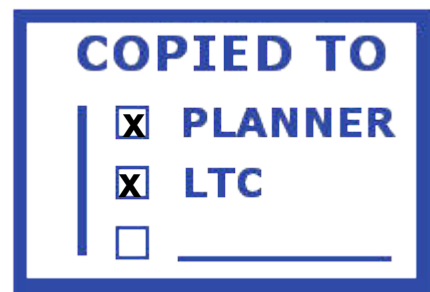


**All combined correspondence below has  
been received by the North Pender  
Local Trust Committee**



Attention Islands Trust Bylaw Review Committee

Greetings,

I am aware that a review of Bylaws effecting Pender Island is under way.

I'll start by applauding all the hard working folk attending to this task and applauding the Islands Trust Trustees who have stepped up for their communities. Public service is often very challenging and very under appreciated. So thank you for your service.

I appreciate the value of the Islands Trust preserve and protect mandate. However, I am perturbed by the seeming inability of the Islands Trust to respond to land use issues in a timely fashion. The waste management issue on Pender would be a good example of this.

I advocate that the Islands Trust reflect on the current Bylaws in terms of community resiliency and the climate change crisis. Community needs should be accommodated with minimal impact on our natural environment as is possible. While there needs to be a solid framework and set off standards and best practices, there also needs to be flexibility and adaptability. The Islands Trust needs a mechanism to make extraordinary decisions in extraordinary times.

I find it frustrating that basic considerations that impact intelligent decision making are only now being addressed (I hope!), like capacity for population density and capacity for water on these islands. The Islands Trust needs to get out in front of managing land use issues, being proactive rather reactive in the future. How are other small islands in the region and globally dealing with the challenges that can be expected with climate change?

I have concerns about imposing strict limits on housing density. While there is a need to restrict unnecessary development and I appreciate the idea of 1 home per so many acres, I can see the potential desirability of communal style living or farm worker housing in the future on large parcels of land or having a small apartment building near the commercial centre for housing vulnerable seniors and/or seasonal workers and so on.

I have concerns imposing strict limitations on building size. I would like to see a system that educates land owners regarding the preserve and protect mandate and what they need to consider before clearing land and building. Encourage land owners to think before they do.

A 'best practices' guide should be given out via Realtors to prospective property owners. People buying new undeveloped lots should be given a package of information regarding the dos and do nots regarding property development and community recommendations.

Collaborating with CRD, there could be tax incentives to have folk build energy efficient low impact houses. There could be taxes levies that discourage excessively large energy hungry buildings. Rather than strict regulation I'd rather see builders explain the intended use of space that exceeds the recommended sizing. For example someone in a wheel chair needs more room to maneuver than someone with unrestricted mobility. Having multiple stories is not always the best fit for aging folk and people with compromised health issues.

I feel there should be some thought given to the 'repurposing' of certain land and buildings and easy adaptability of the Bylaws therein. For example 1) Repurposing existing very large homes would be a cost effective and eco friendly way of creating co-housing for vulnerable seniors. 2) There is interest in finding a space for a community arts centre. Repurposing a building in a residential area could be desirable but current Bylaws would prohibit this.

Islands Trust land use policies/bylaws should reflect the needs of a resilient sustainable community and move quickly in adjusting bylaws to accommodate new technologies, energy efficiencies, and developments that enhance community sustainability and security. For example allowing infrastructure for things like: commercial/agricultural-scale composting, community scale food storage, abattoir, food processing. Allowing things like compostable toilets where appropriate and encourage water catchment systems in the building code.

Thank you for your consideration.

Respectfully,

Wendy Gardner  
North Pender resident

From: Shawna Barrett <[REDACTED]>  
Sent: Tuesday, October 20, 2020 9:41 AM  
To: npltcwebmail <npltcwebmail@islandstrust.bc.ca>  
Subject: Land Use Bylaw

I do not believe that placing size restrictions on new residential builds is appropriate or necessary in a low density community such as ours.

The current building code, set back requirements, diverse shape and sizes of lots and topography are challenge enough when planning a new build.

Implementing more restrictions is unnecessary, costly, and punitive to potential buyers, sellers and existing owners if they are non confirming.

Our demographic is changing.

More family and multi generational homes require a larger footprint. Covid is changing how and where we work. Home offices and studios will be the new norm.

I live in an 800 square foot energy efficient small home. I live next to a multi level sprawling pink castle. The castle was here first and it did not dissuade me from building next door. I find it charming and eclectic.

Last but not least, I do not believe the Islands Trust should be in a position of granting or rejecting variances. I believe this could be a conflict of interest as listening to the meeting it is apparent that at least one of the trustees has a personal bias toward large houses.

Please leave as is.

Thank you,  
Shawna Barrett  
[REDACTED]

The Property Owners

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

October 20, 2020

Local Trustee Ben McConchie  
Local Trustee Deb Morrison  
c/o North Pender Island Local Trust Committee, Islands Trust

Via email: dmorrison@islandstrust.bc.ca, bemconchie@islandstrust.bc.ca  
CC: npltcwebmail@islandstrust.bc.ca, vivmitchell@shaw.ca, m.timmins987@gmail.com

**Re: Land Use Bylaw Review - Industrial Regulation Review**

Dear Trustees:

Following up the North Pender LTC Special / CIM Meeting on October 3, we are writing to provide feedback on the Industrial Regulation Land Use Bylaw review process that the committee is currently undertaking.

On page 12 of the *Industrial Land Use Review Discussion Paper*, it states that “There is also a portion of a rural lot designated for future industrial, but is used residentially with no anticipated future industrial use.” The lot in question is no doubt at our address, 3330 Port Washington Road. The statement above is erroneous, and we do not understand how this was concluded as we have had no discussions with the Islands Trust about future use of this site.

As you know, the southern portion of 3330 Port Washington Road is designated for industrial use in the Official Community Plan, and zoned rural. We purchased the property two years ago, and we do have intentions for light industrial use on the site. This piece of land is not suitable for any other use – it cannot support housing, growing food or farming. It is a former rock quarry bordered by two other industrial sites.

We would like to discuss with you the plans we are investigating for future light industrial development on this site, and as such we are requesting that you please include this piece of land in the current industrial land use bylaw review. We look forward to your reply.

Sincerely,

Sara Miles

Mike Timmins

Vivian Mitchell

[REDACTED]

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**From:** Jan Garnett <[REDACTED]>  
**Sent:** Friday, November 13, 2020 10:08 AM  
**To:** npltcwebmail  
**Subject:** Primarily regarding the issue of limiting house size

Hello Trustees, and thank you for your work.

I am a conservationist, and was fortunate to had a career as such. I have also sought "country" homes and lifestyles, and taken an "antidevelopment" stance, even during an earlier real estate career.

Any historic search for a definition of what defines a community's "rural nature" usually shows that larger houses on big parcels of land are not necessarily at odds with the concept, particularly if there is a good mix of dwelling sizes in the community, setbacks are required, building footprint to property size ratios enforced, and vegetative screening in place.

Far more important than house size to maintaining "rural character" is the connectivity of woodlands, pastures, parks, and green space in general. Also important are the width of roads and number of stoplights, whether there are strict and enforceable controls on subdivision, clustered and compatible commercial zoning and structures, ecological protection (often not accomplished by complete prevention of tree cutting, and in some cases actually impeded by that), and efforts towards protection and connection of stream-sheds, wetlands and older growth. More than house size, subdivision and density are the enemies of rural ambiance.

I also have a big problem with uncontrolled invasive species on both public and private land, but that's another subject, as is the pollution of stream-sheds and land by uncontrolled private collections of rusting ex-cars, trailers, and boats.

Many families are "blended" now, often meaning a need for more space. Very few can afford to construct a house on the Gulf Islands. The cost of materials and labour per square foot is simply prohibitive. Renovations and the replacement of existing dwellings will continue to be more common, with prefabricated housing the new norm.

Building "megahouses" on small lots can be effectively prevented by using many other available models of rural design, almost all related to the size of building envelope relative to the size of the entire property.

BEFORE they commit, realtors should be required to have prospective buyers sign off regarding their knowledge of such restrictions, as well as existing and proposed environmental protection requirements.

Reducing the options for families to live here would probably lead to an island of even crankier retirees and low-contributing part-timers, and the death of many services and businesses that we currently value.

There are existing successful models in Metchosin, North Cowichan, etc. What we treasure regarding "rural ambiance" on Pender isn't exactly unique, although being also deemed to be within an "urban" jurisdiction can be.

With best wishes,

Jan Garnett  
[REDACTED]

**From:** Laura Patrick <lpatrick@islandstrust.bc.ca>  
**Sent:** Monday, September 28, 2020 4:00 PM  
**To:** Kim Stockdill <kstockdill@islandstrust.bc.ca>  
**Subject:** FW: Residential Land Review

**From:** stephenson [REDACTED]  
**Sent:** Monday, September 28, 2020 3:37 PM  
**To:** Laura Patrick; Deb Morrison; Benjamin McConchie  
**Cc:** North Pender Planner  
**Subject:** Residential Land Review

To the Trustees regarding Residential Land Review.

You have asked for NP residents to provide feedback on this Review. I have read the Discussion Paper and I did attend the Community Information Meeting.

I believe there are too many issues being reopened by this Review, causing stress, anxiety & confusion in the Community, and I'm not convinced there's an urgent need to do this, either at this time during a Pandemic, or in the immediate future. My first choice would be option #3, leave the Bylaws as they are.

However, as you have asked us for our comments I believe the issues are:

Amend Site Coverage by lowering the current 25%; and/or

Establish Maximum Floor Area for Main Dwelling, either by:

- a. Putting a maximum sq footage on main dwelling; or
- b. Creating a Floor Area Ratio; or
- c. Establishing a maximum sq footage for all buildings on the Lot, which affects a lot more than just the Main Dwelling; and
- d. Adding an extra layer of regulation by including impervious surfaces.

If the Trustees decide to proceed with amending the Bylaws, then South Pender's method of calculating a maximum floor area on a sliding scale, depending on Lot Size, is clear and concise. If the method to calculate maximum is too complicated, and detailed Site Plans are required, it will increase the already high cost of building.

The amount of sq footage for a home depends on personal circumstances, and budget. No one wants "Monster Homes" on Pender but there is no clear definition of what that is. How many existing properties are currently encroaching on the existing 25% Lot Coverage? Sidney Island has a maximum of 5,000 sq feet for a main dwelling. The average lot size on Sidney Island appears to be 2.5 acres, so 5,000 sq feet seems a good maximum for that Lot size, and less than the similar maximum allowed on South Pender. It is after all, not the recommended size, but the maximum allowed.

Finally, if the Trustees regulate a small maximum, the greater the number of existing homes and properties will be put into the Legal Non Conforming category, creating further problems. There will be uncertainty for existing property owners if they have future plans for their property, and the amount of Variance applications will increase substantially, with additional bureaucracy, Staff time & resources, Costs, and IT meeting time.

I hope the Trustees carefully consider the ramifications of these changes.

Regards  
Ann Stephenson  
North Pender Island

Correspondence

**From:** Jennifer Demers <[REDACTED]>  
**Sent:** Wednesday, November 18, 2020 10:29 AM  
**To:** npltcwebmail <npltcwebmail@islandstrust.bc.ca>  
**Subject:** Land use review for North Pender Island

Hi there

I would like to request that the review of property use/house square footage be postponed until after the pandemic when we can all meet in person and at times outside of working hours. This is too big an issue, with polarizing perspectives, affecting too many people on North Pender to be discussed at a time when people's focus is clearly elsewhere.

In my opinion, having the virtual meetings held during the work day and sharing online videos is not an appropriate level of engagement for an issue of this importance. (ironically our bandwidth challenges make this option rather difficult)

Thank you for your consideration regarding this matter.

Jennifer Demers  
[REDACTED]

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**From:** Kathi Allinson [REDACTED] >  
**Sent:** Saturday, November 7, 2020 1:32 PM  
**To:** npltcwebmail  
**Subject:** Land use review-North Pender Island

It is my opinion that the property use/house square footage should be tabled until after the pandemic when we can all meet in person. Yes business goes on through a pandemic but this is too big an issue effecting many people. Having the virtual meetings and online videos is not getting through to people. For example I have not been able to see or participate in some of the meetings as when I click on the link it says runtime error.

Kathi Allinson

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**From:** [REDACTED]  
**Sent:** Saturday, November 7, 2020 2:43 PM  
**To:** npltcwebmail  
**Subject:** Contact Form Submission

**Contact:** North Pender Island Local Trust Committee

**Name:** Mark Kroeker

**Email:** [REDACTED]

**If you would like to be contacted using a different method than E-mail, please enter the details:**

**Write your message:** To whom it may concern, I write as a long time Pender Island resident family to express my deep concerns over the process underway concerning the land use review. The online meetings are effectively preventing the majority of Pender Island residents from speaking their minds/ expressing opinions and even understanding what is currently at stake with this Land use review. I respectfully request that the trust recognize the importance of meetings taking place where regular people that are not able to access the video platforms can participate in this important community process. Please delay these meetings until this can happen safely in a public meeting space where people can be seen and heard. Thank you for your consideration in this matter, Mark Kroeker North Pender Property owner



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**From:** Mae Moore [REDACTED]  
**Sent:** Thursday, November 12, 2020 8:45 PM  
**To:** information  
**Cc:** Benjamin McConchie; Deb Morrison  
**Subject:** North Pender Bylaw review Nov.13/2020

Dear Trustees,

With regard to the NP Bylaw Review, building lot sizes, habitat and eco management of trees, we would like to lend our voices in support of everything outlined in Raincoast Conservation Foundation's letter to you, today. We put our trust in the science behind their appeal and our hope is that you will also acknowledge and value their input.

Thank you for continuing to preserve and protect.

Mae & Les Quitzau  
[REDACTED]  
[REDACTED]

V0N2M1

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**From:** Wilma Carpentier <[REDACTED]>  
**Sent:** Tuesday, November 10, 2020 12:32 PM  
**To:** npltcwebmail  
**Subject:** Re: property use review and possible by- law change

We are elderly Canadian citizens who live in both the USA and on North Pender. Because of the Covid19 pandemic it is not prudent for us to travel to our Pender home. Thus we are unable to be present for any discussion that may well impact us and our home on Pender island.

It is our opinion that any changes made should be delayed until after this worldwide emergency is under control. It seems unconscionable that all those who may well be affected do not have a voice, or at best, find it difficult to take part or be heard.

We built our home carefully, using a local builder and in accordance with all the existing regulations. We had numerous inspections during and after building, and we now go to great lengths and substantial expense to maintain our property. We wish to have a voice.

Sincerely,  
Wilma S Carpentier, Ph. D.  
William R Carpentier, M. D.

Sent from my iPhone

**North Pender Island Land Use Bylaw Review – feedback regarding land use bylaws and a resilient local food system.**

**Submitted to:**

Islands Trust staff [information@islandstrust.bc.ca](mailto:information@islandstrust.bc.ca)

Trustee Morrison, [dmorrison@islandstrust.bc.ca](mailto:dmorrison@islandstrust.bc.ca)

Trustee McConchie, [bemconchie@islandstrust.bc.ca](mailto:bemconchie@islandstrust.bc.ca)

**Submitted by:**

Roz Kempe

[REDACTED]  
[REDACTED]

2020-11-13

**Context**

Rather than a critique of the land use bylaws themselves, I have instead identified critical infrastructure that would contribute to a healthy and largely self-sustaining food system on Pender Island. Placement and operation of this infrastructure must be enabled by an integrated set of bylaws, updated to reflect the modern realities of climate change.

Disclaimer: I recognize that I come from a very limited colonial perspective, and do not attempt to talk about indigenous values – but indigenous knowledge and food sovereignty would surely be essential to the success of any long term abundance of foods on the islands.

**Resilient Food Systems**

It is well known that the gulf islands are vulnerable to climate change impacts, disruptions to ferry transportation, bottlenecks in the global food system, and general economic pressures as seen from the Covid-19 pandemic.

The industrial food system suffered a serious blow during the earlier stages of the pandemic, and its fragility became blatantly clear. Shortening the supply chain has been widely recommended as one of several key responses to address food security. Although building a new resilient food system from the ground up would require fundamental changes at the global, national and provincial scale, the progress that could be accomplished towards this goal at the **local community scale** is possibly the most impactful.

General components of a resilient food system on the gulf islands are: farmland (commonly owned and privately owned), farm managers, seasonal farm workers, housing for farm workers, sustainable water supply, fencing, farm buildings, organic materials for soil building, feed and seed supplies, horticulture, machinery, diversity of retail outlets (farm stands to grocery stores), food processing capacity, access to education and technology, wild forage lands, fisheries, and low-carbon transportation to other centres.

All of these components must also be created and operated with fundamental respect for our natural ecosystem's carrying capacity. Therefore, preservation of habitat for pollinators, and retaining trees and native vegetation for cleaning water and air are also part of the bigger picture of a sustainable food system – all within the scope of the Islands Trust mandate.

But, many of these components are either completely missing, or very poorly resourced and not functioning. This in turn leaves Pender residents extremely vulnerable to food insecurity.

### **Required Infrastructure**

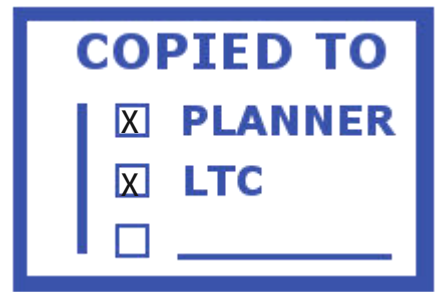
Considering the challenges of the Covid-19 pandemic, and the necessary task of reducing our ecological footprint, I propose that the Islands Trust revise the land use bylaws in such a way that the following infrastructure would be permitted to be established on North Pender Island:

- **MOBILE ABATTOIR** (servicing Pender, Mayne, Galiano) – docking station with rain water collection, and ecological waste treatment. This is necessary to support raising livestock in an ecologically enhancing way, for diverse protein supply. Within the 'regenerative agriculture' model, animals are necessary for soil building and carbon sequestration. Currently there is no such abattoir facility, and the logistics, animal stress, and cost of transporting animals to off-island facilities is debilitating and is one of several reasons why there is not more livestock being raised on Pender Island.
- **COMPOSTING FACILITY** - Community scale, and community owned for sustainable management of commercial and residential organic residuals. This is a fundamentally basic service that should be available on Pender to stop the carbon-emitting practice of hauling food waste to Vancouver Island, and the additional carbon-emitting and expensive practice of individual growers hauling composted manures and amendments back to their yards. Closing the loop on organics management is essential for future food growing capacity.
- **HOUSING FOR FARM WORKERS** - is essential to allow the scaling up of food production on the islands. Although this is largely within provincial jurisdiction for properties in the Agricultural Land Reserve, there could still be some revisions to land use bylaws to enable small scale low resource-demanding structures on other lands (e.g. Rural) to enable farm workers to live on the island. Without more farm labour, island food production will never be sufficient. Current bylaws that allow for agri-tourism buildings, but not farm worker buildings, is counter-productive.
- **SUSTAINABLE WATER SUPPLY** – climate change is predicted to create longer periods of low/no precipitation on the islands, while also creating more intense precipitation events over a shorter period of time. Water catchment and storage is therefore critical to sustain agricultural water supply. Land use bylaws should allow for a variety of catchment options for farmers and growers including rain water collection tanks, and carefully placed dug ponds that do not negatively impact other natural values.
- **FOOD PROCESSING CAPACITY** - community accessible food processing facilities, as well as the allowance of commercial food processing facilities should there be a future viable business case. With recent community interest and efforts to increase home-scale food gardens, there is the corresponding need to revive traditional ways of preserving the harvest. Although there is a community kitchen at the Hall, it is very small and already in

heavy demand. As food production increases, there is need for extra food processing space and equipment that is fully accessible to the community. In addition, allowing for a farm-based food processing business would make farming more viable, and integrate with agri-tourism.

- **COMMUNITY FOOD HUB** – for a community seed bank, emergency food storage (e.g. for major power/transportation outages), a free food ‘store’ for vulnerable individuals (replacing the old food bank model), shared farm equipment, cold room for winter storage crops, community-owned food harvesting and processing equipment, education materials. A food system that is based on ensuring food supply for the community, rather than an external market and commodity based system, means that community owned infrastructure is key. Land use bylaws that are flexible enough to allow for such buildings and usage is needed.
- **DIVERSE RETAIL OUTLETS** – flexibility for small scale growers to sell their products is necessary to encourage more food growing, and therefore increase the local food supply to residents e.g. allowances for joint farm stands, pop-up markets in community spaces, co-operative retail outlets, and farm retail sales.
- **FARM SCHOOL, COMMUNITY FARM** - these types of assets exist in many other communities, including nearby Richmond Farm School, and Galiano’s Millard Learning Centre. Additional capacity for research, education and demonstration, would encourage and enable our youth to stay in our communities (rather than leave for urban centres) to continue to create ever more inventive and sustainable solutions that we can barely imagine right now. Most farmers are older than 50 years of age, and new farmers need to be trained, mentored and provided with the ‘space’ to create for themselves a local food system that is viable and rewarding.

If the Islands Trust can enable land use flexibility for a community focused food system you would be planting seeds for our future.



**From:** Chris Genovali <[REDACTED]>  
**Sent:** Tuesday, December 1, 2020 2:12 PM  
**To:** Kim Stockdill <[kstockdill@islandstrust.bc.ca](mailto:kstockdill@islandstrust.bc.ca)>  
**Subject:** Re: LUB Review Project (OCP Implementation) correspondence

Hi Kim,

Our original letter is attached - per the instructions, we sent it to [info@islandstrust.bc.ca](mailto:info@islandstrust.bc.ca), and the N. Pender trustees, as did several other Pender residents. Thanks and let me know if you need any other information.

Best,  
Chris

Chris Genovali  
Executive Director  
Raincoast Conservation Foundation

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]





November 13, 2020

To: Trustees Deb Morrison and Ben McConchie

Local Trust Committee, Islands Trust

North Pender Island

[bemconchie@islandstrust.bc.ca](mailto:bemconchie@islandstrust.bc.ca)

[dmorrison@islandstrust.bc.ca](mailto:dmorrison@islandstrust.bc.ca)

[information@islandstrust.bc.ca](mailto:information@islandstrust.bc.ca)

Re: Submission to North Pender Island Land Use Bylaw Project

Dear Trustees,

Thank you for conducting this important land use by-law review. It is timely, as the conversion of natural areas, forests, and shorelines on North Pender Island is occurring at an acute pace. A growing climate and biodiversity crisis in the Coastal Douglas fir zone, both on Pender and within the province, requires an informed and comprehensive response.

The most recent edition of *The State of BC's Forests* (2010) asserts that rates of forest conversion for "human" use is low (<3%) in most of BC's 16 biogeoclimatic zones; however, this is not true in the province's three most southerly zones. As of 2010, the Coastal Douglas-fir (CDF) zone had the highest rate of conversion: a staggering 46% (more than double the rate of the next most converted zone). This included the highest road density, resulting in some of the province's most fragmented habitats. Further, the Coastal Douglas-fir zone was identified as having the least forest over 140 years old, with less than 4% classified as old growth. The CDF is also among the three zones hosting the majority of red-listed (threatened and endangered), forest-associated species. The report also asserts that due to historical development patterns, "choices" for protection in the CDF are limited. With reports as early as 1999 from the Ministry of Environment and the Conservation Data Centre qualifying most CDF associated ecosystems as "rare or endangered" (p.1), there is decades of evidence demonstrating that the CDF is in dire need of protection. Yet, current regulations, particularly those governing private land, remain insufficient (ELC, 2020).

As such, it is essential that the North Pender Island Land Use Bylaw Review be based on the guidance from two decades of environmental assessment and the directive of the Trust Object - *to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally...*

The following outlines our recommendations for the North Pender Island Local Trust Committee Land Use Bylaw (No. 103, 1996) based on the seven topic areas identified by Trustees and Planning Staff. We have also included notes on amendments to the North Pender Island Official Community Plan (OCP) Bylaw (No. 171, 2007) as they relate to the current review.

1. [Residential floor area review](#)

In 2007, North Pender's OCP reported that the long term average of 25 new dwellings per year would accommodate 25 years of residential growth, but the more recent average of 40 new dwellings per year meant only 17 years of growth could be accommodated (p.10). These estimates were based on data from 2004, and it was recommended that the numbers be updated following the 2006 census. The OCP goes on to claim that the "vision, planning and forethought" invested into its creation would allow North Pender "to thrive socially and economically within the sustaining capacity of the ecosystems on which they depend" (p. 12). Yet, there seems to be no scientific analysis or inquiry into the carrying capacity of North Pender to support this claim.

The average house size in Canada has doubled since the 1970s to 2,600 square feet. Houses on Pender Island are being constructed at twice, and up to three times this size. This is often just the inside footprint of the primary residence; additional cottages, garages and outbuildings are additional to this. It is well recognized that where large and monster homes are replacing older homes they change the character of neighborhoods, or in this case, the character of rural islands. Ecologically, they require more resources and materials to build, more energy to heat and cool, and they generally produce more greenhouse gas emissions.

The footprint of these homes, and their amenities (including paved driveways and other structures), contribute to impervious surfaces, require extensive tree removal, and drive the loss and conversion of native forests. Such conversion perpetuates climate change at a regional and microsite level through canopy loss, desiccation of the former understory, soil erosion and compaction, and increased fire risk in degraded forests, all the while furthering habitat loss and declines in biodiversity in a rare and threatened ecosystem.

We recommend that North Pender Island Local Trustees and planning committee:

- Establish a hybrid between the proposed approaches for regulating residential floor area:
  - Due to the consideration of lot size, the Floor Area Ratio (FAR) as a maximum dwelling regulation may be a suitable approach. However, the current build out to 25% is far too high; 10% is a more suitable target. In many coastal watersheds, impervious surfaces higher than 10% are associated with a host of adverse ecological effects on hydrology and ecosystem function. When salmon are used as an indicator (not applicable to much of Pender, but an indicator of general impact), impervious surface coverage at 18% of a watershed causes such hydrological and ecological change that salmon struggle to persist.
  - If only the FAR is implemented, it would mean that one could legally construct one of the "excessively massive or imposing dwelling" the regulation was implemented to avoid. As such, implementing an overall maximum floor area that cannot be exceeded regardless of lot size. This maximum should be under 3,000 sq ft, still permitting structures 15% larger than the average Canadian house size.

- Regardless of how the determination is made or the figures settled on, floor area should be calculated to include all impervious ground cover such as paved driveways and other outbuildings to discourage decreasing ground permeability, removal of forest canopy and forest conversion and change in microsite temperatures.

Other recommendations include:

- **Determine the ecological carrying capacity of North Pender**, considering things such as the impacts of climate change (e.g. increased severity and frequency of droughts), domestic and agricultural water consumption, impervious surfaces, habitat loss and conversion, etc. Such an analysis would inform future zoning and planning policy.
- **Require retention of tree cover during and after lot development.** Limiting floor area is one strategy for reducing the footprint and maintaining ground permeability, but tree removal perpetuates climate change at the micro site level, dries and compacts soils, raises temperatures, and cause edge effects on bird species; it weakens the remaining stands and trees, and makes them vulnerable to winds and drought. Unfortunately, replacing old trees with young or non-native urban species, does little to counter the ecological effects of forest removal, especially in the short term.
- Where trees must be removed for the house footprint, a list of recommended trees and other plants native to the CDF region should be provided in the OCP. This would guide property owners in replanting and encourage native or temperate zone species in landscape design.

## 2. [Conservation subdivision review](#)

While conservation subdivisions can be a useful tool in some settings, they are not appropriate on a small island that has already experienced significant forest loss and conversion, fragmentation, and land use impacts. The Trust Object was intended to prevent such adverse effects. We recommend against considering conservation subdivisions. Where parcels of subdividable land exist, they should be prioritized for down zoning.

We equally recommend against the use of amenity density bonuses (ABDs), as North Pender is not an urban environment and we should not be trying to incentivize increased density. Issues such as Island carrying capacity are far more relevant to planning consideration than ADBs. The Green Bylaws Toolkit asserts ABDs can also “incrementally erode” community plans (p.65). ABDs are suitable in towns and urban environments where planners have a strong vision for their role in community planning.

## 3. [Tourist Commercial regulation review](#)

The priority for the commercially zoned properties of interest must be the consideration of cumulative land use impacts, carrying capacity, surrounding development, and the value of these lands in their natural state. The LTC has the ability to amend zoning, including reducing the



number of units and changing permitted uses. We would argue that such changes are warranted, including reducing the maximum number of permitted units and changing permitted uses.

#### 4. [Marine shoreline regulations review](#)

The interconnectivity of marine, coastal, and forest ecosystems on the Gulf Islands necessitates a suite of environmental protection policies that protect the linkages from headwaters through shorelines to low tide.

We recommend that North Pender Island Local Trustees and planning committee:

- Implement horizontal riparian setback of at least 30 m (roughly a mature tree length) on marine shorelines where vegetation must be maintained. Such a buffer helps prevent erosion, supports ecosystem function and processes, and protects environmentally sensitive zones and habitats.
- Amend zoning to implement soft shore mitigation efforts, requiring native species be planted in living shoreline installations.
- Though outside the scope of this review, creation of a DPA to protect the shoreline and marine ecosystems, similar to the Galiano Local Trust Area, is needed. DPAs are however, the last line of defence for sensitive ecosystems, only triggered when development is set to occur. Thus, it is important for priority policies to be put in place to strengthen environmental protection.
- Require rezoning for new docks: The physical presence of overwater structures in intertidal areas can interfere with natural processes and features. They adversely affect light, sediment transport, and water flow patterns. The altered habitats change the distribution, behavior, growth, and survival of plants, fish, invertebrates and benthic organisms that live in these habitats. Docks can also do physical damage to habitats, leach pollutants and block access to marine mammals hunting along shorelines or wanting to reach shorelines.

#### 5. [Agricultural regulations amendments](#)

While the objectives for locally grown food and food security are laudable and fully supported, the impacts of agriculture on ecosystems should not be dismissed (i.e. extensive habitat and ecosystem alteration, starting with tree removal, is often undertaken). The pursuit of agriculture in an ecological sustainable fashion needs to be equally prioritized. There are many good resources for undertaking these objectives in tandem.

#### 6. [Industrial regulation review](#)

The Discussion Paper drafted to inform the public about this review process states that all policy considerations and zoning amendments should seek a balance between the Object of the Trust and industrial economic activities. However, the Object, the founding purpose of the Islands Trust, should be prioritized over industrial development, especially in sensitive (natural) areas. Policy considerations and zoning amendments should be scientifically and community informed, including referral with First Nations. In the event that a proposal for new or expanded industrial activity be put forward, environmental impacts should be thoroughly explored.

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**From:** Caurinus Environmental <[REDACTED]>  
**Sent:** Friday, November 13, 2020 3:50 PM  
**To:** information  
**Cc:** Deb Morrison; Benjamin McConchie  
**Subject:** Bylaw review feedback  
**Attachments:** Environmental concerns re Pender contractors.pdf

Dear North Pender Island trustees:

We have attached a letter outlining one of our specific concerns regarding unpermitted activities in sensitive ecosystems within DPAs on North Pender Island that will hopefully assist with your ongoing bylaw review process.

Thank you,  
Erin O'Brien & Dan Baxter



**Caurinus Environmental**

*3601 Masthead Cr.  
Pender Island, BC V0N 2M2  
Dan Baxter (B.Sc., R.P.Bio.): (250) 222-4571  
Erin O'Brien (Ph.D.): (250) 222-0370*

[REDACTED]



Caurinus Environmental

CAURINUS ENVIRONMENTAL  
3601 Masthead Cr.  
Pender Island, BC V0N 2M2  
250-222-4571; 250-222-0370


**Attention: North Pender Island trustees**

As environmental consultants working on Pender, we continue to be shocked at the extent of disregard shown by local contractors for even the most basic environmental protections afforded by municipal DPA designations, let alone provincial protections (e.g. riparian area protections). Unfortunately, the only recourse for Trust enforcement officers appears to be through contacting and potentially fining the landowners after the damage has been done; however, the contractors who are doing the damage in many cases are people who have been living and working in this community for *generations* and absolutely know better. It is unthinkable that a contractor operating on Pender Island can be allowed to, for example, dump foreign material into a body of water (one that is the source of drinking water for thousands of residents) because a landowner wishes to build themselves their own personal beach, remove all riparian vegetation within the Streamside Protection and Enhancement Area (SPEA) right up to the high water mark, fill in a wetland to create a road - with no consideration even to ensuring water flow via culverts etc., create a 30 ft deep "pond" that diverts and disturbs an adjacent wetland and tributary feeding into a potential fish-bearing stream, or cut down 200-300 year-old Douglas-fir and arbutus trees within a Woodland DPA, yet continue to be free to operate on these islands with no professional consequences.

Residential builders require a license to operate in BC; reputable builders, marine dock construction companies, and septic installation companies require evidence of permits (and/or actually assist clients with securing permits) before construction or installation work begins – so why should other contractors such as excavation, hauling, and tree removal companies not be held to the same standards of professional conduct? One possible solution may be that all contractors operating on Pender Island (regardless of where their company is based) be required to obtain a license or permit to operate; this would require regular renewal, *subject to no enforcement actions or retroactive permitting required as a result of the operator's activities over the previous licensing / permitting period*. We cannot imagine any other measure that can be taken to ensure local contractors respect municipal and provincial environmental protections, since many clearly will not do so of their own accord and instead operate under the understanding that it is easier to ask forgiveness than permission.

Thank you for your concern for the protection of our sensitive ecosystems on Pender Island.

Best regards,

  
Erin O'Brien (Ph.D.) and Dan Baxter (B.Sc., R.P.Bio.)  
Caurinus Environmental  
Pender Island, BC

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**From:** Roland Maurice <rolandmaurice@yahoo.ca>  
**Sent:** Friday, November 13, 2020 4:47 PM  
**To:** information; Benjamin McConchie; Deb Morrison  
**Subject:** North Pender Island Bylaw Review Submission

Hello there,

I understand that there is currently an initiative to re-evaluate and revise Islands Trust bylaws for North Pender. While I only have a vague idea of the Islands Trust jurisdiction, I would like to make some recommendations - if any of them fall outside of the Islands Trust jurisdiction, please disregard or, if it's possible to have them included or that responsibility given to the Islands Trust, please consider this as an endorsement of that change.

My main concern regarding North Pender Island bylaws revolve around the climate crisis and making sure that our community has the tools and the opportunities to build its resilience as quickly and efficiently as possible. While my focus tend to be agricultural, there are a few other points I've made in my letter.

North Pender has to have the ability to feed itself. Opening options for agriculturally related activities is crucial. This means the island must have the ability to grow as much of its own food as possible, to process it, store it, and deal with any material left over from those activities in an ecologically sound and regenerative way. Here are some ideas:

- agricultural scale composting and composting facilities (vermicompost, aerobic/soil biology/thermal composting);
- community or neighborhood scale food storage facilities;
- produce processing facilities (dairy, butcher, grain/flour milling, textiles, etc);
- food sharing/food bank building; mobile abattoir (really, a mobile one, that can go to farms and can, really this time, travel to the other islands, for more humane slaughter in situ);
- the ability to store and transport food between the Southern Gulf Islands (resilience is communal, not done in isolation).
- island soil tends to be poor for agriculture and must be maintained and enriched using sustainable methods. Having large-scale composting is key, but there are other sources of organic materials that should be included - instead of burning windfall, parks and roads should chip as much as possible to compost and also make available for soil amendments. There should be a ban on putting leaves and garden material in the garbage, and instead have a drop-off area or a collection program, for the leaves to be composted and made available for soil amendments.
- forms of agriculture that enhance biodiversity and soil health (like regenerative, biodynamic, permaculture, etc) should be incentivized (I know, easy to say, but you are the experts).
- a ban on products that impact biodiversity and human health such as products containing neonicotinoids, preferably all chemical herbicides and pesticides. Both in retail stores and on farms.
- water is a huge issue for any agricultural venture. Rain water catchment for agricultural use through cisterns or pond building is a solution to making water resources which are plentiful in winter, available during the dry months of the summer. The provincial fee on wells and ponds discourages this kind of planning. Would there be a way to balance that with some sort of incentive or support from the Islands Trust? Or petition to have this regulation altered to reflect the size of the operation and its activities?
- land trusts are a way to allow for community farms to develop.

Intrinsic to agriculture are people who actually are engaged in growing and producing food. The Pender Islands are notoriously unfriendly to the type of housing required by farmers and farm workers to live on the island full-time, favoring large single family dwellings instead. More progressive ideas pertaining to housing would be trail blazing, timely, all good stuff! Allowing for innovative forms of housing for farmers and farms is a good testing ground for improved housing bylaws.

- instead of residence size calculated per dwelling with a maximum number of single dwellings, more farmers and farm help could be housed in several smaller dwellings. A maximum footprint could be established while removing the cap on the number and type of dwelling. For example, if the maximum square footage for dwellings on a single property is 2100square feet, that would allow for three dwellings of 700square feet, or four dwellings of 500square feet each, perfect for a farm with multiple families working on it, or a just a plain old boring single dwelling of 2100square feet.
- large homes that might be ok on the mainland are out of place on the island. I don't know what the square footage should be, but the size of the island instead of the size of the property should be used as the metric for how much land surface can be covered with buildings and roads. How much land must remain uncovered for ecosystems on the island to thrive, that should determine the rate and size of development.

25<sup>th</sup> of November, 2020

Mr. Benjamin McConchie, Local Trustee, North Pender Island

Ms. Deb Morrison, Local Trustee, North Pender Island

**Subject: Comments Relating to Land Use Bylaw Amendments And Possibly Restricting Floor Areas of Dwellings on Pender Island**

**Mr. McConchie and Ms. Morrison**

We have a dwelling on North Pender Island that we have built around 1992/1993 and we use it extensively throughout the year even though we are still part-timers. During this unusual pandemic, we have spent most of this year, since March 2020, on Pender as it is likely the best place to self-isolate and keep a low profile and yet maintain physical and emotional wellness by being in tune with nature and wildlife around our Pender dwelling. Since we are maintaining a low profile and preoccupied with our family's health and safety, we haven't paid much attention to the activities of North Pender Island Local Trust Committee (LTC). We were recently alerted by a neighbour that the LTC has been debating and reviewing a key issue of the Land Use Bylaw and particularly Residential Floor Area Restriction guidelines. It is a critical subject for the Pender community and we believe it should not be discussed and settled over virtual meetings. As we noticed from the statistics of participation in the virtual meetings, rates of participation have been very low and we are not surprised. Many people, including ourselves and many of our neighbours, are not aware of key subjects being discussed, do not and cannot participate over virtual media to express thoughts and concerns, and do not always check your website and the Pender Post to follow the discussions and community opinions. Residential Floor Area Restrictions bylaw is not an urgent topic as far as we can tell as there are existing rules and restrictions. Therefore this does not have to be rushed through virtual meetings during this pandemic period when people are preoccupied, and rightfully so, with the safeguarding of their health and emotions. We would urge the LTC to postpone discussions on this topic and attempt to amend bylaws until this pandemic is over and community members can participate in the debates effectively and transparently expressing their opinions and views.

Secondly, as we read through many of the documents in your website, we get the impression that the LTC is not clear in its mind as to what it is trying to achieve. To quote the May 2020 document prepared by the Planners of the Islands Trust, "***...it should first define the problem and issues to be addressed and the desired outcome, then be satisfied that the proposed regulations can be effective in achieving at least most of the LTC's goals and also reasonable in terms of their applications.***" This statement exemplifies shortcomings of LTC's process and it seems the cart is before the horse. If we understand correctly, there is currently a significant number of bylaws that address the floor size of a proposed development such as Floor Area Ratio (FAR), building height, etc. that regulate new development. If our aim is to preserve and protect the rural nature of the island (which we all value and that is why we have moved to or visit Pender Island) and reduce resource and energy demands, maybe the focus should be on opportunities such as:

- Energy efficiency of proposed new dwellings by incorporating increased insulation and thermal barriers and also the use of heat pumps, geothermal heating, and possibly solar systems and other green energy sources.
- Restricting natural resource usage by ensuring a proposed development use rainwater catchment and does not use groundwater for gardening, car washing, lawn sprinkling and extensive power-washing of roofs and structures, and other similar activities that waste precious groundwater. Also low flush toilets/showers and other washing implements could be encouraged.
- Restricting/minimizing unnecessary impervious structures like asphalt and cement based driveways, patios and other areas to allow efficient rainwater permeation for renewal of groundwater resources.
- Restricting/minimizing the number of trees and shrubs, if a property has any, that can be cut down during site development so as to not significantly disturb the rural nature of the lot.
- Protecting and preserving ponds, streams, and wildlife habitats on a proposed development site so as to minimize environmental damage and habitat destruction.

These are only examples but we are sure there are other critical initiatives that could be explored, debated and analyzed for pros and cons, before turning them into bylaws. Most importantly the question we have to ask ourselves as to how we are going to enforce these bylaws, do we have enough resources to monitor bylaw infringements, and are these bylaws going to take us to where we want to go.

Again, we believe we need extensive community participation and engagement to clearly define goals and how best to get there, collectively, without severely restricting individual wishes, requirements and lifestyle choices.

The last point we want to bring to your attention is the idea of possibly declaring existing dwellings on the island with more than 2000 sq. ft. floor area as "Legally Non-conforming" (LNC). We have reached out to many friends and neighbours to get a definition of the term LNC and we have not been able to get satisfactory answers. Many of our community members lack a good understanding of this proposed classification. We reached out to the Planner of North Pender Island and Robert Kojima kindly got back to us with some clarification of the implications of declaring a dwelling as "Legally Non-conforming"

We are still concerned about long term implications and consequences of LTC possibly classifying many dwellings on Pender Island as LNC. When we built our dwelling during 1992/1993 we made sure that we conformed to all the existing bylaws, we complied with all the setback requirements, height restrictions, FAR requirements, and other regulations at the time. We made sure that no trees were cut down unless it was essential or posed any danger. We made sure that a stream that runs through our property is kept undisturbed and unspoiled. We catch as much rainwater as possible to minimize well water consumption and in fact we use low-flushing toilets and usually don't flush toilets (unless essential) and we give instructions to our guests to minimize shower/bath durations. We have installed heat pumps to conserve electricity, we made sure that we built a dwelling with adequate insulation to conserve energy and we turn down most of our heaters and the hot water tank when we leave the dwelling. In summary, we are very careful and conscious about preserving and protecting the beauty of Pender Island and minimizing resources and energy demands. Most people that we know on Pender (there are always a few exceptions but very few) are very diligent, conservation

and ecologically prudent and not bent on building mega dwellings but they built dwellings that would allow them to a comfortable living including their loved ones, possibly having one or more home offices and a studio for hobby/business and to comfortably accommodate visitors from time to time. Yet, now we face the possibility of being categorized as non-conforming and not respectful of nature, resources and energy. Although we don't have clarity as to how this classification may impact us, it is most likely that our property value and resale potential will go down, we may not be able to rebuild to the same size as the current house in case of destruction by fire or other natural disaster even though our house insurances may cover replacement value. It may impact mortgages for some people and of course we may not be allowed to undertake even minor additions, modifications, essential remedial work even if we go through costly Variance Processes as we will essentially be blacklisted and labeled "Non-conforming".

We find this intention of possibly classifying our dwellings as "Legally Non-conforming" very distressing even though we have been law abiding citizens endeavouring to respect and protect the character of the island. Although well intentioned we feel that this proposal is unreasonable.

We urge the LTC to think carefully before proceeding with this unreasonable classification of many existing dwellings and its yet unknown perils that we may have to face in the future.

We know that the LTC has nothing but good intentions and it has a difficult task to continue to preserve and protect our island and yet ensure appropriate bylaws to guide continued new development. We appreciate your hard work but we also urge you to listen to your constituents and their concerns. Thank you for allowing us to share our views and comments and we look forward to discussions in future LTC meetings.

Yours truly;

***Margaret and Shahid Hussain***





- incentives, not just allowances should be introduced for eco-building, small footprint buildings, structures using energy efficient/green energy/producing energy, greywater recycling, rainwater catchment, composting toilets, etc.
- composting toilets should be included in the building codes with regulations around safe use of humanure which is aligned with current research on safety and appropriate uses
- likewise, rainwater catchment for both domestic and agricultural uses should be included in the building codes with regulations aligned with current research on safety and appropriate use.

Socially, new arrivals on the island, either visitors, new part-time residents or new full-time residents, should be greeted and informed of who the community is and what it wants to become. As a model, some European communities have a kind of buddy system to orient new residents to their neighbors, the local businesses and amenities, etc. Including information on ecological bylaws and sensitive areas could be part of this kind of orientation.

There seem to have been a lot of tree cutting happening, clearing of land to build overly big houses and create a 'view' for the owners, to the detriment of neighbors and the ecosystem. Does the Islands Trust have jurisdiction over this? If not, can it petition to be given jurisdiction? Reducing tree cutting, that's what I'm trying to get at. If there is no good reason, ie it isn't dangerous or it isn't preventing agricultural ventures, then we should stop unnecessary tree cutting.

And, a few other little tid-bits of ideas: until the bylaw review is done, there should be a moratorium on any new development; incentives/aid to increase carbon sequestration projects, either planting more trees on private property or rewarding farming practices that increase carbon sequestration.

Cheers, I hope this isn't too much of a snarl of ideas, and good luck on making the bylaws more responsive to the current climate crisis.

Roland Maurice

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dr. Deb Morrison and Mr. Ben McChonchie

North Pender Island Trustees

Local Trust Committee,

Islands Trust

North Pender Island

Re: Input to Land Use Bylaw Review

Dear Deb and Ben,

I would like to express my support for a Land Use Bylaw Review on Pender Island. It is essential that the bylaws be updated to fit the reality of over-development, climate change, habitat loss, changes in hydrology, and increased forest fire risk that we are currently facing. Many of these issues were not at a critical level when the bylaws were first drafted, and thus these bylaws need to be updated to sustain our island into the future.

**In order to address these issues, we must restrict the size of houses and other new buildings being constructed on Pender Island.** Most people live or move here because of Pender's natural beauty and seemingly unspoiled landscape. Unfortunately, many proceed to erode or even destroy the very thing they moved here to live with. Not understanding (or not caring about) the consequences on forest ecology, climate change, habitat fragmentation, or hydrology, they excavate lots, cut down trees, clear out understory, plant lawns, and pave their driveways. Of course, one needs to clear a lot in order to build a home, and I understand that trees were felled 40 years ago to build the home in which I currently live. But my home is well under the average house size in Canada, and thus has a smaller environmental footprint. Average house sizes in Canada doubled between the 1950's and the 1970s, and by 2010 they had doubled again.

Many houses that have been and continue to be built on Pender are very much larger than average. Larger homes require significantly more resources and materials to build, resources and materials that must be extracted from the earth. They also take more energy to maintain and are usually accompanied by more and larger outbuildings such as garages, boat houses, sheds. We all know that the Earth cannot sustain the level of resource extraction that now takes place, let alone increasing it for more and more larger homes. The impact of so many large homes on Pender is profound, especially in destruction of habitat. Large homes also result in "gentrification," changing the character of our island, and increasing real estate prices so that people who would be

content to have a smaller home with a smaller environmental footprint may no longer be able to afford buy or rent here. I therefore urge that the land use laws be changed to restrict the size of houses, and the ratio of not just the house but all buildings and paved areas to the size of the property be reduced for any new structures or paved areas in the future.

**Another critical issue that must be addressed is deforestation.** The forests of Pender have been under assault for over a hundred years, but the destruction seems to be accelerating at an alarming rate. The forest habitat is being fragmented by roads, driveways, and fences (ironically, often built to provide the privacy lost when the land was clear cut). Forests are being replaced by lawns, which are watered and fertilized monocultures, or worse yet, by invasive species which cause profound long-term negative changes to the soil and replace natural habitat for native flora and fauna. Pender is part of the Coastal Douglas Fir forest habitat, which is one of the most threatened in our province.

We need our trees. Regulation to protect them is essential. Education is just as important. Some people will not care what trees do for us, but many would change their plans and behaviour if they realized what we lose when trees are removed. For example, trees:

- Provide habitat for many plants and animals, maintaining biodiversity,
- Filter our water supply,
- Increase the soil's ability to absorb water,
- Keep levels of salt and minerals in the soil balanced,
- Act like natural sponges, absorbing water during rainfall and slowly releasing it back into the atmosphere,
- Stabilize slopes, reducing erosion and mudslides,
- Filter toxins and fertilizer run-off,
- Purify the air, and release oxygen,
- Capture CO<sub>2</sub>, thus reducing greenhouse gas.
- Shade the ground, keeping the soil and understory moist, reducing fire risk,
- Shade buildings, streets, and ground, reducing heat absorbed and thus slowing global warming,
- Have been found to reduce people's stress and increase their physical and psychological well-being.

In view of the above, I strongly recommend that the bylaws be amended to protect our trees. Permits to build could be made to require a plan to minimize deforestation and plans for reforestation. Individual trees could be protected by requiring a permit that is only given when sufficient justification is provided for felling or after an inspection by a trained forestry professional. Unfortunately, plans to change the current system, or lack thereof, may result in landowners rushing out to cut down trees before the regulations change. To be frank, I have no suggestions on how to avoid this, other than having a

program to educate people about the necessity of keeping as many of our trees standing up and running well before any changes are announced.

Invasive species are another profoundly significant detriment to the natural habitat of the Pender Islands, as they are all around the world. Next to outright destruction of habitat by humans, invasive species are the number one cause of the staggering loss of biodiversity worldwide. Invasive species invade native habitat and farmland, changing soils and replacing native species with monocultures, reducing biodiversity and productivity. I do not know if the land use bylaws that are being reviewed include management of invasive species, but **all levels of government must increase--and enforce--legislation prohibiting landowners from allowing invasive species to spread on their land.**

Thank you for the opportunity to express my views and provide input on the Land Use Bylaw Review.

With Warm Regards,

Elizabeth Miles, MSc.

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**From:** David Boyd <[REDACTED]>  
**Sent:** Friday, November 13, 2020 6:48 PM  
**To:** information  
**Cc:** Benjamin McConchie; Deb Morrison; Margot Venton  
**Subject:** North Pender bylaw review  
**Attachments:** Islands Trust letter 12 November 2020.docx

Dear Islands Trust  
Please confirm receipt of the attached letter  
Many thanks, keep healthy and take care  
David

--  
Dr. David R. Boyd  
UN Special Rapporteur on Human Rights and Environment  
Associate Professor of Law, Policy, and Sustainability  
Institute for Resources, Environment and Sustainability  
School of Public Policy and Global Affairs  
University of British Columbia

13 November 2020

Islands Trust: [information@islandstrust.bc.ca](mailto:information@islandstrust.bc.ca)

CC: Trustee Ben McConchie: [bemcconchie@islandstrust.bc.ca](mailto:bemcconchie@islandstrust.bc.ca)

CC: Trustee Deb Morrison: [dmorrison@islandstrust.bc.ca](mailto:dmorrison@islandstrust.bc.ca)

### **The Planetary Environmental Crisis and North Pender island**

There is scientific consensus that humanity is breaching several planetary boundaries because of the staggering size of our collective ecological footprint. The IPCC has chronicled the climate emergency, IPBES has detailed the collapse of biological diversity and abundance, the WHO estimates more than seven million premature deaths annually due to pollution, and experts connect COVID-19 and other emerging infectious diseases of zoonotic origin to deforestation, destruction of wildlife habitat, factory farming and the illegal wildlife trade.

What do these daunting global challenges have to do with our idyllic life on North Pender Island in the Salish Sea?

In a word, everything!

Islands represent microcosms of the unsustainable nature of modern society. Despite compelling scientific evidence of ecological limits that we violate at our peril, we shrink from imposing any limits to growth or development. A subdivision here, a clearcut there, industrial rezoning here, fracked water wells there. More houses, bigger houses, additional outbuildings, paved driveways, and an ever-increasing human population.

We are all part of the problem. In twenty years on Pender we added a 10x10 cottage. We have witnessed the decline of the Southern resident killer whales, the decline of small owls, the decline of quail, and the decline of rough-skinned newts. We've seen roads blasted through beautiful south facing Garry Oak meadows and watched ancient firs and cedars get cut down to make way for development or improve people's views.

We try to be part of the solution. Members of the Pender Island Conservancy Association. Thousands of broom and daphnia plants pulled. Bird boxes up. Bat boxes up. Tiles for sharp-tailed snakes. Volunteer kelp mappers. Volunteers for the Pender Solar Initiative. Christmas bird counters. Beach cleaners.

All of these efforts are destined to fail in the absence of stronger action to impose limits. To make the hard decisions needed to genuinely respect and implement the "preserve and protect" mandate of the Islands Trust.

In our view, the following actions are imperative if North Pender Island is going to maintain its natural beauty, biodiversity, and serve as an example of a place where people said "Enough is enough."

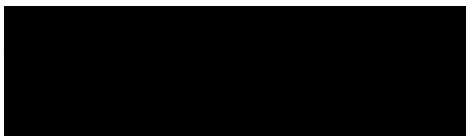
1. Establish an immediate, temporary moratorium on further subdivision and commercial development while a study on carrying capacity is conducted. There has to be some kind of enforceable limit, which other BC communities have established (e.g. Whistler).
2. Establish limits to house size and lot coverage. Three thousand square feet should be an absolute maximum. No exceptions or loopholes! Impervious area on any lot should be limited (includes all buildings, paved areas, etc.) Make rainwater harvesting mandatory for new builds and as part of renovations over a certain \$ size (City of Vancouver has done this for energy efficiency retrofits, making some actions mandatory for large renovations).
3. Request the requisite regulatory amendments so that local trust committees have the tools needed to create tree protection bylaws, limit the construction of private docks, protect biodiversity, and address climate change through effective, efficient and equitable local action. There should be minimum requirements for maintaining forest cover on all lots in all zones. There should be substantial waterfront setbacks and mandatory use of natural shoreline restoration rather than concrete barrier walls. There should be a substantial non-resident tax on waterfront properties which are increasingly empty for large stretches of the year, undermining housing availability and affordability, and undermining community cohesion
4. Downzone commercial zoning where it is clearly inappropriate (e.g. MacKinnon Road). This area of North Pender is already experiencing water scarcity (including wells going dry, saltwater intrusion and residents fracking and deepening wells).

We need to recognize the wisdom of our Indigenous predecessors and neighbours for whom responsibility towards their non-human relations was a cultural imperative. We need to act as though we really mean it when we talk about leaving a decent legacy for our children and grandchildren.

We also have to make sure that people living on Pender today, from retired folks to young families and everyone in-between, can afford to live here. Addressing this challenge doesn't mean more development but a different kind of development, deeply rooted in, and subject to respect for land, air, water and biodiversity. We can, and must, work together to develop a green and fair economy here on the island, with jobs that pay a living wage for all.

We are so fortunate to call North Pender Island home, but everything that makes this place special is in jeopardy unless we have the courage to come together to take the actions needed to preserve and protect it.

Respectfully

A large black rectangular redaction box covering the signature area.

David R. Boyd and Margot Venton

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**From:** Jan Kirkby <[REDACTED]>  
**Sent:** Friday, November 13, 2020 9:29 PM  
**To:** information; Benjamin McConchie; Deb Morrison  
**Subject:** NP LUB review comments

Deb and Ben—

I've read through much of the material prepared for the LUB review project, in particular the aspects pertaining to the IT's 'preserve and protect' conservation mandate and associated policies.

The Conservation Subdivision discussion paper does not provide a balanced discussion of the pros and cons of such an approach, but rather appears to be highly supportive of conservation subdivision. Although there was a section in the paper on the benefits of the conservation subdivision approach, there was no mention of the potential pitfalls or risks of this approach in a fragile rural island community.

Although lot clustering can have significant environmental benefits, an incentive-based land use planning tool such as density bonusing is generally not the best tool for use in a rural area to protect sensitive ecosystems and biodiversity, especially when the higher density area occurs on sites that cannot accommodate such growth without straining existing resources and ecosystem services. In addition, the resulting densification can occur in areas that are poorly equipped to handle increased car traffic, noise, etc.

Rather than using market-based tools better suited to urban areas, I hope that we can more effectively use legislative tools such as conservation zoning, one of the best and strongest means we have to regulate density and more successfully fulfill the IT's unique and increasingly important 'preserve and protect' mandate.

I realize that projects such as this one need to avoid scope-creep by clearly identifying limits. However, as I looked through the OCP Implementation Project Charter and the Conservation Subdivision discussion paper, I was dismayed to see so many of the items I personally deem to be priorities to be on the 'Out of Scope' list (potential OCP policy amendments, expanded DPAs, OCP mapping updates). If existing LUB issues are limited by current wording in the OCP or stem from ambiguous, insufficient, or out of date wording in the OCP, such a review should be part of a comprehensive LUB review. We need to ensure the use of clear plain language in both OCPs and associated bylaws.

Having worked with landowners and the IT planning staff for decades, I have seen firsthand the weakness of our DPA designation and legislation, resulting in the escalating loss of sensitive ecosystems. Any kind of ecosystem/DPA mapping presents what amounts to a snapshot in time, and the need for regular updates and refinements to existing mapping cannot be overstated. Additionally, there is now an effort being made throughout BC to be much more expansive in the designation of EDPAs than in the past given what is now known about the importance of connectivity combined with the broad wording of the Local Government Act re protection of the environment, its ecosystems, and biodiversity. It is time to look beyond limiting EDPA designations to ecologically sensitive areas.

The timely and excellent September 2020 ELC Clinic/Raincoast report emphasizes the need for enhanced and expanded use of enforceable DPA legislation, conservation zoning, biological and ecological expertise on staff, tree cutting bylaws, clear definition of ambiguous terms such as 'rural character', 'unique amenities', and more. Given the escalating development pressure the Penders are experiencing, the recommendations made in this report, the formal motions arising from the report made at the last Trust Council meeting, and the follow-up submission to the LUB project, I sincerely hope that the LUB project team will carefully consider all points and recommendations made in these thoughtful submissions.



I want to thank you for the time and dedication you have given to this important LUB review. Our community is grateful for your thoughtful and inclusive participation in this important policy/bylaw review and revision, and I look forward to future discussions with you both on this project. It is time to give the stated IT object, guiding principles, goals, and policies the legislative teeth they need to become something more than pretty words.

In conservation,

Jan Kirkby

**Submission to the North Pender Local Trust Committee from  
Michael Sketch respecting the review of regulatory bylaws,  
following community information meetings based  
on staff recommendations for review subjects**

**13 November, 2020**

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**Trustees and staff** – Thank you for an opportunity to comment on draft changes to  
the land use bylaw.

When direction was given by the LTC for this project, a trustee asked that  
community consultation precede a draft of changes, to better inform bylaw revision  
based on community need. Staff responded that the public response would be better  
once there were written draft changes to review.

I will comment on items within the subject areas given in staff reports. My first  
subject isn't named, but I believe is a priority for island regulatory bylaws.

## **Implementation of Trust Policy Statement directive policies with comment on agriculture regulation**

The Islands Trust Act requires that Trust Council adopt, by bylaw, a trust policy statement. Directive policies require that the policy be addressed in island regulatory bylaws. Examples for agricultural land and productive soil follow:

### ***Directive Policies***

4.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.

4.1.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.

### ***Directive Policy***

4.6.3 Local trust committees and island municipalities shall, in local bylaws relating to soil removal and deposit, address the protection of productive soils.

In late 2012, an access driveway and industrial use were built on prime (that is improved agricultural capability class 1 to 3) North Pender agricultural land which is zoned AG and which is in the ALR. Access could have been from a nearby unbuilt portion of road. Subsequently both the ministry and the ALC required that the access be removed. Access driveway construction involved scraping topsoil aside and placement of fill. Responding to a complaint from the public, staff responded that there didn't appear to be a bylaw to enforce on. Trust directive policy 4.1.7 isn't addressed in North Pender regulation.

Access was to an Islands Trust industrial zone, almost entirely in the ALR. There was no ALC approval for a non-farm use to justify the industrial zoning. Although the ALR portion was prime agricultural land, staff held that because the land wasn't in the AG Zone, that agricultural policies (OCP) and regulation (agriculture the sole permitted use) weren't applicable.

Again, direction of the trust policy statement has been ignored.

Agricultural land is to be preserved for current and future use, roads are to avoid unnecessary use of agricultural land and productive agricultural soil is to be protected.

This example should be sufficient cause for the trustees to direct staff to review the implementation of directive policies in regulatory bylaws.

By that reasoning, what may be seen as a separate LTC project – to implement a soil removal and deposit bylaw – becomes part of the current project.

Inevitably, changes in regulation may need corresponding OCP policy changes. OCP agricultural policy should be amended to give effect to community understanding that land in the ALR is to be protected for agricultural use, irrespective of Islands Trust zone designation. Please see directive policy 4.1.4 above.

It is not sufficient to say that because the North Pender land use bylaw has been reviewed by Trust Executive and found not to offend the trust policy statement, that directive policies are adequately addressed. The lack of directive policy implementation in the land use bylaw is manifest.

Finally, see trust policy statement implementation policy 1.3.1. At section 1.6, “the primary responsibility for demonstrating that ... regulatory bylaw is not contrary to or at variance with ... the policy statement rests with each local trust committee”. It is an LTC responsibility to ensure that directive policies are addressed in the LUB and it should be a staff responsibility to so advise the LTC.

### **Conservation Subdivision**

There is a Conservation Zone in one or more trust jurisdictions for which permitted *density is reduced*.

In 2013/2014 staff introduced conservation subdivision. Lots within a divisible parcel would be clustered, so *increasing the density in the built portion*. The remainder lot would be secured for conservation with a S.219 (local government act) covenant between owner and LTC. Years after implementation, the reason for the covenant may be forgotten and the landowner – LTC agree to remove some or all of the covenant protection. Community need for additional housing would probably be the rationale.

The consequence? Ever increasing density.

Conservation subdivision can be interpreted as conservation of development potential.

Property owners on Port Washington Rd. agreed to a study workshop and decided against conservation subdivision.

Staff recommended that the conservation subdivision model may be unpopular and a *density bonus* was recommended.

As with a previous (2010) densification measure (compact, complete and connected community; dense development interspersed with green space); density transfer would facilitate implementation. Density transfer was removed from the OCP in 2007, in part because the ubiquitous urban planning tool would facilitate development where impractical under current zoning.

North Pender already has residential areas of relatively high density, coupled with areas of low residential density. Please set aside conservation subdivision and maintain island sociodiversity.

### **Tourism Commercial Regulation**

The tourist commercial zones provide relatively small cottages with relatively dense development to accommodate visitors. An example of permitted density and cottage size is seen at the Otter Bay “Currents” facility.

The purported advantage of short term vacation rental (STVR) housing in residential zones for tourist use is that the accommodation building is large and there is a bit of privacy in the surrounding land. Suitable for families with a pet, say. STVR may be popular with house owners but there are repeated concerns for the sense of community in residential zones and the impact on long term rental stock.

The tourist commercial zone would better serve both the community and tourists if:

- i) allowable cottage size was increased to moderate house size and
- ii) density was greatly reduced.

### **Technical amendments – accessory buildings; accessory buildings prior to residence**

The current LUB allows no structures to rest on land or water in the RR Zone where there is no residence. The draft amendment recommended by staff is one building, one (water) pump house and one electrical shed. Notwithstanding, there are many landowners who contravene that bylaw provision with several structures on unbuilt lots. I am one.

I urge the trustees to carefully consider the allowance of structures on unbuilt (that is, without a residence), for the prohibition is no universal truth. For instance, the Galiano LUB allows accessory buildings without a residence and I understand from a long serving Galiano trustee, that the provision has not led to abuse.

Staff have said that allowing structures on unbuilt lots would encourage illegal residential use. But that isn't the opinion of the CRD building inspector.

To the contrary, reasonable land use on a small portion (say 2-5%) of the unbuilt lot may encourage landowners to hold and use a second lot, without the pressure to build a house and sewage disposal field, with the associated land disturbance.

Staff may seek 'highest and best use' of residentially zoned land from a tax revenue perspective, but I don't think that should preclude reasonable use of an owner's land without a residence. Where the structures on an unbuilt lot are out of character with those on surrounding lots, screening can and should be required.

An example for LUB amendment of current 3.4.3 follows:

3.4.3 Accessory uses, excepting a home business use, and buildings or structures may be constructed or placed without there being a principal use (i.e. a residence) on the same residentially zoned lot where the lot is not in the Agricultural Land Reserve. The cumulative footprint of all accessory structures shall not exceed 5% of the lot area. Where the appearance from a lot line of a use or uses is contrary to the predominantly rural aesthetic, screening of that use or uses is required.

### **Technical amendments – prohibited uses: shipping containers**

Shipping containers offer secure, rodent proof structures for storage use. They are less expensive than a comparable wooden structure and that is an important consideration for many landowners.

Given the trade imbalance with China, it makes environmental sense to use containers surplus to shipping needs, rather than scrap them. Although somewhat expensive to move, they can be moved more easily than can a comparable wooden structure.

The appearance can be improved – or a shipping container entirely disguised – with a roof and other improvements. Alternately, screening can be required.

Shipping containers can make a significant contribution in all zones and I ask the LTC to consider their use in that light. Regulation to mitigate appearance is reasonable.

## **Technical amendments - TUP 2016.1; make industrial use permanent on portion of R Zone behind Driftwood**

There was a substantial (CRD contract) upgrade to the Magic Lake subdivision water main pipes in 2012. The excavated roadworks spoils had to be taken from the trench site daily and disposed of. Gravel was brought by barge to overlay the new pipes. The gravel was stored to the east of the Driftwood shops, much of it used to fill the trenches and the remainder stored at the Driftwood for years. A TUP was applied for to resolve the zoning issue and the remainder gravel was moved from the commercial zone to the TUP site on the R zoned land to the west. This was to be a temporary use until the gravel was depleted.

Looking forward, there are/will be more CRD infrastructure projects. Industrially zoned land located close to the Magic Lake subdivision is needed for:

- i) storage of gravel
- ii) storage of excavated roadworks spoils; soil, rock and other
- iii) storage of excavated road surfacing material and provision for crushing before reuse of same for a sub-surfacing layer

It isn't obvious that the R Zone behind the Driftwood is the best choice of industrial land for CRD infrastructure use; both topography and truck driving distance from Magic Lake.

In 2012, the greater part of excavated roadworks spoils were taken daily to inappropriate dump sites, first in a steep oceanside ravine with a DPA, then on ALR land. There was/is no land zoned to accommodate the excavated spoils.

Excavated road surfacing material was stored for about a year on a parcel on the outskirts of the subdivision. In the waste management project, the property owner volunteered a portion of his parcel for industrial zoning. Anecdotally, a sub-contractor later moved the road surfacing material and left it on Pender.

This industrial zone matter needs careful consideration by the LTC.

**Industrial zones: Port Washington Road**

There is land which is either used for industry or appears to be suitable, both to the east and to the west of the Home Hardware parcel.

The land to the west has been attractively screened with a berm.

The land to the east could be similarly designed and zoned for industry, if the landowner is willing.

Thank you for considering my comments.

Michael Sketch  
North Pender Island

