



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: March 4, 2022
Time: 11:00 am
Location: Electronic Meeting

		Pages
1.	CALL TO ORDER	11:00 AM - 11:00 AM
2.	RISE AND REPORT - In-Camera February 4, 2022 Meeting By general consent the LTC chose not to appoint an APC for the balance of the term, however consideration may be given to opportunities for working groups.	
3.	APPROVAL OF AGENDA	11:00 AM - 11:05 AM
4.	TRUSTEE REPORT	11:05 AM - 11:15 AM
5.	CHAIR'S REPORT	11:15 AM - 11:20 AM
6.	TOWN HALL AND QUESTIONS	11:20 AM - 11:35 AM
7.	COMMUNITY INFORMATION MEETING	11:35 AM - 12:35 PM
7.1.	Land Use Bylaw Amendment Project	
8.	PUBLIC HEARING None	
9.	MINUTES	12:35 PM - 12:45 PM
9.1.	Local Trust Committee Minutes Dated February 4, 2022 (for Adoption)	3 - 10
9.2.	Section 26 Resolutions-without-meeting - None	
9.3.	Advisory Planning Commission Minutes - None	
10.	BUSINESS ARISING FROM THE MINUTES	
10.1.	Follow-up Action List Dated Feb 2022	11 - 12
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** 12:45 PM - 1:45 PM
 - 14.1. LUB Amendments Project – Staff Report (attached) 13 - 30
 - 14.2. Minor OCP Amendments Project – Staff Report (attached) 31 - 42
 - 14.3. Shoreline Review – Draft Discussion Paper (attached) 43 - 59
15. **REPORTS** 1:45 PM - 1:55 PM
 - 15.1. Work Program Reports (attached)
 - 15.1.1. Top Priorities Report Dated Feb 2022 60 - 60
 - 15.1.2. Projects List Report Dated Feb 2022 61 - 61
 - 15.2. Applications Report Dated Feb 2022 (attached) 62 - 63
 - 15.3. Trustee and Local Expense Report Dated Dec 2021 (attached) 64 - 64
 - 15.4. Adopted Policies and Standing Resolutions (attached) 65 - 67
 - 15.5. Local Trust Committee Webpage
 - 15.6. Islands Trust Conservancy Report - None
16. **NEW BUSINESS**
17. **UPCOMING MEETINGS**
 - 17.1. Next Regular Meeting Scheduled for May 6, 2022 at the South Pender Fire Hall, Pender Island
18. **TOWN HALL** 1:55 PM - 2:10 PM
19. **CLOSED MEETING**

None
20. **ADJOURNMENT**



DRAFT

Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee

South Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: February 4, 2022
Location: Electronic Meeting

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

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Thorn reported that he has heard from many community members about the impact that reduced ferry schedule has had on people who need to travel to Vancouver. He also reported that the Canal Road lane closure is impacting community members. He reported that discussion with the Ministry of Transportation & Infrastructure and Parks Canada indicate that temporary improvements to the system may be forthcoming and that a permanent solution is in the works.

Trustee Wright reported that there will be a 2-day power outage scheduled related to repairs at the DIP the following week.

4. CHAIR'S REPORT

Chair Patrick provided a report including the following points:

- A preliminary Budget is open for public comment until February 6, 2022;
- Policy Statement public engagement is forthcoming;
- Encouraged the public to subscribe to the Islands Trust website; and
- Trust Council will be held March 8-10, 2022.

5. TOWN HALL AND QUESTIONS

Donna Spalding provided comments, including the following:

- Recommended that the LTC work to provide agenda packages further in advance so that the community can have time to review the large packages;
- It was noted in the agenda package that a mail out related to Short Term Vacation Rentals (STVR) was sent, however her residence did not receive it;
- The Land Use Bylaw (LUB) project has not yet included fulsome community consultation on some matters such as side lot line setbacks. She encouraged greater consultation and public information meetings; and
- Concern for losing power for 2 days in a row and the impact that it will have on the community.

Gordie Duncan provided remarks including the following:

- Spoke against increasing setbacks and encouraged the LTC to review the statistics he forwarded to better understand the impact that this would have on properties; and
- Spoke against limiting maximum house size and encouraged the LTC to reconsider further reducing those maximum house sizes.

Rebecca (last name not provided) provided remarks on the STVR application. She expressed concern and encouraged that LTC to address a need for on-site oversight, regulation of water consumption, noise complaints, and overcrowding of smaller residences.

Trustee Thorn noted that he will be recusing himself from discussion of 12.1 SP-TUP-2021.1 (Ellis). A discussion was held and there was general agreement that members of the community will be invited to speak to item 12.1 SP-TUP-2021.1 (Ellis).

Liz (last name not provided) encouraged the LTC to share their rationale for allowing so many STVRs within the small population, that the LTC not allow absentee owners to host STVRs, and that better, broader, and earlier notification be provided to neighbours.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Adopted Local Trust Committee Minutes Dated November 5, 2021 (for Information)

Chair Patrick noted that the minutes of November 5, 2021 had been adopted.

8.2 Local Trust Committee Special Meeting Minutes Dated January 20, 2022 (for Adoption)

By general consent the Local Trust Committee meeting minutes of January 20, 2022 were adopted.

8.3 Section 26 Resolutions-without-meeting Dated January 2022

Received for information.

8.4 Advisory Planning Commission Minutes - None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated Jan 2022

Planner Stockdill provided an overview of the STVR project including next steps for notification through the email alert system.

10. DELEGATIONS

None

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

12.1 SP-TUP-2021.1 (Ellis) - Staff Report

Note: Trustee Thorn recused himself from the discussion due to his residence's proximity to the applicant residence.

Planner Testemale provided an overview of the application including the following points:

- Applicant's rationale for application;
- Confirmation that the guidelines for application have been met;
- Overview of impact on environment and neighbours;
- Correspondence both in favour and against the application; and
- Staff recommendations and potential conditions that the LTC could impose.

Chair Patrick invited the applicant, Catherine Ellis, to address the LTC.

Catherine Ellis provided an overview of her family's intent in operating an STVR and the mitigation efforts in place to address community concerns with STVRs.

A discussion was held regarding neighbour concerns and the mitigation efforts in place by the applicant. Further discussion was held regarding the volume of correspondence against the application.

SP-2022-006

It was Moved and Seconded,

that the South Pender Island Local Trust Committee deny application SP-TUP-2021.1 (Ellis).

CARRIED

Trustee Wright noted that the application appeared thoughtful and reasonable. He encouraged the community surrounding the applicant property and the applicant to try to come together and resolve the outstanding concerns.

Note: Trustee Thorn rejoined the meeting at this time.

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 South Pender Island Local Trust Committee Fees Bylaw No. 124 (for consideration)

Regional Planning Manager (RPM) Kojima provided an overview of the bylaw including the rationale for the new fee structure and the process moving forward should the LTC choose to adopt the bylaw.

A discussion was held regarding the relationship between the proposed fees, the actual costs, and opportunities for each LTC to vary the fee rates at the time of adoption. Further discussion was held regarding the costs that are involved in processing applications.

SP-2022-007

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw No. 124, cited as “South Pender Island Local Trust Committee Fees Bylaw, 2021”, be given First Reading

CARRIED

SP-2022-008

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw No. 124, cited as “South Pender Island Local Trust Committee Fees Bylaw, 2021”, be given Second Reading.

CARRIED

A discussion was held regarding opportunities to amend the application cost.

SP-2022-009

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw No. 124, cited as “South Pender Island Local Trust Committee Fees Bylaw, 2021”, be given Third Reading.

CARRIED

SP-2022-010

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw No. 124, cited as “South Pender Island Local Trust Committee Fees Bylaw, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

13.2 LUB Amendments Project – Staff Report

Planner Stockdill provided an overview of the amendments requested by the LTC at a previous meeting and the manner by which these amendments were incorporated into the document.

Planner Stockdill also provided an overview of errors in the previous draft that should be corrected and the recommendations provided by the Agricultural Land Commission.

A discussion was held, including the following points:

- Relationship among STVR regulations, agritourism accommodations, and the LUB. It was noted that the LTC would like to receive additional feedback from local farm owners on this matter during the upcoming community information meetings;
- Community feedback on increasing side yard setbacks, rationale for considering the increase, and opportunities for mitigating the creation of legal non-conforming status;
- Rationale for limiting residential sizes to protect rural character, water consumption, affordable house values, etc;
- Rationale for calculating floor area based on internal square footage; and
- Inclusion or exclusion of pump houses in larger setbacks.

An alternative option for limiting residential house size per hectare and the number of homes currently in existence exceeding those limits were discussed. The recommendation was that properties be limited as follows:

- 0.5 hectare with maximum of 2500 square feet;
- 1 hectare with a maximum of 3000 square feet; and
- >1 hectare with a maximum 3500 square feet.

A discussion of how to accommodate properties that would otherwise be rendered legal non-conforming due to dwelling size or setback was held. Staff shared an example of the clause being considered by the North Pender Local Trust Committee and there was general consensus in support of considering use of this clause.

By general consent, the LTC requested that staff return to the March 2022 meeting with a revised table for maximum dwelling size.

A discussion of shipping container regulations was held. It was decided that the bylaw allow one container per acre to a maximum of three containers. It was noted that the shipping containers would be subject to all screening, setback, and total floor area regulations.

SP-2022-011

It was Moved and Seconded,

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

CARRIED

SP-2022-012

It was Moved and Seconded,

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

CARRIED

13.3 Minor OCP Amendments Project – Staff Report

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

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

A discussion was held.

SP-2022-013

It was Moved and Seconded,

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

CARRIED

SP-2022-014

It was Moved and Seconded,

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

CARRIED

14. REPORTS

14.1 Work Program Reports (attached)

14.1.1 Top Priorities Report Dated Jan 2022

Received for information.

14.1.2 Projects List Report Dated Jan 2022

Received for information.

14.2 Applications Report Dated Jan 2022

Received for information.

14.3 Trustee and Local Expense Report Dated Nov 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 Dated November 2021

Received for information.

15. NEW BUSINESS

15.1 Shoreline Protection Model Bylaw Report – Briefing

Received for information.

15.2 Raptor Nest Site Map Update

The LTC discussed a recommendation to support David Manning to update the raptor nesting map and the best way to create a new project.

SP-2022-015

It was Moved and Seconded,

that the South Pender Local Trust Committee add “Update of raptor nest map” to the projects list.

CARRIED

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for March 4, 2022 at the Fire Hall, Pender Island

17. TOWN HALL

John (last name not provided) provided remarks on reduction of total dwelling size allowed on properties. He requested that the LTC consider whether the limitations are arbitrary, whether the LTC could be challenged legally for devaluation, and whether the LTC has considered that larger houses may not consume additional water resources.

Gordie Duncan spoke against maximum dwelling size restrictions and the process by which the OCP amendments are being introduced.

John (last name not provided) requested and received information on the public notification process and legislative requirements.

A discussion was held regarding community consultation, including challenges of consultation during the pandemic, volume of consultation to date, and opportunities to improve notification.

18. CLOSED MEETING (Distributed Under Separate Cover)

18.1 Motion to Close the Meeting

At 2:15 pm Chair Patrick noted that the LTC would be entering a closed session and that they would not be returning to an open session this meeting.

SP-2022-016

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)(a)(d) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated May 7, 2021; and
- Appointment of Advisory Planning Commission Members

AND that the recorder and staff attend the meeting.

CARRIED

19. ADJOURNMENT

By general consent the meeting was adjourned at 2:30 pm.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder



Follow Up Action Report

South Pender Island

05-Nov-2021

Activity	Responsibility	Dates	Status
1 13.1 LTC adopted Bylaws No. 119 & 120 for STVR project. Staff to send out notice to SP email subscriber list to inform adoption of bylaws and registry list.	Jas Chonk Kim Stockdill Robin Ellchuk	Target: 17-Dec-2021	Completed
2 13.2 Shoreline Review Project 1. Project Charter adopted for Option No. 2 Comprehensive Review. Post PC to project webpage (DONE) 2. Staff to report back to LTC with Discussion Paper.	Kim Stockdill Robert Kojima	Target: 25-Feb-2022	Completed

04-Feb-2022

Activity	Responsibility	Dates	Status
1 8.2 SP LTC Special Meeting dated January 20, 2022 adopted as is.	Robin Ellchuk	Target: 18-Feb-2022	Completed
2 12.1 SP-TUP-2021.1 (Ellis) - Application denied. Staff to notify applicant and close file.	Phil Testemale Sylvia Oliver	Target: 25-Feb-2022	In Progress
3 13.1 SP LTC Fees Bylaw No. 124 1. Given First, Second and Third Reading. 2. Forward to EC for approval.	Jas Chonk Robert Kojima	Target: 25-Feb-2022	In Progress
4 13.2 LUB Amendment Project 1. CIM scheduled for March 4th electronic LTC meeting. 2. Staff to amend draft LUB bylaw.	Jas Chonk Kim Stockdill Robin Ellchuk	Target: 25-Feb-2022	Completed

Follow Up Action Report

South Pender Island

04-Feb-2022

Activity	Responsibility	Dates	Status
5 13.3 Minor OCP Amendments Project 1. Schedule CIM and Public Hearing for May 6th LTC meeting. 2. Staff to create additional OCP amendment bylaw for Rights of Nature and refer to FN. (DONE)	Jas Chonk Kim Stockdill Robin Ellchuk	Target: 29-Apr-2022	In Progress
6 14.1.2 Staff to add "Raptor Nests Mapping" to Projects List.	Kim Stockdill	Target: 18-Feb-2022	Completed
7 18.1 In Camera 1. May 7, 2021 minutes adopted. 2. No APC appointments at this time - Notified members that had re-applied via email on Feb 14/22.	Jas Chonk Robin Ellchuk	Target: 25-Feb-2022	Completed

DATE OF MEETING: March 4, 2022
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: SP LUB Amendments Project – Draft Bylaw No. 122

RECOMMENDATION

1. That the South Pender Island Local Trust Committee amend draft Bylaw No. 122 by amending the Groundwater Protection Regulation Section 3.14 to include a cottage as a new building.
2. That the South Pender Island Local Trust Committee Bylaw No. 122, cited as the “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” as amended be read a first time.
3. That the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021”, is not contrary to or at variance with the Islands Trust Policy Statement.
4. That the South Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting and a Public Hearing for proposed Bylaw No. 122.

REPORT SUMMARY

The purpose of this report is to present the amended draft bylaw for the Land Use Bylaw (LUB) Amendments project. The amended draft bylaw is attached (Attachment No. 1) for the South Pender Island Local Trust Committee’s (LTC) consideration and the Islands Trust Policy Statement is attached (Attachment No. 2) for the LTC’s review. The staff report also outlines amendments to the draft bylaw as recommended by the Agricultural Land Commission (ALC).

BACKGROUND

At the February 4, 2022 regular LTC meeting, the LTC passed the following resolutions:

By general consent, the LTC requested that staff return to the March 2022 meeting with a revised table for maximum dwelling size.

SP-2022-011

It was Moved and Seconded,

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

CARRIED

SP-2022-012**It was Moved and Seconded,**

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

CARRIED

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/>

ANALYSISMaximum Floor Area

The following table shows the proposed new regulations for maximum floor area in the Rural Residential 1, 2, and 3 zones as currently shown in the draft LUB amendment bylaw (Attachment No. 1):

**Table 1 – Proposed Floor Area Regulations in the draft LUB Amending Bylaw No. 122
(5 Lot Area Groups)**

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	255 m ² (2750 ft ²)
0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000 ft ²)	348 m ² (3750 ft ²)
0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000 ft ²)	372 m ² (4000 ft ²)
1.6 ha to 3.99 ha (4 to 10 acres)	836 m ² (9000 ft ²)	418 m ² (4500 ft ²)
4.0 ha (10 acres) or greater	1858 m ² (20000 ft ²)	465 m ² (5000 ft ²)

At the February 4, 2022 the LTC discussed the option to revise the table by reducing the lot area groups from five (as seen above) to three groups:

**Table 2 – Possible Floor Area Regulations for Draft Bylaw No. 122
(3 Lot Area Groups)**

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.5 ha (1.24 acres)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)
0.5 ha to 0.99 ha (1.24 acres to 2.46 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)
1.0 ha (2.47 acres) or greater	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)

In addition, the LTC requested an option for a table that reflects the same lot area groups as displayed in the North Pender Land Use Bylaw. Table no. 2

**Table 3 – Possible Floor Area Regulations for Draft Bylaw No. 122 based on NP LUB Lot Area Groups
(4 Lot Area Groups)**

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed*:	Proposed max. floor area from draft NP LUB Bylaw (for comparison)
Less than 0.4 ha (Less than 1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 1.2 ha (1 to 3 acres)	557 m ² (6000 ft ²)	265 m ² (2850 ft ²)	279 m ² (3000 ft ²)
1.2 ha to < 4 ha (3 to 10 acres)	743 m ² (8000 ft ²)	297 m ² (3200 ft ²)	325 m ² (3500 ft ²)
4.0 ha (10 acres) or greater	1858 m ² (20000 ft ²)	325 m ² (3500 ft ²)	372 m ² (4000 ft ²)

*numbers roughly based on Table 2

Based on the tables above, staff require direction from the LTC to amend the draft Bylaw No. 122 if the LTC decides to choose Table 2 or Table 3. Table 1 is currently in the draft LUB Bylaw No. 122. Staff have included a blackline version of the draft LUB bylaw based on amendments proposed to the Rural Residential zones using Table 1 (all amendments are noted in red in the blackline version – Attachment No. 2).

Legal Non-Conforming

The LTC requested staff to provide an option for an additional legal non-conforming clause based on the clause from the North Pender draft Land Use bylaw. The following statement could follow after the new maximum floor area regulations

“Despite Subsection 5.1.X [new maximum floor area regulations], on a lot that contains a legal dwelling constructed prior to the adoption of this bylaw, a replacement dwelling may constructed, or the existing dwelling re-constructed or altered, provided the floor area of the replacement, re-constructed or altered dwelling does not exceed the floor area of the dwelling on the lot at the time of the adoption of this bylaw.”

A similar clause can be added after the more restrictive interior and exterior setbacks for a new dwelling or cottage:

“Despite Subsection 5.1.X [new setback regulations for dwellings and cottages], on a lot that contains a legal dwelling constructed prior to the adoption of this bylaw, a replacement dwelling may constructed, or the existing dwelling re-constructed or altered, provided the replacement, re-constructed or altered dwelling does not project further into the setback as constructed a the time of the adoption of this bylaw.”

Staff note that these two clauses are not necessary as the draft LUB amendment bylaw legally permits the floor area and siting of a dwelling and cottage constructed prior to the adoption of draft Bylaw No. 122.

Shipping Containers

At the February 4, 2022 LTC meeting, the LTC requested staff to amend the draft bylaw to include regulations to permit shipping containers as a permitted accessory use. The draft bylaw includes regulations (see Section 2.6 in draft bylaw) that would allow one shipping container on properties less than 1.9 acres in area, two shipping containers on properties 2 acres to 2.9 acres in area, and 3 shipping containers on properties with an area of 3 acres or more. All shipping containers must be screened in compliance with Section 3.9 'Landscaping Screening' of the South Pender Land Use Bylaw.

Groundwater Protection Regulation

The South Pender LUB currently includes a groundwater protection regulation that requires a rainwater catchment system for new dwellings:

"3.14 Groundwater Protection

(1) A building permit shall not be issued for a new building to be used as a dwelling on a lot in the RR(1), RR(2) or RR(3) zones unless a building on the lot is equipped with a rainwater catchment system and cistern(s) for the storage of rainwater with a minimum cistern capacity of 9,000 litres (1980 gallons)."

There have been a number of interpretation issues with the regulation above. They are:

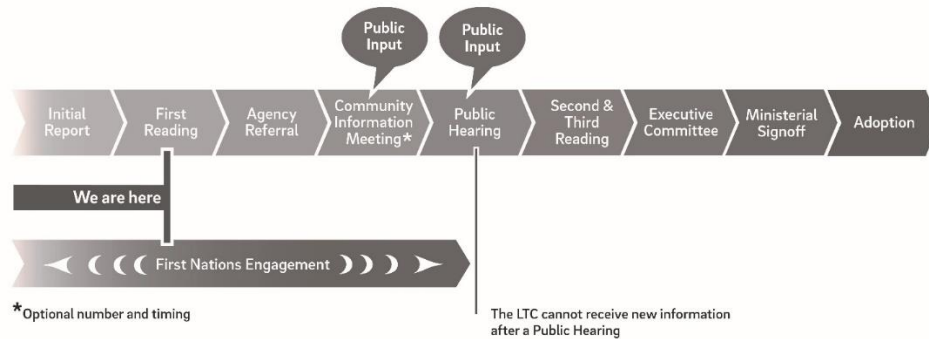
- Clarify if 'a dwelling' includes a cottage. Staff's interpretation based on the definition of a cottage is that since a cottage is a dwelling, a cottage would trigger the requirement for a rainwater catchment system. If so, the regulation should be amended to make it more clear that Section 3.14 is also applicable to a cottage. Staff have provided a resolution under Recommendation No. 1.
- Confirm that one rainwater catchment system of 9,000L on the subject property satisfies Section 3.14. For example, if a rainwater catch system with a capacity of 9,000L or greater is already installed on a building on the lot, a second system would not be required. If the LTC agrees with this interpretation, no further amendments (other than the one above) are required to Section 3.14.

Timeline

Staff recommend the following timeline for the LUB Amendment project:

- March 4, 2022 regular LTC meeting:
 - LTC holding **CIM**
 - LTC to consider **First Reading of draft bylaw**
 - LTC to determine if proposed bylaw is in compliance **with current Islands Trust Policy Statement (ITPS)**
 - Staff to re-refer proposed bylaw to the ALC
 - LTC to give **direction to schedule a Community Information Meeting (CIM) and Public Hearing** at the next in person regular LTC meeting (tentatively scheduled for May 6, 2022) or as an in-person Special Meeting.
- May 6, 2022 regular LTC meeting:
 - **Formal CIM and Public Hearing is held** as part of May 6th regular meeting
 - LTC can amend proposed bylaw based on comments from the CIM and referrals
 - LTC to give **Second Reading and Third Reading**
 - LTC to refer **bylaw to EC for approval**

The above timeline is still roughly in line with the timeline on the [Project Charter](#). The graphic below provides a visual representation of a typical bylaw adoption process. As this is a Land Use Bylaw amendment, approval from the Minister of Municipal Affairs is not required.



Statutory Requirements

In accordance with regular statutory requirements, a public hearing is required for any bylaw amendment and it is normal practice to hold a Community Information Meeting (CIM) prior to that. Staff recommend scheduling a CIM and Public Hearing together so they can be held in person at the May 6, 2022 regular LTC meeting.

Islands Trust Policy Statement

The draft bylaw amendment is consistent with the policy directives of the Policy Statement. The Policy Statement Directives Checklist is included as Attachment 3 and will need to be endorsed by the LTC if the LTC gives first reading to the draft bylaw. The checklist will then be forwarded to the Executive Committee after third reading of the proposed bylaw.

Rationale for Recommendation

If the LTC agrees with the recommendations provided by the LTC, staff recommend amending the draft bylaw (if required) and then proceeding with First Reading. Further amendments to the bylaw can be made upon receipt of further referral comments up to the closing of the Public Hearing.

ALTERNATIVES

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

1. Direction to amend draft bylaw

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

That the South Pender Island Local Trust Committee amend draft Bylaw No. 122 by...

2. Request further information

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

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

3. Proceed no further

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

NEXT STEPS

Based on direction from the LTC, staff will:

- Make further amendments to the draft bylaw (if necessary),
- Present a blackline version of the amendments at the May 6th LTC meeting,
- Send out formal referral to the ALC, and
- Schedule CIM and Public Hearing.

Submitted By:	Kim Stockdill Island Planner	February 25, 2022
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Attachments:

1. Draft Bylaw No. 122 (LUB amendment) with amendments
2. Blackline version of the RR zones
3. Islands Trust Policy Statement

DRAFT

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 122

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

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

1. Citation

This bylaw may be cited for all purposes as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021”.

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

2.1 By adding the following new definitions to Section 1.1 ‘Definitions’:

““agri-tourism” means an activity referred to in Section 12 of the *Agricultural Land Reserve Use Regulation*.”

““agri-tourist accommodation” means a use accessory to a *farm use* for the purpose of accommodating commercial guests within specific structures on specific portions of a *lot* as referred to in Section 33 of the *Agricultural Land Reserve Use Regulation*.”

““farm retail sales” means the retail sale of tangible farm products grown or raised on a farm or association to which the owner of the farm belongs.”

““Farm Status” means land classified as a farm pursuant to the *(BC) Assessment Act*.”

2.2 By removing the words “floor area of 70m² or less” and replacing it with “limited floor area” in the definition of ‘cottage’.

2.3 By removing the word “outer” and replacing it with “inner” in the definition of ‘floor area’.

2.4 By removing the words “7.6 metres (25 feet)” and replace it with “15 metres (50 feet)” in Subsection 3.3(3).

2.5 By adding the following new subsection after Subsection 3.3(3) and renumbering accordingly:

“Despite Subsection 3.3(3), *buildings or structures* legally constructed prior to [insert date of Bylaw No. 122 adoption] 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”.”

2.6 By adding the following new subsections to Section 3.5 'Accessory Buildings and Structures' as follows:

- “(6) Shipping containers are a permitted accessory use on a *lot* subject to the following:
- (a) On a *lot* less than 0.8 ha (2 acre) in area, a maximum of one (1) shipping container is permitted.
 - (b) On a *lot* 0.8 (2 acres) or greater in area, but less than 1.2 ha (3 acres) in area, a maximum of two (2) shipping containers are permitted.
 - (c) On a *lot* with an area greater than 1.2 ha (3 acres), a maximum of three (3) shipping containers are permitted.
- (7) Shipping containers must be screened from neighbouring *lots*, roads, or the sea by use of landscaping screening in compliance with Section 3.9.”

2.7 By adding the words “except for a *lot* located within the Agricultural Land Reserve, the combined *floor area* must not exceed 100 m² (1076 ft²)” at the end of Subsection 3.6(4) so it reads:

‘The combined *floor area* used in all *home businesses* on a *lot*, except a *bed and breakfast*, must not exceed 65 m² (700 ft²) except for a *lot* located within the Agricultural Land Reserve, the combined *floor area* must not exceed 100 m² (1076 ft²).’

2.8 By deleting the words “Maximum *Floor Area* per *lot*” from Subsection 5.1(5) and replacing it with

“For a *lot* where a legal *dwelling* was constructed prior to [insert date of Bylaw No. 122 adoption] the following maximum *Floor Area* per *lot* apply:”

2.9 By adding a new subsection after Subsection 5.1 (5) and renumbering accordingly:

(6) For a *lot* where a *dwelling* is constructed after [insert date of Bylaw No. 122 adoption] the following maximum *Floor Area* per *lot* apply:”

✓ ✓ ✓

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000ft ²)	255 m ² (2750ft ²)
0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000ft ²)	348 m ² (3750ft ²)
0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000ft ²)	372 m ² (4000ft ²)
1.6 ha to 3.99 ha (4 to 10 acres)	836 m ² (9000 ft ²)	418 m ² (4500ft ²)

4.0 ha (10 acres) or greater	1858 m ² (20000ft ²)	465 m ² (5000ft ²)
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2.10 By adding the following new subsection after Subsection 5.1(6) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 70 m² (753 ft²).” ✓ ✓ ✓

2.11 By adding the following new subsection directly after the newly renumbered Subsection 5.1(8) and renumbering accordingly:

“Despite Subsection 5.1(8), the setback for a *dwelling* or *cottage* after [insert date of Bylaw No. 122 adoption] shall be 6.0 metres (20 ft.) from any interior or exterior *lot line*.” ✓ ✓ ✓

2.12 By removing “560 m² (6028 ft²) and replacing it with “500 m² (5382 ft²) in Subsection 5.5(9).

2.13 By removing the word “Rescinded” from Article 5.5(1)(d) and replacing it with “Accessory *agri-tourism* subject to Subsections 5.5(11) to 5.5(14);”

2.14 By adding the words “and *farm retail sales*.” after the words ‘on the same lot’ in Article 5.5(1)(e).

2.15 By adding the following new article after Article 5.5(1)(d) and renumber accordingly:

“Accessory *agri-tourist* accommodation, subject to Subsections 5.5(13) to 5.5(19), and as permitted by the Agricultural Land Commission;”

2.16 By adding the following new subsection after Subsection 5.5(9) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 90 m² (969 ft²).”

2.17 By adding the following ‘Information Note’ after the newly created Subsection 5.5(10):

“Information Note: *The maximum floor area of a dwelling or cottage located within the Agricultural Land Reserve must be compliant with the Agricultural Land Commission Act, Regulation, and any Resolution for the Agricultural Land Commission.*”

2.18 By removing the word “Rescinded” adding the following to the newly renumbered Subsection 5.5(11):

“*Farm retail sales* are permitted on a lot located within the Agricultural Land

Reserve, and the total indoor and outdoor *floor area* for the *farm retail sales* shall not exceed 300 m² (3229 ft²).

2.19 By adding the following new subsections after Subsection 5.5(11) under 'Conditions of Use' and renumber accordingly:

"5.5(12) *Agri-tourism buildings or structures* are not permitted.

5.5(13) *Agri-tourism* must be in compliance with the *Agricultural Land Reserve Use Regulation*.

5.5(14) *Agri-tourism* and *agri-tourist accommodation* are only permitted on a *lot* with *Farm Status*.

5.5(15) *Agri-tourism and agri-tourist accommodation* are only permitted on a *lot* located in the Agricultural Land Reserve.

5.5(16) *Agri-tourist accommodation* must be *accessory* to an active *agri-tourism* activity.

5.5(17) *Agri-tourist accommodation* must be *accessory* to a *farm use*.

5.5(18) *Agri-tourist accommodation buildings and structures* must not exceed a *lot coverage* of 5 percent.

5.5(9) *Agri-tourist accommodation* must not be in use for more than 180 days in a calendar year.

5.5(20) *Agri-tourist accommodation* may include associated uses such as meeting rooms and dining facilities for paying registered guests contained wholly within the *agri-tourism accommodation unit*, but may not include a *restaurant* or any commercial or retail goods and services other than those permitted by the Agriculture (A) Zone.

5.5(21) The maximum number of guests that may be accommodated in any *agri-tourist accommodation* at any one time, either alone or in combination with a *bed and breakfast*, is not to exceed 10 guests or 10 bedrooms.

2.20 By adding the following new subsection after Subsection 5.6(7) and renumbering accordingly:

"The maximum *floor area* of a *cottage* must not exceed 70 m² (753 ft²)."

2.21 By adding the following new subsection after Subsection 5.7(6) and renumbering accordingly:

"The maximum *floor area* of a *cottage* must not exceed 70 m² (753 ft²)."

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS ____ - ____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
 _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

PART 5 ZONE REGULATIONS

5.1 Rural Residential Zones

Permitted Uses

- (1) The following *uses* are permitted, subject to the regulations set out in this Section and the general regulations, and all other *uses* are prohibited:
- (a) *Dwelling*;
 - (b) *Cottage*;
 - (c) *Agriculture*;
 - (d) *Rescinded*;
 - (e) *Accessory uses, buildings and structures*, including, but not limited to, *home businesses* and roadside stands for the sale of produce grown on the same *lot*.

RR1

RR2

RR3

✓

✓

✓

✓

✓

✓

✓

✓

✓

✓

✓

✓

✓

✓

✓

Density

- (2) On a parcel less than 0.8 hectares (2 acres) in area, one (1) *dwelling* is permitted and no *cottage* is permitted.
- (3) On a parcel 0.8 hectares (2 acres) or greater in area, but less than 4.0 ha (10 acres) in area, one (1) *dwelling* and one (1) *cottage* are permitted.
- (4) On a parcel 4 hectares (10 acres) or greater in area, two (2) *dwelling*s and two (2) *cottage*s are permitted.

RR1

RR2

RR3

✓

✓

✓

✓

✓

✓

✓

✓

✓

Siting and Size

- (5) For a *lot* where a legal *dwelling* was construction prior to [insert date of Bylaw No.122] the following maximum *Floor Area per lot* apply:

RR1

RR2

RR3

✓

✓

✓

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000ft ²)	353 m ² (3800ft ²)
0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000ft ²)	418 m ² (4500ft ²)
0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000ft ²)	520 m ² (5600ft ²)
1.6 ha to 3.9 ha (4 to 10 acres)	836 m ² (9000 ft ²)	543 m ² (5845ft ²)
4.0 ha (10 acres) or greater	1858 m ² (20000ft ²)	560 m ² (6030ft ²)

- (6) For a *lot* where a legal *dwelling* is construction after [insert date of Bylaw No.122] the following maximum *Floor Area* per *lot* apply: ✓ ✓ ✓

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000ft ²)	255 m ² (2750ft ²)
0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000ft ²)	348 m ² (3750 ft ²)
0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000ft ²)	372 m ² (4000 ft ²)
1.6 ha to 3.9 ha (4 to 10 acres)	836 m ² (9000 ft ²)	418 m ² (4500 ft ²)
4.0 ha (10 acres) or greater	1858 m ² (20000ft ²)	565 m ² (5000 ft ²)

- (7) The maximum floor area of a cottage must not exceed 70 m² (753 ft²) ✓ ✓ ✓

- (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 <i>lot line</i> ; | | | |
| (b) 3.0 metres (10 ft.) from any interior side <i>lot line</i> ; | ✓ | ✓ | ✓ |
| (c) 4.5 metres (15 ft.) from any exterior side <i>lot line</i> . | ✓ | ✓ | ✓ |

- (9) Despite Subsection 5.1(8), the setback for a *dwelling* or *cottage* constructed after [insert date of Bylaw No. 122 adoption] shall be 6.0 metres (20 ft.) from any interior or exterior *lot line*. ✓ ✓ ✓

- (10) The *floor area* of any *accessory building* may not exceed 140 m² (1507 ft²). ✓ ✓ ✓

Conditions of Use

- | | | | |
|-----------------|-----|-----|-----|
| | RR1 | RR2 | RR3 |
| (11) Rescinded. | ✓ | ✓ | ✓ |

Subdivision Lot Size Requirements

- | | | | |
|---|--------|--------|--------|
| | RR1 | RR2 | RR3 |
| (12) Subject to subsection 5.1(10), the minimum and average <i>lot</i> area requirements for any <i>lot</i> created by subdivision are: | 0.4 ha | 0.8 ha | 4.0 ha |

Site-Specific Regulations

- (13) The following table denotes locations where, despite or in addition to the regulations in this Section, specific regulations apply. In the first column, the *zone* abbreviation and the lower-case letter reference the notation on the zoning map. The second column describes the location where the specific regulations set out in the third column apply:

Site-Specific Zone	Location Description	Site Specific Regulations
RR1(a)	<i>Lots 1 through 7, inclusive, of Plan VIP53829, Section 21, Pender Island, Cowichan District</i>	(a) Despite 5.1(11), the minimum <i>lot</i> area is 0.76 hectares (1.90 acres) and the average <i>lot</i> area is 1.05 hectares (2.6 acres)
RR1(b)	<i>Lots 8 and 9 of Plan VIP53829, Section 21, Pender Island, Cowichan District</i>	(a) Despite 5.1(11) the minimum <i>lot</i> area is 0.8 hectares (2 acres) and the average <i>lot</i> area is 2.3 hectares (5.7 acres)



ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: 6500-20 LUB Amendments Project

File Name: SP LTC Bylaw No. 122

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
✓	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	No.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
✓	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
✓	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
✓	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

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

File No.: SP Minor OCP Amendments
Project

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

RECOMMENDATION

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

REPORT SUMMARY

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

BACKGROUND

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

SP-2022-013

It was Moved and Seconded,

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

CARRIED

SP-2022-014

It was Moved and Seconded,

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

CARRIED

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

ANALYSIS

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

Draft Bylaw No. 126

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

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

Proposed Bylaw No. 123

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

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

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

Rationale for Recommendation

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

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

ALTERNATIVES

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

1. Direction to amend draft bylaw

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

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

2. Request further information

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

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

3. Proceed no further with draft Bylaw No. 126

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

NEXT STEPS

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

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

Attachments:

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

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 123

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

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

1. CITATION

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

2. SCHEDULES

South Pender Island Official Community Plan No. 107, 2011 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS	5 TH	DAY OF	NOVEMBER	2021.
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20__
READ A SECOND TIME THIS	_____	DAY OF	_____	20__
READ A THIRD TIME THIS	_____	DAY OF	_____	20__
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20__
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20__
ADOPTED THIS	_____	DAY OF	_____	20__

CHAIR

SECRETARY

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

SCHEDULE 1

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

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

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

S,DÁYES – wind drying

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

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

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

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

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

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

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

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

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

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

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

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

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

“PART 10 – APPENDICES

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

Vision Statement:

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

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

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

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

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

Objectives:

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

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

Guideline 1 - Principles of Design

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

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

Guideline 2 - Define the Objectives

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

Guideline 3 - Selecting a Building Site

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

Guideline 4 - Produce a Design Concept and Site Plan

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

Guideline 5 - Site Preparation

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

Guideline 6 - Landscaping

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

Guideline 7 - Hard surfaces and Paving Materials

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

Guideline 8 - Fencing

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

DRAFT

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 126

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

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

1. CITATION

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

2. SCHEDULES

South Pender Island Official Community Plan No. 107, 2011 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 20__

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20__

READ A SECOND TIME THIS _____ DAY OF _____ 20__

READ A THIRD TIME THIS _____ DAY OF _____ 20__

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____ DAY OF _____ 20__

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

ADOPTED THIS _____ DAY OF _____ 20__

CHAIR

SECRETARY

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

SCHEDULE 1

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

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

“5.1.6 South Pender Island & Rights of Nature

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

The South Pender Official Community Plan (OCP), recognizes that South Pender Island and its present community are an expression of the cumulative interactions of people and the island’s environment. The goals of the OCP are intended to act as focal points in protecting the rural character and natural features so valued by all people: Indigenous people, residents, property owners, and visitors. To achieve these goals the OCP calls for “for leadership in stewardship – that is, voluntary, cooperative actions that nurture and take responsibility for the long-term integrity of the environment and amenities of the Trust Area.” One of the associated OCP policies is “the concept that land use and development should be compatible with the inherent capacity of the island.” Indigenous people that inhabited this region since time immemorial embrace a long-range view, understanding that we all depend upon, connect to, and hold responsibility for, the sustainability of the land, waters and all species. The understanding that all species are “relatives” requires the principle of “reciprocity”; caring for, nurturing, and respect. Understanding this “way of knowing”, was learned through oral history passed down, observation, and experience through millennia. This way of knowing and understanding aligned with the Rights of Nature.

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

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

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

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

DATE OF MEETING: March 4, 2022
TO: South Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Kim Stockdill, Island Planner
SUBJECT: Shoreline Review Project – Discussion Paper

PURPOSE

The Local Trust Committee has identified a review of shoreline and marine policies and regulations as a Top Priority. In November the LTC endorsed a project charter to undertake a comprehensive review. As a first step, the LTC requested staff to prepare a discussion paper to provide background and context on the issues, and potential policies and regulations.

A draft discussion paper is attached. The LTC should review the report and provide any feedback to staff on additional information or any changes. Once completed, the discussion paper will be posted and the project can proceed with consultation.

NEXT STEPS

1. Post the discussion paper
2. First Nations early engagement

Submitted By:	Robert Kojima, Regional Planning Manger	February 18, 2022
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ATTACHMENTS

1. Discussion Paper

SOUTH PENDER ISLAND
SHORELINE REVIEW

DISCUSSION PAPER

FEBRUARY 19, 2022



Islands Trust

DRAFT

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DRAFT

Introduction

The South Pender Island Local Trust Committee (LTC) has initiated a project to review options for increased protection of South Pender's shorelines. The objectives of the project are:

- To review existing mapping and best practices
- To engage with the community
- To consult with First Nations
- To consider options to achieve shoreline protection
- To consider potential amendments to bylaws to protect shorelines, protect development and protect cultural heritage

The project could include consideration of measures to protect sensitive shoreline ecosystems and habitat, to mitigate the impacts of climate change on shoreline development, and to further the protection of cultural heritage.

In recent years, the LTC amended its Official Community Plan (OCP) and Land Use Bylaw (LUB) to only permit new private moorage (docks) by rezoning application, and the LTC is currently considering amendments to the LUB to increase the setback from the sea for buildings and structures to 15 metres from the current 7.6m.

The LTC has endorsed the following Project Work plan:

Deliverable/Milestone	Date
Project Charter endorsement by LTC, project budget request initiated	Nov 5, 2021
Draft discussion paper	Feb 2022
First Nations consultation	April – Sept 2022
Consultation with waterfront owners	April – May 2022
Community information meetings / open houses	May – July 2022
LTC review of consultation and options	Sept – Nov 2022
LTC direction to prepare draft amendments	Nov 2022
Community consultation on draft amendments	Feb – Apr 2023
Legislative process	May – Sept 2023

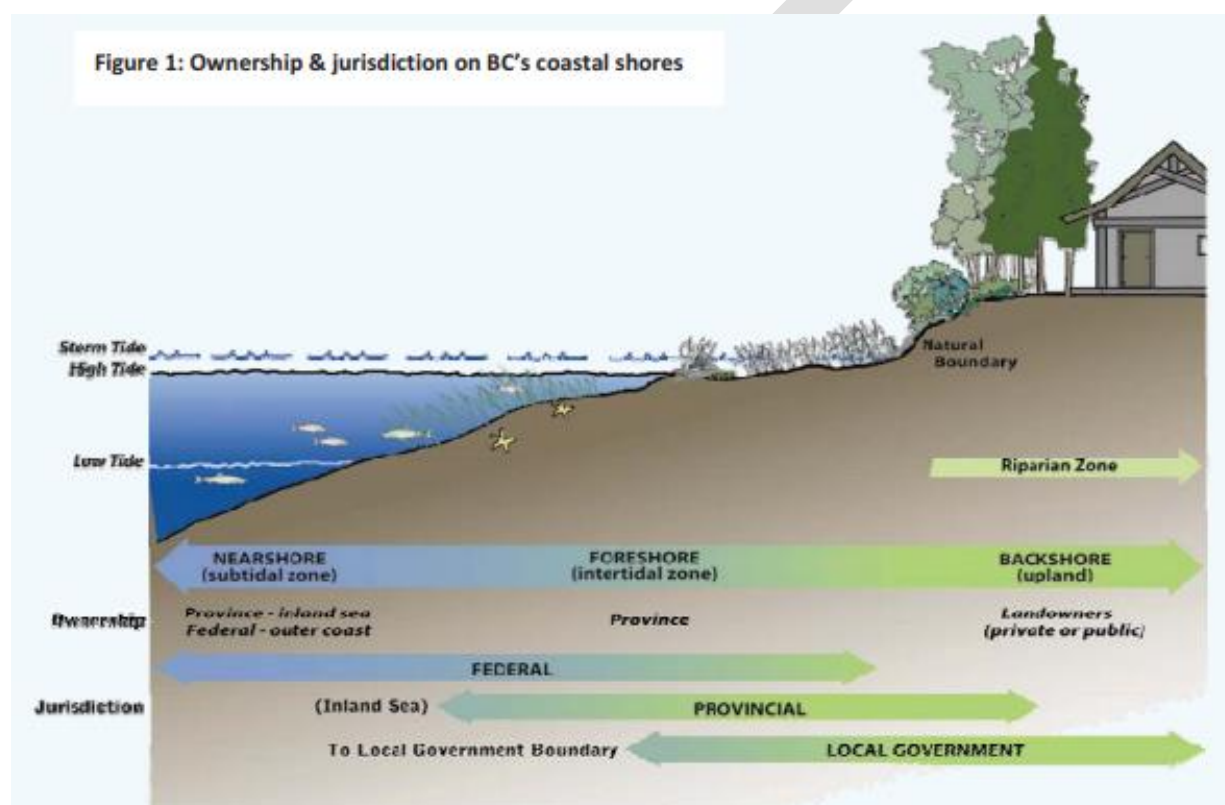
As a first step, and as a mechanism for providing background and informing discussion, the LTC has requested that planning staff prepare a discussion paper. The purpose of this paper is to provide context, analysis and technical information in order to inform community discussion and deliberation. The discussion paper includes an overview of jurisdiction, outlines existing mapping and data, identifies key issues related to marine and shoreline environments and proposes options for potential bylaw amendments. Prior to making any decision, the LTC is expected to undertake further consultation and receive advice in the form of one or more staff reports.

1. Background

This section provides background and context on jurisdiction, available resources, and existing policies and regulations related to shoreline and marine areas.

1.1. Jurisdiction

All levels of government have some role in managing coastal areas in BC and in the Trust Area. Figure 1 provides a visual representation of terminology and jurisdiction in BC's coastal areas.



Source: https://www.salishsea.ca/resources/Riparianrights/Greenshores%20JurisdictionIssueSheet_finalVer4.pdf

Local Governments, including local trust committees, have the authority to adopt plans and to regulate land use within its boundaries. In coastal areas local government boundaries extend over the surface of the water in the foreshore and nearshore out to the jurisdictional boundary. Local trust areas jurisdictions extend to the boundaries of abutting local trust areas, or to the boundaries of local governments outside the Trust Area. Land is defined in legislation to include the surface of water, and the authority delegated to local governments to regulate land use includes the power to regulate the uses on water surfaces. Local government zoning or other regulation of the surface of the water is valid and applicable only to the extent that it does not directly conflict with provincial or federal regulation, or impair core aspects of the federal jurisdiction, such as over shipping and navigation. Federally owned waters, such as ports or Marine parks, as well as the Province's own use of the water, are immune from land use regulation.

Typically local governments regulate land use in marine areas through zoning for uses such as docks, and regulating the siting and size of structures on and over the water. Local governments also administer building permits (regional districts in the Trust Area), although docks do not require building permits, some structures may. Regional districts can also operate services, such as community docks, which require tenure and are subject to zoning.

The provincial government has authority over most of the foreshore (the area between the low water level and the natural boundary of the sea) and inshore waters, specifically the Salish Sea. The province issues permits, licenses or leases for a range of tenures including: private and public moorage, wharves, marinas, aquaculture, and log storage. The most common interaction between provincial and local jurisdictions in marine areas is for private moorage (docks), where the province issues the tenure to an upland owner, but such tenure is subject to compliance with local government zoning. As part of the tenure application process, the province refers applications to local governments; local government staff review the application and confirm if the application is consistent with zoning or not. If there is a development permit area or a rezoning would be required, then tenure would be withheld until a land use permit application is approved or the rezoning is completed. Currently there is temporary moratorium on new private moorage tenures in the southern gulf islands.

The federal government has jurisdiction over offshore waters, and in all waters jurisdiction over fish and fish habitat protection and shipping and navigation, including buoys. Local government bylaws cannot infringe on federal jurisdiction by impairing the core of a federal authority, create an operational conflict with federal legislation or frustrate the purpose of federal legislation. Consequently, bylaws cannot regulate in areas of exclusive federal authority (e.g. buoys and vessel mooring), however there may be instances where a vessel's use may fall under the jurisdiction of local government bylaws, such as where a vessel is moored and used as a residence.

First Nations have authority over upland and aquatic lands within Reserves. Outside Reserves, there may be traditional or treaty rights to marine resources or can be the subject of ongoing Treaty negotiations. Provincial and federal governments have a duty to consult with First Nations on any shoreline tenure applications.

1.2. Resources

Islands Trust has a number of data sources and mapping resources that would support and inform this review project. These include, but are not limited to:

- Shoreline mapping: there are two datasets, both just over a decade old which classify shorelines and integrate other marine and shoreline data. Both shoreline unit mapping and shore zone mapping are displayed through the public [MapIT](#) application, derived maps and data are also available [here](#).
- Eelgrass, Forage fish, Bull Kelp mapping is also available for the local trust area, accessible through MapIT
- Sensitive Ecosystem Mapping identifies sensitive shoreline terrestrial ecosystems, also available through MapIT
- Coastal Douglas-fir Ecosystem Mapping: a recent initiative to identify larger areas of contiguous, largely intact ecosystems.
- Steep slope hazard: mapping of slopes into high, medium and low hazard is available on MapIT, however accuracy is reduced along shorelines due to tidal datum issues.
- Nesting trees: raptor nesting trees were mapped about a decade ago, and an initiative has been proposed to update the mapping.
- Saltwater Intrusion: preliminary mapping of areas susceptible to saline intrusion has been provided by the Province and is currently being reviewed and refined.
- Groundwater Docks/Licenses: the location of private moorage tenures is available from the province
- Development Potential: development potential (or 'build-out') mapping and analysis for South Pender was most recently undertaken in 2016
- CRD Coastal Flood plain mapping project: CRD has recently completed an initiative to provide an mapping of potential coastal flooding due to sea level rise: [Coastal Flood Inundation Mapping Project | CRD](#)
- Archaeological and Cultural Heritage: Islands Trust is in the midst of a contract to provide mapping of areas of known or potential archaeological or cultural heritage
- Specifically for South Pender, an overview of potential dock locations was completed in 1994 (the 'Atamenenko study').

1.3. Policies

Relevant specific South Pender Official Community Plan (OCP) policies include:

4.2 Marine Use Policies

- b) Docks or wharves are to be allowed in the following circumstances:
 - iv) existing private moorage for docks permitted on a site-specific basis in those areas designated as Marine (M) on Schedule "B". New applications for private moorage for docks may be considered by site-specific rezoning subject to:
 - the proposal demonstrating minimal impacts on the marine environment, including eelgrass, bull kelp, forage fish, or other important habitat;
 - the proposal demonstrating minimal impacts on upland sensitive ecosystems or habitat;
 - the proposal demonstrating no impacts on archaeological or cultural sites or resources;
 - structures being appropriately sited and of a scale to minimize visual impacts;
 - structures incorporating current best practices for dock construction;
 - consideration being given to providing for shared or common moorage; and
 - consideration being given to the cumulative impacts of private moorage.
 - d) Seawalls, breakwaters, groynes, jetties, and other structures having the effect of obstructing water movement and related natural foreshore processes are to be prohibited via zoning regulations, except the existing floating breakwater associated with the commercial marina development at Bedwell Harbour.
 - e) Foreshore with beaches suitable for public use that have public accesses to the ocean are to be kept free from development, other than that related to beach-oriented public recreational use.
 - f) The use of marine areas as a place of residence for persons is to be prohibited in the regulatory bylaws implementing this OCP.
 - j) The deposit of fill or riprap on the foreshore or the inclusion of such materials in structures sited on the foreshore is to be prohibited via zoning regulations.

5.1.3 (b) Coastal Environment Policies

- i) The protection of coastline is to be addressed by:
 - recognizing portions of coastline having natural features particularly vulnerable to development disturbance;
 - establishing zoning regulations that limit the type of development that can take place on lands within a distance 7.5 metres (25 ft.) from the natural boundary of the sea to that required for access to the shore; and
 - when the level of detail and on-the-ground accuracy allows, considering designation of those portions of coastline having natural features particularly vulnerable to development disturbance as development permit areas for the protection of the natural environment.

1.4. Regulations

The Land Use Bylaw (LUB) includes the following specific regulations related to shorelines and the foreshore:

3.2 Prohibited in All Zones

- (10) The *use* of an anchored, moored or docked vessel as a *residence*.
- (11) The *use* of a *buoy, float, dock, wharf*, ramp or related *structure* for any commercial or industrial *use*, excepting commercial *use* of such facilities within the Marina (W3) and Marine Transportation Service (W4) Zones.
- (14) Boathouses, on the surface of the sea or within a *building setback* area on land adjacent to the sea.

3.3 Siting and Setback Regulations

- (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*". [note: currently being considered for amendment to 15 metres]

The vast majority of the marine portion of the local trust area is zoned **W2**, which prohibits all uses except:

- (a) Anchorage and mooring of a private vessel by the owner or occupier of the upland lot abutting the water area in which the vessel is anchored or moored;

The **W1** zone, which permits but regulates private docks, is limited to areas of existing private moorage tenure.

2. Issues

This section identifies and describes the various issues related to the marine and shoreline environments in the local trust area.

2.1 Marine and Foreshore

Use of live aboard structures, boats and vessels. This can be an issue in some local trust areas where living in structures, boats and vessels in marine zones is not clearly prohibited in regulation. South Pender's zoning bylaws do not permit residential uses in marine zones, although such a prohibition could not apply to a vessel that was transitory or moored temporarily. The BC courts have confirmed that a local government's zoning power can extend to regulation of long-term moorage. The interpretation of the most recent case law could be reviewed against the current zoning regulations and any strengthening of wording considered.

Debris related to derelict docks and other structures are a common problem throughout the Trust Area. In addition to abandoned boats, barges, and buoys, broken-up floats and docks scatter debris in the marine environment creating hazards and ecological impacts. While zoning can only have limited effectiveness, further regulations could be considered to address deteriorating structures, particularly where an owner can be identified. The restrictions on dock size and siting, along with limiting new docks except by rezoning, have a limiting effect on the number of docks in the area, and ensure that the impacts of new docks can be assessed and approval considered by the LTC on a discretionary basis.

2.2 Shoreline Development

Ecological Impacts of development in shoreline areas (i.e. the 'backshore') range from those related to onshore ecosystems to the intertidal area and beyond. Any type of disturbance in these shoreline areas can have impacts on ecological processes, and can have impacts on the rest of the lot, or on adjacent lots, through accelerated erosion. Having a setback of 15 metres from the natural boundary of the sea, as is currently proposed, would reduce impacts from new development in that portion of the shoreline (except for stairs). Stairs, which are currently permitted, are a traditional means for owners and residents to access the shore; however in recent years such accesses have in some cases become increasingly extensive and elaborate. While they may be well constructed initially, they can be visually intrusive, deteriorate over time, and have direct and indirect impacts on fragile and sensitive shoreline areas.

A setback would limit structures within the specified distance from the natural boundary of the sea, however zoning regulations cannot address vegetation removal and other forms of land alteration. Other tools, such as development permit areas, can be considered to regulate other activity in the specified area.

Sealevel Rise and related increased storm and wave activity and the resulting impacts is an issue of increasing concern as climate change impacts become evident. Sea Level rise in combination with storm surge can result in damage to coastal infrastructure, property loss from erosion, habitat loss, decreasing

biodiversity, saltwater intrusion into coastal aquifers, and loss of cultural and historical sites. South Pender's 7.6 metre setback from the sea helps to mitigate some potential impacts. However, the setback can also be seen as a procedural hurdle for property owners wanting to take measures to protect their properties. The BC Court of Appeal has recently confirmed in a case in the Trust Area that common law riparian rights do not extend to a landowner's ability to construct works, in this case a seawall, in a setback from the sea, contrary to a local government zoning regulation¹.

Development variance permits (DVP) would be required for any structures not otherwise permitted within a setback from the sea, including hardening of the shore and some soft shore treatments. Soft shore approaches utilize natural materials and work with ecological processes to mediate impacts such as erosion, bank instability and other changes to shoreline that can result from sea level rise, storm surge and other factors. However, there would be soft shore treatments not involving structures that do not require a variance, effectively incentivizing soft shore approaches over hardening. Soft shore approaches to addressing erosion, bank instability and other changes to shoreline that are associated with a variety of factors including sea level rise and storm surge recognize the ecological features and functions of the shoreline ecosystems. In addition to addressing impacts, soft shore approaches can contribute to the preservation of ecosystems. [Green Shores](#) is a program of the Stewardship Centre of BC which promotes the use of "soft shore" approaches.

2.3 Archaeological and Cultural Heritage

First Nations interests and knowledge must be considered, where possible, in any development or alteration of marine and shoreline environment. First Nations interests may include mitigating and addressing shifts in the health of ecosystems which impact the livelihood and cultural ways of life of Indigenous Peoples. Mapping identifies a significant amount of potential archeological sites along the shoreline. Bylaw referral processes require First Nations consultation, so any rezoning applications along the foreshore or backshore would involve consultation. The Islands Trust is working to improve engagement with First Nations and the integration of Indigenous knowledge into all land use planning processes through initiatives like culture heritage mapping.

¹ Fonseca v. Gabriola Island Local Trust Committee, 2021 BCCA 27

3. Options

This section addresses approaches that could be considered by the LTC to address the issues raised above. These are a range of local government land use planning tools and some may be applicable and others may not.

3.1 Marine Zoning

Currently only W1 zone in the South Pender LUB permits private docks. However, it does not have any prohibition, nor is there a general prohibition on derelict or abandoned floats, ramps or walkways. While including such a prohibition in all the water zones may assist in some enforcement instances, in many cases the owner of an abandoned dock cannot be located or the enforcement may not be possible.

Otherwise, with the limited uses already permitted in most of the marine areas, there are unlikely to be additional marine regulations or amendments for consideration.

3.2 Shoreline Zoning

While current regulations limit permitted structures in the setback from the sea, the regulations should be reviewed for potential amendments.

As a soft shore/green shores approach relies on the use of natural materials, in most cases the introduction of these materials into the setback from the natural boundary of the sea would not require a development variance permit. However, there may be cases where the extent to which the use natural materials constitute a structure. Zoning provisions could be reviewed to see if amendments could be made to permit structures associated with a green shores approach within the natural boundary setback from the sea, while still prohibiting shoreline hardening. Alternately, OCP policies could be added to provide guidance for consideration of variances where soft shore approaches are used.

3.3 Development Permit Areas

Authorized by the *Local Government Act* (LGA), development permit areas (DPA) are one regulatory option available to the LTC for managing development in marine or shoreline areas. DPAs may be designated within an official community plan for a number of purposes, including “protection of the natural environment, its ecosystems and biological diversity” and “protection of development from hazardous conditions”. DPAs are established over specific areas, typically in the form of a map designation, and include guidelines to address DPA objectives. Examples of objectives that may be relevant include:

- To preserve and protect the ecological values of shorelines and associated foreshore and upland areas;
- To protect and/or minimize disruption of important natural features and processes;
- To protect habitat;
- To protect development from hazardous conditions;

- To adapt to anticipated effects from climate change.

Guidelines may prescribe how applicable development activity can occur within a DPA. Examples include guidelines for retaining walls and other shoreline stabilization works; protection of sensitive habitat or areas; requirements for professional reports; and restoration or enhancement measures.

There are several LTCs that have established Shoreline DPAs, which guide development within a specified area upland of the natural boundary of the sea, and in some cases, seaward to the boundary of the area of bylaw application. A marine DPA would be unlikely to have much applicability in the South Pender Local Trust Area, as new private docks are already subject to a rezoning process.

Development permit areas can be effective in managing how development occurs and in placing conditions on development, obtaining professional reports, protecting sensitive areas, and in requiring restoration. Also, with recent legislative changes, the issuance of development permits can now be delegated to staff, reducing processing times and alleviating owners concerns about arbitrary decision-making. However, there are significant limitations with DPs. There is limited discretion to refuse DPs, and local trustees and neighbours are often frustrated with the non-discretionary nature of the tool. Second, where the requirement for a development permit is not linked to another process, such as building permitting, there can non-adherence to a requirement to obtain a development permit. Enforcement can be a significant issue, particularly for land alteration where a building permit is not required. Bylaw notices cannot be issued for DPA infractions, so enforcement is time consuming and often results in a retroactive application.

3.4 Floodplain Designation

Section 524 of the Local Government Act enables local governments to develop flood hazard area bylaws. When adopting these bylaws, local governments are required to consider the Province's ["Flood Hazard Area Land Use Management Guidelines"](#) (the Provincial Guidelines). Amended in 2018, the Provincial Guidelines incorporate sea level rise (SLR) into land use planning and future development, and require that local governments adjust setbacks accordingly.

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

Rather than amending the LUB to update the setback measurement, one option would be to amend the LUB to establish a flood hazard area. However, the technical nature of the provincial guidelines would require detailed mapping to first establish the floodplain designation, and then professional reports provided by owners for any application for development within the floodplain. Given the existing development pattern, there would also likely be a significant number of existing buildings and structures included within the designated flood hazard area. Finally, the legislation is designed to protect buildings from flood hazards, and would not address unoccupied structures.

3.5 Heritage Conservation Area Designation

Heritage Conservation Areas (HCA) can be designated within an OCP. Similar to DPAs, where a Development Permit can be issued based on DPA guidelines, a Heritage Alteration Permit (HAP) can be issued for work within a HCA. While DPAs may be designated for a number of purposes, a HCA is designated for the purpose of “heritage conservation”. The Local Government Act provides the following definition:

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

Further definitions are provided within the LGA for “heritage value”, “heritage character”, and “heritage property”. While heritage conservation is often thought of from a historical or architectural perspective (i.e. heritage buildings), HCAs can apply to cultural areas, land or natural features of importance. Cultural heritage mapping is currently being undertaken by contract and may provide an opportunity to designate an HCA for protection of archaeological and cultural heritage areas, many of which would be in shoreline areas. This mapping initiative is expected to be completed in 2023.

HCAs are a relatively underused regulatory tool, there is one HCA on Salt Spring Island, for Ganges Village Core.

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

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

3.6 Soil Bylaw

Section 327 of *Local Government Act* allows regional district boards (and by extension LTCs) to adopt a bylaw to regulate or prohibit the removal of soil from and the deposit of soil or other material on land. Such a bylaw can require a permit for either activity and impose fees for the activities. These bylaws are typically referred to as ‘soil deposit and removal bylaws’, and generally the bylaws are used to regulate work in sensitive areas, to address run-off or drainage concerns, to prohibit the deposition of contaminated soil, and to regulate excavation that does not fall under provincial mining jurisdiction. The North Pender Island Local Trust Committee is currently considering adopting such a bylaw. With respect to shoreline areas, such a bylaw could provide a mechanism to regulate land alteration within setback

areas, and may work effectively in conjunction with a development permit area. However, there are limitations on the ability to address issues other than soil removal or deposit and limitations on the ability to prohibit activity.

3.7 Education

A number of educational materials have been created addressing shoreline and marine issues. Many of these can be found on the webpage here: [Marine Shorelines - Programs - Islands Trust](#). These can be considered in conjunction with any regulatory or policy changes.

DRAFT

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>Shoreline Review Project</i>	Responsible	Dates
Initial community consultation prior to LTC direction to proceed		Rec'd: 09-Apr-2021



Projects Report

South Pender Island

1. *Development Permit Areas*

Responsible

Date Received

Review of existing and potential development permit areas

28-Apr-2015

2. *Sea level Rise and Shoreline Erosion*

Responsible

Date Received

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

28-Apr-2015

3. *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

6. *Raptor's Nest Mapping*

Responsible

Date Received

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

04-Feb-2022



Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
SP-ALR-2021.1	Rachel Thomson for Airey Homes Inc. Planner: Kim Stockdill	27-May-2021	8970 GOWLLAND POINT RD - ALR application for subdivision
Planning Status			
Status Date: 25-Aug-2021 ALC has indicated non-farm use application is required for the strata access road along ALR portion of land. Subdivision application is on hold until further direction is received by applicant.			
Status Date: 28-Jun-2021 payment received letter sent to applicant, assigned to Phil, - DL			
Status Date: 24-Jun-2021 fees received - DL			

Subdivision

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



Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
SP-TUP-2021.1	Ellis, Catherine	05-Nov-2021	Catherine Ellis is applying for a Temporary Use Permit for a Short Term Vacation Rental (STVR).

Planner: Phil Testemale

Planning Status

Status Date: 04-Feb-2022

Application denied by LTC Resolution.

Status Date: 04-Feb-2022

File to PTA to close.

Status Date: 03-Dec-2021

Checklist (information request) sent to applicant. February 4, 2021 LTC for consideration.

Islands Trust
LTC EXP SUMMARY REPORT F2022
Invoices posted to Month ending December 2021

665 South Pender	Invoices posted to Month ending December 2021	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	80.00	363.79	-283.79
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,735.00	709.14	1,025.86
65210-665	LTC - Local Exp - APC Meeting Expenses	370.00	107.14	262.86
65220-665	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-665	LTC - Local Exp - Special Projects	294.00	37.51	256.49
TOTAL LTC Local Expense		<u>2,649.00</u>	<u>853.79</u>	<u>1,795.21</u>
Projects				
73001-665-4117	South Pender OCP Minor Amendments	3,000.00	108.50	2,891.50
73001-665-4118	South Pender LUB Minor Amendments	3,000.00	150.00	2,850.00
TOTAL Project Expenses		<u>6,000.00</u>	<u>258.50</u>	<u>5,741.50</u>



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2021-016 (Standing) 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
2020-015 (Standing) that South Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections of other issues or if it is reliably reported to the officer that such activity may be taking place.	Carried	04-Jun-2020
2019-015 (Standing) that the South Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.	Carried	06-Sep-2019



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-014 (Standing) that the South Pender Island Local Trust Committee endorse the Model Cell Tower Strategy.	Carried	06-Sep-2019
2019-001 (Standing) - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - The proposed license should also be referred to First Nations for comment. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee.	Carried	01-Feb-2019
2015-015 (Standing) That whereas full agendas are available for public perusal on the website, and whereas the SPILTC endeavours to lower its ecological footprint be it moved that full paper printed agenda packages no longer be provided for future SPILTC meetings.	Carried	28-Apr-2015
2010-000 (Standing) Send FUAL to trustees once drafted following the meeting.	Carried	05-Oct-2010



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2006-012 (Standing)	Carried	23-May-2006
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.		