

ADOPTED



Islands Trust South Pender Island Local Trust Committee

Minutes of Special Meeting

Date: June 17, 2022

Location: Electronic Meeting

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

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

Participants: There were approximately 17 members of the public present.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:00 am. He 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. BUSINESS ITEMS

3.1 Community Information Meeting – To discuss the South Pender Island Local Trust Committee’s Land Use Bylaw Amendments Project – Proposed Bylaw No. 122.

Chair Luckham provided opening remarks and introduced the panellists.

Planner Stockdill reviewed proposed Bylaw No. 122 and its objectives to review the maximum floor area, setback and agricultural regulations, to address shipping containers on South Pender, and to seek other minor technical amendments.

Planner Stockdill reviewed proposed Bylaw No. 123 and noted the Local Trust Committee (LTC) gave direction to staff to adopt a bylaw to include a First Nations Introductory Statement in the Official Community Plan, as well as building design and siting guidelines – the latter two of which would act as a reference document for the LTC to help guide decision-making when assessing Development Variance Permit (DVP) applications.

Members of the community were invited to comment on proposed Bylaw No. 122 and the following questions and comments were raised: (Note: “Q” represents questions/comments from members of the public; “A” are answers from the trustees or Islands Trust staff).

Q: Why was there a change to the Trust’s mandate to “preserve and protect” when this was initiated?

A: There were no changes to the mandate to preserve and protect respective to house sizes and setbacks; the only change to the mandate that occurred is the inclusion of First Nations as bodies with which consultation is obligatory.

Q: Who will be the decision-makers when the proposed bylaws come into effect given the various levels of leadership among First Nations?

A: The Islands Trust is working extensively with all levels of First Nations, including tribal councils, elders and locally elected and hereditary chiefs. The Trust is committed to the Reconciliation Action Plan, has reached out to all levels of First Nations engagement of which it is aware, and is working collaboratively with those that have responded. When a referral is done to a First Nation, Staff sends referrals to referral contacts provided by First Nations who then give the referral document to decision-makers.

Q: When substantial bylaw changes are proposed, is there a requirement to notify property owners that will be affected?

A: There is no requirement to notify specific property owners, but there would be advertisement.

Q: Given the climate emergency, what are the natural consequences of not adopting proposed Bylaw 122?

A: Anything we can do to mitigate and adapt to climate change needs to be done; if we do nothing, then nothing changes. Proposed Bylaws 122 and 123 are aligned with the goals of the Official Community Plan (OCP) as they uphold community values and work towards addressing climate change concerns.

Q: Is there an alternative to unilaterally restricting house sizes across the board since having to request a variance for a house size that allows multi-generational families to live together does not encourage families to live on the island.

A: The application process for DVPs is not entirely onerous and accommodations can be made for inter-generational living. The average house size on South

Pender Island is far less than the proposed figures, which would only directly impact a total of 11 properties.

Q: Since the Islands Trust already provides similar guidelines why do they need to also be attached to the OCP?

A: Design guidelines are not embedded within the land use bylaw, but would be in the OCP to be used as a reference for someone applying for a variance related to their property; the design guidelines would provide concrete reference for someone to look to when making a decision.

Q: If a property owner who wants to build a house that exceeds the square footage limited by the bylaw is awarded a variance and the house subsequently burns down, is the owner restricted to rebuilding a house that is limited to the bylaw or does the variance still apply?

A: The owners would be permitted to replace the house that burned down including any variance that was granted; a DVP applies to the land and the variance makes the larger house size legal.

Q: Why are these restrictions on house sizes being proposed when existing restrictions have worked well?

A: The proposed maximum house size was determined by a comprehensive review of data from BC Housing that shows 11 houses on South Pender Island are over 3,500 square feet. The proposal aims to ensure the current status is not undermined by newcomers that try to build houses that are much larger than the predominant form.

Q: The floor area of all buildings is the same across zones though agricultural land is different because more buildings are required (e.g. shelter for livestock and covered structures to house bulky products like hay).

A: The Agricultural Land Commission permits dwelling units to 500m² and the LTC decided to further restrict total floor area and maximum floor size to all buildings. Staff will follow up to address related technical questions.

3.2 Community Information Meeting – To discuss the Minor Official Community Plan Amendments Project – Proposed Bylaw No. 123.

Members of the community were invited to comment on proposed Bylaw No. 123 and the following questions and comments were raised: (Note: “Q” represents questions/comments from members of the public; “A” are answers from the trustees or Islands Trust staff).

Q: The provisions in proposed Bylaw No. 123 that relate to First Nations reconciliation set a very important tone; the demands on First Nations are considerable and they have to prioritize what they respond to and how they engage their elders.

A: The Islands Trust continues to work as best it can with all levels of First Nations governance and individuals.

Q: Proposing the changes in order to avoid gentrification is a prejudice against people who have the means to build something more.

A: Gentrification is not prejudicial or discriminatory, but something that occurs in smaller communities and, in this context, it is a recognition of what is taking place. People that have been long-term residents are forced out of their homes because of rising costs from people coming in with significantly more money.

Q: How does the floor area in the proposed bylaws relate to carports or garages that have partially enclosed walls?

A: To calculate the floor area is to calculate to the external walls of a building; if a carport area had four walls and was enclosed, it would be included in the floor area calculation.

Q: Would the exemption clause that relates to rebuilding a dwelling that is destroyed include attachments like decks? Could the dwelling be reconstructed in the same siting with respect to setbacks from the sea?

A: Decks would be permitted to be rebuilt. There is a clause that relates to siting, but it does not include replacement for the setback to the natural boundary of the sea; the LTC is aware of this and the matter will be included in the staff report for discussion at the June 24 meeting.

Q: Why is a building's footprint not being considered in the proposed bylaw? The impact the proposed bylaw might have on lot values ought to be considered.

A: From an environmental perspective, it is better to build two levels than build one within a defined square footage; however, depending on the topography of the property, a house that rises two levels may be more impactful to adjacent houses. It is difficult to have a 'one-size fits all' solution.

Planner Stockdill noted information about the proposed bylaws may be found online at <https://islandstrust.bc.ca/island-planning/south-pender/projects/> and that written submissions may be emailed to vicphsub@islandstrust.bc.ca or southinfo@islandstrust.bc.ca up until the conclusion of the Public Hearing.

4. ADJOURNMENT

By general consent the meeting was adjourned at 12:03 pm.

Peter Luckham, Chair

Certified Correct:

Carly Bilney, Recorder