

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

**Date:** January 31, 2025  
**Location:** Anglican Parish Hall  
4703 Canal Road, RR#1, North Pender Island, BC

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

**Staff Present:** Robert Kojima, Regional Planning Manager (electronic)  
Brad Smith, Island Planner  
Warren Dingman, Bylaw Compliance & Enforcement Manager (electronic)  
Lisa Millard, Meeting Administrator/Recorder (electronic)

**Others Present:** There were 7 members of the public present.

### 1. CALL TO ORDER

Chair Maude called the meeting to order at 10:00 a.m.

### 2. TERRITORIAL ACKNOWLEDGEMENT

Chair Maude acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

### 3. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

17.2 Helicopters - Discussion

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

### 4. TRUSTEE REPORT

Trustee Campbell reported the following:

- Attended Trust Council in December
- Attending Tiny Homes on Wheels Steering Committee meetings to gather professionals to advocate for regulatory changes

Trustee Morrison reported the following:

- Attended Committee of the Whole meetings to continue work on draft Trust Policy
- Attended discussion about Building Climate Resilient Communities
- Attended Trust Council in December and voted against proposed 2025/26 budget

**5. CHAIR'S REPORT**

Chair Maude reported the following:

- Attending Committee of the Whole meetings in preparation of moving draft Trust Policy Statement towards First Reading
- Attended Trust Council in December
- BC Ferries requested a consultation session during the upcoming Trust Council meetings being held in March in Nanaimo

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

**7. TOWN HALL AND QUESTIONS**

A member of the public spoke to both the impacts of increased truck traffic resulting from the potential industrial zoning on Port Washington Road. The speaker expressed their intention to submit a Freedom of Information request to determine if Trustee Campbell has received any gifts from an applicant due to Trustee Campbell's statement that he has watched hockey with the applicant.

A member of the public asked if the owner of a hotel being built on Harbour Hill Drive has put forward an application for a short-term vacation rental for property purchased on Captains Crescent that is seemingly being renovated for worker accommodations.

The Planner stated no applications have been received , and the Chair noted property being used to house workers is not a short-term vacation rental and the only way to determine unpermitted use is through a bylaw contravention complaint.

A member of the public asked if a residence on Pender Island can be rented as a short-term vacation rental if the owner does not reside in the home.

The following replies were provided:

- A short-term vacation rental is permitted through home-based business regulations which specify the requirement that someone live on the property
- An individual could apply for a Temporary Use Permit to operate a short-term vacation rental and these permits are issued at the discretion of the Local Trust Committee
- Bylaw Compliance and Enforcement staff pro-actively review vacation rental advertisements and, based on Trust Council Policy that an individual is advertising non-permitted use, new files are opened as necessary
- North Pender is not excluded from provincial regulations that require short-term vacation operators to be registered
- If North Pender opted into provincial short-term vacation regulations, enforcement would be conducted by a provincial enforcement team and any Temporary Use Permits in place might no longer be considered lawful due to conflicts with provincial regulations
- Rental periods longer than thirty days are not considered short-term vacation rentals and fall under the *BC Residential Tenancy Act*

**8. COMMUNITY INFORMATION MEETING - None**

**9. PUBLIC HEARING - None**

## **10. MINUTES**

### **10.1 Local Trust Committee Minutes Dated November 29, 2024 (for Adoption)**

**NP-2025-001**

**It was MOVED AND SECONDED,**

that North Pender Island Local Trust Committee amend the minutes of the November 29, 2024 meeting to move item 17.3 to follow item No. 14.3.

**CARRIED**

**By general consent** the North Pender Island Local Trust Committee minutes of November 29, 2024 were adopted as amended.

### **10.2 Section 26 Resolutions-without-meeting Report Dated January 2025**

Received for information.

### **10.3 Advisory Planning Commission Minutes Dated December 13, 2024 and January 17, 2025 (for Receipt)**

Received for information.

## **11. BUSINESS ARISING FROM THE MINUTES**

### **11.1 Follow-up Action List Dated January 2025**

Received for information.

## **12. DELEGATIONS**

### **12.1 Capital Regional District – Pender Parks and Recreation Commission re: Schooner Way Trail Updates**

Justine Starke, Capital Regional District (CRD) Manager, Service Delivery, Southern Gulf Islands provided the following information:

- Work on the Schooner Way Trail is commencing
- Hazardous, dead, and dying trees, as identified by a qualified arborist, will be removed
- Tree removal will occur over the next month to respect nesting windows

Pender Island Parks and Recreation Commission Project Coordinator Rob Fawcett made the following comments:

- A three-metre-wide active style trail with an engineered pathway designed to accommodate walkers and cyclists will run from Danny Martin Baseball Park to the school
- Complimentary trail system from the ferry to the school will be built by CRD Regional Parks in the future
- Have received License of Occupation from Ministry of Transportation and Transit
- Ministry of Transportation and Transit provided 850 cubic metres of material from the “Dip” project

Discussion ensued and the following comments and clarifications were noted:

- Statutory right of ways have been obtained

- Width of trail is within the design of BC Active Transportation style which allows for walkers and cyclists going both ways
- Engineer has looked at sight lines around bends and corners, proximity to road, safe distances from the edge of the asphalt, and drainage factors in trail design
- Radius of polygon of raptors nest mapping extends to the edge of Schooner Way on one property, and there are dead or dying trees within that polygon that will be removed

A Trustee noted trees within the proposed Raptors Nest Development Permit Area are being removed and Manager Starke noted that had the Development Permit Area been impacted the work would be eligible for exemptions under the guidelines.

A Trustee requested the parties pro-actively consult with Pender Islands Conservancy on all future trail work and Manager Starke indicated the Conservancy had been informed of the trail concept and invited to comment during the previous two years.

### **13. CORRESPONDENCE**

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

#### **13.1 Pender Islands Conservancy re Environmental Assessment**

Discussion ensued and the following comments were recorded:

- The Local Trust Committee can review the Environmental Assessment report when it is received and determine if it addresses concerns raised by Pender Islands Conservancy
- Island Planner Smith noted that terms of reference for the assessment were outlined in the report
- A public consultation process would be undertaken should the Local Trust Committee give direction to draft bylaws
- The Local Trust Committee can direct the applicant to provide any additional information required to better inform the decision-making process

### **14. APPLICATIONS AND REFERRALS**

#### **14.1 PLDVP20240301 (Stacyszyn) - Staff Report**

Island Planner Smith indicated the Development Variance Permit application is to allow a secondary suite to be 1.5% larger than the maximum 40% floor area coverage of the principal dwelling unit.

The applicant was in attendance and spoke to the application.

The Local Trust Committee had no questions for the applicant or the planner.

**NP-2025-002**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee approve issuance of PL-DVP-2024-0301 (Stacyszyn).

**CARRIED**

The meeting was recessed for a break at 11:18 a.m. and reconvened at 11:30 a.m.

**14.2 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 541 (for Response)**

**NP-2025-003**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee interests are unaffected by the Salt Spring Island Local Trust Committee Draft Bylaw No. 541.

**CARRIED**

**15. LOCAL TRUST COMMITTEE PROJECTS**

**15.1 Housing Access and Affordability Project – Staff Memorandum**

Island Planner Smith summarized the memorandum and advised the Local Trust Committee to consider extending the term of the Housing Advisory Commission to facilitate the continuation of their work.

Discussion ensued and potential topics for referral to the Advisory Planning Commission were identified and included use of alternative water sources and multi family residential opportunities.

**NP-2025-004**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee requests that the Special Advisory Planning Commission on Housing be extended to a second one-year term starting on March 1, 2025.

**CARRIED**

**15.2 Raptor Nest Development Permit Area Project – Staff Memorandum**

Island Planner Smith summarized the memorandum and noted the following:

- Referral responses are being received
- Islands Trust Conservancy has provided additional information for consideration to be outlined in a report provided at an upcoming meeting
- Options for a mail out to community members were summarized
- Details about extending the QEP contractor's scope of work were outlined

Trustees highlighted the importance of sending information to all property owners where the DPA is located on their land to provide further clarity and information about the Development Permit Area.

**NP-2025-005**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee directs staff to send a mail out to all property owners with parcels that contain at least a portion of the parcel proposed to be located within newly updated Development Permit Area 7 including those parcels only affected by seasonal buffering areas.

**CARRIED**

**NP-2025-006**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee requests staff to investigate the feasibility of awarding a service contract to Caurinus Environmental Consulting to provide additional support to staff for property-owner enquiries regarding specific nesting tree locations and features in respect of the Raptor Nest Development Permit Area Review Project.

**CARRIED**

**NP-2025-007**

**It was MOVED and SECONDED,**

that North Pender Island Local Trust Committee requests that staff amend the Raptor Nest Development Permit Area Review Project charter to add a budget line item for the 2025-26 fiscal year in the amount of \$5,000 for additional consultation, holding of a public hearing and contingency.

**CARRIED**

**16. REPORTS**

**16.1 Work Program Report**

**16.1.1 Active Projects Report Dated January 2025**

Received for information.

**16.1.2 Future Projects Report Dated January 2025**

Island Planner Smith noted Raptor Nest Item No. 2 and 3 have been moved up and Item No. 4 is being looked at part of the housing project.

**NP-2025-008**

**It was MOVED AND SECONDED,**

that North Pender Island Local Trust Committee request staff to remove Item No. 4 Accessory Dwellings from the Future Projects Report as it is already been considered as part of the housing project.

**CARRIED**

**16.2 Applications Report Dated January 2025**

Island Planner Smith will forward Trustees information on file for Application NP\_SUB\_2023.1 (Mayenburg), commonly known as Edgewood Estates.

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

Received for information.

**16.4 Adopted Policies and Standing Resolutions**

Received for information.

**16.5 Local Trust Committee Webpage**

No updates required at this time.

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

Received for information.

**17. NEW BUSINESS**

**17.1 Options for potential downzoning of 6601 Razor Point Road - Staff Memorandum**

Regional Planning Manager Kojima summarized the memorandum and highlighted the following:

- Report provides background on relevant legislation
- It is possible for local governments to change zoning on a property that results in reduced development
- There are risks and legal challenges associated with downzoning
- A landowner would have the entire period that the bylaw is being considered, plus an additional twelve months after it is adopted, to get subdivision approval
- Downzoning can not remove all potential economic uses from the property
- There are options available that would affect the potential to subdivide but the current dwelling would not be affected
- Should the Local Trust Committee wish to pursue the matter the work would need to be undertaken as a minor project

Discussion ensued and the following comments and clarifications were noted:

- Timelines for completion of the current minor project were outlined
- Trustees could consider engaging the property owner in discussion and encourage them to pursue a covenant
- There is a lot of communication that needs to occur before a downzoning decision is considered

**17.2 Helicopters – Discussion**

Discussion about jurisdiction to regulate use of helicopters occurred and the following comments were noted:

- Bylaw Compliance and Enforcement staff investigated a complaint previously and received a legal opinion specifying helicopters are federally regulated
- There is a prohibition put into the Land Use Bylaw on heliports and helipads with the rationale being the possibility the court could issue a different decision, or federal legislation could change, providing local governments jurisdictional authority
- Affected neighbours could submit bylaw enforcement complaints that would allow bylaw enforcement staff to investigate issues unrelated to the actual landing of the helicopter

- Staff will recirculate the legal opinion that provides the definition of an aerodrome
- The Bylaw Compliance and Enforcement Manager indicated the matter has been unsuccessfully challenged in multiple jurisdictions across Canada

**18. UPCOMING MEETINGS**

**18.1 Next Regular Meeting Scheduled for April 4, 2024 at the St. Peter's Anglican Church Hall, Pender Island**

**19. TOWN HALL**

There were no comments from the public.

**20. CLOSED MEETING**

**20.1 Motion to Close Meeting**

**NP-2025-009**

**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):

(a) 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 the public at 12:19 p.m.

**20.2 Recall to Order**

The meeting was recalled to order at 12:26 p.m.

**20.3 Rise and Report**

Chair Maude rose and reported that the in-camera minutes of June 14, 2024 were adopted and Peter Parè, Michael Dine, Lisa Baile, Joyce Thayer, Jay Gilbert, and Theresa Barker were appointed to the Advisory Planning Commission

**21. ADJOURNMENT**

**By general consent** the meeting was adjourned at 12:27 p.m.

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David Maude, Chair

Certified Correct:

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Lisa Millard, Recorder