

## North Pender Island Local Trust Committee Minutes of Regular Meeting

**Date:** November 29, 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  
Phil Testemale, Planner 2 (electronic)  
Lisa Millard, Meeting Administrator/Recorder (electronic)

**Others Present:** There were eighteen (18) 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. TERRITORIAL ACKNOWLEDGEMENT

### 3. APPROVAL OF AGENDA

It was requested that Item 17.3 be addressed before item 14.4

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

### 4. TRUSTEE REPORT

Trustee Campbell reported participation on a steering committee working with regional districts discussing affordable housing options and what can be done in an advocacy role.

Trustee Morrison reported she was unable to attend September Trust Council meetings as she was presenting at New York Climate Week; however, she will attend December Trust Council as budget discussions commence.

### 5. CHAIR'S REPORT

Chair Maude reported the following:

- New Chief Administrative Officer, Rueben Bronee, has begun work
- Trust Policy Statement draft continues and hopes it goes to first reading soon in order to move to public engagement stage
- In September Trust Council voted to send request for a governance review to the Province

**6. ELECTORAL AREA DIRECTOR'S REPORT - None**

**7. TOWN HALL AND QUESTIONS**

A member of the public stated the following:

- There is insufficient information for the Local Trust Committee to make a decision on application NP-PLRZ20240110
- Previous email communication indicated it was the Planner's understanding the sale of goods, or activities other than permitted use, were not taking place at the property
- They live in proximity to the property and concerns include location of a well within 30 metres of the site and building site of the proposed shop will encroach on a legal easement used as a driveway
- Building on the driveway could destabilize the slope causing sewage to wash away
- They presented as a delegation during the April, 2024 Local Trust Committee meeting and the minutes did not provide sufficient summary of their comments compared to a member of the public speaking during town hall

A member of the public spoke to the Razor Point Road development and asked if the Local Trust Committee has considered reversing the decision to issue the variance and if the applicant had followed up regarding removing some of the zoning capabilities or putting a covenant on the property.

The Local Trust Committee clarified the decision to issue the variance could not legally be reversed and the property owner is not obligated to advise the Local Trust Committee about covenant plans. It was noted that the property owner has indicated willingness to discuss progress regarding a covenant.

A member of the public, representing the Stewardship Committee for the Pender Islands Conservancy Association, stated the following:

- They have submitted a letter regarding the Port Washington Road application
- Property is adjacent to both the Lisa Baile Nature Reserve and 10 acres of forest wetland the Conservancy purchased for a nature reserve
- The 36 acre Alter Ridge Nature Reserve is 85 metres from subject property
- Expanded industrial use in the area would have a negative impact
- Asked the Local Trust Committee to pursue other location options for the industrial use

A member of the public noted the industrial site has been in place for many years and wondered where it would go if not permitted to operate.

A member of the public indicated an alternative location for the aggregate storage operation might be forthcoming.

A member of the public, speaking on behalf of the Raincoast Conservation Foundation, spoke to the approval of the 6601 Razor Point Road variation and indicated that a Trustee conveyed justification for the decision based on a donation to the Foundation.

A Trustee noted the statement was inaccurate and would be addressed when the minutes were being adopted.

A member of the public spoke to the review of the Trust Policy Statement and made the following comments:

- Structure of the adoption delegates the application of Islands Trust policies to Local Trust Committees which can accept or reject said policies
- They have submitted an alternate statement which leaves Trust Area policies in the hands of the Trust
- Structure allows Trustees and Planners to step outside of the policies and this should be changed

A member of the public stated the following:

- Short-term vacation rentals are a commodity and contribute to housing issues
- Refusal to issue a Temporary Use Permit does not ensure property owners will provide long-term rental housing
- Local Trust Committee has the tools to support affordable housing
- Requested the Local Trust Committee deny the Ganasi Temporary Use Permit application

A member of the public asked if the Local Trust Committee can initiate downzoning of the 6601 Razor Point property. Island Planner Smith replied rezoning a property to retroactively address a development variance permit decision might be challenged but this does not preclude the Local Trust Committee from trying to do so.

**NP-2024-056**

**It was MOVED and SECONDED**

that North Pender Local Trust Committee request staff to report back with a summary of options and implications associated with downzoning 6601 Razor Point property.

**CARRIED**

**8. COMMUNITY INFORMATION MEETING - None**

**9. PUBLIC HEARING - None**

**10. MINUTES**

**10.1 Local Trust Committee Minutes Dated July 26, 2024 (for Adoption)**

The following amendment to the minutes was presented for consideration

**NP-2024-057**

**It was MOVED and SECONDED,**

that an asterisk be added to the July 26, 2024 minutes prior to approval after the section on page 3 of the meeting minutes that states: "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." Additionally, at the bottom of that page in the meeting minutes add the note: "\*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.

**CARRIED**

**By general consent** the minutes were adopted as amended.

**10.2 Local Trust Committee Minutes of Special Meeting Dated October 26, 2024 (for Adoption)**

**By general consent** the North Pender Local Trust committee meeting minutes of October 26, 2024 were adopted.

**10.3 Section 26 Resolutions-without-meeting Report Dated Nov 2024**

Received for information.

**10.4 Advisory Planning Commission Minutes Dated July 29; August 12; September 13; October 18; November 1; and November 14, 2024 (for Receipt)**

Received for information.

**11. BUSINESS ARISING FROM THE MINUTES**

**11.1 Follow-up Action List Dated Nov 2024**

Received for information.

**12. DELEGATIONS**

**12.1 Capital Regional District – Rural Housing Program**

Justine Starke, Manager, Service Delivery Southern Gulf Islands Electoral Area, spoke to the Capital Regional District's Rural Housing Program and highlighted the following:

- Rural islands experience hidden homelessness, housing supply shortage, lack urban infrastructure, have higher pre-development costs, and have complicated governance structures
- Rural Housing Program will support non-profit sector, provide incentives to build accessory dwelling units, provide pre-development funding, and leverage additional funding
- Pilot Project to match provincial funding for accessory dwelling units, support multi-unit affordable housing, and support housing navigator position to coordinate, advocate, and navigate issues
- Important for varying levels of government to work within the scope of their authority and then pass the baton to work with partners to provide a whole government approach

**13. CORRESPONDENCE**

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

**13.1 Sara Miles re April 6, 2024 Minutes**

Received for information.

**13.2 Raincoast Conservation Foundation re July 26, 2024 Minutes**

Received for information.

## 14. APPLICATIONS AND REFERRALS

### 14.1 NP-TUP-2024.6 (Ganasi) - Staff Report

Planner Testemale summarized the staff report and highlighted the following:

- Application for renewal of a Temporary Use Permit for a short-term vacation rental
- Applicant requests to rent dwelling for maximum of 180 days per year in the summer months
- Water consumption and hydro records have been provided
- No complaints have been received since the permit was first issued

Discussion ensued and the following comments and clarifications were noted:

- Short-term vacation rental Temporary Use Permit guidelines specify 30 day rental maximum; however, several approvals have been provided for longer periods
- There is potential for short-term vacation rentals being disallowed should the Local Trust Committee opt into Provincial government regulations in the future
- Recent approval of a Temporary Use Permit for a longer rental period was done on the basis that the building was not suited to a long-term rental and each application needs to be looked at on individual merit
- The Housing Review Project might provide further understanding on housing needs and how short-term vacation rentals might affect housing availability
- Local Trust Committee has complete discretion on granting a Temporary Use Permit and guidelines can be adhered to or not
- There is a standing resolution to enforce against non-registered short-term vacation rentals and the Local Trust Committee does not want to affect those that are in compliance
- Accommodation taxes are collected by the Capital Regional District
- Trustees would like clarity on short-term vacation rental tourism taxes being paid to the Southern Gulf Island Tourism group and if any of the funds are returned to the community

The applicant was in attendance and noted the property insurance allows 160 days of occupation and friends and family stays were included in the 180 day Temporary Use Permit occupation request.

#### **NP-2024-058**

**It was MOVED and SECONDED,**

that North Pender Local Trust Committee request Temporary Use Permit NP-TUP-2024.6 (Ganasi) be amended by limiting the amount of days to sixty (60).

**CARRIED**

#### **NP-2024-059**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2024.6 (Ganasi) for a period of three (3) years as amended.

**CARRIED**

**14.2 NP-PLTUP20240261 (Murdoch) - Staff Report**

Planner Testemale summarized the staff report and indicated the application is to renew a Temporary Use Permit for the purpose of storing and processing landscape materials, gravel, equipment, and materials necessary for construction of the Driftwood Centre.

Trustees had no questions for the Planner or applicant, who was in attendance.

**NP-2024-060**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit PLTUP20240261 (Murdoch) for a period of three (3) years.

**CARRIED**

**14.3 NP-PLDVP20240225 (Grant) - Staff Report**

Planner Testemale summarized the staff report and highlighted the following:

- Application for Development Variance Permit to allow replacement of a pre-fabricated building with same floor size as previous and increased height allowance
- Previous building, that was destroyed by a fire, also had a height variance
- Building was ordered by the applicant as same model and when plans were delivered to the Capital Regional District for building inspection it was determined that the building height had been altered by the manufacturer
- Foundation was verified by the CRD Building Inspector as acceptable for re-use
- Proposed use remains as previous
- Impacts on surrounding properties not substantive compared to previous building
- Applicant has limited options because the pre-fabricated building can not be altered

Discussion ensued and the following comments and clarifications were noted:

- Letter of objection received is not related to the height variance but to the building's existence
- Variance is for a structure that will be 18" higher than a previously approved height variance
- Building could be returned, however the applicant stated it could not
- Building is very close to the road, however the Planner clarified it is not a public road but a shared driveway

It was noted that the applicant was in attendance

**NP-2024-061**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee approve issuance of Development Variance Permit PLDVP20240225 (Grant).

**CARRIED**

Trustee Morrison opposed.

**14.4a Natural Area Protection Tax Exemption Program Application - Information Memo**  
Received for information.

**14.4b NP-PLRZ20240110 (Bigham) – Staff Report**

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

- Temporary Use Permit has expired and the applicant is seeking ability to continue operations while rezoning application is under discussion
- Draft bylaw for rezoning would allow further discussion and community engagement
- Official Community Plan designates the top portion of the lot as rural (residential use only) and bottom portion is designated industrial
- Applicant seeks rezoning for the proposed industrial use in the industrial designated area

Discussion ensued and the following comments and clarifications were noted:

- There is concerted effort by the community to create a conservancy zone across the ridge at the top of the property
- Conversation is about where industrial business should be located on the island
- There is an effort within the community to find an alternative space that is reasonable and usable for industrial uses proposed
- Trustee would like to defer drafting the bylaw to see if other options come to fruition while delaying enforcement in the interim
- Goal is to give permanency to the applicant while also addressing growth and community concerns
- Applicant has complied with the conditions of the Temporary Use Permit
- Trustee noted receiving terms of reference and preparing draft bylaws are the mechanisms to begin the community conversation

The applicant was in attendance and indicated they are unsure if any potential new locations are viable. They noted they have tried to address concerns about noise, well water, rain catchment, and washing pad for vehicles. They would like to move forward with determining allowed uses and getting qualified professional reports.

**NP-2024-062**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee directs applicant to provide an ecological assessment report in respect to the rezoning application NP-PLR20240110 (Bigham) for impact on adjacent properties.

**CARRIED**

**NP-2024-063**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee directs staff to proceed with application PLRZ20240110 (Bigham) and to provide terms of reference to the applicant.

CARRIED

**NP-2024-064**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee permits the current industrial land use to continue during consideration of application PLRZ20240110 in accordance with standing resolution 2020-010 policy option 15.1(b); and directs that bylaw enforcement actions, including the issuing of notices, to cease.

CARRIED

The meeting was recessed for a break at 12:55 p.m. and reconvened at 1:10 p.m.

**14.5 Salt Spring Island Local Trust Committee Proposed Bylaws 538 and 539 Referral - For Response**

**NP-2024-065**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee interests are unaffected by the Salt Spring Island Local Trust Committee Draft Bylaws No. 538 and 539.

CARRIED

**15. LOCAL TRUST COMMITTEE PROJECTS**

**15.1 Raptor Nest DPA Review Project – Staff Report**

Island Planner Smith noted that property owners have stated concerns about expanded buffer areas that might cover their entire lot and the Local Trust Committee can consider exemption guidelines regarding specific concerns.

Discussion ensued.

**NP-2024-066**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee direct staff to add language to the draft bylaw that provides a guideline for undeveloped lots.

CARRIED

**NP-2024-067**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee receives draft Bylaw No. 235 cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2023" as amended for use in further community and property owner consultation and directs staff to initiate draft bylaw referrals.

CARRIED

**NP-2024-068**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee directs staff to update the Raptor Nest DPA Review Project Charter to reflect new timelines and other updates as presented in the November 29, 2024 staff report.

**CARRIED**

**15.2 Housing Access and Affordability Project – Staff Report**

Island Planner Smith summarized the staff report.

Trustees thanked Advisory Planning Commission members for their time and work done to date.

**NP-2024-069**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee directs staff to initiate the development of a draft Housing Action Plan that considers the recommendations of the Special Advisory Planning Commission on Housing and results of community engagement including the housing needs survey results.

**CARRIED**

**NP-2024-070**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee requests that the Special Advisory Planning Commission on Housing review the 2024 Housing Needs Assessment survey results and provide input into the development of a draft Housing Action Plan.

**CARRIED**

**16. REPORTS**

**16.1 Work Program Report**

16.1.1 Active Projects Report Dated Nov 2024

Received for information.

16.1.2 Future Projects Report Dated Nov 2024

Received for information.

**16.2 Applications Report - Verbal Report**

Island Planner Smith provided a verbal update and noted the concrete plant had applied for rezoning and staff were waiting for reports to be submitted prior to bringing it to the Local Trust Committee.

**16.3 Trustee and Local Expense Report Dated Sept 2024**

Received for information.

**16.4 Adopted Policies and Standing Resolutions**

Received for information.

**16.5 Local Trust Committee Webpage**

Trustees requested data analysis and relevant Advisory Planning Commission minutes for the Housing Access and Affordability Project be added to the project webpage.

**16.6 Islands Trust Conservancy Report Dated July 2024**

Received for information.

**17. NEW BUSINESS**

**17.1 Dark Sky Principles Adoption Advocacy Briefing**

Trustee Morrison indicated the topic will be discussed at Trust Council and that she would be seeking support to advocate Dark Sky Principles with the Capital Regional District.

**NP-2024-071**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee direct staff to notify Trustee Morrison of North Pender Island Local Trust Committee's interest in pursuing further exploration of policy and advocacy options relating to Dark Sky Principles.

**CARRIED**

**17.2 Phase 4 Community Engagement Options - Policy Statement Amendment Project (PSAP) - Staff Report**

The Senior Policy Advisor summarized the staff report and outlined options available to the Local Trust Committee regarding community engagement on the Islands Trust draft Policy Statement

Discussion ensued.

**NP-2024-072**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee request a community mail drop for Phase 4 community engagement about the new draft Islands Trust Policy Statement.

**CARRIED**

**NP-2024-073**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee select Engagement Option No. 2 Community mail drop for Phase 4 community engagement in addition to a mail drop about the new draft Islands Trust Policy Statement.

**CARRIED**

**18. UPCOMING MEETINGS**

**18.1 Draft 2025-2026 LTC Meeting Schedule (for Adoption)**

Discussion ensued and Trustees requested the proposed March 28, 2024 meeting date be moved to April 4, 2024.

**NP-2024-074**

**It was Moved and Seconded,**

that North Pender Island Local Trust Committee approve their January, 2025 to March, 2026 Meeting Schedule as amended.

**CARRIED**

Trustees requested that a Special Meeting be scheduled for Saturday, April 12, 2025 for community engagement on topics that may include Draft Trust Policy Statement and Dark Sky Principles. It was noted that this meeting would not require live-streaming but would require a minute taker.

**19. TOWN HALL**

A member of the public made the following comments:

- If the Local Trust Committee will be considering downzoning a property it is important that the process is reasonable and fair
- Trust Programs Committee has a community benefit land trust project which proposes land can be owned by the Regional District or the taxpayer and used by the community for things like the aggregate business

**20. CLOSED MEETING - None**

**21. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:08 p.m.

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David Maude, Chair

Certified Correct:

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Lisa Millard, Meeting Administrator/Recorder