



PUBLIC HEARING

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

May 6, 2022

South Pender Island Fire Hall, 8961 Gowlland Point Road

PROPOSED BYLAW NO. 123

Project: Minor Official Community Plan Amendments

RELEVANT BACKGROUND INFORMATION REFERENCE BINDER

➤ ***CHAIR'S OPENING STATEMENT***

1. NOTICE OF PUBLIC HEARING

2. SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE PROPOSED BYLAW

- a. Bylaw No. 123 – South Pender Island Official Community Plan Bylaw No. 107, 2014, Amendment No. 1, 2021

3. REFERRALS TO AGENCIES & FIRST NATIONS

- a. Bylaw Referral – No. 123
- b. Agencies & First Nations Referral Responses Received

4. RELEVANT MINUTES/RESOLUTIONS WITHOUT MEETING

- a. April 9, 2021
- b. May 7, 2021
- c. July 9, 2021
- d. August 21, 2021
- e. September 24, 2021
- f. November 5, 2021
- g. February 4, 2022
- h. March 4, 2022

5. STAFF REPORTS / MEMOS

- a. March 5, 2021
- b. May 7, 2021
- c. July 9, 2021
- d. September 24, 2021
- e. November 5, 2021
- f. February 4, 2022
- g. March 4, 2022

6. CORRESPONDENCE

- a. Wendy Munroe – October 11, 2021
- b. Mimi Fujino – November 1, 2021

7. PUBLIC HEARING SUBMISSIONS

- a.
- b.

8. OTHER

- a. Project Charter – May 7, 2021
- b. Building Design and Siting Guidelines – September 6, 2019
- c. Rights of Nature – January 27, 2021
- d. Building Design and Siting Guidelines – July 4, 2021

CHAIRPERSON'S OPENING STATEMENT

The following is an example of an opening statement to be made by the Chairperson of the Local Trust Committee at the beginning of a Public Hearing.

"This Public Hearing is being convened pursuant to Section 465 of the *Local Government Act* in order to consider the following proposed bylaw(s):

- **Proposed Bylaw No. 123 – cited as "South Pender Island Official Community Plan Bylaw No. 107, 2014, Amendment No. 1, 2021".**

All persons who believe that their interest in property is affected by the proposed bylaw(s) will be given a reasonable opportunity to be heard or to present written submissions respecting matters contained in the proposed bylaw(s).

Those wishing to speak should commence their presentation by clearly stating their name and address.

Members of the Local Trust Committee may, if they wish, ask questions of you following your presentation. However, the main function of the Local Trust Committee members is to listen to the views of the public. It is not the function of Committee members to debate the merits of the proposed bylaw(s) with individual citizens.

Everyone will be given a reasonable opportunity to be heard and none should feel discouraged from presenting his or her views.

In considering the proposed bylaw(s), the Local Trust Committee has received documents, which may influence its decision. Those documents are available for review during this hearing, on our website, and as indicated in the public hearing notice.

Any person who wishes to present a written submission to the Local Trust Committee may do so and all written submissions must be received by the Local Trust Committee before the close of the hearing. Send written submissions to vicphsub@islandstrust.bc.ca.

Your only opportunity to comment on the proposed bylaw(s) is during this hearing, as members of the Local Trust Committee may not receive further submissions after the close of the hearing.

After this Public Hearing has concluded, the Local Trust Committee may, without further notice, make whatever decision it deems proper with respect to the bylaw(s) that is the subject of the Public Hearing."



Islands Trust

**HAVE
YOUR
SAY**

**Community
Information
Meeting and
Public Hearing**

**Friday, May 6, 2022
at 11:00 a.m.**

**South Pender Island
Fire Hall**

**8961 Gowlland Point Road,
South Pender Island, BC**

Who should attend?

**Anyone affected by
the proposed bylaw.**

Enquiries?

**Kim Stockdill
Island Planner
Islands Trust**

**kstockdill@islandstrust.bc.ca
250-405-5157**



Proposed Bylaw No. 123

Minor Official Community Plan Amendments

COMMUNITY INFORMATION MEETING & PUBLIC HEARING

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE

What is Proposed Bylaw No. 123 about?

Proposed Bylaw No. 123 will amend the South Pender Official Community Plan (OCP) to include a First Nation introductory/acknowledgement statement and building design and siting guidelines. The building design and siting guidelines are intended to be used, where feasible, when the South Pender Island Local Trust Committee considers Development Variance Permit applications to vary the maximum floor area of residential buildings.

How do I get more information?

A copy of the proposed bylaw, the Public Hearing Binder and other information on the project is available on the [South Pender Current Project webpage](#) and, at the Islands Trust office at 200-1627 Fort Street, Victoria, BC, V8R 1H8 from the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday, excluding statutory holidays, after April 19, 2022.

A Community Information Meeting (CIM) will be held prior to the Public Hearing and will provide the opportunity for members of the public to ask questions about the proposed bylaw amendments.

Submissions

Written submissions are welcome up until the conclusion of the Public Hearing and can be emailed to vicphsub@islandstrust.bc.ca, mailed or dropped off at the Islands Trust office by Thursday, May 5, 2022. Written comments made in response to this notice will be available for public review.

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 123

A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 107, 2011

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

1. CITATION

This Bylaw may be cited for all purposes as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021".

2. SCHEDULES

South Pender Island Official Community Plan No. 107, 2011 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	5 TH	DAY OF	NOVEMBER	2021.
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 MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20__
ADOPTED THIS	_____	DAY OF	_____	20__

CHAIR

SECRETARY

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 123**

SCHEDULE 1

The South Pender Island Official Community Plan Bylaw No. 107, 2011, is amended as follows:

1. By adding the following new Subsection under Section '1.2 Introduction' and renumbering the Subsections accordingly:

"1.2.1 Acknowledgement and Reconciliation of First Nations Place, Context and Inherent Rights

S,DÁYES – wind drying

Central Coast Salish Peoples have occupied and utilized the lands and waters of S,DÁYES, the place now known as South Pender Island, since time immemorial. The SENĆOŦEN and Hul̓qumíñuṁ speaking people include the W̱JOŁŁP (Tsartlip), BOŖÉĆEN (Pauquachin), S̱ÁUTW (Tsawout), W̱SIKEM (Tseycum) and MÁLEXEL (Malahat) Nations; and the SEMYOME, Tsawwassen, Penelakut, Lyackson, Halalt, Stz'uminus, and Lake Cowichan Nations.

The W̱SÁNEĆ Peoples (meaning The Emerging Peoples) speak a language called SENĆOŦEN, and have a rich and vibrant economic, social, cultural, and spiritual life that is connected to these lands and waters. The lands and waters of the W̱SÁNEĆ Peoples is enriched with history, place names, village sites, cultural locations and ancestral resting places, and sacred sites that need to be honoured and respected. The history of the Central Coast Salish Peoples is sustained and continues in the language, oral history, place names, village sites, cultural and sacred sites, and landscapes that encompass this place they call home, it was never extinguished and continues in the treaty, and territorial lands and waters they caretake for future generations.

South Pender Island is also the location of the S̱ÁUTW (Tsawout) First Nation and W̱SIKEM (Tseycum) First Nation reserve #7. South Pender Island is a place with many village sites and places names including: QENENIW̱ (meaning watching the slack tide); SMONEĆ (meaning pitch for fire-starting); S̱TIS (meaning candle neck duck); YEUWE (meaning fortune teller from oral history stories); and XELISEN – (meaning lost middle). The preservation and protection of village sites, cultural heritage sites, archaeological sites and objects, and ancestral resting places requires sensitivity and respect and is an important part of reconciliation. Cultivation areas both on land and in marine areas include camas meadows, reef-netting locations and clam gardens, and hunting and harvest areas for Indigenous food resources, inherent rights, and medicine.

The South Pender Island Local Trust Committee is committed to reconciliation and the acknowledgement of Indigenous place and history. The South Pender Island Local Trust Committee seeks to build relationships and to collaborate with First Nations and the Indigenous community to protect cultural places, preserve and increase access to culturally

significant species and food sources, and celebrate the culture, history, language, and art of First Nations within the area.

As part of the South Pender Island Local Trust Committee (LTC) commitment to support the goals of reconciliation the South Pender LTC recognizes the importance of preserving and protecting the following culturally significant plants and food/medicines for First Nations and Indigenous communities:

- SPÁÁNW (camas) and any areas of SPÁÁNW meadows or cultivation areas;
- KÁŦEŁĆ (ocean spray) a hardwood for making tools from arrows and harpoon shafts, to salmon skewers and needles;
- ELILE,İŁĆ (salmonberry) and DEKĖNİŁĆ (thimbleberry) plants their shoots and berries and cultivation areas;
- ŁEKES (Porphyra) edible seaweeds and the conservation of shoreline and upland areas that preserve ŁEKES habitat;
- Á,ĆEX (crab) a traditional food;
- SQŁÁ,İ, (littleneck clam), S,OXE, (butter) SWÁÁM (horse clam), STELO,EM, (cockles), ŁÁU,ĶEM, (bay mussel) and İEXİEX (pacific oyster) and the areas in which they are harvested; including conservation to reduce pollutants that lead to the closer and degradation of these species;
- XPÁ, (western red cedar) for house posts and planks, totem poles, dugout canoes, mats, baskets, clothing, and cordage, and the preservation of this species for future generation;
- ŦŦÁ,ELĆ (broad-leaf maple) for paddles and spindle whorls;
- JSÁ,İŁĆ (Douglas-fir), SKĖMÍ,ĖKS (grand fir), and KĖKĖYİŁĆ (arbutus) and the conservation of these species for future generations.

The South Pender LTC will undertake actions within its regulatory bylaws and advocacy work in collaboration with the local community to welcome and meaningfully include local First Nations and Indigenous community to the islands and waters of the area to:

- identifying sites of First Nations significance and ensure their protection;
- celebrate and look for opportunities to incorporate First Nation languages on public signage;
- advocate for the renaming places of significance;
- prioritize local Indigenous public art;
- respect and honour First Nations village sites and ancestral resting places;
- preserve traditional harvesting, fishing, and medicine gathering locations including fish trap areas, sacred places, traditional trails, canoe runs, and bathing sites, and allow for ceremonial use of those locations;
- advocate with community to create opportunities to learn, understand, and honour First Nations culture, history, and values;

- seek to engage meaningfully with local First Nations before developing park areas, public spaces, beach accesses, trails, and educational materials;
- consider changes to land use, building height and density to reduce impacts in areas defined as culturally sensitive and/or significant due to cultural heritage sites, or cultural food sources.”

2. By adding the following new clause to Article 3.1.2(a) (Land Use):

“v) If the Local Trust Committee considers Development Variance Permit applications to vary the maximum floor area of residential dwellings, ‘Appendix 10.1 South Pender Island Local Trust Committee Building Design and Siting Guidelines’ should be incorporated into the building proposal where feasible.”

3. By adding the following new part after ‘Part 9 – Administration’:

“PART 10 – APPENDICES

10.1 South Pender Island Local Trust Committee Building Design and Siting Guidelines

Vision Statement:

The South Pender Island Local Trust Committee Building Design & Siting Guidelines are intended to support the South Pender Island Official Community Plan and in particular, the following two Official Community Plan policies:

2.2.1 To maintain the island’s rural character so community members and visitors may continue to enjoy a sense of tranquility, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment.

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.

The guidelines draw upon objective criteria and a variety of approaches for creating thoughtfully designed, energy efficient dwellings and accessory buildings and structures which also relate to, and are in harmony with, the natural surroundings. The guidelines are intended to promote an appreciation of South Pender Island’s history, create an understanding of the rural character, and reinforce the regional identity. The guidelines are presented to encourage imaginative, site specific designs while achieving the guideline’s objectives for design, siting and size.

Purpose: The guidelines encourage the design and siting of buildings and structures on a property by considering the topography of the land, its ecology, and the natural and rural character of South Pender Island.

Objectives:

- To site buildings and structures on a property that will integrate with the landscape, through the use of a diversity of architectural styles and the use of exterior colours which compliment the natural character of the island;

- To encourage the use of energy saving technologies to reduce greenhouse gases;
- To encourage the consideration and respect of neighbouring properties when siting and designing a building or structure; and,
- To encourage designs of buildings and structures that maintain compatibility with the character of the neighbourhood and community, and to decrease the visual prominence of a building or structure.

Guideline 1 - Principles of Design

A design should consider every aspect of a building and its setting to achieve an outcome that responds to the needs of the individual while integrating into the landscape. Designs should also take into account future maintenance and repair requirements. Historically, most homes were simple, modest, and owners had the knowledge and ability to maintain and repair their homes.

- Consider designs in a restrained, proportionate, manner such that each building remains subordinate to the natural and rural character.
- Consider a diversity of styles. Avoid a repetition of a single style within a neighbourhood and choose designs that contribute to the overall character of the community.
- Complex designs or complicated construction methods and materials may difficult to source.
- Be consistent within an individual building. Avoid a variety of design features or those that are nonfunctional, or ostentatious.
- Consider age-friendly design principles to create easy access or reduce mobility issues.

Guideline 2 - Define the Objectives

Consider reducing the floor area of the building or structure while still achieving the desired form and function.

Guideline 3 - Selecting a Building Site

Selecting an appropriate building site can influence how successful a dwelling can blend into its natural surroundings. Siting of buildings and structures should be addressed at the pre-design stage and should utilize the natural topography while minimizing disturbance to the ecology and the visual impact in order to blend in with the nature environment. Consider local knowledge when siting dwelling units and take into account the particular micro-climate influences in your specific area, such as potable water sources, soil conditions, wind and rain direction, summer heat, early frosts, and drainage routes. Well selected building sites can offer shelter from the elements, privacy and take advantage of solar applications. Consideration should be given to the prominence of the building or structure and how it impacts views from adjacent properties and other view corridors.

Guideline 4 - Produce a Design Concept and Site Plan

- Prepare a visual design concept plan, building and elevation plans, and site plan that will achieve the objectives of these guidelines. A site contour map may also be beneficial.

Guideline 5 - Site Preparation

- Clear the land only where necessary while maintaining as much contiguous forest cover as possible. Prior to removing trees, consider shade requirements, wind direction, wildlife habitat, water retention and drainage. In addition, road access, services, drainage and sewage disposal should be considered along with location of buildings and structure which will result in a well-integrated site plan. Excessive excavation and its mitigation can be expensive, unnecessary, and damaging to the natural landscape.

Guideline 6 - Landscaping

- The character of the rural garden can be defined as something which requires minimal intervention to the existing landscape and native plants. Select plants that are deer resistant, drought tolerant and non-invasive.
- Planting zones can create pathways, enclosures, privacy, wildlife habitats, and can reduce or limit expansive areas of pavement and lawns. Planting can be used to soften the geometric impact between the built environment and the natural landscape.
- The endangered Coastal Douglas Fir ecosystem is one of the most important features of the community. Unnecessary fragmentation of this forest landscape is discouraged. Rather than cut trees for view corridors, consider “windowing” by trimming branches.

Guideline 7 - Hard surfaces and Paving Materials

- For driveways, patios, and walkways, avoid large, continuous areas of paving and consider using porous materials that permit percolation of water and aeration in soils.

Guideline 8 - Fencing

- Not every property needs a fence or wall along its entire perimeter. Keep fencing to a minimum around specific areas requiring protection and/or screening.
- Consider the neighbourhood and adjoining properties when designing and installing a fence or wall.”



Islands Trust

BYLAW REFERRAL FORM

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

Island: South Pender Island Local Trust Area **Bylaw No.:** 123 **Date:** December 13, 2021

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

APPLICANTS NAME / ADDRESS:

N/A

PURPOSE OF BYLAW:

The South Pender Island Local Trust Committee (LTC) is proposing to amend the South Pender Official Community Plan (OCP) to include a First Nation introductory/acknowledgement statement and a building design and siting guidelines as an attachment to the OCP.

Additional project background and staff reports are available on the Minor OCP Amendments project webpage:
<https://islandstrust.bc.ca/island-planning/south-pender/projects/>

GENERAL LOCATION:

South Pender Island Local Trust Area

LEGAL DESCRIPTION:

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

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

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

(Signature)

Name: Kim Stockdill

Title: Island Planner
Contact Info: Tel: 250-405-5157
Email: kstockdill@islandstrust.bc.ca

PLEASE TURN OVER →

This referral has been sent to the following agencies:

Federal Agencies

N/A

Provincial Agencies

Ministry of Municipal Affairs & Housing
BC Assessment Authority

Non-Agency Referrals

N/A

Regional Agencies

Capital Regional District – Building Inspection

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee
Saturna Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lake Cowichan First Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

South Pender Island Local Trust Area

(Island)

123

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 123

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APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20__
ADOPTED THIS	_____	DAY OF	_____	20__

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SECRETARY

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Objectives:

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- Consider age-friendly design principles to create easy access or reduce mobility issues.

Guideline 2 - Define the Objectives

Consider reducing the floor area of the building or structure while still achieving the desired form and function.

Guideline 3 - Selecting a Building Site

Selecting an appropriate building site can influence how successful a dwelling can blend into its natural surroundings. Siting of buildings and structures should be addressed at the pre-design stage and should utilize the natural topography while minimizing disturbance to the ecology and the visual impact in order to blend in with the nature environment. Consider local knowledge when siting dwelling units and take into account the particular micro-climate influences in your specific area, such as potable water sources, soil conditions, wind and rain direction, summer heat, early frosts, and drainage routes. Well selected building sites can offer shelter from the elements, privacy and take advantage of solar applications. Consideration should be given to the prominence of the building or structure and how it impacts views from adjacent properties and other view corridors.

Guideline 4 - Produce a Design Concept and Site Plan

- Prepare a visual design concept plan, building and elevation plans, and site plan that will achieve the objectives of these guidelines. A site contour map may also be beneficial.

Guideline 5 - Site Preparation

- Clear the land only where necessary while maintaining as much contiguous forest cover as possible. Prior to removing trees, consider shade requirements, wind direction, wildlife habitat, water retention and drainage. In addition, road access, services, drainage and sewage disposal should be considered along with location of buildings and structure which will result in a well-integrated site plan. Excessive excavation and its mitigation can be expensive, unnecessary, and damaging to the natural landscape.

Guideline 6 - Landscaping

- The character of the rural garden can be defined as something which requires minimal intervention to the existing landscape and native plants. Select plants that are deer resistant, drought tolerant and non-invasive.
- Planting zones can create pathways, enclosures, privacy, wildlife habitats, and can reduce or limit expansive areas of pavement and lawns. Planting can be used to soften the geometric impact between the built environment and the natural landscape.
- The endangered Coastal Douglas Fir ecosystem is one of the most important features of the community. Unnecessary fragmentation of this forest landscape is discouraged. Rather than cut trees for view corridors, consider “windowing” by trimming branches.

Guideline 7 - Hard surfaces and Paving Materials

- For driveways, patios, and walkways, avoid large, continuous areas of paving and consider using porous materials that permit percolation of water and aeration in soils.

Guideline 8 - Fencing

- Not every property needs a fence or wall along its entire perimeter. Keep fencing to a minimum around specific areas requiring protection and/or screening.
- Consider the neighbourhood and adjoining properties when designing and installing a fence or wall.”

Referrals: Bylaw SP-123

Agency	Sent	Received
BC Assessment Authority <i>Policy, Audit and Legal Services: Cathie McIntyre</i>	14-Dec-2021	
Capital Regional District - All Referrals Christine Condron <i>625 Fisgard Street: Referrals Coordinator</i>	14-Dec-2021	
Cowichan Tribes <i>5760 Allenby Rd: Tracey Flemming</i> <i>Comment: Nation has asked for extension to respond by beginning of February 2022</i>	14-Dec-2021	
Halalt First Nation <i>7973 Chemainus Rd: Raven August</i> <i>Comment: No Comment Received</i>	14-Dec-2021	
Lake Cowichan First Nation <i>313B Deer Road: Carole Livingstone</i> <i>Comment: No Comment Received</i>	14-Dec-2021	
Lyackson First Nation <i>7973A Chemainus Road: Linda Aidnell</i> <i>Comment: No Comment Received</i>	14-Dec-2021	
Malahat First Nation <i>110 Thunder Road, RR4: Heather Adams</i> <i>Comment: Thank you for your consultation request for South Pender Island Local Trust Committee Proposed Bylaw No. 123 Referral dated December 14th 2021 on Pender Island, located in Malahat Nation's traditional territory. Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding this bylaw.</i>	14-Dec-2021	12-Jan-2022
Ministry of Municipal Affairs and Housing <i>Planning and Land Use Management: Kris Nichols</i>	14-Dec-2021	
North Pender Island Local Trust Committee <i>Islands Trust: Laura Patrick</i> <i>Comment: Interests unaffected by bylaw.</i>	14-Dec-2021	27-Jan-2022
Pauquachin First Nation <i>9010 West Saanich Road: Darlene Henry</i> <i>Comment: No Comment Received</i>	14-Dec-2021	
Penelakut Tribe	14-Dec-2021	

Referrals: Bylaw SP-123

Agency	Sent	Received
Box 360: Denise James <i>Comment: No Comment Received</i>		
Saturna Island Local Trust Committee 200 - 1627 Fort Street: Laura Patrick	14-Dec-2021	
Semiahmoo First Nation 16049 Beach Rd: Chief & Council <i>Comment: No Comment Received</i>	14-Dec-2021	
Snuneymuxw First Nation 668 Centre Street: Desiree Thomas	31-Jan-2022	
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey	14-Dec-2021	
Tsartlip First Nation PO Box 70: Karen Harry <i>Comment: No Comment Received</i>	14-Dec-2021	
Tsawout First Nation Box 121: Cathy Webster <i>Comment: No Comment Received</i>	14-Dec-2021	
Tsawwassen First Nation 1926 Tsawwassen Drive: Victoria Williams <i>Comment: No Comment Received</i>	14-Dec-2021	
Tseycum First Nation 1210 Totem Lane: Chief Tanya Jimmy <i>Comment: No Comment Received</i>	14-Dec-2021	
WSANEC WSANEC Leadership Council Society: Justin Fritz	14-Dec-2021	



Adopted

South Pender Island Local Trust Committee Minutes of Special Meeting

Date: April 9, 2021
Location: Electronic Meeting (Zoom Webinar)

Members Present: Laura Patrick, Chair
Steve Wright, Local Trustee
Cameron Thorn, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Maple Hung, Planning Assistant, Host
Kathy Gilbert, Recorder

Public: There were approximately 3 attendees at the Zoom Webinar.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:30 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

A Town Hall was requested at the end of the meeting.

By general consent the agenda was approved as amended.

3. BUSINESS ITEMS

3.1 Work Program – Staff report

Planner Stockdill presented her report (available on the Islands Trust website.)

Top Priorities as identified by the Local Trust Committee (LTC) are:

- Groundwater Sustainability Project;
- STVR Review Project;
- Alternative Housing Project.

It was noted that the Groundwater Sustainability Project is on-going and may not be completed within the present term of office. The other two Top Priorities are with the Executive Committee, so the LTC's work on these two projects is drawing to a close.

SP-2021-040

It was Moved and Seconded

that the Groundwater Sustainability Project be moved off the Top Priorities list.

CARRIED

SP-2021-041

It was Moved and Seconded

that the Alternative Housing Project be removed from the Top Priorities list.

CARRIED

Chair Patrick advised that a Trust-Wide Strategic Planning initiative is underway. A Project Charter will be developed, and First Nations would like to be part of the process.

Prior to consideration of any proposed changes to the Official Community Plan (OCP) Trustee Wright noted that preservation of the rural character of South Pender Island (SPI) and protection of the coastline are paramount values to be considered in any amendments to the OCP.

Regional Planning Manager (RPM) Kojima presented 4 potential OCP projects for the LTC's consideration:

1. Building design and siting guidelines;
2. Foreshore Development Permit Area (DPA) to address sea level rise and sensitive ecosystems (including Coastal Douglas Fir protection);
3. First Nations OCP Language;
4. Rights of Nature Policy.

Trustees and staff discussed the proposed amendments and various approaches that might be used to achieve the goals of the proposed amendments:

- The building and design guidelines have already been written;
- Provision of the building and design guidelines and Rights of Nature document to owners planning on building on South Pender Island (SPI) was recommended;
- First Nations language relating to acknowledgement of First Nations that might be used, as a starting point, the model that the Saturna Island LTC developed, and referral to local First Nations;
- There are traditional First Nations names describing attributes and place names on SPI;
- The Foreshore Development Permit (DPA) to address sea level rise and sensitive ecosystems (including Coastal Douglas Fir protection,) should be a separate project;
- Using the Gambier Island project as a model for the proposed Foreshore DPA and invite the Island's Trust Planner whose responsibility includes Gambier Island, to a future SPI LTC meeting.

RPM Kojima described some of the tools and approaches available to the LTC, such as the use of DPAs, inclusion of policies, introductory statements or maps within the OCP.

RPM Kojima will provide the Gambier Island coastal protection guidelines to Trustees.

Chair Patrick commented that archaeological protection can be included in a heritage conservation area but not in a DPA.

Chair Patrick stated that in any proposed changes to the OCP and LUB, the LTC should clearly articulate the objectives that the LTC is seeking to achieve.

SP-2021-042

It was Moved and Seconded

That the South Pender Island Local Trust Committee refer building design and guidelines and The Rights of Nature document to the Advisory Planning Commission and report back to the Local Trust Committee prior to the May 7, 2021 Local Trust Committee meeting.

CARRIED

RPM Robert Kojima, presented six potential Land Use Bylaw (LUB) projects for the LTC to consider:

1. Maximum floor area regulations;
2. Agricultural lands regulation in accordance with ALC policy L-26;
3. Derelict vehicle and machinery;
4. Shipping containers;
5. Setback to the natural boundary of the sea;
6. Any other minor technical amendments.

With respect to potential LUB amendments, it was noted that the maximum floor area regulations:

- tie into other issues, including environmental, resource, affordable housing and rural character;
- have had some work done already identifying the number of vacant lots by size and the number of houses by total size of house;
- the need to protect existing homes, should those homes be larger than the maximum house size permitted; and
- the need to examine house size in relation to lot size (referred to as floor area ratio).

It was noted that there will be a need for public consultation throughout the process.

Trustee Thorn drew those present to a publication by the Ministry of Agriculture Policy Intentions Paper titled "Residential Flexibility in the ALR."

Trustees stated that the derelict vehicle and machinery project can be removed from the projects list.

Trustees also noted the shipping container regulations should include requirements around screening, maximum number of units and other conditions.

The setback to the natural boundary of the sea project should be broadened to develop a shoreline protection project.

A discussion between Trustees and staff followed around agricultural land, especially the type and size of housing required on agricultural land. Points discussed included:

- A desire to discourage owners from buying agricultural land, treating the land as an estate and building a large house;
- Recognition that some farmers need farm help, particularly at certain times of the year;
- That the type of farm housing might include a cottage or a bunkhouse, depending on the needs of the farmer;
- The need to consider farm succession;
- The need to look at housing as related to subdivision potential;
- Building siting to maximize the land available for farming, and possible clustering of homes;
- Various regulatory options, such as issuance of development permits and the option to use site-specific zoning to address differing circumstances.

Trustee Wright will discuss needs and regulatory options with the agricultural landowners.

Trustees and staff discussed stairways leading down to the shoreline, particularly on high bank properties, as an aesthetic issue. Trustee Wright stated that maintaining the shoreline in as natural state as possible is important.

SP-2021-043

It was Moved and Seconded

that shoreline stairs be referred to the APC for their consideration and solutions and to report back to the Local Trust Committee prior to the May 7, 2021 meeting.

CARRIED

SP-2021-044

It was Moved and Seconded

that the Local Trust Committee add Land Use Bylaw amendments to the Top Priorities list.

CARRIED

Trustee Wright noted that the suggested LUB amendments will need to be fleshed out prior to the May 7 meeting.

Trustee Thorn suggested that a newsletter be sent out the SPI residents and owners and refer them to the LTC website, in order to receive feedback on the proposed LUB amendments.

SP-2021-045

It was Moved and Seconded

that the Local Trust Committee add 3 minor Official Community Plan amendments to the Local Trust Committee Top Priorities list as noted:

- Building and design guidelines;
- First Nations Official Community Plan language;
- Rights of Nature policy;

And further that, staff report back with a project charter.

CARRIED

SP-2021-046

It was moved and Seconded

that the Local Trust Committee move the Groundwater Sustainability project from the Top Priorities list to the Project list.

CARRIED

SP-2021-047

It was Moved and Seconded

that the Local Trust Committee add Shoreline Review to the Top Priorities list.

CARRIED

4. TOWN HALL

Gordie Duncan expressed interest in the number of lots and the number of developed lots. He was referred to BC Assessment Authority's website. Trustees agreed to share their research with their constituents.

Donna Spalding asked whether subdivision potential took into account unique taxation status such as Managed Forest, and whether the buildable area of the lots reflected the development potential. She was advised that the numbers of lots was an overview of potential lot development, rather than an in-depth lot by lot analysis.

SP-2021-040

It was Moved and Seconded,

that South Pender Island Local Trust Committee Bylaw No. 121, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2021", be adopted.

CARRIED

13.2 Shoreline Review – Staff Memo

Regional Planning Manager (RPM) Kojima provided an overview of the staff memo including the recommended approach for the LTC as they move forward with a shoreline review.

A discussion of the staff memo and recommendation was held. It was recommended that matter be referred to the South Pender Advisory Planning Commission (APC), that the LTC give careful consideration to facilitating broad public engagement, and that establishment of a working group be considered.

There was general consent, that the project shall remain a top priority and be revisited at the next meeting.

13.3 Land Use Bylaw Project – Staff Report

Planner Stockdill provided an overview of the Staff Report and noted the details of the proposed timeline.

A discussion of the Project Charter was held including:

- Consideration of including interior setbacks
- Opportunities for using a conditional approval or similar model to encourage good design and performance principles.
- Consideration of which amendments to the Official Community Plan (OCP) would be within the scope of the project.

SP-2021-041

It was Moved and Seconded,

that the South Pender Island Local Trust Committee request that staff revise the draft Project Charter for the Land Use Bylaw Amendments Project to include all setbacks.

CARRIED

SP-2021-042

It was Moved and Seconded,

that the South Pender Island Local Trust Committee approve the Project Charter, as amended, for the Land Use Bylaw Amendments project.

CARRIED

13.4 Minor Official Community Plan Amendments Project – Staff Report

Planner Stockdill provided an overview of the staff report and noted the three topics identified to be reviewed. Planner Stockdill provided information on the referral response from the APC and a proposed timeline for the project moving forward.

The LTC discussed the APC's recommendation that the project be delayed until public meetings can be held. It was noted that members of the APC have requested to review the project again.

SP-2021-043

It was Moved and Seconded,

that the South Pender Island Local Trust Committee approve the Project Charter for the Minor Official Community Plan Amendments project.

CARRIED

14. REPORTS

14.1 Work Program Reports

14.1.1 Top Priorities Report Dated April 2021

Received for information.

14.1.2 Projects List Report Dated April 2021

Received for information.

14.2 Applications Report Dated April 2021

Received for information.

14.3 Trustee and Local Expense Report Dated February 2021

Received for information.

14.4 Adopted Policies and Standing Resolutions

Received for information.

14.5 Local Trust Committee Webpage

No comments heard.

14.6 Islands Trust Conservancy Report – None

15. NEW BUSINESS

15.1 Business Licences for Short Term Vacation Rentals

9. MINUTES

9.1 Local Trust Committee Minutes Dated May 7, 2021 (for Adoption)

By general consent, the Local Trust Committee meeting minutes of May 7, 2021 were adopted as presented.

9.2 Section 26 Resolutions-Without-Meeting Dated June 2021

Received for information.

9.3 Advisory Planning Commission Minutes Dated June 17, 2021

Received for information.

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated June 2021

Received for information.

11. DELEGATIONS

None

12. CORRESPONDENCE

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

13. APPLICATIONS AND REFERRALS

None

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Land Use Bylaw Amendments Project – Staff Report

Planner Stockdill gave a summary of her Staff Report and discussed feedback from the Trustees.

14.2 Minor Official Community Plan Amendments Project – Staff Report

Planner Stockdill gave an overview of her Staff Report and discussed the various items in the report with the Trustees.



ADOPTED

South Pender Island Local Trust Committee

Minutes of Special Meeting

Date: August 21, 2021
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

Members Present: Steve Wright, Local Trustee/Acting Chair
Cameron Thorn, Local Trustee

Staff Present: Shannon Brayford, Recorder

Regrets: Laura Patrick, Chair

Public: There were approximately 27 members of the public.

1. CALL TO ORDER

Trustee Wright noted that Chair Patrick sent her regrets.

By general consent, it was agreed that Trustee Wright would serve as Chair.

Chair Wright called the meeting to order at 11:00 am. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

Chair Wright provided an overview of the current projects of the South Pender Local Trust Committee (LTC), including the work of the Advisory Planning Commission (APC) and community working groups. The LTC provided an overview of the purpose of the meeting and outlined the expectations of fulsome conversation.

A discussion of the proposed agenda was held, including the rationale for not including the Trust Policy statement in the agenda.

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Community Information Meeting – To discuss the South Pender Island Local Trust Committee’s Top Priority Projects and the draft Islands Trust Policy Statement

3.1.a Building and Siting Design Guidelines

Trustee Thorn provided an overview for the rationale of considering the development of Building and Siting Design Guidelines which would be considered when property owners seek approval of a variance.

Members of the community requested further information and discussions were held regarding the following topics:

- Rationale of giving the guidelines bylaw status.
- Which authorities would be charged with developing the guidelines.
- Purpose of the document in influencing, without obligation, new builds.
- Future community consultation, including involvement of the APC, prior to adoption.
- Opportunities to change the bylaws to ensure that they are in line with the principals of the Official Community Plan (OCP).

3.1.b Setbacks

Members of the community requested further information and discussions were held regarding the following topics:

- Consideration of amending side setbacks to increase privacy.
- Additional considerations that will be unique to each property.
- Community concerns that amending setbacks would result in legal non-conforming structures. Discussion included reporting that legal opinion had been received to confirm that buildings can be reconstructed in original footprint even if fully destroyed by fire. It was further noted that legal conforming should not impact insurance, but could impact construction of an addition.
- Recommendations for alternative setback regulations including maintaining the current setback for accessory buildings and using a percentage ratio for main residence setbacks.

3.1.c Floor Area of Residences

Members of the community requested further information and discussions were held regarding the following topics:

- Consideration of an alternative to rendering properties “legal non-conforming” by including a schedule to the Land Use Bylaw (LUB) that identifies each specific house and recognize it as being permitted under the LUB.
- A discussion of the history of regulating floor area maximums on South Pender Island.
- Risk that insurance companies will only cover cost of rebuilding up to a conforming size and not to previous legal non-conforming floor area.
- Recommendation that floor area sizes, setbacks, and other matters be referred to the APC.
- Concerns in the community that large houses and their owners are being judged unfairly.
- Concerns in the community about the impact of further regulating floor area.
- Questions of the validity of the data of average house size and inclusion of smaller residences used prior to building main residence.
- Alternative recommendations for considering house size data such as reviewing the full spread of sizes, considering only those homes built in the last 10 years, and/or taking a weighted average that prioritizes contemporary builds over older buildings.
- Rationale and clarification of how sub terrain space could be considered.
- Community concern that increased regulations will overwhelm the Islands Trust’s ability to process applications.
- A discussion of affordable housing was held including opportunities to increase available housing and challenges. Allowing secondary suites was discussed.
- Community concern that regulations can become unreasonable.

Note: A break was held from 12:58 until 1:27. Informal discussions were held during the break.

3.1.d Shoreline Protection

Trustee Wright reported that a community working group met on a number of occasions to discuss opportunities to protect shorelines. He further reported that the Ministry of Transportation and Infrastructure (MOTI) has requested a 50 ft set back from the ocean for all new developments to cope with sea level rise.

Members of the community requested further information and discussions were held regarding the following topics:

- Possibility of creating a Development Permit Area (DPA) for the foreshore and extending 1000 m into the water.

- Rationale for regulating shoreline protection for sea level rise, protection of rural character, and protection of sensitive eco systems.
- Discussion of allowable and prohibited methods for protecting against sea level rise.
- Community concern that regulations would continue to expand to regulate or prevent all tree cutting.
- Recommendation that APC members be consulted during consideration of stair construction regulations in the foreshore

A discussion of communication challenges was held and frustrations with not receiving up-to-date information were voiced.

4. ADJOURNMENT

By general consent the meeting was adjourned at 2:11 pm.

Steve Wright, Acting Chair

Certified Correct:

Shannon Brayford, Recorder

- Trustee Thorn suggested that transparency warrants more of a discussion than a decision
- Chair Patrick expressed that the First Nations communities wish to be part of the conversation at the implementation step versus being consulted at the “solution step” – i.e. DPA
- the use of different tools such as LUB review, sea level rise elevations, etc. and not just DPA

SP-2021-046

It was MOVED and SECONDED

that the South Pender Island Local Trust Committee direct staff to draft two Project Charter options.

CARRIED

SP-2021-047

It was MOVED and SECONDED

that the South Pender Island Local Trust Committee direct staff to advise the Regional Planning Committee that the LTC will consider undertaking amendments to Shoreline Protection.

CARRIED

Meeting was paused at 12:58pm and resumed at 1:05pm.

13.2 Minor OCP Amendments Project – Staff Report

Planner Stockdill provided an overview of the staff report. Discussion was held regarding the project:

- Trustee Thorn discussed going into the community with bigger picture ideas and macro-level guidelines for the community to think about, not micro managing aspects such as aesthetic planning; he also reiterated the importance of consulting with First Nations in the planning phase.
- Trustee Wright questioned whether the LTC can deny a Development Variance Permit application and suggested having a value-based guideline for the rural aesthetic character of South Pender.

SP-2021-048

It was MOVED and SECONDED

that the South Pender Island Local Trust Committee request staff to prepare a draft bylaw for the Minor Official Community Plan Amendments Project.

CARRIED

13.3 LUB Amendments Project – Staff Report

SP-2021-054

It was MOVED and SECONDED

That for the South Pender Island Local Trust Committee Remove stairways from the bylaw amendment.

CARRIED

SP-2021-055

It was MOVED and SECONDED

That for the South Pender Island Local Trust Committee remove shipping containers from the bylaw amendment.

CARRIED

13.4 Minor Official Community Plan Amendments Project - Staff Report

Planner Stockdill provided an overview of the staff report including the recommended options and the timeline for moving forward.

Further discussion was held regarding the following points:

- Timeline options
- Benefits of acknowledging the Rights of Nature.
- Opportunities for First Nations consultation on wording the Rights of Nature.
- Building Design and Siting Guidelines, including the history, community feedback, and rationale
- Potential amendments to the guidelines and consideration of the practical impact they would have.
- Benefits of including the principles and guidelines and challenges of implementation.

SP-2021-056

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee defer the Rights of Nature from the South Pender Island Local Trust Committee Bylaw No. 123.

CARRIED

A discussion was held regarding recommended amendments to the Building and Siting Guidelines. It was noted that directions on regionally sourced materials and the phrase to “keep the design simple” needed consideration. The LTC provided staff with direction to delete the phrase “the use of regionally sourced building materials” and to amend the phrase “keeping the design simple” with clarified language.

SP-2021-057

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee direct staff to amend Bylaw No. 123, Building and Siting Guidelines, as discussed.

CARRIED

SP-2021-058

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee Bylaw No. 123, cited as the "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021" be read a first time as amended.

CARRIED

SP-2021-059

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 123, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021", as amended, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

SP-2021-060

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee direct request staff to schedule a Community Information Meeting for draft Bylaw No. 123 as amended.

CARRIED

14. REPORTS

14.1 Work Program Reports (attached)

14.1.1 Top Priorities Report Dated Oct 2021

Received for information

14.1.2 Projects List Report Dated Oct 2021

Received for information

14.2 Applications Report Dated Oct 2021

Received for information

14.3 Trustee and Local Expense Report Dated Sept 2021

Received for information

SP-2022-011

It was Moved and Seconded,

that the South Pender Island Local Trust Committee hold a Community Information Meeting electronically on March 4, 2022 in conjunction with the Regular Business Meeting.

CARRIED

SP-2022-012

It was Moved and Seconded,

that the South Pender Island Local Trust Committee direct staff to make the amendments to Bylaw 122 and bring them forward to the Regular Business meeting on March 4, 2022.

CARRIED

13.3 Minor OCP Amendments Project – Staff Report

Planner Stockdill provided an overview of the project and the consideration of re-incorporating the Rights of Nature into Bylaw 123, which was previously removed.

Planner Stockdill noted that the Community Information Meeting for the project was originally scheduled for this meeting, however it had been postponed due to the electronic meeting. She provided an overview of the process moving forward depending on the LTC's decision.

A discussion was held.

SP-2022-013

It was Moved and Seconded,

that the Rights of Nature be reintroduced to the Trust Committee's project list as a new bylaw amendment to the Official Community Plan and referred out to First Nations.

CARRIED

SP-2022-014

It was Moved and Seconded,

That the South Pender Local Trust Committee direct staff to schedule a public hearing for Bylaw 123.

CARRIED

14. REPORTS

14.1 Work Program Reports (attached)

14.1.1 Top Priorities Report Dated Jan 2022

Received for information.

14.1.2 Projects List Report Dated Jan 2022

Received for information.

It was Moved and Seconded,

that the South Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting and a Public Hearing for proposed Bylaw No. 122.

CARRIED

Chair Patrick stated that a Community information meeting will be held May 6th for the proposed bylaw followed by a Public Hearing.

14.2 Minor OCP Amendments Project – Staff Report

Region Planning Manager (RPM) Kojima reported that both draft versions of the Rights of Nature bylaw are attached and will be going to First Nation consultation and referral and that the remaining OCP amendments are going to public hearing.

14.3 Shoreline Review – Draft Discussion

RPM Kojima reported the project's draft version of the discussion paper is attached.

- Discussed timeline for consultation and community meeting as well as coordination with other shoreline projects;
- Chair Patrick reported that the Lyackson First Nation asked to be involved in the project definition phase for new projects and that trips to each first nations will occur; and
- RPM Kojima will report back in the May or June meeting with an update on a potential new timeline.

15. REPORTS

15.1 Work Program Reports (attached)

15.1.1 Top Priorities Report Dated Feb 2022

15.1.2 Projects List Report Dated Feb 2022

15.2 Applications Report Dated Feb 2022

- RPM Kojima reported that there is no news on the ALR application; and
- TUP file is closed and will be taken off the applications report.

15.3 Trustee and Local Expense Report Dated Dec 2021

15.4 Adopted Policies and Standing Resolutions

15.5 Local Trust Committee Webpage

15.6 Islands Trust Conservancy Report - None

16. NEW BUSINESS

DATE OF MEETING: March 5, 2021
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Report Subject: Work Program Report

RECOMMENDATION

1. That the South Pender Island Local Trust Committee remove the Short Term Vacation Rental Project from the Top Priorities List.
2. That the South Pender Island Local Trust Committee remove the Alternative Housing Project from the Top Priorities List.
3. That the South Pender Island Local Trust Committee add Land Use Bylaw Amendments to the South Pender Island LTC Top Priority List and that staff report back with a project charter.

REPORT SUMMARY

The purpose of this report is to provide options to the South Pender Island Local Trust Committee (LTC) on how to proceed with their Work Program for the remainder of its term and to identify new Top Priority projects.

BACKGROUND

At the January 29, 2021 regular South Pender Island LTC meeting, the LTC requested staff to provide a list of projects that could be grouped under Land Use Bylaw (LUB) amendments or OCP amendments. Staff also requested Trustees forward any addition items to be added to the Project List to staff. Comments received by the Trustees are included as attachments to this report.

The following are the current Top Priority projects and their status:

1. Groundwater Sustainability Project – Project deliverables for phase 1 and 2 expected spring 2021. The SP LTC has expressed an interest in progressing with phase 3 of the project.
2. STVR Review Project – Public Hearing scheduled for March 5, 2021. Bylaws expected to be referred to EC and the Minister of Municipal Affairs this spring.
3. Alternative House Project – Public Hearing scheduled for March 5, 2021. Bylaws expected to be referred to EC and the Minister of Municipal Affairs this spring.

The following are items on the Projects Report:

1. Development Permit Areas
2. Sea level rise and shoreline erosion

3. Steel storage containers
4. Derelict vehicle and machinery
5. First Nation language
6. Building and siting guidelines

ANALYSIS

Top Priority List

The Top Priorities list defines the LTC's work program. An LTC can identify up to three top priorities at any given time, however given limited resources it is unlikely that three significant projects can be managed and delivered simultaneously. It is more effective for an LTC to focus on one or two projects. When proposing new Top Priorities the LTC should be aware of available resources, including budget and staff, and relevance of the project. Once a project is proposed as a Top Priority, direction should be given to staff to draft a project charter. The draft project charter must then be endorsed by the LTC and Regional Planning Manager prior to a budget being allocated and the project proceeding.

Projects List

The purpose of the Projects List is to keep a record of topics raised for future work by the LTC. The Projects list also provides a basis for budget requests for the next fiscal year. Before any work beyond basic scoping or preliminary discussion with other agencies begins, the item should be moved to the Top Priorities list to ensure that staff resources are not diverted from other priorities. An LTC can have any number of projects on a projects list, however staff recommends this list be reviewed periodically to ensure the projects can be feasibly initiated in the term. Attachment 2 appends the project list that was endorsed by the LTC in the previous term. The LTC may wish to amend the projects list to add or remove potential topics. New topics should have a clear objective and be within the jurisdiction of the Islands Trust.

Potential Project Topics

Below are a list of topics provided by Trustee Wright and Trust Thorn (see attached documents). The items have been divided into two lists - potential Land Use Bylaw (LUB) amendments and potential Official Community Plan (OCP) amendments.

Potential LUB Amendments

1. Maximum floor area regulations.
2. Agricultural lands regulation in accordance with ALC policy L-26.
3. Derelict vehicle and machinery.
4. Shipping containers.
5. Setback to the natural boundary of the sea.
6. Any other minor, technical amendments.

The above topics identified by South Pender Trustees can be grouped together into one Top Priority project that would include technical amendments to the Land Use Bylaw. Staff have provided a recommendation for the LTC's consideration (recommendation no. 3) to place the above amendments on the Top Priority's List and for staff to

report back with a project charter. This project would focus on a number of technical amendments. A full review of the land use bylaw would be out of scope.

Potential OCP Amendments

1. Building Design & Siting Guidelines.

Staff comments: A [staff report](#) was prepared in November 2019 outlining options for the LTC's consideration in regards to building design and siting guidelines. With respect to the identification of Development Permit Area (DPA) objectives related to form and character, the legislation is very clear that this does not apply to single-family dwellings unless they can be considered to be intensive residential. Developing additional DPAs for the protection of the environment, and promotion of energy and water conservation and the reduction of greenhouse gas emissions could influence some aspects of building siting as well as design aspects such as building orientation, roof design, renewable energy, exterior lighting, water management (including pervious surfaces), and construction materials. Staff recommend the LTC review the staff report dated November 2019 and identify which regulatory and policy options would best achieve the LTC's desire for building design and siting guidelines.

2. Foreshore DPA to address sea level rise and sensitive ecosystems (including Coastal Douglas-fir protection).

Staff comments: Establishing a marine/foreshore DPA could achieve a number of the LTC's goals to protect the marine/foreshore sensitive ecosystem, areas of Coastal Douglas Fir within the foreshore area, and building design guidelines to protect sensitive ecosystems and identify hazard areas (steep slopes). There is a similar project proceeding in the Gambier LTA which could provide a model.

3. First Nations OCP Language.

Comments: Adding First Nation's names to OCP maps would require a separate project to ensure that there is dedicated time to engage in meaningful discussions with First Nations. Alternatively, the South Pender LTC should consider adding an introductory statement/acknowledgement to First Nations in the OCP similar to the Saturna LTC's project: http://www.islandstrust.bc.ca/media/349685/sa-ltc-bl-132_ocp_fnrb_2nd-3rd-readings.pdf. The South Pender LTC could use Saturna's First Nation acknowledge statement as a template and it could be included in an OCP amendment bylaw with another OCP project. For example, if the LTC moves forward with establishing a DPA, this would require an OCP amendment bylaw which could include both DPA guidelines and the First Nations acknowledgment, an acknowledgment is the minimum standard for OCP amendments.

4. Rights of Nature policy – Trust Wright's notes attached.

Staff recommend the LTC consider how it would like to proceed with an OCP project. The LTC should develop some clear and concise objectives and direction that are all within the legislative powers of the LTC and Islands Trust.

Rationale for Recommendation

Staff are recommending three separate motions for the South Pender LTC to consider. The first two involve removing the two projects (STVR project and the Alternative Housing project) from the Top Priority lists as they are near completion. Removing these two projects is only recommended if the project's bylaws receive second and third reading, and are directed to be referred to the Executive Committee and the Minister for approval at the March 5, 2021 LTC meeting. If the project's bylaws are not given second and third reading, these two projects should remain on the Top Priority's list.

The third recommendation is to add the Land Use Bylaw Amendments project to the Top Priority list and to request staff to draft a project charter for this project. This recommendation is supported by staff only if the other two Top Priority project's (STVR and Alternative Housing) bylaws have progressed at the March 5, 2021 LTC meeting.

In addition, the LTC could add a project related to OCP amendments once the LTC has clear direction on the scope of the project.

ALTERNATIVES

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

1. Request further information

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

That the South Pender Island Local Trust Committee request that the staff provide further information regarding...

2. Add OCP Amendment project to the Top Priority List

If the LTC has clear direction as how to proceed with an OCP amendment project, then the LTC may use the resolution below that includes a specific project name (for example, Foreshore DPA Project):

That the South Pender Island Local Trust Committee add XXX to the South Pender Island LTC Top Priority List and that staff report back with a project charter.

3. Add project to the Projects List

The LTC may wish to add new topics to the Projects List. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request staff to add XXX to the Projects List.

NEXT STEPS

Once the South Pender LTC has given direction on the Top Priority List, staff can report back with information on scope, budget, and timelines for each Top Priority project.

Submitted By:	Kim Stockdill, Island Planner	February 26, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	February 26, 2021

ATTACHMENTS

1. Trust Wright notes dated February 4, 2021
2. Trust Thorn notes dated February 25, 2021
3. Rights of nature notes provided by Trustee Wright dated January 27, 2021

Priority List

1. Groundwater Sustainability Report
 - findings included in Maps
 - develop OCP policies and LUB regs to reflect limited supply areas and amend density/use accordingly
2. STVR Review
 - amend bylaws to take to Public Hearing
3. Alternative Housing
 - RVs to be permitted as temporary dwellings for 60 days
 - RVs to be permitted as full time dwellings for 2 yrs with active bldg permit
 - requirement to be connected to approved septic system
 - amend bylaws to take to Public Hearing

Project List

Under OCP Amendments:

1. Development Permit Areas - along foreshore (CDF ecosystem, sea level rise, climate change)
2. Adding FN names to maps
3. Building Design and Siting Guidelines
4. include policy on Rights of Nature

Under LUB amendments:

1. Steel storage Containers
 - include as accessory buildings
 - 1 per 1 A lots
 - 2 max
 - screening if seen from neighbour or public road
 2. Derelict Vehicles & Machinery
 - amendments as needed for enforcement purposes
 3. Agriculture land
 - max floor size of residence to be 2800 sq ft
 - remove 5.5 (3) and apply through variance
- put ALC policy for buildings siting in regulations
policy paper (ALC Policy L-26), 3.0

3.0 Limiting housing's physical impact on the productive parcel

The type of additional residential structure should reflect the agricultural use of the property.

Preference will be provided to residential uses which utilize existing structures and/or residences that are sized appropriately and located in an area which minimizes negative impacts to the agricultural land or can easily be removed from the property, such as a manufactured home.

The total residential footprint, meaning the portion of a property used for the principal residence, the additional residence(s), and the accessory residential facilities (e.g. yard, driveway, servicing, etc.), should maintain a viable agricultural remainder and should not unnecessarily infringe upon the productive farming area of the property. Unless a more restrictive local government bylaw is in place, the following parameters, consistent with the Minister's Bylaw Standards, will inform the Commission's consideration of the appropriate total residential footprint:

- a) Principal Residence: The total residential footprint for a principal residence should not be more than 2,000 m².
- b) Additional Residence: The total residential footprint for each permitted additional residence should not be more than 1,000 m².
- c) Temporary Farm Worker Housing: The total residential footprint for each permitted temporary farm worker housing space should not be more than 35 m² per worker.
- d) Siting: The setback from the front lot line to the rear or opposite side of the total residential footprint should not be more than 60 metres. Lots narrower than 33 metres are exempted from the 60-metre maximum setback guideline (for the total residential footprint) from the front lot line, however, the footprint should fill the front of the lot to a maximum of 2,000 m².
- e) The following exceptional circumstances may also apply to the siting of residential footprints and may be considered by the Commission:
 - i) Existing Footprints: The clustering of a residence with other existing non-agricultural uses on the property to limit the fragmentation of ALR land and avoid the restriction of agricultural activities.
 - ii) Commodity-Specific Needs: The strategic placement of a residence to benefit or optimize the agricultural operation (e.g. monitoring of livestock on a large property).
 - iii) Topographic Features: Siting of a residence as appropriate to reduce the use of potentially productive farming land for residential purposes (e.g. sited on a non-farmable area of the property).

4. Maximum floor area of residences

- continue discussion with NP
- set size limits in relation to lot size

5. Increase setbacks to:

- 50 ft setback from shoreline
- 20 ft side lot lines
- remove “stairways” from LUB 3.3 (3)

South Pender LTC – Proposed 2021 – 2022 Work Plan

With the South Pender Local Trust Committee now entering the second half of its four year term, it is an appropriate time to summarize the accomplishments achieved thus far and, chart a work plan for the remaining two years. Throughout the term the consistent objective of the LTC has been and continues to be, the development of policies and regulations that both support the vision and goals of our Official Community Plan, and respond to emerging issues in a manner consistent with the OCP and community values.

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.

At a fundamental level our OCP goals "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. These goals include:

- To maintain the island's rural character;
- To protect the natural features and biological diversity of the island and its immediate surroundings;
- 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;
- To ensure land use, development, and associated servicing are compatible with the rural island character and that their growth is gradual and sustainable.

During the first two years of the term, the South Pender LTC has:

- **Community Dialogue:** Provided opportunities for regular and interactive dialogue with the community. In addition to the regularly scheduled LTC meetings, Trustees organized a number of informal community information meetings at the Fire Hall in 2018 and 2019. Notwithstanding the pandemic and the prohibitions against in-person gatherings, the LTC has also held four Special Meetings between September 2020 and January 2021 to consult with the community on new policy initiatives.
- **Design Guidelines:** Prepared the draft "South Pender Building Design and Siting Guidelines" based on the vision and goals of the OCP
- **Advisory Planning Commission Referrals:** Referred a number of policy initiatives to the APC including Short Term Vacation Rentals and the Building Design and Siting Guidelines
- **Short Term Vacation Rentals and Bylaw 117:** Amended regulations within the South Pender Land Use Bylaw to place a moratorium on the establishment of new STVR operations with the explicit commitment replace Bylaw 117 with a new bylaw amendment enacted in response to a comprehensive short term vacation rental policy for South Pender Island. The process of developing a new, forward looking STVR policy has been guided by several community

information meetings, public feedback and, the results of poll mailed to every property owner on the island.

- Bylaw Enforcement Notification Bylaw: Adopted the BEN bylaw in 2019 to provide a more cost-effective, efficacious approach to enforcement of the zoning bylaw.
- Promoted pan-island cooperation: Collaborated with the North Pender LTC on common issues including more effective bylaw enforcement, protection of the environment and preservation of our rural character while preserving the autonomy of the two islands.

Over the next two years, the proposed LTC Work Plan includes:

- Short Term Vacation Rentals: Finalize a STVR policy and companion regulations.
- Design Guidelines: Finalize the Building Design and Siting Guidelines following recommendations from the APC and input from the public. The intent would be to add the finalized Guidelines as a Schedule to the Official Community Plan.
- House Size: Establish a maximum house size by lot area with variance opportunities provided where applications respond affirmatively to the Building Design and Siting Guidelines. In conjunction with house size regulations, the intent would be to establish regulations such that existing or approved dwellings that would exceed new house size regulations could be re-built – in the event of damage or destruction - to their present size despite new maximum house size regulations.
- Agricultural Lands: Protection of farm (agricultural) lands consistent with the policies of the Official Community Plan and the Agricultural Land Commission. In particular, protection of farmland may include regulations on siting of buildings in accordance with section 3.5.1 of the OCP and ALC Policy L-26.
- Development Permit Areas: designation of the foreshore as a development permit area and consider increasing the setback from the foreshore to 50 feet both to protect the natural environment and to protect development from hazardous conditions exacerbated from climate change.

South Pender Island lies within the Coastal Douglas fir bio-geoclimatic ecological zone which as a result of climate change, is becoming endangered. Many bird species and other animals within this zone are also diminishing in numbers. In the Salish Sea, one of our most iconic mammals, the Southern Killer Whale (Orca), is threatened by the activities and degradation of their environment by humans. Many species of fish, shellfish, and sea birds are also in decline.

The South Pender Official Community Plan (OCP), maintains that “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.” To achieve this goal the OCP calls for “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.” One of the policies to realize this goal is “the concept that land use and development should be compatible with the inherent capacity of the island.” This in itself, recognizes a person’s right to a healthy environment.

The Rights of Nature recognizes the impact by human beings is caused primarily by our attitude towards nature which views nature as an object or property, rather than a myriad of life forms. If we recognize the importance of “sustainability” then we need also to recognize limiting our use and impacts to Nature if we are to maintain a balance in the ecosystems in which we share with the plants, forests, and animals. Humans are ultimately connected to Nature, and our present and future generations can only be sustained when the environment is respected and healthy. For example, cutting down trees to build a home may be necessary but the clear cutting of large swaths of trees destroys a forest and the ecosystem in which many other plants and animal species depend upon to survive.

The First Nations who inhabited this region since time immemorial understood their connection to, and responsibility for, the sustainability of the land, waters and all other species, which ensured their survival through millennia.

I propose that the South Pender Island Official Community Plan recognize the Rights of Nature within an overall framework of sustainable development, in conjunction with other agencies, and with the involvement and participation of property owners, to:

- a) Prevent and control pollution and its effects and the harmful forms of erosion;
- b) Conduct and promote land use planning with a view to a correct location of activities, balanced social and economic development and the enhancement of the landscape;
- c) Create and develop natural and recreational areas and classify and protect landscapes and places, in such a way as to guarantee the conservation of nature and the preservation of cultural values and assets;

- d) Promote the rational use of natural resources, while safeguarding their ability to renew themselves and maintain ecological stability, with respect for the principle of inter-generational solidarity;
- e) Act in cooperation with other authorities, to promote the environmental quality of rural settlement, particularly on the architectural level and as regards the protection of historic zones;
- f) Promote the integration of environmental objectives into the various policies of a sectoral nature;
- g) Promote environmental education and respect for environmental values;
- h) Promote a tax policy that renders development compatible with the protection of the environment and the quality of life.

<https://therightsofnature.org/>

File No.: SP Minor OCP Amendments
Project

DATE OF MEETING: May 7, 2021
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: SP Minor OCP Amendments – Project Charter

RECOMMENDATION

1. That the South Pender Island Local Trust Committee approve the Project Charter for the Minor OCP Amendments project.

REPORT SUMMARY

This report is intended to provide the South Pender Local Trust Committee (LTC) with a draft project charter for the Minor Official Community Plan (OCP) project.

BACKGROUND

At the April 9, 2021 Special Meeting, the South Pender LTC passed the following resolutions:

SP-2021-040

It was Moved and Seconded

that the Groundwater Sustainability Project be moved off the Top Priorities list.

CARRIED

SP-2021-041

It was Moved and Seconded

that the Alternative Housing Project be removed from the Top Priorities list.

CARRIED

SP-2021-042

It was Moved and Seconded

that the South Pender Island Local Trust Committee refer building design and guidelines and The Rights of Nature document to the Advisory Planning Commission and report back to the Local Trust Committee prior to the May 7 2021 Local Trust Committee meeting.

CARRIED

SP-2021-043

It was Moved and Seconded

that shoreline stairs be referred to the APC for their consideration and solutions and to report back to the Local Trust Committee prior to the May 7 2021 meeting.

CARRIED

SP-2012-044

It was Moved and Seconded

that the Local Trust Committee add Land Use Bylaw amendments to the Top Priorities list.

CARRIED

SP-2021-045

It was Moved and Seconded

that the Local Trust Committee add 3 minor Official Community Plan amendments to the Local Trust Committee Top Priorities list as noted:

- Building and design guidelines;
- First Nations Official Community Plan language;
- Rights of Nature policy;

And further that, staff report back with a project charter.

CARRIED

SP-2021-046

It was moved and Seconded

that the Local Trust Committee move the Groundwater Sustainability project from the Top Priorities list to the Project list.

CARRIED

SP-2021-047

It was Moved and Seconded

that the Local Trust Committee add Shoreline Review to the Top Priorities list.

CARRIED

ANALYSIS

Official Community Plan:

The following are topics the South Pender have identified to include in the Minor OCP Amendment Project:

Building Design & Siting Guidelines

A staff report was prepared in November 2019 outlining options for the LTC's consideration in regards to building design and siting guidelines. The LTC has indicated that the building design and siting guidelines drafted by the LTC should be incorporated into the OCP. One option for the LTC to consider is to attach the guidelines to the OCP as a Schedule and add referencing policies in the OCP. Staff would review the draft guidelines and provide potential OCP policy amendments for the LTC's consideration.

First Nations OCP Language

The Saturna Island LTC recently completed a project (Bylaw No. 132) that amends the Saturna Island OCP to include wording in acknowledgement and reconciliation of First Nations place, context and inherent rights. The South Pender LTC could include a similar introductory statement and acknowledgement to First Nations in the OCP by using Saturna Island's statement as a template. These efforts are aligned with the principles of the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP) and the Declaration on the Rights of Indigenous Peoples Act (DRIPA). Engagement with First Nations to develop and guide the introductory statement is recommended and included in the draft Project Charter.

The Saturna Island LTC project can be found here: <https://islandstrust.bc.ca/island-planning/saturna/projects/>

Rights of Nature policy

Trust Wright provided a document outlining rights of nature principles and policies. This could be included as an introductory statement in the OCP or as specific policies in the OCP. Staff will provide further review this document and provide options if the project proceeds.

Land Use Bylaw:

The project is focussed on OCP amendments. As such, no changes to the South Pender Island Land Use Bylaw (LUB) No. 114 are anticipated for this project. The South Pender LTC has a separate Top Priority Project (the LUB Amendment Project) that will include amendments to the LUB.

Project Charter

The project charter is attached for the LTC's consideration. The project charter includes the scope of the project, timeline, and budget. If the LTC wishes to amend the draft project charter, an alternative recommendation is outlined below (alternative no. 2).

Consultation

Staff are recommending early consultation with community members beyond what is required by statutory requirements. The LTC should consider scheduling a Community Information Meeting over the summer months, or early Fall, as indicated on the Project Charter, as the project proceeds. Early engagement with First Nations is also strongly recommended to seek guidance with the drafting of the introductory/acknowledgement statement. The Senior Intergovernmental Policy Advisor can assist with these early referrals.

Members of the LTC have expressed a desire to complete a mail out to all community members notifying them of the projects the South Pender LTC has completed to date, and about the three new top priority projects. If the LTC would like to initiate this mail out, a resolution is required. The LTC should be aware that there is a cost associated with this (cost to mail) as well as the administrative time to organize a mail out. There are also two different options for mail outs with pros and cons to each approach – a letter mailed directly to property owners (reaching those who are on the property title but not those renting) or dropping leaflets into each mail slot (this would go only to those currently residing at the property). Staff do believe a mail out should be completed for this and perhaps in conjunction with other projects, but the LTC should discuss the timing off the mail out. A mail out to notify community members of the early CIM in the Fall could be considered.

Statutory Requirements

In the first stage of the project (i.e. reviewing proposed documents, and undertaking community consultation) there are no statutory requirements to consider. If at a later stage the LTC resolves to undertake bylaw amendments, statutory notification requirements of the Local Government Act will need to be considered including appropriate agency and First Nation referrals, public hearing requirements and bylaw adoption procedures.

Rationale for Recommendation

If the LTC is satisfied with the scope of work proposed (three topics identified above), approval of the project charter by resolution is recommended to allow work to proceed. Alternatively the LTC could ask staff to report back with changes to the project scope and to the charter.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to commencing and completing the project. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request that the staff provide further information regarding...

2. Request revisions to the draft project charter

The LTC may request revisions to the draft project charter. If selecting this alternative, the LTC should describe the specific revisions needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request that staff make the following revisions to the draft Project Charter for the Minor OCP Amendments Project:...

3. Reconsideration of project

The LTC may choose to focus on different priorities instead of a technical review of the LUB. If selecting this alternative, recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee not pursue the Minor OCP Amendments Project and to remove the project from the Top Priority Project List.

4. Mail out

That the South Pender Island Local Trust Committee direct staff to notify community members by mail that...

5. Receive for information

The LTC may receive the report for information

NEXT STEPS

Next steps include:

- Finalize project charter, if required
- Begin to review draft documents
- Present findings to LTC via a staff report prior to commencement of public, stakeholder, and First Nation consultation

Submitted By:	Kim Stockdill, Island Planner	April 28, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	April 30, 2021

ATTACHMENTS

1. Project Charter

OCP Minor Amendments - Charter v1

South Pender Local Trust Committee

Date: May 7, 2021

Purpose: To make minor amendments to the South Pender Official Community Plan.

Background: The LTC is considering amending the South Pender OCP to include the following three items: Building Design & Siting Guidelines, Rights of Nature principle and policies, and First Nation introductory/acknowledgement statement.

Objectives

To provide the LTC with options on amending the South Pender OCP to include the three topic areas either as introductory statements to the OCP or as schedules.

In Scope

- Review the Building Design & Siting Guidelines
- Review the Rights of Nature
- Engage with First Nations to draft an OCP First Nation introductory statement/acknowledgement
- Report to the LTC with options
- Consult with stakeholders and First Nations
- Draft an OCP amendment bylaw

Out of Scope

- Full review of other policy or topics in the OCP
- Amendments to the LUB Bylaw
- Extensive community engagement
- Inclusion of First Nation's names/language to OCP maps

Workplan Overview

Deliverable/Milestone	Date
LTC consideration of draft project charter	May 2021
Staff report on amendments, identifying options for the LTCs consideration	July 2021
Consultation with stakeholders	July-Sept 2021
Staff to engage with First Nation for introductory/acknowledgement statement	July-Sept 2021
Bylaw drafting and legal review (if required)	Fall 2021
First Reading	November 2021
Community Information Meeting/Public Hearing	Early 2022
Further bylaw readings, EC and Minister referral	June 2022

Project Team

Kim Stockdill	Project Manager
Lisa Wilcox	Senior Intergovernmental Policy Advisor
Jas Chonk	Admin Support
Maple Hung	Admin Support
RPM Approval: Robert Kojima Date: April 29, 2021	LTC Endorsement: Resolution #: Date: xxx

Budget

Budget Sources:		
Fiscal	Item	Cost
2021-22	Consultation & Mail-out	\$1500
2021-22	Legal Review	\$1000
2021-22	Public Hearing	\$1000
2021-22	Contingency	\$500
	Total	\$4000



File No.: SP Minor OCP Amendments
Project

DATE OF MEETING: July 9, 2021
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: SP Minor OCP Amendments – Project Update

RECOMMENDATION

No recommendation at this time. Staff will continue to work on the Minor OCP Amendment project and report back to the LTC with further recommendations.

REPORT SUMMARY

This report is intended to provide options to the South Pender Island Local Trust Committee (LTC) regarding the Minor Official Community Plan (OCP) project for the LTC to provide further direction to the staff.

BACKGROUND

At the May 7, 2021 Special Meeting, the South Pender LTC passed the following resolutions with regards to the Minor OCP Project:

SP-2021-043

It was Moved and Seconded,

that the South Pender Island Local Trust Committee approve the Project Charter for the Minor Official Community Plan Amendments project.

CARRIED

Background information regarding the project, staff reports, correspondence, and the Project Charter can be found on the South Pender Project webpage: <https://islandstrust.bc.ca/island-planning/south-pender/projects/>

South Pender APC

Staff referred the Building Design & Siting Guidelines and the Rights of Nature to the South Pender Advisory Planning Commission (APC). The South Pender APC provided the following resolutions at their June 20, 2021 meeting:

SP-APC-2021-006

It was Moved and Seconded,

That the South Pender Island Advisory Planning Commission recommends to the South Pender Island Local Trust Committee that the Advisory Planning Commission be given the opportunity to review the latest draft, in preparation for a finalized version of the proposed guidelines with the opportunity then

for greater public transparency and input in respect of the complicated discussion that is going to honor the history of the development on South Pender with the acknowledgement that we live in the present.

CARRIED

SP-APC-2021-006

It was Moved and Seconded,

That the South Pender Island Advisory Planning Commission defer consideration of the Rights of Nature to the next meeting.

CARRIED

The next South Pender APC meeting is scheduled for July 7th at 3pm. The minutes from this meeting will be forwarded to the LTC.

ANALYSIS

Official Community Plan:

The following are topics the South Pender have identified to include in the Minor OCP Amendment Project:

Building Design & Siting Guidelines

A staff report was prepared in November 2019 outlining options for the LTC's consideration in regards to building design and siting guidelines. The staff report indicated that the draft building design and siting guidelines are intended to support the South Pender Island Official Community Plan in particular the following goals:

- 1.2.1 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;
- i. To ensure land use, development, and associated servicing are compatible with the rural island character and that their growth is gradual and sustainable.

Under the *Local Government Act* (LGA) local governments have a limited ability to impose the kind of design controls identified in the draft building design and siting guidelines, particularly in rural residential areas. For example, while zoning can be used to influence size, siting and lot coverage, it cannot be used to influence the form and character of a building within a given area/building envelope. Generally a Development Permit Area (DPA) would be the mechanism to set guidelines for building and sighting design, but the LGA only permits form and character DPAs for intensive residential development; commercial, industrial or multi-family residential development; or development in a resort region. Form and character DPAs would not be permitted for single family dwellings.

The LTC could potentially utilize the Development Variance Permit (DVP) process to support applications with specific design features that are within a reasonable scope of the variance being applied for. Although the LTC has the discretion to approve or not approve a DVP application, the LTC cannot include conditions to the development variance permit. In other words, the LTC could not resolve to approve the DVP with the condition that the applicant incorporates specific guidelines to their development. Rather the applicant would be made aware that by incorporating some aspects of the building design and siting guidelines into their proposal may help support their application. For example it would not be reasonable for a DVP for the addition of a deck to require substantial design changes to the house but rather incorporate natural building finishes and design features the decrease visual prominence.

In order to achieve this incentivizing of the implementation of the Building Design and Siting Guidelines for DVP applications, the guidelines would be edited and attached to the OCP as a Schedule. In addition, a new policy should be added to the OCP correlating the DVP process to the building design and siting guidelines. If the LTC supports this process, staff will edit the draft guidelines and provide potential OCP policy amendments for the LTC's consideration. The LTC should also provide staff with any additional edits to the draft guidelines that were drafted in 2019 (and attached to this staff report).

The South Pender APC has requested the opportunity to review the latest draft. Staff recommends referring the OCP amendment bylaw prior to First Reading to provide the APC an opportunity to comment on the Building Design and Siting Guidelines and OCP policies.

First Nations OCP Language

The LTC has identified adding an acknowledgement statement to the introductory of the OCP as part of this project. Although Saturna Island LTC recently went through a similar process, the Islands Trust Senior Intergovernmental Policy Advisor recommends not using Saturna's wording as a template, but to expand upon the wording. Other comments from the Senior Intergovernmental Policy Advisory to help guide this process:

- First Nation statement could implement directive policies from the draft Islands Trust Policy Statement.
- Other LTCs (Mayne Island) are in the process of including a FN statement to their OCPs and drafting this statement could be used as a template for other LTCs.
- Statement should be inclusive to all First Nations within the region.
- Importance of collaborating with First Nations early in the process to help shape the draft introductory statement.
- Senior Intergovernmental Policy Advisor will help draft the wording for the introductory statement and facilitate the collaboration between staff and First Nations.

Staff are in the process of working with the Senior Intergovernmental Policy Advisor to draft a letter to First Nations to introduce the project, and invite a collaborative process in drafting the introductory statement. This letter will be sent out over the summer months.

Rights of Nature policy

Trust Wright provided a document outlining rights of nature principles and policies. If the LTC wishes to add the Rights of Nature document into the OCP the following is recommended:

1. Add an introductory statement to the OCP:

"South Pender Island lies within the Coastal Douglas fir bio-geoclimatic ecological zone which as a result of climate change, is becoming endangered. Many bird species and other animals within this zone are also diminishing in numbers. In the Salish Sea, one of our most iconic mammals, the Southern Killer Whale (Orca), is threatened by the activities and degradation of their environment by humans. Many species of fish, shellfish, and sea birds are also in decline.

The South Pender Official Community Plan (OCP), maintains that "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." To achieve this goal the OCP calls for "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." One of the policies to realize this goal is "the concept that land use and development should be compatible with the inherent capacity of the island." This in itself, recognizes a person's right to a healthy environment.

The Rights of Nature recognizes the impact by human beings is caused primarily by our attitude towards nature which views nature as an object or property, rather than a myriad of life forms. If we recognize the importance of “sustainability” then we need also to recognize limiting our use and impacts to Nature if we are to maintain a balance in the ecosystems in which we share with the plants, forests, and animals. Humans are ultimately connected to Nature, and our present and future generations can only be sustained when the environment is respected and healthy. For example, cutting down trees to build a home may be necessary but the clear cutting of large swaths of trees destroys a forest and the ecosystem in which many other plants and animal species depend upon to survive.

The First Nations who inhabited this region since time immemorial understood their connection to, and responsibility for, the sustainability of the land, waters and all other species, which ensured their survival through millennia.”

2. Incorporate all or some of the following as advocacy policies in the OCP:

“a) Prevent and control pollution and its effects and the harmful forms of erosion;

b) Conduct and promote land use planning with a view to a correct location of activities, balanced social and economic development and the enhancement of the landscape;

c) Create and develop natural and recreational areas and classify and protect landscapes and places, in such a way as to guarantee the conservation of nature and the preservation of cultural values and assets;

d) Promote the rational use of natural resources, while safeguarding their ability to renew themselves and maintain ecological stability, with respect for the principle of inter-generational solidarity;

e) Act in cooperation with other authorities, to promote the environmental quality of rural settlement, particularly on the architectural level and as regards the protection of historic zones;

f) Promote the integration of environmental objectives into the various policies of a sectoral nature;

g) Promote environmental education and respect for environmental values;

h) Promote a tax policy that renders development compatible with the protection of the environment and the quality of life.”

If the LTC agrees with the incorporating the Rights of Nature as outlined above, the next step would be for staff to review the wording and provide recommendations on where to insert the advocacy policies into the OCP.

The South Pender APC has scheduled a meeting on July 9th to review and comment on the Rights of Nature policy. Staff will provide further recommendations after receipt of the APC comments.

Land Use Bylaw:

The project is focussed on OCP amendments. As such, no changes to the South Pender Island Land Use Bylaw (LUB) No. 114 are anticipated for this project. The South Pender LTC has a separate Top Priority Project (the LUB Amendment Project) that will include amendments to the LUB.

Project Charter

The project charter was endorsed by the LTC at the previous May 7, 2021 LTC meeting. Below is the timeline in the Project Charter:

Table 1 – Project Timeline

Workplan Overview	
Deliverable/Milestone	Date
LTC consideration of draft project charter	May 2021
Staff report on amendments, identifying options for the LTCs consideration	July 2021
Consultation with stakeholders	July-Sept 2021
Staff to engage with First Nation for introductory/acknowledgement statement	July-Sept 2021
Bylaw drafting and legal review (if required)	Fall 2021
First Reading	November 2021
Community Information Meeting/Public Hearing	Early 2022
Further bylaw readings, EC and Minister referral	June 2022

Consultation

Staff are recommending early consultation with community members beyond what is required by statutory requirements. The LTC should consider scheduling a Community Information Meeting (CIM) in early Fall, as indicated on the Project Charter, as the project proceeds. Waiting to hold a CIM until the Fall will increase the likelihood of holding the meeting on island, rather than online.

Staff will also initiate early collaboration with First Nations to seek guidance with drafting of the introductory/acknowledgement statement. The Senior Intergovernmental Policy Advisor will provide guidance through this engagement process.

Statutory Requirements

In the first stage of the project (i.e. reviewing proposed documents, and undertaking community consultation) there are no statutory requirements to consider. If at a later stage the LTC resolves to undertake bylaw amendments, statutory notification requirements of the Local Government Act will need to be considered including appropriate agency and First Nation referrals, public hearing requirements and bylaw adoption procedures.

Rationale for Recommendation

No recommendation at this time. Staff will continue to work on the Minor OCP Amendment project, await the APC recommendations and report back to the LTC with further recommendations.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to commencing and completing the project. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request that the staff provide further information regarding...

2. Reconsideration of project

The LTC may choose to focus on different priorities instead of a technical review of the LUB. If selecting this alternative, recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee not pursue the Minor OCP Amendments Project and to remove the project from the Top Priority Project List.

3. Receive for information

The LTC may receive the report for information

NEXT STEPS

Next steps include:

- Collaborate with First Nations to draft the First Nation introductory statement
- Receipt of referral from the South Pender APC regarding the Rights of Nature
- Initiate draft of policies to be included in the OCP bylaw amendment.
- Provide options to the LTC for public engagement for the Fall.

Submitted By:	Kim Stockdill, Island Planner	June 25, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	June 25, 2021

ATTACHMENTS

1. Building Design and Siting Guidelines
2. Rights of Nature

South Pender Island Building Design & Siting Guidelines (DRAFT)

Vision Statement:

The South Pender Building Design & Siting Guidelines are intended to support the South Pender Island Official Community Plan and in particular, the following two primary goals:

- 2.2.1 To maintain the island's rural character so community members and visitors may continue to enjoy a sense of tranquility, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment;
- 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.

These guidelines draw upon objective criteria and a variety of time-tested approaches for creating thoughtfully designed, energy efficient homes and accessory structures (hereafter, "buildings") which also relate to, and are in harmony with, their rural surroundings. These guidelines promote an appreciation of our island's heritage, create an understanding of our rural character, and reinforce our regional identity. Ultimately, the success of these guidelines will only be measured in years to come, in the eyes of our children and the generations which follow. These guidelines are presented to encourage imaginative, site specific design innovation which results in buildings whose design, siting and massing are in harmony with their rural surroundings regardless of whether the building is of a contemporary, minimalist, traditional or rural architectural vernacular.

Purpose:

These guidelines are intended to be prescriptive and to make clear the importance of good siting and design. These guidelines provide guidance to architects, designers, and builders on the design of the building and its position on the property taking into consideration the topography of the land, its ecology, and the rural character of the island and overall community. These guidelines should inform the architectural style, scale and massing of the building and at the same time enhance the visual amenity of the surrounding environment. These guidelines seek to achieve the following:

- To ensure buildings are sited appropriately
- To integrate the building into the landscape
- To promote both a variety of building styles, traditional and contemporary
- To discourage the urbanization/sub-urbanization of designs
- To encourage the use of good quality, regionally sourced building materials and the achievement of energy conservation through the use of energy saving technologies.
- To encourage consideration and respect of neighbouring properties when siting and designing a building
- To encourage the use of exterior colours which integrate into the landscape and compliment the rural character of the island.

Each of us has a responsibility for the environment and rural character of the island, not just in preserving our existing heritage, but in creating a heritage for future generations to enjoy. It is therefore crucial that when developing a property, the design of the buildings and other improvements is a positive introduction to the landscape and does not detract from the existing natural surroundings. Stewardship by property owners is important if we wish to preserve, rather than diminish, our sense of place in the unique environment of South Pender.

These guidelines are to be used by architects, designers, builders and owners in developing a design for any building (commercial or residential). By using appropriate architectural materials, details, and finishes, together with size, scale, and proportion, the rural character of the island and its community will be expressed. The Design Guidelines seek to promote building that will be compatible with the environment, topography, and neighbourhoods (or settlement areas). At the same time, some variety in the details of construction is encouraged as a means of promoting diversity. It is intended also, that individual expression is tempered with careful consideration of the setting and of the character of the island's natural environment and its community.

Objectives:

Buildings:

- To promote a diversity of architectural styles that are compatible with a village-in-a-forest context
- To promote simplicity in building design
- To promote buildings that are in scale
- To continue the use of “natural” building finishes.

Diversity of architectural styles is encouraged:

- A new building should be different in style from buildings on nearby or abutting properties.
- A design that creates individual character while also maintaining compatibility with the character of the neighbourhood and overall community, is encouraged.
- A design that incorporates innovation and the use of skilled workmanship is encouraged.

Simple and restrained character:

- Keep building forms, materials, and details, simple and visually restrained.
- Building forms, materials, and details that contrast within a single building or with neighbouring buildings are discouraged.
- Design features that increase the visual prominence of the building should be avoided.
- Avoid visual complexity in different materials or details.

Building scale and design integrity:

- Building details should be used to provide interest and not exaggerate the scale of the building.
- Avoid oversized design elements that exaggerate the buildings scale.
- Avoid entryways, doors, and windows that are out of proportion with the human form.

Architectural details:

- Design details that appear to be superficial, non-structural, or gratuitous, should be avoided. Details should be authentic, integral elements of the overall building design concept.

- Design details and selected cladding materials should be used throughout the full exterior of the building to maintain consistency.
- Use of “natural” building materials is preferred, and synthetic materials avoided. The use of vinyl, or products that simulate a wood grain are inappropriate.
- Roof materials should be consistent with the architectural style of the building and with the context of the neighbourhood.
- Muted colours similar to the natural earth and surrounding environment are preferred to blend in with the forest while limiting the use of bright colours to accent features.

Landscape:

- The character of the rural garden can be defined as something which requires minimal intervention to the existing landscape and where there has been intervention this has generally been with indigenous planting reinforcing the link with the land to enhance its natural character. This link with the land has been instilled over generations and along with house design, the garden evolved in a harmonious way to achieve an almost seamless transition from house to landscape.
- By creating a planting zone between house and path, enclosures, privacy, wildlife habitats, boundary treatments and limiting the use of expansive areas of pavement and lawns, the house becomes visually anchored to its site, and thereby softens the geometric impact that the built environment has on the natural landscape.
- The traditional forest landscape is one of the most important features of the community. While each individual site has unique features, residents are encouraged to contribute to the natural character throughout the development of their property. Filtered views from the street of homes nestled in the landscape through trees and vegetation, is preferred and contributes to a “sense of discovery”.

Hard surfaces and paving materials:

- For driveways, patios, and walkways, select paving materials that convey the colour of native materials and that will reduce runoff. Use porous materials that permit percolation of water and aeration in soils.
- Avoid large, continuous areas of paving that are uncharacteristic of the forest landscape.
- Use materials for surfacing which are geologically linked with the area. When possible, source local quarries for stone and exposed aggregates.

Fencing:

- Not every site needs a fence or wall along its perimeter. Fences and walls that exhibit craftsmanship and interesting design but do not create a “walled off” appearance, are preferred.
- Respect the neighbourhood and adjoining properties when designing a fence or wall.
- Avoid ornate, wrought iron, or chain link fencing along the street.

Design Guidance:

Siting:

In addition to these Guidelines, also refer to siting and setback directives and requirements within the Islands Trust Policy Statement, the South Pender Official Community Plan, the South Pender Land Use Bylaw and, the Agricultural Land Commission.

Of all factors, site selection has the biggest influence on how successfully a building can assimilate into its rural surroundings. Essentially good siting is when a building appears to “belong” to the landscape rather than intruding upon it. A careful and detailed site analysis is necessary to determine any siting issues and strategies which should determine the position of the house on the landscape but also the design layout of the house itself and how it relates to the site and the wider landscape. Utilizing good natural sites will minimize disturbance to the ecology, the topography of the land, and the visual impact of new structures. Good natural sites offer shelter, privacy and take advantage of solar applications. Consideration should be given to the prominence of the structure, views from adjacent properties, the siting of existing structures, and the visual impact from other perspectives, not only from the property being developed. Clear only what is necessary and, prior to removing trees, consider sight-lines from the completed structures, shade requirements, wildlife habitat, water retention and drainage. These issues should be addressed at the initial stages to avoid poor design decisions at a later stage. Site features unique to an individual property should be exploited and incorporated into the design of the house to create a house which is rooted to the natural environment. This is much preferable to a “show house”, a large and bulky building which dominates the site and immediate setting and where trees and natural shelter features are removed for maximum presentation effect.

Functional issues such as road access, services, drainage and septic disposal, need responding to along with design issues which result in an integrated solution. The focus here is on working with the site features and not against them.

Unfortunately, it has frequently become a standard and misappropriated feature of rural landscape to ‘land’ a sub-urban design onto a rural landscape which only serves to emphasize its poor contextual relationship. In the past, local knowledge was utilized to site homes to take into account particular micro-climate influences, such as summer heat, early frosts, and drainage routes. The concept of a view from the top of a hill was far less important than that of shelter, so as to conserve fuel and energy as opposed to the top of the hill which was cold, exposed and generally isolated. Buildings have evolved in response to their function and natural setting, whereas today’s sub-urban response has been to dominate the landscape. Today’s designers and builder should show the same understanding and respect for contours and topographical features as our traditional past has shown.

Siting of residential buildings on Agricultural Land Reserve (ALR) zoned lands.

While the design principles outlined elsewhere within these guidelines also apply to ALR zoned lands, additional criteria for the siting and size of residential buildings on ALR lands is outlined within section 2.4.6 of the ALC Guide for Bylaw Development in Farming Areas. In brief, residential uses should:

- not restrict agricultural activities
- be located in non-farming areas of the property to minimize the impact on farm practices and farming potential in farming areas.

Principles of Design:

1. Keep the design simple.
 - while variety is encouraged and visual interest is desired, this should be accomplished in a restrained manner, such that each building remains subordinate to the forest character.
2. Promote diversity of styles:

- within the basic framework of the design traditions common with the historical buildings, a range of architectural designs can occur. In fact, repetition of a single style within a subdivision should be avoided.

3. Be consistent within an individual building:

- avoid designs that are insensitive to the designs of neighbouring buildings. While diversity is encouraged throughout the community as a whole, consistency in design throughout an individual building is important.

Design, as it was in the past, should contribute to the character of the community by responding to the forest context and using craftsmanship in construction and detail. However, architects and designers should not feel constrained to a particular architectural vernacular. Adapting more contemporary design approaches to the size, massing, scale, materials and site relationships found in earlier designs is encouraged as a means of achieving compatibility with diversity. Good design should also take into account future maintenance and repair requirements. Historically, most homes were simple, modest, and usually built by their owners who had the knowledge and ability to maintain and repair their homes. Many of today's designs are more complex with complicated construction methods and materials with which owners do not have the knowledge and/ability. Relying on others to do the necessary work for them may be problematic because the work force in small communities is limited.

The Design Process:

A design should consider every aspect of a building and its setting to achieve an outcome that responds to the needs of the individual while integrating into the landscape. This process should be followed as compared to picking a design from a 'pattern book' of house types and trying to fit this design into the site.

Stage 1: Define the objectives

It is important to decide what you need and what you don't as this will inform your architect / designer what you require. A good understanding of the design will take time and is a two-way process which discusses the needs of the individual and is shaped by the guidance and expertise of the designer/architect.

Stage 2: Assess the site

Of all the factors, site selection has the biggest influence on how successfully a dwelling can blend into its natural surroundings. While the design of the structure is also a crucial element, poor site selection places significant limitations on how you create your living space as its position in the landscape will complicate construction and may adversely affect your lifestyle. Good site selections opens up a significant number of potential possibilities for the creation of your living space.

Essentially, good siting is when a building appears to "belong" to the landscape rather than intruding upon it. The key to allowing a new dwelling to "belong in the landscape" is the selection of the correct site within the landscape and then to consider the characteristics of that site and develop the design of your house based on these characteristics. It is important for a dwelling to pay particular attention to the existing contours on a site to determine if a specifically designed dwelling can be accommodated on a site, making use of and working with the site levels. Digging out the site can be expensive and the creation an artificial platform can make the structure unnecessarily prominent.

The following should be looked at in relation to the site:

- What are the characteristics of the site?
- Are there features that should be retained or incorporated in the design?
- Is there a good view? How can the rooms and/or the dwelling be orientated to take advantage without losing the benefits of solar gain?
- Are there potential negative impacts on neighbouring properties?
- Are there viewpoints external to the site where the structure will be obvious in the landscape?
- How will the design affect the skyline?

Stage 3: Produce a concept

A design concept will bring together all the individuals' requirements and the assessments carried out will help to arrange the buildings on the site. This will show how the buildings will look on the ground. The production of a good design concept will form the basis for the preparation of detailed drawings to be submitted with a planning application.

Designing the right house for the right site:

The site selection and locating the dwelling appropriately in the site is critical. The key to designing a dwelling successfully is that the dwelling is designed for the site where it is to be built. It is important that designs are not just copied of other sites which the applicant may like for one reason or another. These structures may not suit the chosen site or possibly the individual needs of the future resident.

Before you start to think about a house type, it is important to study the character and physical attributes of the site. A site contour map can be drawn up and any proposal on this site should have minimal intervention with landscape features. It is vital that you design a dwelling based on the sites features and not the other way around. A building should reinforce the character of a particular landscape and compliment it through careful location, siting and building design.

The following characteristics should be central to the design process;

- Simple building form
- Well proportioned
- Sits comfortably in the landscape with as little disruption to the existing ecology as possible
- Maximize solar gain with rooms obtaining natural light throughout the day
- Sheltered from the weather
- Simple construction
- No unnecessary or non-functional ostentatious details on building
- Modern but distinctively rural
- Minimize areas of hard, non-porous surfacing
- A selection of landscape plants that are easy to maintain, deer resistant and drought tolerant.

Conclusion:

These guidelines are intended to assist in preserving and protecting the sensitive environment, heritage and rural character of South Pender Island and to ensure that the beauty and quiet enjoyment that we cherish are maintained for present and future generations.

South Pender Island lies within the Coastal Douglas fir bio-geoclimatic ecological zone which as a result of climate change, is becoming endangered. Many bird species and other animals within this zone are also diminishing in numbers. In the Salish Sea, one of our most iconic mammals, the Southern Killer Whale (Orca), is threatened by the activities and degradation of their environment by humans. Many species of fish, shellfish, and sea birds are also in decline.

The South Pender Official Community Plan (OCP), maintains that “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.” To achieve this goal the OCP calls for “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.” One of the policies to realize this goal is “the concept that land use and development should be compatible with the inherent capacity of the island.” This in itself, recognizes a person’s right to a healthy environment.

The Rights of Nature recognizes the impact by human beings is caused primarily by our attitude towards nature which views nature as an object or property, rather than a myriad of life forms. If we recognize the importance of “sustainability” then we need also to recognize limiting our use and impacts to Nature if we are to maintain a balance in the ecosystems in which we share with the plants, forests, and animals. Humans are ultimately connected to Nature, and our present and future generations can only be sustained when the environment is respected and healthy. For example, cutting down trees to build a home may be necessary but the clear cutting of large swaths of trees destroys a forest and the ecosystem in which many other plants and animal species depend upon to survive.

The First Nations who inhabited this region since time immemorial understood their connection to, and responsibility for, the sustainability of the land, waters and all other species, which ensured their survival through millennia.

I propose that the South Pender Island Official Community Plan recognize the Rights of Nature within an overall framework of sustainable development, in conjunction with other agencies, and with the involvement and participation of property owners, to:

- a) Prevent and control pollution and its effects and the harmful forms of erosion;
- b) Conduct and promote land use planning with a view to a correct location of activities, balanced social and economic development and the enhancement of the landscape;
- c) Create and develop natural and recreational areas and classify and protect landscapes and places, in such a way as to guarantee the conservation of nature and the preservation of cultural values and assets;

- d) Promote the rational use of natural resources, while safeguarding their ability to renew themselves and maintain ecological stability, with respect for the principle of inter-generational solidarity;
- e) Act in cooperation with other authorities, to promote the environmental quality of rural settlement, particularly on the architectural level and as regards the protection of historic zones;
- f) Promote the integration of environmental objectives into the various policies of a sectoral nature;
- g) Promote environmental education and respect for environmental values;
- h) Promote a tax policy that renders development compatible with the protection of the environment and the quality of life.

<https://therightsofnature.org/>

File No.: SP Minor OCP Amendments
Project

DATE OF MEETING: September 24, 2021
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: SP Minor OCP Amendments – Project Update

RECOMMENDATION

1. That the South Pender Island Local Trust Committee request staff to prepare a draft bylaw for the Minor Official Community Plan Amendments Project.

REPORT SUMMARY

This report is intended to provide options for the South Pender Island Local Trust Committee (LTC) regarding the Minor Official Community Plan (OCP) project.

BACKGROUND

At the July 9, 2021 Special Meeting, staff presented a staff report outlining options for the LTC's consideration. No resolutions were made regarding this project.

Background information regarding the project, staff reports, correspondence, and the Project Charter can be found on the South Pender Project webpage: <https://islandstrust.bc.ca/island-planning/south-pender/projects/>

South Pender APC

Staff referred the Building Design & Siting Guidelines and the Rights of Nature to the South Pender Advisory Planning Commission (APC). The South Pender APC provided the following resolutions at their July 16, 2021 meeting:

SP-APC-2021-010

It was Moved and Seconded,

That the following recommendations be provided to the South Pender Island Local Trust Committee:

- Discuss contents of the BDSG in a public forum.
- Prepare an information package of the BDSG for the general public and prospective Stakeholders (Real Estate Agents, Property Owners, Builders); place this on the Islands Trust website.
- Provide clarity and definition on the long term intent of the BDSG as guidelines only.

CARRIED

SP-APC-2021-011

It was Moved and Seconded,

That the following recommendations be provided to the South Pender Island Local Trust Committee:

- The Rights of Nature is a matter for Provincial Legislation, following similar initiatives by other provinces and territories and the SPI Local Trust Committee should defer appending reference to the SPI OCP until such Provincial Legislation is enacted.

CARRIED

ANALYSIS

Official Community Plan:

The following are topics the South Pender have identified to include in the Minor OCP Amendment Project:

Building Design & Siting Guidelines

The LTC could potentially utilize the Development Variance Permit (DVP) process to support applications with specific design features that are within a reasonable scope of the variance being applied for. Although the LTC has the discretion to approve or not approve a DVP application, the LTC cannot include conditions to the development variance permit. In other words, the LTC could not resolve to approve the DVP with the condition that the applicant incorporates specific unrelated design features in their development. Rather the applicant would be made aware that by incorporating some aspects of the building design and siting guidelines into their proposal may help support their application. For example it would not be reasonable for a DVP for the addition of a deck to require substantial design changes to the house but rather incorporate natural building finishes and design features that decrease visual prominence.

In order to achieve this incentivizing of the implementation of the Building Design and Siting Guidelines for DVP applications, the guidelines would be edited and attached to the OCP as a schedule or appendix. In addition, a new policy should be added to the OCP correlating the DVP process to the building design and siting guidelines. If the LTC supports this process, staff will edit the draft guidelines and provide potential OCP policy amendments for the LTC's consideration that are attached to this staff report.

If the building design and siting guidelines are attached to the OCP, the guidelines are not enforceable and would only be applicable when the LTC is reviewing a DVP application as mentioned above. Adhering to the guidelines would help support a DVP application, but the guidelines are not enforceable.

Options:

1. That the South Pender Island Local Trust Committee direct staff to include the Building Design and Siting Guidelines in the draft bylaw for the Minor Official Community Plan Amendment Project.
2. That the South Pender Island Local Trust Committee remove the Building Design and Siting Guidelines from the Minor Official Community Plan Amendment Project.

First Nations OCP Language

The LTC has identified adding an acknowledgement statement to the introductory of the OCP as part of this project. The Senior Intergovernmental Policy Advisor is in the process of drafting a letter to First Nations to introduce the project, and to invite comment on a draft version of the introductory statement. At the time of writing this staff report the draft wording was not available. Staff's deadline is to send this letter and draft wording to First Nations by end of September 2021 with the intent to have comments back before the November 5 LTC meeting.

Options:

3. That the South Pender Island Local Trust Committee direct staff to include a First Nations acknowledgment statement to the draft bylaw for the Minor Official Community Plan Amendment Project.
4. That the South Pender Island Local Trust Committee remove the First Nations acknowledgment statement from the Minor Official Community Plan Amendment Project.

Rights of Nature policy

Trustee Wright provided a document outlining rights of nature principles and policies. If the LTC wishes to add the Rights of Nature document into the OCP the following is recommended:

1. Add an introductory statement to the OCP:

“South Pender Island lies within the Coastal Douglas fir bio-geoclimatic ecological zone which as a result of climate change, is becoming endangered. Many bird species and other animals within this zone are also diminishing in numbers. In the Salish Sea, one of our most iconic mammals, the Southern Killer Whale (Orca), is threatened by the activities and degradation of their environment by humans. Many species of fish, shellfish, and sea birds are also in decline.

The South Pender Official Community Plan (OCP), maintains that “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.” To achieve this goal the OCP calls for “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.” One of the policies to realize this goal is “the concept that land use and development should be compatible with the inherent capacity of the island.” This in itself, recognizes a person’s right to a healthy environment.

The Rights of Nature recognizes the impact by human beings is caused primarily by our attitude towards nature which views nature as an object or property, rather than a myriad of life forms. If we recognize the importance of “sustainability” then we need also to recognize limiting our use and impacts to Nature if we are to maintain a balance in the ecosystems in which we share with the plants, forests, and animals. Humans are ultimately connected to Nature, and our present and future generations can only be sustained when the environment is respected and healthy. For example, cutting down trees to build a home may be necessary but the clear cutting of large swaths of trees destroys a forest and the ecosystem in which many other plants and animal species depend upon to survive.

The First Nations who inhabited this region since time immemorial understood their connection to, and responsibility for, the sustainability of the land, waters and all other species, which ensured their survival through millennia.”

2. Incorporate all or some of the following as advocacy policies in the OCP:

“a) Prevent and control pollution and its effects and the harmful forms of erosion;

b) Conduct and promote land use planning with a view to a correct location of activities, balanced social and economic development and the enhancement of the landscape;

c) Create and develop natural and recreational areas and classify and protect landscapes and places, in such a way as to guarantee the conservation of nature and the preservation of cultural values and assets;

d) Promote the rational use of natural resources, while safeguarding their ability to renew themselves and maintain ecological stability, with respect for the principle of inter-generational solidarity;

e) Act in cooperation with other authorities, to promote the environmental quality of rural settlement, particularly on the architectural level and as regards the protection of historic zones;

f) Promote the integration of environmental objectives into the various policies of a sectoral nature;

g) Promote environmental education and respect for environmental values;

h) Promote a tax policy that renders development compatible with the protection of the environment and the quality of life.”

If the LTC agrees with incorporating the Rights of Nature as outlined above, the next step would be give direction to staff to review the wording and provide recommendations on where to insert the advocacy policies into the OCP. The South Pender APC made a recommendation to the LTC to defer adding the Rights of Nature to the OCP until provincial legislation is enacted.

Options:

5. That the South Pender Island Local Trust Committee direct staff to the Rights of Nature policy to the draft bylaw for the Minor Official Community Plan Amendment Project.
6. That the South Pender Island Local Trust Committee remove the Rights of Nature policy from the Minor Official Community Plan Amendment Project.

Project Charter

The project charter was endorsed by the LTC at the previous May 7, 2021 LTC meeting. Below is the timeline in the Project Charter:

Table 1 – Project Timeline

Workplan Overview	
Deliverable/Milestone	Date
LTC consideration of draft project charter	May 2021
Staff report on amendments, identifying options for the LTCs consideration	July 2021
Consultation with stakeholders	July-Sept 2021
Staff to engage with First Nation for introductory/acknowledgement statement	July-Sept 2021
Bylaw drafting and legal review (if required)	Fall 2021
First Reading	November 2021
Community Information Meeting/Public Hearing	Early 2022
Further bylaw readings, EC and Minister referral	June 2022

Consultation

Staff are recommending early consultation with community members beyond what is required by statutory requirements. The LTC should consider scheduling a Community Information Meeting (CIM) when a draft version of the bylaw is available, but before First Reading.

Rationale for Recommendation

Staff are recommending the LTC give direction to initiate the bylaw drafting process. Drafting the bylaw will be beneficial for the following reasons:

1. Gives direction to staff to review, edit, and amend where necessary all documents provided by Trustees Wright and Thorn that may be included in the OCP amendment. To date staff have not provided a technical review of these documents.
2. Allows community members to review the draft policy and guidelines in a formalized format and may provide clarity. Also it is beneficial for community members to review a draft bylaw prior to a Community Information Meeting in order to provide specific comments and recommendations on the draft bylaw. Also gives reassurance to community members that they are reviewing the most current document.
3. Giving direction to staff to draft bylaws does not preclude the LTC from making further revisions.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to commencing and completing the project. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request that the staff provide further information regarding...

2. Reconsideration of project

The LTC may choose to focus on different priorities instead of a technical review of the LUB. If selecting this alternative, recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee not pursue the Minor OCP Amendments Project and to remove the project from the Top Priority Project List.

3. Schedule Community Information before draft bylaw

The LTC may schedule a CIM prior to a draft bylaw. Disadvantages are there are different versions of draft documents circulated (no formal bylaw) which have not been reviewed by staff.

That the South Pender Island Local Trust Committee schedule a Community Information Meeting for the Minor OCP Amendment Project.

4. Receive for information

The LTC may receive the report for information

NEXT STEPS

Next steps include:

- Collaborate with First Nations to draft the First Nation introductory statement
- Initiate draft OCP bylaw amendment.

- Provide options to the LTC for Community Information Meeting to gather input from community on draft bylaw.

Submitted By:	Kim Stockdill, Island Planner	September 16, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	September 16, 2021

ATTACHMENTS

1. Building Design and Siting Guidelines dated July 4, 2021
2. Rights of Nature

Vision Statement:

The South Pender Building Design & Siting Guidelines are intended to support the South Pender Island Official Community Plan and in particular, the following two primary goals:

2.2.1 To maintain the island's rural character so community members and visitors may continue to enjoy a sense of tranquility, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment;

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.

These guidelines draw upon objective criteria and a variety of approaches for creating thoughtfully designed, energy efficient homes and accessory structures which also relate to, and are in harmony with, their natural surroundings. These guidelines are intended to promote an appreciation of our island's history, create an understanding of our rural character, and reinforce our regional identity. These guidelines are presented to encourage imaginative, site specific designs which result in buildings whose design, siting and massing meet the objectives laid out below.

Purpose: These guidelines encourage owners, architects, designers, and builders to design and site structures on the property by considering the topography of the land, its ecology, and the natural character of the island and our rural community.

Objectives:

- To site buildings in a way that will integrate them with the landscape, though the use of a diversity of architectural styles, the use of regionally sourced building materials and the use of exterior colours which compliment the natural character of the island,
- To encourage the use of energy saving technologies to reduce greenhouse gases,
- To encourage consideration and respect of neighbouring properties when siting and designing a building, and;
- To encourage designs that maintain compatibility with the character of the neighbourhood and overall community and decrease the visual prominence of a building.

Site Preparation:

Clear the land only where necessary maintaining as much contiguous forest cover as possible. Prior to removing trees, consider shade requirements, wind direction, wildlife habitat, water retention and drainage. Functional issues such as road access, services, drainage and septic disposal, should be considered along with the layout of structures which will result in an integrated site plan. Excessive excavation and it's mitigation can be expensive, unnecessary, and damage or alter the landscape forever.

Principles of Design:

A design should consider every aspect of a building and its setting to achieve an outcome that responds to the needs of the individual while integrating into the landscape. Designs should take into account future maintenance and repair requirements. Historically, most homes were simple, modest, and owners had the knowledge and ability to maintain and repair their homes. Complex designs or those with complicated construction methods and materials may be beyond many owners have capability. Relying on others to do the necessary work may be problematic and costly because the work force in small communities is limited. Look to the future by considering potential mobility issues that may occur and create difficulties with stairs and access. Other considerations include:

1. Keep the design simple. This should be accomplished in a restrained, proportionate, manner such that each building remains subordinate to the natural and rural character.
2. Consider a diversity of styles: - Avoid a repetition of a single style within a neighbourhood. Choose designs that contribute to the character of the overall community.
3. Be consistent within an individual building: - avoid a variety of design features or those that are non-functional, or ostentatious.

The Design Process:

Stage 1: Define the objectives. Inform your architect/designer what you require with respect to your individual lifestyle. A good understanding of what you need and what you don't, with respect to the size of the home, may take time but may save disappointment later on.

Stage 2: Assess the site. Of all the factors, site selection has the biggest influence on how successfully a dwelling can blend into its natural surroundings. Poor site selection can result in significant limitations on how you create your living space as its position in the landscape may complicate construction.

Siting of structures should be addressed at the initial stage of developing properties and should utilize natural topography and minimize disturbance to the ecology and the visual impact of new structures by helping the building "belong" to the landscape rather than intruding upon it. Consider local knowledge when siting homes to take into account particular micro-climate influences in your specific area, such as potable water sources, soil conditions, wind and rain direction, summer heat, early frosts, and drainage routes. The design of the house itself will also help in how it relates to the site and the wider landscape. Good natural sites offer shelter, privacy and take advantage of solar applications.

Consideration should be given to the prominence of the structure and how it impacts views from adjacent properties and the visual impact from other view corridors.

Stage 3: Produce a concept. A design concept will bring together all the individuals' requirements and will help to arrange the residence and accessory buildings on the site with a visual representation. A site contour map may also be beneficial.

Landscaping:

- The character of the rural garden can be defined as something which requires minimal intervention to the existing landscape and native plants. Select plants that are deer resistant, drought tolerant and non-invasive.
- Planting zones can create pathways, enclosures, privacy, wildlife habitats, boundary treatments and limit expansive areas of pavement and lawns. Planting can be used to soften the geometric impact between the built environment and the natural landscape.
- The endangered Coastal Douglas Fir ecosystem is one of the most important features of the community. Unnecessary fragmentation of this forest landscape is discouraged. Rather than cut trees for view corridors, consider "windowing" by trimming branches.

Hard surfaces and paving materials:

- For driveways, patios, and walkways, avoid large, continuous, areas of paving and consider using porous materials that permit percolation of water and aeration in soils.

Fencing:

- Not every property needs a fence or wall along its entire perimeter. Keep fencing to a minimum around specific areas requiring protection and/or screening.
- Consider the neighbourhood and adjoining properties when designing and installing a fence or wall.

For further information, please refer to these publications available on the Islands Trust website:

South Pender Island lies within the Coastal Douglas fir bio-geoclimatic ecological zone which as a result of climate change, is becoming endangered. Many bird species and other animals within this zone are also diminishing in numbers. In the Salish Sea, one of our most iconic mammals, the Southern Killer Whale (Orca), is threatened by the activities and degradation of their environment by humans. Many species of fish, shellfish, and sea birds are also in decline.

The South Pender Official Community Plan (OCP), maintains that “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.” To achieve this goal the OCP calls for “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.” One of the policies to realize this goal is “the concept that land use and development should be compatible with the inherent capacity of the island.” This in itself, recognizes a person’s right to a healthy environment.

The Rights of Nature recognizes the impact by human beings is caused primarily by our attitude towards nature which views nature as an object or property, rather than a myriad of life forms. If we recognize the importance of “sustainability” then we need also to recognize limiting our use and impacts to Nature if we are to maintain a balance in the ecosystems in which we share with the plants, forests, and animals. Humans are ultimately connected to Nature, and our present and future generations can only be sustained when the environment is respected and healthy. For example, cutting down trees to build a home may be necessary but the clear cutting of large swaths of trees destroys a forest and the ecosystem in which many other plants and animal species depend upon to survive.

The First Nations who inhabited this region since time immemorial understood their connection to, and responsibility for, the sustainability of the land, waters and all other species, which ensured their survival through millennia.

I propose that the South Pender Island Official Community Plan recognize the Rights of Nature within an overall framework of sustainable development, in conjunction with other agencies, and with the involvement and participation of property owners, to:

- a) Prevent and control pollution and its effects and the harmful forms of erosion;
- b) Conduct and promote land use planning with a view to a correct location of activities, balanced social and economic development and the enhancement of the landscape;
- c) Create and develop natural and recreational areas and classify and protect landscapes and places, in such a way as to guarantee the conservation of nature and the preservation of cultural values and assets;

- d) Promote the rational use of natural resources, while safeguarding their ability to renew themselves and maintain ecological stability, with respect for the principle of inter-generational solidarity;
- e) Act in cooperation with other authorities, to promote the environmental quality of rural settlement, particularly on the architectural level and as regards the protection of historic zones;
- f) Promote the integration of environmental objectives into the various policies of a sectoral nature;
- g) Promote environmental education and respect for environmental values;
- h) Promote a tax policy that renders development compatible with the protection of the environment and the quality of life.

<https://therightsofnature.org/>

File No.: SP Minor OCP Amendments
Project

DATE OF MEETING: November 5, 2021
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: SP Minor OCP Amendments Project – Draft Bylaw No. 123

RECOMMENDATION

1. That the South Pender Island Local Trust Committee Bylaw No. 123, cited as the “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021” be read a first time.
2. That the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 123, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021”, is not contrary to or at variance with the Islands Trust Policy Statement.
3. That the South Pender Island Local Trust Committee direct request staff to schedule a Community Information Meeting for draft Bylaw No. 123.

REPORT SUMMARY

The purpose of this report is to provide a draft bylaw for the Minor Official Community Plan (OCP) project. The draft bylaw is attached (Attachment No. 1) for the South Pender Island Local Trust Committee’s (LTC) consideration and the Islands Trust Policy Statement is attached (Attachment No. 2) for the LTC’s review.

BACKGROUND

At the September 24, 2021 regular LTC meeting, staff presented a staff report outlining options for the LTC’s consideration. The following resolution was passed:

SP-2021-048

It was MOVED and SECONDED

that the South Pender Island Local Trust Committee request staff to prepare a draft bylaw for the Minor Official Community Plan Amendments Project.

CARRIED

Background information regarding the project, staff reports, correspondence, and the Project Charter can be found on the South Pender Project webpage: <https://islandstrust.bc.ca/island-planning/south-pender/projects/>

ANALYSIS

Draft Bylaw No. 123.

The draft bylaw is attached for the LTC's consideration and the following three topics are included in the bylaw.

First Nations Acknowledgment Statement

The Senior Intergovernmental Policy Advisor provided draft wording for the First Nations Acknowledgement Statement. This statement may be amended after comments and recommendations are received from the early engagement and formal referral with the WSANEC Leadership Council. The statement, if adopted, will be placed at the beginning of the OCP as the first subsection in 'Section 1.2 Introduction'.

Building Design & Siting Guidelines

The reviewed and edited guidelines are included in the draft bylaw and, if adopted, will be attached as an appendix to the OCP. A residential land use policy was also added to the draft bylaw so that Development Variance Permit applications to vary residential maximum floor area for dwellings incorporate the guidelines into the building proposal. The draft wording for this policy is as follows:

"v) If the Local Trust Committee considers Development Variance Permit applications to vary the maximum floor area of residential dwellings, 'Appendix 10.1 South Pender Island Local Trust Committee Building Design and Siting Guidelines' should be incorporated into the building proposal where feasible."

Rights of Nature

The draft bylaw includes a new Subsection under the OCP Section '5.1 Natural Environment'. The new subsection (5.1.6) includes a background statement and advocacy policies regarding Rights of Nature as provided by Trustee Wright.

If the LTC wishes to make any amendments to the draft bylaw, the LTC should put a resolution forward as outlined in the 'Alternatives' section of this staff report – Alternative no. 1.

Consultation

As the project would involve an OCP amendment, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. Staff have identified the following agencies and First Nations for referrals:

- | | |
|---|---------------------------|
| - Capital Regional District – Building Inspection | - Lyackson First Nation |
| - Ministry of Municipal Affairs & Housing | - Malahat First Nation |
| - BC Assessment Authority | - Pauquachin First Nation |
| - Saturna Island Local Trust Committee | - Penelakut Tribe |
| - North Pender Island Local Trust Committee | - Semiahmoo First Nation |
| - Islands Trust – Bylaw Enforcement | - Stz'uminus First Nation |
| - WSANEC Leadership Council | - Tsartlip First Nation |
| - Cowichan Tribes | - Tsawout First Nation |
| - Halalt First Nation | - Tsawwassen First Nation |
| - Lake Cowichan First Nation | - Tseycum First Nation |

The LTC should consider if it wishes to undertake additional consultation than identified above and direct staff accordingly.

If the LTC would like to send the bylaw to the South Pender Island Advisory Planning Commission (APC) for comment, a resolution is required (see 'Alternative No. 4' below for draft motion).

First Nations

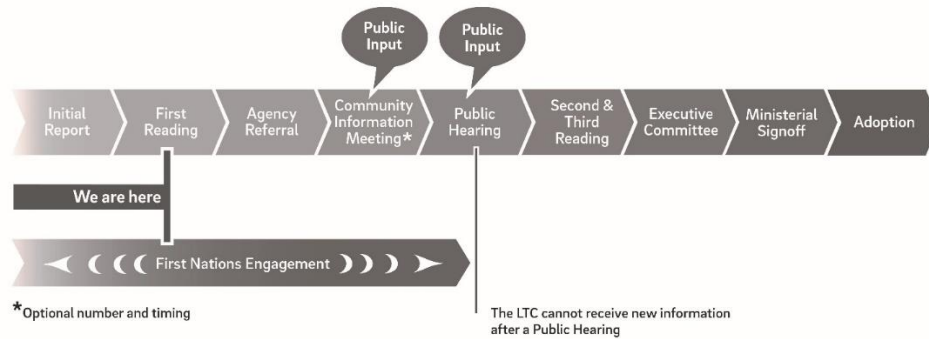
The Senior Intergovernmental Policy Advisor prepared an early engagement letter and recommended it be sent to the WSANEC Leadership Council to introduce the project, and to invite comment on a draft version of the introductory statement. As the letter was sent out last week, no comments have been received at the time of writing this staff report. We hope to receive comments by mid-December at the latest.

Timeline

Staff recommend the following timeline for the Minor OCP project:

- September 24, 2021 regular LTC meeting:
 - LTC gave direction to **staff to draft bylaw**
- November 5, 2021 regular LTC meeting:
 - **Early engagement letter to WSANEC Leadership Council** sent
 - LTC to review draft bylaw
 - LTC to give **First Reading of draft bylaw**
 - LTC to determine if proposed bylaw is in compliance **with current Islands Trust Policy Statement (ITPS)**
 - LTC to give **direction to schedule a Community Information Meeting (CIM)** at next regular LTC meeting (tentatively scheduled for February 4, 2022)
 - Staff to send proposed bylaw out for **formal referral** to First Nations and government agencies in late December/early January
- February 4, 2022 regular LTC meeting:
 - **Community Information Meeting is held** during regular meeting to gather comments and answer questions from community members for proposed Bylaw No. 123
 - LTC can make amendments to proposed bylaw, if necessary, to incorporate any recommended changes to the bylaw from the early engagement with the WSANEC Leadership Council
 - LTC can give Second Reading to proposed bylaw, or wait for next LTC meeting
 - LTC to give **direction to staff to schedule a Public Hearing** for next LTC meeting (March 4th)
- March 4, 2022 regular LTC meeting:
 - LTC to review comments/recommendations from formal referrals (First Nations and government agencies) and from comments collected from the February 4th CIM
 - LTC can amend proposed bylaw if necessary.
 - LTC to give **Second Reading** (not necessary if Second Reading was given on Feb 4th)
 - **Formal Public Hearing is held** as part of March 4th regular meeting
 - LTC to give **Third Reading**
 - LTC to refer **bylaw to EC and the Minister for approval**

The above timeline is in line with the timeline outlined on the [Project Charter](#). The following graphic provides a visual representation of a typical bylaw adoption process:



Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required for any bylaw amendment and it is normal practice to hold a Community Information Meeting (CIM) prior to that. Staff recommend scheduling a CIM at a separate LTC meeting from the public hearing (as outlined above under 'Timeline'). A Public Hearing would then be tentatively scheduled for the March 4, 2022 regular LTC meeting.

Islands Trust Policy Statement

The draft bylaw amendment is consistent with the policy directives of the Policy Statement. The Policy Statement Directives Checklist is included as Attachment 2 and will need to be endorsed by the LTC if the LTC gives first reading to the draft bylaw. The checklist will then be forwarded to the Executive Committee after third reading of the proposed bylaw.

Rationale for Recommendation

The LTC gave direction to staff to draft bylaw amendments based on recommendations made in the September 24th, 2021 staff report. Staff have presented a draft bylaw for the LTC's consideration based on their recommendation and the project charter.

ALTERNATIVES

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

1. Direction to amend draft bylaw

The LTC may wish to make amendments to the draft bylaw. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee amend draft Bylaw No. 123 by...

2. Request further information

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

That the South Pender Island Local Trust Committee request staff to provide further information on...

3. Schedule a CIM and Public Hearing at the same meeting

The LTC may wish to schedule a CIM and public hearing at the same meeting. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee direct request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 123, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021".

4. Refer staff report with draft bylaw to the Advisory Planning Commission

The LTC may opt to refer the staff report with the draft bylaw to the Advisory Planning Commission to provide comments on the draft bylaw or other possible amendments. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request staff to refer the staff report dated November 5, 2021 and draft Bylaw No. 123 regarding the Minor OCP Amendments Project to the South Pender Island Advisory Planning Commission for comment.

5. Proceed no further

The LTC may choose to make no amendments to the South Pender OCP. The project would be removed from the Top Priority List.

NEXT STEPS

Based on direction from the LTC, staff will:

- Proceed with bylaw referrals to First Nations and government agencies in December/January.
- Schedule CIM for the first LTC meeting in 2022.

Submitted By:	Kim Stockdill Island Planner	October 27, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	October 27, 2021

Attachments:

1. Draft Bylaw No. 123 (OCP amendment)
2. Islands Trust Policy Statement

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 123**

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

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

1. CITATION

This Bylaw may be cited for all purposes as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021".

2. SCHEDULES

South Pender Island Official Community Plan No. 107, 2011 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 MUNICIPAL AFFAIRS AND HOUSING
THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 123**

SCHEDULE 1

The South Pender Island Official Community Plan Bylaw No. 107, 2011, is amended as follows:

1. By adding the following new Subsection under Section '1.2 Introduction' and renumbering the Subsections accordingly:

"1.2.1 Acknowledgement and Reconciliation of First Nations Place, Context and Inherent Rights

S,DÁYES – wind drying

Central Coast Salish Peoples have occupied and utilized the lands and waters of S,DÁYES, the place now known as South Pender Island, since time immemorial. The SENĆOŦEN and Hul'qumínum speaking people include the WJOŁŁP (Tsartlip), BOŖEĆEN (Pauquachin), SŖÁUTW (Tsawout), WSIŖEM (Tseycum) and MÁLEXEL (Malahat) Nations; and the SEMYOME, Tsawwassen, Penelakut, Lyackson, Halalt, Stz'uminus, and Lake Cowichan Nations.

The WŚÁNEĆ Peoples (meaning The Emerging Peoples) speak a language called SENĆOŦEN, and have a rich and vibrant economic, social, cultural, and spiritual life that is connected to these lands and waters. The lands and waters of the WŚÁNEĆ Peoples is enriched with history, place names, village sites, cultural locations and ancestral resting places, and sacred sites that need to be honoured and respected. The history of the Central Coast Salish Peoples is sustained and continues in the language, oral history, place names, village sites, cultural and sacred sites, and landscapes that encompass this place they call home, it was never extinguished and continues in the treaty, and territorial lands and waters they caretake for future generations.

South Pender Island is also the location of the SŖÁUTW (Tsawout) First Nation and WSIŖEM (Tseycum) First Nation reserve #7. South Pender Island is a place with many village sites and places names including: QENENIW (meaning watching the slack tide); SMONEĆ (meaning pitch for fire-starting); SŖTIS (meaning candle neck duck); YEUWE (meaning fortune teller from oral history stories); and XELISEN – (meaning lost middle). The preservation and protection of village sites, cultural heritage sites, archaeological sites and objects, and ancestral resting places requires sensitivity and respect and is an important part of reconciliation. Cultivation areas both on land and in marine areas include camas meadows, reef-netting locations and clam gardens, and hunting and harvest areas for Indigenous food resources, inherent rights, and medicine.

The South Pender Local Trust Committee is committed to reconciliation and the acknowledgement of Indigenous place and history. The South Pender Local Trust Committee seeks to build relationships and to collaborate with First Nations and the Indigenous community to protect cultural places, preserve and increase access to culturally

significant species and food sources, and celebrate the culture, history, language, and art of First Nations within the area.

As part of the South Pender Local Trust Committee (LTC) commitment to support the goals of reconciliation the South Pender LTC recognizes the importance of preserving and protecting the following culturally significant plants and food/medicines for First Nations and Indigenous communities:

- SPÁÁNW (camas) and any areas of SPÁÁNW meadows or cultivation areas;
- KÁŦEŁĆ (ocean spray) a hardwood for making tools from arrows and harpoon shafts, to salmon skewers and needles;
- ELILE,İŁĆ (salmonberry) and DEKĖNİŁĆ (thimbleberry) plants their shoots and berries and cultivation areas;
- ŁEKES (Porphyra) edible seaweeds and the conservation of shoreline and upland areas that preserve ŁEKES habitat;
- Á,ĆEX (crab) a traditional food;
- SQŁÁ,İ, (littleneck clam), S,OXE, (butter) SWÁÁM (horse clam), STELO,EM, (cockles), ŁÁU,ĶEM, (bay mussel) and İEXİEX (pacific oyster) and the areas in which they are harvested; including conservation to reduce pollutants that lead to the closer and degradation of these species;
- XPÁ, (western red cedar) for house posts and planks, totem poles, dugout canoes, mats, baskets, clothing, and cordage, and the preservation of this species for future generation;
- ŦŦÁ,ELĆ (broad-leaf maple) for paddles and spindle whorls;
- JSÁ,İŁĆ (Douglas-fir), SKĖMÍ,EKŠ (grand fir), and KEKEŦİŁĆ (arbutus) and the conservation of these species for future generations.

The South Pender LTC will undertake actions within its regulatory bylaws and advocacy work in collaboration with the local community to welcome and meaningfully include local First Nations and Indigenous community to the islands and waters of the area to:

- identifying sites of First Nations significance and ensure their protection;
- celebrate and look for opportunities to incorporate First Nation languages on public signage;
- advocate for the renaming places of significance;
- prioritize local Indigenous public art;
- respect and honour First Nations village sites and ancestral resting places;
- preserve traditional harvesting, fishing, and medicine gathering locations including fish trap areas, sacred places, traditional trails, canoe runs, and bathing sites, and allow for ceremonial use of those locations;
- advocate with community to create opportunities to learn, understand, and honour First Nations culture, history, and values;

- seek to engage meaningfully with local First Nations before developing park areas, public spaces, beach accesses, trails, and educational materials;
- consider changes to land use, building height and density to reduce impacts in areas defined as culturally sensitive and/or significant due to cultural heritage sites, or cultural food sources.”

2. By adding the following new clause to Article 3.1.2(a) (Land Use):

“v) If the Local Trust Committee considers Development Variance Permit applications to vary the maximum floor area of residential dwellings, ‘Appendix 10.1 South Pender Island Local Trust Committee Building Design and Siting Guidelines’ should be incorporated into the building proposal where feasible.”

3. By adding the following new subsection after Subsection ‘5.1.5 Hazardous Condition Areas:

“5.1.6 South Pender Island & Rights of Nature

Background

South Pender Island lies within the Coastal Douglas fir bio-geoclimatic ecological zone which as a result of climate change, is becoming endangered. Many bird species and other animals within this zone are also diminishing in numbers. In the Salish Sea, one of our most iconic mammals, the Southern Killer Whale (Orca), is threatened by the activities and degradation of their environment by humans. Many species of fish, shellfish, and sea birds are also in decline.

The South Pender OCP maintains that “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.” To achieve this goal the OCP calls for “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.” One of the policies to realize this goal is “the concept that land use and development should be compatible with the inherent capacity of the island.” This in itself, recognizes a person’s right to a healthy environment.

The Rights of Nature recognizes the impact by human beings is caused primarily by our attitude towards nature which views nature as an object or property, rather than a myriad of life forms. If we recognize the importance of sustainability then we need also to recognize limiting our use and impacts to Nature if we are to maintain a balance in the ecosystems in which we share with the plants, forests, and animals. Humans are ultimately connected to Nature, and our present and future generations can only be sustained when the environment is respected and healthy. For example, cutting down trees to build a home may be necessary but the clear cutting of large swaths of trees destroys a forest and the ecosystem in which many other plants and animal species depend upon to survive.

The First Nations who inhabited this region since time immemorial understood their connection to, and responsibility for, the sustainability of the land, waters and all other species, which ensured their survival through millennia.

5.1.6 (a) Rights of Nature Policies

Advocacy Policies

- i. Prevent and control pollution and its effects and the harmful forms of erosion.
- ii. Conduct and promote land use planning with a view to a correct location of activities, balanced social and economic development and the enhancement of the landscape.
- iii. Create and develop natural and recreational areas and classify and protect landscapes and places, in such a way as to guarantee the conservation of nature and the preservation of cultural values and assets.
- iv. Promote the rational use of natural resources, while safeguarding their ability to renew themselves and maintain ecological stability, with respect for the principle of inter-generational solidarity.
- v. Act in cooperation with other authorities, to promote the environmental quality of rural settlement, particularly on the architectural level and as regards the protection of historic zones.
- vi. Promote the integration of environmental objectives into the various policies of a sectoral nature.
- vii. Promote environmental education and respect for environmental values.
- viii. Promote a tax policy that renders development compatible with the protection of the environment and the quality of life."

4. By adding the following new part after 'Part 9 – Administration':

"PART 10 – APPENDICES

10.1 South Pender Island Local Trust Committee Building Design and Siting Guidelines

Vision Statement:

The South Pender Island Local Trust Committee Building Design & Siting Guidelines are intended to support the South Pender Island Official Community Plan and in particular, the following two Official Community Plan policies:

2.2.1 To maintain the island's rural character so community members and visitors may continue to enjoy a sense of tranquility, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment;

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.

The guidelines draw upon objective criteria and a variety of approaches for creating thoughtfully designed, energy efficient dwellings and accessory buildings and structures which also relate to, and are in harmony with, the natural surroundings. The guidelines are intended to promote an appreciation of South Pender Island's history, create an understanding of the rural character, and reinforce the regional identity. The guidelines are presented to encourage imaginative, site specific designs while achieving the guideline's objectives for design, siting and size.

Purpose: The guidelines encourage the design and siting of buildings and structures on a property by considering the topography of the land, its ecology, and the natural and rural character of South Pender Island.

Objectives:

- To site buildings and structures on a property that will integrate with the landscape, through the use of a diversity of architectural styles, the use of regionally sourced building materials and the use of exterior colours which compliment the natural character of the island;
- To encourage the use of energy saving technologies to reduce greenhouse gases;
- To encourage the consideration and respect of neighbouring properties when siting and designing a building or structure; and,
- To encourage designs of buildings and structures that maintain compatibility with the character of the neighbourhood and community, and to decrease the visual prominence of a building or structure.

Guideline 1 - Principles of Design

A design should consider every aspect of a building and its setting to achieve an outcome that responds to the needs of the individual while integrating into the landscape. Designs should also take into account future maintenance and repair requirements. Historically, most homes were simple, modest, and owners had the knowledge and ability to maintain and repair their homes.

- Keep the design simple. This should be accomplished in a restrained, proportionate, manner such that each building remains subordinate to the natural and rural character.
- Consider a diversity of styles. Avoid a repetition of a single style within a neighbourhood and choose designs that contribute to the overall character of the community.
- Complex designs or complicated construction methods and materials may difficult to source.
- Be consistent within an individual building. Avoid a variety of design features or those that are nonfunctional, or ostentatious.
- Consider age-friendly design principles to create easy access or reduce mobility issues.

Guideline 2 - Define the Objectives

Consider reducing the floor area of the building or structure while still achieving the desired form and function.

Guideline 3 - Selecting a Building Site

Selecting an appropriate building site can influence how successful a dwelling can blend into its natural surroundings. Siting of buildings and structures should be addressed at the pre-design stage and should utilize the natural topography while minimizing disturbance to the ecology and the visual impact in order to blend in with the nature environment. Consider local knowledge when siting dwelling units and take into account the particular micro-climate influences in your specific area, such as potable water sources, soil conditions, wind and rain direction, summer heat, early frosts, and drainage routes. Well selected building sites can offer shelter from the elements, privacy and take advantage of solar applications. Consideration should be given to the prominence of the building or structure and how it impacts views from adjacent properties and other view corridors.

Guideline 4 - Produce a Design Concept and Site Plan

- Prepare a visual design concept plan, building and elevation plans, and site plan that will achieve the objectives of these guidelines. A site contour map may also be beneficial.

Guideline 5 - Site Preparation

- Clear the land only where necessary while maintaining as much contiguous forest cover as possible. Prior to removing trees, consider shade requirements, wind direction, wildlife habitat, water retention and drainage. In addition, road access, services, drainage and sewage disposal should be considered along with location of buildings and structure which will result in a well-integrated site plan. Excessive excavation and its mitigation can be expensive, unnecessary, and damaging to the natural landscape.

Guideline 6 - Landscaping

- The character of the rural garden can be defined as something which requires minimal intervention to the existing landscape and native plants. Select plants that are deer resistant, drought tolerant and non-invasive.
- Planting zones can create pathways, enclosures, privacy, wildlife habitats, and can reduce or limit expansive areas of pavement and lawns. Planting can be used to soften the geometric impact between the built environment and the natural landscape.
- The endangered Coastal Douglas Fir ecosystem is one of the most important features of the community. Unnecessary fragmentation of this forest landscape is discouraged. Rather than cut trees for view corridors, consider “windowing” by trimming branches.

Guideline 7 - Hard surfaces and Paving Materials

- For driveways, patios, and walkways, avoid large, continuous areas of paving and consider using porous materials that permit percolation of water and aeration in soils.

Guideline 8 - Fencing

- Not every property needs a fence or wall along its entire perimeter. Keep fencing to a minimum around specific areas requiring protection and/or screening.
- Consider the neighbourhood and adjoining properties when designing and installing a fence or wall.”

DRAFT



Islands Trust

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20 Minor OCP Amendments Project
File Name: SP LTC Bylaw No. 123

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, 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 CHECKLIST

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 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
	3.1	Ecosystems
✓	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.
N/A	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.
N/A	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.
	3.2	Forest Ecosystems
N/A	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.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	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.
	3.4	Coastal and Marine Ecosystems
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	Agricultural Land
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	Forests
N/A	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.
N/A	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.
N/A	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.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
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	Coastal Areas and Marine Shorelands
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	Soils and Other Resources
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
	5.1	Aesthetic Qualities
N/A	5.1.3	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.
	5.2	Growth and Development
✓	5.2.3	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.
N/A	5.2.4	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.
N/A	5.2.5	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.
N/A	5.2.6	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.
	5.3	Transportation and Utilities
N/A	5.3.4	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.
N/A	5.3.5	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.
N/A	5.3.6	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.
N/A	5.3.7	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.
	5.4	Disposal of Waste
N/A	5.4.4	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

	5.5	Recreation
N/A	5.5.3	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.
	5.6	Cultural and Natural Heritage
✓	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.
✓	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.
	5.7	Economic Opportunities
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.
	5.8	Health and Well-being
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.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

File No.: SP Minor OCP Amendments
Project

DATE OF MEETING: February 4, 2022
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: SP Minor OCP Amendments Project – Proposed Bylaw No. 123

RECOMMENDATION

No recommendations at this time.

REPORT SUMMARY

The purpose of this report is to provide the amended proposed bylaw for the Minor Official Community Plan (OCP) project. The bylaw is attached (Attachment No. 1) for the South Pender Island Local Trust Committee's (LTC) review.

BACKGROUND

At the November 5, 2021 regular LTC meeting, staff presented a staff report outlining options for the LTC's consideration. The following resolution was passed:

SP-2021-056

It was **MOVED** and **SECONDED**

That the South Pender Island Local Trust Committee defer the Rights of Nature from the South Pender Island Local Trust Committee Bylaw No. 123.

CARRIED

SP-2021-057

It was **MOVED** and **SECONDED**

That the South Pender Island Local Trust Committee direct staff to amend Bylaw No. 123, Building and Siting Guidelines, as discussed.

CARRIED

SP-2021-058

It was **MOVED** and **SECONDED**

That the South Pender Island Local Trust Committee Bylaw No. 123, cited as the "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021" be read a first time as amended.

CARRIED

SP-2021-059**It was MOVED and SECONDED**

That the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 123, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021”, as amended, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

SP-2021-060**It was MOVED and SECONDED**

That the South Pender Island Local Trust Committee direct request staff to schedule a Community Information Meeting for draft Bylaw No. 123 as amended.

CARRIED

Background information regarding the project, staff reports, correspondence, and the Project Charter can be found on the South Pender Project webpage: <https://islandstrust.bc.ca/island-planning/south-pender/projects/>

ANALYSIS***Proposed Bylaw No. 123.***

At the November 5th LTC meeting, the LTC gave direction to staff to remove the Rights of Nature from the draft bylaw and to edit the Building and Siting Guidelines section before giving First Reading. The proposed bylaw now only addresses the First Nations Acknowledgement State and the Building Design and Siting Guidelines.

If the LTC is proposes to make minor amendments to the bylaw a draft resolution is included in the ‘Alternatives’ section of this staff report. Making significant amendments after First Reading may require the bylaw to be resent out for referral. A bylaw may be altered after the public hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner’s consent.

Consultation

The proposed bylaw was sent to agencies and First Nations for comment. To date only Cowichan Tribes have commented on the bylaw. See attachment no. 2.

Timeline

The South Pender LTC tentatively scheduled a Community Information Meeting (CIM) for the February 4, 2022. Due to ongoing concerns with Covid 19 and the Omicron variant, all in-person LTC meetings will now be held electronically. The CIM will be deferred until such time the LTC can hold in-person meetings (tentatively scheduled for May 6th). Alternatively, the LTC has the option of holding the CIM electronically.

Updated Timeline:

- November 5, 2021 regular LTC meeting:
 - **Early engagement letter to WSANEC Leadership Council** sent
 - LTC reviewed draft bylaw and made amendments
 - LTC gave **First Reading to amended draft bylaw**

- LTC determined the proposed bylaw is in compliance **with current Islands Trust Policy Statement** (ITPS)
- LTC gave **direction to schedule a Community Information Meeting** (CIM).
- Staff sent proposed bylaw out for **formal referral** to First Nations and government agencies in late December/early January
- February 4, 2022 regular LTC meeting (electronic):
 - **Community Information Meeting is held** during regular meeting to gather comments and answer questions from community members for proposed Bylaw No. 123
 - LTC can make amendments to proposed bylaw, if necessary, to incorporate any recommended changes to the bylaw from the early engagement with the WSANEC Leadership Council and formal referrals.
- March 4, 2022 regular LTC meeting (electronic):
 - LTC to review comments/recommendations from formal referrals (First Nations and government agencies).
 - LTC can amend proposed bylaw if necessary.
 - LTC could hold electronic CIM
 - LTC to give **direction to staff to schedule a Public Hearing** for next LTC meeting (May 6th)
- May 6, 2022 (potentially in-person)
 - LTC to hold in person **CIM and Public Hearing**
 - LTC to give **Second Reading** and **Third Reading**
 - LTC to refer **bylaw to EC and the Minister for approval**

The above timeline is in line with the timeline outlined on the [Project Charter](#).

Rationale for Recommendation

Staff will continue to receive referrals for this bylaw and will present the comments from the referrals at the next LTC meeting.

ALTERNATIVES

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

1. Direction to amend draft bylaw

The LTC may consider making amendments to proposed Bylaw No. 123. If the amendments are minor and do not require the bylaw to be rescinded, the following resolution can be used.

That Bylaw No. 123 cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021" be amended as follows:...

2. Request further information

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

That the South Pender Island Local Trust Committee request staff to provide further information on...

3. Give second reading to the bylaw

The LTC may wish to give second reading to the bylaw. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee Bylaw No. 123, cited as the “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021” be read a second time.

4. Refer staff report with draft bylaw to the Advisory Planning Commission

The LTC may opt to refer the staff report with the draft bylaw to the Advisory Planning Commission to provide comments on the draft bylaw or other possible amendments. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request staff to refer the staff report dated February 4, 2022 and proposed Bylaw No. 123 regarding the Minor OCP Amendments Project to the South Pender Island Advisory Planning Commission for comment.

5. Proceed no further

The LTC may choose to make no amendments to the South Pender OCP. The project would be removed from the Top Priority List.

NEXT STEPS

Staff will report back with comments from the formal referral and provide further information at the next LTC meeting regarding options for the CIM and Public Hearing.

Submitted By:	Kim Stockdill Island Planner	January 28, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	January 28, 2022

Attachments:

1. Proposed Bylaw No. 123 (OCP amendment)
2. Referral List

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 123

A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 107, 2011

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

1. CITATION

This Bylaw may be cited for all purposes as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021".

2. SCHEDULES

South Pender Island Official Community Plan No. 107, 2011 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	5 TH	DAY OF	NOVEMBER	2021.
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 MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20__
ADOPTED THIS	_____	DAY OF	_____	20__

CHAIR

SECRETARY

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 123**

SCHEDULE 1

The South Pender Island Official Community Plan Bylaw No. 107, 2011, is amended as follows:

1. By adding the following new Subsection under Section '1.2 Introduction' and renumbering the Subsections accordingly:

"1.2.1 Acknowledgement and Reconciliation of First Nations Place, Context and Inherent Rights

S,DÁYES – wind drying

Central Coast Salish Peoples have occupied and utilized the lands and waters of S,DÁYES, the place now known as South Pender Island, since time immemorial. The SENĆOŦEN and Hul̓qumíñuṁ speaking people include the W̱JOŁŁP (Tsartlip), BOŖÉĆEN (Pauquachin), S̱ÁUTW (Tsawout), W̱SIKEM (Tseycum) and MÁLEXEL (Malahat) Nations; and the SEMYOME, Tsawwassen, Penelakut, Lyackson, Halalt, Stz'uminus, and Lake Cowichan Nations.

The W̱SÁNEĆ Peoples (meaning The Emerging Peoples) speak a language called SENĆOŦEN, and have a rich and vibrant economic, social, cultural, and spiritual life that is connected to these lands and waters. The lands and waters of the W̱SÁNEĆ Peoples is enriched with history, place names, village sites, cultural locations and ancestral resting places, and sacred sites that need to be honoured and respected. The history of the Central Coast Salish Peoples is sustained and continues in the language, oral history, place names, village sites, cultural and sacred sites, and landscapes that encompass this place they call home, it was never extinguished and continues in the treaty, and territorial lands and waters they caretake for future generations.

South Pender Island is also the location of the S̱ÁUTW (Tsawout) First Nation and W̱SIKEM (Tseycum) First Nation reserve #7. South Pender Island is a place with many village sites and places names including: QENENIW̱ (meaning watching the slack tide); SMONEĆ (meaning pitch for fire-starting); S̱TIS (meaning candle neck duck); YEUWE (meaning fortune teller from oral history stories); and XELISEN – (meaning lost middle). The preservation and protection of village sites, cultural heritage sites, archaeological sites and objects, and ancestral resting places requires sensitivity and respect and is an important part of reconciliation. Cultivation areas both on land and in marine areas include camas meadows, reef-netting locations and clam gardens, and hunting and harvest areas for Indigenous food resources, inherent rights, and medicine.

The South Pender Island Local Trust Committee is committed to reconciliation and the acknowledgement of Indigenous place and history. The South Pender Island Local Trust Committee seeks to build relationships and to collaborate with First Nations and the Indigenous community to protect cultural places, preserve and increase access to culturally

significant species and food sources, and celebrate the culture, history, language, and art of First Nations within the area.

As part of the South Pender Island Local Trust Committee (LTC) commitment to support the goals of reconciliation the South Pender LTC recognizes the importance of preserving and protecting the following culturally significant plants and food/medicines for First Nations and Indigenous communities:

- SPÁÁNW (camas) and any areas of SPÁÁNW meadows or cultivation areas;
- KÁŦEŁĆ (ocean spray) a hardwood for making tools from arrows and harpoon shafts, to salmon skewers and needles;
- ELILE,İŁĆ (salmonberry) and DEKĖNİŁĆ (thimbleberry) plants their shoots and berries and cultivation areas;
- ŁEKES (Porphyra) edible seaweeds and the conservation of shoreline and upland areas that preserve ŁEKES habitat;
- Á,ĆEX (crab) a traditional food;
- SQŁÁ,İ, (littleneck clam), S,OXE, (butter) SWÁÁM (horse clam), STELO,EM, (cockles), ŁÁU,ĶEM, (bay mussel) and İEXİEX (pacific oyster) and the areas in which they are harvested; including conservation to reduce pollutants that lead to the closer and degradation of these species;
- XPÁ, (western red cedar) for house posts and planks, totem poles, dugout canoes, mats, baskets, clothing, and cordage, and the preservation of this species for future generation;
- ŦŦÁ,ELĆ (broad-leaf maple) for paddles and spindle whorls;
- JSÁ,İŁĆ (Douglas-fir), SKĖMÍ,ĖKS (grand fir), and KĖKĖYİŁĆ (arbutus) and the conservation of these species for future generations.

The South Pender LTC will undertake actions within its regulatory bylaws and advocacy work in collaboration with the local community to welcome and meaningfully include local First Nations and Indigenous community to the islands and waters of the area to:

- identifying sites of First Nations significance and ensure their protection;
- celebrate and look for opportunities to incorporate First Nation languages on public signage;
- advocate for the renaming places of significance;
- prioritize local Indigenous public art;
- respect and honour First Nations village sites and ancestral resting places;
- preserve traditional harvesting, fishing, and medicine gathering locations including fish trap areas, sacred places, traditional trails, canoe runs, and bathing sites, and allow for ceremonial use of those locations;
- advocate with community to create opportunities to learn, understand, and honour First Nations culture, history, and values;

- seek to engage meaningfully with local First Nations before developing park areas, public spaces, beach accesses, trails, and educational materials;
- consider changes to land use, building height and density to reduce impacts in areas defined as culturally sensitive and/or significant due to cultural heritage sites, or cultural food sources.”

2. By adding the following new clause to Article 3.1.2(a) (Land Use):

“v) If the Local Trust Committee considers Development Variance Permit applications to vary the maximum floor area of residential dwellings, ‘Appendix 10.1 South Pender Island Local Trust Committee Building Design and Siting Guidelines’ should be incorporated into the building proposal where feasible.”

3. By adding the following new part after ‘Part 9 – Administration’:

“PART 10 – APPENDICES

10.1 South Pender Island Local Trust Committee Building Design and Siting Guidelines

Vision Statement:

The South Pender Island Local Trust Committee Building Design & Siting Guidelines are intended to support the South Pender Island Official Community Plan and in particular, the following two Official Community Plan policies:

2.2.1 To maintain the island’s rural character so community members and visitors may continue to enjoy a sense of tranquility, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment.

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.

The guidelines draw upon objective criteria and a variety of approaches for creating thoughtfully designed, energy efficient dwellings and accessory buildings and structures which also relate to, and are in harmony with, the natural surroundings. The guidelines are intended to promote an appreciation of South Pender Island’s history, create an understanding of the rural character, and reinforce the regional identity. The guidelines are presented to encourage imaginative, site specific designs while achieving the guideline’s objectives for design, siting and size.

Purpose: The guidelines encourage the design and siting of buildings and structures on a property by considering the topography of the land, its ecology, and the natural and rural character of South Pender Island.

Objectives:

- To site buildings and structures on a property that will integrate with the landscape, through the use of a diversity of architectural styles and the use of exterior colours which compliment the natural character of the island;

- To encourage the use of energy saving technologies to reduce greenhouse gases;
- To encourage the consideration and respect of neighbouring properties when siting and designing a building or structure; and,
- To encourage designs of buildings and structures that maintain compatibility with the character of the neighbourhood and community, and to decrease the visual prominence of a building or structure.

Guideline 1 - Principles of Design

A design should consider every aspect of a building and its setting to achieve an outcome that responds to the needs of the individual while integrating into the landscape. Designs should also take into account future maintenance and repair requirements. Historically, most homes were simple, modest, and owners had the knowledge and ability to maintain and repair their homes.

- Consider designs in a restrained, proportionate, manner such that each building remains subordinate to the natural and rural character.
- Consider a diversity of styles. Avoid a repetition of a single style within a neighbourhood and choose designs that contribute to the overall character of the community.
- Complex designs or complicated construction methods and materials may difficult to source.
- Be consistent within an individual building. Avoid a variety of design features or those that are nonfunctional, or ostentatious.
- Consider age-friendly design principles to create easy access or reduce mobility issues.

Guideline 2 - Define the Objectives

Consider reducing the floor area of the building or structure while still achieving the desired form and function.

Guideline 3 - Selecting a Building Site

Selecting an appropriate building site can influence how successful a dwelling can blend into its natural surroundings. Siting of buildings and structures should be addressed at the pre-design stage and should utilize the natural topography while minimizing disturbance to the ecology and the visual impact in order to blend in with the nature environment. Consider local knowledge when siting dwelling units and take into account the particular micro-climate influences in your specific area, such as potable water sources, soil conditions, wind and rain direction, summer heat, early frosts, and drainage routes. Well selected building sites can offer shelter from the elements, privacy and take advantage of solar applications. Consideration should be given to the prominence of the building or structure and how it impacts views from adjacent properties and other view corridors.

Guideline 4 - Produce a Design Concept and Site Plan

- Prepare a visual design concept plan, building and elevation plans, and site plan that will achieve the objectives of these guidelines. A site contour map may also be beneficial.

Guideline 5 - Site Preparation

- Clear the land only where necessary while maintaining as much contiguous forest cover as possible. Prior to removing trees, consider shade requirements, wind direction, wildlife habitat, water retention and drainage. In addition, road access, services, drainage and sewage disposal should be considered along with location of buildings and structure which will result in a well-integrated site plan. Excessive excavation and its mitigation can be expensive, unnecessary, and damaging to the natural landscape.

Guideline 6 - Landscaping

- The character of the rural garden can be defined as something which requires minimal intervention to the existing landscape and native plants. Select plants that are deer resistant, drought tolerant and non-invasive.
- Planting zones can create pathways, enclosures, privacy, wildlife habitats, and can reduce or limit expansive areas of pavement and lawns. Planting can be used to soften the geometric impact between the built environment and the natural landscape.
- The endangered Coastal Douglas Fir ecosystem is one of the most important features of the community. Unnecessary fragmentation of this forest landscape is discouraged. Rather than cut trees for view corridors, consider “windowing” by trimming branches.

Guideline 7 - Hard surfaces and Paving Materials

- For driveways, patios, and walkways, avoid large, continuous areas of paving and consider using porous materials that permit percolation of water and aeration in soils.

Guideline 8 - Fencing

- Not every property needs a fence or wall along its entire perimeter. Keep fencing to a minimum around specific areas requiring protection and/or screening.
- Consider the neighbourhood and adjoining properties when designing and installing a fence or wall.”

Referrals: Bylaw SP-123

Agency	Sent	Received
BC Assessment Authority <i>Policy, Audit and Legal Services: Cathie McIntyre</i>	14-Dec-2021	
Capital Regional District - All Referrals Christine Condron <i>625 Fisgard Street: Referrals Coordinator</i>	14-Dec-2021	
Cowichan Tribes <i>5760 Allenby Rd: Tracey Flemming</i> <i>Comment: Nation has asked for extension to respond by beginning of February 2022</i>	14-Dec-2021	
Halalt First Nation <i>7973 Chemainus Rd: Raven August</i> <i>Comment: No Comment Received</i>	14-Dec-2021	
Lake Cowichan First Nation <i>313B Deer Road: Carole Livingstone</i> <i>Comment: No Comment Received</i>	14-Dec-2021	
Lyackson First Nation <i>7973A Chemainus Road: Linda Aidnell</i> <i>Comment: No Comment Received</i>	14-Dec-2021	
Malahat First Nation <i>110 Thunder Road, RR4: Heather Adams</i> <i>Comment: Thank you for your consultation request for South Pender Island Local Trust Committee Proposed Bylaw No. 123 Referral dated December 14th 2021 on Pender Island, located in Malahat Nation's traditional territory. Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding this bylaw.</i>	14-Dec-2021	12-Jan-2022
Ministry of Municipal Affairs and Housing <i>Planning and Land Use Management: Kris Nichols</i>	14-Dec-2021	
North Pender Island Local Trust Committee <i>Islands Trust: Laura Patrick</i>	14-Dec-2021	
Pauquachin First Nation <i>9010 West Saanich Road: Darlene Henry</i> <i>Comment: No Comment Received</i>	14-Dec-2021	
Penelakut Tribe	14-Dec-2021	

Referrals: Bylaw SP-123

Agency	Sent	Received
Box 360: Denise James <i>Comment: No Comment Received</i>		
Saturna Island Local Trust Committee 200 - 1627 Fort Street: Laura Patrick	14-Dec-2021	
Semiahmoo First Nation 16049 Beach Rd: Chief & Council <i>Comment: No Comment Received</i>	14-Dec-2021	
Stz'uminus First Nation 12611A Trans Canada Hwy: Chenoa Akey	14-Dec-2021	
Tsartlip First Nation PO Box 70: Karen Harry <i>Comment: No Comment Received</i>	14-Dec-2021	
Tsawout First Nation Box 121: Cathy Webster <i>Comment: No Comment Received</i>	14-Dec-2021	
Tsawwassen First Nation 1926 Tsawwassen Drive: Victoria Williams <i>Comment: No Comment Received</i>	14-Dec-2021	
Tseycum First Nation 1210 Totem Lane: Chief Tanya Jimmy <i>Comment: No Comment Received</i>	14-Dec-2021	
WSANEC WSANEC Leadership Council Society: Justin Fritz	14-Dec-2021	

File No.: SP Minor OCP Amendments
Project

DATE OF MEETING: March 4, 2022
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: SP Minor OCP Amendments Project – Proposed Bylaw No. 123 & Draft Bylaw No. 126

RECOMMENDATION

No recommendations at this time. This staff report is provide an update to the LTC regarding the South Pender Minor Official Community Plan Amendments Project.

REPORT SUMMARY

The purpose of this report is to provide the South Pender Island Local Trust Committee's (LTC) review with a draft Official Community Plan (OCP) bylaw for the Rights of Nature (draft Bylaw No. 126).

BACKGROUND

At the February 4, 2022 regular LTC meeting, staff presented a staff report outlining options for the LTC's consideration. The following resolution was passed:

SP-2022-013

It was Moved and Seconded,

that the Rights of Nature be reintroduced to the Trust Committee's project list as a new bylaw amendment to the Official Community Plan and referred out to First Nations.

CARRIED

SP-2022-014

It was Moved and Seconded,

That the South Pender Local Trust Committee direct staff to schedule a public hearing for Bylaw 123.

CARRIED

Background information regarding the project, staff reports, correspondence, and the Project Charter can be found on the South Pender Project webpage: <https://islandstrust.bc.ca/island-planning/south-pender/projects/>

ANALYSIS

Based on direction received by the South Pender Island LTC, the Minor OCP Amendment Project will be divided into two amending bylaws. Proposed Bylaw No. 123 includes the First Nations Introductory Statement and the Building Design and Siting Guidelines. Draft Bylaw No. 126 will include wording for the Rights of Nature.

Draft Bylaw No. 126

At the February 4, 2022 LTC meeting, the LTC gave direction to staff to draft a secondary OCP amendment bylaw for Rights of Nature wording. The draft Bylaw No. 126 is attached for the LTC's review. This bylaw was referred to the Island Trust Senior Intergovernmental Policy Advisory for comment and recommendations, and will be sent out for early referral to First Nations. Staff will report back at the May 6, 2022 LTC meeting if any early engagement comments and recommendations when received. The following outlines the tentative process and approximate timeline for this bylaw:

- Senior Intergovernmental Policy Advisory provides recommendations and amendments to the draft bylaw – February/March 2022
- Early referral to First Nations – March to May 2022
- First Reading – June 2022
- Formal referral to First Nations and agencies – Summer 2022
- Second/Third Reading, Community Information Meeting, and Public Hearing – Fall 2022
- Bylaw adoption – 2023

Proposed Bylaw No. 123

Proposed Bylaw No. 123 received First Reading at the November 5, 2021 LTC meeting and on February 4, 2022 the LTC gave direction to schedule a public hearing for proposed Bylaw No. 123. The public hearing is tentatively scheduled for an in-person LTC meeting on May 6, 2022. In addition, a Community Information Meeting will be held prior to the Public Hearing on May 6, 2022.

The proposed bylaw was sent to agencies and First Nations for comment. To date only Malahat First Nation have commented on the bylaw.

If the LTC is proposes to make minor amendments to the proposed bylaw a draft resolution is included in the 'Alternatives' section of this staff report. Making significant amendments after First Reading may require the bylaw to be resent out for referral. A bylaw may be altered after the public hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner's consent.

Rationale for Recommendation

This staff report is to update the LTC regarding the two bylaw amendments associated with this project. Staff will continue to work with the Senior Intergovernmental Policy Advisor for early engagement to First Nations for draft Bylaw No. 126 (Rights of Nature).

Staff will schedule the Community Information Meeting and Public Hearing for Bylaw No. 123 for the regular LTC meeting on May 6, 2022.

ALTERNATIVES

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

1. Direction to amend draft bylaw

The LTC may consider making amendments to proposed Bylaw No. 126. If the amendments are minor and do not require the bylaw to be rescinded, the following resolution can be used.

That Bylaw No. 126 cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2022” be amended as follows:...

2. Request further information

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

That the South Pender Island Local Trust Committee request staff to provide further information on...

3. Proceed no further with draft Bylaw No. 126

The LTC may choose to make no amendments to the South Pender OCP with regards to the Rights of Nature amendments.

NEXT STEPS

Staff will report back with comments collected from the early referral process for draft Bylaw No. 126. Staff will also schedule a CIM and Public Hearing for proposed Bylaw No. 123.

Submitted By:	Kim Stockdill Island Planner	February 17, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	February 18, 2022

Attachments:

1. Proposed Bylaw No. 123
2. Draft Bylaw No. 126

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 123

A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 107, 2011

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

1. CITATION

This Bylaw may be cited for all purposes as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021".

2. SCHEDULES

South Pender Island Official Community Plan No. 107, 2011 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	5 TH	DAY OF	NOVEMBER	2021.
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 MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20__
ADOPTED THIS	_____	DAY OF	_____	20__

CHAIR

SECRETARY

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 123**

SCHEDULE 1

The South Pender Island Official Community Plan Bylaw No. 107, 2011, is amended as follows:

1. By adding the following new Subsection under Section '1.2 Introduction' and renumbering the Subsections accordingly:

"1.2.1 Acknowledgement and Reconciliation of First Nations Place, Context and Inherent Rights

S,DÁYES – wind drying

Central Coast Salish Peoples have occupied and utilized the lands and waters of S,DÁYES, the place now known as South Pender Island, since time immemorial. The SENĆOŦEN and Hul̓qumíñuṁ speaking people include the W̱JOŁŁP (Tsartlip), BOŖÉĆEN (Pauquachin), S̱ÁUTW (Tsawout), W̱SIKEM (Tseycum) and MÁLEXEL (Malahat) Nations; and the SEMYOME, Tsawwassen, Penelakut, Lyackson, Halalt, Stz'uminus, and Lake Cowichan Nations.

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- advocate with community to create opportunities to learn, understand, and honour First Nations culture, history, and values;

- seek to engage meaningfully with local First Nations before developing park areas, public spaces, beach accesses, trails, and educational materials;
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2. By adding the following new clause to Article 3.1.2(a) (Land Use):

“v) If the Local Trust Committee considers Development Variance Permit applications to vary the maximum floor area of residential dwellings, ‘Appendix 10.1 South Pender Island Local Trust Committee Building Design and Siting Guidelines’ should be incorporated into the building proposal where feasible.”

3. By adding the following new part after ‘Part 9 – Administration’:

“PART 10 – APPENDICES

10.1 South Pender Island Local Trust Committee Building Design and Siting Guidelines

Vision Statement:

The South Pender Island Local Trust Committee Building Design & Siting Guidelines are intended to support the South Pender Island Official Community Plan and in particular, the following two Official Community Plan policies:

2.2.1 To maintain the island’s rural character so community members and visitors may continue to enjoy a sense of tranquility, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment.

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The guidelines draw upon objective criteria and a variety of approaches for creating thoughtfully designed, energy efficient dwellings and accessory buildings and structures which also relate to, and are in harmony with, the natural surroundings. The guidelines are intended to promote an appreciation of South Pender Island’s history, create an understanding of the rural character, and reinforce the regional identity. The guidelines are presented to encourage imaginative, site specific designs while achieving the guideline’s objectives for design, siting and size.

Purpose: The guidelines encourage the design and siting of buildings and structures on a property by considering the topography of the land, its ecology, and the natural and rural character of South Pender Island.

Objectives:

- To site buildings and structures on a property that will integrate with the landscape, through the use of a diversity of architectural styles and the use of exterior colours which compliment the natural character of the island;

- To encourage the use of energy saving technologies to reduce greenhouse gases;
- To encourage the consideration and respect of neighbouring properties when siting and designing a building or structure; and,
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- Consider designs in a restrained, proportionate, manner such that each building remains subordinate to the natural and rural character.
- Consider a diversity of styles. Avoid a repetition of a single style within a neighbourhood and choose designs that contribute to the overall character of the community.
- Complex designs or complicated construction methods and materials may difficult to source.
- Be consistent within an individual building. Avoid a variety of design features or those that are nonfunctional, or ostentatious.
- Consider age-friendly design principles to create easy access or reduce mobility issues.

Guideline 2 - Define the Objectives

Consider reducing the floor area of the building or structure while still achieving the desired form and function.

Guideline 3 - Selecting a Building Site

Selecting an appropriate building site can influence how successful a dwelling can blend into its natural surroundings. Siting of buildings and structures should be addressed at the pre-design stage and should utilize the natural topography while minimizing disturbance to the ecology and the visual impact in order to blend in with the nature environment. Consider local knowledge when siting dwelling units and take into account the particular micro-climate influences in your specific area, such as potable water sources, soil conditions, wind and rain direction, summer heat, early frosts, and drainage routes. Well selected building sites can offer shelter from the elements, privacy and take advantage of solar applications. Consideration should be given to the prominence of the building or structure and how it impacts views from adjacent properties and other view corridors.

Guideline 4 - Produce a Design Concept and Site Plan

- Prepare a visual design concept plan, building and elevation plans, and site plan that will achieve the objectives of these guidelines. A site contour map may also be beneficial.

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- Clear the land only where necessary while maintaining as much contiguous forest cover as possible. Prior to removing trees, consider shade requirements, wind direction, wildlife habitat, water retention and drainage. In addition, road access, services, drainage and sewage disposal should be considered along with location of buildings and structure which will result in a well-integrated site plan. Excessive excavation and its mitigation can be expensive, unnecessary, and damaging to the natural landscape.

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- The character of the rural garden can be defined as something which requires minimal intervention to the existing landscape and native plants. Select plants that are deer resistant, drought tolerant and non-invasive.
- Planting zones can create pathways, enclosures, privacy, wildlife habitats, and can reduce or limit expansive areas of pavement and lawns. Planting can be used to soften the geometric impact between the built environment and the natural landscape.
- The endangered Coastal Douglas Fir ecosystem is one of the most important features of the community. Unnecessary fragmentation of this forest landscape is discouraged. Rather than cut trees for view corridors, consider “windowing” by trimming branches.

Guideline 7 - Hard surfaces and Paving Materials

- For driveways, patios, and walkways, avoid large, continuous areas of paving and consider using porous materials that permit percolation of water and aeration in soils.

Guideline 8 - Fencing

- Not every property needs a fence or wall along its entire perimeter. Keep fencing to a minimum around specific areas requiring protection and/or screening.
- Consider the neighbourhood and adjoining properties when designing and installing a fence or wall.”

DRAFT

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 126

A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 107, 2011

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

1. CITATION

This Bylaw may be cited for all purposes as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2022”.

2. SCHEDULES

South Pender Island Official Community Plan No. 107, 2011 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 MUNICIPAL AFFAIRS AND HOUSING
THIS _____ DAY OF _____ 20__

ADOPTED THIS _____ DAY OF _____ 20__

CHAIR

SECRETARY

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 126**

SCHEDULE 1

The South Pender Island Official Community Plan Bylaw No. 107, 2011, is amended as follows:

1. By adding the following new subsection after Subsection 5.1.5 Hazardous Condition Areas:

“5.1.6 South Pender Island & Rights of Nature

South Pender Island, known as SDÁY,ES/stéyəs to the W’ SÁNEĆ People, lies within the Coastal Douglas fir biogeoclimatic ecological zone, one of the smallest of British Columbia’s fourteen ecological zones, a place acknowledged to contain “some of the most unique, and most threatened, ecosystems in the province.” Many bird species and other animals within this zone are diminishing in numbers and within the Salish Sea, many species of fish, shellfish, and sea birds are also in decline. The Southern Killer Whale (Orca), one of the most iconic mammals of the region, is under constant and increasing threat by the degradation of their environment due, directly or indirectly to human activity and climate change.

The South Pender Official Community Plan (OCP), recognizes that South Pender Island and its present 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 the rural character and natural features so valued by all people: Indigenous people, residents, property owners, and visitors. To achieve these goals the OCP calls for “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.” One of the associated OCP policies is “the concept that land use and development should be compatible with the inherent capacity of the island.” Indigenous people that inhabited this region since time immemorial embrace a long-range view, understanding that we all depend upon, connect to, and hold responsibility for, the sustainability of the land, waters and all species. The understanding that all species are “relatives” requires the principle of “reciprocity”; caring for, nurturing, and respect. Understanding this “way of knowing”, was learned through oral history passed down, observation, and experience through millennia. This way of knowing and understanding aligned with the Rights of Nature.

The Rights of Nature recognizes the negative impact from settler activity that saw Nature as a resource, that Nature is an object or property, rather than an interrelationship of life forms. If we recognize the importance of “sustainability” then we must also recognize the mutual need to maintain a balance in the ecosystems that we share with the plants, forests, and animals, by limiting our use of, and impacts upon, Nature.

The basic right of future generations to a healthy environment can only be ensured if present generations recognize that this requires us to look beyond present and short-term “needs”, particularly those of Euro settler viewpoints of economic progress and development. For example, while it may be necessary to cut down trees to build a home, the clear cutting of large swaths of trees destroys a forest and the associated ecosystem which plant and animal species depend upon to survive.

The South Pender Island Official Community Plan recognizes the Rights of Nature within an overall framework of sustainable development, in conjunction with other agencies, First Nation governments, and with the involvement and participation of property owners, to encourage and enhance our efforts to:

- a) Recognize that climate change, pollution, erosion, and other forms of environmental degradation, to the land, waters, and all species, is a threat to the environment and ecosystems;
- b) Conduct and promote land use planning with a view to the location of activities that minimizes environmental impact, balancing social and economic development with the restoration of the landscape and ecological enhancement;
- c) Classify and develop natural and recreational areas, to protect landscapes, in such a way as to guarantee the conservation of nature and the preservation of First Nations’ cultural values, traditional activities, and assets;
- d) Promote the rational use of natural resources, while safeguarding their ability to renew themselves and ensure ecological stability, with respect for the principle of inter-generational solidarity;
- e) Act in cooperation with other authorities to promote the environmental quality of rural settlement and the protection of traditional First Nations’ areas;
- f) Promote the integration of environmental objectives into the various policies of a sectoral nature;
- g) Promote environmental education and respect for First Nations’ values;
- h) Promote the Natural Area Protection Tax Exemption Program (NAPTEP), of the Trust Conservancy and encourage the compatibility of development with the protection of the environment and the quality of all life,
- i) Recognize that limitations must be determined since incremental growth, even green incremental growth, erodes the functionality of fragile and limited ecosystems and resources;
- j) Recognize that “stewardship” reflects the role First Nations have to actively steward and manage their territorial areas.”

From: WENDY MUNROE [REDACTED]
Sent: Monday, October 11, 2021 11:41 AM
To: Steve Wright; Cameron Thorn; Laura Patrick
Subject: Public Meetings

Dear Trustees,

I am writing because my husband and I will be away and unable to attend the upcoming meetings regarding shoreline protection, maximum floor area and building design.

Shoreline protection is of the utmost importance. I would support whatever steps you think necessary to achieve shoreline preservation and protection.

I believe that moderation should be shown concerning maximum floor area and building design so that new construction will only allow homes suitable to a rural landscape, discouraging "monster homes".

Thank you for the work you are doing on our behalf.

Sincerely,

Wendy Munroe

[REDACTED]

South Pender Island

Sent from my iPad

From: Steve Wright
Sent: Monday, November 1, 2021 4:34 PM
To: [REDACTED]; Cameron Thorn; Laura Patrick; Communications
Subject: RE: SP BDSG

Hello Mimi,

Thanks for taking the time to write such a detailed response, it is most helpful in our considerations. First, this is a proposal only and we have raised this matter in several meetings as well as received recommendations from the APC. This is, as you say, a largely subjective topic and it is not our intent to harness anyone's creativity. The desire to protect or maintain the character of the island has been almost universally agreed with but as with most matters, it is how we attain that goal is where opinions vary. We have been having meetings to see if there is any consensus, and to date, there hasn't been. The conversation will likely continue for some time before any concrete proposals are put forward and there will be several opportunities for residents/property owners to voice their opinions should that occur.

Yours,
s

From: [REDACTED]
Sent: Monday, November 1, 2021 2:55 PM
To: Steve Wright; Cameron Thorn; Laura Patrick; Communications
Subject: SP BDSG

Hello Steve, Cameron and Laura,

Below are my comments to your building design portion of the IT proposal. I've been trying to make sense of all the proposed guidelines that may soon become enforceable regulations. It's taken awhile to read through the material and there are several committees now that are formed to make sense of what is proposed. I copied your proposal and put my comments in bold. What do the majority of people on S Pender think? Are you changing any guidelines to reflect the majority views of the people?

I looked at the IT website and cannot find follow up meeting notes on what has already been discussed. All I see are agenda outlines. Maybe I'm looking in the wrong place?

Regards,
Mimi

The South Pender Building Design & Siting Guidelines are intended to support the South Pender Island Official Community Plan and in particular, the following two primary goals:

2.2.1 To maintain the island's rural character so community members and visitors may continue to enjoy a sense of tranquility, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment;

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.

These guidelines draw upon objective criteria and a variety of approaches for creating thoughtfully designed, energy efficient homes and accessory structures which also relate to, and are in harmony with, their natural surroundings. These guidelines are intended to promote an appreciation of our island's history, create an understanding of our rural character, and reinforce

our regional identity. These guidelines are presented to encourage imaginative, site specific designs which result in buildings whose design, siting and massing meet the objectives laid out below.

Purpose: These guidelines encourage owners, architects, designers, and builders to design and site structures on the property by considering the topography of the land, its ecology, and the natural character of the island and our rural community.

Objectives:

- To site buildings in a way that will integrate them with the landscape, though the use of a diversity of architectural styles, the use of regionally sourced building materials and the use of exterior colours which compliment the natural character of the island, **You talk about “rural character” of islands. Don’t you think the people who live and build on all islands make up the “rural character?” Limiting people to use regionally sourced building materials and limiting the colors you can use is costly. When we built, we tried to source our materials as local as possible but chose a couple other sources for the same material that was 1/3 cheaper. This is another process to gentrify an area and price out lower income families or individuals. Is the IT now going to dictate what is rural and acceptable? Isn’t this a subjective issue?**
- To encourage the use of energy saving technologies to reduce greenhouse gases,
- To encourage consideration and respect of neighbouring properties when siting and designing a building, and; **Each property is unique on these rural islands and has limited spots to build. The owner should be able to chose their own building site.**
- To encourage designs that maintain compatibility with the character of the neighbourhood and overall community and decrease the visual prominence of a building. **What do you mean by “compatibility with the character of the neighborhood?” Do all the houses need to look the same now? Who is to say what is pleasing or ugly to another neighbor? Also dictating what color our houses need to be is not complying to “rural character”.**

Site Preparation:

Clear the land only where necessary maintaining as much contiguous forest cover as possible. **I’m all for saving as many trees as possible but as long as people are living on these islands and building there is danger of fire and good fire prevention of structures is to keep the fuel down to a minimum. This means cutting unhealthy trees and keeping brush from piling up. I’m not for clearcutting but around homes and structures the area should be clear of debris to mitigate fires. Northern California had record wildfires this year. Several homes that were saved in the Caldor fire were properties where the owner kept the surrounding area clean of kindling, pine cones, etc.** Prior to removing trees, consider shade requirements, wind direction, wildlife habitat, water retention and drainage. Functional issues such as road access, services, drainage and septic disposal, should be considered along with the layout of structures which will result in an integrated site plan. Excessive excavation and it’s mitigation can be expensive, unnecessary, and damage or alter the landscape forever. **All these considerations are valid, however, it seems each building site is different and limited to where a septic field can be or road access. It sounds like people do not plan or consider these things prior to building and are clearcutting without thought. Is this what you have found on S. Pender? Or is this a “foreseeable future” thought?** **It is not the IT’s place to dictate these considerations but provide guidance by education and information of alternative resources and practices.**

Principles of Design:

A design should consider every aspect of a building and its setting to achieve an outcome that responds to the needs of the individual while integrating into the landscape. Designs should take into account future maintenance and repair requirements. Historically, most homes were simple, modest, and owners had the knowledge and ability to maintain and repair their homes. Complex designs or those with complicated construction methods and materials may be beyond many owners' capability. **What type of complicated designs are you referring to?** Relying on others to do the necessary work may be problematic and costly because the work force in small communities is limited. **If a "complicated design and technique" is being used to build, don't you think the property owner has researched and/or has a contractor that knows what they are doing?** Look to the future by considering potential mobility issues that may occur and create difficulties with stairs and access. Other considerations include:

1. Keep the design simple. This should be accomplished in a restrained, proportionate, manner such that each building remains subordinate to the natural and rural character. **Isn't the size of structure for various lot sizes already stated in the building bylaws? As long as people are within the law, they should be able to build what they want.**

2. Consider a diversity of styles: - Avoid a repetition of a single style within a neighbourhood. Choose designs that contribute to the character of the overall community. **Above you state one should "maintain the compatibility with the character of the neighborhood" Now you want diversity of style? Who is to say what is the character of the overall community?**

3. Be consistent within an individual building: - avoid a variety of design features or those that are non-functional, or ostentatious. **This is subjective**

The Design Process:

Stage 1: Define the objectives. Inform your architect/designer what you require with respect to your individual lifestyle. A good understanding of what you need and what you don't, with respect to the size of the home, may take time but may save disappointment later on. **Don't you think people take this into consideration already?**

Stage 2: Assess the site. Of all the factors, site selection has the biggest influence on how successfully a dwelling can blend into its natural surroundings. Poor site selection can result in significant limitations on how you create your living space as its position in the landscape may complicate construction. Siting of structures should be addressed at the initial stage of developing properties and should utilize natural topography and minimize disturbance to the ecology and the visual impact of new structures by helping the building "belong" to the landscape rather than intruding upon it. Consider local knowledge when siting homes to take into account particular micro-climate influences in your specific area, such as potable water sources, soil conditions, wind and rain direction, summer heat, early frosts, and drainage routes. The design of the house itself will also help in how it relates to the site and the wider landscape. Good natural sites offer shelter, privacy and take advantage of solar applications. **These are good considerations but should be up to the owner to assess for themselves. Access to resources and information could help in decision making. As far as solar applications, it only works when there is clear view of the sky and access to sunlight most of the day. Not all sites are compatible with solar.** Consideration should be given to the prominence of the structure and how it impacts views from adjacent properties and the visual impact from other

view corridors. **Concerning how a structure is viewed by your neighbor is also subjective. Are there not regulations on how big or tall a building can be already?**

Stage 3: Produce a concept. A design concept will bring together all the individuals' requirements and will help to arrange the residence and accessory buildings on the site with a visual representation. A site contour map may also be beneficial.

Landscaping:

- The character of the rural garden can be defined as something which requires minimal intervention to the existing landscape and native plants. Select plants that are deer resistant, drought tolerant and non- invasive.
- Planting zones can create pathways, enclosures, privacy, wildlife habitats, boundary treatments and limit expansive areas of pavement and lawns. Planting can be used to soften the geometric impact between the built environment and the natural landscape.
- The endangered Coastal Douglas Fir ecosystem is one of the most important features of the community. Unnecessary fragmentation of this forest landscape is discouraged. Rather than cut trees for view corridors, consider "windowing" by trimming branches.

Hard surfaces and paving materials:

- For driveways, patios, and walkways, avoid large, continuous, areas of paving and consider using porous materials that permit percolation of water and aeration in soils.

Fencing:

- Not every property needs a fence or wall along its entire perimeter. Keep fencing to a minimum around specific areas requiring protection and/or screening.
- Consider the neighbourhood and adjoining properties when designing and installing a fence or wall.

By adopting the above guidelines and creating SP as a DPA, this will add another review process to anyone building or renovating, adding to the cost of building, thus, only a certain income level can afford to live on these islands. It seems like instead of educating people about these issues you are regulating and promoting gentrification. Offering variances is like creating another obstacle to deter people from their plan and really putting the decision on the Island Trust as to who or what can be done. Why create these regulations when those that can pay more money can apply for a variance? Again, it's the higher income people that can do what they want.

What about fire mitigation? What about road safety and maintenance? With more people moving and visiting Pender Island there is a need for better walkways and bikeways, public transportation to reduce the use of gas vehicles. What about banning plastic usage, reduce waste to reduce what we recycle. What about "real" affordable housing? What about water conservation? Why can't all Pender residents vote on these proposals??? You were voted as our trustee to represent us, the majority. Where does the majority stand?

Yes we can always improve on being more mindful of our impact on the island ecosystem, but these proposals seems to be more divisive to the community. Instead of creating all these regulations and procedures, why not create more workshops and educational material on the above guidelines and good stewardship of these islands.

We have already built a passive solar house, have solar panels that produce more than enough energy to run our power needs and our electric car. Most of these proposed bylaws

will not affect us but I see this affecting others and creating division, gentrification and exclusion on this island. Instead of working against property owners, work with them and give them the resources and education to make good choices.

What does the majority of people on S Pender think of these proposed guidelines?

OCP Minor Amendments - Charter v1

South Pender Local Trust Committee

Date: May 7, 2021

Purpose: To make minor amendments to the South Pender Official Community Plan.

Background: The LTC is considering amending the South Pender OCP to include the following three items: Building Design & Siting Guidelines, Rights of Nature principle and policies, and First Nation introductory/acknowledgement statement.

Objectives

To provide the LTC with options on amending the South Pender OCP to include the three topic areas either as introductory statements to the OCP or as schedules.

In Scope

- Review the Building Design & Siting Guidelines
- Review the Rights of Nature
- Engage with First Nations to draft an OCP First Nation introductory statement/acknowledgement
- Report to the LTC with options
- Consult with stakeholders and First Nations
- Draft an OCP amendment bylaw

Out of Scope

- Full review of other policy or topics in the OCP
- Amendments to the LUB Bylaw
- Extensive community engagement
- Inclusion of First Nation's names/language to OCP maps

Workplan Overview

Deliverable/Milestone	Date
LTC consideration of draft project charter	May 2021
Staff report on amendments, identifying options for the LTCs consideration	July 2021
Consultation with stakeholders	July-Sept 2021
Staff to engage with First Nation for introductory/acknowledgement statement	July-Sept 2021
Bylaw drafting and legal review (if required)	Fall 2021
First Reading	November 2021
Community Information Meeting/Public Hearing	Early 2022
Further bylaw readings, EC and Minister referral	June 2022

Project Team

Kim Stockdill	Project Manager
Lisa Wilcox	Senior Intergovernmental Policy Advisor
Jas Chonk	Admin Support
Maple Hung	Admin Support
RPM Approval: Robert Kojima Date: April 29, 2021	LTC Endorsement: Resolution #:SP-2021-043 Date: May 7, 2021

Budget

Budget Sources:		
Fiscal	Item	Cost
2021-22	Consultation & Mail-out	\$1500
2021-22	Legal Review	\$1000
2021-22	Public Hearing	\$1000
2021-22	Contingency	\$500
	Total	\$4000

South Pender Island Building Design & Siting Guidelines (DRAFT)

Vision Statement:

The South Pender Building Design & Siting Guidelines are intended to support the South Pender Island Official Community Plan and in particular, the following two primary goals:

- 2.2.1 To maintain the island's rural character so community members and visitors may continue to enjoy a sense of tranquility, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment;
- 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.

These guidelines draw upon objective criteria and a variety of time-tested approaches for creating thoughtfully designed, energy efficient homes and accessory structures (hereafter, "buildings") which also relate to, and are in harmony with, their rural surroundings. These guidelines promote an appreciation of our island's heritage, create an understanding of our rural character, and reinforce our regional identity. Ultimately, the success of these guidelines will only be measured in years to come, in the eyes of our children and the generations which follow. These guidelines are presented to encourage imaginative, site specific design innovation which results in buildings whose design, siting and massing are in harmony with their rural surroundings regardless of whether the building is of a contemporary, minimalist, traditional or rural architectural vernacular.

Purpose:

These guidelines are intended to be prescriptive and to make clear the importance of good siting and design. These guidelines provide guidance to architects, designers, and builders on the design of the building and its position on the property taking into consideration the topography of the land, its ecology, and the rural character of the island and overall community. These guidelines should inform the architectural style, scale and massing of the building and at the same time enhance the visual amenity of the surrounding environment. These guidelines seek to achieve the following:

- To ensure buildings are sited appropriately
- To integrate the building into the landscape
- To promote both a variety of building styles, traditional and contemporary
- To discourage the urbanization/sub-urbanization of designs
- To encourage the use of good quality, regionally sourced building materials and the achievement of energy conservation through the use of energy saving technologies.
- To encourage consideration and respect of neighbouring properties when siting and designing a building
- To encourage the use of exterior colours which integrate into the landscape and compliment the rural character of the island.

Each of us has a responsibility for the environment and rural character of the island, not just in preserving our existing heritage, but in creating a heritage for future generations to enjoy. It is therefore crucial that when developing a property, the design of the buildings and other improvements is a positive introduction to the landscape and does not detract from the existing natural surroundings. Stewardship by property owners is important if we wish to preserve, rather than diminish, our sense of place in the unique environment of South Pender.

These guidelines are to be used by architects, designers, builders and owners in developing a design for any building (commercial or residential). By using appropriate architectural materials, details, and finishes, together with size, scale, and proportion, the rural character of the island and its community will be expressed. The Design Guidelines seek to promote building that will be compatible with the environment, topography, and neighbourhoods (or settlement areas). At the same time, some variety in the details of construction is encouraged as a means of promoting diversity. It is intended also, that individual expression is tempered with careful consideration of the setting and of the character of the island's natural environment and its community.

Objectives:

Buildings:

- To promote a diversity of architectural styles that are compatible with a village-in-a-forest context
- To promote simplicity in building design
- To promote buildings that are in scale
- To continue the use of “natural” building finishes.

Diversity of architectural styles is encouraged:

- A new building should be different in style from buildings on nearby or abutting properties.
- A design that creates individual character while also maintaining compatibility with the character of the neighbourhood and overall community, is encouraged.
- A design that incorporates innovation and the use of skilled workmanship is encouraged.

Simple and restrained character:

- Keep building forms, materials, and details, simple and visually restrained.
- Building forms, materials, and details that contrast within a single building or with neighbouring buildings are discouraged.
- Design features that increase the visual prominence of the building should be avoided.
- Avoid visual complexity in different materials or details.

Building scale and design integrity:

- Building details should be used to provide interest and not exaggerate the scale of the building.
- Avoid oversized design elements that exaggerate the buildings scale.
- Avoid entryways, doors, and windows that are out of proportion with the human form.

Architectural details:

- Design details that appear to be superficial, non-structural, or gratuitous, should be avoided. Details should be authentic, integral elements of the overall building design concept.

- Design details and selected cladding materials should be used throughout the full exterior of the building to maintain consistency.
- Use of “natural” building materials is preferred, and synthetic materials avoided. The use of vinyl, or products that simulate a wood grain are inappropriate.
- Roof materials should be consistent with the architectural style of the building and with the context of the neighbourhood.
- Muted colours similar to the natural earth and surrounding environment are preferred to blend in with the forest while limiting the use of bright colours to accent features.

Landscape:

- The character of the rural garden can be defined as something which requires minimal intervention to the existing landscape and where there has been intervention this has generally been with indigenous planting reinforcing the link with the land to enhance its natural character. This link with the land has been instilled over generations and along with house design, the garden evolved in a harmonious way to achieve an almost seamless transition from house to landscape.
- By creating a planting zone between house and path, enclosures, privacy, wildlife habitats, boundary treatments and limiting the use of expansive areas of pavement and lawns, the house becomes visually anchored to its site, and thereby softens the geometric impact that the built environment has on the natural landscape.
- The traditional forest landscape is one of the most important features of the community. While each individual site has unique features, residents are encouraged to contribute to the natural character throughout the development of their property. Filtered views from the street of homes nestled in the landscape through trees and vegetation, is preferred and contributes to a “sense of discovery”.

Hard surfaces and paving materials:

- For driveways, patios, and walkways, select paving materials that convey the colour of native materials and that will reduce runoff. Use porous materials that permit percolation of water and aeration in soils.
- Avoid large, continuous areas of paving that are uncharacteristic of the forest landscape.
- Use materials for surfacing which are geologically linked with the area. When possible, source local quarries for stone and exposed aggregates.

Fencing:

- Not every site needs a fence or wall along its perimeter. Fences and walls that exhibit craftsmanship and interesting design but do not create a “walled off” appearance, are preferred.
- Respect the neighbourhood and adjoining properties when designing a fence or wall.
- Avoid ornate, wrought iron, or chain link fencing along the street.

Design Guidance:

Siting:

In addition to these Guidelines, also refer to siting and setback directives and requirements within the Islands Trust Policy Statement, the South Pender Official Community Plan, the South Pender Land Use Bylaw and, the Agricultural Land Commission.

Of all factors, site selection has the biggest influence on how successfully a building can assimilate into its rural surroundings. Essentially good siting is when a building appears to “belong” to the landscape rather than intruding upon it. A careful and detailed site analysis is necessary to determine any siting issues and strategies which should determine the position of the house on the landscape but also the design layout of the house itself and how it relates to the site and the wider landscape. Utilizing good natural sites will minimize disturbance to the ecology, the topography of the land, and the visual impact of new structures. Good natural sites offer shelter, privacy and take advantage of solar applications. Consideration should be given to the prominence of the structure, views from adjacent properties, the siting of existing structures, and the visual impact from other perspectives, not only from the property being developed. Clear only what is necessary and, prior to removing trees, consider sight-lines from the completed structures, shade requirements, wildlife habitat, water retention and drainage. These issues should be addressed at the initial stages to avoid poor design decisions at a later stage. Site features unique to an individual property should be exploited and incorporated into the design of the house to create a house which is rooted to the natural environment. This is much preferable to a “show house”, a large and bulky building which dominates the site and immediate setting and where trees and natural shelter features are removed for maximum presentation effect.

Functional issues such as road access, services, drainage and septic disposal, need responding to along with design issues which result in an integrated solution. The focus here is on working with the site features and not against them.

Unfortunately, it has frequently become a standard and misappropriated feature of rural landscape to ‘land’ a sub-urban design onto a rural landscape which only serves to emphasize its poor contextual relationship. In the past, local knowledge was utilized to site homes to take into account particular micro-climate influences, such as summer heat, early frosts, and drainage routes. The concept of a view from the top of a hill was far less important than that of shelter, so as to conserve fuel and energy as opposed to the top of the hill which was cold, exposed and generally isolated. Buildings have evolved in response to their function and natural setting, whereas today’s sub-urban response has been to dominate the landscape. Today’s designers and builder should show the same understanding and respect for contours and topographical features as our traditional past has shown.

Siting of residential buildings on Agricultural Land Reserve (ALR) zoned lands.

While the design principles outlined elsewhere within these guidelines also apply to ALR zoned lands, additional criteria for the siting and size of residential buildings on ALR lands is outlined within section 2.4.6 of the ALC Guide for Bylaw Development in Farming Areas. In brief, residential uses should:

- not restrict agricultural activities
- be located in non-farming areas of the property to minimize the impact on farm practices and farming potential in farming areas.

Principles of Design:

1. Keep the design simple.
 - while variety is encouraged and visual interest is desired, this should be accomplished in a restrained manner, such that each building remains subordinate to the forest character.
2. Promote diversity of styles:

- within the basic framework of the design traditions common with the historical buildings, a range of architectural designs can occur. In fact, repetition of a single style within a subdivision should be avoided.

3. Be consistent within an individual building:

- avoid designs that are insensitive to the designs of neighbouring buildings. While diversity is encouraged throughout the community as a whole, consistency in design throughout an individual building is important.

Design, as it was in the past, should contribute to the character of the community by responding to the forest context and using craftsmanship in construction and detail. However, architects and designers should not feel constrained to a particular architectural vernacular. Adapting more contemporary design approaches to the size, massing, scale, materials and site relationships found in earlier designs is encouraged as a means of achieving compatibility with diversity. Good design should also take into account future maintenance and repair requirements. Historically, most homes were simple, modest, and usually built by their owners who had the knowledge and ability to maintain and repair their homes. Many of today's designs are more complex with complicated construction methods and materials with which owners do not have the knowledge and/ability. Relying on others to do the necessary work for them may be problematic because the work force in small communities is limited.

The Design Process:

A design should consider every aspect of a building and its setting to achieve an outcome that responds to the needs of the individual while integrating into the landscape. This process should be followed as compared to picking a design from a 'pattern book' of house types and trying to fit this design into the site.

Stage 1: Define the objectives

It is important to decide what you need and what you don't as this will inform your architect / designer what you require. A good understanding of the design will take time and is a two-way process which discusses the needs of the individual and is shaped by the guidance and expertise of the designer/architect.

Stage 2: Assess the site

Of all the factors, site selection has the biggest influence on how successfully a dwelling can blend into its natural surroundings. While the design of the structure is also a crucial element, poor site selection places significant limitations on how you create your living space as its position in the landscape will complicate construction and may adversely affect your lifestyle. Good site selections opens up a significant number of potential possibilities for the creation of your living space.

Essentially, good siting is when a building appears to "belong" to the landscape rather than intruding upon it. The key to allowing a new dwelling to "belong in the landscape" is the selection of the correct site within the landscape and then to consider the characteristics of that site and develop the design of your house based on these characteristics. It is important for a dwelling to pay particular attention to the existing contours on a site to determine if a specifically designed dwelling can be accommodated on a site, making use of and working with the site levels. Digging out the site can be expensive and the creation an artificial platform can make the structure unnecessarily prominent.

The following should be looked at in relation to the site:

- What are the characteristics of the site?
- Are there features that should be retained or incorporated in the design?
- Is there a good view? How can the rooms and/or the dwelling be orientated to take advantage without losing the benefits of solar gain?
- Are there potential negative impacts on neighbouring properties?
- Are there viewpoints external to the site where the structure will be obvious in the landscape?
- How will the design affect the skyline?

Stage 3: Produce a concept

A design concept will bring together all the individuals' requirements and the assessments carried out will help to arrange the buildings on the site. This will show how the buildings will look on the ground. The production of a good design concept will form the basis for the preparation of detailed drawings to be submitted with a planning application.

Designing the right house for the right site:

The site selection and locating the dwelling appropriately in the site is critical. The key to designing a dwelling successfully is that the dwelling is designed for the site where it is to be built. It is important that designs are not just copied of other sites which the applicant may like for one reason or another. These structures may not suit the chosen site or possibly the individual needs of the future resident.

Before you start to think about a house type, it is important to study the character and physical attributes of the site. A site contour map can be drawn up and any proposal on this site should have minimal intervention with landscape features. It is vital that you design a dwelling based on the sites features and not the other way around. A building should reinforce the character of a particular landscape and compliment it through careful location, siting and building design.

The following characteristics should be central to the design process;

- Simple building form
- Well proportioned
- Sits comfortably in the landscape with as little disruption to the existing ecology as possible
- Maximize solar gain with rooms obtaining natural light throughout the day
- Sheltered from the weather
- Simple construction
- No unnecessary or non-functional ostentatious details on building
- Modern but distinctively rural
- Minimize areas of hard, non-porous surfacing
- A selection of landscape plants that are easy to maintain, deer resistant and drought tolerant.

Conclusion:

These guidelines are intended to assist in preserving and protecting the sensitive environment, heritage and rural character of South Pender Island and to ensure that the beauty and quiet enjoyment that we cherish are maintained for present and future generations.

South Pender Island lies within the Coastal Douglas fir bio-geoclimatic ecological zone which as a result of climate change, is becoming endangered. Many bird species and other animals within this zone are also diminishing in numbers. In the Salish Sea, one of our most iconic mammals, the Southern Killer Whale (Orca), is threatened by the activities and degradation of their environment by humans. Many species of fish, shellfish, and sea birds are also in decline.

The South Pender Official Community Plan (OCP), maintains that “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.” To achieve this goal the OCP calls for “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.” One of the policies to realize this goal is “the concept that land use and development should be compatible with the inherent capacity of the island.” This in itself, recognizes a person’s right to a healthy environment.

The Rights of Nature recognizes the impact by human beings is caused primarily by our attitude towards nature which views nature as an object or property, rather than a myriad of life forms. If we recognize the importance of “sustainability” then we need also to recognize limiting our use and impacts to Nature if we are to maintain a balance in the ecosystems in which we share with the plants, forests, and animals. Humans are ultimately connected to Nature, and our present and future generations can only be sustained when the environment is respected and healthy. For example, cutting down trees to build a home may be necessary but the clear cutting of large swaths of trees destroys a forest and the ecosystem in which many other plants and animal species depend upon to survive.

The First Nations who inhabited this region since time immemorial understood their connection to, and responsibility for, the sustainability of the land, waters and all other species, which ensured their survival through millennia.

I propose that the South Pender Island Official Community Plan recognize the Rights of Nature within an overall framework of sustainable development, in conjunction with other agencies, and with the involvement and participation of property owners, to:

- a) Prevent and control pollution and its effects and the harmful forms of erosion;
- b) Conduct and promote land use planning with a view to a correct location of activities, balanced social and economic development and the enhancement of the landscape;
- c) Create and develop natural and recreational areas and classify and protect landscapes and places, in such a way as to guarantee the conservation of nature and the preservation of cultural values and assets;

- d) Promote the rational use of natural resources, while safeguarding their ability to renew themselves and maintain ecological stability, with respect for the principle of inter-generational solidarity;
- e) Act in cooperation with other authorities, to promote the environmental quality of rural settlement, particularly on the architectural level and as regards the protection of historic zones;
- f) Promote the integration of environmental objectives into the various policies of a sectoral nature;
- g) Promote environmental education and respect for environmental values;
- h) Promote a tax policy that renders development compatible with the protection of the environment and the quality of life.

<https://therightsofnature.org/>

Vision Statement:

The South Pender Building Design & Siting Guidelines are intended to support the South Pender Island Official Community Plan and in particular, the following two primary goals:

2.2.1 To maintain the island's rural character so community members and visitors may continue to enjoy a sense of tranquility, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment;

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.

These guidelines draw upon objective criteria and a variety of approaches for creating thoughtfully designed, energy efficient homes and accessory structures which also relate to, and are in harmony with, their natural surroundings. These guidelines are intended to promote an appreciation of our island's history, create an understanding of our rural character, and reinforce our regional identity. These guidelines are presented to encourage imaginative, site specific designs which result in buildings whose design, siting and massing meet the objectives laid out below.

Purpose: These guidelines encourage owners, architects, designers, and builders to design and site structures on the property by considering the topography of the land, its ecology, and the natural character of the island and our rural community.

Objectives:

- To site buildings in a way that will integrate them with the landscape, though the use of a diversity of architectural styles, the use of regionally sourced building materials and the use of exterior colours which compliment the natural character of the island,
- To encourage the use of energy saving technologies to reduce greenhouse gases,
- To encourage consideration and respect of neighbouring properties when siting and designing a building, and;
- To encourage designs that maintain compatibility with the character of the neighbourhood and overall community and decrease the visual prominence of a building.

Site Preparation:

Clear the land only where necessary maintaining as much contiguous forest cover as possible. Prior to removing trees, consider shade requirements, wind direction, wildlife habitat, water retention and drainage. Functional issues such as road access, services, drainage and septic disposal, should be considered along with the layout of structures which will result in an integrated site plan. Excessive excavation and it's mitigation can be expensive, unnecessary, and damage or alter the landscape forever.

Principles of Design:

A design should consider every aspect of a building and its setting to achieve an outcome that responds to the needs of the individual while integrating into the landscape. Designs should take into account future maintenance and repair requirements. Historically, most homes were simple, modest, and owners had the knowledge and ability to maintain and repair their homes. Complex designs or those with complicated construction methods and materials may be beyond many owners have capability. Relying on others to do the necessary work may be problematic and costly because the work force in small communities is limited. Look to the future by considering potential mobility issues that may occur and create difficulties with stairs and access. Other considerations include:

1. Keep the design simple. This should be accomplished in a restrained, proportionate, manner such that each building remains subordinate to the natural and rural character.
2. Consider a diversity of styles: - Avoid a repetition of a single style within a neighbourhood. Choose designs that contribute to the character of the overall community.
3. Be consistent within an individual building: - avoid a variety of design features or those that are non-functional, or ostentatious.

The Design Process:

Stage 1: Define the objectives. Inform your architect/designer what you require with respect to your individual lifestyle. A good understanding of what you need and what you don't, with respect to the size of the home, may take time but may save disappointment later on.

Stage 2: Assess the site. Of all the factors, site selection has the biggest influence on how successfully a dwelling can blend into its natural surroundings. Poor site selection can result in significant limitations on how you create your living space as its position in the landscape may complicate construction.

Siting of structures should be addressed at the initial stage of developing properties and should utilize natural topography and minimize disturbance to the ecology and the visual impact of new structures by helping the building "belong" to the landscape rather than intruding upon it. Consider local knowledge when siting homes to take into account particular micro-climate influences in your specific area, such as potable water sources, soil conditions, wind and rain direction, summer heat, early frosts, and drainage routes. The design of the house itself will also help in how it relates to the site and the wider landscape. Good natural sites offer shelter, privacy and take advantage of solar applications.

Consideration should be given to the prominence of the structure and how it impacts views from adjacent properties and the visual impact from other view corridors.

Stage 3: Produce a concept. A design concept will bring together all the individuals' requirements and will help to arrange the residence and accessory buildings on the site with a visual representation. A site contour map may also be beneficial.

Landscaping:

- The character of the rural garden can be defined as something which requires minimal intervention to the existing landscape and native plants. Select plants that are deer resistant, drought tolerant and non-invasive.
- Planting zones can create pathways, enclosures, privacy, wildlife habitats, boundary treatments and limit expansive areas of pavement and lawns. Planting can be used to soften the geometric impact between the built environment and the natural landscape.
- The endangered Coastal Douglas Fir ecosystem is one of the most important features of the community. Unnecessary fragmentation of this forest landscape is discouraged. Rather than cut trees for view corridors, consider "windowing" by trimming branches.

Hard surfaces and paving materials:

- For driveways, patios, and walkways, avoid large, continuous, areas of paving and consider using porous materials that permit percolation of water and aeration in soils.

Fencing:

- Not every property needs a fence or wall along its entire perimeter. Keep fencing to a minimum around specific areas requiring protection and/or screening.
- Consider the neighbourhood and adjoining properties when designing and installing a fence or wall.

For further information, please refer to these publications available on the Islands Trust website: