

South Pender Island Local Trust Committee

Minutes of Special Meeting

Date: April 26, 2024
Location: St. Peter's Anglican Church Hall, North Pender Island

Members Present: David Maude, Chair
Dag Falck, Local Trustee
Kristina Evans, Local Trustee
Tobi Elliott, Local Trustee (electronic)

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

Others Present: There were approximately 15 members of the public present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:00 a.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 Residential floor area and setbacks

Trustee Evans described the meeting as an opportunity to achieve consensus on topics discussed. Trustee Falck acknowledged concerns raised about the meeting being held on North Pender, and commented on a smaller amount of people attending the present meeting compared to the previous Community Information Meeting.

The first half of the meeting was dedicated to discussion on setbacks. The following comments were made:

- Questions were raised about how best to correspond with the Local Trust Committee and administrative emails; Trustees commented that the South Pender Local Trust Committee email will be shared in future outgoing correspondence
- It is important to keep a public record, and emails related to Islands Trust work should go through an official Trustee's email rather than a personal one

- It should be up to constituents whether or not to email Trustees using their personal email address or their work one
- Legally nonconforming properties should be rare
- It is unclear what the issues were that led to changing the setbacks, and a map should be made to show where buildings are that will be impacted by the change, and where covenants are that further restrict some properties
- Setbacks are measured to the closest feature of the building
- Support was expressed for a 50-foot setback from the boundary of the sea to provide protection for sensitive ecosystems along the shoreline
- Generally, a greater setback from the natural boundary of the sea (high tide line) will decrease the impact of development on the marine environment in the nearshore, which is typically a very sensitive area
- Building further back from the natural boundary of the sea protects development from hazards such as erosion, storm surges, sea level rise, and also mitigates visual impacts
- Data from the State of Washington was mentioned as to why setbacks from the sea should be increased (for example, erosion, blasting, and disruption to vegetation)
- Support was expressed for increasing the setback from the sea for ecological concerns, because cliff environments are threatened ecosystems, and because the Province has outlined plans to protect coastal shorelines by implementing a minimum setback of 50 feet
- Support was expressed for a 50-foot setback from the natural boundary of the sea to impede property owners that build decks that extend to the sea
- Increased setbacks from the sea might increase the chances that properties owners will clear trees to improve their view
- Concern was expressed that there is no tool to address clear-cutting
- A 50-foot setback from the sea will not help to mitigate erosion which is something that should be addressed
- Support was expressed for reverting setbacks to the interior side lot line to 10 feet for RR1 and RR2 zones because noise and privacy concerns are insignificant in a 10-foot setback compared to a 20-foot one, and owners can take measures to reduce the impact of buildings without having to resort to more restrictive bylaws
- Support was expressed for 10-foot setbacks to the interior side lot line to maintain consistency with other Southern Gulf Islands and since the majority of properties have already been developed
- A 40-foot corridor between properties, made by 20-foot setbacks, is unnecessary
- Support was expressed for keeping 20-foot setbacks to the interior side lot line as allowing more distance for threatened species increases their chances of survival, and a greater setback improves sightlines between properties
- As people get closer, rifts arise and a larger buffer between neighbours is good
- South Pender Island should be progressive and protect the quality of the natural environment despite what is happening on other islands

- Trustees should consider different setback zones (for example, specific areas of the island with narrow properties could have separate zoning with setbacks that allow for room to build)
- It is illogical to have a setback for one kind of building (for example, dwellings and cottages) and not for others (for example, accessory buildings)
- Definitive protection of specific natural barriers on the island is lacking and public meeting time should be used to discuss how to protect the waterfront
- The process of talking about changes to Bylaw No. 114 is constrained to discussion of property rights when much bigger issues like protecting the islands should be the focus; we should discuss good practice in terms of shoreline management such as protecting arbutus and Garry oak ecosystems

A break was held from 11:25 a.m. – 11:37 a.m.

The second half of the meeting was dedicated to discussion of house size. The following comments were made:

- Perhaps the bylaw should have an explicit requirement that says one cannot block a neighbour's view
- Planning a process where variances are a solution is not good planning; variances should be few and far between for exceptions
- Variances are a useful tool in certain situations (for example, when height restrictions limit a house built on vertical rocks)
- Having a one size fits all approach to bylaws is too broad
- Requirements related to house size that are in place now were not agreed to by the community
- Changes to the house height has made a lot of properties non-conforming
- The footprint of a home should be more significant than the floor area; some homes have basements
- The language in *Bylaw No. 122 & Legal Non-Conforming FAQ* is confusing and needs to be clarified
- Question No. 4 in *Bylaw No. 122 & Legal Non-Conforming FAQ* does not specify who a "qualified" person may be; the wording was left open so it would not be overly restrictive
- An attached garage should be excluded from a dwelling's maximum floor area
- Support was expressed for designating attached garages as accessory buildings
- Support was expressed for the changes to the bylaw as the house size limits provide for adequate housing in a rural community; a maximum floor area of 232 m² (2500 ft²) for a 1-acre lot is sufficient
- House size impacts greenhouse gas emissions and it is important that we adhere to the goals of the Official Community Plan to reduce emissions when possible.
- We should retain a bylaw that uses house size as a tool to limit adverse effects on the environment
- A suggestion was made to combine house size allowances for primary dwellings and cottages

- Support was expressed for allowing for one larger house (cluster building) rather than one house and one cottage
- The average square footage of house size on South Pender is very close to the provincial average
- South Pender might consider allowing smaller properties to have secondary suites
- Decisions must take the goals of the Official Community Plan into account
- Diversity in housing is a big part of rural character
- Recommended changes should reference and be justified by the goals in the Official Community Plan
- South Pender should lead other islands and not follow them by having less restrictive regulations
- After this meeting, next steps include creating a staff report and gathering information for the Advisory Planning Commission to discuss and then provide recommendations to the Local Trust Committee
- Staff was asked to clarify the meaning of “legal conforming” versus “legal non-conforming” for members of the Advisory Planning Commission

It was noted that correspondence may still be accepted after this meeting.

4. ADJOURNMENT

By general consent the meeting was adjourned at 1:19 p.m.

David Maude, Chair

Certified Correct:

Carly Bilney, Recorder