



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: May 2, 2025
Time: 10:30 am
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

	Pages
1. CALL TO ORDER	10:30 AM - 10:50 AM
2. TERRITORIAL ACKNOWLEDGEMENT	
3. APPROVAL OF AGENDA	
4. TRUSTEE REPORT	
5. CHAIR'S REPORT	
6. ELECTORAL AREA DIRECTOR'S REPORT	
7. TOWN HALL AND QUESTIONS	10:50 AM - 11:10 AM
8. COMMUNITY INFORMATION MEETING - None	
9. PUBLIC HEARING - None	
10. MINUTES	11:10 AM - 11:20 AM
10.1 Local Trust Committee Special Meeting Minutes Dated March 27, 2025 (for Adoption)	4 - 8
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	9 - 9
12. DELEGATIONS	
13. CORRESPONDENCE	

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

14.	APPLICATIONS AND REFERRALS	11:20 AM - 12:00 PM	
14.1	PL-DVP-2025-0120 (Hoyt) – Staff Report (attached)		10 - 28
14.2	PL-TUP-2025-0142 (Evans) – Staff Report (attached)		29 - 48
15.	LOCAL TRUST COMMITTEE PROJECTS	12:00 PM - 12:45 PM	
15.1	Land Use Bylaw Amendment Project - Staff Report (attached)		49 - 64
16.	REPORTS	12:45 PM - 1:00 PM	
16.1	Work Program Reports (attached)		
16.1.1	<u>Active Projects Report Dated April 2025</u>		65 - 65
16.1.2	<u>Future Projects Report Dated April 2025</u>		66 - 67
16.2	Applications Report Dated April 2025 (attached)		68 - 69
16.3	Trustee and Local Expense Report Dated Feb 2025 (attached)		70 - 70
16.4	Adopted Policies and Standing Resolutions (attached)		71 - 74
16.5	Local Trust Committee Webpage		
16.6	Reconciliation and First Nation Relationship Building		
16.6.1	<u>Monica and Paul Petrie re Correspondence</u>		75 - 77
16.7	Islands Trust Conservancy Report Dated Feb 2025		78 - 79
17.	NEW BUSINESS	1:00 PM - 1:10 PM	
17.1	2024/25 Annual Report - Request for Decision (attached)		80 - 82
18.	UPCOMING MEETINGS		
18.1	Next Regular Meeting Scheduled for September 5, 2025 at the South Pender Fire Hall, Pender Island		
19.	TOWN HALL	1:10 PM - 1:30 PM	
20.	CLOSED MEETING (Distributed Under Separate Cover)		

20.1 Motion to Close the Meeting

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.

20.2 Recall to Order

20.3 Rise and Report

21. ADJOURNMENT

1:30 PM - 1:30 PM

South Pender Island Local Trust Committee Minutes of Special Meeting

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

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

Staff Present: Kim Stockdill, Island Planner (electronic)
Katherine Vogt, Recorder (electronic)

Others Present: There were approximately twenty-two (22) members of the public present

1. CALL TO ORDER

Chair Elliott called the meeting to order at 10:03 a.m.

2. TERRITORIAL ACKNOWLEDGEMENT

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

3. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Add Item 5: Town Hall, move other items forward
- Add Item 7: Town Hall, move other items forward

By general consent the agenda was approved as amended.

4. MINUTES

4.1 Local Trust Committee Meeting Minutes Dated February 14, 2025 (for Adoption)

The following amendments to the minutes were presented for consideration:

- On Page 1, Under Item 3, second line, after the name Elizabeth May, remove the phrase “regarding Southern Gulf Islands Forum “and replace with the phrase “on behalf of the Southern Gulf Islands Forum regarding advocacy to the Ministry of Transport on Bill C-33 about railway safety and marine issues

- On Page 2, Under Item 5, bullet one, second line, remove the phrase “Executive Committee” and replace with the phrase “Islands Trust Council”
- On Page 2, Under Item 5, rephrase bullet 2 to state the following: “Ongoing participation in the Reconciliation Learning Group which will next be looking at cultural safety across the organization, and supporting the reconciliation Action Plan with initiatives and Reconciliation related activities
- On Page 5, Bullet 12, just before the phrase “legal non-conforming,” replace the word “term” with the word “issue”
- On page 4, Under Item 15.1, Bullet 2, line 2, correct the spelling of “story” to “storey”

By general consent the South Pender Island Local Trust Committee meeting minutes of February 14, 2025 were adopted as amended.

5. TOWN HALL

Members of the public spoke to proposed amendments to draft Bylaw No. 129 and the following comments were noted:

- The word “legal” should be removed; and the designations be referred to as simply conforming or non-conforming
- Trustees should table Bylaw No. 129 so that First Reading may be given at the current meeting
- The term legal non-conforming comes from the Local Government Act
- Land Use Bylaw No.129 provides relief to the approximately 30% of properties that became non-conforming after Land Use Bylaw No. 122; and alleviates some residents’ concerns about future construction of mega-sized homes
- Staff should provide comment on the legal non-conforming issue

6. BUSINESS ITEMS

6.1 Minor Land Use Bylaw Amendments Project - Staff Report

Island Planner Stockdill presented the staff report, dated March 27, 2025, to update Trustees on recent amendments to the draft Land Use Bylaw No. 129.

The Local Trust Committee (LTC) discussed the possibility of seeking a legal opinion on legal non-conforming status once the draft Land Use Bylaw (LUB) had been finalized.

- The planner advised that the Project Charter would need to be amended to budget for a legal opinion

The LTC reviewed the 13 recent trustee directed amendments to the draft LUB, noting the following:

- Maximum floor area tables also need to apply to agricultural land
- Since Agricultural Land Commission (ALC) rules seem to have become very relaxed, it may be a mistake to align the LUB with ALC regulations

- ALC Agritourism allowances for 10 sleeping units could strain local resources
- The ALC works to help farmers maintain their farms financial viability by allowing indirect farm uses such as agritourism for increasing farm incomes

In response to chair request, the planner offered to provide further research on ALC regulations regarding agritourism and agritourism accommodation for next meeting.

- There are distinctions between the use of a recreational vehicle for storage; for temporary camping; for living in while constructing a building; and for renting out as a short-term vacation rental

Island Planner Stockdill presented 3 options for total and maximum floor area regulations.

Trustee Falck presented a spreadsheet that showed the evolution of changes in the “total floor area of dwellings” and “total floor area of all buildings” through successive Land Use Bylaws No.114, No.122, and Draft Bylaw No. 129, noting the following:

- As the lot sizes increase, the compromises between the larger Bylaw No.114 dwelling sizes and the lower Bylaw No. 122 dwelling sizes become less equal
- A more rational full compromise would equalise the compromise over all lot sizes
- For lots greater than 10 acres, total allowable floor area for all buildings dropped from 20,000 square feet in Bylaw No. 114 down to 15,000 square feet in Bylaw No. 122; whereas there was no drop in size allowance for the other smaller lot sizes

The Planner announced that she had just posted Trustee Falck’s document, dated March 26, 2025, to the Local Trust Committee website under Projects: Folder No.5: Community Engagement.

The Chair acknowledged the need for clarity, simplicity, and rationale behind the square footage numbers in the tables.

By general consent, the meeting was recessed at 11:35 a.m. and reconvened at 11:45 a.m.

Trustee Evans presented a self-prepared possibility for Option 3 that would combine two tables into a single, simpler table by creating 4 major column categories:

1. Lot size
 2. The total floor area of all buildings may not exceed
 3. The floor area of a dwelling may not exceed
 4. Legal dwellings constructed prior to September 15, 2022, the floor area may not exceed
- The Chair and Planner acknowledged that a single table provided greater clarity and relieved some of the public distress regarding the possibility of their home being labeled legal non-conforming

- The Planner confirmed that the table could be replicated for the following zones: rural residential, agriculture, forestry, and natural resource

The Local Trust Committee discussed attached garages, which, if included in total maximum dwelling area in the proposed Land Use Bylaw, would reduce the allowable size of a dwelling, whereas a detached garage would not. The following comments were noted:

- Attached garages may be more environmentally favorable by reducing scattered ecological footprint
- It should be up to property owners to decide if they want an attached or unattached garage without penalty of losing 500 square feet of living space if they want an attached garage; this seems unfair, inconsistent, and unwise for the drafting of bylaws
- Ecosystem protection, which was the original rationale for restricting house sizes, should be the priority over landowner flexibility
- A landowner has the option to apply for a development area permit if they want to increase their house size
- Including attached garages in total maximum dwelling area is how it has always been; it provides reasonable flexibility for landowners; and it restricts building sizes for the benefit of the environment

SP-2025-007

It was Moved and Seconded,

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

“That the floor area of the attached garage up to a maximum of 46 square metres or 500 square feet is not included in the floor area of a dwelling.”

DEFEATED

The Local Trust Committee discussed statutory requirements for public engagement with draft Bylaw No. 129.

The chair requested that planning staff add, for the next May 2, 2025 agenda, discussion on Local Trust Committee meeting budget.

7. TOWN HALL

Members of the public questioned or commented the following:

- If someone has an existing building, can they build to the old square footage permissions shown on the table presented today?
 - A Trustee responded that the intent is that whatever number is greater is allowable; if you have an existing building on your lot of 4000 square feet on a 2-acre lot, you are allowed to replace the building up to 5600 square feet. If you have a 7000 square foot house on a 2-acre lot, you can only replace it with a 5600 square foot house; if you have a 1500 square foot house on a 2-acre lot, you could only build it up to what it says in column c: 4000 square feet

- The member of the public responded that this creates 2 tiers: one for those who had existing dwellings and those that did not, which penalizes those with bare lots
- The vote to include attached garages in dwelling floor area maximums is supportable because the Advisory Planning Commission recommended it; and there is difficulty in bylaw enforcement for unauthorized uses of the garage; and Trustee Falck's points were also very supportable
- A member of the public commended Trustees for their hard work in trying to find compromises around divisive issues
- The member of the public suggested that Trustees were trying to compromise; but that they were not "splitting the difference" on divisive issues, so it was hard to feel good about the outcome
- Total lot building coverage maximums makes the detached/attached garage issue redundant

8. ADJOURNMENT

By general consent the meeting was adjourned at 12:42 p.m.

Tobi Elliott, Chair

Certified Correct:

Katherine Vogt, Recorder

Follow Up Action Report

South Pender Island

01-Aug-2023

Progress	Activity	Responsibility	Dates	Status
0%	1 Chair Elliott is authorized to sign both covenants related to 8970 Gowlland Point Road. (IN PROGRESS). April 11 2025 - Staff contacted applicant regarding the status of the covenant.	Jas Chonk Kim Stockdill	Target: 15-Sep-2023	In Progress

14-Feb-2025

Progress	Activity	Responsibility	Dates	Status
0%	1 10.2 SP LTC adopted January 17, 2025 special meeting minutes as is.	Emily Bryant	Target: 28-Feb-2025	Completed
0%	2 Minor LUB Amendments Project 1. Staff to schedule Special Meeting. (DONE) 2. Staff to update Project Charter to include timeline for a Public Hearing and adjust budget. (DONE)	Emily Bryant Jas Chonk Kim Stockdill	Target: 28-Feb-2025	Completed

27-Mar-2025

Progress	Activity	Responsibility	Dates	Status
0%	1 SP LTC meeting minutes of February 14, 2025 adopted as amended.	Emily Bryant	Target: 11-Apr-2025	Completed

DATE OF MEETING: May 2, 2025

TO: South Pender Island Local Trust Committee

FROM: Bruce Belcher, Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: PL-DVP-2025-0120
Applicant: Ryan Hoyt
Location: 9921 Boundary Pass Drive, South Pender Island

RECOMMENDATION

1. That the South Pender Island Local Trust Committee approve issuance of PL-DVP-2025-0120

REPORT SUMMARY

The purpose of this report is to consider a Development Variance Permit (DVP) to relax the setback to the natural boundary of the sea for the siting of an existing dwelling and the new construction of a patio, and to relax the setback to the front lot line for the siting of an existing accessory garage building.

RATIONALE FOR VARIANCE

The applicant's rationale for the variance is to bring the existing nonconforming portion of the house into compliance prior to beginning renovations of the existing dwelling. The project involves a partial demolition, renovation, and addition to the existing non-conforming dwelling without expanding the footprint within the natural boundary setback. A new patio is also proposed within the natural boundary setback, sited to connect to the existing house without extending further into the setback than the existing deck which will be removed. The garage has also been included in this application to bring the siting within the front lot line into compliance. No changes are proposed to the garage as a part of this application. The applicant's rationale letter is included with this report as Attachment 3.

BACKGROUND

The variance application was submitted prior to receiving a building permit for the new addition to an existing single-family dwelling at 9921 Boundary Pass Drive, South Pender Island. The property is zoned Rural Residential 1 (RR1) and is 0.26 ha (0.65 ac) in area. The variances would bring the property into compliance with the South Pender Island Land Use Bylaw No. 114, 2016 (LUB) to enable a building permit for the new additions.

The specific variance to the LUB are as follows:

- a) Subsection 3.3 (3) which states that *buildings or other structures, except a fence, stairway, wharf and dock ramps or their footings, shall not be sited within 15 metres (50 feet) of the natural boundary of the sea* is varied to permit the construction of a patio structure within 12.1 metres (39.7 feet) of the natural boundary of the sea.
- b) Subsection 3.3 (4) which states that *despite subsection 3.3 (3), buildings or structures, except a fence, stairway, wharf and dock ramps or their footings, legally constructed prior to September 15, 2022 shall not be sited within 7.6 metres (25 feet) of the natural boundary of the sea* is varied to permit the siting of an existing dwelling within 6.13 metres (20.1 feet) of the natural boundary of the sea.
- c) Subsection 5.1 (8) (a) which states that *the minimum setback for any building or structure, except a fence or pump/utility house, shall be 7.6 metres (25 ft.) from any front or rear lot line* is varied to permit siting of an existing accessory building (garage) within 1.95 metres (6.4 feet) of the front lot line.

The proposed construction would be within the permitted total floor area for a single-family dwelling in the RR1 zone. The dwelling would have a total floor area of 161.2 m² when construction is complete, below the maximum of 232 m² for a property below 0.4 ha in total area. The property's total floor area would be about 203 m², within the total permitted floor area of 465 m² for all buildings following construction. The proposed additions to the existing dwelling would have a final height of 6.33 m, below the maximum permitted height of 9.2 m for a dwelling in the RR1 zoning.

The dwelling is likely pre-existing non-conforming, although this can be hard to prove without adequate information. Based on BC Assessment the dwelling was originally constructed within the natural boundary setback in 1970, predating the CRD Bylaw No. 103 adopted 28 June 1972 which applied to the whole Southern Gulf Islands electoral area up until 1980 when the South Pender Island Zoning Bylaw No. 4 was adopted. The dwelling predates 2022, therefore subsection 3.3 (4) of the LUB applies and the setback to be varied is 7.6 metres from the natural boundary of the sea rather than the 15 metres required in section 3.3 (3).

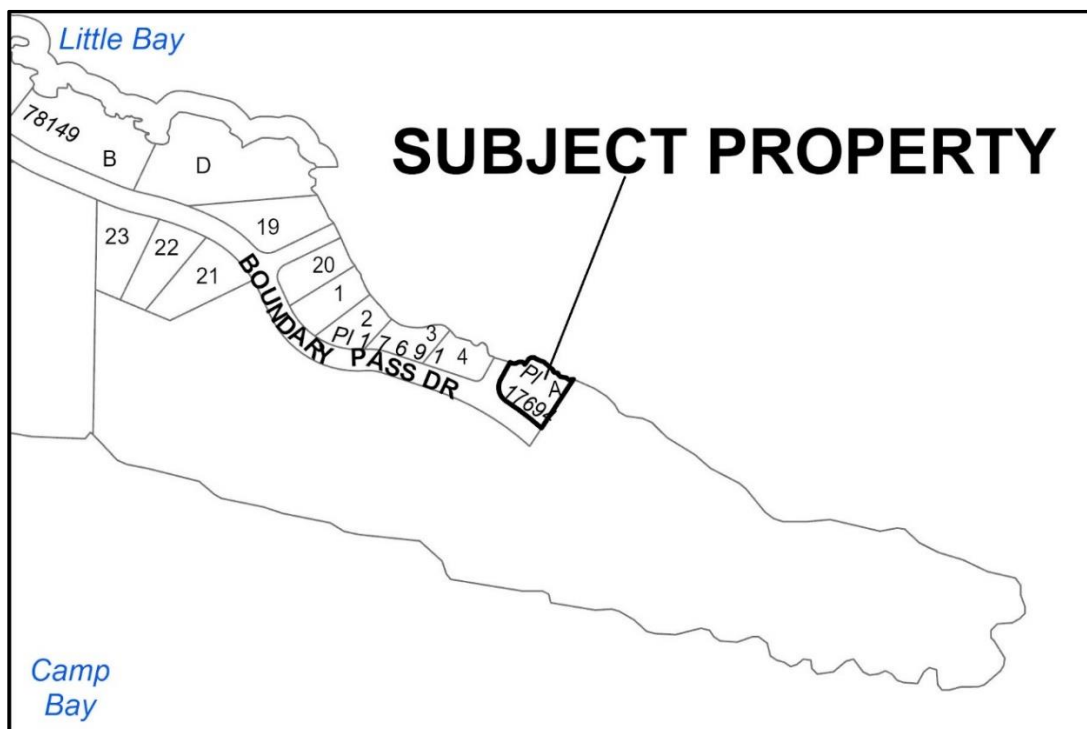


Figure 1: Subject Property

A copy of the notice and proposed permit PL-DVP-2025-0120 are included with this report as Attachment 4 and 5. The applicant has provided a letter explaining their rationale for the variance application included as Attachment 3. Staff did not visit the site; the owner has provided photos of the existing site conditions included to this report as Attachment 2.

If the application is denied, the owner could apply to the Board of Variance or alter the plans to conform to the LUB.

ANALYSIS

Intent of Regulations being varied

The overall purpose of the natural boundary setback and front lot line setback are to minimize development related impacts on adjacent properties related to:

- Ensuring that a sufficient distance from the water is established to avoid impacts from changing shoreline and marine conditions;
- Protecting development from hazards;
- Ensuring that buildings and structures are located outside of environmentally sensitive area;
- Limiting the visual impact of development on adjacent properties;
- Establishing consistent development patterns within a local area;
- Maintaining rural character;

Potential impacts of granting to variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, each application should be evaluated on its own merits.

If the variance is approved the anticipated new impacts on neighbouring properties and the roadway are considered to be low since all structures are pre-existing except for the new patio extension. The property is well screened from the road and neighbouring properties by trees. The closest neighbouring dwelling is located about 100 m away from the existing single-family dwelling on the property. The road and ocean access adjacent to the front lot line, where the garage is sited, is not in use and no road has been constructed.

The variance would result in some new land alteration within the 15.0 metre natural boundary setback. Two trees are planned for removal, one within the proposed patio location outside of the setback, and a second outside of the building site within the natural boundary setback. The proposal does not extend any part of the building or patio further into the natural boundary setback, instead the existing deck is intended to be removed and the new patio would not replace the section closer to the sea. Since this area is previously disturbed there does not appear to be any new hazards through development as the patio space is further from the top of the cliff than the existing deck.

Circulation

The draft permit was circulated to surrounding property owners and residents on April 11, 2025. The notification period will end on April 23, 2025.

Any comments received following the notification period will be forwarded to the Local Trust committee and reported at the meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants with the initial application.

Rationale for Recommendation

Staff is recommending that the resolution on page 1 be supported for the following reasons:

- The rationale of bringing the existing non-conformities into compliance is reasonable;
- The anticipated new impacts on neighbouring properties are minimal;
- The siting variances present no new hazards related to the natural boundary of the sea or the front lot line;
- The new development would take place entirely within a pre-disturbed area of the property, resulting in limited new impacts, tree removal, and excavation.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. 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 applicant submit to the Islands Trust

2. Deny the application

The LTC may deny the application. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee refuse application PL-DVP-2025-0120.

Submitted By:	Bruce Belcher, Planner 2	April 15, 2025
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Concurrence:	Robert Kojima, Regional Planning Manager	April 16, 2025
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ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Applicant's Letter
4. Notice
5. Draft Development Variance Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT A SECTION 1 PENDER ISLAND COWICHAN DISTRICT PLAN 17694
PID	002-480-255
Civic Address	9921 Boundary Pass Drive, South Pender Island
Lot Size	0.26 ha (0.65 ac)

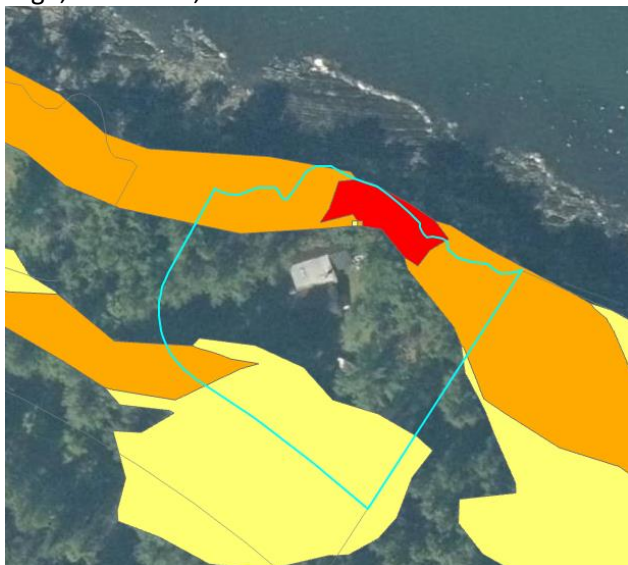
LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential

POLICY/REGULATORY

Official Community Plan Designations	Rural Residential - RR
Land Use Bylaw	Rural Residential 1- RR1
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

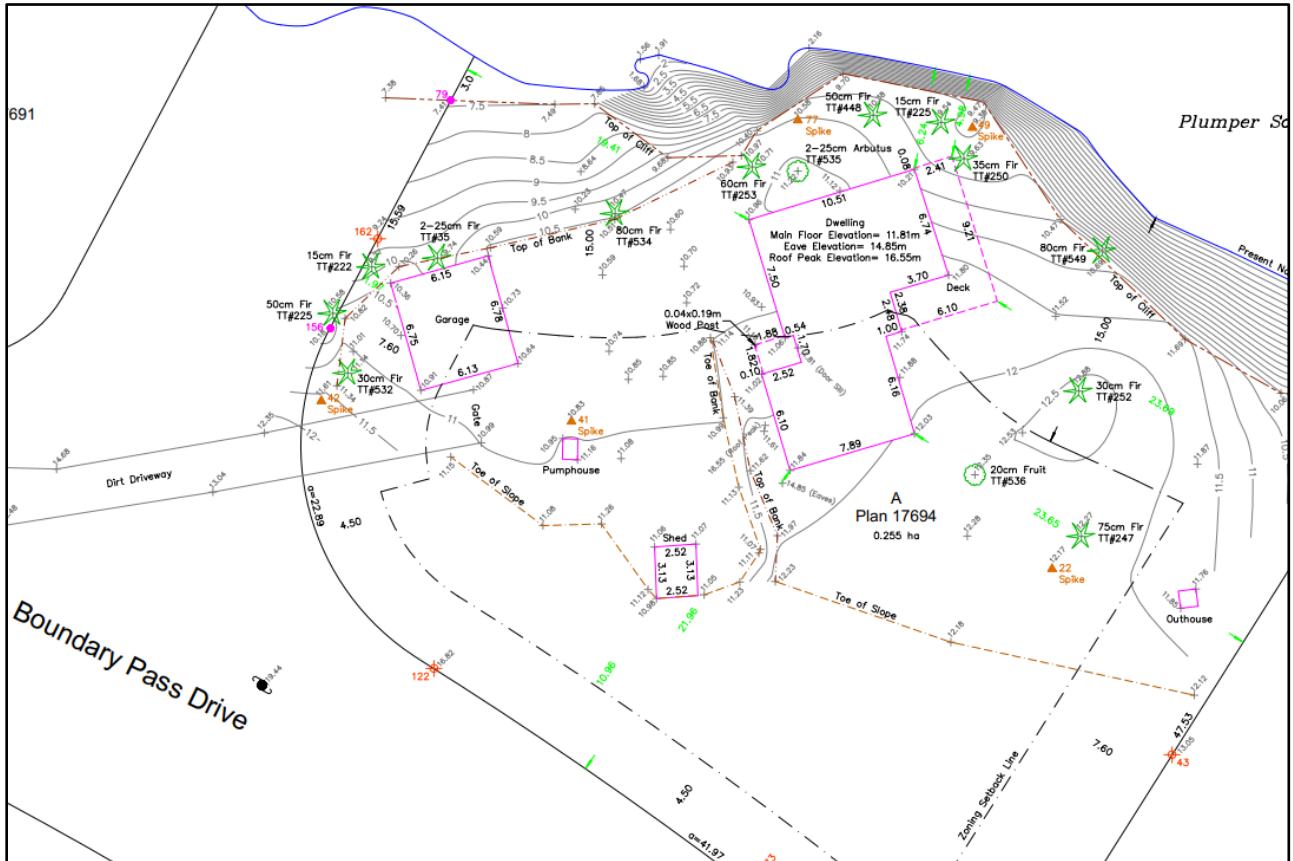
SITE INFLUENCES

Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	Douglas Fir / Dull Oregon-grape
Sensitive Ecosystems	N/A
Hazard Areas	High, Moderate, Low Risk 

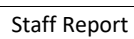
Archaeological Sites	Archaeological potential on subject site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a Heritage Conservation Act permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No anticipated impacts to GHG emissions as a result of this proposal.
Shoreline Classification	 Shoreline Type (Islands Trust) - Bluffs - Boulder/Cobble Beach - Estuaries/Tidal Flats - Low Rock/Boulder - Pebble/Sand Beach - Sea Cliff
Shoreline Data in TAPIS	 Coastline Type - Altered - Cliff - Coastal Banks or Bluffs - Estuary - Low Rock / Boulder - Sand / Cobble

ATTACHMENT 2 –PLANS, DRAWINGS, PHOTOGRAPHS

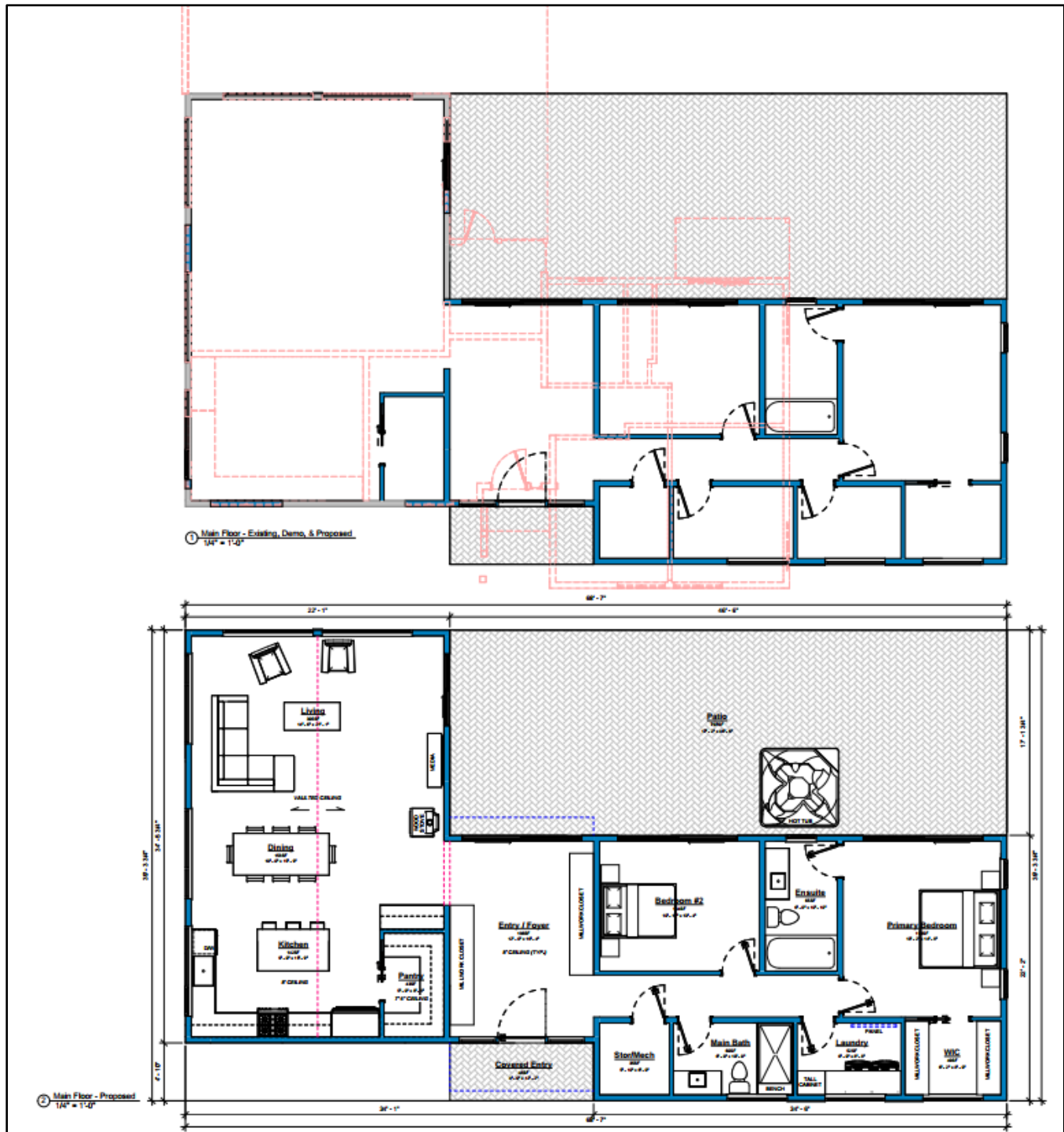
2.1 SURVEY PLAN



Islands Trust



2.3 FLOOR PLANS



2.4 ELEVATION PLANS



2.5 PHOTOS



EXISTING DWELLING AND GARAGE, VIEW FROM THE DRIVEWAY LOOKING EAST





EXISTING DWELLING AND DECK TO BE REMOVED, LOOKING NORTH-WEST



EXISTING PORTION OF DWELLING TO BE REPLACED, LOOKING WEST



EXISTING GARAGE, LOOKING WEST



NORTH-WEST CORNER OF EXISTING DWELLING, LOOKING EAST

Attachment 3

April 7th, 2025

Dear Islands Trust,

RE: 9921 Boundary Pass Drive – Development Variance Permit Application

On behalf of the Owner of 9921 Boundary Pass Drive (the Property), Hoyt Design Co. (HDC) submits the following development variance permit application.

Background:

The property is a residential lot, zoned RR1, that backs onto Plumper Sound. There is currently an existing single-family dwelling and detached garage on the lot.

Proposal:

We are seeking a setback variance noted on the drawings to bring the existing nonconforming portion of the house into compliance. The proposal herewith is a renovation, partial demolition, and addition to the existing nonconforming single-family dwelling. The nonconforming portion of the existing house will remain for renovation, and the southern portion of the building will be demolished for an addition which conforms to the relevant bylaws. There is also a proposed patio which encroaches slightly on the 15.0m watercourse setback in order to connect to the existing house. There are no proposed changes to the existing garage, we are simply seeking the setback variances noted on the drawings to bring the existing nonconforming garage into compliance.

Justification:

We feel these requests are justified and may have less of an environmental impact compared to the house being completely demolished for a new build. The actual work taking place within the 15.0m setback is minimal and contained to the existing nonconforming portions of the house, with the exception of the proposed patio. Note that the patio encroaches less than the existing building and only encroaches so as to connect to the existing house. Regarding the garage variances, we feel bringing these existing nonconforming setbacks into compliance is simply a formality triggered by the work being done on the house, as there are no actual changes happening to the garage. We appreciate your review of this request and look forward to your support.

Regards,



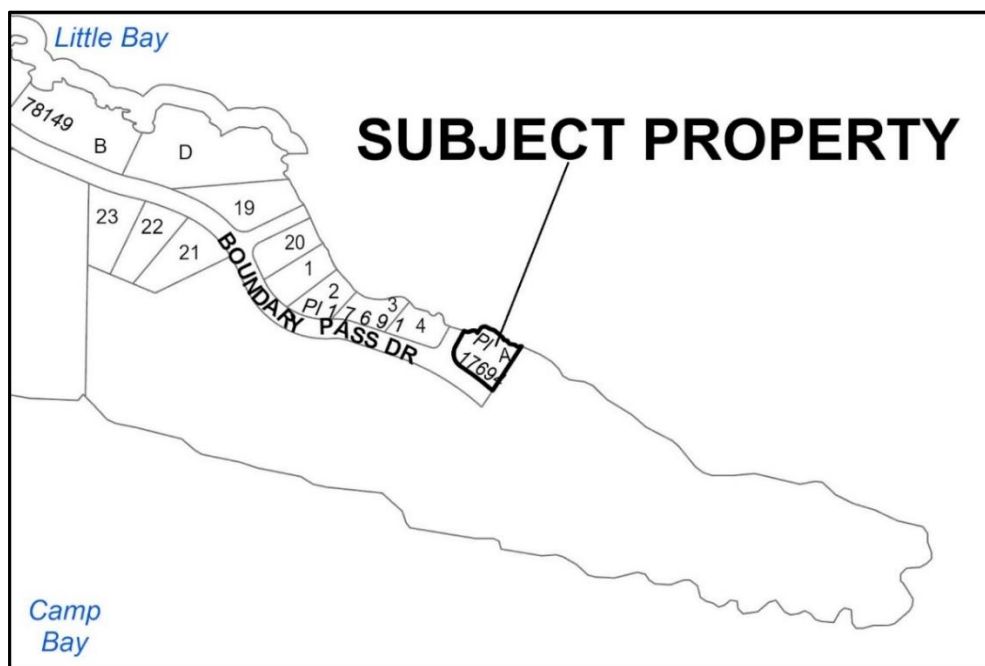
Ryan Hoyt, ASCT, RBD
Principal Designer

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the South Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the South Pender Island Land Use Bylaw No. 114, 2016 by:

- Decreasing the minimum setback to the natural boundary of the sea from 15.0 metres to 12.1 metres to permit the construction of a new patio.
- Decreasing the minimum setback to the natural boundary of the sea from 7.6 metres to 6.13 metres to permit the siting of an existing dwelling.
- Decreasing the minimum setback to the front lot line from 7.6 metres to 1.95 metres to permit the siting of an existing garage.

The property is located at **9921 Boundary Pass Drive** and is legally described as LOT A SECTION 1 PENDER ISLAND COWICHAN DISTRICT PLAN 17694 (PID: 002-480-255).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **April 11, 2025** and continuing up to and including **April 23, 2025**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on South Pender Island.

Enquiries or comments should be directed to Bruce Belcher, Planner 2 at (250) 405-5179, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **April 23, 2025**.

The South Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **10:30 a.m. on May 2, 2025**, to be held at **Fire Hall #3, 8961 Gowlland Point Road, South Pender Island**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.



PROPOSED
SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
PLDVP20250120

To: David Broome
 c/o Ryan Hoyt

1. This Development Variance Permit applies to the land described below:

LOT A SECTION 1 PENDER ISLAND COWICHAN DISTRICT PLAN 17694
 (PID: 002-480-255)

2. South Pender Island Land Use Bylaw No. 114, 2016 is varied as follows:

- a) Subsection 3.3 (3) which states that *buildings or other structures, except a fence, stairway, wharf and dock ramps or their footings, shall not be sited within 15 metres (50 feet) of the natural boundary of the sea* is varied to permit the construction of a patio structure within 12.1 metres (39.7 feet) of the natural boundary of the sea.
- b) Subsection 3.3 (4) which states that *despite subsection 3.3 (3), buildings or structures, except a fence, stairway, wharf and dock ramps or their footings, legally constructed prior to September 15, 2022 shall not be sited within 7.6 metres (25 feet) of the natural boundary of the sea* is varied to permit the siting of an existing dwelling within 6.13 metres (20.1 feet) of the natural boundary of the sea.
- c) Subsection 5.1 (8) (a) which states that *the minimum setback for any building or structure, except a fence or pump/utility house, shall be 7.6 metres (25 ft.) from any front or rear lot line* is varied to permit siting of an existing accessory building (garage) within 1.95 metres (6.4 feet) of the front lot line.

The development shall be consistent with Schedule 'A' which is attached to and forms part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "South Pender Island Land Use Bylaw No. 114, 2016" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE SOUTH PENDER LOCAL TRUST COMMITTEE THIS ##th DAY OF [MONTH], [YEAR].

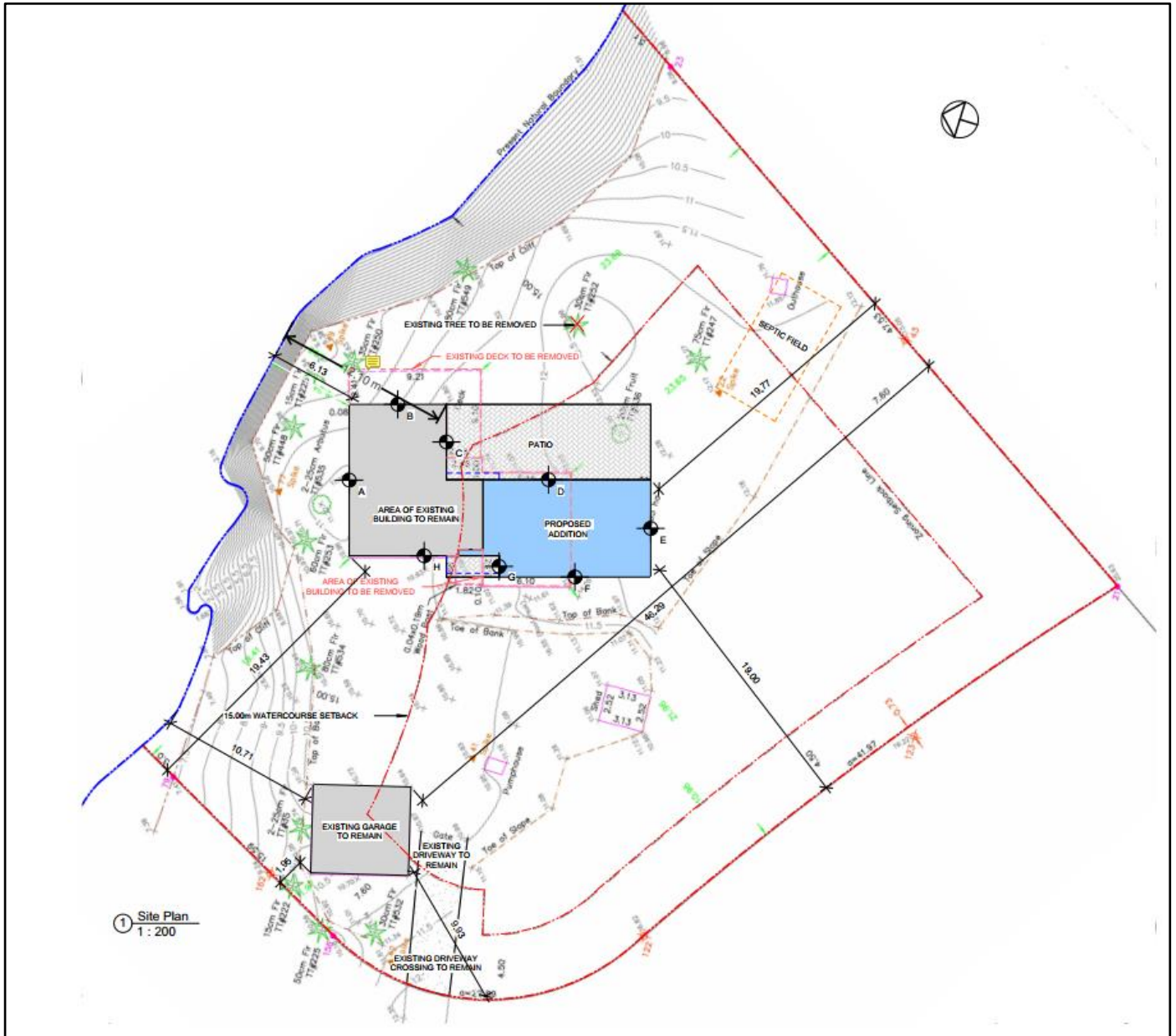
 Deputy Secretary, Islands Trust

 Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

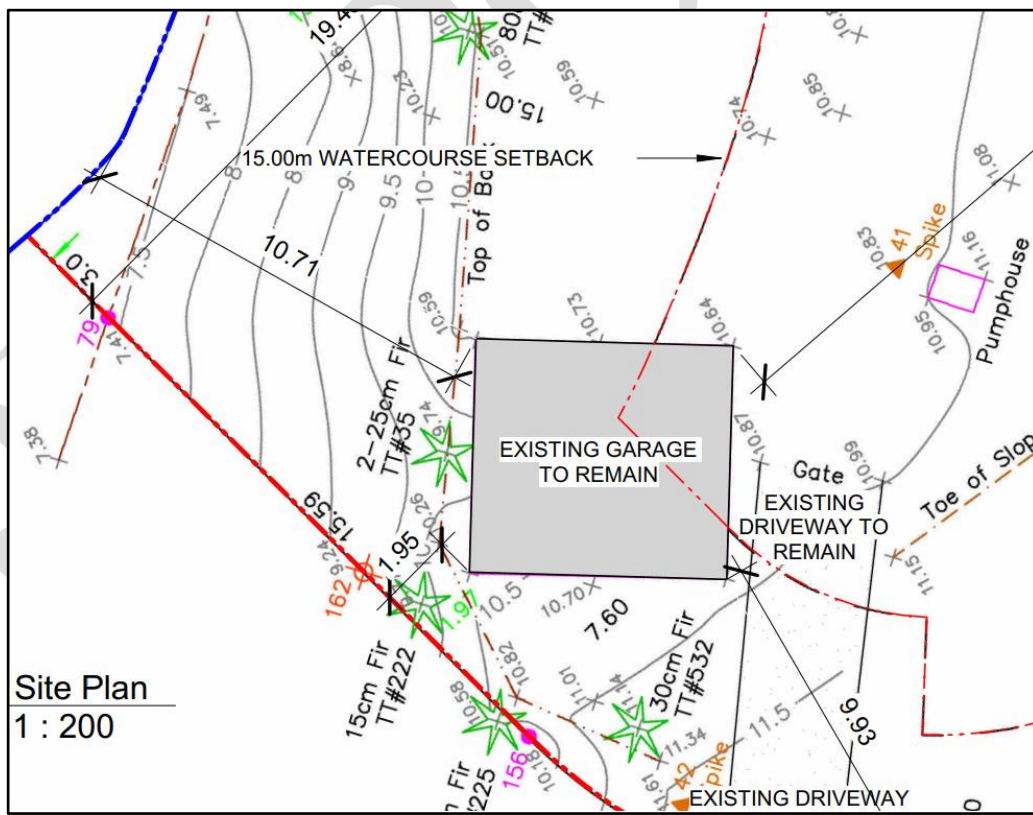
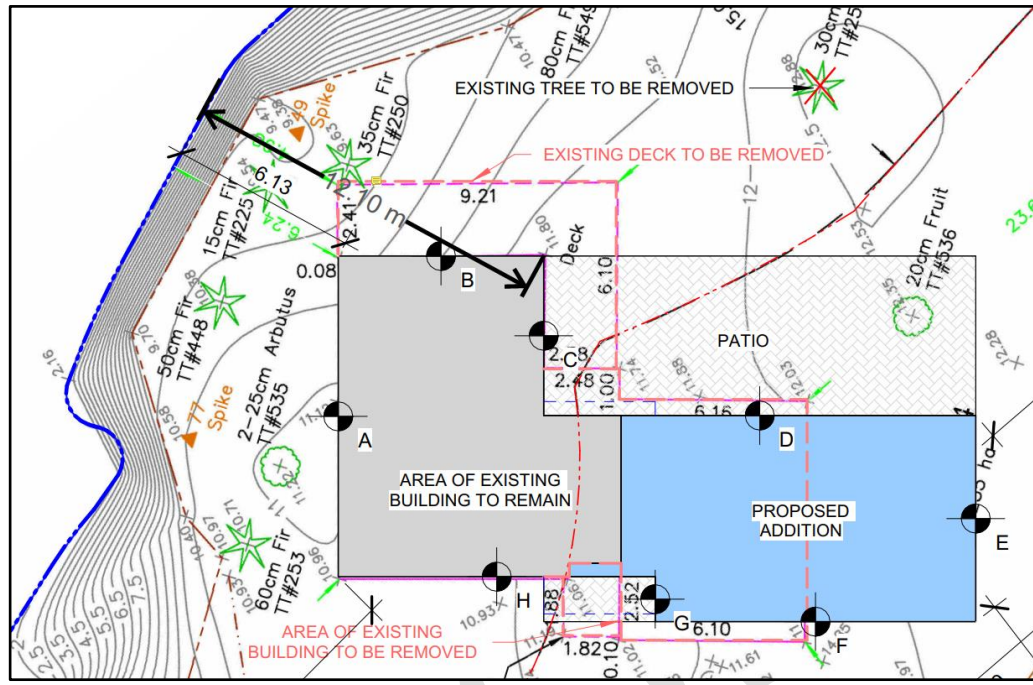
SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
PLDVP20250120

SCHEDULE 'A' (1 of 2)



SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
PLDVP20250120

SCHEDULE 'A' (2 of 2)



DATE OF MEETING: May 2, 2025

TO: South Pender Island Local Trust Committee

FROM: Bruce Belcher, Planner 2
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Temporary Use Permit for a Short Term Vacation Rental
Applicant: Kristina Evans
Location: 9907 Gowlland Point Road, South Pender Island

RECOMMENDATION

1. That the South Pender Island Local Trust Committee approve issuance of Temporary Use Permit PL-TUP-2025-0142.

REPORT SUMMARY

The purpose of this report is to consider a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within an existing dwelling.

BACKGROUND

The application is to allow for a TUP for a STVR use within an existing one-bedroom dwelling located at 9907 Gowlland Point Road. The applicant's rationale is to allow the short-term rental of their house while the property is listed for sale. The house currently has a long-term tenant set to move out at the end of June 2025. Renting the house out short-term would allow the applicant to pay their mortgage and housing related costs while the property is listed for sale. The applicant has provided a letter further expanding on their rationale behind the application which is included as Attachment 2.

The applicant's proposed capacity is a maximum of two adult guests and two vehicles. The draft permit would require four parking spaces, based on the TUP guidelines within the Official Community Plan. The applicant estimates that the use will be for approximately 12 to 24 weeks of the year, beginning in July and concluding at the end of September or December, depending on if the property is sold. The applicant has requested the permit length to be nine months to cover the remainder of 2025, and expiration to take place in January 2026. The applicant would have the option to apply for a TUP renewal at the expiration of the permit.

The 0.82 hectares (2.02 acre) property is located near the east end of Gowlland Point Road and across the road from Brooks Point Regional Park. The existing one-bedroom dwelling is located near the front lot line of the property, and is located over 70 metres from the closest dwelling on a neighbouring property. The dwelling is connected to a well, which was drilled in 1991 and at that time was producing 360 gallons of water per day. The well fills a 6000-gallon concrete cistern located on the north side of the dwelling. This water is

pumped through a filtration/sterilization unit into the home which is in working order and maintenance is up to date. The cistern and well information letter is included as Attachment 6.

A copy of the notice and draft TUP are included as Attachments 7 and 8.

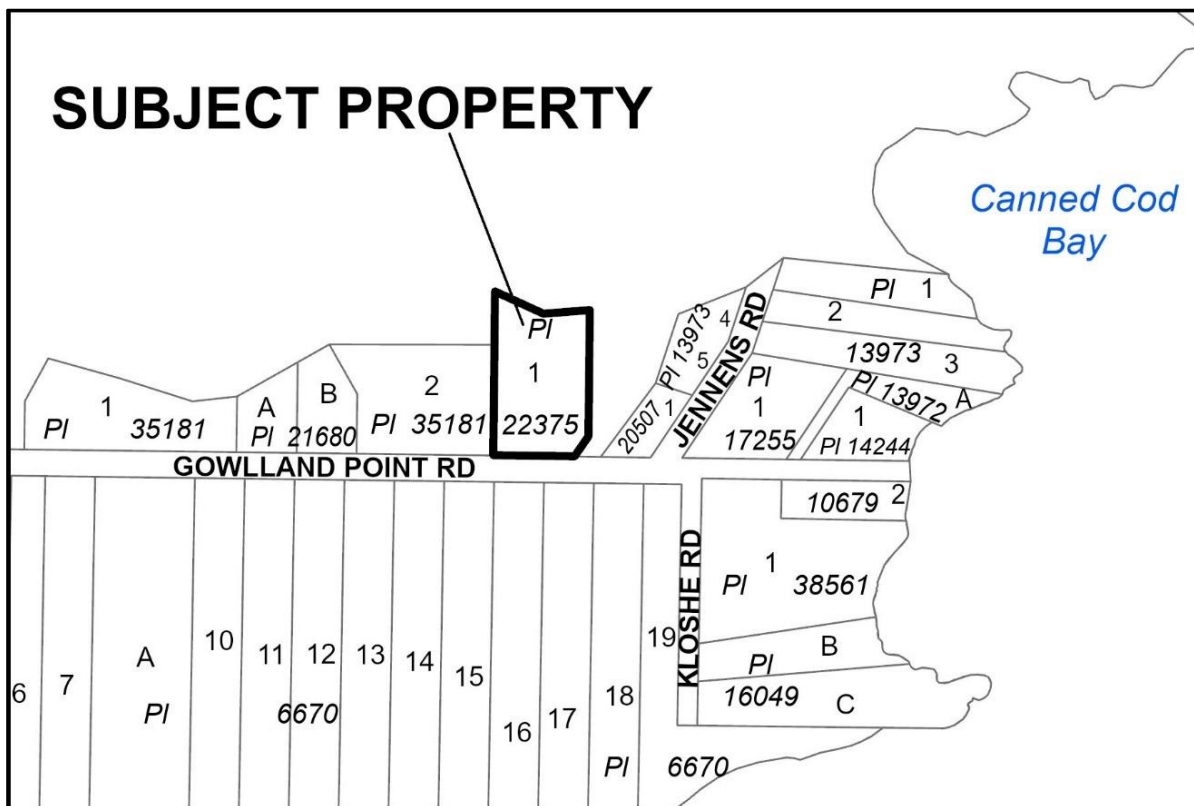


Figure 1 - Subject Property

ANALYSIS

Policy/Regulatory

Official Community Plan:

The subject property is designated as **RR – Rural Residential** in the South Pender Official Community Plan 107, 2011 (OCP).

A compliance checklist has been developed for reviewing the OCP's TUP Guidelines specific to STVR applications. The applicant's completed checklist is included as Attachment 4. The Islands Trust staff completed checklist is included as Attachment 3.

There are no Development Permit Areas designated on the property.

Land Use Bylaw:

The subject property is zoned **RR2 – Rural Residential 2** in the South Pender Island Land Use Bylaw No. 114 (LUB). The current residential use of the property conforms to the zoning. As the commercial STVR use is not permitted within the current zoning regulations, the applicant has applied for a TUP to temporarily allow the STVR use.

Temporary Use Permit:

Section 492 to 497 of the *Local Government Act* authorizes local governments to temporarily permit a use that otherwise is not permitted by the land use bylaw by issuance of a Temporary Use Permit. Further, TUPs can include specific conditions to which the use must abide. A Temporary Use Permit may be issued for up to three years and renewed only once (for up to an additional three years). After the renewal TUP expires, the applicant may re-apply for a new Temporary Use Permit.

When an LTC is reviewing a draft TUP for decision, the LTC by resolution can only add additional conditions to a draft permit; a LTC cannot remove conditions from a draft permit. At the time of TUP renewal, no changes to the renewal permit conditions are allowed except for the expiration date.

Issues and Opportunities

OCP TUP Guidelines

The above-noted compliance checklist reviews this application for each of the OCP guidelines in the same order and numbering as presented in the bylaw. The following discussion provides further information, context and analysis on a number of important guidelines in that same order.

Cumulative Effects

There are no active TUPs for STVRs on South Pender Island. Therefore, assessing the cumulative impacts on neighbourhoods of all issued TUPs is not applicable for this application.

Groundwater & Septic

The applicant has provided some information on the existing well, cistern capacity, and water filtration system used on the property. The STVR use of the property could potentially lead to increased water use during rental periods. However, the maximum capacity of two adults per visit would limit the impact on the existing well and water system.

The applicant has not provided a septic system report but has included that the system was installed in 1976 and built for a 2-to-3-bedroom capacity. The age of the existing septic system and lack of professional reports presents some concerns for the existing capability. The two adult maximum capacity provides more assurance that the septic system will be capable to facilitate the use.

Sensitive Ecosystems

There is an area of Mature Forest Sensitive Ecosystem located across the front lot line of the property, included in the Site Context Attachment 1. In reference to the OCP guideline 8.2.6 h) the following has been included in the draft TUP as circulated:

b) the applicant shall provide information for guests indicating the location of the Mature Forest Sensitive Ecosystem on the property, and information on how to avoid impacting the sensitive features;

The applicant will provide information on the sensitive ecosystem in the walkthrough of the property with the guests as well as including an information sheet in the guest package (Attachment 5).

Potential Neighbour Impacts

The potential impacts of the use can be considerable on direct neighbours and the local neighbourhood. Generally, these include noise and nuisance, change of neighbourhood character, traffic and other impacts. Further, the use can potentially impact established commercial accommodation operations by increasing alternative supply.

The neighbourhood impacts would be reduced and mitigated given the size of the subject property, the small dwelling size, and the limited number of guests and parking. The applicant living on-island and remaining available during rental periods to respond to neighbours and those renting the STVR can also help mitigate potential impacts on the neighbourhood.

TUP Conditions

The TUP conditions have the objective of ensuring that the use does not have an unreasonable impact on neighbours and the local area, and, in the event it does, provide the ability to enforce compliance with the conditions of the TUP. The applicant has requested for a nine-month term, which is less than the maximum of three years that can be requested. The applicant would be eligible to apply for a renewal of the TUP following the nine-months expiry.

Consultation

The draft permit was circulated to surrounding property owners and residents on April 11, 2025. The notification period will end on April 23, 2025.

At the time of writing there have been no comments received. Any comments received following the notification period will be forwarded to the Local Trust committee and reported at the meeting.

First Nations

There is no additional development proposed outside the current footprint of the existing dwelling with no proposed disturbance or impact to any possible archaeological sites. As reviewed, the TUP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on Heritage Act directly to the applicants.

Rationale for Recommendation

Staff is recommending that the resolution on page 1 be supported for the following reasons:

- The rationale for the STVR use is reasonable;
- The use is temporary and limited to less than a year;
- The size of the dwelling, guest capacity, and parking capacity is reasonable and mitigates potential impacts associated with the use;
- The cumulative impacts of STVR use from the approval of this TUP would be small given the neighbourhood and island context;
- The applicant has a well with sufficient yield, cistern capacity, and water treatment system;

- The permit provides conditions consistent with OCP guidelines and would ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. 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 applicant submit to the Islands Trust _____.

2. Add conditions

The LTC may wish to further amend the TUP by adding conditions such as screening, water conservation measures and/or changing the time period that the permit would be valid. If selecting this alternative, the LTC should specify the additional conditions. Recommended wording for the resolution is as follows:

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

3. Deny the application

The LTC may deny the application and proceed no further. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee deny Temporary Use Permit application PL-TUP-2025-0142.

Submitted By:	Bruce Belcher, Planner 2	April 16, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	April 16, 2025

ATTACHMENTS

1. Site Context
2. Applicant's Letter
3. TUP Guidelines Checklist – Staff
4. TUP Guidelines Checklist – Applicant
5. Guest Information Document
6. Well Water Information Letter
7. Notice
8. Draft Temporary Use Permit

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 1, SECTION 1, PENDER ISLAND, COWICHAN DISTRICT, PLAN 22375
PID	003-301-907
Civic Address	9907 Gowlland Point Road, South Pender Island
Lot Size	0.82 hectares (2.02 acre)

LAND USE

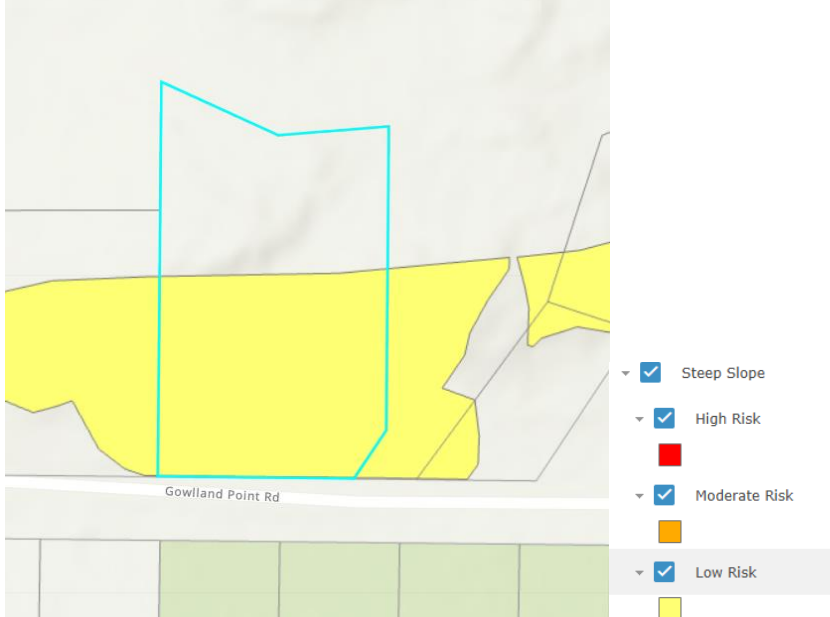
Current Land Use	Residential
Surrounding Land Use	Residential, Agriculture, Regional Park

POLICY/REGULATORY

Official Community Plan Designations	RR – Rural Residential
Land Use Bylaw	RR2 – Rural Residential 2
Other Regulations	N/A
Covenants	N/A
Bylaw Enforcement	N/A

SITE INFLUENCES

Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	Grand Fir / Dull Oregon-grape, Douglas-Fir / Dull Oregon-Grape
Sensitive Ecosystems	Mature Forest 

Hazard Areas	
Archaeological Sites	Archaeological potential on subject site. Notwithstanding the foregoing, and by copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act. If such material is encountered during development, all work should cease and Archaeology Branch should be contacted immediately as a Heritage Conservation Act permit may be needed before further development is undertaken. This may involve the need to hire a qualified archaeologist to monitor the work.
Climate Change Adaptation and Mitigation	No anticipated impacts to GHG emissions as a result of this proposal.
Shoreline Classification	N/A
Shoreline Data in TAPIS	N/A

STVR TUP Narrative for 9907 Gowlland Point Road Application

I am applying for a Temporary Use Permit (TUP) to allow a Short-Term Vacation rental of my property located at 9907 Gowlland Point Road.

I currently have long term tenants in there who will be leaving the end of June 2025. I am planning on putting my house on the market after they have ended their tenancy and will need financial assistance to assist with the mortgage during the period between them moving out and the sale of this property. Should my house not sell quickly, I would like the opportunity to be able to offer some short-term vacation rentals otherwise this will result in extreme financial hardship.

As there are a number of properties potentially coming onto the market in this neighbourhood this year, it may be a longer sales process, and I will not be able to rent to a long-term tenant while I am actively selling which is why I am asking for permission to have a Short-Term Vacation Rental.

I will be limiting the bookings so that they can only book up to 30 days in the future, so that the sale closing period remains reasonable. I am hopeful that the house will be sold before the end of this current year. I am therefore willing to request the limit of the TUP be reduced to nine months – May 2025 to Jan 2026, if the LTC so decides to grant one. Should the property not sell by the time the TUP expires, I also have the option of applying for a renewal.

This is a small house and there is only one bedroom, so guests will be limited to two adults staying at any given time. The house has a 6,000-gallon cistern that provides excellent potable water after having gone through a dual filtration system (one at the well and another when the water is drawn out of the cistern). The well is a 400 ft drilled well and is set to produce 360 gallons of water per day which batch feeds the cistern.

While the property's driveway can house up to four vehicles at a time, I am limiting the number of guest vehicles to two. I will not be erecting any rental signage either.

I reside on my husband's property two doors down the street and will be closely monitoring the guests to ensure the peace and enjoyment of the neighbourhood is maintained. I will be on island and available during the time the house is rented. The neighbours to the property already have my cell phone number in case they have any concerns with my guests.

Thank you for your consideration of my application.

Kristina Evans

Attachment 3: TUP Checklist for Short Term Vacation Rental

PL-TUP-2025-0142

9907 Gowlland Point Road, South Pender Island

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit (permit), “short term vacation rental” (STVR) means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons.	The use meets the definition of STVR. Dwelling to be rented out for periods up to 30 days.
b) Residential Appearance - The Local Trust Committee (LTC) may consider issuance of a STVR permit provided the proposal would not alter the residential appearance of the residence	No alterations or construction included as a part of the application.
c) Cumulative Effects - The Local Trust Committee should consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for STVRs.	Currently there are no active permits for STVRs on South Pender Island.
d) Clustering - In addition to any other conditions the Local Trust Committee may consider appropriate, in some situations the temporary use permits may consider the concentration or clustering of short term STVRs in any one area.	Currently there are no active permits for STVRs on South Pender Island.
e) Maximum STVR Number - The LTC should not approve more than ten (10) STVR permits	Currently there are no active permits for STVRs on South Pender Island.
f) Groundwater - A permit for STVR use may not be issued in areas of known groundwater shortage based on available mapping unless the applicant can provide evidence for the use.	Retention of existing system as a condition of draft TUP. Water quantity inspection report: - Well Report 1991 provides information on a yield of 360 gallons per day - Current 6000-gallon cistern capacity
g) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of four (4) vehicles	Driveway can accommodate four vehicles – Applicant limited guest vehicles to two.
h) Sensitive Ecosystems If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the applicant provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.	Property identified within Mature Forest Sensitive Ecosystem . Condition 3. b) of draft TUP requires information provided to guests.
i) Signage - The permit should restrict advertising to one unilluminated sign, with a maximum area of 1.0 m ²	No sign proposed.

Attachment 3: TUP Checklist for Short Term Vacation Rental

Guidelines	Comments
j) Operator Contact - The permit should require that the owner or other designated contact be available on South or North Pender Island by telephone or email at all times when the STVR is in use and to provide the name and contact information to guests and adjacent neighbours.	Provided by applicant. Applicant lives near the property and will be available during rental periods.
k) Guest Information - The permit should require the landowner post the following information for guests: i. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); and ii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service.	To be provided to guests upon arrival.
Permit Conditions	
l) Conditions - In addition to any other conditions the LTC may consider appropriate, in some situations the permit may: i. limit the number of bedrooms that can be used for short term vacation rentals	Condition of draft TUP (one [1] bedroom)
ii. limit the number of guests who are 18 years of age or older to four;	Condition of draft TUP (applicant advertises for two [2] adults)
iii. establish the dates during which the use may occur with particular attention to the period of May 1 to September 30 in a calendar year;	No limit in draft TUP. LTC may opt to restrict with condition for a maximum number of weeks.
iv. require mitigating measures to address neighbours' concerns, such as retention of existing screening and fencing, or installation of additional screening;	Retention of screening between neighbouring properties is a condition of the draft permit.
v. prohibit camping or occupancy of RVs on the property;	Condition of draft TUP
vi. prohibit the rental or provision of motorized personal watercraft; and	Condition of draft TUP
vii. prohibit outdoor fires.	Condition of draft TUP
Agriculture Land Reserve	
m) Agriculture Land Reserve - A temporary use permit respecting a parcel in the Agricultural Land Reserve may require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A
Building Code	

Attachment 3: TUP Checklist for Short Term Vacation Rental

Guidelines	Comments
n) Occupancy - A temporary use permit for a short term vacation rental should not be issued in a dwelling or cottage that does not have Occupancy Permit approval	No Occupancy Permit approval provided by applicant. Dwelling in use since 1976.
Enforcement	
o) Bylaw Enforcement - The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received	Condition of draft TUP

File No: _____

Attachment 4

SOUTH PENDER ISLAND STVR TUP CHECKLIST

Item	Information and Documentation Required	✓	Comments
Site Plan	Depending on the proposal, a site plan <i>may</i> be required.		
	Site Plans must be drawn to scale and based on a legal survey, and contain the following:		
	All existing buildings and structures labeled as to their use and their floor area in accordance with the maximum total floor area of all buildings and the maximum floor area of a dwelling for the Rural Residential Zones as shown in Section 5.1 of the <u>Land Use Bylaw</u>.		NA
	Roads and driveways		NA
	Streams or other water bodies (where applicable)		NA
	Natural boundary of the sea (where applicable)		NA
	Well location		NA
	Septic field location (general location)		NA
	Off-street parking area showing dimensions sufficient to accommodate at least four vehicles, and more as required by the proposed use		NA
	Any fences or vegetative screening between adjacent lots or the road		NA
Intensity of Use Proposed	Applicant should provide the following information:		
	No. of bedrooms proposed for STVR use.	✓	1 bedroom
	Maximum no. of guests to be permitted at one time (maximum of four (4) over eighteen (18) years of age).	✓	2 adults maximum
	No. of weeks per year unit is proposed to be available particularly from May 1 to September 30 each year.	✓	July 1 - Sept 30 or Dec 30
	Confirm that no camping or occupancy of RV's is permitted on the property.	✓	1 confirm
	Confirm that there will no rental or provision of motorized personal watercraft with the use.	✓	1 confirm
	Confirm that outdoor fires are prohibited.	✓	1 confirm.
Potable Water	Where the subject property is serviced by groundwater, the applicant should provide:		
	A written statement concerning the quantity and quality of water available on the subject lot.	✓	as per narrative and "water source" doc
	Any available supporting documentation related to the quantity and quality of potable water on the subject lot.*	✓	as per narrative and "water source" doc
	*Islands Trust staff may ask for further information, including professional reports, related to quantity and quality of available water. Where a subject property has insufficient groundwater to support the proposed use, applicant should provide: Plans for a rainwater catchment, storage, and delivery system.	✓	as per narrative and "water source" doc

SOUTH PENDER ISLAND STVR TUP CHECKLIST

Item	Information and Documentation Required	✓	Comments
Septic Capacity	Where the property is serviced by a septic system, the applicant should provide:		
	- A written statement about the septic system* on the subject property including: - Date of installation - Capacity of the system	✓	1976 2-3 bedroom system 2-3
	* Islands Trust staff may ask for further information, including professional reports, related to sewage disposal systems.		
Residential Appearance	If building or land alterations are proposed as part of the STVR use, they should not alter the residential appearance of any existing residence and the applicant should provide:		no changes planned
	- Plans showing form, character and floor area of proposed building or land alterations. - Recent photographs of the exterior of the dwelling (or cottage) and parking areas.	✓	
Sensitive Ecosystems	Where a property is located within, or contains, a sensitive ecosystem*, applicant should provide:		
	- A copy of the information intended to be provided to guests indicating the location of the sensitive areas, and information on how to avoid impacting these sensitive features. - Applicant should state how this information will be conveyed to guests. *Use Islands Trust's <u>MapIT</u> program to identify sensitive ecosystems on your property. Or, contact Islands Trust staff for further information. Please note: where new development or vegetation removal is to be undertaken as a part of the proposed STVR use, a Development Permit for work within a sensitive ecosystem may be required for properties located within Development Permit Area Two – Wetland, Stream and Lake Areas as shown on <u>Schedule C</u> of the Official Community Plan.	✓	no sensitive ecosystem noted on MAPIT no new development planned. see guest info package & House Rules
On-Island Contact	Applicant should provide contact information for at least one, on-Island owner or manager to address issues that may arise from the proposed use, 24 hours/day, seven days per week.	✓	Kristina Evans
Information for Guests	Applicant should provide a copy of information to be provided to guests that:		
	Reminds them they are in a residential area.	✓	see Guest Package + House Rules
	Provides information regarding water conservation, including posting water conservation signs at each interior and exterior water outlet.	✓	see Guest Package + House Rules
	Provides information regarding noise bylaws, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets (if pets permitted).	✓	see Guest Package + House Rules
	Provides emergency service contact information and the use of a phone for the duration of the stay, if there is limited or no cellular service.	✓	see Guest Package + House Rules
	Application should also demonstrate where above information will be posted in the building	✓	In a binder in the foyer and on the booking site
Signage	If signage is proposed, applicant should provide a rendering of the proposed sign that includes its dimensions (max. 1.0 m²).		no signage

SOUTH PENDER ISLAND STVR TUP CHECKLIST			
Item	Information and Documentation Required	✓	Comments
Building Permit Status	The applicant should provide written information demonstrating that the dwelling or cottage proposed for the use has been issued an occupancy permit for residential use under the BC Building Code.	✓	currently occupied. built 1976.
Rationale	The applicant should provide a rationale for the proposed STVR use (i.e. to comply with bylaw regulation, assist with costs, etc.)	✓	As per my narrative.
Additional Comments			

Guest Package

Welcome to Peggy's Place, we hope you have an enjoyable stay. Should you need anything, please contact me directly on my phone at XXX.

For safety and enjoyment of everyone on this road, please note that the roads are very narrow and shared with pedestrians (many with pets and children) and cyclists Drivers should be cautious and reduce speeds in these areas.

Should you require groceries, you may head off to the Driftwood on North Pender where you will find Tru Value grocers, liquor store, bookstore, pharmacy and other stores to explore.

Recommended Places to Visit

To be completed...

Parking

There is parking for a maximum of two guests vehicles at the top of the driveway closest to the house.

House Rules

Water and Septic Use

This home is on a well and a septic system, therefore kindly be cautious when using water, do not leave taps running, and limit shower usage. To maintain a functioning septic system, nothing other than a reasonable amount toilet paper can be flushed down the toilet. Anything else may result in damage to the system and repairs may be charged back to the guest.

Noise

Please remember that you are staying in a rural, residential area where peace and tranquility are valued. Quiet times are from 9:30 pm to 8:30 am. As there is very little noise pollution in this neighbourhood, so sound carries farther than may be expected. We therefore request that all planned activities are carried out in a manner that is respectful to our neighbours.

Garbage

South Pender does not have any public garbage bins. It is the responsibility of all guests and residents to carry their refuse off South Pender and go to Medicine Beach Liquor Store to request the key for garbage drop off and pay \$5 per average size bag (less than 20kg). One bag per stay is included in the rental, anything above and beyond a reasonable amount will be charged back to the guest.

Grounds

The only area of the rental for guest use is the house, the deck and the front lawn. All other areas of the property are not for guests to explore to protect the natural environment. You will also note in

the park directly across from us, there are cordoned off sections for the protection of rare and endangered species of animals as well as flora and fauna. Please respect these too as they are valued areas on our island.

Cleaning

You are responsible to clean your dishes before leaving and place all garbage in provide bin.

Expressly Prohibited Activities

- No smoking or vaping of any material is permitted anywhere inside the rental property or on the rental grounds.
- No recreational drug use.
- No outdoor fires are permitted anywhere on the property or the island, this includes all beaches on South Pender
- No camping or occupancy of RVs on the property



Date: Feb 4, 2024

To: Peszel, Kristina

Re: Inspection Report
9907 Gowlland Point Road

1. Water source is a drilled 400' well, WTN 62608,
The yield at the time of drilling in December, 1991 was 360 gallons per day.
2. This water is the sole source of water for the main dwelling.
3. The treatment equipment (sterilizer and physical filtration) is in working order and maintenance is up to date.
4. This water is batch filling the 6000 gallon concrete cistern located at the north side of the main dwelling.
5. The water is pumped from the cistern through a filtration/sterilizer unit into the home.

The cistern pump has an internal water meter which measures the total volume pumped into the main dwelling at any given time.

Typically, on average each resident will use approximately 50-100 gallons per day per person depending on individual habits.

Regards

Harry McHugh
250-652-0238

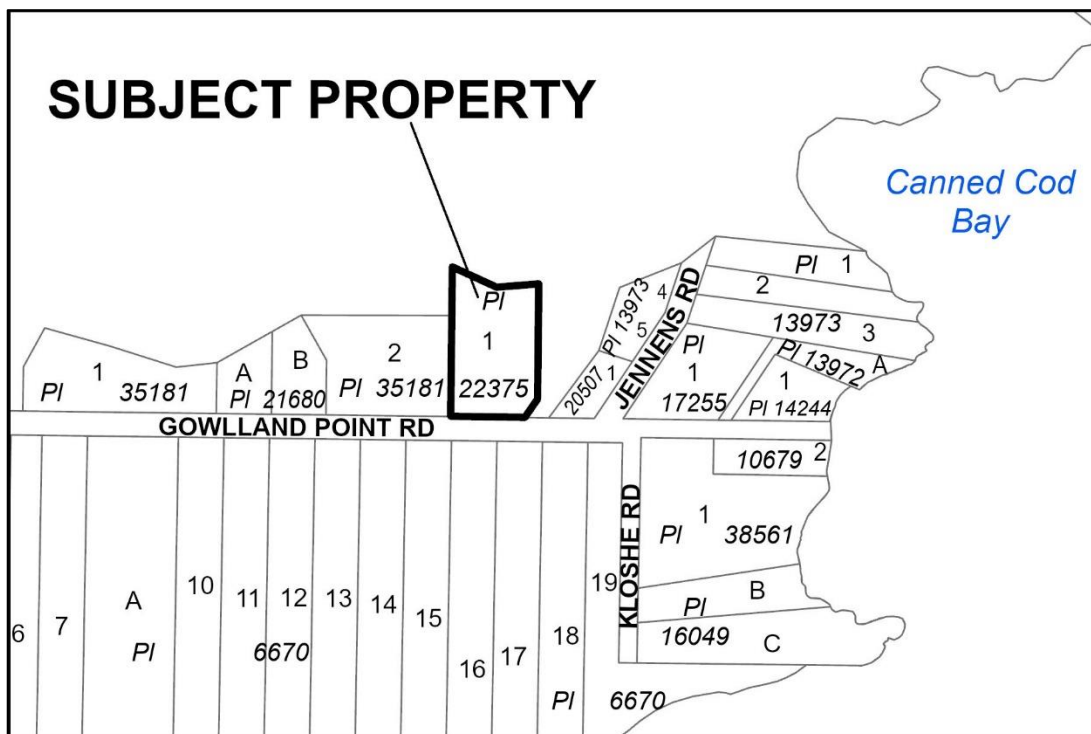
Island Waterworks Ltd
6602 West Saanich Rd
Brentwood Bay, BC, V8M 1X1
250-652-0238
islandwaterworks@telus.net
islandwaterworks.ca

NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the South Pender Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to Lot 1, Section 1, Pender Island, Cowichan District, Plan 22375 (PID: 003-301-907). This property is located at 9907 Gowlland Point Road, South Pender Island.

The purpose of the temporary use permit is to permit a **Short Term Vacation Rental** use within the Dwelling Unit.

The establishment of this use would be subject to the conditions specified in the attached proposed permit. The permit would be issued for nine (9) months and the owner may apply to the LTC to have it renewed once.

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **April 11, 2025** and continuing up to and including **April 23, 2025**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on South Pender Island.

Enquiries or comments should be directed to Kim Stockdill, Island Planner at (250) 405-5157, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 p.m., **April 23, 2025**.

The South Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting starting at **10:30 a.m. on May 2, 2025**, to be held at **Fire Hall #3, 8961 Gowlland Point Road, South Pender Island**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.



**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
PLTUP20250142 (Evans)**

9907 Gowlland Point Rd

To: Kristina Evans

1. This Permit applies to the land described below:

Lot 1, Section 1, Pender Island, Cowichan District, Plan 22375
(PID: 003-301-907).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

a) a **Short Term Vacation Rental** within the Dwelling Unit.

3. and is subject to the following conditions:

- a) A **parking** area that will accommodate a minimum of four (4) vehicles for the Short Term Vacation Rental (STVR) is required and must be wholly contained on the subject property;
- b) the applicant shall provide information for guests indicating the location of the **Mature Forest Sensitive Ecosystem** on the property, and information on how to avoid impacting the sensitive features;
- c) **signage** advertising the STVR use may not exceed 1.0 m²;
- d) retention of privacy **screening** between neighbouring properties (east and west of subject property);
- e) retention of a freshwater catchment system and cistern(s) for the storage of freshwater with a storage capacity of 6,000 litres;
- f) either the property owner or other designated **contact** must be available on South or North Pender Island by telephone or e-mail at all times when the STVR is in use, and the name (s) and contact information is to be provided to STVR guests and all adjacent neighbours;
- g) the property owner or STVR operator must post within the dwelling the following **information** for guests:
 - i. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted); and
 - ii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service;
- h) the **maximum number of bedrooms** that can be used for the STVR use is limited to **one (1)**;
- i) the **maximum number of guests** who are eighteen (18) years of age or older is limited to **two (2)**;

- j) The following activities are **prohibited**:
- i.* camping and occupancy of recreational vehicles;
 - ii.* the rental or provision of motorized personal watercraft; and,
 - iii.* outdoor fires;
- k) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or STVR renter for the purpose of investigating a complaint.
4. This permit is valid for **nine (9) months** from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "South Pender Island Land Use Bylaw No. 114, 2016" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

**AUTHORIZING RESOLUTION PASSED BY THE SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
THIS ##TH DAY OF MONTH, 202#.**

Deputy Secretary, Islands Trust

Date Issued



File No.: SP Minor LUB Amendments
Project

DATE OF MEETING: May 2, 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 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 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 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.
2. 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.
3. That the 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.
4. That the 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”.
5. That the South Pender Island Local Trust committee request staff to schedule an electronic Special Meeting for the Minor LUB Amendment Project to review bylaw amendments from the May 2, 2025 meeting and to hold a Community Information Meeting.

REPORT SUMMARY

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

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)

The South Pender LTC held a Special Meeting on March 27, 2025 to further discuss possible amendments and to provide community members with the opportunity to ask questions or provide comments on the draft bylaw. Although no resolutions were made at the meeting by the LTC, the LTC noted the following areas requiring further information:

- Agricultural Land Commission's (ALC) regulations regarding agri-tourism and agri-tourist accommodation uses
- Maximum floor area charts to be updated in the Agriculture, Forestry and Natural Resource zones (in addition to the Rural Residential zones)
- Maximum floor area for new dwellings to be increased by 500 ft² and not limited for an attached garage use
- A single maximum floor area chart which regulates floor area for new dwellings and those that existed on or prior to September 15, 2022

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

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement

The proposal appears consistent with Islands Trust Policy Statement (ITPS) policies, in particular with respect to policies related to Coastal & Marine Ecosystems (s.3.4), Agricultural Land (s.4.1), Aesthetic Qualities (s.5.1), and Growth and Development (s.5.2). Staff consider that the potential amendments in draft Bylaw 129 will not be contrary or at variance with any Policy Statement directive policies (Directives Policy Checklist attached). The LTC should review, and if in agreement, endorse the checklist (Recommendation No. 3).

Agri-Tourism & Agri-Tourist Accommodation

Agri-tourism and agri-tourist accommodation uses were added to the SP LTC LUB No. 114 when Bylaw No. 122 was adopted. As per [ALC Policy L-04](#), agri-tourism is identified as a 'farm use' in the [Agricultural Land Reserve Use Regulation](#) (ALRUR) and cannot be prohibited by a local government; although, a local government may regulate the use. In addition, an agri-tourism use must be accessory to agricultural production activities on the same lot. Agri-tourism activities are limited to the following activities as stated in the ALRUR:

- (a) an agricultural heritage exhibit displayed on the agricultural land;
- (b) a tour of the agricultural land, an educational activity or demonstration in respect of all or part of the farm operation conducted on that agricultural land, and activities ancillary to any of these;
- (c) cart, sleigh and tractor rides on the agricultural land;
- (d) activities that promote or market livestock raised or kept on the agricultural land, whether or not the activity also involves livestock raised or kept elsewhere, including shows, cattle driving and petting zoos;
- (e) dog trials held on the agricultural land;
- (f) harvest festivals and other seasonal events held on the agricultural land for the purpose of promoting or marketing farm products produced on that agricultural land;

(g) corn mazes prepared using corn produced on the agricultural land on which the activity is taking place.

An agri-tourist accommodation use must be accessory to an agri-tourism activity. In other words, a lot within the Agricultural Land Reserve (ALR) must have an active agri-tourism activity (as listed above) in order to permit any agri-tourism accommodation. Because the list of permitted agri-tourism activities is limited, the likelihood of a lot on South Pender operating such an activity is low. Consequently, the likelihood of an accessory agri-tourism accommodation is minimal.

Due to the fact that the likelihood of an agri-tourism activity and agri-tourist accommodation uses on South Pender are low, staff recommend removing all related regulations from the agriculture zone. By doing this, the uses would be permitted within the zone, but would be regulated by the ALC policies, regulations, and procedures. If the LTC agrees with staff's recommendations to continue to remove these regulations, no direction by the LTC is required as the draft bylaw (Section 2.19) already removes the regulations related to agri-tourism and agri-tourist accommodation.

The following chart is a list of related regulations in the current LUB Bylaw No. 114:

Bylaw No. 114 Regulation	Enabling ALC Policy/Regulation	Staff's Recommendation
(13) Agri-tourism buildings or structures are not permitted	ALRUR section 12(1)(c)	Bylaw No. 122 to remove regulation
(14) Agri-tourism must be in compliance with the Agricultural Land Reserve Use Regulation	ALRUR	Bylaw No. 122 to remove regulation
(15) Agri-tourism and agri-tourist accommodation are only permitted on a lot with Farm Status	ALRU section 12(1)(a) and section 33(2)(a)	Bylaw No. 122 to remove regulation
(16) Agri-tourism and agri-tourist accommodation are only permitted on a lot located in the Agricultural Land Reserve	ALRUR	Bylaw No. 122 to remove regulation
(17) Agri-tourist accommodation must be accessory to an active agri-tourism activity.	ALRUR section 33(2)	Bylaw No. 122 to remove regulation
(18) Agri-tourist accommodation must be accessory to a farm use	ALRUR section 33(2)(a)	Bylaw No. 122 to remove regulation
(19) Agri-tourist accommodation buildings and structures must not exceed a floor area of 90 m ² (969 ft ²)	ALRUR section 33(2)(b) – This section states “the total developed area for structures, landscaping and access for the accommodation is less than 5% of any parcel”	Bylaw No. 122 to remove regulation

(20) Agri-tourist accommodation must not be in use for more than 180 days in a calendar year.	ALRUR section 33(2)(d) – this section states “accommodation is provided on a seasonal or short-term basis only”	LTC could determine if regulation 20 should be removed or if the LTC wishes to regulate what a “seasonal/short-term basis” would be. The previous LTC decided to limit to 180 calendar days.
(21) Agri-tourist accommodation may include associated uses such as meeting rooms and dining facilities for paying registered guests contained wholly within the agri-tourism accommodation unit, but may not include a restaurant or any commercial or retail goods and services other than those permitted by the Agriculture (A) Zone.	Reference not found	Bylaw No. 122 to remove regulation
(22) The maximum number of guests that may be accommodated in any agri-tourist accommodation at any one time, either alone or in combination with a bed and breakfast, is not to exceed 10 guests or 5 bedrooms.	ALRUR section 33(2)(c) – this section states “the accommodation is limited to 10 sleeping units in total, including bedrooms under section 34”	LTC could determine if regulation 22 should be removed or if the LTC wishes to regulate beyond the requirement by the ALC.

Total & Maximum Floor Area

The following are maximum floor area options for new dwellings as discussed at the March 27, 2025 South Pender LTC Special meeting.

(5) Maximum Floor Area:

- (a) The total floor area of all buildings per lot may not exceed the area in Column A;*
- (b) For a lot that has no dwelling or contains a dwelling with a floor area less than Column B, then the maximum floor area of a new, replacement, or altered dwelling may not exceed the floor area in Column B;*
- (c) For a lot that contains a legal dwelling constructed prior to September 15, 2022 that exceeded the floor area in Column B, the floor area of a re-constructed or replacement dwelling may not exceed the lesser of:*
 - i. the floor area of the dwelling on September 15, 2022, or*
 - ii. the area in Column C.*

- (d) Where 5(1)(5)(c)(i) is applicable, the Local Trust Committee may require an owner to submit substantive evidence to establish the size and siting of the dwelling at the time of the adoption of the bylaw.

	Column A	Column B	Column C
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 Acre)	465 m ² (5000ft ²)	279 m ² (3000 ft ²)	353 m ² (3800 ft ²)
0.4 ha to < 0.8 ha (1 to 2 Acres)	557 m ² (6000ft ²)	325 m ² (3500 ft ²)	418 m ² (4500 ft ²)
0.8 ha to < 1.6 ha (2 to 4 Acres)	743 m ² (8000ft ²)	372 m ² (4000ft ²)	520 m ² (5600 ft ²)
1.6 ha to < 4.0 ha (4 to 10 Acres)	836 m ² (9000ft ²)	395 m ² (4250 ft ²)	543 m ² (5845 ft ²)
4.0 ha (10Acres) or greater	1394 m ² (15000 ft ²)	418 m ² (4500 ft ²)	560 m ² (6030 ft ²)

This table would meet the LTC's direction to permit:

- An unchanged total floor area (Column A)
- An additional 500ft² maximum floor area for new dwellings (shown in Column B)
- The replacement of pre-existing dwellings that are larger than the proposed maximum floor area (in Column B) up to the existing floor area, but not exceeding a maximum (Column C).
- A single table to regulate maximum floor area

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/May 2025
4. LTC gives direction to staff to hold a Special Meeting – Special Meeting held on March 27, 2025
5. LTC gives First Reading to draft Bylaw No. 129 – May 2, 2025 LTC meeting
6. LTC gives direction to staff to schedule a Public Hearing – 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 in order to give first reading to the 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
- Schedule a special electronic meeting
- Schedule Community Information Meeting and Public Hearing for the September 5, 2025 LTC meeting.

Submitted By:	Kim Stockdill, Island Planner	April 14, 2025
Concurrence:	Robert Kojima, Regional Planning Manager	April 16, 2025

Attachment:

1. Draft Bylaw No. 129
2. ITPS – 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(5) and 5.1(6) in their entirety and by making such consequential numbering alterations to effect this change.
- 2.14 Section 5.1 – Rural Residential Zones, by adding the following new subsection after Subsection 5.1(4) and by making such consequential numbering alterations to effect this change:

“(5) Maximum Floor Area:	<u>RR1</u>	<u>RR2</u>	<u>RR3</u>
	✓	✓	✓
(a) The total floor area of all buildings per lot may not exceed the area in Column A;			
(b) The floor area of a dwelling may not exceed the area in Column B;			
(c) 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 B, the floor area of a replacement, re-constructed or altered dwelling may not exceed the lesser of:			
i. the floor area of the dwelling on September 15, 2022, or			
ii. the area in Column C.			

	Column A	Column B	Column C
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 Acre)	465 m ² (5000ft ²)	279 m ² (3000 ft ²)	353 m ² (3800 ft ²)
0.4 ha to < 0.8 ha (1 to 2 Acres)	557 m ² (6000ft ²)	325 m ² (3500 ft ²)	418 m ² (4500 ft ²)
0.8 ha to < 1.6 ha (2 to 4 Acres)	743 m ² (8000ft ²)	372 m ² (4000 ft ²)	520 m ² (5600 ft ²)
1.6 ha to < 4.0 ha (4 to 10 Acres)	836 m ² (9000ft ²)	395 m ² (4250 ft ²)	543 m ² (5845 ft ²)
4.0 ha (10Acres) or greater	1394 m ² (15000 ft ²)	418 m ² (4500 ft ²)	560 m ² (6030 ft ²)

- 2.15 Section 5.1 – Rural Residential Zones, by deleting newly renumbered Subsections 5.1(8) and 5.1(9) in their entirety and by making such consequential numbering alterations to effect this change.
- 2.16 Section 5.1 – Rural Residential Zones, by amending the newly renumbered Subsection 5.1(10) – Subdivision Lot Size Requirements by deleting the words “Subject to subsection 5.1(10),”.
- 2.17 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)”
- 2.18 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)”
- 2.19 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).”
- 2.20 Section 5.5 – Agriculture (A), by deleting Subsections 5.5(9) to 5.5(11) in their entirety and by making such consequential numbering alterations to effect this change.
- 2.21 Section 5.5 – Agriculture (A), by adding the following new subsection after Subsection 5.1(8) and by making such consequential numbering alterations to effect this change:

“(9) Maximum Floor Area:

- (a) The total floor area of all buildings per lot may not exceed the area in Column A;
- (b) The floor area of a dwelling may not exceed the area in Column B;

- (c) Despite 5.1(9)(b), for a lot that contained a legal dwelling constructed prior to September 15, 2022 that exceeded the floor area in Column B, the floor area of a replacement, re-constructed or altered dwelling may not exceed the lesser of:
- the floor area of the dwelling on September 15, 2022, or
 - the area in Column C.

	Column A	Column B	Column C
Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 Acre)	465 m ² (5000ft ²)	279 m ² (3000 ft ²)	353 m ² (3800 ft ²)
0.4 ha to < 0.8 ha (1 to 2 Acres)	557 m ² (6000ft ²)	325 m ² (3500 ft ²)	418 m ² (4500 ft ²)
0.8 ha to < 1.6 ha (2 to 4 Acres)	743 m ² (8000ft ²)	372 m ² (4000 ft ²)	520 m ² (5600 ft ²)
1.6 ha to < 4.0 ha (4 to 10 Acres)	836 m ² (9000ft ²)	395 m ² (4250 ft ²)	543 m ² (5845 ft ²)
4.0 ha (10Acres) or greater	1394 m ² (15000 ft ²)	418 m ² (4500 ft ²)	560 m ² (6030 ft ²)

- 2.22 Deleting 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).

- 2.21 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

ISLANDS TRUST POLICY STATEMENT DIRECTIVES ONLY CHECKLIST

File No.: SP Minor LUB Amendments Project
Bylaw: 129

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committees address certain matters in their official community plans and regulatory bylaws, Island Municipalities address certain matters in their official community plans, and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECKLIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is consistent with the policy from the Policy Statement, or
- ✗ if the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

PART III: POLICIES FOR ECOSYSTEM PRESERVATION AND PROTECTION

CONSISTENT	No.	DIRECTIVE POLICY
	3.1	Ecosystems
N/A	3.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
N/A	3.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
N/A	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
N/A	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.
	3.4	Coastal and Marine Ecosystems
✓	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas.
✓	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes.

PART IV: POLICIES FOR THE STEWARDSHIP OF RESOURCES

CONSISTENT	No.	DIRECTIVE POLICY
	4.1	Agricultural Land
✓	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
✓	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	No.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture.
✓	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
CONSISTENT	No.	DIRECTIVE POLICY

	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: POLICIES FOR SUSTAINABLE COMMUNITIES

CONSISTENT	No.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
✓	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
✓	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.
CONSISTENT	No.	DIRECTIVE POLICY

	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

	POLICY STATEMENT COMPLIANCE
✓	<i>In compliance with Trust Policy</i>
	<i>Not in compliance with Trust Policy for the following reasons:</i>

Active Projects Report

South Pender Island

1. *Minor Project - Minor LUB Review Project*

Responsible

Dates

Activity:

Kim Stockdill

Rec'd: 01-Sep-2023

Future Projects Report

South Pender Island

1. *Development Permit Areas*

Responsible

Date Received

Review of existing and potential development permit areas

28-Apr-2015

2. *Sea level Rise and Shoreline Erosion*

Responsible

Date Received

Review of policies and regulations including setback from the sea, structures permitted in setback

28-Apr-2015

3. *First Nations Language*

Responsible

Date Received

Consider OCP amendment to include a more fulsome historical accounting of First Nations

01-Nov-2019

4. *Groundwater Sustainability Project*

Responsible

Date Received

Consider Implementation options of Southern Gulf Islands Groundwater initiative

09-Apr-2021

5. *Raptor's Nest Mapping*

Responsible

Date Received

To update the mapping of raptor's nest on South Pender Island.

04-Feb-2022

6. *Shoreline Review Project*

Responsible

Date Received

Shoreline Review Project

05-May-2023

Future Projects Report

South Pender Island

7. *Review of STVR policies and regulations*

Responsible

Date Received

changes to legislation (bill 35) have affected legal non-conforming vacation rentals. The LTC has deferred enforcement and determined that it wishes to consider policy and regulatory options for vacation rentals

10-May-2024



South Pender Local Trust Committee Open Applications Report

Print Date: April 24, 2025

Development Variance Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLDVP20250120	Kyle Nielsen	3/14/2025	9921 BOUNDARY PASS DR, PEND	Application for a variance for siting of an addition and driveway in a setback
Planner		Status	Most Recent Completed Activity	
Bruce Belcher		Local Trust Committee	Email Applicant of LTC Meeting	

Subdivision

Application Number	Applicant Name	Date Received	Address	Purpose
SP-SUB-2021.1	Taylor/Rachel Johns	6/1/2021	8970 GOWLLAND POINT RD, PEND	8970 GOWLLAND POINT RD- proposed three lot bareland strata subdivision
Planner		Status	Most Recent Completed Activity	
Kim Stockdill		Administrative Approval	Record and File PLR	

South Pender

Temporary Use Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLTUP20250142	Kristina Peszel Eva	3/31/2025	9907 GOWLLAND POINT RD, PEND	A Temporary Use Permit application for a Short-Term Vacation Rental
Planner		Status	Most Recent Completed Activity	
Bruce Belcher		Local Trust Committee	Email Applicant of LTC Meeting	

Islands Trust
LTC EXP SUMMARY REPORT F2025
Invoices posted to Month ending February 2025

665 South Pender Invoices posted to Month ending February 2025		<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,670.00	903.79	766.21
65210-665	LTC - Local Exp - APC Meeting Expenses	300.00	1,409.00	-1,109.00
TOTAL LTC Local Expense		<u>1,970.00</u>	<u>2,312.79</u>	<u>-342.79</u>
Projects				
73001-665-4118	South Pender LUB Minor Amendments	3,500.00	808.36	2,691.64
TOTAL Project Expenses		<u>3,500.00</u>	<u>808.36</u>	<u>2,691.64</u>



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2024-013 (Standing) STVR Enforcement that the 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	13-Sep-2024
2021-016 (Standing) 15.2 APC Appointments That the South Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners	Carried	05-Nov-2021

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-015 (Standing)	Carried	06-Sep-2019
15.3 Standing Resolution - Reconciliation Report that the South Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area: Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to: a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities; b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory; c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history; d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols; e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.		
2019-014 (Standing)	Carried	06-Sep-2019
15.2 Model Cell Tower Strategy - Staff Briefing that the South Pender Island Local Trust Committee endorse the Model Cell Tower Strategy.		



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-001 (Standing) 13.2 Cannabis Retail Application License Application Fees - Staff Report - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - The proposed license should also be referred to First Nations for comment. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee.	Carried	01-Feb-2019
2015-015 (Standing) Printed Agenda Packages That whereas full agendas are available for public perusal on the website, and whereas the SPILTC endeavours to lower its ecological footprint be it moved that full paper printed agenda packages no longer be provided for future SPILTC meetings.	Carried	28-Apr-2015
2010-000 (Standing)	Carried	05-Oct-2010

Send FUAL to trustees once drafted following the meeting.

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
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2006-012 (Standing)

Carried

23-May-2006

Adoption of Minutes

That staff prepare draft of meeting minutes for Local Trust Committee reading, correction and amendment as soon as possible following meetings. The South Pender Island Local Trust Committee will adopt these minutes by Resolution without Meeting within fourteen business days, if possible, of each meeting.

March 12, 2025

Trustees,

The recent [Capital Daily article](#) on the Provincial and Federal Government commitment with the W̱SÁNEĆ People to reconcile the differing perspectives on the Douglas treaties takes an important step forward in recognizing the historic rights and title of the W̱SÁNEĆ People.

In 2022 our LTC unanimously passed Bylaw 123 which provided a community-to-community recognition of the cultural heritage of the W̱SÁNEĆ People on S,DÁYES South Pender. Bylaw 123 was referred to and approved by Trust Executive Council and then referred to the Minister for final approval.

The W̱SÁNEĆ SELWÁN (Elders Council) that guides community-to-community relationships did not receive Bylaw 123 for comment until after the public hearing had closed. In October 2022 the SELWÁN forwarded the following statement to the Minister in support of Bylaw 123.

The Elders (SELWÁN) have reviewed Bylaw 123 and consider it "a strong document". They would like the following statement to be added to the document through the appropriate procedures. The SELWÁN would like to see Bylaw 123 adopted without further delay and urge you to refer Bylaw 123 back to the Islands Trust for adoption.

SELWÁN (W̱SÁNEĆ Elders) Statement

It is a good thing to work with the people who live on our islands, and we appreciate the efforts made to incorporate the proposed amendments into the official community plan on S,DÁYES South Pender Island. We see the value of sharing our knowledge, but not for people to culturally appropriate for commercial purposes. Conservation has always been our way of life, our belief to only take what is needed. There are cultural protocols that W̱SÁNEĆ people have followed forever. We strongly encourage respect for these ways, our natural laws, when interacting in the ecosystems of our homeland. There are certain species that are natural markers and seasonal indicators of our seasonal rounds in our homeland. We need to protect those and what they mean to us. Certain families have the knowledge, the language, the spiritual gift, to keep our traditional ways moving forward. These ceremonial ways are our laws and important to be passed down to future generations within our traditional homeland. The sacred ways and words must remain sacred – our ĊELÁÑEN.

HÍ,SW ĶE MEQ SÁN

J,SINTEN – John Elliott Sr

ØOSINIYE – Linda Elliott

SELILIYE – Belinda Claxton

Because the W̱SÁNEĆ SELWÁN statement was received after the public hearing had closed, the Minister was not able to consider it directly. In May 2023 the Minister referred Bylaw 123 back to the LTC for further consideration. The Minister said:

Before considering the bylaw, I would like to understand the potential for First Nations' concerns with the content and for more meaningful involvement with First Nations in the writing of the statement and the commitments it contains.

Trust planners provided a May 18, 2023, report to the LTC offering trustees two basic options: (1) Proceed no further with Bylaw No. 123, (2) Engage in further consultation with First Nations. At their June 3, 2023, meeting, the LTC decided to proceed no further with Bylaw No. 123.

Some community members expressed concerns about the trustees' decision to abandon the inclusion of Bylaw 123 in our OCP. At the September 1, 2023, LTC meeting trustees considered LTC Standing Resolution 2019-015 on Reconciliation and indicated that reconciliation is to be embedded in all the work the LTC does and need not to be a designated project. The LTC passed a resolution requesting that "Reconciliation and First Nations relationship building be added to future agendas as a standing item...."

The LTC's standing item on Reconciliation provides an opportunity to explore next steps in recognizing W̱SÁNEĆ history and culture on a community-to-community basis in our OCP. The recent Government-to-Government initiative to more fully recognize W̱SÁNEĆ rights and title under the Douglas treaties makes this especially timely.

As a first step in that process, we request that the issue of recognition of W̱SÁNEĆ history and culture in our OCP be added to the standing agenda item on Reconciliation for consideration at the May 2 LTC meeting.

It would also be respectful to invite W̱SÁNEĆ representatives to attend the May 2nd LTC meeting which will be the first opportunity to receive and consider their views on Bylaw 129 in respect of the Standing Resolution 2019-015(d). That Resolution commits trustees to work with First Nations:

...on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols

Our community has an ongoing working relationship with the W̱SÁNEĆ SELW̱ÁN through other projects. The SELW̱ÁN have reviewed this letter and provided guidance with respect to the issue of greater recognition of W̱SÁNEĆ history and culture in our OCP. We would be happy to assist the LTC in responding to the SELW̱ÁN request for this recognition.

Thank you for your consideration of this request.

Monica and Paul Petrie

CC: Hereditary Chief Eric Pelkey, W̱SÁNEĆ Leadership Council
Tye Swallow, W̱SÁNEĆ School Board



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

HIGHLIGHTS OF ISLANDS TRUST CONSERVANCY JANUARY 21st, 2025 BOARD MEETING

NOTE: For more detail on Islands Trust Conservancy meetings, including meeting minutes, please visit <https://islandstrust.bc.ca/whats-happening/meetings-and-events/>

1. ORGANIZATION UPDATES/TEAM

- An election for Chair and Vice Chair was held. Trustee Gauvreau was elected Chair of the ITC Board. Trustee Timothy was elected Vice Chair.

2. STRATEGIC PLANNING/ADMINISTRATION

- Acting Manager Stewart provided an overview of the 2025-26 Annual ITC Work Plan items for the ITC team.
- The ITC Board approved the letter of support for Raincoast Conservation Foundation's application to Intact Insurance's Climate Resilience Grant and directed staff to provide it on behalf of the ITC Board.
- The ITC Board passed a resolution to provide an updated 2025/26 budget request to the Financial Planning Committee and Trust Council that addresses the changes and comments made by the Board.
- Trustee Elliott provided the Executive Committee update to the ITC Board by email. There was no Governance Committee update provided as the Governance Committee has not met since the last ITC Board meeting.

3. COVENANT AND PROPERTY ACQUISITIONS

- The ITC Board approved spending up to \$2,000 from existing budgets towards the cost of an Ecological Gifts Program appraisal for a Natural Area Protection Tax Exemption Program (NAPTEP) covenant on Gabriola Island.

4. COVENANT AND PROPERTY MANAGEMENT

- The ITC Board approved Part II of the Sallas' invasive plant management plan for Burnt Snag (ES65741), Dragonfly Pond (ES065747), Kingfisher Pond (ES065749), and Woodpecker Pond (ES65743) covenant areas, and issued a temporary waiver of covenant terms 3.2(d) and 3.2(k) subject to terms and conditions, consistent with the approved Forest Restoration Strategy of the Sidney Island Ecosystem Restoration Plan.
- The ITC Board discussed updating the Ruby Alton process in the ITC Annual Work Plan by hiring a demolition company that completes all work on the house as one package, including an estimate, hazmat analysis, permits, demolition, and removal of the house and all structures.



ISLANDS TRUST CONSERVANCY REPORT TO LOCAL TRUST COMMITTEES AND BOWEN ISLAND MUNICIPALITY

- The ITC Board accepted the third-party 2024 monitoring report for Owl's Call NAPTEP Covenant, Salt Spring Island, and directed staff to add a summary of this report to the 2024 ITC NAPTEP Covenant Monitoring Report as an addendum.
- The ITC Board approved the request by the Galiano Conservancy Association to include Vanilla Leaf Land Nature Reserve, Galiano Island, in Galiano Conservancy Association's application for a Section 11 Change Approval under the Water Sustainability Act. Any work to be done in Vanilla Leaf Land Nature Reserve will be subject to further information and approval by the ITC Board if and when the application is approved.
- The ITC Board directed staff to draft a letter to the Bowen Municipality regarding Referral BO-DP-2024-0196 including their comments to ensure the project will not negatively impact the David Otter Nature Reserve.
- The ITC Board directed staff to respond to the Bowen Island Municipal Council referral regarding bylaw 671 and 672 with their comments.

5. COMMUNICATIONS AND OUTREACH

- Staff are considering the creation of a Priority Acquisitions Fund that would act as a source of funds for ITC to use if a priority acquisition arises that ITC may wish to acquire.
- Staff are in communication with the McRae NAPTEP Covenant (Gabriola Island) Holder regarding off-leash dogs, and are pursuing an article for the local newspaper.

Learn more about Islands Trust Conservancy: <https://islandstrust.bc.ca/conservancy/>

Subscribe for Islands Trust Conservancy updates: <https://islandstrust.bc.ca/subscribe/>

REQUEST FOR DECISION

To: South Pender Island LTC **For the Meeting of:** May 2, 2025
From: Trust Area Services **Date Prepared:** March 28, 2025
SUBJECT: 2024/25 ANNUAL REPORT – APPROVAL OF SOUTH PENDER ISLAND LTC SECTION

RECOMMENDATION: That the 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.

- 1 PURPOSE:** Local Trust Committees are provided with their draft sections of the annual report for review and approval so that Trust Council is able to easily approve its annual report in June 2025 without further editing from staff or trustees at the Trust Council meeting.

BACKGROUND: Preparation of the Islands Trust Annual Report is undertaken by Trust Area Services Communications staff, reporting to the Executive Committee and consistent with Trust Council's [Annual Report Policy 6.10.1](#). The Executive Committee approved the format and outline of the 2024/25 Annual Report at its meeting on February 5, 2025.

2 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Under Trust Council's Policy, all LTCs and Council committees are expected to review and approve their sections at regular meetings in order to have the report approved by Trust Council at its June 2025 meeting.

FINANCIAL: None.

POLICY: No implications for existing policy

IMPLEMENTATION/COMMUNICATIONS: The process for development of the Annual Report is outlined in Trust Council's Annual Report policy 6.10.i. Once each committee has approved its section, staff will create a draft Annual Report for review by the Executive Committee and then Trust Council consideration of approval in June. Upon approval by Trust Council, staff will send the Annual Report to the Minister of Housing and Municipal Affairs and circulate it as indicated in Trust Council's policy.

FIRST NATIONS: Information about First Nations relations may be included within committee reports.

OTHER: None.

- 3 RELEVANT POLICY(S):** Trust Council's Annual Report policy 6.10.i; *Islands Trust Act*

- 4 ATTACHMENT(S):** South Pender Island LTC input to Annual Report (draft)
-

RESPONSE OPTIONS

Recommendation: That the 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.

Alternative: That the South Pender Island Local Trust Committee approves the attached text for inclusion in the 2024/25 Annual Report for approval (as amended) by Trust Council and submission to the Minister of Housing and Municipal Affairs.

Prepared By: Morgana van Niekerk, A/Communications Specialist

Reviewed By/Date: Robert Kojima, Regional Planning Manager

South Pender Island Local Trust Committee

The South Pender Island Local Trust Committee (SP LTC) held three regular business meetings in the 2024/25 fiscal year, as well as one special meeting.

Work for this period focused on advancing the SP LTC priority to undertake a targeted review of its Land Use Bylaw (LUB).

The SP LTC advanced this priority through the following key project:

1. Minor LUB Amendments project, which will review and potentially amend agricultural regulations, maximum residential floor area, setbacks for new buildings and cottages, and the setback from the natural boundary of the sea.

From April 1, 2024 to March 31, 2025, staff reviewed 11 building permit referrals, and supported one Board of Variance hearing.