

# ADOPTED



## North Pender Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** October 27, 2022  
**Location:** Electronic Meeting

**Members Present:** Trustee Sue Ellen Fast, Chair  
Benjamin McConchie, Trustee  
Deb Morrison, Trustee

**Staff Present:** Robert Kojima, Regional Planning Manager  
Kim Stockdill, Island Planner  
Lauren Edwards, Recorder

There were approximately 16 members of the public in attendance.

#### 1. CALL TO ORDER

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

#### 2. APPROVAL OF AGENDA

**Add:** Correspondence from Joyce Thayer to Section 13.1 Land Use Bylaw Project.

**Add:** Amendment for North Pender LTC Minutes of August 13, 2022 to Section 15.2 New Business.

**By general consent** the agenda was approved as amended.

#### 3. TRUSTEE REPORT

Trustee McConchie congratulated Trustee Morrison, Chair Patrick, Chair Fast and all others who were successful in their elections and wished them luck. He acknowledged their care about the islands and said he would support them as an ex trustee. He also acknowledged Regional Planning Manager Robert Kojima, Planner Kim Stockdill and Islands Trust staff for their work over the past few years and through the changing times.

Trustee Morrison thanked all who participated in the elections and stated that the conversations were helpful and valuable and that she will consider the use of Facebook going forward. She commented positively on the use of the *Pender Post*, respectful conversations and working with Trustee McConchie. She said the term had been challenging on various fronts including the global pandemic.

#### **4. CHAIR'S REPORT**

Chair Fast read from Chair Patrick's message which said she was honored to have served in the chair role and get to know the people on Pender Island and especially the trustees.

Chair Fast congratulated Trustee Morrison and thanked the trustees for their service. She reported that:

- Trust Council meeting for newly elected trustees will be held November 17<sup>th</sup> to 19<sup>th</sup> in Victoria;
- elections will be held for Executive Committee;
- an online Trust Council meeting is scheduled for December 6<sup>th</sup> to 8<sup>th</sup>; and
- LTC meetings will resume in 2023.

#### **5. TOWN HALL AND QUESTIONS**

Joyce Thayer, a fulltime North Pender resident, stated that an over height building in the Clam Bay Road area has been incorrectly approved. She suggested that a legal opinion be sought and is looking for a solution going forward.

Michael Sketch, a North Pender resident, asked that trustees resolve the wording regarding the Browning Marina to Driftwood corridor in the Project's List.

Michael Sketch requested the Local Trust Committee (LTC) rethink the staff recommendations in the staff report to omit the setback distances from sewage fields and stated the bylaw is missing the potential for enforcement. He asked that the LTC leave this project for the next term.

#### **6. COMMUNITY INFORMATION MEETING**

None

#### **7. PUBLIC HEARING**

None

#### **8. MINUTES**

##### **8.1 Local Trust Committee Minutes Dated September 29, 2022 (for Adoption)**

**NP-2022-121**

**It was moved and seconded,**

that the North Pender Island Local Trust Committee meeting minutes of September 29, 2022 be adopted as presented.

**CARRIED**

##### **8.2 Section 26 Resolutions-without-meeting Report - None**

##### **8.3 Advisory Planning Commission Minutes – None**

**9. BUSINESS ARISING FROM THE MINUTES**

**9.1 Follow-up Action List Dated Oct 2022**

Planner Stockdill reported that groundwater project maps can be found on the Groundwater Sustainability Project webpage and that all maps and reports are under folder #5.

Discussion occurred on the reporting of the follow up action items and RPM Kojima stated that a status report will be prepared to lead discussion and inform the new LTC members. The Land Use Bylaw (LUB) Project public hearing date is to be decided.

**10. DELEGATIONS**

**11. CORRESPONDENCE**

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

**12. APPLICATIONS AND REFERRALS**

**12.1 Mayne Island Local Trust Committee Referral for Proposed Bylaws 181 and 183 (for response)**

RPM Kojima provided an overview of the Mayne Island LTC referral regarding rezoning a 10-acre property to allow for construction of multifamily rental housing. The application is at second reading and for public hearing next month.

**NP-2022-122**

**It was Moved and Seconded,**

that North Pender Island Local Trust Committee interests are unaffected by bylaws 181 and 183.

**CARRIED**

Discussion occurred regarding the review process and to flag the item for Trust Council.

**12.2 NP-DVP-2022.1 (Regan) - Staff Report**

Planner Stockdill provided an overview of the staff report and commented that the applicant provided three letters of support from neighbours.

The applicant, Heather Regan, spoke to the fact that the siting of the deck would increase neighbour privacy and did not require the removal of trees.

**NP-2022-123**

**It was Moved and Seconded,**

that North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2022.1 (Regan).

**CARRIED**

**12.3 NP-TUP-2022.3 (Schrodt) - Staff Report**

- Planner Stockdill provided an overview of the staff report which included:
  - The application is for a short-term vacation rental (STVR) of a three bedroom single family dwelling;
  - The application complies with Temporary Use Permit (TUP) Guidelines;
  - There is significant privacy screening, it will only be rented to families and couples and the owners will use the property whenever possible;
  - The closest TUP is 400 meters away and would be the 10<sup>th</sup> TUP where the policy states a maximum of 20;
  - One letter of support is in the public record and staff spoke to two anonymous neighbours who expressed concerns for STVRs in general;
  - Staff spoke to a third person and offered to relay concern regarding who will monitor the property and what the options are if there is an issue; and
  - The permit must be posted to the front of the property.
- Trustee Morrison reported that she received phone calls from several residents who had difficulty emailing letters to oppose the TUP;
- The applicant, Charles Schrodt, reported that he has an agreed contact who lives on the island full time for any concerns or complaints;
- Discussion occurred regarding the length of TUP approvals, compliance and bylaw enforcement;
- Discussed past problems experienced with STVRs and building trust with elderly neighbours;
- It was reported that the applicant canvassed the neighbourhood;
- Charles Schrodt provided history on a direct neighbour's B&B and stated that over several years there were no instances of loud parties or police being called;
- Planner Stockdill reported the anonymous callers are not direct neighbours;
- Discussion occurred on the difficulty for decision making while addressing anonymous concerns;
- Planner Stockdill reported there is an LTC policy that anonymous correspondence should not be considered;
- Discussion occurred regarding bylaw enforcement as the means to address problems and that TUPs cannot be revoked;
- It was requested that a specific description of what constitutes community engagement should be put in the Transition Report for the next Trust Council; and
- It was requested that during the next LTC term, communication can be done highlighting good examples of STVRs.

**NP-2022-124**

**It was Moved and Seconded,**

that North Pender Island Local Trust Committee approve issuance of Temporary Use Permit application NP-TUP-2022.3 (Schrodt).

**CARRIED**

**13. LOCAL TRUST COMMITTEE PROJECTS**

**13.1 LUB Review Project – Staff Report**

Planner Stockdill reported on some items contained in the Staff Report, including:

- Wetlands and streams should be in a separate project for better analysis;
- An overview was provided on the topic of setbacks for sewage systems and permitted exemptions through a professional reliance model through Island Health;
- Staff are recommending not to include outhouses in the LUB. Discussion occurred on an existing outhouse in Stanley Point area. Planner Stockdill agreed to flag this item for discussion with Island Health and include it in the Follow-up Action List;
- Trustee Morrison requested that, as an additional piece for the LUB project, she would like a means of communication for multiple jurisdictions so there are numbers to phone as opposed to waiting for bylaw enforcement. Chair Fast agreed this would be helpful to the islands as well as bylaw enforcement;
- It was noted for discussion going forward that once the bylaw is finalized, problematic items could be identified for clearer communication;
- An overview was provided on Item 3 of the Staff Report including the CRD definition of floor area. Areas less than 1.5 metres in height would not be defined as a storey and this item is forwarded for the next LTC;
- Outdoor lighting in residential setting should be regulated in nuisance bylaw under CRD. Discussion occurred on the Dark Sky initiatives and it was requested that the Bowen Island Dark Sky bylaw language be brought forward for the next LTC;
- Driftwood Centre item is flagged to bring forward to the next LTC. A request was made that the meaning of lots of water (flooding in November vs water in August) and quality of water be considered;
- Planner Stockdill presented on Item 8 - McKinnon Road. A request was made that the calculation show total square footage maximum. Discussion occurred on the need for communicating the Trust's authority to shift zoning and to make clear roles, responsibilities and mandates. Planner Stockdill agreed to the request; and
- Planner Stockdill raised item #5 regarding agri-tourism and the definition of 'Farm'. She reported the newest letter received will be on the project webpage and that letter writers are recommending the LTC request a legal opinion to avoid further issues relating to the interpretation of current Bylaw 103 which is being corrected through Bylaw 224. Discussion occurred regarding:
  - the help of the legal review to address the current situation and to inform changes to the draft bylaw; and
  - the stated purpose for farm use on building plans is an enforcement issue.

**NP-2022-125**

**It was Moved and Seconded,**

that North Pender Island Local Trust Committee ask for a legal opinion about the interpretation of Bylaw No. 103 Subsection 3.4.4 with respect to use of farm and forestry purposes and its impact for revisions in the proposed Land Use Bylaw.

**CARRIED**

**14. REPORTS**

**14.1 Work Program Report (attached)**

**14.1.1 Top Priorities Report Dated Oct 2022**

**14.1.2 Projects List Report Dated Oct 2022**

- RPM Kojima stated that he will prepare a report for incoming trustees;
- It was commented that the new target date for the water project is dependent on the LTC and that William Shulba did high resolution maps; and
- Discussed the Browning to Driftwood Corridor Plan and its wording as well as collaboration with CRD and Pender Island Parks Commission regarding coordination of a transportation plan.

**NP-2022-126**

**It was Moved and Seconded,**

that North Pender Island Local Trust Committee request staff to adjust Priority Project item 7 to read “coordination on a transportation plan for the Driftwood to Point Browning Corridor”.

**CARRIED**

**14.2 Applications Report Dated Oct 2022**

Report received with agenda. No discussion.

**14.3 Trustee and Local Expense Report Dated August 2022**

Report received with agenda. No discussion.

**14.4 Adopted Policies and Standing Resolutions**

Report received with agenda. No discussion

**14.5 Local Trust Committee Webpage**

A request was made that staff post trust-wide issues as a singular message for all trustees. Chair Fast commented that this may be something for Trust Council to address.

Discussion occurred regarding communicating locally and a request was made that this issue be put on the agenda and to consider repurposing a couple of meetings to community information meetings.

#### **14.6 Islands Trust Conservancy Report – None**

Chair Fast, as vice chair for the Islands Trust Conservancy, provided an oral report that:

- There has been a lot accomplished this term;
- Deadline is approaching for people making tax decisions and donations;
- Information is available regarding current campaigns;
- There was discussion and collaboration at the Union of BC Municipalities meeting which was attended by provincial ministers, the chair of the Agricultural Land Commission and the Green Party leader;
- Discussion occurred on communication about local conservancy groups and Islands Trust Conservancy and that the Islands Trust Conservancy could be more visible on the support of both the local conservancy and Islands Trust Conservancy; and
- Chair Fast reported that recent elections will change the Islands Trust Conservancy.

### **15. NEW BUSINESS**

#### **15.1 Resolution Wording - Staff Memo**

RPM Kojima provided an overview of the memo dated October 27, 2022.

##### **NP-2022-127**

##### **It was Moved and Seconded,**

that North Pender Island Local Trust Committee request that Trust Council review procurement policy 6.5.3 to provide a method for local trust committees to compensate community members who provide environmental data to Islands Trust.

**CARRIED**

##### **NP-2022-128**

##### **It was Moved and Seconded,**

that North Pender Island Local Trust Committee request that Trust Council prioritize and support the creation of protocol agreements with First Nations.

**CARRIED**

#### **15.2 Amendment for North Pender LTC Minutes of August 13, 2022**

It was reported that the minutes of the August 13, 2022 LTC meeting require amendment to the resolution regarding accessory buildings/structures. The term “uses” was omitted in the resolution.

**NP-2022-129**

**It was Moved and Seconded,**

that North Pender Island Local Trust Committee request that staff verify the resolutions from the August 13, 2022 minutes include “uses” when referencing “accessory uses buildings and structures”.

**CARRIED**

**16. INFORMATION ITEMS**

**16.1 The Climate Projections Report for Islands Trust Area**

<https://islandstrust.bc.ca/document/climate-projections-for-islands-trust-area/>

**16.2 Islands Trust Conservancy Current Campaigns**

<https://islandstrust.bc.ca/conservancy/current-campaigns/>

**16.3 2022 Election Results Trust Council**

<https://islandstrust.bc.ca/about-us/governance/2022-local-election/>

**16.4 Nov 2022 Islands Trust Council Quarterly Meeting Announced**

<https://islandstrust.bc.ca/event/trust-council-quarterly/>

**17. UPCOMING MEETINGS**

**17.1 Next Regular Meeting - to be determined**

- RPM Kojima provided an overview of the process towards creating the annual meeting schedule;
- It was confirmed that the LTC is not meeting in November; and
- The topic for the first meeting with the new LTC will be meetings and how to schedule them.

**NP-2022-130**

**It was Moved and Seconded,**

that North Pender Island Local Trust Committee cancel its November 24, 2022 regular meeting.

**CARRIED**



**NP-2022-131**

**It was Moved and Seconded,**

that North Pender Island Local Trust Committee request staff to schedule a short electronic meeting about scheduling around early December.

**CARRIED**

**18. TOWN HALL**

Michael Sketch of North Pender Island made the following comments:

- With regards to Rural Residential (RR) Zoning and over height buildings, one approach might be to require farm tax status as a condition before consideration of zoning permission;
- With regards to the LUB project, the waste transfer facility zone (McDonald farm area) is shown on the OCP map schedule but it is not shown on the LUB map schedule;
- Planner Stockdill responded that the land use amendment for waste transfer facility is in proposed bylaw 229;
- With regards to the Hamilton Road Industrial zoned property in the ALR, there is no non-farm use for that particular piece of ALR allowed by the ALC to date. The current LUB allows for boat storage and current wording is accessory buildings, but that permission is not given by ALC; and
- Trustee Morrison responded that she is aware of the zoning on Hamilton Road and a confirmation letter is expected from the ALR or it will be pulled from the bylaw. She asked that this item is noted for the new trustee's information.

**19. CLOSED MEETING – None**

**20. ADJOURNMENT**

**By general consent** the meeting was adjourned at 1:23 pm.

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Sue Ellen Fast, Chair

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Certified Correct:

Lauren Edwards, Recorder