

ADOPTED



Islands Trust

North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: March 24, 2022
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

Members Present: Laura Patrick, Chair
Benjamin McConchie, Trustee
Deb Morrison, Trustee

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

Public: There were approximately eleven (11) members of the public present.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:00 am. Chair Patrick acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. RISE AND REPORT - In-camera February 24, 2022 Meeting

By general consent, the LTC agreed to rise and report at the next regular meeting that the North Pender Island Local Trust Committee appoint Vicki Dutton, Mary Beth Rondeau and Lynn Clarke to the North Pender Island Advisory Planning Commission, commencing immediately for a term ending March 1, 2023.

3. APPROVAL OF AGENDA

By general consensus the agenda was adopted as presented.

4. TRUSTEE REPORT

Trustee McConchie reported on the Trust Council meeting held March 8-12. While the budget process was challenging and complicated the Trust Council heard the public and was responsive and a decreased budget for 2022-2023 was approved. There have been 8 community information meetings regarding the Land Use Bylaw (LUB) review and the community presented detailed and well thought out comments. There was a meeting about freighter anchorage and concerns are that Transport Canada is not listening to First Nations concerns.

Trustee Morrison concurred as to the complicated budget process and would like to see a simplified process. While voting to decrease the budget there is an awareness that some items will not be addressed. Trust Policy Statement is at the Public Review stage and everyone is encouraged to respond. Regarding the Southern Gulf Islands Forum on freighter anchorage, there is frustration as Transport Canada has been told no anchorages should be allowed. If interested in contacting her a text is the most efficient method.

5. CHAIR'S REPORT

Chair Patrick stated that there would be two opportunities for Public Review of the Trust Policy Statement on April 12, 2022 at the Driftwood Centre in the morning and the Anglican Hall in the afternoon. Everyone is encouraged to attend. Consideration may be given to co-ordinate a separate meeting for the Trustees to review the Governance document.

6. TOWN HALL AND QUESTIONS

Robert – Interhousing Coalition

- Asking for a Resolution for staff to work with Coalition to identify issues preventing people from living in recreational vehicles (RV);
- Housing is a significant issue and those living in tiny homes and RVs are anxious;
- There is a Need Provincial Housing Code changes;
- 2021 rental housing report: Province concerned local governments are slowing things down;
- Coalition suggests adapting bylaws prior to Provincial changes/directives; and
- The Trust mandate to Preserve and Protect: housing is a fundamental issue; to deal with the pressure to build in an environmentally conscientious way; tiny homes have a low impact and a lot of merit.

Participants reminded that staff will defer enforcement on unlawful dwellings in some circumstances.

Chair stated that a number of islands are working on housing options/issues.
Planner Stockdill said the housing issues could be placed on the Projects List.

Dale Henning is requesting that wording be changed for the Trust Policy Statement surveys.

Trustee Morrison spoke to the survey which was discussed at Trust Council. There are multiple sources of data being collected to clarify issues.

Trustees reminded the public that the Trustees are open to all opinions however it is important to maintain respectful presentations and conversations.

Michael Sketch – LUB review

- Overly restrictive LUBs lead to noncompliance and enforcement is inconsistent;
- Screening bylaw for shipping containers could be more flexible;

- The Geothermal system was installed years ago and the system failed and was replaced. A Bylaw was developed and the question of safety/antifreeze/and ocean impact might now require an amendment to the Bylaw; and
- Agricultural land - keep in moderate use

Nick – is a part time resident of Magic Lake Estates:

- Referred to Trust Act – “Agency of the Province”;
- There are limited funds, and the population on the island is growing;
- Work co-operatively to resolve issues in addition to fines;
- Thanked staff and Trustees for doing a good job under difficult circumstances; and
- Nick would like to see the Trustees work as facilitators and enablers and less on regulations and enforcement.

Chair Patrick reminded everyone of the importance of participation and encouraged all to contact Trustees.

7. COMMUNITY INFORMATION MEETING

None

8. PUBLIC HEARING

None

9. MINUTES

9.1 Local Trust Committee Minutes Dated February 24, 2022

See Motion below.

9.2 Local Trust Committee Special Meeting Minutes Dated March 12, 2022

NP-2022-031

It was Moved and Seconded,

that the North Pender Island Local Trust Committee defer adoption of Local Trust Committee Minutes dated February 24, 2022 and Local Trust Committee Special Meeting Minutes dated March 12, 2022 and that both minutes be brought forward to the next Local Trust Committee meeting.

CARRIED

9.3 Section 26 Resolutions-without-meeting Report Dated Feb 2022

Received for information.

9.4 Advisory Planning Commission Minutes - None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated March 2022

Received for information.

11. DELEGATIONS - none

12. CORRESPONDENCE

12.1 BC Electoral Boundaries Commission - March 3, 2022

Received for information.

There have been emails received questioning the meeting format and how public may attend.

Chair Patrick spoke to the changing process.

13. APPLICATIONS AND REFERRALS

13.1 NP-DP-2022.1 (Jollimore)

Planner Stockdill reviewed the application for the removal of 8 trees to clear the site for a septic disposal field, dwelling and driveway. The applicant has worked with a biologist and their intent is to build with as little impact to the sensitive ecosystem as possible.

Discussion: The biologist report indicates that the impact on groundwater is minimal. The biologist's report is clear and respectful of the DPA's original purpose.

NP-2022-032

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2022.1 (Jollimore).

CARRIED

13.2 NP-LCB-2022.1 (NP Legion)

Planner Stockdill clarified that an application is necessary as the Legion is seeking a change in liquor license to allow outdoor seating and the Liquor and Cannabis Regulation Branch (LCRB) requires notification to the local government.

Discussion: regarding costs and who is responsible for payment. It was acknowledged that the applicant assumes the costs for the application.

The question was asked if this is the quickest process and Planner Stockdill answered that it is.

NP-2022-033

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to undertake notification and schedule a Community Information Meeting (CIM) for referral application NP-LCB-2022.1 (Royal Canadian Legion) as part of the April 28, 2022 Regular Meeting.

CARRIED

13.3 North Pender Island Local Trust Committee Proposed Bylaw No. 222

Planner Stockdill reported that Bylaw No. 222 had received Ministry approval in February.

Discussion:

- The administrative work for this Bylaw required a lot of staff time;
- There is value in identifying illegal air B&Bs which has impacts on housing stock;
- Can legalize Short Term Vacation Rentals (STVR) through a Temporary Use Permit (TUP); and
- Balance within community is important.

NP-2022-034

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 222, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2020”, be adopted.

CARRIED

Break for 10 minutes

13.4 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 526

NP-2022-035

It was Moved and Seconded,

that North Pender Island Local Trust Committee interests are unaffected by Salt Spring Island Local Trust Committee Proposed Bylaw No. 526.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Groundwater Sustainability Implementation

Planner Chadwick spoke to the data and options utilized to identify zones and draft Development Permit Area guidelines.

Three Projects:

1. Identify updates/changes for Official Community Plan (OCP) including the new Development Permit Area – could go to 3rd reading by the end of term.
2. Changes to subdivision regulations re: proof of water and addition of cistern regulations – could go to 3rd reading by end of term.

3. Site specific focus based on mapping which could lead to site specific rezoning- could identify options now, changes could be made in the next term.

Discussion:

- Appreciation for the staff report it is helpful, concise and specific;
- Steps 1 and 2 could guide LTC post fall election;
- Vulnerability to water contamination;
- Most islanders are water conscious;
- More education/awareness of water issues is critical with fewer regulations as these impact on affordability;
- Suggestion to change colouring on map to blue to better communication designations;
- No groundwater contamination Bylaws are needed;
- Proof of water – identify options;
- The map is valuable for education;
- Consideration of affordability impact;
- Volume demands could lead to deeper drilling which has more impact;
- Formation of a working group – get Water Districts together; and
- Community conversations/public engagement to identify issues.

Planner Chadwick pointed out that the Fresh Water Sustainability Strategy identifies many actions that are educational in focus. Regulations give an opportunity to measure/control and needs to be balanced with effective engagement and education.

Planner Chadwick reviewed report and draft bylaws (page 97 of agenda package).

14.2 LUB Review Project

Discussion on maximum floor area and considered a similar approach to the Mayne Island Land Use Bylaw. The draft Official Community Plan bylaw could incorporate a policy that would support variances increase cottage maximum floor area if the cottage is two-storeys in height.

Discussion regarding the differences between lot coverage and total maximum floor area.

NP-2022-036

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to amend the draft Land Use Bylaw to increase the maximum floor area of cottages to 80 square meters (861 square feet).

CARRIED

NP-2022-037

It was Moved and Seconded,

that the North Pender Local Trust Committee direct staff to remove “Lot Area coverage” from Land Use Bylaw and replace with “Total Floor Area of all buildings and structures”.

CARRIED

NP-2022-038

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to refer Figure 2– the excerpt from draft Land Use Bylaw Amendment Bylaw – Rural Zoning to the North Pender Island Agricultural Advisory Committee to provide their recommendation(s) for house size on Agricultural Reserve Lands.

CARRIED

Planner Stockdill reviewed the Commercial Tourist Accommodation considerations. Water catchment and fire suppression requirements will be added to the draft bylaw when direction is given as to how to proceed with Driftwood Centre property.

Discussion:

- increased density leads to water concerns;
- importance of neighbourhood feedback;
- value of a mail out of revised draft to neighbours; and
- history of properties importance of sustainability development.

NP-2022-039

It was Moved and Seconded,

that the North Pender Local Trust Committee request staff to amend draft Land Use Bylaw to decrease commercial guest accommodation units density for 1329 MacKinnon Road to fifteen (15), for 1333 MacKinnon Road to five (5) and for 1349 MacKinnon road to eight (8).

CARRIED

NP-2022-040

It was Moved and Seconded,

that the North Pender Local Trust Committee direct staff to mail out to MacKinnon Road property owners the proposed reduced densities to C2 properties.

CARRIED

Planner Stockdill outlined discussions with property manager of Driftwood Centre. Currently zoning could potentially permit a maximum of 34 camping spaces for tents. Question of recreational vehicles/trailers. Options were detailed.

Discussion:

- Interest in option e) rezone this portion of the property to only permit multi-family housing;
- Motion made in October 2021 for zoning rental housing;
- Multi-family rental housing – currently would allow up to 16 units (not buildings) which must be joined i.e.: 8 buildings; and
- Go to Community with draft Bylaw.

Discussion regarding Waste Management TUP and if should be included in draft bylaws.

- Need for sustainable solution; and
- Not the role of LTC to act as a facilitator in a dispute between 2 property owners.

NP-2022-041

It was Moved and Seconded,

that the North Pender Local Trust Committee request staff to amend draft Land Use Bylaw and draft Official Community Plan to legalize the uses as outlined in NP-TUP-2019.7 (4415 Bedwell Harbour Road).

CARRIED 2/1 Trustee McConchie

14.3 Soil Bylaw

Planner Stockdill summarized the Staff Report (on behalf of Robert Kojima (Regional Planning Manager) with updates to the LTC on operator feedback and provide options for changes to the draft Soil Deposit and Removal Bylaw.

Discussion:

- Question of another branch of government through bylaw; and
- Need to ensure operators are working in a manner respectful of the community and environment.

NP-2022-042

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff prepare a draft Soil Deposit and Removal Bylaw with the revisions recommended in the staff report of March 24, 2022.

CARRIED

15. REPORTS

15.1 Work Program Report (attached)

15.1.1 Top Priorities Report Dated March 2022

NP-2022-043

It was Moved and Seconded,

that the North Pender Local Trust Committee direct staff to remove Short Term Vacation Rentals Review Project from Top Priority list.

CARRIED

15.1.2 Projects List Report Dated March 2022

NP-2022-044

It was Moved and Seconded,

that the North Pender Local Trust Committee direct staff to add a review of North Pender Island affordable housing options to the Projects List.

CARRIED

15.2 Applications Report Dated March 2022

Received for information.

15.3 Trustee and Local Expense Report Dated January 2022

Received for information.

15.4 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage

Will be update upon conclusion of meeting.

15.6 Islands Trust Conservancy Report Dated January 2022

Discussed lack of financial incentive/compensation for land donations to IT Conservancy. The Pender Islands Conservancy can purchase land on behalf of Conservancy.

16. NEW BUSINESS

17. UPCOMING MEETINGS

17.1 2022 Annual Meeting Schedule - received

17.2 Next Regular Meeting Scheduled for April 28, 2022 at the St. Peter's Anglican Church Hall, Pender Island

18. TOWN HALL

George summarized letter from Saturna regarding groundwater Development Permit Area (DPA). Report shows the demands are too high for Saturna Island and North Pender – demand

estimates are inflated and request is to stop DPA. Data is limited. High level of regulations increase costs of living on island and question of approving DPA based on this report.

Michael commented on the DPA for water management. Data is critical and mapping leads to informed decisions. Debate is land owner rights vs. community needs/issues.

19. CLOSED MEETING (Distributed Under Separate Cover)

19.1 Motion to Close Meeting

NP-2022-45

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)(d)(f) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated February 24, 2022
- Appointment of Board of Variance Members
- Bylaw Enforcement

AND that the recorder and staff attend the meeting.

19.2 Recall to Order

Meeting recalled at 2:32 pm.

19.3 Rise and Report

Chair Patrick reported on the passing of In-camera minutes dated February 24, 2022

20. ADJOURNMENT

By general consent the meeting was adjourned at 2:35 pm.

Laura Patrick, Chair

Certified Correct:

Pat Todd, Recorder