



File No.: Raptor Nest DPA Review Project

DATE OF MEETING: November 29, 2024

TO: North Pender Island Local Trust Committee

FROM: Brad Smith, Island Planner  
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Raptor Nest DPA Review Project – Draft Bylaw No. 235

## RECOMMENDATION

1. That the North Pender Island Local Trust Committee receives draft bylaw 235 cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023" for use in further community and property owner consultation and directs staff to initiate draft bylaw referrals.
2. That the North Pender Island Local Trust Committee directs staff to update the Raptor Nest DPA Review Project Charter to reflect new timelines and other updates as presented in the November 29, 2024 staff report.

## REPORT SUMMARY

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

The above recommendations are supported as:

- The proposed bylaw amendments are consistent with the recommendations of the professional report and current provincial best practices in respect of raptor and heron protection;
- Other administrative amendments have been made to make the DPA 7 provisions more consistent with other more recent OCP updates, provincial reference documents and legislative provisions;
- Timelines have been delayed and the project charter needs updating to reflect these changes; and,
- Proceeding with a draft bylaw will facilitate First Nations and agency referrals and further public input to identify any issues or concerns with the proposed amendments prior to consideration of first reading.

## BACKGROUND

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

At the July 7, 2026 LTC meeting, the LTC received a draft consultant’s report for review and comment. At that meeting, the LTC passed a resolution directing staff to prepare a draft bylaw to update DPA 7 provisions and the Schedule O map consistent with the recommendations of the professional report, including increasing nest tree

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buffering radiuses consistent with updated provincial guidelines. Staff have now drafted amending draft Bylaw No. 235 in consideration of those recommendations and are seeking direction from the LTC on next steps.

## ANALYSIS

### Regulatory

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

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

The proposed changes to protect raptor trees are consistent with the recommendations of the RP. Bio and most recent [provincial guidelines](#). These guidelines provide the best practices for raptor conservation in the province of BC. Amendments are proposed to make the DPA 7 provisions more consistent with other DPA sections.

Amendments to DPA 7 provisions include:

- Additional context on special conditions or objectives that justify the designation;
- The expansion of minimum buffer areas to 60 m radius around nest trees (currently 30-50 m);
- The inclusion of increased breeding season quiet buffer requirements during nesting periods of up to a 200 m radius around nest trees (depending on species);
- Changes to critical nesting periods consistent with new provincial guidelines;
- Minor amendments and updates to the list of permit exemptions;
- Amendments to DPA guidelines to better align with new provincial best practices;
- Administrative amendments to better align section layout and wording with other more recently amended OCP sections and best practices;
- Updated referencing to provincial guidelines and legislation; and,
- Replacing Schedule O with a new updated Schedule O that includes existing and new nest trees and associated buffering distances.

Staff have reviewed other local government jurisdictions with more recent raptor DPA guidelines and they are largely consistent with the most recent provincial guidelines and the approaches already taken or recommended for North Pender, and in particular with respect to the increased buffering area requirements.

#### Breeding Season Quiet Buffers

As directed by the LTC, and consistent with most recent provincial guidelines, draft Bylaw No. 235 includes 'Breeding Season Quiet Buffer' requirements as follows:

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

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

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

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

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

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

The ITPS policy checklist is included as Attachment 3. Typically, staff do not seek LTC endorsement of the ITPS checklist until LTC is also ready to consider first reading. However, an alternative is for the LTC to give first reading at this meeting, and if so, the checklist should be considered prior to first reading.

### ***Land Use Bylaw No. 224***

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

### ***DAI Bylaw***

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

### **Issues and Opportunities**

#### ***October 26, 2024 CIM***

The LTC held a Community Information Meeting (CIM) regarding the project on Saturday, October 26. Approximately 15 members of the public were present.

At that meeting, staff presented the results of the consultant's report including updated mapping and recommendations for changes to associated DPA 7 provisions. Staff also presented a draft updated Schedule O map that includes newly identified and existing nests, along with updated buffers based on provincial guidelines.

A few members of the public had questions and comments on the project. Most comments were supportive of the project in general. A couple property owners did express concerns that the new nest sites and/or expanded buffers could have potential impacts on the future development of their land. Staff requested that any specific comments be provided, in writing to the LTC.

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

Staff have sent a letter to all property owners where a new or existing nest tree has been identified (Attachment 4). In response to the letter, staff have had several discussions with property owners regarding particular nest trees. These discussions have resulted in:

- One newly identified bald eagle tree removed from the updated inventory as additional follow-up assessment from the RP. Bio identified it as no longer viable;
- One existing bald eagle tree confirmed to still be viable based on a follow-up site visit from staff and consultation with the RP. Bio;
- One new bald eagle tree removed from the inventory as it was determined to be a duplicate; and,
- Several 'information' emails back and forth with property owners clarifying the proposed new provisions and how they might impact future development on the land base.

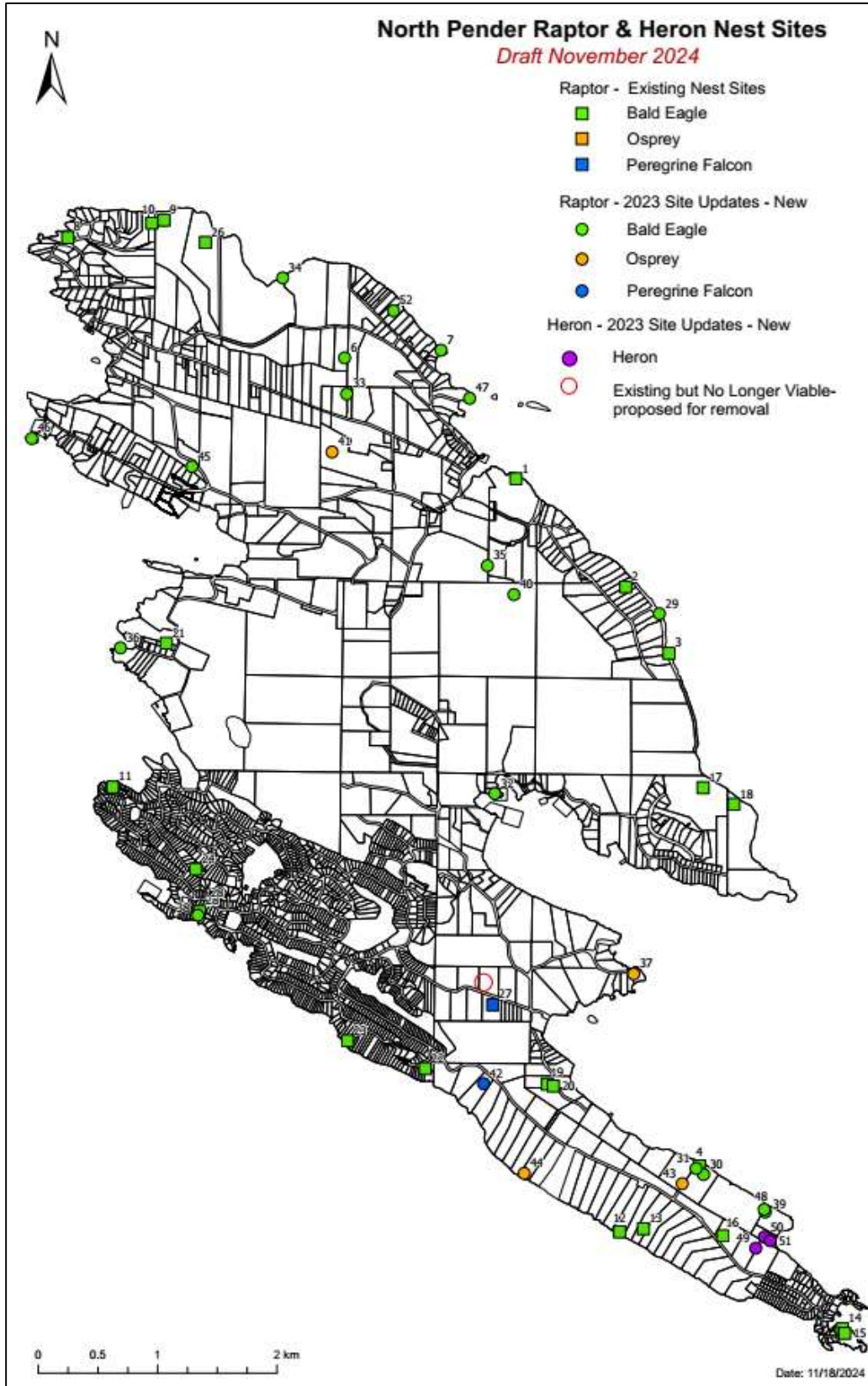
Staff continue to engage with property owners. Staff recommend that the LTC only receive the bylaw in draft form at this point so that additional time is available to inform and engage with property owners prior to consideration of first reading.

### ***November 2024 Map Update***

GIS staff have created an updated public engagement map based on further QA/QC of mapping results, and additional engagement with property owners and the RP. Bio. This mapping serves as the basis for the amended Schedule O (Figure 1. and Attachment 5) The updated map has 50 nest trees in total including:

- 41 Bald Eagle nest trees (23 existing, 18 new)
- 4 Osprey nest trees (all new)
- 3 Great Blue Heron nest trees (all new)
- 2 Peregrine Falcon nest trees (1 existing, 1 new)

Figure 1. Updated Draft Map of All Nest Sites, November 2024



## ***Project Charter Update***

To keep the project on track, staff have attached an amended project charter with updated timelines, staff resources and other relevant details for consideration of endorsement by the LTC (Attachment 6).

## **Consultation**

### ***First Nations Engagement***

In follow-up to the initial engagement letter sent to First Nations, staff have sent the professional report to First Nations seeking comment. To date, only the Malahat Nation has responded. Staff had a follow-up Zoom meeting with the Malahat Nation referral coordinator. Feedback on the project was positive and no concerns were raised.

Should LTC proceed with Bylaw No. 235, bylaw referrals will be sent the same group of First Nations.

### ***Agency Referrals***

Staff will send draft Bylaw No. 235 to the following for bylaw referral:

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

The LTC could direct staff to complete additional referrals not on this list.

## **Rationale for Recommendation**

The recommendations on page 1 are supported as:

- The proposed bylaw amendments are consistent with the recommendations of the professional report and current provincial best practices in respect of raptor and heron protection;
- Other administrative amendments have been made to make the DPA 7 provisions more consistent with other more recent OCP updates, provincial reference documents and legislative provisions;
- Timelines have been delayed and the project charter needs updating to reflect these changes; and,
- Proceeding with a draft bylaw will facilitate First Nations and agency referrals and further public input to identify any issues or concerns with the proposed amendments prior to consideration of first reading.

## **ALTERNATIVES**

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

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

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are that commencing work on the project would be delayed. Recommended wording for the resolution is as follows:

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

**2. First Reading of Bylaw No. 235**

The LTC could give first reading of draft Bylaw No. 235 prior to completion of bylaw referrals. Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee Bylaw No. 235, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023” be read a first time.*

If the LTC gives first reading, staff then also recommend that the LTC endorse the ITPS checklist.

*That the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 235, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023” is not contrary to or at variance with the Islands Trust Policy Statement.*

**3. Not Proceed with the Project**

The LTC may decide to not proceed with the project.

**4. Receive for information**

The LTC may receive the report for information.

**NEXT STEPS**

With direction from the LTC, staff will initiate draft bylaw referrals and update the project charter.

Submitted By:	Brad Smith, Island Planner	November 19, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	November 19, 2024

**ATTACHMENTS**

1. Draft Bylaw No. 235 Schedule O – Redline and Clean
2. Draft Schedule O map
3. ITPS Policy Checklist
4. Property Owner Engagement Letter
5. November 2024 public engagement map
6. Updated Project Charter

# DRAFT

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

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

---

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

#### 1. CITATION

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

#### 2. SCHEDULES

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

#### 3. SEVERABILITY

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

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

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY



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

**SCHEDULE 1**

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

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

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

5.2.8.1 ~~Application Requirements~~Development Approval Information

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

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

5.2.8.2 Designation

Development Permit Area Seven is shown in a generalized representation on Schedule O and ~~generally incorporates~~ includes a minimum 60 ~~30-50~~ metre radius around identified eagle, ~~osprey and~~ great blue heron and other raptor nesting sites ~~trees, including falcons, hawks, ospreys, and owls.~~

Development Permit Areas are designated as follows:

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

- ii. a 200 m radius from the nest tree in all other zones of North Pender Island Land Use Bylaw No. 224, 2022.
  - iii. an additional 200m radius from any nest tree during the breeding season of January 15<sup>th</sup> to September 15<sup>th</sup>.
- c) All other raptor Nest Trees or cliff nest locations (falcons, hawks, ospreys, and owls) – the Development Permit Area applies to all mapped trees or cliff sites containing raptor nests and is:
- i. a 60 m radius from the nest tree or site in high density areas (lands zoned Rural Residential One in North Pender Island Land Use Bylaw No. 224, 2022 ; and
  - ii. a 100 m radius from the nest tree or site in all other zones of North Pender Island Land Use Bylaw No. 224, 2022.

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

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

In some instances, exact nesting tree location coordinates have not been field verified. In those cases, where a discrepancy exists between the digital record and the actual location of the nesting tree, the minimum radius distances apply to the actual location of the nesting tree as verified by a qualified professional.

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

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

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

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

Eagle nest trees requirements are specialized: typically large, very old trees near the water and although second growth trees are sometimes used, most nest trees are Douglas-firs over 150 years of age, usually within one kilometre of the shoreline. Human activity related to logging and land development have resulted in the loss of nest sites, which results in a permanent reduction in the nesting population. Gradual loss of nesting habitat is considered to be the most significant

factor affecting bald eagle abundance in B.C. ([Province of BC. Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development](#)) and specifically on Vancouver Island and the Gulf Islands, habitats within low-elevation coastal habitats in the Coastal Douglas-fir Biogeoclimatic zone have been degraded by human developments ([Province of BC. Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia 2013](#)).

'Breeding season quiet buffer': During their breeding season (Feb 5 to Aug 31), especially during early courtship and egg-laying periods, bald eagles are very sensitive to noise disturbances and may abandon their nests and young. In every case, Develop with Care series (2013): Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia should be referred to when establishing an appropriate nest site buffer.

Great Blue Herons are a Species of Special Concern in Canada and are blue-listed in British Columbia. The number of active nests on Vancouver Island and the Gulf Islands averages 525 annually. Bald eagles require large territories and generally locate nest sites 1km away from another breeding pair. Both species nest near large bodies of water such as lakes, large rivers or the ocean, near their main food source. The loss of available nesting habitat due to human disturbance reduces the birds' ability to reproduce and successfully raise their young. Section 34 of the Wildlife Act provides for the protection of bald eagles and great blue heron and several other at-risk bird species.

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

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

Colonies are dynamic, especially in areas of high disturbance and habitat destruction and human disturbance has been implicated in historical colony abandonment. In particular, disturbance from humans can cause herons to temporarily abandon breeding attempts, allowing predators to take eggs. The Province of British Columbia recommends a buffer of at least 300 m in undeveloped areas, 200 m in rural areas, and 60 m in urbanized areas. An additional 200 metre 'no disturbance' buffer is recommended during the nesting season, especially for colonies not previously accustomed to people and their activities. (Develop with Care 2014: Fact Sheet #11 - Great Blue Heron: Environmental Guidelines for Urban and Rural Land Development in British Columbia).

Other Raptors include falcons, hawks, ospreys, owls and other eagle species. Healthy raptor populations are important in maintaining a balance in prey populations. Protection of habitat, including nesting areas, is important in order to maintain raptor populations.

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

The objective of this development permit area is as follows:

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

#### 5.2.8.4 Authority

This development permit area is established, pursuant to Section ~~919.1488~~(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity. In considering the issuance of a development permit, the LTC should be satisfied that the objective of the DPA has been met where applicable and may impose conditions where appropriate.

#### 5.2.8.5 General Applicability

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

(a) land must not be subdivided,

(b) construction of, addition to or alteration of a building or structure must not be started;

(c) land must not be altered;

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

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

~~— Subdivision of land.~~

~~— Construction of, addition to, or alteration of a building or other structure.~~

~~— Alteration of land.~~

#### 5.2.8.6 Development Permit Exemptions

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

- a) for certainty: development or alteration of land occurring outside of a development permit area;
- b) the placement of impermanent structures, such as benches, tables and garden ornaments;
- c) submission to the Islands Trust of a written statement from a registered professional biologist with relevant experience, stating that the proposed work would have no impact on any raptor or heron nesting site;
- ~~e) in the case of eagle nest trees, construction activities more than 30 metres from the base of the nest tree between the dates of August 16<sup>th</sup> and January 14<sup>th</sup>.~~
- e)d) forest management activities on land classified as managed forest land under the *Private Managed Forest Land Act*;
- f)e) forest management activities on land that is the subject of a valid and subsisting woodlot license or tree farm license under the *Forest Act*;
- g)f) work undertaken by an agent of the Crown;

- g) gardening and yard maintenance activities within an existing landscaped area, including mowing, pruning, planting and minor soil disturbance that does not alter the general contours of the land;
- h) ~~the maintenance of existing gardens;~~
- i) the removal of dangerous trees that have been examined by an arborist and certified to pose posing an immediate threat to life or property;
- ii) the removal of invasive, non-indigenous trees or vegetation;
- iii) the removal of trees or vegetation minimally necessary for the construction of any of the uses, buildings or structures exempted from the requirement for a development permit;
- iv) the repair, maintenance, alteration or reconstruction of existing legal or legal non-conforming buildings, structures or utilities provided there is no alteration of undisturbed land or vegetation (building permit may be required); ~~or~~
- j) the repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing; ~~or~~
- m) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in the *Agricultural Land Reserve Use Regulation*;

#### 5.2.8.7 Guidelines

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

areas of longstanding development, on small lots and where on-going activity has habituated birds to human presence.

~~e)~~ Locate new trails, buildings and roads away from nesting, roosting and foraging areas.

~~g)~~

~~b)~~

~~h)~~ Consider restoration or enhancement of key habitat features where they have been disturbed

~~a)~~.

~~3.~~ Permits may include conditions respecting the timing or phasing of development work, including conditions restricting significant work to periods when eggs and young are not present in the nesting sites, and restoration or enhancement of key habitat features.

~~4.~~ Where a qualified professional recommends additional mitigation measures based on site-specific observations, permits may include conditions to:

~~a)~~ i-protect trees, cliffs or other specific sites that are in regular use for roosting, perching or feeding.

~~b)-ii-~~ protect primary foraging sites such as shorelines, wetlands, shrubby areas, hedgerows and riparian areas.

~~3-5.~~ The LTC may consider variances to relax siting, size or subdivision regulations where the variance may result in enhanced protection of a nesting tree or colony or habitat feature.

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

# DRAFT

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

---

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

---

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

#### 1. CITATION

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

#### 2. SCHEDULES

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

#### 3. SEVERABILITY

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

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

\_\_\_\_\_  
CHAIR

\_\_\_\_\_  
SECRETARY

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

**SCHEDULE 1**

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

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

“5.2.8 DEVELOPMENT PERMIT AREA SEVEN - RAPTOR AND HERON NESTS

5.2.8.1 Development Approval Information

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

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

5.2.8.2 Designation

Development Permit Area Seven is shown in a generalized representation on Schedule O and includes a minimum 60 metre radius around identified eagle, great blue heron and other raptor nest trees, including falcons, hawks, ospreys, and owls.

Development Permit Areas are designated as follows:

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



- ii. a 200 m radius from the nest tree in all other zones of North Pender Island Land Use Bylaw No. 224, 2022.
  - iii. an additional 200m radius from any nest tree during the breeding season of January 15<sup>th</sup> to September 15<sup>th</sup>.
- c) All other raptor Nest Trees or cliff nest locations (falcons, hawks, ospreys, and owls) – the Development Permit Area applies to all mapped trees or cliff sites containing raptor nests and is:
- i. a 60 m radius from the nest tree or site in high density areas (lands zoned Rural Residential One in North Pender Island Land Use Bylaw No. 224, 2022; and
  - ii. a 100 m radius from the nest tree or site in all other zones of North Pender Island Land Use Bylaw No. 224, 2022.

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

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

In some instances, exact nesting tree location coordinates have not been field verified. In those cases, where a discrepancy exists between the digital record and the actual location of the nesting tree, the minimum radius distances apply to the actual location of the nesting tree as verified by a qualified professional.

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

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

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

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

Eagle nest trees requirements are specialized: typically large, very old trees near the water and although second growth trees are sometimes used, most nest trees are Douglas-firs over 150 years of age, usually within one kilometre of the shoreline. Human activity related to logging and land development have resulted in the loss of nest sites, which results in a permanent reduction in the nesting population. Gradual loss of nesting habitat is considered to be the most significant factor

affecting bald eagle abundance in B.C. (Province of BC. Develop with Care 2014: Environmental Guidelines for Urban and Rural Land Development) and specifically on Vancouver Island and the Gulf Islands, habitats within low-elevation coastal habitats in the Coastal Douglas-fir Biogeoclimatic zone have been degraded by human developments (Province of BC. Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia 2013).

‘Breeding season quiet buffer’: During their breeding season (Feb 5 to Aug 31), especially during early courtship and egg-laying periods, bald eagles are very sensitive to noise disturbances and may abandon their nests and young. In every case, Develop with Care series (2013): Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia should be referred to when establishing an appropriate nest site buffer.

Great Blue Herons are a Species of Special Concern in Canada and are blue-listed in British Columbia. The number of active nests on Vancouver Island and the Gulf Islands averages 525 annually. Bald eagles require large territories and generally locate nest sites 1km away from another breeding pair. Both species nest near large bodies of water such as lakes, large rivers or the ocean, near their main food source. The loss of available nesting habitat due to human disturbance reduces the birds’ ability to reproduce and successfully raise their young. Section 34 of the Wildlife Act provides for the protection of bald eagles and great blue heron and several other at-risk bird species.

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

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

Colonies are dynamic, especially in areas of high disturbance and habitat destruction and human disturbance has been implicated in historical colony abandonment. In particular, disturbance from humans can cause herons to temporarily abandon breeding attempts, allowing predators to take eggs. The Province of British Columbia recommends a buffer of at least 300 m in undeveloped areas, 200 m in rural areas, and 60 m in urbanized areas. An additional 200 metre ‘no disturbance’ buffer is recommended during the nesting season, especially for colonies not previously accustomed to people and their activities. (Develop with Care 2014: Fact Sheet #11 - Great Blue Heron: Environmental Guidelines for Urban and Rural Land Development in British Columbia).

Other Raptors include falcons, hawks, ospreys, owls and other eagle species. Healthy raptor populations are important in maintaining a balance in prey populations. Protection of habitat, including nesting areas, is important in order to maintain raptor populations.

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

The objective of this development permit area is as follows:

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

#### 5.2.8.4 Authority

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

#### 5.2.8.5 General Applicability

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

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

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

#### 5.2.8.6 Development Permit Exemptions

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

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

- l) the repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing; or
- m) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in the *Agricultural Land Reserve Use Regulation*;

#### 5.2.8.7 Guidelines

1. Where an application involves a proposal to subdivide land, the layout of proposed lots should be configured in such a manner as to ensure, to the extent practical, that Bald Eagle, other raptor, or Blue Heron nesting trees are protected by clustering lots through lot averaging or bare land strata. Where feasible, the lot containing the nesting tree should be of a sufficient size to accommodate the permitted level of development, including driveway access, septic disposal systems, and accessory uses, in addition to an adequate buffer around the nesting tree.
2. Where an application involves proposals to construct or locate new buildings, structures, roads, driveways, utility corridors, or to clear or alter undisturbed land or vegetation in areas within the DPA, development should, where feasible:
  - a) Avoid disturbance of occupied nesting, roosting and feeding sites.
  - b) Consider potential impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area.
  - c) Consider the timing of development in respect of minimizing impacts during breeding season timing windows and ensure that species specific breeding season quiet buffers are applied where applicable.
  - d) Retain existing natural habitats suitable for raptors and herons, such as potential or currently unoccupied nesting trees, perches, roosting trees, snags, and trees with cavities.
  - e) Where possible, retain groups of trees rather than isolated single trees to provide an inter-locking canopy.
  - f) Maintain an effective buffer of undisturbed vegetation around nest sites. Larger buffer areas may be suitable on larger lots; lesser buffer areas may be suitable in areas of longstanding development, on small lots and where on-going activity has habituated birds to human presence.
  - g) Locate new trails, buildings and roads away from nesting, roosting and foraging areas.
  - h) Consider restoration or enhancement of key habitat features where they have been disturbed
3. Permits may include conditions respecting the timing or phasing of development work, including conditions restricting significant work to periods when eggs and young are not present in the nesting sites, and restoration or enhancement of key habitat features.

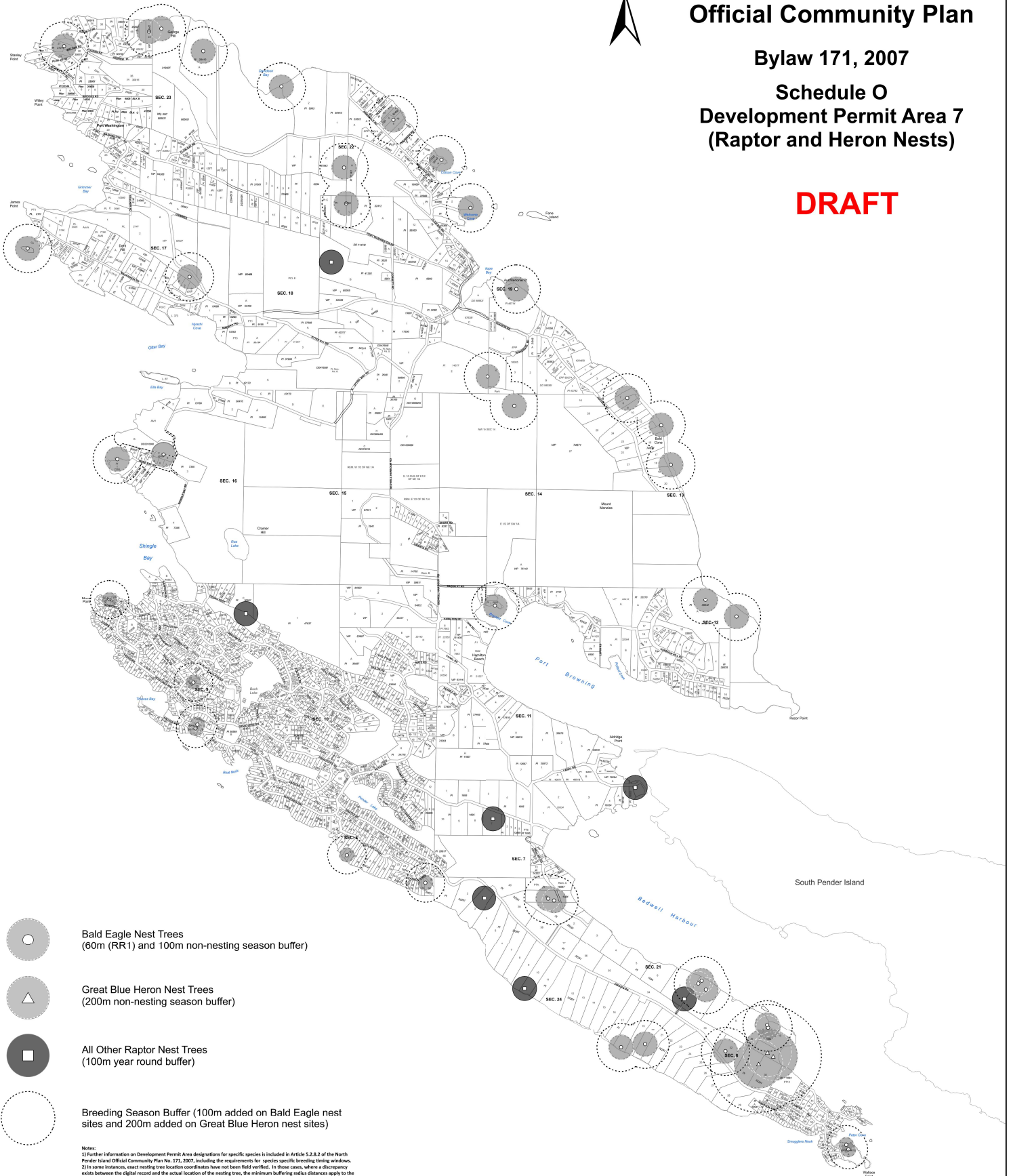
4. Where a qualified professional recommends additional mitigation measures based on site-specific observations, permits may include conditions to:
    - a) protect trees, cliffs or other specific sites that are in regular use for roosting, perching or feeding.
    - b) protect primary foraging sites such as shorelines, wetlands, shrubby areas, hedgerows and riparian areas.
  5. The LTC may consider variances to relax siting, size or subdivision regulations where the variance may result in enhanced protection of a nesting tree or colony or habitat feature.
- 
2. Schedule O - Development Permit Area 7 Map (Raptor and Heron Nests) is deleted in its entirety and replaced with an updated Schedule O - Development Permit Area 7 Map (Raptor and Heron Nests) attached to and forming part of this bylaw.

# North Pender Island Official Community Plan

Bylaw 171, 2007

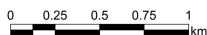
Schedule O  
Development Permit Area 7  
(Raptor and Heron Nests)

**DRAFT**



-  Bald Eagle Nest Trees  
(60m (RR1) and 100m non-nesting season buffer)
-  Great Blue Heron Nest Trees  
(200m non-nesting season buffer)
-  All Other Raptor Nest Trees  
(100m year round buffer)
-  Breeding Season Buffer (100m added on Bald Eagle nest sites and 200m added on Great Blue Heron nest sites)

Notes:  
1) Further information on Development Permit Area designations for specific species is included in Article 5.2.8.2 of the North Pender Island Official Community Plan No. 171, 2007, including the requirements for species specific breeding tree windows.  
2) In some instances, exact nesting tree location coordinates have not been field verified. In those cases, where a discrepancy exists between the digital record and the actual location of the nesting tree, the minimum buffering radius distances apply to the actual location of the nesting tree as verified by a qualified professional.



## North Pender Island

North Pender Island  
Local Trust Committee

Schedule O  
DPA 7



Islands Trust

## POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

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

### PURPOSE

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

### POLICY STATEMENT

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

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

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

### DIRECTIVES ONLY CHECK LIST

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

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

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

### Part III Policies for Ecosystem Preservation and Protection

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

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

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



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

**PART V: Policies for Sustainable Communities**

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

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

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

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



200 – 1627 Fort Street, Victoria BC V8R 1H8

Telephone **(250) 405-5151** Fax (250) 405-5155

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

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

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

October 4, 2024

IT File: NP-LTC  
Raptor Nest DPA Review Project

NAME  
ADDRESS

Dear Property Owner:

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

I am writing to you on behalf of the North Pender Island Local Trust Committee (LTC) to apprise you of the LTC's **Raptor Nest Development Permit Area (DPA) Review Project** and to inform you that recently completed raptor nest mapping has identified one or more raptor or heron nest trees located either on your property or closely adjacent to your property line.

The North Pender Island Official Community Plan No. 171 (OCP) includes development permit area (DPA) requirements for the protection of natural ecosystems, the environment, its ecosystems and biological diversity. The objective of **DPA 7 – Raptor Nests** is to preserve and protect raptor and heron nest trees and their associated habitat.

DPA 7 regulations were first established in 2007. Since then, there have not been any updates to the underlying mapping data or the associated guidelines. The LTC is now working to update the DPA 7 mapping, as well as review the DPA 7 provisions to consider community and First Nation interests and current best practices.

As part of the project the LTC has hired a professional biologist to conduct a study of existing designated and potential new nesting trees on North Pender Island. The biologist's report identifies several new nesting sites that the LTC is now considering for inclusion in DPA 7, in addition to the already existing sites (except for one heron nest tree that is deemed no longer viable).

The biologist's report also provides recommendations for potential amendments to DPA 7 OCP policy provisions based on updated provincial guidelines, **including a proposed increase in buffering distances from nesting trees where future development may be limited.**

As the LTC reviews the report and considers policy and regulatory changes in respect of DPA 7 on North Pender Island, including potential mapping and OCP policy updates, the LTC is seeking your input on these changes. **For reference, attached to this letter is the recently completed report from the biologist, dated June 2024, including a draft map of identified nesting trees.** A more recent draft map has also been included, dated August 2024, that corrects some minor mapping anomalies in the original draft version.

.../2

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

Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

As part of the public engagement on this project, on **October 26, 2024, the LTC is holding a Community Information Meeting (CIM)** to present results of the study and provide an opportunity for the community to ask questions and provide input. The meeting starts at 12:00 pm at the Pender Island Community Hall, 4418 Bedwell Harbour Road, North Pender Island.

You can also provide your questions, comments and input directly to me via email: [bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca) or contact me by phone at (778) 679-5185.

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

Respectfully,

*BSmith*

Brad Smith  
Island Planner – North Pender Island Local Trust Area

cc: North Pender Island Local Trust Committee

Attachments: Raptor and Heron Nests Development Permit Area (DPA) Review Report, June 2024 -  
Caurinus Environmental  
Raptor Nest Draft Map v2. – August 2024

# North Pender Raptor & Heron Nest Sites

*Draft November 2024*



## Raptor - Existing Nest Sites

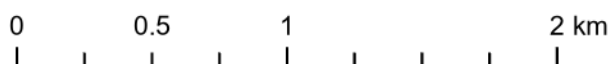
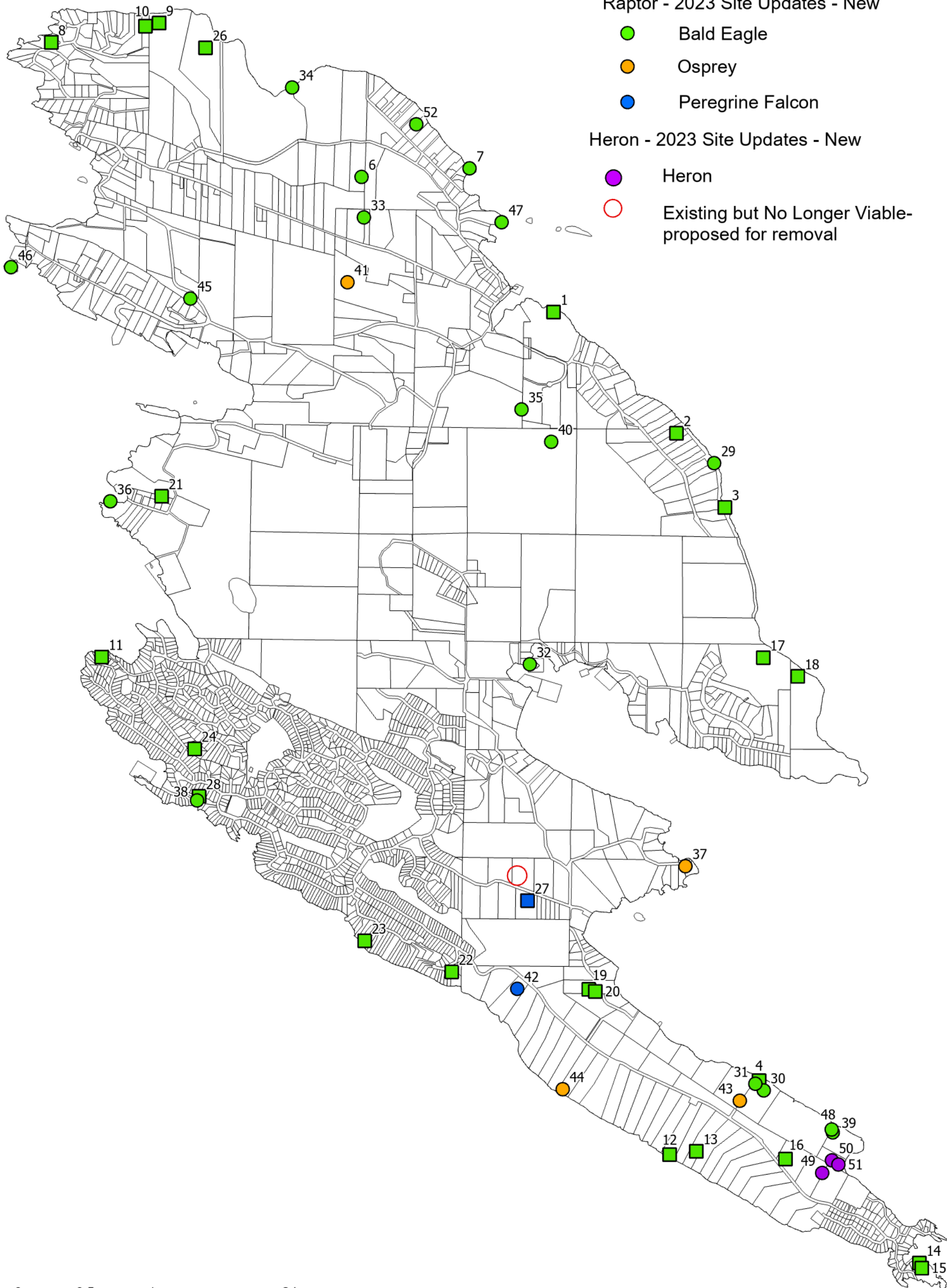
- Bald Eagle
- Osprey
- Peregrine Falcon

## Raptor - 2023 Site Updates - New

- Bald Eagle
- Osprey
- Peregrine Falcon

## Heron - 2023 Site Updates - New

- Heron
- Existing but No Longer Viable-proposed for removal





# Raptor Nest Development Permit Area Review - Project Charter

North Pender Island Local Trust Committee

LTC Endorsement Date: ~~July 28, 2023~~

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

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

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

## Workplan Overview

Deliverable/Milestone	Target Date
Project Charter endorsed	July 2023
Project initiation and preliminary report to LTC	Sept 2023
Procurement process for updated mapping <u>and professional report</u>	Oct - <del>Nov-Dec</del> 2023
<u>Professional report study completion, s</u> Staff review, project summary paper, landowner and stakeholder group engagement	<del>Sept-Jan</del> – Nov 202 <u>4</u> <u>3</u>
Early consultation with First Nations	Sept – Dec 2023
LTC <u>preliminary</u> review of <u>proposed</u> amended DPA provisions <u>and study results</u>	<del>Nov-May - Jul</del> 202 <u>4</u> <u>3</u>
Direction to prepare bylaws	<del>Jan-Jul</del> 2024
Final mapping delivered	<del>March-Nov</del> 2024
Community consultation on draft bylaws, bylaw referrals	<del>Apr-Nov 2024 -</del> <del>March 2025</del> <u>June 2024</u>
Legislative process to amend OCP	<del>May-Feb</del> – Sept 202 <u>5</u> <u>4</u>
Implementation and communications	Sept – Oct 202 <u>5</u> <u>4</u>

## Project Team

Brad Smith, Island Planner	Project Manager
Robert Kojima, RPM	Project Sponsor
<del>Mark van Bakel, IS Manager</del> Aislyn King, GIS Staff	Mapping
Emily Bryant	Admin support

## Budget

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

<b>RPM Approval:</b> Robert Kojima <b>Date:</b> July 14, 2023	<b>LTC Endorsement:</b> Resolution #: NP-2023-083 <b>Date:</b> July 28, 2023
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2024-25	Consultation and public hearing	\$3000
2024-25	Contingency	\$2000
	Total	\$10,000

Meeting	Deliverable/Milestone
July 28, 2023	LTC endorsement of project charter - <u>Complete</u>
Sept 29, 2023	Preliminary report to LTC, direction to proceed with mapping procurement process and engagement plan - <u>Complete</u>
<del>Nov 24</del> <u>April 5, 2024</u>	Report to LTC on proposed updates to DPA provisions - <u>Complete</u>
<del>Jan</del> <u>July 26, 2024</u>	LTC <u>preliminary</u> review of draft DPA amendments and direction to proceed with bylaw - <u>Complete</u>
<del>March</del> <u>July 26, 2024</u>	Updated mapping received by LTC, direction to proceed with landowner and stakeholder group communication - <u>Complete</u>
<del>May</del> <u>Jan/Feb 2025</u>	Consideration of first reading
<del>June 2024</del> <u>March/April 2025</u>	<u>2<sup>nd</sup></u> Community information meeting
<del>July</del> <u>March/April 2025</u>	Public Hearing, second and third readings, referral to EC and Minister
<del>Sept</del> <u>2025</u>	LTC review of communications plan
<del>Late-Fall</del> <u>2025</u>	Final adoption upon Ministerial approval of bylaw