

The Official Community Plan (OCP), is the leading document that expresses the vision property owners have for the future of their community. The goals and objectives are laid out in a number of policies to be followed by local trustees and other government agencies, when making decisions regarding development. And because South Pender Island is located within the Trust Area, the policies of the OCP must comply with the Trust object as proclaimed in the Trust Act and Trust Council's Policy Statement.

The policies of the OCP must be realized through regulatory bylaws contained in the Land Use Bylaw (LUB). It is the regulatory bylaws that have force, both in practice and in a Court of Law. Any policy that is not supported by a land use bylaw is limited to voluntary compliance. The strength of the LUB comes down to the authority given to the governing body by Provincial legislation. There are a number of differences in the authority granted to governing agencies depending upon their area of jurisdiction.

The only area of jurisdiction that the Islands Trust has is land use and trustees must exercise the authority given them within the confines of the Trust Act: and its mandate: "to preserve and protect the Trust area and its unique amenities and environment....".

What has been problematic for the Trust since its inception, is that the legislature has refused to provide sufficient powers to the Trust to effectively carry out its mandate. Without the necessary authority, trustees have struggled to actualize many of the policies within the OCP. Given the resistance by the Province to support their own legislation, trustees are faced with having to rely on whatever authority and mechanisms available to them even though they can be cumbersome and administratively complex. The alternative of doing nothing is not an option if the vision and the mandate is to be fulfilled. One important aspect of the island that has been repeatedly recognized throughout the years, is "rural character". While it may be difficult to define, it would be regretful if it is lost. In the OCP "the character of South Pender Island means the effect created by features and qualities, including but not necessarily limited to: low density and relatively unstructured development; comparatively undisturbed, natural and varied landscapes; freedom from disturbance and privacy from neighbours; limited on-island services; and an appreciation of both individual stewardship and community regulation intended to protect and maintain the island's ecosystems, amenities, and its residents' and property owners' land use needs and lifestyle".

So how do we protect and preserve the rural character for future generations. The Trust has no ability to enforce subdivision layout, prevent tree cutting, it can not implement building design and siting guidelines in residential development. Nor can trustees require a biologist to enter private property to assess whether there are any significant or endangered ecology that should be protected. All we have at the moment are unenforceable policies.

One authority that is available to trustees is the use of Development Permits. They can be used for specific reasons including the protection of the environment and to recognize hazard areas (hazard areas include limited potable water sources and wild fires). Development Permits are exactly that. They permit development to occur under specific conditions. They can not be used to prohibit development.

What I would like the community to consider is the idea of designating the entire island as a Development Permit Area. That would allow greater protection to the environment, more input in the prevention of wild fires, better protection of potable water sources, and provide the only opportunity to implement building design and siting guidelines more in line with our rural character.

Without question it will add another step in applying to build or alter a structure and there will be an administrative fee. While this may seem to be an inconvenience to individuals, a permit will provide the only opportunity for the trustees and/or the community to join the conversation about the development of land in a manner that will authenticate the OCP policies. Those conditions will be laid out in the OCP and will comply with the Policy Statement.

Development Permit Areas are used throughout BC and most Commercial and Industrial Area are covered by them. Poets Cove and Driftwood Mall are local examples. Galiano Island is now a Development Permit Area. I think it is important to keep in mind that all protected areas have some limitations on the use of the land and the activities on the land. Given that we are in the Trust Area, it would not be unusual for South Pender not to consider becoming a Development Permit Area in its entirety.

Steve Wright