

# ADOPTED

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

**Date:** March 27, 2025  
**Location:** Anglican Parish Hall  
4703 Canal Road, RR#1, North Pender Island, BC

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

**Staff Present:** Kim Stockdill, Island Planner (electronic)  
Katherine Vogt, Recorder (electronic)

**Others Present:** There were approximately twenty-two (22) members of the public present

### 1. CALL TO ORDER

Chair Elliott called the meeting to order at 10:03 a.m.

### 2. TERRITORIAL ACKNOWLEDGEMENT

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

### 3. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Add Item 5: Town Hall, move other items forward
- Add Item 7: Town Hall, move other items forward

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

### 4. MINUTES

#### 4.1 Local Trust Committee Meeting Minutes Dated February 14, 2025 (for Adoption)

The following amendments to the minutes were presented for consideration:

- On Page 1, Under Item 3, second line, after the name Elizabeth May, remove the phrase “regarding Southern Gulf Islands Forum “and replace with the phrase “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

- On Page 2, Under Item 5, bullet one, second line, remove the phrase “Executive Committee” and replace with the phrase “Islands Trust Council”
- On Page 2, Under Item 5, rephrase bullet 2 to state the following: “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
- On Page 5, Bullet 12, just before the phrase “legal non-conforming,” replace the word “term” with the word “issue”
- On page 4, Under Item 15.1, Bullet 2, line 2, correct the spelling of “story” to “storey”

**By general consent** the South Pender Island Local Trust Committee meeting minutes of February 14, 2025 were adopted as amended.

## 5. TOWN HALL

Members of the public spoke to proposed amendments to draft Bylaw No. 129 and the following comments were noted:

- The word “legal” should be removed; and the designations be referred to as simply conforming or non-conforming
- Trustees should table Bylaw No. 129 so that First Reading may be given at the current meeting
- The term legal non-conforming comes from the Local Government Act
- Land Use Bylaw No.129 provides relief to the approximately 30% of properties that became non-conforming after Land Use Bylaw No. 122; and alleviates some residents’ concerns about future construction of mega-sized homes
- Staff should provide comment on the legal non-conforming issue

## 6. BUSINESS ITEMS

### 6.1 Minor Land Use Bylaw Amendments Project - Staff Report

Island Planner Stockdill presented the staff report, dated March 27, 2025, to update Trustees on recent amendments to the draft Land Use Bylaw No. 129.

The Local Trust Committee (LTC) discussed the possibility of seeking a legal opinion on legal non-conforming status once the draft Land Use Bylaw (LUB) had been finalized.

- The planner advised that the Project Charter would need to be amended to budget for a legal opinion

The LTC reviewed the 13 recent trustee directed amendments to the draft LUB, noting the following:

- Maximum floor area tables also need to apply to agricultural land
- Since Agricultural Land Commission (ALC) rules seem to have become very relaxed, it may be a mistake to align the LUB with ALC regulations

- ALC Agritourism allowances for 10 sleeping units could strain local resources
- The ALC works to help farmers maintain their farms financial viability by allowing indirect farm uses such as agritourism for increasing farm incomes

In response to chair request, the planner offered to provide further research on ALC regulations regarding agritourism and agritourism accommodation for next meeting.

- There are distinctions between the use of a recreational vehicle for storage; for temporary camping; for living in while constructing a building; and for renting out as a short-term vacation rental

Island Planner Stockdill presented 3 options for total and maximum floor area regulations.

Trustee Falck presented a spreadsheet that showed the evolution of changes in the “total floor area of dwellings” and “total floor area of all buildings” through successive Land Use Bylaws No.114, No.122, and Draft Bylaw No. 129, noting the following:

- As the lot sizes increase, the compromises between the larger Bylaw No.114 dwelling sizes and the lower Bylaw No. 122 dwelling sizes become less equal
- A more rational full compromise would equalise the compromise over all lot sizes
- For lots greater than 10 acres, total allowable floor area for all buildings dropped from 20,000 square feet in Bylaw No. 114 down to 15,000 square feet in Bylaw No. 122; whereas there was no drop in size allowance for the other smaller lot sizes

The Planner announced that she had just posted Trustee Falck’s document, dated March 26, 2025, to the Local Trust Committee website under Projects: Folder No.5: Community Engagement.

The Chair acknowledged the need for clarity, simplicity, and rationale behind the square footage numbers in the tables.

**By general consent**, the meeting was recessed at 11:35 a.m. and reconvened at 11:45 a.m.

Trustee Evans presented a self-prepared possibility for Option 3 that would combine two tables into a single, simpler table by creating 4 major column categories:

1. Lot size
  2. The total floor area of all buildings may not exceed
  3. The floor area of a dwelling may not exceed
  4. Legal dwellings constructed prior to September 15, 2022, the floor area may not exceed
- The Chair and Planner acknowledged that a single table provided greater clarity and relieved some of the public distress regarding the possibility of their home being labeled legal non-conforming

- The Planner confirmed that the table could be replicated for the following zones: rural residential, agriculture, forestry, and natural resource

The Local Trust Committee discussed attached garages, which, if included in total maximum dwelling area in the proposed Land Use Bylaw, would reduce the allowable size of a dwelling, whereas a detached garage would not. The following comments were noted:

- Attached garages may be more environmentally favorable by reducing scattered ecological footprint
- It should be up to property owners to decide if they want an attached or unattached garage without penalty of losing 500 square feet of living space if they want an attached garage; this seems unfair, inconsistent, and unwise for the drafting of bylaws
- Ecosystem protection, which was the original rationale for restricting house sizes, should be the priority over landowner flexibility
- A landowner has the option to apply for a development area permit if they want to increase their house size
- Including attached garages in total maximum dwelling area is how it has always been; it provides reasonable flexibility for landowners; and it restricts building sizes for the benefit of the environment

**SP-2025-007**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee amend draft Bylaw No. 129 for the Minor Land Use Bylaw Amendments Project by:

“That the floor area of the attached garage up to a maximum of 46 square metres or 500 square feet is not included in the floor area of a dwelling.”

**DEFEATED**

The Local Trust Committee discussed statutory requirements for public engagement with draft Bylaw No. 129.

The chair requested that planning staff add, for the next May 2, 2025 agenda, discussion on Local Trust Committee meeting budget.

## **7. TOWN HALL**

Members of the public questioned or commented the following:

- If someone has an existing building, can they build to the old square footage permissions shown on the table presented today?
  - A Trustee responded that the intent is that whatever number is greater is allowable; if you have an existing building on your lot of 4000 square feet on a 2-acre lot, you are allowed to replace the building up to 5600 square feet. If you have a 7000 square foot house on a 2-acre lot, you can only replace it with a 5600 square foot house; if you have a 1500 square foot house on a 2-acre lot, you could only build it up to what it says in column c: 4000 square feet

- The member of the public responded that this creates 2 tiers: one for those who had existing dwellings and those that did not, which penalizes those with bare lots
- The vote to include attached garages in dwelling floor area maximums is supportable because the Advisory Planning Commission recommended it; and there is difficulty in bylaw enforcement for unauthorized uses of the garage; and Trustee Falck's points were also very supportable
- A member of the public commended Trustees for their hard work in trying to find compromises around divisive issues
- The member of the public suggested that Trustees were trying to compromise; but that they were not "splitting the difference" on divisive issues, so it was hard to feel good about the outcome
- Total lot building coverage maximums makes the detached/attached garage issue redundant

## 8. ADJOURNMENT

**By general consent** the meeting was adjourned at 12:42 p.m.

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Tobi Elliott, Chair

Certified Correct:

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Katherine Vogt, Recorder