



South Pender Island Local Trust Committee Special Meeting Agenda

Date: June 3, 2023
Time: 1:00 pm
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

	Pages
1. CALL TO ORDER	
2. APPROVAL OF AGENDA	
3. MINUTES	
3.1 Local Trust Committee Minutes Dated May 5, 2023 (for Adoption)	2 - 12
4. BUSINESS ITEMS	
4.1 South Pender Bylaw No. 123 - Project Update	13 - 25
4.2 2023 – Work Program Discussion	26 - 31
5. COMMUNITY INFORMATION MEETING	
5.1 Future Projects Discussion	
6. ADJOURNMENT	



DRAFT

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

South Pender Island Local Trust Committee Minutes of Regular Meeting

Date: May 5, 2023
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

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

Staff Present: Kim Stockdill, Island Planner
Sarah Shugar, Recorder

Others Present: Paul Brent, Capital Regional District (CRD) Electoral Area Director
Approximately 12 members of the public

These minutes follow the order of the agenda, although the sequence may have varied. The electronic meeting was live-streamed and recorded.

1. CALL TO ORDER

Chair Elliott called the meeting to order at 10:32 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. Chair Elliott requested a moment of silence to observe the National Day of Awareness for Missing and Murdered Indigenous Women and Girls. A moment of silence was observed. Chair Elliott spoke to the commitment to the Islands Trust Reconciliation Declaration.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- 16.4 Staff Attending LTC Meetings by Zoom

By general consent, the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee Evans reported she attended a Financial Planning Committee meeting regarding the Strategic Plan and the preliminary draft Strategic Plan document has been referred to the Governance Committee and Executive Committee for review. One outcome of the strategic planning process has been the need for clear vision, mission and value statements. Trustee Evans read the South Pender vision statement, "Our South Pender community is committed to

preserve the rural nature and natural diversity of our island Environment for Future Generations.” Trustee Evans suggested perhaps the LTC would add “where individuals, the environment and the community interact in ways that foster mutual health and vitality.” to the vision statement at some point in the future. Trustee Evans suggested using the phone book as a resource to contact the public regarding joining an LTC email list.

Chair Elliott reported the strategic plan work is owned by the Executive Committee and is in process.

Trustee Falck presented the following report:

- Attended a webinar regarding watersheds in B.C. The Gulf Islands watersheds are the “canary in the coal mine” as our watersheds are smaller than watersheds on Vancouver Island and the mainland of B.C.;
- Thanked Planner Stockdill for the jurisdictional descriptions in the Local Trust Committee Work Program staff report;
- Expressed support for improved communications with the public, including an LTC email list and the Pender Post;
- The CRD Parks Commission has two vacant seats and they would like one of the seats to be filled by a Pender Island representative.

Planner Stockdill reported there is a South Pender Island LTC email subscriber list. There was discussion regarding whether the subscriber email list is up to date. Planner Stockdill will report back on the LTC subscriber list.

4. CHAIR'S REPORT

Chair Elliott presented the following report:

- Attended the Rural Islands Economic Partnership Forum on Gabriola Island in April;
- The Province announced a Homes for People plan that includes a commitment of 4 Billion dollars for housing action plans in partnership with local governments;
- The CMHC Housing Accelerator Fund provides incentive funding to local governments encouraging initiatives aimed at increasing housing supply. Staff is working on what is the appropriate approach for islands to apply for the funding. If a community has a housing action plan, it can be used as the basis to apply for the funding;
- Attended the 2023 Association of Vancouver Island Coastal Communities (AVICC) convention in Nanaimo regarding housing and how to address climate change from a regional perspective;
- Ministry of Municipal Affairs Governance Relations Director Brent Mueller will speak to Trust Council on Reconciliation;
- Chair Elliott inquired on whether LTC has a protocol agreement with the CRD.

5. ELECTORAL AREA DIRECTOR'S REPORT

CRD Director Brent presented the following report:

- Attended the Rural Islands Economic Partnership Program on Gabriola Island regarding reconciliation, the economy and affordable housing;
- Director Brent reported housing is the top priority on the Southern Gulf Islands, and we are gutting our island demographics by not providing housing for younger people and affordable housing in general. Governments have not worked together, housing is in disarray and there is a lot to do to improve housing availability;
- The Province announced a 1 Billion dollar Growing Communities Fund that is allocated to every community in B.C.
- CRD and Islands Trust are working together on the Canada Mortgage and Housing Corporation (CMHC) Housing Accelerator Fund.

6. TOWN HALL AND QUESTIONS

Jane Perch spoke to the staff report dated April 26, 2023 regarding LTC work program. She expressed support for the wish list to be paired down substantially to focus on priorities, and requested it be referred to the APC. Ms. Perch asked when the LTC can apply for a major project and recommended Bylaw No. 122 be chosen as a priority project. Ms. Perch also requested clarification regarding why the LTC project funds are over budget, and asked whether the CRD Director will speak to item 16.1 – Siting and Use Permit Option.

Trustee Evans reported major project budget requests must be submitted by the summertime.

Chair Elliott reported there were extra meeting expenses due to COVID restrictions and two meetings were cancelled, although funds were already spent on advertising. Chair Elliott noted advertising in the newspaper is no longer a legislative requirement.

Shelly Henshaw welcomed new Trustees and expressed support for the LTC to communicate and speak to issues that are not within the Islands Trust jurisdiction such as water, RCMP and highways. Ms. Henshaw expressed concern that Bylaw 122 is an affront to the current housing crisis, and encouraged the LTC to reconsider it sooner than later.

Chair Elliott advised she cannot speak to Bylaw 123 as it is post Public Hearing and is in process with the Province. The LTC would either adopt Bylaw 123 or not after it has been approved by the Province.

Dennis Henshaw spoke to staff report dated April 26, 2023 regarding LTC work program wish list and jurisdiction areas, and advised he would not want advocacy issues to interfere with important priorities given limited time and funds. Advocacy issues such as tankers should be put aside to address priority items.

Trustee Evans advised the LTC priority projects will be based on what the community decides they would like to see the LTC to work on.

Chair Elliott advised advocacy is the responsibility of local governments as part of inter-governmental communications.

Trustee Falck expressed support to sort items by organizing the approach to each item and that some items can be dealt with quickly with a few emails, while some require much more time and resources.

Gordie Duncan expressed support for the LTC to reduce the work program priority list to focus on priorities before it is referred to the APC.

Chair Elliott summarized that the LTC should make leadership decisions before the work program priority list is referred to the APC.

A former member of the APC advised that last term, the APC was referred the question “how to protect the foreshore”. It was a broad question without data, mapping, or scientific studies to support the process. The APC was not asked to consider draft Bylaws 122 and 123 except for the building design guidelines, and suggested that referrals to the APC should be specific and include guidelines.

7. COMMUNITY INFORMATION MEETING – None

8. PUBLIC HEARING – None

9. MINUTES

9.1 Adopted Local Trust Committee Minutes Dated February 3, 2023 (reconsider amendments)

An email received from Liz Montague dated April 7, 2023 regarding amendments to the minutes was received.

By general consent, the South Pender Island Local Trust Committee agreed the Planning Team Assistant will review the meeting recording to consider the comments brought forward in an email from Liz Montague dated April 7, 2023, and amendments to the minutes will be brought forward to the LTC by Resolution Without Meeting (RWM).

9.2 Local Trust Committee Special Meeting Minutes Dated March 25, 2023 (for Adoption)

By general consent, the Local Trust Committee meeting minutes of March 25, 2023 were adopted as presented.

9.3 Section 26 Resolutions-without-meeting - None

9.4 Advisory Planning Commission Minutes – None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated April 2023

Received for information.

11. DELEGATIONS – None

12. CORRESPONDENCE

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

12.1 John Kuharchuk re Straw Polls

The correspondence item was received.

13. APPLICATIONS AND REFERRALS

13.1 Saturna Island Local Trust Committee Referral for Draft Bylaw No. 138 (for response)

A bylaw referral from the Saturna Island Local Trust Committee dated April 11, 2023 regarding proposed Bylaw No. 138 was presented.

SP-2023-014

It was Moved and Seconded,

That the South Pender Island Local Trust Committee interests are not affected by Saturna Island Local Trust Committee Proposed Bylaw No. 138.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS - None

15. REPORTS

15.1 Work Program - Staff Report

15.1.1 Active Projects Report Dated April 2023

Planner Stockdill reviewed a staff report dated April 26, 2023 regarding LTC work program priorities.

In discussion the following comments were noted:

- Support for a special meeting to receive community input and to give time for the APC to have time to convene;
- It may be cost prohibitive to conduct a good survey;
- Saturday, June 3, 2023 at 1:00 pm was suggested as a potential date for a special meeting;

- There may be items such as blasting that could be addressed in an inter-agency protocol agreement with the CRD;
- A member of the public asked how much notice would be given for a special meeting.

SP-2023-015

It was Moved and Seconded,

That the South Pender Island Local Trust Committee request staff to schedule a special meeting for the purpose of setting LTC priorities and send out a meeting notice immediately after the meeting is scheduled.

CARRIED

15.1.2 Future Projects Report Dated April 2023

In discussion the following items were noted:

- There was a discussion regarding the Shoreline Review Project. It was noted shoreline review will continue to be a major issue with sea level rise, and there was a question regarding whether there could be a shoreline protection model bylaw as it is an issue across the Trust Area;
- There was a question regarding the Groundwater Sustainability Project. Planner Stockdill reported phase one was the mapping project and phase two would be to analyze the mapping and develop draft bylaws and development permit areas. The mapping is available on the Islands Trust website;
- There was a question regarding the raptor's nest mapping and it was noted this will be considered as part of the work plan review.

SP-2023-016

It was Moved and Seconded,

That the South Pender Island Local Trust Committee remove the shoreline review project from the active projects report and add it to the Future Projects report.

CARRIED

SP-2023-017

It was Moved and Seconded,

That the South Pender Island Local Trust Committee remove item number 6 - Brooks Point Zoning from the Future Projects Report, as it has been completed by the CRD.

CARRIED

The report was received.

15.2 Applications Report Dated April 2023

The report was received.

15.3 Trustee and Local Expense Report Dated Feb 2023

A Trustee asked if the Trustee and Local Expense Report could include a year-to-date total.

The report was received.

15.4 Adopted Policies and Standing Resolutions

In discussion the following items were noted:

- Trustees expressed concern regarding Standing Resolution No. 2020-015 - Bylaw Violations re disposal or storage of waste or recyclable materials or storage of vehicles. Concerns included that this standing resolution could be broadly interpreted;
- There was a question regarding 2019-015 - Reconciliation Report. Chair Elliott reported the work is in progress;
- There was a question regarding Standing Resolution No. 2019-014 - Model Cell Tower Strategy. Planner Stockdill advised the LTC has endorsed the Model Cell Tower Strategy, and Chair Elliott advised some LTCs are adopting more robust Cell Tower Strategies.
- There was a discussion regarding Standing Resolution No. 2006-012 – Adoption of Minutes and whether the current minute process is best practice.

SP-2023-018

It was Moved and Seconded,

That the South Pender Island Local Trust Committee Standing Resolution Number 2020-015 (Bylaw Violations re disposal or storage of waste or recyclable materials or storage of vehicles) be rescinded.

CARRIED

The report was received.

15.5 Local Trust Committee Webpage – None

15.6 Islands Trust Conservancy Report – None

16. NEW BUSINESS

16.1 Mayne LTC request re Siting and Use Permit Option

CRD Director Brent spoke to an email from David Maude dated January 31, 2023 regarding Siting and Use Permits option. CRD Director Brent expressed support for the CRD to be a service to help the public proceed through the BC Building code in a timely and cost effective way. Director Brent reported the Mayne Island LTC is considering a pilot project on Mayne Island.

SP-2023-019

It was Moved and Seconded,

That the South Pender Local Trust Committee's response to Mayne Island Local Trust Committee's request from Trustee Maude regarding the siting and use inquiry on Mayne Island is supported and of interest to the South Pender Island Local Trust Committee and request that Mayne Island provide an update to South Pender LTC on ongoing progress.

CARRIED

16.2 Draft Annual Report Wording - for approval

The South Pender Island Local Trust Committee Annual Report was presented.

SP-2023-020

It was Moved and Seconded,

That the South Pender Island Local Trust Committee approve the format and outline of contents for the 2022/23 Annual Report.

CARRIED

A Trustee asked whether a summary of building permit referrals can be reported to the LTC for information. Planner Stockdill will look into this.

The meeting recessed for a break at 12:48 p.m. and reconvened at 12:58 p.m.

16.3 South Pender Island LTC Freedom of Information and Protection of Privacy Bylaw No.128 - Request for Decision

A staff report dated March 30, 2023 regarding the new Freedom of Information and Protection of Privacy bylaw and model bylaw to bring them in line with updated legislation.

It was noted there is a typo in the Definitions and Interpretation section as follows: Replace "Head" means the person designated under Section 3 of this Bylaw as the head of the of the Salt Spring Island Trust Committee for the purposes of the Act." with "Head" means the person designated under Section 3 of this Bylaw as the head of the of the South Pender Island Trust Committee for the purposes of the Act.

SP-2023-021

It was Moved and Seconded,

That South Pender Island Local Trust Committee Bylaw No. 128, cited as "South Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 128, 2023", be read a first time.

CARRIED

SP-2023-022

It was Moved and Seconded,

That South Pender Island Local Trust Committee Bylaw No. 128, cited as “South Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 128, 2023”, be read a second time.

CARRIED

SP-2023-023

It was Moved and Seconded,

That South Pender Island Local Trust Committee Bylaw No. 128, cited as “South Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 128, 2023”, be read a third time.

CARRIED

SP-2023-024

It was Moved and Seconded,

That South Pender Island Local Trust Committee Bylaw No. 128, cited as “South Pender Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 128, 2023” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

16.4 Staff Attending LTC Meetings by Zoom

There was discussion regarding whether staff could join the LTC meetings by Zoom to reduce staff travel time.

By general consent, the South Pender Island Local Trust Committee expressed support for staff to attend meetings by Zoom.

17. UPCOMING MEETINGS

17.1 The next Regular Meeting is scheduled for September 1, 2023 at the Fire Hall, Pender Island

17.2 Date change November 10, 2023 meeting to November 3, 2023

By general consent, the LTC agreed to keep the November 10, 2023 meeting date.

18. TOWN HALL

Ron Uldall-Ekman spoke to short-term vacation rentals (STVR’s) and noted the issue of STVR impacts on workforce housing is across B.C. As a nearby resident of a recent STVR application, he advised the issue has caused division in the community and the rules are not clear. Mr. Uldall-Ekman expressed support for the LTC to regulate STVR’s through the use of

Temporary Use Permits (TUP's), encouraged the LTC to provide more information to the public regarding STVR's and acknowledged the LTC for transparency.

Trustee Evans advised there are many variables to consider regarding STVRs, including that many property owners do not want to rent long-term as they want to be able to use the housing. She further stated that the islands is for the enjoyment of the province as a whole, so we need accommodations for those visitors so they do not have to make a day trip, and some studies have shown that larger cities such as Toronto have not seen a measureable increase in long-term rental housing as a result of moratorium on STVRs.

Chair Elliott advised Union of BC Municipalities (UBCM) has published a report on STVRs. STVRs do need to be addressed appropriately by the local government. The LTC does not designate zoning to Strata Councils, and a Strata Council would need to apply to amend the LUB to be able to regulate STVRs. Currently STVRs are not allowed as a commercial use in a residential zone.

Chair Elliott will email the Priorities For Action On Short-Term Rentals Report of the Joint UBCM-Province Advisory Group on Short-Term Rentals to Trustees.

Trustee Evans reported the DIP project is going out for tender in the summer, discussions regarding Parks and First Nations are ongoing, the tree felling has been paused, and a review of the spit for barge landing is in progress. CRD Director Brent advised MOTI is keeping us informed and expressed support for inter-agency communication and collaboration to be effective going forward.

19. CLOSED MEETING (Distributed Under Separate Cover)

19.1 Motion to Close the Meeting

SP-2023-025

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:

- Appointment of APC Members and that the recorder and staff attend the meeting.

CARRIED

The meeting was closed at 1:30 p.m.

19.2 Recall to Order

The meeting was recalled to order at 1:43 p.m.

19.3 Rise and Report

The South Pender Island Local Trust Committee appointed Audrey Green, Cameron Thorn, Donna Spalding, Gordie Duncan and Rodney Kirkwood to the South Pender Island Advisory Planning Commission, commencing immediately for a term ending January 1, 2026.

20. ADJOURNMENT

By general consent, the meeting was adjourned at 1:45 p.m.

Tobi Elliott, Chair

Certified Correct:

Sarah Shugar, Recorder

File No.: SP_6500_2020_Minor
OCP Amendments

DATE OF MEETING: June 3, 2023
TO: South Pender Island Local Trust Committee
FROM: Kim Stockdill, Island Planner
Victoria Office
SUBJECT: Bylaw No. 123 – Project Update

RECOMMENDATION

That the South Pender Island Local Trust Committee consider options regarding the Minor Official Community Plan Project (Bylaw No. 123).

REPORT SUMMARY

The purpose of this report is to discuss the project's next step resulting from the letter received from the Minister of Municipal Affairs.

BACKGROUND

The South Pender Island Local Trust Committee (LTC) of the day initiated the Minor Official Community Plan (OCP) Amendments project in May 2021. The purpose of the project was to make amendments to the South Pender OCP that would include two items: first a First Nation introductory/acknowledgement statement, and second, building design and siting guidelines. The building design and siting guidelines are intended to be used, where feasible, when the South Pender Island LTC considers Development Variance Permit applications to vary the maximum floor area of residential dwellings.

The First Nation introductory/acknowledgement statement was drafted by the Islands Trust Senior Intergovernmental Policy Advisor based, in part, on her traditional indigenous knowledge. The policy advisor also reached out to her contact with the WSANEC Leadership Council to encourage early comments on the statement, and no comments were received.

Based on direction from LTC, staff prepared draft Bylaw No. 123 which included both the First Nation introductory statement and the building design and siting guidelines. Bylaw No. 123 was given first reading by the LTC on November 6, 2021. A Public Hearing for proposed Bylaw No. 123 was held on July 23, 2022. Proposed Bylaw No. 123 was given second and third reading on August 12, 2022. Islands Trust Executive Committee approved proposed Bylaw No. 123 on September 7, 2022. Proposed Bylaw No. 123 was sent to the Minister for approval in September 2022.

On May 9, 2023 the South Pender LTC received a letter from the Minister of Municipal Affairs (Attachment No. 1). The letter states concerns with a lack of response from First Nations regarding the draft wording for the First Nations introductory statement in Bylaw No. 123, and that no comments were received during the formal bylaw referral process prior to the Public Hearing.

Next Steps

The South Pender LTC has a number of options to consider regarding how to proceed with the project. Based on the letter received from the Minister, and that this project was initiated by a previous LTC, the current LTC may decide to:

1. Proceed no further with the project.
The LTC could proceed no further with the project and not proceed towards adoption of Bylaw No.123. This would free up the LTC's work program for an alternative 'minor project'.
2. Proceed with the project with additional engagement with First Nations.
With this option, the LTC and staff should determine an engagement plan with First Nations to encourage additional comments on the introductory statement. This option would add an additional 6-12 months if not more to the project timeline, and would require a new Public Hearing. This project would continue to be the LTC's 'Minor project'.
3. Proceed with the project and comments from First Nations as is.
With this option, the LTC could draft a letter to the Minister stating that all legislative requirements have been completed and the LTC is satisfied with the responses from First Nations. Although with this option the Minister may consider not approving the bylaw with the current lack of response from First Nations.

OPTIONS

1. Proceed no further

The LTC may decide to proceed no further with the project and/or bylaw amendment.

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

2. Request further engagement with First Nations

The LTC may decide to continue with the Minor OCP Amendment Project but to engagement further with First Nations. The following motion may be considered:

That the South Pender Island Local Trust Committee request staff to report back with an engagement strategy to address concerns raised in the Minister of Municipal Affairs letter dated May 9, 2023 in regards to Bylaw No. 123.

3. Receive for information

The LTC may receive the report for information.

Submitted By:	Kim Stockdill, Island Planner	May 18, 2023
Concurrence:	Robert Kojima, Regional Planning Manager	May 18, 2023

ATTACHMENTS

1. Letter from Minister of Municipal Affairs dated May 9, 2023
2. Letter sent to Minister of Municipal Affairs dated May 25, 2023
3. Proposed Bylaw No. 123



May 9, 2023

Ref: 272589

Tobi Elliott, Chair
South Pender Island Local Trust Committee
Islands Trust
200-1627 Fort St
Victoria BC V8R 1H8

Dear Chair Elliott:

The Ministry of Municipal Affairs has received the Islands Trust Bylaw No. 123, South Pender Island Local Trust Area, which received third reading from the South Pender Local Trust Committee in August 2022 and has been submitted for ministerial approval. Before considering approval, I would like to ensure that I have a full appreciation of what the Local Trust Committee (LTC) and Islands Trust expect is involved in implementing this Official Community Plan (OCP).

The proposed OCP bylaw contains an introductory statement that acknowledges the territories in which South Pender Island is located, articulates South Pender LTC's commitment to reconciliation, and notes places of significance and culturally significant plants and food/medicines for First Nations that the LTC intends to preserve and protect.

I appreciate the LTC's commitment to advancing reconciliation through plans such as the OCP. The inclusion of content intended to reflect and support revitalization of Indigenous culture is aligned with provincial reconciliation goals and with the UN Declaration on the Rights of Indigenous Peoples.

While the intent of the Local Trust Committee to protect Indigenous language, cultural heritage, and traditional knowledge is apparent, it is less clear that Indigenous peoples have themselves had a role in the development of the bylaw. Indigenous participation in implementing the amendments that are proposed to be contained in the OCP will be vital.

Through discussions with ministry staff, it is understood that the Islands Trust sought early engagement with the WSÁNEĆ Leadership Council, but no comments were received prior to the bylaw being submitted for ministerial review. Before considering the bylaw, I would like to understand the potential for First Nations' concerns with the content and for more meaningful involvement with First Nations in the writing of the statement and the commitments it contains.

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I would like to understand how First Nations and Indigenous peoples are or will be involved in this work, especially where their language, SENĆOŦEN, is used to describe places, plants and food/medicines, and also lists a number of specific actions the LTC intends to take in collaboration with First Nations, such as identifying and protecting traditional harvesting, fishing, and medicine gathering locations, prioritizing local Indigenous public art, and considering changes to land use, building height, and density to reduce impacts in areas defined as culturally sensitive and/or significant.

Capacity and timing may have been limiting factors in the limited response to earlier engagement. There may be an opportunity to revisit the matter with the Indigenous peoples of the South Pender Local Trust Area as the Islands Trust considers how to use the recent grant from the Ministry of Municipal Affairs.

Should you have any questions, please do not hesitate to contact Kris Nichols, Manager, Local Government Land Use Planning, by email at: Kris.Nichols@gov.bc.ca, or by telephone at: 778 698-3450.

I look forward to hearing from you. Thank you again for writing.

Sincerely,



Anne Kang
Minister

pc: Peter Luckham, Chair, Islands Trust Council
Kristina Evans, South Pender Island Trustee, Islands Trust
Dag Falck, South Pender Island Trustee, Islands Trust
Russ Hotsenpiller, Chief Administrative Officer, Islands Trust
Kris Nichols, Manager, Local Government Land Use Planning
Robert Kojima, Regional Planning Manager, Islands Trust
Kim Stockdill, Island Planner, Islands Trust



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May 25, 2023

The Honourable Anne Kang
Minister of Municipal Affairs
Room 247 Parliament Buildings
Victoria, BC V8V 1X4

Via email: Muni.minister@gov.bc.ca

Dear Minister Kang:

Re: South Pender Island Local Trust Committee Bylaw No. 123 – First Nation Engagement

On behalf of the South Pender Island Local Trust Committee (LTC), I would like to thank you for your letter regarding the LTC's proposed Bylaw No. 123.

The Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea. The South Pender LTC adopted 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.”*

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The Honourable Anne Kang
May 25, 2023
Page 2

As part of the LTC's commitment to reconciliation, the LTC initiated the Official Community Plan (OCP) Minor Amendment Project to include a First Nation introductory/acknowledgement statement in the OCP as one part of the project. The introductory statement was prepared by the Islands Trust Senior Intergovernmental Policy Advisor who reached out to their contact with the WSANEC Leadership Council to encourage early comments on the statement, and no comments were received. We do recognize that capacity restrictions and timing often impacts First Nations' abilities to provide comments on bylaw referrals.

At this time the proposed Bylaw No. 123 is post Public Hearing and as such, the South Pender LTC cannot receive any further information regarding the proposed bylaw without holding a new public hearing. Therefore, the South Pender Island LTC will formally receive your later at the June 3, 2023 special meeting to discuss next steps for the proposed bylaw. Due to your comments, the South Pender Island LTC may decide to proceed no further with the bylaw, or may decide to further engage with First Nations as part of this project, or a future project. The recent funding provided by the Ministry for reconciliation activities and engagement with First Nations is welcome and could indeed support a more fulsome engagement with the Nations in the South Pender Area.

We will notify Ministry of Municipal Affairs staff of the outcome from the June 3rd, 2023 meeting.

Thank you for your keen attention to the need for local governments to develop bylaws with fulsome participation of Indigenous Peoples. We look forward to working cooperatively with the Ministry to develop inclusive and meaningful processes of engagement with First Nations, to ensure their voices, concerns and participation are fully respected and find expression in our bylaws and Official Community Plans.

Thank you,



Tobi Elliott

Chair, South Pender Island Local Trust Committee

Email: telliott@islandstrust.bc.ca

Cc: South Pender Island Local Trust Committee
Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner

PROPOSED

SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 123

A BYLAW TO AMEND SOUTH PENDER ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 107, 2011

The South Pender Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021”.

2. SCHEDULES

South Pender Island Official Community Plan No. 107, 2011 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

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	5 TH	DAY OF	NOVEMBER	2021.
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.
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20__
ADOPTED THIS	_____	DAY OF	_____	20__

CHAIR

SECRETARY

**SOUTH PENDER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 123**

SCHEDULE 1

The South Pender Island Official Community Plan Bylaw No. 107, 2011, is amended as follows:

1. By adding the following new Subsection under Section '1.2 Introduction' and renumbering the Subsections accordingly:

"1.2.1 Acknowledgement and Reconciliation of First Nations Place, Context and Inherent Rights

S,DÁYES – wind drying

Central Coast Salish Peoples have occupied and utilized the lands and waters of S,DÁYES, the place now known as South Pender Island, since time immemorial. The SENĆOŦEN and Hul'qumínum speaking people include the WJOŁŁP (Tsartlip), BOŖEĆEN (Pauquachin), SŖÁUTW (Tsawout), WSIŖEM (Tseycum) and MÁLEXEL (Malahat) Nations; and the SEMYOME, Tsawwassen, Penelakut, Lyackson, Halalt, Stz'uminus, and Lake Cowichan Nations.

The WŚÁNEĆ Peoples (meaning The Emerging Peoples) speak a language called SENĆOŦEN, and have a rich and vibrant economic, social, cultural, and spiritual life that is connected to these lands and waters. The lands and waters of the WŚÁNEĆ Peoples is enriched with history, place names, village sites, cultural locations and ancestral resting places, and sacred sites that need to be honoured and respected. The history of the Central Coast Salish Peoples is sustained and continues in the language, oral history, place names, village sites, cultural and sacred sites, and landscapes that encompass this place they call home, it was never extinguished and continues in the treaty, and territorial lands and waters they caretake for future generations.

South Pender Island is also the location of the SŖÁUTW (Tsawout) First Nation and WSIŖEM (Tseycum) First Nation reserve #7. South Pender Island is a place with many village sites and places names including: QENENIW (meaning watching the slack tide); SMONEĆ (meaning pitch for fire-starting); SŖTIS (meaning candle neck duck); YEUWE (meaning fortune teller from oral history stories); and XELISEN – (meaning lost middle). The preservation and protection of village sites, cultural heritage sites, archaeological sites and objects, and ancestral resting places requires sensitivity and respect and is an important part of reconciliation. Cultivation areas both on land and in marine areas include camas meadows, reef-netting locations and clam gardens, and hunting and harvest areas for Indigenous food resources, inherent rights, and medicine.

The South Pender Island Local Trust Committee is committed to reconciliation and the acknowledgement of Indigenous place and history. The South Pender Island Local Trust Committee seeks to build relationships and to collaborate with First Nations and the Indigenous community to protect cultural places, preserve and increase access to culturally

significant species and food sources, and celebrate the culture, history, language, and art of First Nations within the area.

As part of the South Pender Island Local Trust Committee (LTC) commitment to support the goals of reconciliation the South Pender LTC recognizes the importance of preserving and protecting the following culturally significant plants and food/medicines for First Nations and Indigenous communities:

- SPÁÁNW (camas) and any areas of SPÁÁNW meadows or cultivation areas;
- KÁŦEŁĆ (ocean spray) a hardwood for making tools from arrows and harpoon shafts, to salmon skewers and needles;
- ELILE,İŁĆ (salmonberry) and DEKĖNİŁĆ (thimbleberry) plants their shoots and berries and cultivation areas;
- ŁEKES (Porphyra) edible seaweeds and the conservation of shoreline and upland areas that preserve ŁEKES habitat;
- Á,ĆEX (crab) a traditional food;
- SQŁÁ,İ, (littleneck clam), S,OXE, (butter) SWÁÁM (horse clam), STELO,EM, (cockles), ŁÁU,ĶEM, (bay mussel) and İEXİEX (pacific oyster) and the areas in which they are harvested; including conservation to reduce pollutants that lead to the closer and degradation of these species;
- XPÁ, (western red cedar) for house posts and planks, totem poles, dugout canoes, mats, baskets, clothing, and cordage, and the preservation of this species for future generation;
- ŦŦÁ,ETĆ (broad-leaf maple) for paddles and spindle whorls;
- JSÁ,İŁĆ (Douglas-fir), SKĖMÍ,EKS (grand fir), and KEKEŸİŁĆ (arbutus) and the conservation of these species for future generations.

The South Pender LTC will undertake actions within its regulatory bylaws and advocacy work in collaboration with the local community to welcome and meaningfully include local First Nations and Indigenous community to the islands and waters of the area to:

- identifying sites of First Nations significance and ensure their protection;
- celebrate and look for opportunities to incorporate First Nation languages on public signage;
- advocate for the renaming places of significance;
- prioritize local Indigenous public art;
- respect and honour First Nations village sites and ancestral resting places;
- preserve traditional harvesting, fishing, and medicine gathering locations including fish trap areas, sacred places, traditional trails, canoe runs, and bathing sites, and allow for ceremonial use of those locations;
- advocate with community to create opportunities to learn, understand, and honour First Nations culture, history, and values;

- seek to engage meaningfully with local First Nations before developing park areas, public spaces, beach accesses, trails, and educational materials;
- consider changes to land use, building height and density to reduce impacts in areas defined as culturally sensitive and/or significant due to cultural heritage sites, or cultural food sources.”

2. By adding the following new clause to Article 3.1.2(a) (Land Use):

“v) If the Local Trust Committee considers Development Variance Permit applications to vary the maximum floor area of residential dwellings, ‘Appendix 10.1 South Pender Island Local Trust Committee Building Design and Siting Guidelines’ should be incorporated into the building proposal where feasible.”

3. By adding the following new part after ‘Part 9 – Administration’:

“PART 10 – APPENDICES

10.1 South Pender Island Local Trust Committee Building Design and Siting Guidelines

Vision Statement:

The South Pender Island Local Trust Committee Building Design & Siting Guidelines are intended to support the South Pender Island Official Community Plan and in particular, the following two Official Community Plan policies:

2.2.1 To maintain the island’s rural character so community members and visitors may continue to enjoy a sense of tranquility, privacy, freedom from disturbance, and relative self-sufficiency within a visually attractive environment.

2.2.4 To ensure land use, development, and associated servicing are compatible with the rural island character and that their growth is gradual and sustainable.

The guidelines draw upon objective criteria and a variety of approaches for creating thoughtfully designed, energy efficient dwellings and accessory buildings and structures which also relate to, and are in harmony with, the natural surroundings. The guidelines are intended to promote an appreciation of South Pender Island’s history, create an understanding of the rural character, and reinforce the regional identity. The guidelines are presented to encourage imaginative, site specific designs while achieving the guideline’s objectives for design, siting and size.

Purpose: The guidelines encourage the design and siting of buildings and structures on a property by considering the topography of the land, its ecology, and the natural and rural character of South Pender Island.

Objectives:

- To site buildings and structures on a property that will integrate with the landscape, through the use of a diversity of architectural styles and the use of exterior colours which compliment the natural character of the island;

- To encourage the use of energy saving technologies to reduce greenhouse gases;
- To encourage the consideration and respect of neighbouring properties when siting and designing a building or structure; and,
- To encourage designs of buildings and structures that maintain compatibility with the character of the neighbourhood and community, and to decrease the visual prominence of a building or structure.

Guideline 1 - Principles of Design

A design should consider every aspect of a building and its setting to achieve an outcome that responds to the needs of the individual while integrating into the landscape. Designs should also take into account future maintenance and repair requirements. Historically, most homes were simple, modest, and owners had the knowledge and ability to maintain and repair their homes.

- Consider designs in a restrained, proportionate, manner such that each building remains subordinate to the natural and rural character.
- Consider a diversity of styles. Avoid a repetition of a single style within a neighbourhood and choose designs that contribute to the overall character of the community.
- Complex designs or complicated construction methods and materials may difficult to source.
- Be consistent within an individual building. Avoid a variety of design features or those that are nonfunctional, or ostentatious.
- Consider age-friendly design principles to create easy access or reduce mobility issues.

Guideline 2 - Define the Objectives

Consider reducing the floor area of the building or structure while still achieving the desired form and function.

Guideline 3 - Selecting a Building Site

Selecting an appropriate building site can influence how successful a dwelling can blend into its natural surroundings. Siting of buildings and structures should be addressed at the pre-design stage and should utilize the natural topography while minimizing disturbance to the ecology and the visual impact in order to blend in with the nature environment. Consider local knowledge when siting dwelling units and take into account the particular micro-climate influences in your specific area, such as potable water sources, soil conditions, wind and rain direction, summer heat, early frosts, and drainage routes. Well selected building sites can offer shelter from the elements, privacy and take advantage of solar applications. Consideration should be given to the prominence of the building or structure and how it impacts views from adjacent properties and other view corridors.

Guideline 4 - Produce a Design Concept and Site Plan

- Prepare a visual design concept plan, building and elevation plans, and site plan that will achieve the objectives of these guidelines. A site contour map may also be beneficial.

Guideline 5 - Site Preparation

- Clear the land only where necessary while maintaining as much contiguous forest cover as possible. Prior to removing trees, consider shade requirements, wind direction, wildlife habitat, water retention and drainage. In addition, road access, services, drainage and sewage disposal should be considered along with location of buildings and structure which will result in a well-integrated site plan. Excessive excavation and its mitigation can be expensive, unnecessary, and damaging to the natural landscape.

Guideline 6 - Landscaping

- The character of the rural garden can be defined as something which requires minimal intervention to the existing landscape and native plants. Select plants that are deer resistant, drought tolerant and non-invasive.
- Planting zones can create pathways, enclosures, privacy, wildlife habitats, and can reduce or limit expansive areas of pavement and lawns. Planting can be used to soften the geometric impact between the built environment and the natural landscape.
- The endangered Coastal Douglas Fir ecosystem is one of the most important features of the community. Unnecessary fragmentation of this forest landscape is discouraged. Rather than cut trees for view corridors, consider “windowing” by trimming branches.

Guideline 7 - Hard surfaces and Paving Materials

- For driveways, patios, and walkways, avoid large, continuous areas of paving and consider using porous materials that permit percolation of water and aeration in soils.

Guideline 8 - Fencing

- Not every property needs a fence or wall along its entire perimeter. Keep fencing to a minimum around specific areas requiring protection and/or screening.
- Consider the neighbourhood and adjoining properties when designing and installing a fence or wall.”

Dennis Perch



May 14, 2023

To: The South Pender Island Local Trust Committee (LTC):

Tobi Elliott, Chair

Kristina Evans

Dag Falck

Thank you for asking the public for input in setting your priorities for the next year. This is a refreshing and welcome change from the previous LTC practice.

My opinion is very simple. Please proceed with the key issues which were the basis for the election of new South Pender trustees. During the last term, the community overwhelmingly disagreed with the LTC proceeding with Bylaw #122 without reasonable support from residents and the passing of Bylaw #123 without adequate support of the community or consultation with First Nations.

My recommendations, therefore, are a series of steps in the following order:

1. Rescind Bylaw #122 and restore land use conditions to those existing under the previous bylaw. This is a far less costly and time-consuming action than exhausting extensive planning staff and LTC time trying to make changes to it. This would also allow conditions that were deemed acceptable to the community to be restored until the LTC can assess what changes may be beneficial or necessary (See Priority Items #3 and #5.)
2. (REMOVED as instructed by Kim Stockdale – planner)
3. Conduct an investigation of housing needs in our community and, based on that analysis, identify housing options that may be appropriate, for example: possibly allowing trailer accommodations or suites in residential homes and also allowing home sizes that comfortably accommodate them.
4. Initiate a process for direct transparent dialogue with the First Nations having historical interest in South Pender land and work with them collaboratively to identify the goals and actions that can benefit both First Nations and our residential community. Proceed only with reconciliation measures that are developed mutually in accordance with UNDRIP requirements. (Note: Trust planning staff and Executive may require education on the mandatory requirements of UNDRIP. (REMAINDER REMOVED as instructed by Kim Stockdale – planner)
5. Conduct a review of the existing Land Use Bylaw (restored after rescinding of #122) and gather community input in determining what, if any, changes are needed (e.g., possibly #3).

Thank you for considering my suggestions as part of your data gathering process.

Sincerely,

Dennis Perch

From: Neville West <[REDACTED]>
Sent: Friday, May 19, 2023 3:41 PM
To: South Pender Island Local Trust Committee
<SouthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: Fwd: Please Rescind Bylaw 122

Dear Trustees

I urge South Pender Island trustees to rescind Bylaw 122. It was hastily thrust upon us despite objections of the electorate who are rightfully concerned over the loss of personal agency over private space.

This is troubling in any strata of society. Those who have agency over their lives are without question more productive and happier individuals and thus communities. Erode agency and people quickly feel neglected in the processes and manipulated by a few. It is not a sustainable social condition. When the world cries out for greater accommodation of the masses things like Bylaw 122 stand out as eroding that very agency.

Neville West

[REDACTED]

S.P.I.

From: Alma Lightbody <[REDACTED]>
Sent: May 21, 2023 11:26:40 AM
To: Kristina Evans; Dag Falck; Tobi Elliott
Subject: Next meeting about new projects

Thank you for having this meeting to get our input about setting your priorities for the future.

The main thing I think you should deal with is to Rescind Bylaw 122 in total. It is an albatross that is controlling our Island by its restrictive land use regulations. It has made many/most of us to be 'legal, non-conforming' in one or more ways. It feels like a smothering blanket that creates unwanted/unneeded controls with the only way out being through expensive, timely Development Variance Permits.

The recent election brought forward new options and new possibilities offered by the Trustee promises of 'listening to the community'.

Let's start fresh and 'Rescind Bylaw 122' in total and then move forward.

Respectively submitted,
Alma Lightbody
[REDACTED]
South Pender Island.

Sent from [Mail](#) for Windows

From: Heather Haryu <[REDACTED]>
Sent: Monday, May 22, 2023 9:28 AM
To: South Pender Island Local Trust Committee
<SouthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: Fwd: Projects

As per my email yesterday, following is our revised submission:

Dear Trustees,

You have asked the community for their ideas on which projects should take priority in the near future for the local trust committee. Wayne and I have given this thought and believe that the most important issue now is that Bylaw 122 should be rescinded or reviewed and amended according to the majority of the community's wishes. Kristina did a lot of work in the last term to survey property owners to see whether they agreed with two of the main changes to the bylaw – house size and setbacks – and a majority of the people surveyed did not want to see changes to Bylaw 114. It was also quite evident that the majority of the attendees at community information meetings and public hearings were against Bylaw 122. Even Chair Peter Luckham voted against Bylaw 122 because he could see that the majority of the community was not on board. Kristina and Dag both said in their campaigns that they would listen to the community. We really do not think that much more needs to be said. South Pender Island does not need to have such restrictive land use regulations compared to our neighbouring islands.

We urge you to move forward in accordance with the community's wishes.

Also, if this email needs to be sent to any other address, please forward it so that it becomes part of the public record.

Yours sincerely,

Heather and Wayne Haryu
[REDACTED]

From: Judith Allen <[REDACTED]>
Sent: Monday, May 22, 2023 4:07 PM
To: South Pender Island Local Trust Committee
<SouthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: Bylaw 122 being rescinded as promised before the election...

I have owned a property on South Pender for over 20 years. I went to several meetings when Bylaw 122 was being discussed at length. It was quite obvious to me that our former trustees had made up their minds to make changes whether the residents were happy with them or not. They were present at the meetings but were not listening. To me it was obvious that more needed to be discussed before Bylaw 122 was passed. It made several property owners properties illegal. I would like to see Bylaw 122 rescinded completely. If more discussions are required about changing current Bylaws, that is fine with me. Just get rid of Bylaw 122 as it stands.

Judith Allen
[REDACTED]
South Pender Island

Sent from [Mail](#) for Windows

From: Bob Cooper Consulting <[REDACTED]>
Sent: Thursday, May 25, 2023 10:22 AM
To: South Pender Island Local Trust Committee
<SouthPenderIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: Bylaw 122

To whom it may concern

This letter is sent in good faith and to request that the South Island Trustees rescind Bylaw 122.

It is our opinion that this bylaw is NOT in the best interest of the residents, and furthermore is an over reach on the part of the Islands Trust.

These issues and other issues pertaining to local building and set back requirements Will have a negative effect on local residents.

Sincerely

Bob Cooper

[REDACTED]

B. Cooper Consulting

Sent from my iPhone