



January 2013

To the Property Owners and Residents of South Pender Island

In 2011 the South Pender Island Local Trust Committee (LTC) updated the island's Official Community Plan (OCP). This year the LTC is implementing amendments to the Land Use Bylaw as its top priority. The purpose of this newsletter is to provide a summary of the proposed changes to the Land Use Bylaw (LUB). A Community Information Meeting to discuss the proposed changes is scheduled for Saturday, February 9, at 11:00 a.m. at the South Pender Fire Hall.

It is still early in the process and the Local Trust Committee looks forward to receiving comments from the community. The purpose of a community information meeting is to provide an informal opportunity for residents to discuss the proposed changes with the LTC and also hear from fellow islanders. The LTC may also request additional community information meetings to be scheduled as the project proceeds.

Following the community information meeting the LTC will reconsider the proposed changes. They could make significant alterations to the bylaw, including adding new amendments or removing any of the proposed amendments. Depending upon community input, the LTC may also identify other possible amendments that could be identified as a future work project.

Once a draft bylaw is acceptable to the LTC they will give the bylaw First Reading and a Public Hearing will be scheduled. A Public Hearing is a more formal process which will be advertised and the public can submit written comments in advance, or attend the hearing and speak to the LTC. After the close of the Public Hearing the LTC cannot receive any new information.

Follow the Public Hearing the LTC will take all comments into consideration, they can make some changes, and then give the bylaw Second and Third Reading. The proposed bylaw then needs to be approved by the Executive Committee before it is finally adopted.

You can join the discussion at the Community Information Meeting on February 9 or, send your comments by:

- email to information@islandstrust.bc.ca or,
- mail to 200-1627 Fort Street, Victoria BC, V8R 1H8, or
- fax to 250-405-5155.

At this time the LTC is only considering changes that would:

1. Support environmentally friendly alternatives,
2. Allow what would generally be considered ‘accessory buildings’ on lots without a residence (with limits),
3. Limit the maximum floor area of a single family dwelling, and
4. Allow dwellings to be attached on lots where more than two dwellings are permitted.

A few technical amendments are also included.

The comments below cross-reference the clauses in the draft bylaw, which are highlighted in bold, italics. A copy of Draft Bylaw 111 and the Land Use Bylaw using the ‘mark-up’ tool to highlight the proposed changes are online at www.islandstrust.bc.ca and following the link to South Pender.

1. Environmentally Friendly Alternatives

Support Environmentally Friendly Buildings: Currently the floor area of a building is calculated by measuring to the outer surface of the exterior walls. In buildings where the floor area is restricted, such as for cottages and accessory buildings, owners lose usable interior space if they want to use thick-walled alternative building materials, such as cob or straw bale, or ultra-low energy buildings using double walled, R-40+ design. To eliminate this disadvantage, **Clause 1** would amend the definition of floor area so that it is measured from the interior surface of the exterior wall.

Marine Geothermal Energy: Throughout the Gulf Islands, there is increasing interest in marine-based geothermal (geoexchange) systems. These systems can result in significant reductions in greenhouse gas emissions. An ocean based geo-exchange system uses temperature gradients in the ocean to provide heating and cooling. Including them as a permitted use would remove a barrier for owners wishing to consider this type of alternative, renewable energy sources.

Clause 4 would provide a definition for a marine geothermal loop.

Clauses 46 to 49 would then add “marine geothermal loop” as a permitted use in the Marine zones (except for the W5 – National Park Marine zone where no upland residential use is permitted).

Solar Collectors: Two proposed changes would reduce barriers to installing solar collectors.

Clause 7 would amend the regulations so that solar collectors less than 4.6 metres in height can be as close as 3.0 metres to the property line. This amendment facilitates the siting of solar collectors for maximum efficiency. For properties zoned Rural Residential, the interior side lot



line setback is currently 3.1 m., so this proposed amendment would have most impact for front or rear lot lines, and other zones with larger required setbacks.

Currently, in the general regulations there is a list of structures that are exempt from height restrictions. 'Solar collectors' is in that list. **Clause 9** would amend the regulations by limiting the exemption to 'roof-top mounted solar collectors'. This would help avoid excessively high structures or towers for mounting solar panels.

2. Storage (Accessory) Buildings

During the review of the Official Community Plan (OCP) last year, a new policy was introduced: *"The Local Trust Committee may consider implementing regulations that would permit outbuildings as a permitted principal use prior to construction of a residential dwelling on Rural Residential designated lands."* On lots where no house has been built yet, owners are currently not allowed to construct a storage building. By changing the bylaw to allow one storage building as a principal permitted use, owners could now construct, for example, a storage shed even if a residential building is not yet constructed on the lot. **Clause 5** introduces a definition for 'storage buildings' and **Clause 11** has related regulations to which a storage building would need to comply.

Clauses 13, 18, 23, 30, 33 and 37 all would amend the zoning regulations to add 'storage buildings' to the list of permitted uses in zones where single family dwellings are permitted. **Clauses 8 and 10** add the term 'storage buildings' in the general regulations that address 'accessory buildings' to avoid creating ambiguity in the bylaw. The height and floor area regulations for accessory buildings would also apply to storage buildings.

3. Maximum Floor Area for Single Family Dwellings

The proposed amendments would include a new regulation that limits the floor area of a single family dwelling to 375 m² (4036 ft²). **Clauses 16, 21, 26, 31, 34 and 38** would amend the zoning regulations to add the new regulation to each zone where single family dwellings are permitted (RR1, RR2, RR3, A, F, and NR). A property owner wanting to construct a larger home could apply to the LTC for a variance to this regulation.

4. Attached Dwellings

Clause 6 is a proposed amendment that would allow dwellings to be attached; these could be attached horizontally such as a duplex, or vertically such as a secondary suite. This amendment would only apply on lots where two or more dwellings are already permitted, such as a cottage



and a single family dwelling, or on larger lots where two single family dwellings are now allowed. **Clauses 14, 15, 19, 20, 24, 25, 35, and 39** would add a notation within the zoning regulations where a permitted density of more than one dwelling is specified, which would cross reference the general regulation introduced by clause 6.

5. Additional Technical Amendments

Pump/utility Houses: Currently the general regulations of the Land Use Bylaw allow for 'pump/utility houses' in all zones. **Clause 2** would remove the 'accessory' reference in the definition of a pump/utility houses for clarity.

Currently pump/utility houses are exempt from setback regulations, however CRD Building Inspection Services has identified that a 0 m setback may create a conflict with the requirements of the BC Building Code. They have recommended that a 3m setback regulation be applied for pump/utility houses. **Clause 7** would amend the general regulations for this setback, and **Clauses 17, 22, 27 to 29, 32, 36 and 40 to 45** would remove the reference to pump/utility houses as being exempt from the setback regulations within the zone regulations. This would eliminate a conflict between zoning and the BC Building Code.

Utility Lines: **Clause 3** would amend the definition of structure so that 'above or below ground utility lines' are not included and therefore they would be exempt from setbacks. This would include services lines for power, internet, cable, telephone or water lines and clarify they are not subject to setbacks.

Technological Reference: **Clause 12** would update the mapping reference to current technologies (Geographical Information System) rather than hard copy maps (paper).

Mike Jones, mjones@islandstrust.bc.ca, 604-563-6896, Local Trustee

Liz Montague, lmontague@islandstrust.bc.ca, 250-629-6636, Local Trustee

Andrea Pickard apickard@islandstrust.bc.ca 250-405-5189, Islands Trust Planner