



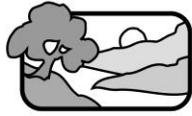
# South Pender Island Local Trust Committee Special Meeting Agenda

Date: April 9, 2021  
Time: 10:30 am  
Location: Electronic Meeting

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**Pages**

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. BUSINESS ITEMS
  - 3.1. Work Program – Staff Report (attached) 2 - 11
4. ADJOURNMENT



DATE OF MEETING: March 5, 2021  
TO: South Pender Island Local Trust Committee  
FROM: Kim Stockdill, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: Report Subject: Work Program Report

## RECOMMENDATION

- 1. That the South Pender Island Local Trust Committee remove the Short Term Vacation Rental Project from the Top Priorities List.**
- 2. That the South Pender Island Local Trust Committee remove the Alternative Housing Project from the Top Priorities List.**
- 3. That the South Pender Island Local Trust Committee add Land Use Bylaw Amendments to the South Pender Island LTC Top Priority List and that staff report back with a project charter.**

## REPORT SUMMARY

The purpose of this report is to provide options to the South Pender Island Local Trust Committee (LTC) on how to proceed with their Work Program for the remainder of its term and to identify new Top Priority projects.

## BACKGROUND

At the January 29, 2021 regular South Pender Island LTC meeting, the LTC requested staff to provide a list of projects that could be grouped under Land Use Bylaw (LUB) amendments or OCP amendments. Staff also requested Trustees forward any addition items to be added to the Project List to staff. Comments received by the Trustees are included as attachments to this report.

The following are the current Top Priority projects and their status:

1. Groundwater Sustainability Project – Project deliverables for phase 1 and 2 expected spring 2021. The SP LTC has expressed an interest in progressing with phase 3 of the project.
2. STVR Review Project – Public Hearing scheduled for March 5, 2021. Bylaws expected to be referred to EC and the Minister of Municipal Affairs this spring.
3. Alternative House Project – Public Hearing scheduled for March 5, 2021. Bylaws expected to be referred to EC and the Minister of Municipal Affairs this spring.

The following are items on the Projects Report:

1. Development Permit Areas
2. Sea level rise and shoreline erosion

3. Steel storage containers
4. Derelict vehicle and machinery
5. First Nation language
6. Building and siting guidelines

## **ANALYSIS**

### ***Top Priority List***

The Top Priorities list defines the LTC's work program. An LTC can identify up to three top priorities at any given time, however given limited resources it is unlikely that three significant projects can be managed and delivered simultaneously. It is more effective for an LTC to focus on one or two projects. When proposing new Top Priorities the LTC should be aware of available resources, including budget and staff, and relevance of the project. Once a project is proposed as a Top Priority, direction should be given to staff to draft a project charter. The draft project charter must then be endorsed by the LTC and Regional Planning Manager prior to a budget being allocated and the project proceeding.

### ***Projects List***

The purpose of the Projects List is to keep a record of topics raised for future work by the LTC. The Projects list also provides a basis for budget requests for the next fiscal year. Before any work beyond basic scoping or preliminary discussion with other agencies begins, the item should be moved to the Top Priorities list to ensure that staff resources are not diverted from other priorities. An LTC can have any number of projects on a projects list, however staff recommends this list be reviewed periodically to ensure the projects can be feasibly initiated in the term. Attachment 2 appends the project list that was endorsed by the LTC in the previous term. The LTC may wish to amend the projects list to add or remove potential topics. New topics should have a clear objective and be within the jurisdiction of the Islands Trust.

### ***Potential Project Topics***

Below are a list of topics provided by Trustee Wright and Trust Thorn (see attached documents). The items have been divided into two lists - potential Land Use Bylaw (LUB) amendments and potential Official Community Plan (OCP) amendments.

#### **Potential LUB Amendments**

1. Maximum floor area regulations.
2. Agricultural lands regulation in accordance with ALC policy L-26.
3. Derelict vehicle and machinery.
4. Shipping containers.
5. Setback to the natural boundary of the sea.
6. Any other minor, technical amendments.

The above topics identified by South Pender Trustees can be grouped together into one Top Priority project that would include technical amendments to the Land Use Bylaw. Staff have provided a recommendation for the LTC's consideration (recommendation no. 3) to place the above amendments on the Top Priority's List and for staff to

report back with a project charter. This project would focus on a number of technical amendments. A full review of the land use bylaw would be out of scope.

### Potential OCP Amendments

#### 1. Building Design & Siting Guidelines.

Staff comments: A [staff report](#) was prepared in November 2019 outlining options for the LTC's consideration in regards to building design and siting guidelines. With respect to the identification of Development Permit Area (DPA) objectives related to form and character, the legislation is very clear that this does not apply to single-family dwellings unless they can be considered to be intensive residential. Developing additional DPAs for the protection of the environment, and promotion of energy and water conservation and the reduction of greenhouse gas emissions could influence some aspects of building siting as well as design aspects such as building orientation, roof design, renewable energy, exterior lighting, water management (including pervious surfaces), and construction materials. Staff recommend the LTC review the staff report dated November 2019 and identify which regulatory and policy options would best achieve the LTC's desire for building design and siting guidelines.

#### 2. Foreshore DPA to address sea level rise and sensitive ecosystems (including Coastal Douglas-fir protection).

Staff comments: Establishing a marine/foreshore DPA could achieve a number of the LTC's goals to protect the marine/foreshore sensitive ecosystem, areas of Coastal Douglas Fir within the foreshore area, and building design guidelines to protect sensitive ecosystems and identify hazard areas (steep slopes). There is a similar project proceeding in the Gambier LTA which could provide a model.

#### 3. First Nations OCP Language.

Comments: Adding First Nation's names to OCP maps would require a separate project to ensure that there is dedicated time to engage in meaningful discussions with First Nations. Alternatively, the South Pender LTC should consider adding an introductory statement/acknowledgement to First Nations in the OCP similar to the Saturna LTC's project: [http://www.islandstrust.bc.ca/media/349685/sa-ltc-bl-132\\_ocp-fnr-2nd-3rd-readings.pdf](http://www.islandstrust.bc.ca/media/349685/sa-ltc-bl-132_ocp-fnr-2nd-3rd-readings.pdf). The South Pender LTC could use Saturna's First Nation acknowledge statement as a template and it could be included in an OCP amendment bylaw with another OCP project. For example, if the LTC moves forward with establishing a DPA, this would require an OCP amendment bylaw which could include both DPA guidelines and the First Nations acknowledgment, an acknowledgment is the minimum standard for OCP amendments.

#### 4. Rights of Nature policy – Trust Wright's notes attached.

Staff recommend the LTC consider how it would like to proceed with an OCP project. The LTC should develop some clear and concise objectives and direction that are all within the legislative powers of the LTC and Islands Trust.

### **Rationale for Recommendation**

Staff are recommending three separate motions for the South Pender LTC to consider. The first two involve removing the two projects (STVR project and the Alternative Housing project) from the Top Priority lists as they are near completion. Removing these two projects is only recommended if the project's bylaws receive second and third reading, and are directed to be referred to the Executive Committee and the Minister for approval at the March 5, 2021 LTC meeting. If the project's bylaws are not given second and third reading, these two projects should remain on the Top Priority's list.

The third recommendation is to add the Land Use Bylaw Amendments project to the Top Priority list and to request staff to draft a project charter for this project. This recommendation is supported by staff only if the other two Top Priority project’s (STVR and Alternative Housing) bylaws have progressed at the March 5, 2021 LTC meeting.

In addition, the LTC could add a project related to OCP amendments once the LTC has clear direction on the scope of the project.

**ALTERNATIVES**

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

**1. Request further information**

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

*That the South Pender Island Local Trust Committee request that the staff provide further information regarding...*

**2. Add OCP Amendment project to the Top Priority List**

If the LTC has clear direction as how to proceed with an OCP amendment project, then the LTC may use the resolution below that includes a specific project name (for example, Foreshore DPA Project):

*That the South Pender Island Local Trust Committee add XXX to the South Pender Island LTC Top Priority List and that staff report back with a project charter.*

**3. Add project to the Projects List**

The LTC may wish to add new topics to the Projects List. Recommended wording for the resolution is as follows:

*That the South Pender Island Local Trust Committee request staff to add XXX to the Projects List.*

**NEXT STEPS**

Once the South Pender LTC has given direction on the Top Priority List, staff can report back with information on scope, budget, and timelines for each Top Priority project.

Submitted By:	Kim Stockdill, Island Planner	February 26, 2021
Concurrence:	Robert Kojima, Regional Planning Manager	February 26, 2021

**ATTACHMENTS**

1. Trust Wright notes dated February 4, 2021
2. Trust Thorn notes dated February 25, 2021
3. Rights of nature notes provided by Trustee Wright dated January 27, 2021

## Priority List

1. Groundwater Sustainability Report
  - findings included in Maps
  - develop OCP policies and LUB regs to reflect limited supply areas and amend density/use accordingly
2. STVR Review
  - amend bylaws to take to Public Hearing
3. Alternative Housing
  - RVs to be permitted as temporary dwellings for 60 days
  - RVs to be permitted as full time dwellings for 2 yrs with active bldg permit
  - requirement to be connected to approved septic system
  - amend bylaws to take to Public Hearing

## Project List

### Under OCP Amendments:

1. Development Permit Areas - along foreshore (CDF ecosystem, sea level rise, climate change)
2. Adding FN names to maps
3. Building Design and Siting Guidelines
4. include policy on Rights of Nature

### Under LUB amendments:

1. Steel storage Containers
    - include as accessory buildings
    - 1 per 1 A lots
    - 2 max
    - screening if seen from neighbour or public road
  2. Derelict Vehicles & Machinery
    - amendments as needed for enforcement purposes
  3. Agriculture land
    - max floor size of residence to be 2800 sq ft
    - remove 5.5 (3) and apply through variance
- put ALC policy for buildings siting in regulations  
policy paper (ALC Policy L-26), 3.0

### 3.0 Limiting housing's physical impact on the productive parcel

The type of additional residential structure should reflect the agricultural use of the property.

Preference will be provided to residential uses which utilize existing structures and/or residences that are sized appropriately and located in an area which minimizes negative impacts to the agricultural land or can easily be removed from the property, such as a manufactured home.

The total residential footprint, meaning the portion of a property used for the principal residence, the additional residence(s), and the accessory residential facilities (e.g. yard, driveway, servicing, etc.), should maintain a viable agricultural remainder and should not unnecessarily infringe upon the productive farming area of the property. Unless a more restrictive local government bylaw is in place, the following parameters, consistent with the Minister's Bylaw Standards, will inform the Commission's consideration of the appropriate total residential footprint:

- a) Principal Residence: The total residential footprint for a principal residence should not be more than 2,000 m<sup>2</sup>.
- b) Additional Residence: The total residential footprint for each permitted additional residence should not be more than 1,000 m<sup>2</sup>.
- c) Temporary Farm Worker Housing: The total residential footprint for each permitted temporary farm worker housing space should not be more than 35 m<sup>2</sup> per worker.
- d) Siting: The setback from the front lot line to the rear or opposite side of the total residential footprint should not be more than 60 metres. Lots narrower than 33 metres are exempted from the 60-metre maximum setback guideline (for the total residential footprint) from the front lot line, however, the footprint should fill the front of the lot to a maximum of 2,000 m<sup>2</sup>.
- e) The following exceptional circumstances may also apply to the siting of residential footprints and may be considered by the Commission:
  - i) Existing Footprints: The clustering of a residence with other existing non-agricultural uses on the property to limit the fragmentation of ALR land and avoid the restriction of agricultural activities.
  - ii) Commodity-Specific Needs: The strategic placement of a residence to benefit or optimize the agricultural operation (e.g. monitoring of livestock on a large property).
  - iii) Topographic Features: Siting of a residence as appropriate to reduce the use of potentially productive farming land for residential purposes (e.g. sited on a non-farmable area of the property).

#### 4. Maximum floor area of residences

- continue discussion with NP
- set size limits in relation to lot size

#### 5. Increase setbacks to:

- 50 ft setback from shoreline
- 20 ft side lot lines
- remove “stairways” from LUB 3.3 (3)

## South Pender LTC – Proposed 2021 – 2022 Work Plan

With the South Pender Local Trust Committee now entering the second half of its four year term, it is an appropriate time to summarize the accomplishments achieved thus far and, chart a work plan for the remaining two years. Throughout the term the consistent objective of the LTC has been and continues to be, the development of policies and regulations that both support the vision and goals of our Official Community Plan, and respond to emerging issues in a manner consistent with the OCP and community values.

The OCP embodies a consensus of South Pender Islanders' views about how best to nurture a sustainable economy, environment and community in a manner that preserves and protects what we most value for the generations to follow.

At a fundamental level our OCP goals "are intended to act as focal points in protecting and maintaining the rural island character and natural features so valued by South Pender Island residents, property owners and visitors. These goals include:

- To maintain the island's rural character;
- To protect the natural features and biological diversity of the island and its immediate surroundings;
- To protect both the archaeological and historic features of the island's cultural settlement and the scenic amenities derived from its areas of forest cover, natural vegetation, farm lands, residences, and coastline;
- To ensure land use, development, and associated servicing are compatible with the rural island character and that their growth is gradual and sustainable.

During the first two years of the term, the South Pender LTC has:

- **Community Dialogue:** Provided opportunities for regular and interactive dialogue with the community. In addition to the regularly scheduled LTC meetings, Trustees organized a number of informal community information meetings at the Fire Hall in 2018 and 2019. Notwithstanding the pandemic and the prohibitions against in-person gatherings, the LTC has also held four Special Meetings between September 2020 and January 2021 to consult with the community on new policy initiatives.
- **Design Guidelines:** Prepared the draft "South Pender Building Design and Siting Guidelines" based on the vision and goals of the OCP
- **Advisory Planning Commission Referrals:** Referred a number of policy initiatives to the APC including Short Term Vacation Rentals and the Building Design and Siting Guidelines
- **Short Term Vacation Rentals and Bylaw 117:** Amended regulations within the South Pender Land Use Bylaw to place a moratorium on the establishment of new STVR operations with the explicit commitment replace Bylaw 117 with a new bylaw amendment enacted in response to a comprehensive short term vacation rental policy for South Pender Island. The process of developing a new, forward looking STVR policy has been guided by several community

information meetings, public feedback and, the results of poll mailed to every property owner on the island.

- Bylaw Enforcement Notification Bylaw: Adopted the BEN bylaw in 2019 to provide a more cost-effective, efficacious approach to enforcement of the zoning bylaw.
- Promoted pan-island cooperation: Collaborated with the North Pender LTC on common issues including more effective bylaw enforcement, protection of the environment and preservation of our rural character while preserving the autonomy of the two islands.

Over the next two years, the proposed LTC Work Plan includes:

- Short Term Vacation Rentals: Finalize a STVR policy and companion regulations.
- Design Guidelines: Finalize the Building Design and Siting Guidelines following recommendations from the APC and input from the public. The intent would be to add the finalized Guidelines as a Schedule to the Official Community Plan.
- House Size: Establish a maximum house size by lot area with variance opportunities provided where applications respond affirmatively to the Building Design and Siting Guidelines. In conjunction with house size regulations, the intent would be to establish regulations such that existing or approved dwellings that would exceed new house size regulations could be re-built – in the event of damage or destruction - to their present size despite new maximum house size regulations.
- Agricultural Lands: Protection of farm (agricultural) lands consistent with the policies of the Official Community Plan and the Agricultural Land Commission. In particular, protection of farmland may include regulations on siting of buildings in accordance with section 3.5.1 of the OCP and ALC Policy L-26.
- Development Permit Areas: designation of the foreshore as a development permit area and consider increasing the setback from the foreshore to 50 feet both to protect the natural environment and to protect development from hazardous conditions exacerbated from climate change.

South Pender Island lies within the Coastal Douglas fir bio-geoclimatic ecological zone which as a result of climate change, is becoming endangered. Many bird species and other animals within this zone are also diminishing in numbers. In the Salish Sea, one of our most iconic mammals, the Southern Killer Whale (Orca), is threatened by the activities and degradation of their environment by humans. Many species of fish, shellfish, and sea birds are also in decline.

The South Pender Official Community Plan (OCP), maintains that “South Pender Island and its 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 and maintaining the rural island character and natural features so valued by South Pender Island residents, property owners, and visitors.” To achieve this goal 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 policies to realize this goal is “the concept that land use and development should be compatible with the inherent capacity of the island.” This in itself, recognizes a person’s right to a healthy environment.

The Rights of Nature recognizes the impact by human beings is caused primarily by our attitude towards nature which views nature as an object or property, rather than a myriad of life forms. If we recognize the importance of “sustainability” then we need also to recognize limiting our use and impacts to Nature if we are to maintain a balance in the ecosystems in which we share with the plants, forests, and animals. Humans are ultimately connected to Nature, and our present and future generations can only be sustained when the environment is respected and healthy. For example, cutting down trees to build a home may be necessary but the clear cutting of large swaths of trees destroys a forest and the ecosystem in which many other plants and animal species depend upon to survive.

The First Nations who inhabited this region since time immemorial understood their connection to, and responsibility for, the sustainability of the land, waters and all other species, which ensured their survival through millennia.

I propose that the South Pender Island Official Community Plan recognize the Rights of Nature within an overall framework of sustainable development, in conjunction with other agencies, and with the involvement and participation of property owners, to:

- a) Prevent and control pollution and its effects and the harmful forms of erosion;
- b) Conduct and promote land use planning with a view to a correct location of activities, balanced social and economic development and the enhancement of the landscape;
- c) Create and develop natural and recreational areas and classify and protect landscapes and places, in such a way as to guarantee the conservation of nature and the preservation of cultural values and assets;

- d) Promote the rational use of natural resources, while safeguarding their ability to renew themselves and maintain 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, particularly on the architectural level and as regards the protection of historic zones;
- f) Promote the integration of environmental objectives into the various policies of a sectoral nature;
- g) Promote environmental education and respect for environmental values;
- h) Promote a tax policy that renders development compatible with the protection of the environment and the quality of life.

<https://therightsofnature.org/>