



ADOPTED

South Pender Island Local Trust Committee Minutes of Special Meeting

Date: April 7, 2024
Location: St. Peter's Anglican Church Hall, North Pender Island

Members Present: David Maude, Chair
Dag Falck, Local Trustee
Kristina Evans, Local Trustee

Staff Present: Kim Stockdill, Island Planner

Others Present: There were approximately 30 members of the public present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 1:00 p.m. He acknowledged that the meeting was being held on the 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 Dwelling height, freshwater catchment regulations, agriculture regulations, shipping containers, and other minor amendments

Island Planner Stockdill briefly described the purpose of the meeting to review proposed changes in Bylaw 122, the amending bylaw that makes changes to Land Use Bylaw 114.

In response to a question raised, it was noted that the reason today's meeting was not being held on South Pender is because, based on past Community Information Meetings, more people were expected than could be accommodated at the Fire Hall on South Pender and Poet's Cove was considered to be too expensive.

A document that highlights the proposed changes was distributed.

DEFINITIONS

Island Planner Stockdill reviewed the changes proposed to definitions. The following comments were made:

- Definitions related to agriculture were taken directly from the Agricultural Land Commission

- “Basement floor area” is a definition that has no effect as it does not show up in the Land Use Bylaw
- The maximum floor area of 70 square metres in the definition of “cottage” was removed, and the maximum floor area of 70 square meters was subsequently added to each individual zone to allow property owners to apply for a variance permit
- Floor area is measured by the interior walls (the previous calculation was to the exterior of the walls)

Discussion with community members ensued and the following comments were made:

- R-value measurement could be considered when deciding whether a property owner’s floor area should be measured by interior or exterior walls, to encourage more efficiently insulated buildings
- Support was expressed for measuring exterior walls as changing the measurement of floor area from exterior to interior walls does not make a significant difference, and it is complicated to measure the inside of the house
- Support was expressed for measuring floor area from the interior walls to not penalize buildings such as straw bale houses that have thick walls
- The Capital Regional District that issues the building permits measures floor area from the interior walls
- If floor area measurements are changed from the interior walls to the exterior walls and the square footage maximum stayed the same, house size would be further restricted
- Measuring floor area from the interior walls allows for more square footage for a dwelling; the difference between measuring floor area from interior to exterior walls should be calculated to show the difference – though calculating the difference will vary depending on the dwelling
- This change is more relevant to the house size discussion, which will be discussed at the next Community Information Meeting

HEIGHT REGULATIONS

Island Planner Stockdill reviewed height regulations and noted the previous Local Trust Committee amended the height regulation for a dwelling or cottage to restrict the height of each wall to 9.2 meters; houses built on a cliff or slope that have a wall exceeding this will have to apply for a variance. Discussion ensued and the following comments were made:

- Support was expressed for reverting to the original regulation (calculating average height by measuring each wall)
- A variance application gives adjacent property owners an opportunity to express their views to Trustees if a new building blocks their view
- Variances should not be a remedy for bylaws
- This proposed regulation applies to buildings that are currently constructed, and a fair number of them will be rendered legal nonconforming if the bylaw remains as it is written

- Neighbours should be given the opportunity to comment on all aspects of a build, regardless of height
- Support was expressed for including a provision that makes all existing properties legally conforming

SHIPPING CONTAINERS

Island Planner Stockdill noted the previous Local Trust Committee added regulations to limit the number of shipping containers on a property and ensure they are screened from view.

- Support was expressed for the added bylaws
- Siting restrictions for shipping containers would be the same as for accessory structures
- Property owners who already have shipping containers would have legal nonconforming status provided by the Local Government Act (the Local Trust Committee does not regulate use of shipping containers)
- Shipping containers would be considered an accessory structure and would add to lot coverage
- Shipping containers can be stacked as long as they are under 30 feet in height, and would be considered permanent
- Staff will seek answers for questions raised about how shipping containers are restricted for farmers, and whether a permit is required to place one on a farm property
- Support was expressed for not including shipping containers in the bylaw
- If these regulations were taken out of Land Use Bylaw 114, it would mean there would be no regulation on the use of shipping containers
- On Mayne Island, shipping containers are included as accessory buildings and zoning allows for a maximum of two accessory buildings
- A question was raised about whether shipping containers can be put in line with other lot categories for clarity

CISTERN REQUIREMENTS

Island Planner Stockdill explained changes to regulations requiring cisterns including:

- the regulations would not apply to cottages
- “rainwater” would be changed to “freshwater”
- storage capacity of the cisterns would double

Discussion ensued and the following comments were made:

- There is need for definitions of “freshwater” and “cistern”
- Support for the change to the bylaw was expressed
- The regulation does not require the property owner to connect a cistern to a dwelling; it is to encourage a property owner to have a cistern
- Concern was expressed for over-developing the islands, the risk of fire, and whether there is sufficient groundwater to support use

- Groundwater availability is a real concern
- Staff will look into whether the Islands Trust has jurisdiction to restrict the use of swimming pools
- A suggestion was made to change “Groundwater Protection” to “Freshwater Protection”
- Support was expressed for keeping the term “Groundwater Protection.”
- “Freshwater” is a more broadly encompassing term that applies to rainwater, streams
- A pond is not considered a cistern
- There should be more support for rainwater collection in cisterns for garden use
- A question was raised about whether the bylaw should require cisterns to be hooked up for use
- Staff will invite Islands Trust Senior Freshwater Specialist William Shulba to join a meeting on South Pender and address questions raised such as what the definition of “freshwater” encompasses
- Concern was expressed about blasting (staff will review bylaw from Salt Spring related to soil removal)

AGRICULTURE

Island Planner Stockdill explained that the intention of the previous Local Trust Committee was to align the Land Use Bylaw with Agricultural Land Commission regulations and noted the only regulation that was made more restrictive was the number of guests allowed for agri-tourism accommodations. Discussion ensued and the following comments were made:

- Agri-tourism accommodation is specific to properties that have farm status
- Provision 5.5(13) (Agri-tourism buildings or structures are not permitted) should be removed from the bylaw
- Restrictions should be left to the Agricultural Land Commission
- These provisions may not be worthwhile to include if the Agricultural Land Commission is already regulating activities
- House size, with respect to farms, will be discussed at a future meeting

4. ADJOURNMENT

By general consent the meeting was adjourned at 3:14 p.m.

David Maude, Chair

Certified Correct:

Carly Bilney, Recorder