



ADOPTED

North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: December 4, 2021
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

Members Present: Laura Patrick, Chair
Benjamin McConchie, Local Trustee
Deb Morrison, Local Trustee

Staff Present: Kim Stockdill, Island Planner
Phil Testemale, Planner 2(via Zoom)
Shannon Brayford, Recorder

Public Present: There are approximately eighteen (18) members of the public.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 11:04 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

It was recommended that Item 16.1 "Bylaw enforcement of trailers and temporary housing" be added to the agenda.

By general consent the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee McConchie reported the following items:

- Collaboration with Ministry of Transportation and Infrastructure to support repair to South Pender Island's Canal Road.
- Work with Pender Islands Parks and Recreation Commission regarding the health of Magic Lake and invasive species.
- Regarding the James Island Subdivision application, landowners are undertaking consultation with First Nations.
- Ongoing work regarding moratorium on bylaw enforcement on trailers and temporary housing.
- Update on local environmental covenants registered by North Pender Island land owners.

Trustee Morrison reported the following items:

- Updates on Trust Council including the current progress of both the governance review and Trust Policy Statement.
- Recent attendance at the United Nations meeting in Glasgow. Provided an update on global work and the progress being made locally that is line with that.

4. CHAIR'S REPORT

Chair Patrick reported that Trust Council approved a draft budget and that public consultation will now begin prior to March 2022.

She further reported on current projects being undertaken within the Trust Area and encouraged members of the community to provide feedback and engage with their Trustees.

5. TOWN HALL AND QUESTIONS

Dan Digem spoke to NP-TUP-2021.7 (Harwood) and expressed concern for resultant noise and traffic. He encouraged the Local Trust Committee (LTC) to deny the application as it is an industrial/commercial venture in a residential neighbourhood.

Alan Munroe addressed NP-TUP-2021.7 (Harwood) and expressed concern for ongoing traffic issues on a road that is already poorly designed and maintained.

Budd Kerfoot spoke as a representative of the resort at 1329 and 1333 MacKinnon Road. He outlined their intentions to develop an eco-style resort and provided an overview of the project's water conservation plan including rainwater catchment and large cisterns. He further outlined their intention to hire a hydrogeologist for further planning.

Michael Robinson spoke as the property owner of 1349 Mackinnon Road property being considered for rezoning. He reported that they purchased the property with the current zoning and any changes to that could impact their commercial mortgage and the value of the property. He further noted that their property's water is largely sourced from cisterns and rainwater collection.

Don Korbin requested clarification on the phrase "Indigenous ways of knowing" and the term "settler" being used in Islands Trust documents.

The Local Trust Committee (LTC) recommended that Lisa Wilcox be invited to attend an upcoming North Pender Island LTC meeting to provide information.

Don Korbin requested information on the process for the Trust Policy Document and the status of that document.

The LTC provided an update on the process of the Trust Policy Document and opportunities for providing feedback on the document. It was noted that the document could be improved with the creation of a section of definitions.

Don Korbin requested information on the plan to hold a Special Meeting for the Land Use Bylaw in collaboration with the South Pender Island LTC and the goals of that meeting.

Rob Fenton introduced himself as a lawyer representing a property owner who has received a bylaw enforcement decision directing them to stop residing in their trailers. He noted that the LTC has the authority to close the bylaw file and that he has submitted a letter outlining the concerns of the property owners and requesting that the LTC exercise that authority.

Suzanne Pollard addressed the housing crisis on the island and shared anecdotes of the impact that crisis is having in all areas of the community. She encouraged the LTC to consider the role of recreational vehicles in providing safe, sanitary, and affordable housing.

By general consensus, the LTC agreed to add item 16.1 In Camera Meeting for the discussion of Bylaw Enforcement.

Michael Sketch spoke to the issue of Commercial 2 (C2) zoning and provided a history of the matter and its relation to the Otter Bay area. He encouraged the LTC to prioritize protection of groundwater resources.

Kathy Allison requested clarification on the Land Use Bylaw review and the maximum floor sizes being considered.

Aaron Campbell requested information on the complaint-driven process for bylaw enforcement. He noted that the current system fosters a sense of personal attack on the property owners and encouraged the Islands Trust to add a step to process in which the complaint is first investigated before an official file is opened.

Gabrielle Au spoke in support of the LTC's intent to declare a moratorium on bylaw enforcement of trailers and temporary housing. He encouraged the LTC to take guidance from a similar resolution passed on Salt Spring Island that would extend the moratorium until the housing crisis has resolved.

6. COMMUNITY INFORMATION MEETING - None

7. PUBLIC HEARING - None

8. MINUTES

8.1 Local Trust Committee Special Meeting Minutes Dated October 22, 2021 (for Adoption)

By general consent the Local Trust committee meeting minutes of October 22, 2021 were adopted as presented.

8.2 Local Trust Committee Minutes Dated October 28, 2021 (for Adoption)

By general consent the Local Trust committee meeting minutes of October 28, 2021 were adopted as presented.

8.3 Section 26 Resolutions-without-meeting Report

None.

8.4 Advisory Planning Commission Minutes

None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated Nov 2021

Received for information.

10. DELEGATIONS - None

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

12.1 NP-DVP-2021.5 (Billingsley) - Staff Report

Planner Testemale provided an overview of the staff report. He highlighted the reasons for the application, outlined the alternatives available to the property owners, and discussed the rationale that led to the staff recommendation.

Chair Patrick acknowledged the applicants who provided an overview of their intent for the property and the significance of the application in protecting a historical building.

The LTC discussed the application, including the following points:

- The challenge of bylaws requiring that this former home be removed from the housing stock.
- Clarification of the archeological investigations that have been completed and would be appropriate for this application.
- Options for allowing the building to remain as a cottage and the limitations of doing so under the current Land Use Bylaw.

NP-2021-107

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Variance Permit application NP-DVP-2021.5 (Billingsley).

CARRIED

12.2 NP-TUP-2021.7 (Harwood) – Preliminary Staff Report

Phil Testemale provided an overview of the application and the associated preliminary staff report. He noted the length of time that the applicant has been operating and outlined the potential impacts on neighbouring properties. The relevance of the current Land Use Bylaw Review was noted and the rationale for staff recommendations were provided.

A discussion was held, including the following point:

- Challenges of the location and impact on neighbours.
- Rationale for a Temporary Use Permit application over a rezoning application.
- Challenges of expanding industrial land uses through Temporary Use Permits.

NP-2021-108

It was Moved and Seconded,

that the North Pender Island Local Trust Committee deny Temporary Use Permit application NP-TUP2021.7 (Harwood).

CARRIED

12.3 NP-DP-2021.7 (Brodie) – Staff Report

Planner Testemale provided an overview of the application on Sidney Island. He outlined the geotechnical and arborist reports, the recommended conditions of the Development Permit, and the response to the Islands Trust Conservancy referral.

A discussion was held including the following points:

- Clarification of the professional accreditation of arborists.
- Process and limitations of the LTC's discretion with development permit applications.
- Impact of shifting precipitation models on the geotechnical report.

The LTC noted that they would like to receive additional information in the form of a site visit, a discussion with the geotechnical engineer, and an updated topographic photo that shows the recent clearing of trees.

NP-2021-109

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request that the applicant and Local Trust Committee participate in an onsite visit and a meeting geotechnical engineer, to be scheduled in the spring 2022.

CARRIED

12.4 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 525

NP-2021-110

It was Moved and Seconded,

that the North Pender Island Local Committee respond to Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 525 with "interests unaffected".

CARRIED

13. BREAK

A break was held from 1:30-1:35 pm

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Land Use Bylaw Review Project - Staff Report

Chair Patrick acknowledged South Pender Island Trustees, Steve Wright and Cameron Thorne and invited them to participate in the discussion.

Planner Stockdill provided an overview of the staff report as it applies to maximum floor area.

The North and South Pender Trustees discussed maximum floor area regulations on each of the islands, including the current status, potential amendments, and strategies for mitigating concerns of legal non-conforming status.

The following points were addressed:

- Rationale for establishing maximum floor areas.
- Community concerns of the impact of legal non-conforming status.
- Importance of forward thinking to protect the rural character of the island.
- Consideration of inclusion of all impermeable surfaces to protect infiltration levels and manage surface runoff.
- Value in having similar maximum floor area bylaws on both North and South Pender.
- Opportunities to allow flexibility within the regulations, such as allowing maximum coverage to be split between a primary residence and secondary buildings.

By general consent it was agreed that the South Pender Island Trustees be invited to the North Pender LTC February 5, 2022 meeting.

A discussion was held regarding the maximum floor areas proposed by each of the LTCs and the benefits of considering a total maximum floor area for all impervious surfaces was noted.

By general consent the LTC requested an amendment to the draft bylaw for the addition of a column to Figure 2 that communicates maximum lot coverage.

Planner Stockdill provided an overview of staff report's discussion of Commercial 2 Zoning. She noted the significance of the ground water study for this area of the Land Use Bylaw Review.

A discussion was held and the following points were addressed:

- Community concerns for ferry traffic, road use, and water for fire suppression.
- Importance of a site visit to those properties who are requesting their properties not be included in the rezoning.

Planner Stockdill provided an overview of the staff report's discussion of a rezoning of the Driftwood property for residential rental units.

A discussion was held regarding opportunities and limitations for regulating use of ground water through land use.

By general consent the LTC requested that a requirement for water catchment and for fire suppression be added to the draft bylaw.

Chair Patrick acknowledged Dorothy Murdoch, representing the Driftwood Centre management.

Dorothy Murdoch reported that the property's intension is to use the C2 land as a campground and advocated that the zoning not be changed in the C2 location, but that rental housing zoning be considered on a rural portion of the property.

By general consent the LTC agreed to defer providing direction on this matter until a discussion with the property managers could be held.

Planner Stockdill provided an overview of the potential map amendments, including the rationale for those amendments and any implications.

A discussion was held regarding potential rezoning and the LTC requested additional information on the following proposals:

- Rezoning of the former Port Washington Store.
- Rezoning the Medicine Beach Market property to make the waste drop off site a permitted use.

15. REPORTS

15.1 Work Program Report

15.1.1 Top Priorities Report Dated Nov 2021

Received for information

15.1.2 Projects List Report Dated Nov 2021

Received for information.

15.2 Applications Report Dated Nov 2021

Received for information.

15.3 Trustee and Local Expense Report Dated Oct 2021

Received for information.

15.4 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage

No comments heard.

15.6 Islands Trust Conservancy Report

15.6.1 Nighthawk Hill NAPTEP addition Application (North Pender) – Briefing

Received for information

16. NEW BUSINESS

16.1 Bylaw Enforcement of Trailers and Temporary Housing

The LTC requested and received information from Bylaw Enforcement Manager (BEM) Warren Dingman regarding open bylaw files for trailers being used for temporary housing. BEM Warren Dingman also provided a brief overview of the implication of the proposed moratorium on those files.

By general consent the LTC agreed to continue the discussion during an in camera session at the end of the meeting.

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for January 27, 2022 at the Anglican Parish Hall, Pender Island

18. TOWN HALL

Diane Cuthbert encouraged the LTC to consider what issue is being solved by limiting maximum house size.

19. CLOSED MEETING

NP-2021-111

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)(d)(i) for the purpose of considering a bylaw enforcement file AND that the recorder and staff attend the meeting

CARRIED

At 3:23 pm Chair Patrick reopened the public meeting. She noted that as the members of the public were no longer present, the next public meeting shall include an update that there was no Rise and Report from the closed meeting.

20. ADJOURNMENT

By general consent the meeting was adjourned at 3:25 pm.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder