

# ADOPTED



## South Pender Island Local Trust Committee

### Minutes of Special Meeting

**Date:** August 12, 2022  
**Location:** Electronic Meeting

**Members Present:** Peter Luckham, Chair  
Steve Wright, Trustee  
Cameron Thorn, Trustee

**Staff Present:** Kim Stockdill, Island Planner  
Robin Ellchuk, Recorder

#### 1. CALL TO ORDER

Chair Luckham called the meeting to order at 8:35am. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

#### 2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

#### 3. MINUTES

##### 3.1 Local Trust Committee Minutes Dated July 23, 2022

By general consent the minutes were adopted as presented.

##### 3.2 Local Trust Committee Public Hearing Record for Bylaw No. 122 Dated July 23, 2022 (for Information)

The minutes were received.

##### 3.3 Local Trust Committee Public Hearing Record for Bylaw No. 123 Dated July 23, 2022 (for Information)

The minutes were received.

#### 4. BUSINESS ITEMS

##### 4.1 Land Use Bylaw Amendments Project – Staff Report (Proposed bylaw no. 122)

Planner Stockdill summarized the Land Use Bylaw (LUB) Amendments Review Project. This bylaw is post public hearing and the LTC cannot make any amendments regarding density and use.

Trustee Thorn gave remarks on the reasoning for the proposed bylaws and addressed concerns that arose.

Trustee Wright commented on the reasons for support for both Bylaw Nos. 122 and No 123 and addressed the communities concerns.

Trustee Thorn addressed concerns regarding required documentation from property owners; a schedule added to the LUB and a time period of possibly 12 months to submit a site.

Discussion regarding the submission of a certification of floor area.

**SP-2022-038**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by adding the following to the clause regarding maximum floor area and setback regulations:

"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."

**CARRIED**

**SP-2022-039**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by adding a clause to the Agriculture, Forestry, and Natural Resource zones to allow for a replacement dwelling that would not exceed the floor area at the time of bylaw adoption.

**CARRIED**

Discussion regarding the definition of floor area continued.

**SP-2022-040**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" be amended by adding the following to the definition of "floor area": "exclusive of a storey that is not fully enclosed by a floor, ceiling, and four walls or glass."

**CARRIED**

Discussion regarding definition of basement floor area.

**SP-2022-041**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be amended by adding a definition for ‘basement floor area.

**CARRIED**

**SP-2022-042**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be amended by adding a definition for ‘basement floor area’ that means any portion of a storey in a dwelling with a lower floor that is located 1.5 metres or more below natural grade.”

**CARRIED**

Discussion regarding maximum floor area.

**SP-2022-043**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be amended by amending maximum floor area for dwellings in Sections 2.8, 2.16, 2.21, and 2.23 for as follows:

- i. Lots less than 0.4 ha (1 acre) to 232 m<sup>2</sup> (2500 ft<sup>2</sup>),
- ii. Lots with an area of 0.4 ha (1 acre) to less than 0.8 ha (2 acres) to 279 m<sup>2</sup> (3000 ft<sup>2</sup>),
- iii. Lots with an area of 0.8 ha (2 acres) to less than 1.6 ha (4 acres) to 325 m<sup>2</sup> (3500ft<sup>2</sup>),
- iv. Lots with an area of 1.6 ha (4 acres) to less than 4 ha (10 acres) to 348 m<sup>2</sup> (3750 ft<sup>2</sup>), and,
- v. Lots greater than 4 ha (10 acres) to 372 m<sup>2</sup> (4000 ft<sup>2</sup>).

**CARRIED**

Trustee Wright opposed

Discussion continued regarding the community input and good public policy and trying to find a common ground after listening to the community members concerns about maximum dwelling size in the proposed bylaw.

**SP-2022-044**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be amended by adding a clause to the setback from the natural boundary of the sea to allow the reconstruction of a dwelling and/or accessory building within the same location as long as the dwelling and/or accessory building is not closer to the natural boundary of the sea.

**CARRIED**

**SP-2022-045**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be adding the following new Section:

Despite Subsection 3.3.3, on a lot that contains a legal dwelling, cottage, or accessory building constructed prior to the adoption of this bylaw, 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 at the time of the adoption of this bylaw 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.

**CARRIED**

**SP-2022-046**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be amended by adding the following new Section:

“By adding the words “and at no point may a dwelling exceed 9.2 metres (30 feet) in height” at the end of Subsection 3.4.1 so it reads: “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.”.

**CARRIED**

**SP-2022-047**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be amended to increase the maximum floor area of a cottage in the Agriculture zone to 90 m<sup>2</sup>.

**CARRIED**

Discussion regarding new bylaw regulations affecting current BP applications.

**SP-2022-48**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” as amended be read a second time.

**CARRIED**

1 opposed

**SP-2022-49**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 122, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021” be read a third time.

**CARRIED**

1 opposed

**SP-2022-50**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 122 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

**CARRIED**

**4.2 Minor Official Community Plan Amendments Project – Staff Report (Proposed bylaw no. 123)**

Planner Stockdill summarized proposed Bylaw No. 123. Proposed Bylaw No. 123 includes a First Nations acknowledgment statement and the building design and siting guidelines.

**SP-2022-051**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 123, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021” be read a second time.

**CARRIED**

**SP-2022-052**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 123, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021” be read a third time.

**CARRIED**

**SP-2022-053**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 123 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

**CARRIED**

**SP-2022-054**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee proposed Bylaw No. 123 be forwarded to the Minister of Municipal Affairs for approval.

**CARRIED**

**SP-2022-055**

**It was Moved and Seconded,**

that the South Pender Island Local Trust Committee place draft Bylaw No. 126 on the next South Pender Island Local Trust Committee meeting on September 9 agenda.

**CARRIED**

**5. ADJOURNMENT**

**By general consent** the meeting was adjourned at 11:15 am.

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Peter Luckham, Chair

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Certified Correct:

Robin Ellchuk, Recorder