

File No.: SP Minor LUB Amendments
Project

DATE OF MEETING: July 4, 2025
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: South Pender Minor LUB Amendments Project – Draft Bylaw No. 129

NO RECOMMENDATION

REPORT SUMMARY

This report is to provide the South Pender Island Local Trust Committee (LTC) with the most up to date proposed Bylaw No. 129 for the Minor Land Use Bylaw (LUB) Amendments Project and to provide a review of the referral responses received to date.

BACKGROUND

At the May 2, 2025 regular meeting the South Pender LTC passed the following resolutions:

SP-2025-011

that South Pender Island Local Trust Committee amend draft Bylaw No. 129 by amending Section 2.22 to retain subsection 5.5 19 through 22 in Land Use Bylaw No. 114.

CARRIED

SP-2025-012

that South Pender Island Local Trust Committee amend draft Bylaw No. 129 by:

- a. Amending Section 2.14, which would amend the Rural Residential zone maximum floor area provisions, and replacing the current maximum floor area provisions with new maximum floor area provisions as presented in the staff report on page 5 of the meeting of May 2, 2025.
- b. Amending Section 2.21, which would amend the agriculture zone maximum floor area provisions, and replacing the current maximum floor area provisions with new maximum floor area provisions as presented in the staff report on page 5 of the meeting of May 2, 2025.
- c. Inserting new sections that would amend the Forestry and Natural Resource zones with the same changes to Maximum Floor Area as made to the Rural Residential and Agriculture zones, and that the bylaw be re-numbered accordingly.

CARRIED

SP-2025-013

that South Pender Island Local Trust Committee Bylaw No. 129, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2025” be read a first time as amended.

CARRIED

SP-2025-014

that South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 129, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2025”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

SP-2025-015

that South Pender Island Local Trust Committee request staff to schedule a Public Hearing and Community Information Meeting for Bylaw No. 129, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2025”.

CARRIED

SP-2025-016

that South Pender Island Local Trust Committee request staff to schedule an electronic Special Meeting for the Minor Land Use Bylaw Amendment Project to review bylaw amendments from the May 2, 2025 meeting and to hold a Community Information Meeting.

CARRIED

All bylaw amendments from the May 2, 2025 LTC meeting have been incorporated into the proposed bylaw. The [blackline version of Bylaw No. 114](#) (current Land Use Bylaw) which includes amendments from draft Bylaw No. 129, can be found on the Minor LUB Amendments Project webpage.

The updated [Project Charter](#), previous staff reports, draft bylaw, and correspondence received to date can be found on the [South Pender Project webpage](#).

ANALYSIS***Agriculture Zone & ALR***

At the May 2, 2025 meeting, the South Pender LTC made further amendments to the Agriculture (A) zone in the LUB related to Agricultural Land Reserve (ALR) policies. The LTC requested that staff report back with a map showing whether all Agriculture-zoned properties are located within the ALR. The [map](#) confirms that all A-zoned properties are located within the ALR.

LUB - Section 3.11

The South Pender LTC requested staff to report back with comments from bylaw enforcement in regards to amending Section 3.11 of the LUB. Section 3.11 currently states:

“3.11 Derelict Vehicles

(1) A lot shall not be used for the storage of more than one unlicensed motor vehicle, other than farm and forestry vehicles, that is not completely enclosed in a permanent building or structure and for this purpose a motor vehicle is unlicensed if it does not display:

(a) Motor vehicle number plates and the current licence year decal, or

(b) An interim vehicle licence issued pursuant to the Motor Vehicle Act Regulations.

(2) No land shall be used for the storage of unusable, disassembled, detached, stripped, nonfunctional or abandoned vehicles or vessels, including but not limited to automobiles, all terrain vehicles, golf carts, tractors, campers, trailers, or parts of such vehicles, which are not completely enclosed in a permanent building.”

As decals are no longer required for vehicle licence plates, proposed Bylaw No. 129 removes Article 3.11(1)(a) from the LUB. This amendment was referred to the Manager of Bylaw Compliance and Enforcement, who stated that there are no concerns with the removal of this regulation and that the South Pender LUB is the only one within the Islands Trust that contains this language.

STATUTORY REQUIREMENTS

Public Hearing

The South Pender LTC agreed to not provide Notice of First Reading for the Minor Land Use Bylaw Project, but to hold a Public Hearing as part of the consultation process. The following is the proposed timeline for the project:

1. LTC gives First Reading to draft Bylaw No. 129 – completed at the May 2, 2025 LTC meeting
2. LTC gives direction to staff to schedule a Public Hearing – completed at the May 2, 2025 LTC meeting
3. The LTC holds CIM and Public Hearing and the LTC can give Second and Third Reading, and direction to send to EC – scheduled for the September 5, 2025 LTC Meeting
4. Bylaw Adoption – could be by Resolution Without Meeting in October 2025

Referral Responses

The following are referral responses received to date:

Pauquachin First Nation – *“This area appears to be on/in an area that Pauquachin First Nation would recognize as being outside our title and governance areas. As such, I would categorize this as a Level 1 rights area for Pauquachin First Nation. Level 1 identifies that the project appears to be wholly within another First Nations title and Governance area. Our interests in this area would be limited to Trade, First Nations Government-to-Government and inter-community relationships, but not necessarily Title and governing authorities, which would be Pauquachin First Nation’s highest S.35 interests and would require high end of the Haida spectrum consultation.*

Given this assessment we would defer to the First Nation(s) whose traditional territory this project lies within or is affected by the project. Should Pauquachin First Nation identify greater 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.”

Ts'uubaa-asatx Nation – *“This area appears to be on/in an area that Ts'uubaa-asatx Nation would recognize as being outside our title and governance areas. As such, I would categorize this as a Level 1 rights area for Ts'uubaa-asatx Nation. Level 1 identifies that the project appears to be wholly within another First Nations title and Governance area. Our interests in this area would be limited to Trade, First Nations Government-to-Government and inter-community relationships, but not necessarily Title and governing authorities, which would be Ts'uubaa-asatx Nation’s highest S.35 interests and would require high end of the Haida spectrum consultation.*

Given this assessment we would defer to the First Nation(s) whose traditional territory this project lies within or is affected by the project. Should Ts'uubaa-asatx Nation identify greater 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.”

ALTERNATIVES

1. Make further amendments to bylaw

The LTC may amend the bylaw further. If the LTC does make further amendments, the bylaw must be read for a second time as amended. Recommended wording for the resolutions:

That South Pender Island Local Trust Committee amend proposed Bylaw No. 129 by...

That South Pender Island Local Trust Committee Bylaw No. 129, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2025" be read a second time as amended.

2. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to commencing and completing the project. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request that the staff provide further information regarding...

3. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Next steps include:

- Continue to receive referral responses for the bylaw
- Send and post notice for Community Information Meeting and Public Hearing on September 5, 2025

| | | |
|---------------|--|---------------|
| Submitted By: | Kim Stockdill, Island Planner | June 26, 2025 |
| Concurrence: | Robert Kojima, Regional Planning Manager | June 26, 2025 |

Attachment:

1. Proposed Bylaw No. 129

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 129

A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016

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

1. Citation

This bylaw may be cited for all purposes as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2025”.

2. South Pender Island Local Trust Committee Bylaw No. 114, cited as “South Pender Island Land Use Bylaw No. 114, 2016,” is amended as follows:

2.1 Section 1.1 – Definitions, by deleting the definition “basement floor area”.

2.2 Section 1.1 – Definitions, by amending the definition of ‘floor area’ by removing “1.5” and replacing it with “1.8” so it reads:

““floor area” means the sum of the horizontal areas of all storeys in a building, measured to the inner surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the storage of water for domestic use or fire protection, and exclusive of all areas of a storey having a floor and a ceiling less than 1.8 metres apart, and exclusive of a storey that is not fully enclosed by a floor, ceiling, and four walls or glass.

2.3 Section 3.3 – Siting and Setback Regulations, Subsection 3.3(5) is amended by removing “a certification from an appropriately qualified person as to” and replacing it with “substantive evidence to establish” so it reads:

“Despite Subsection 3.3(3), on a lot that contains a legal dwelling, cottage, or accessory building constructed prior to September 15, 2022, a replacement dwelling, cottage, or accessory building may be constructed, or the existing dwelling, cottage, or accessory building re-constructed or altered, provided the distance from the natural boundary of the sea to the replacement, re-constructed or altered dwelling, cottage, or accessory building is not less than the distance from the natural boundary of the sea to the dwelling, cottage, or accessory building on the lot on September 15, 2022 and for this purpose the Local Trust Committee may require an owner to submit substantive evidence to establish the siting of the dwelling, cottage, or accessory building at the time of the adoption of this bylaw.”

- 2.4 Section 3.4 – Height Regulations, Subsection 3.4(1) is amended by deleting the words “and at no point may a dwelling or cottage exceed 9.2 metres (30 feet) in height so it reads:

“A dwelling or cottage shall not exceed 9.2 metres (30 feet) in height.”
- 2.5 Section 3.5 – Accessory Buildings and Structures, Article 3.5(6)(b) by deleting “1.2 ha (3 acres)” and replacing it with “1.6 ha (4 acres)”.
- 2.6 Section 3.5 – Accessory Buildings and Structures, Article 3.5(6)(c) by deleting “with an area greater than 1.2 ha (3 acres)” and replacing it with “1.6 ha (4 acres) or greater in area”.
- 2.7 Section 3.10 – Use of Recreational Vehicles as a Dwelling, by deleting Article 3.10(1)(f).
- 2.8 Section 3.10 – Use of Recreational Vehicles as a Dwelling, by deleting the word “the” after the words “dwelling on the same lot is permitted in” in Subsection 3.10(1).
- 2.9 Section 3.10 – Use of Recreational Vehicles as a Dwelling, Subsection 3.10 (1) by deleting the words “Nothing in this Subsection prohibits the storage on a lot of recreational vehicles that are not being used as dwellings”.
- 2.10 Section 3.10 – Use of Recreating Vehicles as a Dwelling, by creating the following new Subsection 3.10(1)

“Nothing in this Section prohibits the storage of recreational vehicles that are not being used as dwellings.”

and by making such consequential numbering alterations to effect this change.
- 2.11 Section 3.10 – Use of Recreational Vehicles as a Dwelling, by adding the following new Subsection 3.10(2) that reads:

“Where a *recreational vehicle* is used for temporary camping, occupancy of a *recreational vehicle* must not exceed 90 days in a calendar year.”
- 2.12 Section 3.11 – Derelict Vehicles, by deleting Article 3.11(1)(a), and by making such consequential numbering alterations to effect this change.
- 2.13 Section 5.1 – Rural Residential Zones, by deleting Subsections 5.1(5) and 5.1(6) in their entirety and by making such consequential numbering alterations to effect this change.

- 2.14 Section 5.1 – Rural Residential Zones, by adding the following new subsection after Subsection 5.1(4) and by making such consequential numbering alterations to effect this change:

“(5) Maximum Floor Area: RR1
✓ RR2
✓ RR3
✓

(a) The total floor area of all buildings per lot may not exceed the area in Column A;

(b) For a lot that has no dwelling or contains a dwelling with a floor area less than Column B, then the maximum floor area of a new, replacement, or altered dwelling may not exceed the floor area in Column B;

(c) For a lot that contains a legal dwelling constructed prior to September 15, 2022 that exceeded the floor area in Column B, the floor area of a re-constructed or replacement dwelling may not exceed the lesser of:

- i. the floor area of the dwelling on September 15, 2022, or
- ii. the area in Column C.

(d) Where 5.1(5)(c)(i) is applicable, the Local Trust Committee may require an owner to submit substantive evidence to establish the size and siting of the dwelling at the time of the adoption of the bylaw.

| | Column A | Column B | Column C |
|---------------------------------------|---|--|--|
| Lot Area | The total floor area of all buildings may not exceed: | The floor area of a dwelling may not exceed: | The floor area of a dwelling may not exceed: |
| Less than 0.4 ha (1 Acre) | 465 m ² (5000ft ²) | 279 m ² (3000 ft ²) | 353 m ² (3800 ft ²) |
| 0.4 ha to < 0.8 ha (1 to 2 Acres) | 557 m ² (6000ft ²) | 325 m ² (3500 ft ²) | 418 m ² (4500 ft ²) |
| 0.8 ha to < 1.6 ha (2 to 4 Acres) | 743 m ² (8000ft ²) | 372 m ² (4000 ft ²) | 520 m ² (5600 ft ²) |
| 1.6 ha to < 4.0 ha (4 to 10 Acres) | 836 m ² (9000ft ²) | 395 m ² (4250 ft ²) | 543 m ² (5845 ft ²) |
| 4.0 ha (10Acres) or greater | 1394 m ² (15000 ft ²) | 418 m ² (4500 ft ²) | 560 m ² (6030 ft ²) |

- 2.15 Section 5.1 – Rural Residential Zones, by deleting newly renumbered Subsections 5.1(8) and 5.1(9) in their entirety and by making such consequential numbering alterations to effect this change.
- 2.16 Section 5.1 – Rural Residential Zones, by amending the newly renumbered Subsection 5.1(10) – Subdivision Lot Size Requirements by deleting the words “Subject to subsection 5.1(10),”.
- 2.17 Section 5.5 Agriculture (A), by amending Article 5.5(1)(d) by deleting the words “subject to Subsections 5.5(13) to 5.5(16) and replacing them with “(as permitted by the Agricultural Land Commission)”

2.18 Section 5.5 Agriculture (A), by amending Article 5.5(1)(e) by deleting the words “, subject to Subsections 5.5(15) to 5.5(2), and as permitted by the Agricultural Land commission” and replacing them with “(as permitted by the Agricultural Land Commission)”.

2.19 Section 5.5 Agriculture (A), by deleting the wording in Subsection 5.5(3) and replacing it with:

“Despite Subsection 5.5(2), one cottage or one dwelling for the housing of persons engaged in on-going agricultural activities on the lot, is permitted on each lot in addition to the dwelling permitted in Subsection 5.5(2).”

2.20 Section 5.5 – Agriculture (A), by deleting Subsections 5.5(9) to 5.5(11) in their entirety and by making such consequential numbering alterations to effect this change.

2.21 Section 5.5 – Agriculture (A), by adding the following new subsection after Subsection 5.5(8) and by making such consequential numbering alterations to effect this change:

“(9) Maximum Floor Area:

- (a) The total floor area of all buildings per lot may not exceed the area in Column A;
- (b) For a lot that has no dwelling or contains a dwelling with a floor area less than Column B, then the maximum floor area of a new, replacement, or altered dwelling may not exceed the floor area in Column B;
- (c) For a lot that contains a legal dwelling constructed prior to September 15, 2022 that exceeded the floor area in Column B, the floor area of a re-constructed or replacement dwelling may not exceed the lesser of:
 - i. the floor area of the dwelling on September 15, 2022, or
 - ii. the area in Column C.
- (d) Where 5.5(9)(c)(i) is applicable, the Local Trust Committee may require an owner to submit substantive evidence to establish the size and siting of the dwelling at the time of the adoption of the bylaw.

| | Column A | Column B | Column C |
|------------------------------------|---|--|--|
| Lot Area | The total floor area of all buildings may not exceed: | The floor area of a dwelling may not exceed: | The floor area of a dwelling may not exceed: |
| Less than 0.4 ha (1 Acre) | 465 m ² (5000ft ²) | 279 m ² (3000 ft ²) | 353 m ² (3800 ft ²) |
| 0.4 ha to < 0.8 ha (1 to 2 Acres) | 557 m ² (6000ft ²) | 325 m ² (3500 ft ²) | 418 m ² (4500 ft ²) |
| 0.8 ha to < 1.6 ha (2 to 4 Acres) | 743 m ² (8000ft ²) | 372 m ² (4000 ft ²) | 520 m ² (5600 ft ²) |
| 1.6 ha to < 4.0 ha (4 to 10 Acres) | 836 m ² (9000ft ²) | 395 m ² (4250 ft ²) | 543 m ² (5845 ft ²) |
| 4.0 ha (10Acres) or greater | 1394 m ² (15000 ft ²) | 418 m ² (4500 ft ²) | 560 m ² (6030 ft ²) |

- 2.22 Deleting 5.5(13) to 5.5(18) in their entirety, by making such consequential numbering alterations to effect this change, and by moving the Information Note under the newly renumbered Subsection 5.5(8).
- 2.23 Section 5.6 – Forestry (F), by deleting Subsections 5.6(7) and 5.6(8) in their entirety and by making such consequential numbering alterations to effect this change.
- 2.24 Section 5.6 – Forestry (F), by adding the following new subsection after Subsection 5.6(6) and by making such consequential numbering alterations to effect this change:

“(7) Maximum Floor Area:

- (a) The total floor area of all buildings per lot may not exceed the area in Column A;
- (b) For a lot that has no dwelling or contains a dwelling with a floor area less than Column B, then the maximum floor area of a new, replacement, or altered dwelling may not exceed the floor area in Column B;
- (c) For a lot that contains a legal dwelling constructed prior to September 15, 2022 that exceeded the floor area in Column B, the floor area of a re-constructed or replacement dwelling may not exceed the lesser of:
 - iii. the floor area of the dwelling on September 15, 2022, or
 - iv. the area in Column C.
- (d) Where 5.6(7)(c)(i) is applicable, the Local Trust Committee may require an owner to submit substantive evidence to establish the size and siting of the dwelling at the time of the adoption of the bylaw.

| | Column A | Column B | Column C |
|------------------------------------|---|--|--|
| Lot Area | The total floor area of all buildings may not exceed: | The floor area of a dwelling may not exceed: | The floor area of a dwelling may not exceed: |
| Less than 0.4 ha (1 Acre) | 465 m ² (5000ft ²) | 279 m ² (3000 ft ²) | 353 m ² (3800 ft ²) |
| 0.4 ha to < 0.8 ha (1 to 2 Acres) | 557 m ² (6000ft ²) | 325 m ² (3500 ft ²) | 418 m ² (4500 ft ²) |
| 0.8 ha to < 1.6 ha (2 to 4 Acres) | 743 m ² (8000ft ²) | 372 m ² (4000 ft ²) | 520 m ² (5600 ft ²) |
| 1.6 ha to < 4.0 ha (4 to 10 Acres) | 836 m ² (9000ft ²) | 395 m ² (4250 ft ²) | 543 m ² (5845 ft ²) |
| 4.0 ha (10Acres) or greater | 1394 m ² (15000 ft ²) | 418 m ² (4500 ft ²) | 560 m ² (6030 ft ²) |

- 2.25 Section 5.6 – Forestry (F), by adding the words “from any lot line” after the words “20 metres (66 feet)” to the newly renumbered Subsection 5.6(10) so it reads:

“Despite 5.6(5) above, the minimum *setback* for a portable sawmill permitted by 5.6(1)(b) above shall be 20 metres (66 feet) from any *lot line*.”

- 2.26 Section 5.7 – Natural Resource (NR), by deleting Subsections 5.7(6) and 5.7(7) in their entirety and by making such consequential numbering alterations to effect this change.

- 2.27 Section 5.7 – Natural Resource (NR), by adding the following new subsection after Subsection 5.7(5) and by making such consequential numbering alterations to effect this change:

“(6) Maximum Floor Area:

- (d) The total floor area of all buildings per lot may not exceed the area in Column A;
- (e) For a lot that has no dwelling or contains a dwelling with a floor area less than Column B, then the maximum floor area of a new, replacement, or altered dwelling may not exceed the floor area in Column B;
- (f) For a lot that contains a legal dwelling constructed prior to September 15, 2022 that exceeded the floor area in Column B, the floor area of a re-constructed or replacement dwelling may not exceed the lesser of:
 - v. the floor area of the dwelling on September 15, 2022, or
 - vi. the area in Column C.
- (e) Where 5.7(6)(c)(i) is applicable, the Local Trust Committee may require an owner to submit substantive evidence to establish the size and siting of the dwelling at the time of the adoption of the bylaw.

| | Column A | Column B | Column C |
|------------------------------------|---|--|--|
| Lot Area | The total floor area of all buildings may not exceed: | The floor area of a dwelling may not exceed: | The floor area of a dwelling may not exceed: |
| Less than 0.4 ha (1 Acre) | 465 m ² (5000ft ²) | 279 m ² (3000 ft ²) | 353 m ² (3800 ft ²) |
| 0.4 ha to < 0.8 ha (1 to 2 Acres) | 557 m ² (6000ft ²) | 325 m ² (3500 ft ²) | 418 m ² (4500 ft ²) |
| 0.8 ha to < 1.6 ha (2 to 4 Acres) | 743 m ² (8000ft ²) | 372 m ² (4000 ft ²) | 520 m ² (5600 ft ²) |
| 1.6 ha to < 4.0 ha (4 to 10 Acres) | 836 m ² (9000ft ²) | 395 m ² (4250 ft ²) | 543 m ² (5845 ft ²) |
| 4.0 ha (10Acres) or greater | 1394 m ² (15000 ft ²) | 418 m ² (4500 ft ²) | 560 m ² (6030 ft ²) |

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS 2ND DAY OF MAY 2025.

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME 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____

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY