



South Pender Island Local Trust Committee Regular Meeting Agenda

Date: September 1, 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 - 11:20 AM	
7.	COMMUNITY INFORMATION MEETING - None		
8.	PUBLIC HEARING - None		
9.	MINUTES	11:20 AM - 11:30 AM	
9.1	Local Trust Committee Special Meeting Minutes of June 3, 2023 (for Adoption)		3 - 8
9.2	Local Trust Committee Special Meeting Minutes of August 1, 2023 (for Adoption)		9 - 12
9.3	Local Trust Committee Special Meeting Minutes of August 17, 2023 (for Adoption)		13 - 14
9.4	Section 26 Resolutions-without-meeting Dated Aug 2023		15 - 15
9.5	Advisory Planning Commission Minutes - None		
10.	BUSINESS ARISING FROM THE MINUTES		
10.1	Follow-up Action List Dated Aug 2023		16 - 18
11.	DELEGATIONS		

12.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted on the LTC webpage</i>	
13.	APPLICATIONS AND REFERRALS	11:30 AM - 11:40 AM
13.1	Saturna Island Local Trust Committee SA-ALR-2023.1 Application Referral - For Response (attached)	19 - 22
14.	LOCAL TRUST COMMITTEE PROJECTS	11:40 AM - 12:20 PM
14.1	Local Trust Committee Work Program 2023 – Staff Report (attached)	23 - 39
15.	REPORTS	12:20 PM - 12:30 PM
15.1	Work Program Reports (attached)	
15.1.1	<u>Active Projects Report Dated Aug 2023</u>	40 - 40
15.1.2	<u>Future Projects Report Dated Aug 2023</u>	41 - 41
15.2	Applications Report Dated Aug 2023 (attached)	42 - 42
15.3	Trustee and Local Expense Report Dated June 2023 (attached)	43 - 43
15.4	Adopted Policies and Standing Resolutions (attached)	44 - 46
15.5	Local Trust Committee Webpage	
15.6	Islands Trust Conservancy Report - None	
16.	NEW BUSINESS	12:30 PM - 12:40 PM
16.1	South Pender Island LTC Freedom of Information and Protection of Privacy Bylaw No. 128 - Consideration of Adoption (attached)	47 - 51
16.2	Census Infographics - Briefing (for information)	52 - 59
17.	UPCOMING MEETINGS	
17.1	Next Regular Meeting Scheduled for November 10, 2023 at the Fire Hall, Pender Island	
18.	TOWN HALL	12:40 PM - 12:55 PM
19.	CLOSED MEETING - None	
20.	ADJOURNMENT	12:55 PM - 12:55 PM

South Pender Island Local Trust Committee

Minutes of Special Meeting

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

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

Staff Present: Kim Stockdill, Island Planner
Lisa Millard, Recorder

Others Present: There were approximately 20 members of the public present.

1. CALL TO ORDER

Chair Elliott called the meeting to order at 1:02 pm. She acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

6. Add Closed Meeting
4. Change item 4.1 to the following:
Scheduling an Electronic Special Meeting for review of special items.
Re-number subsequent items on the Agenda.

By general consent, the agenda was adopted as amended.

3. MINUTES

3.1 Local Trust Committee Minutes Dated May 5, 2023 (for Adoption)

The following amendments to the minutes were presented for consideration:

On page 3 of the minutes, item 6, paragraph 6 change Dennis Henshaw to Dennis Perch.

On page 3 of the minutes, item 5, paragraph 1, second sentence remove words “and requested it be referred to the APC.”

By general consent, the South Pender Local Trust Committee meeting minutes of

May 5, 2023 were adopted as amended.

4. BUSINESS ITEMS

4.1 Scheduling an Electronic Special Meeting for review of special items.

Island Planner Stockdill noted the following:

- The Ministry of Transportation and Infrastructure (MOTI) plans to begin work on repairs to “the dip” by early September
- MOTI has requested to store materials on private property, which is located in the Agricultural Land Reserve (ALR)
- The storage of materials is not a permitted use in the ALR therefore permits will be required

SP-2023-026

It was Moved and Seconded,

that the South Pender Island Local Trust Committee request staff to schedule an electronic special meeting for the following applications: SP-TUP-2023.1 and SP-ALR-2023.1.

CARRIED

4.2 South Pender Bylaw No. 123 - Project Update

Island Planner Stockdill reviewed the Staff Report and highlighted the following:

- Proposed Bylaw 123 was sent to the Minister for approval in September, 2022
- Chair Elliott received a letter from the Minister noting that the Local Trust Committee (LTC) had sought early engagement with First Nations regarding the bylaw however there had been no reply, therefore the LTC should consider revisiting the matter with local First Nations for the purpose of engaging in meaningful discussion

Discussion ensued and Trustees noted that:

- The LTC has a standing resolution regarding engagement with First Nations
- Following a public hearing the LTC can not hear any further submissions from community members regarding a matter
- Both the reconciliation, and siting guidelines, aspects of the bylaw deserves further, and separate, discussion
- It is important to allow deep engagement and extended public process before moving bylaws through second and third readings

SP-2023-027

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proceed no further with the Minor Official Community Project and Proposed Bylaw No. 123.

CARRIED

4.3 2023 – Work Program Discussion

Trustees reviewed the May 5, 2023 Staff Report which summarized comments received from community members at the March 25, 2023 Community Information meeting, which was held, in part, to generate ideas for new LTC projects.

Discussion ensued.

It was noted that a significant amount of correspondence had been received regarding Bylaw 122. It was also noted that quite a bit of correspondence was received in the seven days prior to the meeting and while that correspondence is reviewed by Trustees it is not included in the meeting package due to staff time limitations.

5. COMMUNITY INFORMATION MEETING

5.1 Future Projects Discussion

It was clarified that the purpose of the meeting is to determine, with community input, what the next minor project will be.

Members of the public made the following comments:

- Bylaw 122 should be rescinded or altered. It has had the effect of making many properties legal non-conforming which has the potential to affect property insurance, restrict enjoyment of property, and the bylaw assumes community members will not be environmentally responsible
- Reconciliation activities should be the next minor project. The Ministry has provided funding to move forward with First Nations engagement and relationship building and there are resources available and a framework which allows the LTC to do so.
- Bylaw 122 should be re-visited as the resulting building setbacks caused significant community contention
- Bylaw 122 should be rescinded and Bylaw 114 reinstated. It took two LTC terms, engagement with focus groups, and multiple hearings to reach an accord on Bylaw 114 and then incoming Trustees opened it up and changed it. The speaker would also like to see further engagement with First Nations
- Bylaw 122 should be rescinded. The bylaw attempted to address housing shortages by restricting short term vacation rentals (STVRs), but the bylaw has not had an impact on housing. Accommodations options are in demand and the LTC should not regulate how people use their home. There are also issues with the bylaw in relation to water storage and waterfront setbacks
- Bylaw 122 should be rescinded. House size maximums and building footprints should be re-discussed
- Bylaw 122 should be rescinded. It resulted in many homes becoming legally non-conforming
- Bylaw 122 should not be rescinded. There have not been issues with people getting variances since it has passed and re-opening it will create further divisiveness. The LTC should focus on forest management and water

- Bylaw 122 should be rescinded. It has resulted in community members feeling that their homes are legal non-conforming which can affect home values and resale prices. The entire Islands Trust policy needs to look at First Nations reconciliation, and not just within the policies of South Pender Island
- First Nations reconciliation and engagement needs to be driven by Islands Trust policy, but there are also local issues that the community needs to be involved with
 - Trustee Falck noted that a Trust Policy statement is presently being worked on and will be available for public review in approximately six months
- Bylaw 122 should not be rescinded. There are misperceptions and division within the community. There were specific steps taken to ensure that existing housing would not be considered legal non-conforming. Efforts were made to safeguard land coverage during a population surge, and new larger homes that are too close to property lines can negatively impact neighbors. Instead of rescinding the bylaw during a housing crisis, consideration should be given to finding a mechanism to look at housing sizes tied to options such as secondary suites
- Bylaw 122 needs to be rescinded or discussed at length. The bylaw could affect inheritances as well as a community member's ability to rebuild their home if it were destroyed by fire. Freedom of choice is being affected
- Bylaw 122 should be revisited. The specific one size fits all setback, and water, regulations do not make sense for every property. Decisions should be made on an objective, science based, view and a case-by-case basis for what is appropriate for a particular lot
- Bylaw 122 should be rescinded. The community discussion regarding the bylaw was incomplete and rushed, in part due to COVID gathering restrictions. Bylaw 122 makes existing houses legal non-conforming. Each insurance underwriter is going to evaluate and look at it differently
 - The Chair requested the Planner clarify the conforming versus non-conforming issue. The Planner stated that if a Bylaw is amended then use and siting are protected under the Local Government Act. The previous LTC took a step further by including a clause that a house can be rebuilt in the exact location, at the same size as previous, even if this is not conforming to current land use bylaw
- Bylaw 122 needs to be revisited. Bylaw 114 went through a six-year period of discussion and focus groups which resulted in stringent building restrictions. Bylaw 114 should not have been re-opened
- There needs to be consideration of how Bylaw 122 affects community members that bought property when the previous bylaw was in place but who have not built yet
- Bylaw 122 should not be rescinded. There are many people who believe that the bylaw has merit, but they are disengaged with the discussion. There is a mechanism in place for community members to get approval for non-compliant plans and there needs to be a process put in place to better communicate and explain the bylaw
 - Trustee Falck noted that the meeting is being held to discuss work projects, and if community members are indicating that rescinding Bylaw 122 is a priority then they are giving voice to what they want the next work project to be. Everyone had the opportunity to attend and state what they want the priority to be

- Bylaw 122 should not be rescinded. There should be further engagement to help community members understand the bylaw. There is pressure to build larger homes and new buyers often want to build larger homes. Discussion should focus on guidelines to encourage water conservation and use of solar power
- We are living on unceded First Nations territory where there are historic and treaty rights, and the community needs to be welcoming to the presence of First Nations peoples. The community has responsibility to protect the health of the shoreline and focus should be on increasing awareness of First Nations historic presence and improving relationships. The Trustees need to bring the community together, in a safe environment, to clarify the issues and work together to find solutions
- Bylaw 122 should not be rescinded. Further discussion is needed and if the community is not involved then there is not opportunity to change. If there is opportunity for discussion, and effort made within a group to talk about the issues, then it will be easier for everyone to relate to other's concerns
- Bylaw 122 needs to be the minor project. It was designed for a one size fits all process that is not working. The development variance permit process takes time and costs money, and one should be allowed to build a larger house. It is not a solution to say a community member can be allowed to build a larger house only if part of the house is a solution to the housing crisis. This forces the homeowner to become a landlord
- The community needs to understand what protections are already in place and how to respect the land for themselves and for others
- Since Bylaw 122 was put in place there have only been two applications made for a development variance permit. This does not mean that the bylaw has not caused any problems but rather there have not been any problems yet
- Bylaw 122 should be rescinded and Bylaw 114 reinstated. We were not presented with data or technical reasons for the changes in Bylaw 122
- Bylaw 122 should be discussed. Bylaw 114 was not ideal, and Bylaw 122 is not the path forward either. Further discussion and workshops would be welcome, and Trustees need to find a community consensus
- Bylaw 122 should be revisited but not rescinded. A lot of work was done with compromises made, and further analysis and dialogue is needed to identify the problems and create solutions to fix them

The Trustees thanked everyone for providing their input and discussion ensued.

SP-2023-028

It was Moved and Seconded,

that the South Pender Local Trust Committee repeal Bylaw 122.

CARRIED

SP-2023-029

It was Moved and Seconded,

that the minor project for the South Pender Local Trust Committee is to conduct further community engagement on the 2021 Land Use Bylaw Amendments Project and the staff be requested to prepare a report with options for the next Local Trust Committee meeting in September 2023.

CARRIED

6. CLOSED MEETING

6.1 Motion to Close the Meeting

SP-2023-030

It was Moved and Seconded,

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3 s. 90(1) (m) for the purpose of considering a matter that, under another enactment, is such that the public may be excluded from the meeting."

CARRIED

Chair Elliott recessed the regular meeting at 4:35 pm.

6.2 Recall to Order

Chair Elliott reconvened the regular meeting at 5:13pm

6.3 Rise and Report

Nothing to rise and report, discussion only.

7. ADJOURNMENT

By general consent the meeting was adjourned at 5:14 pm.

Tobi Elliott, Chair

Certified Correct:

Lisa Millard, Recorder

South Pender Island Local Trust Committee Minutes of Special Meeting

Date: August 1, 2023

Location: Electronic Meeting

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

Staff Present: Kim Stockdill, Island Planner
Warren Dingman, Bylaw Compliance and Enforcement Manager
Charly Caproff, Planner 1
Lisa Millard, Recorder

Others Present: There were 12 members of the public present.

1. CALL TO ORDER

Chair Elliott called the meeting to order at 10:01 am. She acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 4.4 Media Procedures and Notifications
- 5. In-Camera Meeting

Renumber subsequent items on the agenda

By general consent, the agenda was adopted as amended.

3. MINUTES

3.1 South Pender Island Local Trust Committee Special Meeting Minutes of June 3, 2023 (for Adoption)

Deferred to next scheduled regular meeting.

4. BUSINESS ITEMS

4.1 SP-SUB-2021.1 – Staff Report (attached)

Island Planner Stockdill summarized the staff report.

SP-2023-031

It was Moved and Seconded,

that South Pender Island Local Trust Committee accept the covenants under Section 219 of the Land Title Act from the registered owners of 8970 Gowlland Point Road and designate the Chair of the South Pender Island Local Trust Committee to sign the covenants for SP-SUB-2021.1.

CARRIED

4.2 SP-ALR-2023.1 (Bengert) – Staff Report (attached)

Item 4.3 was discussed prior to item 4.2.

It was noted that the applicant was in attendance.

Planner Caproff summarized the staff report.

SP-2023-032

It was Moved and Seconded,

that South Pender Island Local Trust Committee supports application SP-ALR-2023.1 (Bengert) and requests staff to forward the application to the Agricultural Land Commission (ALC) for further consideration.

CARRIED

4.3 SP-TUP-2023.1 (Bengert) - Staff Report (attached)

Planner Caproff summarized the staff report and highlighted the following:

- The property is considered the only suitable site for material storage
- The Temporary Use Permit (TUP) guidelines specify that there will be no sorting or processing of the material on site
- The land used for materials storage will be restored to its previous condition

Discussion ensued and the following was noted:

- A letter had been received from residents outlining concerns regarding truck traffic to and from the site potentially occurring 7 days per week including Sundays and holidays
- If the applicant wished to utilize any of the material then it may be necessary for the applicant to make an application with the Agricultural Land Commission (ALC)

SP-2023-033

It was Moved and Seconded,

that South Pender Island Local Trust Committee amend the conditions of Temporary Use Permit SP-TUP-2023.1 as follows:

- b) Hours of operation are restricted to 7:00 a.m. to 7:00 p.m. Monday to Fridays, 8:00 a.m. to 7:00 p.m. Saturday, and work is not permitted on Sundays or holidays
- d) ii. Equipment as needed for stripping and remediation of the site
- g) No processing, crushing, or sorting of aggregates is permitted with the temporary use permit area.

CARRIED

SP-2023-034

It was Moved and Seconded,

that South Pender Island Local Trust Committee approve issuance of amended Temporary Use Permit SP-TUP-2023.1 (Bengert), subject to approval of the proposed non-farm use by the Agricultural Land Commission (ALC).

CARRIED

4.4 Media Procedures and Notifications

Trustee Evans indicated that the LTC meeting agenda is made available to the public 7 days in advance of a meeting, and that the cut off period for people to send correspondence is also 7 days in advance of the same meeting. She inquired if it is possible to send the agenda out earlier than 7 days prior to the scheduled meeting.

Planner Stockdill noted that the 7 day period is an internal Islands Trust policy. It was recommended that Trustees take the concern to Trust Council for review, or look into the possibility that it be processed as an administrative bylaw change.

5. CLOSED MEETING

5.1 Motion to Close the Meeting

SP-2023-035

It was Moved and Seconded,

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: a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality; AND that the recorder and staff attend the meeting.

CARRIED

The regular meeting was recessed at 11:35 am and reconvened at 12:01 pm.

Chair Elliott stated that there was no rise and report.

6. ADJOURNMENT

By general consent the meeting was adjourned at 12:02 pm.

Tobi Elliott, Chair

Certified Correct:

Lisa Millard, Recorder

South Pender Island Local Trust Committee Minutes of Special Meeting

Date: August 17, 2023
Location: Electronic Meeting

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

Staff Present: David Marlor, Director of Legislative Services
Lisa Millard, Recorder

1. CALL TO ORDER

Chair Elliott called the meeting to order at 10:30 a.m. She acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. CLOSED MEETING

3.1 Motion to Close the Meeting

SP-2023-036

It was MOVED and SECONDED

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90 (1)(a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality and that Staff and the Recorder attend the meeting.

CARRIED

The regular meeting was recessed at 10:33 a.m. and reconvened at 11:23 a.m.

4. RISE AND REPORT

Chair Elliott stated there was no rise and report.

5. ADJOURNMENT

By general consent the meeting was adjourned at 11:25 a.m.

Tobi Elliott, Chair

Certified Correct:

Lisa Millard, Recorder



Resolutions Without Meetings Log

South Pender Island

Resolution Number	Action	Date
2023-003 Special meeting to hold and In-Camera meeting that the South Pender Island Local Trust Committee request Staff to schedule a Special Meeting to hold and In-Camera meeting on Thursday August 17, 2023 at 10:30 am and that the meetings be held electronically.	Carried	10-Aug-2023



Follow Up Action Report

South Pender Island

05-May-2023

Activity	Responsibility	Dates	Status
1 Staff to review subscriber email list to determine if emails are up to date and provide names (not email addresses) to Trustees.	Jas Chonk Kim Stockdill	Target: 26-May-2023	Completed
2 Staff to notify the Mayne LTC in regards to the request on the LTC's thoughts for the implementation of Siting & Use Permits that the South Pender LTC is of interest and requests that the Mayne LTC provide updates on the progress of the proposal.	Kim Stockdill	Target: 27-May-2023	Completed
3 13.1 Saturna LTC Bylaw No. 138 - Interests unaffected.	Jas Chonk	Target: 19-May-2023	Completed
4 15.1 Staff to schedule an in-person special meeting for Saturday June 3, 2023 starting at 1pm to discuss the work program. Staff to zoom into the meeting. Staff to schedule fire hall and minute taker, and send out meeting notice by May 12th. Staff to place notice in the June edition of the Pender Post.	Jas Chonk Sheree Rialp	Target: 12-May-2023	Completed
5 Staff to remove "Shoreline Review Project" from Active Projects Report and move it to Future Projects Report, and to delete "Brooks Point Zoning Review" from Future Projects Report.	Kim Stockdill	Target: 12-May-2023	Completed
6 15.4 Standing resolution 2020-015 to be rescinded. Staff to remove this resolution from 'Adopted Policies and Standing Resolutions'. Staff to notify Bylaw Enforcement of removal of standing resolution.	Jas Chonk	Target: 12-May-2023	Completed



Follow Up Action Report

South Pender Island

05-May-2023

Activity	Responsibility	Dates	Status
7 16.2 SP LTC Annual Report wording approved.	Robert Kojima	Target: 12-May-2023	Completed
8 16.3 SP LTC FOI and PoP Bylaw No. 128 given First, Second, and Third Reading. Bylaw to be sent to EC for approval.	David Marlor Jas Chonk	Target: 19-May-2023	Completed
9 19. SP LTC appointed Audrey Green, Cameron Thorn, Donna Spalding, Gordie Duncan, and Rodney Kirkwood to the SP APC. Staff to send appointment letters to new APC members.	Emily Bryant Jas Chonk Sheree Rialp	Target: 19-May-2023	Completed

03-Jun-2023

Activity	Responsibility	Dates	Status
1 3.1 SP LTC minutes dated May 5, 2023 approved as amended.	Emily Bryant	Target: 16-Jun-2023	Completed
2 4.1 Staff to schedule an electronic special meeting in regards to applications SP-ALR-2023.1 and SP-TUP-2023.1.	Emily Bryant Jas Chonk Kim Stockdill	Target: 14-Jul-2023	Completed
3 4.2 SP LTC is proceeding no further with the Minor OCP Amendment Project and Bylaw No. 123. Staff to update website and remove project from Active Project list.	Jas Chonk Kim Stockdill	Target: 16-Jun-2023	Completed



Follow Up Action Report

South Pender Island

03-Jun-2023

Activity	Responsibility	Dates	Status
4 Staff to send letter to Minister and Ministry staff that the LTC is not proceeding further with Bylaw No. 123.	Kim Stockdill	Target: 23-Jun-2023	Completed
5 Staff to prepare a report outlining options for a LUB Review Project and further community engagement for the September 1st meeting. -attached email from R. Kojima dated June 27/23 to staff report.	Kim Stockdill	Target: 25-Aug-2023	Completed

01-Aug-2023

Activity	Responsibility	Dates	Status
1 Defer June 3, 2023 special meeting minutes to September 1st for adoption.	Jas Chonk	Target: 25-Aug-2023	Completed
2 Chair Elliott is authorized to sign both covenants related to 8970 Gowlland Point Road. (IN PROGRESS) Staff to notify ALC of error in draft covenant (DONE).	Jas Chonk Kim Stockdill	Target: 15-Sep-2023	In Progress
3 SP-ALR-2023.1 - Staff to send non-farm use application to ALC for decision.	Charly Caproff	Target: 18-Aug-2023	Completed
4 SP-TUP-2023.1 - TUP amended and approved subject to ALC approval. Once ALC approval is received, staff may issue TUP.	Charly Caproff Jas Chonk	Target: 27-Oct-2023	In Progress
5 LTC to hold an in-camera special meeting. RWM to schedule meeting required...	Emily Bryant Jas Chonk	Target: 25-Aug-2023	Completed



Islands Trust

APPLICATION 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

Application No.: SA-ALR-2023.1

Date: July 10, 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:

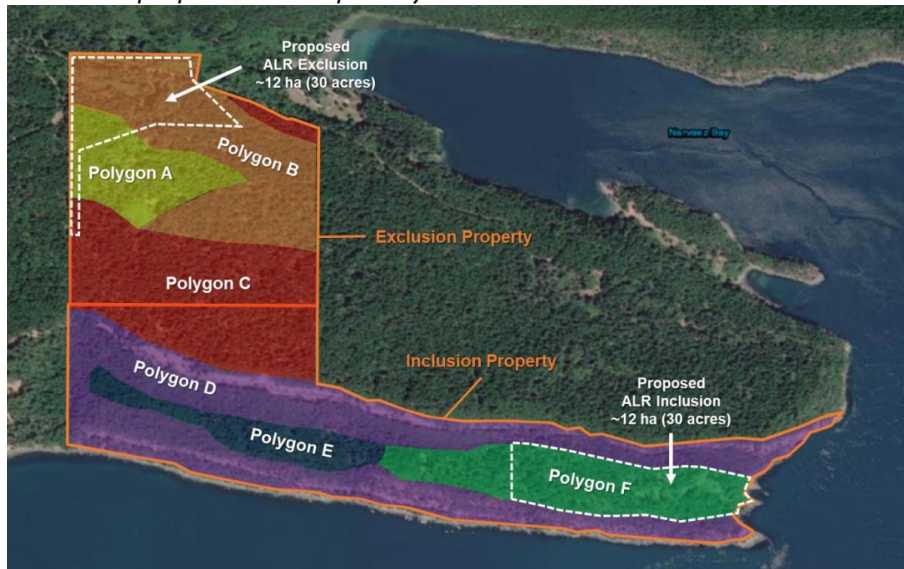
206 Narvaez Bay Road, Saturna Island

PURPOSE OF BYLAW:

This referral is in respect of a proposal to exclude 12 hectares for a property on Narvaez Bay Road with a corresponding inclusion of 12 hectares on an adjacent property owned by the same property owner and as identified in the Land Capability for Agriculture Assessment Report found in SA-ALR-2023.1 (Hall) professional report sub-folder at: <https://islandstrust.bc.ca/island-planning/saturna/current-applications/>.

As of September 30, 2020 Agricultural Land Commission (ALC) exclusion applications can only be submitted by a local government, not individual property owners. In this case, the Saturna Island Local Trust Committee (LTC) has passed a resolution in support of the proposed exclusion/inclusion, and has directed staff to initiate the [exclusion process](#) including referring the proposed changes to agencies and First Nations.

The professional report concludes: *Based on the collected information from our field assessment and background review, it is the objective, professional opinion of Madrone that the ALR exclusion and inclusion proposal by the Client (Figure 8; Appendix A) increases the overall capability of agriculture on Saturna Island should the proposal be accepted by Islands Trust and the ALC.*



PLEASE TURN OVER

GENERAL LOCATION:

Saturna Island Local Trust Area

LEGAL DESCRIPTION:

- 1) Exclusion Property: The North East 1/4 Of Section 2, Saturna Island, Cowichan District, Except Part In Plan 31309
- 2) Inclusion Property: Lot 1, Sections 1 And 2, Saturna Island, Cowichan District, Plan 49833

SIZE OF PROPERTY AFFECTED:

Exclusion: 59.16 ha
Inclusion: 90.66 ha

ALR STATUS:

Portion of exclusion
property in ALR

OFFICIAL COMMUNITY PLAN DESIGNATION:

Exclusion: Rural (R)
Inclusion: Forest Land (F)

OTHER INFORMATION:

Additional information, including a preliminary staff report, 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

This referral has been sent to the following agencies:

Government Agencies

Parks Canada
Ministry of Transportation and Infrastructure
Agricultural Land Commission

Regional Agencies

CRD, Planning and Protective Services, Building Inspection
Island Health

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)

SA-ALR-2023.1
(Application Number)

(Name and Title)

(Agency)

File No.: 6500-02
Work Program 2023 Report

DATE OF MEETING: September 1, 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 amend its Work Program to identify “Minor LUB Review Project” as the minor Active Project.
2. That the South Pender Island Local Trust Committee request staff to draft a Project Charter and report back with options for a minor Land Use Bylaw Review Project.

REPORT SUMMARY

This report outlines options for the South Pender Island Local Trust Committee (LTC) to consider regarding the next Active Project.

COMMUNITY INFORMATION MEETING

The South Pender Island LTC held a Community Information Meeting (CIM) on March 25, 2023 in order to gather comments from community members for ideas on new projects. The following topics were discussed as possible LTC projects at the March 25th meeting:

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 Phase 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.

A second CIM was held on June 3, 2023 to gather further input. At the June 3rd meeting, the following resolutions were passed by the South Pender LTC:

SP-2023-027

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proceed no further with the Minor Official Community Project and Proposed Bylaw No. 123.

CARRIED

SP-2023-028

It was Moved and Seconded,

that the South Pender Local Trust Committee repeal Bylaw 122.

CARRIED

SP-2023-029

It was Moved and Seconded,

that the minor project for the South Pender Local Trust Committee is to conduct further community engagement on the 2021 Land Use Bylaw Amendments Project and the staff be requested to prepare a report with options for the next Local Trust Committee meeting in September 2023.

CARRIED

An overwhelming number of community members supported the decision to revisit South Pender Bylaw No. 122 that was adopted in September 2022. During the June 3rd meeting, the South Pender LTC passed a motion to repeal Bylaw 122. Members of the South Pender LTC expressed that the intent of the resolution was to indicate the LTC's willingness to revisit Bylaw No. 122, and had no intention to repeal the bylaw at that time. The South Pender LTC is aware that Resolution Number SP-2023-028 has no force or effect, and to rescind a bylaw the LTC must follow the proper legislative process. Attached to the staff report is an email from Robert Kojima, Regional Planning Manager, dated June 27, 2023, outlining the legislative process to rescind a bylaw.

Correspondence related to the 2023 Work Program can be found on the LTC's Project webpage:
<https://islandstrust.bc.ca/island-planning/south-pender/projects/>

History of Bylaw No. 122

The Land Use Bylaw (LUB) Amendment Project was initiated in May 2021. The previous South Pender LTC had a number of topics they wished to address with the project: new agricultural regulations, reduce maximum floor areas for dwellings in the rural residential zones, reduce setbacks for dwellings and cottages in the rural residential zones, increase the setback from the natural boundary of the sea, include clauses for those buildings or structures that maybe be deemed legal non-conforming due to the new regulations, and other minor amendments.

Due to a large turn-out for the initially scheduled Public Hearing in May 2022, the LTC decided to reschedule the Public Hearing to another date with a large venue. The LTC also gave direction to staff to hold additional Community Information Meetings (one in-person and one online) prior to the Public Hearing. At the Community Information Meetings and Public Hearing the community expressed a mix of support and also opposition to the proposed bylaw. The South Pender LTC made additionally amendments to the proposed bylaw at the August 12, 2022 special meeting to try to address concerns raised by the community.

- First Reading: May 6, 2022
- Second Reading: August 12, 2022
- Third Reading: August 12, 2022
- Public Hearing: July 23, 2022
- EC Approval: September 7, 2022

The bylaw was then adopted by Resolution without Meeting by the previous South Pender LTC on September 15, 2022.

Proposed Work Program Project

Based on the LTC resolutions passed at the June meeting, staff propose that the LTC initiate a new LUB Amendment Project that focuses on reviewing the amendments made by Bylaw No. 122, along with any other minor amendments. Community members have expressed support to review the amendments in Bylaw No. 122, yet other community members have stated that some of the regulations in the bylaw should be retained.

If the LTC agrees, the next step in the process would be for staff to report back at the November 10th LTC meeting with:

- a Project Charter that would outline the project's purpose, objectives, scope (in and out), timeline, and budget for review and endorsement by the LTC
- an initial review of Bylaw No. 122 highlighting potential amendments the LTC may wish to consider.

Rationale for Recommendation

Staff recommend the LTC identify a "Minor LUB Review Project" as the LTCs' Active Minor Project. Each LTC can have up to one Minor Project at a time. A Minor project requires of budget of less than \$5000 per year, is relatively limited in scope, can be supported by the LTC's assigned Island Planner and is funded from a budget allocated by the Director of Planning Services.

In addition, direction from the LTC is required to draft a project charter and prepare a preliminary report to review the amendments made by Bylaw No. 122 and other minor potential LUB amendments.

ALTERNATIVES

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

1. Schedule a Special Meeting

The LTC may wish to schedule a further 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 Work Program priorities.

2. Alternative Active Project

The LTC may wish to focus on a different topic for the Active Project. The resolution can be worded as:

That the South Pender Island Local Trust Committee to add "... " as the minor Active Project.

Submitted By:	Kim Stockdill, Island Planner	August 23, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	August 24, 2023

ATTACHMENTS:

1. Email from Robert Kojima dated June 27, 2023
2. Bylaw No. 122 (adopted)

From: Robert Kojima
Sent: Tuesday, June 27, 2023 8:56 AM
To: Tobi Elliott
Cc: Kristina Evans; Dag Falck; Kim Stockdill
Subject: RE: Motion regarding intent to rescind bylaw 122
Attachments: YOUNG-ANDERSON-SEPT-UBCM-NEWSLETTER_2021.pdf; SP-BL-122_LUB-Review_Adopted.pdf

Hi Tobi,

Legally, Bylaw 122 cannot be 'rescinded': once Bylaw 122 was adopted the amendments legally 'merged' into the LUB (Bylaw 114), becoming part of the LUB. So any changes would require a new bylaw to amend Bylaw 114, with all the legislative steps associated with that process (I've attached an article from Bill Buholzer that explains the legal basis and procedures related to amending bylaws).

For community clarity, the LTC should be discussing what amendments it wishes to consider making to the LUB that would have the effect of undoing some or all of the changes previously made by Bylaw 122, rather than speaking about 'rescinding bylaw 122' as that is both not an option and implies a lesser process than would actually be required.

Practically, Bylaw 122 made a number of amendments beyond the contentious maximum floor area amendments, some of which were minor improvements to the bylaw or seemed to have broad support (copy attached). So, I would think that the LTC would want to review all the amendments made by Bylaw 122 and consult with the community on which provisions should be removed or amended.

In terms of holding a public hearing: given the degree of community interest, proceeding to amend the LUB without holding a public hearing would likely be controversial. Also, holding a hearing does have the advantage of establishing a formal process for receiving public submissions both in writing during an established period leading up to the hearing and at the hearing itself, and then after close of the hearing no further submissions can be received without holding a new hearing. The hearing would essentially be the culmination of the consultation process, with a series of community meetings held as part of the process.

The steps that the LTC should take to proceed are:

1. Identify the initiative as the LTC's Top Priority project. As this project would almost certainly meet the criteria as a 'minor project', no business case is required and work can proceed almost immediately
2. Request the planner to draft a project charter with a timeline and budget for the LTC to review and endorse.

Assuming the budget is small, I would request the funding from Stefan and confirm with Kim that she has the capacity to manage the project.

The timeline in the project charter would include options for community consultation and referral to the APC. This would be the bulk of the project, actually drafting of a new amending bylaw would be relatively straightforward.

Robert Kojima
Regional Planning Manager, Southern Team
Islands Trust | 250.405.5159

not “in common”. The Court cautioned, however, that the boundary of “100 properties” cannot be assumed as a guideline for the community of interest exception in *all* communities, which suggests that such a guideline may vary with each community.

Therefore, in *Redmond v. Wiebe*, despite the respondent’s financial interest in the Temporary Patio Program, the Court held that the participation restrictions in the *Vancouver Charter* did not apply to him. This decision was appealed on August 10, 2021.

This case highlights the context-specific nature of the conflict of interest analysis. The task for councillors voting on matters of wider importance, but which also affect them

personally, is a difficult one. They must decide whether their interest is in common with “electors generally”. It remains unclear in what circumstances the term “electors generally” will be equated to a smaller comparator group, such as owners of restaurants and bars, as was the case in *Redmond*. Perhaps the Court of Appeal will take the opportunity to provide greater clarity with respect to how broadly, or narrowly, the group of “electors generally” must be defined in order for a councillor to take the benefit of the interest in common exception.

Julia Tikhonova & Nick Falzon ✍



The Concept of Merger: What Municipal Bylaw Drafters Should Know

One of the aspects of statutory interpretation that comes into play in the drafting and interpretation of local government bylaws, in particular amendment bylaws, is the concept of merger. At the instant that an amending bylaw comes into force, each amendment that it makes merges with the bylaw that is being amended, with the result that the bylaw now reads as amended. The amending bylaw is at that instant “spent”; it has fully performed its task and has no further purpose or effect.

Merger is codified in s. 34 of the *BC Interpretation Act* (which applies to the interpretation of municipal bylaws unless a contrary intention appears in the bylaw): “An amending enactment must be construed as part of the enactment that it amends.” This has a number of important consequences for those of us who draft and administer municipal bylaws.

1. Except in regard to the time at which the amended provision comes into

operation, the effect of merger is that the amended bylaw must now be interpreted as if it had contained the amended provision from the outset (though amended provisions have no retroactive effect). This legal fiction assumes that the drafter of the amendment turned their mind to how the amendments fit with the balance of the bylaw and included all amendments necessary to ensure the continuation of a seamless and coherent bylaw

scheme. This is why it is so important for amendment drafters to check any existing bylaw definitions, for example, for words and phrases that are being used in the amendment to ensure that the definitions make sense in these new provisions, and to ensure that the vocabulary used in the amendment is the same vocabulary that was used in the existing bylaw. Thus, if the zoning bylaw uses the term “duplex”, a zoning amendment bylaw shouldn’t use the term “two-family dwelling” to refer to the same type of building, regardless of the semantic preferences of the drafter.

2. Because an amendment bylaw is spent at the instant that it comes into force, one does not (with the single exception noted below) subsequently amend an amendment bylaw, and any such amendment would usually be of doubtful validity. The correct procedure is to once again amend the parent bylaw that the amendment bylaw amended. For example, if a fees and charges bylaw has been amended to increase the fee for a building permit application from \$50 to \$100, the correct procedure for further increasing the fee to \$150 is to amend the building bylaw again rather than amending the amendment bylaw to enact a larger increase. According to the concept of merger, the first amendment bylaw is spent and cannot be amended. While enacting a further fee increase by amending a previous fee increase in this way may be rare, we have seen bylaws that purport to amend the text of zoning amendment bylaws that have already been adopted, are already in force and are therefore spent.
3. The *Community Charter* in s. 136 says that a bylaw comes into force on the

later of the date it is adopted and any later date specified in the bylaw. If an amendment bylaw has been adopted but hasn’t yet come into force, it can be amended. The provisions of the second amendment merge with the provisions of the first amendment on the effective date of the second amendment, and all of the amendments merge with the provisions of the parent bylaw on the in-force date of the first amendment.

4. The fact that an amendment bylaw is spent, by the way, doesn’t mean that it can be discarded; like all bylaws it must be kept in a safe place and made available to the public for inspection as required by s. 97(1)(a) of the *Community Charter*. The corporate officer will have to consult these bylaws if an official bylaw consolidation (see below) is prepared.
5. One of the consequences of merger is that it is unnecessary to include in an amendment bylaw that will come into force upon adoption a provision establishing how the bylaw may be cited – the so-called “short title” of the bylaw (which in many cases is not short at all). No occasion to formally cite the bylaw will arise, at least in any other bylaw.
6. When a bylaw that has been amended is repealed, the repeal provision may simply refer to the bylaw by its designated name, rather than the bylaw “as amended”. For example, if a zoning bylaw that has been frequently amended “may be cited for all purposes as Zoning Bylaw No. 2000”, a new zoning bylaw that repeals it may simply indicate that Zoning Bylaw No. 2000 is repealed. The reference to the bylaw automatically includes every amendment that has merged with the original bylaw. (Any amendment bylaws

that have been adopted but have not yet come into force should, however, also be repealed. A bylaw may always be repealed before it comes into force.)

7. When a local bylaw that has been amended is referenced in another local bylaw (for example a zoning bylaw that defines “structure” as a structure as defined in Building Bylaw No. 1000), the zoning bylaw may simply refer to Building Bylaw No. 1000 rather than “Building Bylaw No. 1000 as amended from time to time”. Again, the reference to the bylaw automatically includes all amendments that have merged with the original bylaw. If, however, the intention is to freeze the building bylaw definition for the purposes of the zoning bylaw so that subsequent building bylaw amendments will not have consequences for the zoning bylaw, the zoning bylaw must say so, by defining “structure” as “a structure as defined in Building Bylaw No. 1000 as of the date of first reading” of the zoning bylaw.
8. It follows from all of the above that a written version of the true contents of an amended bylaw, whether in hard copy or electronic format, might not exist at any particular time except as a legal notion. The contents of any amended bylaw may however, as of any date, be revealed in several different ways. The formal manifestation of the bylaw is an official bylaw consolidation prepared by the corporate officer in the manner permitted by s. 139 of the *Community Charter*, in which provisions added by amendment are included and from which repealed provisions are removed. These are quite rare. Unofficial consolidations of bylaws, on the other hand, are often prepared for publication on local government

websites and are sometimes also printed for internal use by the local government. There are usually ongoing consolidations of frequently-amended bylaws such as zoning bylaws and fees and charges bylaws, with each amendment identified with a marginal notation which would not appear in an official consolidation. The corporate officer may also prepare and certify a copy of a local government bylaw for use in legal proceedings, as contemplated by s. 28 of the *Evidence Act*; this doesn’t have to be a s. 139 consolidation. As a matter of law, however, at every point in time the merged bylaw actually exists, somewhat like an image that may be caught by a computer screen grab, even though no consolidation has ever been prepared or the official or unofficial bylaw consolidation is out of date.

Merger also operates in respect of provincial laws; when these laws are amended, the amendments merge with the provisions being amended and the law is interpreted as if the amendments had been included at the outset, except as regards the temporal operation of the amendments themselves (unless the legislature specifically made the amendments retroactive, something that local governments are generally not allowed to do). As a result, for example, a reference in a local government bylaw to the BC *Land Title Act* is automatically interpreted as a reference to the Act including all amendments that have merged with the Act. It’s not necessary to refer to “the *Land Title Act* as amended from time to time”. There is also a merger rule in the federal *Interpretation Act*.



Bill Buholzer

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 122**

A BYLAW TO AMEND SOUTH PENDER ISLAND LAND USE BYLAW NO. 114, 2016

The South Pender Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the South Pender Island 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. 2, 2021”.

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 By adding the following new definitions to Section 1.1 ‘Definitions’:

““agri-tourism” means an activity referred to in Section 12 of the *Agricultural Land Reserve Use Regulation*.”

““agri-tourist accommodation” means a use accessory to a *farm use* for the purpose of accommodating commercial guests within specific structures on specific portions of a *lot* as referred to in Section 33 of the *Agricultural Land Reserve Use Regulation*.”

““basement floor area” means any portion of a storey in a dwelling with a lower floor that is located 1.5 metres or more below natural grade.”

““farm retail sales” means the retail sale of tangible farm products grown or raised on a farm or association to which the owner of the farm belongs.”

““Farm Status” means land classified as a farm pursuant to the *(BC) Assessment Act*.”

2.2 By removing the words “floor area of 70m² or less” and replacing it with “limited floor area” in the definition of ‘cottage’.

2.3 By removing the word “outer” and replacing it with “inner” to the definition of ‘floor area’ and by adding the words “and exclusive of a storey that is not fully enclosed by a floor, ceiling, and four walls or glass” at the end of the definition of ‘floor area’.

2.4 By removing the words “7.6 metres (25 feet)” and replace it with “15 metres (50 feet)” and by removing the words “pump/utility house” in Subsection 3.3(3).

- 2.5 By adding the following new subsection after Subsection 3.3(3) and renumbering accordingly:

“Despite Subsection 3.3(3), *buildings or structures*, except a fence, stairway, wharf and dock ramps or their footings, legally constructed prior to [insert date of Bylaw No. 122 adoption] shall not be sited within 7.6 metres (25 feet) of the *natural boundary* of the sea and, for this purpose only, paved areas of asphalt, concrete or similar material are “*structures*”.”

- 2.6 By adding the following new subsection after Subsection 3.3(3) and renumbering accordingly:

“Despite Subsection 3.3(3), on a lot that contains a legal dwelling, cottage, or accessory building constructed prior to the adoption of this bylaw, 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 at the time of the adoption of this bylaw and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the siting of the dwelling, cottage, or accessory building at the time of the adoption of this bylaw.”

- 2.7 By deleting Subsection 3.4(1) and replacing it with: “A dwelling or cottage shall not exceed 9.2 metres (30 feet) in height and at no point may a dwelling or cottage exceed 9.2 metres (30 feet) in height.”.

- 2.8 By adding the following new subsections to Section 3.5 ‘Accessory Buildings and Structures’ as follows:

- “(6) Shipping containers are a permitted accessory use on a *lot* subject to the following:
 - (a) On a *lot* less than 0.8 ha (2 acre) in area, a maximum of one (1) shipping container is permitted.
 - (b) On a *lot* 0.8 (2 acres) or greater in area, but less than 1.2 ha (3 acres) in area, a maximum of two (2) shipping containers are permitted.
 - (c) On a *lot* with an area greater than 1.2 ha (3 acres), a maximum of three (3) shipping containers are permitted.
- (7) Shipping containers must be screened from neighbouring *lots*, roads, or the sea by use of landscaping screening in compliance with Section 3.9.”

- 2.9 By adding the words “excluding a *cottage*” after the words ‘used as a dwelling’, by deleting the word ‘rainwater’ and replacing it with “freshwater”, by deleting the word ‘cistern’ after the word ‘minimum’ and replacing it with “storage” and by deleting the words ‘9,000 litres (1980 gallons)’ and replacing it with “18,000 litres (3960 gallons)” for Subsection 3.14(1) so it reads:

‘A building permit shall not be issued for a new *building* to be used as a *dwelling*, excluding a *cottage*, on a *lot* in the RR(1), RR(2) or RR(3) zones unless a *building* on the *lot* is equipped with a freshwater catchment system and cistern(s) for the storage of freshwater with a minimum storage capacity of 18,000 litres (3960 gallons).

- 2.10 By deleting the words Table from Subsection 5.1(5) and replacing it with “

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)

”

- 2.11 By add the following new subsection after Subsection 5.1(5):

“Despite Subsection 5.1(5), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this bylaw, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this bylaw and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.”

2.12 By adding the following new subsection after the newly created Subsection 5.1(6) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 70 m² (753 ft²).” ✓ ✓ ✓

2.13 By adding the following new subsection directly after the newly renumbered Subsection 5.1(8) and renumbering accordingly:

“Despite Subsection 5.1(8), the setback for a *dwelling or cottage* shall be 6.0 metres (20 ft.) from any interior or exterior side *lot line*.” ✓ ✓ ✓

2.14 By add the following new subsection after Subsection 5.1(9):

“Despite Subsection 5.1.(9), on a *lot* that contains a legal *dwelling or cottage* constructed prior to the adoption of this bylaw, a replacement *dwelling or cottage* may be constructed, or the existing *dwelling or cottage* re-constructed or altered, provided the distance from the interior or exterior side *lot line* to the replacement, re-constructed or altered *dwelling or cottage* is not less than the distance from the interior or exterior side *lot line* to the *dwelling or cottage* on the *lot* at the time of the adoption of this bylaw and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.”

2.15 By removing the word “Rescinded” from Article 5.5(1)(d) and replacing it with “Accessory *agri-tourism* subject to Subsections 5.5(13) to 5.5(16);”

2.16 By adding the following new article after Article 5.5(1)(d) and renumber accordingly:

“Accessory agri-tourist accommodation, subject to Subsections 5.5(15) to 5.5(22), and as permitted by the Agricultural Land Commission;”

2.17 By adding the words “and *farm retail sales*.” after the words ‘on the same lot’ in Article 5.5(1)(f).

2.18 By deleting Subsection 5.5(9) and replacing it with:

“Maximum *Floor Area* per lot:

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)

”

2.19 By adding the following new subsection after Subsection 5.5(9) and renumbering accordingly:

Despite Subsection 5.5(9), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this bylaw, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this bylaw and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.”

2.20 By adding the following new subsection after the new Subsection 5.5(10) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 90 m² (969 ft²).”

2.21 By adding the following ‘Information Note’ after the newly created Subsection 5.5(11):

“Information Note: *The maximum floor area of a dwelling or cottage located within the Agricultural Land Reserve must be compliant with the Agricultural Land Commission Act, Regulation, and any Resolution for the Agricultural Land Commission.*”

2.22 By removing the word “Rescinded” adding the following to the newly renumbered Subsection 5.5(12):

“Farm retail sales are permitted on a lot located within the Agricultural Land Reserve, and the total indoor and outdoor floor area for the farm retail sales shall not exceed 47 m² (500 ft²).

2.23 By adding the following new subsections after Subsection 5.5(12) under ‘Conditions of Use’ and renumber accordingly:

“5.5(13) Agri-tourism buildings or structures are not permitted.

5.5(14) Agri-tourism must be in compliance with the Agricultural Land Reserve Use Regulation.

5.5(15) Agri-tourism and agri-tourist accommodation are only permitted on a lot with Farm Status.

5.5(16) Agri-tourism and agri-tourist accommodation are only permitted on a lot located in the Agricultural Land Reserve.

5.5(17) Agri-tourist accommodation must be accessory to an active agri-tourism activity.

5.5(18) Agri-tourist accommodation must be accessory to a farm use.

5.5(19) Agri-tourist accommodation buildings and structures must not exceed a floor area of 90 m² (969 ft²).

5.5(20) Agri-tourist accommodation must not be in use for more than 180 days in a calendar year.

5.5(21) Agri-tourist accommodation may include associated uses such as meeting rooms and dining facilities for paying registered guests contained wholly within the agri-tourism accommodation unit, but may not include a restaurant or any commercial or retail goods and services other than those permitted by the Agriculture (A) Zone.

5.5(22) The maximum number of guests that may be accommodated in any agri-tourist accommodation at any one time, either alone or in combination with a bed and breakfast, is not to exceed 10 guests or 5 bedrooms.

2.24 By deleting Subsection 5.6(7) and replacing it with:

“Maximum *Floor Area* per lot:

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)

”

2.25 By adding the following new subsection after Subsection 5.6(7) and renumbering accordingly:

Despite Subsection 5.6(7), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this bylaw, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this bylaw and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.”

2.26 By adding the following new subsection after Subsection 5.6(8) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 70 m² (753 ft²).”

2.27 By deleting Subsection 5.7(6) and replacing it with:

“Maximum *Floor Area* per lot:

Lot Area	The total floor area of all buildings may not exceed:	The floor area of a dwelling may not exceed:
Less than 0.4 ha (1 acre)	465 m ² (5000 ft ²)	232 m ² (2500 ft ²)
0.4 ha to < 0.8 ha (1 to 2 acres)	557 m ² (6000 ft ²)	279 m ² (3000 ft ²)
0.8 ha to < 1.6 ha (2 to 4 acres)	743 m ² (8000 ft ²)	325 m ² (3500 ft ²)
1.6 ha to < 4 ha (4 to 10 acres)	836 m ² (9000 ft ²)	348 m ² (3750 ft ²)
4.0 ha (10 acres) or greater	1394 m ² (15000 ft ²)	372 m ² (4000 ft ²)

”

2.28 By adding the following new subsection after Subsection 5.7(7) and renumbering accordingly:

Despite Subsection 5.7(7), on a *lot* that contains a legal *dwelling* constructed prior to the adoption of this bylaw, a replacement *dwelling* may be constructed, or the existing *dwelling* re-constructed or altered, provided the *floor area* of the replacement, re-constructed or altered *dwelling* does not exceed the *floor area* of the *dwelling* on the *lot* at the time of the adoption of this bylaw and for this purpose the Local Trust Committee may require an owner to submit a certification from an appropriately qualified person as to the floor area of the dwelling at the time of the adoption of this bylaw.”

2.29 By adding the following new subsection after Subsection 5.7(8) and renumbering accordingly:

“The maximum *floor area* of a *cottage* must not exceed 70 m² (753 ft²).”

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	6 TH	DAY OF	MAY	2022.
PUBLIC HEARING HELD THIS	23 RD	DAY OF	JULY	2022.
READ A SECOND TIME THIS	12 TH	DAY OF	AUGUST	2022.
READ A THIRD TIME THIS	12 TH	DAY OF	AUGUST	2022.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	7 TH	DAY OF	SEPTEMBER	2022.
ADOPTED THIS	15 TH	DAY OF	SEPTEMBER	2022.

 CHAIR

 SECRETARY

Active Projects Report

	Responsible	Dates
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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. *Shoreline Review Project*

Responsible

Date Received

Shoreline Review Project

05-May-2023



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SP-SUB-2021.1	Taylor Johnson or Rachel Thomas/Airey Homes Inc. Planner: Kim Stockdill	01-Jun-2021	8970 GOWLLAND POINT RD- proposed three lot bareland strata subdivision
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			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
SP-TUP-2023.1	McElhanney Ltd. - On behalf of MOTI Planner: Charly Caproff	29-May-2023	9861 SPALDING RD: Application for a temporary use permit to store disposable materials.
Planning Status			
Status Date: 22-Aug-2023 Decision received. Approved by ALC with conditions. See 'Administration' folder for ALC response.			
Status Date: 01-Aug-2023 Approved with amendments to TUP. ALC response sent, TUP issuance contingent on ALC approval.			
Status Date: 21-Jul-2023 staff report in agenda items folder			

Islands Trust
LTC EXP SUMMARY REPORT F2024
Invoices posted to Month ending June 2023

665 South Pender	Invoices posted to Month ending June 2023	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-665	LTC "Trustee Expenses"	76.00	0.00	76.00
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	627.00	847.75	-220.75
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>1,480.00</u>	<u>847.75</u>	<u>632.25</u>
Projects				
73001-665-4118	South Pender LUB Minor Amendments	<u>2,000.00</u>	<u>0.00</u>	<u>2,000.00</u>
TOTAL Project Expenses		<u>2,000.00</u>	<u>0.00</u>	<u>2,000.00</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
2019-015 (Standing) 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.	Carried	06-Sep-2019



Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2019-014 (Standing) 15.2 Model Cell Tower Strategy - Staff Briefing that the South Pender Island Local Trust Committee endorse the Model Cell Tower Strategy.	Carried	06-Sep-2019
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

Standing Resolutions Log

South Pender Island

Resolution Number	Action	Date
2010-000 (Standing)	Carried	05-Oct-2010

Send FUAL to trustees once drafted following the meeting.

2006-012 (Standing)	Carried	23-May-2006
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Adoption of Minutes

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



REQUEST FOR DECISION

To: South Pender Island Local Trust Committee **For the Meeting of:** September 1, 2023
From: Jas Chonk, Legislative Clerk **Date Prepared:** July 18, 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 adopted.

DIRECTOR OF LEGISLATIVE SERVICES COMMENTS: The proposed 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 May 24, 2023, the Executive Committee passed the resolution as recommended:

THAT the Islands Trust Executive Committee approve 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" in accordance with Section 27 of the Islands Trust Act.

This allows the Local Trust Committee to adopt the new Freedom of information and Protection of Privacy Bylaw that was given first, second and third readings at the May 5, 2023 South Pender Island Local Trust Committee meeting.

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 Freedom of Information and Protection of Privacy Bylaw No. 128, 2023

Alternative:

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

Submitted By:	Jas Chonk, Legislative Clerk	July 18, 2023
Concurrence:	David Marlor, Director of Legislative Services	July 20, 2023

PROPOSED

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 South Pender Island Local 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	5 TH	DAY OF	MAY	2023.
READ A SECOND TIME this	5 TH	DAY OF	MAY	2023.
READ A THIRD TIME this	5 TH	DAY OF	MAY	2023.
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	24 TH	DAY OF	MAY	2023.
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

BRIEFING

To: South Pender Island Local Trust Committee
For the Meeting of: September 1st, 2023
From: Trust Area Services
Date Prepared: July 19, 2023
SUBJECT: Census infographics

PURPOSE: To provide local trust committees with infographics regarding trends in local trust areas and the Islands Trust Area.

BACKGROUND: Trust Area Services staff contracted Statistics Canada to provide a set of infographics for both the Trust Area and local trust areas/Bowen Island (see attached).

To develop the infographics, there was a need for Statistics Canada to undertake geocoding and custom tabulations of past Census years as local trust area Census boundaries have shifted through the decades. This work completes efforts that began in 2016 to identify trends in the Trust Area and improve Census data sets for the Islands Trust Area.

ATTACHMENTS:

1. 2021 Census Infographics – South Pender Island Local Trust Area
2. 2021 Census Infographics – comparisons across the Trust Area

FOLLOW-UP: These products will inform work throughout the Islands Trust including land use planning, communications, and advocacy. They can be found under the Trend Monitoring webpage on the website, and staff plan to feature the infographics on Islands Trust social media.

Since production of the infographics, planning staff have identified that it would be helpful to also seek an infographic showing the trend in number of dwellings in each jurisdiction over time. Staff intend to order this additional data set and associated infographics at a cost between \$275 and \$457 before applicable taxes.

Prepared By: Clare Frater, Director, Trust Area Services

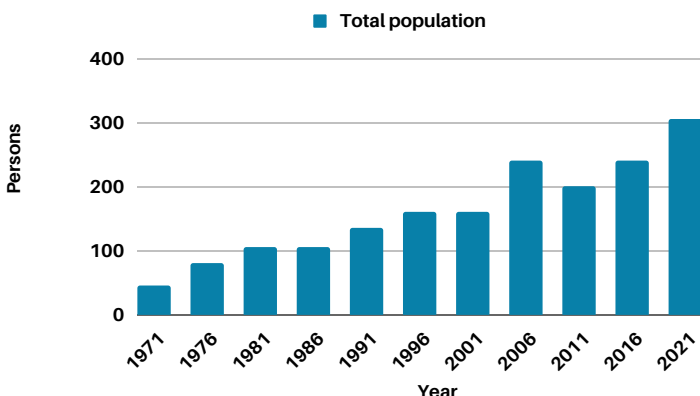
Reviewed By/Date: Robert Kojima, Regional Planning Manager, July 25, 2023

2021 Census Profile

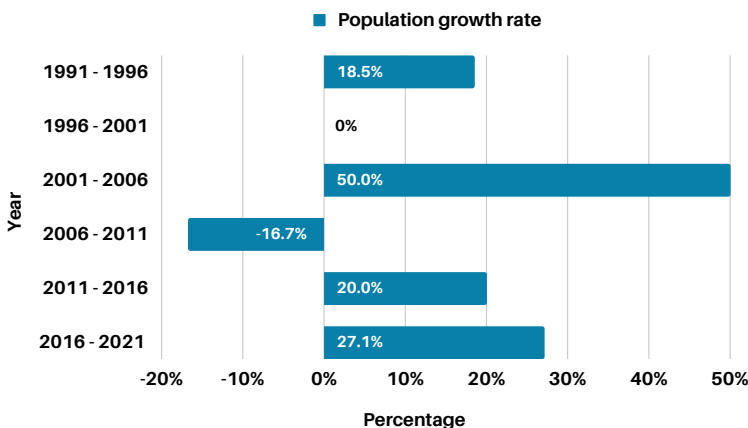
South Pender Island Local Trust Area

Total population

The total population of South Pender Island Local Trust Area was 305 in 2021.



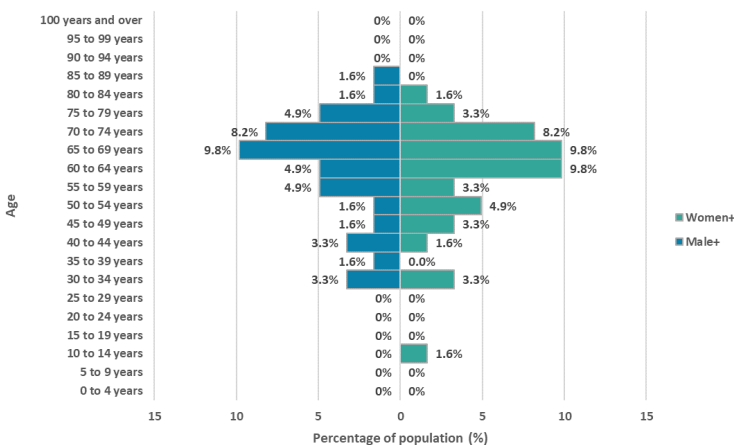
Total population growth rate



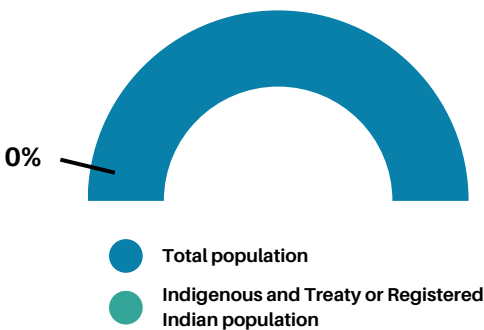
Between 1991 and 2021 the population of South Pender Island Local Trust Area grew by 125.9%.

Total population by gender, 2021

The median age of South Pender Island Local Trust Area was 65.5 in 2021.

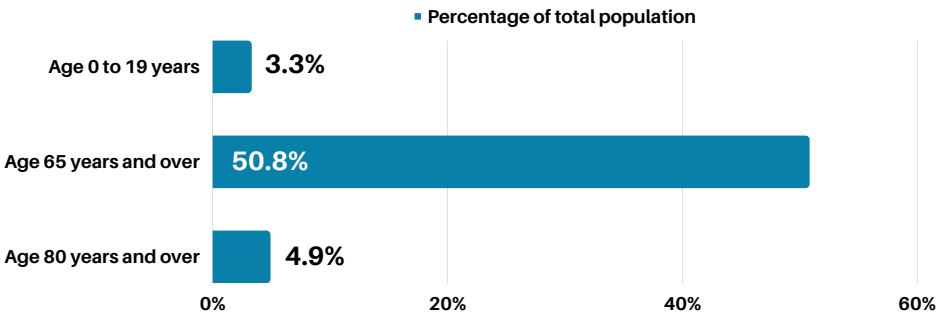


Population by Indigenous and Registered or Treaty Indian status, 2021

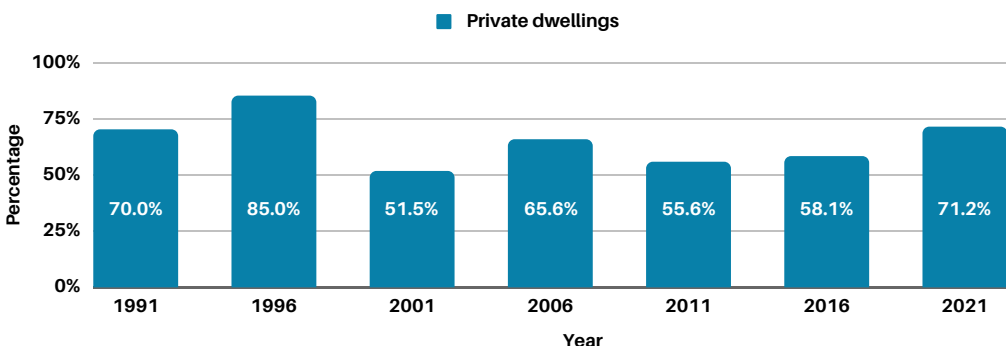


In 2021, 0% of the total population identified as Indigenous or Registered or Treaty Indian.

Population of children versus seniors, 2021



Percentage of private dwellings occupied by usual resident between 1991 and 2021



Notes:

- 1971 and 1976 Census, North Pender Island Local Trust Area split into North Pender Island Local Trust Area and South Pender Island Local Trust Area by using the 1981 population and dwelling proportion.
- 1981 Census, about five-sixths of EA 59005252 included here and about one-sixth of EA 59005252 included here.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.

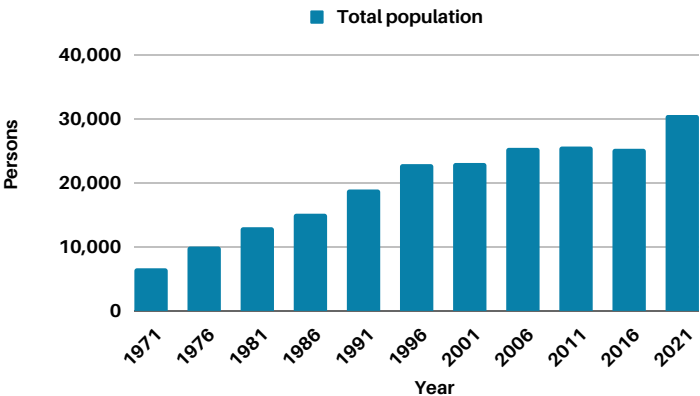
Sources: Statistics Canada, 1971 to 1986 Census of Population, Geocoding; Statistics Canada, 1981 to 2021 Census of Population, 100% Data; Statistics Canada, 2021 Census of Population, 25% Sample-based Data

2021 Census Profile

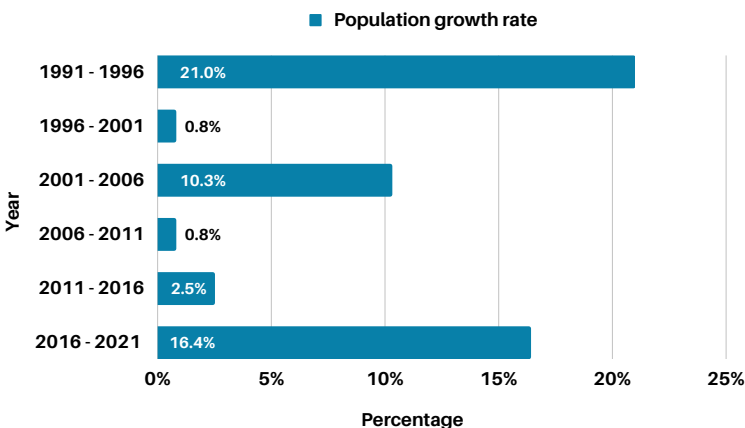
Islands Trust Area

Total population

The total population of Islands Trust Area was 30,510 in 2021.



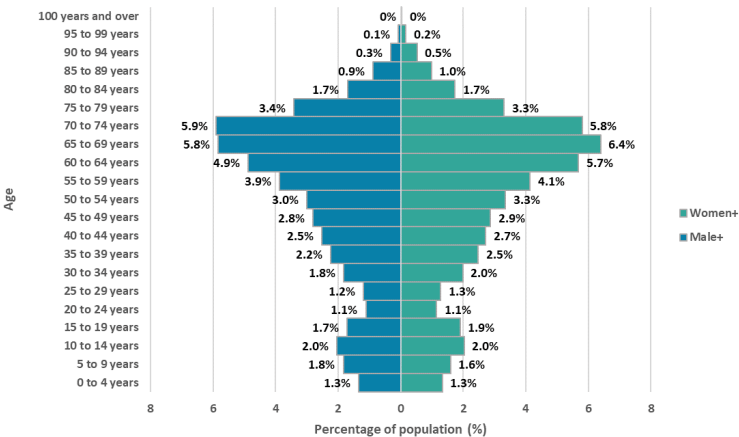
Total population growth rate



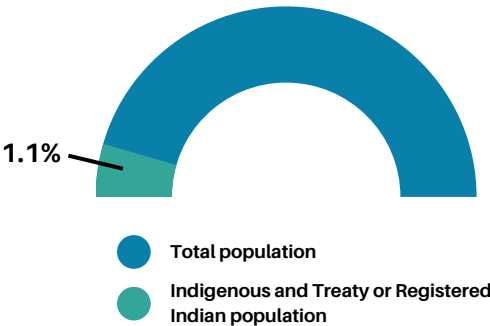
Between 1991 and 2021 the population of Islands Trust Area grew by 61.7%.

Total population by gender, 2021

The median age of Islands Trust Area was 58.8 in 2021.

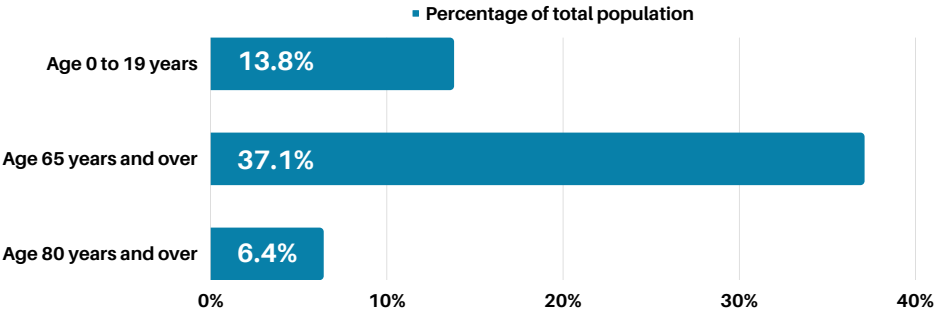


Population by Indigenous and Registered or Treaty Indian status, 2021

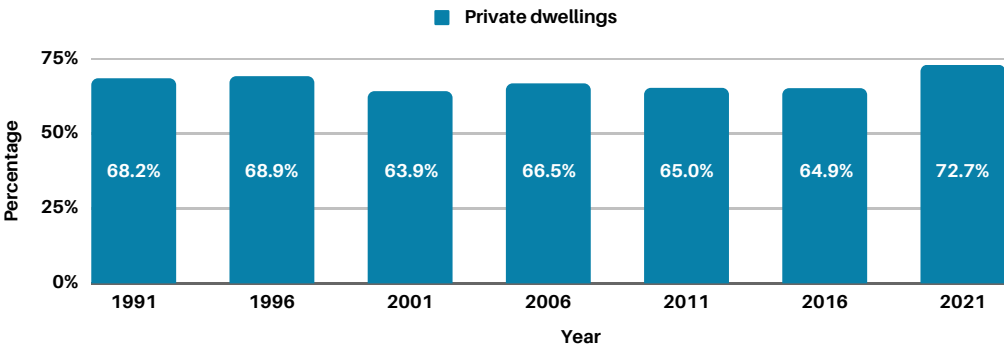


In 2021, 1.1% of the total population identified as Indigenous or Registered or Treaty Indian.

Population of children versus seniors, 2021



Percentage of private dwellings occupied by usual resident between 1991 and 2021



Notes:

- 1981 Census, about five-sixths of EA 59005252 included here and about one-sixth of EA 59005252 included here.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10'. To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.

Sources: Statistics Canada, 1971 to 1986 Census of Population, Geocoding; Statistics Canada, 1981 to 2021 Census of Population, 100% Data; Statistics Canada, 2021 Census of Population, 25% Sample-based Data

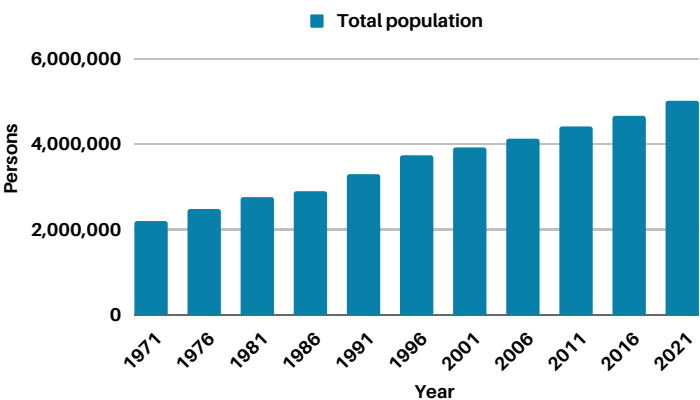


2021 Census Profile

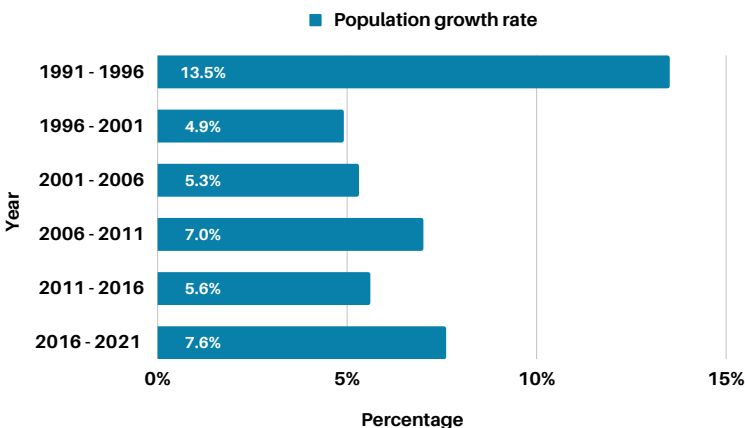
British Columbia

Total population

The total population of British Columbia was 5,000,875 in 2021.



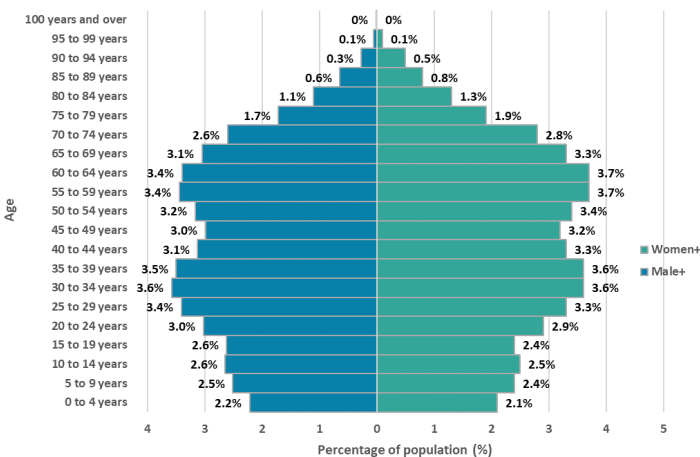
Total population growth rate



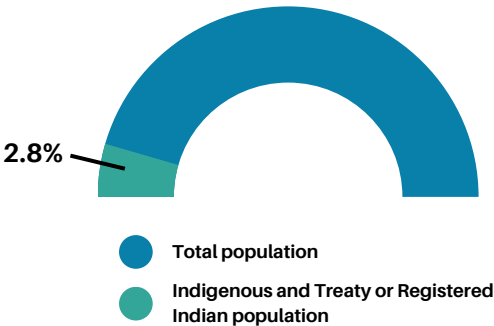
Between 1991 and 2021 the population of British Columbia grew by 52.4%.

Total population by gender, 2021

The median age of British Columbia was 42.8 in 2021.

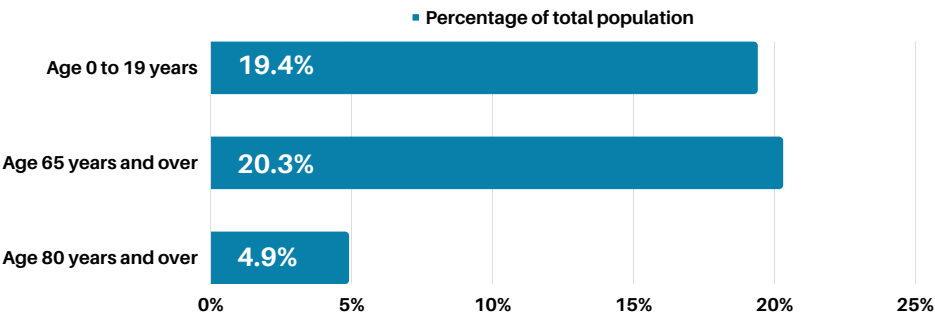


Population by Indigenous and Registered or Treaty Indian status, 2021

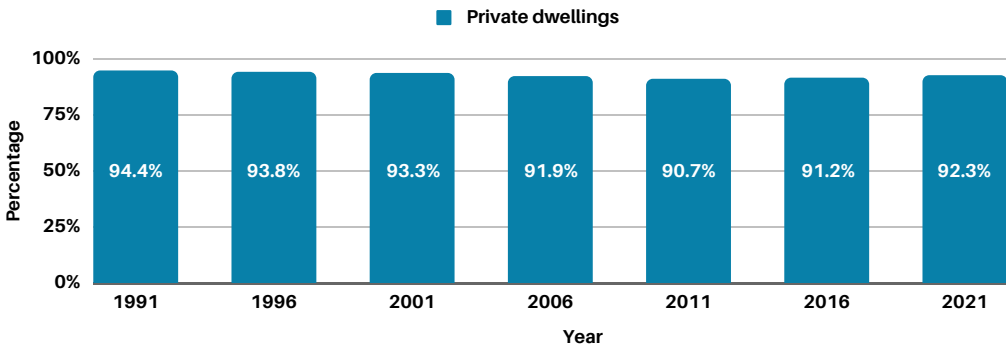


In 2021, 2.8% of the total population identified as Indigenous or Registered or Treaty Indian.

Population of children versus seniors, 2021



Percentage of private dwellings occupied by usual resident between 1991 and 2021



Note:

- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10'. To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.

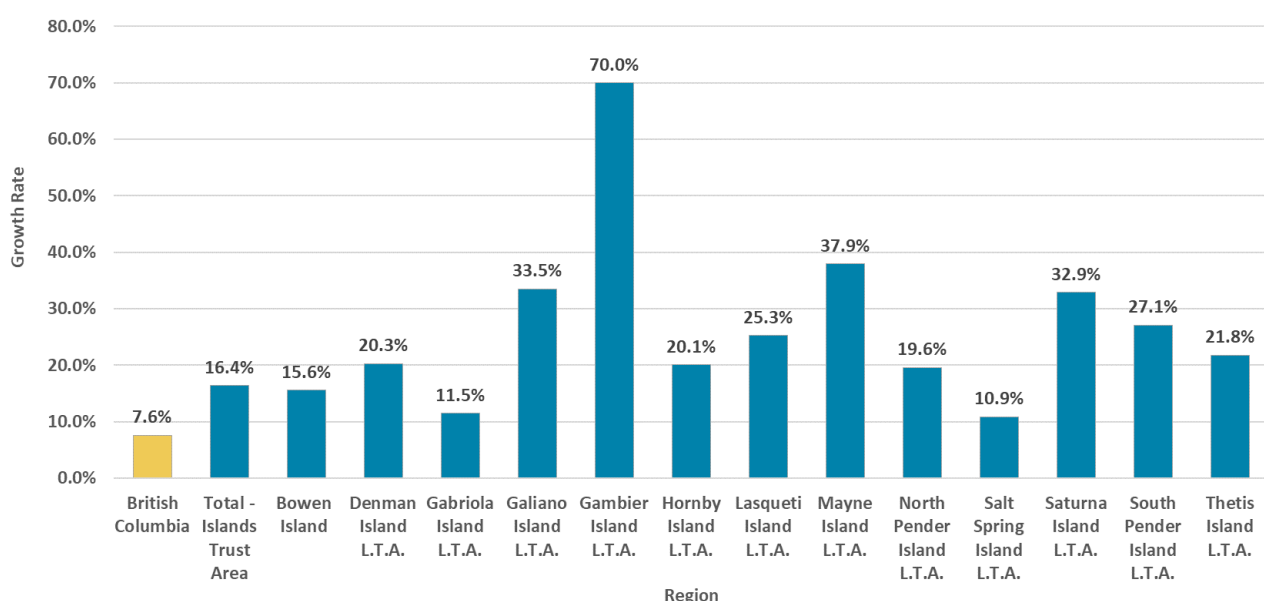
Sources: Statistics Canada, Census of Canada, 1971, vol. 1, part 2, table 14, (Catalogue 92-716); Statistics Canada, 1981 to 2021 Census of Population, 100% Data; Statistics Canada, 2021 Census of Population, 25% Sample-based Data

Islands Trust Area Census Profile 2021

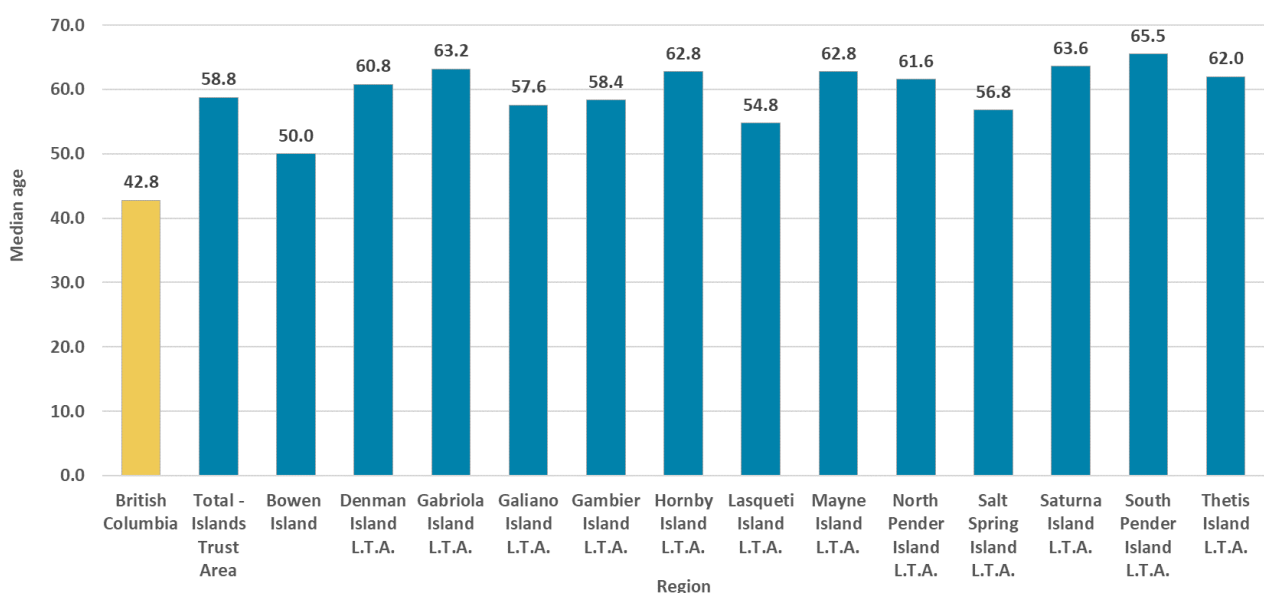


People

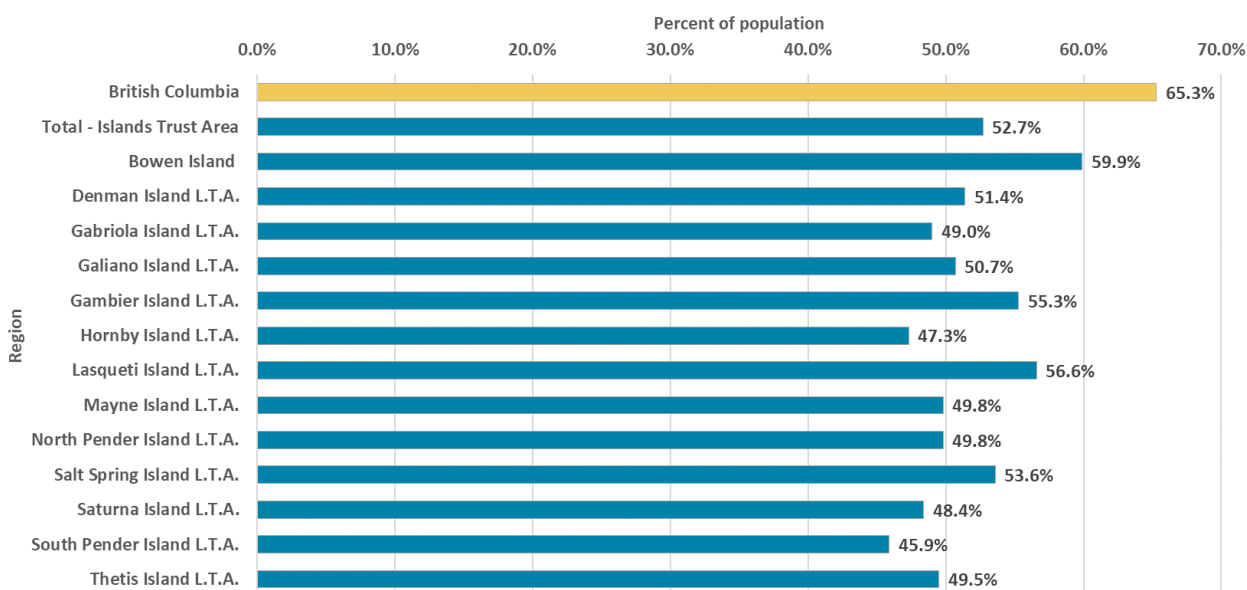
Population growth rate, 2016 to 2021



Median age of population, 2021

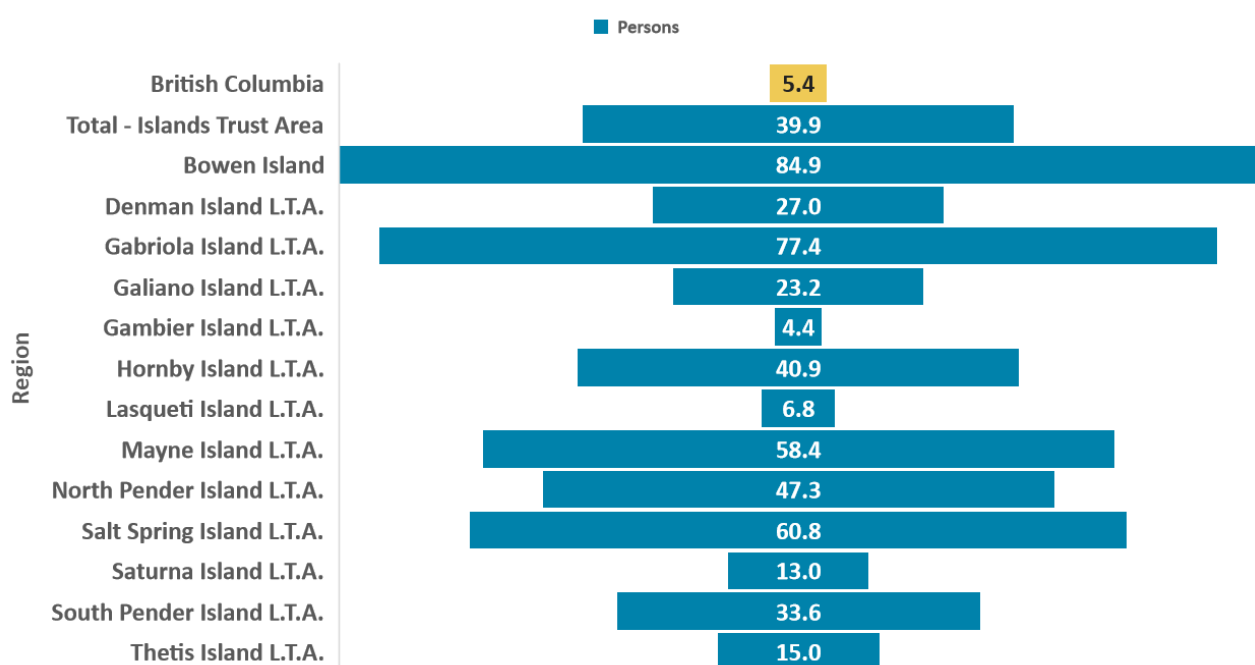


Working age population, 2021*



*Working age is 15 to 64 years old

Population density per square kilometer, 2021



Notes:

- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.
- The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data



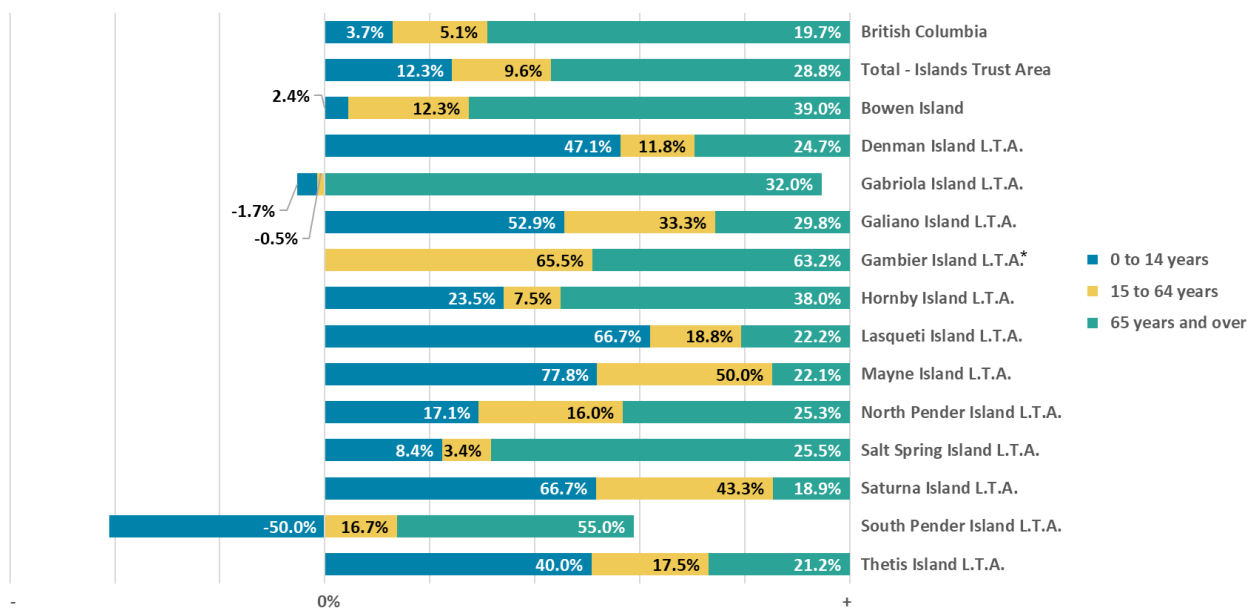
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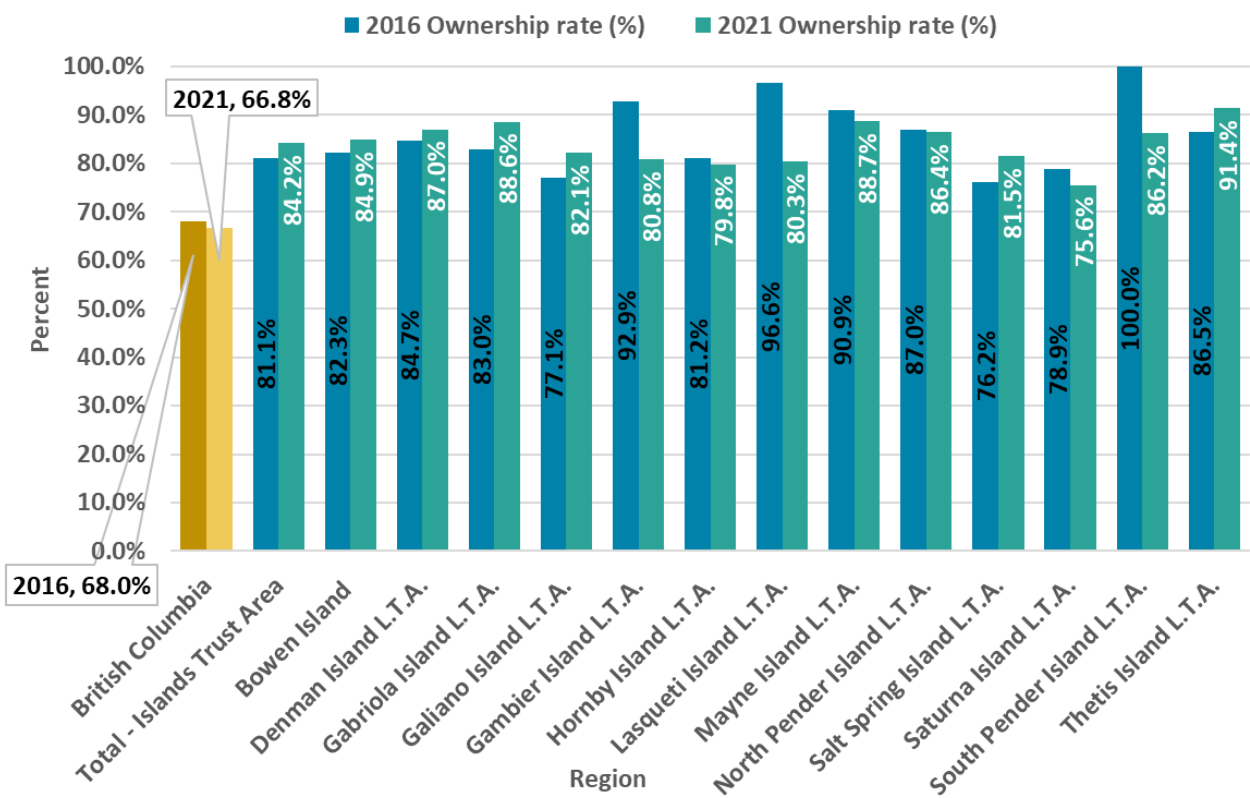
Population change by broad age group, 2016 to 2021



* The population change of 0 to 14 years age group was 250.0% in Gambier Island.

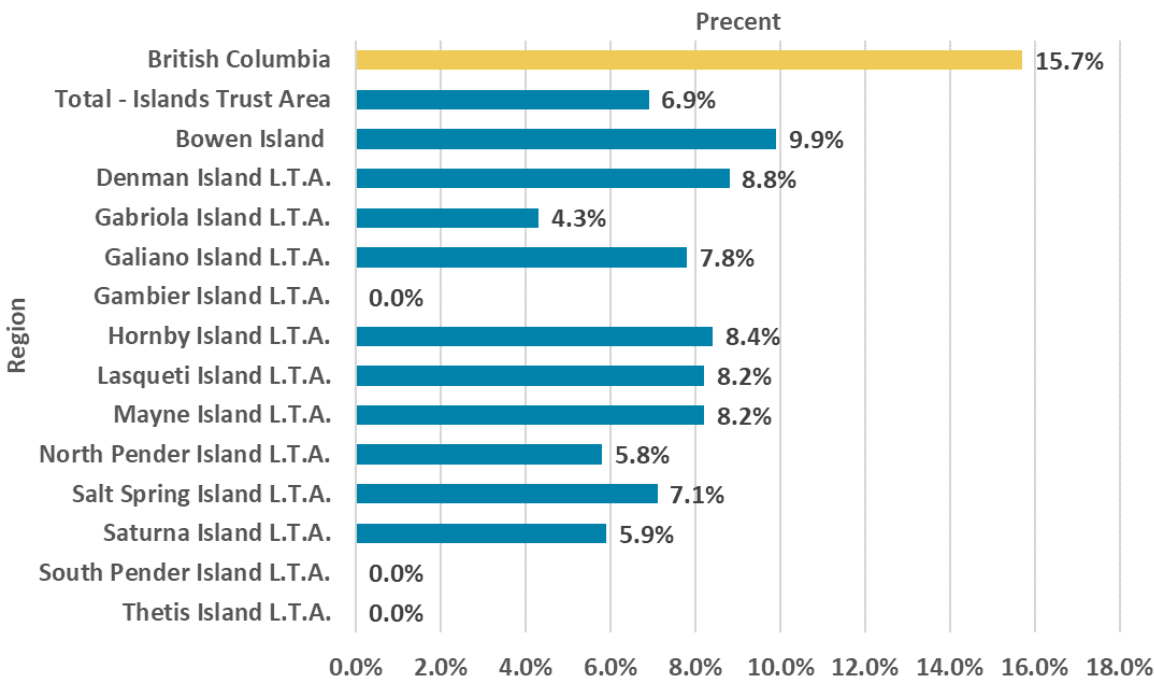
Dwelling

Homeownership rate, 2016 and 2021*

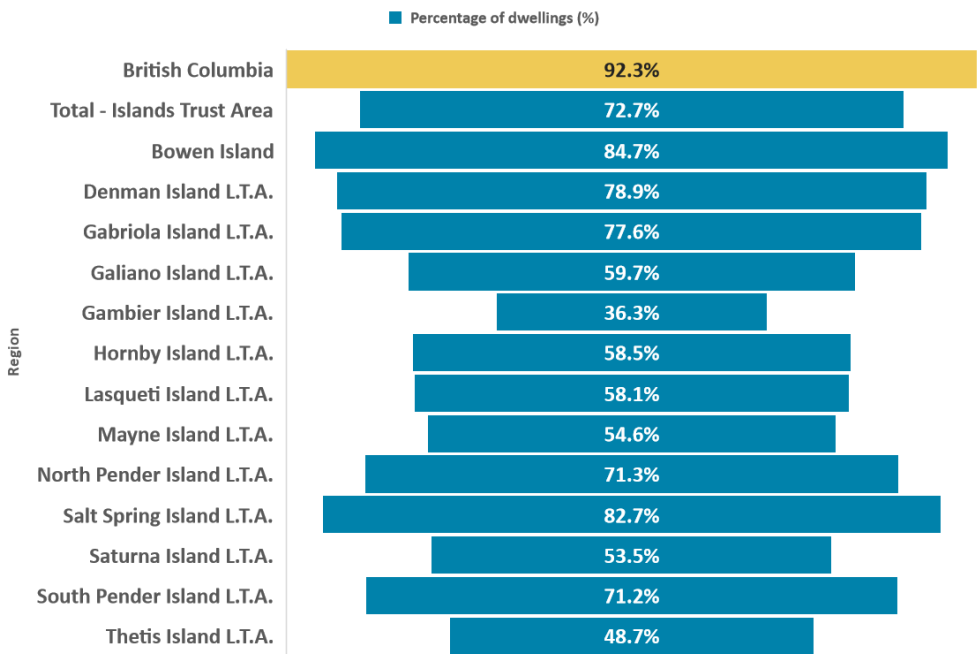


*Owner household refers to a private household where some member of the household owns the dwelling, even if it is still being paid for.

Homeownership rate among 25 to 39 year olds, 2021



Percentage of dwellings occupied by usual residents, 2021

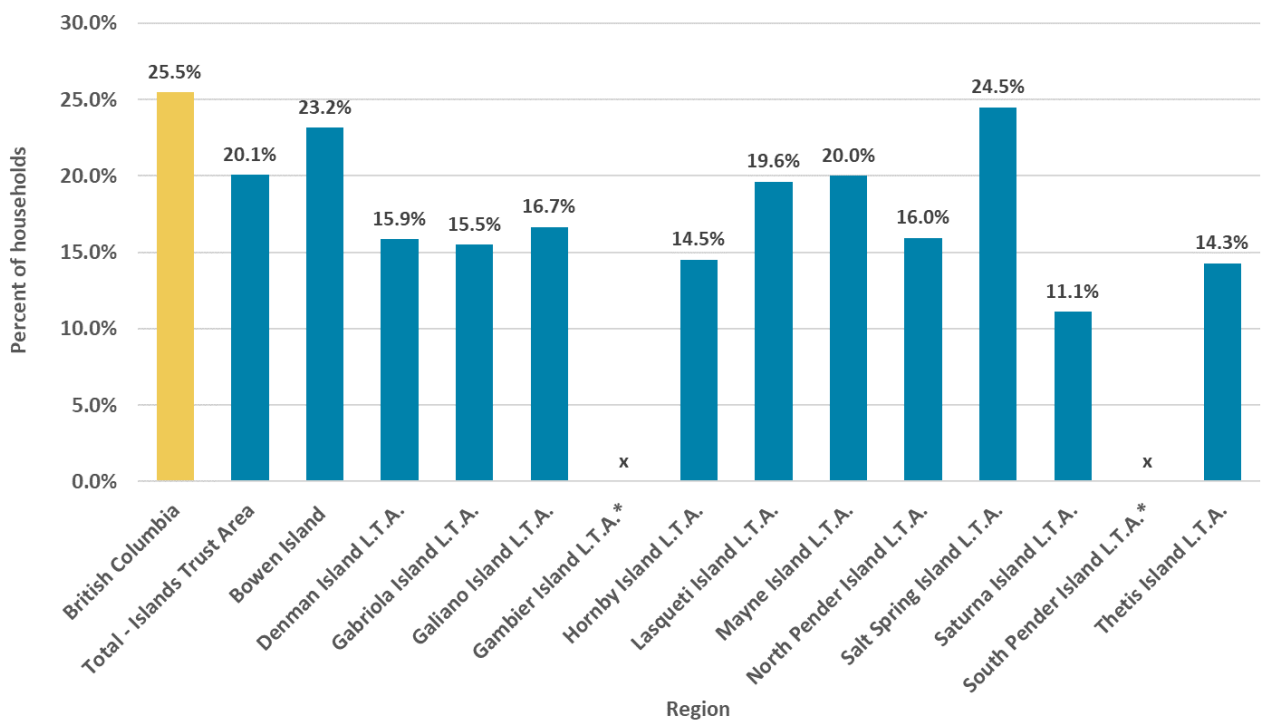


Notes:

- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
- To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.
- The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data

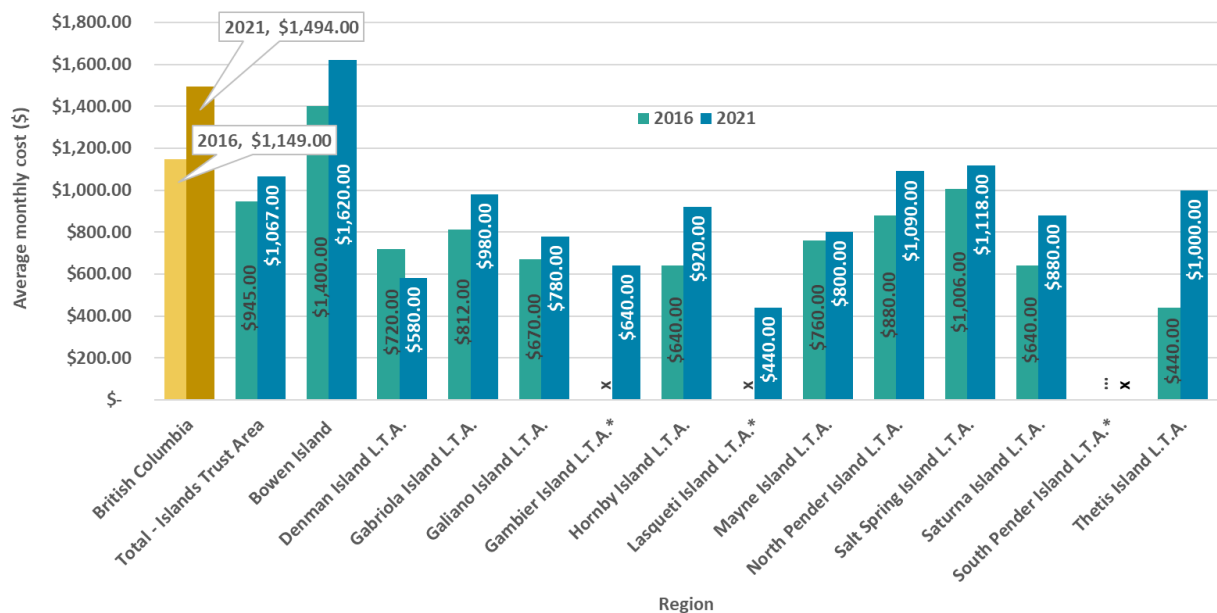
Percentage of households that spend 30% or more of income on shelter costs, 2021¹



*Data for Gambier Island Local Trust Area and South Pender Island Local Trust Area suppressed (x) to meet confidentiality requirements of the Statistics Act.

1. Total - Owner and tenant households with household total income greater than zero, in non-farm, non-reserve private dwellings by shelter-cost-to-income ratio.

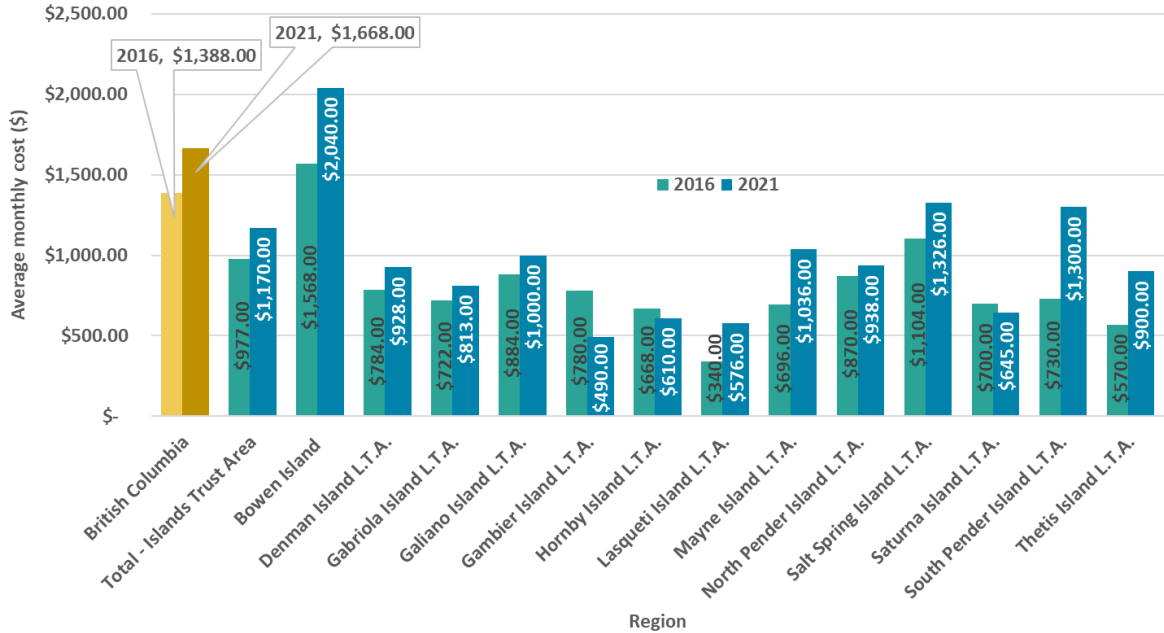
Average monthly shelter cost for renters, 2016 and 2021



Average monthly shelter costs for renters increased by 30.0% in B.C. while the Islands Trust Area saw an increase of 12.9%.

*2016 Census data for Gambier Island Local Trust Area and Lasqueti Island Local Trust Area suppressed (x) to meet confidentiality requirements of the Statistics Act. 2016 Census data for South Pender Island Local Trust Area not applicable (...). 2021 Census data for South Pender Island Local Trust Area suppressed (x) to meet confidentiality requirements of the Statistics Act.

Average monthly shelter cost for owners, 2016 and 2021



Average monthly shelter costs for owners increased by 20.2% in B.C. while the Islands Local Trust Area saw an increase of 19.8%.

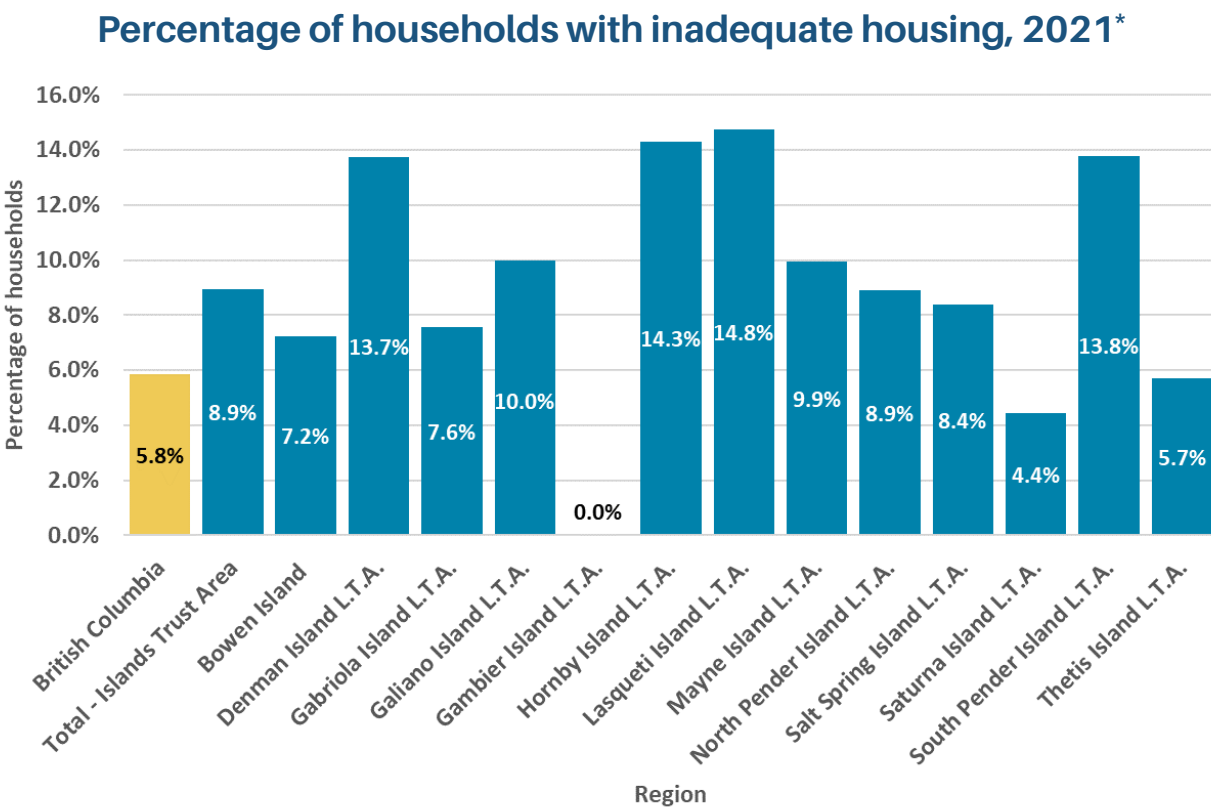
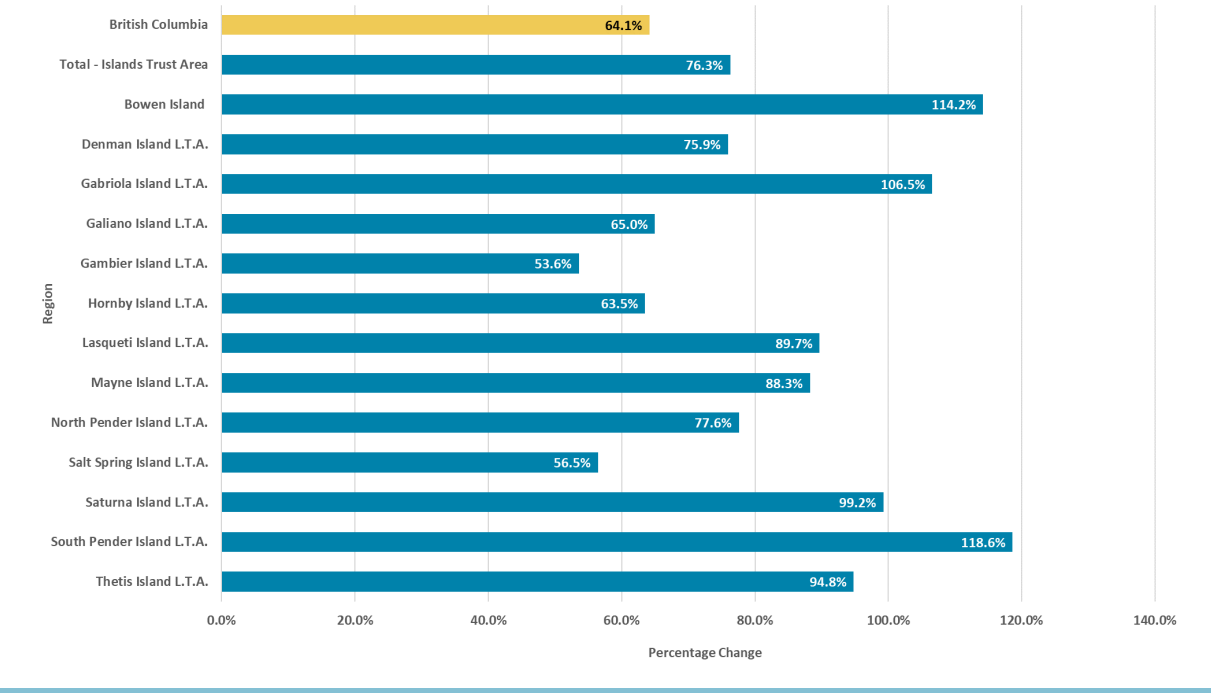
Notes:

- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
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- The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data



Percentage change in private dwellings occupied by usual residents, 1991 to 2021



*Housing is considered adequate when it isn't in need of major repairs. Major repairs include defective plumbing or electrical wiring, or structural repairs to walls, floors, or ceilings.
<https://www.cmhc-schl.gc.ca/en/professionals/housing-markets-data-and-research/housing-research/core-housing-need/identifying-core-housing-need>



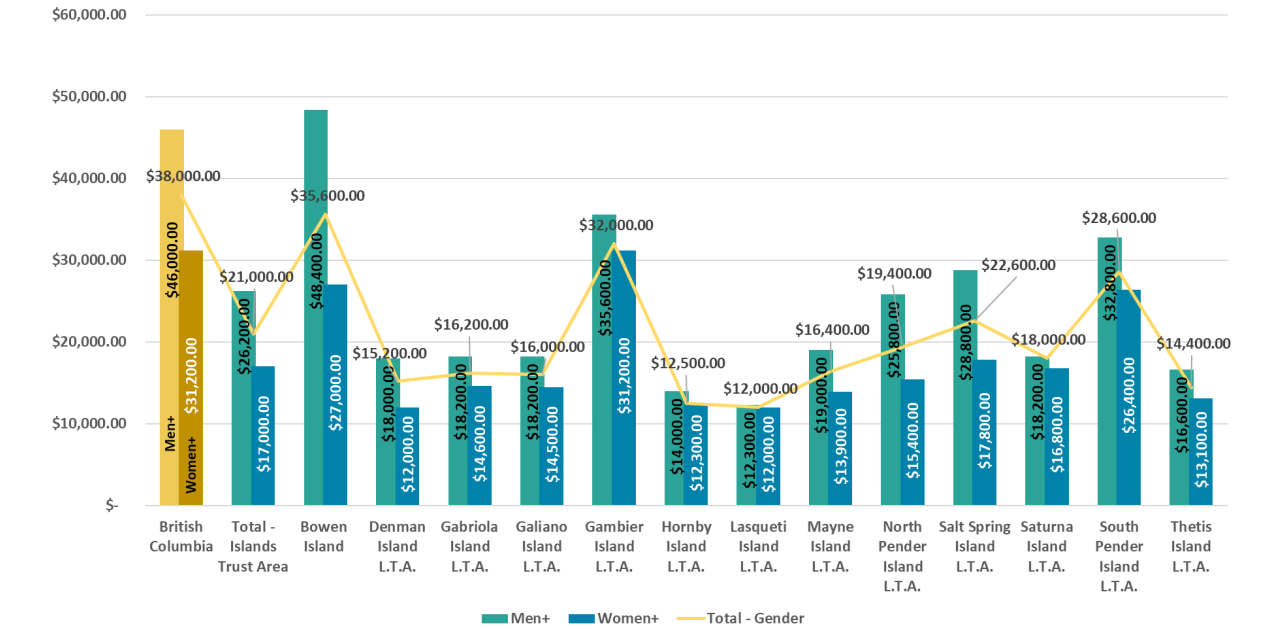
Income

Median after-tax income, 2020*



*For the 2021 Census, the reference period for income data is the calendar year 2020, unless otherwise specified.

Median employment income, 2020*



*For the 2021 Census, the reference period for income data is the calendar year 2020, unless otherwise specified.

- Notes:
- With high global non-response rate, the 2016 Census data for Lasqueti Island Local Trust Area data should be used with caution as counts and estimates for this community have a high risk of non-response bias.
 - To ensure confidentiality, the values, including totals, are randomly rounded either up or down to a multiple of '5' or '10.' To understand these data, you must be aware that each individual value is rounded. As a result, when these data are summed or grouped, the total value may not match the individual values since totals and sub-totals are independently rounded. Similarly, percentages, which are calculated on rounded data, may not necessarily add up to 100%.
 - The abbreviation 'L.T.A.' means 'Local Trust Area'.

Sources: Statistics Canada, 1991 to 2021 Census of Population, 100% Data; Statistics Canada, 2016 and 2021 Census of Population, 25% Sample-based Data



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