



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: May 5, 2023
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 - 10:30 AM	
2.	APPROVAL OF AGENDA	10:30 AM - 10:35 AM	
3.	TRUSTEE REPORT	10:35 AM - 10:40 AM	
4.	CHAIR'S REPORT	10:40 AM - 10:45 AM	
5.	ELECTORAL AREA DIRECTOR'S REPORT	10:45 AM - 10:50 AM	
6.	TOWN HALL AND QUESTIONS	10:50 AM - 11:05 AM	
7.	COMMUNITY INFORMATION MEETING - None		
8.	PUBLIC HEARING - None		
9.	MINUTES	11:05 AM - 11:15 AM	
9.1	Adopted Local Trust Committee Minutes Dated February 3, 2023 (reconsider amendments)		4 - 12
9.2	Local Trust Committee Special Meeting Minutes Dated March 25, 2023 (for Adoption)		13 - 18
9.3	Section 26 Resolutions-without-meeting - None		
9.4	Advisory Planning Commission Minutes - None		
10.	BUSINESS ARISING FROM THE MINUTES		
10.1	Follow-up Action List Dated April 2023		19 - 20
11.	DELEGATIONS		

12.	CORRESPONDENCE	11:15 AM - 11:20 AM	
	<i>Correspondence received concerning current applications or projects is posted on the LTC webpage</i>		
	12.1	John Kuharchuk re Straw Polls	21 - 21
13.	APPLICATIONS AND REFERRALS	11:20 AM - 11:30 AM	
	13.1	Saturna Island Local Trust Committee Referral for Draft Bylaw No. 138 (for response) (attached)	22 - 24
14.	LOCAL TRUST COMMITTEE PROJECTS		
15.	REPORTS	11:30 AM - 12:00 PM	
	15.1	Work Program - Staff Report (attached)	25 - 28
	15.1.1	<u>Active Projects Report Dated April 2023</u>	29 - 29
	15.1.2	<u>Future Projects Report Dated April 2023</u>	30 - 30
	15.2	Applications Report Dated April 2023 (attached)	31 - 31
	15.3	Trustee and Local Expense Report Dated Feb 2023 (attached)	32 - 32
	15.4	Adopted Policies and Standing Resolutions (attached)	33 - 36
	15.5	Local Trust Committee Webpage	
	15.6	Islands Trust Conservancy Report - None	
16.	NEW BUSINESS	12:00 PM - 12:20 PM	
	16.1	Mayne LTC request re Siting and Use Permit Option	37 - 37
	16.2	Draft Annual Report Wording - for approval (attached)	38 - 38
		That the South Pender Island Local Trust Committee approves the format and outline of contents for the 2022/23 Annual Report.	
	16.3	South Pender Island LTC Freedom of Information and Protection of Privacy Bylaw No. 128 - Request for Decision (attached)	39 - 43
17.	UPCOMING MEETINGS	12:20 PM - 12:25 PM	
	17.1	Next Regular Meeting Scheduled for September 1, 2023 at the Fire Hall, Pender Island	
	17.2	Date change November 10, 2023 meeting to November 3, 2023	
		That the South Pender Island Local Trust Committee change their November 10, 2023 regular business meeting to November 3, 2023.	

18. TOWN HALL 12:25 PM - 12:40 PM
19. CLOSED MEETING (Distributed Under Separate Cover)
- 19.1 Motion to Close the Meeting
- That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1)(a) for the purpose of considering:*
- *Appointment of APC Members*
- AND that the recorder and staff attend the meeting.*
- 19.2 Recall to Order
- 19.3 Rise and Report
20. ADJOURNMENT 12:40 PM - 12:40 PM

From: Liz Montague <[REDACTED]>
Sent: April 7, 2023 10:46:30 AM
To: Kristina Evans; Dag Falck
Cc: Kim Stockdill
Subject: Feb 3. meeting minutes need correction

Hello Kristina and Dag.

I hope all is well with you this Easter weekend.

I write because my oral submission in the Town Hall portion of the February 3, 2023 meeting was subsequently misrepresented in the written meeting minutes. I ask that the errors be corrected.

The minutes state that I spoke on behalf of the Strata Council, which I was careful NOT to do. While I do sit on our Strata Council, my remarks were made as an individual adjacent property owner. What I actually said is recorded in the video recording of that meeting.

It is very important that the print meeting minutes are corrected because the TUP applicant is now threatening to sue the Strata for damages and is using the print meeting minutes to build their case.

I have bolded the parts of the minutes that require correction:

"Liz Montague expressed concerns regarding application SP-TUP-2022.1 (9890 Castle Road) **on behalf of the Strata Council** and noted she is an adjacent property owner. Ms. Montague's concerns include that **the Strata Council is not supportive of the TUP application**, security, noise, fire risk, absentee STVR (short term vacation rental) property owner, privacy, water use, commercial use in a residential zone and impacts to nearby residents. Ms. Montague asked whether the commercial use would require a water licence and how would the STVR use impact the strata's insurance and requested the LTC to deny the application.

Stating that I serve as Council President and am an adjacent property owner does not mean that I **spoke on behalf of Strata Council**. I would not speak on behalf of the Strata Council in a public forum without a motion in Council authorizing me to do so.

I never said that "**the Strata Council is not supportive of the application.**"

I am grateful for the video recording of the meeting for providing validation.

The crucial distinction between "the Strata" and "the Strata Council" must be clear in this context.

Can you please follow up and see that the meeting minutes are corrected, and let me know when this is done?

Thanks very much,
Liz Montague
[REDACTED]

ADOPTED

South Pender Island Local Trust Committee Minutes of Regular Meeting

Date: February 3, 2023
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

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

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Sarah Shugar, Recorder (electronic)

Others Present: Approximately 26 members of the public

These minutes follow the order of the agenda, although the sequence may have varied. The electronic meeting was livestreamed, recorded, and made available for electronic public attendance.

1. CALL TO ORDER

Chair Elliott called the meeting to order at 11:00 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Evans reported she has been appointed to the Financial Planning Committee and the Trust Programs Committee. The next meeting of the Trust Programs Committee will consider budget recommendations to be made to the Financial Planning Committee. Trustee Evans noted she would put up a poster regarding upcoming Islands Trust Conservancy Webinar series on the Hall poster board.

Trustee Falck reported he has attended several training sessions for newly elected Trustees. He expressed support for transparency, open communication and the importance of public input.

4. CHAIR'S REPORT

Chair Elliott reported she has been appointed Vice Chair of Executive Committee. Chair Elliott was a member of the Gabriola Island Housing Advisory Planning Commission regarding

biodiversity, housing and water availability. Chair Elliott attended two Islands Trust Conservancy meetings, a Regional Planning Committee meeting and an Islands Trust Conservancy celebration event with the Swift Family regarding the acquisition of the Link Island Nature Reserve. Chair Elliott encouraged members of the public to contact her at telliott@islandstrust.bc.ca.

5. ELECTORAL AREA DIRECTOR'S REPORT – None

6. TOWN HALL AND QUESTIONS

Chair Elliott reviewed the meeting decorum guidelines and opened the town hall portion of the meeting at 11:08 a.m.

Rick Friesen welcomed new Trustees and spoke to the last 4-year term as being fraught with controversy and peril. Mr. Friesen requested Trustees to review bylaws that were adopted during the last Trustee term and perhaps to be considered by an Advisory Planning Commission.

Liz Montague expressed concerns regarding application SP-TUP-2022.1 (9890 Castle Road) on behalf of the Strata Council and noted she is an adjacent property owner. Ms. Montague's concerns include that the Strata Council is not supportive of the TUP application, security, noise, fire risk, absentee STVR (short term vacation rental) property owner, privacy, water use, commercial use in a residential zone and impacts to nearby residents. Ms. Montague asked whether the commercial use would require a water licence and how would the STVR use impact the strata's insurance and requested the LTC to deny the application.

Rebecca Eagen welcomed new Trustees and expressed support to include affordable housing and groundwater sustainability in the LTC strategic priorities list. Ms. Eagen expressed concerns regarding application SP-TUP-2022.1 (9890 Castle Road) including an absentee STVR property owner, commercial use in a rural and residential neighbourhood, neighbourhood opposition and requested the LTC to deny the application.

Gord Duncan welcomed the newly elected Trustees and added that as Bylaw 123 has not been adopted, it should not be used in planning reports.

Robert Dill expressed concerns regarding SP-DVP-2023.1 (9825 Canal Road) including the 5,000 square foot size of the house and associated impacts of building materials, heat and furnishings. Mr. Dill expressed support for the design of the proposed house. Mr. Dill requested the LTC to deny the application and encourage the applicants to design a building that suits the rural character of the island.

Donna Spalding presented a submission on behalf of member of the public (Jane) and welcomed the new Trustees, and asked the LTC to consider the LTC work plan at a separate meeting with community input. There are many items on the current LTC work plan that were not supported by the South Pender Island residents including recent land use bylaw changes that resulted in numerous dwellings be non-compliant. The member of the public asked Trustees to reconsider Bylaw 122. Donna Spalding spoke on behalf of herself and expressed support for public input on the LTC work plan. Ms. Spalding expressed support regarding application SP-DVP-2023.1 (9825 Canal Road) including recommendations for aging in place, neighbour support, that it is not appropriate to regulate the size of the house and encouraged the LTC to approve the application. Ms. Spalding spoke to application SP-TUP-2022.1 (9890 Castle Road), advised the

proposed water storage does not follow legislation, encouraged the LTC to consider whether there are appropriate areas on South Pender Island for STVRs and noted STVRs are needed to support tourism in the Gulf Islands. Ms. Spalding requested the LTC to review Bylaw 122 with community input regarding water storage and submitted a piece of correspondence

Paul Petrie welcomed newly elected Trustees, expressed that he looks forward to working collaboratively and spoke to conservation of Brooks Point Park. Mr. Petrie expressed concerns regarding SP-TUP-2022.1 (9890 Castle Road), including impacts to neighbours, a commercial STVR operation within a rural neighbourhood and requested the LTC to deny the application.

Applicant for SP-DVP-2023.1 welcomed new Trustees and spoke to the application (9825 Canal Road). The applicant spoke to the importance of the house design to be wheelchair accessible and appropriate for her multi-generational family.

Heather Haryu welcomed newly elected Trustees and spoke to the Development Variance process. Ms. Haryu expressed support for application SP-DVP-2023.1 (9825 Canal Road) and that people living outside of the general area affected by the application should not be discussing the house size.

Michael St. Cyr expressed support for application SP-DVP-2023.1 (9825 Canal Road).

Debbie Friesen expressed support for application SP-DVP-2023.1 (9825 Canal Road) and expressed concerns regarding the past practice of Trustees meeting outside of a formal meeting.

Trustee Evans encouraged members of the public to write letters for transparency and public record. The LTC email address is:
southpenderislandlocaltrustcommittee@islandstrust.bc.ca

Lee Pullen expressed support for a straw poll of the members of the public in attendance regarding whether there is support for application SP-DVP-2023.1 (9825 Canal Road).

Chair Elliott thanked the member of the public for the straw pole suggestion and Trustees agreed not to hold a straw poll regarding application SP-DVP-2023.1 (9825 Canal Road) at this time. Trustee Evans expressed support for considering whether straw polls should be used as a mechanism to gauge public support at a special meeting.

A member of the public asked whether there would be guidelines regarding who would be eligible to vote in a straw poll.

A member of the public expressed support for a straw poll as an informal mechanism to see whether there is public support.

7. COMMUNITY INFORMATION MEETING - None

8. PUBLIC HEARING – None

9. MINUTES

9.1 Adopted Local Trust Committee Minutes Dated November 4, 2022

The South Pender Island Local Trust Committee meeting minutes of November 4, 2022 were received.

9.2 Section 26 Resolutions Without Meeting Dated January 2023

The Resolutions Without Meeting Report was received.

9.3 Advisory Planning Commission Minutes – None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated January 2023

The Follow-up Action List was received.

11. DELEGATIONS – None

12. CORRESPONDENCE

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

Planner Stockdill circulated two items of correspondence.

The meeting recessed for a break at 11:58 a.m. and the meeting reconvened at 12:00 p.m.

13. APPLICATIONS AND REFERRALS

13.1 SP-DVP-2023.1

Planner Stockdill presented a staff report dated January 26, 2023 regarding a Development Variance Permit application to increase the maximum floor area of a proposed dwelling unit at 9825 Canal Road.

Applicant spoke to the application.

In discussion the following items were noted:

- A minimal number of trees were removed at the building site;
- The reasons provided for the need to build a 5,000 square foot residence for a multi-generational family are valid;
- The building site location on the property will provide the least environmental impact; and
- The proposed design of the attached garage reduces the overall footprint of buildings on the site.

SP-2023-001

It was Moved and Seconded,

that the South Pender Island Local Trust Committee approve issuance of Development Variance Permit application SP-DVP-2023.1 (9825 Canal Road).

CARRIED

13.2 SP-TUP-2022.1 (Ellis)

Planner Stockdill presented a staff report dated January 25, 2023 regarding a Temporary Use Permit (TUP) application for a Short Term Vacation Rental (STVR) within an existing dwelling at 9890 Castle Road.

Applicants Catherine and Andrew Ellis spoke to the application.

In discussion the following items were noted:

- The applicants have done a lot of work to address concerns;
- Considerable opposition to the application has been received by the Strata Council and nearby residents; and
- Impacts from STVR's can be largely mitigated when the property owner lives on or nearby the property. There is no precedent to follow for STVR applications within the South Pender Island Local Trust Area. There should be policy regarding absentee property owners included in STVR guidelines. Applicant Catherine Ellis advised there would be three emergency contacts available at all times to respond to any emergencies.

The electronic meeting ended due to a power outage and recorder Sarah Shugar left the meeting at 12:35 p.m. Staff recorded the meeting and the minutes were completed from the meeting recording.

SP-2023-002

It was Moved and Seconded,

that the South Pender Island Local Trust Committee deny the Temporary Use Permit application SP-TUP- 2022.1 (Ellis).

CARRIED

13.3 Saturna Island Local Trust Committee Referral for Proposed Bylaws 136 and 137

RPM Kojima presented a bylaw referral from the Saturna Island Local Trust Committee dated October 27, 2022 regarding proposed Bylaws No. 136 and 137 was received.

SP-2023-003

It was Moved and Seconded,

that the South Pender Island Local Trust Committee interests are not affected by Saturna Island Local Trust Committee Proposed Bylaw No's 136 and 137.

CARRIED

13.4 North Pender Island Local Trust Committee Referral for Proposed Bylaw No. 232

RPM Kojima presented a bylaw referral from the North Pender Island Local Trust Committee dated January 19, 2023 regarding proposed Bylaw No. 232 was received.

SP-2023-004

It was Moved and Seconded,

that the South Pender Island Local Trust Committee interests are not affected by North Pender Island Local Trust Committee Proposed Bylaw No. 232.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS – None

15. REPORTS

15.1 Work Program Reports

15.1.1 Local Trust Committee Work Program Review - Staff Report

RPM Kojima presented a staff report dated December 14, 2022 regarding a summary of current and recently completed LTC Projects, an overview of the currently identified future projects, and other potential projects the LTC may wish to consider this term. The report also summarizes the status of major applications.

SP-2023-005

It was Moved and Seconded,

that the South Pender Island Local Trust Committee direct staff to schedule a meeting prior to the next regular LTC meeting to discuss future work, projects and community engagement processes that the community would like the LTC to take on.

CARRIED

15.1.2 Active Projects Report Dated January 2023

Received.

15.1.3 Future Projects Report Dated January 2023

Received.

15.2 Applications Report Dated January 2023

Received.

15.3 Trustee and Local Expense Report Dated November 2022

Received.

15.4 Adopted Policies and Standing Resolutions

Received.

15.5 Local Trust Committee Webpage - None

15.6 Islands Trust Conservancy Report Dated November 2022

Received.

16. NEW BUSINESS

16.1 Letter from W̱SÁNEĆ Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments

A Trust Programs Committee briefing dated September 2, 2022 regarding a letter from W̱SÁNEĆ Leadership Council staff regarding draft 2021 Islands Trust Policy Statement amendments was presented.

16.2 Brooks Point Regional Park – Update

An email received from T. Shannon dated August 30, 2022 regarding Brooks Point Regional Park was presented. Trustee Evans reported Brooks Point Regional Park has been reclassified to a conservation area and the “events are permitted with approval” sign will be replaced with a “no events” sign. Trustee Evans expressed gratitude to everyone for efforts on Brooks Point Regional Park.

16.3 Advisory Planning Commission Appointments – Discussion

Trustee Evans expressed support to re-establish the South Pender Island Advisory Planning Commission

SP-2023-006

It was Moved and Seconded,

that the South Pender Island Local Trust Committee request staff to advertise for expressions of interest for the Advisory Planning Commission.

CARRIED

17. UPCOMING MEETINGS

Staff will schedule a special meeting prior to the next regular meeting. The next regular meeting is scheduled for May 5, 2023 at the Fire Hall on Pender Island.

18. TOWN HALL – None

19. CLOSED MEETING – None

20. ADJOURNMENT

By general consent, the meeting was adjourned at 1:30 p.m.

Tobi Elliott, Chair

Certified Correct:

Sarah Shugar, Recorder



DRAFT

**Local Trust Committee
Minutes Subject to Approval By
the Local Trust Committee**

South Pender Island Local Trust Committee Minutes of Special Meeting

Date: March 25, 2023
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island BC

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

Staff Present: Kim Stockdill, Island Planner
Pat Todd, Recorder

Public: There were approximately nineteen (19) members of the public present.

1. CALL TO ORDER

Due to the delayed ferry schedule, Chair Elliot and Planner Stockdill did not arrive until 11:00 a.m. However, as a quorum was present, the meeting commenced with Trustee Evans as Chair.

Chair Evans called the meeting to order at 10:11 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

It was suggested that while agenda is likely to be adopted as presented, the meeting will begin with the Town Hall.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. MINUTES

3.1 Local Trust Committee Minutes Dated February 3, 2023

The following amendments to the minutes were presented for consideration:

- Pg. 2, 5th Paragraph: Gord Duncan – first sentence to read:
“...Trustees and added that as Bylaw 123 has not been adopted it should not be used in planning reports.”
- Pg. 3, 4th Paragraph: Heather – correct last name to Haryu

- Pg. 3, 4th Paragraph: Heather Haryu – last sentence to read:
“...and that people living outside of the general area affected by the application should not be discussing the house size.”
- Pg. 3, 7th. Paragraph: Evans – correct LTC email address to read:
southpenderislandlocaltrustcommittee@islandstrust.bc.ca

By general consent, the minutes were adopted as amended.

4. BUSINESS ITEMS

4.1 SP-DVP-2023.2 (Johnson)

The owners’ representative reviewed the variance application. It was noted that when the property was purchased there was an allowance for two residences. The owners requested to subdivide the property into two lots. Variances requested would allow infrastructures to remain in place, i.e., propane tanks and septic systems.

Discussion

- It was stated that variances are site specific.
- Planner Stockdill clarified that where a driveway abuts a road frontage, it would reduce from 20m to 6m.
- The property will remain as two lots through the Covenant.
- A Park Dedication is required only if subdivision creates three or more lots.
- There was a question as to whether the LTC was satisfied that Covenants would protect properties from further subdivision or development.
- It was assured there would be no more houses or subdivisions.
- Subdivision approval would be based on the conditions of Covenants being met.
- The application for variances is only one step in the subdivision process.

SP-2023-007

It was Moved and Seconded,

that the South Pender Island Local Trust Committee request staff to amend the Development Permit application DVP-2023.2(b) by decreasing the frontage of proposed Lot 1 and Lot 2 from 20.12 metres to 6 metres.

CARRIED

SP-2023-008

It was Moved and Seconded,

that the South Pender Island Local Trust Committee approve issuance of Development Variance Permit application SP-2023.2(b) as amended.

CARRIED

SP-2023-009

It was Moved and Seconded,

that the South Pender Island Local Trust Committee exempt proposed Lot 1, resulting from the subdivision of 8790 Gowlland Road, from the 10 percent frontage provision of Section 512 of the Local Government Act.

CARRIED

Chair Evans recused herself from the meeting at 11:58 a.m. to preclude any conflict of interest regarding the next application.

4.2 SP-DVP-2023.3 (Evans)

Planner Stockdill reviewed the application to vary the maximum floor area for a proposed dwelling. The building plans submitted in 2021 were in compliance; however, the bylaws have since been changed.

The applicant mentioned that the additional floor area is a crawl space/storage area and is below-grade. Adding a space would increase the floor area to 2800 sq. ft.

Discussion

- Many spoke in support of the application.
- There were questions regarding the floor space if it is below-ground.
- It was suggested to work with the neighbours on this issue rather than through bylaws.
- The applicant expressed the opinion that there is no conflict of interest with Chair Evans, as she has no financial interest in the property.

SP-2023-010

It was Moved and Seconded,

that the South Pender Island Local Trust Committee approve the issuance of Development Variance Permit application SP-DVP-2023.3 (Evans).

CARRIED

Chair Evans rejoined the meeting at 12:07 p.m.

4.3 Town Hall - Work Program Review

Chair Evans outlined that the Town Hall was an opportunity to collect ideas/issues from the attendees, and that Trustee Falck would act as facilitator.

Trustee Falck addressed the process involved, stating that all ideas are welcome and will be critiqued later, as well as to focus on what the community would like to accomplish. He further stated that ideas will be collected and a poll/survey will be sent to the property owners for further input.

The Islands Trust Policy Statement will be coming back to the community later this year. The key points are on reconciliation, climate change and housing.

It was mentioned that the Local Trust Committee is looking to identify one minor project for the upcoming year, adding that a major project would require a funding request and Trust Council (TC) approval, and may be planned for next year.

Public Comments

- Need for deer population control
- Rural Block Watch program
- Work Force for Housing – working with North Pender
- Blasting regulations
- Specific regulations of what can and cannot be done around eagle nests
- Identifying IT jurisdictions regarding ideas
- Improving communication and education
- Working with various government agencies that may fit with LTC policies
- Creating a flow chart of ideas and identifying jurisdiction
- Three emails received to revisit Bylaws 122
- Reconciliation activities
- Bunkies (small buildings for guests and working people) currently not allowed on sites less than 1 acre
- Affordable housing, such as secondary suites and apartments over garages, and initiatives to expand housing options
- Options to create housing, such as secondary suites that have a low-impact solution
- Water issues, such as fire fighting emergencies, having only one evacuation route, and the Emergency Preparedness Plan
- Some basic things that could be done with the Fire Smart program, such as an educational process for community that the North Pender Fire Department is working on
- Issues on the Groundwater Study, including a number of things to assist with in understanding the issue, awareness of limitations, and management
- The Fire Department's investigation into water supplies during a fire, identifying forest fires as low-hazard, wind and snow as critical factors, and difficulty in reaching residents during an emergency when trees are down and power is out
- Necessity in knowing how to care for one's property and balancing forest safety
- Hosting a Fire Smart meeting for the community
- Emergency Preparedness Plan being worked on
- Consequences when the bridge breaks down
- Fire Suppression and education on forest management for a healthy green forest
- Protection of big trees
- Speaking with BC Hydro regarding clearing power lines and areas to decrease outages, including trees that have been tagged for removal since 2021

- Issues regarding upcoming meetings, such as the use of emails to send out information, notices posted according to legislative policies, and a preference of two weeks' notice before the next meeting
- Review of Official Community Plan's revisions
- Lack of a dedicated location to airlift a person off the island in cases of emergencies
- Climate change and fossil fuel usage
- Issues around solar usage, including education and grants
- Community program for solar usage and rain collection
- A Welcome Package for new property buyers that includes detailed information regarding water, forests, etc., as necessary to know before building on the property

The meeting recessed 11:03 a.m. to 11:15 a.m. (Chair Elliott and Planner Stockdill arrived.)

Second portion of Town Hall discussion (12:08 p.m.)

- Making amendments clear and understandable
- The requirement for water storage in Bylaw 122 was not brought forward to the community
- The need for transparency
- Revisiting Short Term Vacation Rentals (STVRs), possibly for a time period every year
- More discussion regarding footprint of house vs. square footage
- Moving forward to identify LTC items, which are a purview of other agencies
- Surveys

Chair Evans noted that the LTC is still looking for members for the Advisory Planning Commission (APC).

There was a question raised as to the residency requirement. Planner Stockdill will look into this matter.

SP-2023-011

It was Moved and Seconded,

that the South Pender Local Trust Committee approve travel expenses to MLA Adam Olsen's office for the Southern Gulf Islands Forum meeting.

CARRIED

SP-2023-012

It was Moved and Seconded,

that the South Pender Island Local Trust Committee draft a letter requesting the Provincial Government to recapitalize the Island Coastal Economic Health funding and make it a permanent fund that can be accessed by all communities within the Trust Area through Adam Olsen's office.

CARRIED

4. Next Meeting

4.1 Next Regular Meeting Scheduled for May 5, 2023.

5. Other Business

SP-2023-013

It was Moved and Seconded,

that South Pender Island Local Trust Committee request staff to report back with results of today's Town Hall meeting with priorities and options.

CARRIED

Chair Evans reported that the Fee Bylaw would raise applications cost by 2% effective April 1, 2023.

Points of discussion regarding straw polls:

- Not allowed under Robert's Rules
- Trying to get information out ahead of time for consideration to aid discussion
- Need to hear people's point of view
- Expanding engagement with community – straw poll can be limiting
- Can be a useful tool, but not happening within the structured experience of LTC
- LTC Policies to be followed
- Robert's Rules too strict and narrow
- People feel strongly about this but do not come to the meetings and therefore feel excluded
- Straw polls include only those in the room
- Identifying methods to connect with people "outside" the room
- Complexities within each community
- Meeting procedure could be a project

5. ADJOURNMENT

By general consent, the meeting was adjourned at 12:50 p.m.

Tobi Elliott, Chair

Certified Correct:

Pat Todd, Recorder



Follow Up Action Report

South Pender Island

03-Feb-2023

Activity	Responsibility	Dates	Status
1 13.1 SP-DVP-202.1 - LTC approved DVP. Staff to issue DVP, place staff report and other files in physical folder, and close application.	Jas Chonk	Target: 17-Feb-2023	Completed
2 13.2 SP-TUP-2022.1 - TUP not approved by LTC. Staff to notify applicant, and close file.	Jas Chonk	Target: 17-Feb-2023	Completed
3 13.3 Saturna Bylaw Nos. 136 & 137 - Interest unaffected.	Jas Chonk	Target: 03-Feb-2023	Completed
4 13.4 North Pender Bylaw No. 232 - Interests unaffected.	Jas Chonk	Target: 17-Feb-2023	Completed
5 15.1 Staff to schedule an in-person Special Meeting (late March) to discuss future projects. Hybrid meeting option (Zoom ability) preferable.	Jas Chonk Kim Stockdill Robin Ellchuk	Target: 24-Feb-2023	Completed
6 16.3 Staff to advertise for APC member expression of interest.	Jas Chonk	Target: 24-Feb-2023	Completed
7 Staff to look into changing the start times for regular scheduled SP LTC meetings from 11AM to 10:30AM.	Robin Ellchuk	Target: 24-Feb-2023	Completed

25-Mar-2023

Activity	Responsibility	Dates	Status
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Follow Up Action Report

South Pender Island

25-Mar-2023

Activity	Responsibility	Dates	Status
1 SP-DVP-2023.2 (Johnson) - DVP approved as amended. Staff to amend permit, issue permit, update TAPIS, and close file.	Chloe Cookson Jas Chonk	Target: 14-Apr-2023	Completed
2 SP-DVP-2023.3 (Evans) - DVP approved. Staff to issue permit, update TAPIS and close file.	Chloe Cookson Jas Chonk	Target: 14-Apr-2023	Completed
3 SP LTC approve reimbursing the travel expenses associated with meeting with Adam Olsen at his office in Sidney for the in-person SFI Forum meeting that occurred on March 13, 2023.	Robert Kojima	Target: 14-Apr-2023	Completed
4 February 3, 2023 SP LTC minutes adopted as amended.	Sheree Rialp	Target: 14-Apr-2023	Completed
5 SP LTC to draft a letter requesting Provincial Gov't to recapitalize Island Coastal Economic Health (ICET) funding and make it a permanent fund that can be accessed by all communities within the Trust Area through Adam Olsen's office.	Kim Stockdill	Target: 21-Apr-2023	In Progress
6 Staff to report back with community priorities based on March 25's town hall and next stage of community engagement.	Kim Stockdill	Target: 21-Apr-2023	Completed

On Feb 15, 2023, at 12:25 PM, [REDACTED] wrote:

Hello Trustees –

I write regarding discussion at the last meeting about using straw polls to gauge support for a matter under consideration by the LTC.

My understanding is that one of your objectives during your term of office is to foster greater inclusivity in local government and local matters. In my opinion, employing straw polls, i.e., “reading the room”, will do the opposite. Straw polls create the impression that decisions can be influenced by the will of the people in the room at that moment. LTC meetings are for the most part attended by the same small group of people and their opinion is not necessarily representative of the electorate.

There is another consideration. If I understand correctly, LTC meetings are subject to a procedures bylaw which adopts Robert’s Rules of Order when something is not specifically addressed in the bylaw. Although I have no more than a passing familiarity with Robert’s and the details of LTC governance, it appears that Robert’s precludes the use of straw polls:

STRAW POLLS NOT IN ORDER. A motion to take an informal straw poll to “test the water” is not in order because it neither adopts nor rejects a measure and hence is meaningless and dilatory. If the assembly wishes to discuss and take a vote on a matter without the vote constituting final action by the assembly, it may instead vote to go into a committee of the whole or a quasi committee of the whole (52). Under these procedures, the assembly considers the matter as would a committee, and its vote while in committee of the whole (or quasi committee of the whole) serves only as a recommendation to the assembly, which the assembly is free to reject just as would be the case with regard to the report of any ordinary committee.

Thank you for your consideration.

John

--

John Kuharchuk [REDACTED]



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: Saturna Island Local Trust Area Bylaw No.: 138 Date: April 11, 2023

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:

445 East Point Road, Saturna Island

PURPOSE OF BYLAW:

Amendments would be made to the Saturna Island Land Use Bylaw No. 119, 2018 (LUB) to rezone the waterfront portion of the subject parcel located at 445 East Point from Rural Residential (RR) to Rural General (RG) to allow for the creation of two waterfront RG zoned lots through subdivision.

GENERAL LOCATION:

Saturna Island Local Trust Area

LEGAL DESCRIPTION:

The North West 1/4 Of Section 12, Saturna Island, Cowichan District, Except Parts In Plans 19569, 20704, VIP63161, VIP79024 and VIP84336

SIZE OF PROPERTY AFFECTED:

37.64 ha

ALR STATUS:

None

OFFICIAL COMMUNITY PLAN DESIGNATION:

Rural (R)

OTHER INFORMATION:

Additional information, including a preliminary staff report and the current bylaws, is available at:
<https://islandstrust.bc.ca/island-planning/saturna/current-applications/>

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.

BSmith

(Signature)

Name: Brad Smith

Title: Island Planner
Contact Info: Tel: 778-679-5185
Email: bsmith@islandstrust.bc.ca

PLEASE TURN OVER 

This referral has been sent to the following agencies:

Government Agencies

Parks Canada

Regional Agencies

CRD, Planning and Protective Services, Building Inspection
Island Health

Non-Agency Referrals

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee

Mayne Island Local Trust Committee

South Pender Island Local Trust Committee

First Nations

Cowichan Tribes

Halalt First Nation

Ts'uubaa-asatx Nation

Lyackson First Nation

Malahat First Nation

Pauquachin First Nation

Penelakut Tribe

Semiahmoo First Nation

Snuneymuxw First Nation

Stz'uminus First Nation

Tsartlip First Nation

Tsawout First Nation

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

Saturna Island Local Trust Area

(Island)

(Signature)

(Date)

138

(Bylaw Number)

(Name and Title)

(Agency)

File No.: 6500-02
Work Program Report

DATE OF MEETING: May 5, 2023
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Local Trust Committee Work Program

RECOMMENDATION

1. That the South Pender Island Local Trust Committee request staff to refer the Work Program Report staff reports dated February 3, 2023 and May 5, 2023 to the South Pender Island Advisory Planning Commission for comment and recommendations for future minor and major projects.

REPORT SUMMARY

This report provides a summary of comments collected from the March 25, 2023 Community Information Meeting and outlines next steps for the South Pender Island Local Trust Committee's (LTC) consideration.

COMMUNITY INFORMATION MEETING

The South Pender Island LTC held a Community Information Meeting on March 25, 2023 in order to gather comments from community members for ideas on new projects. The below chart summarizes those comments and identifies if the topic is within the Local Trust Committee's jurisdiction.

Topic	Jurisdiction	If LUB or OCP Amendment(s) are required
Blue – Local Trust Committee Jurisdiction Orange – Shared Jurisdiction (Local Trust Committee & other body) White – Not Local Trust Committee's Jurisdiction		
Revisit Bylaw No. 122	Local Trust Committee	LUB
Review Housing foot print/floor area	Local Trust Committee	LUB
Review Bylaw No. 123	Local Trust Committee	OCP
Review Short Term Vacation Rental regulations	Local Trust Committee	LUB and OCP
Reconciliation activities	Islands Trust & LTC	OCP & LTC policies/standing resolutions

Affordable Housing options: secondary suites, garage apartments, other options	Local Trust Committee	LUB and possible OCP
Review regulations on bunkies and trailers	Local Trust Committee	LUB and possible OCP
Employee housing	Local Trust Committee	LUB and OCP
Groundwater Studies	Local Trust Committee	LUB and OCP
Protection of forest	Local Trust Committee	OCP The LTC could consider implementing recommendations of Coastal Douglas-fir toolkit, including a sensitive ecosystem DPA.
LTC meeting notices, and LTC email subscriber notification	Islands Trust – administrative procedures	N/A
Surveys to collect comments from community members	Local Trust Committee	N/A
Blasting regulations	CRD/Local Trust Committee	OCP Blasting is regulated by the BC Building Code although if blasting is within a Development Permit Area, the LTC could establish guidelines in regards to sensitive ecosystems, marine /shoreline concerns, etc.
Eagle Nests	Province/Local Trust Committee	OCP The LTC could update Schedule 'G' – Raptor Nests mapping and adopt a new DPA to address the protection of Raptor Nests on SP
Improve communication and education, identify jurisdictional responsibilities	Islands Trust, Local Trust Committee & other related jurisdictions	N/A
Collaboration with different jurisdictions	Islands Trust, Local Trust Committee & other related jurisdictions	OCP Amend OCP to add additional advocacy policies.
Emergency Helicopter Landing	Federal	N/A

Encourage installation of solar arrays, rainwater catchment via incentive programs and education	CRD, Provincial, Federal	N/A
Forest safety, Fire Smart education	CRD – South Pender Fire Department, Province	N/A
Water supply during forest fires, identifying forest fire risks, and emergency outreach	CRD	N/A
Emergency Preparedness Plan and evacuation routes	CRD	N/A
Bridge maintenance/unable to use	CRD/MOTI	N/A
BC Hydro notification when clearing areas to decrease outages	BC Hydro	N/A
Welcome package for new property owners	Chamber of Commerce	N/A
Deer Population Control	CRD	N/A
Rural Block Watch Program	RCMP	N/A

The table above outlines which the jurisdiction of each topic and has been organized to group similar topics together. The following are themes within Local Trust Committee’s jurisdiction:

1. Revisiting Bylaw No. 122 (and possibly Bylaw No. 123 if adopted).
2. Affordable Housing options (secondary suites, garage suites, employee housing, STVRs)
3. Groundwater Studies – this can be a continuation of Part One of the Groundwater Sustainability project
4. Coastal Douglas Fir (CDF) Project – establishing a CDF Development Permit Area
5. South Pender LTC Communication Strategy – outline issues with current LTC communication and provide solutions
6. Review and expand DPAs – sensitive ecosystem or Raptor Nests.

Rationale for Recommendation

At this time staff recommends sending the above list to the South Pender Island Advisory Planning Commission to provide comments and recommendations regarding the next minor and major project. Staff would provide the APC with the Work Program staff report dated February 3, 2023 in addition to this staff report and would establish a response date of July 31, 2023 in order for the LTC to have the response in time for the September LTC meeting.

The LTC could also consider holding one additional special meeting, if deemed necessary, during the summer months to collect further recommendations from community members.

ALTERNATIVES

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

1. Schedule a Special Meeting

The LTC may wish to schedule a special meeting to review the Work Program. The resolution can be worded as:

That the South Pender Island Local Trust Committee request staff to schedule a special meeting for the purpose of setting LTC priorities.

2. Defer Work Program until September 2023

The LTC may consider to defer the Work Program discussion until the next South Pender LTC meeting. No resolution is required.

Submitted By:	Kim Stockdill, Island Planner	April 26, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	April 28, 2023

Active Projects Report

South Pender Island

2. *Minor OCP Amendments*

Building Design & Siting Guidelines, FN OCP Language, and Rights of Nature statement
Status: Bylaw at Minister's office

Responsible

Kim Stockdill

Dates

Rec'd: 09-Apr-2021
Target: 30-Sep-2022

3. *Shoreline Review Project*

STATUS: Project on-hold

Responsible

Dates

Rec'd: 09-Apr-2021

Future Projects Report

South Pender Island

1. *Development Permit Areas*

Responsible

Date Received

Review of existing and potential development permit areas

28-Apr-2015

2. *Sea level Rise and Shoreline Erosion*

Responsible

Date Received

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

28-Apr-2015

3. *First Nations Language*

Responsible

Date Received

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

01-Nov-2019

4. *Groundwater Sustainability Project*

Responsible

Date Received

Consider Implementation options of Southern Gulf Islands Groundwater initiative

09-Apr-2021

5. *Raptor's Nest Mapping*

Responsible

Date Received

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

04-Feb-2022

6. *Brooks Point Zoning review*

Responsible

Date Received

Consider review of zoning of Brooks Point to strengthen conservation regulations and to restrict recreational uses

07-Sep-2022



Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
SP-ALR-2022.2	Mogensen, Faye	30-Oct-2022	
Planner: Kim Stockdill			
Planning Status			
Status Date: 09-Jan-2023			
SP LTC authorized application to the forwarded to the ALC. Resolution was completed by RWM. Resolution sent to ALC via ALC application portal.			
Status Date: 08-Dec-2022			
Floor area of 366m2 confirmed by Heath Lansdowne. KS			
Status Date: 03-Nov-2022			
Fee received from applicant.			

Subdivision

File Number	Applicant Name	Date Received	Purpose
SP-SUB-2021.1	Taylor Johnson or Rachel Thomas/Airey Homes Inc.	01-Jun-2021	8970 GOWLLAND POINT RD- proposed three lot bareland strata subdivision
Planner: Kim Stockdill			
Planning Status			
Status Date: 14-Oct-2021			
Review letter received from MOTI. ALC approval req'd as condition prior to issuance of PLR.			
Status Date: 28-Jun-2021			
payment received letter sent to applicant, assigned to Phil, - DL			
Status Date: 24-Jun-2021			
fees received - DL			

Islands Trust
LTC EXP SUMMARY REPORT F2023
Invoices posted to Month ending February 2023

665 South Pender	Invoices posted to Month ending February 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	77.00	145.77	-68.77
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,561.00	880.15	680.85
65210-665	LTC - Local Exp - APC Meeting Expenses	333.00	0.00	333.00
65220-665	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-665	LTC - Local Exp - Special Projects	270.00	0.00	270.00
TOTAL LTC Local Expense		<u>2,414.00</u>	<u>880.15</u>	<u>1,533.85</u>
Projects				
73001-665-4117	South Pender OCP Minor Amendments	1,500.00	3,945.73	-2,445.73
73001-665-4118	South Pender LUB Minor Amendments	1,500.00	4,098.94	-2,598.94
TOTAL Project Expenses		<u>3,000.00</u>	<u>8,044.67</u>	<u>-5,044.67</u>



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2021-016 (Standing) 15.2 APC Appointments That the South Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners	Carried	05-Nov-2021
2020-015 (Standing) 4.6 Bylaw Violations re disposal or storage of waste or recyclable materials or storage of vehicles that South Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections of other issues or if it is reliably reported to the officer that such activity may be taking place.	Carried	04-Jun-2020



Standing Resolutions Log

South Pender Island

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



Standing Resolutions Log

South Pender Island

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

Send FUAL to trustees once drafted following the meeting.

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
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2006-012 (Standing)

Carried

23-May-2006

Adoption of Minutes

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

From: David Maude <dmaude@islandstrust.bc.ca>

Sent: Tuesday, January 31, 2023 7:04 PM

To: Mayne Island Local Trust Committee <MayneIslandLocalTrustCommittee@islandstrust.bc.ca>; North Pender Island Local Trust Committee <NorthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>; South Pender Island Local Trust Committee <SouthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>; Saturna Island Local Trust Committee <SaturnaIslandLocalTrustCommittee@islandstrust.bc.ca>; Galiano Island Local Trust Committee <GalianoIslandLocalTrustCommittee@islandstrust.bc.ca>

Cc: Paul Brent <pbrent@mac.com>

Subject: Siting and Use Permits option

Fellow Trustees.

Second try, the Trust email seems to be having issues....

There have been some ongoing concerns with regard to CRD Building Inspection, the timeliness and costs of inspections and permit issuance and the barriers these might present to enable economical and creative housing solutions.

There is a potential that CRD could withdraw Building Inspection which could be replaced by Siting and Use Permits (Link below to the Hornby Bylaw for your reference). This would undertake involve a full public process both by the Trust and CRD that likely would take some time to accomplish.

At the Mayne Island January 30 meeting, the following motion was passed:

"That the Mayne island LTC request Trustee Maude write to Saturna Island LTC, South Pender Island LTC, Galiano Island LTC and North Pender Island LTC to request their thoughts on Mayne Island LTC asking CRD to identify interest in implementing siting and use permits in the event CRD should discontinue use of building permits."

What we would like is some feedback that we could pass onto Director Brent as to whether there is interest amongst the islands to pursue this as an option.

Thank you.

<https://islandstrust.bc.ca/document/hornby-ltc-siting-and-use-permit-bylaw-no-168/>

**Mayne Island Trustee
Trust Council Vice Chair**

Wi'la'mola - we are all travelling together

South Pender Island Local Trust Committee

The South Pender Island Local Trust Committee (SPLTC) held four regular business meetings in the 2022/23 fiscal year, as well as three Community Information Meetings, four special meetings and three public hearings.

Work for this period focused on advancing the SPLTC priorities of amending the Land Use Bylaw and the Minor Official Community Plan.

From April 1, 2022 to March 31, 2023, the SPLTC received and considered applications for three development variance permits, one temporary use permit and two Agricultural Land Commission applications. During the same time period staff also reviewed seven building permit referrals.

The SPLTC also adopted a new fee bylaw.

REQUEST FOR DECISION

To: South Pender Island Local Trust Committees **For the Meeting of:** May 5, 2023
From: David Marlor, Director, Legislative Services **Date Prepared:** March 30, 2023
SUBJECT: Freedom of Information and Protection of Privacy Bylaw

RECOMMENDATION:

1. That South Pender Island Local Trust Committee Bylaw No. 128, cited as “South Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 128, 2023”, be read a first time.
2. That South Pender Island Local Trust Committee Bylaw No. 128, cited as “South Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 128, 2023”, be read a second time.
3. That South Pender Island Local Trust Committee Bylaw No. 128, cited as “South Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 128, 2023”, be read a third time.
4. That South Pender Island Local Trust Committee Bylaw No. 128, cited as “South Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 128, 2023” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

DIRECTOR OF PLANNING SERVICES COMMENTS: The draft Freedom of Information and Protection of Privacy bylaw is in line with current legislation and Schedule of Fees.

1 PURPOSE:

To adopt the new Freedom of Information and Protection of Privacy bylaw and model bylaw to bring them in line with updated legislation.

2 BACKGROUND:

On November 25, 2021, the Government of British Columbia enacted Bill 22 bringing into force significant amendments to the *Freedom of Information and Protection of Privacy Act*. The *Act* governs how public bodies collect, use and disclose the personal information of individuals.

The current local trust committee freedom of information and protection of privacy bylaws have been unchanged since they were adopted in 1994. Since that time, amendments have been made to the *Act*, as well as fees updated.

At its regular business meeting June 21 to 23, 2022, Trust Council adopted a model Freedom of Information and Protection of Privacy Bylaw, and passed the following resolution:

That Trust Council request all local trust committees to consider adoption of a new Freedom of Information and Protection of Privacy bylaw based on the model bylaw.

Staff has drafted a new Freedom of information and Protection of Privacy Bylaw for each Island Local Trust Committee based on the adopted model bylaw.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL:

Minimal staff time to update material on the website.

FINANCIAL:

Fees incurred can be charged current amounts for actual costs and reflect charges for various media formats, including digital records.

POLICY: N/A

IMPLEMENTATION/COMMUNICATIONS:

Staff would update the Islands Trust website with the new bylaws.

FIRST NATIONS:

There is no impact on First Nations on the adoption of the new Freedom of Information and Protection of Privacy bylaw and model bylaw.

OTHER:

There are no other implications of the recommendation.

4 RELEVANT POLICY(S): N/A

5 ATTACHMENT(S):

1. South Pender Island Local Trust Committee Bylaw No. 128

Alternative:

1. That South Pender Island Local Trust Committee Bylaw No. 128, cited as “South Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 128, 2023” be amended and be read a first, second and third time. In this case, any amendments not consistent with the model would be reviewed by the Executive Committee to ensure they do not cause a financial burden to the organization.

2. That this report be referred back to staff for additional information.

Submitted By:	David Marlor, Director, Legislative Services	March 30, 2023
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DRAFT

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY BYLAW NO. 128

A Bylaw to designate the head of the South Pender Island Local Trust Committee for the purposes of, and to set fees under, the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended.

GIVEN THAT:

- A. Section 77(a) of the *Freedom of Information and Protection of Privacy Act*, RSBC 1996, c. 165, as amended (the "Act"), gives the South Pender Island Local Trust Committee the authority to designate a person as the head of the South Pender Island Local Trust Committee for the purposes of the Act, and
- B. Section 77(c) of the Act gives the South Pender Island Local Trust Committee the authority to set any fees the South Pender Island Local Trust Committee requires to be paid under section 75 of the Act,

THE SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE ENACTS AS FOLLOWS:

Citation

- 1. This bylaw may be cited as "South Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 128, 2023".

Definitions and Interpretation

- 2. In this Bylaw:

"Act"	means the <i>Freedom of Information and Protection of Privacy Act</i> , RSBC 1996, Chapter 165, as amended.
"Commercial Applicant"	means a person who makes a request for access to a record to obtain information for use in connection with a trade, business, profession or other venture for profit.
"Head"	means the person designated under Section 3 of this Bylaw as the head of the of the Salt Spring Island Trust Committee for the purposes of the Act.
"Request"	means a request for information under Section 5 of the Act.
"Records"	includes books, documents, maps, drawings, photographs, letters, vouchers, papers and any other thing on which information is recorded or stored by graphic, electronic, mechanical or other means, but does not include a computer program or any other mechanism that produces records.

Designation of Head

3. The person from time to time appointed to the position of Secretary of the Islands Trust is designated as the Head of the South Pender Island Local Trust Committee for the purposes of the Act.
4. The person from time to time appointed to the position of Deputy Secretary of the Islands Trust and the person from time to time appointed to the position of Deputy Treasurer of the Islands Trust, each are authorized to perform any duty or exercise any function of the Head who is designated under Section 3.

Policies and Procedures

5. The Heads authorized to perform the duties of the Head shall operate in accordance with the Act and the Freedom of Information and Protection of Privacy policies, guidelines, and procedures, as set by the Islands Trust Council from time to time.

Fees

6. The fees that are payable by applicants under the Act are those set out in Schedule A to this bylaw.

Interpretation

7. Any word or expression used in this bylaw that is not defined in this bylaw has the meaning given to it in the Act on the date of final adoption of this bylaw.

Repeal

8. "South Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 63, 1994", is hereby repealed and replaced by this bylaw.

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

SECRETARY

South Pender Island Local Trust Committee
Freedom of Information and Protection of Privacy
Bylaw No. 128 - Schedule 'A'

Schedule of Maximum Fees

Item	Description of Services		Fees
1	(a)	Application Fee	\$10.00 (non-refundable)
	(b)	An applicant's request for his/her own personal information is not subject to any fees.	
2	For applicants other than commercial applicants:		
	(a)	for locating and retrieving a record	\$7.50 per ¼ hour after the first 3 hours
	(b)	for producing a record manually	\$7.50 per ¼ hour
	(c)	for producing a record from a machine readable record from a server or computer	\$7.50 per ¼ hour for developing a computer program to produce the record
	(d)	for preparing a record for disclosure and handling a record	\$7.50 per ¼ hour
	(e)	for shipping copies	actual costs of shipping method chosen by applicant
	(f)	for copying records	
		(i) floppy disks	\$2 per disk
		(ii) CDs and DVDs, recordable or rewritable	\$4 per disk
		(iii) computer tapes	\$40 per tape, up to 2 400 feet
		(iv) microfiche	\$3 per fiche
		(v) microfilm duplication	\$25 per roll for 16mm microfilm \$40 per roll for 35mm microfilm
		(vi) microfiche or microfilm to paper duplication	\$0.50 per page (8.5" x 11")
		(vii) photographs, colour or black and white	\$5 to produce a negative \$12 each for 16" x 20" photograph \$9 each for 11" x 14" photograph \$4 each for 8" x 10" photograph \$3 each for 5" x 7" photograph
		(viii) photographic print of textual, graphic or cartographic record, black and white	\$12.50 each (8" x 10")
		(ix) dot matrix, ink jet, laser print or photocopy, black and white	\$0.25 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
		(x) dot matrix, ink jet, laser print or photocopy, colour	\$1.65 per page (8.5" x 11", 8.5" x 14" or 11" x 17")
		(xi) scanned electronic copy of a paper record	\$0.10 per page
		(xii) photomechanical reproduction of 105 mm cartographic record/plan	\$3 each
		(xiii) slide duplication	\$0.95 each
		(xiv) audio cassette tape (90 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
		(xv) video cassette recorder (VHS) tape (120 minutes or fewer) duplication	\$5 per cassette plus \$7 per ¼ hour of recording
3	For commercial applicants for each service listed in Item 2		the actual cost to the public body of providing that service