



South Pender Island Local Trust Committee

Regular Meeting Agenda

Date: February 13, 2026
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 - 10:45 AM
“Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change.”	
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	10:45 AM - 11:00 AM
8. COMMUNITY INFORMATION MEETING - None	
9. PUBLIC HEARING - None	
10. MINUTES	11:00 AM - 11:10 AM
10.1 Adopted Local Trust Committee Minutes Dated September 5, 2025 (for Information)	4 - 15
10.2 Local Trust Committee Public Hearing Record of September 5, 2025 (for Receipt)	16 - 19
10.3 Adopted Local Trust Committee Special Meeting Minutes Dated December 5, 2025 (for Information)	20 - 26
10.4 Section 26 Resolutions-without-meeting Dated Feb 2026	27 - 27
10.5 Advisory Planning Commission Minutes - None	
11. BUSINESS ARISING FROM THE MINUTES	
11.1 Follow-up Action List Dated Feb 2026	28 - 30

12.	DELEGATIONS	
13.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted on the LTC webpage</i>	
14.	APPLICATIONS AND REFERRALS	11:10 AM - 12:00 PM
14.1	Mayne Island Local Trust Committee Referral for Draft Bylaws 196 and 197 (for Response) (attached)	31 - 34
14.2	Mayne Island Local Trust Committee Referral for Proposed Bylaw No. 200 (for Response) (attached)	35 - 38
14.3	Trust Council Bylaw No. 183 Policy Statement Bylaw Referral - For Response (attached)	39 - 44
14.4	SP-PL-DVP-2024-0254 (Forslund) - Staff Report (attached)	45 - 67
14.5	SP-PL-TUP-2025-0416 (Evans) - Staff Report (attached)	68 - 74
15.	LOCAL TRUST COMMITTEE PROJECTS	12:00 PM - 12:30 PM
15.1	Short Term Vacation Rental Review Project – Staff Report (attached)	75 - 77
15.2	Minor LUB Amendment Project – Staff Report (attached)	78 - 87
16.	REPORTS	12:30 PM - 12:40 PM
16.1	Work Program Reports (attached)	
16.1.1	<u>Active Projects Report Dated Feb 2026</u>	88 - 88
16.1.2	<u>Future Projects Report Dated Feb 2026</u>	89 - 90
16.2	Applications Report Dated Feb 2026 (attached)	91 - 91
16.3	Trustee and Local Expense Report Dated Dec 2025 (attached)	92 - 92
16.4	Adopted Policies and Standing Resolutions (attached)	93 - 96
16.5	Local Trust Committee Webpage	
16.6	Reconciliation and First Nation Relationship Building	
16.7	Islands Trust Conservancy Report - None	
17.	NEW BUSINESS	12:40 PM - 1:00 PM
17.1	South Pender Island LTC Meeting Procedures Repeal Bylaw No. 130 - Request for Decision (attached)	97 - 100

- 17.2 South Pender Island LTC Public Notification Bylaw No. 131 - Request for Decision (attached) 101 - 105
- 17.3 Short Term Rental Accommodation – Principal Residence Opt-In - Briefing (attached) 106 - 124
18. UPCOMING MEETINGS 1:00 PM - 1:05 PM
- 18.1 November 27, 2026 Meeting - Change to Electronic
- That the South Pender Island Local Trust Committee direct staff to change the November 27, 2026 regular meeting to an electronic meeting.
- 18.2 Next Regular Meeting Scheduled for May 8, 2026 at the South Pender Fire Hall, South Pender Island
19. TOWN HALL 1:05 PM - 1:20 PM
20. CLOSED MEETING (Distributed Under Separate Cover)
- 20.1 Motion to Close 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 1:20 PM - 1:20 PM



ADOPTED

South Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: September 5, 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
Jason Youmans, Senior Policy Advisor (electronic)
Carly Bilney, Recorder (electronic)

Others Present: There were seven (7) members of the public present for the regular business meeting, and twenty-seven (27) for the community information meeting & public hearing

1. CALL TO ORDER

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

2. TERRITORIAL ACKNOWLEDGEMENT

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

3. RISE AND REPORT – In-Camera Meeting May 2, 2025

Acting Chair Evans rose and reported the adoption of the May 2, 2025 in-camera meeting minutes and the appointment of Andrew MacLean, Bert Hol, and Jon Spalding to the Board of Variance for a term ending May 2, 2028.

4. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- The order of the agenda was adjusted to move Items 9 and 10 (community information meeting and public hearing) to begin at 12:30 p.m.

By general consent the agenda was approved as amended.

5. TRUSTEE REPORT

Acting Chair Evans reported the following:

- First reading was given to Bylaw 183 Policy Statement, and feedback to the draft Trust Policy Statement may be given at this time
- Five webinars endorsed by the Trust Programs Committee cover topics such as rain gardens, working towards a fallow deer strategy, species at risk, and habitat stewardship
- Trust Programs Committee submitted its budget business cases to the Financial Committee for the upcoming budget process
- The Stewardship Education Program is not part of the current Strategic Plan and will not continue next fiscal; however, Trust Programs is discussing an option to update the committee's terms of reference to hopefully capture the program there
- A business case for the Climate Action Education Plan Development and Implementation with educational webinar deliverables has been submitted in place of the Stewardship Education Program for this upcoming fiscal
- The BC Ferries Otter Bay Terminal Project, scheduled for January to May 2026, will affect the Pender Islands with a full 5-day closure, and Acting Chair Evans will be part of a focus group.

Trustee Falck did not provide a report.

6. CHAIR'S REPORT

Chair Elliott opted to provide a report at the end of the meeting before the final Town Hall.

7. ELECTORAL AREA DIRECTOR'S REPORT – None

8. TOWN HALL AND QUESTIONS – None

9. MINUTES

9.1 Adopted South Pender Island Local Trust Committee Minutes Dated May 2, 2025 (for Information)

Received for information. Island Planner Stockdill commented on the use of Resolutions Without-Meetings when there is a long period of time between Local Trust Committee meetings.

9.2 South Pender Island Local Trust Committee Special Meeting Minutes of July 4, 2025 (for Information)

Received for information.

9.3 Section 26 Resolutions-without-meeting Dated Aug 2025

Received for information.

9.4 Advisory Planning Commission Minutes - None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated Aug 2025

Received for information. Island Planner Stockdill reported progress on items on the Follow-up Action List.

11. DELEGATIONS – None

12. CORRESPONDENCE

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

13. APPLICATIONS AND REFERRALS

13.1 Saturna Island Local Trust Committee Referral for Draft Bylaw No. 143 (for Response)

Island Planner Stockdill reviewed the bylaw referral.

SP-2025-020

It was Moved and Seconded,

that South Pender Island Local Trust Committee interests are unaffected by the Saturna Island Local Trust Committee Draft Bylaw No. 143.

CARRIED

13.2 Trust Council Bylaw No. 183 Policy Statement Bylaw Referral - For Response

Island Planner Stockdill noted the referral responses are requested by February 6, 2026, not October 10, 2025 as noted in the original referral package sent out on August 7, 2025 (and on page 32 of the agenda).

Acting Chair Evans outlined the process along which the Policy Statement has progressed and noted this is the time for the Local Trust Committee and community members to provide feedback.

Islands Trust Senior Policy Advisor Jason Youmans joined the meeting electronically at 11:02 a.m. He commented that it is possible for staff to have a more robust role in the November 7 regularly scheduled meeting if the Local Trust Committee desires.

Comments were made about the importance of gathering feedback from community members, and about the timing of Local Trust Committee meetings to provide recommendations by the February 6 deadline.

SP-2025-021

It was Moved and Seconded,

that South Pender Island Local Trust Committee requests staff to provide a staff-led session on Bylaw 183, the Policy Statement, at the November 7 regular meeting.

CARRIED

Further discussion on the bylaw referral was deferred to the November 7 Local Trust Committee meeting.

Mr. Youmans left the meeting at 11:11 a.m.

A decision to move onto the reports agenda item was made.

14. REPORTS

Island Planner Stockdill reviewed the projects lists.

14.1 Work Program Reports

14.1.1 Active Projects Report Dated Aug 2025

Island Planner Stockdill noted the community information meeting and public hearing mark the final stages of the Land Use Bylaw minor project, and that staff has provided a draft project charter for the Short Term Vacation Rental Review Project to the Local Trust Committee for consideration.

14.1.2 Future Projects Report Dated Aug 2025

Acting Chair Evans suggested some future projects may be started by the current Local Trust Committee though they will likely extend into the next term. Island Planner Stockdill noted a draft business case for a targeted official community plan review is forthcoming in 2026 and would be a major project. Support for adding a targeted official community plan review to the list of upcoming projects was expressed.

SP-2025-022

It was Moved and Seconded,

that South Pender Island Local Trust Committee requests staff to include a Targeted Official Community Plan Review on the Future Projects Report.

CARRIED

14.2 Applications Report Dated Aug 2025

Island Planner Stockdill reviewed the Open Applications Report.

14.3 Trustee and Local Expense Report Dated June 2025

Received for information.

14.4 Adopted Policies and Standing Resolutions

Received for information.

14.5 Local Trust Committee Webpage

Island Planner Stockdill commented on the efforts made to keep the website up-to-date and the value of the Projects webpage as a resource for information. A question was raised about how long meeting recordings will stay online and Island Planner Stockdill noted she would follow up with an update at a future meeting.

14.6 Reconciliation and First Nation Relationship Building

Trustee Elliott reported on the establishment of Trust Council Protocol Agreements with some First Nations.

Monica Petrie made the following comments:

- There will be a special presentation on Saturday, September 27 in recognition of National Truth and Reconciliation Day
- An article in Pender Post highlighted “The Stories that Brought You Here” podcast that includes interviews with Elders
- Hereditary Chief Eric Pelkey expressed concern about Bylaw 129

14.7 Islands Trust Conservancy Report Dated March and June 2025

Received for information.

15. NEW BUSINESS

15.1 South Pender Island LTC Meeting Procedures Repeal Bylaw No. 130 - Request for Decision

Island Planner Stockdill reviewed recommendations related to the proposed South Pender Island Meeting Procedures Repeal Bylaw. Discussion ensued about what is captured by the Trust Council meeting procedures bylaw versus the South Pender one, and whether or not it is necessary to keep them both; differing opinions were expressed. Comments were made that when an elected body has made a decision, it cannot be redebated.

The meeting was recessed from 11:48 a.m. to 12:32 p.m.

16. COMMUNITY INFORMATION MEETING

Trustee Elliott joined the meeting in person at 12:32 p.m. She resumed the role of Chair and noted the agenda has been reordered.

16.1 Minor LUB Amendment Project - Proposed Bylaw No. 129

Island Planner Stockdill reviewed the Minor Land Use Bylaw Amendment Project and the progress of proposed Bylaw No. 129. Members of the public were invited to speak and the following questions and comments were raised.

- Is there information that shows how many buildings do not abide by the existing bylaw, or how many could not build because of the existing regulations?
 - Two applications for variances were issued based on Bylaw 114
 - We do not have information on how many properties began construction since the regulation came into effect
 - There has not been a large amount of input regarding house sizes from people who say they have not been able to build

- What weight will be given to letter writers who are residents and owners on South Pender?
 - Trustees are supposed to weigh their decisions in terms of the level of impact a proposed bylaw will have on a respondent, and all relevant information must be considered
 - Each Trustee explained how they weigh the various factors that impact their decision-making process
- How do the Trustees feel Bylaw No. 129 better aligns South Pender with the broader mandate of the Official Community Plan, the Trust Policy Statement and the Climate Action mandate put forward in 2019?
 - The proposed bylaw allows for varied lifestyles and takes the environment into account and the Official Community Plan and Trust Policy Statement Directives have been respected
 - The Official Community Plan has only been amended once since 2021 and we are now in the process of interpreting the values of the community that would be expressed in a land use bylaw regulation
 - The Official Community Plan has remained consistent and we need to figure out if the proposed bylaw is getting closer to or further away from its values
- The only thing with Bylaw No. 122 that supported the climate declaration was reducing house size because larger houses result in more greenhouse gas emissions
- Evaluating the proposed bylaw requires a broader scope than just assessing the issue of nonconformance and house size
 - A direct correlation between a smaller house footprint and the environment is not clear and the direct impact of restricting house size is hard to judge
 - Reducing the house size might restrict options for communal and multigenerational living
- Is it true that, at the Islands Trust, if a proposed bylaw is not opposed by an elected official, it is assumed they approve it?
 - If Trustees are sitting as a Trust Council and something is put to a vote and somebody abstains, their abstention is counted in favour
- There seems to be a lot of weight given to the amount of letters
 - Trustee Evans responded that each individual person who made a submission and their position will be weighted
- When you decided to start this process there was significant opposition; are there public records of the opposition?
 - In the public binder you can see how many different people were for or against
 - The issue was elevated when the Local Trust Committee was choosing a topic for a minor project and asked the community what they needed Trustees to look at
- How many places became non-compliant because of the change in the setbacks?
- How many properties are rendered non-compliant in the setbacks or size?
 - Staff does not have that information
 - There are impacts and we have discussed the legal non-conforming issue, and there are still some who are uncomfortable with it

- Reverting back to a 10-foot setback helps to decrease the need for future variances
- Does each Trustee accept as fact that there are no legal non-conforming dwellings on this island with respect to housing size and height?
 - There are probably no non-conforming buildings currently, but there could be houses that are not conforming
 - We would need a list of all new builds from the Capital Regional District since September 15, 2022 to confirm
 - Island Planner Stockdill read the legal non-conforming Frequently Asked Questions and noted the only legal non-conformity situation by adopting Bylaw No. 122 is with regards to height (not house size)
- Could Trustees have letter writers identify where they live so everyone knows where they are coming from, so a letter writing campaign can be identified?
 - People who e-mail do not necessarily provide information about where they live
 - All persons who believe that their property interests are affected by a bylaw have the right to write
 - Letter writing campaigns are common and hopefully Trustees will evaluate their weightings appropriately
- Concern was expressed about how Trustees give weight to input from residents as they might not know the person who is writing and whether they are full or part-time residents
- It is important to realize the weighting is subjective
 - Anyone who wants to weigh in on a bylaw process should provide reasoning because the rationale, as to why the proposed bylaw affects you, is the key information Trustees are looking for
- Residents should note they are full-time residents on South Pender when they send correspondence to Trustees
- Has the proposed bylaw had First Reading?
 - Yes
- If you (Trustee Falck) support larger house size because of multigenerational living, why not put that reasoning into the bylaw to uphold environmental principles?
 - We are upholding the Official Community Plan and Trust Policy by allowing various lifestyles, but we regulate land use and cannot put conditions on lifestyles

The Community Information Meeting ended at 1:55 p.m. A break was held from 1:55 to 2:03 p.m.

17. PUBLIC HEARING

17.1 Minor LUB Amendment Project - Proposed Bylaw No. 129

17.1.1 Recess for Public Hearing

The meeting was recessed at 2:03 p.m. for a Public Hearing.

17.1.2 Recall to Order

The meeting was recalled to order at 3:16 p.m.

18. LOCAL TRUST COMMITTEE PROJECTS

18.1 Minor LUB Amendment Project - Proposed Bylaw No. 129 - Staff Report

Island Planner Stockdill reviewed recommendations included in the Staff Report. Discussion was held and the following comments were made:

- A suggestion was made to use “vehicle license plates” instead of “vehicle number plates”
- The Local Trust Committee can choose to make the proposed amendments, but then consider the bylaw in its entirety again at a future meeting

Discussion continued about Hereditary Chief Pelkey’s desire for more time to review Bylaw No. 129. The following comments were made:

- Concerns from First Nations about the oceanfront may be outside of what Trustees can do in this particular bylaw
- If there is opportunity to understand the concerns expressed by Hereditary Chief Pelkey, Trustees could request more information about those concerns and then go into another public hearing
- Staff could arrange to review the bylaw in detail with Hereditary Chief Pelkey
 - If he feels there are concerns that should be addressed, he can draft a letter to the Local Trust Committee which would be considered new information, and another public hearing would need to be scheduled
- There is need to be clear about what Trustees are able to do – either reduce the setback to the sea or leave it as is
- There is a need to clarify that house size was based on a compromise in order to settle the discussion
- There is real opportunity to learn from Hereditary Chief Pelkey about how the proposal may infringe upon Douglas Treaty rights
- Staff can clarify what is within the jurisdiction of Trustees and what is not, and staff can consider whether reopening a public hearing is necessary
- We want to understand the concerns even if they cannot be addressed within this bylaw amendment as that would lead to a more respectful understanding

A suggestion was made to include a timeline for staff to meet with Hereditary Chief Pelkey that allows the Local Trust Committee to meet its own timeline, as too much delay could significantly interrupt the process. Discussion continued:

- Whether or not the Local Trust Committee does receive new information and reopens the public hearing has to be carefully weighed
- The Planner should consider three criteria to adjudicate whether information from Hereditary Chief Pelkey should reopen a Public Hearing:

1. Whether it is something the Local Trust Committee will potentially want to address
2. Whether it is within the jurisdiction of the Islands Trust and Trustees could actually do something about it, and
3. Whether it is something that can be addressed by this bylaw

Island Planner Stockdill noted the meeting would involve different levels of staff at the Islands Trust.

Discussion continued and the following comments were made:

- The public has a right to understand all the potential information that could impact a bylaw, and the public might want to have another conversation based on new information
- What we know is Islands Trust jurisdiction; what we do not know is how Douglas Treaty rights are potentially impacted by the proposed bylaw
- This is a great opportunity to learn
- Senior Indigenous Relations Advisor Joe Elliott had noted it would be helpful for staff to reach out directly to Tsawout First Nation and there is certainly more work that could be done even though Tsawout noted they had no concerns with the bylaw at this time
- We do not want to override the formal response from Tsawout First Nation, but we do want to respect the informal input from the Hereditary Chief and this is a good learning opportunity to determine how best to proceed
- There is a need to move ahead respectfully and procedurally correctly

SP-2025-023

It was Moved and Seconded,

that South Pender Island Local Trust Committee amend proposed Bylaw No. 129, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2025”:

- a) By deleting Section 2.12 and replacing it with:

“2.12 Section 3.11-Derelict Vehicles, by deleting Article 3.11 (1) (a), and replacing it with: “(a) Current and valid motor vehicle license plates, or”
- b) By deleting Section 2.20 and replacing it with:

“2.20 Section 5.5 – Agriculture (A), by deleting Subsections 5.5(9) and 5.5(10) in their entirety and by making such consequential numbering alterations to effect this change”
- c) By adding the following new section after Section 2.22:

“2.23 Adding the following words to the Information Notes in the Agriculture zone: The Agricultural Land Reserve Use Regulation regulates total floor area for a dwelling to not exceed 500 m² on a parcel with an area of 40 ha or less.”

CARRIED

It was moved and seconded that South Pender Island Local Trust Committee Bylaw No. 129 be read a second time as amended. Discussion on the motion was held.

Chair Elliott made the following comments:

- The reason to change the bylaw would be if it is not meeting the community's needs and it has not been tested enough yet to demonstrate hardship
- House keeping amendments and other work done on the bylaw has been good (e.g. making the bylaw more articulate, providing certainty for the future, etc.), and expressed a reluctance to defeat the bylaw
- The provision to add 500 square feet to the floor area is an arbitrary compromise and it has not been demonstrated that house size will make that much of a difference in peoples' lives

Trustee Evans made the following comments:

- It can also be said that the previous Trustees did not give the bylaw enough time to be tested
- There is an increase of residents on South Pender Island who want the change
- This is about being an inclusive community that allows for varied lifestyles
- The exercise over the past three years was finding a place to land that respected the direction of the previous Trustees, and of residents
- Defeating the bylaw would erode the trust for a lot of people that took a great deal of effort to rebuild

Trustee Falck made the following comments:

- Looking for a hardship does not work as we are not expecting there to be hardship
- We do not want to limit the ability of residents to build a house they may want to use for multigenerational living; rather, we should encourage that scenario to happen

SP-2025-024

It was Moved and Seconded,

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

CARRIED

SP-2025-025

It was Moved and Seconded,

that South Pender Local Trust Committee requests staff to reach out to Hereditary Chief Eric Pelkey to discuss his letter dated September 1, 2025 before the end of October 2025.

CARRIED

18.2 Short Term Vacation Rental Review Project – Staff Report

Deferred

19. NEW BUSINESS

19.1 South Pender Island LTC Public Notification Bylaw No. 131 - Request for Decision

Chair Elliott outlined the request for decision. A suggestion was made to include posting notifications at the fire hall.

SP-2025-026

It was Moved and Seconded,

that South Pender Local Trust Committee amend the Public Notification Bylaw No. 131 to add a third public notice requirement method to read: by posting the printed notice on South Pender Fire Hall notice board.

CARRIED

SP-2025-027

It was Moved and Seconded,

that South Pender Island Local Trust Committee give Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025", First Reading as amended.

CARRIED

SP-2025-028

It was Moved and Seconded,

that South Pender Island Local Trust Committee give Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025", Second Reading.

CARRIED

SP-2025-029

It was Moved and Seconded,

that South Pender Island Local Trust Committee give Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025", Third Reading.

CARRIED

SP-2025-030

It was Moved and Seconded,

that South Pender Island Local Trust Committee give Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025" to the Islands Trust Executive Committee for consideration of approval.

CARRIED

20. UPCOMING MEETINGS

20.1 Next Regular Meeting Scheduled for November 7, 2025 at the South Pender Fire Hall, Pender Island

21. TOWN HALL

Town hall was held. Two members of the public began to comment on proposed Bylaw No. 129 and were reminded that the topic was post public hearing and therefore closed to comments.

Chair Elliott did not provide a report.

22. CLOSED MEETING - None

23. ADJOURNMENT

By general consent the meeting was adjourned at 4:39 p.m.

Tobi Elliott, Chair

Certified Correct:

Carly Bilney, Recorder

South Pender Island Local Trust Committee Record of a Public Hearing Proposed Bylaw 129

Date: September 5, 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
Carly Bilney, Recorder (electronic)

Others Present: There were twenty-seven (27) members of the public present.

17.1 Minor LUB Amendment Project – Proposed Bylaw No. 129

Chair Elliott called the Public Hearing to order at 2:03 p.m. She read a statement outlining the content, purpose, and process of the Public Hearing.

Island Planner Stockdill read a statement related to the purpose of proposed Bylaw No. 129 and developments to date.

Members of the community were invited to speak and the following comments were made:

Rob Botterell stated *opposition* as follows:

- Expressed a need for more meaningful consultation with Tsawout First Nation
- Urged to defer the bylaw to allow additional time for consultation with Tsawout First Nation and Hereditary Chief Pelkey

Daphne Lewis stated *opposition* as follows:

- The bylaw reflects irresponsible stewardship of South Pender Island
- Need to focus on sustainable growth and development
- The proposed bylaw could encourage the building of larger buildings
- Large houses in a rural setting erodes the rural feel and negatively impacts the natural environment
- The proposed bylaw does not support the rural nature of South Pender Island
- Bylaw 114 should be upheld

Donna Spalding stated *support* as follows:

- South Pender has become a diverse community that has changed with time and will continue to evolve

- Large properties are no longer the norm yet we have managed to maintain our rural character
- If we are to grow responsibly, we need to be welcoming to new people and we must continue to evolve

Paul Petrie stated *opposition* as follows:

- Growth and development are increasing at an accelerated pace
- South Pender Island is one of the fastest growing communities in the Trust Area
- The Trust Policy requires addressing the local growth rate, protecting the environment, and maintaining rural character
- Bylaw 122 accomplished the goals of the Official Community Plan and provided for generous growth potential
- The proposed bylaw will further accelerate an already accelerating pace of growth on the island that is inconsistent with the directives of the Trust and in the Official Community Plan

John Kuharchuk stated *opposition* as follows:

- Need to reconsider our position to be more forward looking rather than backward looking
- It would be easy to include a provision in the bylaw that says no clear cuts or tree cutting without a building permit

Kathleen Durant provided a written submission.

Monica Petrie stated *opposition* as follows:

- Need to heed Hereditary Chief Eric Pelkey's request for more fulsome consultation
- Indigenous rights are not subject to public opinion
- Need to support and enhance our island's ecosystem for coming generations

Charlotte Edwards stated *support* as follows:

- Proposed change in house size supports different lifestyles and larger families

Rick Friesen stated *support* as follows:

- The proposed bylaw preserves the direction of Bylaw 122 and rolls back problematic amendments
- He provided written submissions from off-island visitors who may be frequent visitors to the island, owners of property on South Pender who intend to build, or part-time residents

Debbie Friesen submitted three more written submissions from off-islanders.

Gordie Duncan stated *support* as follows:

- The proposed bylaw will accomplish a set of regulations that are fair and fully compliant with the Official Community Plan
- Many of our zones will continue to have some of the most restrictive maximum building sizes among all jurisdictions

Robert Dill stated *opposition* as follows:

- The proposed bylaw is in opposition to Islands Trust policy directives
- The existing bylaw should be given time to see its impact on the community
- We should be able to easily live within the footprint that the existing bylaw gives us options for

Faye Mogensen stated *opposition* as follows:

- Concern about increasing the house size because of a potential domino effect that will lead to larger house sizes

Paul Petrie stated *opposition* as follows:

- The proposed bylaw does not comply with the current Official Community Plan
- Does not comply with the Trust Policy directive that requires local trust committees to protect sensitive coastal areas
- Does not comply with the need of First Nations to protect their inherent rights especially in sensitive coastal areas
- Hereditary Chief Pelkey does not support the proposed bylaw because of potential infringement on Treaty Rights
- Further meaningful consultation is needed to ensure First Nations rights are protected
- WSÁNEĆ Elder's Council expressed concern about protecting coastal areas, and believe their coastal zone and interest is not restricted to 50 feet

Gordie Duncan stated *support* as follows:

- Trustees have done due diligence and fulfilled election campaign commitments
- The survey undertaken in October 2022 was defeated

Donna Spalding stated *support* as follows:

- Houses that do not conform to the bylaw as it stands have to be disclosed if there is a sale
- 10-foot setbacks have been in place forever

Alma Lightbody stated *support* as follows:

- Much more support and work from Trustees than I ever expected
- Expressed a desire to move ahead

John Kuharchuk stated *opposition* as follows:

- The issue is much broader than house size
- Bylaw provisions could mandate certain high efficiency fixtures in the building code and a percentage of potable water to be rainwater captured

Paul Petrie stated *opposition* as follows:

- Referenced a letter from ten former Trustees who outline concerns about Bylaw No. 129

Christian Engelstoff stated *caution* as follows:

- For the endangered sharp-tailed snake, house size really matters, and South Pender is a Key Diversity Area for the species
- Need for careful thinking about house size and development

Between 3:02 - 3:09 p.m. Trustees reviewed written submissions that had been received.

Trustee Evans read an email from **Kaity St. Cyr** who stated *support* for the proposed bylaw.

Chair Elliott asked a second time for speakers, and the following comments were made:

Donna Spalding stated *support* as follows:

- Trustees have listened, showed respect, faced adversity and are now presenting us with an opportunity for compromise
- Many referrals have been made and many letters have been received, and it is now time to move on

Chair Elliott called a third time for speakers and no comments were made. There being no further submissions, Chair Elliott closed the Public Hearing at 3:15 p.m.

I CERTIFY THAT THIS IS A FAIR AND ACCURATE SUMMARY OF THE NATURE OF REPRESENTATIONS RESPECTING THE MEETING HELD.

Carly Bilney, RECORDER

DATE



ADOPTED

South Pender Island Local Trust Committee

Minutes of Special Meeting

Date: December 5, 2025
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

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

Staff Present: Kim Stockdill, Island Planner
Jason Youmans, Senior Policy Advisor
Joe Elliott, Senior indigenous Relations Advisor (electronic)
Carly Bilney, Recorder (electronic)

Others Present: There were 13 members of the public present

1. CALL TO ORDER

Chair Elliott called the meeting to order at 10:02 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 Chair noted the draft Trust Policy Statement would be discussed to gather feedback from the South Pender Island community.

By general consent the agenda was approved as presented.

4. BUSINESS ITEMS

4.1 Islands Trust Policy Statement Engagement

Islands Trust Senior Policy Advisor Youmans provided a presentation about the Islands Trust Policy Statement and the process that has been underway to update it since 2019. He outlined the content of the draft Policy Statement, including guiding, directive and advisory policies, and noted that climate change is addressed in various policies throughout the document.

The Chair commented on the 32 resolutions put forward by the previous Trust Council, and invited community members to provide feedback on the latest draft of the Trust Policy Statement. The following questions and comments were made:

- A question was asked about why the process has taken the time that it has to get to First Reading
 - A Trustee commented that input on the first draft seen by the public resulted in 32 resolutions given to staff just prior to the Trust Council election
 - After the election, staff worked through the 32 resolutions for an additional six months, a period that included the loss of key staff members, a hiring process and transfer of knowledge
 - Once the 32 resolutions were complete, they were sent to First Nations for input, and First Nations requested an extension into 2023; staff then needed another six months to incorporate First Nations feedback into the 32 resolutions
 - An early legal review was also conducted
 - Trust Council saw the first draft in March 2024 and struck a Committee of the Whole to provide recommendations
 - The process has been a considerable undertaking with difficult questions to answer, such as questions of jurisdictional responsibility
- Concern was expressed about the lack of context in the current Trust Policy Statement draft compared to earlier versions regarding the object of the Trust (e.g. the preamble of prior versions provide explanations of how the object of the Trust is applied)
 - A Trustee explained that staff was directed by the previous Trust Council to shorten and simplify the draft
 - A Trustee noted that there remain differing perspectives among trustees on some areas in the current draft (e.g. which policies should be directive vs. advisory vs. guiding)
 - A Trustee commented that the preamble explains statutory responsibility and could be politicized and weighted to the view of the Council of the day
 - A Trustee noted that our understanding of how to uphold the object of the Trust is a political evolution that is different in 2025 than it was previously (for example, in light of Reconciliation)
- Concern was expressed by several members of the public at the lack of a definition for “unique amenities”
 - A Trustee noted that discussions about the meaning of unique amenities have been inconclusive and challenging for Trust Council to achieve consensus
 - A Trustee suggested the term is purposely vague to be interpreted by the Council of the day

- A Trustee commented that it is difficult to find a definition that encompasses all of the islands together as well as each unique island individually
- Concern was expressed about listing unique amenities before the environment in the preamble when explaining why the Islands Trust Act was established
- Comments were made that an amenity is something we can use, such as, a tennis court or shopping centre, and that with no boundaries as to what “unique amenities” mean, the phrase could mean anything; it was suggested that articulation of what unique amenities mean would be helpful
 - A Trustee noted it is not just the environment that the Islands Trust is charged with protecting, but also the communities; the environment includes communities which is part of the difficulty in creating an explicit definition
 - Islands Trust is still having the same discussions that were had in 1974 when the Islands Trust Act was established
 - The province has said it is a gift to the Islands Trust to not define what is included in unique amenities as it is up to communities to continually define
- A suggestion was made to incorporate a reference to the precautionary principle in the directive policies section; where scientific uncertainty exists about potential development, a developer should be required to demonstrate that adequate steps have been taken to ensure that certain damages will not result
- It was suggested that, as signatory to the United Nations Convention on Biological Diversity, all Canadian laws, including land use bylaws, should ensure the precautionary principle be actively and effectively applied
 - A member of staff noted this echoes the theme of the comments shared so far to date about the level of specificity of the draft Policy Statement versus the level of openness to interpretation
 - A Trustee commented that taking guidance from the precautionary principle in all decision-making is included in the draft’s guiding principles (policy 2.1.5)
- Comments were made that in making land use decisions, the highest priority should be protection and preservation of the environment, with everything else to follow; using the phrase “unique amenities” dilutes what should be the primary goal of environmental protection
 - A Trustee indicated that, as a land use body, Trustees focused on making sure the environment had priority in the draft document
 - A Trustee commented that the requirement of decision-makers is to make decisions based on evaluations of everything brought forward, and it is not always possible to say the environment takes precedence over everything

- Islands Trust is set up as a land use governing body with a mandate to slow development (not stop development)
 - Trustees are challenged with preserving and protecting areas for the benefit of residents, as well as protections for fee simple ownership
- A question was asked about what weight will be given to survey responses regarding islander categories (part-time, full-time, non-resident property owner, etc.)
 - A member of staff indicated the information will be presented as the answers that are received, and that a depth of analysis that correlates type of resident (full-time, part-time, etc.) to responses received is not anticipated
- Concern was expressed about the lack of definition for a “suitable location for housing alternatives” as it is left open to interpretation; it was suggested that suitable locations should prioritize the environment
 - A Trustee suggested a suitable location for housing alternatives will depend on each island community, and the definition needs to be general so that each Local Trust Committee can interpret it in light of their priorities
 - A Trustee noted the Trust Policy Statement must be broad enough to represent the Islands Trust as an organization
 - A Trustee commented that “suitable land” is vague, but it must be defined in mapping
 - A member of the staff noted an analytical tool is being developed to help Trustees consider where suitable land may be, based on mapping layers of values to be protected (e.g. Garry Oak ecosystems, critical habitat for species at risk, etc.)
 - A Trustee suggested that the term “suitable land” may be offensive to First Nations
- Concern was expressed about the lack of definition for “amenity contributions”
 - A Trustee noted amenity contributions differ from unique amenities
 - A Trustee commented that proposed advisory policy 3.1.3 implies that if a developer is going to offer land as an amenity contribution, Indigenous Governing Bodies should be considered as eligible recipients
- A question was asked about why First Nations have priority to receive amenity contributions over the South Pender community
 - A Trustee noted this is an advisory policy that signals an intention to respond to Indigenous Governing Bodies
 - A member of staff noted that for the policy to be operationalized it should be embedded within a community’s Official Community Plan to guide decision-making and that an amenity zoning policy should list all eligible amenities that an LTC would consider

- A Trustee suggested the title of policy 3.1.3 “Land Back” is a political term that could instead be “Amenity Contributions Considerations”
- Comments were made that the guiding principle to acknowledge and respect indigenous rights (policy 2.1.1) does not acknowledge any progress that has been made around reconciliation. Concern was expressed about co-governance of the Islands Trust Area
 - A Trustee noted the Islands Trust has a commitment to Reconciliation and made a declaration to continue to learn and walk the path with Indigenous Governing Bodies towards better management of the Islands Trust Area
 - A Trustee commented that First Nations were not considered in 1974 when the Islands Trust Act was established, and that dispossession of land from First Nations created lasting impacts
 - A Trustee noted the acknowledgment of Indigenous rights to self-governance means the Islands Trust Council has heard the feedback from referrals to First Nations
 - A Trustee noted it is not within the jurisdiction of the Islands Trust to create a co-governing body; that would require an amendment by the Province to the Islands Trust Act or an agreement under the Declaration on the Rights of Indigenous Peoples Act

The meeting was recessed at 11:57 a.m.

Trustee Falck left the meeting at 12:00 p.m.

The meeting reconvened at 12:16 p.m. Members of the public were invited to continue the discussion, and the following comments were made:

- A suggestion was made to remove the definition of colonialism in the glossary as it is only referred to once in the document
- Support was expressed for emphasizing the precautionary principle and finding reasonable alternatives to prioritize the environment
 - A Trustee noted there are insufficient protections for forests across multiple lots, and that a development permit application for forest protection could be applied across the entire island, but it would be difficult to enforce
 - A staff member noted that within the Capital Regional District all building permits get referred to the Islands Trust regarding zoning regulations and how they apply to a lot
- A comment was made that the draft document is missing the principle of neighbourliness
 - A staff member noted there is no mechanism for applying a policy of good neighbourliness to development; only regulations under the land use bylaw can be applied

- A member of the public asked what is the criteria that the Island’s Trust Executive Committee uses to evaluate whether or not a community’s bylaw is at variance with the Trust Policy Statement
 - A staff member noted it is up to the Executive Committee to determine if a proposed bylaw is consistent with the Trust Policy Statement as a whole, and that is typically done by applying what is known as the Directives Only Checklist
- A comment was made that we are not moving towards a standard to protect the Trust Area and the ecological mandate given by the province, but rather working toward an approach that allows each island to develop its own approach, depending on what the Trustees of the day decide
- Concern was expressed that a bylaw could be approved by the Executive Committee in a way that is inconsistent with an island’s official community plan
 - A staff member noted it is up to local Trustees to be the arbiters of whether or not a bylaw is consistent with the Official Community Plan; Local Trust Committees are given very wide latitude to make that determination
 - A Trustee noted Trustees must do their homework to demonstrate that the Official Community Plan, land use bylaw and Trust Policy Statement have been considered in their decision-making
- A Trustee commented that if policy 3.1.1 (Engage with Indigenous Governing Bodies) was the only policy to be incorporated into the new Trust Policy Statement and everything else stayed the same, it would enshrine the engagement work that is already being done
- A member of the public commented that the latest draft of the Trust Policy Statement diminishes the importance of environmental considerations; they suggested that there are measures that can be taken (e.g. clustered housing, rainwater catchment, forest restoration) to ensure the environment has primacy over everything, and the Trust Policy Statement should strengthen that position
 - The Local Trust Committee is only a decider in a private property owner’s decision about their land when they are going to do something that is contrary to zoning
 - Staff suggested that the most readily available mechanism available to Trustees to protect certain ecosystem values is a development permit area
- A suggestion was made for the Trust Policy Statement to include something about development permit areas as they are the most effective mechanism to protect sensitive ecosystems (e.g. recognizing that coastal zones across all islands contain some of the most sensitive ecosystems)

- A number of directive policies that deal with shoreline protection are already in the current draft

- A suggestion was made to separate Policy 2.1.2 into two – prioritize protection of the environment, and prioritize protection of Indigenous Cultural Heritage

5. ADJOURNMENT

By general consent the meeting was adjourned at 1:45 p.m.

Tobi Elliott, Chair

Certified Correct:

Carly Bilney, Recorder



Resolutions Without Meetings Log

South Pender Island

Resolution Number	Action	Date
2026-001 To Adopt the Dec 5/25 Minutes That the South Pender Island Local Trust Committee special business meeting minutes of December 5, 2025 be adopted as presented.	Carried	28-Jan-2026
2025-004 To cancel Nov 7th Mtg That the South Pender Island Local Trust Committee cancel the regular business meeting scheduled for November 7, 2025.	Carried	29-Oct-2025
2025-003 To adopt Sept 5 Minutes That the South Pender Island Local Trust Committee regular business meeting minutes of September 5, 2025 be adopted as presented.	Carried	06-Oct-2025

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	Completed

02-May-2025

Progress	Activity	Responsibility	Dates	Status
0%	1 Staff to report back in late spring 2026 with a draft business case and work plan for a targeted OCP review.	Kim Stockdill	Target: 01-May-2026	In Progress

Follow Up Action Report

South Pender Island

05-Sep-2025

Progress	Activity	Responsibility	Dates	Status
100%	1 Staff to circulate SP LTC PH and regular meeting minutes from September 5, 2025 by RWM for approval.	Emily Bryant Jas Chonk	Target: 26-Sep-2025	Completed
0%	2 15.1 SP LTC interests unaffected for Saturna LTC Bylaw No. 143.	Jas Chonk	Target: 19-Sep-2025	Completed
0%	3 15.2 SP LTC requests TAS staff to provide a staff-led Town Hall session at the regular SP LTC on November 7, 2025 for TC Bylaw No. 183 (ITPS Bylaw).	Jason Youmans	Target: 07-Nov-2025	Completed
0%	4 16.1 Minor LUB Amendments Project 1. Amendments made to Bylaw No. 129 as per staff report recommendations except the word 'number' was replaced with 'license'. (Done) 2. Bylaw No. 129 given Second Reading as amended. (Done) 3. Staff to bring back proposed Bylaw No. 129 for the potential of further readings to the November 7, 2025 LTC meeting.	Jas Chonk Kim Stockdill	Target: 31-Oct-2025	Completed
0%	5 16.2 STVR Review Project - deferred until November 7, 2025 LTC meeting.	Jas Chonk Kim Stockdill	Target: 31-Oct-2025	Completed
0%	6 17.1.2 Staff to add 'Targeted OCP Review' to the Future Projects List.	Kim Stockdill	Target: 12-Sep-2025	Completed
0%	7 Staff to meet with Hereditary Chief Erik Pelkey regarding letter received on September 1, 2025.	Kim Stockdill	Target: 31-Oct-2025	Completed

Follow Up Action Report

South Pender Island

05-Sep-2025

Progress	Activity	Responsibility	Dates	Status
0%	8 18.1 Staff to bring back SP LTC Meeting Procedures Repeal Bylaw No. 130 staff report for the November 7, 2025 LTC meeting.	Jas Chonk	Target: 26-Sep-2025	Completed
0%	9 18.2 SP LTC Public Notification Bylaw No. 131 1. SP LTC amended Bylaw No. 131 by adding the following new subsection after Subsection 2(ii): 'by posting the notice on the South Pender Fire Hall notice board.' 2. SP LTC gave first reading to Bylaw No. 131 as amended. 3. SP LTC gave second and third reading to Bylaw No. 131. 4. SP LTC proposed Bylaw No. 131 to be sent to Executive Committee for consideration of approval.	David Marlor Jas Chonk	Target: 06-Feb-2026	In Progress



MEMORANDUM

DATE OF MEETING: November 7, 2025 File No.: MA-BLs-196-197
(Housing Options Project)
 TO: South Pender Island Local Trust Committee
 FROM: Jas Chonk, Legislative Clerk, Southern Team
 SUBJECT: Referral: Draft Bylaws 196 and 197

PURPOSE

The Mayne Island Local Trust Committee has referred draft Bylaw No. 196 (cited as “Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2025”) and draft Bylaw No. 197 (cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 1, 2025”) to the South Pender Island Local Trust Committee.

BACKGROUND

Islands Trust [Policy 4.1.9](#) Inter-Local Trust Committee Community Planning Bylaw Referral delineates how a local trust committee will implement a local trust committee referral process for community planning bylaws affecting another local trust committee or island municipality.

Additional information regarding this application including the preliminary staff report with site context, photos, correspondence, and other information can be found on the Mayne Island Current Projects webpage: <https://islandstrust.bc.ca/island-planning/mayne/projects/>

NEXT STEPS

The following draft resolutions have been provided for consideration:

- 1. If the LTC considers their interests unaffected by the bylaw:**
That the South Pender Island Local Trust Committee respond to the Mayne Island Local Trust Committee that interests are unaffected by draft Bylaws 196 and 197.
- 2. If the LTC wishes to recommend proceeding with the bylaw for specific reasons:**
That the South Pender Island Local Trust Committee recommend to the Mayne Island Local Trust Committee that draft Bylaws 196 and 197 proceed for the following reasons:
 - *[list reasons] ...*
- 3. If the LTC wishes to recommend proceeding with the bylaw subject to conditions:**
That the South Pender Island Local Trust Committee recommend to the Mayne Island Local Trust Committee that draft Bylaws 196 and 197 proceed, subject to the following recommendations:
 - *[list recommendations] ...*
- 4. If the LTC wishes to recommend not proceeding with the bylaw:**
That the South Pender Island Local Trust Committee recommend to the Mayne Island Local Trust Committee that draft Bylaws 196 and 197 not proceed for the following reasons:
 - *[list reasons] ...*

Submitted By:	Jas Chonk, Legislative Clerk	September 19, 2025
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ATTACHMENTS

1. BYLAW REFERRAL FORM



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Mayne Island Local Trust Area Bylaw No.: 196 (OCP)/197 (LUB) Date: September 18, 2025

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PURPOSE OF BYLAW:

The purpose of Bylaw No. 196 and 197 is to support Mayne Island's need for more affordable housing options. The bylaws help to increase flexibility in zoning to permit additional housing units while balancing the need to preserve and protect the environment. They include the following:

- Updated population projections
- Updated definitions
- Increased flexibility for residential use in commercial areas
- Permission of accessory dwelling units on lots 0.4 ha -0.6ha
- Expansion of flexible housing zoning (permitting multiple units within a max floor area)
- Expanding permission for accessory residential use
- Policy related to permitting small unit cluster housing through rezoning
- TUP guidelines for tiny homes on wheels
- Permitting non-profit housing in most OCP designations
- Permitting a reduction in minimum parcel size to facilitate land for donation to government, not for profit organizations and First Nations
- Requiring freshwater cisterns for new builds
- Updated potable water requirements for subdivision
- Prohibiting groundwater fed swimming pools
- Establishment of floor area maximums
- Permitting RVs as temporary dwellings through Temporary Use Permit

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: <https://islandstrust.bc.ca/island-planning/mayne/projects/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: Narissa Chadwick

Title: Island Planner
Contact Info: Tel: 250-405-5189

Email: nchadwick@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Provincial Agencies

Min. of Housing and Municipal Affairs

Capital Regional District

Capital Regional District Building Inspection
Capital Regional District SGI Service Delivery

Non-Agency Referrals

Village Point Improvement District
Bennett Bay Waterworks District
Campbell-Bennett Bay Improvement District
Laura Point Waterworks District
Skana Water System (CRD)
Surfside Park Estates Water Service Area (CRD)
Gulf Islands School District No. 64
WSANEC Leadership Council

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lyackson First Nation
Pauquachin First Nation – via portal
Penelakut Tribe
Semiahmoo First Nation
Snuneymuxw First Nation
Stz’uminus First Nation
Ts’uubaa-asatx Nation (Lake Cowichan) – via portal
Tsartlip First Nation
Tsawout First Nation - via portal and email
Tsawwassen First Nation
Tsecum First Nation

BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area

(Island)

(Signature)

(Date)

196/197

(Bylaw Number)

(Name and Title)

(Agency)



MEMORANDUM

DATE OF MEETING: February 13, 2026
 TO: South Pender Island Local Trust Committee
 FROM: Jas Chonk, Legislative Clerk, Southern Team
 SUBJECT: Referral: Draft Bylaw No. 200

File No.: MA-BL-200
 PL-RZ-2025-0305
 (BC Ferries))

PURPOSE

The Mayne Island Local Trust Committee has referred draft Bylaw No. 200 cited as “Mayne Island Land Use Bylaw No. 146, 2008, Amendment No. 2, 2025” to the South Pender Island Local Trust Committee.

BACKGROUND

Islands Trust [Policy 4.1.9](#) Inter-Local Trust Committee Community Planning Bylaw Referral delineates how a local trust committee will implement a local trust committee referral process for community planning bylaws affecting another local trust committee or island municipality.

Additional information regarding this application including the preliminary staff report with site context, photos, correspondence, and other information can be found on the Mayne Island Current Applications webpage: <https://islandstrust.bc.ca/island-planning/mayne/current-applications/>

NEXT STEPS

The following draft resolutions have been provided for consideration:

1. **If the LTC considers their interests unaffected by the bylaw:**
That the South Pender Island Local Trust Committee respond to the Mayne Island Local Trust Committee that interests are unaffected by draft Bylaw No. 200.
2. **If the LTC wishes to recommend proceeding with the bylaw for specific reasons:**
That the South Pender Island Local Trust Committee recommend to the Mayne Island Local Trust Committee that draft Bylaw No. 200 proceed for the following reasons:
 - *[list reasons] ...*
3. **If the LTC wishes to recommend proceeding with the bylaw subject to conditions:**
That the South Pender Island Local Trust Committee recommend to the Mayne Island Local Trust Committee that draft Bylaw No. 200 proceed, subject to the following recommendations:
 - *[list recommendations] ...*
4. **If the LTC wishes to recommend not proceeding with the bylaw:**
That the South Pender Island Local Trust Committee recommend to the Mayne Island Local Trust Committee that draft Bylaw No. 200 not proceed for the following reasons:
 - *[list reasons] ...*

Submitted By:	Jas Chonk, Legislative Clerk	December 19, 2025
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ATTACHMENTS

1. BYLAW REFERRAL FORM



Islands Trust

BYLAW REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Mayne Island Local Trust Area Bylaw No.: 200 Date: December 17, 2025

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 30 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Lee Orpen (BC Ferries) / Village Bay Ferry Terminal, Mayne Island

PURPOSE OF BYLAW:

MA-PL-RZ-2025-0305

The purpose of Bylaw No. 200 is to amend the Mayne Island Land Use Bylaw by rezoning the foreshore adjacent to the BC Ferries Village Bay ferry terminal property from Water Moorage (W2) to a site-specific zone permitting a shoreline stabilization rip-rap structure to prevent erosion and slumping of the upland property.

Professional reports and staff reports are available on the Mayne Island webpage:
<https://islandstrust.bc.ca/island-planning/mayne/current-applications/>

GENERAL LOCATION:

Mayne Island Local Trust Area

LEGAL DESCRIPTION:

LOT A SECTION 6 MAYNE ISLAND COWICHAN DISTRICT PLAN VIP75220

SIZE OF PROPERTY AFFECTED:

ALR STATUS:

OFFICIAL COMMUNITY PLAN DESIGNATION:

3.58 ha total (1.01 ha subject parcels)

No

Public Services

OTHER INFORMATION:

Additional information, including the current bylaws, is available at: www.islandstrust.bc.ca

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

Name: Bruce Belcher

Bruce Belcher
(Signature)

Title: Planner 2
Contact Info: Tel: 250-405-5179
Email: bbelcher@islandstrust.bc.ca

PLEASE TURN OVER

This referral has been sent to the following agencies:

Federal Agencies

Fisheries and Oceans Canada
Transport Canada

Provincial Agencies

BC Archaeology Branch
Min. of Transportation & Transit – via portal

Regional Agencies

Capital Regional District – Southern Gulf Islands Harbours
Commission (Integrated Water Services)

Adjacent Local Trust Committees and Municipalities

Galiano Island Local Trust Committee
North Pender Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee

First Nations

Cowichan Tribes
Halalt First Nation
Lyackson First Nation
Pauquachin First Nation – via portal
Penelakut Tribe – via portal
Semiahmoo First Nation
Snuneymuxw First Nation
Stz'uminus First Nation
Ts'uubaa-asatx Nation (Lake Cowichan) – via portal
Tsartlip First Nation
Tsawout First Nation - via portal and email
Tsawwassen First Nation
Tseycum First Nation
WSANEC Leadership Council

BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

Mayne Island Local Trust Area

(Island)

(Signature)

(Date)

200

(Bylaw Number)

(Name and Title)

(Agency)



MEMORANDUM

DATE OF MEETING: February 13, 2026 File No.: TC-BL-183
(Policy Statement)
 TO: South Pender Island Local Trust Committee
 FROM: Jas Chonk, Legislative Clerk, Southern Team
 SUBJECT: Referral: Proposed Bylaw No. 183

PURPOSE

The Islands Trust Council has referred proposed Bylaw No. 183 (cited as "Islands Trust Policy Statement Bylaw, 2025") to the South Pender Island Local Trust Committee.

BACKGROUND

Islands Trust [Policy 4.1.9](#) Inter-Local Trust Committee Community Planning Bylaw Referral delineates how a local trust committee will implement a local trust committee referral process for community planning bylaws affecting another local trust committee or island municipality.

Additional information regarding this project including the preliminary staff report with site context, photos, correspondence, and other information can be found on the Islands 2050 webpage: <https://islandstrust.bc.ca/programs/islands-2050/>

NEXT STEPS

The following draft resolutions have been provided for consideration:

1. **If the LTC considers their interests unaffected by the bylaw:**
That the South Pender Island Local Trust Committee respond to the Islands Trust Council that interests are unaffected by proposed Bylaw No. 183.
2. **If the LTC wishes to recommend proceeding with the bylaw for specific reasons:**
That the South Pender Island Local Trust Committee recommend to the Islands Trust Council that proposed Bylaw No. 183 proceed for the following reasons:
 - *[list reasons] ...*
3. **If the LTC wishes to recommend proceeding with the bylaw subject to conditions:**
That the South Pender Island Local Trust Committee recommend to the Islands Trust Council that proposed Bylaw No. 183 proceed, subject to the following recommendations:
 - *[list recommendations] ...*
4. **If the LTC wishes to recommend not proceeding with the bylaw:**
That the South Pender Island Local Trust Committee recommend to the Islands Trust Council that proposed Bylaw No. 183 not proceed for the following reasons:
 - *[list reasons] ...*

Submitted By:	Jas Chonk, Legislative Clerk	January 23, 2026
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ATTACHMENTS

1. BYLAW REFERRAL FORM

Jas Chonk

From: Islands2050
Sent: Friday, August 8, 2025 10:33 AM
To: Nadine Mourao; Jason Youmans
Subject: Bylaw Referral - Trust Council Bylaw 183 Policy Statement - For Response by October 10, 2025
Attachments: 2025_TC_BL183-FRM-Agency-Referral.pdf; TC_2025-07-29
_BL183PolicyStatement_Schedule-A_First-Reading.pdf

Dear Referral Coordinator(s),

We are reaching out to seek feedback from provincial and federal government agencies, Indigenous Governing Bodies, local trust committees and Bowen Island Municipality, school districts, regional districts, and improvement districts on the proposed Islands Trust Policy Statement, which was given first reading by Islands Trust Council on July 29, 2025.

The Islands Trust Policy Statement is a document required by Provincial legislation to be a general statement of the policies of the Islands Trust Council to carry out the [object](#) (mandate) of the Islands Trust. The proposed Policy Statement sets out Islands Trust Council's proposed principles and policy framework for planning and land use management within the lands and waters of the Island Trust Area. The Policy Statement guides the development of the official community plans and land use bylaws of local trust committees and Bowen Island Municipality, and the development of Trust Council's Strategic Plan. It is not a set of regulations that apply to land in the Islands Trust Area.

First reading of the Policy Statement bylaw followed a year of meetings by Islands Trust Council's Committee of the Whole and Trust Programs Committee, where the draft bylaw was reviewed and revised to address feedback received from Indigenous Governing Bodies, island residents, Islands Trust staff, legal counsel, and government agencies over the course of the project. Work on a new Islands Trust Policy Statement has been ongoing since 2019.

Please visit the Islands [2050 project webpage](#) for full project background information, including frequently asked questions.

Your organization may have provided a response when a previous draft of the new Policy Statement was referred out for comment in 2021. Since then, the document has been substantially revised and is now being referred out anew. If you would like to review a copy of your organization's response to the 2021 referral, please see the agency referral section of the project library on the [Islands 2050 project webpage](#).

Your informed response is important to this process and will support the Islands Trust Council in delivering the Islands Trust's provincially-mandated object "to preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the trust area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia."

Agencies Information Session Webinars

Islands Trust will host two Zoom webinars for referral agencies to provide information about the proposed Policy Statement bylaw and to offer an opportunity for questions and answers.

Please register in advance for one of the two sessions:

- **Friday, September 5, 2025**, from 9:30 a.m. to 10:30 a.m. – [Register here](#)
- **Monday, September 8, 2025**, from 1:30 p.m. to 2:30 p.m. – [Register here](#)

After registering, you will receive a confirmation email with details on how to join the webinar.

Your response to this referral is respectfully requested:

Attached to this email is a bylaw referral package that includes our referral form and the proposed Policy Statement bylaw. Project information can be found on our website here:

<https://islandstrust.bc.ca/programs/islands-2050/>.

We understand that there are numerous demands on your time, however, we genuinely welcome any comments you may have. Your referral response to this proposed bylaw is respectfully requested by **October 10, 2025**. Referral responses will be provided to Islands Trust Council for its consideration, and publicly posted to the project webpage.

Should you have any questions or require further information, please contact Jason Youmans at jyoumans@islandstrust.bc.ca or at 250-405-5177.

Please direct referral responses to islands2050@islandstrust.bc.ca

or by mail to:

Islands Trust - Islands 2050
 200 – 1627 Fort Street
 Victoria, BC V8R 1H8

Thank you for your time and attention to this matter.

Respectfully,

Nadine Mourao

Legislative Clerk / Deputy Secretary (she, her, hers)

Islands Trust

700 North Road | Gabriola BC V0R 1X3

T 250-247-2206 | www.islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səlilwətəl, SEMYOME, shisháhl, Skwəwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', STAUTW, Stz'uminus, łaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLEEP, WSIKEM, Xeláltxw, Xwémalkwu, Xwsepsum, and xʷməθkʷəy̓əm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.



ISLANDS TRUST POLICY STATEMENT BYLAW REFERRAL FORM

Islands Trust – Islands 2050
200 – 1627 Fort Street
Victoria, BC V8R 1H8
islands2050@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Islands Trust Area Bylaw No.: TC 183 Date: August 6, 2025

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 60 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PURPOSE OF BYLAW:

The Islands Trust Act requires that Islands Trust Council adopt a Policy Statement. The current Policy Statement has not been substantively updated in over 30 years. The purpose of this bylaw is to update the Policy Statement through the lenses of reconciliation, climate change, and affordable housing.

GENERAL LOCATION:

The Islands Trust Policy Statement is a general policy that applies to all of the Islands Trust Area, including Bowen Island. For a map of the Islands Trust Area, please visit: <https://islandstrust.bc.ca/mapping-resources/mapping/>

YOUR RESPONSE IS RESPECTFULLY REQUESTED:

Your response to this referral will help to ensure that the Policy Statement advances the mandate of the Islands Trust, in cooperation with the Province, other agencies and Indigenous Governing Bodies. The Islands Trust Policy Statement requires the approval of the Minister of Municipal Affairs and Housing if it is to be used by Islands Trust Executive Committee and Trust Council to evaluate and approve bylaws submitted by local trust committees and island municipalities.

The proposed new Policy Statement contains policies that may affect your agency's interests. We would encourage you to review the [Islands 2050 project webpage](#) for additional information about the Policy Statement Amendment Project, including an FAQ. Please return the response form to islands2050@islandstrust.bc.ca

OTHER INFORMATION:

For more information on the Islands 2050 Policy Statement Amendment Project, including the draft Policy Statement: <https://islandstrust.bc.ca/programs/islands-2050/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your response and, if necessary, outline any conditions related to that response. Please note any legislation or official government policy that would affect our consideration of this Bylaw.

(Signature)

Name: David Marlor

Title: Secretary, Islands Trust

This referral has been sent to the following agencies:

Federal Agencies

Environment and Climate Change Canada
Fisheries & Oceans, Canada (Fish Protection and Aquaculture - Pacific Region)
Transport Canada
Parks Canada

Regional Agencies

Capital Regional District
Comox Valley Regional District
Cowichan Valley Regional District
Metro Vancouver Regional District
Nanaimo Regional District
qathet Regional District
Sunshine Coast Regional District

School District Boards

School District No. 45 (West Vancouver – Gambier)
School District No. 46 (Gambier)
School District No. 64 (Gulf Islands: Galiano, Mayne, North Pender, South Pender, Salt Spring, Saturna)
School District No. 68 (Gabriola/Ballenas Winchelsea)
School District No. 69 (Lasqueti/Ballenas Winchelsea)
School District No. 71 (Denman/Hornby)
School District No. 79 (Thetis)

Improvement District Boards

Gabriola Fire Protection District
Graham Lake Improvement District
Schmidt Improvement District
Galiano Estates Improvement District
Gossip Island Improvement District
Montague Improvement District
Spanish Hills Improvement District
Wise Island Improvement District
Bennett Bay Waterworks District
Campbell-Bennett Bay Improvement District
Lighthouse Point Waterworks District
Mayne Island Improvement District
Village Point Improvement District
Georgina Improvement District
Razor Point Improvement District
Trincomali Improvement District
Harbour View Improvement District
Mount Belcher Improvement District
North Salt Spring Waterworks District
Piers Island Improvement District
Salt Spring Island Fire Protection District
Scott Point Waterworks District
Saturna Shores Improvement District
Thetis Island Improvement District
Vaucroft Improvement District

Adjacent Local Trust Committees and Municipalities

Ballenas-Winchelsea Islands Local Trust Committee
Bowen Island Municipality
Denman Island Local Trust Committee
Gabriola Island Local Trust Committee
Galiano Island Local Trust Committee
Gambier Island Local Trust Committee
Hornby Island Local Trust Committee
Lasqueti Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Islands Trust Conservancy Board

Provincial Agencies

Agricultural Land Commission
Attorney General (Housing Policy Branch)
BC Ferries
Ministry of Agriculture and Food
Ministry of Energy and Climate Solutions
Ministry of Energy and Climate Solutions (Climate Action Secretariat)
Ministry of Mining and Critical Minerals
Ministry of Environment and Parks
Ministry of Environment and Parks (BC Parks and Conservation Officer Service Division)
Ministry of Forests
Ministry of Water, Land and Resource Stewardship (South Coast Office, Crown Lands, Water Licensing (Watershed Stewardship & Security Branch, Ecosystems, Archaeology)
Ministry of Health
Ministry of Indigenous Relations and Reconciliation (West Coast Office; South Coast Office)
Ministry of Housing and Municipal Affairs (Governance and Structure Branch and Land Use Planning and Regional Impacts Branch)
Ministry of Transportation and Transit on Vancouver Island and South Coast (via electronic Development Approvals System)

BYLAW REFERRAL FORM RESPONSE SUMMARY

Approval Recommended for Reasons Outlined Below

Approval Recommended Subject to Conditions Outlined Below

Interests Unaffected by Bylaw

Approval Not Recommended Due to Reason Outlined Below

Islands Trust Area (Islands 2050)
(Island)

(Signature)

(Date)

TC 183
(Bylaw Number)

(Printed Name and Title)

(Agency)



DATE OF MEETING: February 13, 2026

TO: South Pender Island Local Trust Committee

FROM: Bruce Belcher, Planner 2
Southern Team

COPY: Kim Stockdill, Acting Regional Planning Manager

SUBJECT: PL-DVP-2024-0254
Applicant: Daniel Forslund
Location: 9907 Kloshe Road, South Pender Island

RECOMMENDATION

1. That the South Pender Island Local Trust Committee defer issuance of PL-DVP-2025-0254 until a professional geotechnical engineering report has been received verifying the need for a riprap retaining wall for erosion protection, and proper permitting with the BC Archaeology branch is complete.

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 riprap retaining wall.

RATIONALE FOR VARIANCE

The applicant’s rationale for the variance is to bring the illegally sited riprap retaining wall into compliance with the South Pender Island Land Use Bylaw No. 114, 2016 (LUB). The applicant’s narrative letter explaining the timeline of events and structure design are included as Attachment 3. The general intent of the structure is to manage the erosion taking place on the property and protect the existing dwelling and trees located near the shoreline.

BACKGROUND

The variance application was submitted following bylaw enforcement action on the property relating to a retaining wall which had been constructed in the setback to the natural boundary of the sea without a variance permit. The rock wall structure was constructed to protect the property and mature trees from erosion caused by the movement of tides and waves. Following bylaw enforcement action, Islands Trust planning staff determined that the structure would require a variance to legalize the siting, and the applicant submitted a DVP application to bring the structure into compliance with the LUB.

The subject property is zoned Rural Residential 2 (RR2) and is a 1.39-hectare (3.45 acres) oceanfront parcel, facing east at Gowlland Point. The property has an existing single-family dwelling with an attached deck,

constructed in 1967. The dwelling is sited roughly 9.5 metres from the natural boundary of the sea and 7.5 metres from the top of the shoreline bank. The property also has an accessory garage building.

The specific variance to the LUB is 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 and, for this purpose only, paved areas of asphalt, concrete or similar material are "structures"*.

Subsection 3.3(3) is required to be varied to permit the siting of the existing riprap retaining wall within 0.0 metres of the natural boundary of the sea.

Islands Trust staff requested the applicant provide a professional geotechnical assessment completed by a registered professional engineer to determine that the retaining wall is a reasonable and effective design and that alternative Green Shore development options are not possible for the location. The owner chose to move forward with the application without receiving a professional geotechnical assessment and requested the application be placed on the next available South Pender LTC meeting agenda.

A copy of the notice and proposed permit PL-DVP-2024-0254 are included with this report as Attachment 4 and 5. Staff visited the site on May 2, 2025 and have included photos of the existing site conditions to this report as Attachment 2. To note, the draft permit incorrectly identified the variance to subsection 3.3(1) of the LUB, while the correct subsection is 3.3(3).

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

ANALYSIS

Intent of Regulations being varied

The overall purpose of the natural boundary setback is to minimize development related impacts to adjacent properties and the community related to:

- Ensuring that a sufficient distance from the water is established to avoid impacts from changing shorelines and marine conditions
- Protecting development from hazards
- Ensuring that buildings and structures are located outside of environmentally sensitive areas
- Limiting the visual impact of development on adjacent properties, public lands, and from offshore
- Establish consistent development patterns within a local area

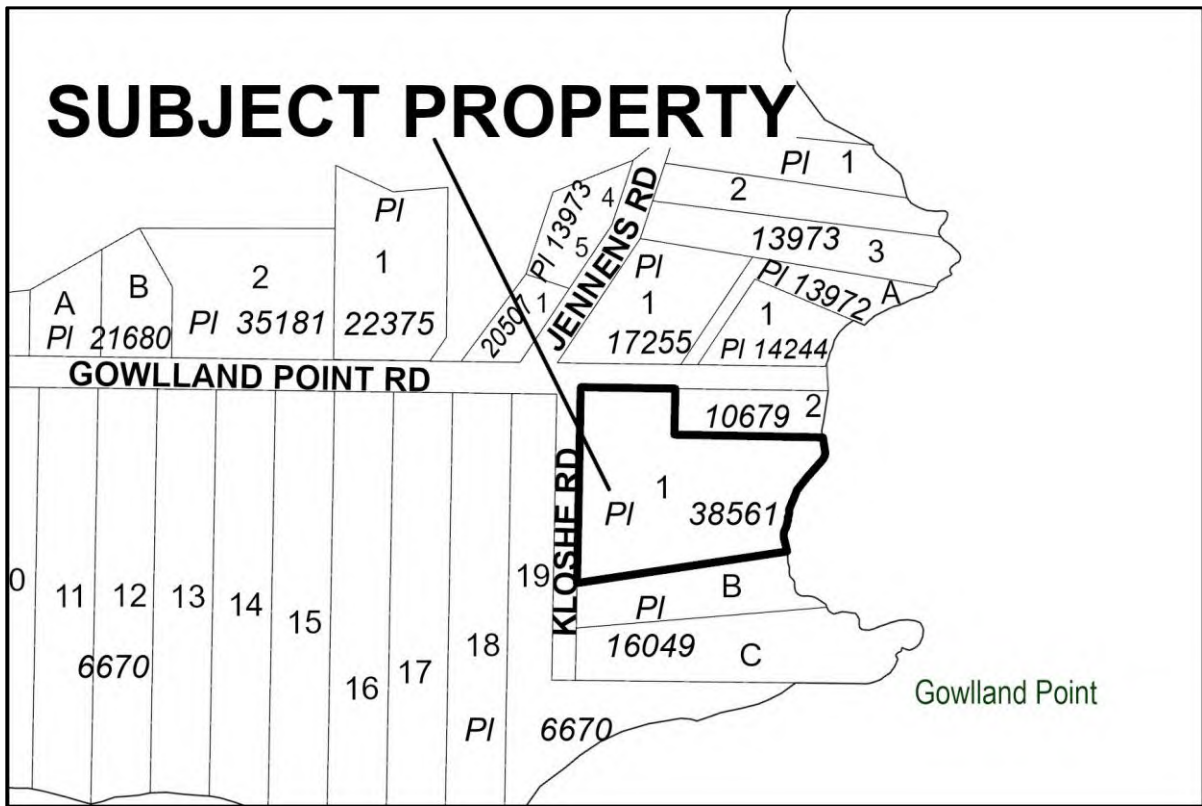


Figure 1: Subject Property Location

Official Community Plan

There are no Development Permit Areas on South Pender for shoreline and marine protection.

Land Use Bylaw

The property is zoned as Rural Residential 2 – RR2 in the LUB. The zoning permits a dwelling, a cottage, and accessory buildings and structures. The existing stairs and landing are exempt from the 15.0 metre setback to the natural boundary of the sea.

The structure definition in the LUB exempts retaining structures with height of 1.2 metres (4 feet) or less. The retaining wall has a height of about 2.2 metres and is not exempted from the structure definition, therefore a variance is required to legalize the siting.

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 granted there would be no further construction or development allowed through this permit as the shoreline wall is already constructed. The property has residential neighbours on either side and fronts onto the public beach at Gowlland Point. The shoreline structure is clearly visible from the beach and the nearby Gowlland Point Regional Park, as well as from the water.

Circulation

The draft permit was circulated to surrounding property owners and residents on January 23, 2026. The notification period will end on February 4, 2026.

No submissions have been received at the time of writing. Any comments received subsequently will be forwarded to the Local Trust Committee and reported at the meeting.

First Nations

The subject property has been identified as having a known archaeological site and archaeological potential along the shoreline, within the same footprint as the constructed rock wall. The applicant has been made aware of the archaeological site. 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.

Any activity that disturbs or alters recorded or unrecorded archaeological sites in BC requires a permit from the Archaeology Branch. Altering an archaeological site without a permit is prohibited under the Heritage Conservation Act.

The owner did not receive a permit with the BC Archaeology branch prior to construction.

Rationale for Recommendation

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

- In the absence of a professional engineering assessment of the constructed shoreline wall and proper archaeological assessment of the known and potential archaeological sites, Islands Trust staff cannot confirm that the work has been completed in best practice;

ALTERNATIVES

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

1. Approve the permit

The LTC may approve the Development Variance Permit. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee amend Development Variance Permit PL-DVP-2024-0254 by replacing '3.3(1)' with '3.3(3).'

That the South Pender Island Local Trust Committee approve issuance of Development Variance Permit PL-DVP-2024-0254 as amended.

2. 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

3. 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-2024-0254.

Submitted By:	Bruce Belcher, Planner 2	February 3, 2026
Concurrence:	Kim Stockdill, Acting Regional Planning Manager	February 4, 2026

ATTACHMENTS

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

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 1, SECTION 1, PENDER ISLAND, COWICHAN DISTRICT, PLAN 38561
PID	000-977-586
Civic Address	9907 Kloshe Road, South Pender Island
Lot Size	1.39 hectares (3.45 acres)

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential / Marine

HISTORICAL ACTIVITY

File No.	Purpose
None	None

POLICY/REGULATORY

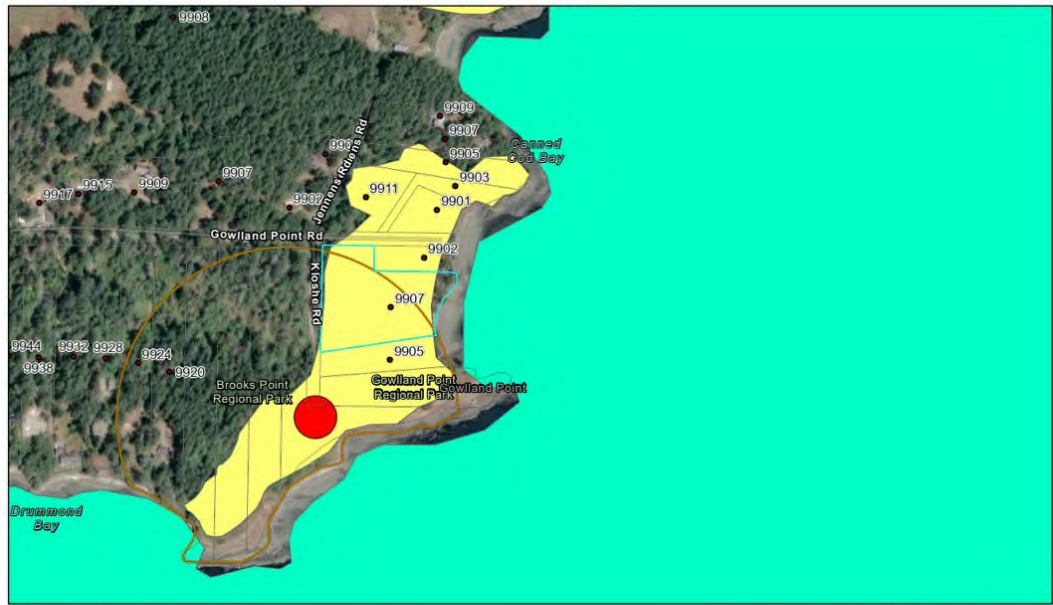
Official Community Plan Designations	Rural Residential No Development Permit Areas on property
Land Use Bylaw	Rural Residential 2 – RR2
Other Regulations	N/A
Covenants	none
Bylaw Enforcement	SP-BE-2023.2 – Siting of a structure in the natural boundary setback

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.

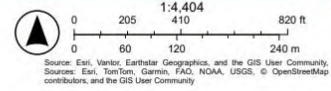
Species at Risk

Species at Risk



2026-02-03, 2:51:18 p.m.

- Property Boundaries
- Civic Address
- Species at Risk Critical Habitat - ECCC
- Sharp-tailed Snake
- Species at Risk - CDC
- Sharp-tailed Snake - Potential Habitat - CRD
- Vertebrate Animal
- Southern Resident Orca Whale - Critical Habitat - DFO



Source: Esri, Vector, Earthstar Geographics, and the GIS User Community. Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

Islands Trust
Islands Trust GIS Department

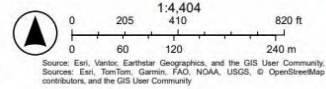
Sensitive Ecosystems

Sensitive Ecosystems



2026-02-03, 2:48:17 p.m.

- Property Boundaries
- Civic Address
- Primary Class (SEM 2017)
- Mature Forest
- Older Forest
- Woodland
- Wetland
- Seasonally Flooded
- Cliff
- Herbaceous

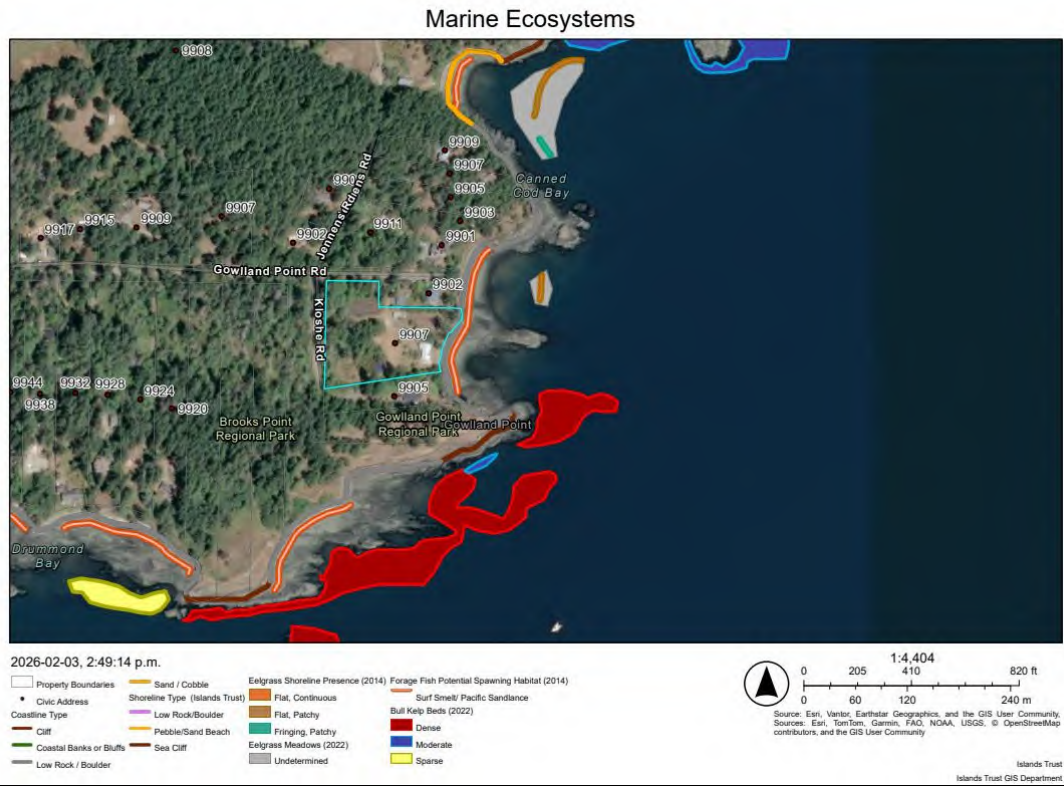


Source: Esri, Vector, Earthstar Geographics, and the GIS User Community. Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community

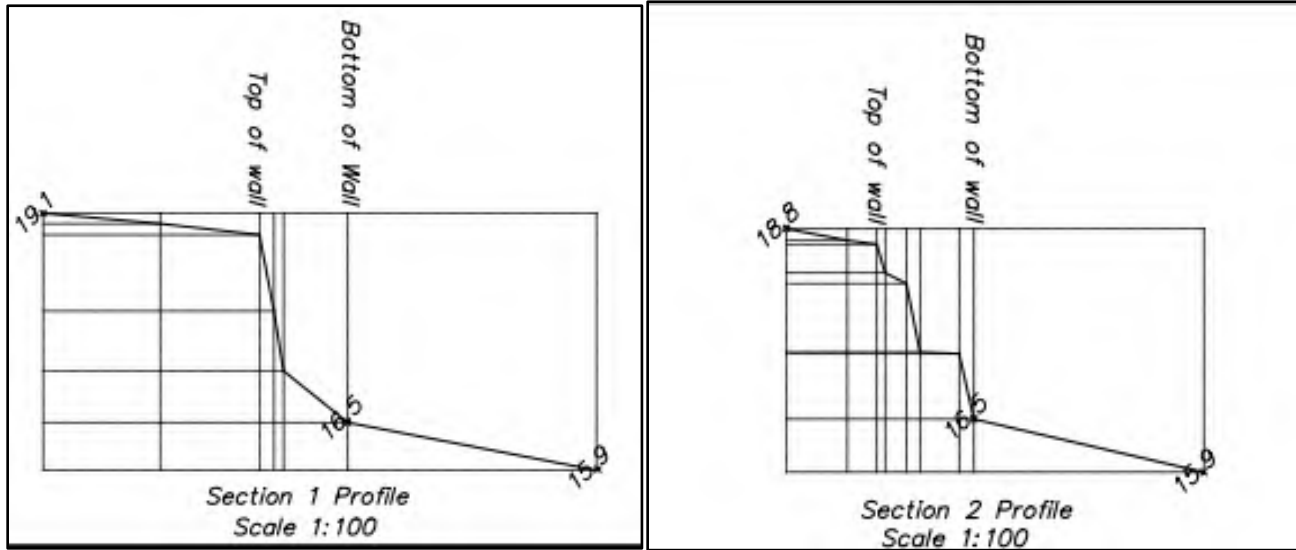
Islands Trust
Islands Trust GIS Department

<p>Hazard Areas</p>	<p style="text-align: center;">Steep Slope Hazards</p> <p>2026-02-03, 2:54:46 p.m.</p> <p> Property Boundaries Contours 2m High Risk Index Contour Moderate Risk Intermediate Contour Low Risk </p> <p style="text-align: right;"> 1:4,404 0 205 410 820 ft 0 60 120 240 m <small>Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community, Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, © OpenStreetMap contributors, and the GIS User Community</small> <small>Islands Trust Islands Trust GIS Department</small> </p>
<p>Archaeological Sites</p>	<p>There is a known archaeological site and archaeological potential within the property boundaries.</p> <p>Any activity that disturbs or alters recorded or unrecorded archaeological sites in BC requires a permit from the Archaeology Branch. Altering an archaeological site without a permit is prohibited under the Heritage Conservation Act. This applies to sites on public and private land.</p>

Shoreline Classification and Marine Ecosystems



2.2 ELEVATION PLANS



2.3 SITE PHOTOS (MAY 2, 2025)



SHORELINE WALL AND STAIRS, LOOKING NORTH-WEST



SHORELINE WALL LOOKING WEST



SHORELINE WALL LOOKING SOUTH-WEST



SHORELINE WALL AND STAIRS, LOOKING NORTH UP GOWLLAND POINT BEACH



SHORELINE WALL UNDER CONSTRUCTION, DECEMBER 12TH 2023, LOOKING WEST

Project Narrative:

Introduction

This is an application for a Development Variance Permit for a residential property located at 9907 Kloshe Rd., Pender Island, BC, V0N 2M3.

The legal description is as follows:

Lot 1, Section 1, Pender Island, Cowichan District, Plan 38561.

PID: 000-977-586

(the "Property")

The property owner, Richard Christy ("Mr. Christy"), installed a rock wall structure to protect the Property from damaging soil erosion. The rock wall does not appear to be permissible within the current guidelines of the South Pender Island Local Trust Committee *Land Use Bylaw* No. 114, 2016 (*Land Use Bylaw*).

David Worthington, Bylaw Compliance & Enforcement Officer, sent Mr. Christy a letter dated January 8, 2024, advising Mr. Christy that Islands Trust received a complaint regarding a retaining wall in the sea setback at the Property. Mr. Worthington asked Mr. Christy to contact Islands Trust to discuss the issue. The letter referenced file number SP-BE-2023.2.

The Structure:

The variance requested relates to a structure at the south east side of the Property. Mr. Christy contracted a company to install large rocks to protect the Property, including mature Douglas Fir trees, from significant erosion and damage caused by the movement of tides and waves.

The rocks were placed to form a structure that acts as a retaining wall to protect the Property's soil embankment from the damaging effects of erosion. The structure is over 4 feet tall and spans a portion of the south east side of the Property exposed to the sea.

The Structure does not appear to be permissible within the confines of section 3.3 of the *Land Use Bylaw*.

(the "Structure")

The Structure was installed without a permit, as Mr. Christy believed he needed to act urgently to protect the Property from further damage. Mr. Christy advised that erosion of the Property had significantly increased in severity and pace, causing him to be concerned for the stability of the existing embankment, as well as the integrity of several mature trees on the property. There was also potential for damage to existing residential structures if the erosion and destabilization of large Douglas Fir trees was not abated immediately.

Current Property use:

The Property has been owned by the Christy Family for decades, and Mr. Christy is currently registered on title as the Executor for his father's estate (Deryck Christy).

The Property is used by Mr. Christy, and other family members, as a holiday / vacation property. There are no full-time occupants, and the Property is not rented out to any tenants.

Mr. Christy intends to maintain family ownership of the Property and is likely to spend significantly more time at the Property when he retires.

Description of the Property:

The Property can be described as follows:

- a. Approximately 3.45 acres (according to BC Assessment).
- b. One residential structure (single storey) built in 1967, with a floor area measuring 1,769 sq. ft.
- c. There is also a garage.
- d. No commercial activity on the Property.
- e. The Property is not encumbered by any easements that affect the owners of adjacent property, or any municipality, corporation, or governmental body. The only easements registered are those granted from and to Mr. Christy's parents as detailed on the attached documents. These easements relate to a section at the northern portion of the Property (opposite from the sea and the Structure).
- f. There are numerous species of trees on the Property, including large mature Douglas Fir and other species along the south edge of the Property. Many of the trees are situated along the top of the embankment that was being rapidly eroded. Some of the Douglas Firs' root structures have been significantly exposed due to the soil

erosion. The trees provide shade for the Property and provide natural habitat for wildlife.

- g. The Structure (wall) does not interfere with any marsh, wetland, or waterway on or near the Property, and does not impede the use of any adjacent properties.
- h. The Structure is located at the south east side of the Property adjacent to the sea and was constructed using large boulders (rip rap). It is over 4 feet tall and spans part of the south east side of the Property but does not exceed the property lines.

Site Survey:

In March 2024, Mr. Christy contracted a BC Land Surveyor (Wey Mayenburg) to complete a survey of the Property and the Structure. The focus of the survey was to document the location of the Structure in relation to residential buildings, the trees (particularly the trees at risk of significant damage), and in relation to the Natural Boundary of the Sea ("NBS or NB").

The survey shows that the Structure is within the setback areas detailed in the *Land Use Bylaw* such that the Structure requires a permit.

The survey documents how close some of the Douglas Fir trees are to the edge of the Property / embankment. It also helps illustrate that the Structure was built, in part, to protect these trees from irreparable damage that could kill the trees and create a serious safety hazard.

The survey documents the location of the Present Natural Boundary (PNB) in relation to the Structure, and the Natural Boundary as detailed on Plan 38561 that the Surveyor referenced.

The Survey shows minor variation between the PNB and the NB from Plan 38561. It does not show the PNB in relation to the entire Structure, because determining the NBS requires a surveyor to dig into soil, move objects and disturb vegetation. This method is confirmed by recent case law and the practice directions issued to surveyors in BC.

It appears that there may have been some minor variation in the NBS since the survey was completed for Plan 38561. However, minor variation of the NBS could be observed from seasonal changes in the amount of loose gravel deposited or shifted by the action of the waves.

Daniel Forslund spoke with the surveyor, Brent Mayenburg, on August 8, 2024, by phone. During the phone call, Mr. Mayenburg provided the following information and explanations with respect to the work he completed and the observations he made:

- a. There has been some very minor movement of the NBS since the original site Plan 38561.

- b. The Present Natural Boundary agrees with the NBS in the original survey plan (Plan 38561).
- c. He is unable to determine any change to the NBS in relation to some portions of the Structure without significant disturbance to the natural landscape of the area, and he cannot move the boulders used to build the Structure.
- d. The Structure, for all intents and purposes, is on the NBS.
- e. Even if the wall is over the NBS in any particular spot, which he cannot say is the case, it would be so minute that the Crown would never invest their time considering the issue (exercising rights, requiring a lease, etc.).
- f. He deals with "Front Counter BC" frequently and he said they would never look at an encroachment that was so minor, if any encroachment exists.

Mr. Mayenburg also provided a signed copy of the survey as per the request of Mr. Worthington.

Legal basis:

Property owners have a common law right to protect their property, including a right to protect their property from the damaging effects of soil erosion. This right was confirmed in *Fonseca v. Gabriola Island Local Trust Committee*, 2018 BCSC 1684.

However, the BC Court of Appeal heard submissions on this case in 2021 and reached a different conclusion (in part). The Court of Appeal held that property owners maintain their common law right to protect their property from the effects of soil erosion, but municipalities and other governmental bodies are permitted to regulate *how* property owners exercise their right to protect their property.

Municipalities and other governmental bodies cannot unequivocally prevent property owners from protecting their property, but they can regulate how property owners exercise their rights by instituting regulatory schemes and bylaws for doing so.

Policy Support:

The BC Government and other coastal-based organizations have published guidebooks and resource documents related to coastal protection, erosion mitigation, response to rising sea levels and response to climate change. These documents outline a variety of recommendations for property owners and municipalities, depending on the unique features and needs of the location and the parties involved.

For the purposes of this application, the most direct policy support for authorizing a Variance Permit for the Structure relates to the mature trees, the protection of the Property from destructive erosion, and the mitigation of safety hazards for occupants of the Property.

The BC Government has identified Coastal Douglas Fir trees and the ecosystems they support as being endangered, including within the Gulf Islands. Although only a few Douglas Fir trees at the Property are at risk of dying, they are large mature trees that likely provide important habitat for local wildlife.

The South Pender Island Local Trust published a Conservation Status document identifying various species at risk, priorities with respect to preserving the local ecosystem, and priorities with respect to addressing the larger issue of climate change. This document speaks to the important role that mature trees play in sequestering carbon emissions each year.

Mature trees also play an important role in providing shade for residents and wildlife, which helps mitigate the effects of climate-change related temperature increases.

The Structure is intended, in part, to abate the soil erosion that compromised the health of the root systems of the trees. The Structure is also intended to prevent the soil erosion from creating a bona fide safety hazard for residential structures and Property occupants.

The soil erosion compromised the existing bank and, eventually, could affect the residential structures and infrastructure on the Property. More importantly, the exposed root systems of the large trees presented a hazard to the occupants of the Property as the trees were more vulnerable to falling during strong winds.

Summary:

The Structure does not interfere with the property rights or interests of adjacent property owners and does not interfere with or present a risk to sensitive ecosystems such as wetlands or streams. Mr. Christy should have obtained a permit prior to constructing the wall, but he felt there was an urgent need to protect his property from the damaging effects of erosion.

The Structure appears to be situated on or above the Natural Boundary of the Sea. The Surveyor notes that the Present Natural Boundary agrees with the Natural Boundary detailed in the original site Plan 38561.

There is a sound legal basis for Mr. Christy's desire to protect the Property from the damaging effects of soil erosion, and there is policy support for preserving the large Douglas Fir and other trees that will be destroyed if the erosion is not abated.

Mr. Christy respectfully asks that the South Pender Island Local Trust considers granting a Development Variance Permit for the Structure.

If Islands Trust requires additional information, please don't hesitate to contact either Daniel Forslund or Damon O'Brien at McKimm & Lott.

Thank you,

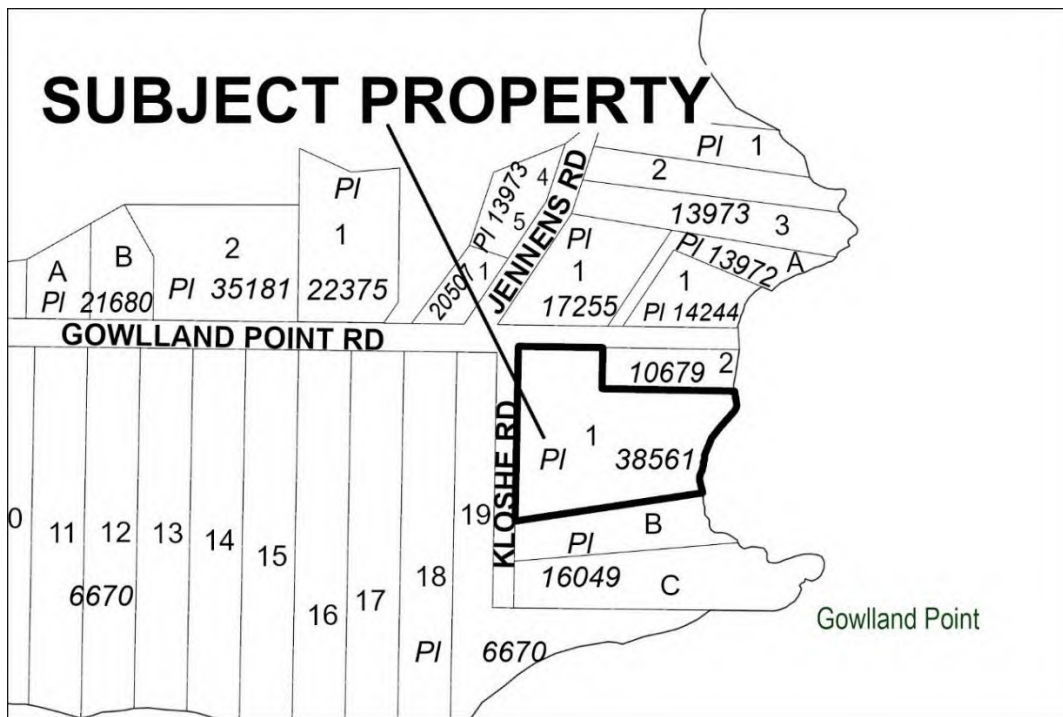
Daniel Forslund

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:

- Relaxing the natural boundary setback to the sea from 15.0 metres to 0.0 metres to legalize the siting of an existing riprap retaining wall.

The property is located at **9907 Kloshe Road** and is legally described as LOT 1, SECTION 1, PENDER ISLAND, COWICHAN DISTRICT, PLAN 38561 (000-977-586).

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 **January 23, 2026** and continuing up to and including **February 4, 2026**.

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 604-660-2421 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, **February 4, 2026**.

The South Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **10:30 a.m.** on **February 13**, 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
PLDVP20240254**



Islands Trust

To: Richard Christy
c/o Daniel Forslund & Damon Obrien

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

LOT 1, SECTION 1, PENDER ISLAND, COWICHAN DISTRICT, PLAN 38561
PID: 000-977-586

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 and, for this purpose only, paved areas of asphalt, concrete or similar material are "structures"* is varied to permit the siting of a riprap retaining wall within 0.0 metres of the natural boundary of the sea.

The development shall be consistent with Schedules 'A' and 'B' which are attached to and form 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 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 [LTA] ISLAND 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
DEVELOPMENT VARIANCE PERMIT
PLDVP20240254**

SCHEDULE 'A'

BC Land Surveyor's Site Plan Of:
Lot 1, Section 1, Pender Island,
Cowichan District, Plan 38561.
P.I.D. 000-977-586

Civic Address: 9907 Kloshe Road



Scale = 1:300

Dated this 5th day of March, 2024. Section and stars added January 7th, 2025.

Distances and elevations shown are in metres.

Elevations are based on an assumed datum.

This site plan is for building and design purposes and is for the exclusive use of our client.

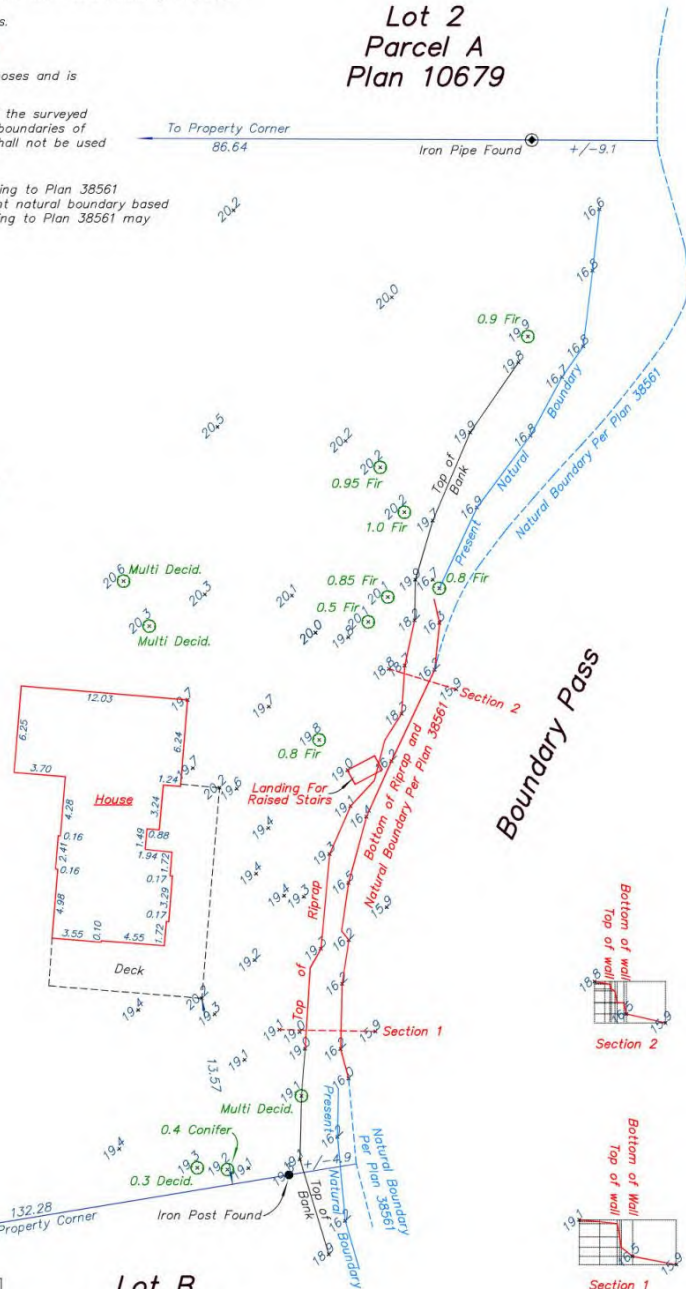
This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.

This plan shows the natural boundary according to Plan 38561 and an opinion on the location of the present natural boundary based on field survey. The natural boundary according to Plan 38561 may not reflect the current extent of title.



**Lot 1
Plan 38561**

**Lot 2
Parcel A
Plan 10679**



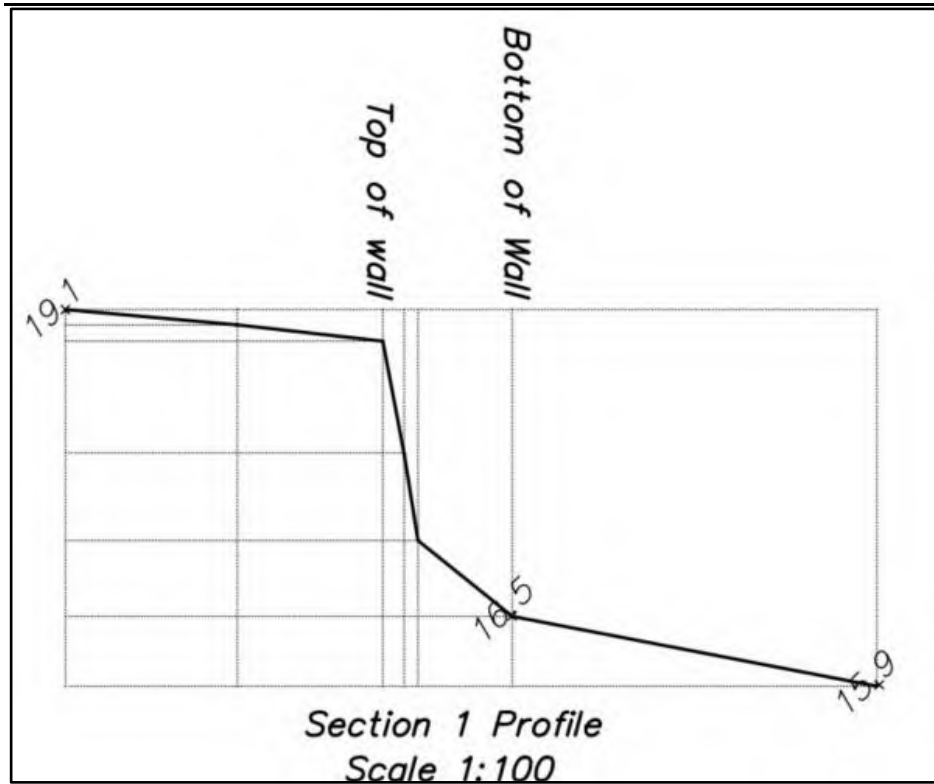
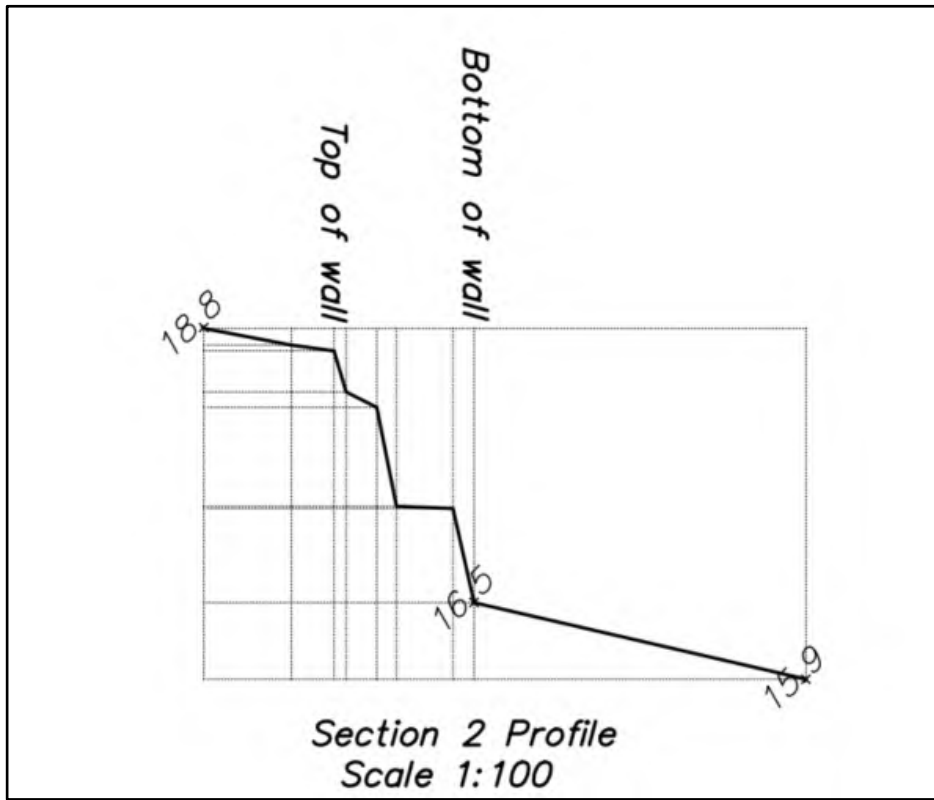
The subject property is affected by the following registered documents:
FF160843.

Wey Mayenburg Land Surveying Inc.
www.weysurveys.com
#4-2227 James White Boulevard
Sidney, BC VBL 1Z5
Telephone (250) 656-5155
File: 240041\SIT\NO

**Lot B
Plan 16049**

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
PLDVP20240254**

SCHEDULE 'B'





File No.: PL-TUP-2025-0416

x-ref: PL-TUP-2025-0142

DATE OF MEETING: February 13, 2026

TO: South Pender Island Local Trust Committee

FROM: Bruce Belcher, Planner 2
Southern Team

COPY: Kim Stockdill, Acting Regional Planning Manager

SUBJECT: Renewal 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 renewal Temporary Use Permit PL-TUP-2025-0416 for a period of three (3) years.**

REPORT SUMMARY

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

BACKGROUND

A TUP for the STVR use was issued for the property in May of 2025 (PL-TUP-2025-0142) for a period of nine (9) months, expiring on February 15, 2026. The Staff Report and attachments for the initial permit are available as part of the May 2, 2025 LTC agenda package (pp. 10-28) available here: <https://islandstrust.bc.ca/document/south-pender-ltc-regular-meeting-agenda-17/>

Under the *Local Government Act*, TUP renewals can be issued for a maximum of three (3) years without notification to neighbours. The applicant's proposed use remains the same as the initial permit application. Staff recommended that the proposed permit length be increased to the maximum allowable of three years considering that the STVR use will only be permitted while the house is listed for sale.

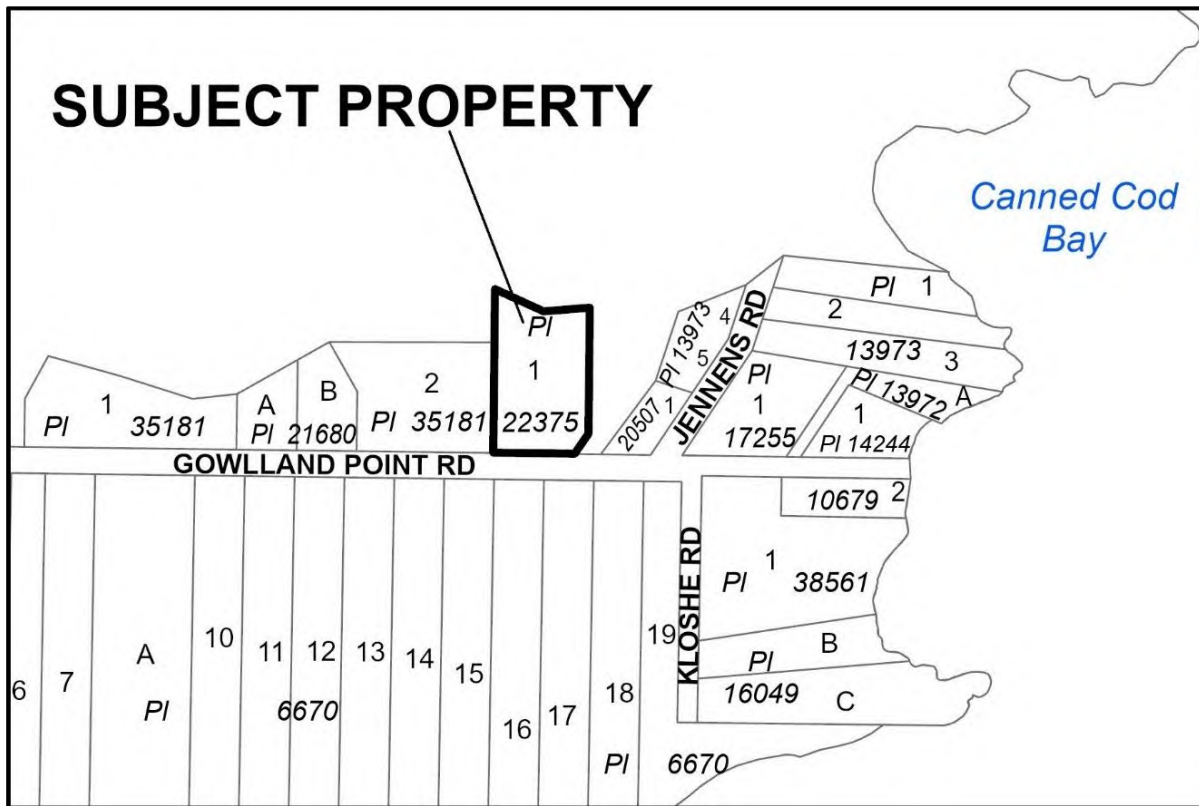


Figure 1 - Subject Property

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).

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.

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 that it does, the conditions provide the ability to enforce compliance with the permit. The recommended term of three (3) years is the maximum permitted by legislation, and the owners would be required to apply for a new TUP if they intend to continue the use upon the permit's expiry. The LTC may opt to reduce that timeframe but cannot alter the conditions as part of a TUP renewal application.

Rationale for Recommendation

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

- The Islands Trust has received no formal complaints about the STVR use since the initial permit was issued
- The use is temporary and is only permitted while the property is for sale
- 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. Renew for a different time period

The LTC may opt to approve the renewal for a shorter period. Recommended wording for the resolution is as follows:

That the South Pender Island Local Trust Committee approve renewal application PL-TUP-2025-0416 for a period of _____ year(s).

2. 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.

That the South Pender Island Local Trust Committee request that the applicant for renewal application PL-TUP-2025-0416 submit to the Islands Trust the following_____.

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-2025-0416.

Submitted By:	Bruce Belcher, Planner 2	February 3, 2026
Concurrence:	Kim Stockdill, Acting Regional Planning Manager	February 4, 2026

ATTACHMENTS

1. Site Context
2. 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

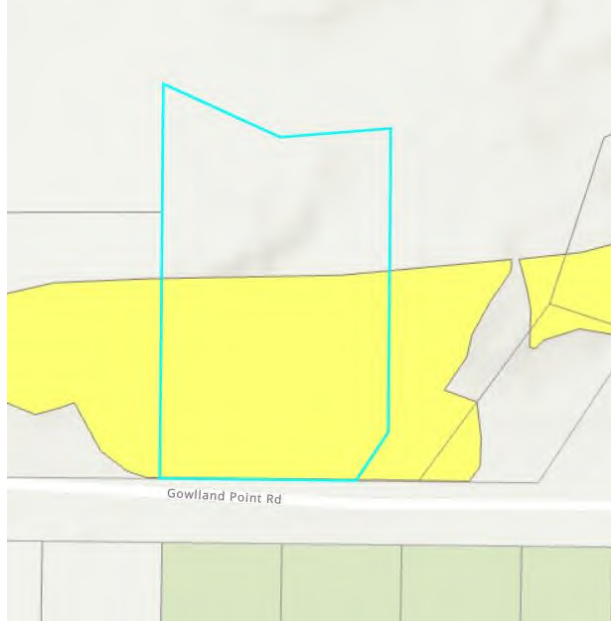
POLICY/REGULATORY

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	<p>Mature Forest</p> 
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Hazard Areas	
Archaeological Sites	<p>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.</p>
Climate Change Adaptation and Mitigation	<p>No anticipated impacts to GHG emissions as a result of this proposal.</p>
Shoreline Classification	<p>N/A</p>
Shoreline Data in TAPIS	<p>N/A</p>

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
PLTUP20250416 (Evans)
Renewal of PLTUP20250142



Islands Trust

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:

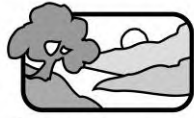
- a) A **parking** area that will accommodate a minimum of four (4) vehicles for the Short Term Vacation Rental (STVR) is required and must be wholly contained on the subject property;
- b) the applicant shall provide information for guests indicating the location of the **Mature Forest Sensitive Ecosystem** 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 **three (3) years** 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 new 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.: Short Term Vacation Rental Review

DATE OF MEETING: February 13, 2026

TO: South Pender Island Local Trust Committee

FROM: Kim Stockdill, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Short Term Vacation Rental Review Project

RECOMMENDATIONS

1. That the South Pender Island Local Trust Committee add the Short Term Vacation Rental Review Project to Future Projects List for consideration following the 2026 Local Government Elections.

REPORT SUMMARY

The report outlines options on how to proceed with a minor project for the South Pender Local Trust Committee’s (LTC) consideration.

BACKGROUND

At the May 2, 2025 the South Pender LTC passed the following resolution:

SP-2025-018

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

CARRIED

A staff report with a draft project charter for the Short Term Vacation Rental (STVR) project was placed on the [September 5, 2025 South Pender LTC regular meeting agenda](#) (Page 87 of the agenda). Due to time constraints at the September meeting, the STVR staff report was deferred to the next regular LTC meeting schedule for November 7, 2025. The November 7, 2025 LTC meeting was subsequently cancelled due to the BCGEU strike.

December Trust Council – LPS Projects Feasibility Assessment & Operational Review

The Planning Services (LPS) Director presented a [briefing to Trust Council in December 2025](#) (page 213 of the agenda). The purpose of the briefing was to provide Trust Council and the Financial Planning Committee with a feasibility assessment comparing Planning Services–related budget case submissions for the next fiscal year (FY 2026/27) with projected available staff resources. The briefing made the following points related to project management:

- Planning Services cannot provide sufficient resources to meet both major and minor project requests

- Approval of new minor projects should be restricted until staffing levels within the RPT reach at least 75%, particularly given that the next fiscal year is the end of the Trust Council term

In addition, the Chief Administrative Officer (CAO) presented an Operational Review Report that included nine recommendations for the consideration of Trust Council. One of those recommendations was that Trust Council direct staff not to initiate any projects in the 2026/27 fiscal year that are not already underway or required by legislation or policy, and to accept staff recommendations for reducing discretionary budget lines.

Options

Based on the recommendations from the Director of Planning Services and the Islands Trust CAO, staff recommend that the South Pender LTC place the STVR minor project on the Future Projects List for consideration after the 2026 local elections. This recommendation reflects current organizational capacity constraints, staffing limitations, and the broader direction provided by senior management regarding the initiation of discretionary projects in the 2026/27 fiscal year. Staff have provided the LTC with a draft motion reflecting this recommendation (Recommendation No. 1).

The South Pender LTC may choose to continue with the project despite the advice of senior staff. Should the LTC proceed with this option, it is important to note that there is no approved budget allocation for the STVR minor project. As a result, the Director of Planning Services may be unable to allocate the staff resources or budgetary support required to advance the project. A draft motion reflecting this option has been provided in the Alternatives section for the LTC's consideration (Alternative No. 1).

Alternatively, the LTC may choose to proceed no further with the project and instead direct staff to contact all known STVR operators to advise them of the option to apply for a Temporary Use Permit (TUP) to legalize the use (Alternative No. 2). This approach would not require initiation of a new planning project and would align with current staffing and budget limitations. This would be considered an administrative task to be completed by planning staff, with assistance from bylaw enforcement staff to generate the list of known STVR operators. This option would provide regulatory clarity to operators while minimizing additional demands on planning resources.

Rationale for Recommendation

Staff recommend that the South Pender Local Trust Committee (LTC) defer the Short-Term Vacation Rental Review Project until after the BC election due to operational constraints, consistent with recommendations from senior management.

ALTERNATIVES

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

1. Continue with Minor Project

The LTC may decide to continue with the minor project. The LTC would request staff to update the project charter and budget request

That the South Pender Island Local Trust Committee request staff to update the draft project charter for the STVR project and request budget approval from Director of Planning Services.

2. Notify STVR Operators

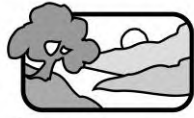
The LTC may request that staff notify STVR operators of the option to apply for a Temporary Use Permit to legalize the STVR use.

That the South Pender Island Local Trust Committee request staff to notify known STVR operators regarding the option for a Temporary Use Permit.

3. Receive for information

The LTC may receive the report for information

Submitted By:	Kim Stockdill, Island Planner	January 29, 2026
Concurrence:	Robert Kojima, Regional Planning Manager	January 30, 2026



File No.: SP Minor LUB Amendments Project

DATE OF MEETING: February 13, 2026

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 – Post Public Hearing

RECOMMENDATIONS

1. 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 third time.
2. That the South Pender Island Local Trust Committee proposed Bylaw No. 129 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

REPORT SUMMARY

This report provides the South Pender Island Local Trust Committee (LTC) with options for proceeding following the public hearing for proposed Bylaw No. 129, which is associated with the Minor Land Use Bylaw (LUB) Amendments Project.

BACKGROUND

At its regular meeting of May 2, 2025, the South Pender LTC amended Bylaw No. 129 and gave it first reading. In addition, the LTC determined proposed Bylaw No. 129 is not contrary to or at variance with the Islands Trust Policy Statement.

Subsequently, on July 4, 2025, a special meeting was convened to present an updated version of the bylaw and provided the LTC and members of the community with an opportunity to review the bylaw and seek clarification.

On September 5, 2025, the South Pender LTC held a community information meeting and public hearing for Bylaw No. 129. Following the close of the public hearing, the LTC made further amendments to the bylaw and gave it second reading, as amended.

At the September 5, 2025 meeting, the South Pender LTC passed the following resolutions:

SP-2025-023

that South Pender Island Local Trust Committee amend proposed Bylaw No. 129, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2025”:

- a) By deleting Section 2.12 and replacing it with:
“2.12 Section 3.11-Derelict Vehicles, by deleting Article 3.11 (1) (a), and replacing it with: “(a) Current and valid motor vehicle license plates, or”
- b) By deleting Section 2.20 and replacing it with:

“2.20 Section 5.5 – Agriculture (A), by deleting Subsections 5.5(9) and 5.5(10) in their entirety and by making such consequential numbering alterations to effect this change”

c) By adding the following new section after Section 2.22:

“2.23 Adding the following words to the Information Notes in the Agriculture zone: The Agricultural Land Reserve Use Regulation regulates total floor area for a dwelling to not exceed 500 m² on a parcel with an area of 40 ha or less.”

CARRIED

SP-2025-024

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 second time as amended.

CARRIED

SP-2025-025

that South Pender Local Trust Committee requests staff to reach out to Hereditary Chief Eric Pelkey to discuss his letter dated September 1, 2025 before the end of October 2025.

CARRIED

As directed by the South Pender LTC, staff reached out on two occasions to Hereditary Chief Eric Pelkey to discuss the concerns outlined in his September 1, 2025 letter. To date, staff have not received a response from Hereditary Chief Pelkey.

STATUTORY REQUIREMENTS

A public hearing is a quasi-judicial process within and following which specific procedures must be followed. The public hearing binder for proposed Bylaw No. 129 can be found on the [South Pender LTC Application webpage](#).

Following the hearing, the LTC may choose to give further readings to a bylaw, defeat a bylaw, or alter a bylaw within certain parameters. The procedural steps following the close of the hearing are as follows:

1. Consideration of Third Reading.
2. Forwarding of the bylaw to Executive Committee for approval.
3. Reconsideration and adoption.

Following the close of the hearing, the LTC may not hear further submissions without holding a new hearing. The principle is that if new information is considered by the LTC, all other interested parties also need to have the opportunity to consider any new relevant material and to make further representations to the LTC. The courts have clarified that this does not open the door to endless public hearings: a local government body can legitimately decide that after a hearing it wishes to hear further from staff on issues raised at the hearing.

A bylaw may be altered after the hearing, based on information received or heard by the LTC at any point prior to the close of the hearing, provided that the amendments do not alter use or increase density, or decrease density without a landowner’s consent.

If the Executive Committee approve the bylaw, the next step for the LTC would be to adopt the bylaw.

ALTERNATIVES

1. Make further amendments to bylaw

The LTC may amend the bylaw further after a public hearing if the amendments do not alter use or density. Third reading must be given as amended. Recommended wording for the resolutions:

That South Pender Island Local Trust Committee amend proposed Bylaw No. 129 by...

2. 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...

3. Receive for information

The LTC may receive the report for information.

NEXT STEPS

Next steps include:

- Forwarding Bylaw No. 129 to Executive Committee for approval

Submitted By:	Kim Stockdill, Island Planner	January 30, 2026
Concurrence:	Robert Kojima, Regional Planning Manager	January 30, 2026

Attachment:

1. Proposed Bylaw No. 129

PROPOSED

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 Recreational 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 replacing it with: “(a) Current and valid motor vehicle license plates, or”.
- 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: RR1 RR2 RR3
✓ ✓ ✓
- (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 (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 (10 Acres) 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 the wording in 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) and 5.5(10) 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 5.5(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) 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 5.5(9)(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 (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 (10 Acres) 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(18) 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).
- 2.23 Adding the following words to the Information Notes in the Agriculture zone: The Agricultural Land Reserve Use Regulation regulates total floor area for a dwelling to not exceed 500 m² on a parcel with an area of 40 ha or less.
- 2.24 Section 5.6 – Forestry (F), by deleting Subsections 5.6(7) and 5.6(8) in their entirety and by making such consequential numbering alterations to effect this change.
- 2.25 Section 5.6 – Forestry (F), by adding the following new subsection after Subsection 5.6(6) and by making such consequential numbering alterations to effect this change:

“(7) 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 5.6(7)(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 (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 (10 Acres) or greater	1394 m ² (15000 ft ²)	418 m ² (4500 ft ²)	560 m ² (6030 ft ²)

- 2.26 Section 5.6 – Forestry (F), by adding the words “from any lot line” after the words “20 metres (66 feet)” to the newly renumbered Subsection 5.6(10) 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*.”

- 2.27 Section 5.7 – Natural Resource (NR), by deleting Subsections 5.7(6) and 5.7(7) in their entirety and by making such consequential numbering alterations to effect this change.

- 2.28 Section 5.7 – Natural Resource (NR), by adding the following new subsection after Subsection 5.7(5) and by making such consequential numbering alterations to effect this change:

“(6) Maximum Floor Area:

- (d) The total floor area of all buildings per lot may not exceed the area in Column A;
- (e) 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;
- (f) 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.
- (e) Where 5.7(6)(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 (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 (10 Acres) or greater	1394 m ² (15000 ft ²)	418 m ² (4500 ft ²)	560 m ² (6030 ft ²)

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 2ND DAY OF MAY 2025.

READ A SECOND TIME THIS 5TH DAY OF SEPTEMBER 2025.

PUBLIC HEARING HELD THIS 5TH DAY OF SEPTEMBER 2025.

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

Active Projects Report

South Pender Island

1. *Minor Project - Minor LUB Review Project*

Responsible

Dates

Activity:

Kim Stockdill

Rec'd: 01-Sep-2023

2. *STVR Regulation & Policy Review*

Responsible

Dates

Activity:

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.

Kim Stockdill

Rec'd: 02-May-2025
Target: 01-Oct-2026

Future Projects Report

South Pender Island

1. <i>Development Permit Areas</i>	Responsible	Date Received
Review of existing and potential development permit areas		28-Apr-2015
2. <i>Sea level Rise and Shoreline Erosion</i>	Responsible	Date Received
Review of policies and regulations including setback from the sea, structures permitted in setback		28-Apr-2015
3. <i>First Nations Language</i>	Responsible	Date Received
Consider OCP amendment to include a more fulsome historical accounting of First Nations		01-Nov-2019
4. <i>Groundwater Sustainability Project</i>	Responsible	Date Received
Consider Implementation options of Southern Gulf Islands Groundwater initiative		09-Apr-2021
5. <i>Raptor's Nest Mapping</i>	Responsible	Date Received
To update the mapping of raptor's nest on South Pender Island.		04-Feb-2022
6. <i>Shoreline Review Project</i>	Responsible	Date Received
Shoreline Review Project		05-May-2023



Future Projects Report

South Pender Island

<i>7. Target OCP Review</i>	Responsible	Date Received
TBD		05-Sep-2025

South Pender Local Trust Committee

Open Applications

Report



Development Variance Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLDVP20240254	Daniel Forslund	10/3/2024	9907 KLOSHE RD, PENDER ISLAN	Application for a variance for the siting of a retaining wall in the setback from the sea.

Planner	Status	Most Recent Completed Activity
Bruce Belcher	Local Trust Committee	Generate LTC Public Notice

Temporary Use Permit

Application Number	Applicant Name	Date Received	Address	Purpose
PLTUP20250416	Kristina Peszel Eva	10/22/2025	9907 GOWLLAND POINT RD, PEND	application to renew vacation rental TUP

Planner	Status	Most Recent Completed Activity
Bruce Belcher	Local Trust Committee	Advertise

Islands Trust

LTC EXP SUMMARY REPORT F2026
Invoices posted to Month ending December 2025

665 South Pender	Invoices posted to Month ending December 2025	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	0.00	95.21	-95.21
LTC Local				
65050-665	LTC "Executive Expense on LTC's"	1,301.00	525.41	775.59
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,000.00	1,528.93	-528.93
65210-665	LTC - Local Exp - APC Meeting Expenses	1,880.00	62.86	1,817.14
TOTAL LTC Local Expense		<u>4,181.00</u>	<u>2,117.20</u>	<u>2,063.80</u>
Projects				
73001-665-4118	South Pender LUB Minor Amendments	<u>3,000.00</u>	<u>1,449.51</u>	<u>1,550.49</u>
TOTAL Project Expenses		<u>3,000.00</u>	<u>1,449.51</u>	<u>1,550.49</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
2021-062 (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
<p>2019-015 (Standing)</p> <p>15.3 Standing Resolution - Reconciliation Report</p> <p>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:</p> <ul style="list-style-type: none"> 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. 	<p>Carried</p>	<p>06-Sep-2019</p>
<p>2019-014 (Standing)</p> <p>15.2 Model Cell Tower Strategy - Staff Briefing</p> <p>that the South Pender Island Local Trust Committee endorse the Model Cell Tower Strategy.</p>	<p>Carried</p>	<p>06-Sep-2019</p>

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
<p>2019-001 (Standing)</p> <p>13.2 Cannabis Retail Application License Application Fees - Staff Report</p> <ul style="list-style-type: none"> - 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: <ul style="list-style-type: none"> 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
<p>2015-015 (Standing)</p> <p>Printed Agenda Packages</p> <p>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.</p>	Carried	28-Apr-2015
<p>2010-000 (Standing)</p> <p>Send FUAL to trustees once drafted following the meeting.</p>	Carried	05-Oct-2010



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.



REQUEST FOR DECISION

To: South Pender Island Local Trust Committee **For the Meeting of:** September 5, 2025
From: David Marlor, Director, Legislative and Information Services **Date Prepared:** July 8, 2025
SUBJECT: Trust Council Bylaw No. 197 - Local Trust Committee Meeting Procedures Bylaw

RECOMMENDATION:

1. That the South Pender Island Local Trust Committee give Bylaw No. 130, cited as “South Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 130, 2025”, First Reading.
2. That the South Pender Island Local Trust Committee give Bylaw No. 130, cited as “South Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 130, 2025”, Second Reading.
3. That the South Pender Island Local Trust Committee give Bylaw No. 130, cited as “South Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 130, 2025”, Third Reading.
4. That the South Pender Island Local Trust Committee give Bylaw No. 130, cited as “South Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 130, 2025” to the Islands Trust Executive Committee for consideration of approval.

DIRECTOR COMMENTS:

1 **PURPOSE:**

To rescind the South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 125.

2 **BACKGROUND:**

At its regular meeting in June 2025, Trust Council adopted the Local Trust Committees’ Meeting Procedures Bylaw by a 2/3 majority vote. This bylaw is authorized under s.11 of the *Islands Trust Act*.

Staff based the draft LTC meeting procedures bylaw on the local trust committee meeting procedures model bylaw that Trust Council adopted in December 5, 2003 and updated in early 2020s, and which was used by local trust committees to develop their own meeting procedures bylaws.

The Trust Council Bylaw 197 'LTC Meeting Procedures' does not add anything new beyond what local trust committees were recommended to have in their bylaws under Trust Council's previously adopted model meeting procedures bylaw, with the exception of:

- adding the release of an agenda outline two-days before the agenda deadline as indicated in the Trust Council resolution;
- changing the period for notification of meetings from calendar year to fiscal year (April 1 to March 31) to align with proposed changes to Trust Council's meeting procedures bylaw;
- adding an allowance for the minimum of two required annual meetings of the Executive Committee Acting as a local Trust Committee to be in-person or electronically; and
- making other minor changes to address wording amendments and clarity.

Gabriola, Galiano, Gambier, Mayne, North Pender, Saturna, South Pender local trust committees do not currently have procedures regarding "delegations", "order and decorum", "Invited Presentations", and "public participation" in their bylaws (sections 22 to 44 in the Trust Council Local Trust Committees Meeting Procedure Bylaw).

The Trust Council Bylaw 197 has the same meeting procedure requirements for all 12 local trust areas and the Executive Committee Acting as a Local Trust Committee. This will streamline administration of meetings and reduce costs and resources.

Most local trust committee bylaws contain a clause authorizing the LTC Chair as signatory to documents on behalf of the local trust committee. As this is not a meeting procedure it is omitted from the Trust Council Bylaw 197 for local trust committee meeting procedures. Local trust committees authorize Chair signatory through other means, such as a standing resolution or policy of the local trust committee.

Under s.11 of the *Islands Trust Act*, a Trust Council meeting procedures bylaw for local trust committees would over-ride any local trust committee meeting procedures bylaws in the event of a conflict. As Trust Council's Local Trust Committee Meeting Procedure Bylaw contains all the procedures that are in the local trust committee's meeting procedure bylaws, the local trust committee meeting procedures bylaws are redundant. To avoid confusion, Staff recommend that the local trust committee rescind their meeting procedure bylaws.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Rescinding the local trust committee meeting procedure bylaws will avoid confusion, as the Trust Council bylaw prevails, and there are no additional procedures in the local trust committee bylaws.

FINANCIAL:

There is no direct financial implication.

POLICY:

There are no policy implications.

IMPLEMENTATION/COMMUNICATIONS:

Islands Trust website has been updated to link the Trust Council Local Trust Committee Meeting Procedures Bylaw to each local trust committee's list of administrative bylaws.

FIRST NATIONS RELATIONS:

There are no implications for First Nations relations.

OTHER:

There are no other implications.

4 RELEVANT POLICY(S):

- [Islands Trust Act, Section 11](#)
- [Policy 2.1.7 Trust-wide Administrative Procedures \(Section 11\)](#)
- [Trust Council Bylaw No. 197, 2024 Local Trust Committees' Meeting Procedures Bylaw](#)

5 ATTACHMENT(S):

- Draft Bylaw No. 130 South Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw

RESPONSE OPTIONS

Recommendation:

1. That the South Pender Island Local Trust Committee give Bylaw No. 130, cited as "South Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 130, 2025", First Reading.
2. That the South Pender Island Local Trust Committee give Bylaw No. 130, cited as "South Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 130, 2025", Second Reading.
3. That the South Pender Island Local Trust Committee give Bylaw No. 130, cited as "South Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 130, 2025", Third Reading.
4. That the South Pender Island Local Trust Committee give Bylaw No. 130, cited as "South Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 130, 2025" to the Islands Trust Executive Committee for consideration of approval.

Alternative:

As requested by the South Pender Island Local Trust Committee.

Prepared By: David Marlor, Director, Legislative and Information Services

Reviewed By/Date: Robert Kojima, Regional Planning Manager – July 14, 2025

DRAFT

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE MEETING PROCEDURES REPEAL BYLAW BYLAW NO. 130

A Bylaw to repeal the "South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 125, 2022".

WHEREAS Trust Council by a 2/3 vote of the members present adopted the Local Trust Committee Meeting Procedures Bylaw No. 197 at its regular meeting in June 2025;

AND WHEREAS, under s.11 of the *Islands Trust Act*, a Trust Council meeting procedures bylaw for local trust committees would over-ride any local trust committee meeting procedures bylaws in the event of a conflict; as Trust Council's Local Trust Committee Meeting Procedure Bylaw contains all the procedures that are in the local trust committee's meeting procedure bylaws, the local trust committee meeting procedures bylaws are redundant,

NOW THEREFORE, the South Pender Island Local Trust Committee in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "South Pender Island Local Trust Committee Meeting Procedures Repeal Bylaw No. 130, 2025".
2. "South Pender Island Local Trust Committee Meeting Procedure Bylaw No. 125, 2022", is hereby repealed.

READ A FIRST TIME 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

DEPUTY SECRETARY



REQUEST FOR DECISION

To: South Pender Island Local Trust Committee **For the Meeting of:** February 13, 2026

From: David Marlor, Director, Legislative and Information Services **Date Prepared:** January 30, 2026

SUBJECT: Public Notification Bylaw No. 131

RECOMMENDATION:

1. That the South Pender Island Local Trust Committee rescind Third Reading of Bylaw No. 131, cited as “South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025”.
2. That the South Pender Island Local Trust Committee amend Bylaw No. 131, cited as “South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025”, by deleting “2 (iii) by posting the notice on the South Pender Fire Hall notice board”.
3. That the South Pender Island Local Trust Committee give Bylaw No. 131, cited as “South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025”, Third Reading as amended.
4. That the South Pender Island Local Trust Committee Bylaw No. 131, cited as “South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025” be forwarded to the Islands Trust Executive Committee for consideration of approval.

DIRECTOR COMMENTS:

At the September 5th, 2025 meeting, the South Pender Island Local Trust Committee amended the bylaw by adding third method of posting (by posting the notice on the South Pender Fire Hall notice board). Section 94(1)(b) of the community charter continues to require posting in public posting places, this bylaw is to establish an alternative to newspaper ads required currently under s 94.1 for public hearing and TUP notices, and the annual meeting schedule.

1 PURPOSE:

The purpose of this Request for Decision is to provide the local trust committees with a draft bylaw for Public Notification that is based on the model approved by Trust Council.

2 BACKGROUND:

The Community Charter establishes the requirements for publishing public notice where public notices are required by the *Local Government Act*. The Community Charter includes a default requirement, and an option to adopt an alternative means by bylaw.

The default public notification is by publication in two editions of a newspaper once each week for two consecutive weeks, unless another provision for a specific type of notice states otherwise. The newspaper has to circulate local area.

Section 94.2 of the *Community Charter* gives local governments, including local trust committees, the authority to adopt public notice bylaws. If a local trust committee adopts a Public Notice Bylaw, the local trust committee is required to publish notices by all the methods specified in that bylaw. Local trust committees that do not adopt a Public Notice Bylaw are required to continue to follow the default publication rules under Section 94.1 of the *Community Charter*.

When adopting a Public Notice Bylaw, the local trust committees are required to consider the principles of effective public notice (reliable, suitable, and accessible) described by the [Public Notice Regulation](#).

Principles of Effective Public Notice

The Public Notice Regulation establishes the principles that must be considered before a public notice bylaw is adopted; these are:

- Reliable – the publication methods are dependable and trustworthy;
- Suitable – the publication methods work for the purpose for which the public notice is intended; and
- Accessible – the publication methods are easy to access and have broad reach.

In considering the adoption of a Public Notice Bylaw, local trust committees must consider and record, either by a resolution recorded in the minutes, or by preamble whereas clauses in the bylaw, that these principles have been considered.

Considering the three principles (reliable, suitable and accessible) possible methods to publish public notices that are available to local trust committees include:

- Online or print newspaper;
- Islands Trust website;
- Community website or newsletter;
- Islands Trust social media page, such as Facebook; and
- Direct email or mail out.

Each of the above meet the principles set out in the Public Notice Regulation. On-line print newspaper still has the problem of being published infrequently, or not circulated through the entire local trust area. Use of a community website or newsletter is outside the control of Islands Trust and each could be shut-down or modified without Islands Trust input; this could compromise the accessibility and reliability principles. Direct mail or a mail-out would reach all owners and residents; however, it could be expensive and time consuming to undertake.

The two best options with the lowest costs and that meet the principles outlined in the Public Notice Regulation are publishing on the Islands Trust website and publishing on an Islands Trust social media page. These are recommended, however, Trust Council recognizes that there may be other conditions on the islands that may warrant a different method.

At its June 2025 meeting, Trust Council adopted Policy 4.1.16 Model Public Notice Bylaw. This contains the format for such a bylaw and recommends the use of the Islands Trust website and a social media account to post the notices. As these are recommendations, and each local trust committee must consider the reliability, suitability and accessibility of the form of notice for their islands, variation on the recommendation may be considered.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

In addition to the default requirement of newspaper advertising, local trust committees are already posting notices on our website and email notification service. Adoption by local trust committees of a bylaw similar to the model would simplify our administrative processes and reduce costs.

FINANCIAL:

Adoption by local trust committees of a Public Notice Bylaw similar to the model will result in a reduction in costs generally as it will remove the need to advertise in print newspapers.

POLICY:

There are no policy implications.

IMPLEMENTATION/COMMUNICATIONS:

Staff post the new bylaw on the Islands Trust website, and staff would be made aware of the new public notification process.

FIRST NATIONS RELATIONS:

There are no First Nations relations implications.

OTHER:

There are no other implications.

4 RELEVANT POLICY(S):

- [Section 94 and Section 94.2 of the Community Charter](#)
- [Community Charter Public Notice Regulation](#)
- [Trust Council Policy 4.1.16 Model Public Notice Bylaw](#)

5 ATTACHMENT(S):

- Proposed Bylaw No. 131 South Pender Island Local Trust Committee Public Notification Bylaw.

RESPONSE OPTIONS

Recommendation:

1. That the South Pender Island Local Trust Committee rescind Third Reading of Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025".
2. That the South Pender Island Local Trust Committee amend Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025", by deleting "2 (iii) by posting the notice on the South Pender Fire Hall notice board".
3. That the South Pender Island Local Trust Committee give Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025", Third Reading as amended.

4. That the South Pender Island Local Trust Committee Bylaw No. 131, cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025" be forwarded to the Islands Trust Executive Committee for consideration of approval.

Alternative:

As directed by the South Pender Island Local Trust Committee.

Prepared By: David Marlor, Director, Legislative and Information Services

Reviewed By/Date: Kim Stockdill, Acting Regional Planning Manager – February 4, 2026

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE PUBLIC NOTIFICATION BYLAW BYLAW NO. 131

A Bylaw to provide for an alternative means of publishing a public notice.

WHEREAS pursuant to section 94.2 of the Community Charter, the South Pender Island Local Trust Committee may adopt a Bylaw to provide an alternative means of publishing a public notice;

AND WHEREAS, pursuant to section 94.2(3) of the Community Charter and section 2 of the Public Notice Regulation, B.C. Reg. 52/2022, the South Pender Island Local Trust Committee considers the means of publication set by this Bylaw to be reliable, suitable for providing notices, and accessible;

NOW THEREFORE, the South Pender Island Local Trust Committee in open meeting assembled, enacts as follows:

1. This bylaw may be cited as "South Pender Island Local Trust Committee Public Notification Bylaw No. 131, 2025".
2. The means of publication for public notice requirements under the Community Charter, *Local Government Act*, or any other enactment may be given by the following methods:
 - (i) electronically by posting the notice on the Islands Trust website;
 - (ii) electronically by posting the notice on Islands Trust's social media platform; and
 - (iii) ~~by posting the notice on the South Pender Fire Hall notice board.~~

READ A FIRST TIME THIS 5TH DAY OF SEPTEMBER, 2025.

READ A SECOND TIME THIS 5TH DAY OF SEPTEMBER, 2025.

READ A THIRD TIME THIS 5TH DAY OF SEPTEMBER, 2025.

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
____ DAY OF _____, 20__

ADOPTED THIS ____ DAY OF _____, 20__

CHAIR

DEPUTY SECRETARY



BRIEFING

To: Local Trust Committees **For the Meeting of:** January 2026
From: Executive Committee **Date Prepared:** January 16, 2026
SUBJECT: Short Term Rental Accommodation – Principal Residence Opt-In

PURPOSE:

To forward a briefing received by the Executive Committee, regarding opting in to the provincially regulated principal residence requirement for short term rental accommodations (STRA), to local trust committees. The briefing is a reminder that the deadline to opt-in to the provincial’s principal residence requirement for STRAs is March 31, 2026.

BACKGROUND:

On September 3, 2025, the Executive Committee (EC) requested staff to forward the attached briefing which provided an update to EC that the Ministry of Housing and Municipal Affairs had informed the Salt Spring Island Local Trust Committee that their request to opt-in to the principal residence requirement had been approved by BC Order in Council 277/2025, and would come into effect November 1, 2025.

The attached briefing reminds local trust committees that should they choose to opt in to the provincially regulated principal residence requirements for short term rental accommodations, they must pass a resolution to do so by March 31st in order for the request to come into force by November of the same year. The attached briefing includes some brief background information and draft resolutions to assist local trust committees. The attached briefing includes the ministry’s letter to the Salt Spring Island Local Trust Committee and a copy of the approved Order-in-Council.

ATTACHMENT(S):

- 1. Short Term Rental Accommodation – Principal Residence Opt-In Update - Briefing**

FOLLOW-UP: Staff will forward local trust committee resolutions to the Ministry of Housing and Municipal Affairs, Housing Policy Branch.

Prepared By: Stefan Cermak , Director, Planning Services

To: Executive Committee **For the Meeting of:** August 6, 2025
From: Planning Services **Date Prepared:** July 29, 2025
SUBJECT: Short Term Rental Accommodation – Principal Residence Opt-In Update

PURPOSE: To provide the Executive Committee with an update that the Ministry of Housing and Municipal Affairs, Housing Policy Branch, has informed staff that the Salt Spring Island Local Trust Committee request to opt-in to the principal residence requirement has been approved by BC Order in Council 277/2025, and will come into effect November 1, 2025.

BACKGROUND:

The *Short Term Rental Accommodation Act* (STRA Act) Received Royal Assent on October 26, 2023. The *Short Term Rental (STR) Accommodation Regulations* (Order in Council) were adopted December 7, 2023. The STRA Act and regulations create a framework including key considerations relating to principal residence requirements, time period regulations, legal non-conforming use, business licensing updates and enforcement. The province has provided information in an easy to read [STR Policy Guidance Document](#).

Properties in the Islands Trust Area are exempt from the requirement to have STRs operated by a principal residence of the subject property. However, a local trust committee or Bowen Island Municipality may pass a resolution requesting to be removed from the list of exempt land in order to “opt-into” the principal residence requirement. Opting in means the provincial restriction on short-term rental accommodations will over-ride any schemes that the local trust committee or island municipality has enacted (where there is a conflict between them).

Both the Bowen Island Municipality and Gabriola Island Local Trust Committee “opted-in” and are currently reflected in the current STR regulations. The Salt Spring Island Local Trust Committee requested “opting-in” earlier this year. The attached communications confirm that the request to opt-in to the principal residence requirement has been approved and will come into force effective November 1, 2025.

Remaining Local Trust Committees (LTC) may also “opt-in” via resolution submitted to the Minister of Housing and Municipal Affairs by March 31 each year. A sample LTC resolution to opt-in may read:

That the [XX Local Trust Committee] request that the Minister of Housing and Municipal Affairs, on behalf of the Lieutenant Governor in Council, apply the principal residence requirement to the [XX Local Trust Area] and that the [XX Local Trust Area] be removed from the exempt land as per S. 15 of the Short-Term Rental Accommodation Act.

Requests should include appropriate background information that describes the area and jurisdiction. The request must be submitted to the Minister of Housing by March 31, and the prescribed period of time starts on November 1, of the same year. If the Province grants a change

to exempt land status, that change remains in effect indefinitely unless a subsequent request to reverse the exemption is made by March 31 of a future year.

ATTACHMENT(S):

- 1. Ministry of Housing and Municipal Affairs, Letter dated July 25, 2025**

FOLLOW-UP: Staff will place the correspondence from the Ministry on their next regular business meeting agenda. Staff will update the legislative monitoring spreadsheet.

Prepared By: **Stefan Cermak, Director, Planning Services**

Reviewed By/Date: **CAO / July 30, 2025**



July 25, 2025

Reference: 187606

Chris Hutton
Regional Planning Manager, Salt Spring Island
Islands Trust
Email: chutton@islandstrust.bc.ca

Dear Chris Hutton:

This is to confirm your community's request to opt-in to the principal residence requirement has been approved by BC [Order in Council 277/2025](#), and will come into effect November 1, 2025.

Please find a copy of the approved Order-in-Council attached.

Your truly,

A handwritten signature in blue ink, appearing to read "H. Rabinovitch".

Hannah Rabinovitch
Director, Housing Policy Branch
Ministry of Housing and Municipal Affairs


Attachment:

- Order-in-Council 277-2025

CC: Trevor Lammie, Registrar, Short-Term Rentals Branch (Trevor.Lammie@gov.bc.ca)
Islands Trust, Salt Spring Island (ssinfo@islandstrust.bc.ca)
Stephen Henderson, General Manager, CRD (shenderson@crd.bc.ca)

PROVINCE OF BRITISH COLUMBIA
ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 277, Approved and Ordered June 9, 2025



Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Short-Term Rental Accommodations Regulation, B.C. Reg. 268/2023, is amended as set out in the Schedule.



Minister of Housing and Municipal Affairs



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Short-Term Rental Accommodations Act, s. 38*

Other: *O.C. 679/2023*

R10897624

SCHEDULE

- 1** *Section 13.1 (4) is amended by striking out “on the application programming interface specified by the registrar” and substituting “through the application programming interface specified by the registrar or in another electronic format in the form required by the minister”.*
- 2** *Section 13.1 (5) (c) of the Short-Term Rental Accommodations Regulation, B.C. Reg. 268/2023, is repealed and the following substituted:*
 - (c) on a monthly basis.
- 3** *Section 13.2 is amended*
 - (a)** *by repealing subsection (2) (b) and substituting the following:*
 - (b) subject to subsection (2.1), the validity of the relevant registration number is confirmed in accordance with section 13.1 of this regulation. , **and**
 - (b)** *by adding the following subsections:*
 - (2.1) A platform service provider is not prohibited from providing platform services in respect of a platform offer if,
 - (a) for the reasons described in subsection (2.2), the platform service provider is unable to confirm the validity of a registration number in respect of the platform offer in the time frame described in section 13.1 (4) or (5), as applicable, and
 - (b) the platform service provider meets the requirements of subsection (2.3).
 - (2.2) For the purposes of subsection (2.1) (a), the platform service provider must be unable to confirm the validity of a registration number because
 - (a) there is a temporary disruption of a platform, an application programming interface, an electronic portal or any other electronic system or means required for the platform service provider to
 - (i) access the information required to confirm the validity of the registration number, or
 - (ii) confirm the validity of the registration number, and
 - (b) there are no commercially reasonable steps the platform service provider can take, despite the disruption described in paragraph (a), to confirm the validity of the registration number in the time frame described in section 13.1 (4) or (5), as applicable.
 - (2.3) For the purposes of subsection (2.1) (b), if a disruption described in subsection (2.2) (a) occurs, the platform service provider must
 - (a) within one business day of first becoming aware of the disruption and in the manner determined by the registrar,
 - (i) notify the registrar of the failure, and
 - (ii) provide details on the nature of the disruption to the registrar;
 - (b) if possible, attempt to confirm the validity of the registration number at the following intervals:

- (i) if the platform service provider is a major platform service provider, within one hour of first becoming aware of the disruption and within 24 hours of each subsequent failed attempt;
- (ii) if the platform service provider is a medium platform service provider or a minor platform service provider, within 24 hours of first becoming aware of the disruption and within 24 hours of each subsequent failed attempt;
- (c) take all commercially reasonable steps to resolve the disruption in cooperation with the registrar;
- (d) as soon as reasonably possible after the disruption ends, confirm the validity of the registration number.

4 The following division is added to Part 4:

Division 4 – Information Sharing

Prescribed person or entity

- 27.1** (1) The minister responsible for the administration of the *Financial Administration Act* is prescribed for the purpose of section 34 (5) of the Act.
- (2) The purposes described in section 33 (2) (b) (i) to (iii) of the Act are prescribed for the purpose of section 34 (5) (b) of the Act.

5 Schedule 1 is amended

- (a) in paragraph (a) by striking out “Town of Creston”,
- (b) in paragraph (b) by adding “District of Tofino”,
- (c) in paragraph (c) in Table 1 by repealing items 4, 6, 9, 10 and 14 and substituting the following items:

Item	Column 1 Geographic Area	Column 2 Description of Map	Column 3 Map Date
1.1	Baldy Mountain Resort	Baldy Mountain Resort	December 2, 2024
4	Crystal Mountain Ski Resort	Crystal Mountain Ski Resort	December 2, 2024
6	Hudson Bay Mountain Resort	Hudson Bay Mountain Resort	December 2, 2024
10	Panorama Mountain Resort	Panorama Mountain Resort	December 2, 2024
14	Saddle Mountain Resort	Saddle Mountain Resort	December 2, 2024

(d) in paragraph (d) in Table 2 by repealing items 2, 3, 4, 5, 6 and 15 and substituting the following items:

Item	Column 1 Geographic Area	Column 2 Description of Map	Column 3 Map Date
2	Fairmont Hot Springs Ski Area	Fairmont Hot Springs Ski Area	December 2, 2024
3	Harper Mountain Ski Hill	Harper Mountain Ski Hill	December 2, 2024
4	Hudson's Hope Ski Hill	Hudson's Hope Ski Hill	December 2, 2024
5	Mount Cain Ski Hill	Mount Cain Ski Hill	December 2, 2024
6	Mount Timothy Ski Resort	Mount Timothy Ski Resort	December 2, 2024
15	Wapiti Ski Hill	Wapiti Ski Hill	December 2, 2024

,

(e) in paragraph (g) by adding the following subparagraph:

(iii) Saltspring Island; ,

(f) in paragraph (i) (i) by striking out "Electoral Area E," and ", Electoral Area G", and

(g) in paragraph (i) by adding the following subparagraph:

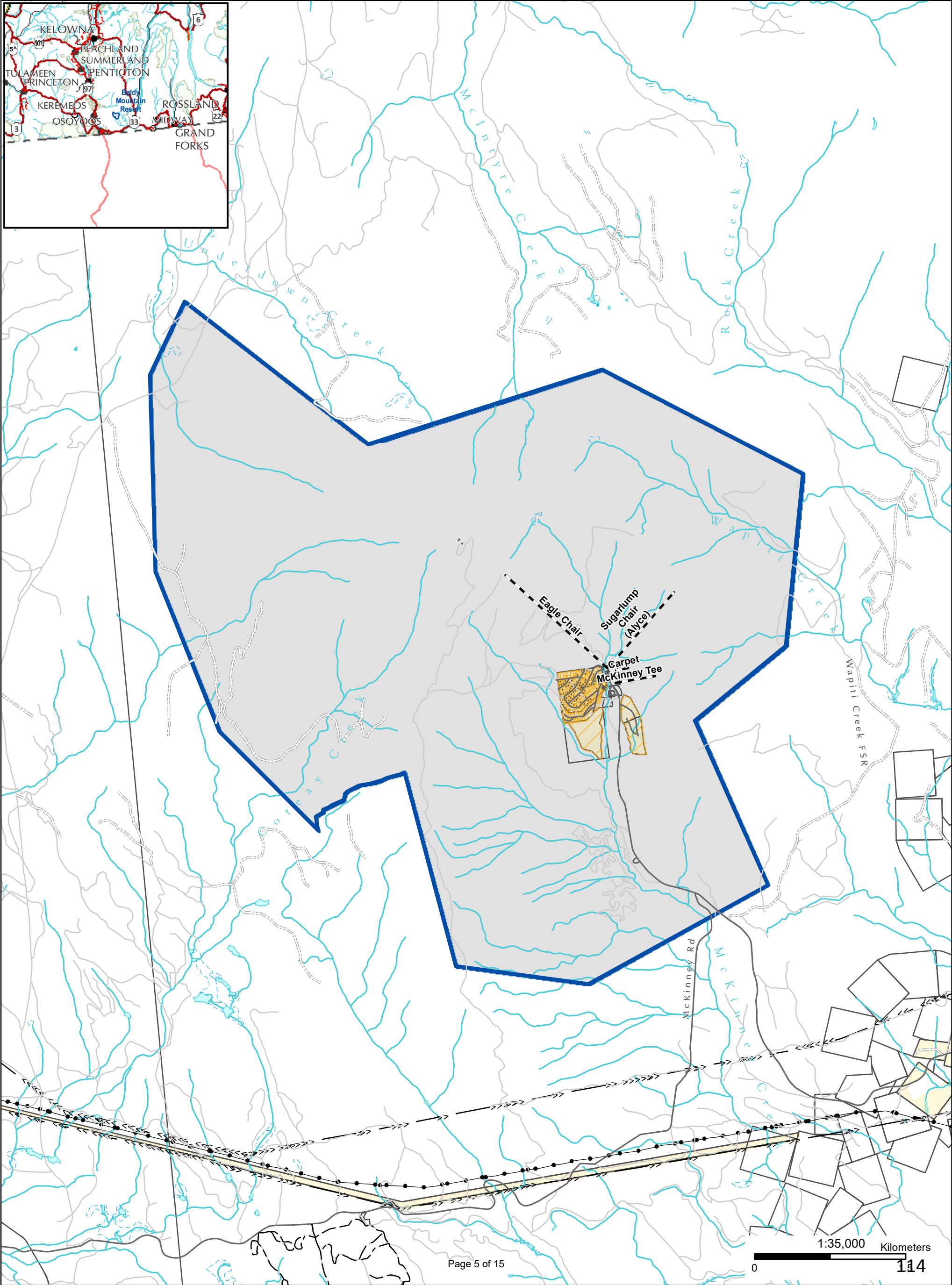
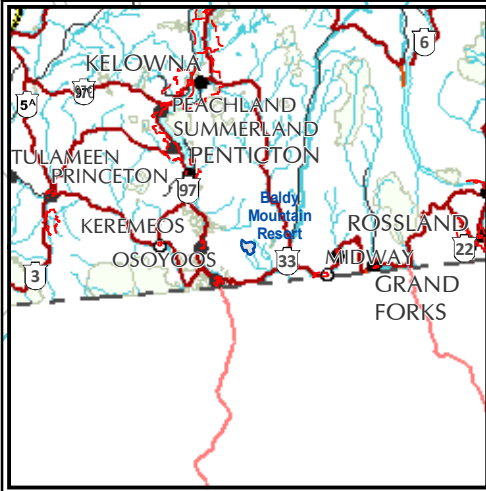
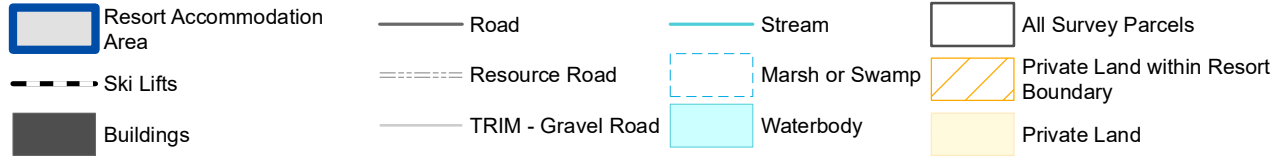
(v) Electoral Area B of the Columbia-Shuswap Regional District.

Short-Term Rental Accommodations Regulation Schedule 1: Exempt Land (c,d,e,f)

Baldy Mountain Resort

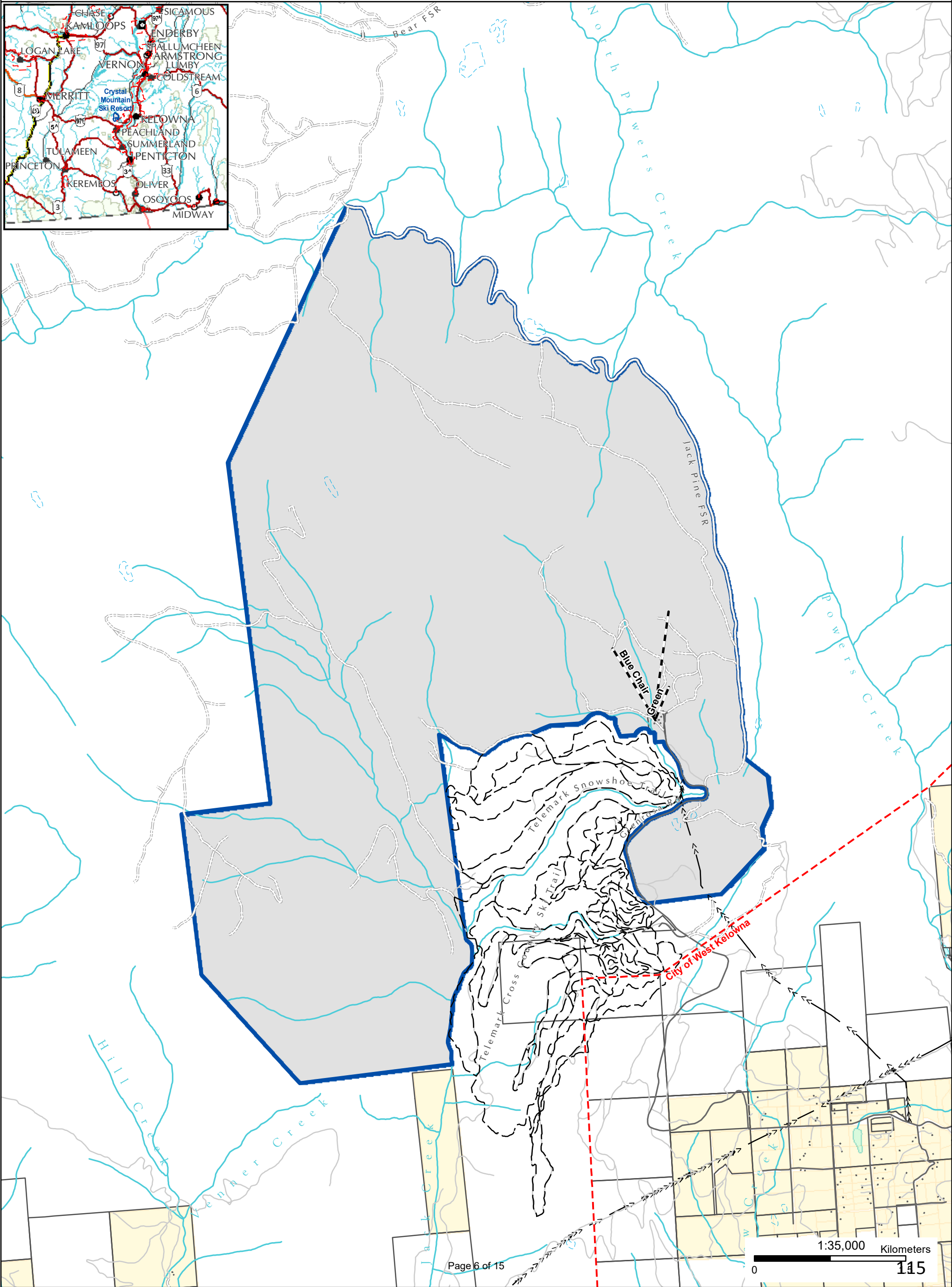
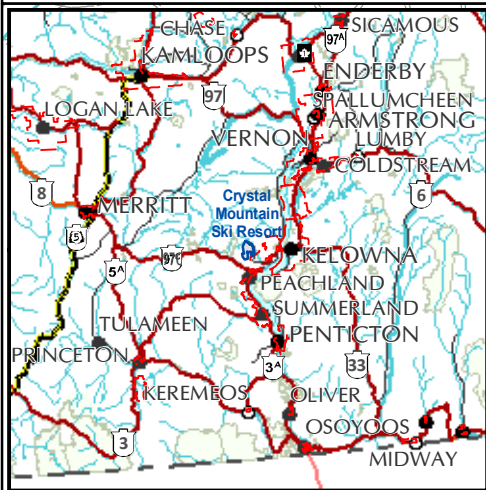
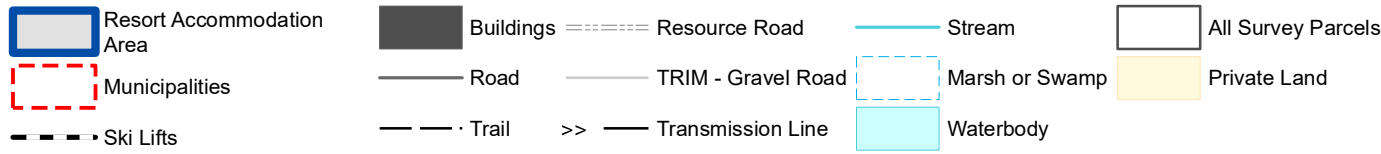
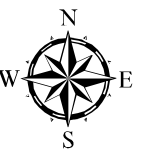


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Coord. Sys: PCS Albers



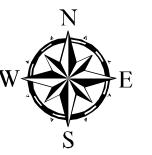
Short-Term Rental Accommodations Regulation Schedule 1: Exempt Land (c,d,e,f)

Crystal Mountain Ski Resort



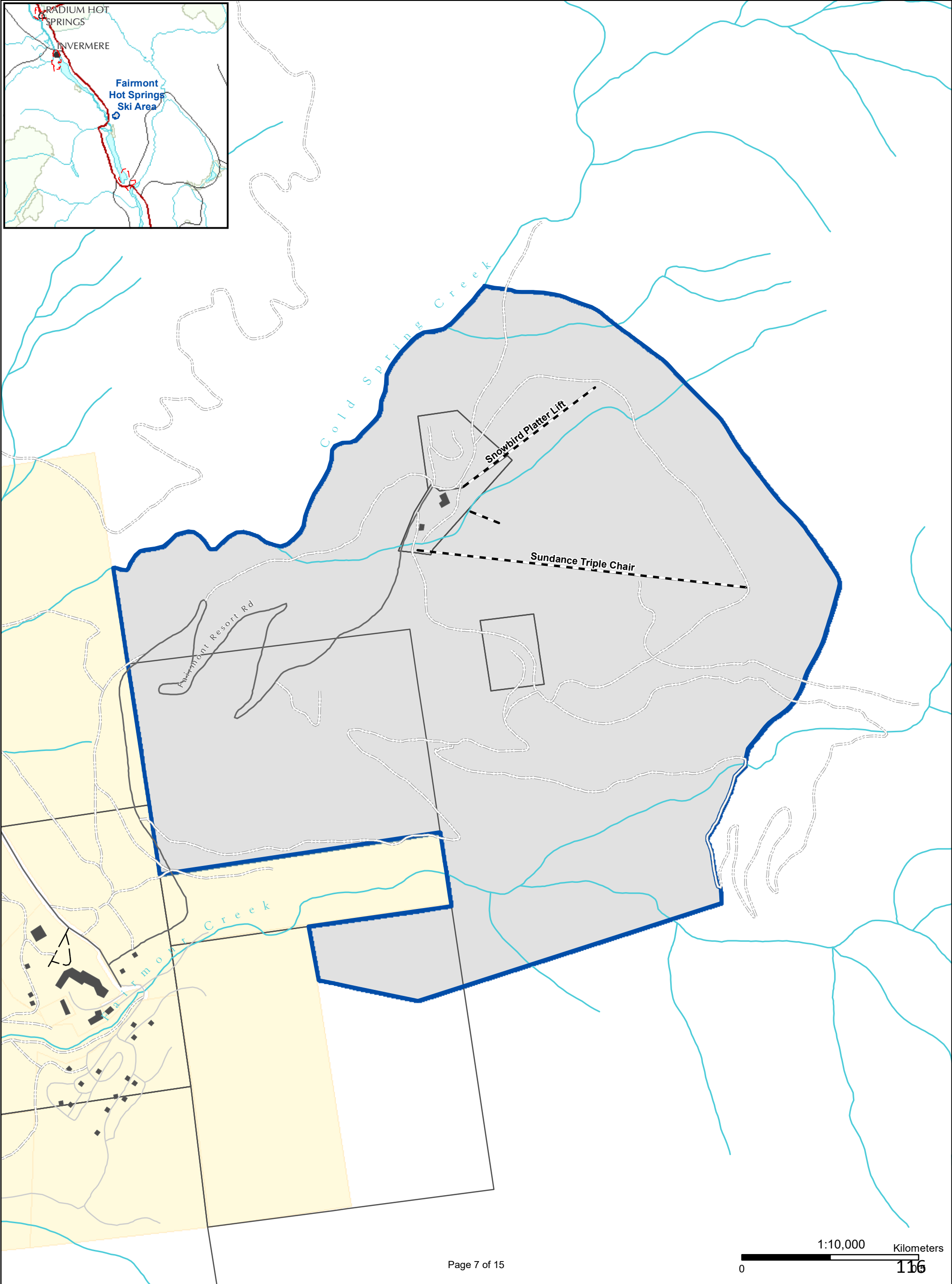
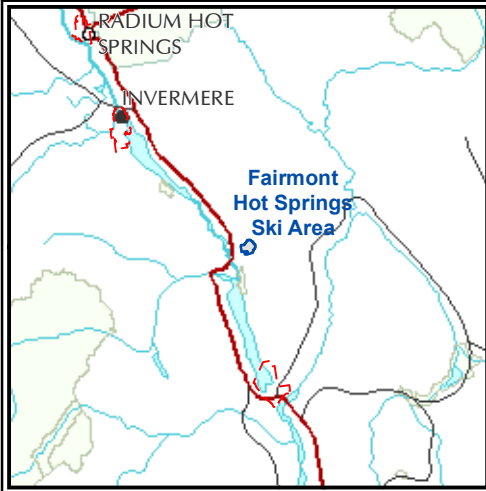
Short-Term Rental Accommodations Regulation Schedule 1: Exempt Land (c,d,e,f)

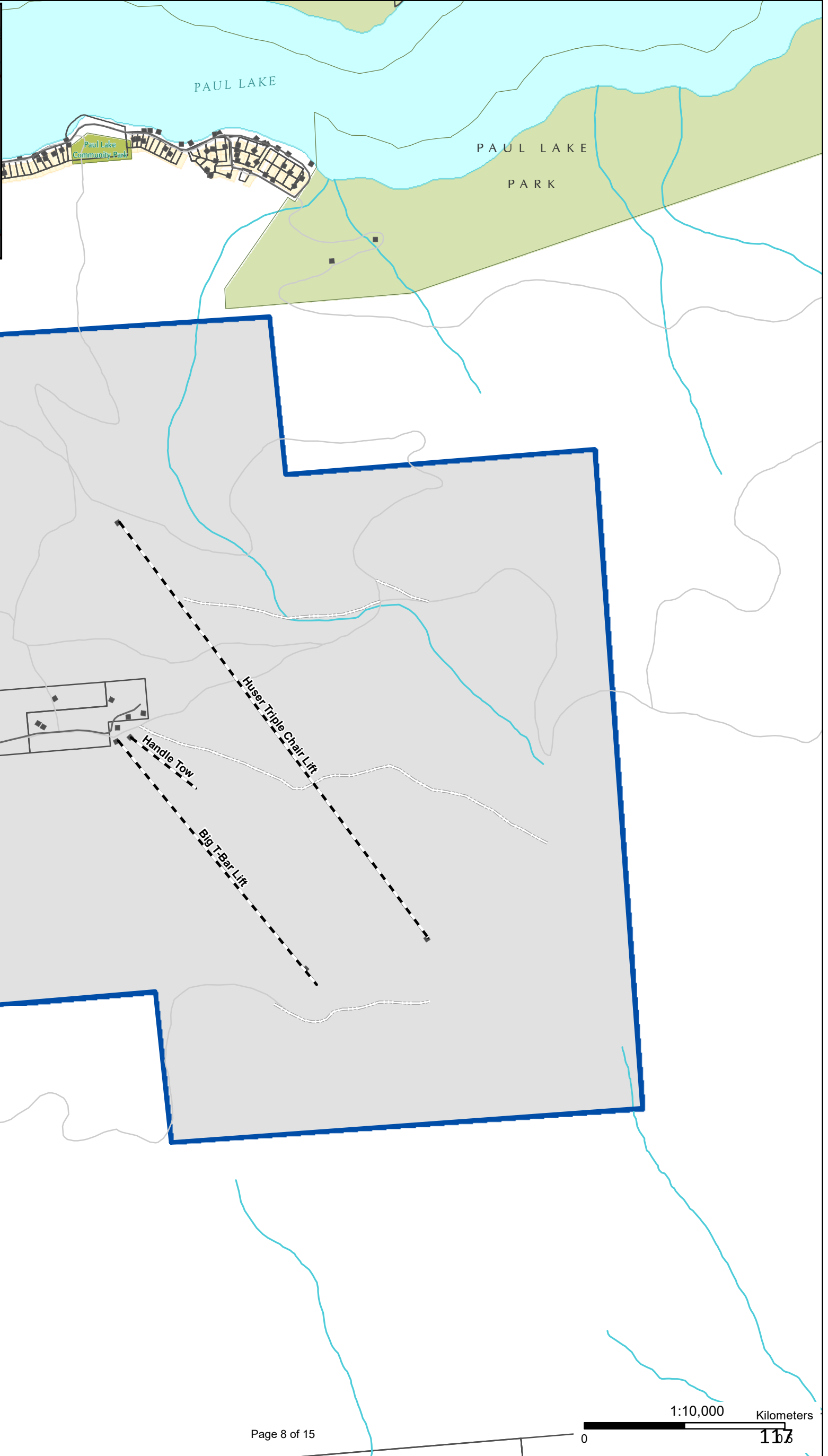
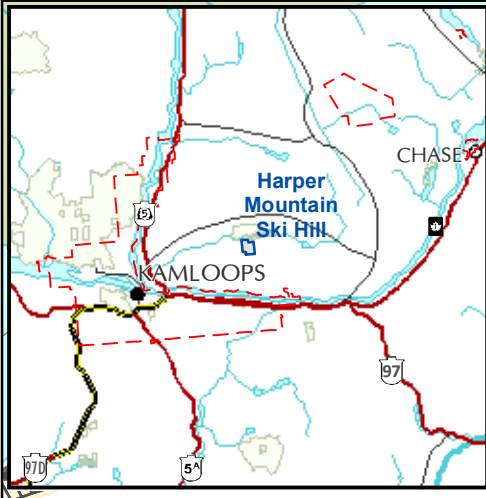
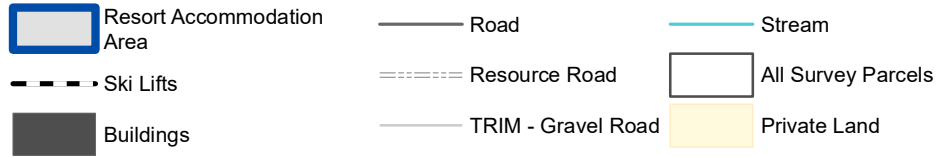
Fairmont Hot Springs Ski Area



Date: 2024-12-02
Coord. Sys: PCS Albers

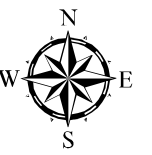
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| Resort Accommodation Area | Road | Stream |
| Ski Lifts | Resource Road | All Survey Parcels |
| Buildings | TRIM - Gravel Road | Private Land |



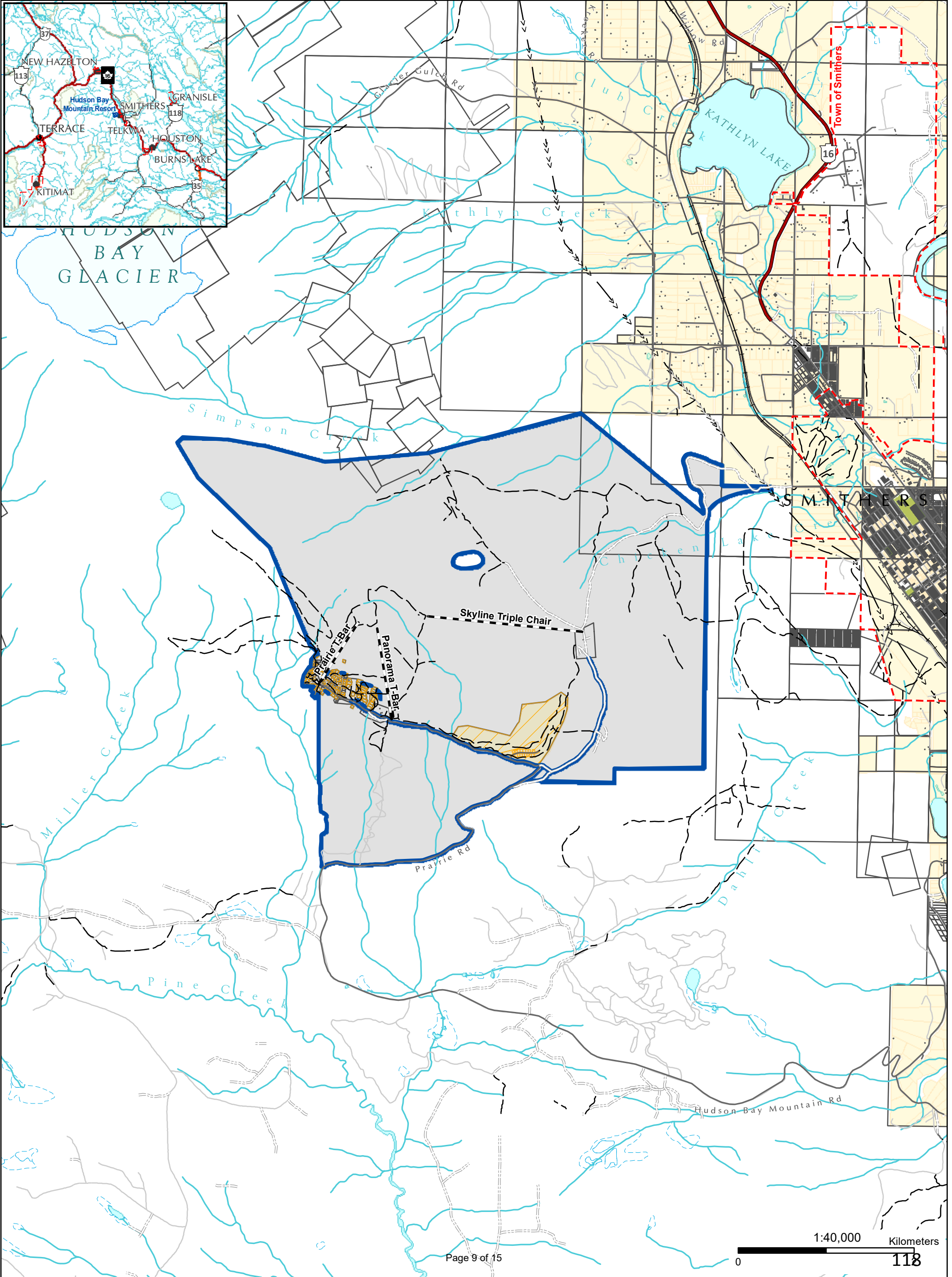
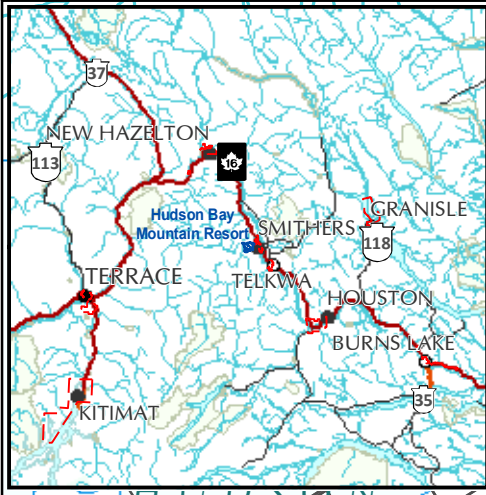


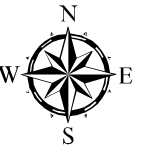
Short-Term Rental Accommodations Regulation Schedule 1: Exempt Land (c,d,e,f)

Hudson Bay Mountain Resort

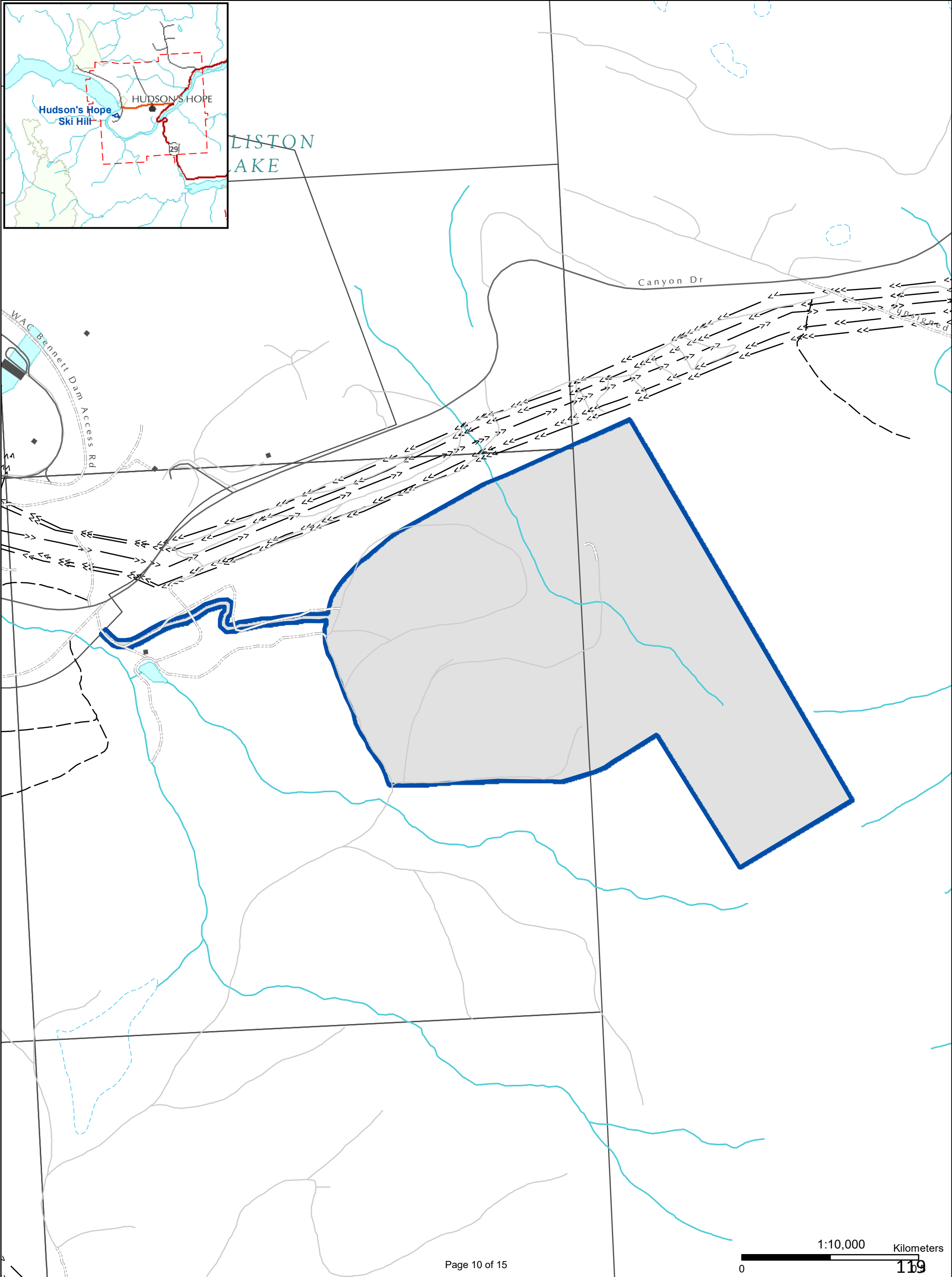
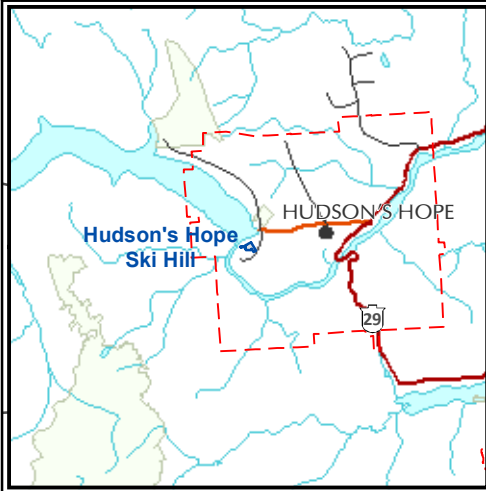


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|---------------------------|-----------|--------------------|--------------------|-------------------------------------|
| Resort Accommodation Area | Buildings | Resource Road | Stream | Private Land within Resort Boundary |
| Municipalities | Road | TRIM - Gravel Road | Waterbody | Private Land |
| Ski Lifts | Trail | Transmission Line | All Survey Parcels | |

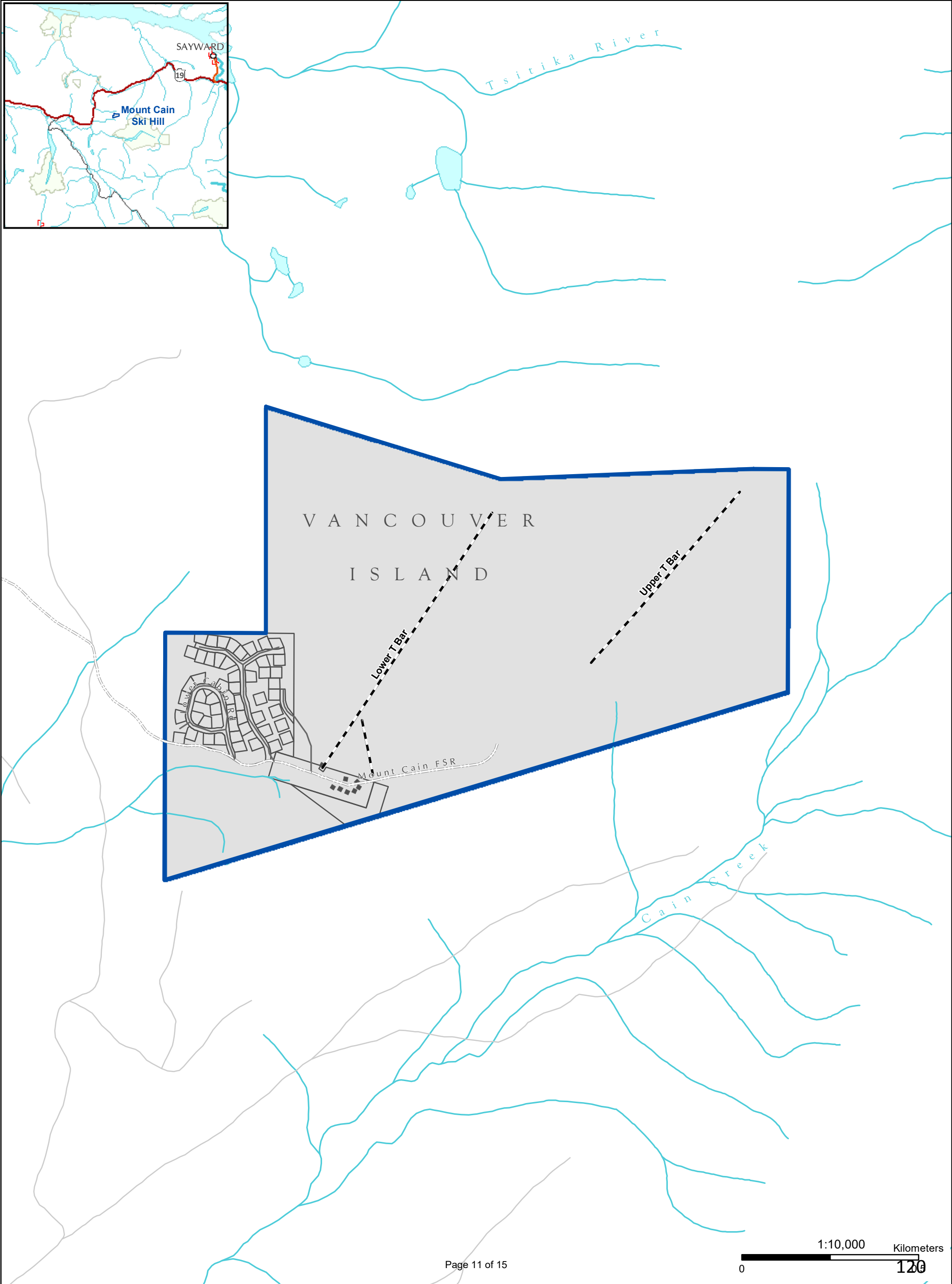
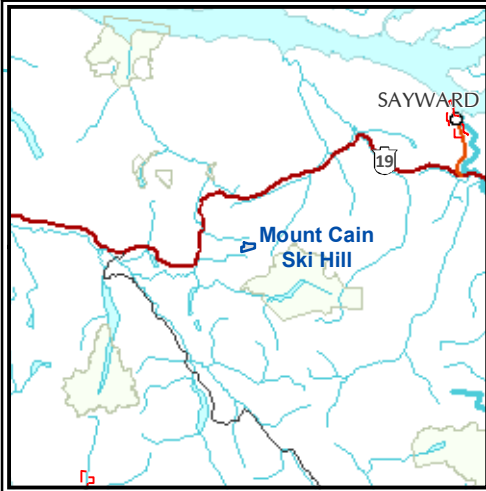




- Resort Accommodation Area
- Municipalities
- Resource Road
- TRIM - Gravel Road
- Stream
- All Survey Parcels

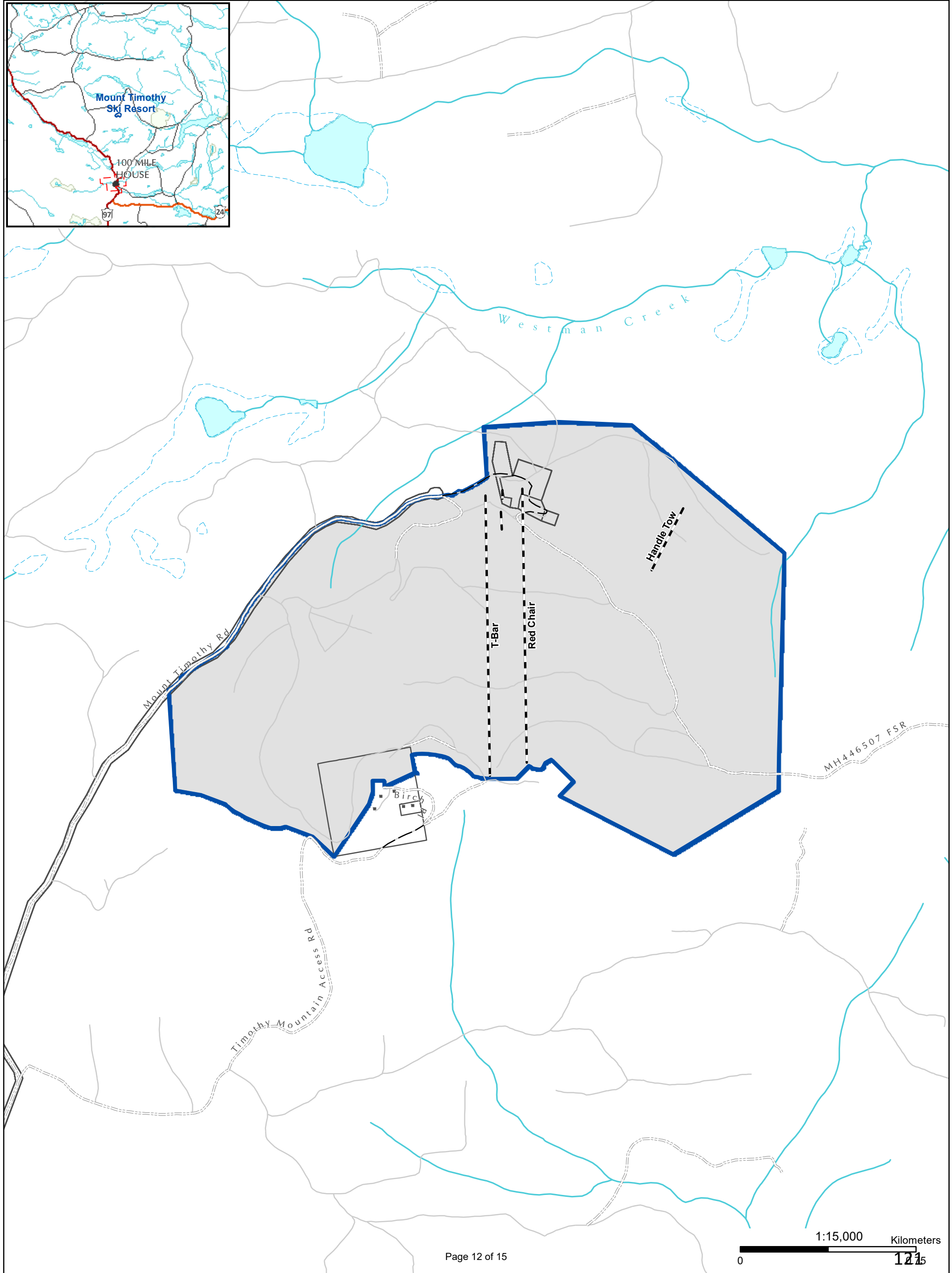
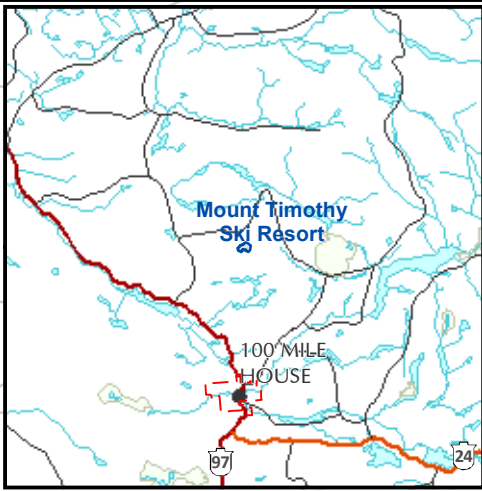


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|--|---------------------------|--|--------------------|--|--------------------|
| | Resort Accommodation Area | | Road | | Stream |
| | Ski Lifts | | Resource Road | | Waterbody |
| | Buildings | | TRIM - Gravel Road | | All Survey Parcels |





- Resort Accommodation Area
- Trail
- Stream
- Ski Lifts
- Resource Road
- All Survey Parcels
- Buildings
- TRIM - Gravel Road

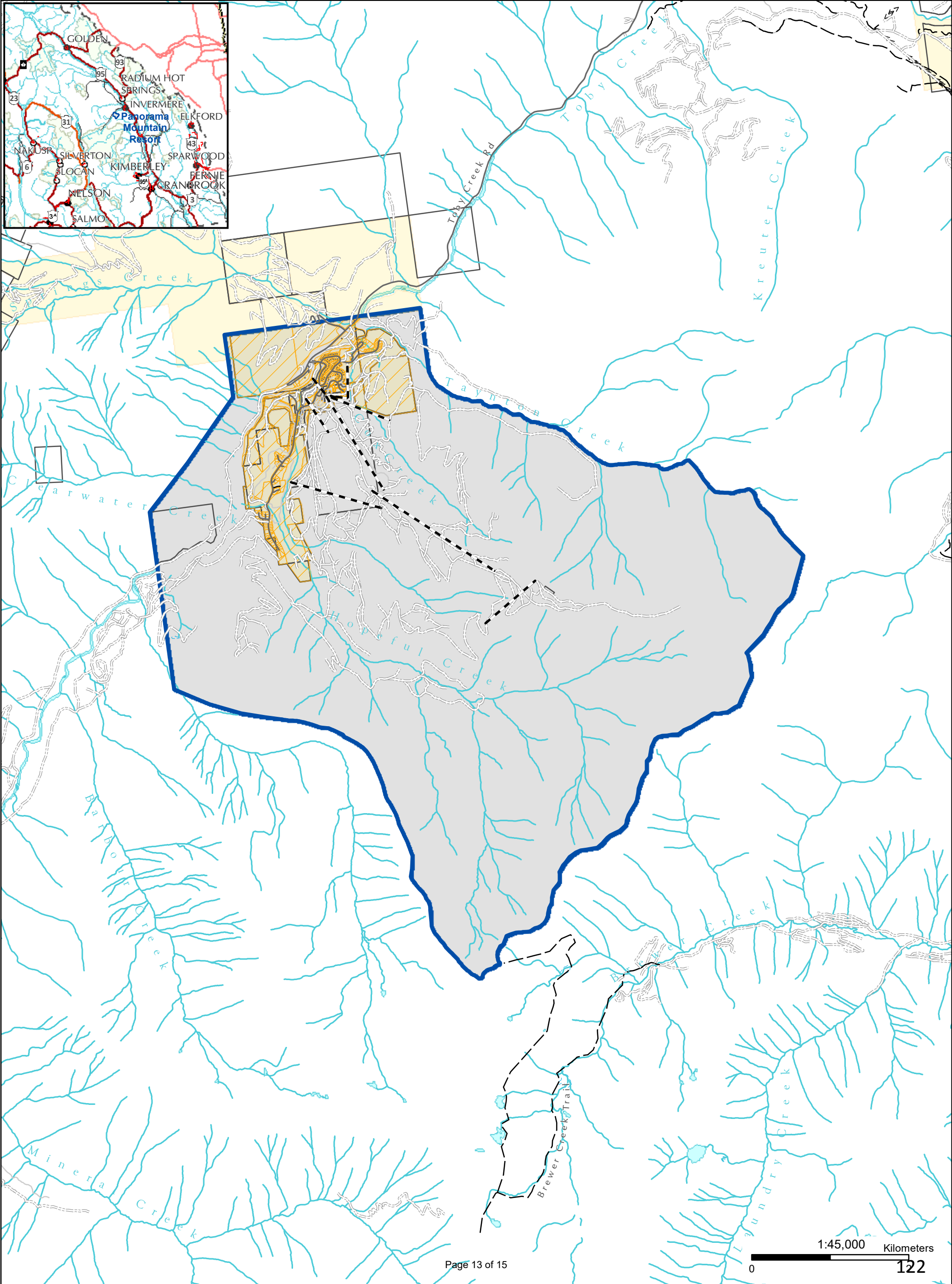
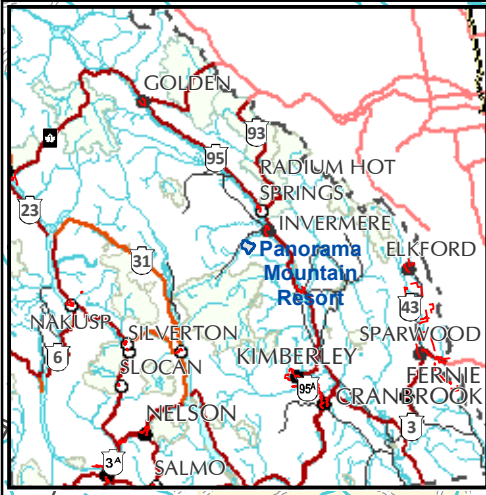


Short-Term Rental Accommodations Regulation Schedule 1: Exempt Land (c,d,e,f)

Panorama Mountain Resort

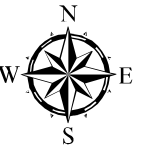


Resort Accommodation Area	Road	TRIM - Gravel Road	Marsh or Swamp	Private Land within Resort Boundary
Ski Lifts	Trail	Bridge	Waterbody	Private Land
Buildings	Resource Road	Stream	All Survey Parcels	



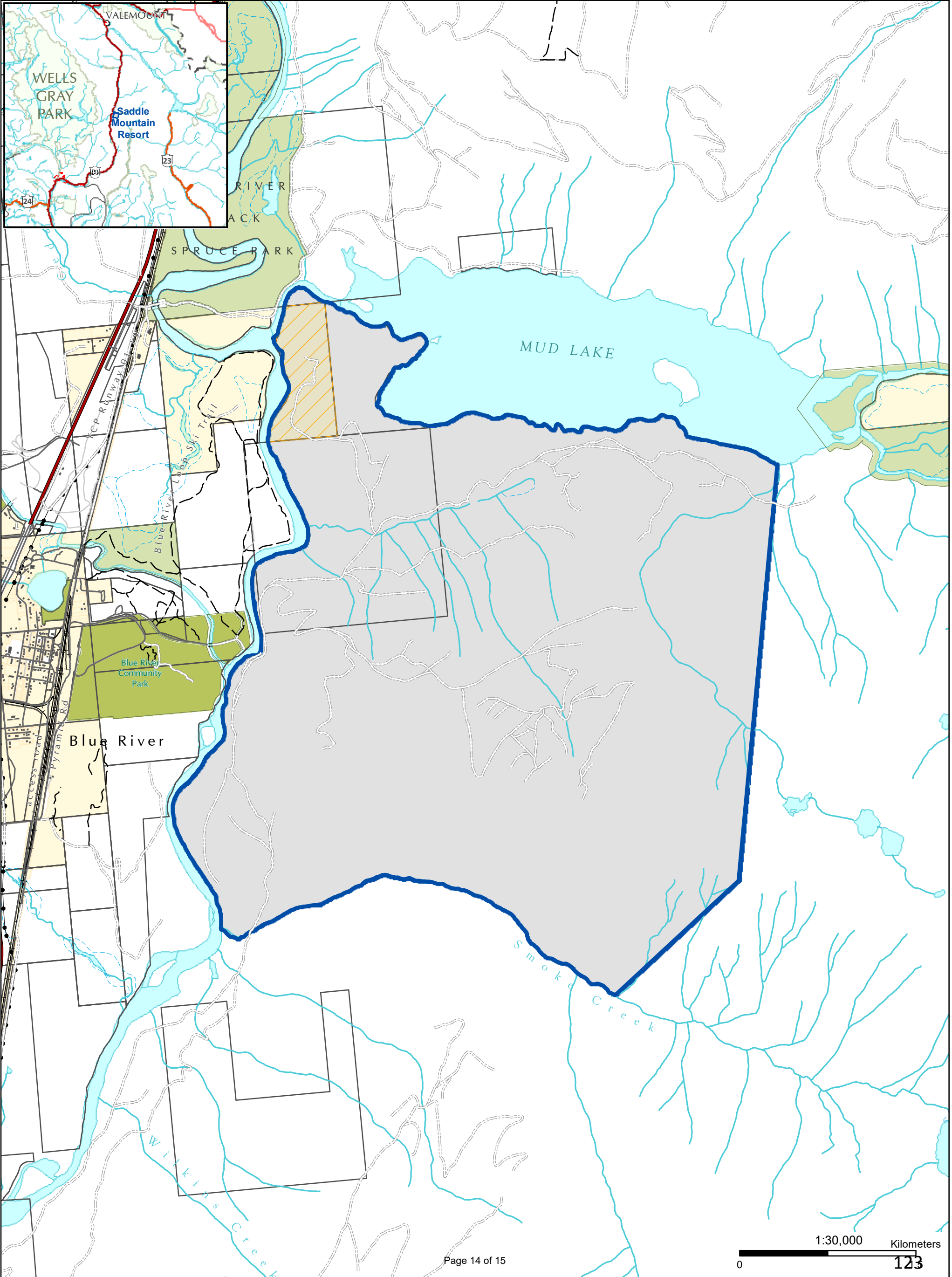
Short-Term Rental Accommodations Regulation Schedule 1: Exempt Land (c,d,e,f)

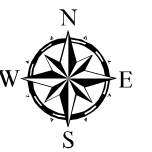
Saddle Mountain Resort



Date: 2024-12-02
Coord. Sys: PCS Albers

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|---------------------------|----------------|-------------------------------------|
| Resort Accommodation Area | Stream | All Survey Parcels |
| Resource Road | Marsh or Swamp | Private Land within Resort Boundary |
| TRIM - Gravel Road | Waterbody | Private Land |





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|---------------------------|-----------|--------------------|--------------------|
| Resort Accommodation Area | Buildings | Resource Road | All Survey Parcels |
| Municipalities | Road | TRIM - Gravel Road | Private Land |
| Ski Lifts | Trail | Stream | |

