



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: September 13, 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 - 10:50 AM
2. APPROVAL OF AGENDA	
3. TRUSTEE REPORT	
4. CHAIR'S REPORT	
5. ELECTORAL AREA DIRECTOR'S REPORT	
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 Adopted Local Trust Committee Minutes Dated May 10, 2024 (for Information)	3 - 10
9.2 Section 26 Resolutions-without-meeting Dated Sept 2024	11 - 11
9.3 Advisory Planning Commission Minutes Dated August 9, 2024 and August 23, 2024 (for Receipt)	12 - 21
10. BUSINESS ARISING FROM THE MINUTES	
10.1 Follow-up Action List Dated Sept 2024	22 - 22
11. DELEGATIONS	
12. CORRESPONDENCE	

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

13.	APPLICATIONS AND REFERRALS	
14.	LOCAL TRUST COMMITTEE PROJECTS	11:20 AM - 12:20 PM
14.1	Minor Land Use Bylaw Amendment Project - Staff Report (attached)	23 - 40
15.	REPORTS	12:20 PM - 12:30 PM
15.1	Work Program Reports (attached)	
15.1.1	<u>Active Projects Report Dated Sept 2024</u>	41 - 41
15.1.2	<u>Future Projects Report Dated Sept 2024</u>	42 - 43
15.2	Applications Report - Verbal Update	
15.3	Trustee and Local Expense Report Dated July 2024 (attached)	44 - 44
15.4	Adopted Policies and Standing Resolutions (attached)	45 - 47
15.5	Local Trust Committee Webpage	
15.6	Reconciliation and First Nation Relationship Building	
15.7	Islands Trust Conservancy Report Dated May and July 2024	48 - 51
16.	NEW BUSINESS	12:30 PM - 1:00 PM
16.1	Dark Sky Principles Adoption Advocacy Briefing (Attached)	52 - 55
16.2	STVR Enforcement Policy - Staff Report (attached)	56 - 57
17.	UPCOMING MEETINGS	
17.1	Next Regular Meeting Scheduled for December 6, 2024 at the Fire Hall, Pender Island	
18.	TOWN HALL	1:00 PM - 1:20 PM
19.	CLOSED MEETING - None	
20.	ADJOURNMENT	1:20 PM - 1:20 PM

South Pender Island Local Trust Committee Minutes of Regular Meeting

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

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

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

Others Present: There were twenty-two (22) members of the public present.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Falck noted the following

- He would like the public comment letters included in the discussion later in the meeting and not just in the meeting minutes
- The summaries of the recent workshops that the Trustees held are located on the Islands Trust website in the Trustees Corner and not the Projects page
- The workshop summary spreadsheet he has created needs to be updated on the website to the most current version

Trustee Evans reported the following:

- There have been a number of Chief Administrative Officer hiring committee meetings
- Trust Programs has allocated the secretariat fund to the organizations that had applied for said funds

4. CHAIR'S REPORT

Chair Elliott reported the following:

- The Chief Administrative Officer hiring committee is working on finalizing a contract for an executive search firm
- The Chair attended the Association of Vancouver Island Coastal Communities convention and participated in two seminars including one led by the Pacific Salmon Foundation which is working with the University of British Columbia Strait of Georgia Data Centre to create a marine reference guide that will support shoreline mapping
- The Chair observed a meeting between the Ministry of Transportation and Infrastructure, Islands Trust, and the Capital Regional District during which the parties discussed creating a joint task force to address issues of concern
- The draft Islands Trust policy statement is now public and there will be a committee of the whole meeting at the end of May to discuss said statement

5. ELECTORAL AREA DIRECTOR'S REPORT - none

6. TOWN HALL AND QUESTIONS

A member of the public stated that during a period of freezing temperatures gorse within the road allowances died and this creates a flammable hazard in the dry months. He asked if there is a plan to address this problem.

Trustee Evans noted that the road allowances are within the jurisdiction of the Ministry of Transportation and Infrastructure, however community members can coordinate a private clean up event.

A member of the public asked if there were plans to do beach clean ups this year.

Trustee Evans noted that last year she organized clean ups in her capacity as a private citizen and these events can be organized by community members.

A member of the public asked if there was support to lobby the Ministry of Transportation and Infrastructure to reduce the posted speed limits from Higgs Road to Gowlland Point Road.

Trustee Evans noted that she had been working on this for a few years and that the consensus from the Ministry of Transportation and Infrastructure is that a reduced speed limit will not force drivers to reduce their speed. She suggested they look into signs that ask drivers to share the road with pedestrians and cyclists.

A member of the public asked if items in Bylaw 122 including the definition of total floor area, inclusion or exclusion of garages as part of the floor area, structure height, total footprint, and dwelling size would be referred to the Advisory Planning Commission.

Trustee Evans noted that topic was on the agenda and would be discussed later in the meeting.

A member of the public stated that there were two paragraphs in the staff report on the Land Use Bylaw amendments devoted to what was said during the workshop but very little about the community wanting a decrease in house size or not.

A member of the public stated the following:

- That public correspondence letters should be forwarded to the Advisory Planning Commission for their consideration
- There are discrepancies in the report regarding Bylaw 114 usable site area definitions whereby in one part of the report it states total area of land within 25' of the sea however this should state 50'

Island Planner Stockdill noted that that any discrepancies in the bylaw will be corrected.

A member of the public asked if the Advisory Planning Commission makes the decisions regarding the bylaw amendments or if the Trustees make the decisions. They stated that some Advisory Planning Commission members might have their own agenda.

The Trustees noted that the Advisory Planning Commission members are considered a cross section of the community that make recommendations to the Local Trust Committee while the Local Trust Committee makes the decisions.

7. COMMUNITY INFORMATION MEETING - None

8. PUBLIC HEARING - None

9. MINUTES

9.1 Local Trust Committee Special Meeting Minutes Dated March 7, 2024 (for Information)

Received for information.

9.2 Local Trust Committee Special Meeting Minutes Dated April 7, 2024 (for Adoption)

By general consent the South Pender Island Local Trust Committee meeting minutes of April 7, 2024 were adopted.

9.3 Local Trust Committee Special Meeting Minutes Dated April 26, 2024 (for Adoption)

By general consent the South Pender Island Local Trust Committee meeting minutes of April 26, 2024 were adopted.

9.4 Section 26 Resolutions-without-meeting Dated May 2024

Received for information.

9.5 Advisory Planning Commission Minutes - None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated May 2024

Received for information.

11. DELEGATIONS - none

12. CORRESPONDENCE

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

13. APPLICATIONS AND REFERRALS

13.1 Mayne Island Local Trust Committee Referral for Draft Bylaw No. 193 (for Response)

Discussion ensued and the Trustees indicated that they do not think the Mayne Island draft bylaw affects South Pender Island. It was noted that changes to said bylaw might be helpful for information.

SP-2024-006

It was Moved and Seconded,

that South Pender Island Local Trust Committee interests are unaffected by the Mayne Island Local Trust Committee Draft Bylaw No. 193.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Minor Land Use Bylaw Amendments Project - Staff Report

Island Planner Stockdill summarized the staff report and highlighted the following:

- The report is based on community input received to date, summaries of the Trustee led workshops, and the minutes of the Community Information meeting
- The report includes recommendations for referral to the Advisory Planning Commission including the three primary topics: setback from the natural boundary of the sea, total floor area and maximum floor area for dwellings, and side lot line setbacks for dwellings and cottages in the rural residential zone

Discussion ensued and the following comments were made:

- The definition of the floor area should remain as is and removing the garage from the total floor area should be considered
- The inclusion, or exclusion, of the garage when determining house height should be discussed
- Should staff provide a table of new ideas that the community has proposed to the Advisory Planning Commission rather than have them read all of the letters
- Many of the new ideas were captured in Trustee Falck's spreadsheet in a column titled proposed solutions

Trustees asked the Advisory Planning Commission (APC) members present at the meeting if they would like staff to provide further summaries of information received at the community workshops. One of the APC members felt that the information that was available in the report and the website, combined with the public correspondence, was sufficient for their consideration.

Trustee Falck inquired if the APC can seek further community input. Island Planner Stockdill clarified that members of the public can attend APC meetings.

Island Planner Stockdill stated that she will prepare the referral to the Advisory Planning Commission and forward it to the Local Trust Committee prior to sending it to the APC.

SP-2024-007

It was Moved and Seconded,

that 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 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, and other amendments as discussed at the May 10, 2024 Local Trust Committee meeting.

CARRIED

The meeting recessed for a break at 12:12 p.m. and reconvened at 12:21 p.m.

15. REPORTS

15.1 Work Program Reports

15.1.1 Active Projects Report Dated May 2024

Received for information.

15.1.2 Future Projects Report Dated May 2024

Received for information.

15.2 Applications Report Dated May 2024

Received for information.

15.3 Trustee and Local Expense Report Dated Mar 2024

Trustee Evans asked why the budget for Local Trust Committee meetings was \$630.00 (six hundred and thirty dollars) but spending was just under \$3000.00 (three thousand dollars)

Regional Planning Manager Kojima clarified that the actual amount spent was the cumulative expense for the fiscal year ending March 31, 2024. He noted that the Director of Finance has assumed that the Meeting Administrator position would have been filled last year and therefore minute taking expenses were not included in the budget. The position was not filled and the Local Trust Committees continued to use contract minute takers which resulted in a higher expenditure over budget.

15.4 Adopted Policies and Standing Resolutions

Trustee Evans asked for an update on the reconciliation report standing resolution.

Chair Elliott stated that there is ongoing government to government dialogue with First Nations and that Trustees do not always hear about the staff to staff conversations.

15.5 Local Trust Committee Webpage

No updates at this time.

15.6 Reconciliation and First Nation Relationship Building

Paul Petrie stated that the Southern Gulf Islands Community Resources Centre co-sponsored a project called the TETÁCES Revitalization Project which involved creating four videos with First Nations Elders speaking about their long history on, and relationship to, the islands. The videos are being shown to WSÁNEC school students as part of their curriculum, and the project has been identified as a one of four finalists for the Real Estate Foundation of BC land award. He also stated that they have an application before the Real Estate Foundation for funding for signage that will recognize the First Nations relationship to the land, and these signs are to be included as part of the installation at Poets Cove Resort which is located on the site of an ancient First Nations village.

15.7 Islands Trust Conservancy Report Dated April 2024

Received for information.

16. NEW BUSINESS

16.1 2023/24 Annual Report - Request for Decision

Trustees noted that they had no changes or additions.

SP-2024-008

It was Moved and Seconded,

that 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.

CARRIED

16.2 Short Term Vacation Rental Legislation - Staff Report

Regional Planning Manager Kojima summarized the staff report as follows:

- Recent legislative changes affect existing short term vacation rentals on South Pender Island
- In 2020/2021 short term vacation rentals were considered unlawful unless they had a Temporary Use Permit to operate, or were grandfathered in by provincial legislation
- In 2023 Bill 35 was adopted and this had the affect of eliminating legal non-conforming status for short term vacation rentals province wide

Discussion ensued and Trustees indicated the following:

- They would like to look into options available that might protect existing short term vacation rentals
- Existing short term vacation rentals that were operating validly might now be operating illegally due to the provincial bill

SP-2024-009

It was Moved and Seconded,

that South Pender Island Local Trust Committee add 'Review of short term vacation rental policies and regulations' to the Future Projects list.

CARRIED

SP-2024-010

It was Moved and Seconded,

that South Pender Island Local Trust Committee request staff to report back with a draft enforcement policy to defer enforcement on short term vacation rentals that were validly operating as of April 30, 2024 until the completion of the project review of the short term vacation rental policies and regulations.

CARRIED

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for September 13, 2024 at the Fire Hall, Pender Island

18. TOWN HALL

A member of the public asked if the videos featuring the First Nations elders were available to the public.

Paul Petrie replied that there will be an opportunity for a community showing.

An Advisory Planning Commission (APC) member asked if staff are going to provide guidance on how the APC can set up a first meeting to elect a Chair and set meeting times.

Island Planner Stockdill stated that the APC can convene their first meeting once a referral from the Local Trust Committee is received, and that the APC elects the Chair at the beginning of the first meeting.

A member of the public asked if the Local Trust committee has any jurisdiction over an application that was approved by the Board of Variance when conditions of the application are not being met.

Island Planner Stockdill clarified that the recourse would be a bylaw enforcement complaint.

A member of the public said that at some time in the future they would like the Trustees to clarify their perspectives on the Island Trust Declaration of Climate Emergency and how that impacts the Local Trust Committee's priorities in terms of selecting the next special project and other business.

Trustees indicated that the next project would be determined by what the community priority is. Chair Elliott said that Trust Council and the Executive Committee are having joint meetings and recently had a discussion on what Islands Trust might be doing to address climate change as a trust wide project.

A member of the public asked if all APC members had received letters of appointment.

Island Planner Stockdill stated that letters were sent and should have been received.

19. CLOSED MEETING - None

20. ADJOURNMENT

By general consent the meeting was adjourned at 1:25 p.m.

Tobi Elliott, Chair

Certified Correct:

Lisa Millard, Recorder



Resolutions Without Meetings Log

South Pender Island

Resolution Number	Action	Date
2024-004 To appoint APC Secretary That the South Pender Island Local Trust Committee appoints Carly Bilney, to be the new Secretary to the South Pender Island Advisory Planning Commission and any other Advisory Committees as required, starting immediately.	Carried	05-Jun-2024
2024-003 To adopt May 10, 2024 Minutes That the South Pender Island Local Trust Committee regular business meeting minutes of May 10, 2024 be adopted as presented.	Carried	05-Jun-2024

ADOPTED

South Pender Island Advisory Planning Commission Meeting Minutes

Date: August 9, 2024

Location: Electronic

Members Present: Gordie Duncan, Chair
Rodney Kirkwood, Vice-Chair
Audrey Green, Member
Paul Petrie, Member
Donna Spalding, Member

Staff Present: Kim Stockdill, Island Planner
Carly Bilney, APC Secretary

There were 2 members of the public present.

1. Call to Order

The Advisory Planning Commission Secretary called the meeting to order at 10:00 a.m. Introductions were made. Rod Kirkwood noted he has not yet received an official notice regarding his participation on the Commission.

2. Approval of Agenda

A request was made for clarification about meeting notification. Notification of Advisory Planning Commission meetings is to be posted to a public bulletin board at least five calendar days prior to the meeting. Commission members may share the meeting notification online.

By general consent, the agenda was approved as presented.

3. Selection of APC Chair

SP-APC-2024-001

It was Moved and Seconded,

that the South Pender Island Advisory Planning Commission appoints Gordie Duncan as Chair.

CARRIED

4. Selection of APC Vice-Chair

SP-APC-2024-002

It was Moved and Seconded,

that the South Pender Island Advisory Planning Commission appoints Rod Kirkwood as Vice-Chair.

CARRIED

5. Discussion of Minor LUB Amendments Staff Report

Planner Stockdill reviewed the referral. Discussion ensued and the following comments were made:

- The Advisory Planning Commission may want to separate discussion into two topics – one focused on setbacks and the other on maximum floor area
- The scope of the referral has been narrowed to prioritize discussions on major topics; however, if Commission members have time and wish to discuss other topics, such as house height, they may do so
- The following questions were raised: What was the objective of moving the setback to the natural boundary of the sea from 25 to 50 feet? How does the change accord with objectives of the Official Community Plan? Does the change cause hardship?
- The Official Community Plan has not been reviewed in a long time and it is important to consider the views of those who currently live on the island
- Much of South Pender already restricts building within 50 feet of the natural boundary of the sea

The Advisory Planning Commission agreed to address the topic of setbacks first.

Discussion on Setbacks to the Natural Boundary of the Sea

The following comments were made:

- Support was expressed for the change to 50-feet based on the following views: One of the most sensitive ecosystems on the island is the area adjacent to the sea, and the change from 25 to 50 feet supports greater protection for that sensitive ecosystem; the change is in accordance with Official Community Plan goals; there was a clear objective from former Trustees in making the change, and it does not appear to create any great hardship to anybody
- There is need for more careful consideration in the future for the varying conditions around the shoreline; 50 feet may not be enough of a setback in some cases and compromising the 50-foot setback may be necessary
- We are seeking a one-size-fits all approach to lots that vary greatly in size, geography and topography

Discussion continued about the section of the bylaw that says if something happens to your home it can be built back to where it was even if it does not comply with current rules. The clause says an owner may have to submit certification from an appropriately qualified person as to the siting of the dwelling, cottage, or accessory building at the time of the adoption of the bylaw. Some felt the clause was not onerous for property owners while others did. The following comments were made:

- Support was expressed for removing the clause with regards to the 50-foot setback from the natural boundary of the sea and elsewhere, as it creates additional unnecessary work
- Opposition was expressed to removing the clause with regards to the 50-foot setback from the natural boundary of the sea as it has a clear purpose
- The clause is included based on recommendation received from legal support; its purpose is to ensure it is the property owner's responsibility to provide documentation to prove their house was built at a specific location and size rather than the responsibility of the Local Trust Committee

- There is need to better define what records would be acceptable to prove the siting and size of a house where building plans and surveys do not exist (e.g. Would a photo of a measuring tape on the ground suffice?)
- Support was expressed for a simple, straightforward way to document a measurement that would serve as evidence to prove house siting and size
- The clause includes the word “may” to avoid being overly onerous on the property owner, and the owner would probably only have to submit certification in instances where it is not obvious where the house had been

A motion was suggested that the wording in Section 3.3(5) is adjusted to reflect that the obligation on the homeowner to establish the pre-existing location of the distance to the natural boundary of the sea provides substantial evidence to support the value. Discussion on the motion was held and the following comments were made:

- The word “substantial” should be changed to “substantive” as not a lot of evidence is required
- There is definition in law of the word “substantive”
- A question was raised about whether the amending wording should not only be added to Section 3.3(5) but to all other sections in which it applies; comments were made that other bylaws have varying degrees of complexity and would require individual consideration
- The original clause would add potential cost to already prohibitively expensive housing
- The original clause could remove “from an appropriate qualified person”

A motion was made and seconded: *that the South Pender Advisory Planning Commission recommend amending Subsection 3.3(5) in the South Pender Land Use Bylaw by deleting “to submit a certification from an appropriately qualified person” and replacing it with “substantive evidence to establish the location of the dwelling.”*

Discussion on the motion was held.

SP-APC-2024-003

It was Moved and Seconded,

That the South Pender Advisory Planning Commission recommend amending Subsection 3.3(5) in the South Pender Land Use Bylaw by deleting "to submit a certification from an appropriately qualified person" and replacing it with "substantive evidence to establish".

CARRIED

Discussion on Interior Lot Setbacks

The following comments were made:

- Concern was expressed about a universal setback from the natural boundary of the sea, as well as a universal setback for interior lot lines (e.g. setbacks may mean something different on Gowlland Point Road compared to elsewhere on the island)
- Interior lot setbacks are much more complex than setbacks from the natural boundary of the sea
- Support was expressed for reverting interior lot setbacks to 10-feet as approximately 30 homes were deemed non-conforming with 20-foot setbacks

- The following questions were raised: “What was the objective in increasing the side lot setback and how does it accord with our Official Community Plan goals and objectives and with the Trust Policy statement?” and “Are there specific hardships or exceptional circumstances where a straightforward variance would not address?”
- Variances should not be a land use planning solution; they add cost that can be significant and continually using variances means the bylaw does not reflect community needs
- The value of variances should be considered to avoid a one-size-fits-all approach
- The issue is about the setback footage and variance is not necessarily a part of that at this point
- Both a 10-foot or a 20-foot interior lot line setback will comply with the Official Community Plan
- The bylaws allow an accessory building to be built at 10-feet from the interior lot line; with the majority of properties on the island already developed the sight lines, noise and environment have already been impacted and moving interior setbacks to 20-feet will make a lot of houses legal non-conforming
- This is more complex than just reverting to previous rules or keeping the current ones
- It seems that no lots remain undeveloped in the Gowlland Point subdivision
- John Kuharchuk could be invited to provide analysis to the Advisory Planning Commission

Discussion ensued about the use of landscape screening in the bylaw and whether it could be broadened to apply to all lots. The following comments were made:

- The bylaw has a provision for a “landscape screen” that only applies to home businesses; this could be broadened to protect the privacy of islanders, which is an important concern to many
- There should be a guideline or clear statement that the goal of the interior lot setbacks is to maintain as much privacy as possible
- The Local Government Act (Section 527) permits a Local Trust Committee to include screening and landscaping for three reasons: masking or separating uses; preserving, protecting, restoring and enhancing the natural environment; and preventing hazardous conditions
- The Commission might consider the type of buffering (vegetative or otherwise) used between lots
- Support was expressed to use a landscape screening clause to limit clear-cutting of a lot

Planner Stockdill read the relevant section of the South Pender Land Use Bylaw, Section 3.9(1), and noted this regulation could be tweaked to accord with the wording in the Local Government Act.

The Advisory Planning Commission agreed:

- 1) to request that Planner Stockdill provide more information to the Commission about interior lot screening options discussed today, taking into account related provisions in the Local Government Act, and
- 2) to continue discussion with relevant information before making a recommendation to the Local Trust Committee.

6. Next Meeting

Friday August 23 at 10am, in person at the Community Hall

7. Adjournment

By general consent the meeting was adjourned at 11:35 a.m.

Gordie Duncan, Chair

Certified Correct:

Carly Bilney, Recorder

DRAFT

South Pender Island Advisory Planning Commission MINUTES

Date: August 23, 2024
Location: In-person at the South Pender Fire Hall

Members Present: Gordie Duncan
Audrey Green
Rodney Kirkwood
Paul Petrie
Donna Spalding

Staff Present: Kim Stockdill, Island Planner
Carly Bilney, APC Secretary

There were 5 members of the public present.

1. CALL TO ORDER

Chair Duncan called the meeting to order at 10:02 a.m. He encouraged Commission members to introduce topics in the form of a motion.

2. APPROVAL OF AGENDA

Changes to the Agenda as follows:

- Add item under Section 4 to discuss the 50-foot distance of the setback from the natural boundary of the sea

By general consent, the agenda was approved as amended.

3. ADVISORY PLANNING COMMISSION MEETING MINUTES DATED AUGUST 9, 2024 (FOR ADOPTION)

By general consent, the Advisory Planning Commission meeting minutes of August 9, 2024 were adopted.

4. DISCUSSION OF SOUTH PENDER MINOR LAND USE BYLAW AMENDMENTS PROJECT

4.1 Setbacks from the natural boundary of the sea

Discussion was held about making an official recommendation to the Local Trust Committee to express support for a 50-foot setback from the natural boundary of the sea. Comments were made that a one-size-fits-all approach to setbacks from the natural boundary of the sea does not work for properties that have different topographies, and the Local Trust Committee should consider the various conditions.

Discussion ensued about whether the bylaw, as it is written, would allow a building that is destroyed (by, for example, a fire) to be rebuilt in the same location as it was previously (even if it is within the setback)

It was moved and seconded, that the Commission recommends retaining the 50-foot setback from the natural boundary of the sea as written in Bylaw 114. An amendment to the motion was suggested to also request that staff initiate a study of waterfront lots to determine what impact a 50-foot setback would have on those lots and to make recommendations with respect to any impacts that require attention.

Discussion on the motion continued and an amendment was suggested that the Commission recommends retaining the 50-foot setback for all new construction, and that staff be directed to undertake a study for undeveloped waterfront lots with consideration for ways to recognize site specific challenges. A suggestion was made to simplify the motion.

SP-APC-2024-004

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends retaining the 50-foot setback from the natural boundary of the sea as written in Bylaw 114.

CARRIED

Donna Spalding Opposed

Discussion continued and comments were made that there may be conditions in some properties where a 50-foot setback from the natural boundary of the sea is not enough, and conditions elsewhere where the 50-foot setback is too much.

It was moved and seconded, that the Commission recommends a study of the South Pender Island waterfront be undertaken to better understand the geographic and natural habitat limitations with respect to building setbacks. Discussion continued and the following comments were made:

- The only way to confirm whether a 50-foot setback is appropriate is by studying the waterfront
- A study could be an onerous and expensive task
- Property owners who want to build within a 50-foot setback could apply to do so on an individual basis through a Development Variance Permit or with the Board of Variance
- The setback to the sea could be at 25-feet for existing buildings, and 50-feet for newly developed buildings

SP-APC-2024-005

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends that the Local Trust Committee undertake a study of the South Pender Island waterfront to better understand the geographic and natural habitat limitations with respect to building setbacks.

DEFEATED

Planner Stockdill read Section 3.3(5) of Bylaw 114 concerning buildings constructed prior to September 15, 2022. Discussion ensued and the following comments were made:

- Those with existing buildings are permitted to rebuild within the setback if the building is destroyed provided the distance from the natural boundary of the sea to the replacement building is not less than the distance from the natural boundary of the sea to the building on September 15, 2022
- Changing this protection clause would require legislative process including First, Second and Third Reading of the bylaw
- Residents would fight to keep the protection clause
- The boundary of the sea can move and the clause needs to be clarified

4.2 Interior side lot line setbacks for rural residential zoned dwellings and cottages

Following up on discussion from the last meeting about how to retain natural screens within interior side lot line setbacks and limit clear-cutting of properties, Planner Stockdill explained that if the Local Trust Committee were to require landscaping as a natural buffer, there would be challenges with bylaw enforcement since the situation on each property is different. (e.g. What if one side of a property is all rock? Who determines what a complete visual screen is?)

It was moved and seconded, that the Commission recommends retaining the current setback of 6.0 meters (20-feet) for a dwelling or cottage from any interior or exterior side lot line as provided in subsection 5.1(9) in the current Land Use Bylaw, and that subsection 5.1(10) be amended by deleting “to submit a certification from an appropriately qualified person” and replacing it with “substantive evidence to establish.”

Discussion on the motion ensued and the following comments were made:

- This complies with Official Community Plan policies
- Support was expressed to build the notion of privacy directly into the bylaw to restrict what can be done inside a setback
- Support was expressed for a 10-foot interior side lot setback for the following reasons: they are common through the Gulf Islands; 20-foot setbacks do not significantly reduce noise or assure privacy, particularly when utility buildings are permitted to be built at 10-feet from neighbouring lots; the election results demonstrate that people were not in support of the new bylaws; the 10-foot setbacks were established in accordance with the goals of the Official Community Plan; increasing the setbacks to 20-feet will not address concerns expressed about existing buildings

- Support was expressed for a 20-foot interior side lot setback for the following reasons: the majority of residents who submitted written correspondence to the Local Trust Committee supported a 20-foot setback; prior to the election there was a view that all properties would be legal non-conforming and this has since been clarified by staff
- A one-size-fits-all measurement for side lot setbacks is challenging
- Perhaps a special zone may be made for Gowlland Point Road if there is a desire there to achieve more privacy
- Residents on Gowlland Point Road set up their own screening because nobody wants to see their neighbours
- Landscape screening is defined in the bylaw and applies to home-based businesses; if it exists within the bylaw then it should be enforceable

SP-APC-2024-006

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends the Local Trust Committee retain the current setback of 6.0 meters (20-feet) for a dwelling or cottage from any interior or exterior side lot line as provided in subsection 5.1(9) in the current Land Use Bylaw, and that subsection 5.1(10) be amended by deleting “to submit a certification from an appropriately qualified person” and replacing it with “substantive evidence to establish.”

DEFEATED

Paul Petrie in Favour

It was moved and seconded, that the South Pender Advisory Planning Commission recommends the Local Trust Committee revert the interior side lot lines to 10-feet. Discussion on the motion ensued and a suggestion was made to add a recommendation that the Local Trust Committee consider options to require the area within the 10-foot setback be protected to reflect the goals of the Official Community Plan including preserve and protect, rural character, and privacy.

Discussion on the motion ensued about how specific the recommendation should be with regards to what constitutes a natural buffer and what can and cannot be done within a setback. The following comments were made:

- Protecting the area within the setback addresses concerns about privacy and rural character, and would only apply to the lots that have not yet been built on
- A lot may be constrained in size and a septic field or driveway may have to be within the setback
- Considering options to protect the natural area within the setback is a big task for the Local Trust Committee

The amendment to the motion was withdrawn.

SP-APC-2024-007

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends the Local Trust Committee revert the interior and exterior side lot lines to 10-feet.

CARRIED

Paul Petrie Opposed

5. NEXT MEETING

Planner Stockdill explained that Islands Trust Advisory Planning Commissions are legislatively mandated to meet in person, and members of the public must attend in person if they wish to do so (staff can attend electronically). She added that the Islands Trust is working to amend this.

Next meeting tentatively scheduled for September 20 at 10:30 a.m. at the fire hall

6. ADJOURNMENT

By general consent the meeting was adjourned at 12:00 p.m.

Gordie Duncan, Chair

Certified Correct:

Carly Bilney, Recorder

Follow Up Action Report

South Pender Island

01-Aug-2023

Progress	Activity	Responsibility	Dates	Status
0%	1 Chair Elliott is authorized to sign both covenants related to 8970 Gowlland Point Road. (IN PROGRESS). May 10 2024 - Staff to contact applicant on status of draft covenants.	Jas Chonk Kim Stockdill	Target: 15-Sep-2023	In Progress

10-May-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 9.2 & 9.3 LTC Special Meeting minutes for April 7 and 26, 2024 adopted as is.	Emily Bryant	Target: 24-May-2024	Completed
0%	2 13.1 Mayne LTC Draft Bylaw No. 193 - Interests unaffected.	Jas Chonk	Target: 24-May-2024	Completed
0%	3 14.1 Staff to send a referral to the SP APC for the Minor LUB Amendments Project. Staff to send draft referral package to SP LTC first for review.	Kim Stockdill	Target: 28-Jun-2024	Completed
100%	4 16.1 2023/2024 SP Annual Report - approved as is.	Robert Kojima	Target: 31-May-2024	Completed
51%	5 16.2 1. Staff to add "Review of STVR policies and regulations" to the Future Projects List. DONE 2. 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 'Review of STVR policies and regulations' Project.	Robert Kojima Warren Dingman	Target: 30-Aug-2024	Completed

File No.: SP Minor LUB Amendments
Project

DATE OF MEETING: September 13, 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 – Project Update

RECOMMENDATION

1. **That the South Pender Island Local Trust Committee request that staff to revise the Minor LUB Amendments Project Charter timeline as shown in the staff report dated September 13, 2024 .**

REPORT SUMMARY

This report is intended to provide the South Pender Island LTC with an update to the referral sent to the South Pender Advisory Planning Commission (APC).

BACKGROUND

The Minor Land Use Bylaw (LUB) Project was initiated in November 2023 with the endorsement of the [Project Charter](#). The focus of this project is to review amendments made to the LUB by Bylaw No. 122 and to review other minor and technical LUB amendments. The South Pender LTC phased the early engagement process – the first phase started with trustee-led workshops, and the second phase involved two Community Information Meetings (CIMs) in April 2024. In regards to the timeline of the project, the LTC is still in the information-collecting phase. The third action in this phase was to send a referral to the South Pender APC for comments on specific aspects of this project.

The South Pender LTC identified the following major topics during phase one and two requiring further deliberation by the South Pender APC:

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

The South Pender LTC requested staff to send a referral to the South Pender APC by resolution during the May 10, 2024 regular meeting:

SP-2024-007

It was Moved and Seconded,

that 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 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, and other amendments as discussed at the May 10, 2024 Local Trust Committee meeting. **CARRIED**

The South Pender APC have met twice over the summer months to address the referral sent from the South Pender LTC. The first APC meeting was held on August 8, 2024 and the discussion focused on the setback to the natural boundary of the sea and the setback to the interior lot line. The APC passed the following resolution during this meeting:

SP-APC-2024-003

That the South Pender Advisory Planning Commission recommend amending Subsection 3.3(5) in the South Pender Land Use Bylaw by deleting "to submit a certification from an appropriately qualified person" and replacing it with "substantive evidence to establish". **CARRIED**

Discussions continued with the South Pender APC on the August 23, 2024 meeting. The APC passed the following resolutions during the meeting:

SP-APC-2024-004

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends retaining the 50-foot setback from the natural boundary of the sea as written in Bylaw 114.

CARRIED

Donna Spalding Opposed

SP-APC-2024-007

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends the Local Trust Committee revert the interior and exterior side lot lines to 10-feet.

CARRIED

Paul Petrie Opposed

The next South Pender APC meeting to discuss maximum floor area is scheduled for October 4, 2024. An updated to the Project Charter is required to reflect the receipt of the final APC minutes at the December 2024 LTC meeting.

ANALYSIS

1. Setback from the natural boundary of the sea

Prior to the adoption of [Bylaw No. 122](#), the LUB included the following regulation regarding the setback to the sea:

Subsection 3.3(3) - Buildings or other structures, except a fence, pump/utility house, stairway, wharf and dock ramps or their footings, shall not be sited within 7.6 metres (25 feet) of the natural boundary of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "structures".

With the adoption of Bylaw No. 122, the following is the regulation in the current LUB (Section 3.3):

(3) Buildings or other structures, except a fence, stairway, wharf and dock ramps or their footings, shall not be sited within 15 metres (50 feet) of the natural boundary of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "structures".

(4) *Despite Subsection 3.3(3), buildings or structures, except a fence, stairway, wharf and dock ramps or their footings, legally constructed prior to September 15, 2022 shall not be sited within 7.6 metres (25 feet) of the natural boundary of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "structures".*

(5) *Despite Subsection 3.3(3), on a lot that contains a legal dwelling, cottage, or accessory building constructed prior to September 15, 2022, a replacement dwelling, cottage, or accessory building may be constructed, or the existing dwelling, cottage, or accessory building re-constructed or altered, provided the distance from the natural boundary of the sea to the replacement, re-constructed or altered dwelling, cottage, or accessory building is not less than the distance from the natural boundary of the sea to the dwelling, cottage, or accessory building on the lot on September 15, 2022 and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the siting of the dwelling, cottage, or accessory building at the time of the adoption of this bylaw.*

Outcome due to Bylaw No. 122 amendments:

- Fence, stairway, wharf and dock ramps or their footings are still exempt from the setback from the NB of the sea
- Buildings and structures legally constructed prior to September 15, 2022 retain the setback from the NB of the sea of 7.6 metres
- New buildings and structures must meet the setback from the NB of the sea of 15 metres
- Dwellings, cottages or access buildings constructed prior to September 15, 2022 may be rebuilt or altered as long as the distance from the NB of the sea is the same as it was on September 15, 2022 or greater (further away from the NB of the sea)

APC Recommendation:

The South Pender APC recommended that the LTC retain the 15 metre setback from the natural boundary of the sea as currently regulated in the South Pender Land Use Bylaw (LUB) No. 114. In addition, the South Pender APC recommended changing the wording of the clause in Subsection 3.3(5) by removing the reference to “an appropriately qualified person” when a property owner is required to submit certification for the siting of their building. If the LTC agrees, Subsection 3.3(5) would be changed to read:

*“...and for this purpose the Local Trust Committee may require an owner to submit **substantive evidence to establish** the siting of the dwelling, cottage, or accessory building at the time of the adoption of this bylaw.”*

2. Interior side lot line setbacks for rural residential zoned dwellings and cottages

Prior to the adoption of [Bylaw No. 122](#), the LUB included the following regulation regarding the setback from the interior side lot line for rural residential zoned dwellings and cottages:

Subsection 5.1(6) – The maximum setback for any building or structure, except a fence or pump/utility house, shall be 3.0 metres (10 ft.) from any interior side lot line

With the adoption of Bylaw No. 122, the following are the regulations in the current LUB (Section 5.1):

(8) *The minimum setback for any building or structure, except a fence or pump/utility house, shall be:*

- | | | | | |
|-----|--|---|---|---|
| (a) | 7.6 metres (25 ft.) from any front or rear lot line; | ✓ | ✓ | ✓ |
| (b) | 3.0 metres (10 ft.) from any interior side lot line; | ✓ | ✓ | ✓ |

(c)	4.5 metres (15 ft.) from any exterior side lot line.	✓	✓	✓
(9)	Despite Subsection 5.1(8), the setback for a dwelling or cottage shall be 6.0 metres (20 ft.) from any interior or exterior side lot line."	✓	✓	✓
(10)	Despite Subsection 5.1.(9), on a lot that contains a legal dwelling or cottage constructed prior to September 15, 2022, a replacement dwelling or cottage may be constructed, or the existing dwelling or cottage re-constructed or altered, provided the distance from the interior or exterior side lot line to the replacement, re-constructed or altered dwelling or cottage is not less than the distance from the interior or exterior side lot line to the dwelling or cottage on the lot on September 15, 2022 and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.			

Outcome due to Bylaw No. 122 amendments:

- New buildings and structures must meet the new interior lot line setback of 6.0 metres (20 ft.)
- A dwelling or cottage legally constructed prior to September 15, 2022 may be rebuilt or altered as long as the distance from the interior lot line is the same as it was on September 15, 2022 or greater (further away from the interior side lot line)

APC Recommendation:

The South Pender APC recommended that the LTC revert the setback from the interior and exterior lot lines to 3.0 metres (10 feet) as stated in the South Pender LUB No. 114 prior to adoption of Bylaw No. 122. In order to achieve this, a new LUB amending bylaw would be required to delete Subsections 5.1(9) and 5.1(10).

Project Charter

The Project Charter must be amended to show the updated timeline as follows (edits in red to be deleted):

Workplan Overview	
Deliverable/Milestone	Target Date
<i>Project Charter endorsement</i>	Nov 2023
<i>LTC review of background material and consideration of public engagement options</i>	Nov 2023
<i>Public engagement to identify issues – Trustee-led workshops and CIMs</i>	Jan-April 2024
<i>APC referral</i>	May – July 2024
<i>Review of APC & engagement comments/LTC direction to draft bylaw</i>	Sept 2024 Dec 2024
<i>Review draft bylaw</i>	Nov 2024 Feb 2025
<i>First opportunity for First Reading of draft bylaw, referrals</i>	Feb 2025 Spring 2025

<i>Community Information Meeting(s) to gather comments on proposed bylaw</i>	<i>Spring 2025</i>
<i>Amendments to bylaw based on CIM comments/Opportunity of First and/or Second Reading of bylaw</i>	Spring Summer 2025
<i>Public Hearing (if necessary), Third reading & EC referral</i>	Summer Sept 2025
<i>Bylaw adoption</i>	Fall 2025

Rationale for Recommendation

Staff recommends amending the Project Charter to reflect a new timeline for South Pender LTC's direction to draft bylaws. Shifting the timeline provides sufficient time to receive final minutes on the maximum floor area topic and other topics related to Bylaw No. 122 from the South Pender APC.

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. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Next steps include:

- Staff to continue to attend South Pender APC meetings
- Staff to report back with recommendations on bylaw amendments at the December 2024 South Pender LTC meeting

Submitted By:	Kim Stockdill, Island Planner	September 4, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	September 5, 2024

Attachments:

1. SP APC Minutes – dated August 9, 2024
2. SP APC Draft Minutes – dated August 23, 2024
3. SP APC Member P. Petrie Correspondence – dated September 4, 2024

ADOPTED

South Pender Island Advisory Planning Commission Meeting Minutes

Date: August 9, 2024

Location: Electronic

Members Present: Gordie Duncan, Chair
Rodney Kirkwood, Vice-Chair
Audrey Green, Member
Paul Petrie, Member
Donna Spalding, Member

Staff Present: Kim Stockdill, Island Planner
Carly Bilney, APC Secretary

There were 2 members of the public present.

1. Call to Order

The Advisory Planning Commission Secretary called the meeting to order at 10:00 a.m. Introductions were made. Rod Kirkwood noted he has not yet received an official notice regarding his participation on the Commission.

2. Approval of Agenda

A request was made for clarification about meeting notification. Notification of Advisory Planning Commission meetings is to be posted to a public bulletin board at least five calendar days prior to the meeting. Commission members may share the meeting notification online.

By general consent, the agenda was approved as presented.

3. Selection of APC Chair

SP-APC-2024-001

It was Moved and Seconded,

that the South Pender Island Advisory Planning Commission appoints Gordie Duncan as Chair.

CARRIED

4. Selection of APC Vice-Chair

SP-APC-2024-002

It was Moved and Seconded,

that the South Pender Island Advisory Planning Commission appoints Rod Kirkwood as Vice-Chair.

CARRIED

5. Discussion of Minor LUB Amendments Staff Report

Planner Stockdill reviewed the referral. Discussion ensued and the following comments were made:

- The Advisory Planning Commission may want to separate discussion into two topics – one focused on setbacks and the other on maximum floor area
- The scope of the referral has been narrowed to prioritize discussions on major topics; however, if Commission members have time and wish to discuss other topics, such as house height, they may do so
- The following questions were raised: What was the objective of moving the setback to the natural boundary of the sea from 25 to 50 feet? How does the change accord with objectives of the Official Community Plan? Does the change cause hardship?
- The Official Community Plan has not been reviewed in a long time and it is important to consider the views of those who currently live on the island
- Much of South Pender already restricts building within 50 feet of the natural boundary of the sea

The Advisory Planning Commission agreed to address the topic of setbacks first.

Discussion on Setbacks to the Natural Boundary of the Sea

The following comments were made:

- Support was expressed for the change to 50-feet based on the following views: One of the most sensitive ecosystems on the island is the area adjacent to the sea, and the change from 25 to 50 feet supports greater protection for that sensitive ecosystem; the change is in accordance with Official Community Plan goals; there was a clear objective from former Trustees in making the change, and it does not appear to create any great hardship to anybody
- There is need for more careful consideration in the future for the varying conditions around the shoreline; 50 feet may not be enough of a setback in some cases and compromising the 50-foot setback may be necessary
- We are seeking a one-size-fits all approach to lots that vary greatly in size, geography and topography

Discussion continued about the section of the bylaw that says if something happens to your home it can be built back to where it was even if it does not comply with current rules. The clause says an owner may have to submit certification from an appropriately qualified person as to the siting of the dwelling, cottage, or accessory building at the time of the adoption of the bylaw. Some felt the clause was not onerous for property owners while others did. The following comments were made:

- Support was expressed for removing the clause with regards to the 50-foot setback from the natural boundary of the sea and elsewhere, as it creates additional unnecessary work
- Opposition was expressed to removing the clause with regards to the 50-foot setback from the natural boundary of the sea as it has a clear purpose
- The clause is included based on recommendation received from legal support; its purpose is to ensure it is the property owner's responsibility to provide documentation to prove their house was built at a specific location and size rather than the responsibility of the Local Trust Committee

- There is need to better define what records would be acceptable to prove the siting and size of a house where building plans and surveys do not exist (e.g. Would a photo of a measuring tape on the ground suffice?)
- Support was expressed for a simple, straightforward way to document a measurement that would serve as evidence to prove house siting and size
- The clause includes the word “may” to avoid being overly onerous on the property owner, and the owner would probably only have to submit certification in instances where it is not obvious where the house had been

A motion was suggested that the wording in Section 3.3(5) is adjusted to reflect that the obligation on the homeowner to establish the pre-existing location of the distance to the natural boundary of the sea provides substantial evidence to support the value. Discussion on the motion was held and the following comments were made:

- The word “substantial” should be changed to “substantive” as not a lot of evidence is required
- There is definition in law of the word “substantive”
- A question was raised about whether the amending wording should not only be added to Section 3.3(5) but to all other sections in which it applies; comments were made that other bylaws have varying degrees of complexity and would require individual consideration
- The original clause would add potential cost to already prohibitively expensive housing
- The original clause could remove “from an appropriate qualified person”

A motion was made and seconded: *that the South Pender Advisory Planning Commission recommend amending Subsection 3.3(5) in the South Pender Land Use Bylaw by deleting “to submit a certification from an appropriately qualified person” and replacing it with “substantive evidence to establish the location of the dwelling.”*

Discussion on the motion was held.

SP-APC-2024-003

It was Moved and Seconded,

That the South Pender Advisory Planning Commission recommend amending Subsection 3.3(5) in the South Pender Land Use Bylaw by deleting "to submit a certification from an appropriately qualified person" and replacing it with "substantive evidence to establish".

CARRIED

Discussion on Interior Lot Setbacks

The following comments were made:

- Concern was expressed about a universal setback from the natural boundary of the sea, as well as a universal setback for interior lot lines (e.g. setbacks may mean something different on Gowlland Point Road compared to elsewhere on the island)
- Interior lot setbacks are much more complex than setbacks from the natural boundary of the sea
- Support was expressed for reverting interior lot setbacks to 10-feet as approximately 30 homes were deemed non-conforming with 20-foot setbacks

- The following questions were raised: “What was the objective in increasing the side lot setback and how does it accord with our Official Community Plan goals and objectives and with the Trust Policy statement?” and “Are there specific hardships or exceptional circumstances where a straightforward variance would not address?”
- Variances should not be a land use planning solution; they add cost that can be significant and continually using variances means the bylaw does not reflect community needs
- The value of variances should be considered to avoid a one-size-fits-all approach
- The issue is about the setback footage and variance is not necessarily a part of that at this point
- Both a 10-foot or a 20-foot interior lot line setback will comply with the Official Community Plan
- The bylaws allow an accessory building to be built at 10-feet from the interior lot line; with the majority of properties on the island already developed the sight lines, noise and environment have already been impacted and moving interior setbacks to 20-feet will make a lot of houses legal non-conforming
- This is more complex than just reverting to previous rules or keeping the current ones
- It seems that no lots remain undeveloped in the Gowlland Point subdivision
- John Kuharchuk could be invited to provide analysis to the Advisory Planning Commission

Discussion ensued about the use of landscape screening in the bylaw and whether it could be broadened to apply to all lots. The following comments were made:

- The bylaw has a provision for a “landscape screen” that only applies to home businesses; this could be broadened to protect the privacy of islanders, which is an important concern to many
- There should be a guideline or clear statement that the goal of the interior lot setbacks is to maintain as much privacy as possible
- The Local Government Act (Section 527) permits a Local Trust Committee to include screening and landscaping for three reasons: masking or separating uses; preserving, protecting, restoring and enhancing the natural environment; and preventing hazardous conditions
- The Commission might consider the type of buffering (vegetative or otherwise) used between lots
- Support was expressed to use a landscape screening clause to limit clear-cutting of a lot

Planner Stockdill read the relevant section of the South Pender Land Use Bylaw, Section 3.9(1), and noted this regulation could be tweaked to accord with the wording in the Local Government Act.

The Advisory Planning Commission agreed:

- 1) to request that Planner Stockdill provide more information to the Commission about interior lot screening options discussed today, taking into account related provisions in the Local Government Act, and
- 2) to continue discussion with relevant information before making a recommendation to the Local Trust Committee.

6. Next Meeting

Friday August 23 at 10am, in person at the Community Hall

7. Adjournment

By general consent the meeting was adjourned at 11:35 a.m.

Gordie Duncan, Chair

Certified Correct:

Carly Bilney, Recorder

DRAFT

South Pender Island Advisory Planning Commission MINUTES

Date: August 23, 2024
Location: In-person at the South Pender Fire Hall

Members Present: Gordie Duncan
Audrey Green
Rodney Kirkwood
Paul Petrie
Donna Spalding

Staff Present: Kim Stockdill, Island Planner
Carly Bilney, APC Secretary

There were 5 members of the public present.

1. CALL TO ORDER

Chair Duncan called the meeting to order at 10:02 a.m. He encouraged Commission members to introduce topics in the form of a motion.

2. APPROVAL OF AGENDA

Changes to the Agenda as follows:

- Add item under Section 4 to discuss the 50-foot distance of the setback from the natural boundary of the sea

By general consent, the agenda was approved as amended.

3. ADVISORY PLANNING COMMISSION MEETING MINUTES DATED AUGUST 9, 2024 (FOR ADOPTION)

By general consent, the Advisory Planning Commission meeting minutes of August 9, 2024 were adopted.

4. DISCUSSION OF SOUTH PENDER MINOR LAND USE BYLAW AMENDMENTS PROJECT

4.1 Setbacks from the natural boundary of the sea

Discussion was held about making an official recommendation to the Local Trust Committee to express support for a 50-foot setback from the natural boundary of the sea. Comments were made that a one-size-fits-all approach to setbacks from the natural boundary of the sea does not work for properties that have different topographies, and the Local Trust Committee should consider the various conditions.

Discussion ensued about whether the bylaw, as it is written, would allow a building that is destroyed (by, for example, a fire) to be rebuilt in the same location as it was previously (even if it is within the setback)

It was moved and seconded, that the Commission recommends retaining the 50-foot setback from the natural boundary of the sea as written in Bylaw 114. An amendment to the motion was suggested to also request that staff initiate a study of waterfront lots to determine what impact a 50-foot setback would have on those lots and to make recommendations with respect to any impacts that require attention.

Discussion on the motion continued and an amendment was suggested that the Commission recommends retaining the 50-foot setback for all new construction, and that staff be directed to undertake a study for undeveloped waterfront lots with consideration for ways to recognize site specific challenges. A suggestion was made to simplify the motion.

SP-APC-2024-004

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends retaining the 50-foot setback from the natural boundary of the sea as written in Bylaw 114.

CARRIED

Donna Spalding Opposed

Discussion continued and comments were made that there may be conditions in some properties where a 50-foot setback from the natural boundary of the sea is not enough, and conditions elsewhere where the 50-foot setback is too much.

It was moved and seconded, that the Commission recommends a study of the South Pender Island waterfront be undertaken to better understand the geographic and natural habitat limitations with respect to building setbacks. Discussion continued and the following comments were made:

- The only way to confirm whether a 50-foot setback is appropriate is by studying the waterfront
- A study could be an onerous and expensive task
- Property owners who want to build within a 50-foot setback could apply to do so on an individual basis through a Development Variance Permit or with the Board of Variance
- The setback to the sea could be at 25-feet for existing buildings, and 50-feet for newly developed buildings

SP-APC-2024-005

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends that the Local Trust Committee undertake a study of the South Pender Island waterfront to better understand the geographic and natural habitat limitations with respect to building setbacks.

DEFEATED

Planner Stockdill read Section 3.3(5) of Bylaw 114 concerning buildings constructed prior to September 15, 2022. Discussion ensued and the following comments were made:

- Those with existing buildings are permitted to rebuild within the setback if the building is destroyed provided the distance from the natural boundary of the sea to the replacement building is not less than the distance from the natural boundary of the sea to the building on September 15, 2022
- Changing this protection clause would require legislative process including First, Second and Third Reading of the bylaw
- Residents would fight to keep the protection clause
- The boundary of the sea can move and the clause needs to be clarified

4.2 Interior side lot line setbacks for rural residential zoned dwellings and cottages

Following up on discussion from the last meeting about how to retain natural screens within interior side lot line setbacks and limit clear-cutting of properties, Planner Stockdill explained that if the Local Trust Committee were to require landscaping as a natural buffer, there would be challenges with bylaw enforcement since the situation on each property is different. (e.g. What if one side of a property is all rock? Who determines what a complete visual screen is?)

It was moved and seconded, that the Commission recommends retaining the current setback of 6.0 meters (20-feet) for a dwelling or cottage from any interior or exterior side lot line as provided in subsection 5.1(9) in the current Land Use Bylaw, and that subsection 5.1(10) be amended by deleting “to submit a certification from an appropriately qualified person” and replacing it with “substantive evidence to establish.”

Discussion on the motion ensued and the following comments were made:

- This complies with Official Community Plan policies
- Support was expressed to build the notion of privacy directly into the bylaw to restrict what can be done inside a setback
- Support was expressed for a 10-foot interior side lot setback for the following reasons: they are common through the Gulf Islands; 20-foot setbacks do not significantly reduce noise or assure privacy, particularly when utility buildings are permitted to be built at 10-feet from neighbouring lots; the election results demonstrate that people were not in support of the new bylaws; the 10-foot setbacks were established in accordance with the goals of the Official Community Plan; increasing the setbacks to 20-feet will not address concerns expressed about existing buildings

- Support was expressed for a 20-foot interior side lot setback for the following reasons: the majority of residents who submitted written correspondence to the Local Trust Committee supported a 20-foot setback; prior to the election there was a view that all properties would be legal non-conforming and this has since been clarified by staff
- A one-size-fits-all measurement for side lot setbacks is challenging
- Perhaps a special zone may be made for Gowlland Point Road if there is a desire there to achieve more privacy
- Residents on Gowlland Point Road set up their own screening because nobody wants to see their neighbours
- Landscape screening is defined in the bylaw and applies to home-based businesses; if it exists within the bylaw then it should be enforceable

SP-APC-2024-006

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends the Local Trust Committee retain the current setback of 6.0 meters (20-feet) for a dwelling or cottage from any interior or exterior side lot line as provided in subsection 5.1(9) in the current Land Use Bylaw, and that subsection 5.1(10) be amended by deleting “to submit a certification from an appropriately qualified person” and replacing it with “substantive evidence to establish.”

DEFEATED

Paul Petrie in Favour

It was moved and seconded, that the South Pender Advisory Planning Commission recommends the Local Trust Committee revert the interior side lot lines to 10-feet. Discussion on the motion ensued and a suggestion was made to add a recommendation that the Local Trust Committee consider options to require the area within the 10-foot setback be protected to reflect the goals of the Official Community Plan including preserve and protect, rural character, and privacy.

Discussion on the motion ensued about how specific the recommendation should be with regards to what constitutes a natural buffer and what can and cannot be done within a setback. The following comments were made:

- Protecting the area within the setback addresses concerns about privacy and rural character, and would only apply to the lots that have not yet been built on
- A lot may be constrained in size and a septic field or driveway may have to be within the setback
- Considering options to protect the natural area within the setback is a big task for the Local Trust Committee

The amendment to the motion was withdrawn.

SP-APC-2024-007

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends the Local Trust Committee revert the interior and exterior side lot lines to 10-feet.

CARRIED

Paul Petrie Opposed

5. NEXT MEETING

Planner Stockdill explained that Islands Trust Advisory Planning Commissions are legislatively mandated to meet in person, and members of the public must attend in person if they wish to do so (staff can attend electronically). She added that the Islands Trust is working to amend this.

Next meeting tentatively scheduled for September 20 at 10:30 a.m. at the fire hall

6. ADJOURNMENT

By general consent the meeting was adjourned at 12:00 p.m.

Gordie Duncan, Chair

Certified Correct:

Carly Bilney, Recorder

Trustees:

The following is my dissenting opinion as an APC member for consideration at the September 10, 2024, LTC meeting.

Issue 1: At the Aug. 23 APC meeting I made the following motion that was carried with four in favour, one opposed.

SP-APC-2024-004

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends retaining the 50-foot setback from the natural boundary of the sea as written in Bylaw 114.

CARRIED

Donna Spalding Opposed

I strongly support this recommendation and join with a majority of my APC colleagues in urging the LTC to retain this provision in the current Land Use Bylaw with the minor wording modification to allow more flexibility in determining the location of a dwelling for replacement purposes. Most of the residential construction is along our island shoreline, which contains sensitive ecosystems and at-risk species.

Protection of the sensitive shoreline ecosystems is consistent with the Trust mandate to: "...preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally". This current Bylaw provision 3.3.3 also supports our OCP goal 2.2.2 To protect the natural features and biological diversity of the island and its immediate surrounding; and OCP objective 2.4.1[c] To protect the natural features and biological diversity of the island and its immediate surroundings.

There was a proposal considered by the APC at the August 23rd meeting to recommend that staff initiate a study of waterfront lots to determine what impact a 50 ft. setback from the sea would have on those lots and to make recommendations with respect to any impacts that would require attention of trustees. I did not support this proposal on grounds that the 50 ft. set back has not yet been given time to work, to date there have been no issues where a variance has been requested with respect to Bylaw s. 3.3(3), and such a study would be expensive and not a good use of limited Trust finances.

All existing dwellings that are currently located within the 50 foot setback are now legally conforming under s. 3.3 (5) of our LUB. As pointed out by planner Stockdill, an application to build within the 50 foot setback would be available through the Board of Variance for a minor variance where a hardship exists. She also pointed out trustees have the discretion to grant a Development Variance Permit and are not limited to considering hardship or only minor variances. The trustees' decision on a development variance permit would be considered on the particular circumstances of the application, on the relevant OCP policies, the impact on the neighbouring lots and on the island generally.

In my view there are sufficient protections in place to address issues relating to the 50 foot setback that may arise. To date there have been none that I am aware of.

Issue 2: At the same meeting I made the following motion that was defeated with four opposed and one in favour.

SP-APC-2024-006

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends the Local Trust Committee retain the current setback of 6.0 meters (20-feet) for a dwelling or cottage from any interior or exterior side lot line as provided in subsection 5.1(9) in the current Land Use Bylaw, and that subsection 5.1(10) be amended by deleting “to submit a certification from an appropriately qualified person” and replacing it with “substantive evidence to establish.”

DEFEATED

Paul Petrie in Favour

While I respect the views of my APC colleagues, I must register my dissent from the recommendation to revert to the previous 10 ft. side lot setback for the following reasons.

1. The adoption of the 20 ft. side lot setback in 2022 provides improved support for our OCP goals and objectives including:
 - it supports OCP goal 2.2.1 to maintain and reinforce “a sense of tranquility, privacy and freedom from disruption” as an important element of our island’s rural character.
 - It complies with OCP Policy 2.4.3 that the LTC ensure that building and structure setbacks retain our rural Island character, the protection of natural views and the maintenance of residential privacy, and
 - it meets the OCP Residential Objective 3.1.1(a) To maintain a rural island living environment that is safe, visually attractive, and free from disturbance and the sense of overcrowding.
2. All current dwellings and cottages within the 20ft. setback are protected as “legally conforming” with Bylaw subsection 5.1(10). The current 20 ft setback will only apply to newly constructed dwellings and cottages after September 15, 2022. There are NO legally non-conforming properties resulting from the enactment of the 20 ft. setback in 2022. As planner Stockdill stated at the meeting: We shouldn’t use the term “legal non-conforming” with current Bylaw setbacks.
 - There were 46 letters set to the LTC under the bylaw review project
 - 34 were in favour of retaining the current bylaw provisions,
 - 12 were in favour of reverting to 2016 bylaw
 - 13 letters were from a previous respondents (9) in support (4) for reverting.
 - These are thoughtful letters, many containing careful reasons for supporting the current bylaws, many urging trustees to give the 2022 changes time to work. These letters must be given weight in the trustees’ consideration of this issue.

- One of the arguments for reverting to the 2016 bylaw was a majority of islanders were opposed to the changes and voted in the new trustees to revert to the 2016 bylaw. That was apparent at the June 3, 2023 LTC meeting when the trustees attempted unsuccessfully to repeal the 2022 Bylaw amendments.
- Opposition to the 2022 changes was largely driven by the misleading contention that it would render a number of properties “legally non-conforming” which was incorrect. Section 5.1(9) made all dwellings “legally conforming” as of September 2022. This was not clarified until after the election. Planner Stockdill stated: “We shouldn’t use the the term “legal non-conforming.”

For all the foregoing reasons, I urge the trustees to support the applicable goals and objectives in our OCP and retain the 20 foot side lot setback in our current LUB

Our OCP states: “The quiet, freedom from disturbance, and sense of privacy within what is a relatively undisturbed and visually attractive settings are key qualities valued by South Pender Islanders, who expect these qualities to be maintained.” P. 3

I request that this dissenting opinion be included with the staff report for the September 10 LTC meeting along with the APC minutes in accordance with section 7(d) of Bylaw 98.

Thank you for considering my views.

Paul Petrie

Active Projects Report

South Pender Island

1. *Minor LUB Review Project*

Responsible

Dates

Activity:

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

Future Projects Report

South Pender Island

7. *Review of STVR policies and regulations*

Responsible

Date Received

changes to legislation (bill 35) have affected legal non-conforming vacation rentals. The LTC has deferred enforcement and determined that it wishes to consider policy and regulatory options for vacation rentals

10-May-2024

Islands Trust
LTC EXP SUMMARY REPORT F2025
Invoices posted to Month ending July 2024

625 Galiano	Invoices posted to Month ending July 2024	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-625	LTC "Trustee Expenses"	280.00	518.28	-238.28
LTC Local				
65200-625	LTC - Local Exp - LTC Meeting Expenses	2,230.00	1,100.42	1,129.58
65210-625	LTC - Local Exp - APC Meeting Expenses	300.00	0.00	300.00
65220-625	LTC - Local Exp - Communications	3,000.00	993.68	2,006.32
TOTAL LTC Local Expense		<u>5,530.00</u>	<u>2,094.10</u>	<u>3,435.90</u>
Projects				
73001-625-4114	Galiano Groundwater Strategy Implementation	1,500.00	0.00	1,500.00
TOTAL Project Expenses		<u>1,500.00</u>	<u>0.00</u>	<u>1,500.00</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
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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.



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY MAY 28TH, 2024 BOARD MEETING

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

1. ORGANIZATION UPDATES/TEAM

- Manager Emmings notified the Islands Trust Conservancy (ITC) Board that the posting for a board member vacancy is live and has been broadly distributed. The posting closes June 7th, 2024.
- The ITC Board was introduced to Emily McLean, ITC's summer co-op student.
- Manager Emmings notified the ITC Board of her temporary appointment as Manager with the BC Conservation Data Centre from June 10th, 2024 to September 16th, 2025.
- Director Frater informed the ITC Board that Carolyn Stewart will be Acting Manager for ITC starting June 17th, 2024 until January 16th, 2025.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board considered the 2024/25 Work Plan and approved the following:
 - Extension of the Regional Conservation Plan by two years until December 2029.
 - Rescind resolution ITC-2020-030: "That the ITC Board direct staff to complete an ITC Reconciliation Action Plan that incorporates actions in Goal 2 of the Regional Conservation Plan" to ensure that steps towards Reconciliation are informed by First Nations engagement for the ITC Plan.
 - Prioritization of: Goal Two of the Regional Conservation Plan related to strengthening relationships with First Nations; components of Goal One related to knowledge, information, and data management of ITC properties; and, components of Goal Three related to ongoing management of ITC protected areas.
 - Removal of the current Climate Change Impacts Project from the ITC Work Plan.
 - Exploration of climate change projects and research to address the climate emergency in ITC protected areas once ITC has a new Property Management Team Lead.
- The ITC Board approved the Audited Financial Statements for the 2023/24 fiscal year, and referred the statements to Islands Trust Council for information.
- The ITC Board directed staff to prepare an ITC budget request, including budget allocation for \$220,000 associated with the Species at Risk Program.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board received updates on negotiations for four conservation covenants and two acquisitions.



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

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board directed staff to delay work on nature reserve management plans until an approved ITC Plan from the Minister of Municipal Affairs is received.
- The ITC Board directed staff to continue work on a Risk Assessment Policy through a phased approach that includes public safety with reference to the BC *Occupier Liabilities Act*, and identification of properties that would benefit from a core policy of conservation and environmental management.

5. COMMUNICATIONS AND OUTREACH

- ITC issued its Spring 2024 Heron Newsletter available at <https://islandstrust.bc.ca/conservancy/heron-newsletter/>.
- The ITC Board approved the ITC Annual Report text for approval by Trust Council and submission to the Minister of Municipal Affairs.
- The ITC Board directed staff to develop communications materials for stakeholders and the public with regards to the updated ITC Work Plan and elements of the Regional Conservation Plan (2017-2029).

6. FUNDRAISING AND CONSERVANCY SUPPORT

- ITC issued its 2023/24 Impact Report available at <https://islandstrust.bc.ca/conservancy/our-impact/>.
- The ITC Board approved an Opportunity Fund Grant for the Bowen Island Conservancy.

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

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



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

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JULY 23rd, 2024 BOARD MEETING

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

1. ORGANIZATION UPDATES/TEAM

- Chair Smith spoke to the cancellation of the July 23rd ITC-EC Liaison Meeting stating that since the ITC Board had attended recent Executive Committee meetings, there wasn't a need to meet in July.
- Manager Stewart presented the Islands Trust Conservancy (ITC) Freedom of Information and Protection of Privacy Bylaw No. 4, advising that this bylaw brings the Conservancy in line with the way Freedom of Information and Protection of Privacy is done with other entities of the Islands Trust, and updates the fees.
- Trustee Elliott provided an update to the ITC Board from Executive Committee on ongoing conversations regarding the request to the Province for the review of Islands Trust.
- Trustee Elliott provided an update to the ITC Board from Financial Planning Committee reporting that Trust Council has been asked to decide on budget assumptions, principles, and guidelines to help set the budget. The 2025/26 budget will be discussed at the September Trust Council meeting.
- Chair Smith provided an update to the ITC Board on the ITC presentation delivered at Trust Council.
- Trustee Gauvreau provided an update to the ITC Board from Governance Committee including further detail about the aspects to be included in a request for a Provincial review, that the request will be worked on by a sub-committee using the original Request for Decision (2022) as a starting point, and noting key items likely to be raised.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board endorsed the Coastal Douglas-fir and Associated Ecosystem Conservation Partnership (CDFCP) revised Terms of Reference and Statement of Cooperation. The Chair of the ITC Board was directed to sign the Statement of Cooperation on behalf of ITC. The ITC Board continues to support the participation of staff on the CDFCP steering committee and/or working groups as authorized by the ITC Manager.
- The ITC Board approved the ITC 2025/26 Budget Submission for inclusion in the Islands Trust 2025/26 budget with the following amendment:
 - Increase the Board training and conference line to \$4,600.
- The ITC Board discussed the ITC 2024/25 Work Plan provided by Manager Stewart.
- Manager Stewart presented the ITC 5 Year Plan Engagement Plan Outline to provide additional detail about the engagement process for development of the 2026-2030 ITC Plan.
- The ITC Board requested staff to provide a briefing on potential disposition of ITC land to Indigenous Governing Bodies.



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

5. COMMUNICATIONS AND OUTREACH

- The ITC Board approved the 2024-2026 Islands Trust Conservancy Communications and Engagement Strategy, as amended.
- Manager Stewart provided a verbal update to the Board regarding a Referral for GB-TUP-2024.2 Burren's Acres, Gabriola Island.

6. FUNDRAISING AND CONSERVANCY SUPPORT

- The ITC Board approved an Opportunity Fund Grant of \$8,000 for the Bowen Island Conservancy.

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

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



BRIEFING

To:	All Local Trust Committees Bowen Island Municipality	For the Meeting of:	Next Available Meeting
From:	Trust Area Services	Date Prepared:	August 19, 2024
SUBJECT:	Dark Sky Principles Adoption Advocacy		

PURPOSE: To provide all local trust committees and Bowen Island Municipality with an RFD prepared by North Pender Trustee Morrison regarding Dark Sky Principles, and inviting LTCs and BIM to notify Trustee Morrison of interest in initiating conversations with relevant regional districts about adopting Dark Sky Principles.

BACKGROUND: At its June 2024 regular meeting, Trust Council received a request for decision from Trustee Morrison of North Pender Island regarding Dark Sky Principles. Trust Council passed the following resolution:

TC-2024-062

That Trust Council communicate to all Local Trust Committees to notify Trustee Morrison of interest to collectively engage in conversations around Dark Sky Principles Adoption with relevant Regional Districts.

ATTACHMENT(S):

- 1) Request for Decision: Dark Sky Principles Advocacy (June 18, 2024)

FOLLOW-UP: If LTCs or Bowen Island Municipality wish Islands Trust Council to pursue further discussion about Dark Sky Principles they should pass a resolution notifying Trust Morrison of their interest. An example resolution is as follows:

That [Island Name] Local Trust Committee/Bowen Island Municipality direct staff to notify Trustee Morrison of [Island Name] Local Trust Committee's/Bowen Island Municipality's interest in pursuing further exploration of policy and advocacy options relating to Dark Sky Principles.

Prepared By: Senior Policy Advisor, August 20, 2024

Reviewed By/Date: Director, Trust Area Services, August 21, 2024



REQUEST FOR DECISION

To: Trust Council

For the Meeting of: June 18, 2024

From: Trustee Morrison

Date Prepared: May 24, 2024

SUBJECT: Dark Sky Principles Adoption Advocacy

RECOMMENDATION FOR IMMEDIATE ACTION:

1. That Trust Council communicate to all Local Trust Committees to notify Trustee Morrison of interest to collectively engage in conversations around Dark Sky Principles Adoption with relevant Regional Districts.
2. That Trust Council encourages Trustees to work with their communities to develop and build awareness of the principles of Dark Sky International and encourage voluntary adoption of the principles of Dark Sky International.

RECOMMENDATIONS FOR FUTURE CONSIDERATION:

3. The Trust Council clarify its jurisdiction to control nighttime illumination in all contexts within the Trust Area for Official Community Plan and Bylaw adoption and enforcement across the Trust Area.
4. The Trust Council adopt and promote the principles of Dark Sky International.

CHIEF ADMINISTRATIVE OFFICER COMMENTS:

PURPOSE:

To protect and promote public and ecological health, safety, and welfare, quality of life, and the ability to view the night sky.

BACKGROUND:

“Over lighting” from dusk on into the darkness is a growing problem as it interferes with/pollutes the night sky, poses an annoying and invasive nuisance to neighbours, is harmful to wildlife who depend on darkness, and is a waste of electricity. May come from freighters in the region or from residential, industrial, or other land use related lighting not directed at ground or properly shielded.

Critical considerations with resources:

- Night skies are an important natural resource requiring protection. Action is being taken across a variety of contexts and scales globally, many of which are simple to enact.
 - [Dark Sky International Principles](#)
 - [How can you help preserve the night sky?](#)
 - [Model Lighting Ordinance](#)
 - [Vancouver Bylaw 10.2.2.10 Lighting in Residential Buildings](#)
- Night skies promote healthy humans and wildlife.
 - [Let's Talk Science – Light Pollution](#)
- Within the Trust Area, action has also been taken.
 - Example of regulation: [Bowen Island Municipality Bylaw No. 272, 2010 re protection of night sky](#)

The outstanding question is: How can non-municipal jurisdictions of the Trust Area provide protection for Night Skies?

Some regulation may be considered around:

- External lighting of buildings, gardens and driveways that is left on all night.
- External lighting of any building or grounds when it is not downward cast.
- Indoor lighting in accessory buildings not shaded that is left on during some or all of night.
- Indoor lighting of residences facing neighbouring residences that is not shaded.

Such regulation might involve regulation on:

- the type of lighting that is appropriate (e.g. energy efficient),
- the strength of light (low lighting versus high wattage lighting)
- the direction of lighting so as not to throw light off to neighbours or animals (e.g. downward cast)
- the length of time for certain types of lighting to be used (to depend on purpose with a view to
- limiting unnecessary or excessive accessory uses in particular), and
- means of enforcement of any regulations

In our role as a coordinator of jurisdictional overlapping authorities within the Trust Area, we need to get into conversation with multiple levels of government on this issue to provide clarity and enforcement on this issue as desired within communities and to support the mandate of preserving and protecting the unique amenities and environment of the Trust Area.

IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL:

FINANCIAL:

POLICY:

IMPLEMENTATION/COMMUNICATIONS:

FIRST NATIONS:

OTHER:

Circulated to MLA Adam Olsen and MP Elizabeth May.

RELEVANT POLICY(S):

ATTACHMENT(S):

RESPONSE OPTIONS

Recommendation:

Alternative:

Prepared By: Trustee Morrison in consultation with and at the request of community members.

Reviewed By/Date:

File No.:

DATE OF MEETING: September 13, 2024
TO: South Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Kim Stockdill, Island Planner
Warren Dingman, Manager of Bylaw Compliance and Enforcement
SUBJECT: Non-conforming Short Term Rentals Enforcement Policy

RECOMMENDATION

1. That the South Pender Island Local Trust Committee directs Bylaw Enforcement staff to defer enforcement for those short-term vacation rentals validly operating as of April 30, 2024 and that enforcement on all short term vacation rentals be by written complaint only.

REPORT SUMMARY

The purpose of the report is to provide the Local Trust Committee with proposed wording of an enforcement policy that would address changes to the Local Government Act which ended non-conforming protection for short term rentals.

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. The LUB was amended in 2020 to no longer permit STVRs as an out-right permitted use in a dwelling and further amendments to the OCP and LUB in 2021 removed rental of a cottage as a home business. 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.

In late 2023 Bill 35 (the Short-term Rental Accommodations Act) came into force. The legislation focused on several areas, but of immediate concern for the LTC, it ended non-conforming protection for short-term rentals as of May 1, 2024. As a number of operations on South Pender were pre-existing non-conforming, the LTC requested that staff present options to address the issue. A report was provided to the LTC with several options at the May meeting, and the LTC adopted the following resolution:

SP-2024-010

It was Moved and Seconded,

that South Pender Island Local Trust Committee request staff to report back with a draft enforcement policy to defer enforcement on short term vacation rentals that were validly operating as of April 30, 2024 until the completion of the project review of the short term vacation rental policies and regulations.

ANALYSIS

There are currently no enforcement files open for short-term rentals on South Pender. However, bylaw investigations can be commenced by complaint or where an unlawful use is advertised. An LTC 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. Bylaw enforcement staff have confirmed that adopting the proposed resolution would:

- (1) Cease any proactive enforcement resulting from advertisement by only accepting written complaints (Trust Council Compliance and Enforcement Policies authorizes enforcement based on advertisements)
- (2) Ensure that if a written complaint is received and an operation were validly operating as of April 30th, enforcement would not proceed.

Depending on the outcome of a future review project, this policy could be amended or rescinded by the LTC.

Rationale for Recommendation

The recommended resolution would suspend any future enforcement for any pre-existing non-conforming operations.

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

If adopted, the resolution would be logged and be regularly reported in the Standing Resolutions Report.

Submitted By:	Robert Kojima, Regional Planning Manager	August 29, 2024
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