

North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: February 23, 2024

Location: Electronic Meeting

Members Present: David Maude, Chair (electronic)
Aaron Campbell, Local Trustee (electronic)
Deb Morrison, Local Trustee (electronic)

Staff Present: Brad Smith, Island Planner (electronic)
Phil Testemale, Planner 2 (electronic)
Warren Dingman, Bylaw Enforcement & Compliance Manager (electronic)
Lisa Millard, Recorder (electronic)

Others Present: There were ten (10) members of the public present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:00 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions and changes to the agenda were presented for consideration:

Add Item 5 New Business

- 5.1 Request to Consider Funding for the Association of Vancouver Island Coastal Communities Conference Registration
- 5.2 Fire Management Information Session

Change Item 8 to Rise and Report

Renumber subsequent agenda items as follows:

- 6. Upcoming Meetings
- 7. Closed Meeting
- 9. Adjournment

By general consent the agenda was adopted as amended.

3. MINUTES

3.1 Local Trust Committee Minutes Dated January 26, 2024 (for Adoption)

By general consent the North Pender Local Trust Committee meeting minutes of January 26, 2024 were adopted as presented.

4. APPLICATIONS AND REFERRALS

4.1 NP-TUP-2024.1 (Landale) – Staff Report

Planner Testemale summarized the staff report and made the following points for clarification:

- The application is for a renewal of an existing temporary use permit
- As a renewal application, there is no ability for the LTC to amend the permit to include or alter restrictions on the number of rental days allowed in the summer
- The property did not have zoning for a cottage so if the temporary use permit was denied the cottage would not be an allowed use

The applicant indicated that the property had only been receiving a few rentals per month and that she had not considered it for long term use as her family uses the cottage when visiting because the primary residence is small.

It was noted that the rental had been well organized and there was a request that the applicant have the cottage fire-safety inspected.

NP-2024-018

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2024.1 (Landale) for a period of three (3) years.

CARRIED

4.2 NP-TUP-2023.6 (Kroeker) – Staff Report

Planner Testemale summarized the staff report and highlighted the following:

- A temporary use permit was issued in 2018 and renewed once, therefore this is considered a new application
- The applicant is requesting that the number of bedrooms and number of guests allowed be kept the same as previous
- The current use does not meet the new guidelines for the number of guests allowed and there is some doubt if it meets the guidelines for owner occupancy
- If the application can not meet current guidelines the applicant should be encouraged to make a rezoning application
- There had been no response from neighbors regarding the application

The applicant was in attendance and made the following comments:

- While the family does not live on site they are there every few weeks and the property managers live a few minutes away
- The property is a family legacy home and the reason a short-term vacation rental was initiated was because the parents needed to move off island and the rental income generated is used, in part, for the care of his elderly mother
- They had been paying accommodation taxes through the Vacation Rentals by Owner (VRBO) rental booking site

- The home has 8 (eight) bedrooms with 16 (sixteen) beds and one kitchen, and the current temporary use permit guidelines requiring that the number of bedrooms be restricted is not feasible within the layout of the home
- The home has no neighbours and there is no impact on the neighbourhood
- They have been responsible property owners for over 30 (thirty) years
- They are not considering rezoning as they do not think designating a private home as commercial use would be accepted by the community

Discussion ensued and the Local Trust Committee noted the following:

- There was a lot of community input when the guidelines were changed, and a primary concern was water use and fire safety
- There is a challenge when dealing with unique situations such as this property
- The guidelines are for reference and temporary use permits are discretionary
- Water monitoring and appropriate fire prevention information is required

NP-2024-019

It was Moved and Seconded

that North Pender Island Local Trust Committee approve the draft Temporary Use Permit NP-TUP-2023.6 (Kroeker) for a period of three (3) years.

CARRIED

Trustee Morrison stated *on record* that the reason she is approving this application is due to the long-standing relationship of the family in the community and that all concerns have been met related to no concerns from the neighbours.

4.3 NP-DP-2023.5 (Lansdowne) - Staff Report

Planner Testemale summarized the staff report and highlighted the following:

- The Development Permit Application provides protection of a raptor tree, perching trees, and interlocking forest canopy as well as for removal of dead, dying, or suppressed Douglas Fir trees
- The siting rationale provided by the applicant minimizes the impacts to the raptor DPA
- The application is supported by a professional report, which states in part that there are no active, or inactive, nest sites on the property, that upper Development Permit Application Tree (1) one is of good health and remains a viable nesting site, but Tree (2) two has no viability for perching habitat

Discussion ensued and the Local Trust Committee clarified the following points with the biologist that submitted the QEP report:

- The 10 (ten) trees tagged for removal will not negatively impact the raptor tree, the potential viable trees, or the root systems
- The site is on the side of a hill with many rock outcroppings and while the siting of the house could be pulled back slightly doing so would lose the opportunity for a view and would not impact the raptor zone differently
- There is a good buffer of trees and forest between the house and the raptor zone

NP-2024-020

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2023.5 (Lansdowne).

CARRIED

Trustee Morrison stated *on record* that she feels this is a good plan provided the homeowner keeps the integrity of the recommendations of protection.

4.4 NP-DP-2024.2 (Bardon) - Staff Report

Planner Testemale summarized the staff report and the Local Trust Committee indicated that they had no concerns or questions regarding the development permit application.

NP-2024-021

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2024.1 (Bardon).

CARRIED

The meeting was recessed for a break 11:35 a.m. and reconvened at 11:38 a.m.

4.5 NP-DVP-2023.1 and NP-DVP-2023.5 (McKerrell) - Staff Report

Island Planner Smith summarized the staff report and noted the following:

- There were two legal non-conforming docks built in the 1950's that required repair and replacement
- The docks were removed but not replaced within six months and therefore they lost legal non-confirming status
- The new platforms were installed on the previous existing concrete piers
- The new dock floats are smaller than the previous docks but they are slightly larger than the current Bylaw allows (i.e. 37 m²)

Concerns were raised regarding the proximity of the docks to known archaeological sites. The applicant was urged to have a discussion with First Nations, as the Local Trust Committee was not able to make a referral to First Nations a condition of a development variance application. Discussion ensued.

NP-2024-022

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of Development Variance Permit application NP-DVP-2023.1 (McKerrell).

CARRIED

NP-2024-023

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of Development Variance Permit application NP-DVP-2023.5 (McKerrell).

CARRIED

5. NEW BUSINESS

5.1 Request to Consider Funding for the Association of Vancouver Island Coastal Communities Conference Registration

Trustee Morrison would like to attend the Association of Vancouver Island Coastal Communities conference in part to attend the discussion on housing. Island Planner Smith outlined options regarding budget. Discussion ensued.

NP-2024-024

It was Moved and Seconded

that North Pender Island Local Trust Committee request that the Executive Committee approve funding for Trustee Morrison to attend the Association of Vancouver Island Coastal Communities conference and if denied that the Local Trust Committee approve spending a portion of the 2024 Special Project budget in the amount of \$400 (four hundred dollars).

CARRIED

It is noted that Resolution NP-2024-024 was moved by Trustee Campbell, seconded by Chair Maude, and that Trustee Morrison abstained from the vote.

5.2 Fire Management Information Session

Trustee Morrison stated that she has spoken with fire department members about fire management, and she would like a fire management information session to be added to the April, 2024 Local Trust Committee meeting. Staff agreed to add to April 5 agenda.

6. UPCOMING MEETINGS

6.1 Next Regular Meeting Scheduled for April 5, 2024 at the Anglican Church Hall, Pender Island

7. CLOSED MEETING (Distributed Under Separate Cover)

7.1 Motion to Close Meeting

NP-2024-025

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:

- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

AND that the recorder and staff attend the meeting.

CARRIED

The regular meeting was closed to go *in camera* at 12:26 pm and reconvened at 12:37 pm.

8. RISE AND REPORT

Chair Maude rose and reported that the Local Trust Committee appointed an additional member, Kathy Cronk, to the Advisory Planning Commission.

9. ADJOURNMENT

By general consent the meeting was adjourned at 12:39 p.m.

David Maude, Chair

Certified Correct:

Lisa Millard, Recorder