

**From:** Rhondda Porter [REDACTED]  
**Sent:** Thursday, October 28, 2021 3:38 PM  
**To:** Ben McConchie; Deb Morrison  
**Cc:** Islands2050  
**Subject:** Recent LTC meetings  
**Attachments:** LTC Oct 22 and 28 meeting comments.docx

To: The Local Trust Committee

From: Rhondda Porter

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The Local Trust Committee and the Trust Council are to be congratulated on their work to ensure that the public can attend the local trust committee meetings either through Zoom meetings or through a live feed. I appreciate the opportunity to participate.

The North Pender Island Trustees, Ben McConchie and Deb Morrison have been very open to hearing from the people that they represent and have encouraged public input. This attitude of openness and transparency is to be commended.

I have attended (virtually) two recent Trust meetings. While the Zoom link for the October 28, 2021 did not seem to work (Invalid Meeting ID), the live stream of the meeting was excellent. I have some comments based on the recent two meetings as the process to revise both the Islands Trust Policy Statement and bylaws related to the Official Community Plan for North Pender Island continues.

### **October 22, 2021 Meeting:**

#### **Comments related to building size**

My concerns are all related to the 'preserve and protect' mandate of the Islands Trust. I live in Magic Lake Estates and increasingly lots are being clear cut prior to the start of building without regard to the maximum size of the building allowed. Clear cutting and hardened surfaces affect run-off, aquifer recharge, and watersheds and ultimately our water supply.

1) Restrict the number of accessory buildings allowed on each lot and their total size and have some system of monitoring/ enforcement. Are there provisions to require

people to remove accessory buildings? Will this be another bylaw where compliance is complaint driven?

2) Currently people can build houses to the maximum and then start adding accessory buildings later. These buildings do not require permits if they are under the 10x10 maximum. Where is the oversight to ensure that the total lot coverage is not exceeded? Is this complaint driven?

3) How are hard surfaces, for example driveways which get paved a few years after the main building goes in, going to be dealt with?

4) What provisions are planned to deal with subsequent owners who start hardening surfaces and building more accessory buildings in addition to what was present at the time of purchase?

5) What will be the role of realtors in telling people what is possible for the lot they wish to purchase? Some communities have addressed this issue by having acceptable building plans (including siting and retention of forested cover) available to people who purchase building lots.

#### Tourist Commercial regulation review

1) Reduce the overall commercial density on Mackinnon Road. Fifty-four possible units are too many.

2) Require commercial properties to have water storage systems. These properties also need to be prepared to purchase water to supplement their water needs. Commercial properties should not be able to use ground water to the extent that neighboring property owners do not have enough.

3) Traffic and parking (For example, there are only two places for people to park who want to visit the beach at James Point) are already an issue on the road. The only reasonable solution to reduce the number of vehicles using the road is to reduce the number of allowable units.

#### Driftwood development:

1) The island doesn't need more tourist accommodation! There is a dearth of rental housing for islanders since so many properties have become short-term vacation rentals.

2) Part of the property under discussion is a watershed. No matter what the final use of the property is, the ground water needs to be protected.

3) Individual units need to be large enough to accommodate couples and families. Increase the floor area of each unit by reducing the total number of units.

### Marine Shoreline Regulations

1) The LTC should have a clear policy in place governing the shoreline land use (docks) before the provincial moratorium ends.

2) There are too many new docks being proposed. Construction disturbs the foreshore and potentially the seabed further out. Docks shade the seabed and interfere with the growth of eel grass. Foreshore construction interferes with the natural flow of water and deposition of sediment.

3) Are there regulations in place to prevent the building of docks in areas where certain rock fish or other threatened species live? What kind of environmental review will be required?

4) Requiring rezoning for any dock is a good idea. People with waterfront properties should not have the idea that building a dock is part of their property rights.

### Soil Bylaw

1) We need something. A lot of land has already been disturbed often unnecessarily. For example, a building lot on our street had a slope restructured and extended in order to increase the buildable area of the house. The concrete wall they had installed along the property line had to be removed, but the gradually terraced, wooded slope was gone.

2) Certain natural features should be protected from alteration. One of the prettiest sections of Galleon Way (between Bosun and Port) has been irrevocably altered. On the west side of the road there is a wetland. On the east side of the road there is a steep rocky slope/cliff with firs and arbutus. Some properties on Frigate run down to this part of Galleon. One owner had contractors carve back into the cliff and remove the rock (and trees and native shrubs) in order to create space for a storage shed, a storage trailer, a storage tent, two boat trailers (with or without boats), and a car (which comes and goes). The remaining slope behind the clearing has already started to slip and it is likely only a matter of time before trees on the slope begin to fall. This kind of environmental destruction should never have been permitted. A soil bylaw is needed and a mechanism to ensure enforcement must be put in place.

3) People new to the island can perhaps claim ignorance but the local contractors need to be educated and held responsible if they cause unnecessary and unpermitted environmental damage.

**October 28, 2021**

### Comments related to Follow-up Action Report

- 1) I wish to add my voice to the people in the community who wish to have the Community Plan updated to include a prohibition on the use of private helicopters and the creation of helipads on private property on North Pender Island.
- 2) North Pender Island needs a soil bylaw, preferably one with some teeth as mentioned in my previous comments.

### Comments related to Development Permit Applications

#### 1) 3703 Lookout Crescent

- Pender Lake is the back-up reservoir for Magic Lake
- The planned use of the site shows more care and attention to the environment than is usual on Pender, ie the DPA process works and the home owner and the Trust planners are to be commended on their attention to the details required for the permit application
- There needs to be a management plan for Pender Lake. The split jurisdiction, CRD (bottom of the lake), Province (the water in the lake) and the LTC (the shoreline) means that there is no overall plan to protect/enhance the whole lake.

#### 2) Sidney Island

- Sending all applications should be sent to the Strata Council for their recommendations. Other jurisdictions outside of the Islands Trust have a similar policy already in place.

#### 3) 7904 Plumper Way

- The two mature trees cannot really be replaced by a collection of saplings whose survival cannot be assured but considering the number of trees being removed on Pender, the required replanting is better than nothing.
- Although the revised building plan no longer mentions an outdoor pool, it was in the original application. Given that we are entering a period of noticeable climate change where periods of drought and therefor a water shortage are becoming more common, no outdoor swimming pools should be permitted anywhere on North Pender Island. The Land Use Bylaws should be amended to prohibit the installation of private pools.

### Comments related to other matters mentioned in the meeting:

1) The Groundwater report and the related mapping should be made readily accessible on the Islands Trust website. Without knowing where the water is and how much is currently available, the Trust cannot really make reasonable plans for sustainability or to determine the carrying capacity of the Penders.

2) The proposal for the provision of affordable housing on Saltspring could be an idea worth examining for Pender. However, as Trustee Morrison pointed out, increasing the density in one area should not increase the overall density and such proposals should require a shifting of density from one area to the area of the proposed development.

3) The proposed moratorium on bylaw enforcement of trailers being used for accommodation is worrying. While there is obviously a severe shortage of accommodation for people living and working on the island, the use of trailers raises a number of environmental concerns, the primary one being the disposal of sewage and the potential to contaminate ground water. A property in my neighbourhood, adjacent to a wetland, has three such units in addition to the main house.

The reduction in the amount of available rental housing can and has been linked to the fact that there are few if any restrictions on private homes being used for short-term vacation rentals. A quick search of Airbnb listings for Pender shows at least 20 houses with two or more bedrooms for rent as short-term vacation rentals. This list does not include official rental accommodations such as The Currents, secondary cabins on owner-occupied properties and registered Bed and Breakfasts. Airbnb is also not the only agency showing listings for North Pender Island.

I have also attached a document with the same comments based on my virtual attendance at the two recent Trust Committee meetings held on Pender Island and my reading of the relevant documents.

I appreciate the opportunity to participate directly in the process.

Yours truly,

Rhondda Porter

  
Pender Island, BC