



South Pender Island Local Trust Committee Special Meeting Agenda

Date: March 27, 2025
Time: 10:00 am
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

Pages

1. CALL TO ORDER
2. TERRITORIAL ACKNOWLEDGEMENT
3. APPROVAL OF AGENDA
4. MINUTES
 - 4.1 Local Trust Committee Meeting Minutes Dated February 14, 2025 (for Adoption) 2 - 9
5. BUSINESS ITEMS
 - 5.1 Minor Land Use Bylaw Amendments Project - Staff Report (attached) 10 - 18
6. ADJOURNMENT

South Pender Island Local Trust Committee Minutes of Regular Meeting

Date: February 14, 2025
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: Robert Kojima, Regional Planning Manager (electronic)
Kim Stockdill, Island Planner
Clare Frater, Director, Trust Area Services (electronic)
Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: There were 28 members of the public in attendance.

1. CALL TO ORDER

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

2. TERRITORIAL ACKNOWLEDGEMENT

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

3. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

13.2 Letter dated February 10, 2025 from Member of Parliament Elizabeth May regarding Southern Gulf Island Forum

By general consent the agenda was approved as amended.

4. TRUSTEE REPORT

Trustee Evans reported the following:

- Construction on the “dip” is anticipated to restart in late March
- Attended Committee of the Whole meetings to continue work on amendments to the draft Trust Policy Statement in anticipation of giving First Reading in June
- Attended Trust Council meetings in December and noted budget for public engagement on the draft Trust Policy Statement was reviewed and decreased and this will result in First Reading occurring in conjunction with referrals
- Attended Trust Programs Committee meetings and noted discussions about the number, and topics, of webinars being created
- The Chief Administrative Officer (CAO) Hiring Committee is now focused on revisions to the CAO job profile and the drafting of performance evaluation criteria

- Resigned from position on Finance and Audit Committee with potential to return at a later date

Trustee Falck reported continued involvement in the Southern Gulf Islands Forum meetings.

5. CHAIR'S REPORT

Chair Elliott reported the following:

- Acknowledged the work of Islands Trust Chair Luckham who will be stepping down from Executive Committee resulting in the election of a new Chair at the March Trust Council meeting
- Ongoing participation in the Reconciliation Learning Group which will next be looking at how reconciliation initiatives and intentions show up across the organization
- Staff are working on a draft Reconciliation Action Plan with focus on creating culturally safe space

6. ELECTORAL AREA DIRECTOR'S REPORT - None

7. TOWN HALL AND QUESTIONS

Several members of the public spoke to Bylaw No. 122 and draft Bylaw No. 129 and the following comments were noted:

- Disagreement with the Advisory Planning Commission recommendation to return to a 10' side lot setback with preference for a 20' setback to allow for 40' between buildings to encourage construction of smaller homes and create a healthier corridor
- Accessory buildings should be sited 20' from property lines
- Twenty-two homes will be affected if a 50' setback from the sea is implemented and the speaker built their home to the bylaw standards in place at time of construction
- If short-term vacation rental use is not grandfathered it will have the effect of removing provincial licensing requirements
- South Pender has a natural appeal of environment, wildlife, and ruralness and a sense of freedom in nature is should be maintained for future generations and First Nations
- Proposed draft bylaw is out of sync with what the community wants, the mandate to fix the bylaw was built on the false claim that it would create legal non-conforming situations and Trustees have not made an effort to correct the misinterpretation
- Dissatisfaction with efforts to upend Bylaw No. 122, increase the permitted size of a house, and reduce setbacks as a means to ensure some homes are not legally non-conforming
- Disagreement with the reduction of the side lot setback and increase of permitted house size as proposed in Bylaw No. 129 and has not heard an explanation of why Bylaw No. 122 is problematic
- There is a variance mechanism that can be used to address particular situations
- The bylaw proposal moves the community toward urban house sizes
- Should the Advisory Planning Commission recommendations be adopted there will be a resulting loss of habitat
- Setback is irrelevant as property owners can clear to lot line resulting in loss of privacy
- During previous meetings the Local Trust Committee mentioned looking at Development Permit Areas and clear cutting and the use of these tools has not been incorporated into the recommendations received

- Zoning can be altered to allow a minor accessory building to be sited to the property line and it is within the Local Trust Committee's ability to determine what is allowed, and disallowed, and which option best supports the Official Community Plan
- There would be a substantial number of non-conforming properties that would be rendered conforming by adopting the two-tier recommendations put forth by the Advisory Planning Commission with older homes being bound by the previous bylaw as well as allowing them to be rebuilt to previous size
- Only undeveloped properties will be affected by the larger setback requirement while 80% of properties that are already developed have a setback which will be protected
- Some people think that going from a 10' setback to a 20' setback erodes property value but it actually enhances value as substantial setbacks are considered desirable
- The "despite clause" language being used is not uncommon with the bylaw indicating one may, or may not, do something followed by a subsequent clause that says you may under certain conditions
- The bylaw should include language that makes it clear what is allowed and considered legal non-conforming
- The bylaw is not only affecting properties that are not yet developed it would also affect properties where an existing dwelling is taken down and a new one put up
- If someone builds a big house next to you it does affect property values because this impacts property assessments
- Livability value goes down if buildings are too close to neighbouring houses
- In support of a 10' setback because fencing and screening can be used for privacy
- House sizes proposed by the Advisory Planning Commission are larger than the recommendation in Bylaw No. 122, smaller than previously permitted, and represent a compromise between the two
- This has been a topic of significant debate and the proposed sizes in the previous and current bylaws are subjective
- If trying to find a compromise then one needs to determine if setbacks are more important than house size and a compromise could include Option 1 plus an additional 500 square feet for the house size while keeping a 20' setback between homes and a 10' setback for an accessory building
- Everyone that has built previously followed the rules and there should be language included that provides protection, and those that need to rebuild should be able to build to current size
- The issues are what is within the setback and clear cutting to lot line

8. COMMUNITY INFORMATION MEETING - None

9. PUBLIC HEARING - None

10. MINUTES

10.1 Adopted Local Trust Committee Minutes Dated September 13, 2024 (for Information)

Received for information.

10.2 Local Trust Committee Special Meeting Minutes Dated January 17, 2025 (for Adoption)

By general consent the South Pender Island Local Trust Committee meeting minutes of January 17, 2025 were adopted as presented.

10.3 Section 26 Resolutions-without-meeting Dated February, 2025

Received for information.

10.4 Advisory Planning Commission Minutes Dated October 4, October 21, and November 12, 2024 (for Receipt)

Received for information.

11. BUSINESS ARISING FROM THE MINUTES

11.1 Follow-up Action List Dated Nov 2024

Received for information.

12. DELEGATIONS - None

13. CORRESPONDENCE

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

13.1 Paul Petrie re Advisory Planning Commission Minority Report

Received for information.

13.2 Letter dated February 10, 2025 from Member of Parliament Elizabeth May regarding Southern Gulf Island Forum

Received for information.

14. APPLICATIONS AND REFERRALS

14.1 North Pender Island Local Trust Committee Referral for Draft Bylaw No. 235 (for Response)

SP-2025-002

It was MOVED and SECONDED,

that South Pender Island Local Trust Committee interests are unaffected by the North Pender Island Local Trust Committee Draft Bylaw No. 235.

CARRIED

15. LOCAL TRUST COMMITTEE PROJECTS

15.1 Land Use Bylaw Amendment Project - Staff Report

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

- The project webpage includes a blackline version integrating Bylaw No. 129 into the existing Land Use Bylaw
- The BC Building Code indicates the floor area does not make a difference to the height of a story and the reference to a 1.8 metre height is in terms of a crawl space
- The current Land Use Bylaw provides a definition of floor area which excludes areas of story less than 1.5 metres in height

- A definition of crawl space, as per BC building code, or an amended definition of floor area to increase from 1.5 metres to 1.8 metres, can be included

Discussion ensued and the following comments and clarifications were noted:

- Trustees are in favour of amending the definition of floor area to increase from 1.5 metres to 1.8 metres, which is compliant with the BC building code
- Attached garages should be excluded from the floor area of the dwelling as there is a higher risk of using the space for a dwelling compared to a non-attached garage
- Options for consideration include increasing all house sizes by 500 square feet or keeping the house size at 2500 square feet and including a clause permitting an additional 500 square feet if one chooses to construct a new build with an attached garage
- The Advisory Planning Commission's rationale was to allow an additional 500 square feet as a compromise
- There has been concern expressed that a 40% reduction from the previously permitted house size was too much
- An addition of 500 square feet, to a maximum allowance of 3000 square feet, allows livability, intergenerational living, and accessibility building requirements
- There should be an option for an attached garage as one should not be forced to build a detached garage if it is going to interfere with maximum square footage
- Allowing a 3000 square foot dwelling and having either an attached or detached garage should be considered
- The aim is to provide the most flexibility to landowners as well as for the protection of the environment

The meeting was recessed for a break at 12:19 p.m. and reconvened at 12:28 p.m.

Discussion continued regarding house sizes and the following comments were noted:

- In Section 5 replace "maximum floor area per lot" with "on a lot that contains a legal dwelling constructed prior to September 15, 2022; a replacement dwelling can be constructed, or the existing dwelling reconstructed or altered, provided the floor area of the replacement, reconstructed, or altered dwelling does not exceed the "greater of either a: the floor area of the dwelling on the lot prior to September 15, 2022, or the established maximum floor area per lot as permitted in Table B"
- Obtaining a public facing legal opinion on the term "legal non conforming" is needed
- Chair Elliott confirmed the draft bylaw will go for legal review
- There is no use of the term "legal non-conforming" within the bylaw
- Would like recommendation from the Advisory Planning Commission included in Section 5 instead of in the "despite" clause

Discussion ensued regarding holding a Community Information Meeting, the requirements and benefits of holding, or not holding, a Public Hearing, and timelines for referral responses.

SP-2025-003

It was MOVED and SECONDED,

that South Pender Local Trust Committee request staff amend the definition of floor area in Draft Bylaw No. 129 by increasing 1.5 metres to 1.8 metres.

CARRIED

SP-2025-004

It was MOVED and SECONDED

that South Pender Island Local Trust Committee request staff schedule a Special Meeting in March or April 2025 regarding draft Bylaw No. 129 for the Minor Land Use Bylaw Amendments Project.

CARRIED

SP-2025-005

It was MOVED and SECONDED,

that South Pender Island Local Trust Committee request staff amend the Minor Land Use Bylaw Amendments Project Charter to include a Public Hearing and amend the budget as shown in the Staff Reported dated February 14, 2025.

CARRIED

The following edits to the Land Use Bylaw were proposed:

- Page 4: Remove the definition of Basement Floor Area as the term is not used within the bylaw
- Page 11, Part 2, Section 3, No. 1: Following “bylaw is authorized to enter at any time, and after having given prior notification” insert “of at least 24 hours written notice”
 - It was noted that this might be beyond the scope of a technical amendment
- Section 3.3.5 requires clarifying language with regard to building sitings when the building is being reconstructed
- Section 3.10: Place Section No. 2 ahead of “nothing in the subsection” and change the wording to “noting in this section prohibits the storage of a recreational vehicle, that is not being used as a dwelling, on a lot
- Under Derelict Vehicles No. 8: strike reference to license decal as they are no required or issued
- Agriculture Section 5.5: If there are any lots less than 10 acres there needs to be a table that captures house sizes on Agricultural Land Reserve land
- Page 30: Keep the information note with the siting and size rather than putting it under subdivision lot requirements
- Agricultural Section No. 12 refers to farm retails while Nos. 13-19 are taken directly from the Agricultural Land Commission (ALC) and if the ALC changes over time a lot of language maintenance will be required
- Forestry No. 11 statement reading “conditions of use despite 5.6.5 above the minimum setback for a portable sawmill permitted by 5.6.1 shall be 20 metres and this statement requires clarification on what the 20-metre distance is measured from
- Once edits have been completed in Section 5.5 Maximum Floor Area the information should be replicated under Forestry and Natural Resources

- Discussion ensued about adding clarifying language regarding the intent of the short-term-vacation rental language noting that if a rental has been in place prior to November 5, 2021, it is deemed legally operating and does not require a Temporary Use Permit and any rental that commenced operation after that date does
- Page 18, 3.10(1): remove the word “the”

16. REPORTS

16.1 Work Program Reports

16.1.1 Active Projects Report Dated November 2024

Received for information.

16.1.2 Future Projects Report Dated November 2024

Received for information.

16.2 Applications Report Dated February 2025

Received for information.

16.3 Trustee and Local Expense Report Dated December 2024

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

It was noted that given the importance of consulting with First Nations, Hereditary Chief Pelkey should be included in referrals and notified as soon as possible about bylaw changes.

16.7 Islands Trust Conservancy Report Dated November 2024

Received for information.

17. NEW BUSINESS

17.1 Phase 4 Community Engagement Options - Policy Statement Amendment Project (PSAP) - Staff Report

The Director of Trust Area Services summarized the staff report.

Discussion ensued and it was determined that during regular business meetings some time be set aside to discuss the draft Trust Policy Statement in a Town Hall environment.

SP-2025-006

It was MOVED and SECONDED,

that South Pender Island Local Trust Committee select Engagement Option 2 “Town Hall during regular Local Trust Committee Meeting” for Phase 4 community engagement about the new draft Islands Trust Policy Statement.

CARRIED

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled for May 2, 2025 at the Fire Hall, Pender Island

19. TOWN HALL

A member of the public noted the options presented on the tables are supportable in terms of a compromise; however, they have concerns about house sizes continuing to get larger and the ease of ability to convert an attached garage to liveable space compared to a detached unit.

A member of the public noted attached garages are a suburban concept that dominant the front of a home and they have to be constructed to residential standards, often requiring heat which allows for ease of convertibility while a detached garage often has a shorter driveway creating less impact on the land.

A member of the public stated that allowing an additional 500 square feet to house sizes across the board would allow for an attached garage if that is the home owner's preference.

A member of the public asked that Local Trust Committee Standing Resolution 2006.012, which requires minutes be adopted by Resolution without Meeting within 14 business days of a meeting, be adhered to.

20. CLOSED MEETING - None

21. ADJOURNMENT

By general consent the meeting was adjourned at 2:07 p.m.

Tobi Elliott, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder

File No.: SP Minor LUB Amendments
Project

DATE OF MEETING: March 27, 2025
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 – Draft Bylaw No. 129

RECOMMENDATION

1. That the South Pender Island Local Trust Committee amend draft Bylaw No. 129 for the Minor Land Use Bylaw Amendments Project by:

- ...

REPORT SUMMARY

This report is to provide the South Pender Island Local Trust Committee (LTC) with an updated draft bylaw for the Minor Land Use Bylaw (LUB) Amendments Project and to seek further amendments.

BACKGROUND

At the February 14, 2025 regular meeting the South Pender LTC passed the following resolutions:

SP-2025-003

that South Pender Local Trust Committee request staff amend the definition of floor area in Draft Bylaw No. 129 by increasing 1.5 metres to 1.8 metres.

CARRIED

SP-2025-004

that South Pender Island Local Trust Committee request staff schedule a Special Meeting in March or April 2025 regarding draft Bylaw No. 129 for the Minor Land Use Bylaw Amendments Project.

CARRIED

SP-2025-005

that South Pender Island Local Trust Committee request staff amend the Minor Land Use Bylaw Amendments Project Charter to include a Public Hearing and amend the budget as shown in the Staff Reported dated February 14, 2025.

CARRIED

Staff prepared a draft Bylaw No. 129 (attached) incorporating the direction given at the January 17, 2025 LTC meeting. The draft bylaw includes:

- Retaining the setback to the natural boundary of the sea but amending the clause by removing “a certification from an appropriately qualified person as to” and replacing it with “substantive evidence to establish”
- An amendment to the height regulation for dwellings and cottages by removing the words “and at no point may a dwelling or cottage exceed 9.2 metres (30 feet) in height”
- Amendments to the shipping container regulations by changing the lot size requirements
- Amendments to the recreational vehicles regulations to add clarity
- Amendments to revert the setback from the exterior and interior side lot line for dwellings and cottages from 6 metres (20 feet) to 3 metres (10 feet)
- Amendments to the Agriculture zone to remove the floor area requirements for dwellings and cottages and agri-tourism and agri-tourist accommodation conditions of use
- Amendment to Agriculture Subsection 5.5(3) to add clarity to the existing regulation

Staff further amended the draft bylaw to include the following (by direction from the February 14, 2025 meeting):

- Deleting the ‘basement floor area’ definition
- Increasing a storey from 1.5 metres to 1.8 metres
- Moving regulation from Subsection 3.10(1) and making it a new subsection to 3.10 ‘Use of Recreational Vehicles as a Dwelling’ that states:
“Nothing in this Section prohibits the storage of *recreational vehicles* that are not being used as *dwellings*.”
- Deleting Subsection 3.11(a)
- Retaining the Agriculture subsection that regulates farm retail sales and by moving the Information Note to under the Siting and Size regulations
- Adding the words “from any lot line” to Subsection 5.6(11)

Staff is requesting direction from the LTC on how to proceed with amendments (if any) to the total and maximum floor area regulations.

The updated [Project Charter](#), previous staff reports, draft bylaw, and correspondence received to date can be found on the [South Pender Project webpage](#). A [blackline version of Bylaw No. 114](#), which includes amendments from draft Bylaw No. 129, can be found on the Minor LUB Amendments Project webpage.

TOTAL & MAXIMUM FLOOR AREA

The following are maximum floor area options for new dwellings as discussed at the February 14, 2025 South Pender LTC meeting.

Option 1 – Increase maximum floor area by 500 ft²

The following table reflects a 500 ft² increase to the maximum floor area for new dwellings as shown in the current LUB.

Table 1 – Increase of 500 ft² to maximum floor area for new dwellings

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 m² (2500 ft²) 279 m ² (3000 ft ²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m² (3000 ft²) 325 m ² (3500 ft ²)
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m² (3500 ft²) 372 m ² (4000 ft ²)
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m² (3750 ft²) 395 m ² (4250 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²) 418 m ² (4500 ft ²)

Option 2 – Attached Garages not included in Dwelling Floor Area

With this option, a despite clause would be added below the maximum floor area table which would allow an attached garage to be constructed with a maximum floor area of 500 ft². A definition of ‘attached garage’ would also be included to the draft bylaw.

Add new definition:

“attached garage means an accessory non-habitable space used for storage only and connected to a dwelling by at least one shared internal wall.”

“Subsection 5.1(5)

Table 2 – Current maximum floor area regulations in Bylaw No. 122

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)

Add New Subsection 5.1(6)

Despite Subsection 5.1(5), the floor area of an attached garage up to a maximum of 46 m² (500 ft²) is not included in the floor area of a dwelling.

Staff recommends proceeding with Option 1 (increasing the maximum floor area by 500 ft²) as it provides property owners with greater flexibility in utilizing the additional space and avoids interpretation issues.

Option 2 is not supported for the following reasons:

- Site plans can be easily labeled to indicate the presence of an attached garage
- Attached garages could be converted into livable space, which would not comply with the bylaw
- Ambiguity regarding whether attached garages should be included in the total floor area of all buildings
- Interpretation challenges related to the definition—what qualifies as an attached garage? How does it differ from a carport?
- Potential confusion about existing dwellings and whether this regulation would apply to them
- Additional space for the attached garage limits the use of the space to storage only – does not provide property owners flexibility to use the space

Note: The LTC has the option to combine option 1 and 2 (table from option 1 with the “incentive” for an attach garage up to a maximum of 500 ft²) but staff would not support this option as stated above.

Floor Area for Existing Dwellings on September 15, 2022

The LTC has the option to create two separate tables: one table for a lot where a dwelling existed on the property at the time of Bylaw No. 122 adoption (September 15, 2022), and second table for a lot with no dwelling at the time of Bylaw No. 122 adoption. This option may eliminate the need for the clause regulation.

Option 3 may require legal counsel review, which is currently not included in this phase of the project’s budget.

The following is proposed wording for a new table applicable for legal dwellings located on a lot prior to September 15, 2022:

Table 3 – Total and Maximum Floor Area for a lot with a legal dwelling prior to September 15, 2022

On a lot that contained 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 replacement, reconstructed, or altered dwelling does not exceed the floor area of the dwelling on the lot prior to September 15, 2022, or the following maximum floor area:

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)

If the LTC proceeds with this option, the LTC should consider if the ‘Total Floor Area of all Buildings’ should be reverted to prior to adoption of Bylaw No. 122, or remain as it currently exists in the Land Use Bylaw.

FURTHER AMENDMENTS – NOT RECOMMENDED BY STAFF

The following amendments were discussed and suggested during the February 14, 2025, LTC meeting and would require a motion from the LTC to be incorporated into the draft bylaw. The following draft motions should be prefaced with the wording outlined in the Recommendation on Page 1 of the staff report:

“That the South Pender Local Trust Committee amend draft Bylaw No. 129 for the Minor Land Use Bylaw Amendments Project by...”

1. Subsection 3.3(5) – Natural Boundary of the Sea

At the February 14, 2025, LTC meeting, there was a discussion about whether the regulation allowed a dwelling or cottage to be rebuilt farther from the natural boundary of the sea than it was on September 22, 2025, but still within the 15-metre setback. The clause states:

“The replacement, reconstructed, or altered dwelling, cottage, or accessory building must not be located closer to the natural boundary of the sea than the dwelling, cottage, or accessory building was on the lot on September 15, 2022.”

Staff recommend no amendments to this subsection, as it clearly states that a building may be reconstructed as long as it is not closer to the natural boundary of the sea than it was on September 15, 2022. For example, if a dwelling was located 10 metres from the natural boundary of the sea on that date, it may be reconstructed at the same distance or farther away.

2. Subsection 2.3(1) – Inspection

Staff do not recommend amendments to this subsection as the inspection wording is standard for Land Use Bylaws. Amendments to Bylaw No. 122 regarding bylaw enforcement are outside the scope of this project.

STATUTORY REQUIREMENTS - PUBLIC HEARING

The South Pender LTC agreed to not provide Notice of First Reading for the Minor Land Use Bylaw Project, but to hold a Public Hearing as part of the consultation process. The Project Charter is updated to reflect this request. The following is the proposed timeline for the project:

1. LTC gives direction to staff to draft a LUB amending bylaw – **completed (January 17, 2025)**
2. Staff brings forward the draft LUB for LTC’s review – **draft bylaw on Feb 14, 2025 LTC agenda**
3. Staff to initiate bylaw referrals to agencies and First Nations – **to be completed April 2025**
4. LTC gives direction to staff to hold a Special Meeting for community members to speak to and ask questions about the draft bylaw – **Special Meeting on March 27, 2025**
5. LTC gives First Reading to draft Bylaw No. 129 – **potentially May 2, 2025 LTC meeting**
6. LTC gives direction to staff to schedule a Public Hearing – **motion to be presented at May 2, 2025 LTC meeting**
7. The LTC has the option to request staff to schedule a Community Information Meeting prior to the Public Hearing – **motion to be presented at May 2, 2025 LTC meeting**
8. The LTC holds CIM and Public Hearing and the LTC can give Second and Third Reading, and direction to send to EC – **September 5, 2025 LTC Meeting**
9. Bylaw Adoption – **could be by Resolution Without Meeting in October 2025.**

Rationale for Recommendation

Staff recommends the LTC give direction on how to proceed with changes, if any, to the total and maximum floor area for dwellings to finalize the draft bylaw.

ALTERNATIVES

1. 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...

2. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Next steps include:

- Send referrals for draft Bylaw No. 129
- Present final draft bylaw to May 2, 2025 LTC meeting
-

Submitted By:	Kim Stockdill, Island Planner	March 24, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	March 24, 2025

Attachment:

1. Draft Bylaw No. 129

DRAFT

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 129

A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016

The South Pender Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the South Pender Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2025”.

2. South Pender Island Local Trust Committee Bylaw No. 114, cited as “South Pender Island Land Use Bylaw No. 114, 2016,” is amended as follows:

2.1 Section 1.1 – Definitions, by deleting the definition “basement floor area”.

2.2 Section 1.1 – Definitions, by amending the definition of ‘floor area’ by removing “1.5” and replacing it with “1.8” so it reads:

““floor area” means the sum of the horizontal areas of all storeys in a building, measured to the inner surface of the exterior walls, exclusive of any floor area occupied by a cistern used for the storage of water for domestic use or fire protection, and exclusive of all areas of a storey having a floor and a ceiling less than 1.8 metres apart, and exclusive of a storey that is not fully enclosed by a floor, ceiling, and four walls or glass.

2.3 Section 3.3 – Siting and Setback Regulations, Subsection 3.3(5) is amended by removing “a certification from an appropriately qualified person as to” and replacing it with “substantive evidence to establish” so it reads:

“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 substantive evidence to establish the siting of the dwelling, cottage, or accessory building at the time of the adoption of this bylaw.”

2.4 Section 3.4 – Height Regulations, Subsection 3.4(1) is amended by deleting the words “and at no point may a dwelling or cottage exceed 9.2 metres (30 feet) in height.” so it reads:

“A dwelling or cottage shall not exceed 9.2 metres (30 feet) in height.”

- 2.5 Section 3.5 – Accessory Buildings and Structures, Article 3.5(6)(b) by deleting “1.2 ha (3 acres)” and replacing it with “1.6 ha (4 acres)”.
- 2.6 Section 3.5 – Accessory Buildings and Structures, Article 3.5(6)(c) by deleting “with an area greater than 1.2 ha (3 acres)” and replacing it with “1.6 ha (4 acres) or greater in area”.
- 2.7 Section 3.10 – Use of Recreational Vehicles as a Dwelling, by deleting Article 3.10(1)(f).
- 2.8 Section 3.10 – Use of Recreational Vehicles as a Dwelling, by deleting the word “the” after the words “dwelling on the same lot is permitted in” in Subsection 3.10(1).
- 2.9 Section 3.10 – Use of Recreational Vehicles as a Dwelling, Subsection 3.10 (1) by deleting the words “Nothing in this Subsection prohibits the storage on a lot of recreational vehicles that are not being used as dwellings”.
- 2.10 Section 3.10 – Use of Recreating Vehicles as a Dwelling, by creating the following new Subsection 3.10(1)

“Nothing in this Section prohibits the storage of recreational vehicles that are not being used as dwellings.”

and by making such consequential numbering alterations to effect this change.
- 2.11 Section 3.10 – Use of Recreational Vehicles as a Dwelling, by adding the following new Subsection 3.10(2) that reads:

“Where a *recreational vehicle* is used for temporary camping, occupancy of a *recreational vehicle* must not exceed 90 days in a calendar year.”
- 2.12 Section 3.11 – Derelict Vehicles, by deleting Article 3.11(1)(a), and by making such consequential numbering alterations to effect this change.
- 2.13 Section 5.1 – Rural Residential Zones, by deleting Subsections 5.1(9) and 5.1(10) in their entirety and by making such consequential numbering alterations to effect this change.
- 2.14 Section 5.1 – Rural Residential Zones, by amending the newly renumbered Subsection 5.1(11) – Subdivision Lot Size Requirements by deleting the words “Subject to subsection 5.1(10),”.
- 2.15 Section 5.1 – Rural Residential Zones, by amending the newly renumbered Subsection 5.1(12) – Site-Specific Regulations by deleting references to “5.1(10)” and replacing them with “5.1(11)”.
- 2.16 Section 5.5 Agriculture (A), by amending Article 5.5(1)(d) by deleting the words “subject to Subsections 5.5(13) to 5.5(16) and replacing them with “(as permitted by the Agricultural Land Commission)”

2.17 Section 5.5 Agriculture (A), by amending Article 5.5(1)(e) by deleting the words “, subject to Subsections 5.5(15) to 5.5(2), and as permitted by the Agricultural Land commission” and replacing them with “(as permitted by the Agricultural Land Commission)”

2.18 Section 5.5 Agriculture (A), by deleting Subsection 5.5(3) and replacing it with:

“Despite Subsection 5.5(2), one cottage or one dwelling for the housing of persons engaged in on-going agricultural activities on the lot, is permitted on each lot in addition to the dwelling permitted in Subsection 5.5(2).”

2.19 Section 5.5 – Agriculture (A), by deleting Subsections 5.5(9) to 5.5(11) and 5.5(13) to 5.5(22) in their entirety, by making such consequential numbering alterations to effect this change, and by moving the Information Note under the newly renumbered Subsection 5.5(8).

2.20 Section 5.6 – Forestry (F), by adding the words “from any lot line” after the words “20 metres (66 feet)” to Subsection 5.6(11) so it reads:

“Despite 5.6(5) above, the minimum *setback* for a portable sawmill permitted by 5.6(1)(b) above shall be 20 metres (66 feet) from any *lot line*.”

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS	_____	DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY