



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: December 6, 2024
Time: 10:30 am
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

		Pages
1.	CALL TO ORDER	10:30 AM - 10:50 AM
2.	TERRITORIAL ACKNOWLEDGEMENT	
3.	APPROVAL OF AGENDA	
4.	TRUSTEE REPORT	
5.	CHAIR'S REPORT	
6.	ELECTORAL AREA DIRECTOR'S REPORT	
7.	TOWN HALL AND QUESTIONS	10:50 AM - 11:10 AM
8.	COMMUNITY INFORMATION MEETING - None	
9.	PUBLIC HEARING - None	
10.	MINUTES	11:10 AM - 11:20 AM
10.1	Adopted Local Trust Committee Minutes Dated September 13, 2024 (for Information)	3 - 10
10.2	Section 26 Resolutions-without-meeting Dated Nov 2024	11 - 11
10.3	Advisory Planning Commission Minutes Dated October 4, October 21, and November 12, 2024 (for Receipt)	12 - 27
11.	BUSINESS ARISING FROM THE MINUTES	
11.1	Follow-up Action List Dated Nov 2024	28 - 28
12.	DELEGATIONS	

13.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted on the LTC webpage</i>	
	13.1 Paul Petrie re Advisory Planning Commission Minority Report	29 - 32
14.	APPLICATIONS AND REFERRALS	
15.	LOCAL TRUST COMMITTEE PROJECTS	11:20 AM - 12:20 PM
	15.1 Land Use Bylaw Amendment Project - Staff Report (attached)	33 - 55
16.	REPORTS	12:20 PM - 12:30 PM
	16.1 Work Program Reports (attached)	
	16.1.1 <u>Active Projects Report Dated Nov 2024</u>	56 - 56
	16.1.2 <u>Future Projects Report Dated Nov 2024</u>	57 - 58
	16.2 Applications Report - Verbal Update	
	16.3 Trustee and Local Expense Report Dated Oct 2024 (attached)	59 - 59
	16.4 Adopted Policies and Standing Resolutions (attached)	60 - 63
	16.5 Local Trust Committee Webpage	
	16.6 Reconciliation and First Nation Relationship Building	64 - 64
	16.7 Islands Trust Conservancy Report Dated Nov 2024	65 - 67
17.	NEW BUSINESS	12:30 PM - 12:45 PM
	17.1 Phase 4 Community Engagement Options - Policy Statement Amendment Project (PSAP) - Staff Report (attached)	68 - 72
18.	UPCOMING MEETINGS	12:45 PM - 1:00 PM
	18.1 Draft 2025-2026 LTC Meeting Schedule (attached) (for Adoption)	73 - 75
	THAT South Pender Island Local Trust Committee approve their January, 2025 to March, 2026 Meeting Schedule.	
19.	TOWN HALL	1:00 PM - 1:15 PM
20.	CLOSED MEETING - None	
21.	ADJOURNMENT	1:15 PM - 1:15 PM

South Pender Island Local Trust Committee Minutes of Regular Meeting

Date: September 13, 2024
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

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

Staff Present: Kim Stockdill, Island Planner
Sarah Shugar, Recorder (electronic)

Others Present: There were eleven (11) members of the public present

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Evans reported the following:

- Attended Trust Council in June 2024
- Attended Trust Council Committee of the Whole meetings regarding the draft Islands Trust Policy Statement
- Attended eight Chief Administrative Officer Hiring Committee meetings and it is expected that the committee will make a recommendation to Trust Council in the Fall
- Attended three Culturally Committed meetings
- Attended two Trust Programs Committee meetings and noted upcoming webinar topics including living with fire, saltwater intrusion and groundwater conservation, removing invasive species and native plant gardening
- Attended two Finance Committee meetings
- Attended a meeting regarding the dip with the Ministry of Transportation and Infrastructure, McElhanney, Member of Legislative Assembly Olsen's staff, and the Capital Regional District and noted she will follow up regarding the schedule for the bridge repair

4. CHAIR'S REPORT

Chair Elliott reported the following:

- Executive Committee has been preparing for the next Trust Council meetings and noted the following items on the agenda:
 - Reconsider the interpretation of Section 3 of the Islands Trust Act
 - The Islands Trust Policy Statement Amendment project
 - The Bylaw Compliance and Enforcement Review
- Chair Elliott will Chair a Committee of the Whole meeting at Trust Council regarding interpretation of objective 3 – the ecosystem protection system
- There has been a significant increase in bylaw enforcement activity on Mudge Island within the Gabriola Island Local Trust Area and staff have identified a need for bylaw enforcement regulations that are specific to each Local Trust Area
- Chair Elliott will attend the 2024 Union of BC Municipalities convention and participate in meetings with Ministry staff on housing, First Nations engagement, the request for legislative review and wildfire management
- Chair Elliott reported on advancing work through the Regional Planning Committee toward developing a framework for legalizing tiny homes on wheels, that could be adopted by Local Trust Areas, and which would be brought to Trust Council for decision

5. ELECTORAL AREA DIRECTOR'S REPORT - None

6. TOWN HALL AND QUESTIONS

A member of the public spoke to a 12,400 square foot house on a 26-acre lot that was approved by the North Pender Island Local Trust Committee. They stated there was a missed opportunity to require benefits such as Leadership in Energy and Environmental Design (LEED) green building practices, rainwater catchment and bird safe window glass. The member of the public stated there is an opportunity to set a maximum house size and determine what would be required if someone wants to build above the allowed maximum house size.

A member of the public stated it would be difficult to enforce LEED green building standards.

Trustee Evans advised there could be a review for the Development Variance Permit (DVP) process that would include requirements for variances and expressed support that it could be added the future projects list.

Island Planner Stockdill reported that the Local Trust Committee (LTC) cannot attach conditions to a DVP and advised that the North Pender Island LTC made an amendment to the Official Community Plan (OCP) that states “If the LTC considers DVP applications to vary maximum floor area of residential dwellings, the following should be incorporated into the building proposal where feasible”, which encourages the property owner to adopt the principles.

Chair Elliott added that the Housing Options Toolkit and Zoning Options to Address Housing Needs is available on the Islands Trust website.

A member of the public expressed support for requiring amenities from developers in exchange for variances. They expressed concern that a Development Variance Permit (DVP) was approved for a large house on South Pender Island to provide space for extended family and variances are subjective. The member of the public encouraged the LTC to have regulations that will protect

from over-development, prioritize protection of water supply and asked whether the water specialist presentation is being planned.

Trustee Evans reported the DVP was submitted during a time when house size limits were updated and there was no community opposition to the application. Trustee Evans reported the LTC is required to have a variance process and the LTC considers each variance on its own merits.

Chair Elliott reported that the September 24, 2024 Regional Planning Committee agenda package includes an update on the Freshwater Sustainability project and recommended the webinar regarding groundwater sustainability.

Island Planner Stockdill will ask Freshwater Specialist William Shulba to provide the definition of freshwater and the LTC could invite him to attend the Community Information Meeting.

A member of the public expressed concern that variances to increase square footage should not be approved for more people to live in a house because the house can be sold. They stated that variances should be used for adequate vegetative screening. The member of the public expressed concern regarding notifications to neighbours for DVP's, as it can be inflammatory.

Island Planner Stockdill reported regulations regarding notification of neighbours for DVP's is a legislative requirement in the Local Government Act.

Trustee Evans reported that South Pender LTC requires notifications to be send out to properties within 300 meters and other LTC's require notifications to properties within 100 meters.

A member of the public asked for more information regarding variances.

Trustee Evans reported housing projects in process were required to get variances at the time the bylaw changed. Trustee Evans advised effective bylaws do not result in variances and continually using variances means the bylaw does not reflect community needs.

Chair Elliott spoke to problems in the bylaw that are resulting in a significantly high number of bylaw enforcement activity on Mudge Island and that the bylaws need to be updated to reflect the community needs.

A member of the public asked if variance applications have been considered by the LTC since the new bylaws were adopted.

Chair Elliott reported two DVP's have been received by the LTC since the new bylaws were adopted.

A member of the public stated there is a difference between DVP's and the Board of Variance.

A member of the public spoke to the Advisory Planning Commission (APC) discussions regarding side lot setbacks and asked if there is benefit to increase side lot setbacks to improve the viability of trees, especially in areas such as valleys with significant wind.

Island Planner Stockdill reported the LTC could ask staff to provide an arborist report.

Trustee Falck reported the LTC does not have authority over tree cutting.

Chair Elliott read the following statements from the APC minutes “The Local Government Act permits a Local Trust Committee to include screening and landscaping for three reasons: masking or separating uses; preserving, protecting, restoring and enhancing the natural environment; and preventing hazardous conditions.” and “the APC agreed to request that Island Planner Stockdill provide more information to the Commission about interior lot screening options discussed today, taking into account related provisions in the Local Government Act, and to continue discussion with relevant information before making a recommendation to the Local Trust Committee.”

A member of the public commented that the South Pender LTC is the only LTC to require 20-foot setbacks and that landscape screening would be difficult to enforce. The member of the public stated vegetative screening does not make much impact to reducing noise.

A member of the public thanked the Trustees for their Trustee reports, specifically the issues that Trust Council is discussing and the impacts of the Culturally Committed sessions. The member of the public expressed support for discussions regarding the OCP goals and objectives.

A member of the public expressed disappointment that the APC has recommended reducing lot setbacks from 20-feet to 10-feet, as it does not support the rural lifestyle of the island.

A member of the public expressed support for 20-foot side lot setbacks.

7. COMMUNITY INFORMATION MEETING - None

8. PUBLIC HEARING - None

9. MINUTES

9.1 Adopted South Pender Island Local Trust Committee Minutes Dated May 10, 2024 (for Information)

Received for information.

9.2 Section 26 Resolutions-without-meeting Dated September 2024

Received for information.

9.3 South Pender Island Advisory Planning Commission Minutes Dated August 9, 2024 and August 23, 2024 (for Receipt)

Received for information.

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated Sept 2024

Island Planner Stockdill reported the covenant for 8970 Gowlland Point Road is expected to be received soon.

Received for information.

11. DELEGATIONS - None

12. CORRESPONDENCE - None

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

13. APPLICATIONS AND REFERRALS - None

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Minor Land Use Bylaw Amendment Project - Staff Report

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

- The Advisory Planning Commission (APC) made the following recommendations to the Local Trust Committee:
 - To retain the 50-meter setback to the natural boundary of the sea
 - To revert the interior and side lot setbacks to 10-feet
 - To retain the current setback of 6.0 meters for a dwelling or cottage from any interior or exterior side lot line
 - To amend subsection 5.1(10) by deleting “to submit a certification from an appropriately qualified person” and replacing it with “substantive evidence to establish.”
- The APC will meet in October to discuss maximum floor area and other minor technical amendments
- The APC will provide their final comments at the December 2024 meeting

Discussion ensued and the following comments were noted:

- A Trustee asked whether there a risk to the project taking longer than the current Trustee terms. Island Planner Stockdill advised there is time to complete the project within the current Trustee terms
- A Trustee asked whether the APC discussed separate zoning for areas with more density. APC members advised the APC discussed separate zoning for specific areas
- A Trustee suggested having meetings to discuss individual sections of the project such as setbacks to the sea and interior/side lot setbacks

The meeting recessed at 12:03 p.m. for a break and reconvened at 12:20 p.m.

- Chair Elliott requested staff to provide a map and examples of impacts to floor area to help with decision-making. Island Planner Stockdill will provide the materials requested
- A Trustee expressed concern that the Islands Trust tools are not effective in protecting the environment
- There was a question regarding vegetative screening. Island Planner Stockdill spoke to factors and limitations related to vegetative screening

SP-2024-011

It was Moved and Seconded,

that South Pender Island Local Trust Committee request that staff to revise the Minor LUB Amendments Project Charter timeline as shown in the staff report dated September 13, 2024.

CARRIED

15. REPORTS

15.1 Work Program Reports

15.1.1 Active Projects Report Dated Sept 2024

Island Planner Stockdill reported there is a North Pender Island Local Trust Committee online housing survey that is open to North and South Pender Island residents and Island Planner Stockdill will ask Planner Smith to send the survey link out to the subscriber mailing list.

Received for information.

15.1.2 Future Projects Report Dated Sept 2024

Received for information.

15.2 Applications Report - None

15.3 Trustee and Local Expense Report Dated July 2024

It was noted the expense report in the agenda package is the Galiano Island Local Trust Committee expense report.

15.4 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage

No updates at this time.

15.6 Reconciliation and First Nation Relationship Building

Paul Petrie reported the following:

- An event was held on August 8, 2024 to acknowledge and honour the ancient village of QENEN, IW which was located where Poet's Cove resort now sits
 - The WSÁNEĆ signage project includes a panel that describes and honours the original reef net site at SXIXTE where the culturally important reef net technology was developed
 - This was a very important event/initiative by the WSÁNEĆ Leadership Council and the WSÁNEĆ School Board in partnership with the Sothern Gulf Islands Community Resources Centre and the S,DÁYES Reconcili-Action team
 - The WSÁNEĆ shared a sacred blessing song, presented a traditional dance with the WSÁNEĆ dancers, and Elders shared stories and song to honour the event
 - Hereditary Chief Eric Pelkey (WICKINEM) led the event sharing the story of how the village of QENEN, IW was named and to honour the important recognition of their cultural heritage
 - The event concluded with a salmon feast at the reserve land
 - This event is an important step in strengthening our community to community relationship with our WSÁNEĆ friends and neighbours whose traditional Homeland we are privileged to share

- The TETÁĆES Revitalization Project was awarded the prestigious BC Lands Award, for the four videos that provided the perspective of WSÁNEĆ Elders on their historical and cultural connection with the Southern Gulf Islands, their “relatives of the deep”
- The Real Estate Foundation has recently approved a \$60,000 grant to provide additional cultural signage and the next installation will be at the community hall
- Kevin Brownlee will be speaking at St. Peter’s Anglican Hall on September 30, 2024 at 7:00 p.m.
 - Kevin Brownlee has Indigenous and European heritage and will be sharing his life experiences as an adoptee who is reclaiming his cultural heritage
 - Kevin is the curator of Indigenous Collections and Repatriation at the Royal BC Museum
- Acknowledged the Local Trust Committee for including Reconciliation and First Nation Relationship Building as a standing agenda item

15.7 Islands Trust Conservancy Report Dated May and July 2024

Received for information.

16. NEW BUSINESS

16.1 Dark Sky Principles Adoption Advocacy Briefing

SP-2024-012

It was Moved and Seconded,

that South Pender Island Local Trust Committee direct staff to notify Trustee Morrison of South Pender Island Local Trust Committee’s interest in pursuing further exploration of policy and advocacy options relating to Dark Sky Principles.

CARRIED

16.2 Short Term Vacation Rental (STVR) Enforcement Policy - Staff Report

Island Planner Stockdill summarized the staff report and highlighted the following: Bylaw enforcement staff have confirmed that adoption of the proposed motion would cease any proactive enforcement resulting from advertisement by only accepting written complaints and ensure that if a written complaint is received and an operation was validly operating as of April 30, 2024, enforcement would not proceed.

SP-2024-013

It was Moved and Seconded,

that South Pender Island Local Trust Committee directs Bylaw Enforcement staff to defer enforcement for those short-term vacation rentals validly operating as of April 30, 2024 and that enforcement on any short term vacation rentals be by written complaint only.

CARRIED

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for December 6, 2024 at the Fire Hall, Pender Island

18. TOWN HALL

A member of the public recommended banning upper facing lights to reduce light pollution. They stated that the change to short term vacation rental (STVR) bylaw enforcement policy is turning a blind eye unless a written complaint is received. They added that it is important for the community engagement to be complete prior to making any decisions regarding the Land Use Bylaw Amendment Project.

Trustees spoke to their decision-making process related to the Land Use Bylaw Amendment Project.

A member of the public asked for clarification regarding vegetative screening related to side lot setbacks and stated it is important to consider FireSmart principles. The member of the public asked for clarification regarding the April 30, 2024 date related to STVR's.

Trustee Evans reported Provincial legislation removed legal, non-conforming use for STVR's. Trustee Evans advised the Local Trust Committee's (LTC) resolution to "direct Bylaw Enforcement staff to defer enforcement for those short-term vacation rentals validly operating as of April 30, 2024 and that enforcement on any short term vacation rentals be by written complaint only" is a temporary solution as the LTC recognizes that STVR's support the Islands Trust mandate for the Islands Trust Area to be accessible to visitors.

Chair Elliott reported that legal, non-conforming use is not like a permit and does not hold up in court and one option could include that current operating STVR's could be recognized as a home based occupation.

A member of the public commented that bylaw enforcement against STVR's was intended to increase long-term housing.

Chair Elliott reported the Gabriola Island LTC opted in to the Provincial legislation and the sections that apply to the Islands Trust Area are the removal of legal, non-conforming use and the principal residency requirement.

19. CLOSED MEETING - None

20. ADJOURNMENT

By general consent the meeting was adjourned at 1:42 p.m.

Tobi Elliott, Chair

Certified Correct:

Sarah Shugar, Recorder



Resolutions Without Meetings Log

South Pender Island

Resolution Number	Action	Date
2024-005	Carried	29-Oct-2024
To adopt Sept 13, 2024 Minutes		
That the South Pender Island Local Trust Committee regular business meeting minutes of September 13, 2024 be adopted as presented.		

ADOPTED

South Pender Island Advisory Planning Commission MINUTES

Date: October 4, 2024
Location: In-person, South Pender Island Fire Hall

Members Present: Gordie Duncan, Chair
Rodney Kirkwood, Vice-Chair
Audrey Green, Member
Paul Petrie, Member
Donna Spalding, Member

Staff Present: Carly Bilney, APC Secretary

There were 8 members of the public present.

1. CALL TO ORDER

Chair Duncan called the meeting to order at 10:28 a.m.

2. APPROVAL OF AGENDA

Changes to the Agenda as follows:

- Add Item 4.3 – Secondary Suites

By general consent, the agenda was approved as amended.

3. ADVISORY PLANNING COMMISSION MEETING MINUTES DATED AUGUST 23, 2024 (FOR ADOPTION)

By general consent, the Advisory Planning Commission meeting minutes of August 23, 2024 were adopted.

4. DISCUSSION OF SOUTH PENDER MINOR LAND USE BYLAW AMENDMENTS PROJECT

Chair Duncan noted that Paul Petrie submitted his views to the Commission prior to the meeting. Discussion ensued.

SP-APC-2024-008

It was Moved and Seconded,

that prior to discussion on floor areas the South Pender Advisory Planning Commission will have a discussion about what non-conforming means.

CARRIED

Discussion was held and the following comments were made:

- There is major contention about what legal non-conforming means
- Anything that does not conform to the bylaw would be non-conforming
- The current bylaw makes all properties legally conforming with respect to siting and size

A bulletin from Young Andersen about the use of non-conforming law in British Columbia was shared for consideration and discussion ensued.

It was moved and seconded that the South Pender Advisory Planning Commission refer the interpretation of legally conforming and legally non-conforming to the Planner for the information of the Advisory Planning Commission. Discussion on the motion ensued and the following comments were made:

- There is not a clear understanding of legally non-conforming, and the Planner should be presented with the Young Andersen bulletin
- Planning for what will happen in the future should be prioritized over what has happened in the past; going forward, every new building or new amendment to a building should meet the new siting and size limits
- It would simplify the matter if house sizes were returned to those in Bylaw 114 before amendments made by Bylaw 122 which means those existing prior to the change would conform; a bylaw amendment could then state anything after the date of adoption of the bylaw amendment must meet new siting and size limits
- Community members had expressed concern about the stigma created by legally non-conforming status
- It was not well understood that the Local Government Act protected people and residents believed they would not be able to rebuild to existing siting and size restrictions if their dwelling was lost
- Previous Trustees added a section to the bylaw to make all dwellings legally conforming as of September 15, 2022 regardless of house size

It was suggested that an amendment to the motion be made that the Advisory Planning Commission request that staff establish a clear definition for 'legally non-conforming', and that staff considers the results of recent court cases that dealt with related matters involving whether or not an owner whose dwelling was sited in a certain location could rebuild at the same site.

Discussion continued and the following comments were made:

- Commission members should provide the Planner with information to be considered
- We are not sure if we are qualified to state that everything is legally conforming – you either conform to the bylaw or you are non-conforming
- The community previously requested that the legal opinion on the matter be shared by the Regional Planning Manager; previous Trustees decided they did not want to disclose the legal opinion
- There are cases that have gone to court where it was decided that a dwelling does not conform; the matter is unclear, and the uncertainty should be addressed
- A house size restriction is not necessarily for people whose houses already exist

SP-APC-2024-009

It was Moved and Seconded,

that the South Pender Advisory Planning Commission refer the interpretation of legally conforming and legally non-conforming to the Planner for the information of the Advisory Planning Commission.

CARRIED

SP-APC-2024-010

It was Moved and Seconded,

that the South Pender Advisory Planning Commission request the Planner consider recent legal cases and jurisprudence and how those relate to the current bylaw for people who do not conform with the current bylaw.

CARRIED

4.1 Total floor area and maximum floor area for dwellings for zones:

It was moved and seconded, that whereas many of the smaller lots under 1 acre are located along ecologically sensitive shoreline, the Advisory Planning Commission recommends to the Local Trust Committee that the current house size value of 2500 square feet be retained for lots under 1 acre to conform with Official Community Plan goals 2.2.1 (to maintain the islands' rural character) and 2.2.2 (to protect the natural features and biological diversity of the island).

Discussion on the motion ensued and the following comments were made:

- It was suggested that 39 properties are under 1 acre and many of them are along the shoreline
- The motion was suggested for lots under 1 acre because it is important for the footprint on small lots as the footprints affect the ecosystem, particularly when lots are contiguous

SP-APC-2024-011

It was Moved and Seconded,

that whereas many of the smaller lots under 1 acre are located along ecologically sensitive shoreline, the Advisory Planning Commission recommends to the Local Trust Committee that the current house size value of 2500 square feet be retained for lots under 1 acre to conform with Official Community Plan goals 2.2.1 (to maintain the islands' rural character) and 2.2.2 (to protect the natural features and biological diversity of the island).

DEFEATED

Paul Petrie in Favour, Rodney Kirkwood Abstained

4.1.1 Rural Residential

Discussion continued about recommendations to be made to the Local Trust Committee about dwelling sizes on Rural Residential lots. It was moved and seconded that the South Pender Advisory Planning Commission recommends that

the Local Trust Committee revert dwelling sizes to before amendments were made by Bylaw 122.

Discussion on the motion ensued and comments were made about the ways that the definition of footprint can impact size of a dwelling. The following comments were made:

- Building out a basement of an existing house would not impact ecosystems or neighbours
- Support was expressed for keeping the current house size values in Bylaw 114
- Any construction after the adoption of the new bylaw should comply with the new house sizes; this would impact a minimum number of lots
- The house size values should be tweaked to remove the issue of non-conforming
- Concern was expressed about permitting a 3800 square foot house on a single floor on a 1-acre lot

SP-APC-2024-012

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends that the Local Trust Committee revert dwelling sizes to before amendments were made by Bylaw 122.

DEFEATED

Gordie Duncan, Rodney Kirkwood and Paul Petrie Opposed

Discussion continued and the following comments were made:

- House size should be limited to 3000 square feet that could be spread out over multiple floors (e.g. a 1500 square foot main floor and a 1500 square foot basement)
- More discussion is needed to understand the impact of house size in terms of ecological impact and greenhouse gas emissions
- What has happened on South Pender since 2016 has not provided for suites and the cost of land is almost prohibitive

It was moved and seconded, that the South Pender Advisory Planning Commission recommends that the Local Trust Committee requests staff to consider including the concept of a footprint in the determination of maximum dwelling size.

Discussion on the motion ensued and a question was raised about whether the proposed motion would impede discussion of remaining items on the agenda that deal with dwelling size. The motion was withdrawn.

Commission members agreed to defer discussion on dwelling size and move to Item 4.2.

4.2 Floor area for attached enclosed garage

Chair Duncan commented on how an attached enclosed garage is added to a dwelling's square footage, while a detached garage is not included in the square footage.

A motion was made that the South Pender Advisory Planning Commission recommends that attached garages not be included in the floor area of a dwelling and that staff provide a definition of garage in the land use bylaw. Discussion ensued and the following comments were made:

- A definition of garage is needed to show that it is not a dwelling
- Modification of the definition of floor area is needed
- A detached garage is an accessory building
- An attached garage cannot easily be defined as an accessory building
- A garage can be defined as an accessory building that does not include living space

SP-APC-2024-013

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends that attached garages not be included in the floor area of a dwelling and that staff provide a definition of garage in the land use bylaw.

CARRIED

Chair Duncan Abstained

4.3 Secondary Suites

There was not enough time in the meeting to discuss Secondary Suites.

5. NEXT MEETING

Next meeting tentatively scheduled for Monday, October 21 at 10:30am

6. ADJOURNMENT

By general consent the meeting was adjourned at 12:30 p.m.

Gordie Duncan, Chair

Certified Correct:

Carly Bilney, Recorder

ADOPTED

South Pender Island Advisory Planning Commission MINUTES

Date: October 21, 2024
Location: In-person, South Pender Island Fire Hall

Members Present: Gordie Duncan, Chair
Rodney Kirkwood, Vice-Chair
Audrey Green, Member
Paul Petrie, Member
Donna Spalding, Member

Staff Present: Carly Bilney, APC Secretary

There were 4 members of the public present.

1. CALL TO ORDER

Chair Duncan called the meeting to order at 10:30 a.m.

2. APPROVAL OF AGENDA

It was noted that discussion of secondary suites were originally on the agenda. Commission members agreed to discuss Secondary Suites if time permits.

By general consent, the agenda was approved as amended.

3. ADVISORY PLANNING COMMISSION MEETING MINUTES DATED OCTOBER 4, 2024 (FOR ADOPTION)

Change Item 4.1 (page 3 of the Minutes): *It was suggested that 39 properties are under 1 acre and most of them are along the shoreline to: It was suggested that 39 properties are under 1 acre and many of them are along the shoreline.*

By general consent, the Advisory Planning Commission meeting minutes of October 4, 2024 were adopted.

4. DISCUSSION OF SOUTH PENDER MINOR LAND USE BYLAW AMENDMENTS PROJECT

Chair Duncan noted that Commission members have been exchanging emails to consider various proposed solutions in advance of the meeting.

4.1 Total floor area and maximum floor area for dwellings for zones:

4.1.1 Rural Residential (Commissioner Kirkwood to present a concept of using “dwelling footprint” and its inclusion in determining maximum allowable dwelling square footage)

Commissioner Kirkwood outlined a proposal to regulate dwelling area by both the total floor area and by a maximum footprint area based on lot size as per the following table:

Lot Size (Acres)	Dwelling Area			
	Bylaw 114	Bylaw 122	Proposed	
	Max Flr. Area	Max Flr. Area	Max Flr. Area	Max Footprint
<1	3800	2500	3000	1800
1 - 2	4500	3000	3500	2100
2 - 4	5600	3500	4000	2400
4 - 10	5845	3750	4500	2700
> 10	6030	4000	5000	3000

Discussion was held and the following comments were made:

- Support was expressed for the proposal laid out in the table above
- Support was expressed for building multi-generational dwellings that accommodate people who want to age in place and/or are increasingly working from home
- A house needs to be slightly larger (at least 12%) to accommodate wheelchair accessibility
- The cost of building is exorbitant and that will put pressure on how people build
- A question was raised about how the proposal would be implemented and whether it would only apply to new dwellings going forward
- A question was raised about whether the Commission should return to the motion raised and deferred at the previous meeting: *that the South Pender Advisory Planning Commission recommends that the Local Trust Committee requests staff to consider including the concept of a footprint in the determination of maximum dwelling size.*
- A suggestion was made to focus on the issue of dwelling size; comments were made that lot size is an integral part of this
- The current bylaw would be amended to have larger square footages

SP-APC-2024-014

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends that the Local Trust Committee adopt a new table under Siting and Size Section 5.1(5) “Maximum Floor

Area per Lot” for all Rural Residential Zones as shown in Table 1 effective after Bylaw Amendment Date MM/DD/YY, and a second table under Siting and Size Section 5.1(x) “Maximum Floor Area per Lot” for all Rural Residential Zones as shown in Table 2 for all legal dwellings built prior to the Bylaw Amendment Date September 15, 2022.

CARRIED

Paul Petrie Opposed

Table 1

5.1.(5) Maximum Floor Area per Lot After Bylaw Amendment Date MM/DD/YY

Column 1	Column 2	Column 3
		After Bylaw Amendment Date MM/DD/YY
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	279 m² (3000 ft²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	325 m² (3500 ft²)
0.8 ha to < 1.6 ha (2-4 acres)	743 m ² (8000 ft ²)	372 m² (4000 ft²)
1.6 ha to < 4 ha (4-10 acres)	836 m ² (9000 ft ²)	418 m² (4500 ft²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	465 m² (5000 ft²)

Table 2

5.1.(6) Maximum Floor Area per Lot Prior to Bylaw Amendment Sept 15, 2022

Column 1	Column 2	Column 3
		Prior Bylaw Amendment Date September 15, 2022
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	353 m² (3800 ft²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	418 m² (4500 ft²)
0.8 ha to < 1.6 ha (2-4 acres)	743 m ² (8000 ft ²)	520 m² (5600 ft²)
1.6 ha to < 4 ha (4-10 acres)	836 m ² (9000 ft ²)	543 m² (5845 ft²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	560 m² (6030 ft²)

Discussion continued and the following comments were made:

- It was suggested that an increase in the maximum dwelling size in the proposal relates to a decrease in the overall allowance for accessory buildings if the maximum floor area of a lot includes accessory buildings
- It was suggested that the motion refers to dwelling sizes only and not to lot coverage
- A suggestion was made to have another motion that deals with total lot coverage

It was moved and seconded that Table 2 be amended to reduce the total floor areas of all buildings by 1,000 square feet for each of the five categories for the reasons outlined in the October 20 note to Advisory Planning Commission colleagues regarding what would be left over for accessory buildings.

Discussion on the motion was held and the following comments were made:

- The intent of the motion is to balance the increase in house size in Column 2 of Table 1 by reducing the accessory building allowance
- A suggestion was made that amendments be recommended for the actual bylaw rather than the proposed table
- Support was expressed for reducing the total floor areas of all buildings, but not for doing so by 1,000 square feet; reducing by 500 square feet was recommended instead
- Concern was expressed about how the footprint of accessory buildings would affect the ecological continuity of a lot

SP-APC-2024-015

It was Moved and Seconded,

that the total floor area of all buildings in Bylaw 114 be reduced by 1,000 square feet for each of the five lot area categories.

DEFEATED

Paul Petrie in Favour

Discussion continued and the following comments were made:

- Support was expressed for assuring that dwellings cannot be built larger than the current bylaw
- Support was expressed for reducing the number of legally built dwellings that were rendered non-conforming by Bylaw 122
- Different interpretations of how the Local Government Act handles conforming or non-conforming were shared
- Different opinions on whether or not the Local Government Act trumps local bylaws were expressed
- A suggestion was made to defer the motion until the Planner could weigh in on the proposal; opposition to the amendment was expressed

SP-APC-2024-016

It was Moved and Seconded,

that the APC recommends that the LTC replace Clause 5.1.(6) under Siting and Size - Section (5) with the following clause: *Despite Subsection 5.1(6) on a lot that contains a legal dwelling constructed prior to September 15, 2022 a replacement dwelling may be constructed or the existing dwelling reconstructed or altered, provided the floor area of the replaced, reconstructed or altered dwelling does not exceed the floor area of the dwelling on the lot on September 15, 2022 OR the floor area permitted on such lot by Subsection 5.1(5), whichever size is greater. For this purpose, the Local Trust Committee may require an owner to submit substantive evidence to establish the floor area of the dwelling at the time of the adoption of this bylaw.*

CARRIED

Paul Petrie Opposed

4.1.2 Agricultural

Discussion was held about what to recommend for dwelling sizes in the Agricultural zone. The following comments were made:

- The Local Trust Committee may have had discussions about making the bylaw conform to whatever the Agricultural Land Reserve decides
- If the bylaw is different from the Agricultural Land Reserve (ALR) and the ALR makes a change then there will be an issue

A motion was made and seconded that the Advisory Planning Committee recommend the Local Trust Committee review maximum dwelling size for the agricultural zones recognizing requirements by the Agricultural Land Reserve, and that those can change from time to time, and that they should be cognizant of not getting out of step.

Opposition to the motion was expressed on the basis that the current bylaw addresses existing land.

SP-APC-2024-017

It was Moved and Seconded,

that the Advisory Planning Committee recommend the Local Trust Committee review maximum dwelling size for the agricultural zones recognizing requirements by the Agricultural Land Reserve and that those can change from time to time and that they should be cognizant of not getting out of step.

CARRIED

Rodney Kirkwood and Paul Petrie Opposed

4.1.3 Forestry

4.1.4 Natural Resource

Comments were raised that if changes were made to the Rural Residential zone, the other zones should also be changed to maintain consistency. Discussion ensued about whether or not the same table can be applied across zones.

SP-APC-2024-018

It was Moved and Seconded,

that the Advisory Planning Committee recommend the Local Trust Committee use the same tables that the Advisory Planning Commission recommended for Rural Residential zones for Forestry and Natural Resources zones.

CARRIED

Paul Petrie Opposed

5. NEXT MEETING

Discussion ensued about whether an additional meeting was needed. It was recommended that the Chair follow up with the Planner for feedback on motions that have been made.

Next meeting tentatively scheduled for Wednesday, **October 30 at 10:30am**

6. ADJOURNMENT

By general consent the meeting was adjourned at 12:36 p.m.

Gordie Duncan, Chair

Certified Correct:

Carly Bilney, Recorder

DRAFT

South Pender Island Advisory Planning Commission MINUTES

Date: November 12, 2024
Location: In-person, South Pender Island Fire Hall

Members Present: Gordie Duncan, Chair
Rodney Kirkwood, Vice-Chair
Audrey Green, Member
Paul Petrie, Member

Regrets: Donna Spalding, Member

Staff Present: Carly Bilney, APC Secretary (electronic)

There were 5 members of the public present.

1. CALL TO ORDER

Chair Duncan called the meeting to order at 10:30 a.m. and noted that Donna Spalding is unable to attend the meeting. It was agreed that if a motion results in a tie, the motion would be defeated.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. APC MEETING MINUTES DATED OCTOBER 21, 2024 (FOR ADOPTION)

By general consent, the Advisory Planning Commission meeting minutes of October 21, 2024 were adopted.

4. DISCUSSION OF SOUTH PENDER MINOR LAND USE BYLAW AMENDMENTS PROJECT

4.1 Staff Report – Legal Non-Conforming, Dual Table and Revised Clause 5.1(6)

Discussion was held about legal non-conforming and how it relates to Bylaw No. 122 – a bylaw to amend Land Use Bylaw 114. The following comments were made:

- Section 5.1(6) of Bylaw 122 means the current Land Use Bylaw does not create any non-conforming situations with respect to floor area allowance as of September 15,

2022; the Advisory Planning Commission should confirm with the Local Trust Committee that this is our understanding

A motion was made to recommend that the Local Trust Committee affirms dwellings are fully conforming with the bylaw and may be replaced, if necessary, to the way they were when the bylaw was brought in. Discussion on the motion was held and the following comments were made:

- Concern was expressed that if a house is too big according to Bylaw 122, it is not conforming to the current bylaw despite assurance to the contrary from the Planner;
- Concern was expressed that the fear exists that someone in a dwelling that is bigger than what the bylaw allows will be treated differently than the way the Planner has stated
- Opposition to the motion was expressed, and preference was stated for removing the status of legal non-conforming as proposed in SP-APC-2024-014 (where it was recommended in the South Pender Advisory Planning Commission minutes of October 21 that the Local Trust Committee adopt a new table under Siting and Size Section 5.1(5) "Maximum Floor Area per Lot" for all Rural Residential Zones, and a second table under Siting and Size Section 5.1(x) "Maximum Floor Area per Lot" for all Rural Residential Zones for all legal dwellings built prior to the Bylaw Amendment Date September 15, 2022)
- It was expressed that the two tables in SP-APC-2024-014 were introduced on the premise that a significant number of dwellings are legal non-conforming; it was suggested that that premise is incorrect, and the tables are therefore unnecessary

SP-APC-2024-019

It was Moved and Seconded,

that the South Pender Advisory Planning Commission recommends the Local Trust Committee affirms the current clause 5.1(6) that renders all legally constructed dwellings as of September 15, 2022 fully conforming with Bylaw 114 in terms of maximum floor area and ensures that a dwelling may be replaced, reconstructed or altered to the same floor area as it was on September 15, 2022.

DEFEATED

Audrey and Gordie Opposed, Rodney Abstained

4.2 Further consideration of Commissioner Kirkwood's footprint proposal

Discussion was held and the following comments were made:

- The footprint proposal provides a control on the impact of one neighbour to another by limiting the footprint to 60% of the overall maximum dwelling floor area
- Trustees can decide to pursue the proposal if they so choose
- It was expressed that the key point is that the 60% reduction is small relative to the amount of square footage taken up by allowable accessory buildings
- It was suggested that reducing a very large accessory building allowance is the key to tackling this issue

Decreasing the footprint of all buildings in each of the five lot size categories was suggested at the last meeting to amend the square footage allowance of accessory buildings.

By general consent, the Advisory Planning Commission agreed to revisit SP-APC-2024-015 (a motion that the total floor area of all buildings in Bylaw 114 be reduced by 1,000 square feet for each of the five lot area categories) at Item 4.6.

4.3 Consider Two Tables (Pre and Post Bylaw Amendment date) for Setbacks to the Sea

Comments were made that, according to Robert's Rules of Order, that the Advisory Planning Commission is unable to reconsider or amend a previously adopted motion (SP-APC-2024-004).

4.4 Referral Chart Item 2.7 (Addition to height regulation – restricts a dwelling or cottage to not exceed 9.2 metres at any point) – Consider a motion supporting the “removal” of this regulation and reverting to the prior regulation

Comments were made that the issue of height does render some properties legally nonconforming because the protection is in the Local Government Act and not in Bylaw 114. It was suggested that it is simpler to revert the height regulation back to what it was prior to the adoption of Bylaw 122.

4.5 Definitions:

4.5.1 Consider a motion supporting the removal from Definitions of the “Basement Floor Area”

Discussion was held about whether or not the Advisory Planning Commission should recommend the removal of “Basement Floor Area” from the Definitions. Comments were made that the definition does not refer to anything in the land use bylaw and is therefore not needed. Unease was expressed at removing the provision without fully understanding its purpose.

4.5.2 Referral Chart Item 2.3 (Definitions – floor area) – Consider adding an “exclusive of” statement for a “specified maximum square foot” of a fully attached and enclosed garage to the “floor area” definition

See SP-APC 2024-013 (that the South Pender Advisory Planning Commission recommends that attached garages not be included in the floor area of a dwelling and that staff provide a definition of garage in the land use bylaw).

4.6 Other considerations related to referral chart

Discussion was held about the discrepancy between the two regulations related to maximum lot coverage in the Forestry, Agricultural and Natural Resource zones – one under Siting and Size and another under Density – which conflict.

A note shared electronically between Advisory Planning Commission members on November 5, 2024 outlines the discrepancy. (See attached note: “SP APC - Nov 5 RE Agricultural, Forestry and Natural Resources)

SP-APC-2024-020

It was Moved and Seconded,

that the Advisory Planning Commission recommends that the Local Trust Committee identify and consider the anomalies outlined in the note *SP APC - Nov 5 RE Agricultural, Forestry and Natural Resources* shared between Commission members for clarification.

CARRIED

Discussion ensued about addressing the square footage of all accessory buildings in relation to a lot’s overall footprint. The following comments were made:

- It was suggested that the best way to deal with footprints is to reduce the square footage allowance for accessory buildings
- It was suggested at a previous meeting that the total floor area of all buildings on a lot be reduced by 1,000 square feet, but comments were made that this would leave too small an amount of square footage for accessory buildings on lots under 1 acre
- It was suggested that reducing the smallest lot category by 500 square feet would allow for a net reduction in total floor area for buildings on a lot and allow for sufficient capacity for accessory dwellings

A recommendation was made to amend Bylaw 114 according to the square footage allowances laid out in Table A:

Table A. proposed reduction in maximum accessort building ft2

Lot size (acres)	BL 114 max total floor area	BL 114 max dwelling ft2	BL 114 max accessory bldg ft2	proposed reduction in total floor area	proposed max accessory buildings ft2
-1	5,000	2,500	2,500	-500	2,000
1-2	6,000	3,000	3,000	-750	2,250
2-4	8,000	3,500	4,500	-1,250	3,250
4-10	9,000	3,750	5,250	-1,500	3,750
10	15,000	4,000	7 - 11,000	-2,000	5 - 9,000

SP-APC-2024-021

It was Moved and Seconded,

that the Advisory Planning Commission recommends that the Local Trust Committee consider reducing the total floor area of all buildings in Bylaw 114 by the corresponding square footage for each of the five lot area categories as outlined in Table A.

DEFEATED

Gordie and Audrey Opposed, Rodney and Paul in Favour

4.7 Consider preparing a report for submission to LTC with respect to the SP-APC LUB referral

Chair Duncan agreed to draft a report and circulate it with Commission members to be completed by November 25, 2024.

5. NEXT MEETING – None

6. ADJOURNMENT

By general consent the meeting was adjourned at 12:15 p.m.

Gordie Duncan, Chair

Certified Correct:

Carly Bilney, Recorder

Follow Up Action Report

South Pender Island

01-Aug-2023

Progress	Activity	Responsibility	Dates	Status
0%	1 Chair Elliott is authorized to sign both covenants related to 8970 Gowlland Point Road. (IN PROGRESS). May 10 2024 - Staff to contact applicant on status of draft covenants.	Jas Chonk Kim Stockdill	Target: 15-Sep-2023	In Progress

13-Sep-2024

Progress	Activity	Responsibility	Dates	Status
0%	1 14.1 LUB Minor Amendments Project: 1. Staff to update timeline in Project Charter DONE 2. Staff to provide information/maps showing undeveloped SP properties, difference between 10 ft vs 20 ft setbacks, and 25 ft vs 50 ft setbacks. 3. Staff to outline options for not holding public hearing if in compliance with OCP.	Kim Stockdill	Target: 27-Sep-2024	In Progress
0%	2 16.1 South Pender LTC directs staff to notify Trustee Morrison of it's interest in pursuing further exploration of policy and advocacy options relating to Dark Sky Principles. - Email sent to Trustee Morrison - Sept 18/24	Kim Stockdill	Target: 27-Sep-2024	Completed
0%	3 16.2 New standing resolution - to be added to standing resolution list: "That the South Pender Island Local Trust Committee directs Bylaw Enforcement staff to defer enforcement for those short term vacation rentals validly operating as of April 30, 2024 and that enforcement of any short term vacation rentals be by written complaint only."	Jas Chonk	Target: 27-Sep-2024	Completed

Trustees,

I have considered the November 23, 2024, report from the APC chair with respect to the July 15, 2024, referral on dwelling floor area allowance and setbacks. While I respect the views of my fellow APC members, I respectfully disagree with some of the conclusions reached by the majority as outlined below. I offer the following dissent in accordance with section 7(d) of Advisory Planning Commission Bylaw 98 where I am unable to agree with the majority.

Dwelling floor area allowance

I am unable to support significant increases in the dwelling floor area allowance recommended by the APC majority for the following reasons:

1. The majority base their recommended increases on the premise that Bylaw 122 created many non-conforming dwellings and the 2 tables in APC resolution SP-APC-2024-014 will restore those dwellings to conforming status. I disagree with the premise that Bylaw 122 created any non-conforming dwellings. I agree with the Trust planner's Nov. 7, 2024, memo to the APC which stated:
 "Bylaw No. 122 did not create 'legal non-conforming' situations in terms of maximum floor area."
Section 5.1(6) ensures that all dwellings are fully conforming with Bylaw 114 with respect to floor area allowance effective September 15, 2022, and are fully protected by section 5.1(6) if replacement is required.
2. The house size values enacted through bylaw 122 are more consistent with and responsive to the goals of our OCP than the increased house size values proposed by the APC majority including:
 - maintaining our Island's rural character,
 - protecting the natural features and biodiversity of the island,
 - ensuring that land use and development are compatible with the rural island character and that growth is gradual and sustainable, and
 - reducing green-house gas emissions
3. The current average dwelling floor area on South Pender is approximately 1,900 ft². A 2,500ft² dwelling allows for a 4-bedroom 2 bathroom home. Bylaw 122 established the floor area allowance from 2,500 ft² for smaller lots under 1 acre and up to 4,000 ft² for the larger lots over 10 acres. The current dwelling floor allowances in Bylaw 114 provides for growth that is gradual and sustainable and is consistent with our Island's rural character.

4. Where a property owner feels that a larger floor area allowance is needed, they have the option to apply for a variance which allows adjacent property owners an opportunity to express their concerns with the potential impacts on their property rights.
5. The current dwelling floor area allowances have not yet been given an opportunity to work. In my opinion the case to support the proposed increase in dwelling floor area allowance has not been made, and the current allowances in Bylaw 114 should be given an opportunity to work.

Setback from the natural boundary from the sea

I support APC recommendation SP-APC-2024-004 that the LTC retain the 50-foot setback from the natural boundary of the sea currently in section 3.3(3) of Bylaw 114 for the following reasons:

1. I do not support the suggestion to add two new tables to address “non-conforming” situations since there are no non-conforming situations with respect to setbacks from the natural boundary of the sea. Section 3.3(5) ensures that all properties fully comply with section 3.3(3) of Bylaw 114 effective September 15, 2022. Section 3.3(5) also ensures that a dwelling that was within the 50 ft limit on September 15, 2022, can be replaced in that location under Bylaw 114.
2. The coastline contains some of the most sensitive ecosystems and the 50 foot setback is responsive to OCP general policy 2.4.1(c) to consider site and surrounding area ecological characteristics particularly sensitive to alteration or disturbance.
3. The coastline contains some of the most important archaeological features requiring protection in accordance with OCP policy 2.2.3.
4. Where a property owner feels there are exceptional circumstances that warrant an adjustment to this setback, the owner may request a variance.

Side lot setbacks

I am unable to support the majority’s recommendation SP-APC-2024-007 to reduce the side lot setbacks from 20 feet to 10 feet for the following reasons:

1. I do not agree with the majority that there are a “large number” of properties that are non-conforming with section 5.1(6) of LUB 114. Subsection 5.1(9) ensures that all dwellings comply with Bylaw 114 effective September 15, 2002. This section also

ensures that replacement of the dwelling in that same location is fully protected by section 5.1(9).

2. The existing 20-foot setback in our LUB ensures a greater degree of privacy consistent with our OCP goals and values. The OCP states: “The quiet, freedom from disturbance, and sense of privacy within what is a relatively undisturbed and visually attractive setting are key qualities valued by South Pender Islanders, who expect these qualities to be maintained. This expectation forms the guiding principle for our Official Community Plan.” Inherent in our OCP definition of “rural” is “freedom from disturbance and privacy from neighbours”.
3. OCP policy 2.4.1 requires the LTC to consider the compatibility, suitability an effect of a proposed bylaw change to “...the potential for objectionable disturbance that may arise from factors such as noise, lighting glare, electrical interference, discharge of smoke, dust and noxious gases, fumes or vapours...”.
4. Where circumstances merit an exception to this policy the property owner may request a variance.

Total floor area allowance.

Our LUB establishes a total floor area allowance that is composed of dwelling floor area allowance and accessory building allowance. This is a relatively new issue that was discussed under SP-APC-2024-021 which proposed reducing the total floor area of all buildings by between 500 ft² and 2,000 ft² depending on lot size. The motion was defeated in a 2-2 vote, I believe the issue merits further consideration by the LTC. I have reproduced the table discussed at the Nov. 12, 2024, APC meeting for reference.

Table A. proposed reduction in maximum accessory building ft²

Lot size (acres)	BL 114 max total floor area	BL 114 max dwelling ft ²	BL 114 max accessory bldg ft ²	proposed reduction in total floor area	proposed max accessory buildings ft ²
-1	5,000	2,500	2,500	-500	2,000
1-2	6,000	3,000	3,000	-750	2,250
2-4	8,000	3,500	4,500	-1,250	3,250
4-10	9,000	3,750	5,250	-1,500	3,750
10	15,000	4,000	7 - 11,000	-2,000	5 - 9,000

Conclusion

As I explained to my fellow APC members, I am open to adjustments to the provisions of Bylaw 114 where it can be shown that the adjustment will better align with our OCP goals and policy and will assist our community in meeting the challenges of a rapidly increasing population (highest in the Trust area), the accelerating climate crisis, the increasing pace of development and the limitation of resources such as water.

Thank you for considering my views.

Paul Petrie

File No.: SP Minor LUB Amendments
Project

DATE OF MEETING: December 6, 2024
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: South Pender Minor LUB Amendments Project – Project Update

RECOMMENDATION

1. That the South Pender Island Local Trust Committee request staff to prepare a draft bylaw for the Minor Land Use Bylaw Amendments Project in accordance with the staff report dated December 6, 2024.

REPORT SUMMARY

This report is intended to provide the South Pender Island Local Trust Committee (LTC) with referral comments from the South Pender Advisory Planning Commission (APC), to request direction from the LTC on how to proceed with the major topics outlined below, and to request direction to proceed with the preparation of a draft bylaw.

BACKGROUND

The Minor Land Use Bylaw (LUB) Project was initiated in November 2023 with the endorsement of the Project Charter. The focus of this project is to review amendments made to the LUB by Bylaw No. 122 and to review other minor and technical LUB amendments. The South Pender LTC phased the early engagement process – the first phase started with trustee-led workshops, and the second phase involved two Community Information Meetings (CIMs) in April 2024. The third action in this phase was to send a referral to the South Pender APC for comments on specific aspects of this project.

The South Pender LTC identified the following major topics during phase one and two requiring further deliberation by the South Pender APC:

- setback from the natural boundary (NB) of the sea
- interior side lot line setbacks for rural residential zoned dwellings and cottages
- total floor area and maximum floor area for dwellings

The South Pender APC met over the past four months (five meetings in total) and have provided their recommendations via resolutions in the APC minutes. The APC minutes can be found under 'Folder 7 - Advisory Planning Commission' on the [Project's webpage](#) and attached to the September 13, 2024 and December 6, 2024 LTC agendas. The webpage also includes the APC Chair's summary of the APC recommendations (also attached to the staff report) and two letters from an APC member.

ANALYSIS

1. Setback from the natural boundary of the sea

Prior to the adoption of [Bylaw No. 122](#), the LUB included the following regulation regarding the setback to the sea:

Subsection 3.3(3) - Buildings or other structures, except a fence, pump/utility house, stairway, wharf and dock ramps or their footings, shall not be sited within 7.6 metres (25 feet) of the natural boundary of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "structures".

With the adoption of Bylaw No. 122, the following is the regulation in the current LUB (Section 3.3):

(3) Buildings or other structures, except a fence, stairway, wharf and dock ramps or their footings, shall not be sited within 15 metres (50 feet) of the natural boundary of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "structures".

(4) Despite Subsection 3.3(3), buildings or structures, except a fence, stairway, wharf and dock ramps or their footings, legally constructed prior to September 15, 2022 shall not be sited within 7.6 metres (25 feet) of the natural boundary of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are "structures".

(5) Despite Subsection 3.3(3), on a lot that contains a legal dwelling, cottage, or accessory building constructed prior to September 15, 2022, a replacement dwelling, cottage, or accessory building may be constructed, or the existing dwelling, cottage, or accessory building re-constructed or altered, provided the distance from the natural boundary of the sea to the replacement, re-constructed or altered dwelling, cottage, or accessory building is not less than the distance from the natural boundary of the sea to the dwelling, cottage, or accessory building on the lot on September 15, 2022 and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the siting of the dwelling, cottage, or accessory building at the time of the adoption of this bylaw.

Outcome due to Bylaw No. 122 amendments:

- Fences, stairways, wharves and dock ramps or their footings are still exempt from the setback from the NB of the sea
- Buildings and structures legally constructed prior to September 15, 2022 retain the setback from the NB of the sea of 7.6 metres
- New buildings and structures must meet the setback from the NB of the sea of 15 metres
- Dwellings, cottages or accessory buildings constructed prior to September 15, 2022 may be rebuilt or altered as long as the distance from the NB of the sea is the same as it was on September 15, 2022 or greater (further away from the NB of the sea)

❖ **APC Recommendation No. 1:**

The South Pender APC recommended that the LTC retain the 15 metre setback from the natural boundary of the sea as currently regulated in the South Pender Land Use Bylaw (LUB) No. 114. In addition, the South Pender APC recommended changing the wording of the clause in Subsection 3.3(5) by removing the reference to “an appropriately qualified person” when a property owner is required to submit certification for the siting of their building. If the LTC agrees, Subsection 3.3(5) would be changed to read:

*“...and for this purpose the Local Trust Committee may require an owner to submit **substantive evidence to establish** the siting of the dwelling, cottage, or accessory building at the time of the adoption of this bylaw.”*

Staff Comments: Staff supports this recommendation. This is a minor amendment to the clause wording and potentially simplify administration of the regulation.

2. Interior side lot line setbacks for rural residential zoned dwellings and cottages

Prior to the adoption of [Bylaw No. 122](#), the LUB included the following regulation regarding the setback from the interior and exterior side lot line for rural residential zoned dwellings and cottages:

Subsection 5.1(6) – The maximum setback for any building or structure, except a fence or pump/utility house, shall be 3.0 metres (10 ft.) from any interior side lot line

With the adoption of Bylaw No. 122, the following are the regulations in the current LUB (Section 5.1):

- | | | | | |
|------|--|---|---|---|
| (8) | <i>The minimum setback for any building or structure, except a fence or pump/utility house, shall be:</i> | | | |
| (a) | <i>7.6 metres (25 ft.) from any front or rear lot line;</i> | ✓ | ✓ | ✓ |
| (b) | <i>3.0 metres (10 ft.) from any interior side lot line;</i> | ✓ | ✓ | ✓ |
| (c) | <i>4.5 metres (15 ft.) from any exterior side lot line.</i> | ✓ | ✓ | ✓ |
| (9) | <i>Despite Subsection 5.1(8), the setback for a dwelling or cottage shall be 6.0 metres (20 ft.) from any interior or exterior side lot line.”</i> | ✓ | ✓ | ✓ |
| (10) | <i>Despite Subsection 5.1.(9), on a lot that contains a legal dwelling or cottage constructed prior to September 15, 2022, a replacement dwelling or cottage may be constructed, or the existing dwelling or cottage re-constructed or altered, provided the distance from the interior or exterior side lot line to the replacement, re-constructed or altered dwelling or cottage is not less than the distance from the interior or exterior side lot line to the dwelling or cottage on the lot on September 15, 2022 and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.</i> | | | |

Outcome due to Bylaw No. 122 amendments:

- New dwellings or cottages must meet the new interior and exterior lot line setback of 6.0 metres (20 ft.)
- A dwelling or cottage legally constructed prior to September 15, 2022 may be rebuilt or altered as long as the distance from the interior or exterior lot line is the same as it was on September 15, 2022 or greater (further away from the interior side lot line)

❖ **APC Recommendation No. 2:**

The South Pender APC recommends the LTC revert the setback from the interior and exterior lot lines to 3.0 metres (10 feet) as stated in the South Pender LUB No. 114 prior to adoption of Bylaw No. 122.

Staff Comments: Staff has no concerns with this recommendation. In order to achieve this, a new LUB amending bylaw would be required to delete Subsections 5.1(9) and 5.1(10).

3. Total & Maximum Floor Area

Prior to the adoption of [Bylaw No. 122](#), the LUB included the following regulation regarding maximum and total floors areas in the Rural Residential, Agriculture, Forestry, and Natural Resource zones:

Siting and Size			<u>RR1</u>	<u>RR2</u>	<u>RR3</u>
(5)	Maximum Floor Area per lot:		✓	✓	✓
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:			
Less than 0.4 ha (1 acre)	465 m ² (5000ft ²)	353 m ² (3800ft ²)			
0.4 ha to 0.79 ha (1 to 2 acres)	557 m ² (6000ft ²)	418 m ² (4500ft ²)			
0.8 ha to 1.59 ha (2 to 4 acres)	743 m ² (8000ft ²)	520 m ² (5600ft ²)			
1.6 ha to 3.9 ha (4 to 10 acres)	836 m ² (9000 ft ²)	543 m ² (5845ft ²)			
4.0 ha (10 acres) or greater	1858 m ² (20000ft ²)	560 m ² (6030ft ²)			

Agriculture Zone - (9) The *floor area* of a *dwelling* may not exceed 560 m² (6028 ft²)

Forestry Zone - (7) The *floor area* of a *dwelling* may not exceed 560 m² (6028 ft²)

Natural Resource Zone - (6) The *floor area* of a *dwelling* may not exceed 560 m² (6028 ft²)

With the adoption of Bylaw No. 122, the following are the regulations in the current LUB regarding total and maximum floor area in the RR1, RR2, RR3, Agriculture, Forestry, and Natural Resource zones:

Siting and Size			<u>RR1</u>	<u>RR2</u>	<u>RR3</u>
(5)	Maximum Floor Area per lot:		✓	✓	✓
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:			
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)			
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)			
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)			
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)			
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)			

- (6) Despite Subsection 5.1(5), on a *lot* that contains a legal *dwelling* constructed prior to September 15, 2022, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* on September 15, 2022 and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.

Outcome due to Bylaw No. 122 amendments:

- New dwellings constructed after September 15, 2022 must comply with the more restrictive maximum floor areas
- The total floor area for buildings on properties greater than 4.0 ha (10 acres) was reduced to 1394 m² (from 1858 m²)
- Dwellings legally constructed prior to September 15, 2022 may be rebuilt or altered as long as the floor area of the dwelling is the same as it was on September 15, 2022 or less

❖ **APC Recommendation No. 3a – excluded attached garage from floor area:**

The APC recommends excluding attached garages from the calculation for floor area for a dwelling and to add a definition to the LUB for ‘attached garage’.

Staff Comments: Staff does not support this recommendation as excluding interior space such as attached garages are that they can be converted to living space later.

❖ **APC Recommendation No. 3b – total and maximum floor area tables (RR1, RR2, RR3, AG, F, NR zones):**

The South Pender APC recommends amending the LUB to include two separate total and maximum floor area tables; one table which is applicable to dwellings constructed prior to September 12, 2022, and another table applicable for dwellings constructed on or after September 12, 2022 (see SP APC minutes dated October 21, 2024). The table for dwellings constructed prior to September 12, 2022 would include the same total and maximum floor area values as found in the LUB prior to the adoption of Bylaw No. 122.

In addition the APC recommends amending the clause to change the wording to reflect that a dwelling may be rebuilt as long as it complies (and does not exceed) the floor area permitted in the table.

Staff Comments: Staff supports these recommendations as it is easier to interpret which floor area regulations apply to certain scenarios. The current LUB is not as clear, as one must read the entire zone to determine that dwellings constructed prior to September 12, 2022 may be rebuilt.

❖ **APC Recommendation No. 3c – Agriculture maximum floor area:**

The South Pender APC recommends the LTC review the maximum floor area for dwellings as regulated by the Agriculture Land Commission (ALC) and recognize the LUB regulations should be consistent with any future ALC regulatory changes.

Staff Comments: Section 20(1) of the *Agricultural Land Commission Act* permits a residential principle residence (dwelling) to have a maximum floor area of 500 m² or less although a local government may impose a more restrictive maximum floor area. The current SP LUB currently complies with the ALC Act as the bylaw permits a

dwelling and restricts maximum floor area based on lot size (all of which are less than 500 m²). The LTC has the option to remove maximum floor area regulations from the Agriculture zone or for those lots located within the Agriculture Land Reserve. The outcome of this is that the dwelling floor area must comply with the ALC regulations; the dwelling must have a floor area less than 500 m².

4. Dwelling/Cottage Height

The referral to the APC requested the APC to review the three major topics and any other amendments discussed at the May 10, 2024 LTC meeting. One of those 'minor topics' includes the change to the dwelling and cottage height regulation. Prior to the adoption of Bylaw No. 122, the LUB included the following height regulation:

Subsection 3.4(1) - A dwelling or cottage shall not exceed 9.2 metres (30 feet) in height.

The adoption of Bylaw No. 122 amended the height regulation to read:

Subsection 3.4(1) - A dwelling or cottage shall not exceed 9.2 metres (30 feet) in height and at no point may a dwelling or cottage exceed 9.2 metres (30 feet) in height.

In the minutes of the November 12, 2024 SP APC meeting included the following comments:

"Comments were made that the issue of height does render some properties legally nonconforming because the protection is in the Local Government Act and not in Bylaw 114. It was suggested that it is simpler to revert the height regulation back to what it was prior to the adoption of Bylaw 122."

Staff Comments: Staff supports reverting the dwelling and cottage height to the regulation in place prior to the adoption of Bylaw No. 122 as the adoption of Bylaw no. 122 created legal non-conforming dwellings in terms of height. Comments gathered from the previous community information meetings also support this.

STATUTORY REQUIREMENTS - PUBLIC HEARING

Recently the *Local Government Act* was amended to implement changes to public hearing procedures. Section 464(2) of the *Local Government Act (LGA)* now states that a local government is not required to hold a public hearing on a proposed land use bylaw if:

- (a) an official community plan is in effect for the area that is the subject of the zoning bylaw, and
- (b) the bylaw is consistent with the official community plan.

If the LTC believes proposed land use bylaw amendment meets the two conditions above, then the LTC could decide not to hold a public hearing; however, notice would need to be given prior to First Reading of the draft bylaw. The LTC can also decide whether to hold a community information meeting prior to First Reading which could in fact act as a de facto public hearing.

The process for not holding a public hearing (in compliance with Section 464(2) of the LGA) would be as follows:

1. LTC gives direction to staff to draft a LUB amending bylaw
2. Staff to initiate bylaw referrals to agencies and First Nations
3. Staff brings forward the draft LUB for LTC's review
4. LTC gives direction to staff to give Notice of First Reading. This notice would be placed in local newspapers and be posted to the LTC webpage and community notice boards.
5. The LTC has the option to request staff to schedule a Community Information Meeting prior to First Reading.
6. The LTC may give First, Second, and Third reading at a single LTC meeting.

If the LTC would like to hold a public hearing then the normal public hearing statutory process will be followed. The decision to hold or not hold a public hearing must be made prior to first reading of the bylaw.

Project Charter

The following is the amended timeline in the [Project Charter](#):

Workplan Overview	
Deliverable/Milestone	Target Date
<i>Project Charter endorsement</i>	<i>Nov 2023</i>
<i>LTC review of background material and consideration of public engagement options</i>	<i>Nov 2023</i>
<i>Public engagement to identify issues – Trustee-led workshops and CIMs</i>	<i>Jan-April 2024</i>
<i>APC referral</i>	<i>May – Nov 2024</i>
<i>Review of APC & engagement comments/LTC direction to draft bylaw</i>	<i>Dec 2024</i>
<i>Review draft bylaw</i>	<i>Feb 2025</i>
<i>First opportunity for First Reading of draft bylaw, referrals</i>	<i>Spring 2025</i>
<i>Community Information Meeting(s) to gather comments on proposed bylaw</i>	<i>Spring 2025</i>
<i>Amendments to bylaw based on CIM comments/Opportunity of First and/or Second Reading of bylaw</i>	<i>Summer 2025</i>
<i>Public Hearing (if necessary), Third reading & EC referral</i>	<i>Sept 2025</i>
<i>Bylaw adoption</i>	<i>Fall 2025</i>

The project is currently meeting milestones as shown in the above timeline.

Rationale for Recommendation

Staff recommends the LTC proceed with directing staff to draft a bylaw. The project is naturally progressing to the close of the first initial phases of engagement as shown in the Project Charter. The next stage of the project is to draft a LUB amending bylaw and to give referral agencies, First Nations, and the South Pender community an opportunity to comment on the initial draft. If the LTC chooses an alternative, it should also review the project charter and make any necessary adjustments.

ALTERNATIVES

1. Schedule an electronic Special Meeting

If the LTC requires additional time prior to giving direction to staff to draft a bylaw, then a special electronic meeting could be held in the New Year.

Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request staff to schedule an electronic special meeting for the Minor LUB Amendment Project.

2. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are potential delays to commencing and completing the project. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee request that the staff provide further information regarding...

3. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Next steps include:

- Initiate the drafting of a Land Use Bylaw amendment bylaw

Submitted By:	Kim Stockdill, Island Planner	November 29, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	November 29, 2024

Attachment:

1. APC Chair Summary – dated November 23, 2024

South Pender Advisory Planning Commission (APC)

The South Pender LTC Referral: SP Minor LUB Amendments

LTC Referral Topics

"To date the LTC has noted the following major topics identified during phase one and two is requesting further deliberation:

- *setback from the natural boundary (NB) of the sea*
- *interior side lot line setbacks for rural residential zoned dwellings and cottages*
- *total floor area and maximum floor area for dwellings"*
- see **Appendix A** (P. 9) for Referral Chart

Commission Members:

Gordie Duncan (Chair), Rod Kirkwood (Vice-Chair), Audrey Green, Donna Spalding, Paul Petrie

Staff:

Kim Stockdill - South Pender Planner, Carly Bilney - Secretary

Introduction:

After five APC meetings we believe that the APC has made recommendations that are a reasonable compromise and will address the communities concerns both for and against the changes made with the adoption of Bylaw 122. It is felt that the recommendations will address the concerns, especially about non-conforming, with its many varied interpretations of "legal non-conforming or some form of hyphenated non-conforming", by removing its significance from the current Bylaw 114, almost entirely.

The recommendations meet the goals of the OCP and have little if any impact on the Rural Nature of South Pender

Re: SP LTC Referral of SP Minor LUB Amendments to the SP APC

The SP APC received the referral on July 15, 2024. At the first APC meeting (Electronic) held on August 9, 2024, Chairman – Gordie Duncan and Vice Chairman - Rod Kirkwood were elected. Staff Member Carly Bilney was appointed as Secretary. Commissioners Audrey Green, Donna Spalding and Paul Petrie along with Duncan and Kirkwood form the SP APC Commission.

Under the direction of the Islands Trust Staff, it was determined that any further APC meetings must be held “in person” only. Further it was determined at the LTC meeting on May 10, 2024, that the APC need not seek further public comment, given the large amount of information already available via Community Information Meetings and Correspondence.

In their referral the LTC identified three major topics that they wished the APC to address:

- Setback from the natural boundary of the sea
- Interior side lot line setbacks for rural residential zoned dwellings and cottages
- Total floor area and maximum floor area for dwellings

The APC made twelve recommendations in addition to identifying some anomalies in Bylaw 114. There was a total of nineteen LUB related motions made during the APC deliberations.

Summary of Recommendations:

Note: Because of excellent note taking by Secretary Bilney the minutes will reflect more detail of the discussions that formed the basis for the APC recommendations. The main points used to form each recommendation are shown under **Notes:**

Part 3 General Regulations – Siting and Size Regulations 3.3(5)**Aug. 09, SP-APC-2024-003**

The APC recommended that the LTC amend “Subsection 3.3(5) in the South Pender Land Use Bylaw by deleting “~~to submit a certification from an appropriately qualified person~~” and replacing it with “***substantive evidence to establish the location of the dwelling.***”

Notes:

- 1.1 It is expected that this change would also be applied to the exception clauses contained in the appropriate zones in Part 5 Zone Regulations (Rural Residential, Agriculture, Forestry and Natural Resources)

3.3 Siting and Setback Regulations**Aug. 23, SP-APC-2024-004**

The APC recommended that the LTC retain the 50-foot setback from the natural boundary of the sea as written in Bylaw 114.

Notes:

- 1.1 At the APC Meeting on November 12 an agenda item "*Consider Two Tables (Pre and Post Bylaw Amendment date) for Setbacks to the Sea*" was to be considered as an amendment to Recommendation 004.
- 1.2 A potential motion to amend Recommendation 004 was denied because it was stated that Roberts Rules do not allow for a previous motion to be amended, unless done so at the same meeting. Given the short notice of this statement and that we did not have staff available for advice, no further action was taken with this item. Research after the meeting, however, indicated that perhaps a motion to amend Recommendation 004 could have been entertained.
- 1.3 The intent for amending Recommendation 004 was to suggest the inclusion of two regulations in Siting and Setback Regulations 3.3(3) - *7.6 metres (25 feet) prior to September 15, 2022, and 15 metres (50 feet) after*. Making this change to Bylaw 114 would resolve the non-conforming status of many dwellings (approximately 22) rendered so by Bylaw 122. Items 3.3(4) and 3.3(5) may require minor changes.

5.1 Rural Residential Zones – 5.1(9)**Aug. 23, SP-APC-2024-007**

The APC recommended that the LTC revert *dwelling* and *cottage* lot lines to 3.0 metres (10 ft.) for interior side and 4.5 metres (15 ft.) for exterior side lot lines or as shown in 5.1(8).

Notes:

- 1.1 Planner Stockdill reported on the viability and the challenges of implementing landscape screening and natural buffers regulations within the Setback corridors. The conclusion being that it would be difficult to manage.
- 1.2 General reasons for Recommendation 007 were consistency, large number of properties removed from non-conforming status (approximately 30)

5.1 Rural Residential Zones Continued: Oct 04, 2024, SP-APC-2024-008

To help with the decisions regarding the maximum allowable dwelling floor area, the APC decided that a discussion about the meaning of (legal) non-conforming was in order.

5.1 Rural Residential Zones Continued: Oct 04, 2024, SP-APC-2024-009

The APC decided to refer the interpretation of legally conforming and legally non-conforming to the Planner for the information of the APC.

Included in the referral letter were two maximum dwelling size tables, one for a proposed increase of maximum dwelling size of the current bylaw and one referring to

legally built dwellings prior to September 15, 2022. Also, an example of an exception clause which adjusted for the two-table proposal was included. See **Appendix C** (P. 12)

5.1 Rural Residential Zones Continued: Oct 04, 2024, SP-APC-2024-010

The APC decided to request the Planner consider recent legal cases and jurisprudence and how those relate to the current bylaw for people who do not conform with the current bylaw.

Notes:

- 1.1 The APC appears to have overstepped our mandate by asking Staff to consider Recommendation 009 and 010, rather than requesting the information via the LTC. We sincerely apologize to staff for the breach in protocol.
- 1.2 Thank you to Planner Stockdill for responding to the Recommendation 009 request, by providing answers to our request. See **Appendix C** (P.12)
- 1.3 Planner Stockdill verified that a dual dwelling size table with a before and after date as an option

5.1 Rural Residential Zones Continued: Oct 04, 2024, SP-APC-2024-013

The APC recommended to the LTC that attached garages not be included in the floor area of a dwelling and that staff provide a definition of garage in the land use bylaw.

Notes:

- 1.1 For clarity the recommendation refers to "Attached Enclosed Garages"
- 1.2 The recommendation addresses the issue created by the inclusion of "*and exclusive of a storey that is not fully enclosed by a floor, ceiling, and four walls or glass.*" clause with the adoption of Bylaw 122.
- 1.3 An example of the clause addition effect: For a 2000 ft² dwelling with a two-car garage (625 ft²) -
 - 1.3.1 With an attached garage, the ft² must be added to the dwelling total ft² leaving 1375 ft² available for the dwelling ft²
 - 1.3.2 With a detached garage, the ft² is added to the *total "floor area of all buildings"*, or lot coverage leaving 2000 ft² available for the dwelling ft²

5.1 Rural Residential Zones Continued: Oct 21, 2024, SP-APC-2024-014

The APC recommended that the LTC adopt a new table under Siting and Size Section 5.1(5) "Maximum Floor Area per Lot" for all Rural Residential Zones as shown in Table 1 effective after Bylaw Amendment Date MM/DD/YY, and a second table under Siting and Size Section 5.1(x) "Maximum Floor Area per Lot" for all Rural Residential Zones as shown in Table 2 for all legal dwellings built prior to the Bylaw Amendment Date September 15, 2022.

Table 1**5.1.(5) Maximum Floor Area per Lot After Bylaw Amendment Date MM/DD/YY**

Column 1	Column 2	Column 3
		After Bylaw Amendment Date MM/DD/YY
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	279 m² (3000 ft²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	325 m² (3500 ft²)
0.8 ha to < 1.6 ha (2-4 acres)	743 m ² (8000 ft ²)	372 m² (4000 ft²)
1.6 ha to < 4 ha (4-10 acres)	836 m ² (9000 ft ²)	418 m² (4500 ft²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	465 m² (5000 ft²)

Table 2**5.1.(6) Maximum Floor Area per Lot Prior to Bylaw Amendment Sept 15, 2022**

Column 1	Column 2	Column 3
		Prior Bylaw Amendment Date September 15, 2022
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	353 m² (3800 ft²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	418 m² (4500 ft²)
0.8 ha to < 1.6 ha (2-4 acres)	743 m ² (8000 ft ²)	520 m² (5600 ft²)
1.6 ha to < 4 ha (4-10 acres)	836 m ² (9000 ft ²)	543 m² (5845 ft²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	560 m² (6030 ft²)

Notes:

- 1.1 Proposed Table 1 Column 3 (*The floor area of a dwelling may not exceed:*) represents a logical 500 ft² maximum dwelling size increase per lot category over the current regulation
- 1.2 Maximum Dwelling Sizes would match North Pender's for similar lot categories
- 1.3 Using only the proposed increased Table 1 dwelling sizes would reduce the non-conforming status of dwellings exceeding the maximum dwellings size of the current bylaw by approximately 40% (from 20 dwellings to 8)
- 1.4 The proposed Table 1 maximum dwelling size increases represent on average a 19% increase over the current bylaw and 22% decrease over the pre-122 bylaw (Table 2)
- 1.5 Including Table 2 into Bylaw 114 recognizes the status of all legal dwellings built prior to September 15, 2022, and therefore would not require the protection of the Siting and Size 5.1(6) clause. They would no longer hold non-conforming status under the current bylaw
- 1.6 With the inclusion of Table 2 into Bylaw 114 approximately 9% of all South Pender (for Rural Residential, Agriculture, Forestry, Natural Resource zones) dwellings built prior to Sept 15, 2022, would be removed from the non-conforming status.

5.1 Rural Residential Zones Continued: Oct 21, 2024, SP-APC-2024-016

The APC recommended that the LTC replace Clause 5.1.(6) under Siting and Size - Section (5) with the following clause:

Despite Subsection 5.1(6){Table 2} on a lot that contains a legal dwelling constructed prior to September 15, 2022 a replacement dwelling may be constructed or the existing dwelling reconstructed or altered, provided the floor area of the replaced, reconstructed or altered dwelling does not exceed the floor area of the dwelling on the lot on September 15, 2022 OR the floor area permitted on such lot by Subsection 5.1(5){Table 1}, whichever size is greater. For this purpose, the Local Trust Committee may require an owner to submit substantive evidence to establish the floor area of the dwelling at the time of the adoption of this bylaw.

Notes:

- 1.1 The above proposed clause is intended as an example only, not the final clause to be included in the bylaw.
- 1.2 The proposed revised clause is required as it addresses the conditions of use for dwellings built prior to September 15, 2022
- 1.3 The objective of the revised clause is:
 - 1.3.1 to ensure that pre-September 15, 2022, legal dwellings exceeding the current bylaw maximum dwelling size can only rebuild to their size as of that date and not to the sizes shown in Table 2
 - 1.3.2 or: to ensure that pre-September 15, 2022, legal dwellings can rebuild or expand to the current bylaw dwelling sizes

- 1.4 The combined effect of Recommendations 015 and 016 virtually eliminates the non-conforming status created for many dwellings with the adoption of Bylaw 122, yet maintains the intent of Bylaw 122, except for slightly larger maximum dwellings sizes

5.5 Agriculture Zones: Oct 21, 2024, SP-APC-2024-017

The APC recommended that the LTC review the maximum dwelling size for the Agricultural Zones recognizing requirements by the Agricultural Land Reserve and that those can change from time to time and that they should be cognizant of not getting out of step

Notes:

- 1.1 As the ALR is a provincial regulation, it is thought that it might be pragmatic to simply follow the ALR dwelling size regulations, for South Pender's Agricultural Zone, rather than having to adjust our bylaws with any future ALR changes
- 1.2 The ALR maximum dwelling size for under 100 Acres = 5380 ft². With the proposed changes to the South Pender the maximum dwelling size would = 5000 ft² for Agriculturally Zoned property greater than 10 acres, which is only 7.5% lower than the ALR maximum. Perhaps ALR figures could also apply to *Lot Size Category 4 – 10 acres* with an Agriculture zoning

5.5 Agriculture 5.6 Forestry and 5.7 Natural Resources: Oct 21, 2024, SP-APC-2024-018

The APC recommended that the LTC use the same tables that the Advisory Planning Commission recommended for Rural Residential zones for Forestry and Natural Resources zones.

Notes:

- 1.1 The tables and clause referred to in the recommendation are those shown in Recommendation 014 and 016
- 1.2 The same reasons stated in Notes: for recommendations 014 and 016 apply

5.5 Agriculture, 5.6 Forestry and 5.7 Natural Resources: Oct 21, 2024, SP-APC-2024-020

The APC recommended that the LTC identify and consider the anomalies outlined in the note SP APC - Nov 5 RE Agricultural, Forestry and Natural Resources shared between Commission members for clarification.

Notes:

- 1.1 See **Appendix B** (P.10)
- 1.2 It is evident that the two regulations, one under Density and the other under Siting and Size in each zone are confusing
- 1.3 The APC felt it best that the LTC with the aid of staff decide what the best resolution, if any, for resolving the discrepancy.

Topics Discussed, no Recommendations:

Dwelling Footprint:

- 1.1 Commissioner Kirkwood introduced a concept of a maximum dwelling footprint size for each lot category, based on the maximum dwelling sizes
- 1.2 The scenario discussed was a 60/40 ratio, meaning that the maximum footprint of a dwelling would be (max dwelling size for each lot category) * (60%) = dwelling footprint ft²
- 1.3 Some of issues discussed with this proposal included:
 - 1.3.1 Lot coverage needs to be considered.
 - 1.3.2 How would an attached enclosed garage, even with APC Recommendation 013 add to the equation?
 - 1.3.3 Is a proposed dwelling which has a significantly smaller ft² than the maximum allowable still required to use the 60/40 ratio? I.E. Would 1800 ft² dwelling built on a 1,5-acre lot still be required to use the 60/40 ratio or use 1080 ft²?
 - 1.3.4 Non-conforming issues for current dwellings?
 - 1.3.5 It was decided that the Maximum Footprint scenario is for the LTC to pursue if they wish

Maximum Dwelling Height, Basement Floor Area Definition and Floor Area Definition:

- 1.1 These topics were discussed, and we refer you to the APC November 12, 2024 Minutes items 4.4, 4.5.1 and 4.5.2 respectively for APC comments.

In Conclusion:

With these recommendations and this report the APC has concluded our deliberations on the Minor LUB Amendments Referral. APC members will be glad to address any questions or concerns the LTC may have.

Appendix A

Bylaw No. 122 Section	Amendment Summary (for exact regulation refer to Bylaw No. 122)	Retain	Remove	Amend	Undecided	Staff Comments
2.1	New definitions	☒	☐	☐	☐	No major discussions regarding the definitions
2.2	Definition - cottage	☒	☐	☐	☐	General support for keeping this definition.
2.3	Definition – floor area	☒	☐	☐	☐	General support for keeping this definition.
2.4	Changing setback to the natural boundary of the sea from 25 feet to 50 feet	☐	☐	☐	☒	A mix of opinions to keep, change or remove this amendment. Further discussion and recommendation from the APC required.
2.5	Clause permits buildings and structures that were sited prior to September 15, 2022 to retain the 25 feet setback.	☐	☐	☐	☒	Dependent on decision of Section 2.4. If the LTC recommends to retain the setback of 50 feet from the natural boundary of the sea, then staff recommend to retain this regulation.
2.6	Clause that permits a legal dwelling, cottage or accessory building constructed prior to Sept 15/24 to be replaced or altered.	☐	☐	☐	☒	Dependent on decision of Section 2.4. If the LTC recommends to retain the setback of 50 feet from the natural boundary of the sea, then staff recommend to retain this regulation.
2.7	Addition to height regulation – restricts a dwelling or cottage to not exceed 9.2 metres at any point.	☐	☒	☐	☐	General support to remove this regulation and reverting the height regulation as it was prior to the adoption of Bylaw No. 122.
2.8	Shipping container regulations	☒	☐	☒	☐	General support to keep the shipping container regulations with the option to change the lot sizes so they are the same as the lot sizes displayed the maximum floor area regulations.
2.9	Freshwater catchment regulations	☒	☐	☒	☐	General support for keeping this regulation. Possible amendments are to add definitions for “freshwater” and “cistern”.
Bylaw No. 122 Section	Amendment Summary (for exact regulation refer to Bylaw No. 122)	Retain	Remove	Amend	Undecided	Staff Comments
2.10	RR Zones – more restrictive maximum floor area and total floor area	☐	☐	☐	☒	Further comments and recommendations from the APC required.
2.11	Clause that allows legal dwellings to be constructed with the same floor area as it was at the time of Bylaw No. 122 adoption.	☐	☐	☐	☒	Dependent on decision of Section 2.10. If the LTC recommends to retain regulation or amend the maximum floor area and total floor area, then staff recommends to retain this regulation.
2.12	Maximum floor area of a cottage in the RR zones	☒	☐	☐	☐	Technical amendment and support to retain as is.
2.13	Setback from interior lot line for dwellings and cottages to be 20 feet.	☐	☐	☐	☒	Further comments and recommendations from the APC required.
2.14	Clause that allows legal dwellings and cottages to be sited as they were prior to the adoption of Bylaw No. 122 (Sept. 15/22).	☐	☐	☐	☒	Dependent on decision of Section 2.13. If the LTC recommends to retain setback of 20 feet to interior lot line for new dwelling and cottages, then staff recommends to retain this regulation.
2.15	Adding permitted accessory agri-tourism use	☒	☐	☒	☐	Retain but remove reference to “subject to Subsections 5.5(13) to 5.5(16)”.
2.16	Adding permitted accessory agri-tourist accommodation use	☒	☐	☒	☐	Retain but remove reference to “subject to Subsections 5.5(15) to 5.5(22)”.
2.17	Adding farm retail sales as accessory use	☒	☐	☐	☐	General support to retain.
2.18	Maximum floor area and total floor area for dwellings in the Agriculture zone.	☐	☐	☐	☒	Some support to remove this regulation as it was expressed at the Agricultural Land Commission (ALC) regulates maximum floor area for dwellings located in the Agricultural Land Reserve (ALR).
2.19	Clause that allows legal dwellings to be constructed with the same floor area as it was at the time of Bylaw No. 122 adoption.	☐	☐	☐	☒	Dependent on decision of Section 2.18. If the LTC recommends to retain regulation or amend the maximum floor area and total floor area, then staff recommends to retain this regulation.
2.20	Maximum floor area of cottage in the Agriculture zone	☒	☐	☐	☐	Technical amendment and support to retain as is.

South Pender APC Referral Minor LUB Amendments

Bylaw No. 122 Section	Amendment Summary (for exact regulation refer to Bylaw No. 122)	Retain	Remove	Amend	Undecided	Staff Comments
2.21	Information Note	☒	☐	☐	☐	Technical amendment and support to retain as is.
2.22	Farm retail sales regulation related to indoor and outdoor floor area permitted for the use.	☐	☒	☐	☐	General support to remove all conditions that are currently regulated by the ALC.
2.23	Conditions of use for agri-tourism and agri-tourist accommodation	☐	☒	☐	☐	General support to remove all conditions that are currently regulated by the ALC <u>except</u> to retain the condition that limits the number of guests and bedrooms for an agri-tourist accommodation use.
2.24	Maximum floor area and total floor area for dwellings in the Forestry zone.	☐	☐	☐	☒	Further comments and recommendations from the APC required.
2.25	Clause that allows legal dwellings to be constructed with the same floor area as it was at the time of Bylaw No. 122 adoption.	☐	☐	☐	☒	Dependent on decision of Section 2.24. If the LTC recommends to retain regulation or amend the maximum floor area and total floor area, then staff recommends to retain this regulation.
2.26	Maximum floor area of cottage in the Forestry zone	☒	☐	☐	☐	Technical amendment and support to retain as is.
2.27	Maximum floor area and total floor area for dwellings in the Natural Resource zone.	☐	☐	☐	☒	Further comments and recommendations from the APC required.
2.28	Clause that allows legal dwellings to be constructed with the same floor area as it was at the time of Bylaw No. 122 adoption.	☐	☐	☐	☒	Dependent on decision of Section 2.27. If the LTC recommends to retain regulation or amend the maximum floor area and total floor area, then staff recommends to retain this regulation.
2.29	Maximum floor area of cottage in the Natural Resource zone	☒	☐	☐	☐	Technical amendment and support to retain as is.

Box shaded dark blue - a priority for APC comment

Box shaded light blue – comment from APC may be required

Box shaded white – no comments from APC required

Appendix B

November 05, 2024

RE: Agricultural, Forestry and Natural Resources

At our Oct 21 APC meeting we passed motions SP-APC-2024-017 and SP-AC-2024-018. It has since been pointed out to me that there are discrepancies with respect to lot coverage for these zones in Bylaw 114.

Lot Coverage is not only defined under **Siting and Size**, but also under **Density** for these zones and appears to be contradictory.

The highlighted graphic for Agriculture below shows the inconsistency

Bylaw 114 Link: [SP-BL-114-LUB-Consolidated](#) P.30 ->

- (3) One *cottage* or other *dwelling* is permitted on each *lot* for the housing of persons engaged in on-going agricultural activities on the *lot*.
- (4) For a parcel less than 4.0 ha (10 acres) in area, the *lot coverage* of all *buildings* and *structures* may not exceed 8 percent.
- (5) For a parcel 4.0 ha (10 acres) or greater in area, the *lot coverage* of all *buildings* and *structures* may not exceed 3 percent.

Siting and Size

- (6) The minimum *setback* for any *building* or *structure*, except a *fence* or *pump/utility house*, shall be:
- 7.6 metres (25 ft.) from any front or rear *lot line*;
 - 6.1 metres (20 feet) of any side *lot line*.
- (7) Despite Subsection 5.7(6), *buildings* or *structures* used for housing livestock, poultry or for manure storage may not be located within 30 metres (98 feet) of:
- a front *lot* or exterior side *lot line*;
 - an interior side *lot line* or rear *lot line* abutting a residential, *park* or institutional use;
 - a lake or natural *watercourse*; or
 - a well or source of domestic water supply.
- (8) Despite Article 5.5(6)(a), roadside stands for *accessory* sale of farm products may be sited within the setback from a front *lot line* or exterior side *lot line*.

South Pender Island Land Use Bylaw No. 114, 2016

Page 30

BL 122

(9) ~~The floor area of a dwelling may not exceed 560 m² (6028 ft²).~~ Maximum Floor Area per lot:

<u>Lot Area</u>	<u>The total floor area of all buildings may not exceed:</u>	<u>The floor area of a dwelling may not exceed:</u>
<u>Less than 0.4 ha (1 acre)</u>	<u>465 m² (5000 ft²)</u>	<u>222 m² (2500 ft²)</u>
<u>0.4 ha to < 0.8 ha</u>	<u>557 m² (6000 ft²)</u>	<u>279 m² (3000 ft²)</u>

Using the Agricultural Zoning Lot Coverage Regulations for a **9 Acre** lot:**Density** - "Lot Coverage of all buildings and structures" = 8%

- 43560 * 9 = 392040 * 8% = **31363 ft²** – Total Lot Coverage

Siting and Size – "total floor area of all buildings may not exceed:"

- 9000 ft²** – Total Lot Coverage

The significant difference between the two "maximum floor areas" allowed between the two regulations is obvious and begs the question of which one takes precedence.

I would suggest some options that are available to us. Because these Zones were included in the referral chart, all be it, specifically for Dwelling Max Floor Area we could do one of the following:

1. Ignore this Lot Coverage anomaly for those zones and leave our motions as passed at the Oct 21 meeting
2. Pass additional motions with a recommended solution – such as removing one regulation or at the very least make them compatible for these zones.
3. Pass a recommendation to the LTC pointing these anomalies and suggest they clarify these regulations

If you feel that we should take further action such as in item 2 or 3, please prepare you motion in advance. I would like to suggest that the motion be as succinct as possible.

We would have to add this item to agenda

Thanks

Gordie

Appendix C

RE: APC Motions: **SP-APC-2024-009** and **SP-APC-2024-010** with respect to Legal Non-Conforming

Hi Kim

I wonder if you have had a chance to consider the South Pender's APC request for clarification of Legal Non-Conforming? The two motions, referenced above, were made at the APC meeting on October 04, 2024.

- **SP-APC-2024-009**
It was Moved and Seconded,
that the South Pender Advisory Planning Commission refer the interpretation of legally conforming and legally non-conforming to the Planner for the information of the Advisory Planning Commission.
- **SP-APC-2024-010**
It was Moved and Seconded,
that the South Pender Advisory Planning Commission request the Planner consider recent legal cases and jurisprudence and how those relate to the current bylaw for people who do not conform with the current bylaw.

Further to our request above, at our meeting on Oct 21, 2024, the APC made two recommendations which, it is believed, would have a significant impact on the many dwellings that were rendered non-conforming with the adoption of Bylaw 122. Your thoughts and comments on these recommendations would be appreciated.

Summarizing the intent of Oct 21 recommendations, which is to reduce or eliminate those legally built dwellings prior to Bylaw 122 adoption, rendered non-conforming by it. The intent is not only to provide the protection of the current clause 5.1(6), but also to ensure that no legal pre-122 dwelling could build or expand to the dwelling sizes referred to in the new pre-122 table rather than using the current bylaw table, except under the provisions of 5.1(6).

The APC recommendations were created based on a recommendation included in a Staff Report to the LTC at the time. [eSCRIBE Agenda Package \(islandtrust.bc.ca\)](https://islandtrust.bc.ca)
Page 81 #5 Option 1

(Staff Report Sept 24, 2021 - Option 1 – “*The LUB would have two different maximum floor area regulations: retain the current regulations for houses constructed prior to the LUB amendment bylaw, and a second set of more restrictive maximum floor area regulations for dwelling units constructed after the LUB amendment.*”

Based on this option 1: Two recommendations were made:

1. Adding a 2nd table to Section 5 Siting and Size showing maximum dwelling sizes pre-122
 - 1.1. It also included a change to the current Section 5 Max Dwelling Size Table bylaw increasing and equalizing the maximum dwelling size by an additional 500 ft² per lot category.

Siting and Size Table Changes:

5.1.(5) Maximum Floor Area per Lot After Bylaw Amendment Date MM/DD/YY

Column 1	Column 2	Column 3
		After Bylaw Amendment Date MM/DD/YY
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	279 m ² (3000 ft ²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	325 m ² (3500 ft ²)
0.8 ha to < 1.6 ha (2-4 acres)	743 m ² (8000 ft ²)	372 m ² (4000 ft ²)
1.6 ha to < 4 ha (4-10 acres)	836 m ² (9000 ft ²)	418 m ² (4500 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	465 m ² (5000 ft ²)

Table 1

5.1.(6) Maximum Floor Area per Lot Prior to Bylaw Amendment Sept 15, 2022

Column 1	Column 2	Column 3
		Prior Bylaw Amendment Date September 15, 2022
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	353 m ² (3800 ft ²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	418 m ² (4500 ft ²)
0.8 ha to < 1.6 ha (2-4 acres)	743 m ² (8000 ft ²)	520 m ² (5600 ft ²)
1.6 ha to < 4 ha (4-10 acres)	836 m ² (9000 ft ²)	543 m ² (5845 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	560 m ² (6030 ft ²)

Table 2

- 2.
3. Changing the existing Bylaw clause 5.1(6) to reflect the two tables.
4. **Despite Subsection 5.1(Table 2)** on a lot that contains a legal dwelling constructed prior to September 15, 2022 a replacement dwelling may be constructed or the existing dwelling reconstructed or altered, provided the floor area of the replaced, reconstructed or altered dwelling does not exceed the floor area of the dwelling on the lot on September 15, 2022 **OR** the floor area permitted on such lot by Subsection 5.1(5), whichever size is greater. For this purpose, the Local Trust Committee may require an owner to submit **substantive evidence to establish the floor area of the dwelling at the time of the adoption of this bylaw.** (a previous recommendation by the APC)

It is understood that the APC's purpose is not to write bylaws and bylaw clauses and that is not our intent with the above recommendations. It is the APC's intent however, to demonstrate a viable option and to offer a solution and recommendation to the LTC that is acceptable to the community.

November 23, 2024

South Pender APC Referral
Minor LUB Amendments

Thank you for your attention to our request for clarification.

Gordie Duncan
SP-APC Chair

From: South Pender Planner
Sent: Thursday, November 7, 2024 11:25 AM
To: APC members
Subject: FW: SP-APC request for your consideration

Hello APC,

I would like to refer the APC to the FAQ document I put together regarding the 'legal non-conforming' questions: https://webfiles.islandstrust.bc.ca/islands/local-trust-areas/south-pender/current-projects/Minor%20LUB%20Amendments%20Project/6%20-%20Other%20Information/2024-05-08_Legal%20Non-Conforming%20FAQ.pdf. **Bylaw No. 122 did not create 'legal non-conforming' situations in terms of maximum floor area.** The only situation where the adoption of Bylaw No. 122 created non-conformity is in regards to a dwelling's height.

The reason why the previous LTC created the clause was to make it implicitly clear that the floor area of a legal dwelling constructed prior to the adoption of Bylaw No. 122 (Sept 15/22) is permitted. The dwelling's floor area is legal. This protection also reflects Section 529 of the Local Government Act (LGA). Secondary and most important, the LGA does not protect the siting, size, dimension (so floor area) of a dwelling if the dwelling is removed entirely from the property. A dwelling could be removed from the property due to extreme fire damage, aging structure, or other reasons to rebuild. The LGA does not grant legal non-conforming siting, size, or dimension rights to a dwelling if the dwelling is removed from the property. Therefore the clause goes a step beyond the LGA and states that a dwelling may be replaced, reconstructed or altered to the same floor area as it was on Sept 15/22.

Please be aware of the difference between 'non-conforming **use or density**' and 'non-conforming **siting, size and dimension**'. I go over this in the FAQ document.

As for the tables displayed in the word document, the APC could recommend to the LTC to amend the LUB to regulate maximum floor area and total floor area for two different scenarios: 1. For lots with a dwelling unit located on the lot prior to September 15/22; and 2. For new dwellings constructed on or after September 15/22.

In regards to APC motions and resolutions, as a reminder the APC is making recommendations to the LTC. The APC cannot direct staff or request staff to complete work. The LTC has the authority to direct/request staff to complete a task. Future

motions should be drafts in the following manner: “That the South Pender APC recommend to the LTC to request an interpretation of legally conforming and legally non-conforming”.

Thank you,

Kim Stockdill (*she/her*)
Island Planner

Forgot to mention.. I believe there was a request to clarify the following terms (in terms of a dwelling):

“legal non-conforming” – when a dwelling was constructed legally (dwelling complied with the LUB as it was at time of construction) but now no longer complies to the regulations in the current LUB. This happens when a LUB is amended over time and now includes more restrictive regulation(s) than what was in the LUB at the time of construction. “Legal non-conforming” also refers to a situation where a dwelling was constructed prior to any bylaws, but does not comply with the current LUB.

“legal conforming” – when a dwelling was constructed legally (conformed to the LUB at time of construction) and continues to comply with the current LUB.

“illegal non-conforming” – when a dwelling did not comply with the LUB at the time of construction and continues to not comply with the current LUB.

Kim

Active Projects Report

South Pender Island

1. <i>Minor Project - Minor LUB Review Project</i>	Responsible	Dates
Activity:	Kim Stockdill	Rec'd: 01-Sep-2023

Future Projects Report

South Pender Island

1. *Development Permit Areas*

Responsible

Date Received

Review of existing and potential development permit areas

28-Apr-2015

2. *Sea level Rise and Shoreline Erosion*

Responsible

Date Received

Review of policies and regulations including setback from the sea, structures permitted in setback

28-Apr-2015

3. *First Nations Language*

Responsible

Date Received

Consider OCP amendment to include a more fulsome historical accounting of First Nations

01-Nov-2019

4. *Groundwater Sustainability Project*

Responsible

Date Received

Consider Implementation options of Southern Gulf Islands Groundwater initiative

09-Apr-2021

5. *Raptor's Nest Mapping*

Responsible

Date Received

To update the mapping of raptor's nest on South Pender Island.

04-Feb-2022

6. *Shoreline Review Project*

Responsible

Date Received

Shoreline Review Project

05-May-2023

Future Projects Report

South Pender Island

7. *Review of STVR policies and regulations*

Responsible

Date Received

changes to legislation (bill 35) have affected legal non-conforming vacation rentals. The LTC has deferred enforcement and determined that it wishes to consider policy and regulatory options for vacation rentals

10-May-2024

Islands Trust
 LTC EXP SUMMARY REPORT F2025
 Invoices posted to Month ending October 2024

665 South Pender	Invoices posted to Month ending October 2024	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,670.00	698.41	971.59
65210-665	LTC - Local Exp - APC Meeting Expenses	300.00	0.00	300.00
TOTAL LTC Local Expense		<u>1,970.00</u>	<u>698.41</u>	<u>1,271.59</u>
Projects				
73001-665-4118	South Pender LUB Minor Amendments	3,500.00	1,663.56	1,836.44
TOTAL Project Expenses		<u>3,500.00</u>	<u>1,663.56</u>	<u>1,836.44</u>



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2024-013 (Standing) STVR Enforcement that the South Pender Island Local Trust Committee directs Bylaw Enforcement staff to defer enforcement for those short-term vacation rentals validly operating as of April 30, 2024 and that enforcement on any short term vacation rentals be by written complaint only.	Carried	13-Sep-2024
2021-016 (Standing) 15.2 APC Appointments That the South Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners	Carried	05-Nov-2021

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-015 (Standing)	Carried	06-Sep-2019
15.3 Standing Resolution - Reconciliation Report that the South Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.		
2019-014 (Standing)	Carried	06-Sep-2019
15.2 Model Cell Tower Strategy - Staff Briefing that the South Pender Island Local Trust Committee endorse the Model Cell Tower Strategy.		

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-001 (Standing)	Carried	01-Feb-2019
13.2 Cannabis Retail Application License Application Fees - Staff Report - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - The proposed license should also be referred to First Nations for comment. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee.		
2015-015 (Standing)	Carried	28-Apr-2015
Printed Agenda Packages That whereas full agendas are available for public perusal on the website, and whereas the SPILTC endeavours to lower its ecological footprint be it moved that full paper printed agenda packages no longer be provided for future SPILTC meetings.		
2010-000 (Standing)	Carried	05-Oct-2010

Send FUAL to trustees once drafted following the meeting.

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
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2006-012 (Standing)

Carried

23-May-2006

Adoption of Minutes

That staff prepare draft of meeting minutes for Local Trust Committee reading, correction and amendment as soon as possible following meetings. The South Pender Island Local Trust Committee will adopt these minutes by Resolution without Meeting within fourteen business days, if possible, of each meeting.

November 22, 2024

Trustees,

Now that the Land Use Bylaw Project is well underway, the LTC may wish to consider how best to engage local First Nations in the consultation process when the new proposed bylaw is drafted.

Our LTC Standing Resolution states that the LTC will:

- d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;

In May 2023 the Minister of Municipal Affairs wrote to the LTC chair raising concerns regarding the nature and extent of the LTC's substantive consultation with the W̱SÁNEĆ FN. The Minister expressed concern about the role of Indigenous People in the development of the Bylaw including "changes to land use, building height and density to reduce impacts in areas defined as culturally sensitive and/or significant".

Since the S,DÁYES South Pender coastline is both an environmentally and culturally sensitive area and the proposed bylaw involves the issue of setbacks from the natural boundary of the sea, it would be timely to consider how best to involve the W̱SÁNEĆ First Nation representatives in the consultation process.

Given the positive engagement with Hereditary Chief Eric Pelkey (W̱ÍĆKINEM) last year, it would seem appropriate to notify Chief Pelkey of the plan to review the land use bylaw and seek his guidance on how best to engage in a meaningful consultation process.

I would be happy to assist in drafting a letter to Chief Pelkey if that would be helpful.

Sincerely, Monica Petrie

[REDACTED]

South Pender Island



HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY NOVEMBER 19TH, 2024 BOARD MEETING

NOTE: For more detail on Islands Trust Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- Chair Smith provided a reminder that there will be an election for Chair and Vice Chair in January 2025, and advised she will be stepping down as Chair.
- The ITC Board and ITC staff reported on the highlights of attending the Salish Sea Conservation Forum on Galiano Island on October 18th, 2024.

2. STRATEGIC PLANNING/ADMINISTRATION

- The ITC Board adopted the proposed board meeting schedule from January 2025 to March 31st, 2026. Staff were directed to schedule the following ITC board meeting dates: January 21st, May 27th, October 7th, November 18th, 2025 and January 20th, 2026 as electronic meetings, and list the Victoria office board room as the public meeting location. Three in-person meetings will be held on March 18th and July 22nd, 2025, and March 17th, 2026.
- The ITC Board approved an increase of \$7,582 to its proposed 2025-26 Salaries and Benefits budget (Islands Trust Contribution) due to an error in its earlier submission relative to the amount available from the Environment and Climate Change Canada Contribution Agreement for Salaries and Benefits in 2025-26. In light of the increasing budget line request, the Board approved reducing the Board's training budget line by \$3,000 (originally increased to support education on Indigenous Conserved and Protected Areas). The board directed staff to provide these changes to the Financial Planning Committee and Trust Council.
- The ITC Board will indicate to Financial Planning Committee and Trust Council its supports for the Trust Area Services business case for an Auxiliary Policy Advisor for 2025-26 as this position is critical for ongoing intergovernmental and policy work. The ITC Board requests that a portion of an Auxiliary Policy Advisor position be dedicated to support the Conservancy's engagement with First Nations on the development of its next Five Year Plan.
- Trustee Elliott provided an update to the ITC Board from Executive Committee. Items reported include identifying an upcoming Executive Committee meeting on November 20th in preparation for Trust Council's December meeting, welcoming the new Islands Trust Chief Administration Officer, Reuben Bronee, and that the Policy Statement amendment project is proceeding through Committee of the Whole discussions and will go to communities and ITC before it is finalized.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

- Trustee Yates reported that no changes to the proposed ITC budget were requested by Financial Planning Committee.
- Trustee Gauvreau provided an update to the ITC Board from Governance Committee including that the Committee is reviewing the Trustee remuneration policy to ensure that Islands Trust is following best practices and is submitting two business cases to Financial Planning Committee for inclusion in the 2025-26 budget; for a full-time Corporate Secretary and for policy assistance. The committee also set its 2025-26 meeting schedule and supported a suggestion to create a governance manual to help organize policies.
- The ITC Board received a Salt Spring Island LTC Planning Referral Notice and discussed how best to review and comment referrals in a timely manner.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board approved the conservation proposal submitted by Tara Martin to place a NAPTEP covenant on approximately 1 ha of Salt Spring Island, subject to review of First Nations responses and to Ministerial approval, to protect woodlands and herbaceous habitats, maturing dry Douglas-fir forest, and connectivity with adjacent protected areas.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board granted the request of Sallas Forest Strata, Sidney Island, to use an excavator to extract invasive *Crataegus monogyna* (hawthorn) trees from covenants ES065747 (Dragonfly Pond), ES65743 (Woodpecker Pond), and ES065749 (Kingfisher Pond) and to dispose of the biomass on site by burning. A temporary waiver of certain sections of the covenant was granted, subject to specific terms to allow this work.
- The ITC Board accepted the ITC Natural Area Protection Tax Exemption Program (NAPTEP) Covenant Monitoring Report 2024 and directed staff to address compliance and ecological concerns as identified in the report.
- The ITC Board accepted the ITC Nature Reserve Monitoring Report 2024 and directed staff to address the recommendations as identified in the report.
- The ITC Board approved soil moisture research at Link Island Nature Reserve by the Swift family, subject to First Nations consultation and the covenant holder's approval.
- The ITC Property Management Specialist presented a briefing on Gambier Island Local Trust Committee requesting the use of Squamish language on ITC Nature Reserve signage on Gambier Island.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

5. COMMUNICATIONS AND OUTREACH

- The ITC Board directed staff to prepare and submit a letter from the ITC Board to the Minister of Municipal Affairs that reiterates the ITC's desire to undertake meaningful First Nations engagement, explains the ITC's staff capacity challenges, provides the Board's proposed ITC Plan engagement outline, and seeks the Minister's support for the updated timeframe for development and submission of the next ITC Plan.
- The ITC Board requested that Director Frater consider if a portion of the new Trust Area Services Policy Advisor position, supposed by Trust Council in September 2024, can be targeted to assist ITC staff with the Five Year Plan/First Nations Engagement project or if ITC can seek similar funding for an ITC Policy Advisor position for this and other policy requirements.
- The ITC Board requested Chair Smith write a letter on behalf of ITC to Trust Council regarding having not been consulted by Trust Council before the request for a Provincial review was made.
- The ITC Communications Specialist presented a briefing with a Communications and Engagement Strategy for ITC's 35th Anniversary.
- The ITC Strategic Fund Development Specialist advised that the annual holiday appeal will launch this year on Giving Tuesday on Tuesday December 3rd.

Learn more about Islands Trust Conservancy: <https://islandstrust.bc.ca/conservancy/>

Subscribe for Islands Trust Conservancy updates: <https://islandstrust.bc.ca/subscribe/>

File No.: Policy Statement
Amendment Project (PSAP)

DATE OF MEETING: Fall 2024

TO: Local Trust Committees
Bowen Island Municipality

FROM: Trust Area Services

SUBJECT: Phase 4 Community Engagement Options - Policy Statement Amendment Project (PSAP)

RECOMMENDATION

1. That *[name of LTC/Bowen Island Municipality]* select Engagement Option(s) *[Insert option #s here]* for Phase 4 community engagement about the new draft Islands Trust Policy Statement.

REPORT SUMMARY

The purpose of this report is to provide local trust committees (LTCs) and Bowen Island Municipality (BIM) with the opportunity to advise Trust Council which, if any, local public engagement activities the LTC/BIM would prefer used to seek community input to inform the LTC's/BIM's referral response to Trust Council about the draft new Policy Statement. Trust Council will refer the new Policy Statement to LTCs and Bowen Island Municipality for comment once Trust Council has provided approval in principle.

The project work plan anticipates that virtual and on-island engagement will take place between May and October 2025.

BACKGROUND

Through approval of the Policy Statement Amendment Project Charter, Islands Trust Council has confirmed its intent to support a six-month local engagement window once Trust Council grants the draft Policy Statement approval in principle.

The project charter for the Policy Statement Amendment Project envisions Phase 4 engagement taking place simultaneously at the federation-wide and local trust area/Bowen Island levels. At the federation-wide level, the following engagement activities are planned:

- A survey¹, available both online and in hard copy that can be picked up at key locations on the islands; and
- An online workshop open to all that wish to attend.

¹ There will be an opportunity for people to phone in their answers to the survey as well.

Options for on-island engagement are laid out in the table below.

This will be the fourth time that local communities have been engaged as part of the Policy Statement Amendment Project. Information about previous engagement phases is available in the “Project Library” on the [Islands 2050 webpage](#).

ANALYSIS

On-Island Engagement Options

Option Number	Option Type	Option Description	Trust Area Services Staff Participation	Option Cost (from PSAP budget)
1.	No formal on-Island engagement	LTC/BIM receives the draft policy statement and develops a referral response based on their own perspectives or information gathered informally in the community ²	N	\$0
2.	Town Hall during regular LTC/BIM meeting(s)	LTC/BIM allocates time within one or more regular LTC meetings to hear views of community members	N	\$0
3.	LTC/BIM-led Community Information Meeting prior to regular LTC meeting	LTC/BIM requests and advertises Community Information Meeting to be held on regular LTC/BIM meeting day specific to the draft new Policy Statement	N	\$XXX (advertising) \$XXX (engagement materials)
4.	Staff-led Community Information Meeting prior to regular LTC/BIM meeting	LTC/BIM requests and advertises for Community Information meeting to be held on regular LTC/BIM meeting day specific to the Policy Statement	Y	\$XXX (advertising) \$XXX (engagement materials)
5.	Staff-led Community Information Meeting outside of regular LTC/BIM meeting ³	LTC requests and advertises for special meeting to be held specific to the Policy Statement	Y	\$XXX (advertising) \$XXX (engagement materials) \$XXX (hall rental + catering) \$XXX (minute taker)

² Trustees are welcome to convene informal gatherings at their own cost, but use of project funds requires a more formal structure (minute taker/recorder etc).

³ On-Island engagement events that involve TAS staff will likely involve total overtime, travel, and potentially accommodation costs in the order of between \$250 and \$1,000.

6.	Staff-run info booth	Staff set up a booth at a popular community hub to share information about the PSAP and gather feedback for presentation to LTC/BIM	Y	\$XXX (advertising) \$XXX (engagement materials)
7.	Staff-run info booth on the ferry	Staff set up a booth on the ferry to share information about the PSAP and gather feedback for presentation to LTC/BIM	Y	\$XXX (advertising) \$XXX (engagement materials)

Issues and Opportunities

Need for Local Engagement

LTCs/BIM considering Phase 4 local engagement for the Policy Statement Amendment Project should consider the nature of the information they hope to receive to inform their referral response. LTCs/BIM are under no obligation to pursue on-island engagement if they are satisfied they can comment on the draft Policy Statement without it. A survey option will be available to on-island residents regardless of an LTC's/BIM's on-island engagement selection.

Project Budget

Subject to Trust Council approval, the anticipated budget for Phase 4 on-island community engagement is \$20,000. This is not sufficient for staff-supported engagement on all 13 large islands or associated islands. Once all LTCs/BIM have submitted their engagement requests, staff will review the nature of each request, and if it does not seem feasible to deliver the type of engagement requested with the existing budget, staff will advise Executive Committee and propose options and alternatives.

Rationale for Recommendation

The purpose of this report is to solicit LTC/BIM direction so Trust Area Services staff can prepare appropriate opportunities and materials in support of local trust committee engagement on the Policy Statement. The content of any recommendations is at the LTC's/BIM's discretion.

ALTERNATIVES

1. Request alternative approach to engagement

The LTC/BIM may have ideas for local engagement that staff have not included above. If this is the case, and provided such ideas are feasible within both project budget and timeline, then LTC/BIM may request this approach. If this is the case, the following resolution is appropriate :

That the [name of LTC/Bowen Island Municipality] requests the following form of local engagement for Phase 4 community engagement about the new draft Policy Statement

NEXT STEPS

Staff will collate the on-island engagement requests of all LTCs/BIM and assess them for feasibility relative to project budget and staff resources. Depending on the results of that assessment, staff will draft a public engagement plan and schedule for Trust Council approval and/or seek direction from Executive Committee if LTC/BIM requests exceed budget or resourcing limits.

Submitted By:	Jason Youmans, Senior Policy Advisor	September 26, 2024
Concurrence:	Clare Frater, Director, Trust Area Services	October 2, 2024

ATTACHMENTS

- 1. Policy Statement Amendment Project Charter V9

Policy Statement Amendment Project - Project Charter V9

Purpose To support Trust Council’s update of the Islands Trust Policy Statement bylaw, incorporating feedback from Indigenous Governing Bodies, the public, and referral agencies, and approval by the Minister of Municipal Affairs.

Background Trust Council has assigned Executive Committee, with involvement from Trust Programs Committee as appropriate, the task of updating the Islands Trust Policy Statement through the lenses of reconciliation, climate change, and affordable housing, and to undertake early engagement with Indigenous Governing Bodies (IGBs) and the public in the process.

Objectives

- To adopt an updated Policy Statement bylaw that supports Trust Council’s commitments to reconciliation, climate change, and affordable housing, and reflects feedback from the public, IGBs, and partner agencies.

In Scope

- Amendment drafting of V1 as directed by TC resolutions, communications, legal review, and implementation planning
- IGB engagement, public engagement, and agency referrals
- Four readings/Ministerial approval

Out of Scope

- Treaty or territorial negotiations or accommodation
- Consequential amendments to official community plans and land use bylaws

Workplan Overview

Major Deliverable/Milestone	Dates
Past Years (FY 2019-20, 2021-22, 2022-23, 2023-24) -IGB early engagement Phases 1 (2019-2021), 2 (2021-2022), and 3 (2023) -Public engagement Phases 1 (2019-2020), 2 (2021), and 3 (2022) -Policy review and analysis by Trust Council’s committees/working groups and staff (2020-22) -Amendment drafting and legal review Phase 1 (Apr-Jun 2021), Phase 2 (Dec 2022-Mar 2023) - IGB Early engagement Phase 3	2019-2024
Present (FY 2024-25) - Review and revision of draft Policy Statement by Committee of the Whole	May - December 2024
Proposed Next Steps (FY 2024-25) - Approval in principle by Trust Council -Six month public engagement (referrals to local trust committees and Island Municipalities for local engagement; Trust-wide survey; and virtual community workshop) - Amendments and First Reading - Bylaw referral to IGBs, regional districts, Conservancy Board and others	Jan 2025 May– October 2025 Nov- Dec 2025 Dec 2025 - March 2026
Final Adoption (FY 2025-26/2026-27) -Trust Council receives referral responses and passes resolutions on further revisions required -Amendment drafting and amendment/ Second and Third Reading by Trust Council -Refer proposed bylaw to Minister with final FN engagement report; allow six months for review - Ministerial Approval (estimated—no statutory timeline), and Adoption -Final graphic design and distribution, celebration event, implementation planning	April 2026 May 2026 May2026 Dec 2026 Dec 2026—Jan 2027

Project Team

Executive Committee
Trust Programs Committee
Director, TAS

Project Champion
Policy Content Advisors
Project Director

Sr. Policy Advisor

Project Manager & Policy Writer

Program Coordinator

Public Engagement Coordinator

Communications Specialist

Communications Coordinator

Budget

Item	FY 24-25	FY25-26	FY26-27
Communications	\$10,000	\$26,000	\$10,000
Public Engagement	\$0	\$60,000	\$0
Legal Review	\$25,000	\$5,000	\$5,000
Capacity Funding	\$4,000	\$0	\$0
Total Activity Costs:	\$39,000	\$91,000	\$15,000

Approved by:

Clare Frater, Director, TAS

Endorsement: TC

Date: TC-2024-077, Sept, 25, 2024

*Timeline assumes Trust Council schedules special meetings between regular quarterly meetings.



REQUEST FOR DECISION

To: South Pender Island Local Trust Committee
For the Meeting of: December 6, 2024

From: Meeting Administrator
Date Prepared: October 17, 2024

SUBJECT: Draft 2025/26 South Pender Island Local Trust Committee Annual Meeting Schedule

RECOMMENDATION: THAT South Pender Island Local Trust Committee approve their January, 2025 to March, 2026 Meeting Schedule.

DIRECTOR COMMENTS: The work of developing the proposed 2025 committee schedule has been centralized thereby allowing the Executive Coordinator and Meeting Administrator to consider, at length, the many factors involved in creating an effective schedule that meets the requirements of each committee, the chairpersons, and committee members. The proposed schedule allows decisions made by local trust committees to move onto the relevant standing committee's agenda to Executive Committee in a timely manner allowing for increased efficiency. Adoption of the proposed meeting schedule will increase productivity by allowing a seamless process in completing the work required to organize and publish the meetings without need for significant re-ordering of the schedule.

1 PURPOSE:

To approve the South Pender Island Local Trust Committee Business Meeting Schedule from January 1, 2025 to March 31, 2026

2 BACKGROUND:

Each Local Trust Committee (LTC) is asked to endorse, by resolution, its regular annual business meeting schedule for 2025. Pending Trust Council's decision at its December meeting, Trust Council Bylaw No. 197, 2024 Section 5 proposes that local trust committee meetings be scheduled for the fiscal year instead of the calendar year. Therefore, if Bylaw No. 197, 2024 is adopted the local trust committee meetings will be scheduled from January 1, 2025 through March 31, 2026 and then April 1 through March 31 thereafter.

As part of this endorsement, the LTC will need to designate which meeting dates are anticipated to be electronic or in-person. This would allow staff to plan further in advance to accommodate meeting logistics, enable staff to book venues for the year and anticipate cancelling the bookings if the meetings get changed to electronic-only at a later date.

Factors that have been considered when putting together the schedule are as follows:

- LTC's preferred meeting days and times;
- Number of meetings held per year;
- Anticipated project commitments and application volumes;
- Chair and trustee availability and conflicts with Executive Committee and Trust Council Standing Committee meeting dates;
- Chair travel;
- Trust Council meeting dates;

- Trust Council Standing Committees including: Executive, Financial Planning and Audit Committee, Governance, Regional Planning, Trust Programs
- Flow of work from LTCs through standing committees to Financial Planning Committee to Executive Committee and then to Trust Council;
- Islands Trust Conservancy Board meetings, Bowen Island Municipality meetings, Union of BC Municipalities, Association of Vancouver Island and Coastal Communities, and other conferences;
- Other local trust committee meeting dates;
- Statutory holidays including Christmas closures;
- Preference to hold as few meetings in August as possible;
- Available staff and financial resources; and
- Ferry and travel schedules.

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: If South Pender LTC makes significant amendments to the schedule there will be a substantial re-ordering of LTC and Council Committee meeting dates as a result.

FINANCIAL: LTCs decisions whether to hold electronic meetings or in-person meetings will affect budgets. Electronic meetings do not incur venue costs or travel status costs from trustees or staff.

POLICY:

Trust Council Bylaw No. 197 (Proposed).
LTC Meeting Procedure Bylaws.

IMPLEMENTATION/COMMUNICATIONS: Dates and locations of meetings will be posted immediately following adoption and as per LTC Meeting Procedures Bylaws.

FIRST NATIONS RELATIONS: Not applicable.

OTHER: Adoption of an April to March fiscal LTC meeting schedule will provide each LTC with advance notice of meeting dates for the following year as Trust Council and local trust committees will continue to adopt the schedule in November or December of the previous year.

4 RELEVANT POLICY(S):

Trust Council Bylaw No. 197 (Proposed).
LTC Meeting Procedure Bylaws.

5 ATTACHMENT(S):

1. [SP-LTC JAN2025 MAR2026 MeetingDates DRAFT.pdf](#)

RESPONSE OPTIONS

Recommendation: As provided.

Alternative: *THAT South Pender Island Local Trust Committee approve their January 1, 2025 to December 31, 2025 Business Meeting Schedule.*

Prepared By: Lisa Millard, Meeting Administrator

Reviewed By/Date: Stefan Cermak, Director, Planning Services / October 25, 2024



South Pender Island Local Trust Committee January, 2025 – March, 2026 Regular Meetings

DRAFT

The South Pender Island Local Trust Committee will be meeting to consider land use applications, bylaws, correspondence, and various community planning topics.

DATE		TIME	Meeting Type	LOCATION
Friday	February 14, 2025	10:30 a.m.	Regular	Fire Hall #3 8961 Gowlland Point Road (or Electronic)
Friday	May 2, 2025	10:30 a.m.	Regular	Fire Hall #3 8961 Gowlland Point Road (or Electronic)
Friday	September 5, 2025	10:30 a.m.	Regular	Fire Hall #3 8961 Gowlland Point Road (or Electronic)
Friday	November 7, 2025	10:30 a.m.	Regular	Fire Hall #3 8961 Gowlland Point Road (or Electronic)
Friday	February 13, 2026	10:30 a.m.	Regular	Fire Hall #3 8961 Gowlland Point Road (or Electronic)

The proposed meeting agenda is generally available one week prior to the meeting and may be obtained at the Islands Trust office or on our website.

Please note that correspondence received from the public may become part of a meeting agenda that is published online.

VISIT OUR WEBSITE: <https://islandstrust.bc.ca/location/south-pender/>
CONTACT US AT [250-405-5151](tel:250-405-5151) **OR:** southinfo@islandstrust.bc.ca