

ADOPTED



South Pender Island Local Trust Committee

Minutes of Special Meeting

Date: June 02, 2022
Location: Poets Cove, 9801 Spalding Rd, South Pender Island BC

Members Present: Peter Luckham, Chair
Steven Wright, Trustee
Cam Thorn, Trustee

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

There were approximately 45 members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:57 am. 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. BUSINESS ITEMS

3.1 Community Information Meeting – To discuss the South Pender Island Local Trust Committee’s Land Use Bylaw Amendments Project – Proposed Bylaw No. 122.

Planner Stockdill introduced herself and summarized Bylaw 122 and addressed the most common questions received regarding Bylaw 122.

- Floor area – The floor area is calculated to the inner surface of the exterior walls of the building. Carports are not included in the calculation of floor area as they do not have exterior walls;
- Covered verandas are not included in the calculation of floor area;
- A dwelling may be entirely reconstructed if damaged by a fire as long as it does not exceed the floor area and siting to the exterior or interior side lots lines of the dwelling at the time of Bylaw 122 adoption.
- Property owners have the option to apply for a Development Variance Permit (DVP) or Board of Variance (BOV) to vary a Land Use Bylaw (LUB) regulation.

Chair Luckham addressed a community member’s concerns regarding rules of conduct and a respectful meeting. The Chair stated the public has the right to speak and be heard and options to file an administrative complaint and the situation will be investigated.

Community member concerns addressed:

House size:

- Expressed concerns that the table of allowable dwelling size has been changed many times;
- The table section 2.8 of allowable dwelling size is a bit confusing;
- The floor area sizes in the table seem arbitrary;
- How the maximum floor areas were decided;
- There is some support for the reduction of house size to 3500 sq ft;
- Criteria for maximum home sizes would be better received by the community if information was based on a consultation of a panel of experts;
- Question regarding why the maximum floor area is being changed within the new proposed Bylaw;
- Concerns that the specific reasons for the regulations being proposed Bylaw No. 122 are not clear;
- Community member asked how can the community stop the proposed bylaw from adoption;
- Community member believes that the current bylaws are sufficient;
- Community member asked the question if other Southern Islands have a maximum floor area restrictions;
- Community member cautioned on the use of the precautionary principle to make bylaw regulations for the Island;
- The question was raised as to why a maximum house size and setbacks are being changed in the same proposed bylaw and how it affects current buildings; and
- Concerns regarding crawl space being included with the total maximum floor area.

Setbacks:

- Concerns regarding if a dwelling is destroyed by fire and if the new dwelling would have to comply with the new regulations or apply for a variance; and
- Trustees are trying to develop a baseline of regulations so that new development must follow regulations.

DVP & BOV:

- Variance provides neighbours with the ability to influence what an owner can do with their lot;
- Criteria should be added to a bylaw when reviewing variance applications; and
- If an owner wished to build a dwelling that exceeds maximum floor area regulations in the LUB, they could apply for a variance.

Trustee Wright left the room at 1:04pm.

Meeting break – 1:05-1:24pm.

Trustee Wright rejoined the meeting at 1:24pm.

Insurance:

- Concerns about lack of protection for the home owners with regards to the rebuilding of a destroyed dwelling; and
- Concerns about the insurance coverage for a destroyed dwelling would only allow to rebuild to the existing Bylaw regulations, not the previous house size. This could be a difficulty for the property owner if their original house size was larger than the maximum floor area in the LUB and they wanted to rebuild their dwelling to the same square footage as the original building.

Legal Non-Conforming:

- Concerns about legal non conforming;
- Concerns regarding legal non conforming issues, the Local Government Act is different than Bylaw No. 122 and creates a conflict for owners;
- The question was raised as to why the current bylaws should be changed at this time;
- Several reasons of concern that the Bylaw 122 will limit the ability for necessary buildout to accommodate future needs for the family dwelling; and
- The point made that 80% of the island is developed. The Bylaws are said to protect against future over development, but that is only for 20% of the island that is undeveloped.

Wording of the Bylaw:

- There is the suggestion that the rationale for the new regulations should be included in the proposed bylaw; and
- The proposed Bylaw is missing aging in place, caretaker suites, and affordable housing solutions.

Website:

- The question was asked if there is a possibility to have a tutorial created for community members to learn to navigate the Islands Trust website.

Trustee response:

- The research completed by Trustees to reduce the maximum house size was based on a three bedroom home for the average Canadian home;
- Trustees take a precautionary principle and therefore have looked at trends in other communities regarding house size and there is a trend towards larger homes being developed;
- Spoke to the issue that there needs to be steps taken to preserve the rural character of the island. Providing a maximum dwelling size is a step to be taken to preserve the rural character;
- Research using the BC Assessment data was used to determine maximum dwelling size;
- Some community members would like to have the neighbours of properties being built upon to have input and some community members would like to have regulations in place;
- Agreed there might be a need for more clarity for legal non conforming wording in the proposed bylaw;

- The community members need to attend the Public Hearing and speak to their issues and concerns regarding the proposed bylaw;
- Protection of Rural character and environment were the reasons for the proposed bylaw changes as well as precautionary principle.

Staff response:

- A dwelling can be rebuilt if the siting and floor area is the same or less dimensions at the time of bylaw adoption for maximum floor area and interior/exterior side lot lines;
- The setback provision for the natural setback from the sea for the Bylaw may be amended to allow a dwelling to be rebuilt.
- There are currently no other southern Islands, except for North Pender Associated Islands, that have a maximum floor area for dwellings.

3.2 Community Information Meeting – To discuss the Minor Official Community Plan Amendments Project – Proposed Bylaw No. 123.

Planner Stockdill summarized the main two aspects of the proposed Bylaw:

1. Add an introductory statement acknowledging First Nations to be put at the beginning of the Official Community Plan; and
2. Proposed building design and siting guidelines

Community member comments and concerns:

- A community member spoke in favor of proposed Bylaw 123 with regards to the acknowledgement of the First Nations. This area has the long history of indigenous peoples and is a sacred place for the Salish people. Archaeology has shown evidence of First Nations settlement dating as far back as 3500 BC. Recognition of the indigenous presence is important. This is seen as a positive step forward;
- Concerns that the design guidelines should not be included in the proposed bylaw;
- The questions was posed asking if the guidelines can be pulled from the bylaw and be in a separate supporting document to be used in the manner intended which is to assist Trustees with DVP applications;
- Discussion commenced with regards to concerns that the guidelines put forth in the proposed bylaw are not enforceable. The guidelines should be in a separate document;
- The questions was asked if South Pender is the only Island with design guidelines;
- Language in the bylaw needs to be more clear on the definition of indigenous persons;
- Question raised as to the details of the bylaw that state to preserve and protect certain natural items for the indigenous peoples; what does this mean for private land owners now. How do they interpret this section of the proposed bylaw? What is the land owners role in to “preserve and protect” these items. The language in the proposed bylaw needs to be more clear and more explanations are needed; and
- The proposed Bylaw 123 assists to open up the space for conversation with First Nations and land owners in a positive respectful way.

Trustee response:

- Chair Luckham addressed the concerns about the guidelines that are included in the proposed bylaw are there to assist with the Trustees to have guidelines to follow with regards to decisions to be made regarding Land Use Bylaws;
- Guidelines are for the Trustees to be able to have the criteria to make consistent decisions with regards to possible variance applications.

The next meeting will be an electronic meeting on June 17, 2022.

4. ADJOURNMENT

By general consent the meeting was adjourned at 3:31pm.

Peter Luckham, Chair

Certified Correct:

Robin Ellchuk, Recorder