



# ADOPTED

## 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 feet 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 TĒTĀĆES Revitalization Project was awarded the prestigious BC Lands Award, for the four videos that provided the perspective of WŚÁNEĆ 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.

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Tobi Elliott, Chair

Certified Correct:

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Sarah Shugar, Recorder