

North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: May 30, 2025
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
Bruce Belcher, Planner 2 (electronic)
Warren Dingman, Bylaw Compliance & Enforcement Manager (electronic)
Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: There were 14 members of the public present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:01 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 agenda was re-ordered and Item 15 will be discussed following Item 11.

By general consent, the agenda was approved as presented.

4. TRUSTEE REPORT

Trustee Campbell reported increased conversations with community members who are expressing concern about varying situations and how they might be affected.

Trustee Morrison reported attendance at a recent Committee of the Whole meeting that focussed on discussion about the controversy regarding a September 2023 closed meeting and reiterated that the meeting was closed to discuss legal decisions to inform the definition of the Object of the Trust and not to decide the Mandate as has been erroneously reported in the media.

5. CHAIR'S REPORT

Chair Maude reported the following:

- Trust Council received a response from the Provincial Minister denying the request for a governance review and this response will be discussed at Trust Council meetings being held on Salt Spring Island in June
- In response to recent commentary stating that the government should relocate residents off of the Gulf Islands and that Islands Trust has strayed from its mandate, Chair Maude stated that:
 - The original 1975 Trust Policy Statement recognized the islands are existing for the people and that the welfare of those people must be the primary concern of the Trust
 - Therefore, the current work regarding housing is within the scope of the founding mandate

6. ELECTORAL AREA DIRECTOR'S REPORT - None

7. TOWN HALL AND QUESTIONS

A member of the public spoke to the following topics:

- They will be submitting Freedom of Information requests to disclose the identity of the broker that holds the insurance policy for Islands Trust and asking if Trustee Campbell has a personal relationship with, and has received gifts from, the proprietor of Big Dig'em Excavating
- They have sustained damage to their home on Port Washington Road which they believe is a result of excessive vibration caused by large delivery and construction trucks using the road and questioned if this is the fault of:
 - Lack of home building standards
 - Lack of road building standards
 - Excessive traffic on a road not built for it
 - Or the business operating within the guidelines of Islands Trust
- The particulate matter in the form of diesel engine exhaust is polluting the sources of bee nectar and which could result in substandard quality of honey being produced on their farm
- They are opposed to increased industrial activity and the use of heavy industrial equipment in that area

A member of the public expressed opposition to the Razor Point Road short-term vacation rental application because the water for the property comes from a well shared by thirty other properties within a water district.

A member of the public quoted from the letter received from Minister Kahlon in response to Islands Trust request for a governance review and stated that granting variances and permits and rezoning have left the islands vulnerable to overdevelopment, deforestation, pollution, foreshore degradation, and climate change, and they asked the Local Trust Committee to carefully consider the Minister's letter.

8. COMMUNITY INFORMATION MEETING - None

9. PUBLIC HEARING - None

10. MINUTES

10.1 Local Trust Committee Special Meeting Minutes Dated May 5, 2025 (for Adoption)

By general consent the North Pender Island Local Trust Committee meeting minutes of May 5, 2025 were adopted.

10.2 Section 26 Resolutions-without-meeting Report - None

10.3 Advisory Planning Commission Minutes Dated April 15, 2025 (for Receipt)

Received for information.

11. BUSINESS ARISING FROM THE MINUTES

11.1 Follow-up Action List Dated May 2025

Received for information.

The agenda was reordered and Item 15 was discussed following Item 11.

12. DELEGATIONS

12.1 Sara Miles Port Washington Road

The delegation spoke to the following points:

- They presented a delegation at the April 5, 2024 North Pender Local Trust Committee meeting regarding the attributes of Port Washington Road
- Ms. Miles stated that, at a subsequent meeting a Trustee referred to a site where there is industrial activity and septic trucks parked on Port Washington Road without an industrial permit
- Ms. Miles indicated that that the statements made by the Local Trust Committee and Planner are untrue as:
 - The designated industrial area comprises of 20% of the lot not 50%
 - Septic waste is not classified as hazardous or toxic waste
 - There is no septic waste stored on the site
 - A rural lot of a certain size with a home on it is permitted to have a contractor yard
- Ms. Miles raised their concern that the comments have resulted in community members believing something illegal is occurring on the property and false judgements have harmed the speaker's reputation
- They requested records from meetings where the industrial designation was applied to their lot.

Bylaw Compliance and Enforcement Manager Dingman noted the issue was one of setbacks and that while contractor yards are permitted, they must be 50 metres back from any lot line; however, the property is 70 metres wide and there is no area on the property that a contractor's yard can be placed under current zoning without obtaining a Development Variance Permit.

Planner Smith noted he subsequently clarified that under BC regulation septic waste is not defined as toxic or hazardous waste, and that the issue is with the 50 m setback. Trustee Morrison noted her questions and comments related to the property were compliance based, and Manager Dingman stated he would provide the speaker with further information regarding setback requirements.

13. CORRESPONDENCE

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

13.1 Hardal Management Inc. Re: Driftwood Centre

Island Planner Smith advised that consideration of additional housing in the area as requested by the property owner could be undertaken within the Housing Accessibility and Affordability project, or through a site-specific rezoning application. Discussion with LTC ensued on the merits of each option and the following motion was passed:

NP-2025-018

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee agrees to consider additional dwelling units at the Driftwood Centre as part of Housing Action Plan Deliverable No. 6.

CARRIED

13.2 Julia Nicholls re Response from the Province

Received for information.

14. APPLICATIONS AND REFERRALS

14.1 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 543 (for Response)

NP-2025-019

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee interests are unaffected by the Salt Spring Island Local Trust Committee Proposed Bylaw No. 543.

CARRIED

14.2 Salt Spring Island Local Trust Committee Referral for Proposed Bylaws 544 and 545 (for Response)

NP-2025-020

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee interests are unaffected by the Salt Spring Island Local Trust Committee Proposed Bylaws No. 544 and 545.

CARRIED

14.3 Saturna Island Local Trust Committee Referral for Draft Bylaw No. 143 (for Response)

Discussion ensued and it was noted there is potential to discuss the concept of cistern capacity provisions as part of the housing project.

NP-2025-021

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee interests are unaffected by the Saturna Island Local Trust Committee Proposed Bylaw No. 143.

CARRIED

14.4 PL-DVP-2025-0086 (Wood) - Staff Report

Planner Belcher summarized the staff report and highlighted the following:

- The application seeks a height and storey variance for the installation of a new prefabricated accessory building on a previously permitted deck foundation
- The height variance is required due to the placement of the unit on the deck and a storey variance is necessary as there is a small loft within the unit
- The accessory unit is not intended to be used as a dwelling

Discussion ensued and the following comments were noted:

- It was clarified that floor area maximums had been established based on square metres which is separate from maximum lot coverage allowances
- Placing the structure on the existing deck eliminates ground disturbances

NP-2025-022

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee approve issuance of PL-DVP-2025-0086.

CARRIED

14.5 PL-DVP-2025-0124 (Hurbin) - Staff Report

Planner Belcher summarized the staff report and highlighted the following:

- The application seeks to relax vertical and horizontal setbacks to the sea for a shoreline stabilization rock retaining wall and placement of riprap
- The property is impacted by ongoing shoreline erosion which is exacerbated by wave action from ferry traffic
- A geotechnical engineer assessed the risk of further erosion, designed the structure to secure the bank, and determined a Green Shores approach would not be appropriate given the steepness of the slope and high level of marine traffic
- A qualified professional biologist provided an environmental assessment which did not identify any species at risk and the location of the structure is not within a mapped sensitive ecosystem
- The retaining wall will have limited impacts on neighbours

Discussion ensued and the following comments were noted:

- The application did not require a referral process; therefore, First Nations were not referred for comment
- Applicants are informed of potential risk of an archaeology finding and subsequent responsibilities
- Use of a Green Shores approach needs to be balanced with the practicality of the lot layout

The applicant was in attendance and spoke to the importance of bank stabilization and the risk to his structures upland if nothing is done.

NP-2025-023

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee approve issuance of PL-DVP-2025-0124.

CARRIED

14.6 PL-TUP-2025-0093 (Rawlings) - Staff Report

Planner Belcher summarized the staff report and highlighted the following:

- The short-term vacation rental Temporary Use Permit application would allow the use to occur in an existing three-bedroom dwelling
- The property has been used as a vacation rental previously and no bylaw enforcement complaints have occurred
- The application is consistent with Official Community Plan guidelines
- The property owners do not live permanently on the property
- One letter in opposition of the application was received

Discussion ensued and the following comments were noted:

- The Local Trust Committee did not opt into the provincial short-term vacation rental regulations and have the option to do so annually in March
- The provincial regulations do not permit short-term vacation rentals in any properties that are not primary residences and they would remove the ability of the Local Trust Committee use Temporary Use Permits to regulate short-term vacation rentals
- There are concerns about the shared well that the property draws on
- The Local Trust Committee would like to review short-term vacation rentals as part of a larger conversation with the community and within the housing review project
- A permit could be issued for one year and the Local Trust Committee could communicate they are considering short-term vacation rentals overall and signal to future applicants that they can still apply for new Temporary Use Permits, by they might not be approved until completion of the housing review project
- The Temporary Use Permit guidelines do not state that water usage must be reported; however, the Local Trust Committee can request data

The applicant was in attendance and the following comments were noted:

- They are a Trustee on the Razor Point Water District Board
- All renters are vetted
- On-island contacts work at the property and are available to attend if necessary
- The property owners attend the property 4 to 7 days per month
- Complaints or concerns had not been received prior to receiving a copy of a letter sent to the Planner with the exception of a lighting complaint that was dealt with
- During the planning process, and prior to submitting the application, they spoke with both immediate neighbours and no concerns were raised

NP-2025-024

It was MOVED and SECONDED,

That North Pender Island Local Trust Committee add a condition to PL- TUP-2025-0093 that requires the applicant submit water records annually.

CARRIED

NP-2025-025

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of Temporary Use Permit PL-TUP-2025-0093 as amended for a period of one (1) year.

CARRIED

NP-2025-026

It was MOVED and SECONDED

that North Pender Island Local Trust Committee pass a Standing Resolution to not consider approving Temporary Use Permits for short-term vacation rentals in respect of the Local Trust Committee's Housing Accessibility and Affordability project.

CARRIED

15. LOCAL TRUST COMMITTEE PROJECTS

15.1 Housing Access and Affordability Project – Staff Report

Island Planner Smith stated the recent Community Information Meeting input had been received and did not result in any changes to the Housing Action Plan.

Discussion ensued and the following comments were noted:

- During the Community Information Meeting some members of the community expressed concerns about the effects of the Standing Resolution on non-enforcement on travel trailers being used as dwelling units
- A Trustee referred to challenges with setting standards for health and safety in relation to permitting RVs as dwelling units

- The non-enforcement resolution was put in place to alleviate housing crisis issues and there might be pathways to determine ways to address fire safety, septic and water use, and mould and other health concerns
- Mayne Island is considering implementing a Temporary Use Permit system for use of RVs as dwelling units which would trigger an initial, and ongoing, inspection of the unit and this system could address safety and environmental issues
- Legally valid and workable solutions need to be found for the community as the Local Trust Committee can not authorize unsafe or non-legal housing

NP-2025-027

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee gives final endorsement to the attached Housing Action Plan dated May 14, 2025, and directs staff to proceed with Housing Action Plan implementation.

CARRIED

16. REPORTS

16.1 Work Program Report

16.1.1 Active Projects Report Dated May 2025

Received for information.

16.1.2 Future Projects Report Dated May 2025

Received for information.

16.2 Applications Report Dated May 2025

Received for information.

16.3 Trustee and Local Expense Report Dated Feb 2025

Received for information.

16.4 Adopted Policies and Standing Resolutions

Received for information.

16.5 Local Trust Committee Webpage

Received for information.

16.6 Islands Trust Conservancy Report Dated March 2025

Received for information.

17. NEW BUSINESS

17.1 2024/25 Annual Report - Request for Decision

NP-2025-028

It was MOVED and SECONDED,

that North Pender Island Local Trust Committee approves the attached text for inclusion in the 2024/25 Annual Report for approval by Trust Council and submission to the Minister of Housing and Municipal Affairs.

CARRIED

17.2 6601 Razor Point Road Covenant Update

Island Planner Smith noted the property owner has stated they are reviewing covenant options.

17.3 Review of Standing Resolution 2022-002 - Travel Trailer Enforcement

Discussion ensued regarding community concerns about potential exploitation of the Standing Resolution which was implemented to protect those already living in travel trailers due to housing shortages.

The Bylaw Compliance and Enforcement Manager indicated they will provide a list of enforcement cases related to travel trailers being used as unlawful dwellings and the Local Trust Committee can determine options.

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled for July 25, 2025 at the St. Peter's Anglican Church Hall, Pender Island

19. TOWN HALL

A member of the public requested that Trustee Campbell respond to the statement about having a personal relationship with an applicant. Trustee Campbell noted he had watched a hockey game with the applicant in a public venue and is aware of separation of personal relationships and his duties as a Trustee. The member of the public withdrew their complaint regarding Trustee Campbell and reiterated concerns about increased heavy truck traffic on Port Washington Road and resultant pollution affecting the quality of honey production and vibrations damaging their home.

A member of the public referred to correspondence sent to the Local Trust Committee the previous day with updates to their application, spoke to some of the projects that happened on Port Washington Road and increased construction activity.

20. CLOSED MEETING – None

21. ADJOURNMENT

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

David Maude, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder