



Islands Trust

BYLAW REFERRAL FORM

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Island: South Pender Island Local Trust Area Bylaw No.: 129 Date: May 23, 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:

N/A

PURPOSE OF BYLAW:

Bylaw No. 129 is the result of the 2024-2025 Minor Land Use Bylaw (LUB) Amendments Project. The project's purpose is to consider a targeted review of amendments made during the previous LUB review project which resulted in the adoption of LUB amending Bylaw No. 122. The South Pender Island Local Trust Committee's (LTC) Bylaw No. 122 was adopted in September 2022 which included a number of LUB amendments including new agricultural regulations, reduction to residential dwelling maximum floor areas, increasing setbacks for new residential dwellings and cottages, increasing the setback to the natural boundary of the sea, and other minor amendments.

The South Pender LTC held multiple opportunities for community engagement to determine if the Bylaw No. 122 amendments should be removed, amended, or retained in the current South Pender LUB. The outcome of this engagement process is Bylaw No. 129 which includes the following amendments:

- retains the setback to the natural boundary of the sea but amending the clause by removing "a certification from an appropriately qualified person as to" and replacing it with "substantive evidence to establish"
- height regulation for dwellings and cottages to revert the regulation back to as it was prior to the adoption of Bylaw No. 122
- shipping container regulations by changing the lot size requirements
- clarifying recreational vehicles regulations
- reverts the setback from the exterior and interior side lot line for dwellings and cottages from 6 metres (20 feet) to 3 metres (10 feet)
- removes the floor area requirements for dwellings and cottages to the Agriculture zone and certain conditions of use for agri-tourism and agri-tourist accommodation
- reduces the maximum floor area regulations for dwellings and includes a single table to regulate maximum floor area

Project background, proposed bylaw, and staff reports are available on the South Pender LTC Projects webpage: <https://islandstrust.bc.ca/island-planning/south-pender/projects/>

GENERAL LOCATION:

South Pender Island Local Trust Area

LEGAL DESCRIPTION:

N/A

SIZE OF PROPERTY AFFECTED:

N/A

ALR STATUS:

N/A

OFFICIAL COMMUNITY PLAN DESIGNATION:

N/A

OTHER INFORMATION:

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

PLEASE TURN OVER →

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: Kim Stockdill

(Signature)

Title: Island Planner
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This referral has been sent to the following agencies:

Federal Agencies

N/A

Provincial Agencies

Agricultural Land Commission

Non-Agency Referrals

WSANEC Leadership Council

Regional Agencies

Capital Regional District – Building Inspection

South Pender Island Fire Rescue

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee

Saturna Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Lyackson First Nation

Malahat 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

Tsawwassen First Nation

Tseycum 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

South Pender Island Local Trust Area

(Island)

129

(Bylaw Number)

(Signature)

(Name and Title)

(Date)

(Agency)

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 Recreating Vehicles as a Dwelling, by creating the following new Subsection 3.10(1)

“Nothing in this Section prohibits the storage of recreational vehicles that are not being used as dwellings.”

and by making such consequential numbering alterations to effect this change.
- 2.11 Section 3.10 – Use of Recreational Vehicles as a Dwelling, by adding the following new Subsection 3.10(2) that reads:

“Where a *recreational vehicle* is used for temporary camping, occupancy of a *recreational vehicle* must not exceed 90 days in a calendar year.”
- 2.12 Section 3.11 – Derelict Vehicles, by deleting Article 3.11(1)(a), and by making such consequential numbering alterations to effect this change.
- 2.13 Section 5.1 – Rural Residential Zones, by deleting Subsections 5.1(5) and 5.1(6) in their entirety and by making such consequential numbering alterations to effect this change.

- 2.14 Section 5.1 – Rural Residential Zones, by adding the following new subsection after Subsection 5.1(4) and by making such consequential numbering alterations to effect this change:

- “(5) Maximum Floor Area: 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 (10Acres) or greater	1394 m ² (15000 ft ²)	418 m ² (4500 ft ²)	560 m ² (6030 ft ²)

- 2.15 Section 5.1 – Rural Residential Zones, by deleting newly renumbered Subsections 5.1(8) and 5.1(9) in their entirety and by making such consequential numbering alterations to effect this change.
- 2.16 Section 5.1 – Rural Residential Zones, by amending the newly renumbered Subsection 5.1(10) – Subdivision Lot Size Requirements by deleting the words “Subject to subsection 5.1(10),”.
- 2.17 Section 5.5 Agriculture (A), by amending Article 5.5(1)(d) by deleting the words “subject to Subsections 5.5(13) to 5.5(16) and replacing them with “(as permitted by the Agricultural Land Commission)”

2.18 Section 5.5 Agriculture (A), by amending Article 5.5(1)(e) by deleting the words “, subject to Subsections 5.5(15) to 5.5(2), and as permitted by the Agricultural Land commission” and replacing them with “(as permitted by the Agricultural Land Commission)”.

2.19 Section 5.5 Agriculture (A), by deleting 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) to 5.5(11) in their entirety and by making such consequential numbering alterations to effect this change.

2.21 Section 5.5 – Agriculture (A), by adding the following new subsection after Subsection 5.5(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 (10Acres) or greater	1394 m ² (15000 ft ²)	418 m ² (4500 ft ²)	560 m ² (6030 ft ²)

- 2.22 Deleting 5.5(13) to 5.5(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 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.
- 2.24 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:
 - iii. the floor area of the dwelling on September 15, 2022, or
 - iv. 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 (10Acres) or greater	1394 m ² (15000 ft ²)	418 m ² (4500 ft ²)	560 m ² (6030 ft ²)

- 2.25 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*.”

- 2.26 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.

- 2.27 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:
 - v. the floor area of the dwelling on September 15, 2022, or
 - vi. 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 (10Acres) 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.

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

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

ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY