



# Adopted

## South Pender Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** March 5, 2021  
**Location:** Electronic Meeting

**Members Present:** Laura Patrick, Chair  
Steve Wright, Local Trustee  
Cameron Thorn, Local Trustee

**Staff Present:** Kim Stockdill, Island Planner  
Robert Kojima, Regional Planning Manager (Part)  
Narissa Chadwick, Island Planner (Part)  
Bylaw Enforcement Officer Warren Dingman (Part)  
Kathy Gilbert, Recorder  
Maple Hung, Planning Assistant (Host)

**Public:** There were approximately 26 attendees in the Zoom Webinar.

#### 1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:30 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

#### 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Vary the order of Business to consider Item 15.2 Alternative Housing Project – Staff Report prior to Item 15.1 Short Term Vacation Rental Project – Staff Report; and
- Add a new Item 18.2 Proposed Changes to Annual Meeting Schedule.

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

#### 3. TRUSTEE REPORTS

Trustee Thorn said that he is looking forward to Spring.

Trustee Wright reminded residents to stay safe and not travel.

#### 4. CHAIR'S REPORT

Chair Patrick reminded those present of the upcoming Trust Council meeting (March 9-11.)

## 5. TOWN HALL AND QUESTIONS

Chair Patrick advised that the purpose of the Town Hall is to provide an opportunity to speak about general issues. She noted that the Community Information Meetings are an opportunity for the public to ask about proposed changes to the Official Community Plan, while the Public Hearings provide the opportunity to state opinions on the draft bylaws. She outlined speaking guidelines and identified how to let the Chair and Trustees know that they would like to speak.

Q.: Donna Spalding asked how many people are participating in the meeting.

A.: Chair Patrick advised that there are approximately 26 in attendance via Zoom; and an unknown number viewing the live-stream.

Q.: Donna Spalding commented that recent correspondence from the public regarding the applications had not been posted the Islands Trust website.

A.: Planning Assistant (PA) Maple Hung and Regional Planner Manager (RPM) Robert Kojima advised that the correspondence is now available.

## 6. COMMUNITY INFORMATION MEETING - Proposed Bylaws 119 and 120

### 6.1 South Pender Island Local Trust Committee Proposed Bylaw No. 119 (OCP Amendment) and Proposed Bylaw No. 120 (LUB Amendment) - Short Term Vacation Rental Review

Island Planner (IP) Kim Stockdill provided an overview of the purposes of the proposed bylaws. She noted that Short Term Vacation Rentals (STVRs) will be removed from the definitions section of the Land Use Bylaw (LUB), and the OCP guidelines around issuance of a temporary use permit (TUP) to allow for operation of an STVR will be augmented.

She outlined the notification procedures and the period of time that the use may be undertaken. She also noted that, under the Local Government Act (LGA,) existing STVRs are legal non-conforming uses, and described the meaning of the term “non-conforming.” Further, the Islands Trust is not empowered to issue business licences.

Chair Patrick opened the floor for questions:

Q: Mariette West asked for clarification on the LGA provisions around non-conforming uses. She also asked how monitoring of the 6-month maximum period of non-use, which, if exceeded, would result in the loss of the STVR’s non-conforming status. She also queried whether TUPs are necessary, given the cost and bureaucracy involved.

A: Trustee Wright advised that active monitoring of the use of a building as an STVR will not take place; and that the issuance of TUPs will give an idea of how many STVRs there are on South Pender.

A: Trustee Thorn noted that the community had asked for a better level of oversight of STVRs.

Q: Jane Perch asked whether the Community Information Meetings (CIMs) are available on the IT website.

A: Chair Patrick confirmed that the minutes of all meetings are on the website.

Q: Gordie Duncan asked for clarification on the length of time that a TUP is valid for. He also asked what the cost of renewal will be.

A: IP Stockdill advised that a TUP is valid for a maximum of three (3) years, with an option to renew the permit for up to another three year period. The cost to renew the TUP will be \$165, noting that the initial application cost will be \$1100.

Q: Donna Spalding asked about costs additional to the application cost for the TUP, such as water and sewer studies.

A: Trustee Thorn stated that all potential operators of STVRs should ascertain what all of the costs will be before applying for a TUP.

Q: Donna Spalding asked why TUPs should be necessary for the establishment of an STVR.

A: Trustee Thorn provided a rationale for his support of STVRs.

Q: Peter Brooke asked for clarification of monitoring the six-month continuous use provision in the LGA in order for the use to maintain non-conforming status.

A: RPM Kojima advised that the onus is on the property owner to prove that the use has continued for six months in order to maintain non-conforming status.

Q: Gordie Duncan asked why four (4) off-street parking spaces are required and why a maximum of four (4) adults is in place (with provision, with a rationale, up to six(6) adults.)

A: RPM Kojima reiterated that the proposed provisions are guidelines only and that the applicant should read through them before applying for a TUP.

Q: Peter Brooke recommended that the proposed wording of the amending bylaws be reviewed.

Anne Wallis asked how many people participated in the survey regarding allowing STVRs.

A: Trustee Thorn advised that 102 people participated, 70% of whom were residents of South Pender.

Q: Anne Wallis noted that there estimated to be approximately thirty (30) STVRs presently on South Pender; the proposed OCP amendments will allow for twenty (20); and asked for clarification.

A: Trustee Wright was noted that the proposed amendments would allow for a further 20 STVRs and provided a rationale for that number.

Q: Ms. Perch asked whether substantial changes would cause another public hearing to be held.

A: Trustee Wright noted that regulations provide no flexibility with respect to use, whereas TUPs may provide that flexibility through conditions.

Q: Donna Spalding expressed concern over the costs of advertising.

A: Chair Patrick noted that the Islands Trust put forward a resolution to the Union of BC Municipalities this year, requesting that we have more access to different forms of advertising than what's prescribed by the Local Government Act.

Q: Mariette West expressed concern that there are three (3) people, (the Trustees and Chair,) making decisions related to issuing a TUP and stated that the guidelines were arbitrary.

A: Trustee Thorn and RPM Kojima advised of local government powers with respect to making decisions and spoke about use of TUPs by other Local Trust Committees.

Hearing no further questions, the Chair closed the CIM.

## **7. PUBLIC HEARING - Proposed Bylaws 119 and 120**

### **7.1 South Pender Island Local Trust Committee Proposed Bylaw No. 119 (OCP Amendment) and Proposed Bylaw No. 120 (LUB Amendment) - Short Term Vacation Rental Review**

Public Hearing Binder under separate cover.

The meeting reconvened at 12:08 p.m.

## **8. COMMUNITY INFORMATION MEETING - Proposed Bylaw 121**

### **8.1 South Pender Island Local Trust Committee Proposed Bylaw No. 121 (LUB Amendment) - Alternative Housing Project**

IT Planner Narissa Chadwick presented proposed changes to the LUB. Key changes are:

- Limiting the use / occupancy of recreational vehicles (RVs) to two (2) years while a building permit is in effect; and
- Limiting the maximum number of days per year that an RV may be used as a dwelling to sixty (60) days.

Q: Gordie Duncan asked for the rationale regarding the number of days that an RV may be occupied as a dwelling.

A: Trustee Thorn noted that trustees were looking for a balance between camping and permanent occupancy of an RV.

A: Trustee Wright stated that the 60-day maximum occupancy was placed in the draft amending LUB bylaw for comment. He further noted that the 60-day maximum occupancy provision is cumulative, rather than consecutive.

Q: Jane Perch asked how the 60-day maximum occupancy limit would be enforced and that the limit was punitive. She further noted that water and sewer services will be required; and that people are living in RVs on a permanent basis.

A: Trustee Wright provided a rationale for the provisions identified by Jane Perch: that there are people living in RVs permanently and the requirements for water and sewer services might help limit the number of people living in RVs without such services; and

that limiting the maximum occupancy days to 60 might help to manage lack of servicing and permanent occupancy issues.

Q: Jane Perch stated that the conditions around temporary occupancy are unclear.

A: Trustee Thorn referred Ms. Perch to the LUB for clarification.

**9. PUBLIC HEARING - Proposed Bylaw 121**

**9.1 South Pender Island Local Trust Committee Proposed Bylaw No. 121 (LUB Amendment) - Alternative Housing Project**

Public Hearing Binder under separate cover.

The meeting reconvened at 1:20 p.m.

**10. MINUTES**

**10.1 Adopted Local Trust Committee Minutes Dated January 29, 2021 (for Adoption)**

The following amendments to the minutes were presented for consideration:

The last sentence in the Chair's report be amended to delete the word "affordable", so that the last sentence now reads:

"Chair Patrick also provided an overview of the work being completed on Salt Spring Island related to water protection and housing."

**By general consent** the minutes were adopted as amended.

**10.2 Section 26 Resolutions-without-meeting - None**

**10.3 Advisory Planning Commission Minutes - None**

**11. BUSINESS ARISING FROM THE MINUTES**

**11.1 Follow-up Action List Dated February 2021**

**12. DELEGATIONS - None**

**13. CORRESPONDENCE**

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

**14. APPLICATIONS AND REFERRALS - None**

**15. LOCAL TRUST COMMITTEE PROJECTS**

**15.1 Short Term Vacation Rental Project - Staff Report**

Chair Patrick reconvened the Regular Meeting at 1:42 pm.

Planner Stockdill summarized the STVR project and options for the LTC's consideration.

Trustee Wright prefaced his specific comments on the bylaws noting that:

- This had been a long process;
- Proposed guidelines around the issuing of TUPs are items to be considered;

- Proposed changes are subject to public scrutiny;
- While the use of TUPs is not the preferred approach to regulating short term vacation rentals (STVRs,) it's the only tool available at the present time.

Trustee Wright stated that Chair Patrick is trying to start a regional discussion on STVRs.

Chair Patrick advised that the Capital Regional District (CRD) has the ability to issue business licenses, to which Trustee Wright added that there is no appetite from CRD Area Director Dave Howe for a change in legislation to allow for the Islands Trust to issue business licenses.

Trustees discussed proposed amendments to Bylaws 119 and 120:

**SP-2021-018**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended for Item No. 4 as follows:

That in Section 3.1.2(e)(ii) delete bullet one to replace with the following: "The Local Trust Committee may consider issuance of a Temporary Use Permit for short term vacation rental use on lots where a single family dwelling or a cottage is permitted by the land use bylaw on lands designated Rural Residential." and in bullet number two by deleting the word "regulations" and replacing it with the words "policies and guidelines."

**CARRIED**

**SP-2021-019**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended by deleting Item No. 2.

**CARRIED**

**SP-2021-020**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended by amending Item No. 5 so it reads:

'Clause 3.5.2(d)(iv) is amended by deleting "including short-term rental of a single family dwelling and" and by adding a new Article to Section 3.5.2 Agriculture Policies that reads: "The Local Trust Committee may consider issuance of a Temporary Use Permit for short term vacation rental use on lots where a single family dwelling or a cottage is permitted by the land use bylaw on lands designated Agriculture."

**CARRIED**

**SP-2021-021**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended by amending Item No. 6 so it reads:

'Clause 3.6.2(b)(iii) is amended by deleting "short-term rental of a single family dwelling;" and by adding a new Article to Section 3.6.2 Forest Land Policies that reads: "The Local Trust Committee may consider issuance of a Temporary Use Permit for short term vacation rental use on lots that do not have Private Managed Land Forest status and where a single family dwelling or a cottage is permitted by the land use bylaw on lands designated Forest."

**CARRIED**

**SP-2021-022**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended by adding the words "other than the owner or permanent occupier" at the end of the sentence for guideline 8.2.6a.

**CARRIED**

**SP-2021-023**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended by adding a new guideline that states: "A temporary use permit for short term rental accommodation may not be issued in areas of known groundwater shortage based on available mapping unless the applicant can provide evidence for that use."

**CARRIED**

**SP-2021-024**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" amend Item No. 7, Clause 8.2.6(e) by deleting the number "20" and replacing it with "10".

**CARRIED**

**SP-2021-025**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended to:

- Delete Clauses 8.2.6(j) and 8.2.6(k)iv; and
- Amend Clause 8.2.6(i) by adding at the end of the sentence: "and to provide the name and contact information to guests and adjacent owners."

**CARRIED**

**SP-2021-26**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended to:

Replace Clause 8.2.6(l) iii with: "establish the dates during which the use may occur, with particular consideration given to the period from May to September in a calendar year."

**CARRIED**

**SP-2021-027**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020" be amended to delete Clauses 8.2.6(k)i and 8.2.6(l)viii.

**CARRIED**

Trustee Thorn commented that some of the written submissions regarding bylaws 119 and 120 contained different information from the information provided by staff and Trustees. He responded to a number of both written and verbal points raised by residents and owners regarding their submissions and the Trustees' decisions.

Chair Patrick reiterated her desire for a regional approach to STVRs.



**SP-2021-28**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020," be read a second time as amended.

**CARRIED**

**SP-2021-29**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 120, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020," be read a second time.

**CARRIED**

**SP-2021-030**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 119, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020," be read a third time.

**CARRIED**

Trustee Wright thanked the public, staff and fellow Trustee Thorn for their work on this project.

**SP-2021-031**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 120, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020" be read a third time.

**CARRIED**

**SP-2021-032**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw Nos. 119 and 120 be sent to the Secretary of the Islands Trust for Executive Approval.

**SP-2021-033**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 119 be forwarded to the Minister of Municipal Affairs for approval.

**CARRIED**

## 15.2 Alternative Housing Project - Staff Report

IT Planner Chadwick reviewed the purpose of the proposed bylaw and the post public hearing process. (See public hearing and staff report.)

Trustee Wright noted that he had no objection to extending the sixty day (60) limit on camping use and provided some rationale for it was set for 60 days. .

Trustee Thorn identified that he was open to extending the period of 60 days however not beyond what could be considered a camping use.

Warren Dingman, the IT Bylaw officer, was asked to comment on enforcement for RVs with septic hookups and the advantage of limiting the length of stay. Warren indicated that there will only be enforcement if there is a complaint. By limiting the amount of time you can camp you are not allowing extended living in an RV without the intention of building a home.

Trustee Wright identified he would not want to extend the time period for camping beyond 90 days.

Trustee Thorn proposed an extension on the camping use period to 90days.

### **SP-2021-036**

#### **It was Moved and Seconded,**

that the South Pender Island Local Trust Committee Bylaw No.121, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2021" be amended by changing the maximum time that an RV may be used for camping from 60 days to 90 days .

**CARRIED**

The amending subsection of bylaw 121 will be changed to read:

Subsection 3.10 (1) is amended by adding a new Article after 3.10 (e) that reads "(f) where a recreational vehicle is used for temporary camping, occupancy of a recreational vehicle not exceed 90 days in a calendar year."

### **SP-2021-037**

#### **It was Moved and Seconded,**

that the South Pender Island Local Trust Committee Bylaw No.121, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2021", be read a second time as amended.

**CARRIED**

**SP-2021-038**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee Bylaw No.121, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2021", as amended be read a third time.

**CARRIED**

**SP-2021-039**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee Bylaw No.121, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No.1, 2021" as amended, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

**15.3 Work Program – Staff Report**

Due to time constraints, the remaining items 16 to 19 on the agenda were deferred for future consideration.

Trustees also suggested holding a special meeting in April to discuss item 15.3 on the Agenda.

Discussion turned to the Top Priorities List and reports written by the Trustees and the process and timing for referral of the work program items, including potential changes to the OCP, to the APC.

**16. REPORTS**

**16.1 Work Program Reports**

16.1.1 Top Priorities Report Dated February 2021

16.1.2 Projects List Report Dated February 2021

**16.2 Applications Report Dated February 2021**

**16.3 Trustee and Local Expense Report Dated December 2020**

**16.4 Adopted Policies and Standing Resolutions**

**16.5 Local Trust Committee Webpage**

**16.6 Islands Trust Conservancy Report Dated January 2021**

**17. NEW BUSINESS**

**17.1 Rights of Nature - Discussion**

**17.2 Southern Gulf Islands Schedule Enhancement**

**18. UPCOMING MEETINGS**

18.1 Next Regular Meeting Scheduled for May 7, 2020 - Location: TBD

19. TOWN HALL

20. CLOSED MEETING – None

21. ADJOURNMENT

**SP-2021-039**

**It was Moved and Seconded,  
that the meeting be adjourned.**

**CARRIED**

The meeting was adjourned at 4:08 p.m.

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Laura Patrick, Chair

Certified Correct:

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Kathy Gilbert, Recorder