



# ADOPTED

## North Pender Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** September 29, 2023  
**Location:** Anglican Parish Hall  
4703 Canal Road, RR#1, North Pender Island, BC

**Members Present:** David Maude, Chair  
Aaron Campbell, Local Trustee  
Deb Morrison, Local Trustee

**Staff Present:** Brad Smith, Island Planner  
Charly Caproff, Planner 1  
Pat Todd, Recorder

**Others Present:** Joanne Lum, Senior Environmental Health Officer, Island Health  
Xiao Qi Ren, Environmental Health Officer, Island Health  
There were fourteen (14) members of the public present.

#### 1. CALL TO ORDER

Chair Maude called the meeting to order at 10:11 am. He acknowledged that the meeting was being held on the territory of the Coast Salish First Nations. Chair Maude apologized for the delay due to problems with Wi-Fi.

#### 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Item 16 New Business 16.2 Plum Tree Court  
16.3 2024 LTC Meeting Schedule

**By general consent**, the agenda was adopted as amended.

#### 3. TRUSTEE REPORT

Trustee Campbell spoke to Trust Council (TC) meeting on North Pender Island the past week. There were a number of meetings, discussions, and engaged participants. He expressed appreciation for how respectful everyone is during conversations regarding their concerns.

Trustee Morrison spoke about the challenges of finding effective ways to move forward on Trust Council governance issues. She reminded everyone of the importance to contact Islands Trust (IT)/LTC with questions and/or concerns. There is an upcoming meeting in Sidney regarding Bylaw Enforcement, Trustee Morrison was hoping to get co-ordination between agencies and better practices.

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

Chair Maude expressed appreciation for hospitality extended to Trust Council. He agreed there are a lot of politics involved and the dynamics are fascinating. The Union of British Columbia Municipalities (UBCM) met last week. There were meetings with Minister of Municipal Affairs and BC Ferries. Communication is ongoing with Ministry of Transportation regarding highways and ferries. A Task Force is being reinstated to address roadway issues. He expressed appreciation to staff for their technical support and efforts.

Trustee Morrison added that there is provincial funding for secondary suites, however islands don't qualify to access. She plans to publish an article that will be in next Pender Post.

#### **5. ELECTORAL AREA DIRECTOR'S REPORT – None**

LTC agreed to move the Community Information Meeting ahead of the Town Hall.

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

##### **6.1 Community Discussion with Island Health**

Joanne Lum from Island Health advised that Xiao Qi Ren is the Environmental Health Officer for the local district and presented information on the responsibilities and jurisdiction of Island Health. The presentation is available on the IT Meeting Event webpage.

Presentation Points:

- Their office deals with food legislation, which includes: food vending businesses, markets, retail, licensing, inspections, and investigating complaints
- There are different types of permits and approvals depending on the circumstances and levels of risk with the foods being sold.
- Examples of low risk foods that can be made at home and sold at a farmers market: cookies, pies, and items without protein products
- Examples of high risk foods that must be prepared in a commercial kitchen: meats, fermented foods, cheeses, kombucha, hummus, sauerkraut, and hot ready-to-eat foods.
- The Farmer's Market Manager works with Island Health to make it safe and they are responsible for keeping records if there is an outbreak and making sure vendors are selling only the products that have been approved
- There is a requirement for testing to ensure that foods are actually low risk
- The food safety plan for high risk foods should address how they treat and store food stuffs
- Restaurants with existing permits can also sell foods at the farmers market without a letter of confirmation
- Special events are different than private events, because they do not have predetermined guest lists. Food preparation can be done on-site, but an application is required.
- A private potluck would not be regulated by Island Health
- Outhouses are a risk because of exposure to wells and the general public, but you can apply for a holding tank in order to meet requirements to make the outhouse legal.

- Grey Water is considered to be Domestic Sewage and must be discharged into a municipal sewer system or holding tank unless a local bylaw allows for the water to be discharged into the ground.
- Single-family residences are exempt from Rain Water catchment regulations

Discussion

- Food sales at the end of a driveway are not allowed, but you can do online sales where clients and pick up the foods from the home
- Legal food facilities are listed on the Island Health website along with details from the last inspection
- How to define Home Based Businesses related to food sales? LTC Lenience around home based businesses does not mean that Island Health rules and regulations can be ignored
- Vendors should consider pre-packaging foods and keeping the product out of the sun
- Members of the public are encouraged to ask food vendors to produce their letter confirming that high risk foods are prepared in a commercial kitchen
- Food vendors are also encouraged to display their letter confirming the food is prepared in a commercial kitchen
- Island Health is willing to work with vendors to find creative ways to bring food businesses up to legal standards
- Information links to be added to the Pender Post
- If LTC has Issues regarding outhouses in the community, they can contact Island Health

**7. TOWN HALL AND QUESTIONS**

**Elaine Horvat:** spoke to the NP-TUP-2023.3 application on Pirates Road. Elaine is a neighbour of site for Temporary Use Permit (TUP) application and has concerns with potential increase to tourist traffic and issues of trespass, increased garbage, littering, etc. Elaine expressed a need for education about road safety for cyclists. Elaine pointed out that road lines are needed.

**Carole Sheaves:** spoke against the NP-TUP-2023.3 application. Carole believes that STVRs do not contribute to the Pender Island Community and they create traffic. There are danger trees on the STVR property.

There was a discussion about the address for the NP-TUP-2023.3 application. The fire department is the authority on legal addresses.

**Speaker:** Referred to a letter from the water stewards on September 27th. The speaker commented on the remediation requirements for a DPA violation on 4815 Schooner Way and encouraged LTC to get a realistic estimation of the costs for landscape work.

**Speaker:** attended a recent water stewardship meeting. The speaker questioned the status of proposed Advisory Water Committee, and noticed that the water stewardship groups have not been asked to provide a representative. The speakers suggested that governance could be improved with one ministry representative to tie into all applicable ministries.

LTC and Islands Trust have been making every effort to connect and work in co-operation with the various ministries within the provincial government.

Island Planner Smith added that the Water Committee will be an Advisory Planning Commission (APC). Applications have been coming forward and the Committee is to be formalized by end of November. The scope will be in accordance with the *Local Government Act* and focussed on intersection of water sustainability and housing issues.

**Speaker:** expressed concern about the survey distributed by the Magic Lake Property Owners Society because they feel it does not speak to the concerns of the whole Pender island community.

Magic Lake Property Owners Society asked Capital Regional District (CRD) to conduct study and it is open to everyone. There will be a link to the survey in the Pender Post. There would be a referendum before any of the survey results are implemented.

**Speaker:** Spoke to the NP-TUP-2023.3 application. The speaker stated that LTC should insist on fencing because another STVR property still has no fencing after 5 years of no action. They would like STVRs to have to apply for building permits. They would like to see the STVR limited to 30 days between May and September.

Island Planner Smith noted that issuing building permits is not within the jurisdiction of the Islands Trust. The CRD is responsible for building permits. There are 2 types of STVR: a) owner on site and b) owner off site. To date, LTC has approved ~11 permits for STVR. LTC is notified when a Bylaw file is opened on an illegal STVR, which allows the LTC to be informed on the issue. When a TUP comes up for renewal, LTC can choose not to renew it if the applicant did not follow through with all of the conditions of their permit.

**Julia Nicholls:** expressed appreciation for action being taken against the DPA violation on Schooner Bay road. Julia was told that the Crown Counsel report was confidential, but wanted to know if the Trustees have access. Julia is concerned that the Crown Counsel report would describe the property owners as cooperative or that they did not realize that their property was in a DPA. Julia urged LTC to ensure the report contains a list of the property owners' many infractions.

**Speaker:** The Island Health presentation clarified important issues, but they felt it could have been edited down and more focused on local issues. The speaker believes there are too many Islands Trust staff and that they are getting in the way of real work being done.

**Judy Walker:** Noted the lack of enforcement on logging practices. They were concerned that the next person to live on their property will ignore the DPA and cut down trees. They were disappointed that LTC has not been able to prevent trees from being cut down. The speaker was concerned that the former Trust Council was supposed to get the Province involved, but the current Trust Council rescinded the request.

The Trust Council rescinded request for tree cutting permitting powers because they felt it wouldn't be successful. The legal opinion on the Galiano DPA is that it is enforceable, so LTC might look into that further. Trust council needs to better define the mandate "preserve and protect". Now that it has been proven that the Galiano DPA is enforceable, the North Pender LTC is in a better position to affect change with logging practices.

Island Planner Smith confirmed that a DPA is not listed on a property title. Buyers need to be made aware of conditions on property. Realtors are not required to provide information on DPAs to new buyers, but the local realtors may make the effort to provide this information. Island Planner Smith confirmed that the DPA on the Schooner Bay property was identified by a local biologist who did not rely only on satellite imagery. Regional Planning Manager Robert Kojima has background material to compile updated brochures for new land owners. LTC does not have a mechanism to require realtors to provide this information

**Speaker:** Would like to have a local municipality because the nearby municipalities control logging bylaws and people don't believe that the Trust is able to do anything about their concerns.

**Speaker:** Pointed out that there were four trustees that voted to rescind the request for tree cutting permitting powers. The speaker wanted to know if this issue comes up again, will LTC vote for more power regarding tree cutting?

Trustee Morrison responded that she would vote for local control next time.

Trustee Campbell stated that he is not certain that the LTC can legally have that level of authority and enforcement over logging and more analysis is needed. He agreed that we need to protect what we have.

LTC went on break from 12:11 p.m. to 12:16 p.m.

**8. PUBLIC HEARING – None**

**9. MINUTES**

**9.1 North Pender Island Local Trust Committee Minutes Dated July 28, 2023**

The minutes were amended prior to the meeting.

**By general consent** the North Pender Local Trust Committee meeting minutes of July 28, 2023 were adopted as amended.

**9.2 Local Trust Committee Public Hearing Record of May 13, 2023 - Received for information**

**9.3 Section 26 Resolutions-without-meeting Report - None**

**9.4 Advisory Planning Commission Minutes - None**

**10. BUSINESS ARISING FROM THE MINUTES**

**10.1 Follow-up Action List Dated Sept 2023**

Island Planner Smith summarized legal advice with regards to the Clam Bay Farm building. The staff interpretation in 2021 was correct. If neighbors believe that there are non-farm uses occurring in the building they should contact bylaw compliance and enforcement.

Island Planner Smith confirmed that regular and special meetings are no longer hybrid. Community members can watch online, but if they wish to participate in the town hall they will have to attend the meeting in person. Land Use Permit applicants are still able to make comments on their application over zoom when arranged for by staff.

LTC expressed interest in working with the CRD to get lighting regulations. Staff to follow-up with CRD staff.

**11. DELEGATIONS**

**12. CORRESPONDENCE**

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

**13. APPLICATIONS AND REFERRALS**

**13.1 NP-DP-2023.3 (Shave)**

Island Planner Smith reviewed the actions taken on this application to date.

Discussion regarding the amount of the deposit ensued:

- LTC expressed concern that the estimate may not fully cover the actual cost of doing the remediation work on the lot
- Chair Maude expressed further concern that the coming winter may negatively impact the outcome of the remediation work if it is not promptly completed
- Island Planner Smith cautioned that the applicant cannot be required to begin the remediation work until they receive the development permit

**NP-2023-089**

**It was Moved and Seconded,**

that North Pender Island Local Trust Committee directs staff to obtain a more detailed cost estimate from the applicant, including three locally based quotes, on the deposit for remediation work for application NP-DP-2023.3 (Shave).

**CARRIED**

**13.2 NP-TUP-2023.4 (Gu)**

Planner Caproff reported on the application. Planner Caproff had spoken with the applicant and they confirmed the cistern onsite was 2000 gallons. The Fire Department does not require an increase for fire suppression on this property. Five letters of opposition from the community were received during the notification period for the July LTC and two letters of opposition were received during the notification period for the September meeting.

Discussion:

- Applicant waiting for approval before hooking up the cistern
- Even if LTC issued a permit, the applicant cannot operate the STVR until the TUP conditions are met
- The property manager confirmed that the danger trees will be removed on October 9
- Concerns regarding number of letters/issues identified by the community
- Some issues brought forward by the community have already been addressed

- Discussed the possibility of issuing a shorter term permit that allows for fewer guests
- Owner could keep a log of number of guests and this information could come back to LTC at time of renewal
- LTC wished to make it clear that all issues raised by neighbours will be addressed as conditions of the permit
- Further discussion needed on STVRs and B&Bs in general; maybe a cap on number of permits; is owner on/off island, is it a commercial operation.
- Part of housing survey – information important
- LTC recommends the owner contact the Fire Department to correct the address

**NP-2023-090**

**It was Moved and Seconded,**

that North Pender Island Local Trust Committee amend NP-TUP-2023.4 (Gu) to reduce the permit duration to one year and to reduce the number of guests per stay to six and to include a condition to remove 2 danger trees as shown in Schedule A.

**CARRIED**

**NP-2023-091**

**It was Moved and Seconded,**

that North Pender Local Trust Committee approve issuance of NP-TUP-2023.4 (Gu) as amended.

**CARRIED**

**14. LOCAL TRUST COMMITTEE PROJECTS**

**14.1 Raptor Nest DPA Review Project Update**

Island Planner Smith reviewed the staff memo. Staff will initiate procurement for data when ready to be received from Dave Manning.

**15. REPORTS**

**15.1 Work Program Report**

**15.1.1 Active Projects Report Dated Sept 2023**

Island Planner Smith reported that all the items have been updated.

LTC would like to look at the effects of STVRs on housing affordability and consider an “empty house” tax as part of the Housing Project.

Island Planner Smith advised that the existing research has found pros and cons to the presence of STVRs on the gulf islands.

Salt Spring Island requested an exemption from empty house tax.

**15.1.2 Future Projects Report Dated Sept 2023**

Island Planner Smith reported that Mayne Island Flex Housing Project is collecting extensive information and statistics.

Meeting Oct. 21<sup>st</sup>. could be used to identify needs and issues.

**15.2 Applications Report Dated Sept 2023** – received for information

**15.3 Trustee and Local Expense Report Dated July 2023** – received for information

**15.4 Adopted Policies and Standing Resolutions** – received for information

**15.5 Local Trust Committee Webpage** – will be updated

**15.6 Islands Trust Conservancy Report** - None

## **16. NEW BUSINESS**

### **16.1 Census Infographics**

The infographics will be added to the Islands Trust website. Island Planner Smith will identify where to put the information on the North Pender web page.

### **16.2 Plum Tree Court**

Discussion ensued:

- Regional Planning Manager, Robert Kojima, sent information and options to the LTC
- Island Planner Smith advised that the best option is to submit a rezoning application to Islands Trust
- Rolls into affordable housing issues
- Current zoning allows for 2 family units only, but there is interest in adding multiple family residences
- Letter from LTC to accompany application to BC Housing was discussed
- Working to provide flexible options and seeking legal review
- Island Planner Smith advised that Plum Tree Court's application to BC housing should make it clear that they are applying for multifamily housing and identify where they are at in the rezoning process
- LTC willing to go through rezoning process and would encourage the Plum Tree Court Board to submit a rezoning application to Islands Trust
- Plum Tree court can seek reimbursement for the application fee
- If the rezoning application is submitted by October 15<sup>th</sup>, it could be on the agenda for the Special Meeting October 21

### **16.3 2024 LTC Meeting Schedule**

- The expectation that things can get done quickly on the island, which means the LTC is pushed to approve permits faster
- Other LTCs have been instituting an application window to control the amount of development happening in the islands
- Another concern is the pressure on staff to meet deadlines for frequent meetings

- The structure of regular meetings leaves less room for community conversation and would like to see more community meetings instead
- One regular LTC meeting every 2 months and 2-3 meetings for community information and discussion without making decisions
- Community Information Meetings could host guest speakers and be held on the weekends
- There was a discussion about one of the Community Information Meetings being about fire management and the literature being distributed on Salt Spring

**NP-2023-092**

**It was Moved and Seconded,**

that North Pender Island Local Trust Committee direct staff to draft a 2024 meeting schedule with six regular meeting and three Community Information Meetings.

**CARRIED**

**17. UPCOMING MEETINGS**

**17.1 Special Meeting Scheduled for October 21, 2023 at the Anglican Hall, Pender Island**

**17.2 Next Regular Meeting Scheduled for November 24, 2023 at the Anglican Hall, Pender Island**

**18. TOWN HALL**

**19. CLOSED MEETING - None**

**20. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:13 pm.

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David Maude, Chair

Certified Correct:

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Pat Todd, Recorder