



# North Pender Island Local Trust Committee

## Regular Meeting Agenda

Date: April 10, 2026  
Time: 10:00 am  
Location: Anglican Parish Hall  
4703 Canal Road, RR#1, North Pender Island, BC

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Pages

1. **CALL TO ORDER** 10:00 AM - 10:25 AM  

“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”
2. **TERRITORIAL ACKNOWLEDGEMENT**
3. **RISE AND REPORT - In-Camera Meeting of January 30, 2026**  

Adoption of the November 21, 2025 in-camera meeting minutes and the appointment of Peter Pare, Joyce Thayer, Ken Rempel, Theresa Barker, Michael Dine, and Jay Gilbert to the North Pender Island Special Advisory Planning Commission, commencing immediately for a term ending March 1, 2027.
4. **APPROVAL OF AGENDA**
5. **TRUSTEE REPORT**
6. **CHAIR'S REPORT**
7. **ELECTORAL AREA DIRECTOR'S REPORT**
8. **PUBLIC PARTICIPATION PERIOD** 10:25 AM - 10:40 AM
9. **COMMUNITY INFORMATION MEETING** 10:40 AM - 11:15 AM
  - 9.1 **Raptor Nest Mapping Development Permit Area Project - Proposed Bylaw No. 235**
10. **PUBLIC HEARING** 11:15 AM - 12:00 PM
  - 10.1 **Raptor Nest Mapping Development Permit Area Project - Proposed Bylaw No. 235**
    - 10.1.1 Recess for Public Hearing
    - 10.1.2 Recall to Order
11. **MINUTES** 12:00 PM - 12:10 PM

|        |                                                                                                         |                     |
|--------|---------------------------------------------------------------------------------------------------------|---------------------|
| 11.1   | Local Trust Committee Minutes Dated January 30, 2026 (for Adoption)                                     | 4 - 13              |
| 11.2   | Section 26 Resolutions-without-meeting Report Dated March 2026                                          | 14 - 14             |
| 11.3   | Advisory Planning Commission Minutes Dated February 13 and March 6, 2026 (for Receipt)                  | 15 - 21             |
| 12.    | BUSINESS ARISING FROM THE MINUTES                                                                       |                     |
| 12.1   | Follow-up Action List Dated April 2026                                                                  | 22 - 24             |
| 13.    | DELEGATIONS                                                                                             | 12:10 PM - 12:20 PM |
| 13.1   | North Pender Island Housing Advisory Planning Commission - APC Report                                   |                     |
| 14.    | CORRESPONDENCE                                                                                          |                     |
|        | <i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i> |                     |
| 15.    | APPLICATIONS AND REFERRALS                                                                              | 12:20 PM - 1:00 PM  |
| 15.1   | NP-PL-DVP-2026-0026 (Heieis) - Staff Report (attached)                                                  | 25 - 48             |
| 15.2   | NP-PL-TUP-2026-0001 (Vermeeren) - Staff Report (attached)                                               | 49 - 55             |
| 15.3   | NP-PL-RZ-2026-0021 (Miles) – Preliminary Staff Report (attached)                                        | 56 - 84             |
| 16.    | LOCAL TRUST COMMITTEE PROJECTS                                                                          | 1:00 PM - 1:45 PM   |
| 16.1   | Raptor Nest Mapping Development Permit Area Project - Proposed Bylaw No. 235 - Staff Report (attached)  | 85 - 104            |
| 16.2   | Housing Access and Affordability Project – Staff Report (attached)                                      | 105 - 381           |
| 17.    | REPORTS                                                                                                 | 1:45 PM - 1:55 PM   |
| 17.1   | Work Program Report (attached)                                                                          |                     |
| 17.1.1 | <u>Active Projects Report Dated April 2026</u>                                                          | 382 - 382           |
| 17.1.2 | <u>Future Projects Report Dated April 2026</u>                                                          | 383 - 384           |
| 17.2   | Applications Report Dated April 2026 (attached)                                                         | 385 - 389           |
| 17.3   | Trustee and Local Expense Report Dated Feb 2026 (attached)                                              | 390 - 390           |
| 17.4   | Adopted Policies and Standing Resolutions (attached)                                                    | 391 - 393           |
| 17.5   | Local Trust Committee Webpage                                                                           |                     |
| 17.6   | Islands Trust Conservancy Report Dated Feb 2026                                                         | 394 - 394           |

18. NEW BUSINESS 1:55 PM - 2:00 PM
- 18.1 2025/26 Annual Report - Request for Decision (attached) 395 - 397
19. UPCOMING MEETINGS
- 19.1 Next Regular Meeting Scheduled for May 29, 2026 at the St. Peter's Anglican Hall,  
Pender Island
20. PUBLIC PARTICIPATION PERIOD 2:00 PM - 2:15 PM
21. CLOSED MEETING (Distributed Under Separate Cover)
- 21.1 Motion to Close Meeting
- That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1)(f):
- (f) law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;
- AND that the recorder and staff attend the meeting.
- 21.2 Recall to Order
- 21.3 Rise and Report
22. ADJOURNMENT 2:15 PM - 2:15 PM

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

**Date:** January 30, 2026  
**Location:** Electronic Meeting and a physical location to view the livestream of the meeting:  
Islands Trust Victoria Office  
200-1627 Fort Street  
Victoria BC V8R 1H8

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

**Members Regrets:** Deb Morrison, Local Trustee

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

**Others Present:** There were 4 members of the public present.

### 1. CALL TO ORDER

Chair Maude called the meeting to order at 10:01 a.m. and read a statement sent from Trustee Morrison regarding her absence from the meeting.

### 2. TERRITORIAL ACKNOWLEDGEMENT

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

### 3. RISE AND REPORT - In-Camera Meeting of November 21, 2025

The report was provided at item 21.3.

### 4. APPROVAL OF AGENDA

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

### 5. TRUSTEE REPORT

Trustee Campbell reported attendance at recent Regional Planning Committee and Trust Council meetings and noted receipt of multiple inquiries from residents regarding rezoning possibilities related to tiny homes and other housing options.

**6. CHAIR'S REPORT**

Chair Maude reported that budget discussions will continue during an upcoming Committee of the Whole meeting prior to advancing further recommendations to Trust Council.

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

**8. TOWN HALL AND QUESTIONS**

A member of the public indicated they live in close proximity to three short-term vacation rentals on Schooner Way and they are in support of each of the Temporary Use Permit applications related to the rentals.

A member of the public spoke in support of the issuance of a Temporary Use Permit for a short-term vacation rental operating at 1603 Schooner Way and noted they have not had any issues or concerns with the operation that is located above the speaker's property.

**9. COMMUNITY INFORMATION MEETING - None**

**10. PUBLIC HEARING - None**

**11. MINUTES**

**11.1 Local Trust Committee Minutes Dated November 21, 2025 (for Adoption)**

**By general consent** the North Pender Island Local Trust committee meeting minutes of November 21, 2025 were adopted.

**11.2 Section 26 Resolutions-without-meeting Report Dated Jan 2025**

Received for information.

**11.3 Advisory Planning Commission Minutes Dated November 10, 2025, November 28, 2025 and Draft January 16, 2026 (for Receipt)**

Received for information.

**12. BUSINESS ARISING FROM THE MINUTES**

**12.1 Follow-up Action List Dated Jan 2026**

Received for information.

**13. DELEGATIONS - None**

**14. CORRESPONDENCE**

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

**14.1 Capital Regional District re Regional Canada Goose Working Group**

Trustee Campbell expressed interest in participation in the working group and will respond directly to the Capital Regional District.

The agenda was reordered and item 18.1 was heard following item 14.

## **18. NEW BUSINESS**

### **18.1 Short Term Rental Accommodation – Principal Residence Opt-In – Briefing**

Island Planner Smith summarized the briefing and highlighted the following:

- The Local Trust Committee was in attendance during a presentation provided at Trust Council regarding provincial regulations and how they might affect the island communities
- If the Local Trust Committee opted in to the provincial regulation Temporary Use Permits for short-term vacation rentals would be eliminated and the principal residency requirement would come into affect
- The Local Trust Committee has a standing resolution to not approve any new short-term vacation rentals
- The Advisory Planning Commission recommended to not opt-in to the provincial regulations but phase out existing Temporary Use Permits

Discussion ensued and the following comments were noted:

- Following the presentation received at Trust Council and discussions with bylaw compliance and enforcement staff it was determined that opting in to the provincial regulations would not alleviate bylaw enforcement staff workload when dealing with non-compliant short-term rentals
- There is concern that opting in would negate Temporary Use Permits that are in effect
- The Temporary Use Permit is a better tool for Local Trust Committees to navigate short-term rental applications
- Some of the houses used for vacation rentals are not suited for rental stock or workforce housing
- In order to approve Temporary Use Permit applications that are coming forward from long-term operators it is necessary to rescind the standing resolution

**NP-2026-001**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee rescind Standing Resolution No. 2025026 with regard to short-term vacation rentals.

**CARRIED**

## **15. APPLICATIONS AND REFERRALS**

### **15.1 Mayne Island Local Trust Committee Referral for Proposed Bylaw No. 200 (for Response)**

**NP-2026-002**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee respond to the Mayne Island Local Trust Committee that interests are unaffected by draft Bylaw No. 200.

**CARRIED**

### 15.2 NP-PL-TUP-2025-0430 (O'Malley) – Staff Report

Planner Belcher summarized the staff report and highlighted the following:

- A Temporary Use Permit renewal can be issued for up to 3 years but no changes to the permit can be made
- The permit allows up to 90 rental days per year and up to 11 guests and both of the permissions are above the Official Community Plan guidelines
- The applicants have received letters of support from adjacent neighbours as well as feedback that parking has occurred off site

The applicant was in attendance and noted they have complied with all licensing requirements since the operation commenced, they only rent to families, and they screen bookings in advance.

A Trustee noted the location has off street parking and asked the applicant to ensure compliance and indicated the operation is an established short-term vacation rental operating in good faith.

#### **NP-2026-003**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit PL-TUP-2025-0430 for a period of three (3) years.

**CARRIED**

### 15.3 NP-PL-TUP-2025-0511 (Hepburn) – Staff Report

Planner Belcher summarized the staff report and highlighted the following:

- The application seeks a new Temporary Use Permit for a short-term vacation rental that has been authorized to operate through 4 different permits since 2018
- The application maintains the same general conditions as previous
- There has been a raptor nest identified in the area and this can be included in the permit as a condition requiring the operator to identify the raptor nest development permit area and let renters know of any conditions related to the site
- There have been no complaints received related to the rental operation
- It was noted that the applicant was in attendance

The Local Trust Committee had no questions for the Planner and discussed the options related to including a guideline to identify the raptor nest development permit area.

#### **NP-2026-004**

**It was MOVED and SECONDED**

that North Pender Local Trust Committee request staff add a condition to Temporary Use Permit PL-TUP-2025-0511 that requires communication about the location of the raptor nest development permit to guests.

**CARRIED**

**NP-2026-005**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee approve issuance of Temporary Use Permit PL-TUP-2025-0511 for a period of three (3) years as amended

**CARRIED**

**15.4 NP-PL-DVP-2025-0489 (McDonald) – Staff Report**

Planner Belcher summarized the staff report and highlighted the following:

- The application seeks a Development Variance Permit to allow a secondary suite to be over the 40% maximum percentage of the total floor area of the main total building which comprises the main floor
- The property is zoned to permit a secondary suite
- The suite will comprise the second floor of the building

Discussion ensued and it was clarified that the bylaw allows a secondary suite to be 40% maximum of the total floor area of the building as the province initially set 40% as the maximum requirement when secondary suite rules were established; however, the province has since rescinded the maximum and the Local Trust Committee could consider doing the same as part of their current project.

**NP-2026-006**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee approve issuance of PL-DVP-2025-0489.

**CARRIED**

**15.5 NP-PL-DP-2025-0483 (MacLean) - Staff Report**

Planner Belcher summarized the staff report and highlighted the following:

- The application seeks a Development Permit to enable the construction of a house, float, and a ramp that is within the Development Permit Area
- A streamside protection enhancement area was established by the registered professional biologist hired by the applicant which established a 15-metre boundary from the natural boundary of Magic Lake
- No construction aside from the float ramp will be located within the 15-metre area
- The draft Development Permit establishes conditions for the protection of trees, vegetation, nesting birds, and aquatic areas as well as construction management, sediment and erosion control, stormwater management, and environmental monitoring

The applicant was in attendance and spoke to the application.

Discussion ensued and the following comments and clarifications were noted:

- The construction is 1-metre outside of the protected area which appears tight

- The building will be constructed over the existing footprint, construction protection will be installed, and the only thing that comes close to the protected area is the edge of the deck which is cantilevered over its footing
- The zoning does permit the dock as the property boundary extends into the lake and a crown lease tenure is not required
- The lot lines were in place before the flooding of the lake occurred which created a unique situation of private land extending into the lake

**NP-2026-007**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee approve issuance of Development Permit PL-DP-2025-0483.

**CARRIED**

**15.6 NP-PL-DP-2025-0499 (Kerfoot) – Staff Report**

Planner Belcher summarized the staff report and highlighted the following:

- The application seeks a Development Permit for the construction of two new 900 square foot commercial tourist rental cottages and an 83.6 metre squared parking lot as part of the Tides Cottages commercial vacation rental business
- A 6.1 interior lot line variance is being sought to locate the cottages closer to an adjacent property that the applicant owns in order to lower the visual impact on a neighbouring property
- The existing screening between adjacent parcels is adequate and the new cottages would not be visible from the road

A Trustee noted the property is already zoned to allow more than the number of units under consideration and the applicant has spoken to neighbours and taken into consideration their concerns through the setback variance request.

**NP-2026-008**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee approve issuance of Development Permit PL-DP-2025-0499.

**CARRIED**

**15.7 NP-RZ-2024.1 (Grimmer) – Staff Report**

Island Planner Smith provided an update on the status of the application and noted the following:

- A monitoring well is being installed on the property
- A septic report has been submitted
- The finalized site plan showing the proposed location of all structures and the area of use remains outstanding with an outline provided in the interim
- An environmental assessment report remains outstanding

The applicant was in attendance and noted they anticipate submitting the remaining reports by the end of March.

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

**NP-2026-009**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee receives draft Bylaw No. 236, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2024", and directs staff to initiate bylaw referrals, subject to submission of an updated site plan from the applicant with accurate proposed area of use map boundaries to include in the draft bylaw.

**CARRIED**

**NP-2026-010**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee receives draft Bylaw No. 237, cited as "North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2024", and directs staff to initiate bylaw referrals, subject to submission of an updated site plan from the applicant with accurate proposed area of use map boundaries to include in the draft bylaw.

**CARRIED**

**15.8 NP-PL-RZ-2024-0110 (Bigham) – Staff Report**

Island Planner Smith provided an update on the application and the following comments were noted:

- The applicant is working on a storm water management plan
- The engineer has provided a stormwater management design for the buildings and structures that are being proposed that meets provincial building code standards and has been further asked to assess overall water movement across the site to determine if there is any risk of contaminants leaving the site and entering surface water systems, and if so to develop a mitigation approach
- The footprint on the road might be addressed through a more efficient way of operating within the site that would allow for less traffic and activity of the business on the road
- The site is located in an area of active industrial use

Discussion ensued and the following comments and clarifications were noted:

- The number of uses that occur on the property seems to be higher than the uses listed
- The Planner indicated the zoning is for general and industrial use and the contractor yard use is quite broad
- Restricted uses include autobody repair, indoor storage, storage of motor vehicles, recreational vehicles, and boats and trailers, storage and handling of goods and materials such as motor vehicle parts which could be included uses in a general industrial zone

**NP-2026-0011**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee receives draft Bylaw No. 242, cited as "North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 2, 2025", and directs staff to initiate bylaw referrals.

**CARRIED**

**16. LOCAL TRUST COMMITTEE PROJECTS**

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

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

- The report provides update on the Housing Action Plan and staff are working on draft amending bylaws based on recommendations made at the last Local Trust Committee meeting
- The Advisory Planning Commission is reviewing the build-out analysis and suitable land analysis mapping and their recommendations will come to the Local Trust Committee at the next meeting
- Draft bylaws will also come forward for discussion at the next meeting which will be followed by a Community Information Meeting

Discussion ensued and Saturday May 2 was identified as a date for a potential date to hold a Community Information Meeting starting at 12:00 p.m. with a location to be determined.

**NP-2026-012**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee direct staff to schedule a special Community Information Meeting for the Housing Access and Affordability project to be held Saturday May 2, 2026 and to advertise the meeting in the Pender Post .

**CARRIED**

**NP-2026-013**

**It was MOVED and SECONDED,**

that North Pender Local Trust Committee request staff amend subsection 3.10(3) to remove the 40% requirement of floor area.

**CARRIED**

**17. REPORTS**

**17.1 Work Program Report**

**17.1.1 Active Projects Report Dated Jan 2026**

Received for information.

**17.1.2 Future Projects Report Dated Jan 2026**

Received for information.

**17.2 Applications Report Dated Jan 2026**

Received for information.

**17.3 Trustee and Local Expense Report Dated Nov 2025**

Received for information.

**17.4 Adopted Policies and Standing Resolutions**

Received for information.

**17.5 Local Trust Committee Webpage - None**

**17.6 Islands Trust Conservancy Report – None**

The agenda was reordered and item 18 was heard following item 14.

**19. UPCOMING MEETINGS**

**19.1 Next Regular Meeting Scheduled for March 27, 2026 at the St. Peter's Anglican Church Hall, Pender Island**

**NP-2026-014**

**It was MOVED and SECONDED,**

that North Pender Local Trust Committee request staff to change the March 27, 2026 meeting date to April 10, 2026 to be held in-person.

**CARRIED**

**20. TOWN HALL**

There were no comments from members of the public.

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

**21.1 Motion to Close Meeting**

**NP-2026-015**

**It was MOVED and SECONDED,**

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

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

(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 11:54 a.m.

### **21.2 Recall to Order**

The meeting was recalled to order at 12:34 p.m.

### **21.3 Rise and Report**

Chair Maude rose and reported adoption of the November 21, 2025 in-camera meeting minutes and the appointment of Peter Pare, Joyce Thayer, Ken Rempel, Theresa Barker, Michael Dine, and Jay Gilbert to the North Pender Island Special Advisory Planning Commission, commencing immediately for a term ending March 1, 2027

## **22. ADJOURNMENT**

**By general consent** the meeting was adjourned at 12:35 p.m.

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David Maude, Chair

Certified Correct:

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Lisa Millard, Meeting Administrator/Recorder



## Resolutions Without Meetings Log

### North Pender Island

| Resolution Number                                                                                                                                                                                 | Action  | Date        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| 2026-001                                                                                                                                                                                          | Carried | 05-Mar-2026 |
| <b>To appoint APC Member</b>                                                                                                                                                                      |         |             |
| That the North Pender Island Local Trust Committee appoint Jack Ferguson to the North Pender Island Special Advisory Planning Commission, commencing immediately for a term ending March 1, 2027. |         |             |

# ADOPTED

## Minutes of the North Pender Island Advisory Planning Commission

**Date:** February 13, 2026  
**Location:** North Pender Island Community Hall (upper hall)

**Members Present:** Lisa Baile, Commissioner  
Theresa Barker, Commissioner  
Jay Gilbert, Chair  
Peter Pare, Commissioner  
Joyce Thayer, Vice-Chair  
Ken Rempel, Commissioner

**Members Regrets:** Mike Dine, Commissioner

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

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

### 1. CALL TO ORDER

Vice-Chair Thayer called the meeting to order at 9:30 a.m.

### 2. APPROVAL OF AGENDA

The following changes to the agenda were proposed:

- Add discussion of Dark Sky Initiative, and
- Add discussion of Housing First approach used in Europe

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

### 3. NORTH PENDER JANUARY 16, 2026 APC MINUTES (FOR ADOPTION)

**By general consent**, the North Pender Advisory Planning Commission minutes of January 16, 2025 were adopted.

### 4. DISCUSSION – BUILD-OUT ANALYSIS & SUITABLE LAND ANALYSIS

General discussion ensued about the Suitable Land Analysis, and the following comments were made:

- A Commissioner suggested that well density, one of the layers used in the Suitable Land Analysis mapping, has little relevance to the amount of water available

- The Planner noted an area with less wells might be preferable for development, particularly for a new development
- The Planner noted the bulk of decision-making is based upon whether or not there is adequate water supply
- A Commissioner commented on the need for a water balancing analysis at Plum Tree Court
- In response to a question about the use of rainwater catchment systems, the Planner commented that regulations have not yet caught up with how to manage newer potential sources of water
- A Commissioner commented that the Suitable Land Analysis is a filter that determines the possibility for development opportunity, but ground-truthing would still be required to make a decision on an application

The Planner outlined the job of Commissioners in the current referral as to provide feedback on the Suitable Land Analysis and the Build-out Analysis and to consider potential zoning amendments. He made the following comments:

- Recommended the Commission develop a report for the Local Trust Committee that summarizes comments on the land use bylaws
- Suggested that the Commission's recommendation regarding multi-unit additional dwelling units be brought back to the Local Trust Committee for consideration
- Suggested Commissioners give the maps a high-level review and consider areas of obvious density growth, and make recommendations about how they should be zoned
- Noted that very specific recommendations about particular properties for multi-unit dwellings would be helpful

A suggestion was made that the Advisory Planning Commission provide a detailed request to the Local Trust Committee for information about how many additional dwelling units could be built under the proposed zoning.

Discussion ensued about the Build-out Analysis, flexible zoning options, and the high potential for more dwellings to be built on the island. The following comments were made:

- A Commissioner suggested development needs to be constrained
- A Commissioner commented the current infrastructure in Magic Lake is limited in its ability to handle an increased number of dwelling units
- The Planner commented that zoning is often ahead of infrastructure
- A Commissioner expressed concern over allowing additional dwelling units in Magic Lake and increasing density beyond what is reasonable
- A Commissioner suggested the focus be on affordable and worker housing, and acknowledged cost constraints
- A Commissioner expressed opposition to the proposed wording in the Official Community Plan that says housing agreements "may" be used instead of "shall"
- The Planner commented that the goal of the Islands Trust is to enable housing options across the community
- A Commissioner suggested housing affordability will come from the size of a unit (e.g. rent per square foot) as opposed to non-market housing affordability that comes from an external provider's subsidy
- A Commissioner suggested the primary options for non-market housing on North Pender are the Church property and Plum Tree Court

- A Commissioner noted that the Official Community Plan can be amended in an organic way that responds to attractive applications as they come forward

A Commissioner expressed support for incorporating the Dark Sky Initiative into the Official Community Plan and bylaws for all new builds, and for educating the public about the benefits of making Pender a dark sky community.

## 5. DISCUSSION – DRAFT BYLAWS

In response to a question from a commissioner about whether the number of additional dwelling units could be capped on the island, the Planner suggested the Islands Trust would not assume the administrative burden of a first-come-first serve system. Discussion ensued about next steps and the following comments were made:

- A Commissioner commented that the Advisory Planning Commission will be drafting recommendations while changes to the Official Community Plan are concurrently being proposed
- The Planner requested the Advisory Planning Commission complete its report by mid-March to be included in the agenda of the April 10 Local Trust Committee meeting
- The Planner confirmed that Commissioners can speak to the report at a Local Trust Committee meeting if desired
- Commissioner Thayer agreed to collate comments from Commissioners on the draft amending bylaws (as a bulleted list in a Word document) to send to the Planner
- A Commissioner suggested the report be organized into the following sections:
  - Comments on the Suitable Land Analysis
  - Comments on the Build-out Analysis
  - Comments on the Official Community Plan
  - Comments on the Bylaws
  - A broad overview

## 6. NEXT MEETING

Friday March 6, 2026 at 9:30 a.m.

## 7. ADJOURNMENT

**By general consent** the meeting was adjourned at 11:09 a.m.

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Jay Gilbert, Chair

Certified Correct:

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Carly Bilney, Recorder

## Minutes of the North Pender Island Advisory Planning Commission

**Date:** March 6, 2026  
**Location:** North Pender Island Community Hall (upper hall)

**Members Present:** Jay Gilbert, Chair  
Joyce Thayer, Vice-Chair  
Theresa Barker, Commissioner  
Peter Pare, Commissioner  
Ken Rempel, Commissioner

**Members Regrets:** Lisa Baile, Commissioner  
Mike Dine, Commissioner

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

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

### 1. CALL TO ORDER

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

### 2. APPROVAL OF AGENDA

The following changes to the agenda were proposed:

- Add Other Business: Discussion of clustered housing for farmers

The Planner noted that density in the Agricultural Land Reserve is limited to one dwelling per lot by the Agricultural Land Commission. He commented that a rural lot that might be suitable for housing for farmers could be considered in a site-specific proposal for the Local Trust Committee and the community to consider. Discussion ensued about a specific property on Bedwell Harbour Road that a commissioner suggested would be ideal for clustered housing. The following comments were made:

- The Planner noted that if a site-specific proposal for clustered housing came forward, discussions would be held about a proposed site plan, water and sewage capacity, and whether or not a housing agreement would be necessary. The Planner encouraged Commissioners to flag potential properties that may be suitable for housing
- A Commissioner expressed a preference to introduce broad ideas and let community conversation grow organically

- Add Other Business: Discussion of how BC budget cuts will impact housing opportunities

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

### 3. NORTH PENDER FEBRUARY 13, 2026 APC MINUTES (FOR ADOPTION)

**By general consent**, the North Pender Advisory Planning Commission minutes of February 13, 2025 were adopted.

### 4. DISCUSSION – REVIEW DRAFT REPORT

Discussion ensued about the draft report and the following comments were made:

- A Commissioner noted that after reviewing the Build-out and Suitable Land Analyses, the amount of cottages that are already available to be built out on the island would satisfy provincial housing goals
- A Commissioner commented that the issue is not one of adding capacity, but of creating flexibility
- A Commissioner commented that density was increased in 2018 when secondary suites were allowed in all residential houses, and there has not been a lot of uptake
- It was noted that upon further consideration, Commissioners supported the idea of allowing an additional dwelling unit as an alternative to a secondary suite in R1 and RR2 zoned properties
- The Planner encouraged Commissioners to consider a middle ground that allows some flexibility in zoning
- A Commissioner commented that, based on the data analysis, ignoring the existing potential for increased density would be irresponsible

The Planner indicated that while staff will continue to recommend the flexibility scheme, they are open to whatever is decided by the community and Local Trust Committee. He explained that the intent of flexible zoning is to allow multiple smaller self contained or attached units within a maximum floor area; he added that enabling the flexible zoning could increase more options for rental housing and for families to age in place, though it also creates other potential impacts such as increased water use.

The Planner outlined the steps involved to bring the draft bylaws to the Ministry for approval including: presenting the draft bylaws at the Local Trust Committee meeting in April, and at a Community Information Meeting on May 2.

In response to questions from Commissioners, the Planner noted that a discussion with the Magic Lake Property Owner's Society (the Society) about allowing additional dwelling units instead of secondary suites has not yet taken place, and that it would be the role of the Local Trust Committee to initiate it. A Commissioner commented that the Society will need sufficient time for collective conversation. The Planner noted that staff recommended the Capital Regional District's Magic Lake Water and Sewer Committee conduct an infrastructure study to identify limits and necessary upgrades. Discussion ensued about the current infrastructure capacity and who would pay for upgrades to the system. A Commissioner commented that final decisions will be dictated by future community discussion.

A Commissioner outlined the new recommendation of the Advisory Planning Commission and made the following comments:

- The new recommendation is to allow an additional dwelling unit instead of a secondary suite on RR2 and R1 zoned lots
- This was a recommendation of staff that the Commission initially opposed, but decided to support after analysis of existing density which, if fully built out, would more than double what the island can handle
- The goal of the Commission is to provide housing flexibility while upholding the principles of the Official Community Plan
- Commissioners will explain to the Local Trust Committee the rationale for its position and emphasize a need to focus on affordable and worker housing

Discussion ensued about how to organize the Commission's latest report, and the Planner noted a draft report should be submitted by March 23 to be included in the agenda of the next Local Trust Committee meeting. He encouraged the Advisory Planning Commission to consider flexibility options like a density bonus flexibility scheme.

## **5. DISCUSSION – DRAFT BYLAWS & OCP**

Discussion ensued about how the focus of the Advisory Planning Commission in its present referral is on housing yet there are many other things in the Official Community Plan to address in a broader review. A Commissioner commented that the report should highlight the following:

- The present density potential of the island
- That increasing the supply of housing units does not address the core issue of affordability
- The takeaway from the Build-out and Suitable Land Analyses is that there is not a deficit in potential supply
- There is almost an oversupply of potential growth on the island

Questions were raised about the draft bylaws and the Commissioners and Planner made the following comments:

- The Southern Gulf Islands Housing Needs Assessment informs some of the work in the draft Official Community Plan, though the scope of the report is limited
- The constant evolution of topics related to First Nations relations may impact the definition of cultural or archeological significance
- Capital Regional Planning staff understands that water and septic capacity are not the limiting factors for development in Magic Lake; rather, it is the infrastructure that accesses those services that is limiting growth
- Rental housing in commercial zones is not limited in the Official Community Plan
- Street parking has become a challenge in many communities; the Land-use Bylaw describes parking regulations including width, siting, etc.
- A provision for a housing agreement has been removed from the draft because it is optional, and if someone is providing affordable housing the definition of affordable housing can potentially meet the requirements of a housing agreement

Discussions ensued about the differences between worker housing and rental housing, and options for multiplexes.

A Commissioner commented on including consideration of Dark Sky Principles, and the Planner suggested the topic be addressed separately.

## **6. OTHER BUSINESS**

### **6.1 Discussion of clustered housing for farmers**

The Planner noted there are accommodations for worker housing on agricultural land, but this is entirely within the purview of the Agricultural Land Commission which has a very strict mandate.

### **6.2 Discussion of how BC budget cuts will impact housing opportunities**

A Commissioner commented that funding cuts are a setback to some of the hard work taking place on the island such as BC Housing withdrawing operational funding for the Pender Island Housing Society.

## **7. NEXT MEETING**

The Planner noted that Jack Ferguson will be joining the Advisory Planning Commission.

Next meeting Thursday, April 23 (tbc)

## **8. ADJOURNMENT**

**By general consent** the meeting was adjourned at 11:12 a.m.

\_\_\_\_\_  
Jay Gilbert, Chair

Certified Correct:

\_\_\_\_\_  
Carly Bilney, Recorder

## Follow Up Action Report

### North Pender Island

03-Oct-2025

| Progress | Activity                                                                                                                                                                                                                                                                                                                                                                                                                                | Responsibility                          | Dates               | Status    |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|---------------------|-----------|
| 0%       | <b>1</b> 15.1 Raptor Project<br>1) BL 235 given 1st reading with proposed amendments A-D implemented (Done)<br>2) ITPS policy endorsed - update with endorsement date DONE<br>3) Schedule a public hearing for April 10 at LTC regular meeting DONE<br>4) Schedule CIM prior to Public hearing April 10, 2026 DONE<br>5) Update project charter as presented - DONE<br>6) Staff to advertise public hearing in March Pender Post - DONE | Brad Smith<br>Emily Bryant<br>Jas Chonk | Target: 13-Dec-2025 | Completed |

21-Nov-2025

| Progress | Activity                                                                                                                                                                                                                                                                                       | Responsibility                          | Dates               | Status      |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|---------------------|-------------|
| 0%       | <b>1</b> 15.1 Housing Affordability and Access Project -<br>1) Draft amending bylaws based on staff recommendations in staff report - Done<br>2) Schedule CIM MAY 2 Done<br>3) Send referral letter to APC - Done<br>4) Appoint Ken Rempel to APC - Done<br>5) Advertise for new APC term Done | Brad Smith<br>Emily Bryant<br>Jas Chonk | Target: 05-Dec-2025 | Completed   |
| 0%       | <b>2</b> DP Delegation authority - staff to bring draft development permit delegation bylaw and staff report to future meeting. Report and draft bylaw to be on May meeting agenda                                                                                                             | Brad Smith                              | Target: 27-Mar-2026 | In Progress |

## Follow Up Action Report

### North Pender Island

30-Jan-2026

| Progress | Activity                                                                                                                                                                                                                                                                                                                                      | Responsibility                             | Dates               | Status    |
|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------|-----------|
| 0%       | 1 11.1 Nov 21, 2025 LTC meeting minutes adopted as presented                                                                                                                                                                                                                                                                                  | Emily Bryant                               | Target: 13-Feb-2026 | Completed |
| 0%       | 2 15.1 Mayne LTC BL No. 200 - LTC responds that interests are unaffected                                                                                                                                                                                                                                                                      | Jas Chonk                                  | Target: 30-Jan-2026 | Completed |
| 0%       | 3 TUPs: 15.2 NP-PL-TUP-2025-0430 - approved as presented, staff to issue permit, document any monitoring requirements and close files<br>15.3 NP-PL-TUP-2025-0511 - approved as amended to add condition requiring communication of raptor nest location, staff to issue amended permit, document any monitoring requirements and close files | Bruce Belcher<br>Emily Bryant<br>Jas Chonk | Target: 30-Jan-2026 | Completed |
| 0%       | 4 15.4 NP-PL-DVP-2025-0489 (McDonald) - approved as presented - staff to issue permit and close file                                                                                                                                                                                                                                          | Bruce Belcher<br>Emily Bryant<br>Jas Chonk | Target: 13-Feb-2026 | Completed |
| 0%       | 5 15.5 NP-PL-DP-2025-0483 (MacLean) - permit approved as presented - staff to issue permit, document any monitoring requirements and close file. (DONE)<br>15.6 NP-PL-DP-2025-0499 (Kerfoot) - permit approved as presented - requires security deposit before issuing permit. (RECEIVED) (DONE)                                              | Bruce Belcher<br>Emily Bryant<br>Jas Chonk | Target: 13-Feb-2026 | Completed |
| 0%       | 6 15.7 NP-RZ-2024.1 (Grimmer) and 15.8 NP-PL-RZ-2024-0110 (Bigham) - Draft BLs received - staff to initiate bylaw referrals to agencies listed in staff reports - DONE                                                                                                                                                                        | Brad Smith<br>Jas Chonk                    | Target: 13-Feb-2026 | Completed |

## Follow Up Action Report

### North Pender Island

30-Jan-2026

| Progress | Activity                                                                                                                                                                                                                                                                                          | Responsibility                             | Dates               | Status    |
|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|---------------------|-----------|
| 0%       | 7 18.1 LTC resolved to remove standing resolution 2025-026 - STVRs from standing resolutions table - staff to update online                                                                                                                                                                       | Jas Chonk                                  | Target: 13-Feb-2026 | Completed |
| 0%       | 8 16.1 Housing Access and Affordability Project<br>1) Schedule special CIM for Saturday May 2 either at Community Hall or Church and book venue - DONE<br>2) Add removal of 40% floor area provision in secondary suite regs to draft amending bylaw changes - DONE                               | Brad Smith<br>Emily Bryant<br>Lisa Millard | Target: 13-Feb-2026 | Completed |
| 100%     | 9 17.1 March 27 meeting moved to April 10 - staff to book venue and update invites                                                                                                                                                                                                                | Emily Bryant<br>Lisa Millard               | Target: 13-Feb-2026 | Completed |
| 0%       | 10 In-Camera Rise and Report - Nov 21, 2025 meeting minutes adopted as presented<br>APC appointments confirmed: 1. Peter Pare (re-appoint)<br>2. Joyce Thayer (re-appoint)\n3. Ken Rempel (re-appoint)\n4. Theresa Barker (re-appoint)\n5. Michael Dine (re-appoint)\n6. Jay Gilbert (re-appoint) | Emily Bryant<br>Jas Chonk                  | Target: 13-Feb-2026 | Completed |

File No.: PL-DVP-2026-0026

DATE OF MEETING: April 10, 2026

TO: North Pender Island Local Trust Committee

FROM: Bruce Belcher, Planner 2  
Southern Team

COPY: Kim Stockdill, Acting Regional Planning Manager

SUBJECT: PL-DVP-2026-0026  
Applicant: Mark Heieis  
Location: 1604 Storm Crescent, North Pender Island

## RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit application PL-DVP-2026-0026.

## REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) to allow an accessory building to be over the maximum permitted height.

## RATIONALE FOR VARIANCE

The applicant's rationale for the height variance is that the maximum permitted height for an accessory building would limit the design of the building to match the architectural style and consistency with existing buildings on the property. Additionally, the slope and elevation of the proposed building location limits the design options for the new accessory building; being built to the maximum height regulations would result in a nearly flat roof. The applicant's rationale letter is included as Attachment 3.

## BACKGROUND

The applicant submitted the variance application preceding a preliminary plan review to construct the new accessory building on the property. If the variance is approved the applicant will be able to proceed with their building permit application and begin construction of the new building.

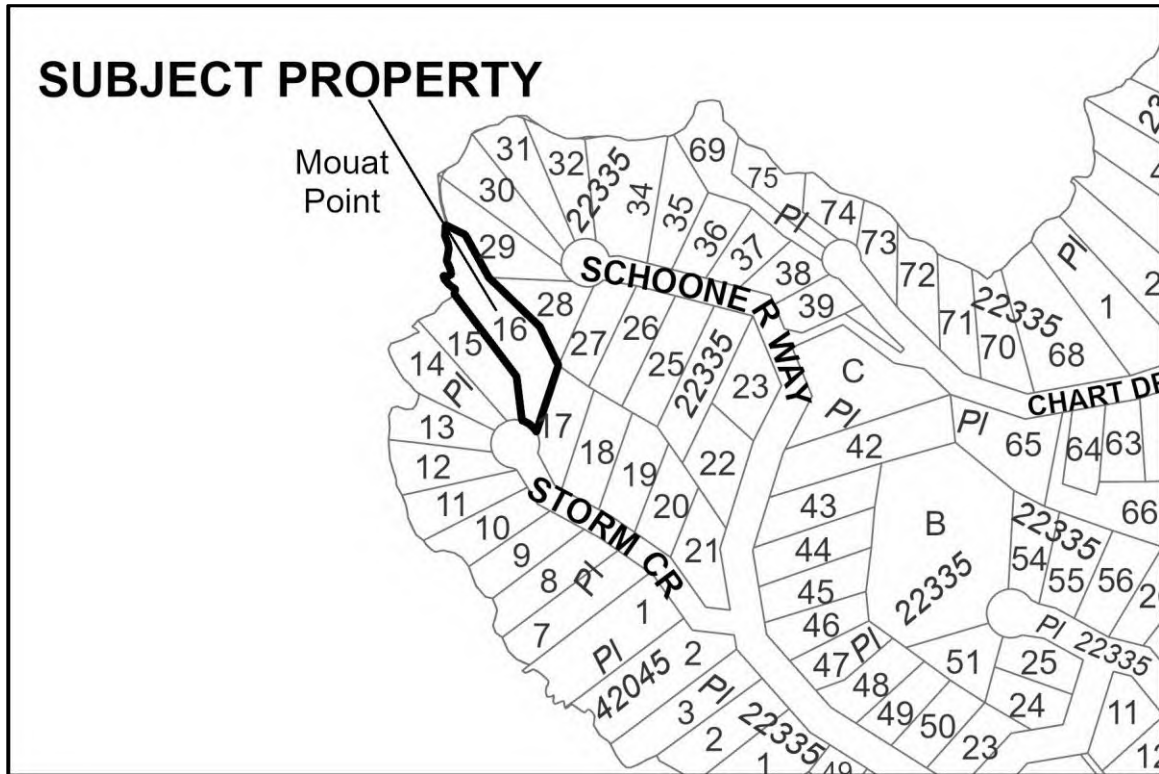
The specific variance to the North Pender Island Land Use Bylaw No. 224, 2022 (LUB) is as follows:

- a) Subsection 5.1 (7) which states that *all buildings and structures must not exceed 4.6 metres in height and one storey except for a dwelling or cottage* is varied to permit the construction of an *accessory building* with a height of 5.96 metres.

The subject property is located at 1604 Storm Crescent in the Magic Lake Estates area of North Pender Island. The parcel is zoned Rural Residential 1 (RR1) and is 0.31 hectares in area. The waterfront property has an existing single-family dwelling and accessory structures. The new accessory building has a

proposed floor area of 77m<sup>2</sup> which would bring the total floor area for all buildings on the property to roughly 400m<sup>2</sup>, below the permitted 500m<sup>2</sup> for a lot less than 0.4 hectares. The new accessory building would be used as a two-car garage and studio space.

A copy of the notice and proposed permit are included as Attachments 4 and 5 of this report. Staff conducted a site visit of the subject property on March 17, 2026. Photos of the site are included with Attachment 2.



**Figure 1 – Subject Property Location**

## ANALYSIS

### Intent of Regulations being varied

The overall purpose for the maximum height regulation for accessory buildings in the RR1 zone is to limit impacts on adjacent properties related to:

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

### Potential impacts of granting to variance

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

Staff observed that five trees have been removed from the proposed building site, which is located along the existing driveway. Based on the existing development of the lot, the proposed garage location seems reasonable and the 1.5 metre height increase would present minimal impacts on neighbouring properties. The property directly to the west of the subject parcel, 1602 Storm Crescent, would be the most directly impacted due to the proposed garage being sited along the 3.0 metre interior side lot line. The dwelling on this adjacent neighbour's property is sited further north and faces onto the shoreline, therefore views would not be impacted by the new garage.

### **Circulation**

The draft permit was circulated to surrounding property owners and residents on March 20, 2026. The notification period ends on April 1, 2026.

At the time of writing, staff have received two letters of support from neighbours. The two letters are included as Attachment 6. Any responses received after the agenda is published will be circulated to the North Pender Island Local Trust Committee (LTC) and reported at the April 10, 2026 LTC meeting.

### ***First Nations***

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

### **Rationale for Recommendation**

The recommendation on page one (1) is supported as:

- The variance is considered minor and the impacts would be minimal due to the siting in relation to neighbouring properties;
- The adjacent neighbours have expressed support for the variance application and there have been no public comments received opposing the proposed variance.

### **ALTERNATIVES**

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

#### **1. Request further information**

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

*That the North Pender Island Local Trust Committee request that the applicant of PL-DVP-2026-0026 submit the following information ....*

## **2. Deny the application**

The LTC may deny the application. If the application is refused the owner may apply to the Board of Variance. Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee refuse application PL-DVP-2026-0026*

|               |                                                 |                |
|---------------|-------------------------------------------------|----------------|
| Submitted By: | Bruce Belcher, Planner 2                        | March 24, 2026 |
| Concurrence:  | Kim Stockdill, Acting Regional Planning Manager | March 24, 2026 |

## **ATTACHMENTS**

1. Site Context
2. Maps, Plans, Photographs
3. Applicant's Letter
4. Notice
5. Draft Development Variance Permit
6. Correspondence

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

|                   |                                                                 |
|-------------------|-----------------------------------------------------------------|
| Legal Description | LOT 16, SECTION 9, PENDER ISLAND, COWICHAN DISTRICT, PLAN 22335 |
| PID               | 003-275-418                                                     |
| Civic Address     | 1604 Storm Crescent, North Pender Island                        |
| Lot Size          | 0.31 ha                                                         |

### LAND USE

|                      |             |
|----------------------|-------------|
| Current Land Use     | Residential |
| Surrounding Land Use | Residential |

### HISTORICAL ACTIVITY

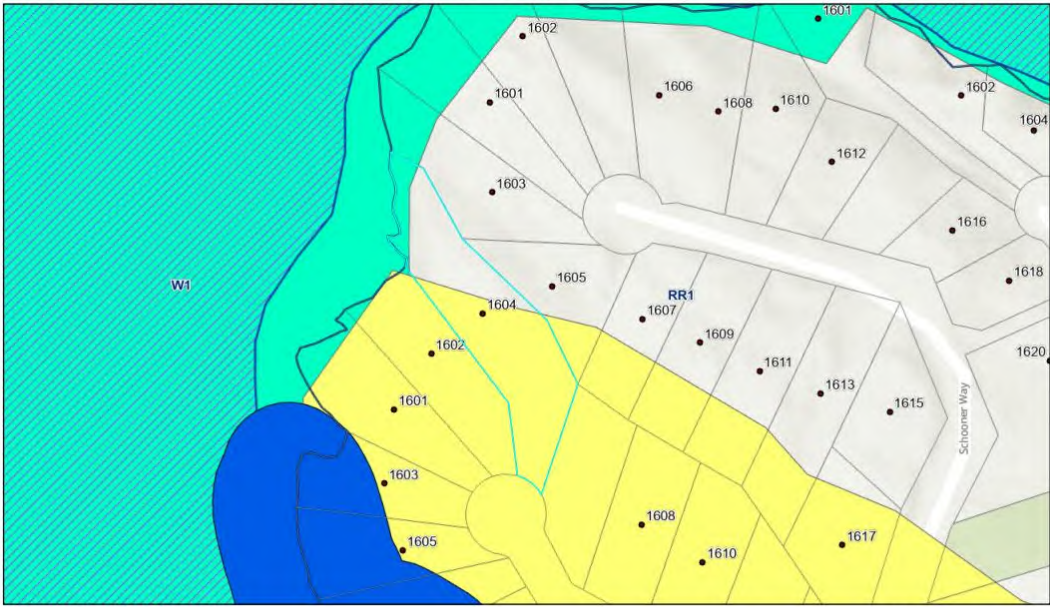
|          |         |
|----------|---------|
| File No. | Purpose |
| N/A      | N/A     |

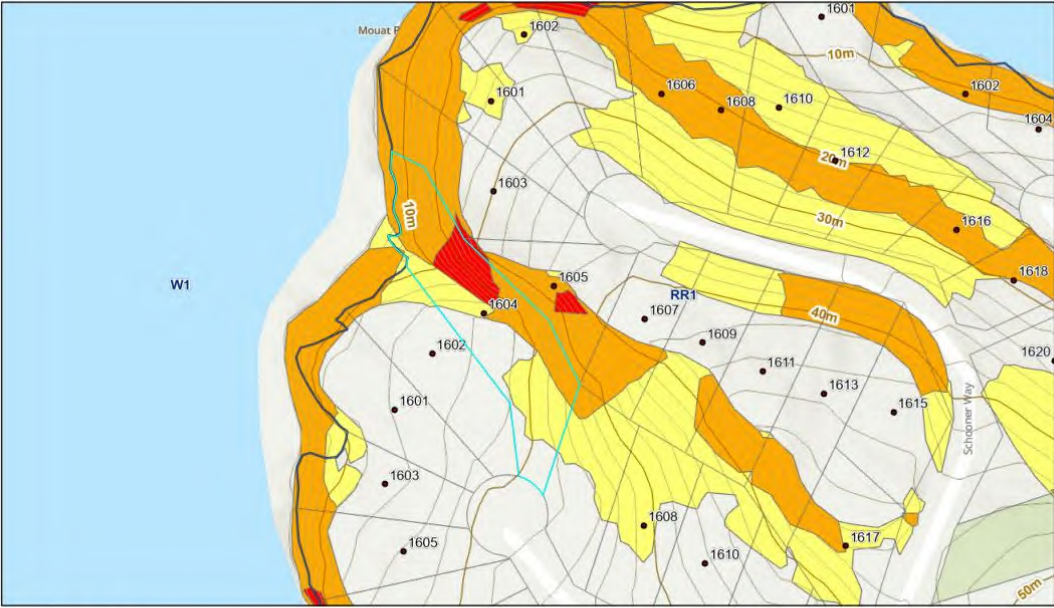
### POLICY/REGULATORY

|                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Official Community Plan Designations | <p>Rural Residential</p> <p>Development Permit Area 1 – Woodland Sensitive Ecosystem<br/>(DPA is not applicable due to proposed building location being sited outside of DPA)</p> <p>Development Permit Areas</p> <p>2026-03-18, 3:36:21 p.m.</p> <p>Property Boundaries OCP - Land Use Designation DPA 7 - Raptor and Heron Nests</p> <p>Civic Address DPA 1 - Woodland</p> <p>Zoning</p> <p>World_Hillshade</p> <p>Islands Trust GIS Department</p> |
|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|                   |                                                                                                                                                                               |
|-------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Land Use Bylaw    | RR1 – Rural Residential 1                                                                                                                                                     |
| Other Regulations | N/A                                                                                                                                                                           |
| Covenants         | FB246638 – CRD Section 219<br>Geotechnical covenant – regarding slope instability of the eastern side of the property,<br>Geotechnical report required prior to construction. |
| Bylaw Enforcement | none                                                                                                                                                                          |

## SITE INFLUENCES

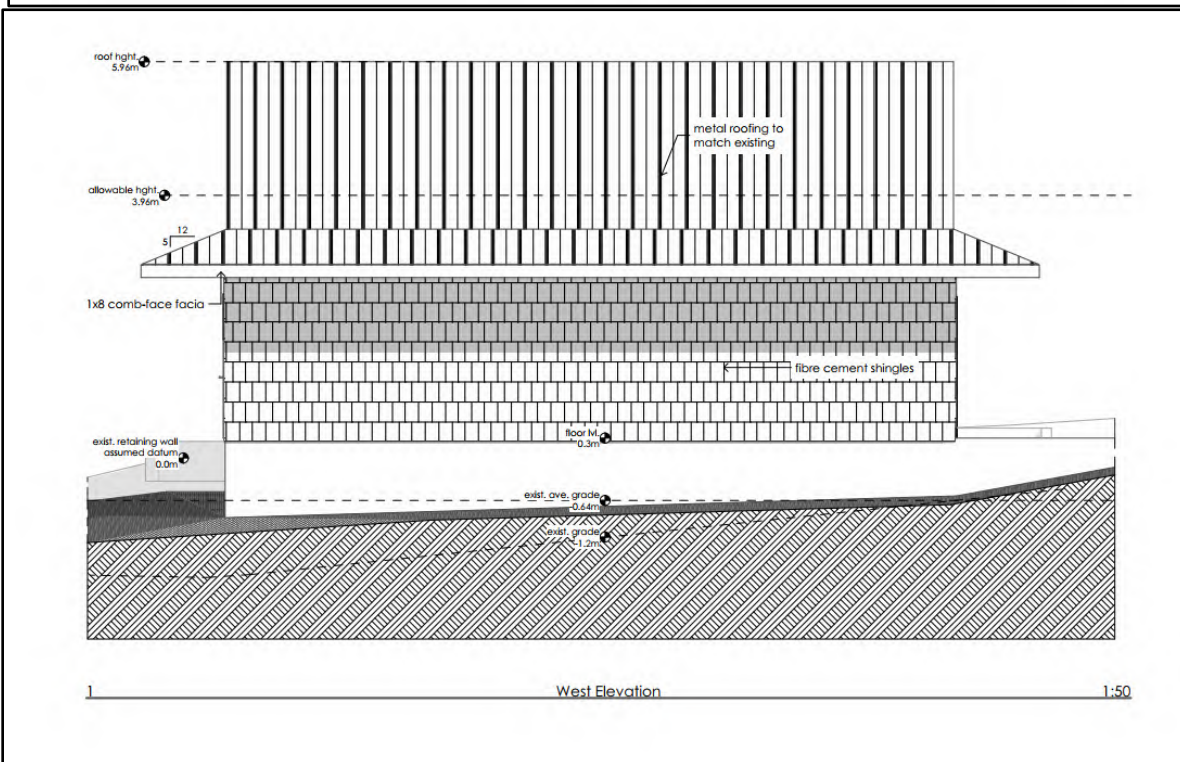
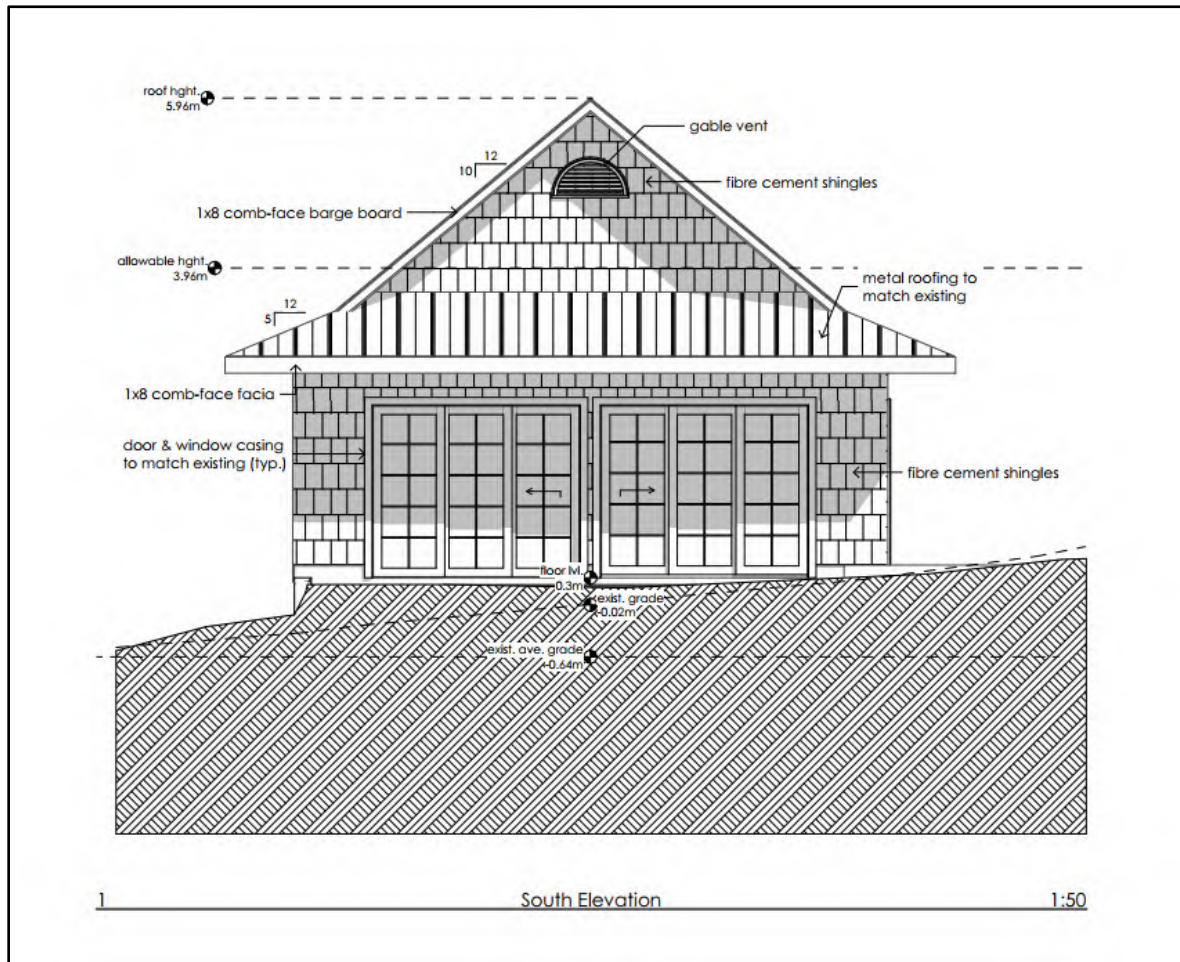
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|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Islands Trust Conservancy      | The application has no considerations for the Islands Trust Conservancy                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Regional Conservation Strategy | This application has no considerations for the Regional Conservation Plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Species at Risk                | <p>Sharp-tailed Snake Potential Habitat</p> <p>Species and Ecosystems at Risk</p>  <p>2026-03-18, 3:44:44 p.m.</p> <p>Legend:</p> <ul style="list-style-type: none"> <li>Property Boundaries</li> <li>Civic Address</li> <li>Zoning</li> <li>OCP - Land Use Designation</li> <li>Ecosystems at Risk - CDC</li> <li>Species at Risk Critical Habitat - ECCC <ul style="list-style-type: none"> <li>Marbled Murrelet</li> <li>Sharp-tailed Snake - Potential Habitat - CRD</li> <li>Southern Resident Orca Whale - Critical Habitat - DFO</li> </ul> </li> <li>World_Hillshade</li> </ul> <p>Scale: 1:1,423<br/>0 65 130 260 ft<br/>0 20 40 80 m</p> <p>Sources: Esri, Vector, Airbus DS, USGS, NOAA, NASA, CGAR, N. Robinson, NGCAS, N.S. OS, NMA, Genetec/Intertec, Riboventel, CBA, Geoland, FEMA, Intermap, and the GIS user community. Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User</p> <p>Islands Trust<br/>Islands Trust GIS Department</p> |
| Sensitive Ecosystems           | Woodland Sensitive Ecosystem                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

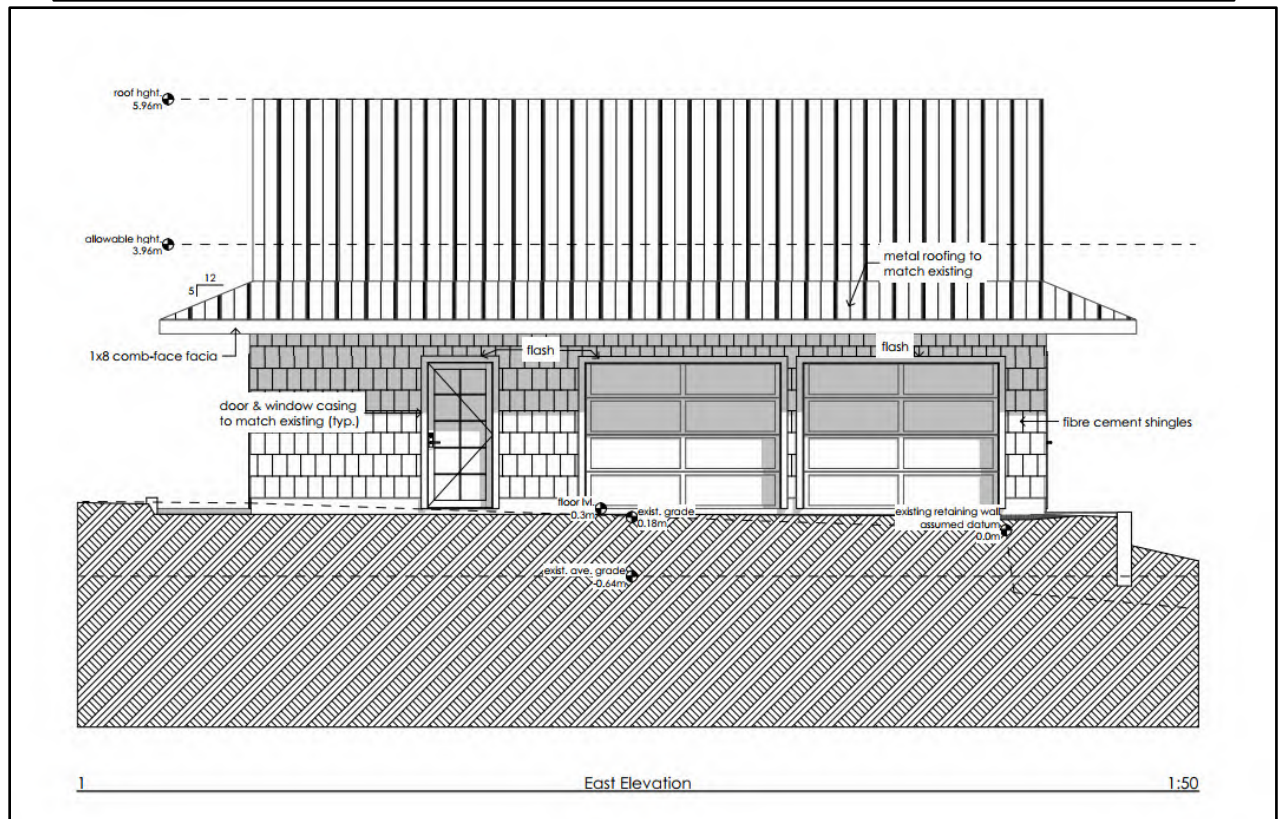
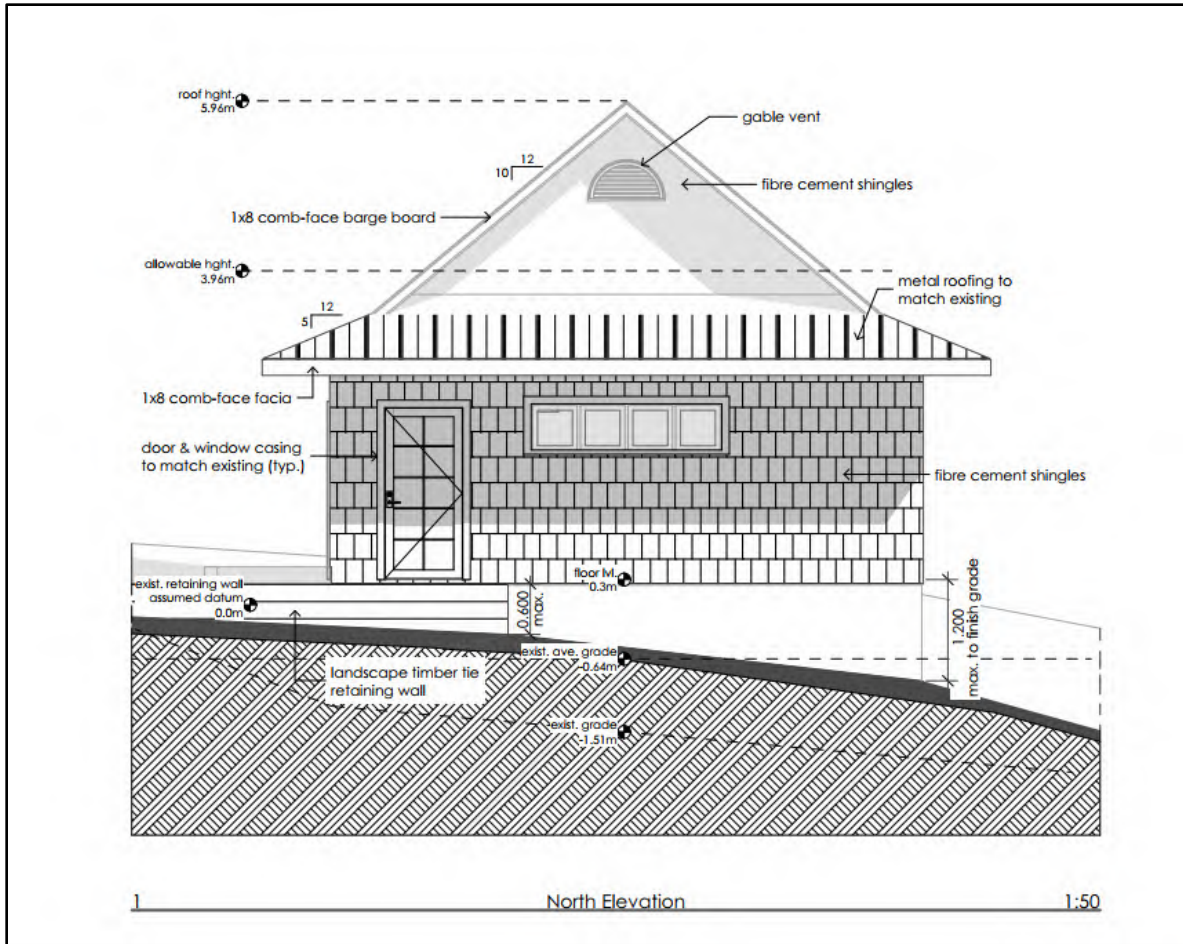
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|------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                    | <p style="text-align: center;"><b>Sensitive Ecosystems</b></p>  <p>2026-03-18, 3:42:28 p.m.</p> <p>Property Boundaries<br/>Civic Address<br/>Zoning<br/>OCP - Land Use Designation</p> <p>Secondary Class (Galliano, Mayne, North Pender)<br/>Primary Class (Galliano, Mayne, North Pender)<br/>Herbaceous<br/>Woodland<br/>World_Hillshade</p> <p>Scale: 1:1,423<br/>0 65 130 260 ft<br/>0 20 40 80 m</p> <p>Sources: Esri, Vector, Airbus DS, USGS, NOAA, NASA, CGIAR, N. Robinson, NCEAS, NLS, OS, NMA, Geodatasystem, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community. Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User</p> <p>Islands Trust<br/>Islands Trust GIS Department</p>                                                           |
| <p><b>Hazard Areas</b></p>         | <p style="text-align: center;"><b>Low, Moderate, and High-risk steep slopes</b></p> <p style="text-align: center;"><b>Steep Slope Hazard</b></p>  <p>2026-03-18, 3:47:13 p.m.</p> <p>Property Boundaries<br/>Civic Address<br/>Zoning<br/>OCP - Land Use Designation</p> <p>Contours 2m<br/>Index Contour<br/>Intermediate Contour<br/>High Risk<br/>Moderate Risk<br/>Low Risk<br/>World_Hillshade</p> <p>Scale: 1:1,423<br/>0 65 130 260 ft<br/>0 20 40 80 m</p> <p>Sources: Esri, Vector, Airbus DS, USGS, NOAA, NASA, CGIAR, N. Robinson, NCEAS, NLS, OS, NMA, Geodatasystem, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community. Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User</p> <p>Islands Trust<br/>Islands Trust GIS Department</p> |
| <p><b>Archaeological Sites</b></p> | <p>The subject property is within a mapped archaeological potential areas. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Climate Change Adaptation and Mitigation | No anticipated impacts associated with the proposed development.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Shoreline Classification                 | <p>Coastal Banks or Bluffs</p> <p>Marine Ecosystems</p> <p>2026-03-18, 3:43:34 p.m.</p> <p>Property Boundaries</p> <p>Civic Address</p> <p>Zoning</p> <p>OCP - Land Use Designation</p> <p>Coastline Type</p> <p>Cliff</p> <p>Coastal Banks or Bluffs</p> <p>Shoreline Type (Islands Trust)</p> <p>Low Rock / Boulder</p> <p>Low Rock/Boulder</p> <p>Sea Cliff</p> <p>Bull Kelp Beds (2022)</p> <p>Moderate</p> <p>World_Hillshade</p> <p>Scale: 0 65 130 260 ft</p> <p>Sources: Esri, Vantor, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, DS, NMA, Geodatasymposium, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community. Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User</p> <p>Islands Trust<br/>Islands Trust GIS Department</p> |
| Shoreline Data in TAPIS                  | Low Rock / Boulder                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |



## 2.2 ELEVATION PLANS

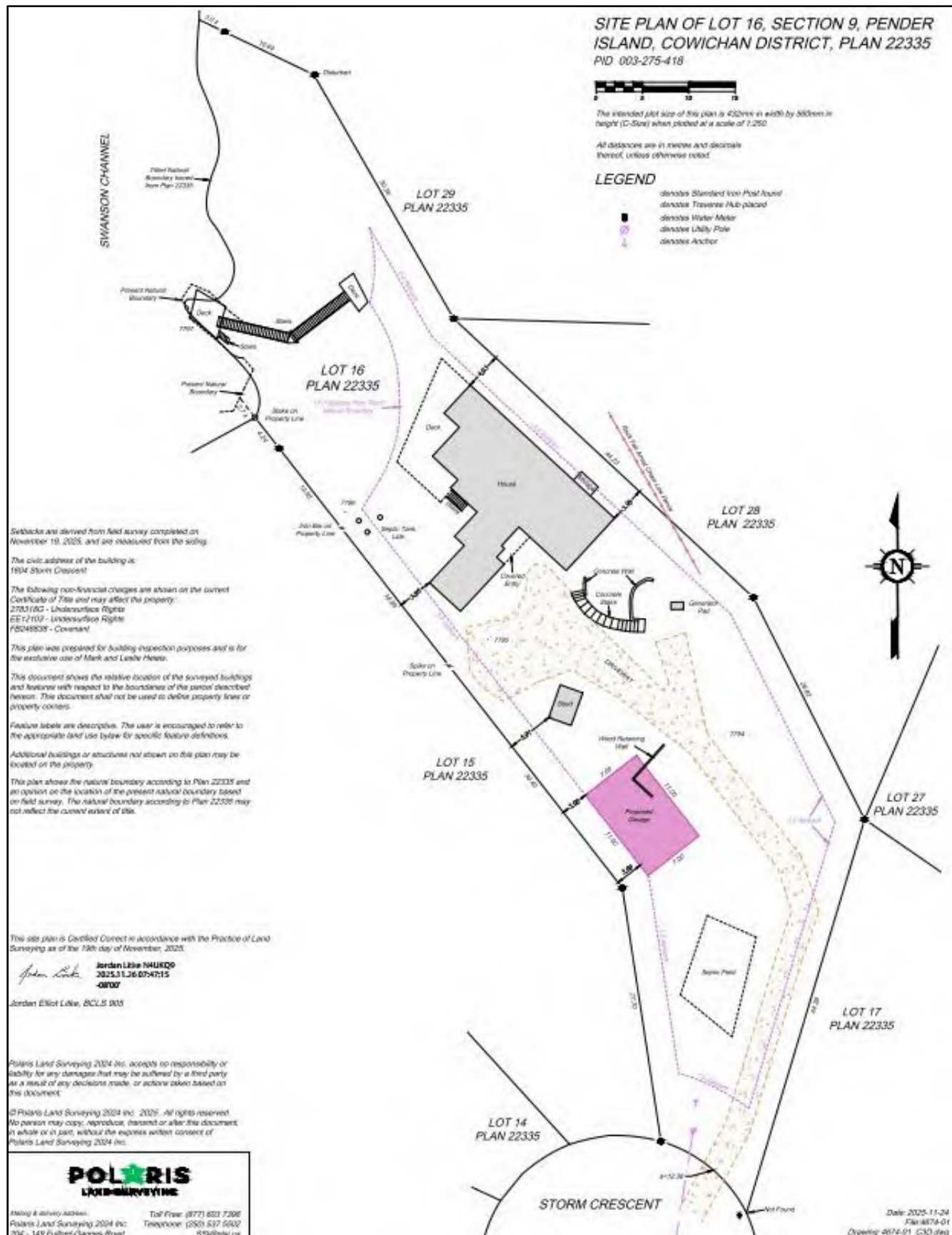




## Islands Trust



## 2.4 SURVEY PLAN



## 2.5 SITE PHOTOGRAPHS (MARCH 17, 2026)



**PROPOSED BUILDING SITE, LOOKING NORTH-WEST**



**WESTERN PROPERTY BOUNDARY, LOOKING NORTH**



**EASTERN PROPERTY LINE, LOOKING EAST**





**PROPOSED BUILDING LOCATION, LOOKING WEST**





**PROPOSED BUILDING LOCATION, LOOKING SOUTH**

To: Island Trust, North Pender Island Planning  
From: Mark Heieis  
Date: 2026-01-19

Re: Height variance for proposed accessory building  
1604 STORM CRES, PENDER ISLAND, BC V0N 2M2, 003-275-418

---

We wish to add an accessory building that includes a studio and parking for 2 cars, a facility which is currently lacking on our property. We are asking for height variance so that the new structure meets the current architectural style of exiting buildings. The extent of the height variance is also partially due to the slope and elevation of the proposed building location. If the height was constructed to permitted allowance, the roof line would be almost flat.

The proposed structure would be the first structure seen on entering our property. As such, the proposed garage gable would be presented directly against the house gables in the near background, therefore differences in the roof shapes or proportions would be immediately apparent. It is for this reason, the proposed variance plays a vital role in keeping with the existing visual feel and architecture of the main and garden shed buildings.

To partially accommodate the height restriction, we have designed the roof line to be of a lessor pitch than what the existing buildings have. Thereby reducing the final height of the proposed building. We feel that this reduction still meets with the intended goal of visually matching the existing roof lines.

Further, this height variance would have no impediment of view corridors on other surrounding properties. Two neighbours are located to the north, on a bluff far above our property (they look down at us), an empty, natural lot exists to the east, sharing the cul-de-sac, and the southern located neighbour, is ocean front building. From the cul-de-sac, our property is essentially hidden.

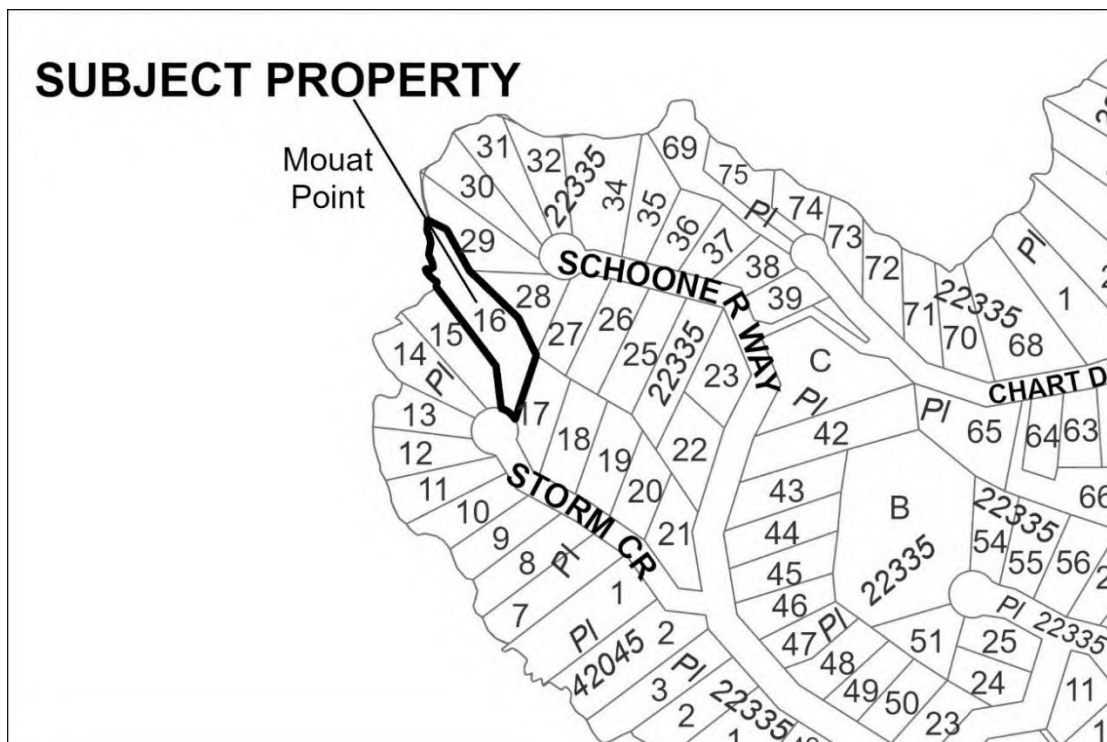
We feel that this variance is vital to maintaining the quality and value of our property. Using the allowable height would be a deterrent to the value of our core asset and full-time residence. Being seniors, having this proposed accessory building and maintaining our property value is of key importance.

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

- Increasing the maximum height regulation for an accessory building on a residential lot from 4.6 metres to 5.96 metres for the construction of a new garage/studio building.

The property is located at **1604 Storm Crescent, North Pender Island** and is legally described as LOT 16, SECTION 9, PENDER ISLAND, COWICHAN DISTRICT, PLAN 22335 (PID: 003-275-418).

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



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **March 20, 2026** and continuing up to and including **April 1, 2026**.

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

Enquiries or comments should be directed to Bruce Belcher, Planner 2 at (250) 405-5179, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 604-660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: [southinfo@islandstrust.bc.ca](mailto:southinfo@islandstrust.bc.ca) before 4:30 pm, **April 1, 2026**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:00 am** on **April 10, 2026** at the **St Peter's Anglican Church Hall, 4703 Canal Road, North Pender Island**.

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



**Attachment 5**

**PROPOSED**  
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE**  
**DEVELOPMENT VARIANCE PERMIT**  
**PLDVP20260026**

To: Mark & Lesley Heieis

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

LOT 16, SECTION 9, PENDER ISLAND, COWICHAN DISTRICT, PLAN 22335  
PID: 003-275-418

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

- a) Subsection 5.1 (7) which states that *all buildings and structures must not exceed 4.6 metres in height and one storey except for a dwelling or cottage* is varied to permit the construction of an *accessory building* with a height of 5.96 metres.

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

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

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

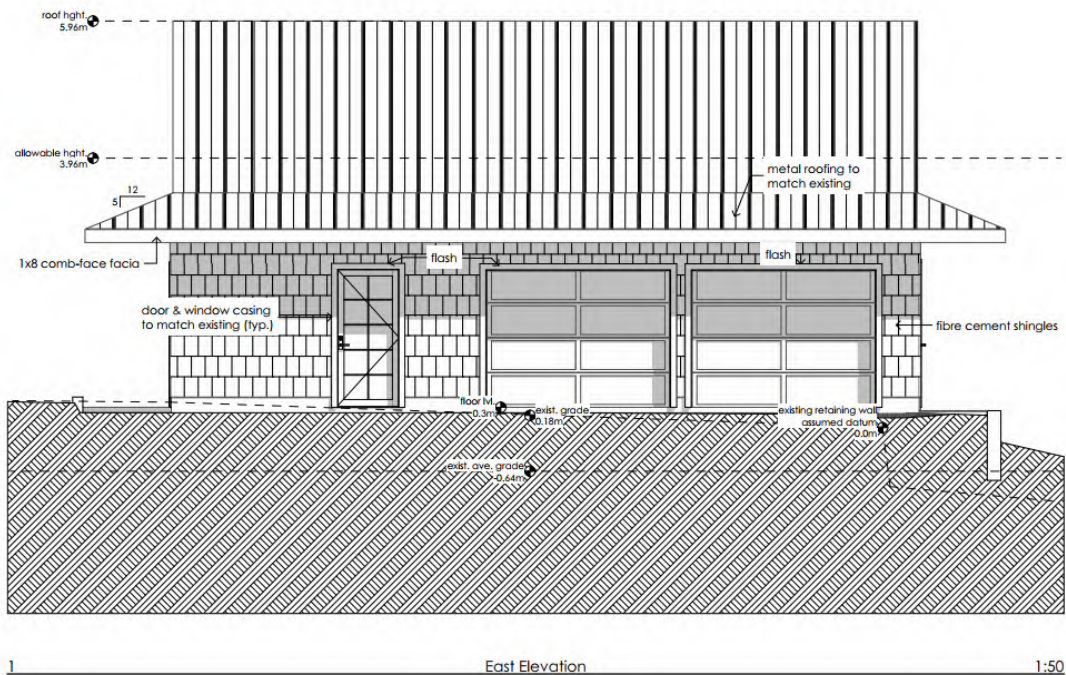
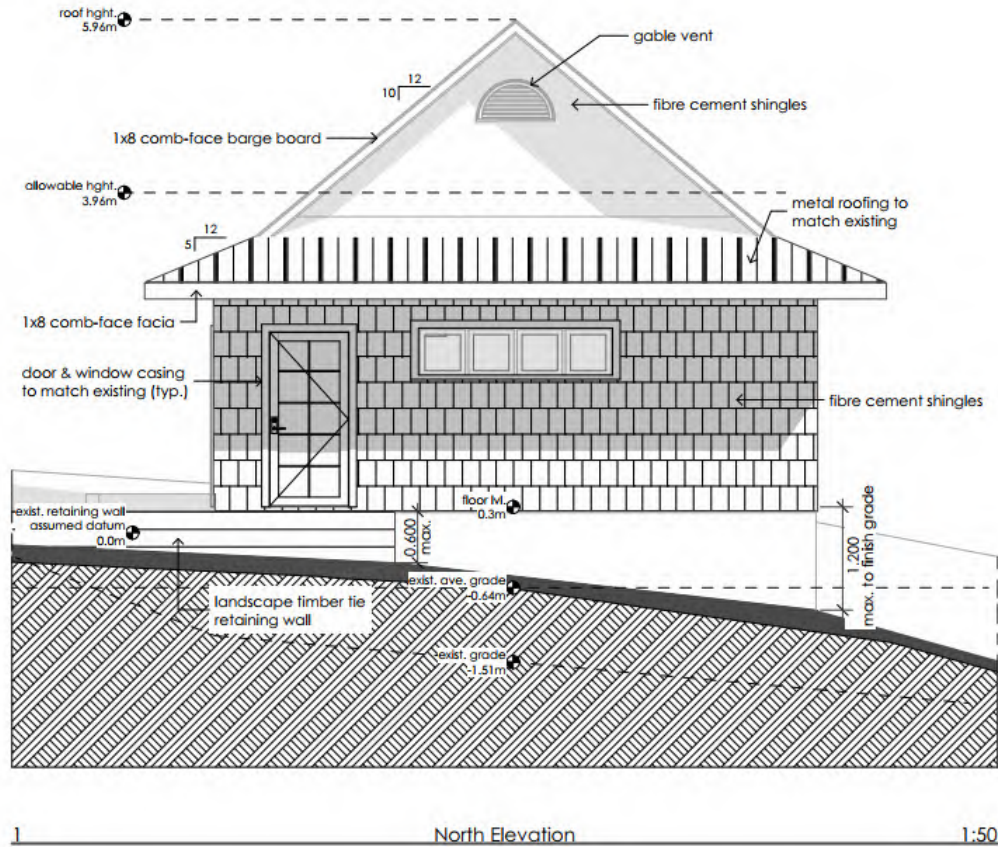
\_\_\_\_\_  
Deputy Secretary, Islands Trust

\_\_\_\_\_  
Date of Issuance

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

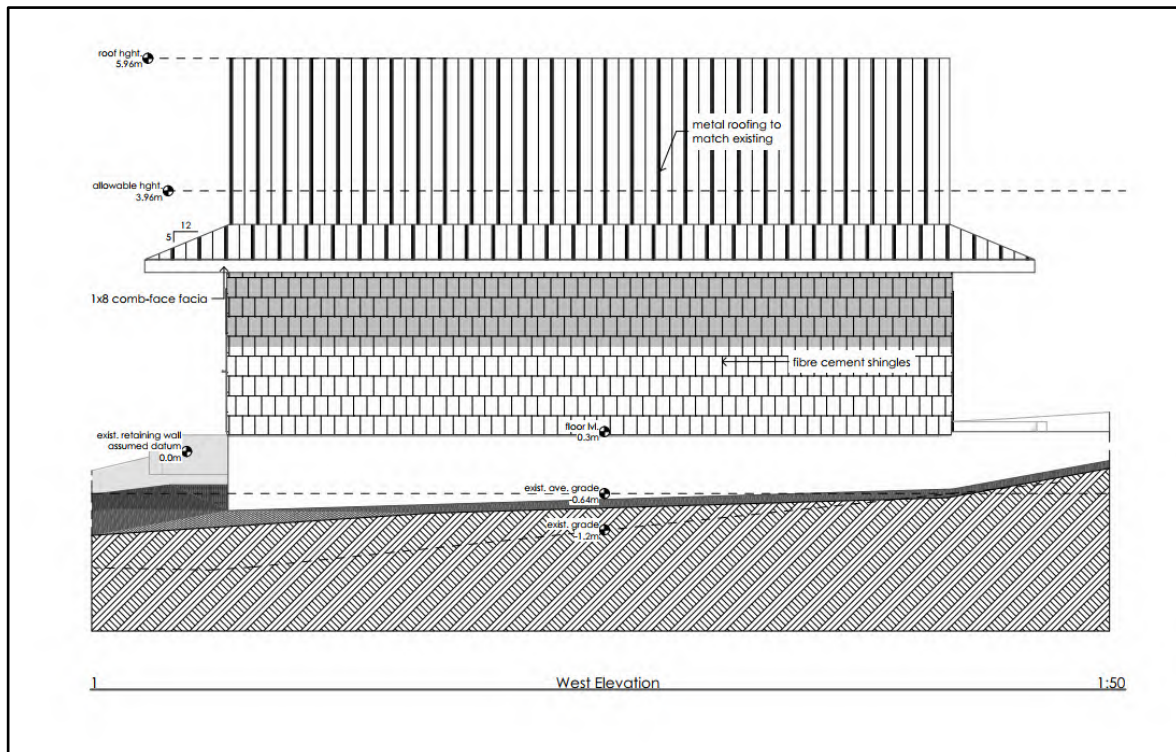
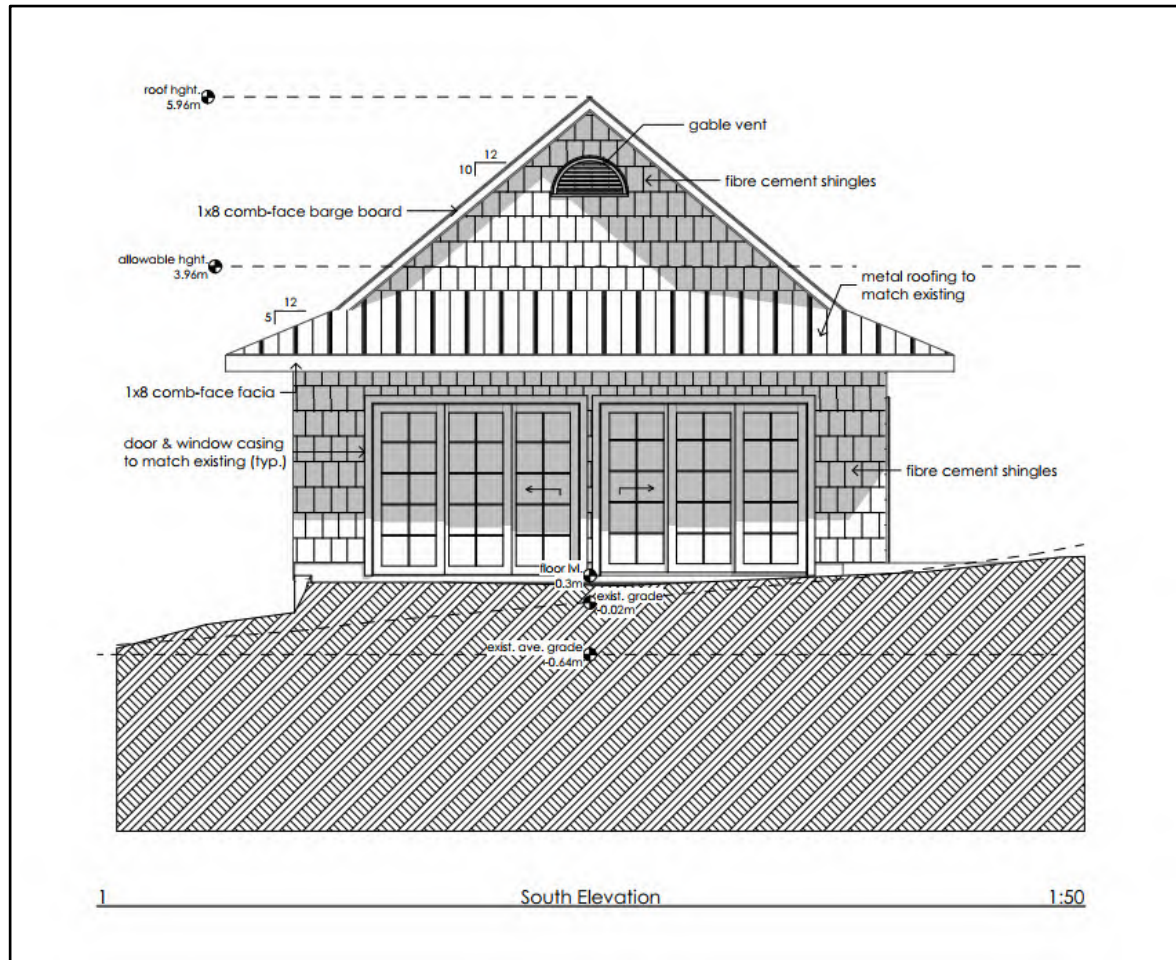
**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT VARIANCE PERMIT  
PLDVP20260026**

**SCHEDULE 'A' – Elevation Plans (page 1 of 2)**



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
DEVELOPMENT VARIANCE PERMIT  
PLDVP20260026**

**SCHEDULE 'A' – Elevation Plans (page 2 of 2)**



**From:** Dan & Jennifer Douglas [REDACTED]  
**Sent:** Sunday, March 22, 2026 4:08 PM  
**To:** SouthInfo  
**Subject:** Comment on PLDVP20260026

We, Dan and Jennifer Douglas, are the owners of [REDACTED] Storm Crescent, and are the closest neighbours to the subject property on the north side of Storm Crescent. As such, we are the most affected of the properties near the proposed development.

As the terrain falls toward the end of Mouat Point, the height variance of the proposed building is of no objection to us.

We hope that this is sufficient detail to satisfy the request for comment on this matter.

D.K. Douglas and J.F. Douglas

[REDACTED]

[REDACTED]

--

Dan & Jennifer Douglas

[REDACTED]

## Jas Chonk

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**From:** Eric Douglas [REDACTED]  
**Sent:** Monday, March 23, 2026 12:05 PM  
**To:** SouthInfo  
**Subject:** Attn: Bruce Belcher - comment on PLDVP20260026

Hi Bruce,

My name is Eric Douglas, and I'm the co-owner of LOT 18, SECTION 9, Pender Island (neighbour one lot over from the folks at lot 16 requesting the bylaw exception for their garage / studio build).

**May the record show that I have no issue with this request,** and am more than OK with them building this secondary unit on their lot.

If you've got any questions for me, I can be reached at [REDACTED]

Thanks,  
Eric

File No.: PL-TUP-2026-0001

x-ref: NP-TUP-2023.1

DATE OF MEETING: April 10, 2026

TO: North Pender Island Local Trust Committee

FROM: Bruce Belcher, Planner 2  
Southern Team

COPY: Kim Stockdill, Acting Regional Planning Manager

SUBJECT: Renewal of Temporary Use Permit for STVR  
Applicant: Bryan Vermeeren  
Location: 3812 Cutlass Court, North Pender Island

## RECOMMENDATION

- 1. That the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit PL-TUP-2026-0001 for a period of three (3) years.**

## REPORT SUMMARY

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

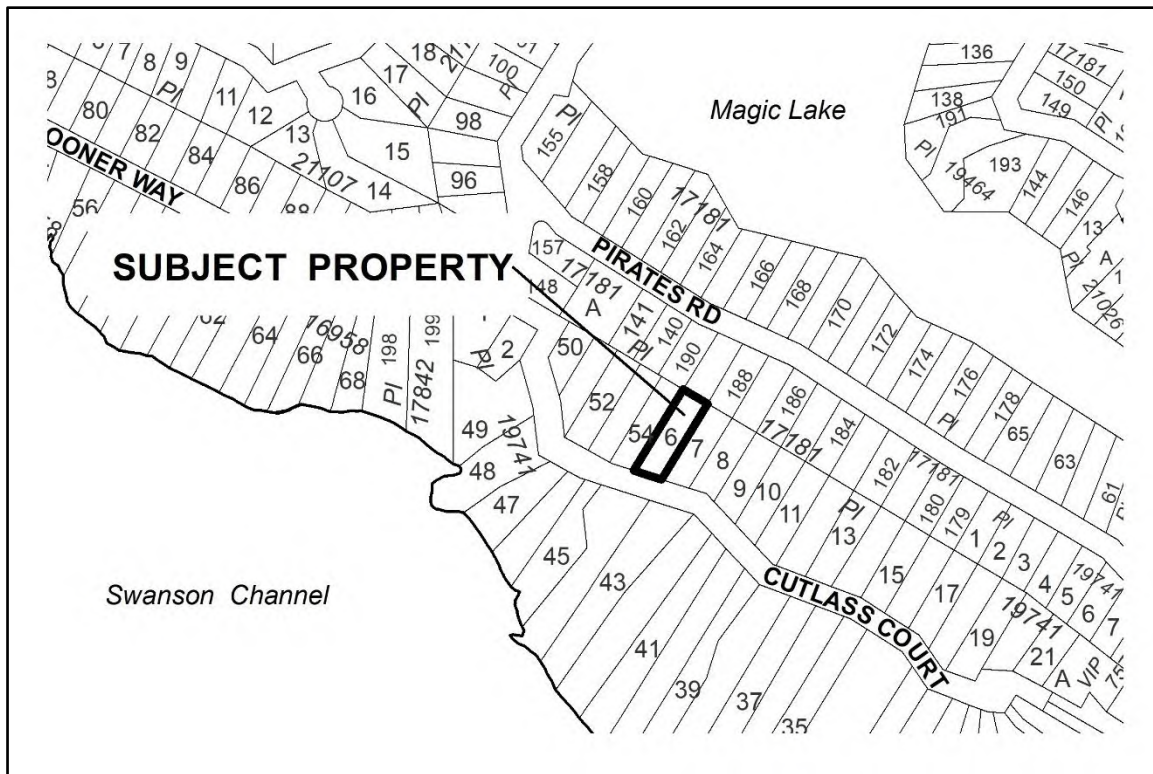
## BACKGROUND

A TUP for the STVR use was issued for the property in 2023 (NP-TUP-2023.1) for three (3) years. A previous TUP and renewal were issued for the STVR beginning in 2019. The Staff Report and attachments for the 2023 permit are available as part of the March 17, 2023 LTC agenda package (pp. 63-96) available here: <https://islandstrust.bc.ca/document/north-pender-ltc-regular-meeting-agenda-20/>

Under the *Local Government Act*, TUP renewals can be issued for a maximum of three (3) years and do not require notification to neighbours. The applicant has confirmed with staff that the proposed use remains the same from the 2023 permit and no changes to the use are proposed.

The existing conditions allow the STVR use to operate for sixty (60) days per year between the months of May 1 to September 30, which exceeds the North Pender Island Official Community Plan No. 171, 2007 (OCP) guideline limit of thirty (30) days within the same time period. The permit also limits the maximum number of guests to four (4).

Staff conducted a site visit of the property to confirm compliance with the existing permit on March 17, 2026. The immediately adjacent neighbours to the property have previously confirmed that existing vegetative screening is sufficient and no additional screening is requested. The draft permit is included with this staff report as Attachment 2.



**Figure 1: Subject Property Location**

## ANALYSIS

### Official Community Plan:

The property is designated as Rural Residential (RR) in the OCP. Specific guidelines for STVR TUP applications are contained in the OCP.

There are no development permit areas on the subject property.

### Land Use Bylaw:

The property is zoned **Rural Residential 1 (RR1)** in the North Pender Island Land Use Bylaw No. 224, 2022 (LUB). The current residential use of the property conforms to the LUB. A single-family dwelling and accessory uses are permitted. The STVR is an illegal use without obtaining a TUP.

### TUP Conditions

The TUP conditions have the objective of ensuring that the use does not have an unreasonable impact on neighbours and the local area, and in the event that it does, the conditions provide the ability to enforce compliance with the permit. The recommended term of three (3) years is the maximum permitted by legislation, and the owners would be required to apply for a new TUP if they intend to continue the use upon the permit's expiry. The LTC may opt to reduce that timeframe as part of the renewal. The TUP conditions for a renewal application cannot be amended in any, alteration of the conditions would require a new notification which would make the application a new TUP rather than a renewal.

# Consultation

The renewal permit does not require notification.

# Rationale for Recommendation

The recommendation on page 1 is supported as:

- The proposed time period of three (3) years is a reasonable time-frame due to the absence of any outstanding issues since the previous permit was issued.
- The owner is requesting to operate under the same conditions as the original TUP and no changes have been made since the original application.
- The permit provides conditions generally consistent with OCP guidelines to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.
- Despite the TUP's inconsistency with the OCP guidelines for the total permitted days of operation throughout the summer months, there has been no indication of this inconsistency leading to an unreasonable impact on the neighbourhood.

# ALTERNATIVES

## 1. Renew for a different time period

The LTC may opt to approve the renewal for a shorter period. Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee approve renewal application PL-TUP-2026-0001 for a period of \_\_\_\_\_ year(s).*

## 2. Deny the application

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

*That the North Pender Island Local Trust Committee deny renewal application PL-TUP-2026-0001.*

|               |                                                 |                |
|---------------|-------------------------------------------------|----------------|
| Submitted By: | Bruce Belcher, Planner 2                        | March 24, 2026 |
| Concurrence:  | Kim Stockdill, Acting Regional Planning Manager | March 24, 2026 |

# ATTACHMENTS

1. Site Context
2. Draft Permit PL-TUP-2026-0001

## ATTACHMENT 1 – SITE CONTEXT

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### LOCATION

|                   |                                                                |
|-------------------|----------------------------------------------------------------|
| Legal Description | LOT 6, SECTION 8, PENDER ISLAND, COWICHAN DISTRICT, PLAN 19741 |
| PID               | 003-618-358                                                    |
| Civic Address     | 3812 Cutlass Court, North Pender Island                        |

### LAND USE

|                      |             |
|----------------------|-------------|
| Current Land Use     | Residential |
| Surrounding Land Use | Residential |

### HISTORICAL ACTIVITY

| File No.      | Purpose                                    |
|---------------|--------------------------------------------|
| NP-BE-2018.20 | Unlawful STVR use (closed)                 |
| NP-TUP-2019.1 | STVR for One (1) Year                      |
| NP-TUP-2020.3 | Renewal of NP-TUP-2019.1 for Two (2) Years |
| NP-TUP-2023.1 | STVR for Three (3) years                   |

### POLICY/REGULATORY

|                                      |                                                                                                    |
|--------------------------------------|----------------------------------------------------------------------------------------------------|
| Official Community Plan Designations | <b>Rural Residential - RR</b>                                                                      |
| Land Use Bylaw                       | <b>Rural Residential – RR</b><br><br>RR zoning permits a single-family dwelling and accessory uses |
| Other Regulations                    |                                                                                                    |
| Covenants                            |                                                                                                    |
| Bylaw Enforcement                    | NP-BE-2018.20 – Unlawful STVR use (closed)                                                         |

### SITE INFLUENCES

|                                          |                                                                                                                                                                                                                                                        |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Islands Trust Conservancy                | The subject property is not located near any properties owned or protected by the Islands Trust Fund.                                                                                                                                                  |
| Regional Conservation Strategy           |                                                                                                                                                                                                                                                        |
| Species at Risk                          | Sharp-tailed snake SAR habitat                                                                                                                                                                                                                         |
| Sensitive Ecosystems                     |                                                                                                                                                                                                                                                        |
| Hazard Areas                             |                                                                                                                                                                                                                                                        |
| Archaeological Sites                     | Archaeological potential within 100 m of the subject property.                                                                                                                                                                                         |
| Climate Change Adaptation and Mitigation | Potential for additional greenhouse gas emissions associated with the proposed use as guests will consume fossil fuels travelling from their points of origin. The property does not appear to be at immediate risk of climate change related hazards. |

|                          |                |
|--------------------------|----------------|
| Shoreline Classification | Not Applicable |
| Shoreline Data in TAPIS  |                |



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
TEMPORARY USE PERMIT  
PLTUP20260001 (Vermeeren)  
Renewal of NP-TUP-2023.1 (Vermeeren)**

**3812 Cutlass Court**

To: Robert and Lorraine Vermeeren

1. This Permit applies to the land described below:

Lot 6, Section 8, Pender Island, Cowichan District, Plan 19741  
(PID: 003-618-358).

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

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

3. and is subject to the following conditions:

- a) a **parking** area that will accommodate a minimum of **two (2)** vehicles for the Short Term Vacation Rental (STVR) is required and must be wholly contained on the subject property;
- b) either the property owner or other designated **contact** must be available on North or South Pender Island by telephone or email 24 hours per day, seven days per week when the STVR is in use, and the name (s) and contact information shall be provided to STVR guests upon arrival;
- c) either the property owner or other designated **contact** must provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit;
- d) **Signage** advertising the STVR is restricted to one unilluminated sign, with a maximum area of 0.6 m<sup>2</sup>;
- e) the property owner must post within the dwelling the following **information for guests**:
  - i. remind guests that the property is located in a residential area;
  - ii. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
  - iii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and
  - iv. the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the STVR is in use.
- f) the **maximum number of guests** is limited to **four (4)**;
- g) from the period of May 1 to September 30 only, the STVR use is limited to a **sixty (60) days** in any calendar year;
- h) demonstration by the applicant that adequate supply of water and septic capacity are provided for the duration of the proposed use;

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

**AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST  
COMMITTEE THIS XX DAY OF XX**

\_\_\_\_\_  
Deputy Secretary, Islands Trust

\_\_\_\_\_  
Date Issued



DATE OF MEETING: April 10, 2026

TO: North Pender Island Local Trust Committee

FROM: Southern Team

COPY: Kim Stockdill, Acting Regional Planning Manager

SUBJECT: Rezoning Application – Contractor yard and storage facility  
Applicant: Analisa (Sara) Miles  
Location: 3330 Port Washington Road, North Pender Island

## RECOMMENDATIONS

1. That the North Pender Island Local Trust Committee directs staff to proceed with application PLRZ20260021 (Miles) and to prepare a draft bylaw.
2. That the North Pender Island Local Trust Committee permits the current home industry land use to continue during consideration of application PL-RZ-2026-0021 in accordance with standing resolution 2020-010 policy option 15.1(b); and directs that bylaw enforcement actions, including the issuing of notices, to cease.

## REPORT SUMMARY

The purpose of this preliminary report is to provide information regarding rezoning application PLRZ20260021 (Miles) and to seek direction from the North Pender Island Local Trust Committee (LTC) to proceed, or not proceed, with the application, including the preparation of a draft bylaw.

The above recommendations are supported as:

- The area proposed for rezoning is designated as Industrial and the proposed use is consistent with the Industrial land use policies of the North Pender Island Official Community Plan No. 171 (OCP);
- Directing staff to proceed will trigger the issuance of a terms of reference (TOR) that will identify any additional information and professional reports required from the applicant;
- A draft bylaw will facilitate First Nations and agency referrals and public input to identify any issues or concerns with the proposed rezoning; and,
- The applicant has requested that bylaw enforcement actions cease while the rezoning proceeds.

## BACKGROUND

The property owner has submitted a rezoning application to permit industrial uses on a portion of the subject property located at 3330 Port Washington Road (Figure 1), which is currently zoned Rural (R) and does not permit industrial uses, except through home industry regulations.

**Figure 1 – Subject Property**



The current home industry use on the lot for a septic contracting company is subject to current bylaw enforcement action (NP-BE-2024.2) as the use is within the 50m setback from all lot lines established for home industry uses in the North Pender Island Land Use Bylaw No. 224 (LUB).

The property owner is now seeking to come into compliance with the LUB by rezoning the portion of the lot designated Industrial from its current Rural zoning to as a site specific General Industrial zone that permits a contractor yard, storage facility and RV/boat storage.

Figure 2 shows the preliminary site plan for the portion of the lot proposed for rezoning. If the LTC decide to proceed, a more detailed site plan would be required in the ToR that includes all existing and proposed building and structures (including shipping containers to be used for storage) and screening.

**Figure 2. Preliminary Site Plan of Proposed Industrial Uses**



Additional site context is included as Attachment 1, and maps and plans in Attachment 2. The applicant has submitted a letter further describing the proposed uses and rationale. It is included as Attachment 3.

Staff conducted a site visit and met with the applicant on March 20, 2026.

## ANALYSIS

### Policy/Regulatory

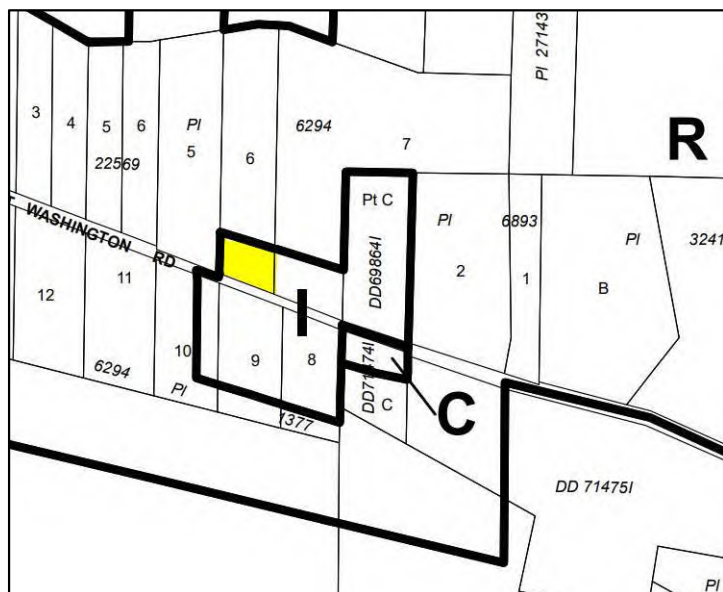
#### *Islands Trust Policy Statement*

The proposed rezoning to permit the site-specific industrial uses on the portion of the lot designated as Industrial in the OCP does not appear to be contrary or at variance with any Policy Statement directive policies; however a more comprehensive review with a checklist will be provided at consideration of First Reading if the application proceeds to that stage.

#### *Official Community Plan*

The property is split designated as Rural (R) and Industrial (I) in the OCP. As the portion of the property proposed for rezoning is already designated Industrial (highlighted in yellow below), the rezoning application will not require an OCP amendment, only a LUB amendment.

**Figure 3. OCP Designations**



The Industrial land use policies of the OCP also need to be considered, including minimizing impacts on neighbouring properties and the environment.

Industrial Land Use Objectives from the OCP include:

- 1) To encourage on-island industrial enterprises that do not adversely affect rural character and lifestyle.
- 2) To limit industrial development to specific areas of the island.
- 3) To prevent strip development.
- 4) To ensure that any industry is sited to minimize adverse effects upon neighbouring properties.

The most relevant associated OCP policies include:

- 2.5.1 Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.
- 2.5.2 Priority may be given to the following locations for new or additional industrial development: a) **by application to rezone the industrially designated land on Port Washington Road;**
- 2.5.4 Applications for industrial rezoning must prove sustainable water supply and waste disposal capability, and include provision for remediation of any existing contamination, and in reviewing any application for new industrial uses, the local trust committee should consider potential climate change impacts.
- 2.5.6 Industrial activity, parking and storage areas should be screened.

The proposed area to be rezoned on the subject property falls within the industrially designated land area referenced in Policy 2.5.2.

Policy 2.5.4 requires that applications for industrial zoning prove sustainable water supply and waste disposal capacity. In this case, the applicant is not proposing to service the site with water or septic, and the proposed industrial uses of a contractor yard and storage facility staff deem reasonable to undertake without water and septic.

Despite the absence of proposed groundwater use or septic disposal in this application, staff recommend that the applicant be required to enter a s. 219 covenant with the LTC to address OCP Policy 2.5.4. The s. 219 covenant could restrict any additional industrial uses until the property owner is able to demonstrate proof of sustainable water supply and waste disposal capability. In addition, the covenant could restrict any groundwater use or septic disposal in the industrial zone until proof of water and waste disposal capability.

In the future, if these additional uses are considered, the property owner would then need to demonstrate proof of sustainable water supply and waste disposal capability prior to any further development. This covenant would be added as a requirement in the ToR. To note, any future groundwater use in the industrial zone would also require a commercial groundwater license to be issued from the province.

Alternatively, the LTC could require that the applicant provide proof of water and septic capacity as a condition prior to the consideration of bylaw adoption. The minimum standard for new lots in the LUB subdivision regulation is 2000L/day. This is the standard that was applied to the adjacent lot at 3334 Port Washington Road. There are also sewage disposal standards in the LUB that could be applied at time of rezoning.

A site disclosure statement has been submitted that confirms there is no existing contamination that requires remediation on the parcel (Attachment 5).

Additional screening to what is shown in the preliminary site plan will be required along the western lot line of the proposed industrial zone to address Policy 2.5.6., as the adjacent lot is zoned Rural and the LUB requires the following condition of use in the General Industrial Zone:

- (10) Every commercial *use* must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2).

Although currently zoned Rural, if the bottom portion of 3334 Port Washington is successfully rezoned to General Industrial, screening will not then be required along the easterly lot line.

#### Development Permit Areas (DPA)

There is DPA 1 – Woodland located in the upper portion of the property designated Rural. This area has recently been protected by the property owner through a Natural Area Protection Tax Exemption Program (NAPTEP) covenant. There are no DPAs in the lower portion designated Industrial.



As with all industrial zoned properties on North Pender, if rezoning is approved, the industrial zoned portion would become subject to the requirements of DPA 9 - Commercial and Industrial Form and Character. As such, the applicant would need to obtain a development permit consistent with DPA 9 prior to construction of any buildings or structures.

### ***Land Use Bylaw***

The subject property is currently zoned Rural (R) in the LUB. While industrial uses are permitted through home industry regulations, the current industrial use is not in compliance with Article 3.8(3)(b) which requires that home industry uses must not be sited less than 50 metres from any lot line.

As with other industrial zoned parcels on North Pender, if the LTC proceeds, staff would recommend a site-specific General Industrial zone to be established.

Landscape screening requirements in LUB subsection 3.9 and Part 7 parking regulations will also need to be considered.

### ***Terms of Reference***

Should the LTC direct staff to proceed, staff will issue a terms of reference (ToR) consistent with the [North Pender Island Development Approval Information Bylaw No. 134 \(DAI\)](#). This ToR will further describe the reporting requirements of the applicant in respect of the rezoning proposal including, in this case, an updated professionally surveyed site plan showing all existing and proposed structures, an ecological assessment report, a storm water management plan, a geotechnical assessment due to the potential slope hazard risk and a s. 219 covenant restricting groundwater use and septic disposal.

The LTC may request that the applicant provide any additional information that is needed to support their decision-making as the application proceeds.

## Issues and Opportunities

### ***Community Benefit and Surrounding Uses***

The local septic business currently operating onsite provides an important service to the island and the area proposed for rezoning is already identified in the OCP for industrial use. Additional proposed uses for container storage and recreational vehicle/boat storage are also services that the island lacks.

Surrounding land uses include:

#### EXISTING USES OF LAND AND BUILDINGS ON ADJACENT PROPERTIES

- 3205 Clam Bay Road: Ecological Zone.
- 3315 Port Washington Road: Private residence. Rural zone, partial OCP Industrial Designation.
- 3323 Port Washington Road: Emcon Contracting Services, and BC Hydro. Highways maintenance contractor, and power line contractor. General Industrial zone.
- 3326 Port Washington Road: Private residence. Rural zone.
- 3334 Port Washington Road: Big Digem Excavating. Rural zone. Rezoning Application for Split General Industrial Zone in progress.

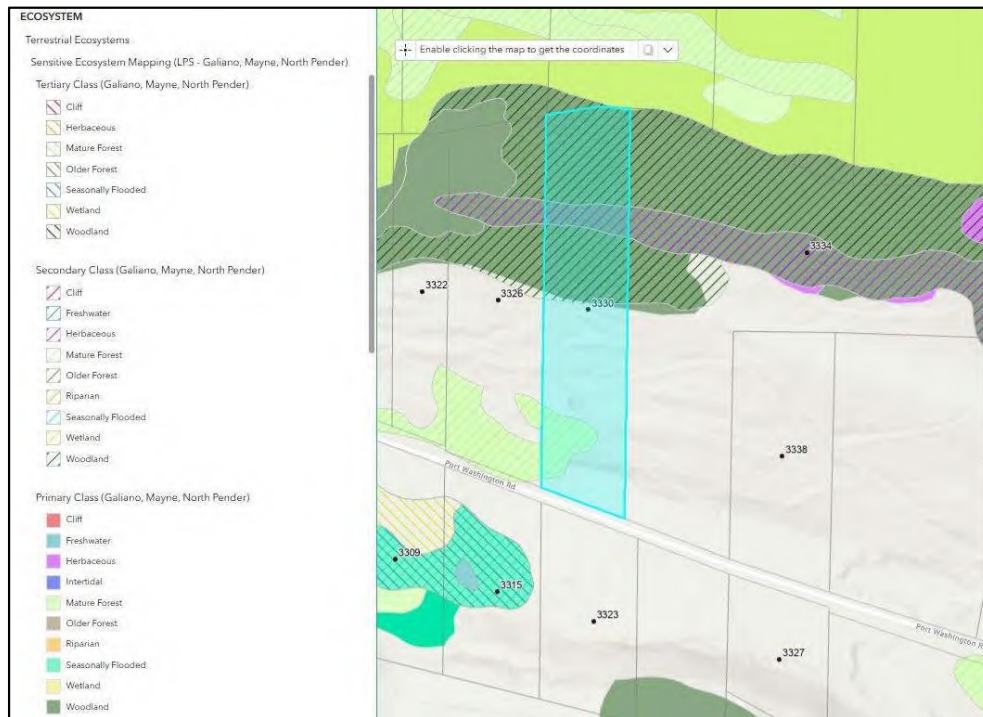
### ***Ecological Assessment Report***

Consistent with the DAI, staff will require that the applicant provide an Ecological Assessment Report that includes at a minimum:

- a. Property location and description including background and history of use of subject parcel and adjacent properties;
- b. Identification of existing structures, roadways and other development features;
- c. Desktop review of ecological, landform and other relevant spatial data layers;
- d. Site inventory including identification of significant sensitive terrestrial and aquatic ecosystem features and species on subject parcel and adjacent properties;
- e. Conclusions and recommendations with respect to suitability and impact of proposed industrial uses including potential cumulative impacts, siting of development infrastructure and driveway/parking areas, measures to reduce impacts to neighbouring properties and ecosystems during construction and operation, and future site monitoring requirements.

There are sensitive ecosystem areas mapped on the parcel (Figure 4.) including mature forest in the lower portion near the proposed industrial zone and woodland and herbaceous species habitat in the Rural zone above that is protected by NAPTEP covenant.

**Figure 4. Sensitive Ecosystems Mapping**



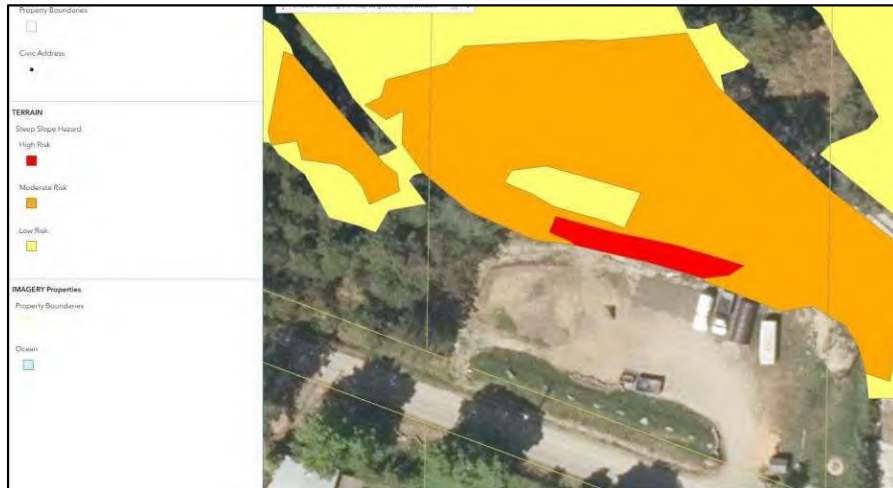
### ***Storm Water Management***

To effectively manage storm water and run-off through the industrial site, staff recommend that the applicant be required to submit a storm water management plan from a qualified professional. Staff would include this as a requirement in the ToR.

The LTC could include relevant aspects of storm water management as a condition of a s. 219 covenant.

### ***Geotechnical Report***

As there is moderate and high risk slope hazard mapped immediately above the proposed area of industrial use, staff will include a requirement for a geotechnical assessment from a qualified professional as part of the ToR to ensure the site is safe for the intended industrial use.



### **Highway Access Permit**

The applicant will be requested to submit an approved Highway Access Permit for the business use as part of the ToR.

### **Standing Resolution 2020-010**

Standing resolution 2020-010 provides policy options for bylaw enforcement compliance on unlawful uses.

| 2020-010 (Standing)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Carried | 30-Jan-2020 |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| <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> <p>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.</p> <p>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.</p> <p>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</p> <p>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.</p> |         |             |

The applicant has requested that the LTC consider proceeding with consideration of the application while the industrial use is continuing; and that the LTC direct that bylaw enforcement actions, including the issuing of notices, cease, consistent with 15.1(b) (Attachment 4).

### **Consultation**

A draft amending bylaw would be sent to potentially affected government agencies and First Nations for referral.

In this case, as there is no required OCP amendment, the LTC could choose whether to hold a public hearing or not. If the LTC chooses to not hold a public hearing, then staff would need to provide notice of first reading.

If a public hearing is held, public hearing notice would be posted as per statutory and bylaw requirements in advance of a public hearing, including notification of the proposed rezoning to all properties located within 100 metres of the subject property.

Typically, a Community Information Meeting (CIM) is also held prior to a public hearing. With direction from LTC, these would be scheduled either separately or concurrently after draft bylaws are complete, reviewed and have received at least First Reading. If no public hearing is held, the LTC could still choose to hold a CIM prior to first reading.

### **Archaeological Sites**

Islands Trust reviews all applications/permits to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. In this case, there are no registered archaeological sites on the subject property, however there is archaeological potential identified in the vicinity.

Further to that review, staff direct the applicant to the following guidelines:

- All archaeological and cultural heritage is protected under the *Heritage Conservation Act* and areas of archaeological potential may contain undocumented archaeological sites which would be automatically protected under the *Heritage Conservation Act* (including all intact or disturbed sites), and require a permit from the BC Archaeology Branch. Further information regarding permits: <https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits>
- In the event that archaeological features or materials are found, either intact or disturbed on the subject property, stop work immediately and contact the BC Archaeology Branch at 250-953-3334 or [archaeology@gov.bc.ca](mailto:archaeology@gov.bc.ca).

### **Rationale for Recommendation**

The recommendations on page 1 are supported as:

- The area proposed for rezoning is designated as Industrial and the proposed use is consistent with the Industrial land use policies of the North Pender Island Official Community Plan No. 171 (OCP);
- Directing staff to proceed will trigger the issuance of a terms of reference (TOR) that will identify any additional information and professional reports required from the applicant;
- A draft bylaw will facilitate First Nations and agency referrals and public input to identify any issues or concerns with the proposed rezoning; and,
- The applicant has requested that bylaw enforcement actions cease while the rezoning proceeds.

### **ALTERNATIVES**

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

#### **1. Request further information**

The LTC may refer back to staff requesting further information prior to making a decision. Recommended wording for a resolution is as follows:

*That the North Pender Island Local Trust Committee request that staff report back with....*

#### **2. Deny the application**

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

*That the North Pender Island Local Trust Committee proceed no further with application NP-PLR20260021 (Miles).*

**3. Hold the application in abeyance**

The LTC may choose to hold the application in abeyance.

**4. Receive for information**

The LTC may receive the report for information.

**NEXT STEPS**

Based on direction from the LTC, staff will initiate the drafting of an amending bylaw and issue a TOR to the applicant consistent with the DAI bylaw.

|               |                                                 |                |
|---------------|-------------------------------------------------|----------------|
| Submitted By: | Brad Smith, Island Planner                      | March 25, 2026 |
| Concurrence:  | Kim Stockdill, Acting Regional Planning Manager | March 26, 2025 |

**ATTACHMENTS**

1. Site Context
2. Mapping and Plans
3. Letter from Applicant
4. Site disclosure statement
5. Request to cease bylaw enforcement

## ATTACHMENT 1 – SITE CONTEXT

### LOCATION

|                   |                                                                        |
|-------------------|------------------------------------------------------------------------|
| Legal Description | Lot 6, Sections 18 And 22, Pender Island, Cowichan District, Plan 6294 |
| PID               | 005-837-651                                                            |
| Civic Address     | 333 Port Washington Road, Pender Island, BC                            |

### LAND USE

|                      |                                                                                                                                                  |
|----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|
| Current Land Use     | Rural with industrial uses on southern portion of the property                                                                                   |
| Surrounding Land Use | North – ITC Reserve<br>East – Rural with industrial uses in bottom portion subject to rezoning application<br>South – Emcon Yard<br>West – Rural |

### HISTORICAL ACTIVITY

|          |         |
|----------|---------|
| File No. | Purpose |
| None     | N/A     |

### POLICY/REGULATORY

|                                      |                                                                                                                                                                                                                                                                                                          |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Official Community Plan Designations | The property is split designated <b>Rural (R)</b> and <b>Industrial (I)</b> in the North Pender Island Official Community Plan No. 171, 2007 (OCP).<br><br>DPA 1 – Woodland located in the upper portion of the property designated Rural. There are no DPAs in the lower portion designated Industrial. |
| Land Use Bylaw                       | The property is zoned <b>Rural (R)</b> in the North Pender Island Land Use Bylaw No. 224, 2022 (LUB).                                                                                                                                                                                                    |
| Other Regulations                    | None                                                                                                                                                                                                                                                                                                     |
| Covenants                            | NP-NAP-2024.1 NAPTEP covenant approved in 2024                                                                                                                                                                                                                                                           |
| Bylaw Enforcement                    | NP-BE-2024.2. Active file. Home industry use within 50m setbacks.                                                                                                                                                                                                                                        |

### SITE INFLUENCES

|                                |                                                                                                                                                   |
|--------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|
| Islands Trust Conservancy      | The upper portion of the lot is adjacent to a parcel owned by the Islands Trust Conservancy.                                                      |
| Regional Conservation Strategy | N/A                                                                                                                                               |
| Species at Risk                | Douglas Fir ecological community in upper lot outside of industrial area                                                                          |
| Sensitive Ecosystems           | Woodland sensitive ecosystem areas in the upper portion of the lot, none in the portion designated as Industrial.                                 |
| Hazard Areas                   | Some moderate to high steep slope near industrial area                                                                                            |
| Archaeological Sites           | There are no designated archaeological sites on the property or in the immediate vicinity. However, owners and the applicant should be aware that |

|                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                          | there is a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i> . If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work. |
| Climate Change Adaptation and Mitigation | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Shoreline Classification                 | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Shoreline Data in TAPIS                  | Not Applicable                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

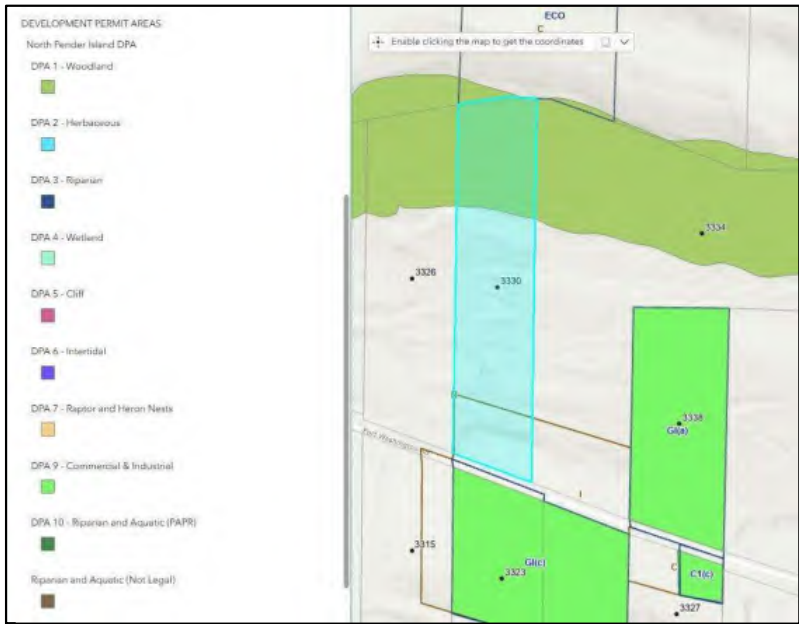
## ATTACHMENT 2 – MAPS, PLANS, DRAWINGS

### 2.1 PRELIMINARY SITE PLAN

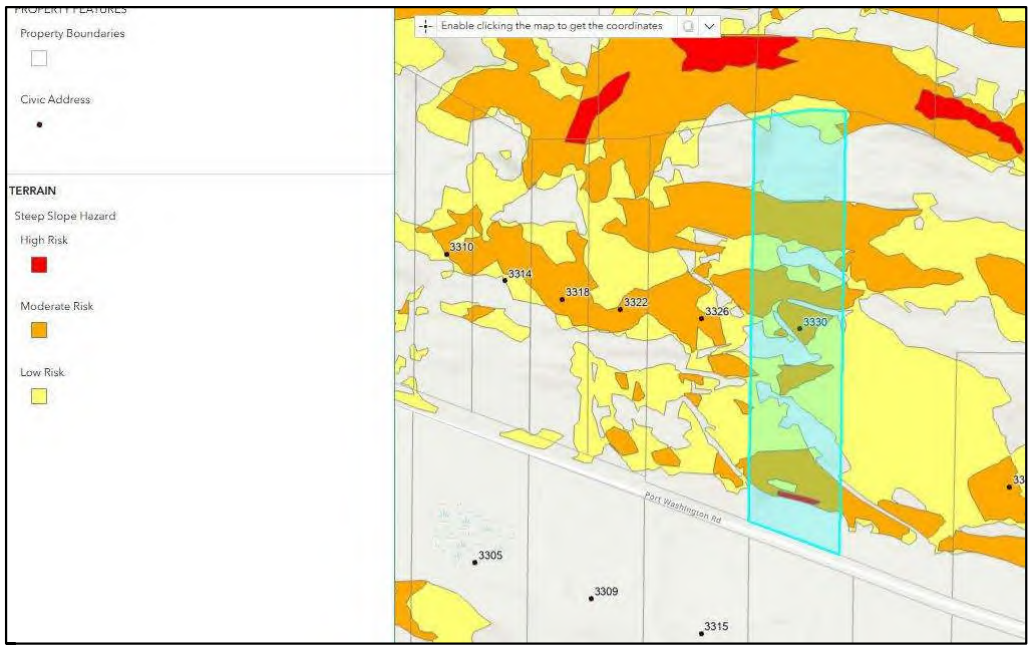




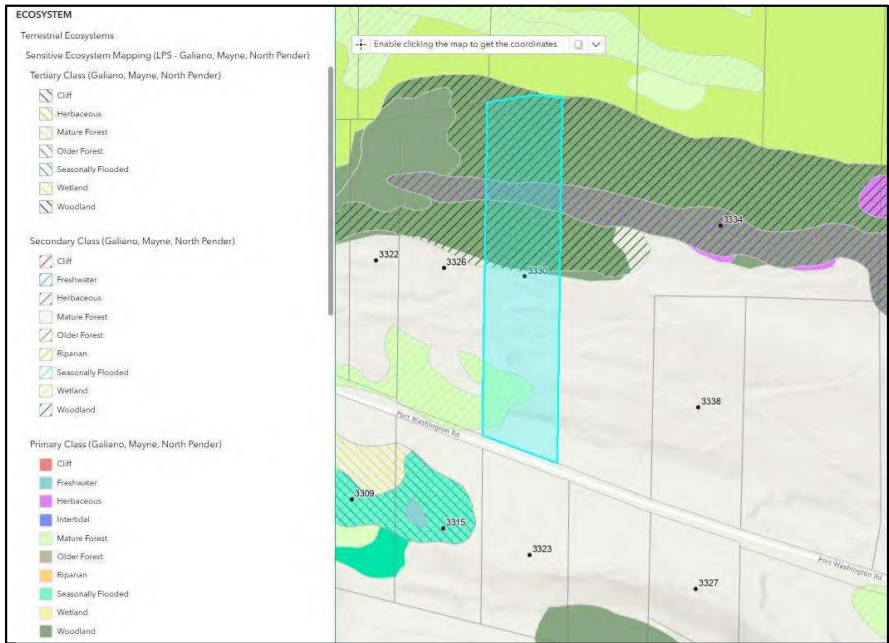
# 2.4 DEVELOPMENT PERMIT AREAS



# 2.5 STEEP SLOPE MAPPING



# 2.6 SENSITIVE ECOSYSTEMS



## PENDER RESOURCE SOLUTIONS

3330 PORT WASHINGTON ROAD

### INDUSTRIAL REZONING APPLICATION: NARRATIVE

#### EXISTING USES OF LAND AND BUILDINGS

- Contractor Yard
- Residential

#### PROPOSED USES OF LAND AND BUILDINGS

- Continued as above.
- Shipping Container Storage.
- Recreational Vehicle and Trailer Storage.

#### PROPOSED TIMING OF DEVELOPMENT/USE

- Contractor Eco Source Septic currently operating at this location.
- Storage area to be developed within 1-2 years.

#### EXISTING USES OF LAND AND BUILDINGS ON ADJACENT PROPERTIES

- 3205 Clam Bay Road: Ecological Zone.
- 3315 Port Washington Road: Private residence. Rural zone, partial OCP Industrial Designation.
- 3323 Port Washington Road: Emcon Contracting Services, and BC Hydro. Highways maintenance contractor, and power line contractor. General Industrial zone.
- 3326 Port Washington Road: Private residence. Rural zone.
- 3334 Port Washington Road: Big Digem Excavating. Rural zone. Rezoning Application for Split General Industrial Zone in progress.

# **Pender Resource Solutions**



## ***Rezoning Application***

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North Pender Island, BC Canada

Pender Resource Solutions developed in response to the need for safe industrial development within the North Pender Island Local Trust Area.

Due to a lack of available land, local industry is at risk. Pender Resource Solutions offers an appropriate response to the Island's growing need for contracting services & storage space.

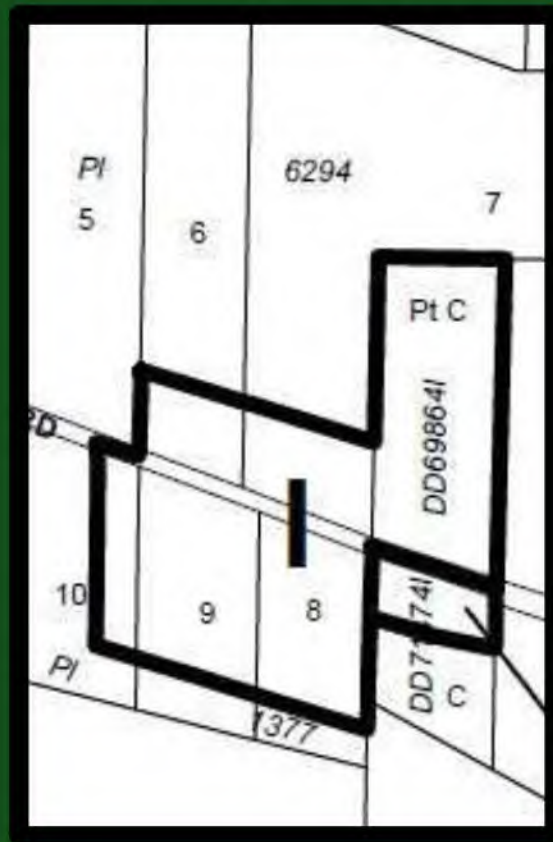
The Official Community Plan identifies 3330 Port Washington Road as a priority for industrial rezoning.

Excerpt, *North Pender Island OCP Bylaw No. 171*:

"Industrial Policies [...]"

2.5.2 Priority may be given to the following locations for new or additional industrial development:

a) by application to rezone the industrially designated land on Port Washington Road"



Priority areas in development include a contractor yard and storage space for commercial and personal items.

A contractor yard providing design and maintenance services for septic systems is essential for a rural community lacking in municipal sewer infrastructure.

Container storage and recreational vehicle storage complements the need for space.

LUB 224 permits (a) contractor yard, (e) indoor storage, and, (f) storage of recreational vehicles, boats and trailers in the General Industrial zone.

Lot 6 Property



| REVISIONS |                |
|-----------|----------------|
| NO.       | DESCRIPTION    |
| 1         | Initial Design |
| 2         | Final Design   |
| 3         | Final Design   |
| 4         | Final Design   |
| 5         | Final Design   |

|                                                 |
|-------------------------------------------------|
| 3330 Port Washington Road Re-Zoning Application |
|-------------------------------------------------|

|                                     |
|-------------------------------------|
| Site Plan for re-zoning application |
|-------------------------------------|

**SCHEDULE 1**  
**SITE DISCLOSURE STATEMENT**

**I. CONTACT INFORMATION**

**A. Site Owner (s) or operator (s), as applicable (add extra pages, if necessary)**

Last Name

First Name (s)

MILES

ANALISA

Company (if applicable)

PENDER RESOURCE SOLUTIONS

Owner/Operator Address

3330 PORT WASHINGTON ROAD

City

PENDER ISLAND

Province/State

BC

Country

Postal/Zip Code

V0N 2M1

Telephone ###-###-####

Email

**B. Person Completing Site Disclosure Statement (Leave blank if same as above):**

☐ Agent authorized to complete form on behalf of the owner or operator

Last Name

First Name

Company (if applicable)

**C. Person to Contact Regarding the Site Disclosure Statement:**

Last Name

First Name (s)

MILES

ANALISA

Company (if applicable)

PENDER RESOURCE SOLUTIONS

Mailing Address

3330 PORT WASHINGTON ROAD

City

PENDER ISLAND

Province/State

BC

Country

Postal/Zip Code

V0N 2M1

Telephone ###-###-####

Email

II. SITE INFORMATION

Coordinates (using the North American Datum 1983 convention) for the centre of the site:

|           |         |     |         |    |         |      |
|-----------|---------|-----|---------|----|---------|------|
| Latitude  | Degrees | 48  | Minutes | 48 | Seconds | 27.1 |
| Longitude | Degrees | 123 | Minutes | 17 | Seconds | 44   |

Attach a map of appropriate scale showing the location and boundaries of the site.

For Legally Titled, Registered Property

Site Address (or nearest street name/intersection if no address assigned)

3330 PORT WASHINGTON ROAD

City

PENDER ISLAND

Postal Code

V0N 2M1

PID numbers and associated legal descriptions.

| PID         | Land Description                                                                  |
|-------------|-----------------------------------------------------------------------------------|
| 005-837-651 | LOT 6, PLAN VIP6294, SECTION 18&22, COWICHAN LAND DISTRICT, PORTION PENDER ISLAND |
|             |                                                                                   |
|             |                                                                                   |
|             |                                                                                   |

For Untitled Crown Land

PIN numbers and associated Land Description (if applicable).

| PIN | Land Description |
|-----|------------------|
|     |                  |
|     |                  |

(and, if available)

Crown Land File Numbers

### III. INDUSTRIAL OR COMMERCIAL PURPOSES OR ACTIVITIES

Has the site been used for any industrial or commercial purposes or activities described in [SCHEDULE 2](#) of the Contaminated Sites Regulation?

NO ✖

If you answered YES to the question above, please indicate below, in the format of the example provided, which of the industrial or commercial purposes or activities have occurred or are occurring on this site.

#### EXAMPLE

| Schedule 2 Reference | Description                                                                             |
|----------------------|-----------------------------------------------------------------------------------------|
| E1                   | appliance, equipment or engine maintenance, repair, reconditioning, cleaning or salvage |
| F10                  | solvent manufacturing, bulk storage, shipping or handling                               |

| Schedule 2 Reference | Description |
|----------------------|-------------|
|                      |             |
|                      |             |
|                      |             |
|                      |             |
|                      |             |

### IV. ADDITIONAL INFORMATION

1. Provide a brief summary of the planned activity and proposed land use at the site.

General industrial uses.

2. Indicate the information used to complete this site disclosure statement including a list of record searches completed.

Internet search, review of Islands Trust files.

3. List any past or present government orders, permits, approvals, certificates or notifications pertaining to the environmental condition of the site. (Attach extra pages, if necessary):

N/A

## V. DECLARATIONS

1. Exemptions (See the Contaminated Sites Regulation, Division 3 of Part 2):

Does the application qualify for an exemption from submitting a site disclosure statement?

Yes ☐ If yes, indicate which exemption applies

No ☐

2. Where a municipal approval is not required, please indicate the reason for submission directly to the registrar:

Under Order

☐

Foreclosure

☐

CCAA Proceedings

☐

BIA Proceedings

☐

Decommissioning

☐

Ceasing operations

☐

**By signing below, I confirm that the information in this form is complete and accurate to the best of my knowledge:**

Signature

Date Signed (YYYY-MM-DD)

2026/01/11

Reason for submission (Please check one or more of the following)

☐ Building permit

☐ Subdivision

☒ Zoning

☐ Development permit

### Approving Authority Contact Information

Name

Agency

Address

Telephone ###-###-####

E-mail

Date Received (YYYY-MM-DD)

Date Submitted to registrar (YYYY-MM-DD)

**From:** A Miles [REDACTED]  
**Sent:** Thursday, April 2, 2026 9:21 AM  
**To:** Brad Smith  
**Subject:** Re: Request to cease BL enforcement

Hello Brad,

I am requesting that the LTC apply standing resolution policy 15.1.b to my current BL enforcement file in respect of the home industry use in setbacks while the rezoning proceeds.

Thank you, Sara

On Tue, Mar 24, 2026 at 11:59 AM Brad Smith <[bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)> wrote:

Can you please provide me a letter or email requesting that the LTC apply standing resolution policy 15.1.b to your current BL enforcement file in respect of your home industry use in setbacks while your rezoning proceeds.

I will then add as recommendation in staff report for LTC to decide on.

|                                                                                                                                                                                                                                                                                                                                                                                                  |                |                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|
| <b>2020-010 (Standing)</b>                                                                                                                                                                                                                                                                                                                                                                       | <b>Carried</b> | <b>30-Jan-2020</b> |
| <b>15.1 Policy options for Bylaw Enforcement Compliance on unlawful uses</b>                                                                                                                                                                                                                                                                                                                     |                |                    |
| that the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:                                                                                                                                                                                                                                                                   |                |                    |
| a. Where an application is received and a use is continuing in contravention of a land use bylaw, staff are directed to request that the applicant cease the use prior to processing the application, and staff are directed to continue with enforcement until the use is ceased.                                                                                                               |                |                    |
| b. The applicant may request that the Local Trust Committee proceed with consideration of the application while the use is continuing; and, where the Local Trust Committee considers there is a community need to process the application while the prohibited use is continuing, the Local Trust Committee may direct that bylaw enforcement actions, including the issuing of notices, cease. |                |                    |
| c. Where the Local Trust Committee does not consider that there is a community need, or the applicant has not made such a request of the Local Trust Committee, bylaw enforcement actions, including the issuing of notices will continue                                                                                                                                                        |                |                    |
| d. In deciding whether to grant land use approval for a use that was commenced in contravention of a land use bylaw, the Local Trust Committee may consider whether the applicant has suspended the prohibited land use pending a decision on the application.                                                                                                                                   |                |                    |

Thanks, Brad

Re: Request to cease BL enforcement

File No.: Raptor Nest DPA Review  
Project

DATE OF MEETING: April 10, 2026  
TO: North Pender Island Local Trust Committee  
FROM: Brad Smith, Island Planner  
Southern Team  
COPY: Kim Stockdill, Acting Regional Planning Manager  
SUBJECT: Raptor Nest DPA Review Project – Post Public Hearing

## RECOMMENDATION

1. That the North Pender Island Local Trust Committee amends proposed Bylaw No. 235, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023” by:
  - a. Adding the following definition of nest tree in Subsection 7.7 Interpretation: ‘Nest Tree - A mapped tree identified to contain a raptor or heron nest or a mapped tree that has previously been identified to contain a raptor or heron nest and still has the attributes to support nesting activity as determined by a qualified professional.’
  - b. Deleting all references to designating ‘cliff sites’ in Article 5.2.8.2.
2. That the North Pender Island Local Trust Committee proposed Bylaw No. 235, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023” be read a second time, as amended.
3. That the North Pender Island Local Trust Committee proposed Bylaw No. 235, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023” be read a third time.
4. That the North Pender Island Local Trust Committee proposed Bylaw No. 235 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval, and to the Ministry of Housing and Municipal Affairs for Ministerial approval following Executive Committee approval.

## REPORT SUMMARY

The purpose of this staff report is to seek direction from the North Pender Island Local Trust Committee (LTC) on proposed Bylaw No. 235 post-public hearing.

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;
- All bylaw referral and statutory requirements have been completed including the required notification and holding of a public hearing consistent with the *Local Government Act*; and,

- All Islands Trust bylaw amendments require the approval of the Executive Committee of the Islands Trust prior to the consideration of adoption, and Island Official Community Plan No. 171, 2007 (OCP) amendments require additional approval by the Minister of Housing and Municipal Affairs.

## BACKGROUND

The LTC has been working on the Raptor Nest Development Permit Area Review project since May 2023. If adopted, proposed Bylaw No. 235 would update nest tree locations on Schedule O of the OCP based on recent field studies, and associated Development Permit Area 7 (DPA 7) guidelines consistent with the recommendations of a registered professional biologist and current provincial best practices.

Proposed Bylaw No. 235 was given first reading on October 3, 2025.

A public hearing is scheduled for April 10, 2026. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second and Third Reading.
2. Forwarding of the bylaw to Executive Committee for approval.
3. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
4. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

In this case, as there is an OCP amendment, proposed Bylaw No. 235 will be sent to the Minister of Housing and Municipal Affairs following Executive Committee approval.

## ANALYSIS

### Regulatory

#### ***Bylaw No. 235***

Proposed 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 are consistent with the recommendations of the RP. Bio and most recent [provincial guidelines](#). These guidelines provide the best practices for raptor and heron conservation in BC.

## **Recommended Additional Amendments**

Staff recommend two amendments to proposed Bylaw No. 235 post-public hearing:

- 1) Add definition of *nest tree* to provide clarity that designated trees may not always contain an active nest:

*Nest Tree - A mapped tree identified to contain a raptor or heron nest or a mapped tree that has previously been identified to contain a raptor or heron nest and still has the attributes to support nesting activity as determined by a qualified professional.'*

- 2) Remove designation of cliff sites as there are none mapped and the DP focusses on *nest trees*. Cliff nest sites if identified in future could be added as DPA 5 Cliff Ecosystems. Guideline 4 of new DPA 7 guidelines also considers protecting cliff sites used to support nest trees as a possible permit condition.

The proposed amendments above are permitted post public hearing as they do not alter use or increase density.

## **Other Considerations**

### Breeding Season Quiet Buffers

Proposed Bylaw No. 235 includes 'Breeding Season Quiet Buffer' requirements based on provincial guidelines. In some areas, such as in the higher density smaller lots in Trincomali, and within Magic Lake, these additional buffer areas impact a significant number of lots where DPA requirements do not currently apply, which may make it difficult to administer and enforce.

Much of the community and property owner concerns also relate to the size and application of buffer areas.

Post public hearing, the LTC could consider changes to the currently proposed breeding season buffering requirements, including:

- Reduce their overall radius or remove them altogether;
- Make site specific zone changes where areas with higher density small lots are reduced or excluded;
- Make no changes to the buffer areas as currently proposed.

## **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;
- All bylaw referral and statutory requirements have been completed including the required notification and holding of a public hearing consistent with the *Local Government Act*; and,
- All Islands Trust bylaw amendments require the approval of the Executive Committee of the Islands Trust prior to the consideration of adoption, and Island Official Community Plan No. 171, 2007 (OCP) amendments require additional approval by the Minister of Municipal Affairs.

## **ALTERNATIVES**

### **1. Make amendments to the bylaw.**

The LTC may amend the bylaw.

Resolution:

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

**2. Receive for information**

The LTC may receive the report for information.

**3. Proceed no further with the bylaw.**

The LTC may decide to proceed no further with Bylaw No. 235.

Resolution:

*That the North Pender Island Local Trust Committee proceed no further with Bylaw No.235.*

**NEXT STEPS**

With direction from LTC, staff will seek Executive Committee and Minister approvals for proposed Bylaw No. 235.

|               |                                                 |                |
|---------------|-------------------------------------------------|----------------|
| Submitted By: | Brad Smith, Island Planner                      | March 23, 2026 |
| Concurrence:  | Kim Stockdill, Acting Regional Planning Manager | March 26, 2026 |

**ATTACHMENTS**

1. Proposed Bylaw No. 235 – Redline and Clean with proposed amendments included

# PROPOSED

**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                                        | 3 <sup>RD</sup> | DAY OF | OCTOBER | 2025.  |
| 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, 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 200 m 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 – the Development Permit Area applies to all mapped trees 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>.

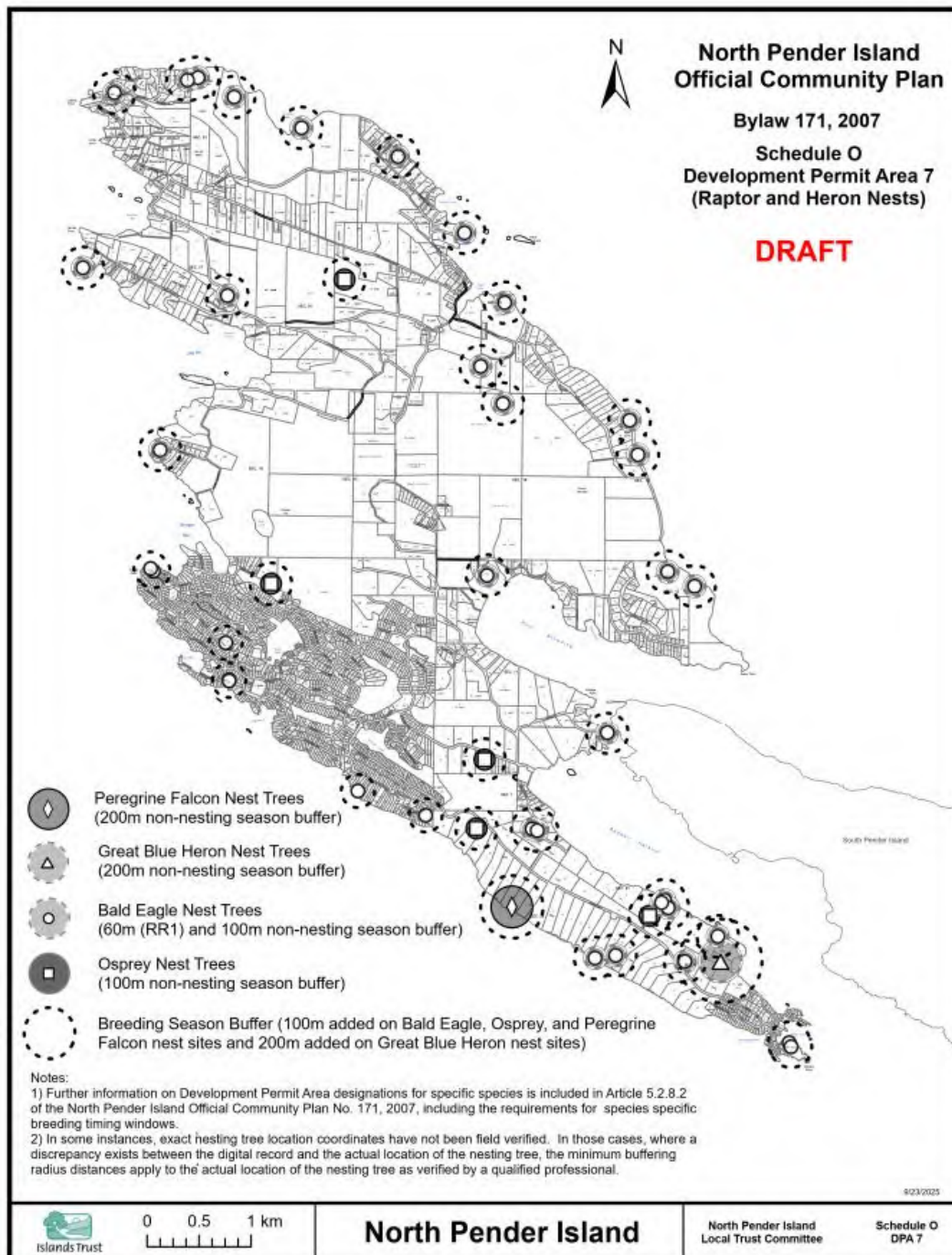
#### 5.2.8.7 Guidelines

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 nest 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 is permitted and 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. Part 7 Administration and Implementation Section 7.7(45) is amended by adding the following definition: 'Nest Tree - A mapped tree identified to contain a raptor or heron nest or a mapped tree that has previously been identified to contain a raptor or heron nest and still has the attributes to support nesting activity as determined by a qualified professional.'
  3. 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)**



# PROPOSED

**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                                        | 3 <sup>RD</sup> | DAY OF | OCTOBER | 2025.  |
| 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 200 m 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.

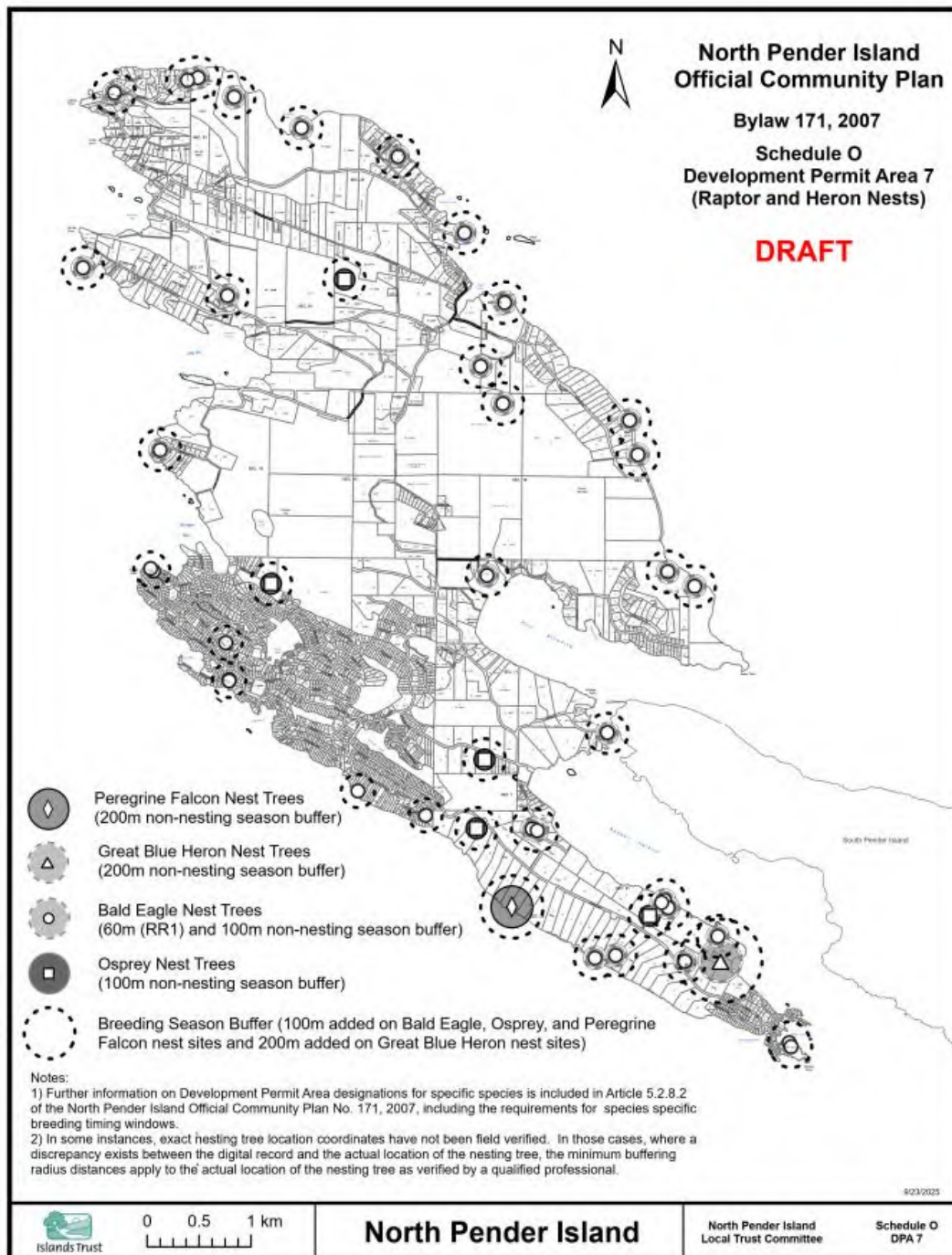
- f) Maintain an effective buffer of undisturbed vegetation around nest sites. Larger buffer areas may be suitable on larger lots; lesser buffer areas may be suitable in areas of longstanding development, on small lots and where on-going activity has habituated birds to human presence.
  - g) Locate 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 is permitted and 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. Part 7 Administration and Implementation Section 7.7(45) is amended by adding the following definition: 'Nest Tree - A mapped tree identified to contain a raptor or heron nest or a mapped tree that has previously been identified to contain a raptor or heron nest and still has the attributes to support nesting activity as determined by a qualified professional.'

2.3. 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)**



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

DATE OF MEETING: April 10, 2026  
TO: North Pender Island Local Trust Committee  
FROM: Brad Smith, Island Planner  
Southern Team  
COPY: Kim Stockdill, Acting Regional Planning Manager  
SUBJECT: Housing Access and Affordability Project – Draft Bylaw No. 240 and No. 241

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## RECOMMENDATIONS

1. That the North Pender Island Local Trust Committee receives draft bylaw No. 240, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2025".
2. That the North Pender Island Local Trust Committee receives draft bylaw No. 241, cited as "North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2025".
3. That the North Pender Island Local Trust Committee directs staff to update the Housing Access and Affordability project charter consistent with the recommendations in the April 10, 2026 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 present draft Bylaw Nos. 240 and 241 for further consideration.

The recommendations above are supported as:

- Extensive research and community outreach has taken place to help inform the LTC on this topic;
- There are several recommendations of the North Pender Advisory Planning Commission (APC) and staff that require bylaw amendments;
- Receiving draft bylaws will allow for additional refinements and amendments based on further community and LTC dialogue prior to initiation of bylaw referrals and consideration of first reading; and,
- The project charter requires updating to reflect new timelines.

## BACKGROUND

The LTC endorsed the [Housing Action Plan](#) at the May 30, 2025 LTC meeting. Since the January 30, 2026 LTC meeting, the following has been accomplished:

- Build-out and suitable land analysis - draft maps and summary table complete and available [online](#)
- APC reviewed mapping outputs with staff and has provided a supplementary recommendations report

- Island wide mail-out – pamphlet is now mailed out to all households with CIM information for May 2, 2026
- Follow-up letter to First Nations has been drafted with details of the endorsed [HAP](#), and will be sent shortly
- APC has been renewed for a new term, two new members (welcome Jack Ferguson and Ken Rempel) and two departed members (thanks to Lisa Baile and Mike Dine for their participation and valuable input)
- Staff attended Pender Islands Housing Society (PIHS) open house on February 10, 2026 to discuss housing matters and present briefly on LTC’s housing project

Based on direction provided by the LTC at the November 25, 2025 and January 30, 2026 meetings, staff are now bringing draft Bylaw No. 240 and No. 241 to be received by the LTC to allow for further consideration and input.

An updated project status table is included with an update on each Plan Action (Attachment 1).

## Regulatory

### ***Bylaw No. 240 and No. 241***

Based on the direction of the LTC at the November 21, 2025 meeting, staff have drafted the following bylaw amendments for each LTC motion that was passed as follows in Table 1. Draft amending bylaws, and redline versions of the base Official Community Plan (OCP) and Land Use Bylaw (LUB) are provided as Attachments 4-7.

**Table 1. Proposed OCP (BL 240) and LUB (BL 241) Amendments**



# STAFF REPORT

| LTC Direction                                                                                                                                                                                                                     | Bylaw 240 (OCP) Amendments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Bylaw No. 241 (LUB) Amendments                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Permit accessory worker housing in appropriate community service zones and commercial zones</b>                                                                                                                                | Add Community Service Policy to permit employee housing                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Permit up to two units of employee housing in site specific Community Service zones for both fire halls, police station and school property<br><br><i>Note: No C1 site specific zones deemed appropriate for employee housing, up to three units of rental housing added as a general permitted use</i><br><br><i>Where appropriate, C2 and C3 zones already permit up to two units of accessory dwellings that could be used for employee housing</i> |
| <b>Consider rezoning for seniors and affordable housing in all appropriate land use designations, with a mix of non-market and market rentals, and that the need for housing agreements be determined at the time of rezoning</b> | Amend Seniors and Affordable Housing policies in OCP to permit by rezoning in Rural Residential, Rural, Community Service, and Commercial land use designations<br><br>Amend language for the need for a housing agreement to be determined at the time of rezoning rather than an outright requirement.<br><br>Add definition of Affordable Housing: <i>means rental or owned housing that can be acquired without exceeding 30 per cent of the median gross income of low to moderate income families on the Southern Gulf Islands</i> | Amend site specific Anglican Church diocese property to permit affordable housing as a permitted use up to 20 dwelling units                                                                                                                                                                                                                                                                                                                           |
| <b>Permit up to three units of second-storey rental housing with a limited floor area as part of proposed buildings 5, 6 and 7 at the Driftwood Mall property</b>                                                                 | Add General Commercial Policy to permit rental housing on commercial zoned lots with limits to be established through zoning on maximum floor area per unit and maximum number of units per lot.                                                                                                                                                                                                                                                                                                                                         | Add rental housing to permitted uses in C1 zone.<br><br>Amend C1 zone density to permit three units of second-storey rental housing with a maximum floor area of 80m <sup>2</sup> per unit in Commercial 1 zone – could then also apply to future C1 zoned lots – currently only applies to Driftwood Mall                                                                                                                                             |

| LTC Direction                                                                                                           | Bylaw 240 (OCP) Amendments                                                                                        | Bylaw No. 241 (LUB) Amendments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                  |  |  |           |                                                                                                                   |                                                                    |                                           |                                             |                                             |                                         |                                                |                                             |                                             |                                                |                                             |
|-------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------|--|--|-----------|-------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-------------------------------------------|---------------------------------------------|---------------------------------------------|-----------------------------------------|------------------------------------------------|---------------------------------------------|---------------------------------------------|------------------------------------------------|---------------------------------------------|
|                                                                                                                         |                                                                                                                   | Add definition of Rental Housing: <i>means residential use of dwelling units that are limited to residential rental tenure</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                  |  |  |           |                                                                                                                   |                                                                    |                                           |                                             |                                             |                                         |                                                |                                             |                                             |                                                |                                             |
| Enable flexible zoning to create the potential for additional housing units on lots zoned Rural Residential 2 and Rural | Amend OCP residential and rural land use policies to permit flexible zoning and ADUs                              | <p>1) Permit flexible housing by amending <i>Density</i> in Rural and Residential 2 zones as follows:</p> <p><b>Density</b></p> <p><del>(2) → There may not be more than one (1) dwelling and one (1) secondary suite or accessory dwelling unit on lots less than 0.4 hectares and one (1) cottage on any lot.¶</del></p> <p><del>(2.1) → On lots with an area of 0.4 ha or greater but less than 1.2 ha there may not be more than two (2) dwellings and one (1) secondary suite.¶</del></p> <p><del>(3) → On lots with an area of 1.2 hectares or greater there may not be more than three (3) dwellings, one (1) cottage and one (1) secondary suite. One (1) cottage is permitted on each lot with an area of 1.2 hectares or larger.¶</del></p> <p><del>(4) → Despite Subsection 5.2(2), in those instances where a dwelling of 56.0 m<sup>2</sup> or less in floor area existed on September 23, 1999 on a lot 0.6 hectares or larger, one additional principal dwelling is permitted.¶</del></p> <p>Reduce the maximum floor area of all buildings and dwelling units by making changes to the maximum floor area table as follows:</p> <table border="1"> <thead> <tr> <th colspan="3">The maximum floor area per lot:¶</th></tr> <tr> <th>Lot Area¶</th><th>The total floor area of all buildings, <del>excluding the floor area of a secondary suite,</del> may not exceed:¶</th><th>The floor area of a <del>all</del> dwelling units may not exceed:¶</th></tr> </thead> <tbody> <tr> <td>Less than 0.4 ha.¶<br/>(Less than 1 acre)¶</td><td>500-m<sup>2</sup> (5382-ft<sup>2</sup>)¶</td><td>325-m<sup>2</sup> (3500-ft<sup>2</sup>)¶</td></tr> <tr> <td>0.4 ha to &lt; 1.2 ha.¶<br/>(1 to 3 acres)¶</td><td>1000-m<sup>2</sup> (10,764-ft<sup>2</sup>)¶</td><td>372-m<sup>2</sup> (4000-ft<sup>2</sup>)¶</td></tr> <tr> <td>1.2 ha or greater¶<br/>(3 acres or greater)¶</td><td>3000-m<sup>2</sup> (32,292-ft<sup>2</sup>)¶</td><td>418-m<sup>2</sup> (4500-ft<sup>2</sup>)¶</td></tr> </tbody> </table> <p>Add definition of Accessory Dwelling Unit (ADU): <i>means an additional detached dwelling unit on a residential parcel with a limited floor area</i></p> <p>Add Section on ADUs in General Regulations after Secondary Suites:</p> <p><b>3.10.1 Accessory Dwelling Units</b></p> | The maximum floor area per lot:¶ |  |  | Lot Area¶ | The total floor area of all buildings, <del>excluding the floor area of a secondary suite,</del> may not exceed:¶ | The floor area of a <del>all</del> dwelling units may not exceed:¶ | Less than 0.4 ha.¶<br>(Less than 1 acre)¶ | 500-m <sup>2</sup> (5382-ft <sup>2</sup> )¶ | 325-m <sup>2</sup> (3500-ft <sup>2</sup> )¶ | 0.4 ha to < 1.2 ha.¶<br>(1 to 3 acres)¶ | 1000-m <sup>2</sup> (10,764-ft <sup>2</sup> )¶ | 372-m <sup>2</sup> (4000-ft <sup>2</sup> )¶ | 1.2 ha or greater¶<br>(3 acres or greater)¶ | 3000-m <sup>2</sup> (32,292-ft <sup>2</sup> )¶ | 418-m <sup>2</sup> (4500-ft <sup>2</sup> )¶ |
| The maximum floor area per lot:¶                                                                                        |                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                  |  |  |           |                                                                                                                   |                                                                    |                                           |                                             |                                             |                                         |                                                |                                             |                                             |                                                |                                             |
| Lot Area¶                                                                                                               | The total floor area of all buildings, <del>excluding the floor area of a secondary suite,</del> may not exceed:¶ | The floor area of a <del>all</del> dwelling units may not exceed:¶                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                  |  |  |           |                                                                                                                   |                                                                    |                                           |                                             |                                             |                                         |                                                |                                             |                                             |                                                |                                             |
| Less than 0.4 ha.¶<br>(Less than 1 acre)¶                                                                               | 500-m <sup>2</sup> (5382-ft <sup>2</sup> )¶                                                                       | 325-m <sup>2</sup> (3500-ft <sup>2</sup> )¶                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                  |  |  |           |                                                                                                                   |                                                                    |                                           |                                             |                                             |                                         |                                                |                                             |                                             |                                                |                                             |
| 0.4 ha to < 1.2 ha.¶<br>(1 to 3 acres)¶                                                                                 | 1000-m <sup>2</sup> (10,764-ft <sup>2</sup> )¶                                                                    | 372-m <sup>2</sup> (4000-ft <sup>2</sup> )¶                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                  |  |  |           |                                                                                                                   |                                                                    |                                           |                                             |                                             |                                         |                                                |                                             |                                             |                                                |                                             |
| 1.2 ha or greater¶<br>(3 acres or greater)¶                                                                             | 3000-m <sup>2</sup> (32,292-ft <sup>2</sup> )¶                                                                    | 418-m <sup>2</sup> (4500-ft <sup>2</sup> )¶                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                  |  |  |           |                                                                                                                   |                                                                    |                                           |                                             |                                             |                                         |                                                |                                             |                                             |                                                |                                             |

| LTC Direction                                                                                                     | Bylaw 240 (OCP) Amendments                                                                                                                                                              | Bylaw No. 241 (LUB) Amendments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                   |                                                                                                                                                                                         | <p>(1) The maximum <i>floor area</i> for an <i>accessory dwelling unit</i> is 60m<sup>2</sup> (645 ft<sup>2</sup>).</p> <p>(2) An <i>accessory dwelling unit</i> must not be subdivided from the <i>principal dwelling</i> under the <i>Land Title Act</i> or the <i>Strata Property Act</i>.</p> <p>(3) An <i>accessory dwelling unit</i> may not be used as a <i>short term vacation rental</i> or a <i>bed and breakfast home business</i>.</p> <p>(4) A building permit for a <i>lot</i> outside a <i>community water system</i> shall not be issued for an <i>accessory dwelling unit</i> unless a freshwater catchment and storage system having a capacity of at least 18,000 litres is installed on the lot.</p> <p>Add definition: “dwelling unit” means a building or portion of a building including a principal or secondary dwelling, cottage, secondary suite, and accessory dwelling unit which is used as a residence for a single household and containing a single set of facilities for food preparation and eating, sleeping and living areas. Amend definition of Cottage to clarify it is detached</p> |
| <b>Permit ADUs as an alternative to secondary suites in the Rural Residential 1 zone in consultation with CRD</b> | Add reference to ADUs as permitted in Residential Policy 2.1H.                                                                                                                          | Amend RR1 zoning to permit ADUs as an alternative to secondary suites in Magic Lake Estates (Note: consultation with CRD staff in respect of CRD water system requirements is ongoing).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Rezone the Anglican Church diocese property to allow for affordable housing as a permitted use</b>             | Amend Seniors and Affordable Housing policies to permit by rezoning in Community Service land use designation                                                                           | Amend site specific Anglican Church diocese property to permit affordable housing as a permitted use up to 20 dwelling units                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Add policies that consider the potential development of a Tiny Home on Wheels or other small footprint</b>     | Amend residential policies to consider a Small Footprint Home Community in suitable locations through rezoning in suitable locations with shared services and amenities and subject to: | None                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

| LTC Direction                                                                                                                                                                                                                    | Bylaw 240 (OCP) Amendments                                                                                                                                                                                                                                                                                                                                                                          | Bylaw No. 241 (LUB) Amendments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                 |  |                        |                                           |          |                                                     |         |               |                 |   |                         |            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|--|------------------------|-------------------------------------------|----------|-----------------------------------------------------|---------|---------------|-----------------|---|-------------------------|------------|
| manufactured home community;                                                                                                                                                                                                     | <p>a) being constructed to the appropriate CSA standard Z240MH or A277 or equivalent or constructed to the BC Building Code,</p> <p>b) secured to the ground, subject to building inspection approval for anchoring;</p> <p>c) connected to potable water, and approved wastewater disposal, subject to building inspection approval for servicing</p> <p>Add definition of Tiny Home on Wheels</p> |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                 |  |                        |                                           |          |                                                     |         |               |                 |   |                         |            |
| Make any other amendments that are required to ensure affordable housing and other policy objectives and criteria align with proposed changes to zoning including any administrative or definition updates to ensure consistency | <p>Update population, demographic and build-out statistics in OCP introduction</p> <p>Add new goal of OCP to: “provide for a range of flexible housing options that meet the diverse needs of the community and island residents.”</p>                                                                                                                                                              | <p>Amend maximum floor area tables for RC1, RC2 and Agricultural Zones consistent with proposed changes to tables for Rural, RR1 and RR2 zones to reduce maximum building and dwelling unit floor area</p> <p>Amend LUB parking regs to include following changes:</p> <table><tr><th colspan="2">Table 7.1 : Number of Off-Street Parking Spaces</th></tr><tr><th>Use of Building or Lot</th><th>Minimum Number of Parking Spaces Required</th></tr><tr><td>Dwelling</td><td>2 per principal dwelling, 1 per additional dwelling</td></tr><tr><td>Cottage</td><td>1 per cottage</td></tr><tr><td>Secondary Suite</td><td>1</td></tr><tr><td>Accessory dwelling unit</td><td>1 per unit</td></tr></table> <p>Amend home business, general height and cistern regulations to consider ADUs</p> <p>Remove maximum 40% floor area provision from secondary suite regulation 3.10(3) – as per LTC resolution passed at Jan 30, 2026 meeting</p> <p>Rescind site specific zone C1(b) as it is a mapping error.</p> | Table 7.1 : Number of Off-Street Parking Spaces |  | Use of Building or Lot | Minimum Number of Parking Spaces Required | Dwelling | 2 per principal dwelling, 1 per additional dwelling | Cottage | 1 per cottage | Secondary Suite | 1 | Accessory dwelling unit | 1 per unit |
| Table 7.1 : Number of Off-Street Parking Spaces                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                 |  |                        |                                           |          |                                                     |         |               |                 |   |                         |            |
| Use of Building or Lot                                                                                                                                                                                                           | Minimum Number of Parking Spaces Required                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                 |  |                        |                                           |          |                                                     |         |               |                 |   |                         |            |
| Dwelling                                                                                                                                                                                                                         | 2 per principal dwelling, 1 per additional dwelling                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                 |  |                        |                                           |          |                                                     |         |               |                 |   |                         |            |
| Cottage                                                                                                                                                                                                                          | 1 per cottage                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                 |  |                        |                                           |          |                                                     |         |               |                 |   |                         |            |
| Secondary Suite                                                                                                                                                                                                                  | 1                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                 |  |                        |                                           |          |                                                     |         |               |                 |   |                         |            |
| Accessory dwelling unit                                                                                                                                                                                                          | 1 per unit                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                 |  |                        |                                           |          |                                                     |         |               |                 |   |                         |            |

## Issues and Opportunities

### ***APC Supplementary Report and Recommendations regarding Flex Zoning***

At the November 21, 2025 meeting, the LTC requested that the APC *“report back with analysis, options and recommendations for potential further bylaw amendments based on suitable land analysis and built out analysis mapping, and to support the ongoing development and review of proposed amending bylaws.”*

The APC has submitted a supplementary report dated March 23, 2026 (Attachment 2). The recommendations in the report largely focus on the proposed scheme for flexible zoning.

The current proposal for flexible zoning was adapted from the approach taken on Mayne Island, with adjustments made to be consistent with the NP LUB in respect of current zoning and lot size provisions. This approach was based on the preliminary recommendations of the APC in their [November 2025 report](#) (Attachment 3).

However, in that November 2025 report, the APC states:

**The recommendations in this report are preliminary and await completion and study of the Suitable Land and Build Out Analyses, which are vital tools to identify possible locations for zoning, LUB, or OCP changes, to allow additional housing units.**

Upon reviewing the North Pender Island Build Out and Suitable Land Analyses, the APC now determines that there is already sufficient build out potential on North Pender Island without adding any secondary suites or ADUs. The March 23, 2026 APC report concludes:

**Given the data in the Build Out and Suitability Analyses the focus of the LTC should be on Action Items 5 (Multiunit Development), 7 (Worker Accommodation) , and 8 (Small Footprint Homes) to zone specific properties on suitable land to enable relatively low market and affordable housing, such as a clustered village of small homes, worker housing, and subsidized below market housing which could include multiplex construction as contemplated in the November Report and the Draft OCP and Bylaw.**

**The APC also encourages the NP LTC to consider facilitating site specific, targeted opportunities for affordable multiplex projects as they may arise.**

The APC report provides the following options for changes to the proposed flex zoning scheme with the APC recommending Option 1:

## **OPTIONS**

1. a. Allow 100 ADUs as an alternative to secondary suites on lots smaller than 1.2 hectares (3 acres), with a Cap of 10 secondary suites or ADUs in the RR1 zone and 90 secondary suites or ADUs in the RR2, R, RC1 and RC2 zones on lots under 1.2 hectares; and  
  
b. Cap the total number of secondary suites on lots over 1.2 hectares in the RR1, RR2, R, RC1 and RC2 zones to 25.
2. Allow ADUs as an alternative to secondary suites in lots greater than 0.4 hectares (1 acre) and less than 1.2 hectares ( 3 acres) in the RR2, R, RC1 and RC2 zones; and  
  
b. Allow up to 10 ADUs as an alternative to secondary suites in the RR1 zone.
3. Allow up to 5 ADUs as an alternative to secondary suites in the AG zone, 6 in the R zone, 10 in the RC1 zone, 10 in the R 2 zone zone, 10 in the RR2 zone and 10 in the RR1 zone.
4. Do nothing

Staff are of the view that the issues raised by the APC in the supplementary report and their associated recommendations are important to consider, in particular in light of the preserve and protect mandate of the Trust, and the results of build-out and suitable land analysis mapping.

Table 2 provides a summary of the maximum number of dwelling units by type at full build-out with existing zoning, and with the flex zoning scheme as currently proposed in draft Bylaw No. 241. While the increase in total dwelling units is not that significant when comparing current zoning (4781 vs 4840), the maximum number of dwellings does substantively increase from 2180 to 2672. When considering flex zoning with subdivision potential, that number increases 2998 dwellings, and 5322 total dwelling units.

**Table 2. Maximum Build-out Potential – Current Zoning and Flex Zoning**

| <b>Zone Scheme</b>                                       | <b>Max # Dwellings</b> | <b>Max # Cottages</b> | <b>Max # Secondary Suites or ADUs</b> | <b>Max # Secondary Suites only</b> | <b>Total # Dwelling Units</b> |
|----------------------------------------------------------|------------------------|-----------------------|---------------------------------------|------------------------------------|-------------------------------|
| <b>Current Zoning</b>                                    | 2180                   | 573                   |                                       | 2028                               | 4781                          |
| <b>Flex zoning not considering subdivision potential</b> | 2672                   | 176                   | 1683                                  | 242                                | 4840                          |
| <b>Flex zoning considering subdivision potential</b>     | 2998                   | 227                   | 1870                                  | 227                                | 5322                          |

**Figure 1. Build-out Mapping overlaid with Suitable land Analysis Data**



Staff would be supportive of modifications to the current proposal in the draft bylaws or removal of flex zoning in the R and RR<sup>2</sup> zones altogether. If the LTC decides to make changes, staff are of the view that creating some flexibility in being able to have a secondary suite or an ADU with a small maximum floor area (60 m<sup>2</sup> is currently proposed) should continue to be considered in the RR2 and R zones (and potentially in the RR1 zone) as this could provide additional options for creating rental units and 'age in place' opportunities for residents with a relatively small ecological footprint.

As for the alternatives provided by APC, staff do have concerns with any approach that would rely on implementing a cap on the maximum number of dwellings (e.g. ADUS or Secondary suites) as this would be difficult to administer/enforce and may result in perceptions of an unfair regulatory scheme.

#### Options for LTC:

1. Proceed as drafted with inclusion of flex zoning for additional public consultation prior to consideration of any changes at the May 29 meeting
2. Provide direction to staff to modify or remove flex zoning altogether from current draft bylaws at April 10 meeting

#### ***Magic Lakes Infrastructure Study***

Upon request from CRD planning staff, staff have sent a letter (Attachment 8) to the Magic Lake Estates Water and Sewer Committee in respect of the proposed bylaw change would permit an ADU with a maximum floor area of 60 m<sup>2</sup>, as an alternative to a secondary suite in the RR 1 zone. Staff are still waiting for a response.

#### **Project Timelines**

The current project work plan (Figure 2) aims to complete the legislative process for draft Bylaw No. 240 and 241 by July 2026, which would likely have allowed for bylaw adoption in the current LTC term.

However, the BCGEU strike action caused considerable delay to project timelines, and adoption in this term is now unrealistic, in particular as ministerial approval would be required for draft OCP Bylaw No. 240, which typically takes several months to complete.

#### **Figure 2. Current Work Plan Deliverables and Timelines**

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

Staff recommend the following process steps to be completed in the remainder of this term to get the draft bylaws to first reading prior to the new LTC taking over the project (Figure 3).

**Figure 3. Proposed Deliverable/Milestone and Timeline Updates**

| Deliverable/Milestone                                                                                                    | Target Date                                                                                           |
|--------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
| LTC receives draft bylaws and provides any initial comments or proposed amendments (e.g. to remove or amend flex zoning) | April 10 LTC meeting                                                                                  |
| Draft bylaws presented to public                                                                                         | May 2 CIM                                                                                             |
| LTC provides any additional proposed amendments based on public input                                                    | May 29 LTC meeting                                                                                    |
| Staff complete bylaw referrals                                                                                           | June – August                                                                                         |
| LTC considers 1 <sup>st</sup> reading, scheduling of a public hearing                                                    | September 4 LTC meeting                                                                               |
| Public hearing held, Bylaws sent to EC and Minister of Municipal affairs for approval                                    | TBD - Could be scheduled prior to end of term, or Bylaws left at first reading for next LTC to resume |

If the LTC is supportive of what is proposed in Figure 3, staff will update the project charter to extend the legislative process beyond July 2026 until the end of next fiscal, March 31, 2027. This should provide adequate time for a new LTC to complete legislative amendments, including Ministerial approval. Implementation and communications would occur after that. Staff will also update the existing deliverables/milestones table in the charter (not shown) to align with Figure 3.

The Planning Services Director has allocated \$3,000 in fiscal 2026/27 for the project. As the household mail out was not completed until the beginning of April 2026, mailing costs will be taken from the 2026/27 funding allocation. The remaining funds will be used for the public hearing costs and any contingency items that may arise.

## RECOMMENDATIONS

The recommendations on page 1 is supported as:

- Extensive research and community outreach has taken place to help inform the LTC on this topic;
- There are several recommendations of the APC and staff that require bylaw amendments;
- Receiving draft bylaws will allow for additional refinements and amendments based on further community and LTC dialogue prior to initiation of bylaw referrals and consideration of first reading; and,
- The project charter requires updating to reflect new timelines.

## ALTERNATIVES

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

### 1. Give direction to exclude specific recommendations or include others

The LTC may give direction to exclude specific recommendations or include others. Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee directs staff to exclude/include\_\_\_\_\_ in draft Bylaw No. 240 or No. 241 for the Housing Access and Affordability Project.*

### 2. 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...*

### 3. Receive for information

The LTC may receive the report for information.

## NEXT STEPS

With direction from the LTC, staff will continue to prepare draft bylaws and confirm a date to schedule a CIM.

|               |                                                 |               |
|---------------|-------------------------------------------------|---------------|
| Submitted By: | Brad Smith, Island Planner                      | April 1, 2026 |
| Concurrence:  | Kim Stockdill, Acting Regional Planning Manager | April 2, 2026 |

1. Housing Action Plan Status Table, April 2026
2. APC Addendum Report, March 2026
3. APC report, November 2025
4. Draft Bylaw No. 240
5. Draft Bylaw No. 241
6. OCP No. 171 – Draft redline version with track changes
7. LUB No. 224 – Draft redline version with track changes
8. Letter to Magic Lakes Sewer and Water Committee, Feb 2026

### North Pender Island Housing Action Plan Implementation Tracking Table – January 2026

| #                                                                           | Action                                                                                                                                                                                                                                            | Timeline - Adjusted                                                       | 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<br>Roll-out – Fall/Winter 2025              | Complete                                                                                                                                                                                     |
| 2                                                                           | Complete island-wide build-out analysis                                                                                                                                                                                                           | Completion – Summer/Fall 2025<br>Roll-out – Fall/Winter 2025              | Complete                                                                                                                                                                                     |
| 3                                                                           | Present results of 1 and 2 at a Community Information Meeting (CIM)                                                                                                                                                                               | Fall/Winter 2025                                                          | CIM scheduled for May 2                                                                                                                                                                      |
| <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<br>Legislative process – Winter- | <ul style="list-style-type: none"> <li>Included in draft bylaws</li> </ul>                                                                                                                   |
| 5                                                                           | Explore opportunities for zoning changes to permit higher density Multi-Unit Development in areas with a concentration of community amenities                                                                                                     | Summer 2026<br>Implementation – Fall 2026                                 | <ul style="list-style-type: none"> <li>Staff and APC have reviewed mapping, some potential parcels identified but no recommendations for rezoning at this time – Mark as complete</li> </ul> |
| 6                                                                           | Explore legalizing the use of RVs in appropriate areas considering set-backs, parking, access, septic, available water, visual aesthetics, and fire safety.                                                                                       | No further action recommended                                             | No actions recommended. Mark as Complete                                                                                                                                                     |
| 7                                                                           | Explore opportunities to permit worker accommodation (e.g at community firehalls, Driftwood Center.)                                                                                                                                              |                                                                           | <ul style="list-style-type: none"> <li>Included in draft bylaws</li> </ul>                                                                                                                   |
| 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 |                                                                           | <ul style="list-style-type: none"> <li>Included in draft bylaws</li> </ul>                                                                                                                   |
| 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)                                                             | No further action recommended                                             | No actions recommended. Mark as Complete                                                                                                                                                     |
| <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>Staff and APC have reviewed mapping, some potential parcels identified but no recommendations for rezoning at this time – Mark as complete</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>Included in draft bylaws</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<br>Legislative process – Winter - Summer 2026<br>Implementation – Fall 2026 | No actions recommended. Mark as Complete                                                                                |
| 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>Work ongoing</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</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<br>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                                                                        | No actions recommended. Mark as Complete                                                                                |
| 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 engaging with CRD planning re proposed zoning changes</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.                                                                            | Winter 2025                                                                                                          | <ul style="list-style-type: none"> <li>Letter drafting underway, to be sent early April</li> </ul>                      |
| 21                                                                               | Initiate direct collaborative engagement with Tsawout First Nation Housing Department                                                                                                                      | Planning staff met with Tsawout Nov 6, no further actions required                                                   | Planning staff met with Tsawout Nov 6, no further actions required – Mark as Complete                                   |
| 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/if site specific options are explored</li> </ul> |

## APC SUPPLEMENTARY REPORT

MARCH 23, 2026

### **OVERVIEW:**

The APC “Final Report” to the NP LTC was prepared in November 2025 prior to receipt of the Build Out and Land Suitability Analyses. The recommendations provided in that report were subject to revision when the Build Out and Suitability Analyses were available. The APC received these reports in January 2026 and additionally received the Islands Trust – Housing Needs Assessment 2025 in February 2026. Review of these documents has resulted in revision of our recommendations.

This Supplementary Report updates our recommendations regarding Goal Four of the Housing Action Plan, using newly available data in accordance with Goal One.

As detailed in the analysis below, upon reviewing the North Pender Island Build Out and Suitable Land Analyses, the APC concludes that there is already sufficient build out potential on North Pender Island without adding any secondary suites or ADUs. Simply building cottages in the R zones, already zoned for 573 such dwellings, could create almost enough housing to fulfill the current estimate of 643 units needed in the next 20 years as shown in the Gulf Islands Housing Study commissioned by the CRD to meet the requirements of the British Columbia Housing Needs Assessment regulations, using the methodology provided by the Province in the summer of 2024.

<https://islandstrust.bc.ca/document/islands-trust-housing-needs-assessment-2025/>

The present population density of North Pender Island is 90.5 per square kilometer, by far the highest of any of the Gulf Islands. Full build out under the already existing Official Community Plan and Land Use Bylaw 224 as demonstrated by the Build Out Analysis could increase our population by over 6000 tripling the population to 9000 or more, resulting in a density over 300 per square kilometer. Clearly this density is beyond what the Island can sustainably support and is inconsistent with the preserve and protect mandate of the *Islands Trust Act*.

More than two thirds of this potential population increase is a result of the decision in 2018 to amend the zoning to allow for secondary suites in all island residences including those in Magic Lake Estates. This singular decision added 2070 potential secondary suites to the Pender Island community and with a two person occupancy average results in a potential increase in population of 4140.

The APC regrets this decision as it believes that, if unrestrained, this restricts the ability to add density elsewhere for an increased variety of housing options in line with the goals of the Housing Action Plan. Measures to control the introduction of secondary suites, most importantly those in Magic Lake, would create room for new options for affordable housing on lots outside of Magic Lake.

As noted, over half of this potential population increase results from unrestricted zoning for secondary suites in Magic Lake. It is now suggested that since the zoning already exists for secondary suites adding ADUs as an alternative would not increase density. This ignores the potential impact on population growth and density that the zoning for secondary suites in Magic Lake has already created.

While the infrastructure in Magic Lake does not currently exist to support such an increase, November 2025 staff report suggests that zoning for ADUs should precede the development of the infrastructure to support them. It is further suggested that Magic Lake should expand the existing infrastructure to support the current zoning for secondary suites or the proposed zoning to allow ADUs as an alternative. The striking irony here is that this viewpoint overlooks the fact that the existing population density of Magic Lake, before the 2018 zoning for secondary suites was even put in place, was considered **unacceptable** resulting in the creation of the Islands Trust Preserve and Protect Mandate in 1974.

The current full-time population of Magic Lake is estimated to be between 1500 and 2000 and the area is approximately 2.45 square kilometers. As a result, the current population density of Magic Lake is already between 650-800 per square kilometer. That could more than double to 1300- 1600 if the infrastructure were in place to support the build out of all potential secondary suites or ADUs. The APC considers such potential unlimited expansion to be unreasonable, unsustainable and inconsistent with the preserve and protect mandate of the *Islands Trust Act*.

With this better understanding of the impact of zoning for secondary suites or ADUs on possible future population growth the APC recommends that the North Pender Trust Committee limit the zoning for ADUs as an alternative to secondary suits to lots between less than 1.2 hectares on 10 on RR1 lots and 90 on RR2 lots and also cap the construction of secondary suites to 100 to ensure that future population growth is maintained in accordance with the preserve and protect mandate of the *Islands Trust Act*. The APC further recommends that no ADUs be allowed on R, RC1 and RC2 lots and that secondary suites on these lots be capped be capped at 25.

With existing bylaws, the Build Out Analysis indicates that there is potential for 573 new cottages on North Pender. Thus, there is already ample potential for relatively modest market housing that is not being realized. In addition, there is the potential for more than 2000 secondary suites and there are 199 additional lots that could be created by subdivision. The lack of take up of this potential is not limited by the Official Community Plan or zoning but rather by the factors which are outside the control of the Islands Trust (e.g. high construction costs, risks to landlords associated with long-term tenancy). This logic is well articulated by the Salt Spring Island Positively Forward website at: <https://positivelyforward.ca/affordable-housing/> . While the current potential for secondary suites exceeds 2000 the APC understands that to date only 6 have been constructed. Placing reasonable limits on their number over the next five years should not inhibit the construction of such dwelling units.

The previous flexible housing APC recommendations in the November 2025 Report have been incorporated into the draft bylaws which are being prepared by staff for consideration at the April 2026 NP LTC meeting. However, it is now apparent to the APC that implementation of these recommendations could create the potential for a population of 11, 700 which would result in a density of 400 per sq. kilometer approaching that of greater Victoria. Such an increase would severely compromise the natural environment of the island, is unsustainable and is untenable under the **Preserve and Protect Mandate** which animates the Islands Trust.

Given this new information and understanding the APC has reconsidered some of the preliminary recommendations for OCP and LUB changes relating to Goal 4, the Flexible Zoning proposal which was based on the Mayne Island template. What might be suitable for Mayne Island is clearly unsuitable for North Pender Island. Further, reasonable limits on both the number of secondary suites and ADUs which could be constructed over the next five years is recommended to ensure that sustainable growth consistent with the mandate of the *Islands Trust Act* takes place.

The recommendation for a cap of 100 ADUs overall as an alternative to Secondary Suites and a cap of 10 ADUs in RR1 is consistent with the estimate of the next 5 years of housing need for North Pender Island identified in the Islands Trust - Housing Needs Assessment 2025.

#### **GOAL 4: Expand opportunities to create secondary suites and permit Accessory Dwelling Units (ADU).**

##### **OPTIONS**

1. a. Allow 100 ADUs as an alternative to secondary suites on lots smaller than 1.2 hectares (3 acres), with a Cap of 10 secondary suites or ADUs in the RR1 zone and 90 secondary suites or ADUs in the RR2, R, RC1 and RC2 zones on lots under 1.2 hectares; and  
  
b. Cap the total number of secondary suites on lots over 1.2 hectares in the RR1, RR2, R, RC1 and RC2 zones to 25.
2. Allow ADUs as an alternative to secondary suites in lots greater than 0.4 hectares (1 acre) and less than 1.2 hectares ( 3 acres) in the RR2, R, RC1 and RC2 zones; and  
  
b. Allow up to 10 ADUs as an alternative to secondary suites in the RR1 zone.

3. Allow up to 5 ADUs as an alternative to secondary suites in the AG zone, 6 in the R zone, 10 in the RC1 zone, 10 in the R 2 zone zone, 10 in the RR2 zone and 10 in the RR1 zone.
4. Do nothing

Tables showing the potential population increase for each of these options are appended.

## **ANALYSIS**

The following information in the North Pender Island Build Out and Suitable Land Analyses and Islands Trust – Housing Needs Assessment 2025, inform the APCs revised recommendations regarding flexible housing.

- With existing Zoning there are 299 vacant lots that could be developed and another 199 that could be added by subdivision as well as 2070 potential secondary suites and 593 potential cottages. Thus, a potential for 3161 extra households! If this build out potential was realized, and we assume 2 persons per household, it would mean the population of North Pender could increase by more than 6000 people. The present population is 2700 which represents the highest population density on the Southern Gulf Islands. (90.5/sq km versus 63 on Salt Spring Island 62 on Mayne 23 on Galiano and 15 on Saturna).
- If our suggested Flexible Zoning Bylaw contained in the November Report was passed the capacity for dwellings and the density would be unacceptably increased.
- In the November 2025 recommendations the 509 RR2 lots (existing + sub-divisible) could add one, two or 3 dwellings depending on lot size (ADUs or secondary suites). If we assume 50% could accommodate 1 more dwelling, 35% 2 more dwellings and 15% 3 more dwellings this brings the increase in potential dwellings to  $(0.5 \times 509 \times 1 + 0.35 \times 509 \times 2 + 0.15 \times 509 \times 3) = 840$  additional potential dwellings. Again, assuming 2 persons per dwelling an additional 1680 people leads to a potential population growth of **7680**.
- Also in the November 2025 recommendations the 297 Rural lots (existing + sub-divisible) could add one, two or 3 dwellings depending on lot size (ADUs or secondary suites). If we assume 50% can accommodate 3 more dwellings, 35% 2 more dwellings and 15% 1 more dwellings this brings the increase in potential dwellings to  $(0.5 \times 297 \times 3 + 0.35 \times 297 \times 2 + 0.15 \times 297 \times 1) = 698$  additional potential dwellings. Again, assuming 2 persons per dwelling this leads to an additional 1397 people leading to a potential additional population of **9,076**.

- The existing population of 2700 +9000 yields a potential of **11,700** - a population density of ~400/ square km. The population density of greater Victoria is 570.
- This analysis does not consider the potential increased dwellings proposed for worker accommodation or the proposed increase in zoning for affordable and multi-unit housing.
- Simply on the basis of the availability of freshwater as demonstrated in the Suitability Analysis it is clear that the Trust's mandate should be to explore how to limit the potential for over development while facilitating the need for a relatively small number of low-cost market housing and below market subsidized housing.
- The Gulf Islands Housing Needs Assessment -2025 estimates that the five year need for increased housing units is 208 and the 20 year need is for 643 dwelling units, a growth of 16% over the next five years and 50% over the next twenty years. This would result in a population density of approximately 150 per square kilometer after 20 years. The current zoning allows for growth of more than 300% which far exceeds these assumptions.
- What is clearly needed is not an expansion of secondary suites but a reasonable limit on the potential build out of secondary suites, to ensure the sustainable growth of such units over the next five years while providing the flexibility to add other options for affordable housing.
- Limited expansion of ADUs as an alternative to secondary suites is similarly necessary to preserve the suite of zoning options to facilitate the construction of affordable housing.

## **RECOMMENDATION**

### **Option One:**

1. a. Allow 100 ADUs as an alternative to secondary suites on lots smaller than 1.2 hectares (3 acres), with a Cap of 10 secondary suites or ADUs in the RR1 zone and 90 secondary suites or ADUs in the RR2, R, RC1 and RC2 zones on lots of this size; and
  - b. Cap the total number of secondary suites on lots over 1.2 hectares (3 acres) in the RR1, RR2, R, RC1 and RC2 zones to 25.

The increase in density contemplated in the November 2025 APC report submitted to the LTC prior to receipt of the build out and suitability analyses is clearly untenable as is the population increase that would occur if the current zoning was fully built out. See Appendix A Table Option Four.

A limit to the current zoning to ensure a reasonable growth rate while providing flexibility for affordable housing options is needed. This will allow for a full Carrying Capacity Study to be carried out prior to the next mandatory 5-year review of the OCP and Bylaws.

To provide further flexibility on lots smaller than 3 acres (1.6 hectares) in the RR1 and RR2 zones, zoning could allow for 100 ADUs of up to 650 sq. ft. **as an alternative to secondary suites** with a cap on the number of ADUs on RR1 Lots of 10 and RR2, R, RC1 and RC2 lots of 90.

The APC further recommends limiting the creation of secondary suites in the RR1, RR2 R, RC1 and RC2 zones on lots over 1.2 hectares to 25.

Lots over 3 acres already allow for the construction of a cottage of up to 850 sq. ft. so the APC considers it unnecessary to further increase density by adding an ADU as well to these properties,

These limits leave room for the implementation of the other options to increase the availability for employee, not for profit and affordable housing recommend by the APC in the November 2025 report.

Given the data in the Build Out and Suitability Analyses the focus of the LTC should be on Action Items 5 (Multiunit Development), 7 (Worker Accommodation) , and 8 (Small Footprint Homes) to zone specific properties on suitable land to enable relatively low market and affordable housing, such as a clustered village of small homes, worker housing, and subsidized below market housing which could include multiplex construction as contemplated in the November Report and the Draft OCP and Bylaw.

The APC also encourages the NP LTC to consider facilitating site specific, targeted opportunities for affordable multiplex projects as they may arise.

**OPTION FOUR - DO NOTHING**

Current Table from Buildout Analysis - Feb 2026

| Zone (Includes Site Specific) | Existing Developed Parcels | Existing Vacant Parcels | Total Existing Parcels | Potential Additional Parcels by Subdivision | Total Potential Residential Parcels | Total Potential Dwellings     | Total Potential Secondary Suites Adopted 2018 | Total Potential Cottages |
|-------------------------------|----------------------------|-------------------------|------------------------|---------------------------------------------|-------------------------------------|-------------------------------|-----------------------------------------------|--------------------------|
| AG                            | 35                         | 1                       | 36                     | 0                                           | 36                                  | 36                            | 35                                            | 31                       |
| CH                            | 1                          | 0                       | 1                      | 0                                           | 1                                   | 14                            | 0                                             | 0                        |
| R                             | 196                        | 53                      | 249                    | 48                                          | 297                                 | 297                           | 297                                           | 224                      |
| RC1                           | 16                         | 10                      | 26                     | 0                                           | 26                                  | 26                            | 26                                            | 20                       |
| RC2                           | 0                          | 2                       | 2                      | 8                                           | 10                                  | 10                            | 0                                             | 0                        |
| RR1                           | 1,137                      | 171                     | 1,308                  | 3                                           | 1,311                               | 1,311                         | 1,205                                         | 1                        |
| RR2                           | 316                        | 52                      | 368                    | 140                                         | 508                                 | 509                           | 507                                           | 297                      |
| <b>TOTAL</b>                  | <b>1,701</b>               | <b>289</b>              | <b>1,990</b>           | <b>199</b>                                  | <b>2,189</b>                        | <b>2,203</b>                  | <b>2,070</b>                                  | <b>573</b>               |
| Occupants - Average           |                            |                         |                        |                                             |                                     | 2                             | 2                                             | 2                        |
|                               |                            |                         |                        |                                             |                                     | <b>4,406</b>                  | <b>4,140</b>                                  | <b>1,146</b>             |
|                               |                            |                         |                        |                                             |                                     | <b>9,692</b>                  |                                               |                          |
|                               |                            |                         |                        |                                             |                                     | Existing Population Potential |                                               |                          |

**OPTION ONE**

| Zone (Includes Site Specific) | Existing Developed Parcels | Existing Vacant Parcels | Total Existing Parcels | Potential Additional Parcels by Subdivision | Total Potential Residential Parcels | Total Potential Dwellings    | Total Potential Secondary Suites or ADUs (0.6 - 1.2 hectares) | Total Potential Cottages |
|-------------------------------|----------------------------|-------------------------|------------------------|---------------------------------------------|-------------------------------------|------------------------------|---------------------------------------------------------------|--------------------------|
| AG                            | 35                         | 1                       | 36                     | 0                                           | 36                                  | 36                           |                                                               | 31                       |
| CH - Plum Tree                | 1                          | 0                       | 1                      | 0                                           | 1                                   | 14                           |                                                               | 0                        |
| CH - Anglican Church Other    |                            |                         |                        |                                             |                                     | unknown                      |                                                               |                          |
| Worker Housing                |                            |                         |                        |                                             |                                     |                              |                                                               |                          |
| Cluster Units                 |                            |                         |                        |                                             |                                     |                              |                                                               |                          |
| Multiplex Units               |                            |                         |                        |                                             |                                     |                              |                                                               |                          |
| R                             | 196                        | 53                      | 249                    | 48                                          | 297                                 | 297                          |                                                               | 224                      |
| RC1                           | 16                         | 10                      | 26                     | 0                                           | 26                                  | 26                           |                                                               | 20                       |
| RC2                           | 0                          | 2                       | 2                      | 8                                           | 10                                  | 10                           |                                                               | 0                        |
| RR1                           | 1,137                      | 171                     | 1,308                  | 3                                           | 1,311                               | 1,311                        |                                                               | 1                        |
| RR2                           | 316                        | 52                      | 368                    | 140                                         | 508                                 | 509                          |                                                               | 297                      |
| <b>TOTAL</b>                  | <b>1,701</b>               | <b>289</b>              | <b>1,990</b>           | <b>199</b>                                  | <b>2,189</b>                        | <b>2,203</b>                 | <b>125</b>                                                    | <b>573</b>               |
| Occupants - Average           |                            |                         |                        |                                             |                                     | 2                            | 2                                                             | 2                        |
|                               |                            |                         |                        |                                             |                                     | <b>4,406</b>                 | <b>250</b>                                                    | <b>1,146</b>             |
|                               |                            |                         |                        |                                             |                                     | <b>5,802</b>                 |                                                               |                          |
|                               |                            |                         |                        |                                             |                                     | Revised Population Potential |                                                               |                          |

## OPTION TWO

| Zone (Includes Site Specific) | Existing Developed Parcels | Existing Vacant Parcels | Total Existing Parcels | Potential Additional Parcels by Subdivision | Total Potential Residential Parcels | Total Potential Dwellings | Total Potential Secondary Suites or ADUs (0.6 - 1.2 hectares) | Total Potential Cottages |
|-------------------------------|----------------------------|-------------------------|------------------------|---------------------------------------------|-------------------------------------|---------------------------|---------------------------------------------------------------|--------------------------|
| AG                            | 35                         | 1                       | 36                     | 0                                           | 36                                  | 36                        | 6                                                             | 31                       |
| CH - Plum Tree                | 1                          | 0                       | 1                      | 0                                           | 1                                   | 14                        |                                                               | 0                        |
| CH - Anglican Church Other    |                            |                         |                        |                                             |                                     | unknown                   |                                                               |                          |
| Worker Housing                |                            |                         |                        |                                             |                                     |                           |                                                               |                          |
| Cluster Units                 |                            |                         |                        |                                             |                                     |                           |                                                               |                          |
| Multiplex Units               |                            |                         |                        |                                             |                                     |                           |                                                               |                          |
| R                             | 196                        | 53                      | 249                    | 48                                          | 297                                 | 297                       | 73                                                            | 224                      |
| RC1                           | 16                         | 10                      | 26                     | 0                                           | 26                                  | 26                        | 6                                                             | 20                       |
| RC2                           | 0                          | 2                       | 2                      | 8                                           | 10                                  | 10                        | 10                                                            | 0                        |
| RR1                           | 1,137                      | 171                     | 1,308                  | 3                                           | 1,311                               | 1,311                     | 10                                                            | 1                        |
| RR2                           | 316                        | 52                      | 368                    | 140                                         | 508                                 | 509                       | 212                                                           | 297                      |
| <b>TOTAL</b>                  | <b>1,701</b>               | <b>289</b>              | <b>1,990</b>           | <b>199</b>                                  | <b>2,189</b>                        | <b>2,203</b>              | <b>317</b>                                                    | <b>573</b>               |
| Occupants - Average           |                            |                         |                        |                                             |                                     | 2                         | 2                                                             | 2                        |
|                               |                            |                         |                        |                                             |                                     | <b>4,406</b>              | <b>634</b>                                                    | <b>1,146</b>             |
|                               |                            |                         |                        |                                             |                                     | <b>6,186</b>              |                                                               |                          |

Revised Population Potential

## OPTION THREE

| Zone (Includes Site Specific) | Existing Developed Parcels | Existing Vacant Parcels | Total Existing Parcels | Potential Additional Parcels by Subdivision | Total Potential Residential Parcels | Total Potential Dwellings | Total Potential Secondary Suites or ADUs (0.6 - 1.2 hectares) | Total Potential Cottages |
|-------------------------------|----------------------------|-------------------------|------------------------|---------------------------------------------|-------------------------------------|---------------------------|---------------------------------------------------------------|--------------------------|
| AG                            | 35                         | 1                       | 36                     | 0                                           | 36                                  | 36                        | 5                                                             | 31                       |
| CH - Plum Tree                | 1                          | 0                       | 1                      | 0                                           | 1                                   | 14                        |                                                               | 0                        |
| CH - Anglican Church Other    |                            |                         |                        |                                             |                                     | unknown                   |                                                               |                          |
| Worker Housing                |                            |                         |                        |                                             |                                     |                           |                                                               |                          |
| Cluster Units                 |                            |                         |                        |                                             |                                     |                           |                                                               |                          |
| Multiplex Units               |                            |                         |                        |                                             |                                     |                           |                                                               |                          |
| R                             | 196                        | 53                      | 249                    | 48                                          | 297                                 | 297                       | 10                                                            | 224                      |
| RC1                           | 16                         | 10                      | 26                     | 0                                           | 26                                  | 26                        | 6                                                             | 20                       |
| RC2                           | 0                          | 2                       | 2                      | 8                                           | 10                                  | 10                        | 10                                                            | 0                        |
| RR1                           | 1,137                      | 171                     | 1,308                  | 3                                           | 1,311                               | 1,311                     | 10                                                            | 1                        |
| RR2                           | 316                        | 52                      | 368                    | 140                                         | 508                                 | 509                       | 10                                                            | 297                      |
| <b>TOTAL</b>                  | <b>1,701</b>               | <b>289</b>              | <b>1,990</b>           | <b>199</b>                                  | <b>2,189</b>                        | <b>2,203</b>              | <b>51</b>                                                     | <b>573</b>               |
| Occupants - Average           |                            |                         |                        |                                             |                                     | 2                         | 2                                                             | 2                        |
|                               |                            |                         |                        |                                             |                                     | <b>4,406</b>              | <b>102</b>                                                    | <b>1,146</b>             |
|                               |                            |                         |                        |                                             |                                     | <b>5,654</b>              |                                                               |                          |

Revised Population Potential

## NORTH PENDER ADVISORY PLANNING COMMITTEE

### Analysis, options and recommendations to the LTC for increasing Housing Options on North Pender Island

November 21, 2025

#### Background:

The focus of the North Pender Island [Housing Access and Affordability Project](#) is to increase the diversity of housing on North Pender Island. Since Magic Lake Estates, which historically provided opportunity for smaller lots at a lower cost, is now almost built out, new options to create lower cost housing elsewhere on the Island are being explored. Options need to ensure that the unique natural environment and rural character of North Pender island remain protected and that any future developments are sustainable.

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.

Some of the content of these reports were incorporated into the [Housing Action Plan](#), consisting of 5 goals and 22 Actions.

The 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

**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 affordable non-profit housing**

Increase opportunities for land to be made available for affordable subsidized 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 to housing initiatives, improve the information available to the public, and make it more accessible to a broader audience in order to raise awareness of existing challenges and options to address or otherwise ameliorate the current status.

**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.

The 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 which have a concentration of community amenities.

6. Explore legalizing the use of RVs in appropriate areas considering set-backs, parking, access, septic, available water, visual aesthetics, and fire safety.
7. Explore opportunities to permit worker accommodation (e.g. at community firehalls, Driftwood Center etc.).
8. Explore permitting the use of Tiny Homes as ADUs or establishing zones for higher density tiny homes (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, in addition to the documents listed in the bibliography at the end of this report.

Any recommended changes in the NP OCP and/or 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 concordant with 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"**.

North Pender's existing OCP recognizes these overarching principals in its broad Community Goals with the statement, ***"... land use decision-making should be based on the precautionary principle that when an activity raises threats of harm to the natural environment or human health, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically."*** (NP OCP – Part 1: 1.1)

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.

The recommendations in this report are preliminary and await completion and study of the Suitable Land and Build Out Analyses, which are vital tools to identify possible locations for zoning, LUB, or OCP changes, to allow additional housing units.

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.<sup>1</sup>

Related to housing issues the goals listed in the NP OCP includes:

***“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.”***

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.***

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<sup>1</sup> The density is based on the area of North Pender set out in the North Pender OCP and the population obtained from the 2021 census.

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 report we note additional changes in the OCP that would be required if some of the APC's recommendations were adopted.

With respect to the potential rezoning of RR and R land, the different subclasses of RR zoning on Pender need to be considered. RR1 refers to the Magic Lake Estates where density has been maximized (to the extent that formation of Magic Lake Estates was a major driver of the formation of the Islands Trust.) Thus, any change in the OCP or zoning which could increase density on North Pender should be limited to RR2 and R. **Potential exceptions could be considered for larger lots within RR1.**

Any proposed rezoning decisions need to consider the potential for increasing Wildfire Risk. Pender Island is a forested, rural area and as such the effects of adding residential units into the forested areas must be considered. Consideration for access for emergency vehicles, water supply for fire suppression, and safe setbacks from other structures and combustible materials should be a priority.

All of the recommendations which follow assume that sufficient resources will be put in place to ensure adequate enforcement so that any additional housing units approved under these new criteria are used for their intended purposes.

The recommendations of the APC with respect to the action items that were proposed for review are contained in the attached Table 1.

## **ANALYSIS, OPTIONS AND SPECIFIC RECOMMENDATIONS REGARDING ACTION ITEMS 4-9, 12 + 18):**

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

#### **ANALYSIS AND OPTIONS**

##### **Flexible Housing Zoning**

Flexible Housing Zoning allows for additional dwelling units on a lot provided that the combined floor area of all dwellings does not exceed specified limits.

Mayne Island has developed a [Flexible Housing Zoning proposal](#). The number of permitted dwellings and cottages on flexible housing zoned lots are limited by lot's size and combined total floor area.

The location of lots appropriate for Flexible Zoning would be:

- close to amenities (preferred but not required)
- where additional density is unlikely to increase the vulnerability of groundwater resources or involve archeological sites or Development Permit Areas.

Bylaws for Flexible housing zoning would need to incorporate appropriate setbacks, parking, access, septic, visual aesthetics and fire safety for the ADUs.

The development of a map indicating which lots fall within the Flexible Housing Zones is dependent on study of the Suitable Land and Build Out Analyses for North Pender Island (in preparation).

In addition, the revised zoning on Mayne includes requirement for a cistern for freshwater catchment and storage with a minimum cistern capacity of 13,640 litres per unit for each secondary suite, cottage, or additional dwelling.

Possible zoning changes could be:

- 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>)
- Lots 0.6 to 1.2 hectares (1.5 to 3 acres): one secondary suite, and two additional dwellings with a maximum combined floor area: 325 m<sup>2</sup> (3,500 ft<sup>2</sup>)
- Lots 1.2 to 5 hectares (3 to 12.35 acres): one secondary suite, and three additional dwellings with a maximum combined floor area: 418 m<sup>2</sup> (4500 ft<sup>2</sup>)

As mentioned above flexible zoning could be limited to RR2 and R zoned lots and preference would be for lots closer to amenities to encourage active transport and limit environmental impact. Large RR1 lots in Magic Lake Estates could be considered as exceptions although the capacity of the Magic Lake Water and Sewage system would have to be considered.

One factor that will need to be considered in this regard is the Agricultural Land Reserve. Many of the lots close to the Driftwood Centre, which might qualify for Flexible Housing Zoning, are in the ALR. The APC does not support removal of land from the ALR.

Adopting flexible housing zoning would require modification of the existing LUBs and OCP for North Pender.

**Ideas for Broader Flexible Housing:**

In addition to consideration of allowing ADUs in Flexible Zoned areas the APC suggests considering broader flexibility. This would include the possible development of duplexes, triplexes or fourplexes. Such units have a lesser cost and environmental impact because of shared infrastructure such as wells, septic and solar. They would appeal to multigeneration families and allow elders to age in place. In addition, renting of one or more of the units would represent a revenue source for the owner making the cost of construction less daunting.

As for zoning for additional ADUs, the development of such units could be governed by a sliding scale. For example, a duplex allowed on lots 0.4 hectares (1.0 acre) to 0.6 hectares (1.5 acres), a triplex on lots 0.6 to 1.2 hectares (1.5 to 3 acres) and a fourplex on 1.2 to 5 hectares (3 to 12.35 acres). As with the addition of ADUs, multiplex units would be constrained by presently permitted, or potential reduced, total square foot requirement.

A concern about flexible housing zoning would be that the additional ADUs would be used for short term rentals. This could be prevented by requiring a housing agreement, even for ADUs permitted on individual lots.

The locations for introduction of flexible housing zoning will be informed by the Suitable Land and Build Out Analyses and should be considered in the context of the Islands Trust mandate to preserve and protect the natural environment and rural character of the island.

While the provincial legislation related to enabling small-scale multi-unit housing (SSMUH) does not pertain to properties on North Pender (lands in a local trust area under the Islands Trust Act are specifically exempted), the guidance issued by the Province, as well as the associated work already undertaken by a variety of municipalities as part of implementing the new requirements, could provide a suitable source of policy language/ideas/approaches related to the introduction of expanded opportunities to create secondary suites and permit Accessory Dwelling Units - noting the need to appropriately customize some of the elements to better align with the local context.

According to the Province, Small Scale Multi-Unit Housing includes secondary suites, detached accessory dwelling units and du/tri-plexes (amongst other forms) and is meant to provide options that are ground-oriented and compatible in scale and form to the surrounding area. "Ground oriented" means that the units can be entered from ground level, unlike some apartment buildings.

The APC recognizes that this is not a simple, straight forward linkage to the community needs of North Pender Island (and is not advocating to have the legislation amended to include the Islands Trust) but notes that there are sufficient comparable elements that would help to facilitate further analysis of the flexible zoning concept and how it might be part of the solution in the future, while still respecting the existing natural and rural character of the island.

## **RECOMMENDATION**

The APC recommends that the NP LTC consider adopting Flexible Housing Zoning as has been done on Mayne Island, and the broader flexible options such as multiplexes. The intention of such Flexible Housing Zoning is to support the creation of smaller, more affordable housing units to meet the

housing needs of the community. Flexible housing zoning has the potential to increase options for smaller unit housing and non-market housing to be built in ways that balance housing needs with preserving and protecting the environment on North Pender Island. Flexible housing zoning would allow for the creation of additional housing units to accommodate family members, caregivers, workers and low-income families and seniors. These units would predominantly be rental units as the recommendation does not contemplate the subdivision of these properties. A housing agreement to ensure that the ADUs are not used for short term rentals should be considered.

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

**Analysis:** At present there is only one such cluster of dwellings on Pender Island, Plum Tree Court (<https://www.penderhousing.ca/>). Plum Tree Court is a low-density, non-market housing complex, owned and operated by the Pender Islands Housing Society (PIHS). Land for the complex was originally donated. The complex includes six 550 square foot units. Although PIHS has Zoning approval to double the number of units on the present site there is no funding in place for expansion and the subsidized rental agreement for existing tenants is under threat. When the current funding agreement with BC Housing expires PIHS will have to charge market rental rates.

PIHS is looking for additional sites for subsidized multiunit housing in order to better serve a business case for a housing provider.

#### **Options:**

1. Rezoning Anglican Church Property: The Anglican Church on Pender has already explored the possibility of allowing non-market housing on their property. Their land is zoned Community Service (CS) and is large enough to situate multiple small units or a larger multiunit dwelling and the site is in fairly close proximity to amenities at Driftwood.

The Anglican Church and the Diocese are open to having the whole, or part of their property re-zoned to allow multi-unit subsidized dwellings. The LTC could rezone the property and facilitate discussions between the PIHS and the Church. Of course, re-zoning does not make such a development happen but makes it possible for PIHS and/or another agency to explore the possibility of situating such a development there. To ensure that such rezoning would meet the

goals of this project any expansion should be subject to a housing agreement which ensures affordable (subsidized) housing.

2. Proactively re-zone properties (preferably close to amenities) that are presently zoned RR2 or R for multiple dwellings as has been done on Mayne Island. There are presently a number of properties within fairly close proximity to amenities that are for sale. Proactively re-zoning these properties as suitable for multiple dwellings might attract community groups or individuals to purchase and develop them as such. This option is subject to the same issue that some of them are ALR. A housing agreement would be needed to ensure units are affordable. Any decision on this issue needs to be informed by the Suitable Land and Build Out analyses. The OCP map would have to indicate this designation.

### **RECOMMENDATION**

- The APC recommends that the NP LTC go ahead with rezoning all or part of the Anglican Church property and further consider the wider rezoning of appropriate lots for multiple unit dwellings. Any such rezoning should include the stipulation that the new dwellings are affordable subsidized housing and that a housing agreement would be required.
- This recommendation would not require any modification of the present NP OCP since it is provided for, as mentioned above, although it would require altering the OCP designation map.

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

#### **Analysis:**

At present the [NP LUBs](#) state that a recreational vehicle (ADU) may only be used as a temporary residence during the construction of a permitted dwelling on the same lot. The RV or ADU can be ***“.....placed and occupied as a temporary dwelling prior to the construction of a principal building or structure on the same lot provided that a building permit has been issued for the principal building or structure and the water supply and sewage disposal facilities for the principal building or structure have been installed.”***

A "recreational vehicle" is defined as a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities. The bylaw does not include a mobile home or manufactured home. RVs are not approved for primary dwellings by the CRD and there are no standards or inspections for such units serving as ADUs.

The bylaw makes no mention of fire safety. Fire safety is of particular concern for RVs 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.***

***The materials that RV’s are constructed of are more volatile than regular residential construction material. They ignite more easily, spread more quickly, burn more intensely and give off more deadly gasses. Ultimately this combination of factors results in a higher incidence of fires and a higher fatality rate than exists in regular residential construction types.***

***Although recreational vehicles are initially built to a safety standard, designed for their intended recreational use, they are seldom maintained to that standard. Because the systems were intended for short term use, they often are augmented and modified using additional space heaters, refrigeration units, and other devices. All of which further increases the Fire and Life Safety hazards.***

Despite the existing NP bylaw RVs are increasingly being used as primary dwellings on North Pender and the LTC has stated that the bylaw will not be enforced except in response to complaints. This leaves those dwelling in RVs in a permanent state of uncertainty. Most of the RVs are placed on lots that already have a dwelling, although some are the sole dwelling on the property. It

is likely that most of the RVs are not plumbed for drinking water or sewage disposal although there is no way of determining this since there is no process for approval or inspection.

A similar situation on other Gulf Islands has resulted in altered bylaws. Saturna Island permits RVs to be used as primary dwellings.

While Mayne Island bylaws presently allow RV's as primary residences the recommendation is to allow RVs as dwellings by issuing Temporary Use Permits provided that there is sewage and water. These TUPs would be time limited to six years. It is unclear whether the TUPs will only be issued if a RV was being used while a permanent home was being built.

### **Options, pros and cons:**

1. **Do nothing.** The LTC could leave the bylaw as is (maybe alter it to include fire safety inspection) and leave the moratorium on enforcement in place. The rationale would be that the other zoning changes could enable affordable housing and that those in RVs would take advantage of these more permanent, legal options and the use of RVs would decrease. A downside of this course of action is that the number of people living in unsafe conditions in RVs would likely increase before it decreases. Maintaining the status quo has the potential for bad outcomes. An RV on Pender recently burnt down, fortunately without injury to anyone.
2. **Institute TUPs for RVs, accompanied by mandated inspections.** This is similar to what Mayne has done. The advantage is that the inspections would increase safety. However, the CRD is presently not prepared to adopt standards or inspect RV's. Who would do the inspections and to what standards? In addition, TUPs are time limited to a maximum of six years or "until" a situation is normalized. What would be that normalization in this case? If it is the construction of a permanent CRD-permitted home, then this reverts to the present bylaw which has a 4-year window.
3. **Re-examine the present moratorium on enforcement of the bylaw prohibiting use of RVs and permanent residences.**  
This is a difficult issue. The present moratorium may be contributing to increased occupancy of RVs as permanent residences. The moratorium

empowers landlords to provide a venue for substandard living without having to meet fire, safety or building code regulations.

However, enforcement raises the question of what happens to individuals who would be forced out of the recreational vehicles in which they are currently living full-time. Since there are at present no fall-back options they would become un-housed.

#### RECOMMENDATION:

1. Make changes to the wording of the existing bylaw re the use of RV's during home construction to include a mandatory inspection for Fire Safety.
2. RVs should not be allowed as primary residences or ADUs until proper standards, inspection and enforcement are in place.
3. Reexamine the present moratorium on enforcement of the existing RV Bylaw. Does maintaining the moratorium promote the expansion of unsafe housing?

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

#### **Analysis:**

Lack of affordable accommodation for permanent and temporary workers represents an important problem on North Pender island. This could be addressed by allowing Public Service and commercial entities to build worker accommodation on their property. For example, ADUs could be built at Browning, Driftwood, Poet's and Woods. Other potential locations could be The Fire stations, the Health Centre, the Community Hall and the School. In addition to rezoning to allow for worker ADUs on existing commercial and other sites the LTC could consider measures to increase worker housing on future commercial sites.

Critical to this re-zoning would be the development of a housing agreement that would legally bind the commercial entity to use the housing for Pender workers at their facilities. Such ADUs would be subject all of the other zoning regulations for ADUs on RR2 and R lots.

A pro of such rezoning would be to develop much needed on-site housing for critical workers on whom the smooth functioning of the Island Community depends. By limiting the occupancy of such units to workers at the specific location of the rezoning reduces the environmental impact of the increased density (i.e. the workers would not travel to work and the dwellings would be serviced by water and septic already in place).

A con would be if the housing agreement was not honored and the ADUs were used as market housing thus increasing density without benefit to workers. This would breach the Housing Agreement and could be remedied by enforcement.

### **RECOMMENDATION:**

The APC recommends that the LTC develop zoning, Bylaws and modifications of the OCP to enable such worker housing and in parallel establish a template for a Housing Agreement to accommodate these changes. As in all cases such zoning would be subject to the Suitability and Build Out Analyses.

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

#### **Analysis, Pros and Cons:**

- One possible development to alleviate the present lack of affordable housing might be clustered, small unit housing; higher density “villages” of small footprint homes (sometimes termed Tiny Homes). Advantages include: the cost per unit of such dwellings would be lower; the infrastructure (water, sewage and fire protection) could be shared among units and the environmental impact per unit would be lower than a traditional detached single-family dwelling.
- We have used “small footprint homes” throughout this report to clearly differentiate dwellings primarily designed for permanent residence from those designed to be moved. The terminology is confusing, especially the term “tiny home on wheels” which does not necessarily imply a unit designed for, and meeting standards for, permanent residence.
- Small footprint homes promote more efficient land use and help reduce rural sprawl. Environmentally, smaller homes require fewer resources to build and maintain, reducing material and utility costs.

- Clusters of small footprint homes [close to amenities] encourage a simpler, more community-focused lifestyle.
- Such a concept does not include a trailer park but refers to small units that are constructed to the BC Building Code, or CSA standards for manufactured homes, or equivalent.
- Such developments could be for market housing or for subsidized affordable housing. For subsidized affordable housing developments, a Housing Agreement, similar to that for a multiunit affordable housing development would be implemented.
- Units could be on wheels for transport but once in situ would need to be anchored to the ground, connected to a source of potable water, and connected to an approved sewage and wastewater system.
- Zoning could stipulate that the total floor area of units does not exceed the maximal dwelling floor area for that zone, or could stipulate that the total floor area is less than the maximal dwelling floor area for that zone.
- The location of such zoning would preferably be near amenities and subject to the results of the Suitable Land Analysis with respect to water, environmental impact, etc.
- Such a change would require new bylaws and modifications to the present NP OCP. Wording for such a change in the OCP is being considered by other Trust Councils and represents a template for such additions on North Pender Island. Possible wording for such changes is attached.
- A disadvantage of such a change would be an increase in density (people per square kilometer). As mentioned above North Pender already has, by far, the highest population density of the Southern Gulf Islands.
- A major concern is that at the present time the CRD has not approved or adopted building standards for the construction or inspection of most small footprint homes.

### **RECOMMENDATIONS:**

1. Small footprint manufactured homes with an area of 250 square feet or more which meet CSA standards (Z240MH or A277) or BC building code requirements should be approved as ADU's.
2. Do not approve Small Footprint homes on wheels, which do not meet CSA or building code standards, for use as ADU's or in clustered villages.

3. Consider stipulating height restrictions for small footprint homes.

**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).**

**RECOMMENDATION:**

1. Much of this action item has been addressed in the response to action items 5 and 7 above. Such changes are heavily dependent on the results and study of the Suitable Land and Build out analyses.

**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).**

**Options:**

1. Do nothing
2. Deal with applications on a case by case basis ensuring that common law and regulatory requirements are met.

**Analysis:** Recommendation 12 suggests exploring options, at the time of subdivision, to increase opportunities for affordable housing and notes the possibility of land donation "in exchange for" rezoning to permit subdivision or allowing smaller lot sizes for affordable housing. While there may be elements of this concept worth exploring further, the APC notes the need to be careful as to how such approaches are constructed in order to meet the provincial legislation, and associated regulatory requirements, that govern land use decision making as well as the common law traditions that relate to such practices. As such, the focus of future work in this regard would need to carefully consider the creation and use of voluntary agreements / developer agreements in order to ensure that a clear legal framework is put in place to govern such arrangements - agreements that would almost necessarily be structured on a case by case basis.

As the Union of BC Municipalities states in its Fact Sheet #25 (Land Use Regulation):

***The process of responding to an application for a rezoning frequently involves negotiation regarding the nature of the development that the owner intends to build. If the council or board believes that it is in a strong bargaining position it might anticipate that the owner will be willing to voluntarily offer to include design features or contribute amenities to the community that are not legally required if that might help ensure a "yes" vote on the rezoning application. Great care must be taken in the wording of these discussions with developers. There is no provision in the legislation for "selling zoning," and common law tradition forbids the practice. If the provision of voluntary amenities is a consideration in rezoning separate legal contractual arrangements may be required to ensure that they are provided.***

To enter into such agreements, 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.

#### **RECOMMENDATION:**

Do not increase population density on N Pender for any further subdivision for market 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.**

#### **PROS**

Provides housing for tourists creating a viable industry on N Pender.

#### **CONS**

Takes away from long term market rental accommodation for middle income families, seniors and workers.

#### **OPTIONS:**

- a. Keep as is and retain ability to consider each request individually - could also pass a standing resolution to not approve STVRs for now

- b. Remove TUP guidelines for STVRs altogether from OCP and restrict outright
- c. Amend TUP guidelines to make them more restrictive e.g. limit number of total permits further

## RECOMMENDATIONS

1. Prohibit any new STVR's and let lapse any current SUPs.
2. Do not Opt into Bill 35 in 2025 but allow existing TUPs for such STVRs to lapse after their 3-year extensions and not be extended beyond that. This provides owners of such STVRs time to adjust to the change.
3. Study what happens on Gabriola and Salt Spring, which have adopted the Provincial statute. A comprehensive report back from staff on the impacts on these islands would inform a decision on the next anniversary for inclusion.

## Bibliography of Documents and Links referred to in the creation of this report:

- North Pender Zoning Map
- North Pender OCP
- North Pender Land Use Bylaws
- Draft of New Trust Policy Statement
- NP-LTC\_Housing Needs Survey Data Rollup\_Nov 2024.xlsx
- North Pender Island Housing Action Plan
- Island Trust Housing Strategic Action Plan  
(<https://islandstrust.bc.ca/document/trust-council-housing-strategic-action-plan/> )
- Island Trust Housing Affordability Plan  
(<https://islandstrust.bc.ca/programs/housing-affordability/> )
- ISLANDS TRUST HOUSING OPTIONS TOOLKIT  
(<https://islandstrust.bc.ca/document/housing-options-toolkit-tools-1-10/> )
- Southern Gulf Islands Housing Needs Assessment (2018)
- Mayne island housing action plan (draft may 2024)
- Mayne Island - Housing Review – Flex housing Expansion-Staff Report

- Mayne island -Housing Options – Identifying properties for additional density-Staff Report
- Mayne island -Housing Related Bylaw Amendment Options-Staff Report
- Mayne island-Draft Suitable Land Analysis
- RVs An Alternative Housing Option. BC RV Housing Alliance
- Gabriola Housing Advisory Planning Commission Report
- Denman Island Housing Advisory Planning Commission Final Report (November 3, 2023)
- Denman Island Housing Action Implementation Plan
- A Guide to the Denman Island Housing Advisory Planning Commission’s Final Report
- Positively Forward: Pathways to Affordable Housing on Salt Spring Island
- SMALL FOOTPRINT HOMES:
  - Island Trust Steering Committee and Technical Panels to Explore Tiny Home Enablement in the Islands Trust Area
  - Tiny Homes on Wheels “Sandbox” Conceptual Proposal
  - Tiny Homes In British Columbia: Everything You Need To Know
  - <https://www.smartmod.ca/homes-for-sale>
  - <https://cottage.life.com/realestate/canadas-best-builders-for-tiny-prefab-homes/>
  - [sustain.ca](https://sustain.ca)
  - [murchtechcorp.com](https://murchtechcorp.com)
  - [nomadmicrohomes.com](https://nomadmicrohomes.com)
  - <https://www.rewildhomes.com/about>

**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<br>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). | <ol style="list-style-type: none"> <li>1. Do nothing</li> <li>2. Adopt Flexible zoning as contemplated by Mayne Island.</li> <li>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.</li> </ol> | <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. RR1 lots with a lot size of 0.4 hectares or larger could be considered on a case by case basis.</p> <p>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> (4,500 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 0.4 hectares (one acre) to balance preserving the rural character of the island with the creation of more affordable housing. The APC does not consider it consistent with these recommendations to allow ADU's on RR1 lots in Magic Lake, smaller than one acre, as an alternative to secondary suites.</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. Keep as is and consider each application individually</li> <li>3. Enact a standing resolution suspending applications for now</li> <li>4. Remove TUP guidelines for STVR's from the OCP and restrict outright</li> <li>5. Amend TUP guidelines to make them more restrictive e.g. placing lower limits on the number of permits</li> <li>6. Allow existing Temporary Use Permits ("TUPs") for Short Term Vacations Rentals ("STVRs") to lapse and issue no new TUPs for STVRs.</li> <li>7. Opt in to Bill 35 by which the Province regulates STVRs.</li> </ol> | Allow existing Temporary Use Permits ("TUPs") for Short Term Vacations Rentals ("STVRs") to lapse at the end of their six year term (assuming renewal raises no issues) 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 would also be fair to those who have gone through the process of applying and met the criteria of the current OCP for STVRs. It is unclear whether Bill 35 will provide improved enforcement of STVRs over the current regime. As Gabriola and Salt Spring Islands have opted into Bill 35 waiting to see how the Bill works there, before considering adoption after the current STVR's lapse, seems prudent. |
| 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.</p> <p>The APC further recommends that the</p> | <p>RVs are not approved for primary dwellings by the CRD and there is no standards or inspections for such units as ADUs.</p> <p>The bylaw makes no mention of fire safety. Fire safety is of particular concern as summarized by the Pender Island Fire Chief:</p> <p>"Recreational Vehicles were not designed or constructed for full time residential occupancy. They were specifically designed for short term recreational use.</p>                                                                                                             |

| # | ACTION ITEM                                                | OPTIONS                                                                                                                   | RECOMMENDATIONS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | RATIONALE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---|------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |                                                            |                                                                                                                           | LTC reconsider the current moratorium on enforcing the use of RVs outside of the currently permitted use. At present the non compliant RV's are generally providing substandard unsafe accommodation to the benefit the landlords. Enforcing the bylaw would ensure the safety of the occupants.                                                                                                                                                                                                                                                 | 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". |
| 8 | Explore permitting the use of Tiny Homes as wheels as ADUs | 1. Do nothing<br>2. Modify the existing bylaws and OCP to allow Small Footprint Homes (i.e. Tiny Homes on Wheels) as ADUs | Small foot print homes on wheels (tiny homes on wheels) of 250 square feet or larger, built to CAS standards Z240MH or A277 or equivalent installed on a permanent foundation compliant with the BCBC should be approved. Small footprint homes on foundations built to the BCBC should also be approved. This does not apply to any small footprint homes of wheels which do not meet the CSA standards. The necessary OCP and bylaw changes to enable the use of CSA compliant small footprint homes on wheels use as ADU's should be enacted. | Manufactured or modular small footprint homes on wheels (tiny homes on wheels) if designed to meet CSA standards Z204MH or A277 of 250 square feet or larger are suitable for full time occupancy if installed on a foundation compliant with the BCBC.                                                                                                                                                                                                                                                                   |

| #  | ACTION ITEM                                                                                               | OPTIONS                                                                                                                          | RECOMMENDATIONS                                                                                                                                                                 | RATIONALE                                                                                                                                                                                                                          |
|----|-----------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9  | Explore permitting non-market housing in all residential land use zones and in some public land use zones | 1. Do nothing<br>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.                                                                                                           |
| 12 | Explore options at time of subdivision to increase opportunities for affordable housing                   | 1. Do nothing<br>2. Deal with applications on a case by case basis ensuring that common law and regulatory requirements are met. | The APC does not recommend exploring this option.                                                                                                                               | The APC does not consider it consistent with the preserve and protect mandate of the Islands Trust to approve any subdivision which would increase density. In addition any such application would face significant legal hurdles. |

# DRAFT

## NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 240

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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, 2025”.

#### 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 HOUSING AND MUNICIPAL AFFAIRS THIS | _____ | DAY OF | _____ | 20____ |
| ADOPTED THIS                                                   | _____ | DAY OF | _____ | 20____ |

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW NO. 240**

**SCHEDULE 1**

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

1. Introduction Section is amended by deleting the two existing 'Population' paragraphs in their entirety and replacing with the following two paragraphs:

"North Pender Island is 2728 hectares (6741 acres) in area, with a permanent population of 2,467 people based on the 2021 census. This represents an overall 63% increase in permanent residents since the 1991 census and results in a population density of approximately one person per 1.1 hectares (2.7 acres). The population has increased each census period since 2001 when the population was 1,775 residents, with the most significant growth period between the years 2016-2021, with a 19.6% increase in permanent residents. There are also a significant number of part-time or seasonal residents on North Pender Island.

The mean age on North Pender in 2021 was 56, compared to a provincial mean age of 43. A significantly smaller proportion of the North Pender Island population is under age 35 compared to the province as a whole, while the proportion of the population in the 55-69 age range (33%) is more than one and a half times the provincial average (20.1%). The proportion of the population age 70 and over is nearly double the provincial average (32% on North Pender versus 16.3% provincially). The average household size on North Pender is 2.0 persons in 2021, the same as in 2016, and is smaller than the 2021 average household size for the province as a whole of 2.4 persons."

2. Introduction Section is amended by renaming 'Land Use' subsection to 'Land Use and Build-Out' and by deleting the five existing 'Land Use' paragraphs in their entirety and replacing with the following three paragraphs:

"The predominant land use on North Pender is residential. Over two-thirds of the land area is designated and zoned for residential use (Rural Residential and Rural). All residential land on the island is zoned to permit single family dwellings (and accessory cottages, secondary suites and accessory dwelling units under certain circumstances), there is no multiple unit zoning. The bulk of the remaining land is designated for agriculture (13%) or has protected status (15%). There are limited areas designated for various institutional and service uses (less than 1% of the island's land area), commercially designated land (also less than 1% of the island) and only around 6 hectares (15 acres) of land designated for industrial uses.

Based on a 2025 build-out analysis, there are approximately 1,990 total existing parcels that permit residential development in the Rural Residential, Rural and Agricultural land use designations. Of these 1,990 'residential' lots, 1,701 are currently developed (86% of all existing developable lots). The total potential for additional parcels to be created through subdivision is 199 lots, for a total potential build-out of 2,189 residential parcels. Based on the current average household size of 2.0 persons, this would result in a population of roughly 4,378 if all residential lots were occupied on a full-time basis. In 2021, approximately 71% of North Pender dwellings were occupied by permanent residents. Overall, approximately 60% of the existing lots on North Pender are in Magic Lake Estates.

Under the community plan and current zoning, approximately 200 additional lots that would permit residential use could be created through subdivision. A significant portion of this subdivision potential is situated in the north-west part of the island in the Port Washington and McKinnon Road areas. Other areas with unrealized subdivision potential include a number of larger rural zoned parcels throughout the island and several lots in the Razor Point area. Much of the currently designated and zoned residential land may be located in areas that are unsuitable for development due to the presence of environmentally sensitive areas, topography, lack of availability of groundwater, or poor access."

3. Introduction Section is amended by inserting a new left hand margin subsection entry entitled 'Housing Needs' after Land Use and Build-Out subsection and inserting the following two new 'Housing Needs' paragraphs:

"The BC Provincial Government requires all local governments in BC to consider its' most recent Housing Needs Report and housing information when amending OCPs. Based on the Islands Trust Housing Needs Assessment prepared by Urbanics Consultants Ltd in 2025, the projected housing need in the next 5 years is 208 units and in the next 20 years is 643. This calculation is based on portion of growth projections for the Capital Regional District.

A limited rental supply, rising property costs, and a growing proportion of residents on fixed or lower incomes has contributed to housing insecurity. The portion of households experiencing core housing need (5.1% for owners and 22.9% for tenants as indicated in 2021 Census) , and projected population growth, combined with demographic aging, points to increasing demand for more diverse, accessible, and affordable non market housing options. Market conditions and affordability challenges limit the ability of existing housing supply to meet community needs."

4. Section 1.2 is amended by inserting a new Goal immediately after Goal 18 as follows:

"19) To provide for a range of flexible housing options that meet the diverse needs of the community and island residents."

5. Policy 2.1.H is amended by deleting in its entirety and replacing with the following:

“Accessory housing options such as secondary suites and accessory dwelling units may be permitted as a way to increase the stock of rental housing without negatively impacting the rural sense of place or the carrying capacity of the island.”

6. Section 2.1 is amended by inserting two new policies after Policy 2.1.I as follows:

“2.1.J. Flexible housing is intended to provide housing options by permitting two or more small dwellings on a parcel as an alternative to a single large dwelling. Regulations shall designate areas within which flexible housing may be permitted and establish overall floor area limits and the number of additional dwellings based on lot area.

- 2.1.K Consideration may be given to rezone land for clustered, small footprint housing where:

- a) dwelling units consist of small footprint homes, including tiny homes on wheels or manufactured homes.
- b) dwelling units are constructed to the BC Building Code, or CSA standards for manufactured homes, or equivalent.
- c) dwelling units are anchored to the ground, connected to a source of potable water, and connected to an approved wastewater system.
- d) dwelling units shall have a limited floor area.
- e) the total floor area of dwelling units shall not exceed any maximum dwelling floor area for that zone.
- f) adequate communal facilities are available to meet the needs of the clustered, small footprint housing community.
- g) the proposed development is not located in areas containing sensitive ecosystems or of cultural or archaeological significance.”

7. Policy 2.1.1.8 is amended by deleting in its entirety and replacing with the following:

“Land in the Rural Residential designation shall have a 0.6 hectare (1.5 acre) average lot size. Flexible housing is intended to provide housing options by permitting two or more small dwellings on a parcel as an alternative to a single large dwelling. Regulations shall designate areas within which flexible housing may be permitted and establish overall floor area limits and the number of additional dwellings based on lot area. Specific zoning regulations may be considered for lots with pre-existing dwellings or cottages.”

8. Section 2.1.1 is amended by inserting a new policy after Policy 2.1.1.10:

“2.1.1.11 Accessory dwelling units may be permitted with the intent of providing long term rental housing options for residents on smaller lots. A maximum of one accessory dwelling unit or one secondary suite, limited in floor area, shall be permitted per lot.”

9. Policy 2.1.2.4 is amended by deleting in its entirety and replacing with the following:

The Rural designation shall have a 4 hectare (10 acre) average lot size. Flexible housing is intended to provide housing options by permitting two or more small dwellings on a parcel as an alternative to a single large dwelling. Regulations shall designate areas within which flexible housing may be permitted and establish overall floor area limits and the number of additional dwellings based on lot area. Specific zoning regulations may be considered for lots with pre-existing dwellings or cottages.

10. Section 2.1.2 is amended by inserting a new policy after Policy 2.1.1.9 as follows:

“2.1.2.10 Accessory dwelling units may be permitted with the intent of providing long term rental housing options for residents. A maximum of one accessory dwelling unit, limited in floor area, shall be permitted per lot.

11. Section 2.3 is amended by inserting a new policy after Policy 2.3.3 as follows:

“2.3.3.1 Employee housing and affordable housing may be permitted in community service zones to provide options for ensuring housing for working people, young families, seniors and those who have special needs.”

12. Policy 2.3.9 is amended by deleting in its entirety and replacing with the following:

“Any additional density greater than that permitted by current zoning may be in the form of units reserved exclusively for occupancy by seniors.”

13. Policy 2.3.17 is amended by deleting in its entirety and replacing with the following:

“Applications may include provision of a housing agreement limiting occupancy of the dwellings to seniors. Such a housing agreement may also include provisions limiting rental, lease, sale or share prices of the units.”

14. Policy 2.3.20 is amended by deleting in its entirety and replacing with the following:

“Applications for rezoning to a higher density for affordable housing than permitted by current zoning may be considered within the Rural Residential, Rural, Community Service or Commercial land use designations, subject to the other policies in this plan.”

15. Policy 2.3.26 is amended by deleting in its entirety and replacing with the following:

“Applications for affordable housing may include provision of a housing agreement ensuring that rental, lease, sale or share prices are fixed below average rates within the region.”

16. Policy 2.3.35 is amended by renumbering it to Policy 2.3.34.

17. Section 2.4 is amended by inserting a new policy after Policy 2.4.13 as follows:

“2.4.13.1        Rental housing may be permitted on commercial-zoned lots and limits shall be established through zoning on maximum floor area per unit and maximum number of units per lot.”

18. Section 7.7 is amended by inserting the following definition immediately prior to the definition of Agri-tourism:

“Affordable Housing” - Rental or owned housing that can be acquired without exceeding 30 per cent of the median gross income of low to moderate income families on the Southern Gulf Islands.”

# DRAFT

## NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 241

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### A BYLAW TO AMEND NORTH PENDER ISLAND LAND USE BYLAW NO. 224, 2022

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

1. Citation

This bylaw may be cited for all purposes as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2025”.

2. North Pender Island Local Trust Committee Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022,” is amended as follows:

2.1. Section 1.1 – Interpretation, is amended by inserting the definition ‘accessory dwelling unit’: “

“accessory dwelling unit” means an additional detached dwelling on a residential parcel with a limited floor area.

2.2. Section 1.1 – Interpretation, is amended by revising the definition of ‘cottage’:

“cottage” means a detached dwelling with a limited floor area that is located on the same parcel as another dwelling.

2.3. Section 1.1 – Interpretation, is amended by inserting the definition ‘dwelling unit’:

“dwelling unit” means a building or portion of a building including a principal or additional dwelling, cottage, secondary suite, and accessory dwelling unit, which is used as a residence for a single household and containing a single set of facilities for food preparation and eating, sleeping and living areas.

2.4. Section 1.1 – Interpretation, is amended by inserting the definition ‘rental housing’:

“Rental housing” means residential use of dwelling units that are limited to residential rental tenure.

2.5. Section 3.4 – Height Regulations, Subsection 3.4(3) is amended by inserting the words ‘including an accessory dwelling unit’ such that it reads:

“An *accessory building or structure* including an *accessory dwelling unit* may not exceed 4.6 metres in *height* and one storey, except for:”

2.6. Section 3.7 – Home Business Regulations, Subsection 3.7(1) is amended by inserting the words ‘, *accessory dwelling unit*’ such that it reads:

*“Home businesses must be conducted entirely within a dwelling, cottage, accessory dwelling unit or permitted accessory building except that this restriction does not apply to the use of land for a pottery kiln or for outdoor activities associated with a kindergarten, nursery school, daycare or horticulture.”*

- 2.7. Section 3.10 – Secondary Suite Regulations, Subsection 3.10(3) is amended by deleting the words ‘and it must not exceed 40 per cent of the *floor area* of the *principal dwelling*’ such that it reads:

*“The maximum floor area for a secondary suite is 90m<sup>2</sup> (968 ft<sup>2</sup>).”*

- 2.8. Section 3.11 – Cistern Requirements, Subsection 3.11(1) is amended by inserting the words ‘or accessory dwelling unit’ such that it reads:

*“A building permit for a lot outside a community water system shall not be issued for a new building to be used as a dwelling, including a cottage or accessory dwelling unit, unless a cistern (or combination of cisterns) is located on the lot for the storage of freshwater having a total capacity of at least 18,000 litres.”*

- 2.9. Part 3 – General Regulations, is amended by inserting a new Section 3.16 ‘Accessory Dwelling Units’ immediately after Section 3.15 that reads:

#### 3.16 Accessory Dwelling Units

- (1) The maximum *floor area* for an *accessory dwelling unit* is 60m<sup>2</sup> (645 ft<sup>2</sup>).
- (2) An accessory dwelling unit must not be subdivided from the principal dwelling under the Land Title Act or the Strata Property Act.
- (3) An *accessory dwelling unit* may not be used as a *short term vacation rental* or a *bed and breakfast home business*.
- (4) A building permit for a lot outside a community water system shall not be issued for an accessory dwelling unit unless a freshwater catchment and storage system having a capacity of at least 18,000 litres is installed on the lot.

- 2.10. Section 5.1, Rural Residential 1 (RR1) Zone, Subsection 5.1.1 is amended by inserting a new Article 5.1.1(c.1) immediately after Article 5.1(c) such that it reads:

*“(c) Secondary Suite;*

*(c.1) Accessory dwelling unit;”*

- 2.11. Section 5.1, Rural Residential 1 (RR1) Zone, Subsection 5.1.2 is amended by inserting the words ‘or *accessory dwelling unit*’ such that it reads:

*“There may not be more than one (1) dwelling, one (1) secondary suite or accessory dwelling unit, and one (1) cottage on any lot.”*

- 2.12. Section 5.1, Rural Residential 1 (RR1) Zone, Subsection 5.1.9 is amended by deleting the existing table and replacing it with the following table:

| Lot Area                                  | The total floor area of all buildings may not exceed: | The total floor area of all dwelling units per lot may not exceed: |
|-------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------------|
| Less than 0.4 ha<br>(Less than 1 acre)    | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )            | 325 m <sup>2</sup> (3500 ft <sup>2</sup> )                         |
| 0.4 ha to < 1.2 ha<br>(1 to 3 acres)      | 1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )         | 372 m <sup>2</sup> (4000 ft <sup>2</sup> )                         |
| 1.2 ha or greater<br>(3 acres or greater) | 3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )         | 418 m <sup>2</sup> (4500 ft <sup>2</sup> )                         |

- 2.13. Section 5.1, Rural Residential 1 (RR1) Zone, Subsection 5.1.16 is amended by deleting the existing Table 5.1 and replacing it with the following Table 5.1:

|   |                    | Table 5.1                       |                                                                                                           |
|---|--------------------|---------------------------------|-----------------------------------------------------------------------------------------------------------|
|   | 1                  | 2                               | 3                                                                                                         |
|   | Site-Specific Zone | Location Description            | Site Specific Regulations                                                                                 |
| 1 | RR1(a)             | Trincomali Improvement District | Despite 5.1(1)(c) and c.1, <i>secondary suites</i> and <i>accessory dwelling units</i> are not permitted. |

- 2.14. Section 5.2, Rural Residential 2 (RR2) Zone, Subsection 5.2.1 is amended by inserting a new Article 5.2.1(c.1) immediately after Article 5.2(c) such that it reads:

“(c) *Secondary Suite*;

(c.1) *Accessory dwelling unit*;

- 2.15. Section 5.2, Rural Residential 2 (RR2) Zone, is amended by deleting existing ‘Density’ Subsections 5.2.2 - 5.2.4 in their entirety and replacing with the following:

#### **Density**

- (2) There may not be more than one (1) dwelling and one (1) secondary suite or accessory dwelling unit on *lots* less than 0.4 hectares.
- (3) On lots with an area of 0.4 ha or greater but less than 1.2 ha there may not be more than two (2) dwellings and one (1) secondary suite.
- (4) On *lots* with an area of 1.2 hectares or greater there may not be more than three (3) dwellings, one (1) cottage and one (1) secondary suite.

- 2.16. Section 5.2, Rural Residential 1 (RR2) Zone, Subsection 5.2.9 is amended by deleting the existing table and replacing it with the following table:

| Lot Area                                  | The total floor area of all buildings may not exceed: | The total floor area of all dwelling units per lot may not exceed: |
|-------------------------------------------|-------------------------------------------------------|--------------------------------------------------------------------|
| Less than 0.4 ha<br>(Less than 1 acre)    | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )            | 325 m <sup>2</sup> (3500 ft <sup>2</sup> )                         |
| 0.4 ha to < 1.2 ha<br>(1 to 3 acres)      | 1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )         | 372 m <sup>2</sup> (4000 ft <sup>2</sup> )                         |
| 1.2 ha or greater<br>(3 acres or greater) | 3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )         | 418 m <sup>2</sup> (4500 ft <sup>2</sup> )                         |

- 2.17. Section 5.3, Rural (R) Zone, Subsection 5.3.1 is amended by inserting a new Article 5.3.1(e.1) immediately after Subsection 5.2(d) and numbered as (d.1) such that it reads:

“(d) *Secondary Suite;*

(d.1) *Accessory dwelling unit;”*

- 2.18. Section 5.3, Rural (R) Zone, Section 5.3 is amended by deleting existing ‘Density’ Subsections 5.3.2 - 5.3.4 in their entirety and replacing with the following:

**Density**

- (2) There may not be more than one (1) dwelling and one (1) secondary suite or accessory dwelling unit on *lots* less than 0.4 hectares.
  - (3) On lots with an area of 0.4 ha or greater but less than 1.2 ha there may not be more than two (2) dwellings and one (1) secondary suite.
  - (4) On *lots* with an area of 1.2 hectares or greater there may not be more than three (3) dwellings, one (1) cottage and one (1) secondary suite.
- 2.19. Section 5.3, Rural (R) Zone, Subsection 5.3.8 is amended by deleting the existing table and replacing it with the following table:

| Lot Area                                  | The total floor area of all buildings may not exceed: | The floor area of all dwelling units may not exceed: |
|-------------------------------------------|-------------------------------------------------------|------------------------------------------------------|
| Less than 0.4 ha<br>(Less than 1 acre)    | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )            | 325 m <sup>2</sup> (3500 ft <sup>2</sup> )           |
| 0.4 ha to < 1.2 ha<br>(1 to 3 acres)      | 1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )         | 372 m <sup>2</sup> (4000 ft <sup>2</sup> )           |
| 1.2 ha or greater<br>(3 acres or greater) | 3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )         | 418 m <sup>2</sup> (4500 ft <sup>2</sup> )           |
| 16 ha or greater<br>(40 acres or greater) |                                                       | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )           |

- 2.20. Section 5.4, Rural Comprehensive 1 (RC1) Zone, Subsection 5.4.7 is amended by deleting the existing table and replacing it with the following table:

| Lot Area                                                  | The total floor area of all buildings may not exceed: | The floor area of all dwelling units may not exceed: |
|-----------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------|
| Less than 0.4 ha<br>(Less than 1 acre)                    | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )            | 325 m <sup>2</sup> (3500 ft <sup>2</sup> )           |
| 0.4 ha to < 1.2 ha<br>(1 to 3 acres)                      | 1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )         | 372 m <sup>2</sup> (4000 ft <sup>2</sup> )           |
| 1.2 ha or greater<br>(3 acres or greater)                 | 3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )         | 418 m <sup>2</sup> (4500 ft <sup>2</sup> )           |
| For dwelling located within the Agricultural Land Reserve |                                                       | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )           |

- 2.21. Section 5.5, Rural Comprehensive 2 (RC2) Zone, Subsection 5.5.7 is amended by deleting the existing table and replacing it with the following table:

| Lot Area                                                  | The total floor area of all buildings may not exceed: | The floor area of all dwelling units may not exceed: |
|-----------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------|
| Less than 0.4 ha<br>(Less than 1 acre)                    | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )            | 325 m <sup>2</sup> (3500 ft <sup>2</sup> )           |
| 0.4 ha to < 1.2 ha<br>(1 to 3 acres)                      | 1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )         | 372 m <sup>2</sup> (4000 ft <sup>2</sup> )           |
| 1.2 ha or greater<br>(3 acres or greater)                 | 3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )         | 418 m <sup>2</sup> (4500 ft <sup>2</sup> )           |
| For dwelling located within the Agricultural Land Reserve |                                                       | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )           |

- 2.22. Section 5.6, Rural Agricultural (AG) Zone, Subsection 5.6.8 is amended by deleting the existing table and replacing it with the following table:

| Lot Area                                                  | The total floor area of all buildings may not exceed: | The floor area of all dwelling units may not exceed: |
|-----------------------------------------------------------|-------------------------------------------------------|------------------------------------------------------|
| Less than 0.4 ha<br>(Less than 1 acre)                    | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )            | 325 m <sup>2</sup> (3500 ft <sup>2</sup> )           |
| 0.4 ha to < 1.2 ha<br>(1 to 3 acres)                      | 1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )         | 372 m <sup>2</sup> (4000 ft <sup>2</sup> )           |
| 1.2 ha or greater<br>(3 acres or greater)                 | 3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )         | 418 m <sup>2</sup> (4500 ft <sup>2</sup> )           |
| For dwelling located within the Agricultural Land Reserve |                                                       | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )           |

- 2.23. Section 5.7, Commercial 1 (C1) Zone, Subsection 5.7.1 is amended by inserting a new Article 5.7.1(k.1) immediately after Article 5.1(k) such that it reads:

“(k) *Accessory dwelling*;

(k.1) *Rental housing; and*

- 2.24. Section 5.7, Commercial 1 (C1) Zone, is amended by inserting a new Subsection 5.7.2.1 immediately after Subsection 5.7.2 such that it reads:

“(2) Only one (1) *accessory dwelling* permitted per lot.

(2.1) Up to three units of second-storey rental housing is permitted per lot with a maximum floor area of 80 m<sup>2</sup> per unit.”

- 2.25. Section 5.7, Commercial 1 (C1) Zone, Subsection 5.7.14, Table 5.7 is amended by deleting the existing Row 2 in Table 5.7 and replacing it with the following Row 2:

|   |                           | <b>Table 5.7</b>                                                                                                 |                                  |
|---|---------------------------|------------------------------------------------------------------------------------------------------------------|----------------------------------|
|   | 1                         | 2                                                                                                                | 3                                |
|   | <b>Site-Specific Zone</b> | <b>Location Description</b>                                                                                      | <b>Site Specific Regulations</b> |
| 2 | C1(b)                     | Portion of Part C, DD69864I, Section 18 lying to the south of the main highway from Hope Bay to Port Washington. | Rescinded                        |

- 2.26. Section 5.11, Community Service Zone, Subsection 5.11(8), Table 5.11 is amended by deleting the existing Table 5.11 and replacing it with the following Table 5.11:

|   |                           | <b>Table 5.11</b>               |                                                                                                                                                         |
|---|---------------------------|---------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | 1                         | 2                               | 3                                                                                                                                                       |
|   | <b>Site-Specific Zone</b> | <b>Location Description</b>     | <b>Site Specific Regulations</b>                                                                                                                        |
| 1 | CS(a)                     | Lot 1, Section 11, Plan 27405.  | The only <i>uses</i> permitted in this location are church and <i>affordable housing</i> up to a maximum of 20 units.                                   |
| 2 | CS(b)                     | Lot A, Section 18, Plan 14409.  | The only <i>uses</i> permitted in this location are library, preschool and charity retail stores.                                                       |
| 3 | CS(c)                     | Lot 8, Section 10, Plan 24778.  | The only <i>uses</i> permitted in this location are public emergency services, public works yard and employee housing up to a maximum of two (2) units. |
| 4 | CS(d)                     | Lot 20, Section 10, Plan 24777. | The only <i>use</i> permitted in this location is water tank.                                                                                           |
| 5 | CS(e)                     | Lot 20, Section 10, Plan 24777. | The only <i>use</i> permitted in this location is church.                                                                                               |
| 6 | CS(f)                     | Lot A, Section 18 Plan 22835.   | The only <i>uses</i> permitted in this location are public utility and employee housing up to a maximum of two (2) units.                               |
| 7 | CS(g)                     | Lot 1, Plan 29572, Section      | The only <i>uses</i> permitted in this location are                                                                                                     |

|    |       |                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                       |
|----|-------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |       | 11.                                                                                                                                                                                                 | <i>school and employee housing up to a maximum of two (2) units.</i>                                                                                                                                                                                                                                                                                  |
| 8  | CS(h) | Lot A, Plan 40871, Section 11.                                                                                                                                                                      | The only <i>uses</i> permitted in this location are health clinic, public emergency services.                                                                                                                                                                                                                                                         |
| 10 | CS(i) | Lot A, Plan 65874, Section 18.                                                                                                                                                                      | The only <i>use</i> permitted in this location is community hall.                                                                                                                                                                                                                                                                                     |
| 11 | CS(j) | Lots 1, Plan 30765, Section 15.                                                                                                                                                                     | The only <i>uses</i> permitted in this location are public emergency and protection services, and one (1) <i>accessory dwelling</i> .                                                                                                                                                                                                                 |
| 12 | CS(k) | Lot 2, Plan 30765, Section 15.                                                                                                                                                                      | The only <i>uses</i> permitted in this location are public emergency services and employee housing up to a maximum of two (2) units                                                                                                                                                                                                                   |
| 13 | CS(l) | Lot 2, Plan 18611, Section 15.                                                                                                                                                                      | The only <i>use</i> permitted in this location is cemetery.                                                                                                                                                                                                                                                                                           |
| 14 | CS(m) | Parcel A (DD47774W) of Lot 6 Plan 7196 Section 17.                                                                                                                                                  | (1) The only <i>uses</i> permitted in this location are private clubs including club hall rentals.<br>(2) The <i>gross floor area</i> of the <i>uses</i> permitted in (1) may not exceed 483 m <sup>2</sup> .                                                                                                                                         |
| 15 | CS(n) | Lot 131, Sections 8 and 10, Pender Island, Cowichan District, Plan 17181                                                                                                                            | The only <i>use</i> permitted in this location is church.                                                                                                                                                                                                                                                                                             |
| 16 | CS(o) | A portion of Lot 3, Section 2, Pender Island, Cowichan District, Plan VIP54822.                                                                                                                     | (1) The only <i>uses</i> permitted in this area is the <i>retail sale</i> of used goods where all proceeds from sales are donated to community organizations and projects on North Pender Island.<br>(2) Despite Subsection 5.11(7), no lot having an area less than 0.6 hectares may be created by subdivision in the Community Service CS (o) zone. |
| 17 | CS(p) | Portion of THAT PART of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695, Lying of the East of a Boundary Parallel to and Perpendicularly Distant 260 feet from the Easterly Boundary. | The only <i>use</i> permitted in this area is: the housing of equipment for the supply and distribution of telecommunications and cable service as a regulated service utility, not to include retail or office uses.                                                                                                                                 |
| 18 | CS(q) | Lot A, Section 17, Pender Island, Cowichan District, Plan VIP75211 and Lot 2, Section 17, Pender Island, Cowichan District, Plan 31869.                                                             | The only permitted <i>use</i> in this location is <i>ferry terminal</i> .                                                                                                                                                                                                                                                                             |

- 2.27. Part 7 – Parking Regulations, Subsection 7.4(4), Table 7.1 is amended by deleting the existing Table 7.1 and replacing it with the following Table 7.1:

**Table 7.1 : Number of Off-Street Parking Spaces**

| Use of Building or Lot                                              | Minimum Number of Parking Spaces Required                   |
|---------------------------------------------------------------------|-------------------------------------------------------------|
| Dwelling                                                            | 2 per principal <i>dwelling</i> , 1 per additional dwelling |
| Cottage                                                             | 1 per <i>cottage</i>                                        |
| Secondary Suite                                                     | 1                                                           |
| Accessory dwelling unit                                             | 1 per unit                                                  |
| Home Business (other than Bed & Breakfast)                          | 2                                                           |
| Home Industry                                                       |                                                             |
| Bed & Breakfast                                                     | 1 per room                                                  |
| Community Housing                                                   | 1 per                                                       |
| Rental Housing                                                      |                                                             |
| Retail Stores                                                       | 1 per 35 m <sup>2</sup> of <i>floor area</i>                |
| Personal Services                                                   |                                                             |
| Banks                                                               |                                                             |
| Repair Shops in commercial zones                                    |                                                             |
| Medical Office                                                      |                                                             |
| Single Tenant Office                                                |                                                             |
| Multi-Tenant Office                                                 | 1 per 30 m <sup>2</sup> of <i>floor area</i>                |
| Restaurants                                                         | 1 per 3 seats                                               |
| Cafes                                                               |                                                             |
| Premises licensed under the <i>Liquor Control and Licensing Act</i> |                                                             |
| Tourist Accommodation                                               | 1 per <i>Tourist Accommodation Unit</i>                     |
| Campground                                                          | 2 plus 1 per camping space                                  |
| Private Clubs                                                       | 1 per 35 m <sup>2</sup> of <i>floor area</i>                |
| Churches                                                            |                                                             |
| Libraries                                                           |                                                             |
| Museums                                                             |                                                             |
| Fire Hall                                                           |                                                             |
| Community Halls                                                     | 1 per 4 seats                                               |
| Lodge Halls                                                         |                                                             |
| Churches                                                            |                                                             |
| Indoor Recreation Facilities                                        | 1 per 35 m <sup>2</sup> of <i>floor area</i>                |
| Industrial Use                                                      | 1 per 35 m <sup>2</sup> of <i>floor area</i>                |
| Warehouses                                                          |                                                             |
| Wholesale and Storage Buildings                                     |                                                             |
| Servicing and Repair - Industrial zones                             |                                                             |
| Recycling Facilities                                                |                                                             |
| Printing and Publishing                                             |                                                             |
| Ferry Dock Facilities                                               | 100                                                         |
| Marinas                                                             | 1 per 5 Berths                                              |
| Yacht Clubs                                                         |                                                             |
| Fish Buying Stations                                                | 1 per Berth                                                 |
| Wharfage of Sea Planes                                              |                                                             |
| Water Taxis and Fishing Boats                                       |                                                             |
| Marine Fuel Sales                                                   |                                                             |
| Storage and Sale of Petroleum Fuels                                 | 1                                                           |
| Cemeteries                                                          | 15                                                          |
| Golf Courses                                                        | 2 per Tee                                                   |

## 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\_\_\_\_

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY



## **NORTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW No. 171, 2007**

AS AMENDED BY NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW(S) NO. 182, 184, 197, 203, 207, 209, 211, 216, 222, and 223

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Certified copies of the Official Community Plan are available from the  
Islands Trust Office, Suite 200 – 1627 Fort Street, Victoria BC V8R 1H8

Consolidated: December 14, 2023

| <b>TABLE OF AMENDMENTS</b>           |                         |                                    |                       |
|--------------------------------------|-------------------------|------------------------------------|-----------------------|
| <b>Bylaw No.</b>                     | <b>Date of Adoption</b> | <b>Date of Bylaw Consolidation</b> | <b>Map Amendments</b> |
| Bylaw No. 182, Amendment No. 1, 2009 | July 29, 2010           | July 30, 2010                      |                       |
| Bylaw No. 184, Amendment No. 2, 2010 | June 7, 2011            | June 15, 2011                      |                       |
| Bylaw No. 197, Amendment No. 2, 2012 | November 26, 2015       | December 1, 2015                   | Schedule B            |
| Bylaw No. 203, Amendment No. 2, 2016 | April 6, 2017           | June 1, 2017                       |                       |
| Bylaw No. 207, Amendment No. 3, 2016 | May 24, 2018            | July 26, 2018                      | Schedule B            |
| Bylaw No. 209, Amendment No. 4, 2016 | May 24, 2018            | July 26, 2018                      | Schedule B            |
| Bylaw No. 211, Amendment No. 1, 2017 | October 25, 2018        | December 10, 2016                  | Schedule B            |
| Bylaw No. 216, Amendment No. 1, 2018 | November 29, 2018       | December 10, 2018                  |                       |
| Bylaw No. 222, Amendment No. 1, 2020 | March 24, 2022          | June 10, 2022                      |                       |
| Bylaw No. 223, Amendment No. 1, 2021 | December 12, 2023       | December 14, 2023                  | Schedule B            |

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW No. 171

\*\*\*\*\*

**A BYLAW TO ADOPT THE OFFICIAL COMMUNITY PLAN FOR PART OF THE NORTH PENDER ISLAND  
LOCAL TRUST AREA**

\*\*\*\*\*

WHEREAS the North Pender Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the North Pender Island Local Trust Area, pursuant to the Islands Trust Act;

AND WHEREAS Section 29 of the *Islands Trust Act* gives the North Pender Island Local Trust Committee the same power and authority of a Regional District under Part 26, except sections 932 to 937 and 939, of the *Local Government Act*;

AND WHEREAS Sections 876 and 882, respectively, of Division (2) of Part 26 of the *Local Government Act* applies to the Committee and authorizes it to adopt an Official Community Plan and outlines procedures for developing and adopting such plans including a public hearing and Ministerial approval;

AND WHEREAS Section 27 of the *Islands Trust Act* requires that the Executive Committee of the Islands Trust must approve an Official Community Plan prior to adoption;

AND WHEREAS Section 877 of the *Local Government Act* lists the subjects that must be addressed in a Plan;

AND WHEREAS Section 884(1) of the *Local Government Act* provides that the adoption of an official community plan does not commit or authorize the North Pender Island Local Trust Committee to proceed with any project that is specified in the Plan;

NOW THEREFORE the North Pender Island Local Trust Committee enacts as follows:

CITATION

1. This Bylaw shall be cited as the "North Pender Island Official Community Plan Bylaw No. 171, 2007".

APPLICATION

2. This Bylaw applies to the North Pender Island Local Trust Area shown on Schedule H to this bylaw.

ORGANIZATION

3. Schedules A, B, C, D, E, F, G, H, I, J, K, L, M, N and O attached to and forming part of this Bylaw, are hereby designated as the North Pender Island Official Community Plan Bylaw No. 171, 2007.

## 4. The Schedules comprising this Bylaw are as follows:

|             |                                                              |
|-------------|--------------------------------------------------------------|
| Schedule A: | Policy Document                                              |
| Schedule B: | Land Use                                                     |
| Schedule C: | Sensitive Ecosystems                                         |
| Schedule D: | Lands Potentially Subject to Park Dedication                 |
| Schedule E: | Road Classification                                          |
| Schedule F: | Select Surface Water Resources                               |
| Schedule G: | Agricultural Land Reserve                                    |
| Schedule H: | Bylaw Area                                                   |
| Schedule I: | Development Permit Area One (Woodland Sensitive Ecosystem)   |
| Schedule J: | Development Permit Area Two (Herbaceous Sensitive Ecosystem) |
| Schedule K: | Development Permit Area Three (Riparian Sensitive Ecosystem) |
| Schedule L: | Development Permit Area Four (Wetland Sensitive Ecosystem)   |
| Schedule M: | Development Permit Area Five (Cliff Sensitive Ecosystem)     |
| Schedule N: | Development Permit Area Six (Intertidal Sensitive Ecosystem) |
| Schedule O: | Development Permit Area Seven (Raptor and Heron Nests)       |

BYLAW REPEAL

5. The “North Pender Island Official Community Plan Bylaw No. 83, 1996” (as amended) is repealed.

SEVERABILITY

6. 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 31<sup>st</sup> day of May , 2007.

PUBLIC HEARING HELD this 28<sup>th</sup> day of July , 2007.

READ A SECOND TIME this 30<sup>th</sup> day of August , 2007.

READ A THIRD TIME this 30<sup>th</sup> day of August , 2007.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this 9<sup>th</sup> day of October , 2007.

APPROVED BY THE MINISTER OF COMMUNITY SERVICES this 28<sup>th</sup> day of November , 2007.

ADOPTED this 31<sup>st</sup> day of January , 2008

Kathy Jones

**SECRETARY**

Sheila Malcolmson

**CHAIRPERSON**

## SCHEDULES

|             |                                                              |
|-------------|--------------------------------------------------------------|
| Schedule A: | Policy Document                                              |
| Schedule B: | Land Use                                                     |
| Schedule C: | Sensitive Ecosystems                                         |
| Schedule D: | Lands Potentially Subject to Park Dedication                 |
| Schedule E: | Road Classification                                          |
| Schedule F: | Select Surface Water Resources                               |
| Schedule G: | Agricultural Land Reserve                                    |
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| Schedule N: | Development Permit Area Six (Intertidal Sensitive Ecosystem) |
| Schedule O: | Development Permit Area Seven (Raptor and Heron Nests)       |

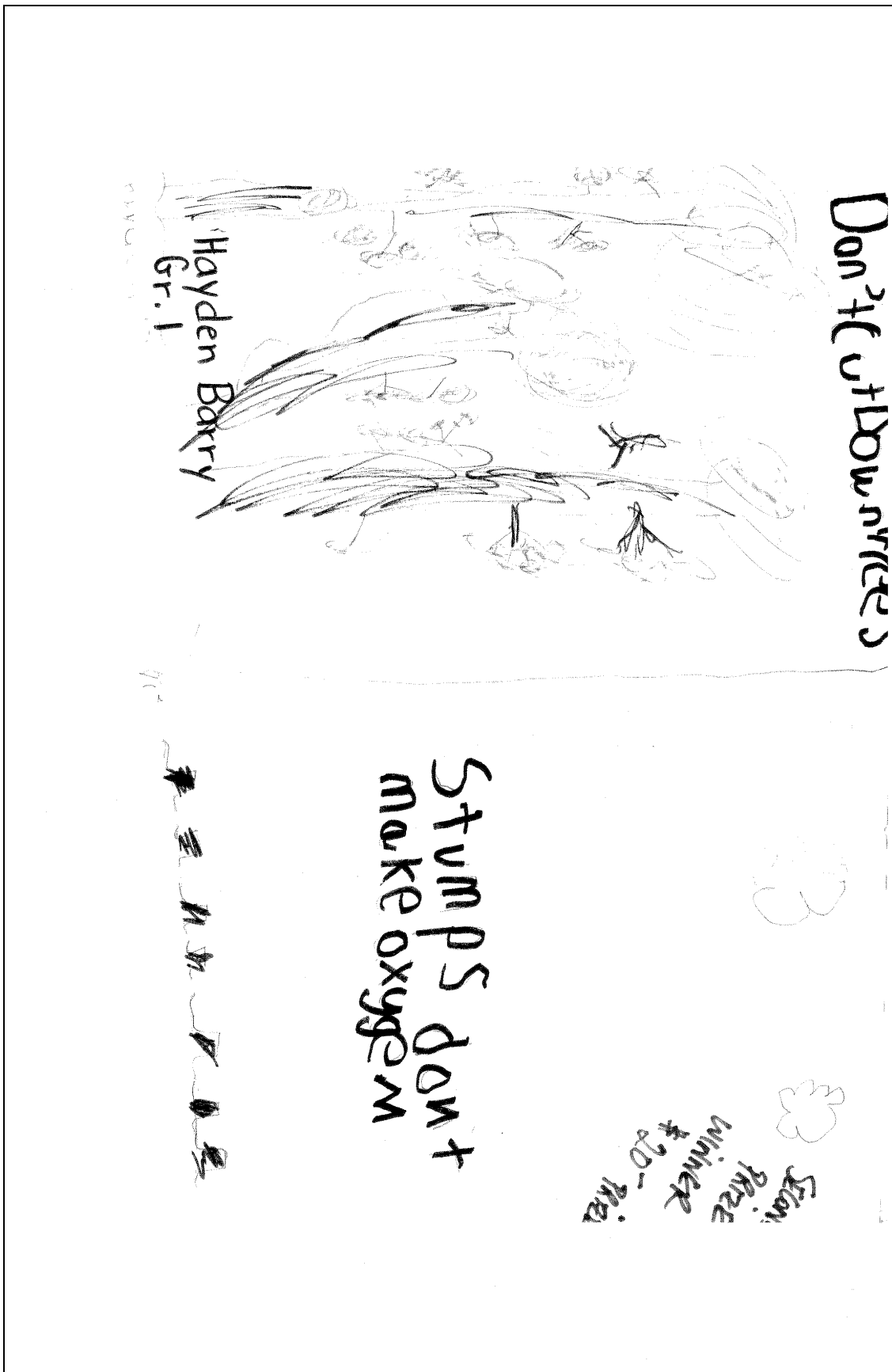
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**SCHEDULE A**

Photo: Islands Trust

**INTRODUCTION**

Starting in 2004, the North Pender Island Local Trust Committee commenced a process to review and update North Pender's Official Community Plan (OCP). The OCP had last been updated in 1996 and with the passage of time and changing circumstances, a need was identified to address specific issues and to consider the long term vision and goals of the community.

Islands Trust  
Mandate

As part of the Islands Trust Area, planning for North Pender must consider and address the unique mandate of the Islands Trust. The province, in recognition of the unique amenities and environment of the islands, passed the Islands Trust Act in 1974 which established the Islands Trust with a mandate, embodied in the "object" of the Islands Trust:

**"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, other persons and organizations and the government of British Columbia."**

The trust area encompasses the Gulf Islands and water areas stretching from Denman Island in the north to the US border in the south, and from the foreshore of Vancouver Island to the Mainland. The North Pender Island Local Trust Area is one of 12 local trust areas and one Island Municipality within the Islands Trust Area. Each Local Trust Committee has been provided with most of the land use planning authority of a regional district board. The decision to establish the Islands Trust some thirty years ago was due in large part to the fact that the islands were endowed with such a unique character and environment in a setting of natural beauty.

Why prepare a  
community  
plan?

By planning for the future, individuals and communities can achieve a degree of certainty and predictability, anticipate needs, address concerns, and achieve desired goals. Land use planning is a process by which the allocation, type and intensity of uses is determined in a manner that is efficient and equitable, and that provides sustainable benefits for individuals, the community, and the

environment. By planning for the spatial distribution and intensity of land uses, certainty can be created for the community and individuals, the impacts of future development and growth can be anticipated, community goals can be articulated, and measures can be considered to limit impacts on the environment and the community. Planning balances the decisions made by individuals with the collective desires and objectives of the community, and the need for a sustainable natural environment. One of the most effective and fundamental tools in planning is an Official Community Plan (OCP).

What is an OCP?

An OCP is a document that lays out a community's long-term vision and strategy for guiding future planning and land use. As a legal document, an OCP is required by the Local Government Act to include policy statements or map designations concerning:

- the approximate location, amount, type and density of residential development required to meet anticipated housing needs over a period of at least 5 years;
- the approximate location, amount and type of present and proposed commercial, industrial, institutional, agricultural, recreational and public utility land uses;
- the approximate location and area of sand and gravel deposits that are suitable for future sand and gravel extraction;
- restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development; and
- the approximate location and phasing of any major road, sewer and water systems; the approximate location and type of present and proposed public facilities, including schools, parks and waste treatment and disposal sites.

An OCP represents the consensus of the community on future growth and development. It provides objectives and policies that inform the Local Trust Committee in making land use decisions. Residents, businesses, landowners and governments all depend upon the OCP to assess future community potential. An OCP contains broad goals, objectives for particular land uses, specific and general policies, advocacy policies, maps and development permit area guidelines; it does not contain regulations or detailed prescriptions

Islands Trust Policy Statement

In response to the need for preservation and protection of the Trust Area and its unique amenities and environment, Trust Council has adopted the Islands Trust Policy Statement. The Policy Statement is intended to establish a vision for the future and provide a general strategy for land use planning in the Trust Area. It contains commitments of Trust Council, policies that direct Local Trust Committees, and recommendations. An OCP must be consistent with the Islands Trust Policy Statement and must contain provisions addressing Policy Statement directive policies.

How was the plan prepared?

This OCP was prepared in consultation with residents, owners, community groups, specific focus groups, other stakeholder groups and various levels of government. The process proceeded in three phases: community consultation, policy development and bylaw adoption. The community consultation and policy development phases involved 11 focus groups, holding some 25 public meetings, and numerous community and Local Trust Committee meetings. The Local Trust Committee, as the elected local government responsible for land use planning, provided direction on all aspects of the development of the plan, considered all policy options and recommendations, and adopted the plan in compliance with the provisions of the Local Government Act and other relevant provincial legislation.

How is the plan organized?

In addition to this introduction, the plan is organized into 7 Parts:

Part 1 (Broad Community Goals): articulates the overall goals, principles, and long term vision of the community.

Part 2 (Planning for Sustainable Communities - Objectives and Policies for Land Use): the objectives and policies in this part apply to the specific land use designations on the island. These provisions flow from and expand upon the broad community goals.

Part 3 (Services): identifies the community's objectives and goals for the various services that are provided and needed on the island. As most services are provided by other agencies or levels of government, many of these policies are advocacy policies.

Part 4 (Stewardship of Resources): provides objectives and policies for unique or important features on the island, such as sensitive ecosystems, groundwater, natural hazards and heritage resources.

Part 5 (Preserving and Protecting Our Ecosystems): includes objectives and policies encouraging ecological stewardship and designates special areas or features, and establishes objectives and guidelines for the issuing of development permits.

Part 6 (Temporary Commercial and Industrial Use Permits): designates areas where the Local Trust Committee may consider issuing temporary permits for uses not otherwise permitted by zoning.

Part 7 (Administration and Implementation): includes the interpretative provisions of the plan, such as definitions, and sets out how the plan should be implemented.

Where does  
the plan  
apply?

The OCP applies to all land on North Pender Island and the surrounding waters. OCP policies are directive upon the Local Trust Committee, not individuals. The policies guide future LTC decision-making and are implemented by other tools, principally zoning. The policies are legally binding on the LTC, but there is no compulsion on an LTC to implement particular policies in an OCP.

### **Sustainable Community**

North Pender Island is predominantly rural in character and the goals, objectives and policies of this plan support the retention of that character. Preserving a healthy community involves balancing environmental, social and economic sustainability.

Working with the environment means recognizing the island's natural ecological diversity as an essential component of what people value about the community. To protect the dynamic ecological systems, the community and local government must work to identify sensitive ecosystems, be aware of their complexity and ensure that growth and development is carefully implemented.

BL 182

Climate change, caused by increased concentrations of greenhouse gases in the atmosphere, will result in increased stresses upon the island's ecosystems, habitats, and groundwater resources. Efforts to reduce the community's carbon emissions and footprint, and to adapt to climate change impacts, will be on-going challenges.

Population

North Pender Island is 2728 hectares (6741 acres) in area, with a permanent population of around 2000 2,467 people in 2006 based on the 2021 census. This represents an overall 63% increase in permanent residents since the 1991 census and results in a population density of approximately one person per 1.1 hectares (2.7 acres). There are also a significant number of part-time or seasonal residents. The population

~~has increased each census period since 2001 when the population was 1,775 residents, with the most significant growth period between the years 2016-2021, with a 19.6% increase in permanent residents. There are also a significant number of part-time or seasonal residents on North Pender Island. from 1775 in 2001, a rate of population increase between 2001 and 2006 of over 12% (or 2.3% per year). This represents an increase in growth, following slower growth (5%) between 1996 and 2001, and is similar to the rate of population growth which occurred between 1991 and 1996. Based on these past patterns of population growth, and on projections prepared for larger areas, the projected growth rate will average over 1% per year up to 2031.~~

The mean age on North Pender in 2021~~01~~ was 56, compared to a provincial mean age of ~~43~~38. A significantly smaller proportion of the North Pender Island population is under age 35 compared to the province as a whole, while the proportion of the population in ~~the~~ 55-69 age range (33%) is more than ~~one and a half times twice~~ the provincial average (20.1%). The proportion of the population age 70 and over is ~~close~~nearly double to the provincial average (32% on North Pender versus 16.3% provincially). The average household size on North Pender is ~~2.01~~ 2.9 persons in 2021, the same as in 2016~~a decline from previous years~~, and is smaller than the ~~2021~~ average household size for the province as a whole ~~of 2.4 persons.~~

~~Approximately 75% of the 2001 population has either not moved since 1996 (60%) or had moved from another location on North Pender or the southern gulf islands (15%). Another 20% of residents had moved to North Pender from elsewhere in the province since 1996, and 5% had moved to North Pender from another province or country between 1996 and 2001.~~

~~In 2006, approximately half of North Pender property owners lived on the island, 38% had their principal address elsewhere in BC, 7% were resident elsewhere in Canada (other than BC) and 4% resided in another country.~~

Economy

The economy of the southern gulf islands as a whole has a very low level of dependence on resource industries in comparison to the non-metropolitan B.C. economy as a whole (2%, compared to 22%). The proportion of economic income generated by tourism and agriculture in the southern gulf islands (7% and 2% respectively) is similar to the non-metropolitan provincial averages. In comparison to other non-urban areas, the islands are disproportionately dependant upon private, non-employment income, primarily private investment income and private pensions (one-third of economic income is derived from these sources).

Although the economic contribution of traditional land-based industries is now a small portion of the overall economic activity of North Pender, there is a long history of generating sustenance from the land through agriculture and forestry, and from land development to provide housing. Significant areas of the island remain in the Agricultural Land Reserve (13% of the island) or as private managed forest land, and techniques of working with the land are evolving in response to growing recognition of the importance of natural systems and local self-sufficiency. Active agriculture and working forests remain a crucial component of the rural landscape and economy, and the LTC is committed to collaborating with landowners, farmers and provincial bodies to preserve and support these activities.

Employment and family incomes on North Pender tend to be lower than the provincial average. Of those in the workforce, almost half are self-employed, with many working from home. However, the majority of the workforce travels by private vehicle, and there the level of auto-dependence exceeds the provincial average. Overall, the southern gulf islands are ranked very positively in terms of socio-economic indicators.

Land Use ~~and~~  
Build-Out

The predominant land use on North Pender is residential. Over two-thirds of the land area is designated and zoned for residential use (Rural Residential and Rural). All residential land on the island is zoned to permit single family dwellings (and accessory cottages, ~~secondary suites and~~

accessory dwelling units under certain circumstances), there is no multiple unit zoning. The bulk of the remaining land is designated for agriculture (13%) or has protected status (15%). There are limited areas designated for various institutional and service uses (less than 1% of the island's land area), commercially designated land (also less than 1% of the island) and only around 6 hectares (15 acres) of land designated for industrial uses.

Based on a 2025 build-out analysis, there are approximately 1,990 total existing parcels that permit residential development in the Rural Residential, Rural and Agricultural land use designations. Of these 1,990 'residential' lots, 1701 are currently developed, (86% of all existing developable lots). The total potential for additional parcels to be created through subdivision is 199 lots, for a total potential build-out of 2,189 residential parcels. Based on the current average household size of 2.0 persons, this would result in a population of roughly 4,378 if all residential lots were occupied on a full-time basis. In 2021, approximately 71% of North Pender dwellings were occupied by permanent residents. Overall, approximately 60% of the existing lots on North Pender are in Magic Lake Estates.

~~There are approximately 2200 lots on North Pender, the majority in the Rural Residential, Rural and Agricultural land use designations. Of the existing residential lots, about half have occupied dwellings and a quarter are occupied seasonally. The remainder are undeveloped. Of the more than 500 undeveloped residential lots on North Pender in 2003, about two-thirds were the Magic Lake area. Overall, 60% of the existing lots on North Pender were in Magic Lake~~

~~The rate at which new lots were being created through subdivision on North Pender declined through the 1990 and the early 2000s. In the period of 1977-1991 an average of 32 new lots were created each year. Between 1991 and 2003 the average number of additional lots being created each year fell to 8. The pace of building activity as measured by building permits and the value of construction has increased substantially since about 2002. However, over the long term, the number of net new dwellings constructed each year has averaged just over 20 per year.~~

Under the community plan and current zoning, approximately just over 200 additional lots that would permit residential use could be created through subdivision. Over one-third ~~A significant portion~~ of this subdivision potential is situated in the north-west part of the island ~~in the (Port Washington and McKinnon Road areas)~~. Other areas with unrealized subdivision potential include a number of larger ~~r~~ Rural zoned parcels throughout the island and several lots in the Razor Point area. Much of the currently designated and zoned residential land may be located in areas that are unsuitable for development due to the presence of environmentally sensitive areas, topography, lack of availability of groundwater, or poor access.

~~The combined number of existing vacant and potential new lots exceeded 700 in 2004. Based on a long term average of 25 new dwellings per year, there is currently enough land designated and zoned to accommodate 25 years of residential growth (this includes both permanent and seasonal dwellings). Based on the recent rate of 40 net new dwellings per year, there is currently sufficient land designated and zoned to accommodate 17 years of residential growth. However, much of the currently designated and zoned residential land may be located in areas that are unsuitable for development due to the presence of environmentally sensitive areas, topography, lack of availability of groundwater, or poor access. A review of population growth, remaining vacant lots and potential new lots should be undertaken following release of the complete 2006 census data.~~

The BC Provincial Government requires all local governments in BC to consider its' most recent Housing Needs Report and housing information when amending OCPs. Based on the Islands Trust Housing Needs Assessment prepared by Urbanics Consultants Ltd in 2025, the projected housing need in the next 5 years is 208 units and in the next 20 years is 643 units. This calculation is based on portion of growth projections for the Capital Regional District.

Housing  
Needs

Housing  
Needs

A limited rental supply, rising property costs, and a growing proportion of residents on fixed or lower incomes has contributed to housing insecurity. The portion of households experiencing core housing need (5.1% for owners and 22.9% for tenants as indicated in 2021 Census) , and projected population growth, combined with demographic aging, points to increasing demand for more diverse, accessible, and affordable non market housing options. Market conditions and affordability challenges limit the ability of existing housing supply to meet community needs.

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## Stewardship of Natural Resources

The majority of the land area on North Pender is privately owned, predominantly in relatively small rural residential lots. Many of these properties still contain the natural attributes, features and values that attract people to the Trust Area. Through this plan, the community reaffirmed a commitment to the practices and principles of voluntary stewardship of the private lands. The OCP commits the Local Trust Committee to supporting the desire for voluntary stewardship by supporting, encouraging, and promoting education and initiatives fostering voluntary stewardship of private lands.

## Ecosystem Preservation and Protection

North Pender Island is situated within the Coastal Douglas-fir moist maritime subzone of the biogeoclimatic ecosystem classification. This zone represents only 0.3 % of the total land area of British Columbia and is confined to a small area in and around the Strait of Georgia<sup>1</sup>. It is a unique ecosystem, with high biodiversity values and at-risk species and ecological communities. The forested ecosystem is dominated by Douglas-fir, with occurrences of Garry oak, cedar and arbutus. The ecosystems of North Pender, like the rest of the Strait of Georgia area, have been heavily disturbed by human activity, including fire suppression, logging, clearing for agriculture and settlement and the introduction of non-native, or invasive, species. Approximately three-quarters of the island's land area is classified as having been modified by human disturbance, with many of the remaining undisturbed areas threatened by fragmentation.

Small islands are particularly vulnerable to ecosystem degradation due to the lack of wilderness areas to which species can withdraw when faced with a shortage of habitat. In addition, as the landscape becomes less continuous and more broken or fragmented, the integrity of the land begins to suffer.

The incremental progression of rural development, logging and the construction of roads has all played a part in the decline of natural ecosystems; as have factors such as increased tourism, invasive species and climate change. Many of the impacts on natural ecosystems occur over a long period of time, making it hard to notice changes until it is too late. Over time, the impacts on the local natural ecosystems results in: loss of specialized habitat, change to natural systems and their ecological functions, and landscape fragmentation and loss of wildlife corridors.

The benefits of protecting natural ecosystems are numerous, including preserving: local biodiversity, ecological processes, wildlife corridors and linkages, critical habitat for species at risk and ecosystem services. In addition, preservation and protection of natural ecosystems brings nature into the community, provides recreational and learning opportunities, provides economic benefits and leaves a legacy for future generations.

The paramount urgency for biological sustainability has been recognized by the United Nations Convention on Biological Diversity. Canada was the first industrialized country to sign the Convention. The 182 countries who have signed the Convention have recognized that all forms of human enterprise, including all social and economic activity, depend upon the ongoing integrity of biological diversity (biodiversity).<sup>2</sup>

<sup>1</sup> Ward et al. 1998. Sensitive Ecosystem Inventory: East Vancouver Islands and Gulf Islands 1993-1997. Volume I: Methodology, Ecological Descriptions and Results.

<sup>2</sup> Convention on Biological Diversity (with annexes). Concluded at Rio de Janeiro June 5, 1992. The Secretariat of the Convention on Biological Diversity. United Nations Environment Program.

Biodiversity means the entire variety of life on Earth and the complex connections within and between the systems that support life on Earth. Biodiversity underlies the life and health of all life-forms including people; it supports and preserves all of our basic life-support systems—food production, water supply, oxygen replenishment, waste disposal and soil conservation. Biodiversity provides us not only with life itself but with a wide range of goods and services, flood control, climate regulation, pollination of crops and flowers and much more. Biodiversity also allows us to create economic wealth in many ways including endeavours such as tourism and recreation in the natural environment and through the inspiration of wild nature for photographers and artists of many kinds.

Biodiversity, however, is being reduced faster than at any time in history. When biodiversity is diminished, the ecosystems on which we inevitably depend are less resilient and the services they provide are less secure. A study conducted by 1,300 experts from 95 countries has concluded that roughly 60 percent of ecosystem services that support life on Earth—fresh water, fisheries, air and water regulation, and the regulation of regional climate, natural hazards and pests—are being degraded or used unsustainably and harmful consequences of this degradation could grow significantly worse.

This situation is of particular concern to the Southern Gulf Islands. British Columbia is Canada's most biologically diverse province. Among the 133 ecosections into which BC has been divided, the Southern Gulf Islands rank among the highest in need of conservation of its biodiversity.

With the vision, planning and forethought encompassed in this OCP, North Pender will be able to thrive socially and economically within the sustaining capacity of the ecosystems on which they depend. With biodiversity rapidly declining worldwide, the need for human settlements to respect ecological integrity has become a global responsibility. This can only be achieved if land use planning embodies the principles of environmental, social and economic sustainability which underlie the spirit and intent of this Official Community Plan.

## PART 1 BROAD COMMUNITY GOALS

### 1.1 STATEMENT OF PRINCIPLES

The goals, objectives and policies of this plan are based on the principles of ecological integrity, sustainable community, support for heritage and culture, good governance and support for the quality of life. Further, land use decision-making should be based on the precautionary principle that when an activity raises threats of harm to the natural environment or human health, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically.

These principles are intended to provide a framework for decision-making and community living that recognizes:

- 1) the objectives of the Islands Trust through the development of bylaws that balance the needs of the human and natural environments;
- 2) the limitations of our land and natural environment including an understanding that land is a requirement to sustain life rather than simply a commodity; and,
- 3) the need for residents, guests and visitors to respect the needs and aspirations of our community.

### 1.2 GOALS

The Goals of this Official Community Plan are:

- 1) To advance and support the Object of the Islands Trust "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 the Province generally in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the Province."
- 2) To preserve and protect the rural character of North Pender Island.
- 3) To identify and protect environmentally sensitive areas and at-risk species and their habitats.
- 4) To establish a network of protected areas.
- 5) To recognize that the island's social and economic environments flow from an interrelationship with its natural ecosystems, and that land and water sustain life, ecosystems and the community.
- 6) To plan for a pattern of activity and land use which ensures the sustainable use of natural resources and protects biodiversity, natural processes, habitats and species.
- 7) To plan in a manner that respects the environmental, cultural, social and economic welfare of the community.
- 8) To protect the island's water supply, watershed and groundwater recharge areas.

- 9) To preserve, protect and encourage farming, the protection of farmland, the sustainability of farming, and to make the relationship of farming to other land uses a priority in land use decisions.
- 10) To plan for commercial and economic activities that provide mutual benefits for the community and for visitors, promote an economically diverse community and are compatible with the conservation of resources and the protection of community character and values.
- BL 182 11) To plan for a transportation system which meets the needs of residents and visitors and provides for a variety of modes of transportation without detracting from the rural character of the community.
- 12) To provide a means for residents to enjoy and traverse the countryside through a system of trails, walkways and open spaces.
- 13) To encourage strong neighbourhoods by enabling them to have an active role with local government and to promote neighbour-caring-for-neighbour concepts.
- 14) To support and promote education and initiatives fostering voluntary stewardship of private lands.
- 15) To ensure that Local Trust Committee decision-making occurs in a manner that is open, informative, participatory, accountable and responsive.
- BL 182 16) To remove or remediate existing sources of pollution or contamination of air, land and water, including visual and noise pollution and to reduce greenhouse gas emissions.
- 17) To discourage the use of pesticides, herbicides and fungicides for cosmetic purposes.
- BL 182 18) 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.
- 19) To provide for a range of flexible housing options that meet the diverse needs of the community and island residents.

## PART 2 PLANNING FOR SUSTAINABLE COMMUNITIES

## OBJECTIVES AND POLICIES FOR LAND USE

Schedules "B" and "D" establish the approximate location of present and proposed land uses in conjunction with the objectives and policies and other map schedules of this plan.

## 2.1 RESIDENTIAL LAND USES

Residential Objectives

- BL 182
- 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.

Residential Policies

- 2.1.A Maximum site coverage and setback and height limitations shall be regulated, and maximum floor area regulations may be established, to preserve rural character and to minimize resource and energy demands on the island.
- 2.1.B The Capital Regional District, or any other agency having jurisdiction, is encouraged to implement noise, nuisance and unsightly premises regulations that reflect standards of rural character, not urban character.
- 2.1.C The Local Trust Committee shall consider the use of regulations, development permit area designations where permitted and the acceptance of covenants from property owners to preserve the retention of screening vegetation.
- 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.
- 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.

- BL 182      2.1.G    The Local Trust Committee should review residential development potential and may consider changes to policies and regulations where the changes could limit or reduce greenhouse gas emissions.
- BL 216      2.1.H    Accessory housing options such as secondary suites and accessory dwelling units may be permitted as a way to increase the stock of rental housing without negatively impacting the rural sense of place or the carrying capacity of the island.
- BL 223      2.1.I    If the Local Trust Committee considers Development Variance Permit applications to vary the maximum floor area of residential dwellings, the following should be incorporated into the building proposal where feasible:
- a) The design and construction of a dwelling should incorporate energy efficient features.
  - b) Installation of a freshwater collection and storage system with a minimum cistern storage capacity of 18,000 litres.
  - c) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.
  - d) Limit site coverage of impermeable surfaces.
  - e) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation and unnecessary removal of trees should be avoided.
  - f) Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.
  - g) Maximize undisturbed areas and consider measures for protect sensitive ecosystems.
  - h) Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.

2.1.J    Flexible housing is intended to provide housing options by permitting two or more small dwellings on a parcel as an alternative to a single large dwelling. Regulations shall designate areas within which flexible housing may be permitted and establish overall floor area limits and the number of additional dwellings based on lot area.

2.1.k    Consideration may be given to rezone land for clustered, small footprint housing where:

- a)        dwelling units consist of small footprint homes, including tiny homes on wheels or manufactured homes;
- b)        dwelling units are constructed to the BC Building Code, or CSA standards for manufactured homes, or equivalent;
- c)        dwelling units are anchored to the ground, connected to a source of potable water, and connected to an approved wastewater system;
- d)        dwelling units shall have a limited floor area;
- e)        the total floor area of dwelling units shall not exceed any maximum dwelling floor area for that zone;
- f)        adequate communal facilities are available to meet the needs of the clustered, small footprint housing community;

g) \_\_\_\_\_ the proposed development is not located in areas containing  
sensitive ecosystems or of cultural or archaeological significance.

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## 2.1.1 RURAL RESIDENTIAL LAND USE

Background

Lands in this designation include the smaller lot subdivisions of Magic Lake and Trincomali, in which lots sizes average less than 0.2 hectares (0.5 acres) in area, and the Port Washington, Hope Bay and Razor Point areas, in which lots sizes have generally averaged 0.6 hectares (1.5 acres).



Photo: Islands Trust

Rural Residential Objectives

- 1) To preserve the opportunity for a rural lifestyle.
- 2) To guide new rural residential development to preserve conservation areas and natural habitat and to limit or reduce greenhouse gas emissions.
- 3) To control further rural residential development on agricultural lands, environmentally sensitive lands or on lands that provide significant natural value.

Rural Residential Policies

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

BL 182

BL 203

2.1.1.2 Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use except where authorized by a Temporary Use Permit.

BL 203

2.1.1.3 Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage.

2.1.1.4 Regulations governing the location and size of lots in Rural Residential Areas shall be established with respect to:

- a) the size, density and character of neighbouring parcels of land;
- b) accessibility to proposed parcels and availability of a sustainable water supply;
- c) sewage disposal capability of the parcels to be created;
- d) the need:
  - i) for a range of rural land use activities in association with a residential land use;
  - ii) to create a sense of community and of neighbourhood;
  - iii) to cluster development to avoid environmentally sensitive areas and areas of scenic or natural resource value;
  - iv) to preserve scenic, aesthetic, and natural values;
  - v) to protect areas common to a strata development.

BL 182

2.1.1.5 Lot clustering as a means to preserve large remainder lots for rural land use, to reduce emissions or preservation of the natural landscape should be encouraged through the use of minimum and average lot sizes and through applicable development permit area guidelines.

2.1.1.6 Consolidation of existing lots is encouraged.

2.1.1.7 Creation of lots that are incapable of residential development due to lack of water, inadequate sewage disposal capability or because of awkward design, slope, terrain or other environmental considerations shall be prohibited.

2.1.1.8 Land in the Rural Residential designation shall have a 0.6 hectare (1.5 acre) average lot size. Flexible housing is intended to provide housing options by permitting two or more small dwellings on a parcel as an alternative to a single large dwelling. Regulations shall designate areas within which flexible housing may be permitted and establish overall floor area limits and the number of additional dwellings based on lot area. Specific zoning regulations may be considered for lots with pre-existing dwellings or cottages and a density of one dwelling per lot, with provisions for one additional dwelling in the form of a cottage on lots over 1.2 hectares (3 acres) in area. Specific zoning regulations may be considered for lots with pre-existing dwellings or cottages.

2.1.1.9 Larger lots and/or increased setback requirements shall be required where Rural Residential areas abut areas suitable for agriculture as a means to minimize conflicts between rural residential and agricultural land use activity.

2.1.1.10 Secondary suites may be permitted within principal dwellings with the intent of providing long term rental housing options for residents. A maximum of one secondary suite, limited in floor area, shall be permitted per lot.

2.1.1.11 Accessory dwelling units may be permitted with the intent of providing long term rental housing options for residents on smaller lots. A maximum of one accessory dwelling unit or one secondary suite, limited in floor area, shall be permitted per lot.

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## 2.1.2 RURAL LAND USE

Background

There were approximately 300 lots which were wholly or partially designated Rural in 2004. Nineteen of these lots are 8 hectares (20 acres) or more in area and may be subject to future subdivision.

Rural lands contribute to the island's working landscape, providing resources such as agriculture and forestry, and also play a major role in providing the community's rural setting. Rural lands also may contain environmentally sensitive areas and habitat for at-risk species. By virtue of their size and composition, rural lands play a key role in water catchment, aquifer recharge and providing essential water to the island.

Rural Objectives

- 1) To promote the retention of large parcels of land for scenic, aesthetic and natural resource values and long term rural use.
- 2) To support and promote the working landscape for sustainable agriculture and woodlot management.
- 3) To preserve the opportunity for a rural lifestyle.
- 4) To preserve natural features and environmentally sensitive areas.

Rural Policies

2.1.2.1 The principal uses on lands in the Rural land use designation shall be residential and agricultural.

2.1.2.2 Commercial guest accommodation uses, including short term vacation rentals, shall not be permitted as a principal use except where authorized by a Temporary Use Permit.

2.1.2.3 Short term vacation rentals may be permitted as accessory home businesses where the operator or other person responsible for the vacation rental is living on the same property in a permitted dwelling or cottage.

2.1.2.4 The Rural designation shall have a 4 hectare (10 acre) average lot size. Flexible housing is intended to provide housing options by permitting two or more small dwellings on a parcel as an alternative to a single large dwelling. Regulations shall designate areas within which flexible housing may be permitted and establish overall floor area limits and the number of additional dwellings based on lot area. Specific zoning regulations may be considered for lots with pre-existing dwellings or cottages.  
~~Specific zoning regulations may be considered for lots with pre-existing dwellings or cottages.~~

2.1.2.5 Despite policy 2.1.2.3 above, the Local Trust Committee may give consideration to applications to rezone lots to permit a second dwelling for the purposes of encouraging clustering and retaining rural lots for agricultural and forestry uses. Any such application is subject to the following criteria:

- a) The proposal is limited to one additional dwelling and one additional cottage, for a maximum density of two dwellings and two cottages.
- b) The lot is at least 8 hectares (20 acres) in area.
- c) The lot is rezoned to permit no subdivision.

BL 182

- d) Prior to approval, the Local Trust Committee should satisfy itself that any relevant land use issues are addressed, including, but not limited to, slope stability, potable water, septic disposal capability, appropriate clustering, environmental impacts, visual impacts, archaeological resources, climate change impacts and the cumulative impacts of such applications on the availability of future housing.

BL 182

- e) The Local Trust Committee may give consideration to permitting the dwellings to be attached where energy savings can result.

BL 182

2.1.2.6 Lot clustering as a means to preserve large remainder lots for rural land use, to reduce emissions or preservation of the environmentally sensitive areas should be encouraged through the use of minimum and average lot sizes and through applicable development permit area guidelines.

2.1.2.7 The sustainable agricultural use of rural land should be encouraged and regulations should not restrict or inhibit sustainable farming.

2.1.2.8 The Local Trust Committee may consider applications to permit accessory campgrounds upon application by the landowner. The Local Trust Committee should consider the following criteria in assessing any application to permit an accessory campground:

- a) Small scale campgrounds may be considered by application for a temporary commercial use permit or by application for rezoning as a site specific accessory use on larger properties in the Rural designation.
- b) Applications may also be considered on large lots in the Agricultural designation as agri-tourist accommodation, subject to the policies specific to that land use designation.
- c) Applications should be for accessory, small scale, low impact campgrounds, primarily oriented to tent camping, without individual power and water hook-up.
- d) Applications for large scale campgrounds and facilities that would have all, or a majority of the sites, designed to accommodate recreational vehicles will not be considered.

- e) Preference should be given to applications on lots 4 hectares (10 acres) or larger in area. Applications involving lots with an area less than 4 hectares (10 acres) may be considered where the circumstances of the site and the application would result in compliance with all applicable criteria.
- f) Accessory campgrounds should not include retail commercial uses and structures should be limited to tables, picnic and cooking areas and necessary water and septic facilities.
- g) In assessing an application to permit a campground, the Local Trust Committee should determine that the site is suitable for the proposed use. The applicant should demonstrate that there is an adequate supply of potable water, appropriate sewage disposal facilities, adequate fire suppression measures, provision for on-site management, safe access, sufficient parking and a site layout in which the individual sites are well screened and adequately separated.
- h) In assessing any application, the Local Trust Committee should consider any potential impacts on neighbouring land uses, traffic patterns, environmentally sensitive areas and at-risk species and their habitats and the cumulative impact of campgrounds on the community. Applications should be referred to applicable agencies for comment, including the Fire Chief.
- i) Approval of an application to permit an accessory campground should include measures to ensure that accommodation is temporary and short term only.
- j) If the parcel subject to the application may be subdivided in the future, the Local Trust Committee should consider the appropriateness of the proposed campground in relation to any potential subdivision layout and may consider provisions restricting or regulating future subdivision while the campground use is permitted or the campground is operating.
- k) The Local Trust Committee should consider an appropriate combination of site-specific zoning regulations, rezoning to a new zone, temporary use permits, designation as a development permit area and Section 219 covenants in the implementation of this policy.
- l) The Local Trust Committee may consider requiring development information for any application through adoption of a development approval information bylaw.
- m) Campgrounds which would be the principal use on a property should only be considered by application to re-designate and rezone the property to an appropriate commercial accommodation land use designation and zone. Such an application shall be consistent with all relevant commercial accommodation policies.

## 2.1.2.9

Secondary suites may be permitted within principal dwellings with the intent of providing long term rental housing options for residents. A

maximum of one secondary suite, limited in floor area, shall be permitted per lot.

2.1.2.10 Accessory dwelling units may be permitted with the intent of providing long term rental housing options for residents. A maximum of one accessory dwelling unit, limited in floor area, shall be permitted per lot.

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## 2.1.3 HOME BASED BUSINESS AND HOME INDUSTRY



Photo: Islands Trust

Background

Home Based Business and Home Industry play a significant role in the island's economic welfare, providing opportunities for employment together with products and services that may not otherwise be available from existing commercial or industrial enterprises. In 2001, nearly 200 residents worked from home, approximately one in three residents who were part of the labour force. Home Based Business uses are commercial uses that are accessory to a residential use; Home Industry uses are industrial uses that are accessory to a residential use. Home Industry can provide significant economic value and benefit to the community and, where consistent with the goals and principles of this plan, is an appropriate use on larger rural lots.

Home Based Business and Industry Objectives

- 1) To permit Home Based Business as a means of promoting self-sufficiency and economic opportunities that are compatible with the conservation of resources and the protection of community character.
- 2) To regulate Home Based Business by managing impacts as well as regulating use.
- 3) To permit Home Industry as an appropriate accessory use on larger lots as a means of promoting self-sufficiency and economic opportunities that are compatible with the conservation of resources and the protection of community character.
- 4) To regulate Home Industry in order to limit the impacts of the use.

Home Based Business Policies

- 2.1.3.1 Home Based Business shall be permitted as secondary to a principal residential use only.
- 2.1.3.2 Home Based Business shall not cause significant adverse impacts to adjacent properties or to the environmental quality of the island and shall be managed in cooperation with other agencies having jurisdiction through the regulation of screening, noise control, odour emission, traffic generation, water consumption and waste removal.
- 2.1.3.3 Parking of vehicles for the benefit of a home based business shall not interfere with the use and enjoyment of public roads or neighbouring properties.
- 2.1.3.4 Sales of craft items and other products made on the premises and the provision of services shall be permitted from the home. Products secondary to a service may also be sold from the home.
- 2.1.3.5 Direct sale of products manufactured elsewhere and/or not secondary to a service shall not be permitted at the vendor's home.

Home Industry Policies

- 2.1.3.6 Home Industry should be permitted as a use accessory to a principal residential use on lots 2 hectares (5 acres) or larger in the Rural and Agricultural designations.
- 2.1.3.7 Regulations should ensure that the owner or operator of the Home Industry use is resident on the property.
- 2.1.3.8 Home Industry uses should be limited to small scale manufacturing and/or processing.
- 2.1.3.9 The regulation of Home Industry as an accessory use should address the following factors:
  - a) parking
  - b) number of employees on a lot
  - c) number of Home Industries on a lot
  - d) area used for a Home Industry
  - e) direct sales
  - f) noise
  - g) setbacks and screening
  - h) use of groundwater water
  - i) septic disposal
  - j) potential soil and water contamination
  - k) lighting and signage
  - l) waste disposal
  - m) hours of operation

## 2.2 AGRICULTURAL LAND USES



Photo: Islands Trust

### Background

In British Columbia, the *Agricultural Land Commission Act* established the Agricultural Land Commission to "preserve agricultural land, encourage the establishment and maintenance of farms and the use of land in an agricultural land reserve compatible with agricultural purposes". The Islands Trust endorses this protection and supports the intent of the *Agricultural Land Commission Act*.

The Agricultural designation encompasses lands within the Agricultural Land Reserve (ALR) and includes lands where soil conditions and topography have created areas suitable for agriculture. Agricultural land may be used for growing, rearing, producing and harvesting agricultural products, including trees, and the processing of primary agricultural products harvested, reared or produced locally, and the repair of farm machinery and implements used in local farming. As of 2005, there were 358 hectares (886 acres) of land on North Pender in the Agricultural designation. According to the 2001 census there were 29 farms on North Pender, with an average area of 26 hectares (65 acres); much of the land used for farming is not in the ALR or Agricultural land use designation.

Farming has traditionally been an important activity on North Pender Island. Today, many of the original large farms have been subdivided into smaller parcels which are still viable for agriculture. The preservation, protection and encouragement of farming, the sustainability of

farming, and the relationship of farming to other land uses shall be a priority in land use decisions.

#### Agriculture Objectives

- 1) To recognize and protect the "right to farm" as provided for in the *Farm Practices Protection Act*, subject to the other provisions of this OCP.
- 2) To balance the preservation of environmentally sensitive areas and at-risk species and their habitats with agricultural best practices.
- 3) To support initiatives that protect agricultural land and that maintain farmland in active production.
- 4) To identify and protect land suitable for agricultural uses.
- 5) To support public organizations promoting agriculture.
- 6) To support efforts of producers to supply a local food source.
- 7) To support farming as an important traditional land use, lifestyle and livelihood on North Pender Island.
- 8) To support the economic viability of farms without compromising the agricultural land capability.
- 9) To preserve agricultural land, to limit the non-farm use of agricultural land, and to prevent the conversion of agricultural land to uses that may degrade or impair the land's long-term agricultural potential or productivity.
- 10) To accommodate a level and type of residential use on agricultural land that is consistent with farming.
- 11) To protect farmland as a resource for agriculture, a source of heritage, and a distinct landscape defining the community without impairing agricultural change in response to changing conditions.
- 12) To increase public awareness of farming practices and the importance of agriculture.
- 13) To support organic farms and other ecologically sound farming practices.
- 14) To ensure that uses along ALR boundaries are compatible with farming.

#### Agriculture Policies

- 2.2.1 The "right to farm" shall be respected by not permitting land use on adjacent, or nearby properties that could adversely affect farming activities and by requiring buffers and/or setbacks on the adjacent properties.
- 2.2.2 The average parcel size on land within the Agricultural designation shall be 16 hectares (40 acres) and density shall be limited to one dwelling and one cottage per

parcel. Applications to the ALC for subdivision that are consistent with average parcel size may be supported.

- 2.2.3 Removal of soil suitable for agricultural purposes from a parcel may be prohibited.
- 2.2.4 Roadside stands, small scale marketing and processing, and agricultural education and research shall be permitted uses.
- 2.2.5 The Local Trust Committee may consider zoning regulations permitting additional accommodation for farm help, provided the accommodation is necessary for farm purposes, provides cooking and washing facilities, and is temporary in nature, limited in size, and consistent with the recommendations of the Regional Agrologist.
- 2.2.6 Pursuant to the Agricultural Land Reserve Use, Subdivision and Procedure Regulation, aggregate extraction of a volume less than 500 m<sup>3</sup> per parcel should be permitted.
- 2.2.7 Subject to local government jurisdiction, commercial use of airstrips and heli-pads should be prohibited.
- 2.2.8 The Local Trust Committee may consider regulating greenhouses, land-based aquaculture facilities, and pet boarding and breeding facilities in order to limit and mitigate the impacts of these uses on groundwater, the environment and surrounding properties, provided the regulations are consistent with provincial legislation and regulations.
- 2.2.9 Subdivision regulations should prohibit severance of agricultural land by linear developments, such as roads and utility corridors.
- 2.2.10 Applications to include land in the ALR should be supported.
- 2.2.11 No consideration may be given to applications to rezone land within the Agricultural designation that would result in the transfer of density.
- 2.2.12 Except where specifically authorized elsewhere in this plan, consideration may not be given to applications to rezone land within the Agricultural designation that would result in an increase in density.
- 2.2.13 The Local Trust Committee should not support applications to the ALC for non-farm use, except where it can be demonstrated that the proposed non-farm use would allow an active farm to diversify and broaden its income, but not decrease the farming capability of the land, and the proposed non-farm use is consistent with zoning or a policy in this plan.
- 2.2.14 The Local Trust Committee supports the preservation and maintenance of the island's agricultural land base and applications for exclusion of land from the ALR will not be considered.
- 2.2.15 When it considers rezoning applications that are not related to farming, the Local Trust Committee will ensure that the proposed new use will not reduce the quality and quantity of water for farming and the proposed new use should not result in

either a decrease or an increase in water flows onto to, or from, adjacent agricultural land. Rezoning applications which might affect farmland will be referred to the Regional Agrologist for comment.

- 2.2.16 When it considers rezoning applications for land that borders agricultural land, the Local Trust Committee will ensure that zoning changes are not made in a way that would have a negative effect on farming and the applicant may be required to provide qualified professional advice on the potential impacts on farming.
- 2.2.17 Zoning changes should not be considered that would allow multi-family, industrial, institutional or commercial developments in the Agriculture designation except for agri-tourist accommodation which is accessory to a working farm operation.
- 2.2.18 The Local Trust Committee may consider the regulation of the placement and removal of fill to protect the natural environment, including significant waterfowl habitat, and where possible, to preserve, maintain, and enhance soil for agricultural purposes.
- 2.2.19 The Local Trust Committee may consider regulating agri-tourism activities.
- 2.2.20 Agri-tourist accommodation may be permitted as the equivalent of bed and breakfast accommodation. The Local Trust Committee may consider applications for rezoning or temporary use permit that would permit agri-tourist accommodation providing for more than 3 units, provided that:
- a) the use is accessory to working farm operations;
  - b) the use is on agriculturally designated land that is in the ALR; the application is consistent with ALC policies;
  - c) the working farm will continue in operation and will not be adversely affected;
  - d) potable water of sufficient quantity for both farming and non-farming use is available;
  - e) sewage disposal facilities are suitable;
  - f) on-site parking is adequate;
  - g) the impact of increased traffic on adjacent roadways is considered;
  - h) the environmental and climate change impact of the proposal is considered;
  - i) and the impact on adjacent properties is addressed.
- 2.2.21 The Local Trust Committee may consider temporary commercial use permit or rezoning applications to permit accessory campgrounds as agri-tourist accommodation. In addition to the criteria established in policies 2.2.20 and 2.1.2.7 (Rural Land Use), applications for accessory campgrounds in this designation shall not exceed 10 campsites, campsites and indoor units shall be considered equivalent for purposes of density and applications should comply with relevant Agricultural Land Commission policies.
- 2.2.22 The Local Trust Committee may consider an amendment to this plan to designate land as a development permit area for the protection of farming with the intent of ensuring effective buffering and other measures between farming and other uses.

BL 182

- 2.2.23 The Local Trust Committee shall consider the appointment of an additional Advisory Planning Commission to advise the Local Trust Committee on specific issues and initiatives relating to agriculture. This APC should be asked to examine the role of agriculture and food supply in creating sustainable communities and to make recommendations to the LTC on any changes to its policies or regulations.
- 2.2.24 The Local Trust Committee may undertake or support an initiative to identify properties not currently in the ALR and Agricultural designation but which have agricultural potential and are primarily used for farming, so that these properties may be protected for future agriculture.
- 2.2.25 Where there is a potential for conflict related to the regulation of agriculture and environmental protection, the Agricultural Land Commission and the Ministry of Agriculture and Lands and the Ministry of Environment shall be consulted.

#### Advocacy Policies

BL 216

- 2.2.26 Secondary suites may be permitted within principal dwellings with the intent of providing long term rental housing options for residents. A maximum of one secondary suite, limited in floor area, shall be permitted per lot.
- 2.2.27 The Local Trust Committee will encourage partnerships with the farming community, senior governments and private enterprise to promote development of the agricultural sector.
- 2.2.28 The Local Trust Committee will support application of the Canada-BC Environmental Farm Plan Program.
- 2.2.29 The Local Trust Committee will support creation of a land-for-lease program for landowners to identify themselves to farmers wishing to lease farmland.
- 2.2.30 Landowners are encouraged to avoid the use of pesticides, herbicides and fungicides. If used, pesticides, herbicides and fungicides should be applied in a manner that avoids damage to adjoining lands and drainage areas.
- 2.2.31 Production methods should be selected to maintain soil quality and to ensure surface and groundwater recharge areas are not contaminated by agricultural activities.
- 2.2.32 Pre-purchase of crops, co-ops and local farmers markets are encouraged as a means to support the island farm economy.
- 2.2.33 Physical barriers, including fencing and appropriate indigenous vegetation are encouraged to restrict access by farm animals to water courses.
- 2.2.34 Amalgamation of lots and limiting the subdivision of agricultural land is encouraged.
- 2.2.35 Collection of rainwater for irrigation purposes is encouraged.
- 2.2.36 Sound environmental practices shall be encouraged in accordance with current best practices. Landowners and farmers are encouraged to preserve and protect

seasonally flooded agricultural fields, which are considered an important ecosystem providing resting and feeding opportunities for migratory bird species.

- 2.2.37 The Local Trust Committee may request that the Subdivision Approving Officer consider the effect of any proposed subdivision on farming, and if the proposed subdivision is within or adjacent to agricultural land, and require the applicant to provide an examination and report on the proposed subdivision to address any potential conflict with farming.
- 2.2.38 The Local Trust Committee will work with the local farming community and relevant agencies to support and develop an appropriate signage program for agri-tourism on North Pender Island.

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## 2.3 COMMUNITY SERVICE LAND USES

### Background

North Pender is well served by facilities for health care, education, public protection, and community and social services. Most facilities are provided through the voluntary initiatives of members of the community. Residents value maintaining a diverse community able to accommodate people of varying ages, income and abilities. In order to achieve this, the community may need to explore options for ensuring housing for working people, young families, seniors and those who have special needs. Currently, seniors housing is provided at Plumtree Court, which is owned and operated by the non-profit Pender Islands Seniors Housing Society.



Photo: Islands Trust

### Community Service Objectives

- 2) To ensure that North Pender Island is a healthy community with residents working together to improve the quality of life.
- 3) To facilitate community services that meet the social and physical needs of the community.
- 4) To support community facilities through efforts of community members.
- 5) To ensure that all community service facilities are accessible to all members of the community.
- 6) To permit a range of housing options without detracting from the rural character of North Pender Island.

### Community Service Policies

2.3.1 Preference shall be given to applications involving community service facilities that will be located close to the school and medical centre, the library, the Driftwood Centre and the fire stations.

2.3.2 Regulations shall require that adequate parking facilities be provided in any expansion of existing public facilities or in the development of new facilities.

2.3.3 Land acquired or dedicated for public service use may be zoned for public service use within any land use designation except the Agricultural designation or zone.

2.3.3.1 Employee housing and affordable housing may be permitted in community service zones to provide options for ensuring housing for working people, young families, seniors and those who have special needs.

### Community Service Advocacy Policies

2.3.4 Development of recreational and cultural facilities to serve the needs of all groups within the island community, including people with special needs, is encouraged.

2.3.5 Public service facilities shall be for the Pender Islands only.

BL 182

2.3.6 The North Pender Island Local Trust Committee should support and encourage efforts to expand or improve the electronic communications on the island in order to reduce the need to travel.

### Seniors Housing Policies



Photo: Islands Trust

2.3.7 The LTC will support efforts by organizations or agencies to conduct a seniors housing needs assessment within the community.

- 2.3.8 Applications for rezoning to a higher density than permitted by current zoning may be considered within the Rural Residential and Rural land use designations, subject to the other policies in this plan, where the application would result in the provision of seniors housing.
- 2.3.9 Any additional density greater than that permitted by current zoning ~~shall~~may be in the form of units reserved exclusively for occupancy by seniors.
- 2.3.10 Any application should include an assessment demonstrating the need for the proposed type and number of seniors housing units in the community.
- 2.3.11 The number of units should not exceed the number identified as needed for the community by a seniors housing needs assessment.
- 2.3.12 Any application should result in units being located on land suitable for development, including in areas with modified ecosystems, accessible to existing services and on reasonably level terrain.
- 2.3.13 Developments should be encouraged to incorporate water conservation measures and energy efficient building design elements.
- 2.3.14 Applications may take the form of any of a range of housing options from fully independent units to supportive care.
- 2.3.15 Applications may involve units in the form of clustered detached dwellings, duplexes or attached ground-oriented housing.
- 2.3.16 Applications may include the provision of units through, public agencies or not-for-profit organizations.
- 2.3.17 Applications ~~shall~~may include provision of a housing agreement limiting occupancy of the dwellings to seniors. Such a housing agreement may also include provisions limiting rental, lease, sale or share prices of the units.
- 2.3.18 The Local Trust Committee may consider requiring development information for seniors housing rezoning applications through adoption of a development approval information bylaw.

#### Seniors Housing Advocacy Policies:

- 2.3.19 The Local Trust Committee will encourage agencies, organizations and ministries to support or undertake efforts that would allow seniors to remain in their own homes as long as possible.

#### Affordable Housing Policies

- 2.3.20 Applications for rezoning to a higher density for affordable housing than permitted by current zoning may be considered within the Rural Residential ~~or Rural~~ Community Service or Commercial land use designations, subject to the other

policies in this plan, ~~if the application would result in the provision of affordable housing and a housing agreement.~~

- 2.3.21 Any additional density greater than that permitted by current zoning shall be in the form of units reserved exclusively for occupancy as affordable housing.
- 2.3.22 Applications for rezoning to a higher density to permit affordable housing may involve units in the form of clustered detached dwellings, duplexes or attached ground-oriented housing.
- 2.3.23 Zoning should regulate the density, size and siting of units in order to maintain rural residential character.
- 2.3.24 The form and character of any development may be controlled through designation as a development permit area or through the granting of a covenant.
- 2.3.25 Developments shall be encouraged to incorporate water conservation measures and energy efficient building design elements.
- 2.3.26 Applications for affordable housing ~~shall~~ may include provision of a housing agreement ensuring that rental, lease, sale or share prices are fixed below average rates within the region.
- 2.3.27 Applications for affordable housing may also include provisions in the housing agreement limiting occupancy of the dwellings to rental, lease, co-housing or cooperative tenure.
- 2.3.28 Rezoning applications may be considered that would permit the creation an additional fee simple lot where one affordable dwelling is to be constructed by a non-profit organization on that lot.
- 2.3.29 All applications for affordable housing shall site development on land with modified ecosystems and the development shall be in proximity and accessible to existing roads and services.
- 2.3.30 The Local Trust Committee may consider requiring development information for affordable housing applications through adoption of a development approval information bylaw.
- 2.3.31 The Local Trust Committee will encourage multi-family rental dwellings that are limited to residential rental tenure.
- 2.3.31 Zoning should regulate the density, size and siting of multi-family rental dwelling units in order to maintain rural character.
- 2.3.32 Developments shall be encouraged to incorporate water conservation measures and energy efficient building design elements.
- 2.3.33 Applications for rezoning to a higher density to permit multi-family dwelling units may only be supported by the Local Trust Committee if there is adequate quality and quantity of freshwater.

BL 223

2.3.34 ~~2.3.35~~ Multi-family rental dwellings should be located in close proximity and accessible to existing roads, transportation and services.

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## 2.4 COMMERCIAL LAND USES



Photo: Islands Trust

### Background

The location of commercial-zoned properties on North Pender is due more to historical factors than to any deliberate planning efforts. In 1976, when the Official Community Plan came into effect, properties on which commercial ventures were already located were given commercial designation. At that time commercial activity was encouraged to locate next to existing commercial development at Hope Bay, Port Washington, and in an area within or adjacent to Magic Lake Estates. Development of a dominant core was not encouraged.

The Driftwood Service Centre incorporating a restaurant and some small retail space was selected as the site for the B.C. Liquor Store and the Post Office. A subsequent rezoning allowed for the addition of other stores.

Other commercial ventures that developed since the mid-1970's include the retail services at the entrance to Magic Lake Estates, along Port Washington road and the reconstruction of the retail and office services located at Hope Bay dock.

The amount of tourist-commercial designated and zoned property has not increased since the mid-1970's. At present there are 8 such properties. In 1991 the number of accommodation units permitted per acre was reduced to prevent large scale resort developments and in 1999 the Land Use Bylaw established site-specific zoning regulations for retail uses and tourist accommodation unit densities. The current zoning would permit 208 commercial guest accommodation units; as of 2005, 58 have been developed.

### Commercial Objectives

- 1) To encourage on-island commercial enterprises and minimize reliance on off-island travel.
- 2) To provide for economic opportunities that are compatible with conservation of resources and protection of community character.
- 3) To ensure that commercial development does not adversely affect rural character and lifestyle.
- 4) To protect the character and integrity of quiet residential and rural neighbourhoods.
- 5) To prevent strip development.
- BL 182 6) To ensure that commercial establishments provide adequate parking facilities and meet the requirements for a broad range of transportation options.
- BL 182 7) To maintain the pattern of dispersed small scale commercial enterprises throughout the island where proximity to residential populations can limit or reduce the need for vehicle trips.
- 8) To preserve heritage commercial buildings.

#### General Commercial Policies

- 2.4.1 Commercial development shall be small scale, low density business enterprise designed to meet the needs of residents and visitors.
- 2.4.2 Priority may be given to new or additional commercial ventures in the following locations:
  - a) on the Commercially designated and zoned lands at the Driftwood Centre;
  - b) by application to rezone the remainder of the commercially designated lot at Schooner Way and Wallace Road;
  - c) by application to rezone the commercially designated land on Port Washington Road;

The Local Trust Committee may consider requiring development information for commercial rezoning applications through adoption of a development approval information bylaw.

- 2.4.3 Commercial accommodation or retail commercial centres in the Agricultural Land Reserve will not be permitted except for agri-tourist accommodation which is accessory to a working farm operation.
- 2.4.4 Applications for commercial rezoning must prove adequate water supply and waste disposal capability for both present and projected needs.
- 2.4.5 Commercial proposals which would have significant deleterious effects on adjacent land uses will not be permitted.

- 2.4.6 Strip development of commercial businesses shall be prohibited-through the implementation of appropriate development permit area guidelines.
- 2.4.7 New buildings are encouraged to comply with Silver, Gold or Platinum LEED Rating System standards.
- 2.4.8 New buildings are encouraged to incorporate water conservation measures, including rainwater catchment systems
- 2.4.9 Parking and storage areas should be suitably screened to maintain the rural character of the area.
- 2.4.10 In order to manage stormwater and drainage on-site, parking areas should utilize porous or permeable surfaces and impervious surfaces should be minimized. Swales and open ditches should be used rather than curb and gutter systems.
- 2.4.11 Preservation of the store at Port Washington will be encouraged because of its heritage character.
- 2.4.12 Destination gaming facilities, such as casinos and commercial bingo halls shall not be permitted.
- 2.4.13 Marinas shall be regulated to ensure the compatibility of the location, size and nature of the marinas with ecosystems and the character of the area, and should be required to provide marine pump-out services.
- 2.4.13.1——Rental housing may be permitted on commercial-zoned lots and limits shall be established through zoning on maximum floor area per unit and maximum number of units per lot.

#### Tourist Commercial Policies

- 2.4.14 Tourist oriented or commercial recreational activity shall not be permitted as a principal use on lands suitable for agriculture or in hazardous or environmentally sensitive areas.
- 2.4.15 Commercial campgrounds for the temporary accommodation of island visitors shall be permitted provided they reflect the rural character of the island.
- 2.4.16 The Local Trust Committee will support efforts to develop a tourism plan that provides for mutual benefits for the community and for visitors, promotes an economically diverse community and that is compatible with the conservation of resources and the protection of community character and values.
- 2.4.17 No consideration may be given to applications to increase density or to transfer density in the commercial designations without amending this plan.
- 2.4.18 The Local Trust Committee may give consideration to regulations increasing the maximum permitted floor area of individual commercial guest accommodation units, provided there is no net increase in the total floor area permitted in each location.

- 2.4.19 Regulations should limit the residential use of commercial guest accommodation units.
- 2.4.20 Regulations should require that on-site staff accommodation is provided for larger commercial guest accommodation developments.

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## 2.5 INDUSTRIAL LAND USES

### Background

Five parcels of land on North Pender are currently zoned for industrial use. Several adjacent areas are designated for industrial use but are not currently industrially zoned.

### Industrial Objectives

- 1) To encourage on-island industrial enterprises that do not adversely affect rural character and lifestyle.
- 2) To limit industrial development to specific areas of the island.
- 3) To prevent strip development.
- 4) To ensure that any industry is sited to minimize adverse effects upon neighbouring properties.

### Industrial Policies

- 2.5.1 Industrial development which may have a deleterious impact on adjacent land uses will not be permitted.
- 2.5.2 Priority may be given to the following locations for new or additional industrial development:
  - a) by application to rezone the industrially designated land on Port Washington Road;

The Local Trust Committee may consider requiring development information for industrial rezoning applications through adoption of a development approval information bylaw.
- 2.5.3 Industrial activity shall not be permitted in areas suitable for agriculture, or in hazardous or environmentally sensitive areas.
- BL 182 2.5.4 Applications for industrial rezoning must prove sustainable water supply and waste disposal capability, and include provision for remediation of any existing contamination, and in reviewing any application for new industrial uses, the local trust committee should consider potential climate change impacts.
- 2.5.5 Strip development of industrial businesses shall be prohibited through the implementation of appropriate development permit area guidelines.
- 2.5.6 Industrial activity, parking and storage areas should be screened.
- 2.5.7 Marine industrial activities that would damage or adversely alter the foreshore shall be prohibited.

## 2.6 CONSERVATION AREAS, NATIONAL PARKS COMMUNITY RECREATION AND FUTURE PARKS

### Background

Scenic qualities provide a rural setting and pleasant pastoral views throughout North Pender Island. Voluntary stewardship of land is the primary means by which this feature of island living is maintained. Protection of environmentally sensitive areas and at-risk species and their habitats and significant natural sites is a fundamental Islands Trust policy.

Public recreation amenities on the island include trails and foot paths, parks, a golf course, a disc golf course, school grounds, shoreline access and viewing areas. Some sites provide an opportunity to enjoy the natural environment while others provide more developed recreational facilities. Parks Canada is a major land-holder, with significant land area on North Pender located within the Gulf Islands National Park Reserve. Prior Centennial Campground, part of the Gulf Islands National Park Reserve, provides 17 campsites on a 15.5 hectare (38.4 acre) parcel. Other parks, including community parks, may be obtained through land dedication at time of subdivision. These park sites are held by the Crown and can remain as natural areas in perpetuity; most park sites are administered by the Pender Islands Parks Commission as community parks.



Photo: Islands Trust

### Conservation Areas, National Parks, Community Recreation and Future Park Objectives

- 1) To retain a rural appearance through the preservation of agricultural lands, ecological reserves, parks and natural areas.

- 2) To facilitate retention of large parcels and promote voluntary stewardship of those lands in keeping with the rural character of the island.
- 3) To identify and protect environmentally sensitive areas and at-risk species and their habitats and other significant natural sites, features and landforms.
- 4) To plan, establish and maintain a network of protected areas that preserve representative ecosystems and maintain their ecological integrity.
- 5) To promote ecological values.
- 6) To designate the location and type of future parks.
- 7) To work cooperatively with Parks Canada, the Pender Islands Parks Commission and conservancy groups in advancing the goals of this plan.

Conservation Areas, National Parks, Community Recreation and Future Park Policies

- 2.6.1 Preservation of land as open space, ecological reserves or natural areas will be supported through land use regulation, lot clustering, development permit area designation, the granting of covenants and by public acquisition through land dedication or conveyance to appropriate conservation agencies.
- 2.6.2 Land acquired or dedicated as park or as a conservation area should be designated appropriately on Schedule 'B' of this plan and zoned accordingly.
- 2.6.3 Lands located within the Gulf Islands National Park Reserve should have a separate designation on Schedule 'B' of this plan and should be zoned appropriately, recognizing that the Local Trust Committee has no jurisdiction over federal land.
- 2.6.4 The Local Trust Committee will work with Parks Canada to address community impacts arising from the establishment of the Gulf Islands National Park Reserve.
- 2.6.5 The Local Trust Committee may consider regulations to mitigate the impacts of development on park lands or conservation areas.
- 2.6.6 Dedication of land, rather than cash-in-lieu, shall be required on lands identified on Schedule "D" of this plan where parkland dedication is required at the time of subdivision, as authorized by the Local Government Act.
- 2.6.7 The Local Trust Committee will identify locations that are a priority for the creation of pedestrian walkways, linear parks and trails, cycling paths and trails, pull-outs and lay-bys, and public ocean accesses in cooperation with other agencies and community groups.
- 2.6.8 The Local Trust Committee will, in cooperation with community groups and other agencies, identify and protect environmentally sensitive areas and at-risk species and their habitats.

- 2.6.9 The Local Trust Committee will, in cooperation with community groups and other agencies, undertake planning for the establishment and maintenance of a network of protected areas.

Advocacy Policies

- 2.6.10 Land dedicated or acquired as park land should be maintained as an ecological reserve or natural area (which may have walking trails) if the site provides a special natural feature, wetland characteristic, wildlife habitat, scenic or archaeological value.
- 2.6.11 Land dedicated or acquired as park land should be maintained as a community recreation park if the site is:
- a) not appropriate for protection as an ecological reserve or natural area;
  - b) not of historic or archaeological significance;
  - c) contributing to a network of walking trails.
- 2.6.12 Development of trails and creation of pedestrian and bicycle paths along a public right of way shall be encouraged.
- 2.6.13 The Ministry of Transportation shall be requested to allocate sufficient space within a road right of way to allow for the development of pedestrian and bicycle paths separate from vehicular traffic and to construct such paths should the opportunity present itself.
- 2.6.14 The Capital Regional District shall be requested to ensure that cash paid in lieu of park dedication at the time of subdivision within the North Pender Island Local Trust Area shall be administered for the benefit of the North Pender Island Local Trust Area.
- 2.6.15 The Local Trust Committee will request, in cooperation the Pender Islands Parks Commission and the CRD, that the Ministry of Transportation maintain public accessibility to ocean accesses.

## PART 3 SERVICES

### 3.1 TRANSPORTATION SERVICES

#### BACKGROUND

Schedule "E" establishes the approximate location and type of present transportation requirements in conjunction with the objectives and policies and other map schedules of this plan.

#### 3.1.1 Water Transport

##### Background

The principal water transportation system serving North Pender Island is provided by B.C. Ferry Services Inc. which maintains regular daily sailings from Otter Bay to Swartz Bay, Tsawwassen, Salt Spring, Galiano, Mayne and Saturna Islands. Water taxi services are available. North Pender Island secondary school students travel daily by water bus to the high school on Salt Spring Island or by ferry to Sidney.

There are three marinas - Otter Bay Public Marina, Port Browning Public Marina and Thieves Bay Marina, none of which are private yacht clubs - and several anchorages and sheltered bays. Boat launching ramps are located at Hamilton Beach, Wallace Point and Thieves Bay and government wharfs are located at Port Washington, Browning Harbour and Hope Bay.

Bulk sand and gravel and occasional special cargoes are also delivered by barge to Hamilton Beach.

##### Water Transport Objectives

- 1) To facilitate water transportation services and private marine craft access.
- 2) To prohibit any future use of marinas as private yacht clubs.

##### Water Transport Policies

3.1.1.1 One dock location for fuel barge or tanker traffic may be permitted, subject to provincial and federal environmental safety standards.

3.1.1.2 Use of marinas as private yacht clubs shall be prohibited.

3.1.1.3 Expansion of public and community dock lease or license areas only be considered through application for rezoning.

3.1.1.4 Regulations shall require adequate parking for boat launching facilities.

3.1.1.5 Permanent anchoring of floating camps or houseboats and residential use of any vessel moored or beached shall not be permitted, except for one marina caretaker residence.

Advocacy Policies

## 3.1.1.6 B.C. Ferry Services Inc. shall be requested to:

- a) provide an adequate level of service for the needs of residents;
- b) ensure that expansion of ferry services follows, rather than anticipates, demand;
- c) undertake efforts to reduce greenhouse gas emissions within its own operations, is encouraged to support lower fares for smaller vehicles, and to create and maintain facilities and services, including bicycle racks, supporting travel by means other than private automobile; and
- d) consider local input in decision-making and recognize that island residents and businesses are critically dependant upon an affordable ferry fare structure.

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## 3.1.2 Air Transportation

Background

Several aircraft landing sites including a private grass airstrip provide access to North Pender Island. A commercial service operates from Bedwell Harbour on South Pender on request. Float planes can also berth at Port Browning, Hope Bay, Port Washington, Shingle Bay, and Otter Bay. A helicopter pad equipped with night lighting adjacent to the private airstrip is used by the B.C. Air Ambulance Service.

The air space above North Pender Island is part of a major flight corridor regulated by Transport Canada for aircraft travelling between Victoria and Vancouver.

Air Transportation Objectives

- 1) To ensure safe and convenient access by air.

Air Transportation Policies

- 3.1.2.1 Applications to expand wharves to allow for additional moorage space for float planes will not be supported.

Advocacy Policies

- 3.1.2.2 The establishment of a second emergency helicopter night landing pad will be supported.
- 3.1.2.3 Expansion of the existing private airstrip is not considered compatible with the rural character of the island.
- 3.1.2.4 The Local Trust Committee shall request Transport Canada to prohibit aircraft noise and routing that affects the North Pender Local Trust Area.

## 3.1.3 Road Transportation

Background

BL 182 The development and maintenance of the island's road network is fundamentally connected to the pattern of land use and development and efforts should be made to balance transportation and safety needs with the goal of sustainable development.

There are school bus and taxi services in operation on-island.

Road Transportation Objectives

- 1) To protect the scenic beauty and rural character of the island's roadways.
- 2) To minimize the impacts of new roads on the rural character of the island.
- 3) To provide safe transportation routes that do not invite excessive speed.
- 4) To ensure safe access for emergency vehicles.
- 5) To create safe paths for pedestrians and cyclists.
- 6) To protect roads having heritage value.
- BL 182 7) To encourage and support alternative forms of transportation.

Road Transportation Policies

3.1.3.1 The Local Trust Committee shall consider the appointment of an additional Advisory Planning Commission to advise the Local Trust Committee on specific issues and initiatives relating to community transportation.

BL 182 3.1.3.2 The Local Trust Committee will support initiatives to reduce auto-dependence, including, but not limited to, buses, mini-buses, carpooling, car-stops, neighbourhood zero-emission vehicles, paths and trails, car co-ops, electric vehicle plug-ins, and park-and-ride.

3.1.3.3 The Local Trust Committee will identify locations that are a priority for the creation of pedestrian walkways, linear parks and trails, cycling paths and trails, pull-outs and lay-bys, and public ocean accesses in cooperation with other agencies and community groups. Identification of such locations shall be subject to the protection of environmentally sensitive areas, at-risk species and their habitats, biodiversity and respect the integrity of farms.

Advocacy Policies

3.1.3.4 The Local Trust Committee will consult with the Ministry of Transportation regarding development of the major road pattern shown on Schedule "E" of this plan.

- 3.1.3.5 The Local Trust Committee will request that the Ministry of Transportation ensure that construction of new roads conforms to the natural contours of the land.
- 3.1.3.6 The Local Trust Committee will request that the Ministry of Transportation ensure traffic safety by limiting speed and not by widening roads or constructing straighter roads.
- 3.1.3.7 The Local Trust Committee will request that the Ministry of Transportation reduce speed limits on roads designated for scenic/heritage value.
- 3.1.3.8 The Local Trust Committee will consult with the Ministry of Transportation concerning signs on, and adjacent to, highways.
- 3.1.3.9 The Local Trust Committee will consult with the RCMP on enforcement of speed limits.
- 3.1.3.10 The Local Trust Committee will request that the Ministry of Transportation ensure that new roads do not fragment environmentally sensitive areas and at-risk species and their habitats.
- 3.1.3.11 The Local Trust Committee will request that maintenance contractors retain as much roadside vegetation as is feasible.
- 3.1.3.12 The Local Trust Committee will request that the Ministry of Transportation consider provision of a second access to Magic Lake Estates.
- 3.1.3.13 The Local Trust Committee will request that the Ministry of Transportation develop a network of pedestrian walkways, cycling paths and trails, and public ocean accesses.
- 3.1.3.14 The Local Trust Committee will cooperate with the Pender Islands Parks Commission in the identification, designation and creation of linear parks and trails to connect residential areas and services.
- 3.1.3.15 The Local Trust Committee will request, in cooperation the Pender Islands Parks Commission and the CRD, that the Ministry of Transportation maintain public accessibility to ocean accesses.
- 3.1.3.16 It is the policy of the Local Trust Committee that North Pender Island should not be connected to Vancouver Island, the mainland or another island by a bridge or tunnel, notwithstanding the existing bridge between North and South Pender Islands.
- 3.1.3.17 The Local Trust Committee will support efforts to reduce automobile idling.

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### 3.2 WATER SYSTEMS

#### Background

North Pender has an average annual precipitation of approximately 75 cm (30 inches), 90% of which occurs in winter months. Quantity and quality suffers at other times.

There are three community water systems on North Pender Island: Magic Lake, Trincomali and Razor Point. Buck Lake Reservoir and Magic Lake Reservoir are treated domestic water sources for Magic Lake Estates. When full development of this subdivision occurs, Roe Lake may be required as an additional water source.

Lots outside of the community water systems are typically supplied by individual wells. Alternative or additional water supply systems, such as private residential desalination systems and the collection and storage of rainwater are also in use.

The location of the existing community water systems and water licences are shown on Schedule F.



Photo: Islands Trust

#### Water Systems Objectives

- 1) To ensure that a sustainable supply of potable water is available before any rezoning or subdivision is approved.
- 2) To support public education on water use and conservation.
- 3) To encourage alternative means to supply on-island drinking water.

- 4) To ensure water is available for fire fighting purposes.

#### Water Systems Policies

- 3.2.1 The Local Trust Committee shall regulate land use to protect groundwater resources and ensure that 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 groundwater.
- 3.2.2 Use and setbacks of buildings and other improvements shall be regulated to protect community wells.
- 3.2.3 Subdivision regulations shall establish that not less than 2045 litres/day/lot (450 gallons/day/lot), shall be proven available prior to subdivision approval, except in instances where there would be no increase in the density or intensity of use and all lots have an established supply of potable water.
- 3.2.4 Regulations may be considered requiring the installation of rainwater catchment systems in new construction.
- 3.2.5 To reduce the risk of flood damage, regulations shall require that all buildings be sited in accordance with best practices.
- 3.2.6 Regulations may be established to prohibit the use of desalination systems.
- 3.2.7 The Local Trust Committee may consider regulations requiring community water systems for new subdivisions
- 3.2.8 The Local Trust Committee may consider subdivision and servicing regulations requiring installation of water service for fire-fighting purposes.

#### Advocacy Policies

- 3.2.9 The Local Trust Committee shall:
- a) support a combination of local water supply systems;
  - b) support water conservation and education programs;
  - c) work to guarantee access to water supplies for fire-fighting purposes where appropriate.
- 3.2.10 The quality of domestic water supplies and community water systems should be monitored regularly. Use of water saving devices is encouraged.
- 3.2.11 The responsible agencies and ministries should be encouraged to:
- a) monitor the quantity and quality of water supplied from the groundwater systems;
  - b) administer well drilling activities and the tapping of watershed and aquifer resources;
  - c) establish limits on the number of wells authorized in relation to known water supply volumes

### 3.3 WASTE DISPOSAL

#### 3.3.1 Sewage Disposal

##### Background

Sewage is disposed of through systems which conventionally include septic tanks and disposal fields. The Magic Lake Treatment Facility is the only engineered system on North Pender Island. This system involves sewage treatment, an ocean outfall, and sludge disposal.

#### Sewage Disposal Objectives

- 1) To ensure that sewage disposal facilities do not contaminate groundwater, drinking water sources, foreshore areas or marine environments.
- 2) To promote public education about sewage disposal systems.

#### Sewage Disposal Policies

- 3.3.1.1 The Local Trust Committee may consider regulations requiring community sewage disposal systems for new subdivisions.

#### Advocacy Policies

- 3.3.1.2 The Vancouver Island Health Authority shall be requested:

- a) to encourage alternative sewage treatment methods that minimize water consumption;
- b) to assess suspected contamination problems;
- c) to permit reuse and separate disposal of grey water.

#### 3.3.2 Solid Waste Disposal

##### Background

Solid waste produced on North Pender Island is disposed of by collection and landfill, incineration, composting and recycling. Private contractors serve the Island and dispose of garbage at the Hartland Landfill on Vancouver Island. Incineration of cleared vegetation is a common practice on North Pender Island. Incineration of household garbage, building materials, and hazardous or toxic substances is prohibited by provincial and regional legislation.

##### Solid Waste Objectives

- 1) To ensure environmentally safe disposal of solid waste.
- 2) To encourage public education on waste reduction, recycling and safe methods of disposal.

##### Solid Waste Policies

- 3.3.2.1 Regulations shall permit the continued operation of an island location where waste can be taken for recycling.
- 3.3.2.2 The storage and disposal of hazardous and toxic wastes on North Pender Island shall be prohibited.
- 3.3.2.3 Regulations shall prohibit the use of land on North Pender Island as a landfill.

Advocacy Policies

3.3.2.4 Efforts shall be pursued to enhance education about reducing, reusing and recycling and protection of the environment through responsible waste management and consumer practises.

3.3.2.5 Chipping, mulching and composting of natural debris is encouraged.

3.3.2.6 The Local Trust Committee will support efforts to remove or remediate instances of existing contamination.

3.3.2.7 The Local Trust Committee supports the involvement of the Fire Department in operating and maintaining a permit system to regulate burning of appropriate materials.

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## PART 4 STEWARDSHIP OF RESOURCES

## 4.1 GROUNDWATER RESOURCES

Objectives

- 1) To implement land use planning that ensures the sustainable use of groundwater resources as a source of potable drinking water.
- 2) To ensure that the supply of groundwater on North Pender remains as a shared community resource that should not be used as a private commodity.
- 3) To ensure land use does not pollute the groundwater resources.
- 4) To ensure the best available information and science regarding the groundwater resources is utilized so water resources are preserved for current and future generations.

Surface and Groundwater ResourcesBackground

For a resource that is so widely used and vital to life, groundwater on North Pender Island is not only poorly understood, but is also subject to misconception. At one time, some islanders believed that North Pender's groundwater originated from Mount Baker in Washington State. It is now known that the source of all surface and groundwater on North Pender Island (as on the other neighbouring islands) is precipitation.

Groundwater levels rise in late fall and winter as a result of heavy precipitation, and decline in spring and summer from periods of drought. Low groundwater levels in summer are exacerbated by an influx of visitors to North Pender Island.

There are two distinct groundwater regimes<sup>1</sup> on North Pender Island. One exists in unconsolidated surficial deposits that overly bedrock. The second and increasingly exploited groundwater regime exists within the fractured, jointed and faulted sedimentary bedrock. A number of aquifers<sup>2</sup> exist on North Pender Island, including the Allison Fault. Fractured bedrock aquifers are complex and not easily understood, yet groundwater use on North Pender has increased dramatically over the past few decades. Sound land use decision making will ensure the resource is managed to sustain the integrity of the island ecosystems, residents and visitors.

Policies

- 4.1.1 The Local Trust Committee shall work with other agencies and the community in the implementation of a Groundwater Management Strategy. The Strategy should involve the following elements:

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<sup>1</sup> Groundwater regime refers to water below the land surface in a zone of saturation.

<sup>2</sup> Aquifer refers to a water-bearing geological formation capable of yielding sufficient water to meet a human demand.

- a) development of groundwater aquifer vulnerability mapping that identifies intrinsic aquifer susceptibility and land use hazards;
- b) identification of groundwater recharge areas and development of a sustainable groundwater yield model;
- c) recommended amendments to policy and regulations that would enhance the protection of groundwater from potential contamination and promote the sustainable use of the groundwater resource;
- d) assess the potential magnitude of groundwater demand under existing zoning and create a zoning framework to implement necessary changes to secure sustainable water resources; and
- e) develop a database of all wells on the island (existing, abandoned, etc.) that includes the location, age, depth, depth to water and other relevant parameters.

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- 4.1.2 Siting regulations and appropriate buffer areas will be established to ensure the protection of wetlands and watercourses.
- 4.1.3 Watersheds, wetlands, creeks and groundwater recharge areas shall be protected through regulation of land use. Vegetation removal in and adjacent to such features may be limited through the implementation of development permit areas.
- 4.1.4 Development which may contaminate or compromise the sustainability of surface or ground water resources shall not be permitted.
- 4.1.5 The Local Trust Committee may consider rezoning large lots with subdivision potential and sensitive watershed areas in order to limit development in sensitive areas and to cluster development in other parts of the lot, with no net change in density.
- 4.1.6 The precautionary principle should be applied with respect to the planning, utilization and protection of potable water supplies, so decision makers act with a conservative approach regarding the impacts of land use on water supplies.
- 4.1.7 Groundwater shall not be used as a commercial commodity or for heavy industrial use.
- 4.1.8 No piping of water from a source outside of the Bylaw area shall be permitted.

#### Surface and Groundwater Advocacy Policies

- 4.1.9 The Local Trust Committee encourages the regulation of groundwater use by:
  - a) licensing and well drilling permits; and
  - b) monitoring water quality and quantity.
- 4.1.10 Ponds for water storage are supported provided that there will be no adverse impact on natural water courses or nearby surface water supplies.

- 4.1.11 The Local Trust Committee encourages provincial agencies to regulate the practice of hydrofracturing of groundwater wells in order to protect the integrity of neighbouring wells and reduce occurrences of salt water intrusion.
- 4.1.12 Methods of water conservation such as low water use fixtures, low water use landscaping and gardens, collection and retention of rainwater in cisterns and other means shall be encouraged.
- 4.1.13 Use of chemical pesticides and herbicides in residential gardens shall be discouraged in order to protect water sources.

## 4.2 COASTAL AREAS

### Coastal Area Objectives

- 1) To protect sensitive coastal areas.

### Coastal Area Policies

- 4.2.1 Regulations should protect natural coastal processes from the impacts of development.
- 4.2.2 Ocean vistas may be protected by regulation.
- 4.2.3 Use of the foreshore, and the surface of marine waters within the North Pender Island Local Trust Area shall be regulated by zoning.
- 4.2.4 All offshore reefs and islets shall remain free of any development of structures other than aids to navigation.
- 4.2.5 The Local Trust Committee shall implement zoning regulations, appropriate development permit area guidelines and consider adoption of a development approval information bylaw in order to ensure that all tidal and coastal fresh water marshlands are retained in their natural state.
- 4.2.6 Marshes, bluffs and other natural features along the coast shall be protected from erosion, pollution and other impacts of development by:
  - a) ensuring that any use of the foreshore does not result in permanent damage to natural features;
  - b) encouraging use of community docks or multi-user docks; and
  - c) ensuring that waterfront development is sufficiently setback to permit natural erosion and accretion processes to occur without endangering structures.
- 4.2.7 Maintenance of public access and the right to recreational use of the foreshore shall be protected.
- 4.2.8 Filling, deposit, or excavation of materials on the foreshore shall be prohibited.
- 4.2.9 Aquaculture shall be subject to rezoning.

BL 223

4.2.10 No structures, including boathouses and multiple-user docks, should be permitted in coastal and foreshore areas unless an environmental impact assessment indicates that there is no disruption to natural coastal processes.

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

- a) the proposal demonstrating minimal impacts on the marine environment, including eelgrass, bull kelp, forage fish, or other important habitat;
- b) the proposal demonstrating minimal impacts on upland sensitive ecosystems or habitat;
- c) the proposal demonstrating no impacts on archaeological or cultural sites or resources;
- d) structures being appropriately sited and of a scale to minimize visual impacts;
- e) structures incorporating current best practices for dock construction;
- f) consideration being given to providing for shared or common moorage; and
- g) consideration being given to the cumulative impacts of private moorage.

#### 4.3 HAZARDOUS AREAS

Significant areas on the island may be potentially hazardous to development due to a combination of steep slope and geology. The long established zoning pattern on the island has resulted in some lots being located, wholly or partially, in areas that may be subject to landslide hazard (mainly in the form of rock fall).

##### Hazardous Areas Objectives

- 1) To protect development from hazardous conditions.

##### Hazardous Areas Policies

- 4.3.1 The Local Trust Committee shall request that the subdivision approving officer refer all subdivision applications to the fire chief.
- 4.3.2 Areas identified as potentially hazardous to development should be designated as development permit areas for the protection of development from hazardous conditions, and may include adoption of a development approval information bylaw.

#### 4.4 FORESTRY RESOURCES

##### Forestry Objectives

- 1) To encourage the retention of large land holdings and parcels for sustainable forestry use.

### Forestry Advocacy Policies

4.4.1 Maintenance of adequate tree cover is necessary to protect the groundwater resource and to sustain wildlife and vegetation. Voluntary stewardship of forested areas by property owners is encouraged to protect these resources.

4.4.2 Property owners are encouraged to:

- a) replant areas after logging with more than one ecologically indigenous suitable species before brush encroachment occurs;
- b) ensure that adequate fire protection is available through development of strategies for slash abatement and adequate site preparation, suitable access, fire breaks and other strategies to prevent the spread of fire;
- c) use practices for logging and access construction least damaging to soil and vegetation;
- d) leave buffer strips along roads, trails, ocean front, streams, wetland and lake shores with widths being dependent on topography, aesthetics, wind conditions, tree size and species, density and other needs such as animal or bird habitat preservation;
- e) minimize environmental and social impacts when transporting logs;
- f) consider wildlife needs including habitat in integrated management plans;
- g) protect watersheds and areas of ecological, geological, and archaeological interest;
- h) avoid herbicides, pesticides, fungicides or other toxic substances;
- i) protect and preserve heritage trees and unique tree species, including but not limited to Garry oak, arbutus, western flowering dogwood, western yew and Rocky Mountain juniper, except where proximity may be injurious to livestock;

4.4.3 The use of forest areas as a means to screen and buffer adjacent land uses or to enhance the scenic qualities of the island shall be encouraged.

## 4.5 MINERAL AND ENERGY RESOURCES

### Background

North Pender Island is composed of sedimentary rocks laid down approximately 80 million years ago in the Cretaceous Period. The geology consists of three distinct layers: Upper Cretaceous sandstone, shale and conglomerates of the Nanaimo group.

The only known mineral occurrence on North Pender island is an old quarry, located at Hope Bay, which produced sandstone in 1896. There are several sand and gravel deposits that are suitable for extraction and have been used locally; sand and gravel is also imported by barge.

The Ministry of Energy, Mines and Petroleum Resources, mandated to administer mineral, aggregate and energy resources under the *Mines Act*, *Mineral Tenure Act*, *Petroleum and Natural Gas Act* and the *Coal Act*, is responsible for the reclamation, permitting, inspection and safety of sand and gravel operations. Mineral potential on North Pender Island is considered by the Ministry of Energy, Mines and Petroleum Resources to be low. There are

no coal, mineral, placer or petroleum/natural gas tenures nor has any assessment work been recorded.

Mineral and Energy Resource Objectives

- BL 182
- 1) To encourage conservation of energy and use of renewable energy resources.
  - 2) To encourage alternate forms of energy production in order to reduce and limit carbon emissions and fossil fuel dependency

Mineral and Energy Resource Policies

- 4.5.1 The Local Trust Committee will support development of an energy conservation plan in conjunction with other agencies and community groups.
- 4.5.2 Regulations shall permit the generation of renewable energy through the use of devices such as windmills and solar panels.

Mineral and Energy Resource Advocacy Policies

- 4.5.3 The moratorium on oil and gas exploration in the Trust Area is supported.
- 4.5.4 The Ministry of Energy, Mines and Petroleum Resources shall be requested to establish a reserve on the whole North Pender Island Local Trust Area against exploration for mineral or petroleum resources.
- 4.5.5 Educational and informational programs on energy conservation shall be encouraged.

## 4.6 HERITAGE RESOURCES



Photo: Islands Trust

Heritage Resource BackgroundPre-1860 Heritage Features

Archaeological evidence indicates that North Pender was occupied by aboriginal people on a seasonal basis as early as 6000 years ago. Evidence of early settlements includes midden deposits, lithic scatters, hearths, postholes and remains of stone, bone and shell tools and ornaments. There are 38 recorded archaeological sites on the island with most found on the foreshore areas. A midden, known as the Pender Canal Site and now part of the Gulf Islands National Park Reserve, was excavated in 1984 through 1986 by Simon Fraser University and forms the basis for some of our understanding of Gulf Islands history.

Archaeological sites are automatically protected by the Provincial *Heritage Conservation Act*. This protection applies equally to private and Crown land and to recorded and unknown sites. Provincial permitting is required to develop within a protected archaeological site. Protection of archaeological sites is reflected in the policies of this plan.

Post-1860 Heritage Features

North Pender was first settled by Europeans in 1878. The earliest buildings still in use are homes built by Washington Grimmer and Lawrence and James Auchterlonie more than 100 years ago. None of these have been officially designated. There are two remaining commercial buildings which that are more than a century old, both located adjacent to the Port Washington dock.

## Landscape Heritage Features

Landscape features of cultural or historical significance include orchards, gardens and parks, old growth or heritage trees, trails, and roads.

### Heritage Resource Objectives

- 1) To encourage identification, protection, preservation and enhancement of heritage resources, including lands and structures of natural, archaeological, historic, cultural, aesthetic, educational or scientific heritage value.
- 2) To preserve and protect the heritage values and character of historic coastal settlement patterns and remains.
- 3) To increase public awareness and appreciation of heritage resources.

### Heritage Resource Policies

- 4.6.1 The Local Trust Committee will support the creation of an inventory of lands and structures of natural, historic, cultural, aesthetic, educational or scientific heritage value or character.
- 4.6.2 The Local Trust Committee will support an updated inventory of archaeological resources.
- 4.6.3 The Local Trust Committee may amend this plan to designate any real property as a heritage site under Part 27 of *Local Government Act* and identify the features or characteristics that contribute to the heritage value or character of the property.
- 4.6.4 All development applications shall be reviewed for the presence of known and recorded archaeological sites. Applicants will be notified if the application is within a known, protected archaeological site. Notification may include direction to engage a professional consulting archaeologist to determine if an archaeological impact assessment is necessary to manage development related impacts.
- 4.6.5 Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities.
- 4.6.6 The Local Trust Committee will encourage the granting of covenants to the LTC to protect heritage features.

### Advocacy Policies

- 4.6.7 The Local Trust Committee will advocate for the designation and protection of eligible heritage sites under the *Heritage Conservation Act*.
- 4.6.8 The Local Trust Committee will support programs to increase education, recognition, awareness and appreciation of heritage resources.

- 4.6.9 The Local Trust Committee shall work with the Canadian Coast Guard, the RCMP, the South Pender Island Local Trust Committee and other organizations to educate users about the speed limit through the canal separating North and South Pender in order to reduce the rate at which erosion is occurring near the Canal Site.

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## 4.7 CLIMATE CHANGE MITIGATION AND ADAPTION

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Background

Climate change results from the increasing concentration of heat-trapping greenhouse gases in the atmosphere as the result of human activities - primarily the burning of fossil fuels and deforestation. The rise in atmospheric greenhouse gas concentrations has in turn triggered an increase in the average temperatures of near-surface air and ocean water, with temperatures projected to rise over the next century. Although seemingly slight, these temperature changes could have potentially dramatic and negative impacts on ecological systems around the globe.

The *Local Government Act* now requires that all local governments include in their Official Community Plans targets to reduce greenhouse gas (GHG) emissions and policies and actions to achieve these targets.

The following targets, objectives, policies and actions are a step in ensuring that the reduction of GHG emissions specifically, and the impact of climate change in general, become part of the planning process for North Pender Island. This section of the Plan contains objectives and policies relating to the reduction of GHG emissions and the broader topic of climate change adaptation and mitigation.

Target

This plan supports a target of reducing greenhouse gas emissions by 33% by 2020 from 2007 levels. Emission reductions within the local trust area may result from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land use policies and regulations.

Objectives

The objectives of this section are:

- 1) To establish climate change as a factor in land use decision-making.
- 2) To encourage a resilient rural community in order to prepare North Pender for the stresses of climate change and declining fossil fuel availability.
- 3) To support efforts and policies to help our community adapt to climate change impacts.
- 4) To work with others to support actions to limit emissions.
- 5) To recognize the role that natural areas, particularly forests, wetlands, and other sensitive ecosystems, play in storing carbon.
- 6) To facilitate and encourage community discussion of future development patterns and options.

Policies and Actions

- 4.7.1 The Local Trust Committee may consider amending policies and zoning to permit secondary dwelling units in appropriate locations in order to limit or reduce greenhouse gas emissions.
- 4.7.2 The Local Trust Committee may consider amending the parking requirements for commercial uses, to require alternatives to parking spaces, including but not limited to: bicycle racks, electric vehicle plug-ins, or cash-in-lieu for use for trails and paths.
- 4.7.3 The Local Trust Committee may consider creation and implementation of development permit areas to effectively manage lot layout in new subdivisions, to limit or regulate large-scale tree removal, and to implement energy conservation features in new construction in order to limit or reduce greenhouse gas emissions.
- 4.7.4 The Local Trust Committee may consider amending policies, zoning and development permit area provisions to allow for second-storey residential dwelling units in commercial designations in order to provide for affordable dwelling units and to encourage residences closer to services and amenities in appropriate locations and with appropriate regulation.
- 4.7.5 The Local Trust Committee may consider amending zoning or establishing development permit area provisions requiring cisterns or other water conservation measures for new construction.
- 4.7.6 The Local Trust Committee may consider amending zoning in the Industrial or Community Service designations to provide community wood chipping and community composting services.
- 4.7.7 The Local Trust Committee may review and consider amending the provisions for existing development permit areas to ensure that objectives and guidelines support energy conservation and alternative transportation options.
- 4.7.8 The Local Trust Committee should consider potential climate change impacts and GHG emissions in reviewing any application.
- 4.7.9 The Local Trust Committee should consider developing or adopting a sustainability checklist for use by applicants for new construction.
- 4.7.10 The Local Trust Committee may consider amending zoning regulations to permit or facilitate small-scale renewable energy production, such as solar collectors, wind turbines and geothermal heating.
- 4.7.11 The Local Trust Committee should support and encourage review of the community's development pattern and consideration of changes to policies and regulations that would result in a more sustainable development pattern.

Advocacy Policies

- 4.7.12 The Local Trust Committee encourages residents to retain and restore natural areas and vegetation as a means of storing carbon.
- 4.7.13 The Local Trust Committee should support efforts to increase local food security and sustainable agriculture, including supporting community gardens and local land trusts in appropriate locations.
- 4.7.14 The Local Trust Committee should support the efforts and initiatives of groups and individuals in the community to raise awareness of the impacts of climate change, reduce carbon dependence, and increase community resilience.
- 4.7.15 The Local Trust Committee should support development of a Community Energy Strategy and regional community energy plans.
- 4.7.16 Regional, provincial and federal agencies are encouraged to undertake actions and support initiatives to reduce greenhouse gas emissions.
- 4.7.17 Developers of public and community buildings are encouraged to incorporate energy efficient design features in all projects.
- 4.7.18 The Local Trust Committee should support efforts to create shared energy production in neighbourhoods.

## PART 5 PRESERVING AND PROTECTING OUR ECOSYSTEMS



Photo: Mark Kaarremaa, Imageplay

## 5.1 ENVIRONMENTAL STEWARDSHIP

Preamble

People are attracted to North Pender for many reasons, but residents and visitors can unwittingly contribute to the degradation and loss of integrity of these areas for both present and future generations.

Island residents have a role in stewardship of the island and expect visitors and all levels of government to collaborate in the long term sustainability of its environmental resources. North Pender's Sensitive Ecosystems are identified in a generalized way on Schedule C. More detailed digital ecosystem mapping is available from the Islands Trust. Many of the island's ecosystems have been fragmented and degraded by human activity and a high proportion are considered at risk provincially. Remnants of eight sensitive ecosystem classes have been identified on North Pender: Old Forest, Woodland, Herbaceous, Riparian, Wetland, Cliff, Freshwater and Intertidal, along with significant areas of the important Mature Forest ecosystem.

The Local Trust Committee supports and encourages the four 'R's' of voluntary stewardship:

*Research* – spend time in local parks and conservation areas to become more familiar with native species and the different habitats that make up the island. Walk your land in all seasons and at different times of day. Learn to identify which plants are native and what wildlife may reside on

or near your property. Contact local conservation organizations for information on what to look out for.

*Retain* – often the best thing one can do as a steward is to do nothing. It is hard to improve upon a natural system or feature that has evolved over many lifetimes. Preserving a natural area is a simpler and easier choice than trying to restore it.

*Restore* – if an area has been modified beyond its natural ability to recover, one may decide to take action to restore the area to its natural state. It may be near to impossible to reintroduce completely the complexity of species that once resided there; at best, one may have to concentrate on doing no further harm and reintroducing some of the plant life that once occupied the site. Start by identifying and removing any exotic or invasive plants and replanting with native plants, which, once established, will require minimal water and maintenance and begin to attract and support the wildlife dependant upon them.

*Reserve* – there are many options to explore, short and long term, for protecting natural areas into the future, including voluntary stewardship agreements, lease, covenants and outright dedication or donation. Aside from the more obvious rewards for taking such action there may be substantial tax and financial benefits involved as well. Contact the Islands Trust Fund or a local conservancy for more information.

### Objectives

- 1) To protect, and encourage awareness of, the environmental resources in the local trust area.
- 2) To ensure that land uses permitted by regulation are respectful of the island's environmental sensitivities.
- 3) To support private individuals, community groups and government agencies promoting awareness of environmental resources and the means for their protection.
- 4) To identify and protect environmentally sensitive areas and at-risk species and their habitats and significant natural sites, features and landforms.
- 5) To facilitate retention of large parcels and promote voluntary stewardship of those lands in keeping with the rural character of the island.
- 6) To promote ecological values.

### Policies

- 5.1.1 The Local Trust Committee shall identify and protect environmentally sensitive areas and at-risk species and their habitats and significant natural sites, features and landforms. Protection should take the form of regulation, the establishment of development permit areas for protection of the natural environment, its ecosystems and biological diversity, a development approval information bylaw, conservation covenants, acquisition, or donation.
- 5.1.2 The Local Trust Committee may consider rezoning large lots with subdivision potential and environmentally sensitive areas in order to limit development in

environmentally sensitive areas and to cluster development in other parts of the lot, with no net change in density.

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- 5.1.3 The Local Trust Committee will implement the provincial Riparian Areas Regulation through the designation of a development permit area.
- 5.1.4 Owners of land identified on Schedule C (Sensitive Ecosystems) as containing Mature Forest ecosystems are encouraged to limit tree removal and forestry activities within this important ecosystem. Mature Forest ecosystems are considered important because of high biodiversity values, which increase with the age of the forest, landscape connectivity and the provision of buffers for adjacent sensitive ecosystems.
- 5.1.5 Landowners and farmers are encouraged to preserve and protect seasonally flooded agricultural fields, which are considered an important ecosystem providing resting and feeding opportunities for migratory bird species.
- 5.1.6 The Local Trust Committee shall consider the appointment of an additional Advisory Planning Commission to advise the LTC on specific issues and initiatives relating to Environmentally Sensitive Areas and Development Permit Areas for protection of the natural environment.

## 5.2 DEVELOPMENT PERMIT AREAS

### What are Development Permit Areas?

Certain areas or features on North Pender are recognized as being particularly sensitive to the impacts of future development. These include sensitive ecosystems, areas of potential landslide hazard, and commercial and industrial areas. The island's sensitive ecosystems are a crucial part of what makes North Pender and the Trust Area unique; they are rare and provincially, nationally, and internationally significant. The island's geology and development pattern create issues with developing in areas that may be prone to hazards from rockfall. Although only a small proportion of the island's land is designated for commercial and industrial land uses, development in these areas can have significant impacts on the community. For these areas, further review may be needed before development takes place.

Development permits are a tool which provides for review and management of development at the site level. Areas of particular concern may be designated as Development Permit Areas (DPA) and within these areas a Development Permit (DP) may be needed prior to development work being undertaken. Development permits are issued by the Local Trust Committee based on the objectives and guidelines in this part of the OCP. Development permits cannot prevent development that is otherwise permitted by zoning, but is a means to manage the development in such a way as to mitigate the impacts of development.

#### Statutory Authority

The Local Government Act authorizes a Local Trust Committee to designate Development Permit Areas (DPA) within an OCP for one or more of six purposes. In this plan, the Local Trust Committee has designated DPA for the following purposes:

- 1) the protection of the natural environment, its ecosystems and biological diversity.
- 2) protection of development from hazardous conditions.
- 3) establishment of objectives for the form and character of commercial, industrial or multi-family residential development.

Where the LTC has designated certain areas as DPA, the owner must obtain a Development Permit before subdividing land within the DPA, starting construction of, addition to or alteration of a building or other structure, or altering land within an area designated under (1) or (2) above. In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and in the instance where there are conflicts or inconsistencies between guidelines, the precedence shall be given to DPA for protection of the natural environment, its ecosystems and biological diversity. Only one development permit, containing conditions based on guidelines in all applicable DPA, is required.

Pursuant to section 920.1 of the Local Government Act (Designation of development approval information areas), the plan designates all DPA as areas for which, in specified circumstances, development approval information may be required under that section. Development approval information means information on the anticipated impact of the proposed activity or development on the community.

## 5.2.1 SENSITIVE ECOSYSTEM DEVELOPMENT PERMIT AREAS DEVELOPMENT PERMIT AREAS ONE THROUGH SIX

### 5.2.1.1 Authority

Development permit areas One through Six are established, pursuant to Section 919.1(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 objectives of the DPA have been met where applicable and may impose conditions where appropriate.

### 5.2.1.2 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.

### 5.2.1.3 General Applicability

The following activities shall require a development permit whenever they occur within Development Permit Areas One, Two, Three, Four, Five and Six, unless specifically exempted below.

- a) Subdivision of land.
- b) Construction of, addition to or alteration of a building or other structure.
- c) Alteration of land.

The designation of Development Permit Areas One through Six includes portions of six of the sensitive ecosystems identified on the Sensitive Ecosystems on North Pender Island mapping. The sensitive ecosystem mapping is at a scale of 1:10,000 and is based on air photos flown in 2004. The mapping was themed from Terrestrial Ecosystem Mapping (TEM) data using Resource Information Standards Committee (RISC) Standard for Mapping Ecosystems at Risk in BC. The Sensitive Ecosystems on North Pender Island mapping consists of a digital record compiled by means of a geographic information system maintained at the offices of the Islands Trust. A generalized copy of the Sensitive Ecosystems on North Pender Island mapping is partially reproduced as Schedule C of this OCP. As mapping technology and information improves, new sensitive ecosystems may be identified and the location and boundaries of existing sensitive ecosystems may be revised as more site specific information becomes available. Such changes would necessitate an amendment to this bylaw.

### 5.2.1.4 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) submission to the Islands Trust of a written statement from a registered professional biologist with relevant experience confirming the absence of a sensitive ecosystem within the area that would be affected by the proposed work (for example, due to mapping error);

- c) determination by Islands Trust staff that the land subject to the proposed work does not contain a sensitive ecosystem;
- d) the placement of impermanent structures , such as benches, tables and garden ornaments;
- e) forest management activities on land classified as managed forest land under the *Private Managed Forest Land Act*;
- f) forest management activities on land that is the subject of a valid and subsisting woodlot license or tree farm license under the *Forest Act*;
- g) work undertaken by an agent of the Crown;
- h) land where a conservation covenant under section 219 of the Land Title Act is registered against title, is granted to the North Pender Island Local Trust Committee and a recognized conservancy and includes provisions which protect sensitive ecosystems in a manner consistent with the applicable DPA guidelines;
- i) the maintenance of existing gardens;
- j) the removal of dangerous trees posing an immediate threat to life or property;
- k) the removal of invasive, non-indigenous trees or vegetation;
- l) 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;
- m) 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 (a building permit may still be required); or
- n) 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.

#### 5.2.1.5 OVERALL GUIDELINES

The following guidelines are applicable to Development Permit Areas One, Two, Three, Four, Five and Six:

1. Where lots are not subject to further subdivision, applicable guidelines should be considered to the extent reasonable within the constraints of the site and the lot.
2. Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.
3. The area cleared and disturbed for development should be minimized.
4. Fewer, but larger, undisturbed areas should be retained, rather than small or isolated undisturbed areas.
5. Buildings and associated infrastructure should be sited with sufficient undisturbed space around significant mature or established trees to protect root systems.
6. Undeveloped buffer areas should be retained around sensitive ecosystems, features or habitat where feasible. Buffer areas should be of sufficient width to limit access by invasive plants.
7. Natural features should be retained through incorporation into the design of the development. In particular, unique or special natural features such as native grasses, rare

plants, unique land forms, rock outcroppings, mature trees, spits and dunes should be protected.

8. Connections and corridors should be maintained to provide continuity between sensitive ecosystems and important habitat.
9. Use of drought resistant and native plants in landscaping should be encouraged. The planting or introduction of non-native plants should be avoided.
10. Soil removal and deposit within or adjacent to a sensitive ecosystems or habitat should be avoided.
11. Alteration of natural drainage systems in ways that increase or decrease the amount of water available to a sensitive ecosystem should be avoided.
12. Septic fields should be located in such a manner that the possibility of pollution of sensitive ecosystems or habitat is avoided.
13. Driveways and other accesses should be limited to the number required for safe access, with shared driveway access where feasible. Driveway lengths and widths should be limited to the minimum necessary. The use of impervious surfaces should be discouraged.
14. Shoreline structural modifications should be limited in number and extent and should be necessary to support or protect a permitted or existing use or structure.
15. Preference should be given to shoreline structures that have a lesser impact or enhance ecological functions, including vegetation enhancement, drainage control, beach enhancement, anchor trees, gravel placement. Harder construction measures should be avoided where possible.
16. Shoreline stabilization should not interrupt natural processes solely to reduce erosion of undeveloped land, except for agriculture. Vegetation which helps stabilise banks, reduce erosion and provides habitat should be retained or enhanced.
17. The permit conditions may include:
  - a) the construction of permanent or temporary fencing around sensitive features;
  - b) fencing, flagging and posting of notices during construction;
  - c) limits on blasting in sensitive areas;
  - d) limits on construction timing;
  - e) provision of works to maintain or restore the quantity or quality of water reaching environmentally sensitive areas or habitat;
  - f) restoration or enhancement of disturbed sensitive ecosystems and habitat;

18. The LTC may consider variances to siting or size regulations where the variance could result in enhanced protection of an environmentally sensitive area.

#### 5.2.1.6 SUBDIVISION GUIDELINES

The following guidelines are applicable to any subdivision proposal within Development Permit Areas One, Two, Three, Four, Five and Six:

1. Subdivisions should, where feasible, protect sensitive ecosystems and habitat by clustering lots in areas with disturbed or modified ecosystems. Sensitive ecosystems and habitats should be incorporated within a parcel of a sufficient size to accommodate the permitted level of development, including driveway access and septic disposal systems, while also avoiding alteration and fragmentation of the sensitive ecosystems and habitat.
2. Sensitive ecosystems and habitat should be protected from clearing, grading and filling during the land development and construction phases of subdivision. Permit conditions may include requirements for fencing, signs and timing of work.
3. Provision should be made for any recommended buffer areas adjacent to sensitive ecosystems and habitat.
4. Lots should be configured to minimize driveway lengths within sensitive ecosystems. The provision of shared driveways may be considered as a condition of a permit if it can reduce impacts on sensitive ecosystems and habitat.
5. A community water system, as an alternative to individual wells, may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.
6. Septic disposal sites should be located in a manner that minimizes potential impacts on sensitive ecosystems and habitat.
7. Storm water management systems, where needed, should be designed in a manner that avoids the impacts of run-off on sensitive ecosystems and habitat.
8. Where applicable, lots should be configured to allow the siting of docks and stairs to the foreshore with minimal impact on sensitive shoreline and intertidal areas.
9. Pre-designation of building sites may be considered as a condition of a permit where this would result in reduced impacts on sensitive ecosystems and habitat.
10. The LTC may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a sensitive ecosystem or habitat.

## 5.2.2 DEVELOPMENT PERMIT AREA ONE – WOODLAND ECOSYSTEMS

### 5.2.2.1 Designation

Development Permit Area One is shown in a generalized representation on Schedule I. The definitive designation and delineation of Development Permit Area One consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

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

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

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

The objective of this development permit area is as follows:

1. To preserve and protect remaining sensitive woodland ecosystems.

### 5.2.2.3 Development Permit Exemptions

In addition to the exemptions listed in 5.2.1.4, the following activities are exempt from any requirement for a development permit in DPA One:

- a) the removal of trees, other than Garry Oak, Arbutus, Pacific Yew or Pacific Dogwood, with a trunk diameter of less than 20 centimeter (measured 1.5 metres above the ground), provided that stumps and root systems are not removed.

### 5.2.2.4 Woodland Ecosystem Guidelines

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

1. Large mature and old trees, trees containing cavities, the root systems of trees, rare plant species, native grasses and associated under-storey vegetation should be protected.
2. Unnecessary removal of dead or declining trees, downed logs, snags and leaf litter should be avoided.
3. Consideration should be given to requiring fencing as a condition of a permit in order to manage access.

4. Where feasible, cut dangerous trees to a level where they are safe rather than removing entirely.
5. Denning and nesting sites of rare, threatened or endangered species should be protected.
6. Stairs, walkways and other access within a sensitive ecosystem adjacent to the shoreline should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.

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### 5.2.3 DEVELOPMENT PERMIT AREA TWO – HERBACEOUS ECOSYSTEMS

#### 5.2.3.1 Designation

Development Permit Area Two is shown in a generalized representation on Schedule J. The definitive designation and delineation of Development Permit Area Two consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

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

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

The objective of this development permit area is as follows:

1. To preserve and protect remaining sensitive herbaceous ecosystems.

#### 5.2.3.3 Herbaceous Ecosystem Guidelines

In addition to the overall and subdivision guidelines, the following specific guidelines are applicable to Development Permit Area Two (Herbaceous ecosystems):

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

## 5.2.4 DEVELOPMENT PERMIT AREA THREE – RIPARIAN ECOSYSTEMS

### 5.2.4.1 Designation

Development Permit Area Three is shown in a generalized representation on Schedule K. The definitive designation and delineation of Development Permit Area Three consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

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

Riparian ecosystems support a high concentration of vascular plants, mosses, amphibians and small mammal species.

Riparian areas function as natural water storage and purifying systems for improved water quality and provide safe corridors for wildlife movement. The riparian areas need to be large enough to protect habitat, prevent flooding, control erosion, reduce sedimentation and recharge groundwater.

The objective of this development permit area is as follows:

1. To preserve and protect remaining sensitive riparian ecosystems.

### 5.2.4.3 Riparian Ecosystem Guidelines

In addition to the overall and subdivision guidelines, the following specific guidelines are applicable to Development Permit Area Three (Riparian ecosystems):

1. The filling or draining of permanent or seasonally wet areas should be avoided.
2. Locating roads, driveways and utility corridors along or across riparian ecosystems should be avoided; where crossings have to be located within the ecosystem the crossings should, to the extent feasible:
  - a) Be narrow and perpendicular to the riparian ecosystem;
  - b) Share facilities;
  - c) Minimize impacts on streams and other water bodies;
  - d) Conform to topography to minimize cut and fill;
  - e) Not restrict natural movement of surface and groundwater;
3. The construction of roads, buildings, structures and utility corridors involving disturbance of soil should avoid direct run-off into watercourses.
4. Disruption of natural hydrologic cycles and aquatic processes, including stream flows, seasonal flooding, stream channel movements, or natural slope in water bodies should be avoided.
5. Vegetation cover which helps stabilise banks, reduce erosion and provide habitat should be maintained.
6. Removal of vegetation that would reduce the natural functions of the sensitive ecosystem should be avoided.

## 5.2.5 DEVELOPMENT PERMIT AREA FOUR – WETLAND ECOSYSTEMS

### 5.2.5.1 Designation

Development Permit Area Four is shown in a generalized representation on Schedule L. The definitive designation and delineation of Development Permit Area Four consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

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

Wetland ecosystems include areas on the island that are characteristically wet or contain saturated soils and are dominated by water-loving plants. Classes of wetlands include swamps, marshes, bogs, fens, wet meadows, estuaries and similar shallow water areas that are not part of an active floodplain or stream.

Wetlands provide a specialized habitat for diverse and unique species, and are a vital link between upland and open water aquatic environment. They are cherished for their diversity of life and as opportunities for recreational activities and eco-tourism.

Wetland ecosystems are sensitive and important because they exhibit rarity, high biodiversity, fragility, specialized habitat, specialized functions and connectivity. Wetland ecosystems are rare in the Trust Area. Over the past 150 years, wetlands have declined due to agricultural development, flood control, forestry, coastal development and residential development.

The objective of this development permit area is as follows:

1. To preserve and protect remaining sensitive wetland ecosystems.

### 5.2.5.3 Wetland Ecosystem Guidelines

In addition to the overall and subdivision guidelines, the following specific guidelines are applicable to Development Permit Area Four (Wetland ecosystems):

1. Filling or draining of permanent or seasonally wet areas should be avoided.
2. Wetland vegetation and structure should be retained.
3. Rare or threatened animal or plant communities and breeding and nesting sites should be protected.
4. Locating roads, driveways and utility corridors along or across wetland ecosystems should be avoided; where crossing have to be located within the ecosystem the crossing should, to the extent feasible:
  - a) Be narrow and perpendicular to a riparian ecosystem;
  - b) Share facilities;
  - c) Minimize impacts on water bodies;
  - d) Conform to topography to minimize cut and fill;
  - e) Not restrict the natural movement of surface and groundwater;

5. The construction of roads, buildings, structures and utility corridors involving disturbance of soil should be conducted in such a manner as to avoid direct run-off into wetlands.
6. Disruption of natural hydrologic cycles and natural aquatic processes, including water flows, seasonal flooding, channel movements, windthrow or natural slope, should be avoided.
7. Vegetation cover which helps stabilise banks and reduce erosion and provides habitat should be maintained.
8. Removal of vegetation that would reduce the natural functions of the sensitive ecosystem should be avoided.
9. Permit conditions may include timing of work in and around sensitive wetland ecosystems, fencing and flagging, and posting of notices.
10. Alteration of vernal pools to create year-round water features should be avoided.

## 5.2.6 DEVELOPMENT PERMIT AREA FIVE – CLIFF ECOSYSTEMS

### 5.2.6.1 Designation

Development Permit Area Five is shown in a generalized representation on Schedule M. The definitive designation and delineation of Development Permit Area Five consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

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

Cliff ecosystems consist of the island's steep, vertical or overhanging rock faces where sparse vegetation may occur in crevices or on ledges. Because they are naturally rare, cliffs are one of the most poorly represented of all the sensitive ecosystems. Although rocky outcrops, shorelines, and cliffs are generally robust and stable, the shallow soils are especially susceptible to erosion, damage from recreational activities, and other human disturbances.

Open ledges and horizontal fissures on cliffs are known to provide nesting sites for birds such as the blue listed Turkey Vulture or the red listed 'Anatum' Peregrine Falcon. Cliff crevices are used for roosting by bats, and the open cliff faces are used for foraging. Deep crevices are used for shelter and overwintering of snakes and lizards.

The objective of this development permit area is as follows:

1. To preserve and protect remaining sensitive cliff ecosystems.

### 5.2.6.3 Cliff Ecosystem Guidelines

In addition to the overall and subdivision guidelines, the following specific guidelines are applicable to Development Permit Area Five (Cliff ecosystems):

1. Denning and nesting sites of rare, threatened or endangered species should be protected.
2. Native grasses, rare plants, and wildflower ecosystems and associated soils should be protected and maintained.
3. Talus and rock debris that occurs at the base of rock outcroppings should be maintained.
4. The faces of rock outcrops and cliffs should be protected.
5. Permit conditions requiring the restoration of native vegetation where it has been disturbed should be considered.
6. Stairs, walkways and other access within a sensitive ecosystem adjacent to a shoreline should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.

## 5.2.7 DEVELOPMENT PERMIT AREA SIX – INTERTIDAL ECOSYSTEMS

### 5.2.7.1 Designation

Development Permit Area Six is shown in a generalized representation on Schedule N. The definitive designation and delineation of Development Permit Area Six consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

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

Intertidal ecosystems include the island's marine ecosystems where total vegetated coverage of the surface areas is less than 5%. Intertidal ecosystems are valued for their important habitats for marine and estuarine organisms. Areas such as salt marshes, eelgrass or kelp beds provide habitat for sensitive and ecologically important fish. These ecosystems are an important regional resource, supporting economic activities ranging from fisheries and kelp harvesting to tourism and recreational activities.

The objective of this development permit area is as follows:

1. To preserve and protect remaining sensitive intertidal ecosystems.

### 5.2.7.3 Intertidal Ecosystem Guidelines

In addition to the overall and subdivision guidelines, the following specific guidelines are applicable to Development Permit Area Six (Intertidal ecosystems):

1. Stairs, walkways and other access within a sensitive intertidal ecosystem should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.
2. Docks should be sited to avoid impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.
3. Docks should be constructed in a manner which allows free flow of water beneath the dock and supports should be located on a hard substrate.
4. Floating docks that do not rest on the bottom at any time and a minimal ramp should be utilized rather than fixed wharves.
5. Piers on pilings and floating docks are preferred over solid-core piers.
6. Docks should not incorporate unenclosed plastic foam or other non-biodegradable materials and should be constructed of stable materials that will not degrade water quality.
7. Boat launch ramps should only be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is required.

## 5.2.8 DEVELOPMENT PERMIT AREA SEVEN - RAPTOR NESTS

### 5.2.8.1 Authority

This development permit area is established, pursuant to Section 919.1(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.

### 5.2.8.2 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.

### 5.2.8.3 General Applicability

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

- a) Subdivision of land.
- b) Construction of, addition to, or alteration of a building or other structure.
- c) Alteration of land.

### 5.2.8.4 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) 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) forest management activities on land classified as managed forest land under the *Private Managed Forest Land Act*;
- f) forest management activities on land that is the subject of a valid and subsisting woodlot license or tree farm license under the *Forest Act*;
- g) work undertaken by an agent of the Crown;
- h) the maintenance of existing gardens;
- i) the removal of dangerous trees posing an immediate threat to life or property;
- j) the removal of invasive, non-indigenous trees or vegetation;
- k) 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;
- l) 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

- m) 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.

#### 5.2.8.5 Designation

Development Permit Area Seven is shown in a generalized representation on Schedule O and generally incorporates a 30-50 metre radius around identified eagle, osprey and great blue heron nesting sites. The definitive designation and delineation of Development Permit Area Seven consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

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

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. *Environmental Objectives, Best Management Practices and Requirements for Land Developments*. 2001) 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 for Raptor Conservation during Urban and Rural Land Development in British Columbia*. 2005)

Great Blue Herons are a blue-listed (threatened) species. Breeding is 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. 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.

Other Raptors include falcons, hawks, ospreys, owls and other eagle species. 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.

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.

## 5.2.8.7 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) 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.
  - c) Where possible, retain groups of trees rather than isolated single trees to provide an inter-locking canopy.
  - d) 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) Locate new trails, buildings and roads away from nesting, roosting and foraging areas.
  - f) 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. 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.

5.2.9 DEVELOPMENT PERMIT AREA EIGHT - HAZARDOUS SLOPES

THIS SECTION RESERVED

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## 5.2.10 DEVELOPMENT PERMIT AREA NINE - COMMERCIAL AND INDUSTRIAL FORM AND CHARACTER

### 5.2.10.1 Authority

This development permit area is established, pursuant to Section 919.1(1)(f) of the *Local Government Act*, for the purpose of establishing objectives for the form and character of commercial and industrial development.

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

Existing zoning establishes a significant potential for new or additional commercial and industrial development. This includes approximately 150 units of commercial guest accommodation. The other policies in this Plan support commercial and industrial development that provides economic opportunities that are compatible with the conservation of resources and the protection of community character. Commercial development should be small scale and low density and such development should not adversely affect the rural character and lifestyle of the community. Design guidelines can reduce the potential conflicts between commercial and industrial development and neighbouring properties. The densities permitted by zoning within this DPA could have negative effects on nearby residential properties if development is not carefully managed. By paying attention to the design of new commercial and industrial development, the potential for on-going conflicts between land uses can be minimized.

The objective of this development permit area is to ensure that new or additional commercial or industrial uses are developed in a manner that is consistent with and enhances rural character and avoids impacts on adjacent properties.

### 5.2.10.3 General Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

- 1) Construction of, addition to or alteration of a building or other structure.

### 5.2.10.4 Designation

This development permit area includes all land in the Bylaw Area that is zoned Commercial One, Commercial Two, Commercial Three, Comprehensive Development One, Light Industrial, Industrial, Community Service (o) and Water Two.

### 5.2.10.5 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.

### 5.2.10.6 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) subdivision of land;
- b) the maintenance of existing landscaping;
- c) the repair or maintenance of existing buildings or structures, including lighting and signage, provided there is no addition to lot coverage or area, no exterior alterations requiring a building permit or no change in the use of external materials that results in the alteration to the form or character of the building or structure;
- d) internal renovations or alterations;
- e) new construction not requiring a building permit, with the exception of: structures over the water or foreshore, new landscaping, new roads and paved driveways, and new parking areas;
- f) marine navigation aids and mooring buoys;
- g) repair and maintenance of existing roads, parking areas, paths and trails; and
- h) construction of unpaved driveways and walkways.

#### 5.2.10.7 Guidelines

The intent of this development permit area is to ensure that development in the form of new buildings, structures or landscaping meets the objectives described above. In considering the issuance of a development permit, the LTC should be satisfied that the following guidelines have been met where applicable and impose conditions where appropriate:

1. Where an application involves a proposal to construct or alter general commercial buildings or structures, which are buildings and structures designed and intended for commercial uses other than for commercial guest accommodation, the building form and character should adhere to the following guidelines:
  - a) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.
  - b) Buildings should be designed and sited with the main entrance oriented to the front lot line or to the main point of entry from the road.
  - c) Building form and character should be similar to the scale, mass and character of adjacent non-commercial properties, without being imitative or derivative of adjacent dwellings.
  - d) Building mass should be limited to one or one-and-a-half storeys above grade; two storey buildings may be considered where there are sloping sites or where second storeys would be designed and used for accessory dwelling units.
  - e) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height.
  - f) Building mass should be softened by the use of small-scale elements such as windows, panels, entrances and other detail features in order to avoid monotony in design.
  - g) Buildings should not be designed with blank walls presenting an aspect to the highway or to highly visible areas; features such as garage doors and windowless facades should be minimized.

- h) Buildings should be detached; attached or connected units giving the impression of strip development should not be considered.
  - i) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture.
  - j) Architectural variety should be provided through the use of pitched roofs, dormers and similar features.
  - k) New buildings should be sited in a manner that results in minimal disturbance to existing vegetation.
  - l) Elements such as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing and building design.
  - m) Social gathering should be encouraged by creating spaces such as porches, patios and gardens that are visible and accessible.
2. Where an application involves a proposal to construct or alter tourist commercial buildings or structures, which are buildings designed and intended for use as commercial guest accommodation units, building form and character should adhere to the following guidelines:
- a) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.
  - b) Where there are significant numbers of commercial guest accommodation units proposed or permitted on a site, development should incorporate a variety of building types, including attached or multi-unit buildings, in order to minimize the development footprint on the site and to minimize impacts on adjacent properties.
  - c) Building form and character should be similar to the scale, mass and character of adjacent non-commercial properties without being imitative or derivative of adjacent dwellings.
  - d) Building mass should be limited to two storeys above grade.
  - e) Building mass should be appropriately proportioned in comparison to building height by limiting building frontage length in relation to building height.
  - f) Natural materials should be incorporated into the design of buildings with construction materials and styles relating to the vernacular style of coastal architecture.
  - g) Architectural variety should be provided through the use of pitched roofs, peaked roof lines, dormers and similar features.

- h) New buildings should result in minimal disturbance to existing vegetation.
  - i) Such elements as roof top mechanical equipment, shipping and loading areas, exterior storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing, and building design.
  - j) Development along the shoreline should be visually unobtrusive and conform to the existing contours of the shoreline.
  - k) Development should be designed and sited in such a manner as to preserve existing significant views and view corridors from adjacent properties and public lands. Consideration should be given to siting a first storey below grade where it results in a lower profile building and protection of views.
  - l) Structures intended to access the foreshore, docks and marinas should be small-scale and low-profile. Stairs and ramps should follow the existing contours of the site, incorporate landings, utilize small concrete pilings and have gaps between boards.
3. Where an application involves a proposal to construct or alter industrial buildings or structures, building form and character should adhere to the following guidelines:
- a) Buildings and other structures should utilize existing topography and vegetation to be sited in a manner that is relatively unobtrusive and blends into the surrounding landscape.
  - b) Industrial buildings and structures should be functional and not include unnecessary design features or elements.
  - c) Buildings should be limited in height to one storey or one-and-a-half storeys. Height may exceed a standard storey where it is functionally required as part of a production process. A second storey may be considered where the visual impact would be minimal and where the second storey would be designed and used for an accessory dwelling or site office
  - d) Buildings should be designed and sited to avoid creating visual and noise impacts from industrial operations.
  - e) Elements such as roof top mechanical equipment, shipping and loading areas, external storage areas, transformers, and meters should be screened from public view as effectively as possible through the use of any combination of landscaping, solid fencing, and building design.
4. All applications should include landscaping adhering to the following guidelines:
- a) A landscape plan should be professionally prepared and should:
    - i. provide supporting documentary evidence pertaining to landscape specifications, irrigation requirements, planting lists (highlighting indigenous species), cost estimates, and the total value of the work;
    - ii. identify existing vegetation by type and identify areas which are to be cleared;

- iii. provide for the landscape treatment of the frontage of the site which abuts onto existing or future public roads;
  - iv. provide for vegetative buffers along lot lines;
  - v. identify how landscape treatment will avoid the use of herbicides, pesticides and fungicides.
- b) Existing site topography and landscape features should not be altered in order to create new landscaping.
  - c) Existing indigenous vegetation should be retained wherever possible. Significant existing indigenous vegetation within all setback areas should be preserved (i.e. wetlands and mature wooded areas). Significant existing indigenous vegetation within the buildable area of the site should be preserved wherever possible through careful and innovative site design.
  - d) An adequate landscaped strip should be provided along all roads. The width and extent of this buffer strip should be established based on the overall useable site area of the parcel, the extent of existing vegetation, the provision for adequate access and visual clearances, and any zoning requirements for landscape screening.
  - e) Landscaped strips should be provided adjacent to the boundary of the Agricultural Land Reserve, along abutting residential properties and adjacent to watercourses.
  - f) Any storage areas on the property facing public roadways should have adequate landscape screening or the provision of other screening consistent with the overall character of the site and with the other guidelines in this section.
  - g) Proposed new plantings should consist of indigenous vegetation or other non-invasive vegetation suitable for local environmental conditions; buffer planting using massing of indigenous trees and shrubs is encouraged.
  - h) Appropriate planting should be used to soften building massing, to break up parking areas and to provide screening along lot lines. It is not intended that plantings form a full-height visual screen around the whole site and screen all buildings from view; planting should reduce and soften the apparent scale and mass of buildings, provide screens, and create breaks in a building façade or at building corners.
  - i) New drainage swales and detention basins should be planted with materials that will assist in the treatment of stormwater runoff and that are also complementary to the surrounding natural vegetation.
  - j) All landscaping and screening should be completed within 12 months of an occupancy permit being issued and should meet or exceed the British Columbia Society of Landscape Architects and British Columbia Nursery Trades Association standards.
  - k) The application should include a security, in the form of an irrevocable letter of credit for 125% of the value of the quoted landscaping cost.

- 5 All applications should provide a parking layout plan, adhering to the following guidelines:
- a) Large impervious and surfaced parking areas should be avoided. Parking should be provided through smaller parking areas evenly dispersed throughout the development and separated with planted landscaped areas. Porous or permeable surfaces should be used where practical and impervious surfaces should be minimized and swales and open ditches should be installed rather than curb and gutter systems.
  - b) Visitor parking spaces should be clearly identified and provided within the development. Tree planting is encouraged in and around parking areas.
  - c) Parking should be located at the sides or rear of buildings wherever feasible.
  - d) Development should provide for and clearly identify pedestrian circulation areas, preferably with different paving and/or landscaping treatment.
  - e) All significant paved parking areas should be included within the context of any stormwater water plan and incorporate oil/water separators.
  - f) The shared use of a common access between businesses is encouraged. The number of accesses should be limited to the number required for traffic safety.
  - g) All new development should include provision for bicycle parking or storage.
6. Lighting proposed as part of an application for a new building or overall site development should adhere to the following guidelines:
- a) Lighting for walks and parking areas should be small in scale and used to illuminate signs, displays and pedestrian paths.
  - b) High intensity lighting in parking lots and along roadsides is discouraged.
  - c) Security and other lighting should not be placed so as to shine directly onto residential or agricultural properties or to reduce the effectiveness of any landscaped buffer.
7. Signs should adhere to the following guidelines:
- a) Each site should have no more than one freestanding sign, located on the same lot as the development.
  - b) One sign should be installed for each business premise. All signs should be integrated into the overall design of the building and should not extend above the top wall of a building.
  - c) Billboards and roof signs should not be permitted.
  - d) Signs should not be backlit or equipped with flashing, oscillating or moving lights or beacons.

8. Where an application involves a proposal to construct or alter commercial or industrial marine structures over the water or the foreshore, the form and character of development should adhere to the following guidelines:
- a) New marine construction should take the form of floating structures rather than the placement of new fill.
  - b) New structures should display a marine character, exemplified by the use of materials such as wood and metal. Unenclosed polystyrene floats should not be used.
  - c) Development should not involve the construction of new buildings, including boathouses and boatsheds, over the water or foreshore. Limited numbers of small service, emergency, storage and utility structures may be considered on commercial docks, wharves and access ramps.
  - d) The visual impact of floats, moored boats and accessory structures, as seen from the sea and from upland residential lots, should be minimized. Floats and walkways should be designed to the minimum size required by applicable safety standards and marina layout should be designed to avoid moorage that results in the massing of large numbers of boats in a single location.
  - e) Barge ramps and boat launches should be designed to be visually unobtrusive.
  - f) Use of shoreline hardening (revetments and seawalls) should be avoided. Where seawalls are required to protect upland buildings or structures, natural materials that will weather to the appearance of native rock in the vicinity should be used.
  - g) Construction of new breakwaters should be avoided. Where existing breakwaters are replaced or conditions require a new breakwater, the use of floating breakwaters is encouraged. Where conditions require bottom-founded breakwaters, these structures should use natural materials that will weather to the appearance of native rock in the vicinity.
  - h) Public access to the foreshore should be maintained.
9. The LTC may consider variances to siting or size regulations where the variance may result in closer adherence to the guidelines in this section.

5.2.11 DEVELOPMENT PERMIT AREA TEN – RIPARIAN AND AQUATIC DEVELOPMENT PERMIT AREA  
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5.2.11.1 Authority

This development permit area is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity. Terms used in this section that are defined in the Riparian Areas Regulation (RAR) are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time.

5.2.11.2 Development Approval Information

The Riparian and Aquatic DPA is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a qualified environmental professional (QEP) may be required due to the special conditions and objectives described herein.

5.2.11.3 Application Requirements

The applicant must, in addition to any other application requirements enacted or imposed by the Local Trust Committee, provide at their expense an assessment report from a Qualified Environmental Professional (QEP) which has been submitted to RAR Notification System.

5.2.11.4 General Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

- a) removal, alteration, disruption, or destruction of vegetation;
- b) disturbance of soils;
- c) construction or erection of buildings and structures;
- d) creation of non-structural impervious or semi-impervious surfaces;
- e) construction of flood protection works;
- f) construction of roads, trails, docks, floats, ramps and bridges;
- g) provision and maintenance of residential sewer and water services;
- h) development of residential drainage systems;
- i) development of residential utility corridors;
- j) subdivision as defined in section 872 of the *Local Government Act*.

A separate development permit, or additional development permit conditions in a single permit, may be required or imposed if the development is occurring in another development permit area designated in this plan.

## 5.2.11.5 Development Permit Exemptions

The following activities are exempt from any requirement for a development permit:

- a) the reconstruction, repair or maintenance of a pre-existing permanent structure on its existing foundation.
- b) forest management activities, as defined in the *Private Managed Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
- c) forest management activities on land that is the subject of a woodlot license or tree farm license under the *Forest and Range Practices Act*;
- d) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2), (3), (4) and (5) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation*
- e) mining activities regulated by the *Mines Act*;
- f) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- g) for certainty, actions undertaken by the Crown or an agent of the Crown;
- h) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- i) gardening and yard maintenance activities, not involving the cosmetic application of pesticides, within an existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land;
- j) the construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence, or 1.5 metres on either side of the fence in agricultural areas;
- k) ecological restoration and enhancement projects undertaken or authorized by a public body;
- l) work that is authorized by Fisheries and Oceans Canada by permit under section 35 of the *Fisheries Act*;
- m) changes in or about a stream authorized under Section 9 of the *Water Act*;

## 5.2.11.6 Designation

This development permit area includes all land designated on Schedule P of this plan as being within the Riparian and Aquatic DPA. This DPA includes the riparian assessment areas related to the watercourses and water bodies identified on Schedule P, consisting of the stream and:

- 1. for a stream, a 30 metre strip on both sides of the stream measured from the high water mark;
- 2. for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank; and
- 3. for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank; and
- 4. for all other water bodies, an area encompassing the water body and 30 metres around the water body measured from the natural boundary of the water body.

and Schedule P shall be so interpreted. Development Permit Area Ten is shown in a generalized representation on Schedule P. The designation and delineation of Development

Permit Area Ten consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust. The actual location of the streams and water bodies may need to be determined on a site-specific basis by a qualified environmental professional or a surveyor.

#### 5.2.11.7 Special Conditions and 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 for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is a policy of the Islands Trust Council that local trust committees shall in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the province of British Columbia’s *Fish Protection Act*, requires that local governments establish regulations to protect riparian areas. The reason for this designation is to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

#### 5.2.11.8 Guidelines

Prior to undertaking any development activities within the Riparian and Aquatic DPA an owner of property shall apply to the LTC for a development permit, and the following guidelines apply:

- a) In general, all development in this DPA should be undertaken in a manner that minimizes impacts on the riparian area and on aquatic ecosystems, including from the application of pesticides and other chemicals for non-essential cosmetic purposes. Where a QEP has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and aquatic ecosystems, the LTC may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and aquatic ecosystems, consistent with the measures and recommendations described in the report.
- b) The development permit should not allow any development activities to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP, and the owner should be required to implement a plan for protecting the SPEA over the long term through measures that may be implemented as conditions of the development permit.
- c) Where the QEP report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP at the applicant’s expense may be required during construction and development phases, as specified in a development permit.

- d) The following guidelines are applicable to floats and associated structures within the development permit area:
- i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the feature;
  - ii) a ramp or float should not rest on the bed of the water body;
  - iii) the use of treated wood in the waterbody should be avoided;
  - iv) floatation material should be contained within a durable shell to prevent disintegration;
  - v) semi-transparent surfacing should be used on ramps and floats (e.g. grating or separated boards);
  - vi) any areas disturbed during installation should be restored;
  - vii) where a float is being replaced, all old materials should be removed.
- e) If the nature of the proposed project in a riparian assessment area or the surface of a waterbody changes after the QEP report has been prepared such that it is reasonable to assume that the QEP's assessment of the impact of the development may be affected, the LTC may require the applicant to have the QEP update the assessment at the applicant's expense and DP conditions may be revised accordingly.
- f) The LTC may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of the SPEA or aquatic ecosystem in compliance with recommendations of a QEP report.

An Official Community Plan may designate areas where temporary uses may be allowed. A temporary use permit may allow a use not permitted by zoning, specify conditions under which the temporary use may be carried on, and allow and regulate the construction of buildings or structures in respect of the use for which the permit is issued. A permit may be issued for a period of up to three years and may be renewed only once, after which a new application is required.

#### Temporary Use Permit Policies and Guidelines

- 6.1 The North Pender Island Local Trust Committee may issue temporary use permits for any area covered by this plan.
- 6.2 The Local Trust Committee may consider requiring development information for temporary use permit applications through adoption of a development approval information bylaw.
- 6.3 The Local Trust Committee should consider the climate change impacts of any significant change in use in reviewing temporary use permit applications.
- 6.4 In addition, the following guidelines apply when the Local Trust Committee is considering the issuance of a short term vacation rental temporary use permit:
  - 6.4.1 For the purpose of a temporary use permit, “short term vacation rental” means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons other than the owner or a permanent occupier.
  - 6.4.2 The Local Trust Committee may consider issuance of a short term vacation rental temporary use permit provided the short term vacation rental use would not alter the residential appearance of the residence.
  - 6.4.3 The Local Trust Committee must consider the cumulative effects on the neighbourhood and Island of all temporary use permits issued for short term vacation rentals.
  - 6.4.4 The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.
  - 6.4.5 The applicant must demonstrate an adequate supply of water and septic capacity for the duration of the proposed use.
  - 6.4.6 If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump

test, professional report, or rainwater system may be required for the application or as a condition of the permit.

- 6.4.7 If the property is serviced by a community water system, the application must be referred to the water system for information.
- 6.4.8 A short term vacation rental temporary use permit must not be issued if located within the Trincomali Improvement District.
- 6.4.9 The applicant must demonstrate that the property is able to accommodate off-street parking for a minimum of two vehicles.
- 6.4.10 If the proposal is located on a property identified as containing a sensitive ecosystem, the temporary use permit must require that the applicant provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.
- 6.4.11 The temporary use permit must restrict advertising to one unilluminated sign, with a maximum area of 0.6 m<sup>2</sup>.
- 6.4.12 The temporary use permit must require that the owner or other designated contact be available on North or South Pender Island by telephone or email at all times when the short term vacation rental is in use.
- 6.4.13 The temporary permit must require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number and email, and a copy of the temporary use permit.
- 6.4.14 The permit must require the applicant post the following information for guests:
  - a) remind guests that the property is located in a residential area;
  - b) information on noise bylaws, water conservation, fire safety, outdoor burning, wildfire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
  - c) emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and
  - d) the applicant provide the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the short term vacation rental is in use.
- 6.4.15 In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the permit must:
  - a) limit the number of bedrooms that can be used for short term vacation rentals;

- b) limit the number of guests to 6 for properties located within the Magic Lake Estates Water System Area;
- c) limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;
- d) require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;
- e) require the landowner/operator to post contact information and permit information at the entrance to the property;
- f) prohibit camping or occupancy of RVs on the property;
- g) prohibit the rental or provision of motorized personal watercraft;
- h) prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;
- i) prohibit outdoor fires; and
- j) establish the dates during which the use may occur.

6.4.16 A temporary use permit for a short term vacation rental on a parcel in the Agricultural Land Reserve must require the approval of the Agriculture Land Commission prior to the permit being issued.

6.4.17 An application for a short term vacation rental temporary use permit must not be considered if the dwelling unit is not occupied on a regular basis by the property owners.

6.4.18 The Local Trust Committee must not approve more than 20 temporary use permits for short term vacation rentals within the Magic Lake Estates Water System Area.

6.4.19 A short term vacation rental temporary use permit must not be issued in a dwelling or cottage that does not have Occupancy Permit approval.

## PART 7 ADMINISTRATION AND IMPLEMENTATION

## 7.1 PURPOSE

The purpose of this official community plan bylaw is to further the object of the *Islands Trust Act* through long-range land use policy for the North Pender Island Local Trust Area. This bylaw provides a statement of local government goals, objectives and policies. It is intended to provide policy guidance for the North Pender Island Local Trust Committee and the public regarding the existing and proposed land use and development in the Local Trust Area.

## 7.2 ISLANDS TRUST AUTHORITY

The Islands Trust Act gives the Islands Trust, via its Local Trust Committees, essentially the same land use planning authority as a regional district board under the *Local Government Act*. Bylaws must be approved by the Islands Trust Executive Committee and, in the case of Official Community Plans, also by the Minister of Community Services before adoption by the Local Trust Committee.

The North Pender Island Local Trust Committee is the Local Trust Committee with responsibility for land use planning and regulations within the North Pender Island Local Trust Area. This committee has three members; two locally elected trustees and a member of the Executive Committee appointed by the chairperson of the Islands Trust Council.

The purpose of the Trust Council, Executive Committee, and Local Trust Committees, is to carry out the object of the Islands Trust which 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 the Province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of the province.

The legislated object defines the purpose of providing authority to the Islands Trust for land use regulation. Local trust committees employ the available planning powers of the *Local Government Act* to preserve, protect, and effectively maintain the rural nature, health, natural environment and vitality of the Trust Area.

## 7.3 AREA OF JURISDICTION

The provisions of this Bylaw apply to that portion of the North Pender Island Local Trust Area shown on Schedule "H", which forms part of this Bylaw. The provisions of this bylaw are not applicable to those portions of the North Pender Island Local Trust Area subject to North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002.

## 7.4 ADVOCACY POLICIES

Community goals and objectives included in this Bylaw that address matters that are outside the jurisdiction of the North Pender Island Local Trust Committee are considered "advocacy policies". These advocacy policies encourage others to take actions that the Local Trust Committee believes would contribute to the goals and objectives of the plan. This Bylaw

cannot and does not represent a commitment from other agencies or persons to act according to community goals, objectives or policies.

## 7.5 PUBLIC FACILITIES

Any designation or policy for proposed public facilities on private lands including but not restricted to roads, parks, trails, parking facilities, and public and community facilities that are not available for acquisition through dedication, grants, or as an amenity through a zoning regulation and that are not subject to committed funds either through a capital expenditure plan or other budgeting process of the public agency responsible for the proposed facility, shall be deemed to be a community goal of this Bylaw.

## 7.6 IMPLEMENTATION

Section 884 of the *Local Government Act* specifies that:

"An official community plan does not commit or authorize a municipality, regional district (includes a local trust committee pursuant to Section 27 of the *Islands Trust Act*) or improvement district to proceed with any project that is specified in the plan."

and

"All bylaws enacted or works undertaken by a council, board or greater board (includes a local trust committee pursuant to Section 27 of the *Islands Trust Act*), or by the trustees of an improvement district, after the adoption of an official community plan must be consistent with the relevant plan."

## 7.7 INTERPRETATION

- 1) In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the three digit numbers policies and the lower case letters articles:
 

|           |                   |
|-----------|-------------------|
| Part:     | 1                 |
| Section:  | 1.1               |
| Policies: | 1.1.1 and 1.1.1.1 |
| Article:  | a)                |
- 2) The final interpretation as to the precise location of boundaries on any map schedule shall be defined by:
  - a) Where boundaries coincide with lot lines, the boundaries are the lot lines.
  - b) Where a boundary is shown as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream the centreline of that feature is the boundary.
  - c) Where land based and water based boundaries coincide, the common boundary shall be the surveyed lot line as shown on a plan registered in the Land Title Office, and where there is no such plan the natural boundary of the sea is the common boundary.

- d) Where a boundary does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from the map schedule and in that case the boundary is the midpoint of the line delineating the boundary on the schedule.
- 3) In interpreting the objectives and policies of the Plan, the term "shall" or "will" denotes that the indicated measure must be taken or applied. The term "should" or "may" indicates that the suggestion is intended as a guideline.
- 4) Throughout this Plan, the words listed below shall be defined as follows:

Affordable housing - Rental or owned housing that can be acquired without exceeding 30 per cent of the median gross income of low to moderate income families on the Southern Gulf Islands.

Agri-tourism - tourist activity, service or facility accessory to land that is classified as a farm under the *Assessment Act*.

Agri-tourist Accommodation - accommodation for agri-tourism on a farm under the *Assessment Act*.

Biodiversity - the full range of variety and variability within and among living organisms and the ecological complexes in which they occur, encompassing ecosystem or community diversity, species diversity, and genetic diversity.

Conservation – 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 area of human heritage value or character.

Ecosystem – a complete system of living organisms interacting with the soil, land, water, and nutrients that make up their environment. An ecosystem is the home of living things, including humans. An ecosystem can be any size—a log, pond, field, forest, or the earth’s biosphere—but it always functions as a whole unit. Ecosystems are commonly described according to the major type of vegetation—for example, old-growth forest or grassland ecosystem.

Environmentally Sensitive Area - places that have special environmental attributes worthy of retention or special care. These areas are critical to the maintenance of productive and diverse plant and wildlife populations. Examples include rare ecosystems, habitats for species at risk and areas that are easily disturbed by human activities. Some of these environmentally sensitive areas are home to species which are nationally or provincially significant, others are important in a more local context. They range in size from small patches to extensive landscape features, and can include rare and common habitats, plants and animals.

Farm - the occupation or use, for agricultural purposes, of one or several parcels of land

Foreshore - the area between the high and low water mark of tidal water.

Housing Pattern – the density, distribution, scale, type and siting of residential development in relation to landholdings and the landscape.

Island - North Pender Island and any additional area that this Plan applies to as defined by this Bylaw.

Local Trust Committee - The North Pender Island Local Trust Committee.

Official Community Plan - A community plan adopted pursuant to Part 26, Division (2), Section 876 of the *Local Government Act*.

Park - Park land acquired through dedication of land at time of subdivision, donation or by purchase through a community parks function of a regional district unless otherwise specified in this Bylaw.

Plan - An Official Community Plan adopted for North Pender Island.

Precautionary Principle – the recognition that when an activity raises threats of harm to the environment, precautionary measures should be taken even if some cause and effect relationships are not fully established scientifically

Preserve – to maintain a given condition. Preservation often requires maintaining the processes that generate the desired condition.

Protect – 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.

Rural Character – a pattern of land uses in which open space, the natural landscape and agriculture predominate over the built environment.

Senior – a person age 65 and older.

Sensitive Ecosystem – ecosystems which are fragile and/or rare, or those ecosystems which are ecologically important because of the diversity of species they support.

Stewardship – voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area.

Sustainable – capable of meeting the environmental, economic and social needs of current generations without compromising the ability of future generations to meet their needs.

Tiny Home on Wheels - a dwelling unit on a wheeled chassis designed to be used as a full-time residence.

This Bylaw may be amended by the North Pender Island Local Trust Committee, at its initiative or in response to an application. Individuals seeking amendment shall submit applications in the form provided for in the bylaws of the Local Trust Committee that address fees and procedures.

DRAFT

7.9 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.

DRAFT



## **NORTH PENDER ISLAND LAND USE BYLAW NO. 224, 2022**

AS AMENDED BY NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAWS: 229 and 234

NOTE: This Bylaw is consolidated for convenience only and is not to be construed as a legal document.

Certified copies of the Land Use Bylaw are available from the Islands Trust Office,  
#200 - 1627 Fort Street, Victoria, B.C. V8R 1H8

Consolidated: March 11, 2024

| TABLE OF AMENDMENTS                  |                   |                             |                |
|--------------------------------------|-------------------|-----------------------------|----------------|
| Bylaw No.                            | Date of Adoption  | Date of Bylaw Consolidation | Map Amendments |
| Bylaw No. 229, Amendment No. 1, 2022 | December 12, 2023 | December 14, 2023           | Schedule B     |
| Bylaw No. 234, Amendment No. 1, 2023 | March 11, 2024    | March 11, 2024              | N/A            |
|                                      |                   |                             |                |
|                                      |                   |                             |                |
|                                      |                   |                             |                |
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**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE  
LAND USE BYLAW NO. 224, 2022**

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A Bylaw to establish regulations and requirements respecting the use of land, including the surface of water, the use, siting and size of buildings and structures, the provision of parking, landscaping and screening and the subdivision of land within the North Pender Island Local Trust Area.

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WHEREAS the North Pender Island Local Trust Committee is the Local Trust Committee having jurisdiction on and in respect of the North Pender Island Local Trust Area, pursuant to the *Islands Trust Act*;

AND WHEREAS the North Pender Island Local Trust Committee wishes to adopt a Land Use bylaw and other development regulations and to show by map the boundaries of the zones;

AND WHEREAS the North Pender Island Local Trust Committee has held a Public Hearing;

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

1. This Bylaw may be cited for all purposes as the “North Pender Island Land Use Bylaw No. 224, 2022”.
2. The following schedules attached hereto are hereby made part of this Bylaw and adopted as the Land Use Bylaw for that part of the North Pender Island Local Trust Area as shown on Schedule C:
  - (1) Schedule A (Land Use Bylaw Text)
  - (2) Schedule B (Zoning Map)
  - (3) Schedule C (Bylaw Area Map)
  - (4) Schedule D (Detailed Plans – R(b) Siting Plan)
  - (5) Schedule E (Detailed Plans – W3(a) Seawall Plan)
  - (6) Schedule F (Comprehensive Development Zones – Plan CD1(a))
3. If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.
4. Bylaw No. 103 cited “North Pender Island Land Use Bylaw 103, 1996” and all of its amendments are repealed.

|                                                               |                  |        |       |       |
|---------------------------------------------------------------|------------------|--------|-------|-------|
| READ A FIRST TIME THIS                                        | 11 <sup>TH</sup> | DAY OF | MARCH | 2023. |
| READ A SECOND TIME THIS                                       | 11 <sup>TH</sup> | DAY OF | MARCH | 2023. |
| PUBLIC HEARING HELD THIS                                      | 13 <sup>TH</sup> | DAY OF | MAY   | 2023. |
| READ A THIRD TIME THIS                                        | 13 <sup>TH</sup> | DAY OF | MAY   | 2023. |
| APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS | 24 <sup>TH</sup> | DAY OF | MAY   | 2023. |
| ADOPTED THIS                                                  | 26 <sup>TH</sup> | DAY OF | MAY   | 2023. |

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CHAIR

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SECRETARY

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## PART 1 INTERPRETATION

### 1.1 Definitions

**Information Note:** where defined terms appear in the body of the bylaw they are denoted by the use of italics.

"accessory" in relation to a use, building or structure means incidental, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot or, if the accessory use, building or structure is located on the common property in a bare land strata plan, on a strata lot in that strata plan.

"accessory dwelling unit" means an additional detached dwelling on a residential parcel with a limited floor area"

"agri-tourism" means an activity referred to in Section 12 of the *Agricultural Land Reserve Use Regulation*.

"agri-tourist accommodation" means a use accessory to a working farm operation for the purpose of accommodating commercial guests within specific structures on specific portions of a parcel of land.

"agriculture" means the use of land, buildings or structures for a farm operation.

"animal enclosure" means a pen or fenced area used for non-grazing in which animals are confined.

"Approving Officer" means the Approving Officer for North Pender Island appointed pursuant to the *Land Title Act*.

"aquifer" means a geological formation; or a group of geological formations, or a part of one or more geological formations that is groundwater bearing and capable of storing, transmitting and yielding groundwater.

"bed and breakfast" means a home business comprising the provision of sleeping accommodation and a morning meal to paying guests.

"buffer area" means an area of a campground in which no camping space, service building, parking area, recreational vehicle sewage disposal station, or recreation area other than a waterfront recreation area is located.

"building" means a roofed structure wholly or partially enclosed by walls, including a mobile home, used or intended to be used for supporting or sheltering any use or occupancy.

"cafe" means a restaurant in which the service of alcoholic beverages is not provided.

"camp facility" means lands, buildings, and structures used periodically for eating, sleeping, recreation and education activities serving the needs of organizations or large groups and not intended for commercial guest accommodation or use by the travelling public.

"campground" means premises developed for the provision of commercial accommodation to campers in recreational vehicles and tents, for a maximum period of 21 consecutive days at any one camping space and 3 months in any calendar year in any one campground.

"camping space" means an area of a campground developed or laid out for the accommodation of a recreational vehicle or a maximum of two tents.

"community water system" means a system of waterworks that serves more than one lot and is owned, operated and maintained by an improvement district, a regional district, a water utility, a society, or a water supplier.

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

"contractor yard" means the use of land, buildings, or structures for the storage of materials, equipment, and vehicles for a building, construction, landscaping business, or other trades.

"construction trailer" means a non-residential building which is manufactured and pre-assembled, which is designed to be moved from one place to another and which is designed not to be supported on a permanent foundation.

"cottage" means a detached dwelling with a limited floor area that is located on the same parcel as another dwelling.

"dock" means a structure or set of structures, accessory to an abutting upland lot, and may consist of a ramp, walkway, and float, constructed on or over the water that is connected to the shore, and that is used for the purpose of mooring private boats and for providing pedestrian access to and from the moored boats.

"dwelling" means a building used as a residence for a single household and containing a single set of facilities for food preparation and eating, sleeping and living areas.

"dwelling unit" means a building or portion of a building including a principal or additional dwelling, cottage, secondary suite, and accessory dwelling unit which is used as a residence for a single household and containing a single set of facilities for food preparation and eating, sleeping and living areas.

"Engineer" means a member of the Association of Professional Engineers and Geoscientists of British Columbia.

"employee housing" means the use of a dwelling, either in a separate building or within a portion of a building, for occupation solely by an employee of a principal use on the same lot or premises, or by an individual related by blood, adoption, common-law marriage, foster parenthood to such an employee, or cohabiting with such an employee in a spousal relationship.

"Farm operation" means a farm use as defined under the *Agricultural Land Commission Act*.

"Farm Status" means land classified as a farm pursuant to the *(BC) Assessment Act*.

"farm retail sales" means the retail sale of tangible farm products grown or raised on a farm or association to which the owner of the farm belongs.

"ferry terminal" means the use of land or water for marine ferry operations, including slips and marine structures, the embarkation/disembarkation of passengers and vehicles, terminal buildings, storage, vehicular queuing areas approaching the ferry slips, accessory vehicle storage, and accessory commercial services.

"float" means a floating non-roofed structure that is used as a landing or moorage place for marine transport or for recreational purposes and which is free to rise and fall with sea level change and, for all conditions of tidal change, does not rest on the sea bed.

"floor area" means the total area of all storeys of a building measured to the interior surface of the exterior walls, exclusive of any floor area occupied by any cistern used for the collection of rainwater for domestic use or fire protection, and for this purpose, all areas of a building having a floor and a ceiling of at least 1.5 metres apart constitute a storey.

"floor area ratio" means the figure obtained by dividing the total floor area of all buildings and structures on a lot by the total lot area.

"frontage" means the length of that lot boundary which abuts a highway, other than a lane or a walkway, or an access route in a bare land strata plan.

"Groundwater" means water naturally occurring below the surface of the ground.

"Guidelines for Canadian Drinking Water Quality" means the current edition of the publication of that name published by Health Canada.

"hazardous waste" means any chemical compound, mixture, substance or article which is defined as a hazardous waste in the *Hazardous Waste Regulation* enacted under the *Environmental Management Act*.

"height" means the vertical distance between the highest point of a building or structure and the average natural grade, being the average undisturbed elevation of the ground at the perimeter of the building or structure calculated by averaging the elevations at the midpoints of all the exterior walls. In the case of buildings and structures on the surface of water, average natural grade shall be the natural boundary for a building or structure fixed to the bed of the water and the watermark of any floating building or structure. In the case of a fence, height means the vertical distance between the top of the fence and the grade at any point along the fence.

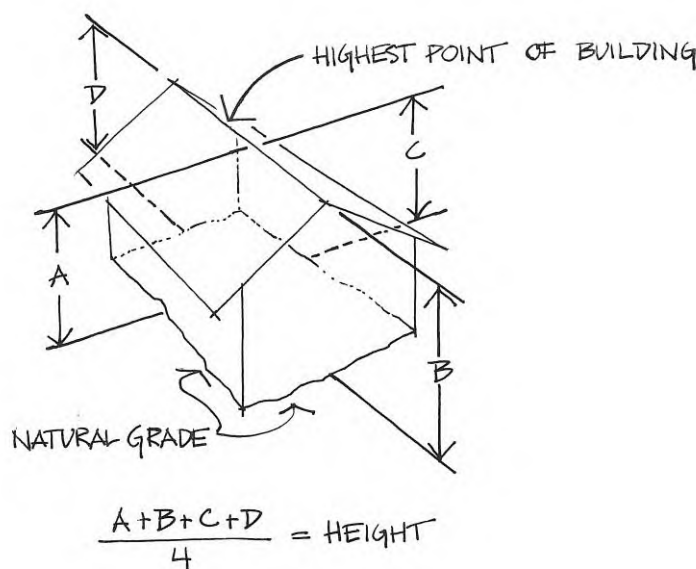


Figure 1-1 Illustration of calculation of height

"highway" includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but does not include a private right-of-way on private property.

"home business" means an accessory commercial use conducted on a residential lot and includes: short term vacation rentals, bed and breakfast and any profession, trade, business, artistic endeavour, where such activities are clearly accessory to a principal residential use.

"horticulture" means the use of land for the rearing of plants.

"Hydrogeologist" means an engineer or geoscientist with competency in the field of hydrogeology, regulated under the *Professional Governance Act*, Engineers and Geoscientists Regulation.

"impermeable material" means buildings, structures, asphalt, concrete, brick, stone, and wood, grouted pavers and other surfaces that prevent water from penetrating into the ground beneath. Impermeable material does not include gravel, wood chips, bark mulch, soil pavement, wood decking with spaced boards, and other materials which have permeable characteristics when in place and are not placed on a layer of material that is impenetrable by water such as plastic sheeting.

"landscape screen" means a visual barrier consisting of natural vegetation, trees, shrubs, fencing, or a combination of those elements, broken only by necessary access ways for pedestrians and vehicles and serving to screen land uses from abutting land and highways.

"landscape strip" means natural vegetation, trees, shrubs, fencing, or a combination of those elements, broken only by necessary access ways for pedestrians and vehicles and serving to protect the natural environment and prevent hazardous conditions.

"livestock" means grazing animals kept either in open fields or structures for training, boarding, home use, sales, or breeding and production, including but not limited to: cattle, horses, goats, sheep, hogs, llamas, and alpacas.

"Local Trust Committee (LTC)" means the North Pender Island Local Trust Committee.

"lot" means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Strata Property Act*.

"lot coverage" means the total area of those portions of a lot that are covered by buildings and structures, divided by the area of the lot, and for this purpose the area of a lot that is covered by a building or structure is measured to the drip line of the roof and "structures" includes impermeable material.

"lot line" means the boundary of a lot as shown on a plan of survey registered with the BC Land Titles Office, or the boundary of a lot as otherwise described under the *Land Title Act*; and

"front lot line" means the lot line that is common to the lot and an abutting highway or access route in a bare land strata plan, and where there are two or more such lot lines the shortest (other than corner cuts) is deemed the front lot line;

"rear lot line" means the lot line that is opposite the front lot line in the case of a lot having four or more sides, and where the rear portion of a lot is bounded by intersecting side lot lines the point of intersection is deemed the rear lot line;

"exterior side lot line" means a lot line that is not a front or rear lot line and that is common to the lot and an abutting highway or access route in a bare land strata plan; and

"interior side lot line" means a lot line that is not a front, rear or exterior side lot line.

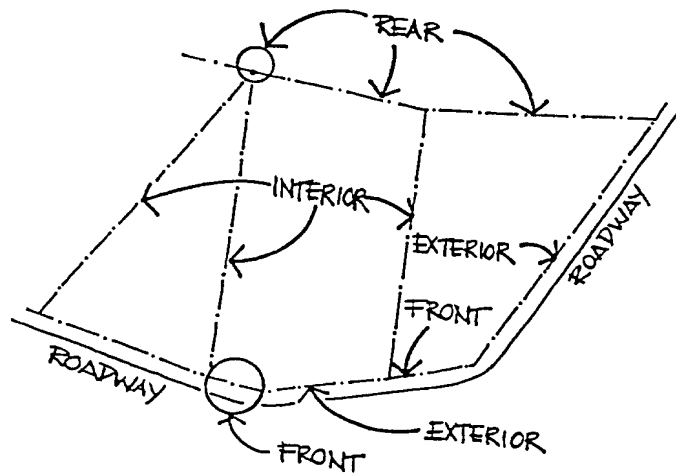


Figure 1-2 Illustration of lot lines

"manufacturing" means an industrial use involving the fabrication or assembly of articles or materials into new products.

"marina" means the use of a water area for the temporary storage of boats and includes the installation of docks, floats, wharves, ramps and walkways, breakwater, marine sewage pump-out stations and the provision of wharfage services to the boating public.

"marine geothermal loop" means a renewable geoexchange system (geothermal heat exchange) utilizing the natural occurring temperature of the ocean for the purpose of heating and cooling that:

- a. is a closed-loop system using only freshwater as the circulating heat transfer fluid,
- b. meets or exceeds the Canadian CSA design standards CAN/CSA-448-02, as amended from time to time, and
- c. is designed and installed by a Registered System Designer accredited by the Canadian Geoexchange Coalition, or the International Ground Source Heat Pump Association."

**Information Note:** Installation of marine geothermal loops are also required to obtain the necessary permits or approvals from provincial and federal agencies.

"mobile home" means a dwelling suitable for year-round occupancy, designed, constructed or manufactured to be moved from one place to another by being towed or carried and meets a minimum CSA-Z240 standard.

"moorage" means the tying or securing of a vessel to a fixed structure or mooring buoy.

"multiple-family dwelling" means a building used as a residence for two or more households.

"multiple-family rental dwelling" means residential use of attached dwelling units that are limited to residential rental tenure.

"multiple-family rental dwelling unit" means the use of a portion of a multi-family rental dwelling by a single household and is limited to residential rental tenure.

"natural boundary" means the visible high water mark of any sea, lake, river, stream or other body of water where the presence and action of the water are so common and usual, and so long continued in all ordinary years, as to mark on the soil or rock of the bed of the body of water a character distinct from that of its banks, its vegetation, as well as in the nature of the soil itself.

"outbuilding" means a building or structure that may be constructed or placed on a lot prior to a principal dwelling and which may be used for uses ordinarily accessory to a principal residential use.

"panhandle lot" means a lot that fronts on a highway by means of a strip of land that is narrower than the main portion of the lot.

"personal service" means a commercial use of a building in which services are provided to the body or the clothing of a person, but does not include laundromats and dry cleaners.

"personal watercraft" means a vessel typically less than 5 metres (16 feet) in length that is propelled by machinery, commonly a jet pump, and designed to be operated by a person standing, kneeling or sitting on the vessel rather than standing or sitting inside the vessel.

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

"principal" in relation to a use, building or structure means the main or primary use, building or structure, as the case may be, conducted or constructed on a lot.

"pump/utility shed" means an accessory building containing only equipment for pumping and processing of water or sewage, or electrical equipment and communication service equipment.

"pumping test" means a flow test to determine the long-term sustainable yield of a well, conducted under supervision of a hydrogeologist, and that is consistent with the British Columbia Guide to Conducting Pumping Tests, Guidance for Technical Assessments in Support of an Application for Groundwater Use in British Columbia, other guidance documents which may be issued, applicable legislation, and consists of pumping groundwater from a well typically for 12 to 72 hours depending on *aquifer* characteristics.

"recreational vehicle" means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, but does not include a mobile home or manufactured home.

"recycling and reuse facility" means the use of land, *buildings* or *structures* for receiving, storing, sorting, compacting and transferring recyclable materials that originate from residential, commercial, institutional, demolition or construction sources, and includes public drop off.

"Rental housing" means residential use of dwelling units that are limited to residential rental tenure.

"residential rental tenure" means the granting of a right to occupy a dwelling unit as living accommodation where the minimum occupancy period is thirty consecutive days, and where the dwelling unit is not owned by a dwelling unit occupant, but where regular payments are made to the owner for the use of the dwelling unit.

"restaurant" means the use of a building for the serving of meals and alcoholic beverages, and with a food-primary license.

"retail sales" means the selling of goods or merchandise to the general public for personal or household consumption.

"roadway" means the travelled portion of a highway.

"school" means a public or private educational institution that does not include residential accommodation or dormitories.

"secondary suite" means an accessory, self-contained dwelling, located within the principal dwelling on a lot and having a lesser floor area than the principal dwelling.

"setback" means the horizontal distance that a building or structure must be sited from a specified lot line, building or feature.

"short-term vacation accommodation" means the use of a dwelling or cottage, or a portion of a dwelling or cottage, as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier. For this purpose, a dwelling or *cottage* used as *short term vacation rental* shall be considered an accessory *home business*.

"sign" means any device or medium including its supporting structure, visible from the sea, any highway or lot other than the one on which it is located, and which is used to attract attention for advertising, information or identification purposes.

"structure" means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, but excludes fences, septic fields, concrete and asphalt paving, or similar surfacing of the land.

"tourist accommodation" means the provision of temporary accommodation for travellers in the form of successive occupancy by different persons where the same person shall not occupy any unit for a time period exceeding 30 days in any calendar year.

"tourist accommodation unit" means a detached cabin, a room, or a suite of rooms providing tourist accommodation.

"use" means the purpose or activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

"utility" means broadcast transmission, electrical, telecommunications, sewer or water services and facilities established or licensed by a government, or government agency, excluding private radio or television antennae, and includes navigational aids.

"waste transfer facility" means the use of a site, *buildings* and *structures* for receiving, storing, compacting, sorting, and transferring solid waste that originates from residential, commercial, institutional, demolition or construction sources, and includes public drop off.

"wetland" means land that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal conditions supports, vegetation typically adapted for life in saturated soil conditions, including marshes, swamps and bogs.

"wharf" means a structure consisting of a fixed platform extending beyond the natural boundary of the sea over water which is used as a landing or wharfage place for watercraft, and includes the railings and supporting structure embedded in the sea.

"wharfage" means the tying of a boat or seaplane to a wharf, float or dock that is in turn connected to an upland lot by a ramp or walkway.

"zone" means a zone established by Part 5 of this Bylaw.

## **1.2 Referencing**

- (1) In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the parenthetical numbers subsections, the lower case letters articles and the roman numerals clauses:

|             |              |
|-------------|--------------|
| Part:       | 1            |
| Section:    | 1.1          |
| Subsection: | 1.1(1)       |
| Article:    | 1.1(1)(a)    |
| Clause      | 1.1(1)(a)(i) |

## **1.3 Units of Measure**

- (1) Metric dimensions are used in this Bylaw. Imperial equivalents, where shown in parentheses are approximate, are provided for convenience only, and do not form part of this Bylaw.

## **1.4 Information Notes**

- (1) Where a paragraph or sentence in this Bylaw is preceded by the words “Information Note”, the contents of the paragraph or sentence are provided only to assist in understanding of the bylaw and do not form a part of it.

## **PART 2 ADMINISTRATION**

### **2.1 Application**

- (1) This Bylaw shall apply to that part of the North Pender Island Local Trust Area as shown on Schedule C. Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, and also all surface waters and air spaces.

### **2.2 Conformity**

- (1) No person may use or occupy or permit any land, water surface, building or structure to be used or occupied, or subdivide any land, except as permitted by this Bylaw.
- (2) No person may construct, reconstruct, place, alter, extend or maintain any building, structure or sign except as permitted by this Bylaw.
- (3) Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their use of land, buildings or structures.
- (4) Any existing lot that is less than the minimum lot area specified in the applicable zone for the creation of new lots by subdivision may be used for any use permitted in that zone unless otherwise specified in this Bylaw.
- (5) No lot or area may be subdivided, no building, structure or land may be used, and no building or structure may be sited in a manner which renders any existing use, building or structure illegal or non-conforming.

### **2.3 Inspection**

- (1) The Islands Trust Bylaw Enforcement Officer or any other person designated by the Islands Trust to administer this Bylaw is authorized to enter, at any reasonable time, upon any property that is subject to regulation under this Bylaw, for the purpose of inspecting and determining whether the regulations, prohibitions and requirements are being met.

### **2.4 Violation**

- (1) Any person who does any act or thing or permits any act or thing to be done in contravention of the provisions of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw is deemed to have committed an offence under this Bylaw.

### **2.5 Penalty**

- (1) Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty as provided in the *Offence Act* and the costs of prosecution. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

## **2.6 Covenants**

- (1) Where under this Bylaw an owner of land is required or authorized to grant a covenant restricting subdivision or development, the covenant must be granted to the Local Trust Committee pursuant to Section 219 of the *Land Title Act* in priority to all financial charges and delivered in registerable form satisfactory to the Local Trust Committee prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the Local Trust Committee in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenanter.

## **2.7 Owner's Cost**

- (1) If any provision of this Bylaw requires a report, study, covenant, plan or similar item to be prepared, unless otherwise stated, the owner shall pay all costs.

## **2.8 Enforcement of Siting Regulations**

- (1) Every applicant for a development permit or a development variance permit must provide a plan signed by a B.C. Land Surveyor showing the location on the *lot* of all existing and proposed *buildings, structures* and sewage absorption fields in relation to *lot* and *zone* boundaries, watercourses, wells and the sea, and in relation to other *buildings* on the *lot*, unless the *Local Trust Committee* or the official assigned to provide planning services to the Local Trust Area determines that the provision of such a plan is not reasonably necessary to establish whether the proposed *buildings, structures* and sewage absorption fields comply with the siting requirements of this or any other Bylaw.

## **2.9 Repeal and Replacement**

- (1) Where this bylaw refers to other acts or regulations which have been repealed, amended, revised or consolidated, the reference in this bylaw must be construed as being a reference to the substituted enactment relating to the same subject matter. If there are no provisions in the substituted enactments relating to the same subject matter, the former act or regulations are construed as remaining in effect.
- (2) Where this bylaw refers to other government departments, ministries or agencies which have had a change in title or name, the reference in this bylaw must be construed as being a reference to the substituted title(s) or name(s) of the government departments, ministries or agencies relating to the same subject matter.

## PART 3 GENERAL REGULATIONS

### 3.1 Permitted in All Zones

Except where specifically prohibited, the following uses, building and structures are permitted in any *zone* except the Ecological (ECO) Zone:

- (1) *uses, buildings and structures*, which are *accessory* to a *principal* permitted use, building or structure on the same lot, including accessory horticulture;
- (2) parks other than playgrounds and playing fields, hiking and bicycling paths, horse riding trails and ecological reserves;
- (3) *Construction trailers* solely for construction purposes on a *lot* being developed, and for a period not to exceed the duration of such construction or for one year, whichever is less;
- (4) One *pump/utility shed* with a maximum floor area of 10 m<sup>2</sup>;
- (5) water supply facilities, including reservoirs, treatment plants, pumping stations and intake structures;
- (6) electricity and telephone lines for the distribution of service to North Pender Island or South Pender Island, and water and sewer service lines;
- (7) solar collectors in any land *zone* for the purposes of supplying power to the *lot* on which the *structure* is located;
- (8) wind generators in any land *zone* for the purposes of supplying power to the *lot* on which the *structure* is located;
- (9) the use of land under the *Private Managed Forest Land Act* for forest management activities related to timber production or harvesting;
- (10) where *agriculture* is permitted in any *zone*, *farm retail sales* is permitted if the *lot* has *Farm Status* or is located within the Agricultural Land Reserve, and the total indoor and outdoor floor area for the *farm retail sales* shall not exceed 300 m<sup>2</sup>; and,
- (11) despite Subsection 3.1(10), road-side produce stands not exceeding 10 m<sup>2</sup> in floor area and used for the selling of farm products that are grown or reared on the land upon which the stand is located.

### 3.2 Prohibited in All Zones

The following *uses, buildings and structures* are prohibited in every zone:

- (1) yacht clubs and *marinas* the use of which is restricted to members of a private club;
- (2) disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged pursuant to a permit under the Sewage Disposal Regulation or the *Waste Management Act*;
- (3) the disposal or storage of hazardous or toxic waste, other than the temporary storage of such waste in the Recycling Facility (RF) Zone and the General Industrial (GI) Zone, and for the purposes of this exception "temporary" means that not more than 6 months' accumulation of such waste may be stored;
- (4) fur farming, except as permitted in the Agricultural Land Reserve by a person licensed under the *Fur Farm Act*;
- (5) the sale and rental of personal watercraft;
- (6) derelict or abandoned docks, floats, ramps or walkways;
- (7) airport and airstrip facilities and related accessory buildings and structures; and
- (8) heliports and helipad, other than for emergency evacuation use.

**Information Note:** All aeronautics uses are federally regulated under the *Aeronautics Act*.

### 3.3 Siting and Setback Regulations

- (1) No *building or structure*, other than those in Subsection 3.3(2), may be sited, nor fill placed to support a *building or structure*, within:
  - (a) 15 metres upland of the *natural boundary* of the sea;
  - (b) 1.5 metres from the *natural boundary* of the sea as measured on the vertical plane; and,
  - (c) 7.6 metres upland of the *natural boundary* of a lake, wetland or stream,and for the purpose of this subsection paved areas of asphalt, concrete or similar material are "*structures*".
- (2) The following *buildings or structures* are exempt from Subsection 3.3(1):
  - (a) Walkways, stairs or a ramp accessory to a permitted private *dock* in the Water 1 or Water 6 Zones and stairs to access the foreshore with a width less than 1.2 metres and a length less than 3 metres;
  - (b) Anchor pads or abutments up to 1.5 metres in width for the purpose of securing a permitted private or community *dock* or wharf to the upland *lot*;
  - (c) *Pump/utility shed* with a floor area of 10 m<sup>2</sup> or less; and,
  - (d) Fences.

- (3) *Pump/utility sheds* with a floor area of 10 m<sup>2</sup> or less, and utility poles are exempt from the setback provisions specified in this Bylaw.
- (4) No sewage disposal field or septage pit used for agricultural, commercial or industrial purposes may be sited within 60 metres of the *natural boundary* of the sea, nor within 30 metres of the *natural boundary* of a lake, wetland, stream or domestic water source.
- (5) No mushroom barn, or animal enclosure used or intended to be used to confine more than 4500 kilograms of livestock, poultry or farmed game, may be sited within 30 metres of any *lot line*.
- (6) No permanent animal enclosure use may be sited within 7.6 metres of any *lot line* and no agricultural waste storage area may be sited within 15 metres of any *lot line*.
- (7) No commercial storage of petroleum, pesticide or other chemical is permitted within 30 metres of any domestic water source or well nor within 15 metres of the *natural boundary* of any lake, wetland, stream or the sea, and no such substance may be stored on North Pender Island unless the storage area is bermed or otherwise equipped to contain a spill of the entire quantity of the substance stored.
- (8) No automobile repair, commercial boat repair, or commercial boat building *use* may be sited within 50 metres of the *natural boundary* of any lake, wetland, stream, or Ecological (ECO) Zone.
- (9) All siting measurements must be made on a horizontal plane from the *natural boundary*, *lot line* or other feature specified in this Bylaw to the nearest portion of the *building* or *structure* in question.
- (10) Despite Subsection 3.3(9), chimneys, cornices, leaders, gutters, pilasters, belt courses, sills, bay windows, ornamental features, steps, eaves, sunlight control projections, canopies, balconies, or porches that project beyond the face of a *building*, the minimum distances to a *lot line* or a natural feature specified in this Bylaw may be reduced by not more than 0.6 metres, but such reduction applies only to the projecting feature.

### 3.4 Height Regulations

- (1) A *dwelling* or *cottage* must not exceed 9.7 metres in *height*.
- (2) *Agriculture buildings* and *structures* located in the Rural, Rural Comprehensive 1, Rural Comprehensive 2, and Agriculture zones where *Agriculture* is a *principal use* must not exceed:
  - (a) 10 metres in *height* and two storeys if located 30 metres or less from any *lot line*; or
  - (b) 15 metres in *height* and two storeys if located greater than 30 metres from any *lot line*.
- (3) An *accessory building* or *structure* including an accessory dwelling unit may not exceed 4.6 metres in *height* and one storey, except for:
  - (a) a *cottage* which may not exceed 9.7 metres in *height* and two storeys;
  - (b) a *pump/utility shed*, which may not exceed 3 metres in *height*; or
  - (c) a *building* used for forestry purposes on land classified as managed forest land under the *Private Managed Forest Land Act*, which may not exceed 10 metres in *height* and two storeys.

- (4) The *height* regulations for *buildings* and *structures* specified elsewhere in this Bylaw do not apply to radio and television antennas for reception of signals by individual households, spires on a church or other religious *building*, chimneys, flag poles, lightning poles, fire and hose towers, *utility* poles, roof-mounted solar collectors, farm silos and grain bins, and water storage tanks in the Community Service (CS) Zone.

### 3.5 Accessory Uses, Buildings and Structures

- (1) A *building* or *structure* accessory to a *dwelling* may not be used for human habitation except as permitted by Subsection 3.5.3.
- (2) Unless a *building* or *structure* on a *lot* is attached to a *principal building* on the *lot* by a completely enclosed *structure* having walls, roof and floor, it is for the purposes of this Bylaw deemed not to be part of the *principal building*, but is deemed to be an *accessory building* or *structure*.
- (3) An *accessory building* or *structure* may be constructed or placed and occupied as a temporary *dwelling* prior to the construction of a *principal building* or *structure* on the same *lot* provided that a building permit has been issued for the *principal building* or *structure* and the water supply and sewage disposal facilities for the *principal building* or *structure* have been installed.
- (4) One *outbuilding* and one *pump/utility shed* may be constructed or placed on a *lot* prior to the construction of a *dwelling* on the same *lot*, subject to:
  - (a) the *floor area* not exceeding 10 m<sup>2</sup>;
  - (b) a maximum of one *outbuilding* per *lot*; and
  - (c) the *height* not exceeding 4.6 metres.
- (5) On a *lot* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, and Rural Comprehensive 2, a maximum of one (1) accessory shipping container is permitted if the *lot* is greater than 0.4 hectares in area.
- (6) Shipping containers must be screened from neighbouring lots, roads, or the sea by use of landscape screening in compliance with Subsection 3.9.1.

### 3.6 Fence Regulations

- (1) Fences shall be permitted in any *zone* and shall not exceed 3 metres in *height* within the required setback area.

### 3.7 Home Business Regulations

- (1) *Home businesses* must be conducted entirely within a *dwelling*, *cottage*, *accessory dwelling unit* or permitted *accessory building* except that this restriction does not apply to the use of land for a pottery kiln or for outdoor activities associated with a kindergarten, nursery school, daycare or *horticulture*.
- (2) With the exception of *short term vacation rentals*, the combined *floor areas* of all *home businesses* on a *lot* must not exceed 65 m<sup>2</sup>, except for a *lot* located within the Agricultural Land Reserve, in which case the combined *floor area* must not exceed 100 m<sup>2</sup>.

- (3) Except for the *retail sale* of goods produced, processed or repaired as part of a *home business*, and *retail sale* of articles directly related to a *personal service* provided as a *home business*, the following activities are not permitted:
- (a) retail or wholesale selling of any product or material; and
  - (b) the serving of food or drink products on the lot as part of a *home business* except for *bed and breakfast home business* in which case a morning meal may be served to paying guests.
- (4) Not more than four persons per *lot* may be employed in any *home business* in addition to any residents of the lot in which such business is carried on, and at least one of the employees of a *home business* must live on the *lot*. In the case of a *short term vacation rental*, the operator or another person responsible for the *short term vacation rental* must live in a permitted *dwelling* or *cottage* on the *lot*.
- (5) Except for one unilluminated nameplate not exceeding 0.6 m<sup>2</sup> in area in respect of each *home business*, no *sign* or other advertising matter may be exhibited or displayed on the lot where a *home business* is conducted, and no exterior artificial lighting may be installed or operated on the *lot* for a purpose associated with a *home business*.
- (6) No storage of materials, commodities or finished products is permitted in connection with the operation of a *home business*, other than within a permitted *building* in which case the total *floor area* used for such storage must not exceed 65 m<sup>2</sup>.
- (7) In addition to the off-street parking spaces required for the *dwelling* as required by this Bylaw, in no event fewer than two such additional spaces must be provided for patrons of a *home business*, but no such additional spaces are required if the nature of the *home business* is such that patrons do not call at the lot.
- (8) The following additional regulations apply to *bed and breakfast home businesses*:
- (a) not more than six (6) guests may be accommodated at any one time;
  - (b) not more than three (3) bedrooms may be used to accommodate guests;
  - (c) in addition to the two (2) parking spaces required for the dwelling, one additional parking space for each bedroom used for bed and breakfast accommodation must be provided, despite Subsection 3.7.7;
  - (d) no rental of equipment or material is permitted except to registered guests; and,
  - (e) a bed and breakfast home business must be conducted solely within a principal dwelling or cottage.
- (9) The operator of every *home business* must comply with all licensing, health and other applicable regulations of the Province of British Columbia and the Capital Regional District, including building, public health, noise, air quality, and water quality regulations.
- (10) No vehicle or equipment used by, or in the conduct of, a *home business* shall be stored in a required front yard setback or in a required side yard setback without being screened from view.
- (11) No more than one *dwelling* or one *cottage* may be used for a *short term vacation rental* on a *lot*.
- (12) A *home business use* must not generate any noise in the course of its operations that may be heard at any *lot line*.

### 3.8 Home Industry Regulations

- (1) The following uses and no others are permitted as home industries:
  - (a) boat building and repair;
  - (b) automobile repair;
  - (c) sawmilling, planing and manufacturing of wood products;
  - (d) *contractor yards* providing service within the North Pender, South Pender, Saturna, Mayne, Galiano and Salt Spring Island Local Trust Areas;
  - (e) processing of raw materials of any kind harvested or extracted from within the North Pender, South Pender, Saturna, Mayne, Galiano or Salt Spring Island Local Trust Areas;
  - (f) design, fabrication and assembly of automated packaging machinery and equipment; and,
  - (g) welding, machining and fabrication.
- (2) Not more than one home industry may be conducted on a *lot*, the combined *floor areas* of all *buildings* and *structures* used in the home industry must not exceed 185 m<sup>2</sup>, and areas used for outdoor storage in connection with the home industry must not exceed 930 m<sup>2</sup>.
- (3) A home industry use:
  - (a) is not permitted on any *lot* less than 2 hectares in area;
  - (b) must be sited not less than 50 metres from any *lot line* and not less than 30 metres from any lake, wetland, stream or the sea;
  - (c) must be screened from view by a *landscape screen* from abutting *lots* and from public lands and public road rights of way;
  - (d) may only be operated between the hours of 8 am to 8 pm, Monday through Friday;
  - (e) must not generate any noise in the course of its operations that may be heard at any *lot line*;
  - (f) no more than 5 vehicles used in the home industry may be stored on the *lot*; and,
  - (g) no vehicle or equipment used by, or in the conduct of, a home industry shall be stored in a required front yard setback or in a required side yard setback without being screened from view.
- (4) Not more than four persons per *lot* may be employed in any home industry in addition to any residents of the premises in which such business is carried on, and at least one of the employees of a home industry must live on the premises.
- (5) Except for one unilluminated nameplate not exceeding 0.6 m<sup>2</sup> in area in respect of each home industry, no *sign* or other advertising matter may be exhibited or displayed on the *lot* where a home industry is conducted, and no exterior artificial lighting may be installed or operated on the *lot* for a purpose associated with a home industry.
- (6) In addition to the off-street parking spaces required for the *dwelling* as required by this Bylaw, in no event fewer than two such additional spaces must be provided for patrons of a home industry, but no such additional spaces are required if the nature of the home industry is such that patrons do not call at the premises.
- (7) The operator of every home industry must comply with all licensing, health and other applicable regulations of the Province of British Columbia and the Capital Regional District, including building, public health, noise, air quality, and water quality regulations.

### 3.9 Landscape Screening and Landscape Strips

- (1) If this Bylaw requires *landscape screening* of outdoor storage areas or other *uses* or *structures*, the screening may be broken only by necessary access, and must be provided in the form of:
  - (a) existing native vegetation that provide a complete and permanent visual screen around the *uses* or *structures*; or
  - (b) a row of drought tolerant native evergreen plants that will attain a sufficient height and density to provide a complete and permanent visual screen around the *uses* or *structures*, planted and maintained continuously.
- (2) If this Bylaw requires *landscape screening* separating *uses*, the screening must be provided along the required *lot lines*, broken only by driveways or walkways necessary for access, in the form of:
  - (a) existing native vegetation that provide a complete and permanent visual screen between the *uses* being separated, to a width of at least 1.5 metres on *lots* less than 0.4 hectares in area and to a width of at least 3 metres on *lots* equal to or greater than 0.4 hectares in area; or
  - (b) a row of drought tolerant native evergreen plants that will attain a sufficient height and density to screen the *use* or *structure*, planted and maintained continuously so as to provide a complete and permanent visual screen between the *lot* being screened and the adjacent *lots*.
- (3) If this Bylaw requires *a landscape strip* to be provided, existing native vegetation, at least 3 metres in width, adjacent to at least two of the *lot lines*, other than the *rear lot line*, must be retained as *a landscape strip* so as to provide environmental protection, broken only by driveways or walkways necessary for access and any clearing necessary for the construction and maintenance of fencing.

### 3.10 Secondary Suite Regulations

- (1) There is a maximum of one *secondary suite* permitted per lot.
- (2) A *secondary suite* shall be entirely located within the *building* that contains the *principal dwelling*.
- (3) The maximum *floor area* for a *secondary suite* is 90m<sup>2</sup> (968 ft<sup>2</sup>), ~~and it must not exceed 40 per cent of the floor area of the principal dwelling.~~
- (4) The entrance to a *secondary suite* from the exterior of the *building* must be separate from the entrance to the *principal dwelling*.
- (5) A *secondary suite* must not be subdivided from the *principal dwelling* under the *Land Title Act* or the *Strata Property Act*.
- (6) A *secondary suite* may not be used as a *short term vacation rental* or a *bed and breakfast home business*.
- (7) A building permit for a *lot* outside a *community water system* shall not be issued for a *secondary suite* unless a freshwater catchment and storage system having a capacity of at least 18,000 litres is installed on the lot.

### 3.11 Cistern Requirements

- (1) A building permit for a *lot* outside a *community water system* shall not be issued for a new *building* to be used as a *dwelling*, including a *cottage* or accessory dwelling unit, unless a cistern (or combination of cisterns) is located on the *lot* for the storage of freshwater having a total capacity of at least 18,000 litres.
- (2) The *floor area* occupied by any cistern located in a *building* and the housing provided for such cistern is excluded from the calculation of the *floor area* of the *building* and the *lot coverage* of the *lot* on which it is located.

### 3.12 Derelict Vehicle Regulations

- (1) Except as permitted in the General Industrial (GI) Zone, no *lot* may be used for:
  - (a) the storage of more than two unlicensed motor vehicles (other than farm and forest equipment and vehicles), unless the vehicles are stored within a permitted building that is completely enclosed;
  - (b) the wrecking or storage of derelict or abandoned vehicles, trailers or other discarded machinery or equipment; and
  - (c) the storage of detached or salvaged motor vehicle parts or scrap, unless the parts are stored within a permitted building that is completely enclosed.

### 3.13 Agri-tourism and Agri-tourist Accommodation Regulations

- (1) *Buildings* or *structures* used solely for *agri-tourism* are not permitted.
- (2) *Agri-tourism* must be in compliance with the Agricultural Land Reserve Use Regulation.
- (3) *Agri-tourism* and *agri-tourist accommodation* uses are only permitted on a *lot* with *Farm Status*.
- (4) *Agri-tourism* and *agri-tourist accommodation* uses are only permitted on a *lot* located in the Agricultural Land Reserve.
- (5) *Agri-tourist accommodation* must be *accessory* to an active *agri-tourism* activity.
- (6) *Agri-tourist accommodation* must be *accessory* to a working *farm operation*.
- (7) *Agri-tourist accommodation buildings* and *structures* must not exceed a *lot coverage* of 5 percent.
- (8) *Agri-tourist accommodation* must not be in use for more than 180 days in a calendar year.
- (9) *Agri-tourist accommodation* may include associated *uses* such as meeting rooms and dining facilities for paying registered guests wholly contained within an *agri-tourist accommodation unit*, but may not include a *restaurant* or any commercial or retail goods and services other than those permitted by the *zone* in which the *agri-tourist accommodation* use is located within.

- (10) The maximum number of guests that may be accommodated in any *agri-tourist accommodation* at any one time, either alone or in combination with a *bed and breakfast*, is not to exceed 10 guests and 10 bedrooms.

### **3.14 Lots Divided by a Zone Boundary**

- (1) If a *lot* is divided by one or more *zone* boundaries, the number of *dwellings* and *cottages* permitted must be calculated by reference to the areas of the portions of the *lot* lying within each *zone*, and the *dwellings* and *cottages* may only be constructed on any portion of the *lot* if and to the extent that the minimum *lot* area or density regulation for that portion is complied with.
- (2) Despite Subsection 3.14.1, if one of the portions of the *lot* is in the Agricultural (AG) Zone, the *dwelling* or *cottage* permitted in respect of that portion of the *lot* may be sited on another portion of the *lot*.
- (3) If a *lot* is divided by one or more *zone* boundaries, and a portion of the *lot* is in the Agricultural (AG) Zone, the *lot coverage* for the *lot* may not exceed 35 percent.

### **3.15 Use of Common Property**

- (1) Land comprising the common property in a strata plan is not a *lot* for the purposes of the use and density regulations in this Bylaw but may be used for *uses accessory* to *principal uses* located on strata *lots* in the same strata plan, other than *home businesses* and home industries.

### **3.16 Accessory Dwelling Units**

- (1) The maximum *floor area* for an *accessory dwelling unit* is 60m<sup>2</sup> (645 ft<sup>2</sup>).
- (2) An *accessory dwelling unit* must not be subdivided from the *principal dwelling* under the *Land Title Act* or the *Strata Property Act*.
- (3) An *accessory dwelling unit* may not be used as a *short term vacation rental* or a *bed and breakfast home business*.
- (4) A building permit for a *lot* outside a *community water system* shall not be issued for an *accessory dwelling unit* unless a freshwater catchment and storage system having a capacity of at least 18,000 litres is installed on the *lot*.

## PART 4 ESTABLISHMENT OF ZONES

### 4.1 Division into Zones

- (1) The North Pender Island Local Trust Area is divided into the following zones, the geographic boundaries of which are as shown on the Zoning Map designated as Schedule "B" that forms part of this Bylaw and the regulations for which are set out in Part 5.

| <u>Zone Name</u>      | <u>Zone Abbreviation</u> |
|-----------------------|--------------------------|
| Rural Residential 1   | RR1                      |
| Rural Residential 2   | RR2                      |
| Rural                 | R                        |
| Rural Comprehensive 1 | RC1                      |
| Rural Comprehensive 2 | RC2                      |
| Agricultural          | AG                       |
| Commercial 1          | C1                       |
| Commercial 2          | C2                       |
| Commercial 3          | C3                       |
| General Industrial    | GI                       |
| Community Service     | CS                       |
| Community Housing     | CH                       |
| Rental Housing        | RH                       |
| Recycling Facility    | RF                       |
| Service               | SD                       |
| National Park         | NP                       |
| Community Park 1      | CP1                      |
| Community Park 2      | CP2                      |
| Ecological            | ECO                      |
| Water 1               | W1                       |
| Water 2               | W2                       |

|                             |     |
|-----------------------------|-----|
| Water 3                     | W3  |
| Water 4                     | W4  |
| Water 5                     | W5  |
| Water 6                     | W6  |
| Comprehensive Development 1 | CD1 |

## 4.2 Zone Boundaries

- (1) Where zone boundaries on Schedule "B" coincide with lot lines, the zone boundaries are the lot lines.
- (2) Where a zone boundary is shown on Schedule "B" as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream is the zone boundary.
- (3) Where land based and water based zone boundaries shown on Schedule "B" coincide, the zone boundary shall be the surveyed lot line as shown on the most recent plan registered in the Land Title Office, and where there is no such plan the natural boundary of the sea is the zone boundary.
- (4) Where a zone boundary shown on Schedule "B" does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by scaling from Schedule "B" and in that case the zone boundary is the midpoint of the line delineating the zone boundary.

## PART 5 ZONE REGULATIONS

### 5.1 Rural Residential 1 (RR1) Zone

#### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
  - (a) *Dwelling*;
  - (b) *Cottage*;
  - (c) *Secondary Suite*;
  - (c.1) *Accessory dwelling unit*;
  - (d) *Accessory home business*;
  - (e) *Accessory rabbit, poultry raising*; and,
  - (f) *Accessory uses, buildings and structures*.

#### Density

- (2) There may not be more than one (1) *dwelling*, one (1) *secondary suite* or *accessory dwelling unit*, and one (1) *cottage* on any *lot*.
- (3) One (1) *cottage* is permitted on each *lot* with an area of 1.2 hectares or larger.
- (4) Despite Subsection 5.1(2), in those instances where a *dwelling* of 56.0 m<sup>2</sup> or less in *floor area* existed on September 23, 1999 on a *lot* 0.6 hectares or larger, one additional *principal dwelling* is permitted.

#### Siting and Size

- (5) The minimum *setback* for any *building or structure* shall be:
  - (a) 7.6 metres from any front or rear *lot line*;
  - (b) 3 metres from any interior side *lot line*; and,
  - (c) 4.5 metres from any exterior side *lot line*.
- (6) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.1(5) must be increased by 3 metres.
- (7) All *buildings and structures* must not exceed 4.6 metres in *height* and one storey except for a *dwelling or cottage*.
- (8) *Lot coverage* may not exceed 25 percent.

- (9) The maximum *floor area* per *lot*:

| Lot Area                                  | The total floor area of all buildings, <del>excluding the floor area of a secondary suite,</del> may not exceed: | The <u>total</u> floor area of all dwelling <u>units per lot</u> may not exceed: |
|-------------------------------------------|------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Less than 0.4 ha<br>(Less than 1 acre)    | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )                                                                       | 325 m <sup>2</sup> (3500 ft <sup>2</sup> )                                       |
| 0.4 ha to < 1.2 ha<br>(1 to 3 acres)      | 1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )                                                                    | 372 m <sup>2</sup> (4000 ft <sup>2</sup> )                                       |
| 1.2 ha or greater<br>(3 acres or greater) | 3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )                                                                    | 418 m <sup>2</sup> (4500 ft <sup>2</sup> )                                       |

- (10) The maximum *floor area* of a *cottage* must not exceed 80 m<sup>2</sup>.
- (11) Despite Subsection 5.1(9), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this Bylaw, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this Bylaw.

#### Conditions of Use

- (12) *Accessory* rabbit and poultry raising is only permitted on a *lot* that does not abut a lake or reservoir used as a source of *potable* water supply.
- (13) A *lot* 2.4 hectares or larger must have a *landscape strip* for environmental protection complying with Subsection 3.9(3).

#### Subdivision Lot Area Requirements

- (14) No *lot* having an area less than 0.4 hectares, or in the case where a community water or community sewage system is provided, an area less than 0.25 hectares may be created by subdivision in the Rural Residential 1 Zone.
- (15) No subdivision plan shall be approved in the Rural Residential 1 Zone unless the *lots* created by the subdivision have an average area of at least 0.6 hectares.

#### Site-Specific Regulations

- (16) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

|   |                    | Table 5.1                       |                                                                                                                   |
|---|--------------------|---------------------------------|-------------------------------------------------------------------------------------------------------------------|
|   | 1                  | 2                               | 3                                                                                                                 |
|   | Site-Specific Zone | Location Description            | Site Specific Regulations                                                                                         |
| 1 | RR1(a)             | Trincomali Improvement District | Despite 5.1(1)(c) <u>and c.1</u> , <i>secondary suites</i> <u>and accessory dwelling units</u> are not permitted. |

## 5.2 Rural Residential 2 (RR2) Zone

### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:

- (a) *Dwelling*;
- (b) *Cottage*;
- (c) *Secondary Suite*;

(c.1) *Accessory dwelling unit*;

- (d) *Horticulture*;
- (e) *Keeping of livestock*;
- (f) *Keeping of bees*;
- (g) *Accessory home business*;
- (h) *Accessory rabbit, poultry raising, pig farming, dog breeding, and boarding kennels*; and,
- (i) *Accessory uses, buildings and structures*.

### Density

(2) There may not be more than one (1) dwelling ~~and~~ one (1) secondary suite or accessory dwelling unit on lots less than 0.4 hectares and one (1) cottage on any lot.

(3) On lots with an area of 0.4 ha or greater but less than 1.2 ha there may not be more than two (2) dwellings and one (1) secondary suite.

(4) On lots with an area of 1.2 hectares or greater there may not be more than three (3) dwellings, one (1) cottage and one (1) secondary suite. One (1) cottage is permitted on each lot with an area of 1.2 hectares or larger.

(4) Despite Subsection 5.2(2), in those instances where a dwelling of 56.0 m<sup>2</sup> or less in floor area existed on September 23, 1999 on a lot 0.6 hectares or larger, one additional principal dwelling is permitted.

### Siting and Size

- (5) The minimum *setback* for any *building or structure* shall be:
- (a) 7.6 metres from any front or rear *lot line*;
  - (b) 3 metres from any interior side *lot line*; and,
  - (c) 4.5 metres from any exterior side *lot line*.
- (6) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.2(5) must be increased by 3 metres.

- (7) All *buildings* and *structures* must not exceed 4.6 metres in *height* and one storey except for a *dwelling* or *cottage*.
- (8) *Lot coverage* may not exceed 25 percent.

- (9) The maximum *floor area* per *lot*:

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| Lot Area                                  | The total floor area of all buildings, <del>excluding the floor area of a secondary suite</del> , may not exceed: | The floor area of a <u>ll</u> dwelling <u>units</u> may not exceed: |
|-------------------------------------------|-------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| Less than 0.4 ha<br>(Less than 1 acre)    | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )                                                                        | 325 m <sup>2</sup> (3500 ft <sup>2</sup> )                          |
| 0.4 ha to < 1.2 ha<br>(1 to 3 acres)      | 1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )                                                                     | 372 m <sup>2</sup> (4000 ft <sup>2</sup> )                          |
| 1.2 ha or greater<br>(3 acres or greater) | 3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )                                                                     | 418 m <sup>2</sup> (4500 ft <sup>2</sup> )                          |

- (10) The maximum *floor area* of a *cottage* must not exceed 80 m<sup>2</sup>, except for a *cottage* located in the Agricultural Land Reserve is permitted to have a *maximum floor area* of 90 m<sup>2</sup>.
- (11) Despite Subsection 5.2(9), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this Bylaw, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this Bylaw.

### Conditions of Use

- (12) *Accessory* rabbit and poultry raising is only permitted on a *lot* that does not abut a lake or reservoir used as a source of *potable* water supply.
- (13) *Accessory* pig farming, dog breeding, and boarding kennels is only permitted on a lot greater than 1.2 hectares in area.
- (14) Keeping of livestock is only permitted on a *lot* greater than 0.4 hectares in area that does not abut a lake or reservoir used as a source of *potable* water supply, or a wetland.
- (15) A *lot* 2.4 hectares or larger must have a *landscape strip* for environmental protection complying with Subsection 3.9(3).

### Subdivision Lot Area Requirements

- (16) No *lot* having an area less than 0.4 hectares, or in the case where a community water or community sewage system is provided, an area less than 0.25 hectares may be created by subdivision in the Rural Residential 2 Zone.
- (17) No subdivision plan shall be approved in the Rural Residential 2 Zone unless the *lots* created by the subdivision have an average area of at least 0.6 hectares.

## Site-Specific Regulations

- (18) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

| Table 5.2 |                    |                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                        |
|-----------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | 1                  | 2                                                                                                                                                                                                                                                                                                                                                                                                     | 3                                                                                                                                                                                                                                                                                                                                      |
|           | Site-Specific Zone | Location Description                                                                                                                                                                                                                                                                                                                                                                                  | Site Specific Regulations                                                                                                                                                                                                                                                                                                              |
| 1         | RR2(a)             | That Part of Amended Lot 7 (DD 90604-I) of Section 17, Pender Island, Cowichan District, Plan 2111, lying to the South East of a boundary extending South 24 degrees West from a point on the North East boundary of said amended lot, distant 7.242 chains along the said north east boundary from the most easterly corner of said amended lot, except that part in Plan 20481.<br>PID: 006-646-981 | (1) Despite Subsections 5.2(1) and 5.2(2), the only permitted uses are 2 (two) <i>dwelling</i> s, and the <i>uses</i> permitted by Articles 5.2(1)(a), (c), (d), (e), (f), (g), (h), and (i).<br><br>(2) Despite Article 5.2(5)(a), no <i>building</i> or <i>structure</i> may be located within 5 metres of a <i>front lot line</i> . |
| 2         | RR2(b)             | Lot 1, Section 23, Pender Island, Cowichan District, Plan 3658 and Lot 1, Section 23, Pender Island, Cowichan District, Plan VIP73194                                                                                                                                                                                                                                                                 | Despite Subsection 5.2(2), there may not be more than one (1) dwelling the RR2(b) zone.                                                                                                                                                                                                                                                |

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### 5.3 Rural (R) Zone

#### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
  - (a) *Dwelling*;
  - (b) *Cottage*;
  - (c) *Agriculture*;
  - (d) *Secondary Suite*;
  - (d.1) *Accessory dwelling unit*;
  - (e) *Accessory home business*;
  - (f) *Accessory home industry*;
  - (g) *Accessory pig farming, dog breeding, and boarding kennels*; and,
  - (h) *Accessory uses, buildings and structures*.

#### Density

- (2) There may not be more than one (1) *dwelling* ~~and~~, one (1) *secondary suite* or accessory dwelling unit on lots less than 0.4 hectares. ~~and one (1) cottage on any lot.~~
- (2.1) On lots with an area of 0.4 ha or greater but less than 1.2 ha there may not be more than two (2) dwellings and one (1) secondary suite.
- (3) On *lots* with an area of 1.2 hectares or greater there may not be more than three (3) dwellings, one (1) cottage and one (1) secondary suite. ~~One (1) cottage is permitted on each lot with an area of 1.2 hectares or larger.~~
- ~~(4) Despite Subsection 5.3(2), in those instances where a dwelling of 56.0 m<sup>2</sup> or less in floor area existed on September 23, 1999 on a lot 0.6 hectares or larger, one additional principal dwelling is permitted.~~

#### Siting and Size

- (5) The minimum *setback* for any *building or structure* shall be:
  - (a) 7.6 metres from any front or rear *lot line*; and,
  - (b) 6.1 metres from any interior or exterior side *lot line*.
- (6) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.3(5) must be increased by 3 metres.
- (7) *Lot coverage* may not exceed 25 percent.

- (8) The maximum *floor area* per *lot*:

| Lot Area                                  | The total floor area of all buildings, <del>excluding the floor area of a secondary suite,</del> may not exceed: | The floor area of all dwelling <u>units</u> may not exceed: |
|-------------------------------------------|------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Less than 0.4 ha<br>(Less than 1 acre)    | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )                                                                       | 325 m <sup>2</sup> (3500 ft <sup>2</sup> )                  |
| 0.4 ha to < 1.2 ha<br>(1 to 3 acres)      | 1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )                                                                    | 372 m <sup>2</sup> (4000 ft <sup>2</sup> )                  |
| 1.2 ha or greater<br>(3 acres or greater) | 3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )                                                                    | 418 m <sup>2</sup> (4500 ft <sup>2</sup> )                  |
| 16 ha or greater<br>(40 acres or greater) |                                                                                                                  | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )                  |

- (9) The maximum *floor area* of a *cottage* must not exceed 80 m<sup>2</sup>, except for a *cottage* located in the Agricultural Land Reserve is permitted to have a *maximum floor area* of 90 m<sup>2</sup>.
- (10) Despite Subsection 5.3(8), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this Bylaw, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this Bylaw.

#### Conditions of Use

- (11) Accessory pig farming, dog breeding, and boarding kennels is only permitted on a lot greater than 1.2 hectares in area.
- (12) A *lot* 8.0 hectares or larger must have a *landscape strip* for environmental protection complying with Subsection 3.9(3).

#### Subdivision Lot Area Requirements

- (13) No *lot* having an area less than 0.6 hectares may be created by subdivision in the Rural Zone.
- (14) No subdivision plan shall be approved in the Rural Zone unless the *lots* created by the subdivision have an average area of at least 4.0 hectares.

## Site-Specific Regulations

- (15) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

| Table 5.3 |                    |                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|-----------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | 1                  | 2                                                                                                                                                                | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|           | Site-Specific Zone | Location Description                                                                                                                                             | Site Specific Regulations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 1         | R(a)               | A Portion of Lot 2, Sections 18 and 19, Pender Island, Cowichan District, Plan 14577 except that part in Plan VIP65874.                                          | <p>1) In addition to the uses permitted by Subsection 5.3(1), the following are permitted home industries:</p> <ul style="list-style-type: none"> <li>(a) the design, fabrication and assembly of automated packaging machinery and equipment; and</li> <li>(b) welding, machining and fabrication, provided that (b) is occasional, secondary to and operates in conjunction with (a).</li> </ul> <p>(2) The uses permitted in 1(a) and 1(b) above are limited to the existing 417m<sup>2</sup> floor area and 139m<sup>2</sup> storage area, employing at this location no more than 10 persons not residing on the property.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 2         | R(b)               | That Part of Parcel K, (DD50314-I), Section 22 and 23, Cowichan Land District, lying west of District Plan 5063, Pender Island, lying within the Rural (R) Zone. | <p>(1) Despite Subsection 5.3(13), no lot having an area less than 8 hectares may be created by subdivision on the portion of the property zoned Rural (R(b)).</p> <p>(2) Despite Subsection 5.3(1), the only permitted <i>uses</i> in this location are <i>dwelling</i>s, one <i>secondary suite</i>, <i>cottages</i>, <i>agriculture</i> and <i>accessory agri-tourism</i> and <i>accessory agri-tourist accommodation</i>.</p> <p>(3) Despite Subsections 5.3(2) and 5.3(3), a maximum of two <i>dwelling</i>s and two <i>cottages</i> are permitted on the portion of the <i>lot</i> zoned Rural (R(b)).</p> <p>(4) Despite Subsection 5.3(8), the maximum permitted <i>floor area</i> for one <i>dwelling</i> is 700 m<sup>2</sup> on the portion of the lot zoned Rural (R(b)).</p> <p>(5) Despite Subsection 5.3(8), the maximum permitted <i>floor area</i> for one <i>dwelling</i> is 300 m<sup>2</sup> on the portion of the property zoned Rural (R(b)).</p> <p>(6) The two <i>dwelling</i>s and two <i>cottages</i> permitted in the portion of the lot zoned Rural (R(b)) must be sited in accordance with "R(b) Siting Plan" attached as Schedule D.</p> <p>(7) Two <i>cottages</i> on the lot may be attached and if</p> |

|   |      |                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                               |
|---|------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |      |                                                                                                                                                                                                                                                                          | two <i>cottages</i> are attached, they are deemed to be two separate <i>buildings</i> for the purposes of density and <i>floor area</i> .                                                                                                                                                                                                                                                                     |
| 3 | R(c) | That part of the South West ¼ of Section 11, Pender Island, Cowichan District, lying to the west of the westerly limit of Canal Road as said road was gazetted 22 <sup>nd</sup> June, 1955; except parts in plans 11907, 13416, 22618, 23566 and 27405. PID 009-674-292. | <p>(1) Despite Subsection 5.8(1), in no case may the frontage of any lot be less than 15 metres.</p> <p>(2) Despite Subsection 5.3(1), the only permitted <i>uses</i> in this location are the <i>uses</i> permitted by Article 5.3(1)(a), (b), (d), (e), (f), (g), and (h).</p> <p>(3) Despite Subsection 5.3(13), no <i>lot</i> having an area of less than 2.8 hectares may be created by subdivision.</p> |
| 4 | R(d) | Lot 3, Section 11, Plan 7982 except Part in Plan 21227; and Lot 4, Section 11, Pender Island, Cowichan District, Plan 7982.                                                                                                                                              | <p>(1) In addition to the <i>uses</i> permitted by Subsection 5.3(1), the following <i>use</i> is permitted:</p> <p>(a) the treatment and disposal of sewage generated on Lot A (DDG54184), Section 11, Plan 7982.</p>                                                                                                                                                                                        |

## 5.4 Rural Comprehensive 1 (RC1) Zone

### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
  - (a) *Dwelling*;
  - (b) *Cottage*;
  - (c) *Agriculture*;
  - (d) *Secondary Suite*;
  - (e) *Accessory home business*;
  - (f) *Accessory home industry*;
  - (g) *Accessory pig farming, dog breeding, and boarding kennel*;
  - (h) *Accessory agri-tourism and agri-tourist accommodation*; and,
  - (i) *Accessory uses, buildings and structures*.

### Density

- (2) There may not be more than one (1) *dwelling*, one (1) *secondary suite* and one (1) *cottage* on any *lot*.
- (3) One (1) *cottage* is permitted on each *lot* with an area of 1.2 hectares or larger.

### Siting and Size

- (4) The minimum *setback* for any *building or structure* shall be:
  - (a) 7.6 metres from any front or rear *lot line*; and,
  - (b) 6.1 metres from any interior or exterior side *lot line*.
- (5) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.4(4) must be increased by 3 metres.
- (6) Lot coverage may not exceed 25 percent.

- (7) The maximum *floor area* per *lot*:

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| Lot Area                                                  | The total floor area of all buildings, <del>excluding the floor area of a secondary suite,</del> may not exceed: | The floor area of all dwelling <u>units</u> may not exceed: |
|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Less than 0.4 ha<br>(Less than 1 acre)                    | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )                                                                       | 325 m <sup>2</sup> (3500 ft <sup>2</sup> )                  |
| 0.4 ha to < 1.2 ha<br>(1 to 3 acres)                      | 1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )                                                                    | 372 m <sup>2</sup> (4000 ft <sup>2</sup> )                  |
| 1.2 ha or greater<br>(3 acres or greater)                 | 3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )                                                                    | 418 m <sup>2</sup> (4500 ft <sup>2</sup> )                  |
| For dwelling located within the Agricultural Land Reserve |                                                                                                                  | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )                  |

- (8) The maximum *floor area* of a *cottage* must not exceed 80 m<sup>2</sup>, except for a *cottage* located in the Agricultural Land Reserve is permitted to have a *maximum floor area* of 90 m<sup>2</sup>.
- (9) Despite Subsection 5.3(7), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this Bylaw, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this Bylaw.

#### Conditions of Use

- (10) Accessory pig farming, dog breeding, and boarding kennels is only permitted on a *lot* greater than 1.2 hectares in area.
- (11) A *lot* 8.0 hectares or larger must have a *landscape strip* for environmental protection complying with Subsection 3.9(3).

#### Subdivision Lot Area Requirements

- (12) No *lot* having an area less than 0.85 hectares may be created by subdivision in the Rural Comprehensive 1 Zone.
- (13) No more than 26 *lots* may be created by subdivision in the Rural Comprehensive 1 Zone.
- (14) Despite Subsection 8.5(4), no *lot* in the Rural Comprehensive 1 Zone shall have an average depth greater than five times its average width.

## 5.5 Rural Comprehensive 2 (RC2) Zone

### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
- (a) *Dwelling*;
  - (b) *Agriculture*;
  - (c) *Accessory home business*;
  - (d) *Accessory home industry*;
  - (e) *Accessory agri-tourism and agri-tourist accommodation*; and,
  - (f) *Accessory uses, buildings and structures*.

### Density

- (2) There may not be more than ten (10) *dwellings* in the Rural Comprehensive 2 Zone.
- (3) In the event of the subdivision of Lot A, of Section 23, Pender Island, Cowichan District, Plan 28410 or of Parcel D (DD 21950F) of Section 23, Pender Island, Cowichan District, Except Part in Plan 28410, the maximum density shall be one (1) *dwelling* per *lot*.

### Siting and Size

- (4) The minimum *setback* for any *building or structure* shall be:
- (a) 7.6 metres from any front or rear *lot line*; and,
  - (b) 6.1 metres from any interior or exterior side *lot line*.
- (5) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.5(4) must be increased by 3 metres.
- (6) Lot coverage may not exceed 25 percent.
- (7) The maximum *floor area* per *lot*:

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| Lot Area                                                  | The total floor area of all buildings, <del>excluding the floor area of a secondary suite,</del> may not exceed: | The floor area of <u>all</u> dwelling <u>units</u> may not exceed: |
|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Less than 0.4 ha<br>(Less than 1 acre)                    | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )                                                                       | 325 m <sup>2</sup> (3500 ft <sup>2</sup> )                         |
| 0.4 ha to < 1.2 ha<br>(1 to 3 acres)                      | 1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )                                                                    | 372 m <sup>2</sup> (4000 ft <sup>2</sup> )                         |
| 1.2 ha or greater<br>(3 acres or greater)                 | 3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )                                                                    | 418 m <sup>2</sup> (4500 ft <sup>2</sup> )                         |
| For dwelling located within the Agricultural Land Reserve |                                                                                                                  | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )                         |

- (8) Despite Subsection 5.3(7), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this Bylaw, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this Bylaw.

#### **Conditions of Use**

- (9) A *lot* 8.0 hectares or larger must have a *landscape strip* for environmental protection complying with Subsection 3.9(3).

#### **Subdivision Lot Area Requirements**

- (10) No *lot* having an area less than 0.3 hectares may be created by subdivision in the Rural Comprehensive 2 Zone.
- (11) No subdivision plan may be approved in the Rural Comprehensive 2 zone unless the *lots* created by the subdivision have an average area of at least 3.26 hectares.
- (12) No subdivision may result in the creation of more than 10 lots in the Rural Comprehensive 2 zone.
- (13) No subdivision may result in the creation of additional *lots* within the Agricultural Land Reserve.

## 5.6 Agricultural (AG) Zone

### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
  - (a) *Dwelling*;
  - (b) *Cottage*;
  - (c) *Agriculture*;
  - (d) *Secondary Suite*;
  - (e) *Accessory home business*;
  - (f) *Accessory home industry*;
  - (g) *Accessory agri-tourism and agri-tourist accommodation*; and,
  - (h) *Accessory uses, buildings and structures*.

### Density

- (2) There may not be more than one (1) *dwelling*, one (1) *secondary suite* and one (1) *cottage* on any *lot*.
- (3) One (1) *cottage* is permitted on each *lot* with an area of 1.2 hectares or larger.

### Siting and Size

- (4) The minimum *setback* for any *building or structure* shall be:
  - (a) 7.6 metres from any front or rear *lot line*; and,
  - (b) 6.1 metres from any interior or exterior side *lot line*.
- (5) No *building or structure* associated with an *agriculture use*, other than an animal enclosure, may be located within 7.5 metres of any *lot line*.
- (6) Despite Article 5.6(4)(a), temporary road-side produce stands not exceeding 10 m<sup>2</sup> in *floor area* and used for the selling of farm products that are grown or reared on the *lot* upon which the stand is located on may be sited within the *front lot line setback*.
- (7) *Lot coverage* for *buildings or structures* may not exceed 35 percent, plus an additional 40 percent for commercial greenhouses only.

- (8) The maximum *floor area* per *lot*:

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| Lot Area                                                  | The total floor area of all buildings, <del>excluding the floor area of a secondary suite,</del> may not exceed: | The floor area of all dwelling <u>units</u> may not exceed: |
|-----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Less than 0.4 ha<br>(Less than 1 acre)                    | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )                                                                       | 325 m <sup>2</sup> (3500 ft <sup>2</sup> )                  |
| 0.4 ha to < 1.2 ha<br>(1 to 3 acres)                      | 1000 m <sup>2</sup> (10,764 ft <sup>2</sup> )                                                                    | 372 m <sup>2</sup> (4000 ft <sup>2</sup> )                  |
| 1.2 ha or greater<br>(3 acres or greater)                 | 3000 m <sup>2</sup> (32,292 ft <sup>2</sup> )                                                                    | 418 m <sup>2</sup> (4500 ft <sup>2</sup> )                  |
| For dwelling located within the Agricultural Land Reserve |                                                                                                                  | 500 m <sup>2</sup> (5382 ft <sup>2</sup> )                  |

- (9) The maximum *floor area* of a *cottage* must not exceed 80 m<sup>2</sup>, except for a *cottage* located in the Agricultural Land Reserve is permitted to have a *maximum floor area* of 90 m<sup>2</sup>.
- (10) Despite Subsection 5.3(8), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this Bylaw, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this Bylaw.

#### Conditions of Use

- (11) Every commercial greenhouse must be screened from view by a landscape screen complying with Section 3.9.

#### Subdivision Lot Area Requirements

- (12) No *lot* having an area less than 16 hectares may be created by subdivision in the Agricultural Zone.

## Site-Specific Regulations

- (13) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

| Table 5.6 |                    |                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-----------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | 1                  | 2                                                                                                                                                           | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|           | Site-Specific Zone | Location Description                                                                                                                                        | Site Specific Regulations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 1         | AG(a)              | Parcel C, DD67638I, Section 19.                                                                                                                             | Despite Subsection 5.6(1), the only permitted uses in this location are <i>camp facility</i> and the uses permitted by 8.3.2 (1) (a), (c) and (d).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2         | AG(b)              | Lot A, Plan VIP52327, Section 17 and that Portion of Parcel F, DD78736I, Section 17.                                                                        | Despite Subsection 5.6(1), the only uses permitted in this location are those permitted by Article 5.6(1)(c) and a golf course, including an <i>accessory</i> golf club house containing an accessory <i>restaurant</i> and pro-shop and five (5) <i>accessory</i> golf course <i>buildings</i> , including one equipment shed, one maintenance building, two golf cart storage sheds and one <i>pump/utility shed</i> .                                                                                                                                                                                                                         |
| 3         | AG(c)              | That Part of Parcel K, Section 22 and 23, Cowichan Land District, lying west of District Plan 5063, Pender Island, lying within the Agricultural (AG) Zone. | <p>(1) Despite Subsection 5.6(1) the only permitted <i>uses</i> in this location are the <i>uses</i> permitted by 8.3.2(1)(a), (c), (e), (g), (h) and one manager's suite consisting of sleeping, cooking and sanitary facilities.</p> <p>(2) The manager's suite is not to exceed 55m<sup>2</sup> in <i>floor area</i>.</p> <p>(3) Despite Subsection 5.6(2), a maximum of one dwelling is permitted in the portion of the property zoned Agricultural (AG)(c).</p> <p>(4) Despite Subsection 5.6(12), no lot having an area less than 30 hectares may be created by subdivision on the portion of the property zoned Agricultural (AG)(c).</p> |

## 5.7 Commercial 1 (C1) Zone

### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
- (a) *Retail Sales*;
  - (b) Motor vehicle and machinery sales;
  - (c) Offices, including banks;
  - (d) *Personal services*;
  - (e) Home appliance and small equipment repairs;
  - (f) *Restaurants*;
  - (g) *Cafes*;
  - (h) Bakeries;
  - (i) Printing and publishing business;
  - (j) Automobile service stations;
  - (k) *Accessory dwelling*;
  - (k.1) *Rental housing*; and
  - (l) *Accessory uses, buildings and structures*.

### Density

- (2) Only one (1) *accessory dwelling* permitted per *lot*.
- (2.1) Up to three units of second-storey rental housing is permitted per lot with a maximum floor area of 80 m<sup>2</sup> per unit.

### Siting and Size

- (3) No *building or structure* may exceed 9.7 metres in *height*.
- (4) The minimum *setback* for any *building or structure* shall be:
- (a) 7.6 metres from any front or rear *lot line*; and,
  - (b) 6.1 metres from any interior or exterior side *lot line*.
- (5) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.7(4) must be increased by 3 metres.
- (6) *Lot coverage* may not exceed 25 percent.

- (7) On a *lot* less than 0.7 hectares in area, an accessory *dwelling* must be located in the same *building* as the *principal* commercial use and have a separate outside entrance.
- (8) On a *lot* equal to or greater than 0.7 hectares in area, an *accessory dwelling* may be located in a separate *building* from that accommodating the *principal* commercial use.
- (9) No *accessory dwelling* may have a *floor area* greater than 140 m<sup>2</sup>.

### Conditions of Use

- (10) An *accessory dwelling* is only for the use of a caretaker, owner, or operator of a permitted *principal* use.
- (11) Every external storage area must be screened from view by a landscape screen complying with Subsection 3.9(1).
- (12) Every use outlined in Subsection 5.7(1) must be screened from adjacent residential uses along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2).

### Subdivision Lot Area Requirements

- (13) No *lot* having an area less than 0.8 hectares may be created by subdivision in the Commercial 1 Zone.

### Site-Specific Regulations

- (14) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

| Table 5.7 |                    |                                                                                                                                                            |                                                                                                                                                                                                        |
|-----------|--------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|           | 1                  | 2                                                                                                                                                          | 3                                                                                                                                                                                                      |
|           | Site-Specific Zone | Location Description                                                                                                                                       | Site Specific Regulations                                                                                                                                                                              |
| 1         | C1(a)              | Lot 1, Plan 3658 and Lot 1, Plan 73194, Section 23.                                                                                                        | Despite Subsection 5.7(1), the only uses permitted in this location are those permitted by Articles 5.7(1)(a), (c), and (g), and the transfer, storage, and shipping of discarded goods and materials. |
| 2         | C1(b)              | Portion of Part C, DD69864I, Section 18 lying to the south of the main highway from Hope Bay to Port Washington.                                           | <del>Despite Subsection 5.7(1), the only uses permitted in this location are those permitted by Articles 5.7(1)(a), (g), and (h).</del> Rescinded                                                      |
| 3         | C1(c)              | A portion of Lot B, Plan 23183, Section 23.                                                                                                                | Despite Subsection 5.7(1), the only uses permitted in this location are those permitted by Articles 5.7(1)(a) and (d), excluding laundromats and drycleaners.                                          |
| 4         | C1(d)              | A portion of Lot 6, Plan 1695, Section 7 lying east of a boundary parallel to and perpendicularly distant 260 feet from the easterly boundary of said lot. | Despite Subsection 5.7(1), the only uses permitted in this location are those permitted by Articles 5.7(1)(a), (c), (f), (g), and (h).                                                                 |

## 5.8 Commercial 2 (C2) Zone

### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
  - (a) *Tourist Accommodation*;
  - (b) *Campground*;
  - (c) *Accessory dwelling*;
  - (d) *Accessory retail sales*;
  - (e) *Accessory* laundromat, *restaurant*, *café*, recreation facility, boat rental, and premises, other than a neighbourhood pub, licensed under the *Liquor Control and Licensing Act*;
  - (f) *Accessory* boat launching ramps and marina services when adjacent to Water 2 (W2) Zone; and,
  - (g) *Accessory uses, buildings and structures*.

### Density

- (2) The maximum number of *tourist accommodation units* on a *lot* may not exceed the site-specific density limits as per Subsection 5.8(22).
- (3) No *tourist accommodation building* may contain more than 18 *tourist accommodation units*.
- (4) There may not be more than two (2) *accessory dwellings* on any *lot*.

### Siting and Size

- (5) No *building* or *structure* may exceed 9.7 metres in *height*.
- (6) The minimum *setback* for any *building* or *structure* shall be:
  - (a) 7.6 metres from any front or rear *lot line*; and,
  - (b) 6.1 metres from any interior or exterior side *lot line*.
- (7) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.8(6) must be increased by 3 metres.
- (8) *Lot coverage* may not exceed 25 percent.
- (9) The maximum *floor area* for a *tourist accommodation unit* is 56 m<sup>2</sup>.
- (10) Despite Subsection 5.8(9), the maximum *floor area* of a *tourist accommodation unit* is permitted to be 121 m<sup>2</sup> as long as the total *floor area* of all *tourist accommodation units* on the *lot* does not exceed the permitted number of *tourist accommodation units* as outlined in Subsection 5.8(22) multiplied by 56 m<sup>2</sup>.
- (11) The *floor area* devoted exclusively to *accessory retail sales* must not exceed 140 m<sup>2</sup>.

- (12) The total *floor area* devoted exclusively to the *accessory uses* permitted by Article 5.8(1)(e) must not exceed the total *floor area* devoted exclusively to the *principal uses* on the *lot*.
- (13) If two *accessory dwellings* are sited on a *lot*, the *floor area* of one *dwelling* must not exceed 140 m<sup>2</sup>.

#### **Conditions of Use**

- (14) An *accessory dwelling* is only for the *use* of a caretaker, owner, operator, or employee of a permitted *principal use*.
- (15) At least one (1) *accessory dwelling* must be occupied by the caretaker, owner, operator, or employee while the *tourist accommodation use* is in operation.
- (16) If two (2) *accessory dwellings* are sited on a *lot*, one (1) *dwelling* must be *occupied by an* employee of the *tourist accommodation use*.
- (17) An employee may occupy one *tourist accommodation unit* with a maximum *floor area* no greater than 140 m<sup>2</sup>.
- (18) The *accessory uses* as outlined in Subsection 5.8(1)(e) are only permitted on a *lot* with an area greater than 1.0 hectares.
- (19) Every external storage area must be screened from view by a *landscape screen* complying with Subsection 3.9(1).
- (20) Every *use* outlined in Subsection 5.8(1) must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2).

#### **Subdivision Lot Area Requirements**

- (21) No *lot* having an area less than 0.6 hectares may be created by subdivision in the Commercial 2 Zone.

## Site-Specific Regulations

- (22) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

| <b>Table 5.8</b> |                           |                                                                            |                                                                                                                                                                                                                                                                                                                                            |
|------------------|---------------------------|----------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                  | <b>1</b>                  | <b>2</b>                                                                   | <b>3</b>                                                                                                                                                                                                                                                                                                                                   |
|                  | <b>Site-Specific Zone</b> | <b>Location Description</b>                                                | <b>Site Specific Regulations</b>                                                                                                                                                                                                                                                                                                           |
| 1                | C2(a)                     | Lot 1, Plan 23566, Section 11.                                             | The maximum number of <i>tourist accommodation units</i> permitted on the lot is 25.                                                                                                                                                                                                                                                       |
| 2                | C2(b)                     | Lot 1, Plan 4750, Section 17 excluding Plan 20404.                         | The maximum number of tourist accommodation units permitted on the lot is 7.                                                                                                                                                                                                                                                               |
| 3                | C2(c)                     | Lot B, Plan VIP87395, Section 17.                                          | The maximum number of tourist accommodation units permitted on the lot is 8.                                                                                                                                                                                                                                                               |
| 4                | C2(d)                     | Lot A, Plan VIP87395, Section 17.                                          | (1) The maximum number of tourist accommodation units permitted on the lot is 20.<br>(2) Despite Subsection 5.8(9) and 5.8(10), the lot may contain one tourist accommodation unit with a maximum floor area of 280 m <sup>2</sup> which is excluded from the total floor area calculation for all tourist accommodation units on the lot. |
| 5                | C2(e)                     | Lot 2, Plan 8439, Section 17 excluding Plan 20404.                         | The maximum number of tourist accommodation units permitted on the lot is 3.                                                                                                                                                                                                                                                               |
| 6                | C2(f)                     | Parcel C, DD82824I, Section 17 and a portion of Lot A VIP52864 Section 17. | The maximum number of tourist accommodation units permitted on the lot is 33.                                                                                                                                                                                                                                                              |
| 7                | C2(g)                     | Portion of Lot 1, VIP 59811, Section 15.                                   | The maximum number of <i>tourist accommodation units</i> permitted on the lot is 27.                                                                                                                                                                                                                                                       |

## 5.9 Commercial 3 (C3) Zone

### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
  - (a) *Tourist Accommodation*;
  - (b) *Campground*;
  - (c) *Marina*;
  - (d) *Accessory dwelling*;
  - (e) *Accessory* laundromat, *restaurant*, *café*, recreation facility, retail sales, boat rental, and premises, other than a neighbourhood pub, licensed under the *Liquor Control and Licensing Act*;
  - (f) *Accessory* boat launching ramps and marina services when adjacent to Water 2 (W2) Zone; and,
  - (g) *Accessory uses, buildings and structures*.

### Density

- (2) The maximum number of *tourist accommodation units* permitted in the Commercial 3 Zone is 29.
- (3) No *tourist accommodation building* may contain more than 18 *tourist accommodation units*.
- (4) There may not be more than two (2) *accessory dwellings* on any *lot*.

### Siting and Size

- (5) No *building or structure* may exceed 9.7 metres in *height*.
- (6) Despite Subsection 5.9(5), the maximum *height* for a *tourist accommodation building* is 10.7 metres.
- (7) The minimum *setback* for any *building or structure* shall be:
  - (a) 7.6 metres from any front or rear *lot line*; and,
  - (b) 6.1 metres from any interior or exterior side *lot line*.
- (8) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.9(7) must be increased by 3 metres.
- (9) *Lot coverage may not exceed 15 percent*.
- (10) The maximum *floor area* for a *tourist accommodation unit* is 56 m<sup>2</sup>.
- (11) Despite Subsection 5.9(10), the maximum *floor area* of a *tourist accommodation unit* is 121 m<sup>2</sup>, with the total *floor area* of all *tourist accommodation units* in the Commercial 3 Zone not exceeding 1876 m<sup>2</sup>.
- (12) The *floor area* devoted exclusively to *accessory retail sales* must not exceed 140 m<sup>2</sup>.

- (13) The maximum *floor area* of an *accessory dwelling* is 140 m<sup>2</sup>.

**Conditions of Use**

- (14) An *accessory dwelling* is only for the *use* of a caretaker, owner, operator, or employee of a permitted *principal use*.
- (15) Every external storage area must be screened from view by a *landscape screen* complying with Subsection 3.9(1).
- (16) Every *use* outlined in Subsection 5.9(1) must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2).

**Subdivision Lot Area Requirements**

- (17) No *lot* having an area less than 0.6 hectares may be created by subdivision in the Commercial 3 Zone.

## 5.10 General Industrial (GI) Zone

### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
  - (a) *Contractor Yard*;
  - (b) *Manufacturing*;
  - (c) Wholesale and *retail sales* of building, gardening, landscaping materials and supplies;
  - (d) Auto body repair;
  - (e) Indoor storage;
  - (f) Storage of motor vehicles, *recreational vehicles*, boats and trailers;
  - (g) Storage and handling of goods, materials, and equipment other than dangerous or hazardous materials, salvaged motor vehicle parts or scrap;
  - (h) *Accessory dwelling*; and,
  - (i) *Accessory uses, buildings and structures*.

### Density

- (2) Only one (1) *accessory dwelling* permitted per *lot*.

### Siting and Size

- (3) No *building or structure* may exceed 9.7 metres in *height*.
- (4) The minimum *setback* for any *building or structure* shall be:
  - (a) 9.2 metres from any front or rear *lot line*; and,
  - (b) 15 metres from any interior or exterior side *lot line*.
- (5) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.10(4) must be increased by 3 metres.
- (6) *Lot coverage* may not exceed 33 percent.
- (7) The maximum *floor area* of an *accessory dwelling* is 140 m<sup>2</sup>.

### Conditions of Use

- (8) An *accessory dwelling* is only for the *use* of a caretaker, owner, operator, or employee of a permitted *principal use* located on the same *lot*.
- (9) Every *use* outlined in Subsection 5.10(1) must be screened from view by a *landscape screen* complying with Subsection 3.9(1).

- (10) Every commercial *use* must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2).

### Subdivision Lot Area Requirements

- (11) No *lot* having an area less than 1.2 hectares may be created by subdivision in the General Industrial Zone.

### Site-Specific Regulations

- (12) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

| Table 5.10 |                    |                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | 1                  | 2                                                                                                                                                                                                                         | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|            | Site-Specific Zone | Location Description                                                                                                                                                                                                      | Site Specific Regulations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 1          | GI(a)              | Parcel C, DD68964I, Section 18, except that part thereof lying south of the main highway from Hope Bay to Port Washington.                                                                                                | Despite Subsection 5.10(1), the only uses permitted in this location are those permitted by Articles 5.10(1)(c) and (g), propane sales, and <i>accessory buildings and structures</i> .                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 2          | GI(b)              | Portion of the NW ¼ of Section 11 except the south 26.364 chains and except Parcel A (DD143808I) and except those parts shown outlined in red on Plan 5632 and 262R and except those parts in Plans 5856, 7982 and 20898. | Despite Subsection 5.10(1), the only <i>uses</i> permitted in this location is commercial boat maintenance, covered boat storage and <i>accessory buildings and structures</i> and all covered boat storage <i>buildings and structures</i> , and <i>accessory building and structures</i> must not exceed a height of 4.6 metres.                                                                                                                                                                                                                                                                                                      |
| 3          | GI(c)              | Portions of Lot 8 & 9, Plan 6294, Section 18.                                                                                                                                                                             | Despite Subsection 5.10(1), the only <i>uses</i> permitted are:<br>(a) the storage and processing of materials, including dangerous or hazardous materials, supplies and equipment used for, or generated from, the construction, maintenance and repair of <i>highways</i> ;<br>(b) the storage of materials, including dangerous or hazardous materials, supplies and equipment used for telecommunications networks and the supply of electricity;<br>(c) the servicing and repairing of goods, materials and equipment; and the processing, crushing and storage of gravel; and,<br>(d) <i>Accessory buildings and structures</i> . |
| 4          | GI(d)              | Portion of Parcel G, DD47659I, excluding Plans 2648, 9912 and 37908 and VIP54314.                                                                                                                                         | Despite Subsection 5.10(1), the only uses permitted in this location are:<br>(a) The processing, fabricating, assembly, manufacturing, servicing and repairing of                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

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|   |       |                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                 |
|---|-------|---------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |       |                                                                                                                                 | <p>goods, materials and equipment;</p> <p>(b) <i>Contractor Yard</i>; and,</p> <p>(c) <i>Accessory buildings and structures</i>.</p>                                                                                                                                                                                                                                                            |
| 5 | GI(e) | Westerly portion of land legally described as a portion of Parcel G, DD47659I excluding Plans 2648, 9912 and 37908 and VIP54314 | <p>Despite Subsection 5.10(1), the only uses permitted in this location are:</p> <p>(a) <i>Contractor Yard</i>;</p> <p>(b) Storage of gravel; and,</p> <p>(c) <i>Accessory buildings and structures</i>.</p>                                                                                                                                                                                    |
| 5 | GI(e) | Portion of Lot 1, Section 18, Pender Island, Cowichan District, Plan VIP59806                                                   | <p>Despite Subsection 5.10(1), the only uses permitted in this location are:</p> <p>(a) <i>waste transfer facility</i>;</p> <p>(b) commercial composting;</p> <p>(c) commercial recycling;</p> <p>(d) <i>Accessory storage</i> of a maximum of five (5) motorized or non-motorized trucks; and five (5) construction containers; and,</p> <p>(e) <i>Accessory buildings and structures</i>.</p> |

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## 5.11 Community Service (CS) Zone

### Permitted Uses

The uses permitted in the Community Service Zone are established by site specific regulations in Subsection 5.11(8).

### Density

The density permitted in the Community Service Zone are established by site specific regulations in Subsection 5.11(8).

### Siting and Size

- (1) No *building or structure* may exceed 9.7 metres in *height*.
- (2) The minimum *setback* for any *building or structure* shall be:
  - (a) 7.6 metres from any front or rear *lot line*; and,
  - (b) 3 metres from any interior side *lot line*; and,
  - (c) 4.5 metres from any exterior side *lot line*.
- (3) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.11(2) must be increased by 3 metres.
- (4) Lot coverage may not exceed 25 percent.

### Conditions of Use

- (5) Every external storage area and works yard must be screened from view by a *landscape screen* complying with Subsection 3.9(1).
- (6) Every community service *use* must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, and Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2).

### Subdivision Lot Area Requirements

- (7) No *lot* having an area less than 2.0 hectares may be created by subdivision in the Community Service Zone.

### Site-Specific Regulations

- (8) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

| Table 5.11 |                    |                                |                                                            |
|------------|--------------------|--------------------------------|------------------------------------------------------------|
|            | 1                  | 2                              | 3                                                          |
|            | Site-Specific Zone | Location Description           | Site Specific Regulations                                  |
| 1          | CS(a)              | Lot 1, Section 11, Plan 27405. | The only <i>uses</i> permitted in this location <i>are</i> |

|    |       |                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                       |
|----|-------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |       |                                                                                                                                                                                  | church <u>and affordable housing up to a maximum of 20 units.</u>                                                                                                                                                                                                                                                                                     |
| 2  | CS(b) | Lot A, Section 18, Plan 14409.                                                                                                                                                   | The only <i>uses</i> permitted in this location are library, preschool and charity retail stores.                                                                                                                                                                                                                                                     |
| 3  | CS(c) | Lot 8, Section 10, Plan 24778.                                                                                                                                                   | The only <i>uses</i> permitted in this location are public emergency services, <del>and</del> public works yard <u>and employee housing up to a maximum of two (2) units.-</u>                                                                                                                                                                        |
| 4  | CS(d) | Lot 20, Section 10, Plan 24777.                                                                                                                                                  | The only <i>use</i> permitted in this location is water tank.                                                                                                                                                                                                                                                                                         |
| 5  | CS(e) | Lot 20, Section 10, Plan 24777.                                                                                                                                                  | The only <i>use</i> permitted in this location is church.                                                                                                                                                                                                                                                                                             |
| 6  | CS(f) | Lot A, Section 18 Plan 22835.                                                                                                                                                    | The only <i>uses</i> permitted in this location are public utility <u>and employee housing up to a maximum of two (2) units.-</u>                                                                                                                                                                                                                     |
| 7  | CS(g) | Lot 1, Plan 29572, Section 11.                                                                                                                                                   | The only <i>uses</i> permitted in this location <del>are</del> <u>is school and employee housing up to a maximum of two (2) units.-</u>                                                                                                                                                                                                               |
| 8  | CS(h) | Lot A, Plan 40871, Section 11.                                                                                                                                                   | The only <i>uses</i> permitted in this location are health clinic, public emergency services.                                                                                                                                                                                                                                                         |
| 10 | CS(i) | Lot A, Plan 65874, Section 18.                                                                                                                                                   | The only <i>use</i> permitted in this location is community hall.                                                                                                                                                                                                                                                                                     |
| 11 | CS(j) | Lots 1, Plan 30765, Section 15.                                                                                                                                                  | The only <i>uses</i> permitted in this location are public emergency and protection services, and one (1) <i>accessory dwelling</i> .                                                                                                                                                                                                                 |
| 12 | CS(k) | Lot 2, Plan 30765, Section 15.                                                                                                                                                   | The only <i>uses</i> permitted in this location are public emergency services <u>and employee housing up to a maximum of two (2) units.-</u>                                                                                                                                                                                                          |
| 13 | CS(l) | Lot 2, Plan 18611, Section 15.                                                                                                                                                   | The only <i>use</i> permitted in this location is cemetery.                                                                                                                                                                                                                                                                                           |
| 14 | CS(m) | Parcel A (DD47774W) of Lot 6 Plan 7196 Section 17.                                                                                                                               | (1) The only <i>uses</i> permitted in this location are private clubs including club hall rentals.<br>(2) The gross <i>floor area</i> of the <i>uses</i> permitted in (1) may not exceed 483 m <sup>2</sup> .                                                                                                                                         |
| 15 | CS(n) | Lot 131, Sections 8 and 10, Pender Island, Cowichan District, Plan 17181                                                                                                         | The only <i>use</i> permitted in this location is church.                                                                                                                                                                                                                                                                                             |
| 16 | CS(o) | A portion of Lot 3, Section 2, Pender Island, Cowichan District, Plan VIP54822.                                                                                                  | (1) The only <i>uses</i> permitted in this area is the <i>retail sale</i> of used goods where all proceeds from sales are donated to community organizations and projects on North Pender Island.<br>(2) Despite Subsection 5.11(7), no lot having an area less than 0.6 hectares may be created by subdivision in the Community Service CS (o) zone. |
| 17 | CS(p) | Portion of THAT PART of Lot 6, Section 7, Pender Island, Cowichan District, Plan 1695, Lying of the East of a Boundary Parallel to and Perpendicularly Distant 260 feet from the | The only <i>use</i> permitted in this area is: the housing of equipment for the supply and distribution of telecommunications and cable service as a regulated service utility, not to include retail or office uses.                                                                                                                                 |

|    |       |                                                                                                                                         |                                                                           |
|----|-------|-----------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
|    |       | Easterly Boundary.                                                                                                                      |                                                                           |
| 18 | CS(q) | Lot A, Section 17, Pender Island, Cowichan District, Plan VIP75211 and Lot 2, Section 17, Pender Island, Cowichan District, Plan 31869. | The only permitted <i>use</i> in this location is <i>ferry terminal</i> . |

## 5.12 Community Housing (CH) Zone

### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:

- BL 234 (a) Two-family and multiple-family *dwellings* managed by a non-profit society; and,  
(b) *Accessory uses, buildings and structures*.

### Density

- (2) There may not be more than one (1) *dwelling* per 0.1 hectares of lot area, to a maximum of 20 *dwellings* per *lot*.

### Siting and Size

- (3) No *building or structure* may exceed 9.7 metres in *height*.  
(4) The minimum *setback* for any *building or structure* shall be:  
(a) 7.6 metres from any front or rear *lot line*;  
(b) 3.0 metres from any interior side *lot line*; and,  
(c) 4.5 metres from any exterior side *lot line*.  
(5) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.12(4) must be increased by 3 metres.  
(6) *Lot coverage* may not exceed 25 percent.

### Conditions of Use

- (7) Every external storage area must be screened from view by a *landscape screen* complying with Subsection 3.9(1).  
(8) Every *multi-family dwelling* must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2).

### Subdivision Lot Area Requirements

- (9) No *lot* having an area less than 2.0 hectares may be created by subdivision in the Community Housing Zone.

### 5.13 Rental Housing (RH) Zone

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#### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
  - (a) *Multi-family rental dwelling*; and,
  - (b) *Accessory uses, buildings and structures*.

#### Density

- (2) There may not be more than 16 *multiple-family rental dwelling units* per lot.

#### Siting and Size

- (3) No *building or structure* may exceed 9.7 metres in *height*.
- (4) The minimum *setback* for any *building or structure* shall be:
  - (a) 7.6 metres from any front or rear *lot line*;
  - (b) 3.0 metres from any interior side *lot line*; and,
  - (c) 4.5 metres from any exterior side *lot line*.
- (5) If a *lot line* adjoins the Agricultural (AG) Zone, the *setbacks* in respect of that *lot line* required by Subsection 5.13(4) must be increased by 3 metres.
- (6) *Lot coverage* may not exceed 25 percent.
- (7) The maximum *floor area* of a *multiple-family rental dwelling unit* must not exceed 93 m<sup>2</sup>.

#### Conditions of Use

- (8) Every external storage area must be screened from view by a *landscape screen* complying with Subsection 3.9(1).
- (9) Every *multi-family rental dwelling* must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2).

#### Subdivision Lot Area Requirements

- (10) No *lot* having an area less than 1.2 hectares may be created by subdivision in the Rental Housing Zone.

## 5.14 Recycling Facility (RF) Zone

### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
  - (a) Community or local non-profit society owned recovery, storage, processing and shipping of discarded materials; and,
  - (b) *Accessory uses, buildings and structures.*

### Density

- (2) *Lot coverage* may not exceed 80 percent.

### Siting and Size

- (3) No *building or structure* may exceed 9.7 metres in *height*.
- (4) The minimum *setback* for any *building or structure* shall be:
  - (a) 7.0 metres from any front *lot line*; and
  - (b) 3.0 metres from any rear *lot line*, interior or exterior side *lot line*; and,

### Conditions of Use

- (5) Every external storage area and works yard must be screened from view by a *landscape screen* complying with Subsection 3.9(1).
- (6) Every *use* must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2).

### Subdivision Lot Area Requirements

- (7) No *lot* having an area less than 0.2 hectares may be created by subdivision in the Recycling Facility Zone.

## 5.15 Service (SD) Zone

### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
- (a) Treatment and disposal of sewage.

### Siting and Size

- (2) No *building* or *structure* may exceed 4.6 metres in *height*.
- (3) The minimum *setback* for any *building* or *structure* shall be:
- (a) 7.6 metres from any front or rear *lot line*; and,
- (b) 6.1 metres from any interior or exterior side *lot line*.

### Conditions of Use

- (4) Every sewage treatment system located above ground must be screened from view by a *landscape screen* complying with Subsection 3.9(1).

### Subdivision Lot Area Requirements

- (5) No *lot* having an area less than 0.4 hectares may be created by subdivision in the Service Zone.

### Site-Specific Regulations

- (6) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

|   |                    | Table 5.15                                                      |                                                                                                                                                                   |
|---|--------------------|-----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | 1                  | 2                                                               | 3                                                                                                                                                                 |
|   | Site-Specific Zone | Location Description                                            | Site Specific Regulations                                                                                                                                         |
| 1 | SD(a)              | Part of Lot 3, Section 11, Plan 7982 except Part in Plan 21227. | Despite Subsection 5.15(1), the only use permitted in this location is the treatment and disposal of sewage generated on Lot A (DDG54184), Section 11, Plan 7982. |

## 5.16 National Park (NP) Zone

**Information Note:** The Federal Crown is not subject to local government regulations, including zoning, and uses consistent with the Canada National Parks Act and other approved Gulf Islands National Park Reserve management documents are generally permitted on lands in the National Park Reserve.

### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
  - (a) Informational, interpretive, cultural, and historical uses and facilities;
  - (b) Natural and cultural resource management and protection;
  - (c) Camping and picnicking areas; and
  - (d) Park operations and maintenance facilities;

### Density

- (2) Lot coverage may not exceed 10 percent.

### Siting and Size

- (3) No *building or structure* may exceed 9.0 metres in *height*.
- (4) The minimum *setback* for any *building or structure* is 7.6 metres from any *lot line*.

### Subdivision Lot Area Requirements

- (5) No *lot* having an area less than 65 hectares may be created by subdivision in the National Park Zone.

### Site-Specific Regulations

- (6) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

| Table 5.16 |                    |                                |                                                                                                                                                                                        |
|------------|--------------------|--------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | 1                  | 2                              | 3                                                                                                                                                                                      |
|            | Site-Specific Zone | Location Description           | Site Specific Regulations                                                                                                                                                              |
| 1          | NP(a)              | Lot 1, Plan 15769, Section 16. | (1) Despite Subsection 5.16(1), one <i>dwelling</i> is permitted in this location.<br><br>(2) The maximum <i>floor area</i> of the <i>dwelling</i> may not exceed 140 m <sup>2</sup> . |

## 5.17 Community Park 1 (CP1) Zone

### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
  - (a) Playgrounds and playing fields; and,
  - (b) Picnic facilities.

### Density

- (2) Lot coverage may not exceed 5 percent.

### Siting and Size

- (3) No *building or structure* may exceed 9.0 metres in *height*.
- (4) The minimum *setback* for any *building or structure* is 7.6 metres from any *lot line*.

### Conditions of Use

- (5) Despite Section 3.1, *buildings or structures*, other than playground structures, playing field fences and goalposts, picnic tables and toilets, are not permitted.

### Subdivision Lot Area Requirements

- (6) No *lot* may be subdivided in the Community Park 1 Zone.

## Site-Specific Regulations

- (7) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

| Table 5.17 |                    |                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------|--------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|            | 1                  | 2                                                                                                                                                                                                                              | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|            | Site-Specific Zone | Location Description                                                                                                                                                                                                           | Site Specific Regulations                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 1          | CP1(a)             | The WEST 1/2 of Section 10, Pender Island, Cowichan District, Except Parts in Plans 16459, 16958, 21107, 21811, 2149, 22273, 22424, 22932, 23175, 23433, 23487, 24776, 30587, 30589 And 31146.<br>(Thieves Bay Community Park) | <p>(1) In addition to the buildings and structures permitted in Subsection 5.17(1), the following are permitted:</p> <p>(a) picnic shelter</p> <p>(1) The maximum size of a picnic shelter is 80.2 m<sup>2</sup> measured to the drip line of the roof in accordance with <i>lot coverage</i>.</p> <p>(2) No <i>building or structure</i>, with the exception of playing field fences and picnic tables, may be located:</p> <p>(a) within 7.6 metres of any front or rear <i>lot line</i> measured to the drip line of the roof; or</p> <p>(b) within 3 metres of any interior side <i>lot line</i>, nor within 4.5 metres of any exterior side <i>lot line</i> measured to the drip line of the roof.</p> <p>(3) No <i>building or structure</i>, with the exception of playing field fences, may exceed 4.6 metres in <i>height</i>.</p> |

## 5.18 Community Park 2 (CP2) Zone

### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
- (a) Playgrounds and playing fields; and,
  - (b) Picnic facilities.

### Density

- (2) Lot coverage may not exceed 5 percent.

### Conditions of Use

- (3) Despite Section 3.1, the only *buildings* or *structures* permitted are playground structures, playing field fences and goalposts, picnic tables, toilets, and *accessory buildings* and *structures* to sports events.

### Subdivision Lot Area Requirements

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

### Site-Specific Regulations

- (5) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

|   |                    | Table 5.18                                                               |                                                                                                                                |
|---|--------------------|--------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
|   | 1                  | 2                                                                        | 3                                                                                                                              |
|   | Site-Specific Zone | Location Description                                                     | Site Specific Regulations                                                                                                      |
| 1 | CP2(a)             | The westerly upland portion of Magic Lake to the westerly road boundary. | (1) In addition to the uses permitted in Subsection 5.18(1), one (1) structure to store non-motorized boats is also permitted. |
| 2 | CP2(b)             | Lot 18, Section 10, Pender Island, Cowichan District, Plan 22424         | (1) In addition to the uses permitted in Subsection 5.18(1), tennis courts are also permitted.                                 |

BL 229

## **5.19 Ecological (ECO) Zone**

### **Permitted Uses**

- (1) The following *uses* are permitted, subject to the regulations set out in this Section, and all other *uses* are prohibited:
  - (a) Ecological reserves and nature reserves.

### **Conditions of Use**

- (2) Despite Section 3.1, no other *uses, buildings or structures*, except for those permitted in Subsection 5.19(1), are permitted in the Ecological Zone.

### **Subdivision Lot Area Requirements**

- (3) No *lot* may be subdivided in the Ecological Zone.

## 5.20 Water 1 (W1) Zone

### Permitted Uses

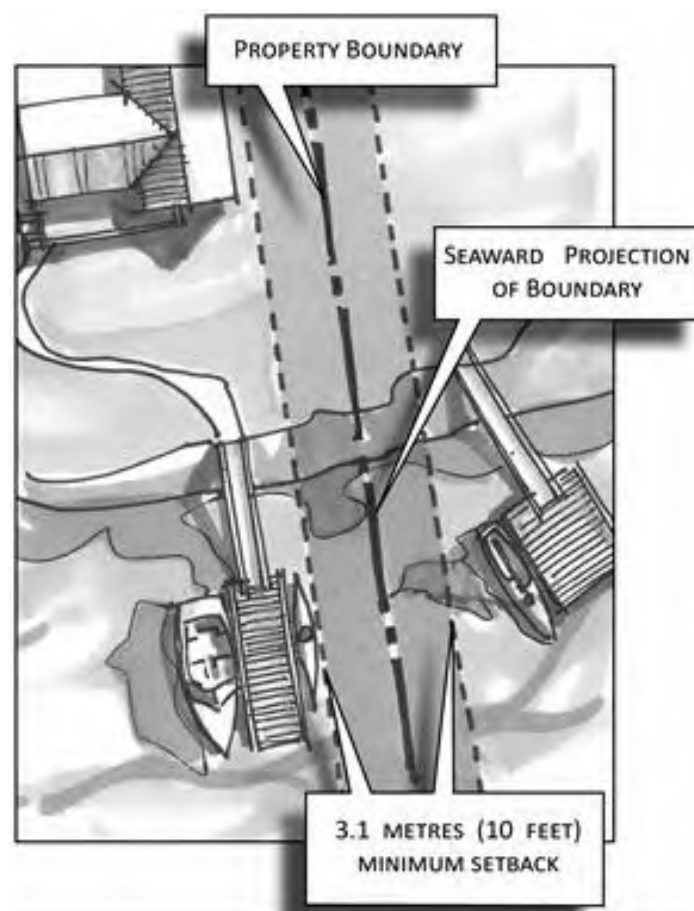
- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Private docks accessory to the residential use of an abutting upland *lot* or *lots* abutting the sea, and providing access to that *lot* or those *lots*;
  - (b) Pilings necessary for the establishment or maintenance of the *uses* permitted by Article 5.20(1)(a); and,
  - (c) Marine navigation, marine navigation aids and marker buoys.

### Density

- (2) A maximum of one (1) private *dock* is permitted per abutting upland residential *lot*.

### Siting and Size

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



- (4) The maximum water area that may be covered by *floats* and *wharves* is 37 m<sup>2</sup>.
- (5) The width of any ramp or walkway, including handrails, used to access any *dock*, *float* or *wharf* permitted in Subsection 5.20(1) shall not exceed 1.5 metres.

### Conditions of Use

- (6) No *building*, including a boat house, may be constructed or erected on any *float* or *wharf* in the Water 1 Zone.
- (7) No person may reside on any structure or on any boat or vessel moored or wharfed in the Water 1 Zone.
- (8) For certainty, no commercial or industrial activity or *use* is permitted in the Water 1 Zone.

### Site-Specific Regulations

- (9) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

|   |                           | <b>Table 5.20</b>                                                                                                               |                                                                                                                                                                                                                    |
|---|---------------------------|---------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | 1                         | 2                                                                                                                               | 3                                                                                                                                                                                                                  |
|   | <b>Site-Specific Zone</b> | <b>Location Description</b>                                                                                                     | <b>Site Specific Regulations</b>                                                                                                                                                                                   |
| 1 | W1(a)                     | The land covered with water fronting Lot 23, Section 6, Pender Island, Cowichan District, Plan 1084, Except part in Plan 19554. | (1) Despite Subsection 5.20(4) the maximum water area that may be covered by a float is 83.6 m <sup>2</sup> .<br>(2) Despite Subsection 5.20(2), a maximum of one (1) private dock is permitted in the W1(a) Zone. |

## 5.21 Water 2 (W2) Zone

### Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Marinas;
  - (b) Yacht clubs;
  - (c) Wharfage facilities for water taxis, ferries, fishing boats, sea planes and similar craft;
  - (d) Boat launch ramps;
  - (e) Marine navigation, marine navigation aids and marker buoys;
  - (f) Accessory breakwaters, piers, dolphins and pilings necessary for the establishment or maintenance of any *use* permitted in this *zone*;
  - (g) Accessory sale and rental of boats and sporting equipment, except personal watercraft;
  - (h) Accessory fuelling stations; and,
  - (i) Accessory *buildings* located on *docks*.

### Density

- (2) A maximum of one (1) private *dock* is permitted per abutting upland residential *lot*.

### Siting and Size

- (3) No building or structure may exceed 4.5 metres in *height*.
- (4) The maximum *floor area* of all accessory buildings on located *docks* is not to exceed 37m<sup>2</sup> within any one location in the Water 2 Zone.
- (5) No *dock* or other *structure* may be located outside of the boundaries of a water lease or licence of occupation.

### Conditions of Use

- (6) No person may reside on any building, structure, boat or vessel moored or wharfed, in the Water 2 Zone.

## Site-Specific Regulations

- (7) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

|   |                           | <b>Table 5.21</b>                                                                                                                                 |                                                                                                       |
|---|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------|
|   | 1                         | 2                                                                                                                                                 | 3                                                                                                     |
|   | <b>Site-Specific Zone</b> | <b>Location Description</b>                                                                                                                       | <b>Site Specific Regulations</b>                                                                      |
| 1 | W2(a)                     | Part of District Lot 107, Cowichan District and Unsurveyed Crown Land covered by water being part of the bed of Port Browning, Cowichan District. | Despite Subsection 5.21(1), the only <i>use</i> permitted in this area are floating wave attenuators. |

## 5.22 Water 3 (W3) Zone

### Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
- (a) Marine navigation, marine navigational aids and marker buoys and no other *uses* are permitted in the Water 3 Zone.

### Site-Specific Regulations

- (2) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

|   |                           | <b>Table 5.22</b>                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|---|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   | 1                         | 2                                                                                                                                                                                                        | 3                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|   | <b>Site-Specific Zone</b> | <b>Location Description</b>                                                                                                                                                                              | <b>Site Specific Regulations</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| 1 | W3(a)                     | The land covered with water fronting a portion of Lot 1, Sections 17 and 23, Pender Island, Cowichan District, Plan EPP12506 and Lot 1, Section 17 and 23, Pender Island, Cowichan District, Plan 10989. | <p>(1) In addition to the uses permitted in Subsection 5.20(1) the following are permitted:</p> <p>(a) Erosion protection in the form of seawalls.</p> <p>(2) Despite Subsection 5.20(3), siting of a seawall is permitted only within the identified “Construction Area” lying seaward of the present <i>natural boundary</i> of the sea, and projecting no further than 2.28 metres from said boundary, as shown on “W3(a) Seawall Plan” of Schedule E.</p> <p>(3) The maximum <i>height</i> of a seawall is 5.5 metres, measured from the base on the downslope side, and at no point can a seawall project more than 0.3 metre above the finished grade on the upslope side.</p> |
| 2 | W3(b)                     | The land covered with water fronting Lot B, Section 11, Pender Island, Cowichan District, Plan 32264, Except part in Plan VIP68515.                                                                      | <p>(1) In addition to the uses permitted in Subsection 5.20(1), the following is permitted:</p> <p>(a) Placement of a <i>marine geothermal loop</i> for the purpose of domestic heating and cooling accessory to the upland residential property.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                |

## 5.23 Water 4 (W4) Zone

### Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section, and all other uses are prohibited:
  - (a) Marine navigation, marine navigation aids and marker buoys;
  - (b) *Ferry terminal*;
  - (c) Public port facilities; and,
  - (d) Accessory breakwaters, docks, piers, dolphins, and pilings necessary for the establishment or maintenance of such port facilities.

## 5.24 Water 5 (W5) Zone

**Information Note:** *The Federal Crown is not subject to local government regulations, including zoning, and uses consistent with the Canada National Parks Act and other approved Gulf Islands National Park Reserve management documents are generally permitted on lands, including submerged lands, in the National Park Reserve.*

### Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section, and all other uses are prohibited:
  - (a) Marine navigation aids;
  - (b) Natural resource management and protection; and,
  - (c) *Dock, wharfage, and moorage accessory to the Upland National Park lands.*

## 5.25 Water 6 (W6) Zone

### Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
  - (a) Community water supply facilities, including reservoirs, treatment plants, pumping stations, intake *structures*, water and sewer lines;
  - (b) Private *floats* and ramps accessory to the residential *use* of an abutting upland *lot*;
  - BL 229 (c) Community dock accessory to the upland community park use;
  - (d) Pilings necessary for the establishment or maintenance of *uses* permitted by Subsection 5.25(1); and,
  - (e) Navigation aids and marker buoys.

### Density

- (2) A maximum of one (1) private *float* is permitted per abutting upland residential *lot*.
- BL 229 (3) A maximum of one (1) community dock is permitted in the Water 6 Zone.

### Siting and Size

- (4) No *building* or *structure* may exceed 4.5 metres in *height*.
- (5) No *structure* may be located within 3 metres of any side *lot line*.
- (6) Where the *structure* cannot be constructed entirely within the *lot* boundaries of the residential *lot*, no *structure* may be located within 3 metres of the projection of any side *lot line* of the abutting upland *lot* and must receive written authorization from the Capital Regional District.
- (7) The maximum water area that may be covered by a *float* is 15 m<sup>2</sup>.
- (8) The maximum size of any float is 6 metres in any dimension.
- (9) The maximum length of any ramp is 6 metres and shall be constructed in compliance with Subsection 3.3(2).

### Conditions of Use

- (10) No *building*, including a boat house, may be constructed or erected on a private *float* in the Water 6 Zone.
- (11) No derelict or abandoned *floats*, ramps or walkways are permitted in the Water 6 Zone.
- (12) No person may reside on any structure, boat or vessel in the Water 6 Zone.
- (13) For certainty, no commercial or industrial activity or *use* is permitted in the Water 6 Zone.

## Site-Specific Regulations

- (14) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the zone abbreviation and the lower-case letter refer to the notation on the zoning map. The second column describes the location where the specific regulations cited in column three apply:

| Table 5.25 |                    |                      |                                                                                                         |
|------------|--------------------|----------------------|---------------------------------------------------------------------------------------------------------|
|            | 1                  | 2                    | 3                                                                                                       |
|            | Site-Specific Zone | Location Description | Site Specific Regulations                                                                               |
| 1          | W6(a)              | Gardom Pond          | Despite Subsection 5.25(6), the maximum water area that may be covered by a float is 3 m <sup>2</sup> . |

## 5.26 Comprehensive Development 1 (CD1) Zone

### Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
  - (a) *Retail Sales*;
  - (b) Offices, including banks;
  - (c) *Personal services*;
  - (d) Home appliance repairs;
  - (e) *Restaurants*;
  - (f) *Cafes*;
  - (g) Bakeries;
  - (h) Printing and publishing business;
  - (i) Sale and rental of boats and sporting equipment, except *personal watercraft*;
  - (j) Seawalls and pilings necessary for the establishment or maintenance of any *use* permitted in this Zone;
  - (k) *Accessory dwelling*; and
  - (l) *Accessory uses, buildings and structures*.

### Density

- (2) *Lot coverage* may not exceed 25 percent.
- (3) Only one (1) *accessory dwelling* is permitted.

### Floor Area

- (4) The maximum *floor area* of an *accessory dwelling* is 140 m<sup>2</sup>.

### Setbacks

- (5) The *setbacks* from all *lot lines* and the *natural boundary* of the sea for the *building* and for the surfaced courtyard and pathway shown on Plan CD1(a) of Schedule F shall be those shown on Plan CD1(a) of Schedule F, exclusive of roof overhangs, stairs, landings, ramps and septic disposal systems.
- (6) Roof overhangs may in no case project more than 0.8 metres into the *setbacks* shown on Plan CD1(a) of Schedule F. Stairs, landings and ramps may in no case be sited closer than 2.5 metres to a *lot line*.
- (7) Portions of the sewage treatment system consisting of a contained package treatment plant, grease interceptors, emergency overflow tank and the associated *utility* lines may be sited as close as 1.0 metre to a *lot line*.

- (8) Despite Subsection 3.3(4), portions of the sewage treatment system consisting of a contained package treatment plant, grease interceptors, emergency overflow tank and the associated *utility* lines may be sited as close as 1.0 metres upland from the *natural boundary* of the sea.
- (9) The *setbacks* for any *buildings* or *structures* not shown on Plan CD1(a) of Schedule F shall be those for the Commercial 1 Zone on any upland *lot* and those for the Water 2 Zone within a water lease or license of occupation.

### Height

- (10) The maximum *height* above the *natural boundary* of the sea for the *building* shown on Plan CD1(a) of Schedule F shall be 12 metres.
- (11) The maximum *height* of any *buildings* or *structures* not shown on Plan CD1(a) of Schedule F shall be those for the Commercial 1 Zone on the upland lots and those for the Water 2 Zone within a water lease or license of occupation.
- (12) The number of storeys of any *building* shall not exceed two (2) above finished grade.

### Signs

- (13) Despite Subsection 6.1(2), no *signs* may be erected, or affixed to the outside of any *structure*, except:
- (a) One wall *sign*, provided that:
    - (i) the area covered by the *sign* does not exceed 8m<sup>2</sup>;
    - (ii) the top edge of the *sign* does not project above the top of the *building*; and,
    - (iii) the *sign* is placed flush against the side of the *building*.
  - (b) One freestanding *sign*, not exceeding a total area of 1.1 m<sup>2</sup>.
  - (c) One *sign*, not exceeding a total area of 1.1 m<sup>2</sup>, on each business premise, advertising the type of business, occupation or trade conducted on the premises or the principal product or service sold.
  - (d) One *sign*, not exceeding a total area of 0.6 m<sup>2</sup>, pertaining to the lease, sale, name of owner, name of lot or use of the *accessory dwelling* permitted in Article 5.26(1)(k).

### Parking

- (14) Despite Subsection 7.5(2), the minimum number of parking spaces required in the Comprehensive Development 1 Zone for the accessory dwelling is one (1) parking space.
- (15) In addition to the parking spaces provided, a minimum of 5 bicycle parking spaces must be provided in the form of a fixed structure that supports the bicycle frame and permits the bicycle wheels to be locked to the frame.
- (16) Despite Sections 7.1 and 7.2, the required off-street parking spaces may be accessed directly from a *highway*.
- (17) Despite Subsection 7.1(4), a parking area may be located within the *setback* from the front *lot line*.
- (18) Despite Subsection 7.1(5), a parking area may be sited 0.0 metres from an interior or exterior side *lot line*.
- (19) Despite Subsection 3.3(1), *structures* and paved areas associated with a parking area may be sited as close as 7.0 metres upland from the *natural boundary* of the sea.

### Conditions of Use

- (20) An *accessory dwelling* is only for the *use* of a caretaker, owner, or operator of a permitted *principal use* located on the same *lot*.
- (21) An *accessory dwelling* must be located in the same *building* as a *principal commercial use* and have a separate outside entrance.
- (22) Every external storage area on the upland *lots* must be screened from view by a *landscape screen* complying with Subsection 3.9(1).
- (23) Every commercial *building* must be screened from adjacent residential *uses* along lot lines abutting *lots* zoned Rural Residential 1, Rural Residential 2, Rural, Rural Comprehensive 1, Rural Comprehensive 2 and Agricultural, complying with Subsection 3.9(2).

### Subdivision Lot Area Requirements

- (24) No *lot* having an area less than 0.4 hectares may be created by subdivision in the Comprehensive Development 1 Zone.

## PART 6 SIGN REGULATIONS

### 6.1 Permitted Signs

- (1) In the Rural Residential 1 Zone, Rural Residential 2 Zone, Rural Comprehensive 1 Zone, Rural Comprehensive 2 Zone, or Rural (R) Zone, no *sign* may be erected on any *lot* or affixed to the outside of any *building* or *structure* except:
  - (a) one (1) *sign* in respect of any *home business* or home industry or combination of them;
  - (b) one (1) *sign* pertaining to the lease, sale, name of owner or property or use of a lot or building on which they are placed; and,
  - (c) no sign may exceed a total area of 0.6 m<sup>2</sup>.
- (2) In any Commercial, Agricultural, Institutional or Industrial zones, no *signs* of any kind or nature may be erected on any premises or affixed to the outside of any *building* or *structure*, except for:
  - (a) one (1) *sign* not exceeding a total area of 1.1 m<sup>2</sup> within 7.5 metres of the front or side lot line;
  - (b) one (1) *sign* on each business premise, advertising the type of business, occupation or trade conducted on the premises or the principal produce or service sold; and,
  - (c) one (1) *sign* not exceeding the area specified in Subsection 6.1(1) in respect of any *accessory dwelling* permitted on the *lot*.

For the purpose of this subsection, two identical *signs*, back to back and facing opposite directions, are considered to be one *sign*.

### 6.2 Prohibited Signs

- (1) Any *sign* that is internally illuminated; any *sign* with moving parts; and any noise making *sign* is prohibited.

### 6.3 Exempt Signs

- (1) Nothing in this Bylaw prohibits the erection of a *sign* by an agency of government for purposes of public health or safety, or by a candidate in a municipal, provincial or federal election during the period prior to the election.

### 6.4 Lighting of Signs

- (1) Any light illuminating a *sign* must be controlled so as not to cast light onto neighbouring *lot* or into the eyes of oncoming motorists.

### 6.5 Obsolete Signs

- (1) Any *sign* which has become obsolete because of discontinuance of the business, service or activity which it advertises must be removed from the premises within thirty days after the *sign* becomes obsolete.

## PART 7 PARKING REGULATIONS

### 7.1 Location

- (1) Any parking space must be wholly provided on the same *lot* as the *building* or *use* in respect of which it is required.
- (2) Despite Subsection 7.1(1), if required parking spaces cannot physically be accommodated on the same *lot* as the *building* or *use* in respect of which they are required, they may be provided on a different *lot* within 100 metres, if that *lot* is in the same *zone* or another *zone* in which parking is a permitted *principal use*.
- (3) If, under Subsection 7.1(2), parking spaces are provided on a *lot* other than the one on which the *use* is located in respect of which they are required, the owner of the *lot* must grant a covenant restricting the *use* of the *lot* or a portion of the *lot* to motor vehicle parking spaces for the *lot* on which the *use* is located.
- (4) No parking area may be located within the required front yard *setback* area for the *zone* within which the *lot* is located, except where Subsection 7.1(5) applies.
- (5) If a parking area is located on a *lot*, it must be sited at least 3 metres from any side *lot line*.
- (6) If a parking area is located on the same *lot* as a *dwelling* but not within the *dwelling*, it must be sited at least 1.5 metres from the *dwelling*.
- (7) Every off-street parking area provided or required on any *lot* with an industrial *use*, the access to such area must have a hard surface if such area is between the *principal building* on the *lot* and the *highway* giving access to the *lot*. Any area at the rear or the side of the *principal building* provided or required for off-street parking need must be surfaced so as to minimize the carrying of dirt or foreign matter onto the *highway*.
- (8) For the purpose of Subsection 7.1(7) the term "hard surface" means a durable, dust free surface constructed of concrete block, compacted crushed gravel, or similar material, and permeable by water.
- (9) If a parking area is provided in respect of a *home business* or industry and the parking area abuts a *lot* on which a residential *use* is permitted, the parking area must be screened by a *landscape screen* complying with Section 3.9.

### 7.2 Design Standards

- (1) Each required off-street parking space must be a minimum of 2.6 metres in width, and a minimum of 5.5 metres in length, exclusive of access drives or aisles, ramps, columns, or similar obstructions, and have vertical clearance of at least 2 metres. For parallel parking, the length of the parking spaces must be increased to 7.3 metres except end spaces, which must be a minimum length of 5.5 metres.
- (2) Manoeuvring aisles must be a minimum of 7.3 metres wide for 90 degree parking, 5.5 metres wide for 60 degree parking, and 3.6 metres wide for 45 degree parking and parallel parking. Where parking is directly off a lane, the lane may be considered part of the aisle and in such cases the combined width of the aisle and parking spaces must be a minimum of 12.8 metres.

- (3) Each parking space provided under Subsection 7.3(1) must have a width of at least 3.7 metres; be clearly identified for use only by persons with disabilities; and be located so as to provide the most convenient access to an accessible building entrance or, if the parking area serves several premises, so as to provide equally convenient access to all such premises.
- (4) Adequate access to and exit from individual parking spaces must be provided at all times by means of unobstructed manoeuvring aisles.
- (5) Any lighting must be so arranged as to direct or reflect the light exclusively on the parking area at illumination levels of 11 Lux or less.

### **7.3 Calculation**

- (1) If a *use* requires more than 30 parking spaces, one additional parking space for persons with disabilities and one space for a pick up/drop off area must be provided.

### **7.4 Number of Off-Street Parking Spaces**

- (1) When any new *use* of land or *buildings* or *structures* takes place or when any existing *use* of land or *buildings* or *structures* is enlarged or increased in capacity, provision must be made for off-street vehicular parking spaces in accordance with the standards set out in this section.
- (2) The number of off-street parking spaces required in respect of particular *uses* is set out in Table 7.1, and where a particular *use* is not listed the number required for the most similar listed *use* applies.

| <b>Table 7.1 : Number of Off-Street Parking Spaces</b>                                                                                                        |                                                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| <b>Use of Building or Lot</b>                                                                                                                                 | <b>Minimum Number of Parking Spaces Required</b>           |
| Dwelling                                                                                                                                                      | 2 per <u>principal dwelling, 1 per additional dwelling</u> |
| Cottage                                                                                                                                                       | 1 per <i>cottage</i>                                       |
| Secondary Suite                                                                                                                                               | 1                                                          |
| <u>Accessory dwelling unit</u>                                                                                                                                | <u>1 per unit</u>                                          |
| Home Business (other than Bed & Breakfast)<br>Home Industry                                                                                                   | 2                                                          |
| Bed & Breakfast                                                                                                                                               | 1 per room                                                 |
| Community Housing<br>Rental Housing                                                                                                                           | 1 per                                                      |
| Retail Stores<br>Personal Services<br>Banks<br>Repair Shops in commercial zones<br>Medical Office<br>Single Tenant Office                                     | 1 per 35 m <sup>2</sup> of <i>floor area</i>               |
| Multi-Tenant Office                                                                                                                                           | 1 per 30 m <sup>2</sup> of <i>floor area</i>               |
| Restaurants<br>Cafes<br>Premises licensed under the <i>Liquor Control and Licensing Act</i>                                                                   | 1 per 3 seats                                              |
| Tourist Accommodation                                                                                                                                         | 1 per <i>Tourist Accommodation Unit</i>                    |
| Campground                                                                                                                                                    | 2 plus 1 per camping space                                 |
| Private Clubs<br>Churches<br>Libraries<br>Museums<br>Fire Hall                                                                                                | 1 per 35 m <sup>2</sup> of <i>floor area</i>               |
| Community Halls<br>Lodge Halls<br>Churches                                                                                                                    | 1 per 4 seats                                              |
| Indoor Recreation Facilities                                                                                                                                  | 1 per 35 m <sup>2</sup> of <i>floor area</i>               |
| Industrial Use<br>Warehouses<br>Wholesale and Storage Buildings<br>Servicing and Repair - Industrial zones<br>Recycling Facilities<br>Printing and Publishing | 1 per 35 m <sup>2</sup> of <i>floor area</i>               |
| Ferry Dock Facilities                                                                                                                                         | 100                                                        |
| Marinas<br>Yacht Clubs                                                                                                                                        | 1 per 5 Berths                                             |
| Fish Buying Stations<br>Wharfage of Sea Planes<br>Water Taxis and Fishing Boats<br>Marine Fuel Sales                                                          | 1 per Berth                                                |
| Storage and Sale of Petroleum Fuels                                                                                                                           | 1                                                          |
| Cemeteries                                                                                                                                                    | 15                                                         |
| Golf Courses                                                                                                                                                  | 2 per Tee                                                  |

## PART 8 SUBDIVISION REGULATIONS

### 8.1 Lot Area Calculations

- (1) Subdivisions must comply with the minimum and average *lot* area regulations set out in Part 5 of this Bylaw except that a park to be dedicated upon deposit of the subdivision plan need not comply with those regulations and the Approving Officer may approve a subdivision creating a single *lot* not complying with those regulations if the owner grants to the North Pender Island Local Trust Committee a covenant restricting the use of the *lot* to park use. For the purposes of this Bylaw, the average *lot* area is the sum of the gross areas of the proposed *lots* divided by the number of proposed *lots*, subject to Subsection 8.1(2).
- (2) If an owner of *lot* being subdivided dedicates as parkland more than 5 percent of the land being subdivided, the area greater than 5 percent may, for the purpose of determining compliance with average lot area regulations set out in Part 5 of this Bylaw, be included in the total area of *lots* being created, and the park or parks are deemed not to be *lots*.
- (3) No lot having an area of less than 16 hectares may be subdivided under the *Local Government Act* to provide a residence for a relative of the owner unless the lot is entirely within the Agricultural Land Reserve.

### 8.2 Exemptions from Average and Minimum Lot Area Requirements

- (1) The average and minimum *lot* areas specified in Part 8 do not apply:
  - (a) if the *lot* being created is to be used solely for the unattended equipment necessary for the operation of facilities referred to in Subsection 3.1(5) and 3.1(6) of this Bylaw or for ambulance or fire protection facilities, a community sewer system, a community gas distribution system, a community radio or telephone receiving antenna, a radio or television broadcasting antenna, a telecommunication relay, an automatic telephone exchange, an air or marine navigational aid, or an electrical substation or generating station, and the owner grants a covenant complying with Subsection 2.6(1) of this Bylaw restricting the use of the *lot* to that use and prohibiting residential and manufacturing uses on that *lot*;
  - (b) if the *lot* being created is for park use, and ecological reserve, or dedication to the Crown;
  - (c) to the consolidation of two or more *lots* into a single parcel; or,
  - (d) to a boundary adjustment subdivision, provided that the subdivision would not increase the area of any *lot* to the point where the new *lots* created could be subdivided into more *lots* than would be permitted under this Bylaw without the boundary adjustment.

### 8.3 Covenants Prohibiting Further Subdivision and Development

- (1) If a subdivision is proposed that yields the maximum number of *lots* permitted by the applicable minimum and average *lot* areas specified by this Bylaw, and one or more of the *lots* being created has an area equal to or greater than twice the applicable average *lot* area, the applicant must grant a covenant complying with Subsection 2.6(1) of this Bylaw in respect of every such *lot*, prohibiting further subdivision of the *lot* and prohibiting construction, erection, or occupancy on the *lot* of more than one *dwelling* and, if a *cottage* is a permitted use of the *lot*, more than one such *cottage*.

- (2) If a subdivision is proposed that yields fewer than the maximum number of *lots* permitted by the applicable minimum and average *lot* areas specified by this Bylaw, and:
- (a) one or more of the *lots* being created has an area equal to or greater than twice the applicable average *lot* area; and
  - (b) one or more of the *lots* being created has an area less than the applicable average *lot* area;
- the applicant must grant a covenant complying with Subsection 2.6(1) of this Bylaw in respect of every *lot* referred to in Article 8.3(2)(a) prohibiting:
- (c) the subdivision of the *lot* so as to create a greater total number of *lots* by subdivision and re-subdivision of the original *lot* than would have been created had the first subdivision created the maximum number of *lots* permitted by the applicable minimum and average *lot* areas specified by this Bylaw; and
  - (d) the construction, erection, or occupancy on the *lot* of *dwellings* and, if permitted by this Bylaw, *cottages* so as to create greater density of such development on the original *lot* than would have been created had the original *lot* been developed to the greatest density permitted by this Bylaw.
- (3) If the approval of a bare land strata plan would create common property on which this Bylaw would permit the construction of a *dwelling* or *cottage* if the common property were a *lot*, the applicant must grant a covenant complying with Subsection 2.6(1) of this Bylaw in respect of the common property prohibiting the further subdivision of the common property, the construction of any *dwelling* or *cottage* on the common property, and the disposition of the common property separately from the strata *lots*.

#### 8.4 Boundary Adjustment Subdivisions

- (1) The Approving Officer must not approve a boundary adjustment, which would increase the area of any *lot* to the point where the new *lots* created could be subdivided into more *lots* than would be permitted under this Bylaw without the boundary adjustment unless the applicant grants a covenant complying with Subsection 2.6(1) of this Bylaw in respect of every such *lot*, prohibiting further subdivision of the *lot*.

#### 8.5 Lot Frontage and Lot Shape

- (1) The frontage of any *lot* in a proposed subdivision must be at least 10 percent of its perimeter, provided that in no case may the frontage be less than 20 metres.

**Information Note:** *The minimum frontage established in Section 512 of the Local Government Act is 10% of the perimeter of the lot. The Local Trust Committee has jurisdiction to exempt a lot or a subdivision from this requirement.*

- (2) If a panhandle *lot* is not capable of being further subdivided under the provisions of this Bylaw, the minimum width of the access strip at any point must be 10 metres.
- (3) If a panhandle *lot* is capable of being further subdivided under the provisions of this Bylaw, the minimum width of the access strip at any point must be 20 metres.
- (4) No *lot* shall have an average depth greater than three times its average width, except where otherwise specified in the *Zone* regulations.

## **8.6 Split Zoned Lots**

- (1) The creation of an additional *lot* lying within two or more *zones* is prohibited.
- (2) If a *lot* proposed to be subdivided is divided by a *zone* boundary, a separate calculation of the number of *lots* permitted must be made for each portion, and no *lot* may be created in respect of any fractional area resulting from such calculation.
- (3) A boundary adjustment subdivision resulting in a *lot* lying in two or more *zones* is prohibited except where the *lot* being subdivided is located in two or more *zones*.

## **8.7 Split or Hooked Lots**

- (1) No *lot* that is divided into two or more portions by a *highway* or other *lot* may be created by subdivision.

## **8.8 Double Frontage Lots**

- (1) No *lot* having frontage on more than one *highway* may be created by subdivision, unless it is a corner *lot*.

## **8.9 Water Access Subdivisions**

- (1) *Highway* access must be provided to every *lot* created by subdivision on North Pender Island.
- (2) If a subdivision with water access only is approved on an island other than North Pender Island within the North Pender Island Local Trust Area, the owner of *lot* being subdivided must provide motor vehicle parking spaces in accordance with Part 7 of this Bylaw for each *dwelling* and *cottage* permitted by this Bylaw in respect of each *lot* being created. Such parking spaces must be located at the most reasonable location giving access by water to the subdivision.

## **8.10 Public Access to Water Bodies**

- (1) The Approving Officer may require that *highways* giving access to the shore of any body of water, dedicated to the Crown at the time of subdivision, be consolidated into one or more larger areas and should require that such a *highway* be located in an area of high recreational value or so as to provide access to such an area.

## **8.11 Highway Standards**

- (1) The purpose of the standards set out in Subsections 8.11(2) through 8.11(10) is to ensure that the construction of roadways in connection with the subdivision of land does not result in the alteration of the land to an extent that is inconsistent with the object of the Islands Trust under the *Islands Trust Act*, the Islands Trust Policy Statement, or the North Pender Island Official Community Plan.
- (2) Proposed roadway centreline and pedestrian path locations must be surveyed and flagged at maximum 15 metre intervals prior to subdivision application to facilitate inspection by the Approving Officer. No trees or other vegetation may be removed from the highway right-of-way prior to application and inspection by the Approving Officer.

- (3) No trees or other vegetation may be removed from the right-of-way without written permission of the Approving Officer, and in no case may trees or other vegetation be removed beyond the extent of earthworks directly required for the construction of the roadway.
- (4) No obstructions of any kind, including utility poles and hydrants, may be located within 1.5 metres measured horizontally of the edge of the shoulder of the roadway.
- (5) All culverts must be provided with local rock head walls to the height of adjacent shoulders. Head walls may be dry stone or set in mortar provided sufficient stability under water runoff is assured. Culverts must be adequately sized to carry 20 year estimated flows with a minimum diameter of 300 mm at driveways and 400 mm under intersecting roads.
- (6) Fragmentation of land in any Agriculture (AG) Zone by roads or other service corridors is prohibited.
- (7) No roadway may be located or constructed so as to connect North Pender Island to any other island except South Pender Island.
- (8) No roadway may be located so as to divert the flow of a surface watercourse or divert or contaminate in any way a groundwater aquifer, but this subsection does not prohibit the culverting of a surface watercourse for a roadway crossing or the construction of a stormwater retention facility provided that such culverting or construction is in accordance with the "Standards and Best Practices for Instream Works", the *Water Sustainability Act*, and the *Fisheries Act*.
- (9) The design of roadways must to the greatest extent possible follow the natural contours of the land so as to minimize the extent of cutting and filling required to construct the roadway.
- (10) Native vegetation must be reinstated in all portions of a highway not comprising the roadway, following the completion of construction of a roadway and any associated utilities.

**Information Note:** For information on road standards see the *Letter of Agreement between the Islands Trust and the Ministry of Transportation and Highways*, dated October 20, 1992 and amended July 18, 1996.

## 8.12 Standard for Potable Water Supply

**Information Note:** If more than one dwelling is connected to the same source of water, the water system may be subject to the *Drinking Water Protection Act*, the *Water Utility Act* or other regulations pertaining to water supply systems.

**Information Note:** Water obtained from a stream, or non-domestic groundwater use requires a licence under the *Water Sustainability Act*.

- (1) Where potable water is proposed to be supplied to lots in a subdivision by an established community water system, the applicant for subdivision must provide written confirmation from the community water system that it is able to supply potable water for the permitted principal use and density to each lot.
- (2) Where potable water is proposed to be supplied to lots in a subdivision by creating a community water system, the applicant for subdivision must provide proof of all authorizations required under the *Drinking Water Protection Act*, the *Water Utility Act* or

any other enactment pertaining to water supply systems.

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

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

- (5) Where the potable water is proposed to be supplied to lots in a subdivision by drilled wells, for any well where a water licence has not been issued the applicant for subdivision must also provide written certification under seal of a hydrogeologist:
- Results of a water quality analysis, completed by an accredited laboratory;
  - A plan of the proposed subdivision indicating the location where each water sample was taken;
  - A statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan;
  - Confirmation, based on the accredited laboratory water quality analysis, that each proposed water supply source is potable, or can be made potable, with a treatment system; and
  - Confirmation, based on the accredited laboratory water quality analysis of chloride concentrations, that each drilled well is not likely to be affected by the intrusion of saline groundwater or sea water in accordance with the Province of British Columbia guidance documents.

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

### 8.13 Sewage Disposal Standards

- (1) Each *lot* that is proposed to be created by subdivision must be demonstrated by the applicant to contain an area or areas of sufficient size and appropriate characteristics to satisfy the requirements of the Sewerage System Regulation under the *Public Health Act* for conventional septic tank or package treatment plan sewage disposal systems in respect of the *buildings, structures* and uses that are permitted on the lot by this Bylaw, if no other acceptable septic system is available.
- (2) The information referred to in Subsection 8.13(1) must be provided to the Building Inspector where an application for a building permit is made and the information has not previously been provided in respect of the subdivision of the *lot* on which the *building* is proposed to be constructed, except that the information need only be provided in respect of the *building* or *structure* that is the subject of the permit application.
- (3) No sewage may be disposed of by means of discharge to a watercourse or the sea or, in the case of a residential zone, on a *lot* other than that on which it was generated, except where that *lot* is used only for the purpose of sewage disposal.

### 8.14 Drainage Standards

- (1) Every subdivision must be designed and constructed so as to maximize the proportion of precipitation, which is percolated into the ground and to minimize direct overland runoff.
- (2) Every surface drainage system must be designed to provide for the continuity of any existing surface drainage system serving the drainage basin in which the lot to be subdivided is located.
- (3) No watercourse or water body may be diverted, altered or used for surface drainage purposes so as to transfer water between watershed basins.
- (4) Every surface drainage system must be designed so that the system is capable of conveying the peak rate of runoff from a 10 year storm for the entire drainage basin within which the subdivision or development is located when such basin is fully developed.
- (5) Every surface drainage system must be designed and constructed so as to minimize scouring and erosion of ditch banks.
- (6) All drainage works, ditches, culverts and appurtenances must be located in statutory rights of way granted to the Crown, or in dedicated *highways*.
- (7) If storm water is discharged from a surface drainage system to the sea or a watercourse on or adjacent to the *lot* being subdivided or developed, the system must be constructed and designed to retain storm water for the period of time necessary to allow for the settling of silt and other suspended solids.
- (8) To the extent that is practicable, surface drainage systems must be designed so as to permit withdrawal of water for fire suppression from storm water retention facilities and drainage ditches, and the use of storm water to recharge fire protection cisterns.

- (9) Every applicant for subdivision must provide the written certification under seal of an Engineer with experience in storm water management that the drainage system for the subdivision has been designed in accordance with Subsections 8.14(1) to 8.14(8).
- (10) The certification required in Subsection 8.14(9) must be provided to the Building Inspector if an application for a building permit is made and the certification has not previously been provided in respect of the subdivision of the lot on which the building is proposed to be constructed, and the provisions of Subsections 8.14(1) through 8.14(8) apply with the necessary changes, except that the certification need only be provided in respect of the *lot* that is the subject of the permit application.
- (11) In addition to the matters referred to in Subsection 8.14(10), if the building permit application indicates that more than 185 m<sup>2</sup> of impervious surfaces excluding roof areas are proposed to be developed on the *lot*, the Engineer must certify that neither the annual volume of runoff from the lot, nor the pattern of runoff, will be altered as a result of the development.

## PART 9 CAMPGROUND REGULATIONS

### 9.1 Campground Standards - Zoning

- (1) The minimum lot area for a campground is 1.2 hectares.
- (2) Camping spaces must not cover more than 22 percent of the *lot* and no campground may have more than 50 camping spaces.
- (3) Camping spaces must have an area of at least 110 m<sup>2</sup>, or 84m<sup>2</sup> in the case of spaces for tents only, and must be clearly identified by a unique number or other identification.
- (4) No area of a campground other than a camping space complying with the requirements of this section may be occupied by a tent or *recreational vehicle*.
- (5) Accessory retail sales uses in a campground may not exceed 18.6 m<sup>2</sup> in *floor area*.
- (6) No camping space may be located less than 30 metres from a front lot line, 15 metres from any other lot line, or 3 metres from any driveway.

### 9.2 Campground Building Standards

- (1) Every campground must have access to a *highway* by way of a single hard-surfaced or gravelled driveway access route at least 6.7 metres in width, on which motor vehicle parking is not allowed.
- (2) All camping spaces and service buildings must have direct driveway access to the driveway referred to in Subsection 9.2(1), except that tent spaces may have access by trails not exceeding 2 metres in width and such driveways must be hard-surfaced or gravelled to a width of at least 3 metres in the case of one-way roadways, 4.3 metres in the case of two-way driveways, and 12 metres in the case of a turning circle at the end of a cul-de-sac.
- (3) Every campground must have a buffer area at least 30 metres wide adjacent to the front lot line and 15 metres wide adjacent to every other lot line, and driveways in the buffer area must be of the shortest length practicable.
- (4) Every campground must have an outdoor recreation area for playground, sports and games uses, comprising at least 5 percent of the area of the campground, and such area must be exclusive of any buffer or parking area, camping space, or other campground facility.
- (5) One camping space may, despite any other provision of this Bylaw, be occupied for up to 6 months in any 12 month period by a campground owner or operator, and such space may include office and retail sales facilities.
- (6) Every camping space must be clearly identified as a space for a *recreational vehicle* or tents or as a space for tents only.
- (7) Camping spaces for *recreational vehicles* or tents may be occupied by only one *recreational vehicle* and up to two tents, and camping spaces for tents only may be occupied by up to two tents.
- (8) One motor vehicle parking space must be provided in respect of each camping space, located adjacent to the driveway giving access to the space, except in the case of camping spaces for tents

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

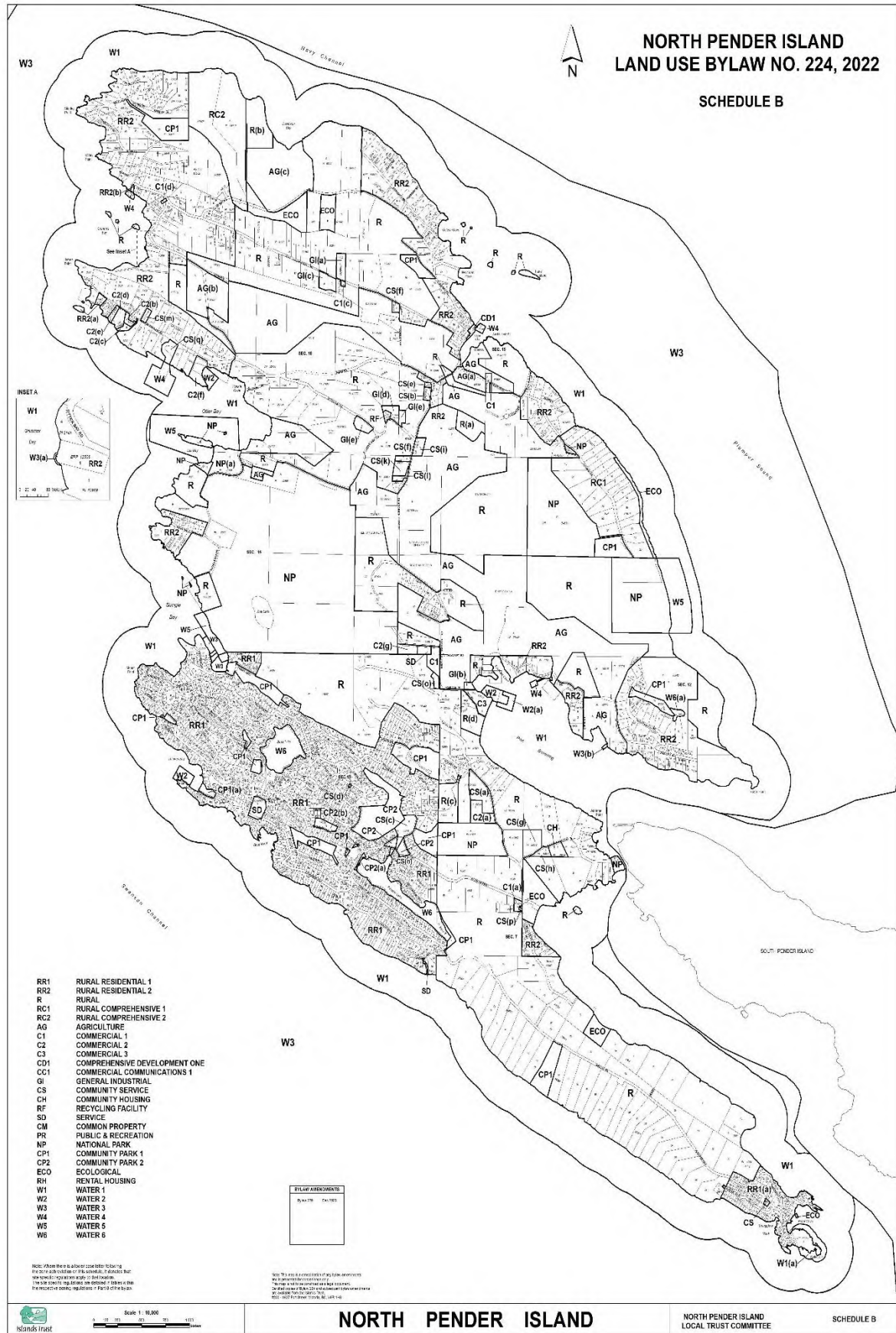
- (9) Every camping space must be equipped with a garbage container that is durable, watertight, insect-proof and rodent-proof.
- (10) Every campground must be furnished with a constant supply of fresh water in compliance with the *Drinking Water Protection Act*
- (11) Every campground must be equipped with sewage disposal facilities in the form of a connection to a community sewer system or an on-site sewage disposal system, as defined in the Sewerage System Regulation under the *Public Health Act*, but no individual camping space may be connected to a community sewer system or sewage disposal system.
- (12) Every campground must be provided with a service building equipped with flush type toilet and urinal fixtures, washbasins and showers as follows:

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

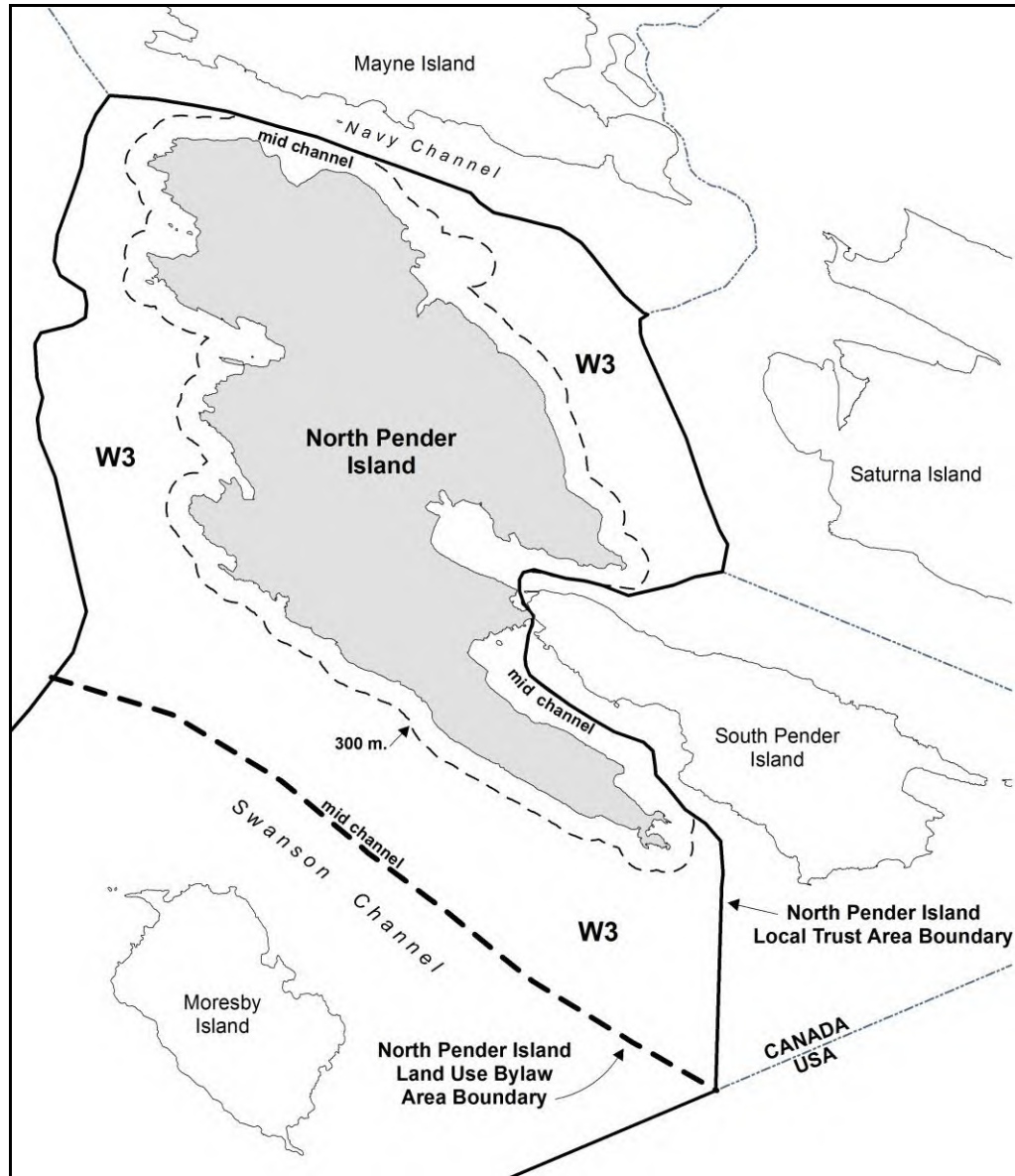
- (13) Every service building must be equipped with a conveniently located kitchen - type sink for the disposal of dishwashing water and similar water wastes.
- (14) Every service building must be of permanent construction and comply with the following requirements:
  - (a) all rooms must be adequately lighted and ventilated, and all ventilation openings adequately screened;
  - (b) cv all walls, floors and partitions must be constructed of materials that are easily cleaned and not subject to damage from frequent cleaning or disinfecting;
  - (c) all showers and toilets must be installed in separate compartments and facilities designated for males and females separated by tight partitions; and
  - (d) all such *buildings* must be located at least 4.5 metres from any camping space, but not more than 150 metres from any camping space except such camping spaces as may be designated and used exclusively by recreational vehicles equipped with a toilet and facilities for washing.
- (15) Campgrounds providing camping spaces for *recreational vehicles* must be furnished with a sewage disposal station adjacent to a driveway in compliance with the Sewerage System Regulation.

# SCHEDULE B (ZONING MAP)

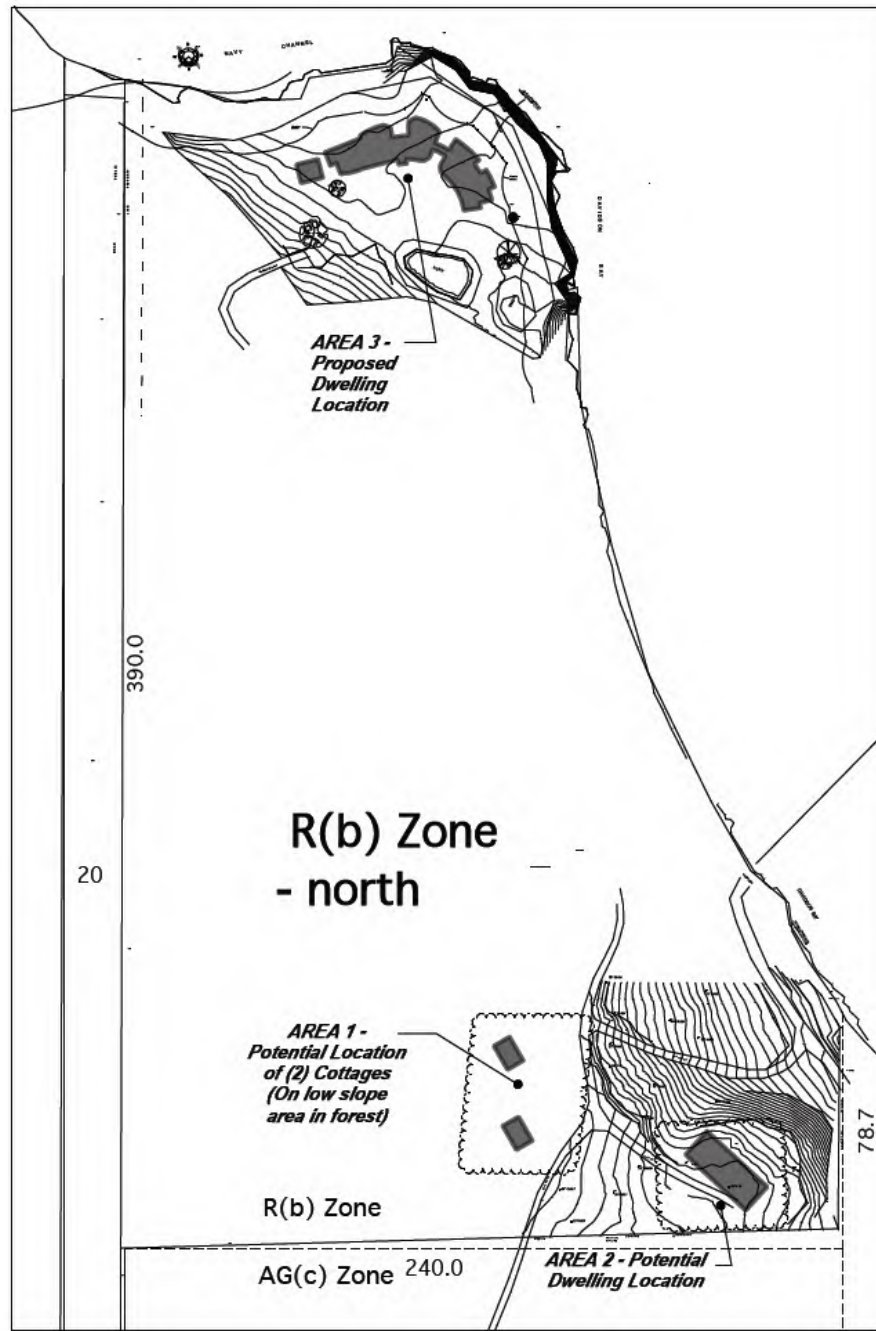
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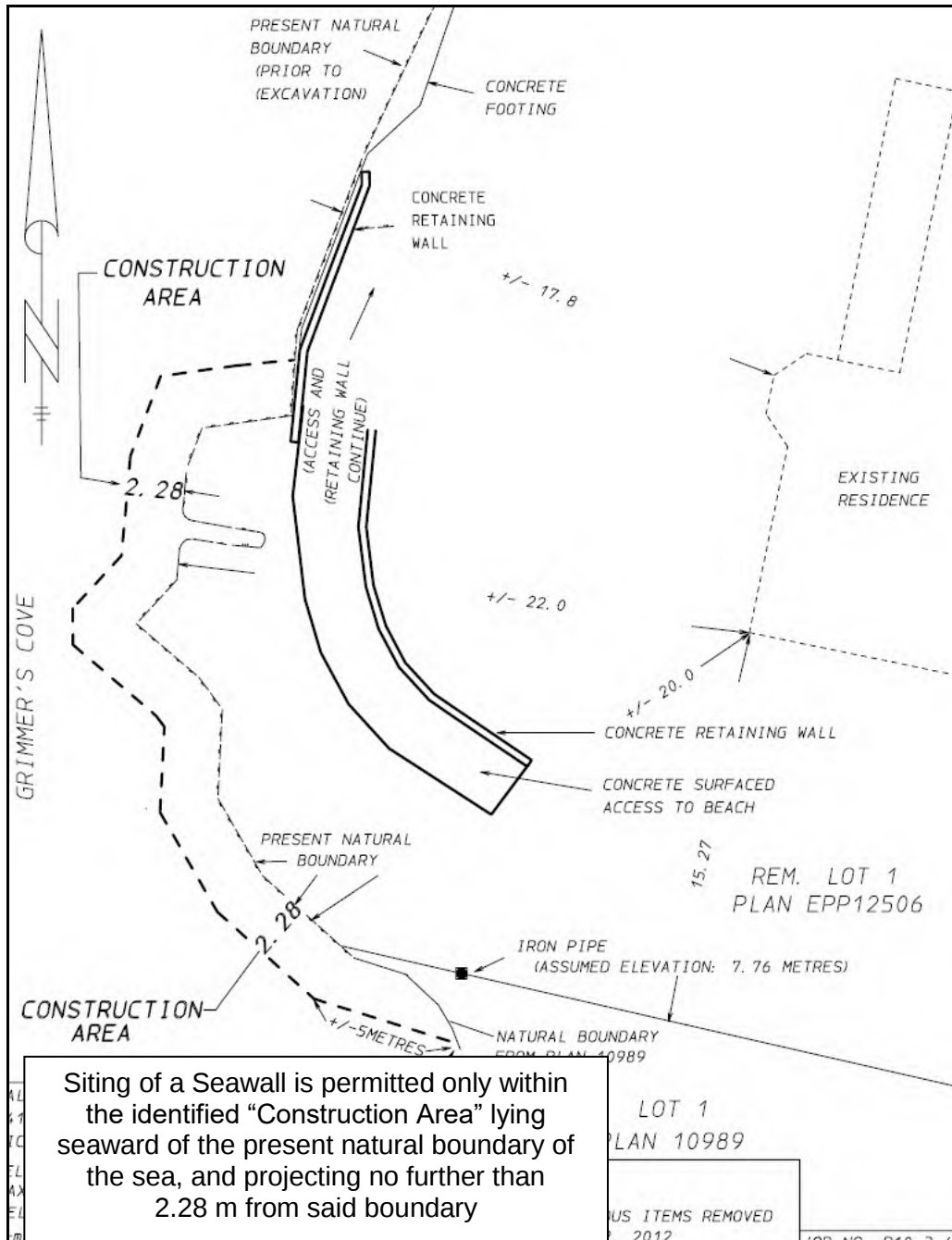
## SCHEDULE C (BYLAW AREA MAP)



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



## SCHEDULE E (Detailed Plans – W3(a) Seawall Plan)



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

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

Natural Boundary  
as Shown on Survey  
Plan of D.L. 2023 & 2024

Underground Septic Pump Chamber  
Partly Covered Landings / Stairs / Ramps to Grede

Ciam Bay Road  
(DD 13153 I)  
Road  
(pending Dedication)  
Road  
(pending Dedication)

Parcel D  
(DD 36312-I)  
Sewage Treatment Plant  
and Existing Septic Field  
Surfaced Courtyard and Pathway  
Covered Verandah  
Building  
Covered Verandah  
Deck  
0.10 Over

Hope Bay  
x  
El. PNB 1.6

D.L. 2023



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**February 24, 2026**

**To:** Magic Lake Estates Water and Sewer Committee

**Via email:** [iwsadministration@crd.bc.ca](mailto:iwsadministration@crd.bc.ca)

**Subject: North Pender Island Housing Project Proposed Zoning Amendment in Magic Lakes Service Area**

Dear Committee,

As you may be aware, the North Pender Island Local Trust Committee (LTC) is currently undertaking a Housing Access and Affordability Project. The focus of the project is on reviewing existing housing options, considering housing-related land use bylaw and Official Community Plan (OCP) amendments, and developing a Housing community-driven Housing Action Plan. More information on the project, including staff reports and the endorsed Housing Action Plan, are located here:

<https://islandstrust.bc.ca/island-planning/north-pender/projects/north-pender-housing-access-and-affordability-project/>

The LTC project has now proceeded to a point where draft bylaw amendments are being considered by the LTC. At the November 21, 2025 LTC meeting, amongst a number of other proposed amendments, the LTC passed the following resolution in respect of Rural Residential 1 zoning in the Magic Lakes Water and Septic Service Area:

**NP-2025-072**

**It was MOVED and SECONDED,**

*that North Pender Island Local Trust Committee directs staff to prepare a draft land use and Official Community Plan bylaw for the Housing Access and Affordability Project that considers land use policy and zoning provisions to:*

*e) Permit ADUs as an alternative to secondary suites in the Rural Residential 1 (RR1) zone in consultation with the Capital Regional District*

The land use bylaw currently permits a secondary suite accessory to a dwelling on all lots in the Magic Lakes Service Area. The proposed bylaw change would permit an Accessory Dwelling Unit (ADU), with a maximum floor area of 60 m<sup>2</sup>, as an alternative to a secondary suite in the RR 1 zone. The intent of the change would be to increase options to meet the increasing demand for housing and provide more flexibility for property owners, for example to allow for families to age in place, or to have a detached long-term rental unit to manage housing costs.

Since the passing of the LTC resolution, Islands Trust staff have been working with CRD planning to better understand the potential implications of this proposed zoning change. Staff are also aware that the current infrastructure capacity of the Magic Lakes water and sewer system for servicing new connections is limited, as referred to in the June 11, 2024 CRD report (attached). With limited capacity beyond servicing the remaining taxable lots to be connected as shown in Table 1, it would indicate that under even under current zoning the capacity would not meet potential demand, for example if secondary suite incentives were dramatically increased.

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

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

To integrate infrastructure planning with land use planning, as a first step the Islands Trust requests that the Committee consider undertaking an engineering study that identifies where the limitations exist in the water and sewer systems, and proposes a plan for infrastructure upgrades that will align with the zoning and growth projections for the community. This study would not only provide planning staff with much needed information in respect of potential zoning changes, it would also provide the Committee and Magic Lakes ratepayers with a forward thinking approach to infrastructure upgrades to support sustainable growth.

Please feel free to contact me if you have any questions or require additional input on this request.

Best Regards,



**Brad Smith**

Island Planner

[bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)

(778) 679-5185

CC: North Pender Island Local Trust Committee  
Justine Starke, Senior Manager, Southern Gulf Islands Administration

Attachment: June 11, 2024 CRD report

## REPORT TO MAGIC LAKE ESTATES WATER AND SEWER COMMITTEE MEETING OF TUESDAY, JUNE 11, 2024

### **SUBJECT**     Magic Lake Estates Secondary Dwelling Unit Capacity

### **ISSUE SUMMARY**

To provide the Magic Lake Estates Water and Sewer Committee with information related to secondary dwelling unit capacity within the Magic Lake Estates water and sewer systems.

### **BACKGROUND**

At its April 9, 2024 meeting, the Magic Lake Estates Water and Sewer Committee (Committee) directed Capital Regional District (CRD) staff to investigate the implications of allowing secondary dwelling units within the Magic Lake Estates (MLE) water and sewer service areas, due to a lack of affordable housing on Pender Island. The recent BC Housing secondary suite incentive program provides up to \$40,000 for 50% of the building costs of new affordable housing suites.

The MLE water and sewer systems and service areas are located on the south shore of North Pender Island in the Southern Gulf Islands Electoral Area. Not all lots within the MLE service areas are connected and there remains capacity for additional connections within each system. Each system's capacity and connection status are presented in Table 1.

*Table 1: MLE Water and Sewer Systems Service Area Connectivity and Capacity*

|                                         | Water | Sewer |         |
|-----------------------------------------|-------|-------|---------|
| Design Build Out Capacity (Connections) | 1,206 | 722   | (a)     |
| Current Taxable Lots                    | 1,196 | 709   | (b)     |
| Current Connections                     | 1,072 | 651   | (c)     |
| Remaining Capacity (Connections)        | 134   | 71    | (a)-(c) |
| Remaining Taxable Lots to be connected  | 124   | 58    | (a)-(b) |

Both the water and wastewater treatment plants were designed for full lot build out within their respective service areas. Each lot build out represented one connection and the design build out did not include an allowance for secondary dwelling units. Note that one connection represents one Single Family Equivalent (SFE). All lots within the service areas are charged an annual parcel tax fee but only the lots connected to either the water or sewer system are charged an annual fixed use fee based on number of SFEs. Lots connected to the water system are also charged a water consumption fee based on water volume used. If all lots are built out with one connection to each system, there remains capacity for approximately 10 additional water connections and 13 additional sewer connections. If more than 10 or 13 secondary dwelling units are connected to the respective water and or sewer system before all lots within the service area have one connection, the system capacity will be reached before lots already paying parcel taxes can connect.

Historical data from 2012 to present, included in Appendix A, indicates that the number of new connections within the service areas has been increasing. The average number of new SFE connections (one per lot) over the last 5 years within the water and sewer service areas is approximately 9 and 6 per year, respectively. Based on the remaining capacity, and the 5-year average of annual new connections, there are approximately 15 years and 12 years before the water and sewer service areas will reach their design capacity.

## **ALTERNATIVES**

### *Alternative 1*

That staff be directed to:

1. Allow up to three new secondary dwelling unit connections to the Magic Lake Estates water and sewer service system, subject to meeting all other applicable regulatory requirements including bylaws, and;
2. Monitor and report back the number of new connections to each system and assess system capacity trends annually prior to allowing further connections.

### *Alternative 2*

That staff be directed not to allow secondary dwelling unit connections to the Magic Lake Estates water and wastewater system.

## **IMPLICATIONS**

### *Alignment with Board & Corporate Priorities*

Allowing secondary dwelling units supports the CRD Board priorities on housing and reflects the initiative to increase supply of housing in the region.

### *Service Delivery Implications*

There is currently enough capacity to allow additional connections to both the MLE water and sewer systems. Limiting secondary dwelling unit connections initially to three connections will allow opportunity to assess impact and a gradual system build-out. Monitoring new connections and system capacity will facilitate planning for any infrastructure upgrades required to support additional growth and confirm system limits.

### *Social Implications*

If demand for secondary dwelling connections exceeds the demand for new lot connections, there is risk that the systems connection capacity will be reached before non-connected lots, already paying parcel taxes, can connect. The implication of this is that lot owners paying parcel tax, and thus contributing to funding the systems, would be denied connection to the systems as capacity would be used up by lots with secondary dwelling connections. Limiting secondary dwelling connections initially while assessing the systems capacities would allow for a managed approach to the expansion.

### **CONCLUSION**

The Magic Lake Estates Water and Sewer Committee directed CRD staff to investigate the implications of allowing secondary dwelling units within the Magic Lake estates water and sewer service area due to a lack of affordable housing on Pender Island. The water and sewer systems currently have capacity to facilitate additional connections and, based on average annual new connections, there are approximately 15 years and 12 years before the water and sewer service areas will reach their respective design capacity. Current data supports allowing secondary dwelling units to be connected to both water and sewer systems; however, limiting connections to three secondary dwelling units for each service system and assessing system capacity prior to allowing any further connections is recommended.

### **RECOMMENDATION**

That staff be directed to:

1. Allow up to three new secondary dwelling unit connections to the Magic Lake Estates water and sewer service system, subject to meeting all other applicable regulatory requirements including bylaws, and;
2. Monitor and report back the number of new connections to each system and assess system capacity trends annually prior to allowing further connections.

|               |                                                                              |
|---------------|------------------------------------------------------------------------------|
| Submitted by: | Natalie Tokgoz, P.Eng., Manager, Water Distribution Engineering and Planning |
| Submitted by: | Joseph Marr, P.Eng., Senior Manager, Infrastructure Engineering              |
| Concurrence:  | Alicia Fraser, P. Eng., General Manager, Integrated Water Services           |

### **ATTACHMENT(S)**

Appendix A: Historical data for Magic Lake Estates Water and Sewer Service Areas

## Appendix A - Historical data for Magic Lake Estates Water and Sewer Service Areas

| WATER |                |                                                        |                        |                           |
|-------|----------------|--------------------------------------------------------|------------------------|---------------------------|
| Year  | Taxable Folios | Single Family Equivalents<br>Connected to Water System | New SFE<br>Connections | Rolling 5<br>year average |
| 2012  | 1206           | 1005                                                   | -                      |                           |
| 2013  | 1206           | 1008                                                   | 3                      |                           |
| 2014  | 1206           | 1011                                                   | 3                      |                           |
| 2015  | 1206           | 1012                                                   | 1                      |                           |
| 2016  | 1205           | 1015                                                   | 3                      |                           |
| 2017  | 1203           | 1020                                                   | 5                      | 3                         |
| 2018  | 1203           | 1020                                                   | 0                      | 2.4                       |
| 2019  | 1203           | 1028                                                   | 8                      | 3.4                       |
| 2020  | 1202           | 1034                                                   | 6                      | 4.4                       |
| 2021  | 1202           | 1043                                                   | 9                      | 5.6                       |
| 2022  | 1199           | 1050                                                   | 7                      | 6                         |
| 2023  | 1196           | 1059                                                   | 9                      | 7.8                       |
| 2024  | 1196           | 1072                                                   | 13                     | 8.8                       |

| SEWER |                |                                                           |                        |                           |
|-------|----------------|-----------------------------------------------------------|------------------------|---------------------------|
| Year  | Taxable Folios | Single Family Equivalents<br>Connected to Sewer<br>System | New SFE<br>Connections | Rolling 5<br>year average |
| 2012  | 714            | 617                                                       | -                      |                           |
| 2013  | 714            | 621                                                       | 4                      |                           |
| 2014  | 714            | 620                                                       | -1                     |                           |
| 2015  | 714            | 621                                                       | 1                      |                           |
| 2016  | 714            | 623                                                       | 2                      |                           |
| 2017  | 713            | 623                                                       | 0                      | 1.2                       |
| 2018  | 713            | 623                                                       | 0                      | 0.4                       |
| 2019  | 173            | 623                                                       | 0                      | 0.6                       |
| 2020  | 714            | 630                                                       | 7                      | 1.8                       |
| 2021  | 714            | 635                                                       | 5                      | 2.4                       |
| 2022  | 712            | 639                                                       | 4                      | 3.2                       |
| 2023  | 709            | 642                                                       | 3                      | 3.8                       |
| 2024  | 709            | 651                                                       | 9                      | 5.6                       |

## 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 - Completed

Target: 26-Jun-2026

Consultation - special APC to review issues and provide recommendations - Completed

Direction to draft bylaws

#### 0. Minor project - Update of Raptors Nest DPAs

#### Responsible

#### Dates

**Activity:**

Brad Smith

Rec'd: 26-May-2023

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

Target: 31-Mar-2026

## 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: April 2, 2026

#### Board of Variance

| Application Number | Applicant Name | Date Received | Address                              | Purpose                                                                          |
|--------------------|----------------|---------------|--------------------------------------|----------------------------------------------------------------------------------|
| PLBOV20260105      | Dany De Sousa  | 3/11/2026     | 6632 RAZOR POINT RD, PENDER I        | Appeal to Board of Variance for the siting of a wall in the setback from the sea |
| Planner            |                | Status        | Most Recent Completed Activity       |                                                                                  |
| Bruce Belcher      |                | Under Review  | Generate Complete Application Letter |                                                                                  |

#### Development Permit

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

## North Pender

### Development Variance Permit

| Application Number | Applicant Name | Date Received | Address                              | Purpose                                                             |
|--------------------|----------------|---------------|--------------------------------------|---------------------------------------------------------------------|
| PLDVP20260126      | Mike Telford   | 3/19/2026     | 2607 GUNWHALE RD, PENDER ISL         | Application for a variance for the siting of a garage in a setback. |
| Planner            |                | Status        | Most Recent Completed Activity       |                                                                     |
| Bruce Belcher      |                | Under Review  | Generate Complete Application Letter |                                                                     |

| Application Number | Applicant Name | Date Received | Address                              | Purpose                                                                                                                                                                                                                 |
|--------------------|----------------|---------------|--------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| PLDVP20260112      | Chris Hall     | 3/13/2026     | 5415 HOOSON RD, PENDER ISLAN         | Had to choose yes or no from the question below for "has work started?"<br><br>As the surveys and supporting letters show, these structures have been in place since at least the early 80's and probably much earlier. |
| Planner            |                | Status        | Most Recent Completed Activity       |                                                                                                                                                                                                                         |
| Bruce Belcher      |                | Under Review  | Generate Complete Application Letter |                                                                                                                                                                                                                         |

| Application Number | Applicant Name | Date Received         | Address                        | Purpose                                                            |
|--------------------|----------------|-----------------------|--------------------------------|--------------------------------------------------------------------|
| PLDVP20260026      | Mark Heieis    | 1/21/2026             | 1604 STORM CRES, PENDER ISLA   | Application for a variance for the height of an Accessory Building |
| Planner            |                | Status                | Most Recent Completed Activity |                                                                    |
| Bruce Belcher      |                | Local Trust Committee | Generate Staff Report          |                                                                    |

## North Pender

### Rezoning

| Application Number | Applicant Name        | Date Received                  | Address                      | Purpose                                                                                                                                                  |
|--------------------|-----------------------|--------------------------------|------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------|
| PLRZ20260021       | Analisa Sara Miles    | 1/19/2026                      | 3330 PORT WASHINGTON RD, PEN | Rezoning application to permit contractor yard, shipping container storage and RV and trailer storage on Industrially designated portion of the property |
| Planner            | Status                | Most Recent Completed Activity |                              |                                                                                                                                                          |
| Brad Smith         | Local Trust Committee | Assign to LTC Meeting          |                              |                                                                                                                                                          |

| 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 |                              |                                                  |

| 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         | In Progress Rezoning | Generate & Send Notice of LTC Decision |                             |                                                                                                                                                                                  |

## 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            |                                                               |

## North Pender

### Temporary Use Permit

| Application Number | Applicant Name  | Date Received         | Address                        | Purpose                                                                            |
|--------------------|-----------------|-----------------------|--------------------------------|------------------------------------------------------------------------------------|
| PLTUP20260001      | Bryan Vermeeren | 1/2/2026              | 3812 CUTLASS CRT, PENDER ISLA  | Current Temporary use permit NP - TUP- 2023.1-3812<br>Cutlass court, Pender Island |
| Planner            |                 | Status                | Most Recent Completed Activity |                                                                                    |
| Bruce Belcher      |                 | Local Trust Committee | Advertise                      |                                                                                    |

***Islands Trust***  
LTC EXP SUMMARY REPORT F2026  
Invoices posted to Month ending February 2026

| 650 North Pender        | Invoices posted to Month ending February 2026 | <u>Budget</u>    | <u>Spent</u>    | <u>Balance</u>   |
|-------------------------|-----------------------------------------------|------------------|-----------------|------------------|
| LTC Local               |                                               |                  |                 |                  |
| 65050-650               | LTC "Executive Expense on LTC's"              | 516.00           | 431.95          | 84.05            |
| 65200-650               | LTC - Local Exp - LTC Meeting Expenses        | 1,200.00         | 1,130.26        | 69.74            |
| 65210-650               | LTC - Local Exp - APC Meeting Expenses        | 1,550.00         | 2,252.28        | -702.28          |
| TOTAL LTC Local Expense |                                               | <u>3,266.00</u>  | <u>3,814.49</u> | <u>-548.49</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         | 2,222.63        | 5,777.37         |
| TOTAL Project Expenses  |                                               | <u>13,000.00</u> | <u>2,910.70</u> | <u>10,089.30</u> |

## Standing Resolutions Log

### North Pender Island

| Resolution Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | Action  | Date        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| <b>2023-040 (Standing)</b><br><br><b>Proposed Bylaws 224 &amp; 229 - 4606 Razor Point Rd</b><br><br>That the North Pender Island Local Trust Committee move to suspend bylaw enforcement on the Industrial zoned portion of 4606 Razor Point Road until the completion of Bylaw 224 and 229.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Carried | 11-Mar-2023 |
| <b>2020-010 (Standing)</b><br><br><b>15.1 Policy options for Bylaw Enforcement Compliance on unlawful uses</b><br><br>that the North Pender Island Local Trust Committee adopt the following policy on unlawful land uses and planning applications:<br>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.<br>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.<br>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<br>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. | Carried | 30-Jan-2020 |
| <b>2019-074 (Standing)</b><br><br><b>13.3 Model Cell Tower Strategy - Staff Briefing</b><br><br>that the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Carried | 04-Jul-2019 |

## Standing Resolutions Log

### North Pender Island

| Resolution Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Action  | Date        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|-------------|
| <b>2019-072 (Standing)</b><br><br><b>13.2 Standing Resolution - Reconciliation Report</b><br><br>that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area. | Carried | 04-Jul-2019 |
| <b>2019-061 (Standing)</b><br><br><b>16.2. Rise and Report</b><br><br>that the North Pender Local Trust Community refer Short Term Vacation Rental Temporary Use Permits in the Magic Lake sewer catchment to the Magic Lake Sewer and Water Committee to confirm infrastructure capacity.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Carried | 30-May-2019 |
| <b>2019-030 (Standing)</b><br><br><b>13.2 Advisory Planning Commission - Staff Memo</b><br><br>that the North Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Carried | 28-Feb-2019 |

## Standing Resolutions Log

### North Pender Island

| Resolution Number                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Action         | Date               |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|--------------------|
| <b>2018-070 (Standing)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Carried</b> | <b>06-Sep-2018</b> |
| <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> |                |                    |
| <b>2006-080 (Standing)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <b>Carried</b> | <b>25-May-2006</b> |
| <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>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                |                    |



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

### HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JANUARY 20, 2026 BOARD MEETING

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

- Islands Trust Conservancy (ITC) Board Chair and Vice-Chair elections were held. Trustee Lisa Gauvreau was re-elected by acclamation as Board Chair, and Tanner Timothy | nəŋqəm was re-elected by acclamation as Board Vice-Chair.
- The ITC Board requested staff to finalize a Conservation Agreement between ITC and Environment and Climate Change Canada and to obtain a signature from the Chair or Authorized Signatory
- The ITC Board requested staff to pursue opportunities for funding from Environment and Climate Change Canada for the continued operation of the ITC Species at Risk Program, beyond March 2026.
- The ITC Board approved the ITC 2028-2032 Five-Year Plan Project Charter and Logic Model to facilitate engagement with First Nations and cooperative development of the Plan.
- The ITC Board accepted the ITC Natural Area Protection Tax Exemption Program (NAPTEP) Covenant Monitoring Report 2025.
- The ITC Board requested staff to bring policy options to the ITC Board at its next meeting to guide allocation of funds of private donations, and provide policy options regarding undirected donations.

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

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

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

## REQUEST FOR DECISION

**To:** North Pender Island LTC      **For the Meeting of:** April 10, 2026  
**From:** Trust Area Services      **Date Prepared:** February 5, 2026  
**SUBJECT:** 2025/26 ANNUAL REPORT – APPROVAL OF NORTH PENDER ISLAND LTC SECTION

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**RECOMMENDATION:** That the North Pender Island Local Trust Committee approves the attached text for inclusion in the 2025/26 Annual Report for approval by Trust Council and submission to the Minister of Housing and Municipal Affairs.

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- 1 PURPOSE:** Local Trust Committees are provided with their draft sections of the annual report for review and approval so that Trust Council is able to easily approve its annual report in June 2026 without further editing from staff or trustees at the Trust Council meeting.

**BACKGROUND:** Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.1](#). The Executive Committee approved the format and outline of the 2023/24 Annual Report at its meeting on January 14, 2026.

**2 IMPLICATIONS OF RECOMMENDATION**

**ORGANIZATIONAL:** Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings in order to have the report approved by Trust Council at its June 2026 meeting.

**FINANCIAL:** None.

**POLICY:** No implications for existing policy

**IMPLEMENTATION/COMMUNICATIONS:** The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and then Trust Council consideration of approval in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Housing and Municipal Affairs and circulate it as indicated in Trust Council's policy.

**FIRST NATIONS:** Information about First Nations relations may be included within committee reports.

**OTHER:** None.

- 3 RELEVANT POLICY(S):** Trust Council's Annual Report policy 6.10.i; *Islands Trust Act*

- 4 ATTACHMENT(S):** North Pender Island LTC input to Annual Report (draft)
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## **RESPONSE OPTIONS**

**Recommendation:** That the North Pender Island Local Trust Committee approves the attached text for inclusion in the 2025/26 Annual Report for approval by Trust Council and submission to the Minister of Housing and Municipal Affairs.

**Alternative:** That the North Pender Island Local Trust Committee approves the attached text for inclusion in the 2025/26 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Municipal Affairs.

**Prepared By:** Morgana van Niekerk, Communications Specialist

**Reviewed By/Date:** Stefan Cermak, Director, Planning Services, February 5, 2026

## **North Pender Island Local Trust Committee**

The North Pender Island Local Trust Committee (NP LTC) held six regular business meetings in the 2025/26 fiscal year, two special meetings, three Community Information Meetings, and two public hearings.

Work for this period focused on advancing the NP LTC priorities of housing and updating its Raptor Nest development permit area. The NP LTC advanced these priorities through completing its Raptor Nest DPA project and by reviewing its policies and zoning to facilitate greater opportunities for suites, accessory dwelling units, not-for-profit housing, and other alternative housing approaches.

From April 1, 2025 to March 31, 2026, the LTC adopted the following bylaws:

- Bylaw No. 230 to update its Bylaw Enforcement Notification Bylaw
- Bylaw No. 238, which repealed the LTC's meeting procedure bylaw to replace it with the Islands Trust Council bylaw
- Bylaw No. 239, which was adopted to provide an alternative means of publishing a public notice

From April 1, 2025 to March 31, 2026, the NP LTC received and considered applications for four development variance permits, six development permits, two bylaw amendment applications, and three temporary use permits.

During the same time period, staff also reviewed 35 building permit referrals and two crown lease referrals.