



South Pender Island Local Trust Committee

Regular Meeting Agenda

Date: May 30, 2017
Time: 10:00 am
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

	Pages
1. CALL TO ORDER	10:00 AM - 10:05 AM
2. APPROVAL OF AGENDA	
3. TOWN HALL AND QUESTIONS	10:05 AM - 10:20 AM
4. COMMUNITY INFORMATION MEETING	
none	
5. PUBLIC HEARING	
none	
6. MINUTES	10:20 AM - 10:30 AM
6.1 Adopted Local Trust Committee Minutes Dated April 11, 2017 (for Information)	3 - 8
6.1.1 <u>Draft Local Trust Committee Minutes Dated May 6, 2017 (for Adoption)</u>	9 - 10
6.1.2 <u>Draft Local Trust Committee Public Hearing Record Dated May 6, 2017 (For Receipt)</u>	11 - 13
6.2 Section 26 Resolutions-without-meeting Dated May 2017	14 - 14
6.3 Advisory Planning Commission Minutes	
none	
7. BUSINESS ARISING FROM THE MINUTES	10:30 AM - 10:40 AM
7.1 Follow-up Action List Dated May 2017	15 - 15
8. DELEGATIONS	
none	

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

10:40 AM - 10:50 AM

10.1 North Pender Island Local Trust Committee Bylaw No. 213 Referral

16 - 18

For Response

11. LOCAL TRUST COMMITTEE PROJECTS

10:50 AM - 11:30 AM

11.1 Land Use Bylaw Review - Staff Report

19 - 77

Bylaws No. 113 & 114 - for further consideration

12. REPORTS

11:30 AM - 12:00 PM

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated May 2017

78 - 78

12.1.2 Projects List Report Dated May 2017

79 - 79

12.2 Applications Report Dated May 2017(attached)

80 - 80

12.3 Trustee and Local Expense Report Dated March 2017 (attached)

81 - 81

12.4 Adopted Policies and Standing Resolutions (attached)

82 - 82

12.5 Local Trust Committee Webpage

12.6 Chair's Report

12.7 Trustee Report

12.8 Trust Fund Board Report Dated April 2017

83 - 84

13. NEW BUSINESS

12:00 PM - 12:10 PM

13.1 2016-2017 Annual Report - Approval of South Pender Island Local Trust Committee Section - RFD (attached)

85 - 87

14. UPCOMING MEETINGS

12:10 PM - 12:15 PM

14.1 Next Regular Meeting Scheduled for September 19, 2017, at 10:00 am, at the South Pender Fire Hall, Pender Island

15. TOWN HALL

12:15 PM - 12:30 PM

16. CLOSED MEETING

none

17. ADJOURNMENT

12:30 PM - 12:30 PM



ADOPTED

South Pender Island Local Trust Committee Minutes of Regular Meeting

Date: April 11, 2017
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

Members Present Peter Luckham, Chair
Wendy Scholefield, Local Trustee
Bruce McConchie, Local Trustee

Staff Present Robert Kojima, Regional Planning Manager
Robyn Ludwig, Recorder

Others Present Approximately 13 members of the public present

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:03 a.m. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 13.4 Pender Conservancy Request

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

The following members of the public spoke at the town hall: **Alma Lightbody, Debbie Friesen, Rick Friesen, Peter Clark, Jane Perch, Paul Petrie, Christina McQuarrie, Gordie Duncan, Audrey Green, Paul Weyer**. Questions and comments included:

- More detailed specifications needed for cisterns / rainwater usage
- More detailed specifications needed for length of dock ramps
- Nonconforming properties may face difficulty with resale and insurance
- Not broad enough community input has been solicited
- Limited opportunity to comment at the community information meeting
- Concerns about variance development permits, in particular, for density / size
- Proposed bylaw changes are major changes to Official Community Plan (OCP)

Regional Planning Manager (RPM) Kojima outlined the extensive public consultation process that has taken place over the last two terms. The Trustees outlined legislative and administrative processes for the Local Trust Committee (LTC) in its review of the Land Use Bylaw (LUB).

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Draft Local Trust Committee Minutes Dated January 16, 2017

By general consent the Local Trust Committee meeting minutes of January 16, 2017 were adopted.

6.2 Section 26 Resolutions-without-meeting

none

6.3 Advisory Planning Commission Minutes

none

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated April 2017

RPM Kojima reviewed tasks completed on the follow-up action list.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

10.1 North Pender Island Local Trust Committee Bylaws No. 209 & 210 Referral

RPM Kojima briefly reviewed the Mill Bay Marine Group application for rezoning.

SP-2017-05

It was MOVED and SECONDED,

that the interests of the South Pender Local Trust Committee are unaffected by North Pender Local Trust Committee Bylaws No. 209 & 210.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Land Use Bylaw (LUB) Review - Staff Memo - Bylaws No. 113 & 114

RPM Kojima reviewed the next steps for the LTC in its review of the LUB. He clarified that the public hearing must be held between first and third readings.

Trustee McConchie discussed current guidelines and proposed amendments for discussion for: maximum square footage, maximum dwelling size, and cottage and accessory building allowances.

SP-2017-06

It was MOVED and SECONDED,

that Bylaw No. 114, cited as South Pender Land Use Bylaw No. 114, 2016, be amended as follows:

that the definition of “floor area ratio” and section 5.1(5) be removed.

CARRIED

SP-2017-07

It was MOVED and SECONDED,

that the Trustees direct staff to include the table, as presented by Trustee McConchie, in section 5.1 of the South Pender Land Use Bylaw No. 114, 2016.

CARRIED

The SP LTC recessed at 11:48 a.m. and returned at 11:56 a.m.

SP-2017-08

It was MOVED and SECONDED,

that section 3.14 of Bylaw No. 114, cited as South Pender Land Use Bylaw No. 114, 2016, be removed. Chair Luckham and Trustee Scholefield opposed the motion.

DEFEATED

SP-2017-09

It was MOVED and SECONDED,

that Bylaw No. 114, cited as South Pender Land Use Bylaw No. 114, 2016, be amended to replace the 4.6 metre height of accessory buildings with 7.6 metres.

CARRIED

SP-2017-10

It was MOVED and SECONDED,

that South Pender Land Use Bylaw No. 114, 2016, be read a second time as amended.

CARRIED

Trustee McConchie OPPOSED

SP-2017-11

It was MOVED and SECONDED,

that the South Pender Local Trust Committee distribute, by mail to the public, a summary of the amendments made at the April 11, 2017 LTC meeting, along with a notice of public hearing.

CARRIED

SP-2017-12

It was MOVED and SECONDED,

that Bylaw No. 113 be amended to reflect amendments made to Bylaw No. 114.

CARRIED

SP-2017-13

It was MOVED and SECONDED,

that Bylaw No. 113 be read a second time as amended.

CARRIED

Trustee McConchie OPPOSED

SP-2017-14

It was MOVED and SECONDED,

that the South Pender Island LTC has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaws No. 113 and 114 are not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated April 2017

Trustee McConchie suggested a rainwater catchment education initiative be considered at a later date.

12.1.2 Projects List Report Dated April 2017

Received for information

12.2 Applications Report Dated April 2017 (attached)

Received for information

12.3 Trustee and Local Expense Report Dated February 2017 (attached)

Received for information

12.4 Adopted Policies and Standing Resolutions (attached)

Received for information

12.5 Local Trust Committee Webpage

Staff will update the LTC website with the amended bylaws.

12.6 Chair's Report

Chair Luckham reported on the Association of Vancouver Island and Coastal Communities (AVICC) meeting.

12.7 Trustee Report

Trustee Scholefield recently attended the Islands Trust Council meeting on Gabriola, the CRD Gulf Islands Regional Trails Plan Open House, and the Cadet Training (Fire Department) on North Pender.

Trustee McConchie also attended the Islands Trust Council meeting, and the Community Information Meeting (regarding Port Browning) on North Pender.

12.8 Trust Fund Board Report Dated February 2017

The board has a new member from Salt Spring.

13. NEW BUSINESS

13.1 Provincial Private Moorage Policy Update - Staff Memo

RPM Kojima outlined proposed changes to private moorage policy.

13.2 CRD Gulf Islands Regional Trails Plan - Open House Invitation

Received for information

13.3 Freighter Issues in Plumper Sound/Notifying Trust Council - Discussion

Trustee McConchie will attend the April 18 anchorages roundtable meeting as a representative of the SP LTC.

13.4 Pender Island Conservancy Association Project

Trustees requested that staff distribute a notice to subscribers regarding the upcoming PICA event.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for June 13, 2017, at the South Pender Fire Hall, Pender Island

SP-2017-15

It was MOVED and SECONDED,

that staff be directed to reschedule the June 13, 2017 LTC meeting.

CARRIED

15. TOWN HALL

The following members of the public spoke at the town hall: **Rick Friesen, Jane Perch, Alma Lightbody, Gordie Duncan.**

RPM Kojima clarified public submission and hearing processes, and guidelines for accessory buildings and for agricultural buildings in rural-residential areas.

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close Meeting

At 1:33 p.m., Chair Luckham noted that the LTC would close the meeting.

SP-2017-16

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) (d & i) for the purpose of considering:

- Adoption of In-Camera Minutes Dated March 1, 2016
- Legal Advice

AND

that the staff and recorder attend the meeting.

CARRIED

16.2 Recall to Order

The meeting was recalled to order at 1:44 p.m.

16.3 Rise & Report

The LTC adopted the in-camera minutes, and requested from staff a summary of the legal implications of maximum floor area for the public.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:45 pm.

Peter Luckham, Chair

Certified Correct:

Robyn Ludwig, Recorder



DRAFT

**Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee**

South Pender Island Local Trust Committee Minutes of Special Meeting

Date: May 6, 2017
Location: Poet's Cove Resort
9801 Spalding Road, Pender Island, BC

Members Present Peter Luckham, Chair
Wendy Scholefield, Local Trustee
Bruce McConchie, Local Trustee

Staff Present Robert Kojima, Regional Planning Manager
Robyn Ludwig, Recorder

Others Present Approximately 35 members of the public

1. CALL TO ORDER

Chair Luckham called the meeting to order at 12:01 p.m. He acknowledged that the meeting was being held in the traditional territory of the Coast Salish First Nations. Chair Luckham introduced the Local Trust Committee (LTC) and staff, and explained the community information and public hearing processes.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Community Information Meeting

3.1.1 South Pender Island Local Trust Committee Bylaws No. 113 (OCP Amendments) & 114 (LUB)

Regional Planning Manager (RPM) Kojima summarized the process of reviewing the Land Use Bylaw (LUB) and the key points of the bylaw, and summarized the proposed Official Community Plan (OCP) amendments.

Members of the public **Peter Clark, Charlotte Edwards, John Roberts, Cameron Thorne, Donna Spalding, Jane Perch, Alma Lightbody, John Spalding, Shelley Henshaw** and **Gordie Duncan** inquired about:

- consistency of LUB amendments with other islands in the Trust area;
- whether the definition of “story” and “floor” includes non-habitable spaces;
- dwelling size restrictions vs. floor area ratio / lot coverage restrictions;
- clarity for the definition of “density” (square footage vs. number of units);
- how the 4000 gallon guideline for cisterns was determined;

- definitions of “rainwater system” and “single-family dwelling”;
- development variance process for additions (i.e., garages);
- floor area vs. lot coverage (i.e., footprint on the land);
- need for surveys to ensure compliance;
- the rationale for changing existing regulations;
- possibility of litigation or court challenges;
- provisions to mitigate impacts on neighbours (i.e., setbacks); and
- community information meeting processes.

3.2 Public Hearing

3.2.1 Recess for Public Hearing

The Public Hearing was called to order at 1:22 p.m. See separate Public Hearing (PH) record dated May 6, 2017.

3.2.1.1 South Pender Island Local Trust Committee Bylaws No. 113 (OCP Amendments) & 114 (LUB)

3.2.2 Recall to Order

Chair Luckham recalled the Special Meeting to order at 2:19 p.m.

4. ADJOURNMENT

By general consent the meeting was adjourned at 2:20 p.m.

Peter Luckham, Chair

Certified Correct:

Robyn Ludwig, Recorder



DRAFT

Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee

South Pender Island Local Trust Committee Record of a Public Hearing Proposed Bylaws No. 113 (OCP) and No. 114 (LUB)

Date: May 6, 2017
Location: Poet's Cove Resort
9801 Spalding Road, Pender Island, BC

Members Present Peter Luckham, Chair
Wendy Scholefield, Local Trustee
Bruce McConchie, Local Trustee

Staff Present Robert Kojima, Regional Planning Manager
Robyn Ludwig, Recorder

Others Present Approximately 35 members of the public

3. BUSINESS ITEMS

3.2 Public Hearing

3.2.1 Recess for Public Hearing

Chair Luckham called the meeting to order at 1:22 p.m. Chair Luckham read the Chairperson's Opening Statement.

Regional Planning Manager (RPM) Kojima summarized the statutory notice of public hearing. Twelve submissions to date have been received from the public.

3.2.1.1 South Pender Island Local Trust Committee Bylaws No. 113 (OCP Amendments) & 114 (LUB)

Tara Parkinson expressed support for the flexibility of the new bylaws and the adequate community consultation, but was concerned that maximum dwelling size and cistern size may be too large.

John Spalding opposed both bylaws, specifically the land use zoning for docks, maximum dwelling size of 6000 sq. ft., and cistern size of 4000 gallons. He was concerned that bylaw changes are significant, requiring an OCP review.

Cameron Thorne commented that measurements in metric/imperial would be helpful; that the cistern size requirement may be excessive; and that maximum building height requirements are reasonable.

John Roberts supported requirements for potable water, but suggested that cistern size should be reconsidered; he opposed dwelling size as an additional restriction in a multi-story approach to lot coverage.

Rick Friesen appreciated the work of the LTC, but was concerned about compulsory cisterns and rainwater systems.

Jane Perch read a statement from **Robert and Diane Conconi** expressing concerns about the rights of property owners and about the community information meeting process.

Mack Foster questioned the 4000 gallon cistern requirement. **Donna Spalding** echoed these concerns about cisterns, and expressed her concerns about uninhabitable areas (i.e., slopes) being included in the proposed requirements, and about the lack of consultation with the Advisory Planning Committee (APC).

Jane Perch indicated concern with the lack of community engagement in the process, favoured requirements for lot coverage over dwelling size, and opposed changes to the OCP through the bylaw process.

Paul Weir indicated his preference for a maximum dwelling size under 2500 sq. ft., but otherwise approved of the LUB. **Alma Lightbody** opposed changes to the current lot coverage guidelines, and was concerned about possible water usage restrictions.

Shelley Henshaw expressed concerns about imposing onerous restrictions on property owners, supported adding setback guidelines, and opposed changing the OCP through the LUB process.

Gordie Duncan thanked the Trustees for their efforts, but opposed the proposed guidelines for dwellings, cottage size, accessory buildings, docks and cisterns.

Charlotte Edwards opposed crawl spaces being included as part of the square footage limits. **Donna Spalding** supported existing lot coverage guidelines and was concerned about rural character, impacts on neighbours, and future needs of the community.

Mack Foster commented that setback guidelines could render many properties nonconforming. **Jane Perch** urged the Trustees to find consensus on the LUB.

3.2.2 Recall to Order

Chair Luckham called three times for additional comments or written submissions about Bylaws No. 113 (OCP) and No. 114 (LUB). There being none, he declared the Public Hearing closed and recalled to order the Special Meeting at 2:19 p.m.

Peter Luckham, Chair

Certified Correct:

Robyn Ludwig, Recorder



Resolutions Without Meeting

South Pender Island

Resolution #	Action	Resolution Description	Resolution Date
2017-01	In Favour	THAT_South Pender Island Local Trust Committee meeting minutes of April 11, 2017, be Adopted as amended.	01-May-2017

Follow Up Action Report

South Pender Island

11-Apr-2017

Activity	Responsibility	Target Date	Status
6.1 Minutes adopted as presented	Sharon Lloyd-deRosario Regina Robinson	13-Apr-2017	Done
10.1 NP Bylaws 209 and 210 - interests unaffected	Sharon Lloyd-deRosario	14-Apr-2017	Done
11.1 LUB Review Project: 1.make amendments to bylaw 2.bylaw 114 given second reading as amended 3.mail out a notice to owners of changes made to bylaw and that public hearing will be on May 6th 4.make amendment to bylaw 113 5.Bylaw 113 Given second reading as amended 6.Policy Statement checklist endorsed	Sharon Lloyd-deRosario Robert Kojima Regina Robinson	12-Apr-2017	Done
distribute PICA notice to subscribers to be distributed May 15-19	Regina Robinson	05-May-2017	Done
Re-schedule June 13th LTC meeting	Regina Robinson	13-Apr-2017	Done
Rise and Report - in-camera minutes adopted as presented	Regina Robinson	13-Apr-2017	Done
staff to prepare summary of legal issues related to floor area	Robert Kojima	21-Apr-2017	Done



Islands Trust

BYLAW REFERRAL FORM

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

Island: North Pender Island Local Trust Area Bylaw No.: 213 Date: May 3, 2017

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:

Pender Island Parks and Recreation Commission

PURPOSE OF BYLAW:

For the **Community Park 1 (CP1)** and **Community Park 2 (CP2)** Zones, the addition of:

- **'picnic shelters'** as an allowable use;
- **Setbacks** for buildings and structures; and
- **Height** restrictions for buildings and structures.

GENERAL LOCATION:

North Pender Island Local Trust Area

LEGAL DESCRIPTION:

Various

SIZE OF PROPERTY AFFECTED:

n/a

ALR STATUS:

n/a

OFFICIAL COMMUNITY PLAN DESIGNATION:

P – Community Park

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:

(Signature)

Phil Testemale

Title:
Contact Info

A/Planner 2
Tel: 250-405-5170
Email: ptestemale@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Federal Agencies

Parks Canada

Provincial Agencies

Ministry of Community, Sport and Cultural Development

Environment – BC Parks

Ministry of Transportation & Infrastructure

Regional Agencies

Capital Regional District – Electoral Area Director

Capital Regional District – Building Inspection

Capital Regional District – Regional Parks and Community Services

North Pender Island Fire Rescue

Island Health

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee

Mayne Island Local Trust Committee

Saturna Island Local Trust Committee

South Pender Island Local Trust Committee

Salt Spring Island Local Trust Committee

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

North Pender Island Local Trust Area

(Island)

213

(Bylaw Numbers)

(Signature)

(Name and Title)

(Date)

(Agency)



DATE OF MEETING: May 30, 2017
TO: South Pender Island Local Trust Committee
FROM: Robert Kojima, RPM
Southern Planning Team
SUBJECT: Bylaws 113 and 114
Land Use Bylaw Review

RECOMMENDATION

1. That the South Pender Island Local Trust Committee proposed Bylaw No. 113, cited as “South Pender Island Official Community Plan, 107, 2011”, be read a Third Time.
2. That the South Pender Island Local Trust Committee Bylaw No. 114, cited as “South Pender Island Land Use Bylaw No 114, 2016”, be amended as follows:
 - a. Subsection 2.2(4) (Conformity) is amended by replacing “911” with “528”
 - b. Subsection 3.12(2) (Lots Divided by a Zone Boundary) is amended by replacing “floor area ratio” with “maximum floor area”
 - c. Subsection 5.1(5) (Rural Residential zone) is amended by inserting imperial equivalent measurements in parentheses
 - d. Subsection 5.1(7) is amended by deleting the subsection in its entirety and re-numbering the subsequent subsections accordingly
 - e. Section 8.5 (Section 946 Subdivisions) is amended by replacing both instances of “946” with “514”
 - f. Section 8.6 (Lot Frontage and Lot Configuration) is amended by replacing both instances of “944” with “512”
3. That the South Pender Island Local Trust Committee proposed Bylaw No. 114, cited as “South Pender Island Land Use Bylaw No 114, 2016”, be read a Third Time as amended.
4. That the South Pender Island Local Trust Committee proposed Bylaws No. 113 and No. 114 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
5. That the South Pender Island Local Trust Committee proposed Bylaw No. 113 be forwarded to the Minister of Community, Sport and Cultural Development for approval.

REPORT SUMMARY

The purpose of this report is to provide recommendations to the LTC on proceeding with the LUB Review bylaws following the close of public hearing held on May 6, 2017. At, and before, the hearing the LTC received submissions on the bylaws, following the close of the hearing the LTC may consider amendments to the bylaws provided the amendments would not alter use or density.

Staff are recommending several amendments of a technical nature:

1. Since the LUB was first drafted, amendments have been made to the Local Government Act, resulting in the following outdated references:
 - a. Subsection 2.2(4) – Section 911 is now 528
 - b. Section 8.5 – Section 946 is now 514
 - c. Section 8.6 – Section 944 is now 512
2. Subsection 3.12(2) – reference to “floor area ratio” should be changed to “maximum floor area”
3. In the table of maximum floor areas in 5.1(5) parenthetical imperial measurements should be inserted for consistency
4. Section 5.1(7), which establishes a maximum floor area for dwellings in the Rural Residential zones, is now redundant (maximum dwelling floor areas are now established in the table in 5.1(5)).

The LTC may also consider other amendments to the proposed bylaws, provided the amendments would not alter use or density, without holding a new hearing. Prior to considering significant changes the LTC can request staff input on input received prior to the close of the hearing.

BACKGROUND

A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw provided the amendments do not alter use or density. The procedural steps following the close of the hearing are as follows:

1. Consideration of Third Reading (this may include amendments to alter a bylaw).
2. Forwarding of the bylaws to Executive Committee for approval.
3. Forwarding of the OCP amendment bylaw to the Minister’s office for approval.
4. Adoption.

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

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

If the Executive Committee and Minister approve the bylaw, the next step for the LTC would be to adopt the bylaw.

Rationale for Recommendation:

Staff are recommending a number of technical amendments to update legislative references, include imperial measurements, and remove redundancies.

Submitted By:	Robert Kojima, Regional Planning Manager	May 18, 2017
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ATTACHMENTS

1. Proposed Bylaw 113
2. Proposed Bylaw 114

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO.113

A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN, 107, 2011

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

AND WHEREAS Section 29 of the *Islands Trust Act* gives the South Pender Island Local Trust Committee the same power and authority of a Regional District under Part 14 except sections 558 to 570 and 507 to 508 of the *Local Government Act*;

AND WHEREAS the South Pender Island Local Trust Committee wishes to amend Bylaw No. 91, Official Community Plan, 2002;

AND WHEREAS the South Pender Island Local Trust Committee has held a Public Hearing;

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

- A. Bylaw No. 107, cited as "South Pender Island Official Community Plan, 107, 2011" is altered as shown in Schedules 1 to 2 of this amending bylaw.
- B. This Bylaw may be cited for all purposes as "South Pender Island Official Community Plan, 107, 2011, Amendment No. 1, 2016."
- C. If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME this 16th day of January, 2017.

READ A SECOND TIME this 11th day of April, 2017.

PUBLIC HEARING HELD this 6th day of May, 2017.

READ A THIRD TIME this day of , 201.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST
this day of , 201.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT
this day of 201.

ADOPTED this day of , 201.

SECRETARY

CHAIR

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 113

SCHEDULE 1

“South Pender Island Official Community Plan, Bylaw No. 107, 2011” Schedule A is amended as follows:

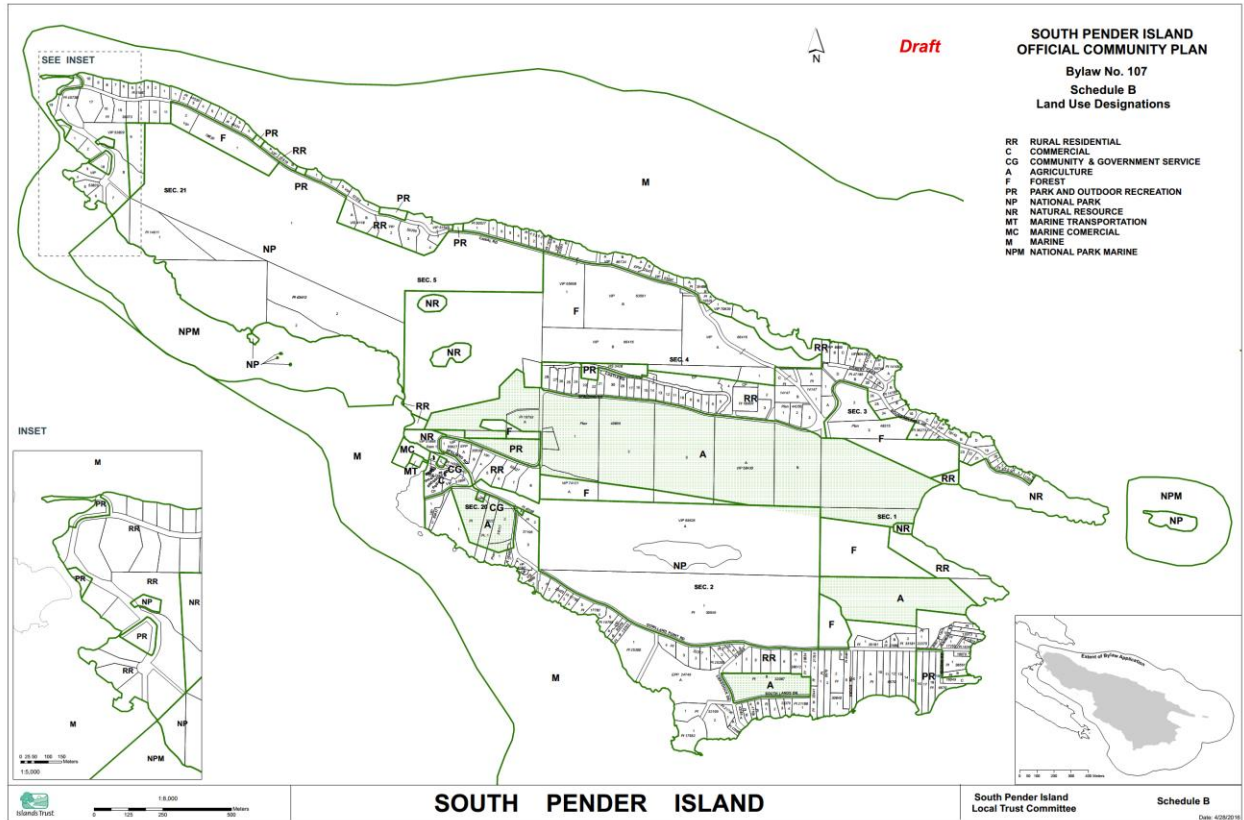
1. The definition of “cottage” in Section 1.6 (Definitions) is amended by deleting “56m² (603ft²)” and replacing it with “70m²”.
2. Subsection 2.4.3 (General Policies) is amended by inserting “maximum floor area,” following the phrase “number of buildings,” and preceding “lot site coverage,”.
3. Clause 4.2(b)(iv) is amended by deleting it in its entirety and replaced with the following:

“iv) existing private moorage for docks permitted on a site-specific basis in those areas designated as Marine (M) on Schedule “B”. New applications for private moorage for docks may be considered by site-specific rezoning subject to:

 - the proposal demonstrating minimal impacts on the marine environment, including eelgrass, bull kelp, forage fish, or other important habitat;
 - the proposal demonstrating minimal impacts on upland sensitive ecosystems or habitat;
 - the proposal demonstrating no impacts on archaeological or cultural sites or resources;
 - structures being appropriately sited and of a scale to minimize visual impacts;
 - consideration being given to providing for shared or common moorage; and
 - consideration being given to the cumulative impacts of private moorage.”
4. Article 4.2(c) is deleted and replaced with the word “*rescinded*”.

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 113
SCHEDULE 2**

“South Pender Island Official Community Plan, Bylaw No. 107, 2011” amended by deleting Schedule B in its entirety and replaced with a new Schedule B as follows:





Islands Trust

PROPOSED

**SOUTH PENDER ISLAND
LOCAL TRUST COMMITTEE**

LAND USE BYLAW No. 114, 2016

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
LAND USE BYLAW No. 114, 2016**

A Bylaw to establish regulations and requirements respecting the use of land, including the surface of water, the use, siting and size of buildings and structures, the provision of parking, landscaping and screening and the subdivision of land within the South Pender Island Local Trust Area.

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

1. This Bylaw may be cited for all purposes as the “South Pender Island Land Use Bylaw No. 114, 2016”
2. The following schedules attached hereto are hereby made part of this Bylaw and adopted as the Land Use Bylaw for that part of the South Pender Island Local Trust Area as shown on Schedule C:
 - (1) Schedule A (Land Use Bylaw Text)
 - (2) Schedule B (Zoning Map)
 - (3) Schedule C (Bylaw Area Map)
3. If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.
4. Bylaw No. 92 cited as “South Pender Island Land Use Bylaw No. 92, 2003” and all of its amendments are repealed.

READ A FIRST TIME this 16th day of January , 2017.

READ A SECOND TIME this 11th day of April , 2017.

PUBLIC HEARING HELD this 6th day of May , 2017.

READ A THIRD TIME this day of , 20xx.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this day of , 20xx.

ADOPTED this day of , 20xx.

SECRETARY

CHAIRPERSON

SCHEDULE A

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PART 1 INTERPRETATION

1.1 Definitions

Information Note: where defined terms appear in the body of the bylaw they are denoted by the use of *italics*.

"accessory use" means a use that is incidental, secondary and exclusively devoted to a principal use expressly permitted by this Bylaw on the same lot.

"accessory building or structure" means a building or structure that is incidental, secondary and exclusively devoted to a principal building or structure expressly permitted by this Bylaw on the same lot.

"agriculture" means the use of land for the growing, rearing, harvesting, or production of plants, crops, livestock and other farm animals.

"Approving Officer" means the Approving Officer for South Pender Island appointed pursuant to the *Land Title Act*.

"bed and breakfast" means a home business comprising the provision of sleeping accommodation and includes provision of only a morning meal to paying guests.

"building" means a roofed structure, wholly or partially enclosed by walls, used or intended to be used for supporting or sheltering any use or occupancy.

"buoy" means a device that is secured to the bed of the sea to mark a location or provide a moorage point.

"church" means a building or structure used for religious worship, which does not provide for overnight accommodation or residential use.

"cottage" means a dwelling with a floor area of 70m² or less that is located on the same parcel as another dwelling.

"dock" means a structure or set of structures, accessory to the residential or agricultural use of an upland lot, typically consisting of a pier, ramp, and float, constructed on or over the water and connected to the shore, that is used as a landing or moorage place for private marine transport or for private recreational purposes.

"dwelling" means a building, including a mobile home used as a residence for a single household and containing sleeping and living areas plus a single set of facilities for food preparation and eating.

"ecological reserve" means an area of land or water established as an ecological reserve under the *Ecological Reserve Act*.

"farm use" means an occupation or use of land for farm purposes, including farming of land, plants and animals and any other activity designated as farm use by the *Agricultural Land Commission Act* or its regulation and includes a farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*.

"farmer's market" means an occasional or periodic temporary market held in the open air or in a building where individual sellers offer for sale to the public items such as fresh or seasonal produce, agricultural products, arts and craft items, or food or beverages.

"fence" means a structure used as a barrier to separate, prevent escape or intrusion or mark a boundary and includes gate, screen and freestanding wall.

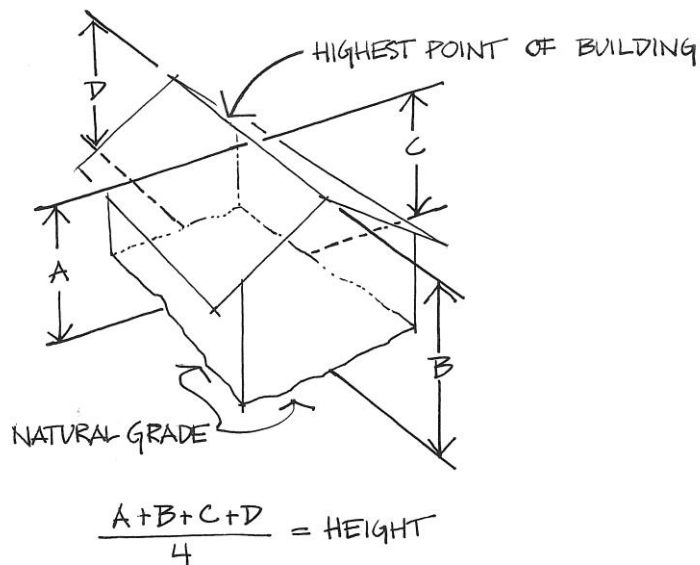
"fitness facility" means an indoor facility equipped and used for physical activities related to fitness, health and well-being.

"float" means a floating non-roofed structure that is used as a landing or wharfage place for watercraft and which is free to rise and fall with sea level change and, for all tidal conditions, does not rest on the sea floor.

"floor area" means the sum of the horizontal areas of all storeys in a building, measured to the outer surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the storage of water for domestic use or fire protection, and exclusive of all areas of a storey having a floor and a ceiling less than 1.5 metres apart.

"frontage" means the length of that lot boundary which abuts a highway, other than a lane or a walkway, or an access route in a bare land strata plan.

"height" means the vertical distance between the highest point of a building or structure and the average natural grade, being the average undisturbed elevation of the ground at the perimeter of the building or structure calculated by averaging the distance between the natural grade and the highest point of a building or structure measured at the midpoints of all the exterior walls.



"highway" includes a street, road, lane, bridge, viaduct and any other way open to the use of the public, but does not include a private right-of-way on private property.

"home business" means a commercial use that is accessory to a permitted residential use on the same lot and includes, where permitted, the use of a cottage for short term vacation rental.

"hotel, resort" means a building, or a set of buildings, used exclusively for hotel accommodation and other uses set out in paragraphs (b) and (c) of this definition, which contains areas accessible to the

public and to transient occupants for lobby check-in and registration, restaurant, licensed neighbourhood pub, café food services, lounge, beer parlour, public assembly and retail sales uses, including liquor sales, and which hotel:

- (a) may comprise hotel cottages, hotel rooms, hotel villas or a combination thereof;
- (b) may include or contain areas that are accessible to the public and to transient occupants for indoor or outdoor recreation use ;
- (c) may include or contain other uses set out in Section 11.1;
- (d) shall not include a video arcade, video lottery terminal, slot machine or any machines or devices used for games of chance;

"hotel accommodation" means the successive occupancy by different persons, whether by licence, rental, or otherwise, of a hotel villa, hotel room or hotel cottage where the same person does not occupy a sleeping unit for more than 87 days in a calendar year, except that

- (a) such occupancy in the case of any particular person is limited to not more than:
 - (i) 29 days in the period commencing June 1 and ending the following September 30, and
 - (ii) two 29 day terms in the period commencing October 1 and ending the following May 31, and
- (b) that person does not occupy a sleeping unit for 30 days prior to or after any occupancy on:
 - (i) the first or last of the 29 days during the period referred to in clause (a)(i); or
 - (ii) the first or last of either of the 29 day periods referred to in clause (a)(ii).

"hotel cottage" means a building that forms part of a resort hotel use, which building:

- (a) contains one, two or three sleeping units;
- (b) may contain cooking facilities; and
- (c) is used only for temporary accommodation.

"hotel room" means a set of one or two sleeping units that:

- (a) is not a hotel cottage and is not located in a hotel cottage;
- (b) is not a hotel villa and is not located in a building containing hotel villas;
- (c) is located with other hotel rooms in a building housing all or part of a hotel use;
- (d) has access or egress to a common hotel interior corridor, hall or lobby;
- (e) may not contain cooking facilities; and
- (f) is used only for temporary accommodation.

"hotel villa" means a set of one, two or three sleeping units that:

- (a) is not a hotel cottage and is not located in a hotel cottage;
- (b) is not a hotel room and is not located in a building containing hotel rooms;
- (c) is located with other hotel villas in a building housing all or part of a hotel use;
- (d) may have access or egress to an interior corridor, hall or lobby, and
- (e) may have a second means of access or egress to a common exterior veranda or patio;
- (f) may contain cooking facilities; and
- (g) is used only for temporary accommodation.

"landscape screen" means a visual barrier consisting of natural vegetation, trees, shrubs, fencing or a combination of those elements, which may be broken solely by necessary access ways for pedestrians and vehicles and screening land uses from abutting land and highways.

"Local Trust Committee (LTC)" means the South Pender Island Local Trust Committee.

"lot" means any parcel, block or other area in which land is held or into which it is subdivided whether under the *Land Title Act* or the *Strata Property Act*.

"lot coverage" means the total area of those portions of a lot that are covered by buildings and structures, divided by the area of the lot, for this purpose the area of a lot that is covered by a roofed building or structure is measured to the drip line of the roof and for the purpose of lot coverage regulations in Part 5 the common property in a bare land strata plan is a "lot" if it is used for accessory buildings or structures.

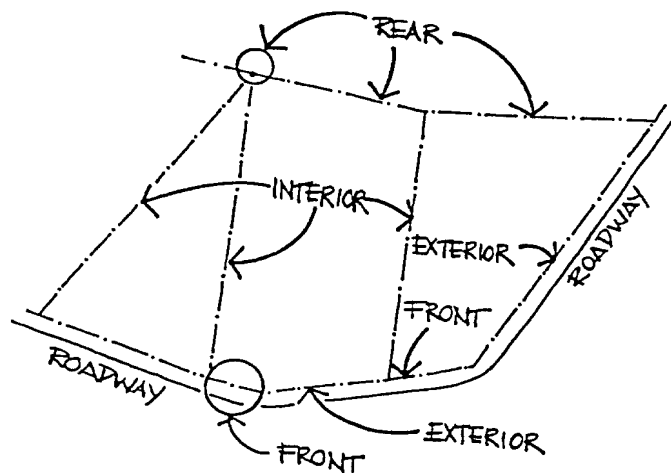
"lot line" means the boundary of a lot as shown on a plan of survey registered in the land title office, and

"front lot line" means the lot line that is common to the lot and an abutting highway or an access route in a bare land strata plan, and where there are two or more such lot lines, not including corner cuts, the shortest is deemed the front lot line;

"rear lot line" means the lot line that is opposite the front lot line in the case of a lot having four sides, and where the rear portion of a lot is bounded by intersecting side lot lines, means the point of intersection of those lot lines;

"exterior side lot line" means a lot line that is not a front or rear lot line and that is common to the lot and an abutting highway or access route in a bare land strata plan; and

"interior side lot line" means a lot line that is not a front, rear or exterior side lot line.



"marina" means the use of a water area for the temporary storage of boats and includes the use of floats, wharves, piers, ramps and walkways and the provision of wharfage services to the general boating public, but specifically excludes the rental or sale of personal water craft, the use of boats and vessels as live-aboards, and roofed structures used or intended for use in sheltering or storing boats or vessels.

"mobile home" means a dwelling suitable for year-round occupancy, designed, constructed or manufactured to CAN/CSA Z240 standards, to be moved from one place to another by being towed or carried

"mooring" means the securing of a boat to a buoy or similar object that is in turn secured to the bed of the sea.

"natural boundary" means the visible high water mark of the sea, a lake, a stream or other body of water, where the presence and action of water are so common and usual, and so long continued in all ordinary years, as to mark upon the soil or rock of the bed of the body of water a character distinct from that of its banks, as well as in the nature of the soil itself.

"outbuilding" means a building or structure that may be constructed or placed on a lot prior to a principal dwelling and which may be used for uses ordinarily accessory to a principal residential use.

"panhandle lot" means a lot that fronts on a highway by means of a strip of land that is narrower than the main portion of the lot.

"park" means any land dedicated as park under the *Park Act*, the *Land Title Act* or the *Local Government Act*, which is open to the general public and reserved for outdoor recreational, scenic, or nature conservation purposes.

"personal service use" means a commercial use of a building in which services are provided to the body or the clothing of a person.

"personal watercraft" means a vessel less than 5 metres (16 feet) in length that is propelled by machinery, commonly a jet pump, and designed to be operated by a person standing, kneeling or sitting on the vessel rather than standing or sitting inside the vessel.

"principal use" means the main or primary use conducted on a lot.

"principal building" or "principal structure" means the main or primary building or structure constructed on a lot.

"pump/utility house" means an accessory building or structure with a maximum floor area of 2.9 square metres (32 square feet) containing only equipment for pumping and processing of water or sewage, electrical equipment, or communication service equipment.

"recreational vehicle" means a tent trailer, travel trailer, motor home or other self-propelled vehicle containing sleeping, cooking and sanitary facilities, and includes a park model recreational vehicle.

"residence" means a home, abode or place where an individual is living at a specific point in time.

"restaurant" means the use of a building for the preparation and serving of alcoholic beverages and meals.

"retail sales" means the selling of goods or merchandise other than liquor to the general public for personal or household consumption

"school" means a public or private educational institution not including residential accommodation or dormitories.

"setback" means the minimum horizontal distance by which this bylaw requires a building or structure to be separated from a specified lot line, building or other feature.

"sign" means any device or medium, including its supporting structure that is visible from any highway or lot other than the one on which it is located and used to attract attention for advertising, information or identification purposes.

"short term vacation rental" means the commercial use of a dwelling or a cottage to provide accommodation for periods of less than 30 consecutive days to persons who normally maintain a residence elsewhere.

"sleeping unit" means a room intended for sleeping, which contains not more than two beds and does not contain any facilities for cooking.

"structure" means a construction or portion thereof of any kind that is fixed to, supported by or sunk into land or water, but excludes septic fields, septic tanks, and related appurtenances below ground, wells, landscaping, concrete and asphalt paving, and similar surfacing of the land, and retaining structures less than 1.2 metres (4 feet) in height at all points.

"third party sign" means a sign conveying information that does not pertain to the lot on which it is located.

"usable site area" means the total area of a lot excluding:

- (a) land below the natural boundary of the sea;
- (b) land where the natural slope exceeds 30 percent; and
- (c) land within 7.6 metres (25 ft.) of the natural boundary of the sea or 15.2 metres (50 ft.) of the natural boundary of a watercourse.

"use" means the purpose or activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

"utilities" mean broadcast transmission, electrical, telecommunications, sewer or water services and facilities and navigation aids and does not include private telecommunication facilities.

"watercourse" means a naturally formed area of land that usually or periodically contains surface water, including a lake, river, creek, spring, ravine, wetland, salt water marsh, and bog, but does not include a constructed ditch, or surface drain, or the sea.

"wharf" means a structure consisting of a fixed platform extending beyond the natural boundary of the sea over water which is used as a landing or wharfage place for watercraft, and includes the railings and supporting structure embedded in the sea.

"wharfage" means the tying of a boat or seaplane to a wharf, float or dock that is in turn connected to an upland lot by a ramp or walkway.

"zone" means a zone established by Part 5 of this Bylaw.

1.2 Referencing

- (1) In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the parenthetical numbers subsections, the lower case letters articles and the roman numerals clauses:

Part: 1

Section: 1.1

Subsection: (1)

Article: (a)

Clause (i)

1.3 Units of Measure

- (1) Metric dimensions are used in this Bylaw. Imperial equivalents, where shown in parentheses are approximate, are provided for convenience only, and do not form part of this Bylaw.

1.4 Information Notes

- (1) Where a paragraph or sentence in this Bylaw is preceded by the words "Information Note", the contents of the paragraph or sentence are provided only to assist in understanding of the bylaw and do not form a part of it.

PART 2 ADMINISTRATION

2.1 Application

- (1) This Bylaw shall apply to that part of the South Pender Island Local Trust Area as shown on Schedule C. Encompassed in this area of application are the entire land area of all islands, islets, reefs, rocks, and the seabed, and also all surface waters and air spaces.

2.2 Conformity

- (1) No person may use or occupy or permit any land, water surface, *building* or *structure* to be used or occupied, or subdivide any land, except as permitted by this Bylaw.
- (2) No person may construct, reconstruct, place, alter, extend or maintain any *building*, *structure* or *sign* except as permitted by this Bylaw.
- (3) Nothing contained in this Bylaw relieves any person from the responsibility to comply with other legislation applicable to their *use* of land, *buildings* or *structures* or the subdivision of land.
- (4) The *use* of land, *buildings* or *structures* that is lawful at the time of adoption of this Bylaw, although not conforming to the provisions of this Bylaw, may be continued subject to Section 911 of the *Local Government Act*.
- (5) Any existing *lot* that has less area than the minimum *lot* area specified in the applicable *zone* for the creation of *lots* by subdivision may be used for any *use* permitted in that *zone* unless otherwise specified in this Bylaw.
- (6) No land may be subdivided, no *building*, *structure* or land may be used, and no *building* or *structure* may be sited in a manner which renders any existing *use*, *building* or *structure* illegal or non-conforming.

2.3 Inspection

- (1) The Islands Trust Bylaw Enforcement Officer or any other person designated by the Islands Trust to administer this Bylaw is authorized to enter, at any reasonable time and after having given prior notification to the occupier, upon any property that is subject to regulation under this Bylaw, for the purpose of inspecting and determining whether the regulations, prohibitions and requirements are being met.

2.4 Violation

- (1) Any person who does any act or thing or permits any act or thing to be done in contravention of the provisions of this Bylaw, or who neglects to do or refrains from doing any act or thing which is required to be done by any of the provisions of this Bylaw is deemed to have committed an offence under this Bylaw. Each day during which an offence against this Bylaw is continued is deemed to constitute a new and separate offence.

2.5 Penalty

- (1) Any person who commits an offence against this Bylaw is liable, upon summary conviction, to a fine and penalty, pursuant to the *Offence Act* and the costs of prosecution.

2.6 Covenants

- (1) Where under this Bylaw an owner of land is required or authorized to grant a covenant restricting subdivision or development, the covenant must be granted to the *Local Trust Committee* pursuant to Section 219 of the *Land Title Act* in priority to all financial charges and delivered in registerable form satisfactory to the *Local Trust Committee* prior to the granting of the approval or authorization in respect of which the covenant is required. The covenant must indemnify the *Local Trust Committee* in respect of any fees or expenses it may incur as a result of a breach of the covenant by the covenanter.

2.7 Owner's Cost

- (1) If any provision of this Bylaw requires a report, study, covenant, plan or similar item to be prepared, unless otherwise stated, the owner shall pay all costs.

2.8 Enforcement of Siting Regulations

- (1) Every applicant for a development permit or a development variance permit must provide a plan signed by a B.C. Land Surveyor showing the location on the *lot* of all existing and proposed *buildings, structures* and sewage absorption fields in relation to *lot* and *zone* boundaries, *watercourses*, wells and the sea, and in relation to other *buildings* on the *lot*, unless the *Local Trust Committee* or the official assigned to provide planning services to the Local Trust Area determines that the provision of such a plan is not reasonably necessary to establish whether the proposed *buildings, structures* and sewage absorption fields comply with the siting requirements of this or any other Bylaw.

PART 3 GENERAL REGULATIONS

3.1 Permitted in All Zones

The following *uses*, *buildings* and *structures* are permitted in any *zone*, except where specifically prohibited:

- (1) Underground infrastructure for the provision of *utility* services and above-ground hydro and telecommunications cabling.
- (2) Hiking, equestrian and bicycle trails.
- (3) *Ecological reserves* and other habitat reserves.
- (4) Marine navigation aids.
- (5) *Parks* and public open space.
- (6) *Fences* in any land *zone*, subject to regulations under Section 3.8.
- (7) *Signs*, subject to regulations under Part 6.
- (8) *Pump/utility houses*.

3.2 Prohibited in All Zones

Only the *uses*, *buildings* and *structures* expressly permitted in Part 5 of this Bylaw are permitted in the relevant *zones*. Without limiting the generality of the foregoing, the following *uses*, *buildings* and *structures* are prohibited in all *zones*:

- (1) Airport and airstrip facilities and related *accessory buildings and structures*.
- (2) Heliports and helipads, other than for emergency evacuation *use*.
- (3) The *use* of the water area adjoining a residential *zone*, *park*, ecological and other habitat reserve for a sea plane facility, excepting those sea plane facilities associated with permitted uses in the Commercial Resort (C), Marina (W3), and Marine Transportation Service (W4) Zones.
- (4) *Marinas*, the *use* of which is restricted to members of a private club.
- (5) Disposal of any waste matter on land or in marine areas, except such waste matter as may lawfully be discharged pursuant to a permit under the *Public Health Act* or the *Environmental Management Act*.
- (6) Junkyards, auto wrecking yards, and storage of derelict vehicles, subject to Section 3.11.
- (7) Landfills and areas of land used for disposal or storage of hazardous or toxic waste.
- (8) The *use* of land for motorized trail bike, motor cycle, or all- terrain vehicle paths or trails.
- (9) The rental, sale or commercial storage of *personal watercraft*.

- (10) The *use* of an anchored, moored or docked vessel as a *residence*.
- (11) The *use* of a *buoy, float, dock, wharf*, ramp or related *structure* for any commercial or industrial *use*, excepting commercial *use* of such facilities within the Marina (W3) and Marine Transportation Service (W4) Zones.
- (12) *Buildings* and *structures* for uses prohibited in this Part.
- (13) *Dwellings* and *cottages* located on land comprising common property in a strata plan.
- (14) Boathouses, on the surface of the sea or within a *building setback* area on land adjacent to the sea.
- (15) Floatplane hangars.
- (16) Retail sale or wholesaling of groundwater extracted on South Pender Island.

3.3 Siting and Setback Regulations

- (1) All siting measurements must be made on a horizontal plane from the *natural boundary, lot line* or other feature specified in this Bylaw to the nearest portion of the *building* or other *structure* in question.
- (2) *Buildings* or other *structures*, except a fence or *pump/utility house*, shall not be sited within 15 metres (50 feet) of the *natural boundary* of any *watercourse*, lake or other body of fresh water or within 30 metres (98 feet) of any *watercourse*, lake or other body of freshwater used as a source of domestic water supply and, for this purpose only, paved areas of asphalt, concrete or similar material are "*structures*".
- (3) *Buildings* or other *structures*, except a fence, *pump/utility house*, stairway, wharf and *dock* ramps or their footings, shall not be sited within 7.6 metres (25 feet) of the *natural boundary* of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "*structures*".
- (4) An underground sewage disposal system, including all septic tanks, absorption fields and related appurtenances shall not be sited within 30 metres (98 feet) of a *watercourse*, well or source of domestic water supply.
- (5) Steps, eaves, gutters, cornices, sills, chimneys, retaining walls, balconies, decks, sunshades and similar features may project up to 1.0 metres (3 feet) into a required *setback* area.

3.4 Height Regulations

Except as may be otherwise provided for in any *zone*, the following regulations apply:

- (1) A *dwelling* or *cottage* shall not exceed 9.2 metres (30 feet) in height.
- (2) A *building* or *structure* accessory to a *dwelling* shall not exceed 7.6 metres (25 feet) in height.

- (3) An *accessory building* or *structure* used for agricultural purposes may exceed 7.6 metres (25 feet) in height where the provisions of subsection 3.7(1) apply.
- (4) The height regulations for *buildings* and *structures* specified elsewhere in this Bylaw do not apply to radio, telecommunications and television antennas, chimneys, flag poles, lightning poles, fire and hose towers, *utility* poles, solar collectors, farm silos and grain bins or water storage tanks.

3.5 Accessory Buildings and Structures

- (1) A *building* *accessory* to a *dwelling*, other than a *cottage*, shall not be used for human habitation, except as provided for in Subsections 3.5(2) or as permitted by the zoning regulations in Part 5 of this Bylaw.
- (2) An *accessory building* may be constructed or placed on a *lot* and occupied as a temporary *dwelling* prior to the construction of a *dwelling* on the same *lot*, subject to:
 - (a) a *building* permit being issued, and remaining in effect, for the *dwelling*;
 - (b) the connection of the *accessory building* to sewage disposal facilities complying with the *Public Health Act*;
 - (c) the provision of a domestic water supply to the *building*;
 - (d) compliance with the *use*, density and siting requirements of this Bylaw for *dwelling*s and *cottages*; and
 - (e) the occupancy of the *accessory building* ceasing prior to or concurrently with occupancy of a *dwelling* on the *lot*.
- (3) One *outbuilding* may be constructed or placed on a *lot* prior to the construction of a *dwelling* on the same *lot*, subject to:
 - (a) the *floor area* not exceeding 70m² (753 ft²), or in the case of an open-sided *structure*, the *lot coverage* of the *outbuilding* not exceeding 70m² (753 ft²).
 - (b) a maximum of one *outbuilding* per *lot*.
 - (c) the *height* not exceeding 4.6 metres (15 feet).
- (4) Unless a *building*, excluding an attached deck and patio, is attached to a *principal building* by a *structure* having walls, roof, and a floor, it is for the purposes of this Bylaw deemed not to be part of the *principal building*, but is deemed to be an *accessory building* or *structure*.
- (5) The *floor area* occupied by any cistern used for the storage of water for domestic, irrigation, or fire protection purposes may be excluded from the calculation of the *floor area* of any *accessory building* or *structure*.

3.6 Home Businesses

- (1) *Home businesses* permitted by Part 5 include any home craft, repairing of goods, professional practice, services to a client, creation of a product, short-term vacation rental of *cottages*, *bed and breakfasts*, the retail or wholesale sale of goods or products provided that at least 70% of the goods or products for sale are produced, processed or repaired as part of the *home business*, and the retail sale of articles directly related to the provision of a *personal service* provided as a *home business*.
- (2) Without limiting the generality of subsection 3.6(1), the following activities are specifically not permitted as a *home business*:

- (a) The serving of food or drink products on the premises as part of a *home business*, except for the serving of a morning meal as part of *bed and breakfast home business*;
 - (b) Commercial water bottling or sales;
 - (c) Boarding kennels, except where permitted as a *Farm use*.
- (3) *Home businesses* must be conducted entirely within an occupied *dwelling* or a permitted *accessory building* on a *lot* with an occupied *dwelling*, except that outdoor areas may be used for storage of articles used in the *home business* if the storage area is enclosed by a *fence* or by a *landscape screen* at least 2.0 metres (6.6 feet) in *height* conforming with the provisions of Section 3.9.
- (4) The combined *floor area* used in all *home businesses* on a *lot*, except a *bed and breakfast*, must not exceed 65 m² (700 ft²).
- (5) The business owner or operator or at least one of the employees of a *home business* must be resident on the *lot* on which the *home business* is conducted at the time the *home business* is operated.
- (6) Not more than two persons per property may be employed in any *home business* in addition to any residents of the *lot* on which such business is conducted.
- (7) Off-street parking spaces for *home business uses* are to be provided in accordance with the regulations contained in Part 7.
- (8) The following additional regulations apply to *bed and breakfast home businesses*:
 - (a) *bed and breakfast home businesses* are permitted only in the Rural Residential One, Rural Residential Two, Rural Residential Three, Agricultural, Natural Resource and Forest Zones;
 - (b) part or all of a *bed and breakfast home business* may be undertaken within a permitted *cottage*;
 - (c) the total number of bedrooms used to accommodate overnight guests may not exceed three;
 - (d) despite Subsection 3.6(6) not more than one non-resident person may be engaged or employed in a *bed and breakfast home business*;
 - (e) meals may only be provided to *bed and breakfast* guests in the morning;
 - (f) off-street parking spaces for a *bed and breakfast home business use* shall be provided in accordance with the requirements contained in Part 7; and
 - (g) a *bed and breakfast home business* may not be undertaken within an *accessory building*
- (9) The following additional regulations apply to the short-term vacation rental of a *cottage* as a *home business*:
 - (a) *Short-term vacation rental* of a *cottage* is permitted in the Rural Residential One, Rural Residential Two, Rural Residential Three, Agriculture, Natural Resource and Forest zones only;
 - (b) a *cottage* shall not be used for *short-term vacation rental* at the same time as a *dwelling* on the same *lot* is being used for *short-term vacation rental*; and,
 - (c) only one *cottage* per *lot* may be used for *short-term vacation rental*.

3.7 Agricultural Buildings and Structures

- (1) An *accessory building* or *structure* used for agricultural purposes may exceed 7.6 metres (25 feet) in height where the following apply:
 - (a) the *building* or *structure* used for agricultural purposes is located in the Agricultural Land Reserve;
 - (b) the *building* or *structure* used for agricultural purposes is sited a minimum of 7.6 metres (25 feet) from all *lot lines*; and
 - (c) the height of the *building* or *structure* does not exceed 12.2 metres (40 feet) .

3.8 Fences

- (1) The height of *fences* shall not exceed 2.0 metres (6.6 feet) in any *zone*.
- (2) *Landscape screens* and protective netting or wire used to control animal nuisances are exempt from Subsection 3.8(1).

3.9 Landscape Screening

- (1) Where vegetative *landscape screening* is required by this Bylaw, it shall be provided in the form of:
 - (a) Existing vegetation of the required height that provides a complete visual screen between the uses being separated in all seasons of the year; or,
 - (b) A row of drought-tolerant evergreen plants that will attain the required height, planted and maintained continuously so as to provide a complete visual screen in all seasons of the year between the uses being separated;and such screening shall be continuous, except for points of vehicular or pedestrian entrance and exit.
- (2) Where a non-vegetative screen is required by this bylaw, it shall be provided in the form of either a solid or latticed wooden fence, or a brick or stone wall which is continuous, except for points of vehicular or pedestrian entrance and exit.

3.10 Use of Recreational Vehicles as a Dwelling

- (1) The *use* of a *recreational vehicle* as a temporary *dwelling* prior to the construction of a *dwelling* on the same *lot* is permitted in the any *zone* where a *dwelling* is a permitted *use*, subject to:
 - (a) the connection of the *recreational vehicle* to sewage disposal facilities complying with the *Public Health Act*;
 - (b) the provision of a domestic water supply to the vehicle;
 - (c) compliance with the *use*, density and siting requirements of this Bylaw for *dwellings* and *cottages*, as if the vehicle were a *cottage*; and
 - (d) the occupancy of the *recreational vehicle* ceasing prior to or concurrently with the occupancy of a *dwelling* on the property.

Nothing in this Subsection prohibits the storage on a *lot* of *recreational vehicles* that are not being used as *dwellings*.

3.11 Derelict Vehicles

- (1) A *lot* shall not be used for the storage of more than one unlicensed motor vehicle, other than farm and forestry vehicles, that is not completely enclosed in a permanent *building* or *structure* and for this purpose a motor vehicle is unlicensed if it does not display:
 - (a) Motor vehicle number plates and the current licence year decal, or
 - (b) An interim vehicle licence issued pursuant to the *Motor Vehicle Act* Regulations.
- (2) No land shall be used for the storage of unusable, disassembled, detached, stripped, non-functional or abandoned vehicles or vessels, including but not limited to automobiles, all-terrain vehicles, golf carts, tractors, campers, trailers, or parts of such vehicles, which are not completely enclosed in a permanent *building*.

3.12 Lots Divided by a Zone Boundary

- (1) If a *lot* is divided by one or more *zone* boundaries, the residential density permitted must be calculated by reference to the areas of the portions of the *lot* lying within each *zone*, and the *dwellings* and *cottages* may only be constructed on any portion of the *lot* if and to the extent that the minimum *lot* area or density regulation for that portion is complied with.
- (2) If a *lot* is divided by one or more *zone* boundaries, *lot coverage and floor area ratio* must be calculated by reference to the areas of the portions of the *lot* lying within each *zone*.
- (3) Despite Subsection 3.12(1), if one of the portions of the *lot* is in the Agricultural (A) Zone, the *dwelling* or *cottage* permitted in respect of that portion of the *lot* may be sited on another portion of the *lot*.

3.13 Use of Common Property

- (1) Land comprising the common property in a strata plan is not a *lot* for the purposes of the density regulations in this Bylaw but may be used for permitted *uses, buildings* or *structures accessory* to *principal uses* located on strata *lots* in the same strata plan.

3.14 Groundwater Protection

- (1) A building permit shall not be issued for a new building to be used as a *single family dwelling* on a lot in the RR(1), RR(2) or RR(3) zones unless a *building* on the lot is equipped with a rainwater catchment system and cistern(s) for the storage of rainwater with a minimum cistern capacity of 18,000 litres (3960 gallons).

PART 4 ESTABLISHMENT OF ZONES

4.1 Division into Zones

- (1) The South Pender Island Local Trust Area is divided into the following *zones*, the geographic boundaries of which are as shown on the Zoning Map designated as Schedule "B" that forms part of this Bylaw:

<u>Zone Name</u>	<u>Zone Abbreviation</u>
Rural Residential One	RR1
Rural Residential Two	RR2
Rural Residential Three	RR3
Commercial Resort	C
Community Service	S1
Government Service	S2
Agriculture	A
Forestry	F
Natural Resource	NR
Passive Recreation Community Park	P1
Heritage Community Park	P2
Natural Area Community Park	P3
National Park	NP
Conservation	RC
Marine General	W1
Marine Protection	W2
Marina	W3
Marina Transportation Service	W4
National Park Marine	W5

4.2 Zone Boundaries

- (1) Where *zone* boundaries on Schedule "B" coincide with *lot* boundaries, the *lot* boundary is the *zone* boundary.
- (2) Where a *zone* boundary is shown on Schedule "B" as following any highway, right-of-way or stream, the centre line of such highway, right-of-way, or stream is the *zone* boundary.
- (3) Where land based and water based *zones* shown on Schedule "B" share a boundary, the boundary shall be the surveyed boundary as shown on a plan registered in the land title office, and where there is no such plan the *natural boundary* of the sea is the boundary.
- (4) Where a *zone* boundary shown on Schedule "B" does not follow a legally defined line, no dimensions are shown by which the boundary could otherwise be located, and subsection (3) does not apply, the location of the boundary must be determined by scaling from Schedule "B" and in that case the *zone* boundary is the midpoint of the line delineating the *zone* boundary on Schedule "B".

4.3 Zoning Tables

- (1) The table titles and column headings are part of the bylaw.
- (2) A check mark in a column headed by the zoning code indicates that the *uses* listed to the left, and no others, are permitted in that *zone*.
- (3) The absence of a check mark in a column headed by the zoning code indicates that the *use* listed to the left is not permitted in that *zone*.
- (4) A check mark in a column headed by the zoning code indicates that the density, siting or size, or other conditions apply within that zone.
- (5) Regulations listed under the heading "Subdivision Lot Size Requirements" apply to subdivision of land under the *Land Title Act* or the *Strata Property Act*.

PART 5 ZONE REGULATIONS

5.1 Rural Residential Zones

Permitted Uses

	RR1	RR2	RR3
(1) The following <i>uses</i> are permitted, subject to the regulations set out in this Section and the general regulations, and all other <i>uses</i> are prohibited:			
(a) <i>Dwelling</i> ;	✓	✓	✓
(b) <i>Cottage</i> ;	✓	✓	✓
(c) <i>Agriculture</i> ;	✓	✓	✓
(d) <i>Short-term vacation rental</i> of a <i>dwelling</i> ;	✓	✓	✓
(e) <i>Accessory uses, buildings and structures</i> , including, but not limited to, <i>home businesses</i> and roadside stands for the sale of produce grown on the same <i>lot</i> .	✓	✓	✓

Density

	RR1	RR2	RR3
(2) On a parcel less than 0.8 hectares (2 acres) in area, one (1) <i>dwelling</i> is permitted and no <i>cottage</i> is permitted.	✓	✓	✓
(3) On a parcel 0.8 hectares (2 acres) or greater in area, but less than 4.0 ha (10 acres) in area, one (1) <i>dwelling</i> and one (1) <i>cottage</i> are permitted.	✓	✓	✓
(4) On a parcel 4 hectares (10 acres) or greater in area, two (2) <i>dwellings</i> and two (2) <i>cottages</i> are permitted.	✓	✓	✓

Siting and Size

	RR1	RR2	RR3
(5) Maximum <i>Floor Area</i> per <i>lot</i> :	✓	✓	✓

<i>Lot Area</i> (ha)	The total <i>floor area</i> of all <i>buildings</i> may not exceed:	The <i>floor area</i> of a <i>dwelling</i> may not exceed:
Less than 0.4 ha	465 m ²	353 m ²
0.4 ha to 0.79 ha	557 m ²	418 m ²
0.8 ha to 1.59 ha	743 m ²	520 m ²
1.6 ha to 3.9 ha	836 m ²	543 m ²
4.0 ha or greater	1858 m ²	558 m ²

(6) The minimum <i>setback</i> for any <i>building</i> or <i>structure</i> , except a fence or <i>pump/utility house</i> , shall be:			
(a) 7.6 metres (25 ft.) from any front or rear <i>lot line</i> ;	✓	✓	✓
(b) 3.0 metres (10 ft.) from any interior side <i>lot line</i> ;	✓	✓	✓

- | | | | | |
|-----|---|---|---|---|
| (c) | 4.5 metres (15 ft.) from any exterior side <i>lot line</i> . | ✓ | ✓ | ✓ |
| (7) | The <i>floor area</i> of a <i>dwelling</i> may not exceed 560 m ² (6028 ft ²). | ✓ | ✓ | ✓ |
| (8) | The <i>floor area</i> of any <i>accessory building</i> may not exceed 140 m ² (1507 ft ²). | ✓ | ✓ | ✓ |

Conditions of Use

- | | RR1 | RR2 | RR3 |
|--|-----|-----|-----|
| (9) Only one <i>dwelling</i> or <i>cottage</i> may be used for <i>short-term vacation rental</i> on a <i>lot</i> at the same time. | ✓ | ✓ | ✓ |

Subdivision Lot Size Requirements

- | | RR1 | RR2 | RR3 |
|---|--------|--------|--------|
| (10) Subject to subsection 5.1(11), the minimum and average <i>lot</i> area requirements for any <i>lot</i> created by subdivision are: | 0.4 ha | 0.8 ha | 4.0 ha |

Site-Specific Regulations

- (11) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the *zone* abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations set out in the third column apply:

Site-Specific Zone	Location Description	Site Specific Regulations
RR1(a)	<i>Lots 1 through 7, inclusive, of Plan VIP53829, Section 21, Pender Island, Cowichan District</i>	(a) Despite 5.1(10), the minimum <i>lot</i> area is 0.76 hectares (1.90 acres) and the average <i>lot</i> area is 1.05 hectares (2.6 acres)
RR1(b)	<i>Lots 8 and 9 of Plan VIP53829, Section 21, Pender Island, Cowichan District</i>	(a) Despite 5.1(10) the minimum <i>lot</i> area is 0.8 hectares (2 acres) and the average <i>lot</i> area is 2.3 hectares (5.7 acres)

5.2 Commercial Resort (C)

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) *Resort hotel*;
 - (b) Boat ramp, boat, bicycle and sport equipment rental, resort activity centre, *fitness facility*; and,
 - (c) *Uses accessory* to the *principal use* permitted under 5.2(1)(a) and (b): *retail sales*, administrative offices and business facilities, child care and service, maintenance, laundry, shower and housekeeping facilities, marine related sales and service, cold beer and wine *retail sales*; accommodation of individual persons employed at the resort by the hotel operator for wages or salary, in respect of permitted uses, in a dormitory *building accessory* to the hotel use.

Density

- (2) All *buildings* and *structures* are not to cover more than 33% of the *usable site area* of all *lots* in the C Zone.
- (3) A *building* or *structure* is not to cover more than 33% of the *usable site area* of the *lot* on which it is located.

Siting and Size

- (4) The minimum *setback* for any *building* or *structure*, except a fence, shall be:
- (a) 7.6 metres (25 ft.) from any front or rear *lot line*;
 - (b) 3.1 metres (10 ft.) from any interior side *lot line*;
 - (c) 4.6 metres (15 ft.) from any exterior side *lot line*.
- (5) Despite Section 3.4, the maximum *height* of any *building* or *structure* is 9.15 metres (30 ft.).

Resort Hotel Conditions of Use

- (6) In respect of a *resort hotel* in the C Zone:
- (a) The total *floor area* of a *hotel cottage* is to:
 - (i) In the case of a *hotel cottage* containing two *sleeping units* not exceed 78.5 square metres (845 sq. ft.); and,
 - (ii) In the case of a *hotel cottage* containing three *sleeping units* not exceed 88 square metres (947 sq. ft.).
 - (b) The total *floor area* of a *hotel room* is to:
 - (i) In the case of one *sleeping unit* not exceed, 37 square metres (400 sq. ft.); and,
 - (ii) In the case of two *sleeping units* not exceed 65 square metres (700 sq. ft.).
 - (c) The total *floor area* of a hotel villa shall not exceed 197 square metres (2,120 sq. ft.) and the average *floor area* of hotel villas shall not exceed 130 square metres (1405 sq. ft.);
 - (d) Nothing in this bylaw prohibits a permitted *hotel cottage* from being physically attached in one *building* to not more than one other allowed *hotel cottage*;

- (e) Nothing in this bylaw prohibits an allowed *hotel room* containing one *sleeping unit* from being physically accessible internally to not more than one other allowed *hotel room* containing one *sleeping unit*;
- (f) Each *hotel cottage* and each hotel villa is to contain not more than one set of cooking facilities;
- (g) The density of hotel temporary accommodation *use* in the C Zone is not to exceed:
 - (i) Eight hotel villas, each containing no more than two *sleeping units*;
 - (ii) One hotel villa, containing no more than three *sleeping units*;
 - (iii) Eleven *hotel rooms*, each containing no more than two *sleeping units*;
 - (iv) Twelve *hotel cottages*, each containing no more than two *sleeping units*; and
 - (v) Three *hotel cottages*, each containing no more than three *sleeping units*.
- h) The total *floor area* of employee dormitory accommodation shall not exceed 372 square metres (4,004 sq. ft.). An accommodation *building* is not to be used for other purposes, except hotel administrative offices and service areas.

Subdivision Lot Size Requirements

- (7) The minimum and average *lot* area requirements are 0.20 hectares (0.5 acres) for any *lot* created by subdivision.

5.3 Community Service (S1)

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 halls, fire halls, libraries, museums, schools, and *churches*;
 - (b) Cemeteries;
 - (c) *Farmer's Market*;
 - (d) *Accessory uses, buildings and structures*, other than *dwellings*.

Density

- (2) The *lot coverage* of all *buildings and structures* may not exceed 25 percent.

Siting and Size

- (3) The minimum *setback* for any *building or structure*, except a fence or *pump/utility house*, shall be 7.6 metres (25 feet) from any *lot line*.
- (4) Despite Section 3.4, the maximum height of any *building or structure* is 9.2 metres (30 ft.).

Subdivision Lot Size Requirements

- (5) Minimum and average *lot area* requirements are 0.4 hectares (1.0 acre) for any *lot* created by subdivision.

5.4 Government Service (S2)

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) Customs agency employee housing;
 - (b) *Accessory uses, buildings, and structures.*

Density

- (2) The *lot coverage* of all *buildings* and *structures* may not exceed 25 percent.

Siting and Size

- (3) The minimum *setback* for any *building* or *structure*, except a fence or *pump/utility house*, shall be 7.6 metres (25 ft) from any *lot line*.
- (4) Despite Section 3.4, the maximum height of any *building* or *structure* is 9.2 metres (30 ft.).

Subdivision Lot Size Requirements

- (5) Minimum and average *lot* area requirements are 0.4 hectares (1.0 acre) for any *lot* created by subdivision.

5.5 Agriculture (A)

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) *Farm Use*;
 - (b) *Dwelling*;
 - (c) *Cottage* or other *dwelling* for the housing of persons engaged in on-going agricultural activities;
 - (d) *Short-term vacation rental of a dwelling*;
 - (e) *Accessory uses, buildings and structures*, including, but not limited to, *home businesses* and roadside stands for the sale of produce grown on the same *lot*.

Density

- (2) Only one (1) *dwelling* is permitted on each *lot*.
- (3) One *cottage* or other *dwelling* is permitted on each *lot* for the housing of persons engaged in on-going agricultural activities on the *lot*.
- (4) For a parcel less than 4.0 ha (10 acres) in area, the *lot coverage* of all *buildings and structures* may not exceed 8 percent.
- (5) For a parcel 4.0 ha (10 acres) or greater in area, the *lot coverage* of all *buildings and structures* may not exceed 3 percent.

Siting and Size

- (6) The minimum *setback* for any *building or structure*, except a *fence or pump/utility house*, shall be:
 - (a) 7.6 metres (25 ft.) from any front or rear *lot line*;
 - (b) 6.1 metres (20 feet) of any side *lot line*.
- (7) Despite Subsection 5.7(6), *buildings or structures* used for housing livestock, poultry or for manure storage may not be located within 30 metres (98 feet) of:
 - (a) a front *lot* or exterior side *lot line*;
 - (b) an interior side *lot line* or rear *lot line* abutting a residential, *park* or institutional *use*;
 - (c) a lake or natural *watercourse*; or
 - (d) a well or source of domestic water supply.
- (8) Despite Article 5.5(6)(a), roadside stands for *accessory sale* of farm products may be sited within the setback from a front *lot line* or exterior side *lot line*.
- (9) The *floor area* of a *dwelling* may not exceed 560 m² (6028 ft²).

Conditions of Use

- (10) Only one *dwelling or cottage* may be used for short-term vacation rental on a *lot* at the same time.

Subdivision Lot Size Requirements

- (11) Minimum and average *lot* area requirements are 4 hectares (10 acres) for any *lot* created by subdivision.

5.6 Forestry (F)

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) Timber production, harvesting, silviculture and forest protection;
 - (b) Portable sawmills;
 - (c) *Dwelling*;
 - (d) *Cottage*;
 - (e) *Short-term vacation rental of a dwelling*;
 - (f) *Accessory uses, buildings and structures*, including, but not limited to, *home businesses*.

Density

- (2) One (1) *dwelling* and one *cottage* is permitted on each *lot*.
- (3) For a parcel less than 4.0 ha (10 acres) in area, the area of a *lot* covered by *buildings and structures* shall not exceed 4 percent.
- (4) For a parcel 4.0 ha (10 acres) and greater in area, the area of a *lot* covered by *buildings and structures* shall not exceed 2.5 percent.

Siting and Size

- (5) The minimum *setback* for any *building or structure*, except a *fence* or *pump/utility house*, shall be 7.6 metres (25 feet) from any *lot line*.
- (6) Despite Section 3.4, the maximum height of any *building or structure* is 9.2 metres (30 ft.).
- (7) The *floor area* of a *dwelling* may not exceed 560 m² (6028 ft²).

Conditions of Use

- (8) Only one *dwelling* or *cottage* may be used for short-term vacation rental on a *lot* at the same time.
- (9) Despite 5.6(5) above, the minimum *setback* for a portable sawmill permitted by 5.6(1)(b) above shall be 20 metres (66 feet).

Subdivision Lot Size Requirements

- (10) Minimum and average *lot* area requirements are 4 hectares (10 acres) for any *lot* created by subdivision.

5.7 Natural Resource (NR)

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this section and the general regulations, and all other *uses* are prohibited:
 - (a) *Dwelling*;
 - (b) *Cottage*;
 - (c) *Short term vacation rental of a dwelling*;
 - (d) *Accessory uses, buildings and structures*, including, but not limited to, *home businesses*.

Density

- (2) One (1) *dwelling* is permitted on each *lot*.
- (3) For a parcel 8 ha (20 acres) and greater in area, one (1) *dwelling* and one (1) *cottage* is permitted on each *lot*.
- (4) The area of a *lot* covered by *buildings and structures* shall not exceed 1.5 percent.

Siting and Size

- (5) The minimum *setback* for any *building or structure*, except a *fence or pump/utility house*, shall be 7.6 metres (25 feet) from any *lot line*.
- (6) The *floor area* of a *dwelling* may not exceed 560 m² (6028 ft²).

Conditions of Use

- (7) Only one *dwelling or cottage* may be used for *short-term vacation rental* on a *lot* at the same time.

Subdivision Lot Size Requirements

- (8) Minimum and average *lot area* requirements are 12 hectares (30 acres) for any *lot* created by subdivision.

5.8 Community Park Zones

Permitted Uses	<u>P1</u>	<u>P2</u>	<u>P3</u>
(1) The following <i>uses</i> are permitted, and including the uses set out in 3.1, all other <i>uses</i> are prohibited:			
(a) Pedestrian trails, open space areas	✓	✓	✓
(b) Preservation, display and interpretation of sites, <i>buildings</i> and <i>structures</i> and items or features of historical significance		✓	
(c) Protection, maintenance, display and interpretation of sites with flora, fauna or other innate features of natural significance			✓
(d) <i>Accessory uses</i> and <i>structures</i> .	✓	✓	✓
Density	<u>P1</u>	<u>P2</u>	<u>P3</u>
(2) The area of a <i>lot</i> covered by <i>buildings</i> and <i>structures</i> shall not exceed:	1.0%	1.0%	1.0%
Siting and Size	<u>P1</u>	<u>P2</u>	<u>P3</u>
(3) The minimum <i>setback</i> for any <i>building</i> or <i>structure</i> from any <i>lot line</i> , except a <i>fence</i> or <i>pump/utility house</i> , shall be:	7.6 m	7.6 m	7.6 m
(4) Despite Section 3.4, the maximum <i>height</i> of any <i>building</i> or <i>structure</i> is:	4.6 m	4.6 m	4.6 m

5.9 National Park (NP)

Information Note: *The Federal Crown is not subject to local government regulations, including zoning, and uses consistent with the Canada National Parks Act and other approved Gulf Islands National Park Reserve management documents are generally permitted on lands in the National Park Reserve.*

Permitted Uses

- (1) The following *uses* are permitted, and including the *uses* specified in 3.1, all other *uses* are prohibited:
 - (a) Informational, interpretive, cultural, and historical *uses* and facilities;
 - (b) Natural and cultural resource management and protection;
 - (c) Backcountry camping and picnicking areas;
 - (d) Park operations and maintenance facilities.

Density

- (2) The area of a *lot* covered by *buildings* and *structures* shall not exceed 1.0 percent.

Siting and Size

- (3) The minimum *setback* for any *building* or *structure*, except a *fence* or *pump/utility house*, shall be 7.6 metres (25 feet) from any *lot line*.
- (4) Despite Section 3.4, the maximum *height* of any *building* or *structure* is 4.6 metres.

Subdivision Lot Size Requirements

- (5) Minimum and average *lot* area requirements are 65 hectares for any *lot* created by subdivision.

5.10 Conservation (RC)

Permitted Uses

- (1) The following *uses* are permitted, and including the *uses* specified in 3.1, all other *uses* are prohibited:
 - (a) Bird watching station;
 - (b) Wildlife interpretation centre.

Density

- (2) The area of a *lot* covered by *buildings* and *structures* shall not exceed 1.0 percent.
- (3) No *building* or *structure* shall be constructed or erected on land within the RC zone, except for a *building* or *structure* not exceeding a total combined *floor area* of 9.3 square metres (100 square feet), for a *use* permitted in Subsection 5.10(1).

Siting and Size

- (4) The minimum *setback* for any *structure*, except a *fence* or *pump/utility house*, shall be 7.6 metres (25 feet) from any *lot line*.
- (5) Despite Subsection 3.4, the maximum permitted *height* for any *structure* is 4.6 metres (15 ft.).

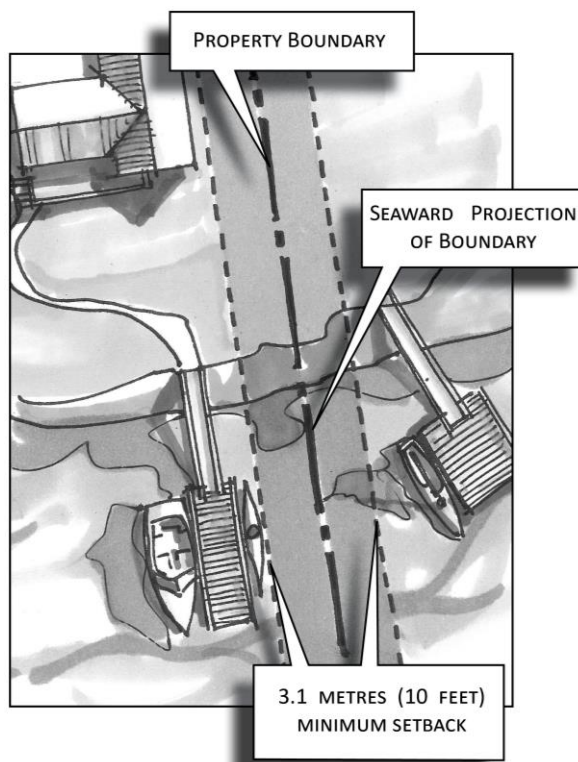
5.11 Marine General (W1)

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) Anchorage and mooring of a private vessel by the owner or occupier of the upland lot abutting the water area in which the vessel is anchored or moored;
 - (b) Floats, docks, wharves, ramps, walkways accessory to the residential use of an abutting upland lot, or adjacent upland lots, and providing access to that lot or lots.

Siting and Size

- (2) No building, including a boathouse, may be constructed or erected on any float or wharf.
- (3) The maximum combined area of any float and wharf, accessory to a principal residential use of one or more upland lots, shall not exceed 46.5 square metres (500 square feet), exclusive of ramps and walkways.
- (4) The width of any ramp or walkway, including handrails, used to access any float or wharf permitted in Article 5.15(1)(b) shall not exceed 1.5 metres (5 feet).
- (5) The minimum setback for any structure shall be 3.1 metres (10 feet) from the seaward projection of the lateral boundaries of the abutting upland lot



Permitted Uses

- (1) The following uses and structures are permitted, subject to the regulations set out in this section and the general regulations, and all other uses and structures are prohibited:
 - (a) Anchorage and mooring of a private vessel by the owner or occupier of the upland lot abutting the water area in which the vessel is anchored or moored;
 - (b) For certainty, floats, docks, wharves, ramps, and walkways are not permitted in this zone.

Siting and Size

- (2) The minimum setback for any structure shall be 3.1 metres (10 feet) from the seaward projection of the lateral boundaries of the abutting upland lot.

5.13 Marina (W3)

Permitted Uses

- (1) The following uses are permitted, subject to the regulations set out in this section and the general regulations, and all other uses are prohibited:
 - (a) Marinas;
 - (b) Boat rentals, excluding rentals of personal watercraft;
 - (c) Marine fuelling stations;
 - (d) Facilities for the temporary mooring of water taxis, pleasure craft, fishing boats and sea planes;
 - (e) Buoys, floats, wharves, docks, slips, ramps, walkways, piers, floating breakwaters, boat launching ramps, dolphins and pilings and buildings necessary for the establishment or operation of uses permitted in this zone.
- (2) For certainty, a vessel anchored, moored or secured to a piling, dolphin, dock, wharf or pier shall not be used as a residence.

Siting and Size

- (3) Signs, boat launching ramps, buoys, floats, wharves, docks, ramps, walkways, slips, pilings and dolphins necessary for the establishment and operation of uses allowed in the W3 zone shall be sited entirely within the boundaries of the W3 zone.
- (4) The maximum floor area of any building is 14 metres² (150 ft²).
- (5) Despite Subsection 3.4, the maximum permitted height for any structure is 5 metres (16.5 ft.) measured from the surface of the water.

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) Government wharf;
 - (b) Customs building;
 - (c) Signs, boat launching ramps, buoys, floats, wharves, docks, slips, ramps, walkways, piers, floating breakwaters, dolphins and pilings and buildings necessary for the establishment or operation of uses permitted in this zone.

5.15 National Park Marine (W5)

Information Note: *The Federal Crown is not subject to local government regulations, including zoning, and uses consistent with the Canada National Parks Act and other approved Gulf Islands National Park Reserve management documents are generally permitted on lands, including submerged lands, in the National Park Reserve.*

Permitted Uses

- (1) The following uses and no others are permitted in the W5 zone:
 - (a) Marine navigational aids;
 - (b) Natural resource management and protection;
 - (c) Docks, wharfage, and moorage accessory to the upland National Park lands.

PART 6 SIGN REGULATIONS

6.1 Permitted Signs

- (1) All *sign* types except those prohibited in Section 6.2 are permitted.

6.2 Prohibited Signs

- (1) Any *sign* that is internally illuminated; any *sign* with moving parts; any *sign* hung from, or in any way affixed to, any other *sign*; and any noise-making *sign* is prohibited.
- (2) *Third party signs* are prohibited.
- (3) *Signs* illuminated in any way which are sited or otherwise placed in a location seaward of the *natural boundary* of the sea are prohibited.

6.3 Exempt Signs

The following *signs* are exempt from the regulations in this Part:

- (1) Directional, traffic control, informational, interpretive and navigational *signs* sited and maintained by a Public Authority, agency or their authorized agents.
- (2) Real estate *signs* on properties that are for sale or lease may be displayed in any *zone*, subject to the *sign* not exceeding 1.0 square metre (10.8 sq. ft.) in area and being located on the property being sold or leased. Such *signs* are to be removed within 14 days of sale or lease.
- (3) *Signs* of duly nominated candidates for public office, , provided they are removed within 14 days of the date of voting.

6.4 Siting and Height

- (1) A *sign* permitted in this Part may be located only in a front yard or exterior side yard *setback* area.

6.5 Obsolete Signs

- (1) Any *sign* which has become obsolete because of the discontinuance of the business, service or activity which it advertises must be removed from the premises within thirty days after the *sign* becomes obsolete.

6.6 Sign Number and Area

- (1) Every *sign* must comply with the restrictions on the number of *signs* and the maximum total area of *signs* set out in Table 6.1 in respect of the *zone* in which the *sign* is proposed to be located.

TABLE 6.1: <i>Sign Regulations</i>		
Zone	Number of <i>Signs</i> Permitted on Each <i>Lot</i>	Maximum Total <i>Sign</i> Area Permitted on Each <i>Lot</i>
RR1 RR2 RR3 NR	1 per <i>lot</i> plus 1 per <i>home business</i>	1.0 m ² (10.7 square feet)
C	1 per business premises	<i>Note: Development permit area established in Part VII of the OCP.</i>
A F	2 per <i>lot</i> plus 1 per <i>home business</i>	1.0 m ² (10.7 square feet)
S1 S2	2 per <i>lot</i>	4.0 m ² (43.1) square feet)
W2	1 per water <i>lot</i> or licence area	1.0 m ² (10.7 square feet)
W3	1 per water <i>lot</i> or licence area	1.0 m ² (10.7 square feet)
All other zones	Only those <i>signs</i> exempted by Section 6.3 are permitted	

PART 7 PARKING REGULATIONS

7.1 Location

- (1) All required off-street parking spaces shall be located on the *lot* on which the *use*, *building* or *structure* being served is located and in the same *zone*. Parking spaces located on a highway may not be taken into account in determining compliance with the standards in this Part.
- (2) In the case of a parking space for persons with disabilities, it shall be located at the closest point as is practical to the main entrance to any *building* containing the *use* for which the parking space is required.

7.2 Design Standards

- (1) Each parking space shall be accessible to a highway via a manoeuvring aisle not less than 7.5 metres in width in the case of 90 degree parking; 5.5 metres in width in the case of 60 degree parking; and 3.5 metres in width in the case of 45 degree and parallel parking; and no parking space may abut a highway such that the *use* of the parking space necessitates reversing a motor vehicle from or onto the highway. If a parking space is accessible directly from a lane the combined length of the parking space and width of the lane shall be at least 12.5 metres.
- (2) Parking spaces shall be at least 2.7 metres in width and 6.2 metres in length, exclusive of manoeuvring aisles, and have unobstructed vertical clearance of at least 2 metres. Parallel parking spaces shall notwithstanding the foregoing have a length of 7.5 metres.

7.3 Calculation

- (1) In the calculation of parking required spaces, one additional space shall be provided in respect of any fractional *floor area*, number of seats or berths or other unit of measurement and the requirements for sites on which more than one *use* occurs are cumulative.
- (2) Where a particular *use* is not listed in Table 2, the number required for the most similar listed *use* applies.

7.4 Number of Off-Street Parking Spaces

- (1) Every owner or occupier of land shall provide and maintain off-street parking spaces in conformity with the standards set out in Table 7.1 in respect of the *use* or occupancy that is applicable to the owner's land.

Table 7.1 : Number of Off-Street Parking Spaces	
<i>Use of Building or Lot</i>	Minimum Number of Parking Spaces Required
Residential	2 per <i>dwelling</i> and one per <i>cottage</i>
Retail Stores Offices	1 per 23 m ² <i>floor area</i> plus 1 for persons with disabilities
<i>Restaurants, Cafes, Premises licensed under the Liquor Control and Licensing Act</i>	1 per 3 seats plus 1 accessible parking space for persons with disabilities
<i>Churches</i>	1 per 23 m ² <i>floor area</i>
Hotels	1 per <i>sleeping unit</i> and 1 per employee plus 1 for persons with disabilities
Staff <i>Dwelling</i> Unit in Commercial zone	1 per 2 employees
<i>Marina</i>	1 per 3 boats berthed on annual basis and 1 per employee
<i>Bed and Breakfast</i>	1 per room used for or intended to be used for patron overnight accommodation and one per non-resident employee
Other Home Businesses	1 per non-resident employee and 1 per business where the nature of the business is such that patrons call at the premises.
Fire Hall	5 spaces

PART 8 SUBDIVISION REGULATIONS

8.1 Lot Area Calculations

- (1) *Lots* created by subdivision shall have an area at least equal to the minimum *lot* area specified in Part 5 for the *zone* in which the parent parcel is located, and shall have an average area at least equal to any average *lot* area so specified.
- (2) If an owner of land being subdivided dedicates as parkland more than 5 percent of the land being subdivided, the area greater than 5 percent may, for the purpose of determining compliance with average *lot* area regulations set out in Part 5, be included in the total area of *lots* being created, and the *park* or *parks* are deemed not to be *lots*.
- (3) If a *lot* proposed to be subdivided is divided by a *zone* boundary and the *lot* cannot be subdivided without creating new split zoned *lots*, each split zoned *lot* must comply with the largest minimum and average *lot* size specified in Part 5 for any *zone* in which the *lot* is located.

8.2 Exemptions from Average and Minimum Lot Area Requirements

- (1) The average and minimum *lot* sizes specified in Part 5 do not apply if:
 - (a) the *lot* being created is to be used solely for unattended equipment necessary for the operation of facilities referred to in Section 3.1, a community sewer or water system, electrical or telecommunication *utilities*, telephone receiving antenna, radio or television broadcasting antenna, a telecommunication relay, an automatic telephone exchange, an air or marine navigational aid, or an electrical substation, and the owner grants to the *Local Trust Committee* a Section 219 covenant complying with Section 2.6 restricting the *use* of the *lot* to one or more of these uses;
 - (b) the *lot* being created is for *park use*, an *ecological reserve* or dedication to the Crown;
 - (c) the *lot* being created results from the consolidation of two or more *lots*, provided that the consolidated *lot* does not have sufficient area that it could be subdivided into more *lots* than would be permitted under this bylaw without the consolidation; or
 - (d) to the adjustment of boundaries between *lots*, provided that the area of any *lot* would not be increased to an extent that it could be subdivided into more *lots* than would be permitted under this bylaw without the boundary adjustment.

8.3 Covenants Prohibiting Further Subdivision and Development

- (1) If a proposed subdivision yields the maximum number of *lots* permitted by the applicable minimum and average *lot* areas specified in Part 5, and one or more of the *lots* being created has an area equal to or greater than twice the applicable average *lot* area, the applicant shall grant a Section 219 covenant complying with Section 2.6 in respect of every such *lot*, prohibiting further subdivision of the *lot* and prohibiting construction, erection, or occupancy on the *lot* of more than the applicable *zone*'s permitted number of *dwellings* and, if a *cottage* is a permitted *use* of the *lot*, more than that *zone*'s permitted number of *cottages*.
- (2) If a subdivision is proposed that yields fewer than the maximum number of *lots* permitted by the applicable minimum and average *lot* sizes specified by this bylaw, and:

- (a) one or more of the *lots* being created has an area equal to or greater than twice the applicable average *lot* area; and
 - (b) one or more of the *lots* being created has an area less than the applicable average *lot* area, the applicant shall grant a Section 219 covenant complying with Section 2.6 in respect of every *lot* described in Article 8.3(2)(a) prohibiting:
 - (c) the further subdivision of the *lot* so as to create a greater total number of *lots* by subdivision and re-subdivision of the original *lot* than would have been created had the first subdivision created the maximum number of *lots* permitted by the applicable minimum and average *lot* areas specified by this bylaw; and
 - (d) the construction, erection, or occupancy on the *lot* of *dwellings* and, if permitted by this bylaw, *cottages* so as to create greater density of such development on the original *lot* than would have been created had the original *lot* been subdivided into the greatest number of *lots* permitted by this bylaw.
- (3) If the approval of a bare land strata plan would create common property on which this bylaw would permit the construction of a *dwelling* or *cottage* if the common property were a *lot*, the applicant shall grant a Section 219 covenant complying with Section 2.6 in respect of the common property prohibiting the further subdivision of the common property, the construction of any *dwelling* or *cottage* on the common property, and the disposition of the common property separately from the strata *lots*.

8.4 Boundary Adjustment Subdivisions

- (1) A boundary adjustment subdivision that would result in the increase of the area of any *lot* to the point where the new *lots* created could collectively be subdivided into more *lots* than would be permitted under this bylaw without the boundary adjustment is prohibited.
- (2) A boundary adjustment subdivision resulting in a *lot* lying in two or more *zones* is prohibited, except where one of the *lots* being subdivided is located in two or more *zones*.

8.5 Section 946 subdivisions (Residence for a Relative)

- (1) No *lot* having an area less than 8 hectares (20 acres) may be subdivided under Section 946 of the *Local Government Act* to provide a *residence* for a relative of the owner unless the *lot* is entirely within the Agricultural Land Reserve.

8.6 Lot Frontage and Lot Configuration

- (1) The *frontage* of any *lot* in a proposed subdivision must not be less than 20.12 metres (66 feet) or the minimum *frontage* established in Section 944 of the *Local Government Act*.

Information Note: *The minimum frontage established in Section 944 of the Local Government Act is 10% of the perimeter of the lot. The Local Trust Committee has jurisdiction to exempt a lot or a subdivision from this requirement.*

- (2) No *lot* in a proposed subdivision may have a depth greater than three times its width, and for this purpose the width of a *panhandle lot* shall be measured at the point where the panhandle connects with the main portion of the *lot*.
- (3) If a proposed *panhandle lot* is not capable of being further subdivided under the provisions of this bylaw, the minimum width of the access strip at any point is 10.06 metres (33 feet).

- (4) If a proposed *panhandle lot* is capable of being further subdivided under the provisions of this bylaw, the minimum width of the access strip at any point is 20.12 metres (66 feet).

8.7 Split Zoned Lots

- (1) Subject to Subsection 8.1(3), a subdivision resulting in the creation of a new *lot* lying in two or more *zones* is prohibited.

8.8 Split or Hooked Lots

- (1) No additional *lot* which is divided into two or more portions by a highway or another *lot* may be created by subdivision.

8.9 Double Frontage Lots

- (1) No additional *lot* having *frontage* on more than one highway other than a corner *lot* may be created by subdivision.

8.10 Water Access Subdivisions

- (1) *Highway* access must be provided to every *lot* created by subdivision on South Pender Island.
- (2) If a subdivision with water access only is approved on an island other than South Pender Island within the South Pender Island Local Trust Area, the owner of land being subdivided must provide motor vehicle parking spaces in accordance with Part 7 of this Bylaw for each *dwelling* and *cottage* permitted by this Bylaw in respect of each *lot* being created. Such parking spaces must be located at the most reasonable location giving access by water to the subdivision.

8.11 Highway Standards

Information Note: For information on road standards see the *Letter of Agreement between the Islands Trust and the Ministry of Transportation and Highways, dated October 20, 1992 and amended July 18, 1996.*

8.12 Water Supply

- (1) Where a subdivision is not served by a community water system, each proposed lot must be proven by the applicant to have a source of potable water of sufficient quantity in accordance with Table 1 in Subsection 8.12(3).
- (2) A community water system must be provided for subdivisions where there is not a proven source of potable water of sufficient quantity in respect of each lot.
- (3) Where a well is proposed as a source of potable water for a proposed subdivision, the applicant for subdivision must provide written certification under seal of an Professional Engineer or Hydrogeologist with experience in groundwater hydrology that there is, in respect of each building, structure, or use of land permitted by this Bylaw, on or to each proposed lot, an available supply of potable water that meets or exceeds the Guidelines for Canadian Drinking Water Quality in the amounts set out in Table 1, and that the

extraction from the groundwater table of that amount of water in respect of each permitted building, structure or use will not adversely affect the quantity or quality of water obtainable from any existing well or surface water then used as a source of potable water. The extraction and treatment of saline ground water (as outlined in the Guidelines for Canadian Drinking Water Quality) into potable water is not permitted.

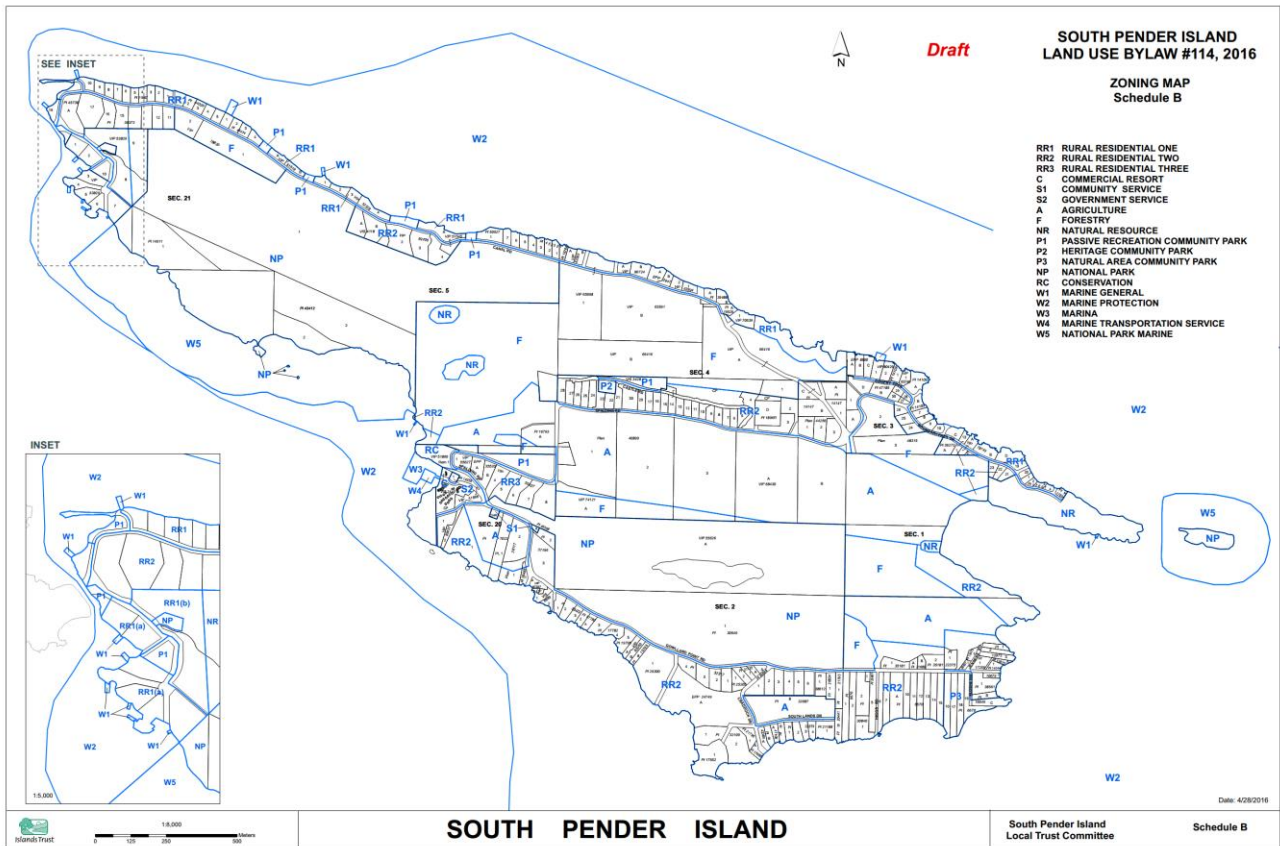
TABLE 8.1: Potable Water Supply Standards	
Use	Volume (per day per lot)
Residential	2275 litres (per permitted dwelling)
Agricultural	3640 litres
Commercial	3640 litres
Commercial Guest Accommodation	6000 litres
Industrial	3640 litres
All other uses	2275 litres

- (4) If the certification referred to in Subsection 8.12(3) cannot be made, the *Approving Officer* may nonetheless approve the subdivision in the following circumstances:
 - (a) if the applicant provides a community water system complying with the requirements of this Bylaw; or
 - (b) if the applicant grants a covenant restricting the development of the subdivision to the buildings, structures and uses in respect of which a certification has been made under Subsection 4.4.3.
- (5) Where applicant has provided a report by a Professional Engineer or Hydrogeologist with experience in groundwater hydrology, and the report indicates that the water from a well does not meet the standards of potability as set in 8.12(3) and the report states that with specific treatment systems the well can be certified as to potability, the *Approving Officer* may nonetheless approve the subdivision provided that:
 - (a) the applicant grants a s. 219 covenant to the LTC and to the CRD restricting use and occupancy of the land and any building or structure on the land until the owner installs a water treatment system which is effective in making the water from the well potable to no less a standard than that specified in this Bylaw.
- (6) For the purposes of the certification referred to in Subsection 8.12(3), the Professional Engineer or Hydrogeologist must supply supporting documentation, and if a pump test has been conducted, the Professional Engineer or Hydrogeologist must indicate that the test was of sufficient duration to establish in accordance with generally accepted hydrological engineering practice the long term reliability of the water supply.
- (7) If a Professional Engineer or Hydrogeologist provides a certification under Subsection 8.12(3) as to the quality of a proposed source of potable water, the certificate must include a plan of the proposed subdivision indicating the location where each water sample was taken, and a statement that the water samples upon which the water quality analysis was performed were unadulterated samples taken from the locations indicated on the plan.
- (8) If a community water system is proposed, the water system must comply with applicable provincial enactments and must be designed with sufficient capacity to serve all the lots that may be created by further subdivision. No community water system may be supplied

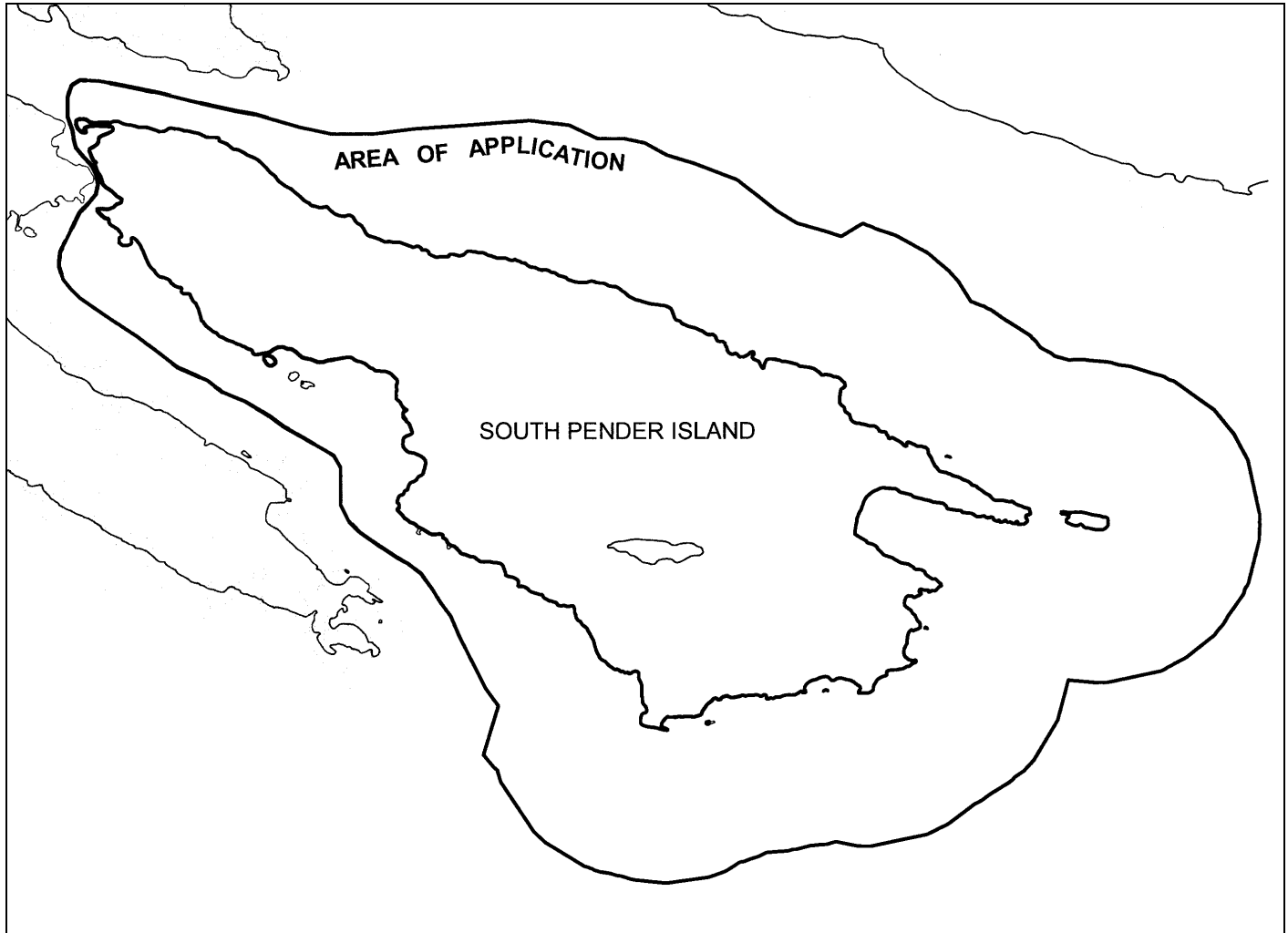
with water other than that which is obtained on the island on which the system is located. The water intake of a community water system must not be closer than 300 metres to public accesses to lakes.

- (9) An applicant is not required to fulfil the requirements of subsections 8.12(1), 8.12(2) and 8.12(3) for boundary adjustment subdivisions provided that: there would be no increase in density or intensity of use beyond what was permitted before the boundary adjustment took place; and that all of the lots subject to the boundary adjustment have an established supply of water.

SCHEDULE B (ZONING MAP)



SCHEDULE C (BYLAW AREA MAP)





Islands Trust

Print Date: May 23, 2017

Top Priorities

South Pender Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	LUB Review and Update	1.Staff technical review, including definitions and mapping. 2.Trustee development of broad questions 3.Develop format for community consultation 4.Community consultation	04-Oct-2011	Robert Kojima	31-Dec-2015
2	First Nations Reconciliation		16-Jan-2017		



Islands Trust

Print Date: May 23, 2017

Projects

South Pender Island

Description	Activity	R/Initiated
Lower Ecological Footprint	explore alternative energy solutions, reducing GHG emissions, preservation of water supply and quality, and other initiatives to lessen our impact on our environment of the SPI LTA.	28-Apr-2015
Agricultural Land Review		06-Sep-2016
Pedestrian and Cycle Routes	Consider amending OCP map schedule and policies to designate future cycle / pedestrian routes	04-Nov-2014
Development Permit Areas	review existing DPAs for sensitive ecosystems to determine current status	28-Apr-2015
Sea level Rise and Shoreline Erosion		28-Apr-2015
Heritage conservation Options for the Church of the good shepherd		01-Sep-2015



Islands Trust

Subdivision

Print Date: May 23, 2017

Applications

File Number	Applicant Name	Date Received	Purpose
SP-SUB-2016.1	WHITEHEAD, CATHY	01-Nov-2016	Subdivision of the existing parcel into two equal parcels.
Planner: Phil Testemale			
Planning Status			
<u>Status Date:</u> 13-Jan-2017			
PLA rec'd			
<u>Status Date:</u> 28-Nov-2016			
Subdivision Referral Response sent to MoTI. Copied to SPLTC and applicants			
<u>Status Date:</u> 09-Nov-2016			
IT application and payment received. File forwarded to LTC and planner.			

Islands Trust
 LTC EXP SUMMARY REPORT F2017
 Invoices posted to Month ending March 2017

665 South Pender	Invoices posted to Month ending March 2017	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	750.00	295.42	454.58
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	2,000.00	1,486.83	513.17
65210-665	LTC - Local Exp - APC Meeting Expenses	500.00	15.00	485.00
65220-665	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-665	LTC - Local Exp - Special Projects	500.00	0.00	500.00
TOTAL LTC Local Expense		<u>3,300.00</u>	<u>1,501.83</u>	<u>1,798.17</u>
Projects				
73001-665-2011	South Pender OCP/LUB	4,000.00	2,909.89	1,090.11
73001-665-4070	South Pender Heritage Conservation	1,000.00	0.00	1,000.00
73001-665-4071	South Pender Waste Management	1,000.00	0.00	1,000.00
TOTAL Project Expenses		<u>6,000.00</u>	<u>2,909.89</u>	<u>3,090.11</u>

South Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Revised: April 28, 2015

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 23, 2006	SP-LTC-12-06	Adoption of Minutes	That staff prepare draft of meeting minutes for Local Trust Committee reading, correction and amendment as soon as possible following meetings. The South Pender Island Local Trust Committee will adopt these minutes by Resolution without Meeting within fourteen business days, if possible, of each meeting. [The adopted minutes will be posted to the website as soon as possible and a copy will also be included in the next meeting's agenda package].
2.	October 5, 2010		Follow up action list	Send FUAL to trustees once drafted following the meeting.
3.	April 28, 2015	SP-2015-015	Printed Agenda Pkgs	That whereas full agendas are available for public perusal on the website, and whereas the SPILTC endeavours to lower its ecological footprint be it moved that full paper printed agenda packages no longer be provided for future SPILTC meetings. [Copies of the agenda cover will be brought to the meetings]



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality April 2017



100 Protected Places

The protection of Moore Hill on Thetis Island marks a milestone of 100 protected places for the Islands Trust Fund. We hope you take a moment to reflect on your part in this achievement, as every single protected place is truly a result of collaboration, cooperation and partnership.

Property Management Strategy approved

The Trust Fund Board has approved a Property Management Strategy which will guide the management of Islands Trust Fund nature reserves and covenants. The strategy provides a framework for informed decision-making to ensure that the ecological integrity of protected areas is maintained or enhanced while making the most effective and efficient use of resources. There will soon be a page on our website providing information on this strategy.

Regional Conservation Plan consultation

Look out for the trustee survey on the Regional Conservation Plan coming your way in early May. Input from trustees will be really valuable and will help make our session at the Trust Council meeting in June more productive. In the fall, Islands Trust Fund staff will attend local trust committee meetings to discuss conservation planning for each local trust area with you. ITF is also hosting workshops for our conservation partners and First Nations in Nanaimo on May 1st and in Sidney on May 4th.

Financial Planning Committee appointment: Robin Williams

The Trust Fund Board has appointed member Robin Williams to serve as our representative on the Financial Planning Committee. We are grateful for Robin's interest.

Property Monitoring

Visits to monitor Islands Trust Fund properties and covenants will be taking place from April to July. Our monitoring is carried out by a contractor who has worked with the Islands Trust Fund for many years.

Summary of Current Island-by-Island Activities

Bowen

Bowen Island Conservancy has restored an area of the David Otter Nature Reserve, planting and caging cedar trees. The group has also been working with consultants to determine the site and design of a proposed viewing platform at Fairy Fen Nature Reserve.

Gabriola

A \$10,000 grant from TD Friends of the Environment has been received towards the cost of a wooden boardwalk around the iconic large western redcedar at the Elder Cedar Nature Reserve. The raised boardwalk will allow people to get close to the majestic giant, but lessen the impact on the root zone of the tree.

Galiano

Following a presentation by the Chair of the Crystal Mountain Society Rezoning Committee with respect

to the possibility of the Society donating land to the Trust Fund Board as a nature reserve, TFB reconfirmed its agreement to hold a covenant on approximately 18 hectares of the lands owned by Crystal Mountain Society and indicated a willingness to consider a Conservation Proposal with respect to transferring of some or all of the land to the Board.

A successful restoration project was carried out at the Trincomali Nature Sanctuary involving new planting and weeding of last year's planting. Thanks to the volunteers involved!

Gambier

Restoration work at the Long Bay Wetlands Nature Reserve was successfully carried out involving volunteers from Gambier Island Conservancy and Camp Suzuki.

Keats

Islands Trust Fund has indicated support for provisions in proposed Bylaws 143 and 144 that pertain to dedicating an area as a nature reserve. If the bylaws are approved, ITF will continue to work with the owners to secure the transfer of land.

Lasqueti

TFB has approved a revised management plan for the Kwel Nature Reserve. The plan will be posted to our website soon.

Mayne

TFB has approved an Opportunity Fund grant of \$5,000 towards the costs of an ecological assessment and legal fees in conjunction with Mayne Island Conservancy Society's project to acquire and conserve a property at St John Point.

North Pender

An arborist limbed a danger tree that fell over the trail at Medicine Beach Nature Sanctuary.

Salt Spring

A representative of Salt Spring Trail and Nature Club presented a proposal to Trust Fund Board members requesting the Islands Trust Fund consider releasing or amending the covenant on Lot 31, Salt Spring Island, to allow BC Parks to acquire the land as an expansion of Mount Erskine Provincial Park. Board members identified a number of issues that would have to be addressed once a formal proposal is received, including the board's over-riding responsibility to maintain ecological protection, limited staff, time and financial resources and possible legal issues.

A conservation covenant, co-held with the Salt Spring Island Conservancy, has been registered on Isabella Point. The covenant protects 2.15 hectares of forest, woodland and rocky bluffs along the shoreline.

Thetis

A covenant held by the Cowichan Community Land Trust Society is now registered on the property recently acquired on Moore Hill. Management planning will begin in the next few months.

The campaign to protect Fairyslipper Forest is in its last few months, and the push is on to raise the funds required.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca

REQUEST FOR DECISION

To: South Pender Island Local Trust Committee

For the Meeting of: May 30, 2017

From: Robert Kojima,
Regional Planning Manager

Date Prepared: May 9, 2017

SUBJECT: 2016-2017 ANNUAL REPORT – APPROVAL OF SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE SECTION

RECOMMENDATION: That the South Pender Island Local Trust Committee approves the attached text for inclusion in the 2016-2017 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.i](#). To comply with the schedule indicated in the policy, the Executive Committee has adopted the following schedule for preparation of individual committee reports:

Committee reports:	Reports to be approved on the following dates:
TPC	May 29
LPC	May 24
FPC	May 31
TFB	May 30
EC	June 7
Denman	May 2 / June 6
Gambier	April 27/ May 25
Gabriola	May 11/ June 8
Galiano	June 5
Hornby	May 5
Lasqueti	April 24
Mayne	June 26
North Pender	May 26
Salt Spring Island	May 4/ June 1
Saturna	June 15
South Pender	May 30
Thetis	April 25
Ballenas-Winchelsea	April 5
Executive Islands	

Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings listed above.

FINANCIAL: None

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and consideration of Trust Council in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Community Sport and Cultural Development and circulate it as indicated in Trust Council's policy.

OTHER: n/a

BACKGROUND

- The Executive Committee approved the format and outline of the 2016-2017 Annual Report at its meeting on February 15, 2017.

REPORT/DOCUMENT: South Pender Island Local Trust Committee input to Annual Report (draft)

KEY ISSUE(S)/CONCEPT(S): Consistent Annual Report sections from each committee

RELEVANT POLICY: This approach complies with Section 19 of the *Islands Trust Act* and Trust Council's [Annual Report Policy 6.10.i](#).

DESIRED OUTCOME: Trust Council is able to easily approve its annual report in June 2017 without further editing from staff or trustees at the Trust Council meeting.

RESPONSE OPTIONS

Recommended: That the South Pender Island Local Trust Committee approves the attached text for inclusion in the 2016-2017 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

Alternative: None

Prepared By: Robert Kojima
Regional Planning Manager

Reviewed By/Date: Director (Marlor, Shelest, Frater) as appropriate

South Pender Island Local Trust Committee

The South Pender Island Local Trust Committee held 5 regular business meetings in the 2016–2017 fiscal year, as well as 1 community information meeting and 1 special meeting.

Work for this period focused on advancing the Local Trust Committee (LTC) priority to undertake a comprehensive review and update of the Land Use Bylaw.

Another initiative of the South Pender Island Local Trust Committee for this period was to initiate a process of First Nations relationship building in conjunction the North Pender Island Local Trust Committee.