



South Pender Island Local Trust Committee Special Meeting Agenda

Date: August 12, 2022
Time: 8:30 am
Location: Electronic Meeting

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1. CALL TO ORDER	
2. APPROVAL OF AGENDA	
3. MINUTES	
3.1. Local Trust Committee Minutes Dated July 23, 2022 (for Adoption)	2 - 5
3.2. Local Trust Committee Public Hearing Record for Bylaw No. 122 Dated July 23, 2022 (for Information)	6 - 10
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4. BUSINESS ITEMS	
4.1. Land Use Bylaw Amendments Project – Staff Report (attached)	14 - 28
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South Pender Island Local Trust Committee Minutes of Regular Meeting

Date: July 23, 2022
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

Members Present: Peter Luckham, Chair
Steve Wright, Trustee
Cameron Thorn, Trustee

Staff Present: Kim Stockdill, Island Planner
Robin Ellchuk, Recorder

There were approximately 50 members of the public present.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 11:03 am. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

Chair Luckham gave a summary and explanation of the procedures for the Community information Meeting (CIM) and the Public Hearing.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TRUSTEE REPORT - NONE

4. CHAIR'S REPORT - NONE

5. TOWN HALL AND QUESTIONS

Mary Beth Rondo – Asked if the wording has changed for the Bylaw 122 and Bylaw 123 since the last meeting on June 2, 2022.

Chair Luckham responded that both bylaw 122 and bylaw 123 wording has not been changed since the last meeting on June 2, 2022.

6. COMMUNITY INFORMATION MEETING

6.1 Land Use Bylaw Amendments Project - Proposed Bylaw No. 122

Planner Stockdill gave an overview of the Bylaw 122.

Gordie Duncan – at the June 17, 2022 CIM it was said that only 11 homes on the Island would exceed the maximum floor area and be categorized as legal non-confirming. He asked where how the numbers were derived.

Answer: This number came from BC Assessment and the CRD mapping system – These reports indicated the size of the homes and that 11 homes are greater than 3500 sq ft.

Christina Peszel – With regards to her building permit: She has her building permit but hasn't started construction yet as the issues with the DIP are preventing her from bringing in the construction equipment and supplies and the DIP issues will not be resolved soon, if the bylaw gets passed before construction can start, would she need to reapply for a Building Permit as the bylaw has new restrictions.

Answer: When you apply for a BP, some land alteration or construction is required for the previous regulations to be applicable.

The CIM was adjourned at 11:27am.

_____ 15 minute break _____

7. PUBLIC HEARING

7.1 Land Use Bylaw Amendments Project - Proposed Bylaw No. 122

7.1.1 Recess for Public Hearing

Adjourned the Public Hearing for Bylaw No. 122 at 1:26pm.

7.1.2 Recall to Order

Recalled to Order at 1:27pm.

7.2 Minor Official Community Plan Amendments Project - Proposed Bylaw No. 123

7.2.1 Recess for Public Hearing

Chair Luckham closed the South Pender Public Hearing for Bylaw No. 123 to adjournment at 2:11pm.

7.2.2 Recall to Order

Recalled to order at 2:11pm.

8. MINUTES

8.1 Adopted Local Trust Committee Minutes Dated May 6, 2022 (for Adoption)

By general consent the Local Trust Committee meeting minutes of May 6, 2022 were adopted as presented.

8.2 Local Trust Committee Special Meeting Minutes Dated June 2, 2022 (for Adoption)

By general consent the Local Trust Committee meeting minutes of June 2, 2022 were adopted as presented.

8.3 Section 26 Resolutions-without-meeting Dated July 2022

8.4 Advisory Planning Commission Minutes - None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated July 2022

10. DELEGATIONS

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Land Use Bylaw Amendments Project – Staff Report

Trustees discussed the option of scheduling a special meeting to provide adequate time to review the public hearing submissions.

SP-2022-037

It was Moved and Seconded,

that the South Pender Local Trust Committee give direction to staff to schedule an online special meeting to discuss the next steps for the proposed Bylaw Nos. 122 and 123.

CARRIED

14. REPORTS

14.1 Work Program Reports – for information

14.1.1 Top Priorities Report Dated July 2022

14.1.2 Projects List Report Dated July 2022

14.2 Applications Report Dated July 2022 - for information

14.3 Trustee and Local Expense Report Dated May 2022 – for information

14.4 Adopted Policies and Standing Resolutions - none

14.5 Local Trust Committee Webpage

14.6 Islands Trust Conservancy Report Dated May 2022 – for information

15. NEW BUSINESS – None

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for September 9, 2022 at the Fire Hall, Pender Island

17. TOWN HALL - None

18. CLOSED MEETING

None

19. ADJOURNMENT

By general consent the meeting was adjourned at 2:21 pm.

Peter Luckham, Chair

Certified Correct:

Robin Ellchuk, Recorder



South Pender Island Local Trust Committee
Record of Public Hearing
Bylaw No. 122

Date: July 23, 2022
Location: Anglican Church Hall, 4703 Canal Rd, North Pender Island BC

Members Present: Peter Luckham, Chair
Steve Wright, Trustee
Cameron Thorn, Trustee

Staff Present: Kim Stockdill, Island Planner
Robin Ellchuk, Recorder

Others Present: There were approximately 50 members of the public.

7.1 South Pender Land Use Bylaw Amendments Project – Proposed Bylaw No. 122

Chair Luckham called the Public Hearing to order at 11:45am and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. He read a statement outlining the content, purpose, and process of the Public Hearing.

Planner Stockdill provided a summary of proposed Bylaw No. 122.

The following comments were made by the community members.

Kristina Peszel: 9917 Gowlland Point Rd. - Kristina conducted a survey of community members to determine how many community members supported or opposed the bylaw. The criteria for the door to door survey was that the occupant must be a land owner, not renting and that only one position per house hold was allowed. 62% of owners on South Pender were interviewed.

Paul Petrie: 9920 Gowlland Point Rd. - Gave a the background on the current land use bylaw that were put in place in 2016 with recommendations from the Advisory Planning Commission – in 2016 the maximum house size was 3500 sq ft. The average house right now on South Pender is 2000 sq ft. Bylaw No. 122 complies with the OCP and with the Rural Character and the Land Use Development bylaw is also compatible with rural character.

Bruce McConchie: 8806 Canal Rd. - Bruce asked if the amendments to the bylaw are achieving the goal they are intended to.

Dag Falck: 8806 Ainslie Point Rd. - The process to amend the bylaw requires more communication with community. Dag would like the Trustees to not move forward with these bylaws.

Wayne Edwards: 9858 Canal Rd. - The reduction of maximum floor area does not seem to be substantiated. House size restriction is fine as it is currently. There is a need to look several generations ahead not only to the current owner. The increase in setback could make things worse for some owners if they would need to relocate a cistern or a garage.

Mary Anne Parc: 6090 Pirates Rd. - These changes to the bylaws are a result of fear. Islands Trust (IT) need to focus on the protection of the bio diversity and carbon emissions. We need to discuss these issues, not house size.

Kathy Cronk: 6616 Harbour Hill, North Pender Island – stated that the South Pender bylaw 122 impacts North Pender. Bigger homes require more resources such as lumber, and removal of trees, trees bank carbon putting pressure on our eco systems. Bigger homes raise property values, more trades people, ferry traffic, commercial vehicles. Supports moving forward with the bylaw.

Michael St Cyr: 9909 Covery Cresnet - Michael summarized the accountability of the Islands Trust to the community. Islands Trust must be ethical, have administrative fairness principle, to provide advice, reasonable to carry out democratic duties. Opportunity to review the nature of decisions and examination of resources as presented. No specific environmental studies to warrant the bylaws, the restrictive nature of the set back increase and reduction of maximum of house size needs further explanation. The trust has a structure, must have consultation, but do not need to get a consensus. Large homes could be small foot print as well. Impact of house size, not based on facts, these are arbitrary numbers.

Dave Green: 9928 Gowlland Point Rd. - Would like clarification on the amendment from lawyers regarding legal non-conforming with regards to a building being burned down. If the bylaw states that if a building burns down the owner would need a qualified person to access the site. The question of who would the qualified person would be was raised and this person would most likely require a report completed before the fire.

Chair Luckham responded: There would be building permit records and insurance records.

Gord Duncan: Spoke to not being in favour of bylaw 122. South Pender is the only island with a 50 ft setback and a maximum floor area. For the argument put forward that these restrictions are necessary to stop development is an over reaction to the reality of the island's current situation. These restrictions are not necessary.

Shelley Henshaw: 9901 Craddock - Appreciates that LTC is creating these amendments in the bylaw with the best intentions, but she believes the amendments are misguided. *She read a letter from a South Pender resident who does not support bylaw 122 & 123. The below concerns are raised in the letter:* The concern was addressed that there has been insufficient community dialogue. As these amendments have been addressed during a pandemic, and many community members haven't been able to attend the meetings, there should be further discussions. The APC assisted the LTC to gather important information from the community members. This community member believes the Island needs the APC.

Frank Ducote: 9909 Jennens Rd. - Thanked the LTC for their work. Supports the amendments to the bylaw as the trend is towards bigger houses, blasting and building out over the waterfront. These amendments send the correct message.

Susan Taylor: 9909 Jennens Rd. - Thanks the Trustees, commented that the LTCs rare local heroes and thanked the LTC for managing all their hard work. Spoke to the desire to live in a community that doesn't just talk about shortage of housing, climate change, disturbance of neighbours during new builds but makes the changes necessary. Proud to a part of a community who be a leader in these efforts to preserve.

Donna Spalding: 9902 East Side Rd. - Her family has lived on the island for 100 years. *Letter from Richard Christie from South Pender* – commented on several points regarding the bylaw. Believes that large houses are not more expensive then smaller houses. If the bylaw limits the size of the dwelling then the owner will look to subdivide their property. This will lead to urbanization more than a larger house will. This bylaw does not take into consideration the future of valley families that want to accommodate extended family. 3 houses out of 4 will be legal non-conforming with the bylaw passing. *John Spalding letter* – has a waterfront property and spoke to the increase of setbacks. It isn't clear the reason for the increase in setbacks. The setbacks will effect many members of the community. The South Pender APC was not reinstated and the APC was not given a referral for these bylaws.

Chair Luckham called for further speakers. He stated that if there are any written submissions they must be submitted before the end of the Public Hearing meeting.

Dennis Perch: South Pender resident, Has concerns that these amendments have generated much opposition within the community. Lack of due diligence in the planning without technical or professional opinions used to make these changes. Expertise reports are needed. Some of the conclusions in the amendments are wrong in Bylaw 122. A large house can have a smaller environmental footprint then a smaller house therefore the proposed changes could hurt the environment more then the help the environment. These amendments do not serve environmental objectives and therefore doesn't not support the bylaw.

Julian Nichols: South Pender island resident, Julian thanked the trustees. A bigger house does cost more and leaves a bigger footprint. A bigger house cuts down more trees. Supports the bylaws.

Robert Dill: South Pender, Robert is a 49 year resident, Watched houses being built and they are getting bigger and bigger. Doesn't reflect the traditional life on the island. The more we can protect by increasing setbacks, and reducing the house sizes will help. Supports the bylaws.

Mac Foster: 30 year resident of South Pender, Rural houses are larger then urban houses in his observation. The health care system has on all levels of government said that there will be no care homes for this generation. These amendments make this difficult to address this health care prediction.

Jane Perch: South Pender, *Submitted a letter from Julie Rankin who could not attend the meeting today and she opposes both bylaws.* This whole process has been difficult with pandemic and attending zoom meetings are more difficult than the in person meetings. Folks on the island have more difficulty connecting online. These amendments should not be a public hearing at this point. There needs to be more community discussion.

Gregory Little: Cautionary principle is necessary as the next person doesn't use solar panels, instead builds a big pool. What the neighbour builds affects the island, neighbour and the environment. South Pender Island and the community would like it to stay South Pender Island.

Second time speakers:

Kristina Peszel: Made the suggestion that if the community members that are in support of the amendments to this bylaw, 25% could put covenants on their property. Also commented that large homes do not have a larger foot print. 11 homes currently have floor area of 3500 sq ft and this doesn't include garage and crawl space therefore more houses will be legal non-conforming.

Paul Petrie: Raised the point that the amendment to these bylaws may not address specific situations. A Development Variance Permit (DVP) is an option for special circumstances. Also with a DVP the neighbours have a say regarding the DVP.

Michael St Cyr: Trustees passing these amendments for this bylaw are encouraged to be cautious as legal non-confirming properties make these homes more valuable and more attractive for development. Needs to be more information brought to the table to make a proper and informed decision. These amendments affects a lot of community members.

Shelly Henshaw: Her question put to the LTC is why the LTC would change the maximum house size when the ALR has already set a maximum house size of 5000 sq ft. Farms will need more out buildings with climate change to create shade etc. for livestock. Subdivision will be the result.

Donna Spalding: Commented on an emergency response plan for the island. Consider that the right size of house for one family is not the right size for another family. Respective to house size and lot size. The trust can ask for a covenant that limits the building size. Covenants would address this, not limit house size.

Heather Hayru – South Pender, There is already a program available called NAPTEP where property owners who have over 5 acres, can preserve 65% of land and get a tax break. She apposes these amendments to the bylaws. A suggestion to those who support the bylaw amendments need to review NAPTEP.

Gord Duncan: A quick solution for this would be to make 2 tables. 1 table for 80% of the developed lots leave as is and all setbacks and house size changes be implemented for all new buildings to be built after the bylaw is passed.

The chair called three times for any further speakers to address the LTC.

Adjourned the Public Hearing for Bylaw No. 122 at 1:26pm.

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

Peter Luckham, Chair

Certified Correct:

Robin Ellchuk, Recorder

DATE



**South Pender Island Local Trust Committee
Record of Public Hearing
Bylaw No. 123**

Date: July 23, 2022
Location: Anglican Church Hall, 4703 Canal Rd, North Pender Island BC

Members Present: Peter Luckham, Chair
Steve Wright, Trustee
Cameron Thorn, Trustee

Staff Present: Kim Stockdill, Island Planner
Robin Ellchuk, Recorder

Others Present: There were approximately 24 members of the public.

7.1 South Pender Land Use Bylaw Amendments Project – Proposed Bylaw No. 123

Chair Luckham called to order the Public Hearing for Bylaw 123 at 1:26pm.

Planner Stockdill read the procedure script for the public hearing.

The follow comments were made by the community member who attended the meeting:

Christina Peszel: 9917 Gowlland Point Rd.- South Pender, Surveyed the community door to door with regards to supporting or opposing the bylaw amendments. 68% apposed. The bylaw to date is not ready to move forward.

Paul Petrie: 9920 Gowlland Point Rd. - In favor of the building and siting guidelines to OCP amendments. Supports the First Nations statement amendment as well. This is long over due in recognition of first nations.

Dag Falck: 8806 Ainslie Point Rd. - South Pender, This bylaw needs more time to consider further issues. Would like to see the First Nations consulted on the bylaw so the First Nations do not get offended. We haven't done enough work on this bylaw to proceed. This could create a lack of good will. We need the cooperation of all to move forward.

Gord Duncan: Regarding First Nations statement - the Trust is dealing with this issue through their Trust Policy Statement. We shouldn't be leading the pack right now, we need to hear what has developed with the Trust Policy Statement for all islands and get direction from the Trust in their policy for First Nations.

Shelley Henshaw: Regarding the First Nations statement – This process hasn't been approved of by the First Nations and would like to hear from First Nations at a meeting to confirm this is good in their opinion. Regarding the building guidelines – the restriction in the guidelines are too vague and open to interpretation. Also how would the guidelines be enforced. This needs more community input.

Donna Spalding: Oppose this bylaw. *Husband's letter* – build and sign are completely out of step and misleading.

Denis Perch: Postpone these bylaws as there hasn't been adequate First Nations consultation. It's not clear that the First Nations are in agreement with them. Show cooperation with First Nations before legislation is considered. Do not proceed with the bylaw.

Jane Perch: Regarding the building design guidelines – they are not law but once approved will be the guidelines standard. The building guidelines should not be part of the bylaw. Does not support of the bylaw.

Alma Lightbody: This bylaw has two very different subjects. A First Nations statement and building design guidelines are completely different things.

Heather Haryu: Petition that went out to the community showed that the majority of the community does not support the bylaw.

Frank Ducote: This is aspirational – Good faith towards to First Nations.

Jim Patterson: South Pender, Oppose bylaw 122 and 123. Acknowledge Christina's work with surveys of the community. All are learning what reconciliation means. All levels of government do not know what it looks like, but all are trying to learn. Bylaw No. 123 should be reconsidered. There are deep concerns that this bylaw is over its head.

Second time Speakers:

Paul Petrie: Welcomes the important discussion – There needs to be a distinction from community to community and government to government. Community to community opens the dialogue. Not imposing on First Nations. Elders work with Paul with planned events, this enhances the relationship with First Nations.

Donna Spalding: Would like the First Nations to meet with the Trustee to discuss what the First Nations needs and wants. The question was raised as to who wrote the First Nation paper for the Islands Trust. This paper was not presented to the APC.

Chair Luckham called three times for further speakers. He stated that if there are any written submissions, this is the last opportunity to submit them to the Local Trust Committee.

Chair Luckham closed the South Pender Public Hearing for Bylaw No. 123 and adjournment of meeting was at 2:11pm.

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

Peter Luckham, Chair

Certified Correct:

Robin Ellchuk, Recorder

DATE



File No.: SP LUB Amendments
Project

DATE OF MEETING: August 12, 2022
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Victoria Office
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Post Public Hearing Report – LUB Amendments Project – Proposed Bylaw No. 122

DRAFT MOTIONS:

The following are draft motions found throughout the staff report for the South Pender Local Trust Committee's (LTC) consideration for the Land Use Bylaw (LUB) Amendments Project:

1. **That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended:**
 - a. **By adding the following to the clause regarding maximum floor area and setback regulations: "and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw."**
 - b. **By adding a clause to the Agriculture, Forestry, and Natural Resource zones to allow for a replacement dwelling that would not exceed the floor area at the time of bylaw adoption.**
 - c. **By adding the following to the definition of 'floor area': "exclusion of a storey that is not fully enclosed by a floor, ceiling, and four walls."**
 - d. **By adding a definition for 'basement floor area' and amend the definition of 'floor area' to exclude basement floor areas.**
 - e. **By retaining the maximum floor area regulations for dwellings as specified in the current South Pender Island Land Use Bylaw No. 114.**
 - f. **By increasing the maximum floor area for dwellings in Sections 2.8, 2.16, 2.21, and 2.23 for:**
 - i. **Lots less than 0.4 ha (1 acre) to XX m² (XX ft²),**
 - ii. **Lots with an area of 0.4 ha (1 acre) to less than 0.8 ha (2 acres) to XX m² (XX ft²),**
 - iii. **Lots with an area of 0.8 ha (2 acres) to less than 1.6 ha (4 acres) to XX m² (XX ft²),**
 - iv. **Lots with an area of 1.6 ha (4 acres) to less than 4 ha (10 acres) to XX m² (XX ft²),**
AND/OR
 - v. **Lots greater than 4 ha (10 acres) to XX m² (XX ft²).**

- g. By adding a clause to the setback from the natural boundary of the sea to allow the reconstruction of a dwelling within the same location as long as the dwelling is not closer to the natural boundary of the sea.
- h. By adding a height restriction that at no point may a dwelling exceed 12 metres in height.
- i. To increase the maximum floor area of a cottage in the Agriculture zone to 90 m².

REPORT SUMMARY

The purpose of this staff report is to provide an update on proposed Bylaw No. 122, and also provide options for the South Pender Island Local Trust Committee (LTC)'s consideration after the Public hearing.

BACKGROUND

A Community Information Meeting (CIM) and Public Hearing was scheduled for the May 6, 2022 South Pender Island Local Trust Committee (LTC) regular meeting. Due to the inadequate meeting space, large number of community member attending the meeting, and lack of internet connection, the CIM and Public Hearing were to be scheduled at a later date in a larger meeting space. The following resolution was passed at the May 6, 2022 LTC meeting:

SP-2022-022

It was Moved and Seconded,

that the Public Hearing for Bylaw Nos. 122 and 123 be delayed to a later date.

CARRIED

The South Pender Island LTC held an in-person CIM on June 2, 2022 with over 50 community members in attendance. A second CIM was held online on June 17, 2022. A public hearing for proposed Bylaw No. 122 was held on July 23, 2022.

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/>

PROPOSED BYLAW NO. 122

Topics for Further Discussion/Direction or Clarification

Below are a list of questions or comments received over the past month from the Community Information Meetings, Public Hearing and correspondence that the LTC may wish to consider:

1. Re-building a Dwelling Clause

The LTC has included a clause in proposed Bylaw No. 122 that states:

"Despite [the new, more restrictive maximum floor area regulations], on a lot that contains a legal dwelling constructed prior to the adoption of this bylaw, a replacement dwelling may be 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.”

Proposed Bylaw No. 122 also includes a similar clause for the more restrictive interior and exterior side lot line regulations. In other words, if you need to rebuild a dwelling, you may do so and rebuild it to the floor area or siting of the pre-existing dwelling at the time of bylaw adoption.

In order to add further clarity and based on legal suggestion, staff recommend adding the following to the clause: “and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.” The clause would then read:

“Despite [the new, more restrictive maximum floor area regulations], on a lot that contains a legal dwelling constructed prior to the adoption of this bylaw, a replacement dwelling may be 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 and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.”

Motion ‘a’:

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be amended by adding the following to the clause regarding maximum floor area and setback regulations: “and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.”

At the May 6th LTC meeting, the LTC added maximum floor area regulations to the Agriculture, Forestry and Natural Resource zones. Staff suggested adding the above clause to these zones.

Motion ‘b’:

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be amended by adding a clause to the Agriculture, Forestry, and Natural Resource zones to allow for a replacement dwelling that would not exceed the floor area at the time of bylaw adoption.

2. Definition of ‘Floor Area’

There has been confusion if the calculation of floor area includes attached garages or carports. The definition of ‘floor area’ in proposed Bylaw No. 122 reads:

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

The definition of ‘floor area’ could be amended to include the following to the end of the definition: “and exclusive of a storey that is not fully enclosed by a floor, ceiling, and four walls or glass.”

Motion 'c':

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by adding the following to the definition of 'floor area': "exclusion of a storey that is not fully enclosed by a floor, ceiling, and four walls."

3. Basements

The calculation of floor area currently excludes those areas that have a floor and ceiling less than 1.5 metres apart (generally crawlspaces and loft areas). Comments were received to eliminate basements from the calculation of floor area for dwellings. The issue with this approach is determining what constitutes a basement. One option the LTC may wish to consider is based on Whistler's Land Use Bylaw which includes a definition of 'basement floor area' and excludes basement floor area from the calculation of floor area. In order to achieve this, the LTC would amend proposed Bylaw No. 122 by:

1. Add a definition of 'basement floor area' similar to Whistler's:

Definition A: "'basement floor area' means the portion of the lowest story of a dwelling, at least 50% of the exterior wall height of which is below the level of natural grade adjoining the wall, and for this purpose 'wall height' means the vertical distance from the level of the finished floor to the underside of the floor system above."

OR

A definition of 'basement' based on other municipality's land use bylaws:

Definition B: "'basement floor area' means any portion of a storey in a dwelling with a lower floor that is located 1.5 metres or more below natural grade."

2. Amend the floor area tables in the zones where a maximum floor area for dwellings are regulated so that the header reads "the floor area of a dwelling, exclusion of basement floor area, may not exceed..."

Motion 'd':

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by adding a definition for 'basement floor area' and amend the definition of 'floor area' to exclude basement floor areas.

Each approach to excluding basements from the calculation of floor area would require detailed site plans and elevation plans to determine what would define a 'basement'. The LTC should consider which option is the easiest to interpret for the general public.

4. Increasing Maximum Floor Area for Dwellings

At the Community information Meetings, a number of community members expressed concerns with the proposed more restrictive maximum floor area regulations for dwellings. In order to address some of the concerns the LTC may wish to consider amending the proposed bylaw to alter or eliminate the contentious issues by:

- Removing the restrictions to maximum floor area (Motion 'e'); or
- Increasing the maximum floor area numbers proposed in Bylaw No. 122 (Motion 'f').

Motion 'e':

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by retaining the maximum floor area regulations for dwellings as specified in the current South Pender Island Land Use Bylaw No. 114.

Motion 'f':

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by increasing the maximum floor area for dwellings in Sections 2.8, 2.16, 2.21, and 2.23 for:

- *Lots less than 0.4 ha (1 acre) to XX m² (XX ft²),*
- *Lots with an area of 0.4 ha (1 acre) to less than 0.8 ha (2 acres) to XX m² (XX ft²),*
- *Lots with an area of 0.8 ha (2 acres) to less than 1.6 ha (4 acres) to XX m² (XX ft²),*
- *Lots with an area of 1.6 ha (4 acres) to less than 4 ha (10 acres) to XX m² (XX ft²), AND/OR*
- *Lots greater than 4 ha (10 acres) to XX m² (XX ft²).*

5. Setback to the NB of the Sea

The proposed Bylaw No. 122 currently does not have a clause that would allow the reconstruction of a dwelling in the same location prior to bylaw adoption. The LTC could consider the following draft motion to amend proposed Bylaw No. 122:

Motion 'g':

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by adding a clause to the natural boundary of the sea setback to allow the reconstruction of a dwelling within the same location as long as the dwelling is not closer to the natural boundary of the sea.

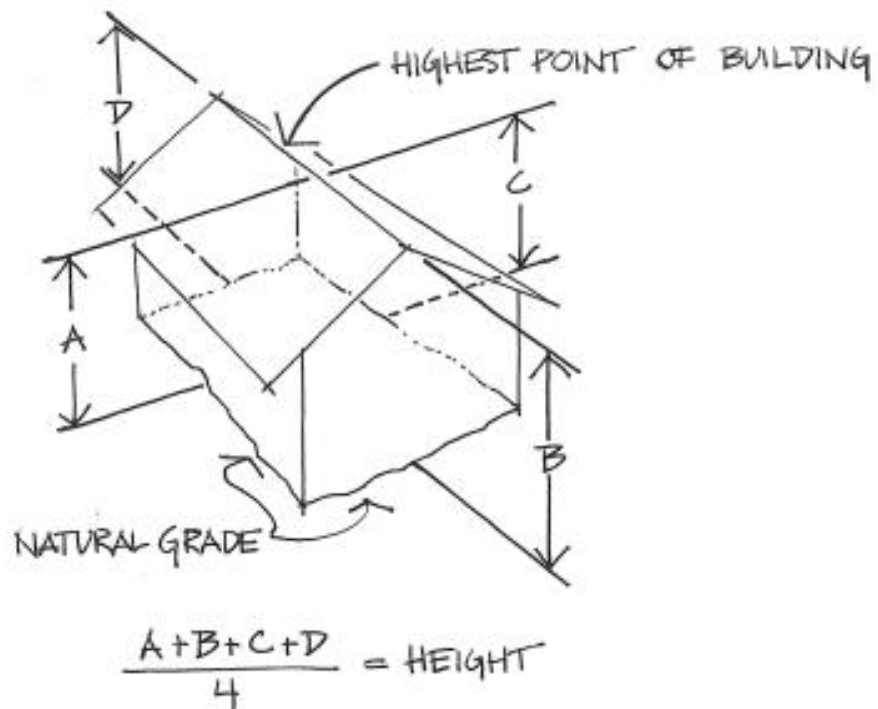
6. Height

At the May 6, 2022 meeting, the discussion on if the calculation for height in the South Pender Island LUB could be improved. Currently height is defined as:

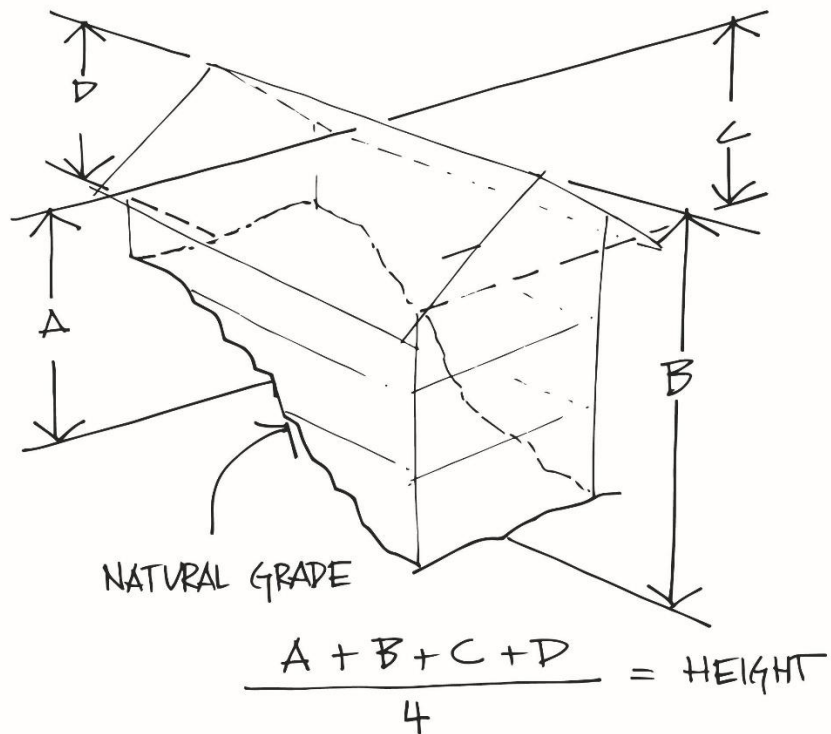
"height" means the vertical distance between the highest point of a building or structure and the average natural grade, being the average undisturbed elevation of the ground at the perimeter of the building or structure calculated by averaging the distance between the natural grade and the highest point of a building or structure measured at the midpoints of all the exterior walls."

If the natural grade has a minor (or no) slope, the calculation of height is easily determined and the mass of the building is relative to the 9.2 metre (30 feet) height restriction for dwellings. In contrast, when a dwelling is constructed on a steep slope, one side of the dwelling may be only one-storey in height (see Point D in Drawing No. 2 below) and the opposite side of the house could be three or more storeys in height (see Point B in Drawing No. 2) yet the building would still comply with the maximum height of a dwelling. These types of dwellings are more evident on visible properties with a steep slope. When viewing these dwellings from the road or the water, it can give the impression that the dwelling throughout is over three storeys, not in compliance with the height restriction, and creates the appearance of large massed buildings.

Drawing No. 1 – Height Calculation with minor slope
(drawing from SP LUB)



Drawing No. 2 – Height Calculation on Steep Slope



If the LTC is concerned with the visual impact of large dwellings on steep slopes, staff suggest retaining the maximum height of 9.2 metres for dwellings, but the LTC could consider adding an additional regulation that states that at no point shall a dwelling exceed a height of X metres. Since 2018, staff have only received one building permit review where a dwelling required a height survey to confirm height. This dwelling was to be constructed on a steep slope (similar to Drawing No. 2) and the maximum building height elevation was 12.8 metres (at Point B). This allowed for a three-storey structure and small crawlspace on the elevation facing the waterfront. Based on the one BP received over the past five years for a dwelling on a steep slope, the LTC could add an additional regulation that states at no point shall a dwelling height elevation exceed 12.0 metres (40 feet) in height.

Motion 'h':

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by adding a height restriction that at no point may a dwelling exceed 12 metres in height.

7. Error in Bylaw – Agriculture Cottage Size

The South Pender LTC wished to increase the maximum floor area of a cottage in the Agriculture zone from 70 m² to 90 m² to reflect the changes of the Agricultural Land Commission regarding flexible housing options. The current version of proposed Bylaw No. 122 does not reflect things change and therefore the following motion is required to increase the maximum floor area of a cottage (as discussed at the November 5, 2021 and February 4, 2022 LTC meetings):

Motion 'i':

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended to increase the maximum floor area of a cottage in the Agriculture zone to 90 m².

8. In-Stream Building Permit Applications at Bylaw Adoption/Grace Period

If a property owner is in the process of constructing, and Bylaw No. 122 is adopted during the construction, regulations would apply where an owner has initiated work to establish the use (land clearing, constructing driveway, foundation, etc.). If no work has commenced, the new, more restrictive regulations would apply, even if a Building Permit has been issued. As staff review an average of 6 South Pender building permits per year, a fraction of which are for new dwellings, the likelihood that there would be an in-stream building permit application for a new dwelling that would not comply the new regulations is small. If the bylaw advances to consideration of adoption, staff would review recent building permit reviews and advise the LTC if there were any that may not comply the new regulations.

AMENDMENTS:

The LTC has the discretion to amend the bylaw before or after the Public Hearing. 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.

PUBLIC HEARING

A public hearing was held on July 23, 2022. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval (Minister approval is not required for LUB amendments).
4. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

If the Executive Committee approves proposed Bylaw No. 122, the next step for the LTC would be to adopt the bylaw.

FIRST NATIONS: At this time the recommendations comply with the Islands Trust Reconciliation Declaration and the Local Trust Committee Standing Resolutions on Reconciliation.

RATIONALE FOR RECOMMENDATION

At this time, staff are not providing the LTC with a formal recommendation based on the strong opposition from some community members. In order to address some of the concerns expressed from written communication and the CIMs, the LTC may wish to consider amending the proposed bylaw to alter or eliminate the contentious issues. The LTC also has the option to move forward with proposed Bylaw No. 122 by making amendments (noted in the staff report) and to proceed with Second and Third Reading to the bylaw, and then send it to Executive Committee for approval.

OPTIONS

1. Make amendments to the bylaw

The South Pender Island LTC may amend proposed Bylaw No. 122.

Resolution:

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by:...

2. Give the bylaw Second Reading

Resolution:

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be read a second time.

3. Give the bylaw Third Reading

Resolution:

That the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be read a third time.

4. Send the bylaw to Executive Committee for approval

Resolution:

That the South Pender Island Local Trust Committee proposed Bylaw No. 122 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

5. Receive for information

The LTC may receive the report for information.

6. Proceed no further with the bylaw.

The LTC may decide to proceed no further with Bylaw No. 122.

Resolution:

That the South Pender Island Local Trust Committee proceed no further with Bylaw No. 122.

Submitted By:	Kim Stockdill, Island Planner	July 27, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	July 27, 2022

ATTACHMENTS

1. Proposed Bylaw No. 122

PROPOSED

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)” and by removing the words “pump/utility house” 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*, except a fence, stairway, wharf and dock ramps or their footings, 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 “excluding a *cottage*” after the words ‘used as a dwelling’, by deleting the word ‘rainwater’ and replacing it with “freshwater”, by deleting the word ‘cistern’ after the word ‘minimum’ and replacing it with “storage” and by deleting the words ‘9,000 litres (1980 gallons)’ and replacing it with “18,000 litres (3960 gallons)” for Subsection 3.14(1) so it reads:

‘A building permit shall not be issued for a new *building* to be used as a *dwelling*, excluding a *cottage*, on a *lot* in the RR(1), RR(2) or RR(3) zones unless a *building* on the *lot* is equipped with a freshwater catchment system and cistern(s) for the storage of freshwater with a minimum storage capacity of 18,000 litres (3960 gallons).

2.8 By deleting the words Table from Subsection 5.1(5) and replacing it with

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)	232 m ² (2500 ft ²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	325 m ² (3500 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	325 m ² (3500 ft ²)

”

2.9 By add the following new subsection after Subsection 5.1(5):

“Despite Subsection 5.1(5), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this bylaw, a replacement *dwelling* may be 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.”

- 2.10 By adding the following new subsection after the newly created 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* shall be 6.0 metres (20 ft.) from any interior or exterior side *lot line*.” ✓ ✓ ✓

- 2.12 By add the following new subsection after Subsection 5.1(9):

“Despite Subsection 5.1.(9), on a *lot* that contains a legal *dwelling* or *cottage* constructed prior to the adoption of this bylaw, a replacement *dwelling* or *cottage* may be constructed, or the existing *dwelling* or *cottage* re-constructed or altered, provided the distance from the interior or exterior side *lot line* to the replacement, re-constructed or altered *dwelling* or *cottage* is not less than the distance from the interior or exterior side *lot line* to the *dwelling* or *cottage* on the *lot* at the time of the adoption of this bylaw.”

- 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(15);”

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

“Accessory *agri-tourist* accommodation, subject to Subsections 5.5(14) to 5.5(21), and as permitted by the Agricultural Land Commission;”

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

- 2.16 By deleting Subsection 5.5(9) and replacing it with:

“Maximum *Floor Area* per lot:

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)	232 m ² (2500 ft ²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	325 m ² (3500 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	325 m ² (3500 ft ²)

"

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

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

2.18 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."*

2.19 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 47 m² (500 ft²).

2.20 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 *floor area* of 90 m² (969 ft²).

5.5(19) *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 5 bedrooms.

2.21 By deleting Subsection 5.6(7) and replacing it with:

“Maximum *Floor Area* per lot:

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)	232 m ² (2500 ft ²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	325 m ² (3500 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	325 m ² (3500 ft ²)

”

2.22 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).”

2.23 By deleting Subsection 5.7(6) and replacing it with:

“Maximum *Floor Area* per lot:

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)	232 m ² (2500 ft ²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	325 m ² (3500 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	325 m ² (3500 ft ²)

"

2.24 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 6TH DAY OF MAY 2022.

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

File No.: SP Minor OCP
Amendments Project

DATE OF MEETING: June 24, 2022

TO: South Pender Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Victoria Office

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Project Update & Post Public Hearing Report – Minor OCP Amendments Project

RECOMMENDATION

1. That the South Pender Island Local Trust Committee proposed Bylaw No. 123, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021” be read a second time.
2. That the South Pender Island Local Trust Committee proposed Bylaw No. 123, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021” be read a third time.
3. That the South Pender Island Local Trust Committee proposed Bylaw No. 123 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.
4. That the South Pender Island Local Trust Committee proposed Bylaw No. 123 be forwarded to the Minister of Municipal Affairs for approval.
5. That the South Pender Island Local Trust Committee place draft Bylaw No. 126 on hold until next term’s projects are established.

REPORT SUMMARY

The purpose of this staff report is to provide an update on proposed Bylaw No. 123, and also provide options for the South Pender Island Local Trust Committee (LTC)’s consideration after the Public hearing. In addition, the staff report will provide further detail and a recommendation on draft Bylaw No. 126 (Rights of Nature document).

BACKGROUND

A Community Information Meeting (CIM) and Public Hearing was scheduled for the May 6, 2022 South Pender Island Local Trust Committee (LTC) regular meeting. Due to the inadequate meeting space, large number of community member attending the meeting, and lack of internet connection, the CIM and Public Hearing were to be scheduled at a later date in a larger meeting space. The following resolution was passed at the May 6, 2022 LTC meeting:

SP-2022-022

It was Moved and Seconded,

that the Public Hearing for Bylaw Nos. 122 and 123 be delayed to a later date.

CARRIED

The South Pender Island LTC held an in-person CIM on June 2, 2022 with over 50 community members in attendance. A second CIM will be held online on June 17, 2022.

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/>

Proposed Bylaw No. 123

The proposed Bylaw No. 123 was given First Reading on November 5, 2021 and formal referrals have been sent out to First Nations and agencies. Correspondence received regarding the project can be found on the [South Pender Project](#) webpage and formal public hearing submissions and referral responses can be found in the [public hearing binder](#) (under the heading 'About this Meeting').

At the June 2, 2022 CIM, a question was raised as to how the First Nations acknowledgement statement would affect property owners. The First Nations acknowledgement statement is strictly an acknowledgement statement at the beginning of the OCP, and does not include specific OCP policies. Staff are aware that the South Pender Island OCP should be updated at a later date to initiate a full review to address First Nations policies that would align with Islands Trust Reconciliation Declaration and the Local Trust Committee Standing Resolutions on Reconciliation.

Questions were also raised at the CIM regarding the enforceability of the building design and siting guidelines and if bylaws can include guidelines. An Official Community Plan bylaw "is a statement of objectives and policies to guide decisions on planning and land use management, within the area covered by the plan, respecting the purposes of local government" (Section 471 of the Local Government Act). For example, the South Pender Island OCP includes guidelines for Temporary Use Permit applications. In contrast, a Land Use Bylaw is a regulatory bylaw that regulates density, use, siting, size, etc. A LUB should not include guidelines.

The guidelines found in the OCP are not enforceable as the OCP document is a policy bylaw (not a regulatory bylaw). OCPs are used to help guide decisions for the LTC, planners, and community members. The building design and sitting guidelines, if adopted, would act as a reference document for the LTC when reviewing applications, such as Development Variance Permits, but a variance application could not be required to be consistent with the guidelines.

The LTC has the discretion to amend the bylaw before or after the Public Hearing. 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.

The next steps for proposed Bylaw No. 123 are outlined below under 'Public Hearing'. Draft motions can be found listed as Recommendation No. 1 to 4 if the LTC wishes to give Second and Third Reading to the bylaw, and then to send the bylaw to Executive Committee and the Minister for approval.

Draft Bylaw No. 126

At the February 4, 2022 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 reference. This bylaw was sent out on early referral to First Nations with a requested response date of mid-June.

To date only one early referral response was received (from Lyackson – see Attachment No. 3). Due to the lack of response to the early referral, vacancy of the senior intergovernmental policy advisory position, and the timing of the draft bylaw before the fall election, staff recommend placing draft OCP Bylaw No. 126 on hold until next term's projects are established. Staff's recommendation can be found listed as Recommendation No. 5 on page 1 of the staff report. If the LTC would like to proceed with the draft bylaw, a draft first reading motion is below.

Alternative option for draft Bylaw No 126 – Give First Reading:

"That the South Pender Island Local Trust Committee Bylaw No. 126, cited as the "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2022" be read a first time."

PUBLIC HEARING

A public hearing is scheduled for June 24, 2022. A public hearing is a quasi-judicial process within and following which specific procedures must be followed.

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Second Reading (this may include amendments to alter a bylaw).
2. Consideration of Third Reading.
3. Forwarding of the bylaw to Executive Committee for approval.
4. Forwarding of the bylaw to the Minister's office for approval (OCP amendment bylaws only).
5. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

If the Executive Committee and Minister approves proposed Bylaw No. 123, the next step for the LTC would be to adopt the bylaw.

FIRST NATIONS: At this time the recommendations comply with the Islands Trust Reconciliation Declaration and the Local Trust Committee Standing Resolutions on Reconciliation.

Rationale for Recommendation:

The recommendations are supported by staff as the amendments are minor and no referral comments were received in objection.

ALTERNATIVES

1. Make amendments to the bylaw(s)

The South Pender Island LTC may amend one, or both, of the bylaws.

Resolution:

That the South Pender Island Local Trust Committee proposed Bylaw No. 123, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021" be amended by:...

That the South Pender Island Local Trust Committee draft Bylaw No. 126, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2022" be amended by:...

2. Receive for information

The LTC may receive the report for information.

3. Proceed no further with the bylaw.

The LTC may decide to proceed no further with Bylaw Nos. 123 or 126.

Resolution:

That the South Pender Island Local Trust Committee proceed no further with Bylaw Nos. 123 or 126.

NEXT STEPS

Upon direction from LTC, staff will send proposed Bylaw No. 123 to the Islands Trust Executive Committee and the Minister for approval.

Submitted By:	Kim Stockdill, Island Planner	June 16, 2022
Concurrence:	Robert Kojima, Regional Planning Manager	June 16, 2022

ATTACHMENTS

1. Proposed Bylaw No. 123
2. Draft Bylaw No. 126
3. Lyackson Response to 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 W̱JOŁŁP (Tsartlip), BOŖÉĆEN (Pauquachin), S̱ÁUTW (Tsawout), W̱SIKEM (Tseycum) and MÁLEXEL (Malahat) Nations; and the SEMYOME, Tsawwassen, Penelakut, Lyackson, Halalt, Stz'uminus, and Lake Cowichan Nations.

The W̱SÁNEĆ 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 W̱SÁNEĆ 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 S̱ÁUTW (Tsawout) First Nation and W̱SIKEM (Tseycum) First Nation reserve #7. South Pender Island is a place with many village sites and places names including: QENENIW̱ (meaning watching the slack tide); SMONEĆ (meaning pitch for fire-starting); S̱TIS (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 DEKĖNİŁĆ (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), SKĖMÍ,ĖKS (grand fir), and KĖKĖYİŁĆ (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.”

From: Kim Stockdill
Sent: Thursday, June 2, 2022 2:54 PM
To: Jas Chonk
Subject: FW: South Pender Island Official Community Plan - Draft Bylaw No. 126 - For Response
Attachments: SP-BL-126_Minor-OCP-Review_DRAFT.pdf

From: Referrals <Referrals@Lyackson.bc.ca>
Sent: Thursday, June 2, 2022 2:52 PM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>
Cc: Clare Frater <cfrater@islandstrust.bc.ca>
Subject: FW: South Pender Island Official Community Plan - Draft Bylaw No. 126 - For Response

Good afternoon Kim,

Prior to commenting on the "Rights of Nature," Lyackson First Nation is interested in understanding what Islands Trust has done to date to meaningfully achieve reconciliation and advance the rights of Indigenous peoples.

We look forward to hearing from you.

Huy ch q'a

Cristina Hoffmann
Referrals

Lyackson First Nation
8017 Chemainus Road
Chemainus BC V0R 1K5
Email: referrals@lyackson.bc.ca

From: Jas Chonk <jchonk@islandstrust.bc.ca>
Sent: April 22, 2022 10:16 AM
To: 'Tracy Fleming' <Tracy.Fleming@cowichantribes.com>; 'referrals@halalt.org' <referrals@halalt.org>; 'carole@lcfm.ca' <carole@lcfm.ca>; Referrals <Referrals@Lyackson.bc.ca>; 'referrals@malahatnation.com' <referrals@malahatnation.com>; 'reception@pauquachin.com' <reception@pauquachin.com>; 'denisej@penelakut.ca' <denisej@penelakut.ca>; 'jcharles@semiahmoofirstnation.org' <jcharles@semiahmoofirstnation.org>; 'desireet@snuneymuxw.ca' <desireet@snuneymuxw.ca>; 'reception@tsartlip.com' <reception@tsartlip.com>; 'admin@tsartlip.com' <admin@tsartlip.com>; 'landsmanager@tsawout.ca' <landsmanager@tsawout.ca>; 'TFN Referrals' <referrals@tsawwassenfirstnation.com>; 'chief@tseycum.ca' <chief@tseycum.ca>; 'justin.fritz@wsanec.com' <justin.fritz@wsanec.com>; 'sfn.reception@stzuminus.com' <sfn.reception@stzuminus.com>
Cc: Kim Stockdill <kstockdill@islandstrust.bc.ca>
Subject: South Pender Island Official Community Plan - Draft Bylaw No. 126 - For Response

Dear First Nation Referral Coordinators,

The Islands Trust and the South Pender Island Local Trust Committee (LTC) is proposing an amendment to the South Pender Island Official Community Plan (OCP) to include a background statement and advocacy policies regarding Rights of Nature. The draft wording is attached.

As part of the Islands Trust commitment to reconciliation we have drafted initial wording for your review and hope that we would be able to engage to discuss these initial changes to the South Pender Island Official Community Plan (draft wording attached). Your guidance in ensuring that this wording is appropriate is essential and we welcome a meeting to discuss this OCP amendment and process. Once the South Pender Island LTC gives first reading to the bylaw (potentially at the end of June 2022), a second more formal referral will be sent to you in July or August of this year.

A reply is respectfully requested by **Friday, June 17, 2022**.

Should you have any questions, or require further information, please contact Island Planner Kim Stockdill at 250-405-5157 or kstockdill@islandstrust.bc.ca and she would be happy to answer any questions you may have.

Please direct referral responses to southinfo@islandstrust.bc.ca or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

Thank you for your time and attention to this matter.

Jas Chonk

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | www.islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421



Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I am humbly thankful to live and work in the treaty lands and territories of the BOKEĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwáəḡən məsteyəxʷ, Scia'new, səliłwətaʔ, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SÁÁUTW, Stz'uminus, ʔaʔəmen, toq qaymuxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwxw/ʔop qaymuxʷ, and xʷməḡkʷəy̓əm.