



# North Pender Island Local Trust Committee

## Regular Meeting Agenda

Date: October 3, 2025  
Time: 10:00 am  
Location: Anglican Parish Hall  
4703 Canal Road, RR#1, North Pender Island, BC

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	<b>Pages</b>
<b>1. CALL TO ORDER</b>	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.”	
<b>2. TERRITORIAL ACKNOWLEDGEMENT</b>	
<b>3. APPROVAL OF AGENDA</b>	
<b>4. TRUSTEE REPORT</b>	
<b>5. CHAIR'S REPORT</b>	
<b>6. ELECTORAL AREA DIRECTOR'S REPORT</b>	
<b>7. TOWN HALL AND QUESTIONS</b>	10:25 AM - 11:00 AM
<b>7.1 Policy Statement - Local Engagement</b>	4 - 41
<b>8. COMMUNITY INFORMATION MEETING</b>	
<b>9. PUBLIC HEARING - None</b>	
<b>10. MINUTES</b>	11:00 AM - 11:10 AM
<b>10.1 Local Trust Committee Minutes Dated July 25, 2025 (for Adoption)</b>	42 - 50
<b>10.2 Section 26 Resolutions-without-meeting Report Dated Sept 2025</b>	51 - 51
<b>10.3 Advisory Planning Commission Minutes Dated June 20, 2025, August 15, 2025 and Draft September 12, 2025 (for Receipt)</b>	52 - 64
<b>11. BUSINESS ARISING FROM THE MINUTES</b>	
<b>11.1 Follow-up Action List Dated Sept 2025</b>	65 - 66

12.	<b>DELEGATIONS</b>	
13.	<b>CORRESPONDENCE</b>	11:10 AM - 11:20 AM
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
13.1	<b>Rob Fenton and Mamie Hutt-Temoana re Alternative Housing Option Report</b>	67 - 67
14.	<b>APPLICATIONS AND REFERRALS</b>	11:20 AM - 12:00 PM
14.1	<b>Salt Spring Island Local Trust Committee Referral for Proposed Bylaw 546 (for Response) (attached)</b>	68 - 71
14.2	<b>Salt Spring Island Local Trust Committee Referral for Proposed Bylaw 549 (for Response) (attached)</b>	72 - 75
14.3	<b>Trust Council Bylaw No. 183 Policy Statement Bylaw Referral - For Response</b>	76 - 82
14.4	<b>Mayne Island Local Trust Committee Referral for Draft Bylaws 196 and 197 (for Response) (attached)</b>	83 - 86
15.	<b>LOCAL TRUST COMMITTEE PROJECTS</b>	12:00 PM - 12:45 PM
15.1	<b>Raptor Nest Development Permit Area (DPA) Project - Staff Report (attached)</b>	87 - 173
15.2	<b>Housing Access and Affordability Project – Staff Report (attached)</b>	174 - 193
16.	<b>REPORTS</b>	12:45 PM - 12:55 PM
16.1	<b>Work Program Report (attached)</b>	
16.1.1	<u>Active Projects Report Dated Sept 2025</u>	194 - 194
16.1.2	<u>Future Projects Report Dated Sept 2025</u>	195 - 196
16.2	<b>Applications Report Dated Sept 2025 (attached)</b>	197 - 199
16.3	<b>Trustee and Local Expense Report Dated July 2025 (attached)</b>	200 - 200
16.4	<b>Adopted Policies and Standing Resolutions (attached)</b>	201 - 204
16.5	<b>Local Trust Committee Webpage</b>	
16.6	<b>Islands Trust Conservancy Report - None</b>	
17.	<b>NEW BUSINESS</b>	12:55 PM - 1:20 PM
17.1	<b>6601 Razor Point Road Covenant Update</b>	
17.2	<b>North Pender Bylaw Compliance and Enforcement Policy - Staff Report (attached)</b>	205 - 212

17.3 North Pender LTC Bylaw Enforcement Notification Proposed Bylaw No. 230 -  
Consideration of Adoption - Staff Report (attached)

213 - 218

18. UPCOMING MEETINGS

18.1 Special Meeting - Community Information Meeting Scheduled for October 25, 2025  
at the St. Peter's Anglican Church Hall

18.2 Next Regular Meeting Scheduled for November 21, 2025 at the St. Peter's Anglican  
Church Hall, Pender Island

19. TOWN HALL 1:20 PM - 1:35 PM

20. CLOSED MEETING - None

21. ADJOURNMENT 1:35 PM - 1:35 PM

ISLANDS TRUST COUNCIL

BYLAW NO. 183

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A BYLAW TO ADOPT A POLICY STATEMENT FOR THE TRUST AREA

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The Islands Trust Council, having jurisdiction in respect of the Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act* S.B.C. 1996 c.239, enacts as follows:

**TITLE**

- 1. This Bylaw may be cited for all purposes as “Islands Trust Policy Statement Bylaw, 2025”.

**APPLICATION**

- 2. This Bylaw applies to the Trust Area, as defined in Schedule A of the *Islands Trust Act* S.B.C. 1996 c.239.

**ORGANIZATION**

- 3. Schedule A (Islands Trust Policy Statement) attached to and forming part of the bylaw is hereby adopted as the trust policy statement pursuant to S.15(1) of the *Islands Trust Act*.

**SEVERABILITY**

- 4. 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.

**REPEAL**

- 5. “Islands Trust Policy Statement, 1993” is hereby repealed upon adoption of this bylaw.

**READINGS**

READ A FIRST TIME THIS 29TH DAY OF JULY, 2025

READ A SECOND TIME THIS DAY OF ,2025

READ A THIRD TIME THIS DAY OF ,2025

APPROVED BY THE MINISTER OF HOUSING AND MUNICIPAL AFFAIRS PURSUANT TO SECTION 15(2)(c) OF THE ISLANDS TRUST ACT THIS DAY OF ,2025

RECONSIDERED AND FINALLY ADOPTED THIS DAY OF ,2025

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
Chairperson



Islands Trust

# Islands Trust Policy Statement

# Acknowledgement

Islands Trust Council respectfully acknowledges that the lands and waters that encompass the Islands Trust Area have been home to Indigenous Peoples since time immemorial and that their relationship to these lands and waters continues to this day. Islands Trust Council acknowledges that residential schools, forced removal, and colonial laws and restrictions on Indigenous governance and cultural practices have displaced and dispossessed Coast Salish peoples and disrupted their relationships with the islands and waters of the Salish Sea. Islands Trust Council acknowledges that a healthy environment is essential for Indigenous Peoples to be able to exercise their inherent and treaty rights. Islands Trust Council is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

The Islands Trust Area is located within Coast Salish Territory, in the treaty lands and territories of:

**BOKÉĆEN** (Pauquachin) First Nation

**Da'naxda'xw/Awaetlala** First Nation

**K'ómoks** (Comox) First Nation

**Lhaq'temish** (Lummi) Nation

**MÁLEXEŁ** (Malahat) First Nation

**Mamalilikulla** First Nation

**Qualicum** First Nation

**Quw'utsun** Nation (comprised of **Cowichan Tribes**, **Xeláltxw** (Halalt) First Nation, **Lyackson** First Nation, **Spune'luxutth'** (Penelakut Tribe) and **Stz'uminus** (Chemainus) First Nation)

**scə́waθən** (Tsawwassen) First Nation

**səlilwətał** (Tsleil-Waututh) First Nation

**SEMYOME** (Semiahmoo) First Nation

**shíshálh** (Sechelt) Nation

**Skwxwú7mesh** (Squamish) First Nation

**Snaw-naw-as** (Nanoose) First Nation

**Snuneymuxw** (Nanaimo) First Nation

**Songhees** First Nation

**STÁUTW** (Tsawout) First Nation

**᠎aʔəmen** (Tla'amin) First Nation

**Tlowitsis** Nation

**Ts'uubaa-asatx** (Lake Cowichan) First Nation

**Wei Wai Kum** (Campbell River) First Nation

**We Wai Kai** (Cape Mudge) First Nation

**WJOLEŁP** (Tsartlip) First Nation

**WŚIKEM** (Tseycum) First Nation

**Xwémalhkwa** (Homalco) First Nation

**Xwsepsum** (Esquimalt) First Nation

**xʷməθkʷəy̓əm** (Musqueam) First Nation

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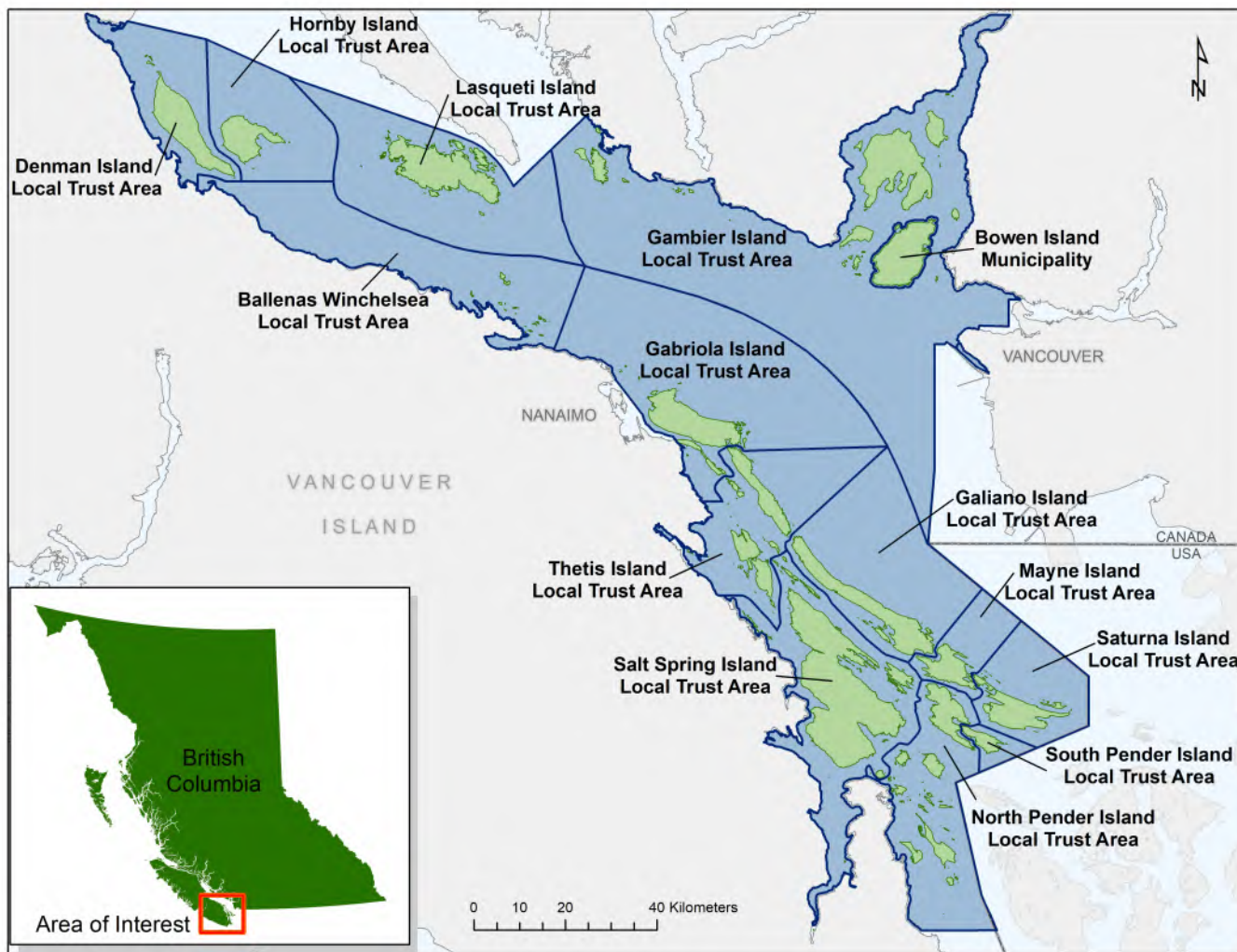
# Part 1: The *Islands Trust Act*

In 1974, the Government of British Columbia established the *Islands Trust Act* to preserve and protect the Islands Trust Area and its unique amenities and environment against unrestrained growth and development. Islands Trust is a federated body responsible for the Trust Area, comprised of 13 major islands and more than 450 smaller islands and the surrounding waters in the Strait of Georgia and Howe Sound. Islands Trust regulates local land use, works with other levels of government, and, through the Islands Trust Conservancy, protects places of natural or cultural significance. This unique governmental mandate is defined in Section 3 of the *Islands Trust Act* and is commonly referred to as the “Islands Trust Object.”

## 1.1 – The Islands Trust Object

“**The object of the trust** is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia.” (Section 3, *Islands Trust Act*)

## 1.2 – Map of the Islands Trust Area



## 1.3 – Indigenous Inherent Rights Acknowledgment

Islands Trust Council respectfully acknowledges Indigenous inherent rights as protected under section 35 of the *Constitution Act, 1982*. Islands Trust Council respectfully acknowledges Indigenous rights to self-governance and the expressed interest of Indigenous Governing Bodies in working toward co-governance of the Islands Trust Area. Islands Trust Council is committed to advancing reconciliation with Indigenous Governing Bodies through ongoing discussion and recognition of these rights.

Given the *Declaration on the Rights of Indigenous Peoples Act* and the evolving legislative landscape in British Columbia, the Policy Statement serves as a starting point for improved cooperation with Indigenous Governing Bodies. Islands Trust Council commits to an ongoing effort to co-develop planning and land use management processes with Indigenous Governing Bodies within the Islands Trust Area and acknowledges that this document does not serve as an endpoint. Islands Trust Council will be informed by the United Nations Declaration on the Rights of Indigenous Peoples as a framework for its approach to reconciliation.

## 1.4 – Purpose and Structure of the Policy Statement

Section 15 of the *Islands Trust Act* states that Trust Council must adopt, by bylaw, a Trust Policy Statement that applies to the Islands Trust Area as a whole. The *Islands Trust Act* specifies that the Policy Statement must be a general statement of the policies of Trust Council to carry out the Islands Trust Object, that it may establish different policies for different parts of the Islands Trust Area, and that it must be approved by the provincial Minister responsible for Islands Trust prior to adoption.

Islands Trust Council is responsible for establishing and amending the Policy Statement, which in turn guides the development of more specific official community plans and regulatory bylaws by local trust committees and island municipalities across the region. The *Act* stipulates that official community plans and bylaws required to be submitted to Executive Committee or Trust Council under the *Act* must not be approved if they are contrary to or at variance with the Policy Statement. This ensures that the Islands Trust Object is at the core of all planning and land use management decision-making in the Islands Trust Area.

The Policy Statement represents Trust Council’s vision for the preservation and protection of the Islands Trust Area and its unique amenities and environment. It aspires to reflect the values and interests of island communities, Indigenous Governing Bodies and Indigenous Peoples, partner agencies, and all British Columbians, as well as the silent voices of island ecosystems, species at risk, and future generations.

## Three Types of Policies in the Policy Statement:

### Guiding Principles

(Part 2 of the Policy Statement) establish general commitments of Trust Council that centre the Islands Trust Object in all daily decision-making across the Islands Trust Area by Islands Trust Council, Islands Trust Executive Committee, local trust committees and island municipalities.

### Directive Policies

(Part 3 of the Policy Statement) are integral to carrying out the Islands Trust Object. They are policies with which official community plans and regulatory bylaws of a local trust committee or island municipality should be consistent to avoid rejection or objection when presented by the local trust committee or island municipality for consideration or approval by Executive Committee or Trust Council. They are also policies that should be directly addressed, where possible, in all official community plans and bylaws of a local trust committee or island municipality.

### Advisory Policies

(also in Part 3 of the Policy Statement) are policies expressing select objectives of Trust Council, that local trust committees and island municipalities are advised to consider in the development of official community plans, bylaws, and in discretionary land use decisions. Advisory policies are not intended to constitute a basis for Executive Committee or Trust Council review of local trust committee or island municipality bylaws, or for potential rejection of such bylaws.

# Part 2: Guiding Principles

## 2.1 – General Guiding Principles

In its efforts to carry out the Islands Trust Object, Islands Trust Council commits to the following set of shared principles to guide daily planning and decision making by Islands Trust Council, Islands Trust Executive Committee, local trust committees and island municipalities:

Trust Council's Guiding Principles	
2.1.1	<p><b>Acknowledge and Respect Indigenous Rights</b></p> <p>To grow understanding of the history and legacy of colonialism in the Islands Trust Area, to acknowledge and respect the rights of Indigenous Peoples, and to work together with Indigenous Governing Bodies and Indigenous Knowledge Holders to preserve and protect culturally significant areas, sites, and species.</p>
2.1.2	<p><b>Prioritize Environmental and Indigenous Cultural Heritage Protection</b></p> <p>To place priority on preserving, protecting and restoring the environment, and preserving, protecting, and supporting restoration of Indigenous cultural heritage in all decision making.</p>
2.1.3	<p><b>Limit the Rate and Scale of Development</b></p> <p>To define and maintain appropriate limits for the rate and scale of development in order to preserve and protect the Trust Area and its unique amenities and environment.</p>
2.1.4	<p><b>Foster Sustainable, Inclusive, and Resilient Communities</b></p> <p>To support planning and land use management decisions that foster sustainable, inclusive, and resilient communities, acknowledging the interdependencies between healthy communities and healthy ecosystems.</p>
2.1.5	<p><b>Take Guidance from the Precautionary Principle</b></p> <p>To be guided by the precautionary principle in all decision making to safeguard the environment and cultural heritage where there is uncertainty over the potential for serious or irreversible damage from development.</p>
2.1.6	<p><b>Account for Cumulative Effects</b></p> <p>To strive to account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies, culturally sensitive areas and cultural heritage sites, and species and their habitats.</p>
2.1.7	<p><b>Foster Informed and Balanced Decision Making</b></p> <p>To be informed by a broad range of sources in its decision-making processes, including Indigenous Knowledge, institutional knowledge, local community knowledge, and science.</p>

## 2.2 – Reconciliation Principles

Islands Trust Council has declared its commitment to reconciliation with Indigenous Peoples of the Islands Trust Area, with the understanding that this commitment is a long-term relationship-building process and is a commitment to be informed by these reconciliation principles to the extent that they engage the object of the trust.

Trust Council's Reconciliation Principles	
2.2.1	<p><b>Guidance from <u>Truth and Reconciliation Commission</u></b> Be informed by the 10 principles established by the Truth and Reconciliation Commission of Canada (TRC).</p>
2.2.2	<p><b>Guidance from <u>United Nations Declaration on the Rights of Indigenous Peoples</u></b> Be informed by the articles established in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).</p>
2.2.3	<p><b>Guidance from <u>Missing and Murdered Indigenous Women and Girls Calls for Justice</u></b> Be informed by the Principles for Change used by the National Inquiry into Missing and Murdered Indigenous Women and Girls.</p>
2.2.4	<p><b>Guidance from <u>Indigenous Governing Bodies</u></b> Be informed by guidance from Indigenous Governing Bodies and Indigenous Knowledge Holders.</p>

## 2.3 – Cooperation Principles

While Trust Council must provide the necessary leadership to carry out the Islands Trust Object, its mandate requires cooperation with partners who each have unique roles to play in preserving and protecting the region. Trust Council commits to be guided by the following principles in its cooperation efforts to advance the Islands Trust Object:

<b>Trust Council's Cooperation Principles</b>	
<b>2.3.1</b>	<p><b>Collaborate with the Islands Trust Conservancy Board</b></p> <p>To collaborate closely with, and be informed by, the Islands Trust Conservancy Board, particularly in the areas of science-based conservation planning, ecosystem mapping, identification of core conservation areas and protected area networks, and protection of species and ecosystems at risk.</p>
<b>2.3.2</b>	<p><b>Collaborate with Island Municipalities</b></p> <p>To collaborate with island municipalities, particularly in the areas of conservation planning, communications and engagement, the Policy Statement, and other areas supporting the Islands Trust Object.</p>
<b>2.3.3</b>	<p><b>Work Towards Collaborative Governance with Indigenous Governing Bodies</b></p> <p>Develop strong relationships with Indigenous Governing Bodies and work toward building foundations for collaborative governance with Indigenous Governing Bodies, including through the development of shared decision-making agreements under the <i>Declaration on the Rights of Indigenous Peoples Act</i>.</p>
<b>2.3.4</b>	<p><b>Work Towards Strategic Inter-Agency Coordination</b></p> <p>To work towards establishing effective inter-agency coordination mechanisms with different levels of government, academic institutions and organizations who have important roles to play in supporting the Islands Trust Object.</p>
<b>2.3.5</b>	<p><b>Work Towards Accessible and Inclusive Public Communications and Engagement</b></p> <p>To work towards accessible and inclusive public communications and engagement strategies that engage a wide range of residents, communities, local organizations, and British Columbians.</p>
<b>2.3.6</b>	<p><b>Provide Public Education Opportunities</b></p> <p>To provide education opportunities to residents, communities, local organizations, and visitors, highlighting tangible ways they can contribute to preserving and protecting the Trust Area and its unique amenities and environment, while respecting the confidentiality interests of Indigenous Knowledge Holders and Indigenous Governing Bodies.</p>

# Part 3: Goals and Policies

## Goal 1: Advance Reconciliation

Islands Trust Council is committed to reconciliation and to long-term relationship building with Indigenous Governing Bodies and Indigenous Peoples across the region. The policies in this section aim to acknowledge the history, legacy and continuing relationships of Indigenous Peoples to the area since time immemorial, to recognize and respect the interests of Indigenous Governing Bodies regarding planning and land use management decisions that impact their territories, and to build foundations for collaborative governance and shared decision making.

### Directive Policies – Reconciliation

Local trust committees and island municipalities shall, in all official community plan bylaws, and other bylaws that require Executive Committee or Trust Council review or approval...

#### 3.1.1 Engage with Indigenous Governing Bodies

Engage with Indigenous Governing Bodies and provide a record of the engagement at time of bylaw submission.

### Advisory Policies – Reconciliation

Local trust committees and island municipalities should...

#### 3.1.2 Engage with Indigenous Governing Bodies

Engage with Indigenous Governing Bodies on discretionary planning and land use management decisions.

#### 3.1.3 Land Back

Through engagement with Indigenous Governing Bodies, support opportunities to direct land to Indigenous Governing Bodies, including, but not limited to, as amenity contributions in applications seeking additional development potential.

#### 3.1.4 Information Sharing

Support and develop methods for regular and timely sharing of information with Indigenous Governing Bodies.

#### 3.1.5 Respect Indigenous Protocols for Information and Data Provided

Respect Indigenous Governing Bodies' and Indigenous Knowledge Holders' protocols about how their data and information should be collected, protected, used and shared.

## Goal 2: Preserve and Protect Indigenous Cultural Heritage and Culturally Significant Areas, Sites, and Species

Islands Trust Council recognizes Indigenous cultural heritage as a unique amenity in the Islands Trust Area that must be preserved, protected, and where possible, restored. The Islands Trust Area is home to many culturally significant areas, sites and species, including places that are the resting places of ancestors, which are of importance to present and future generations of Indigenous Peoples. This section lays out general types of Indigenous cultural heritage and culturally significant areas, sites, and species that should be identified and protected in each local planning area; this should be guided by Indigenous Peoples, Indigenous Governing Bodies and Indigenous Knowledge Holders and undertaken in a culturally sensitive manner that respects confidentiality protocols around the sharing of Indigenous Knowledge.

### Directive Policies – Indigenous Cultural Heritage & Culturally Significant Areas, Sites and Species

Local trust committees and island municipalities shall, in all official community plan bylaws, and other bylaws that require Executive Committee or Trust Council review or approval...

3.2.1	<p><b>Indigenous Cultural Heritage Sites</b></p> <p>Minimize potential adverse impacts to Indigenous cultural heritage sites including, but not limited to, identified village sites, burial sites, camp sites, middens, cairns, petroglyphs, culturally modified trees, fish traps, clam gardens, pictographs, and registered, unregistered, or newly-discovered archaeological sites.</p>
3.2.2	<p><b>Indigenous Marine Harvesting Areas</b></p> <p>Minimize potential adverse impacts to marine harvesting areas used by Indigenous Peoples, including, but not limited to, fish weirs and clam gardens.</p>
3.2.3	<p><b>Indigenous Harvesting and Hunting Areas</b></p> <p>Minimize potential adverse impacts to land-based harvesting and hunting areas used by Indigenous Peoples.</p>

## Advisory Policies – Indigenous Cultural Heritage & Culturally Significant Areas, Sites and Species

Local trust committees and island municipalities should...

3.2.4	<p><b>Indigenous Cultural Heritage Sites</b></p> <p>Through engagement with Indigenous Governing Bodies, identify and prioritize protection of Indigenous cultural heritage sites including, but not limited to, village sites, burial sites, camp sites, middens, cairns, petroglyphs, culturally modified trees, fish traps, clam gardens, and pictographs, and registered, unregistered, or newly discovered archaeological sites.</p>
3.2.5	<p><b>Indigenous Harvesting Areas</b></p> <p>Through engagement with Indigenous Governing Bodies, identify and prioritize protection of Indigenous harvesting areas on land and marine foreshores including, but not limited to, fish weirs, clam gardens, camas meadows, and other areas used for Indigenous hunting, fishing, trapping, and gathering of plants and medicines.</p>
3.2.6	<p><b>Indigenous Harvesting and Hunting Area Access</b></p> <p>Through engagement with Indigenous Governing Bodies, identify and pursue opportunities to improve access by Indigenous Peoples to marine and land-based harvesting and hunting areas.</p>
3.2.7	<p><b>Other Culturally Significant Areas for Indigenous Peoples</b></p> <p>Through engagement with Indigenous Governing Bodies, identify and prioritize protection of areas of importance for Indigenous cultural and spiritual practices.</p>
3.2.8	<p><b>Culturally Significant Species and Medicinal Plants</b></p> <p>Through engagement with Indigenous Governing Bodies, identify, prioritize protection, and support restoration of culturally significant species and medicinal plants and ochre.</p>
3.2.9	<p><b>Cultural Monitors</b></p> <p>Through engagement with Indigenous Governing Bodies, support opportunities for cultural monitors to be present for ground-disturbing activities.</p>

## Goal 3: Preserve and Protect Healthy and Biodiverse Ecosystems

Islands Trust Council acknowledges that preserving and protecting the ecological integrity of the Islands Trust Area is essential to the Islands Trust Object and to supporting community well-being across the region. The policies in this section aim to identify and protect key ecosystem types and characteristics that safeguard biodiversity and promote resilience to climate change.

### Directive Policies – Ecosystem Integrity

Local trust committees and island municipalities shall, in all official community plan bylaws, and other bylaws that require Executive Committee or Trust Council review or approval...

<b>3.3.1</b>	<b>Protected Area Networks</b> Identify, establish, and sustain a network of protected areas of sufficient size and distribution to preserve the environmental integrity of ecosystems in their planning area.
<b>3.3.2</b>	<b>Sensitive Ecosystems</b> Identify and prioritize the preservation, protection, and restoration of sensitive ecosystems in the Islands Trust Area, classified as the following ecosystem types: cliff; freshwater; herbaceous; old and mature forest; riparian; wetland; and woodland.
<b>3.3.3</b>	<b>Forest Ecosystems</b> Identify forest ecosystems and prioritize the preservation, protection, and restoration of unfragmented forests, with a particular focus on the maintenance and restoration of their ecological integrity.
<b>3.3.4</b>	<b>Coastal Oak and Prairie Ecosystems</b> Identify and prioritize the preservation and protection of coastal oak and prairie ecosystems, with a particular focus on the maintenance, restoration and management of their ecological integrity.
<b>3.3.5</b>	<b>Watershed Ecosystems</b> Identify and prioritize the preservation, protection, and restoration of watershed ecosystems, freshwater sources, and groundwater recharge areas.
<b>3.3.6</b>	<b>Marine Shorelines and Nearshore Areas</b> Identify and prioritize the preservation, protection, and restoration of eelgrass meadows, kelp forests, forage fish spawning areas, clam beds, estuaries, tidal salt marshes, mud flats, and coastal wetlands.
<b>3.3.7</b>	<b>Critical Habitat for Species at Risk</b> Identify and prioritize the preservation, protection, and restoration of critical habitat for species at risk.
<b>3.3.8</b>	<b>Islets and Small Islands</b> Identify and prioritize the preservation, protection, and restoration of islets and small islands.
<b>3.3.9</b>	<b>Light Pollution</b> Minimize light pollution through the application of dark sky principles.

## Advisory Policies – Ecosystem Integrity

Local trust committees and island municipalities should...

<b>3.3.10</b>	<p><b>Indigenous Ecosystem Management</b> Through engagement with Indigenous Governing Bodies, support opportunities for Indigenous-led ecosystem management.</p>
<b>3.3.11</b>	<p><b>Indigenous Protected and Conserved Areas</b> Support Indigenous Governing Bodies in the establishment of Indigenous Protected and Conserved Areas.</p>

## Goal 4: Foster Sustainable, Inclusive, and Resilient Communities

Islands Trust Council recognizes that the Islands Trust Object is for the benefit of residents of the Islands Trust Area and all British Columbians, who in turn have a role in preserving and protecting this region. The policies in this section support the preservation and protection of unique island character and aim to foster sustainable, inclusive, rural, and resilient island communities.

### Directive Policies – Managing Growth and Development

Local trust committees and island municipalities shall, in all official community plan bylaws, and other bylaws that require Executive Committee or Trust Council review or approval...

<b>3.4.1</b>	<b>Sustainable Development</b> Consider site capabilities, environmental and protected areas, and existing development patterns when determining the land use designation and appropriate locations and intensities of various uses of the land.
<b>3.4.2</b>	<b>Growth Management</b> Manage community growth and its associated impacts by directing residential, commercial and industrial development into suitable locations, to prevent sprawl, minimize fragmentation of forest lands, and avoid adverse impacts to Indigenous cultural heritage, harvesting and hunting areas.
<b>3.4.3</b>	<b>Impacts of Development</b> Consider the aesthetic, environmental, and social impacts of development.
<b>3.4.4</b>	<b>Community Facilities and Services</b> Ensure that each community's, and local Indigenous communities', current and projected long-term needs for educational, institutional, community, health, cultural, recreational facilities and services, and outdoor recreation are considered and planned for.
<b>3.4.5</b>	<b>Climate Change Mitigation and Adaptation</b> Implement planning and land use management strategies, and consider nature-based solutions, to minimize greenhouse gas emissions, and adapt to climate change-related vulnerabilities.
<b>3.4.6</b>	<b>Hazardous Areas</b> Identify areas at elevated risk of natural and climate change-related hazards and restrict development within these areas including, but not limited to, areas subject to flooding, sea-level rise, erosion, slope instability and wildfire.
<b>3.4.7</b>	<b>Economic Activities</b> Support sustainable economic activities that are compatible with the preservation and protection of the Trust Area and its unique amenities, environment, community well-being, and that consider transportation and infrastructure capacity.
<b>3.4.8</b>	<b>Community Heritage Sites</b> Identify, preserve, protect, and support the restoration of community heritage sites.

## Advisory Policies – Managing Growth and Development

Local trust committees and island municipalities should...

3.4.9	<p><b>Existing Development Potential</b> Identify land where current zoning or other land use regulations allow development that could be inconsistent with the object of the trust, and consider policy and/or regulatory options to reduce development potential or minimize the impacts of future development.</p>
3.4.10	<p><b>Economic Development Opportunities for Indigenous Communities</b> Through engagement with Indigenous Governing Bodies, support economic development opportunities for Indigenous communities.</p>

## Directive Policies – Housing

Local trust committees and island municipalities shall, in all official community plan bylaws, and other bylaws that require Executive Committee or Trust Council review or approval...

3.4.11	<p><b>Suitable Locations for Additional Housing</b> Identify suitable locations that could support increased density for the development of safe, secure, diverse, and attainable housing.</p>
3.4.12	<p><b>Housing Diversity</b> Support a range of housing types and tenures to help meet the identified housing needs of the island community and local Indigenous communities.</p>
3.4.13	<p><b>Clustered Small Dwelling Units</b> Support alternatives to conventional single-detached dwellings by establishing policies to permit clusters of small dwelling units in suitable areas.</p>
3.4.14	<p><b>Floor Area and Lot Coverage Limits</b> Set floor area and lot coverage limits for residential development to minimize negative environmental impacts, including on land used for agricultural purposes.</p>
3.4.15	<p><b>Affordable and Special Needs Housing</b> Prioritize the processing of rezoning applications from non-profit housing providers and public agencies, and the processing of housing agreement bylaws for affordable and special needs housing.</p>
3.4.16	<p><b>Short-Term Rentals</b> Identify and assess the impacts of short-term rental of dwellings on the availability of safe, secure and affordable housing and, where necessary, regulate and limit the number of short-term rentals accordingly.</p>

## Advisory Policies – Housing

Local trust committees and island municipalities should...

3.4.17	<p><b>Housing for Indigenous People</b> Through engagement with Indigenous Governing Bodies, support housing opportunities for Indigenous people in the Islands Trust Area.</p>
3.4.18	<p><b>Multi-Unit Residential</b> Implement land use regulations for affordable and special needs housing and other multi-unit residential development that permit a range of potential site configurations, and control form and character through development permit areas.</p>
3.4.19	<p><b>Natural Building Materials and Techniques</b> Encourage construction of buildings and structures using local natural building materials and techniques, and minimize barriers to their use.</p>

## Directive Policies – Transportation

Local trust committees and island municipalities shall, in all official community plan bylaws, and other bylaws that require Executive Committee or Trust Council review or approval...

3.4.20	<p><b>Public and Active Transportation Networks</b> Identify and establish appropriately-situated, safe, comfortable, and equitable transportation networks that reduce dependency on private automobile use, encourage zero emission modes of transportation, and support increased use of trail systems, public transportation, and active transportation.</p>
3.4.21	<p><b>Rural Roadways</b> Identify and protect rural roadways, including scenic and/or heritage roads.</p>

## Advisory Policies – Transportation

Local trust committees and island municipalities should...

<b>3.4.22</b>	<p><b>Road Systems</b> Ensure that road location, design, construction, and road systems are compatible with the preservation and protection of the Trust Area and its unique amenities and environment.</p>
<b>3.4.23</b>	<p><b>Transportation Network Vulnerabilities</b> Cooperate with relevant agencies to identify parts of the local transportation network at risk of damage or deterioration and participate in planning to address mitigation or infrastructure relocation where necessary.</p>

## Directive Policies – Waste, Emissions and Pollutants

Local trust committees and island municipalities shall, in all official community plan bylaws, and other bylaws that require Executive Committee or Trust Council review or approval...

<b>3.4.24</b>	<p><b>Pollutants to Air, Land and Water</b> Regulate land use and development to reduce detrimental pollutants to air, land and water.</p>
<b>3.4.25</b>	<p><b>Disposal of Waste</b> Where required, identify appropriate locations for waste transfer stations for the removal of waste from the Islands Trust Area.</p>
<b>3.4.26</b>	<p><b>Wastewater Disposal Systems</b> Establish requirements for the location and siting of new wastewater disposal systems to mitigate adverse impacts on the Trust Area and its unique amenities and environment, with a focus on Indigenous Peoples' cultural heritage sites and marine harvesting areas.</p>

## Directive Policies – Recreation

Local trust committees and island municipalities shall, in all official community plan bylaws, and other bylaws that require Executive Committee or Trust Council review or approval...

3.4.27	<p><b>Preservation of Natural Heritage</b> Identify, preserve, protect, and support the restoration of natural heritage sites.</p>
3.4.28	<p><b>Location and Types of Recreational Facilities</b> Identify appropriate locations for, types of, and access to, facilities for low-impact and active recreational activities, and discourage activities that may adversely impact the preservation and protection of the Trust Area and its unique amenities and environment.</p>
3.4.29	<p><b>Access to Community Marinas, Boat Launches, and Docks</b> Identify and support safe public access and routes to community marinas, boat launches, and docks.</p>
3.4.30	<p><b>Access to Anchorages</b> Identify appropriate and safe small-craft anchorage public-access locations.</p>
3.4.31	<p><b>Trail Systems</b> Identify appropriate locations for, types of, and safe public access to public pedestrian, equestrian and bicycle trail systems to support active recreation that is compatible with preservation and protection of the Trust Area and its unique amenities and environment.</p>
3.4.32	<p><b>Public Shoreline Access</b> Identify new, protect existing, and support the acquisition and protection of, safe public access to marine shorelines and along marine shorelines that are appropriate for low-impact, public recreational use and do not adversely impact the Trust Area and its unique amenities and environment, including Indigenous Peoples' identified cultural heritage sites and marine harvesting areas.</p>
3.4.33	<p><b>Public Access to Public/Crown Land</b> Identify and support the acquisition and protection of public access and routes to publicly-owned lands.</p>
3.4.34	<p><b>Destination Gaming Facilities</b> Prohibit destination gaming facilities such as casinos and commercial bingo halls.</p>

## Goal 5: Foster Sustainable Stewardship of Lands and Waters

Islands Trust Council recognizes that sustainable use of lands and waters in the Islands Trust Area is important to the long-term well-being and resilience of ecosystems in the Islands Trust Area and the communities that depend on them. This section lays out policies for sustainable land and water use that support the long-term health of ecosystems and sustainability of freshwater.

### Directive Policies – Freshwater

Local trust committees and island municipalities shall, in all official community plan bylaws, and other bylaws that require Executive Committee or Trust Council review or approval...

<b>3.5.1</b>	<b>Freshwater Sustainability</b> Ensure that neither the density, nor intensity, of land use is increased in watersheds where the quality or quantity of the supply of freshwater is likely to be inadequate or unsustainable.
<b>3.5.2</b>	<b>Freshwater Demand and Supply Projections</b> Ensure that existing, anticipated, and seasonal water demand and water availability are considered.
<b>3.5.3</b>	<b>Freshwater Self-Sufficiency</b> Ensure that islands are self-sufficient in their supply of freshwater.
<b>3.5.4</b>	<b>Saltwater Intrusion</b> Identify areas at elevated risk of saltwater intrusion and restrict development serviced by groundwater within these areas.

### Advisory Policies – Freshwater

Local trust committees and island municipalities should...

<b>3.5.5</b>	<b>Freshwater Quality</b> Ensure that freshwater quality is maintained or remediated.
<b>3.5.6</b>	<b>Freshwater Uses</b> Strive to ensure that water quality in lakes, streams and wetlands is maintained, and that freshwater use is not to the detriment of other uses of the waterway such as fish and amphibian habitat uses, Indigenous cultural and spiritual uses, and aesthetic and recreational uses.
<b>3.5.7</b>	<b>Freshwater Storage</b> Encourage freshwater storage in groundwater regions where the quality or quantity of groundwater is likely to be inadequate or unsustainable.

## Directive Policies – Forest Lands

Local trust committees and island municipalities shall, in all official community plan bylaws, and other bylaws that require Executive Committee or Trust Council review or approval...

3.5.8	<p><b>Forest Lands for Sustainable Management</b> Maintain large land holdings and parcel sizes to support sustainable forest management practices that are compatible with preservation and protection of the Trust Area and its unique amenities and environment.</p>
3.5.9	<p><b>Forest Lands and Road Systems</b> Consider siting of roads and utility corridors to minimize the fragmentation of forest lands.</p>
3.5.10	<p><b>Forest Lands and Wildfire Risk Management</b> Identify planning and land use management strategies that mitigate wildfire risk and that are appropriate to the unique biogeoclimatic zones and settlement patterns of each local planning area.</p>

## Directive Policies – Agricultural Lands

Local trust committees and island municipalities shall, in all official community plan bylaws, and other bylaws that require Executive Committee or Trust Council review or approval...

<b>3.5.11</b>	<b>Protection of Agricultural Lands</b> Identify and protect agricultural lands within the Agricultural Land Reserve for current and future use consistent with the <i>Agricultural Land Commission Act</i> and its regulations, while considering down-stream impacts, wildlife habitat, and adjacent properties.
<b>3.5.12</b>	<b>Agriculture and Adjacent Properties</b> Minimize any adverse impacts of land uses from properties adjacent to agricultural lands.
<b>3.5.13</b>	<b>Agriculture and Road Systems</b> Consider siting of roads and utility corridors to minimize fragmentation of agricultural lands.
<b>3.5.14</b>	<b>Economic Viability of Farms</b> Consider land uses and activities that support the economic viability of farms without compromising the agricultural capability of agricultural land or adversely impacting the Trust Area and its unique amenities and environment.

## Advisory Policies – Agricultural Lands

Local trust committees and island municipalities should...

<b>3.5.15</b>	<b>Sustainable Agriculture</b> Preserve, protect, and encourage sustainable farming and the sustainability of farming.
<b>3.5.16</b>	<b>Food Security and Food Sovereignty</b> Support initiatives that advance food security and Indigenous food sovereignty.

## Directive Policies – Soil and Fill

Local trust committees and island municipalities shall, in all official community plan bylaws, and other bylaws that require Executive Committee or Trust Council review or approval...

<b>3.5.17</b>	<b>Soil Removal and Deposit</b> Foster the preservation, protection, and restoration of soils in the Islands Trust Area.
<b>3.5.18</b>	<b>Soil and Fill from Middens and Foreshore Areas of Cultural Significance</b> Prohibit alteration, removal or excavation of soil or fill from all identified archaeological sites, including middens or foreshore areas identified as culturally significant areas.

## Directive Policies – Marine Shorelands

Local trust committees and island municipalities shall, in all official community plan bylaws, and other bylaws that require Executive Committee or Trust Council review or approval...

3.5.19	<p><b>Aquaculture Tenures</b></p> <p>Direct commercial aquaculture tenures to appropriate locations that will not adversely impact areas identified as culturally significant by Indigenous Governing Bodies, that provide critical habitat for species at risk, are of recreational significance or established or designated upland land uses, anchorages or moorages.</p>
3.5.20	<p><b>Setbacks from the Sea</b></p> <p>Incorporate current and anticipated impacts of sea level rise and storm surge, and determine appropriate shoreline buffers and setbacks from the sea, taking into account best practices recommended by the federal and provincial governments.</p>
3.5.21	<p><b>Soft Shoreline Protections</b></p> <p>Prioritize and foster soft shoreline approaches, such as those identified by the “Green Shores” program, to set requirements for shoreline preservation, and to mitigate erosion of shoreline and foreshore cultural heritage sites.</p>
3.5.22	<p><b>Vessel Moorage</b></p> <p>Prohibit the moorage of vessels in sensitive marine areas, including, but not limited to, eelgrass meadows, kelp forests, forage fish spawning areas, estuaries and mud flats.</p>
3.5.23	<p><b>Marinas</b></p> <p>Identify requirements for the location, size, and nature of marinas that are compatible with the preservation and protection of the Trust Area and its unique amenities and environment.</p>
3.5.24	<p><b>Sharing of Coastal Facilities</b></p> <p>Identify opportunities for the sharing of coastal facilities such as docks, wharves, floats, jetties, boat houses, board walks, and causeways.</p>
3.5.25	<p><b>Marine Docks</b></p> <p>Consider the cumulative effects of docks, and limit or prohibit new docks in areas identified as culturally significant by Indigenous Governing Bodies, in areas that provide critical habitat for species at risk, and in areas of recreational significance.</p>
3.5.26	<p><b>Marine Structures</b></p> <p>Limit or prohibit the construction or installation of breakwaters, groynes, rock weirs and jetties in marine areas that are not zoned for group wharfage, marine commercial or industrial use, or ferry terminals.</p>

# Part 4: Implementation

## 4.1 – Policy Statement Implementation

### Organizational Policy Alignment

Section 15 of the *Islands Trust Act* requires Islands Trust Council to adopt, by bylaw, a trust policy statement that applies to the Islands Trust Area. The Policy Statement must be a general statement of the policies of Islands Trust Council to carry out the object of the Trust.

Section 4(1) of the *Islands Trust Act* confirms that the Trust Council, Executive Committee, local trust committees and Islands Trust Conservancy are continued for the purpose of carrying out the object of the Trust.

Islands Trust Council, Islands Trust Executive Committee, local trust committees and island municipalities are expected to take general policy direction from the Policy Statement to ensure that decisions and activities of the organization are for the purpose of carrying out the Islands Trust Object. The Policy Statement should form the basis of Islands Trust Council's strategic planning process. To ensure consistency between the Policy Statement and the activities of Islands Trust Council, Islands Trust Executive Committee, local trust committees and island municipalities, staff should reference the Policy Statement and its relevant sections in meetings, staff reports, work programs, inter-governmental agreements (including protocols, letters of understanding and memoranda of understanding) and responses to referrals from other agencies. All inter-governmental coordination agreements, external communications, and advocacy should be consistent with the principles and policies set out in the Policy Statement.

### Statutory Bylaw Approval Process

The main mechanism for implementing the Policy Statement in local planning and land use management decisions is the bylaw referral process under the *Islands Trust Act* and any referral process under the letters patent of an island municipality.

**Executive Committee Approval:** Under Section 15(4) of the *Islands Trust Act*, bylaws submitted to the Islands Trust Executive Committee must not be approved by the Executive Committee, or Trust Council, if they are contrary to or at variance with the Islands Trust Policy Statement.

**Local Trust Committees:** Under Section 27 (1) of the *Islands Trust Act*, a local trust committee must submit its bylaws to Islands Trust Executive Committee for approval before adoption. If Islands Trust Executive Committee returns a bylaw with requested changes or refuses to approve a bylaw, the local trust committee may refer the bylaw to Islands Trust Council for approval. A bylaw has no effect until it is approved by Islands Trust Executive Committee or Islands Trust Council. A bylaw adopting or amending an official community plan has no effect until it is approved by the Minister responsible for Islands Trust.

**Island Municipalities:** Under Section 38 (1) of the *Islands Trust Act*, the council of a municipality, all or part of which is in the Islands Trust Area, must submit official community plan bylaws to Islands Trust Executive Committee for approval before adoption. If Islands Trust Executive Committee returns an official community plan bylaw with requested changes or refuses to approve an official community plan bylaw, the municipality may refer it to Islands Trust Council for approval. If Islands Trust Council returns or refuses to approve a bylaw, the municipality may submit it to the Minister for approval. These bylaws have no effect until they are approved by Islands Trust Executive Committee, Islands Trust Council, or the Minister responsible for Islands Trust. Although not required under the *Islands Trust Act*, the letters patent for Bowen Island also require referral of bylaws other than official community plan bylaws.

## Implementing Reconciliation

The main mechanism by which Islands Trust Council's commitment to Reconciliation will be implemented through the Policy Statement is the requirement for local trust committees and island municipalities to engage Indigenous Governing Bodies on official community plan and land use bylaw amendments set out in Directive Policy 3.1.1.

Additionally, the Policy Statement advises local trust committees and island municipalities to engage with Indigenous Governing Bodies on discretionary planning and land use management decisions, and on topics that need engagement with Indigenous Governing Bodies in order to be effectively addressed.

## Policy Statement Implementation Plan

Prior to, or following the adoption of, a new Policy Statement, or amendments to it, Islands Trust Council should develop a plan to implement the Policy Statement. Execution of the Implementation Plan may inform the content of, or revisions to, the following documents:

- The Islands Trust Council Strategic Plan
- The Islands Trust Council Annual Budget
- The Policy Statement Implementation Policy
- Local trust committee and island municipality workplans
- Other documents as applicable

The Policy Statement Implementation Plan may guide the development of:

- A timeline to bring official community plans and land use bylaws into alignment with the Policy Statement
- A revised assessment tool that Islands Trust Executive Committee and Islands Trust Council can use to assess whether local trust committee and island municipality bylaws are contrary to or at variance with the Policy Statement
- Targets and indicators with which Islands Trust Council can monitor and evaluate implementation of the Policy Statement
- Annual monitoring and reporting activities
- Changes to existing Islands Trust Council policies, or new policies, to implement the Policy Statement
- Changes to existing Islands Trust Council agreements, or new agreements, with other levels of government, agencies, and Indigenous Governing Bodies, to implement the Policy Statement
- Communications regarding Policy Statement implementation
- Other implementation actions as applicable

## 4.2 – Policy Statement Amendments

### Policy Statement Amendment Projects

At the beginning of each term, in conjunction with its strategic planning process, Islands Trust Council can identify any Policy Statement amendment tasks to be undertaken that term. Newly elected Islands Trust Councils will likely wish to engage with Indigenous Governing Bodies, and may wish to engage with other key partners and interested and affected parties across the Islands Trust Area to define priorities for Policy Statement amendments that term. Any topics that cannot be addressed in a particular term could be noted on a “Policy Statement Amendment Topic Review Inventory” for consideration by Islands Trust Council at a later date. Once an amendment project is initiated, Islands Trust Council could assign the Executive Committee or a council committee the task of leading and coordinating the Policy Statement review and amendment project, with the support of other committees as appropriate. As part of its annual budget cycle, Islands Trust Council should consider allocating resources required for a Policy Statement amendment project, including for any related communications and engagement.

### Communications, Engagement, and Referrals

As soon as practicable after the initiation of a Policy Statement amendment process, Islands Trust Council should adopt a communications and engagement plan appropriate to the scope and scale of the amendment project.

Proposed Policy Statement amendments must be referred to regional district boards in the Islands Trust Area and should be referred to Indigenous Governing Bodies.

While there are no statutory requirements for public engagement or public hearings related to the Policy Statement, in cases where major amendments are being considered, Trust Council should inform and consult members of the public and relevant partner agencies. Engagement and referral partners could include, but would not be limited to: local trust committees and island municipalities; the Islands Trust Conservancy Board; residents and non-resident property owners in the Islands Trust Area; other residents of British Columbia; municipal councils, improvement district boards operating within the Islands Trust Area; relevant provincial government agencies; and other persons and organizations that would be interested and affected by the proposed Policy Statement amendments.

## Legislative Process

Adoption of a Policy Statement amendment bylaw occurs only after Trust Council has undertaken four readings of the proposed Policy Statement bylaw and received approval by the Minister responsible for Islands Trust. Policy Statement amendment bylaws become effective upon date of adoption and are not retroactive.

# Glossary of Terms

## Active Recreation

Active recreation means recreation that is of a formal nature, often performed with specific people or teams, requires specialized equipment or prescribed places, sites or fields, but excludes recreation that primarily involves the use of a power-driven conveyance.

## Archaeological Sites

Archaeological sites consist of the physical remains of past human activity.

All archaeological sites in British Columbia are protected under the [Heritage Conservation Act](#). This applies whether sites are located on public or private land, and whether the site is known or unknown. Protected archaeological sites may not be altered or changed in any manner without a permit. There are over 60,000 archaeological sites recorded in BC's Provincial Heritage Register including the remains of village and other habitation sites, as well as resource procurement activities such as fishing weirs and culturally modified trees. These sites may date anywhere from recent times to 14,000+ years ago, and studies continue to uncover new information. (Source: BC Archaeology Branch)

## Biodiversity

Biodiversity (biological diversity) is the variety of living things, including diversity within species (genetic diversity), diversity between species, and diversity of ecosystems. When biodiversity characteristics are assessed for any location or region, three attributes are considered:

- composition (describes the parts of each biodiversity component in that area – e.g. habitat types, species present, genetic diversity within species);
- structure (refers to the physical characteristics supporting that composition – e.g. size of habitats, forest canopy structure, etc.);
- function (means the ecological and evolutionary processes affecting life within that structure – e.g. pollination, natural disturbances, predator-prey relationships). (Source: Biodiversity BC)

## Colonialism

Colonizers are groups of people or countries that come to a new place or country and steal the land and resources from Indigenous peoples, and develop a set of laws and public processes that are designed to violate the human rights of the Indigenous peoples, violently suppress the governance, legal, social, and cultural structures of Indigenous peoples, and force Indigenous peoples to conform to the structures of the colonial state. Historical and ongoing colonialism, including the dispossession of lands, has a deep and devastating impact on Indigenous people and communities. (Source: BC Addressing Racism Working Glossary; BC Office of the Human Rights Commissioner)

## Community Heritage Site

A community heritage site is real property that is considered to be heritage property. (Source: Local Government Act)

<b>Conservation</b>	Actions, legislation, or institutional arrangements that lead to the protection or preservation of a given species, group of species, habitat, natural area, or property or areas of heritage value or character.
<b>Critical Habitat</b>	Under the federal <i>Species at Risk Act</i> , critical habitat is the habitat that is necessary for the survival or recovery of listed extirpated, endangered, or threatened species, and that is identified as critical habitat in a recovery strategy or action plan. Extirpated species means a wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild. Endangered species means a wildlife species that is facing imminent extirpation or extinction. Threatened species means a wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction. (Source: <i>Species at Risk Act</i> )
<b>Land Use Density and Intensity</b>	<p>Density is regulated through zoning. Density may be defined by the number of units per given area of land. Density may also be measured by dividing the built area including all floor area, by the total area of the lot, e.g., floor area ratio (FAR).</p> <p>Intensity of use refers to the impacts of different types of land uses, e.g., certain types of commercial or industrial uses could be more intense with more impacts than residential or vice versa.</p> <p>Of note, density and intensity of use can combine to increase cumulative impacts of the land use.</p>
<b>Ecosystem</b>	An ecosystem is a collection of communities of both living and non-living things that are connected. The biotic elements in an ecosystem include living things such as plants and animals. The abiotic elements found in an ecosystem include non-living things like land forms or climate. Healthy ecosystems provide important “services,” like clean air and water, healthy forests and farms, and habitat for plants and animals. (Source: Government of BC)
<b>Ecosystem Integrity</b>	Ecosystems have integrity when their native components, such as native species, biological communities, natural landscapes and ecological functions, are intact and are likely to persist. (Source: Government of Canada)
<b>Equity / Equitable</b>	Equity refers to achieving parity in policy, process and outcomes for historically and/or currently underrepresented and/or marginalized people and groups while accounting for diversity. It considers power, access, opportunities, treatment, impacts and outcomes. (Source: Equity & Inclusion Glossary, UBC)

## First Nations

First Nations is not a legal term but came into common use in the 1970s to replace Indian, which some people found offensive. Many communities have also replaced “band” with “First Nation” in their names. Symbolically, the term elevates First Nations to the status of “first among equals” alongside the English and French founding nations of Canada. It also reflects the sovereign nature of many communities, and the ongoing quest for self-determination and self-government. First Nations people may live on or off reserve, they may or may not have legal status under the *Indian Act*, and they may or may not be registered members of a community or nation. “First Nations” should be used exclusively as a general term as community members are more likely to define themselves as members of specific nations or communities within those nations. (Source: Assembly of First Nations)

## Groundwater Recharge Areas

Groundwater recharge areas are terrain that inherently provide geographical and ecological conditions for the infiltration of water from the land surface to the subsurface through soils, sediments, and fractured bedrock to replenish groundwater sources.

Groundwater recharge areas can be *diffuse* where widespread precipitation on the landscape infiltrates into groundwater sources or *localized* where discrete surface water sources such as streams, lakes, septic fields, and/or irrigation fields infiltrate into groundwater sources. Groundwater recharge areas that have a significant groundwater recharging effect for drinking water sources or groundwater dependent ecosystems in the Islands Trust Area are defined as *Critical Aquifer Recharge Areas*.

## Groundwater Region

A groundwater region is a defined geographic area characterized by shared groundwater recharge, flow patterns, usage, and hydrogeological features, and that has clusters of wells that draw from common recharge zones. Analogous to surface-water watersheds – which are delineated based on drainage to a common outlet – groundwater regions are mapped to support the sustainable assessment, protection, and management of subsurface freshwater resources. Unlike surface watersheds, groundwater regions may span multiple watershed boundaries due to the complex movement of groundwater. These regions serve as practical planning units to guide evidence-based decisions regarding land use, water allocation, and ecosystem protection.

## Heritage Site

Heritage site means, whether designated or not, land, including land covered by water, that has heritage value to British Columbia, a community or an aboriginal people. (Source: BC Heritage Conservation Act)

## Housing Diversity

Housing diversity refers to the range of housing types and tenures in a community that allow people to find appropriate housing as their needs change over time, and at all stages of life.

## Inclusive / Inclusion

Inclusion is an active, intentional, and continuous process to address inequities in power and privilege, and build a respectful and diverse community that ensures welcoming spaces and opportunities to flourish for all. (Source: Equity & Inclusion Glossary, UBC)

## Indigenous Cultural Heritage

Indigenous Peoples understand and describe cultural heritage according to their distinct perspectives, traditions, and languages. For Indigenous Peoples, cultural heritage refers to ideas, experiences, objects, artistic expressions, practices, knowledge, and places that are valued because they are culturally meaningful, connected to shared memory, or linked to collective identity. Indigenous cultural heritage cannot be separated from either Indigenous identity or Indigenous life. Indigenous cultural heritage can be inherited from ancestors or it can be created by people today as a legacy for future generations. Indigenous Peoples have a right to identify their own cultural heritage, interpret its meaning, and safeguard its value. (Source: Indigenous Heritage Circle)

## Indigenous Governing Body

Indigenous Governing Body means an entity that is authorized to act on behalf of Indigenous peoples that hold rights recognized and affirmed by section 35 of the *Constitution Act, 1982*.

## Indigenous Knowledge / Knowledge Holders

There is no single definition of Indigenous Knowledge. For the purposes of this document, "Indigenous Knowledge" refers to a set of complex knowledge systems based on the worldviews of Indigenous peoples. Indigenous Knowledge reflects the unique cultures, languages, values, histories, governance and legal systems of Indigenous Peoples. It is place-based, cumulative and dynamic. Indigenous Knowledge systems involve living well with, and being in relationship with, the natural world. Indigenous Knowledge systems build upon the experiences of earlier generations, inform the practice of current generations, and evolve in the context of contemporary society. Different First Nations, Inuit and Métis communities each have distinct ways of describing their knowledge. Knowledge Holders are the only people who can truly define Indigenous Knowledge for their communities. It is important to note that some Indigenous communities are struggling to maintain their Indigenous Knowledge due to ongoing impacts of colonialism. (Source: Impact Assessment Agency of Canada)

## Indigenous Peoples

Indigenous Peoples has the same meaning as aboriginal peoples in section 35 of the *Constitution Act, 1982*. The Assembly of First Nations also states: There is no official definition of Indigenous Peoples. In part, Indigenous communities, peoples and nations can be described as those which, having a historical continuity with pre-invasion and pre-colonial societies that developed on their territories, consider themselves distinct from other sectors of the societies now prevailing on those territories. Other terms include Aboriginal Peoples, Native Peoples, Original Peoples, or First Peoples. (Source: Assembly of First Nations)

## Indigenous Rights

The term 'Indigenous Rights' is to be interpreted in accordance with the Province of British Columbia's Distinctions-Based Approach Primer, December 2023.

## Middens

Midden, or 'shell midden' archaeological sites are indicative of past First Nations settlement activity. Formed by the accumulation of stratified cultural deposits over thousands of years, shell midden sites represent some of the most complex archaeological sites in the world. (Source: McLay et al (2008) *A'lhut tu tet Sul'hweentst Respecting the Ancestors*)

*Note:* A midden may be an archaeological indicator of village and burial sites, and may contain ancestral remains.

## Natural Heritage Sites

Natural heritage sites are natural areas that:

- Furnish outstanding examples of Earth's record of life or its geologic processes;
- Provide excellent examples of ongoing ecological and biological evolutionary processes;
- Contain natural phenomena that are rare, unique, superlative, or of outstanding beauty; or
- Furnish habitats for rare or endangered animals or plants or are sites of exceptional biodiversity.

## Nature-based solutions

Nature-based solutions are actions to protect, sustainably manage, and restore natural and modified ecosystems that address societal challenges effectively and adaptively, simultaneously benefiting people and nature.

Nature-based Solutions address societal challenges through the protection, sustainable management and restoration of both natural and modified ecosystems, benefiting both biodiversity and human well-being. Nature-based Solutions are underpinned by benefits that flow from healthy ecosystems. They target major challenges like climate change, disaster risk reduction, food and water security, biodiversity loss and human health, and are critical to sustainable economic development. (Source: International Union for Conservation of Nature (IUCN))

## Precautionary Principle

Principle 15 of the Rio Declaration, known as the precautionary principle, states: "In order to protect the environment, the precautionary approach shall be widely applied by States according to their capabilities. Where there are threats of serious or irreversible damage, lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation." Four central components of the precautionary principle include: taking preventive action in the face of uncertainty; shifting the burden of proof to the proponents of an activity; exploring a wide range of alternatives to possibly harmful actions; and increasing public participation in decision making. (Source: *The Precautionary Principle in Environmental Science*, Kriebel et al., 2001)

## Preservation

To maintain in a given condition. Preservation often requires maintaining the processes that generate the desired condition.

- Protection** To maintain over the long term by managing, or if necessary limiting, the type and intensity of development or activity to ensure that valued attributes are not compromised or destroyed.
- Reconciliation** Reconciliation is about establishing and maintaining a mutually respectful relationship between Aboriginal and non-Aboriginal peoples in this country. In order for that to happen, there has to be awareness of the past, an acknowledgement of the harm that has been inflicted, atonement for the causes, and action to change behavior. (Source: Truth & Reconciliation Commission)
- Restrict** To confine, bound or limit, not necessarily prohibit.
- Sensitive Ecosystems** Sensitive ecosystems are classified as 'sensitive' because of their rarity and vulnerability to disturbances such as human impacts and climate change. The BC Sensitive Ecosystems Inventory identifies sensitive ecosystem types, which have been adapted by the Islands Trust Conservancy to identify sensitive ecosystems commonly found in the Islands Trust Area, including:
- **Cliff:** Steep slopes, often with exposed bedrock. Very little soil accumulation, and only exceptionally hardy trees and plants. Cliffs are important vegetation refugia because they are often inaccessible to deer browsing or livestock grazing and can be important nesting habitat for birds.
  - **Freshwater:** all freshwater networks including but not limited to streams, lakes, wetlands, groundwater sources, springs, and precipitation.
  - **Herbaceous:** Shallow soils characteristic of herbaceous ecosystems support low-growing vegetation, such as grasses, forbs (low, broad-leaved plants), wildflowers, mosses and lichens. Few trees and shrubs survive on these sites due to the fast-drying and often shallow nature of the exposed soils.
  - **Old and Mature Forest:** Dry to moist forests dominated by conifer or deciduous tree species with a canopy cover of over 30%. Old forests have a stand age of over 250 years.; Mature forests have a stand age of 80–250 years.
  - **Riparian:** Located adjacent to lakes, streams and rivers and characterized by plant communities and soils dependent on increased moisture. Influenced by erosion, sedimentation, flooding and seepage.
  - **Wetland:** Feature moisture-dependent plants that thrive in an environment where water remains at or above the surface of the soil during most of the year. A wetland can be bog, fen, marsh, swamp, shallow water, wet meadow or a mixture of these types.
  - **Woodland:** Dry and open forests dominated by a mix of broadleaf and coniferous tree species with canopy coverage of 10–30%. Generally restricted to south-facing slopes and ridges with shallow soils and bedrock outcroppings. (Source: BC Sensitive Ecosystems Inventory, as adapted in Islands Trust Conservancy Regional Conservation Plan 2018–2027)

- Species At Risk** An extirpated, endangered, threatened species, or a species of special concern. Extirpated species means a wildlife species that no longer exists in the wild in Canada, but exists elsewhere in the wild. Endangered species means a wildlife species that is facing imminent extirpation or extinction. Threatened species means a wildlife species that is likely to become an endangered species if nothing is done to reverse the factors leading to its extirpation or extinction. Species of special concern means a wildlife species that may become a threatened or an endangered species because of a combination of biological characteristics and identified threats. (Source: Federal *Species at Risk Act*)
- Stewardship** Voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities in the Islands Trust Area. For Indigenous Peoples, stewardship may be mandatory under Indigenous law.
- Sustainable** Capable of being maintained indefinitely; capable of meeting the environmental, economic, and social needs of current generations without compromising the ability of future generations to meet their needs.
- Treaties / Treaty Nations** Treaties are constitutionally protected, government-to-government agreements that identify, define and implement a range of rights and obligations, creating long-term, mutually binding commitments. Treaties negotiated through the BC treaty negotiations process are tripartite agreements between the governments of Canada, British Columbia, and a First Nation. The goal of treaties is reconciliation. Treaties signed with First Nations in Canada between 1701 and 1923 are commonly referred to as historic treaties. In BC, there are Douglas treaties, signed with First Nations on Vancouver Island, and Treaty 8 covering a portion of northeastern BC. Treaties signed today are called modern treaties, and cover where there are no historic treaties, and can also deal with matters not addressed in historic treaties. (Source: BC Treaty Commission)
- Watershed** A watershed is a topographically-defined area where all precipitation – rainfall and snowmelt – flows downslope via surface or subsurface pathways to a common receiving water body such as a stream, wetland, lake, or the ocean. Due to the islands' high shoreline-to-area ratio, many watersheds in the Islands Trust Area are non-basin watersheds the ephemeral flows and no defined channels or permanent receiving water bodies.

**North Pender Island Local Trust Committee  
Minutes of Regular Meeting**

**Date:** July 25, 2025  
**Location:** Electronic Meeting

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

**Staff Present:** Brad Smith, Island Planner  
Bruce Belcher, Planner 2  
Warren Dingman, Bylaw Compliance and Enforcement Manager  
Lisa Millard, Meeting Administrator/Recorder

**Others Present:** There were 2 members of the public present.

**1. CALL TO ORDER**

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

**2. TERRITORIAL ACKNOWLEDGEMENT**

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

**3. APPROVAL OF AGENDA**

**By general consent**, the agenda was approved as presented.

**4. TRUSTEE REPORT**

Trustee Morrison reported the following:

- Attended Trust Council in June
- The draft Trust Policy Statement is coming forward for consideration of First Reading and the public is encouraged to read the draft and participate in engagement

Trustee Campbell reported the following:

- Attended Trust Council in June
- Has been fielding requests for information regarding community issues primarily out of the jurisdiction of Islands Trust

**5. CHAIR'S REPORT**

Chair Maude reported the following:

- Noted several southern Gulf Islands have not had roadside verge mowing yet this season and he has been notified the contractor is experiencing mechanical issues

- The draft Trust Policy statement has been forwarded to Trust Council for consideration of First Reading which will trigger the consultation process with First Nations, governing bodies, and the public which will include a survey, mass mailing, and individual engagement within each local Trust Area
- Attended Trust Council in June and highlighted presentation by Jared “Qwustenuxun” Williams

**6. ELECTORAL AREA DIRECTOR'S REPORT - None**

**7. TOWN HALL AND QUESTIONS**

No members of the public participated in town hall.

**8. COMMUNITY INFORMATION MEETING - None**

**9. PUBLIC HEARING - None**

**10. MINUTES**

**10.1 Local Trust Committee Minutes Dated May 30, 2025 (for Adoption)**

**By general consent** the North Pender Island Local Trust Committee meeting minutes of May 30, 2025 were adopted.

**10.2 Section 26 Resolutions-without-meeting Report Dated July 2025**

Received for information.

**10.3 Advisory Planning Commission Minutes - None**

**11. BUSINESS ARISING FROM THE MINUTES**

**11.1 Follow-up Action List Dated July 2025**

Received for information.

**12. DELEGATIONS - None**

**13. CORRESPONDENCE**

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

**14. APPLICATIONS AND REFERRALS**

**14.1 South Pender Island Local Trust Committee Referral for Proposed Bylaw No. 129 (for Response)**

**NP-2025-029**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee interests are unaffected by the South Pender Island Local Trust Committee Draft Bylaw No. 129.

**CARRIED**

**14.2 Mayne Island Local Trust Committee Referral for Proposed Bylaws 194 and 195 (for Response)**

**NP-2025-030**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee interests are unaffected by the Mayne Island Local Trust Committee Draft Bylaw Nos. 194 and 195.

**CARRIED**

Chair Maude abstained from participating in the vote.

**14.3 PL-DP-2025-0171 (Ferguson) - Staff Report**

Planner Belcher summarized the staff report and highlighted the following:

- The application is for a Development Permit to authorize a garage addition, deck addition, driveway expansion, and relocation of an existing shed within Development Permit Area 1 – Woodland Ecosystems
- The work proposed involves altering previously disturbed land as well as the removal of one mature Douglas-fir tree
- A report received by a Registered Professional Biologist concluded any detrimental impacts on the property can be minimized
- The Development Permit Area guidelines have been met and include recommendations made by the biologist

Discussion ensued and the following comments were noted:

- Oversight of work done within the Development Permit Area is achieved through monitoring provided by the biologist during the project and Islands Trust staff can also conduct site visits during and after the work process
- An application file is closed once the permit is issued and any requirements for monitoring are tracked until all conditions of the permit are met
- Requirements that the biologist submit written confirmation of compliance with all conditions of the permit have been specified in the draft permit

**NP-2025-031**

**It was MOVED and SECONDED,**

That North Pender Island Local Trust Committee amend Development Permit PLDP20250171 condition ee to read “shall” be conducted

**CARRIED**

**NP-2025-032**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee approve issuance of Development Permit PL-DP-2025-0171, as amended.

**CARRIED**

**15. LOCAL TRUST COMMITTEE PROJECTS**

**15.1 Raptor Nest Project - Staff Report**

Island Planner Smith provided a project update and highlighted the following:

- The biologist and field naturalist have completed updated mapping

- A second letter to owners of properties that contain nest trees and those with properties located within the proposed buffer area has been sent out
- Informational material could be provided again at a future Community Information Meeting

**15.2 Housing Access and Affordability Project – Staff Report**

Island Planner Smith summarized the staff report and highlighted the following:

- The project timelines are on track
- Work is focussing on finalizing the suitable land and build out analysis, the development of options for legislative amendments, and project outreach and communications
- An informational pamphlet is being developed with input from the Advisory Planning Commission and Communications staff
- The Advisory Planning Commission is interested in reviewing the Housing Action Plan actions around potential bylaw amendments

Discussion ensued and the following comments were noted:

- There is interest in having a table at the market or fall fair to answer questions about the Housing Action Plan
- Trustees will look into availability and the Planner will contact the Advisory Planning Commission to gauge interest in participating at the table
- Once a date has been established it can be advertised in the mail out
- There is interest in scheduling a Community Information Meeting in mid to late October once new information is available to present to the public and the input has been received from the Advisory Planning Commission

**NP-2025-033**

**It was MOVED and SECONDED,**

that 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.

**CARRIED**

**NP-2025-034**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee request staff to schedule a special meeting to include a Community Information Meeting on Saturday October 25, 2025 for the Housing Access and Affordability project.

**CARRIED**

**16. REPORTS**

**16.1 Work Program Report**

16.1.1 Active Projects Report Dated July 2025

Received for information.

16.1.2 Future Projects Report Dated July 2025

Received for information.

**16.2 Applications Report Dated July 2025**

Received for information.

**16.3 Trustee and Local Expense Report Dated May 2025**

Received for information.

**16.4 Adopted Policies and Standing Resolutions**

Received for information.

**16.5 Local Trust Committee Webpage - None**

**16.6 Islands Trust Conservancy Report Dated June 2025**

Received for information.

**17. NEW BUSINESS**

**17.1 6601 Razor Point Road Covenant Update - None**

**17.2 North Pender Island LTC Meeting Procedures Repeal Bylaw No. 238 - Request for Decision**

It was noted that Trust Council adopted a Trust Council Meeting Procedures Bylaw for the purpose of administrative efficiency and the Trust Council bylaw supersedes Local Trust Committee Meeting Procedures Bylaws.

**NP-2025-035**

**It was MOVED and SECONDED,**

that 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.

**CARRIED**

**NP-2025-036**

**It was MOVED and SECONDED,**

that 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.

**CARRIED**

**NP-2025-037**

**It was MOVED and SECONDED,**

that 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.

**CARRIED**

**NP-2025-038**

**It was MOVED and SECONDED,**

that 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.

**CARRIED**

**17.3 North Pender Island LTC Public Notification Bylaw No. 239 - Request for Decision**

Trust Council adopted the model Public Notification Bylaw which allows Local Trust Committees the ability to adopt public notice bylaws that supersede specific requirements for publishing public notices in newspapers as detailed in the *Local Government Act*.

**NP-2025-039**

**It was MOVED and SECONDED,**

that 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.

**CARRIED**

**NP-2025-040**

**It was MOVED and SECONDED,**

that 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.

**CARRIED**

**NP-2025-041**

**It was MOVED and SECONDED,**

that 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.

**CARRIED**

**NP-2025-042**

**It was MOVED and SECONDED,**

that 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 Second Reading.

**CARRIED**

**17.4 North Pender LTC Bylaw Enforcement Notification Draft Bylaw No. 230 - Staff Report**

The Manager of Bylaw Compliance and Enforcement summarized the staff report and highlighted the following:

- The proposed bylaw amends Bylaw Enforcement Notification Bylaw No. 188 as Land Use Bylaw No. 103 was rescinded and the new Land Use Bylaw No. 224 was adopted
- The schedules contained within the Bylaw Enforcement Notification Bylaw need to reference the new Land Use Bylaw
- The contravention and surcharge schedules have been amended and updated
- A contravention has been added for failing to obtain a Development Permit with the goal to allow Bylaw Officers to issue a penalty if a property owner does work in a Development Permit Area without the required permit

Discussion ensued and the following comments were recorded:

- The Regional Planning Committee is reviewing Trust Council policy for bylaw enforcement which does not affect the Bylaw Enforcement Notification Bylaw
- The Local Trust Committee can develop and adopt policies and procedures for use of the Bylaw Enforcement Notification Bylaw which will guide the manner in which Bylaw Officers conduct investigations and implement the bylaw within their Local Trust Area
- A policy for North Pender Island been prepared and can be presented to the Local Trust Committee to aid in developing their policy

**NP-2025-043**

**It was MOVED and SECONDED,**

that 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.

**CARRIED**

**NP-2025-044**

**It was MOVED and SECONDED,**

that 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.

**CARRIED**

**NP-2025-045**

**It was MOVED and SECONDED,**

that 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.

**CARRIED**

**NP-2025-046**

**It was MOVED and SECONDED,**

that 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.

**CARRIED**

**NP-2025-047**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust request staff to bring forward the North Pender Island Compliance and Enforcement Policy to the October 3, 2025 regular business meeting.

**CARRIED**

**18. UPCOMING MEETINGS**

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

**NP-2025-048**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee move the regular business meeting from November 28, 2025 to November 21, 2025.

**CARRIED**

**19. TOWN HALL - None**

**20. CLOSED MEETING (Distributed Under Separate Cover)**

**20.1 Motion to Close Meeting**

**NP-2025-049**

**It was MOVED and SECONDED**

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

**CARRIED**

The meeting was recessed at 11:22 a.m.

**20.2 Recall to Order**

The meeting was recalled to order at 11:50 a.m.

**20.3 Rise and Report**

Chair Maude reported adoption of the April 4, 2025 in-camera meeting minutes.

**21. ADJOURNMENT**

**By general consent** the meeting was adjourned at 11: 50 a.m.

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David Maude, Chair

Certified Correct:

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Lisa Millard, Meeting Administrator/Recorder

DRAFT



## Resolutions Without Meetings Log

### North Pender Island

Resolution Number	Action	Date
<b>2025-004</b>  <b>To adopt Public Notification Bylaw No. 239</b>  That North Pender Island Local Trust Committee adopt Bylaw No. 239, cited as "North Pender Island Local Trust Committee Public Notification Bylaw No. 239, 2025".	<b>Carried</b>	<b>19-Aug-2025</b>
<b>2025-003</b>  <b>To adopt Meeting Procedures Repeal Bylaw No. 238</b>  That North Pender Island Local Trust Committee adopt Bylaw No. 238, cited as "North Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 238, 2025".	<b>Carried</b>	<b>18-Aug-2025</b>



# ADOPTED

## Minutes of the North Pender Island Advisory Planning Commission

**Date:** June 20, 2025  
**Location:** Fireside Room, St. Peter's Church

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

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

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

### 1. Call to Order

Chair Pare called the meeting to order at 9:37 a.m.

### 2. Approval of Agenda

**By general consent**, the agenda was approved as presented.

### 3. North Pender April 15, 2025 APC Minutes (for Adoption)

**By general consent**, the North Pender Advisory Planning Commission minutes of April 15, 2025 were adopted.

### 4. Discussion – Draft Housing Plan

#### 4.1 Status of the Suitable Land Analysis and Build-Out Analysis (Brad)

Planner Smith made the following comments:

- Work continues to be underway on the Suitable Land and Build-Out Analyses with focus currently on Mayne Island
- The Suitable Land Analysis will roll out to Local Trust Committees (LTC) in the early fall
- A new Islands Trust staff member, Registered Professional Biologist Patricia Woodruff, is reviewing the data layers currently used in the Suitable Land Analysis; these layers are equally weighted, and Local Trust Committees can choose to vary the weightings

- Work is underway to turn the Suitable Land Analysis from a pdf document to a more user-friendly web-based application

#### **4.2 Status of island-wide mailout and letter to First Nations (Brad)**

Planner Smith made the following comments:

- The aim is to bring a first draft of an island-wide mailout – which would provide a project overview – to the Local Trust Committee on July 25
- Staff will recommend that the Local Trust Committee engage the Advisory Planning Commission (APC) to provide a report back by October 3 that explores diversifying housing options through zoning (Goal 2 of the Housing Action Plan) – including draft bylaws and suggested bylaw changes
- Mayne Island has almost drafted bylaws that the North Pender APC could review
- Staff will recommend a draft bylaw that permits worker accommodations at the fire hall

#### **4.3 Temporary Use Permit on Mayne and housing related bylaws on Saturna (Joyce)**

Joyce distributed notes on the Temporary Use Permit related to living in a recreational vehicle on Mayne Island and housing related bylaws on Saturna. The following comments were made:

- The proposed Temporary Use Permit on Mayne Island has not been drafted yet
- Bylaws are typically more broad than a Temporary Use Permit and not full of conditions
- Bylaws could refer to specific standards for inspection and approval (i.e. CSA standards and North American Inspection standards referenced by Chief Dine)
- A Temporary Use Permit (TUP) would apply to the property owner and if the land was sold the TUP conditions would still apply
- One intended use of a Temporary Use Permit is to provide a mechanism to explore whether a more permanent bylaw should be instituted but also whether a specific land use is appropriate for a lot
- There are pros and cons for both Temporary Use Permits and for rezoning that must be considered as well as the option of not approving the use of recreational vehicles
- A temporary use permit (TUP) requires an expenditure of significant funds without any certainty that the proposed use will be allowed when the TUP expires
- By not renewing a Temporary Use Permit, the Local Trust Committee would be in the position of evicting someone – a tough role for an elected official

#### **4.4 Potential inspections of Recreational Vehicles (Mike)**

Discussion ensued about the potential for inspections of recreational vehicles. The following comments were made:

- There are different kinds of dwelling structures and they each have various issues

- Recreational vehicles have acceptable CSA standards to which they must conform; yurts and homemade tiny homes, on the other hand, do not – while the former can be inspected according to the safety standards, there are no such standards in place to inspect the latter
- Progress on developing standards for tiny homes is being made in the Regional District of Nanaimo; standards have also been recommended in the recently released Islands Trust report: *Tiny Homes on Wheels Enablement Project*
- The APC should initially focus its analysis on recreational vehicles with wheels
- The fire department has the capacity to carry out inspections on recreational vehicles
- A bylaw or Temporary Use Permit guidelines could include an inspection list
- The Capital Regional District has jurisdiction over fire safety
- Work done to create a fire safety inspection regime for food trucks might be transferable to a bylaw or Temporary Use Permit on North Pender for recreational vehicles

#### **4.5 Funding options to create affordable housing (Jay)**

Jay commented on funding options available to create affordable housing. Discussion ensued and the following comments were made:

- Plum Tree Court has room for expansion, but has stalled due to lack of funding and other constraints
- The Capital Regional District has funding to offset costs of building additional dwelling units (up to \$40k), and in return the homeowner has to rent out the unit for a period of five years at below market rates; the Provincial program with a similar formula has been ended
- The Capital Regional District is also providing funding to help offset rural housing pre-development costs (feasibility studies, engineering, site prep, etc.) that could potentially apply to development of the church property
- The Advisory Planning Commission can provide recommendations on potential funding sources and opportunities or barriers to developing on North Pender

#### **4.6 Pender Island Housing Association liaison (Theresa)**

Theresa reported that connecting with the Pender Island Housing Association is in progress. Discussion ensued and the following comments were made:

- The Pender Island Housing Association is the only real grassroots housing group on North Pender
- There is need for community support on North Pender, and the challenge is to get more people at community meetings
- BC Housing funding for projects can specify conditions that change how communities might market housing for locals
- BC Housing has a limited supply of funding
- Funders of affordable housing projects (especially the Capital Regional District) are looking for zoning, water and land ownership

- There is need to strategize a plan to increase housing options in a manner that islanders will support (e.g. begin with supporting worker accommodations and progress from there in digestible bites)
- Three groups are needed for affordable housing developments to succeed: a) Visionaries who start the ball rolling, b) a group with energy, expertise and willingness to pursue funding, and c) a group that operates the development

#### **4.7 Meeting with CRD (Peter and Brad)**

Deferred

#### **4.8 Discussion of the Trust’s Tiny Home document**

Deferred (maybe a Separate meeting?)

#### **4.9 Priority of other Housing Plan actions and role of APC**

Planner Smith reviewed the goals and actions of the Housing Action Plan and recommended assigning actions to each Advisory Planning Commission member.

Commission members agreed to individually research the following topics:

- Focus on bylaw changes, and specifically further investigate bylaws and temporary use permits related to recreational vehicles (Joyce)
- Investigate funding sources and mechanisms for multi-unit below market housing projects (Jay)
- Liaise with Pender Island Housing Society and the Community Resource Centre (Housing NOW Project) (Theresa)
- Focus on fire inspection issues (Mike)
- Build relationship with the Capital Regional District (Peter and Planner Smith)
- Investigate other suitable properties for housing for Pender workers (Lisa)

Discussion followed about new provincial housing legislation and development financing options from which the Islands Trust has been excluded.

#### **5. Delegations – None**

#### **6. Next Meeting**

Next APC meeting: August 15 at 9:30am.

Brief discussion ensued about what can be done for under-housed islanders who are living in recreational vehicles. Comments were made that the Local Trust Committee requested open bylaw enforcement files on recreational vehicles and that more discussion on the topic is needed.

7. **Adjournment**

**By general consent** the meeting was adjourned at 11:20 a.m.

\_\_\_\_\_  
Peter Pare, Chair

Certified Correct:  
\_\_\_\_\_  
Carly Bilney, Recorder



# ADOPTED

## Minutes of the North Pender Island Advisory Planning Commission

**Date:** August 15, 2025  
**Location:** North Pender Community Hall

**Members Present:** Lisa Baile  
Theresa Barker  
Mike Dine  
Jay Gilbert (electronic)  
Peter Pare  
Joyce Thayer

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

**Members of the Public:** There was one member of the public present (Alternate CRD Director Rob Fawcett).

### 1. Call to Order

Chair Pare called the meeting to order at 9:35 a.m.

### 2. Approval of Agenda

Add discussion of the draft Mayne Official Community Plan and bylaw.

**By general consent**, the agenda was approved as amended.

### 3. North Pender June 20, 2025 APC Minutes (for Adoption)

**By general consent**, the North Pender Advisory Planning Commission minutes of June 20, 2025 were adopted.

### 4. Discussion - Referral - Bylaw Amendment Options Review and CIM

Island Planner Smith outlined the new referral that asks the Advisory Planning Commission to make recommendations related to the Housing Action Plan. He made the following comments:

- The Advisory Planning Commission should aim to provide recommendations in a preliminary report for the October 3 meeting of the Local Trust Committee
- The Commission could review work on Mayne Island which has created a flexible housing zone
- The Suitable Land Analysis is on track to be completed for North Pender in early fall

- Commissioners should apply a broad lens to determine what language might be appropriate for the North Pender community and its Official Community Plan
- The aim is to complete the whole project by the end of the current Local Trust Committee's term next October

Island Planner Smith outlined the process for making changes to bylaws and the Official Community Plan. He explained that the Official Community Plan is intended to be a broader policy framework than the land use bylaw and other enabling bylaws, and the bylaws need to be consistent with the Official Community Plan. He added that there can be an Official Community Plan policy that is not enabled by a bylaw. Discussion continued and the following comments were made:

- The Advisory Planning Commission can support staff in recommending content to be included in a first draft of bylaws
- This is an opportunity to modernize content related to housing in the Official Community Plan (e.g. allowing for worker housing on commercial properties)
- The Official Community Plan may need to be adjusted to reflect allowances for living in recreational vehicles if that change is made

Discussion ensued about the suitability of secondary dwellings at Magic Lake and how flexible housing provisions might apply to different sized properties. Next, Island Planner Smith reviewed actions 4 through 9, 12 and 18 in the Housing Action Plan and brief discussion was held on each action. The following comments were made:

- The Advisory Planning Commission can discuss what might be required to allow for an additional dwelling unit (e.g. a floor area trade-off or a covenant approach housing agreement)
- There should be consideration given to community concerns that will arise
- The Commission should aim to provide, through staff, preliminary thoughts and recommendations at the October 3 Local Trust Committee meeting and a more formal report can follow
- Future work can explore opportunities to permit higher density multi-unit development when the Suitable Land Analysis can be applied
- Legalizing the use of recreational vehicles would probably be best achieved through a temporary use permit approach which could lead toward a more permanent structure
- It is the Islands Trust that will enforce the temporary use permits it issues
- If a temporary use permit that allows for living in a recreational vehicle is not renewed it could leave someone homeless
- It is important to acknowledge that enabling a temporary use permit for recreational vehicles will require an applicant to meet siting and density requirements and standards like sufficient septic and water
- Using temporary use permits for recreational vehicles will provide opportunity to create conditions around inspection, water and septic provisions
- A “small footprint dwelling” that has a defined maximum square footage might be a preferred term to use instead of “tiny home” - it would be good to separately define recreational vehicle and small footprint home
- Campground zoning includes provisions for annual safety inspections

The North Pender Local Trust Committee Resolution “that the North Pender Island Local Trust Committee request staff to schedule a special meeting to include a Community Information Meeting on Saturday October 25, 2025 for the Housing Access and Affordability project.” was discussed.

Island Planner Smith noted September 19 is the deadline to get a preliminary status report from the Advisory Planning Commission included in the agenda for the October 3 Local Trust Committee meeting.

**5. Questions for Mr. Rob Fenton regarding, RVs, An alternate Housing Option**

Rob Fenton and Mamie Hutt-Temoana joined the meeting at 10:52 a.m. and invited Commissioners to comment on their report about recreational vehicles as an alternate housing option. Commissioners made suggestions, and Island Planner Smith noted that the most transparent way to have the report considered would be to send it to the Trustees as part of the public correspondence; the Advisory Planning Commission can then refer to it in deliberations about whether a recreational vehicle park would be appropriate on North Pender.

Discussion continued about the regulatory pathway to establishing a recreational vehicle park on North Pender in an effort to meet a housing need, and the challenges of legalizing recreational vehicles for year-round use.

**6. Next Meeting**

September 12, 2025 at 9:30 a.m. (Anglican hall)

**7. Adjournment**

**By general consent** the meeting was adjourned at 11:27 a.m.

\_\_\_\_\_  
Peter Pare, Chair

Certified Correct:  
\_\_\_\_\_

Carly Bilney, Recorder



# DRAFT

## Minutes of the North Pender Island Advisory Planning Commission

**Date:** September 12, 2025  
**Location:** Fireside Room, St. Peter's Church

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

**Members Absent:** Mike Dine

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

**Members of the Public:** There was 1 member of the public present.

**1. Call to Order**

Chair Pare called the meeting to order at 9:32 a.m.

**2. Approval of Agenda**

**By general consent**, the agenda was approved as presented.

**3. North Pender August 15, 2025 APC Minutes (for Adoption)**

**By general consent**, the North Pender Advisory Planning Commission minutes of August 15, 2025 were adopted.

**4. Discussion of Draft APC Report**

Planner Smith commented that the framework of recommendations that the Advisory Planning Commission has drafted is on the right track. He made the following comments:

- The Commission could present a draft document for the Local Trust Committee to consider at the October 3 meeting (just speaking to the recommendations), and may also present at the Community Information Meeting on October 25 (a PowerPoint would be helpful); the Commission should aim to have a final (or further advanced) report by the November 21 meeting
- The goal is to generate more interest in housing on North Pender and a higher level of community engagement at the Community Information Meeting
- North Pender and other islands can benefit from the behind-the-scenes work that has been done to complete the Build-out Analysis for Mayne Island

- Build-out Analysis work for North Pender has begun and the hope is that a preliminary draft or map will be ready by October 3
- The Suitable Land Analysis is being worked on at the regional level and advancing at a similar pace as the Build-out Analysis
- The Advisory Planning Commission should continue to focus on changes to the land use bylaw in general and know that more site-specific recommendations can be detailed later
- The four-hour Community Information Meeting will include an open house for the first hour followed by a project update and action plan from Planner Smith, then the Advisory Planning Commission presentation (about 15 minutes), a break, and finally a breakout group session or roundtable discussion

A comment was made regarding the inaccuracy of census data related to density on North Pender Island, and Planner Smith commented that he would follow up.

Chair Pare suggested the Commission review the recommendations related to each action item (items 4-9, 12 and 18), and the following comments were made:

*Item 4 - Expand opportunities to create secondary suites and permit Accessory Dwelling Units (ADU)*

- A lot of language from Mayne Island's Flexible Housing Zoning was used
- Laying out different options then outlining the recommendation is helpful
- The square footage permitted on Mayne Island is currently lower than that of North Pender
- A suggestion was made to emphasize the goal to maintain rural character
- The province did a lot of policy work to allow up to four independent units on a property in Vancouver; that legislation does not specifically apply to the Trust Area, but the flexibility it offers could be built into a flexible zoning approach (e.g. a duplex or triplex could be appropriate on some lots and there could be a maximum floor area limit)

Commissioner Gilbert noted he would research how the provincial policy work could be applied on North Pender. He commented that multi-unit scenarios create parking issues and other considerations that affect the rural character. Discussion continued:

- Perhaps the recommendation should not restrict flexible zoning to within a specific radius of amenities since much of the land around the Driftwood Centre is in the Agricultural Land Reserve
- The Commission might recommend that the Local Trust Committee and staff use the Suitable Land Analysis to further refine areas where flexible zoning could be applied (flexible zoning does not always have to be close to community centres)
- Staff would ensure that the situation does not arise where a higher density is created than what the Official Community Plan allows; the policy should be fair so that everyone within the appropriate zone could apply for flexible zoning; applications could be approved on a first come first served basis until a threshold of need or density is reached; the Official Community Plan could be made to allow these changes as necessary

There was general consensus to remove the reference to a specific radius of amenities for flexible zoning and add the possibility of a duplex, triplex or fourplex.

*Item 5 - Explore opportunities for zoning changes to permit higher density Multi-Unit Development in areas with a concentration of community amenities*

- Rezoning is a step that can be taken to create the potential for higher density
- A multi-unit new build proposal that has significant community support may have a better chance of success than updating Plum Tree Court
- Prezoning is zoning a portion of land to allow for increased density rather than waiting for a project to arise and then seeking rezoning
- It would be helpful to set up a meeting with the Anglican Church to discuss prezoning a portion of its land
- Perhaps several areas of the island could be proactively zoned (“ready land”)
- Land should be permitted for rezoning to a higher density for seniors, affordable housing, and worker housing

A question was raised about what will happen to residents of Plum Tree Court if funding for upgrades is not raised. Discussion ensued and the following comments were made:

- Recommendations should prioritize the more immediate solutions to be enacted quickly
- Plum Tree Court has room to double, but cannot get the funding to do so unless without considerable community support
- The Commission can recommend options to encourage community involvement and a broader zoning scheme that allows projects to move forward
- Getting six extra units at Plum Tree Court is the quickest solution to address housing needs, then priorities should include rezoning to allow for worker housing and multi-unit affordable housing on the Anglican Church property

A suggestion was made to include a table that prioritizes recommendations.

*Item 6 - Explore legalizing the use of RVs in appropriate areas considering set-backs, parking, access, septic, available water, visual aesthetics, and fire safety*

- There are no standards in place that make legalizing the use of recreational vehicles safe
- Upgrading recreational vehicles so they are approved for a temporary use permit requires a significant amount of money and they will only be useful for a limited time; it makes more sense to put that money into a mobile home that meets established building standards
- Allowing temporary use permits for recreational vehicles will not address the real issue of people living in substandard conditions with no access to water or septic
- The unhoused population is not mentioned in the report
- This recommendation will create pushback from the community
- It would be helpful if the report mentions enforcement challenges and the increased risk and liability that would come with legalizing recreational vehicles
- Mayne Island has had a similar discussion that measures the risks and benefits of legalizing recreational vehicles and are reaching the same conclusion as the North Pender Advisory Planning Commission

*Item 7 - Explore opportunities to permit worker accommodation (e.g. at community firehalls, Driftwood Center etc.)*

- This should be prioritized

- Lack of housing creates staff shortages and reduced hours of operation; this is why the community should embrace action
- It is important to have a housing agreement to ensure it is for people who are working on North Pender
- Teachers had trouble getting a ten-month lease at the school
- The school property could be appropriate for market-based higher density
- The Driftwood Centre has asked the Islands Trust to consider adding three housing units
- It would be more appropriate to change the zoning to allow for worker housing (rather than affordable market-based rental units) as there would be no lack of suitable applicants
- Most housing agreements are applied to a BC Housing scheme that stipulates rent and who gets approved
- The Capital Regional District is working to create an effective system of individual housing agreements
- Mayne Island has a housing agreement bylaw specific to a particular individual
- The Capital Regional District has a budget for the Accessory Dwelling Unit Incentive Program; take up for the program has been low so there may be opportunity to ask the Capital Regional District if the program can be refiled
- It is easier to get a housing agreement with a non-profit whose incentive is to have affordable housing rather than a housing agreement with a private entity
- Zoning would restrict the units to worker accommodation or to affordable housing; restricting the units only to people who live on North Pender would be contrary to the Canadian Charter of Rights and Freedoms
- Worker accommodation at the Driftwood Centre could be limited to a worker, and once they are in the unit they are protected by the Residential Tenancy Act

*Item 8 - Explore permitting the use of Small Footprint Homes as ADUs or establishing higher density tiny home zones (e.g. modular home villages) in appropriate areas considering set-backs, parking, access, septic, available water, visual aesthetics and fire safety*

- Need to clarify we are not talking about all small footprint homes, just the ones on wheels (the lack of standards is the problem, not the wheels)
- Anything built to code is fine
- We should consider a minimum square footage in our recommendation
- By identifying the minimum square footage, guidance is provided for people who want to purchase such homes
- The report mentions the advantage of clustered villages

*Item 9 - Explore permitting non-market housing in all residential land use zones and in some public land use zones, where appropriate (e.g. school properties, community service)*

- “Non-market” implies it is subsidized housing subject to a housing agreement
- Non-market housing is affordable housing that is already contemplated in the Official Community Plan
- This recommendation is not a priority

*Item 12 - Explore options at time of subdivision to increase opportunities for affordable housing (e.g. land donation in exchange for rezoning to permit subdivision, allowing smaller lot sizes for affordable housing)*

- A land donation will not provide a viable parcel for affordable housing unless it is at least 12 acres
- When a property owner subdivides, they usually have to give five percent cash in lieu (you cannot sell zoning)

Commission Gilbert agreed to send written comments to Chair Pare.

*Item 18 - Review guidelines for Short Term Vacation Rentals (could include consideration of removal or amendment of Temporary Use Guidelines from OCP) and develop educational materials*

- A report from staff about Gabriola, where the Local Trust Committee opted into Bill 35, would be helpful
- Support was expressed for not allowing any new Temporary Use Permits for Short Term Vacation Rentals

**5. Who is Doing What?**

It was noted that the deadline for the Commission to send a draft (one or two-page outline that summarizes where the Commission is headed) to Planner Smith is September 22. A suggestion was made to include the preamble and a summary table that ranks priorities.

**6. Next Meeting**

Commissioners will determine the next meeting date after the October 3 meeting of the Local Trust Committee.

**7. Adjournment**

**By general consent** the meeting was adjourned at 11:18 a.m.

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Peter Pare, Chair

Certified Correct:

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Carly Bilney, Recorder

## Follow Up Action Report

### North Pender Island

25-Jul-2025

Progress	Activity	Responsibility	Dates	Status
0%	1 10.1 May 30, 2025 LTC meeting minutes adopted as presented	Emily Bryant	Target: 15-Aug-2025	Completed
0%	2 14.1 South Pender BL 129 and 14.2 Mayne Island BL 194/195 - Staff to respond that LTC interests are unaffected	Jas Chonk	Target: 15-Aug-2025	Completed
0%	3 14.3 PL-DP-2025-0171 (Ferguson) - Permit approved as amended - staff to issue permit, document monitoring requirements and close file	Bruce Belcher Emily Bryant Jas Chonk	Target: 15-Aug-2025	Completed
0%	4 15.2 Housing Project - staff to issue referral letter to APC with new resolution	Brad Smith Emily Bryant	Target: 08-Aug-2025	Completed
0%	5 17.2 LTC meeting procedures Repeal BL 238 - Given, 1, 2, 3rd reading and directed to send to EC for approval	Jas Chonk	Target: 31-Jul-2025	Completed
0%	6 17.3 North Pender Island LTC Public Notification Bylaw No. 239 given 1, 2, 3 reading and directed to send to EC for approval	Jas Chonk	Target: 31-Jul-2025	Completed
0%	7 15.2 Staff to schedule special meeting for Saturday October 25 re: Housing Access and Affordability Project	Emily Bryant Jas Chonk Lisa Millard	Target: 08-Aug-2025	Completed
0%	8 17.4 North Pender Island LTC BEN Bylaw No. 230 given 1, 2, 3 reading and directed to send to EC for approval	Jas Chonk Warren Dingman	Target: 31-Jul-2025	Completed




## Follow Up Action Report

### North Pender Island

25-Jul-2025

Progress	Activity	Responsibility	Dates	Status
60%	9 17.4 Staff to add Bylaw Enforcement Policy to Oct 3 agenda (DONE) and bring back draft policy document	Jas Chonk Warren Dingman	Target: 15-Aug-2025	Completed
100%	10 18.1 Nov 28 LTC meeting moved to Nov 21, staff to update meeting schedule and book venue etc.	Emily Bryant Lisa Millard	Target: 08-Aug-2025	Completed

**From:** Mamie [REDACTED]  
**Sent:** Monday, September 22, 2025 1:42 PM  
**To:** Brad Smith <[bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)>  
**Subject:** RVs - An Alternative Housing Option Report

\_RVS an Alternative Housing Option May 2025 with North Pender Initiative.pdf

Hello Brad,

Attached, please find the [\*\*RVs: An Alternative Housing Option Report including the North Pender RV Park Initiative\*\*](#) for distribution to the North Pender Islands Trust Committee's for their upcoming meeting.

The file is large. Should you have any accessibility issues please advise. Please feel free to contact us if you have any questions.

Thank you  
Rob Fenton and Mamie Hutt-Temoana

[REDACTED]  
[REDACTED]



# MEMORANDUM

DATE OF MEETING: October 3, 2025 File No.: SS-BL-546  
(SS-PL-RZ-2024-0021)  
 TO: North Pender Island Local Trust Committee  
 FROM: Jas Chonk, Legislative Clerk, Southern Team  
 SUBJECT: Referral: Proposed Bylaw No. 546

## PURPOSE

The Salt Spring Island Local Trust Committee has referred proposed Bylaw No. 546 (cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 4, 2025") to the North Pender Island Local Trust Committee.

## BACKGROUND

Islands Trust [Policy 4.1.9](#) Inter-Local Trust Committee Community Planning Bylaw Referral delineates how a local trust committee will implement a local trust committee referral process for community planning bylaws affecting another local trust committee or island municipality.

Additional information regarding this application including the preliminary staff report with site context, photos, correspondence, and other information can be found on the Salt Spring Island Current Applications webpage: <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/>

## NEXT STEPS

The following draft resolutions have been provided for consideration:

1. **If the LTC considers their interests unaffected by the bylaw:**  
*That the North Pender Island Local Trust Committee respond to the Salt Spring Island Local Trust Committee that interests are unaffected by proposed Bylaw No. 546.*
2. **If the LTC wishes to recommend proceeding with the bylaw for specific reasons:**  
*That the North Pender Island Local Trust Committee recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw No. 546 proceed for the following reasons:*
  - *[list reasons] ...*
3. **If the LTC wishes to recommend proceeding with the bylaw subject to conditions:**  
*That the North Pender Island Local Trust Committee recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw No. 546 proceed, subject to the following recommendations:*
  - *[list recommendations] ...*
4. **If the LTC wishes to recommend not proceeding with the bylaw:**  
*That the North Pender Island Local Trust Committee recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw No. 546 not proceed for the following reasons:*
  - *[list reasons] ...*

Submitted By:	Jas Chonk, Legislative Clerk	September 16, 2025
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## ATTACHMENTS

1. BYLAW REFERRAL FORM

**From:** Rob Pingle  
**Sent:** Wednesday, July 23, 2025 11:39 AM  
**To:** 'mtippett@cvrd.bc.ca'; Jas Chonk; Nadine Mourao;  
'realestate@crd.bc.ca'; 'amanda.vanderkloof@bcas.ca';  
'cathie.mcintyre@bcassessment.ca'; 'FrontCounterBC@gov.bc.ca';  
'saltspring@rcmp-grc.gc.ca'; 'jholmes@saltspringfire.com';  
'alc.referrals@gov.bc.ca'  
**Cc:** Oluwashogo Garuba  
**Subject:** Salt Spring Island Local Trust Committee Proposed Bylaw Nos 546 - For Response  
**Attachments:** SS-BL-546\_2025-07-24\_ReferralForm.pdf; SS-BL-546\_LUB\_AMD\_Draft.pdf

Dear Referral Coordinators,

We are contacting you in regards to a referral of Bylaw No. 546 (attached), which proposes to amend the Land Use Bylaw (LUB) to bring existing use into compliance at the expiration of existing Land Use Contract Bylaw 195 on the property at 355 Blackburn Road, Salt Spring Island.

Staff reports and other materials related to the proposed bylaw can be viewed on our website at: <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/> as PLRZ20240021.

A reply is respectfully requested by **September 23, 2025**.

Should you have any questions, or require further information on the Proposed Bylaw, please contact Islands Trust Planner Oluwashogo Garuba at (250) 538-5603 or

[ogaruba@islandstrust.bc.ca](mailto:ogaruba@islandstrust.bc.ca) and she would be happy to answer any questions you may have.

Referral responses should be addressed to myself at [rpingle@islandstrust.bc.ca](mailto:rpingle@islandstrust.bc.ca).

Thank you for your time and attention to this referral,

### **Rob Pingle**

Legislative Clerk | Deputy Secretary

Islands Trust | Salt Spring Island

Phone: 250-538-5600 | [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

*The new Islands Trust office at 121 McPhillips Avenue, Salt Spring Island is not open to the public at this time. Staff will continue to provide services by phone and e-mail until the new office space opens*

### **Preserving and protecting over 450 islands and surrounding waters in the Salish Sea**

*I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEĒ, Qualicum, scəwəθən, səlilwətał, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxuth', SÁÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁEŁP, WSIKEM, Xeláłtxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*



Islands Trust

# BYLAW REFERRAL FORM

4-121 McPhillips Avenue  
Salt Spring Island, BC V8K 2T6  
Ph: (250) 537-9144  
ssiinfo@islandstrust.bc.ca  
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 546 Date: July 24, 2025

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 60 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

**APPLICANTS NAME / ADDRESS:**

Darryl Janyk

**PURPOSE OF BYLAW:**

Land Use Bylaw amendment to bring existing use into compliance at the expiration of existing Land Use Contract Bylaw 195

**GENERAL LOCATION:**

355 Blackburn Road, Salt Spring Island

**LEGAL DESCRIPTION:**

THE NORTH EAST 1/4 OF SECTION 85, SOUTH SALT SPRING ISLAND, COWICHAN DISTRICT EXCEPT THAT PART IN PLAN 35855

**SIZE OF PROPERTY AFFECTED:**

26.8 ha (66.23 ac)

**ALR STATUS:**

ALR

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

Watershed Agriculture (WA)

**OTHER INFORMATION:**

Staff reports and other information is available at <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/> under PLR20240021 the application number for this rezoning bylaw

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: Oluwashogo Garuba

Title: A/Planner 2

This referral has been sent to the following agencies:

**First Nations**

- Cowichan Tribes
- Halalt First Nation
- Lyackson First Nation
- Penelakut Tribe
- Stz'uminus First Nation
- Malahat First Nation
- Pauquachin First Nation
- Semiahmoo First Nation
- Tsartlip First Nation
- Tsawout First Nation
- Tsawwassen First Nation
- Tseycum First Nation
- Ts'uubaa-Asatx (Lake Cowichan) First Nation

Salt Spring Island Coast Salish Society

**Provincial Agencies**

- Agricultural Land Commission
- BC Assessment Authority
- Front Counter BC

**Regional Agencies**

- CRD – All Referrals
- SSI Advisory Planning Commission
- SSI Agricultural Advisory Planning Commission

**Non-Agency Referrals**

- BC Ambulance Service
- RCMP
- SSI Fire-Rescue

**Adjacent Local Trust Committees and Municipalities**

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

Please note: items in **BLUE** are mandatory in each bylaw referral.

Items in **GREEN** are in relation to OCP policy B.4.4.2.4:

*The Local Trust Committee will continue to ask emergency response organizations to comment on emergency access and safety issues when the Committee is considering rezoning applications and applications for development permits or subdivision.*

# BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

\_\_\_\_\_  
Salt Spring Island Trust Area  
(Island)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
546  
(Bylaw Number)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Agency)



# MEMORANDUM

DATE OF MEETING: October 3, 2025 File No.: SS-BL-549  
(SS-PL-RZ-2025-0220)  
 TO: North Pender Island Local Trust Committee  
 FROM: Jas Chonk, Legislative Clerk, Southern Team  
 SUBJECT: Referral: Proposed Bylaw No. 549

## PURPOSE

The Salt Spring Island Local Trust Committee has referred proposed Bylaw No. 549 (cited as "Salt Spring Island Land Use Bylaw No. 355, 1999, Amendment No. 5, 2025") to the North Pender Island Local Trust Committee.

## BACKGROUND

Islands Trust [Policy 4.1.9](#) Inter-Local Trust Committee Community Planning Bylaw Referral delineates how a local trust committee will implement a local trust committee referral process for community planning bylaws affecting another local trust committee or island municipality.

Additional information regarding this application including the preliminary staff report with site context, photos, correspondence, and other information can be found on the Salt Spring Island Current Applications webpage: <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/>

## NEXT STEPS

The following draft resolutions have been provided for consideration:

1. **If the LTC considers their interests unaffected by the bylaw:**  
*That the North Pender Island Local Trust Committee respond to the Salt Spring Island Local Trust Committee that interests are unaffected by proposed Bylaw No. 549.*
2. **If the LTC wishes to recommend proceeding with the bylaw for specific reasons:**  
*That the North Pender Island Local Trust Committee recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw No. 549 proceed for the following reasons:*
  - *[list reasons] ...*
3. **If the LTC wishes to recommend proceeding with the bylaw subject to conditions:**  
*That the North Pender Island Local Trust Committee recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw No. 549 proceed, subject to the following recommendations:*
  - *[list recommendations] ...*
4. **If the LTC wishes to recommend not proceeding with the bylaw:**  
*That the North Pender Island Local Trust Committee recommend to the Salt Spring Island Local Trust Committee that proposed Bylaw No. 549 not proceed for the following reasons:*
  - *[list reasons] ...*

Submitted By:	Jas Chonk, Legislative Clerk	September 16, 2025
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## ATTACHMENTS

1. BYLAW REFERRAL FORM

**From:** Rob Pingle  
**Sent:** Wednesday, July 23, 2025 4:05 PM  
**To:** 'mtippett@cvrd.bc.ca'; Jas Chonk; Nadine Mourao;  
'realestate@crd.bc.ca'; 'amanda.vanderkloof@bcas.ca';  
'cathie.mcintyre@bcassessment.ca'; 'FrontCounterBC@gov.bc.ca';  
'saltspring@rcmp-grc.gc.ca'; 'jholmes@saltspringfire.com';  
'alc.referrals@gov.bc.ca'; 'Reed.Bailey@gov.bc.ca';  
'Jeffrey.Weightman@gov.bc.ca'; 'HBE@islandhealth.ca'  
**Cc:** Oluwashogo Garuba  
**Subject:** Salt Spring Island Local Trust Committee Proposed Bylaw No 549 - For Response  
**Attachments:** SS-BL-549\_2025-07-24\_ReferralForm.pdf; SS-BL-549\_LUB\_AMD\_Draft.pdf

Dear Referral Coordinators,

We are contacting you in regards to a referral of Bylaw No. 549 (attached), which proposes to amend the Land Use Bylaw to change the zoning from Residential 12 variant A (R12(a)) to Residential 13 to permit the development of 50 units of affordable housing, general offices, child day care centre and reduced minimum lot size for potential subdivision of the property at 154 Kings Lane, Salt Spring Island.

Staff reports and other materials related to the proposed bylaw can be viewed on our website at: <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/> as PLRZ20250220.

A reply is respectfully requested by **September 23, 2025**.

Should you have any questions, or require further information on the Proposed Bylaw, please contact Islands Trust Planner Oluwashogo Garuba at (250) 538-5603 or

[ogaruba@islandstrust.bc.ca](mailto:ogaruba@islandstrust.bc.ca) and she would be happy to answer any questions you may have.

Referral responses should be addressed to myself at [rpingle@islandstrust.bc.ca](mailto:rpingle@islandstrust.bc.ca).

Thank you for your time and attention to this referral,

### **Rob Pingle**

Legislative Clerk | Deputy Secretary

Islands Trust | Salt Spring Island

Phone: 250-538-5600 | [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

*The new Islands Trust office at 121 McPhillips Avenue, Salt Spring Island is not open to the public at this time. Staff will continue to provide services by phone and e-mail until the new office space opens*

### **Preserving and protecting over 450 islands and surrounding waters in the Salish Sea**

*I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEĒ, Qualicum, scəwəθən, səliwətəł, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SÁAUTW, Stz'uminus, łaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLEĒP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*



# BYLAW REFERRAL FORM

4-121 McPhillips Ave  
Salt Spring Island, BC V8K 2T6  
Ph: (250) 537-9144  
ssiinfo@islandstrust.bc.ca  
www.islandstrust.bc.ca

Island: Salt Spring Island Trust Area Bylaw No.: 549 Date: July 24, 2025

**You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 60 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.**

**APPLICANTS NAME / ADDRESS:**

Janis Gauthier

**PURPOSE OF BYLAW:**

To change subject property zoning from Residential 12 variant A (R12(a)) to Residential 13 to permit the development of 50 units of affordable housing, general offices, child day care centre and reduced minimum lot size for potential subdivision.

**GENERAL LOCATION:**

154 Kings Lane Road, Salt Spring Island

**LEGAL DESCRIPTION:**

LOT 2, SECTION 4, RANGE 3 EAST, NORTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 23507

**SIZE OF PROPERTY AFFECTED:**

1.44 ha (3.55 ac)

**ALR STATUS:**

NOT IN ALR

**OFFICIAL COMMUNITY PLAN DESIGNATION:**

Ganges Village Upper (GVU)

**OTHER INFORMATION:**

Staff reports and other information is available at <https://islandstrust.bc.ca/island-planning/salt-spring/current-applications/> under PLRZ20250220 the application number for this rezoning bylaw

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: Oluwashogo Garuba

Title: A/Planner 2

**This referral has been sent to the following agencies:**

**First Nations**

- Cowichan Tribes
- Halalt First Nation
- Lyackson First Nation
- Penelakut Tribe
- Stz'uminus First Nation
- Malahat First Nation
- Pauquachin First Nation
- Semiahmoo First Nation
- Tsartlip First Nation
- Tsawout First Nation
- Tsawwassen First Nation
- Tseycum First Nation
- Ts'uubaa-Asatx (Lake Cowichan) First Nation

Salt Spring Island Coast Salish Society

**Provincial Agencies**

- Agricultural Land Commission
- Ministry of Agriculture
- BC Assessment Authority**
- Ministry of Transportation & Infrastructure
- Front Counter BC**

**Regional Agencies**

- CRD – All Referrals**
- CRD – SSI Building Inspection
- CRD – Ganges Sewer Commission
- Vancouver Island Health Authority
- SSI Advisory Planning Commission
- SSI Agricultural Advisory Planning Commission

**Non-Agency Referrals**

- BC Ambulance Service**
- North Salt Spring Waterworks District
- RCMP**
- SSI Fire-Rescue**

**Adjacent Local Trust Committees and Municipalities**

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

**Please note:** items in **BLUE** are mandatory in each bylaw referral.

Items in **GREEN** are in relation to OCP policy B.4.4.2.4:

*The Local Trust Committee will continue to ask emergency response organizations to comment on emergency access and safety issues when the Committee is considering rezoning applications and applications for development permits or subdivision.*

# BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

\_\_\_\_\_  
Salt Spring Island Trust Area  
(Island)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
549  
(Bylaw Number)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Agency)



# MEMORANDUM

DATE OF MEETING: October 3, 2025 File No.: TC-BL-183  
(Policy Statement)  
 TO: North Pender Island Local Trust Committee  
 FROM: Jas Chonk, Legislative Clerk, Southern Team  
 SUBJECT: Referral: Proposed Bylaw No. 183

## PURPOSE

The Islands Trust Council has referred proposed Bylaw No. 183 (cited as "Islands Trust Policy Statement Bylaw, 2025") to the North Pender Island Local Trust Committee.

## BACKGROUND

Islands Trust [Policy 4.1.9](#) Inter-Local Trust Committee Community Planning Bylaw Referral delineates how a local trust committee will implement a local trust committee referral process for community planning bylaws affecting another local trust committee or island municipality.

Additional information regarding this project including the preliminary staff report with site context, photos, correspondence, and other information can be found on the Islands 2050 webpage: <https://islandstrust.bc.ca/programs/islands-2050/>

## NEXT STEPS

The following draft resolutions have been provided for consideration:

1. **If the LTC considers their interests unaffected by the bylaw:**  
*That the North Pender Island Local Trust Committee respond to the Islands Trust Council that interests are unaffected by proposed Bylaw No. 183.*
2. **If the LTC wishes to recommend proceeding with the bylaw for specific reasons:**  
*That the North Pender Island Local Trust Committee recommend to the Islands Trust Council that proposed Bylaw No. 183 proceed for the following reasons:*
  - *[list reasons] ...*
3. **If the LTC wishes to recommend proceeding with the bylaw subject to conditions:**  
*That the North Pender Island Local Trust Committee recommend to the Islands Trust Council that proposed Bylaw No. 183 proceed, subject to the following recommendations:*
  - *[list recommendations] ...*
4. **If the LTC wishes to recommend not proceeding with the bylaw:**  
*That the North Pender Island Local Trust Committee recommend to the Islands Trust Council that proposed Bylaw No. 183 not proceed for the following reasons:*
  - *[list reasons] ...*

Submitted By:	Jas Chonk, Legislative Clerk	September 16, 2025
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## ATTACHMENTS

1. BYLAW REFERRAL FORM



# BRIEFING

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**To:** Local Trust Committees and Islands Trust Conservancy      **For the Meeting of:** Varies

**From:** Trust Area Services      **Date Prepared:** August 15, 2025

**SUBJECT:** Bylaw Referral – Policy Statement Bylaw No. 183

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**PURPOSE:** The purpose of this briefing is to update local trust committees (LTCs) and Islands Trust Conservancy that Trust Council expects to receive referral responses from LTCs and Islands Trust Conservancy no later than February 6, 2026, not October 10, 2025 as stated in the original referral package sent out on August 7, 2025.

**BACKGROUND:** The original bylaw referral package sent to LTCs and Islands Trust Conservancy in August stated that referral responses must be received by October 10, 2025. However, this date did not take into account that the local engagement events requested by LTCs are spread out between September and late November, and so some LTCs may not want to respond to the referral until those events have been held.

It is appreciated by staff if LTCs could submit their referral response as soon as practicable following local engagement events.

**ATTACHMENT(S):** None

**FOLLOW-UP:** TAS staff will follow up with individual LTCs and Islands Trust Conservancy as needed.

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**Prepared By:** Jason Youmans, Senior Policy Advisor

**Reviewed By/Date:** Clare Frater, Director, Trust Area Services/August 20, 2025

## Jas Chonk

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**From:** Islands2050  
**Sent:** Friday, August 8, 2025 10:33 AM  
**To:** Nadine Mourao; Jason Youmans  
**Subject:** Bylaw Referral - Trust Council Bylaw 183 Policy Statement - For Response by October 10, 2025  
**Attachments:** 2025\_TC\_BL183-FRM-Agency-Referral.pdf; TC\_2025-07-29  
\_BL183PolicyStatement\_Schedule-A\_First-Reading.pdf

Dear Referral Coordinator(s),

We are reaching out to seek feedback from provincial and federal government agencies, Indigenous Governing Bodies, local trust committees and Bowen Island Municipality, school districts, regional districts, and improvement districts on the proposed Islands Trust Policy Statement, which was given first reading by Islands Trust Council on July 29, 2025.

The Islands Trust Policy Statement is a document required by Provincial legislation to be a general statement of the policies of the Islands Trust Council to carry out the [object](#) (mandate) of the Islands Trust. The proposed Policy Statement sets out Islands Trust Council's proposed principles and policy framework for planning and land use management within the lands and waters of the Island Trust Area. The Policy Statement guides the development of the official community plans and land use bylaws of local trust committees and Bowen Island Municipality, and the development of Trust Council's Strategic Plan. It is not a set of regulations that apply to land in the Islands Trust Area.

First reading of the Policy Statement bylaw followed a year of meetings by Islands Trust Council's Committee of the Whole and Trust Programs Committee, where the draft bylaw was reviewed and revised to address feedback received from Indigenous Governing Bodies, island residents, Islands Trust staff, legal counsel, and government agencies over the course of the project. Work on a new Islands Trust Policy Statement has been ongoing since 2019.

Please visit the Islands [2050 project webpage](#) for full project background information, including frequently asked questions.

Your organization may have provided a response when a previous draft of the new Policy Statement was referred out for comment in 2021. Since then, the document has been substantially revised and is now being referred out anew. If you would like to review a copy of your organization's response to the 2021 referral, please see the agency referral section of the project library on the [Islands 2050 project webpage](#).

Your informed response is important to this process and will support the Islands Trust Council in delivering the Islands Trust's provincially-mandated object "to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia."

### **Agencies Information Session Webinars**

Islands Trust will host two Zoom webinars for referral agencies to provide information about the proposed Policy Statement bylaw and to offer an opportunity for questions and answers.

**Please register in advance for one of the two sessions:**

- **Friday, September 5, 2025**, from 9:30 a.m. to 10:30 a.m. – [Register here](#)
- **Monday, September 8, 2025**, from 1:30 p.m. to 2:30 p.m. – [Register here](#)

After registering, you will receive a confirmation email with details on how to join the webinar.

**Your response to this referral is respectfully requested:**

Attached to this email is a bylaw referral package that includes our referral form and the proposed Policy Statement bylaw. Project information can be found on our website here:

<https://islandstrust.bc.ca/programs/islands-2050/>.

We understand that there are numerous demands on your time, however, we genuinely welcome any comments you may have. Your referral response to this proposed bylaw is respectfully requested by **October 10, 2025**. Referral responses will be provided to Islands Trust Council for its consideration, and publicly posted to the project webpage.

Should you have any questions or require further information, please contact Jason Youmans at [jyoumans@islandstrust.bc.ca](mailto:jyoumans@islandstrust.bc.ca) or at 250-405-5177.

**Please direct referral responses to [islands2050@islandstrust.bc.ca](mailto:islands2050@islandstrust.bc.ca)**

or by mail to:

Islands Trust - Islands 2050  
 200 – 1627 Fort Street  
 Victoria, BC V8R 1H8

Thank you for your time and attention to this matter.

Respectfully,

**Nadine Mourao**

Legislative Clerk / Deputy Secretary (she, her, hers)

Islands Trust

700 North Road | Gabriola BC V0R 1X3

T 250-247-2206 | [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

**Preserving and protecting over 450 islands and surrounding waters in the Salish Sea**

*I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K’ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səlilwətəl, SEMYOME, shisháhl, Skwəwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune’luxutth’, STAUTW, Stz’uminus, łaʔəmen, Ts’uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLEEP, WSIKEM, Xeláltxw, Xwémalkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*



# ISLANDS TRUST POLICY STATEMENT BYLAW REFERRAL FORM

Islands Trust – Islands 2050  
200 – 1627 Fort Street  
Victoria, BC V8R 1H8  
islands2050@islandstrust.bc.ca  
www.islandstrust.bc.ca

Island: Islands Trust Area Bylaw No.: TC 183 Date: August 6, 2025

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 60 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

### PURPOSE OF BYLAW:

The Islands Trust Act requires that Islands Trust Council adopt a Policy Statement. The current Policy Statement has not been substantively updated in over 30 years. The purpose of this bylaw is to update the Policy Statement through the lenses of reconciliation, climate change, and affordable housing.

### GENERAL LOCATION:

The Islands Trust Policy Statement is a general policy that applies to all of the Islands Trust Area, including Bowen Island. For a map of the Islands Trust Area, please visit: <https://islandstrust.bc.ca/mapping-resources/mapping/>

### YOUR RESPONSE IS RESPECTFULLY REQUESTED:

Your response to this referral will help to ensure that the Policy Statement advances the mandate of the Islands Trust, in cooperation with the Province, other agencies and Indigenous Governing Bodies. The Islands Trust Policy Statement requires the approval of the Minister of Municipal Affairs and Housing if it is to be used by Islands Trust Executive Committee and Trust Council to evaluate and approve bylaws submitted by local trust committees and island municipalities.

The proposed new Policy Statement contains policies that may affect your agency's interests. We would encourage you to review the [Islands 2050 project webpage](#) for additional information about the Policy Statement Amendment Project, including an FAQ. Please return the response form to [islands2050@islandstrust.bc.ca](mailto:islands2050@islandstrust.bc.ca)

### OTHER INFORMATION:

For more information on the Islands 2050 Policy Statement Amendment Project, including the draft Policy Statement: <https://islandstrust.bc.ca/programs/islands-2050/>

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 response and, if necessary, outline any conditions related to that response. Please note any legislation or official government policy that would affect our consideration of this Bylaw.

(Signature)

Name: David Marlor

Title: Secretary, Islands Trust

This referral has been sent to the following agencies:

#### Federal Agencies

Environment and Climate Change Canada  
Fisheries & Oceans, Canada (Fish Protection and Aquaculture - Pacific Region)  
Transport Canada  
Parks Canada

#### Regional Agencies

Capital Regional District  
Comox Valley Regional District  
Cowichan Valley Regional District  
Metro Vancouver Regional District  
Nanaimo Regional District  
qathet Regional District  
Sunshine Coast Regional District

#### School District Boards

School District No. 45 (West Vancouver – Gambier)  
School District No. 46 (Gambier)  
School District No. 64 (Gulf Islands: Galiano, Mayne, North Pender, South Pender, Salt Spring, Saturna)  
School District No. 68 (Gabriola/Ballenas Winchelsea)  
School District No. 69 (Lasqueti/Ballenas Winchelsea)  
School District No. 71 (Denman/Hornby)  
School District No. 79 (Thetis)

**Improvement District Boards**

Gabriola Fire Protection District  
Graham Lake Improvement District  
Schmidt Improvement District  
Galiano Estates Improvement District  
Gossip Island Improvement District  
Montague Improvement District  
Spanish Hills Improvement District  
Wise Island Improvement District  
Bennett Bay Waterworks District  
Campbell-Bennett Bay Improvement District  
Lighthouse Point Waterworks District  
Mayne Island Improvement District  
Village Point Improvement District  
Georgina Improvement District  
Razor Point Improvement District  
Trincomali Improvement District  
Harbour View Improvement District  
Mount Belcher Improvement District  
North Salt Spring Waterworks District  
Piers Island Improvement District  
Salt Spring Island Fire Protection District  
Scott Point Waterworks District  
Saturna Shores Improvement District  
Thetis Island Improvement District  
Vaucroft Improvement District

**Adjacent Local Trust Committees and Municipalities**

Ballenas-Winchelsea Islands Local Trust Committee  
Bowen Island Municipality  
Denman Island Local Trust Committee  
Gabriola Island Local Trust Committee  
Galiano Island Local Trust Committee  
Gambier Island Local Trust Committee  
Hornby Island Local Trust Committee  
Lasqueti Island Local Trust Committee  
Mayne Island Local Trust Committee  
North Pender Island Local Trust Committee  
Salt Spring Island Local Trust Committee  
Saturna Island Local Trust Committee  
South Pender Island Local Trust Committee  
Thetis Island Local Trust Committee  
Islands Trust Conservancy Board

**Provincial Agencies**

Agricultural Land Commission  
Attorney General (Housing Policy Branch)  
BC Ferries  
Ministry of Agriculture and Food  
Ministry of Energy and Climate Solutions  
Ministry of Energy and Climate Solutions (Climate Action Secretariat)  
Ministry of Mining and Critical Minerals  
Ministry of Environment and Parks  
Ministry of Environment and Parks (BC Parks and Conservation Officer Service Division)  
Ministry of Forests  
Ministry of Water, Land and Resource Stewardship (South Coast Office, Crown Lands, Water Licensing (Watershed Stewardship & Security Branch, Ecosystems, Archaeology)  
Ministry of Health  
Ministry of Indigenous Relations and Reconciliation (West Coast Office; South Coast Office)  
Ministry of Housing and Municipal Affairs (Governance and Structure Branch and Land Use Planning and Regional Impacts Branch)  
Ministry of Transportation and Transit on Vancouver Island and South Coast (via electronic Development Approvals System)

# 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

\_\_\_\_\_  
Islands Trust Area (Islands 2050)  
(Island)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
TC 183  
(Bylaw Number)

\_\_\_\_\_  
(Printed Name and Title)

\_\_\_\_\_  
(Agency)



# MEMORANDUM

DATE OF MEETING: October 3, 2025 File No.: MA-BLs-196-197  
(Housing Options Project)  
 TO: North Pender Island Local Trust Committee  
 FROM: Jas Chonk, Legislative Clerk, Southern Team  
 SUBJECT: Referral: Draft Bylaws 196 and 197

## PURPOSE

The Mayne Island Local Trust Committee has referred draft Bylaw No. 196 (cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2025”) and draft Bylaw No. 197 (cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2025”) to the North Pender Island Local Trust Committee.

## BACKGROUND

Islands Trust [Policy 4.1.9](#) Inter-Local Trust Committee Community Planning Bylaw Referral delineates how a local trust committee will implement a local trust committee referral process for community planning bylaws affecting another local trust committee or island municipality.

Additional information regarding this application including the preliminary staff report with site context, photos, correspondence, and other information can be found on the Mayne Island Current Projects webpage: <https://islandstrust.bc.ca/island-planning/mayne/projects/>

## NEXT STEPS

The following draft resolutions have been provided for consideration:

- 1. If the LTC considers their interests unaffected by the bylaw:**  
*That the North Pender Island Local Trust Committee respond to the Mayne Island Local Trust Committee that interests are unaffected by draft Bylaws 196 and 197.*
- 2. If the LTC wishes to recommend proceeding with the bylaw for specific reasons:**  
*That the North Pender Island Local Trust Committee recommend to the Mayne Island Local Trust Committee that draft Bylaws 196 and 197 proceed for the following reasons:*
  - *[list reasons] ...*
- 3. If the LTC wishes to recommend proceeding with the bylaw subject to conditions:**  
*That the North Pender Island Local Trust Committee recommend to the Mayne Island Local Trust Committee that draft Bylaws 196 and 197 proceed, subject to the following recommendations:*
  - *[list recommendations] ...*
- 4. If the LTC wishes to recommend not proceeding with the bylaw:**  
*That the North Pender Island Local Trust Committee recommend to the Mayne Island Local Trust Committee that draft Bylaws 196 and 197 not proceed for the following reasons:*
  - *[list reasons] ...*

Submitted By:	Jas Chonk, Legislative Clerk	September 19, 2025
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## ATTACHMENTS

1. BYLAW REFERRAL FORM



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.: 196 (OCP)/197 (LUB) Date: September 18, 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.

### PURPOSE OF BYLAW:

The purpose of Bylaw No. 196 and 197 is to support Mayne Island's need for more affordable housing options. The bylaws help to increase flexibility in zoning to permit additional housing units while balancing the need to preserve and protect the environment. They include the following:

- Updated population projections
- Updated definitions
- Increased flexibility for residential use in commercial areas
- Permission of accessory dwelling units on lots 0.4 ha -0.6ha
- Expansion of flexible housing zoning (permitting multiple units within a max floor area)
- Expanding permission for accessory residential use
- Policy related to permitting small unit cluster housing through rezoning
- TUP guidelines for tiny homes on wheels
- Permitting non-profit housing in most OCP designations
- Permitting a reduction in minimum parcel size to facilitate land for donation to government, not for profit organizations and First Nations
- Requiring freshwater cisterns for new builds
- Updated potable water requirements for subdivision
- Prohibiting groundwater fed swimming pools
- Establishment of floor area maximums
- Permitting RVs as temporary dwellings through Temporary Use Permit

### OTHER INFORMATION:

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

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](mailto:nchadwick@islandstrust.bc.ca)

PLEASE TURN OVER

**This referral has been sent to the following agencies:**

**Provincial Agencies**

Min. of Housing and Municipal Affairs

**Capital Regional District**

Capital Regional District Building Inspection  
Capital Regional District SGI Service Delivery

**Non-Agency Referrals**

Village Point Improvement District  
Bennett Bay Waterworks District  
Campbell-Bennett Bay Improvement District  
Laura Point Waterworks District  
Skana Water System (CRD)  
Surfside Park Estates Water Service Area (CRD)  
Gulf Islands School District No. 64  
WSANEC Leadership Council

**Adjacent Local Trust Committees and Municipalities**

Galiano Island Local Trust Committee  
North Pender Island Local Trust Committee  
Saturna Island Local Trust Committee  
South Pender Island Local Trust Committee  
Salt Spring 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  
Tsecum 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

Mayne Island Local Trust Area

\_\_\_\_\_  
(Island)

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)

196/197

\_\_\_\_\_  
(Bylaw Number)

\_\_\_\_\_  
(Name and Title)

\_\_\_\_\_  
(Agency)



File No.: Raptor Nest DPA Review  
Project

DATE OF MEETING: October 3, 2025  
TO: North Pender Island Local Trust Committee  
FROM: Brad Smith, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: Raptor Nest DPA Review Project – Draft Bylaw No. 235

## RECOMMENDATION

1. That the North Pender Island Local Trust Committee amends draft Bylaw No. 235, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023” by:
  - a. Updating *5.2.8.2 Designation* to include a 200 metre non-nesting period buffer area for Peregrine Falcons and 100 metre seasonal nesting period buffer areas for Osprey and Peregrine Falcons to align with provincial guidance;
  - b. Adding an exemption in *5.2.8.6 Development Permit Exemptions* for the construction or placement of a small accessory building or structure such as a pump house, gazebo, garden shed or storage structure if all of the following conditions are met:
    - i. The accessory building or structure is located entirely within the seasonal buffer;
    - ii. No native trees are removed or land altered by machinery;
    - iii. No building permit is required; and
    - iv. The total area or coverage of the accessory building or structure is less than 10 m<sup>2</sup>.
  - c. Updating *5.2.8.7 Guidelines* to include guidance where an application involves the development of a primary residence on a previously undeveloped residential parcel, and a significant portion or all of the developable area of the parcel falls within a raptor or heron DPA.
2. That the North Pender Island Local Trust Committee draft Bylaw No. 235, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023” be read a first time, as amended.
3. That the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 235, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023” is not contrary to or at variance with the Islands Trust Policy Statement.

4. That the North Pender Island Local Trust Committee directs staff to schedule a public hearing for proposed Bylaw No 235, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023" to be held November 21, 2025.
5. That the North Pender Island Local Trust Committee directs staff to update the Raptor Nest DPA Review Project Charter to reflect new timelines and other updates as presented in the October 3, 2025 staff report.

## REPORT SUMMARY

The purpose of this staff report is to update the North Pender Island Local Trust Committee (LTC) on the Raptor Nest DPA Review Project and to bring back draft Bylaw No. 235 for consideration of next steps.

The above recommendations are supported as:

- The proposed bylaw amendments are consistent with the recommendations of the professional report and current provincial best practices in respect of raptor and heron protection;
- Other administrative amendments have been made to make the DPA 7 provisions more consistent with other more recent OCP updates, provincial reference documents and legislative provisions;
- Significant public and property-owner engagement has been completed and the data set has been verified through two field seasons to review and confirm nest tree locations;
- Project timelines have been delayed to accommodate further public engagement; and
- Proceeding with first reading will initiate further public input to identify any issues or concerns with the proposed amendments.

## BACKGROUND

The LTC has been working on the Raptor Nest Development Permit Area Review project since May 2023. The review includes potential updates to Schedule O of the North Pender Island Official Community Plan No. 171, 2007 (OCP) and associated Development Permit Area 7 (DPA 7) guidelines.

With a second season of data inventory, bylaw referrals and another round of public and property owner engagement now completed, staff are seeking direction from the LTC on next steps.

## ANALYSIS

### Regulatory

#### *OCP Amendment - Bylaw No. 235*

Draft Bylaw No. 235 (Attachment 1) would replace the current OCP DPA 7 section with an entirely updated new section, and the existing Schedule O with a new Schedule O (Attachment 2).

The proposed changes to protect raptor trees are consistent with the recommendations of the RP. Bio and most recent [provincial guidelines](#). These guidelines provide the best practices for raptor conservation in BC.

Proposed amendments to DPA 7 provisions include:

- Additional context on special conditions or objectives that justify the designation;
- The expansion of minimum buffer areas to 60 – 100 m radius around nest trees (currently 30-50 m);

- The inclusion of increased breeding season quiet buffer requirements during nesting periods of up to a 200 m radius around nest trees (depending on species);
- Changes to critical nesting periods consistent with new provincial guidelines;
- Updates and minor amendments to the list of permit exemptions and DPA guidelines;
- Administrative amendments to better align section layout and wording with other more recently amended OCP sections and best practices;
- Updated referencing to provincial guidelines and legislation; and,
- Replacing Schedule O with a new updated Schedule O that includes existing and new nest trees and associated updated buffering distances based on most recent June 2025 data.

### Breeding Season Quiet Buffers

Draft Bylaw No. 235 includes 'Breeding Season Quiet Buffer' requirements as follows based on provincial guidelines for [raptor](#) (p. 24) and [Great Blue Heron](#) conservation:

- Bald Eagle - additional 100 m radius from any nest tree between February 5 and August 31.
- Great Blue Heron - additional 200 m radius from any nest tree between January 15 and September 15.

Based on provincial guidance in respect of buffer areas for other raptors (see ITC agency referral response section below), annual and seasonal buffer areas have also been included for Osprey and Peregrine Falcons:

- Osprey - additional breeding season buffer of a 100 m radius from any nest tree between April 21 and September 5.
- Peregrine Falcon – 200 m non-nesting season buffer plus an additional breeding season buffer of a 100 m radius from any nest tree between March 30 and July 20.

In some areas, such as in the higher density smaller lots in Trincomali, and within Magic Lake, these additional buffer areas would impact a significant number of lots where DPA requirements do not currently apply, which may make it difficult to administer and in some cases impractical.

Much of the community feedback and property owner concerns also relate to the size and application of buffer areas (further referenced below).

The LTC could consider changes to the currently proposed breeding season buffering requirements, including:

- Reduce their overall radius or removing them altogether;
- Make site specific zone changes where areas with higher density small lots are reduced or excluded;
- Include specific exemption(s) to allow for a reasonable amount of activity within quiet buffer areas that are deemed to not be impactful to breeding activity. For example, minor construction activities where no land alteration or building permit is required and no heavy machinery is use (see proposed exemption on p7 of staff report).

### ***Islands Trust Policy Statement***

Staff are of the view that draft Bylaw No. 235 is not contrary to or at variance with Islands Trust Policy Statement (ITPS) policies, in particular with respect to policies related to ecosystem protection and preservation, stewardship of resources, and growth and development. The ITPS policy checklist is included as Attachment 3.

## Land Use Bylaw No. 224

The proposed changes to DPA 7 provisions only require an OCP amendment and thus there no associated land use bylaw amendment requirements.

## DAI Bylaw

Staff have reviewed the raptor nest provisions within the North Pender Island Development Approval Information Bylaw No. 134 (DAI bylaw), and have identified no required amendments to the DAI bylaw to ensure alignment with the proposed DPA 7 OCP updates.

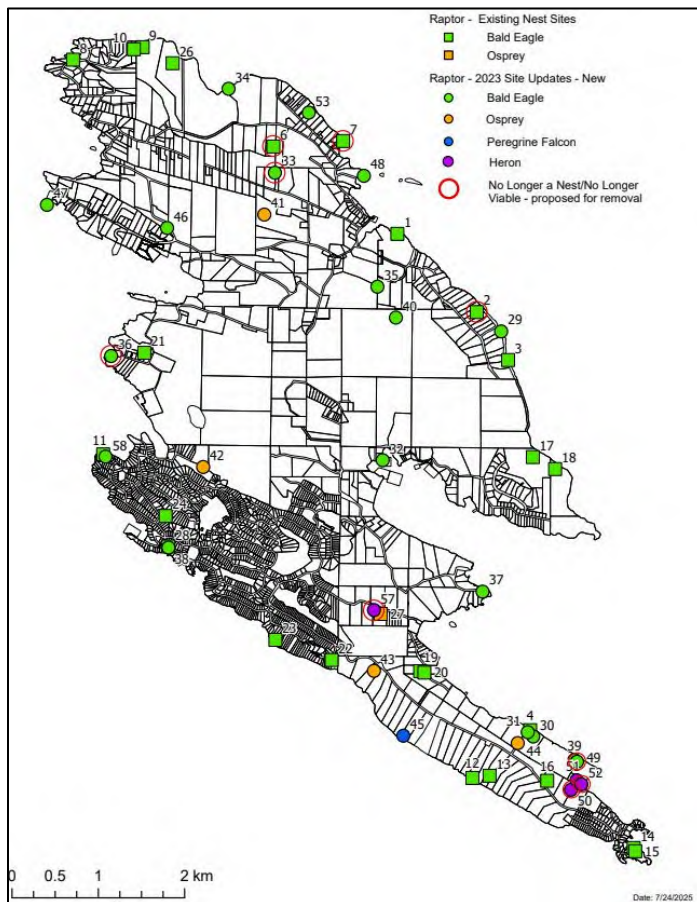
## Issues and Opportunities

### June 2025 Mapping Update

A second round of data inventory was completed in the 2025 breeding season to confirm nest tree locations.

This work has resulted in an updated data set with a number of nests removed from what was initially included in the original 2024 data set, as shown in the following map (also included as Attachment 4):

**Map 1. Updated Data Inventory including Sites Removed, June 2025**



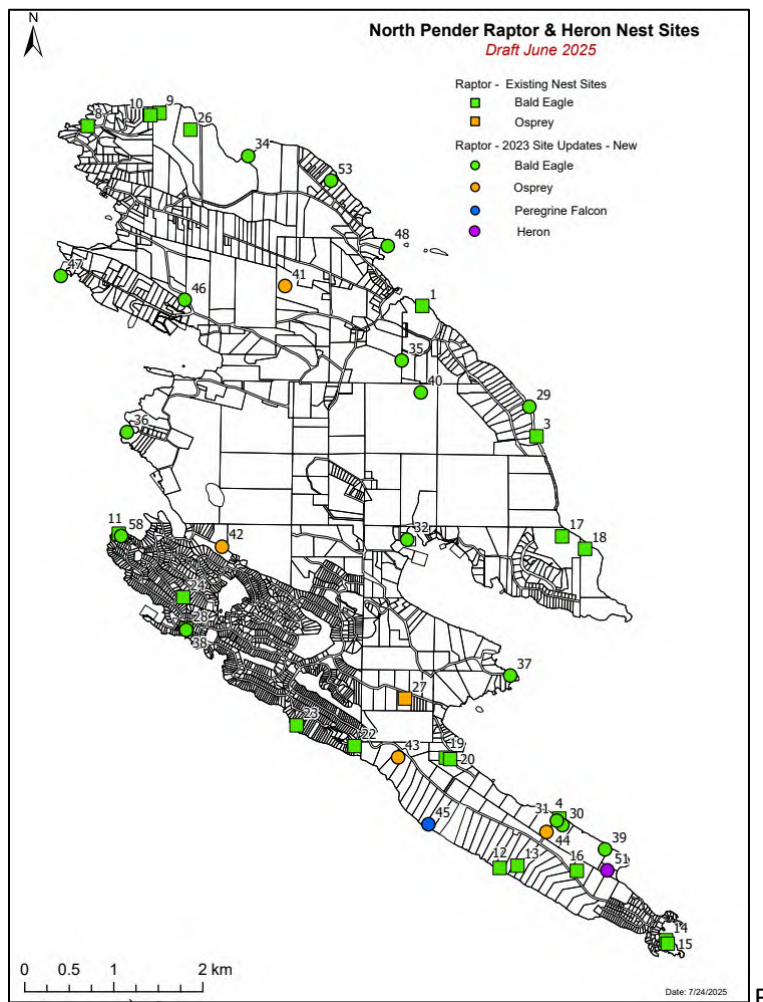
The final June 2025 inventory results in a total of 43 nest tree locations, including 21 existing and 22 new nest trees as shown in Table 1 and the following map (Attachment 4):

**Table 1. 2025 Nest Tree Inventory Results**

Species	Existing	New	Total
Bald Eagle	21	15	36
Osprey	1	4	5
Peregrine Falcon	0	1	1
Heron rookery*	0	1	1
Other species (e.g Owl)	0	0	0
<b>Totals</b>	<b>22</b>	<b>21</b>	<b>43</b>

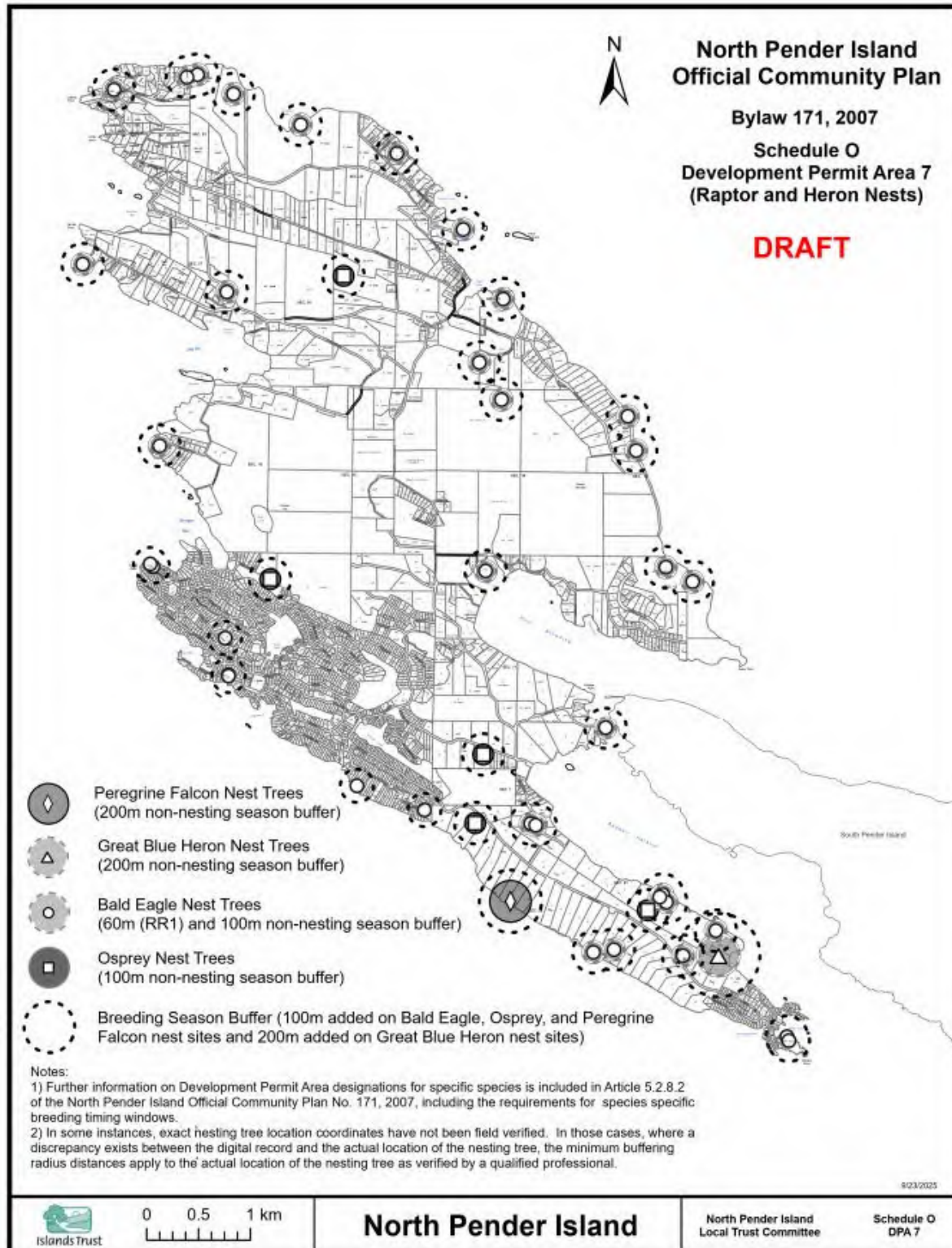
\* being treated as 1 area, but contains more than 1 nest tree

**Map 2. Updated Final Inventory, June 2025**



The 43 sites are included in the proposed new Schedule O map. For reference, the current [Schedule 0](#) has 24 nest tree polygons, all for Bald Eagles except for one osprey tree.

**Map 3. Proposed Updated Schedule O, October 2025**



## ***Project Charter Update***

Staff recommend updating the project charter as timelines have been delayed to allow for additional public and property owner consultation. Proposed amendments are included in track changes as Attachment 5.

## **Consultation**

### ***Property Owner Engagement***

Following up on the November 2024 letter sent to just property owners with a nest tree on their parcel, staff have now sent a second letter to property owners in June 2025 where either a new or existing nest tree has been identified, or where any portion of the property is within the proposed annual or seasonal breeding buffer area (Draft letter in Attachment 6, 337 letters in total).

In the letter, staff requested input by September 14, 2025. A number of responses have been received with a range of feedback and concerns with the proposed amendments (Attachment 7).

Much of the feedback has focussed on two concerns:

- 1) The size and application of seasonal buffers impacting all development activities on the land base, including minor incursions. To partially address this concern, staff recommend adding the following exemption to Bylaw No. 235:

- n) The construction or placement of a small accessory building or structure such as a pump house, gazebo, garden shed or storage structure if all the following apply:
- i) The accessory building or structure is located entirely within the seasonal buffer;
  - ii) No native trees are removed or land altered by machinery;
  - iii) No building permit is required; and
  - iv) The total area or coverage of the accessory building or structure is less than 10 m<sup>2</sup>.

- 2) The impact of DPA 7 on lots that are undeveloped resulting in a ‘sterilization’ of development potential. To partially address this concern, staff recommend adding the following additional guideline to Bylaw No. 235:

5. Where an application involves the development of a primary residence on a previously undeveloped residential parcel, and a significant portion or all of the developable area of the parcel falls within a raptor or heron DPA, development should, where feasible;:
- a) Be designed and sited in a way that minimizes impacts to raptor and heron activities within the DPA, including siting development outside the DPA where possible;
  - b) Consider the establishment of a ‘residential home plate’ as a permit condition that delineates an area within the parcel where residential uses, including dwellings, driveways, and ancillary uses, must be sited.

With respect to mapping, there have been very few concerns raised with actual nest tree locations in this second round of consultation, indicating that the latest inventory of sites is reasonably accurate.

With respect to nest trees #28 and 38 near Thieves Bay that are specifically referred to in one of the property-owner letters, volunteers have further assessed the two trees and confirm they both remain viable.

### ***First Nations Referrals***

Staff have provided First Nations with an initial engagement letter, a follow-up letter including the 2024 Rp Bio. professional report, and draft Bylaw No. 235 for referral. Three First Nations have responded (Attachment 8).

Staff had a Zoom meeting with the Mahalat Nation referral coordinator in December 2024. Feedback was positive and no concerns were raised. This is confirmed in a follow-up referral response letter stating no objections to draft bylaw No. 235.

Tsawwassen First Nation (TFN) has no concerns. Staff have provided the final report for the project to the Nation as requested in their referral response.

Ts'uubaa-asatx-Nation defers to any Nation(s) whose title and governing authorities are directly affected while retaining the right to revise their assessment if greater interests are identified in the future.

No other responses were received from First Nations as part of project engagement and bylaw referral.

### ***Agency Referrals***

Staff have referred draft Bylaw No. 235 to the following agencies:

- CRD, Planning and Protective Services and Building Inspection
- Ministry of Municipal Affairs
- Ministry of Water, Land and Resource Stewardship – Wildlife Stewardship
- Pender Island Parks and Recreation Commission
- Pender Islands Conservancy
- Islands Trust Conservancy
- Parks Canada
- Mayne Island Local Trust Committee
- South Pender Island Local Trust Committee
- Saturna Island Local Trust Committee
- Salt Spring Island Local Trust Committee

The Island Trust Conservancy is supportive of the amendments but provides the following comments:

1. The LTC may want to add recommended breeding season buffer zones for Western screech owl, as per the publication: ‘Environmental Guidelines for Urban and Rural Land Development in British Columbia: Fact Sheet 12 – Western screech owl’ (<https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/develop-with-care/fact-sheet-12-screech-owl.pdf>), which reads, in part: “An additional 200 m ‘no disturbance’ buffer is recommended during the breeding season (March 15–August 31), when the female and nestlings are even more susceptible to human disturbance.”

2. The LTC may want to add more explicit information about recommended breeding season buffers for all other raptors and owls that occur in the Islands Trust Area, as per the publication ‘Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia (2013)’ ([https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/raptor\\_conservation\\_guidelines\\_2013.pdf](https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/raptor_conservation_guidelines_2013.pdf)).

In respect of comment 1, there are no mapped Western Screech owl nest trees currently in the dataset, so staff have not included guidance for owls. In the future, if a Western Screech Owl nest tree (or any ‘other raptor nest tree’ not currently mapped) was identified for inclusion in the data set, the DPA 7 guidelines would also need to be amended at that time to include appropriate annual and seasonal breeding buffer areas.

Comment 2 refers to the provincial guidance table for buffering areas in respect of ‘other raptors’ and the application of buffer areas based on a ranked “Ability to Co-exist”, as described in the table below:

**Table 6: Recommended minimum buffers for nesting raptors**

Ability to co-exist*	Undeveloped	Rural	Urban	Breeding season 'quiet' buffer (additional)
"High" and "moderate-high"	200 m	100 m	1.5 tree lengths or 50 m from cliff	100 m
"Moderate"	500 m	200 m	1.5 tree lengths or 50 m from cliff	100 m
"Low-moderate" and "low"	500m	As advised by Professional Biologist**	As advised by Professional Biologist**	As advised by Professional Biologist**

'Undeveloped' applies to large tracts of previously undeveloped forest or grasslands that are being developed into lots of 5 ha or less. In undeveloped areas, most birds have likely had less contact with humans and will be less tolerant of human presence. 'Rural' applies to lots sizes of 1–5 ha that are being further subdivided or developed. 'Urban' applies to lots that are 1 ha or less and are being further subdivided, developed, or modified in some way. In urban areas, buffer widths are smaller because some birds will have developed greater tolerance to human activity, and the high demand for land and/or previous developments may preclude larger buffers.

'Breeding season quiet buffer' is an additional buffer distance that should be used where land contouring, construction, or any unusual or sudden loud activities (e.g., tree felling, chain saws, concrete cutters, large trucks, whistles, fireworks, or banging devices) is to take place during the active breeding season. During their breeding season, especially during early courtship and egg-laying periods, birds are very sensitive to noise disturbances and may desert their nests and young. This distance is ADDED to the prescribed buffer. For more information about breeding seasons, see the species accounts in Section 10.

Where a Species at Risk has a [Recovery Plan](#), that report's recommended buffers and timing take precedence to this table. Always check for the latest information when dealing with species at risk.

\*\*Ability to Co-exist" refers to the species' tolerance to activity near the nest site. This may differ from the tolerance rating shown in Table 3 (page 26) which also includes disturbances near feeding and winter habitats. Species listed below are those known to nest in proximity to rural or urban habitats in B.C. Should nests of other species be found where they may conflict with potential development activities, the advice of a Professional Biologist should be sought before proceeding with activities that may disturb the nest site.

- Species with "high" tolerance: Osprey, Red-tailed Hawk, Great Horned Owl, and Barred Owl
- Species with "moderate-high" tolerance: Bald Eagle, Cooper's Hawk, Swainson's Hawk, American Kestrel, Merlin, Barn Owl, and Northern Saw-whet Owl
- Species with "moderate" tolerance: Turkey Vulture, Sharp-shinned Hawk, Peregrine Falcon, Northern Harrier, Flammulated Owl, Western Screech-Owl, Short-eared Owl, Long-eared Owl, and Northern Pygmy Owl
- Species with "low-moderate" tolerance: Burrowing Owl, Red-legged Hawk, and Prairie Falcon
- Species with "low" tolerance: Golden Eagle, Northern Goshawk, and Spotted Owl

\*\*Where professional advice is recommended, ensure that the individual has expertise with that species to determine an appropriate buffer.

33 February 2013

To be consistent with provincial guidance, staff recommend adding seasonal buffer areas for mapped occurrences of Osprey (5 nest trees) and Peregrine Falcon (1 nest tree) as follows:

- Osprey - additional breeding season buffer of a 100 m radius from any nest tree between April 21 and September 5.
- Peregrine Falcon – 200 m non-nesting season buffer plus an additional breeding season buffer of a 100 m radius from any nest tree between March 30 and July 20.

Draft Bylaw No. 235 including Schedule O has been updated to reflect these changes.

The Pender Islands Conservancy recommends approval of Bylaw No. 235 as stated in their response:

The proposed revisions to the Raptor and Heron Nest DPA for North Pender Island bring our OCP into alignment with provincial standards, and those adopted by local governments across the province. They will more effectively protect raptors from disturbance during critical stages in the breeding season; given other concurrent stressors such as avian flu and loss of food resources (e.g. salmon) for many species, these additional protections are needed now more than ever. Current provincial guidelines are informed by stress physiology and an understanding of individual variation in tolerance and sensitivity of birds within populations, and the suggested variation in buffer size in Rural versus Rural Residential areas acknowledges this variation. We applaud the Trustees and staff for their work on this process, and we encourage improved efforts to ensure effective enforcement of this and all DPAs. The leadership you are showing in this process could additionally be extended to better secure other sensitive and threatened ecosystem components such as wetlands to improve the accuracy of their representation in DPAs; currently there are many sensitive ecosystems that are not sufficiently protected, simply because of lack of precision and groundtruthing during the early stages of DPA establishment. This is increasingly essential to maintain and improve biodiversity and resilience of ecosystems and the critical services they provide our community, particularly in the context of climate change.

CRD response: Regional Parks – No impact on interests Integrated Water Services – No comments

Ministry of Municipal Affairs responded that the list of appropriate First Nations has been followed. They defer any other comments to the Ministry of Water, Land and Resource Stewardship, who did not respond.

Mayne, South Pender, Saltspring and Saturna Island LTC's interests are unaffected.

### ***Statutory Requirements***

In accordance with regular statutory requirements, and given an OCP amendment is required in this case, a public hearing is mandatory and it is normal practice to hold a Community Information Meeting (CIM) prior to that.

Staff recommend holding a public hearing for draft Bylaw No. 235 at the next regular meeting on November 21, 2025. Staff recommend holding a CIM immediately prior to the public hearing on November 21 as there have already been two standalone CIMs held for this project.

Public hearing notice would be posted as per statutory and bylaw requirements in advance of a public hearing.

### **Rationale for Recommendation**

The recommendations on page 1 are supported as:

- The proposed bylaw amendments are consistent with the recommendations of the professional report and current provincial best practices in respect of raptor and heron protection;
- Other administrative amendments have been made to make the DPA 7 provisions more consistent with other more recent OCP updates, provincial reference documents and legislative provisions;
- Significant public and property-owner engagement has been completed and the data set has been verified through two field seasons to review and confirm nest tree locations;
- Project timelines have been delayed to accommodate further public engagement; and
- Proceeding with first reading will initiate further public input to identify any issues or concerns with the proposed amendments.

**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. Recommended wording for the resolution is as follows:

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

**2. Make other amendments to Bylaw No. 235**

The LTC could further amend the bylaw. Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee Bylaw No. 235, amends draft Bylaw No. 235, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023" by...*

**3. Not Proceed with the Project**

The LTC may decide to not proceed with the project.

**4. Receive for information**

The LTC may receive the report for information.

**NEXT STEPS**

With direction from the LTC, staff will initiate the scheduling of a public hearing and CIM for November 2, 2025.

Submitted By:	Brad Smith, Island Planner	September 17, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	September 18, 2025

**ATTACHMENTS**

1. Draft Bylaw No. 235 – Redline and Clean
2. Draft Schedule O Map, Hi Res, October 2025
3. ITPS Policy Checklist
4. June 2025 Mapping Updates
5. Project Charter v3, October 2025
6. Property Owner Engagement Letter, June 2025
7. Public submissions
8. First Nations referrals

# DRAFT

## NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 235

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

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

#### 1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023”.

#### 2. SCHEDULES

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

#### 3. SEVERABILITY

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

READ A FIRST TIME THIS	_____	DAY OF	_____	20__
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20__
READ A SECOND TIME THIS	_____	DAY OF	_____	20__
READ A THIRD TIME THIS	_____	DAY OF	_____	20__
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20__
APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS THIS	_____	DAY OF	_____	20__
ADOPTED THIS	_____	DAY OF	_____	20__

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 235**

**SCHEDULE 1**

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

1. Subsection 5.2.8 Development Permit Area Seven – Raptor Nests, is deleted in its entirety and replaced with the following:

“5.2.8 DEVELOPMENT PERMIT AREA SEVEN - RAPTOR AND HERON NESTS

5.2.8.1 Development Approval Information

This development permit area is designated as an area for which development approval information may be required as authorized by Section 485(1) of the *Local Government Act*. The designation of these as areas, for which development approval information may be required, is based on the special conditions or objectives supporting the designation of the DPA. Development approval information means information on the anticipated impacts of the proposed activity or development in the form of a report from a qualified professional.

All applications shall be consistent with all requirements established in the fees bylaw, development procedures bylaw and development approval information bylaw adopted by the North Pender Island Local Trust Committee.

5.2.8.2 Designation

Development Permit Area Seven is shown in a generalized representation on Schedule O and includes a minimum 60 metre radius around identified eagle, Great Blue Heron and other raptor nest trees and cliff sites, including for Peregrine Falcons and Osprey.

Development Permit Areas are designated as follows:

- a) For Bald Eagle Nest Trees – the Development Permit Area applies to all mapped trees containing Bald Eagle nests and is:
  - i. a 60 m radius from nest trees in high density areas (lands zoned Rural Residential One in North Pender Island Land Use Bylaw No. 224, 2022
  - ii. a 100 m radius from nest trees in all other zones in North Pender Island Land Use Bylaw No, 224, 2022.
  - iii. an additional 100 m radius from any nest tree during the breeding season as a ‘Breeding season quiet buffer’ of February 5<sup>th</sup> to August 31<sup>st</sup>.
- b) For Great Blue Heron Nest Trees – the Development Permit Area applies to all mapped trees containing Great Blue Heron nests, and is:
  - i. a 200 m radius from nest trees in all zones of North Pender Island Land Use Bylaw No. 224, 2022.

- ii. an additional 200m radius from any nest tree during the breeding season of January 15 to September 15.
- c) For Osprey Nest Trees – the Development Permit Area applies to all mapped trees containing Osprey nests and is:
- i. a 100 m radius from nest trees in all zones of North Pender Island Land Use Bylaw No. 224, 2022;
  - ii. an additional 100 m radius from any nest tree during the breeding season of April 21 to September 5.
- d) For Peregrine Falcon Nest Trees and Cliff Sites – the Development Permit Area applies to all mapped trees and cliff sites containing Peregrine Falcon nests and is:
- i. a 200 m radius from nest trees in all zones of North Pender Island Land Use Bylaw No. 224, 2022;
  - ii. an additional 100 m radius from any nest tree during the breeding season of March 30 to July 20.

Schedule O depicts all trees designated as raptor and heron nest trees, including appropriate non-nesting and nesting season buffers areas for each tree based on the bird species utilizing each tree as described above.

The definitive designation and delineation of Development Permit Area Seven consists of a digital record compiled by means of air photograph interpretation and verification through field studies. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

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 radius distances apply to the actual location of the nesting tree as verified by a qualified professional.

### 5.2.8.3 Special Conditions or Objectives that Justify the Designation

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia.”

The North Pender Island Local Trust Area contains habitat used by bald eagles, other raptors and great blue herons for nesting and breeding.

Bald Eagles are a regionally significant species and include both resident and wintering birds. Resident eagles establish a territory around a nest, with most pairs using the same site for all their breeding life. Nests are semi-permanent structures which represent a considerable investment of energy. Nest abandonment – either permanent or temporary – can result from tree damage or removal, nest damage or human disturbance during the critical nesting period from January 15 to August 30.

Eagle nest trees requirements are specialized: typically large, very old trees near the water and although second growth trees are sometimes used, most nest trees are Douglas-firs over 150 years

of age, usually within one kilometre of the shoreline. Human activity related to logging and land development have resulted in the loss of nest sites, which results in a permanent reduction in the nesting population. Gradual loss of nesting habitat is considered to be the most significant factor affecting bald eagle abundance in B.C. (Province of BC. Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development) and specifically on Vancouver Island and the Gulf Islands, habitats within low-elevation coastal habitats in the Coastal Douglas-fir Biogeoclimatic zone have been degraded by human developments (Province of BC. Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia 2013).

‘Breeding season quiet buffer’: During their breeding season (Feb 5 to Aug 31), especially during early courtship and egg-laying periods, bald eagles are very sensitive to noise disturbances and may abandon their nests and young.

Great Blue Herons are a Species of Special Concern in Canada and are blue-listed in British Columbia. The number of active nests on Vancouver Island and the Gulf Islands averages 525 annually. Bald eagles require large territories and generally locate nest sites 1 km away from another breeding pair. Both species nest near large bodies of water such as lakes, large rivers or the ocean, near their main food source. The loss of available nesting habitat due to human disturbance reduces the birds’ ability to reproduce and successfully raise their young.

Great Blue Heron breeding sites are concentrated in the Strait of Georgia, with large colonies generally occurring in relatively contiguous forest, fragmented forest or solitary trees and associated with extensive estuarine mudflats and eelgrass beds. Avoid any new disturbance, especially early in the season as herons are particularly susceptible to disturbance. Great Blue Heron breeding window is between January 15 and September 15.

During their breeding season (Jan 15 to Sept 15), especially early in the breeding season, herons are very sensitive to noise disturbances and may abandon their nests and young.

Colonies are dynamic, especially in areas of high disturbance and habitat destruction and human disturbance has been implicated in historical colony abandonment. In particular, disturbance from humans can cause herons to temporarily abandon breeding attempts, allowing predators to take eggs.

The Province of British Columbia recommends a buffer of at least 300 m in undeveloped areas, 200 m in rural areas, and 60 m in urbanized areas. An additional 200 metre ‘no disturbance’ buffer is recommended during the nesting season, especially for colonies not previously accustomed to people and their activities. (Develop with Care 2014: Fact Sheet #11 - Great Blue Heron: Environmental Guidelines for Urban and Rural Land Development in British Columbia).

Other mapped raptor nest sites include for Ospreys and Peregrine Falcons. Healthy raptor populations are important in maintaining a balance in prey populations. Protection of habitat, including nesting areas, is important in order to maintain raptor populations. The Province of British Columbia recommends a buffer from nest sites of at least 100 m in rural areas for Osprey and 200 m for Peregrine Falcons. An additional 100 metre ‘no disturbance’ buffer is recommended during the nesting season for Osprey and Peregrine Falcons.

In considering the issuance of a development permit, the LTC should be satisfied that the objectives of the DPA have been met where applicable and may impose conditions where appropriate.

The objective of this development permit area is as follows:

1. To preserve and protect raptor and heron nesting sites.

#### 5.2.8.4 Authority

This development permit area is established, pursuant to Section 488(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity. In considering the issuance of a development permit, the LTC should be satisfied that the objective of the DPA has been met where applicable and may impose conditions where appropriate.

#### 5.2.8.5 Applicability

Section 489 of the *Local Government Act* provides that within areas designated as Development Permit Areas in an official community plan:

- (a) land must not be subdivided,
- (b) construction of, addition to or alteration of a building or structure must not be started;
- (c) land must not be altered;

unless the owner first obtains a Development Permit or an exemption under s 488(4) applies.

#### 5.2.8.6 Development Permit Exemptions

The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other applicable local, provincial or federal requirements.

- a) for certainty: development or alteration of land occurring outside of a development permit area;
- b) the placement of impermanent structures , such as benches, tables and garden ornaments;
- c) submission to the Islands Trust of a written statement from a registered professional biologist with relevant experience, stating that the proposed work would have no impact on any raptor or heron nesting site;
- d) forest management activities on land classified as managed forest land under the *Private Managed Forest Land Act*;
- e) forest management activities on land that is the subject of a valid and subsisting woodlot license or tree farm license under the *Forest Act*;
- f) work undertaken by an agent of the Crown;
- g) gardening and yard maintenance activities within an existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land;
- h) the removal of dangerous trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- i) the removal of invasive, non-indigenous trees or vegetation;
- j) the removal of trees or vegetation minimally necessary for the construction of any of the uses, buildings or structures exempted from the requirement for a development permit;

- k) the repair, maintenance, alteration or reconstruction of existing legal or legal non-conforming buildings, structures or utilities provided there is no alteration of undisturbed land or vegetation (building permit may be required);
- l) the repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing;
- m) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in the *Agricultural Land Reserve Use Regulation*; or,
- n) The construction or placement of a small accessory building or structure such as a pump house, gazebo, garden shed or storage structure if all the following apply:
  - i) The accessory building or structure is located entirely within the seasonal buffer;
  - ii) No native trees are removed or land altered by machinery;
  - iii) No building permit is required; and
  - iv) The total area or coverage of the accessory building or structure is less than 10 m<sup>2</sup>.

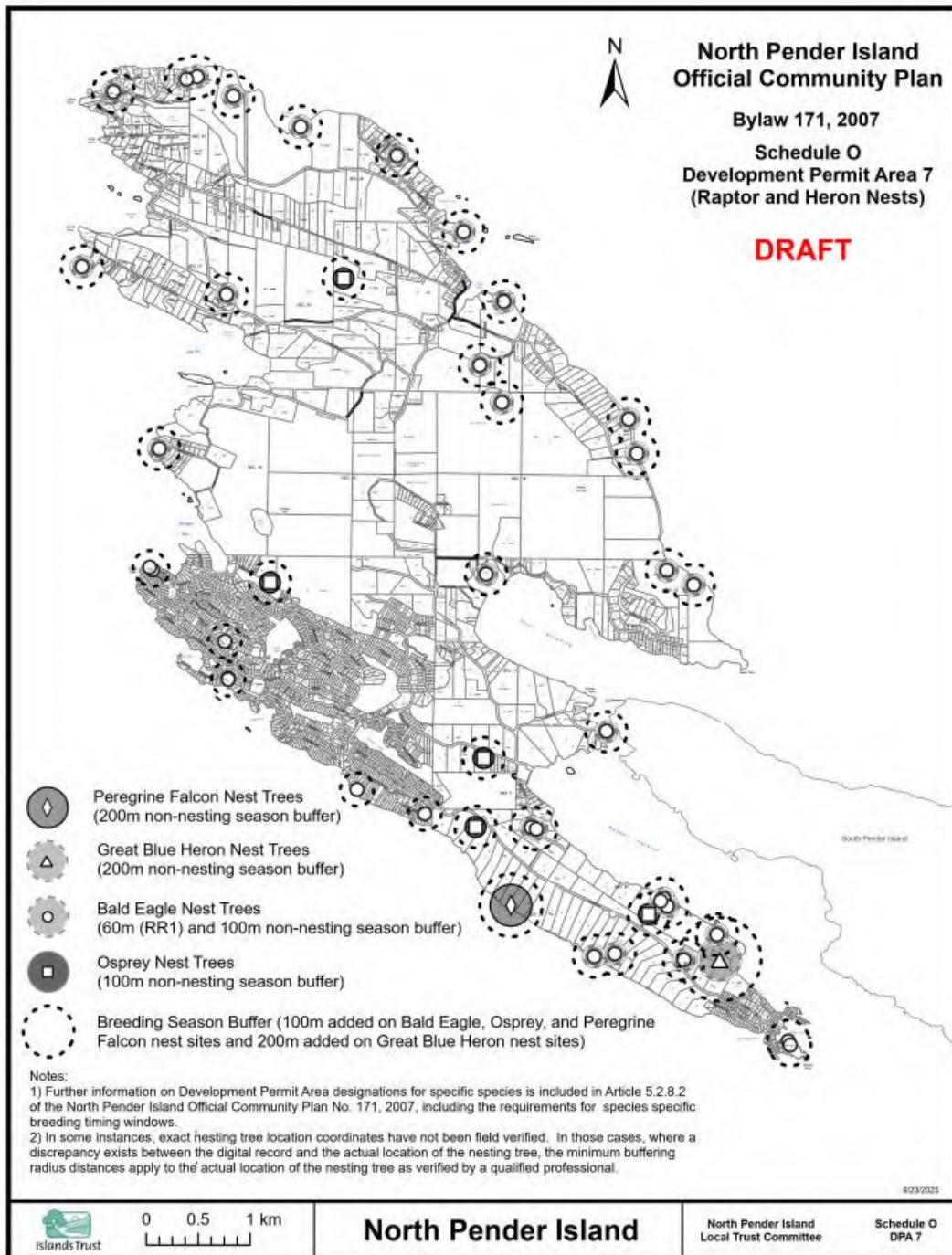
#### 5.2.8.7 Guidelines

1. Where an application involves a proposal to subdivide land, the layout of proposed lots should be configured in such a manner as to ensure, to the extent practical, that Bald Eagle, other raptor, or Blue Heron nesting trees are protected by clustering lots through lot averaging or bare land strata. Where feasible, the lot containing the nesting tree should be of a sufficient size to accommodate the permitted level of development, including driveway access, septic disposal systems, and accessory uses, in addition to an adequate buffer around the nesting tree.
2. Where an application involves proposals to construct or locate new buildings, structures, roads, driveways, utility corridors, or to clear or alter undisturbed land or vegetation in areas within the DPA, development should, where feasible:
  - a) Avoid disturbance of occupied nesting, roosting and feeding sites.
  - b) Consider potential impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area.
  - c) Consider the timing of development in respect of minimizing impacts during breeding season timing windows and ensure that species specific breeding season quiet buffers are applied where applicable.
  - d) Retain existing natural habitats suitable for raptors and herons, such as potential or currently unoccupied nesting trees, perches, roosting trees, snags, and trees with cavities.
  - e) Where possible, retain groups of trees rather than isolated single trees to provide an inter-locking canopy.
  - f) Maintain an effective buffer of undisturbed vegetation around nest sites. Larger buffer areas may be suitable on larger lots; lesser buffer areas may be suitable in areas of longstanding development, on small lots and where on-going activity has habituated birds to human presence.

- g) Locate new trails, buildings and roads away from nesting, roosting and foraging areas.
  - h) Consider restoration or enhancement of key habitat features where they have been disturbed.
3. Permits may include conditions respecting the timing or phasing of development work, including conditions restricting significant work to periods when eggs and young are not present in the nesting sites, and restoration or enhancement of key habitat features.
  4. Where a qualified professional recommends additional mitigation measures within the DPA based on site-specific observations, permits may include conditions to:
    - a) protect trees, cliffs or other specific sites that are in regular use for roosting, perching or feeding.
    - b) protect primary foraging sites such as shorelines, wetlands, shrubby areas, hedgerows and riparian areas.
  5. Where an application involves the development of a primary residence on a previously undeveloped residential parcel, and a significant portion or all of the developable area of the parcel falls within a raptor or heron DPA, development should, where feasible:
    - a) Be designed and sited in a way that minimizes impacts to raptor and heron activities within the DPA, including siting development outside the DPA where possible;
    - b) Consider the establishment of a 'residential home plate' as a permit condition that delineates an area within the parcel where residential uses, including dwellings, driveways, and ancillary uses, must be sited.
  6. The LTC may consider variances to relax siting, size or subdivision regulations where the variance may result in enhanced protection of a nesting tree or colony or habitat feature.
2. Schedule O - Development Permit Area 7 Map (Raptor and Heron Nests) is deleted in its entirety and replaced with an updated Schedule O - Development Permit Area 7 Map (Raptor and Heron Nests) attached to and forming part of this bylaw.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 235**

**SCHEDULE O - DEVELOPMENT PERMIT AREA 7 MAP (RAPTOR AND HERON NESTS)**



# DRAFT

## NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 235

---

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

---

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

#### 1. CITATION

This Bylaw may be cited for all purposes as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023”.

#### 2. SCHEDULES

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

#### 3. SEVERABILITY

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

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

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 235**

**SCHEDULE 1**

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

1. Subsection 5.2.8 Development Permit Area Seven – Raptor Nests, is deleted in its entirety and replaced with the following:

“5.2.8 DEVELOPMENT PERMIT AREA SEVEN - RAPTOR ~~AND HERON~~ NESTS

5.2.8.1 ~~Authority~~ Development Approval Information

This development permit area is ~~established, pursuant to~~ designated as an area for which development approval information may be required as authorized by Section ~~919-485(1(1)(a))~~ of the *Local Government Act*, ~~for the protection.~~ The designation of these as areas, for which development approval information may be required, is based on ~~the natural environment, its ecosystems and biological diversity. In considering special conditions or objectives supporting the issuance of a development permit, the LTC should be satisfied that the objective~~ designation of the DPA ~~has been met where applicable and may impose conditions where appropriate.~~ Development approval information means information on the anticipated impacts of the proposed activity or development in the form of a report from a qualified professional.

5.2.8.2 ~~Application Requirements~~

All applications shall be consistent with all requirements established in the fees bylaw, development procedures bylaw and development approval information bylaw adopted by the North Pender Island Local Trust Committee.

5.2.8.2 Designation

Development Permit Area Seven is shown in a generalized representation on Schedule O and ~~generally incorporates~~ includes a ~~30-50~~ minimum 60 metre radius around identified eagle, ~~osprey~~ Great Blue Heron and ~~great blue~~ other raptor nest trees and cliff sites, including for Peregrine Falcons and Osprey.

Development Permit Areas are designated as follows:

- a) For Bald Eagle Nest Trees – the Development Permit Area applies to all mapped trees containing Bald Eagle nests and is:
  - i. a 60 m radius from nest trees in high density areas (lands zoned Rural Residential One in North Pender Island Land Use Bylaw No. 224, 2022
  - ii. a 100 m radius from nest trees in all other zones in North Pender Island Land Use Bylaw No, 224, 2022.
  - iii. an additional 100 m radius from any nest tree during the breeding season as a ‘Breeding season quiet buffer’ of February 5<sup>th</sup> to August 31<sup>st</sup>.

- b) For Great Blue Heron Nest Trees – the Development Permit Area applies to all mapped trees containing Great Blue Heron nests, and is:
- i. a 200 m radius from nest trees in all zones of North Pender Island Land Use Bylaw No. 224, 2022.
  - ii. an additional 200m radius from any nest tree during the breeding season of January 15 to September 15.
- c) For Osprey Nest Trees – the Development Permit Area applies to all mapped trees containing Osprey nests and is:
- i. a 100 m radius from nest trees in all zones of North Pender Island Land Use Bylaw No. 224, 2022;
  - ii. an additional 100 m radius from any nest tree during the breeding season of April 21 to September 5.
- d) For Peregrine Falcon Nest Trees and Cliff Sites – the Development Permit Area applies to all mapped trees and cliff sites containing Peregrine Falcon nests and is:
- i. a 200 m radius from nest trees in all zones of North Pender Island Land Use Bylaw No. 224, 2022;
  - ii. an additional 100 m radius from any nest tree during the breeding season of March 30 to July 20.

Schedule O depicts all trees designated as raptor and heron nest trees, including appropriate non-nesting sites, and nesting season buffers areas for each tree based on the bird species utilizing each tree as described above.

The definitive designation and delineation of Development Permit Area Seven consists of a digital record compiled by means of air photograph interpretation, and verification through field studies. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

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 radius distances apply to the actual location of the nesting tree as verified by a qualified professional.

#### 5.2.8.63 Special Conditions or Objectives that Justify the Designation

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia.”

The North Pender Island Local Trust Area contains habitat used by bald eagles, other raptors and great blue herons for nesting and breeding.

Bald Eagles are a regionally significant species and include both resident and wintering birds. Resident eagles establish a territory around a nest, with most pairs using the same site for all their breeding life. Nests are semi-permanent structures which represent a considerable investment of energy. Nest abandonment – either permanent or temporary – can result from tree damage or

removal, nest damage or human disturbance during the critical nesting period from January 15<sup>th</sup> to August 30<sup>th</sup>.

Eagle nest trees requirements are specialized: typically large, very old trees near the water and although second growth trees are sometimes used, most nest trees are Douglas-firs over 150 years of age, usually within one kilometre of the shoreline. Human activity related to logging and land development have resulted in the loss of nest sites, which results in a permanent reduction in the nesting population. Gradual loss of nesting habitat is considered to be the most significant factor affecting bald eagle abundance in B.C. (BC Ministry of Environment, Lands and Parks BC, *Develop with Care 2014: Environmental Objectives, Best Management Practices and Requirements Guidelines for Urban and Rural Land Developments*) and specifically on Vancouver Island and the Gulf Islands, habitats within low-elevation coastal habitats in the Coastal Douglas-fir Biogeoclimatic zone have been degraded by human developments (BC Ministry of Water, Land and Air Protection, *Best Management Practices BC Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia*).

Great Blue Herons are a blue-listed (threatened) species. Breeding is 'Breeding season quiet buffer': During their breeding season (Feb 5 to Aug 31), especially during early courtship and egg-laying periods, bald eagles are very sensitive to noise disturbances and may abandon their nests and young.

Great Blue Herons are a Species of Special Concern in Canada and are blue-listed in British Columbia. The number of active nests on Vancouver Island and the Gulf Islands averages 525 annually. Bald eagles require large territories and generally locate nest sites 1 km away from another breeding pair. Both species nest near large bodies of water such as lakes, large rivers or the ocean, near their main food source. The loss of available nesting habitat due to human disturbance reduces the birds' ability to reproduce and successfully raise their young.

Great Blue Heron breeding sites are concentrated in the Strait of Georgia, with large colonies generally occurring in relatively contiguous forest, fragmented forest or solitary trees and associated with extensive estuarine mudflats and eelgrass beds. Avoid any new disturbance, especially early in the season as herons are particularly susceptible to disturbance. Great Blue Heron breeding window is between January 15 and September 15.

During their breeding season (Jan 15 to Sept 15), especially early in the breeding season, herons are very sensitive to noise disturbances and may abandon their nests and young.

Colonies are dynamic, especially in areas of high disturbance and habitat destruction and human disturbance has been implicated in historical colony abandonment. In particular, disturbance from humans can cause herons to temporarily abandon breeding attempts, allowing predators to take eggs.

The Province of British Columbia recommends a buffer of at least 300 m in undeveloped areas, 200 m in rural areas, and 60 m in urbanized areas. An additional 200 metre 'no disturbance' buffer is recommended during the nesting season, especially for colonies not previously accustomed to people and their activities. (Develop with Care 2014: Fact Sheet #11 - Great Blue Heron: Environmental Guidelines for Urban and Rural Land Development in British Columbia).

Other Raptors mapped raptor nest sites include falcons, hawks, ospreys, owls and other eagle species for Ospreys and Peregrine Falcons. Healthy raptor populations are important in maintaining

a balance in prey populations. Protection of habitat, including nesting areas, is important in order to maintain raptor populations. The Province of British Columbia recommends a buffer from nest sites of at least 100 m in rural areas for Osprey and 200 m for Peregrine Falcons. An additional 100 metre 'no disturbance' buffer is recommended during the nesting season for Osprey and Peregrine Falcons.

In considering the issuance of a development permit, the LTC should be satisfied that the objectives of the DPA have been met where applicable and may impose conditions where appropriate.

The objective of this development permit area is as follows:

1. To preserve and protect ~~remaining~~ raptor and heron nesting sites.

#### 5.2.8.14 Authority

This development permit area is established, pursuant to Section 488(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity. In considering the issuance of a development permit, the LTC should be satisfied that the objective of the DPA has been met where applicable and may impose conditions where appropriate.

#### 5.2.8.35 General Applicability

~~The following activities shall require a development permit whenever they occur within Development Permit Area Seven, unless specifically exempted below.~~

- ~~1. Subdivision of land.~~
- ~~2. Construction of, addition to, or alteration of a building or other structure.~~
- ~~3. Alteration of land.~~

Section 489 of the *Local Government Act* provides that within areas designated as Development Permit Areas in an official community plan:

- (a) land must not be subdivided,
- (b) construction of, addition to or alteration of a building or structure must not be started;
- (c) land must not be altered;

unless the owner first obtains a Development Permit or an exemption under s 488(4) applies.

#### 5.2.8.46 Development Permit Exemptions

The following activities are exempt from any requirement for a development permit. Despite these exemption provisions, owners must satisfy themselves that they meet any other applicable local, provincial or federal requirements.

- (a) for certainty: development or alteration of land occurring outside of a development permit area;
- (b) the placement of impermanent structures , such as benches, tables and garden ornaments;
- (c) submission to the Islands Trust of a written statement from a registered professional biologist with relevant experience, stating that the proposed work would have no impact on any raptor or heron nesting site;

~~in the case of eagle nest trees, construction activities more than 30 metres from the base of the nest tree between the dates of August 16<sup>th</sup> and January 14<sup>th</sup>.~~

- ~~(e)(d)~~ forest management activities on land classified as managed forest land under the *Private Managed Forest Land Act*;
- ~~(d)(e)~~ forest management activities on land that is the subject of a valid and subsisting woodlot license or tree farm license under the *Forest Act*;
- ~~(e)(f)~~ work undertaken by an agent of the Crown;
- ~~(g)~~ the maintenance of existing gardens, gardening and yard maintenance activities within an existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land;
- ~~(f)(h)~~ the removal of dangerous trees posing that have been examined by an arborist and certified to pose an immediate threat to life or property;
- ~~(g)(i)~~ the removal of invasive, non-indigenous trees or vegetation;
- ~~(h)(i)~~ the removal of trees or vegetation minimally necessary for the construction of any of the uses, buildings or structures exempted from the requirement for a development permit;
- ~~(j)(k)~~ the repair, maintenance, alteration or reconstruction of existing legal or legal non-conforming buildings, structures or utilities provided there is no alteration of undisturbed land or vegetation (building permit may be required);
- ~~or~~
- ~~(j)(l)~~ the repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing;
- ~~(m)~~ in the case of eagle nest trees, construction activities more than 30 metres from the base of the nest tree between the dates of August 16<sup>th</sup> and January 14<sup>th</sup>.
- ~~(n)~~ The construction or placement of a small accessory building or structure such as a pump house, gazebo, garden shed or storage structure if all the following apply:
  - ~~i)~~ The accessory building or structure is located entirely within the seasonal buffer;
  - ~~ii)~~ No native trees are removed or land altered by machinery;
  - ~~iii)~~ No building permit is required; and
  - ~~iv)~~ The total area or coverage of the accessory building or structure is less than 10 m<sup>2</sup>.

#### 5.2.8.7 Guidelines

1. Where an application involves a proposal to subdivide land, the layout of proposed lots should be configured in such a manner as to ensure, to the extent practical, that Bald Eagle, other raptor, or Blue Heron nesting trees are protected by clustering lots through lot averaging or bare land strata. Where feasible, the lot containing the nesting tree should be of a sufficient size to accommodate the permitted level of development, including driveway access, septic disposal systems, and accessory uses, in addition to an adequate buffer around the nesting tree.
2. Where an application involves proposals to construct or locate new buildings, structures, roads, driveways, utility corridors, or to clear or alter undisturbed land or vegetation in areas within the DPA, development should, where feasible:

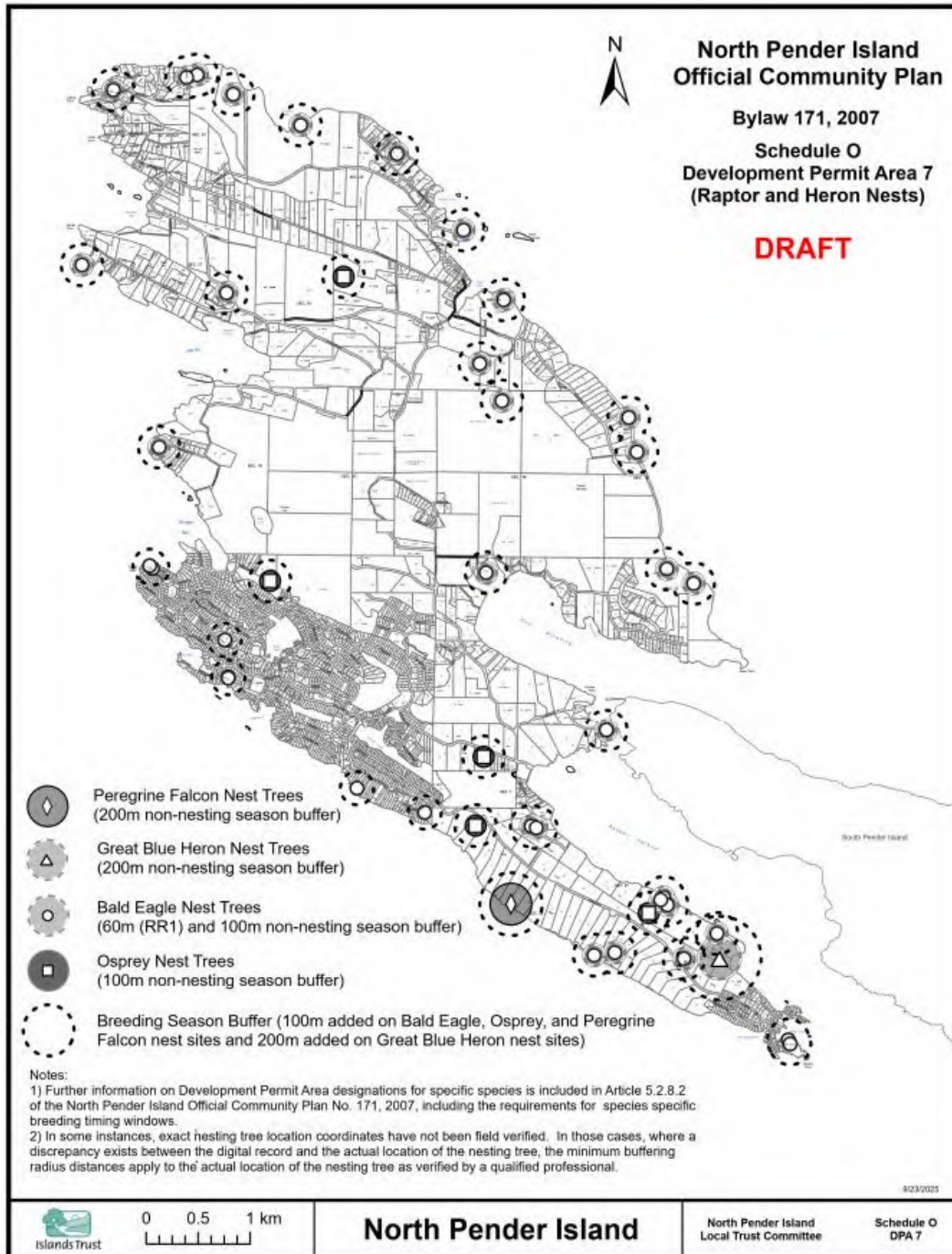
- a) Avoid disturbance of occupied nesting, roosting and feeding sites.
- b) Consider potential impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area.
- c) Consider the timing of development in respect of minimizing impacts during breeding season timing windows and ensure that species specific breeding season quiet buffers are applied where applicable.
- ~~b)d)~~ Retain existing natural habitats suitable for raptors and herons, such as potential or currently unoccupied nesting trees, perches, roosting trees, snags, and trees with cavities.
- ~~e)e)~~ Where possible, retain groups of trees rather than isolated single trees to provide an inter-locking canopy.
- ~~e)f)~~ Maintain an effective buffer of undisturbed vegetation around nest sites. Larger buffer areas may be suitable on larger lots; lesser buffer areas may be suitable in areas of longstanding development, on small lots and where on-going activity has habituated birds to human presence.
- ~~e)g)~~ Locate new trails, buildings and roads away from nesting, roosting and foraging areas.
- ~~f)h)~~ Consider restoration or enhancement of key habitat features where they have been disturbed.
3. Permits may include conditions respecting the timing or phasing of development work, including conditions restricting significant work to periods when eggs and young are not present in the nesting sites, and restoration or enhancement of key habitat features.
4. Where a qualified professional recommends additional mitigation measures within the DPA based on site-specific observations, permits may include conditions to:
- a) protect trees, cliffs or other specific sites that are in regular use for roosting, perching or feeding.
- b) protect primary foraging sites such as shorelines, wetlands, shrubby areas, hedgerows and riparian areas.
5. Where an application involves the development of a primary residence on a previously undeveloped residential parcel, and a significant portion or all of the developable area of the parcel falls within a raptor or heron DPA, development should, where feasible:
- a) Be designed and sited in a way that minimizes impacts to raptor and heron activities within the DPA, including siting development outside the DPA where possible;
- b) Consider the establishment of a 'residential home plate' as a permit condition that delineates an area within the parcel where residential uses, including dwellings, driveways, and ancillary uses, must be sited.

4.6. The LTC may consider variances to relax siting, size or subdivision regulations where the variance may result in enhanced protection of a nesting tree or colony or habitat feature.

2. Schedule O - Development Permit Area 7 Map (Raptor and Heron Nests) is deleted in its entirety and replaced with an updated Schedule O - Development Permit Area 7 Map (Raptor and Heron Nests) attached to and forming part of this bylaw.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**BYLAW NO. 235**

**SCHEDULE O - DEVELOPMENT PERMIT AREA 7 MAP (RAPTOR AND HERON NESTS)**

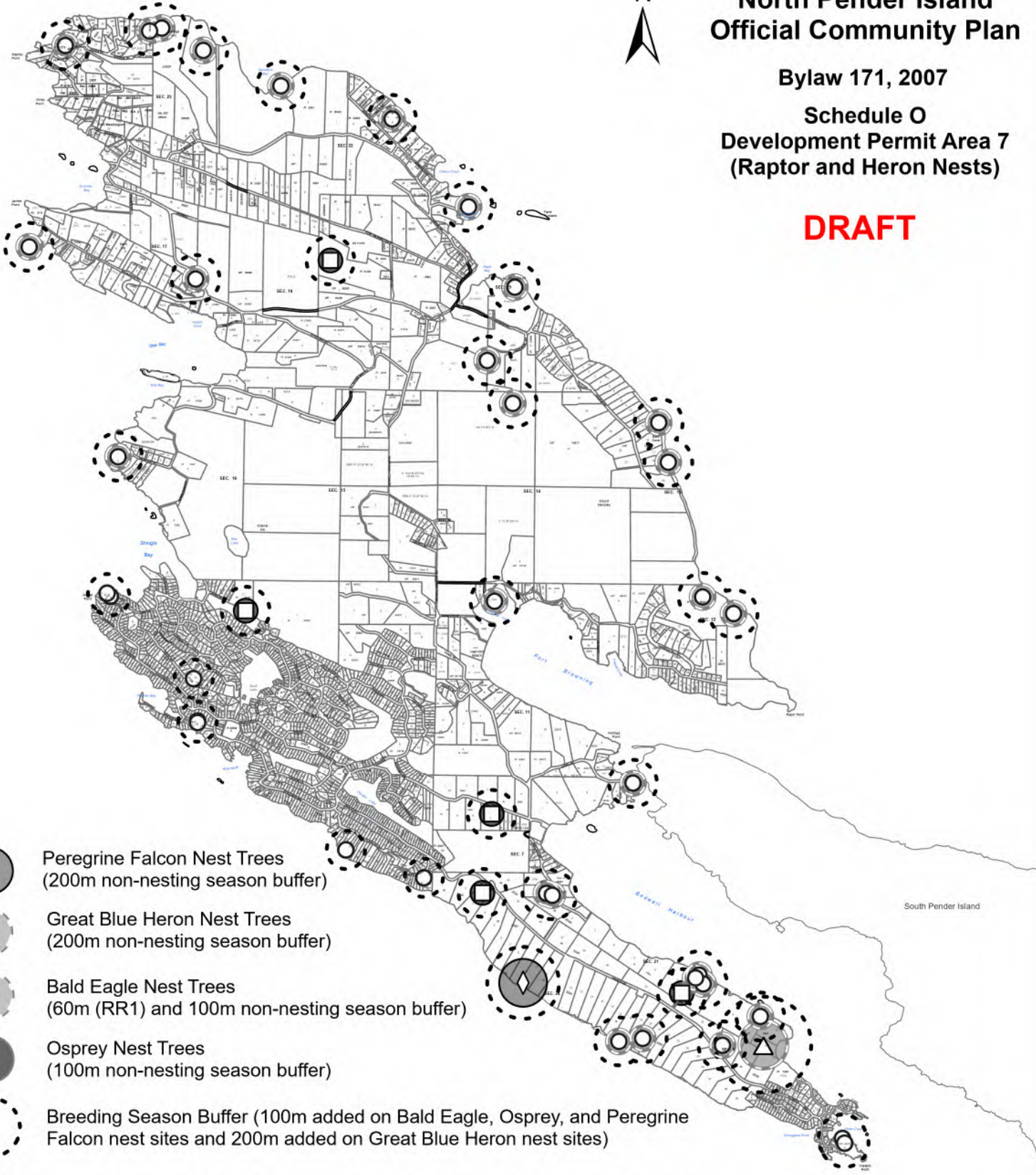



# North Pender Island Official Community Plan

Bylaw 171, 2007

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

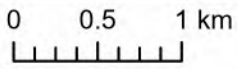
**DRAFT**



-  Peregrine Falcon Nest Trees  
(200m non-nesting season buffer)
-  Great Blue Heron Nest Trees  
(200m non-nesting season buffer)
-  Bald Eagle Nest Trees  
(60m (RR1) and 100m non-nesting season buffer)
-  Osprey Nest Trees  
(100m non-nesting season buffer)
-  Breeding Season Buffer (100m added on Bald Eagle, Osprey, and Peregrine Falcon nest sites and 200m added on Great Blue Heron nest sites)

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.

9/23/2025



**North Pender Island**

North Pender Island  
Local Trust Committee

Schedule O  
**DP 176**



Islands Trust

**POLICY STATEMENT DIRECTIVES ONLY CHECK LIST**

**Bylaw and File No: Bylaw No. 235, Raptor Nest DPA Review Project  
LTC Endorsement: \_\_\_\_\_**

**PURPOSE**

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

**POLICY STATEMENT**

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council’s guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council’s position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

**DIRECTIVES ONLY CHECK LIST**

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✘ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A** if the policy is not applicable.

### Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	<b>3.1</b>	<b>Ecosystems</b>
✓	<b>3.1.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
✓	<b>3.1.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
✓	<b>3.1.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	<b>3.2</b>	<b>Forest Ecosystems</b>
✓	<b>3.2.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	<b>3.3</b>	<b>Freshwater and Wetland Ecosystems and Riparian Zones</b>
✓	<b>3.3.2</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	<b>3.4</b>	<b>Coastal and Marine Ecosystems</b>
N/A	<b>3.4.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
N/A	<b>3.4.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

### PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	<b>4.1</b>	<b>Agricultural Land</b>
N/A	<b>4.1.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	<b>4.1.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	<b>4.1.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	<b>Forests</b>
✓	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
✓	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
✓	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	<b>Wildlife and Vegetation</b>
	4.4	<b>Freshwater Resources</b>
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	<b>Coastal Areas and Marine Shorelands</b>
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	<b>Soils and Other Resources</b>
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

**PART V: Policies for Sustainable Communities**

CONSISTENT	NO.	DIRECTIVE POLICY
	<b>5.1</b>	<b>Aesthetic Qualities</b>
<b>N/A</b>	<b>5.1.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	<b>5.2</b>	<b>Growth and Development</b>
✓	<b>5.2.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
<b>N/A</b>	<b>5.2.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
<b>N/A</b>	<b>5.2.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
<b>N/A</b>	<b>5.2.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	<b>5.3</b>	<b>Transportation and Utilities</b>
<b>N/A</b>	<b>5.3.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
<b>N/A</b>	<b>5.3.5</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
<b>N/A</b>	<b>5.3.6</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
<b>N/A</b>	<b>5.3.7</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	<b>5.4</b>	<b>Disposal of Waste</b>
<b>N/A</b>	<b>5.4.4</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	<b>5.5</b>	<b>Recreation</b>
<b>N/A</b>	<b>5.5.3</b>	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.

N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	<b>5.6</b>	<b>Cultural and Natural Heritage</b>
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	<b>5.7</b>	<b>Economic Opportunities</b>
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	<b>5.8</b>	<b>Health and Well-being</b>
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

<b>POLICY STATEMENT COMPLIANCE</b>	
✓	<b>COMPLIANCE WITH TRUST POLICY</b>
	<b>NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:</b>



# North Pender Raptor & Heron Nest Sites

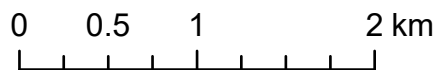
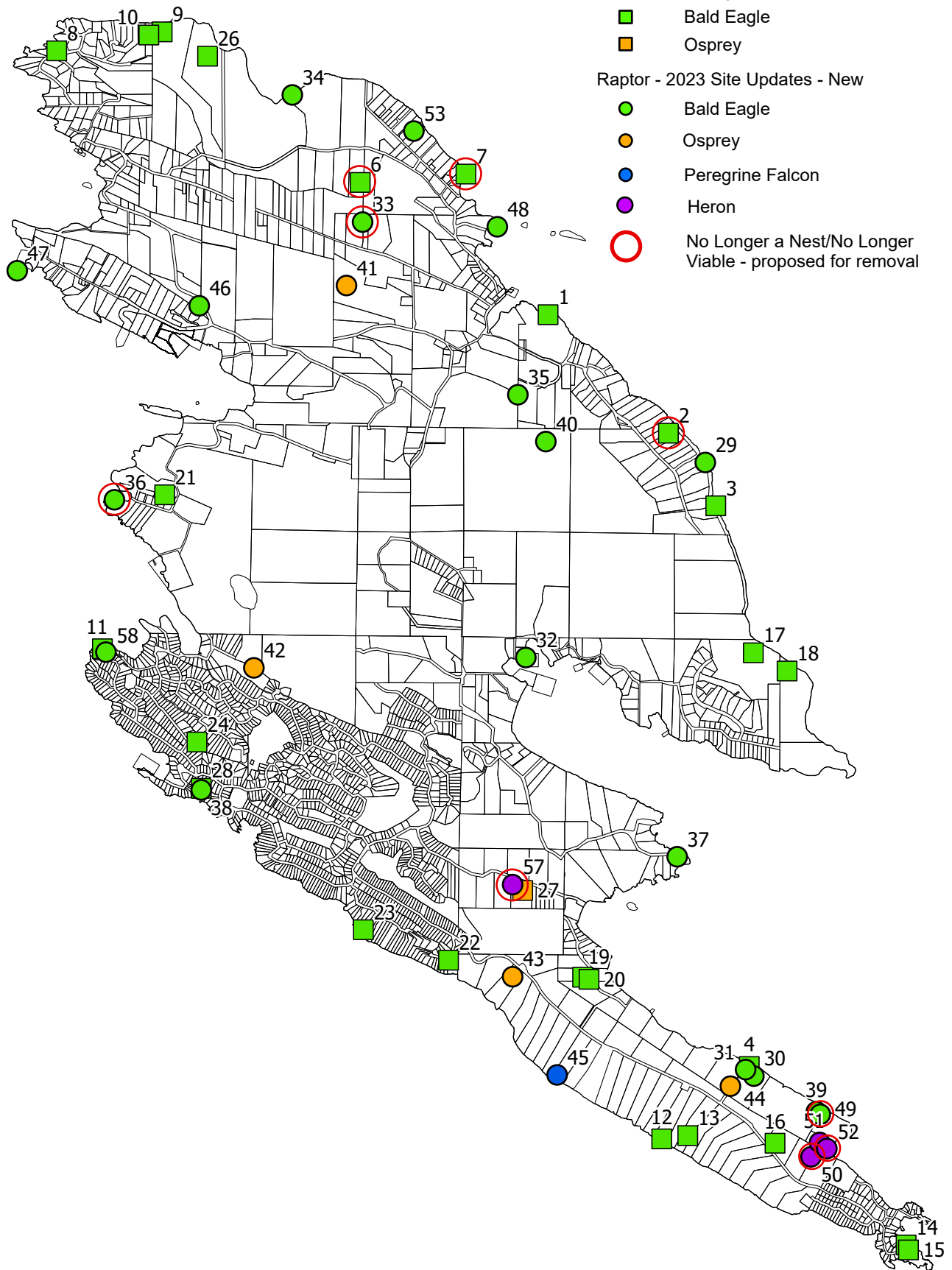
*Draft June 2025*

## Raptor - Existing Nest Sites

- Bald Eagle
- Osprey

## Raptor - 2023 Site Updates - New

- Bald Eagle
- Osprey
- Peregrine Falcon
- Heron
- No Longer a Nest/No Longer Viable - proposed for removal

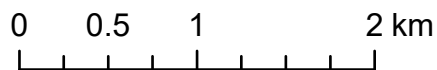
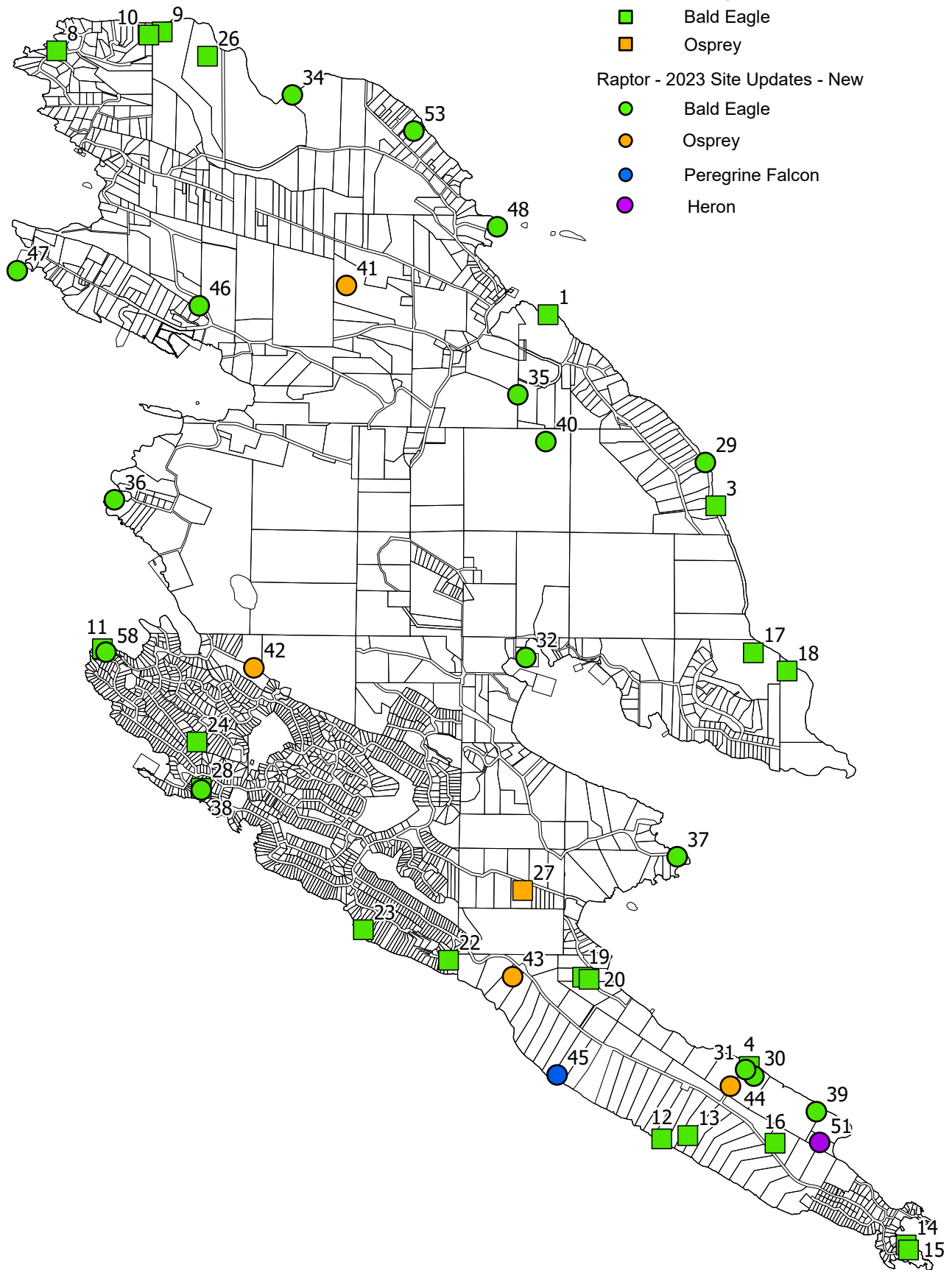




# North Pender Raptor & Heron Nest Sites

*Draft June 2025*

- Raptor - Existing Nest Sites
  - Bald Eagle (Green square)
  - Osprey (Orange square)
- Raptor - 2023 Site Updates - New
  - Bald Eagle (Green circle)
  - Osprey (Orange circle)
  - Peregrine Falcon (Blue circle)
  - Heron (Purple circle)



# Raptor Nest Development Permit Area Review - Project Charter v3 updated October 2025

North Pender Island Local Trust Committee

LTC Endorsement Date:

**Purpose:** To review and update mapping of raptor nests on North Pender Island, and to review and update Development Permit Area designations and provisions as a Minor LTC Project.

**Background:** The current Raptor Nest DPA was adopted in 2008 based upon surveys conducted by local volunteers in 2005 and 2006 through the Wildlife Tree Stewardship initiative (WITS). Nest trees were mapped with assistance of Islands Trust staff. An update of wildlife trees is needed as new nests are established and older ones abandoned. In addition DPA provisions should be reviewed and updated.

<b>Deliverables</b> <i>Updated mapping of wildlife trees consistent with Islands Trust mapping standards and with recent changes to the Professional Governance Act and regulations.</i>  <i>Revised DPA provisions</i>  <i>Amendments to OCP.</i>	<b>In Scope</b> <ul style="list-style-type: none"> <li>- Raptor nest tree mapping</li> <li>- Report by or endorsed by RP Bio</li> <li>- Review of Raptor Nest DPA</li> <li>- Community consultation on amendments</li> <li>- First Nations consultation</li> <li>- OCP amendment</li> </ul>	<b>Out of Scope</b> <ul style="list-style-type: none"> <li>- Other amendments to OCP or LUB</li> <li>- Other mapping or professional reports.</li> </ul>	<b>IAP2 Engagement Level:</b>  <input checked="" type="checkbox"/> Inform <input checked="" type="checkbox"/> Consult <input type="checkbox"/> Involve <input type="checkbox"/> Collaborate
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## 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><u>Final-Draft preliminary mapping delivered</u></i>	Nov 2024
<i>Community consultation on draft bylaws <u>and mapping, completion of</u> bylaw referrals</i>	Nov 2024 – <del>Apr</del> <u>Oct 2025</u>
<i><u>Second season of field study and site confirmation including engagement with property owners</u></i>	<u>Feb – May 2025</u>
<i><u>Final mapping provided to LTC, 2<sup>nd</sup> letter sent to all potential affected households</u></i>	<u>June 2025</u>
<i>Legislative process to amend OCP</i>	<del>Apr Oct 2025 -</del> <u>Sep-2025 Mar 2026</u>
<i>Implementation and communications</i>	<del>Sept – Oct 2025</del> <u>Jan – Mar 2026</u>

## Project Team

<i>Brad Smith, Island Planner</i>	<i>Project Manager</i>
<i>Robert Kojima, RPM</i>	<i>Project Sponsor</i>
	<i>Mapping</i>

## Budget

Budget Sources:		
Fiscal	Item	Cost
2023-24	Mapping	\$5000

<i>Aislyn King, GIS Staff</i>	
<i>Emily Bryant</i>	<i>Admin support</i>
<b>RPM Approval:</b> <i>Robert Kojima</i> <b>Date: Sept 17, 2025</b>	<b>LTC Endorsement:</b> <b>Date:</b>

2024-25	Consultation and public hearing	\$3000
2024-25	Contingency	\$2000
	Total	\$10,000

Meeting	Deliverable/Milestone
July 28, 2023	LTC endorsement of project charter - Complete
Sept 29, 2023	Preliminary report to LTC, direction to proceed with mapping procurement process and engagement plan - Complete
April 5, 2024	Report to LTC on proposed updates to DPA provisions - Complete
July 26, 2024	LTC preliminary review of draft DPA amendments and direction to proceed with bylaw - Complete
July 26, 2024	Updated mapping received by LTC, direction to proceed with landowner and stakeholder group communication - Complete
Nov 29, 2024	Draft bylaw to LTC – direction to complete referrals
<u>July 25, 2025</u>	<u>Final mapping to LTC, 2<sup>nd</sup> letter to property owners</u>
<u>April-October 3, 2025</u>	Consideration of first reading
<u>Nov 21, 2025 2026</u>	Public Hearing, <u>3<sup>rd</sup> Community Information Meeting,</u> second and third readings, referral to EC and Minister
<u>Sept-Jan--2026</u>	LTC review of communications plan
<u>Fall-Jan-Mar 2026</u>	Final adoption upon Ministerial approval of bylaw
<u>Jan – Mar 2026</u>	<u>Implementation and development of communications materials (e.g. updated DPA guidance)</u>



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](mailto:information@islandstrust.bc.ca)

Web [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)

June 18, 2025

IT File: NP-LTC  
Raptor Nest DPA Review Project

«Name»

«Address\_Line\_1»

«Address\_Line\_2»

«City»

Dear Property Owner:

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

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

This letter is a follow-up to an initial letter sent in October 2024 only to property owners where one or more raptor or heron nest trees were identified as being located within the property boundary. In response to community and property-owner feedback, this second letter is now being sent to all property owners that may be affected by the proposed updated DPA requirements, including those properties where a specific nest tree is located, and those properties that fall within proposed buffer areas surrounding those nest trees.

For context, the [North Pender Island Official Community Plan No. 171 \(OCP\)](#) includes DPA requirements for the protection of natural ecosystems, the environment, its ecosystems and biological diversity. The objective of **DPA 7 – Raptor Nests** 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 already existing sites. The biologist's report also provides recommendations for potential amendments to DPA 7 OCP policy provisions based on updated provincial guidelines, **including a proposed increase in buffering distances from nesting trees where future development may be limited**.

Since the last letter was sent in October 2024, additional field work has been undertaken to further validate the 2024 study findings. This has resulted in several changes to the draft maps, including the addition and deletion of a number of nest trees based on further field observations of current use and future nesting potential. **For reference, attached to this letter are the most recent draft maps showing the locations of nest trees and proposed buffer areas.**

As the LTC further considers policy and regulatory changes in respect of DPA 7 on North Pender Island, including potential mapping and OCP policy updates, the LTC is seeking your input on these changes. If you have comments and input on the draft bylaw and associated mapping please email them to [southinfo@islandstrust.bc.ca](mailto:southinfo@islandstrust.bc.ca) and they will be vetted to the LTC.

More information on the project, including the project charter and staff reports, draft amending bylaws, and a digital version of the professional report with mapping, is located here: <https://islandstrust.bc.ca/island-planning/north-pender/projects/>

The intent of the LTC is to gather additional feedback throughout the summer of 2025 prior to any consideration of next steps on the draft bylaw including consideration of First Reading.

If you have any questions regarding the project, or individual nesting trees, please feel free to contact me directly via email: [bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca) or by phone at (778) 679-5185. Staff are also available 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: 1) Raptor and Heron Nests Development Permit Area (DPA) Review Report, June 2024 - Caurinus Environmental  
2) Map 1. All nests (including those removed most recently circled in red)  
3) Map 2. By species new and existing – clean version current  
4) Map 3. Draft OCP Schedule Map based on Map 2 data.

**From:** Julia Nicholls <[REDACTED]>

**Sent:** Tuesday, February 13, 2024 5:07 PM

**To:** Deb Morrison <[dmorrison@islandtrust.bc.ca](mailto:dmorrison@islandtrust.bc.ca)>; Aaron Campbell <[acampbell@islandtrust.bc.ca](mailto:acampbell@islandtrust.bc.ca)>; David Maude <[dmaude@islandtrust.bc.ca](mailto:dmaude@islandtrust.bc.ca)>; SouthInfo <[SouthInfo@islandtrust.bc.ca](mailto:SouthInfo@islandtrust.bc.ca)>

**Subject:** project charter from July 2023

Re: strengthening DPA's

Thank you for refusing to authorize the permit for the property at [REDACTED]. You were under a lot of pressure to do so.

It seems to me that all of us want to make sure that clear-cutting does not continue and that the only way to stop it is to make sure it is not profitable. A good way to discourage further such violations would be to assess a large fine. Unfortunately, one of the long-standing problems with DPAs is that the Province does not allow local government to issue a fine for a violation. You would need to ask the court to issue a penalty, which is expensive for the trust and, as we've seen, there is no assurance of success. Could it be that our Provincial Government does not care about protecting the environment?

At the last meeting it was stated that:

1. There is no sense in having DPA's if we cannot enforce them, and also
2. there are so few people who clear-cut that putting a lot into it is not worth it.

I would like to respond to these points. Because laws are not currently enforceable, or that few people break the laws this should not mean we give up on them. If laws are worth having, they are worth enforcing. Also, the fact that few people respect DPAs should not mean they get

off. And we should not effectively penalize those people who obey the law when they necessarily incur costs for doing so.

In short, we must find ways to have enforceable DPAs. And we should consider this a priority

It also seems to me that this work should not be done by each local Trust organization but rather by the whole Islands Trust.

We are hoping that with the determination and support of the Islands Trust, the Forest Stewards, and other concerned organizations and citizens, we can ensure that all future DPA's are meaningful and enforceable.

We hope that you follow up on the project passed at the July 2023 LTC meeting attached below.

Julia Nicholls  
Forest Stewards

# Raptor Nest Development Permit Area Review - Project Charter

North Pender Island Local Trust Committee

LTC Endorsement Date: July 28, 2023

**Purpose:** To review and update mapping of raptor nests on North Pender Island, and to review and update Development Permit Area designations and provisions as a Minor LTC Project.

**Background:** The current Raptor Nest DPA was adopted in 2008 based upon surveys conducted by local volunteers in 2005 and 2006 through the Wildlife Tree Stewardship initiative (WiTS). Nest trees were mapped with assistance of Islands Trust staff. An update of wildlife trees is needed as new nests are established and older ones abandoned. In addition DPA provisions should be reviewed and updated.

<b>Deliverables</b> <i>Updated mapping of wildlife trees consistent with Islands Trust mapping standards and with recent changes to the Professional Governance Act and regulations.</i>  <i>Revised DPA provisions</i>  <i>Amendments to OCP.</i>	<b>In Scope</b> <ul style="list-style-type: none"> <li>- Raptor nest tree mapping</li> <li>- Report by or endorsed by RP Bio</li> <li>- Review of Raptor Nest DPA</li> <li>- Community consultation on amendments</li> <li>- First Nations consultation</li> <li>- OCP amendment</li> </ul>	<b>Out of Scope</b> <ul style="list-style-type: none"> <li>- Other amendments to OCP or LUB</li> <li>- Other mapping or professional reports.</li> </ul>	<b>IAP2 Engagement Level:</b>  <input checked="" type="checkbox"/> Inform <input checked="" type="checkbox"/> Consult <input type="checkbox"/> Involve <input type="checkbox"/> Collaborate
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## Workplan Overview

Deliverable/Milestone	Target Date
<i>Project Charter endorsed</i>	July 2023
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<i>Staff review, project summary paper, landowner and stakeholder group engagement</i>	Sept – Nov 2023
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<i>Final mapping delivered</i>	March 2024
<i>Community consultation on draft bylaws, bylaw referrals</i>	Apr - June 2024
<i>Legislative process to amend OCP</i>	May – Sept 2024
<i>Implementation and communications</i>	Sept – Oct 2024

Project Team	
<i>Brad Smith, Island Planner</i>	<i>Project Manager</i>
<i>Robert Kojima, RPM</i>	<i>Project Sponsor</i>
<i>Mark van Bakel, IS Manager</i>	<i>Mapping</i>
<i>Emily Bryant</i>	<i>Admin support</i>
<b>RPM Approval:</b> <i>Robert Kojima</i> <b>Date:</b> July 14, 2023	<b>LTC Endorsement:</b> Resolution #: <b>Date:</b> xxx

Budget		
<b>Budget Sources:</b>		
Fiscal	Item	Cost
2023-24	Mapping	\$5000
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2024-25	Contingency	\$2000
	<b>Total</b>	<b>\$10,000</b>

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July 2024	Public Hearing, second and third readings, referral to EC and Minister
Sept 2024	LTC review of communications plan
Late 2024	Final adoption upon Ministerial approval of bylaw



DATE OF MEETING: July 28, 2023  
 TO: North Pender Island Local Trust Committee  
 FROM: Robert Kojima, Regional Planning Manager  
 Southern Team  
 COPY: Brad Smith, Island Planner  
 SUBJECT: Raptor Nest DPA Review Project – Preliminary Report

## RECOMMENDATION

1. That the North Pender Island Local Trust Committee endorse the attached project charter for the Raptor Nest DPA Review Project.

## REPORT SUMMARY

The report attaches a project charter for the Raptor Nest DPA Review Project. The report also outlines the project and provides a preliminary timeline and scope.

## BACKGROUND

At the May meeting the LTC adopted the LUB (Bylaw 224) and proposed two new projects: to request funding for a Major project for housing and to initiate a Minor Project to update the Raptor Nest DPA designations. The following resolution was adopted:

### NP-2023-075

#### **It was Moved and Seconded,**

that the North Pender Island Local Trust Committee defer Groundwater Education with landowners as a Minor Project and establish updating Raptors Nesting Mapping as a priority Minor Project.

A Minor Project is an LTC project that is anticipated to require a budget of under \$5,000 in any given fiscal year, is relatively limited in scope, and can be supported by LTC’s assigned the Island Planner. Each LTC may have one minor project at any one time and funding is supported from a minor projects budget allocated by Trust Council and assigned by the Director of Planning Services.

Staff have prepared the attached project charter for the project.

## ANALYSIS

### Issues and Opportunities

#### Project Scope and Budget

The proposed work plan would limit the scope of the project to updating the mapping for DPA 7, reviewing the DPA provisions, engaging in consultation and undertaking the legislative process to amend the OCP. The budget requested would be for \$5,000 in the current fiscal year, with up to an additional \$5,000 in the next fiscal year. Staff resources are estimated to be primarily the Island Planner's time, with support from other staff as needed.

#### *Update mapping*

The initial work and the bulk of the budget in the first year would be to undertake the procurement process to update the mapping, ensuring that it is consistent with the provincial regulations for applied biologists and Islands Trust mapping standards (in Sept 2022, the Province brought in [regulations](#) which effectively require that anyone doing biology must be registered with the College of Applied Biology).

#### *Review existing DPA provisions*

Staff would review:

- the current guidelines, exemptions and other elements the DPA
- past applications and permits, other jurisdictions regulations
- current best practices.

Resulting in a report to the LTC with options and recommendations, and preparation of a project summary document for public and landowners.

#### *First Nations consultation*

Staff would undertake early engagement to determine Nation's interests and desired level of involvement.

#### *Landowner and stakeholder group engagement:*

Staff would work with the contractor to contact affected landowners to obtain permission to enter property where required.

#### *Community consultation:*

Once the LTC has provided direction to prepare a bylaw amendment, community consultation would be undertaken, including community meeting(s), website updates, and communications materials.

#### *Legislative process*

In order to implement changes to the DPA, an amendment would be required to the OCP, consisting of bylaw readings, a public hearing, and Executive Committee and Ministerial approval.

#### *Implementation*

The final phase would be to implement the amendment through communications to landowners and professionals, and to update to application procedures.

#### Project Benefits and Risks

Benefits of undertaking an amendment to the DPA would include:

- An update of the near two decade old mapping, including incorporating new raptor nests.

- An update of DPA provisions based on experience with applications and any changes to best practices.
- Landowner education on new and existing nest trees.
- Providing a model process and bylaw provisions applicable to other local trust areas.

Potential risks associated with the project may include:

- Incomplete mapping stemming from an inability to gain access to private property, alternatives may need to be considered in these cases.
- Cost and delays resulting from the requirement to involve a Registered Professional Biologist.
- First Nations capacity and timelines to consult may not be consistent with project timeline and budget.

### **Timeline**

The project is proposed to be completed relatively quickly as a targeted review, with the project consisting of the following phases.

Phase 1: Project Initiation: preliminary report and mapping contract procurement process.

Phase 2: Analysis: review of DPA provisions, options to LTC, contact with stakeholder groups and landowners.

Phase 3: First Nations consultation: early engagement and on-going consultation as requested by Nations.

Phase 4: Drafting: LTC review of amendment options and direction to prepare bylaws.

Phase 5: Community Consultation: early contact and community meeting, public review, bylaw referrals.

Phase 6: Legislative Phase: bylaw readings, public hearing, EC and Ministerial approval.

Phase 7: Implementation: public and landowner communication, procedural updates.

Phase	2023												2024											
	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12
<b>Pre-Project</b>																								
<b>Project Initiation</b>																								
<b>Analysis</b>																								
<b>FN Consultation</b>																								
<b>Bylaw Drafting</b>																								
<b>Community Consultation</b>																								
<b>Legislative</b>																								
<b>Implementation</b>																								

### **Rationale for Recommendation**

The recommendation is to proceed with the project as the LTC’s Minor Project. While there are risks to the project associated with budget and timeline, the desire to expeditiously review these DPA provisions, the targeted scope of the project and the availability of funds and staff resources support proceeding as proposed.

### **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. Not Proceed with the Project**

The LTC may decide to not proceed with the project.

**3. Receive for information**

The LTC may receive the report for information.

**NEXT STEPS**

If the LTC endorses the project charter, staff will report back at the September LTC meeting.

Submitted By:	Robert Kojima, Regional Planning Manager	July 17, 2023
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**ATTACHMENTS**

1. Project Charter

# Raptor Nest Development Permit Area Review - Project Charter

North Pender Island Local Trust Committee

LTC Endorsement Date: xxx

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**From:** Sara Miles <[REDACTED]>  
**Sent:** Tuesday, July 30, 2024 8:29 AM  
**To:** SouthInfo <SouthInfo@islandstrust.bc.ca>  
**Subject:** Raptor Nest Project comment

Dear North Pender Local Trust Committee Member:

I am writing to express support for your work on the Raptor Nest DPA Review.

It is exciting to learn there are two new eagle nesting sites in the Port Washington Rd neighbourhood. They are called "Clam Bay Rd" site, and "Colston Cove" in the environmental report.

I urge you to create stronger environmental protections for the entire hillside above Port Washington Road. New nest sites in this area show the importance of this pristine area for wildlife.

The April 5 Staff Report prepared by Planning Manager Kojima includes a very important Review by Caurinus Environmental biologists: [NP-LTC\\_2024-04-05\\_Raptor Nest Project\\_StaffReport.pdf \(islandstrust.bc.ca\)](#)

I would be happy to also share my observations of raptors in this area, through my photographs and journals. From my home location, I have a unique vantage point from which I can observe the many raptors who live and nest above Port Washington Road. Maintaining intact forest along here is critical to these creatures' success, and it is in fact is the main reason they are here.

Best regards, Sara Miles

**From:** Brad Smith <[bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)>  
**Sent:** Wednesday, October 23, 2024 12:20 PM  
**To:** '██████████' <██████████>  
**Cc:** North Pender Island Local Trust Committee  
<[NorthPenderIslandLocalTrustCommittee@islandstrust.bc.ca](mailto:NorthPenderIslandLocalTrustCommittee@islandstrust.bc.ca)>  
**Subject:** RE: Raptor DPAs

Hello Michael,

Thanks for taking the time to meet with me at your property last week. Yes, based on my onsite observations, it is my professional opinion that the DPA tree in question still has the criteria needed to be a viable nest/perching site for raptors. As we discussed, it would be fair to say that if the structure of the tree goes through further significant changes, it can be reassessed as a viable nesting or perching structure.

I have followed up directly with the QEP that authored the report and he concurs with my findings. As such, staff will be recommending that the tree continue to be maintained as a Raptor DPA tree for now.

Best regards,

Brad

**Brad Smith, PAg**

Island Planner, Southern Team  
200-1627 Fort Street | Victoria BC V8R 1H8  
(778) 679-5185 | [bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca) | [www.islandstrust.bc.ca](http://www.islandstrust.bc.ca)  
You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

**Preserving and protecting over 450 islands and surrounding waters in the Salish Sea**

*I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scəwəθən, səliwətəʔ, SEMYOME, shíshálh, Skw̓xwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', S'ÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLEŁP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*

**From:** David Maude <[dmaude@islandstrust.bc.ca](mailto:dmaude@islandstrust.bc.ca)>  
**Sent:** Monday, October 21, 2024 3:15 PM  
**To:** Brad Smith <[bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)>  
**Subject:** Fw: Raptor DPAs

**Mayne Island Trustee**  
**Trust Council Vice Chair**

**Wi'la'mola - *we are all travelling together***

---

**From:** michael <[REDACTED]>  
**Sent:** October 21, 2024 12:36 PM  
**To:** David Maude; Aaron Campbell; Deb Morrison  
**Subject:** Raptor DPAs

Hello N. Pender LTC: I am writing concerning your current review of raptor nest DPAs. When we purchased our home and property in 2007 we were excited about it having an eagle nest on the property. Shortly after purchasing we learned that the eagles had abandoned the nest two or three years earlier. In the intervening 17 years the nest gradually deteriorated and there is no longer any trace of it. The tree, which was already basically a large snag, has also deteriorated and is down to one large branch.

As there has been no nesting activity in this tree; no eagles, no osprey, no herons, no ravens, in the past twenty years and as all the structure necessary to support a larger nest is gone, I contacted your planner, Brad Smith, and requested that this tree be removed from your raptor DPA roster. I invited him to visit the site to see the conditions. It was clear from my conversation with him, and his conduct when he visited, that he had already made up his mind on the matter. He stated, without having seen the site, that it could be "potentially viable" and repeated this conclusion when he arrived here and again when viewing the tree.

So, you now have a protected "raptor tree" which has no raptor nesting activity, hasn't had for about 20 years, and has not been used by any other large avian species in that time despite the tree being open and available. It is shown on your map as an eagle nest but no eagle will ever nest in it again as there is no structure to support an eagle nest. The phrase "junk science" comes to mind. This kind of conduct is what has led to the Islands Trust losing credibility in the community.

Regards,  
Michael Symons  
[REDACTED]  
Pender Island

**Jonathan and Suzanne Liteplo**

████████████████████  
**North Pender Island, BC**  
(████████████████████)

November 22, 2024

**Sent by Email to: [bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)**

Islands Trust  
200 – 1627 Fort Street  
Victoria, BC V8R 1H8

**Attention: Brad Smith  
Island Planner, Southern Team**

Dear Brad:

**Re: Raptor Nest Development Permit Area Review Project**

We are writing in response to your letter dated October 4, 2024 in respect of the above-captioned Project, enclosing a copy of the *Raptor and Heron Nests Development Permit Area (DPA) Review Report* dated June 2024 (authored by Mr. Dan Baxter of Caurinus Environmental), and *Raptor Nest Draft Map v2* dated August 2024.

**Background**

We are the registered owners of ████████████████████ on North Pender Island (████████████████████). The property is 1.238 ha in size and is zoned RR2. We received your letter at our primary residence on or about October 11, 2024.

The revised map attached as Appendix A to the June 2024 Caurinus report (i.e., the map marked “Draft August 2024”) indicates that a DPA relating to a new bald eagle nest site is being proposed for our property and adjacent properties (marked as “53”). The earlier “Draft June 2024” map did not include the proposed DPA.

From the map, it appears that the DPA would center on one of two large Douglas Fir trees located on our property near the west boundary line, although we understand from your email that it is only one tree that would form the basis for the DPA. Although we are not certain at this point, we assume the specific tree identified by Mr. Baxter is the larger of the two.

We purchased the property four years ago in the fall of 2020 in an undeveloped state. We first viewed the property in late August, 2020, and inspected it carefully in the ensuing weeks leading up to completing our purchase at the end of October, 2020. At that time, there was no

eagle nest on the property (intact or partial), including in either of the two large Douglas Fir trees. Nor was there any physical evidence indicating that an eagle nest had been present on the property at some point in the past (such as the remains of a nest that may have fallen out of a tree, prey remains, etc.). We also researched the Islands Trust website, and determined that there were no DPAs applicable to the property, and that there were no known raptors' nests on or near the property.

Since that time, there has been no eagle nest on the property. Nor have we seen any indication that a nest is under construction, including in either of the two large Douglas Fir trees.

In 2021, the Islands Trust and CRD granted our application for a building permit for the property, and no mention was made during that approval process of an eagle nest site on the property. As we know you appreciate, we have invested substantial resources, including money and time, to acquire and develop the property.

### **Our Initial Questions on Mr. Baxter's Report**

Neither your letter nor Mr. Baxter's report provide specific details as to why a DPA is now being proposed at this location. Mr. Baxter's report includes the following general comments:

*"... based on local naturalist David Manning's yearly record keeping of raptor sites on Pender Island, we visited undocumented raptor nest sites across North Pender Island. ... where a nest was not present, the viability of each documented raptor nest tree to support a nest in the future was assessed. Some nest sites were not accessible, and therefore an approximate nest site coordinate was recorded."*

Based on this passage and Mr. Baxter's report more generally, we indicated in an email to you (October 16, 2024) that we wanted to understand what data, analysis or other information the Islands Trust and its consultant were relying on to conclude that a DPA is required at this location. We also asked the following specific questions:

- Do David Manning's records indicate that a nest was present at some point at this location? If so, over what period of time?
- How do we obtain a copy of his records?
- Is there a description in his records as to how he conducted his yearly record keeping?
- Did Mr. Baxter visit this site and view the specific tree? If so, when and from what vantage point(s), and what were his site-specific observations at the time?
- Given that there is no nest present, did Mr. Baxter conduct an assessment of the viability of the tree(s) to support a nest in the future? If so, what did that assessment involve, what were his conclusions, and on what analysis were those conclusions based?

You responded to our questions by email (October 24, 2024) as follows:

*"I have followed up with the biologist and this is what I understand:*

1. *The data point was not captured in the June 2024 report or map as an oversight, this was identified by Islands Trust staff during follow-up QA/QC on the mapping data to produce the August 2024 map*
2. *The tree is known to have housed a nest in the past – the biologist notes that the old nest that was there came down in a storm, prior to any construction, but recently there have been signs of stick placement in the tree*
3. *The biologist assessed the tree from an adjacent property and determined with limited time viewing the tree it seems that there was still a viable structure for nesting in the tree and recommends inclusion as a DPA*
4. *Although a known site, the tree was not included in the current DPA layer and if now included would become a new DP area.”*

### **Our Concerns**

With respect, the information set out in Mr. Baxter’s report and the additional information provided in your email do not in our view provide a reasonable basis for including this site in DPA 7. Importantly, it is not apparent how Mr. Baxter’s assessment of the tree “from an adjacent property” and “with limited time viewing” is a reliable basis for concluding that “it seems that there was still a viable structure for nesting in the tree” or that “recently there have been signs of stick placement in the tree”. The closest potential vantage points on adjacent properties are a considerable distance from and below the base of the trees. In addition, no details or records appear to be available respecting the basis on which “the tree is known to have housed a nest in the past”, the specific time period over which a nest was present, or the basis on which Mr. Baxter understands that the “old nest that was there came down in a storm”.

We spend considerable time on the property and keenly observe our trees and the wildlife that frequent our land. The two adult eagles that spend time on our property (and the three properties to the northwest and two properties to the southeast of our land), come across Navy Channel from Mayne Island. They spend short periods of time on our side of the Channel, perching in a number of trees and hunting fish along the shoreline, typically when the water is calm. On a couple of occasions, we have seen them fly across from Mayne aggressively when, for example, one or two Osprey come down the shoreline from the northwest to hunt fish near our and our neighbours’ properties. At different points during the nesting season, we don’t see the eagles on our side of the Channel for lengthy periods of time. Others have indicated that they believe the pair has one or more nests that they actively use on Mayne Island. We have not observed any eagle nest being constructed on our property.

### **Our Requests**

It does not appear to us that the proposed DPA for this site is warranted. There is no eagle nest currently present in the trees, there hasn’t been a nest for at least four years (and perhaps considerably longer given that there was no evidence of a nest having been present, either in the trees or on the ground around the trees, when we purchased the property), and we don’t see evidence of stick placement in the trees, much less a partially constructed nest. Further, it

isn't immediately apparent to us that a structure exists in the trees that would support such a substantial construct.

For these reasons, we respectfully request that the Trustees not include the site in DPA 7.

If the Trustees do not agree with our request, then we respectfully ask that the Trustees delay their consideration of the proposed DPA for this site to provide us with a reasonable period of time to retain an expert, to independently investigate the site and provide their professional assessment. The facts set out above, combined with the significant impact that the proposed DPA could have on our use of the property and its value, establish a reasonable basis for questioning the appropriateness of the proposed DPA and our desire to obtain an assessment from an independent expert. Given all of the relevant circumstances, procedural fairness requires that we, as the owners of a property that will be directly and significantly impacted by the proposed DPA, be given a reasonable opportunity, including a reasonable period of time, to obtain such expert assistance and then provide the Trustees with further submissions before they make a determination as to whether or not the site should be added to DPA 7.

We also have concerns with respect to the considerable increases that Mr. Baxter appears to be proposing with respect to the size of the DPAs. For example, the 200m radius that he appears to be recommending during nesting season would impact our entire property, as well as at least five properties to the northwest of our property, three to the southwest and two to the southeast. Even his 100m recommendation outside of nesting season would encompass the vast majority of our property and the majority or considerable portions of a number of adjacent properties. We require a reasonable opportunity to consult with an expert on the appropriateness of Mr. Baxter's sizing proposals and to make further submissions to the Trustees in that regard.

## **Conclusion**

From your email, we understand that the next step in this process is that staff would bring specific bylaw amendments to the Trustees for consideration, and perhaps the Trustees would give them first and second reading, at their meeting on November 29, 2024. Unfortunately, we will not be able to attend the meeting. (I have been scheduled since early 2024 to be in Ontario from November 28 to December 1 at Board of Director and Management meetings for an international development organization that I'm a Board member of, and I have to attend.) We ask that you provide this letter to the Trustees, along with our regrets that we are unable to attend.

Thanks again, Brad, for your helpful responses to our initial questions. Please keep us posted on further developments on this file, including the Trust's response to this letter, and any future process and schedule that is established. Best to reach us by email ([REDACTED]) or cell ([REDACTED]).

Yours truly,

A large black rectangular redaction box covering the signature area.

Jonathan and Suzanne Liteplo

**Nadine and Chris Pettman**

**[REDACTED], North Pender Island**  
**[REDACTED]**

November 25, 2024

Islands Trust  
200-1627 Fort St.  
Victoria, BC V8R 1H8

**Attention: Brad Smith, Island Planner, Southern Team**

Sent by email to bsmith@islandstrust.bc.ca

**Re: Proposed changes to the Raptor Nest Development Permit areas on North Pender**

Dear Brad,

We ask that this correspondence be submitted to the ITC ahead of the upcoming committee meeting scheduled for November 29, 2024.

We are writing in regard to the proposed new DPAs related to potential raptor nesting locations on North Pender. We own the property at [REDACTED] and have just recently been made aware that a new DPA is proposed for a location on a neighboring property which could, if implemented, have significant impact on our property. We were only recently made aware that this island-wide project was being undertaken by the ITC. While we believe in a balance between human use and enjoyment of the land alongside flourishing flora and fauna, we ask that our Islands Trust representatives consider a few key points as you work towards decisions that will impact many Islanders:

- As we understand the process, the proposed DPA zones are based on the views of one biologist. While we don't question their credentials, we feel it would be prudent to get a wider range of independent, professional opinions given the magnitude of and potential impact of the proposed DPA zones.
- We request that all of the detailed data and observations informing the recommendations laid out in the staff report be made readily available for public review.
- We understand that there is a proposal to increase the buffer zones beyond their current radius, which brings even greater potential impact to relatively small properties. We would like to better understand the science-based data that supports the need for DPAs of this scope and size.
- The current proposals are vast in their number and size and have the potential to cause immeasurable impact on land owners of affected properties. In our case, virtually all of our property is encompassed in the proposed primary buffer zone. We invested in the property on Pender Island for the long term and to become active members of the community over decades to come. We intend to build modestly on the property for our own personal use and recognize that should this DPA be put in place, that applying for development permit variances would be a

possible avenue to still do so. However, there are no guarantees that we would be granted a variance and we would need to invest a considerable amount of money in plans and planning before we would even know that our proposal, otherwise within the limits of the building regulations, would be approved. A DPA of this nature would create significant doubt as to our ability to build at all. Given the uncertainty of this process, our raw land, which is a significant part of our retirement planning, will decrease in land value relative to others not encumbered by this proposed DPA. So should we opt to sell, there will be significant financial impacts.

The most recent staff report states that all property owners with identified nest sites have been contacted, but we request that all future correspondence also include the properties who are within the proposed buffer zones so we can be well-informed and engage on a subject that could significantly impact us. As stated above, we did not receive any official communication or consultation on this topic.

Thank you for your consideration of these points and the impact that these proposals will have on families such as ours.

Regards,

Chris & Nadine Pettman

████████████████████

██

**From:** michael <[REDACTED]>  
**Date:** January 4, 2025 at 11:24:11 AM PST  
**To:** Aaron Campbell <[acampbell@islandstrust.bc.ca](mailto:acampbell@islandstrust.bc.ca)>, Deb Morrison <[dmorrison@islandstrust.bc.ca](mailto:dmorrison@islandstrust.bc.ca)>, David Maude <[dmaude@islandstrust.bc.ca](mailto:dmaude@islandstrust.bc.ca)>  
**Cc:** b s <[REDACTED]>  
**Subject:** Raptor DPAs

Dear North Pender Island LTC: Your proposed Bylaw 235, raptor DPAs should not be adopted. It is an unwarranted intrusion on the rights of affected property owners' use and enjoyment of their land and is unnecessary. Abrogation of property rights you should be a last resort and only when supported by compelling reasons, which are absent here.

The proposed changes would blanket nearly the entire end of our peninsula with restrictions. The fact that these regulations are not needed is borne out by the fact that the species intended to be protected are apparently thriving here without these regulations.

The area adjacent to our property, which has heron nests which you apparently believe require large areas of regulated activities and nearly year-round "quiet times", has been the subject of ongoing development in the past few years, including: installation of a new road, with extensive tree removal, construction of a new home, with ongoing contractor traffic, and installation of high tension power lines, with associated large scale tree removal. Yet the herons have established their nests, which they continue to use. (One is reminded of the storks which famously nest atop chimneys in the Netherlands.)

Furthermore, the data to support application of this DPA on our property has been falsified, as you are well aware, having been previously apprised of that fact. The fact that you are willing to misrepresent the facts regarding our property makes one wonder about the validity of the designations on the rest of the island.

This is a textbook case of unnecessary regulation. Arbitrarily applying a provincial guideline to this an inhabited area is irresponsible (you can't seriously contend that a bird nesting down by Bedwell Harbour will be disturbed by someone using a leaf blower clear over on Swanson View). Additionally, the complex scheme of calendar periods, exemptions, and exceptions, would make both compliance and enforcement problematic.

To summarize; the proposed bylaw is not supported by valid evidence, is overbroad, and unnecessary. The phrase "arbitrary and capricious" comes to mind. This kind of 'regulation for the sake of regulation' erodes the Islands Trust's credibility and invites contempt of the law.

Regards, Michael Symons



Magic Lake Property Owners' Society  
[REDACTED]  
[REDACTED]  
[REDACTED]

Sunday, January 19, 2025

Islands Trust  
200-1627 Fort St.  
Victoria, BC V8R 1H8

Attention: Brad Smith, Island Planner, Southern Team, Deb Morrison and Aaron Campbell,  
North Pender Trustees

Sent by email to [bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)

Re: Proposed increases to the Raptor Nest Development Permit areas on North Pender

Dear Brad Smith, Deb Morrison and Aaron Campbell:

I am writing at the behest of the Magic Lake Property Owners' Society (MLPOS) Board of Directors who, after hearing a presentation by a member of the society who's property will be severely impacted by the proposals referenced above, wish me to convey their concern over the negative impacts of the proposals to the members of our society and the property owners of the community of Magic Lake. You must be aware that the majority of the lots in Magic Lake aren't 120 meters wide, meaning a raptor's nest, or possible nesting site in the middle of the lot would render it impossible to build on, or improve if already developed. We also believe that, in the case of Eagles, these are not an endangered species in need of stringent protection. The proposed new restrictions are both unwarranted and unnecessary.

To be specific:

- The Ministry guidelines state that the proposed measures are more for "...colonies not previously accustomed to people and their activities." This does not describe the existing and potential sites in Magic Lake.
- The proposed 60 meter exclusion zone is based on a formula of 1.5 tree lengths for the Magic Lake Estates area. There are no references quoted to back up this assertion. Rather than use the height of the particular tree in question, the formula suggests an assumption of 40 Meters (over 131 feet). As Bald Eagles and Ospreys prefer a saddle at the top of the tree it is doubtful the trees are even 30 meters which would suggest an inclusion zone of less than 45 meters.
- The proposed doubling of the size of the DPA area includes a large number of properties that do not have raptor nests, but whose properties would be adversely

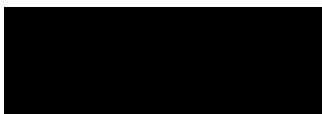
affected. Yet these owners have not been notified so they can be aware of, and included in the process.

- The proposed DPA sites appear to include trees that have in previous years had nests that have fallen and some have never had raptor nests, but are included due to their “potential”.
- There are no properties in Magic Lake that come anywhere near 120M in width, the diameter of the proposed exclusion zone. This sized exclusion zone would make all of the vacant lots in Magic Lake unusable should a raptor nest or potential for a raptor nest be identified. Indeed, an identified or potential nest will affect multiple properties adjacent to the lot.
- The proposed “added” 100 meter radius, (200 M diameter) buffer during the breeding season would coincide with the season the residents do work on their lots including construction of additions, driveways modifications, garages, paving, clearing etc. Requesting they refrain from this during breeding season means not only less enjoyment of their yards and homes, loss of the weather window for this type of work, and a build up of fuel for wildfires.
- The proposed bylaw includes species and settings not discussed in the report or other materials.
- The primary raptor nesting in Magic Lake, Bald Eagles, are not a species at risk according to the Nature Conservancy of Canada.

The proposed changes to the DPA areas in RR1 zones on North Pender Island (Magic Lake and Trincomali) will result in major drops in property values for many residents and major, if not insurmountable, obstacles for property owners of a number of the vacant lots, many of whom do not have any actual or potential raptor nests and are, therefore, collateral damage if these measures go ahead. The changes are unnecessary as the resident raptors in question are already habituated to the semi-urban situation in those two communities.

The proposed changes are unnecessary and must not be applied to RR1 Zones on North Pender Island

Sincerely



Bob Coulson  
President

From: Herb Katz <[REDACTED]>  
Sent: Monday, February 24, 2025 10:47 AM  
To: Emily Bryant <ebryant@islandstrust.bc.ca>  
Subject: Re: Eagle Nest near Thieves Bay Park

Hello Emily,

Thank you for your email. I should be clear that I'm not upset about expanding the area around eagles' nests. We've spent over 20 years watching and logging the activities of the eagle pairs that have occupied the nest close to our home. When one of the earlier pairs was injured in an aerial battle with an intruder we helped save it. Earlier, when one almost drowned we helped get it back to its nest. When the eaglet fell from the nest during the intruder attack we saved it, contacted OWL, bundled it up and got it to the helicopter. These eagles have become a part of our lives.

My point is simply that if Islands Trust is to make changes to existing regulations, these changes must be based on current data. Some work has to be done on this. Otherwise, these regulations will be questionable.

You can attached this message to the earlier document that you are posting to the Islands Trust website.

Herb

> On Feb 24, 2025, at 9:01 AM, Emily Bryant <[ebryant@islandstrust.bc.ca](mailto:ebryant@islandstrust.bc.ca)> wrote:

>

> Hello Herb,

>

> Thank you for your email. Correspondence addressed to Trustees is circulated to the North Pender LTC. Please note that your correspondence will form a part of public record and as such may be posted to the Islands Trust website. All personal information except for your name will be redacted.

>

> All the best,

>

> Emily Bryant (she, her, hers)

> Planning Team Assistant

> Islands Trust

> 200-1627 Fort Street | Victoria BC V8R 1H8 T 250-405-5163 |

> [islandstrust.bc.ca](http://islandstrust.bc.ca) You can also reach us toll-free via Service BC

> 1-800-663-7867 | 604-660-2421

>

> Preserving and protecting over 450 islands and surrounding waters in

> the Salish Sea I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scəwəθən, səlilwətəl, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', STÁUTW, Stz'uminus, łaʔəmen, Ts'uubaa-asatx,

Wei Wai Kum, We Wai Kai, W̱JOŁŁLP, W̱SIKEM, Xeláltxw, Xwémalhḵwu, Xwsepsum, and x̱w̱məθḵw̱əy̱əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

>

> -----Original Message-----

> From: Herb Katz <[REDACTED]>

> Sent: Friday, February 21, 2025 9:03 AM

> To: Aaron Campbell <[acampbell@islandstrust.bc.ca](mailto:acampbell@islandstrust.bc.ca)>; Aaron Campbell

> <[acampbell@islandstrust.bc.ca](mailto:acampbell@islandstrust.bc.ca)>

> Cc: [REDACTED] Emily Bryant <[ebryant@islandstrust.bc.ca](mailto:ebryant@islandstrust.bc.ca)>

> Subject: Eagle Nest near Thieves Bay Park

>

> The nest off of Schooner Way near Thieves Bay Park as indicated on the map attached to the MLPOS email has not existed since 2019. It was badly damaged during the December 2018 storm and fell after another storm in 2019. The eagle pair established another nest approximately 200m to the west of the old nest. That second nest was destroyed after a storm took down the top half of the tree on which it was sited. The eagle pair have not reestablished a nest in this area since then.

>

> As you possibly understand, nature is not static. You must keep your data updated. If, as it appears, you have not done so, your proposed plans are based on stale data (in addition to the several false assumptions mentioned in the MLPOS email). I think that you must reexamine your work with these points in mind.

>

> C.H.Katz, PhD.

> Professor, retired,

> University of Alberta

**From:** Robert Adria <[REDACTED]>  
**Date:** March 11, 2025 at 7:04:29 PM PDT  
**To:** David Maude <[dmaude@islandstrust.bc.ca](mailto:dmaude@islandstrust.bc.ca)>  
**Subject:** Proposed Bylaw 235, Raptor DPA's

I am a land and home owner on North Pender Island. I own land that is impacted by protected wetland, protected intertidal zones, protected windswept forest, Arbutus and Gary Oak tree protections, as well as Raptor and Eagle nesting areas. I understand the need to be aware of and work around/create solutions that protect natural/sensitive ecosystems and areas.

However, I am opposed to the proposed Bylaw 235, raptor DPAs, and believe that it should not be adopted. I believe it unfairly impacts the enjoyment and use of one's land without the scientific support that extended protection is required. It borders on the expropriation of land rights without the process of law which should only be done with the most compelling of reasons.

The proposed changes would blanket nearly the entire end of our peninsula with restrictions. The fact that these regulations are not needed is borne out by the fact that the species intended to be protected are apparently thriving here without these regulations. Compared to the 2020 map on the Island Trust website, the nesting grounds, as shown in a recent brochure, are flourishing.

In our end of the island (south end of Pender Island opposite Poets Cove Resort) where we have for years had heron nests, and during that time we have had homes built, new power lines put in, and roads excavated and built (in addition to the ongoing lawn cutting, tree cutting and home maintenance of the existing housing stock), and all these areas were cleared in advance to accommodate these new roads, homes and powerlines - and yet the nests have flourished and expanded. They do not appear to need the nearly year-round "quiet times" and severe and extensive limits on human dwelling/living that the bylaw proposes.

A neighbour told me of the storks in Netherlands which nest atop chimneys.

The complex scheme of calendar periods, exemptions, and exceptions proposed, would make both compliance and enforcement problematic.

It is hard to determine what the status of the Proposed Bylaw 235 is, however it comes before you, I trust you will not vote in favour of it, as the proposed bylaw is not supported by any valid evidence, is excessive, and is unnecessary.

Sincerely,

Robert S. Adria

**From:** Carl Wilkins [REDACTED]  
**Sent:** Wednesday, July 2, 2025 7:50 AM  
**To:** Brad Smith <[bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)>  
**Subject:** Raptor Nest DPA Review Project

Hi Brad,

I'm writing in response to your correspondence of June 23, 2025, seeking feedback on the raptor nest DPA review project (IT file: NP-LTC) on Pender Island.

I don't agree that an increase in buffering distances from nesting trees is needed. The birds seem to be doing just fine with the current buffer zones. I also don't see any evidence that existing buffer zones are having any positive or negative impact on the birds.

Thanks for the opportunity to provide feedback.

Carl Wilkins

[REDACTED]  
Pender Island, BC [REDACTED]

From: Shelley Robinson [REDACTED]  
Sent: Wednesday, July 16, 2025 1:57 PM  
To: Brad Smith <bsmith@islandstrust.bc.ca>  
Cc: [REDACTED]  
Subject: Feedback on Letter Raptor Nest Development Permit

Dear Brad Smith:

I am the owner of [REDACTED]. I understand that there is a tree that will be impacting my property with regards to new permitting guidelines.

My feedback is that the area surrounding these trees should be narrower and should still allow owners to build and develop with these trees in mind. I find that the proposal is very restrictive for property owners impacted by it, and I am confident that there can be ways to mitigate building and development with these birds in mind. I do not agree with these serious and severe restrictions for property owners and I'd like it to go on record that there should be a smaller range around the trees with only seasonal considerations. As well, when people buy property, their ability to develop on it should be grandfathered in as we bought with the understanding that we were able to develop on these pieces of land given the island trust guidelines of that time.

Sincerely,  
Shelley Robinson, PhD

[REDACTED]  
[REDACTED]

**From:** Garrett Franklin [REDACTED]  
**Sent:** Sunday, August 10, 2025 11:43 PM  
**To:** Brad Smith <[bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)>  
**Cc:** Garrett Franklin [REDACTED]  
**Subject:** Fwd: From the vancouver community on Reddit: Peregrine Falcon on Grandville randville highrise

Hello Brad

I am writing today to comment in response to a letter I received in June 2025 to Changes to the Land use Bylaw and DPA 7 protected Raptor Tree boundaries .

I do agree steps and guidelines and continued community education are required for property owners to understand and to maintain the DPA.

I purchased Property [REDACTED] Pender Island North [REDACTED] solely based on the response I received in writing from Island Trust January 20 2025 for land use under the bylaw 224 and the specific terms of the DP 2023.3 issued to the property of a 30 & 50 meter radius of the Douglas fir tree. There was no comment on the current review in progress or the coming draft bylaw 235 and changes to the or the dpa 7.

The Property I purchased was Commercial Logged by the previous owners, I took on the responsibility to restore it with future plans for home occupation which will require construction of primary dwelling, outbuildings and amenity services.

I will assume the focus of the DPA 7 review and proposed changes to DPA 7 are primarily because of these persons actions. I Will suggest a substantial fine be considered for commercial logging of property or destruction of habitat vs limiting owners from actively using their private property.

I will share with you a unique experience I have personally had from spring 2025 with a Raptor Nesting ground in the heart of Downtown Vancouver.

My company specializes in Commercial and Industrial Installations. Our project required opening of the roof of [REDACTED] or the job site was 200' above the pedestrian sidewalk below .

Granville street is considered one of Vancouver's busiest streets with traffic, transit, pedestrians sirens and horns and even the public protest marches we all see quite regularly on the news it's "alive" down there all hours of the day.

We started to notice some occasional Bald Eagles circling high above and a Falcon was constantly on patrol swooping and calling out , almost chasing them off or just sitting at the roof of the neighbouring building on watch.

I inquired to the Building owners if this was someone's exotic pet that was brought into the office daily and allowed out to hunt Pigeons.

To my surprise this Peregrine Falcon is wild and has its nesting "grounds" on the roof of the building directly across from us at [REDACTED] which is owned by the same

people as [REDACTED]. One of the staff shared this photo from the fall when she first returned to the nest for 2025. It was reported there were 3 eggs and the Eyasses survived. This falcon is tracked and the Government Authority attended the building to check the nest at one point with a drone.

Here is a clip of on of the Essays possibly taking a brief rest on the sidewalk from learning to fly

[REDACTED]

I understand the current DPA zoning is from the year 2007 and could be in need of some modernization. Tools could be made readily available to property owners in the form of a checklist application that require a master plan for the site listing type of work they are planning to be created by a Professional Architect based within the Gulf Islands with previous experience with The Island Trust and the CRD.

An unbiased review by Industry Professionals and application tier system based on dollar value being spent and area of the lot the work is happening could be implemented to allow property owners to have the full use and full value of their privately owned land with respect given to the land and wildlife that shares it.

I do not agree with the statement in the June 2025 letter to owners that " your land is worth more with raptor nesting grounds ".

I do not agree with proposed Draft Bylaw 235. If there is an opportunity to work with you and staff to find a balanced solution please reach out.

Forest Fire protection is a topic that needs more focus if a property owner is doing a renovation or construction based on the current land use bylaws.

Dedicated Increase to cistern storage requirements for properties not in the municipal water works adding individual mechanical fire pump installation

"when an owner applies to build anything over a certain dollar amount they need to purchase, install and maintain fire protection criteria."

Best Regards  
Garrett Franklin

[REDACTED]

[REDACTED] Pender Island

From: David Wilks [REDACTED]  
Sent: Thursday, August 28, 2025 8:40 AM  
To: SouthInfo <SouthInfo@islandstrust.bc.ca>  
Subject: Raptors Nest Development Project- By law Revisions

We are the owners of [REDACTED]. According to your maps, our lot will be affected by two eagle raptor trees which are not on our lot. Neither tree has a nest. The nest in the tree to the east of our property fell down 5/6 years ago. The tree to the south, the entire top broke off during the last winter taking the nest with it.

With the current by law, 1/3 of our lot has been subject to the 30 metre buffer distance.

In 2022, we obtained an exemption to cut down a few small trees in the non - nesting season. There was no nest in the tree at that time.

The proposed 60 metre buffer distance in non-nesting season would cover 2/3 of our lot. The proposed 160 metre buffer distance in nesting season would cover our entire lot for 7 months a year. These revisions would put severe restrictions on what can be done on our lot which is not fully developed.

They would affect the value of our lot. Our enjoyment of owning this property would decrease, because you would be wondering what you could undertake during the various times of the year.

Also, when there are no nests in the trees and only the potential of a nest being built, your revisions begin to lack credibility.

The eagle population appears to be doing well on Pender and other urban areas.

We do not support the revisions to the DPA bylaw.

Thank you for your consideration.

David Wilks and Linda Park  
Sent from my iPad

**From:** Chris Pettman [REDACTED]  
**Sent:** Thursday, September 11, 2025 11:17 PM  
**To:** Brad Smith <[bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)>  
**Subject:** Raptor Nest Development Area Review Project

Attn: North Pender Island LTC c/o  
Brad Smith  
Island Planner- North Pender Island Local Trust Area

Re: Raptor Nest Development Permit Area Review Project

Dear Brad,

We are the owners of the property located at [REDACTED] on North Pender Island and are in receipt of your letter regarding proposed changes to the DPA 7 bylaws.

As originally communicated to you and the LTC upon first hearing of the potential impact of these changes, we remain opposed to the proposal in its current form.

The reasons for our concerns with the overall proposed changes include:

- It has not been communicated as to why there is a need for any updates to the current bylaws specifically with respect to eagle nests and potential nesting trees. The bald eagle is not listed by the province of British Columbia as a species at risk and is in fact listed as a species that has a moderate to high ability to co-exist with human activities near nesting sites. Has the LTC commissioned a study to assess the risks to bald eagle populations and habitat on North Pender Island? If so, is the population being threatened and require these changes?
- It is reasonable to assume that any science based approach to protecting natural ecosystems and biological diversity would begin with a comprehensive study to ascertain what if any specific risks to species exist on the island so that an informed approach can be taken to ensure they are appropriately mitigated. To my knowledge this has not been done as part of this review.
- Provincial regulations already exist to protect any trees with active raptor nests in them. Why does the LTC find it necessary to create redundant bylaws within the OCP as the proposed changes appear to be?
- Why is only one biologist being used to develop this plan, particularly when questions about specific proposed sites are raised? It is not appropriate for the reviewing professional of a challenged/questioned proposed site be the same professional that originally proposed the site. This is a clear conflict of interest. Any questioned sites should be reviewed by an at arms length professional biologist to ensure an unbiased second opinion.
- The inclusion of 'potential' nesting sites in this review is extremely problematic. There is no guarantee that any proposed tree that has been identified as being able to support a raptor nest will actually be used by eagles or even be viable. These sites should not be included in this DPA.

- To suggest that the proposed map is an exhaustive list of all trees that eagles may eventually use to nest is simply not credible. There are certainly many more trees that may be viable that are not on the proposed list of new DPA sites and several that are on the list that will not be. How does the LTC propose to ensure the DPA is kept current moving forward if these changes are enacted?
- The proposed changes to the buffer zones around raptor trees is particularly concerning for lots that have not yet been developed. The proposed changes would very likely lead to development restrictions that make it nearly impossible to build any structures on these lots particularly given the proposed 200m buffer during breeding season that could effectively prevent building activities for 9 months of the year. This is unreasonably punitive to property owners.
- The potential impact of this proposal is significant in the sheer number of properties that stand to be negatively impacted should these changes be approved. The ability to develop these properties within the guidelines currently laid out in the OCP will become much more challenging if not impossible for many of these properties.
- The resulting decline in property values that will likely be resultant from these changes cannot be ignored or understated. The inability or severe restriction on building what would be otherwise compliant dwellings will without any doubt significantly decrease the value of impacted properties. This is an unfair burden to place on property owners who bought land in good faith outside of the many DPAs in place on the island. What is LTC's position on this issue and the potential liabilities it may be placing on itself should these changes be approved?
- The resulting restrictions on a large number of properties across the island has the potential to significantly decrease the inventory of complaint dwellings required to sustain the healthy population and community of North Pender Island. Sustainable and affordable housing are also mandates of the Islands Trust and do not appear to be considered in this review.
- The proposal in it's current form does not outline what the potential development restriction details would be. In the absence of these details it must be assumed that any development permit application within proposed buffer zones would be rejected.

Our property would be impacted by proposed site 53. Our objection to the inclusion of this site specifically beyond the reasons stated above include:

- There is no eagle nest in the tree in question and has not been since at least 2020.
- While there is anecdotal commentary that there was once a nest in this tree, it is no longer present in the tree. Given this fact and the fact that eagles have not been successful in building subsequent nests in the tree, it is reasonable to assume the tree is no longer a viable nesting tree.
- Our lot is largely undeveloped. If the DPA is put in place in and around this tree our lot will be 100% covered by the buffer zones. This is of great concern to us as this will likely make building a dwelling on the property difficult and potentially impossible should the LTC decide not to grant a development permit in the buffer

zone in the future. This is very distressing as we have invested a considerable amount of money in this land and have the intent of building a modest sustainable home on the property in the future.

- Given potential for development challenges should these changes be enacted there is potentially for a significant monetary loss.
- We value conservation and purposely bought this lot because it did NOT have any DPAs on it.
- Despite our initial questions to you and the LTC as to how the LTC hired biologist gained access to the site in order to evaluate the tree, we have received no response. Please respond to this question: did the biologist gain access through our property without first getting the required permissions from us as the land owners? While we would not look to restrict access, it is important to state that any activities undertaken on behalf of the LTC should be done so with full transparency and cooperation from land owners.

In summary, we are opposed to the proposed changes to DPA 7 sites and request that they not be approved in their current form. Impacted land owners will be unfairly and disproportionately punished by these changes. There has been no evidence provided that the raptor population of North Pender Island is at risk and that these changes are even needed to protect them.

Please pass this letter for reading and due consideration ahead of the scheduled LTC meeting on October 3, 2025. I can be reached for discussion at the number below.

Sincerely,  
Chris and Nadine Pettman

████████████████████

North Pender Island

████████████████████

September 11, 2025

Islands Trust  
200-1627 Fort St.  
Victoria, BC, V8R 1H8

**Attention: Brad Smith, Island Planner, Southern Team**

Sent by email to bsmith@islandstrust.bc.ca

Deb Morrison dmorrison@islandstrust.bc.ca

Aaron Campbell acampbell@islandstrust.bc.ca

David Maude dmaude@islandstrust.bc.c

**Re: Proposed changes to the Raptor Nest Development Permit areas on North Pender**

Brad,

I ask that this correspondence be submitted to the ITC for the committee's consideration.

We are writing in regard to the proposed new DPAs related to potential raptor nesting locations on North Pender. The comments on this fall primarily into comments on how the Trust has misrepresented facts and data.

- The Islands trust (IT) has chosen to designate a tree as a bird tree even if it has no nest and has not for years. In fact if you review the IT response to the Symons letter the IT will count a tree even if abandoned for many years or even if it is subjectively considered to be a viable nesting or perching structure. This is ridiculous and is in contrast to Provincial and Federal definitions that require a tree to have a nest in it to be protected. This is an unreasonable position and attracts valid criticisms such as “The fact that you (IT) are willing to misrepresent the facts regarding our property makes one wonder about the validity of the designations on the rest of the island” (Symons)
- The IT fails to clearly and accurately describe or apparently even consider the effects on affected land owners. Restrict activities (other than existing development maintenance) between January 5 to August 31. Numerous environmental studies and approval gates. Basically whatever the IT wants.
- The proposed “added” 100 meter radius (200 M diameter) buffer during the breeding season would coincide with the season the residents do work on their lots including construction of additions, driveways modifications, garages, paving, clearing etc. Requesting them to refrain from this during the breeding season means not only less enjoyment of their yards and homes, loss of the weather window for this type of work, and a build up of fuel for wildfires. (MPLOS)
- The proposed doubling of the size of the DPA area includes a large number of properties that do

not have raptor nests, but whose properties would be adversely affected. Yet these owners were not notified in the initial mailout so they would be aware of, and included in the process. It was not until public outcry that affected property owners were included in the notice.....clearly a breach of trust by the IT. Indeed, the notice of this proposed bylaw should be sent to everyone on North Pender as they will be dramatically affected should a nest or perch be built or designated on or near any property. The following diagrams clearly demonstrate the unwarranted increase in DPA area.



The result of the 2008 DPA



Proposed DPA

- In addition the notice does not mention the draconian restrictions and approval processes required under a DPA versus existing regulations. Valid criticisms such as “Borders on the expropriation of land rights without the process of law” (Adria) are valid and warranted.
- In the April 4, 2025 public meeting the trustees make the ridiculous statement that the point of the bylaw is so there can be a conversation about a landowners development.(min 56-59). In reality the effect of a DPA on a property is to stop you from doing any development until the demands of the IT are satisfied, versus current where you may build as long as you are within the building regulations. REALLY THIS IS A WAY FOR THE IT TO FORCE YOU TO BUILD WHAT THEY WANT VS WHAT YOU WANT. Saying anything else is untrue.
- IT purports that this is merely updating the 2008 DPA to reflect new best practices. If one dives into the supporting documents the reality is that the supposed “new” guidelines are from 2013 and 2014. Certainly not new or even current.
- In discussions with David Manning the issue is lack of trees of suitable size to accommodate Raptor nests. Current trends in Raptor accommodation are the development of artificial nest platforms that can withstand the wind and weight loads being installed on public lands. <https://www.northislandgazette.com/news/artificial-nest-for-bald-eagles-the-first-of-its-kind-on-vancouver-island-1407241> Perhaps the IT should consider this type of solution that benefits both the raptors , and minimizes the negative effects of private landowners considering that the primary raptor nesting, Bald Eagles, are not a species at risk according to the Nature Conservancy of Canada.

This trust initiative seems to be one of dominance, authority and obedience and submission over property owners, and the ability to accept, deny, and control landowners and their decisions, additions and plans . Yet, the property owners are the ones that paid for the land and in fact pay for the IT’s salaries. This in essence translates into a poorly defined government entity attempting to have the ability to control, encumber, and materially change the development and use of the property of others, which directly impacts the value of the property while using manipulated bird data on birds that are actually thriving within existing measures. This cannot be seen as fair and reasonable.

We are sensitive to a culture of sustainability without handicapping property owners' ability to utilize the land that they bought and paid for. Our hope is to see the longevity of ecosystems and the enjoyment and fair treatment of property owners and their rights for future generations.

In summary this entire exercise is a good example of why there is a growing movement to dissolve the islands trust. Poorly thought out and executed projects, gross misrepresentation by IT and council, duplicate and unnecessary regulations and government bureaucracy and limited economic benefits to islanders as IT jobs are in Victoria.

This is nothing more than an attempt to gain bureaucratic development control over private property using grossly misrepresented information.

I trust the proposed bylaw changes will be relegated to the dustbin

Dan and Leanne Sutherland

Pender Island

September 11, 2025

Brad Smith  
Island Planner – North Pender Island Local Trust Area

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

Dear Mr. Smith,

I am writing to you in response to your letter dated June 23, 2025 that provided an update regarding the Development Permit Area (DPA) review project and, as we requested, the proposed new buffer zones that were provided in \*.kml format so that we were able to view them on Google Earth. As the Islands Trust MapIT tool is no longer publicly available, we would like to request the current DPA area for our property [REDACTED] in \*.kml format so that we can compare it to the proposed new areas.

As owners of a property where a raptor nest is located, we would be affected by the proposed updated DPA requirements. We appreciate the need for DPAs to protect the natural environment on the Gulf Islands and generally agree with the proposed changes; however, we would like to respectfully provide the following feedback for consideration by the Local Trust Committee (LTC):

- The proposed new DPA areas represent a significant change from the existing ones. For our property, the proposed new year-round buffer extends south past an area that was previously cleared and the breeding season quiet buffer area encompasses most of the property.
- With respect to the proposed amendments to Bylaw No. 171, as outlined in North Pender Island Local Trust Committee Bylaw No. 235, Schedule 1, we note the following:
  - Section 5.2.8.2 indicates that for discrepancies between digital records and the actual locations of nesting trees, the minimum radius distances apply to the actual location of the nesting tree, as verified a qualified professional (QP). It is unclear how a discrepancy would be identified, if the Islands Trust or the property owner would retain the QP and what would be required to document the QP's opinion. If the property owner is responsible to retain the QP, this would be a financial burden.
  - Section 5.2.8.6, h) indicates "...examined by an arborist and certified...". It would be helpful to define "certified" and indicate what documentation is required.
  - Section 5.2.8.7, 2, c) indicates "...ensure that species specific breeding season quiet buffers are applied where applicable." Can some further clarification be provided regarding "quiet buffers"? We understand that certain activities such as blasting and hammering with an excavator could be disruptive for birds; however, limiting other construction-related activities to the period from August 31 to February 4 over such a broad area would be a significant constraint.
  - Section 5.2.8.7, 5: We note that extension of the DPA areas to those proposed would result in the following being applicable to many more properties: "...a significant portion or all of the developable area of the parcel falls within a raptor or heron DPA...". This could represent a significant challenge for development of some properties.
  - Section 5.2.8.7, 5, b) refers to a 'residential home plate'. It would be helpful to further define this term and indicate what would be reasonably expected for an appropriate area. We recommend

that a balanced approach be undertaken to enable property owners to undertake development while respecting nesting trees and maintaining natural habitat.

If the proposed changes to DPA 7 are implemented, we are concerned that there could be significant limitations to how we could develop our property and/or there would be additional costs incurred. Our intention is to build a primary residence at our property in the future in compliance with what is permitted for properties zoned as RR2. We would appreciate it if more information could be provided regarding the decision-making process to approve development permits, specific requirements regarding building methods in buffer areas, and anticipated costs and schedule implications.

Thank you for your consideration.

Sincerely,

Mark and Brenda Bolton

████████████████████



## Magic Lake Property Owners' Society

[REDACTED]  
[REDACTED]  
[REDACTED]

Friday, September 12, 2025

Islands Trust  
200-1627 Fort St.  
Victoria, BC V8R 1H8

Attention: Brad Smith, Island Planner, Southern Team, Deb Morrison and Aaron Campbell, North Pender Trustees

Sent by email to bsmith@islandstrust.bc.ca

Re: Proposed increases to the Raptor Nest Development Permit areas on North Pender

Dear Brad Smith, Deb Morrison and Aaron Campbell:

Further to our letter of Jan 19, 2025, The Magic Lake Property Owners' Society Board of Directors adds the following points in opposition of the above referenced plan:

- The "study" commissioned by the Islands Trust to support this plan is not a study.. It is, at best, a report on an inventory conducted of trees that fall into the categories described above. There is no abstract, no statistical analysis, and no references for the reader to check supporting peer reviewed studies.
- Two BC Government documents are referred to in the report. The first, a 2005 document entitled: "*Best Management Practices for Raptor Conservation during Urban and Rural Land Development in British Columbia*" is no longer available on the Ministry of the Environment's website but appears, by the title, to be intended for developers developing land, not existing communities with an established, habituated, population of raptors. The second document: "*Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia.*" Is most definitely for the use of developers and not intended to be used for the purpose that trustees are planning.
- Current research on Bald Eagles on the South Coast of British Columbia refutes the assertions of the author of the Trust's report. It describes how the our local trustee's plan will actually be counterproductive in maintaining our population. You can view it at: <https://rapt.kglmeridian.com/view/journals/rapt/55/1/article-p65.xml>

The MLPOS Board wishes to register its opposition to this plan in the strongest possible terms. It is ill conceived, contrary to the welfare of the target wildlife, and an undue infringement on the rights of property owners in Magic Lake.

Sincerely

[REDACTED]

Bob Coulson  
President

## Jas Chonk

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**From:** TFN Referrals <referrals@tsawwassenfirstnation.com>  
**Sent:** Tuesday, January 7, 2025 3:16 PM  
**To:** Jas Chonk; SouthInfo  
**Cc:** Kelly Scott; Sheila Williams  
**Subject:** Re: North Pender Island Local Trust Committee Draft Bylaw No. 235 Referral - For Response  
**Attachments:** NP-BL-235\_First-Nations\_Referral-PKG.pdf

Thank you for the email.

Tsawwassen First Nation (TFN) has no concerns regarding this file, at this time. However, TFN requests all copies of interim and final environmental reports produced for this project, if they become available.

hay čx<sup>w</sup> qə

Thank you

Amelia Cooper, B.A., Cert.

Referrals Analyst

Treaty Rights and Title Department

Tsawwassen First Nation

1926 Tsawwassen Drive, Tsawwassen, BC V4M 4G4

C 604-619-6930



scəwəθən məsteyəx<sup>w</sup>

TSAWWASSEN FIRST NATION

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**From:** Jas Chonk <jchonk@islandstrust.bc.ca>  
**Sent:** Monday, December 16, 2024 2:32 PM  
**To:** TFN Referrals <referrals@tsawwassenfirstnation.com>  
**Cc:** Brad Smith <bsmith@islandstrust.bc.ca>  
**Subject:** North Pender Island Local Trust Committee Draft Bylaw No. 235 Referral - For Response

Hello Tsawwassen First Nation Referral Coordinators:

The North Pender Island Local Trust Committee has asked that its draft Bylaw No. 235 be referred to you for comment. The referral package prepared by Island Planner Brad Smith is attached.

**Purpose:** The purpose of draft Bylaw No. 235 is to make amendments to the North Pender Island Official Community Plan No. 171 to update Raptor and Heron Nest Development Permit Area (DPA) mapping and associated provisions.

The current Raptor Nest DPA provisions were adopted in 2008 based upon surveys conducted by local volunteers. Nest trees were mapped with assistance of Islands Trust staff. An update of wildlife trees is required as new nests are

established and older ones abandoned. In addition, DPA provisions have been reviewed and updates proposed based on most recent [2013 provincial guidelines](#) for raptor conservation.

For ease of reference and review, attached are both a redline version of draft Bylaw No. 235 with proposed revisions in track changes, and a clean version that does not include track changes.

Additional background, including the preliminary staff report and draft Bylaw No. 235 are located at <https://islandstrust.bc.ca/island-planning/north-pender/projects/>

A reply is respectfully requested by **Thursday, February 13, 2025.**

Should you have any questions, or require further information, please contact Island Planner Brad Smith at 250-405-5194 or [bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca) and he would be happy to answer any questions you may have.

Please direct referral responses to [southinfo@islandstrust.bc.ca](mailto:southinfo@islandstrust.bc.ca) or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

Thank you for your time and attention to this matter.

Sincerely,

**Jas Chonk** (she, her, hers)

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | [islandstrust.bc.ca](https://islandstrust.bc.ca)

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421



### **Preserving and protecting over 450 islands and surrounding waters in the Salish Sea**

*I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səliwətəʃ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SṪÁUTW, Stz'uminus, ʃaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁEŁP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəyəm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*

**From:** NationsConnect <support@nationsconnect.ca>  
**Sent:** Thursday, January 2, 2025 3:29 PM  
**To:** Jas Chonk  
**Subject:** NationsConnect: Decision regarding consultation: North Pender LTC Bylaw No. 235 regarding North Pender LTC Bylaw No. 235  
**Attachments:** response--north-pender-island--north-pender-ltc-bylaw-no-235--from--ts-uubaa-asatx-nation.pdf

A new conversation has been started by Monty Horton and you were indicated as a person to notify.

**Subject:** Decision regarding consultation: North Pender LTC Bylaw No. 235

To whom it may concern,

**Body:**

Please see the attached PDF concerning: North Pender LTC Bylaw No. 235

[View conversation in NationsConnect](#)



Ts'uubaa-asatx Nation  
313B Deer Lake Road  
Lake Cowichan, British Columbia  
V0R 2G0  
Phone: 250-749-3301  
Fax: 250-749-4286

2-Jan-2025 15:29 PST

Islands Trust  
Attn: Jas Chonk

Project Name: North Pender LTC Bylaw No. 235  
Date Received: 20-Dec-2024  
Ts'uubaa-asatx Nations Consultation Spectrum Assessment: Level 3

'Au Si'em:

The project area appears to fall within the Hul'q'umi'num Statement of Intent as submitted to the BC Treaty Commission process, but outside Ts'uubaa-asatx Nation's core title area. Ts'uubaa-asatx Nation would recognize this area as being in close proximity to other Hul'q'umi'num or Nuu-chah-nulth First Nation Tumuhw (lands). As such, I would categorize this as a Level 3 rights area for Ts'uubaa-asatx Nation. Level 3 identifies that Ts'uubaa-asatx Nation had harvesting, trade and Nation to Nation relations, but not necessarily sole title and governing authorities, which would be Ts'uubaa-asatx Nation's highest S.35 interests and would require high end of the Haida spectrum consultation.

However, Level 3, is still considered to be a very high consultation matter as it represents our inter-community cultural activities and shared title and harvesting areas with our Hul'q'umi'num or Nuu-chah-nulth relatives. Despite this we would generally defer to the First Nation(s) whose traditional territory fronts this area. Should Ts'uubaa-asatx Nation identify greater interests in the future we retain the right to revise this assessment. However, at this time, we defer to any Nation(s) whose title and governing authorities are directly affected.

'Uy' Skweyul,

Monty Horton

Hul'q'umi'num language terms:

'Au Si'em: a term denoting high respect.

'Uy' Skweyul: good day.

**From:** SouthInfo  
**Sent:** Thursday, February 13, 2025 3:12 PM  
**To:** Brad Smith; Jas Chonk  
**Subject:** FW: R24219 - North Pender Island Local Trust Committee Draft Bylaw No. 235 Referral - For Response  
**Attachments:** R24219 Response North Pender Island Local Trust Committee .pdf

Thank you,

**Emily Bryant** (she, her, hers)  
Planning Team Assistant  
Islands Trust | T 250-405-5163

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**From:** Matthew Perkins <[matthew.perkins@malahatnation.com](mailto:matthew.perkins@malahatnation.com)>  
**Sent:** Thursday, February 13, 2025 12:00 PM  
**To:** SouthInfo <[SouthInfo@islandstrust.bc.ca](mailto:SouthInfo@islandstrust.bc.ca)>  
**Subject:** R24219 - North Pender Island Local Trust Committee Draft Bylaw No. 235 Referral - For Response

Good Afternoon,

Attached is the Malahat Nation's response to the draft Bylaw No. 235 is to make amendments to the North Pender Island Official Community Plan No. 171 to update Raptor and Heron Nest Development Permit Area (DPA) mapping and associated provisions.

Thank you,



**Matthew Perkins**  
Referrals Coordinator

**Malahat Nation**  
7 Kwunew Kwasun Lane | Mill Bay, BC | V8H 1B8  
Cel: (250) 884-1465 | Tel: (250) 743-3231  
[www.malahatnation.com](http://www.malahatnation.com)

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February 13, 2025

**Malahat Referral No: R24219**

Jas Chonk  
Legislative Clerk | Island Trust  
200-1627 Fort Street  
Victoria, BC  
V8R 1H8

Via email: [southinfo@islandtrust.bc.ca](mailto:southinfo@islandtrust.bc.ca)

**RE: Malahat Nation Response to Amendments to the North Pender Island Community Plan No. 171 (Bylaw 235)**

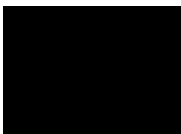
Dear Jas,

Thank you for your consultation request dated December 16, 2024, regarding the draft Bylaw No.235 to make amendments to the North Pender Island Official Community Plan No. 171 to update Raptor and Heron Nest Development Permit Area (DPA) mapping and associated provisions. Pender Island is located in the Malahat Nation’s traditional territory.

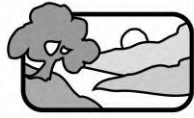
At this time and with the information we have been provided, Malahat Nation does not object to the proposed amendments to Community Plan No. 171 (Bylaw 235). We thank you for the continued disclosure for Island Trust’s Bylaw amendments.

Thank you for your time and consideration.

Sincerely,



Matthew Perkins  
Referrals Coordinator  
Malahat Nation



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

DATE OF MEETING: October 3, 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 – Preliminary APC recommendations

## RECOMMENDATION

- 1) That the North Pender Island Local Trust Committee directs staff to prepare draft land use and Official Community Plan bylaws for the Housing Access and Affordability Project.
- 2) That the North Pender Island Local Trust Committee directs staff to update the Housing Access and Affordability Project charter to reflect new timelines and other updates as presented in the October 3, 2025 staff report.

## 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 drafting potential bylaw amendments.

The recommendation above is supported as:

- There are several recommendations of the APC and staff that will require bylaw amendments;
- Having draft bylaws prepared will allow staff to begin developing bylaw language to bring forward starting at the November 21, 2025 meeting.
- Project timelines have been delayed and the project charter needs to be updated.

## BACKGROUND

The LTC endorsed the Housing Action Plan at the May 30, 2025 Meeting. Since the last staff report to the LTC in July, 2025, the following has been accomplished:

- Suitable Land Analysis - work is underway, goal is to have draft maps by November 21 meeting
- Build-out analysis- work is underway, goal is to have preliminary data by October 25 CIM
- Island wide mail-out with information on the project and how to become involved is completed (Attachment 1) – BCGEU and Canada Post strikes impacting planned mail drop delivery, other options being explored.
- Follow-up letter to First Nations has been drafted with details of the endorsed [HAP](#), will be sent shortly
- Meeting scheduled with Tsawout First Nation Housing Department for October 2 to discuss project

- Staff and the APC Chair have engaged with representatives of the Anglican diocese to discuss options
- The APC has provided a preliminary recommendations report as requested by the LTC for potential policy and legislative amendment options for HAP Action #s 4-9, 12 and 18 (Attachment 2). Several preliminary recommendations include proposed bylaw amendments. The work will be further informed by the October 25 CIM and the suitable land and build-out analyses.
- Staff is seeking direction from the LTC to prepare amending OCP and LUB bylaws for the housing project in anticipation of amendments likely being made (e.g. zoning changes at fire hall to permit accessory worker accommodation). Having draft bylaws prepared will allow staff to begin developing bylaw language to bring forward starting at the November 21, 2025 meeting.
- The project charter has been reviewed and requires updating. Proposed updates are included as Attachment 3.

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

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

An October 3, 2025 project status table is included at Attachment 4 with an update on each Plan Action.

## 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. Receive for information

The LTC may receive the report for information.

## NEXT STEPS

With direction from the LTC, staff will prepare draft bylaws and update the project charter.

Submitted By:	Brad Smith, Island Planner	September 25, 2025
---------------	----------------------------	--------------------

1. Housing Project Mailout
2. APC Preliminary Recommendations Report, September 2025
3. Project Charter, v2 October 2025
4. Housing Action Plan Status Table, October 2025

## North Pender Island Housing Access and Affordability Project Timeline



### Community Information Meeting

#### Your voice matters for North Pender Island's future housing

Join this Community Information Meeting to learn about the North Pender Housing Access and Affordability Project, ask questions of trustees and staff, and share your ideas to help shape housing solutions that work for the North Pender Island community.

**Date:** October 25, 2025

**Time:** 12:00 PM - 4:30 PM

**Venue:** St. Peter's Anglican Church Hall  
4703 Canal Rd, North Pender Island



Learn more about the project by scanning the QR code, or visit: [www.islandstrust.bc.ca/island-planning/north-pender/](http://www.islandstrust.bc.ca/island-planning/north-pender/)

### Get Involved

Attend the next housing-related Community Information Meeting on October 25, 2025

[www.islandstrust.bc.ca/island-planning/north-pender/projects/north-pender-housing-access-and-affordability-project](http://www.islandstrust.bc.ca/island-planning/north-pender/projects/north-pender-housing-access-and-affordability-project)

Volunteer with the Pender Islands Housing Society

[www.penderhousing.ca](http://www.penderhousing.ca)

Provide input on proposed bylaw amendments to the North Pender Island Local Trust Committee (LTC)

David Maude, LTC Chair - [dmaude@islandstrust.bc.ca](mailto:dmaude@islandstrust.bc.ca)

Deb Morrison, local trustee - [dmorrison@islandstrust.bc.ca](mailto:dmorrison@islandstrust.bc.ca)

Aaron Campbell, local trustee - [acampbell@islandstrust.bc.ca](mailto:acampbell@islandstrust.bc.ca)

Attend LTC meetings

[www.islandstrust.bc.ca/whats-happening/meetings-and-events](http://www.islandstrust.bc.ca/whats-happening/meetings-and-events)

Connect with Islands Trust staff

Brad Smith, Island Planner - [bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca), (250) 405 5194

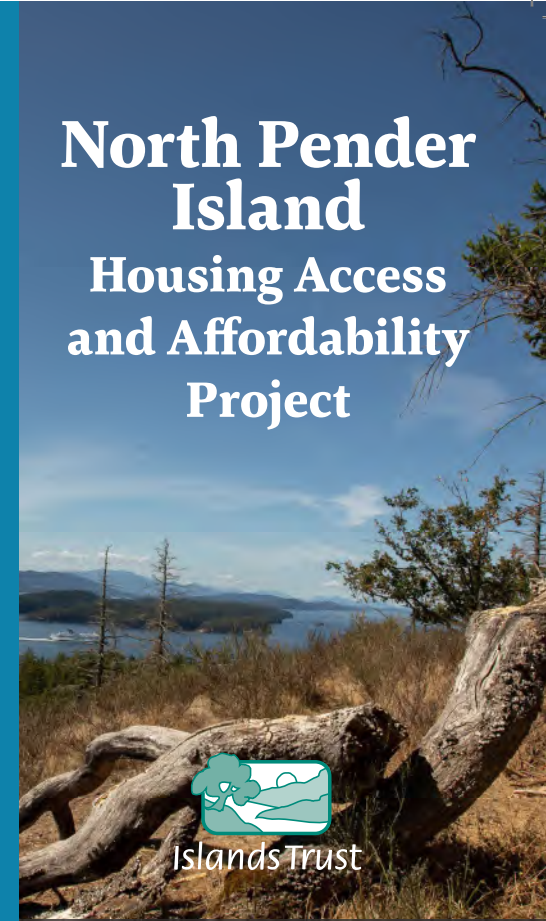
Subscribe for project updates to stay informed

[www.islandstrust.bc.ca/subscribe](http://www.islandstrust.bc.ca/subscribe)



Learn more about the project by scanning the QR code, or visit: [www.islandstrust.bc.ca/island-planning/north-pender/projects/north-pender-housing-access-and-affordability-project](http://www.islandstrust.bc.ca/island-planning/north-pender/projects/north-pender-housing-access-and-affordability-project)

# North Pender Island Housing Access and Affordability Project



Islands Trust acknowledges that the islands and waters that encompass the Salish Sea have been home to Indigenous Peoples since time immemorial.

## North Pender Island Housing Access and Affordability Project

Housing availability and affordability have been ongoing challenges on North Pender Island for more than a decade. The North Pender Island Local Trust Committee (LTC) has taken steps such as permitting secondary suites and regulating short-term vacation rentals. While these efforts have resulted in some increased land use policy and regulatory support for a mix of housing options, housing issues are a growing concern on the island, as they are in many other communities.

To respond to these challenges, the LTC launched the [Housing Access and Affordability Project](#) in summer 2024.

This project is focused on:

- Reviewing existing housing options
- Considering housing-related bylaw amendments
- Developing a community-driven Housing Action Plan

Work so far has included community consultation and input from a special Advisory Planning Commission (APC) on Housing.



## Housing Action Plan Goals, Objectives and Actions

The Housing Action Plan is informed by the work of the Special Advisory Planning Commission on Housing, which has done an extensive review of available information resulting in two recommendation reports, and through community consultation as part of the Housing project, including three Community Information Meetings, several meetings with local community groups, and the completion of a [Pender Islands Housing Needs Survey](#) that received 478 responses.

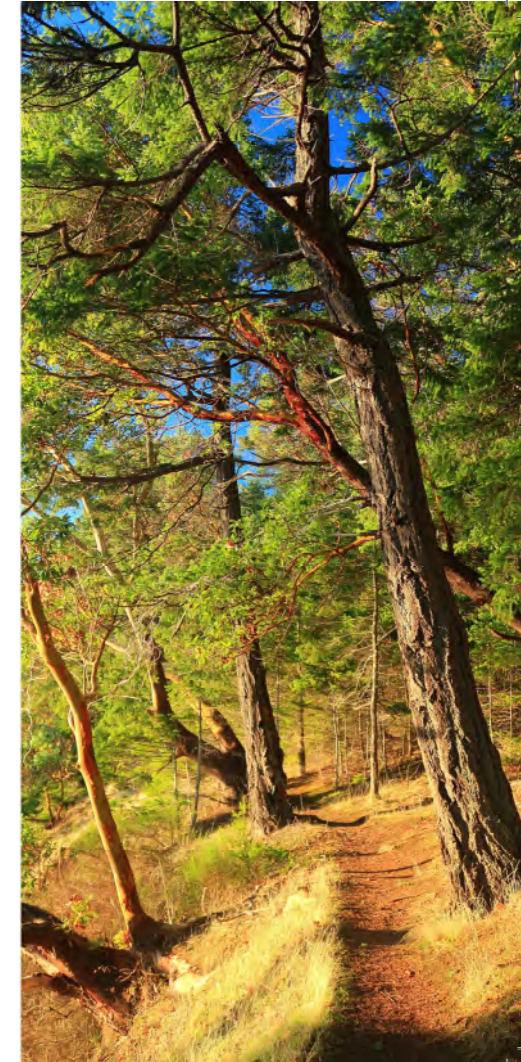
In the Housing Action Plan, there are 22 Actions associated with the five goals and objectives to guide plan implementation.

Find the Housing Action Plan here:

<https://qrco.de/HousingActionPlan>

## Five goals of the Housing Action Plan

- 1. Updating and using available data**  
Inform where additional density and intensity of land use will likely have the least negative impact on the land base and where development opportunity may exist. Understanding existing conditions and potential impacts will help determine where rezoning for more intense use may be supportable.
- 2. Diversifying housing options through zoning**  
Provide a broader diversity of housing options on North Pender Island through amendments to land use zoning and associated OCP policies
- 3. Increasing opportunities for non-profit housing**  
Increase opportunities for land to be made available for affordable housing by a not-for-profit organization, and to generate greater community interest and capacity to support this development
- 4. Increasing community education and outreach**  
Increase community education and outreach in respect of housing initiatives, improve the information available to the public, and make it more accessible to a broader audience
- 5. Incorporating First Nations interests in land use decision making**  
Foster collaborative working relationships with local First Nations who have an interest in housing initiatives on North Pender Island and to address housing needs of First Nations on the island



## DRAFT – September 2025

### APC summary of preliminary recommendations to the LTC for increasing Housing Options on North Pender Island

#### Background:

The focus of the North Pender Island [Housing Access and Affordability Project](#) is to increase the diversity of housing on North Pender Island. As Magic Lake, which previously provided the opportunity for smaller lots at a lower cost, is now almost built out new options to create lower cost housing while ensuring the unique natural environment and rural character of Pender island as well as the continued sustainability of any future developments, are being explored.

With increasing property costs, affordable housing is unattainable for many low- and middle-income residents of North Pender. Changes in the Official Community Plan “OCP” and Land Use Bylaws (“LUBs”) have the potential to increase the opportunity for more rental, subsidized and affordable smaller unit dwellings to be built. Part of the project is for the North Pender Local Trust Committee (“NP LTC”) to engage the Community by liaising with a Special Advisory Committee (“APC”) on housing. In response the APC has submitted two reports to the NP LTC in [November 2024](#) and [January 2025](#) and a Housing Action Plan in the summer of 2025.

The NP LTC has subsequently asked the APC to:

***“report back with analysis, options and recommendations for Housing Action Plan Numbers 4-9, 12 and 18.”***

These Actions items are:

4. Expand opportunities to create secondary suites and permit Accessory Dwelling Units (ADU).
5. Explore opportunities for zoning changes to permit higher density Multi-Unit Development in areas with a concentration of community amenities.

6. Explore legalizing the use of RVs in appropriate areas considering set-backs, parking, access, septic, available water, visual aesthetics, and fire safety.
7. Explore opportunities to permit worker accommodation (e.g. at community fire halls, Driftwood Center etc.).
8. Explore permitting the use of Tiny Homes as ADUs or establishing higher density tiny home zones (e.g. modular home villages) in appropriate areas considering, set-backs, parking, access, septic, available water, visual aesthetics and fire safety.
9. Explore permitting non-market housing in all residential land use zones and in some public land use zones, where appropriate (e.g. school properties, community service).
12. Explore options at time of subdivision to increase opportunities for affordable housing (e.g. land donation in exchange for rezoning to permit subdivision, allowing smaller lot sizes for affordable housing).
18. Review guidelines for Short Term Vacation Rentals (could include consideration of removal or amendment of Temporary Use Guidelines from OCP) and develop educational materials.

In developing recommendations regarding these Action Items the APC has reviewed the Islands Trust Mandate, the existing and proposed new Trust Policy Statement and the existing NP OCP and LUBs.

Any recommended changes in the NP OCP and LUBs related to housing should be in accordance with the Islands Trust's Object which is to preserve and protect this region for the benefit of residents of the Islands and of all British Columbians, and the Trust Policy Statement which states that the Trusts mandate is to, ***“support the preservation and protection of unique island character and aim to foster sustainable, inclusive, rural and resilient island communities”***.

The NP OCP similarly states the goal of zoning is: ***“To encourage a more compact, complete and connected community, in a manner that ensures that overall development potential and density are not increased unless authorized elsewhere in the plan.”***

The need for the possible expansion of the housing stock on Pender Island has also been informed by the housing survey which identified as priorities worker housing, seniors housing and affordable housing.

It is also important to note when considering expanding density to accommodate more housing units that Pender island already has the highest per capita density of any of the Southern Gulf Islands. Based on the 2021 census, the number of residents per square kilometer on Salt Spring Island is 63, on Mayne island is 62, on Galiano is 23, on Saturna is 15 and on North Pender Island is 90.5.

With respect to Residential Land Uses the present OCP lists the following objectives:

- 1) To encourage a housing pattern that is appropriate to the rural character of the Island.***
- 2) To provide for a range of housing options that serve the needs of all residents and property owners of North Pender Island.***
- 3) To plan for a land use pattern which ensures the sustainable use of natural resources and minimizes greenhouse gas emissions.***
- 4) To promote use of indigenous vegetation for plantings in residential lot use.***
- 5) To protect the island's visual and ecological amenities.***
- 6) To preserve and enhance the scenic quality along roadways.***

In keeping with these objectives, the OCP states the following Residential Policies

***2.1.D Except where specifically authorized elsewhere in this plan, consideration may not be given to applications to rezone land within the Rural Residential and Rural designations to a higher density without amendment to this plan.***

***2.1.E No consideration may be given to applications to rezone land within the Rural Residential and Rural designations that would result in the transfer of density without amendment to this plan.***

However, the OCP offers considerable flexibility with respect to these policies as it relates to seniors and affordable housing:

***2.1.F Subject to policies in Subsection 2.3 of this plan (Seniors and Affordable Housing policies) consideration may be given to applications to rezone land within the Rural Residential and Rural designations to a higher density where the***

***additional density takes the form of seniors and affordable housing.***

A proposed modification of this statement that the APC is recommending is the addition of workers' housing. In our summary recommendations we note additional changes in the OCP that would be required if some of the APC's recommendations were adopted.

The preliminary recommendations of the APC with respect to the action items that were proposed for review are contained in the attached Table 1.

The recommendations are preliminary since the APC requires more time to review the options and to do more research. The recommendations will also be further informed by the Community Information Meeting scheduled for October 25, 2025, with a final recommendations report due for the November 21, 2025 regular LTC meeting.

In addition, the application of those recommendations on specific properties will be further informed by the completion of the suitable land and build-out analyses which are vital tools to identify possible locations for LUB or OCP changes to allow additional housing units.

**Table 1. Preliminary Recommendations of the APC ordered by Priority Action**

#	ACTION ITEM	OPTIONS	RECOMMENDATIONS	RATIONALE
7	Explore opportunities to permit worker accommodation	1. Do nothing 2. Amend the OCP to allow worker housing as well as seniors and affordable housing with a housing agreement in community service zones and commercial zones	That the LTC develop Bylaw zoning and OPC modifications to enable worker housing in both commercial and community service sites such as the Fire hall, Driftwood, and the School. Critical to this rezoning would be the development of a housing agreement that would ensure that these housing units would be used for workers.	Lack of affordable accommodation for permanent and temporary workers on NP has been identified as a critical housing issue. Such rezoning and modification of the OCP to include worker housing as well as senior and affordable housing, as an exception to the density requirement, would help address this shortage. Such ADUs would be subject to all of the other zoning regulations for ADUs on RR2 and R lots with the exception of square foot restrictions.

#	ACTION ITEM	OPTIONS	RECOMMENDATIONS	RATIONALE
4	Expand opportunities to create secondary suites and permit Accessory Dwelling Units (ADU).	<p>1. Do nothing</p> <p>2. Adopt Flexible zoning as contemplated by Mayne Island.</p> <p>3. Add multiplexes as alternatives to the creation of ADUs. For example a duplex on 0.4 to 1.2 hectare lots, and a triplex on 1.2 to 5 hectare lots.</p>	<p>That the LTC consider adopting flexible zoning to create additional housing units on RR2 and R lots and modify the OCP to accommodate these changes. Possible flexible zoning could be:</p> <ul style="list-style-type: none"> <li>• Lots 0.4 hectares (1.0 acre) to 0.6 hectares (1.5 acres): one secondary suite and one additional dwelling with a maximum combined floor area: 232 m<sup>2</sup> (2,500 ft<sup>2</sup>)</li> <li>• Lots 0.6 to 1.2 hectares (1.5 to 3 acres): two dwellings, one secondary suite, and one cottage with a maximum combined floor area: 325 m<sup>2</sup> (3,500 ft<sup>2</sup>)</li> <li>• Lots 1.2 to 5 hectares (3 to 12.35 acres): three dwellings and one cottage with a maximum combined floor area: 436 m<sup>2</sup> (4,750 ft<sup>2</sup>)</li> </ul> <p>The APC also recommends exploring the option of adding multiplexes as an alternative to ADUs.</p>	<p>Flexible housing zoning would allow for the creation of smaller unit housing and non-market housing to be built in a manner that would balance preserving and protecting the environment with the creation of additional housing units which could be used to house family members, caregivers workers, low income families and seniors. These ADUs could be rental units as the recommendation does not contemplate subdivision of these properties. Minimum square footage for ADUs would be 250 square feet. Minimum lot size for flexible zoning would be .04 hectares (one acre) to balance preserving the rural character of the island with the creation of more affordable housing.</p>

#	ACTION ITEM	OPTIONS	RECOMMENDATIONS	RATIONALE
5	Explore opportunities for zoning changes to permit higher density Multi-Unit Development	<ol style="list-style-type: none"> <li>1. Do nothing.</li> <li>2. Rezone Anglican Church lands for higher density multi unit affordable housing</li> <li>3. Rezone further additional lots for low income multiunit affordable housing.</li> </ol>	Rezoning the Anglican Church lands to allow multi unit affordable housing. The number of units would be dependant on the usual process for determining capacity. The APC further recommends the determination of whether or not other lots are suitable for multiunit affordable housing after the Suitable Land and Build Out Analyses are complete.	Zoning for not for profit affordable housing is already contemplated by the NP Bylaws and the OCP. Currently funding for further expansion of the existing facility Plumtree Court is not available. The Pender Island Housing Society ("PIRS") is prepared to consider other suitable sites for the possible development of low income housing. The Anglican Church and the Diocese are open to having their property rezoned to accommodate additional multiunit low income housing. Other suitable lots for multi-unit low income housing could be identified when the Suitable Land and Build Out Analyses are completed. The rezoning of such properties would not guarantee the development of low income housing but would facilitate it if and when funds for such developments becomes available.

#	ACTION ITEM	OPTIONS	RECOMMENDATIONS	RATIONALE
18	Review guidelines for Short Term Vacation Rentals	<ol style="list-style-type: none"> <li>1. Do nothing</li> <li>2. Allow existing Temporary Use Permits ("TUPs") for Short Term Vacations Rentals ("STVRs") to lapse and issue no new TUPs for STVRs.</li> <li>3. Opt in to Bill 35 by which the Province regulates STVRs.</li> </ol>	Allowing existing Temporary Use Permits ("TUPs") for Short Term Vacations Rentals ("STVRs") to lapse and issue no new TUPs for STVRs. The APC further recommends that the NP LTC not opt in to Bill 35 at this time.	Allowing existing TUPs for STVRs to lapse while not issuing further TUPs for STVRs would allow more housing for long term rentals. It is unclear whether Bill 35 will provide improved enforcement of STVRs over the current regime. As Gabriola has opted into Bill 35 waiting to see how the Bill works there before considering adoption seems prudent.

#	ACTION ITEM	OPTIONS	RECOMMENDATIONS	RATIONALE
6	Explore legalizing the use of RVs	<ol style="list-style-type: none"> <li>1. Do nothing</li> <li>2. Modify the existing bylaws to allow RVs as ADUs</li> <li>3. Allow RVs as primary residences</li> <li>4. Issue TUPs for Recreational Vehicles ("RVs")</li> </ol>	<p>No change in the existing bylaws which allow the temporary use of RVs during home construction. RVs should not be permitted to be used as ADUs or primary residences unless standards and inspection regimes are in place to ensure that they are safe for year round occupancy. The APC further recommends that the LTC reconsider the current moratorium on enforcing the use of RVs outside of the currently permitted use.</p>	<p>RVs are not approved for primary dwellings by the CRD and there is no standards or inspections for such units as ADUs. The bylaw makes no mention of fire safety. Fire safety is of particular concern as summarized by the Pender Island Fire Chief: "Recreational Vehicles were not designed or constructed for full time residential occupancy. They were specifically designed for short term recreational use. They are constructed from light weight construction materials meant for easy transportation. The ventilation, heating, electrical and plumbing systems are intended for short term use and much less robust than their residential construction type counter parts. The use of recreational vehicles for full time residential occupancy strains all of their operational systems to their maximum therefore placing them at the top end of Fire and Life Safety risk to the occupants and to the surrounding community.</p>

#	ACTION ITEM	OPTIONS	RECOMMENDATIONS	RATIONALE
8	Explore permitting the use of Tiny Homes as wheels as ADUs	1. Do nothing 2. Modify the existing bylaws to allow Tiny Homes on Wheels as ADUs 3. Modify the existing bylaws to allow Tiny Homes on Wheels as ADUs	No changes in the bylaws which currently do not allow the use of Tiny homes on wheels as ADUs or primary residences. Small footprint homes on foundations built to code are not included in this recommendation. The APC recommends that the NP LTC advocate with the CRD for the development or adoption of appropriate building code and inspection standards for Tiny Homes on Wheels when installed on foundations.	Tiny homes on wheels like RVs currently have no building code or inspection regimes in place to ensure the safety of anyone who would seek to use one as an ADU or Primary residence. Municipalities such as Nanaimo are currently working to develop such standards.
9	Explore permitting non-market housing in all residential land use zones and in some public land use zones	1. Do nothing 2. Wait until the Suitable Land Analysis and Build Out Study are done before proceeding on this action item.	The APC does not recommend any action on this item. As the need for such changes to current zoning to create affordable housing are adequately covered by action items 5 and 7.	The need for such changes to current zoning to create affordable housing are adequately covered by action items 5 and 7.

#	ACTION ITEM	OPTIONS	RECOMMENDATIONS	RATIONALE
12	Explore options at time of subdivision to increase opportunities for affordable housing	<ol style="list-style-type: none"> <li>1. Do nothing</li> <li>2. Deal with applications on a case by case basis ensuring that common law and regulatory requirements are met.</li> </ol>	The APC does not recommend any action on this item.	The LTC would need to consider the creation and use of voluntary developer agreements in order to ensure that clear legal framework is in place. As this would need to be done with the assistance of counsel on a case by case basis no action at this time is required.

**North Pender Island Housing Action Plan Implementation Tracking Table – October 2025**

#	Action	Timeline	Status/Comments
<b>Goal 1: Updating and Using Available Data to Inform Housing Projects</b>			
1	Finalize Suitable Land Analysis and make results publicly accessible	Completion – Summer/Fall 2025 Roll-out – Fall/Winter 2025	<ul style="list-style-type: none"> <li>• Work is underway, targeting November 21 meeting for preliminary mapping</li> </ul>
2	Complete island-wide build-out analysis	Completion – Summer/Fall 2025 Roll-out – Fall/Winter 2025	<ul style="list-style-type: none"> <li>• Work is underway, targeting Oct 25 meeting for preliminary data</li> </ul>
3	Present results of 1 and 2 at a Community Information Meeting (CIM)	Fall/Winter 2025	<ul style="list-style-type: none"> <li>• Will present what’s available at Oct 25 CIM</li> </ul>
<b>Goal 2: Diversifying Housing Options through Zoning</b>			
4	Expand opportunities to create secondary suites and permit Accessory Dwelling Units (ADU)	Community engagement – Remainder of 2025	<ul style="list-style-type: none"> <li>• APC has provided preliminary report with recommendations</li> <li>• These actions will all be moved forward at the same time through community engagement, drafting of bylaw amendments, legislative process and implementation</li> </ul>
5	Explore opportunities for zoning changes to permit higher density Multi-Unit Development in areas with a concentration of community amenities	Legislative process – Winter-Summer 2026	
6	Explore legalizing the use of RVs in appropriate areas considering set-backs, parking, access, septic, available water, visual aesthetics, and fire safety.	Implementation – Fall 2026	
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)		
<b>Goal 3: Increasing Opportunities for Non-Profit Housing</b>			
10	Identify areas that may be appropriate for higher density community housing and explore rezoning	Fall/Winter 2025	<ul style="list-style-type: none"> <li>• Dependent on completion of Suitable Land Analysis</li> <li>• Any bylaw amendments would follow same timelines as Goal 2.</li> </ul>
11	Explore rezoning of a portion of Anglican Church lands to permit affordable housing.	Fall/Winter 2025	<ul style="list-style-type: none"> <li>• Staff and the APC Chair have engaged with representatives of the Anglican diocese to discuss options – talks continue</li> <li>• APC recommends rezoning in report</li> </ul>

			<ul style="list-style-type: none"> <li>Any bylaw amendments would follow same timelines as Goal 2.</li> </ul>
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	<ul style="list-style-type: none"> <li>Included in APC report</li> <li>Any bylaw amendments would follow same timelines as Goal 2.</li> </ul>
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	<ul style="list-style-type: none"> <li>Staff to invite CRD to fall APC meeting to discuss various program initiatives</li> </ul>
14	Engage with community members to increase participation in community housing initiatives and non-profit community housing organizations.	Ongoing	<ul style="list-style-type: none"> <li>Work ongoing, APC Chair seeking new members for PIHS board, will be further supported by mail out (Action 16)</li> </ul>
<b>Goal 4: Increasing Community Education and Outreach</b>			
15	Increase awareness of secondary suite incentives and other housing programs (e.g. templates of house plans pre-approved by the province).	Winter 2025	<ul style="list-style-type: none"> <li>Will include links in future communications</li> </ul>
16	Initiate island wide mail out describing project goals and objectives and opportunities to become involved in housing initiatives	Spring/Summer 2025	Complete
17	Develop educational materials to inform the public of changes to zoning and results of project deliverables	Development – Summer 2026 Roll-out - Fall 2026	<ul style="list-style-type: none"> <li>Dependent on completion of bylaw amendments</li> </ul>
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	<ul style="list-style-type: none"> <li>Included in APC preliminary report</li> <li>Any bylaw amendments would follow same timelines as Goal 2.</li> </ul>
19	Collaborate with the Capital Regional District (CRD) and other levels of government on harmonization of compatible housing projects and programs.	Ongoing	<ul style="list-style-type: none"> <li>Staff to invite CRD to APC meeting in fall</li> </ul>
<b>Goal 5: Incorporating First Nations Interests in Land Use Decision Making</b>			
20	Send follow-up letter to initiate further collaborative engagement with local First Nations on housing needs and opportunities.	Spring 2025	<ul style="list-style-type: none"> <li>Letter drafted, waiting to meet with Tsawout first</li> </ul>
21	Initiate direct collaborative engagement with Tsawout First Nation Housing Department	Schedule Meeting – Spring/Summer 2025	<ul style="list-style-type: none"> <li>Meeting Scheduled for Oct 2</li> </ul>
22	Ensure that known registered archeological site and archeological potential information is considered when developing housing related bylaw amendments	Winter 2025 – Spring 2026	<ul style="list-style-type: none"> <li>Will be further considered when site specific options are explored</li> </ul>

# Housing Access and Affordability - Project Charter and Engagement Plan - Endorsed

North Pender Island Local Trust Committee

LTC Endorsement Date: July 26, 2024

**Purpose:** To engage in community consultation, to consult with First Nations, and to engage with stakeholder groups to review housing options and to undertake amendments to the OCP and LUB and development of a housing action plan to improve access to affordable housing in the community.

**Background:** Lack of affordable housing has long been a concern of the North Pender community. Previous local trust committees have taken actions such as permitting secondary suites and limiting and regulating short-term vacation rentals as discrete initiatives. Housing is also a priority in Trust Council’s strategic plan and is a priority of the Regional Planning Committee. There are also a number of opportunities and ongoing housing related initiatives across the Trust Area that have relevance to this project.

<b>Deliverables</b> <ul style="list-style-type: none"> <li>- Staff reports with data, analysis and recommendations</li> <li>- Qualitative Housing Needs Survey</li> <li>- Potential amendments to LUB and OCP</li> <li>- Housing Action Plan</li> <li>- Communications plan</li> </ul>	<b>In Scope</b> <ul style="list-style-type: none"> <li>- Review housing policies and regulations</li> <li>- Conduct a web-based qualitative housing needs survey</li> <li>- Community, stakeholder and First Nations consultation</li> <li>- LUB and OCP legislative amendments</li> <li>- Community education</li> </ul>	<b>Out of Scope</b> <ul style="list-style-type: none"> <li>- Other non-housing related amendments to OCP or LUB</li> <li>- Other mapping or professional reports.</li> </ul>	<b>IAP2 Engagement Level:</b> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Inform</li> <li><input checked="" type="checkbox"/> Consult</li> <li><input type="checkbox"/> Involve</li> <li><input type="checkbox"/> Collaborate</li> </ul>
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## Workplan Overview

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

Project Team	
Brad Smith, Island Planner	Project Manager
Robert Kojima, RPM	Project Sponsor
GIS co-ordinator	Mapping
Emily Bryant	Admin support

Budget		
Budget Sources:		
Fiscal	Item	Cost
2024-25	Consultation	\$10,000
	Legal	\$3,000
	Contingency	\$2,000

<b>RPM Approval:</b> <i>Robert Kojima</i> <b>Date:</b> July 17, 2024	<b>LTC Endorsement:</b> Resolution #: NP-2024-050 <b>Date:</b> July 26, 2024		<b>Total 2024-25</b>	<b>\$15,000</b>
		2025-26	Consultation	\$4000
			Public Hearing	\$2000
			Legal/Contingency	\$2000
			<b>Total 2025-26</b>	<b>\$8,000</b>
		<u>2026-27</u>	<u>Public Hearing</u>	<u>\$2,000</u>
			<u>Implementation/Contingency</u>	<u>\$2,000</u>
			<u><b>Total 2026-27</b></u>	<u><b>\$4,000</b></u>

## Deliverables Schedule

Meeting	Deliverable/Milestone
Jul 26, 2024	LTC endorsement of project charter/work plan
Saturday, Sep 28, 2024	Community Information Meeting
Nov 29, 2024	Report to LTC with data review and analysis including survey results and APC report
Feb – <u>Apr</u> 2025	LTC considers options and recommendations and provides direction to proceed with bylaw amendments, Action Plan development
<u>May 30, 2025</u>	<u>Housing Action Plan endorsed</u>
<u>Oct 3, 2025</u>	<u>Preliminary Recommendations report received from APC, direction to draft bylaws</u>
<u>Oct 25, 2025</u>	<u>Community Information Meeting</u>
<u>Nov 21, 2025</u>	<u>Staff report with recommendations for bylaw amendments</u>
<u>Jan – Feb 2026</u>	<u>Draft bylaws back to LTC, consideration of first reading, scheduling of public hearing, completion of referrals,</u>
<u>May 2025</u>	<u>Consideration of first reading, scheduling of public hearing, completion of referrals, finalizing of Housing Action Plan</u>
<u>Apr-May</u> <del>Jun</del> <u>2025</u>	Public Hearing (if required), second and third readings, referral to EC and Minister
<u>Nov-Jul</u> <u>2025</u>	Final adoption of bylaws, LTC review of communications/implementation plan
<u>Jun - Oct</u> <del>an-Mar</del> <u>2026</u>	Project implementation and community outreach completed
<u>Mar-Oct</u> 2026	Implementation update to LTC and project close-out

## Engagement Strategy/Timelines

Timeline	Deliverable/Milestone
Aug 2024	Early Engagement Letter to First Nations
Aug – Oct 2024	Conduct web-based housing needs assessment survey

Sep 2024	Community Information Meeting – needs assessment
Aug 2024 – <del>Jan-Oct</del> 2025	Directed engagement with community, First Nations and stakeholders (Including meeting with Pender Islands Housing Society)
January- <del>May</del> /Feb 2025	Community Information Meeting - Action Planning <del>endorsement and recommendations</del>
<del>spring/summer</del> <del>Winter 2026-2025</del>	CIM with Public Hearing on proposed bylaw amendments
<del>Fall/Winter</del> <del>Spring 2026-2025</del>	Development of implementation strategy and communications plan
<del>Winter/</del> <del>Spring</del> Summer 2026	Project implementation including community outreach and education, updated web content, community mail-out on bylaw amendments and other housing initiatives

## 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

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#### 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

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Target: 31-Oct-2025

## Future Projects Report

### North Pender Island

#### 1. Coastal Douglas Fir Ecosystem

Responsible

Date Received

Consider implementation of toolkit and mapping  
- LPC to develop model bylaw in 2021-22

01-Feb-2019

#### 2. Accessory Dwelling Units

Responsible

Date Received

Review options for accessory dwelling units on North Pender.

26-May-2022

#### 3. Review DPAs

Responsible

Date Received

To review the Development Permit Areas in the NP Official Community Plan to update guidelines, requirements, and outline options for new DPAs including forest cover, tree cutting and removal.

11-Aug-2022

#### 4. Browning to Driftwood Corridor Plan

Responsible

Date Received

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

11-Aug-2022

#### 5. Soil Bylaw Project

Responsible

Date Received

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

29-Apr-2021

## Future Projects Report

### North Pender Island

#### 6. *Public engagement on groundwater data*

Responsible

Date Received

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

26-May-2023

#### 7. *Fire Inspection requirements for STVRs*

Responsible

Date Received

05-Apr-2024



# North Pender Local Trust Committee

## Open Applications

### Report

Print Date: September 26, 2025

#### Development Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLDP20250384	Budd Kerfoot	9/20/2025	1329 MACKINNON RD, PENDER IS	Addition of pool deck with cold plunge and hot-tub. Removal of invasive Himalayan blackberry.

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		

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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		

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## 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 July 2025

650 North Pender	Invoices posted to Month ending July 2025	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
LTC Local				
65050-650	LTC "Executive Expense on LTC's"	516.00	195.35	320.65
65200-650	LTC - Local Exp - LTC Meeting Expenses	1,200.00	258.38	941.62
65210-650	LTC - Local Exp - APC Meeting Expenses	1,550.00	282.73	1,267.27
TOTAL LTC Local Expense		<u>3,266.00</u>	<u>736.46</u>	<u>2,529.54</u>
Projects				
73001-650-4132	North Pender Raptor Nest DPA update	5,000.00	688.07	4,311.93
73001-650-4137	North Pender Housing Access & Affordability	8,000.00	217.55	7,782.45
TOTAL Project Expenses		<u>13,000.00</u>	<u>905.62</u>	<u>12,094.38</u>



**Standing Resolutions Log**

**North Pender Island**

Resolution Number	Action	Date
<p><b>2025-026 (Standing)</b></p> <p><b>Short Term Vacation Rentals</b></p> <p>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.</p>	<p><b>Carried</b></p>	<p><b>30-May-2025</b></p>
<p><b>2023-040 (Standing)</b></p> <p><b>Proposed Bylaws 224 &amp; 229 - 4606 Razor Point Rd</b></p> <p>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.</p>	<p><b>Carried</b></p>	<p><b>11-Mar-2023</b></p>
<p><b>2022-002 (Standing)</b></p> <p><b>Travel Trailer Enforcement</b></p> <p>that the North Pender Island Local Trust Committee direct bylaw staff to defer enforcement on unlawful dwellings, except in the following circumstances:</p> <ul style="list-style-type: none"> <li>a. There are concerns regarding health and safety;</li> <li>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;</li> <li>c. There are concerns of possible contamination of wells or other drinking water sources;</li> <li>d. Unlawful dwellings are in environmentally sensitive areas;</li> <li>e. There are non-permitted campgrounds; and</li> <li>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.</li> </ul>	<p><b>Carried</b></p>	<p><b>27-Jan-2022</b></p>

**Standing Resolutions Log**

**North Pender Island**

Resolution Number	Action	Date
<p><b>2020-010 (Standing)</b></p> <p><b>15.1 Policy options for Bylaw Enforcement Compliance on unlawful uses</b></p> <p>that the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:</p> <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> <li>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</li> <li>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.</li> </ul>	<p><b>Carried</b></p>	<p><b>30-Jan-2020</b></p>
<p><b>2019-074 (Standing)</b></p> <p><b>13.3 Model Cell Tower Strategy - Staff Briefing</b></p> <p>that the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.</p>	<p><b>Carried</b></p>	<p><b>04-Jul-2019</b></p>

## Standing Resolutions Log

### North Pender Island

Resolution Number	Action	Date
<p><b>2019-072 (Standing)</b></p> <p><b>13.2 Standing Resolution - Reconciliation Report</b></p> <p>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.</p>	<p><b>Carried</b></p>	<p><b>04-Jul-2019</b></p>
<p><b>2019-061 (Standing)</b></p> <p><b>16.2. Rise and Report</b></p> <p>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.</p>	<p><b>Carried</b></p>	<p><b>30-May-2019</b></p>
<p><b>2019-030 (Standing)</b></p> <p><b>13.2 Advisory Planning Commission - Staff Memo</b></p> <p>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.</p>	<p><b>Carried</b></p>	<p><b>28-Feb-2019</b></p>

**Standing Resolutions Log**

**North Pender Island**

Resolution Number	Action	Date
<p><b>2019-016 (Standing)</b></p> <p><b>12.4 Adopted Policies and Standing Resolutions</b></p> <p>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.</p>	Carried	31-Jan-2019
<p><b>2018-070 (Standing)</b></p> <p><b>12.2 Retail Cannabis Licensing - Staff Report</b></p> <p>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.</p>	Carried	06-Sep-2018
<p><b>2006-080 (Standing)</b></p> <p><b>Communications Policy</b></p> <p>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.</p>	Carried	25-May-2006



DATE OF MEETING: October 3, 2025  
TO: North Pender Island Local Trust Committee  
FROM: Warren Dingman, Manager of Bylaw Compliance and Enforcement  
Local Planning Services  
SUBJECT: Bylaw Compliance and Enforcement Policy

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## RECOMMENDATION

1. **That the North Pender Island Local Trust Committee adopt the North Pender Island Local Trust Committee Bylaw Compliance and Enforcement Policy as drafted.**
2. **That the North Pender Island Local Trust Committee rescind standing resolutions NP-2019.016 & NP-2022-002.**

## REPORT SUMMARY

The purpose of this report is to present a draft Bylaw Compliance and Enforcement Policy document for review and consideration by the Local Trust Committee. The proposal is to incorporate all current standing resolutions for compliance and enforcement into a single document.

## BACKGROUND

Islands Trust is currently conducting a bylaw enforcement review in an effort to ensure that bylaw enforcement matters are being resolved efficiently and with minimal conflict. The first priority was the review of Trust Council Bylaw Compliance and Enforcement Polices to ensure that policies, procedures, and guidelines are administratively fair, reasonable, and transparent.

As part of this process, a bylaw compliance and enforcement policy document template were developed and draft policy documents prepared for the consideration of Local Trust Committees (LTC) in order to address their local issues. LTCs currently use standing resolutions to establish enforcement policies, and the proposal is to place all adopted standing resolutions into one document, which also includes additional polices and procedures for specific issues not addressed in Trust Council Policy Compliance & Enforcement Policies.

The North Pender Island Local Trust Committee gave three readings to an amendment bylaw for the Bylaw Enforcement Notice Bylaw on July 25, 2025, and they also adopted resolution NP-2025-047 to review a North Pender Island Compliance and Enforcement Policy. The draft policy does contain relevant polices for both the use of bylaw notices and the policy also contains amended polices regarding the powers and duties of screening officers.

**NP-2025-047**

*It was MOVED and SECONDED,  
that North Pender Island Local Trust request staff to bring forward the North Pender Island Compliance and Enforcement Policy to the October 3, 2025 regular business meeting.*

**PROPOSED POLICIES**

The proposed policy contains the current policies adopted by standing resolution and it also provides additional policies on when site inspections are to occur, or not occur, when files should be closed at the discretion of staff. It also includes consideration on whether or not those subject to compliant should face enforcement or penalties if they are financially unable to comply.

These draft policies, other than the standing resolutions, are consistent with the draft policies presented to other LTCs, and which have been endorsed by Trust Council as a recommended model. This is the opportunity for the LTC to consider if some of the draft policies are not supported for the Local Trust Area, or if other policies should be considered. Once the LTC has adopted the policy, it will be made available on the Islands Trust webpage.

The current policy states that there will be proactive enforcement on short-term rentals, as well as the disposal or storage of waste or storage of vehicles or vehicle parts, and enforcement on non-compliance dwellings will be deferred.

**RATIONALE FOR RECOMMENDATION**

Local governments throughout British Columbia have bylaw enforcement policy documents that provide direction to staff regarding how bylaw compliance will be sought and how enforcement will be conducted. Establishing the policies into one document that can be readily accessed by staff and the general public should ensure a more efficient and open and transparent access to information and policies, and a better understanding of how bylaw enforcement is conducted.

**ALTERNATIVES**

1. That the North Pender Island Local Trust Committee request staff provide more information regarding the benefits and implementation of an LTC compliance and enforcement policy.
2. That the North Pender Island Local Trust Committee direct staff to proceed no further with work on the policy document.

Submitted By:	Warren Dingman, Manager of Bylaw Compliance and Enforcement	September 25, 2025
Reviewed By:	Brad Smith, Acting Regional Planning Manager	September 25, 2025

**Attachments**

1. Proposed North Pender Island Bylaw Enforcement Policy

# PROPOSED

## North Pender Island Local Trust Committee Bylaw Compliance & Enforcement Policy

Bylaw Compliance & Enforcement Policy No. 1, effective \_\_\_\_XXX\_\_\_\_\_, 2025

### Version No. 1

#### Purpose

To establish policies and procedures for bylaw compliance and enforcement in the North Pender Island Local Trust Area in accordance with the adopted Trust Council Policies contained in Policy 5.5.1., and that are within the authority of the Local Trust Committee to enforce, and to ensure that policies and procedures are efficient, transparent, reasonable, and consistent with local community standards.

### PART A

#### 1.0 Application

*This policy will apply to the North Pender Island Local Trust Area and the enforcement of all applicable regulatory bylaws.*

#### 2.0 Definitions & Abbreviations

*BEN – bylaw enforcement notice*

*LUB – Land Use Bylaw*

*LTC – Local Trust Committee*

*Minor structure – any structure that does not require a building permit, and that is not located in a development permit area, or located within any other environmentally sensitive area*

*Respondent – a property owner whose property is subject to a bylaw enforcement complaint*

*Health & Safety concerns – fire, unsafe construction, hazards relating to steep slopes or cliffs*

*Approved septic system – one that has been registered with the Vancouver Island Health Authority*

#### 3.0 References

***Islands Trust Act section 28:***

*Enforcement of bylaws*

*28 (1) For the purposes of enforcing its bylaws and section 32 of this Act, a local trust committee has all the power and authority of a regional district board.*

**North Pender Island Land Use Bylaw No. 224**

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

**North Pender Island Associated Islands Land Use Bylaw No. 148**

*2.3 Inspection (1) Pursuant to Section 268 of the Local Government Act, the Islands Trust Bylaw Enforcement Officer or any other person designated by the Local Trust Committee to administer this Bylaw is authorized to enter, at any reasonable time upon any property that is subject to regulation under this Bylaw, for the purpose of determining whether the regulations are being observed.*

**Trust Council Policy 5.5.1**

*Policies adopted by the Islands Trust Council to support the object of the Islands Trust to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally by ensuring compliance with Local Trust Committees' Bylaws.*

**4.0 Priorities**

- 4.1** The Islands Trust Act grants the LTC the power and authority to enforce its bylaws and the LTC also has discretion to adopt priorities for enforcement or to defer enforcement.
- 4.2** Enforcement on short-term vacation rentals is a priority and proactive enforcement is authorized.
- 4.3** Enforcement on violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts is authorized without a written complaint.
- 4.4** Enforcement on non-compliant dwellings will be deferred unless there are contraventions in development permit areas, or other environmentally sensitive areas, or there are concerns about health and safety, or the lack of an approved septic system, or if there are non-permitted campgrounds.
- 4.5** Enforcement on unlawful land uses where a property owner has submitted a planning application are a priority until the unlawful use has ceased.
  - 4.5.1** If the applicant does not receive approval from the Local Trust Committee to continue the unlawful land use based on consideration of community needs while a planning application is being considered, enforcement will continue, including the issuance of violation notices or legal action.

## **5.0 Inspection**

- 5.1** At the start of any investigation, Bylaw Enforcement Officers will determine if entry is necessary to investigate the alleged contravention or if the investigation can be conducted from a public road or other lands.
- 5.2** Investigations will focus on the specific alleged bylaw contraventions outlined in the complaint unless other observations pose an immediate risk to public health, safety, or the environment.
- 5.3** Bylaw Compliance & Enforcement Officers are encouraged to request mutually agreeable times to arrange site inspections and provide 24 hours notice.
- 5.4** Entry without Notice: In exceptional circumstances, where prior notice is not feasible or where immediate entry is required to address urgent concerns about health, safety, or the environment, Officers may enter property as authorized under the Local Government Act.
- 5.5** Enforcement on non-compliant short-term vacation rentals is a priority and may be investigated without notice pursuant to section 2.3(1) of LUB No. 224 or LUB No. 148.
- 5.6** Holders of temporary use permits will be held accountable for any violations of their Permit. Bylaw Enforcement Officers may enter properties between the hours of 9:00 am and 5:00 pm, on any day, without prior consultation with the holder of a Temporary Use Permit for the purpose of investigating a complaint.
- 5.7** If a Respondent has indicated that they will work towards compliance, and have agreed on a time to comply, a site inspection is only required to confirm compliance.
- 5.8** If a Respondent provides photographic evidence, a survey, or a professional report that confirms compliance, a site inspection is not required.

## **6.0 Enforcement Procedures**

- 6.1** If a bylaw contravention is confirmed, there will be notice in writing, and Respondents will be given a minimum of 90 days to comply with the relevant LUB.
- 6.2** Bylaw Compliance & Enforcement Officers can use their discretion to consider any reasonable time to comply request from Respondents but the term cannot be for more than one year.
- 6.3** If there are contraventions in environmentally sensitive areas, or development permit areas, or if there is a risk to health and safety, there will be a demand for the Respondent to cease the use or activity immediately.
- 6.4** If the Respondent wishes to consider a planning application that will bring the property into compliance, the Bylaw Compliance & Enforcement Officer will advise planning staff and they will arrange a meeting to discuss the feasibility of such an application.
- 6.5** If there is no agreement on time to comply, a Respondent will be provided written notice that enforcement action will be escalated and this may include a request for legal action or the use of the BEN system.
- 6.6** Respondents will be given a Bylaw Warning Notice with a minimum of 45 days to comply before a Bylaw Violation Notice is issued, unless there are health and safety concerns, or contraventions in environmentally sensitive areas, that may require more immediate action.

**6.7** Bylaw Violation Notices will not be issued more than once per week unless authorized by the Manager of Compliance and Enforcement.

## **7.0 Closing Files**

- 7.1** If the identity of a complainant cannot be confirmed during the course of an investigation, or if a complainant used a false name, the file will be closed.
- 7.2** If the contravention is for a minor structure that has only received one written complaint from one person, the file can be closed.
- 7.3** If it is unreasonable for a Respondent to comply, whether due to specific circumstances or finances, Bylaw Enforcement Officers or the Manager of Compliance and Enforcement can use their discretion to close the file.
- 7.4** If a contravention has been identified that is subject to deferred enforcement by the LTC, the file can be closed unless there are contraventions that exist in environmentally sensitive areas or there are concerns about health and safety.
- 7.5** If it is determined during an investigation that the complaint was frivolous, repeat, or vexatious in nature, the file can be closed unless there is work in a development permit area, or work in an environmentally sensitive area, or there are health and safety concerns.
- 7.6** Respondents, complainants and the local trust committee will be notified in writing when a file has been closed and the reason for closing the file.

## **8.0 Frivolous, Repeat or Vexatious Complaints**

- 8.1** Complaints that are made in bad faith, false, or made for retaliatory purposes may be considered vexatious.
- 8.2** Repeated complaints that form a part of a pattern of conduct by the complainant that amounts to an abuse of the complaint process may be considered frivolous or vexatious.
- 8.3** Frivolous, repeat or multiple complaints about the same issue or a matter that has been investigated with no offence found may be considered vexatious.
- 8.4** If a decision is made to not act upon a complaint that is considered frivolous, repeat, or vexatious, the complainant will be advised of the decision, the reason for it, and may be advised of the circumstances under which it may be reconsidered.

## **9.0 Communications**

- 9.1** If the Manager determines that there is a potential violation, a file is opened, and the Respondent will receive a Notice Letter, providing a summary of the issue, contact details of the assigned officer, and encouraging the Respondent to contact the officer. The Complainant will be notified that a file has been opened.
- 9.2** Respondents will receive as much information about complaints against their properties as possible without revealing the identity of the complainant.

**9.3** If there are questions or concerns regarding individual files, Trustees or the LTC will communicate with the Manager of Compliance and Enforcement.

**9.4** The Manager of Compliance and Enforcement will arrange public information and education sessions regarding bylaw enforcement when appropriate and time permitting.

#### **10.0 Reporting**

**10.1** The LTC will receive regular reporting on open files where investigations have been completed, and the reporting will state whether or not enforcement or legal action of any kind is recommended.

**10.2** The Manager of Compliance and Enforcement will report to the LTC any concerns, trends, or issues with enforcement that they believe the LTC needs to be aware of.

**10.3** The Manager of Compliance and Enforcement will maintain the North Pender Island Bylaw Enforcement Policy and will report to the LTC if amendments are recommended or required.

## **PART B**

### **Bylaw Enforcement Notice Bylaw Screening Officer's Powers and Duties Policy**

#### **Appointment of Screening Officers**

Pursuant to section 7.2 of the North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 263, 2011, (the Bylaw) the persons holding the following positions are appointed as screening officers:

- 1) Regional Planning Manager;
- 2) Manager of Compliance and Enforcement; and
- 3) Bylaw Compliance and Enforcement Assistant.

#### **Screening Officer Powers and Duties**

The powers and duties of the screening officer are contained in section 7.3 of the Bylaw. It is the direction of the North Pender Island Local Trust Committee (LTC) that these powers and duties are only exercised in respect to each of the above positions as follows:

1) **Regional Planning Manager.** In respect to Bylaw Violation Notices issued by all Bylaw Compliance and Enforcement Officers, including the Manager of Bylaw Compliance and Enforcement, the Regional Planning Manager, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;

2) **Manager of Bylaw Compliance and Enforcement.** In respect to Bylaw Violation Notices issued by Bylaw Compliance and Enforcement Officers, the Manager of Compliance and Enforcement, acting as Screening Officer, may exercise all of the powers and duties in Section 7.3 of the Bylaw;

**3) Bylaw Compliance and Enforcement Assistant.** In respect to Bylaw Violation Notices issued by the Manager of Compliance and Enforcement, and Bylaw Compliance and Enforcement Officers, the Bylaw Compliance and Enforcement Assistant, acting as Screening Officer, may exercise only those powers and duties in Section 7.3(1) and 7.3(2) of the Bylaw.

**Authorized Reasons to Cancel Bylaw Violation Notices**

The Screening Officer may cancel a Bylaw Violation Notice if satisfied that one or more of the following reasons exist:

1. Voluntary compliance has been achieved.
2. The Bylaw Violation Notice was issued to the wrong person.
3. The Bylaw Violation Notice was not completed properly.
4. The issuance of the Bylaw Violation Notice did not adhere to established Trust Council or LTC policies.
5. It is unreasonable for the person to pay the penalty.
6. An exception specified in the bylaw or related enactment or LTC Standing Resolution exists.
7. A permit exists or has been obtained that authorises the alleged contravention.
8. There is poor likelihood of success at adjudication for the Local Trust Committee the following reasons:
  - a. The evidence is inadequate to show a contravention;
  - b. Incorrect information was relied on in issuing the Bylaw Violation Notice;
  - c. The disputant intends to challenge the bylaw with a legal argument that is ill suited to the adjudication process or the legal arguments are too complicated to be decided by an adjudicator.
9. It is not in the public interest to proceed to adjudication for one of the following reasons:
  - a. The bylaw has changed since the Bylaw Violation Notice was issued and now authorizes the contravention;
  - b. An LTC resolution has deferred enforcement on the specific contravention;
  - c. The LTC has closed the file;
  - d. The offence occurred because of a circumstance that made it unreasonable for the person to comply with the bylaw.



# STAFF REPORT

**Date of Meeting:** October 3, 2025

**File No.:** 3900-03; 4050-03

**To:** North Pender Island Local Trust Committee

**From:** Warren Dingman  
Manager of Bylaw Compliance & Enforcement

**Re:** **Final Adoption of Amendment Bylaw No. 230 “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 188, 2011 Amendment No. 1, 2022”**

## RECOMMENDATION:

1. That the Gabriola Island Local Trust Committee adopt Bylaw No. 230 the “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 188, 2011, Amendment No. 1, 2022”.

## STAFF COMMENTS:

On July 25th, 2025 the North Pender Island Local Trust Committee gave first, second and third readings to the attached amendment Bylaw No. 230 and referred it to the Executive Committee for approval. This approval was given on August 6, 2025.

This amendment bylaw will update the penalty schedules and it also establishes a penalty for failure to obtain a permit for work in a development permit area.

As this is an administrative Bylaw it does not require the approval of the Minister of Housing and Municipal Affairs and the North Pender Island Local Trust Committee may now adopt the Bylaw.

Submitted By:	Warren Dingman, Bylaw Compliance & Enforcement Manager	September 25, 2025
Concurrence:	Brad Smith, Acting Regional Planning Manager	September 25, 2025

## ATTACHMENT

1. Proposed North Pender Island Local Trust Committee Bylaw No. 230

# PROPOSED

## NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 230

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

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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 25<sup>TH</sup> DAY OF JULY, 2025.

READ A SECOND TIME THIS 25<sup>TH</sup> DAY OF JULY, 2025.

READ A THIRD TIME THIS 25<sup>TH</sup> DAY OF JULY, 2025.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST  
THIS 6<sup>TH</sup> DAY OF AUGUST 2025.

ADOPTED THIS DAY OF , 20

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SECRETARY

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CHAIR

**Schedule A  
NORTH PENDER ISLAND  
CONTRAVENTIONS AND PENALTIES**

<b>Bylaw Section</b>	<b>Bylaw &amp; Contravention description: North Pender Island Land Use Bylaw No. 224</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment including \$300.00 Surcharge (after 28 days)</b>	<b>A4 Compliance Agreement</b>	<b>A5 Agreement Discount</b>
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**

<b>Bylaw Section</b>	<b>Bylaw &amp; Contravention description: North Pender Island Land Use Bylaw No. 224</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment including \$300.00 Surcharge (after 28 days)</b>	<b>A4 Compliance Agreement</b>	<b>A5 Agreement Discount</b>
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%

<b>Bylaw Section</b>	<b>Bylaw &amp; Contravention description: North Pender Island Official Community Plan Bylaw No 171</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment with \$300.00 Surcharge (after 28 days)</b>	<b>A4 Compliance Agreement</b>	<b>A5 Agreement Discount</b>
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**

<b>Bylaw Section</b>	<b>Bylaw &amp; Contravention Description:</b>  <b>North Pender Associated Islands Land Use Bylaw No. 148, 2003</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment including \$300 Surcharge (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
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**

<b>Bylaw Section</b>	<b>Bylaw &amp; Contravention Description:</b>  <b>North Pender Associated Islands Land Use Bylaw No. 148, 2003</b>	<b>A1 Penalty Amount</b>	<b>A2 Discounted Penalty (within 14 days)</b>	<b>A3 Late Payment including \$300 Surcharge (after 28 days)</b>	<b>A4 Compliance Agreement Available</b>	<b>A5 Compliance Agreement Discount</b>
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%

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