



# 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 m<sup>2</sup> 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.

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Tobi Elliott, Chair

Certified Correct:

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Carly Bilney, Recorder