

Adopted



North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: January 28, 2021
Location: Electronic Meeting (Zoom Webinar)

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

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Phil Testemale, Island Planner
Shannon Brayford, Recorder
Maple Hung, Planning Assistant (Host)

Public: There were approximately (17) attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 9:00 a.m. 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 "Communication Strategies for the North Pender Island Local Trust Committee" (LTC) be added as item 15.2 under New Business.

By general consent, the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee McConchie provided a report on recent work, noting a desire to improve the challenges in communication between the LTC and the community and also his support of ongoing COVID measures.

Trustee Morrison provided a report on recent work. She encouraged the community to provide feedback on the Land Use Bylaw Review that includes recommendations for what they would like to see in the regulations.

4. CHAIR'S REPORT

Chair Patrick provided a report, including the following points:

- A Policy Direction Report and Survey are available online. She encouraged the public to complete prior the survey prior to the deadline.
- An Islands Trust Budget Survey is available online and encouraged the public to give feedback
- Update on Salt Spring Island LTC work for ground water and housing initiatives.

5. TOWN HALL AND QUESTIONS

Amanda Griesbach recommended that title of the “Pender Islands Conservancy Association” be corrected in the minutes of the previous meeting.

Pauline O’Malley noted that she is a Temporary Use Permit (TUP) holder for a Short-Term Vacation Rental (STVR). She commented on proposed Bylaw 222 and recommended deletion of 6.4.4 and 6.4.15, encouraging that those measures be evaluated on a case-by-case basis through the TUP system.

Michael Sketch provided recommendations for revising the Official Community Plan and proposed Bylaw 222. He noted the importance of replacing the word “considered” with “supported” in multiple incidences and provided recommendations for defining specific terms to improve the force of the bylaw.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated November 26, 2020 (for Adoption)

It was recommended that “Pender Islands Conservancy Association” be correctly identified in the minutes.

By general consent the Local Trust committee meeting minutes of November 26, 2020 were adopted as amended.

8.2 Section 26 Resolutions-without-meeting Report

None

8.3 Special Advisory Planning Commission Minutes Dated November 23 & 30, December 7, 14 & 30 (for Receipt)

Received for information.

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated January 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-2020.4 (Hsu) x-ref NP-DP-2020.2 - Staff Report

Planner Testemale provided an overview of the staff report, including the rationale for the application and the associated recommendations.

Chair Patrick invited the applicant to address the LTC. 4

The applicant provided an overview of their intentions and welcomed questions from the LTC.

The LTC requested and received information on the details of the application and the proposed construction design.

A discussion was held regarding the Islands Trust future direction in prioritizing protection of various natural resources.

NP-2021-001

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP- 2020.2 (Hsu).

CARRIED

NP-2021-002

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2020.4 (Hsu).

CARRIED

NP-2021-003

It was Moved and Seconded,

that the North Pender Island Local Trust Committee rescind motion NP-2021-001.

CARRIED

NP-2021-004

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to amend NP-DP-2020.2 by adding the condition for prohibition against the use of concrete for the construction and maintenance of the dock structure

CARRIED

NP-2021-005

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP- 2020.2 (Hsu) as amended.

CARRIED

12.2 NP-TUP-2020.7 (Hepburn) - Staff Report

Planner Testemale provided an overview of the application and the related staff report. He noted the property's history of TUPs and past renewal, and highlighted the past conditions imposed through the permit.

The LTC requested and received information on the following points:

- Future inclusion of information for guests on having fires in the yard.
- How the definition "regular occupant" applies to the current applicant.

It was noted that a more general discussion of TUPs related to STVRs is scheduled later in the meeting.

By general consensus, Item 12.2 was postponed to follow Item 13.2.

Note: Discussion of Item 12.2 NP-TUP-2020.7 (Hepburn) is continued after item 13.2

12.3 NP-RZ-2016.1 (Mainroad Contracting) - Staff Report

Planner Testemale provided an overview of the staff report, including the rationale for the application and the history of past applications and resolutions related to the property.

Chair Patrick acknowledged a representative of the application, Rick Gill.

The LTC requested and received information on the following topics:

- Prior ownership of the property and history of permits.
- The LUB requirement for screening and the status of existing vegetative screening and applicant plans for compliance.
- Impact of First Nations Consultation on the application moving forward to Executive Committee and opportunities for consultation.
- Alternatives to the current application that have been considered.

NP-2021-006

It was Moved and Seconded,

that the North Pender Island Local Trust Committee accept a covenant under section 219 of the *Land Title Act* from the registered owner of Lots 8 and 9, Section 18, Pender Island, Cowichan District, Plan 6294 that is Attachment 2 to this report, and designate the Chair of the Local Trust Committee to sign the covenant for NP-RZ-2016.1 (Mainroad).

CARRIED

NP-2021-007

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 202, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2016,” be read a third time.

CARRIED

NP-2021-008

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 202 be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

NP-2021-009

It was Moved and Seconded,

that upon confirmation of registration of the covenant with the Land Title Office, Executive Committee approval, and confirmation of completion of fire suppression upgrades, or written confirmation from Pender Island Fire Rescue that the upgrades are impractical, the North Pender Island Local Trust Committee direct staff to report back to the Local Trust Committee for Final Adoption of Bylaw 202.

CARRIED

Note: A break was held from 10:52 am – 11:00 am

12.4 South Pender Local Trust Committee Bylaw Nos. 119 & 120 Referral

Planner Stockdill provided an overview of the referral and the relevance to the North Pender Island LTC.

NP-2021-010

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve recommended Referral South Pender Island Local Trust Committee Bylaws Nos. 119 &120, subject to the condition that the South Pender Island Trustees review the minutes of the North Pender Island Local Trust Committee Minutes of January 28, 2020 for comments regarding changes to the related North Pender Island Bylaws.

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 LUB Review Project - Staff Report

Planner Stockdill provided an overview of the report including the history of public consultation completed within the project.

The LTC discussed each section of the review project in turn. Referring to the Residential Floor Area Review, the LTC requested and received information on the following points:

- Opportunities for regulations and the process for variances
- Current status of the budget

NP-2021-011

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to report back with the information regarding the Residential Floor Area Review outlined in the staff report dated January 28, 2021.

CARRIED

Planner Stockdill provided an overview of the Conservation Subdivision discussion and recommendations within the report.

The LTC requested and received information on options for Conservation Subdivision that are within the scope of this project. A discussion of how to proceed with this matter was held.

Planner Stockdill provided an overview of the Tourist Commercial Regulation Review and the Marine Shoreline Review.

The LTC discussed their role in regulating docks on the Marine Shoreline.

NP-2021-012

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request direction from Director Frater on the most appropriate way to advocate for docks maintenance and ocean health.

CARRIED

Planner Stockdill noted the receipt of a report with recommendations from the North Pender Island Special Agricultural Advisory Commission.

NP-2021-013

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to report back with a review of the recommendations made in the Special Agricultural Advisory Commission report dated January 4, 2021.

CARRIED

Planner Stockdill provided an overview of the communication strategies employed to date and opportunities for future communications, including optimal timing for considering mailouts.

NP-2021-014

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to schedule a Special Meeting to discuss appropriate Land Use Bylaw Review topics.

CARRIED

13.2 STVR Review Project – Staff Memo

Planner Stockdill provided an overview of the staff memo, including the history of the project and correspondence received to date.

A discussion of the STVR review project was held, including the following topics:

- Requirement of regular occupancy and consideration of the term “principal residence” or other regulations related to “regular connection” to the island.
- Strategies for addressing the radius within which multiple STVRs are being approved
- Allowance of secondary suites to be rented as STVRs.
- Limitations on the number of days that a property is rented.
- Importance of including wild fire safety and outdoor burning in the required communications to tenant.
- Capping the total number of STVRs within the Magic Lake Estates area.

NP-2021-015

It was Moved and Seconded,

that the North Pender Island direct that item 6.4.17, “A temporary use permit may be issued for a short-term vacation rental within a secondary suite,” be removed from the proposed Bylaw 222.

CARRIED

NP-2021-016

It was Moved and Seconded,

that the North Pender Island direct that item 6.4.4 “The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit,” be removed from Bylaw 222.

DEFEATED

NP-2021-017

It was Moved and Seconded,

that the North Pender Island Local Trust Committee should not approve more than twenty temporary use permits for short term vacation rentals located within the Magic Lake Estates Water System Area.

CARRIED

NP-2021-018

It was Moved and Seconded,

that the NP LTC direct to staff to amend 6.4.14b to add “information on wild fire safety and outdoor fire burning”.

CARRIED

NP-2021-019

It was Moved and Seconded,

that the North Pender Island Local Trust Committee add section 6.4.19, “A Short Term Vacation Permit Temporary Use Permit TUP should not be issued in a dwelling or cottage that does not have occupancy permit approval”

CARRIED

Note: The LTC returned, as agreed by consensus, to discussion of Item 12.2 NP-TUP-2020.7 (Hepburn)

A discussion was held which included the following points

- Management of vehicle density.
- Management of STVR density in the area and consideration of limiting the permit’s valid timeframe to provide an opportunity for the LTC to consider all STVRs in the area at the same time.
- Inclusion of information to tenants regarding prevention of wild fires.

NP-2021-020

It was Moved and Seconded,

that the North Pender Island Local Trust Committee amend proposed Temporary Use Permit NP-TUP-2020.7 (Hepburn) by inserting the following condition: That the maximum number of guests is temporarily limited to five (5) for the duration that the Provincial Emergency Health Order for COVID 19 remains in effect.

CARRIED

NP-2021-021

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NPTUP-2020.7 (Hepburn) for a period of two (2) years as amended.

CARRIED

13.3 Groundwater Sustainability Project - Staff Report

Regional Planning Manager (RPM) Kojima provided an overview of the project charter and associated staff report. He noted the parallels with other Trust Areas and the budget moving forward.

A discussion was held which included the following topics:

- Consideration of the Coastal Douglas-fir ecosystem within the project.
- Consideration of Development Permit Areas for areas of low recharge.
- Advocacy for a Water Sustainability plan from the Province
- Collaboration between Groundwater Sustainability Project and the Fresh Water Strategy Project.
- Ability to identify and action recommendations and outcomes as they arise, such as water storage

By general consent it was agreed that this matter shall be returned to at the next meeting.

Note: Trustee Morrison departed the meeting at 1:37 p.m.

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated January 2021

Received for information.

14.1.2 Projects List Report Dated January 2021

Received for information.

14.2 Applications Report Dated January 2021

Received for information.

14.3 Trustee and Local Expense Report Dated October 2020

Received for information.

14.4 Adopted Policies and Standing Resolutions

Received for information.

14.5 Local Trust Committee Webpage

No comments made.

14.6 Islands Trust Conservancy Report Dated November 24, 2020

Received for information.

14.7 ITC Forest Conservation Outreach Campaign - Briefing November 2020

Received for information.

15. NEW BUSINESS

15.1 Salt Spring Island STVR - Letter

Chair Patrick provided an overview of the letter and its content.

By general consent, it was agreed that the Local Trust Committee shall appoint Trustee McConchie to attend the meeting.

15.2 Communication Strategies for the North Pender Island Local Trust Committee

By general consent this matter was deferred to the next meeting.

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for February 25, 2021- Location: TBD

17. TOWN HALL

Michael Sketch encouraged the LTC to address the disposal or reuse of road surfacing material with the Capital Regional District.

18. CLOSED MEETING

None

19. ADJOURNMENT

By general consent the meeting was adjourned at 1:44 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder