

North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: April 5, 2024

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: Robert Kojima, Regional Planning Manager (electronic)
Brad Smith, Island Planner
Warren Dingman, Bylaw Compliance and Enforcement Manager (electronic)
Sarah Shugar, Recorder (electronic)

Others Present: There were approximately seventeen (17) members of the public present

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:00 a.m. He welcomed everyone to a meeting of the North Pender Island Local Trust Committee and introduced himself, Trustees, and staff. Chair Maude acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Campbell reported the following:

- Attended Trust Council on March 12 to 14, 2024 in Nanaimo
- Spoke to travelling and observing similar challenges in other communities
- Spoke to housing affordability and impacts on the younger generation
- He is looking forward to conversations with the community on housing and expressed support to be proactive on housing issues

Trustee Morrison reported the following:

- Attended Trust Council and highlighted that Trustee Morrison and Trustee Campbell were in agreement on many issues
- Encouraged members of the public to reach out to her regarding the Islands Trust governance structure as she is collecting information for the next Trust Council meeting

- Appointed to the Association of Vancouver Island and Coastal Communities (AVICC) Climate Leadership Program and will attend the 2024 AVICC Convention April 12 to 14, 2024 in Victoria
- Trust Council and the Local Trust Committee are reviewing best practices and protocols regarding forestry concerns
- BC Hydro is hosting a meeting with the Magic Lake Homeowners Association on April 8, 2024 regarding realignment of a cable between Salt Spring Island and Thieves Bay
- BC Hydro may attend the May 25, 2024 Local Trust Committee meeting
- Trustee Morrison reported she voted in opposition to the 2024-2025 Budget primarily because of the lack of progress on the Islands Trust Governance Report

4. CHAIR'S REPORT

Chair Maude reported the following:

- Attended Trust Council and highlighted that the 2024-2025 budget includes a 5.9% tax increase and that it was a challenging budget due to high costs including BC General Employees' Union salary increases
- Attended a meeting with Member of Parliament Elizabeth May and Member of the Legislative Assembly Adam Olsen regarding marine issues
 - highlighted that Parks Canada reported community outreach activities are set to begin regarding a proposed National Marine Conservation Area Reserve in the Salish Sea
- Spoke to the Islands Trust protocol agreements with the Ministry of Transportation and Infrastructure

5. ELECTORAL AREA DIRECTOR'S REPORT - None

6. TOWN HALL AND QUESTIONS

Karen Bell spoke to a letter she sent to the Local Trust Committee in November 2023 regarding lighting regulations to protect the night sky and address nuisance lighting. Karen Bell requested the Local Trust Committee provide information regarding lighting regulations and presented a copy of the letter.

Joyce Thayer expressed support for Karen Bell's submission regarding lighting regulations and requested a regional approach across the Islands Trust Area and the Capital Regional District such as the Bowen Island Municipality Night Sky Bylaw No 272.

Big Dig'em Excavating Ltd. owner Braedon Bigham presented a letter regarding the active Port Washington corridor to seek guidance on compliance with land use regulations for Big Dig'em Excavating Ltd. and noted:

- Has operated Big Dig'em Excavating Ltd. at 3334 Port Washington Road since April 2011, following consultation with Islands Trust staff and issuance of a Temporary Use Permit
- There was a garbage transfer station and boat/recreational vehicle storage business at 3334 Port Washington Road from 2005 to 2011 and continuous light industry activity on the property for the last eighteen years
- Had been uncertain about the property zoning status during the Local Trust Committee Land Use Bylaw review for the past two and a half years
- The property is designated as light industrial in the Official Community Plan and Big Dig'em Excavating Ltd. fits within industrial uses in the neighbourhood

- Big Dig'em Excavating Ltd. provides an essential service on Pender Island
- Plan to continue to develop the property in the rural residential area with the intention to build a family home and operate the business on the lower portion of the property

Donn Korbin spoke to the Islands Trust Governance structure and stated:

- He is advocating for the Islands Trust to return to the structure at its inception in 1974
- Requested the North Pender Island Local Trust Committee to support a resolution to request the Provincial Government to place the Islands Trust under the direct control of the Ministry of Municipal Affairs
- Suggested that the Province abolish Trust Council and Executive Committee and replace both with a small directorate of Ministry employees and that the new directors would ensure that the Islands Trust continues to meet its legal obligation and act as chairs of the Local Trust Committee's with the hope that this restructuring would eventually lead to dismantling of the Islands Trust
- Trustees cannot control what has become an unaccountable agency in Victoria
- The Islands Trust budget increased by 12% although taxes did not increase by 12% due to use of various funds and if this continues, the Islands Trust budget would double in twelve years

Sara Miles expressed support for a letter submitted by Mae and Les Quitzau regarding Port Washington neighbourhood (item 12.5).

Michael Sketch spoke to Industrial zoned land within the Agricultural Land Reserve and noted:

- The Agricultural Land Reserve is governed by the Provincial Agricultural Land Commission regulations that supersede the North Pender Island Local Trust Committee regulations
- The North Pender Island Land Use Bylaw review included new land use permissions for land within the Agricultural Land Reserve that are in contravention with the Agricultural Land Commission non-farm use regulations
- The Agricultural Land Commission has not given permission for storage or accessory buildings on the subject property
- The property is rated as Class 2 (prime) agricultural soil and the preservation of the soil should be secure under both the Islands Trust Act and the Agricultural Land Commission Act
- Residents of the Trust Area assume that the Islands Trust preserve and protect mandate is implicit in Local Trust Committee actions
- Spoke to the zoning history of the property
- Requested that the property be rezoned to agriculture and that storage and buildings and structures accessory to the use would not be permitted
- The Port Washington dock zoning was changed to residential with no notification process
- Submitted a document to the Local Trust Committee

A member of the public asked for clarification regarding the notification process and noted there was no notification process when the hardware store was rezoned to Industrial. Island Planner Smith reported the notification process for rezoning applications includes notification to all properties within 100 meters of the subject property. Island Planner Smith reported the hardware store has General Industrial, a site-specific zone and presented the list of allowed uses. Trustee Morrison reported the Official Community Plan defines potential Industrial areas and property owners would have to apply for Industrial zoning. Trustee Morrison reported when

Trustees spoke to neighbours, there was no interest in generally rezoning the area to Industrial and the community expressed support for site specific rezoning on an application-by-application basis for the area.

Julia Nichols thanked the Local Trust Committee for hosting a town hall and:

- Expressed concerns regarding the structure of the Islands Trust including that the various levels of government is confusing and the Local Trust Committee does not having jurisdiction to enforce regulations
- Expressed concerns regarding tree cutting within Development Permit Areas
- Spoke to an issue where a property owner is not getting quotes for remediation and suggested the Local Trust Committee should get the quotes for remediation
- Expressed support for the Raptor Nest Development Permit Area Review Project
- Expressed support for enforcement of Short Term Vacation Rental's to increase long-term rental housing
- Encouraged the Local Trust Committee to look after North Pender Island and use every tool in the Islands Trust toolkit

7. COMMUNITY INFORMATION MEETING

7.1 Fire Management Planning

Pender Island Fire Rescue Fire Chief Mike Dine spoke to wildfire risk and highlighted:

- The value of community firewatchers, early detection of fires, response times and water supply
- Magic Lake area has a fire hall, water storage and hydrants for fire suppression
- Trincomali area has hydrants for fire suppression
- Development requirements for water storage for fire suppression have not been enforced on Pender Island
- Pender Island Fire Rescue has mapped all water sources for fire suppression on Pender Island, identified priority water supply areas although there are issues with accessibility
- Requested the Local Trust Committee to assist with permission to access water supply sources and water supply regulations for rural properties that are not serviced by community hydrants
- Fire prevention inspections save lives
- Expressed concerns regarding illegal housing fire safety issues
- Expressed support for fire inspection regulations for Short Term Vacation Rentals
- Spoke to Fire Smart landscaping and noted Pender Island Fire Rescue provides Fire Smart property assessments

Trustee Morrison reported there is funding available for climate action planning and the Local Trust Committee could assist with the funding request. Trustee Morrison expressed support for Local Trust Committee public education materials such as a brochure on water supply for fire suppression.

There was a question regarding cisterns for fire suppression. Fire Chief Dine reported water storage for fire suppression needs to be accessible and should not be close to the house.

Chair Maude asked whether Temporary Use Permit's for Short Term Vacation Rental's could include fire safety regulations. Island Planner Smith reported the Local Trust Committee could include fire safety regulations for Short Term Vacation Rental Temporary Use Permit's either on an application basis or develop a template. Island Planner Smith noted the Local Trust Committee is looking at workforce housing for firefighters.

8. PUBLIC HEARING - None

9. MINUTES

9.1 Local Trust Committee Minutes Dated February 23, 2024 (for Adoption)

By general consent, the North Pender Local Trust Committee minutes of February 23, 2024 were approved as presented.

9.2 Section 26 Resolutions-without-meeting Report Dated March 2024

The report was received.

9.3 Advisory Planning Commission Minutes - None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated March 2024

The report was received.

11. DELEGATIONS

11.1 Active Port Washington Group

Sara Miles spoke on behalf of the Active Port Washington Group, provided a virtual neighbourhood tour noted historical and active farming activity in the neighbourhood and water availability. Sara Miles thanked the Local Trust Committee for completing the Land Use review.

The following items were noted in discussion:

- A member of the public asked for clarification regarding selling water. Island Planner Smith reported the Province requires all residential wells to be registered and a license is required for commercial water use
- A member of the public expressed concerns regarding noise from intense truck traffic in the area
- Chair Maude asked whether there is a Temporary Use Permit for septic truck use that was observed in the area. Island Planner Smith reported there is not a Temporary Use Permit for septic truck use
- A member of the public expressed concerns regarding industrial uses in the Port Washington Road area. Trustee Morrison reported there is active bylaw enforcement, the challenge is that industrial businesses provide essential services for the community and the Capital Regional District could approve a service agreement
- A member of the public spoke to the complexity of the issue and asked whether it is appropriate for the trucking route to go through residential areas

- Chair Maude spoke to industrial zoning challenges on Mayne Island

The meeting recessed for a break at 12:15 p.m. and reconvened at 12:27 p.m.

12. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the Local Trust Committee webpage

12.1 Kathi Allinson re Lights

The correspondence was received.

12.2 Sara Labadie re Local Trust Committee Meetings

The correspondence was received.

12.3 Sara Miles re Attendance

The correspondence was received.

12.4 Ben McConchie re Town Hall

The correspondence was received.

12.5 Mae and Les Quitzau re Port Washington neighbourhood vs. Industrial

The correspondence was received.

13. APPLICATIONS AND REFERRALS

13.1 NP-TUP-2024.2 (Pettyfer) - Staff Report

Regional Planning Manager Kojima presented a staff report regarding a Temporary Use Permit for a Short Term Vacation Rental within a dwelling unit at 1601 Storm Crescent. Representatives of the applicant were present and spoke to the application.

The following items were noted in discussion:

- There was a question how to manage high density of Short Term Vacation Rental's in the area
- A Trustee noted there is a perception that Short Term Vacation Rental's reduce long term housing availability although there are not that many Short Term Vacation Rental's to negatively impact long term housing
- A Trustee noted that water supply for fire suppression should be added to the Temporary Use Permit guidelines
- Chair Maude asked if there is a mailing list for Short Term Vacation Rental Temporary Use Permit's to recommend property owners contact Pender Island Fire Rescue regarding water storage for fire suppression. Island Planner Smith recommended the Local Trust Committee consider options regarding water storage for fire suppression

NP-2024-026

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2024.2 (Pettyfer) for a period of three (3) years.

CARRIED

13.2 NP-DP-2024.2 and NP-DVP-2024.1 (Milliken) - Staff Report

Island Planner Smith presented a staff report regarding a Development Permit and Development Variance Permit required for a proposed boundary adjustment subdivision at 1601 Chart Drive and 1610 Schooner Way. A Trustee asked if there is buildable space on Lot A. The applicant reported there is a small building site on Lot A. The applicants were present and spoke to the application.

NP-2024-027

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2024.2 (Milliken).

CARRIED

NP-2024-028

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2024.1 (Milliken).

CARRIED

NP-2024-029

It was Moved and Seconded,

that North Pender Island Local Trust Committee EXEMPT proposed Lot B of subdivision NP-SUB-2020.1 from the 1/10 perimeter provision of Section 512 of the Local Government Act and Subsection 8.5 (1) of North Pender Island Land Use Bylaw No. 224, 2022.

CARRIED

13.3 NP-RZ-2024.1 (Grimmer) - Staff Report

Island Planner Smith presented a staff report regarding a rezoning application to permit the continued operation of a concrete batch plant and associated uses on a portion of the subject property. The applicant was present and spoke to the application.

In discussion the following items were noted:

- A Trustee asked whether the Temporary Use Permit could include monitoring requirements to ensure water quality for water entering the ocean. Island Planner Smith reported the Local Trust Committee could include conditions regarding ongoing monitoring and staff would provide analysis in the draft bylaw stage
- A Trustee noted that all conditions in the Temporary Use Permit have been met

NP-2024-030

It was Moved and Seconded,

that North Pender Island Local Trust Committee directs staff to proceed with application NP-RZ- 2024.1 (Grimmer) and to prepare draft bylaws.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Raptor Nest Mapping Development Permit Area Project - Staff Report

Island Planner Smith presented a staff report regarding the Raptor Nest Development Permit Area Review Project including preliminary data reporting and analysis. Caurinus Environmental Dan Baxter advised there may be an additional blue heron nest site to add to the map. Island Planner Smith advised additional nest sites could be added to the map.

NP-2024-031

It was Moved and Seconded,

that North Pender Island Local Trust Committee direct staff to prepare a draft bylaw to update Schedule O of the North Pender Island Official Community Plan No. 171, 2007 and associated Development Permit Area 7 guidelines consistent with the professional report submitted by Caurinus Environmental dated March 2024.

CARRIED

NP-2024-032

It was Moved and Seconded,

that North Pender Island Local Trust Committee direct staff to conduct early engagement with property owners by sending an information letter regarding the project to all registered property owners of land parcels that contain either existing or newly proposed Development Permit Area 7 raptor nest sites.

CARRIED

14.2 Housing Access and Affordability Project - Staff Report

Island Planner Smith presented a staff report regarding the Housing Access and Affordability Project.

NP-2024-033

It was Moved and Seconded,

that North Pender Island Local Trust Committee request staff to report back with a Project Charter and Work Plan, Community and First Nations Engagement Plan, and a draft discussion paper for the North Pender Island Housing Access and Affordability Project.

CARRIED

14.3 North Pender Local Trust Committee Draft Fees Bylaw No. 226 - Staff Report - Consideration of Adoption

A staff report regarding Proposed Fee Bylaw No. 226 was presented. A Trustee expressed concern regarding approving Draft Fees Bylaw No. 226 prior to the Islands Trust Governance review.

NP-2024-034

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 226, cited as “North Pender Island Local Trust Committee Fees Bylaw, 2021”, be adopted.

CARRIED

15. REPORTS

15.1 Work Program Report

15.1.1 Active Projects Report Dated March 2024

The report was received.

15.1.2 Future Projects Report Dated March 2024

NP-2024-035

It was Moved and Seconded,

That North Pender Island Local Trust Committee add Fire Inspection Requirements for Short Term Vacation Rentals to the Future Projects List.

CARRIED

The report was received.

15.2 Applications Report Dated March 2024

The report was received.

15.3 Trustee and Local Expense Report Dated Feb 2024

A Trustee asked for clarification regarding well monitoring project funds. Regional Planning Manager Kojima reported the unspent funds were allocated to reserve funds.

The report was received.

15.4 Adopted Policies and Standing Resolutions

The report was received.

15.5 Local Trust Committee Webpage - None

15.6 Islands Trust Conservancy Report Dated Jan 2024

The report was received.

16. NEW BUSINESS

16.1 Housing Statute Changes to British Columbia Legislation - Staff Memo

A memorandum regarding Housing Statute Changes to British Columbia Legislation was presented.

NP-2024-036

It was Moved and Seconded,

that North Pender Island Local Trust Committee request the Advisory Planning Commission to review the Housing Tool Kit and the Housing Statute Changes to British Columbia Legislation staff memorandum.

CARRIED

16.2 North Pender Island Local Trust Committee Bylaw No. 230 - Bylaw Enforcement Notification Amendment - Staff Report

Bylaw Compliance and Enforcement Manager Dingman presented a staff report regarding Bylaw Enforcement Notification Bylaw Amendments.

In discussion the following items were noted:

- A Trustee asked if a notice is issued prior to a fine. Bylaw Compliance and Enforcement Manager Dingman reported staff provide a deadline prior to issuing a fine
- A Trustee expressed concerns regarding bylaw enforcement and whether the Local Trust Committee can legally enforce bylaw enforcement fines. Bylaw Compliance and Enforcement Manager Dingman reported Bylaw No. 230 is lawful. Regional Planning Manager Kojima reported Regional Planning Committee is reviewing bylaw enforcement
- A Trustee expressed support for public communications on bylaw enforcement

NP-2024-037

It was Moved and Seconded,

that Bylaw Enforcement schedule a webinar about current bylaw enforcement practices and policies in North Pender Island.

CARRIED

NP-2024-038

It was Moved and Seconded,

that Bylaw Enforcement produce a Bylaw Compliance and Enforcement Policy Document in plain language for public awareness.

CARRIED

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for May 25, 2024 at the Pender Island Community Hall, Pender Island

17.2 Schedule a Special Meeting for Applications

NP-2024-039

It was Moved and Seconded,

that North Pender Island Local Trust Committee schedule an electronic meeting on June 14, 2024.

CARRIED

18. TOWN HALL

A member of the public spoke to the structure of the Islands Trust, noted the Islands Trust documents indicate that Islands Trust is a Federation, there would be greater oversight if a Federation system was implemented and the Trust Policy Statement does not satisfy the terms of the Islands Trust Act. The member of the public suggested Trust Council consider Community Benefit Trusts.

19. CLOSED MEETING - None

20. ADJOURNMENT

By general consent the meeting was adjourned at 2:20 pm.

David Maude, Chair

Certified Correct:

Sarah Shugar, Recorder