

South Pender Island Local Trust Committee Record of a Public Hearing Proposed Bylaw 129

Date: September 5, 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
Carly Bilney, Recorder (electronic)

Others Present: There were twenty-seven (27) members of the public present.

17.1 Minor LUB Amendment Project – Proposed Bylaw No. 129

Chair Elliott called the Public Hearing to order at 2:03 p.m. She read a statement outlining the content, purpose, and process of the Public Hearing.

Island Planner Stockdill read a statement related to the purpose of proposed Bylaw No. 129 and developments to date.

Members of the community were invited to speak and the following comments were made:

Rob Botterell stated *opposition* as follows:

- Expressed a need for more meaningful consultation with Tsawout First Nation
- Urged to defer the bylaw to allow additional time for consultation with Tsawout First Nation and Hereditary Chief Pelkey

Daphne Lewis stated *opposition* as follows:

- The bylaw reflects irresponsible stewardship of South Pender Island
- Need to focus on sustainable growth and development
- The proposed bylaw could encourage the building of larger buildings
- Large houses in a rural setting erodes the rural feel and negatively impacts the natural environment
- The proposed bylaw does not support the rural nature of South Pender Island
- Bylaw 114 should be upheld

Donna Spalding stated *support* as follows:

- South Pender has become a diverse community that has changed with time and will continue to evolve

- Large properties are no longer the norm yet we have managed to maintain our rural character
- If we are to grow responsibly, we need to be welcoming to new people and we must continue to evolve

Paul Petrie stated *opposition* as follows:

- Growth and development are increasing at an accelerated pace
- South Pender Island is one of the fastest growing communities in the Trust Area
- The Trust Policy requires addressing the local growth rate, protecting the environment, and maintaining rural character
- Bylaw 122 accomplished the goals of the Official Community Plan and provided for generous growth potential
- The proposed bylaw will further accelerate an already accelerating pace of growth on the island that is inconsistent with the directives of the Trust and in the Official Community Plan

John Kuharchuk stated *opposition* as follows:

- Need to reconsider our position to be more forward looking rather than backward looking
- It would be easy to include a provision in the bylaw that says no clear cuts or tree cutting without a building permit

Kathleen Durant provided a written submission.

Monica Petrie stated *opposition* as follows:

- Need to heed Hereditary Chief Eric Pelkey's request for more fulsome consultation
- Indigenous rights are not subject to public opinion
- Need to support and enhance our island's ecosystem for coming generations

Charlotte Edwards stated *support* as follows:

- Proposed change in house size supports different lifestyles and larger families

Rick Friesen stated *support* as follows:

- The proposed bylaw preserves the direction of Bylaw 122 and rolls back problematic amendments
- He provided written submissions from off-island visitors who may be frequent visitors to the island, owners of property on South Pender who intend to build, or part-time residents

Debbie Friesen submitted three more written submissions from off-islanders.

Gordie Duncan stated *support* as follows:

- The proposed bylaw will accomplish a set of regulations that are fair and fully compliant with the Official Community Plan
- Many of our zones will continue to have some of the most restrictive maximum building sizes among all jurisdictions

Robert Dill stated *opposition* as follows:

- The proposed bylaw is in opposition to Islands Trust policy directives
- The existing bylaw should be given time to see its impact on the community
- We should be able to easily live within the footprint that the existing bylaw gives us options for

Faye Mogensen stated *opposition* as follows:

- Concern about increasing the house size because of a potential domino effect that will lead to larger house sizes

Paul Petrie stated *opposition* as follows:

- The proposed bylaw does not comply with the current Official Community Plan
- Does not comply with the Trust Policy directive that requires local trust committees to protect sensitive coastal areas
- Does not comply with the need of First Nations to protect their inherent rights especially in sensitive coastal areas
- Hereditary Chief Pelkey does not support the proposed bylaw because of potential infringement on Treaty Rights
- Further meaningful consultation is needed to ensure First Nations rights are protected
- WSÁNEĆ Elder's Council expressed concern about protecting coastal areas, and believe their coastal zone and interest is not restricted to 50 feet

Gordie Duncan stated *support* as follows:

- Trustees have done due diligence and fulfilled election campaign commitments
- The survey undertaken in October 2022 was defeated

Donna Spalding stated *support* as follows:

- Houses that do not conform to the bylaw as it stands have to be disclosed if there is a sale
- 10-foot setbacks have been in place forever

Alma Lightbody stated *support* as follows:

- Much more support and work from Trustees than I ever expected
- Expressed a desire to move ahead

John Kuharchuk stated *opposition* as follows:

- The issue is much broader than house size
- Bylaw provisions could mandate certain high efficiency fixtures in the building code and a percentage of potable water to be rainwater captured

Paul Petrie stated *opposition* as follows:

- Referenced a letter from ten former Trustees who outline concerns about Bylaw No. 129

Christian Engelstoft stated *caution* as follows:

- For the endangered sharp-tailed snake, house size really matters, and South Pender is a Key Diversity Area for the species
- Need for careful thinking about house size and development

Between 3:02 - 3:09 p.m. Trustees reviewed written submissions that had been received.

Trustee Evans read an email from **Kaity St. Cyr** who stated *support* for the proposed bylaw.

Chair Elliott asked a second time for speakers, and the following comments were made:

Donna Spalding stated *support* as follows:

- Trustees have listened, showed respect, faced adversity and are now presenting us with an opportunity for compromise
- Many referrals have been made and many letters have been received, and it is now time to move on

Chair Elliott called a third time for speakers and no comments were made. There being no further submissions, Chair Elliott closed the Public Hearing at 3:15 p.m.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

Carly Bilney, RECORDER

DATE