



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: July 25, 2025
Time: 10:00 am
Location: Electronic Meeting

Pages

1. **CALL TO ORDER** 10:00 AM - 10:25 AM
“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”
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 May 30, 2025 (for Adoption) 4 - 13
 - 10.2 Section 26 Resolutions-without-meeting Report Dated July 2025 14 - 14
 - 10.3 Advisory Planning Commission Minutes - None
11. **BUSINESS ARISING FROM THE MINUTES**
 - 11.1 Follow-up Action List Dated July 2025 15 - 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 - 11:20 AM

- | | | |
|------|---|---------|
| 14.1 | South Pender Island Local Trust Committee Referral for Proposed Bylaw No. 129 (for Response) (attached) | 18 - 21 |
| 14.2 | Mayne Island Local Trust Committee Referral for Proposed Bylaws 194 and 195 (for Response) (attached) | 22 - 24 |
| 14.3 | PL-DP-2025-0171 (Ferguson) - Staff Report (attached) | 25 - 94 |

15. LOCAL TRUST COMMITTEE PROJECTS 11:20 AM - 12:00 PM

- | | | |
|------|--|-----------|
| 15.1 | Raptor Nest Project - Staff Report (attached) | 95 - 101 |
| 15.2 | Housing Access and Affordability Project – Staff Report (attached) | 102 - 106 |

16. REPORTS 12:00 PM - 12:10 PM

- | | | |
|--------|--|-----------|
| 16.1 | Work Program Report (attached) | |
| 16.1.1 | <u>Active Projects Report Dated July 2025</u> | 107 - 107 |
| 16.1.2 | <u>Future Projects Report Dated July 2025</u> | 108 - 109 |
| 16.2 | Applications Report Dated July 2025 (attached) | 110 - 112 |
| 16.3 | Trustee and Local Expense Report Dated May 2025 (attached) | 113 - 113 |
| 16.4 | Adopted Policies and Standing Resolutions (attached) | 114 - 117 |
| 16.5 | Local Trust Committee Webpage | |
| 16.6 | Islands Trust Conservancy Report Dated June 2025 | 118 - 119 |

17. NEW BUSINESS 12:10 PM - 12:40 PM

- | | | |
|------|---|-----------|
| 17.1 | 6601 Razor Point Road Covenant Update | |
| 17.2 | North Pender Island LTC Meeting Procedures Repeal Bylaw No. 238 - Request for Decision (attached) | 120 - 123 |
| 17.3 | North Pender Island LTC Public Notification Bylaw No. 239 - Request for Decision (attached) | 124 - 128 |
| 17.4 | North Pender LTC Bylaw Enforcement Notification Draft Bylaw No. 230 - Staff Report (attached) | 129 - 135 |

18. UPCOMING MEETINGS

18.1 **Next Regular Meeting Scheduled for October 3, 2025 at the St. Peter's Anglican Church Hall, Pender Island**

19. **TOWN HALL** **12:40 PM - 12:55 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)(f):

(f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

AND that the recorder and staff attend the meeting.

20.2 **Recall to Order**

20.3 **Rise and Report**

21. **ADJOURNMENT** **12:55 PM - 12:55 PM**

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: May 30, 2025
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

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

Staff Present: Robert Kojima, Regional Planning Manager (electronic)
Brad Smith, Island Planner
Bruce Belcher, Planner 2 (electronic)
Warren Dingman, Bylaw Compliance & Enforcement Manager (electron
Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: There were 14 members of the public present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:01 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 agenda was re-ordered and Item 15 will be discussed following Item 11.

By general consent, the agenda was approved as presented.

4. TRUSTEE REPORT

Trustee Campbell reported increased conversations with community members who are expressing concern about varying situations and how they might be affected.

Trustee Morrison reported attendance at a recent Committee of the Whole meeting that focussed on discussion about the controversy regarding a September 2023 closed meeting and reiterated that the meeting was closed to discuss legal decisions to inform the definition of the Object of the Trust and not to decide the Mandate as has been erroneously reported in the media.

5. CHAIR'S REPORT

Chair Maude reported the following:

- Trust Council received a response from the Provincial Minister denying the request for a governance review and this response will be discussed at Trust Council meetings being held on Salt Spring Island in June
- In response to recent commentary stating that the government should relocate residents off of the Gulf Islands and that Islands Trust has strayed from its mandate, Chair Maude stated that:
 - The original 1975 Trust Policy Statement recognized the islands are existing for the people and that the welfare of those people must be the primary concern of the Trust
 - Therefore, the current work regarding housing is within the scope of the founding mandate

6. ELECTORAL AREA DIRECTOR'S REPORT - None

7. TOWN HALL AND QUESTIONS

A member of the public spoke to the following topics:

- They will be submitting Freedom of Information requests to disclose the identity of the broker that holds the insurance policy for Islands Trust and asking if Trustee Campbell has a personal relationship with, and has received gifts from, the proprietor of Big Dig'em Excavating
- They have sustained damage to their home on Port Washington Road which they believe is a result of excessive vibration caused by large delivery and construction trucks using the road and questioned if this is the fault of:
 - Lack of home building standards
 - Lack of road building standards
 - Excessive traffic on a road not built for it
 - Or the business operating within the guidelines of Islands Trust
- The particulate matter in the form of diesel engine exhaust is polluting the sources of bee nectar and which could result in substandard quality of honey being produced on their farm
- They are opposed to increased industrial activity and the use of heavy industrial equipment in that area

A member of the public expressed opposition to the Razor Point Road short-term vacation rental application because the water for the property comes from a well shared by thirty other properties within a water district.

A member of the public quoted from the letter received from Minister Kahlon in response to Islands Trust request for a governance review and stated that granting variances and permits and rezoning have left the islands vulnerable to overdevelopment, deforestation, pollution, foreshore degradation, and climate change, and they asked the Local Trust Committee to carefully consider the Minister's letter.

8. COMMUNITY INFORMATION MEETING - None

9. PUBLIC HEARING - None

10. MINUTES

10.1 Local Trust Committee Special Meeting Minutes Dated May 5, 2025 (for Adoption)

By general consent the North Pender Island Local Trust Committee meeting minutes of May 5, 2025 were adopted.

10.2 Section 26 Resolutions-without-meeting Report - None

10.3 Advisory Planning Commission Minutes Dated April 15, 2025 (for Receipt)

Received for information.

11. BUSINESS ARISING FROM THE MINUTES

11.1 Follow-up Action List Dated May 2025

Received for information.

The agenda was reordered and Item 15 was discussed following Item 11.

12. DELEGATIONS

12.1 Sara Miles Port Washington Road

The delegation spoke to the following points:

- They presented a delegation at the April 5, 2024 North Pender Local Trust Committee meeting regarding the attributes of Port Washington Road
- Ms. Miles stated that, at a subsequent meeting a Trustee referred to a site where there is industrial activity and septic trucks parked on Port Washington Road without an industrial permit
- Ms. Miles indicated that that the statements made by the Local Trust Committee and Planner are untrue as:
 - The designated industrial area comprises of 20% of the lot not 50%
 - Septic waste is not classified as hazardous or toxic waste
 - There is no septic waste stored on the site
 - A rural lot of a certain size with a home on it is permitted to have a contractor yard
- Ms. Miles raised their concern that the comments have resulted in community members believing something illegal is occurring on the property and false judgements have harmed the speaker's reputation
- They requested records from meetings where the industrial designation was applied to their lot.

Bylaw Compliance and Enforcement Manager Dingman noted the issue was one of setbacks and that while contractor yards are permitted, they must be 50 metres back from any lot line; however, the property is 70 metres wide and there is no area on the property that a contractor's yard can be placed under current zoning without obtaining a Development Variance Permit.

Planner Smith noted he subsequently clarified that under BC regulation septic waste is not defined as toxic or hazardous waste, and that the issue is with the 50 m setback. Trustee Morrison noted her questions and comments related to

the property were compliance based, and Manager Dingman stated he would provide the speaker with further information regarding setback requirements.

13. CORRESPONDENCE

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

13.1 Hardal Management Inc. Re: Driftwood Centre

Island Planner Smith advised that consideration of additional housing in the area as requested by the property owner could be undertaken within the Housing Accessibility and Affordability project, or through a site-specific rezoning application. Discussion with LTC ensued on the merits of each option and the following motion was passed:

NP-2025-018

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee agrees to consider additional dwelling units at the Driftwood Centre as part of Housing Action Plan Deliverable No. 6.

CARRIED

13.2 Julia Nicholls re Response from the Province

Received for information.

14. APPLICATIONS AND REFERRALS

14.1 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 543 (for Response)

NP-2025-019

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee interests are unaffected by the Salt Spring Island Local Trust Committee Proposed Bylaw No. 543.

CARRIED

14.2 Salt Spring Island Local Trust Committee Referral for Proposed Bylaws 544 and 545 (for Response)

NP-2025-020

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee interests are unaffected by the Salt Spring Island Local Trust Committee Proposed Bylaws No. 544 and 545.

CARRIED

14.3 Saturna Island Local Trust Committee Referral for Draft Bylaw No. 143 (for Response)

Discussion ensued and it was noted there is potential to discuss the concept of cistern capacity provisions as part of the housing project.

NP-2025-021

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee interests are unaffected by the Saturna Island Local Trust Committee Proposed Bylaw No. 143.

CARRIED

14.4 PL-DVP-2025-0086 (Wood) - Staff Report

Planner Belcher summarized the staff report and highlighted the following:

- The application seeks a height and storey variance for the installation of a new prefabricated accessory building on a previously permitted deck foundation
- The height variance is required due to the placement of the unit on the deck and a storey variance is necessary as there is a small loft within the unit
- The accessory unit is not intended to be used as a dwelling

Discussion ensued and the following comments were noted:

- It was clarified that floor area maximums had been established based on square metres which is separate from maximum lot coverage allowances
- Placing the structure on the existing deck eliminates ground disturbances

NP-2025-022

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee approve issuance of PL-DVP-2025-0086.

CARRIED

14.5 PL-DVP-2025-0124 (Hurbin) - Staff Report

Planner Belcher summarized the staff report and highlighted the following:

- The application seeks to relax vertical and horizontal setbacks to the sea for a shoreline stabilization rock retaining wall and placement of riprap
- The property is impacted by ongoing shoreline erosion which is exacerbated by wave action from ferry traffic
- A geotechnical engineer assessed the risk of further erosion, designed the structure to secure the bank, and determined a Green Shores approach would not be appropriate given the steepness of the slope and high level of marine traffic
- A qualified professional biologist provided an environmental assessment which did not identify any species at risk and the location of the structure is not within a mapped sensitive ecosystem
- The retaining wall will have limited impacts on neighbours

Discussion ensued and the following comments were noted:

- The application did not require a referral process; therefore, First Nations were not referred for comment
- Applicants are informed of potential risk of an archaeology finding and subsequent responsibilities
- Use of a Green Shores approach needs to be balanced with the practicality of the lot layout

The applicant was in attendance and spoke to the importance of bank stabilization and the risk to his structures upland if nothing is done.

NP-2025-023

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee approve issuance of PL-DVP-2025-0124.

CARRIED

14.6 PL-TUP-2025-0093 (Rawlings) - Staff Report

Planner Belcher summarized the staff report and highlighted the following:

- The short-term vacation rental Temporary Use Permit application would allow the use to occur in an existing three-bedroom dwelling
- The property has been used as a vacation rental previously and no bylaw enforcement complaints have occurred
- The application is consistent with Official Community Plan guidelines
- The property owners do not live permanently on the property
- One letter in opposition of the application was received

Discussion ensued and the following comments were noted:

- The Local Trust Committee did not opt into the provincial short-term vacation rental regulations and have the option to do so annually in March
- The provincial regulations do not permit short-term vacation rentals in any properties that are not primary residences and they would remove the ability of the Local Trust Committee use Temporary Use Permits to regulate short-term vacation rentals
- There are concerns about the shared well that the property draws on
- The Local Trust Committee would like to review short-term vacation rentals as part of a larger conversation with the community and within the housing review project
- A permit could be issued for one year and the Local Trust Committee could communicate they are considering short-term vacation rentals overall and signal to future applicants that they can still apply for new Temporary Use Permits, by they might not be approved until completion of the housing review project
- The Temporary Use Permit guidelines do not state that water usage must be reported; however, the Local Trust Committee can request data

The applicant was in attendance and the following comments were noted:

- They are a Trustee on the Razor Point Water District Board
- All renters are vetted
- On-island contacts work at the property and are available to attend if necessary
- The property owners attend the property 4 to 7 days per month
- Complaints or concerns had not been received prior to receiving a copy of a letter sent to the Planner with the exception of a lighting complaint that was dealt with
- During the planning process, and prior to submitting the application, they spoke with both immediate neighbours and no concerns were raised

NP-2025-024

It was MOVED and SECONDED,

That North Pender Island Local Trust Committee add a condition to PL-TUP-2025-0093 that requires the applicant submit water records annually.

CARRIED

NP-2025-025

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of Temporary Use Permit PL-TUP-2025-0093 as amended for a period of one (1) year.

CARRIED

NP-2025-026

It was MOVED and SECONDED

that North Pender Island Local Trust Committee pass a Standing Resolution to not consider approving Temporary Use Permits for short-term vacation rentals in respect of the Local Trust Committee's Housing Accessibility and Affordability project.

CARRIED

15. LOCAL TRUST COMMITTEE PROJECTS

15.1 Housing Access and Affordability Project – Staff Report

Island Planner Smith stated the recent Community Information Meeting input had been received and did not result in any changes to the Housing Action Plan.

Discussion ensued and the following comments were noted:

- During the Community Information Meeting some members of the community expressed concerns about the effects of the Standing Resolution on non-enforcement on travel trailers being used as dwelling units
- A Trustee referred to challenges with setting standards for health and safety in relation to permitting RVs as dwelling units
- The non-enforcement resolution was put in place to alleviate housing crisis issues and there might be pathways to determine ways to address fire safety, septic and water use, and mould and other health concerns

- Mayne Island is considering implementing a Temporary Use Permit system for use of RVs as dwelling units which would trigger an initial, and ongoing, inspection of the unit and this system could address safety and environmental issues
- Legally valid and workable solutions need to be found for the community as the Local Trust Committee can not authorize unsafe or non-legal housing

NP-2025-027

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee gives final endorsement to the attached Housing Action Plan dated May 14, 2025, and directs staff to proceed with Housing Action Plan implementation.

CARRIED

16. REPORTS

16.1 Work Program Report

16.1.1 Active Projects Report Dated May 2025

Received for information.

16.1.2 Future Projects Report Dated May 2025

Received for information.

16.2 Applications Report Dated May 2025

Received for information.

16.3 Trustee and Local Expense Report Dated Feb 2025

Received for information.

16.4 Adopted Policies and Standing Resolutions

Received for information.

16.5 Local Trust Committee Webpage

Received for information.

16.6 Islands Trust Conservancy Report Dated March 2025

Received for information.

17. NEW BUSINESS

17.1 2024/25 Annual Report - Request for Decision

NP-2025-028

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee approves the attached text for inclusion in the 2024/25 Annual Report for approval by Trust Council and submission to the Minister of Housing and Municipal Affairs.

CARRIED

17.2 6601 Razor Point Road Covenant Update

Island Planner Smith noted the property owner has stated they are reviewing covenant options.

17.3 Review of Standing Resolution 2022-002 - Travel Trailer Enforcement

Discussion ensued regarding community concerns about potential exploitation of the Standing Resolution which was implemented to protect those already living in travel trailers due to housing shortages.

The Bylaw Compliance and Enforcement Manager indicated they will provide a list of enforcement cases related to travel trailers being used as unlawful dwellings and the Local Trust Committee can determine options.

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled for July 25, 2025 at the St. Peter's Anglican Church Hall, Pender Island

19. TOWN HALL

A member of the public requested that Trustee Campbell respond to the statement about having a personal relationship with an applicant. Trustee Campbell noted he had watched a hockey game with the applicant in a public venue and is aware of separation of personal relationships and his duties as a Trustee. The member of the public withdrew their complaint regarding Trustee Campbell and reiterated concerns about increased heavy truck traffic on Port Washington Road and resultant pollution affecting the quality of honey production and vibrations damaging their home.

A member of the public referred to correspondence sent to the Local Trust Committee the previous day with updates to their application, spoke to some of the projects that happened on Port Washington Road and increased construction activity.

20. CLOSED MEETING – None

21. ADJOURNMENT

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

David Maude, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder



Resolutions Without Meetings Log

North Pender Island

Resolution Number	Action	Date
2025-002	Carried	16-Jul-2025
To change July 25 mtg to electronic		
That the North Pender Island Local Trust Committee direct staff to change the July 25, 2025 regular meeting to an electronic meeting.		

Follow Up Action Report

North Pender Island

31-Jan-2025

Progress	Activity	Responsibility	Dates	Status
0%	1 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) - (DONE) 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 - DONE 3) Staff to request \$5,000 for 2025/26 fiscal for Raptor Project - DONE	Brad Smith Emily Bryant	Target: 18-Apr-2025	Completed

Follow Up Action Report

North Pender Island

30-May-2025

Progress	Activity	Responsibility	Dates	Status
0%	1 10.1 May 5 special meeting minutes adopted as presented	Emily Bryant	Target: 13-Jun-2025	Completed
0%	2 14.1, 14.2, 14.3 - SSI BL 543, 544, 545 Saturna BL 143 - respond that LTC interests unaffected	Jas Chonk	Target: 30-May-2025	Completed
0%	3 15.1 Housing Action Plan endorsed as presented - staff to update plan with approval date/post on projects page and to initiate plan implementation	Brad Smith Emily Bryant	Target: 13-Jun-2025	Completed
0%	4 14.4 PL-DVP-2025-0086 (Wood) - Permit approved as presented, staff to issue permit and close file	Bruce Belcher Emily Bryant Jas Chonk	Target: 13-Jun-2025	Completed
0%	5 14.5 PL-DVP-2025-0124 (Hurbin) - Permit approved as presented, staff to issue permit and close file	Bruce Belcher Emily Bryant Jas Chonk	Target: 13-Jun-2025	Completed
0%	6 14.6 PL-TUP-2025-0093 (Rawlings) - TUP issued as amended for a 1 year term - staff to issue permit, close file, update STVR map and place permit on website, update any monitoring requirements. Amendment - Add condition to TUP that requires the submission of water use records annually	Bruce Belcher Emily Bryant Jas Chonk	Target: 13-Jun-2025	Completed
0%	7 12.1 Sara Miles Delegation - BL Enforcement to email Ms. Miles with current status of BL enforcement file on 3330 Port Washington Road and cc Trustees including clarification of 50 m setback issue	David Worthington Warren Dingman	Target: 13-Jun-2025	Completed

Follow Up Action Report

North Pender Island

30-May-2025

Progress	Activity		Responsibility	Dates	Status
0%	8	14.6 - Staff to update standing resolutions table with SR passed regarding no issuance of TUPS for STVRS	Jas Chonk	Target: 30-May-2025	Completed
0%	9	17.1 2024/25 Annual Report - approved as presented - staff to communicate to Morgana	Brad Smith	Target: 13-Jun-2025	Completed
0%	10	17.3 BL Enforcement to provide list of RV files for consideration of enforcement or not. Staff to add to next meeting agenda in-camera. (done)	David Worthington Jas Chonk Warren Dingman	Target: 27-Jun-2025	In Progress



Islands Trust

BYLAW REFERRAL FORM

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

Island: South Pender Island Local Trust Area Bylaw No.: 129 Date: May 23, 2025

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

APPLICANTS NAME / ADDRESS:

N/A

PURPOSE OF BYLAW:

Bylaw No. 129 is the result of the 2024-2025 Minor Land Use Bylaw (LUB) Amendments Project. The project's purpose is to consider a targeted review of amendments made during the previous LUB review project which resulted in the adoption of LUB amending Bylaw No. 122. The South Pender Island Local Trust Committee's (LTC) Bylaw No. 122 was adopted in September 2022 which included a number of LUB amendments including new agricultural regulations, reduction to residential dwelling maximum floor areas, increasing setbacks for new residential dwellings and cottages, increasing the setback to the natural boundary of the sea, and other minor amendments.

The South Pender LTC held multiple opportunities for community engagement to determine if the Bylaw No. 122 amendments should be removed, amended, or retained in the current South Pender LUB. The outcome of this engagement process is Bylaw No. 129 which includes the following amendments:

- retains the setback to the natural boundary of the sea but amending the clause by removing "a certification from an appropriately qualified person as to" and replacing it with "substantive evidence to establish"
- height regulation for dwellings and cottages to revert the regulation back to as it was prior to the adoption of Bylaw No. 122
- shipping container regulations by changing the lot size requirements
- clarifying recreational vehicles regulations
- reverts the setback from the exterior and interior side lot line for dwellings and cottages from 6 metres (20 feet) to 3 metres (10 feet)
- removes the floor area requirements for dwellings and cottages to the Agriculture zone and certain conditions of use for agri-tourism and agri-tourist accommodation
- reduces the maximum floor area regulations for dwellings and includes a single table to regulate maximum floor area

Project background, proposed bylaw, and staff reports are available on the South Pender LTC Projects webpage: <https://islandstrust.bc.ca/island-planning/south-pender/projects/>

GENERAL LOCATION:

South Pender Island Local Trust Area

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

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

PLEASE TURN OVER 

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



Name: Kim Stockdill

(Signature)

Title: Island Planner
Contact Info Tel: 250-405-5157
Email: kstockdill@islandstrust.bc.ca

This referral has been sent to the following agencies:

Federal Agencies

N/A

Provincial Agencies

Agricultural Land Commission

Non-Agency Referrals

WSANEC Leadership Council

Regional Agencies

Capital Regional District – Building Inspection

South Pender Island Fire Rescue

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee

Saturna Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Lyackson First Nation

Malahat First Nation

Pauquachin First Nation – via portal

Penelakut Tribe

Semiahmoo First Nation

Snuneymuxw First Nation

Stz'uminus First Nation

Ts'uubaa-asatx Nation (Lake Cowichan) – via portal

Tsartlip First Nation

Tsawout First Nation – via portal

Tsawwassen First Nation

Tseycum First Nation

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

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

South Pender Island Local Trust Area
(Island)

(Signature)

(Date)

129
(Bylaw Number)

(Name and Title)

(Agency)



Islands Trust

BYLAW REFERRAL FORM

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

Island: Mayne Island Local Trust Area Bylaw No.: 194 and 195 Date: May 28, 2025

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

APPLICANTS NAME / ADDRESS:

Capital Regional District (CRD)

PURPOSE OF BYLAW:

The purpose of Bylaw No. 194 (OCP) and Bylaw No. 195 (LUB) is to facilitate the rezoning of St. John Point Park on Mayne Island (LOT B, SECTION 1, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 2501) to support the CRD's Parks Management Plan.

Bylaw No. 194 (OCP) changes a portion of the land use designation on the Lot B, Section 1, Mayne Island, Cowichan District, Plan 2501 from Rural (R) to Resource Conservation (RC) land designation.

Bylaw No. 195 (LUB) changes the portion of the property zoned Rural (R) to Resource Conservation (RC) and the portion of the property zoned Agricultural (A) zoning to site specific zone A(a) to permit:

- resource conservation use
- entrance sign
- parking area
- pump out toilet building
- bicycle rack
- visitor information kiosk

GENERAL LOCATION:

Mayne Island Local Trust Area

LEGAL DESCRIPTION:

LOT B, SECTION 1, MAYNE ISLAND, COWICHAN DISTRICT, PLAN 2501

SIZE OF PROPERTY AFFECTED:

26 hectares

ALR STATUS:

A portion in the ALR

OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural (R) and Agricultural (A)

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: <https://islandstrust.bc.ca/island-planning/mayne/current-applications/>

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

(Signature)

Name: Narissa Chadwick

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

PLEASE TURN OVER

This referral has been sent to the following agencies:

Provincial Agencies

Agricultural Land Commission
Min. of Housing and Municipal Affairs
Min. of Transportation & Transit – via portal

Non-Agency Referrals

Mayne Island Parks and Recreation Commission
Mayne Island Fire Rescue

Adjacent Local Trust Committees and Municipalities

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

First Nations

Cowichan Tribes
Halalt First Nation
Lyackson First Nation
Pauquachin First Nation – via portal
Penelakut Tribe
Semiahmoo First Nation
Snuneymuxw First Nation
Stz'uminus First Nation
Ts'uubaa-asatx Nation (Lake Cowichan) – via portal
Tsartlip First Nation
Tsawout First Nation - via portal and email
Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

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

Mayne Island Local Trust Area
(Island)

(Signature)

(Date)

194/195
(Bylaw Number)

(Name and Title)

(Agency)

DATE OF MEETING: July 25, 2025

TO: North Pender Island Local Trust Committee

FROM: Bruce Belcher, Planner 2
Southern Team

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

SUBJECT: Development Permit PL-DP-2025-0171
Applicant: Jack Ferguson
Location: 2705 Yawl Lane, North Pender Island

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit PL-DP-2025-0171.

REPORT SUMMARY

This report is to consider a Development Permit (DP) application. The purpose of the proposed DP is to authorize a garage addition, deck addition, driveway expansion, and relocation of an existing shed within **Development Permit Area 1 (DPA 1) – Woodland Ecosystems**.

BACKGROUND

The DP application was submitted to the Islands Trust in order to evaluate the proposed building area within DPA 1 in advance of a Building Permit application.

Most of the property, the existing dwelling, and the existing driveway is designated within DPA 1 in the North Pender Island Official Community Plan No. 171 (OCP). The entirety of the proposed work takes place within DPA 1. In accordance with the North Pender Island OCP any construction, addition, or alteration to an existing or new building, and any alteration of land requires a DP or a DP exemption. The proposal would involve altering previously disturbed land within the DPA as well as the removal of one mature Douglas-fir to facilitate the driveway expansion.

Draft permit PLDP20250171 is included as Attachment 3. Professional reports from the R. P. Bio. are included as Attachment 4.

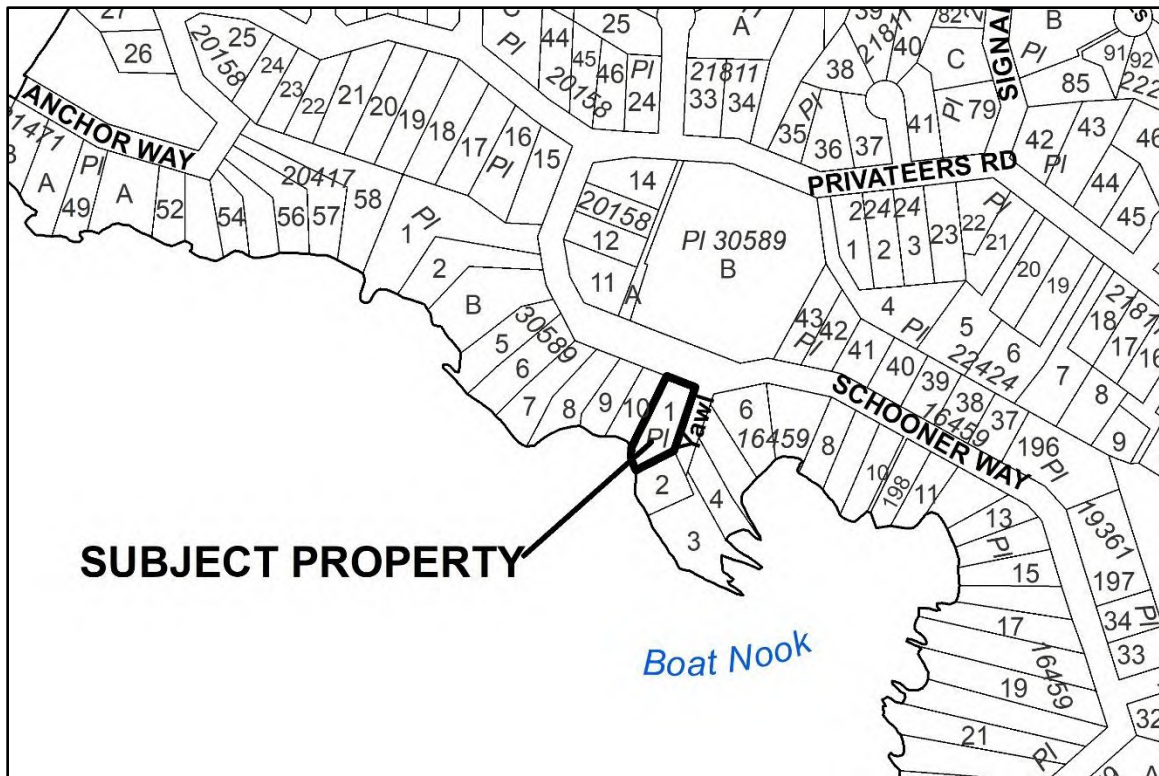


Figure 1: Subject Property Location

ANALYSIS

Policy/Regulatory

Official Community Plan

The property is designated **Rural Residential** in the North Pender Island Official Community Plan No. 171, 2007. Approximately 70% of the total area of the property is included within DPA 1 – Woodland Ecosystems.

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

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

The objective of DPA 1 is to preserve and protect remaining sensitive woodland ecosystems. The specific guidelines for DPA 1 include:

5.2.2.4 Woodland Ecosystem Guidelines

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

- 1. Large mature and old trees, trees containing cavities, the root systems of trees, rare plant species, native grasses and associated under-storey vegetation should be protected.*
- 2. Unnecessary removal of dead or declining trees, downed logs, snags and leaf litter should be avoided.*
- 3. Consideration should be given to requiring fencing as a condition of a permit in order to manage access.*
- 4. Where feasible, cut dangerous trees to a level where they are safe rather than removing entirely.*
- 5. Denning and nesting sites of rare, threatened or endangered species should be protected.*
- 6. Stairs, walkways and other access within a sensitive ecosystem adjacent to the shoreline should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.*



Figure 2: Development Permit Area

Land Use Bylaw

The property is zoned Rural Residential 1 (RR1) in the North Pender Island Land Use Bylaw No. 224, 2022 (LUB). The current residential use and density meet the requirements of the LUB.

The proposed construction will require a building permit prior to commencing.

2025 Environmental Assessment

The applicant has submitted a professional report completed by a Registered Professional Biologist (R.P. Bio) from Caurinus Environmental dated April 29, 2025, with additional updates to the report completed on May 26, 2025, and July 9, 2025. The report summarizes the observations of the ecological conditions, potential impacts from the proposed development on the property, and recommendations for environmental protection and restoration following construction.

The report concludes that “it is our opinion that the guidelines and recommendations we have outlined above will ensure that detrimental impacts to the woodland ecosystems on the subject property can be minimized, and ecological integrity enhanced to promote resilience and biodiversity.”

The proposed restoration plan and restoration recommendations have been developed by the R.P. Bio. and are included as part of the draft development permit.

Draft Development Permit

In accordance with the recommendations of the R.P. Bio., the draft DP (Attachment 3) includes site specific conditions with respect to the following for the proposed work:

- Construction Management
- Spill Prevention and Response
- Construction Timing
- Erosion and Sediment Control
- Site Restoration and Planting
- Environmental Monitoring

The schedules attached to the draft DP provide further detail and guidance. A review of the DPA 1 guidelines checklist is included within the Environmental Report. Staff’s review of the DPA 1 guidelines is included as Attachment 5.

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 within 100 metres of 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;
- Implementation, restoration, and monitoring conditions in the DP will ensure the protection and enhancement of the Woodland sensitive ecosystem.

ALTERNATIVES

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

1. Request further information

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

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

2. Determine that the DPA guidelines are not being met

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

That the North Pender Island Local Trust Committee has determined that application PLDP20250171 as presented does not meet guideline(s) _____ for the following reasons: _____.

Submitted By:	Bruce Belcher, Planner 2	July 15, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	July 16, 2025

ATTACHMENTS

1. Site Context
2. Maps, Plans
3. Draft Permit PLDP20250171
4. Environmental Assessment Report
5. DPA 1 Guideline Checklist

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 1, SECTION 9, PENDER ISLAND, COWICHAN DISTRICT, PLAN 16459
PID	003-972-640
Civic Address	2705 YAWL LANE, PENDER ISLAND, BC
Lot Size	0.2 ha (0.485 ac)

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential and Community Service

HISTORICAL ACTIVITY

File No.	Purpose
NP-TUP-2016.4	Short Term Vacation Rental
NP-TUP-2017.1	Amendment to previous TUP
NP-TUP-2020.6	TUP renewal

POLICY/REGULATORY

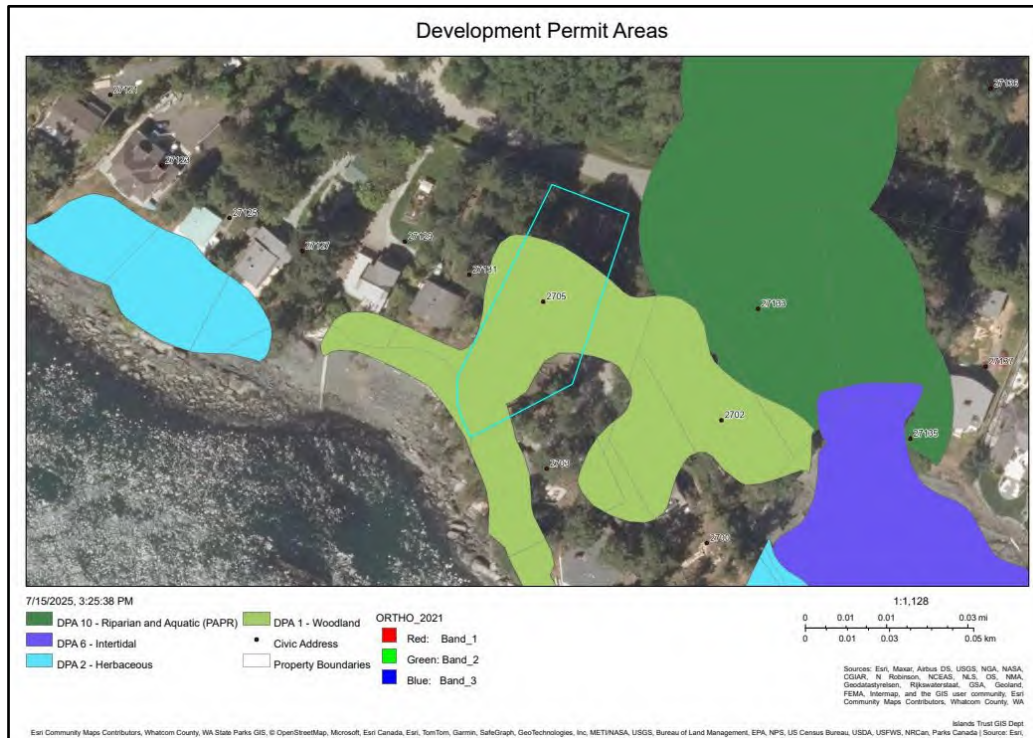
Official Community Plan Designations	Rural Residential Development Permit Area 1 <i>See Attachment 2 for map</i>
Land Use Bylaw	Rural Residential 1
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

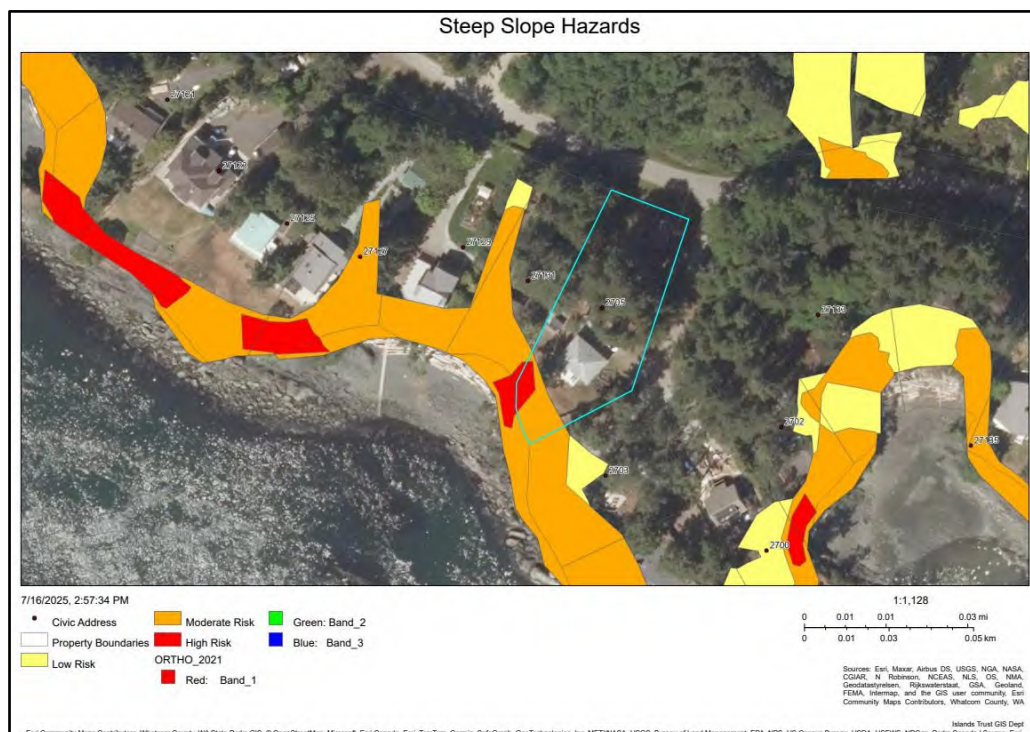
Islands Trust Conservancy	There are no Conservancy covenants or properties in the direct area; therefore, the proposal does not impact the ITC and no referral has been made.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	Sharp-tailed Snake – Potential Habitat

ATTACHMENT 2 – MAPS, PLANS

2.1 Development Permit Areas



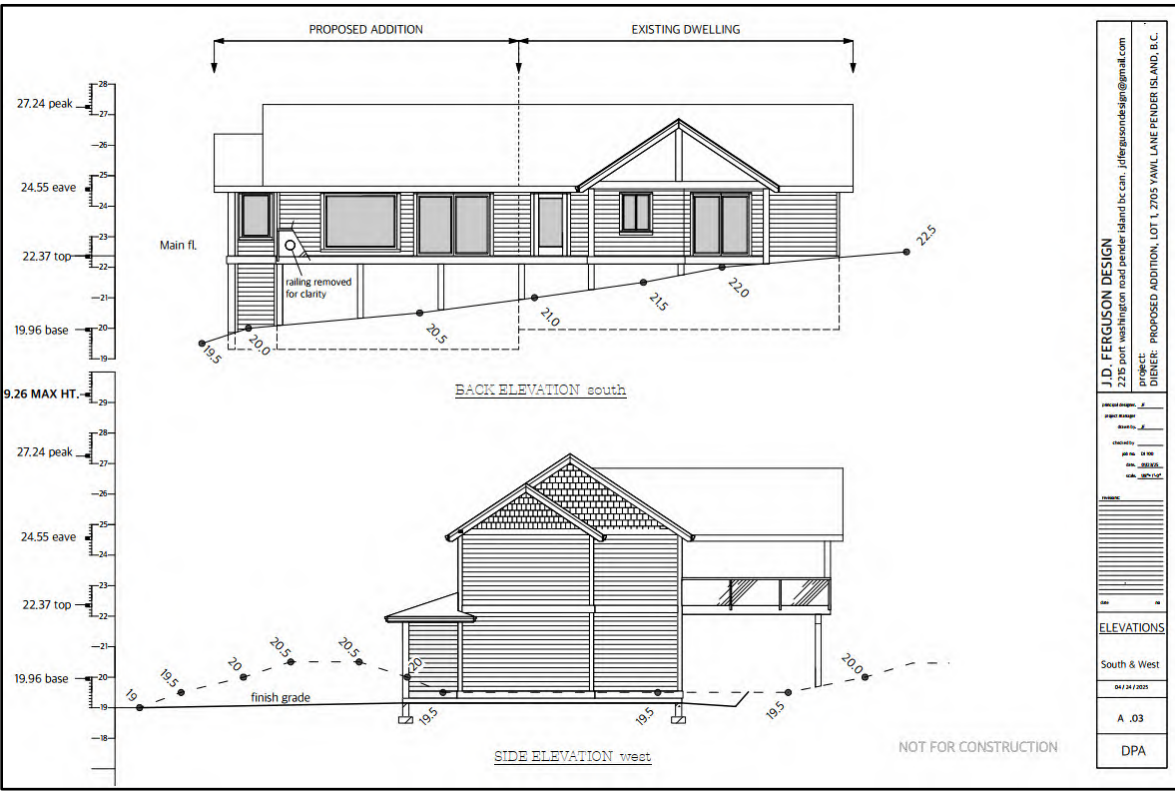
2.2 Steep Slope



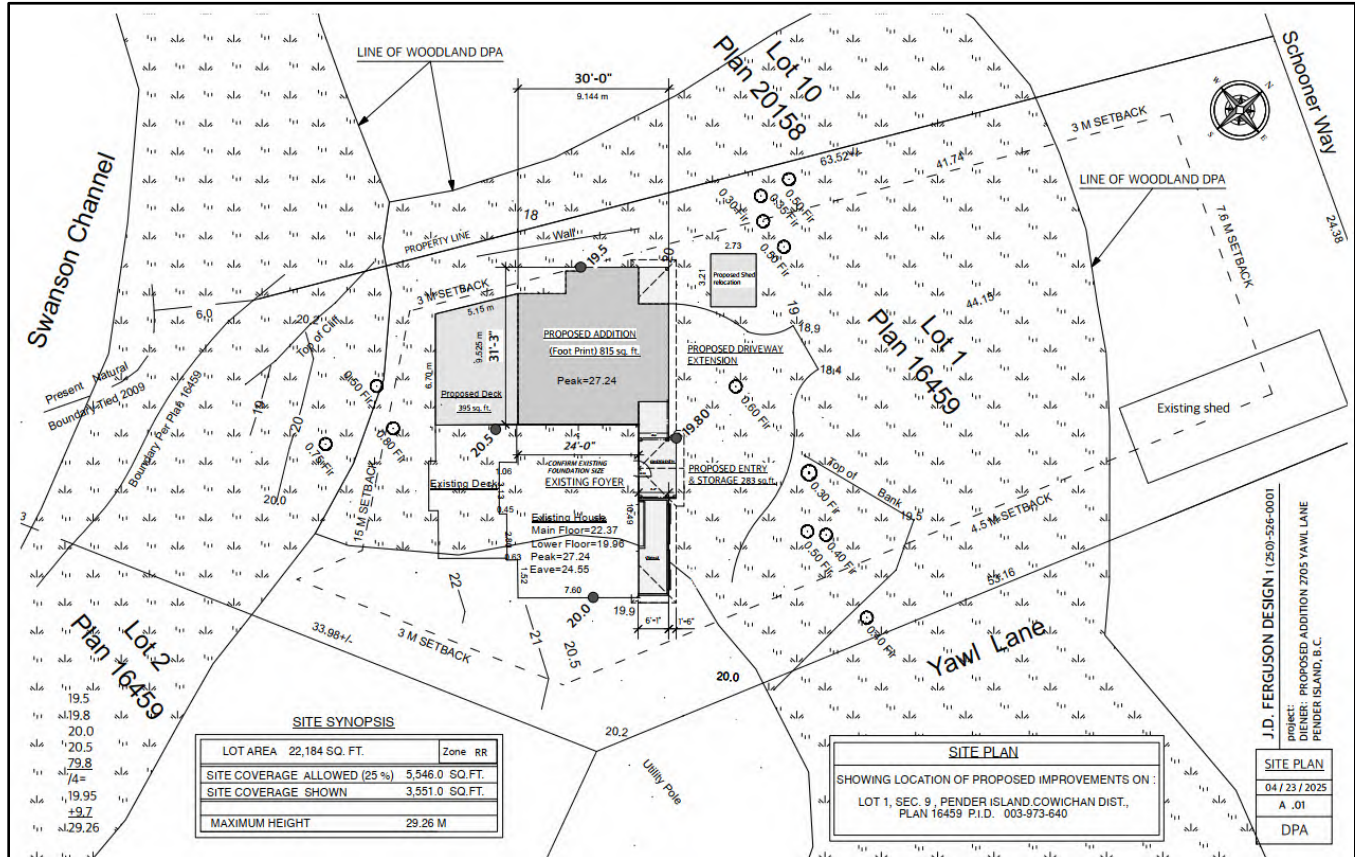
2.3 Sensitive Ecosystem Mapping



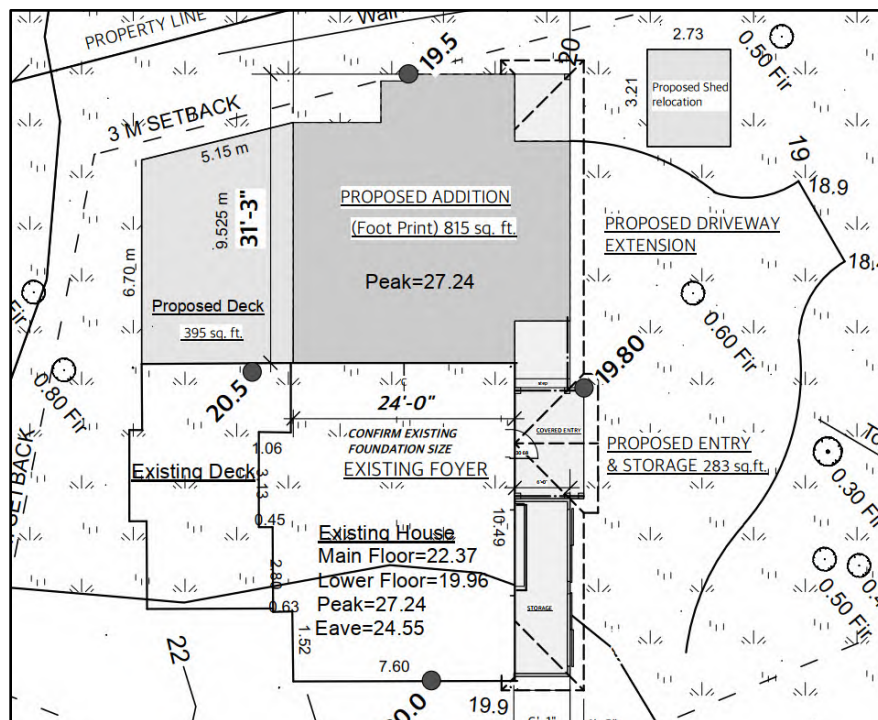
2.4 Elevation Plans



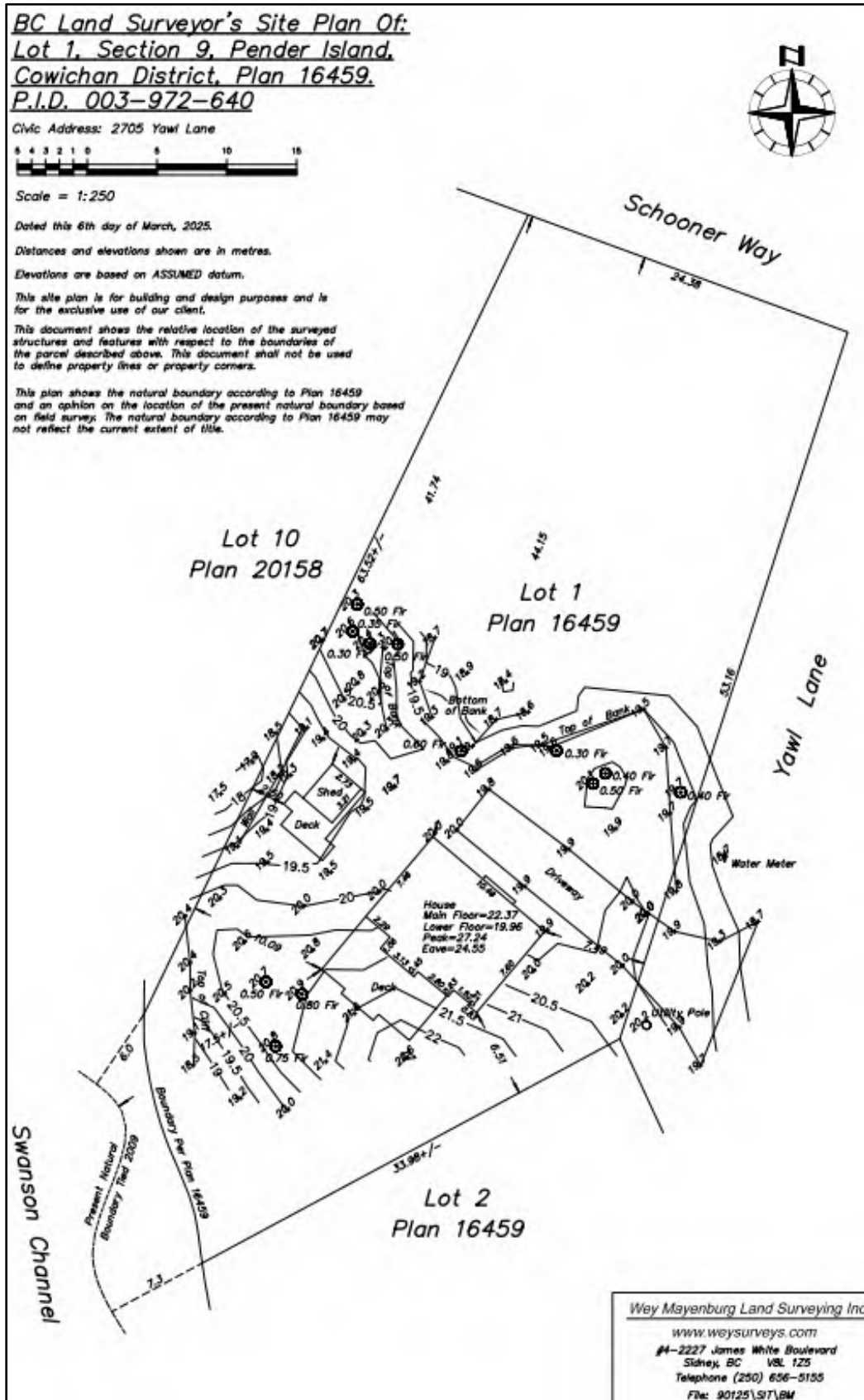
2.5 Site Plan



2.6 Site Plan Detail



2.7 Survey





**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
PLDP20250171**

To: Grant Diener & Sue Burgoyne
c/o Jack Ferguson

1. This Development Permit (the “Permit”) applies to the land described below:

LOT 1, SECTION 9, PENDER ISLAND, COWICHAN DISTRICT, PLAN 16459
(PID: 003-972-640)

2. This Development Permit PLDP20250171 authorizes the construction of a proposed dwelling addition, driveway extension, proposed deck addition, and siting of a shed within the Development Permit Area One (DPA 1) – Woodland Ecosystems, subject to the following requirements and conditions:

General

- a. All construction and site restoration shall be substantively consistent with Schedules ‘A’, ‘B’, ‘C’, and ‘D’ attached to and forming part of this permit.

Construction Management

- b. All contractors and construction personnel are to be notified of the DPA locations and the conditions of this development permit by providing copies to all contractors.
- c. 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.
- d. Construction shall minimize disturbance and maintain undeveloped habitat in as natural a state as possible.
- e. Existing canopy trees shall be maintained, including standing dead trees (snags), 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).
- f. Storage of building materials must be limited to areas outside of the Woodland Ecosystem DPA to reduce damage to adjacent vegetation.
- g. Invasive plants shall be removed during construction and the area shall be revegetated with native species.
- h. Exposed soils shall be planted with native species suitable for the site immediately following project completion.
- i. Lightest available construction machinery and equipment shall be used to reduce the impact of construction on existing root systems.
- j. Large lateral anchoring tree roots shall be retained where possible.

Spill Prevention and Response

- k. Maintain all machinery in a clean condition and free of fluid leaks. Equipment shall be inspected for leaks prior to beginning work.
- l. Spill response kits capable of addressing the volume of fuel/oils/chemicals shall remain on site for the entire period when machines are being used.



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- m. All fuel cans and generators must be placed in spill-proof containers, and all refuelling is to be completed at a designated location >30 m from any development permit area boundary.

Timing

- n. No ground disturbance work shall take place during precipitation events to reduce the risk of erosion.
- o. All construction activities involving ground or tree disturbance shall be avoided during the peak nesting period for songbirds in the Gulf Islands region (May 1 – July 22). Affected areas should be monitored for nesting birds prior to works being initiated.

Erosion & Sediment Control

- p. Prior to construction, install a silt fence consistent with Schedule 'C' to prevent surface transport of soil or fill and other material toward the seaward edge of the Woodland Ecosystem DPA beyond the immediate construction area.
- q. Install silt barrier fencing as close as possible to the construction area and ensure no equipment crosses the barrier into adjacent areas of the Woodland Ecosystem DPA.
- r. Exposed soils shall be covered during storage (e.g. poly, tarps, mulch).

Site Restoration and Planting

- s. All restoration planting should occur between November and February to allow for plant root establishment before being exposed to summer drought.
- t. All plantings shall be mulched to enhance soil moisture retention.
- u. Trees should be planted by hand as small seedlings to avoid using large equipment.
- v. Six new trees (2 Douglas-fir, 2 arbutus, 2 bigleaf maple) should be planted in canopy gaps within the identified restoration area (Schedule 'D').
- w. Planted shrubs should be located 1-2 metres apart within the identified restoration area (Schedule 'D'), and should result in an approximate total of 50 individual plants consisting of native shrubs and ground cover species such as those identified in Schedule 'D'.
- x. Native herbaceous plants (e.g. grasses, flowering plants) should be seeded around the plantings in the fall.
- y. Wire cages at least 1.5 metres in height (e.g. galvanized wire fencing) shall be used to protect new seedlings from animal damage. Alternatively, the larger restoration area could be fenced to ensure the newly planted trees and shrubs are adequately protected from animal browsing damage.
- z. All plantings (trees, shrubs and ground cover) should be maintained by the property owner to ensure survival. For canopy trees, this is required until they have reached a suitable "free to grow" stage of 1.5 metres. Maintenance will require fencing, removal of invasive weeds (e.g., common foxglove, Scotch broom), and irrigation to ensure seedling establishment. Unhealthy, dying or dead stock should be replaced in the next regular planting season.
- aa. Landscaping and restoration of disturbed areas should be conducted using only native plant species.
- bb. Active management and removal of invasive species is recommended throughout the entire property, including the Woodland Ecosystem DPA, to prevent their continued spread and improve the resilience and biodiversity of natural areas.
- cc. Where invasive plants occur along the edge of the bluff, ensure all stems are cut and not pulled to maintain stabilization of the bank. Keep Scotch broom trimmed before flowering to reduce seed set and spread.



Environmental Monitoring

- dd. Monitoring and guidance shall 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.
 - ee. The monitoring R.P. Bio. at a minimum should complete a review of the construction while in progress, and a final review of the completed construction.
 - ff. The monitoring R.P. Bio. shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions within this permit as issued within three months (3) of the development work being completed.
- 3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
 - 4. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 - 5. This permit does not relieve the applicant from complying with the provisions of the North Pender Island Land Use Bylaw No. 224, 2022 unless varied by this Permit.

This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 224, 2022 and to obtain other approvals necessary for completion of the proposed development.

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

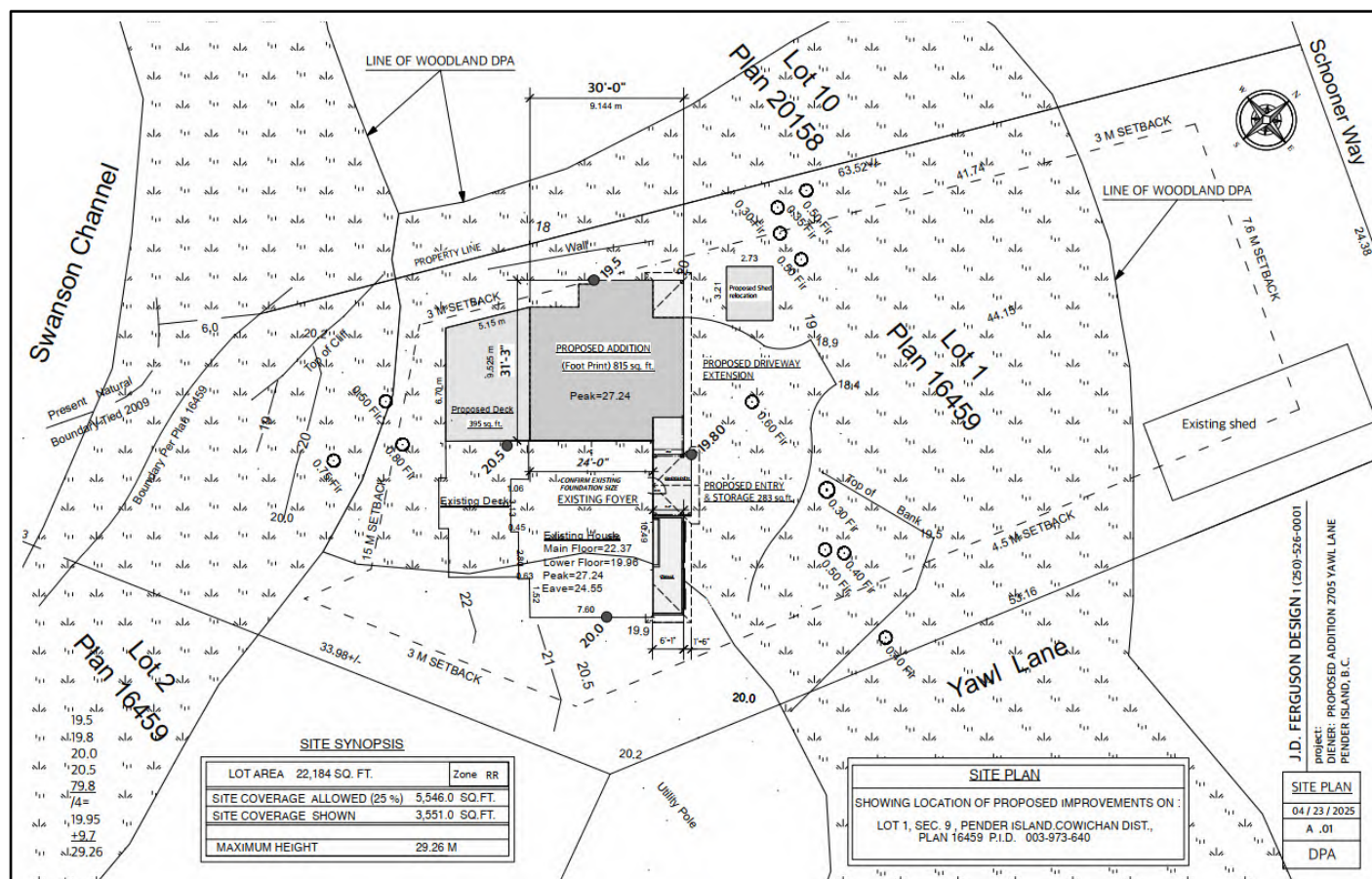
Deputy Secretary, Islands Trust

Date of Issuance

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



SCHEDULE 'A' – Site Plan (p. 1 of 2)



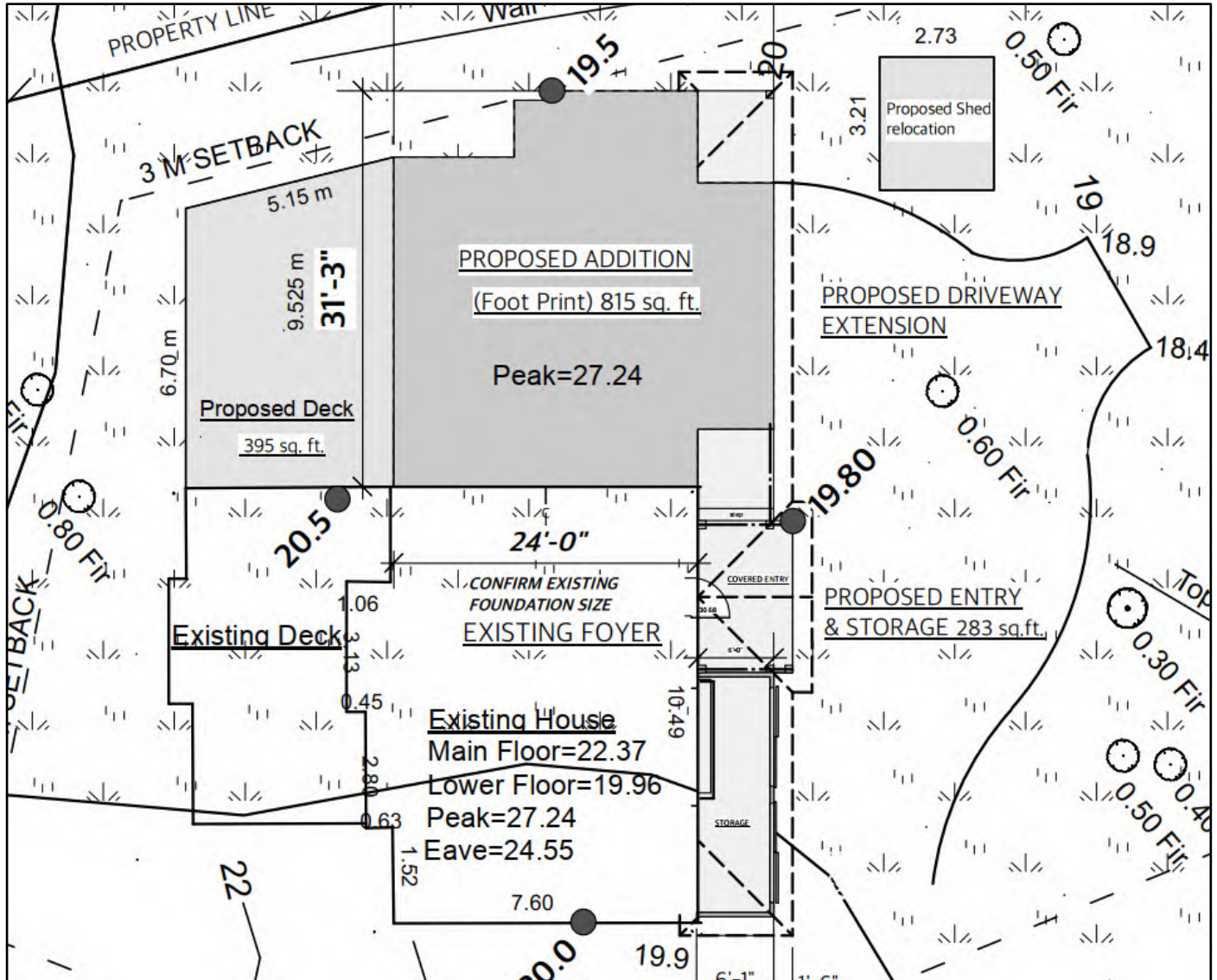


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NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

PLDP20250171

SCHEDULE 'A' – Site Plan (p. 2 of 2)

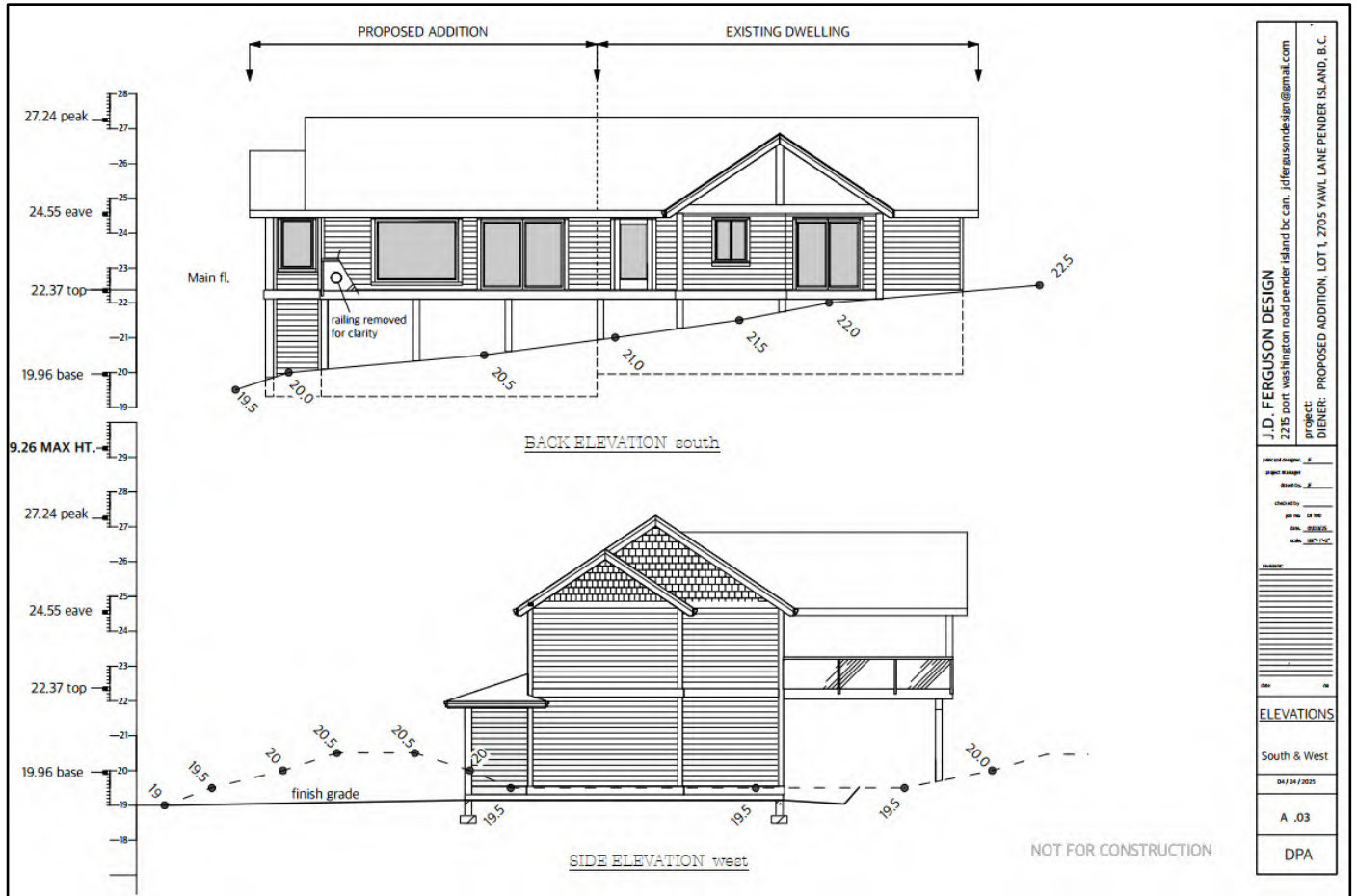




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PLDP20250171

SCHEDULE 'B' – Elevation Plans





SCHEDULE 'C' – Erosion and Sediment Control Measures (p. 1 of 2)

Silt Fence Installation Method

Silt fences are one of the most common tools for controlling sediment and preventing it from entering waterways. They are also often incorrectly installed and maintained. They are designed to slow down and filter “sheet flow”. They are not to be used as dams or to control larger flows of water.

Installing a silt fence:

1. Think about the direction of water/sediment flow before you install the fence. The fence needs to be at 90° to the flow.
2. Make sure there is a long enough tail on the fence that it can be adequately buried. Water rarely goes over a silt fence, but often goes under.
3. The tail of the fence faces into the flow, so that sediment cannot wash underneath it. Remember the goal of the fence is to slow down the water and trap sediment so only clean water goes through the fence.
4. The posts anchoring the fence should be on the downstream (clean) side. This allows water to push fabric against the posts, rather than pull it away from the posts which could cause the fence to fail.
5. The fence should be tight. Do not allow the fabric to flop around between the posts.
6. **The bottom of the fence (tail) must be buried at least 20 cm (8”) deep so that water cannot flow under it.** If burying is not possible due to hard ground or other obstacles, use clean, washed pea gravel to weight the tail down and conform to the ground (Figure 1).
7. Make sure there are **no gaps under the fence**.
8. Make sure posts are firmly driven into the ground. If a wooden post breaks, replace it with a rebar stake and wire the fence to it.
9. On rough or rocky ground, fences that come with wooden stakes pre-attached are often difficult to use. Instead, obtain a roll of filter fabric and separate bundles of stakes.
10. Hammer the stakes into the ground at approximately 1.5 - 2 m intervals, as ground conditions allow.
11. Unroll the fabric along the fence, leaving a good tail that can be buried. Remember that the water/sediment is likely only a few inches deep and is unlikely to go over the fence.
12. Staple the fabric to the stakes with a heavy-duty staple gun.
13. Dig the tail into the ground, or place a generous layer of washed, clean pea gravel on the tail to weight it down.
14. Check for gaps and ensure the fence is tight to the ground.
15. If the sediment fence appears weak, or is on a slope, put straw bales tight behind the fence to support it. Use best your judgement to determine the spacing and number of bales. If the fence collapses, it is useless.

Maintaining a silt fence:

1. Check the fence regularly and repair it if needed. Remove built up sediment and dispose of it away from the watercourse and where it cannot be washed into a drain or ditch.
2. Don't forget to dig away sediment for proper disposal and **remove the silt fence when the project is done** and the ground has stabilized. Make a note it on your calendar to check and remove it.

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
PLDP20250171

SCHEDULE 'C' – Erosion and Sediment Control Measures (p. 2 of 2)

Silt Fence Diagram

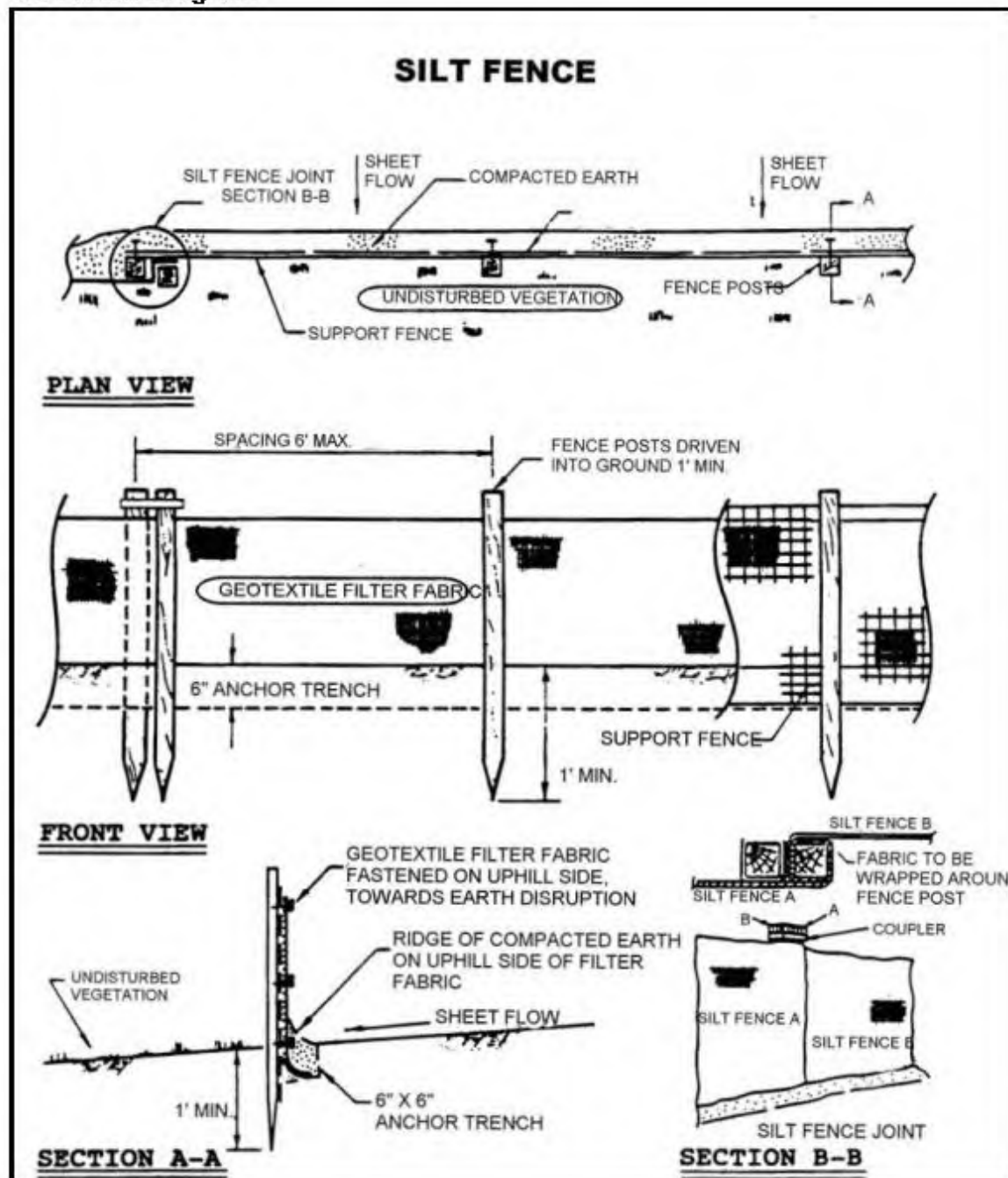


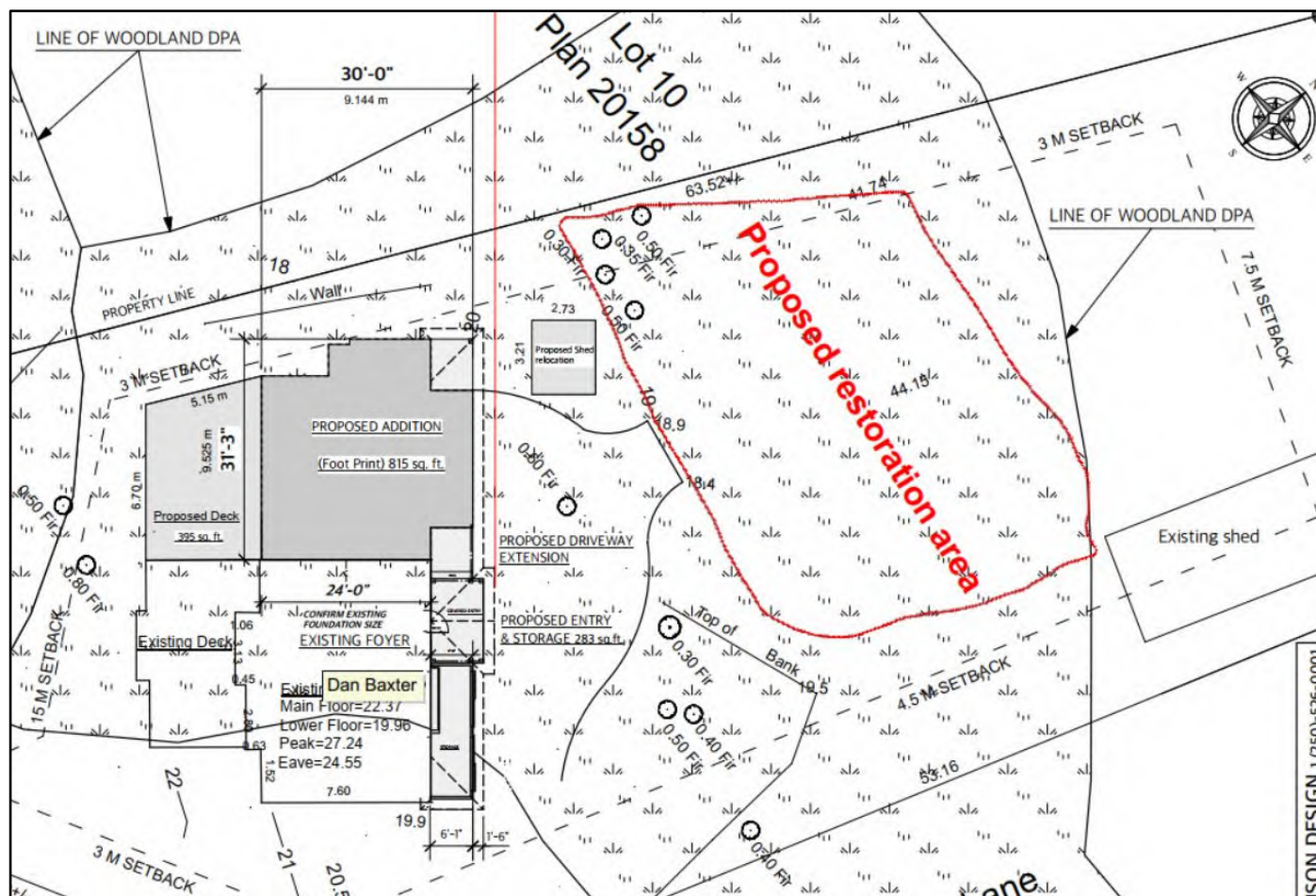
Figure 3. Schematic diagram of silt fence installation. Courtesy Nebraska H2O (www.nebraskaH2O.org)



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NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
PLDP20250171

SCHEDULE 'D' – Restoration Plan



Environmental Assessment of 2705 Yawl Lane, North Pender Island, BC



Submitted To: Grant Diener

April 29, 2025

Prepared By: Dan Baxter and Erin O'Brien



Caurinus Project No.: CE2025002

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1.0 Introduction

In February 2025, Caurinus Environmental was contacted by Jack Ferguson on behalf of Grant Diener to complete an environmental inventory, condition and impact assessment in a Woodland Ecosystem DPA at 2705 Yawl Lane 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 addition of a garage and expansion of the primary dwelling, driveway extension, deck expansion and relocating a small office shed in an environmentally responsible manner.

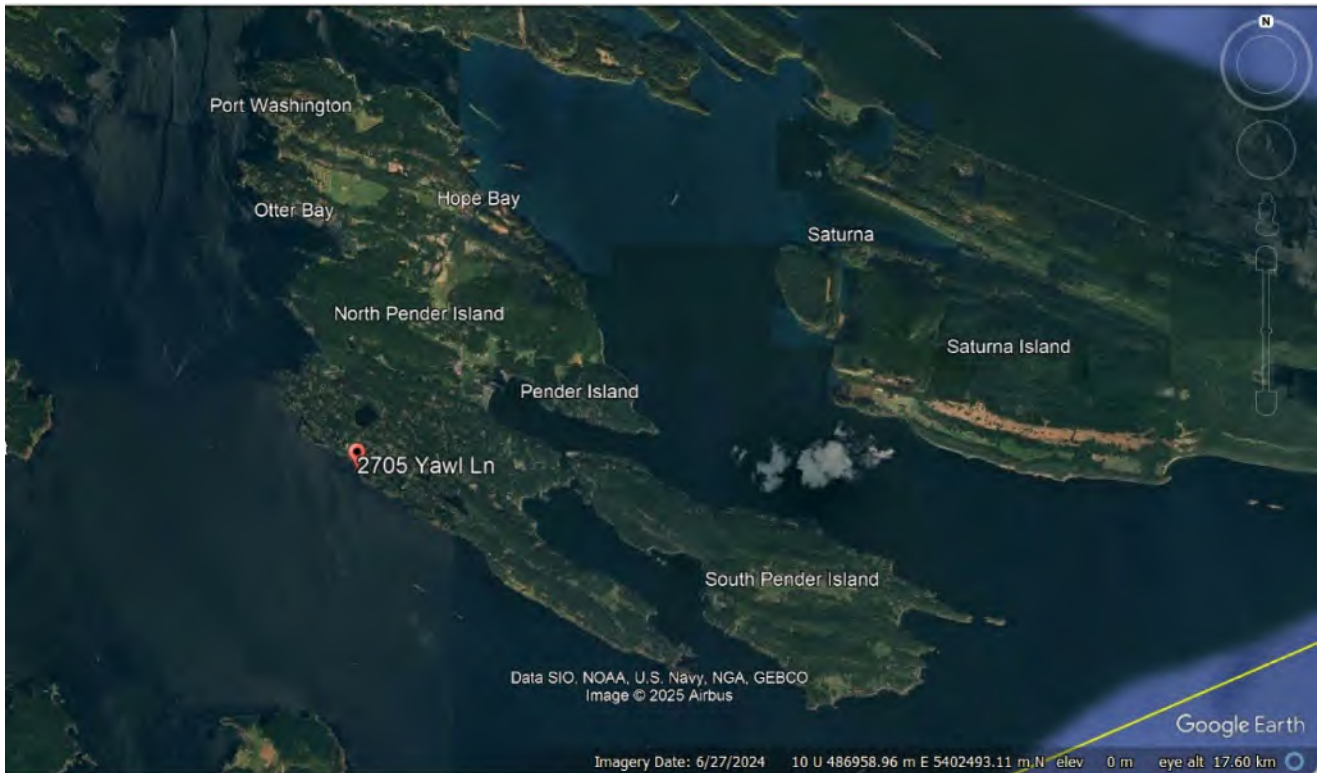


Figure 1. 2705 Yawl Lane Pender Island, BC (Google Earth 2025).

The subject property is located in the North Pender Island Local Trust Area, Capital Regional District (CRD), and is approximately 0.196 ha (0.485 acres) in size. The property is located at 2705 Yawl Lane, on the south side of North Pender near Boat Nook (Figure 2). The legal description for the parcel is:

- Lot 1 Plan, VIP16459, Section 9, Cowichan Land District, Portion Pender Island (PID: 003-972-640)

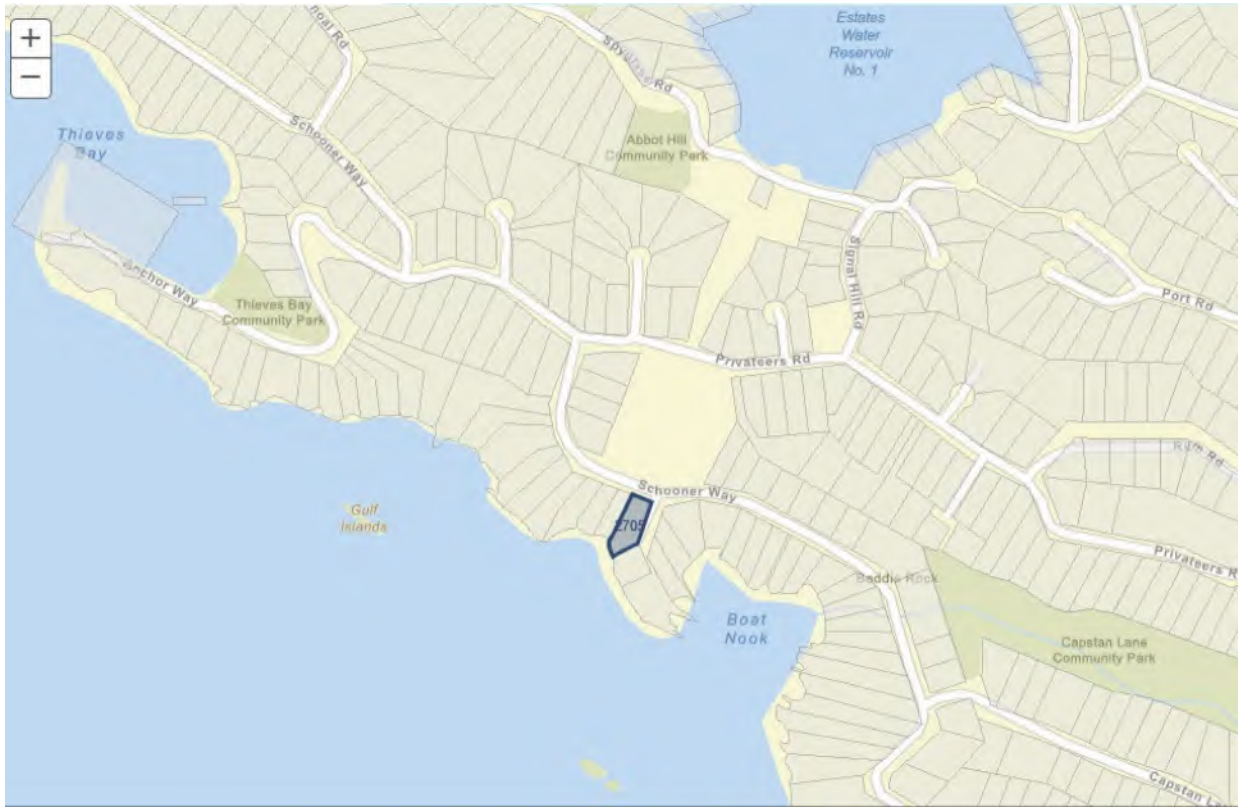


Figure 2. 2705 Yawl Lane, Pender Island, BC (e-valueBC, BC Assessment 2025).

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

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

2.0 Supporting Inventories

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

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

2.1 Physical Resources

Humid Temperate Ecodomain

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

Humid Maritime & Highlands Ecodivision

This Ecodivision occurs along the coast from the western edge of the Continental Slope eastward to the effective height of land on the Coast Mountains, including the Nass Basin and Nass Ranges. This Ecodivision's climate is temperate, with abundant rainfall throughout the year, but with reduced precipitation in summer. Coniferous tree species that occur include Douglas-fir (*Pseudotsuga menziesii*), Western redcedar (*Thuja plicata*), Western hemlock (*Tsuga heterophylla*), Sitka spruce (*Picea sitchensis*), amabilis fir (*Abies amabilis*), and yellow-cedar (*Chamaecyparis nootkatensis*). In the extreme south of the province, where it is much drier, it contains arbutus (*Arbutus menzeisii*) and Garry oak (*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 tall Oregon grape (*Berberis 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 DO/03: Douglas-fir – Oniongrass**
- **CDFmm RF/06: Western redcedar - Grand fir – Foamflower**
- **CDFmm DO/04: Douglas-fir - Grand fir - Oregon grape**



Figure 3. Property Ecosystems: (Douglas-fir – Oniongrass, Mature Forest/Young Forest; Douglas-fir - Grand Fir - Oregon Grape, Young Forest; 100% Western redcedar-Grand fir-Foamflower, Wetland/Mature Forest (Islands Trust (MapIT) 2025).

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 with secondary Douglas-fir - Grand Fir - Oregon Grape, Young Forest (Figure 4).



Figure 4. Location of Woodland Ecosystem DPA on the subject property (Islands Trust (MapIT) 2025).

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 on April 3, 2025. The review included online satellite imagery, reports, independent studies and recent Terrestrial Ecosystem Mapping (TEM). The subject property is accessed off Schooner Way, up Yawl Lane (Figure 2). The property begins on the west side of the roadway and continues south-southwest until it ends to the west of Boat Nook in the Salish Sea. The property has been previously disturbed by historic land use in the Woodland Ecosystem DPA with young to mature trees present, but virtually no subcanopy shrub cover.

3.1 Conservation Data Centre

British Columbia Conservation Data Centre (CDC) is an extension of the Ministry of Water, Land and Resource Stewardship 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; one sensitive species, sharp-tailed snake (*Contia tenuis*) has been documented on or within 1 km of the subject property (Data review: Apr 4, 2025).

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 with secondary Douglas-fir - Grand fir - Oregon grape**
- **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 canopy layer of this ecosystem classification is dominated by Douglas-fir with Garry oak present on warm aspects; arbutus is the only other canopy 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 2025) and is ranked S1 (critically imperiled; Provincial Conservation Status 2025) 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 and residential 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/01: Douglas-fir - Grand fir - Oregon grape**

Mature and old forests contain moderately open to closed stands typically dominated by Douglas-fir, in association with one or both of grand fir (*Abies grandis*) and Western redcedar. Secondary species can include Bigleaf maple, western hemlock and red alder (*Alnus rubra*). Typically found on middle to upper sites on gently sloping ground with deep, medium-textured soil, indicated by the absence of arbutus which may be incidental on some sites. In the understory, the shrub layer is dominated by dull Oregon-grape (*Berberis nervosa*), salal, oceanspray, and trailing blackberry (*Rubus ursinus*). The herb layer generally consists of broad-leaved starflower (*Trientalis latifolia*), sword fern, and bracken fern (*Pteridium aquilinum*). Younger stands have denser canopies due to the varying shade tolerance of leading young Douglas-fir.

The Douglas-fir - Grand Fir - Oregon Grape plant community is provincially **Red** Listed (BC List Status 2025) and is ranked S1 (critically imperiled; Provincial Conservation Status 2025) in British Columbia. This critically imperiled habitat is situated in coastal areas and has experienced significant declines as a result of extensive past timber harvesting, grazing, and extensive rural and urban development for human use. Consequently, very little of this kind of coastal old growth is left in the world, and virtually all of it is highly fragmented. In the entire Coastal

Douglas-fir Zone, due to continued development pressures, less than 1% (possibly <0.5%) has been identified as mature or old forest (British Columbia Ministry of Water, Land and Air Protection 2004). Threats include continued development, agriculture, fire suppression, invasive species, recreational use, grazing and browsing by domestic livestock and the overabundance of deer (BC's Coast Region: Species & Ecosystems of Conservation Concern 2010).

- **CDFmm 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 2025) and is ranked S1 (Critically Imperiled; Provincial Conservation Status 2025) in British Columbia. This system has been harvested throughout its range and much of the land prevented 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 hyperabundant Columbian black-tailed deer (*Odocoileus hemionus columbianus*) 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 2025). Climate change impacts may result in summer drought becoming more common, changing moisture regimes over the long term, and possibly increasing fire, disease and insect hazards (Cooke 2011).

Habitat description

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

Site Inventory Description:

All areas of the DPA have been previously disturbed to some extent either from clearing for development, landscaping or selective logging. We conducted a comprehensive vegetation survey throughout the Woodland Ecosystem DPA to document the presence of native and invasive species. This included measurement of the diameter at breast height (DBH, ~1.5 m) of all canopy trees in the Woodland Ecosystem DPA, including the single Douglas-fir that is proposed to be removed to accommodate the addition to the primary dwelling and driveway extension (Table 1). Plant species detected during the site survey are presented in Table 2; invasive species detected included Scotch broom (*Cytisus scoparius*), Himalayan blackberry (*Rubus armeniacus*), Spurge-laurel (*Daphne laureola*) and Mediterranean spurge (*Euphorbia characias*). No species at risk were detected during the vegetation survey. However, the timing of our inventory (spring) would not preclude the potential occurrence of rare species at another point during the growing season. Given the prior disturbance to the area, however, it is unlikely such species would be found on site.

Table 1. Diameter of trees in the Woodland Ecosystem DPA at 2705 Yawl Lane, Pender Island, BC
 (* DBH of Douglas-fir proposed to be removed in the Woodland Ecosystem DPA)

Tree Type	DBH (cm)	Tree Type	DBH (cm)
Front Yard			
Arbutus	40.5	Douglas-fir	84.5
Western Cedar	25.8	Douglas-fir	49.5
Western Cedar	52.5	Douglas-fir	36.0
Western Cedar	37.8	Douglas-fir	28.0
Grand Fir	52.2	Douglas-fir	52.3
Grand Fir	24.2	Douglas-fir	48.4
Grand Fir	47.8	Douglas-fir	37.4
<u>*Douglas-fir</u>	<u>55.7</u>	Douglas-fir	80.5
Douglas-fir	39.2	Douglas-fir	70.6
Douglas-fir	29.5	Douglas-fir	35.0
Douglas-fir	30.5	Douglas-fir	50.1
Douglas-fir	61.2	Douglas-fir	49.5
Douglas-fir	42.5	Douglas-fir	37.6
Douglas-fir	48.0	Douglas-fir	63.0
Douglas-fir	58.5	Douglas-fir	38.0
Back Yard			
Douglas-fir	64.5	Douglas-fir	33.4
Douglas-fir	74.0	Douglas-fir	35.7
Douglas-fir	50.4	Douglas-fir	43.2
Douglas-fir	44.0	Douglas-fir	32.6
Douglas-fir	36.5		

Table 2. Plants detected in the Woodland Ecosystem DPA at 2705 Yawl Lane, Pender Island, BC.

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Hedge-nettle	<i>Stachys chamissonis</i>	Native	S5	Yellow	Not Listed
Baldhip rose	<i>Rosa gymnocarpa</i>	Native	S5	Yellow	Not Listed
Brome sp.	<i>Bromus sp.</i>	----	----	----	----
Dull Oregon grape	<i>Berberis nervosa</i>	Native	S5	Yellow	Not Listed
Self-heal	<i>Prunella vulgaris ssp. lanceolata</i>	Native	S5	Yellow	Not Listed
Pacific sanicle	<i>Sanicula crassicaulis</i>	Native	S5	Yellow	Not Listed
Hairy honeysuckle	<i>Lonicera hispidula</i>	Native	S5	Yellow	Not Listed
Sweet mountain cicely	<i>Osmorhiza occidentalis</i>	Native	S4	Yellow	Not Listed
Yarrow	<i>Achillea borealis</i>	Native	S5	Yellow	Not Listed
Trees					
Arbutus	<i>Arbutus menziesii</i>	Native	S5	Yellow	Not Listed

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Douglas-fir	<i>Pseudotsuga menziesii</i>	Native	S5	Yellow	Not Listed
Western redcedar	<i>Thuja plicata</i>	Native	S5	Yellow	Not Listed
Grand fir	<i>Abies grandis</i>	Native	S5	Yellow	Not Listed
Exotic					
Common groundsel	<i>Senecio vulgaris</i>	Exotic	SNA	Exotic	Not Listed
Purple toadflax	<i>Linaria purpurea</i>	Exotic	SNA	Exotic	Not Listed
Grape hyacinth	<i>Muscari armeniacum</i>	Exotic	SNA	Exotic	Not Listed
Red clover	<i>Trifolium pratense</i>	Exotic	SNA	Exotic	Not Listed
Invasive					
Scotch broom	<i>Cytisus scoparius</i>	Exotic	SNA	Exotic	Not Listed
Mediterranean spurge	<i>Euphorbia characias</i>	Exotic	SNA	Exotic	Not Listed
Spurge-laurel	<i>Daphne laureola</i>	Exotic	SNA	Exotic	Not Listed
Dovefoot geranium	<i>Geranium molle</i>	Exotic	SNA	Exotic	Not Listed
Common St. John's wort	<i>Hypericum perforatum</i>	Exotic	SNA	Exotic	Not Listed
English daisy	<i>Bellis perennis</i>	Exotic	SNA	Exotic	Not Listed
Cotoneaster	<i>Cotoneaster sp.</i>	Exotic	SNA	Exotic	Not Listed
Hairy cat's ear	<i>Hypochaeris radicata</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, we examined the subject property for occurrence of provincially Red- and Blue-listed species as well as federal Species at Risk Act-scheduled species. This wildlife assessment only considers vertebrate animals. The study area was carefully assessed for evidence of recent or past use by wildlife species. The following species were detected during the survey of the property:

Birds

The following 7 bird species were observed on or adjacent to the property during the site visit, with no species at risk detected (Table 3). The birds detected on site are typical for the area in early spring. No heron or raptor nests were detected during the site visit.

Table 3. List of bird species detected at 2705 Yawl Lane, Pender Island, BC.

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Red-breasted Nuthatch	<i>Sitta canadensis</i>	Native	S5	Yellow	Not Listed
White-crowned sparrow	<i>Zonotrichia leucophrys</i>	Native	S5	Yellow	Not Listed
Violet-green swallow	<i>Tachycineta thalassina</i>	Native	S5	Yellow	Not Listed
Yellow-rumped warbler	<i>Setophaga coronata</i>	Native	S5	Yellow	Not Listed
Northern Flicker	<i>Colaptes auratus</i>	Native	S5	Yellow	Not Listed
Chestnut-backed Chickadee	<i>Poecile rufescens</i>	Native	S5	Yellow	Not Listed
Pine Siskin	<i>Spinus pinus</i>	Native	S5B	Yellow	Not Listed

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

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

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

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

Mammals

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 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 Woodland 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); rock outcrops are present along the bluffs on the subject property and may support roosting or hibernating bats.

Table 4. List of mammal species detected at 2705 Yawl Lane, Pender Island, BC.

Common Name	Scientific Name	Origin Status ¹	BC Status ²	BC List ³	COSEWIC ⁴
Black-tailed Deer	<i>Odocoileus hemionus columbianus</i>	Native	S5	Yellow	Not Listed
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 Woodland Ecosystem DPA portion of the property (Figure 4) has a suitable southern exposure along the rocky/cobble shoreline 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 as well as alligator lizards (Rutherford and Gregory 2003; Ovaska *et al.* 2004). No hibernacula were detected on the subject property during the site assessment.

3.4 On Site Land Use

The majority of the subject property lies within the Woodland Ecosystem DPA with the habitat consisting of Douglas-fir – Oniongrass, Mature Forest/Young Forest with secondary Douglas-fir - Grand fir - Oregon grape. The Woodland Ecosystem DPA is an open disturbed regenerating forest with little understory (Plate 1a, 1b; Figure 4). On the north side of the current dwelling is a short driveway with a rounded pull-out near Yawl Lane. The driveway ends near the entrance to the house in front of a small utility shed (Plate 2a,2b). Along the West side of the current dwelling is a fenced area with flower garden beds and step stones, as well as a small office shed (Plate 3a, 3b). The remainder of the property that lies within the Woodland Ecosystem DPA is located at the back of the current dwelling and consists of an open grassy area with a steep embankment adjacent to the Salish Sea (Plate 4). Developed properties exist on either side of the property, both placed within disturbed open regenerating forest (Plates 5, 6).

Plate 1a. Open regenerating forest in the Woodland Ecosystem DPA adjacent to current driveway at 2705 Yawl Lane, Pender Island, BC.



Plate 1b. Open regenerating forest with little native understory in the Woodland Ecosystem DPA adjacent to current driveway at 2705 Yawl Lane, Pender Island, BC.



Plate 2a. Current driveway within the Woodland Ecosystem DPA at 2705 Yawl Lane, Pender Island, BC.



Plate 2b. Current driveway with pull-out within the Woodland Ecosystem DPA at 2705 Yawl Lane, Pender Island, BC.



Plate 3a. Fenced area with flower garden beds and paving stones, and a small office shed (to be moved) within the Woodland Ecosystem DPA at 2705 Yawl Lane, Pender Island, BC.



Plate 3b. Fenced area with flower garden beds and paving stones, and a small office shed (to be moved) within the Woodland Ecosystem DPA at 2705 Yawl Lane, Pender Island, BC.



Plate 4. Backyard of current dwelling in the Woodland Ecosystem DPA at 2705 Yawl Lane, Pender Island, BC.



Plate 5. Western side of subject property (2705 Yawl Lane, Pender Island BC) showing view of adjacent development.



Plate 6. Eastern side of subject property (2705 Yawl Lane, Pender Island BC) showing view of adjacent development.



4.0 Impact Assessment

The Woodland Ecosystem DPA on the subject property is currently highly disturbed. The forest understory has been mowed and is devoid of a functional shrub layer. The area adjacent to the house, where the garage and house extension is proposed to be built, is currently comprised of paving stones, lawn and garden beds. Therefore, the overall impact of the proposed dwelling extension/garage construction and driveway extension will be minimal as the Woodland Ecosystem DPA is missing many of the characteristics need for a healthy, functional forest.

Tree Removal

The current driveway is located in the Woodland Ecosystem DPA in an area where previous disturbance has occurred. The proposed driveway extension will result in the removal of one Douglas-fir (DBH 55.7 cm) to enable access to the proposed garage (Plate 7; Appendix 1). No tree removal will occur in the remainder of the Woodland Ecosystem DPA adjacent to the existing driveway during any proposed activities.

Plate 7. Douglas-fir (DBH 55.7cm) to be removed for the expansion of the current driveway within the Woodland Ecosystem DPA at 2705 Yawl Lane, Pender Island, BC.



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 Woodland 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 Woodland 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.

Office Shed Relocation

The office shed located adjacent to the current dwelling will be re-located just behind the current utility shed. The area is comprised of historical sandy rocky fill with many invasive plant species (Plate 8; Appendix 1). The current utility shed is to be relocated outside of the Woodland Ecosystem DPA.

Plate 8. Proposed office shed relocation within the Woodland Ecosystem DPA at 2705 Yawl Lane, Pender Island, BC.



Garage

The proposed garage will disturb 71.4 m² (768 ft²) of the Woodland Ecosystem DPA in an area where previous historical disturbance has occurred (Plate 3a; Appendix 1). The footprint of the proposed garage will result in the removal of no trees and no loss of intact woodland forest habitat.

Deck

The proposed deck expansion will disturb 36.7 m² (395 ft²) of the Woodland Ecosystem DPA in an area where previous historical disturbance has occurred (Plate 4; Appendix 1). The footprint of the proposed deck expansion will result in the removal of no trees and no loss of intact forest habitat.

Hydrology

The importance of water stored in the soil during summer drought (See Section 2.3 Hydrology), the ongoing loss of trees such as grand fir and Western redcedar, as well as increasing effects of disease on species like arbutus due to increasing moisture stress and drought severity with climate change (Seebacher 2007) are all issues of great concern on Pender Island. Installation of the proposed garage, driveway and deck expansion will cause interception of precipitation and hence alter soil water inputs within the Woodland Ecosystem DPA. Any development that reduces water inputs to the soil can potentially have significant effects on tree mortality under already stressful conditions, and so this component of the proposed development will require consideration for

rainwater diversion to the Woodland Ecosystem DPA. The planned construction work itself will have minimal effects on the hydrology of the property providing proper safeguards are in place to prevent water runoff. (See Section 5 below.)

Introduction of Non-native Flora

Areas of tree removal have the potential to increase sunlight to the forest floor and these areas are vulnerable to the introduction and spread of non-native species through seeding and vegetative dispersal. Because invasive plants can readily disperse into sensitive ecosystems following their introduction in adjacent areas of disturbance, areas that have undergone ground disturbance near a DPA must be kept clear of invasive plants to prevent the 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 growth of Scotch broom and spurge laurel 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 Woodland Ecosystem DPA, and to generate a functional subcanopy shrub layer.

Wildlife Impacts

Sharp-tailed snakes

Species at risk that may occur in the project area include sharp-tailed snakes (STS). Critical Habitat (designated under the federal Species at Risk Act) for this species is located on the east side of Boat Nook (North Pender; Figure 5), with a high density of STS documented at this location protected under a conservation covenant. 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). However, no woody debris that provides habitat for STS is present in the forested area on the north side of the subject property, and no construction activities are planned to occur near the bluffs on the south side of the property; between these areas, the highly modified and landscaped yard is unlikely to allow for movement of snakes between the bluffs and forest side of the DPA. Hence, if STS occur on the subject property they likely occur only along the bluffs and would not be affected by the proposed development.

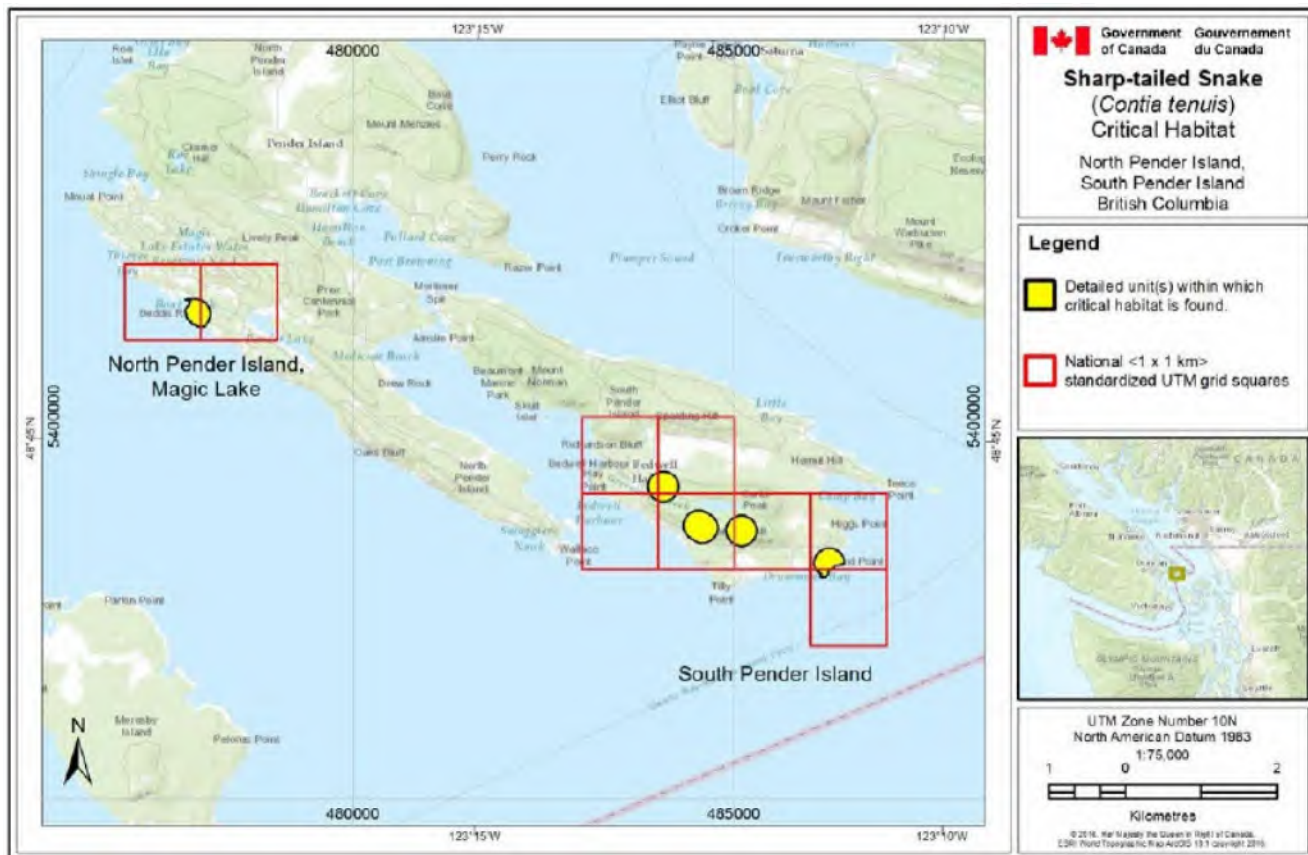


Figure 5. Areas containing critical habitat for sharp-tailed snakes (yellow), the polygons delineate areas on North (9.34 ha) and South Pender Island (49.32 ha).

5.0 Mitigation and Recommendations

Understory remediation

Woodland Ecosystem DPAs provide habitat for rare plants, nesting sites for terrestrial 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 Woodland Ecosystem DPA. We particularly recommend revegetation of the Red-listed Douglas-fir – Oniongrass, Mature Forest/Young Forest with secondary Douglas-fir - Grand fir - Oregon grape ecosystem located in the Woodland Ecosystem DPA. Revegetation should consist of bigleaf maple, arbutus and Douglas-fir as canopy tree species, shrubs such as oceanspray, red-flowering currant (*Ribes sanguineum*), Nootka rose and saskatoon (*Amelanchier alnifolia*), and ground cover species such as kinnikinnick (*Arctostaphylos uva-ursi*), nodding onion (*Allium cernuum*), woolly sunflower (*Eriophyllum lanatum*), Oregon gumweed (*Grindelia stricta*), camas (*Camassia quamash*), and drought-tolerant grasses such as native fescue (e.g. *Festuca roemerii*).

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 of broom and daphne should be achieved by cutting the plants 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, mulching with wood chips or leaf litter, and irrigation to allow plantings to establish.

Office Shed Relocation and Garage

Ground disturbance during placement of the relocated office shed should be minimized. To help restore Woodland Ecosystem DPA habitat, priority should be given to invasive species removal, as species such as St. John's wort and Scotch broom are prevalent in the area. The habitat surrounding the new proposed garage should include a plan to restore the area with native plants common to the Woodland Ecosystem DPA (see Site Specific Recommendations).

Deck

The proposed development includes a deck expansion 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 raised design of the deck will ensure a reasonable amount of light reaches the ground below and so will minimize light stress on vegetation.

Tree Replacement

One Douglas-fir (DBH 55.7 cm) will require replacement in the Woodland Ecosystem DPA due to the expansion of the current driveway. It should be noted, of course, that it will take many decades before any number of seedlings will compensate for the ecological function of one canopy tree.

Tree species used in compensatory replanting should be selected to suit the soil, light and groundwater conditions of the site, should be native to the region, and should consider wildlife habitat values where possible. The subject property is south facing and so receives significant direct sun exposure during the summer; hence pioneer species that tolerate high light conditions should be planted to provide shade for later successional species such as Western redcedar to naturally seed in. We suggest compensatory planting with Douglas-fir or arbutus to replace the fir that will be removed, as these species are well suited to the soil characteristics in the area and can tolerate relatively exposed sites (BC Ministry of Farming, Natural Resources and Industry 2020). Maples are important for enriching the typically shallow soils in Coastal Douglas-fir forests through leaf litter fall; to maintain this important function in the Woodland DPA, we also recommend compensatory planting of big-leaf maple saplings as a method to create shade for other shade tolerant species on the property. These replacement planting will enhance the ecological value of the DPA over the long term by introducing healthy young trees to the forest.

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 55.7 cm DBH removed from the Woodland Ecosystem DPA, the above prescription requires 6 trees to be replaced as compensation; we recommend 2 Douglas-fir, 2 arbutus and 2 bigleaf maple trees. 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 7). Larger gaps between existing canopy trees within the DPA should be selected as planting locations for all replacement trees, to ensure sufficient light availability for their establishment.

Retention of the remaining trees present in the Woodland Ecosystem DPA 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 Ecosystem DPA on the subject property in the future.

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



Hydrology

The proposed garage and expanded deck will limit soil water recharge in the Woodland Ecosystem DPA through precipitation inputs. Where possible, excess drainage from the dwelling and garage should be engineered to direct water flow so that it is maintained within the Woodland Ecosystem DPA to maximize soil water uptake and storage. If possible, redirecting eavestrough flow from the new expanded dwelling toward new tree plantings and into the Woodland Ecosystem DPA more generally will help to compensate for tree removals, enhance the survival of planted seedlings and maintain soil water inputs within the DPA.

Wildlife considerations

Sharp-tailed snakes

The site inventory was conducted during the early spring, during the active season of sharp-tailed snakes. Bluff areas that may provide suitable habitat are not safely accessible, and the remaining DPA is devoid of habitat features used by this species. Given the suitability of the habitat along the bluff for sharp-tailed snakes, 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.

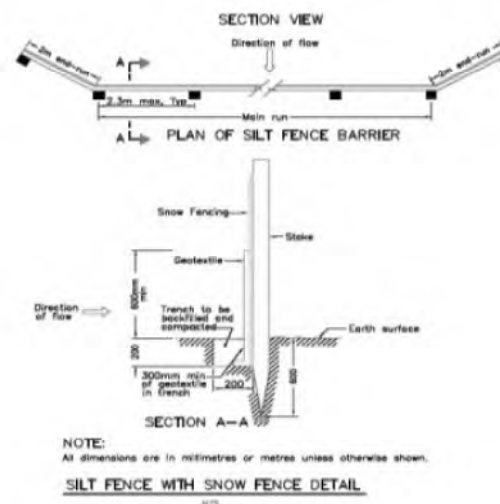
Site Specific Recommendations

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 Woodland 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 Woodland Ecosystem DPA. Storage of building materials must be limited to areas outside of the Woodland 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 the replanting will be occurring in the sensitive Woodland 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 at ground level 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 #9 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 is recommended throughout the entire property, including the Woodland 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 edge of the bluff, 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.

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

15. To maintain ecological integrity of the Woodland 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 Woodland Ecosystem DPA on the property will help stimulate the natural tree regeneration process, since mature Douglas-fir and arbutus provide a source of seed for future regeneration.
16. 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

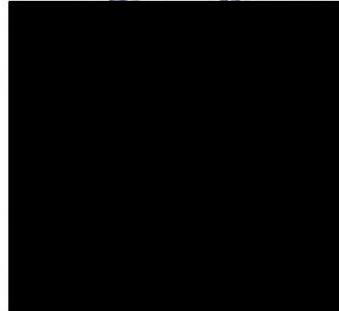
A follow-up site visit by a Qualified Environmental Professional (QEP) is recommended in the future, to assess the effectiveness of the proposed mitigation procedures. A restoration plan is not necessary, but the applicant is encouraged to work with local professionals to develop a plan that will guide their ongoing restoration efforts on the property.

7.0 Conclusion

The proposed addition of a garage and extension of the primary dwelling, driveway extension, deck expansion and relocating the small office shed at 2705 Yawl Lane, Pender Island, BC is proposed within the designated Woodland Ecosystem DPA. It is our opinion that the guidelines and recommendations we have outlined above will ensure that detrimental impacts to the woodland ecosystems on the subject property can be minimized, and ecological integrity enhanced to promote resilience and biodiversity. 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.)

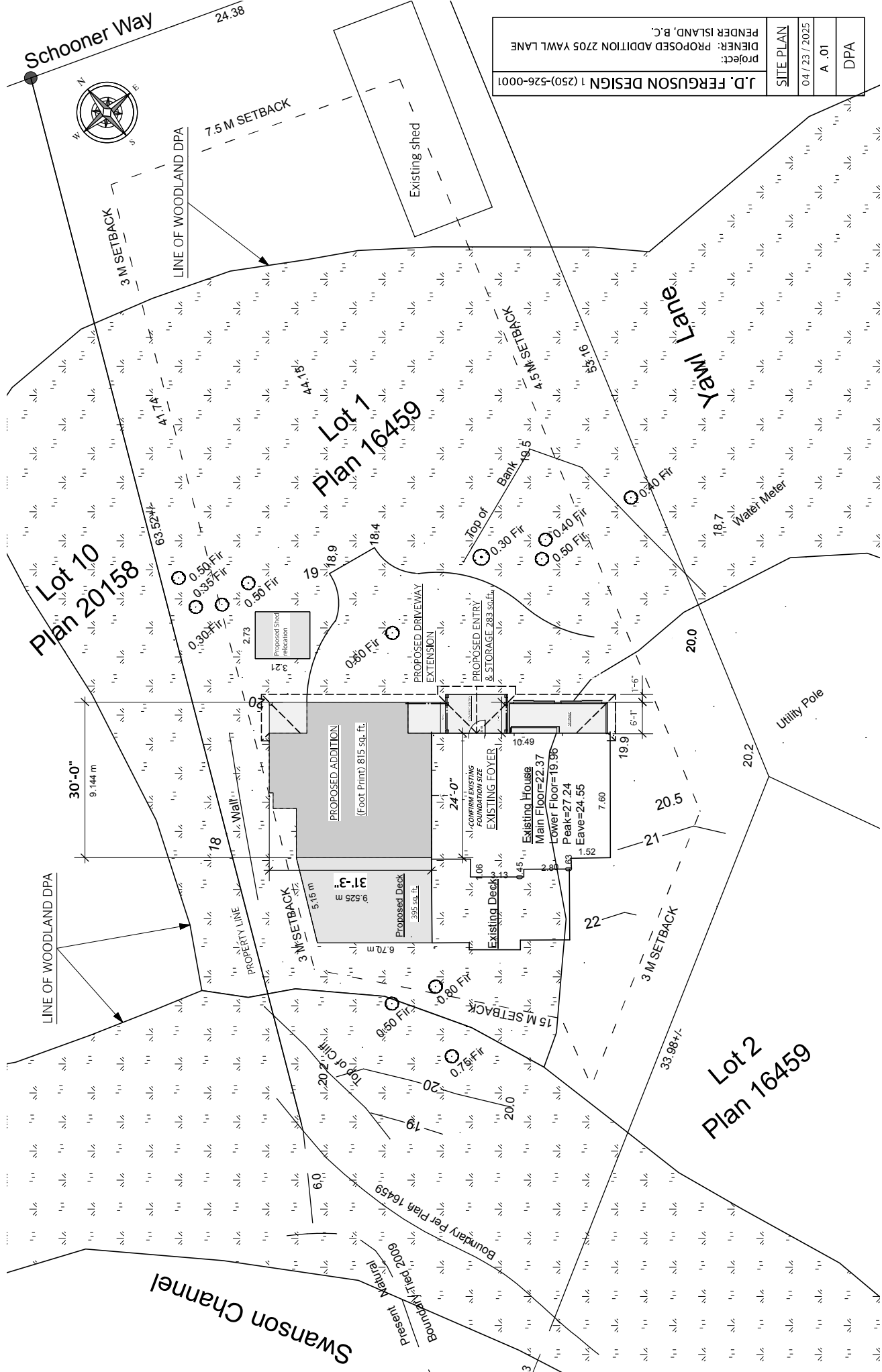


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APPENDIX 1



Project: J.D. FERGUSON DESIGN 1 (250)-526-0001	SITE PLAN	DPA
Diener: PROPOSED ADDITION 2705 YAWL LANE	04 / 23 / 2025	
PENDER ISLAND, B.C.	A .01	

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.
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caurinusenvironmental@gmail.com

26 May 2025

Attn: Brad Smith

Re: Review of the proposed new roof over the back deck located at Lot 1 Plan, VIP16459, Section 9, Cowichan Land District, Portion Pender Island (PID: 003-972-640) – in support of the Woodland DPA application at 2705 Yawl Lane.

Caurinus Environmental was contacted by Jack Ferguson on behalf of Grant Diener to complete an environmental inventory, condition and impact assessment in a Woodland Ecosystem DPA at 2705 Yawl Lane on Pender Island. The purpose of the report was to provide a complete environmental inventory, impact assessment and strategies with other disciplines to guide the addition of a garage and expansion of the primary dwelling, driveway extension, deck expansion and relocating a small office shed in an environmentally responsible manner. Post-completion of the report, additional roofing over the proposed new back deck was proposed within the Woodland Ecosystem DPA and thus was omitted from the main report.

I visited the property at 2705 Yawl Lane on May 23, 2025, to assess whether the placement of additional roofing over the proposed back deck expansion would have any cumulative environmental impacts on the Woodland Ecosystem DPA for the proposed project. The proposed additional roofing will only cover a portion of the new deck (19'-1 3/8" in width; Appendix 1). The proposed locations of the footings for the new roof extension (Appendix 1; Plates 1, 2) are in previously disturbed areas at the back edge of the existing deck (Plate 3, 4). The locations of the footings will have no effect on the existing ecological integrity of the Woodland Ecosystem DPA on the subject property.

Plate 1. Uncovered back deck at 2705 Yawl Lane, Pender Island, BC.



Plate 2. Uncovered back deck with locations of anchoring points at current roof (1A, 1B), and anchoring points at edge of current deck (2A, 2B) at 2705 Yawl Lane, Pender Island, BC



Plate 3. Close-up of proposed location of footing 1B at existing uncovered back deck at 2705 Yawl Lane, Pender Island, BC.



Plate 3. Close-up of proposed location of footing 2B at existing uncovered back deck at 2705 Yawl Lane, Pender Island, BC.



Overall Impact Assessment

No species at risk were detected during the review of the proposed location of the footings for the additional roof covering the back deck. However, the timing of my assessment (spring) would not preclude the potential occurrence of rare species at some other point during the growing season (this would apply to all species). Given the prior disturbance to the area, however, it is unlikely such species would be found on site.

The back yard of the current dwelling consists of an open grassy lawn with a steep embankment adjacent to the Salish Sea. It is a highly disturbed area, but ecological integrity of the property can be enhanced by the continued removal of invasive species throughout the entire property to prevent their continued spread and improve the quality of natural areas. Landscaping and restoration of natural areas throughout the property should be completed using only locally sourced native plants.

It is my professional opinion that the addition of roofing over the proposed new deck at the subject property will not have any cumulative impacts on the Woodland Ecosystem DPA. The guidelines and recommendations outlined in the main report (including ensuring the new deck, outside of the covered portion, is permeable to precipitation, and precipitation from the proposed roof over the deck is directed into the DPA as recommended for the dwelling expansion) will ensure that detrimental impacts to the woodland ecosystem on the subject property can be minimized, and ecological integrity enhanced to promote resilience and biodiversity. 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



[illegible]



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

9 July 2025

Attn: Brad Smith

Re: Proposed restoration area at Lot 1, Plan VIP16459, Section 9, Cowichan Land District, Portion Pender Island (PID: 003-972-640) – in support of the Woodland DPA application at 2705 Yawl Lane.

Caurinus Environmental has been asked to provide more clarification as to the most appropriate site for restoration planting following dwelling expansion and garage addition, driveway extension, deck expansion and relocation of a small office shed. The most suitable area within the DPA is located on the North/ Northeast section of the property (Appendix 1; Plate1, 2). This area (approximately 300 m²) has deep soils and is a well shaded location that will provide cover and moisture retention for the tree seedlings and newly planted shrubs and grasses. Although the Woodland Ecosystem DPA polygon also includes the South/ Southwest section of the property, this area has thin soils and constant sun exposure that would necessitate constant watering throughout drought months. Recently planted trees and shrubs are most stressed immediately after planting and so choosing an area that retains more soil moisture will help reduce plant stress and mortality and ensure restoration success.

Plate 1. Top portion of proposed restoration site in the Woodland Ecosystem DPA for tree replacement and understory remediation at 2705 Yawl Lane, Pender Island, BC.



Plate 2. Bottom portion of proposed restoration site in the Woodland Ecosystem DPA for tree replacement and understory remediation at 2705 Yawl Lane, Pender Island, BC



Restoration Plan

See Section 5.0 Mitigation and Recommendations in “Environmental Assessment of 2705 Yawl Lane, North Pender Island, BC” document for detailed information.

Understorey remediation

No work or disturbance will occur in the area chosen for restoration in the Woodland Ecosystem DPA. The goal is to improve the quality and species diversity of the Woodland DPA in parallel with the proposed infrastructure expansion/relocation. Planted shrubs should be located 1-2 metres apart within the proposed restoration area (Appendix 1), to allow for lateral growth and to minimize nutrient and light competition. Given a restoration area of ~300 m² (15 m x 20 m), and accounting for existing canopy trees and allowance for tree seedling planting (see below), this will entail the addition of approximately 50 shrubs. Herbaceous plants (e.g. grasses, flowering plants like sea blush) should be seeded in around the plantings in the fall.

Revegetation should consist of native shrubs and ground cover species such as:

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*

Tree replacement

The Environmental Assessment recommends planting six trees as compensation for the removal of the single Douglas-fir (55.7 cm DBH) from the Woodland Ecosystem DPA. Recommended species are: 2 Douglas-fir, 2 arbutus and 2 bigleaf maple trees; all tree seedlings should be planted in canopy gaps within the restoration area, to minimize nutrient and light competition with established canopy trees. All planted trees and shrubs will require after-planting care (See section 5 “Environmental Assessment of 2705 Yawl Lane, North Pender Island, BC”). All remaining live and dead trees should be retained within the Woodland Ecosystem DPA on the subject property in the future. These trees 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.

General recommendations

All trees, shrubs, herbs and grasses should be purchased from a local native plant nursery propagating local genetic stock. Local nurseries include Pender Native Plants, Mayne Conservancy, Galiano Conservancy or Satinflower Nurseries in Victoria (ideal source for native seeds). All plantings must be protected from deer browsing by enclosing seedlings in wire cages until the trees or shrubs are established and have reached a height sufficient to ensure their leading stems are beyond the reach of deer (~1.5 – 2 m; Plate 3). Alternatively, the larger restoration area can be fenced (6 ft fence height minimum) to secure all plantings from deer browse (Plate 4). The introduction of native trees, shrubs and grasses will improve the diversity and ecological resilience of the Woodland Ecosystem DPA.

Plate 3. Example of protective barrier that can be installed around planted seedlings to prevent deer browsing, consisting of galvanized wire fencing anchored with rebar.



Plate 4. Fencing (6 ft high at minimum) with t-post anchors can be used to protect the entire restoration area. Given the size of the restoration area and number of plants required, this may be the most cost-effective alternative over individual plant caging.

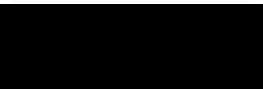


A follow-up site visit by a Qualified Environmental Professional (QEP) is recommended, to assess the effectiveness of the proposed mitigation procedures and restoration work. The applicant is encouraged to work with local professionals that will guide their ongoing restoration efforts on the property.

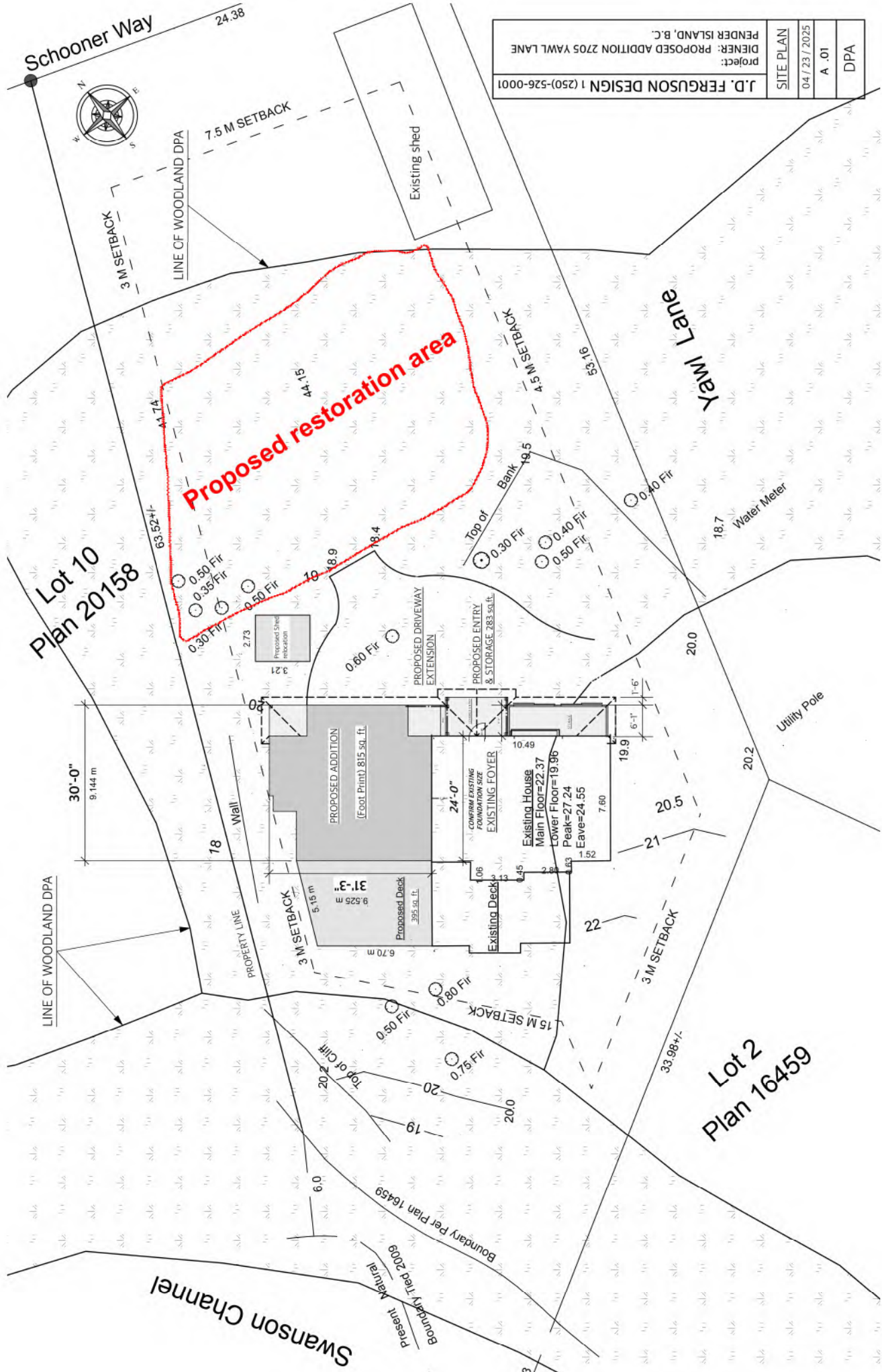
Please do not hesitate to contact me if you have any additional questions or concerns, or if you require additional information.

CAURINUS ENVIRONMENTAL

Per:



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



**North Pender Island
OCP Bylaw No. 171, 2007
Woodland Development Permit Area (DPA 1)
Guideline Checklist**

5.2.1.5 Overall Guidelines:	Complies			Staff Comments
	Yes	No	N/A	
1. Where lots are not subject to further subdivision, applicable guidelines should be considered to the extent reasonable within the constraints of the site and the lot.	☒	☐	☐	
2. Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.	☒	☐	☐	Driveway and garage located in previously disturbed area of the property and location would minimize further degradation of Woodland ecosystem.
3. The area cleared and disturbed for development should be minimized	☒	☐	☐	Entirety of building envelope located within DPA 1; driveway expansion is the only development leading to reduction in area of Woodland ecosystem.
4. Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.	☒	☐	☐	
5. Buildings and associated infrastructure should be sited with sufficient undisturbed space around significant mature or established trees to protect root systems.	☒	☐	☐	Driveway surfacing will be gravel, extension of driveway would not extend into new root systems. No mature trees are located near the proposed dwelling addition.
6. Undeveloped buffer areas should be retained around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.	☒	☐	☐	Permit conditions require the continuous removal of invasive plants and the restoration and enhancement of the undisturbed Woodland ecosystem.
7. Natural features should be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare plants, unique land forms, rock outcroppings, mature trees, spits and dunes should be protected.	☒	☐	☐	Design chosen to limit the removal of natural features, one mature tree to be removed to allow larger parking and driveway area in a previously disturbed area.
8. Connections and corridors should be maintained to provide continuity between sensitive ecosystems and important habitat.	☐	☐	☒	
9. Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.	☒	☐	☐	
10. Soil removal and deposit within or adjacent to a sensitive ecosystems or habitat should be avoided.	☒	☐	☐	Significant soil removal or deposit is not anticipated through development proposal.
11. Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.	☒	☐	☐	Eavestrough flow from new expanded dwelling should be directed toward new tree plantings in the DPA.

5.2.1.5 Overall Guidelines:	Complies			Staff Comments
	Yes	No	N/A	
12. Septic fields should be located in such a manner that the possibility of pollution of sensitive ecosystems or habitat is avoided.	☐	☐	☒	
13. Driveways and other accesses should be limited to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.	☒	☐	☐	Driveway surface will be gravel.
14. Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure.	☐	☐	☒	
15. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible.	☐	☐	☒	
16. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.	☐	☐	☒	
17. The permit conditions may include: a) the construction of permanent or temporary fencing around sensitive features; b) fencing, flagging and posting of notices during construction; c) limits on blasting in sensitive areas; d) limits on construction timing; e) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat; f) restoration or enhancement of disturbed sensitive ecosystems and habitat;	☒	☐	☐	- Silt fencing to prevent surface soil transport is a condition of the permit. - Ongoing removal of invasives and revegetation of native species is a permit condition. - No ground disturbance work during precipitation events. - Exposed soils for prolonged periods should be covered. - Contractor equipment inspections. - Contractors should be made aware of permit conditions.
18. The LTC may consider variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.	☐	☐	☒	
5.2.2.4 Woodland Ecosystem Guidelines:	Complies			Staff Comments
	Yes	No	N/A	

5.2.1.5 Overall Guidelines:	Complies			Staff Comments
	Yes	No	N/A	
1. Large mature and old trees, trees containing cavities, the root systems of trees, rare plant species, native grasses and associated under-storey vegetation should be protected.	☒	☐	☐	Removal of mature tree proposed within previously disturbed area. Remaining mature trees will be protected and surrounding area enhanced through restoration, planting, and invasive removal.
2. Unnecessary removal of dead or declining trees, downed logs, snags and leaf litter should be avoided.	☐	☐	☒	
3. Consideration should be given to requiring fencing as a condition of a permit in order to manage access.	☐	☐	☒	
4. Where feasible, cut dangerous trees to a level where they are safe rather than removing entirely.	☐	☐	☒	
5. Denning and nesting sites of rare, threatened or endangered species should be protected.	☐	☐	☒	
6. Stairs, walkways and other access within a sensitive ecosystem adjacent to the shoreline should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.	☐	☐	☒	

MEMORANDUM

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

DATE OF MEETING: July 25, 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 April 4, 2025 meeting, the LTC received a staff memo with an update on the project. 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 October 3, 2025 meeting with any recommendations for suggested bylaw changes. 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, two additional site visits were completed by staff to assess nest trees.
- Data inventory and mapping - The RP. Bio and field naturalist have completed another field season of bird and nest observations which has resulted in a number of mapping updates. A total of nine nests have been removed from the original 2024 inventory data. The following maps are attached referencing the changes:
 - Map 1) Working Map June 2025 – All Sites November 2024 to June 2025
 - Map 2) Working Map June 2025 – Final Inventory - June 2025 (with sites shown to be removed)
 - Map 3) June 2025 DPA 7 OCP Draft Schedule O Map (based on Map 2 final inventory)
- Letter to property owners – As requested by the LTC, a second consultation letter has been sent to a total of 387 property owners including properties where one or more specific nest trees are located, and properties that fall within proposed buffer areas surrounding those nest trees. The letter template is included as Attachment 2. Maps 1-3 were also included in the letter package. Comments or feedback have been requested to be submitted by September 12, 2025 so that they may be considered by the LTC at the October 3, 2025 meeting.

PROJECT TIMELINES

Project timelines have been delayed due to the requirement for additional data inventory and property owner engagement. Staff will bring an amended project charter to the LTC in October to update project timelines.

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

NEXT STEPS

Staff will continue to engage with property owners over the summer and will bring back a summary of that engagement along with draft BL 235 to the LTC for consideration of next steps.

Submitted By:	Brad Smith, PAg Island Planner	June 26, 2025
Concurrence:	Robert Kojima Regional Planning Manager	June 26, 2025

Attachments

- 1) Letter to property owners with updated data inventory maps, June 2025



200 – 1627 Fort Street, Victoria BC V8R 1H8
Telephone **(250) 405-5151** Fax (250) 405-5155
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

June 23, 2025

IT File: NP-LTC
Raptor Nest DPA Review Project

Dear Property Owner:

Re: Raptor Nest Development Permit Area Review Project – Nesting Tree Locations

I am writing on behalf of the North Pender Island Local Trust Committee (LTC) to provide an update on the LTC's **Raptor Nest Development Permit Area (DPA) Review Project**.

In October 2024, a letter was sent to property owners where one or more raptor or heron nest trees were identified as being located on their property. This second letter is being sent to all property owners that may be affected by the proposed updated DPA requirements, including properties where one or more specific nest trees are located, and properties that fall within proposed buffer areas surrounding those nest trees.

For context, the [North Pender Island Official Community Plan No. 171 \(OCP\)](https://islandstrust.bc.ca/document/north-pender-island-ocp-bylaw-no-171/) includes DPA requirements for the protection of natural ecosystems, the environment, its ecosystems and biological diversity. The North Pender Island Official Community Plan No. 171 can be found at: <https://islandstrust.bc.ca/document/north-pender-island-ocp-bylaw-no-171/>.

DPAs manage how development occurs within designated areas by requiring that a permit be obtained prior to significant development or land alteration. The objective of **DPA 7 – Raptor Nests, as found in the North Pender OCP**, is to preserve and protect raptor and heron nest trees and their associated habitat.

DPA 7 regulations were first established in 2007. Since then, there have not been any updates to the underlying mapping data or the associated guidelines. The LTC is now working to update the DPA 7 mapping, as well as review the DPA 7 provisions to consider community and First Nation interests and current best practices.

As part of the project, the LTC has hired a professional biologist to conduct a study of existing designated and potential new nesting trees on North Pender Island. The biologist's report identifies several new nesting sites that the LTC is now considering for inclusion in DPA 7, in addition to the existing sites. The biologist's report also provides recommendations for potential amendments to DPA 7 provisions based on updated provincial guidelines, **including a proposed increase in buffering distances from nesting trees where future development may be regulated**.

Additional field work conducted during the 2025 field season has led to several revisions to the draft maps first presented in October 2024. These include the addition and removal of several nest trees and corresponding changes to the associated buffer areas.

Attached to this letter are the most recent draft maps dated June 2025 showing the locations of all existing and newly proposed nest trees and their associated buffer areas.

As the LTC further considers changes to DPA 7, the LTC is seeking your input on these changes. The intent of the LTC is to gather additional feedback throughout the summer of 2025 prior to any consideration of next steps.

To that end, please provide any comments or feedback by **September 12, 2025** so that they may be considered by the LTC at their October 3, 2025 meeting.

More information on the project, including the project charter and staff reports, a draft bylaw, and a digital version of the professional report and mapping, is located here:

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

If you have any questions, comments or input regarding the project, or individual nesting trees, please feel free to contact me directly via email at: bsmith@islandstrust.bc.ca or by phone at (778) 679-5185. Planning staff may also be able to conduct site visits to individual properties if required to help clarify nesting sites and conditions.

Respectfully,

BSmith

Brad Smith
Island Planner – North Pender Island Local Trust Area

cc: North Pender Island Local Trust Committee

Attachments: June 2025 Map Updates

Map 1. All nests (including those removed most recently circled in red)

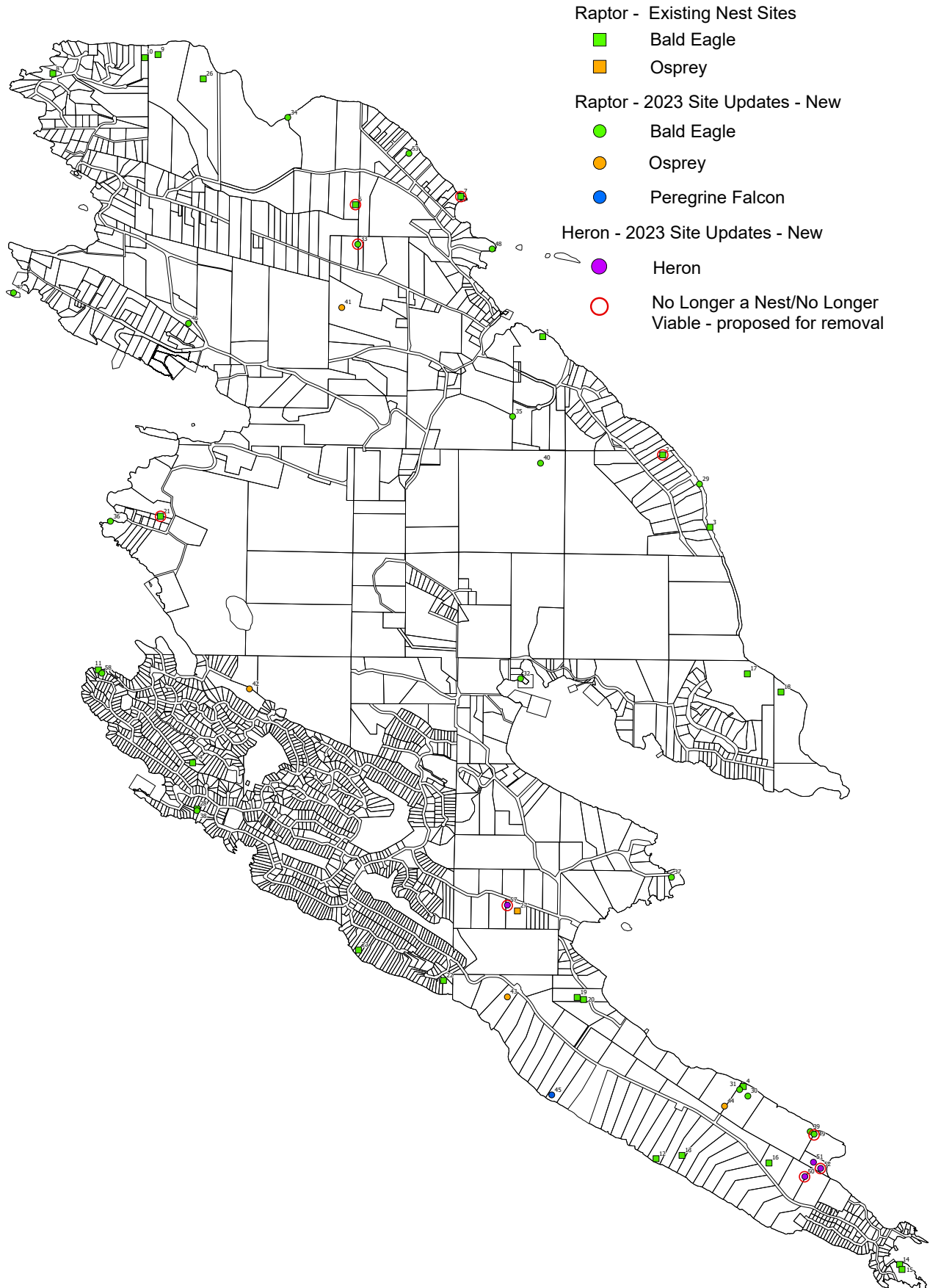
Map 2. By species new and existing – clean version current

Map 3. Draft OCP Schedule Map based on Map 2 data



North Pender Raptor & Heron Nest Sites

Draft June 2025



0 0.5 1 2 km

Date: 6/5/2025



North Pender Raptor & Heron Nest Sites

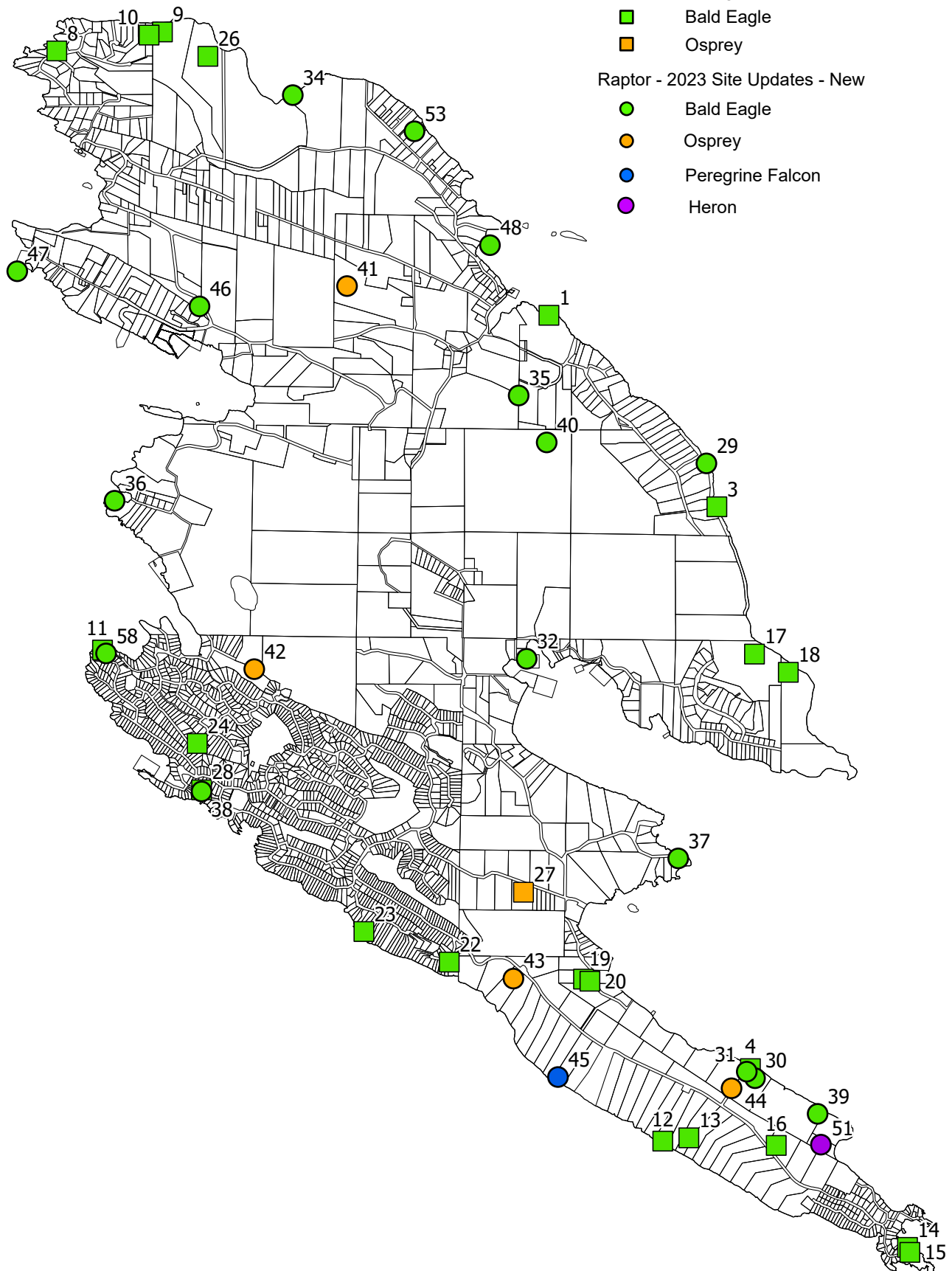
Draft June 2025

Raptor - Existing Nest Sites

-  Bald Eagle
-  Osprey

Raptor - 2023 Site Updates - New

-  Bald Eagle
-  Osprey
-  Peregrine Falcon
-  Heron



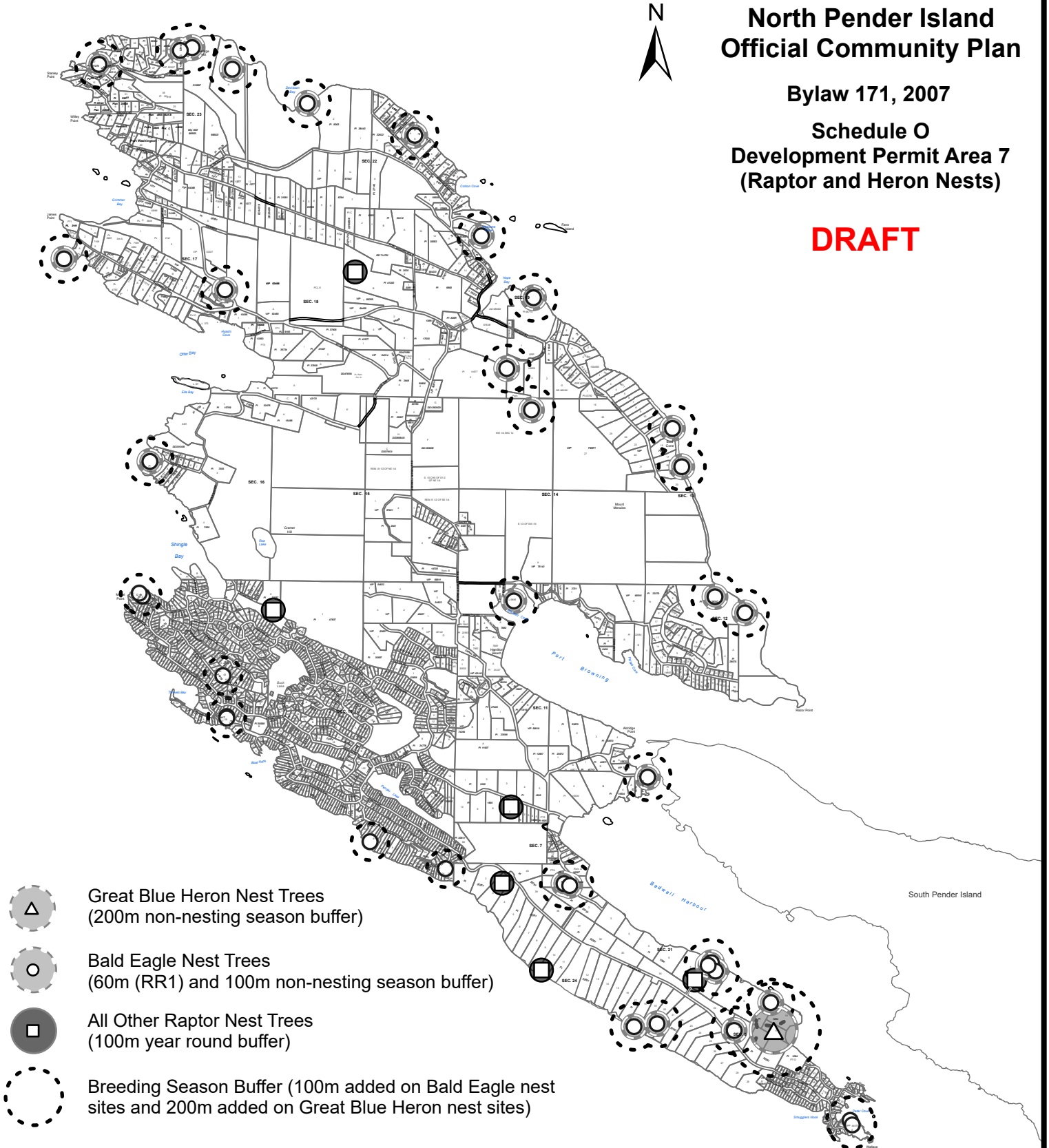
0 0.5 1 2 km

North Pender Island Official Community Plan

Bylaw 171, 2007

Schedule O Development Permit Area 7 (Raptor and Heron Nests)

DRAFT



Notes:

- 1) Further information on Development Permit Area designations for specific species is included in Article 5.2.8.2 of the North Pender Island Official Community Plan No. 171, 2007, including the requirements for species specific breeding timing windows.
- 2) In some instances, exact nesting tree location coordinates have not been field verified. In those cases, where a discrepancy exists between the digital record and the actual location of the nesting tree, the minimum buffering radius distances apply to the actual location of the nesting tree as verified by a qualified professional.

6/20/2025

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

DATE OF MEETING: July 25, 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 – Next Steps for APC

RECOMMENDATION

- 1) That the North Pender Island Local Trust Committee requests that the Special Advisory Planning Commission on Housing (APC) report back with analysis, options and recommendations for Housing Action Plan Action Numbers 4-9, 12 and 18.**

REPORT SUMMARY

This report is to provide an update to the North Pender Island Local Trust Committee (LTC) on the LTC's Housing Access and Affordability Project and to seek direction on next steps for the Special Advisory Planning Commission on Housing (APC).

The recommendation above is supported as:

- The APC has been actively engaged in the development of the Action Plan and is well positioned to further contribute to the development of new policies and bylaw changes to improve housing options;
- The timing is good as the LTC does not meet again until early October, at which time the preliminary results of the work of the APC can be presented.

BACKGROUND

The LTC endorsed the Housing Action Plan at May 30, 2025 Meeting. Since that meeting, the following has been accomplished:

- Suitable Land Analysis - draft maps by fall 2025
- Build-out analysis underway for Mayne, to be developed for North Pender when complete
- The final endorsed [Housing Action Plan](#) (HAP) is now publically available online
- Staff are working on content and layout design for an island wide mail-out with information on the project and how to become involved
- Staff are drafting a follow-up letter to First Nations with details of the endorsed HAP
- Staff have initiated contact with the Tsawout First Nation Housing Department requesting a meeting to discuss the project and how to best involve the Nation

- The APC has met to review the endorsed HAP and to discuss next steps including potential involvement in a more detailed review of potential policy and legislative amendment options for HAP Action #s 4-9, 12 and 18.

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

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

Project Status Timelines

The project is on track with the project workplan as shown below. Work is focussed on finalizing suitable land and build-out analyses, the development of options for legislative amendments, and project communications and outreach both to First Nations and the public.

A budget of \$8,000 for the project is available in the current fiscal year. Some of this funding will be used for the island wide mail out costs.

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

A project status table is included at Attachment 1 with an update on each Plan Action. Staff will provide this table with updated status at each LTC meeting.

Rationale for Recommendation

The recommendations on page 1 are supported as:

- The APC has been actively engaged in the development of the Action Plan and is well positioned to further contribute to the development of new policies and bylaw changes to improve housing options;
- The timing is good as the LTC does not meet again until early October, at which time the preliminary results of the work of the APC can be presented.

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. Direct Staff to conduct initial review of legislative amendment options

The LTC could request that staff conduct an initial review of potential legislative changes instead of the LTC.

That the North Pender Island Local Trust Committee requests that Planning Staff provide a report with background analysis, review of options and recommendations in respect of Housing Action Plan Action Numbers 4-9, 12 and 18.

Receive for information

The LTC may receive the report for information.

NEXT STEPS

With direction from the LTC, staff will initiate referral to the APC.

Submitted By:	Brad Smith, Island Planner	July 14, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	July 14, 2025

1. Housing Action Plan Status Table, July 2025

North Pender Island Housing Action Plan Implementation Tracking Table – July 2025

#	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/Fall 2025 Roll-out – Fall/Winter 2025	- Underway at Regional Planning level - Review of results and revisions as needed
2	Complete island-wide build-out analysis	Completion – Summer/Fall 2025 Roll-out – Fall/Winter 2025	Underway for Mayne Island, to be used for North Pender when complete
3	Present results of 1 and 2 at a Community Information Meeting (CIM)	Fall/Winter 2025	Dependent on 1 and 2
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	- Staff recommend to refer to APC for analysis and review of options - 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.)		
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	- Staff and APC members to explore further - 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	• Included in APC recommendation • 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	• Staff to invite CRD to fall APC meeting to discuss various program initiatives
14	Engage with community members to increase participation in community housing initiatives and non-profit community housing organizations.	Ongoing	• Work ongoing, will be further supported by mail out (Action 16)
Goal 4: Increasing Community Education and Outreach			
15	Increase awareness of secondary suite incentives and other housing programs (e.g. templates of house plans pre-approved by the province).	Winter 2025	• Will include links in mail out (Action 16)
16	Initiate island wide mail out describing project goals and objectives and opportunities to become involved in housing initiatives	Spring/Summer 2025	• Work underway to draft content
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	• Staff to invite CRD to APC meeting in fall
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	• Work underway to draft letter, to be sent summer 2025
21	Initiate direct collaborative engagement with Tsawout First Nation Housing Department	Schedule Meeting – Spring/Summer 2025	• Staff have requested meeting with Tsawout Housing Department
22	Ensure that known registered archeological site and archeological potential information is considered when developing housing related bylaw amendments	Winter 2025 – Spring 2026	• Will be further considered when site specific options are explored

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. <i>Public engagement on groundwater data</i>	Responsible	Date Received
Project to present information on groundwater project to public and educate landowners		26-May-2023
7. <i>Fire Inspection requirements for STVRs</i>	Responsible	Date Received
		05-Apr-2024



North Pender Local Trust Committee

Open Applications

Report

Print Date: July 15, 2025

Development Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLDP20250171	Jack Ferguson	4/24/2025	2705 YAWL LANE, PENDER ISLAN	<Optional, enter comments if required>
Planner		Status	Most Recent Completed Activity	
Bruce Belcher		Under Review	Generate Complete Application Letter	

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

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 Review	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 Review	Record and File PLR	

Islands Trust
LTC EXP SUMMARY REPORT F2026
Invoices posted to Month ending May 2025

650 North Pender	Invoices posted to Month ending May 2025	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
LTC Local				
65200-650	LTC - Local Exp - LTC Meeting Expenses	1,200.00	137.62	1,062.38
65210-650	LTC - Local Exp - APC Meeting Expenses	1,550.00	174.60	1,375.40
TOTAL LTC Local Expense		<u>2,750.00</u>	<u>312.22</u>	<u>2,437.78</u>
Projects				
73001-650-4132	North Pender Raptor Nest DPA update	5,000.00	242.86	4,757.14
73001-650-4137	North Pender Housing Access & Affordability	8,000.00	0.00	8,000.00
TOTAL Project Expenses		<u>13,000.00</u>	<u>242.86</u>	<u>12,757.14</u>

Standing Resolutions Log

North Pender Island

Resolution Number	Action	Date
2025-026 (Standing) Short Term Vacation Rentals that North Pender Island Local Trust Committee pass a Standing Resolution to not consider approving Temporary Use Permits for short-term vacation rentals in respect of the Local Trust Committee's Housing Accessibility and Affordability project.	Carried	30-May-2025
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) 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.	Carried	04-Jul-2019
2019-061 (Standing) 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.	Carried	30-May-2019
2019-030 (Standing) 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.	Carried	28-Feb-2019

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 MAY 27TH, 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

- The ITC A/Manager provided a verbal staffing update and identified the various staffing changes at Islands Trust Conservancy.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board approved the Audited Financial Statements for the 2024/25 fiscal year, and referred the statements to Islands Trust Council for information.
- The ITC Board approved text for inclusion in the 2024/25 Annual Report for approval by Trust Council and submission to the Minister of Housing and Municipal Affairs.
- The ITC Board requested staff to notify the Salt Spring Island Local Trust Committee that Islands Trust Conservancy's interests are unaffected by Development Variance Permit Application PLDVP20250029. The ITC Board recommended that the Salt Spring Island Local Trust Committee ensure that affected First Nations have been asked to comment on this proposed dock expansion.
- The ITC Board requested staff to notify the Galiano Island Local Trust Committee that Islands Trust Conservancy's interests are unaffected by Bylaw 291.
- The ITC Board requested staff to prepare an Islands Trust Conservancy 2026/27 budget request.
- Chair Gauvreau provided an update from the joint Executive Committee – Islands Trust Conservancy Board meeting.
- The ITC Strategic Fund Development Specialist provided a briefing on the Victoria Foundation's notification of an administration fee increase, relevant to the Ruby Alton Property Endowment Fund held with the Victoria Foundation.
- The ITC Board received a copy of the letter regarding the MOU between Islands Trust Council and the W̱SÁNEĆ Leadership Council Society for information. The ITC Board requested staff to cooperate with Tsartlip First Nation and Tseycum First Nation, via the W̱SÁNEĆ Leadership Council Society, to develop an agreement for Islands Trust Conservancy Board's consideration.
- Trustee Elliott provided a verbal Executive Committee update and highlighted that direction was given to proceed with two professional development workshops on addressing Indigenous-specific racism, and that the Policy Statement Amendment Project is ongoing with a town hall and final revisions expected in late July.
- Trustee Yates provided a verbal Trust Council update and highlighted that the next Trust Council is scheduled from June 17-19th, 2025 on Salt Spring Island and will include an ITC 35th anniversary celebration.



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

- Trustee Yates provided a verbal Financial Planning Committee update and highlighted that there was no report from the last meeting and that she will support the proposed ITC budget items going to the committee.
- Chair Gauvreau provided a verbal Governance Committee update and advised that the next meeting is August 10th, 2025.
- Chair Gauvreau provided a verbal update on the proposed Conservation Fund Working Group. Discussion ensued on appointing an ITC Board member to the working group.
- Trustee Elliott provided a verbal update on the Bowen Island Municipality – Executive Committee meeting on April 30th, 2025 and highlighted topics of note including the 2025 Strategic Plan, an update on the Official Community Plan, and improvements to BC Ferries service to island communities.

3. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board approved the request from the Ministry of Water, Lands, and Resource Stewardship to upgrade Provincial Groundwater Observation Well 197, in S’ul-hween X’pey (Elder Cedar) Nature Reserve, with a new well box and the addition of equipment for satellite telemetry.
- The ITC Board requested staff to begin negotiations for a Well Access Agreement with the Ministry of Water, Lands, and Resource Stewardship and the two covenant holders Gabriola Land & Trails Trust and Nanaimo & Area Land Trust.

4. COMMUNICATIONS AND OUTREACH

- The ITC Board discussed the letter from Minister Kahlon to Trust Council Chair Patrick regarding the Islands Trust review.
- The ITC Board received the ITC Board Chair letter to Minister Kahlon regarding the ITC Five-Year Plan requirement for information.
- The ITC Communications Specialist provided a verbal update on Islands Trust Conservancy’s 35th anniversary and highlighted the newly launched Islands Trust Conservancy blog, *the Journal*.

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

Visit the Islands Trust Conservancy Journal: <https://islandstrust.bc.ca/conservancy/the-journal/>

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



REQUEST FOR DECISION

To: North Pender Island Local
Trust Committee

For the Meeting of: July 25, 2025

From: David Marlor, Director,
Legislative and Information
Services

Date Prepared: July 7, 2025

SUBJECT: Trust Council Bylaw No. 197 - Local Trust Committee Meeting Procedures
Bylaw

RECOMMENDATION:

1. That the North Pender Island Local Trust Committee give Bylaw No. 238, cited as "North Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 238, 2025", First Reading.
2. That the North Pender Island Local Trust Committee give Bylaw No. 238, cited as "North Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 238, 2025", Second Reading.
3. That the North Pender Island Local Trust Committee give Bylaw No. 238, cited as "North Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 238, 2025", Third Reading.
4. That the North Pender Island Local Trust Committee give Bylaw No. 238, cited as "North Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 238, 2025" to the Islands Trust Executive Committee for consideration of approval.

DIRECTOR COMMENTS:

1 **PURPOSE:**

To rescind the North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 227.

2 **BACKGROUND:**

At its regular meeting in June 2025, Trust Council adopted the Local Trust Committees' Meeting Procedures Bylaw by a 2/3 majority vote. This bylaw is authorized under s.11 of the *Islands Trust Act*.

Staff based the draft LTC meeting procedures bylaw on the local trust committee meeting procedures model bylaw that Trust Council adopted in December 5, 2003 and updated in early 2020s, and which was used by local trust committees to develop their own meeting procedures bylaws.

The Trust Council Bylaw 197 'LTC Meeting Procedures' does not add anything new beyond what local trust committees were recommended to have in their bylaws under Trust Council's previously adopted model meeting procedures bylaw, with the exception of:

- adding the release of an agenda outline two-days before the agenda deadline as indicated in the Trust Council resolution;
- changing the period for notification of meetings from calendar year to fiscal year (April 1 to March 31) to align with proposed changes to Trust Council's meeting procedures bylaw;
- adding an allowance for the minimum of two required annual meetings of the Executive Committee Acting as a local Trust Committee to be in-person or electronically; and
- making other minor changes to address wording amendments and clarity.

Gabriola, Galiano, Gambier, Mayne, North Pender, Saturna, South Pender local trust committees do not currently have procedures regarding "delegations", "order and decorum", "Invited Presentations", and "public participation" in their bylaws (sections 22 to 44 in the Trust Council Local Trust Committees Meeting Procedure Bylaw).

The Trust Council Bylaw 197 has the same meeting procedure requirements for all 12 local trust areas and the Executive Committee Acting as a Local Trust Committee. This will streamline administration of meetings and reduce costs and resources.

Most local trust committee bylaws contain a clause authorizing the LTC Chair as signatory to documents on behalf of the local trust committee. As this is not a meeting procedure it is omitted from the Trust Council Bylaw 197 for local trust committee meeting procedures. Local trust committees authorize Chair signatory through other means, such as a standing resolution or policy of the local trust committee.

Under s.11 of the *Islands Trust Act*, a Trust Council meeting procedures bylaw for local trust committees would over-ride any local trust committee meeting procedures bylaws in the event of a conflict. As Trust Council's Local Trust Committee Meeting Procedure Bylaw contains all the procedures that are in the local trust committee's meeting procedure bylaws, the local trust committee meeting procedures bylaws are redundant. To avoid confusion, Staff recommend that the local trust committee rescind their meeting procedure bylaws.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Rescinding the local trust committee meeting procedure bylaws will avoid confusion, as the Trust Council bylaw prevails, and there are no additional procedures in the local trust committee bylaws.

FINANCIAL:

There is no direct financial implication.

POLICY:

There are no policy implications.

IMPLEMENTATION/COMMUNICATIONS:

Islands Trust website has been updated to link the Trust Council Local Trust Committee Meeting Procedures Bylaw to each local trust committee's list of administrative bylaws.

FIRST NATIONS RELATIONS:

There are no implications for First Nations relations.

OTHER:

There are no other implications.

4 RELEVANT POLICY(S):

- [Islands Trust Act, Section 11](#)
- [Policy 2.1.7 Trust-wide Administrative Procedures \(Section 11\)](#)
- [Trust Council Bylaw No. 197, 2024 Local Trust Committees' Meeting Procedures Bylaw](#)

5 ATTACHMENT(S):

- Draft Bylaw No. 238 North Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw

RESPONSE OPTIONS

Recommendation:

1. That the North Pender Island Local Trust Committee give Bylaw No. 238, cited as “North Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 238, 2025”, First Reading.
2. That the North Pender Island Local Trust Committee give Bylaw No. 238, cited as “North Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 238, 2025”, Second Reading.
3. That the North Pender Island Local Trust Committee give Bylaw No. 238, cited as “North Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 238, 2025”, Third Reading.
4. That the North Pender Island Local Trust Committee give Bylaw No. 238, cited as “North Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 238, 2025” to the Islands Trust Executive Committee for consideration of approval.

Alternative:

As requested by the North Pender Island Local Trust Committee.

Prepared By: David Marlor, Director, Legislative and Information Services

Reviewed By/Date: Robert Kojima, Regional Planning Manager - July 14, 2025

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE MEETING PROCEDURES REPEAL BYLAW BYLAW NO. 238

A Bylaw to repeal the "North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 227, 2022".

WHEREAS Trust Council by a 2/3 vote of the members present adopted the Local Trust Committee Meeting Procedures Bylaw No. 197 at its regular meeting in June 2025;

AND WHEREAS, under s.11 of the *Islands Trust Act*, a Trust Council meeting procedures bylaw for local trust committees would over-ride any local trust committee meeting procedures bylaws in the event of a conflict; as Trust Council's Local Trust Committee Meeting Procedure Bylaw contains all the procedures that are in the local trust committee's meeting procedure bylaws, the local trust committee meeting procedures bylaws are redundant,

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

1. This bylaw may be cited as "North Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 238, 2025".
2. "North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 227, 2022", is hereby repealed.

READ A FIRST TIME THIS _____ DAY OF _____, 20__

READ A SECOND TIME THIS _____ DAY OF _____, 20__

READ A THIRD TIME THIS _____ DAY OF _____, 20__

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

ADOPTED THIS _____ DAY OF _____, 20__

CHAIR

DEPUTY SECRETARY



REQUEST FOR DECISION

To: North Pender Island Local
Trust Committee

For the Meeting of: July 25, 2025

From: David Marlor, Director,
Legislative and
Information Services

Date Prepared: July 7, 2025

SUBJECT: Public Notification Bylaw No. 239

RECOMMENDATION:

1. That the North Pender Island Local Trust Committee give Bylaw No. 239, cited as "North Pender Island Local Trust Committee Public Notification Bylaw No. 239, 2025", First Reading.
2. That the North Pender Island Local Trust Committee give Bylaw No. 239, cited as "North Pender Island Local Trust Committee Public Notification Bylaw No. 239, 2025", Second Reading.
3. That the North Pender Island Local Trust Committee give Bylaw No. 239, cited as "North Pender Island Local Trust Committee Public Notification Bylaw No. 239, 2025", Third Reading.
4. That the North Pender Island Local Trust Committee give Bylaw No. 239, cited as "North Pender Island Local Trust Committee Public Notification Bylaw No. 239, 2025" to the Islands Trust Executive Committee for consideration of approval.

DIRECTOR COMMENTS:

The recommendations are consistent with the model public notice bylaw policy adopted by Trust Council in June 2025.

1 PURPOSE:

The purpose of this Request for Decision is to provide the local trust committees with a draft bylaw for Public Notification that is based on the model approved by Trust Council.

2 BACKGROUND:

The Community Charter establishes the requirements for publishing public notice where public notices are required by the *Local Government Act*. The Community Charter includes a default requirement, and an option to adopt an alternative means by bylaw.

The default public notification is by publication in two editions of a newspaper once each week for two consecutive weeks, unless another provision for a specific type of notice states otherwise. The newspaper has to circulate local area.

Section 94.2 of the *Community Charter* gives local governments, including local trust committees, the authority to adopt public notice bylaws. If a local trust committee adopts a

Public Notice Bylaw, the local trust committee is required to publish notices by all the methods specified in that bylaw. Local trust committees that do not adopt a Public Notice Bylaw are required to continue to follow the default publication rules under Section 94.1 of the *Community Charter*.

When adopting a Public Notice Bylaw, the local trust committees are required to consider the principles of effective public notice (reliable, suitable, and accessible) described by the [Public Notice Regulation](#).

Principles of Effective Public Notice

The Public Notice Regulation establishes the principles that must be considered before a public notice bylaw is adopted; these are:

- Reliable – the publication methods are dependable and trustworthy;
- Suitable – the publication methods work for the purpose for which the public notice is intended; and
- Accessible – the publication methods are easy to access and have broad reach.

In considering the adoption of a Public Notice Bylaw, local trust committees must consider and record, either by a resolution recorded in the minutes, or by preamble whereas clauses in the bylaw, that these principles have been considered.

Considering the three principles (reliable, suitable and accessible) possible methods to publish public notices that are available to local trust committees include:

- Online or print newspaper;
- Islands Trust website;
- Community website or newsletter;
- Islands Trust social media page, such as Facebook; and
- Direct email or mail out.

Each of the above meet the principles set out in the Public Notice Regulation. On-line print newspaper still has the problem of being published infrequently, or not circulated through the entire local trust area. Use of a community website or newsletter is outside the control of Islands Trust and each could be shut-down or modified without Islands Trust input; this could compromise the accessibility and reliability principles. Direct mail or a mail-out would reach all owners and residents; however, it could be expensive and time consuming to undertake.

The two best options with the lowest costs and that meet the principles outlined in the Public Notice Regulation are publishing on the Islands Trust website and publishing on an Islands Trust social media page. These are recommended, however, Trust Council recognizes that there may be other conditions on the islands that may warrant a different method.

At its June 2025 meeting, Trust Council adopted Policy 4.1.16 Model Public Notice Bylaw. This contains the format for such a bylaw and recommends the use of the Islands Trust website and a social media account to post the notices. As these are recommendations, and each local trust committee must consider the reliability, suitability and accessibility of the form of notice for their islands, variation on the recommendation may be considered.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

In addition to the default requirement of newspaper advertising, local trust committees are already posting notices on our website and email notification service. Adoption by local trust committees of a bylaw similar to the model would simplify our administrative processes and reduce costs.

FINANCIAL:

Adoption by local trust committees of a Public Notice Bylaw similar to the model will result in a reduction in costs generally as it will remove the need to advertise in print newspapers.

POLICY:

There are no policy implications.

IMPLEMENTATION/COMMUNICATIONS:

Staff post the new bylaw on the Islands Trust website, and staff would be made aware of the new public notification process.

FIRST NATIONS RELATIONS:

There are no First Nations relations implications.

OTHER:

There are no other implications.

4 RELEVANT POLICY(S):

- [Section 94 and Section 94.2 of the Community Charter](#)
- [Community Charter Public Notice Regulation](#)
- [Trust Council Policy 4.1.16 Model Public Notice Bylaw](#)

5 ATTACHMENT(S):

- Draft Bylaw No. 239 North Pender Island Local Trust Committee Public Notification Bylaw.

RESPONSE OPTIONS

Recommendation:

1. That the North Pender Island Local Trust Committee give Bylaw No. 239, cited as "North Pender Island Local Trust Committee Public Notification Bylaw No. 239, 2025", First Reading.
2. That the North Pender Island Local Trust Committee give Bylaw No. 239, cited as "North Pender Island Local Trust Committee Public Notification Bylaw No. 239, 2025", Second Reading.
3. That the North Pender Island Local Trust Committee give Bylaw No. 239, cited as "North Pender Island Local Trust Committee Public Notification Bylaw No. 239, 2025", Third Reading.

4. That the North Pender Island Local Trust Committee give Bylaw No. 239, cited as "North Pender Island Local Trust Committee Public Notification Bylaw No. 239, 2025" to the Islands Trust Executive Committee for consideration of approval.

Alternative:

As directed by the North Pender Island Local Trust Committee.

Prepared By: David Marlor, Director, Legislative and Information Services

Reviewed By/Date: Robert Kojima, Regional Planning Manager – July 14, 2025

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE PUBLIC NOTIFICATION BYLAW BYLAW NO. 239

A Bylaw to provide for an alternative means of publishing a public notice.

WHEREAS pursuant to section 94.2 of the Community Charter, the North Pender Island Local Trust Committee may adopt a Bylaw to provide an alternative means of publishing a public notice;

AND WHEREAS, pursuant to section 94.2(3) of the Community Charter and section 2 of the Public Notice Regulation, B.C. Reg. 52/2022, the North Pender Island Local Trust Committee considers the means of publication set by this Bylaw to be reliable, suitable for providing notices, and accessible;

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

1. This bylaw may be cited as "North Pender Island Local Trust Committee Public Notification Bylaw No. 239, 2025".
2. The means of publication for public notice requirements under the Community Charter, *Local Government Act*, or any other enactment may be given by the following methods:
 - (i) electronically by posting the notice on the Islands Trust website; and
 - (ii) electronically by posting the notice on Islands Trust's social media platform.

READ A FIRST TIME THIS _____ DAY OF _____, 20__

READ A SECOND TIME THIS _____ DAY OF _____, 20__

READ A THIRD TIME THIS _____ DAY OF _____, 20__

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

ADOPTED THIS _____ DAY OF _____, 20__

CHAIR

DEPUTY SECRETARY

File No.: 4050-03

DATE OF MEETING: July 25, 2025

TO: North Pender Island Local Trust Committee

FROM: Warren Dingman, Manager of Bylaw Compliance & Enforcement, Local Planning Services

SUBJECT: Bylaw Enforcement Notification Bylaw Amendments

RECOMMENDATION

1. That the North Pender Island Local Trust Committee Bylaw No. 230, cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 188, 2011, Amendment No.1, 2022”, be read a first time.
2. That the North Pender Island Local Trust Committee Bylaw No. 230, cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 188, 2011, Amendment No.1, 2022”, be read a second time.
3. That the North Pender Island Local Trust Committee Bylaw No. 230, cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 188, 2011, Amendment No.1, 2022”, be read a third time.
4. That the North Pender Island local Trust Committee Bylaw No. 230, cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 188, 2011, Amendment No.1, 2022”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

REPORT SUMMARY

This report recommends that North Pender Island Local Trust Committee amend North Pender Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 188, 2011 (BEN) in order to adopt contravention schedules for Land Use Bylaw No. 224; include recent changes in North Pender Associated Islands Land Use Bylaws (LUB); and to add a penalty for failure to obtain a development permit for both the North Pender Island Official Community Plan and the North Pender Associated Islands Official Community Plan.

BACKGROUND

The Bylaw Enforcement Notification Bylaw No. 188 was adopted in 2011 with contravention schedules for the North Pender Island Land Use Bylaw No. 103, and subsequently amended in 2019. The repeal of Land Use Bylaw No. 103, and the adoption Land Use Bylaw No. 224 in 2023, makes it necessary to amend Bylaw No. 188, and adopt new contravention schedules. Bylaw Officers cannot issue bylaw notices until the new schedules are in place.

There is also the issue of a lack of enforcement options for development permit areas within the North Pender Island Local Trust Area. It is proposed that contravention schedules be added so that a penalty can be assessed when development occurs without the necessary permit as required by the Official Community Plan Bylaw No. 171.

Section 4 of *Local Government Bylaw Notice Enforcement Act* states that a local government may designate bylaw contraventions that may be dealt with by bylaw notice under the *Act*, and the *Bylaw Notice Enforcement Regulations* prescribes the North Pender Island Local Trust Committee as a local government under the *Act*.

PENALTIES & SURCHARGE

The amended contravention schedules contain a shorter list of contraventions and penalties. The penalty for more serious contraventions is \$500 while the less serious contraventions are \$350. All penalties are discounted by \$100 if paid within 14 days, and a standard surcharge of \$300 applies if the payment is late or there is no response and a default on the bylaw notice. The surcharge is necessary as there are increased costs when debt collection must occur through small claims court and the debt placed on the property title.

Compliance agreements are available for all contraventions and there is a 100% discount on the penalty amounts for signing a compliance agreement.

RATIONALE FOR RECOMMENDATION

The BEN Bylaw has not been updated since the adoption of the new North Pender Islands Land Use Bylaw No. 224 and the amendments are necessary for the continued use of the BEN system and for adding a penalty for the failure to obtain a development permit in the North Pender Island Local Trust Area.

Submitted By:	Warren Dingman Bylaw Enforcement Manager	July 16, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	July 16, 2025

ATTACHMENT

- 1. NP-LTC-BEN-Amendment-Bylaw-230

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 230

A BYLAW TO AMEND THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW ENFORCEMENT NOTIFICATION BYLAW, NO. 188, 2011

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

1. CITATION

This Bylaw may be cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 188, 2011, Amendment No. 1, 2022.”

2. North Pender Island Local Trust Committee Bylaw cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw, No. 188, 2011” is amended as follows:

a) By deleting section 10 (a) and replacing it with the following:

(a) Schedule A – North Pender Island Contraventions & Penalties.

b) By deleting section 10(b) and replacing it with the following:

(b) Schedule B – North Pender Associated Islands Contraventions & Penalties.

c) By deleting Schedule A and replace it with the new Schedule A, attached to and forming part of this bylaw.

d) By deleting Schedule B and replace it with new Schedule B, attached to and forming part of this bylaw.

3. SEVERABILITY

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

READ A FIRST TIME THIS DAY OF , 20

READ A SECOND TIME THIS DAY OF 20

READ A THIRD TIME THIS DAY OF 20

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

ADOPTED THIS DAY OF , 20

SECRETARY

CHAIR

Schedule A
NORTH PENDER ISLAND
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Bylaw & Contravention description: North Pender Island Land Use Bylaw No. 224	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment including \$300.00 Surcharge (after 28 days)	A4 Compliance Agreement	A5 Agreement Discount
2.3	Fail to permit inspection	\$500.00	\$400.00	\$800.00	Yes	100%
3.2	Prohibited use, building or structure	\$500.00	\$400.00	\$800.00	Yes	100%
3.3	Non-Permitted siting in setback area from the sea, lake, wetland or stream	\$500.00	\$400.00	\$800.00	Yes	100%
3.3 (4-8) inclusive	Non-Permitted siting in setback area	\$350.00	\$250.00	\$650.00	Yes	100 %
3.4	Fail to comply with height regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.5	Non-Permitted accessory use, building or structure; or fail to provide landscape screen	\$350.00	\$250.00	\$650.00	Yes	100%
3.6	Fence exceeds height restriction	\$350.00	\$250.00	\$650.00	Yes	100%
3.7	Fail to comply with Home Business Regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.8	Fail to comply with Home Industry Regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.9	Fail to comply with landscape regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.10	Fail to comply with secondary suite regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.11	Fail to comply with cistern requirements	\$350.00	\$250.00	\$650.00	Yes	100%
3.12	Fail to comply with derelict vehicle regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.13	Fail to comply with Agri-tourism or Agri-tourist Accommodation Regulations	\$350.00	\$250.00	\$650.00	Yes	100%
5.1 – 5.26 inclusive	Non-Permitted use in Any Zone	\$500.00	\$400.00	\$800.00	Yes	100%
5.1 – 5.26 inclusive	Non-Permitted density in Any Zone	\$500.00	\$400.00	\$800.00	Yes	100%

Schedule A
NORTH PENDER ISLAND
CONTRAVENTIONS AND PENALTIES

Bylaw Section	Bylaw & Contravention description: North Pender Island Land Use Bylaw No. 224	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment including \$300.00 Surcharge (after 28 days)	A4 Compliance Agreement	A5 Agreement Discount
5.1 – 5.26 inclusive	Non-Permitted siting, size, height in Any Zone	\$350.00	\$250.00	\$650.00	Yes	100%
5.1 – 5.26 inclusive	Fail to comply with site specific regulations in Any Zone	\$350.00	\$250.00	\$650.00	Yes	100%
6.1-5 inclusive	Fail to comply with sign regulations	\$350.00	\$250.00	\$650.00	Yes	100%
7.1-4 inclusive	Fail to comply with parking regulations	\$350.00	\$250.00	\$650.00	Yes	100%
9.1-2 inclusive	Fail to comply with campground regulations	\$350.00	\$250.00	\$650.00	Yes	100%

Bylaw Section	Bylaw & Contravention description: North Pender Island Official Community Plan Bylaw No 171	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment with \$300.00 Surcharge (after 28 days)	A4 Compliance Agreement	A5 Agreement Discount
5.2 - 5.11 inclusive	Fail to obtain development permit	\$500.00	\$400.00	\$800.00	Yes	100%

Schedule B
NORTH PENDER ASSOCIATED ISLANDS CONTRAVENTIONS & PENALTIES

Bylaw Section	Bylaw & Contravention Description: North Pender Associated Islands Land Use Bylaw No. 148, 2003	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment including \$300 Surcharge (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
2.3	Fail to Permit Inspection	\$500.00	\$400.00	\$800.00	Yes	100 %
3.2.	Prohibited use, building or structure	\$500.00	\$400.00	\$800.00	Yes	100%
3.3	Non-Permitted Siting	\$500.00	\$400.00	\$800.00	Yes	100%
3.4	Non-Permitted Height	\$350.00	\$250.00	\$650.00	Yes	100%
3.5	Fail to comply with regulations for Accessory use, building, or structure	\$350.00	\$250.00	\$650.00	Yes	100%
3.6	Fail to comply with home occupation regulations	\$350.00	\$250.00	\$650.00	Yes	100%
3.7	Fail to comply with regulations for Agricultural use, building or structure	\$350.00	\$250.00	\$650.00	Yes	100%
3.8	Fence Exceeds Maximum Permitted Height	\$350.00	\$250.00	\$650.00	Yes	100%
3.9.1	Inadequate Landscape Screen	\$350.00	\$250.00	\$650.00	Yes	100%
3.10.1	Non-Permitted Use of Recreation Vehicle	\$350.00	\$250.00	\$650.00	Yes	100%
3.11.1	Non permitted derelict vehicle storage	\$350.00	\$250.00	\$650.00	Yes	100%
3.14	Fail to comply with Agricultural Land Reserve Farm Use Regulations	\$500.00	\$400.00	\$800.00	Yes	100%
5.1-5.21 inclusive	Non-Permitted Use In Any Zone	\$500.00	\$400.00	\$800.00	Yes	100%
5.1-5.21 inclusive	Non permitted Density in Any Zone	\$500.00	\$400.00	\$800.00	Yes	100%
5.1-5.21 inclusive	Non permitted siting or size in Any Zone	\$350.00	\$250.00	\$650.00	Yes	100%
5.1-5.21 inclusive	Fail to comply with site specific regulations in Any Zone	\$350.00	\$250.00	\$650.00	Yes	100%

Schedule B
NORTH PENDER ASSOCIATED ISLANDS CONTRAVENTIONS & PENALTIES

Bylaw Section	Bylaw & Contravention Description: North Pender Associated Islands Land Use Bylaw No. 148, 2003	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment including \$300 Surcharge (after 28 days)	A4 Compliance Agreement Available	A5 Compliance Agreement Discount
6.2-6 inclusive	Failure to comply with sign regulations	\$350.00	\$250.00	\$650.00	Yes	100%
7.1-4 inclusive	Fail To comply with parking regulations	\$350.00	\$250.00	\$650.00	Yes	100%

Bylaw Section	Bylaw & Contravention description: North Pender Associated Island Official Community Plan Bylaw No 147, 2002	A1 Penalty Amount	A2 Discounted Penalty (within 14 days)	A3 Late Payment including \$300.00 Surcharge (after 28 days)	A4 Compliance Agreement	A5 Agreement Discount
701, 702, 703	Fail to obtain development permit	\$500.00	\$400.00	\$800.00	Yes	100%