

South Pender Local Trust Committee – Community Update – April 2021

With the South Pender Local Trust Committee (LTC) now past the midway point of its four year 2018 – 2022 term, it is an appropriate time to summarize the accomplishments achieved thus far and, outline our priorities for the balance of the term. Throughout the term the consistent objective of the LTC has been and continues to be, the development of policies and regulations that both support the vision and goals of our Official Community Plan, and respond to emerging issues in a manner consistent with the OCP and South Pender community values.

Local Trust Committee - Guiding Principles:

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

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

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

Our OCP describes the character of South Pender as one of the least populated and least developed island where “quiet, freedom from disturbance, and sense of privacy within what is a relatively undisturbed and visually attractive setting are key qualities valued by South Pender Islanders, who expect these qualities to be maintained. This expectation forms the guiding principle for our Official Community Plan.”

As Trustees we are firmly committed to the goals of the OCP and will bring forward policies and regulations, as necessary, to maintain the key qualities and characteristics of our island, as expected by South Pender Islanders.

LTC - Accomplishments to Date:

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

- **Community Dialogue:** Provided opportunities for regular and interactive dialogue with the community. In addition to the regularly scheduled LTC meetings, Trustees organized a number of informal community information meetings at the Fire Hall in 2018 and 2019. Notwithstanding the pandemic and the prohibitions against in-person gatherings, the LTC has

also held four Special Meetings between September 2020 and January 2021 to consult with the community on new policy initiatives.

- Advisory Planning Commission (APC) Referrals: Referred a number of policy initiatives to the APC including Short Term Vacation Rentals and the Building Design and Siting Guidelines
- Bylaw Enforcement Notification Bylaw: Adopted the BEN bylaw in 2019 to provide a more cost-effective, timely approach to enforcement of the zoning bylaw.
- Promoted pan-island cooperation: Collaborated with the North Pender LTC on common issues including more effective bylaw enforcement, protection of the environment and preservation of our rural character while preserving the autonomy of the two islands.
- Design Guidelines: Prepared the draft “South Pender Building Design and Siting Guidelines” based on the vision and goals of the OCP. These Design and Siting Guidelines were forwarded to Islands Trust staff in September 2019 and were presented to the community at the November 1, 2019 LTC Meeting. The Guidelines were also provided to the APC.
- Developed balanced and community guided policies and regulations regarding Short Term Vacation Rentals (STVRs). We took this project on in recognition of the rapid growth of STVRs in other islands and municipalities and to avoid some of the negative impacts associated with their being largely unregulated. Our Official community Plan (OCP) states in: 3.1.2(e)(ii) Short-term Rental of Single Family Dwellings on lots where a single family dwelling is allowed as a principal use, short-term rental of those dwellings may be allowed, *subject to regulation*. On January 31, 2020 Bylaw 117 was adopted with the sole purpose to place a temporary moratorium on the establishment of new STVR operations until a new bylaw can be enacted in support of a comprehensive short term vacation rental policy for South Pender Island. The process of developing a new, forward looking STVR policy has been guided by several community information meetings, public feedback and, the results of questionnaire mailed to every property owner on the island. On March 5, 2021 the LTC gave third reading to two bylaws that will provide ongoing opportunities for new STVRs on South Pender Island while taking into consideration the interests of surrounding property owners and the need to minimize adverse effects on the neighbourhood and the community in general. STVRs operating prior to the January 31, 2020 adoption of Bylaw 117 will be considered legal non-conforming and will not require a temporary use permit to continue operating as a STVR. Generally should a legal non-conforming use be discontinued for a time period greater than six months, the legal non-conforming status would no longer apply. A registry of existing STVR’s operators on the island is being set up and the LTC strongly encourages existing STVR operators to register to ensure they maintain legal non-conforming status.

LTC - Upcoming Priorities:

South Pender Islanders have identified the preservation of our rural character, quiet, freedom from disturbance and a sense of privacy within a relatively undisturbed and visually attractive setting as key qualities to be maintained. If the community expects these values to be more than just aspirations or empty platitudes, they need to be supported by our land use bylaw.

Unfortunately, while our OCP specifically prescribes the land use bylaw must support and give regulatory effect to the policies and objectives of the OCP, there are few, if any, provisions in our land use bylaw that meaningfully uphold these values and goals.

The responsibility to uphold our OCP is even more important and urgent in light of significantly increased 'external' demand to acquire and develop our rural landscape.

We are at a critical juncture in the history and the future of South Pender Island. From the world beyond there is strong and growing demand to acquire a piece of paradise and to build to one's desire, limited only by the amount of money one is willing to spend.

The concern here is not about wealthy individuals acquiring land on South Pender per se, but rather that our land use regulations are out of date and ill-equipped to respond to the growing interest and ability to build larger and more intrusive homes without any regard for environmental considerations, historical patterns of development and preservation of the rural character of the islands.

The largely unfettered ability to construct large, poorly designed houses without any requirements to consider the goals and objectives of our OCP or impacts on neighbouring properties coupled with minimal setbacks and no guidelines on materials, colours or building massing collectively leads the door wide open for houses that will have a significantly negative and enduring impact on our rural character, our community and the environment.

We have a choice to make; we can either continue with the philosophy of minimal land use constraints such that property owners have the outright ability to construct very large homes regardless of their siting, consideration for the natural environment or neighbouring properties, or we can take proactive steps to preserve and protect the "trust area and its unique amenities and environment" and, the rural character of these islands.

Notably, one of South Pender's OCP general policies states, "Regulatory provisions pertaining to...maximum floor area, lot size coverage, building and structure setbacks, heights, screening...are to be developed with regard to land use computability, the retention of the rural island character, the protection of natural views, and the maintenance of residential privacy." (Section 2.4.3)

There are a number of rationales for reconsidering maximum house sizes:

- Generally speaking smaller houses will have less impact on the natural environment, rural character and adjacent properties than larger houses; larger houses, particularly when poorly sited or where no consideration is given to massing or materiality, are more impactful than smaller houses.
- The existing land use bylaw sets a maximum house size in relation to varying lot sizes on the island. However, for any given lot size, the maximum permitted house still is likely greater than most existing houses within that lot size category.
- Some property owners when designing and siting their house may have little interest in considering the goals and objectives of our OCP, or impacts on neighbouring properties. A maximum house size that allows large houses as an outright permitted use will provide no incentive for property owners to consider the goals and objectives of our OCP, or the impacts

on neighbouring properties when siting and designing their house. Conversely, establishing smaller maximum house sizes, in conjunction with the opportunity - via a variance - to construct a larger house that meaningfully incorporates the values of the OCP, may motivate that same property owner to design and site a house in alignment with the Building Design and Housing Guidelines.

The size, design, and siting of homes probably play the largest role in determining our rural character. Recreating urban or suburban neighbourhoods is not supportive of the Trust mandate and in fact, was the primary reason for its formation.

We recognize how close this issue is to every resident and that there will be concerns about how it is applied. We have no intention to penalize property owners with existing larger homes and will ensure they can be re-built – in the event of damage or destruction - to their present size despite new maximum house size regulations.

The Building Designs and Siting Guidelines will be just that, we are not forcing those guidelines on anyone. Nor will the suggested floor size limits be rigid, but open to a variance request. An application for a variance opens the door for the community to become involved in the conversation on a site specific basis rather than the blanket approach we are now confined to.

Preservation of rural character as expressed in the built form need not mean ‘sameness’ or a uniformity of architectural style. Rather, a diversity of architectural styles and character should be encouraged with the common theme being houses that manifest rural character values, respond thoughtfully to natural topography and unique site conditions and, respectfully consider adjacent properties.

The creation of Development Permit Area along the foreshore of South Pender under the provisions for protecting sensitive ecosystems, protecting the endangered Coastal Douglas Fir Ecosystem, and Climate Change implications is another matter under consideration. Most property owners are aware of the increasing threat of sea rise, the loss of arbutus trees, garry oaks and the growing intensiveness of more frequent weather events. We cannot easily mitigate these influences but we can try to adapt to them by increasing setbacks and maintaining the natural topography and vegetation.

As such over the next two years, the proposed LTC Work Plan includes:

- Building Design and Siting Design Guidelines: Finalize the Building Design and Siting Guidelines following recommendations from the APC and input from the public. The intent would be to add the finalized Guidelines as a Schedule to the Official Community Plan.
- House Size: Establish a maximum house size by lot area with variance opportunities provided where applications respond affirmatively to the Building Design and Siting Guidelines. In conjunction with house size regulations, the intent is to establish regulations such that existing or approved dwellings that would exceed new house size regulations could be re-built – in the

event of damage or destruction - to their present size despite new maximum house size regulations.

- Agricultural Lands: Protection of farm (agricultural) lands consistent with the policies of the Official Community Plan and the Agricultural Land Commission. In particular, protection of farmland may include regulations on siting of buildings in accordance with section 3.5.1 of the OCP and ALC Policy L-26.

Development Permit Areas: designation of the foreshore as a development permit area and consider increasing the setback from the foreshore to 50 feet both to protect the natural environment and to protect development from hazardous conditions exacerbated from climate change.

There will be other items, such as policy considerations and additional clarifications within existing bylaws, but all will be placed in front of the residents, our APC, and property owners.

In our ongoing effort to engage with the community we urge all residents to ensure they are subscribed on the Islands Trust website to receive emails of all events and notifications. Please visit the Islands Trust website: www.islandstrust.bc.ca and click on the South Pender page. You can click on the "Subscribe" icon and receive emails of all events and notifications. You are of course, always welcome to contact both of your trustees to voice your opinions and ensure you have the correct information.

We look forward to engaging with the community on the next steps towards empowering our land use bylaw to better reflect and manifest the values and goals of the community as expressed in our Official Community Plan.