

South Pender Island Local Trust Committee Minutes of Regular Meeting

Date: May 2, 2025
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

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

Staff Present: Kim Stockdill, Island Planner
Bruce Belcher, Planner 2
Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: There were twelve (12) members of the public present.

1. CALL TO ORDER

Chair Elliott called the meeting to order at 10:33 a.m.

2. TERRITORIAL ACKNOWLEDGEMENT

Chair Elliott acknowledged that the meeting was held on the territory of the WSÁNEC Coast Salish First Nations.

3. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:
17.2 Consideration of Future Project - Discussion

By general consent the agenda was approved as amended.

4. TRUSTEE REPORT

Trustee Evans reported the following:

- Construction on the dip is scheduled to conclude at the end of June
- Attended Chief Executive Officer Performance Evaluation Committee meeting
- Work on the draft Islands Trust Policy Statement continues and is now being done through Trust Programs Committee
- Trust Programs Committee has designated Secretariat funds to the Rural Island Economic Partnership, Baynes Sound/Lambert Channel Ecosystem Forum, Coastal Douglas Fir Conservation Partnership, Ált'ka7sem Howe Sound Community Forum, and the Southern Gulf Islands Forum

Trustee Falck did not provide a report.

5. CHAIR'S REPORT

Chair Elliott reported the following:

- Attended the Rural Island Economic Partnership Forum
- Attended the Association of Vancouver Island Coastal Communities convention and highlighted the discussion on the impacts of the trade war and the joint presentation on the results of the tiny homes on wheels enablement project in the Trust area
- Attended joint Executive Committee and Bowen Island Municipal Council protocol meeting

6. ELECTORAL AREA DIRECTOR'S REPORT - None

7. TOWN HALL AND QUESTIONS

Trustee Evans stated she would recuse herself from any questions or discussion related to Temporary Use Permit application PL-TUP-2025-0142.

By general consent Trustee Falck chaired the Town Hall portion of the meeting.

- A member of the public asked that the 90-day limit on the use of a recreational vehicle be clarified and requested confirmation the matter is not related to proposed Bylaw No. 129
 - Island Planner Stockdill indicated the amendments to Bylaw No. 129 are technical in nature and the intent and use regarding this matter is not changing
- A member of the public stated Bylaw No. 122 was strong and workable; It protected homeowners, minimized environmental impact, and included options for variances
 - On the other hand, proposed Bylaw No. 129 would increase environmental impact and reduce privacy and rural qualities due to changes in floor level allowances and siting
 - They requested that Bylaw No. 122 be maintained
- A member of the public spoke to the bylaw which had previously been amended to require a Temporary Use Permit for short-term vacation rental operations with the understanding the Local Government Act provided protection for pre-existing operations
 - However, an unanticipated change to the Local Government Act has removed this provision and the Local Trust Committee created a standing resolution to ensure no action would be taken against operators in the interim
 - They requested the Local Trust Committee review the bylaw for the next project
- A member of the public noted significant time and effort has been put toward the proposed changes to the Land Use Bylaw and recognizes compromises have been made
 - concerns of those impacted by changes to Bylaw No. 122 seemed to have been addressed; however, there is still fear amongst those that built under the previous guidelines that their homes will become nonconforming and they hope the forthcoming amendments to proposed Bylaw No. 129 will address the concerns

- A member of the public noted most of the islands within the Islands Trust area have 10' interior setbacks, as it has always been; therefore, privacy is not being lost
 - Privacy concerns can be addressed with landscaping or fences
- A member of the public stated the reduced side lot setback and increased house size allowance erode the Official Community Plan goals of maintaining the community's rural character and protecting the natural environment
 - The existing bylaw protects privacy, reduces greenhouse gas emissions, and ensures growth is gradual and sustainable
 - They noted that staff have indicated the existing bylaw does not create any legal, non-conforming situations with regard to dwelling maximum floor area or setbacks
 - Trustees have not provided rationale for increasing house sizes and changing setback allowances
- A member of the public indicated they were unhappy with Bylaw No. 122, and preferred Bylaw No. 114, but are satisfied with proposed Bylaw No. 129 which has addressed the issues created by Bylaw No. 122
- A member of the public noted their family has been on the island since 1953 and the lots were large and houses small
 - The houses were farther apart and they never felt intruded upon by a neighbour's structure until large homes started being built
 - They requested the a 20' side lot setback be maintained
- A member of the public asked about the expense amount of \$1409 allocated to Advisory Planning Commission (APC) meetings
 - They expressed support for Bylaw No. 129 on the assumption that there is an exception clause to protect existing dwellings from being deemed nonconforming
 - The Planner clarified the (APC) expenses are for contract minute taker fees
 - The Planner also noted that there had been a nonconformity issue in relation to dwelling height when Bylaw No. 122 was adopted, but not in relation to floor area
- A member of the public stated Bylaw No. 114 was drafted according to the Official Community Plan that currently exists, and statements that the new bylaws are not in compliance with the Official Community Plan do not recognize that it has been in existence for many years
 - They indicated the controversy regarding side setbacks was primarily related to lot sizes in a subdivision that allowed long, narrow lots, and residents in those areas can seek considerations for their specific circumstances
- A member of the public stated several people had asked them how to interpret the three provisions for house size and floor allowances in the proposed bylaw and they have been unable to provide answers because the language is confusing
 - Examples would provide clarity

The meeting recessed for a break at 11:15 a.m. and reconvened at 11:24 a.m.

By general consent Chair Elliott resumed chairing the meeting.

8. COMMUNITY INFORMATION MEETING - None

9. PUBLIC HEARING - None

10. MINUTES

10.1 Local Trust Committee Special Meeting Minutes Dated March 27, 2025 (for Adoption)

By general consent the South Pender Local Trust Committee meeting minutes of March 27, 2025 were adopted.

10.2 Section 26 Resolutions-without-meeting - None

10.3 Advisory Planning Commission Minutes - None

11. BUSINESS ARISING FROM THE MINUTES

11.1 Follow-up Action List Dated April 2025

The Planner provided an update to the Follow-Up Action list.

12. DELEGATIONS - None

13. CORRESPONDENCE

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

14. APPLICATIONS AND REFERRALS

14.1 PL-DVP-2025-0120 (Hoyt) – Staff Report

Planner Belcher summarized the staff report and highlighted the following:

- The requested variance would reduce the setback to the natural boundary of the sea for the siting of an existing dwelling and new patio and to the front lot line for the siting of an existing garage
- The variance would bring the existing nonconforming portion of the dwelling into compliance prior to commencing demolition, renovation, and construction of an addition
- The new patio has been sited to connect to the existing house without extending further into the setback to the natural boundary than the existing deck
- There are no proposed changes to the garage structure
- The existing structures were built in the early 1970's and potentially before siting regulations came into effect
- No formal letters were received from neighbours in response to the application

The applicant was in attendance and spoke to the application.

Discussion ensued and the following comments were noted:

- A portion of the proposed patio protrudes into the setback

- The house is being renovated in place and is not being moved further into the setback
- The previous deck was removed and the proposed patio made of paving stone on grade would have a smaller footprint within the setback compared to the deck

SP-2025-008

It was MOVED and SECONDED,

that South Pender Island Local Trust Committee approve issuance of PL-DVP-2025-0120.

CARRIED

Trustee Evans declared conflict of interest and recused herself as Trustee and joined the audience as an applicant.

Chair Elliott stated Kristina Evans is the applicant and will be permitted to speak to the application as would any applicant, and will leave the room when discussion is undertaken.

14.2 PL-TUP-2025-0142 (Evans) – Staff Report

Planner Belcher summarized the staff report and highlighted the following:

- The application seeks a Temporary Use Permit for a short-term vacation rental within an existing dwelling
- The applicant's rationale is to allow the short-term rental of the house while the property is listed for sale
- The proposed capacity is a maximum of two adults and two vehicles
- The use of the dwelling for short-term purposes is less than one year; therefore, does not provide a length of time suitable to a long-term rental

The applicant spoke to the application and the following comments were noted:

- The long-term tenants will vacate the property at the end of June
- Having a long-term tenant in place can pose barriers to the sale of the home
- Hardship will occur without the ability to have a short-term rental to cover expenses during the months the property is on the market
- The applicant requested the Trustees add the condition that the permit is specifically for the purpose of the sale of the house to ensure the purchaser does not acquire the Temporary Use Permit

Discussion ensued and the following comments were recorded:

- Some of the correspondence on this application expressed concern that granting the Temporary Use Permit would result in multiple applications being put forward
- The application is for a specific period of time and not related to a business
- Each Temporary Use Permit application is considered on its own merits
- It was requested that the applicant provide guests with information on First Nation territorial rights and relationship to the land

Trustee Evans left the room at 11:54 a.m.

Discussion ensued regarding the applicant's request to add a condition to the Temporary Use Permit that would stipulate that the short-term vacation rental use may only be in operation while the subject property is for sale.

SP-2025-009

It was MOVED and SECONDED,

that South Pender Island Local Trust Committee amend Temporary Use Permit PL-TUP-2025- 0142 by the addition of the following condition(s):

1. That the short-term vacation rental use may only be in operation while the subject property is for sale; and
2. To require an acknowledgement of First Nations territory, rights and relationship to guest information.

CARRIED

SP-2025-010

It was MOVED and SECONDED,

that South Pender Island Local Trust Committee approve issuance of Temporary Use Permit PL-TUP-2025-0142 as amended.

CARRIED

Trustee Evans returned to the meeting at 12:07 p.m.

The meeting was recessed for a break at 12:08 p.m. and reconvened at 12:20 p.m.

15. LOCAL TRUST COMMITTEE PROJECTS

15.1 Land Use Bylaw Amendment Project - Staff Report

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

- The draft bylaw included in the staff report incorporates all amendments provided by the Local Trust Committee to date, and provides opportunity for further amendments
- During a Special Meeting held in March, 2025 the Local Trust Committee noted areas that might require further information including agricultural tourism and maximum floor area regulations
- Draft Bylaw No. 129 removes the conditions for use for agritourism and agritourist accommodation currently in Bylaw No. 122
- The Agricultural Land Commission defines agritourism as a farm use and provides specific activities that can be considered agritourism and agritourist accommodation must be accessory to agritourism use
- If conditions of use are included in the Land Use Bylaw there may be need to amend them to match those of the Agricultural Land Commission in the future
- Currently the Agricultural Land Commission states agritourist accommodation can be provided on a seasonal and short-term basis but does not define those terms, and also regulates sleeping units to a maximum of 10 but does not regulate the number of guests

Discussion ensued about agritourism and agritourist accommodation and the following comments and clarifications were noted:

- Bylaw No. 114 regulations state agritourism and agritourist accommodation are only permitted on a lot located within the Agricultural Land Reserve and that should be maintained
- There might be circumstances that someone with property outside of the Agricultural Land Reserve wants to start an agritourism business
- The only zone that currently allows agritourism are properties within the agriculture zone
- Currently the Agricultural Land Commission states that the total developed area for structures, landscapes, and access for the agritourist accommodation is to be less than 5% of the parcel size which could result in a large accommodation structure
- There is support to retain bylaw language that states:
 - An agritourist accommodation structure be restricted to a maximum floor area of 969 square feet
 - Agritourist accommodation is not used for more than 180 days per year
 - An agritourist accommodation building may include meeting rooms and dining facilities contained within the unit, but may not contain a restaurant or retail area
 - Limit the number of guests to a maximum of 10 with 5 bedrooms
- At the next scheduled meeting Island Planner Stockdill will provide a map and table showing agricultural zone properties and Agricultural Land Reserve boundaries for reference

SP-2025-011

It was MOVED and SECONDED,

that South Pender Island Local Trust Committee amend draft Bylaw No. 129 by amending Section 2.22 to retain subsection 5.5 .19 through 22 in Land Use Bylaw No. 114.

CARRIED

A Trustee referenced Section 3.11.1(a) in the current Land Use Bylaw and noted the need to retain information on motor vehicle and license plates, and requested that the reference to current license year decal be removed, as the decal is no longer required or supplied. Island Planner Stockdill will consult with bylaw enforcement and report back with wording regarding this section.

Discussion ensued regarding maximum floor area allowances and the following comments were recorded:

- The current wording in the draft bylaw states that the total floor area of all buildings may not exceed the area in Column A, and the floor area of the dwelling may not exceed the area in Column B, despite 5.1.5(b) for a lot that contained a legal dwelling constructed prior to September 15, 2022 that exceeded the floor area in Column C
 - This language resulted in confusion and concern about a dwelling becoming non-conforming

- The proposed replacement language would state the maximum floor area of all buildings may not exceed the area in Column A or Column B for a lot that has no dwelling with a floor area less than Column B and the maximum area of a new replacement, or altered dwelling, may not exceed the floor area in Column B
- The wording removes the despite clause and provides two scenarios including dwellings built prior to, or after, September 15, 2022
- Removing the despite clause makes it clearer under what circumstances a dwelling could be rebuilt and to what specific size
- There remains the issue that if despite clauses are removed then many houses will be legal nonconforming and in order to address this, and the concerns raised by the community, additional clarifying language is required and re-structuring the table to provide contained options would be helpful

SP-2025-012

It was MOVED and SECONDED,

that South Pender Island Local Trust Committee amend draft Bylaw No. 129 by:

- a. Amending Section 2.14, which would amend the Rural Residential zone maximum floor area provisions, and replacing the current maximum floor area provisions with new maximum floor area provisions as presented in the staff report on page 5 of the meeting of May 2, 2025.
- b. Amending Section 2.21, which would amend the agriculture zone maximum floor area provisions, and replacing the current maximum floor area provisions with new maximum floor area provisions as presented in the staff report on page 5 of the meeting of May 2, 2025.
- c. Inserting new sections that would amend the Forestry and Natural Resource zones with the same changes to Maximum Floor Area as made to the Rural Residential and Agriculture zones, and that the bylaw be re-numbered accordingly.

CARRIED

SP-2025-013

It was MOVED and SECONDED,

that South Pender Island Local Trust Committee Bylaw No. 129, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2025” be read a first time as amended.

CARRIED

It was clarified that first reading allows the bylaw be sent for referral but still allows amendments to be made prior to second reading.

SP-2025-014

It was MOVED and SECONDED,

that South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 129, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2025”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

SP-2025-015

It was MOVED and SECONDED,

that South Pender Island Local Trust Committee request staff to schedule a Public Hearing and Community Information Meeting for Bylaw No. 129, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2025”.

CARRIED

The Trustees indicated preference that the September 5, 2025 business meeting be held at the Anglican Church Hall to ensure adequate space for the Community Information Meeting and Public Hearing.

SP-2025-016

It was MOVED and SECONDED,

that South Pender Island Local Trust Committee request staff to schedule an electronic Special Meeting for the Minor Land Use Bylaw Amendment Project to review bylaw amendments from the May 2, 2025 meeting and to hold a Community Information Meeting.

CARRIED

16. REPORTS

16.1 Work Program Reports

16.1.1 Active Projects Report Dated April 2025

Received for information.

16.1.2 Future Projects Report Dated April 2025

Received for information.

16.2 Applications Report Dated April 2025

Received for information.

16.3 Trustee and Local Expense Report Dated Feb 2025

Received for information.

16.4 Adopted Policies and Standing Resolutions

Received for information.

16.5 Local Trust Committee Webpage

No updates required at this time.

16.6 Reconciliation and First Nation Relationship Building

16.6.1 Monica and Paul Petrie re Correspondence

Monica Petrie read a report regarding reconciliation and relationship building and highlighted the following:

- On April 29 the W̱SÁNEĆ Elders Council/ SELW̱ÁN were on S,DÁYES/ Pender Island to witness the Installation of the W̱SÁNEĆ Territorial map at the Pender School
- Chief Pelkey presented the map to Pender School Principal Margo Landahl in a traditional W̱SÁNEĆ cultural ceremony witnessed by the following five Elders: WEC'KINEM-Eric Pelkey J, SINTEN - John Elliott SELILIYE - Belinda Claxton ŁOSINIYE - Linda Elliott XEṬXÁṬTEN - Earl Claxton Jr
- The leadership of School District 64 and the full student body participated in the full day cultural event and learned the importance of the “witnessing ceremony” for maintaining and protecting oral history and sharing Traditional Knowledge
- The map installation event included engagement with the grade 7 class from the Pender School and the grade 7 SENĆOTEN immersion class from the W̱SÁNEĆ Tribal School and was coordinated by the ṬEṬÁĆES Reconcili-Action team in partnership with the Pender School, the W̱SÁNEĆ Tribal School, the W̱SÁNEĆ Leadership Council and supported by a grant from the Real Estate Foundation of BC
- the SELW̱ÁN met with the ṬEṬÁĆES Reconcili-Action team to provide guidance for the next two installations on S,DÁYES

16.7 Islands Trust Conservancy Report Dated Feb 2025

The report was received for information and Chair Elliott provided a verbal update.

17. NEW BUSINESS

17.1 2024/25 Annual Report - Request for Decision

SP-2025-017

It was MOVED and SECONDED,

that South Pender Island Local Trust Committee approves the attached text for inclusion in the 2024/25 Annual Report for approval by Trust Council and submission to the Minister of Housing and Municipal Affairs.

CARRIED

17.2 Consideration of Future Project – Discussion

Discussion ensued about potential projects and the following comments were noted:

- Review of short-term vacation rental policies and regulations is an option for the Local Trust Committee's next minor project

- A major project could include Official Community Plan amendments; however, any major project would flow in to the next term and with changes being made to the Islands Trust Policy Statement the timing is better suited to starting an Official Community Plan Review project in the next term
- Consideration of starting an Official Community Plan major project this term to enable pre-engagement with First Nations would require a request for project approval be made within a few months

SP-2025-018

It was MOVED and SECONDED,

that South Pender Local Trust Committee request staff to move review of short-term vacation rental policies and regulations from the Future Projects Report to the Active Projects List and report back with options for short-term vacation rental policies and regulations as a minor project and draft a project charter.

CARRIED

Island Planner Stockdill indicated she will provide information for a Targeted Official Community Plan Review project and business case in 2026.

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled for September 5, 2025 at the South Pender Fire Hall, Pender Island

19. TOWN HALL

A member of the public asked if all votes conducted by the Local Trust Committee during the meeting were unanimous or if there any abstentions and Chair Elliott clarified all votes were unanimous.

A member of the public stated that a maximum floor allowance of 960 square feet for an agri-tourism accommodation structure permitting 10 guests does not seem large enough.

20. CLOSED MEETING (Distributed Under Separate Cover)

20.1 Motion to Close the Meeting

SP-2025-019

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1)(a):

(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

AND that the recorder and staff attend the meeting.

CARRIED

The regular meeting was closed to the public at 2:28 p.m. and was adjourned at the conclusion of the in-camera meeting at 2:31 p.m.

20.2 Recall to Order

20.3 Rise and Report

Chair Elliott will rise and report at the next scheduled Local Trust Committee regular meeting.

21. ADJOURNMENT

By general consent the meeting was adjourned at 2:31 p.m.

Tobi Elliott, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder