

STAFF REPORT

Date: July 14, 2016

File No.: 6500-20
Piers Island

To: Salt Spring Island Local Trust Committee
for July 21, 2016 meeting

From: Seth Wright, A/ Planner 2

Re: Bylaw 493 to Amend Piers Island OCP Bylaw No. 51

STAFF REPORT #2

THE PROPOSAL:

Bylaw 493 amends the Piers Island Official Community Plan (Salt Spring Island Local Trust Committee Bylaw No. 51) to include Greenhouse Gas (GHG) emission reduction objectives, policies, and actions. It also includes a small number of housekeeping amendments, including a new map of the existing OCP land use designations. The purpose of this Staff Report is to provide the Salt Spring Island Local Trust Committee (LTC) with the results of the referral process and for the LTC to consider first reading of the draft bylaw.

BACKGROUND:

At their December 17, 2015 regular meeting, the LTC passed a resolution to update the Piers Island Official Community Plan to include climate change considerations.

At their March 10, 2016 regular meeting, the LTC passed a resolution to direct staff to organize a Town Hall meeting on Piers Island.

At their March 31, 2016 special meeting, the LTC passed two resolutions: one, to refer draft bylaw 493 to public agencies and First Nations and, two, to deem that Bylaw 493 is not contrary or at variance with the Islands Trust Policy Statement. Bylaw 493 has since been referred to public agencies and First Nations.

COMMUNITY INFORMATION MEETING(S):

Section 465 of the Local Government Act requires that a public hearing must be held after first reading and before third reading. If the LTC gives Bylaw 493 first reading, staff will then organize an event on Piers Island encompassing both a Town Hall and Community Information Meeting concurrent with a Public Hearing for Bylaw 493.

RESULTS OF CIRCULATION:

Bylaw 493 was referred to seven provincial agencies, six regional agencies, one advisory committee, fourteen First Nations, three Local Trust Committees, and the Island Trust Fund. Responses were received from the following:

Provincial Agencies

Ministry of Transportation and Infrastructure: No objections

Vancouver Island Health Authority: Interests unaffected

Regional Agencies

Capital Regional District: No comments

Adjacent Local Trust Committees

Mayne Island Local Trust Committee: Interests unaffected

North Pender Local Trust Committee: Interests unaffected

First Nations

Penelakut Tribe: Verbal caution concerning soil disturbance

Lake Cowichan First Nation: "The project area appears to fall within the Hul'q'umi'num Statement of Intent as submitted to the BC Treaty Commission process, but outside Lake Cowichan's core title area. Lake Cowichan First Nation would recognize this area as being in close proximity to other Hul'q'umi'num or Nuu-chah-hulth First Nation Tumuhw (lands). As such, I would categorize this as a Level 3 rights area for Lake Cowichan First Nation. Level 3 identifies that Lake Cowichan had harvesting, trade and Nation to Nation relations, but not necessarily sole title and governing authorities, which would be Lake Cowichan's highest S. 35 interests and would require the high end of the Haida spectrum consultation. ...Should Lake Cowichan First Nation identify any interests in the future we retain the right to revise this assessment. However, at this time, we defer to any Nation(s) whose title and governing authorities are directly affected."

Lyackson First Nation: Recommend approval subject to conditions – as discussed in-person meeting on April 27, 2016: Green walls and green roofs are supported and encouraged. A reduction in the number of docks is encouraged. A reduction in the length of docks is encouraged. The use of community docks is preferred to private docks.

Stz'uminus First Nation: Interests unaffected

Cowichan Tribes: Approval recommended for reasons as follows: proposal does not appear to have any potential adverse impacts to Cowichan Tribes aboriginal interests in the Piers Island area.

Public

One email was received from a Piers Islander indicating a desire for consultation on issues germane to Piers Islanders, but does not speak either in favour or opposition to the bylaw. This correspondence is attached as Appendix 2.

STAFF COMMENTS:

Per direction from the Ministry of Community, Sport and Cultural Development in consultation with the Director of Planning, staff have undertaken a robust early consultation on this OCP amendment with First Nations, which has occurred concurrently with agency referral. This referral and engagement process has garnered no substantive comments on the bylaw and indicated no opposition. In light of this, staff recommend consideration of first reading and direction to proceed to public hearing.

RECOMMENDATIONS:

THAT Salt Spring Island Local Trust Committee read Bylaw No. 493, cited as "Piers Island Official Community Plan Bylaw, 1982, Amendment No. 1, 2016," a first time.

THAT the Salt Spring Island Local Trust Committee direct staff to prepare a Public Hearing for Bylaw No. 493, cited as "Piers Island Official Community Plan Bylaw, 1982, Amendment No. 1, 2016."

Prepared and Submitted by:

Seth Wright, A/ Planner 2

Date

Concurred in by:

Stefan Cermak, Regional Planning Manager

Date

Attachments:

1. Bylaw 493
2. Correspondence

DRAFT**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 493****A BYLAW TO AMEND PIERS ISLAND OFFICIAL COMMUNITY PLAN BY-LAW, 1980**

The Salt Spring Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Piers Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Piers Island Official Community Plan By-law, 1980, Amendment No. 1, 2016”.

2. Salt Spring Island Local Trust Committee Bylaw No. 51, cited as “Piers Island Official Community Plan By-law, 1980,” is amended as shown on Schedules No. 1 and No. 2 attached to and forming part of this bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ 20____

APPROVED BY THE MINISTER OF COMMUNITY SPORT AND CULTURAL DEVELOPMENT
THIS _____ DAY OF _____ 20____

ADOPTED THIS _____ DAY OF _____ 20____

Chair

Secretary

DRAFT

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 493

SCHEDULE NO. 1

1. Schedule “A”, is amended as follows:

1.1 The provision entitled “Purpose”, second paragraph is amended by deleting the words “Municipal Act” and replacing them with the words “*Local Government Act*”.

1.2 The provision entitled “Goals” is amended as follows:

1.2.1 by deleting the heading “Goals” and replacing it with the word “Objectives”;

1.2.2 by adding the following three objectives:

“7. To limit greenhouse gas emissions.

8. To maximize energy efficiency.

9. To maintain and enhance current levels of carbon sequestration.”

1.3 PART 1 – PROPOSALS FOR THE ISLAND, Section POLICIES, Sub-Section 1, Article (a) is amended by deleting the bracketed measurement “(400 sq. ft.)”.

1.4 PART 1 – PROPOSALS FOR THE ISLAND, Section POLICIES, Sub-Section 2 is amended by deleting the bracketed measurement “(0.4 acres)”.

1.5 PART 1 – PROPOSALS FOR THE ISLAND is amended by inserting a new Section 10 as follows:

“10. Climate Change Adaptation and Greenhouse Gas Emissions Reduction

In response to climate change, the Provincial Government gave Royal Assent to Bill 27 “*Local Government (Green Communities) Statutes Amendment Act, 2008*” on May 29, 2008. Bill 27 amends the *Local Government Act* and other provincial regulations to provide new tools for local governments. Bill 27 requires local governments to include Green House Gas emission reduction targets – and policies and actions to achieve those targets – in their Official Community Plans.

The Piers Island community is committed to maintain a light footprint on the island, to conserve energy and to minimize Green House Gas emissions.

10.1 Target

The following target is established to ensure that the reduction of Greenhouse Gas emissions and the impact of climate change are considered in land use planning for Piers Island:

This Plan commits to a reduction in greenhouse gas emissions of twenty percent by 2020 and eighty-five percent by 2050 from 2007 levels. Within the planning area, in cooperation with the Salt Spring Island Local Trust area, this reduction will be achieved by actions resulting from individual and community initiatives, the actions of other levels of government, technological changes, and changes to land-use policies and regulations.

10.2 Objectives

The following objectives are provided to reduce greenhouse gas emissions and maximize energy efficiency:

- (a) To consider the impacts of climate change as a central factor in land-use decision-making.
- (b) To support actions to minimize greenhouse gas emissions.
- (c) To recognize the importance of forested lands as a carbon sink.
- (d) To work with other agencies and levels of government to support actions that limit greenhouse gas emissions.

10.3 Policies

- (a) The Salt Spring Island Local Trust Committee supports the retention and enhancement of forested areas and vegetation as a carbon sink;
- (b) The Salt Spring Island Local Trust Committee supports the composting of food scraps and yard waste to minimize burning and disposal in landfill;
- (c) The Salt Spring Island Local Trust Committee supports the limited number of fossil fuel vehicles on the island;
- (d) The Salt Spring Island Local Trust Committee supports the reuse and recycling of surplus items rather than sending them to landfill;
- (e) The Salt Spring Island Local Trust Committee supports an annual chimney-sweep program.

10.4 Advocacy Policies

- (a) The Salt Spring Island Local Trust Committee encourages preparation for sea-level rise by promoting provincial best practices and Islands Trust regulations for building setbacks from the natural boundary of the sea and for minimum elevations for construction.
- (b) The Salt Spring Island Local Trust Committee encourages the use of a private ferry service, boat sharing, and the creation of a public ferry service.
- (c) The Salt Spring Island Local Trust Committee encourages walking and bicycling on the island;
- (d) The Salt Spring Island Local Trust Committee encourages solar orientation in the siting and design of houses and the use of

renewable energy such as photovoltaic solar panels and solar hot water.

- (e) The Salt Spring Island Local Trust Committee encourages residents to select clean-burning wood stoves and retrofit old inefficient wood stoves.
- (f) The Salt Spring Island Local Trust Committee encourages other levels of government and agencies to provide assistance for recycling programs.
- (g) The Salt Spring Island Local Trust Committee encourages the Islands Trust Council to provide resources to assist Piers Island to achieve its greenhouse gas emission targets.

10.4 Actions

- (a) The Piers Island Association is supported in protecting and caring for the community forest in order for it to continue to sequester carbon.
- (b) The Piers Island community is supported in sharing the community tractor.
- (c) The Piers Island Fire Department is supported in organizing and supervising regular burning of wood waste when weather conditions are suitable.
- (d) The Piers Island community is supported in using the community website to share information, services, errands and goods.
- (e) The Piers Island community is supported in using any private or public ferry service between Piers Island and Vancouver Island.

1.6 PART 1 – PROPOSALS FOR THE ISLAND, Section 11. Zoning Regulations is amended by deleting the words “Plan Map” and replacing it with the words “Map 1-Plan Area with Land and Shoreline Use Designation”.

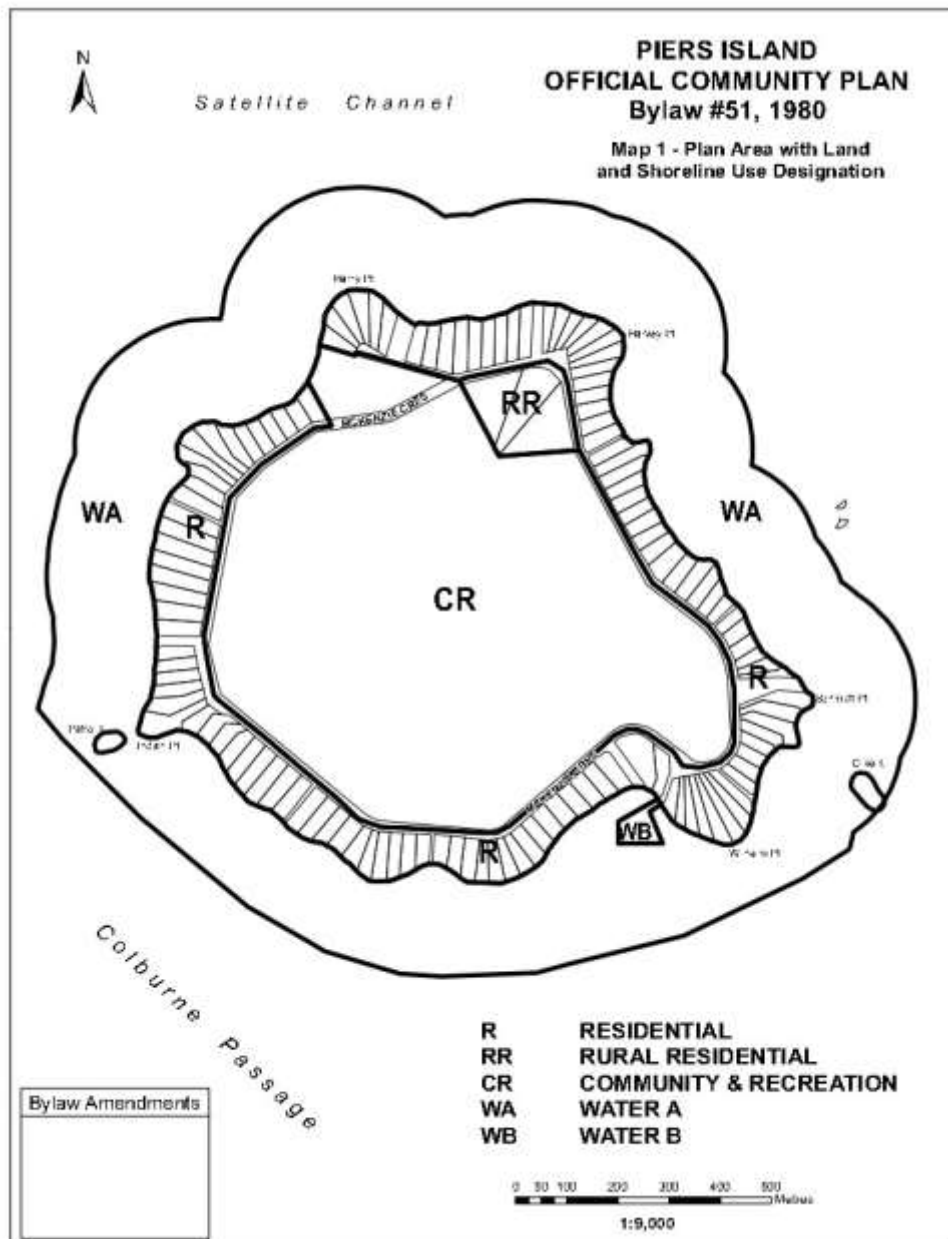
1.7 By making such consequential numbering alterations to effect these changes.

SALT SPRING ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 493

SCHEDULE NO. 2

2. Schedule "A", is amended as follows:

2.1 By deleting the "Plan Map" and replacing it with the following new "Map 1 – Plan Area with Land and Shoreline Use Designation".



From: Peter Grove
Sent: Friday, July 08, 2016 6:26 AM
To: Gerry Kristianson; Stefan Cermak
Cc: George Grams
Subject: Re: Piers Island Issues

Dear Gerry. Thank you for this. I appreciate you taking the time to let us know your concerns.

I am copying your e mail to staff in order to ensure you receive a proper response.

Regards

Peter

Peter Grove

Tel: 250-537-1117

Cell:604-341-6710

Sent from my iPhone

On Jul 7, 2016, at 1:42 PM, Gerry Kristianson [REDACTED] wrote:

Gentlemen: I wish to raise with you issues of interest and importance to Piers Islanders.

As you will have noted from the consultant's report with respect to possible changes in our official community plan to meet provincial requirements aimed at reducing greenhouse gas emissions, Piers Island is unusual in the sense that we generate very little on-island road traffic other than by electric golf carts and our few emergency vehicles. We also contribute to carbon sequestration by maintaining a significant parcel of community forested land under the umbrella of the Piers Island Association.

As the report points out, one of the significant uses of carbon-based fuel by islanders is in operation of the boats needed for transportation since, unlike most of your other constituents, we do not have the luxury of a government subsidized ferry service.

There is a private transportation service to Piers, commonly referred to as "the shuttle", which operates on a limited scheduled basis. But the use and convenience of this option is constrained by its cost. It is in that context that it would seem appropriate for some portion of the tax revenue which our island contributes to the Trust process to be used to support an alternative to our individual dependence on private vessels.

I suggest this in a context where there appears to be little else that the Trust can provide to our island. According to your website, the Trust was created to protect the islands from “unbridled development.” Ironically, this is one thing to which Piers is immune. Our subdivision plan was fixed in place before the Trust was created. While its provisions have since been incorporated into Trust language in the form of a community plan, there are and can only be 131 lots, all but three on the waterfront and zoned residential and three 2 acre lots inside the government road on the north east corner zoned rural residential, thereby allowing the keeping of large animals. All of the remaining property except for the government road allowance is owned by the community through a non-profit society, the Piers Island Association, and cannot be developed or subdivided under the covenant by which it was gifted to the purchasers of lots by the original developer.

In other words, there is little that our island wants or needs from the Trust which probably explains why we almost never have a visit from a trust representative or employee. Against this background it would seem appropriate that some of our financial contributions to the Trust be returned to such a practical use as supporting a scheduled transportation service between Piers and Vancouver Island and thereby helping to meet the government’s desired reduction in green house gases.

This would seem a more appropriate use of our tax dollars than the recent Special Property Tax Requisition to fund the coordination of collaborative watershed management on Salt Spring Island, a project of no possible value or relevance to Piers.

I conclude by asking that you provide our community with an early opportunity to discuss these issues.

Gerry Kristianson



Piers Island