

South Pender Island Local Trust Committee

Minutes of Special Meeting

Date: July 4, 2025
Location: Electronic Meeting

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

Staff Present: Kim Stockdill, Island Planner
Katherine Vogt, Recorder
Robert Barlow, Meeting Administrator

Others Present: There were three (3) members of the public present

1. CALL TO ORDER

Chair Elliott called the meeting to order at 10:37 a.m.

2. TERRITORIAL ACKNOWLEDGEMENT

Chair Elliott acknowledged that the meeting was being held on the territory of the Coast Salish First Nations. She stated that Trustee Falck was delayed due to connectivity issues at the Firehall. She apologised that, by error of omission, it had been left off the agenda that this special electronic meeting was also a Community Information Meeting.

Chair Elliott acknowledged that Trustees had made the effort to have a physical location available for members of the public at the Firehall due to connectivity issues around South Pender; but advised that hybrid meetings are not typically conducted in the Trust area

3. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Add Item 4.2 Public Comment

By general consent the agenda was approved as amended.

The meeting was recessed at 10:41 a.m. and reconvened at 10:53 a.m.

Trustee Falck joined the meeting at 10:53 a.m.

4. BUSINESS ITEMS

4.1 Minor Land Use Bylaw Amendments Project Updates – Staff Report

Island Planner Stockdill reviewed the staff report on Draft Bylaw No. 129 South Pender Minor Land Use Bylaw Amendments Project, noting the following:

- In response to Trustee query, Geographic Information System (GIS) staff have determined that all Agriculture-zoned properties are located within the Agriculture Land Reserve (ALR)
- License plate decals are no longer required on derelict vehicles, and Bylaw Enforcement Manager Warren Dingman has expressed no concerns with removing section (a) in its entirety from Section 3.11 Derelict Vehicles (1)
- The upcoming Community Information Meeting and Public Hearing on Draft Bylaw No.129 is scheduled for September 5, 2025, at the North Pender Anglican Hall
- The two First Nations referral responses that have been received defer to other Nations that are directly affected

Trustees asked or noted the following:

- Regarding Section 3.11 Derelict Vehicles (1)(a) “Valid motor vehicle number plates,” should be retained for clarity that plates show licensing
 - A Trustee noted that an uninsured vehicle can retain its plates until the next time it is insured, and you can sell a vehicle and keep the plates, so plates do not prove anything
 - A Trustee noted that a member of the public had commented that allowing the storage of only one unlicensed motor vehicle is restrictive for people who switch insurance between vehicles
 - More public feedback on this issue would be welcome
- How many First Nations have received referrals for Draft Bylaw No. 129?
 - The Planner responded that staff had sent fourteen First Nations referrals
 - Staff receive up-to-date consultation lists from the province
 - Public Hearing notices are also sent out to First Nations
 - The Planner added that Trust Area Services is actively working on improving referral relations with First Nations through protocol agreements
 - The Chair noted that the referral response process is problematic for First Nations because they get all the referrals for all the Bylaws regardless of their governing authority
 - There has been a request from First Nations Elders to receive information informally from Islands Trust community members, outside of the formal Leadership Council process, which the Islands Trust Executive Committee has deemed not to be a problem
- Which First Nation(s) has governing authority on South Pender Island?
 - The Chair responded that governing authority is still being negotiated between the Province, the Federal Government, and First Nations due to families and territories overlapping

- Local governments do not have the nation to government relationship that the province has; but the province has delegated to local governments the responsibility to engage First Nations in the referral process
- Have legally non-conforming issues been adequately resolved by the table of maximum lot coverage of all buildings/maximum floor area of a dwelling?
 - A Trustee responded that, based on public feedback, it seemed that most people could live with where the table landed, though some people think it could be improved
 - The Planner responded that the table provides improved clarity

The wording for a draft motion was considered by Trustees and deferred for staff consideration and inclusion in the next staff report for the upcoming September 5, 2025 LTC meeting. The discussed wording was that South Pender Island Local Trust Committee amend proposed Bylaw No. 129 by amending Section 2.12 by deleting the wording and replacing it with: “Section 3.11-Derelict Vehicles, by deleting Article 3.11 (1) (a), and replacing it with: ‘(a) Current and valid motor vehicle number plates, or”.

4.2 Public Comment

Members of the public had the following questions or comments:

- A speaker stated that the Official Community Plan (OCP) goals are to maintain rural character and protect the natural environment and the existing Bylaw did not create any legal nonconforming issues, so the speakers asked if Trustees can provide clear rationale at this meeting for their support of larger house sizes and reduced setbacks, so this rationale can be included in the minutes?
 - Trustee Evans responded that the current Island Trust Policy statement supports allowing for diverse families and various lifestyles
 - Side setbacks being doubled on narrow lots was restrictive for wheelchair accessible homes that need be on a single level, for example, while having to apply for a variance may create a hardship and topography may be problematic
 - House size restrictions were a controversial issue from the previous term that the public wanted resolved
 - Chair Elliott responded that policies need to have sufficient breadth to accommodate changing circumstances
 - Chair Elliott acknowledged that lot layouts have been done imperfectly, without the latest scientific or indigenous knowledge and understanding
 - Smaller house sizes may not support diverse needs or intergenerational living
 - How people choose to live on a property will have more impact on the natural environment than their house size
 - Trustee Falck responded that he evaluates issues by attempting to determine to what extent they protect or harm the environment and if their impact is serious or negligible

- He regards positive rural character as including variety in buildings and design, room for all types of people and tolerance and appreciation of differences, that no one size fits all, that aging in place and multigenerational or friend co-use of dwellings, such as indigenous use of longhouses for example, is worthwhile; and that people behave decently, fairly, and consistently with community mindedness that builds goodwill to locals and visitors so that visitors learn more about how to better treat the environment
- He expressed that Trustees need to make compromises that people can live with and avoid crossing a line into situations that people cannot live with
- Trustees need to address all the needs, concerns, and arguments within the local community in a balanced way to come up with a compromise
- Trustees need to put their personal preferences aside to understand other's preferences
- The argument that larger house sizes have an environmental impact that is more than negligible has not been convincing
- The layout and use of the house and the use of the land around the house has a greater environmental impact; and it is not apparent that privacy issues around setbacks is a rural character concern
- It is well resolved now that no situation will be legal non-conforming under the new Bylaw
- The Chair requested of the minute taker that a summary of all LTC responses to the member of the public's question be included in the minutes
- Trustee Evans added that many community members rationalized that there was no legal non-conforming issue with the original Bylaw while other members felt that there was an issue, which is why Trustees attempted to address concerns with a reasonable solution
- Regarding setbacks, a member of the community had resonantly stated that it is easier to grow privacy than to move an existing house
- Chair Elliott added that the draft Bylaw should not be considered Trustee driven; rather, it was a balanced and reasonable Trustee review of a challenging previous Bylaw and process that had left many community members feeling unheard
- A member of the public supported the use of adding text to the videos of LTC meetings to enhance clarity
- A speaker commented that it would be helpful if those sections of the Islands Trust Policy Statement referenced by Trustee Evans in her comments could be included in the minutes

The Chair considered next steps and offered to follow up on providing draft Bylaw reports by email to First Nations Elders.

5. ADJOURNMENT

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

Tobi Elliott, Chair

Certified Correct:

Katherine Vogt, Recorder