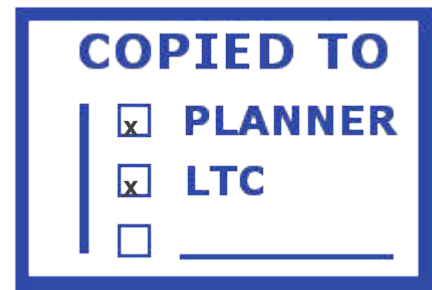


From: Brenda Sledzinski [REDACTED] >
Sent: Sunday, January 10, 2021 2:10 PM
To: npltcwebmail <npltcwebmail@islandstrust.bc.ca>
Subject: Upcoming debate on by laws



Please be advised that I have sent this email to North Pender trustees.

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

Dear Islands Trust elected officials and staff,

I am a resident of Pender Island and I wish to inform you of my concerns around potential new bylaws. While I recognize why the Islands Trust was formed and essentially support their mandate of keeping the island's more rural character, I am concerned about two particular ideas elected officials wish to pursue.

The first of these is the proposal to require permits to remove trees on a land owner's property. People generally purchase a property with a vision for that home. If it's raw land they need to clear trees to build a home. The majority of the properties in Magic Lake for instance are smaller and have less useable land for building sites to start with. I regularly walk or drive by a number of lots that are being developed. Yes, it can look a bit razed but how else are you going to get a spot to build your house? The homes that are being built are modest. Should someone want a garden they need space and sun. Let's not forget that gardens mean that people are more self sufficient and reduce their ecological footprint by producing some of their own food, not to mention it makes them more self sufficient. Yards and gardens also provide areas for wildlife and most islanders are very conscious that they need to be planting things that are native or at least provide food and shelter for various birds and insects. People with some kind of garden or landscaping are also the ones that are more diligent about removing invasive species such as Daphne or Broom.

Then there's also the concern about living in the wild/urban interface. As I go by homes built right into the trees I am worried about the safety of that property, not only for those residents but also those of the broader community. The fire department recommends fire smarting our properties by keeping trees and branches well clear of our dwellings. This protects not only the people in that house but also their neighbours, as a fire at one house could also quickly spread outwards. Home owners need to be concerned about the health of their trees as well; rotten trees on your property near your home or close to your neighbour's are a recipe for disaster given our winter wind storms.

Adding more rules and fees regarding tree removal on a property will mean that more owner will simply not bother to maintain the trees on their land, especially absentee landlords. As one moves through Magic Lake one sees a number of derelict houses that are already a hazard. As well, we have tree fellers on island and reducing the numbers of trees that can be removed will result in yet another service we have to source off island.

The second bylaw proposal that I have concerns about is the idea that we should be limiting the size of homes that people can build and designate others previously built above a certain size as "legal non conforming". That smacks of government trying to dictate how individuals live their lives. I am not disputing that we don't want "McMansions" all over the place or on postage sized lots. If someone has purchased a larger piece of land I see no reason why they couldn't build a larger home. Setting 2200 sq feet including accessory buildings as a maximum seems at best to be impractical as even in Magic Lake a

considerable amount of landscape and garden equipment seems to be required to maintain properties. At worst, it smacks of self righteous judgment - we need to be open to the thought people may lead different lives than a small nuclear family or the empty nesters. What about a family with a larger number of children? What about a blended family? What about a multi generational family? If we value the arts then what about studio space for the artist and/or musician? The pandemic has certainly opened my eyes to the fact that people need to be able to use their homes in different ways than I previously might have thought, for instance that two home offices and a space for schooling children may be desired, not to mention that living "cheek to jowl" hasn't been safe from an infection stand point.

A limit to the square footage may also mean that there's less space to accommodate lower income renters which will exacerbate a problem already present on our island. Being a legal non conforming residence (my home is just over the proposed limit plus 2 garden sheds) will likely mean that the value of my home will skyrocket even more than it already has, making it affordable for only a few. The end result of this will be that families and young people can't afford a home here, leading to even less diversity in our population than we already have.

In conclusion, I feel that elected officials are pushing an agenda that is well meaning but short sighted. I have a long history with Pender, my husband and I are both involved in the community. We are happy here, however one thing that does cause me stress is how comfortable some residents are with making harsh judgements of others. The two proposed bylaws around tree removal and limiting building size do feel like they reinforce that judgment of others' choices or lifestyles, not to mention that the ramifications of those bylaws will result in consequences that haven't been thought through and are to the detriment of our community.

Sincerely,
Brenda Sledzinski.

Please ensure that my input considered.
Thank you for your attention to this matter.
Sincerely
Brenda

Sent from my iPhone

From: Pat Brealey <[REDACTED]>
Sent: Tuesday, January 12, 2021 9:11 AM
To: npltcwebmail <npltcwebmail@islandstrust.bc.ca>
Subject: Re: House size

Hello Maple,

Thanks for getting back to me. I was writing to express my concerns about the process being used to make such significant changes to the North Pender house size and site coverage bylaws. I feel that it is very important that all N Pender Island property owners have the opportunity to be informed and voice their opinions. I don't feel that this can happen adequately during this time of pandemic restrictions.

Sincerely, Pat Brealey
Sent from my iPad

> On Jan 11, 2021, at 2:40 PM, npltcwebmail <npltcwebmail@islandstrust.bc.ca> wrote:

>

> Hello Pat:

>

> Thank you for your email. Are you writing in regards to a project or just generally for the North Pender Local Trust Committee? Let me know please.

>

> Warm regards,

>

>

> Maple Hung

> Planning Team Assistant

> Islands Trust – 200-1627 Fort St.

> Victoria BC, V8R 1H8

> Phone: 250-405-5163

> Enquiry BC Toll-free call 1-800-663-7867 or from lower mainland

> 604-660-2421

>

> Websites: www.islandstrust.bc.ca www.islandstrustconservancy.bc.ca

> Preserving Island communities, culture and environment since 1974 

> Please consider the environment before printing this email

>

>

>

> -----Original Message-----

> From: Pat Brealey <[REDACTED]>

> Sent: Sunday, January 3, 2021 8:13 AM

> To: npltcwebmail <npltcwebmail@islandstrust.bc.ca>

> Subject: House size

>

> We bought 4 acres on Pender over 16 years ago. The property came with a small boat house, RV storage shed, garage, small garden shed, and very small house. One previous owner had topped the driveway with asphalt.

> We have tried to keep ourselves informed about the proposed house size limitations that are being put forward by the Islands Trust. As we are not always able to tune in electronically to the meetings,

and also are not always aware of when these meetings are happening, much of our information is coming to us via neighbours and others on the island who, like us, are very concerned about these proposals.

> As I understand it, the proposed site coverage and FAR would render our property non-conforming as it sits. A non-conforming property has negative connotations to me.

> I strongly feel that, before any proposals become bylaws, there needs to be much more information shared and much more opportunity for property owners to voice their concerns and/or support for these changes.

> Sincerely, Pat Brealey

>

>

> Sent from my iPad

From: Shahid Hussain <[REDACTED]>
Sent: Sunday, January 24, 2021 10:30 PM
To: Benjamin McConchie <bemconchie@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>
Cc: Laura Patrick <lpatrick@islandstrust.bc.ca>; Robert Kojima <rkojima@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>; Maple Hung <mhung@islandstrust.bc.ca>; 'Bob Vergette' <[REDACTED]>; <[REDACTED]>
Subject: Proposed Bylaws Related to Maximum Floor Area Restrictions and Legal Non-Conforming Designation - Concerns and Comments from Members of SPPOA

Hello Ben and Deb

As the Executive Team of Stanley Point Property Owners Association (SPPOA), we are writing a letter (attached) to you on behalf of the members expressing our concerns and comments regarding the discussions that are currently underway among the Trustees to possibly pass a bylaw to impose:

- Maximum Floor Area Restrictions for new dwellings, and
- Designate current dwellings with floor areas larger than the proposed maximum floor area as Legal Non-Conforming.

We have been keeping our community members (list attached) apprised of the discussions and developments relating to the above two issues in your regular Trustees' Meetings. Needless to say our community members are very concerned and alarmed and we hope you will pay close attention to the comments and concerns captured in the letter as you proceed with your decision making process.

If you so wish, our community members maybe be prepared to have a virtual meeting with you to discuss our concerns and also explore other means to achieve our collective goals to protect and preserve our beautiful island.

Thank you for your attention.

Executive Team
SPPOA
Pender Island

24th of January 2021

To: Ben McConchie, North Pender Trustee
Deb Morrison, North Pender Trustee

CC: Laura Patrick, Chair, North Pender Trust Committee
Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Maple Huang, Planning Assistant

Subject: Proposed Bylaws Related to Maximum Floor Area Restrictions and Legal Non-Conforming Designation – Concerns and Comments from Members of SPPOA

As an Executive Team of Stanley Point Property Owners Association (SPPOA), we are writing to you on behalf of the members of the association. Our members are very concerned about the proposed Maximum Floor Area Restriction bylaw that the LTC is currently debating and the proposed bylaw's fallout by declaring existing dwellings as Legal Non-Conforming (LNC). Hence the reason of writing this letter to you.

The association is made up of 29 property owners. The mandate of the association is to help maintain safety, beauty, cleanliness and to address key issues that may arise from time to time as well as to promote and foster social connections among community members. For example, we have a broom pull event every year when community members get together to pull and burn broom in order to eradicate invasive plants and let other trees and shrubs thrive. We also take turns to clean various beaches in the neighbourhood to minimize ocean pollution.

Needless to say the association members are very diligent in protecting and preserving the rural beauty of the neighbourhood and also in conserving resources as much as possible through various means including rainwater catchment, the use of heat pumps and geothermal heating, proper design and insulation of dwellings, and judicious use of well water and other natural resources.

We oppose the idea of restricting maximum floor area to a fixed number (we heard rumours about approximately 1850 to 2000 sq. ft.) for all houses that may be built if and when the bylaw is passed. We believe restricting all new dwellings to a fixed maximum square footage is unreasonable and unfair, as one size doesn't fit all. While say a 2000 sq. ft. house may be sufficient for many, there will be individuals with large families or other dependent family members, or those who may require home offices to make a living, and may require studios/workshops to pursue hobbies and/or earn extra income. People may also require space to accommodate guests all through the year. Depriving these individuals from building a dwelling that meets their needs and expectations for a comfortable living on the island in a rural and remote setting is unfair, unreasonable and undemocratic.

Limiting floor area is not the only way or best way to preserve and protect the rural character of the island and conserve resources. Character and conservation can be dictated by the design, esthetics of a dwelling, setbacks, siting of the house on the property, height, insulation, age of the house, use of alternate energy sources, careful usage of well water, minimizing tree removal, etc.

If you insist that a new house size bylaw is required, then we believe, and as many participants in the last LTC meeting (15th of January) pointed out, Floor Area Ratio (FAR) with possible refinements and variations of current FAR guidelines is a more effective and fairer way to manage the building of new dwellings on the island. This would allow for flexibility and yet customization of the square footage of a proposed dwelling to the size of the lot. If you wish to prevent monster houses on the island then you could introduce a Residential Floor Area upper limit such as to 5000 sq. ft. Again, as mentioned by many speakers in the last LTC meeting, FAR restrictions need to be combined with other guidelines such as height, siting, setbacks, design guidelines, materials used in construction, tree removal during construction, preserving creeks and ponds, water conservation, household heating alternatives, some degree of conformity to neighbourhoods' character, etc.

We also believe, besides FAR guidelines, the LTC needs to focus on educating and elevating awareness, not only amongst current Pender residents but also potential newcomers to the island, of the need to protect our island. Values, the importance and benefits of preserving and protecting the rural nature of the island and also conserving resources for all of us to enjoy the island for a long time to come need to be ingrained in our minds. Many communities have taken this approach. It is not going to be easy but we need to collectively develop strategies and game plans to implement this alternative. Given the fact that most people, particularly people on Pender, are very aware of climate change, minimizing carbon footprint, the importance of clean air, and depletion of natural resources, minimizing tanker traffic and reducing risk to our marine environment, it will not be that difficult a task. If successful, it will have a profound positive impact on all of us on Pender on an ongoing basis. Members of the Stanley Point area would be prepared to work with you to move this initiative forward.

The last item we want to bring to your attention is the severe impact of the proposed designation of an existing dwelling as legal non-conforming if its square footage exceeds the proposed maximum floor area restriction that the current bylaw discussion may dictate. We have read many opinions about what we may or may not be able to do with our existing dwellings if they are designated LNC. We heard in the last LTC meeting that, if a dwelling designated as LNC is damaged for some reason, it can be repaired to the original floor area but there wouldn't be any possibility of adding even a small amount of floor space, if so required, particularly when one is undertaking a major repair of the dwelling. This is a severe restriction. Dwellings are "living" structures and owners may need to modify floor areas from time to time. Usage of dwellings evolves as time goes on and if and when dwellings get passed on to next generations, there could be need for minor additions.

What is more concerning is that if a dwelling burns down then one could not rebuild the house to its original square footage. Let us all hope that none of us has to face a forest fire, but we need to be prepared for all eventualities and that is why many of us buy house "replacement insurance" and "earthquake insurance". Not being able to rebuild to the original size would not only create severe hardship and inconvenience to the dwelling owners but would also create problems such as reduced resale opportunities, reduced property values, possible recall of house mortgages and significant alteration to the character of the property.

Applying for variance is an option but as you very well know a variance process is cumbersome, stressful, time consuming and expensive with no guarantee that a variance will be permitted to

the applicant. The chances of getting a variance would be very slim if not impossible given the fact that the dwelling has been designated Legal Non-conforming.

We urge you to think through these implications and refrain from penalizing existing home owners who have used their life savings and in some case years of hard work to build these dwellings and followed all the current rules and regulations in building their dwellings. We suggest to you not to designate these dwellings to be legally non-conforming; instead add appropriate grandfathering clauses to the possible bylaw that will not penalize in any way the owners of existing dwellings.

Thank you for allowing us to share our views, suggestions and concerns. We appreciate your hard work and good intentions but we would urge you to pay attention to feedback and comments of our community.

Yours truly:

Executive Team

Stanley Point Property Owners Association (SPPOA)
North Pender, BC

Attached: A list of SPPOA Members

From: Ron Underhill <[REDACTED]>

Sent: Thursday, January 14, 2021 11:29 AM

To: Benjamin McConchie <bemconchie@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Laura Patrick <lpatrick@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>

Cc: SouthInfo <SouthInfo@islandstrust.bc.ca>

Subject: input on proposed RFA limit for North Pender Island bylaw revision

Please find attached a letter providing my input on the topic of a proposed RFA limit for North Pender Island,

cheers,

Ron Underhill



Ron Underhill



January 14, 2021

Islands Trust

sent by email to:

Island Trustees; Ben McConchie, Deb Morrison, Laura Patrick, and staff Kim Stockdill

Subject: Proposed changes to North Pender OCP - Residential Floor Area (RFA)

Dear Trustees and Planning staff,

I am writing this letter to inform you of my concerns about the proposed bylaw revision to implement an RFA for North Pender island.

The RFA proposal as being discussed will not achieve the desired outcomes of reducing resource usage and maintaining character of buildings on North Pender. The use of "legal non conforming" is also prejudicial to home owners that built quality eco sensitive homes that were not "monster" homes. Many of these are energy efficient and consistent with the rural character of Pender vs. some buildings on small lots in Magic Lake.

The concept of a Floor Area Ratio (FAR) with an overall island maximum house size limit maybe more effective. To reduce resource impact, future homes or rebuilds could be encouraged to make use of; rainfall collection, smaller hard surface areas, energy conservation features, preserving or encouraging native flora, plumbing the re-use of grey water for black water, solar backup power, etc.

Please consider input from all residents and property owners on North Pender before implementing by law changes that may not achieve the desired results or worse, cause dissension in our community. I recommend you form an advisory committee made of up a representative sample of property owners and people living on Pender. Please figure out some way to avoid having people on it that are disruptive and close minded (something we have seen on prior committees, eg. the WTF issue).

respectfully,



Ron Underhill

From: M&GBurandt [REDACTED]

Sent: Tuesday, January 12, 2021 12:55 PM

To: Benjamin McConchie; Deb Morrison; Laura Patrick

Subject: Proposed RFA Bylaw

To the Trustees,

The proposed RFA Bylaw is the most hair-brained scheme the IT has come up with yet. What a bunch of nonsense!! Obviously the Planners and Trustees have nothing better to do than harass island residents.

This bylaw will have a detrimental effect on existing houses over the proposed limit, of which there are many, affect real estate values, and mortgage financing once a residence becomes legal non-conforming. Legal non-conforming is a scary term in the real estate industry.

If you are determined to proceed, at least grandfather existing houses.

We do not agree and we do not approve. Very disappointed in our Trustees.

And by the way, why has the NP Trust not established a very necessary Telecommunications Protocol as other islands have done?

Manfred & Gayle Burandt

[REDACTED]

From: Dave Schissler <[REDACTED]>
Sent: Thursday, January 14, 2021 5:08 PM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>
Subject: restrictions of homes on Pender

To all concerned:

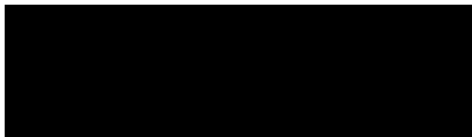
We built our house twenty years ago to run a Home Based Business as a Bed & Breakfast (Gnomes Hollow B&B), and did so for seventeen years until the GOVERNMENT decided that we had to collect Hotel Tax. We had three rooms in our home that we rented out in the B&B.

As there was NO restriction to house size when we built, it is unfair and I believe illegal to put square footage restrictions on our home now. Do you guys realize the number of law suites you are opening yourselves up to by not grandfathering homes that have been already built and lived in for years?

We are totally against such restrictions of homes on Pender. The maximum size should be based on lot size NOT just square footage.

Concerned residents of Pender,

Dave & Tania Schissler



From: "karen karenbell.ca" <[REDACTED]>
8:38 p.m. (GMT-08:00)
To: bemconchie@islandstrust.bc.ca, dmorrison@islandstrust.bc.ca
Subject: Land Use Bylaw Review re Floor Area

Hello Trustees,

I am a permanent resident of North Pender Island. My husband and I live at the north end on Armadale Road.

I'd like to raise two points of procedure based on my observations of recordings of LUB floor size meetings (Sept 19 and Nov 28 2020) and then share a number of questions and comments about the issues raised in the meetings.

First, as you well know, Trustees have a duty to consult with their constituents before any changes are made to current laws and regulations to ensure they reflect the will of the majority. I have observed at the 2 meetings referred to above that comments being shared by residents are being responded to by the Trustees with personal views. I suggest that that is not appropriate. While I expect Trustees have no intention of intimidating residents, being told 'you are wrong' has that effect. The Trustees' role is to 'consult' which means to educate, to listen and then to consider the comments.

Second, the duty to consult is a broad one and should reflect the circumstances of the 'day'. At the moment, it appears that only a modest number of Penderites actually know about the 'review' being undertaken, and even fewer are participating in the discussion. Why? Currently consultation has been limited to either Facebook discussions or Zoom meetings and some general info in Pender Post. Many residents struggle with the lack of good internet service. Others do not have access to technology either because of lack of knowledge or lack of resources. Participating on Zoom is not an option in these cases. While the phone-in option is more accessible, the info on how to do so is not easy to locate. So, it is imperative that there be other direct outreach. Consider creating a simple one pager outlining the issues and possible solutions with an invitation to respond, and distributing this through our mailbox system or at the many commercial businesses around the island. Another option is to disseminate a simple survey both online and on paper to canvass views about particular questions once you are at that point.

Set out below are my questions and comments about proposed changes.

1. **What is the 'problem/challenge' we are trying to address here?** Many things have been mentioned in the context of us doing a better job of preserving and protecting our island. Climate change. Aboriginal reconciliation. Use of natural resources. Use of community resources. We are being told that we need to reduce the floor area (which I will refer to as the dwelling/lot ratio) and develop rules around house design. Yet we are in the dark about how the lower ratio will contribute to addressing any one of these challenges. People settled on Pender to live and work more than one hundred and fifty years ago. Still, much of both islands is protected natural forest. Perhaps we want to protect and preserve more. But we also have longstanding communities that are entitled to exist within 21st century standards. Why can't we have both albeit in different places. We need to keep that in mind as we fulfill the 'preserve and protect' policy.
2. **What analysis has been done by the Trustees/planners to understand the impact on Penderites of various possible scenarios of a reduction of the dwelling/lot ratio?** Typically laws and regulations are made to reflect the majority

situation. Rendering a significant number of properties to the status of a legal non-conforming use with an arbitrary and unproven standard goes against this principle. This may happen if we choose arbitrarily a number that has no objective reference. The result will be confusion along with unnecessary costs and delays when dealing with planning staff for legitimate inquiries and changes. North Pender Island is comprised of a number of very different communities that are zoned as either 'rural' or 'rural residential'. Due to its density, Magic Lake stands out and seems to be the focus of your attention on North Pender. But once you leave Magic Lake, life is very different. We live at the north end of North Pender. Life is more 'rural'. We are less dense and have fewer community services. We have wells with tanks and pumps and septic systems. These need to be housed in sheds. We have large greenhouses. We build structures to fight erosion because we have too much water. So, when calculating the quantum of footprint with whatever measure is chosen, we need to be mindful that our dwelling count goes beyond our home building. I suggest that samplings be done in each of the different communities on North Pender (Port Wash, Hope Bay-Clam Bay, Magic Lake, etc.) to gauge the range of the current dwelling/lot size ratios. We need to be clearer on what is a realistic ratio given what we already have.

3. **Has the typical size of family and their use of space been considered?** When we moved here 3.5 years ago, we attended a meeting chaired by Trustee McConchie (before he was Trustee) speaking to the Pender Strategic Plan. He emphasized the desire to attract families to Pender. Do we no longer want families to move to Pender? If so, are we ready to welcome families with more than 2 children? If so, is the size of a home contemplated by the Trustees adequate for a family with 3 or 4 or 5 children. More and more families are expanding through subsequent marriages/unions. I know of several on Pender including that of Trustee McConchie in that case. Does 2000 sq ft work if they also have other outbuildings? Also, families are helping aged parents by including them in their households. Do the new ratios contemplate extended family situations? Is one home with one set of systems not better than multiple?
4. **How many vacant lots are on North Pender where larger homes might be built in the future?** Can we not just focus on the development on those properties? Can we not just put a cap on the size of a home unrelated to lot size?
5. **What is the meaning of 'rural'?** Trustees advocate for maintaining our 'rural' character. Has anyone done any research on the definition? I have. Many world/government authorities have definitions (UN, OECD, National Geographic, Stats Canada, Infrastructure Canada). They tend to focus on two indicators in the context of being 'rural' – low density and remoteness. Our Pender Islands have a very small resident population and are not readily connected to a larger centre. So, it sounds like that make us 'rural'. A simple google search also refers to 'rural' being 'in the country' or 'meadowlike' or 'related to farming'. Some of Pender might be described that way but many other parts are either 'wild, natural, forested' or residential. National Geographic defines 'rural' as 'an open swath of land that has few homes or other buildings and not many people'. Well, that is true for some parts of North Pender. But seriously, have we outgrown the definition? Perhaps at this point, being 'rural' means not having services which translates to paying fewer taxes. What do you think?
6. **What is 'rural design'.** As for dwelling design, I have found no guidance of what a 'rural design' is. A google search reveals pictures of huge farmhouses and barns. So that

does not support the notion of small houses. Being on the west coast, many of us tend to think of the ‘west coast’ style as being appropriate for our west coast island. Is it not the topography and personal preference that should dictate design? And perhaps more important than what a house looks like is what it is made of and how resilient it is to the forces and hazards of weather and natural events. One thing is for sure. There are many small homes on North Pender that do not come close to what I think of either as ‘rural’ or as fitting into the landscape. So clearly size is not the answer. We have much to work on before tackling the very controversial topic of home design on Pender where design takes a thousand different directions.

7. **Why include impervious surfaces in any calculation of the lot coverage?** Impervious surfaces can be important on certain properties to provide support to the land to prevent erosion or to provide safer access over steep grades to the property by the owner or emergency services. What is the rationale for including impervious surfaces in the dwelling/lot size ratio? The real issue is ensuring drainage is in place regardless of the surface – pavement, stone, gravel, clay or just mud. When the monsoon rains hit and rainwater starts flowing, water pours down every surface at a fast rate. We need to collect some and direct more of it to avoid all manner of problems. Let’s be sure that regulations around drainage are in place.
8. **Why would we protect trees over our own residents in a residential neighbourhood?** It has been suggested that every tree should be preserved and its removal the subject of a permit. What analysis of that has been prepared for our residential neighbourhoods? Our island is densely forested for the most part. Where residential communities exist, we need to make sure that trees do not pose hazards. Power outages, physical injuries, damage to our homes and property - all have been caused by falling trees on our roads and properties. Sick or dead trees and undergrowth are fire hazards. Clearly, in some cases trees present huge risk and cost to us. What would help us is education on sound forest management policies and practices that ensure our safety. If we want to control deforestation on vacant lots which is a very specific issue, then perhaps the approach should be a notice registered to the property requiring a plan to be filed if there is an intention to remove a certain amount.
9. **Are we ready to pay for the various costs that will attach to the changes being considered?** While the landowner will be responsible for the new admin costs that may arise from having to deal with variances, there will also be increased costs that flow to the Islands Trust to cover extra staff time to manage issues and the admin costs of managing new permit fees. Who will pay for that?
10. **Will action be taken to eliminate the dangerous and unsightly junkyards on Pender?** Surely this is a good example of when the Land Use Bylaw should be enforced for the protection of fellow Penderites. These are longstanding hazardous situations which not only have caused fires fairly recently but are potentially creating spills or other unknown risks. They affect our environment and our neighbours. That is unacceptable.
11. **Does North Pender Island have a climate change strategy?** Climate change has been mentioned by the Trustees as a reason for reducing the dwelling/lot size ratio. I agree we need to combat climate change. However, rather than fiddle around with the dwelling/lot size ratio, let’s invest our energy now into planning our strategy more fully. What are simple ways for every Penderite to play a role? Here are just few ideas.

- i. Use water more efficiently regardless of the size of one's house (educate people and make us accountable to prevent misuse or overuse; encourage water catchment; encourage use of 'grey' water),
- ii. Actively manage our forests (manage dangerous trees on our properties and remove underbrush and invasive species that enhance fire spread),
- iii. Emphasize fire prevention practices (educate about human caused fires and best practices for prevention and adherence to gas powered equipment in summer), and
- iv. Reduce use of fossil fuels for home heating (move away from woodstoves) and prohibit outdoor burning and promote chipping/composting (as we did this spring and summer due to COVID).

I welcome your responses to my questions.

Karen Bell

From: Karen Kouf <[REDACTED]>
Sent: Thursday, January 14, 2021 5:39 PM
To: Benjamin McConchie <bemcconchie@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>
Cc: npltcwebmail <npltcwebmail@islandstrust.bc.ca>
Subject: Land Use Bylaw Review - Resident Feedback

Dear Islands Trust elected officials and staff,

I am a long-time owner of a rural property on North Pender Island and I wish to inform you of my concerns around the new Land Use Bylaw proposals.

I would like to preface by stating my strong belief that Pender Island homeowners purchased, or will purchase, their properties for both beauty and tranquility. They care for their community and the environment, the majority do a great job maintaining their property for safety and aesthetic reasons. The decisions on maintenance and building plans should belong to the homeowner, not others in the community. Proposed amendments seem to stem from a vocal group, they do not reflect the beliefs of ANY of my neighbours, friends, or family on the island.

I would wholeheartedly support a democratic referendum that allows each homeowner to vote on key questions regarding how their property is managed and maintained. Majority wins.

Dwelling Size...

While existing properties are exempt, homeowners should have the right to rebuild in a manner that is more consistent with today's family unit and needs.

Our property was basically hand-built in 1974 and much of the workmanship is pretty shoddy without proper insulation, etc. As retirees, we don't need much but my son will inherit the property and the house will not be appropriate for a larger family unit.

Building a new home with a second story would not impede on our neighbours' view and we are tucked back into the trees where no one can see us. We are good stewards to the community and environment, we should be permitted to build as we see fit keeping both in mind.

To be clear, I do NOT support the building of massive homes on small properties. However, if changes are to be made to existing laws, I believe it should be based on the size of the lot for a community agreed-upon Floor Area Ratio.

Permits for tree removal on a homeowner's property... I am unable to find documentation on this proposal or how permits would be granted or acceptable circumstances regarding removal. The massive trees and strong winds on the islands pose a serious threat to buildings and power lines.

In the 16-years we have owned our property (originally purchased for close proximity to family AND a waterview), those hedgerow maple and fir trees have grown like the weeds that they are. Soon, many will block both sunshine and our view. Should we deem that one of them needs to be removed, for aesthetics or safety, it should be our choice.

I also support local trades that do the important work of thinning and clearing forest overgrowth at the owner's expense. This is a good practice in reducing fire hazards. These businesses shouldn't have their livelihood burdened or removed, they provide a valuable service.

In closing, I believe that ALL bylaws should be consistent throughout the islands. It's bad enough they vary from island to island but that we have different rules for people on either side of a small bridge on Pender, is unacceptable. We all need to work together to preserve the beauty of our homes and the island.

Thank you for reading this and allowing us to be heard. We look forward to continuing the discussion and the meeting on the 15th.

Karen & Wayne Kouf

--

Karen Kouf

From: Steve Wright <stwright@islandtrust.bc.ca>
Sent: Monday, January 18, 2021 9:23 PM
To: Kathi Allinson [REDACTED]; Benjamin McConchie <bemcconchie@islandtrust.bc.ca>;
Deb Morrison <dmorrison@islandtrust.bc.ca>; Cameron Thorn <cthorn@islandtrust.bc.ca>;
npltcwebmail <npltcwebmail@islandtrust.bc.ca>
Subject: RE: Jan. 15, 2021 Special Meeting House Size

Hi Kathi,

Glad you managed to get caught up on the meeting. Hope everything went well for your dad.

I'm not going to respond to any of the points you raise as they are entirely within the purview of the North Pender LTC.

If you would like information on building permits you can contact the CRD Building Office directly, our local Building Inspector is Chris Watson.

Thanks.

s

-----Original Message-----

From: Kathi Allinson [REDACTED]
Sent: Monday, January 18, 2021 6:39 PM
To: Benjamin McConchie; Deb Morrison; Steve Wright; Cameron Thorn; npltcwebmail
Subject: Jan. 15, 2021 Special Meeting House Size

> Hi and thank you for getting the video of the meeting onto the website so quickly.

>

> I have watched the meeting in its entirety and that while I found it informative I do have a little cause for concern that I would like to bring up, so that it can be factored into discussions going forward.

>

> In the comments regarding sliding scale for house size I have to admit that I am a little worried that Magic Lake might become the sacrificial lamb. As we all know Magic Lake is an anomaly, but I feel that just because there are smaller lots it should not preclude building larger homes. As we heard in the meeting there are many personal reasons for people needing a larger home that shouldn't have to be justified or go to a variance request.

>

> Magic Lake has lots of a variety of shapes and sizes where sizes of houses are dictated by lot configuration, current setbacks and height restrictions. Personally I would like to see homes being able to be 3000 square feet, if a lot dictates and given setbacks, if a number had to be banded about. On my street there are ten homes and the approximate square footage of each is as follows:

>

- > Lot 1- 3000 sq. ft on 2.12 acres,
- > Lot 2- 4000 sq. ft on 2.13 acres
- > Lot 3- 1300 sq. ft on .33 acres
- > Lot 4- 2100 sq. ft on .63 acres
- > Lot 5- 1800 sq. ft on .46 acres
- > Lot 6- 300 sq. ft on .54 acres
- > Lot 7- 840 sq. ft on .37 acres
- > Lot 8- 1700 sq. ft on .58 acres

> Lot 9 - 1700 sq. ft on .52 acres

> Lot 10- 650 sq. ft on .35 acres

>

> I bring this data up to show the wide variety of lot sizes and houses. This street is probably typical of most streets in Magic Lake with larger and smaller homes and lots. There does not seem to be a rampant building of mega homes.

> I am not sure, unless carefully done, that a sliding scale would be fair. If a sliding scale mandated that every lot under an acre for example could only be a certain smaller square footage, then in Magic Lake this could have a detrimental impact for people with extended and larger families, considering most properties are under an acre.

>

> Anyway I bring this up, as in the meeting a lot of people speaking were talking about larger properties. So going forward I would like to see a little more discussion specific to Magic Lake before decisions are made.

>

> I also noticed that the Trust is going to look into how many lots still could be developed. I was wondering if you could also get some data on building permits issued in the last two or three years and what the square footage of those houses were on North Pender.

>

> Again thank you for the meeting and the discussions going forward.

>

> Kathi Allinson

>

From: dthbell52@gmail.com <[REDACTED]>

Sent: Tuesday, January 19, 2021 5:35 PM

To: Deb Morrison <dmorrison@islandstrust.bc.ca>; Benjamin McConchie <bemconchie@islandstrust.bc.ca>; npltcwebmail <npltcwebmail@islandstrust.bc.ca>

Subject: Proposed Changes to North Pender's Land Use Bylaw - re Floor Size

I am a permanent resident and live towards the north end of North Pender. I have watched your meetings concerning this issue on September 19 and November 28, 2020, and January 15 last, and I have reviewed numerous related documents/correspondence, etc.

The purpose of this initiative is not clear to me: is it to “preserve and protect rural character”, or, is it to “address climate change and reconciliation policies”? Most of the discussion and documents focus on “protecting the rural character” of North Pender. I share the view that what amounts to “rural character” is subjective and not a proper measure for an effective and useful land use by-law. I hope that the Trustees will clarify the purpose of this review which, apparently, has the goal of significantly reducing maximum permitted floor area on North Pender.

I believe that the floor areas permitted on South Pender and James and Sidney Islands are reasonable. In my view, the discussions and related documents have not provided any objective information or basis for deciding that the maximum floor area on North Pender should be materially different than on these Islands. In addition, it is my view that determining maximum square footage by lot area as South Pender has done is the right way to go.

A land use bylaw which puts the vast majority of affected residences into a non-conforming use is, in my view, a bad law. A non-conforming use should be the exception, not the rule. In my view such a bylaw would be very expensive and time-consuming to properly administer, and, among other things, would have to include detailed specifics of all impacts of being in a legal non-conforming use, including details and all costs of the process for obtaining a variance (including, how long will be permitted to make a decision on a requested variance). A revised land use bylaw which limits permitted floor areas to significantly less than those currently found on North Pender would be unnecessarily difficult and expensive to administer. And to what end?

I agree with the comment by “Murray” during the January 15th session, to the effect that owners of undeveloped/developable lands on North Pender are most effected by the proposed reductions to permitted floor area. My review to date suggests that no more than 150 residents of North Pender have been involved directly in the Trustees’ public consultation. I hope that as this process continues the Trustees will make efforts to significantly broaden their consultation – in particular, to ensure they have the views of owners of undeveloped lands.

I look forward to future meetings and to reviewing a draft proposed bylaw and any related documents.

Thank you.

Thomas Bell

From: Benjamin McConchie <bemcconchie@islandstrust.bc.ca>
Sent: Wednesday, January 27, 2021 10:22 PM
To: Shahid Hussain [REDACTED]; Deb Morrison <dmorrison@islandstrust.bc.ca>
Cc: Laura Patrick <lpatrick@islandstrust.bc.ca>; Robert Kojima <rkojima@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>; Maple Hung <mhung@islandstrust.bc.ca>; 'Bob Vergette' <[REDACTED]>; 'Sue' <[REDACTED]>
Subject: Re: Proposed Bylaws Related to Maximum Floor Area Restrictions and Legal Non-Conforming Designation - Concerns and Comments from Members of SPPOA

Hello Shahid, Bob, and Sue -

Thank you very much for taking the time to write a response.

I did not feel like there was a confrontation - I asked whether your group voted on this (it turns out your group did not vote in a meeting or have a discussion, you sent out a letter that told people about a "rumour" about "a maximum house size of 2000 sq. ft." and no objections were raised to your letter).

I was asking about your process in order to properly ascertain public input.

Also, it is important to note that putting limitations on house sizes is not "undemocratic". Nearly every municipality and local government nearby has bylaws limiting the size of a home.

I appreciate you taking the time to express your views and ask appropriate questions. This is a challenging issue and I appreciate your associations' work to write the Local Trust Committee. - Ben

From: Shahid Hussain <[REDACTED]>
Sent: January 27, 2021 7:36 PM
To: Benjamin McConchie; Deb Morrison
Cc: Laura Patrick; Robert Kojima; Kim Stockdill; Maple Hung; 'Bob Vergette'; 'Sue'
Subject: RE: Proposed Bylaws Related to Maximum Floor Area Restrictions and Legal Non-Conforming Designation - Concerns and Comments from Members of SPPOA

Dear Ben

As the executive team of SPPOA, our intention is not to get into a confrontation with you or any of the trustees but to express our concerns, comments and feedback to you.

We would like to assure you that we have gone through a proper consultation process with our members before sending this letter to you. During the process our members were advised in

detail about a possible bylaw changes and SPPOA Executives' concerns with the changes. All responses from members were supportive of the concerns raised.

Regarding your question about being democratic, we are not questioning Island Trust's process; we are questioning the unfair nature of possibly taking away the freedom of home-owners to choose floor areas for their potential dwellings that meet their requirements, family sizes, recreational and business activities, and lifestyles. Also it is unfair and unreasonable, we believe, to create two classes of citizens on Pender. One group's dwellings, post RFA bylaw enforcement, would be considered "Conforming". The other group's dwellings with larger floor areas but built respecting all existing rules and regulations during construction, would be designated "Legal Non-Conforming" and subject to all forms of constraints and possible financial penalties.

We believe our Trustees and Planners have been doing an excellent job for Pender Island by addressing various issues. However we believe a possible bylaw to limit floor area to one maximum size is wrong and unnecessary and consequentially declaring existing dwellings Legal Non-conforming is unfair and unreasonable.

We would be happy to have further conversation with you if you so wish.

Shahid Hussain

Bob Vergette

Sue Long

From: Benjamin McConchie [<mailto:bemconchie@islandstrust.bc.ca>]

Sent: Monday, January 25, 2021 10:25 AM

To: Shahid Hussain; Deb Morrison

Cc: Laura Patrick; Robert Kojima; Kim Stockdill; Maple Hung; 'Bob Vergette'; Sue

Subject: Re: Proposed Bylaws Related to Maximum Floor Area Restrictions and Legal Non-Conforming Designation - Concerns and Comments from Members of SPPOA

Hi Shahid,

Was this letter voted on and agreed to during a meeting of your association?

The letter claims to represent the views of SPPOA, whereas I've spoken with many folks from the Stanley Point neighbourhood who support the work of the LTC and the review - also, several folks I know from Stanley Point who are extremely supportive of our attention to the democratic process. Calling the actions of the LTC 'undemocratic' is contrary to logic and ignores the two year process that has taken us to get to this point. I highly doubt all of the members agree with the characterizations of the work of the LTC in this letter.

Are you able to provide clarity?

Thank you very much for taking the time to write your LTC. - Ben

From: Jim Chernyk [REDACTED]
Sent: Thursday, January 28, 2021 10:06 AM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>; Laura Patrick <lpatrick@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Benjamin McConchie <bemcconchie@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>
Subject: re: proposal Trust by-law review residential floor area

Dear Sirs:

Please be informed by this email that I am concerned about any changes to the current RFA limit.

Further investigation into this matter should be discussed.

The current plan works for most of Pender however in highly densely populated areas such as magic lake with small lot sizes there may be some rational for improvements.

The square footage rational being considered does not fit the Pender island template. Square footage based on lot size makes more sense.

Regards

Jim Chernyk P.Eng.

From: Jim Chernyk <[REDACTED]>
Sent: Thursday, January 28, 2021 10:06 AM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>; Laura Patrick <lpatrick@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Benjamin McConchie <bemcconchie@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>
Subject: re: proposal Trust by-law review residential floor area

Dear Sirs:

Please be informed by this email that I am concerned about any changes to the current RFA limit.

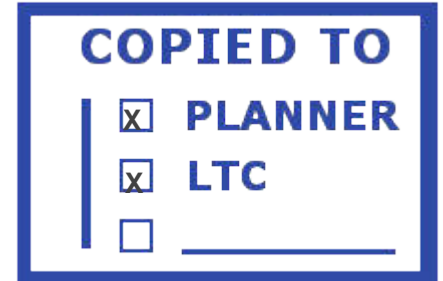
Further investigation into this matter should be discussed.

The current plan works for most of Pender however in highly densely populated areas such as magic lake with small lot sizes there may be some rational for improvements.

The square footage rational being considered does not fit the Pender island template. Square footage based on lot size makes more sense.

Regards

Jim Chernyk P.Eng.





Pender Island Home Building Centre
Pender Island, BC Canada
V0N 2M1
T 250 629 3455
F 250 629 2036

Dear Trustees and LTC,

We are writing in regards to our property and business located at 3338 Port Washington road on Pender Island. In terms of the industrial Land Use Review we respectfully submit that we do not want to down zone any of the property to a commercial designation.

There are several reasons for this position.

- **Impact on property value**

We are concerned that down zoning our property will negatively affect its value. As an Owner, we have paid a premium to acquire an industrial zoned property. We have the right to recover that premium upon future sale. We also have the right to an asset that appreciates due to it's zoning.

- **Impact on future business use of the property**

As an Owner, industrial zoning affords an Owner the opportunity to diversify their business to include industrial activities (Operational flexibility and Business appreciation). Future business opportunities are not yet known, but concepts such as alternative fuel dispensing (such as hydrogen) are definitely on the horizon. We certainly would not want to limit the potential of what can be done at this location.

- **Current planned use of the upper sections of the property and an incorrect understanding of the topography.**

The discussion paper states:

“(Our) land rises on both sides of the road where the hillsides are largely treed. Here any industrial uses would be impractical, potentially hazardous, and visually impactful.”



Pender Island Home Building Centre
Pender Island, BC Canada
V0N 2M1
T 250 629 3455
F 250 629 2036

This is not the case with our location. There are existing roads in place granting access to large flats areas of usable space. The neighbouring property owner has begun improving this access and there is an existing easement in place for us to use this road. The work to improve this access is quite substantial but not visible from Port Washington road. Attached is a map showing the contour lines and usable space above the existing store. There are several large relatively open spaces that we could use for much needed storage of our lumberyard overstock or fleet parking.

Conclusion

As a family owned and operated business on Pender Island for nearly 30 years we understand that the needs of the island change over time. We have enjoyed the loyal support of islanders and as a result have expanded the business and the buildings many times over. This is why it is so important for us to keep our options open for the use of our property. We appreciate the work of our trustees and the Island's trust in balancing the needs of the island itself and its' residents. We share the same concerns and ask that you keep our current zoning in place to allow us to meet these needs.

Respectfully,

Todd Bulled
Pender Island Home Hardware Building Centre



This topographical map shows the favourable contour lines directly above the store. You can see the areas directly behind the store where the lines are closer together. This indicates the steepest terrain. The area above that, the lines are further apart meaning the land is flatter and more usable.



This picture depicts the terrain adjacent to the store. Some initial clearing has been done to prove the viability of the area. This grade carries over to our location. Once grading is complete this area would make an excellent location for fleet parking, overstock storage etc.



This is the view from Port Washington Rd. This is an excellent example of the screening that this ridge provides of the cleared area. From the street you can not detect any signs of the work that has been done nor could you see items stored or parked in that region.

From: Sue Long <[REDACTED]>

Sent: Sunday, March 7, 2021 6:27 PM

To: Benjamin McConchie <bemconchie@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Laura Patrick <lpatrick@islandstrust.bc.ca>; SouthInfo <SouthInfo@islandstrust.bc.ca>; Maple Hung <mhung@islandstrust.bc.ca>

Cc: Steve Wright <stwright@islandstrust.bc.ca>; Cameron Thorn <cthorn@islandstrust.bc.ca>

Subject: Proposal to limit Residential Floor Area

We are writing to object to the proposal to limit residential floor area (RFA) on North Pender Island. There are no good reasons to introduce such a limit.

At the meeting on 15 January, 2021, you said that the sizes of current houses is NOT the issue. On this basis alone, you should not be considering a bylaw to restrict RFA as such a bylaw does not solve known issues. You said at the 15 January meeting that the problem was the future construction of “monster homes”, therefore you should be addressing this by setting an upper limit on RFA, not implementing a bylaw which impacts current homes. The RFA upper limit should be set so that most houses remain legal and conforming, for example, 4000 or 5000 square feet. You can determine this number based on CRD building data for existing houses.

Looking at the proposal to restrict RFA from a couple of viewpoints, we cannot see a reason to limit residential house size.

Firstly, from the viewpoint of the OCP objectives. The OCP objectives are to maintain rural character, and to minimize resource and energy demands. For both objectives, there is no direct relationship between size of house and the objective.

1. Objective to minimize resource usage

- Size of house is not directly related to resource usage
- Water usage depends primarily on the number of occupants and their activities
- Energy efficiency depends on the age, design, construction and maintenance of the house, and the use of alternate energy sources such as heat pumps and solar, rather than on the size of the house.
- We suggest that many of the old small houses on Pender leak energy like a sieve. They have single pane windows and are lacking in insulation. Newer houses have double glazing, significant

amount of insulation and are much more energy efficient. Perhaps there should be a focus on BC EnerGuide assessments and results, to make older homes energy efficient.

2. Objective to maintain rural character

- Size of house does not determine whether the house “fits in” to Pender’s rural character. A small house can be an eyesore, whereas a large house, properly designed and sited, can blend in well and be considered pleasing.
- Rural character of a house depends on multiple factors, such as design, siting, building materials, retention of trees and shrubs, not on size.
- An RFA limit is too simple for such a complex objective. FYI West Vancouver District have just written a bylaw to attempt to preserve their neighbourhood character. This took 26 months to create and is 131 pages long. It limits building size by a Floor Area Ratio (FAR) approach where the permitted size of house is related to the lot size. West Van’s focus is aimed at educating and informing potential house builders, architects and developers and communities about the values and benefits of preservation of character of the neighbourhood and conservation of resources.
- There are multiple instances on North Pender now of corrugated metal sheeting being used as siding and fencing. This material looks at home in an urban setting but not in a rural one. Close to the canal bridge, there is an example of a new small house that does not blend in. Design guidelines are required to help homeowners build a house which fits into a rural character.
- To maintain rural character in an area of smaller lot sizes (e.g. Magic Lake) a floor area ratio approach could be introduced to limit the size of the house relative to the lot size. This would reduce the density of buildings on smaller lots and help to maintain the rural character.

The second way to look at this is to consider what happens if you lopped a third off our home, so it is 1800-2000 sq ft:

1. There would be no change to the water usage as the number of occupants doesn’t change. We rarely have visitors.
2. There would be little impact to energy usage. We would still cook and heat water for two occupants. Today we only heat the part of the house we live in on a daily basis anyway, which is approximately two thirds of it.
3. There would be no impact on rainwater collection or drainage. All rain falling on our house or on our driveway goes into water barrels or into the ground to become groundwater.
4. Rural character would not change. A smaller house made of the same material and to a similar design would look similar. We are on a four acre lot, and the house cannot be seen from the road and only glimpsed from our neighbours’ houses.

Implementing an RFA limit which makes a significant number of houses non-conformant is NOT a good bylaw. BC Assessment were surprised you were considering this. In fact, all professionals we've spoken to (insurance brokers, mortgage brokers, realtors, financial advisors) did not believe this was a good idea.

If you implement a low RFA limit and make most houses non-conformant, you will significantly increase the work of the Islands Trust planners and trustees, which will impact the budget, as you will have many more variance requests to administer.

Please remember that different people have different needs. Rural houses are usually larger than urban houses for a reason. In a rural setting, we have specific needs due to our remoteness, susceptibility to power outages and lack of central services. For example, I need a large pantry and space for a freezer, space for guests, a home office to be able to work remotely, space for gym equipment, and a workshop to make/fix things.

Diversity of people on the island is desirable and healthy. If you want diversity, you need a variety of housing. If only small houses are allowed, families won't want to move here and wealthy folks will take their money (and hence their financial support to the community) elsewhere.

Instead of focussing on an RFA limit, you should be working on how to create affordable housing to enable lower-income people to live on the island. Permitting suites in larger houses could be part of the solution.

Please note that according to the OCP, section 2.1: "A Maximum site coverage and setback and height limitations shall be regulated, and maximum floor area regulations may be established, to preserve rural character and to minimize resource and energy demands on the island." The OCP does NOT say that a maximum floor area regulation MUST be established.

Conclusion

There is no good reason to implement an RFA limit on North Pender, except to prevent the construction of "monster" homes.

Reducing house size has no direct relationship to meeting the OCP objectives therefore implementing a residential floor area limit does NOT lead to the objectives being met.

The OCP objectives are complex and a number of actions have to be taken to reach these objectives. It is not as simple as implementing one numeric measurement.

Proposed solution

We support an upper Residential Floor Area limit (for example, 4000-5000 sq ft) to prevent building of “monster homes”.

In addition, a Floor Area Ratio could be established, such that maximum house size is related to lot size, which would limit house size on small lots, hence preserving rural character in areas of small lot size, while permitting larger homes on larger lots.

Regards

Sue and Simon Long

[Redacted]

[Redacted]

[Redacted]

Sent from Mail for Windows 10

From: Susan Bennett [REDACTED]

Sent: Saturday, March 6, 2021 8:27 AM

To: SouthInfo <SouthInfo@islandstrust.bc.ca>

Subject: north pender LTC Land Use Bylaw Review Project feedback

Please find attached a letter outlining my feedback regarding the North Pender LTC Land Use Bylaw Review Project, as per the invitation for feedback letter received as a residential neighbour of Tourist Commercial Zoned properties on North Pender Island.

Please confirm receipt of this feedback letter. It was requested to be received by email by March 18, 2021.

Regards, Susan Bennett

March 06, 2021

Attention: Kim Stockhill

RE: North Pender LTC Land Use Bylaw Review Project- Tourist Commercial Zoning Review

Thank you for your letter of February 23, 2021 inviting neighbours to the C2 zoned properties (C2 b,c,d,e) between 1325 and 1333 Mackinnon Road on North Pender Island, to provide feedback to the North Pender Island LTC and staff in regards to the Tourist Commercial Regulation Review. It is my understanding that this feedback is being provided for use of the LTC and staff as part of the review process, and will not be posted publicly.

This section of Mackinnon Road is a quiet residential neighbourhood, with a narrow road access, leading to a dead end turnaround. It is not near to amenities such as restaurants, retail, public parking, toilets, laundry facilities, or dock access that are needed to support Tourist Commercial Zoning use, unlike the Otter Bay area.

As indicated in your documents, 4 of the 55 "units" allowed under the current zoning for these four parcels combined, are currently in use (3 of which are cottages). It is my opinion that any additional density would not be in keeping with the quiet residential neighbourhood that it is, not would it be environmentally sustainable. It is my recommendation that this area be rezoned as Residential use.

If these four properties must remain in a Tourist Commercial Zone, I suggest that density be frozen at the current 4 units (a house and three cottages) and that the remaining 51 "sleeper density" units be

freed up for reallocation elsewhere on the island in locations that are suitable and sustainable for this designation.

Regarding potential changes to the definition and details applying to “units” allowed on parcels within a Tourist Commercial Zoned area, it is my opinion that it is essential that unique factors associated with individual neighbourhood communities, nearby infrastructure to support tourist use, water availability, and environmental issues, amongst other factors, be considered.

It is my opinion that it is not appropriate to have a one-size- fits- all formula for definition of allowable “form of units”. Specifications relating to factors such as siting, massing, distance between structures, landscaping, and type of structures allowed on a Tourist Commercial Zone parcel located in a particular neighbourhood community are essential to maintain when considering zoning revisions in order to preserve communities and the environment.

Thank you for this invitation to be involved in the review process. Please keep me informed of the next steps that are planned. I would like to continue to be invited to provide input on zoning affecting my community.

Best regards,

Susan Bennett



Ilse Morris



March 3, 2021

Kim Stockdill
(1) kstockdill@islandstrust.bc.ca
(2) southinfo@islandstrust.bc.ca
Island Planer
200-1627 Fort Street,
Victoria, BC V8R 1H8

Dear Sir or Madam,

Re: North Pender LTC Land Use ByLaws Reviews

I have received in the Mail your information letter to my Vancouver address with regard to proposed Zoning corrections.

My homes on Pender Island are on [REDACTED] Road with postal delivery boxes.

My Email address is [REDACTED]

Would you please arrange that in future I will be informed of any meetings, proposals for Zoning corrections etc.

As principal of Jade Investments Ltd we also own the various parcels of [REDACTED] Road,

[REDACTED] Rd. [REDACTED]

I am therefore asking you to inform me by mail and email of any future planning there may be on North Pender Island.

Yours truly,



Ilse Morris

From: John Bowers [REDACTED]
Sent: Tuesday, March 16, 2021 12:05 AM
To: Deb Morrison; Benjamin McConchie; Laura Patrick
Subject: Re: maximum house size for North Pender

P.S. I'm not asking for a reply and don't want you to spend your limited time in that way. I wrote my message for your consideration in this process and to become part of the public record.

On Mon, Mar 15, 2021 at 11:59 PM John Bowers <[REDACTED]> wrote:
Hello Deb, Ben and Laura,

I just read over the staff report to be discussed at the Special Trust Meeting for North Pender this Thursday, March 18, 2021.

I have concerns about the staff recommendation regarding maximum house size.

Islands Trust staff stated that if we make a decision to proceed with limiting the size of future houses, then there are the following two choices:

Option 1. establish a maximum size as a specific number of square metres and this goes for all future builds (in the RR or R zone), no matter the lot size

or

Option 2. establish a maximum size that is partially dependent upon the size of the lot

Staff have recommended a single maximum house size and cite the following pros and cons for this choice:

Pro for Option 1:

a) simple to administer and easy for property owners to understand.

Cons (or challenges) for Option 2:

b) How would lot sizes be grouped?

c) How would maximum sizes be established for different groups of lot sizes?

d) When a property owner applies for a building permit, they might need a legal survey to establish lot size.

I will comment on each of the above thoughts.

a) Option 1 is simple to administer and easy for property owners to understand.

Yes, this is certainly true. However, reading a table, or multiplying one number by another number is not particularly complicated. Fairness is also a critical principle and should not necessarily be overridden by simplicity.

b) How would lot sizes be grouped?

Frankly, I find this question a little perplexing. Isn't this exactly the sort of work that Islands Trust staff would typically research and provide their findings? I am merely a humble taxpayer and can think of a few ways to proceed. For instance, we could look at the best practices of other jurisdictions. I'd suggest starting with other islands within the Islands Trust and if an answer isn't found, then expand one's search to other rural areas. Or, perhaps there are other experienced planners who could point Islands Trust staff in the right direction. And of course, we could simply look to what South Pender came up with not long ago, which seemed reasonable to me.

c) How would maximum sizes be established for different groups of lot sizes?

Once again and perhaps naively, I thought this question would have been researched by Islands Trust staff so that they could present options for Trustees and residents to consider. I hope the onus does not fall on North Pender residents to attend the meeting to discuss this from scratch and come up with some kind of consensus.

If and when staff do think about this question, I would suggest the same steps as above, including looking at what was established for South Pender.

d) When a property owner applies for a building permit, they might need a legal survey to establish lot size (given option 2).

I'm surprised that Islands Trust staff seem to be unaware that a legal survey is generally required to be submitted with a building permit application. And if there is a DPA on the property, which is not uncommon, a legal survey must be submitted to Islands Trust. Of the 29 building permits, according to the table on page 4 of the agenda materials, I wonder how many were required to submit a legal survey with their application? My guess is most and perhaps even the vast majority. That said, under option 2, how often would a proposed house size be sufficiently close to the maximum house size that a legal survey would be required? I believe the answer is almost never, given that sufficiently accurate lot sizes are known. This final stated reason seems to be a case of faulty logic for the above reasons.

If it is not already clear, I do not favour one maximum house size for all future builds in the RR and R zones on North Pender. I believe that a house on a ten acre property should not be subject to the same maximum house size on that of a half-acre property. If Islands Trust is concerned about resource usage, then I would suggest it find more targeted ways to regulate and/or properly price that resource usage. If Islands Trust is concerned about maintaining rural character, then perhaps larger setbacks for larger properties is the way to go, as this would make a larger house not as easily visible from neighbouring properties.

I firmly believe that the math and understanding of option 2 is actually quite easy for future property owners to comprehend. Not long ago, South Pender came up with a reasonable solution in its bylaws for maximum house size.

I do not own and never plan to own a large lot or a large house. I am a proponent for reducing our ecological footprint and housing plays a big part. That said, I value freedom of expression and fairness at least as much, which is why I have spent the time to submit this response for your consideration. Finally, I also value my tax dollars and do not want to see them spent by the Islands Trust attempting to defend a bylaw which could reasonably be challenged as a violation of one's freedom of

expression under section 2 of the Charter of Rights and Freedoms. I just don't want to see this bylaw become too simplistic at the expense of fairness and reasonableness.

I thank you for the work you do.

John Bowers
North Pender resident

From: Barbara Johnstone [REDACTED]
Sent: Wednesday, March 17, 2021 12:01 PM
To: Laura Patrick; Benjamin McConchie; Deb Morrison
Cc: George Leroux; McMahon Martha; Richard Piskor; Ben Kadel; Matthew Vasiley; 'Ann';
[REDACTED] Anne Burdett; 'Kathy Heslop'
Subject: Trust Staff Report on SAAPC Recommendations to LUB Review
Importance: High

To: North Pender Island Trustees
From: Special Agricultural Advisory Planning Committee (SAAPC)
Date: March 17, 2021
Re: Trust Staff Report on SAAPC Recommendations.

Dear North Pender Local Trust Committee

We were surprised to see the Staff Report on our Committee Recommendations posted to the Trust website on Monday March 15, 2021. We were not provided the courtesy of a copy of this response being provided directly to the Committee other than posting on a website without notification.

Prior to Monday the only response we had to our report, delivered on January 4, 2021, was at the January 28, 2021 Local Trust Committee (LTC) meeting. At that time Staff had indicated they would provide a response for LTC consideration at the February meeting. This did not happen, and we heard nothing further. Then it shows up on the meeting agenda for the LTC Special Meeting scheduled for 0900 hrs March 18, 2021.

Unfortunately, not having any reasonable advance notice of the Staff response, we are not able to provide further comment or assessment by this Thursday morning. Nor are we able on short notice to assure properly prepared Committee attendance at this meeting.

We will be happy to discuss our recommendations with the LTC given time for proper reflection on the Staff response. We will also provide a written response although this is not possible by Thursday morning.

We respectfully request that discussion of the SAAPC Agriculture recommendations be deferred to a future meeting when we can be appropriately represented and prepared.

Thank you.

Barbara Johnstone
Chair, North Pender Special Agricultural Advisory Commission

From: Susan Bennett <[REDACTED]>
Sent: Sunday, March 14, 2021 2:50 PM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>
Subject: Fwd: north pender LTC Land Use Bylaw Review Project feedback

Hello Ms Stockdill:

Would you please be so kind as to ensure that the feedback letter re North Pender LTC Land Use Bylaw Review Project (as attached), that I emailed to southinfo@islands.trust.bc.ca, as advised in your letter, has been received.

I have not had confirmation of its receipt and understand that the meeting is March 18th.

With thanks, Susan Bennett

March 06, 2021

Attention: Kim Stockhill

RE: North Pender LTC Land Use Bylaw Review Project- Tourist Commercial Zoning Review

Thank you for your letter of February 23, 2021 inviting neighbours to the C2 zoned properties (C2 b,c,d,e) between 1325 and 1333 Mackinnon Road on North Pender Island, to provide feedback to the North Pender Island LTC and staff in regards to the Tourist Commercial Regulation Review. It is my understanding that this feedback is being provided for use of the LTC and staff as part of the review process, and will not be posted publicly.

This section of Mackinnon Road is a quiet residential neighbourhood, with a narrow road access, leading to a dead end turnaround. It is not near to amenities such as restaurants, retail, public parking, toilets, laundry facilities, or dock access that are needed to support Tourist Commercial Zoning use, unlike the Otter Bay area.

As indicated in your documents, 4 of the 55 “units” allowed under the current zoning for these four parcels combined, are currently in use (3 of which are cottages). It is my opinion that any additional density would not be in keeping with the quiet residential neighbourhood that it is, not would it be environmentally sustainable. It is my recommendation that this area be rezoned as Residential use. If these four properties must remain in a Tourist Commercial Zone, I suggest that density be frozen at the current 4 units (a house and three cottages) and that the remaining 51 “sleeper density” units be freed up for reallocation elsewhere on the island in locations that are suitable and sustainable for this designation.

Regarding potential changes to the definition and details applying to “units” allowed on parcels within a Tourist Commercial Zoned area, it is my opinion that it is essential that unique factors associated with individual neighbourhood communities, nearby infrastructure to support tourist use, water availability, and environmental issues, amongst other factors, be considered.

It is my opinion that it is not appropriate to have a one-size- fits- all formula for definition of allowable “form of units”. Specifications relating to factors such as siting, massing, distance between structures, landscaping, and type of structures allowed on a Tourist Commercial Zone parcel located in a particular neighbourhood community are essential to maintain when considering zoning revisions in order to preserve communities and the environment.

Thank you for this invitation to be involved in the review process. Please keep me informed of the next steps that are planned. I would like to continue to be invited to provide input on zoning affecting my community.

Best regards,
Susan Bennett

March 15, 2021

██████████
██████████
██████████

Re: Discussion of C2 (Tourist Commercial) Zoning

Dear Ms. Stockdill,

Thank you for including us in your discussion of C2 (Tourist Commercial) zoning and potential changes.

We live directly behind The Woods, a private trailer park, motel and cottage accommodation.

We are in agreement with all of the potential amendments to C2 use categories.

We would like the LTC to also consider the following:

1). The existing C2 zoned properties should reflect what currently is standing and no more until infrastructure requirements are proven prior to intended development.

The present numbers of potential zoning units are misleading. Those numbers set up an expectation of what is permitted when it's clear that the land can not support water, septic, geo tech requirements for those densities of units and people.

If Arcadia has 4 units for example, then it should remain at 4 despite having a potential number of 26. The remaining commercial properties on McKinnon Road should be rezoned residential.

The same applies to The Woods which has 25 existing accommodations. Sleeping cabins are provided adjacent trailers in some locations making for higher accommodation numbers. Build out of 46 units would be ridiculous. The noise level during the summer is increased substantially and sometimes beyond the time that is permitted by the CRD noise bylaw.

The Driftwood and Browning remain the largest areas remaining to be developed. Browning density has been reduced. It is unclear whether the Driftwood is C2 or housing. If housing is intended, 27 units on 3 acres of land should be reduced.

2). Consider a 25 metre setback all around any commercial development bordering rural or residential properties.

Additional Comments

C2 zoning only addresses structural density not human occupation of those structures.

As Pender thinks about how to best manage and provide for the influx of tourists during the summer months, there should be no new C2 accommodation approved in order to limit availability, thus help to manage the numbers.

Sincerely,
Judy Walker and Brent Marsden

From: Sheila McIntosh <[REDACTED]>
Sent: Wednesday, March 17, 2021 6:44 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: Land Use Bylaw Review - C2

I am responding to your letter requesting input on possible changes to land use regulations related to C2 properties as we nearby such properties. We live on MacKinnon Road and believe that the current zoning density on MacKinnon C2 properties is too high. As was noted there are currently 55 units that could be built on acreage of 7.56 acres - yielding an average of .14 of an acre per unit or more than 7 units per acre. This density is higher than that at Port Browning, Currents, Woods...If the acreage were to be developed anywhere close to the current zoning level it would result in a huge increase in local traffic and activity along a narrow road and would totally change the tenor of this residential area. So in answer to your question re whether the potential 180 units on North Pender is an appropriate number I would say that it is too many since many of the undeveloped sites (51 of about 120) are in a quiet residential area with limited road access and no other services close by. C2 development would make more sense in areas that are already in higher traffic areas, with more capability to handle the increased traffic - such as Driftwood Centre, Port Browning..and in areas where guests would have easier access to other services.

In terms of the option of "changing the mix of uses along with a smaller number of tourist accommodation units" I wasn't clear what that really meant. Are you referring to the accessory uses which you noted needed to be clarified?

It seems reasonable to offer some flexibility in the size of units though if the larger units are focused on simply more bedrooms per unit then the overall number of possible visitors may not be that different. Fewer units might not result in less traffic - in person and vehicular.

While simplifying zoning regulations is an admirable goal you would need to make sure that you don't have unintended consequences - for example if you focus solely on number of units per hectare you could end up with very little green space if the units have a large footprint whereas if you focus only on floor area ratio you might end up with many small units... I think some combination of measures is necessary as you think about what you are trying to achieve.

I agree that allowing more employee housing makes sense - again keeping in mind the overall density.

In terms of changing the definition to "tourist accommodation" I would prefer that the types of acceptable accommodation be specified.

Thank you for your consideration of my input. I look forward to the ongoing consultation process.

Best regards,
Sheila McIntosh

From: Elizabeth Preston <[REDACTED]>

Sent: Monday, March 22, 2021 3:28 AM

To: SouthInfo <SouthInfo@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>

Subject: North Pender LTC Land Use Bylaw Review Project-Tourist Commercial Zoning Review

[REDACTED]

[REDACTED]

March 18, 2021.

Please note: I had been conversing via email with Kim Stockdill and thereby missed the submission deadline.

I live two properties west of the Currents at Otter Bay. One of my cousins owns the property immediately east of me next to Currents and my other cousin lives on the ferry terminal side of me. Our properties are very precious to us being in our family since 1919 and were a Soldier Settlement Farm and also extend above the road.

Speaking from my family's long-term perspective and experience after the development of the original Otter Bay Marina to the present one and the development of the Currents:

Concerns include: Lack of Privacy of private dwelling/home next door to the Currents.

Culvert Placement in the road leading down to the Currents blocks valley drainage from W to E as too high up for any water flow. Water backup into our 3 properties. Original stone drainage built by my grandfather c 1919 to drain into Hyashi Cove (where the Marina is) and the Matsamura property. Mr. MacKinnon's property, ours and the Matsamuras all drained together into Hyashi and then out into Otter Bay.

Constant Trespass of people from the Marina/ Currents/ Aquatic Business (and others) on foot and by kayak ... into my cove where garbage is left and people scramble up my steep tree/ dirt banks into my Cousin on the east's property trying to get back to Currents/ the Marina... on foot (esp. in Summer/ pre-Covid). Trespass signs were posted.

Biodiversity/ species at risk eg. Ladyslipper orchid, river otter family, kingfisher nesting - disturbance due to trespassing/ high traffic esp. on foot from Marina/ Currents.

Trespass of dogs running at large frightening my animals on 2 occasions.

Lighting at the Currents is very bright at night at the Lodge, road south-east up the hill on the point. Both lights go well into my middle property.

Thought you might like some boots on the ground background.

Sincerely, Elizabeth Preston

From: George Leroux <[REDACTED]>
Sent: Monday, March 22, 2021 9:56 PM
To: Benjamin McConchie <bemcconchie@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Laura Patrick <lpatrick@islandstrust.bc.ca>
Cc: Robert Kojima <rkojima@islandstrust.bc.ca>
Subject: letter to Trust - 032221

Good Evening

Attached is a letter to the LTC we would like posted publicly. We are unable to effectively navigate the Trust website to submit this properly – it is, quite simply, not welcoming of input. It is not a website that supports input.

In any event, please accept our comments concerning recent Trust decisions. We wish these comments to become part of the public record.

George and Kelly Leroux

Hi Deb & Ben

We have been watching the process by which our Island, through the Trust, is planning its destiny. We refer here to the recent "decisions" regarding Industrial zoning, and more generally to what we observe to be an anti-landowner and anti land rights bias among Trustees.

Tonight we feel very sad. For the last 16 years we have been rebuilding a small farm on Port Washington Rd. Before us, David and Sandra Johnston produced, on a small scale, vegetables, fruit and animals. As they aged, the farm became too much for them. We were fortunate to continue the Johnstons' vision and have further developed Raven Rock Farm.

We have built a productive organic farm on a hillside of gravel. While most of our land is classified "ALR", it is the same "non-arable" land you are promoting for industrial zoning immediately to our west and, frankly, is not much different from the land in Magic Lake or much of the rest of Pender. Removal of the ALR designation on our land could easily be supported technically, but likely not socially on Pender today. Despite this, we have made soil, created level terraces, installed growing shelters and expanded the orchards. We have added organic soil amendments from both on and off island. We have received "waste" biomass (wood chips) from Island activities, and have aged, composted and mixed these organics with the native gravel and sand to create a healthy soil environment for growing vegetables. We have installed water catchment and an extensive irrigation system – you get what you water on this Island. We have hired Islanders and established systems and procedures that allow us to provide fresh greens to the Island from March to October. We have gone to the expense and extensive paperwork required for Organic certification. We have invested large amounts of time, energy, money and hope to build something that contributes to the food security and sustenance of the community.

At your "special meeting" last week we learned that all industrial activity should be "pushed to Port Washington" (Direct quote from Ben). The cement plant should be "forced" (per Deb), at the expiration of the current TUP, to move from MacDonald Farm to Port Washington Road. All restrictions should be lifted on industrial zoning. And, if some part of waste management can be called "industrial," it should move away from the "residential" waste management site and go to Port Washington.

Imagine if you had spent the last 15 years of your life building something agricultural *for the community*. How would you feel when the community's Trustees suggest putting all the island's industrial activity right beside that farm? Out of sight, out of mind for the majority of Islanders; the local neighbours on Port Washington Road pay the price that should be paid by all Penderites. If the chest thumping about tree cutting in Magic Lake or the "destruction" of MacDonald farm is sincere, where is the same concern for Port Washington? And for the hard-won agricultural capability of local farms? Perhaps you are simply unaware of the severe impact of your plans.

The road from the Community Center to the proposed Port Washington Industrial Cluster is a rural country road. The extra fleets of trucks you plan to divert from the Community Center area to Port Washington would be forced to pass the Epicenter, Nu-to-Yu, Library, go through several turns (some of which are banked the wrong way), pass Corbett House and a couple of farms, to arrive at an uphill intersection with a stop sign. Some come to a complete stop; many don't. The trucks then lurch and spew their way through the intersection and proceed uphill and westward on Port Washington trying desperately to accelerate on an uphill slope with much changing of gears. As they spew black smoke climbing the hill, their transmissions whine all across the valley and make a deafening sound on our farm. We cannot converse on the farm when a truck goes up the hill.

After spending a few minutes in the Port Washington Industrial Cluster to load or unload, they turn around for the return trip to Magic Lake and the rest of the island. Accelerating eastward from the Cluster, vehicles are typically speeding by the time they pass our farm at the crest of the hill. Our farm gate is halfway down the hill. It is no longer a safe gate to use. Some accelerate and then hit the brakes right outside our barn when they realize they need to slow for the corner. Others simply apply the jake brake. Fortunately, we do not have laying hens or they would all drop their eggs prematurely upon hearing an engine brake applied. We cannot converse on the farm when the trucks go downhill, either. Truck traffic on Port Washington Road has vastly increased over the past two years, and the road is very badly broken up.

Several years ago we expressed our concerns to the then-Trustees. Their response was illustrative of the attitude of the Trust - "We know what we want to do, and we will do it." The fix has been in for years. We see that. It has been, in our opinion, futile to comment since the Trustees, and even more clearly, the Staff, wanted to cluster the Industrial activity in Port Washington. What has been lost in this discussion is the overall impact.

The Industrial traffic that uses this corridor is, for the most part, servicing Magic Lake, South Pender, and to a lesser extent, Mayne, Galiano and Saturna. For example, the cement plant serves several islands. By forcing it to move to

Port Washington, you will have simply moved the entire impact from all other areas of Pender, and the other Islands, to Port Washington. In the process a site will be left behind that has been mined and levelled in a manner that will never again be suitable for agriculture. This genie cannot be put back in the bottle.

It is easy to say, as at least one of you did acknowledge at the meeting, that there will be impacts. Yes, there will be. Everything has an impact. The question is how the impact is managed and spread among those who are receiving the benefit and those suffering the consequences. In this situation, the Trust, and by extension the community, has chosen to move all industrial impact to our neighbourhood. This is just about as far from Magic Lake, and most of our Island population, as can be found. There seems to have been no consideration of the extra miles (and carbon – 2.68 kg / liter of diesel burned at an average of 1/6th liter /km) related to having the trucks go back and forth all day from Magic Lake to Port Washington. There has been no consideration of the traffic and safety impacts between the Community Center and Port Washington. There has been no consideration for the road bed quality and what will soon become an imperative to rebuild the road. This eventual road re-building will itself have huge impacts - environmental, logistical and disruptive.

We have spent over 15 years following on 20 years by the Johnstons and several generations of Islanders before us scratching out a farming enterprise that supports the health and vibrancy of the community. Now, with your decision, continuing in the direction that Staff and previous Trustees have been pursuing for many years, we are confronted with a harsh reality. Our farm is, in many respects, fatally wounded. Our water sources will ultimately become depleted and/or fouled by industrial activity directly above and adjacent, and our quality of life severely diminished.

We do not know what we will do. It is clear that the Trust locomotive is sticking to its track. We cannot change it. All industrial activity is being pushed and forced to our neighbourhood. The community is operating on the basis of a majority of people wanting all activity outside of where they live. The principle of "minimal" neighbourhood impact is measured by the least number of neighbours in the affected "neighbourhood." When you are one of those neighbours it hits home, and it hurts.

We have invested huge amounts of personal energy and resources to develop an example of what can be done if you really focus on growing food. By adapting techniques to suit the site, building infrastructure, learning through science, trial and error, and patience, it can be done most anywhere. We have spent 15 years developing a small working farm that is, we hope, part of the fabric of the community. This is now challenged.

How on earth is the "Preserve and Protect" mandate being fulfilled by this decision? What's being protected? What's being preserved? Nothing more than the complacency and pleasure of residents of the subdivision to not be bothered by nasty industrial activity. Do you really care, or will you and the Trust hide behind "Preserve and Protect", whatever that means to whoever is putting it forward?

George & Kelly Leroux

21 March 2021

**Re: North Pender LTC Land Use Bylaw Review Project
Tourist Commercial Zoning Review**

Dear Trustees and Planners

First of all, thank you for all of your hard work to fulfill the legislated “preserve and protect” mandate of the Islands Trust. We genuinely appreciate it! And apologies for the slightly late nature of this submission, as we have both been super busy with work.

We have lived on the beautiful and bucolic dead-end section of MacKinnon Road for over twenty years now, immensely grateful for the opportunity to raise our daughter (now 15) in such an idyllic environment. It has been an extraordinary pleasure and privilege to be part of Pender Island’s wonderful community, surrounded by spectacular nature.

But in these few short years, much has changed. We have witnessed the development of Currents at Otter Bay (32 additional units), significantly increasing the number of people in this rural residential neighbourhood. We have sympathized with neighbours whose wells have run dry, been damaged by neighbour’s fracking, or been contaminated by saltwater intrusion. Our well was badly impacted by fracking of the well next door (by a previous owner of the commercial property). We pick up growing volumes of garbage at the local beach, likely attributable to the increased volume of visitors in this neighbourhood. We have watched growing volumes of traffic on the narrow, “rustic” section of Mackinnon Road between Otter Bay ferry terminal and the public beach access at the end of the road. There have been two motor vehicle accidents in recent years. We have observed the demise of several businesses next door at 1325 Mackinnon Road (e.g. Galloping Moon Café, Islanders Restaurant). One benefit of that demise is that there are no longer septic problems, which were frequent while the commercial businesses were operating.

In short, this is a neighbourhood that has already reached its carrying capacity, from both an ecological and infrastructure perspective. The C2 zoning for more than fifty additional tourist accommodation units on four very small properties (totaling three hectares), established decades ago—without any public consultation, environmental assessment, or cultural heritage review—is completely inappropriate and potentially disastrous given what we now know. The impacts on water, traffic, tree cover, endangered ecosystems and neighbourhood conviviality would be devastating.

We have reviewed the options set forth in the discussion paper in light of the circumstances of this neighbourhood as outlined above. The first option refers to “Reducing the number of permitted units in some locations.” This is absolutely essential! We urge the Islands Trust to downzone the commercial properties on Mackinnon Road, grandfathering only the existing commercial tourist accommodation units at Arcadia by the Sea (four units).

Respectfully,



David R. Boyd and Margot A. Venton



CC

Kim Stockdill, Island Planner

Deb Morrison, North Pender Island Trustee

Ben McConchie, North Pender Island Trustee

24 March 2021

Laura Patrick, Chair (via email: lpatrick@islandstrust.bc.ca)

Ben McConchie, Trustee (via email: bemconchie@islandstrust.bc.ca)

Deb Morrison, Trustee (via email: dmorrison@islandstrust.bc.ca)

Kim Stockdill, Island Planner (via email: kstockdill@islandstrust.bc.ca)

North Pender Island

Islands Trust

Re: North Pender Island Land Use Bylaw Review, Marine and Shoreline Discussion Paper

Dear Trustees and Staff,

We are writing to comment on the Marine and Shoreline Discussion Paper dated July 2020 and the 18 March 2021 North Pender LTC Special Meeting. We understand that there is trustee interest in restricting the W1 zoning to current private moorage tenures and require rezoning to W1 for any new docks, similar to South Pender's updated Land Use Bylaw.

This raises several concerns for us.

Firstly, **taking away property owners existing permitted uses creates an unlevel playing field for those owners who have not yet taken advantage of their options.** As an existing owner of waterfront property on North Pender, we purchased our property with the understanding that "private floats, wharves, ramps and walkways accessory to the residential use of an abutting upland lot or lots abutting the sea" is a permitted use in the W1 zone. This was a significant reason why we chose to live on North Pender, as having the ability to keep a boat at our own dock has long been a part of our dream. That added value to us and was reflected in the purchase price we were willing to pay. Changes that would make new docks a discretionary use, rather than a permitted use, penalizes waterfront property owners that don't already have a dock in place and could be detrimental to our property values.

Secondly, **North Pender is already located within the West Coast Region Private Moorage Application Only area.** This area prohibits General Permissions for new docks and requires an application to the Ministry of Forests, Lands and Natural Resource Operations for Specific Permission (or possibly a lease), for reasons of environmental sensitivity or other concerns. The current process is very stringent, time consuming and costly.

In addition to site plans, construction drawings and photographs, the application must include:

- A Management Plan, signed and dated, which includes the project overview, project description, type of use and additional information, including how public access will be maintained along the foreshore.

- A Baseline Marine Habitat Assessment signed by a registered professional.
- An assessment of potential impacts on archaeological values.
- A statement by the applicant describing any contact with First Nation(s).
- Written confirmation from local government that the proposal complies with the existing zoning bylaws (based on a review by the local government of the application).

Following receipt of the completed application, the Ministry refers it to relevant Ministries, Agencies, First Nations, other water users, community groups or other interested parties for review and then conducts a technical review following this consultation period.

Finally, **waterfront property owners who are already at some stage of the tenure application process need some assurance and protection that future bylaw and zoning changes won't render their application obsolete.** It can take months to gather together all of the necessary information to submit an application and then it can take two to three years to undergo review before a decision is made by the Ministry and construction can begin. A lot can change in that time.

As the private moorage tenure on our property had expired a few years ago under previous ownership, we are now in the process of gathering together all of the information required to submit a new application to the Ministry of Forest, Lands and Natural Resource Operations for a tenure. We have to start from scratch following months of endless back and forth discussions with the Ministry to determine the status of the expired tenure. We engaged Island Marine Construction on 04 February 2021 and had a biologist onsite to conduct a Baseline Marine Habitat Assessment on 23 March 2021.

We are already thousands of dollars in and still not guaranteed of getting approval. Adding a requirement for rezoning to this already costly and time-consuming process will put this beyond the reach of many and seems like another unnecessary hurdle for property owners given the thorough application process now in place in the West Coast Region Private Moorage Application Only area.

Thank you for your consideration.

Chris and Sandra Tretick

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██

From: L P <[REDACTED]>
Sent: Thursday, April 8, 2021 8:31 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: concern re zoning and land use bylaw revisions

To Whom it May Concern

I have become aware that there are 4 properties on Mackinnon Road on North Pender island that are zoned C2. These are between the street numbers of 1325-1333.
Property 1329, commonly known as Arcadia, has just been sold, so concerns are how the new owners plan on developing the property which is zoned Tourist Commercial and currently has 3 cabins and a bigger building which used to be a lodge. I understand that these above mentioned properties could potentially have 55 units with the current zoning. If this many units were allowed, it would negatively impact and change the quiet neighbourhood and rural atmosphere of that area of Mackinnon Road immensely.
Congestion due to increased traffic on this road would certainly affect the safety of pedestrians and drivers and the water consumption from their wells might affect present residents who have had their wells for many years.
Please consider the above when looking at revising land use bylaws and restricting the number of units on commercial tourist lands on Pender Island.
Thank you for your time.
Linda Budzak

From: Sandra Tretick <[REDACTED]>
Sent: Wednesday, March 24, 2021 6:24 PM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>
Cc: Laura Patrick <lpatrick@islandstrust.bc.ca>; Benjamin McConchie <bemconchie@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>
Subject: Feedback on Marine & Shoreline Discussion Paper, North Pender Island

Hi Kim,

Following up to our discussion earlier this week, I've attached a letter in response to the Marine and Shoreline Discussion Paper for North Pender Island and copied the trustees.

We would like it noted that we are in the process of preparing to submit a private moorage tenure application to the Ministry of Forest, Lands and Natural Resource Operations for a Special Permission. As there was a previous tenure on this property (unfortunately it expired under the previous ownership) and a partially built dock, we hope our property would be grandfathered in to the W1 zoning should the Land Use Bylaw be changed before our application is approved by the Ministry, as we've heard that the review process can take a couple of years to complete.

The biologists were on site yesterday to do a Baseline Marine Habitat Assessment and didn't identify any concerns. We are moving as quickly as we can to get our application prepared, but we don't want to rush the application process and run the risk of being declined for a tenure.

Thank you,
Chris and Sandra Tretick

From: Barbara Johnstone <[REDACTED]>
Sent: Wednesday, May 5, 2021 3:18 PM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>
Cc: Robert Kojima <rkojima@islandstrust.bc.ca>
Subject: North Pender Land Use Review Project - Industrial Review

Hi Kim,

Glenn and I recently received a letter from the mailbox for 4415 Bedwell Harbour Road, dated February 4 from yourself. It was regarding the NP LTC LUB Review project - Industrial Review. This is not our mailing address, and I was checking the mailbox because someone living at the house there had moved out.

I did have an opportunity to meet with the APC and answer their questions, and I appreciated the opportunity to do that. It was good to hear the points of view of the APC and of the other industrial folks at the meeting.

Some of the industrial property owners have met since then to discuss what we have heard discussed at Trust meetings, and we are all concerned about some of the things we are hearing.

If it is not too late, I would like to provide some comments regarding the project and the discussion paper.

I agree with the staff recommendations in the discussion paper. They were thoughtful and logical.

Of all the land uses, I can appreciate that industrial is the most difficult to fit into an Islands Trust area due to the mandate of "preserve and protect."

However, given the importance to the island communities for the services provided by the industrial businesses and community activities, such as recycling, and the complications of living on an island where services are not easily accessible due to ferry service logistics, they need to be accommodated in some way.

I feel that it is important that sites be carefully selected for long-term use and not take up any more area than is needed for the industrial use but at the same time have sufficient buffer area for visual, dust and noise screening. Industrial best-practices should be followed, such as the Code of Practice for Concrete and Concrete Products. There is no incentive for any property owner to agree to any industrial use if there is no accommodation for rezoning to Industrial.

Before I became aware in late 2017 that Gulf Excavating had to move to a new location, I was already committed to allowing Pender Island Waste Management to move to 4415 Bedwell Harbour Road and was working with IT planner Justine Starke on this proposed use for the property, and the Trustees at the time were working to find a permanent home for this use.

The western boundary of the property is shared with an industrial-zoned property, there are no ecologically sensitive DPAs, it is not in the ALR, is shale-dominant, slightly sloping. It is large enough (14 acres) to allow for siting that is away from public view and from the house on the property and is located centrally on a main route. The property is a good industrial site, and the process undertaken by previous Trustees also identified this property as a top choice - using a consultant, CRD engineers and community engagement.

As a property owner, it is important to me that any industrial activity at this location be environmentally responsible and not intrusive to anyone living in the house, to the neighbours, or to the non-industrial activities on the property. Frankly, I would be much less stressed if it did not happen at all, but our community is faced with a need to find homes for industrial businesses, which doesn't go well with their strong "NIMBY" attitude.

Once I became aware of Gulf Excavating's need to move the ready-mix cement operation from its leased location (the business had been there 40 years) to another site, it has been a huge headache. Both, to re-locate the business to a suitable site, and, to fit in site development along the TUP requirements while still working to support the business and its employees as well as the demand for services - which extend beyond North and South Pender to Mayne, Galiano and sometimes Saturna. You may or may not be aware that Glenn has had health issues for many years and Aaron is transitioning into managing the company. And we have all been coping with COVID-19 stress.

To date, the location for both Gulf and PIWM has worked well. The PIWM truck takes garbage into town and sometimes returns with gravel for Gulf which is a great benefit to both. I have found Anne and Mike Burdett easy to work with. For the most part, the trucks and excavators are off-site on jobs much of the time. I am looking forward to the driveway for Gulf being completed so that the original driveway will be again primarily for the rest of the property and its non-industrial uses. I had the property surveyed and we will be installing a farm field fence to separate the industrial TUPs from the rest of the property. I periodically take water samples for testing, and I recently had the water in the well and both ponds tested for pH, minerals, and metals (all well within normal limits), and hydrocarbons (not detectable).

The strip of land that buffers the industrial TUPs from Otter Bay Rd will remain naturally vegetated and treed, and the strip buffering Gulf from Bedwell Harbour Rd near the Hall has been cleared of the bulk of the broom and re-seeded with a pollinator mix with a reclamation grass mix, and has a mix of native trees, shrubs, and vegetation.

The preparation of both TUP sites has changed the landscape significantly. The topsoil was removed and stockpiled into berms, which are becoming revegetated. Having TUPs are useful to see how the industrial activity fits into the location, but our plan is to apply to rezone the TUP portions of the property to Industrial. I understand that this would be a lengthy, contentious, expensive process but in the long run it makes the most sense. Of all the land uses,

