



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: May 10, 2024
Time: 10:30 am
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

			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 - 10:40 AM	
4.	CHAIR'S REPORT	10:40 AM - 10:45 AM	
5.	ELECTORAL AREA DIRECTOR'S REPORT	10:45 AM - 10:50 AM	
6.	TOWN HALL AND QUESTIONS	10:50 AM - 11:10 AM	
7.	COMMUNITY INFORMATION MEETING - None		
8.	PUBLIC HEARING - None		
9.	MINUTES	11:10 AM - 11:20 AM	
9.1	Local Trust Committee Special Meeting Minutes Dated March 7, 2024 (for Information)		3 - 5
9.2	Local Trust Committee Special Meeting Minutes Dated April 7, 2024 (for Adoption)		6 - 9
9.3	Local Trust Committee Special Meeting Minutes Dated April 26, 2024 (for Adoption)		10 - 13
9.4	Section 26 Resolutions-without-meeting Dated May 2024		14 - 14
9.5	Advisory Planning Commission Minutes - None		
10.	BUSINESS ARISING FROM THE MINUTES		
10.1	Follow-up Action List Dated May 2024		15 - 15
11.	DELEGATIONS		

12.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted on the LTC webpage</i>	
13.	APPLICATIONS AND REFERRALS	11:20 AM - 11:30 AM
13.1	Mayne Island Local Trust Committee Referral for Draft Bylaw No. 193 (for Response) (attached)	16 - 18
14.	LOCAL TRUST COMMITTEE PROJECTS	11:30 AM - 12:30 PM
14.1	Minor Land Use Bylaw Amendments Project - Staff Report (attached)	19 - 27
15.	REPORTS	12:30 PM - 12:40 PM
15.1	Work Program Reports (attached)	
15.1.1	<u>Active Projects Report Dated May 2024</u>	28 - 28
15.1.2	<u>Future Projects Report Dated May 2024</u>	29 - 30
15.2	Applications Report Dated May 2024 (attached)	31 - 31
15.3	Trustee and Local Expense Report Dated Mar 2024 (attached)	32 - 32
15.4	Adopted Policies and Standing Resolutions (attached)	33 - 35
15.5	Local Trust Committee Webpage	
15.6	Reconciliation and First Nation Relationship Building	
15.7	Islands Trust Conservancy Report Dated April 2024	36 - 37
16.	NEW BUSINESS	12:40 PM - 1:10 PM
16.1	2023/24 Annual Report - Request for Decision (attached)	38 - 40
16.2	Short Term Vacation Rental Legislation - Staff Report (attached)	41 - 43
17.	UPCOMING MEETINGS	
17.1	Next Regular Meeting Scheduled for September 13, 2024 at the Fire Hall, Pender Island	
18.	TOWN HALL	1:10 PM - 1:30 PM
19.	CLOSED MEETING - None	
20.	ADJOURNMENT	1:30 PM - 1:30 PM



ADOPTED

South Pender Island Local Trust Committee

Minutes of Special Meeting

Date: March 7, 2024
Location: Electronic Meeting

Members Present: Tobi Elliott, Chair (electronic)
Dag Falck, Local Trustee (electronic)
Kristina Evans, Local Trustee (electronic)

Staff Present: Robert Kojima, Regional Planning Manager (electronic)
Kim Stockdill, Island Planner (electronic)
Carly Bilney, Recorder (electronic)

Others Present: There was one (1) member of the public present.

1. CALL TO ORDER

Chair Elliott called the meeting to order at 10:00 a.m. She acknowledged that the meeting was being held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. MINUTES

3.1 Local Trust Committee Regular Meeting Minutes of February 2, 2024 (for Adoption)

The following amendments to the minutes were presented for consideration:

- On Page 1 of the Minutes (page 2 of the current agenda), remove the second bullet under Item 3 Approval of Agenda
- On Page 2 of the Minutes (page 3 of the current agenda), change the sixth bullet under Item 6 to "Shauna Huculak engages with First Nations in their work as the Capital Regional District's archaeologist."

By general consent the South Pender Island Local Trust Committee meeting minutes of February 2, 2024 were adopted.

4. BUSINESS ITEMS

4.1 April Community Information Meetings – Agenda Discussion

Island Planner Stockdill reviewed the Minor Land Use Bylaw Amendments Project Charter. Discussion was held about how to format the two Community Information Meetings. The following comments were made:

- One Community Information Meeting could focus on house size and setbacks, and one could focus on other topics not discussed at the previous trustee-led workshops such as height, water storage and agriculture regulations
- It is preferable to hold the first Community Information Meeting on a weekend so that a majority of community members can attend
- A staff report will be prepared for the May Local Trust Committee meeting within which there will be language Trustees can use to forward a referral to the Advisory Planning Commission
- The deadline for comments from community members to be included in the staff report is April 26
- Information shared at the Trustee-led workshops will be amalgamated by staff and shared in a staff report
- The Community Information Meeting scheduled for April 20 should be moved to Sunday, April 7 and focus on height, water storage and other regulations; the Community Information Meeting scheduled for April 26 will focus on house size and setbacks
- Moving the proposed date for the first Community Information Meeting earlier in the month would give community members additional time to process what was discussed in the meeting and to submit comments before the closing of public comments to be included in the APC brief.
- Both Community Information Meetings will be held at the Anglican Church
- Depending on availability, Trustee Maude or Trustee Elliott will Chair the Saturday Community Information Meeting or one of the South Pender Island local Trustees will be delegated as Chair
- A Community Information Meeting is an opportunity for local Trustees to hear from community members
- Staff recommended advertising the Community Information Meetings in the Pender Post and circulating a notice to the email subscriber list; Trustees might consider posing specific questions to community members to address at the meetings
- Correspondence from community members can be submitted to Trustees via southpenderltc@islandstrust.bc.ca or via southinfo@islandstrust.bc.ca (correspondence sent to the former will be received by Trustees faster than the latter)
- Correspondence received is posted online at <https://islandstrust.bc.ca/island-planning/south-pender/projects/>
- The best venue for a Trustee to share input with the whole Local Trust Committee is at a Local Trust Committee meeting; Trustees may also share information online at the Trustee Corner

- The Trustee Corner can be linked to when the notice goes out about the Community Information Meetings

Regional Planning Manager Kojima provided an update on the status of short-term vacation rentals and noted that a report will be provided at the Local Trust Committee meeting in May.

5. ADJOURNMENT

By general consent the meeting was adjourned at 11:07 a.m.

Tobi Elliott, Chair

Certified Correct:

Carly Bilney, Recorder

South Pender Island Local Trust Committee Minutes of Special Meeting

Date: April 7, 2024
Location: St. Peter's Anglican Church Hall, North Pender Island

Members Present: David Maude, Chair
Dag Falck, Local Trustee
Kristina Evans, Local Trustee

Staff Present: Kim Stockdill, Island Planner

Others Present: There were approximately 30 members of the public present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 1:00 p.m. He acknowledged that the meeting was being held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Dwelling height, freshwater catchment regulations, agriculture regulations, shipping containers, and other minor amendments

Island Planner Stockdill briefly described the purpose of the meeting to review proposed changes in Bylaw 122, the amending bylaw that makes changes to Land Use Bylaw 114.

In response to a question raised, it was noted that the reason today's meeting was not being held on South Pender is because, based on past Community Information Meetings, more people were expected than could be accommodated at the Fire Hall on South Pender and Poet's Cove was considered to be too expensive.

A document that highlights the proposed changes was distributed.

DEFINITIONS

Island Planner Stockdill reviewed the changes proposed to definitions. The following comments were made:

- Definitions related to agriculture were taken directly from the Agricultural Land Commission

- “Basement floor area” is a definition that has no effect as it does not show up in the Land Use Bylaw
- The maximum floor area of 70 square metres in the definition of “cottage” was removed, and the maximum floor area of 70 square meters was subsequently added to each individual zone to allow property owners to apply for a variance permit
- Floor area is measured by the interior walls (the previous calculation was to the exterior of the walls)

Discussion with community members ensued and the following comments were made:

- R-value measurement could be considered when deciding whether a property owner’s floor area should be measured by interior or exterior walls, to encourage more efficiently insulated buildings
- Support was expressed for measuring exterior walls as changing the measurement of floor area from exterior to interior walls does not make a significant difference, and it is complicated to measure the inside of the house
- Support was expressed for measuring floor area from the interior walls to not penalize buildings such as straw bale houses that have thick walls
- The Capital Regional District that issues the building permits measures floor area from the interior walls
- If floor area measurements are changed from the interior walls to the exterior walls and the square footage maximum stayed the same, house size would be further restricted
- Measuring floor area from the interior walls allows for more square footage for a dwelling; the difference between measuring floor area from interior to exterior walls should be calculated to show the difference – though calculating the difference will vary depending on the dwelling
- This change is more relevant to the house size discussion, which will be discussed at the next Community Information Meeting

HEIGHT REGULATIONS

Island Planner Stockdill reviewed height regulations and noted the previous Local Trust Committee amended the height regulation for a dwelling or cottage to restrict the height of each wall to 9.2 meters; houses built on a cliff or slope that have a wall exceeding this will have to apply for a variance. Discussion ensued and the following comments were made:

- Support was expressed for reverting to the original regulation (calculating average height by measuring each wall)
- A variance application gives adjacent property owners an opportunity to express their views to Trustees if a new building blocks their view
- Variances should not be a remedy for bylaws
- This proposed regulation applies to buildings that are currently constructed, and a fair number of them will be rendered legal nonconforming if the bylaw remains as it is written

- Neighbours should be given the opportunity to comment on all aspects of a build, regardless of height
- Support was expressed for including a provision that makes all existing properties legally conforming

SHIPPING CONTAINERS

Island Planner Stockdill noted the previous Local Trust Committee added regulations to limit the number of shipping containers on a property and ensure they are screened from view.

- Support was expressed for the added bylaws
- Siting restrictions for shipping containers would be the same as for accessory structures
- Property owners who already have shipping containers would have legal nonconforming status provided by the Local Government Act (the Local Trust Committee does not regulate use of shipping containers)
- Shipping containers would be considered an accessory structure and would add to lot coverage
- Shipping containers can be stacked as long as they are under 30 feet in height, and would be considered permanent
- Staff will seek answers for questions raised about how shipping containers are restricted for farmers, and whether a permit is required to place one on a farm property
- Support was expressed for not including shipping containers in the bylaw
- If these regulations were taken out of Land Use Bylaw 114, it would mean there would be no regulation on the use of shipping containers
- On Mayne Island, shipping containers are included as accessory buildings and zoning allows for a maximum of two accessory buildings
- A question was raised about whether shipping containers can be put in line with other lot categories for clarity

CISTERN REQUIREMENTS

Island Planner Stockdill explained changes to regulations requiring cisterns including:

- the regulations would not apply to cottages
- “rainwater” would be changed to “freshwater”
- storage capacity of the cisterns would double

Discussion ensued and the following comments were made:

- There is need for definitions of “freshwater” and “cistern”
- Support for the change to the bylaw was expressed
- The regulation does not require the property owner to connect a cistern to a dwelling; it is to encourage a property owner to have a cistern
- Concern was expressed for over-developing the islands, the risk of fire, and whether there is sufficient groundwater to support use

- Groundwater availability is a real concern
- Staff will look into whether the Islands Trust has jurisdiction to restrict the use of swimming pools
- A suggestion was made to change “Groundwater Protection” to “Freshwater Protection”
- Support was expressed for keeping the term “Groundwater Protection.”
- “Freshwater” is a more broadly encompassing term that applies to rainwater, streams
- A pond is not considered a cistern
- There should be more support for rainwater collection in cisterns for garden use
- A question was raised about whether the bylaw should require cisterns to be hooked up for use
- Staff will invite Islands Trust Senior Freshwater Specialist William Shulba to join a meeting on South Pender and address questions raised such as what the definition of “freshwater” encompasses
- Concern was expressed about blasting (staff will review bylaw from Salt Spring related to soil removal)

AGRICULTURE

Island Planner Stockdill explained that the intention of the previous Local Trust Committee was to align the Land Use Bylaw with Agricultural Land Commission regulations and noted the only regulation that was made more restrictive was the number of guests allowed for agri-tourism accommodations. Discussion ensued and the following comments were made:

- Agri-tourism accommodation is specific to properties that have farm status
- Provision 5.5(13) (Agri-tourism buildings or structures are not permitted) should be removed from the bylaw
- Restrictions should be left to the Agricultural Land Commission
- These provisions may not be worthwhile to include if the Agricultural Land Commission is already regulating activities
- House size, with respect to farms, will be discussed at a future meeting

4. ADJOURNMENT

By general consent the meeting was adjourned at 3:14 p.m.

David Maude, Chair

Certified Correct:

Carly Bilney, Recorder

South Pender Island Local Trust Committee

Minutes of Special Meeting

Date: April 26, 2024
Location: St. Peter's Anglican Church Hall, North Pender Island

Members Present: David Maude, Chair
Dag Falck, Local Trustee
Kristina Evans, Local Trustee
Tobi Elliott, Local Trustee (electronic)

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner (electronic)
Carly Bilney, Recorder (electronic)

Others Present: There were approximately 15 members of the public present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:00 a.m. He acknowledged that the meeting was being held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Residential floor area and setbacks

Trustee Evans described the meeting as an opportunity to achieve consensus on topics discussed. Trustee Falck acknowledged concerns raised about the meeting being held on North Pender, and commented on a smaller amount of people attending the present meeting compared to the previous Community Information Meeting.

The first half of the meeting was dedicated to discussion on setbacks. The following comments were made:

- Questions were raised about how best to correspond with the Local Trust Committee and administrative emails; Trustees commented that the South Pender Local Trust Committee email will be shared in future outgoing correspondence
- It is important to keep a public record, and emails related to Islands Trust work should go through an official Trustee's email rather than a personal one

- It should be up to constituents whether or not to email Trustees using their personal email address or their work one
- Legally nonconforming properties should be rare
- It is unclear what the issues were that led to changing the setbacks, and a map should be made to show where buildings are that will be impacted by the change, and where covenants are that further restrict some properties
- Setbacks are measured to the closest feature of the building
- Support was expressed for a 50-foot setback from the boundary of the sea to provide protection for sensitive ecosystems along the shoreline
- Generally, a greater setback from the natural boundary of the sea (high tide line) will decrease the impact of development on the marine environment in the nearshore, which is typically a very sensitive area
- Building further back from the natural boundary of the sea protects development from hazards such as erosion, storm surges, sea level rise, and also mitigates visual impacts
- Data from the State of Washington was mentioned as to why setbacks from the sea should be increased (for example, erosion, blasting, and disruption to vegetation)
- Support was expressed for increasing the setback from the sea for ecological concerns, because cliff environments are threatened ecosystems, and because the Province has outlined plans to protect coastal shorelines by implementing a minimum setback of 50 feet
- Support was expressed for a 50-foot setback from the natural boundary of the sea to impede property owners that build decks that extend to the sea
- Increased setbacks from the sea might increase the chances that properties owners will clear trees to improve their view
- Concern was expressed that there is no tool to address clear-cutting
- A 50-foot setback from the sea will not help to mitigate erosion which is something that should be addressed
- Support was expressed for reverting setbacks to the interior side lot line to 10 feet for RR1 and RR2 zones because noise and privacy concerns are insignificant in a 10-foot setback compared to a 20-foot one, and owners can take measures to reduce the impact of buildings without having to resort to more restrictive bylaws
- Support was expressed for 10-foot setbacks to the interior side lot line to maintain consistency with other Southern Gulf Islands and since the majority of properties have already been developed
- A 40-foot corridor between properties, made by 20-foot setbacks, is unnecessary
- Support was expressed for keeping 20-foot setbacks to the interior side lot line as allowing more distance for threatened species increases their chances of survival, and a greater setback improves sightlines between properties
- As people get closer, rifts arise and a larger buffer between neighbours is good
- South Pender Island should be progressive and protect the quality of the natural environment despite what is happening on other islands

- Trustees should consider different setback zones (for example, specific areas of the island with narrow properties could have separate zoning with setbacks that allow for room to build)
- It is illogical to have a setback for one kind of building (for example, dwellings and cottages) and not for others (for example, accessory buildings)
- Definitive protection of specific natural barriers on the island is lacking and public meeting time should be used to discuss how to protect the waterfront
- The process of talking about changes to Bylaw No. 114 is constrained to discussion of property rights when much bigger issues like protecting the islands should be the focus; we should discuss good practice in terms of shoreline management such as protecting arbutus and Garry oak ecosystems

A break was held from 11:25 a.m. – 11:37 a.m.

The second half of the meeting was dedicated to discussion of house size. The following comments were made:

- Perhaps the bylaw should have an explicit requirement that says one cannot block a neighbour's view
- Planning a process where variances are a solution is not good planning; variances should be few and far between for exceptions
- Variances are a useful tool in certain situations (for example, when height restrictions limit a house built on vertical rocks)
- Having a one size fits all approach to bylaws is too broad
- Requirements related to house size that are in place now were not agreed to by the community
- Changes to the house height has made a lot of properties non-conforming
- The footprint of a home should be more significant than the floor area; some homes have basements
- The language in *Bylaw No. 122 & Legal Non-Conforming FAQ* is confusing and needs to be clarified
- Question No. 4 in *Bylaw No. 122 & Legal Non-Conforming FAQ* does not specify who a "qualified" person may be; the wording was left open so it would not be overly restrictive
- An attached garage should be excluded from a dwelling's maximum floor area
- Support was expressed for designating attached garages as accessory buildings
- Support was expressed for the changes to the bylaw as the house size limits provide for adequate housing in a rural community; a maximum floor area of 232 m² (2500 ft²) for a 1-acre lot is sufficient
- House size impacts greenhouse gas emissions and it is important that we adhere to the goals of the Official Community Plan to reduce emissions when possible.
- We should retain a bylaw that uses house size as a tool to limit adverse effects on the environment
- A suggestion was made to combine house size allowances for primary dwellings and cottages

- Support was expressed for allowing for one larger house (cluster building) rather than one house and one cottage
- The average square footage of house size on South Pender is very close to the provincial average
- South Pender might consider allowing smaller properties to have secondary suites
- Decisions must take the goals of the Official Community Plan into account
- Diversity in housing is a big part of rural character
- Recommended changes should reference and be justified by the goals in the Official Community Plan
- South Pender should lead other islands and not follow them by having less restrictive regulations
- After this meeting, next steps include creating a staff report and gathering information for the Advisory Planning Commission to discuss and then provide recommendations to the Local Trust Committee
- Staff was asked to clarify the meaning of “legal conforming” versus “legal non-conforming” for members of the Advisory Planning Commission

It was noted that correspondence may still be accepted after this meeting.

4. ADJOURNMENT

By general consent the meeting was adjourned at 1:19 p.m.

David Maude, Chair

Certified Correct:

Carly Bilney, Recorder



Resolutions Without Meetings Log

South Pender Island

Resolution Number	Action	Date
2024-002	Carried	22-Apr-2024
To adopt March 7, 2024 Minutes		
That the South Pender Island Local Trust Committee special meeting minutes of March 7, 2024 be adopted as presented.		

Follow Up Action Report

South Pender Island

01-Aug-2023

Activity	Responsibility	Dates	Status
1 Chair Elliott is authorized to sign both covenants related to 8970 Gowlland Point Road. (IN PROGRESS).	Jas Chonk Kim Stockdill	Target: 15-Sep-2023	In Progress

02-Feb-2024

Activity	Responsibility	Dates	Status
1 14.1 NP LTC Bylaw No. 234 - Interests unaffected.	Jas Chonk	Target: 16-Feb-2024	Completed
2 15.1 Minor LUB Amendments Project 1. Staff to schedule electronic Special Meeting to discuss scheduling two CIMS (no. 2) - possible date March 7th - Done 2. Schedule two CIMS in April at a NP venue - Done 3. Staff to update Project Charter with amended timeline. 4. Staff to email SP APC with information on project.	Emily Bryant Jas Chonk Kim Stockdill	Target: 26-Apr-2024	Completed
3 17.1 Staff to report back on implications of opting into Bill 35 and legal non-conforming STVRs on South Pender. Further information requested on options regarding no enforce on illegal STVRs. Staff to include report on electronic Special Meeting scheduled for early March.	Robert Kojima	Target: 15-Mar-2024	Completed
4 SP LTC appointed Paul Petrie to SP APC.	Emily Bryant Jas Chonk	Target: 16-Feb-2024	Completed



Islands Trust

BYLAW REFERRAL FORM

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

Island: Mayne Island Local Trust Area Bylaw No.: 193 Date: April 18, 2024

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

PURPOSE OF BYLAW:

The purpose of this bylaw is to make minor and technical amendments to the Mayne Island Land Use Bylaw No. 146, 2008. The bylaw includes: setback changes, minor changes to site specific zoning, site specific zoning for properties with existing temporary use permits, expansion of permissions for contractor yards.

GENERAL LOCATION:

Mayne Island Local Trust Area

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: <https://islandstrust.bc.ca/island-planning/mayne/projects/>

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

(Signature)

Name: Narissa Chadwick

Title: Island Planner
Contact Info: Tel: 250-405-5189
Email: nchadwick@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Provincial Agencies

Ministry of Municipal Affairs
Ministry of Transportation & Infrastructure

Non-Agency Referrals

Islands Trust – Bylaw Enforcement

Regional Agencies

Capital Regional District – Building Inspection
Capital Regional District – Regional Parks and Community Services
Island Health
Mayne Island Fire Rescue
Mayne Island Agricultural Hall Society
Campbell Bay Musicfest Society

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Ts'uubaa-asatx Nation
Lyackson First Nation
Malahat First Nation
Pauquachin First Nation
Penelakut Tribe
Semiahmoo First Nation
Snuneymuxw First Nation
Stz'uminus First Nation
Tsartlip First Nation
Tsawout First Nation
Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area

(Island)

(Signature)

(Date)

193

(Bylaw Number)

(Name and Title)

(Agency)

File No.: SP Minor LUB Amendments
Project

DATE OF MEETING: May 10, 2024
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: South Pender Minor LUB Amendments Project – Referral to South Pender APC

RECOMMENDATION

1. That the South Pender Island Local Trust Committee request staff to send a referral to the South Pender Advisory Planning Commission regarding the Minor LUB Amendment Project to evaluate potential land use bylaw amendments and to provide comments and recommendations specifically related to the setback to the natural boundary of the sea, maximum floor area for dwellings, and setbacks to the interior lot line for dwellings and cottages.

REPORT SUMMARY

This report is intended to provide the South Pender Island Local Trust Committee (LTC) with a summary of community input to date for the Minor Land Use Bylaw (LUB) Amendments Project and to provide recommendations for a referral to the South Pender Island Planning Advisory Committee (APC).

BACKGROUND

At the February 2, 2024 regular meeting, the South Pender LTC passed the following resolutions:

SP-2024-002

that South Pender Island Local Trust Committee give direction to staff to schedule an electronic special meeting to discuss the Community Information Meetings for the Minor Land Use Bylaw Amendments Project.

CARRIED

SP-2024-003

that South Pender Island Local Trust Committee request that staff revise the Minor Land Use Bylaw Amendments Project Charter to the updated timeline.

CARRIED

As per the resolution above, staff amended the [Minor LUB Project Charter](#) to reflect the updated timeline. In addition, an electronic special meeting was held on March 7, 2024 to discuss the scheduling of the two Community Information Meetings (CIMs). It was determined that an in-person CIM would be held on April 7, 2024 with a targeted discussion on dwelling height, freshwater catchment regulations, agriculture regulations, shipping containers, definitions and other minor amendments. A second in-person CIM would be held on April 26, 2024 to discuss residential floor area and setbacks.

Trustee Hosted Workshops

Community workshops were scheduled in January and February 2024 hosted by Trustee Evans and Trustee Falck. The focus of the workshops was to facilitate discussion regarding setbacks and maximum house size for the project. These meetings were intended to generate and collect the community's ideas and suggestions and forward them to the South Pender Island APC for deliberation. As Islands Trust staff nor a minute taker attended these sessions, the Trustees summarized the discussions from these workshops and have posted them to the [South Pender Trustee Corner website](#).

Community Information Meetings

Two in-person CIMs were held on April 7 and April 26 2024 to provide a formal setting for community members to ask questions and provide comments on the targeted project topics. Staff have summarized the comments received at the CIMs below.

ANALYSIS

Trustee-led Workshop Summary

Below is a summary of the comments collected through the trustee-led workshops:

1. House Size

The rationale expressed in the workshops for keeping current regulations are multifaceted, emphasizing the need to conserve resources and preserve the rural identity of South Pender. Concerns about the environmental impact of larger houses, which consume more resources, underscore the importance of maintaining the current regulations. Furthermore, maintaining smaller house sizes can improve affordability and accessibility for a wider range of residents.

Any proposed changes to the South Pender LUB should aim to address housing needs while navigating these concerns carefully. Suggestions include allowing secondary suites to ease the housing crisis, tightening lot regulations to match house sizes with lot configurations, and exploring alternative zoning methods to maintain rural character. Adjustments to accommodate larger house sizes or offer variances for specific situations were also proposed, alongside measures to ensure accessibility and balance environmental concerns with housing demands. Additionally, there were comments received related to accommodating multi-generational living arrangements by expanding size allowances for caregiver dwellings.

In addition, certain issues were discussed with considered maximum floor area like considering factors such as irregular lot shapes and attached garages. Recommendations could include removing attached garages from the calculation of floor area.

2. Height

There was an overall support to revert the height regulations as they were prior to the adoption of Bylaw No. 122 as the new regulation has created legal non-conforming situations.

3. Setbacks – Interior lot line

Comments included a mix of support and opposition for the more restrictive setback regulation to the interior lot line for dwellings and cottages. Some suggested keeping the regulation but create a more flexible approach, suggesting different setbacks related to the size or width of the property. Some

advocated for keeping the current setback rules (Bylaw No. 122) to increase privacy between properties. Others expressed support to revert the bylaw back to less restrictive regulations based on a lack of rationale for the regulation, and would also like to keep interior lot line setbacks consistent with other Local Trust Areas.

4. Setback – Natural boundary to the Sea

Community members expressed the importance of adapting building setbacks to accommodate rising sea levels due to climate change. Siting buildings back from the natural boundary of the sea not only protects against erosion and storm damage but also preserves the fragile coastal ecosystems and prevents the need for shoreline armouring, which can have negative environmental impacts. Some advocated for individualized setbacks determined by professionals rather than a one-size-fits-all approach.

Some expressed that a new Development Permit Area may be a better tool to address the protection of the marine sensitive ecosystem.

CIM Summary

The following is a summary of the comments collected at the two CIMs in April 2024.

1. **Definitions:** There was generally support for the changes to the definitions due to the adoption of Bylaw no. 122 as they were all primarily technical in nature. Inclusion of new definitions were to align Agricultural Land Commission regulations. Community feedback included considerations for insulation efficiency and impacts on different building types in regards to supporting the change to the floor area definition.
2. **Height Regulations:** Support was voiced for reverting to the original regulation. It was expressed that variances do offer adjacent property owners a chance to express views to Trustees if new buildings obstruct their view, but they should not serve as remedies for bylaws. The proposed regulation affects existing buildings, potentially rendering some legal non-conforming if the bylaw remains unchanged.
3. **Shipping Containers:** Regulations were proposed to limit the number of shipping containers, including screening and siting restrictions. General support was voiced regarding the inclusion in the bylaw.
4. **Cistern Requirements:** The discussion centered on the changes to Section 3.14 regarding freshwater catchment systems and cisterns. Notably, the regulation was amended to clarify that the regulation does not apply to cottages, "rainwater" was relabeled as "freshwater," and cistern storage capacity increased from 9,000L to 18,000L. Support was expressed for the changes, though some suggested modifying terminology and the inclusion of definitions. Questions were posed about mandatory cistern connections and the jurisdiction of the Islands Trust. Staff will further investigate these matters and invite the Islands Trust Senior Freshwater Specialist to address concerns about freshwater definitions.
5. **Agriculture:** Aligning regulations with Agricultural Land Commission standards was discussed, with a focus on agri-tourism accommodations and house size restrictions. The only agriculture regulation that became more stringent was the limit on guests for agri-tourism accommodations. There was a suggestion to remove the agriculture regulations introduced by Bylaw No. 122 from the LUB, leaving restrictions to the Agricultural Land Commission (ALC). Some participants questioned the necessity of including these provisions if the ALC already regulations Agriculture Land Reserve uses.

6. **Residential Floor Area and Setbacks:** Discussions covered setback adjustments, considerations for ecological preservation, and balancing property rights with environmental protection.
7. **House Size:** Concerns and suggestions were raised regarding house size limits, variances, and the need for clarity in the bylaw language. Considerations for environmental impact and community character were emphasized.

Overall, the meetings aimed to gather community input on proposed changes and ensure alignment with the Official Community Plan goals while balancing diverse interests and environmental concerns.

Staff have summarized the amendments included in Bylaw No. 122 in an attached chart (Attachment No. 1). Staff have identified which amendments are recommended to be retained, removed, amended, or where further discussion is required. Topics highlighted in dark blue indicate where recommendations from the South Pender APC are required.

Advisory Planning Commission

The South Pender LTC indicated at the last LTC meeting that comments gathered from public engagement through the trustee-led workshops and the two CIMs should be sent to the APC for further deliberation. As outlined in the [Project Charter](#), a referral to the APC is to commence from May to July 2024.

It is important for the LTC to identify specific topics for the APC to focus their discussion and attention. As highlighted in previous staff reports and supported by the comments collected through the trustee-led workshops and LTC CIMS, the following major topics have been identified as required to be referred to the APC:

- setback from the natural boundary of the sea
- total floor area and maximum floor area for dwellings
- interior side lot line setbacks for rural residential zoned dwellings and cottages

Staff have provided a recommendation to the South Pender LTC to refer a package of information to the South Pender APC (see page 1 of staff report). The package of information would include:

- Staff reports to date regarding the project including links to staff reports regarding the previous LTC project (Bylaw No. 122)
- Summaries prepared by the trustees for their trustee-led workshops (also available on the [Trust Corner webpage](#))
- Minutes from the two April 2024 Community Information Meetings
- An introductory letter outlining the three major topics (identified above) and providing an overview of each topic and provide guidance on how to address the topics by requesting the APC to:
 - Identify and discuss what the three major topics/amendments are trying to achieve (what problem(s) are they trying to address/solve)
 - Identify and discuss if the APC supports the amendment(s) in Bylaw No. 122 and determine if the amendment(s) achieve their goal
 - If the APC does not support the amendment(s), provide comment on how they can be changed, or provide other amendments/tools the South LTC could adopt to achieve the goals.
- Staff will also attend the first APC meeting, and any other APC meetings, to provide information and guidance
- A copy of the [South Pender Island APC Bylaw No. 98](#)
- Updated copy of the FAQ document

The LTC should indicate to staff if any further information or guidance should be included in the referral to the South Pender APC.

FAQ Document

Staff produced a frequently asked question document to answer questions regarding legal non-conforming and [Bylaw No. 122](#). At the Community Information Meeting on April 26, 2024 it was identified that further clarification and edits were required to the FAQ document prior to forwarding it to the South Pender APC. The FAQ document will be updated prior to the May 10, 2024 regular South Pender LTC meeting and posted in Folder 6 “Other Information” for the Minor LUB Amendments Project on the [South Pender Project webpage](#).

Statutory Requirements

In the first stage of the project (i.e. APC referrals and undertaking community engagement) there are no statutory requirements to consider. If at a later stage the LTC resolves to undertake a bylaw amendment, statutory notification requirements of the Local Government Act will need to be considered including appropriate agency and First Nation referrals, public hearing option and bylaw adoption procedures. Early engagement letters will also be sent out as the project proceeds.

Rationale for Recommendation

As shown in the Project Charter, the next step in the project is to send a referral to the South Pender APC in order to comment and provide guidance on certain topics in the Minor LUB Amendments Project.

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 LUB Amendments Project:...

3. Creation of a Special Advisory Planning Commission

The LTC may choose to create a Special Advisory Planning Commission:

That the South Pender Island Local Trust Committee request staff to draft a Terms of Reference for the Special Advisory Planning Commission.

4. Conduct further Community Information Meetings over the summer months

The LTC may choose to hold additional Community Information Meetings if deemed necessary over the summer months:

That the South Pender Island Local Trust Committee request staff to schedule # of Community Information Meeting(s) for the Minor LUB Project to engage further on....

5. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Next steps include:

- Send the formal referral information to South Pender APC

Submitted By:	Kim Stockdill, Island Planner	May 3, 2024
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Attachment No. 1

Bylaw No. 122 Section	Amendment Summary (for exact regulation refer to Bylaw No. 122)	Retain	Remove	Amend	Undecided	Staff Comments
2.1	New definitions	☒	☐	☐	☐	No major discussions regarding the definitions
2.2	Definition - cottage	☒	☐	☐	☐	General support for keeping this definition.
2.3	Definition – floor area	☒	☐	☐	☐	General support for keeping this definition.
2.4	Changing setback to the natural boundary of the sea from 25 feet to 50 feet	☐	☐	☐	☒	A mix of opinions to keep, change or remove this amendment. Further discussion and recommendation from the APC required.
2.5	Clause permits buildings and structures that were sited prior to September 15, 2022 to retain the 25 feet setback.	☐	☐	☐	☒	Dependent on decision of Section 2.4. If the LTC recommends to retain the setback of 50 feet from the natural boundary of the sea, then staff recommend to retain this regulation.
2.6	Clause that permits a legal dwelling, cottage or accessory building constructed prior to Sept 15/24 to be replaced or altered.	☐	☐	☐	☒	Dependent on decision of Section 2.4. If the LTC recommends to retain the setback of 50 feet from the natural boundary of the sea, then staff recommend to retain this regulation.
2.7	Addition to height regulation – restricts a dwelling or cottage to not exceed 9.2 metres at any point.	☐	☒	☐	☐	General support to remove this regulation and reverting the height regulation as it was prior to the adoption of Bylaw No. 122.
2.8	Shipping container regulations	☒	☐	☒	☐	General support to keep the shipping container regulations with the option to change the lot sizes so they are the same as the lot sizes displayed the maximum floor area regulations.
2.9	Freshwater catchment regulations	☒	☐	☒	☐	General support for keeping this regulation. Possible amendments are to add definitions for “freshwater” and “cistern”.

Bylaw No. 122 Section	Amendment Summary (for exact regulation refer to Bylaw No. 122)	Retain	Remove	Amend	Undecided	Staff Comments
2.10	RR Zones – more restrictive maximum floor area and total floor area	☐	☐	☐	☒	Further comments and recommendations from the APC required.
2.11	Clause that allows legal dwellings to be constructed with the same floor area as it was at the time of Bylaw No. 122 adoption.	☐	☐	☐	☒	Dependent on decision of Section 2.10. If the LTC recommends to retain regulation or amend the maximum floor area and total floor area, then staff recommends to retain this regulation.
2.12	Maximum floor area of a cottage in the RR zones	☒	☐	☐	☐	Technical amendment and support to retain as is.
2.13	Setback from interior lot line for dwellings and cottages to be 20 feet.	☐	☐	☐	☒	Further comments and recommendations from the APC required.
2.14	Clause that allows legal dwellings and cottages to be sited as they were prior to the adoption of Bylaw No. 122 (Sept. 15/22).	☐	☐	☐	☒	Dependent on decision of Section 2.13. If the LTC recommends to retain setback of 20 feet to interior lot line for new dwelling and cottages, then staff recommends to retain this regulation.
2.15	Adding permitted accessory agri-tourism use	☒	☐	☒	☐	Retain but remove reference to “subject to Subsections 5.5(13) to 5.5(16)”.
2.16	Adding permitted accessory agri-tourist accommodation use	☒	☐	☒	☐	Retain but remove reference to “subject to Subsections 5.5(15) to 5.5(22)”.
2.17	Adding farm retail sales as accessory use	☒	☐	☐	☐	General support to retain.
2.18	Maximum floor area and total floor area for dwellings in the Agriculture zone.	☐	☐	☐	☒	Some support to remove this regulation as it was expressed at the Agricultural Land Commission (ALC) regulates maximum floor area for dwellings located in the Agricultural Land Reserve (ALR).
2.19	Clause that allows legal dwellings to be constructed with the same floor area as it was at the time of Bylaw No. 122 adoption.	☐	☐	☐	☒	Dependent on decision of Section 2.18. If the LTC recommends to retain regulation or amend the maximum floor area and total floor area, then staff recommends to retain this regulation.
2.20	Maximum floor area of cottage in the Agriculture zone	☒	☐	☐	☐	Technical amendment and support to retain as is.

Bylaw No. 122 Section	Amendment Summary (for exact regulation refer to Bylaw No. 122)	Retain	Remove	Amend	Undecided	Staff Comments
2.21	Information Note	☒	☐	☐	☐	Technical amendment and support to retain as is.
2.22	Farm retail sales regulation related to indoor and outdoor floor area permitted for the use.	☐	☒	☐	☐	General support to remove all conditions that are currently regulated by the ALC.
2.23	Conditions of use for agri-tourism and agri-tourist accommodation	☐	☒	☐	☐	General support to remove all conditions that are currently regulated by the ALC <u>except</u> to retain the condition that limits the number of guests and bedrooms for an agri-tourist accommodation use.
2.24	Maximum floor area and total floor area for dwellings in the Forestry zone.	☐	☐	☐	☒	Further comments and recommendations from the APC required.
2.25	Clause that allows legal dwellings to be constructed with the same floor area as it was at the time of Bylaw No. 122 adoption.	☐	☐	☐	☒	Dependent on decision of Section 2.24. If the LTC recommends to retain regulation or amend the maximum floor area and total floor area, then staff recommends to retain this regulation.
2.26	Maximum floor area of cottage in the Forestry zone	☒	☐	☐	☐	Technical amendment and support to retain as is.
2.27	Maximum floor area and total floor area for dwellings in the Natural Resource zone.	☐	☐	☐	☒	Further comments and recommendations from the APC required.
2.28	Clause that allows legal dwellings to be constructed with the same floor area as it was at the time of Bylaw No. 122 adoption.	☐	☐	☐	☒	Dependent on decision of Section 2.27. If the LTC recommends to retain regulation or amend the maximum floor area and total floor area, then staff recommends to retain this regulation.
2.29	Maximum floor area of cottage in the Natural Resource zone	☒	☐	☐	☐	Technical amendment and support to retain as is.

Box shaded dark blue - a priority for APC comment	Box shaded light blue – comment from APC may be required	Box shaded white – no comments from APC required
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Active Projects Report

South Pender Island

1. <i>Minor LUB Review Project</i>	Responsible	Dates
	Kim Stockdill	Rec'd: 01-Sep-2023

Future 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. *First Nations Language*

Responsible

Date Received

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

01-Nov-2019

4. *Groundwater Sustainability Project*

Responsible

Date Received

Consider Implementation options of Southern Gulf Islands Groundwater initiative

09-Apr-2021

5. *Raptor's Nest Mapping*

Responsible

Date Received

To update the mapping of raptor's nest on South Pender Island.

04-Feb-2022

6. *Shoreline Review Project*

Responsible

Date Received

Shoreline Review Project

05-May-2023



Print Date: May 1, 2024

Follow Up Action List

Future Projects Report



Applications

Board of Variance

File Number	Applicant Name	Date Received	Purpose
SP-BOV-2024.1	Green, W. David & Audrey I. Planner: Kim Stockdill	16-Apr-2024	9928 GOWLLAND POINT RD: Application to Board of Variance for siting of stairs in a setback.
Planning Status			
Status Date: 18-Apr-2024 Title charges received			
Status Date: 18-Apr-2024 Assigned to Planner Stockdill			
Status Date: 17-Apr-2024 Subject Property Map requested			

Subdivision

File Number	Applicant Name	Date Received	Purpose
SP-SUB-2021.1	Taylor Johnson or Rachel Thomas/Airey Homes Inc. Planner: Kim Stockdill	01-Jun-2021	8970 GOWLLAND POINT RD- proposed three lot bareland strata subdivision
Planning Status			
Status Date: 14-Oct-2021 Review letter received from MOTI. ALC approval req'd as condition prior to issuance of PLR.			
Status Date: 28-Jun-2021 payment received letter sent to applicant, assigned to Phil, - DL			
Status Date: 24-Jun-2021 fees received - DL			

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending March 2024

665 South Pender	Invoices posted to Month ending March 2024	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	76.00	157.57	-81.57
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	627.00	3,010.50	-2,383.50
65210-665	LTC - Local Exp - APC Meeting Expenses	333.00	0.00	333.00
65220-665	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-665	LTC - Local Exp - Special Projects	270.00	0.00	270.00
TOTAL LTC Local Expense		<u>1,480.00</u>	<u>3,010.50</u>	<u>-1,530.50</u>
Projects				
73001-665-4118	South Pender LUB Minor Amendments	<u>2,000.00</u>	<u>363.54</u>	<u>1,636.46</u>
TOTAL Project Expenses		<u>2,000.00</u>	<u>363.54</u>	<u>1,636.46</u>

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2021-016 (Standing) 15.2 APC Appointments That the South Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners	Carried	05-Nov-2021
2019-015 (Standing) 15.3 Standing Resolution - Reconciliation Report 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



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-014 (Standing) 15.2 Model Cell Tower Strategy - Staff Briefing that the South Pender Island Local Trust Committee endorse the Model Cell Tower Strategy.	Carried	06-Sep-2019
2019-001 (Standing) 13.2 Cannabis Retail Application License Application Fees - Staff Report - 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) Printed Agenda Packages 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

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2010-000 (Standing)	Carried	05-Oct-2010
Send FUAL to trustees once drafted following the meeting.		
2006-012 (Standing)	Carried	23-May-2006
Adoption of Minutes That staff prepare draft of meeting minutes for Local Trust Committee reading, correction and amendment as soon as possible following meetings. The South Pender Island Local Trust Committee will adopt these minutes by Resolution without Meeting within fourteen business days, if possible, of each meeting.		



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MARCH 19th, 2024 BOARD MEETING

NOTE: For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board received the Minister of Municipal Affairs' response on the Islands Trust Conservancy (ITC) Plan which included a request to engage further with First Nations regarding creation of the ITC Plan. Manager Emmings advised that any new acquisitions or covenants need to come to the Minister for review before the Board signs off on them. The ITC Board directed staff to respond to the Minister of Municipal Affairs acknowledging directions in the letter and requesting:
 - Authorization to invest ITC funds as permitted under the provisions of the *Trustee Act*
 - Direction on interaction with the Minister regarding property management of new acquisitions of covenants and nature reserves
- The ITC Board approved the Project Charter for the development of the 2026-2030 ITC Plan.
- The ITC Board amended three land securement and management policies, providing direction for early First Nations engagement prior to approval of securement projects.
- Trustee Elliot provided updates of interest to the ITC Board from Executive Committee including:
 - Executive Committee's interest in continuing to meet with Islands Trust Conservancy to strategize on how to gain support from the province
 - ITC presence at the 50th anniversary celebration of Islands Trust on Salt Spring Island
- The ITC Board requested that Executive Committee set aside time for an ITC presentation to Trust Council at the June 2024 meeting
- Trustee Gauvreau provided updates of interest to the ITC Board from Governance Committee including:
 - The roles and responsibilities of the committee to oversee the organization's governance structure, ensuring transparency and efficiency, and providing recommendations to Trust Council
 - The Committee is currently reviewing the 2022 governance review, which requires input from staff and trustees
 - The report needs to be reviewed and discussed at Trust Council before a letter is drafted to the province



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

2. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board approved a conservation proposal for the Doris McHardy NAPTEP conservation covenant on North Pender Island, subject to review of First Nations responses and Ministerial approval.
- Manager Emmings provided the Board with a status update on public applications for Crystal Mountain Nature Reserve, Robert Leader NAPTEP Covenant, and Koontz NAPTEP Covenant following the decision to decline approval of the ITC Plan by the Minister of Municipal Affairs.

3. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board instructed staff to proceed with the development of a risk management policy for all nature reserves, which includes warning users of the risk of danger trees.
- The ITC Board directed staff to begin work on signage for the S'ul-hween X'pey (Elder Cedar) Nature Reserve on Gabriola Island, to address risk management efforts.

4. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board approved a contribution of \$3,500 to support the 2024 Salish Sea Conservation Forum on Galiano Island.
- The ITC Board approved the request from the Galiano Conservation Association to install a water meter at the existing drilled well on Trincomali Nature Sanctuary to log water levels and temperature data to inform a water conservation project on Galiano Island. This approval is subject to:
 - Proper installation as guided by the Water Sustainability Act and Groundwater Protection Regulation regarding work in and around groundwater wells
 - Removal of all equipment at the end of the project

Learn more about Islands Trust Conservancy: <https://islandstrust.bc.ca/conservancy/>

Subscribe for Islands Trust Conservancy updates: <https://islandstrust.bc.ca/subscribe/>

REQUEST FOR DECISION

To: South Pender Island LTC **For the Meeting of:** May 10, 2024

From: Trust Area Services **Date Prepared:** April 8, 2024

SUBJECT: 2023/24 ANNUAL REPORT – APPROVAL OF SOUTH PENDER ISLAND LTC SECTION

RECOMMENDATION: That the South Pender Island Local Trust Committee approves the attached text for inclusion in the 2023/24 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

- 1 PURPOSE:** Local Trust Committees are provided with their draft sections of the annual report for review and approval so that Trust Council is able to easily approve its annual report in June 2024 without further editing from staff or trustees at the Trust Council meeting.

BACKGROUND: Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.1](#). The Executive Committee approved the format and outline of the 2023/24 Annual Report at its meeting on February 23, 2024. The South Pender Island Local Trust Committee annual report section also includes an introduction on the local trust area with information gathered from the Islands Trust website and Statistics Canada. The addition of this introduction is in line with the Islands Trust 50th anniversary activities as approved by Executive Committee on November 21, 2023.

2 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings in order to have the report approved by Trust Council at its June 2024 meeting.

FINANCIAL: None.

POLICY: No implications for existing policy

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

FIRST NATIONS: Information about First Nations relations may be included within committee reports.

OTHER: None.

3 RELEVANT POLICY(S): Trust Council's Annual Report policy 6.10.i; *Islands Trust Act*

4 ATTACHMENT(S): South Pender Island LTC input to Annual Report (draft)

RESPONSE OPTIONS

Recommendation: That the South Pender Island Local Trust Committee approves the attached text for inclusion in the 2023/24 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

Alternative: That the South Pender Island Local Trust Committee approves the attached text for inclusion in the 2023/24 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Municipal Affairs.

Prepared By: Morgana van Niekerk, A/Communications Specialist

Reviewed By/Date: Robert Kojima, Regional Planning Manager

South Pender Island Local Trust Committee

The South Pender Island Local Trust Area comprises South Pender Island, Blundon Islet, and Skull Islet.

The South Pender Local Trust Area is located within the territory of First Nations whose people have cared for these lands and waters since time immemorial.

South Pender is one of the least populated and least developed of the Island Trust's major islands. The quiet, freedom from disturbance, and sense of privacy within what is a relatively undisturbed and visually attractive setting are key qualities valued by South Pender Islanders.

(Statistics from the 2021 census, graphics that show change over time: total population (1971-2021) and percentage of private dwellings occupied by usual resident (1991 and 2021):

<https://islandstrust.bc.ca/document/south-pender-island-lta-2021-census-profile/>

The South Pender Island Local Trust Committee (SP LTC) held four regular business meetings in the 2023/24 fiscal year, as well as one Community Information Meeting, four special meetings, and no public hearings.

Work for this period focused on advancing the SP LTC priorities of amending the Land Use Bylaw.

From April 1, 2023 to March 31, 2024, the SP LTC received and considered applications for one temporary use permit and one Agricultural Land Commission application. During the same time period staff also reviewed eight building permit referrals and one crown referral.



File No.:

DATE OF MEETING: May 10, 2024
TO: South Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Legislative Changes Affecting Non-conforming Short Term Rentals

RECOMMENDATION

1. That the South Pender Island Local Trust Committee add 'Review of STVR policies and regulations' to the Future Projects list.
2. That the South Pender Island Local Trust Committee request staff to report back with a draft enforcement policy to defer enforcement on STVRs that were validly operating as of April 30, 2024 until the completion of the project.

REPORT SUMMARY

The purpose of the report is to provide the Local Trust Committee with background on recent changes to the Local Government Act which ends non-conforming protection for short term rentals, identify implications, and provide the LTC with options.

BACKGROUND

The South Pender Official Community Plan policies and Land Use Bylaw regulations permitted short-term vacation rentals (STVR) as an out-right permitted use in a dwelling or as a home business in a cottage until 2020. At that time the LUB was amended (by Bylaw 117) to no longer permit STVRs as an out-right permitted use in a dwelling. Further amendments to the OCP and LUB in 2021 removed rental of a cottage as a home business, and, as an alternative, the amendment to the OCP (bylaw 120) also established guidelines for permitting STVRs by temporary use permit (TUP). STVR operators who were lawfully using a dwelling or cottage for an STVR at the time of the adoption of the LUB amendments had non-conforming protection under s.528 of the Local Government Act. This means that they could continue to operate the STVR legally, provided the use was not discontinued for a period of more than six months. As of 2020, staff had estimated that there were approximately 20 lawful STVR operations which would have non-conforming status. Despite the TUP option, there have been no permits issued for STVRs.

In late 2023 Bill 35 (the Short-term Rental Accommodations Act) came into force. The legislation focused on several areas: including limiting short-term rentals to the operator's principal residence and one accessory dwelling unit, a provincial registry for service providers, permitting business licencing by regional districts, and the ending of non-conforming protection for short-term rentals. The principal residence requirement does not apply to the Trust Area (although individual LTCs can choose to opt-in). However, as of May 1, 2024, non-

conforming protection for short-term rentals ended, including in local trust areas. Most local trust areas are not affected by this change, however as noted above, a number of operations on South Pender are non-conforming.

ANALYSIS

Staff have recently estimated there are approximately 16 STVRs currently operating. Most, if not all, would have had non-conforming protection up until May 1st. There are currently no enforcement files open for short-term rentals on South Pender. By policy (<https://islandstrust.bc.ca/document/policy-5-5-1-bylaw-compliance-and-enforcement>) bylaw investigations can be commenced by complaint or where an unlawful use is advertised. STVR enforcement files are typically initiated by complaint. The goal of bylaw enforcement is to achieve voluntary compliance as soon as reasonably possible through a combination of education, mediation and enforcement. If a bylaw enforcement investigation is initiated: a file is opened, a preliminary review of the complaint is undertaken, a bylaw officer contacts the property owner, and conducts a site inspection; only once the investigation has been completed will the officer determine whether or not there has been a contravention and at that point attempt to negotiate voluntary compliance with the owner, including time to comply. Typically, only if voluntary compliance has not been achieved, including submitting an application with a reasonable chance of success, does enforcement move to a ticket or ultimately to legal action. An LTC can close an enforcement file at any time.

In addition to the Trust Council policy noted above, LTCs can adopt Standing Resolutions which provide direction to staff. Essentially these are on-going policies adopted by the LTC by resolution. A report listing all standing resolutions is included in every LTC agenda. Bylaw enforcement policies adopted by an LTC can direct enforcement staff to prioritize certain types of enforcement, or defer enforcement on certain types of files.

As noted, there are currently no complaints regarding STVRs. However, if a complaint were made as of May 1st, the owner would currently have the two options: cease operating the STVR or apply for a temporary use permit. The following section outlines options available for the LTC.

OPTIONS

1. Do nothing: over time, operators could either obtain temporary use permits or cease operating.
2. Consider amendments to the OCP and LUB to legalize some or all STVRs. This would be an LTC project and could be added to the Future Projects list. As the LTC is currently in the midst of an on-going project, the LTC could also adopt an enforcement policy to defer enforcement on *bone fide* pre-existing STVRs until the project is completed.
3. Adopt an enforcement policy to only enforce on STVRs where there are significant impacts, for example where there are complaints from more than one neighbour, absentee operators, health or safety issues, or were not lawfully operating prior to 2021. This option would not legalize STVR operators, but would limit enforcement to operations causing negative impacts. Long term, operators wishing to become legal could apply for TUPs.

Rationale for Recommendation

The recommendation is to proceed with Option 2 – to identify a review of the STVR policies and regulations as a future project – in order to provide an opportunity for the community and the LTC to consider steps to legalize some or all of the existing STVR operations. Suspending enforcement on any current pre-existing non-conforming operations until the project is completed would also be recommended.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision.

2. Receive for information

The LTC may receive the report for information

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Robert Kojima, Regional Planning Manager	April 5, 2024
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