



North Pender Island Local Trust Committee

Regular Meeting Agenda

Date: January 30, 2026
Time: 10:00 am
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

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 November 21, 2025		
	North Pender Island Local Trust Committee in-camera meeting minutes of July 25, 2025 were adopted.		
4.	APPROVAL OF AGENDA		
5.	TRUSTEE REPORT		
6.	CHAIR'S REPORT		
7.	ELECTORAL AREA DIRECTOR'S REPORT		
8.	TOWN HALL AND QUESTIONS	10:25 AM - 10:40 AM	
9.	COMMUNITY INFORMATION MEETING - None		
10.	PUBLIC HEARING - None		
11.	MINUTES	10:40 AM - 10:50 AM	
11.1	Local Trust Committee Minutes Dated November 21, 2025 (for Adoption)		4 - 14
11.2	Section 26 Resolutions-without-meeting Report Dated Jan 2025		15 - 15
11.3	Advisory Planning Commission Minutes Dated November 10, 2025, November 28, 2025 and Draft January 16, 2026 (for Receipt)		16 - 29

12.	BUSINESS ARISING FROM THE MINUTES	
12.1	Follow-up Action List Dated Jan 2026	30 - 32
13.	DELEGATIONS	
14.	CORRESPONDENCE	10:50 AM - 10:55 AM
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	
14.1	Capital Regional District re Regional Canada Goose Working Group	33 - 39
15.	APPLICATIONS AND REFERRALS	10:55 AM - 12:15 PM
15.1	Mayne Island Local Trust Committee Referral for Proposed Bylaw No. 200 (for Response) (attached)	40 - 43
15.2	NP-PL-TUP-2025-0430 (O'Malley) – Staff Report (attached)	44 - 51
15.3	NP-PL-TUP-2025-0511 (Hepburn) – Staff Report (attached)	52 - 73
15.4	NP-PL-DVP-2025-0489 (McDonald) – Staff Report (attached)	74 - 91
15.5	NP-PL-DP-2025-0483 (MacLean) - Staff Report (attached)	92 - 150
15.6	NP-PL-DP-2025-0499 (Kerfoot) – Staff Report (attached)	151 - 180
15.7	NP-RZ-2024.1 (Grimmer) – Staff Report (attached)	181 - 223
15.8	NP-PL-RZ-2024-0110 (Bigham) – Staff Report (attached)	224 - 231
16.	LOCAL TRUST COMMITTEE PROJECTS	12:15 PM - 12:45 PM
16.1	Housing Access and Affordability Project – Staff Report (attached)	232 - 244
17.	REPORTS	12:45 PM - 12:55 PM
17.1	Work Program Report (attached)	
17.1.1	<u>Active Projects Report Dated Jan 2026</u>	245 - 245
17.1.2	<u>Future Projects Report Dated Jan 2026</u>	246 - 247
17.2	Applications Report Dated Jan 2026 (attached)	248 - 252
17.3	Trustee and Local Expense Report Dated Nov 2025 (attached)	253 - 253
17.4	Adopted Policies and Standing Resolutions (attached)	254 - 256
17.5	Local Trust Committee Webpage	
17.6	Islands Trust Conservancy Report - None	

18. **NEW BUSINESS** 12:55 PM - 1:05 PM
- 18.1 **Short Term Rental Accommodation – Principal Residence Opt-In - Briefing (attached)** 257 - 275
19. **UPCOMING MEETINGS**
- 19.1 **Next Regular Meeting Scheduled for March 27, 2026 at the St. Peter's Anglican Church Hall, Pender Island**
20. **TOWN HALL** 1:05 PM - 1:20 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)(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.
- 21.2 **Recall to Order**
- 21.3 **Rise and Report**
22. **ADJOURNMENT** 1:20 PM - 1:20 PM

North Pender Island Local Trust Committee
Minutes of Regular Meeting

Date: November 21, 2025
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

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

Members Regrets: Deb Morrison, Local Trustee

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

Others Present: There were 25 members of the public present.

1. CALL TO ORDER

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

2. TERRITORIAL ACKNOWLEDGEMENT

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

3. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

4. TRUSTEE REPORT

Trustee Campbell reported conversations with newer community members who have been reaching out to gain an understanding about what can and cannot be done on their properties.

5. CHAIR'S REPORT

Chair Maude reported the following:

- Welcomed staff back and noted challenges and meeting cancellations that resulted from recent strike action
- Upcoming attendance at the December Trust Council meeting during which a presentation on the provincial short-term vacation rental registry requirements will be provided and budget discussions will move forward

6. ELECTORAL AREA DIRECTOR'S REPORT - None

7. TOWN HALL AND QUESTIONS

Several members of the public spoke to application NP-PL-RZ-2024-0110 (Bigham) and the following comments were noted:

- If the zoning application is approved, heavy truck traffic on Port Washington Road will increase which could result in an accident, causing bodily harm and, as the Trustees have been apprised of the potential safety issue, they could become liable for injuries
- Diesel particulate exhaust has a significant effect on the speaker's bee livestock resulting in the alteration of microbiome in the gut of honeybees which degrades their health standard, creates a higher risk of dying, and reduces honey production
- A speaker lives beside one of the ecological reserves identified in the report, has reviewed all of the information including the environmental study, and supports the application
- Bees fly in a five-mile radius which covers the entire area of the island, traffic can not be stopped island-wide due to the bee's flying area, and beehives can be moved if desired
- A bee farmer chose the valley location to contain their bees as they won't fly over the crest of the hills or over water, the safety issue related to the truck traffic will affect their ability to have a roadside farmstand, and the increased truck traffic resulting from the application will contaminate their product
- Heavy trucks, and resulting diesel exhaust, travel all over the island due to construction, the issue about traffic is island-wide, and truck traffic should not delay the application
- There is likely a better site coming available for an industrial business use
- An intelligent in-depth discussion should be undertaken by the Advisory Planning Commission to inform appropriate locations for industrial uses
- The business has been operating at the same location since 1994, is across from the highways department and beside a lumber yard which use diesel trucks
 - The trucks can use any road on the island as none have been identified by the Ministry of Highways as being too weak to support truck weight
 - Road safety is the responsibility of drivers, pedestrians and the police, and making the industrial use conforming will not change the current use

A member of the public stated the draft Islands Trust Policy Statement structure is flawed as by not relying on policy 1.3.1 a Local Trust Committee can disregard the policies and decide whether or not to implement them.

A member of the public noted the Trust Policy Statement Survey Goal 3 has eleven points and only one box to indicate agreement or disagreement.

The Chair suggested the speaker note this in the comments section so those that develop the survey can note this for future reference.

A member of the public spoke on behalf of the Recreational Vehicle (RV) Alliance and the following comments were noted:

- The RV Alliance has advocated to amend zoning regulations to permit residents to live in an RV on full time basis provided they are connected to appropriate services

- The Advisory Planning Commission recommendations ask the Local Trust Committee to reconsider the current moratorium on permitting an RV as a dwelling to include enforcement and have recommended RVs should not be allowed as dwelling units until specific standards are met
- The RV Alliance presented two options for discussion and requested the Local Trust Committee request staff to work with the RV Alliance to deal with expressed concerns;
- One option includes a permitting process that would require RV owners demonstrate their units are equipped with a carbon dioxide (CO₂) detector, smoke alarm, fire extinguisher, and approved propane connections
 - These safety features would need to be inspected and verified annually as a condition for continued approval to reside in the RV
 - This approach would allow RVs to be used legally as a primary residence for accessory dwelling units provided all necessary established standards and inspection measures are in place
- The second option is the development of a waiver that all parties would sign before one was permitted to live in an RV and, provided the waiver is drafted properly, one would not be able to sue Islands Trust or the Capital Regional District if they thought they had a cause of action

An Advisory Planning Commission member noted their recommendations were made on the basis of safety as there is no recognized standard for safe permanent dwelling in an RV and they also recommended the Local Trust Committee advocate for, and work with, other levels of government to try to develop safety regulations.

8. COMMUNITY INFORMATION MEETING - None

9. PUBLIC HEARING - None

10. MINUTES

10.1 Local Trust Committee Minutes Dated October 3, 2025 (for Adoption)

By general consent the North Pender Island Local Trust Committee meeting minutes of October 3, 2025 were adopted.

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

Received for information.

10.3 Advisory Planning Commission Minutes Dated October 1 and October 8, 2025 (for Receipt)

Received for information.

11. BUSINESS ARISING FROM THE MINUTES

11.1 Follow-up Action List Dated Nov 2025

Received for information.

12. DELEGATIONS – None

13. CORRESPONDENCE

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

14. APPLICATIONS AND REFERRALS

14.1 Trust Council Bylaw No. 183 Policy Statement Bylaw Referral - For Response

A Trustee noted that there has been limited community conversation regarding the Policy Statement.

NP-2025-067

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee respond to the Islands Trust Council that interests are unaffected by proposed Bylaw No. 183.

CARRIED

14.2 NP-PL-DP-2025-0384 (Kerfoot) - Staff Report

Planner Belcher summarized the staff report and highlighted the following:

- The Development Permit application seeks a permit for construction of a pool deck on the subject property located within the Commercial and Industrial Form and Character Development Permit Area 9 (DPA 9)
- The applicant plans to construct a pool deck addition, approximately 90 m² in area, adjacent to the existing pool area
- The property includes four rental cottages and a large rental house and the pool and proposed new deck and comprise a commercial tourist accommodation business
- The proposed new deck does not impact the views of adjacent properties and the existing trees located on the property boundaries provide adequate screening for commercial use
- The objectives and guidelines of the Development Permit Area have been met

The applicant was in attendance and spoke to the application.

The Local Trust Committee had no questions for the applicant or Planner and asked if there was a way to streamline Form and Character Development Permit Area applications. The Regional Planning Manager noted the Local Trust Committee has the option of either delegating the issuance of Development Permits to staff or reviewing the Development Permit Area guidelines and exemptions with the objective of changing them in a way in which minor routine applications with minimal impact be exempt.

NP-2025-068

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee approve issuance of Development Permit PL-DP-2025-0384.

CARRIED

NP-2025-069

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee request staff bring a Development Permit Delegation Bylaw and staff report to a future meeting.

CARRIED

14.3 NP-PL-DP-2025-0399 (Lansdowne) – Staff Report

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

- A Development Permit was previously approved for land alteration, tree removal, and establishment of building areas on the subject property located within Development Permit Area One – Woodland Ecosystems
- An amended permit to allow for an adjustment to the siting of the proposed dwelling and accessory building (garage) was approved
- The applicant is seeking another amendment to alter the siting of the house and the addition of a carport
- The dwelling location has been adjusted to avoid a “no-build” covenant area

The applicant was in attendance.

A Trustee asked if the applicant could shift the location back to the original location that had been approved and the applicant clarified this would necessitate additional tree removal.

NP-2025-070

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee approve issuance of amending Development Permit PL-DP-2025-0399 (Lansdowne).

CARRIED

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

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

- The applicant previously submitted a rezoning application to permit the continued operation of aggregate storage, sales, and associated used on the subject property
- The area proposed for rezoning is designated as Industrial and the proposed use is consistent with the land use designation
- The applicant has submitted finalized groundwater and ecological assessment professional reports previously requested as well as a draft storm water management plan that is still being reviewed by staff
- Community input received to date have been posted on the application webpage
- Concerns regarding consistency with Official Community Plan, environmental issues, groundwater and water supply, and traffic safety have been addressed through staff and qualified professional reports
- A draft bylaw will facilitate the referral and public input processes

Discussion ensued and the following comments were noted:

- Comments heard regarding another potential location have been explored with owners of the property and it is unclear if the location will be available, if the current use can be expanded, and if the current owners wish to sell the property
- The application seeks to legitimize the current use on a permanent basis versus ongoing issuance of Temporary Use Permits
- The application does not seek to allow more than the current use but seeks to determine how to minimize any effects on the community
- The traffic pattern in the area can also be attributed to the surrounding businesses
- There is need to provide permanency to the business operator and continue conversation about what might be done to address community concerns
- The professional reports received to date have addressed questions and concerns of the Local Trust Committee
- Moving to the draft bylaw stage will allow continued conversation and input

The applicant noted there is willingness to discuss the possibility of connecting the top portion of the property with the other covenanted areas while eventually also building a residence on the upland area, explore creating a circular driveway, make adjustments to the existing easement, and resurface the yard .

NP-2025-071

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee directs staff to prepare a draft bylaw for rezoning application PL-RZ-2024-0110 (Bigham).

CARRIED

The meeting was recessed at 11:38 a.m. and reconvened at 11:46 a.m.

15. LOCAL TRUST COMMITTEE PROJECTS

15.1 Housing Affordability and Access Project – Staff Report

Island Planner Smith summarized the recommendations outlined in the staff report which were formed based on work done to date and recommendations received from the Advisory Planning Commission.

Discussion ensued and the following comments and clarifications were noted:

- There is a standing resolution on not issuing new Temporary Use Permits for short-term vacation rentals while consideration of opting into the Provincial regulation is undertaken
- The majority of Temporary Use Permits in effect at this time expire by the end of the current term
- There will be a presentation at Trust Council regarding the Provincial regulations

The Advisory Planning Commission spoke to their recommendations and noted the following:

- The staff report does not address specifics of the recommendations provided

- There is discrepancy between staff and Advisory Planning Commission recommendations relating to permitting accessory dwelling units instead of secondary suites on smaller lots in the Magic Lake area
- Allowing additional dwelling units on all lots within an RR1 zone, which includes the Magic Lake area, is not recommended and they suggest excluding staff recommendations (e), (g), and (h) and replace them with Advisory Planning Commission recommendations
- They asked that the Local Trust Committee provide direction that the drafting of bylaws should be in accordance with recommendations made by the Advisory Planning Commission and they will work with the Island Planner Smith to incorporate them into the draft bylaw

Island Planner Smith noted the Community Information Meeting that had been planned for October had intended to bring the Advisory Planning Commission recommendations and Suitable Buildout Analysis to the community for discussion; however, the meeting needed to be rescheduled due to labour disruption and it was determined to bring back a draft bylaw framework and then hold the Community Information Meeting in order to bring feedback received in the refining of the draft bylaw.

The Regional Planning Manager emphasized that the Advisory Planning Commission is an advisory group and staff also provide advice and it is up to the Local Trust Committee to work through the recommendations and suggestions from all parties, including the public, when making decisions.

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:

- a. Permit accessory worker housing in appropriate community service zones and commercial zones;
- 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;
- c. 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, subject to proof of water and demonstration of septic capacity;
- d. Enable flexible zoning to create the potential for additional housing units on lots zoned Rural Residential 2 and Rural;
- e. Permit ADUs as an alternative to secondary suites in the Rural Residential 1 zone in consultation with the Capital Regional District;
- f. Rezone the Anglican Church diocese property to allow for affordable housing as a permitted use;
- g. Add policies that consider the potential development of a Tiny Home on Wheels or other small footprint manufactured home community;
- h. 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.

CARRIED

NP-2025-073

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 between early February and mid-March, 2026, and to advertise the meeting in the Pender Post.

CARRIED

NP-2025-074

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee requests that the special Advisory Planning Commission on Housing 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.

CARRIED

NP-2025-075

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee appoints Ken Rempel to the Special Advisory Planning Commission on Housing for the remainder of the current term ending March 1, 2026.

CARRIED

NP-2025-076

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee continues with the special Advisory Planning Commission on Housing and directs staff to advertise for membership for a new one year term commencing March 1, 2026.

CARRIED

Discussion ensued regarding the rescheduling of the Community Information Meeting and the following comments were noted:

- There has been higher attendance and community involvement when the meeting is included as part of the Local Trust Committee regular business meeting on a Friday rather than a weekend
- A shorter Community Information Meeting could be incorporated into the March meeting or a special meeting be scheduled on another Friday
- It was confirmed the preference is to schedule a Special Meeting on a Friday in February and the information brochure will be revised to reflect the meeting date and will be mailed out to households

16. REPORTS

16.1 Work Program Report

16.1.1 Active Projects Report Dated Nov 2025

Received for information.

16.1.2 Future Projects Report Dated Nov 2025

Received for information.

16.2 Applications Report Dated Nov 2025

Received for information.

16.3 Trustee and Local Expense Report Dated Sept 2025

Received for information.

16.4 Adopted Policies and Standing Resolutions

Received for information.

16.5 Local Trust Committee Webpage - None

16.6 Islands Trust Conservancy Report - None

17. NEW BUSINESS

17.1 6601 Razor Point Road Covenant Update – None

NP-2025-077

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee request staff to remove item 17.1 6601 Razor Point Road Covenant Update from the agenda as a standing item.

CARRIED

18. UPCOMING MEETINGS

18.1 Draft 2026-2027 LTC Meeting Schedule - Request for Decision

Discussion ensued and it was noted that all meetings be held in-person while the November 20 meeting be held electronically due to potential travel constraints.

NP-2025-078

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee approve their April, 2026 to March, 2027 Meeting Schedule excepting that the November 20, 2026 be made an electronic meeting,

CARRIED

18.2 Next Regular Meeting Scheduled for January 30, 2026 at the St. Peter's Anglican Church Hall, Pender Island

19. TOWN HALL

A member of the public asked what a Community Information Meeting looks like and a Trustee replied it is less formal, includes a presentation, and provides time for questions and feedback.

A speaker stated section 3.4.5 of the draft Trust Policy Statement is the only section about climate change. The statement is very general, and nothing has been included regarding clear cutting.

It was explained that the Local Trust Committee does not have jurisdiction to restrict clear cutting. Tree cutting authority is within municipal government jurisdiction. The only available means to control tree cutting is the expansion of Development Permit Areas.

A member of the public stated there had been strong opposition to Razor Point Road application approval, Trustee Morrison had, during the debate about house size, mentioned a covenant opportunity, and this is why the item 17.1 has remained on the agenda. The Planner clarified that there was not an agreement between the property owner or any party for a covenant and there have been no updates forthcoming.

20. CLOSED MEETING (Distributed Under Separate Cover)

20.1 Motion to Close Meeting

NP-2025-079

It was MOVED and SECONDED,

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

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

AND that the recorder and staff attend the meeting.

CARRIED

The meeting was closed to the public at 12:37 p.m.

20.2 Recall to Order

The meeting was recalled to order at 1:00 p.m.

20.3 Rise and Report

Chair Maude will rise and report at the next regularly scheduled business meeting.

21. ADJOURNMENT

By general consent the meeting was adjourned at 1:00 pm.

David Maude, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder



Resolutions Without Meetings Log

North Pender Island

Resolution Number	Action	Date
2025-006	Carried	12-Dec-2025
Jan 30 Mtg to Electronic		
That the North Pender Island Local Trust Committee direct staff to change the January 30, 2026 regular meeting to an electronic meeting.		

ADOPTED

Minutes of the North Pender Island Advisory Planning Commission

Date: November 10, 2025
Location: St. Peter's Church, Fireside Room

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

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

Members of the Public: Ken Rempel

1. Call to Order

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

2. Approval of Agenda

By general consent, the agenda was approved as presented.

3. North Pender October 8, 2025 APC Minutes (for Adoption)

By general consent, the North Pender Advisory Planning Commission minutes of October 8, 2025 were adopted.

4. Discussion of Community Input: Ken Rempel Suggestions, Friends of the Gulf Islands

5. Discussion of Input on Draft from Robert Kojima

6. Discussion of APC Report

General discussion ensued about the draft report, including input from Ken Rempel and Regional Planning Manager Robert Kojima. The following comments were made:

- We need to ensure there are sufficient inspection processes so additional dwelling units are used for their intended purposes (*Need to add this wording to report*)
- The Trust must consider what regime is in force to ensure appropriate use (the problem is insufficient enforcement) (*Joyce to draft language for the report*)

- Bylaw enforcement is mostly complaint driven, though some time has been spent proactively dealing with more egregious infractions
- Most recommendations from the Commission include housing agreements, though additional dwelling units in someone's backyard will typically not have a housing agreement
- Item 4 on page 2 (Increasing community education and outreach) should include an explanation of why this is important (e.g. to raise awareness of existing challenges and options to address or ameliorate issues) *(Jay to draft language for the report)*

4 - Expand Opportunities to expand secondary suites and create ADUs (page 6)

- A suggestion was made to move the first two paragraphs (Analysis and Options) directly above the recommendation on page 8

Discussion was held about how the maximum combined floor area numbers were reached, and concern was expressed that the maximum floor area numbers might be used to build a large single primary residence when the preference is to build smaller additional dwelling units without subdivision.

The Commission recommends that, for lots that are larger than 1 acre in the RR1 zone, additional dwelling units could be considered on a case-by-case basis. The Planner noted that a representative of the Capital Regional District expressed a preference for additional dwelling units in Magic Lake rather than secondary suites, and that the water system infrastructure should bend to the zoning as opposed to being restricted by it. A Commissioner noted this is at variance to the Commission's recommendations and that the final decision will be up to elected officials. Discussion continued and the following comments were made:

- There is a Capital Regional District bylaw that says every home in Magic Lake can have a secondary suite
- Work may have been done at some point to demonstrate water sufficiency for secondary suites, however, water levels have been seen to go down to as low as 30%
- Additional work could be done with Capital Regional District staff to ensure the water system could adequately handle build-out (future conversations to be had)
- The sewer system is funded by the residents and increased volume would be paid for through property taxes
- The Advisory Planning Commission remains of the opinion that lots smaller than 0.4 hectares are not suitable for additional dwelling units

Discussion was held about possible zoning changes and amending the recommendation for smallest properties from 2,500 square feet to 3,000. Comments were made that the higher two lot size categories are more conservative than the first in terms of lot coverage. Comments were made that the numbers are not high enough in general, though they provide more flexibility for what can be built. It was noted that the recommendations aim to allow for more affordable housing while not changing the overall environment, and the recommendations will go to the Local Trust Committee to ultimately decide.

The following comments were made:

- The square footage recommendation should not apply to garages and outbuildings
- The report mentions properties that are close to the Driftwood Centre that may qualify for Flexible Housing Zoning but are within the Agricultural Land Reserve (ALR); it was noted that this is meant to identify that some of these lots exist, but not to suggest they be taken out of the ALR
- It is extremely difficult to take land out of the ALR as the Agricultural Land Commission has a strict mandate of protecting agricultural capacity and does not consider affordable housing needs

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

- A suggestion was made to add to the last section about options “in order to support a better business case and secure a housing provider” (Jay to draft language for report)

Discussion was held about size restrictions for small footprint homes including a minimum square footage. Comments included:

- A minimum square footage of 250 is low and is the kind of housing that would be for people that we want to assist on North Pender
- A house that is too small will have insufficient storage space for provisions
- Suggesting a minimum size house seems reasonable in the island context
- When it comes to long-term permanent use, it is the quality of construction that makes a space habitable more than the size
- A single container used for a house is too small and will likely be used for short-term rentals
- Containers are useful for providing habitable space (e.g. The city centre in Christchurch, New Zealand was rebuilt with shipping containers)
- North Pender has many more than 10 short-term vacation rentals in operation
- The Commission’s recommendations aim to create housing that is liveable and not used for short-term vacation rentals

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

- A suggestion was made to remove Recommendation 3 on page 13: (The LTC should advocate with the CRD to identify and adopt appropriate standards and an inspection process for RVs as permanent dwelling, as well as identification of the appropriate authority to conduct inspections of RV’s.); this option was for people who wanted to build a recreational vehicle village, but the Commission is wanting to outline options for long-term housing and has decided that recreational vehicles are not a solution

- The current situation where people are allowed to bring old recreational vehicles onto a property and let people rent them out is not a good thing
- A policy goal and how you transition to it should have an evolutionary process with time to achieve it
- Given the safety considerations identified, the Commission believes the moratorium on recreational vehicles should be re-examined to ensure the safety of those who are living in them

Discussion was held about terminology and how “small footprint manufactured homes” should be used instead of “tiny homes on wheels” because the former are built to CSA Standards.

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

- Comments were made that requiring worker housing is a significant requirement and could inhibit business on the island
- A suggestion was made to change “require” worker housing to “enable,” and add “The Local Trust Committee could show willingness to accommodate housing on a commercially zoned site”

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

- If a tiny home on wheels is built to CSA standards, it is now a manufactured home
- If a structure has CSA approval, then the building department has a methodology for securing it to the ground
- Height restrictions are very important, and should accommodate standing room in the second story (a little more than 15 feet would be much more usable)
- We recommend that appropriate height restrictions be given further consideration
- Remove: “Advocate for the CRD adoption of appropriate building standards such as those being developed in the regional district of Nanaimo for small footprint homes on wheels,” and replace it with: “Building height restrictions for manufactured homes on wheels need to be considered”

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).

- Replace “Do nothing” in Options with: “Do not undertake further work in this area, and consider applications on a case-by-case basis”
- Do not increase the density for any further subdivision for market housing
- This is not about the Anglican Church property, which is for subsidized housing

Commissioner Baille left the meeting at 11:18 a.m.

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

- There are strong arguments in favour of short-term vacation rentals and against them, and it is up to the Local Trust Committee to decide what to do
- After six years, homeowners with temporary use permits will have to reapply for a brand new permit
- There are currently ten temporary use permits, mostly in Magic Lake
- Opting into Bill 35 would make the temporary use permits immediately invalid
- The recommendation is to let the temporary use permits lapse, which means no further application will be accepted (perhaps change “let lapse” to “not reapply”)
- The Land Use Bylaw and draft Trust Policy Statement should be added to the bibliography

7. Review of New Timeline

8. Discussion of next APC referral

The Planner outlined next steps and a timeline as follows:

- Nov 21 Local Trust Committee meeting: Advisory Planning Commission final preliminary recommendations report and staff recommendations for draft bylaw sections to include (Official Community Plan and Land Use Bylaw) - will also recommend next referral to Advisory Planning Commission to support bylaw drafting and build-out/suitable land analysis mapping review
- Jan 30 Local Trust Committee meeting: Staff report with draft bylaw framework and build-out/suitable land analysis mapping
- Feb- mid-March: Community Information Meeting to present draft framework and mapping, Advisory Planning Commission recommendations and other project outputs
- Mar 27 Local Trust Committee meeting: Potential to bring forward amending bylaws for first reading and send out for referrals
- Spring/summer: Further community consultation on bylaws, referrals, public hearing, ministry approval of Official Community Plan amendments
- Fall: Local Trust Committee adoption prior to October local government elections

9. Discussion of Chair position for next phase of APC housing referral

Chair Pare suggested a new Advisory Planning Commission Chair be chosen at the next meeting.

10. Next Meeting

November 28 at 9:30am at the Anglican Church (main hall)

11. Adjournment

By general consent the meeting was adjourned at 11:54 a.m.

Peter Pare, Chair

Certified Correct:

Carly Bilney, Recorder

Minutes of the North Pender Island Advisory Planning Commission

Date: November 28, 2025

Location: St. Peter's Church

Members Present: Theresa Barker, Member
Mike Dine, Member
Jay Gilbert, Incoming Chair
Peter Pare, Outgoing Chair
Joyce Thayer, Member
Ken Rempel, Member

Members Regrets: Lisa Baile, Member

Staff Present: Carly Bilney, APC Secretary (electronic)

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

1. CALL TO ORDER

Chair Pare called the meeting to order at 9:30 a.m.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. NORTH PENDER NOVEMBER 10, 2025 APC MINUTES (FOR ADOPTION)

By general consent, the North Pender Advisory Planning Commission minutes of November 10, 2025 were adopted.

4. DISCUSSION OF APC FINAL REPORT

Chair Pare commented on the recently held Local Trust Committee meeting and noted the Advisory Planning Commission (APC) report was included in the agenda, as well as a staff report. He pointed out a discrepancy in recommendations between the APC and staff reports where the APC suggests there should not be additional dwelling units in the RR1 zone (Magic Lake), while staff suggests they should be permissible since dwellings are already permitted to have a secondary suite.

Discussion ensued. Frustration was expressed that the APC did not have the opportunity to comprehensively discuss the position taken by staff. It was also felt that the planned three units of second-storey rental housing for the Driftwood was a topic that could have been discussed at the APC, given its relevance to the discussions.

5. DISCUSSION OF NEXT APC REFERRAL

Comments were made that the Advisory Planning Commission's recommendations were to be the basis for the Community Information Meeting that was not scheduled due to labour action.

Concern was expressed about the timeline for work going forward. It was noted that the Community Information Meeting will be scheduled for February while the Build-Out and Land Suitability Analyses will not be available until the end of January – leaving only a small window for APC members to provide feedback. The following comments were made:

- The Build-Out Analysis is important because it will determine the necessity of zoning changes
- Zoning changes require architectural and other analysis to ensure proposals are suitable and conform to the Official Community Plan
- The release of the Build-Out and Land Suitability Analyses and the Community Information Meeting needs to be sufficient (two weeks is not enough)
- Time is constrained because the aim is to complete the work during the present Local Trust Committee term, which ends October 2026
- Political decisions should not be made just before an election

6. SELECTION OF NEW APC CHAIR & VICE-CHAIR

By general consent, Jay Gilbert was selected as North Pender Island Advisory Planning Commission Chair.

By general consent, Joyce Thayer was selected as North Pender Island Advisory Planning Commission Vice-Chair.

7. DISCUSSION OF MINIMUM SIZE FOR DWELLINGS

Discussion was held about how the Advisory Planning Commission arrived at the recommendation that small footprint homes with a minimum area of 250 square feet (and meet the building code) be approved as additional dwelling units. The following comments were made:

- Research showed the minimum square footage of other jurisdictions (e.g. Saanich, Vancouver) was around 300-380 square feet
- A lot of thought went into the recommendation

The rationale for limiting minimal size was discussed, and the following comments were made:

- The BC Building Code does not stipulate a minimum size though they do specify measurements for the size of doorways and windows
- The BC Building Code focuses on health and safety
- The bylaw should reflect safety, and people should not be told how small a dwelling they can live in as long as the dwelling meets safety standards
- Not allowing full-time use of a recreational vehicle is not a moral judgment, but a decision based on whether or not they meet safety regulations
- Concern was expressed that safety requirements might not be able to be accommodated in a building smaller than 250 square feet; subsequent discussion indicated that it could be

- Most jurisdictions have put size limits in for safety and full-time liveability
- If additional dwelling units are allowed, the question arises as to what size should they be to be safe
- Size and safety do not correlate, and determining a minimum size that is deemed safe seems arbitrary
- Survivability versus livability, rural character as stipulated by the Official Community Plan, limitations based on lot size, and transportation requirements are some of many moving parts that need to be considered
- The minimum size of a dwelling unit should not be over-legislated
- Recommending a minimum square footage should stimulate conversation and public feedback is encouraged

A question was raised about whether a different minimum size should be recommended for worker housing. Discussion ensued and the following comments were made:

- We are trying to accommodate the full-time employee who works on North Pender
- The building code for dormitories and work camps is completely different (longer-term versus seasonal work differences)
- Perhaps a distinction should be made between full-time and seasonal housing
- The survey showed people are looking for additional dwelling units for family members, workers, caregivers and to use as rental units
- There is concern that very small units would become short-term rental units

Concern was expressed about induced demand where increased supply of housing on the island will increase in-migration which would then further increase housing demand. The following comments were made:

- The purpose of the APC's work is to support the organic needs of the community (such as housing that is suitable to the needs of a particular business)
- Education is needed to show the community what current bylaws allow
- APC recommendations reluctantly increase the density on North Pender and aim to stay within the intent of the Islands Trust
- Increasing density is not necessarily something we want to do
- Increasing density should be done in a sensible, straightforward manner that allows flexibility but does not change the overall character of the island
- It is paradoxical that Magic Lake would absorb more density
- There is a distinction between resolving the organic needs of the community versus the broader housing needs of the province
- We want to solve the sustainability problem for people who want to age in place, or have family members move in with them, or for workers to find adequate on-island housing

A Commissioner shared the experience of a local North Pender islander who became unhoused and eventually bought a recreational vehicle to live in on a friend's property. Comments were made that this demonstrates the real deep need for housing that exists in the community. The following comments were made:

- Support was expressed for co-op housing (subsidized through various levels of government) to provide a more affordable way for people to live

- Support was expressed for incentivizing what the island needs most (e.g. six additional units at Plum Tree Court and housing on the church property might give the necessary critical mass if there is sufficient water)
- The mechanics of how a landlord and tenant interact is not dictated by zoning
- Housing agreements are important even for single units
- There has to be a mechanism in place to ensure units do not become short-term rentals

Comments were made about the timeline for future work, and how careful consideration should be given to scheduling a Community Information Meeting so that it will result in a high level of public engagement.

8. NEXT MEETING

Commissioners agreed to ask the Planner the following:

- What is the role of the Advisory Planning Commission at the Community Information Meeting?
- When will the draft bylaws, Build-Out and Suitable Land Analyses be available?
- What is the timeline for completing the work?

Commissioners agreed to meet before the Build-Out and Suitable Land Analyses are received to discuss with the Planner:

- The APC role at the Community Information Meeting
- The APC role in reviewing the draft bylaws (the APC would like a red line copy that shows what is being proposed to understand the nature of the proposed change and to see the before/after history)

Next Meeting (to be confirmed) – Friday, January 16, 2026 at 9:30 a.m.

9. ADJOURNMENT

By general consent the meeting was adjourned at 11:16 a.m.

Jay Gilbert, Chair

Certified Correct:

Carly Bilney, Recorder

Minutes of the North Pender Island Advisory Planning Commission

Date: January 16, 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, Commissioner
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

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

2. APPROVAL OF AGENDA

The following changes to the agenda were proposed:

- Under Item 7, add Discussion on Proposed Meeting with Pender Island Housing Society
- Discussion related to concerns that non-profit housing can only last for five years before becoming market-based housing

By general consent, the agenda was approved as amended.

3. NORTH PENDER NOVEMBER 28, 2025 APC MINUTES (FOR ADOPTION)

By general consent, the North Pender Advisory Planning Commission minutes of November 28, 2025 were adopted.

4. REVIEW BUILD-OUT ANALYSIS (PLANNER SMITH)

Discussed in combination with Item 5

5. REVIEW SUITABLE LAND ANALYSIS (PLANNER SMITH)

Planner Smith reviewed the Build-Out and Suitable Land Analyses. He noted the Build-Out Analysis is a calculation of dwelling potential based on current zoning and lots that have not yet been developed. He described the Suitable Land Analysis as an indicator tool based on nine GIS data layers that have been weighted according to a methodology developed by Islands Trust staff. The Planner overlaid the two analyses to show development potential on North Pender. Discussion was held and the following comments were made:

- In response to a question, the Planner noted worker housing would not be available on agricultural land
- The Planner noted the Suitable Land Analysis is an internal tool meant to inform staff as they make recommendations
- A Commissioner commented that the Suitable Land Analysis is not mathematical, but rather just a tool that considers certain variables and leaves others out
- A Commissioner commented that the Build-Out Analysis is helpful to determine which new lots would provide development potential
- In response to a question, the Planner explained that a Local Trust Committee covenant is a Section 219 covenant under the Land Title Act where specific land use restrictions are imposed on a property in exchange for some relief for the property owners in some other way, and that the Local Trust Committee holds covenants with many property owners
- A Commissioner commented that overlaying the Suitable Land Analysis to the Build-Out Analysis shows little development potential on the island, including around the Driftwood Centre

6. DISCUSSION - DRAFT BYLAWS (PLANNER SMITH)

The Planner commented that the strike delayed the project plan and it is unrealistic to bring draft bylaws to the Local Trust Committee by January 30. The Chair suggested Commissioners absorb the information shared today and bring a list of comments and feedback to discuss at the next meeting.

Discussion ensued about potential zoning changes and the following comments were made:

- A Commissioner suggested flexible zoning would dramatically change the dwelling potential on many lots, and that it would be helpful to be able to figure out how many new accessory buildings would be available based on recommendations suggested by the Advisory Planning Commission
- The Planner explained that the Capital Regional District is supportive of allowing an accessory dwelling unit to be built on Magic Lake properties (instead of secondary suites, which are already permitted) because the goal is to try to increase housing supply for everyone
- A Commissioner expressed opposition to the staff recommendation to permit an accessory dwelling unit in Magic Lake of up to 60m² instead of a secondary suite
- A Commissioner commented that additional dwelling units might have more uptake than secondary suites in Magic Lake
- A Commissioner expressed a need to look at the Suitable Land Analysis to figure out which lots would be available for flexible zoning, and noted it would be helpful to figure out how many new accessory buildings would be available based on recommendations suggested by the Advisory Planning Commission

- A Commissioner noted that residents of Magic Lake may be in opposition to the mandate or policy statement of the Islands Trust, and that there are other variables that are not reflected in the Suitable Land Analysis mapping
- A Commissioner noted that the Advisory Planning Commissioner's report was to support construction of specific types of housing for specific groups of people, not increase the housing stock overall
- The Planner explained that recommendations from the Advisory Planning Commission are part of a package of information along with staff recommendations that is brought forward to the Local Trust Committee to decide how to proceed

Planner Smith summarized the proposed bylaw amendments through which staff is currently working and commented that differences in recommendations between staff and the Advisory Planning Commission are fine. He noted that staff is focusing on what is currently enabled in the Official Community Plan, and that more direction from the Local Trust Committee on things such as a flexible zoning scheme and multiplexes could be flagged.

7. REVIEW OF TIMELINE (PLANNER SMITH)

Planner Smith explained that a decision was made to slow the process down to ensure the public is engaged rather than rushing to complete the project before the election deadline. He reviewed the recommendations that staff will be presenting to the Local Trust Committee.

Chair Gilbert suggested Commissioners review the maps and layers, note concerns or clarifications needed, and work towards making suggestions about which properties may be suitable for higher density development. He added that Commissioners can continue to comment on the draft bylaws throughout the process and those comments will be received by the Local Trust Committee and staff.

Chair Gilbert commented on the need to proceed through the process slowly, as rights are being created and there will be long-term outcomes. He expressed caution against prematurely hosting a community information meeting.

Discussion on Proposed Meeting with Pender Island Housing Society

Chair Gilbert commented on renewed efforts by the Pender Island Housing Society including hosting a public meeting on February 10 to share information about an initiative at Plum Tree Court. Commissioners expressed support for the initiative and for expanding affordable housing opportunities to the Anglican Church property if necessary to incentivize funders.

A Commissioner expressed concern over housing agreements that can only last for five years before rents become market-based, and another Commissioner noted this is a policy of BC Housing.

8. NEXT MEETING

Friday February 13, 2026 at 9:30 a.m.

9. ADJOURNMENT

By general consent the meeting was adjourned at 11:40 a.m.

Jay Gilbert, Chair

Certified Correct:

Carly Bilney, Recorder

DRAFT

Follow Up Action Report

North Pender Island

03-Oct-2025

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

Follow Up Action Report

North Pender Island

21-Nov-2025

Progress	Activity			Responsibility	Dates	Status
100%	1	10.1	Oct 3 2025 LTC meeting minutes adopted as presented	Emily Bryant	Target: 05-Dec-2025	Completed
0%	2	14.1	BL 183 ITPS referral - LTC resolved that interests unaffected by BL 183	Jas Chonk Jason Youmans	Target: 05-Dec-2025	Completed
0%	3	14.2	NP-PL-DP-2025-0384 (Kerfoot) - Permit approved as presented - staff to issue permit, document any monitoring requirements and close file	Bruce Belcher Jas Chonk	Target: 05-Dec-2025	Completed
0%	4	14.3	NP-PL-DP-2025-0399 (Lansdowne) - Permit approved as presented - staff to issue permit, document any monitoring requirements and close file	Brad Smith Jas Chonk	Target: 05-Dec-2025	Completed
0%	5	14.4	NP-PL-RZ-2024-0110 (Bigham) - Staff to prepare draft amending bylaw - leg clerk to assign new bylaw for planning staff	Brad Smith Jas Chonk	Target: 05-Dec-2025	Completed
0%	6	15.1	Housing Affordability and Access Project - 1) Draft amending bylaws based on staff recommendations in staff report 2) Schedule CIM in April-May date still tbd 3) Send referral letter to APC - Done 4) Appoint Ken Rempel to APC - Done 5) Advertise for new APC term Done	Brad Smith Emily Bryant Jas Chonk	Target: 05-Dec-2025	In Progress
0%	7	DP	Delegation authority - staff to bring draft development permit delegation bylaw and staff report to future meeting. Report and draft bylaw to be on March meeting agenda	Brad Smith	Target: 27-Mar-2026	In Progress

Follow Up Action Report

North Pender Island

21-Nov-2025

Progress	Activity		Responsibility	Dates	Status
0%	8	17.1 Staff to remove 6601 Razor Point covenant update as a standing agenda item	Jas Chonk	Target: 05-Dec-2025	Completed
100%	9	18.1 Draft 2026-27 schedule approved as amended with one change to move Nov 20 to electronic meeting only	Lisa Millard	Target: 05-Dec-2025	Completed
100%	10	In Camera Rise/Report - July 25 LTC IC minutes adopted as presented	Emily Bryant	Target: 05-Dec-2025	Completed



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Parks & Environmental Services
625 Fisgard Street, PO Box 1000
Victoria, BC, Canada V8W 2S6

T: 250.360.3078
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www.crd.bc.ca

January 7th, 2026

File: 5220-20
Regional Canada Goose Management
0220-20
General Correspondence

North Pender Local Trust Committee

Dear Committee:

RE: INVITATION TO JOIN REGIONAL CANADA GOOSE WORKING GROUP

Due to devastating and widespread impacts from Canada geese on the agricultural community, the Capital Regional District (CRD) is looking to increase agricultural representation on the Regional Canada Goose Working Group (RCGWG). The North Pender Local Trust Committee is invited to designate a representative to participate in the RCGWG. For more information on this working group, please see the attached Terms of Reference.

The purpose of the RCGWG is to create opportunities to collaborate, share information, make decisions, address key priorities and implement the [Regional Canada Goose Management Strategy](#). The RCGWG was formed under the CRD's Canada Goose Management Service, which was established through Bylaw No. 4522 (Appendix B) by the CRD Board in February 2023. This Service aims to reduce the impacts of rapidly growing Canada goose populations in the region by taking a coordinated and collaborative approach across the Capital Region.

The RCGWG meets quarterly for regional meetings (online using Microsoft Teams). The next meeting is scheduled for **Wednesday, March 11th, from 1:00-3:00 pm**. Please RSVP and forward your designated representative's contact information to the CRD's Regional Canada Goose Coordinator, Samantha Hammond at shammond@crd.bc.ca.

We look forward to working with your representative and other partners in the region to collaboratively manage Canada goose populations to reduce their impact to agricultural lands, recreational areas and estuaries.

Sincerely,

Samantha Hammond
Goose Management Coordinator
Capital Regional District

Terms of Reference

The logo for the Capital Regional District (CRD), consisting of the letters 'CRD' in a stylized, bold font.

Regional Canada Goose Working Group

PREAMBLE

In 2012, the Capital Regional District (CRD) partnered with municipalities and other stakeholders to develop a Regional Canada Goose Management Strategy (RCGMS) to provide guidance for controlling the adverse impacts the population of non-migratory, resident Canada geese have on the capital region. Since its development, numerous actions have been undertaken but without a coordinated approach, geese and their associated impacts have moved into new areas. This has continued the expansion of nesting and over-wintering populations and increased the ecological, economic, and social impacts to agricultural and recreational lands, estuaries, wetlands, and other sensitive ecosystems.

In February 2023, the Capital Regional District Board established a Canada Goose Management Service (Establishing Bylaw No. 4522). This service is for the purpose of regional Canada goose management and coordination and includes:

- a) monitoring, mapping, reporting on Canada goose populations and their impacts.
- b) coordinating and establishing collaborative partnerships with municipalities, First Nations, large landowners, Peninsula Area Agricultural Commission, Government agencies and stewardship groups to implement the [Regional Canada Goose Management Strategy](#) and manage Canada goose populations in the region.
- c) facilitating the development and implementation of a communications strategy and public education program to support the management of Canada goose populations.
- d) collaboration with other Vancouver Island regional districts, local governments, and First Nations to reduce Canada goose populations through the Vancouver Island Canada Goose Management Working group.

The Committee's official name is to be:

Regional Canada Goose Working Group

1.0 PURPOSE

- a) The mandate of the Working Group is to support the Regional Canada Goose Management Strategy through collaboration and coordination.
- b) The Working Group works in an advisory capacity to the CRD to develop priority objectives and provide input on the regional coordination of Canada goose population management to minimize and eliminate the negative ecological, economic, and public health impacts geese have on the region.

2.0 ESTABLISHMENT AND AUTHORITY

- a) The Working Group will provide advice, act in an advisory capacity and collaborate on key actions required to manage goose populations and their impacts.
- b) Each member agency will designate a staff representative to the Canada Goose Regional Working Group.
- c) Operational funding for work occurring within their jurisdiction will be the responsibility of each member agency.

3.0 COMPOSITION

- a) The Working Group is comprised of representatives from local governments and First Nations interested in or responsible for mitigation and stewardship of Canada goose impacts within the capital region. Membership is open to Agricultural Commissions, local governments, and First Nations with traditional territory in the capital region.
- b) The Working Group will work with stakeholders and strategic partners to utilize expertise and liaise, collaborate, seek, and share information. These stakeholders and strategic partners may include but are not limited to federal and provincial government agencies, academic and research institutions, major land managers, stewardship groups, health authorities, animal welfare groups and wildlife biologists/managers in the capital region and beyond.

4.0 PROCEDURES

- a) The working group shall meet on a quarterly basis. Additional meetings, including project specific meetings will be arranged by the CRD Coordinator as needed.
- b) Meetings are in-person or online via Microsoft teams or zoom. In person meetings will have the capacity to link members via conference call as needed.
- c) Members will jointly seek outcomes that accommodate the interests and values of all members and their communities and will make decisions by consensus. Consensus means an agreement that all participants can live with. The participants may not agree with every aspect, but taken as a whole, a decision based on consensus reflects common major interests and satisfies individual concerns of participants to the extent that they can support it.

- d) The agenda will be finalized in collaboration between the Working Group Chair and CRD Coordinator; any working group member may make a request to the Chair to place a matter on the agenda. Agendas and past meeting minutes will be sent out prior to each meeting.
- e) Draft meeting notes and action items with names of the responsible people and due dates will be sent out within one month of the meeting.
- f) Ad hoc subcommittees will be struck on an as-needed basis.

5.0 ROLES AND RESPONSIBILITIES

a) Chair

The CRD provides coordination and facilitation and serves as Chair for the working group. In consultation with members, the Chair will guide and direct the work of the CRD Coordinator who will manage the Regional Canada Goose Management Service.

b) CRD Coordinator

The CRD Regional Canada Goose Coordinator will provide coordination and support collaborative action to reduce Canada goose populations and their impacts. Works with local government partners and stakeholders to ensure a consistent regional approach. Key responsibilities include:

- Organizes and facilitates meetings and consult with working group members.
- Establishes collaborative partnerships with municipalities, First Nations, large landowners, Peninsula and Area Agricultural Commission, stewardships groups and other stakeholders to implement the RCGMS.
- Researches and evaluates best management practices for Canada goose population control and provides technical information to stakeholders.
- Oversees and engages consultants, contractors, and staff to undertake egg addling and harvesting on sites prioritized by the working group.
- Coordinate the development and delivery of public engagement, including the development of Canada goose educational material, updating, and maintaining website content, displays at public events and preparing social media content.
- Develop, promote, and expand capacity for stakeholder and community engagement through education programs, presentations, and training workshops to increase awareness of the impacts of expanding Canada goose populations.
- Answers and responds to public inquiries and reports, liaise with appropriate local government, First Nations, or land managers, and follows up as necessary.
- Prepares technical and annual reports, monitors and reports out on progress of work plan implementation.

c) Members

Working group members represent their jurisdiction and liaise with the CRD Coordinator, other members and strategic partners to work toward a collaborative and coordinated

regional approach to Canada goose management. The capacities of jurisdictions vary, members will:

- Designate a representative to be part of the working group.
- Implement best management practices and employ goose population reduction techniques within their jurisdiction, if required.
- Manage data and share information from their jurisdiction.
- Work cooperatively to support the goals and objectives of the RCGWG.
- Attend meetings if possible; if not, review correspondence and provide timely responses.
- Relay information to their respective jurisdiction.
- Include Canada goose management in their operational budgets.
- Identify opportunities and priorities.
- Provide regular updates within their agency and to municipal council/committees on regional Canada goose management plans.
- Support the program by advising on priority regional objectives, work plans, communications strategies, and other materials, identifying funding sources and serving on ad-hoc subcommittees.

Approved March 2024

APPENDIX 1: PRIORITY FOCUS AREAS FOR THE WORKING GROUP

The working group will deliver on these priority focus areas by providing advice, collaboration, and cooperation.

Collaboration

- Collaborate with agencies with interest in Canada goose management and facilitate communication and collaboration between agencies.
- Share information about Canada geese and mitigation techniques to build knowledge, improve management practices and work more effectively on a regional level.
- Pursue a common approach to the management of Canada geese by landowners, land managers and regulatory agencies.
- Work with key stakeholders in the region who may be impacted by or directly impact Canada goose management.

Capacity Building and Staff Training

- Work with members to enhance knowledge and capacity for managing Canada geese and coordinate staff training opportunities for accessible training, including hosting workshops.
- Training and workshops may include but are not limited to: Canada goose impacts, egg addling, permit application, habitat modification techniques, ethical and humane harvesting/hunting, eco-cultural restoration & exclusion.
- Seek funds and resources for Canada goose management.
- Identify best practices for Canada goose management and recommend adoption or implementation of these practices and policies.

Regional Communications Plan

- Develop, promote, and deliver a regional communications plan, providing a cost-effective and high-quality education and outreach approach for all jurisdictions.
- Implement awareness, education and outreach campaigns regarding the associated environmental impacts, economical concerns and social/human health issues associated with high numbers of Canada geese to the general public.
- Provide data and research on the current best practices for reducing Canada goose impacts on agricultural, recreational, and ecologically sensitive land.
- Engage large landowners and managers in the ethical and humane reduction of Canada goose populations in the capital region.
- Involve community stakeholders.

Population Counts and Priority Zones

- Increase population counts and mapping of Canada goose locations, distributions, growth, and abundance.
- Determine Canada goose nesting hotspots for prioritized egg addling locations.
- Advise on the areas of high-density Canada goose populations for potential harvest locations.
- Determine areas of refuge for geese to exist.

Implement Canada Goose Management Action Plan

- Coordinate a regional egg-addling program.
- Determine need, feasibility and location of Canada goose harvests.
- Streamline or ease permitting restrictions to encourage landowners to manage geese on their own lands.
- Examine land management areas that can benefit from habitat modification techniques.

Budgets, Evaluation and Reporting

- Collect data and report on progress implementing the Regional Canada Goose Working Group.
- Determine targets and goals for Canada goose populations.
- Evaluate and report of status of Canada goose populations.
- Budget for long-term, well planned Canada goose management.

MEMORANDUM

DATE OF MEETING: January 30, 2026

File No.: MA-BL-200
PL-RZ-2025-0305
(BC Ferries))

TO: North Pender Island Local Trust Committee
FROM: Jas Chonk, Legislative Clerk, Southern Team
SUBJECT: Referral: Draft Bylaw No. 200

PURPOSE

The Mayne Island Local Trust Committee has referred draft Bylaw No. 200 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2025” to the North Pender Island Local Trust Committee.

BACKGROUND

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

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

NEXT STEPS

The following draft resolutions have been provided for consideration:

1. **If the LTC considers their interests unaffected by the bylaw:**
That the North Pender Island Local Trust Committee respond to the Mayne Island Local Trust Committee that interests are unaffected by draft Bylaw No. 200.
2. **If the LTC wishes to recommend proceeding with the bylaw for specific reasons:**
That the North Pender Island Local Trust Committee recommend to the Mayne Island Local Trust Committee that draft Bylaw No. 200 proceed for the following reasons:
 - *[list reasons] ...*
3. **If the LTC wishes to recommend proceeding with the bylaw subject to conditions:**
That the North Pender Island Local Trust Committee recommend to the Mayne Island Local Trust Committee that draft Bylaw No. 200 proceed, subject to the following recommendations:
 - *[list recommendations] ...*
4. **If the LTC wishes to recommend not proceeding with the bylaw:**
That the North Pender Island Local Trust Committee recommend to the Mayne Island Local Trust Committee that draft Bylaw No. 200 not proceed for the following reasons:
 - *[list reasons] ...*

Submitted By:	Jas Chonk, Legislative Clerk	December 19, 2025
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ATTACHMENTS

1. BYLAW REFERRAL FORM



Islands Trust

BYLAW REFERRAL FORM

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

Island: Mayne Island Local Trust Area Bylaw No.: 200 Date: December 17, 2025

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

APPLICANTS NAME / ADDRESS:

Lee Orpen (BC Ferries) / Village Bay Ferry Terminal, Mayne Island

PURPOSE OF BYLAW:

MA-PL-RZ-2025-0305

The purpose of Bylaw No. 200 is to amend the Mayne Island Land Use Bylaw by rezoning the foreshore adjacent to the BC Ferries Village Bay ferry terminal property from Water Moorage (W2) to a site-specific zone permitting a shoreline stabilization rip-rap structure to prevent erosion and slumping of the upland property.

Professional reports and staff reports are available on the Mayne Island webpage:

<https://islandstrust.bc.ca/island-planning/mayne/current-applications/>

GENERAL LOCATION:

Mayne Island Local Trust Area

LEGAL DESCRIPTION:

LOT A SECTION 6 MAYNE ISLAND COWICHAN DISTRICT PLAN VIP75220

SIZE OF PROPERTY AFFECTED:

3.58 ha total (1.01 ha subject parcels)

ALR STATUS:

No

OFFICIAL COMMUNITY PLAN DESIGNATION:

Public Services

OTHER INFORMATION:

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

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

Name: Bruce Belcher

Bruce Belcher

(Signature)

Title: Planner 2

Contact Info Tel: 250-405-5179

Email: bbelcher@islandstrust.bc.ca

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Federal Agencies

Fisheries and Oceans Canada
Transport Canada

Provincial Agencies

BC Archaeology Branch
Min. of Transportation & Transit – via portal

Regional Agencies

Capital Regional District – Southern Gulf Islands Harbours
Commission (Integrated Water Services)

Adjacent Local Trust Committees and Municipalities

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

First Nations

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

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

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

Mayne Island Local Trust Area

(Island)

(Signature)

(Date)

200

(Bylaw Number)

(Name and Title)

(Agency)



File No.: PL-TUP-2025-0430

x-ref: NP-TUP-2022.4

DATE OF MEETING: January 30, 2026

TO: North Pender Island Local Trust Committee

FROM: Bruce Belcher, Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Renewal of Temporary Use Permit for STVR
Applicant: Pauline O'Malley
Location: 1603 Schooner Way

RECOMMENDATION

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

REPORT SUMMARY

The purpose of the 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-2022.4) for three (3) years. A previous TUP and renewal were issued for the STVR beginning in 2017. The Staff Report and attachments for the 2023 permit are available as part of the January 20, 2023 LTC agenda package (pp. 18-47) available here: <https://islandstrust.bc.ca/document/north-pender-ltc-regular-meeting/>

Under the *Local Government Act*, TUP renewals can be issued for a maximum of three (3) years without 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 ninety (90) days per year between the months of May 1 to September 30. Which is above the OCP guidelines limit of thirty (30) days within the same time period. The permit also allows eight (8) adults and three (3) children as the maximum occupancy, whereas the OCP guidelines limit the maximum number of guests to six (6).

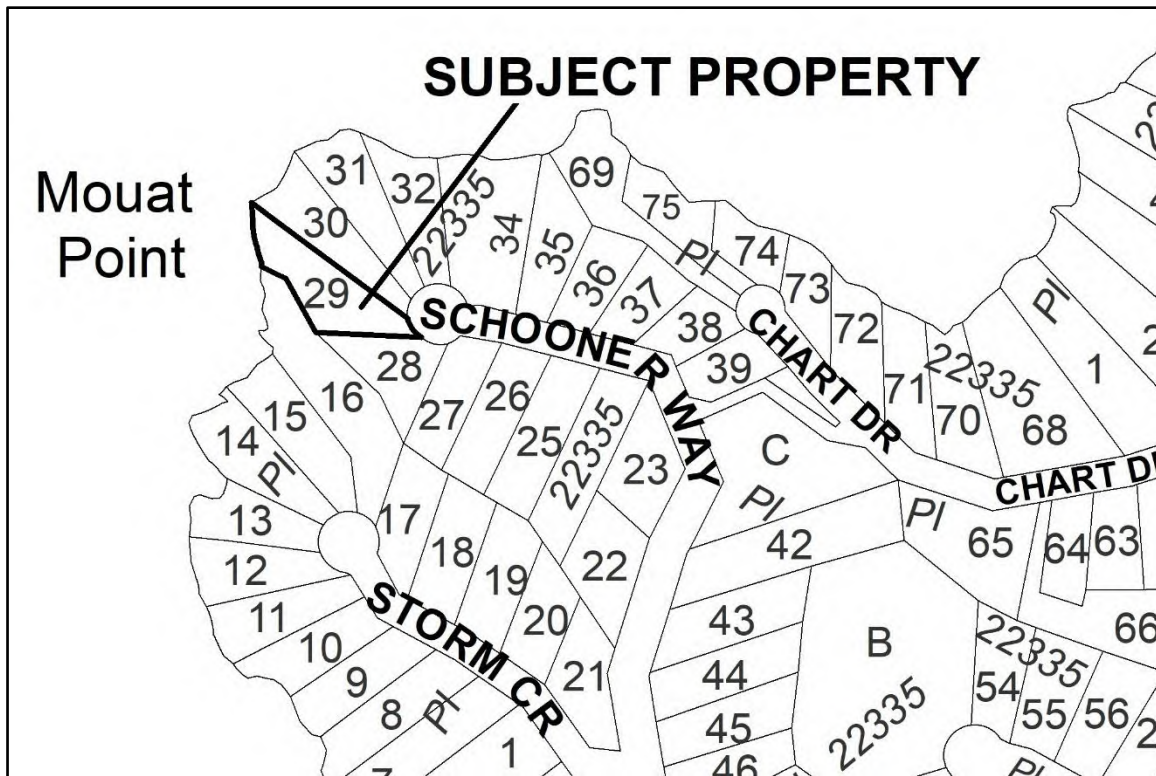


Figure 1: Subject Property Location

ANALYSIS

Official Community Plan:

The property is designated as **RR (Rural Residential)** in the North Pender Island Official Community Plan No. 171, 2007 (OCP). Guidelines for STVR TUP applications are contained in the OCP.

A portion of the property is located within the Woodland Development Permit Area No. 1. As there is no land alteration or construction intended, a Development Permit is not required. A requirement for the applicant to provide information on the DPA to all guests is a condition in the draft TUP.

Land Use Bylaw:

The property is zoned **Rural Residential (RR)** 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 but not alter the conditions as part of a renewal.

Circulation

The renewal permit is not required to be circulated nor does it require a notification process.

Due to another STVR TUP application being included on the same meeting agenda, staff received one response with comments referring to both STVR applications on the cul-de-sac.

The neighbour's letter identified concerns over cars parking on the cul-de-sac and impeding access for other property owners that access their homes from Schooner Way. The draft permit contains a requirement for two (2) parking spaces on the property.

The letter also acknowledged the water use and availability of the owner to respond to issues with the rental. The draft permit contains conditions limiting the use of the rental to ninety (90) days during the summer with the intention of reducing a strain on limited water. The draft permit also requires that either the owner or a designated person on island is available to respond to calls at all hours while the STVR is in use.

North Pender LTC Standing Resolution:

The North Pender LTC passed a Standing Resolution on May 30, 2025 as follows:

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

The Standing Resolution does not allow staff to refuse to accept the application for a STVR TUP, legislation requires that a local government consider every application. The applicant has been made aware of the Standing Resolution. Since the standing resolution was passed there have been no new STVR TUP applications, it is unclear whether new applications and renewals for properties with prior STVR TUPs are the focus of this resolution.

Rationale for Recommendation

The recommendation on page 1 is supported as:

- Despite the Standing Resolution, the STVR use has existed since 2017 with no formal complaints or issues arising prior to the current permit application and the total number of permitted STVRs in Magic Lake Estates has declined since the initial application.
- Staff considers it reasonable to allow long-standing STVR uses to continue while the LTC decides if they wish to amend the bylaw.
- 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 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.

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-2025-0430 for a period of _____ year(s).

2. 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.

That the North Pender Island Local Trust Committee request that the applicant for renewal application PL-TUP-2025-0430 submit to the Islands Trust the following _____.

3. Deny the application

The LTC may deny the application and proceed no further.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny renewal application PL-TUP-2025-0430.

Submitted By:	Bruce Belcher, Planner 2	January 21, 2026
Concurrence:	Robert Kojima, Regional Planning Manager	January 22, 2026

ATTACHMENTS

- 1. Site Context
- 2. Draft Permit PL-TUP-2025-0430

Attachment 1 - Site Context

LOCATION

Legal Description	Lot 29, Section 9, Pender Island, Cowichan Land District Plan 22335
PID	003-275-434
Civic Address	1603 Schooner Way

LAND USE

Current Land Use	Residential (one single family dwelling)
Surrounding Land Use	Residential (single-family dwellings)

HISTORICAL ACTIVITY

File No.	Purpose
NP-TUP-2017.3, NP-TUP-2020.5, NP-TUP-2022.4	TUP issued and renewed for STVR in dwelling unit.

POLICY/REGULATORY

Official Community Plan Designations	Rural Residential (RR) The subject property is in Development Permit Area 1 for the protection of Woodland Ecosystems.
Land Use Bylaw	Zoning: Rural Residential (RR) RR zoning permits a single-family dwelling and accessory uses The foreshore adjacent the subject property is zoned Water 1 (W1).
Other Regulations	Staff are unaware of any additional applicable regulations concerning the subject application.
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	No Trust Fund Board interests in the vicinity of the subject property
Regional Conservation Strategy	The subject area is of lower to medium habitat composition importance according to the Islands Trust Fund regional conservation plan: Our Priorities - Conservation Planning
Species at Risk	Coast Douglas Fir/Oregon Grape Ecological Community

Sensitive Ecosystems	Woodland Sensitive Ecosystem (Primary Class)
Hazard Areas	Half of property characterized by “medium” slope stability hazard
Archaeological Sites	No recorded archaeological sites on the property. However, RAAD mapping shows the potential for unrecorded archaeological features within 50 metres of the property. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the <i>Heritage Conservation Act</i>. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a <i>Heritage Conservation Act</i> permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	Potential for additional greenhouse gas emissions associated with the proposed use as guests will burn fossil fuels travelling from their points of origin. Staff are unaware at the present time whether the property is at risk of climate change related hazards.
Shoreline Classification	Rock Shoreline - Sea Cliff
Shoreline Data in TAPIS	No other available shoreline data in TAPIS



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
PLTUP20250430 (O'Malley)
Renewal of NP-TUP-2022.4 (O'Malley)

1603 Schooner Way

To: Pauline O'Malley
Kari Yuers

1. This Permit applies to the land described below:

Lot 29, Section 9, Pender Island, Cowichan District, Plan 22335
(PID: 003-275-434).

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 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) the property owner must provide guests with information on the location of the **Woodland Sensitive Ecosystem** located on the property, and how to avoid or minimize impacts on the sensitive feature;
- e) **Signage** advertising the STVR is restricted to one unilluminated sign, with a maximum area of 0.6 m²;
- f) 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.

- g) the **maximum number of bedrooms** that can be used for the STVR use is limited to **four (4)**;
 - h) the **maximum number of guests** is limited to **eight (8) adults** (eighteen years old or older), plus **three (3)** children (seventeen years old or younger);
 - i) from the period of May 1 to September 30 only, the STVR use is limited to a **ninety (90) days** in any calendar year;
 - j) 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.
 - k) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or STVR renter for the purpose of investigating a complaint.
4. This permit is valid for **three (3)** years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

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

Deputy Secretary, Islands Trust

Date Issued

DATE OF MEETING: January 30, 2026
TO: North Pender Island Local Trust Committee
FROM: Bruce Belcher, Planner 2
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Temporary Use Permit for STVR
Applicant: Leslie Hepburn
Location: 1602 Schooner Way, North Pender Island

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit PL-TUP-2025-0511 for a period of three (3) years.

REPORT SUMMARY

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

BACKGROUND

A TUP for the STVR use was first issued for the subject property located at 1602 Schooner Way, North Pender Island in 2018 for a period of one year. Since then, three subsequent permits have been issued for the same use including 1 new permit and 2 renewals. All of the previous permits and permit time periods are listed below:

- NP-TUP-2018.2 – New permit, issued for one year
- NP-TUP-2019.2 – Renewal, issued for one year
- NP-TUP-2020.7 – New permit, issued for two years
- NP-TUP-2023.2 – Renewal, issued for three years

The proposed TUP maintains the general conditions from the previous versions of the permit. The maximum guest capacity would be limited to six (6), and the use would be limited to a total of sixty (60) days from the period of May 1 to September 30 which is above the thirty (30) day guideline for STVR use during the summer months. The applicant has submitted a letter explaining the history and proposed use of the property, which is included as Attachment 2.

The proposed TUP has been drafted using the current Official Community Plan (OCP) guidelines for the consideration of STVR's through the TUP permitting process. A copy of the applicant completed checklist is included as Attachment 3. A copy of the OCP TUP guidelines checklist for STVRs has been completed by staff and included as Attachment 4.

A copy of the notice and draft permit are included as Attachment 5 and 6

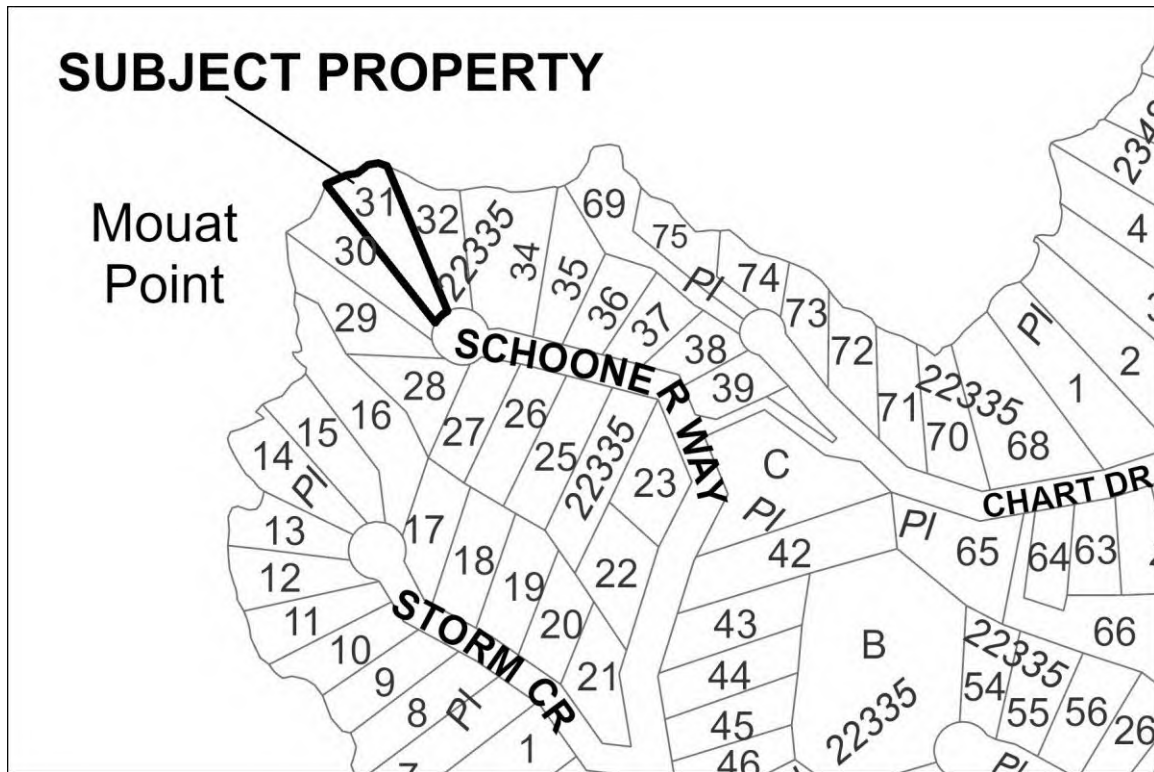


Figure 1: Subject property Location

ANALYSIS

Policy/Regulatory

Official Community Plan:

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

Guidelines for TUP applications for STVRs are contained in the OCP. The application is substantively consistent with the OCP guidelines as reviewed within the TUP checklist included as Attachment 4

The Woodland Development Permit Area is partially located on the property. No new development is proposed as part of this application.

Land Use Bylaw:

The property is zoned **RR1 – Rural Residential 1** in the LUB. The zoning permits a dwelling, secondary suite, and accessory uses. As the commercial STVR use is not permitted within the current zoning regulations, the applicant has applied for a TUP to temporarily allow the use.

Temporary Use Permit:

Sections 492 to 497 of the *Local Government Act* authorize local governments to temporarily permit a use that otherwise is not permitted by the land use bylaw by issuance of a Temporary Use Permit. Further, TUPs can include specific conditions to which the use must abide. A Temporary Use Permit may be issued for up to three years and renewed only once (for up to an additional three years). After the renewal TUP expires, the applicant may re-apply for a new Temporary Use Permit.

When an LTC is reviewing a draft TUP for decision, the LTC by resolution can only add additional conditions to a draft permit; a LTC cannot remove conditions from a draft permit. At the time of TUP renewal, no changes to the renewal permit conditions are allowed except for the expiration date.

While the LTC has adopted a resolution “to not consider approving Temporary Use Permits for short-term vacation rentals in respect of the Local Trust Committee's Housing Accessibility and Affordability project” staff cannot reject applications, legislation states that a local government must consider every application until such time as the LTC amends the relevant bylaw.

Issues and Opportunities

OCP TUP Guidelines

The above-noted compliance checklist reviews this application for each of the OCP guidelines in the same order as presented in the bylaw. The following discussion provides further information, context and analysis on a number of important guidelines in that same order.

Cumulative Effects

Including the subject application there are eight (8) active TUPs for STVR use on North Pender Island, of which seven (7) are within the Magic Lake Estates area, and two (2) are within close proximity to the subject property, see Figure 2. One (1) permit issued in 2024 on the adjacent cul-de-sac, Storm Crescent, is within 100 m of the subject property, although the cumulative effects of the two uses would be insignificant due to the properties not sharing the direct roadway. The other permit in close proximity is located 20 m from the subject property, separated by one parcel. The two properties share the Schooner Way cul-de-sac and could lead to an increase in traffic on the narrow roadway if both STVRs are being rented during the same time period. The renewal permit for the other property on Schooner Way is also being considered at the January 30, 2026 North Pender LTC meeting. Both permits have been active simultaneously since 2017-2018.

Groundwater & Septic

The STVR use of the property could lead to increased water use during the rental periods. The limited rental use permitted during the summer months can help mitigate the overuse of water during droughts.

Limiting the guest capacity to six adults provides more assurance that the septic system will be capable to facilitate the use.

Sensitive Ecosystems

There is an area of Woodland Sensitive Ecosystem located along the shoreline of the property, included in the Site Context Attachment 1. In reference to the OCP Guideline 6.4.10 the following has been included in the draft TUP as circulated:

*b) the property owner shall provide information for guests indicating the location of the **Woodland Sensitive Ecosystem**, and information on how to avoid impacting the sensitive features;*

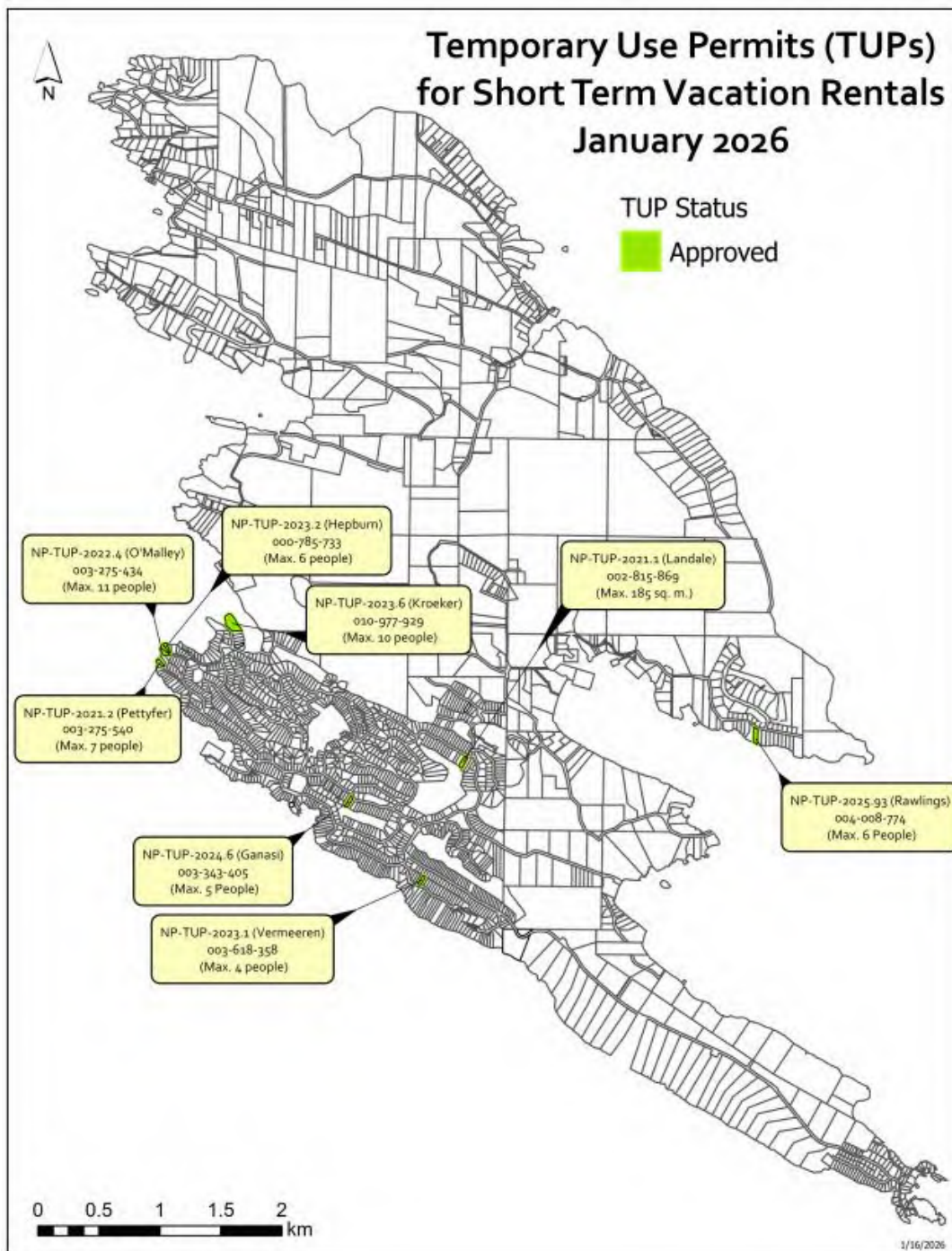


Figure 2: Active STVR TUPs

Potential Neighbour Impacts

The potential impacts of the use can be considerable on direct neighbours and the local neighbourhood. Generally, these include noise and nuisance, change of neighbourhood character, traffic and other impacts. Further, the use can potentially impact established commercial accommodation operations by increasing alternative supply.

The neighbourhood impacts would be reduced and mitigated by the limited number of guests, the minimum parking requirements, and the designated contact available by phone 24 hours a day. The property has been used as a STVR through TUP since 2018 with no formal complaints until this application was circulated.

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 it does, provide the ability to enforce compliance with the conditions of the TUP.

Circulation

The draft permit was circulated to surrounding property owners and residents on January 9, 2026. The notification period ends on January 21, 2026.

One letter has been received including concerns regarding cars parking on the cul-de-sac and impeding access for other property owners that access their homes from Schooner Way. The draft permit contains a requirement for two (2) parking spaces on the property.

The letter also acknowledged the water use and availability of the owner to respond to issues with the rental. The draft permit contains conditions limiting the use of the rental to sixty (60) days during the summer with the intention of reducing a strain on limited water. The draft permit also requires that either the owner or a designated person on island is available to respond to calls at all hours while the STVR is in use.

Staff have included an alternative to amend the permit by reducing the number of days that the STVR could be rented between May 1 and Sept 30 to thirty (30) days to align with the OCP guidelines for STVRs and potentially reduce traffic on the cul-de-sac.

Any public correspondence received following the notification period will be directed to the LTC and reported at the meeting on January 30, 2026.

First Nations

There is no additional development proposed outside the current footprint of the existing dwelling with no proposed disturbance or impact to any possible archaeological sites. As reviewed, the TUP 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.

North Pender LTC Standing Resolution:

As stated above, the North Pender LTC passed a Standing Resolution on May 30, 2025 as follows:

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

The applicant has been made aware of the Standing Resolution but has chosen to proceed. Since the standing resolution was passed there have been no new STVR TUP applications, it is unclear whether new applications and renewals for properties with prior STVR TUPs are the focus of this resolution.

Rationale for Recommendation

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

- Despite the Standing Resolution, the STVR use has existed since 2018 with no formal complaints or issues arising prior to the current permit application.
- The concerns identified in the neighbour's letter are addressed through the TUP conditions, and any future formal complaint regarding non-compliance with the TUP conditions will be addressed through the involvement of Islands Trust bylaw enforcement.
- 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 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.

ALTERNATIVES

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

1. Request further information

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

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

2. Add conditions

The LTC may wish to further amend the TUP by adding conditions such as reducing the number of days for the STVR use to occur within the summer months, in line with the OCP guidelines for STVRs. If selecting this alternative, the LTC should specify the additional conditions. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee amend Temporary Use Permit PL-TUP-2025-0511 be amended by the removing 3 i) and replacing it with the following condition(s): The STVR use is limited to a total of thirty (30) days from the period of May 1 to September 30 in a calendar year;

3. Deny the application

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

That the North Pender Island Local Trust Committee refuse application PL-TUP-2025-0511

Submitted By:	Bruce Belcher, Planner 2	January 21, 2026
Concurrence:	Robert Kojima, Regional Planning Manager	January 22, 2026

ATTACHMENTS

1. Site Context
2. Applicant's Letter
3. TUP Guidelines Checklist – Applicant
4. TUP Guidelines Checklist – Staff
5. Notice
6. Draft Permit
7. Correspondence

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 14, Section 9, Pender Island, Cowichan District, Plan 22335
PID	000-785-733
Civic Address	1602 Schooner Way, North Pender Island

LAND USE

Current Land Use	Residential (Waterfront)
Surrounding Land Use	Residential (Waterfront)

HISTORICAL ACTIVITY

File No.	Purpose
NP-BE-2017.8	Unlawful STVR use (closed)
NP-TUP-2018.2	STVR for One (1) Year
NP-TUP-2019.2	Renewal of 2018.2
NP-TUP-2020.7	STVR for Two (2) Years
NP-TUP-2023.2	STVR for Three (3) Years

POLICY/REGULATORY

Official Community Plan Designations	Rural Residential - RR Subject property is located within Development Permit Area One – Woodland Sensitive Ecosystem . See condition in draft permit and Attachment 2.2.
Land Use Bylaw	Rural Residential – RR RR zoning permits a single-family dwelling and accessory uses
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	NP-BE-2017.8 – 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	The area of the subject property is of medium to low relative habitat composition value although 50-60% of the property is within a Woodland Sensitive Ecosystem described as: Dry and open forests dominated by a mix of broadleaf and coniferous tree species with canopy coverage of 10-30%. Generally restricted to south-facing slopes and ridges with shallow soils and bedrock outcroppings.

Species at Risk	N/A
Sensitive Ecosystems	Woodland Sensitive Ecosystem – see above
Hazard Areas	The shoreline of the subject property is of moderate slope hazard risk.
Archaeological Sites	Archeological potential exists along the subject property's natural boundary lot line, however no known sites exist on the property or within 100m.
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	Rock Shoreline - Low Rock/Boulder
Shoreline Data in TAPIS	Islands Trust shoreline mapping does not indicate presence of eelgrass, forage fish or bull kelp in immediate vicinity of subject property.

To: North Pender Island Local Trust Committee

RE: Temporary Use Permit – Short Term Vacation Rental – Application

My parents purchased this land in the late 1970s after falling in love with the island, and with their children, completed the house by 1990. My parents loved the island and that love was passed down to their children. I inherited the house after my parents passed and have continued to share the love of Pender with my children. Over the years, we have shared our home with many of our friends and families, and in the more recent years, our children's friends and families.

We have shared our family home with other families since 2019 under a TUP license issued from the Island Trust. We initially applied for a TUP so that we could share our family home with acquaintances of friends and others not directly in contact with us. Over the almost 7 years of sharing our home, we have a guest book filled with wonderful memories shared from friends of friends, and annual renters who have become friends. We spend a significant amount of time reviewing and vetting applicants who rent and take pride in sharing our home with those who will care for it and the island as we do. We screen our guests and I spend a significant time speaking with each rental family. Many of the families that stay in our home are repeat guests. And all of our guests, abide by our extensive house rules. During the summer months, we also require a minimum of 7 nights stay, so that there is less traffic disruption to the cul-de-sac and island.

Due to bylaw 222, we have abided by the additional restriction of a maximum of six (6) guests, despite having a large home with 4 bedrooms and 3 bathrooms totalling approximately 3000 square feet. We requested in our previous TUP and do so again, that during the summer months (encompassing 5 months in total), we hope to have the ability to rent up to 60 days. In the past years, we have rented out the home during the summer months for a total of less than 60 days, however we request this to still be an option, especially given that we are keen and open to longer-term rentals which may be up to 2 months in length. The other area of note in bylaw 222, is that our home is within the 200 metre radius of another STVR. However, both TUPs have been in place for almost 7 years now and we have not received complaints regarding congestion in the cul-de-sac. We speak with our renters about island-driving and specifically, about the slowness and alertness required within the confines of the Magic Lake community. We also require all who stay, to park in our car port, and not to park on the road. Our immediate neighbours have direct lines to us if there are any issues with any renters, and we have had communication with both immediate parties and those next to them, who have been without complaints.

We respectfully request that this TUP be issued for a period of three years, with the conditions from the prior TUP to remain in place.

Thank you for your consideration.

Leslie Hepburn



200-1627 Fort Street,
Victoria BC V8R 1H8
Telephone **(250) 405-5151**
Fax (250) 405-5155

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**

Email information@islandstrust.bc.ca

Web www.islandstrust.bc.ca

Attachment 3

North Pender Island Local Trust Committee
**Temporary Use Permit Applications
for Short Term Vacation Rentals (STVRs)**
Development Approval Information Checklist

The attached checklist is intended to assist land owners and their agents in submitting complete and relevant information to the Local Trust Committee when applying for a Temporary Use Permit (TUP) to operate a Short Term Vacation Rental (STVR) on North Pender Island.

Instructions

A completed checklist and supporting documentation or professional reports must be submitted to the Islands Trust along with the standard [Temporary Use Permit](#) application form.

Where one of the listed items cannot be provided or may not be relevant to the application, provide Islands Trust staff with the reason(s) for not providing the information in the 'Comments' or 'Additional Comments' section at the end of the checklist.

Note

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

OFFICE USE ONLY

File No: _____

NORTH PENDER ISLAND STVR TUP CHECKLIST

Issue	Information and Documentation Required	✓	Comments
Site Plan	Depending on the proposal, a site plan <i>may</i> be required.	☐	Have an appraisal document but it does not have any layouts drawn to scale
	Site Plans must be drawn to scale and based on a legal survey, and contain the following:		
	Existing buildings and structures labeled as to their use and their floor area.	☐	Carport (with tool shed attached) and house
	Roads and driveways	☐	1 driveway down to house
	Streams or other water bodies	☐	None
	Natural boundary of the sea	☐	
	Well location	☐	NA
	Septic field location	☐	Septic tank beside house
	Off-street parking area showing dimensions sufficient to accommodate at least two vehicles, and more as required by the proposed use	☐	NA
	Any fences or vegetative screening between adjacent lots or the road	☐	Fences on both sides of property
Intensity of Use Proposed	Applicant should provide the following information:	☐	
	No. of bedrooms proposed for STVR use	☒	4
	Maximum no. of guests to be permitted at one time. Note: the number is limited to six (6) for properties located within the Magic Lake Estates Water System Area	☒	6
	No. of weeks per year unit is proposed to be available. :	☒	approximately 30
	No. of days from May 1 to September 30 in a calendar year. Note: maximum of thirty (30)	☒	Had previously been permitted 60 days
Potable Water	Where the subject property is serviced by groundwater, the applicant should provide:	☐	
	A written statement concerning the quantity and quality of water available on the subject lot.	☐	
	Any available supporting documentation related to the quantity and quality of potable water on the subject lot.*	☒	CRD water usage attached
	*Islands Trust staff may ask for further information, including professional reports, related to quantity and quality of available water.		
	Where a subject property has insufficient groundwater to support the proposed use, applicant should provide: Plans for a rainwater catchment, storage, and delivery system.	☐	
Septic Capacity	Where the property is serviced by a septic system, the applicant should provide:	☐	
	A written statement about the septic system on the subject property including: - Date of installation - Capacity of the system	☒	It is serviced annually by Eco-Septic (unsure of capacity)

NORTH PENDER ISLAND STVR TUP CHECKLIST

Issue	Information and Documentation Required	✓	Comments
	Any available supporting documentation related to the quantity and quality of potable water on the subject lot.* *Islands Trust staff may ask for further information, including professional reports, related to sewage disposal systems.		
Residential Appearance	If building or land alterations are proposed as part of the STVR use, they should not alter the residential appearance of any existing residence and the applicant should provide:		
	Plans showing form, character and floor area of proposed building or land alterations.		NA
Sensitive Ecosystems	Where a property is located within, or contains, a sensitive ecosystem*, applicant should provide: A copy of the information intended to be provided to guests indicating the location of the sensitive areas, and information on how to avoid impacting these sensitive features. Applicant should state how this information will be conveyed to guests. *Use Islands Trust's MapIT program or the Development Permit Area map for North Pender Island to identify sensitive ecosystems on your property. Or, contact Islands Trust staff for further information. Please note, where new development or vegetation removal is to be undertaken as a part of the proposed STVR use, a Development Permit for work within a sensitive ecosystem may be required.	✓	Included in house binder is Development Permit One - Woodland Ecosystems (this is also discussed in the mandatory phone call with homeowner prior to arrival)
Building Information	Confirmation of an occupancy permit		
	Is there are monitored fire detection system		NA
On-Island Contact	Applicant should provide contact information for an on-Island owner or manager to address issues that may arise from the proposed use, 24 hours/day, seven days per week.	✓	Lori Yanko
Information for Guests	Applicant should provide a copy of information to be provided to guests that:		
	Reminds them they are in a residential area	✓	in house binder
	Provides information regarding noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets (if pets permitted)	✓	in house binder (and water conservation documents posted throughout the house)
	Provides emergency service contact information and offers use of a phone for the duration of the stay, if required. Emergency contact information should include the civic address of the property.	✓	in house binder
	Application should also demonstrate where above information will be posted in the building	✓	in house binder
Signage	If signage is proposed, applicant should provide a rendering of the proposed sign that includes its dimensions.		

NORTH PENDER ISLAND STVR TUP CHECKLIST

Issue	Information and Documentation Required	✓	Comments
	Confirmation that there is clearly marked civic address signage at the driveway	✓	
Accessory Buildings	If the proposed use is to occur in an accessory building, the applicant should provide information demonstrating:		
	That accessory building has an occupancy permit for residential use under the BC Building Code		NA
	That the total floor area of all buildings on the property does not exceed 185 m ² .		NA

Additional Comments	Have included usage of hydro and water as separate attachments
---------------------	--

Attachment 4: TUP Checklist for Short TERM Vacation Rental

PLTUP20250511 – Leslie Hepburn
1602 Schooner Way

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - 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.	Proposed TUP would be rented for a minimum of 7 nights throughout the summer, and a maximum of 60 days throughout the summer months (May-September).
b) Residential Appearance - The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence	No proposed changes to the existing dwelling. No exterior indication of STVR use.
c) Cumulative Effects - The Local Trust Committee may consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	Currently 8 active or in process TUPs for STVRs on North Pender. This includes 7 within the Magic Lake Estates area.
d) Distance to Another STVR - 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.	Nearest permitted STVR is 2 lots away (approx. 25 linear metres) at 1603 Schooner Way. Both permits have been active for 8-9 years concurrently.
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use:	CRD Magic Lake Estates Community Water System.
i. Private Well - 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 or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit.	N/A
ii. Community Water System (Magic Lake & Razor Point) - If the property is serviced by a community water system, the draft permit must be sent to the water system for information.	Per OCP Policy, if approved by the LTC the TUP application will be referred to the CRD for information.
iii. Trincomali Improvement District - A short term vacation rental temporary use permit must not be issued if located within the Trincomali Improvement District.	N/A

Attachment 4: TUP Checklist for Short TERM Vacation Rental

Guidelines	Comments
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two (2) vehicles	One outside/open in driveway next to house, two stalls in covered carport attached to house. Permit condition to require that all STVR parking is accommodated on site and no camping is permitted on or off the property.
g) Sensitive Ecosystems - If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.	Approximately 50-60% of the property lies within the Woodland Sensitive Ecosystem described as: Dry and open forests dominated by a mix of broadleaf and coniferous tree species with canopy coverage of 10-30%. Generally restricted to south-facing slopes and ridges with shallow soils and bedrock outcroppings. No development is proposed to take place as a result of the TUP, however, applicant provides information regarding the ecosystem as part of check-in information package - Condition on permit and previous TUPs.
h) Signage - The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m ² .	No signage indicating STVR use proposed.
i) Operator Contact - The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.	Condition of proposed permit.
j) Operator Contact & TUP to Neighbours - The permit should 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 a copy of the temporary use permit	Condition of proposed permit.
k) Guest Information - The permit should require the landowner post the following information for guests:	Condition of proposed permit.
i. remind guests that the property is located in a residential area;	Condition of proposed permit.
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);	Condition of proposed permit.
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,	Condition of proposed permit.
iv. the applicant provide the name and contact information of the property owner or	Condition of proposed permit.

Attachment 4: TUP Checklist for Short TERM Vacation Rental

Guidelines	Comments
designated contact who is available on North or South Pender Island at all times when the short term vacation rental is in use.	
l) Permit Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	Condition of proposed permit.
i. limit the number of bedrooms that can be used for short term vacation rentals;	Permit limits use to four (4) bedrooms.
ii. limit the number of guests to six (6) for properties located within the Magic Lake Estates Water System Area;	Permit limits use to six (6) guests.
iii. 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;	Applicant has agreed to the condition to limit the maximum number of days for the short-term vacation rental from the period of May 1 to September 30 in a calendar year to a total of sixty (60) days .
iv. require mitigating measures to address neighbours' concerns , such as retention of existing screening and fencing, or installation of additional screening;	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.
v. require the landowner/operator to post contact information and permit information at the entrance to the property;	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.
vi. prohibit camping or occupancy of RVs on the property;	Included as a condition of draft permit.
vii. prohibit the rental or provision of motorized personal watercraft;	Included as a condition of draft permit.
viii. prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;	Included as a condition of draft permit.
ix. prohibit outdoor fires; and	Included as a condition of draft permit.
x. establish the dates during which the use may occur.	Dates limited during the summer, not during the winter.
m) Agriculture Land Reserve - A temporary use permit 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.	N/A
n) Owner Occupancy - 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.	Owner uses the property intermittently throughout the year as a vacation home.
o) Maximum Number of STVRs - The Local Trust Committee must not approve more than twenty (20) temporary use permits for short term vacation	Currently there are 8 active STVR TUPs on all of North Pender include 7 in the Magic Lake Estates Water System Area.

Attachment 4: TUP Checklist for Short TERM Vacation Rental

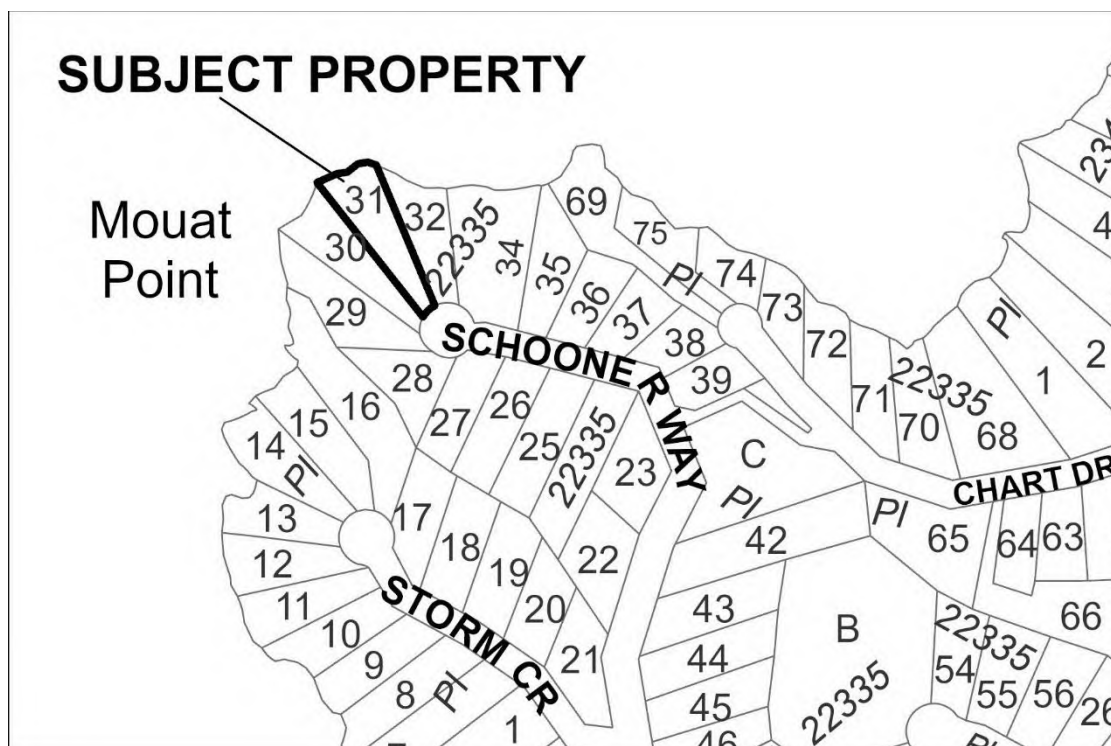
Guidelines	Comments
rentals within the Magic Lake Estates Water System Area.	
p) Occupancy Permit - A short term vacation rental temporary use permit must not be issued in a dwelling or cottage that does not have Occupancy Permit approval	Complies.
q) Bylaw Enforcement - The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received	Included as a condition of draft permit.
r) Fire Department – i. The permit may include a provision requiring a clearly marked and approved civic address sign at the driveway address. ii. The permit may require installation of a monitored fire detection system iii. The permit may include a condition that the owner permit the fire department to conduct an annual fire inspection.	Not included in draft permit. However, LTC could consider such depending on neighbourhood notification response.

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the North Pender Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit, the proposed permit would apply to Lot 31, Section 9, Pender Island, Cowichan District, Plan 22335 (PID: 000-785-733). This property is located at 1602 Schooner Way, North Pender Island.

The purpose of the temporary use permit is to permit a **Short Term Vacation Rental** use within the Dwelling Unit.

The establishment of this use would be subject to the conditions specified in the attached proposed permit. The permit would be issued for three (3) years and the owner may apply to the LTC to have it renewed once.

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 **January 9, 2026** and continuing up to and including **January 21, 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 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **January 21, 2026**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting on **January 30, 2026** starting at **10:00 am**.

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.

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
PLTUP20250511 (Hepburn)**

1602 Schooner Way

To: Leslie Hepburn

1. This Permit applies to the land described below:

Lot 31, Section 9, Pender Island, Cowichan District, Plan 22335
(PID: 000-785-733).

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) the property owner shall provide information for guests indicating the location of the **Woodland Sensitive Ecosystem**, and information on how to avoid impacting the sensitive features;
- c) **signage** advertising the STVR use may not exceed 0.6 m²;
- d) either the property owner or other designated **contact** must be available on North or South Pender Island by telephone 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;
- e) 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;
- f) 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); and
 - iii. emergency services contact information, including the civic address of the property, and to provide a means for contacting them if the property is located in an area with no cellular service;
 - 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;



Islands Trust

- g) the **maximum number of bedrooms** that can be used for the STVR use is limited to **four (4)**;
 - h) the **maximum number of guests** is limited to **six (6)**
 - i) the STVR use is limited to a total of **sixty (60) days** from the period of May 1 to September 30 in a calendar year;
 - j) 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;
 - k) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or STVR renter for the purpose of investigating a complaint;
4. This permit is valid for **three (3)** years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 224, 2022" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 202#.

Deputy Secretary, Islands Trust

Date Issued

Attention: ISLANDS TRUST

Regarding the recent notice from Islands Trust PLTUP20250511 regarding a request for a Short Term Rental on Lot 31, Schooner Way, please consider the following issues prior to approval of this application:

1. Schooner Way is a dead end with a cul-de-sac. There is no room for overnight parked cars. Further the said property has very limited space within the entrance for a parked car adjacent to the road allowance. Additionally, they have a very steep driveway with a limited space at the bottom for parked cars so this is an ongoing issue when renters are there.
2. Lot 29 is also on this cul-de-sac and has had up to 11 visitors at once in their short term rental.
3. Schooner Way has a steep hill before a sharpn turn heading to the cul-de-sac. There is often has a legally parked car on a property at the bottom of the hill causing the moving vehicle to pull slightly into the oncoming lane. It is dangerous for walkers and other cars.
4. There are four blind driveways between the top of hill and the cul-de-sac. Our driveway is designed whereby we need to back out of our parking space to road allowance.
5. There have been four new houses built on this section of the road in the last twenty years.
6. Driveways on the back side of cul-de-sac only yards apart. 4 driveways in a 50' length.
7. Are water issues considered?
8. Should owners of short term rentals be available on island in case there is an new issue?

Regards,
W.Allan Waddell
Nancy Westell

DATE OF MEETING: January 30, 2026
TO: Name of Local Trust Committee .
FROM: Bruce Belcher, Planner 2
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: PL-DVP-2025-0489
Applicant: Michael and Gillian McDonald
Location: 3722 Rum Rd, North Pender Island

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of PL-DVP-2025-0489.

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) to allow a secondary suite to be over the maximum percentage of the total floor area of the principal dwelling.

RATIONALE FOR VARIANCE

The applicant's rationale for the variance is to use the existing 86m² ground floor of the 180m² house as an additional living space. The secondary suite regulations limit a suite to be at a maximum, 40% of the total building's floor area. The existing house has two floors almost identical in area despite the difference in wall thickness. Each floor has a kitchen, bathroom, and separate entrances. To comply with the 40% floor area requirement the building would require significant structural alterations and removal of functional finished space. Therefore, the applicant is requesting that the existing building be permitted in its existing form as a secondary suite. The applicant's rationale is included as Attachment 3.

BACKGROUND

The variance application was initiated following a preliminary plan review to convert the existing ground floor of the building into a secondary suite. Staff determined that the floor area percentage was over the maximum permitted floor area percentage for a secondary suite with the ground floor being 48% of the whole building's floor area. Given that the maximum permitted floor area percentage of a secondary suite is 40% a variance would be required to reach compliance with the North Pender Island Land Use Bylaw No. 224, 2022 (LUB). If the variance is approved the applicant will be able to proceed with legalizing the suite through a building permit application with the CRD.

The specific variance to the LUB is as follows:

- a) Subsection 3.10 (3) which states that *the maximum floor area for a secondary suite is 90m² (968 ft²) and it must not exceed 40 per cent of the floor area of the principal dwelling* is varied to permit an existing single-family dwelling to include a secondary suite with a floor area equal to 48 per cent of the principal dwelling's total floor area.

The subject lot is located at 3722 Rum Road on North Pender Island, within the Magic Lake Estates Water Service Area. The parcel is zoned Rural Residential 1 (RR1) and is 0.22 ha in area. Based on the parcel size the property is permitted to have a total floor area of 500m², excluding the floor area of a secondary suite. The total floor area for all buildings on the property is about 200m². The dwelling complies with the LUB height regulations and is under the 9.7 m maximum height, at around 7.25 m. The owner previously received a Board of Variance order for the location of the deck attached to the dwelling within the 7.6 metre front lot line setback area.

A copy of the notice and proposed permit are included as Attachment 4 and 5. Staff conducted a site visit on January 19th, photos of the site are included with Attachment 2.

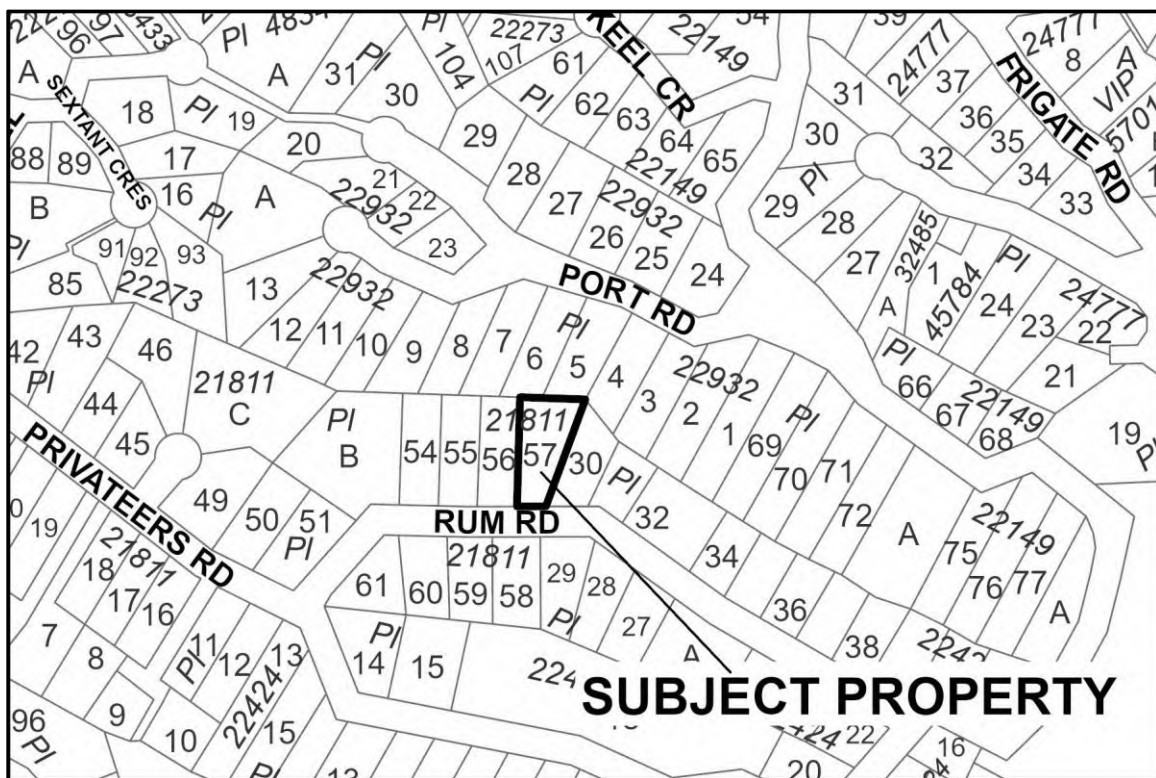


Figure 1 - Subject Property Location

ANALYSIS

Intent of Regulations being varied

The overall purpose for the maximum floor area percentage for secondary suites is to ensure that secondary suites remain accessory to the principal single-family dwelling use. This allows neighbourhoods to maintain their single-family dwelling character and prevent the creation of duplexes where the zoning does not permit it.

The BC Building Code previously regulated the size of secondary suites to 90m² and 40% of the total floor area of the dwelling. Since removing these regulations, the choice to limit secondary suite size has been left to the municipality. The North Pender LUB secondary suite regulations remain the same as the regulations removed by the BC Building Code, but now may be varied at the discretion of the Local Trust Committee.

Potential impacts of granting to variance

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

If the variance is approved the anticipated impacts on the neighbouring properties would be minimal considering that the building has already been constructed and the location is not within any lot line setbacks. The new suite could increase the traffic in the neighbourhood due to the additional density, however the RR1 zoning permits a secondary suite on every lot. The suite is also below the maximum permitted floor area of 90m², only the floor area percentage or ratio to the total building floor area is non-compliant.

Circulation

The draft permit was circulated to surrounding property owners and residents on January 9, 2026. The notification period will end on January 21, 2026.

At the time of writing, no submissions have been received. Any comments received subsequently will be forwarded to the Local Trust Committee and reported at the meeting.

First Nations

The subject property does not have any known archaeological sites, nor is within any of the mapped archaeological potential areas. The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

Rationale for Recommendation

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

- The anticipated new impacts on neighbouring properties and the community as a whole would be minimal;
- The rationale for creating a new suite in an existing building is reasonable, and provides additional housing that is permitted within the subject zone;

ALTERNATIVES

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

1. Request further information

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

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

2. Deny the application

The LTC may deny the application.

That the North Pender Island Local Trust Committee refuse application PL-DVP-2025-0489

Submitted By:	Bruce Belcher, Planner 2	January 15, 2026
Concurrence:	Robert Kojima, Regional Planning Manager	January 16, 2026

ATTACHMENTS

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

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 57, SECTION 10, PENDER ISLAND, COWICHAN DISTRICT, PLAN 21811
PID	003-360-491
Civic Address	3722 Rum Road, North Pender Island
Lot Size	0.22 ha

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

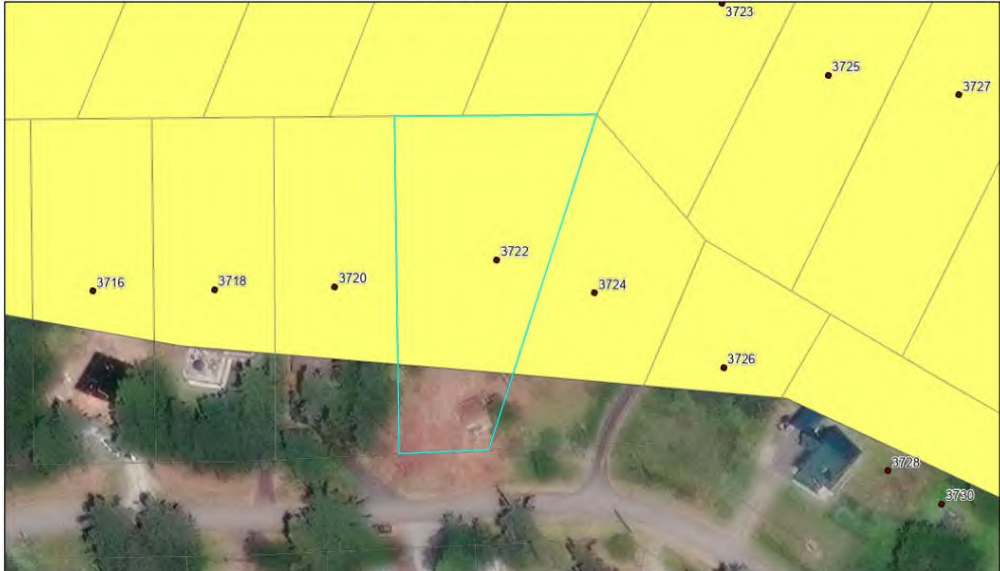
File No.	Purpose
NP-BOV-2023.3	BOV order approved for deck located in the front lot line setback
NP-BP-2022.5	New construction of a dwelling

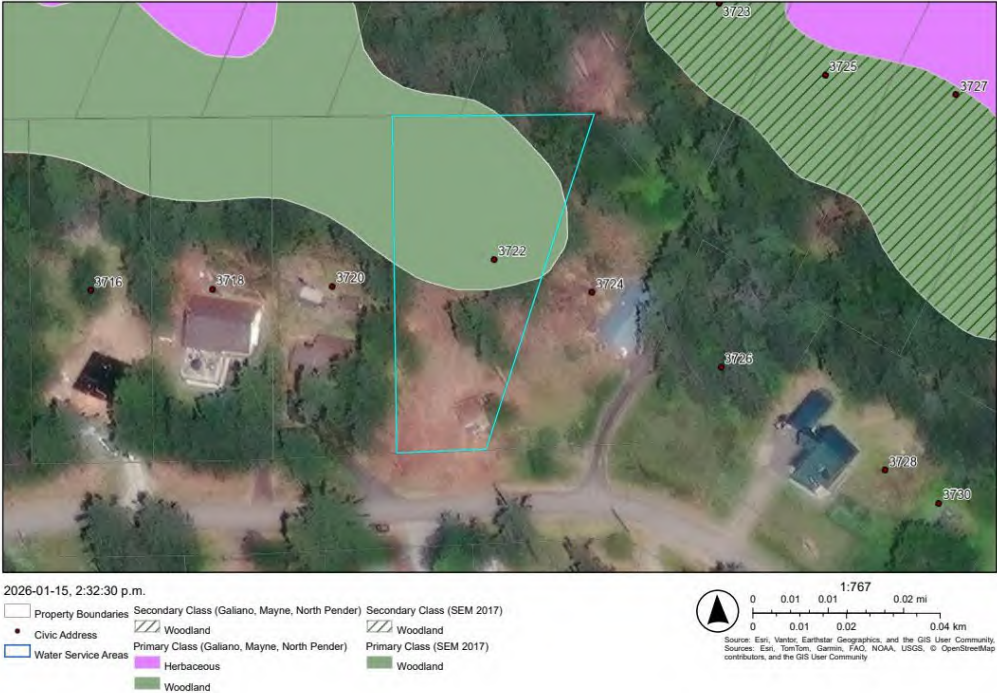
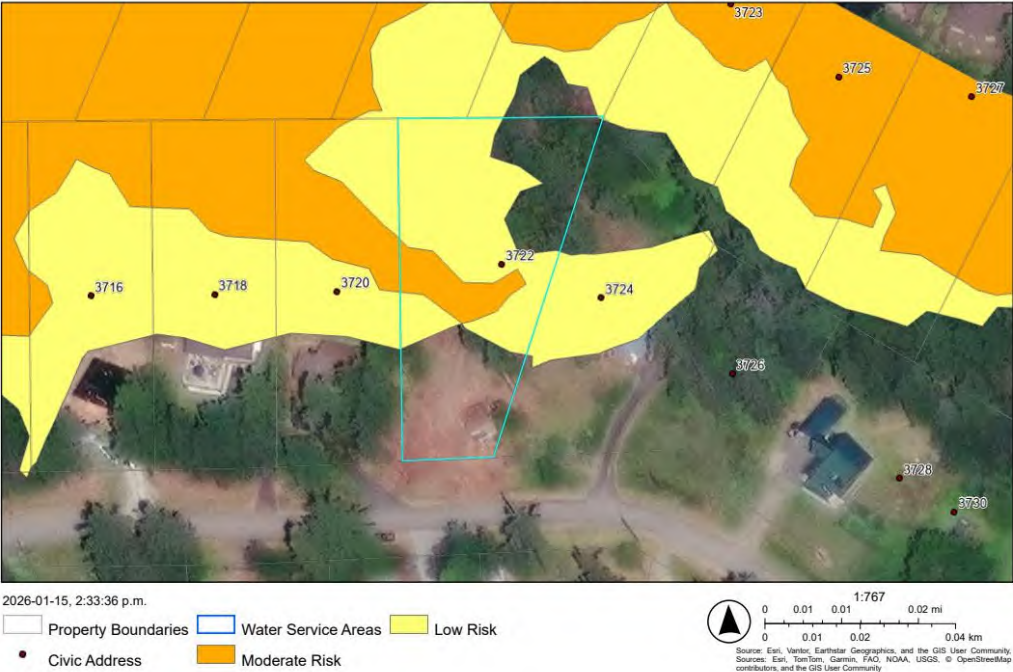
POLICY/REGULATORY

Official Community Plan Designations	Rural Residential Development Permit Area 1 – Woodland Sensitive Ecosystem Development Permit Areas 2026-01-15, 2:25:19 p.m. Property Boundaries Civic Address Water Service Areas DPA 1 - Woodland
Land Use Bylaw	Rural Residential 1 – RR1

Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	None

SITE INFLUENCES

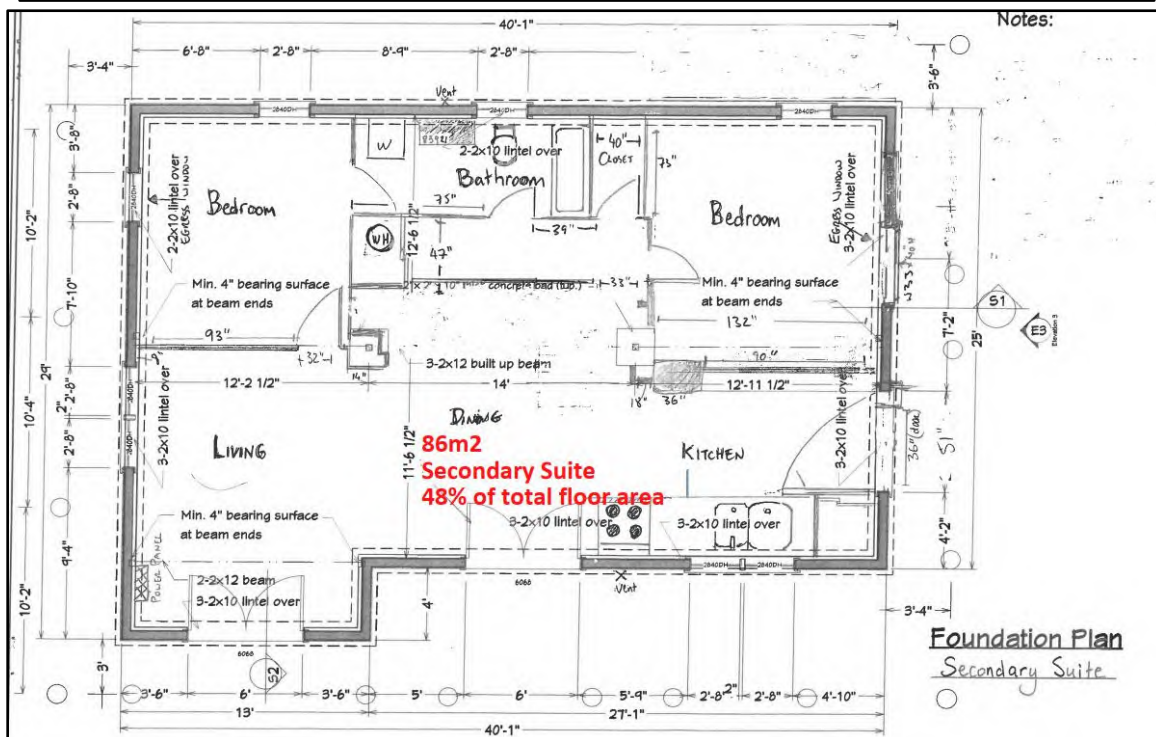
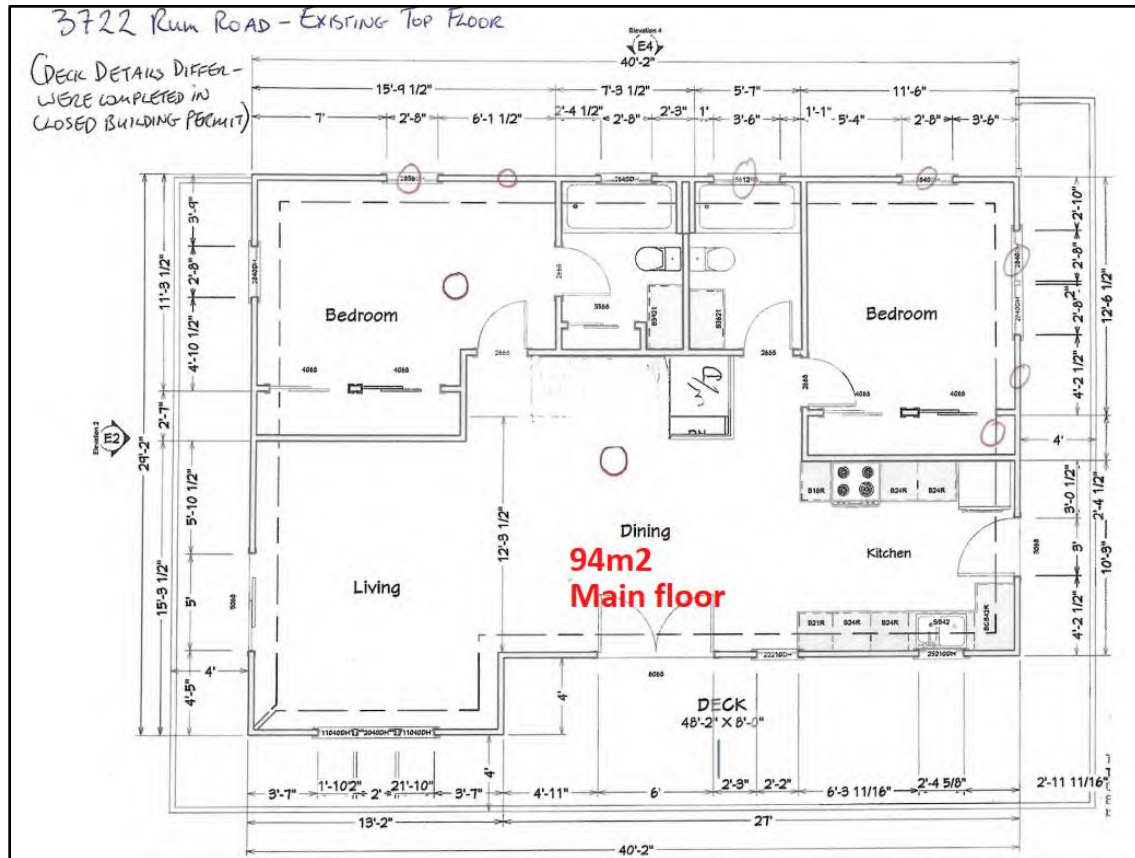
Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy
Species at Risk	Sharp-tailed Snake Potential Habitat Species At Risk  2026-01-15, 2:31:54 p.m. Property Boundaries Water Service Areas • Civic Address Sharp-tailed Snake - Potential Habitat - CRD
Sensitive Ecosystems	Woodland Sensitive Ecosystem

	Sensitive Ecosystems  2026-01-15, 2:32:30 p.m. Property Boundaries Civic Address Water Service Areas Secondary Class (Galiano, Mayne, North Pender) Woodland Primary Class (Galiano, Mayne, North Pender) Herbaceous Woodland Secondary Class (SEM 2017) Woodland Primary Class (SEM 2017) Woodland 0 0.01 0.01 0.02 0.04 mi 0 0.01 0.01 0.02 0.04 km Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community
Hazard Areas	Moderate – Low Risk Steep Slopes Steep Slope Hazards  2026-01-15, 2:33:36 p.m. Property Boundaries Civic Address Water Service Areas Low Risk Moderate Risk 0 0.01 0.01 0.02 0.04 mi 0 0.01 0.01 0.02 0.04 km Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community
Archaeological Sites	The subject property does not have any known archaeological sites, nor is within any of the 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.

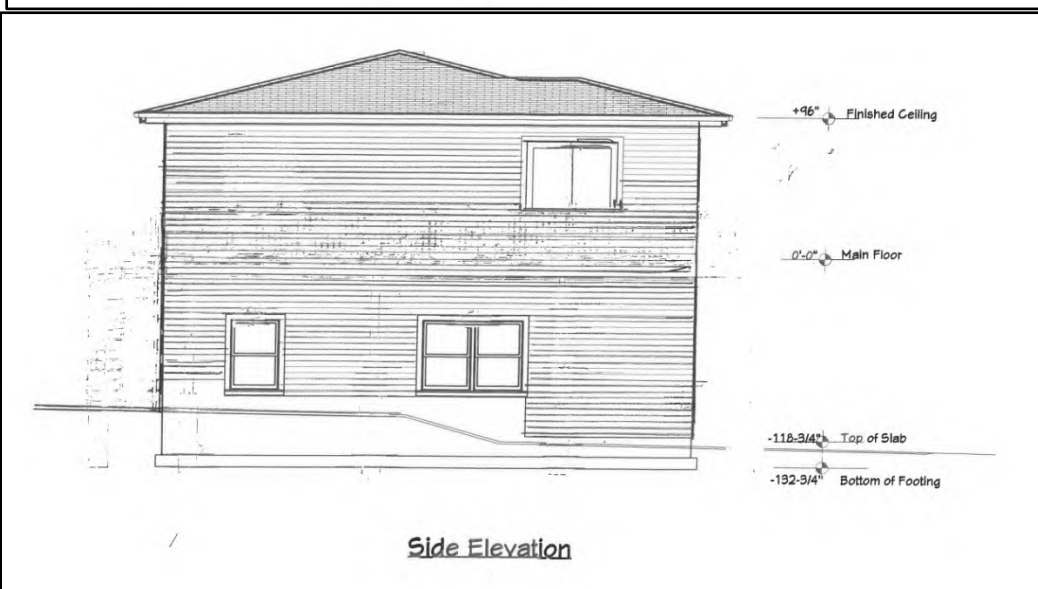
Climate Change Adaptation and Mitigation	No anticipated impacts associated with the proposed development.
Shoreline Classification	N/A
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

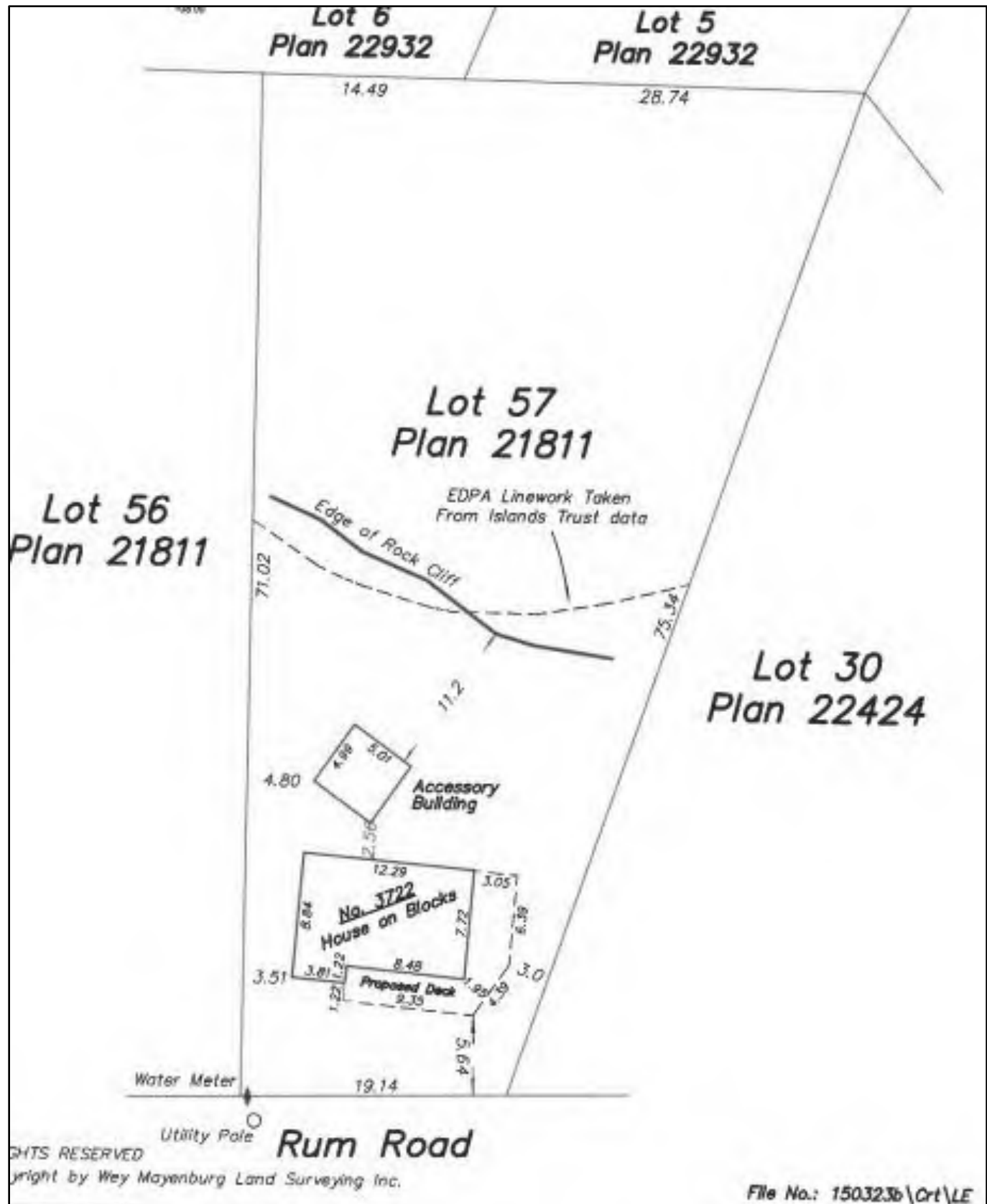
2.1 FLOOR PLANS



2.2 ELEVATION PLANS



2.3 SURVEY PLAN



2.4 PHOTOGRAPHS



SOUTH-WEST CORNER OF SUITE LOOKING NORTH



SOUTH-EAST CORNER OF SUITE LOOKING NORTH



HOUSE WITH SECONDARY SUITE, VIEW FROM RUM RD LOOKING NORTH

Re: 3722 Rum road variance application

Narrative Letter

We recently completed our first phase of our build. The top floor of the home is a Nickels Brothers house and the bottom floor/ foundation was built to support the upper floor.

The obstacle preventing us from complying with the 40% limit is that the additional 10% floor area is already part of the existing building design. The layout and structural configuration of the home create a secondary space that naturally exceeds 40%. Reducing the suite (ie bottom floor) to 40% would require significant structural alterations, removal of functional finished space, and would create impractical or unusable areas. We are not adding any new floor area or increasing the building footprint; we are simply requesting permission to use the space as it already exists. The suite remains clearly secondary in nature and does not impact neighbourhood character, density, or services. For these reasons, we hope the variance is reasonable and consistent with the existing by law.

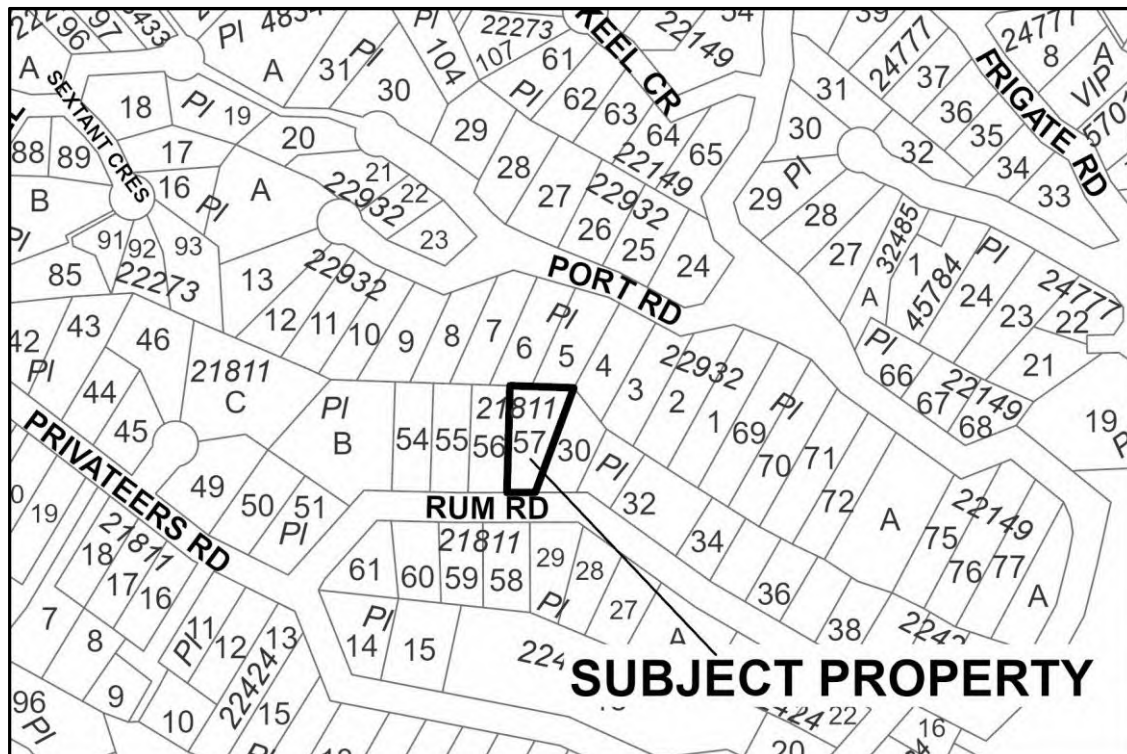
Also, the floor space on the top level is technically larger than the bottom as the exterior walls on the lower level are all 10-12" thick, where the upper external walls are 4" inches thick. So, 6-8" inches per exterior linear foot should be deducted from the actual living area to equate the real internal living area.

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

- Relaxing the maximum 40 per cent floor area of a principal dwelling for a secondary suite to 48 per cent to permit a new secondary suite in an existing principal dwelling.

The property is located at **3722 Rum Road, North Pender Island** and is legally described as LOT 57, SECTION 10, PENDER ISLAND, COWICHAN DISTRICT, PLAN 21811 (PID: 003-360-491)

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 **January 9, 2026** and continuing up to and including **January 21, 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 before 4:30 pm, **January 21, 2026**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting on **January 30, 2026** starting at **10:00 am**.

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.



PROPOSED Attachment 5

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
PLDVP20250489**

To: Michael & Gillian McDonald

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

LOT 57, SECTION 10, PENDER ISLAND, COWICHAN DISTRICT, PLAN 21811
PID: 003-360-491

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

- a) Subsection 3.10 (3) which states that *the maximum floor area for a secondary suite is 90m² (968 ft²) and it must not exceed 40 per cent of the floor area of the principal dwelling* is varied to permit an existing single-family dwelling to include a secondary suite with a floor area equal to 48 per cent of the principal dwelling's total floor area.

The development shall be consistent with Schedules 'A' and 'B' which are attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 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 [LTA] ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF [MONTH], [YEAR].

Deputy Secretary, Islands Trust

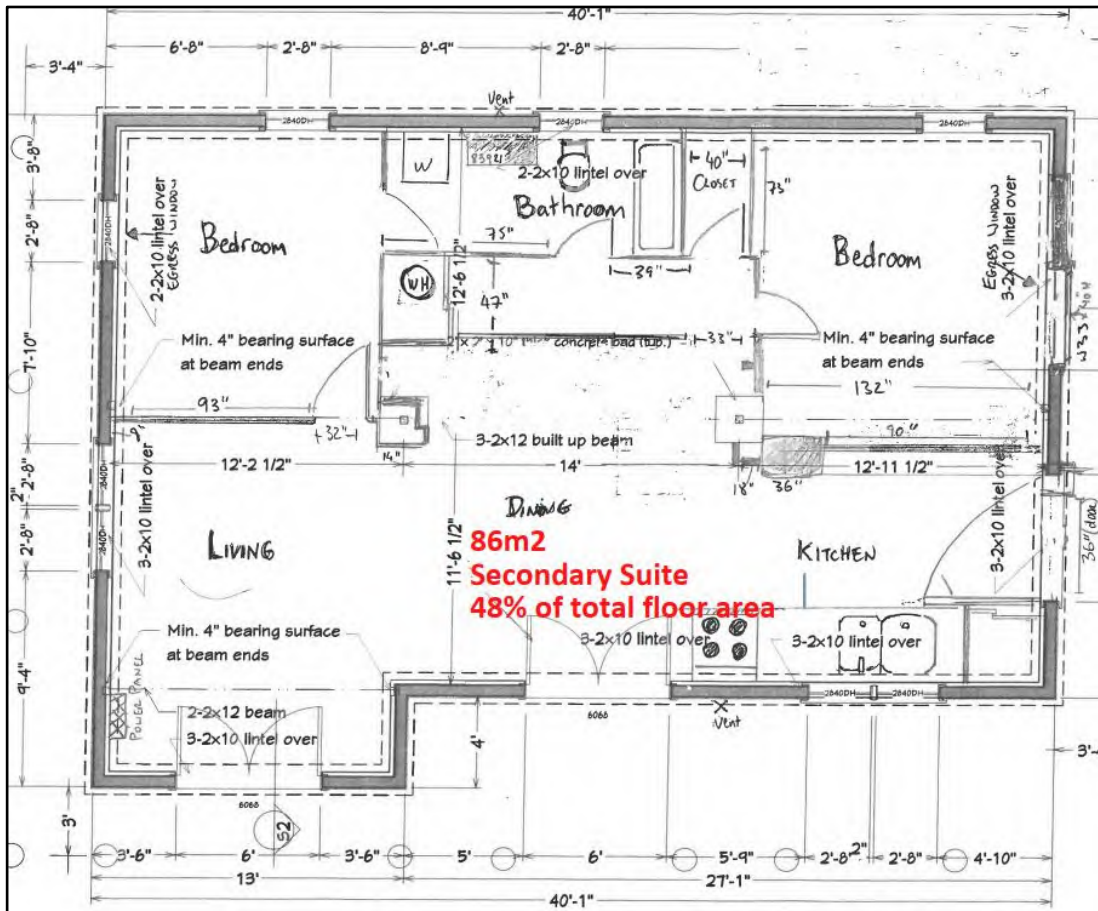
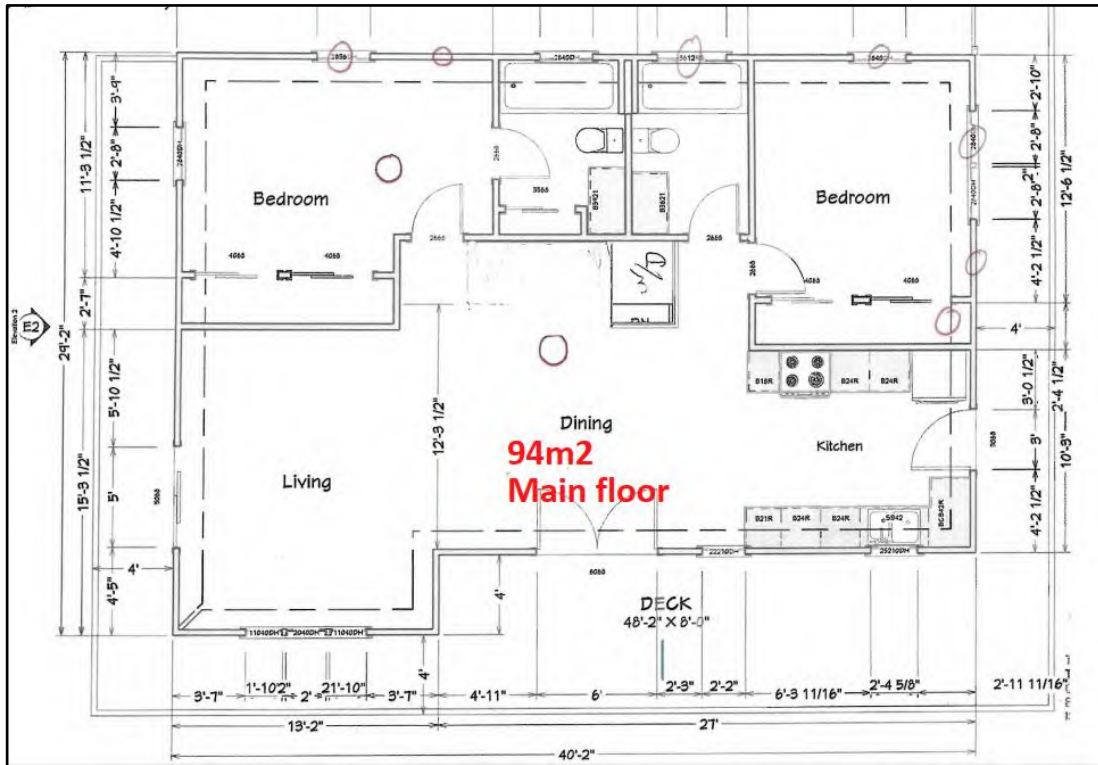
Date of Issuance

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

PLDVP20250489

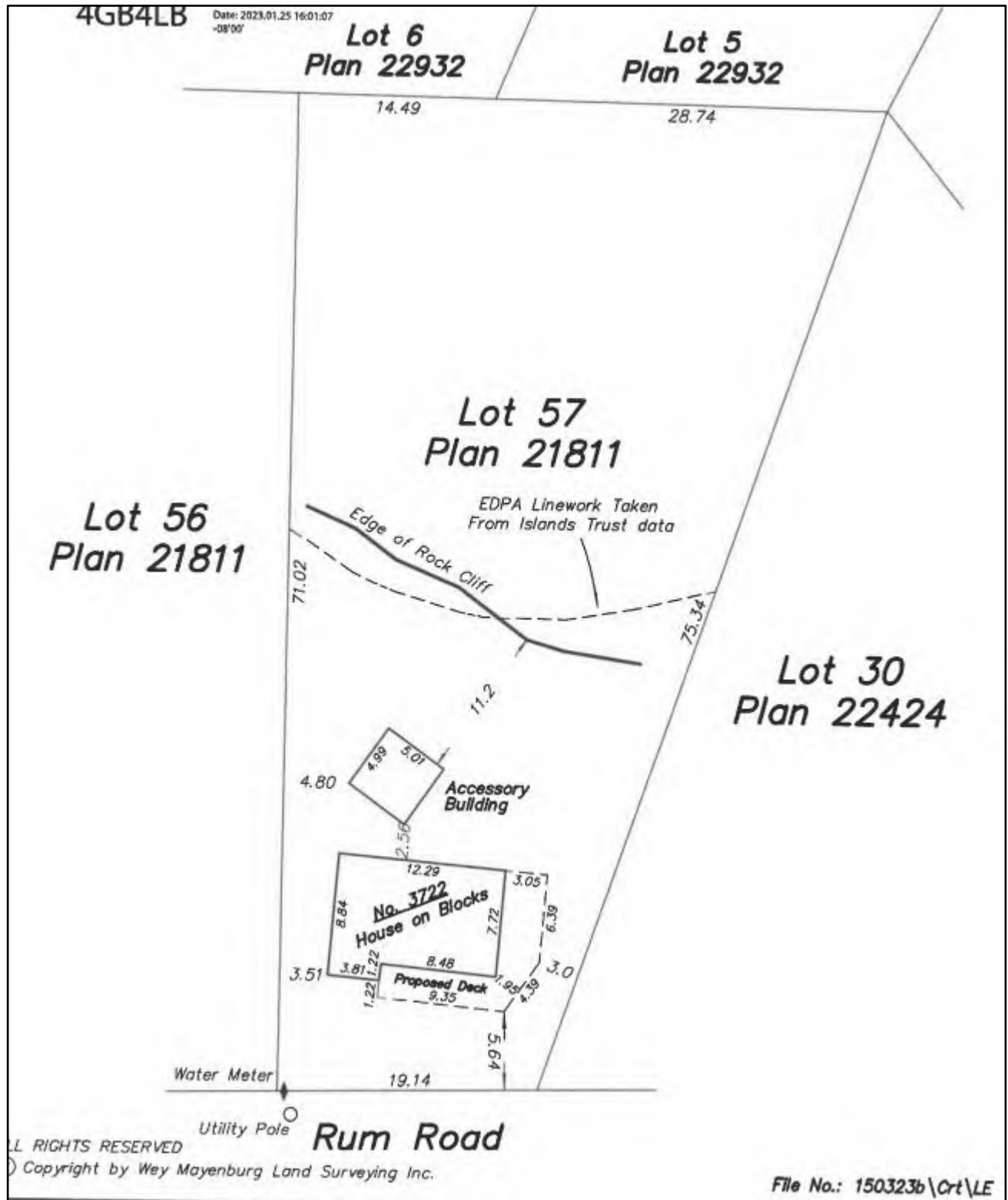
SCHEDULE 'A' – Floor Plans



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

PLDVP20250489

SCHEDULE 'B' – Site Plan



File No.: PL-DP-2025-0483

DATE OF MEETING: January 30, 2026

TO: North Pender Island Local Trust Committee

FROM: Bruce Belcher, Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Rezoning application – Preliminary report

Applicant: Andrew MacLean

Location: 4715 Buccaneers Road, North Pender Island

RECOMMENDATION

1. **That the North Pender Island Local Trust Committee approve issuance of Development Permit PL-DP-2025-0483.**

REPORT SUMMARY

The report is to consider a Development Permit (DP) application. The purpose of the proposed DP is to authorize the new construction of a house, float, and ramp within **Development Permit Area 10 (DPA 10) – Riparian and Aquatic**.

BACKGROUND

The DP application was submitted to the Islands Trust in order to evaluate the proposed house and float construction in advance of a Building Permit application. The property is located at 4715 Buccaneers Way, and is a 0.15-hectare waterfront lot that faces west onto Magic Lake.

About half of the property is within DPA 10 as designated within the North Pender Island Official Community Plan No. 171 (OCP). Most of the area where the proposed house is sited is within DPA 10, and the entirety of the proposed float and ramp are located within DPA 10. In accordance with the North Pender Island OCP, any construction or erection of buildings and structures, and construction of floats and ramps within the DPA requires a DP.

The applicant contracted Swell Environmental Consulting to complete a Riparian Areas Protection Regulation Report (RAPR Report), which established a 15 metre Streamside Protection Enhancement Area (SPEA) from the natural boundary of Magic Lake. Apart from the foundation for the ramp there is no other work proposed to take place within the SPEA.

The Draft Permit PLDP20250483 is included as Attachment 3. The RAPR Report is included as Attachment 4.

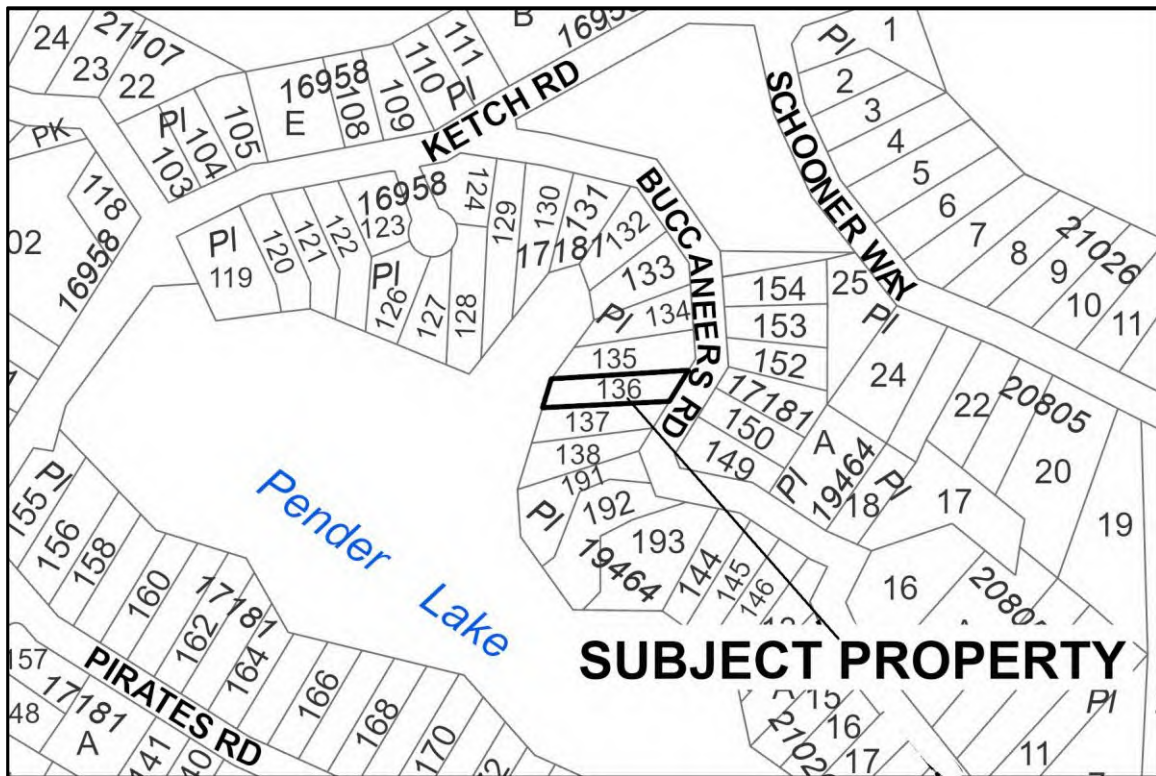


Figure 1: Subject Property Location

ANALYSIS

Policy/Regulatory

Official Community Plan

The property is designated **Rural Residential** in the North Pender Island Official Community Plan No. 171, 2007. Approximately 45% of the property is within the Riparian and Aquatic DPA. The DPA is established for the protection of the natural environment, its ecosystems, and biological diversity.

A review of the DPA guidelines from the OCP has been completed by staff and is included as Attachment 5.

Land Use Bylaw:

The property is zoned Rural Residential 1 (RR1) in the North Pender Island Land Use Bylaw No. 224, 2022 (LUB). The proposed dwelling has a total floor area of about 160m² which is within the 325m² permitted total floor area for a property less than 0.4 ha. The proposed dwelling also complies with the setback regulations and total lot coverage permitted within the RR1 zone.

The portion of the property within Magic Lake is zoned Water 6 (W6) which permits one (1) private float and ramp accessory to the residential use of the abutting upland lot. Anchor pads or abutments up to 1.5 metres in width for the purpose of securing a permitted private dock or wharf to the upland lot are exempt from the setback requirements to the natural boundary.

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

Riparian Areas Protection Regulation Report

The applicant has submitted a RAPR report completed by Sara Stallard, Envr. Tech., AscT and Lehna Malmkvist, R.P. Bio. from Swell Environmental Consulting Ltd. The report was completed on December 3, 2025 and assessed the proposed development within the context of the Riparian Areas Protection Regulation. The report summarized the observations of the ecological conditions, potential impacts from the proposed development on the property, and recommendations for environmental protection throughout and following the construction.

The report concludes that the proposed development will meet the riparian protection standard if the development proceeds as proposed within the report and complies with the measures recommended by the R.P. Bio.

Draft Development Permit

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

- Protection of Trees and Vegetation
- Protection of Nesting Birds
- Construction Management
- Sediment and Erosion Control
- Stormwater Management
- Protection of Aquatic Area (Below High-Water Mark)
- Environmental Monitoring

Consultation

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

Archaeological Potential

There are no known archaeological sites or archaeological potential identified on the property. The applicant should be aware that the lot may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a Heritage Conservation Act permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.

Rationale for Recommendation

The recommendation on page 1 is supported as:

- The objectives and guidelines of the DPA have been met;
- The conditions within the draft DP are based on an assessment completed by a professional biologist and supported by staff;
- Construction, ecological protection, and monitoring conditions in the DP will ensure the protection and enhancement of the riparian and aquatic ecosystems.

ALTERNATIVES

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

1. Request further information

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

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

2. Determine that the DPA guidelines are not being met

The LTC may determine that the application as presented does not meet one or more guidelines of DPA 10. If this is the case, the LTC may request that the applicant amend the proposal to more closely align with the DPA guidelines. The LTC should indicate which guidelines are not being met and the reasons for this. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee has determined that application PLDP20250483 as presented does not meet guideline(s)_____ for the following reasons: _____.

Submitted By:	Bruce Belcher, Planner 2	January 15, 2026
Concurrence:	Robert Kojima, Regional Planning Manager	January 16, 2026

ATTACHMENTS

- 1. Site Context
- 2. Maps, Plans, Photographs
- 3. Draft Permit PLDP20250483
- 4. RAPR Report
- 5. DPA 10 Guideline Checklist

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 136, SECTION 8, PENDER ISLAND, COWICHAN DISTRICT, PLAN 17181
PID	002-098-504
Civic Address	4715 Buccaneers Road, North Pender Island
Lot Size	0.15 ha

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

HISTORICAL ACTIVITY

File No.	Purpose
none	

POLICY/REGULATORY

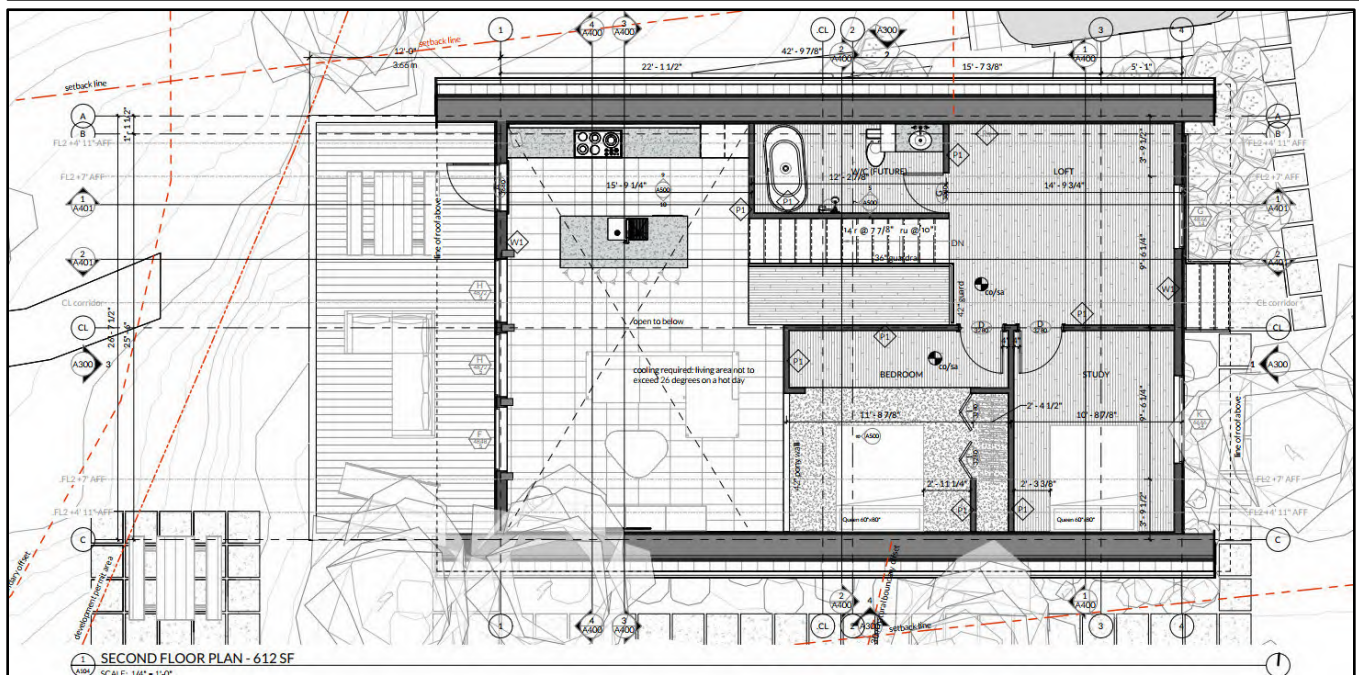
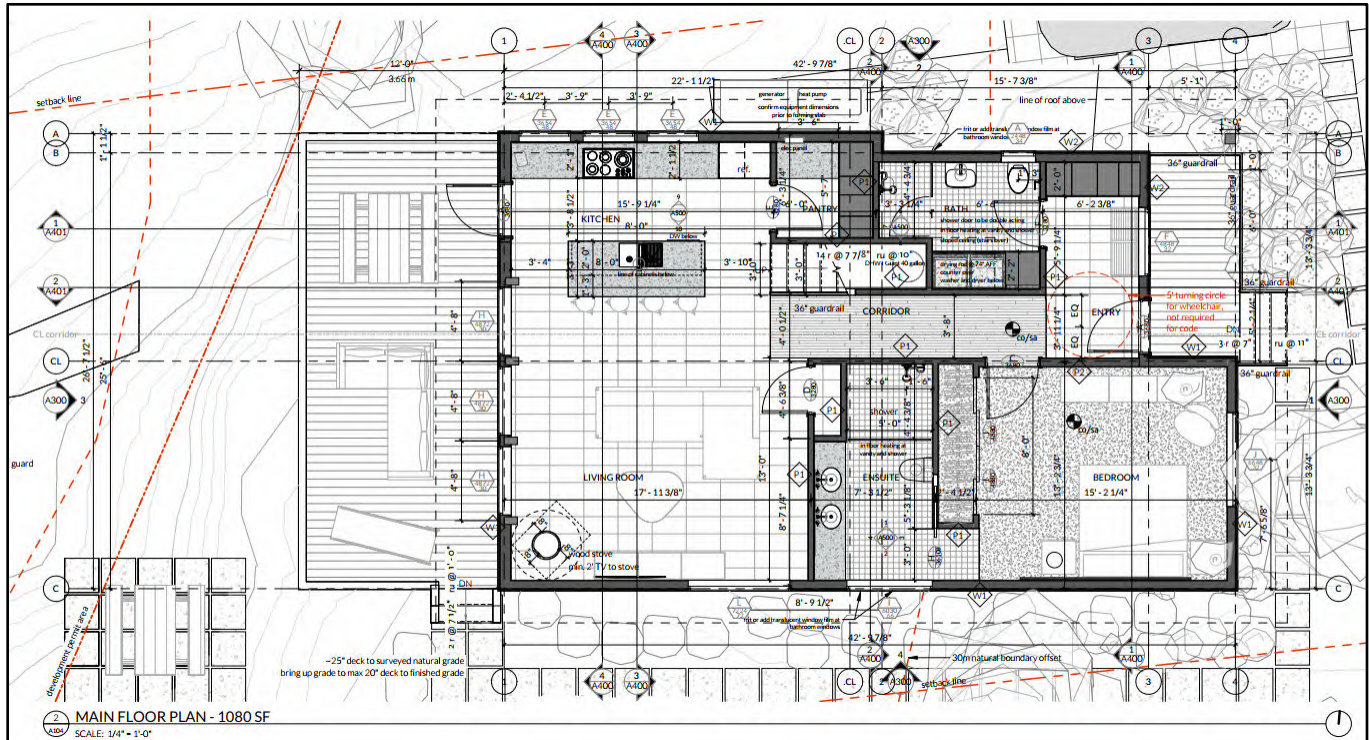
Official Community Plan Designations	Rural Residential Development Permit Area 10 – Riparian and Aquatic Development Permit Area 2026-01-15, 3:59:37 p.m. Property Boundaries Civic Address DPA 10 - Riparian and Aquatic (PAPR) Scale: 0 0.01 0.01 0.01 mi Source: Esri, Vector, Earthstar Geographics, and the GIS User Community
Land Use Bylaw	Rural Residential 1 – RR1
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	NP-BE-2020.18 – Work conducted in RAR DPA without a permit

SITE INFLUENCES

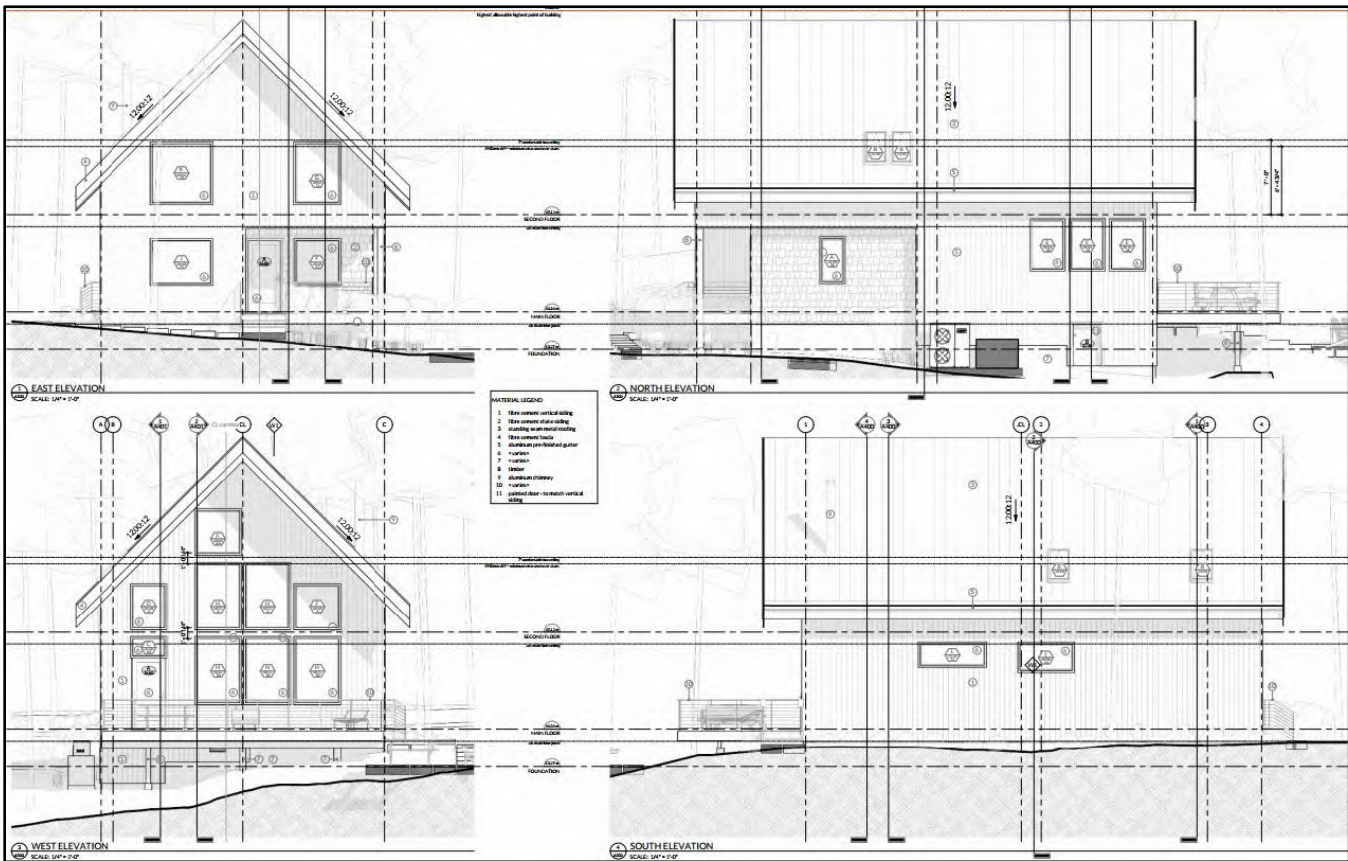
Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy
Species at Risk	None
Sensitive Ecosystems	Freshwater  2026-01-15, 4:07:31 p.m. Property Boundaries Civic Address Primary Class (SEM 2017) Freshwater Primary Class (Galiano, Mayne, North Pender) Freshwater Scale: 0 0.01 0.02 0.04 km Source: Esri, Vector, Contributor (Geopoint), and the GIS User Community
Hazard Areas	None
Archaeological Sites	The subject property does not have any known archaeological sites, nor is within any of the 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.
Climate Change Adaptation and Mitigation	No anticipated impacts associated with the proposed development.
Shoreline Classification	N/A
Shoreline Data in TAPIS	N/A

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 FLOOR PLANS



2.2 ELEVATION PLANS



Islands Trust



2.4 PHOTOGRAPHS



PROPOSED BUILDING SITE (TWO TREES ON LEFT POTENTIALLY REMOVED), LOOKING WEST





SPEA BOUNDARY, LOOKING WEST



SPEA AND PROPERTY BOUNDARY, LOOKING NORTH



SPEA AND PROPERTY BOUNDARY, LOOKING NORTH



SPEA, LOOKING EAST

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT
PLDP20250483**

To: John and Patricia Windas
c/o Andrew MacLean

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

LOT 136, SECTION 8, PENDER ISLAND, COWICHAN DISTRICT, PLAN 17181
PID: 002-098-504

2. This Development Permit PLDP20250483 authorizes the construction new house, float, and ramp within Development Permit Area Ten (DPA 10) – Riparian and Aquatic, subject to the following requirements and conditions:

General

- a. The siting and dimensions of the float and ramp shall be substantially consistent with Schedule ‘A’ and Schedule ‘B’, attached to and forming part of this permit.
- b. One (1) unpaved footpath approximately 2m wide, one (1) shore access walkway 1.2 m wide, and one (1) anchor pad are permitted within the SPEA as delineated in Schedule ‘A’, attached to and forming part of this permit.
- c. One float and ramp are permitted lakeside of the Natural Boundary.
- d. No other construction or ground disturbance is permitted in the SPEA.

Protection of Trees and Vegetation

- e. All trees shall be retained and native plant species shall remain undisturbed within the SPEA.
- f. Any standing dead trees (“snags”) shall be left in the SPEA to provide habitat.
- g. Any landscaping and/or restoration in the SPEA shall use native plant and tree species only.
- h. The removal of invasive plant species (i.e. Scotch broom, spurge-laurel Common periwinkle, English Ivy, Himalayan and cutleaf blackberry) in the SPEA and on the subject property as a whole is permitted.
- i. In order to minimize soil disturbance, the removal of invasive plants within the SPEA should be undertaken in a manner that minimizes soil disturbance by cutting above-ground growth and not pulling plants along the stream bank. Above-ground growth should be removed on a continual basis over multiple growing seasons.
- j. Any removal of invasive plants should be replaced immediately by native species of trees and shrubs to encourage soil stability.
- k. Upon completion of construction, any unnecessary pruning of trees and shrubs in the SPEA is to be avoided, particularly those overhanging the water’s edge to maintain maximum shading of aquatic habitat for fish.

Protection of Nesting Birds

- l. Prior to construction activities on site a permanently protected nest survey shall be conducted (eagles, peregrine falcons, gyrfalcons, ospreys, herons, burrowing owls, and pileated woodpeckers) to determine if any additional construction buffers will be required.
- m. Pre-clearing nesting bird surveys shall be conducted prior to any tree or vegetation removal. This includes the removal of fallen trees and previously cut vegetation.
- n. Nesting bird surveys shall be conducted within 1-2 days of the initiation of clearing.



Islands Trust

Construction Management

- o. Prior to commencing land alteration, demolition, or construction, the SPEA Boundary shall be clearly marked. Permit holder shall install permanent signage along SPEA boundary every 20 m (2 signs).
- p. Temporary fencing (such as snow fencing or silt fencing) approved by the Qualified Environmental Professional (QEP) will be installed between the SPEA and the Project, ensuring that the fence installation is outside of the SPEA.
- q. All contractors and construction personnel are to be notified of the DPA locations and the conditions of this development permit by providing copies to all contractors.
- r. Contractors should inspect and clean their equipment to ensure there are no leaks or surface contamination from oils, or fuels, or grease, or contamination of soil and plant material to avoid the spread of invasive species.
- s. Spill response kits (capable of addressing the volume of fuel/oils/chemicals on site) shall be located on site when any heavy machinery is working, and operators are trained in their use
- t. Equipment refueling shall take place at a designated location and >30 m from aquatic ecosystems or isolated from storm drains.
- u. Fuel generators operating within 30 m of the watercourse shall be placed in a spill-proof container capable of addressing 1.5 times the capacity of fuel tank (e.g. plastic bin, rigid tray, kiddie pool or other impermeable containment area). Containment will be kept free of water (from pumping or rainfall).
- v. Store all fuel cans in spill-proof containers (e.g. as above) capable of addressing 1.5 times the capacity of the TOTAL volume of all containers placed in the container.
- w. Any deleterious substances used during the course of the work (oils, fuels, etc.) shall not be stored near the worksite unless secured.
- x. All waste materials shall be stored outside of the riparian area until appropriate disposal. All excess drilling mud, cuttings and other waste materials shall be stored a minimum of 30 m away from the waterbodies on flat ground to prevent sediment and other deleterious substances from entering the stream.
- y. All concrete wash-water from equipment, trucks and/or hand tools shall be directed to a settling area away from runoff paths to the waterbodies. Freshly poured concrete shall be covered when rain is forecasted or runoff needs to be isolated from waterbodies during the curing process
- z. Prior to beginning work ensure a spill response plan is in place. In the event of a spill, the environmental monitor shall be notified immediately. Works are to cease until Emergency Management BC has been notified and the problem has been remedied

Sediment and Erosion Control

- aa. Vegetation clearing and soil disturbance within the DPA shall only take place within the proposed construction footprint.
- bb. Stockpiling of material shall not be located in vegetated areas.
- cc. Construction, restoration and landscaping shall be undertaken during dry weather and not during periods of prolonged wet, windy and rainy weather.
- dd. Construction activities shall be timed so that they avoid significant rainfall events. A significant rainfall event is considered to be anything greater than 25 mm over a 24-hour period as forecasted by Environment Canada.
- ee. Any soils exposed or deposited for a period of greater than two (2) weeks and/or prior to any significant rainfall event shall be covered (e.g. poly, tarps, mulch, seeding, 'rough and loose' treatment).
- ff. Outside the SPEA, on the property as whole and within the aquatic environment, disturbance to the natural systems should be minimized and the retention of standing trees and snags and natural vegetation is encouraged to assist in preventing erosion into the aquatic system, and to encourage water uptake, drainage, and minimize soil saturation around the proposed dwelling.



Islands Trust

- gg. Ensure soil and debris stockpiles are placed away from the SPEA and sediment-laden water cannot flow into the waterbodies
- hh. Install sediment barriers (e.g. sediment fences) around perimeter of the construction area, as demonstrated in Schedule 'C'.
- ii. Soil/gravel piles and heavy construction materials shall be placed away from the roots of trees to be maintained
- jj. Following completion of construction all exposed soils must be stabilized, using plantings, seeding, mulch, and/or compostable erosion mats, as appropriate.

Stormwater Management

- kk. During construction and when construction is completed, storm water drainage and rain water collection from the construction site shall be directed away from the SPEA to the extent practical as determined by the monitoring QEP.

Protection of Aquatic Area (Below High-Water Mark)

- ll. With the exception of footings for the structure, no portion of the structure shall rest on the lakebed or foreshore (SPEA).
- mm. There is to be no dredging or placement of fill below the HWM.

Environmental Monitoring

- nn. Monitoring and guidance is to be conducted by the QEP who shall be a registered professional biologist (R.P. Bio.) to ensure that all construction, construction management and restoration conditions herein have been met to the satisfaction of the R.P. Bio.
- oo. The monitoring QEP(s) shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within one (1) month of the development work being completed.

- 3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
- 4. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
- 5. This permit does not relieve the applicant from complying with the provisions of the North Pender Island Land Use Bylaw unless varied by this Permit.

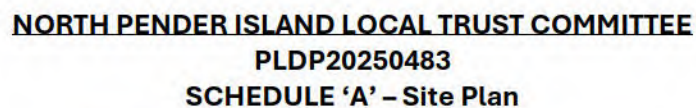
This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 224, 2022 and to obtain other approvals necessary for completion of the proposed development.

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

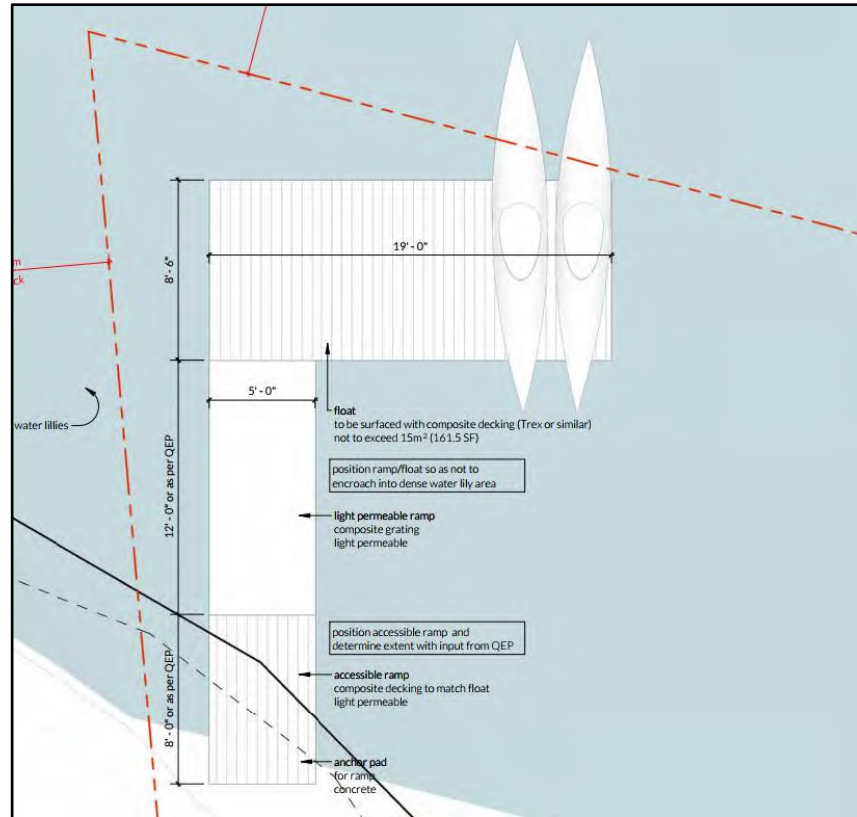
Deputy Secretary, Islands Trust

Date of Issuance

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



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
PLDP20250483
SCHEDULE 'B' – Site Plan Detail



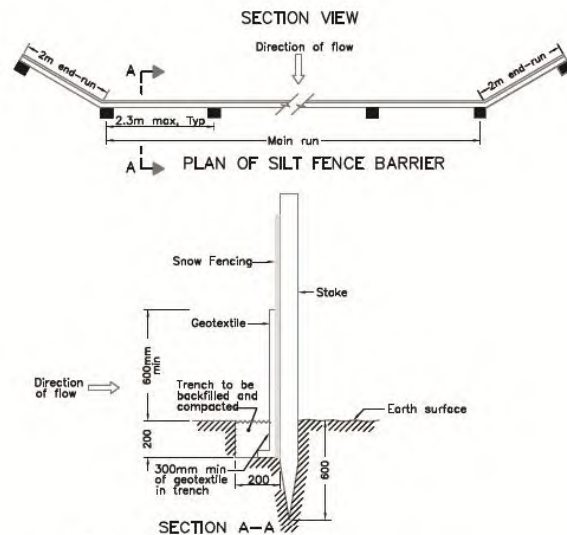
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

PLDP20250483

Schedule “C” – Erosion and Sedimentation Control Measures

EROSION AND SEDIMENTATION

- 1) PRE-STAKED SILT FENCE TO BE INSTALLED AS SHOWN PRIOR TO CONSTRUCTION AS DIRECTED BY THE ENGINEER.
- 2) TOPSOIL STRIPPED FOR REUSE TO BE STOCKPILED AWAY FROM WATER COURSES, DRAINAGE PATHS AND PROPERTY AND SHALL BE COVERED AND / OR SEEDED TO REDUCE EROSION.
- 3) ALL DISTURBED AREAS TO BE RESTORED AND LANDSCAPED AS SOON AS POSSIBLE FOLLOWING CONSTRUCTION.
- 4) ALL EROSION AND SEDIMENT CONTROL MEASURES TO BE INSPECTED AND MAINTAINED ON A REGULAR BASIS THROUGHOUT THE COURSE OF CONSTRUCTION BY THE CONTRACTOR. THE QUALIFIED ENVIRONMENTAL MONITOR (QEM) JOHN GRODS SHALL HALT PROGRESS OF ANY AND ALL WORK AND SHALL DIRECT CONTRACTOR TO REPAIR / ALTER CONSTRUCTION MITIGATION MEASURES IF THEY ARE NOT PERFORMING ADEQUATELY.



NOTE:

All dimensions are in millimetres or metres unless otherwise shown.

SILT FENCE WITH SNOW FENCE DETAIL

NTS

RIPARIAN AREAS PROTECTION REGULATION and ISLANDS TRUST RIPARIAN & AQUATIC DPA 10 REPORT

4715 Buccaneers Road, Pender Island, BC



December 03, 2025

Prepared for:

John & Pat Windas
4715 Buccaneers Road
Pender Island, BC V0N 2M1

Prepared by:

Sara Stallard, BSc, Env. Tech., ASCT (22338)
Lehna Malmkvist, MSc, RPBio. (#1613)
Swell Environmental Consulting Ltd.
480 Beach Drive, Victoria, BC V8S 2M6

Date December 03, 2025

I. Primary QEP Information

First Name	Sara	Middle Name	Stacey
Last Name	Stallard		
Designation	AScT	Company	Swell Environmental Consulting Ltd
Registration #	22338	Email	sara@swell.ca
Address	1149 Mason Street		
City	Victoria	Postal/Zip	V8T 1A5
Prov/state	BC	Country	CANADA
		Phone #	250-480-7272

II. Secondary QEP Information (use Form 2 for other QEPs)

First Name	Lehna	Middle Name	Kathleen
Last Name	Malmkvist		
Designation	RPBIO	Company	Swell Environmental Consulting Ltd
Registration #	1613	Email	lehna@swell.ca
Address	480 Beach Drive		
City	Victoria	Postal/Zip	V8S 2M5
Prov/state	BC	Country	Canada
		Phone #	250-217-9190

III. Developer Information

First Name	John & Pat	Middle Name	
Last Name	Windas		
Company			
Phone #		Email	jwindas@hotmail.com
Address	4715 Buccaneers Road		
City	Pender Island	Postal/Zip	V0N 2M1
Prov/state	B.C.	Country	Canada

IV. Development Information

Development Type	Construction – Single Family Residential		
Area of Development	0.0393	Riparian Length (m)	28
Lot Area (ha)	0.149	Nature of Development	Re-Development
Proposed Start Date	Jan 1, 2026	Proposed End Date	Jan 1, 2027

V. Location of Proposed Development

Street Address (or nearest town)	4715 Buccaneers Road		
Local Government	Islands Trust	City	Pender Island
Stream Name	Magic Lake		
Legal Description (PID)	002-098-504	Region	1 – Vancouver Island
Stream/River Type	Lake	DFO Area	South Coast
Watershed Code	925-258000-88400		
Latitude	48	45	51
Longitude	123	17	11

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Section 1. Description of the Development Proposal and Fisheries Resources Values

The subject site is a 0.149-hectare waterfront lot on Magic Lake on North Pender Island, BC (Figures 1-7).

On July 11, 2025, Sara Stallard, ASCT, visited the site to meet with the architect to discuss the Riparian Areas Protection Regulation (RAPR) assessment required by the proposed project and to conduct the RAPR assessment following the detailed assessment method. The site is on the northeastern shore of Magic Lake and is previously developed lot. The previous structure (mobile home) had been removed prior to the assessment date in April 2025. The remaining site consists of mature trees and open grassy areas adjacent to Magic Lake (Photos 1-17).

Watershed Context and Fisheries Resource Values

The subject site is on the northeastern shore of Magic Lake, a modified lake (1960's) previously named Pender Lake (also cited as gazetted name in some reference materials), with unnamed stream inflow and outflow. The outflow emerges on the southwest shore of North Pender Island and is fish impassable from ocean (pers. obs. 2002-2024) (Figure 1). A search of the BC Fisheries Inventory Data Queries (FIDQ) database and Habitat Wizard (March 27, 2025) provided the following fish to be known within Magic/Pender Lake: stocked (1993-2025) Rainbow Trout (*Oncorhynchus mykiss*). No other fish species are listed in these databases; however, the lake likely contains other common native species such as Threespine Sticklebacks and Sculpins. In addition, a large population of invasive Fathead (Rosy Red) Minnows (*Pimephales promelas*) was observed during the July site assessment (Photo 9). Pacific Chorus Frogs (*Pseudacris regilla*) were observed immediately adjacent to the shoreline (Photo 8) and iNaturalist lists the following other aquatic animal species in the lake: Pond Slider (*Trachemys scripta*), Magificent Bryozoan (*Pectinatella magnifica*), and Rough-skinned Newt (*Taricha granulosa*) (not complete list).

The water rights and lakebed ownership for Magic Lake are held by the Capital Regional District (CRD). The outlet of Magic Lake consists of a spillway with a crest elevation (full pool) at 2.45 m (local staff gauge) which is equal to 67.42 m (geodetic). During winter season, the spillway will be in operation and the water elevation can temporarily exceed the crest elevation of 67.42 m, depending on the magnitude of storm and amount of inflow to the reservoir (Joseph Marr, P.Eng, Infrastructure Engineering, CRD, pers. communication July 3, 2025).

While the current lake extent and characteristics are referred to as manmade, under the BC *Water Sustainability Act* (WSA) the lake would be interpreted as a modified node in an existing watercourse (likely was a slough/wetland with existing stream inflow and outflow) and a Section 11 application would be required for any Changes In and About a Stream (Kevin Telfer, R.P.Bio, RFP, Habitat Officer, Ministry of Water, Land, and Resource Stewardship, pers. communication October 28, 2025).

Site Assessment

The RAPR assessment reviewed the subject property with a focus on the Riparian Assessment Area (RAA) (30 m from the Top of Bank) and the proposed development area (proposed area for future building, driveway, patio, and sewer holding tank). Additional development of a float, ramp and water access is proposed at the shoreline (Figures 4-7).

The property is a partially forested lot, with an existing driveway, disturbed area from former mobile home and decks, mowed paths to a mowed and sandy seating area by the lake and a short,

stacked rock retaining wall (<0.2-0.5 m high) and attachment for a historic dock (which has been removed)(Figures 3-7 and Photos 1-17).

The vegetation in the RAA and (Streamside Protection and Development Area (SPEA) consists of:

- Upland – in the RAA and SPEA sparse mature and juvenile Douglas-fir (*Pseudotsuga menziesii*), with a very open understory dominated by agricultural grasses and little to no shrub layer.
- Shoreline and Lake – in the SPEA patches of salal (*Gautheria shallon*), trailing blackberry (*Rubus ursinus*), coastal strawberry (*Fragaria chiloensis*), horsetail (*Equisetum sp.*), and upland sedges (*Carex sp.*), with semi-aquatic/emergent species near or in the water such as common rush (*Juncus effusus*), jointed rush (*Juncus articulatus*), small-flowered bulrush (*Scirpus microcarpus*), American brooklime (*Veronica beccabunga* var. *americana*), water-plantain (*Alisma plantago-aquatica*), pond-lily (*Nuphar sp.*)(both native and non-native species are found in Magic Lake), Canadian waterweed (*Elodea canadensis*), common spike rush (*Eleocharis palustris*), and other rushes (*Juncus sp.*).
- Invasive species – in the SPEA much of the vegetation is agricultural grasses with extensive reed canary grass (*Phalaris arundinacea*), Himalayan blackberry (*Rubus armeniacus*), cutleaf/evergreen blackberry (*Rubus laciniatus*), non-native willowherb (*Epilobium sp.*), *tansy ragwort (*Jacobaea vulgaris*), *yellow flag iris (*Iris pseudacorus*), *Canada thistle (*Cirsium arvense*), and daisies (Family Asteraceae).
 - *BC Noxious Weed

The water's edge was thick with emergent and aquatic vegetation and aquatic-dependent insects such as Darners (Family Aeshnidae) and Eight-spotted Skimmers (*Libellula forensis*). Western yellow pond-lily forms a dense patch extending from the south portion of the shoreline (Photos 5, 7, 8, & 10).

Existing uses in the SPEA to be retained:

- Previously mowed path becoming weedy
- Sandy seating area partially becoming weedy
 - These two areas consist mainly of invasive and/or noxious species (reed canary grass, agricultural grasses, tansy ragwort, thistles), with some native species (rushes, sedges) and will be maintained with occasional string trimming.
- Low rock-stacked wall.

Proposed Development

The proposed development outside of the SPEA and partially within the RAA is shown in Figure 4-7 and consists of the following:

- Proposed house
- Driveway (existing) to be upgraded with paving stone strips and permeable parking pad
- Patio (permeable patio stones)
- Sewer holding tank (re-constructing existing) There is a small holding chamber acting as a private lift station pumping up to the sewer at the road. A Registered Onsite Wastewater Practitioner (ROWP) has been engaged for this scope.
- Rainwater management

NOTE: The owner is proposing work within the SPEA and on the lake side of the Stream Boundary which is shown in Figure 4-7 and consists of the following as permitted under **North Pender Island Land Use Bylaw No 224, 2022** Sections 3.3(2)(a) & (b), 5.25(1)(b), 5.25(2), and 5.25(4-9) and **North**

Pender Island Official Community Plan Bylaw No 171, 2007 Sections 5.2.11.5 Development Permit Exemptions (j), (l), (m) and 5.2.11.8 Guidelines (d)(i) through (d)(vii). (For correspondence from Islands Trust, via Andrew Maclean (Architect), Nov 12, 2025 and longer bylaw excerpts, see below.)

- Float and ramp with access – The detailed design has not yet been determined, but the proposed location is shown on Figures 4-7, and will conform to:
 - **Land Use Bylaw No 224** Section 5.25 Water 6 (W6) Zone
 - No Dock/Wharf - Float only [Bylaw Section 5.25 (1)]
 - Float max size in any direction 6 m, max area 15 m² [Bylaw Section 5.25 (7) and (8)]
 - Ramp max length 6 m [Bylaw Section 5.25 (9)]
 - **Land Use Bylaw No 224** Section 3.3 Siting and Setback Regulations
 - Walkways, stairs, or a ramp to access the foreshore with a width <1.2 m and length <3 m [Bylaw Section 3.3 (2)(a)]
 - Anchor pads or abutments <1.5 m in width [Bylaw Section 3.3 (2)(b)]
 - **OCP Bylaw No 171, 2007** Section 5.2.11.5 Development Permit Exemptions
 - work that is authorized by Fisheries and Oceans Canada by permit under section 35 of the *Fisheries Act*; [Bylaw Section 5.2.11.5 (l)]
 - changes in or about a stream authorized under Section 9 of the *Water Act* [Section 11 of the *Water Sustainability Act*] [Bylaw Section 5.2.11.5 (m)]
- Maintenance of an existing landscaped area (including mowing) See Figures 4-5:
 - **OCP Bylaw No 171, 2007** Sections 5.2.11.5 (j)

The float and ramp will require (in the SPEA and/or on lakeside of Stream Boundary):

- Path to the float and ramp access (within the SPEA). The path will be an informal mown footpath through previously mown agricultural grasses, approximately 2 m wide (no native shrubs (e.g. salal) to be removed for the footpath)
- Access to the shore (Walkway, stairs, or a ramp 1.2 m X 3 m) (within SPEA)
- Anchor pads or abutment <1.5 m in width (within SPEA)
- Float and ramp (on lakeside of Stream Boundary)
- Proposed float and ramp alignment of approximately 23.5 m² will be within emergent lake vegetation (outside the SPEA on the lakeside of the Stream Boundary) which provides habitat for aquatic wildlife species (fish, amphibians, reptiles, invertebrates), particularly the large pond-lily patch at the south portion of the shoreline (unconfirmed native or non-native) in reference to **North Pender Island OCP Bylaw No 171, 2007** Sections 5.2.11.8 Guidelines (d)(i) through (d)(vii) & (e).
- Permits required for the float and ramp are:
 - Islands Trust Development Permit Application in DPA10 Riparian and Aquatic Development.
 - CRD permission letter for float/ramp design and as the lakebed landowner of Magic Lake. The lakebed does not fall into the category for BC Crown Lands.
 - BC *Water Sustainability Act* (WSA) Section 11 Application - provincial permit for work in and around water bodies, (which will require the permission letter from CRD)
 - Department of Fisheries and Oceans (DFO) Project Review

I, Sara Stallard, AScT and Lehna Malmkvist, RPBio, hereby certify that:

- a)** I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
- b)** I am qualified to carry out this part of the assessment of the development proposal made by the developers John and Pat Windas
- c)** I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- d)** In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

~~~~~  
**From architect Andrew MacLean via email November 12, 2025:**

“Islands Trust has told client verbally (Brad Smith, Islands Trust’s Pender Islands Local Planner) and in writing (Bruce Belcher (Islands Trust Planner) that:

A maximum of one float is permitted per abutting upland residential lot. Walkways, stairs or a ramp accessory to a permitted private dock in the Water 6 Zones and stairs to access the foreshore with a width less than 1.2 metres and a length less than 3 metres are exempt from the 7.6 metre setback from the natural boundary of a lake, wetland, or stream.”

**From Islands Trust – North Pender website:**

**North Pender Island Bylaws excerpts for convenience only, see full Bylaws for conformance.** [Blue text](#) indicates information of spheric interest:

**North Pender Island Land Use Bylaw No 224, 2022 (Consolidated: March 11, 2024)**

**PART 3 GENERAL REGULATIONS**

**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

**PART 5 ZONE REGULATIONS**

**5.25 Water 6 (W6) Zone**

**Permitted Uses**

(1) The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:

- (a) Community water supply facilities, including reservoirs, treatment plants, pumping stations, intake structures, water and sewer lines;
- (b) [Private floats and ramps accessory to the residential use of an abutting upland lot;](#)
- (c) 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.](#)

(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).

**North Pender Island Official Community Plan Bylaw No 171, 2007 (Consolidated: December 14, 2023)**

**5.2.11 DEVELOPMENT PERMIT AREA TEN – RIPARIAN AND AQUATIC DEVELOPMENT PERMIT AREA BL 184**

**5.2.11.5 Development Permit Exemptions**

The following activities are exempt from any requirement for a development permit:

[(a) through (g)]

- 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*;

**5.2.11.8 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) through c)]

- 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.

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Section 2. Results of Riparian Assessment (SPEA width)

2.1 Results of Detailed Riparian Assessment

Date: July 11, 2025

Description of Water bodies involved (number, type)	Lake
Stream	
Wetland	
Lake	X
Ditch	
Number of reaches	1
Reach #	1

Channel width and slope and Channel Type (use only if water body is a stream or a ditch, and only provide widths if a ditch)

Channel Width(m)	Gradient (%)	
Starting point upstream		I, <u>Sara Stallard, ASCT and Lehna Malmkvist, RPBio</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developers <u>John and Pat Windas</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.
downstream		
Total: minus high /low mean		
R/P	C/P	S/P
Channel Type		

Site Potential Vegetation Type (SPVT)

	Yes	No	
SPVT Polygons		X	Tick yes only if multiple polygons, if No then fill in one set of SPVT data boxes I, <u>Sara Stallard, ASCT and Lehna Malmkvist, RPBio</u> , hereby certify that: a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ; b) I am qualified to carry out this part of the assessment of the development proposal made by the developers <u>John and Pat Windas</u> ; c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Polygon No:	n/a			Method employed if other than TR
	LC	SH	TR	
SPVT Type			X	

Zones of Sensitivity (ZOS) and resultant SPEA

Segment No:	1	If two sides of a stream involved, each side is a separate segment. For all water bodies multiple segments occur where there are multiple SPVT polygons					
LWD, Bank and Channel Stability ZOS (m)	15						
Litter fall and insect drop ZOS (m)	15						
Shade ZOS (m) max	30	South bank	Yes	X	No		
Ditch	Justification description for classifying as a ditch (manmade, no significant headwaters or springs, seasonal flow)						
Ditch Fish Bearing	Yes		No		If non-fish bearing insert no fish bearing status report		
SPEA maximum	15	(For ditch use table 3-7)					

I, Sara Stallard, AScT and Lehna Malmkvist, RPBio, hereby certify that:

- a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the *Riparian Areas Protection Act*;
- b) I am qualified to carry out this part of the assessment of the development proposal made by the developers John and Pat Windas;
- c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and
- d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.

Comments

Magic Lake SPEA = 15 m
 Shade ZOS = 30 m due south and does not extend past the 15 SPEA.

Section 3. Figures and Site Plans

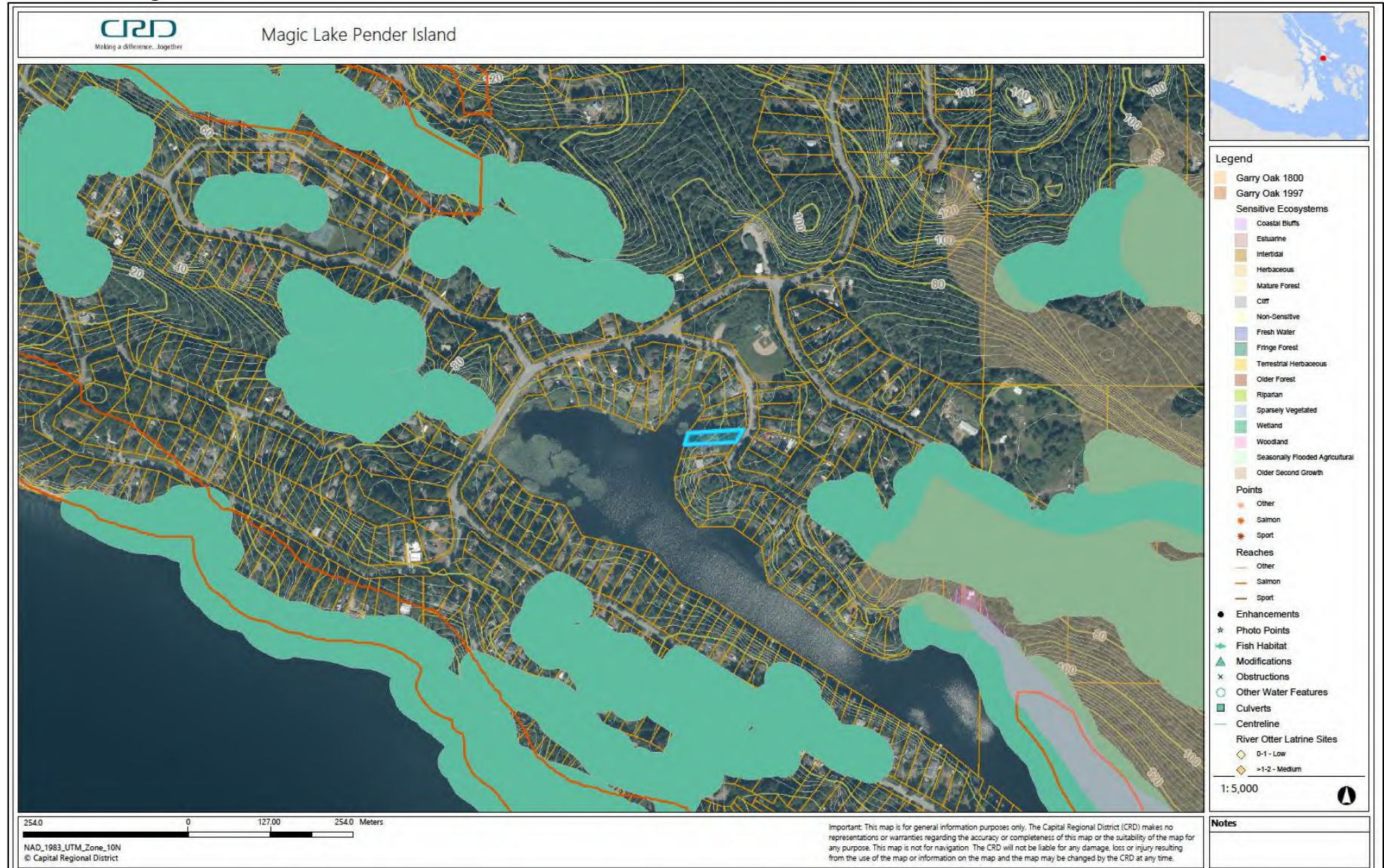


Figure 1. Project location (blue polygon) on Magic Lake, North Pender Island. Aerial photo courtesy of CRD Web Map.



Figure 2. 4715 Buccaneers Road (blue polygon) on Magic Lake, North Pender Island. Aerial photo courtesy of CRD Web Map.

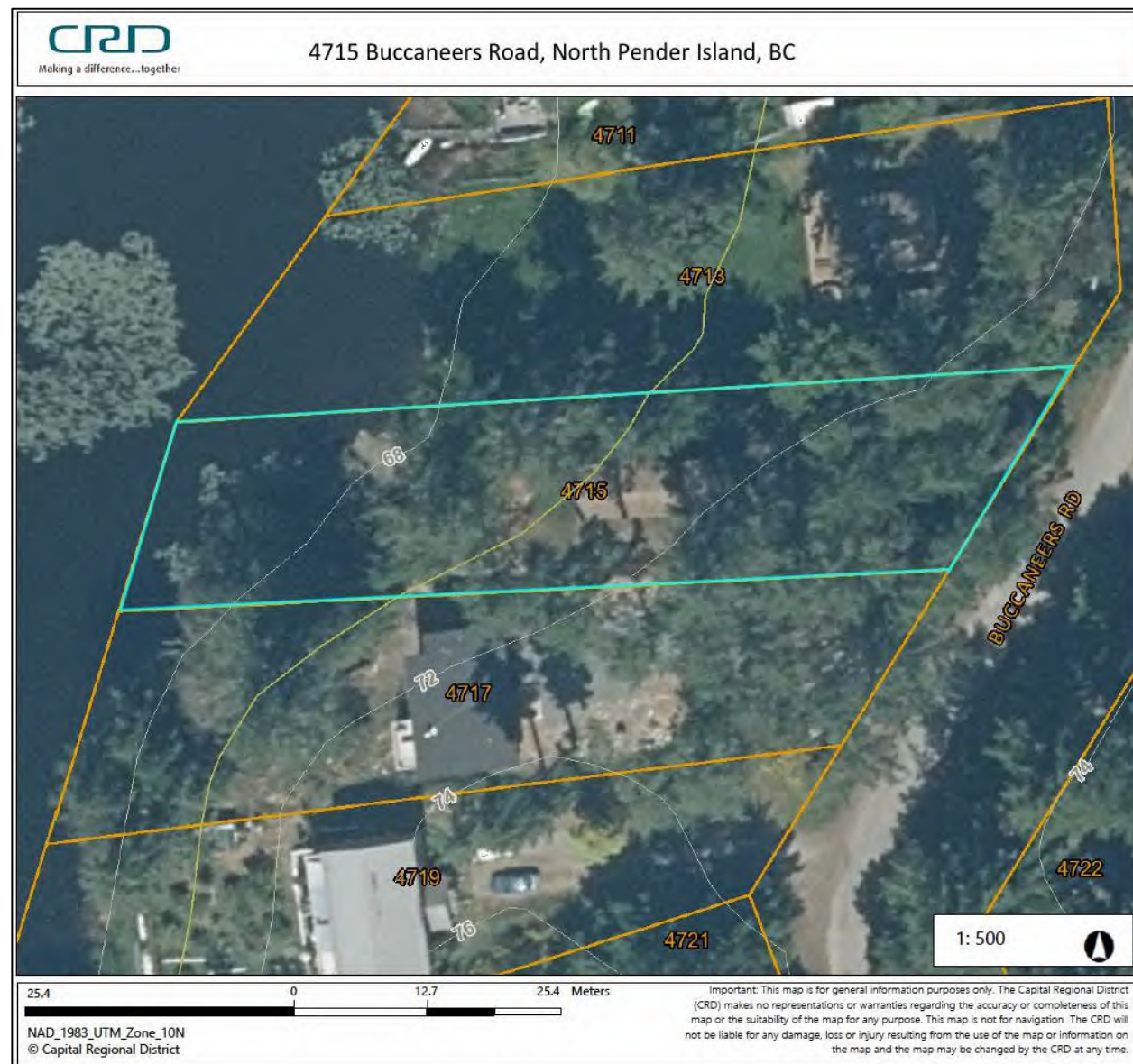


Figure 3. 4715 Buccaneers Road (blue polygon) on Magic Lake, North Pender Island. Contours indicate the relative relationship of the shoreline to the CRD-measured spillway crest of 67.42 m (geodetic). Aerial photo courtesy of CRD Web Map.

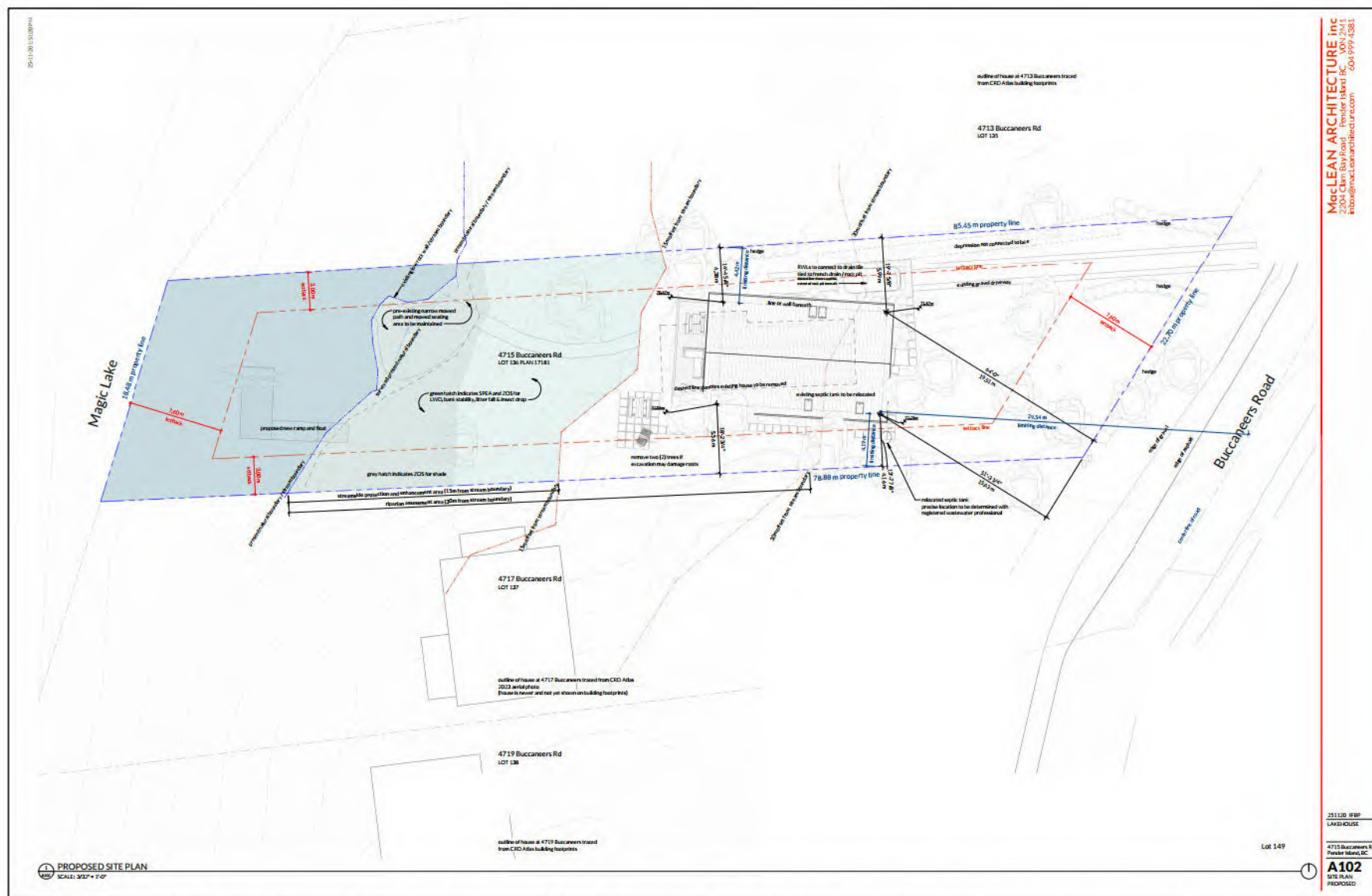


Figure 4. RAA, SPEA and Proposed Development at 4715 Buccaneers Rd, North Pender Island. *Drawing courtesy of MacLEAN ARCHITECTURE inc.*

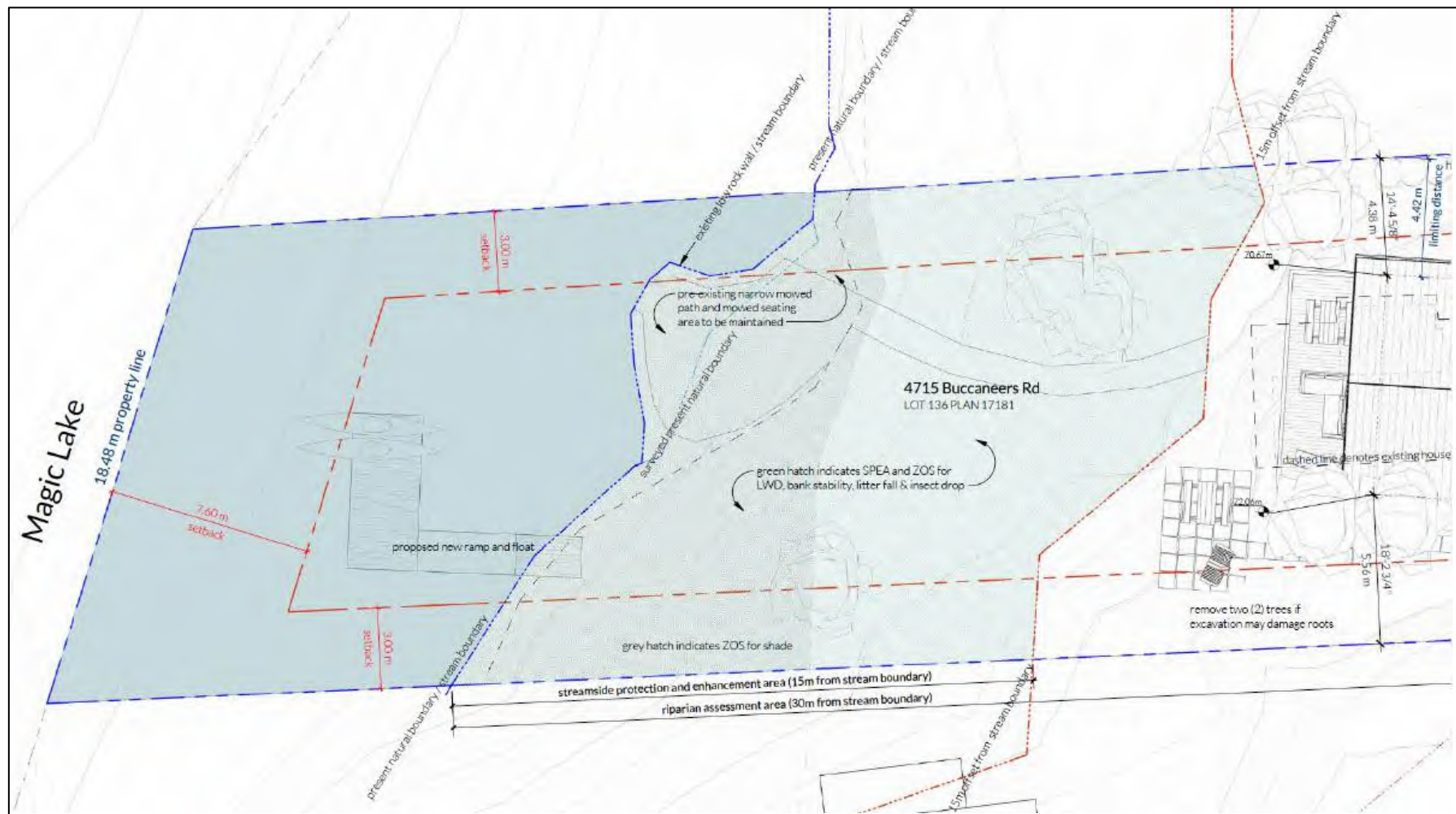


Figure 5. Detail of RAA, SPEA and Proposed Development at 4715 Buccaneers Rd, North Pender Island. *Drawing courtesy of MacLEAN ARCHITECTURE inc.*

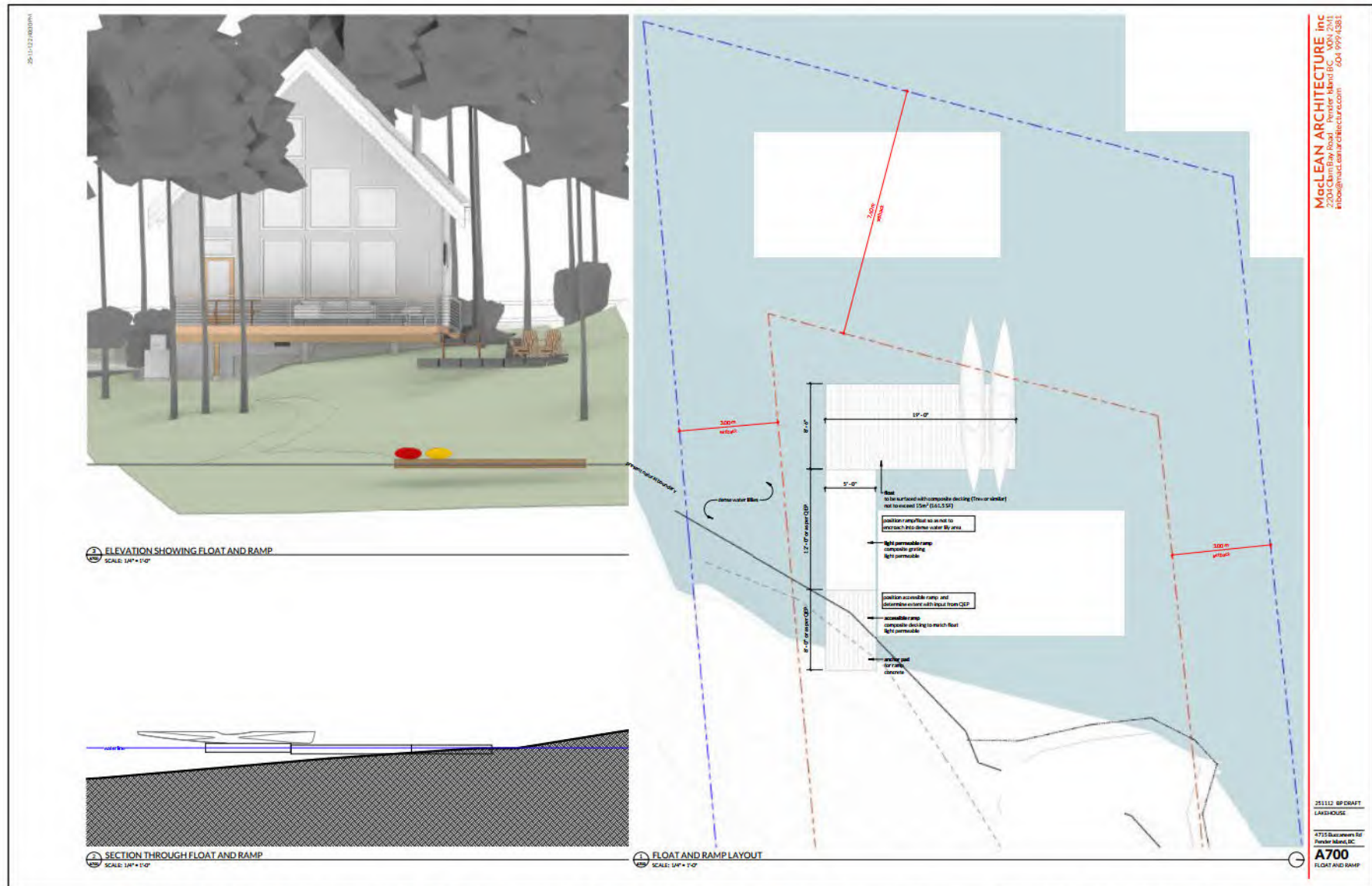


Figure 6. Float and ramp at 4715 Buccaneers Rd, North Pender Island. Drawing courtesy of MacLEAN ARCHITECTURE inc.

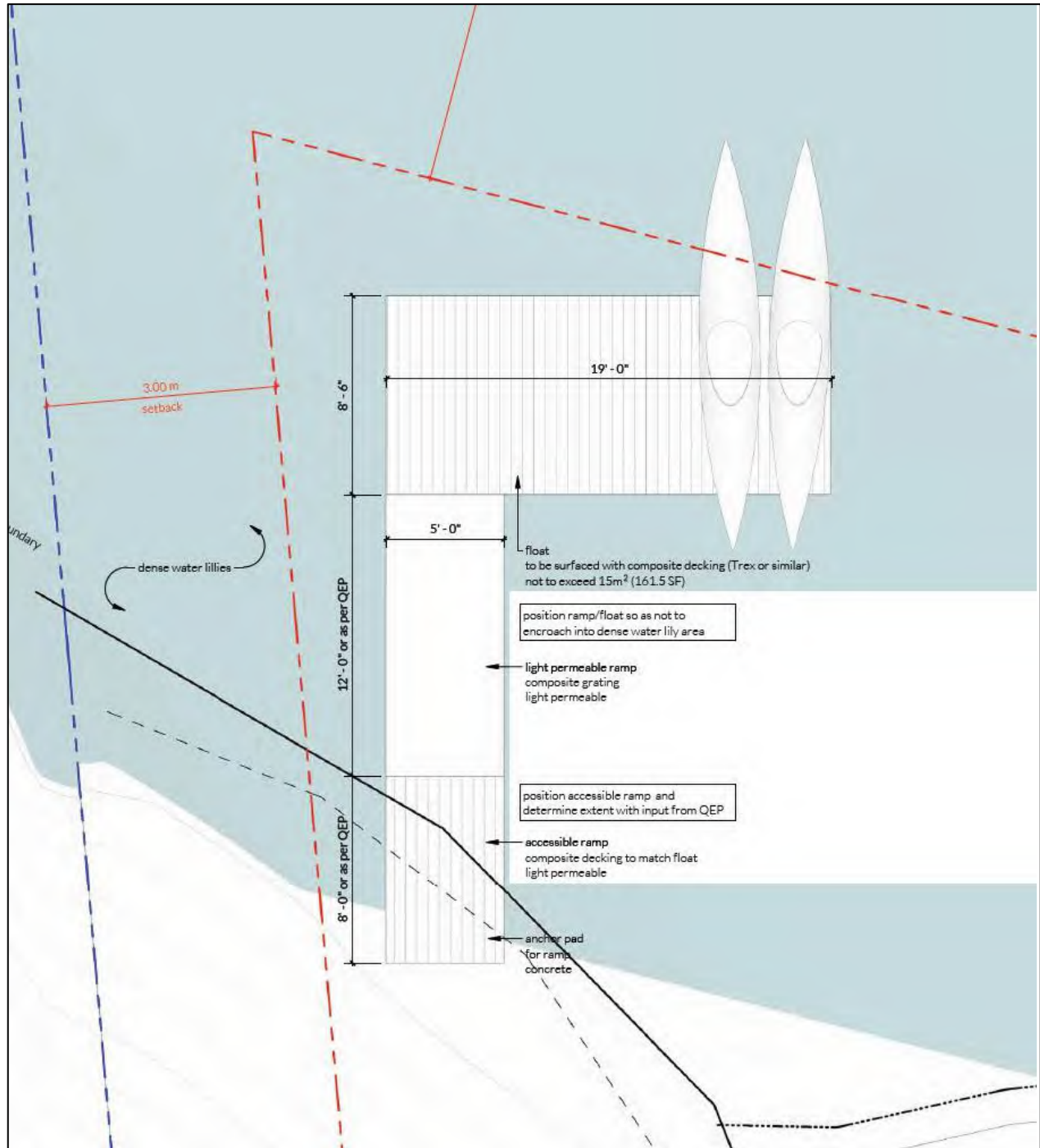


Figure 7. Detail of float and ramp at 4715 Buccaneers Rd, North Pender Island. Drawing courtesy of MacLEAN ARCHITECTURE inc.

Section 4. Measures to Protect the SPEA

4.1 Danger Trees

The proposed development is occurring away from any SPEA trees and no tree clearing or root disturbance to SPEA trees is expected.

4.2 Windthrow

The property has been historically developed and most tree removal for building occurred previously (eg 1960s). Only two mature Douglas-fir trees are proposed to be removed approximately 20-25 m from the lake High Water Mark (approximately 5-10 m from the SPEA), therefore there is no expected increase to the risk of windfall to trees located in the SPEA.

4.3 Slope Stability

The project site is a gently sloped area and there are no field indicators that would suggest slope stability concerns (as per RAPR Technical Assessment Manual Table 3.8). Therefore, a geotechnical assessment was not conducted for the RAPR.

4.4 Protection of Trees

The development is occurring away from any SPEA trees and no tree clearing or root disturbance to SPEA trees is expected.

To ensure no accidental encroachment and to protect trees during construction, temporary fencing (such as snow fencing or silt fencing) approved by the Qualified Environmental Professional (QEP) will be installed between the SPEA and the Project, ensuring that the fence installation is outside of the SPEA.

Tree Protection Fencing (TPF) will be installed for trees outside of the SPEA and within the 30 m Development Permit 10 area to be retained and signage will be visible on fencing for public and constructive view. All of the TPF must be erected and installed in the proper locations (see additional Tree BMPs in Section 4.6 Erosion and Sediment Control). Each tree protection zone must be kept clear of all construction materials and/or equipment.

4.5 Encroachment

The main proposed development is 1 m outside the SPEA. The proposed development in the RAA is shown on Figures 4-7, and consists of the following:

- Proposed house
- Driveway (existing) to be upgraded with paving stone strips and permeable parking pad
- Patio (patio stone)
- Sewer holding tank (re-constructing existing) There is a small holding chamber acting as a private lift station pumping up to the sewer at the road. A Registered Onsite Wastewater Practitioner (ROWP) has been engaged for this scope.
- Rainwater management

The proposed permitted development within the SPEA and on the lake side of the Stream Boundary (Figure 4-7) is:

- Maintenance of an existing landscaped area (including mowing) (within SPEA)

- Path to the float and ramp access (within the SPEA). The path will be an informal mown footpath through previously mown agricultural grasses, approximately 2 m wide (no native shrubs (e.g. salal) to be removed for the footpath)
- Access to the shore (Walkway, stairs, or a ramp 1.2 m X 3 m) (within SPEA)
- Anchor pads or abutment <1.5 m in width (within SPEA)
- Float and ramp (on lakeside of Stream Boundary)

The float and ramp will require:

- Proposed float and ramp alignment of approximately 23.5 m² will be within emergent lake vegetation (outside the SPEA on the lakeside of the Stream Boundary) which provides habitat for aquatic wildlife species (fish, amphibians, reptiles, invertebrates), particularly the large pond-lily patch at the south portion of the shoreline (unconfirmed native or non-native) in reference to **North Pender Island OCP Bylaw No 171, 2007** Sections 5.2.11.8 Guidelines (d)(i) through (d)(vii) & (e).

To identify the SPEA boundary and protect the SPEA from encroachment the following measures are recommended:

- To ensure no accidental encroachment and to protect trees during construction, temporary fencing (such as snow fencing or silt fencing) approved by the Qualified Environmental Professional (QEP) will be installed between the SPEA and the Project, ensuring that the fence installation is outside of the SPEA.
- Homeowners will install permanent signage along SPEA boundary every 20 m (2 signs).
- No landscaping with non-native plant species will occur within the SPEA.
- Invasive species management in the SPEA is allowed provided all care is made to prevent sediment migration into the lake.

The following current uses (areas of human disturbance) in the SPEA will be retained:

- Previously mowed path becoming weedy
- Sandy seating area partially becoming weedy
 - These two areas consist mainly of invasive and/or noxious species (reed canary grass, agricultural grasses, tansy ragwort, thistles) and will be maintained with occasional string trimming.
- Low rock-stacked wall and sandy area for ramp/float connection

Construction best management practices as described in the Erosion & Sediment Control section must be implemented to prevent encroachment into the SPEA and to protect aquatic and riparian ecosystems.

4.6 Erosion & Sediment Control

The contractor must implement Erosion and Sediment Control and Pollution Prevention Measures to ensure that the no sediment-laden water or pollutants enter the waterbodies.

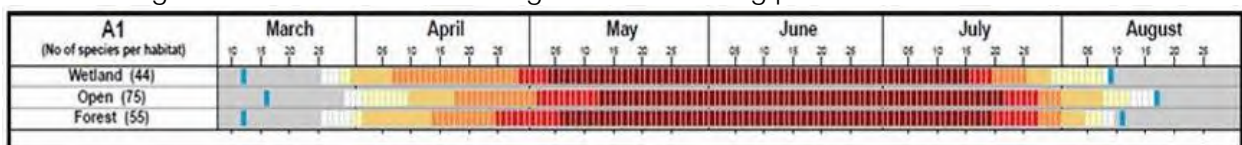
Protecting ecological features

- Locations of SPEA, no-go zones, retained trees and vegetation, and sensitive areas are flagged and communicated to all personnel, including sub-contractors and trades.
- Temporary fencing (e.g. orange snow fencing) will be installed along the SPEA boundary (or further away, combined with the tree protection fencing) adjacent to the proposed development

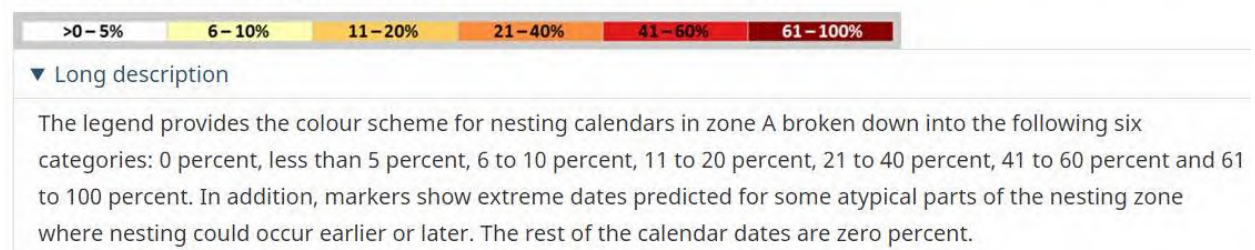
- Avoid placing soil/gravel piles and heavy construction materials around roots of trees to be retained, or otherwise cutting into root zones or compacting soils by driving and parking vehicles on root zones. Protective tree fencing is recommended for delineating protected areas.

Pre-clearing nest surveys

- Prior to any construction activities on the site, a permanently protected nest survey must be conducted (eagles, peregrine falcons, gyrfalcons, ospreys, herons, burrowing owls, and pileated woodpeckers) to determine if there are any construction buffers required.
- Pre-clearing nesting bird surveys should be conducted if tree or vegetation removal will occur during breeding season – February 1 to August 15. This includes the removal of fallen trees and previously cut vegetation (ie branch piles, etc) as these can contain nesting birds. The nesting bird survey should be conducted within 1-2 days of the initiation of clearing, depending on the timing during the nesting season. Some species, such as Anna’s Hummingbird, Red Crossbill, Great Horned Owl) that nest during the “off” season, therefore a nest survey is recommended for any clearing between February 1 and August 15.
- Nesting birds and their nests are protected by both the federal *Migratory Bird Convention Act* and Section 34 of the BC *Wildlife Act*, care must be taken to avoid destruction of nests when clearing and/or developing any property.
- Section 34 of the BC *Wildlife Act* protects birds and their eggs from possession, molestation or destruction. The nests of eagles, peregrine falcons, gyrfalcons, ospreys, herons, burrowing owls, and pileated woodpeckers are protected at all times of the year. The nests of all other species are protected when the birds or their eggs are in the nest.
 - A permanently protected nest survey will be conducted to identify the presence of nests from these species within or adjacent to the construction footprint.
 - If a permanently protected nest is within the construction footprint, a Wildlife Permit is required to remove or relocate the nest.
 - If a permanently protected nest is adjacent to the construction footprint, the bird biologist will provide recommendations for buffers and protection during construction, as described with the Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia (2013):
 - https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/raptor_conservation_guidelines_2013.pdf
- The following chart identifies the lowest/highest risk breeding periods for this location:



Legend for calendars: Number of species in percentage (Blue markers show extreme dates predicted for some atypical parts of the nesting zone where nesting could be earlier or later).



https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/general-nesting-periods/nesting-periods.html#_zoneA_calendar

- When work must be conducted within the breeding window, the following document provides information on steps that can be taken to reduce the risk of disturbing a bird nest.
<https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html>
- Ideally, vegetation removal should be done outside of the breeding season, but the property owners should be aware that there are some birds (Anna's Hummingbird, Red Crossbill, Great Horned Owl) that nest during the "off" season, so care should be taken at all times.
- In addition to the actual detection of a nest during vegetation removal, the crew should also watch for signs of high agitation by birds, indicating a nest or young are in the immediate area. If during tree and vegetation removal a nest is discovered:
 - halt all disruptive activities in the nesting area
 - move away as quickly and quietly as possible
 - avoid disturbing the surrounding vegetation, and avoid making a trail to and from the nest
 - protect the nest with a buffer zone
 - avoid the immediate area until the young have naturally left the vicinity of the nest
- If a nest with young has been exposed to the elements or predation by removal of surrounding vegetation, the nest with young should immediately be taken to the nearest Wildlife Rehabilitation Centre. For this site, that would be the BC SPCA WildARC at 1020 Malloch Rd. in Metchosin.

Erosion & Sediment Control

- Minimize site clearing and soil disturbance by retaining as much vegetation as possible
 - only clear the construction footprint, not beyond
 - do not use vegetated areas for stockpiling materials, etc.
 - stage clearing activities so that there are not large areas of exposed soils left open with no active construction
- Where possible, conduct works during dry weather. If activities or works occur during periods of heavy or persistent precipitation, these must be halted if sedimentation from them poses a significant risk of harm to the lake.
- Do not direct water runoff from the site or dewatering from excavations directly into waterbodies. If dewatering of excavations is required, the Environmental Monitor must be consulted to determine where runoff can be directed or if sediment settling facilities (tanks, berms) are required.
- Cover exposed soils, if needed (e.g. poly, tarps, mulch, seeding, 'rough and loose' treatment)
- Install sediment barriers (e.g. sediment fences) around perimeter for the construction area
- Ensure soil and debris stockpiles are placed away from the SPEA and sediment-laden water cannot flow into the waterbodies.
- Following completion of construction all exposed soils must be stabilized, using plantings, seeding, mulch, and/or compostable erosion mats, as appropriate.
- Contact Environmental Monitors immediately with any concerns.

Spill Prevention and Response

- Equipment must be checked for leaks or surface contamination from oils, or fuels, or grease, and from contamination of soil and plant material to avoid the spread of invasive species
- Spill response kits (capable of addressing the volume of fuel/oils/chemicals on site) are on site when any heavy machinery is working, and operators are trained in their use.

- Equipment refueling is at a designated location and >30 m from aquatic ecosystems or isolated from stormdrains.
- Fuel generators (such as for pumps, etc) operating within 30 m of the watercourse must be placed in a spill-proof container capable of addressing 1.5 times the capacity of fuel tank (e.g. plastic bin, rigid tray, kiddie pool or other impermeable containment area). Containment will be kept free of water (from pumping or rainfall).
- Store all fuel cans in spill-proof containers (e.g. as above) capable of addressing 1.5 times the capacity of the TOTAL volume of all containers placed in the container.
- Any deleterious substances used during the course of the work (oils, fuels, etc.) may not be stored near the worksite unless secured.
- All waste materials must be stored outside of the riparian area until appropriate disposal. All excess drilling mud, cuttings and other waste materials must be stored a minimum of 30 m away from the waterbodies on flat ground to prevent sediment and other deleterious substances from entering the stream.
- Concrete wash-water and wet concrete is highly alkaline and toxic to fish and other aquatic organisms. All concrete wash-water from equipment, trucks and/or hand tools needs to be directed to a settling area away from runoff paths to the waterbodies. Freshly poured concrete needs to be covered when rain is forecasted or runoff needs to be isolated from waterbodies during the curing process.
- Prior to beginning work ensure a spill response plan is in place. In the event of a spill, the environmental monitor must be notified immediately. Works are to cease until Emergency Management BC has been notified and the problem has been remedied.
- In case of spills, the following general steps are recommended:
 1. Stop source of spill/prevent further spillage (turn off valves, right overturned containers)
 2. Block spill from reaching aquatic environment or pathways to waterbodies
 3. Block spill from spreading
 4. Call Environmental Monitors
 5. Clean up spilled materials

4.7 Stormwater Management

The stormwater management will be outside the SPEA and will consist of rainwater leaders connected to drain tile tied to French drains / rock pit beneath parking pad (shown in Figure 4).

4.8 Floodplain Concerns

The proposed development is well above the potential floodplain for the lake. See Figure 3 contours (lowest 68 m) for the relative position of the Magic Lake dam spillway crest height 67.42 m (geodetic). During winter season, the spillway will be in operation and the water elevation can temporarily exceed the crest elevation of 67.42 m, depending on the magnitude of storm and amount of inflow to the reservoir (Joseph Marr, P.Eng, Infrastructure Engineering, CRD, pers. communication July 3, 2025).

1. Danger Trees	
I, Sara Stallard, ASCT and Lehna Malmkvist, RPBio, hereby certify that:	
a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;	
b) I am qualified to carry out this part of the assessment of the development proposal made by the developers <u>John and Pat Windas</u> ;	
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and	
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.	
2. Windthrow	
I, Sara Stallard, ASCT and Lehna Malmkvist, RPBio, hereby certify that:	
a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;	
b) I am qualified to carry out this part of the assessment of the development proposal made by the developers <u>John and Pat Windas</u> ;	
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and	
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.	
3. Slope Stability	
I, Sara Stallard, ASCT and Lehna Malmkvist, RPBio, hereby certify that:	
a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;	
b) I am qualified to carry out this part of the assessment of the development proposal made by the developers <u>John and Pat Windas</u> ;	
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and	
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.	
4. Protection of Trees	
I, Sara Stallard, ASCT and Lehna Malmkvist, RPBio, hereby certify that:	
a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;	
b) I am qualified to carry out this part of the assessment of the development proposal made by the developers <u>John and Pat Windas</u> ;	
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and	
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.	
5. Encroachment	
I, Sara Stallard, ASCT and Lehna Malmkvist, RPBio, hereby certify that:	
a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;	
b) I am qualified to carry out this part of the assessment of the development proposal made by the developers <u>John and Pat Windas</u> ;	
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and	
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.	
6. Erosion and Sediment Control	
I, Sara Stallard, ASCT and Lehna Malmkvist, RPBio, hereby certify that:	
a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;	
b) I am qualified to carry out this part of the assessment of the development proposal made by the developers <u>John and Pat Windas</u> ;	
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and	
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.	
7. Stormwater Management	
I, Sara Stallard, ASCT and Lehna Malmkvist, RPBio, hereby certify that:	
a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;	
b) I am qualified to carry out this part of the assessment of the development proposal made by the developers <u>John and Pat Windas</u> ;	
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and	
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.	
8. Floodplain Concerns (highly mobile channel)	
I, Sara Stallard, ASCT and Lehna Malmkvist, RPBio, hereby certify that:	
a) I am a qualified environmental professional, as defined in the Riparian Areas Protection Regulation made under the <i>Riparian Areas Protection Act</i> ;	
b) I am qualified to carry out this part of the assessment of the development proposal made by the developers <u>John and Pat Windas</u> ;	
c) I have carried out an assessment of the development proposal and my assessment is set out in this Assessment Report; and	
d) In carrying out my assessment of the development proposal, I have followed the assessment methods set out in the Schedule to the Riparian Areas Protection Regulation.	

Section 5. Environmental Monitoring

The owner has been informed of the obligation to protect the Streamside Protection and Enhancement Area (SPEA) and has agreed to retain a QEP to provide environmental monitoring during construction.

At a minimum, environmental monitoring should include:

- A pre-construction meeting on-site with the QEP and the contractor.
- Key construction activities and based on weather conditions to ensure all development activities remain outside of the SPEA and E&SC protective structures are in good working order, if needed.
 - After environmental protection measures are installed (e.g. site flagging, and sediment fencing)
 - Installation of the float, ramp, access structure and path in the SPEA
 - During excavation
 - Heavy rainfall events (e.g. >15 mm) until such time that the QEP is satisfied that the erosion & sediment control and other protective structures are containing heavy rainfall as designed and no sediment laden runoff is leaving the site
 - During installation of the plantings
 - Emergencies (e.g. spills).
- A post-development visit to inspect works for the conformance statement and post-development report.

Monitoring will be a combination of site visits and photos provided by the owner or contractor, as determined by the QEP.

Photo-point monitoring and site visit checklists should be used for clarity of post-development reporting.

The owner must notify the QEP a minimum of 2 weeks prior to the project start up to arrange for the pre-construction meeting.

The owner has been informed of the obligation of a QEP to submit a conformance statement and post-development report to the RAPR Notification System and have agreed to obtain the services of a QEP to complete this task. A post development report will include a field inspection of the development site and SPEA to ensure that the measures in the RAPR report and in Environmental Monitoring plans have been implemented and that no damage has occurred or is expected to occur to the integrity of the SPEA. Reports generated by the Environmental Monitor during construction will be reviewed and the site will be photo-documented.

If a QEP is not retained to monitor the project, it may not be possible to provide assurance that the work-site procedures were followed appropriately or the work completed to an acceptable standard, or to sign a conformance statement and submit a post-development report.

Section 6. Photos



Photo 1. Existing driveway at 4715 Buccaneers Rd. View west from road toward lake.



Photo 2. Existing driveway & former house pad at 4715 Buccaneers Rd. View east from approx. SPEA.



Photo 3. View southwest of former house location. These two mature Douglas-fir trees on the south property line and outside of the SPEA may need to be removed (pending).



Photo 4. These three mature Douglas-firs are inside the SPEA. The sediment fence in the foreground is roughly just inside of the SPEA boundary. View west to shoreline.



Photo 5. Panoramic lake view west from shoreline wall. Thick emergent vegetation and pond-lily patch at south edge (left).



Photo 6. Panoramic landward view east from shoreline wall. Much of the SPEA is low herbaceous vegetation (mix of native and invasive) that has grown since the property was last maintained. Very few shrubs were observed in SPEA.



Photo 7. Sandy shoreline seating area, slightly overgrown, would be maintained with string trimmer. Float and ramp would be constructed at shoreline edge. View north. Thick pond-lily patch at south edge (left).



Photo 8. Thick emergent vegetation and pond-lily patch at south edge (left) supports aquatic life such as this Pacific Chorus Frog (*Pseudacris regilla*) (inset).



Photo 9. Fathead (Rosy Red) Minnows (*Pimephales promelas*) are an invasive species.



Photo 10. North SPEA edge at waterline thick with emergent vegetation (view north).



Photo 11. The neighbouring lawn is in contrast with reed canary grass growing thickly in the SPEA on the north property edge, with Eight-spotted Skimmers (*Libellula forensis*).



Photo 12. View west from SPEA edge along south side of property, with overgrown agricultural grasses and other invasive species.



Photo 13. View west from SPEA edge along north property line, thick invasive species (incl. reed canary grass).



Photo 14. Typical SPEA looking north from neighbouring property. Proposed development will be to the right.



Photo 15. Existing sandy seating area thick with invasive species including tansy ragwort (BC Noxious list).



Photo 16. Historic property (red arrow) view from the lake (Dockside Realty Listing Brochure).



Photo 17. Former wharf on subject site (2018 Dockside Realty Listing Brochure)

Section 7. Professional Opinion

Assessment Report Professional Opinion on the Development Proposal's riparian area.

Date December 03, 2025

1. I, Sara Stallard, AScT and Lehna Malmkvist, RPBio, hereby certify that:

- a) I am/We are qualified environmental professional(s), as defined in the Riparian Areas Protection Regulation made under the Riparian Areas Protection Act;
- b) I am/We are qualified to carry out the assessment of the proposal made by the developers John and Pat Windas, which proposal is described in section 3 of this Assessment Report (the "development proposal"),
- c) I have/We have carried out an assessment of the development proposal and my/our assessment is set out in this Assessment Report; and
- d) In carrying out my/our assessment of the development proposal, I have/We have followed the specifications of the Riparian Areas Protection Regulation and assessment methodology set out in the minister's manual; AND

2. As qualified environmental professional(s), I/we hereby provide my/our professional opinion that:

- a) N/A the site of the proposed development is subject to undue hardship, (if applicable, indicate N/A otherwise) and
- b) X the proposed development will meet the riparian protection standard if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report.

[NOTE: "Qualified Environmental Professional" means an individual as described in section 21 of the Riparian Areas Protection Regulation.]

Section 8. Statement of Limitations

The assessment was carried out using the provincial Riparian Areas Protection Regulation detailed assessment method.

The use of this report is restricted to the intended purpose of application for development approval, as described within the report.

The measures prescribed in Section 4 assume diligent work practices by the owner and contractors, and implementation of construction best management practices for environmental protection during the site work.

If Swell Environmental Consulting Ltd. is not retained to carry out field reviews and environmental monitoring, Swell may not be able to provide assurance that the work-site procedures were followed appropriately or the work completed to an acceptable standard, or to sign a conformance statement and submit a post-development report.

The report addresses this site and project only and does not address possible existing or future impacts to fish in the subject streams that cannot be addressed by measures on the subject property.

This report should be considered valid for up to five years for the proposed development exactly as described in the report. The report is no longer valid if the proposed development changes. Additional factors that may influence the validity of the report and the recommended measures include, but are not limited to, changes to streamflows and lake levels due to factors such as alteration of land uses in the watershed, shifting weather patterns (e.g. rainfall intensity, frequency, and/or duration), and stormwater infrastructure.

Section 9. Qualified Environmental Professional Qualifications

Date	2025 October 30
Name of Qualified Environmental Professional (QEP)	Sara Stallard
Professional Designation	AScT
Professional Association	Applied Science Technologists & Technicians of BC
Registration #	22338
Training in RAR Assessment Methods	
Organization or Agency delivering training	Malaspina University College
Name of Trainer	Michael Roth
Date of Training Session	March 7-9, 2007
Training in RAPR Assessment Methods	
Organization or Agency delivering training	Vancouver Island University
Name of Trainer	Lora Tryon
Date of Training Session	July 28-31, 2020
Other relevant education, training, or experience (partial list only)	
Riparian Areas Protection Regulation Webinar	BC Ministry of Water, Lands, and Natural Resources (WLRS), 2025
Managing Stormwater for Farms and Rural Properties	Capital Region District, 2023
Fish Habitat Restoration – Instream Techniques	Natural Resource Training Group, 2022
Riparian Areas Protection Regulation Webinar	BC Ministry of Forests, Lands and Natural Resource Operations (FLNRO), 2019
Green Shores Homes Verifier	Stewardship Centre for BC, 2017
Green Shores for Homes 1 & 2	University of Victoria/ Stewardship Centre for BC, 2015/2016
RAR QEP Professional Workshop	FLNRO, 2013
RAR QEP Professional Workshop	FLNRO, 2012
Erosion & Sediment Control	Vancouver Island University, 2012
Stream Hydrology and Habitats	Canadian Rivers Institute/UNB (Robert Newbury), 2011
Canadian Aquatic Biomonitoring Network (CABIN)	Environment Canada/University of New Brunswick, 2010
Environmental Monitoring for Construction Projects	Malaspina University College, 2007
Soil Bioengineering for Restoration	David Polster, 2005
Riparian Assessments Completed or Contributed to	
Dates and Assessment Numbers available upon request. Client Confidentiality prevents report title disclosure.	

Date	2025 October 30
Name of Qualified Environmental Professional (QEP)	Lehna Malmkvist
Professional Designation	RPBio
Professional Association	College of Applied Biology
Registration #	1613
Training in RAPR Assessment Methods	
Organization or Agency delivering training	Vancouver Island University
Name of Trainer	Lora Tryon
Date of Training Session	July 28-31, 2020
Organization or Agency delivering training	Malaspina University College
Name of Trainer	BC Ministry of Environment Staff
Date of Training Session	June 7-9, 2005
Other relevant education, training, or experience	
Riparian Areas Protection Regulation Webinar	BC Ministry of Water, Lands, and Natural Resources (WLRS), 2025
Riparian Areas Protection Regulation Webinar	BC Ministry of Forests, Lands and Natural Resource Operations, 2019
Legislated Riparian Assessments in BC Professional Practice Guidelines (RAPR)	College of Applied Biology, 2018
Green Shores for Homes 1 & 2	University of Victoria, 2017
Principles and Applications in Fluvial Geomorphology for Stream Restoration,	2012
Qualified Environmental Professional Workshop (RAPR)	BC Ministry of Forests, Lands and Natural Resource Operations, 2012
Qualified Environmental Professional Workshop (RAPR)	BC Ministry of Forests, Lands and Natural Resource Operations, 2010
Erosion & Sediment Control	Malaspina University College , 2008
Environmental Monitoring for Construction Projects	Malaspina University College, 2006
Develop with Care and Riparian Areas Protection Regulation Workshop	BC Ministry of Forests, Lands and Natural Resource Operations, 2007
Soil Bioengineering for Restoration	David Polster, 2005
Riparian Assessments Completed or Contributed to	
Dates and Assessment Numbers available upon request. Client Confidentiality prevents report title disclosure.	

Section 10. Riparian Assessment Assurance Statements

Riparian Assessment Assurance Statements – Qualified Environmental Professional

To: Islands Trust, 1627 Fort St, Victoria, BC V8R

With reference to the Riparian Areas Protection Regulation assessment for the property:
4715 Buccaneers Road, North Pender Island, Islands Trust PID: 002-098-504

The undersigned hereby gives assurance that he/she is a Qualified Environmental Professional:

Name of Qualified Environmental Professional: Sara Stacey Stallard

Professional designation: Applied Science Technologists (AScT) #22338

Professional association: Applied Science Technologists & Technicians of BC (ASTTBC)

I have signed and dated, and thereby certified, the attached riparian assessment report on the property in accordance with the Professional Practice Guidelines – Legislated Riparian Assessments and with the assessment methods. That report must be read in conjunction with this statement. In preparing that report I have:

- ☒ 1. Collected and reviewed appropriate background information
- ☒ 2. Reviewed the development proposal on the property
- ☒ 3. Conducted field work on and, if required, beyond the property
- ☒ 4. Reported on the results of the field work on and, if required, beyond the property
- ☒ 5. Incorporated recommendations or assessment results from other specialists
- ☒ 6. Prescribed measures to protect and maintain the integrity of the streamside protection and enhancement area
- ☒ 7. Prescribed measures to avoid the occurrence of a HADD* (HADD – harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes)
- ☒ 8. Reported on the requirements for field reviews or environmental monitoring of the property during or following site works for the proposed development and recommended who should conduct those field reviews or environmental monitoring
- ☒ Reviewed the riparian assessment report with the client and explained the content and the measures required to be implemented.

I hereby confirm that in my professional opinion, based on the conditions contained in the attached riparian assessment report, as required by the Riparian Areas Protection Regulation (Sections 12-21):

☐ N/A the site of the proposed development is subject to undue hardship, (if applicable, indicate N/A otherwise) and

☒ the proposed development will meet the riparian protection standard if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report:

- ☐ with one or more recommended registered covenants
- ☒ without any registered covenant.



Sara Stallard, BSc., AScT (#22338), Envr.Tech.

Date: December 03, 2025



Riparian Assessment Assurance Statements – Qualified Environmental Professional

To: Islands Trust, 1627 Fort St, Victoria, BC V8R 1H8

With reference to the Riparian Areas Protection Regulation assessment for the property:
4715 Buccaneers Road, North Pender Island, Islands Trust PID: 002-098-504

The undersigned hereby gives assurance that he/she is a Qualified Environmental Professional:

Name of Qualified Environmental Professional: Lehna Kathleen Malmkvist

Professional designation: Registered Professional Biologist (RPBio) #1613

Professional association: College of Applied Biology

I have signed and dated, and thereby certified, the attached riparian assessment report on the property in accordance with the Professional Practice Guidelines – Legislated Riparian Assessments and with the assessment methods. That report must be read in conjunction with this statement. In preparing that report I have:

- ☒ 1. Collected and reviewed appropriate background information
- ☒ 2. Reviewed the development proposal on the property
- ☒ 3. Conducted field work on and, if required, beyond the property
- ☒ 4. Reported on the results of the field work on and, if required, beyond the property
- ☒ 5. Incorporated recommendations or assessment results from other specialists
- ☒ 6. Prescribed measures to protect and maintain the integrity of the streamside protection and enhancement area
- ☒ 7. Prescribed measures to avoid the occurrence of a HADD* (HADD – harmful alteration, disruption or destruction of natural features, functions and conditions that support fish life processes)
- ☒ 8. Reported on the requirements for field reviews or environmental monitoring of the property during or following site works for the proposed development and recommended who should conduct those field reviews or environmental monitoring
- ☐ Reviewed the riparian assessment report with the client and explained the content and the measures required to be implemented.

I hereby confirm that in my professional opinion, based on the conditions contained in the attached riparian assessment report, as required by the Riparian Areas Protection Regulation (Sections 12-21):

- ☐ N/A the site of the proposed development is subject to undue hardship, (if applicable, indicate N/A otherwise) and
- ☒ the proposed development will meet the riparian protection standard if the development proceeds as proposed in the report and complies with the measures, if any, recommended in the report:
 - ☐ with one or more recommended registered covenants
 - ☒ without any registered covenant.



Lehna Malmkvist, RPBio #1613

Date: December 03, 2025



Section 11. Owner's Statement of Acceptance of the Riparian Areas Protection Regulation Assessment Report

I, John Windas, owner, have signed this Statement of Acceptance of the Riparian Areas Protection Regulation Assessment Report completed by Swell Environmental Consulting Ltd. for the proposed development at 4715 Buccaneers Road, North Pender Island, Islands Trust PID: 002-098-504 in the Capital Regional District.

I have read the report and:

- accept the results;
- understand and agree to the measures recommended;
- give approval to submit the report to approving authorities, the provincial RAPR Notification System and the Islands Trust
- will inform the QEP if the land use or proposed development changes from that described in the report;
- will have all necessary permits in place prior to starting work;
- **will provide verification in writing to the QEP a minimum of 2 weeks prior to the start of work on site; and,**
- will notify the QEP of key construction stages as described in the report.

I understand that a conformance statement and post-development report must be completed by a QEP and submitted to the RAPR Notification System and the Islands Trust.

Signed:



Owner

Dec 3, 2025

Date

**DEVELOPMENT PERMIT AREA TEN – RIPARIAN AND AQUATIC DEVELOPMENT PERMIT
AREA**

North Pender Island

OCP Bylaw No. 171, 2007

Guideline Checklist

Guidelines 5.2.11.8	Complies			Staff Comments
	Yes	No	N/A	
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.	☒	☐	☐	QEP conditions for managing development included in draft permit.
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.	☒	☐	☐	Limited development within the 15m SPEA boundary, only float footing located in the boundary. Conditions included for protecting the SPEA long term.
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.	☒	☐	☐	Development limited to area set out in permit and subject to the conditions outlined in the permit as taken from the QEP report.

Guidelines 5.2.11.8	Complies			Staff Comments
	Yes	No	N/A	
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.	☒	☐	☐	i) Complies ii) ramp sits on concrete anchor pad iii) complies, composite decking used iv) complies v) separate boards, light permeable decking used for ramp and slope. vi) condition of permit vii) N/A
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.	☒	☐	☐	Development proposal remains the same as development described in the QEP report.
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.	☐	☐	☒	