBH 25.2; Plate 8) is proposed to be removed as it lies within the proposed dwelling footprint. Although both trees must be replaced following Provincial government tree replacement criteria (See Mitigations and Recommendation), the proposed tree removal for dwelling construction will not significantly alter the ecological function of the Herbaceous Ecosystem DPA as these ecosystems tend to be areas of low growing ground cover, dominated by grasses, forbs, mosses and lichens.

Slope Stability / Erosion

The open rocky area of the Herbaceous Ecosystem DPA where the proposed dwelling is to be located is sparsely vegetated with patches of invasive and other non-native plant species such as Scotch broom, Hairy cat's-ear and common foxglove. The lower section of the Herbaceous DPA adjacent to the Cliff DPA is stable with minimal soil erosion as evidenced by well-rooted grasses and other vegetation along the edge, as well as a diverse cover of nonvascular plants and lichens on the rock outcrops (Plate 11).

Plate 11. Stable rocky outcrop with minimal soil erosion evident in the Herbaceous DPA at 6915 Pirates Road, Pender Island, BC



Although generally stable, there is the potential for disturbance due to construction activities involving rock removal that could result in erosion and reduced slope stability within the DPA (Appendix 1).

Hydrology

The installation of proper drainage will be needed to ensure water flow is directed away from the proposed dwelling. Any overflow should be directed toward the southwest side of the rocky outcrop to permit the natural movement of water and terrestrial nutrients to flow toward the ocean, consistent with existing drainage patterns on the landscape. The proposed deck (Appendix 1) should use a permeable and flow-through design to help mitigate the loss of seasonal precipitation inputs into the DPA as a result of the proposed development, as these seasonal inputs are critical for persistence of this sensitive ecosystem on the landscape.

Excavation and Root Damage

Given the shallow soil depth on the property, it is important to reduce the likelihood of potential for damage to lateral anchoring roots of trees growing within or adjacent to the Herbaceous Ecosystem DPA. Root damage due to equipment or soil compaction can compromise tree health and stability; this has the potential to impact the integrity of the Herbaceous Ecosystem DPA and could result in risk of tree fall damage to structures, necessitating future tree removal. Of particular concern are any impacts to tree roots caused by large equipment operation during construction; if root damage occurs, this will lead to the loss of these stabilizing trees and further erosional losses, as well as associated detrimental reduction in carbon storage, biodiversity, and groundwater impacts.

Introduction of Non-native Flora

Because invasive plants can readily disperse into sensitive ecosystems following their introduction in adjacent areas of disturbance, areas that have undergone ground disturbance near the Herbaceous Ecosystem DPA must be kept clear of invasive plants to prevent introduction of non-native species into the sensitive DPA ecosystem. Any 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. The DPA already supports significant growth of Scotch broom which will readily spread and exclude native plant species from establishing in disturbed areas. Section 5.0 provides suggestions for native species that should be seeded or planted to enhance the biodiversity and resilience of the DPA.

Septic Field

The proposed septic site will be located outside of the Herbaceous Ecosystem DPA (Appendix 1). The location of the septic field must comply with sewerage system regulations regarding well setbacks.

Wildlife Impacts

Bald Eagles

Two documented bald eagle nests are located near the subject property (Figure 5):

- **BAEA-101-136 (52m)**
- **BAEA-101-135 (155m)**

Although a Raptor and Heron DPA does cross into the property, the location of the proposed dwelling will be located just outside the Islands Trust OCP designated 50 m buffer. However, Provincial guidelines for rural development state that no development should occur within 100 m of an active eagle nest, with an additional 100 m “quiet buffer” during the nesting season to minimize disturbance (Jan 5 – Aug 31; BC Ministry of Forests, Lands and Natural Resource Operations 2013). This places nest BAEA-101-135 outside of the Provincial guideline development buffer (though within the quiet buffer), whereas nest BAEA-101-136 is located within development and quiet buffers. It is noteworthy that adult eagles have been observed in the area flying over or immediately adjacent to the subject property, and several veteran Douglas-firs in the area are suitable eagle perch trees. Hence, the importance of the subject property within a larger territory of habitat use by nesting bald eagles should be recognized, and construction activities adjusted according to Provincial guidelines (see Section 5.0).

Turkey Vultures: Nesting site and timing summary

Turkey vulture nest sites are very difficult to find due to the secretive behaviour and sensitivity to disturbance of this species. Although often seen foraging in developed areas, Turkey Vultures need undisturbed areas for nesting and roosting. Very few nesting sites are known in the province, making it difficult to protect nests (Campbell *et al.* 2005). The breeding season window for turkey vultures in our region is between April 10 and August 31. High or even low-level disturbance and habitat destruction has been implicated in historical nest site abandonment. In particular, disturbance from human activity can cause turkey vultures to temporarily abandon breeding attempts, allowing predators to take eggs (Coleman and Fraser 1987). The Province of British Columbia recommends an undisturbed buffer of at least 500 m in undeveloped areas, 200 m in rural areas, and 60 m in urbanized areas. An additional 100 metre ‘quiet’ buffer is recommended during the nesting season (BC Ministry of Forests, Lands and Natural Resource Operations 2013).

Sharp-tailed snakes

Species at risk that likely occur in the project area include sharp-tailed snakes (*Contia tenuis*; Figure 6). Although this species is thought to spend most of its time in open, rocky habitats (both above and below ground), recent tracking studies on Vancouver Island have shown that individuals can move up to 80 m in their active seasons,

and up to 150 m between years, often moving between open and forested habitats (C. Engelstoft, personal communication). Hence, this species may be present in the forested and open bluff sections of the property during at least some time of the year.

5.0 Mitigation and Recommendations

Vegetation protection and remediation

Herbaceous Ecosystem DPAs provide habitat for rare plants, nesting sites for terrestrial and marine birds and serve as a refuge for species susceptible to habitat disturbance. Following the proposed development, no further work or development should occur in the Herbaceous Ecosystem DPA on the subject property, and any further activities on the upland portion of the property must prevent disturbance to soil and existing native vegetation in order to maintain soil stability and minimize erosion and sediment transport into the DPA. We particularly recommend revegetation of the Red-listed Douglas-fir – Onion Grass ecosystem located below the Herbaceous Ecosystem DPA. Revegetation should consist of Garry oak, arbutus and Douglas-fir as canopy tree species, shrubs such as oceanspray, red-flowering currant (*Ribes sanguineum*), Nootka rose (*Rosa nutkana*) and saskatoon (*Amelanchier alnifolia*), and ground cover species such as kinnikinnick, nodding onion, woolly sunflower (*Eriophyllum lanatum*), Oregon gumweed (*Grindelia stricta*), camas (*Camassia quamash*), and drought-tolerant grasses such as native fescue (e.g. *Festuca roemerii*).

The proposed development includes a deck that can potentially reduce soil water inputs from precipitation and increase shading. Designing the deck surface to be as permeable as possible, allowing maximum flow-through of precipitation, will minimize loss of soil water. Directing overflow of precipitation from the rainwater collection system into the DPA beyond the dwelling will also help to compensate for any loss of soil water due to the siting of the deck in the DPA. The proposed height of the deck (up to 1.5 m) will ensure a reasonable amount of light reaches the ground below, and so will minimize light stress on vegetation.

Ongoing invasive plant removal is recommended for species such as Scotch broom, Daphne, and any other invasive species detected on the property (See Table 2), as well as revegetation with native plant species in areas of disturbance to help avoid further introduction of non-native species. Scotch Broom modifies soil chemistry and prevents native species from establishing, shades out native species, and competes with native plants for access to water, nutrients and pollinators and hence it is critical that it be eliminated from this landscape to restore it to a diverse and resilient native plant community (Slesak *et al.* 2022). Removal should be achieved by cutting the plants at or just below the ground (just below the root collar) to avoid soil disturbance and erosional loss, as well as to reduce the chance of 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. Cut plants can be piled and composted in shady, moist forest areas elsewhere on the property to minimize fire risk. It will take many years before Scotch broom will be fully removed from this landscape as there will be a considerable seed bank that can persist for many decades. Replanting of native shrubs and trees should be accompanied by deer browse exclusion fencing and irrigation to allow plantings to establish.

Site Specific Recommendations

Tree Replacement

Two trees will require replacement in the Herbaceous Ecosystem DPA or adjacent Woodland DPA on the subject property. These include the Douglas-fir (DBH 83 cm) removed prior to our site survey, and a second Douglas-fir (DBH 25.2 cm) that lies within the footprint of the proposed new dwelling. It should be noted, of course, that planting of any number of seedlings does not actually compensate for the ecological function of one century-old veteran tree.

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, with thin soils that are seasonally dry. The neighbouring property to the northwest supports among the largest stands of Garry oak on North Pender Island, and the Herbaceous DPA on the Subject Property would benefit from the addition of Garry oak in deeper soil pockets to help stabilize slopes and provide habitat and nutrients through leaf litter fall. Additional trees such as Douglas-fir, arbutus or shore pine could be planted in the Woodland DPA to the south, downslope from the Herbaceous and Cliff DPA areas (see Figure 4). These measures would help to enhance canopy species diversity in the sensitive ecosystems on the Subject Property; while building structures in Herbaceous Ecosystem DPAs invariably represents a net loss of this highly sensitive and microsite-limited ecosystem, enhancing native biodiversity and resilience of remaining Herbaceous ecosystems through targeted planting and invasive species removals can functionally offset this net ecosystem loss to some extent.

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 (Ministry of Forests, British Columbia 1999):

- **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.**

With one Douglas-fir of 83 cm DBH removed from the DPA, and another proposed for removal in the dwelling footprint of 25.2 cm DBH, the above prescription requires 11 trees to be replaced as compensation. Planting sites should be identified as areas with reasonably deep soils 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 mulching of plantings and 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 12). In the Herbaceous DPA, there are regions of deeper soil (e.g. flat area shown in Plate 11) that should support planting of small Garry oak seedlings (1-gallon pots).

Retention of the remaining trees present in the Woodland and Herbaceous Ecosystem DPAs on the subject property will maintain carbon storage capacity, slope stability, nutrient inputs and help stimulate the natural tree regeneration process on the property, since mature trees provide a source of seed for future regeneration. In addition, snags (standing dead trees) provide nest sites and a source of insect food 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 12. Example of protective barrier that should be installed around planted seedlings to prevent deer browsing, consisting of galvanized wire fencing anchored with rebar.



Wildlife considerations

Bald eagles

The subject property is largely outside of the 50 m DPA associated with the bald eagle nest located on the adjacent property to the southeast; however, Provincial guidelines recommend that an additional 100 m 'quiet zone' be implemented during the breeding season in rural areas. Hence, to follow provincial recommendations informed by disturbance and stress ecology of this species, and to ensure compliance with the Provincial Wildlife Act, a QEP should monitor the nest on the adjacent property and the lower nest near the shoreline until mid-April to determine whether either nest site is in use. According to the records of David Manning, local naturalist monitoring eagle nests on North and South Pender Island for nearly 20 years, the nesting attempt at the adjacent site in 2021 was not successful, and the site has not been used in any subsequent year despite the presence of a breeding pair of birds within the territory (following, perhaps coincidentally, the installation and operation of a helicopter landing area on the adjacent property to the southeast, within 200 m of the nest). It is therefore unlikely the adjacent nest will be occupied again; however, we recommend a precautionary approach given the long occupancy history for this nesting territory, and in an effort to balance human land use with wildlife values.

Turkey Vultures

We recommend installing a wildlife camera directed toward the entrance of the potential turkey vulture nest cave to ensure that no vultures are using the site for breeding. This monitoring should begin during the last week of March and continue for one month, until the last week of April. Once a QEP has reviewed the images and recordings and can confirm that there are no nesting turkey vultures present, the project may proceed.

If a nesting pair are discovered, following the Provincial guidelines is highly recommended to comply with the Migratory Birds Convention Act and BC Wildlife Act. For turkey vulture nest sites in rural, low-density areas, the

Province of BC recommends the following buffers throughout the breeding season (until the end of August, or until the young fledge):

- i. a 200 m radius from the nest site for all construction-related activities; and
- ii. an added 100m radius from the nest site during the breeding season as a 'Breeding season quiet buffer' (i.e. mechanical equipment operation such as excavators, large trucks, tree felling and chainsaw work).

As with bald eagles (above), the ongoing operation of a private helicopter within 200 m of the subject property will likely generate sufficient acoustic and visual disturbance to preclude nesting by turkey vultures; however, monitoring of this potential nest site should be conducted prior to any development activity on the subject property to ensure the site is not in use.

Sharp-tailed snakes

The site inventory was conducted during the late fall, when sharp-tailed snakes are overwintering well below-ground; hence there was no potential for detection of this species at risk. Given the suitability of the habitat along the entire ridge for this species (Figure 6), however, any construction activity should avoid disturbance of large woody material (decomposing logs), rock piles and boulder overhangs that provide microsites potentially used by snakes as refugia or basking areas.

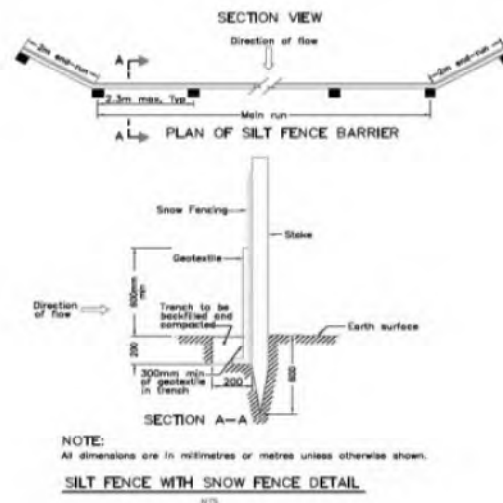
Site Specific Recommendations

Slope Stability / Erosion

1. Prior to construction, install silt fence as illustrated below to prevent surface transport of soil or fill and other material toward the seaward edge of the Herbaceous Ecosystem DPA beyond the immediate construction area.

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.



2. Install silt barrier fencing as close as possible to the construction area and ensure no equipment crosses the barrier into adjacent areas of the Herbaceous Ecosystem DPA. Storage of building materials must be limited to areas outside of the Herbaceous Ecosystem DPA as is practical.
3. Immediately stabilize area by any activity associated with the project using silt barrier fencing to prevent erosion and/or sedimentation, and subsequently through revegetation with native species suitable for the site. This is of extreme importance for the subject property to maintain a low risk of erosion through the

DPA and especially along the cliff edge. Any increase in sediment runoff would cause increased sedimentation of nearshore waters, and increased turbidity can impact many nearshore species, including restricting the growth of photosynthetic macroalgae along the shore. Swanson Channel below the subject property is an Interim Sanctuary Zone for Southern Resident Killer Whales because it is an important feeding area where chinook salmon occur, and any damage to slopes and increased risk of erosional inputs would negatively impact this critically endangered species.

4. To further stabilize the bank from future erosion, we recommend ongoing invasive plant removal, paired with revegetation using native plant species in areas of disturbance to help avoid further introduction of non-native species. All restoration planting should occur in the fall-spring (Nov-Feb) to allow for plant root establishment before being exposed to summer drought, and plantings should be mulched to enhance soil moisture retention.
5. Ensure no work involving ground disturbance is carried out during precipitation events.
6. 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

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

Revegetation

8. Based on our professional opinion and in consultation with a professional forester: post construction, we recommend planting small seedlings as the best way to ensure tree root systems can 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 some of the replanting will be occurring in the sensitive Herbaceous Ecosystem DPA and adjacent woodland areas.
9. Newly planted trees and shrubs require little care; however, until they reach a sufficient height, protection from wildlife browsing will be necessary. It is recommended that wire cages (e.g. galvanized wire fencing) be used to protect new seedlings and shrubs from animal damage. Cages need to be expandable to allow for plant growth while still ensuring protection from browsing. Barriers should start close to the ground and extend past the reach of deer, at least 1.5 m in height. Alternatively, larger sections of the property where planting will occur could be fenced, ensuring that the newly planted trees and shrubs will grow without the risk of browsing.
10. All plantings (trees, shrubs and ground cover) should be maintained by the property owner to ensure survival. For canopy trees, this is typically required until they have reached a suitable “free to grow” stage of 1.5 m. Maintenance will require browsing exclusion fencing (see #10 above), removal of invasive weeds (e.g., common foxglove, Scotch broom), and some irrigation may also be necessary to ensure seedling establishment; however, the species we have recommended for planting are generally drought tolerant once established. Unhealthy, dying or dead stock should be replaced in the next regular planting season.
11. The removal of invasive species (particularly Scotch broom) is recommended throughout the entire property, including the Herbaceous Ecosystem DPA, to prevent their continued spread and improve the resilience and biodiversity of natural areas. See above for specific removal recommendations.

Introduction of Non-native Flora

12. Contractors should inspect and clean their equipment 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.
13. Landscaping and restoration of disturbed areas should be conducted using *only* native plant species.

14. The removal of invasive species is recommended throughout the entire property. Where invasive plants occur along the cliff edge of the Herbaceous Ecosystem DPA, ensure all stems are cut and not pulled to maintain stabilization of the bank. Keeping Scotch broom trimmed before flowering will also help reduce seed set and spread.

Downslope Contamination

15. The construction plan for the proposed septic system installation will require approval by Island Health. Providing the plan is implemented as proposed, there should be no potential for contamination of the surrounding Herbaceous Ecosystem DPA.

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

16. To maintain ecological integrity of the Herbaceous Ecosystem DPA and the subject property as a whole, all existing canopy trees should be maintained. This includes 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 herbivore browsing). Retention of all mature trees in the Herbaceous Ecosystem DPA on the property will help stimulate the natural tree regeneration process, since mature Douglas-fir, Garry oak and arbutus provide a source of seed for future regeneration.
17. 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). All construction activities involving ground or tree disturbance should be avoided during this peak nesting period, or affected areas should be surveyed for nesting birds prior to works being initiated.

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 sp.*
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 necessary, but the applicant is encouraged to work with local professionals to develop a plan that will guide their ongoing restoration efforts on the property.

7.0 Conclusion

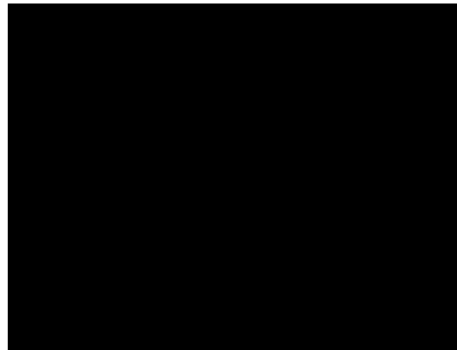
The proposed new dwelling at 6915 Pirates Road, Pender Island, BC is proposed to be constructed within the designated Herbaceous Ecosystem DPA (Figure 3, 4). It is our opinion that the guidelines and recommendations we have outlined above will ensure that detrimental impacts to the highly sensitive and threatened ecosystems on the subject property can be avoided as much as possible. If you have any questions or comments, please contact the undersigned at your convenience.

Respectfully Submitted,

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



Caurinus Environmental



8.0 References

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APPENDIX 1

Kings

Lot Coverage	
House Structure Area	269 m ²
Coltarge Structure Area	N/A
TII Accessory Structure Area	n/a
Total Structure Area	269 m ²
Lot Area	40,494 m ²
Lot Coverage	0.7%
TII Structure Area/Lot Area	

Produced from original digital file provided by:
Polaris Land Surveying Inc.
204-149 Fullford-Ganges Rd.
Sall Spring B.I.
887-603-7398
www.pls.ca

Site Plan of Lot 19, Sec. 6 & 24
Pender Island, Cowichan Dist.
Plan 32261

PID 001-080-865

Distances in Metres

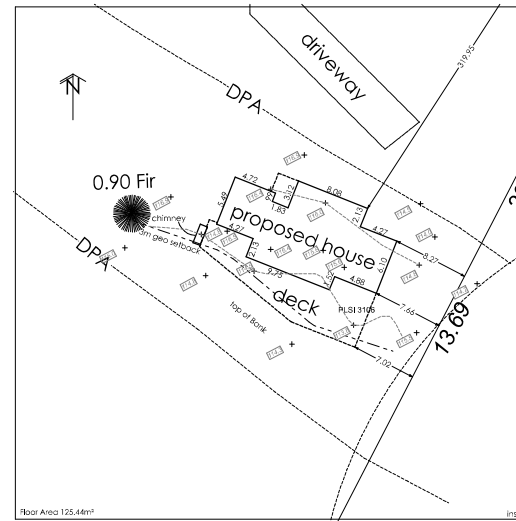
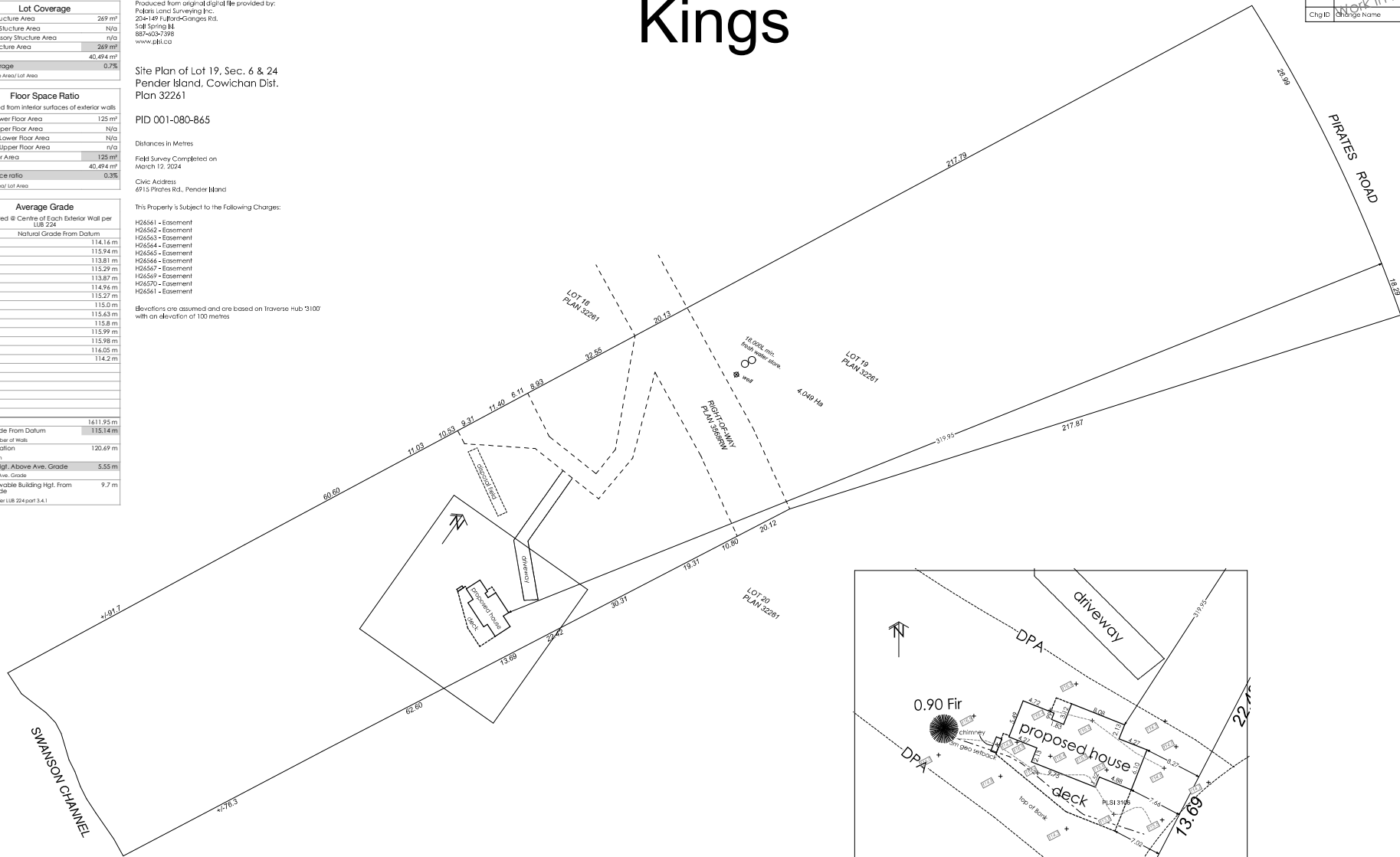
Field Survey Completed on
March 12, 2024

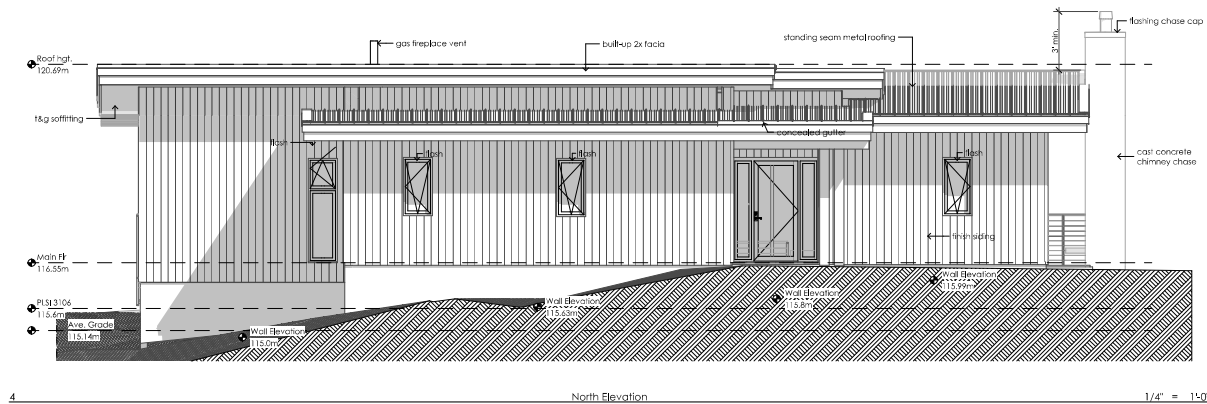
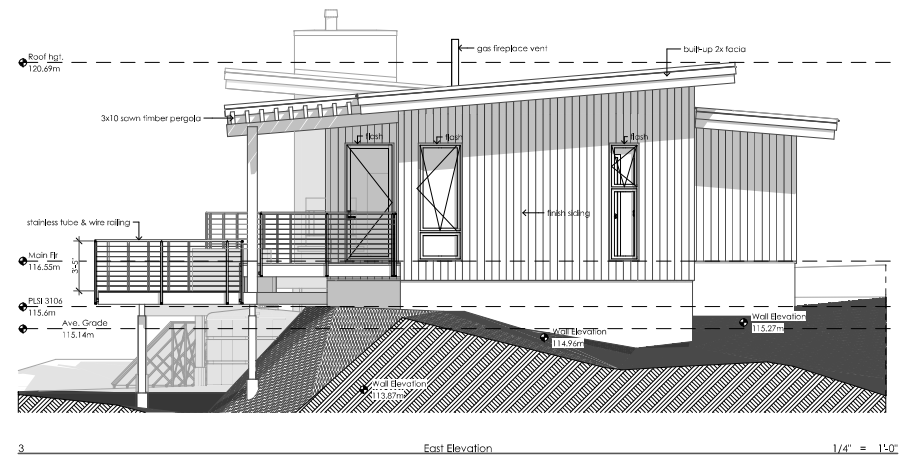
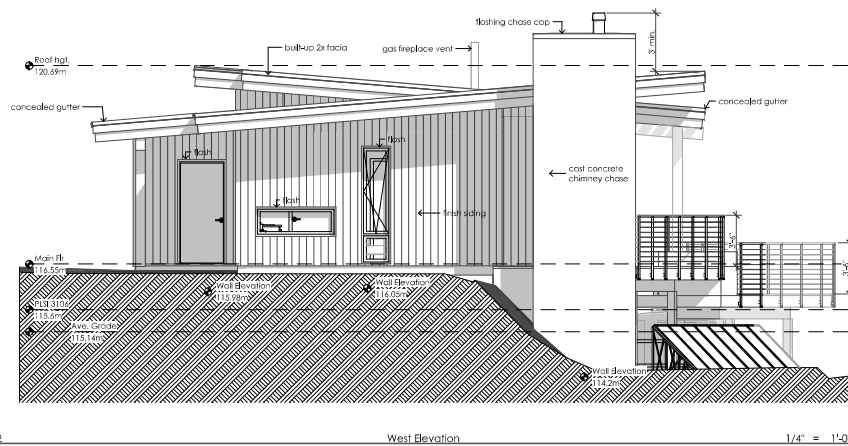
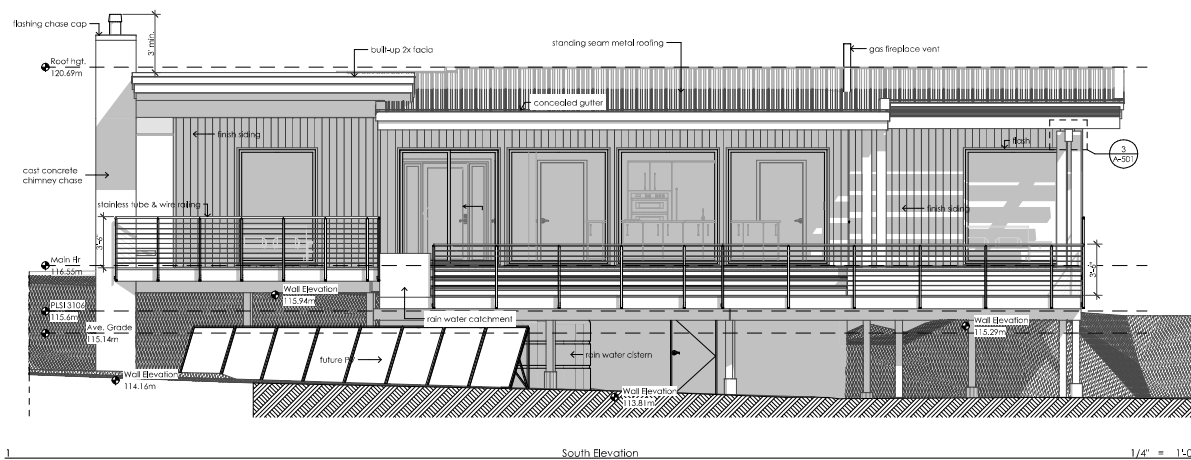
Civic Address
6915 Pirates Rd., Pender Island

This Property is Subject to the Following Charges:

Average Grade		
Measured @ Centre of Each Exterior Wall per UB 224		
Wall	Natural Grade From Datum	
1		114.16 m
2		115.94 m
3		113.81 m
4		115.29 m
5		113.87 m
6		114.66 m
7		115.27 m
8		115.05 m
9		115.83 m
10		115.8 m
11		115.99 m
12		115.96 m
13		116.65 m
14		114.2 m
15		
16		
17		
18		
19		
20		
Total		1611.95 m
Ave. Grade From Datum		115.14 m
UB 224 (Number of Roof Elevation		120.69 m
From Datum		
Roof Elev. - Ave. Grade		5.55 m
Max Allowable Building Hgt. from Ave. Grade		9.7 m
Per N. Pender (UB 224 part 3.4.1)		

Elevations are assumed and are based on Traverse Hub '3100' with an elevation of 100 metres

[illegible][illegible]



Chg ID	Change Name	Trans. Date

A-201	Exterior Elevations	sheet title	transmittal document in progress	project:	Bluff House	11 of 35
			author	Jim Kings	date	4/15/2024
			Health Landscaping 5005 West 10th Ave. Pender Island, BC V0N 2M2 4015 Prince Rd. Pender Island BC V0N 2M2 250-341-5986			
Health Landscaping Ltd			Jim Kings 101 1st Ave. #24 Pender Island BC V0N 2M2 414-923-3791 P: 250-341-5986			
purpose			planning only			

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	✓	



3601 Masthead Cr.
Pender Island BC Canada
V0N 2M0
250-222-4571
caurinusenvironmental@gmail.com

12 March 2025

Attn: Brad Smith

Re: Addendum to report for the Herbaceous Ecosystem Development Permit Area (DPA) located at Lot 19 Plan, VIP32261, Section 6/24, Cowichan Land District, Portion Pender Island (PID: 001-080-865) - 6915 Pirates Road, Pender Island, BC.

Caurinus Environmental was retained to review a plan to adjust the placement of the primary dwelling in the Herbaceous Ecosystem Development Permit Area (DPA) located at 6915 Pirates Road on North Pender Island. The purpose of the Herbaceous Ecosystem DPA is to offer protection to the remaining herbaceous ecosystems on North Pender Island by guiding any new development that might occur within them. Portions of the property at 6915 Pirates Road have been locally designated as an Herbaceous Ecosystem DPA by the Islands Trust. This designation includes 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 (Figure 1) includes ecosystems designated as Cladina - Wallace's selaginella.



Figure 1. Location of Herbaceous, Woodland and Cliff Ecosystem DPA on the subject property (Islands Trust (MapIT) 2024).

Tree Removal and Mitigation

As previously stated in the primary assessment report, during the construction of the utilities access corridor in the Herbaceous DPA, a local excavating company removed a large veteran Douglas-fir (*Pseudotsuga menziesii*; DBH 83.0) from the DPA. In addition, a second Douglas-fir (DBH 25.2) was proposed to be removed as it lies within the proposed dwelling footprint. The current proposed adjustment to the placement of the dwelling will result of the loss of two additional Douglas-fir tree in the vicinity of the proposed dwelling (Table 1; Plate 1).

Plate 1. Location of the two Douglas-fir trees to be removed with the readjustment of the proposed primary dwelling in the Herbaceous Ecosystem DPA at 6915 Pirates Road, Pender Island, BC.



Table 1. Diameter of trees in the proposed dwelling site at 6915 Pirates Road, Pender Island, BC. (* DBH of 2 new trees to be removed in DPA)

Herbaceous Ecosystem DPA		
Tree Species	#	DBH (cm)
*Douglas-fir	1	20.7
*Douglas-fir	2	21.9
Douglas-fir	3	25.2
Douglas-fir (Stump)	4	83.0

The initial assessment report recommended that compensatory plantings should consist of tree species suited to the soil, light and groundwater conditions of the site, should be native to the region, and should consider wildlife habitat values where possible. With the removal of two more Douglas-fir trees in the proposed dwelling site, compensatory planting should be increased from 11 to **17** trees. It should be noted, of course, that planting of any number of seedlings does not actually compensate for the ecological function of one centuries-old veteran tree. Although the four trees must be replaced following Provincial government tree replacement criteria (See Mitigations and Recommendation in initial assessment report), the proposed tree removal for dwelling construction will not significantly alter the ecological function of the Herbaceous Ecosystem DPA as these ecosystems tend to be areas of low growing ground cover, dominated by grasses, forbs, mosses and lichens.

Utilities access corridor and vegetation protection and remediation

As stated in the initial assessment report, much of the damage has occurred during the building of the utilities access corridor adjacent to the north side of the Herbaceous DPA. This disturbance will result in localized erosion and sediment transport from the top of the bluff down to the driveway, as soil and supporting tree roots have been disturbed or fully removed (Plate 2).

Plate 2. Recently disturbed utilities corridor from top (left) and bottom (right), adjacent to the proposed building area in the Herbaceous Ecosystem DPA at 6915 Pirates Road, Pender Island, BC.



Critically for herbaceous ecosystems, much of the vegetative cover can take from 50 to well over 100 years to recover (average growth rates of 4.8 to 11.1 mm/year and average ages of over 100 years for lichens; up to 50 years for liverwort regeneration (see initial assessment report for references)).

Herbaceous Ecosystem DPAs provide habitat for rare plants, nesting sites for terrestrial and marine birds and serve as a refuge for species susceptible to habitat disturbance. Following the proposed development, no further work or development should occur in the Herbaceous Ecosystem DPA on the subject property.

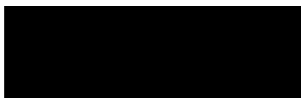
The previously constructed utilities access corridor running from the driveway to the top of the rockface must be restored as much as possible to its original state. Once all utilities have been installed, the area along the disturbed area and any other works related to utilities installation should be topped with locally sourced, clean soil and replanted to restore and stabilize the slope. Revegetation of rocky areas within the Herbaceous DPA should consist of ground cover species such as broadleaf stonecrop (*Sedum spathulifolium*), kinnikinnick (*Arctostaphylos uva-ursi*), nodding onion (*Allium cernuum*), woolly sunflower (*Eriophyllum lanatum*), Oregon gumweed (*Grindelia stricta*), camas (*Camassia quamash*), sea blush (*Plectritis congesta*) and small-flowered blue-eyed Mary (*Collinsia parviflora*), and drought-tolerant grasses such as native fescue (e.g. *Festuca roemerii*) should be planted in the localized cover soil. Seeds of most of these species are also locally available; seeding in addition to planting will help to ensure maximal coverage and minimize invasion by non-native disturbance-adapted species. Any runoff from the new proposed dwelling should be diverted away from any restoration area until plants become established, to ensure that heavy rainfall events do not washout any restoration work.

It is our opinion that the guidelines and recommendations we have outlined above and in the initial assessment report will ensure that impacts to the highly sensitive and threatened ecosystems on the subject property can be minimized as much as possible. If you have any questions or comments, please contact the undersigned at your convenience.

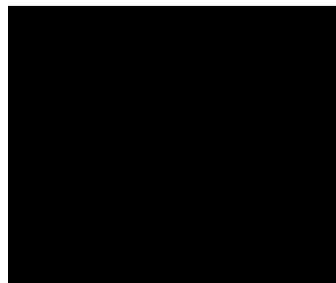
Please do not hesitate to contact me if you have any additional questions or concerns, or if you require additional information.

CAURINUS ENVIRONMENTAL

Per:



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





Development Permit application Re:

6915 Pirates Road, Pender Island

To whom it may concern,

We are applying for a Development Permit for a single family home of 125m² single story with super energy efficient construction designed and built with Passive House method. Though the goal is not PH certification, the design and construction is expected to bring the performance very close to PH levels.

The site is approximately 4 ha and as with all other lots in this development, has fantastic southern views out over Swanson Channel. The topography of the lot is a rock ridge more or less bisecting the lot east to west. From the ridge, a steep cliff falls to the water facing south and, slopes down to Pirates road to the north. While the northern portion of the lot has potential for development, and will support accessory structures for the proposed home, the primary location for an SFD is along the top of the ridge to take advantage of the views. Due to the topography with steep cliffs on south of the ridge that preclude any development and steep rock faces with very difficult terrain along the ridge to the west and north, the proposed siting is the only area on the ridge of this property that presents the most practical location to take advantage of the views. The proposed location is set as far east as possible due to the very rough terrain to the west and for better access to the site. Access to the house will be by footpath only with the driveway and parking terminating outside the DPA.

We deeply appreciate and value the sensitive nature of the site and the DPA intended to protect these locations. A site visit will impress upon the board and public concerned, that other siting options do not exist if the owner is to enjoy one of the principle reasons for wanting to live on this property. The owner does not view the rough, natural state of the lot as something that needs to be developed or "fixed" but greatly values and appreciates the very nature of the site and feels that it is just as important in its natural state as is the view itself.

The footprint of the proposed home is small, and every effort will be made to protect the surrounding vegetation from damage. We want to nestle the home into the site and create a natural, rustic, wild setting for the owner to enjoy what "is" without trying to impose on it.

On behalf of myself and the owner Jim Kings, thank you for your consideration.

Heath Lansdowne

North Pender Island Local Trust Committee

Development Approval Information Checklist

Development Permit Area Applications

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Landowners/applicants should ensure that:

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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.

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 - 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.

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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	✓	

File No.: NP-6500-20-2023: Housing
Access and Affordability
Project

DATE OF MEETING: April 4, 2025
TO: North Pender Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Housing Access and Affordability Project – Draft Housing Action Plan

RECOMMENDATION

- 1. That the North Pender Island Local Trust Committee endorses the proposed Goals, Objectives and Actions of the attached draft Housing Action Plan dated March 11, 2025, and directs staff to proceed with further community consultation prior to final endorsement of the Plan.**

REPORT SUMMARY

This report is to seek direction from the North Pender Island Local Trust Committee (LTC) on the attached draft Housing Action Plan which is a key deliverable of the LTC's Housing Access and Affordability Project.

The recommendation above is supported as:

- Significant work has been done to collect and analyse information related to housing needs, barriers and potential opportunities;
- The proposed actions in the Housing Action Plan are largely based on community input and the recommendations of the special Advisory Planning Commission on Housing (APC); and
- Having a draft Housing Action Plan endorsed will allow for more community dialogue and input prior to final endorsement by the LTC prior to moving into an implementation phase.

BACKGROUND

The LTC has initiated a Housing Access and Affordability Project. As part of the project, at the November 29, 2024 meeting the LTC passed the following resolutions:

NP-2024-069**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee directs staff to initiate the development of a draft Housing Action Plan that considers the recommendations of the Special Advisory Planning Commission on Housing and results of community engagement including the housing needs survey results.

CARRIED

NP-2024-070**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee requests that the Special Advisory Planning Commission on Housing review the 2024 Housing Needs Assessment survey results and provide input into the development of a draft Housing Action Plan.

CARRIED

Subsequently, at the January 31, 2025 meeting, the LTC received a second APC report with recommendations on short and long-term actions to increase affordable housing on North Pender Island, and an associated list of proposed goals and actions from staff for potential inclusion in a draft Plan. Staff have now drafted the Plan based on this list of proposed actions for LTC consideration.

Additional project information, including previous staff reports, is available here:

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

ISSUES AND OPPORTUNITIES***Draft Housing Action Plan***

The North Pender Island draft Housing Action Plan (Attachment 1) is based on the [Islands Trust Housing Toolkit Action Plan template](#).

The draft Housing Action Plan identifies a number of policy, regulatory, advocacy and other actions associated with five key goals intended to improve housing access and affordability on North Pender Island. For each goal identified, there is an associated objective statement and actions. The five goals are:

Goal 1: Updating and Using Available Data to Inform Housing Projects

Goal 2: Diversifying Housing Options through Zoning

Goal 3: Increasing Opportunities for Non-Profit Housing

Goal 4: Increasing Community Education and Outreach

Goal 5: Incorporate First Nations Interests in Land Use Decision Making

The draft Housing Action Plan is informed by the work of the APC, which has done an extensive review of available information resulting in two recommendation reports, submitted to the LTC in [November 2024](#) and [January 2025](#). The Plan is also informed by community consultation conducted by staff and the LTC as part of the Housing project, including three Community Information Meetings and the completion of a [Pender Islands Housing Needs Survey](#) that received over 480 responses.

Although specific to North Pender Island, and the scope of planning authority of the Local Trust Committee, the Action Plan is intended to align with the Capital Regional District's (CRD's) Southern [Gulf Islands Housing Strategy](#), which outlines seven objectives and twenty-two actions to address the need for affordable housing in the Southern Gulf Islands.

The LTC could request inclusion of additional items in the draft Housing Action Plan or exclusion of recommended actions from the draft at this point.

April 12 Community Information Meeting

Staff have initiated an advertisement in the Pender Post for the Saturday April 12 CIM. At that meeting, staff will present the draft Housing Action Plan in detail and the community and LTC will have the further opportunity to comment and ask questions. Following the CIM, staff will make necessary adjustments to the Plan, and bring it back to the LTC at the May 30 meeting for consideration of final endorsement.

Project Timelines

The project is on track with the project workplan as shown below. As the project moves into next fiscal, work will focus on finalizing the Housing Action Plan, legislative amendments and Housing Action Plan implementation and communications. The LTC has requested a budget of \$8,000 for the project next fiscal year.

Workplan Overview	
Deliverable/Milestone	Target Date
<i>Project Charter endorsed and project initiation</i>	Jul 2024
<i>Engagement letter to First Nations</i>	Aug 2024
<i>Conduct web-based housing needs assessment survey/</i>	Aug - Oct 2024
<i>Draft Terms of Reference for APC</i>	Sep 2024
<i>Preliminary report with analysis</i>	Nov 2024
<i>LTC review of options</i>	Nov 2024 – Jan 2025
<i>Initiate drafting of housing Action Plan</i>	Jan 2025
<i>Recommendations to LTC, LTC review, direction to prepare bylaws</i>	Feb 2025
<i>Community consultation on draft bylaws, bylaw referrals, First Nations engagement, Finalize Housing Action Plan</i>	Feb – Apr 2025
<i>Legislative process to amend LUB/OCP (timeline much shorter if not requiring OCP amendments)</i>	May – Dec 2025
<i>Implementation and communications</i>	Jan – Mar 2026

We are here

Rationale for Recommendation

The recommendations on page 1 are supported as:

- Significant work has been done to collect and analyse information related to housing needs, barriers and potential opportunities;
- The proposed actions in the Housing Action Plan are largely based on community input and the recommendations of the APC; and
- Having a draft Housing Action Plan endorsed will allow for more community and LTC dialogue and input prior to final endorsement by the LTC prior to moving into an implementation phase.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are that commencing work on the project would be delayed. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that...

2. Request changes to the draft Housing Action

The LTC could request changes to the draft Housing Action Plan. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee directs that _____ be added (or deleted) from the draft Housing Action Plan.

3. Receive for information

The LTC may receive the report for information.

NEXT STEPS

With direction from the LTC, staff will prepare materials for the April 12 CIM and bring the draft Action Plan back the LTC at the May 30 meeting for final review and endorsement.

Submitted By:	Brad Smith, Island Planner	March 11, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	March 12, 2025

1. Draft Housing Action Plan dated March 11, 2025

North Pender Island Housing Action Plan – March 11, 2025_Draft

Why Develop a Housing Action Plan For North Pender Island?

The traditional approach to land use planning on the islands in the Islands Trust Area has resulted in zoning that has almost exclusively supported the development of single-family dwellings, limiting housing options for those not able to own a property. Lack of housing inventory, increasing property values and rental prices in recent years have made purchasing and renting existing housing stock even less accessible for those currently living on North Pender Island.

The limitation of housing options has been a key concern on North Pender Island for over a decade. Previous North Pender Island Local Trust Committees (LTCs) have taken actions such as permitting secondary suites and limiting and regulating short-term vacation rentals as discrete initiatives. While these efforts have resulted in some increased land use policy and regulatory support for a mix of housing options, housing issues are a growing concern on the island, as they are in many other communities.

In response to these growing concerns, the LTC has initiated a [Housing Access and Affordability Project](#). The purpose of this project is to review housing options, to undertake housing related bylaw amendments and to develop a housing action plan. The project has been underway since the summer of 2024, with initial efforts focussing on community consultation and the work of a special Advisory Planning Commission (APC) on Housing.

Housing is also a priority of Trust Council. In 2023, Trust Council endorsed a [Housing Strategic Action Plan](#) to guide Trust-wide housing policy development and advocacy that supports Trust Council’s goal to sustain island character and healthy communities. The Plan provides a framework to guide decision-making and allocate resources to help resolve the housing equity and workforce shortage crisis in the Islands Trust Area. A [Housing Options Toolkit](#) is available to support housing initiatives.

Housing for Who?

The housing most needed for North Pender Island falls within the shaded area on the spectrum of housing needs in the table below. A diversity of housing options are needed for seniors, families and workers who do not currently own properties as well as long-time residents who own properties on the island but are looking to downsize.

Table 1: Spectrum of Housing Need

Short-Term Accommodation	Affordable Housing		Market Housing	
Emergency Shelter and Transitional	Affordable and Below market rental	Affordable and Below Market Ownership	Market Rental Housing	Single Detached Market Housing

Information provided by: [The 2018 Housing Needs Assessment for the Southern Gulf Islands, 2021 Statistics Canada Census Data](#) and the [Capital Regional District’s 2022 SGI Housing Market Analysis Report](#) identify that the primary housing need on North Pender Island is for rental and market housing

that is affordable and attainable by low to middle income households. As defined by BC Housing “housing is considered affordable when 30 per cent or less of your household’s income goes toward paying for your housing costs”.

The Action Plan is informed by the work of the APC, which has done an extensive review of available information resulting in two recommendation reports, submitted to the LTC in [November 2024](#) and [January 2025](#). The Plan is also informed by community consultation conducted by staff and the LTC as part of the Housing project, including three Community Information Meetings and the completion of a [Pender Islands Housing Needs Survey](#) that received over 480 responses. Survey results were largely consistent with the findings of the other reports described above in respect of housing needs.

Although specific to North Pender Island, and the scope of planning authority of the Local Trust Committee, the Action Plan is intended to align with the Capital Regional District’s (CRD’s) Southern [Gulf Islands Housing Strategy](#), which outlines seven objectives and twenty-two actions to address the need for affordable housing in the Southern Gulf Islands.

Action Plan Goals, Objectives and Actions

This Action Plan identifies a number of policy, regulatory, advocacy and other actions associated with five key goals intended to improve housing access and affordability on North Pender Island. For each goal identified, there is an associated objective statement and actions. Successfully enacting goals 2-4 are dependent on the completion of the data gathering described in Goal 1.

The Housing Action Plan focusses on the delivery of five key goals:

- Goal 1: Updating and Using Available Data to Inform Housing Projects**
- Goal 2: Diversifying Housing Options through Zoning**
- Goal 3: Increasing Opportunities for Non-Profit Housing**
- Goal 4: Increasing Community Education and Outreach**
- Goal 5: Incorporate First Nations Interests in Land Use Decision Making**

Goal 1: Updating and Using Available Data to Inform Housing Projects

Objective: The objective of this goal is to help inform where additional density and intensity of land use will likely have the least negative impact on the land base, and where development opportunity may exist. Understanding existing conditions and potential impacts will help determine where rezoning for more intense use may be supportable.

Actions:

1. Finalize and Review Suitable Land Analysis and make results publicly accessible
2. Complete island-wide build-out analysis
3. Present results of Action 1 and 2 to public at a Community Information Meeting (CIM)

Goal 2: Diversifying Housing Options through Zoning

Objective: The objective of this goal is to provide a broader diversity of housing options on North Pender Island through amendments to land use zoning and associated OCP policies

Actions:

4. Expand opportunities to create secondary suites and permit Accessory Dwelling Units (ADU).
5. Explore opportunities for zoning changes to permit higher density Multi-Unit Development in areas with a concentration of community amenities.
6. Explore legalizing the use of RVs in appropriate areas considering set-backs, parking, access, septic, available water, visual aesthetics, and fire safety.
7. Explore opportunities to permit worker accommodation (e.g. at community firehalls, Driftwood Center etc.).
8. Explore permitting the use of Tiny Homes as ADUs or establishing higher density tiny home zones (e.g. modular home villages) in appropriate areas considering, set-backs, parking, access, septic, available water, visual aesthetics and fire safety.
9. Explore permitting non-market housing in all residential land use zones and in some public land use zones, where appropriate (e.g. school properties, community service).

Goal 3: Increasing Opportunities for Non-Profit Housing

Objective: The objective of this goal is to increase opportunities for land to be made available for affordable housing by a not-for-profit organization, and to generate greater community interest and capacity to support this development.

Actions:

10. Identify areas that may be appropriate for higher density community housing and explore rezoning.
11. Explore rezoning of a portion of Anglican Church lands to permit affordable housing.
12. Explore options at time of subdivision to increase opportunities for affordable housing (e.g. land donation in exchange for rezoning to permit subdivision, allowing smaller lot sizes for affordable housing).
13. Engage in advocacy and collaboration with other levels of government on island-based affordable housing initiatives including potential expansion of Plum Tree Court.
14. Engage with community members to increase participation in community housing initiatives and non-profit community housing organizations.

Goal 4: Increasing Community Education and Outreach

Objective: The objective of this goal is to increase community education and outreach in respect of housing initiatives, improve the information available to the public, and make it more accessible to a broader audience.

Associated Actions:

15. Increase awareness of secondary suite incentives and other housing programs including templates of house plans pre-approved by the province.
16. Initiate an island-wide mail out describing project goals and objectives and opportunities to become involved in housing initiatives.
17. Develop educational materials to inform the public of changes to zoning and results of project deliverables.

18. Review guidelines for Short Term Vacation Rentals (could include consideration of removal or amendment of Temporary Use Guidelines from OCP) and develop educational materials.
19. Collaborate with the Capital Regional District (CRD) and other levels of government on harmonization of compatible housing projects and programs.

Goal 5: Incorporating First Nations Interests in Land Use Decision Making

Objective: The objective of this goal is to continue to foster collaborative working relationships with local First Nations who have an interest in housing initiatives on North Pender Island and to address housing needs of First Nations on the island.

Associated Actions:

20. Send follow-up letter to initiate further collaborative engagement with local First Nations on housing needs and opportunities.
21. Initiate direct collaborative engagement with Tsawout First Nation [Housing Department](#).
22. Ensure that known registered archeological sites and potential archeological sites are considered when developing amendments to housing-related bylaws.

Table: Housing Action Plan Implementation

#	Action	Timeline	Status/Comments
Goal 1: Updating and Using Available Data to Inform Housing Projects			
1	Finalize Suitable Land Analysis and make results publicly accessible	Completion – Summer 2025 Roll-out – Fall 2025	- Project is underway at Regional Planning level - Will require time for staff and Trustee review of results and revisions as needed
2	Complete island-wide build-out analysis	Procurement – Spring 2025 Completion – Summer/Fall 2025	Requires internal GIS resources or funding for contractor to complete work
3	Present results of 1 and 2 at a Community Information Meeting (CIM)	Fall/Winter 2025	
Goal 2: Diversifying Housing Options through Zoning			
4	Expand opportunities to create secondary suites and permit Accessory Dwelling Units (ADU)	Community engagement – Remainder of 2025 Legislative process – Winter-Summer 2026 Implementation – Fall 2026	These actions will all be moved forward at the same time through community engagement, drafting of bylaw amendments, legislative process and implementation
5	Explore opportunities for zoning changes to permit higher density Multi- Unit Development in areas with a concentration of community amenities		
6	Explore legalizing the use of RVs in appropriate areas considering set-backs, parking, access, septic, available water, visual aesthetics, and fire safety.		
7	Explore opportunities to permit worker accommodation (e.g at community firehalls, Driftwood Center etc.)		
8	Explore permitting the use of Tiny Homes as ADUs or establishing higher density tiny home zones (e.g. modular home villages) in appropriate areas considering set-backs, parking, access, septic, available water, visual aesthetics, fire safety		
9	Explore permitting rezoning for non-market housing in all residential land use designations and also in some public land use designations (e.g. school properties, community service)		
Goal 3: Increasing Opportunities for Non-Profit Housing			
10	Identify areas that may be appropriate for higher density community housing and explore rezoning	Fall/Winter 2025	- Dependent on completion of Suitable Land Analysis - Any bylaw amendments would follow same timelines as Goal 2.

11	Explore rezoning of a portion of Anglican Church lands to permit affordable housing.	Fall/Winter 2025	- Preliminary engagement has already occurred with Anglican diocese - Any bylaw amendments would follow same timelines as Goal 2.
12	Explore options at time of subdivision to increase opportunities for affordable housing (e.g. land donation in exchange rezoning to permit subdivision, allowing smaller lot sizes for affordable housing)	Community engagement – Remainder of 2025 Legislative process – Winter - Summer 2026 Implementation – Fall 2026	Any bylaw amendments would follow same timelines as Goal 2.
13	Engage in advocacy and collaboration with other levels of government on island-based affordable housing initiatives including potential expansion of Plum Tree Court.	Winter 2025	
14	Engage with community members to increase participation in community housing initiatives and non-profit community housing organizations.	Ongoing	- Interest level and engagement has increased since the start of the project. - APC is an effective avenue for getting citizens involved.
Goal 4: Increasing Community Education and Outreach			
15	Increase awareness of secondary suite incentives and housing programs Including templates of house plans pre-approved by the province.	Winter 2025	- Mailout could be considered - Will collaborate with CRD - Province has developed standardized housing designs catalogue
16	Initiate island wide mail out describing project goals and objectives and opportunities to become involved in housing initiatives	Spring/Summer 2025	
17	Develop educational materials to inform the public of changes to zoning and results of project deliverables	Development – Summer 2026 Roll-out - Fall 2026	Dependent on completion of bylaw amendments
18	Review Short Term Vacation Rental guidelines (could include consideration of removal or amendment of Temporary Use Guidelines from OCP) and develop educational materials.	Roll-out of Educational Materials – Fall 2026	Any bylaw amendments would follow same timelines as Goal 2.
19	Collaborate with the Capital Regional District (CRD) and other levels of government on harmonization of compatible housing projects and programs.	Ongoing	
Goal 5: Incorporating First Nations Interests in Land Use Decision Making			
20	Send follow-up letter to initiate further collaborative engagement with local First Nations on housing needs and opportunities.	Spring 2025	An early engagement letter was sent in late summer 2024. No responses received.

21	Initiate direct collaborative engagement with Tsawout First Nation Housing Department	Schedule Meeting – Spring/Summer 2025	• Other First Nations may be identified
22	Ensure that known registered archeological site and archeological potential information is considered when developing housing related bylaw amendments	Winter 2025 – Spring 2026	

MEMORANDUM

File No.: 6500-20-Raptor Nest DPA
Project

DATE OF MEETING: April 4, 2025
TO: North Pender Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Raptor Nest Development Permit Area (DPA) Review Project Update

PURPOSE

The purpose of this staff memo is to provide the North Pender Local Trust Committee (LTC) with an update on the Raptor Nest Development Permit Area (DPA) Review Project.

PROJECT UPDATES

At the January 31, 2025 meeting, the LTC received a staff memo with an update on the project and passed the following resolutions:

NP-2025-005

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee directs staff to send a mail out to all property owners with parcels that contain at least a portion of the parcel proposed to be located within newly updated Development Permit Area 7 including those parcels only affected by seasonal buffering areas.

CARRIED

NP-2025-006

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee requests staff to investigate the feasibility of awarding a service contract to Caurinus Environmental Consulting to provide additional support to staff for property-owner enquiries regarding specific nesting tree locations and features in respect of the Raptor Nest Development Permit Area Review Project.

CARRIED

NP-2025-007

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee requests that staff amend the Raptor Nest Development Permit Area Review Project charter to add a budget line item for the 2025-26 fiscal year in the amount of \$5,000 for additional consultation, holding of a public hearing and contingency.

CARRIED

Since that meeting, the following has occurred:

- Bylaw referrals - The referral period for bylaw. No.235 has closed. Staff will bring a complete record of referrals to the LTC at the May 30 meeting. No significant concerns have been raised during the referral process.
- Site visits - Staff continue to engage with potentially affected property owners. Since the last meeting, three additional site visits were completed by staff to assess nest trees.
- Data inventory - The RP. Bio and field naturalist working on data collection for mapping updates have informed staff that further field assessment is required, in particular in light of winter wind storms potentially impacting nest trees. This work is currently underway.
- Letter to property owners – This work is delayed until updated mapping is received from the RP. Bio. A second letter will be sent when map updates are ready.
- RP. Bio services – The RP. Bio has been contacted regarding a potential second contract. These services would be provided on an as needed basis, and billed accordingly. As next steps in contacting property owners are delayed, this work will not commence until next fiscal. The LTC can use a portion of the \$5,000 for these services which is now added to the 2025-2026 fiscal budget.
- April 12 Community Information Meeting – staff have initiated an advertisement in the Pender Post for the April 12 CIM. At that meeting, staff are hoping to present updated mapping information if it is available from the RP Bio, if not staff will present current mapping with a caveat that updates are underway and will also present the draft bylaw again to the community.

PROJECT TIMELINES

The project remains on schedule in accordance with the approved workplan although significant delays in obtaining updated site specific mapping data could impact project timelines.

Workplan Overview	
Deliverable/Milestone	Target Date
Project Charter endorsed	July 2023
Project initiation and preliminary report to LTC	Sept 2023
Procurement process for updated mapping and professional report	Oct - Dec 2023
Professional report study completion, staff review, project summary paper, landowner and stakeholder group engagement	Jan – Nov 2024
Early consultation with First Nations	Sept – Dec 2023
LTC preliminary review of proposed amended DPA provisions and study results	May - Jul 2024
Direction to prepare bylaws	Jul 2024
Final mapping delivered	Nov 2024
Community consultation on draft bylaws, bylaw referrals	Nov 2024 – Apr 2025
Legislative process to amend OCP	Apr – Sep 2025
Implementation and communications	Sept – Oct 2025

NEXT STEPS

Staff will bring referral responses for draft Bylaw No. 235 back to the LTC at the May 30 meeting and will initiate a second mail-out to property owners when updated mapping is ready.

Submitted By:	Brad Smith, PAg Island Planner	March 11, 2025
Concurrence:	Robert Kojima Regional Planning Manager	March 11, 2025

Active Projects Report

North Pender Island

0. Major project - Housing Access and Affordability Project

Responsible

Dates

Activity:

Brad Smith

Rec'd: 26-May-2023

Pre-project phase: establish project scope and submit business case for Trust Council approval

Target: 31-Dec-2025

Consultation - special APC to review issues and provide recommendations

0. Minor project - Update of Raptors Nest DPAs

Responsible

Dates

Activity:

Brad Smith

Rec'd: 26-May-2023

To review and update DPA mapping, DPA provisions, undertake consultation and legislative process to adopt OCP amendment

Target: 31-Oct-2025

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. *Accessory Dwelling Units*

Responsible

Date Received

Review options for accessory dwelling units on North Pender.

26-May-2022

3. *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 including forest cover, tree cutting and removal.

11-Aug-2022

4. *Browning to Driftwood Corridor Plan*

Responsible

Date Received

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

11-Aug-2022

5. *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

Future Projects Report

North Pender Island

6. *Public engagement on groundwater data*

Responsible

Date Received

Project to present information on groundwater project to public and educate landowners

26-May-2023

7. *Fire Inspection requirements for STVRs*

Responsible

Date Received

05-Apr-2024



North Pender Local Trust Committee

Open Applications

Report

Print Date: March 27, 2025

Development Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLDP20250033	Heath CW Lansdown	1/20/2025	6915 PIRATES RD, PENDER ISLAN	Application for a (delegated) DP for development of a single family dwelling in a sensitive ecosystem DPA.
Planner		Status	Most Recent Completed Activity	
Brad Smith		Local Trust Committee	Assign to LTC Meeting	

Application Number	Applicant Name	Date Received	Address	Purpose
NP-DP-2024.3	Robert Gamel	2/16/2024	385 EVERGREEN LANE	GAMEL - 385 EVERGREEN LANE: Application for a DP for development in the Sidney Island Geotechnical Area B DPA.
Planner		Status	Most Recent Completed Activity	
Bruce Belcher		Local Trust Committee	Planning Review	

North Pender

Development Variance Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLDVP20250124	Rolf Hurbin	3/17/2025	2319 MACKINNON RD, PENDER IS	Application for a variance for siting of boulders and riprap to remediate a landslip within the setback from the sea
Planner		Status	Most Recent Completed Activity	
Bruce Belcher		Under Review	Generate Complete Application Letter	

Application Number	Applicant Name	Date Received	Address	Purpose
PLDVP20240350	Doug Smith	12/13/2024	5410 HOOSON RD, PENDER ISLAN	The owners are applying for a height variance to repurpose the barn to an accessory building, seeking a building height of 8.61m to save and reuse the existing barn.
Planner		Status	Most Recent Completed Activity	
Bruce Belcher		Local Trust Committee	Generate LTC Public Notice	

Application Number	Applicant Name	Date Received	Address	Purpose
PLDVP20240330	Charles Keay	12/4/2024	2603 GALLEON WAY, PENDER ISL	Variance for siting of existing dock
Planner		Status	Most Recent Completed Activity	
Brad Smith		Local Trust Committee	Generate LTC Public Notice	

North Pender

Rezoning

Application Number	Applicant Name	Date Received	Address	Purpose
NP-RZ-2024.1	Aaron Grimmer	1/8/2024	4415 BEDWELL HARBOUR RD, PE	Application for rezoning to amend the land use bylaw and OCP to permit Gulf Excavating to continue operations as established under the temporary use permit. Bylaws 236 and 237.
Planner		Status	Most Recent Completed Activity	
Brad Smith		Local Trust Committee	Record LTC Decision/Update FUAL	

Application Number	Applicant Name	Date Received	Address	Purpose
PLRZ20240110	Braedon Bigham	6/27/2024	3334 PORT WASHINGTON RD, PEN	Amend zoning to bring BDE into zoning compliance
Planner		Status	Most Recent Completed Activity	
Brad Smith		Local Trust Committee	Email Applicant of LTC Meeting	

North Pender

Subdivision				
Application Number	Applicant Name	Date Received	Address	Purpose
NP-SUB-2023.1	Brent Mayenburg	9/22/2023		2218 Clam Bay Road - Edgewood Estates - Re-activated subdivision for 12 lot bare land strata
Planner		Status	Most Recent Completed Activity	
Bruce Belcher		Waiting for Conditions	Determine Next Steps - PL	
Application Number	Applicant Name	Date Received	Address	Purpose
NP-SUB-2023.2	Greg Atkins	10/18/2023	0 JAMES ISLAND	Lots 1-5, James Island: Referral of a subdivision application for 79 new lots
Planner		Status	Most Recent Completed Activity	
Brad Smith		Administrative Approval	Record and File PLR	
Application Number	Applicant Name	Date Received	Address	Purpose
NP-SUB-2020.1	Bradford Gilbert	3/5/2020	1610 SCHOONER WAY, PENDER I	A subdivision referral for a boundary adjustment subdivision.
Planner		Status	Most Recent Completed Activity	
Bruce Belcher		Administrative Approval	Record and File PLR	

Islands Trust
LTC EXP SUMMARY REPORT F2025
Invoices posted to Month ending January 2025

650 North Pender	Invoices posted to Month ending January 2025	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-650	LTC "Trustee Expenses"	300.00	0.00	300.00
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	1,670.00	903.22	766.78
65210-650	LTC - Local Exp - APC Meeting Expenses	300.00	1,369.26	-1,069.26
TOTAL LTC Local Expense		<u>1,970.00</u>	<u>2,272.48</u>	<u>-302.48</u>
Projects				
73001-650-4132	North Pender Raptor Nest DPA update	5,000.00	90.00	4,910.00
73001-650-4137	North Pender Housing Access & Affordability	15,000.00	754.61	14,245.39
TOTAL Project Expenses		<u>20,000.00</u>	<u>844.61</u>	<u>19,155.39</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



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JANUARY 21st, 2025 BOARD MEETING

NOTE: For more detail on Islands Trust Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- An election for Chair and Vice Chair was held. Trustee Gauvreau was elected Chair of the ITC Board. Trustee Timothy was elected Vice Chair.

2. STRATEGIC PLANNING/ADMINISTRATION

- Acting Manager Stewart provided an overview of the 2025-26 Annual ITC Work Plan items for the ITC team.
- The ITC Board approved the letter of support for Raincoast Conservation Foundation's application to Intact Insurance's Climate Resilience Grant and directed staff to provide it on behalf of the ITC Board.
- The ITC Board passed a resolution to provide an updated 2025/26 budget request to the Financial Planning Committee and Trust Council that addresses the changes and comments made by the Board.
- Trustee Elliott provided the Executive Committee update to the ITC Board by email. There was no Governance Committee update provided as the Governance Committee has not met since the last ITC Board meeting.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board approved spending up to \$2,000 from existing budgets towards the cost of an Ecological Gifts Program appraisal for a Natural Area Protection Tax Exemption Program (NAPTEP) covenant on Gabriola Island.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board approved Part II of the Sallas' invasive plant management plan for Burnt Snag (ES65741), Dragonfly Pond (ES065747), Kingfisher Pond (ES065749), and Woodpecker Pond (ES65743) covenant areas, and issued a temporary waiver of covenant terms 3.2(d) and 3.2(k) subject to terms and conditions, consistent with the approved Forest Restoration Strategy of the Sidney Island Ecosystem Restoration Plan.
- The ITC Board discussed updating the Ruby Alton process in the ITC Annual Work Plan by hiring a demolition company that completes all work on the house as one package, including an estimate, hazmat analysis, permits, demolition, and removal of the house and all structures.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

- The ITC Board accepted the third-party 2024 monitoring report for Owl's Call NAPTEP Covenant, Salt Spring Island, and directed staff to add a summary of this report to the 2024 ITC NAPTEP Covenant Monitoring Report as an addendum.
- The ITC Board approved the request by the Galiano Conservancy Association to include Vanilla Leaf Land Nature Reserve, Galiano Island, in Galiano Conservancy Association's application for a Section 11 Change Approval under the Water Sustainability Act. Any work to be done in Vanilla Leaf Land Nature Reserve will be subject to further information and approval by the ITC Board if and when the application is approved.
- The ITC Board directed staff to draft a letter to the Bowen Municipality regarding Referral BO-DP-2024-0196 including their comments to ensure the project will not negatively impact the David Otter Nature Reserve.
- The ITC Board directed staff to respond to the Bowen Island Municipal Council referral regarding bylaw 671 and 672 with their comments.

5. COMMUNICATIONS AND OUTREACH

- Staff are considering the creation of a Priority Acquisitions Fund that would act as a source of funds for ITC to use if a priority acquisition arises that ITC may wish to acquire.
- Staff are in communication with the McRae NAPTEP Covenant (Gabriola Island) Holder regarding off-leash dogs, and are pursuing an article for the local newspaper.

Learn more about Islands Trust Conservancy: <https://islandstrust.bc.ca/conservancy/>

Subscribe for Islands Trust Conservancy updates: <https://islandstrust.bc.ca/subscribe/>