



Islands Trust

**SOUTH PENDER ISLAND  
OFFICIAL COMMUNITY PLAN  
BYLAW NO. 107, 2011**

AS AMENDED BY SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE  
BYLAW(S) NO. 113

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

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

**TABLE OF TEXT AMENDMENTS**

<b>Bylaw No.</b>	<b>Date of Adoption</b>	<b>Date of Bylaw Consolidation</b>
113	October 2, 2017	October 26, 2017

# ADOPTED

## SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW No. 107

\*\*\*\*\*  
A BYLAW TO ADOPT THE OFFICIAL COMMUNITY PLAN FOR  
SOUTH PENDER ISLAND LOCAL TRUST AREA  
\*\*\*\*\*

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 26, except sections 932 to 937 and 939, of the *Local Government Act*;

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:

### TITLE

1. This Bylaw shall be cited as the "South Pender Island Official Community Plan Bylaw No. 107, 2011".

### APPLICATION

2. This Bylaw applies to:

South Pender Island and the islets, islands or other land areas and the surface of water within the South Pender Island Trust Area as shown on Schedule "B" which is attached to and forms part of this bylaw.

### ORGANIZATION

3. Schedules A, B, C, D, E, F, G and H attached to and forming part of this Bylaw, are hereby designated as the "South Pender Island Official Community Plan Bylaw No. 107, 2011".

4. The Schedules comprising this Bylaw are as follows:

Schedule "A" - Policy Document  
Schedule "B" - Land Use Designations and Agricultural Land Reserve Lands  
Schedule "C" - Development Permit Areas  
Schedule "D" - Parks, Trails, and Oceanfront Accesses  
Schedule "E" - Environmentally Sensitive Areas  
Schedule "F" - Steep Slope Hazards  
Schedule "G" - Raptor Nests  
Schedule "H" - Road Network

BYLAW REPEAL

5. The "South Pender Island Official Community Plan Bylaw No. 91, 2002" is repealed upon adoption of the Bylaw.

READINGS

READ A FIRST TIME this 7th day of June , 2011.

PUBLIC HEARING HELD this 23th day of July , 2011.

READ A SECOND TIME this 27th day of July , 2011.

READ A THIRD TIME this 27th day of July , 2011.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST this  
16th day of August , 2011.

APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT this  
20th day of October , 2011.

ADOPTED this 28<sup>th</sup> day of October , 2011.

\_\_\_\_\_  
DEPUTY SECRETARY

\_\_\_\_\_  
CHAIR

**SOUTH PENDER ISLAND**

**OFFICIAL COMMUNITY PLAN, 2011**

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# SCHEDULE “A”

## PART 1 – ABOUT THE OFFICIAL COMMUNITY PLAN

### 1.1 Purpose

The South Pender Island Official Community Plan (hereafter referred to as the OCP) provides direction for governmental, nonprofit and individual decisions on permitted and desirable land uses in the South Pender Island Area and establishes a framework for the avoidance and resolution of conflict in our island community.

The OCP embodies a consensus of South Pender Islanders' views about how best to nurture a sustainable economy, environment and community in a manner that preserves and protects what we most value for the generations to follow. To that end, the OCP begins with a broad vision for an ideal future state of the island and articulates the broad goals and more detailed objectives and policies that need to be kept in mind and addressed to make that vision a reality. Because island circumstances change, the OCP is a dynamic document that should be reviewed regularly to remain current; it may be amended as an initiative of the LTC or by application of a landowner.

Every bylaw passed and action taken by the Local Trust Committee (LTC), the locally elected land use authority for South Pender Island, has to be consistent with the OCP. Most notably, this includes South Pender's Land Use Bylaw (currently bylaw no. 92<sup>1</sup>), which prescribes the specific rules and regulations that give effect to the policies and objectives contained in the OCP.

#### 1.1.1 Legal Requirements for Approval and Amendment of the OCP

The LTC writes and adopts the OCP, following extensive community review and input, in compliance with the requirements of British Columbia's *Local Government Act* and *Islands Trust Act*. The OCP can subsequently be amended on the initiative of the LTC or on application by an outside party, subject to LTC approval, but all amendments require consultation with persons, organizations and authorities that the LTC considers will be affected.

The *Local Government Act* (s. 877) provides that the OCP must include statements and map designations related to:

- the location, type and density of residential development;
- restrictions on the use of land that is subject to hazardous conditions or that is environmentally sensitive to development;
- agricultural, recreational, commercial, industrial, institutional and public utility uses;
- affordable, special needs and rental housing;
- the location and phasing of roads, sewer and water systems;
- targets for the reduction of greenhouse gas emissions and policies and actions of the local government proposed with respect to achieving those targets;
- the location of public facilities, including schools, parks and waste treatment sites; and
- sand and gravel deposits suitable for extraction.

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<sup>1</sup> <http://www.islandstrust.bc.ca/ltc/sp/pdf/spbylbaselub0092.pdf>



## 1.2 Introduction

### 1.2.1 The Islands Trust and Its Object

South Pender Island is one of 13 major islands<sup>2</sup> (and numerous other smaller islands) in the Strait of Georgia that together make up the Islands Trust, created in 1974 under the *Islands Trust Act*. The Islands Trust has responsibility for conservation through land use planning and regulation and for leadership in stewardship – that is, voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area. The Islands Trust seeks to integrate ecosystem preservation and protection, sustainable communities and stewardship of resources.

The *Islands Trust Act* defines the purpose of the Islands Trust as follows:

“The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia.”

The South Pender Island OCP expresses the object of the Trust through the concept that land use and development should be compatible with the inherent capacity of the island and be of individual or collective benefit to the residents and property owners. It does so also through advocacy policies that express our Island community's expectations of other organizations and individuals for cooperation in attaining our OCP's goals and supporting objectives.

### 1.2.2 The South Pender Local Trust Committee

South Pender Island and its surrounding area form the South Pender Island Local Trust Area within the Islands Trust. Its three-member South Pender Island Local Trust Committee comprises two Local Trustees elected by the island community and a Chair, a Local Trustee from another Trust Island appointed by the Islands Trust Executive Committee.

The South Pender Island Local Trust Committee is responsible for land use planning and regulation within the Local Trust Area, including

- preparation and amendment of community plans and regulatory bylaws for land use and subdivision;
- processing and issuing authorized permits; and
- responding to referrals of applications from other agencies with jurisdiction in the Local Trust Area.

In its decision-making, the Local Trust Committee may receive or seek input from the community, recommendations from an Advisory Planning Commission (APC) on matters referred to it by the LTC, and professional and administrative land use planning advice from Islands Trust staff.

### 1.2.3 The Character of South Pender Island

South Pender is the smallest of the Islands Trust area's major islands. The landscape is predominantly one of forest-covered slopes that are often steep and interspersed with smaller, more gently sloped or level areas along or close to the shoreline, and a larger flat valley-bottom area running east/west across the southern third of the island. Soil depths on areas of moderate to gentle slopes vary, ranging from shallow veneers over bedrock to deeper layers over bedrock or clay substrates. Pockets of poorly draining clay soils of marine origin exist in lower level areas. Total

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<sup>2</sup> Saltspring, Galiano, Mayne, Saturna, North Pender, South Pender, Lasqueti, Thetis, Gabriola, Denman, Hornby, Gambier-Keats, Bowen.

annual rainfall is low. The few streams are seasonal, and the island's only freshwater bodies are Greenburn Lake and three small wetland areas. The island community depends on groundwater for its domestic water supplies, except for a few those properties licensed to draw water from Greenburn Lake.

South Pender Island lies within the Coastal Douglas-fir biogeoclimatic ecological zone, which in turn lies in the rain shadow of Vancouver Island and the Olympic mountains and is dominated by Douglas-fir with an understory commonly consisting of salal and/or Oregon grape. Western redcedar are typical in wetter sites while Garry oak and arbutus predominate on drier sites throughout this zone.

South Pender Island is one of the least populated and least developed of the Island Trust's major islands. Development is predominantly residential, located mainly along the coastline. Few services are available on-island; the community relies on adjacent North Pender Island for most needs. The quiet, freedom from disturbance, and sense of privacy within what is a relatively undisturbed and visually attractive setting are key qualities valued by South Pender Islanders, who expect these qualities to be maintained. This expectation forms the guiding principle for our Official Community Plan.

### **1.3 The Legal Authority of the OCP**

The South Pender Island Local Trust Committee has enacted this OCP as a bylaw, in accordance with the provisions of the *Local Government Act* and under the jurisdiction afforded it by the *Islands Trust Act*, which provides that the LTC's enacted regulatory bylaws and issued permits must not be contrary to or at variance with the Islands Trust Policy Statement<sup>3</sup> and must be also consistent with the provisions of this OCP.

Objectives and policies in this OCP that address matters outside LTC authority that are considered by the LTC to be of value in realizing the goals and objectives of the OCP are described as advocacy policies. These provide an opportunity for government agencies having jurisdictional authority on South Pender Island for items such as roads, Crown lands, foreshore, marine and freshwater areas, agriculture, forest land, and parks, to be informed of the views and expectations of the island's community and thereby to cooperate in their realization. Additionally, listing advocacy policies may help other non-governmental organizations and individuals understand the limits to and extent of the LTC's jurisdictional authority.

### **1.4 The Geographical Scope of the OCP**

This OCP applies to the land, the water on the land, and the surface of the sea adjacent to the land in the South Pender Island Local Trust Area as shown on Schedule "B", but does not include the area within Indian Reserve No. 8, as established by the *Islands Trust Act*.

The terms "South Pender Island Planning Area" or "planning area" or "local trust area" in this OCP mean the area covered by this OCP.

### **1.5 Organization**

This OCP includes seven maps in addition to the main text:

1. South Pender Island Local Trust Committee Bylaw No. 107, 2011 (the enabling bylaw);
2. Schedule "A" – Main text (See Table of Contents);

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<sup>3</sup> <http://www.islandstrust.bc.ca/tc/pdf/orgpolstatement.pdf>

3. Schedule "B" – Map of Land Use Designations and Agricultural Land Reserve Lands;
4. Schedule "C" – Map of Development Permit Areas;
5. Schedule "D" – Map of Parks, Trails, Oceanfront Accesses;
6. Schedule "E" – Map of Environmentally Sensitive Areas;
7. Schedule "F" – Map of Steep Slope Hazards;
8. Schedule "G" – Map of Raptor Nest Areas; and
9. Schedule "H" – Map of the Road Network.

## 1.6 Definitions

The following terms are defined for the purpose of clarity in understanding the goals, objectives and policies of the Official Community Plan:

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"Cottage" means an accessory single family dwelling with a floor area of 70m<sup>2</sup> (753ft<sup>2</sup>) or less;

"Community" means the South Pender Island community;

"Development Permit Area" means an area designated by the Local Trust Committee where the impacts of development may be significant and there are objectives and guidelines in Part 7 of this OCP. Property owners are required to obtain a Development Permit prior to any land development;

"Island" means South Pender Island and other small islands or islets and land covered by water within the area subject to this OCP, unless specifically denoted otherwise;

"Local Trust Committee" means the South Pender Island Local Trust Committee (LTC) of the Islands Trust;

"OCP" means the South Pender Island Official Community Plan;

"Rural" when used to describe the character of South Pender Island means the effect created by features and qualities, including but not necessarily limited to: low density and relatively unstructured development; comparatively undisturbed, natural and varied landscapes; freedom from disturbance and privacy from neighbours; limited on-island services; and an appreciation of both individual stewardship and community regulation intended to protect and maintain the island's ecosystems, amenities, and its residents' and property owners' land use needs and lifestyle.

## 1.7 Numbering

In the system used for referencing provisions, the single digit number indicates parts, the two digit number sections, the three digit numbers subsection, the lower case letters articles and the roman numerals clauses.

Part:	1
Section:	1.1
Subsection:	1.1.1
Article:	(a)
Clause:	(i)

## **PART 2 – VISION, GOALS, OBJECTIVES AND POLICIES**

The OCP's Vision statement describes what we want our island to look like in the future. The Goals, Objectives and Policies provide increasingly detailed expressions of what we need to do to make that Vision come true and to preserve and protect our environment and Local Trust Area.

### **2.1 Vision Statement**

***Our South Pender community is committed to preserve the rural nature and natural diversity of our island environment for future generations.***

### **2.2 Goals**

South Pender Island and its community are an expression of the cumulative interactions of people and the island's environment. The goals of the OCP are intended to act as focal points in protecting and maintaining the rural island character and natural features so valued by South Pender Island residents, property owners, and visitors.

The OCP's goals are:

- 2.2.1 To maintain the island's rural character so community members and visitors may continue to enjoy a sense of tranquillity, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment;
- 2.2.2 To protect the natural features and biological diversity of the island and its immediate surroundings, including those of adjacent islands and islets, and surrounding marine waters;
- 2.2.3 To protect both the archaeological and historic features of the island's cultural settlement and the scenic amenities derived from its areas of forest cover, natural vegetation, farm lands, residences, and coastline;
- 2.2.4 To ensure land use, development, and associated servicing are compatible with the rural island character and that their growth is gradual and sustainable;
- 2.2.5 To ensure services provided are appropriate to the needs of the island's community;
- 2.2.6 To encourage continuing stewardship of the island's resources and amenities for the benefit of the community and the guidance of visitors; and
- 2.2.7 To support the provincial target of reducing greenhouse gas emissions by 33% by 2020 from 2007 levels. Emission reductions within the local trust area may result from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land use policies and regulations.

### **2.3 Objectives**

The specific objectives for attaining each of these goals are listed in various sections of the OCP by subject matter.

## 2.4 General Policies

The OCP's objectives are supported by corresponding policies that describe specific actions that should be taken, or avoided, in order to achieve the objectives. Some policies are of such wide application that they are more effectively presented as general policies rather than being expressed repetitively in each part of the OCP.

The OCP's general policies are:

2.4.1 The Local Trust Committee, in making decisions about kinds of land use and the amount and scale of development, is to give consideration to the compatibility, suitability, and effects of the proposal upon the following items. This consideration is to apply with respect to the review or revision of land use regulatory bylaws and to the issuance of temporary use permits, development permits and other applications:

- a) adjacent and surrounding land uses and development, particularly with potential for objectionable disturbance that may arise from factors such as noise, increased traffic, lighting glare, electrical interference, discharge of smoke, dust and noxious gases, fumes or vapours, inordinate consumption of freshwater or generation of sewage, greenhouse gas emissions and increased surface water run-off;
- b) site physical characteristics regarding topography, soil stability and permeability, drainage and runoff, and effluent absorption capacity;
- c) site and surrounding area ecological characteristics, particularly sensitivity to alteration or disturbance;
- d) availability of freshwater supplies and possible impacts of the proposal on supplies for existing land uses;
- e) transportation network; and
- f) community services.

2.4.2 The Local Trust Committee is not to enact a bylaw having the effect of increasing either the lot or dwelling potential of the island beyond that allowed in the zoning and subdivision bylaws in effect at the date of adoption of this OCP.

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2.4.3 Regulatory provisions pertaining to numbers of buildings, maximum floor area, lot site coverage, building and structure setbacks, heights, screening, and parking in land use regulatory bylaws and permits are to be developed with regard to land use compatibility, the retention of the rural island character, the protection of natural views, and the maintenance of residential privacy.

2.4.4 In its decision-making, the Local Trust Committee will ensure that land use planning and development promote reductions in greenhouse gas emissions, support efforts to adapt to climate change impacts, and recognize the role of existing rural and natural areas in the absorption of carbon.

### **Advocacy Policies**

2.4.5 The South Pender Island community and its LTC expect other levels of government, their agencies and agents with jurisdictional responsibilities for aspects of land use and development on the island to conduct their activities with respect for the provisions of this OCP. Where their actions negatively impact the island, its community, and the realization of

the goals and objectives of this OCP, the Local Trust Committee is directed to make representations to the relevant agency regarding the termination or reduction of those negative actions.

- 2.4.6 Landowners are encouraged to consolidate undeveloped lots, particularly those smaller than the existing lot minimum size requirements, to assist in retaining the island's rural character.

## **PART 3 – LAND-BASED USE AND DEVELOPMENT**

Land use on South Pender Island is predominantly residential. The total land base of 934 hectares (2,308 acres) includes land use designations of approximately 32% parkland, 31% rural residential, 18% agricultural, 17% forestry, 2% natural resource, and less than 1% commercial and community or government service. Dwellings are a principal permitted land use on rural residential, agricultural, forestry, and natural resource designated lands.

Land Use Designations are shown on Schedule “B”.

### **3.1 Residential Land Use And Development**

#### **Background**

The island’s residential lots are predominantly smaller lots along the coastline. Approximately 270 existing lots permit a residential use. Of lots that could be created by subdivision, approximately two-thirds are located in ten parcels. The remaining subdivision potential consists of smaller lot subdivisions that would permit one to three additional lots.

According to 2006 census data, the island has 236 permanent residents, with an average household size of less than two persons. Despite some fluctuations between census periods, the population has increased significantly since 1981 with the largest increase occurring between 2001 and 2006. Based on population growth rates, the existing vacant and subdividable parcels are sufficient for at least 10 years of anticipated housing needs.

Lands intended for small lot residential development and use are designated Rural Residential (RR) in Schedule “B”. The purpose of this RR designation is to allow for residential development where residential land use predominates.

#### **3.1.1 Residential Objectives**

- a) To maintain a rural island living environment that is safe, visually attractive, and free from disturbance and the sense of overcrowding;
- b) To allow opportunities for rural island living on lots of varying sizes;
- c) To ensure that single family detached dwellings are the predominant form of island residential housing;
- d) To enable island residents opportunities for small scale economic activity;
- e) To provide island visitors opportunities to experience aspects of rural island living;
- f) To allow opportunities for additional dwellings on larger residentially designated parcels, without further subdivision; and
- g) To consider affordable, rental, and special needs housing development proposals when community need is demonstrated.

#### **3.1.2 Residential Policies**

##### **3.1.2 (a) Land Use**

- i) Single family residential use is to be the predominant principal land use on lands designated Rural Residential (RR).

ii) Other allowed uses on Rural Residential designated lands are to be compatible, both in type and scale, with small lot rural residential living. Land use regulatory bylaws are to make provision for the following uses customarily associated with small lot rural living: short-term rental of a single family dwelling; home occupations; horticulture, including small-scale greenhouse and nursery uses; the keeping of poultry for domestic use; and the sale of produce originating on the lot, including the use of small roadside stands.

iii) The Local Trust Committee may consider implementing regulations that would permit outbuildings as a permitted principal use prior to construction of a residential dwelling on Rural Residential designated lands.

iv) Single family residential use is to be permitted on lots within the Agricultural (A), Forest (F), and Natural Resource (NR) Land Use Designations as a principal use.

### **3.1.2 (b) Number of Dwellings**

i) One single family dwelling only is to be allowed on RR designated lots less than 0.8 hectares (2.0 acres) in area.

ii) One single family dwelling and one cottage are to be allowed on RR designated lots 0.8 hectares (2.0 acres) and larger in area.

iii) Two single family dwellings and two cottages are to be allowed on RR designated lots 4.0 hectares (9.88 acres) and larger in area.

iv) Additional single family dwellings and/or additional cottages on RR designated lots as an alternative to subdivision are to be subject to rezoning.

### **3.1.2 (c) Lot Area Requirements for Subdivision of Land**

Land use regulations applicable for RR lands shall be developed with zoning classes to permit, except where otherwise stated, the minimum lot area requirements for subdivision to be:

- 0.4 hectares (1.0 acre) for lots in the RR1 zone
- 0.8 hectare (2.0 acres) for lots in the RR2 zone
- 4.0 hectare (9.9 acres) for lots in the RR3 zone

### **3.1.2 (d) Housing Policies for Affordable Housing, Rental Housing, and Special Needs Housing**

Provision is to be made for affordable housing, rental housing, and special needs housing land uses and developments when justified by demand from the community.

### **3.1.2 (e) Residential-based Economic Activities**

#### **Background**

Advancements in electronic communication and the use of home computers are allowing increased opportunities to engage in economic activities from residences, thereby enhancing island residents' economic capacity. Home occupations are economic enterprises operated on the premises by residents. On South Pender Island they include such activities as home offices, bed and breakfast accommodation, artist studios, and craftsperson workshops. Short-term rentals of dwellings provide economic return, offer the visitor an opportunity to experience rural island living, and are an alternative form of accommodation to bed and breakfast or commercial resorts.



### **3.1.2 (e)(i) Home Occupations**

- Home occupations are to be allowed as an accessory use on every lot where there is residential use of a single family dwelling.
- Land use regulations applicable to home occupations are to be developed with the perspective of land use compatibility, as contained in the General Policies of this OCP. Their primary purpose is to minimize adverse effects on both the adjacent lots and the subject lot. Measures to be addressed are to include: types of home occupation; where, to what extent, and under what conditions these activities are to be conducted; the number of employees permitted; residential requirements; exterior storage of materials and necessary screening; and provisions for off-street parking.
- Lots having more than one cottage are limited to using not more than one cottage for short-term rental at any one time.

### **3.1.2 (e)(ii) Short-term Rental of Single Family Dwellings**

- On lots where a single family dwelling is allowed as a principal use, short-term rental of those dwellings may be allowed, subject to regulation. A single family dwelling is not to be used for short-term rental during the time when a cottage is being used for this purpose. Lots having more than one single family dwelling are to be limited to using not more than one for short-term rental at any one time.
- Land use regulations applicable to short-term single family dwelling rentals are to be developed with the perspective of land use compatibility, as contained in the General Policies of this OCP. Their primary purpose is to minimize adverse effects on adjacent lots and on the community in general.

## **3.2 Commercial Land Use and Development**

### **Background**

Commercial development on South Pender Island presently consists of the visitor accommodation facilities and associated retail and service facilities of the resort and marina development at Bedwell Harbour. The commercial retail and service development of North Pender Island is readily accessible to the South Pender Island community.

Poets Cove Resort at Bedwell Harbour is a destination resort for both land and marine based visitors with visitor accommodation facilities. Existing commercial retail and service facilities on the island are the small store, pub, licensed retail liquor store and the restaurant operating as an accessory use to the resort at Bedwell Harbour. Historically the majority of commercial needs for South Pender Island residents have been met on North Pender Island or regionally, and this pattern is expected to continue into the future.

Lands for commercial development are designated Commercial (C) in Schedule "B".

### **3.2.1 Commercial Objectives**

- a) To ensure all future on-island commercial land use and development occurs in response to the needs of the community, is compatible with its immediate surroundings, and is in keeping with the island's rural character.

### **3.2.2 Commercial Policies**

- a) No additional lands are to be designated in Schedule “B” for commercial use at this time. New lands intended for such uses are to be subject to the public process of bylaw amendment, including designation as a development permit area.
- b) Preservation and protection of unique amenities and environment of the area being a priority of the OCP, the LTC should not consider rezoning for new commercial uses in advance of demonstrated need. The Local Trust Committee may undertake a review and inventory of existing commercially zoned land and uses, assess existing and future projected demand for commercial land and, on the basis of this assessment, consider re-designating and rezoning land.
- c) Regulations implementing this OCP are to allow for the existing commercial lands to permit visitor accommodation as a principal use, with accessory retail and services.
- d) If the Local Trust Committee considers proposals for commercial uses for new retail and services, the commercial use is to be the predominant principal land use, with residential use being allowed only on an accessory basis and being limited to one dwelling unit per lot for the purposes of accommodating an owner, operator or employee.
- e) If the Local Trust Committee considers proposals for commercial uses for new visitor accommodation, the commercial use is to be the predominant principal land use, with residential use being allowed only on an accessory basis and being limited to one dwelling unit for an owner or operator and, depending on the scale of the development, additional dwelling units for employees.
- f) Commercial development is to be of low density and incorporate design features that limit disturbance to surrounding lands and exhibit sensitivity to water conservation.

## **3.3 Industrial Land Use and Development**

### **Background**

The processing, fabrication, assembly, storage, and wholesale distribution of materials and goods has never developed on South Pender Island beyond the scale that could be conducted as a home occupation. Consequently, industrial activities have not been a component of South Pender Island land use and development and are not anticipated by this OCP.

### **3.3.1 Industrial Land Use and Development Objectives**

- a) To ensure any industrial land use and development is compatible with its immediate surroundings, non-polluting, and does not require undue changes in community services, such as fire and emergency services.

### **3.3.2 Industrial Land Use and Development Policies**

- a) In a local trust area designated under the *Islands Trust Act* with priority on the preservation and protection of unique amenities and environment of the area, the LTC should not consider rezoning for new industrial uses in advance of demonstrated need. The Local Trust Committee may undertake a review to assess existing and future projected demand for industrial land, and on the basis of this assessment, consider re-designating and rezoning land.
- b) If the Local Trust Committee considers proposals for new industrial development, the industrial use is to be the predominant principal land use with residential usage being permitted only on an accessory basis and being limited to one dwelling unit per lot for the purposes of accommodating an owner, operator, or an employee.

## **Advocacy Policies**

- c) Property owners are encouraged to minimize disturbance to the land and impacts on roadways when undertaking any extraction and use of natural resources from private lands.

## **3.4 Community and Government Services Land Use and Development**

### **Background**

Given South Pender Island's small population and the ease of access to the community and government facilities and services of adjacent North Pender Island, the South Pender community's needs for formalized facilities and services to date have been met on North Pender. School, library, post office, building inspection, medical clinic, seniors' housing, indoor and outdoor recreation programs, and large meeting venue facilities and services are all presently available on North Pender Island. Exceptions are Firehall #3, providing fire and emergency response services and the community meeting room, the Church of the Good Shepherd, and the Canada Border Services Agency's Bedwell Harbour facilities. For the purposes of this OCP, community and government service land use and development comprise services and facilities provided by various community-based organizations and agencies of different levels of government.

Lands for community and government service are designated Community and Government Service (CG) in Schedule "B".

### **3.4.1 Community and Government Services Objectives**

- a) To support the provision of appropriate community and government services to the South Pender Island community.
- b) To maintain the land use designation on lands currently designated Community and Government Service into the future.

### **3.4.2 Community and Government Services Policies**

- a) The fire protection, first responder, and meeting hall services provided by the Pender Islands Fire Protection Society, the services provided at the Church of the Good Shepherd, and the land-based Canada Border Services Agency facilities are to be regulated through the bylaws implementing this OCP.
- b) As this is an OCP for a local trust area designated under the *Islands Trust Act* with priority on the preservation and protection of unique amenities and environment of the area, the LTC should not consider rezoning for new community facility uses in advance of demonstrated need.
- c) New community and government services land use and development proposals are to be considered only if they are of a scale compatible with the island's rural character and sustainable by our community.
- d) Multiple-use community and government services facilities are to be supported as a means of making their on-island availability more viable.
- e) Priority for community and government services land use and development facilities is to be given to a multi-purpose community hall of sufficient size and with enough land area to accommodate indoor and outdoor activities.

## 3.5 Agricultural Land Use and Development

### Background

Agriculture on South Pender Island is an established use that helps to maintain the island's rural character and lifestyle and supports economic diversity. Provincial laws have recognized the importance of protecting agricultural lands and maintaining farming, particularly through the *Agricultural Land Commission Act* and the *Farm Practices Protection (Right to Farm) Act*. Similarly, the Islands Trust Council Policy Statement Bylaw recognizes agriculture as a traditional and valued activity that is to be protected. Local agricultural production enhances food security and contributes to the health and well-being of residents while increasing a community's resilience, reducing carbon emissions related to food miles, and strengthening knowledge about food production.

Agricultural Land Reserve (ALR) lands on the island presently total 164 hectares (405 acres). Lands for agricultural use are designated Agriculture (A) in Schedule "B".

#### 3.5.1 Agricultural Objectives

- a) To protect lands having characteristics suitable for agriculture.
- b) To support the use and development of agricultural lands for mixed agricultural activities and practices that do not compromise the land for future farm use, create conflicts with other adjacent land uses, or impair the island's water supplies.
- c) To enhance the viability of agricultural activity on the island.
- d) To increase local food security and sustainable agriculture, including community gardens and local land trusts where possible and appropriate.

#### 3.5.2 Agricultural Policies

- a) In order to support and retain a capability for mixed agricultural activities, the minimum parcel area requirement for subdivision of Agriculture designated lands is to be 4 hectares (9.88 acres).
- b) The Local Trust Committee should not support applications to exclude land from the Agricultural Land Reserve unless it has been clearly demonstrated that the land was incorrectly included or that its removal is in the best interest of the community.
- c) The Local Trust Committee should support applications to include land suitable for agriculture in the Agricultural Land Reserve.
- d) Lands designated as Agriculture are to be used primarily for agricultural use and development. Zoning regulations are to:
  - i) allow for a mixture of agricultural uses and related accessory uses, acceptable to the Agricultural Land Commission, that enhance the viability of island agricultural activity;
  - ii) where intensive agriculture operations occur, require landowners to, at a minimum, follow normal farm practices in accordance with the provisions of the *Farm Practices Protection (Right to Farm) Act*;
  - iii) allow one single family dwelling per lot and additional dwellings allowed outright by Provincial Agricultural Land Commission Order or approved via application to the Commission as being necessary for the housing of persons engaged in on-going agricultural activities; and
  - iv) ensure that other allowed uses on Agriculture designated lands are compatible, both in type

and scale, with rural residential living. Land use regulatory bylaws are to make provision for the uses customarily associated with rural living including short-term rental of a single family dwelling and home occupations.

- e) Applications for soil removal or deposition on Agriculture designated lands in amounts exceeding levels permitted by the Agricultural Land Commission are not to be supported.
- f) The regulatory bylaws shall support the diversification of the agricultural economy through activities such as farm-gate sales, food processing, and agri-education that are accessory to a farm operation and do not impact the agricultural capability of the land.
- g) The Local Trust Committee may consider regulating agri-tourism activities as an accessory use only on active farm operations.
- h) The Local Trust Committee shall not support applications to the Agricultural Land Commission for non-farm use unless it can be demonstrated that the proposed use would allow an active farm to diversify, the agricultural capability of the land is not impacted, and the use is consistent with zoning or policies of this OCP.
- i) To reduce the potential for land use conflict, the Local Trust Committee may consider increased setback requirements on lands adjacent to Agricultural lands.

#### **Advocacy Policies**

- j) All agricultural operations are encouraged to use practices that:
  - i) locate buildings and major structures on non-productive land;
  - ii) maintain soil quality and minimize erosion;
  - iii) do not contaminate surface and groundwater supplies;
  - iv) comply with the requirements of *Waste Management Act* Agricultural Waste Control Regulation;
  - v) collect, store, and use rainwater for irrigation;
  - vi) minimize the use of pesticides, herbicides and fungicides;
  - vii) retain significant natural habitats and features;
  - viii) are considered organic and avoid the use of genetically modified organisms; and
  - ix) use heritage or heirloom seeds.

### **3.6 Forest Land Use and Development**

#### **Background**

Forested areas are an important component of South Pender Island's landscape. In addition to their aesthetic value, forested areas promote rainfall retention and the replenishing of groundwater, function as habitat for diverse forms of wildlife and vegetation, provide for outdoor recreation and conservation activities, provide economic opportunities in the form of timber production and minor forest products, create a carbon sink by sequestering atmospheric carbon, and contribute generally to the sense of rural island character.

Provincial legislation prohibits the Local Trust Committee from adopting a bylaw or issuing a permit

that would have the effect of restricting, directly or indirectly, a forest management activity relating to timber production and harvesting within lands classified under the *Private Managed Forest Land Act*. Other than parklands, all forested areas on the island are privately owned and some are of sufficient area that, individually or cooperatively, they currently are, or could be in the future, managed for timber production forestry uses and a range of other forest values. The manner and scale in which the timber production use is conducted influences other values of the island's forested areas.

Lands for forestry use are designated Forest (F) in Schedule "B".

### **3.6.1 Forest Land Objectives**

- a) To maintain contiguous forested areas on South Pender Island.
- b) To support forestry management practices on the island's forested areas that are sustainable, prevent soil erosion and geotechnical hazards, and preserve landscape aesthetics.
- c) To recognize the role of forested landscapes in the protection of biodiversity and habitat, the sequestration of atmospheric carbon, the retention of rainfall, and the home of wild and/or traditional food gathering grounds.
- d) To enhance the viability of forestry.
- e) To protect individual trees or stands of significance to the South Pender Island community.

### **3.6.2 Forest Land Policies**

- a) The minimum parcel area requirement for subdivision of Forest designated lands is to be 4 hectares (9.88 acres).
- b) Lands designated as Forest on Schedule "B" are to be used predominantly for forest land use and development. Zoning regulations are to:
  - i) allow forestry and a range of other forest land uses;
  - ii) allow one single family dwelling and one cottage per lot, plus related accessory uses; and
  - iii) allow other uses compatible, both in type and scale, with rural residential living. Land use regulatory bylaws are to make provision for the following uses customarily associated with rural living: short-term rental of a single family dwelling; home occupations; horticulture, including small scale greenhouse and nursery uses; the keeping of poultry for domestic use; and the sale of produce originating on the lot, including the use of small roadside stands.

### **Advocacy Policies**

- c) Landowners are encouraged to practise forestland stewardship by using forestry management practices that:
  - i) maintain, wherever possible, contiguous forested areas;
  - ii) protect individual trees or stands considered significant as habitat for wildlife or vegetation or having cultural or heritage tree significance; and
  - iii) when managing for timber production, use silviculture and harvesting techniques that:
    - develop a range of age classes allowing, in perpetuity, a sustainable rate of harvest;

- minimize disturbances to vegetation, watercourses, and soils;
- minimize disturbances to wildlife habitat including identified raptor nests;
- avoid activities resulting in soil erosion or creating geotechnical hazard areas;
- harvest timber selectively; and, where clear-cutting is used, retain wildlife trees, minimize the size of openings and leave buffer strips of variable width according to site conditions;
- minimize fire hazard; and
- involve planting or natural regeneration of harvested areas to ensure restocking with more than one indigenous tree species.

d) Landowners and residents are encouraged to retain and restore forests as a means of storing carbon.

### **3.7 Parks and Outdoor Recreation Land Use and Development**

#### **Background**

The 296 hectares of parkland on South Pender Island comprise 32% of the island. The parklands on South Pender Island consist of 280 hectares of the federal Gulf Island National Park Reserve (GINPR), 4.8 hectares of regional parks and 10.8 hectares of community parks. The Gulf Island National Park Reserve, established in 2003, includes the former Mount Norman Regional Park and Beaumont Provincial Marine Park and includes property at Greenburn Lake, Blunden Island and islets in Bedwell Harbour. The national park reserve also includes a marine component in Bedwell Harbour and surrounding Blunden Island. GINPR makes up the largest parkland area on South Pender Island. Augmenting these federal, regional and community parklands are portions of an intended island-wide trail system. Existing and desired parklands, trail routes, and ocean accesses are shown on Schedule “D”.

While the South Pender Island Local Trust Committee has no direct jurisdiction over the planning and operation of the GINPR since these are the property of the federal government, it should adopt land use designations and zoning for these lands in order to recognize their unique status. The LTC can develop land use regulations for regional and community parks under the jurisdiction of the Capital Regional District, and it has a decision-making role in the establishment of many community parks, via the *Local Government Act* (s. 941) provisions relating to the dedication of parkland at time of subdivision.

In recognition of the extent of parkland on the island, that most of it is a national park reserve, and the importance to the community of an upland and shoreline trail system, this OCP contains objectives and policies regarding the influence of existing and future parklands on the South Pender Island community and the dedication of parkland at time of subdivision.

Lands for regional and community park use are designated Park and Outdoor Recreation (PR), and lands for national park use are designated National Park (NP) in Schedule “B”.

Lands and marine waters located within the Gulf Islands National Park Reserve have a separate land use designation (Schedule B) in this OCP and are zoned to reflect their status, acknowledging that the Local Trust Committee has no jurisdiction over federal land or waters.

Schedule “D” shows existing parks, trails, and public ocean frontage accesses, plus areas identified where additional lands for parks, trails, and ocean frontage accesses are desired. A primary basis for LTC consideration is the current Parks Master Plan.

### **3.7.1 Parks and Outdoor Recreation Objectives**

- a) To work cooperatively with the Capital Regional District, Pender Islands Parks and Recreation Commission, Parks Canada, the Ministry of Transportation and Infrastructure, and other provincial and federal agencies in furthering the South Pender Island community's interests in matters relating to the acquisition, development, and management of parklands and other public lands used for outdoor recreation and for conservation purposes on the island.
- b) To use the Local Trust Committee's jurisdiction to establish additional community parks and further the development of a continuous and interconnecting system of upland and shoreline trails for the use and enjoyment of residents and visitors.

### **3.7.2 Parks and Outdoor Recreation Policies**

- a) The Local Trust Committee will continue to advocate for the concerns and interests of the South Pender Island community through various mechanisms including the Pender Islands – Parks Canada Liaison Committee. The Local Trust Committee will work with Parks Canada to address the community impacts arising from the establishment of Gulf Islands National Park Reserve and to address impacts to the national park arising from potential community development.
- b) The Local Trust Committee is to enter into a protocol agreement with the Capital Regional District, Regional Parks, regarding the development, management, and use of the island's regional parks.
- c) The Local Trust Committee is to cooperate with the Pender Islands Park and Recreation Commission by working within the terms of the existing protocol agreement and to update it as needed. The purpose of the Protocol Agreement is to work jointly in matters pertaining to the establishment, planning, and development of community parks and other public lands under Commission management.
- d) Dedication of land, rather than cash-in-lieu, shall be required where for the purposes of the *Local Government Act* there is parkland dedication at the time of subdivision. The type and/or location of preferred parklands are identified on Schedule "D".
- e) Parklands and other lands used for outdoor recreation or conservation purposes are to be assigned zoning designations appropriate to their use. The Local Trust Committee is to consider appropriate zoning designations for the parks and other lands administered by the Pender Islands Parks and Recreation Commission.
- f) The Local Trust Committee recognizes the importance of parklands in developing a network of conservation areas and achieving the goals and objectives of the Islands Trust Fund Regional Conservation Plan.
- g) The Local Trust Committee will continue to work with other Local Trust Committees to advocate to Public Works and Government Services Canada to provide adequate payment in-lieu of property and local area improvement taxes in those areas with a significant amount of federal lands.

### **Advocacy Policies**

- h) Where land proposed for subdivision adjoins the ocean, the subdivision Approving Officer is requested to require dedication of new ocean frontage accesses in those areas indicated on Schedule "D". The LTC supports partial highway dedication, potentially in combination with parkland dedication, in locations where road construction is impractical. Where waiver or consolidation may be in the public interest, the Approving Officer is requested to consider the recommendations of the Local Trust Committee and the Pender Islands Parks and Recreation Commission regarding such circumstances.



- i) Where opportunities to acquire Schedule “D” areas identified as desired additional parks, trails, and ocean accesses occur by means other than the dedication at time of subdivision, the Local Trust Committee is to be supportive of efforts to realize those acquisitions.
- j) Where acquisition of linkages in an island trail system is not feasible, landowners are encouraged to allow public passage across the relevant portion of their lands where liability concerns can be met.
- k) Parks Canada, Capital Regional District, and Pender Islands Parks and Recreation Commission are requested to undertake on-island public planning processes for parklands.
- l) The Ministry of Transportation and Infrastructure is requested to assist in the ongoing development of the island’s trail system by allowing the trails and related development under the auspices of the Pender Islands Parks and Recreation Commission on road rights-of-way and ocean accesses.
- m) Parks Canada is requested to:
  - not provide for additional campsite facilities within the park on South Pender Island without a demonstrated need and community consultation;
  - provide adequate on-site parking at access locations, toilet facilities and a non-potable water supply where backcountry camping exists, recognizing camp users are required to treat water before consumption;
  - work cooperatively with the Local Trust Committee regarding any possible future public camping and accommodation needs inside the National Park Reserve;
  - provide on-island opportunities for the local community to provide input into park management planning and park related issues affecting the community, particularly pertaining to fire and emergency services; and
  - ensure adequate information is provided to park users so they are informed of emergency and fire safety procedures in the park.
- n) The Local Trust Committee encourages protection, retention and restoration of natural areas as a means of storing carbon.
- o) Landowners are encouraged to donate land for trails and park purposes.

### **3.8 Natural Resource Area Land Use and Development**

#### **Background**

Natural Resource Areas are lands permitting residential development at lower levels of density and intensity than other designations. The objective is to protect surface water catchment areas, to preserve critical wildlife habitat and protect coastal resources of natural or scenic value.

Land areas designated as Natural Resource Area (NR) are shown on Schedule “B”.

#### **3.8.1 Natural Resource Objectives**

- a) To recognize those areas of land where natural feature and/or resource values require conservation measures.
- b) To encourage conservation of natural features and resource values.

### **3.8.2 Natural Resource Policies**

- a) Natural Resource designated lands are to have large minimum parcel area subdivision requirements in recognition of the associated natural feature sensitivity and/or resource values.
- b) Protection of natural feature values may be addressed via use of development permits and/or restrictive zoning regulations, including development of limited use conservation zoning.
- c) For Natural Resource designated lots, zoning regulations are to allow one single family dwelling and, on lots 8 hectares (19.78 acres) or larger, one cottage.

#### **Advocacy Policies**

- d) Landowners are encouraged to protect ecologically sensitive areas on their lands by granting conservation covenants under the Natural Area Protection Tax Exemption Program (NAPTEP) or other conservation programs.

## **3.9 Aggregate, Mineral, and Petroleum Resources**

### **Background**

There are no active operations for extraction or processing of aggregate (sand, gravel, and stone) resources on South Pender Island. There is insufficient information available to include the locations of sand and gravel deposits suitable for future sand and gravel extraction within this OCP. Experience to date indicates that such deposits may be limited both in extent and quality. The regulatory authority for the exploration and extraction of aggregate resources rests with the provincial government; local government land use bylaws apply only when processing (screening, sorting, crushing) of extracted materials is undertaken.

There are no current mineral, placer, petroleum, or natural gas tenures on South Pender Island. The regulatory authority for mineral and petroleum resources resides with the provincial government.

### **3.9.1 Aggregate Resource Objectives**

- a) To minimize any disturbance associated with aggregate resources extraction.
- b) To meet the need for processed aggregate resources from operations providing regional services.

### **3.9.2 Aggregate Resource Policies**

- a) The Local Trust Committee will support the Islands Trust policy “that there should be no extraction of aggregate from the foreshore or the sea floor of the Trust Area”.
- b) Aggregate processing is to be considered an industrial use of land for the purposes of this OCP. Historically aggregates have been available regionally, and no provision for the processing of aggregate resources as a permitted use is to be made within a regulatory bylaw implementing this OCP. In circumstances where a need for on-island aggregate processing occurs, consideration may be given to permitting it through a temporary use permit rather than a bylaw amendment to this OCP. As a condition of a temporary use permit, the LTC will require the land to be restored to its former condition by re-grading to approximate natural contours and by re-establishing the natural vegetation of its surroundings.

#### **Advocacy Policies**

- c) The relevant provincial ministry or agency is requested to require the landowner to restore the land to its former condition by re-grading to approximate natural contours and by re-establishing the

natural vegetation of its surroundings when issuing permits.

- d) The practice by the relevant provincial ministry or agency of referring permit applications made under the *Mines Act* for extraction of aggregate resources within the Island Trust Area is to be supported, as it allows opportunity for comment by the South Pender Island Local Trust Committee prior to permit issuance.

### **3.9.3 Mineral and Petroleum Resource Objectives**

- a) To protect against disturbances associated with mineral or petroleum resource exploration, development, and transportation.

### **3.9.4 Mineral and Petroleum Resource Policies**

- a) The Local Trust Committee will support the Island Trust policy “that there should be no extraction of the peat, metals, minerals, coal, or petroleum resources of the Trust Area”.
- b) Mineral or petroleum resource processing is to be considered an industrial use of land for the purposes of this OCP. No provision for the processing of mineral or petroleum resources is to be made within a regulatory bylaw implementing this OCP or by issuance of a temporary use permit.
- c) The Local Trust Committee will continue the request that the relevant provincial ministry or agency place a “No Staking Reserve” to prevent the staking of new mineral claims within the area subject to this OCP.

### **Advocacy Policies**

- d) The provincial moratorium on oil and natural gas exploration, as it applies to the area subject to this OCP, is to be supported.

## **PART 4 – MARINE-BASED USE AND DEVELOPMENT**

### **Background**

The surrounding marine waters that make South Pender Island an island influence its land-based development and, in turn, that development has influenced the marine foreshore and portions of the adjoining marine water area. Development of docks for residential access and private moorage is limited and mariculture operations have not been established because of the foreshore composition and configuration and the often extreme storm wave action on the shoreline. Most foreshore and marine water areas have no formal development and are valued by the community for scenic and passive recreational purposes.

The foreshore development that has taken place is primarily related to residential access and any associated moorage needs. There is recreational activity in locations where access and pedestrian movement along the shoreline is possible.

The predominant use of the marine water areas around the island is recreational; Bedwell Harbour has commercial marina facilities and a public dock and floats. There is a limited amount of commercial fishing activity for salmon and rockfish.

The marine-based natural features and habitat of the island's foreshore and surrounding waters have not been subject to the same degree of human modification as those of the land. Foreshore development has been for access associated with the residential use of the adjoining upland and to a lesser extent for recreational purposes. Marine waters and the underlying seabed have not been subject to particular modification; their resident fish populations have supported recreational and commercial fishing.

Marine shipping and navigation are under federal jurisdiction, and there exist a number of shipping lanes and anchorage areas throughout the Islands Trust Area. The Islands Trust has been working in collaboration with numerous stakeholders to address marine shipping activities and has also been developing a comprehensive marine advocacy strategy to address shipping safety issues, including oil spill preparedness, sewage dumping and protection of the marine environment. The surrounding marine waters are biologically rich and provide critical feeding, rearing and migratory habitat to a wide range of species.

Coastal shorelines are recognized as being dynamic with unique function, structure and processes that are constantly evolving in response to the influence of natural forces such as winds, tides and waves. There is a growing awareness that shoreline development reviews need to consider the natural coastal systems to protect the integrity and connectivity of coastal process and maintain habitat function and diversity.

### **4.1 Marine Use Objectives**

- a) To allow dock and wharf development for access to and from the foreshore in locations appropriate for public transportation, commercial, park, and residential purposes.
- b) To allow for access to beaches suitable for recreation and maintain them free from development.
- c) To retain areas of foreshore in an undeveloped state.
- d) To protect against impacts of mariculture operations, marine shipping, or marine based activities.
- e) To protect the marine areas subject to this OCP from use and development that would detract from present marine and upland uses or conflict with existing marine life.

- f) To protect and maintain important foreshore and marine features and habitats.
- g) To provide for and support foreshore and marine waters use in a manner that does not significantly alter important natural features and habitat in relation to maintaining:
  - i) sensory attractiveness for both residents and visitors;
  - ii) sustainability of its marine life habitats; and
  - iii) recreational qualities.
- h) To minimize disruption to coastal systems by applying a holistic, long-term view of shoreline processes where any foreshore or upland development is proposed.

## 4.2 Marine Use Policies

- a) The Local Trust Committee may regulate the size and location of docks and other shoreline developments.
- b) Docks or wharves are to be allowed in the following circumstances:
  - i) public transportation and government services purposes in Bedwell Harbour within the area designated Marine Transportation (MT) on Schedule “B”;
  - ii) commercial marina purposes at Bedwell Harbour within the areas designated Marine Commercial (MC) on Schedule “B”;
  - iii) National Park purposes accessory to the upland National Park lands within those areas designated National Park Marine (NPM) on Schedule B; and
- BL 113 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;
  - structures incorporating current best practices for dock construction;
  - consideration being given to providing for shared or common moorage; and
  - consideration being given to the cumulative impacts of private moorage.
- BL 113 c) *rescinded*
- d) Seawalls, breakwaters, groynes, jetties, and other structures having the effect of obstructing water movement and related natural foreshore processes are to be prohibited via zoning regulations, except the existing floating breakwater associated with the commercial marina development at Bedwell Harbour.
- e) Foreshore with beaches suitable for public use that have public accesses to the ocean are to be kept free from development, other than that related to beach-oriented public recreational use.
- f) The use of marine areas as a place of residence for persons is to be prohibited in the regulatory

bylaws implementing this OCP.

- g) When considering applications for new, or to expand existing, commercial marinas the Local Trust Committee shall require sewage pump out and disposal facilities.
- h) No provision for uncontained fin fish farms as a permitted use is to be made within regulatory bylaws implementing this OCP. Other types of mariculture operations are to be considered on a site-specific basis, subject to resolution of any potential conflicts with other marine and upland uses or existing marine life.
- i) No provision for the rental or sale of motorized personal water craft is to be made within the regulatory bylaws implementing this OCP.
- j) The deposit of fill or riprap on the foreshore or the inclusion of such materials in structures sited on the foreshore is to be prohibited via zoning regulations.
- k) The Local Trust Committee will support ongoing efforts by Trust Council to form lasting solutions to addressing marine shipping and anchorage to protect the Salish Sea ecosystem.

#### **Advocacy Policies**

- l) The Ministry of Transportation and Infrastructure is requested to allow public boat launching ramps only at those road rights-of-way ends considered desirable by the community, but only in circumstances where there is an adjacent area suitable for parking vehicles with boat trailers.
- m) For purposes of maintaining recreational shellfish harvesting, Fisheries and Oceans Canada and the relevant provincial ministry or agency are requested to place a reserve from commercial shellfish culture or harvesting tenure issuance over Camp Bay.
- n) Fisheries and Oceans Canada is encouraged to develop and implement regulations that effectively prohibit the use of personal water craft for any purpose other than direct transit within the marine water area of this OCP.
- o) The relevant provincial ministry or agency is requested to ensure foreshore structures do not obstruct public access along the foreshore or the free movement of water beneath them.
- p) Owners are encouraged to maintain foreshore structures in good repair, and to have those damaged beyond repair removed.
- q) Fisheries and Oceans Canada and the Ministry of Environment are requested to monitor resident marine life populations subject to commercial and recreational fishing or harvesting pressure and restrict those activities to sustainable levels.
- r) Fisheries and Oceans Canada is requested to maintain and enforce regulations intended to protect marine cetaceans (whales and porpoises) from disturbance from viewing vessels.

## PART 5 – COMMUNITY STEWARDSHIP

### 5.1 Natural Environment

#### **Background**

The extent and manner of physical development and natural resource utilization is a major determinant in maintaining the intrinsic quality of the island's natural features and retaining its sensory appeal. Future development and resource utilization should be undertaken with forethought and care so these factors are not significantly diminished and areas consisting of sensitive ecosystem types are respected.

#### **5.1.1 Land-based Natural Features and Habitat**

##### **Background**

As the island's development and resource utilization is predominately land-based, its natural features and habitat are most subject to modification by residential development, agricultural and forestry land use, and parks and recreation.

Forest cover dominates the South Pender Island landscape. In addition to the visual contribution, it influences rainfall retention and replenishes groundwater, functions as habitat for diverse forms of wildlife and vegetation, is the setting for outdoor recreation and conservation activities, provides economic opportunities in the form of timber production and minor forest products, creates a carbon sink by sequestering atmospheric carbon, and contributes to the sense of rural island character.

Other areas of natural vegetation include the rocky shorelines of grasses, forbs, mosses, lichens and stunted trees; the sparsely vegetated sand and gravel area of Mortimer Spit and the steep inland cliffs and bluffs; the herbaceous open areas on thin soils and exposed bedrock found on south and west facing moderate slopes and on hilltops; and the wetland areas with year-round or seasonally wet conditions.

Known raptor nest locations are identified on Schedule "G" for information. Property owners undertaking work within the area should refer to the provincial best management practices available at the Ministry of Environment website:

[http://www.env.gov.bc.ca/wld/documents/bmp/raptor\\_bmp\\_final.pdf](http://www.env.gov.bc.ca/wld/documents/bmp/raptor_bmp_final.pdf)

##### **5.1.1 (a) Land-Based Natural Features and Habitat Objectives**

- i) To protect and maintain important natural features and habitats.
- ii) To provide for and support land-based development and resource use in a manner that does not significantly alter the land's natural features and habitat in relation to maintaining the
  - sensory attractiveness of the lands for both residents and visitors;
  - sustainability of its native plant ecosystems and animal populations;
  - integrity of sensitive ecosystems;
  - quality and extent of sensitive habitat;
  - quality of its freshwater resource; and

- stability of its soils and landforms.

#### **5.1.1 (b) Land-based Natural Features and Habitat Policies**

i) The Local Trust Committee is to be supportive of projects or programs that:

- improve the level of detail and on-the-ground accuracy of data relating to vegetation cover and ecosystem types; and
- increase awareness of the natural function and contributions of forests and vegetation.

ii) The Local Trust Committee may consider implementation of a Development Permit Area for land alteration and development in those areas identified as having sensitive habitat on Schedule “G”.

#### **Advocacy Policies**

iii) Owners and managers of lands are encouraged to:

- maintain areas of contiguous forest cover;
- protect significant individual trees and, where practical, avoid disturbances to representative examples of sensitive ecosystems or habitat by avoiding the development of specific areas or undertaking mitigatory measures in those areas where development is undertaken;
- where managing for timber production, observe the forest stewardship management practices contained in Section 3.6 of this OCP;
- avoid, where practical, or minimize development in areas of vegetation vulnerable to disturbance; and
- help protect the ecological integrity of native vegetation ecosystems by eradicating or limiting the spread of invasive non-native flora and fauna.

iv) Areas identified as containing a sensitive ecosystem are identified on Schedule “E”.

#### **5.1.2 Aquatic Features and Habitat**

##### **Background**

The island’s main freshwater resource is groundwater, located mostly in fractured bedrock basins and recharged via movement of precipitation through the earth. The island’s higher elevation slopes appear to have particular importance as recharge areas and, fortuitously, have not yet been subject to much development. At this time, there is relatively little information specific to South Pender Island regarding the extent and sustainability of the groundwater resource. There are some locations where well-drilling has not resulted in sufficient water volumes or has produced wells that are subject to seasonal shortages.

The island’s surface freshwater resources are limited to seasonal streams, wetland areas, and Greenburn Lake, which has a controlled water level. Surface waters have very limited use as water sources; however, they have inherent natural feature values as wetlands or riparian areas.

##### **5.1.2 (a) Aquatic Features and Habitat Objectives**

i) To ensure that any use, activity or development does not negatively impact the quality and quantity of fresh water resources and health of aquatic ecosystems.



ii) To maintain a sustainable supply of fresh water for both human consumption and the environment.

iii) To discourage the practice of well hydrofracturing to increase production due to potential impacts on groundwater quality and quantity.

#### **5.1.2 (b) Aquatic Features and Habitat Policies**

i) The Local Trust Committee is to address the protection of stream corridors via zoning regulations. Development is to be limited within a distance from the visible high water mark of a minimum 5 metres (16 ft.) to a maximum of 15 metres (49 ft.).

ii) Greenburn Lake, other wetland areas, and streams are included as environmentally sensitive areas on Schedule "E".

#### **Advocacy Policies**

iii) Landowners should not develop:

- within or adjacent to wetland areas and avoid altering their natural or established water levels; and
- within or immediately adjacent to stream corridors and avoid altering their natural courses.

iv) All relevant provincial ministries or agencies should assist the community in protecting and managing its groundwater resource by:

- establishing a well monitoring program to assess water quantity and quality of designated wells at different island locations;
- undertaking or funding studies to identify the extent and sustainability of the island's groundwater resources;
- preparing a water management plan, pursuant to the *Water Act*, that provides recommendations for management of the island's groundwater resources; and
- developing legislative proposals, suitable for enactment, which establish licensing programs for well establishment and protection against water supply depletion for existing wells.

v) Parks Canada is requested to continue monitoring and maintaining the water level of Greenburn Lake.

vi) Landowners are encouraged to use alternatives to the practice of well hydrofracturing.

#### **5.1.3 Coastal Environment**

##### **Background**

The coastline has inherent appeal for residential development because of high scenic values and the adjoining ocean frontage. With the exception of areas designated as parks, Indian Reserve No. 8, and portions fronting Camp Bay, Teece Point, and those fronting and adjacent to Little Bay, the island's coastline is its most intensively developed area. Yet, portions of the coastline contain natural features and habitat of high vulnerability to disturbance and important ecological value, eg, coastal cliff ecosystems.

### **5.1.3 (a) Coastal Environment Objectives**

- i) To protect the health of the coastal environment and marine ecosystems in the local trust area.
- ii) To ensure public access to, from and along the foreshore.
- iii) To encourage safe and considerate use of the marine environment.
- iv) To preserve the aesthetic quality of the natural shoreline as viewed from the water and adjacent lands.
- v) To prohibit development, activity, buildings or structures that would result in a loss of significant marine or coastal habitat, or could interfere with natural coastal processes.

### **5.1.3 (b) Coastal Environment Policies**

- i) The protection of coastline is to be addressed by:
  - recognizing portions of coastline having natural features particularly vulnerable to development disturbance;
  - establishing zoning regulations that limit the type of development that can take place on lands within a distance 7.5 metres (25 ft.) from the natural boundary of the sea to that required for access to the shore; and
  - when the level of detail and on-the-ground accuracy allows, considering designation of those portions of coastline having natural features particularly vulnerable to development disturbance as development permit areas for the protection of the natural environment.

### **Advocacy Policies**

- ii) Waterfront property owners are encouraged to protect natural features and scenic values of their lands immediately adjacent to the sea by:
  - limiting development to that necessary for access to the shore;
  - siting development sufficiently back from the natural boundary of the sea that protective structures are not needed to forestall damage from natural coastline erosion; and
  - retaining and restoring natural vegetation and natural features on areas adjacent to the foreshore.

### **5.1.4 Sensitive Ecosystem Protection**

#### **Background**

An ecosystem is a system of living organisms interacting with one another and with their non-living environment. Ecosystems are distinguished from each other by their vegetation make-up, climate, drainage, and elevation along with many other modifiers. Some ecosystems rely on a delicate mix of species and conditions that are easily impacted by human activities. Sensitive ecosystems are defined as those which are fragile and/or rare because of the diversity of species they support and include cliff, herbaceous, freshwater, wetland, riparian, old forest and woodland ecosystems. The Gulf Islands contain a relatively large number of these sensitive ecosystems due to the high density of rare species residing in the region. The Coastal Douglas-fir zone is the most threatened biogeoclimatic zone in the province, and Garry oak ecological communities within that zone are one

of the rarest and most threatened ecosystems in the country.

Terrestrial Ecosystem mapping, created in partnership with Parks Canada and the Ministry of Environment, formed the basis for the Sensitive Ecosystem Maps. The Terrestrial Ecosystem Mapping was completed in accordance with the Resource Information Standards Committee (RISC) Standard for Terrestrial Ecosystem Mapping in British Columbia. Ecosystem mapping involves air photo interpretation coupled with field studies. Using the data collected, cartographers label and identify like ecosystems through a series of polygons on the maps.

Ecosystem Mapping of the Islands Trust Area was completed in an effort to encourage land-use decisions that will ensure the continued integrity of these ecosystems. The mapping was also used to create a coordinated plan for conservation – the Islands Trust Fund's Regional Conservation Plan – which will focus limited resources on protecting those ecosystems under greatest threat.

An abbreviated version of the complete sensitive ecosystem mapping is identified on Schedule “E” for information. This schedule is based on the Sensitive Ecosystem map completed by the Islands Trust Fund. A more detailed version including data on the biogeoclimatic unit, structural stage and ecosystem attributes for each area is available on the Islands Trust website as a pdf or in large size print format.

#### **5.1.4 (a) Sensitive Ecosystem Protection Objectives**

- i) To identify environmentally sensitive areas and maintain an inventory of ongoing information about their characteristics.
- ii) To support and undertake measures that increase awareness, appreciation, and protection of the island's environmentally sensitive areas.

#### **5.1.4 (b) Sensitive Ecosystem Protection Policies**

- i) Information contained in Schedule “E” is to be updated as more definitive information regarding on-the-ground boundaries becomes available.
- ii) Inventory projects, management information studies, and public awareness initiatives directed towards increased general understanding and improved management of environmentally sensitive areas are to be supported.
- iii) Protection is to be afforded to the island's environmentally sensitive areas, according to particular circumstance, by means that may include:
  - landowner stewardship;
  - inter-agency planning and management agreements;
  - protective covenants, voluntary and required;
  - protective provisions in regulatory bylaws;
  - development permit areas; and
  - land acquisition.
- iv) Private landowners are encouraged to use voluntary conservation covenants, including the Natural Area Protection Tax Exemption Program (NAPTEP) and other conservation measures, to protect sensitive natural features and sensitive areas identified in plan map Schedule "E".

v) The Local Trust Committee may consider implementation of a Development Permit Area for land alteration and development in those areas identified as having environmentally sensitive area on Schedule "E".

### **5.1.5 Hazardous Condition Areas**

#### **Background**

Hazardous lands are those with natural characteristics that may endanger land use and related development. These can include areas susceptible to damage from natural phenomena such as storm wave action, flooding, severe erosion, land slippage, and rock fall.

Lands identified as potentially hazardous related to geotechnical conditions are identified on Schedule "F". Property owners should seek professional advice before undertaking significant land alterations, including vegetation removal.

#### **5.1.5 (a) Hazardous Condition Objectives**

i) To identify areas of land having natural conditions hazardous to development and to implement and support measures that protect land use and related development from those conditions.

#### **5.1.5 (b) Hazardous Condition Policies**

i) Areas of land that may have natural conditions hazardous to land use and related development due to steep slope hazards are shown on Schedule "F".

ii) Areas of land where land use and related development is or may have to be restricted due to hazardous natural conditions include:

- lots or portions thereof having registered upon their title restrictive covenants prohibiting or limiting placement of buildings or structures due to hazardous conditions; and
- areas of land identified during the subdivision or building inspection processes as having natural conditions that may be hazardous to land use and related development.

iii) The Local Trust Committee is to be supportive of measures implemented by the Ministry of Transportation and Infrastructure during the subdivision process and the Capital Regional District during the building regulation process that protect land use and development from hazardous conditions.

iv) The Local Trust Committee may consider implementation of a Development Permit Area for land alteration and development in those areas identified as having hazardous conditions on Schedule "F".

## **5.2 Heritage Cultural Resources**

#### **Background**

South Pender Island heritage cultural resources include the archaeological evidence of First Nation use and buildings associated with the island's more recent settlement. There are registered archaeological sites on South Pender Island, mostly midden deposits, and these are afforded protection from disturbance under the provisions of the *Heritage Conservation Act*. Three South Pender Island buildings are listed in the 1984 Islands Trust publication "Island Heritage Buildings – A Selection of Heritage Buildings in the Islands Trust Area" in recognition of their heritage value associated with early settlement.

### **5.2.1 Heritage Cultural Resources Objectives**

- a) To increase awareness and appreciation of the island's ancient and recent cultural heritage.
- b) To encourage and support measures that identify, inventory, and protect heritage cultural resources.
- c) To recognize First Nations presence on South Pender Island and to protect archaeological and other cultural heritage resources in cooperation with First Nations.

### **5.2.2 Heritage Cultural Resources Policies**

- a) The Local Trust Committee is to encourage the formation of a Community Heritage Commission to provide it and the community in general with advice and assistance regarding:
  - i) criteria for determining community heritage values, eg., archeological evidence, historical significance, socio-cultural context, and architectural relevance;
  - ii) identification, inventory, and information compilation regarding sites, artifacts, structures, buildings, and persons of interest;
  - iii) measures to increase general awareness and appreciation of the island's cultural heritage; and
  - iv) methods of securing protection for the island's cultural heritage resources.
- b) Roads or portions thereof identified as Scenic/Heritage Road on Schedule "H" are not to be altered without consultation, as referenced in the 1992/96 Letter of Agreement between the Ministry of Transportation and Infrastructure and the Islands Trust.
- c) All development applications shall be reviewed for the presence of known and recorded archaeological sites. Applicants should modify or revise proposed development plans to avoid archaeological site impacts as the best means of preserving archaeological resources. Alteration of a protected archaeological site requires a Provincial Heritage Alteration Permit prior to land altering activities.
- d) The Local Trust Committee should not approve applications that would result in disturbance to an archaeological site unless there are unavoidable conflicts with significant archaeological sites or other known First Nations cultural sites. If this is the case, the LTC should require measures to manage the impacts.
- e) Recognizing the inter-relationship of community interests and services between North and South Pender Islands, the Local Trust Committee is to encourage opportunities for mutually beneficial co-operative efforts relating to heritage cultural resources.
- f) The Local Trust Committee may consider designation of a Heritage Conservation Area or adoption of Heritage Bylaws to protect heritage cultural resources.

## **PART 6 – SERVICES AND UTILITIES**

This Part addresses the provision of the services and utilities to the South Pender Island community.

### **6.1 Transportation Services**

#### **Background**

Transportation services available to the community consist primarily of the established public road system and the B.C. Ferries service operating from Otter Bay on North Pender Island. No on-island public transit exists; however, there is a commercial taxi service available. Car Stops have been implemented through the community group Moving Around Pender Alternative Transportation Society (MAP), as a simple and free alternative to single occupancy car use. Services of off-island based water taxis and floatplanes are also available.

The Ministry of Transportation and Infrastructure is responsible for the establishment and maintenance of public roads on South Pender Island. The Islands Trust has an agreement with the ministry regarding road standards within the Islands Trust area and the procedures for designation of scenic and heritage roads and cycle paths. Via the agreement, some road standards may be of reduced dimensions compared to those elsewhere in order to help maintain the Islands Trust rural character.

On-island water transportation facilities consist of the small portion of the federal government wharf at Bedwell Harbour and the private boat moorage space available at Poets Cove Resort marina. There are no boat launching ramps on the island.

Seasonal air transportation to South Pender Island is provided by commercial floatplane services that fly into Bedwell Harbour. Helicopter emergency evacuations use the designated site on North Pender Island or the site in the vicinity of Firehall #3 on South Pender Island.

#### **6.1.1 Transportation General Objectives**

- a) To support the development and maintenance of transportation services that primarily meets the needs of the South Pender Island community.
- b) To recognize the role of transportation in producing greenhouse gas emissions and the value of identifying options to reduce emissions including alternative forms of transportation.

#### **6.1.2 Transportation General Policies**

- a) Construction of transportation infrastructure is to be in response to rather than in anticipation of increased demand.
- b) Development of additional transportation fixed links between South Pender Island and any other Islands Trust island, Vancouver Island, or the Mainland is to be opposed.

#### **6.1.3 Land Transportation**

The location and classification of the island's roads, plus any intended additional or phased roads, heritage roads and car stops are shown on Schedule "H". The functional characteristics of these classifications are:

Minor Roads - access to principal developed areas;

Residential Roads - access from Minor Roads to individual properties; and

Scenic/Heritage Roads - having unique and scenic and/or heritage values.

### **6.1.3 (a) Land Transportation Objectives**

i) To continue with the development and maintenance of a public road, pathway, walkway, and trail system that is safe and efficient, has minimal adverse effects on the natural environment, is compatible with the rural character of the island, and primarily serves the South Pender Island community.

ii) To encourage and support alternative transportation initiatives, including, but not limited to, car stops, neighbourhood zero emission vehicles, car shares, a bicycle path network and walking trails.

### **6.1.3 (b) Land Transportation Policies**

i) The Local Trust Committee should support alternative transportation initiatives, including, but not limited to, car stops, neighbourhood zero and low emission vehicles, car shares, carpooling, a community bus, a bicycle path network and walking trails.

ii) Any agency with authority regarding the management of trails for use by the public is requested to restrict trail use to non-motorized use.

iii) Land uses shall be required to provide adequate off-street parking and where appropriate the Local Trust Committee may require alternatives to parking spaces, including but not limited to bicycle racks. Parking standards may be established for electric vehicle plug-ins in appropriate locations.

### **Advocacy Policies**

i) The Ministry of Transportation and Infrastructure and its agents are requested to:

- continue to use the road standards established in the July 18, 1996 Letter of Administrative Understanding between the Islands Trust and the Ministry plus those of any agreed upon subsequent revisions which recognizes that lower road standards support the objective to maintain the rural character of the island, the need for a gentler approach in harmony with the land and applies a minor rural classification with paved width of 6.1 m ;
- when developing new roads or improving existing ones, wherever possible, conform to land contours so the amount of cut and fill disturbance is reduced;
- encourage increased traffic safety by limiting vehicular speed, incorporating pull-offs, using cautionary signage in areas with limited visibility or traffic congestion, rather than by increasing road widths or straightening alignments;
- retain natural vegetation along the undeveloped portions of road rights-of-way, subject to traffic and fire safety considerations and operational maintenance constraints; and
- consult with the Local Trust Committee on behalf of the community regarding major roadwork.

ii) The creation of a network of pathways, walkways, and trails along routes shown on Schedule "D" is to be pursued by:

- requesting the Ministry of Transportation and Infrastructure to assist by developing pathways, walkways, and trails within road rights-of-way where their locations coincide with

network routes and to provide bicycle paths along Minor Road rights-of-way shown in Schedule "D";

- where land proposed for subdivision lies along a network route, requesting the subdivision Approving Officer to require dedication and construction of pathways for non-vehicular traffic. Such dedications are intended to secure non-vehicular public access routes in subdivision proposals where dedication of parkland is not required or the location of parkland to be dedicated does not coincide with a network route;
- encouraging a network of trail development within island parks and other public lands administered by Parks Canada, the Pender Islands Parks and Recreation Commission, and Capital Regional District Regional Parks; and
- encouraging landowners to donate land, grant easements over land, or to allow public passage over portions of their lands.

iii) The Ministry of Transportation and Infrastructure shall be requested to address safety by posting lower speed limits, installing crosswalks, and posting cyclist and pedestrian awareness signs in identified problem areas rather than by requiring roads to be straightened and widened.

iv) Residents and their guests are encouraged to use carpooling as a method to reduce single occupancy vehicle trips.

#### **6.1.4 Water Transportation**

##### **6.1.4 (a) Water Transportation Objectives**

- To ensure ferry service is provided at a level adequate for both Pender Islands.
- To help retain other water transportation services for the Pender Islands as a back-up and alternative to the ferry service, particularly in case of medical or other emergencies.

##### **6.1.4 (b) Water Transportation Policies**

- Any proposed wharves, barge landing and boat launching ramps shall be sited to minimize the impact on the natural environment.
- All water transport operators shall be requested to ensure services do not exceed the needs of the local community.
- The establishment of group or shared docks shall be encouraged.
- The Local Trust Committee will support efforts to develop a foot passenger-only ferry service.

##### **Advocacy Policies**

- The B.C. Ferries Corporation is requested to:
  - continue to provide an adequate level of ferry service to the Pender Islands at an affordable price;
  - continue with consultative processes involving representation from the Pender Islands for proposed changes to the ferry service;
  - ensure, in cooperation with the Ministry of Transportation, provision of adequate parking arrangements for foot passengers leaving vehicles or bicycles at the North Pender Island



Otter Bay terminal; and

- undertake efforts to reduce greenhouse gas emissions within its own operations, to support lower fares for smaller, low-emission vehicles, and to create and maintain facilities and services, including bicycle racks, for transportation alternatives to the private automobile.

ii) The federal government agencies with jurisdiction are requested to administer and enforce regulations pertaining to marine navigation and vessel (includes floatplanes when water-borne) movements with regard to water transport safety, particularly in the vicinity of Bedwell Harbour.

### **6.1.5 Air Transportation**

#### **6.1.5 (a) Air Transportation Objectives**

i) To minimize the degree of disturbance to the South Pender Island community arising from aircraft transportation.

ii) To support measures which maintain emergency helicopter evacuation service.

#### **6.1.5 (b) Air Transportation Policies**

i) The Local Trust Committee is to make representations, as needed, to Transport Canada regarding aircraft noise and flight routes within and over the South Pender Island Local Trust Area.

ii) Land based aircraft facilities are to be limited to those necessary for emergency helicopter evacuations.

iii) Floatplane facilities only allowed in foreshore and marine water areas designated Marine Commercial on Schedule "B".

## **6.2 Communication and Utilities Services**

### **Background**

Private sector companies provide telephone and electronic communication services to the island via fixed link or electronic transmission. Electrical power is provided by BC Hydro, a provincial Crown corporation. Both federal and provincial regulatory agencies are involved in the provision of these services. The advent of increased telecommunication services and electronic forms of communication is gradually making it more feasible for people to live on-island and work from home.

#### **6.2.1 Communications and Utilities Objectives**

a) To ensure communication and utilities services land use and development on South Pender Island is primarily for the needs of its community.

b) To support cooperation with and between the communication and utilities service providers serving the needs of the community, as a means of efficiently providing services.

#### **6.2.2 Communication and Utilities Policies**

a) Communication and utilities land use and development whose primary purposes are for meeting the needs of the community are to be recognized and provided for in the regulatory bylaws implementing this OCP. No such provision is to be given for those whose primary purpose does not serve the community's needs.

b) Locations for additional communication and utilities service development, excluding electrical,

telephone, and cablevision distribution lines, are only to be considered on a site-specific basis upon application and consultation with the community.

### **Advocacy Policies**

- c) Providers of communication and utilities services involving overhead or underground transmission wires, cables, or piping are encouraged to use existing public rights-of-ways and common corridor routings wherever practical.
- d) Providers of internet and other electronic communications services are encouraged to expand and improve the delivery of services to, and the development of infrastructure for, the community.
- e) Industry Canada and its agents are requested to ensure adequate community consultation occurs prior to approval of new communications towers.

## **6.3 Water Supply Services**

### **Background**

Freshwater supplies on South Pender Island are obtained almost exclusively from groundwater sources, primarily from aquifers located in fractured bedrock. An exception is the water taken under licence from Greenburn Lake.

#### **6.3.1 Water Supply Objectives**

- a) To maintain self-sufficiency as a fundamental principle of the island's freshwater supply servicing.
- b) To protect adequate freshwater supplies for current and future land use and development.
- c) To encourage conservation of freshwater supplies.
- d) To ensure adequate supplies of water are available for fire protection purposes.

#### **6.3.2 Water Supply Policies**

- a) The supply of freshwater for South Pender Island is only to be from on-island sources, except for direct deliveries by tanker truck in circumstances where the regular source of freshwater becomes temporarily inadequate. Facility use and development for off-island sourced bulk water supplies is to be prohibited by zoning regulations.
- b) The Local Trust Committee is to help protect supplies of freshwater for current and future land use and development by taking into consideration the possible effects of increased freshwater supply services and use associated with major new developments.
- c) Conservation of freshwater supplies is to be encouraged; supportive measures may include but are not limited to:
  - i) the use of drought tolerant plants for landscaping purposes.
  - ii) information programs to increase awareness of:
    - water conservation practices;
    - new technologies for water purification; and

- potential impacts from the practice of well hydrofracturing.
- ii) installation of water saving plumbing fixtures and appliances;
- iii) collection, storage, and use of rainwater as an alternative to groundwater by means of:
- ponds to increase freshwater supplies available for non-domestic uses such as irrigation, lawn and garden watering, and fire suppression; and
  - cisterns for domestic use where the collected rainwater supply is kept and treated in a manner conforming to standards meeting the requirements of the Medical Health Officer, Vancouver Island Health Authority.
- d) The Local Trust Committee will permit and promote rainwater catchment systems for fire protection, irrigation, and as an alternate source of potable water for domestic use.
- e) The Local Trust Committee may consider implementing regulatory provisions to address groundwater protection, such as:
- i) requiring rainwater catchment systems for new construction;
  - ii) limiting the extent of impermeable surfaces on a lot;
  - iii) limiting floor area of single family dwellings;
  - iv) designating a development permit area for critical groundwater areas;
  - v) amending the subdivision regulations to ensure that appropriate and effective requirements are in place for new subdivisions; and
  - vi) amending the subdivision regulations to require community water systems for significant new development in identified critical areas.

### **Advocacy Policies**

- f) The Approving Officer is requested to confirm an available supply of water for each new lot created by subdivision and that new lots do not adversely affect existing water users.
- g) The Ministry of Environment shall be requested to ensure all groundwater wells in which saltwater intrusion occurs are capped and not available for use.
- h) Alternatives and supplements to the use of groundwater, such as collection of rainwater and use of cisterns, shall be encouraged.
- i) Residents are encouraged to conserve groundwater by using water catchment for irrigation and by landscaping with drought tolerant plants.
- j) Landowners are encouraged to minimize the amount of land used for lawn areas and the use of unattended automatic irrigation systems.

## **6.4 Liquid Waste Disposal Services**

### **Background**

Sewage and grey water disposal on South Pender Island is almost entirely by septic tank/disposal

field; the exception being Poets Cove Resort, where a treatment plant is in operation. There are no community sewage treatment systems on the island. Sewage sludge from septic tank/disposal field systems is disposed of off-island.

Jurisdictional authority for approving sewage disposal systems rests primarily with the Vancouver Island Health Authority, which administers the provisions of the *Public Health Act*; the Ministry of Environment jurisdiction applies to sewage flow generation exceeding 22.7 m<sup>3</sup> (5,000 gal.) per day.

#### **6.4.1 Liquid Waste Disposal Objectives**

- a) To ensure disposal of liquid waste does not cause health hazards or ecological degradation by contamination of ground, surface, and marine waters.
- b) To support measures that increase awareness of current and new technologies for effective liquid waste disposal practices.

#### **6.4.2 Liquid Waste Disposal Policies**

- a) New lots are to have capacity on-site for disposing of their sewage in a manner complying with applicable health and environmental regulations.
- b) Underground structures for disposal of sewage are to be exempted from Local Trust Committee bylaw setback regulations (but are subject to any setback regulations of other agencies with jurisdiction.).
- c) Permits that authorize discharge of sewage effluent into marine waters are to be opposed.
- d) Discharge of sewage from vessels into the marine waters covered by this OCP is to be opposed and the use of sewage holding tanks by vessels using these waters is to be supported.
- e) When considering applications for new, or to expand existing, commercial marinas the Local Trust Committee shall require sewage pump out and disposal facilities.

#### **Advocacy Policies**

- f) Those agencies with jurisdiction are requested to:
  - i) ensure that septic tank/ disposal field systems are monitored and regulated so contamination of ground, surface, and marine waters is avoided;
  - ii) continue providing information regarding effective maintenance of septic tank/ sewage disposal systems and to require remediation for any locations where contamination problems are suspected; and
  - iii) in cases where septic tank/disposal field systems are failing, consider allowing the use of on-site alternate sewage treatment and effluent disposal systems that have been demonstrated over time to be safe and effective for the purpose, such as composting toilets.
- g) Landowners are encouraged to keep their septic tank/disposal field systems in effective working order.

### **6.5 Solid Waste Disposal Services**

#### **Background**

Solid waste disposal services for South Pender Island consist of the drop-off service for recyclable refuse at the North Pender Island recycling depot operated by the Pender Island Recycling Society, private sector garbage pick-up and drop off locations, and individual landowner composting and incineration. There is no on-island site for solid waste disposal; however, these services are managed regionally under the Capital Regional District (CRD) Solid Waste Management Plan. The Hartland Landfill, located northwest of Victoria, is the only solid waste disposal facility within the CRD.

#### **6.5.1 Solid Waste Disposal Objectives**

- a) To ensure arrangements for disposal of solid waste are effective and environmentally safe.
- b) To support measures encouraging reduction of solid waste generation.

#### **6.5.2 Solid Waste Disposal Policies**

- a) Arrangements for solid waste disposal currently in effect are to be supported as long as they continue to meet the community's needs.
- b) Measures that reduce solid waste generation by promotion of waste reducing consumer practices, increased recycling, composting organic materials, and environmentally sensitive disposal methods are to be supported.
- c) No provision is to be made for disposal on South Pender Island of solid waste originating on the island or from outside the South and North Pender Islands area.

#### **Advocacy Policies**

- d) The Capital Regional District is requested to continue monitoring the solid waste disposal needs of both South and North Pender Islands and to continue providing funding support for the North Pender Island Recycling Society's depot that serves both islands.

### **6.6 Protective and Emergency Services**

#### **Background**

The Pender Islands Fire Protection Society provides fire protection and first responder services via the volunteer fire department which serves North and South Pender Islands. Fire Hall No. 3 is located at 8961 Gowlland Point Road, South Pender Island. Police protection services for the island are provided by the RCMP detachment based on North Pender Island. Ambulance and emergency helicopter services are based on North Pender Island. The Provincial Emergency Services Program has a South Pender Island representative as well as trained Neighbourhood Coordinators. Fire Hall No. 3 is a designated Emergency Reception Centre.

Protective and emergency services land use and development on the island is recognized by assigning an appropriate land use designation in Schedule "B" of this OCP.

#### **6.6.1 Protective and Emergency Services Objectives**

- a) To ensure protective and emergency services needed by the community are available when necessary.

#### **6.6.2 Protective and Emergency Services Policies**

- a) Lands used for protective and emergency services will have appropriate regulations in the bylaws implementing this OCP.

- b) To support efforts by protective and emergency service organizations to increase public awareness on the island of measures to be taken to reduce risk and increase safety for persons and their property.

## **6.7 Visitor Information Services**

### **Background**

The natural beauty of the island, its relative accessibility, and the diverse and unique marine and terrestrial ecosystems are key attractions for visitors. The most popular visitor activities are hiking, wildlife viewing, and bird watching, facilitated by the protection of significant land and marine areas as park-lands.

### **6.7.1 Visitor Information Services Objectives**

- a) To support the development and availability of visitor information regarding South Pender Island, its facilities for visitors, the particular rural character and values, and the conservation of its ecosystems and natural beauty.

### **6.7.2 Visitor Information Services Policies**

- a) The Local Trust Committee is to encourage and work with interested parties in developing visitor information to increase awareness of and respect for South Pender Island's rural character and natural environment.

### **Advocacy Policies**

- b) Owners of properties offering short-term rental accommodation are encouraged to provide copies of visitor information about South Pender Island to their guests, particularly information regarding water conservation and preservation of the island's natural beauty.

## PART 7 – DEVELOPMENT PERMIT AREAS

### Background

Development permits provide a tool for review and management of development at the site level. Areas of particular concern may be designated as Development Permit Areas (DPA), within which a Development Permit (DP) may be needed prior to development work being undertaken. Development permits are issued by the LTC based on the objectives and guidelines in this part of the OCP. Development permits cannot prevent development that is otherwise permitted by zoning, but provide a means to manage the development in such a way as to mitigate the impacts of development.

Certain areas or features on South Pender Island are recognized as being particularly sensitive to the impacts of future development. These include sensitive ecosystems, areas of potential geological hazard, and commercial or industrial areas. The island's sensitive ecosystems are a crucial part of what makes South Pender Island and the Islands Trust Area unique; they are rare and provincially, nationally, and internationally significant. The island's geology may create challenges with developing in areas that may be prone to hazards from rockfall. Although only a small proportion of the island's land is designated for commercial land uses, development in these areas can have significant impacts on the community. For these areas, further review may be needed before development takes place.

### Statutory Authority

The *Local Government Act* authorizes a Local Trust Committee to designate development permit areas (DPA) within an OCP for one or more of ten purposes. In this OCP, the LTC has designated DPAs for the following purposes:

1. the establishment of objectives for the form and character of commercial, industrial or multi-family residential development, and
2. the protection of the natural environment, its ecosystems and biological diversity.

Where the LTC has designated an area as a DPA, the owner must obtain a development permit before subdividing land within the DPA, starting construction of, addition to or alteration of a building or other structure, or altering land within an area designated under No. 2 above. In the event that a parcel of land is subject to more than one development permit area, all development permit area guidelines shall apply and in the instance where there are conflicts or inconsistencies between guidelines, the precedence shall be given to the DPA for protection of the natural environment, its ecosystems and biological diversity. Only one development permit, containing conditions based on guidelines in all applicable DPAs, is required.

Pursuant to section 920.1 of the *Local Government Act* (Designation of development approval information areas), the OCP designates all DPA as areas for which, in specified circumstances, development approval information may be required under that section. Development approval information means information on the anticipated impact of the proposed activity or development on the community.

## **7.1 Development Permit Area One - Commercial Form and Character**

### **7.1.1 Authority**

This development permit area (DPA) is established, pursuant to Section 919.1(1)(f) of the *Local Government Act*, for the purpose of establishing objectives for the form and character of commercial and industrial development.

### **7.1.2 Special Conditions or Objectives that Justify the Designation**

South Pender Island is predominantly a rural landscape, providing for low-density residential development and forestry and agricultural uses. Existing commercial zoning provides for development of a higher scale and density, and different character and massing of buildings than the surrounding rural residential neighbourhoods. Other policies and objectives of this OCP recognize the community's desire to retain a rural character on the island. Design guidelines can reduce the potential conflicts between large commercial development and rural residential neighbourhoods and maintain a consistency of building form and character within a development.

### **7.1.3 General Applicability**

A development permit shall be required for the construction of, addition to or alteration of a building or other structure; or the subdivision of land, whenever they occur within the development permit area unless specifically exempted in subsection 7.1.5 below.

### **7.1.4 Designation**

This development permit area includes the commercial lands operated as Poets Cove Resort as shown on Schedule "C".

### **7.1.5 Development Permit Exemptions**

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

- a) is an interior renovation;
- b) is an addition or alteration to an existing building and the addition or alteration does not exceed 20 sq.m. (215 sq.ft.); or
- c) does not, pursuant to the British Columbia Building Regulations or the applicable building regulation bylaw, require a building permit.

### **7.1.6 Development Permit Area Objectives**

- a) To ensure that the commercial developments allowed in rural residential neighbourhoods can develop with the least impact on neighbouring properties.
- b) To guide the form and character of commercial developments on South Pender Island.
- c) To maintain consistency in building form and character within a development.

### **7.1.7 Guidelines for General Site Design, Building Location and Access**



- a) Property line setbacks shall not be varied from those allowed by local bylaws.
- b) Site access to commercial properties shall maintain the character of the surrounding neighbourhood as much as possible.
- c) Sites shall be designed to reduce impacts on neighbouring properties and public areas, including water surfaces. Particular attention shall be paid to locating and screening loading docks, sewage and wastewater treatment facilities, garbage and recycling containers and other service areas so that visual, odour and noise impacts are minimal.
- d) Existing trees shall be maintained as much as possible.
- e) An effective vegetation screen shall be maintained along any boundary with a non-commercial property.
- f) No buildings or structures or irrigation system shall be allowed in an area subject to slippage or natural hazard.
- g) Facilities for treatment and disposal of sewage shall be screened from view.
- h) Existing public pedestrian automobile access and parking areas shall be retained.
- i) Public access to the beaches and waterfront shall be retained.
- j) Public open space and greenbelt areas shall be provided throughout the development.
- k) The marine location shall be reflected in the detailing, colour and materials of the buildings and shall be consistent throughout the development.
- l) Refuelling facilities shall be designed in a manner to prevent environmental contamination.
- m) The character of riparian zones within 15 metres of a watercourse or wetland shall be maintained and undisturbed, as much as possible.
- n) Highway access to and from a site shall be designed to meet prevailing provincial safety standards.

#### **7.1.8 Guidelines for Offstreet Parking, Location and Design**

- a) All surface parking areas shall be screened and landscaped with native plants as much as possible.
- b) Areas shall be provided for the loading and unloading of delivery trucks. The site shall allow delivery trucks to manoeuvre without having to block public access routes.
- c) Emergency vehicles shall be able to readily reach all parts of the development.

#### **7.1.9 Guidelines for Building Form**

- a) All development shall maximize sun penetration to pedestrian levels and to neighbouring public and private spaces in order to provide for outdoor activity areas. Important view corridors, particularly to the sea, shall also be preserved.
- b) Building colours shall be muted and consist of natural colours found in the South Pender Island setting and be consistent throughout the development.

- c) Building height shall not exceed that permitted by local bylaws and shall minimize the obstruction of views.
- d) On sloping land, horizontal modulation (stepped buildings) shall be used so buildings and structures conform to the site.
- e) Existing site topography and landscape shall not be significantly altered and shall be complemented by proposed structures.
- f) Where development is allowed along shorelines, it shall be designed to conform to, rather than conceal, the natural contours of the land that borders the shoreline.
- g) Rooftop mechanical equipment (satellite dishes, air-conditioning) shall be screened from view.
- h) All portions of a building shall be authentic, functional space - artificial or contrived architectural features shall not be included in building designs.
- i) A sense of quality and solidity shall be established in the use of material. Most wall materials could be suitable if well detailed and sensitively combined. Brick, stone, wood siding and split face concrete block all express a sense of quality and permanence. Stucco would preferably be used in combination with other materials. Large areas of curtain-wall glazing shall not be used.
- j) The effects of the South Pender Island climate shall be accounted in the choice of material and detailing. Stucco shall be treated to prevent discoloration and particular care shall be taken in detailing of north facing facades.
- k) Pitched roofs are a predominant theme of the development. Roofing materials shall be selected that are suitable for the level of articulation desired in the roof forms. Metal roofing and cedar shingles would facilitate this, whereas heavy tiled roofing would not.
- l) Materials shall fit to the form, style and character of the building overall.
- m) The waterfront theme shall be reflected in material and colour.
- n) Building form, character, including roof type, and building walls shall be consistent throughout the development.

#### **7.10 Guidelines for Landscaping and Screening**

- a) Where landscaping of commercial areas is visible from public areas, natural landscaping that gives a native appearance or the retention of existing vegetation is encouraged as opposed to formal, decorative plantings.
- b) Where landscaping of large new commercial and industrial areas is visible from public areas, informal, natural landscaping that gives a native appearance or the retention of existing vegetation is encouraged as opposed to formal, decorative plantings.
- c) New plant materials shall be chosen with a view to conserve water.
- d) Landscaping next to creeks and lakes shall remain natural and wild to protect fish habitat. Plant species with a high water demand or that may require the use of pesticides or fertilizers shall not be located in this area. Bark mulches and impermeable landscape fabric shall not be used.
- e) Where practical, special care shall be taken to retain existing vegetation, particularly trees,

and incorporate it into new development.

- f) Fencing shall be natural in appearance and coordinated with the design of the main building.
- g) Landscaping and screening shall be located on private property and not impede traffic sight lines.

#### **7.1.11 Guidelines for Lighting**

- a) Lighting shall be kept to the minimum necessary for safety and visibility, to maintain a low level of light in the island's nighttime atmosphere.
- b) Light fixtures shall be carefully chosen to focus light on the area to be illuminated.
- c) Incandescent fixtures are preferred.
- d) Flashing or strobe lights shall not be used to attract attention to commercial uses. Neon lighting shall not be used outside buildings.

#### **7.1.12 Guidelines for Signs**

- a) Total sign area shall not exceed that permitted by local bylaws.
- b) Signs shall not be more than 5 m above ground.
- c) Plastic, backlit signs shall not be used.
- d) Signs shall not move or be audible. They shall not incorporate lighting that moves or flashes or gives the impression of doing so. Streamers, spinners and coloured flags are not appropriate.
- e) Signs shall be located on private property and not impede traffic sight lines.

#### **7.1.13 Guidelines for Subdivision**

- a) Land in this development permit area shall not be subdivided so that existing structures are made inconsistent with setback requirements of zoning or in a way that invalidates an existing development permit condition.

#### **7.1.14 Development Permit Security**

- a) Prior to issuing a development permit, the LTC may require security in an amount acceptable to that Committee.
- b) On receipt of a written request, as stipulated in the development permit, the LTC is to return the security, minus any amount required to correct any contravention of a condition in the development permit.
- c) Development permits issued in this development permit area are to contain a condition requiring the permit holder to submit a letter by a time specified in the permit indicating that the development has been completed in accordance with the permit's terms and conditions.

## **7.2 Development Permit Area Two - Wetland, Stream and Lake Areas**

### **7.2.1 Authority**

This development permit area (DPA) is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity. In considering the issuance of a development permit, the LTC should be satisfied that the objectives of the DPA have been met where applicable and may impose conditions where appropriate.

### **7.2.2 Special Conditions or Objectives that Justify the Designation**

The island's wetlands, streams, and lake are important as wildlife and plant habitats. Greenburn Lake also has importance as a source of water. These areas are susceptible to degradation from disturbances to their vegetative cover, landform, and water levels. They are also subject to pollution from sewage septic tank/disposal field systems and some may be sensitive to the encroachment of buildings and structures and the use of fertilizers for domestic, agricultural, and forestry purposes. As land use and development practices can jeopardise habitats and water quality, their protection is desirable for the island and its community.

### **7.2.3 General Applicability**

A development permit shall be required for the construction of, addition to or alteration of a building or other structure; or the alteration of land, whenever they occur within the development permit area unless specifically exempted in subsection 7.2.5 below.

### **7.2.4 Designation**

Development Permit Area Two - Wetland, Stream, and Lake Areas - is shown on Schedule "C of this OCP and encompasses those areas 30 metres (98.4 ft.) either side of stream natural boundaries and 30 metres (98.4ft.) landward of wetland and lake natural boundaries.

### **7.2.5 Development Permit Exemptions**

All development within this development permit area requires a development permit except the following:

- a) Removal of hazard trees previously identified by a qualified wildlife/danger tree assessor.
- b) Forest management activities on lands classified as managed forest land under the *Private Managed Forest Land Act*.
- c) Removal of vegetation; construction of roads, trails, or crossings, and, development of impervious surfaces, further than 10 metres (32.8ft) from the natural boundary of a wetland, stream or lake, excepting lands in the Agricultural Land Reserve where the distance is reduced to 3 metres (9.8ft.).
- d) Siting or construction of a building further than 20 metres (65.6 ft.) from the natural boundary of a wetland, stream, or lake.
- e) Installation of any portion of a sewage septic tank/disposal field further than 30.5 metres (100 ft.) of the natural boundary of a wetland, stream, or lake.
- f) Subdivision of land.

### **7.2.6 Development Permit Area Objectives**

To protect the habitat values and water quality of the island's wetlands, streams and lake and their immediate surrounding areas.

### **7.2.7 Development Permit Area Guidelines**

- a) Removal or disturbance of vegetation or landform is to be restricted in the area from the water's edge of any stream to the outermost of:
  - i) The natural boundary of any stream; or
  - ii) the outer edge of any active floodplain adjacent to the stream; or
  - iii) the top of an inner gorge of the stream; or
  - iv) a 10 metre (32.8 ft.) distance, measured horizontally, excepting lands in the Agricultural Land Reserve where the distance is reduced to 3 metres (9.8 ft.).
- b) Removal or disturbance of vegetation or landform is to be restricted in the area from the natural boundary of any wetland or lake a distance inland of 10 metres (32.8 ft.), measured horizontally.
- c) Within the areas defined by the two immediately foregoing provisions, wildlife trees, deciduous trees, trees with roots in a stream bank or shoreline of a wetland or lake, and lesser vegetation are to be retained.
- d) All living trees and dead standing trees within wetland areas are to be retained.
- e) For every 100 metres (328 ft.) of bank length on each side of a stream and for every 100 metres (328 ft.) of lakeshore, at least 20 larger (25 centimetre (9.8 in.) dbh trees are to be retained within the permit area. Where there are insufficient numbers of such sized trees, the 20 largest trees are to be retained.
- f) Exceptions to the preceding provisions regarding retention of trees are to be provided for removal of hazard trees identified prior to removal by a qualified wildlife/danger tree assessor and for the removal or disturbance of vegetation associated with the installation of fencing and the provision of pumphouses on land in the Agricultural Land Reserve.

### **7.2.8 Development Permit Security**

- a) Prior to issuing a development permit, the LTC may require security in an amount acceptable to that Committee.
- b) On receipt of a written request, as stipulated in the development permit, the LTC is to return the security, minus any amount required to correct any damage to the environment caused by a contravention of a condition in the development permit.
- c) Development permits issued in this development permit area are to contain a condition requiring the permit holder to submit a letter by a time specified in the permit indicating that the development has been completed in accordance with the permit's terms and conditions.

## **7.3 Development Permit Area Three - Bedwell Harbour Ridge**

### **7.3.1 Authority**

This development permit area (DPA) is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity. In considering the issuance of a development permit, the LTC should be satisfied that the objectives of the DPA have been met where applicable and may impose conditions where appropriate.

### **7.3.2 Special Conditions or Objectives that Justify the Designation**

The Bedwell Harbour Ridge Conservation Area's landforms, forest cover, and lesser vegetation provide habitat for native plant and animal life, and, collectively, due to its aspect and location constitute an important natural feature that acts as a valued natural backdrop to the adjacent visitor accommodation facilities of the Poets Cove Resort and also provides a natural area foreground and framing for viewpoints along the adjacent portion of Spalding Road. This area's natural features are susceptible to degradation from disturbances to the landforms, forest cover, lesser vegetation, and natural drainage and water flows. They may be sensitive to the encroachment of buildings and structures. Their protection is desirable for the island, its community, and visitors.

### **7.3.3 General Applicability**

A development permit shall be required for the construction of, addition to or alteration of a building or other structure; or the alteration of land, whenever they occur within the development permit area unless specifically exempted in subsection 7.3.5 below.

### **7.3.4 Designation**

Development Permit Area Three - Bedwell Harbour Ridge Conservation Area - is shown on Schedule "C" of this OCP.

### **7.3.5 Development Permit Exemptions**

All development within this development permit area requires a development permit except the following:

- a) Removal of hazard trees previously identified by a qualified wildlife/danger tree assessor.
- b) Subdivision of land.

### **7.3.6 Development Permit Area Objectives**

To protect the Bedwell Harbour Ridge Conservation Area's natural components from degradation and undue disturbance.

### **7.3.7 Development Permit Area Guidelines**

- a) Removal or disturbance of landforms, tree cover, lesser vegetation, and natural drainage and water flows is to be restricted in this development permit area. The area of restriction is that enclosed within the edge of the sea and that portion of this development permit area boundary common with that of the Commercial Development No. 1 - Bedwell Harbour Resort Area Development Permit Area, to a straight line running between a point along this development permit area's easterly boundary inland 50 metres horizontal distance from the its south east

corner and a point along its northerly boundary inland 100 metres horizontal distance from its northwest corner.

- b) Exempted from the foregoing guideline is the removal of hazard trees identified prior to removal by a qualified wildlife/danger tree assessor; and the removal and disturbance of landforms, tree cover, lesser vegetation, and natural drainage and waterflows necessary for the development of trails, structures and buildings, where their siting is authorized under a development permit issued within this development permit area.

#### **7.3.8 Development Permit Security**

- a) Prior to issuing a development permit, the LTC may require security in an amount acceptable to that Committee.
- b) On receipt of a written request, as stipulated in the development permit, the LTC is to return the security, minus any amount required to correct any damage to the environment caused by a contravention of a condition in the development permit.
- c) Development permits issued in this development permit area are to contain a condition requiring the permit holder to submit a letter by a time specified in the permit indicating that the development has been completed in accordance with permit's terms and conditions.

## **PART 8 – TEMPORARY USE PERMITS**

### **Background**

Section 921 of the *Local Government Act* authorizes the Local Trust Committee to issue temporary use permits to allow a use otherwise not permitted by zoning. An Official Community Plan may designate areas appropriate for allowing temporary uses that by their nature be of temporary duration and would not need a permanent use designation, may be considered transitional, or may create uncertainty about their appropriateness or viability as a continuous use.

A temporary use permit may, notwithstanding a zoning bylaw, allow a use, permit the construction or use of buildings or structures to accommodate persons who work in respect of which the permit is issued and specify conditions under which a temporary use may be carried on.

A temporary use permit may be issued for a period of up to three years and may be renewed only once. The issuance of a temporary use permit should be conditional on compliance with the following guidelines:

### **8.1 Temporary Use Permit Objectives**

8.1.1 To provide a mechanism that could allow land use proposals that:

- a) by their nature are of temporary duration and would not need a permanent use designation;  
or
- b) might be considered a transitional use or create uncertainty as to the appropriateness or viability as a continuous use.

### **8.2 Temporary Use Permit Policies**

8.2.1 The Local Trust Committee may issue temporary use permits for any area covered by this OCP.

8.2.2 The Local Trust Committee may consider requiring development information for temporary use permit applications through adoption of a development approval information bylaw.

8.2.3 In order to determine whether the proposed temporary use would cause ongoing and undue disturbance to adjacent lands and the land on which it is to be conducted, the Local Trust Committee is to consider the following items when evaluating applications for temporary use permits:

- a) characteristics inherent to the proposed use, eg, noise;
- b) intended operational schedule and activity level, including daily hours of operation, number of days per week, and the extent or scale of activities on the site;
- c) adequacy of site access and off-street parking, water supply and sewage disposal arrangements;
- d) effect on groundwater supplies or other environmentally sensitive features and whether it would pose problems in providing adequate fire protection service;
- e) effect on the island's emergency and protective services;



f) the climate change impacts of any significant change in use; and

g) adequacy of plans for return of the site to a state resembling its condition prior to the use being undertaken or to an alternate state as agreed to by the Local Trust Committee.

8.2.4 In issuing a temporary use permit, the LTC should specify conditions under which the use may be carried on that would mitigate any impacts of the use, including restoration of land upon completion of the permit.

8.2.5 A bond or other security acceptable to the Local Trust Committee should be posted as a means to ensure compliance with proposed permit conditions and a funding source in the event of any incomplete site restoration or rehabilitation.

## PART 9 - ADMINISTRATION

### 9.1 Administration

The Islands Trust Executive Director or other staff members assigned by the Executive Director are to administer the provisions of this Official Community Plan on behalf of the Local Trust Committee.

### 9.2 Interpretation

#### 9.2.1 Boundaries

- a) The final interpretation as to the precise location of boundaries on any map schedule shall be defined by:
  - i) Where boundaries coincide with lot lines, the boundaries are the lot lines.
  - ii) Where there is a prescribed distance measured horizontally from a described point, boundary, or natural feature, that distance is the boundary.
  - iii) Where there is a described or indicated boundary, eg., metes and bounds boundary or elevation contour, that is the boundary.
  - iv) Where land based and water based boundaries coincide, the common boundary shall be the surveyed lot line as shown on a survey plan registered in the Land Title Office, and where there is no such plan the present natural boundary of the sea is the common boundary.
  - v) Where a boundary is shown as following any highway, right-of-way, or stream, the centre line of such highway, right-of-way, or stream the centreline is the boundary.
  - vi) Where a boundary does not follow a legally defined line and no dimensions are shown by which the boundary could otherwise be located, the location of the boundary must be determined by reference to the digital records stored and maintained in a geographical information system (GIS) at the offices of the Islands Trust.
- b) The exact location and extent of areas identified on OCP Schedule "E" by environmental symbols and boundaries are approximate and may be determined more definitely through reference of more detailed information, on site studies, or future bylaw amendments.

#### 9.2.2 Severability

If any provision of this bylaw is for any reason held to be invalid by the decision of any Court of competent jurisdiction, the invalid portion is to be severed and the decision that it is invalid does not affect the validity of the remainder of this bylaw.

### 9.3 Implementation

The *Local Government Act* provisions pertaining to the effect of official community plans state:

"An official community plan does not commit or authorize a municipality, regional district" (Includes a local trust committee pursuant to Section 29 of the *Islands Trust Act*)" or improvement district to proceed with any project that is specified in the plan."

"All bylaws enacted or works undertaken by a council, board or greater board" (includes a local trust

committee pursuant to Section 29 of the *Islands Trust Act*), “or by the trustees of an improvement district, after the adoption of an official community plan must be consistent with the relevant plan.”

Upon adoption of this OCP, methods available to the South Pender Island Local Trust Committee for implementation include:

### **9.3.1 Regulatory Bylaws**

Regulatory bylaws may include provisions reflecting the policies of this OCP for:

- a) use of land, buildings and structures;
- b) density of the use of land, buildings and structures;
- c) siting, size and dimensions of buildings and structures and of uses permitted on the land;
- d) location of uses on the land and within buildings and structures;
- e) shape, dimensions, and area of parcels of land that may be created by subdivision;
- f) establishment of different density regulations for a zone, one generally applicable for the zone and the other or others applicable if certain amenities and or affordable or special needs housing are provided either by agreement or by zoning designation;
- g) off-street parking and loading spaces;
- h) disposal of surface runoff and storm water;
- i) signs;
- j) screening or landscaping;
- k) flood plain elevations and setbacks when approved by the Minister of Environment;
- l) subdivision servicing requirements; and
- m) heritage conservation.

### **9.3.2 Permits**

The South Pender Island Local Trust Committee in its adjudication of applications for development, temporary use permits, and development variance permits, should be guided by the policies of this OCP. The development and temporary use permits issued must be consistent with these policies.

### **9.3.3 Covenants**

The South Pender Island Local Trust Committee may enter into voluntary covenant agreements with property owner(s) that are registered on the title to the land.

### **9.3.4 Consultation with Other Government Agencies**

Consultation and communication with other government agencies includes: review of applications referred in relation to this OCP and associated regulatory bylaws, advising agencies of the policies contained within this OCP, and developing agreements that assist in the implementation of the policies and regulations.

### **9.3.5 Consultation with the Public**

Awareness of the provisions of this OCP on the part of South Pender Island property owners and residents can assist the South Pender Island Local Trust Committee in addressing community concerns and in implementing the provisions of this OCP.

#### **9.4 Amendment**

This OCP may be amended by the South Pender Island Local Trust Committee at its initiative or in response to an application. Individuals seeking amendment must submit applications in the form provided, accompanied by the applicable fee.

#### **9.5 Review**

The South Pender Island Local Trust Committee may initiate a review of this OCP, or a portion thereof, at any time. The OCP should be reviewed in its entirety at least every 10 years from the adoption date.