

## South Pender Island Local Trust Committee Minutes of Regular Meeting

**Date:** February 14, 2025  
**Location:** South Pender Fire Hall  
8961 Gowlland Point Road, South Pender Island, BC

**Members Present:** Tobi Elliott, Chair  
Dag Falck, Local Trustee  
Kristina Evans, Local Trustee

**Staff Present:** Robert Kojima, Regional Planning Manager (electronic)  
Kim Stockdill, Island Planner  
Clare Frater, Director, Trust Area Services (electronic)  
Lisa Millard, Meeting Administrator/Recorder (electronic)

**Others Present:** There were 28 members of the public in attendance.

### 1. CALL TO ORDER

Chair Elliott called the meeting to order at 10:30 a.m.

### 2. TERRITORIAL ACKNOWLEDGEMENT

Chair Elliott acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

### 3. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 13.2 Letter dated February 10, 2025 from Member of Parliament Elizabeth May on behalf of the Southern Gulf Islands Forum regarding advocacy to the Ministry of Transport on Bill C-33 about railway safety and marine issues.

**By general consent** the agenda was approved as amended.

### 4. TRUSTEE REPORT

Trustee Evans reported the following:

- Construction on the “dip” is anticipated to restart in late March
- Attended Committee of the Whole meetings to continue work on amendments to the draft Trust Policy Statement in anticipation of giving First Reading in June
- Attended Trust Council meetings in December and noted budget for public engagement on the draft Trust Policy Statement was reviewed and decreased and this will result in First Reading occurring in conjunction with referrals

- Attended Trust Programs Committee meetings and noted discussions about the number, and topics, of webinars being created
- The Chief Administrative Officer (CAO) Hiring Committee is now focused on revisions to the CAO job profile and the drafting of performance evaluation criteria
- Resigned from position on Finance and Audit Committee with potential to return at a later date

Trustee Falck reported continued involvement in the Southern Gulf Islands Forum meetings.

## **5. CHAIR'S REPORT**

Chair Elliott reported the following:

- Acknowledged the work of Islands Trust Chair Luckham who will be stepping down from as chair from Islands Trust Council resulting in the election of a new Chair at the March Trust Council meeting
- Ongoing participation in the Reconciliation Learning Group which will next be looking at cultural safety across the organization, and supporting the reconciliation action plan with initiatives and reconciliation related activities
- Staff are working on a draft Reconciliation Action Plan with focus on creating culturally safe space

## **6. ELECTORAL AREA DIRECTOR'S REPORT - None**

## **7. TOWN HALL AND QUESTIONS**

Several members of the public spoke to Bylaw No. 122 and draft Bylaw No. 129 and the following comments were noted:

- Disagreement with the Advisory Planning Commission recommendation to return to a 10' side lot setback with preference for a 20' setback to allow for 40' between buildings to encourage construction of smaller homes and create a healthier corridor
- Accessory buildings should be sited 20' from property lines
- Twenty-two homes will be affected if a 50' setback from the sea is implemented and the speaker built their home to the bylaw standards in place at time of construction
- If short-term vacation rental use is not grandfathered it will have the effect of removing provincial licensing requirements
- South Pender has a natural appeal of environment, wildlife, and ruralness and a sense of freedom in nature is should be maintained for future generations and First Nations
- Proposed draft bylaw is out of sync with what the community wants, the mandate to fix the bylaw was built on the false claim that it would create legal non-conforming situations and Trustees have not made an effort to correct the misinterpretation
- Dissatisfaction with efforts to upend Bylaw No. 122, increase the permitted size of a house, and reduce setbacks as a means to ensure some homes are not legally non-conforming
- Disagreement with the reduction of the side lot setback and increase of permitted house size as proposed in Bylaw No. 129 and has not heard an explanation of why Bylaw No. 122 is problematic
- There is a variance mechanism that can be used to address particular situations
- The bylaw proposal moves the community toward urban house sizes

- Should the Advisory Planning Commission recommendations be adopted there will be a resulting loss of habitat
- Setback is irrelevant as property owners can clear to lot line resulting in loss of privacy
- During previous meetings the Local Trust Committee mentioned looking at Development Permit Areas and clear cutting and the use of these tools has not been incorporated into the recommendations received
- Zoning can be altered to allow a minor accessory building to be sited to the property line and it is within the Local Trust Committee's ability to determine what is allowed, and disallowed, and which option best supports the Official Community Plan
- There would be a substantial number of non-conforming properties that would be rendered conforming by adopting the two-tier recommendations put forth by the Advisory Planning Commission with older homes being bound by the previous bylaw as well as allowing them to be rebuilt to previous size
- Only undeveloped properties will be affected by the larger setback requirement while 80% of properties that are already developed have a setback which will be protected
- Some people think that going from a 10' setback to a 20' setback erodes property value but it actually enhances value as substantial setbacks are considered desirable
- The "despite clause" language being used is not uncommon with the bylaw indicating one may, or may not, do something followed by a subsequent clause that says you may under certain conditions
- The bylaw should include language that makes it clear what is allowed and considered legal non-conforming
- The bylaw is not only affecting properties that are not yet developed it would also affect properties where an existing dwelling is taken down and a new one put up
- If someone builds a big house next to you it does affect property values because this impacts property assessments
- Livability value goes down if buildings are too close to neighbouring houses
- In support of a 10' setback because fencing and screening can be used for privacy
- House sizes proposed by the Advisory Planning Commission are larger than the recommendation in Bylaw No. 122, smaller than previously permitted, and represent a compromise between the two
- This has been a topic of significant debate and the proposed sizes in the previous and current bylaws are subjective
- If trying to find a compromise then one needs to determine if setbacks are more important than house size and a compromise could include Option 1 plus an additional 500 square feet for the house size while keeping a 20' setback between homes and a 10' setback for an accessory building
- Everyone that has built previously followed the rules and there should be language included that provides protection, and those that need to rebuild should be able to build to current size
- The issues are what is within the setback and clear cutting to lot line

**8. COMMUNITY INFORMATION MEETING - None**

**9. PUBLIC HEARING - None**

**10. MINUTES**

**10.1 Adopted Local Trust Committee Minutes Dated September 13, 2024 (for Information)**

Received for information.

**10.2 Local Trust Committee Special Meeting Minutes Dated January 17, 2025 (for Adoption)**

**By general consent** the South Pender Island Local Trust Committee meeting minutes of January 17, 2025 were adopted as presented.

**10.3 Section 26 Resolutions-without-meeting Dated February, 2025**

Received for information.

**10.4 Advisory Planning Commission Minutes Dated October 4, October 21, and November 12, 2024 (for Receipt)**

Received for information.

**11. BUSINESS ARISING FROM THE MINUTES**

**11.1 Follow-up Action List Dated Nov 2024**

Received for information.

**12. DELEGATIONS - None**

**13. CORRESPONDENCE**

*Correspondence received concerning current applications or projects is posted on the LTC webpage*

**13.1 Paul Petrie re Advisory Planning Commission Minority Report**

Received for information.

**13.2 Letter dated February 10, 2025 from Member of Parliament Elizabeth May regarding Southern Gulf Island Forum**

Received for information.

**14. APPLICATIONS AND REFERRALS**

**14.1 North Pender Island Local Trust Committee Referral for Draft Bylaw No. 235 (for Response)**

**SP-2025-002**

**It was MOVED and SECONDED,**

that South Pender Island Local Trust Committee interests are unaffected by the North Pender Island Local Trust Committee Draft Bylaw No. 235.

**CARRIED**

## **15. LOCAL TRUST COMMITTEE PROJECTS**

### **15.1 Land Use Bylaw Amendment Project - Staff Report**

Island Planner Stockdill summarized the staff report and highlighted the following:

- The project webpage includes a blackline version integrating Bylaw No. 129 into the existing Land Use Bylaw
- The BC Building Code indicates the floor area does not make a difference to the height of a storey and the reference to a 1.8 metre height is in terms of a crawl space
- The current Land Use Bylaw provides a definition of floor area which excludes areas of story less than 1.5 metres in height
- A definition of crawl space, as per BC building code, or an amended definition of floor area to increase from 1.5 metres to 1.8 metres, can be included

Discussion ensued and the following comments and clarifications were noted:

- Trustees are in favour of amending the definition of floor area to increase from 1.5 metres to 1.8 metres, which is compliant with the BC building code
- Attached garages should be excluded from the floor area of the dwelling as there is a higher risk of using the space for a dwelling compared to a non-attached garage
- Options for consideration include increasing all house sizes by 500 square feet or keeping the house size at 2500 square feet and including a clause permitting an additional 500 square feet if one chooses to construct a new build with an attached garage
- The Advisory Planning Commission's rationale was to allow an additional 500 square feet as a compromise
- There has been concern expressed that a 40% reduction from the previously permitted house size was too much
- An addition of 500 square feet, to a maximum allowance of 3000 square feet, allows livability, intergenerational living, and accessibility building requirements
- There should be an option for an attached garage as one should not be forced to build a detached garage if it is going to interfere with maximum square footage
- Allowing a 3000 square foot dwelling and having either an attached or detached garage should be considered
- The aim is to provide the most flexibility to landowners as well as for the protection of the environment

The meeting was recessed for a break at 12:19 p.m. and reconvened at 12:28 p.m.

Discussion continued regarding house sizes and the following comments were noted:

- In Section 5 replace "maximum floor area per lot" with "on a lot that contains a legal dwelling constructed prior to September 15, 2022; a replacement dwelling can be constructed, or the existing dwelling reconstructed or altered, provided the floor area of the replacement, reconstructed, or altered dwelling does not exceed the "greater of either a: the floor area of the dwelling on the lot prior to

September 15, 2022, or the established maximum floor area per lot as permitted in Table B

- Obtaining a public facing legal opinion on the issue of “legal non conforming” is needed
- Chair Elliott confirmed the draft bylaw will go for legal review
- There is no use of the term “legal non-conforming” within the bylaw
- Would like recommendation from the Advisory Planning Commission included in Section 5 instead of in the “despite” clause

Discussion ensued regarding holding a Community Information Meeting, the requirements and benefits of holding, or not holding, a Public Hearing, and timelines for referral responses.

**SP-2025-003**

**It was MOVED and SECONDED,**

that South Pender Local Trust Committee request staff amend the definition of floor area in Draft Bylaw No. 129 by increasing 1.5 metres to 1.8 metres.

**CARRIED**

**SP-2025-004**

**It was MOVED and SECONDED**

that South Pender Island Local Trust Committee request staff schedule a Special Meeting in March or April 2025 regarding draft Bylaw No. 129 for the Minor Land Use Bylaw Amendments Project.

**CARRIED**

**SP-2025-005**

**It was MOVED and SECONDED,**

that South Pender Island Local Trust Committee request staff amend the Minor Land Use Bylaw Amendments Project Charter to include a Public Hearing and amend the budget as shown in the Staff Reported dated February 14, 2025.

**CARRIED**

The following edits to the Land Use Bylaw were proposed:

- Page 4: Remove the definition of Basement Floor Area as the term is not used within the bylaw
- Page 11, Part 2, Section 3, No. 1: Following “bylaw is authorized to enter at any time, and after having given prior notification” insert “of at least 24 hours written notice”
  - It was noted that this might be beyond the scope of a technical amendment
- Section 3.3.5 requires clarifying language with regard to building sitings when the building is being reconstructed
- Section 3.10: Place Section No. 2 ahead of “nothing in the subsection” and change the wording to “noting in this section prohibits the storage of a recreational vehicle, that is not being used as a dwelling, on a lot

- Under Derelict Vehicles No. 8: strike reference to license decal as they are no required or issued
- Agriculture Section 5.5: If there are any lots less than 10 acres there needs to be a table that captures house sizes on Agricultural Land Reserve land
- Page 30: Keep the information note with the siting and size rather than putting it under subdivision lot requirements
- Agricultural Section No. 12 refers to farm retails while Nos. 13-19 are taken directly from the Agricultural Land Commission (ALC) and if the ALC changes over time a lot of language maintenance will be required
- Forestry No. 11 statement reading “conditions of use despite 5.6.5 above the minimum setback for a portable sawmill permitted by 5.6.1 shall be 20 metres and this statement requires clarification on what the 20-metre distance is measured from
- Once edits have been completed in Section 5.5 Maximum Floor Area the information should be replicated under Forestry and Natural Resources
- Discussion ensued about adding clarifying language regarding the intent of the short-term-vacation rental language noting that if a rental has been in place prior to November 5, 2021, it is deemed legally operating and does not require a Temporary Use Permit and any rental that commenced operation after that date does
- Page 18, 3.10(1): remove the word “the”

## **16. REPORTS**

### **16.1 Work Program Reports**

#### **16.1.1 Active Projects Report Dated November 2024**

Received for information.

#### **16.1.2 Future Projects Report Dated November 2024**

Received for information.

### **16.2 Applications Report Dated February 2025**

Received for information.

### **16.3 Trustee and Local Expense Report Dated December 2024**

Received for information.

### **16.4 Adopted Policies and Standing Resolutions**

Received for information.

### **16.5 Local Trust Committee Webpage**

No updates required at this time

### **16.6 Reconciliation and First Nation Relationship Building**

It was noted that given the importance of consulting with First Nations, Hereditary Chief Pelkey should be included in referrals and notified as soon as possible about bylaw changes.

### **16.7 Islands Trust Conservancy Report Dated November 2024**

Received for information.

**17. NEW BUSINESS**

**17.1 Phase 4 Community Engagement Options - Policy Statement Amendment Project (PSAP) - Staff Report**

The Director of Trust Area Services summarized the staff report.

Discussion ensued and it was determined that during regular business meetings some time be set aside to discuss the draft Trust Policy Statement in a Town Hall environment.

**SP-2025-006**

**It was MOVED and SECONDED,**

that South Pender Island Local Trust Committee select Engagement Option 2 “Town Hall during regular Local Trust Committee Meeting” for Phase 4 community engagement about the new draft Islands Trust Policy Statement.

**CARRIED**

**18. UPCOMING MEETINGS**

**18.1 Next Regular Meeting Scheduled for May 2, 2025 at the Fire Hall, Pender Island**

**19. TOWN HALL**

A member of the public noted the options presented on the tables are supportable in terms of a compromise; however, they have concerns about house sizes continuing to get larger and the ease of ability to convert an attached garage to liveable space compartmented to a detached unit.

A member of the public noted attached garages are a suburban concept that dominant the front of a home and they have to be constructed to residential standards, often requiring heat which allows for ease of convertibility while a detached garage often has a shorter driveway creating less impact on the land.

A member of the public stated that allowing an additional 500 square feet to house sizes across the board would allow for an attached garage if that is the home owner’s preference.

A member of the public asked that Local Trust Committee Standing Resolution 2006.012, which requires minutes be adopted by Resolution without Meeting within 14 business days of a meeting, be adhered to.

**20. CLOSED MEETING - None**

**21. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:07 p.m.

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Tobi Elliott, Chair



Certified Correct:

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Lisa Millard, Meeting Administrator/Recorder