



# 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.

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Tobi Elliott, Chair

Certified Correct:

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Carly Bilney, Recorder