

North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: July 26, 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 (electronic)

Staff Present: Brad Smith, Island Planner
Joe Elliott, Senior Indigenous Relations Advisor (electronic)
Warren Dingman, Bylaw Compliance & Enforcement 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 being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- Item 15.5 Wildfire Exposure Risk
- Item 16.2 Bylaw Enforcement on Development Permit Areas - Discussion
- Item 17.2 September 28, 2024 Meeting Date - Discussion

By general consent, the agenda was adopted as amended.

3. TRUSTEE REPORT

Trustee Morrison reported the following:

- Attended Trust Council and highlighted motion and request for decision she put forward including writing a letter to the Province regarding a governance review and dark sky initiative
- Involved in Sub-Trustee working group discussing tiny home regulations and options

Trustee Campbell reported the following:

- Attended Trust Council and noted housing crisis occurring on Salt Spring Island
- Ongoing conversation with residents regarding their concerns about the approval of the Razor Point Road Development Variance and the potential issuance of the 4185 Schooner Way property development permit

4. CHAIR'S REPORT

Chair Maude reported the following:

- Continuing work on the draft Trust Policy Statement to lay foundation for public engagement beginning in the fall
- Attended Trust Council and highlighted Member of Legislative Assembly Adam Olsen's talk on inclusive government

5. ELECTORAL AREA DIRECTOR'S REPORT - None

6. TOWN HALL AND QUESTIONS

Several members of the public spoke to the approval of the Razor Point Road Development Permit Variance and the following questions and comments were noted:

- What was the rationale for approving a building size larger than allowed within the bylaw?
- Property is sub-dividable and multiple large homes could still be built
- Variances are typically minor and do not allow for public input as compared to rezoning
- Staff Report did not recommend approval
- There are no guarantees that the landowner will do what they say they are going to do
- Variance approval sets a precedent
- Local Trust Committee should rescind the decision
- Property can be subdivided into 18 lots and Trustees approved a variance to build a 12,000 square foot home and 2,000 square foot cottage in exchange for a legally non binding verbal statement that the landowner would not subdivide
- Trustees have eroded the preserve and protect mandate and set a precedent going forward
- Trustees need to find a way to fix this situation as the precedent to build larger homes will impact future generations
- Recommendation made in Staff Report used sound reasoning but the Trust object was not mentioned in the rationale and Trustees have a statutory obligation to make decisions in light of the Trust object
- The bigger the house the larger the impact on the natural environment
- Local Trust Committee considered the bylaw on several occasions prior setting the maximum floor allowance at 4,500 square feet
- Road to the property narrows to single lane and decision to allow a 12,000 square foot house to be built at the site will impact neighbours for several years due to lengthy construction period and construction vehicles using the road
- Construction will include rock removal which could affect the aquifer
- There should have been community engagement regarding the application

Trustees noted the concerns and comments and replied as follows:

- Bylaw setting out maximum floor area is not binding as an applicant can apply for a variance
- Applicant would still be able to apply for subdivision and a variance to build larger homes and each application would be looked at individually
- Property could be subdivided however the intent of the landowner is to put a covenant on the property or rezone to remove the density
- Applicant was prepared to subdivide the property and build three separate buildings to equal the square footage that was approved in the variance and this action would have caused more forest fragmentation

- Trustees could have requested a rezoning but the landowner had the right to move forward through the Province and subdivide right away
- Multiple conversations and site visits took place prior to a decision to approve the variance and it was a judgement call to look at a variance application versus rezoning
- While not known at the time of variance approval the landowner, through their family foundation, made a significant donation to the Raincoast Conservation Foundation which points to their interest in protection of the island*

Island Planner Smith clarified the following:

- Variance decision could only be rescinded if there was an error in the process or some blatant misrepresentation of fact pertinent to the variance itself
- Paperwork related to a covenant or density reduction had not been received to date and there is no obligation on the part of the property owner to do so
- Trustees have full discretionary decision on a development variance
- Applicants can also apply for a variance through the Board of Variance

Trustee Morrison stated comments from the public were well made, the Local Trust Committee should have asked for rezoning instead of variance so that community input could have been heard, and she apologized to the community stating the community is correct.

A member of the public thanked staff for their work on getting realistic quotes for the rehabilitation work required on the Schooner Way property.

A member of the public noted that the Schooner Way property was for sale.

7. COMMUNITY INFORMATION MEETING - None

8. PUBLIC HEARING - None

9. MINUTES

9.1 Local Trust Committee Minutes Dated June 14, 2024 (for Adoption)

By general consent the North Pender Island Local Trust committee meeting minutes of June 14, 2024 were adopted.

9.2 Section 26 Resolutions-without-meeting Report - None

9.3 Advisory Planning Commission Minutes - None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated July 2024

Received for information.

11. DELEGATIONS – None

*Raincoast Conservation did not work with the landowner on Razor Point to have a community or Conservancy benefit in any interactions with the family foundation.

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) - Staff Report

Island Planner Smith stated that a cost estimate for site restoration has been completed and is included in the Staff Report for consideration.

Discussion ensued and the following comments and answers to questions were noted:

- The property has been listed for sale
- Development Permit applies to the land and a new owner would be subject to the conditions of the permit
- Development Permit (DP) is registered to land title
- An approved DP can be sent to the real estate listing agent, it is understood the agent would be required to disclose permit requirements to potential buyers, and relevant information included in the Staff Report has been sent to the agent
- If the DP application is withdrawn, Bylaw Compliance and Enforcement would take action on the property and said action would follow through to a new owner
- The DP is attached to the land and not tied to the building of a house
- In the Development Permit Security Deposit Section W(c) (iii) add words “for a total of \$27,750”

NP-2024-049

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2023.3 (Shave), as amended.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Housing Project – Project Charter and Work Plan - Staff Report

Island Planner Smith noted the proposed Project Charter, Work Plan, and Engagement Strategy were presented within the report and asked that the Local Trust Committee consider initiating a web-based housing needs survey.

Discussion ensued and Trustees made the following comments:

- The housing needs survey should seek data on existing housing stock and ask if short-term vacation rental housing would be part of the rental housing stock if not used for a vacation rental
- Two Community Information Meetings on the topic of housing have resulted in limited public participation and a survey can reach a wider audience
- It was unclear if the community is interested in housing
- Trustees are not hearing from people struggling with housing

- It is difficult to engage people that are struggling to find, or afford, housing and then engage those that already own property to supply additional housing
- Bylaw changes and regulations could free up housing options for future needs
- Engagement should include conversation with the Pender Islands Housing Society, Anglican Church, and other groups already working on the issue
- Opportunity to have Advisory Planning Commission provide input on the direction of the project or give feedback on the Housing Options Took Kit
- Purpose is to try to remove barriers and set the foundations to enable options

NP-2024-050

It was Moved and Seconded,

that North Pender Island Local Trust Committee endorse the attached Project Charter, Work Plan and Engagement Strategy for the North Pender Island Housing Access and Affordability Project.

CARRIED

NP-2024-051

It was Moved and Seconded,

that North Pender Island Local Trust Committee direct staff to initiate a web-based qualitative housing needs survey targeting local residents and property-owners to gather additional data for use in the North Pender Island Housing Access and Affordability Project.

CARRIED

14.2 Housing Project - Business Case - Staff Report

Staff are seeking endorsement of the business case for the Local Trust Committee's project for the next fiscal year.

NP-2024-052

It was Moved and Seconded,

that North Pender Island Local Trust Committee endorse the attached business case for the Housing Access and Affordability Project for fiscal year 2026 and that staff forward the business case to the relevant committees and to Trust Council.

CARRIED

14.3 Raptor Nest DPA Review Project – Staff Report

Island Planner Smith noted that the Staff Report includes the final report from a qualified environmental professional which identified new active and potentially viable sites.

NP-2024-053

It was Moved and Seconded,

that North Pender Island Local Trust Committee directs 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 provisions consistent with the final professional report submitted by Caurinus Environmental, including the recommendations to increase nest tree buffering radiuses consistent with provincial guidelines.

CARRIED

NP-2024-054

It was Moved and Seconded,

that North Pender Island Local Trust Committee directs staff to schedule a Community Information Meeting for the Raptor Nest DPA Review Project as part of the Saturday September 28, 2024 special meeting agenda, and to advertise this meeting in the Pender Post.

CARRIED

15. REPORTS

15.1 Work Program Report

15.1.1 Active Projects Report Dated July 2024

Received for information.

15.1.2 Future Projects Report Dated July 2024

Received for information.

15.2 Applications Report - Verbal Update

Received for information.

15.3 Trustee and Local Expense Report Dated May 2024

Received for information.

15.4 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage

Chair Maude circulated information received from the Capital Regional District about wildfire exposure risks on North Pender Island and inquired about posting it on the Local Trust Committee's webpage.

NP-2024-055

It was Moved and Seconded,

that North Pender Local Trust Committee request staff explore providing a link to the Capital Regional District Wildfire Exposure Map for North Pender to the Local Trust Committee webpage.

CARRIED

15.6 Islands Trust Conservancy Report Dated April 2024 and May 2024

Received for information.

16. NEW BUSINESS

16.1 North Pender Island Bylaw Compliance and Enforcement Policy - Staff Report

Bylaw Compliance and Enforcement Manager Dingman summarized the Staff Report and highlighted the following:

- Proposing to incorporate all current standing resolutions and local policies for bylaw enforcement into one document
- Document will define roles of Bylaw Officers and how they conduct business such as when to close files and how to manage frivolous or repeat complaints
- Regional Planning Committee will be reviewing the document template and forwarding it for consideration by Trust Council before it comes back to the Local Trust Committee for additions and amendments

Discussion ensued and Trustees indicated that they would like a quarterly update with speaking points on current bylaw enforcement so they can provide accurate information to the community in order to eliminate rumours.

16.2 Bylaw Enforcement on Development Permit Areas - Discussion

A Trustee asked for clarification on options available when the Province will not enforce on Develop Permit Area violations and asked if a punitive component to violations is possible.

Bylaw Enforcement and Compliance Manager Dingman replied resolution to an issue related to work done without a permit is typically sought by filing a notice of claim for a court order demanding the property owner comply with the remediation guidelines. He clarified that a notice of civil claim does not provide punitive damages but does require that a defendant pay legal costs of the claimant if the defendant loses the case.

17. UPCOMING MEETINGS

17.1 Next Special Meeting Scheduled for September 28, 2024 at the Pender Island Community Hall, Pender Island

17.2 September 28, 2024 Meeting - Discussion

Island Planner Smith noted that the September 28, 2024 meeting would need to be rescheduled and will provide Trustees with alternate dates for consideration.

18. TOWN HALL

A member of the public spoke to the housing issue and stated that the Local Trust Committee should do the following:

- Ask what land is available, for what purpose, if it can support development, and how septic can be managed
- Ask the status of any citizen group that is trying to achieve the objective, invite the group to provide information on what they are doing and what they need to achieve their goals

- Recognize that short term vacation rentals are not going to turn into rental housing
- Find land to preserve and take a small part of it for housing

19. CLOSED MEETING – None

20. ADJOURNMENT

By general consent the meeting was adjourned at 12:33 p.m.

David Maude, Chair

Certified Correct:

Lisa Millard, Recorder