



# South Pender Island Local Trust Committee

## Regular Meeting Agenda

Date: July 9, 2021  
Time: 10:30 am  
Location: Electronic Meeting

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	<b>Pages</b>
<b>1. CALL TO ORDER</b>	10:30 AM - 10:30 AM
<b>2. RISE AND REPORT – In-Camera Meeting May 7, 2021</b>	
There was general consent that the Chair Rise and Report that Richard Friesen had been removed, by resolution, from the South Pender Island Advisory Planning Commission.	
<b>3. APPROVAL OF AGENDA</b>	10:30 AM - 10:35 AM
<b>4. TRUSTEE REPORT</b>	10:35 AM - 10:45 AM
<b>5. CHAIR'S REPORT</b>	
<b>6. TOWN HALL AND QUESTIONS</b>	10:45 AM - 11:00 AM
<b>7. COMMUNITY INFORMATION MEETING</b>	
None	
<b>8. PUBLIC HEARING</b>	
None	
<b>9. MINUTES</b>	11:00 AM - 11:10 AM
<b>9.1. Adopted Local Trust Committee Minutes Dated May 7, 2021 (for Adoption)</b>	3 - 9
<b>9.2. Section 26 Resolutions-without-meeting Dated June 2021</b>	10 - 10
<b>9.3. Advisory Planning Commission Minutes Dated June 17, 2021 (for Receipt)</b>	11 - 15
<b>10. BUSINESS ARISING FROM THE MINUTES</b>	
<b>10.1. Follow-up Action List Dated June 2021</b>	16 - 16
<b>11. DELEGATIONS</b>	

- 12. CORRESPONDENCE**
- Correspondence received concerning current applications or projects is posted on the LTC webpage*
- 13. APPLICATIONS AND REFERRALS**
- 14. LOCAL TRUST COMMITTEE PROJECTS** 11:10 AM - 12:30 PM
- 14.1. Land Use Bylaw Amendments Project – Staff Report (attached) 17 - 23
- 14.2. Minor Official Community Plan Amendments Project – Staff Report (attached) 24 - 37
- 15. REPORTS** 12:30 PM - 12:40 PM
- 15.1. Work Program Reports (attached)
- 15.1.1. Top Priorities Report Dated June 2021 38 - 38
- 15.1.2. Projects List Report Dated June 2021 39 - 39
- 15.2. Applications Report Dated June 2021 (attached) 40 - 40
- 15.3. Trustee and Local Expense Report - None
- 15.4. Adopted Policies and Standing Resolutions (attached) 41 - 42
- 15.5. Local Trust Committee Webpage
- 15.6. Islands Trust Conservancy Report Dated May 25, 2021 43 - 44
- 16. NEW BUSINESS**
- 17. UPCOMING MEETINGS**
- 17.1. Next Regular Meeting Scheduled for September 3, 2021, Location: TBD
- 18. TOWN HALL** 12:40 PM - 12:55 PM
- 19. CLOSED MEETING**
- None
- 20. ADJOURNMENT** 12:55 PM - 12:55 PM



**DRAFT**

## South Pender Island Local Trust Committee Minutes of Regular Meeting

**Date:** May 7, 2021  
**Location:** Electronic Meeting (Zoom Webinar)

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

**Staff Present:** Kim Stockdill, Island Planner  
Robert Kojima, Regional Planning Manager  
Shannon Brayford, Recorder  
Maple Hung, Planning Team Assistant

**Public:** There were approximately (11) attendees in the webinar.

### 1. CALL TO ORDER

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

### 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Business licences under New Business
- Regulation of Buoys
- Discussion on Advisory Planning Commission Membership under New Business

**By general consent** the agenda was approved as amended.

### 3. TRUSTEE REPORT

Trustee Thorn noted the significant pace at which properties and houses are being sold. He also noted that with this influx of new property owners, the demographics of the island are changing and discussions of bylaws and regulations are important.

Trustee Wright thanked the community for writing and engaging with the Local Trust Committee (LTC) on the issues.

**4. CHAIR'S REPORT**

Chair Patrick remarked on the overall housing issues in the Southern Gulf Islands. She also reported on the upcoming Trust Council meeting in June and reminded the community about the approaching deadline for submitting a delegation.

Chair Patrick noted that the Islands Trust new website is live.

**5. TOWN HALL AND QUESTIONS**

Jane Perch requested information about how ocean setbacks are being addressed in the project charter for the Land Use Bylaw review. She also requested and received information on the policies for posting correspondence online.

Jane Perch requested information on the how the Land Use Bylaw would address non conforming issues should they further reduce the maximum house size.

Gordon Duncan encouraged the LTC to post all correspondence online.

Gordon Duncan requested and received information regarding the Islands Trust Conservancy and how they are appointed.

By general consensus, the LTC recommended that a member of the Islands Trust Conservancy be invited to a future business meeting.

Jeff Henshaw requested and received information on how the recommended maximum secondary house size on Agricultural Land Reserve (ALR) land was selected.

**6. COMMUNITY INFORMATION MEETING**

None

**7. PUBLIC HEARING**

None

**8. MINUTES**

**8.1 Local Trust Committee Minutes**

**8.1.1 Regular Minutes Dated March 5, 2021 (for Adoption)**

The following amendments to the minutes were presented for consideration:

- A general review of the content for grammatical errors.
- Correction of “Thorne” to “Thorn” in several places.
- Correction of Item 6 to read Islands Trust is putting a resolution going forward to the Union of BC Municipalities of this year.

**By general consent** the minutes were adopted as amended.

8.1.2 Local Trust Committee Bylaw No. 119 and 120 Public Hearing Record Dated March 5, 2021 (For Receipt)

Received for information.

8.1.3 Local Trust Committee Bylaw No. 121 Public Hearing Record Dated March 5, 2021 (For Receipt)

Received for information.

8.1.4 Special Meeting Minutes Dated April 9, 2021 (for Adoption)

None

**8.2 Section 26 Resolutions-without-meeting Dated April 2021**

Received for information.

**8.3 Advisory Planning Commission Minutes – Dated**

Received for information.

It was noted that the content of minutes may not accurately capture the discussion at the meeting and the LTC encouraged the Advisory Planning Commission (APC) to review the content prior to adopting the minutes at their next meeting.

**9. BUSINESS ARISING FROM THE MINUTES**

**9.1 Follow-up Action List Dated April 2021**

Received for information.

**10. DELEGATIONS**

**10.1 Capital Regional District - Southern Gulf Islands Transportation Integration Plan**

Chair Patrick welcomed Justine Starke from the Capital Regional District (CRD).

Justine Starke provided an overview of a current CRD project to investigate intermodal transportation options for the Southern Gulf Islands. Her presentation included an overview of the ways through which a CRD transportation service could support organizations on the island.

The LTC requested and received information on the scope of the project, the proposed timeline, and the sources of funding.

A discussion was held regarding the challenges of navigating transportation regulations, of interagency collaboration, and of community engagement.

**11. CORRESPONDENCE**

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

**12. APPLICATIONS AND REFERRALS - None**

**13. LOCAL TRUST COMMITTEE PROJECTS**

**13.1 Alternative Housing (RV) Project - Consideration of Adoption of Bylaw No. 121 – Staff Report**

Planner Stockdill provided an overview of the staff report including a history of the bylaw and the recommended resolution from staff.

**SP-2021-040**

**It was Moved and Seconded,**

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

**CARRIED**

**13.2 Shoreline Review – Staff Memo**

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

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

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

**13.3 Land Use Bylaw Project – Staff Report**

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

A discussion of the Project Charter was held including:

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

**SP-2021-041**

**It was Moved and Seconded,**

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

**CARRIED**

**SP-2021-042**

**It was Moved and Seconded,**

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

**CARRIED**

**13.4 Minor Official Community Plan Amendments Project – Staff Report**

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

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

**SP-2021-043**

**It was Moved and Seconded,**

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

**CARRIED**

**14. REPORTS**

**14.1 Work Program Reports**

14.1.1 Top Priorities Report Dated April 2021

Received for information.

14.1.2 Projects List Report Dated April 2021

Received for information.

**14.2 Applications Report Dated April 2021**

Received for information.

**14.3 Trustee and Local Expense Report Dated February 2021**

Received for information.

**14.4 Adopted Policies and Standing Resolutions**

Received for information.

**14.5 Local Trust Committee Webpage**

No comments heard.

**14.6 Islands Trust Conservancy Report – None**

**15. NEW BUSINESS**

**15.1 Business Licences for Short Term Vacation Rentals**

**SP-2021-044**

**It was Moved and Seconded,**

that whereas the South Pender Island Local Trust Committee is implementing additional policies and zoning regulations to regulate and manage short term vacation rentals on South Pender Island, the Local Trust Committee lacks the full range of tools for enforcement and administration of vacation rentals; therefore, the South Pender Local Trust Committee requests that the Capital Regional District explore the implementation of business licensing for tourist accommodation and specifically for short term vacation rentals.

**CARRIED**

RPM Kojima noted that a similar recommended resolution will be provided to other LTC's and, following their opportunity to consider it, the resolutions will be forwarded to the CRD.

**15.2 Regulation of Buoys**

Trustee Wright noted concern for the number of buoys in the foreshore and the impact that they have on the ecosystem and passage in the area.

RPM Kojima provided an overview of the role that the provincial and federal governments have over buoys.

**15.3 Discussion on Advisory Planning Commission Membership**

**By general consent,** this matter was deferred to the In Camera session for discussion of appointment matters.

**16. UPCOMING MEETINGS**

**16.1 Next Regular Meeting Scheduled for July 9, 2021, Location: TBD**

**17. TOWN HALL**

Donna Spalding requested information on commercial permits for STVRs and whether the current process for business licences could be used.

Jane Perch encouraged the LTC to provide opportunities for broader community discussion than that which is available during the town hall portions of the meetings. She further noted that without direct mailouts property owners who do not live full-time on the island are not reached.

Donna Spalding requested information on whether building design guidelines would be voluntary or mandatory.

**18. CLOSED MEETING (Distributed Under Separate Cover)**

**18.1 Motion to Close Meeting**

**By general consent**, the agenda was amended to defer items 18.2 and 18.3 to the next regular business meeting.

**SP-2021-045**

**It was Moved and Seconded,**

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

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

AND that the recorder and staff attend the meeting.

**CARRIED**

**18.2 Recall to Order**

Chair Patrick recalled the meeting to order at 1:11 p.m.

**18.3 Rise and Report**

It was noted that this item had been deferred by general consent to the next meeting.

**19. ADJOURNMENT**

**By general consent** the meeting was adjourned at 1:12 p.m.

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Laura Patrick, Chair

Certified Correct:

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Shannon Brayford, Recorder



Islands Trust

## Resolutions Without Meetings Log

### South Pender Island

Resolution Number	Action	Date
<b>2021-005</b> That the South Pender Island Local Trust Committee approves the format and outline of contents for the 2020/21 Annual Report as amended.	<b>Carried</b>	<b>04-Jun-2021</b>



**DRAFT**

<b>COPIED TO</b>	
<input type="checkbox"/>	<b>PLANNER</b>
<input checked="" type="checkbox"/>	<b>LTC</b>
<input checked="" type="checkbox"/>	_____

**South Pender Island  
Advisory Planning Commission  
Minutes of a Special Meeting**

**Date:** Tuesday, June 17, 2021 (3:00 p.m.)

**Location:** Electronic Meeting (Zoom Webinar)

**Members Present:** Donna Spalding, Rodney Kirkwood, Howard Airey, Gary Davidson

**Staff Present:** Shannon Brayford, Recorder

**Others Present:** Two members of the public were present.  
Steve Wright, South Pender Island Trustee

**1. CALL TO ORDER**

At 3:01 p.m., Vice Chair Donna Spalding, called the meeting to order.

**2. APPROVAL OF AGENDA**

It was recommended that Item 3 “Election of Chair and Vice Chair” and Item 6 “Next Meeting Date” be added to the agenda.

**SP-APC-2021-05**

**It was Moved and Seconded,**

That the South Pender Island Advisory Planning Commission approve the agenda as amended.

**CARRIED**

**3. ELECTION OF CHAIR**

Vice Chair Spalding acknowledged Shannon Brayford to call the election for Chair.

Shannon Brayford made the first call for nominations for Chair of the South Pender Island Advisory Planning Commission (APC).

Rod Kirkwood nominated Donna Spalding. Howard Airey seconded the nomination.

Donna Spalding accepted the nomination.

Shannon Brayford made a second call for nominations and heard none.

Shannon Brayford made a third call for nominations and heard none.

By acclamation Donna Spalding was elected Chair of the APC.

Chair Spalding made the first call for nominations for Vice Chair of the South Pender Island APC.

Howard Airey nominated Rodney Kirkwood and Gary Davidson seconded the nomination.

Rodney Kirkwood accepted the nomination.

Donna Spalding made a second call for nominations and heard none.

Donna Spalding made a third call for nominations and heard none.

By acclamation Rodney Kirkwood was elected as Vice Chair of the APC.

#### **4. ADOPTION OF MINUTES**

##### **SP-APC-2021-006**

##### **It was Moved and Seconded,**

That the South Pender Island Advisory Planning Commission adopt the minutes of April 27, 2021 as presented.

**CARRIED**

#### **4. BUSINESS ITEMS**

##### **4.1 Building Design and Siting Guidelines**

It was noted that the most recent version of the document had been circulated to the APC members electronically. A discussion of the matter was held.

Chair Spalding acknowledged Trustee Wright and invited the Commission to direct questions to him regarding the guidelines. The APC requested and received information on:

- The process for considering the guidelines and opportunities for community consultation.

- The Local Trust Committee’s (LTC) plan for moving forward and the legislative process.
- The LTC’s preference on the best way for the APC to provide effective feedback

**SP-APC-2021-006**

**It was Moved and Seconded,**

That the South Pender Island Advisory Planning Commission recommends to the South Pender Island Local Trust Committee that the Advisory Planning Commission be given the opportunity to review the latest draft, in preparation for a finalized version of the proposed guidelines with the opportunity then for greater public transparency and input in respect of the complicated discussion that is going to honor the history of the development on South Pender with the acknowledgement that we live in the present.

**CARRIED**

There was general consensus that the APC will review the document using the “Track Changes” function and return to a future meeting to discuss.

**4.2 Rights of Nature**

Chair Spalding noted that a document was circulated to the APC members electronically by Trustee Wright and that, if adopted, it would become an appendix to the Official Community Plan (OCP)

Trustee Wright noted that concern had been raised regarding potential legal consequences should the rights be adopted. He reported that he had received a legal opinion that its adoption would not create any such consequences.

Chair Spalding provided an overview of the concept of a Rights of Nature and the understanding of how these rights can be protected under both provincial law and local regulations. She noted that a past Islands Trust Council had the opportunity, but did not adopt a similar policy.

A discussion of the proposed document was held, including the following points:

- The rationale and purpose of the document.
- The impact and limitations of the document. It was noted that the document would not contribute to the regulating of freighters in Plumper Sound.

**SP-APC-2021-006**

**It was Moved and Seconded,**

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

**CARRIED**

### 4.3 Shoreline Stairways

Chair Spalding provided an overview of the matter.

Trustee Wright offered a rationale for why the LTC is considering regulating shoreline stairways. He further noted that the matter is being considered by working committee who meets regularly.

The APC requested and received information on the following points:

- The rationale for further regulations when the construction of docks are already regulated.
- The criteria that will be used to evaluate shoreline stairways and determine those that need to be reviewed.
- Options for regulation tools that could be used for the review of the stairways, such as use of Development Permit Areas or removing stairways as a permitted use.

#### **SP-APC-2021-007**

##### **It was Moved and Seconded,**

That the South Pender Island Advisory Planning Commission recommend that subsequent to the discussions of the working group on shoreline stairways that a public information meeting respecting their discussion and options for shoreline development be considered as part of the fulsome discussion, recognizing the varied perspectives related to topography and individual property needs related to shore access.

**CARRIED**

A discussion of the proposed documents, including their benefits and challenges was held.

The following points were noted:

- Importance that the documents do not encourage divisiveness between neighbours
- Overall role in protecting the island's rural character.
- Value of the documents in setting a tone for the island.
- Importance of creating policies that will achieve the objectives and also offer clarity in their application for the sake of the residents looking to comply.
- Importance of active public engagement and public education to allay public fears and develop regulations and guidelines that meet the community's needs.

Jane Perch (member of the public) was acknowledged by Chair Spalding.

Jane Perch requested a rationale for creating new documents when Islands Trust documents already exist for environmentally sound building practices and shoreline protection.

Jane Perch also encouraged the APC to support in-depth community consultation that will allow residents of the island to give feedback and recommendations.

**5. NEXT MEETING**

A discussion was held regarding the date and location of the next meeting.

**By general consensus**, it was agreed that the next meeting shall be held on Friday July 9, 2021 at 3:00 pm and that it shall be held in person at Fire Hall #3.

**6. ADJOURNMENT**

The meeting was closed at 4:53 p.m.

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Donna Spalding, Vice Chair

Certified Correct:

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Shannon Brayford, Recorder



# Follow Up Action Report

## South Pender Island

### 07-May-2021

Activity	Responsibility	Dates	Status
1 8.1 SP LTC adopted March 5, 2021 regular LTC meeting as amended and April 9, 2021 Special Meeting as presented.	Maple Hung	Target: 21-May-2021	Completed
2 13.1 RV Project - Bylaw No. 121 adopted. Update bylaw for adoption date. Remove project from LTC Project webpage. Consolidation done.	Jas Chonk Maple Hung Narrisa Chadwick	Target: 28-May-2021	Completed
3 13.3 LUB Review Project 1. Update Project Charter to add 'setback review'. Project Charter approved. 2. Report back with research and options for LUB Review Project.	Kim Stockdill	Target: 25-Jun-2021	Completed
4 13.4 Minor OCP Review Project 1. Project Charter approved. 2. Re-refer items to SP APC. (DONE) 3. Report back with research and options for Minor OCP Project.	Kim Stockdill	Target: 25-Jun-2021	Completed
5 The SP LTC has removed Rick Friesen from the SP APC. Staff to contact Mr. Friesen and thank him for his APC membership. Staff to advertise for position.	Jas Chonk Maple Hung	Target: 14-May-2021	Completed
6 Staff to prepare a FAQ document for legal non-conforming questions.	Kim Stockdill	Target: 28-May-2021	Completed
7 Staff to re-refer the items (Design Guidelines, Rights of Nature, and stairways in setback to NB of sea) to the SP APC.	Kim Stockdill Maple Hung	Target: 14-May-2021	Completed



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

## RECOMMENDATION

No recommendation at this time. Staff will continue to work on the Land Use Bylaw (LUB) Amendment project and report back to the LTC with further recommendations.

## REPORT SUMMARY

This report is intended to provide options to the South Pender Island Local Trust Committee (LTC) regarding the LUB Amendment project for the LTC to provide further direction to the staff.

## BACKGROUND

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

### SP-2021-041

#### **It was Moved and Seconded,**

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

**CARRIED**

### SP-2021-042

#### **It was Moved and Seconded,**

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

**CARRIED**

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

## ANALYSIS

### ***Official Community Plan:***

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

**Land Use Bylaw:**

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

Maximum floor area regulations

The following are floor area regulations for dwelling units in the South Pender LUB:

**Definition** – “floor area means the sum of the horizontal areas of all storeys in a building, measured to the outer surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the storage of water for domestic use or fire protection, and exclusive of all areas of a storey having a floor and a ceiling less than 1.5 metres apart.”

**Agriculture Zone** - Subsection 5.5(9) -The floor area of a dwelling may not exceed 560 m<sup>2</sup> (6028 ft<sup>2</sup>).

**Forestry Zone** - Subsection 5.6(7) -The floor area of a dwelling may not exceed 560 m<sup>2</sup> (6028 ft<sup>2</sup>).

**Natural Resource Zone** - Subsection 5.7(6) -The floor area of a dwelling may not exceed 560 m<sup>2</sup> (6028 ft<sup>2</sup>).

**Table 1 – Rural Residential Maximum Floor Areas**

<b>Siting and Size</b>			<u>RR1</u>	<u>RR2</u>	<u>RR3</u>
(5)	<i>Maximum Floor Area per lot:</i>		✓	✓	✓
	<b>Lot Area</b>	<b>The total floor area of all buildings may not exceed:</b>			
	Less than 0.4 ha (1 acre)	465 m <sup>2</sup> (5000ft <sup>2</sup> )			
	0.4 ha to 0.79 ha (1 to 2 acres)	557 m <sup>2</sup> (6000ft <sup>2</sup> )			
	0.8 ha to 1.59 ha (2 to 4 acres)	743 m <sup>2</sup> (8000ft <sup>2</sup> )			
	1.6 ha to 3.9 ha (4 to 10 acres)	836 m <sup>2</sup> (9000 ft <sup>2</sup> )			
	4.0 ha (10 acres) or greater	1858 m <sup>2</sup> (20000ft <sup>2</sup> )			
		<b>The floor area of a dwelling may not exceed:</b>			
		353 m <sup>2</sup> (3800ft <sup>2</sup> )			
		418 m <sup>2</sup> (4500ft <sup>2</sup> )			
		520 m <sup>2</sup> (5600ft <sup>2</sup> )			
		543 m <sup>2</sup> (5845ft <sup>2</sup> )			
		560 m <sup>2</sup> (6030ft <sup>2</sup> )			

The LTC has expressed an interest in reducing the floor area for a dwelling unit in the Rural Residential 1 (RR1), Rural Residential (2), and Rural Residential (3) zones. As shown in Table 1, the LUB currently regulates floor areas in two ways: by establishing a maximum floor area for a dwelling, and also by establishing a total floor area of all buildings located on the property. The following are items for the LTC to consider with regards to amending floor area:

- If the LTC wishes to amend floor area for dwelling units in all zones, or just for the Rural Residential zones.
- For Rural Residential zones, if the LTC wishes to reduce the floor area for just dwelling units and all buildings located on the property (reduce amounts in both columns in Table 1), or to reduce the floor area for dwelling units only.
- Provide direction to staff to decrease the maximum floor areas in Table 1 by a certain amount.

Other options the LTC may want to consider to reduce the impact of the built form on rural properties:

1. The current definition of floor area in the South Pender LUB measures the floor area to the outside surface of the external walls. The LTC could amend this definition to measure floor area to the interior surface of the exterior walls which could encourage environmentally friendly building practices (use of thicker insulation within walls). Currently Gabriola, Galiano (for Environmentally Friendly Buildings), Lasqueti, and Saturna all measure floor area to the interior side of the external walls. The North Pender LTC also gave direction to staff to amend the definition of floor area to measure to the interior side as part of their LUB amendments.
2. Establish a maximum permitted lot coverage for residential properties.  
Lot coverage is a measure of the proportion of a lot that may be covered by buildings or structures, but excludes paving or similar surfaces. It differs from floor area in that it is measured on a horizontal plane only (from a bird's-eye view), includes all structures, and is measured to the drip line. Establishing a lot coverage may be an option supporting the objectives of retaining rural character and minimizing the impacts of massive or extensive building and development. It would also indirectly limit the size of dwellings, protect greenspace and encourage on-site retention of drainage. In terms of impacts, existing properties could potentially be rendered non-conforming – although existing buildings and structures could be repaired and maintained. Such a change may increase demand for variances as owners would more readily run up against lot coverage limits during development. Administratively, there would be increased requirements at time of development (including during minor additions or construction of accessory buildings) in order to determine compliance with the regulation. For example, survey plans showing all buildings and structures would need to be required more often than currently in order to determine compliance.
3. Establish lot coverage regulation and include impervious surfaces.  
This would support two objectives of the lot coverage provision: to retain greenspace and encourage on-site retention of drainage, but would not alter the regulation for current owners with respect to buildings or other structures. There is the potential that if there were existing properties with extensive paving they could be rendered non-conforming – however the effects of non-conformity would be minimal as existing structures could be repaired or maintained. In terms of administration, there would be increased requirements at time of development (including during minor additions or construction of accessory buildings) in order to determine compliance with regulations. For example, survey plans would have to include the area and extent of all paved surfaces. Also, as there is no permitting of new paving, there is no ready mechanism for administering the regulation in absence of a building permit for a building or structure.

### Setback regulations

At the last LTC meeting on March 5, 2021, the LTC asked staff to add the review of setback regulations to the LUB Amendment project. In order to provide recommendations to the LTC, the LTC should identify the issues and determine the goal or intent for the amendments.

There are a number of ways to amend setback regulations:

- Reduce current setback regulations.
- Increase current setback regulations.
- Increase/decrease setback regulations based on lot size or if a property is abutting a certain zone.
- Establish setback regulations as a percentage of the lot depth. There are many issues with this type of regulation. First, South Pender properties generally have an irregular lot shape making it difficult to determine the lot depth. Secondly, there will be interpretation issues as determine lot depth and the

percentage may be too complex for some to easily interpret. It will also increase staff's time to ensure the calculation for the setback was completed correctly. Setback regulations as a percentage of lot depth are more often seen in urban areas based on the reasons outlined above and may not be well suited for rural areas.

Agricultural lands regulation

The table below outlines the current agriculture regulations, the ALC policy and recommendations and options for the LTC to consider. The LTC should give direction to staff if other agriculture topics should be considered.

**Table 2 – Agriculture Zone and ALC Considerations**

	<b><i>Agriculture (A) Zone</i></b>	<b><i>ALC Policy &amp; Regulations</i></b>	<b><i>LUB - Regulatory Options</i></b>
<b><i>Cottage</i></b>	Allowed use in zone	ALC Act amend. (Feb 2019) - Second dwelling only by application to ALC.	Potential amendment A zone for consistency with current or proposed ALC amendments..
<b><i>Farm Worker Housing</i></b>	Permitted use 'c' allows a Cottage or other dwelling for the housing of persons engaged in on-going agricultural activities.	ALC Act amend. (Feb 2019) - By application to ALC	Consider amendment to A zone to include use with note "only by ALC Approval".
<b><i>Non-Adhering Residential Use (NARU)</i></b>	No reference in A zone.	Policy L-26 decision-making guidelines for consideration of non-adhering uses (second dwellings, temporary farm dwellings, dwellings over 500 m <sup>2</sup> , etc.)	No Action
<b><i>Dwelling Size</i></b>	Maximum floor area for a dwelling is 560m <sup>2</sup>	Total floor area of a dwelling is 500 m <sup>2</sup> in ALR	Consider amendment to A zone to reduce the maximum floor area to 500 m <sup>2</sup> .
<b><i>Agri-Tourism</i></b>	No reference in zone, but may be considered a farm use which is permitted in the A zone.	Policy L-04. A farm use. Must have farm status. Limited to list of approved activities including heritage farm equip. displays, farm tours, educational or demonstration of farm operations, rides (tractor, etc.), activities that promote or market livestock, harvest festivals, etc.)	Consider adding a 'agri-tourism' definition and regulations in A zone to harmonize with ALC Regulation by defining and restricting use.
<b><i>Agri-Tourism Accommodation</i></b>	Not a permitted use in the A zone.	ALC Act – A permitted farm use. Must be in relation to <i>Agri-Tourism Activity</i> ; total developed area 5% of parcel; 10 units maximum; seasonal or short-term.	Consider amending the A zone to harmonize with ALC Regulation by defining and restricting agri-tourism accommodation use.

	<b>Agriculture (A) Zone</b>	<b>ALC Policy &amp; Regulations</b>	<b>LUB - Regulatory Options</b>
<b>Home Business (Occupation)</b>	Yes - Home business is permitted in the A zone with a maximum floor area of 65 m <sup>2</sup> .	Policy L-07: Permitted as a non-farm use up, accessory to residential or farm use on the property and a maximum area of 100 m <sup>2</sup> or maximum by Local Government (whichever is less) Further limits on facilities (no daycares, preschool/schools, group homes and health and community care facilities) and size	Consider amending the General Regulations (size and types) to be consistent with ALC for Home Business and Home Industry in ALR
<b>Farm Retail Sales</b>	Yes - permitted as a home business but provided that at least 70% of the goods or products for sale are produced, processed or repaired as part of the home business	Policy L-02 A permitted farm use. If all products originate or are produced on the farm on which the sales are taking place, there is no limitation for the retail sales area. Thresholds if farm or non-farm products offered for sale originate elsewhere, there is a retail sales area limitation (based on origin - max. 300 m <sup>2</sup> )	Consider adding definition of 'farm retail sales' and add regulations to align with ALC (farm retail sales must not exceed 300 m <sup>2</sup> ).
<b>'Farm Use'</b>	Definition in LUB	'Farm Use'	Amend definition to harmonize with ALC definitions for 'farm use' and allowable uses.

### Shipping containers

The South Pender LUB does not currently regulate the density or use of shipping containers. Shipping containers are permitted on South Pender as they are considered a structure, and must meet the siting regulations (setbacks, floor area, lot coverage, height, etc.) of that zone. Due to the concern of the possible proliferation of shipping containers on properties, specifically on residential properties, the LTC may want to regulate the maximum number of shipping containers permitted on a lot and require vegetative screening. The following LTC should consider the following points:

- Differentiate the density of shipping containers for different zones. For example, the LTC may want to limit the number of shipping containers on residential lots to two (2) whereas have a higher limit, or no limit for agricultural properties.
- Determine the type of screening required, if any. The South Pender LTC outlines the following requirements for vegetative screening:

Subsection 3.9(1) - *Where vegetative landscape screening is required by this Bylaw, it shall be provided in the form of:*

*(a) Existing vegetation of the required height that provides a complete visual screen between the uses being separated in all seasons of the year; or,*

*(b) A row of drought-tolerant evergreen plants that will attain the required height, planted and maintained continuously so as to provide a complete visual screen in all seasons of the year between the uses being separated; and such screening.*

Subsection 3.9(1) could be required for all shipping containers or could be required only for shipping containers in certain zones, or abutting certain zones.

#### Setback to the natural boundary of the sea -Stairways

Currently the South Pender Land Use Bylaw No. 114 exempts stairways from complying to the setback from the natural boundary of 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”.

The following are options or items to consider with regards to regulating stairways within the natural boundary of the sea:

- Currently regulations do not regulate size (width or length) of stairways permitted within the setback from the natural boundary of the sea;
- The LUB does not regulate best practices for stairway construction in terms of vegetation retention, location of stairway, sensitive ecosystems and land alteration. Best practices to construct stairways are best regulated through the Development Permit process.
- Reviewing stairway regulations and best practices may be better addressed through the Shoreline Review project.

As per direction from the LTC, staff requested the South Pender Advisory Planning Commission (APC) to consider implications of stairways located within the setback from the natural boundary of the sea and has expressed concern with stairways located within steep slope hazard areas along the foreshore. The South Pender APC provided the following resolutions at their June 20, 2021 meeting:

#### **SP-APC-2021-006**

##### **It was Moved and Seconded,**

That the South Pender Island Advisory Planning Commission recommends to the South Pender Island Local Trust Committee that the Advisory Planning Commission be given the opportunity to review the latest draft, in preparation for a finalized version of the proposed guidelines with the opportunity then for greater public transparency and input in respect of the complicated discussion that is going to honor the history of the development on South Pender with the acknowledgement that we live in the present.

**CARRIED**

#### Other minor, technical amendments

Staff will review the LUB to correct any numbering errors, incorrect legislation references, or other technical amendments.

#### **Consultation**

Staff are recommending early consultation with community members beyond what is required by statutory requirements. The LTC should consider scheduling a Community Information Meeting in the fall, as indicated on the Project Charter, as the project proceeds.

## Statutory Requirements

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

## Rationale for Recommendation

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

## ALTERNATIVES

### 1. Request further information

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

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

### 2. Reconsideration of project

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

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

### 3. Receive for information

The LTC may receive the report for information

## NEXT STEPS

Next steps include:

- Provide further recommendations to the LTC based on discussion from the July 9, 2021 LTC meeting.
- Provide options to the LTC for public engagement for the Fall.

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



File No.: SP Minor OCP Amendments  
Project

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

## RECOMMENDATION

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

## REPORT SUMMARY

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

## BACKGROUND

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

### **SP-2021-043**

#### **It was Moved and Seconded,**

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

**CARRIED**

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

## South Pender APC

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

### **SP-APC-2021-006**

#### **It was Moved and Seconded,**

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

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

**CARRIED**

**SP-APC-2021-006**

**It was Moved and Seconded,**

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

**CARRIED**

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

**ANALYSIS**

***Official Community Plan:***

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

Building Design & Siting Guidelines

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

- 1.2.1 To maintain the island's rural character so community members and visitors may continue to enjoy a sense of tranquillity, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment;
- i. To ensure land use, development, and associated servicing are compatible with the rural island character and that their growth is gradual and sustainable.

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

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

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

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

#### First Nations OCP Language

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

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

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

#### Rights of Nature policy

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

1. Add an introductory statement to the OCP:

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

*The South Pender Official Community Plan (OCP), maintains that “South Pender Island and its community are an expression of the cumulative interactions of people and the island’s environment. The goals of the OCP are intended to act as focal points in protecting and maintaining the rural island character and natural features so valued by South Pender Island residents, property owners, and visitors.” To achieve this goal the OCP calls for “for leadership in stewardship – that is, voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area.” One of the policies to realize this goal is “the concept that land use and development should be compatible with the inherent capacity of the island.” This in itself, recognizes a person’s right to a healthy environment.*

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

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

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

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

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

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

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

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

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

*g) Promote environmental education and respect for environmental values;*

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

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

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

### **Land Use Bylaw:**

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

### **Project Charter**

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

Table 1 – Project Timeline

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

### Consultation

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

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

### Statutory Requirements

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

### Rationale for Recommendation

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

### ALTERNATIVES

#### 1. Request further information

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

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

#### 2. Reconsideration of project

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

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

### 3. Receive for information

The LTC may receive the report for information

### NEXT STEPS

Next steps include:

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

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

### ATTACHMENTS

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

## South Pender Island Building Design & Siting Guidelines (DRAFT)

### Vision Statement:

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

- 2.2.1 To maintain the island's rural character so community members and visitors may continue to enjoy a sense of tranquility, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment;
- 2.2.4 To ensure land use, development, and associated servicing are compatible with the rural island character and that their growth is gradual and sustainable.

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

### Purpose:

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

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

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

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

## **Objectives:**

### Buildings:

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

Diversity of architectural styles is encouraged:

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

Simple and restrained character:

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

Building scale and design integrity:

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

Architectural details:

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

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

#### Landscape:

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

#### Hard surfaces and paving materials:

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

#### Fencing:

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

#### **Design Guidance:**

##### Siting:

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

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

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

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

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

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

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

#### Principles of Design:

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

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

3. Be consistent within an individual building:

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

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

The Design Process:

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

Stage 1: Define the objectives

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

Stage 2: Assess the site

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

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

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

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

### Stage 3: Produce a concept

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

### Designing the right house for the right site:

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

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

The following characteristics should be central to the design process;

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

### **Conclusion:**

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

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

The South Pender Official Community Plan (OCP), maintains that “South Pender Island and its community are an expression of the cumulative interactions of people and the island’s environment. The goals of the OCP are intended to act as focal points in protecting and maintaining the rural island character and natural features so valued by South Pender Island residents, property owners, and visitors.” To achieve this goal the OCP calls for “for leadership in stewardship – that is, voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area.” One of the policies to realize this goal is “the concept that land use and development should be compatible with the inherent capacity of the island.” This in itself, recognizes a person’s right to a healthy environment.

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

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

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

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

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

<https://therightsofnature.org/>



# Top Priorities Report

## South Pender Island

1. <i>Land Use Bylaw Amendments Project</i>	Responsible	Dates
Potential amendments: 1. Maximum floor area 2. Setback Review 3. Agricultural Regulations 4. Shipping containers 5. Minor and technical amendments	Kim Stockdill	Rec'd: 09-Apr-2021 Target: 30-Sep-2022
2. <i>Minor OCP Amendments</i>	Responsible	Dates
Building Design & Siting Guidelines, FN OCP Language, and Rights of Nature statement	Kim Stockdill	Rec'd: 09-Apr-2021 Target: 30-Sep-2022
3. <i>Coastal Review Project</i>	Responsible	Dates
Initial community consultation prior to LTC direction to proceed		Rec'd: 09-Apr-2021



## 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. *Building and Siting Guidelines*

Responsible

Date Received

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

31-Jan-2020

### 5. *Groundwater Sustainability Project*

Responsible

Date Received

Phase 3

09-Apr-2021



## Applications

File Number	Applicant Name	Date Received	Purpose
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**Planner:**

**Planning Status**

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### South Pender Island

Resolution Number	Action	Date
<p><b>2020-015 (Standing)</b></p> <p>that South Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections of other issues or if it is reliably reported to the officer that such activity may be taking place.</p>	Carried	04-Jun-2020
<p><b>2019-015 (Standing)</b></p> <p>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:</p> <ul style="list-style-type: none"> <li>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;</li> <li>b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;</li> <li>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;</li> <li>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;</li> <li>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.</li> </ul>	Carried	06-Sep-2019
<p><b>2019-014 (Standing)</b></p> <p>that the South Pender Island Local Trust Committee endorse the Model Cell Tower Strategy.</p>	Carried	06-Sep-2019



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
<p><b>2019-001 (Standing)</b></p> <ul style="list-style-type: none"> <li>- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.</li> <li>- 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.</li> <li>- The public consultation process shall be determined by the local trust committee after initial review of the proposal.</li> <li>- The proposed license should also be referred to First Nations for comment.</li> <li>- 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: <ul style="list-style-type: none"> <li>o Name of the applicant and a description of the proposal in general terms</li> <li>o The location of the proposed establishment and the subject site</li> <li>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.</li> <li>o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application</li> <li>o How public comments may be submitted to the local trust committee.</li> </ul> </li> </ul>	Carried	01-Feb-2019
<p><b>2015-015 (Standing)</b></p> <p>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.</p>	Carried	28-Apr-2015
<p><b>2010-000 (Standing)</b></p> <p>Send FUAL to trustees once drafted following the meeting.</p>	Carried	05-Oct-2010
<p><b>2006-012 (Standing)</b></p> <p>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.</p>	Carried	23-May-2006



# ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY, CC TO EXECUTIVE May 25, 2021

## HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY BOARD MEETING (OPEN PORTION)

*Islands Trust Conservancy has made changes to the format of this report to make its production and delivery more efficient. For more detail on Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>*

### 1. ORGANIZATION UPDATES/TEAM

- Islands Trust Conservancy Manager Kate Emmings introduced the board to Islands Trust Conservancy's newest staff member: Conservation Technician Co-op Student Devin Hentschel. The Conservation Technician role will assist Islands Trust Conservancy Covenant and Outreach Specialist Jemma Green and Property Management Specialist Nuala Murphy with covenant and property monitoring this summer. Devin Hentschel is a fourth-year student at the University of Victoria, majoring in Biology and minoring in Anthropology, has a passion for environmental and wildlife conservation, and is interested in citizen science projects that aim to involve, support, and collaborate with First Nations.

### 2. STRATEGIC PLANNING/ADMINISTRATION

- Islands Trust Senior Policy Advisor Dilani Hippola presented information on the Islands Trust Policy Statement Amendment Project, confirming that the board would be able to provide a written response after first reading by Trust Council, and emphasizing that it is a living document that will continue to change and evolve over time, with more frequent (e.g., annual) reviews. The board suggested that the project and document re-write focus more on the importance of *island* biodiversity and ecology (as opposed to biodiversity, in general). It was noted that Ecosystem Protection Specialist Kathryn Martell contributed substantively to the current draft, as did Islands Trust Conservancy Manager Kate Emmings. It was also noted that Islands Trust Conservancy is not subject to the Policy Statement as it operates under a separate Five-year Plan. While there are some references to the Conservancy in the current draft, it is not included in the policy directives.

### 3. COVENANT AND PROPERTY ACQUISITIONS

- Islands Trust Conservancy approved a Morrison-Waxler Biodiversity Protection Legacy Fund Grant of \$5,500 for survey and baseline report costs for a NAPTEP covenant on lands owned by Lisa Baile and Peter Paré, of North Pender Island. The Morrison-Waxler Biodiversity Protection Legacy Fund Grant Program is only available on North and South Pender and is available to landholders who wish to place conservation covenants on their lands.



## ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY, CC TO EXECUTIVE May 25, 2021

### 4. COVENANT AND PROPERTY MANAGEMENT

- The Islands Trust Conservancy Board reviewed a number of updates to the Crystal Mountain Society proposal to create a new nature reserve on Galiano Island as part of a rezoning process with the Galiano Island Local Trust Committee. The board passed several resolutions and forwarded them to the applicant.<sup>1</sup>
- The Islands Trust Conservancy Manager and Covenant and Outreach Specialist outlined the Sidney Island Ecological Restoration Plan to the board, who noted that the plan was compatible with the Islands Trust mandate and actions around First Nations reconciliation and climate change. They also noted their appreciation towards the plan's emphasis on ecosystem restoration and animal welfare.

### 5. COMMUNICATIONS AND OUTREACH

- Acting Islands Trust Conservancy Fundraising Specialist Carla Funk gave a presentation to board members on how to cultivate a culture of philanthropy, explaining why people give and describing how to inspire others through storytelling.
- The Islands Trust Conservancy Board approved a draft for the 2020/2021 Annual Report after calling for a number of slight rewording amendments, and also asked that the contents of the Annual Report be repurposed or otherwise made available to a wider audience – to which staff replied that a donor-oriented “Impact Report” version of this material was planned for publication in the near term.

### 6. FUNDRAISING AND CONSERVANCY SUPPORT

- Islands Trust Conservancy approved two Opportunity Fund Grants: one of \$4,000 to be awarded to the Denman Conservancy Association, and one of \$2,500 to be awarded to the Salt Spring Island Water Preservation Society.

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<sup>1</sup> Islands Trust Conservancy Manager Kate Emmings left the meeting for the Crystal Mountain Society application due to a previously declared conflict of interest.