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**Sent:** Saturday, May 27, 2023 8:30 AM  
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**Subject:** for the SPLTC

May 27, 2023

South Pender Island Trust Committee,

In determining the committee's work program for this term one of the items being requested by a few members of the public is to rescind Bylaw 122. Before that decision is made I'd like the committee to consider the following.

First and foremost, the Islands Trust is a policy driven organization, not a political one. By that I mean that trustees must base all decisions upon the Trust's fundamental document, the Policy Statement and secondly by the South Pender OCP. Bylaw 1.3.1, the Implementation Bylaw, states that no bylaw must be "contrary to or at variance with" the Policy Statement. It goes on to say that should an LTC not wish to comply with the PS then a rationale must be provided indicating how those policies may be met alternatively.

I suggest that if the LTC can not pass a bylaw, or the EC can not approve a bylaw, that does not meet that criteria, then then a bylaw might not be rescinded unless doing so also meets that criteria.

Bylaw 122 promotes several policies of the Policy Statement:

Within the Guiding Principles of the Policy Statement, it states:

- "When making decisions and exercising judgment, Trust Council will place priority on preserving and protecting the integrity of the environment and amenities in the Trust Area."

- "Trust Council believes that to achieve the Islands Trust object, the rate and scale of growth and development in the Trust Area must be carefully managed and may require limitation."

A goal of the Policy Statement is to recognize:

- "As humans occupy and modify the Trust Area, ecosystems are subject to various pressures. Protection of these ecosystems is essential if they are to remain healthy and productive for the benefit of future generations."

- "Planning must account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies and Trust Area species and habitats."

- “The principle of sustainability must be upheld.”

- “Protective measures are varied and can include actions ranging from preservation of natural areas in the form of parks and ecological reserves, to increasing public awareness and understanding of the need for sustainable use and stewardship by all landowners.”

It also supports policies of the South Pender OCP which state:

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;

2.4.3 Regulatory provisions pertaining to numbers of buildings, maximum floor area, lot site coverage, building and structure setbacks, heights, screening, and parking in land use regulatory bylaws and permits are to be developed with regard to land use compatibility, the retention of the rural island character, the protection of natural views, and the maintenance of residential privacy.

2.4.4 In its decision-making, the Local Trust Committee will ensure that land use planning and development promote reductions in greenhouse gas emissions, support efforts to adapt to climate change impacts, and recognize the role of existing rural and natural areas in the absorption of carbon.

The Climate Change Emergency Declaration endorsed by Trust Council is a clear indication that Trust Council recognizes that any steps towards reducing carbon, energy consumption, and taking further steps to mitigate the impact of climate change is imperative. Bylaw 122 supports that Declaration.

The requests to rescind Bylaw 122 are political in nature. Complaints about the provisions being inconvenient or affecting some erroneous idea of “private property rights” are irrelevant. If the LTC wishes to proceed then it must do so for reasons that are based in existing policy or provide a rationale explaining how those policies can be met through alternative regulations. Ignoring those policies is not an option and by doing so the LTC would risk undermining Sec 3 of the Trust Act.

I realize a number of property owners are politically motivated to oppose Bylaw 122 but remind the LTC that many others supported this bylaw although far less vociferously. I don’t envy you having to confront residents with this matter but remind you that your first obligation is to the

uphold the policies endorsed by Trust Council and to also take into account the residents of the Province.

Respectfully,

Steve Wright,

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