

ADOPTED

South Pender Island Advisory Planning Commission MINUTES

Date: August 23, 2024
Location: In-person at the South Pender Fire Hall

Members Present: Gordie Duncan, Chair
Rodney Kirkwood, Vice-Chair
Audrey Green, Member
Paul Petrie, Member
Donna Spalding, Member

Staff Present: Kim Stockdill, Island Planner
Carly Bilney, APC Secretary

There were 5 members of the public present.

1. CALL TO ORDER

Chair Duncan called the meeting to order at 10:02 a.m. He encouraged Commission members to introduce topics in the form of a motion.

2. APPROVAL OF AGENDA

Changes to the Agenda as follows:

- Add item under Section 4 to discuss the 50-foot distance of the setback from the natural boundary of the sea

By general consent, the agenda was approved as amended.

3. ADVISORY PLANNING COMMISSION MEETING MINUTES DATED AUGUST 9, 2024 (FOR ADOPTION)

By general consent, the Advisory Planning Commission meeting minutes of August 9, 2024 were adopted.

4. DISCUSSION OF SOUTH PENDER MINOR LAND USE BYLAW AMENDMENTS PROJECT

4.1 Setbacks from the natural boundary of the sea

Discussion was held about making an official recommendation to the Local Trust Committee to express support for a 50-foot setback from the natural boundary of the sea. Comments were made that a one-size-fits-all approach to setbacks from the natural boundary of the sea does

not work for properties that have different topographies, and the Local Trust Committee should consider the various conditions.

Discussion ensued about whether the bylaw, as it is written, would allow a building that is destroyed (by, for example, a fire) to be rebuilt in the same location as it was previously (even if it is within the setback)

It was moved and seconded, that the Commission recommends retaining the 50-foot setback from the natural boundary of the sea as written in Bylaw 114. An amendment to the motion was suggested to also request that staff initiate a study of waterfront lots to determine what impact a 50-foot setback would have on those lots and to make recommendations with respect to any impacts that require attention.

Discussion on the motion continued and an amendment was suggested that the Commission recommends retaining the 50-foot setback for all new construction, and that staff be directed to undertake a study for undeveloped waterfront lots with consideration for ways to recognize site specific challenges. A suggestion was made to simplify the motion.

SP-APC-2024-004

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends retaining the 50-foot setback from the natural boundary of the sea as written in Bylaw 114.

CARRIED

Donna Spalding Opposed

Discussion continued and comments were made that there may be conditions in some properties where a 50-foot setback from the natural boundary of the sea is not enough, and conditions elsewhere where the 50-foot setback is too much.

It was moved and seconded, that the Commission recommends a study of the South Pender Island waterfront be undertaken to better understand the geographic and natural habitat limitations with respect to building setbacks. Discussion continued and the following comments were made:

- The only way to confirm whether a 50-foot setback is appropriate is by studying the waterfront
- A study could be an onerous and expensive task
- Property owners who want to build within a 50-foot setback could apply to do so on an individual basis through a Development Variance Permit or with the Board of Variance
- The setback to the sea could be at 25-feet for existing buildings, and 50-feet for newly developed buildings

SP-APC-2024-005

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends that the Local Trust Committee undertake a study of the South Pender Island waterfront to better understand the geographic and natural habitat limitations with respect to building setbacks.

DEFEATED

Planner Stockdill read Section 3.3(5) of Bylaw 114 concerning buildings constructed prior to September 15, 2022. Discussion ensued and the following comments were made:

- Those with existing buildings are permitted to rebuild within the setback if the building is destroyed provided the distance from the natural boundary of the sea to the replacement building is not less than the distance from the natural boundary of the sea to the building on September 15, 2022
- Changing this protection clause would require legislative process including First, Second and Third Reading of the bylaw
- Residents would fight to keep the protection clause
- The boundary of the sea can move and the clause needs to be clarified

4.2 Interior side lot line setbacks for rural residential zoned dwellings and cottages

Following up on discussion from the last meeting about how to retain natural screens within interior side lot line setbacks and limit clear-cutting of properties, Planner Stockdill explained that if the Local Trust Committee were to require landscaping as a natural buffer, there would be challenges with bylaw enforcement since the situation on each property is different. (e.g. What if one side of a property is all rock? Who determines what a complete visual screen is?)

It was moved and seconded, that the Commission recommends retaining the current setback of 6.0 meters (20-feet) for a dwelling or cottage from any interior or exterior side lot line as provided in subsection 5.1(9) in the current Land Use Bylaw, and that subsection 5.1(10) be amended by deleting “to submit a certification from an appropriately qualified person” and replacing it with “substantive evidence to establish.”

Discussion on the motion ensued and the following comments were made:

- This complies with Official Community Plan policies
- Support was expressed to build the notion of privacy directly into the bylaw to restrict what can be done inside a setback
- Support was expressed for a 10-foot interior side lot setback for the following reasons: they are common through the Gulf Islands; 20-foot setbacks do not significantly reduce noise or assure privacy, particularly when utility buildings are permitted to be built at 10-feet from neighbouring lots; the election results demonstrate that people were not in support of the new bylaws; the 10-foot setbacks were established in accordance with the goals of the Official Community Plan; increasing the setbacks to 20-feet will not address concerns expressed about existing buildings
- Support was expressed for a 20-foot interior side lot setback for the following reasons: the majority of residents who submitted written correspondence to the Local Trust Committee supported a 20-foot setback; prior to the election there was a view that all properties would be legal non-conforming and this has since been clarified by staff
- A one-size-fits-all measurement for side lot setbacks is challenging
- Perhaps a special zone may be made for Gowlland Point Road if there is a desire there to achieve more privacy
- Residents on Gowlland Point Road set up their own screening because nobody wants to see their neighbours

- Landscape screening is defined in the bylaw and applies to home-based businesses; if it exists within the bylaw then it should be enforceable

SP-APC-2024-006

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends the Local Trust Committee retain the current setback of 6.0 meters (20-feet) for a dwelling or cottage from any interior or exterior side lot line as provided in subsection 5.1(9) in the current Land Use Bylaw, and that subsection 5.1(10) be amended by deleting “to submit a certification from an appropriately qualified person” and replacing it with “substantive evidence to establish.”

DEFEATED

Paul Petrie in Favour

It was moved and seconded, that the South Pender Advisory Planning Commission recommends the Local Trust Committee revert the interior side lot lines to 10-feet. Discussion on the motion ensued and a suggestion was made to add a recommendation that the Local Trust Committee consider options to require the area within the 10-foot setback be protected to reflect the goals of the Official Community Plan including preserve and protect, rural character, and privacy.

Discussion on the motion ensued about how specific the recommendation should be with regards to what constitutes a natural buffer and what can and cannot be done within a setback. The following comments were made:

- Protecting the area within the setback addresses concerns about privacy and rural character, and would only apply to the lots that have not yet been built on
- A lot may be constrained in size and a septic field or driveway may have to be within the setback
- Considering options to protect the natural area within the setback is a big task for the Local Trust Committee

The amendment to the motion was withdrawn.

SP-APC-2024-007

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends the Local Trust Committee revert the interior and exterior side lot lines to 10-feet.

CARRIED

Paul Petrie Opposed

5. NEXT MEETING

Planner Stockdill explained that Islands Trust Advisory Planning Commissions are legislatively mandated to meet in person, and members of the public must attend in person if they wish to do so (staff can attend electronically). She added that the Islands Trust is working to amend this.

Next meeting tentatively scheduled for September 20 at 10:30 a.m. at the fire hall

6. ADJOURNMENT

By general consent the meeting was adjourned at 12:00 p.m.

Gordie Duncan, Chair

Certified Correct:

Carly Bilney, Recorder