

July 7, 2022

To: Benjamin McConchie – North Pender Island Trustee

[Email Trustee McConchie](#)

Deb Morrison – North Pender Island Trustee

[Email Trustee Morrison](#)

Re: Accessory Building 4218 Clam Bay Rd.

We write to express our concerns over the height of the accessory building currently being constructed at the property located at 4218 Clam Bay Rd. The property is within the RR zoning classification and is 1.91 acres in size. Land Use Bylaw 103 (“the Bylaw”) states accessory buildings on RR property on which agriculture is not currently a permitted use may be used for a home business and pursuant to section 8.1.6 may not exceed 4.6 meters in height. We understand that the accessory building has nonetheless been permitted as pertaining to farm purposes pursuant to section 3.4.4 of the Bylaw and approved for a height of 10 meters.

We are concerned that this building was permitted and further concerned that the proposed changes to the RR zoning would expressly allow agriculture and as a result authorize the construction of such an over height accessory building of up to 15 meters in height on any lot in the new zoning classification. We support small and large scale agriculture on Pender Island and support the change to expressly allow agriculture in the new zone. However, any accessory building that exceeds the current height allowance of 4.6 meters should only be allowed on a property of sufficient size to ensure that it does not change the existing character of the neighbourhood. We suggest that a minimum lot size of at least 5 acres or 2 hectares should be the minimum considered for an accessory building 10 meters in height.

We further do not understand what farm purposes such an accessory building might be used for on this property given that the structure takes up most of the available arable land. As full time resident owners we would appreciate a receiving a copy of the permit and any accompanying documentation which would provide us with insight as to what future use is

proposed for the property to ensure that what is proposed will not adversely impact our neighbourhood.

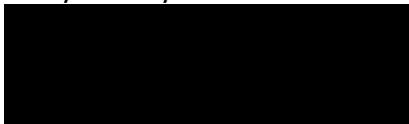
In summary we ask that:

1. Draft land Use Bylaw 224 s. 3.4 (2) be amended to require that any agriculture building and structure that exceeds 4.6 meters in height requires a minimum lot size of 5 acres or 2 hectares; and
2. We be provided with all available information relating to the permitting and proposed use of the accessory building located at 4218 Clam Bay Rd.

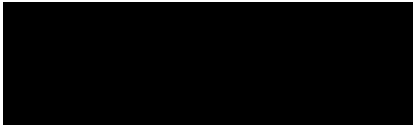
We thank you for your consideration of our concerns, requests and suggestions and would be happy to discuss either in person or by phone if you have any questions relating to the contents of this email.

Yours truly,

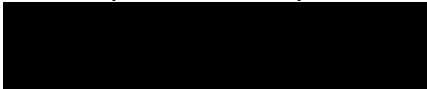
Joyce Thayer



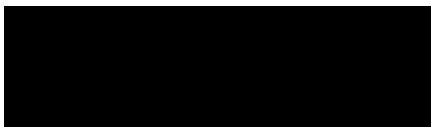
Tom and Karen Bell



Tony and Anne Kaye



Ann Stephenson



From: Kathi Allinson <[REDACTED]>
Sent: Thursday, July 7, 2022 8:00 PM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>; Benjamin McConchie
<bemconchie@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Laura Patrick
<lpatrick@islandstrust.bc.ca>
Subject: LUB- Square footage of dwelling

I would like to request that you reconsider the 2500 sq ft stipulation for dwellings under an acre. I feel it should at least be 3000 sq ft. Due to the fact that the current building code states that anything over five ft is included in the sq footage the bylaw potentially penalizes properties that are on sloped lots.

An example of this in my own case is our home is 1800 sq ft. Our basement has 800 sq ft of 5 and 6 ft in height with an uneven sloped floor. To make it flat we would have had to blast. We have space to be able to make a room for a parent to live with us but this sq footage bylaw would preclude us from doing this with unusable space being considered part of the sq footage. Raising that sq footage would definitely help and avoid the necessity of applying for a variance that can take a great deal of time and not be guaranteed.

Thank you
Kathi Allinson

July 11, 2022

Laura Patrick

Ben McConchie and

Deb Morrison

RE: Proposed Bylaws 223 & 224

Dear Trustees:

In reading the proposed Bylaws, a few questions:

1. Bylaw 223, Schedule B highlights the properties that are being rezoned.
 - (a) Is the property highlighted at Page 7 of Schedule B the correct property? The properties referred to in proposed Bylaw 224 being rezoned to GI are the lower portion of the properties that appear to be 2nd and 3rd to the left of the highlighted property on page 7; and
 - (b) With respect to the parcel of land known as the Westerly portion of land legally described as a portion of Parcel G, DD47659I excluding Plans 2648, 9912 and 37908 and VIP54314. The proposed zoning of that Property is to go from Industrial to CS(q), but it's not mentioned at all in Schedule B. Should it be?

2. With respect to Bylaw 224, General Industrial Zoning, Section 5.10 (1) Permitted Uses:
"The following uses are permitted, subject to the regulations set out in this Section and the general regulations, and all other uses are prohibited:
 - (a) Contractor Yard;
 - (b) Manufacturing;
 - (c) Wholesale and retail sales of building, gardening, landscaping materials and supplies;
 - (d) Auto body repair;
 - (e) Indoor storage;
 - (f) Storage of motor vehicles, recreational vehicles, boats and trailers;
 - (g) Storage and handling of goods, materials, and equipment other than dangerous or hazardous materials, salvaged motor vehicle parts or scrap;
 - (h) Accessory dwelling;
 - (i) Accessory uses, buildings and structures. "

If the proposed zoning proceeds we believe there will be six properties zoned GI.

Four industrial zoned properties will have site specific uses as outlined in Section 5.10. (12), of which only two will have restrictions, (GI(a) & GI(b)). The remaining two will retain their existing site specific uses but will now also have the above additional uses and the two new GI zoned properties on Port Washington Road will also be allowed to do all of the above Permitted Uses. Are we reading it correctly and is that the intent of these proposed changes?

3. With respect to Bylaw 224, Section 3.3 (1) which states:

“Siting and Setback Regulations

(1) No building or structure, other than those in Subsection 3.3(2), may be sited, nor fill placed to support a building or structure, within:

(a) 15 metres upland of the natural boundary of the sea;

(b) 1.5 metres from the natural boundary of the sea as measured on the vertical plane; and,

c) 7.6 metres upland of the natural boundary of a lake, wetland or stream,

and for the purpose of this subsection, fences and paved areas of asphalt, concrete or similar material are "structures".”

If a fence will now be considered a Structure, property owners will not be able to erect a fence between properties for the first 50 feet from the waterfront portion. Many residents have pets or gardens that require fencing. Could the Trustees explain the rationale for this proposal?

It would be most helpful if we could receive clarification on these issues. Thank you for your consideration.

Regards

Ann Stephenson & Anne Burdett.

From: Personal <[REDACTED]>
Sent: Monday, July 11, 2022 7:31 AM
To: Kim Stockdill <kstockdill@islandstrust.bc.ca>
Cc: Laura Patrick <lpatrik@islandstrust.bc.ca>; Benjamin McConchie <bemconchie@islandstrust.bc.ca>; Deb Morrison <dmorrison@islandstrust.bc.ca>; Warren Dingman <wdingman@islandstrust.bc.ca>
Subject: Re: Site visit question

Good Morning Kim Stockdill & NPLTC,

We request that the Industrial portion of our property be on the NPLTC Industrial Bylaw review to correct oversights during the previous NPLTC bylaw review in 2002. During the previous 2002 review, the Industrial zoning off Hamilton Rd had a zoning amendment from a Fuel Tank Farm to Boat Storage.

The site-specific regulation is -
Despite 8.8.2(1), the only use permitted in this location is boat storage.
In the current Land Use Bylaws, under Interpretations, there is no definition for storage.
In the current North Pender Land Use Bylaws, every Industrial property site-specific regulations have the word "only" in it.

Perhaps the other Industrial properties would need to be reviewed for the interpretations for their site-specific regulations of "only."
The new proposed bylaws under 5.10.1 (I) accessory uses, buildings and structures has been added.

Without (I) being added to site-specific regulations, this further restricts Industrial property owners and opens up for personal interpretations.

The word "only" defined by the Islands Trust staff in the attached letter is currently too restrictive and open to personal interpretation.

Nowhere in the Southern Gulf Islands are we aware of a property not allowing a 100-square-foot building for use as a pump house/utility shed.

Development Permit for the form and character of commercial and industrial land is not required for a building under 100square feet that does not require a CRD building permit according to the current Land Use Bylaw.

As the NPLTC is considering the possibility of zoning two rural properties on Port Washington Rd for boat storage, which is currently taking place, we feel our Industrial zoned property should be part of the discussion.

As a 40-year commercial fishing family, our expertise can help guide the development of Best Management Practices for boat storage and maintenance.

Michael & Anne Burdett

On Jul 8, 2022, at 4:02 PM, Personal <[REDACTED]> wrote:

<IMG_0437.jpeg>

Good Afternoon Warren,

Further to my telephone conversation with you, I would like clarification on your reasons for a site visit to our property and a new bylaw enforcement file being opened NP-BE-2022.12 which we received notification for June 21, 2022

May 26, 2022, Bylaw Officer David Worthington completed a site visit and took numerous pictures in regards to Bylaw file NP-BE-2013.6

Our understanding is this bylaw file was closed.

Nothing has changed since the pictures were taken during Mr. Worthington's site visit, except a 64-square-foot building outside the setbacks for hydro to be brought into the site.

I am not sure which permits you are referring to.

Are you coming because of boat storage or in regards to the electrical building?

Would you please check with planning staff what permits are required, if any?

I don't believe a site visit is required as you have all the pictures from Mr. Worthington's visit and attached is a picture of the building in process.

If you can tell me what bylaw I have broken you are more than welcome to come visit.

Please clarify.

Mike Burdett

July 26, 2022

Via e-mail

Deb Morrison
North Pender Island Trustee

Benjamin McConchie
North Pender Island Trustee

Laura Patrick
Salt Spring Island Trustee,
Vice-Chair for Executive Committee

Dear Ms. Morrison, Mr. McConchie and Ms. Patrick,

Re: N. Pender Island Bylaw Review; 3418 S. Otter Bay Rd. (the "Allan Property")

We write today as powers of attorney on behalf of June Allan, our mother, who owns the above-referenced property. We understand that you, along with Islands Trust Planning Staff, have been reviewing and proposing amendments to North Pender Island's land use bylaw. We appreciate the work required to undertake such an important and timely project.

Following our review of the draft zoning changes set out in the proposed "North Pender Island Land Use Bylaw No. 224, 2022"¹ (the "Draft LUB") to the Allan Property, we request that you

- (1) zone the westerly portion of the Allan Property currently and historically used for industrial contractor, soil, gravel and machine storage activities (the "West Industrial Portion") GI(d), consistent with the zoning proposed for the easterly portion of the industrial portion of the Allan Property, rather than the unique CS(q) designation, currently listed in the Draft LUB; or
- (2) If not, provide a clear explanation for the proposed amendment to remove industrial uses from the West Industrial Portion.

If you have driven on a road or on a property on Pender Island developed in the past half century, in many cases you may have driven over a road or driveway that was built by the companies that have operated out of the West Industrial Portion of the Allan Property. It has been used for industrial purposes, specifically the operation of excavation businesses, including machine, gravel and other fill storage used for road and property construction, for over 50 years, including by our father, June's deceased husband, John Maxwell (Max) Allan, as well as subsequent excavation companies that have occupied the site, more-or-less continually, and

¹ Accessed July, 2022 at https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/north-pender/current-projects/Land%20Use%20Bylaw%20Review/3%20-%20Proposed%20Bylaws/2022-05-26_NP-BL-224_LUB_BASE_1st-Reading.pdf

continue to occupy the property now, and to be part of our future plans for the West Industrial Portion. These companies and operators act as important drivers of both economic opportunity and critically needed services for the Penders. It appears these ongoing historic uses fit most closely with the definition of GI(d), including such permitted uses as Contractor Yard and Storage of Motor Vehicles. Our read of the Draft LUB suggests these uses would be rendered non-conforming by a change to CS(q), and we do not see how doing so would be in the best interest of North Pender, the tenant and prospective tenants of the West Industrial Portion or our mother June.

We support the inclusion of Waste Transfer Facility, Composting Facility and Recycling or Reuse Facilities in the site specific regulations for all industrial portions of the Allan Property, and remain interested in exploring uses that would support Pender Island's need for a waste transfer facility while providing adequate protection from legal and environmental risk for June and her neighbours.

June is a lifelong supporter of preservation and protection of the Gulf Islands. She has been a long standing supporter of recycling, and, together with Max, sold the site that is now home to the Pender Island Recycling Depot at a discount to support the important work of that organization. She also volunteered with the Pender Island Nu-to-You community thrift store since its founding in the early 1980s until well into her 90s, being drawn both to its role supporting waste avoidance and providing valuable goods to Pender families at affordable prices. June is strongly opposed to illegal hunting, and routinely patrolled the forest on and around the Allan Property for hunters, posting signs to ensure that wildlife (especially deer and migratory birds) could have a refuge.

At the same time, as a senior citizen living in a care home, June is dependent on the income from the Allan Property to meet her financial needs, and the loss of an industrial designation for the West Industrial Portion of the Allan Property, and the resultant loss of the ability to rent to a range of industrial uses set out in the GI designation would constitute a negative impact on both her future rental income and the value of her property overall.

We hope that you will consider this request and welcome the opportunity to speak with you, should you have further questions about June, our family, and the Allan Property.

Sincerely,

Linda Wein & James (Jim) Allan

Hardal Management Inc.

150 – 3751 Jacombs Road, Richmond, BC V6V 2R4

Tel: (604) 269-0030
Email: hardal@shaw.ca

27th July, 2022

To North Pender Islands Trustees,

I am writing as a representative of Hardal Management Inc., the owners of the C2 property behind Driftwood Centre. We are completely apposed to the proposed changes in the Land Use Bylaw Review Project for our current C2 permitted use, to only Rental Housing. I wrote to you with our thoughts on February 5th 2022. I also attending two meetings, and at both, explained why this proposal was not acceptable to Hardal Management for the following reasons.

We are in the process of looking into designing a camp ground type facility for the property which is a permitted use under the current C2 zoning.

While a Rental Housing designation sounds like a good idea, we strongly feel that this should be a permitted use added to C2 zoning rather than a change.

Also, for the Trustees consideration, Driftwood Centre's original building was designed to have a second storey, and small apartments could be added to the structure if the zoning allowed. The Trustees asked for a meeting to discuss this further. One meeting was organized and then cancelled, no further meetings have been requested. On April 20th 2022 I emailed both trustees regarding a thought of adding apartments to the upper floors of the future buildings 5, 6 and 7. Could we meet and discuss this possibility. I had no response. Again, I emailed the trustees on May 26th with the same request, and had one response saying they needed to check with the planner, to see how we could discuss this. I have not heard back.

At this time, we do not believe rental housing is an option. To put in the infostructure for housing would be very expensive and on top the cost to build a house on Pender is probably now in the region of \$400 a sq. ft. It would be far less expensive to add to buildings already here, or in the planning stage.

We appose the plan to change our C2 to Rental Housing only.

Sincerely

Dorothy Murdoch
Property Manager
Hardal Management Inc.

From: Mairead Boland <[REDACTED]>
Sent: Thursday, July 28, 2022 11:13 AM
To: SouthInfo <SouthInfo@islandstrust.bc.ca>
Cc: Benjamin McConchie <bemcconchie@islandstrust.bc.ca>; Laura Patrick <lpatrick@islandstrust.bc.ca>
Subject: North Pender. July 28th. CIM

Comment at the July 28th 2022 North Pender CIM. Mairead Boland

Nobody on these islands would deny that water should be a concern to everybody. I am from Saturna.

The various IT Water projects/plans state explicitly that they will be deployed on all the islands so I am questioning them here – in advance of them becoming a fait accompli on Saturna and elsewhere.

In the context of cisterns being required on North Pender (and the water DPA on Galiano).

My questions are – what happened to **“being guided at all times by the best available science and data?”**

When will the flaws and uncertainties in the GW water reports be addressed?

When will my questions be answered?

In spite of stating repeatedly that you would adhere to the best science and data in all your actions you have ignored the technical reports you commissioned (from GW Solutions at a cost of upwards from \$80K). Why I ask myself? – perhaps because you thought you knew the answers already.

Despite not addressing the flaws and uncertainties in the reports you are galloping ahead on Pender **(cisterns for all regardless)** and on Galiano **(DPA for the entire island to protect perfectly adequate, but now deemed “critical recharge areas”)**.

I have repeatedly asked specific and detailed questions about the GW Solutions reports – in particular the 3rd one – on water availability. The data and the results are at the least difficult to comprehend – and may be flawed.

I was told in mid March that in May (in answer to my emails) there would be a workshop, FAQ and that GW Solutions were being asked to refine their water use estimates. I have heard nothing. A week or so ago I was told that these same questions raised in a Saturna LTC in May would be answered in an October 20th LTC.

So – why do you persist in deploying regulations on water without refining and answering questions about the GW Solutions reports you commissioned?

PS – 2 large plastic cisterns (circa 18000 liters) are roughly equivalent to approximately 5 tons of CO2. How many of these are unnecessary?

PPS The presentation on water made by staff in September 2021 (to Pender and Galiano) contained screenshots (IN DRAFT) with a legend indicating up to 50% use of recharge water before an area was deemed to be stressed. This 50% use of water recharge is the figure that is more commonly used to designate an area to be water stressed – and was apparently expected to be appropriate in the islands and in these reports.

In the final GW Solutions reports provided to the Trust the cutoff was dropped to 5% in order to allow **any** areas to be regarded as water stressed. This may be justified....but it has never been discussed or explained despite questions from multiple people.

The Province (in a peer review of the reports, as requested by the Regional Planning Committee) recommends zeroing in on areas that are demonstrated to be water stressed and making plans to mitigate in those areas. Funnily enough they also refer to a greater than 50% use of recharge as a danger level.

Thank you.

From: Ian Munroe <[REDACTED]>
Sent: Friday, July 29, 2022 10:36 AM
To: Benjamin McConchie <bemcconchie@islandstrust.bc.ca>
Cc: SouthInfo <SouthInfo@islandstrust.bc.ca>
Subject: Feedback - July 28 meeting

Hi Ben,

Re: Docks

I wasn't able to attend all of the July 28 meeting. However from what I heard I have the following comments/questions.

I still struggle to understand the rationale for restricting docks in the future on North Pender Island. There was a reference to South Pender Island passing this bylaw some time ago. As you know our shorelines are much different. Was this initiated on South Pender because of a few bad actors building - or applying to build - super large docks? [REDACTED]

I have not heard the rationale for restricting docks. Is there an environmental study that is convincing or is it philosophical and/or for aesthetic reasons?
Nor have I seen scientific reasoning for the temporary ban on docks by the Provincial Government.

Rather than a ban - could there not be building code standards for the dock and if necessary pilings to ensure the safety of our shoreline and waterways but still provide water sports access for residents.

I heard a comment at the meeting about the importance of boat departure locations in case of emergency. We as a community on Razor Point Road have discussed this with docks being muster stations and coordinating our boats for departures.

I acknowledge I did not attend many meetings over the past two years so might have missed important information and rationale for not approving docks on North Pender Island in the future.

Ian Munroe

Begin forwarded message:

From: Ian Munroe <[REDACTED]>
Subject: Re: Feedback to July 7 meeting
Date: July 25, 2022 at 8:23:12 PM PDT
To: Benjamin McConchie <bemcconchie@islandstrust.bc.ca>

Hey Ben,

Thanks for your response.

No need to set up a phone call. You're a busy boy

My comments

Building Size

I feel that 2500 sq ft home size restriction for a property less than 1 acre is too small.

Families these days need either guest quarters or family suites as well as home offices and a recreational area for art/exercise/crafts/ workshop etc.

This is an arbitrary number but in my opinion too small for the average family.

I do agree with the need to control the size of 'monster' homes that are being built.

In my opinion we should also be encouraging secondary suites for renters to accommodate service workers and others. We need more affordable housing.

Docks

I get the point we don't want to be like Piers Island but with the shoreline of North Pender and the natural restrictions for docks I doubt that will happen.

I have trouble accepting the fact that docks block too much light etc and are causing environmental issues for our waters. Living on an Island is in part about enjoying the water. Docks allow for water crafts - canoes, sail boats, kayaks and other vessels to be convenient for water sports pleasure.

I also have trouble with a two tiered system that allows those who were fortunate enough to get an approved Foreshore lease and install a dock before new restrictions, having that feature that others will not be able to enjoy.

I also question the 'Science' of the harm docks are doing to the environment. Or is this an aesthetic issue? I do agree that there should be standards for dock construction for materials and restricting the size - not to the minimum size proposed. Docks are also used for family picnics, kids water ramps, evening happy hours for neighbours etc. They are not just a 'tie station' for boats. They are a 'fun station' for water sports.

Thanks,

Ian

On Jul 15, 2022, at 9:20 AM, Benjamin McConchie <bemconchie@islandstrust.bc.ca> wrote:

Hey Ian -

Sorry for the big delay in getting back to you - I have been off-island.

As you have asked what's the intention of the bylaw, there's a short answer, and then a much longer policy discussion that perhaps we could discuss over the phone? I'm open to any and all suggestions at this point in the bylaw review.

This is my House size / Rationale: There is currently no bylaw regulating house size on Pender. Current bylaw states 25 percent of lot coverage. Official Community Plan directs Local Trust Committee to establish a regulation. Discussion has been over size - I have expressed concerns about the size being too low and not including basement suites.

Docks: My rationale is that the local government should have a say over the development of its foreshore. The bylaw seems to be working well on South Pender Island. I am all ears if you have a different perspective.

Let me know if you have time to chat on the phone Ian. Would be interested to hear your perspectives more - Ben [REDACTED]