



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: May 7, 2021
Time: 10:30 am
Location: Electronic Meeting

	Pages
1. CALL TO ORDER	10:30 AM - 10:30 AM
2. APPROVAL OF AGENDA	10:30 AM - 10:35 AM
3. TRUSTEE REPORT	10:35 AM - 10:45 AM
4. CHAIR'S REPORT	
5. TOWN HALL AND QUESTIONS	10:45 AM - 11:00 AM
6. COMMUNITY INFORMATION MEETING	
None	
7. PUBLIC HEARING	
None	
8. MINUTES	11:00 AM - 11:10 AM
8.1. Local Trust Committee Minutes	
8.1.1. <u>Regular Minutes Dated March 5, 2021 (for Adoption)</u>	4 - 15
8.1.2. <u>Local Trust Committee Bylaw No. 119 and 120 Public Hearing Record Dated March 5, 2021 (For Receipt)</u>	16 - 19
8.1.3. <u>Local Trust Committee Bylaw No. 121 Public Hearing Record Dated March 5, 2021 (For Receipt)</u>	20 - 21
8.1.4. <u>Special Meeting Minutes Dated April 9, 2021 (for Adoption)</u>	22 - 27
8.2. Section 26 Resolutions-without-meeting Dated April 2021	28 - 28
8.3. Advisory Planning Commission Minutes - None	
9. BUSINESS ARISING FROM THE MINUTES	
9.1. Follow-up Action List Dated April 2021	29 - 30

10.	DELEGATIONS	11:10 AM - 11:30 AM	
10.1.	Capital Regional District - Southern Gulf Islands Transportation Integration Plan		31 - 32
11.	CORRESPONDENCE		
	<i>Correspondence received concerning current applications or projects is posted on the LTC webpage</i>		
12.	APPLICATIONS AND REFERRALS		
13.	LOCAL TRUST COMMITTEE PROJECTS	11:30 AM - 1:00 PM	
13.1.	Alternative Housing (RV) Project - Consideration of Adoption of Bylaw No. 121 – Staff Report (attached)		33 - 36
13.2.	Shoreline Review – Staff Memo (attached)		37 - 72
13.3.	Land Use Bylaw Project – Staff Report (attached)		73 - 77
13.4.	Minor Official Community Plan Amendments Project – Staff Report (attached)		78 - 82
14.	REPORTS	1:00 PM - 1:10 PM	
14.1.	Work Program Reports (attached)		
14.1.1.	<u>Top Priorities Report Dated April 2021</u>		83 - 83
14.1.2.	<u>Projects List Report Dated April 2021</u>		84 - 85
14.2.	Applications Report Dated April 2021 (attached)		86 - 86
14.3.	Trustee and Local Expense Report Dated February 2021 (attached)		87 - 87
14.4.	Adopted Policies and Standing Resolutions (attached)		88 - 89
14.5.	Local Trust Committee Webpage		
14.6.	Islands Trust Conservancy Report - None		
15.	NEW BUSINESS		
16.	UPCOMING MEETINGS		
16.1.	Next Regular Meeting Scheduled for July 9, 2021, Location : TBD		
17.	TOWN HALL	1:10 PM - 1:25 PM	
18.	CLOSED MEETING (Distributed Under Separate Cover)		

18.1. Motion to Close Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1)(d)(i) for the purpose of considering:

- *Adoption of In-Camera Meeting Minutes Dated September 6, and November 1, 2019*
- *Legal Advice*

AND that the recorder and staff attend the meeting.

18.2. Recall to Order

18.3. Rise and Report

19. ADJOURNMENT

1:25 PM - 1:25 PM



DRAFT

South Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: March 5, 2021
Location: Electronic Meeting

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

Staff Present: Kim Stockdill, Island Planner
Robert Kojima, Regional Planning Manager (Part)
Narissa Chadwick, Island Planner (Part)
Bylaw Enforcement Officer Warren Dingman (Part)
Kathy Gilbert, Recorder
Maple Hung, Planning Assistant (Host)

Public: There were approximately 26 attendees in the Zoom Webinar.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Vary the order of Business to consider Item 15.2 Alternative Housing Project – Staff Report prior to Item 15.1 Short Term Vacation Rental Project – Staff Report;
- Add a new Item 18.2 Proposed Changes to Annual Meeting Schedule

By general consent the agenda was approved as amended.

3. TRUSTEE REPORTS

Trustee Thorne said that he is looking forward to Spring.

Trustee Wright reminded residents to stay safe and not travel.

4. CHAIR'S REPORT

Chair Patrick reminded those present of the upcoming Trust Council meeting (March 9-11.)

5. TOWN HALL AND QUESTIONS

Chair Patrick advised that the purpose of the Town Hall is to provide an opportunity to speak about general issues. She noted that the Community Information Meetings are an opportunity for the public to ask about proposed changes to the Official Community Plan, while the Public Hearings provide the opportunity to state opinions on the draft bylaws. She outlined speaking guidelines and identified how to let the Chair and Trustees know that they would like to speak.

Q.: Donna Spalding asked how many people are participating in the meeting.

A.: Chair Patrick advised that there are approximately 26 in attendance via Zoom; and an unknown number viewing the live-stream.

Q.: Donna Spalding commented that recent correspondence from the public regarding the applications had not been posted the Islands Trust website.

A.: Planning Assistant (PA) Maple Hung and Regional Planner Manager (RPM) Robert Kojima advised that the correspondence is now available.

6. COMMUNITY INFORMATION MEETING - Proposed Bylaws 119 and 120

6.1 South Pender Island Local Trust Committee Proposed Bylaw No. 119 (OCP Amendment) and Proposed Bylaw No. 120 (LUB Amendment) - Short Term Vacation Rental Review

Island Planner (IP) Kim Stockdill provided an overview of the purposes of the proposed bylaws. She noted that Short Term Vacation Rentals (STVRs) will be removed from the definitions section of the Land Use Bylaw (LUB), and the OCP guidelines around issuance of a temporary use permit (TUP) to allow for operation of an STVR will be augmented.

She outlined the notification procedures and the period of time that the use may be undertaken. She also noted that, under the Local Government Act (LGA,) existing STVRs are legal non-conforming uses, and described the meaning of the term “non-conforming.” Further, the Islands Trust is not empowered to issue business licences.

Chair Patrick opened the floor for questions:

Q: Mariette West asked for clarification on the LGA provisions around non-conforming uses. She also asked how monitoring of the 6-month maximum period of non-use, which, if exceeded, would result in the loss of the STVR’s non-conforming status. She also queried whether TUPs are necessary, given the cost and bureaucracy involved.

A: Trustee Wright advised that active monitoring of the use of a building as an STVR will not take place; and that the issuance of TUPs will give an idea of how many STVRs there are on South Pender.

A: Trustee Thorne noted that the community had asked for a better level of oversight of STVRs.

Q: Jane Perch asked whether the Community Information Meetings (CIMs) are available on the IT website.

A: Chair Patrick confirmed that the minutes of all meetings are on the website.

Q: Gordie Duncan asked for clarification on the length of time that a TUP is valid for. He also asked what the cost of renewal will be.

A: IP Stockdill advised that a TUP is valid for a maximum of three (3) years, with an option to renew the permit for up to another three year period. The cost to renew the TUP will be \$165, noting that the initial application cost will be \$1100.

Q: Donna Spalding asked about costs additional to the application cost for the TUP, such as water and sewer studies.

A: Trustee Thorne stated that all potential operators of STVRs should ascertain what all of the costs will be before applying for a TUP.

Q: Donna Spalding asked why TUPs should be necessary for the establishment of an STVR.

A: Trustee Thorne provided a rationale for his support of STVRs.

Q: Peter Brooke asked for clarification of monitoring the six-month continuous use provision in the LGA in order for the use to maintain non-conforming status.

A: RPM Kojima advised that the onus is on the property owner to prove that the use has continued for six months in order to maintain non-conforming status.

Q: Gordie Duncan asked why four (4) off-street parking spaces are required and why a maximum of four (4) adults is in place (with provision, with a rationale, up to six(6) adults.)

A: RPM Kojima reiterated that the proposed provisions are guidelines only and that the applicant should read through them before applying for a TUP.

Q: Peter Brooke recommended that the proposed wording of the amending bylaws be reviewed.

Anne Wallis asked how many people participated in the survey regarding allowing STVRs.

A: Trustee Thorne advised that 102 people participated, 70% of whom were residents of South Pender.

Q: Anne Wallis noted that there estimated to be approximately thirty (30) STVRs presently on South Pender; the proposed OCP amendments will allow for twenty (20;) and asked for clarification.

A: Trustee Wright was noted that the proposed amendments would allow for a further 20 STVRs and provided a rationale for that number.

Q: Ms. Perch asked whether substantial changes would cause another public hearing to be held.

A: Trustee Wright noted that regulations provide no flexibility with respect to use, whereas TUPs may provide that flexibility through conditions.

Q: Donna Spalding expressed concern over the costs of advertising.

A: Chair Patrick noted that a resolution had been passed at the Union of BC Municipalities annual meeting asking that the Province examine the wording around the need to advertise in newspapers, as alternative forms of communication have become the norm.

Q: Mariette West expressed concern that there are three (3) people, (the Trustees and Chair,) making decisions related to issuing a TUP and stated that the guidelines were arbitrary.

A: Trustee Thorne and RPM Kojima advised of local government powers with respect to making decisions and spoke about use of TUPs by other Local Trust Committees.

Hearing no further questions, the Chair closed the CIM.

7. PUBLIC HEARING - Proposed Bylaws 119 and 120

7.1 South Pender Island Local Trust Committee Proposed Bylaw No. 119 (OCP Amendment) and Proposed Bylaw No. 120 (LUB Amendment) - Short Term Vacation Rental Review

Public Hearing Binder under separate cover.

The meeting reconvened at 12:08 p.m.

8. COMMUNITY INFORMATION MEETING - Proposed Bylaw 121

8.1 South Pender Island Local Trust Committee Proposed Bylaw No. 121 (LUB Amendment) - Alternative Housing Project

IT Planner Narissa Chadwick presented proposed changes to the LUB. Key changes are:

- Limiting the use / occupancy of recreational vehicles (RVs) to two (2) years while a building permit is in effect; and
- Limiting the maximum number of days per year that an RV may be used as a dwelling to sixty (60) days.

Q: Gordie Duncan asked for the rationale regarding the number of days that an RV may be occupied as a dwelling.

A: Trustee Thorne noted that trustees were looking for a balance between camping and permanent occupancy of an RV .

A: Trustee Wright stated that the 60-day maximum occupancy was placed in the draft amending LUB bylaw for comment. He further noted that the 60-day maximum occupancy provision is cumulative, rather than consecutive.

Q: Jane Perch asked how the 60-day maximum occupancy limit would be enforced and that the limit was punitive. She further noted that water and sewer services will be required; and that people are living in RVs on a permanent basis.

A: Trustee Wright provided a rationale for the provisions identified by Jane Perch: that there are people living in RVs permanently and the requirements for water and sewer

services might help limit the number of people living in RVs without such services; and that limiting the maximum occupancy days to 60 might help to manage lack of servicing and permanent occupancy issues.

Q: Jane Perch stated that the conditions around temporary occupancy are unclear.

A: Trustee Thorne referred Ms. Perch to the LUB for clarification.

9. PUBLIC HEARING - Proposed Bylaw 121

9.1 South Pender Island Local Trust Committee Proposed Bylaw No. 121 (LUB Amendment) - Alternative Housing Project

Public Hearing Binder under separate cover.

The meeting reconvened at 1:20 p.m.

10. MINUTES

10.1 Adopted Local Trust Committee Minutes Dated January 29, 2021 (for Adoption)

The following amendments to the minutes were presented for consideration:

The last sentence in the Chair's report be amended to delete the word "affordable", so that the last sentence now reads:

"Chair Patrick also provided an overview of the work being completed on Salt Spring Island related to water protection and housing."

By general consent the minutes were adopted as amended.

10.2 Section 26 Resolutions-without-meeting - None

10.3 Advisory Planning Commission Minutes - None

11. BUSINESS ARISING FROM THE MINUTES

11.1 Follow-up Action List Dated February 2021

12. DELEGATIONS - None

13. CORRESPONDENCE

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

14. APPLICATIONS AND REFERRALS - None

15. LOCAL TRUST COMMITTEE PROJECTS

15.1 Short Term Vacation Rental Project - Staff Report

Chair Patrick reconvened the Regular Meeting at 1:42 pm.

Planner Stockdill summarized the STVR project and options for the LTC's consideration.

Trustee Wright prefaced his specific comments on the bylaws noting that:

- This had been a long process;

- Proposed guidelines around the issuing of TUPs are items to be considered;
- Proposed changes are subject to public scrutiny;
- While the use of TUPs is not the preferred approach to regulating short term vacation rentals (STVRs,) it's the only tool available at the present time.

Trustee Wright stated that Chair Patrick is trying to start a regional discussion on STVRs.

Chair Patrick advised that the Capital Regional District (CRD) has the ability to issue business licenses, to which Trustee Wright added that there is no appetite from CRD Area Director Dave Howe for a change in legislation to allow for the Islands Trust to issue business licenses.

Trustees discussed proposed amendments to Bylaws 119 and 120:

SP-2021-018

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended for Item No. 4 as follows:

That in Section 3.1.2(e)(ii) delete bullet one to replace with the following: "The Local Trust Committee may consider issuance of a Temporary Use Permit for short term vacation rental use on lots where a single family dwelling or a cottage is permitted by the land use bylaw on lands designated Rural Residential." and in bullet number two by deleting the word "regulations" and replacing it with the words "policies and guidelines."

CARRIED

SP-2021-019

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended by deleting Item No. 2.

CARRIED

SP-2021-020

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended by amending Item No. 5 so it reads:

'Clause 3.5.2(d)(iv) is amended by deleting "including short-term rental of a single family dwelling and" and by adding a new Article to Section 3.5.2 Agriculture Policies that reads: "The Local Trust Committee may consider issuance of a Temporary Use Permit for short term vacation rental use on lots where a single family dwelling or a cottage is permitted by the land use bylaw on lands designated Agriculture."'

CARRIED

SP-2021-021

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended by amending Item No. 6 so it reads:

'Clause 3.6.2(b)(iii) is amended by deleting "short-term rental of a single family dwelling;" and by adding a new Article to Section 3.6.2 Forest Land Policies that reads: "The Local Trust Committee may consider issuance of a Temporary Use Permit for short term vacation rental use on lots that do not have Private Managed Land Forest status and where a single family dwelling or a cottage is permitted by the land use bylaw on lands designated Forest."

CARRIED

SP-2021-022

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended by adding the words "other than the owner or permanent occupier" at the end of the sentence for guideline 8.2.6a.

CARRIED

SP-2021-023

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended by adding a new guideline that states: "A temporary use permit for short term rental accommodation may not be issued in areas of known groundwater shortage based on available mapping unless the applicant can provide evidence for that use."

CARRIED

SP-2021-024

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" amend Item No. 7, Clause 8.2.6(e) by deleting the number "20" and replacing it with "10".

CARRIED

SP-2021-025

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended to:

- Delete Clauses 8.2.6(j) and 8.2.6(k)iv; and
- Amend Clause 8.2.6(i) by adding at the end of the sentence: "and to provide the name and contact information to guests and adjacent owners."

CARRIED

SP-2021-26

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended to:

Replace Clause 8.2.6(l) iii with: "establish the dates during which the use may occur, with particular consideration given to the period from May to September in a calendar year."

CARRIED

SP-2021-027

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended to delete Clauses 8.2.6(k)i and 8.2.6(l)viii.

CARRIED

Trustee Thorne commented that some of the written submissions regarding bylaws 119 and 120 contained different information from the information provided by staff and Trustees. He responded to a number of both written and verbal points raised by residents and owners regarding their submissions and the Trustees' decisions.

Chair Patrick reiterated her desire for a regional approach to STVRs.

SP-2021-28

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020," be read a second time as amended.

CARRIED

SP-2021-29

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proposed Bylaw No. 120, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020," be read a second time.

CARRIED

SP-2021-030

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020," be read a third time.

CARRIED

Trustee Wright thanked the public, staff and fellow Trustee Thorne for their work on this project.

SP-2021-031

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proposed Bylaw No. 120, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020" be read a third time.

CARRIED

SP-2021-032

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proposed Bylaw Nos. 119 and 120 be sent to the Secretary of the Islands Trust for Executive Approval.

SP-2021-033

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proposed Bylaw No. 119 be forwarded to the Minister of Municipal Affairs for approval.

CARRIED

15.2 Alternative Housing Project - Staff Report

IT Planner Chadwick reviewed the purpose of the proposed bylaw and the post public hearing process. (See public hearing and staff report.)

Trustee Wright noted that he had no objection to extending the sixty day (60) limit on camping use and provided some rationale for it was set for 60 days. .

Trustee Thorn identified that he was open to extending the period of 60 days however not beyond what could be considered a camping use.

Warren Dingman, the IT Bylaw officer, was asked to comment on enforcement for RVs with septic hookups and the advantage of limiting the length of stay. Warren indicated that there will only be enforcement if there is a complaint. By limiting the amount of time you can camp you are not allowing extended living in an RV without the intention of building a home.

Trustee Wright identified he would not want to extend the time period for camping beyond 90 days.

Trustee Thorn proposed an extension on the camping use period to 90days.

SP-2021-036

It was Moved and Seconded,

that the 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 amended by changing the maximum time that an RV may be used for camping from 60 days to 90 days .

CARRIED

The amending subsection of bylaw 121 will be changed to read:

Subsection 3.10 (1) is amended by adding a new Article after 3.10 (e) that reads "(f) where a recreational vehicle is used for temporary camping, occupancy of a recreational vehicle not exceed 90 days in a calendar year."

SP-2021-037

It was Moved and Seconded,

that the 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 read a second time as amended.

CARRIED

SP-2021-038

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw No.121, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2021", as amended be read a third time.

CARRIED

SP-2021-039

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw No.121, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2021" as amended, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

15.3 Work Program – Staff Report

Due to time constraints, the remaining items 16 to 19 on the agenda were deferred for future consideration.

Trustees also suggested holding a special meeting in April to discuss item 15.3 on the Agenda.

Discussion turned to the Top Priorities List and reports written by the Trustees and the process and timing for referral of the work program items, including potential changes to the OCP, to the APC.

16. REPORTS

16.1 Work Program Reports

16.1.1 Top Priorities Report Dated February 2021

16.1.2 Projects List Report Dated February 2021

16.2 Applications Report Dated February 2021

16.3 Trustee and Local Expense Report Dated December 2020

16.4 Adopted Policies and Standing Resolutions

16.5 Local Trust Committee Webpage

16.6 Islands Trust Conservancy Report Dated January 2021

17. NEW BUSINESS

17.1 Rights of Nature - Discussion

17.2 Southern Gulf Islands Schedule Enhancement

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled for May 7, 2020 - Location: TBD

19. TOWN HALL

20. CLOSED MEETING – None

21. ADJOURNMENT

SP-2021-039

**It was Moved and Seconded,
that the meeting be adjourned.**

CARRIED

The meeting was adjourned at 4:08 p.m.

Laura Patrick, Chair

Certified Correct:

Kathy Gilbert, Recorder



South Pender Island Local Trust Committee Record of a Public Hearing Proposed Bylaws No. 119 & 120

Date: March 5, 2021
Location: Zoom Webinar

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

Staff Present: Kim Stockdill, Island Planner
Narissa Chadwick, Island Planner (Part)
Robert Kojima, Regional Planning Manager (Part)
Kathy Gilbert, Recorder
Maple Hung, Planning Team Assistant (Host)

Public: Approximately 27 attendees in the Zoom Webinar present.

7.1 South Pender Island Local Trust Committee Proposed Bylaw No. 119 (OCP Amendment) and Proposed Bylaw No. 120 (LUB Amendment) - Short Term Vacation Rental Review

Chair Patrick recessed the Regular Meeting at 12:08 p.m.

Chair Patrick verbally advised of the legal requirements and protocols around the holding of public hearings. She noted that there were approximately twenty-seven (27) people in attendance, including Trustees and staff.

Chair Patrick noted that written comments regarding the bylaws may be submitted during the public hearing and provided the Islands Trust email address for doing so. Island Planner Stockdill advised that:

- The public hearing was advertised in the Gulf Islands Driftwood on February 17 and February 24, 2021; and
- The public hearing binder is available on the Islands Trust website.

Island Planner Stockdill summarized Bylaws 119 and 120.

She listed the government agencies and First Nation to whom were sent bylaw referrals. One response was received from the North Pender Island Trust Committee supporting the proposed changes, subject to the South Pender Island Trust Committee reviewing the North Pender Island's reviewing their guidelines.

Island Planner Stockdill stated that seventeen (17) public submissions had been received regarding the proposed bylaws prior to the public hearing.

Chair Patrick opened the floor for comments.

Jane Perch provided comments as follows:

- Further restrictions on STVRs have not been studied;
- Some guidelines should be in the LUB rather than as conditions of the TUP;
- Objection to relying on North Pender guidelines;
- The short notification period;
- That the community involvement process was inadequate;
- That the bylaws should be revisited;
- That a South Pender website has been launched to keep residents and owners informed of the Islands Trust conversations.

Trustee Thorne noted that the public has been involved in the development of the TUP guidelines and provided dates of when consultation had been invited.

Ms Perch reiterated that the consultation process had been inadequate.

Trustee Thorne and Island Planner Stockdill reviewed the process involved to draft the amending bylaws and that the proposed bylaws are available for reviewing on the Islands Trust website.

Alma Lightbody agreed with adding some of the proposed regulations to the LUB, rather than adding guidelines to the conditions of the TUPs.

A discussion clarified that the number of days that an STVR may be operating is restricted at various times of the year.

Trustee Thorne recommended that the proposed amendments be clarified with respect to the annual number of days that an STVR may operate.

Gordie Duncan expressed his opposition to the LUB amendment Bylaw No. 119.

He further provided the following comments that:

- The bylaw amendments could have been advertised in the February and March 2021 editions of the Pender Post;
- There was no “Trustees’ corner” column in either edition;
- The Trustees have no data on the number of existing STVRs on South Pender and no information on how many will be identified as non-conforming;
- The community survey had indicated “some interest” in the use of issuing a TUP for establishment of an STVR and there is limited community support for the use of TUPs for approval of STVRs; and
- There is concern over the Trustees’ discretionary power in the OCP guidelines around issuing a TUP, including the provision to require that “any other conditions that the Trustees may consider appropriate” might apply.

Mr Duncan requested that the amending bylaws proceed no further.

Mariette West concurred with Mr Duncan’s comments and added the following comments around various issues:

- That there was no community support for the use of TUPs to regulate STVRs;
- Property rights generally;
- A TUP process is not required;
- A legal opinion is necessary around the proposed bylaws;
- The number of guests at a STVR;
- That the guidelines may be interpreted loosely;
- That three (3) people (Trustees and Chair) are enabled to make decisions regarding the use of TUPs for approval of STVRs;
- That she had not received the STVR survey;
- Most people have respected COVID-19 orders and not travelled to Pender Islands; and
- She supported others' comments and opposition to the proposed bylaw amendments.

Donna Spalding provided the following comments:

- That STVRs have been located on South Pender for many years;
- She is not aware of any complaints regarding any STVR;
- There may be legal action pending on issues related to use of TUPs for approval of STVRs;
- The proposed South Pender OCP and LUB bylaw amendments should not be based on those from other jurisdictions; specifically, the "neighbourhoods" and "density" descriptions on North Pender differ from those on South Pender;
- Ten (10) submissions were received by the Islands Trust objecting to the proposed bylaws;
- Regulations related to the use belong in the LUB;
- Proposed OCP policies may be perceived as unwelcoming to those planning to come to South Pender; and
- Most survey respondents support STVRs with no owner required to be present on the property.

She further stated the discussion around bylaw amendments has yet be completed.

Peter Brooke referenced his written submission to the Islands Trust.

He asked that the proposed bylaws' provisions be less prohibitive and more permissive; and that the proposed fees be reviewed.

Jane Perch commented that the Islands Trust may ask for legislative changes such as the ability to issue business licences (noting that issuance of TUPs and the associated costs would be eliminated.)

Trustee Thorne noted that legislative changes take time and that support from the public for changes is helpful.

Planning Assistant Maple Hung advised that one (1) additional public submission had been received during the public hearing.

Chair Patrick advised that following the close of the public hearing, Trustees cannot receive any further submissions.

Chair Patrick made three (3) calls for further oral or verbal submissions from the public. No further submissions were made.

Chair Patrick closed the public hearing at 1:07 p.m.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

RECORDER

DATE



South Pender Island Local Trust Committee
Record of a Public Hearing
Proposed Bylaw No. 121

Date: March 5, 2021
Location: Zoom Webinar

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

Staff Present: Kim Stockdill, Island Planner (Part)
Narissa Chadwick, Island Planner
Robert Kojima, Regional Planning Manager (Part)
Kathy Gilbert, Recorder
Maple Hung, Planning Team Assistant (Host)

Public: Approximately 20 attendees in the Zoom Webinar were present.

9.1 South Pender Island Local Trust Committee Proposed Bylaw No. 121 (LUB Amendment) - Alternative Housing Project

Chair Patrick recessed the Regular Meeting at 1:07 p.m. and called the public hearing to order at 1:20 pm.

She read a prepared statement outlining the content, purpose and process of the Public Hearing. She noted that there were approximately twenty (20) people in attendance, including Trustees and staff.

She noted that written comments regarding the proposed bylaws may be submitted during the public hearing and provided the Islands Trust email address for doing so.

Island Planner Chadwick provided an overview of the statutory process for advertising the meeting. She advised that:

- The public hearing was advertised in the Gulf Islands Driftwood on February 17 and February 24, 2021; and
- The public hearing binder is available on the Islands Trust website.

Chair Patrick opened the public hearing for comments.

Gordie Duncan stated that the 60-day maximum occupancy for alternative housing is too short. He recommended that a three (3) to four (4) months; or up to eleven (11) month period for occupancy be considered.

Chair Patrick made three (3) calls for further verbal or written submissions from the public.

No further submissions were made.
Chair Patrick closed the public hearing at 1:41 p.m.

**I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS
RESPECTING THE MEETING HELD.**

RECORDER

DATE



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.

5. **AJOURNMENT**

By general consent the meeting was adjourned at 12:40 p.m.

Laura Patrick, Chair

Certified Correct:

Kathy Gilbert, Recorder



Resolutions Without Meetings Log

South Pender Island

Resolution Number	Action	Date
2021-004	Carried	31-Mar-2021
THAT the South Pender Island Local Trust Committee hold a Special Local Trust Committee Meeting on April 9, 2021 at 10:30 am.		

Follow Up Action Report

South Pender Island

05-Mar-2021

Activity	Responsibility	Dates	Status
1 10.1 SP LTC minutes dated January 29, 2021 adopted as amended.	Maple Hung	Target: 19-Mar-2021	Completed
2 15.1 STVR Project 1. Amend bylaw No. 119 - Done 2. Proposed Bylaw Nos. 119 & 120 were given Second & Third reading. Update bylaws - Done 3. Refer proposed Bylaw Nos. 119 & 120 to EC for April 14, 2021 EC meeting - Done 4. Forward proposed Bylaw No. 119 to Minister. Done	Jas Chonk Kim Stockdill	Target: 02-Apr-2021	Completed
3 15.2 Alternative Housing (RV) Project 1. Amend bylaw No. 121. 2. Proposed Bylaw No. 121 was given Second & Third reading. Update bylaw. 3. Refer proposed Bylaw No. 121 to EC for April 14, 2021 EC meeting.	Jas Chonk Narrisa Chadwick	Target: 02-Apr-2021	Completed
4 15.3 Send RWM to SP LTC to schedule a Special Meeting to discuss the Work Program report. Possible date: Friday, April 9, 2021 (10am to 12pm).	Jas Chonk Maple Hung	Target: 19-Mar-2021	Completed

09-Apr-2021

Activity	Responsibility	Dates	Status
----------	----------------	-------	--------

Follow Up Action Report

South Pender Island

09-Apr-2021

Activity	Responsibility	Dates	Status
1 Remove the STVR project and the Alternative Housing project from the Top Priority List and the Groundwater Sustainability Project from the Top Priority List to the Projects List.	Kim Stockdill	Target: 16-Apr-2021	Completed
2 Refer to the SP APC with a requested response by May 7, 2021: 1. Draft Building Design & Siting Guidelines 2. Rights of Nature document to the SP APC 3. Shoreline stairways for consideration and solutions	Kim Stockdill Maple Hung	Target: 16-Apr-2021	Completed
3 Add Land Use Bylaw Amendments Project and the Shoreline Review Project to the Top Priority List.	Kim Stockdill	Target: 16-Apr-2021	Completed
4 Staff to add Minor OCP Amendments (Building Design & Siting Guidelines, FN OCP Language, and Rights of Nature) to the Top Priority List and staff to report back with Project Charter.	Kim Stockdill	Target: 30-Apr-2021	Completed



Southern Gulf Islands Transportation Integration Plan

Capital Regional District | April 2021

Project Background & FAQs

The Capital Regional District has initiated a project to develop a Southern Gulf Islands (SGI) Transportation Integration Plan. The Plan will create a blueprint to move from ideas to action for new transportation opportunities on and between the largest Southern Gulf Islands: Galiano, Mayne, Saturna, and North and South Pender Islands (and with links to Sidney and Salt Spring Island).

The project will develop a plan for an integrated transportation system that includes walking and cycling networks, viable public transit options, and passenger ferries to supplement travel between the islands.

The SGI Transportation Integration Plan will build on past studies and consider a new CRD service to advance community goals of sustainability, livability, and mobility throughout the region.

1. What are the project's goals?

The main project deliverables for the SGI Transportation Integration Plan include:

- Developing and costing out transportation service options that are practical, feasible and right-sized to meet the needs for each community and inter-island connection.
- Undertaking community mapping and engagement to confirm existing trail networks, determine future priorities and refine recommendations.
- Outlining the actions and recommending how a CRD transportation service could be structured to enable the creation, phasing and integration of land-based public transportation, inter-island water passenger service, and supporting active transportation improvements on each of the Southern Gulf Islands (Galiano, North and South Pender, Mayne and Saturna).
- Understanding the CRD's role in how it can best support identified community needs and integrated transportation systems going forward.

2. What are the timelines?

The project aims to deliver draft recommendations in summer 2021, undertake community mapping and gather feedback from residents and visitors on the draft recommendations in late summer/early fall 2021, and then revise and deliver the final project report by the end of this year.



3. How do Islanders provide input and get involved?

We encourage islanders to sign up to be added to the project contact list at <https://www.crd.bc.ca/sgi-transportation> to receive project updates and alerts for how to provide feedback.

The project is guided by a steering committee led by CRD SGI Community Liaisons and other staff, as well as a Transportation Advisory Group made up of community and transportation representatives from each of the islands.

The project builds on a large amount of resident feedback and analysis already undertaken through past initiatives. The project team will be reaching out to other community stakeholders in the first phases of the project to check in on past recommendations, current needs, new opportunities and potential partnerships.

As the impacts of COVID 19 hopefully lessens in the late summer and early fall—and ideally as part-time residents and visitors return—the project will engage the public to review and provide feedback on the draft findings and proposals before the recommendations are finalized based on input. The public engagements will include both virtual and online options, as well as hopefully some in-person opportunities at key locations.

4. Why is the CRD undertaking this project?

The CRD is undertaking this project to respond to resident requests for regional coordination of public transit and transportation alternatives.

In its role as a Regional District, the CRD can facilitate outcomes on behalf of the community to support the implementation of services and infrastructure. The CRD can support administrative coordination and can access infrastructure funding from other levels of government. Also, unlike non-profit societies, Regional Districts can hold Licenses of Occupation in the Provincial Road Right of Way that are needed for road side trails.

The CRD's SGI Community Economic Sustainability Commission ("CESC") has previously requested the CRD establish a new Transportation Commission for the SGI EA. Under the Regional District service model, a Commission can be established to advise on or administer a service. Service establishment requires voter assent through a referendum process.

5. How does this project relate to other work underway in the area, such as the BC Ferries Southern Gulf Islands Schedule Consultation?

This SGI Transportation Integration Plan complements work already underway at BC Ferries and the CRD process will be monitoring the outcomes of that project closely. BC Ferries will be consulted as a stakeholder in this work.

The goal is to not duplicate BC Ferries and other services on the islands but instead consider how we can build from this to make them even more connected and interconnected.

6. What are the potential benefits of this work?

One of the project goals is to integrate public transportation options with active transportation trails to encourage visitors to leave their cars at home and arrive on foot or by bicycle. This would free up space on the ferries for locals, while also offering island residents more transportation options.

Similarly, the CRD's project will consider what water-based passenger ferry services can be considered to complement the BC Ferries service and further strengthen inter-island connections, resilience and our economies.

7. Hasn't this already been studied? Do we really need another project and why now?

Yes, past studies have taken place that have looked at active transportation, land-based public transportation and passenger ferry services within the Southern Gulf Islands. However, these tended to look at the components separately. Also, since that time, new service models and technologies have emerged such as on-demand transit services and multi-modal apps that have the ability to plan out and coordinate transportation for users across multiple types of transportation.

Depending on the project's outcomes and public feedback, the timing potentially enables the electorate to consider requesting the CRD to formally establish a transportation service through a referendum in tandem with the 2022 municipal election.

Capital Regional District

625 Fisgard Street, Victoria BC, V8W 2S6

250.360.3000

www.crd.bc.ca



File No.: 12_11_6500_20_2020
Alternative Housing
Review

DATE OF MEETING: May 7, 2021
TO: South Pender Island Local Trust Committee
FROM: Narissa Chadwick, Island Planner
Victoria Office
COPY: Robert Kojima, Regional Planning Manager,
Kim Stockdill, Island Planner
SUBJECT: Bylaw 121 Final Approval

RECOMMENDATION

1. 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.

REPORT SUMMARY

The purpose of this report is to present Bylaw 121 for consideration of Final Adoption.

The above recommendation is supported as the bylaw has received Executive Committee approval.

BACKGROUND

This project emerged out of concern for the use of recreational vehicles as year round housing. Detailed background to this application, including staff reports is available on the Islands Trust website:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/south-pender/projects-initiatives/alternative-housing-project/> .

The Bylaw will

1. Tie RV use to a building permit.
2. Limit the use of RVs (while a building permit is open) to two years.
3. Limit the use of RVs for camping to 90 days per calendar year.

Specific File Activity

First Reading: January 29th, 2021

Second Reading: March 5th, 2021

Third Reading: March 5th, 2021

EC Approval: April 14, 2021

Rationale for Recommendations:

The bylaw has received Executive Committee approval.

ALTERNATIVES**1. Proceed no further**

The LTC may decide to proceed no further with Bylaw 121.

Resolution:

That the South Pender Island Local Trust Committee proceed no further with proposed Bylaw No. 121, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2021".

Submitted By:	Narissa Chadwick, Island Planner	April 28, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	April 28, 2021

ATTACHMENTS

1. Bylaw No. 121 (Executive Committee Approval)

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 121

A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW No. 114, 2016

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

1. Citation

This bylaw may be cited for all purposes as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2021”.

2. South Pender Island Local Trust Committee Bylaw No. 114, cited as “South Pender Island Land Use Bylaw No. 114, 2016” is amended as follows:

2.1 Article 3.10(1)(c) is amended by removing “; and” and replacing it with “;”.

2.2 Article 3.10(1)(d) is amended by removing “.” and replacing it with “;”.

2.3 Subsection 3.10.(1) is amended by adding a new Article after Article 3.10(1)(d) that reads: “(e) where a building permit has been issued for a dwelling, the building permit remain in effect and occupancy of a *recreational vehicle* not exceed two years; and”.

2.4 Subsection 3.10 (1) is amended by adding a new Article after 3.10 (e) that reads “(f) where a *recreational vehicle* is used for temporary camping, occupancy of a *recreational vehicle* not exceed 90 days in a calendar year.”.

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	29 TH	DAY OF	JANUARY	2021.
PUBLIC HEARING HELD THIS	5 TH	DAY OF	MARCH	2021.
READ A SECOND TIME THIS	5 TH	DAY OF	MARCH	2021.
READ A THIRD TIME THIS	5 TH	DAY OF	MARCH	2021.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	14 TH	DAY OF	APRIL	2021.
ADOPTED THIS	_____	DAY OF	_____	20__

CHAIR

SECRETARY

MEMORANDUM

File No.: SP Shoreline Project

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

PURPOSE

To provide the South Pender Island Local Trust Committee with an option for the Shoreline Project.

DISCUSSION

At the last meeting, the LTC reviewed its Work Program and prioritized two minor projects (OCP and LUB amendments), and also identified a project to review shoreline issues as a third Top Priority. The scope of this Shoreline review remains to be defined by the LTC, however two other local trust committees are also undertaking shoreline initiatives (Gambier and Thetis LTCs), and the LTC could benefit from coordination with these projects. The Gambier LTC's review of Keats Island's shoreline issues is the most advanced project, with bylaw amendments currently being drafted. Last year a discussion paper was prepared for that project which provided an overview of issues and options (attached), much of the non-specific content would also be applicable to a South Pender LTC project.

The Thetis Island LTC is, similar to the SPLTC, in the early stages of framing a project.

If the LTC wishes to proceed with a shoreline review initiative, the Keats' discussion paper provides a basis for proceeding with discussion of the scope of the project, leading to drafting of a project charter for LTC consideration. As a project with regional significance, if the LTC proceeds, it would likely be supported by the regional planning team.

NEXT STEPS

1. Review issues and scope of project
2. Provide direction to staff to draft a project charter

Submitted By:	Robert Kojima, Regional Planning Manager	April 28, 2021
---------------	--	----------------

ATTACHMENTS

1. Keats Island Shoreline Protection Project Discussion Paper

GAMBIER ISLAND LOCAL TRUST COMMITTEE
KEATS ISLAND SHORELINE PROTECTION PROJECT

DISCUSSION PAPER

MAY 2020

Edited JUNE 2020

Jaime Dubyna, Planner 2



Contents

List of Figures	1
Summary	2
1. Background	2
2. Limitations.....	3
3. Existing Islands Trust Policies.....	4
3.1. Islands Trust Policy Statement.....	4
3.2. Keats Island Official Community Plan	5
3.3. Keats Island Land Use Bylaw	6
3.4. Other Local Trust Area Bylaw Regulations.....	10
4. Options.....	11
4.1. Establish a Shoreline Development Permit Area	11
4.2. Flood Protection Bylaw	13
4.3. Create Marine Zones.....	14
4.4. Establish Heritage Conservation Areas	16
4.5. No Change.....	17
5. Conclusion.....	18
6. Appendix 1 – Islands Trust Policy Statement Policies.....	18
7. Appendix 2 – Keats Island OCP Policies	18
8. Appendix 3 – Keats Island LUB Regulations	18
9. Appendix 4 – Summary of Other Local Trust Area Regulations.....	18

List of Figures

Figure 1. Location of M1 and M2 zones on Keats Island	7
Figure 2. Zones that permit marine-based structures	9
Figure 3. Example of setbacks from natural boundary of sea	14
Figure 4. Marine-based zones on Keats Island	15

Summary

As a mechanism for providing background and context, staff have prepared a discussion paper on shoreline policies and regulations on Keats Island. The purpose of this discussion paper is to provide analysis, technical information and recommend options in order to inform discussion and deliberation.

Following LTC endorsement of this discussion paper, the next step in the review process is proposed to be a referral of this discussion paper to the Keats Island Shoreline Protection Working Group for comment. Working Group comments and recommendations would then be brought back to the LTC for consideration.

1. Background

At the July 27, 2017 regular meeting of the Gambier LTC, a resolution was passed which moved the item “Keats Island Regulatory Options for Docks and Other Foreshore Development” to the top priority project list, with the specified activity of “amending policies and regulations for docks and other foreshore development.” This action was taken in response to community concerns related to the general increase in development on Keats, and more specifically to the increase in dock development.

The concerns are understood to include environmental impacts, particularly on eelgrass or forage fish spawning areas; visual impacts to neighbours; and impacts on public access to the foreshore for residents and visitors of the Island.

In addition to community concerns, a review and update to shoreline policies and regulations for Keats Island has not been done since the adoption of the Keats Island Official Community Plan (OCP) Bylaw No. 77, 2002 and the Keats Island Use Bylaw No. 78, 2002 (LUB). While 18 years may not seem that long ago, it is generally considered good practice to review OCPs every 5 to 10 years. As well, it has been noted that some regulations found in the current LUB have been carried over from the repealed “Sunshine Coast Regional District Land Use Regulation By-law No. 76, 1974.”

A high concentration of archaeological values, including an estimated 80% of known archaeological sites, are found near the foreshore. Increasingly, First Nations are expressing concerns about the proliferation of shoreline development, which may impact their ability to engage in traditional food gathering activities, and other cultural impacts, as well as generating rights and title implications.

Subsequently, at the April 19, 2018 regular meeting, the LTC endorsed a project charter for ‘Phase 1’ of the project, renamed “Keats Island Shoreline Protection Project”. ‘Phase 1’ introduced potential policy, regulatory and voluntary options related to shoreline protection, and conducted two public meetings and a survey to solicit community input on shoreline values. At the January 31, 2019 regular meeting, a summary of community input was presented to the LTC, the LTC deemed ‘Phase 1’ complete and endorsed a project charter for ‘Phase 2’ of the project.

The purpose of ‘Phase 2’ is to review and update relevant OCP policies and LUB regulations to strengthen opportunities for protection of archaeological resources, sensitive ecosystems, shoreline integrity and function, and public access on Keats Island. The project aligns with Trust Council direction related to the protection of the foreshore and nearshore, and for climate change adaptation and mitigation. The objectives of ‘Phase 2’ include OCP and LUB updates to address the following:

- Sea level rise and flood protection;
- Protection of archaeological resources, sensitive ecosystems and species at risk; and
- Consistency with AtI'ka7tsem/Howe Sound cumulative effects studies, conservation and marine use planning documents; and the Islands Trust Conservancy Regional Conservation Plan 2018-2027 and Coastal Douglas-fir Ecosystem Protection Toolkit.

The scope of the project includes:

- Establishing a Keats Island Shoreline Protection Working Group;
- Reviewing and updating relevant OCP policies and schedules, LUB setbacks and flood protection levels, dock regulations, marine zones, and flood protection bylaw;
- Potentially developing a shoreline development permit area;
- Conducting minor 'housekeeping' bylaw amendments.

The first deliverables identified in the project charter include LTC endorsement of the revised project charter and Working Group Terms of Reference, and establishing the Working Group; completed in June 2019. Since then, staff have met with the Working Group to introduce the project and relevant topics, conduct a boat tour to identify areas of concern or interest along the Keats shoreline, and identify the Working Group's key concerns related to the Island's foreshore and marine areas.

This discussion paper has been prepared for the Working Group and the Gambier Island LTC, to present an overview of existing Keats Island regulations and policies, provide a comparison of other Local Trust Area's regulations, and present five potential regulatory options for proceeding. The Working Group will be asked to provide recommendations to the LTC in relation to the five options. The findings of this discussion paper along with the Working Group's recommendations are proposed to inform the LTC as they move forward with considering the existing Keats shoreline policies and regulations.

2. Limitations

This discussion paper has several limitations that should be considered relevant. An overarching goal of this project is to strengthen opportunities for protection of archaeological resources, sensitive ecosystems, shoreline integrity and function, and public access on Keats Island.

It is noted that information pertaining to archaeological sites is not available publicly, and Islands Trust planning staff are not authorized to share this information. Individual property owners can petition the BC Archaeology Branch for information regarding archaeological sites on their property, as the Archaeology Branch is responsible for maintaining and distributing archaeological information; however, the Archaeology Branch may not release data that could potentially damage archaeological sites. Property owners are encouraged to contact the Archaeology Branch for more information.

The scope of this project does not include determining the legal status of current docks and foreshore structures under the LUB. In addition, the scope of this project does not include identifying whether current docks and foreshore structures require permissions or a license for a Crown lease. **It is the responsibility of property owners to confirm the legality of their docks or foreshore structures with the Province.**

It is recognized that Keats Island is accessible by boat only, and that many upland properties are water access only, having no access to a developed road. Options for access include private boat, water taxi from Gibsons or Horseshoe Bay, and a passenger service from Langdale.

3. Existing Islands Trust Policies

3.1. Islands Trust Policy Statement

The Policy Statement guides land use planning and development through the preserve and protect mandate of the Islands Trust. It includes goals and policies that reflect the values and concerns for the future of the Trust Area. Local trust committee official community plans and land use bylaws must comply with the Policy Statement. There are a number of policies which speak broadly for shoreline protection, and more specifically for the implementation, regulation and use of foreshore development, as follows in the table below:

Table 1. ITPS Policies

ITPS Policies	
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.
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.
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.
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.
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.
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.

A comprehensive list of relevant ITPS policies are found in Appendix 1.

3.2. Keats Island Official Community Plan

There are several policies in the Keats Island Official Community Plan (OCP) Bylaw No. 76, 2002 which speak to protecting coastal and/or foreshore areas:

P 3.20 *In order to protect the island's foreshore and beaches from pollution, environmental degradation, and inappropriate development or use, zoning regulations for coastal areas should be designed to ensure protection of natural coastal processes and features.*

P 4.20 *The integrity of foreshore features, shoreline features, and intertidal processes should be maintained by:*

- a) discouraging uses that disrupt natural features and processes, and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore;*
- b) supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas;*
- c) land use regulations should provide for waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures;*
- d) where land use regulations provide for private docks, the use of communal or shared docks is encouraged, where feasible, to limit the need for multiple dock development along the shoreline.*

P 4.21 *The location of new buildings and structures should be regulated so as to protect public access to, from and along the marine shoreline and to minimize negative impacts on sensitive coastal environments.*

The OCP also includes the following policy for protecting archaeological resources:

P 5.117 *The protection of archaeological and heritage sites afforded under the Heritage Conservation Act is acknowledged by the Local Trust Committee.*

There are additional OCP policies that support dock or wharf development, specifically for water-access only lots, and that encourage sharing of docks through joint ownership or agreements between neighbours:

P 4.16 *Zoning regulations should provide for the existing public wharves, public barge ramp, public marine park moorages, private docks and moorages, cooperatively owned or operated moorage, docking and swimming facilities for private institutional (non-profit) camps, marine conservation zones, and log dumping associated with existing island forestry requirements.*

P 5.84 *Water-access lots are recognized as areas suitable for private docks and moorings.*

P 5.85 *Waterfront property owners are encouraged to consider sharing the use of private docks and wharves with one or more of their neighbours, including upland neighbours (if any), through joint ownership or non-commercial cooperative agreements and through the use of easements or other forms of agreed upon access to the facilities rather than erecting individual private docks or wharves.*

Appendix 2 provides a comprehensive list of existing OCP policies.

3.3. Keats Island Land Use Bylaw

For clarity, the LUB provides the following definitions:

- accessory** *in relation to a use, building or structure means incidental, secondary and exclusively devoted to a principal use, building or structure expressly permitted by this Bylaw on the same lot or, if the accessory use, building or structure is located on the common property in a bare land strata plan, on a strata lot in that strata plan.*
- moorage** *means the tying of a boat or vessel:*
- *to a wharf, dock, or float; or*
 - *to a mooring buoy that is in turn anchored to the seabed.*
- dock** *means a marine-based structure, usually comprised of a float, ramp and pier which is used for the private moorage of boats or vessels in association with a permitted residential use on the adjacent upland.*
- public wharf** *means a wharf serving the general public for the purpose of loading and unloading people, goods and material, plus temporary moorage space for the boating public.*
- wharf** *means a marine-based structure, usually comprised of a pier, ramp(s) and float(s), which is available in association with a public use, provincial marine park, private institutional or communal moorage use.*

Permitted Uses

The Keats Island Land Use Bylaw (LUB) permits non-commercial anchorage or moorage use through four routes:

- in marine zones;
- accessory to a residential use of a residential zone;
- accessory to a permitted use of an institutional zone;
- for public use associated with park use in the Provincial Marine Park (P2) zone (Plumper Cove Marine Provincial Park).

There are two locations zoned Marine 1 – Public Wharf (M1) on Keats, where non-commercial boat moorage use is permitted: Eastbourne and Keats Landing government wharves.

There are also two locations zoned Marine 2 – Communal Moorage (M2) zone on Keats, where non-commercial anchorage and moorage of private vessels is permitted: directly adjacent to Keats Landing wharf, and in a marine-only area adjacent to the Eastbourne wharf. The M2 zone permits this use provided it serves, “....only single family uses on any Keats Island upland lot, and for which user fees may be charged.”

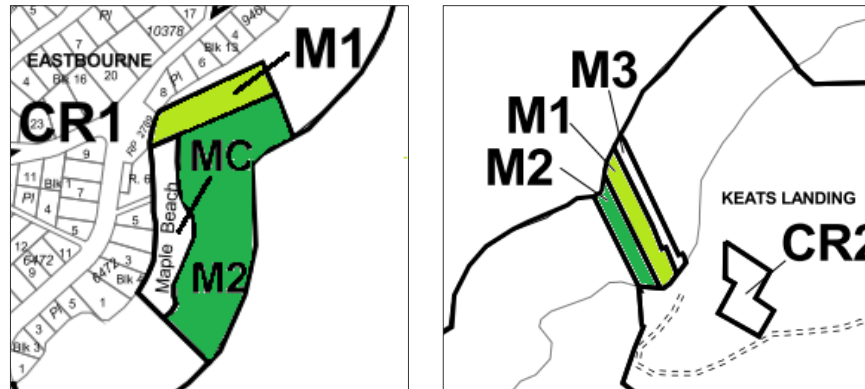


Figure 1. Location of M1 and M2 zones on Keats Island

The following residential zones permit non-commercial anchorage and moorage in the marine-based area, accessory to a permitted residential use on the adjacent upland:

- Community Residential 1 (CR1)
- Community Residential 2 (CR2)
- Comprehensive Development 1 (CD1)
- Rural Residential (RR)
- Rural Comprehensive (RC)

And, the following institutional zones permit non-commercial anchorage and moorage in the marine-based area, accessory to a permitted use in the adjacent upland:

- Private Institutional 1 (PI1)
- Private Institutional 2 (PI2)

Generally, commercial or industrial use of a “buoy, float, dock, wharf, ramp or related structure” is prohibited on Keats Island, unless it is expressly permitted in Part 4 of the LUB. For example, Section 4.16 of the LUB permits “buoys, floats, dolphins and pilings, necessary for the establishment or operation of a use permitted in this zone”, in the Marine 4 – Private Log Dump (M4) zone.

Permitted Structures

Docks

The LUB provides regulations for private docks and associated structures (floats, ramp, pier) within the marine-based area of the following residential zones:

- Community Residential 1 (CR1)
- Community Residential 2 (CR2)
- Comprehensive Development 1 (CD1)
- Rural Residential (RR)
- Rural Comprehensive (RC)

Regulations for docks include the maximum number of docks permitted per waterfront lot, the maximum area covered by a dock float, and the maximum width of a ramp associated with a dock. To

align with OCP policies that support or encourage communal/shared docks, the LUB includes regulations where the maximum float size may be increased per residential dwelling served by that dock, provided a restrictive covenant is registered.

While the LUB includes docks under permitted structures in the Private Institutional 2 (PI2) zone, the regulations for marine-based structures in this zone are directed toward wharves. It is also noted that both the Provincial Marine Park (P2) and Marine 2 – Communal Moorage (M2) zones include regulations for docks, but do not include docks under permitted buildings and structures in that zone.

Wharves

The LUB permits wharves through two routes: for public use and in association with a private institutional camp. Public wharves are permitted in the following zones:

- Provincial Marine Park (P2)
- Marine 1 – Public Wharf (M1)
- Marine 2 – Communal Moorage (M2)

The M1 and M2 zones provide the main public access points to Keats Island; as noted, the M1 zone includes Eastbourne and Keats Landing government wharves. The P2 zone includes the upland and marine-based area of Plumper Cove Marine Provincial Park. LUB regulations related to public wharves include limiting the maximum area covered by a float and the maximum width of a ramp.

Wharves and associated structures (float, dolphin, pilings, etc.) that are necessary for the establishment or operation of a private institutional camp use, are also permitted in the Private Institutional 1 (PI1) and Private Institutional 2 (PI2) zones. There are associated regulations for wharves for each of these zones, including the maximum number of wharves permitted and maximum area covered by floats and ramps.

Appendix 3 provides summary tables of zone-specific regulations found in the LUB in relation to docks, wharves and other marine structures.

As shown in Figure 2, most of the Keats shoreline is zoned to permit marine-based structures such as docks and wharves.

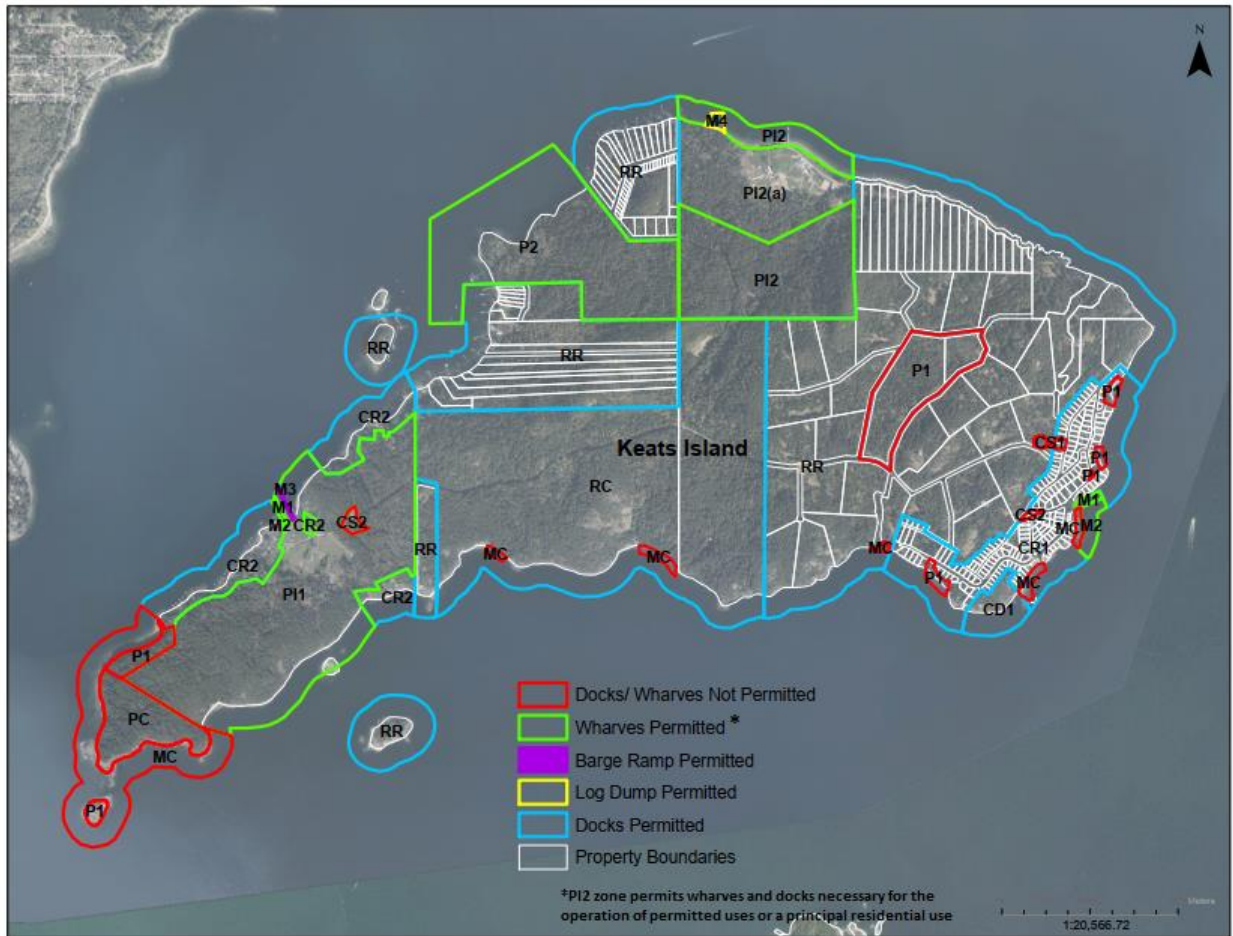


Figure 2. Zones that permit marine-based structures

Setbacks

Natural Boundary of the Sea

The LUB provides the following regulations for siting of buildings and structures in relation to the natural boundary of the sea:

2.7.2 The following features may project into a required setback area:

- *steps, eaves gutters, cornices, sills, chimneys, or similar features, provided they do not project more than 1.0 metre (3 feet) into the required setback area or 0.5 metres (1.5 feet) in the case of a side yard setback area;*
- *balconies, decks and sunshades, provided that they do not project more than 1.0 metre (3 feet) into the required setback area;*
- *retaining walls may be located in any required setback area except the setback from the natural boundary of the sea.*

2.7.3 No building or structure except platforms not exceeding a combined floor area of 10 square metres, a permitted boathouse, pump/utility house, or stairs, or walkways required to access the foreshore or a permitted float, dock, wharf, or other permitted marine related structure may be

constructed, reconstructed, moved, extended or located within 7.5 metres (24.6 feet) of the natural boundary of the sea.

For clarity, the LUB provides the following definitions:

<i>natural boundary</i>	<i>means the visible high water mark of the sea, a lake, a stream or other body of water, where the presence and action of water are so common and usual and so long continued in all ordinary years as to mark upon the soil or rock of the bed of the body of water a character distinct from that of the bank, and in the case of a lot having a surveyed high water mark means the high water mark.</i>
<i>retaining wall</i>	<i>means the placement of riprap or a structure between lands of different elevations to protect structures and/or to prevent erosion.</i>
<i>structure</i>	<i>means anything that is constructed or erected and that is fixed to, supported by or sunk into land or water, but excludes:</i> <i>• fences;</i> <i>• surfaced areas of gravel, concrete, or other similar material comprising driveways and uncovered parking areas; and</i> <i>• underground sewage disposal systems including septic tanks, absorption fields and related appurtenances</i>

3.4. Other Local Trust Area Bylaw Regulations

Policies and regulations related to shorelines differ from island to island in the Trust Area, as each island has taken a variety of approaches to address shoreline development and protection. Since each LTA has its own Land Use Bylaw (LUB) and Official Community Plan (OCP), each island has taken an approach consistent with its own individual culture, history, and intensity of use. The main tools available to the LTAs under the *Islands Trust Act* are modifications to the OCP and associated LUBs to include shoreline-specific provisions. Within the LUBs, this generally takes the form of increasing setbacks from the natural boundary of the sea and limiting buildings and structures within the setback area and in marine areas.

Table 2 provides a brief overview of how the LTAs in the Islands Trust regulate the shoreline area. Further summaries of each island's regulations are outlined in Appendix 4 – Summary of Other Local Trust Area Regulations. A select number of associated islands bylaws were included in this study.

Table 2: Summary of Other LTA Regulations

Shoreline Regulation Overview Table	Private Docks permitted (zone specific)	Setback from Natural Boundary of the Sea	Permits Structures in Setback from NB	Exemptions to Setback from NB	Shoreline (or Marine) Development Permit Area
Ballenas-Winchelsea	✓	15 m	-	✓	✓
Bowyer and Passage Islands (Gambier LTA)	✓	7.6 m	Property specific min. setbacks based on historical buildings and structures	✓	-
Denman	✓	15 m	✓	-	-
Gabriola	✓	15 m**	✓	-	✓
Galiano	✓	7.5 m	✓	-	✓
Gambier	✓	15 m	✓	✓	✓
Gambier Associated Islands	✓	7.5 m	✓	-	-
Hornby	-	15 m	-	✓	-
Lasqueti	✓*	15 m**	✓	-	-
Mayne	✓	7.5 m	✓	✓	-
North Pender	✓	15 m	✓	✓	✓
North Pender Associated Islands	✓	15 m	-	-	✓
Salt Spring	✓	15 m**	✓	✓ (zone specific)	✓
Saturna	✓	7.6 m	✓	-	-
South Pender	✓	7.6 m	✓	✓	-
Thetis	✓	7.6 m	✓	✓	-
Thetis Associated Islands	✓	10 m	✓	-	-

*Docks permitted on specific lots only. Rezoning required for additional docks.

**May be reduced with engineer certification.

4. Options

As outlined in Section 3.3, the Keats Island LUB currently regulates docks and other foreshore development through a combination of general and zone-specific regulations. Outlined below is a brief discussion of potential options that could be considered by the LTC for enhancing shoreline protection further through its regulatory and policy framework on Keats Island.

4.1. Establish a Shoreline Development Permit Area

Authorized by the *Local Government Act* (LGA), development permit areas (DPA) are one regulatory option available to the LTC for managing development on private land. Under Section 488 of the LGA, DPAs may be designated within an official community plan for a number of purposes, including

“protection of the natural environment, its ecosystems and biological diversity” and “protection of development from hazardous conditions”. DPAs are established over specific land or areas and include development guidelines to address DPA objectives. Examples of objectives that may be relevant to Keats include:

- To preserve and protect the ecological values of shorelines and associated foreshore and upland areas;
- To protect and/or minimize disruption of important natural features and processes;
- To protect fish or wildlife habitat;
- To prevent erosion;
- To adapt to anticipated effects from climate change.

The guidelines may prescribe how applicable development activity occurs within that DPA. Examples include guidelines for retaining walls and other shoreline stabilization works; dock construction regarding density, size and materials; protecting eelgrass and other plant or tree species; setbacks from the natural boundary; requirements for professional reports (i.e. engineer, biologist, etc.); and restoration or enhancement measures.

There are several LTAs that have established Shoreline DPAs, which guide development within a specified area upland of the natural boundary of the sea, and in some cases, seaward to the boundary of the area of bylaw application.

Ballenas-Winchelsea Islands designates all land 30 metres upland of the natural boundary of the sea within its Shoreline DPA, for the protection of the natural environment and to protect development from hazardous conditions. The DPA applies to all construction and land alteration within the Shoreline DPA, and includes general guidelines, shoreline specific guidelines for steep slopes and bluffs, and guidelines for boat launch facilities.

Salt Spring Island designates all land covered by water between the natural boundary of the sea and a parallel line draw 300 metres seaward of the natural boundary of the sea within its Shoreline DPA. It also encloses upland areas measured 10 metres from the natural boundary of the sea in areas where the marine environment has been identified as particularly sensitive to development impacts. Guidelines include addressing water quality, residential dock float size, shoreline stabilization works, lighting over the water and reducing impact on kelp or eelgrass beds.

Considerations:

Pros

- Would address the greatest number of concerns identified by the LTC and Working Group of all options listed;
- Furthers the Islands Trust’s “preserve and protect” mandate;
- Guides development, does not preclude development;
- Certain development activities may be exempted from the requirement for a development permit;
- Specifies natural or hazardous areas that must remain free of development, except in accordance with the conditions of the permit;

- May require measures to preserve, protect, restore or enhance specified natural features or areas;
- May incorporate recommended sea level rise and flood protection measures;
- Opportunity to incorporate recommendations in the Islands Trust Coastal Douglas-fir Zone Ecosystem Protection Toolkit and Islands Trust Conservancy Regional Conservation Plan;
- Opportunity to incorporate Green Shores or “soft shore” alternative approaches to shoreline and flood protection;
- No public notification required for an application for a Development Permit. Public consultation is done at the time of the DPA’s establishment within the OCP and LUB.

Cons

- Amendments to OCP and LUB required, including mapping updates;
- Limited discretion for LTC. Issuance of DP is in accordance with DPA guidelines;
- Bylaw infraction enforcement can be costly;
- Misunderstanding of DPAs can lead to difficulty gaining public acceptance;
- Property owners concern for additional costs and regulations.

4.2. Flood Protection Bylaw

Section 524 of the LGA enables local governments to develop flood hazard area bylaws. When adopting these bylaws, local governments are required to consider the Province’s [“Flood Hazard Area Land Use Management Guidelines”](#) (the Provincial Guidelines). Amended in 2018, the Provincial Guidelines incorporate sea level rise (SLR) into land use planning and future development, and require that local governments adjust setbacks according to the Year 2100 Global SLR prediction of 1.0 metre, with adjustments made for regional uplift and subsidence. Using the Year 2100 SLR prediction of 1.0 metre as the minimum elevation, local governments can regulate flood construction levels (FCL) of buildings and structures, including docks.

The Provincial Guidelines require a setback of 15 metres from the future estimated natural boundary of the sea at Year 2100, or landward of the location where the natural ground elevation contour is equivalent to the Year 2100. It is noted that where sea frontage is protected from natural bedrock formation, setback requirements may be adjusted as recommended by a qualified Professional Engineer experienced in coastal engineering. Conversely, the recommended setback may be increased based on the site specific conditions, for example in low-lying areas or areas of known erosion hazard.

The current Keats LUB requires a 7.5 metres setback from the natural boundary of the sea for buildings and structures, and requires amendments to be consistent with the Provincial Guidelines. Rather than amending the LUB to update the setback measurement, one option would be to amend the LUB to refer to the flood protection bylaw for setbacks from the natural boundary of the sea. This would align with the existing Provincial Guidelines, and with any future amendments to the setbacks to the sea as required by the Province.

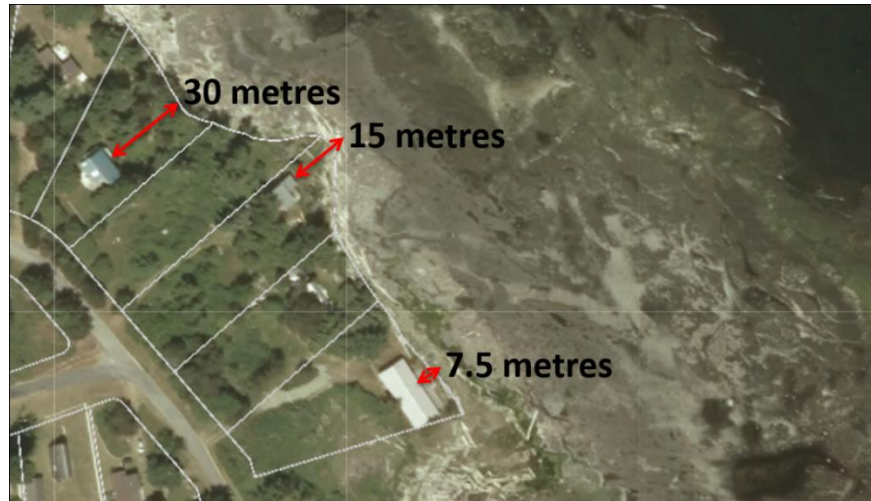


Figure 3. Example of setbacks from natural boundary of sea

For historic development that does not meet the Provincial Guidelines, the province recommends that redevelopment be regulated by requiring a restrictive covenant stipulating that any future development must meet the FCL and setback requirements in force at the time of redevelopment. Given its historic development pattern, this final recommendation could potentially apply to a number of properties on Keats.

Considerations:

Pros

- Aligns with provincial direction;
- Designed to prevent injury or loss of human life, and to minimize property damage resulting from flood events;
- Potentially an Islands Trust-wide option.

Cons

- Only address flood construction levels; do not address most aspects of dock or retaining wall density, design or setbacks, or environmental protection beyond flood construction levels;
- Coastal floodplain mapping and data is costly, Islands Trust relies on Regional Districts and the Province for this information;
- Flood hazard assessment reports by qualified professional engineer may be out of reach for some property owners;
- Could have implications for smaller lots – i.e. limit or restrict some lots.

4.3. Create Marine Zones

Another option available to the LTC is to create marine-specific zones for the marine area surrounding Keats Island. Currently, there are six (6) marine zones that cover approx. 18% of the marine area surrounding Keats, and the other 82% shares the zoning of the adjacent upland area. It is noted that one zone, the Marine General (MG) zone includes surrounding marine areas outside of the perimeter of the other zones (as shown in Figure 4 below). In the Marine zones (except the MG zone), the LUB

KEATS ISLAND
Land Use Bylaw No. 78
Schedule B

Zones

MC, M1, M2, M3, M4

Legend:

- CR1 Community Residential 1
- CR2 Community Residential 2
- CD1 Comprehensive Development 1
- RR Rural Residential
- RC Rural Comprehensive
- PI1 Private Institutional 1
- PI2 Private Institutional 2
- PC Private Conservation
- CS1 Community Service 1
- CS2 Community Service 2
- P1 Natural Area Community Park
- M1 Marine 1 - Public Wharf
- M2 Marine 2 - Commercial Moorage
- M3 Marine 3 - Public Barge Ramp
- M4 Marine 4 - Private Log Dump
- MC Marine Conservation
- MG Marine General

Section 4 Roads

Map Labels: Shuter Island, Plummer Cove, Observatory Pt., L. 1488, L. 1489, L. 1542, L. 6728, L. 6531, L. 1685, L. 1084, L. 1039, L. 876, L. 686, Preston Island, Barfleur Passage, L. 1487, L. 1489, L. 1490, L. 1491, L. 1492, L. 1493, L. 1494, L. 1495, L. 1496, L. 1497, L. 1498, L. 1499, L. 1500, L. 1501, L. 1502, L. 1503, L. 1504, L. 1505, L. 1506, L. 1507, L. 1508, L. 1509, L. 1510, L. 1511, L. 1512, L. 1513, L. 1514, L. 1515, L. 1516, L. 1517, L. 1518, L. 1519, L. 1520, L. 1521, L. 1522, L. 1523, L. 1524, L. 1525, L. 1526, L. 1527, L. 1528, L. 1529, L. 1530, L. 1531, L. 1532, L. 1533, L. 1534, L. 1535, L. 1536, L. 1537, L. 1538, L. 1539, L. 1540, L. 1541, L. 1542, L. 1543, L. 1544, L. 1545, L. 1546, L. 1547, L. 1548, L. 1549, L. 1550, L. 1551, L. 1552, L. 1553, L. 1554, L. 1555, L. 1556, L. 1557, L. 1558, L. 1559, L. 1560, L. 1561, L. 1562, L. 1563, L. 1564, L. 1565, L. 1566, L. 1567, L. 1568, L. 1569, L. 1570, L. 1571, L. 1572, L. 1573, L. 1574, L. 1575, L. 1576, L. 1577, L. 1578, L. 1579, L. 1580, L. 1581, L. 1582, L. 1583, L. 1584, L. 1585, L. 1586, L. 1587, L. 1588, L. 1589, L. 1590, L. 1591, L. 1592, L. 1593, L. 1594, L. 1595, L. 1596, L. 1597, L. 1598, L. 1599, L. 1600, L. 1601, L. 1602, L. 1603, L. 1604, L. 1605, L. 1606, L. 1607, L. 1608, L. 1609, L. 1610, L. 1611, L. 1612, L. 1613, L. 1614, L. 1615, L. 1616, L. 1617, L. 1618, L. 1619, L. 1620, L. 1621, L. 1622, L. 1623, L. 1624, L. 1625, L. 1626, L. 1627, L. 1628, L. 1629, L. 1630, L. 1631, L. 1632, L. 1633, L. 1634, L. 1635, L. 1636, L. 1637, L. 1638, L. 1639, L. 1640, L. 1641, L. 1642, L. 1643, L. 1644, L. 1645, L. 1646, L. 1647, L. 1648, L. 1649, L. 1650, L. 1651, L. 1652, L. 1653, L. 1654, L. 1655, L. 1656, L. 1657, L. 1658, L. 1659, L. 1660, L. 1661, L. 1662, L. 1663, L. 1664, L. 1665, L. 1666, L. 1667, L. 1668, L. 1669, L. 1670, L. 1671, L. 1672, L. 1673, L. 1674, L. 1675, L. 1676, L. 1677, L. 1678, L. 1679, L. 1680, L. 1681, L. 1682, L. 1683, L. 1684, L. 1685, L. 1686, L. 1687, L. 1688, L. 1689, L. 1690, L. 1691, L. 1692, L. 1693, L. 1694, L. 1695, L. 1696, L. 1697, L. 1698, L. 1699, L. 1700, L. 1701, L. 1702, L. 1703, L. 1704, L. 1705, L. 1706, L. 1707, L. 1708, L. 1709, L. 1710, L. 1711, L. 1712, L. 1713, L. 1714, L. 1715, L. 1716, L. 1717, L. 1718, L. 1719, L. 1720, L. 1721, L. 1722, L. 1723, L. 1724, L. 1725, L. 1726, L. 1727, L. 1728, L. 1729, L. 1730, L. 1731, L. 1732, L. 1733, L. 1734, L. 1735, L. 1736, L. 1737, L. 1738, L. 1739, L. 1740, L. 1741, L. 1742, L. 1743, L. 1744, L. 1745, L. 1746, L. 1747, L. 1748, L. 1749, L. 1750, L. 1751, L. 1752, L. 1753, L. 1754, L. 1755, L. 1756, L. 1757, L. 1758, L. 1759, L. 1760, L. 1761, L. 1762, L. 1763, L. 1764, L. 1765, L. 1766, L. 1767, L. 1768, L. 1769, L. 1770, L. 1771, L. 1772, L. 1773, L. 1774, L. 1775, L. 1776, L. 1777, L. 1778, L. 1779, L. 1780, L. 1781, L. 1782, L. 1783, L. 1784, L. 1785, L. 1786, L. 1787, L. 1788, L. 1789, L. 1790, L. 1791, L. 1792, L. 1793, L. 1794, L. 1795, L. 1796, L. 1797, L. 1798, L. 1799, L. 1800, L. 1801, L. 1802, L. 1803, L. 1804, L. 1805, L. 1806, L. 1807, L. 1808, L. 1809, L. 1810, L. 1811, L. 1812, L. 1813, L. 1814, L. 1815, L. 1816, L. 1817, L. 1818, L. 1819, L. 1820, L. 1821, L. 1822, L. 1823, L. 1824, L. 1825, L. 1826, L. 1827, L. 1828, L. 1829, L. 1830, L. 1831, L. 1832, L. 1833, L. 1834, L. 1835, L. 1836, L. 1837, L. 1838, L. 1839, L. 1840, L. 1841, L. 1842, L. 1843, L. 1844, L. 1845, L. 1846, L. 1847, L. 1848, L. 1849, L. 1850, L. 1851, L. 1852, L. 1853, L. 1854, L. 1855, L. 1856, L. 1857, L. 1858, L. 1859, L. 1860, L. 1861, L. 1862, L. 1863, L. 1864, L. 1865, L. 1866, L. 1867, L. 1868, L. 1869, L. 1870, L. 1871, L. 1872, L. 1873, L. 1874, L. 1875, L. 1876, L. 1877, L. 1878, L. 1879, L. 1880, L. 1881, L. 1882, L. 1883, L. 1884, L. 1885, L. 1886, L. 1887, L. 1888, L. 1889, L. 1890, L. 1891, L. 1892, L. 1893, L. 1894, L. 1895, L. 1896, L. 1897, L. 1898, L. 1899, L. 1900, L. 1901, L. 1902, L. 1903, L. 1904, L. 1905, L. 1906, L. 1907, L. 1908, L. 1909, L. 1910, L. 1911, L. 1912, L. 1913, L. 1914, L. 1915, L. 1916, L. 1917, L. 1918, L. 1919, L. 1920, L. 1921, L. 1922, L. 1923, L. 1924, L. 1925, L. 1926, L. 1927, L. 1928, L. 1929, L. 1930, L. 1931, L. 1932, L. 1933, L. 1934, L. 1935, L. 1936, L. 1937, L. 1938, L. 1939, L. 1940, L. 1941, L. 1942, L. 1943, L. 1944, L. 1945, L. 1946, L. 1947, L. 194

Amending the LUB to create new marine zone designations would simplify zoning in general in the LUB, and would focus regulations below the natural boundary of the sea to marine-specific uses, buildings and structures only. This option would require amendments to the existing zoning regulations found in the LUB, and may involve a comprehensive review and update to the entire LUB. As a result, this option would provide an opportunity to also consider amendments to other zoning regulations.

Additional regulations could include setbacks from important marine plant species. One example that may be replicated for Keats is Section 9.11.1 of the [Salt Spring Island Land Use Bylaw no. 355, 1999](#), which requires a 10 metre setback from eelgrass (*Zostera marina*) or kelp (*Nereocystis luetkeana*).

15

Considerations:

Pros

- Marine/foreshore focus only – no regulations or guidelines for development of land that impacts the foreshore;
- Simplifies zoning in marine areas;
- Regulates dock size, density, and other marine structures;
- Opportunity to update LUB regulations, including alignment with provincial best practices for docks;
- Can incorporate existing Islands Trust mapping data – including sensitive ecosystems and eelgrass mapping.

Cons

- May require OCP amendments;
- May require substantial amendments to the LUB;
- Can be achieved through amendments to existing zoning.

4.4. Establish Heritage Conservation Areas

In accordance with Section 614 of the LGA, Heritage Conservation Areas (HCA) are designated within an OCP. Similar to DPAs, where a Development Permit application must be “in accordance with” DPA guidelines, a Heritage Alteration Permit (HAP) must act in accordance with the HCA “purpose”. While DPAs may be designated for a number of purposes, a HCA is designated for the purpose of “heritage conservation”. The LGA provides the following definition:

conservation *includes, in relation to heritage, any activity undertaken to protect preserve or enhance the heritage value or heritage character of heritage property or an area;*

Further definitions are provided within the LGA for “heritage value”, “heritage character”, and “heritage property”. While heritage conservation is often thought of from a historical or architectural perspective (i.e. heritage buildings), HCAs can apply to cultural areas, land or natural features of importance. In this way, staff surmise that this option may also further the [Reconciliation Action Plan 2019-2022](#) adopted by the Islands Trust Council in 2019, by exploring opportunities for collaboration and knowledge sharing with local First Nations. HCAs could recognize important cultural or historical areas or features of importance on Keats, and facilitate understanding of property owners on First Nations concerns.

Existing Keats OCP policies that address heritage conservation are broad and encourage preservation and protection of heritage values and character, and encourage the use of voluntary conservation covenants. Establishing a HCA is an opportunity to strengthen heritage conservation on Keats Island.

HCAs are a relatively underused regulatory tool in the Islands Trust. Staff are aware of one HCA on Salt Spring Island, the HCA 1 – Ganges Village Core. While the Ganges Village Core is a designated HCA that protects a number of heritage buildings, it also protects heritage trees – in Centennial Park, on the grounds of the elementary school, mature trees with a trunk diameter greater than 20 cm and fruit trees over 50 years old, as decided by a certified arborist.

An important note when considering the establishment of HCAs, is that they may not be used to prevent a land use that is permitted within the LUB, and may not conserve natural landscapes or undeveloped land, except as noted in Section 588(1) of the LGA:

588 (1) *This Part must not be used to conserve natural landscapes or undeveloped land except (a) to the extent that the exercise of power under this Part in respect of natural landscape or undeveloped land is, in the opinion of the local government, necessary for the conservation of adjacent or proximate real property that is protected heritage property, (b) with respect to a site that has heritage value or heritage character related to human occupation or use, or (c) with respect to individual landmarks and other natural features that have cultural or historical value.*

Considerations:

Pros

- Strengthens the protection of important heritage areas, properties and/or features;
- Provides long-term protection;
- Can apply to a historical, cultural, aesthetic, scientific or educational value;
- Can protect identified natural features and characteristics;
- No public notification required for an application for a HAP. Public consultation is done at the time of the HCA's establishment within the OCP and LUB.

Cons

- Does not address regulations or guidelines associated with docks or retaining walls;
- Generally underused, may be unfamiliar to many;
- Limited discretion for LTC. Issuance of HAP is in accordance with HCA purpose;
- Enforcement can be costly;
- Could potentially be a slow process to establish a HCA – planning and research, consultation, etc.

4.5. No Change

This option would be to opt for the status quo with respect to the current policy and regulatory regime for private docks and other foreshore development, and to not continue with this project. Choosing this option would represent an acknowledgement that the current system, while not perfect, is functioning well enough to leave alone. The choice of this option should also include a clear understanding of the number and nature of complaints that have been received with respect to foreshore development.

Considerations:

Pros

- Current policies and regulations are familiar to the community;
- Does not introduce additional regulations;
- Maintains status quo;
- Staff resources may be reallocated to other top priority projects.

Cons

- Outdated policies and regulations;
- Does not align with provincial direction and provincial best practices;
- Shoreline protection measures are not strengthened;
- Does not address ongoing concerns and issues;
- Does not address cumulative impacts of foreshore development;
- Ongoing bylaw enforcement issues.

5. Conclusion

This discussion paper is intended to identify and document existing policies and regulations related to the Keats Island shoreline and make recommendations as to potential updates to these policies and regulations.

The options presented in Section 4 represent some potential regulations that could be enacted in response to specific concerns from the community. Staff recommend that the LTC consider pursuing options 1 through 4 over time but identify a priority sequence for consideration. Staff recommend that the LTC start with consideration of a Shoreline Development Permit Area as this regulatory tool has the potential for impacting the most areas of interest.

6. Appendix 1 – Islands Trust Policy Statement Policies**7. Appendix 2 – Keats Island OCP Policies****8. Appendix 3 – Keats Island LUB Regulations****9. Appendix 4 – Summary of Other Local Trust Area Regulations**

APPENDIX 1 – ISLANDS TRUST POLICY STATEMENT

ITPS Policies	
3.1.3	Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
3.1.4	Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
3.4.4	Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
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.
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.
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.
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.
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.
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.
5.2.3	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.
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.
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.
5.5.4	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.
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.
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.

APPENDIX 2 - KEATS ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 77, 2002

SECTION 3. ECOSYSTEM PRESERVATION AND PROTECTION	
P 3.2	Measures which assist in maintaining and protecting unfragmented forest ecosystems and habitats, groundwater supplies, scenic areas, undeveloped beaches and pedestrian hiking trails is encouraged and supported by the Local Trust Committee. Such measures may include incentives to: retain large lots; register conservation or restrictive covenants which protect natural features or limit development; dedicate hiking trails and beach accesses.
P 3.3	Residents and property owners are encouraged to assume ongoing long term stewardship of environmentally sensitive features and undeveloped natural areas on private lands. The voluntary use of conservation covenants to protect the natural environment of Keats Island and surrounding islets is strongly supported by the Local Trust Committee.
P 3.5	Areas considered to be environmentally sensitive are shown generally on Schedule "C", Environmentally Sensitive Areas. The Local Trust Committee encourages the cooperation of relevant senior government agencies to further identify and protect environmentally sensitive features and areas.
P 3.6	Natural features and areas identified as environmentally sensitive to development may be protected by land use regulation. In considering permits, referrals, applications and rezoning proposals, the Gambier Island Local Trust Committee may request or require, as a condition of approval, the registration of restrictive covenants to maintain undeveloped specified portions of lots in order to protect specific features or retain certain undisturbed natural areas
P 3.7	New development detrimental to environmentally sensitive features and areas is discouraged. Setbacks for all buildings and structures shall be designed to protect significant riparian and wildlife habitat and encourage maintenance of indigenous vegetation within these areas.
P 3.8	Hazardous lands are those with natural characteristics that may endanger land use and related development. These can include areas susceptible to damage from natural phenomena such as storm wave action, flooding, severe erosion, land slippage, and rock fall. a) Areas of land where land use and related development is or may have to be restricted due to hazardous natural conditions include: - Lots or portions thereof having registered upon their title restrictive covenants prohibiting or limiting placement of buildings or structures due to hazardous conditions; and - Areas of land identified during the subdivision or building inspection processes as having natural conditions that may be hazardous to land use and related development. b) The Local Trust Committee is supportive of measures implemented by the Ministry of Transportation during the subdivision process and the Sunshine Coast Regional District during the building inspection process that protect land use development from hazardous conditions.

P 3.11	BC Parks is requested to: adequately supervise public recreational use of Plumper Cove Provincial Marine Park, particularly where overnight camping is permitted; require the use of holding tanks for vessels moored within the Park's water lot lease; and require that park users take their own garbage with them when they leave the site.
P 3.20	In order to protect the island's foreshore and beaches from pollution, environmental degradation, and inappropriate development or use, zoning regulations for coastal areas should be designed to ensure protection of natural coastal processes and features.
SECTION 4. STEWARDSHIP OF RESOURCES	
P 4.5	Residents and property owners are encouraged to retain areas of land and water in their natural state to ensure sufficient natural habitat is retained for maintenance of wildlife and bird populations or retention of rare or significant native vegetation.
P 4.15	Public access and the right to recreational use of the foreshore should be supported and protected, and such access and use should also respect the interests of adjacent residents and tenure holders. The use of public beaches should be regulated to ensure public access to and enjoyment of beaches is not impeded or impaired by inappropriate development or use of the foreshore.
P 4.16	Zoning regulations should provide for the existing public wharves, public barge ramp, public marine park moorages, private docks and moorages, cooperatively owned or operated moorage, docking and swimming facilities for private institutional (non-profit) camps, marine conservation zones, and log dumping associated with existing island forestry requirements.
P 4.17	Upon application for rezoning, a change, expansion, or downsizing in existing foreshore uses including public wharves, public and private barge ramps or boat launches, public marine park moorages, private docks and moorages, cooperatively owned or operated moorage, docking and swimming facilities for private institutional (non-profit) camps, marine conservation zones, and log dumping associated with existing island forestry requirements may be considered by the Local Trust Committee. Each application should address issues such as ensuring public access to the foreshore and safety issues.
P 4.18	Any foreshore rezoning proposal should only receive favourable consideration by the Local Trust Committee when the proposal is made in response rather than in anticipation of the needs and desires of the Keats Island community, at a time when establishment of such a use would enjoy widespread support within the community as a whole.
P 4.19	Given that most of the foreshore in the planning area is heavily used for recreational purposes, zoning regulations should not permit shellfish and finfish farms in the planning area; however, on application, the zoning regulations may be amended to permit shellfish aquaculture provided that the aquaculture uses do not preclude the traditional enjoyment of the shoreline by the public or upland owners and do not preclude recreational uses traditionally enjoyed by the people in the Howe Sound area.
P 4.20	The integrity of foreshore features, shoreline features, and intertidal processes should be maintained by: a) discouraging uses that disrupt natural features and processes, and encouraging owners of shoreline properties to retain, wherever possible, natural vegetation and natural features on areas sloping towards the foreshore; b) supporting the prohibition of filling, deposit, excavation, or removal of foreshore and seabed materials, except for maintenance of navigational channels and existing wharfage areas; c) land use regulations should provide for waterfront developments to be setback sufficiently to allow for natural erosion and accretion processes, without endangering structures; d) where land use regulations provide for private docks, the use of communal or shared docks is encouraged, where feasible, to limit the need for multiple dock development along the shoreline.

P 4.21	The location of new buildings and structures should be regulated so as to protect public access to, from and along the marine shoreline and to minimize negative impacts on sensitive coastal environments.
P 4.22	Foreshore and adjacent coastal water area land use regulations should place emphasis on retaining natural characteristics.
P 4.23	The Ministry of Sustainable Resource Management and Land and Water British Columbia Inc. are encouraged to respect land use regulations of local government when authorizing uses of the foreshore and adjacent marine waters.
P 4.24	The Federal Department of Fisheries and Oceans is encouraged to require holding tanks in boats and to designate all waters surrounding Keats Island and adjacent islets, including and especially Plumper Cove Provincial Marine Park, as non discharge areas for purposes of sewage disposal from boats.
SECTION 5. SUSTAINABLE COMMUNITIES	
P 5.1	Preservation and protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic values of Keats Island and surrounding islets is encouraged.
P 5.4	New proposals for future development should only be permitted to occur at a scale and rate of growth that is respectful of: community-held values; the island's unique rural character; consideration of the historical character of distinctive settlement areas including water-only access; the islands' limited infrastructure; the requirements of applicable land use regulations.
P 5.8	Provisions pertaining to lot site coverage, building or structure setbacks, heights, floor area regulations, screening, and water-only access or parking requirements shall be included in the land use regulations and should be developed with regard to maintenance of residential privacy, and with regard to retaining the unique rural character, historical character of distinctive settlement neighbourhoods, and natural landscapes of Keats Island.
P 5.12	The Local Trust Committee encourages land owners to retain, on a voluntary basis, undeveloped natural areas on their properties in order to protect specific features or retain natural landscapes.
P 5.42	Lands in the Keats Island planning area deemed to be of special importance for environmental, heritage, recreational or aesthetic reasons should be designated "Conservation" on Schedule B.
P 5.56	Intrusion or expansion of roads and vehicular access into water-access-only lots is strongly discouraged.
P 5.77	The existing publicly owned wharves, Eastbourne and Keats Landing, which are shown on Schedule B, were approved for transfer to the Sunshine Coast Regional District, on Oct. 21, 2000, are essential public access facilities, and should be retained for public use.
P 5.78	The traditional use of Keats Island public wharves for the loading and unloading of passengers and cargo, emergency evacuation purposes, and for day use or temporary moorage purposes, is strongly supported by the Local Trust Committee.
P 5.79	Use of existing public wharf facilities shall be addressed by land use zoning regulations. Any change in use, expansion or downsizing, should only be considered subject to extensive consultation with the Keats Island community as a whole.
P 5.80	The Sunshine Coast Regional District is requested to involve the Local Trust Committee and the Keats Island community in developing Regional District policies and guidelines respecting ongoing maintenance, repairs, and management of both Keats Island public wharf facilities. Such policies and guidelines should clearly and consistently address issues, such as: a) priorities, scheduling, and funding of annual maintenance, repairs, improvements and capital expenditures on ports facilities; b) vehicle parking restrictions on public wharves;

	c) vessel loading and unloading; d) emergency evacuation; e) day use, temporary moorage, and long term moorage for private vessels (if any); f) private subleasing arrangements for community moorage purposes (if any); g) enforcement; h) amendment procedures for changes in policy; i) opportunities for ongoing public consultation and involvement in ports issues.
P 5.81	In developing its long term ports repairs, maintenance, and capital improvements strategies, the Sunshine Coast Regional District is requested to consider the Eastbourne wharf as a priority facility for repairs, maintenance, and any proposed improvements, as a means of making the facility more available for safe year round use.
P 5.82	When accessing Keats Island via public wharf, island residents, property owners, and visitors are encouraged to utilize the public wharf facility which is located in closest proximity to where they reside, or where they are visiting, as a means of reducing cross island traffic.
P 5.83	The Local Trust Committee may consider a proposed location for long term public moorage for private vessels, in response to an application for rezoning. Environmental impact information may be required and community information and consultation meetings should be held on island prior to the public hearing. Issues to be resolved prior to approval consideration should include: location; proposed use and scale; level of community support; environmental impacts; impacts on the immediate surroundings; impacts on existing Keats Island facilities and services; the availability of services and resources necessary and potential impacts on cross island traffic, and Keats Island growth and development patterns.
P 5.84	Water-access lots are recognized as areas suitable for private docks and moorings.
P 5.85	Waterfront property owners are encouraged to consider sharing the use of private docks and wharves with one or more of their neighbours, including upland neighbours (if any), through joint ownership or non-commercial cooperative agreements and through the use of easements or other forms of agreed upon access to the facilities rather than erecting individual private docks or wharves.
P 5.86	The zoning regulations should require that docks be setback from the seaward extension of the property lines to ensure right of access to adjacent foreshore and to protect privacy.
P 5.87	When considering applications for new development on lots that do not have waterfront access, the Local Trust Committee should consider the impacts of the proposed development on the existing public wharves, including parking and access requirements, and encourage the landowners to provide other means of access.
P 5.116	The preservation and protection of the heritage value and character of historic Keats Island settlement patterns and remains is encouraged.
P 5.117	The protection of archaeological and heritage sites afforded under the Heritage Conservation Act is acknowledged by the Local Trust Committee.
P 5.118	The use of voluntary conservation covenants to protect heritage resources is encouraged by the Local Trust Committee.
SECTION 6. CLIMATE CHANGE ADAPTATION AND MITIGATION	

P 6.1	The Local Trust Committee should consider ways of balancing seemingly competing interests, such as encouraging shifts in density while protecting the rural nature of the island, by considering these issues from a perspective of reducing greenhouse gas emissions and adapting to or mitigating the impacts of climate change.
P 6.2	The Local Trust Committee should consider the development of new criteria for assessing official community plan or zoning amendment applications from the perspective of climate change adaptation and mitigation. These criteria should address issues such as the impact of proposed density on reducing greenhouse gas emissions, the land use and the form of development, building materials and construction methods, energy efficiency and sources, and the long-term potential for the development to decrease footprint on the landscape. The criteria should also include a comprehensive cost benefit analysis to illustrate the benefits of a green approach to land use and development.
P 6.4	The Local Trust Committee should look for new methods for better understanding and monitoring greenhouse gas emissions, as well as other measures of climate change, that are relevant to Keats Island. Relevant baseline data are needed to map future reductions in greenhouse gas emissions

APPENDIX 3 - KEATS ISLAND LAND USE BYLAW NO. 78, 2002

Table 1. Permitted Uses in the Marine-based Area																		
Use	CR1	CR2	CD1	RR	RC	PI1	PI2	PC	CS1	CS2	P1	P2	M1	M2	M3	M4	MC	MG
Non-commercial anchorage & moorage of private vessels	✓	✓	✓	✓	✓	✓	✓	-	-	-	-	-	✓	✓	-	-	-	-
Temporary mooring facilities (for ferry, water taxi, sea plane, etc.)	-	-	-	-	-	-	-	-	-	-	-	-	✓	-	-	-	-	-
Public Boat Anchorage & Moorage associated with Park Use	-	-	-	-	-	-	-	-	-	-	-	✓	-	-	-	-	-	-
Boat & seaplane loading and unloading	-	-	-	-	-	-	-	-	-	-	-	-	-	✓	-	-	-	-
Barge loading & unloading	-	-	-	-	-	-	-	-	-	-	-	-	-	-	✓	-	-	-
Private log dump; log storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	✓	-	-

Table 2. Permitted Structures in the Marine-based Area

Structure	CR1	CR2	CD1	RR	RC	PI1	PI2	PC	CS1	CS2	P1	P2	M1	M2	M3	M4	MC	MG
Mooring Buoys	✓	✓	✓	✓	✓	✓	✓	-	-	-	-	-	✓	✓	-	✓	-	-
Floats	✓	✓	✓	✓	✓	✓	✓	-	-	-	-	-	✓	✓	-	✓	-	-
Docks	✓	✓	✓	✓	✓	-	✓	-	-	-	-	-	-	-	-	-	-	-
Stairs	✓	✓	✓	✓	✓	✓	✓	-	-	-	-	-	-	-	-	-	-	-
Ramp (Dock or Wharf)	*	✓	✓	✓	✓	✓	-	-	-	-	-	-	✓	-	-	-	-	-
Piers	-	✓	✓	✓	✓	✓	-	-	-	-	-	-	✓	-	-	-	-	-
Dolphins & Pilings	✓	✓	✓	✓	✓	✓	✓	-	-	-	-	-	✓	✓	-	✓	-	-
Swimming Float	-	-	-	-	-	✓	✓	-	-	-	-	-	✓	-	-	-	-	-
Wharves	-	-	-	-	-	✓	✓	-	-	-	-	✓	✓	✓	-	-	-	-
Floating Breakwater	-	-	-	-	-	✓	✓	-	-	-	-	-	✓	✓	-	-	-	-
Floating Boathouse	-	-	-	-	-	✓	✓	-	-	-	-	-	-	-	-	-	-	-
Barge Ramp	-	-	-	-	-	-	✓	-	-	-	-	-	-	-	✓	-	-	-
Walkway	-	-	-	-	-	-	-	-	-	-	-	-	✓	✓	-	-	-	-

*Under the CR1 zone, a dock ramp is not listed as a permitted structure, however, the Land Use Bylaw does identify a max. dock ramp width of 2.4 m in the CR1 zone.

Table 3. Marine-based Structure Density & Limitations

	CR1	CR2	CD1	RR	RC	PI1	PI2	PC	CS1	CS2	P1	P2	M1	M2	M3	M4	MC	MG
Max. # of docks (or wharves where permitted) per waterfront lot	1	1	1	1	*1	3	3	-	-	-	-	1	-	-	-	-	-	-
Max. float area	65 m ²	65 m ²	65 m ²	65 m ²	65 m ²	-	-	-	-	-	-	600 m ²	-	600 m ²	-	-	-	-
Permitted increase of float area (with covenant)	47 m ² per dwelling served up to 158 m ²	47 m ² per dwelling served up to 158 m ²	47 m ² per dwelling served up to 158 m ²	47 m ² per dwelling served up to 158 m ²	47 m ² per dwelling served up to 158 m ²	-	-	-	-	-	-	-	-	-	-	-	-	-
Ramp width	2.4 m	2.4 m	2.4 m	2.4 m	2.4 m	-	-	-	-	-	-	2.4 m	-	2.4 m	7 m	-	-	-
Max. area covered by any structure	-	-	-	-	-	3000 m ²	**3000 m ²	-	-	-	-	-	-	-	-	-	-	-

*Maximum of one dock permitted in the marine-area abutting each waterfront lot **for each principal residential dwelling unit** (RC zone only).

**The PI2 zone also permits a max. area covered by structures in the marine-based area of 150 m² per permitted residential dwelling unit located on the adjacent upland lot, provided the lot on which the dwelling units are located is larger than 16 ha (40 acres). For reference, the Barnabas property is in the PI2 zone.

APPENDIX 4 - SUMMARY OF OTHER LOCAL TRUST AREA REGULATIONS

Island, Bylaw No.	Setback from Natural Boundary of the Sea	Min. elevation above the NB of the Sea	Exemptions from Setback from NB of the Sea	Other (permitted bldgs. or structures) within Setback from NB of the Sea	Shoreline Development Permit Area – Y/N
Ballenas-Winchelsea Islands Land Use Bylaw No. 28, 2013	15 m	-	-	Ocean loop geo-exchanges systems.	Shoreline DPA All construction within 30 m of the NB of the sea requires a Development Permit.
Bowyer and Passage Islands Land Use Bylaw No. 114, 2011 (in Gambier Island Local Trust Area)	7.6 m	-	- Boathouse, including accessory ramps; - Propane tank; - Utility lines; - Stairs, ramps or walkways not exceeding 2.5 m in width, to access the foreshore or a permitted dock; - Decks or platforms not exceeding a height of 1.2 m above natural grade and 17 m² (183 sq.ft.) in area within the setback area; - Lifting devices.	<i>Note:</i> There are property-specific min. setbacks from the NB of the sea for (historic) buildings or structures that apply to identified properties within the LUB (i.e. Kildare Estates on Passage Island).	No.
Denman Island Land Use Bylaw No. 186, 2008	15 m 30 m (sewerage system, building/structure for intensive	1.5 m	- Boathouse (5 m setback required); - Fence; - Access stairway.	-	No.

	agriculture or domesticated animals)				
<u>Gabriola Island Land Use Bylaw No. 177, 1999</u>	7.5 m* (*15 m where frontage is not adequately protected from erosion by natural bedrock or works as certified by a professional engineer) 30 m (septic sewage disposal field)	1.5 m	- Boathouses; - Walkways and stairs (average max. elevated floor height of 0.3 m and max. width of 1 m).	-	DPA 2 – Lock Bay - Area of DPA 4 shown on <u>Schedule D.</u> DPA 4 – Flat Top Islands Area - Area of DPA 4 shown on <u>Schedule D.</u> DPA 5 – Gabriola Pass Marine Protected Area - Area of DPA 5 shown on <u>Schedule D.</u>
<u>Galiano Island Land Use Bylaw No. 127, 1999</u>	7.5 m 30 m (sewage absorption fields, buildings/ structures for farm animals)	-	- Sign; - Pumphouse with a floor area less than 10 m².	-	DPA 2 – Shoreline All land 15 m upland of the natural boundary of the sea, and seaward to the boundary of the area of bylaw application.
<u>Gambier Island Land Use Bylaw No. 78, 2004</u>	15 m 40 m (animal enclosures, pens, feeding troughs, animal runs, manure piles)	1.5 m	- Signs, arbours and trellises; - Boat houses, stairs, or walkways required for foreshore access or a permitted ramp associated with a dock may be sited within 15 metres of the natural boundary of the sea.	- Allows up to 0.6 m projection for a projecting feature (i.e. bay windows, chimneys, roof overhangs, eaves, gutters, etc.). - Allows up to 1 m projection for a projecting feature (i.e. canopies, sunshades, unenclosed balconies, patios, porches, etc.). - Structures no more than 0.6 m above grade level (i.e. wellheads, parking spaces),	DPA 2 – Brigade Bay Area Area of DPA 2 shown on <u>Schedule I.</u>

				except sewage disposal systems and fields shall comply with Provincial regulations.	
Gambier Associated Islands Land Use Bylaw No. 120, 2013 (including Anvil, Pasley, North and South Thormanby Islands)	7.5 m	-	• One boathouse not exceeding 18.5 m²; • Propane tanks; • Utility lines; • Lifting devices associated with permitted marine uses; • Stairs, ramps or walkways not exceeding 2.5 m in width, to access the foreshore or a permitted dock; • Decks or platforms not exceeding a height of 1.2 m above natural grade and 10 m² in area within the setback area.	-	No.
Hornby Island Land Use Bylaw No. 150, 2014	15 m 30 m (feed troughs, manure piles, buildings/ structures housing animals; sewage disposal fields)	1.5 m	-	• Signs or fences that do not exceed 2 m in height.	No.
Lasqueti Island Land Use Bylaw No. 78, 2005	15 m* (*reduced to 7.5 m where frontage is adequately protected from erosion by natural bedrock or works as certified by a	1.5 m	• Boathouse (5 m setback required); • Fence; • Access stairway.	-	No.

	professional engineer)				
Mayne Island Land Use Bylaw No. 146, 2008	7.5 m	1.5 m	- Fence; - Utility shed; - Navigational aid; - Structures supporting a permitted dock or wharf; - Stairs or walkways required to access the foreshore or a permitted dock.	Allows up to 1 m projection for a projecting feature (i.e. steps, eaves and gutters, etc.) and for balconies, decks and sun shades.	No.
North Pender Island Land Use Bylaw No. 103, 1996	15 m 60 m (sewage disposal field or septage pit)	-	- Walkways and stairs for dock or foreshore access, not exceeding 1 m in height and 1.2 m in width; - Anchor pads or abutments up to 1.5 metres in width for securing a dock structure or wharf to the upland; - Up to 3 metres length of a dock walkway or ramp; - Pumphouses used exclusively for housing an individual water system.	Allows up to 0.6 m projection for a projecting feature (i.e. chimneys, gutters, sills, bay windows, steps, eaves, sunlight control projections, balconies, or porches, etc.).	DPA 6 – Intertidal Sensitive Ecosystems Areas of DPA 6 shown on Schedule N.
North Pender Associated Islands Land Use Bylaw No. 148, 2003	15 m* 50 m for the CD3(a) zone on James Island	-	-	-	Shoreline DPA All non-Crown land within 15 m upland of the NB of the sea. *Buildings and structures may not be sited within 15 m of the NB of the sea, without first obtaining a Development Permit.
Salt Spring Island Land Use Bylaw No. 355, 1999	15 m* (*reduced to 10 m with engineer certification the NB	1.5 m	- Pumphouse; - Boathouse.	In the CA1(c) and CA1(d) zones, building setbacks from the NB of the sea do not apply to buildings or structures used for boat	DPA 3 – Shoreline DPA area shown on Map 20.

	is located on non-erodible material) 30 m (sewage disposal field or septage pit, and for identified commercial, institutional or agricultural activities)			building, boat repairs, boat rental and marina administration and services.	
Saturna Island Land Use Bylaw No. 119, 2018	7.6 m	-	• Fences; • One small boat storage platform not exceeding a floor area of 18.5 m²; • One boathouse not exceeding a floor area of 18.5 m²; • Stairways; • Wharf and dock ramps and their footings.	-	No.
South Pender Island Land Use Bylaw No. 114, 2016	7.6 m	-	• Fence, • Pump/utility house, • Stairway, • Wharf and dock ramps or their footings.	• Allows up to 1 m projection for steps, eaves, gutters, retaining walls, balconies, decks, etc. • Retaining structures less than 1.2 metres (4 feet) in height at all points <u>not</u> included in definition of "Structure".	No.
Thetis Island Land Use Bylaw No. 89, 2011	7.6 m	-	• Boathouse, • Pumphouse.	• Allows up to 0.6 m projection for a projecting feature (i.e. chimneys, sills, bay-windows and ornamental architectural features). • Allows up to 1.8 m projection for a projecting feature (i.e. steps, eaves, awnings,	No.

				canopies, balconies, decks or porches). Fences, free-standing lighting poles, warning devices, antennas, masts, utility poles, wires, flagpoles, signs and sign structures may be sited on any portion of a lot.	
Thetis Associated Islands Land Use Bylaw No. 94. 2014 (incl. Ruxton, Reid Islands)	10 m	1.5 m	- Fence, - Utility shed, - Boathouse located within the R2, R3, R4 or R5 zones, - Platform with a max. area of 5 m², a set of stairs or a walkway or combination of the two, for accessing the foreshore, - Boat ramp.	-	No.

File No.: SP LUB 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: South Pender Minor OCP Amendments – Project Charter

RECOMMENDATION

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

REPORT SUMMARY

This report is intended to provide the South Pender Island Local Trust Committee (LTC) with a draft project charter for the Land Use Bylaw (LUB) Amendments 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:

There are no anticipated amendments to the South Pender Official Community Plan (OCP) in regards to this project.

Land Use Bylaw:

The South Pender LTC has indicated that the following topics should be included in the LUB amendment project:

Potential LUB Amendments

1. Maximum floor area regulations – to review the current residential maximum floor area regulations and the addition of a provision that would ensure existing dwelling units could rebuild to their current floor area prior to a newly established maximum floor area.
2. Agricultural lands regulation in accordance with ALC policy L-26. – consider regulating maximum floor area for dwelling units to align with ALC regulation (500 m² maximum floor area), home plate regulations, farm worker housing regulations, and other topics as identified by the LTC.
3. Shipping containers – consider regulating maximum number of permitted shipping containers on a parcel, screening requirements and other potential regulations.
4. Setback to the natural boundary of the sea – this could be addressed through the Shoreline Review project or through this project.
5. Any other minor, technical amendments - review the LUB to correct any numbering errors, incorrect legislation references, or other technical amendments.

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 in the fall, as indicated on the Project Charter, as the project proceeds.

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 (those who are on the property title although those renting the property would not receive the letter) 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 of 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 (the potential LUB amendments 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 LUB 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 LUB 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
- Present LUB amendment options to the SP LTC via a staff report prior to commencement of public, stakeholder, and First Nation consultation

Submitted By:	Kim Stockdill, Island Planner	April 29, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	April 30, 2021

ATTACHMENTS

1. Project Charter

LUB Amendments - Charter v1

South Pender Island Local Trust Committee

Date: May 7, 2021

Purpose: To consider minor amendments to the South Pender Land Use Bylaw (LUB).

Background: The South Pender Local Trust Committee identified a number of topics to consider for amendments to the LUB. The project would review options for amending the maximum floor area regulations, agricultural land regulations (in accordance with ALC Policy L-26), shipping containers, and other minor and technical amendments.

Objectives

To review, amend or add new regulations to the LUB.

In Scope

- Consider the following amendments to the LUB:
 - Maximum floor area;
 - Agricultural regulations;
 - Shipping containers;
 - Minor and technical amendments.
- Providing recommendations to LTC
- Drafting of bylaw amendments
- Public and stakeholder engagement
- Bylaw referrals
- Bylaw amendment process

Out of Scope

- Substantive review of the LUB.
- OCP amendments (other than consequential)
- Other regulatory or policy amendments

Workplan Overview

Deliverable/Milestone	Date
Project charter endorsed	May 2021
Staff research and analysis of options for the LTC's consideration	July 2021
LTC review of background material and consideration of public consultation options	Sept 2021
Public consultation (CIM) and early referrals	Fall 2021
LTC review of consultation results and consideration of amendment options, direction to draft bylaw and legal review	Nov 2021
First reading	Jan/Feb 2022
Community Information Meeting/Public Hearing	March 2022
Further bylaw readings, EC referral	Summer 2022

Project Team

Kim Stockdill	Project Manager
Maple Hung	Admin Support
Jas Chonk	Admin Support
Jackie O'Neil	GIS/Mapping Support
RPM Approval: Robert Kojima Date: Apr 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: 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

Top Priorities Report

South Pender Island

1. *Land Use Bylaw Amendments Project*

Responsible

Dates

Kim Stockdill

Rec'd: 09-Apr-2021

2. *Minor OCP Amendments*

Responsible

Dates

(Building Design & Siting Guidelines, FN OCP Language, and Rights of Nature)

Kim Stockdill

Rec'd: 09-Apr-2021

3. *Shoreline Project*

Responsible

Dates

Rec'd: 09-Apr-2021



Projects Report

South Pender Island

1. *Development Permit Areas*

Responsible

Date Received

Review of existing and potential development permit areas

28-Apr-2015

2. *Sea level Rise and Shoreline Erosion*

Responsible

Date Received

Review of policies and regulations including setback from the sea, structures permitted in setback

28-Apr-2015

3. *Steel Storage Containers*

Responsible

Date Received

Review LUB regulations to consider prohibiting or regulating steel storage and shipping containers

06-Sep-2019

4. *Derelict vehicle and machinery*

Responsible

Date Received

Review derelict vehicle and discarded equipment regulations

06-Sep-2019

5. *First Nations Language*

Responsible

Date Received

Consider OCP amendment to include a more fulsome historical accounting of First Nations

01-Nov-2019

6. *Building and Siting Guidelines*

Responsible

Date Received

Review policy and regulations related to building and siting on residential properties, including floor area, setbacks, siting and other regulations.

31-Jan-2020

Projects Report

South Pender Island

7. *Groundwater Sustainability Project*

Responsible

Date Received

Phase 3

09-Apr-2021

Applications

File Number	Applicant Name	Date Received	Purpose
-------------	----------------	---------------	---------

Planner:

Planning Status

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending February 2021

665 South Pender	Invoices posted to Month ending February 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	119.00	0.00	119.00
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,745.00	820.15	924.85
65210-665	LTC - Local Exp - APC Meeting Expenses	374.00	0.00	374.00
65220-665	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-665	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>2,663.00</u>	<u>820.15</u>	<u>1,842.85</u>
Projects				
73001-665-4107	South Pender Short Term Vacation Rental (STVR) Review	3,500.00	1,204.75	2,295.25
73001-665-4109	South Pender Building and Sitting Review	2,000.00	0.00	2,000.00
73001-665-4111	South Pender Alternative Housing	2,500.00	1,033.50	1,466.50
TOTAL Project Expenses		<u>8,000.00</u>	<u>2,238.25</u>	<u>5,761.75</u>



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2020-015 (Standing) that South Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections of other issues or if it is reliably reported to the officer that such activity may be taking place.	Carried	04-Jun-2020
2019-015 (Standing) that the South Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.	Carried	06-Sep-2019
2019-014 (Standing) that the South Pender Island Local Trust Committee endorse the Model Cell Tower Strategy.	Carried	06-Sep-2019



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-001 (Standing) - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - The proposed license should also be referred to First Nations for comment. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee.	Carried	01-Feb-2019
2015-015 (Standing) That whereas full agendas are available for public perusal on the website, and whereas the SPILTC endeavours to lower its ecological footprint be it moved that full paper printed agenda packages no longer be provided for future SPILTC meetings.	Carried	28-Apr-2015
2010-000 (Standing) Send FUAL to trustees once drafted following the meeting.	Carried	05-Oct-2010
2006-012 (Standing) That staff prepare draft of meeting minutes for Local Trust Committee reading, correction and amendment as soon as possible following meetings. The South Pender Island Local Trust Committee will adopt these minutes by Resolution without Meeting within fourteen business days, if possible, of each meeting.	Carried	23-May-2006