

## 5. CHAIR'S REPORT

Chair Elliott reported the following:

- Attended the Rural Island Economic Partnership Forum
- Attended the Association of Vancouver Island Coastal Communities convention and highlighted the discussion on the impacts of the trade war and the joint presentation on the results of the tiny homes on wheels enablement project in the Trust area
- Attended joint Executive Committee and Bowen Island Municipal Council protocol meeting

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

## 7. TOWN HALL AND QUESTIONS

Trustee Evans stated she would recuse herself from any questions or discussion related to Temporary Use Permit application PL-TUP-2025-0142.

**By general consent** Trustee Falck chaired the Town Hall portion of the meeting.

- A member of the public asked that the 90-day limit on the use of a recreational vehicle be clarified and requested confirmation the matter is not related to proposed Bylaw No. 129
  - Island Planner Stockdill indicated the amendments to Bylaw No. 129 are technical in nature and the intent and use regarding this matter is not changing
- A member of the public stated Bylaw No. 122 was strong and workable; It protected homeowners, minimized environmental impact, and included options for variances
  - On the other hand, proposed Bylaw No. 129 would increase environmental impact and reduce privacy and rural qualities due to changes in floor level allowances and siting
  - They requested that Bylaw No. 122 be maintained
- A member of the public spoke to the bylaw which had previously been amended to require a Temporary Use Permit for short-term vacation rental operations with the understanding the Local Government Act provided protection for pre-existing operations
  - However, an unanticipated change to the Local Government Act has removed this provision and the Local Trust Committee created a standing resolution to ensure no action would be taken against operators in the interim
  - They requested the Local Trust Committee review the bylaw for the next project
- A member of the public noted significant time and effort has been put toward the proposed changes to the Land Use Bylaw and recognizes compromises have been made
  - concerns of those impacted by changes to Bylaw No. 122 seemed to have been addressed; however, there is still fear amongst those that built under the previous guidelines that their homes will become nonconforming and they hope the forthcoming amendments to proposed Bylaw No. 129 will address the concerns

- A member of the public noted most of the islands within the Islands Trust area have 10' interior setbacks, as it has always been; therefore, privacy is not being lost
  - Privacy concerns can be addressed with landscaping or fences
- A member of the public stated the reduced side lot setback and increased house size allowance erode the Official Community Plan goals of maintaining the community's rural character and protecting the natural environment
  - The existing bylaw protects privacy, reduces greenhouse gas emissions, and ensures growth is gradual and sustainable
  - They noted that staff have indicated the existing bylaw does not create any legal, non-conforming situations with regard to dwelling maximum floor area or setbacks
  - Trustees have not provided rationale for increasing house sizes and changing setback allowances
- A member of the public indicated they were unhappy with Bylaw No. 122, and preferred Bylaw No. 114, but are satisfied with proposed Bylaw No. 129 which has addressed the issues created by Bylaw No. 122
- A member of the public noted their family has been on the island since 1953 and the lots were large and houses small
  - The houses were farther apart and they never felt intruded upon by a neighbour's structure until large homes started being built
  - They requested the a 20' side lot setback be maintained
- A member of the public asked about the expense amount of \$1409 allocated to Advisory Planning Commission (APC) meetings
  - They expressed support for Bylaw No. 129 on the assumption that there is an exception clause to protect existing dwellings from being deemed nonconforming
    - The Planner clarified the (APC) expenses are for contract minute taker fees
    - The Planner also noted that there had been a nonconformity issue in relation to dwelling height when Bylaw No. 122 was adopted, but not in relation to floor area
- A member of the public stated Bylaw No. 114 was drafted according to the Official Community Plan that currently exists, and statements that the new bylaws are not in compliance with the Official Community Plan do not recognize that it has been in existence for many years
  - They indicated the controversy regarding side setbacks was primarily related to lot sizes in a subdivision that allowed long, narrow lots, and residents in those areas can seek considerations for their specific circumstances
- A member of the public stated several people had asked them how to interpret the three provisions for house size and floor allowances in the proposed bylaw and they have been unable to provide answers because the language is confusing
  - Examples would provide clarity

The meeting recessed for a break at 11:15 a.m. and reconvened at 11:24 a.m.

Discussion ensued regarding the applicant's request to add a condition to the Temporary Use Permit that would stipulate that the short-term vacation rental use may only be in operation while the subject property is for sale.

**SP-2025-009**

**It was MOVED and SECONDED,**

that South Pender Island Local Trust Committee amend Temporary Use Permit PL-TUP-2025- 0142 by the addition of the following condition(s):

1. That the short-term vacation rental use may only be in operation while the subject property is for sale; and
2. To require an acknowledgement of First Nations territory, rights and relationship to guest information.

**CARRIED**

**SP-2025-010**

**It was MOVED and SECONDED,**

that South Pender Island Local Trust Committee approve issuance of Temporary Use Permit PL-TUP-2025-0142 as amended.

**CARRIED**

Trustee Evans returned to the meeting at 12:07 p.m.

The meeting was recessed for a break at 12:08 p.m. and reconvened at 12:20 p.m.

**15. LOCAL TRUST COMMITTEE PROJECTS**

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

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

- The draft bylaw included in the staff report incorporates all amendments provided by the Local Trust Committee to date, and provides opportunity for further amendments
- During a Special Meeting held in March, 2025 the Local Trust Committee noted areas that might require further information including agricultural tourism and maximum floor area regulations
- Draft Bylaw No. 129 removes the conditions for use for agritourism and agritourist accommodation currently in Bylaw No. 122
- The Agricultural Land Commission defines agritourism as a farm use and provides specific activities that can be considered agritourism and agritourist accommodation must be accessory to agritourism use
- If conditions of use are included in the Land Use Bylaw there may be need to amend them to match those of the Agricultural Land Commission in the future
- Currently the Agricultural Land Commission states agritourist accommodation can be provided on a seasonal and short-term basis but does not define those terms, and also regulates sleeping units to a maximum of 10 but does not regulate the number of guests

Discussion ensued about agritourism and agritourist accommodation and the following comments and clarifications were noted:

- Bylaw No. 114 regulations state agritourism and agritourist accommodation are only permitted on a lot located within the Agricultural Land Reserve and that should be maintained
- There might be circumstances that someone with property outside of the Agricultural Land Reserve wants to start an agritourism business
- The only zone that currently allows agritourism are properties within the agriculture zone
- Currently the Agricultural Land Commission states that the total developed area for structures, landscapes, and access for the agritourist accommodation is to be less than 5% of the parcel size which could result in a large accommodation structure
- There is support to retain bylaw language that states:
  - An agritourist accommodation structure be restricted to a maximum floor area of 969 square feet
  - Agritourist accommodation is not used for more than 180 days per year
  - An agritourist accommodation building may include meeting rooms and dining facilities contained within the unit, but may not contain a restaurant or retail area
  - Limit the number of guests to a maximum of 10 with 5 bedrooms
- At the next scheduled meeting Island Planner Stockdill will provide a map and table showing agricultural zone properties and Agricultural Land Reserve boundaries for reference

**SP-2025-011**

**It was MOVED and SECONDED,**

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**

A Trustee referenced Section 3.11.1(a) in the current Land Use Bylaw and noted the need to retain information on motor vehicle and license plates, and requested that the reference to current license year decal be removed, as the decal is no longer required or supplied. Island Planner Stockdill will consult with bylaw enforcement and report back with wording regarding this section.

Discussion ensued regarding maximum floor area allowances and the following comments were recorded:

- The current wording in the draft bylaw states that the total floor area of all buildings may not exceed the area in Column A, and the floor area of the dwelling may not exceed the area in Column B, despite 5.1.5(b) for a lot that contained a legal dwelling constructed prior to September 15, 2022 that exceeded the floor area in Column C
  - This language resulted in confusion and concern about a dwelling becoming non-conforming

- The proposed replacement language would state the maximum floor area of all buildings may not exceed the area in Column A or Column B for a lot that has no dwelling with a floor area less than Column B and the maximum area of a new replacement, or altered dwelling, may not exceed the floor area in Column B
- The wording removes the despite clause and provides two scenarios including dwellings built prior to, or after, September 15, 2022
- Removing the despite clause makes it clearer under what circumstances a dwelling could be rebuilt and to what specific size
- There remains the issue that if despite clauses are removed then many houses will be legal nonconforming and in order to address this, and the concerns raised by the community, additional clarifying language is required and re-structuring the table to provide contained options would be helpful

**SP-2025-012**

**It was MOVED and SECONDED,**

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**

**It was MOVED and SECONDED,**

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**

It was clarified that first reading allows the bylaw be sent for referral but still allows amendments to be made prior to second reading.

**SP-2025-014**

**It was MOVED and SECONDED,**

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**

**It was MOVED and SECONDED,**

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**

The Trustees indicated preference that the September 5, 2025 business meeting be held at the Anglican Church Hall to ensure adequate space for the Community Information Meeting and Public Hearing.

**SP-2025-016**

**It was MOVED and SECONDED,**

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**

**16. REPORTS**

**16.1 Work Program Reports**

**16.1.1 Active Projects Report Dated April 2025**

Received for information.

**16.1.2 Future Projects Report Dated April 2025**

Received for information.

**16.2 Applications Report Dated April 2025**

Received for information.

**16.3 Trustee and Local Expense Report Dated Feb 2025**

Received for information.

**16.4 Adopted Policies and Standing Resolutions**

Received for information.