



Islands Trust

# ADOPTED

## North Pender Island Local Trust Committee

### Minutes of Special Meeting

**Date:** June 24, 2023  
**Location:** Pender Island Community Hall  
4418 Bedwell Harbour Road, North Pender Island BC

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

**Staff Present:** Brad Smith, Island Planner  
Katherine Vogt, Recorder

**Others Present:** Paul Brent, Capital Regional District (CRD) Electoral Area Director for the Southern Gulf Islands  
Rob Fenton, Alternate Director for the Southern Gulf Islands  
Approximately eleven (11) members of the public were present

#### 1. CALL TO ORDER

Chair Maude called the Public Hearing to order at 1:06 p.m. He read a statement outlining the content, purpose, and process of the Public Hearing. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations. He introduced Trustees, Staff, Recorder, and Meeting Host; and welcomed Members of the Public.

#### 2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

#### 3. BUSINESS ITEMS

##### 3.1 Groundwater and Forestry Discussion

Trustees introduced the discussion on groundwater and forestry, noting that they were seeking feedback from the public on the possibilities for conservation of local groundwater recharge areas which are outlined on watershed maps available on the Islands Trust website; and feedback on such forestry issues as wildfire risk and 'Fire Smart' protocols.

Planner Smith added that a Development Permit Area (DPA) for groundwater recharge areas; and a Coastal Douglas Fir DPA with exemptions, were possibilities for consideration.

Members of the public asked or noted the following:

- It is a Trust policy that islands should be self-sufficient in their water supply and that density should be restricted in areas of low supply. Freshwater trucking onto the island indicates a problem. Gabriola Island has freshwater trucking data from the trucking suppliers. Can Trustees access such hard data, including that of saltwater intrusion into wells?
  - A Trustee noted a previous well-monitoring initiative that sought funding. Seeking data from private companies could be a problem; and shaming individuals for their water usage would be ill-advised
  - Planner Smith noted that the Islands Trust Senior Freshwater Specialist William Shulba had mapped out regional areas of saltwater intrusion; these maps were now available on the Islands Trust website
  - A Trustee noted that LTC funds could be used to purchase well monitoring equipment
- Ponds and cisterns for wildfire suppression are critical and could be considered for new developments. Grants for these could be sought
  - A Trustee responded that such water stores determined firefighting response times
- The Province is desperate for people to register their wells, so they should be providing funding for well monitoring
  - Planner Smith clarified that provincial use of continuous Wi-Fi monitoring devices seems to be geared towards commercial agricultural water usage
  - A Trustee added that residential electronic smart-meter monitoring devices were being promoted by some groups
- What authority does the Islands Trust have to implement rules regarding excessive water usage?
  - A Trustee responded that the Islands Trust could be precautionary and pre-emptive; or do nothing until better data was available
- General data regarding freshwater trucking volumes could be helpful to see trends
  - The Chair clarified that a past Freedom of Information (FOI) request for freshwater trucking data involved water coming from the Nanaimo Regional District, which is a government body and not a private company
  - A Trustee added that water may be trucked for a variety of reasons and does not necessarily indicate excessive usage
  - A Trustee noted that certain areas of the island had serious saltwater intrusion; that winter water volumes were abundant; that it was preferable to pump water for storage in the winter; and, that grants should be sought for water storage
- What about the future possibility of trucked water being denied or unavailable?
  - A Trustee responded that a FOI request for a private company would be unhelpful; rather, community members could be asked what their water problems are
- I support the LTC pausing on more land use planning regulations because it would be more productive to ascertain the actual cost to design and implement a comprehensive water monitoring plan
  - A Trustee responded that it was a primary role of the Trust to collaborate with other government agencies

- The Chair responded that decades ago the Province had a well monitoring program that could provide further water usage data
- FOI data on trucked water for Galiano and Gabriola Islands recently presented to Trust Council indicates a significant influx of population density; a freshwater trucker for North Pender told me that two summers ago, he was trucking 1100 gallons of water per day, 5 days a week, throughout the summer, to a commercial tourist zone on North Pender. The LTC has not adequately addressed this long-standing, seasonal high-density issue
- A lot of water in the winter just runs off
  - A Trustee acknowledged that proof of water using winter versus summer well water volumes is an issue; also, that a lot of large properties may be turned over and could be subdivided down to 10 acres, so having an extra layer of water information to inform future development is helpful; also, that many summer residences became full time residences during the COVID Pandemic
- Can we have a Citizen Working Group on Groundwater Availability so that local knowledge about groundwater can be compiled? This would augment Specialist Shulba's commendable work by highlighting areas that do not conform to the general maps. Also, it is commendable that the LTC has not gone ahead with a groundwater recharge DPA, given the many groundwater anomalies that occur on North Pender
- It is worth looking into water protection of entire watersheds through a DPA approach or other tools. Community water protection is paramount whereas cisterns and fire protection sprinklers should be treated more as an individual responsibility rather than a community one
- There are several areas of the island that have water quality issues due to irresponsible and illegal digging of garbage into dug and covered holes in the ground. Some of these areas have been cleaned up and there are bylaws against this dumping, but the bylaws have not historically been well enforced. Derelict vehicles and boats with toxic paint have leached toxins into groundwater  
Monitoring and testing of toxic sites should be done by the Province
  - A member of the public added that locals would have good knowledge of where precisely these toxic sites are. Thankfully, such dumping is not as common a practice as it used to be
- A large DPA for protection of forests on another island has not been well enforced. Is this due to lack of money or lack of power?
  - Planner Smith responded that Regional Districts, Municipalities, and the Islands Trust may establish DPAs through the Local Governments Act for very specific values such as conservation of a species, but not for broad purposes. Municipalities have broader Community Charter given control over individual tree protection and animal management. Trust Council and Regional Districts requested broader powers of tree protection beyond the powers of the DPA such as has been given to municipalities; but the Province has rejected this request, perhaps because the broadening of powers was deemed to be too great
  - A Trustee noted that the Trust has asked the Province to comprehensively review bylaw enforcement. Also, the Trust rescinding their tree protection

request was because it was considered an ineffective strategy. Large-scale tree-cutting is a problem because removal of tree canopy dries the landscape and threatens biodiversity. Danger trees are a problem. The binary of tree/no trees needs to be overcome. DPAs related to water and climate change are future possibilities. Preservation of water for the ecosystem has not been brought up. A DPA that is not enforced is not worth pursuing. Enforcement of problem tree cutting needs to be done by the Province, since they have jurisdiction over it.

**By general consent**, the meeting was recessed at 2:19 pm and reconvened at 2:26 pm.

Members of the public asked or noted the following:

- As groundwater is drawn down too excessively, there is risk of irreversible saltwater intrusion; yet the Islands Trust Policy Statement is silent on this issue, despite that the mandate of the Trust is to preserve and protect. Saltwater intrusion is especially occurring on the perimeters of all Gulf Islands; but on North Pender, saltwater intrusion even occurs far inland. Monitoring of ocean and well levels in the saltwater intrusion vulnerable zones needs to happen to forestall irreversible freshwater losses; and high-density development near the oceanfront needs to be restricted, though this would be very politically unpopular
  - A Trustee noted that densities could be increased if atmospheric water was required; and groundwater use restricted. Forest dryness, biodiversity, and water quality would still be outstanding issues
- Regarding forest management, what tracts of land are protected and not protected from extensive tree cutting on North Pender? Education and discussion are needed
  - The Chair noted that North Pender seems to have more development potential than other islands
  - Director Brent acknowledged that the Islands Trust has produced statistics on how much area of each island is considered protected by covenanted land. There may be maps associated with the statistics. Privately owned land is not considered protected
  - A Trustee noted that many people were protecting the trees on their property well; the problem is what happens when these properties are turned over
- Irreversible erosion happens when tree canopy is removed. Downstream of recent timber cutting on North Pender reveals recent sediment deposits at culverts revealed by grass growing in the new sediment. Cedars drying from the top down are occurring due to loss of canopy and topsoil
- Urbanization of Southern Vancouver Island has driven a narrative that the forests are dying; on North Pender, we have 71% solid forest which is much more than 30 years ago. Longer, drier summers due to climate change are what is causing cedar die off
- Future climate conditions are an unknown factor
  - Director Brent described the possibilities for the Trust and CRD to collaborate in approaching the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD) for discussions on regional forest issues

- It is unfair to compromise a neighbor's well by excessive tree cutting. Municipalities provide tree cutting protections; but the Trust does not
- The Trust Council's original request to the Province for the same power as municipalities to regulate tree-cutting was rejected based on urban versus rural considerations. Perhaps the original Trust request could be recrafted to target larger-scale tree cutting on private properties

**NP-2023-76**

**It was MOVED and SECONDED,**

that the North Pender Island Local Trust Committee request that staff provide a staff memorandum on the July 28, 2023 Local Trust Committee meeting agenda with options regarding the establishment of a North Pender Island Water Advisory Committee.

**CARRIED**

A Trustee added that water independence and water quality were the two overriding categories of discussion to consider when posing questions to the community regarding water.

Trustee Morrison announced that she would initiate communications with other Trustees in the Southern Gulf Islands for a future regional forestry review and conversation.

**3.2 Housing Access and Affordability Discussion**

A Trustees asked members of the public to provide feedback on what they considered would be appropriate affordable housing for North Pender.

Alternate Director Rob Fenton noted that he had handed out his professionally considered comments to current meeting participants and wished to highlight the following:

- The Southern Gulf Islands Community Economic Sustainability Commission (CESC) has completed numerous housing studies
- A Southern Gulf Islands Housing Strategy was approved in May 2022 by the CRD Board. Justine Starke, CRD Manager for Southern Gulf Islands (SGI) Service Delivery, oversees the CRD Housing Strategy and has previously worked with the Trust
- CRD Director Brent has made housing a priority
- Discussion at a recent Rural islands Economic Partnership (RIEP) meeting showed that nearly every issue on the table is greatly affected by the housing crisis
- Funding for lower market development requires government subsidy. No local affordable housing has been developed for 20 years. Government funding is uncertain but hopeful. Zoning and financing must be creative to accommodate the numbers
- Construction costs have really risen recently
- One housing possibility is that funding for Conservancy properties could be raised by selling a small portion for regular housing, holding a portion for non-profit housing, and leaving the rest of the property conserved. Through this approach, there would be no cost for the land for an affordable housing project. The Conservancy and the

Trust would need to agree. A non-profit society would have to own the affordable housing portion of the land. Most likely the affordable housing will need to be alternate, perhaps modular. The Provincial Rental Housing Corporation could be used to provide funding shortfalls for land that the Conservancy would wish to acquire. Once the private lots are sold off, the Conservancy can pay back the funds borrowed.

Director Brent noted the following:

- The housing crisis on the island was causing the loss of many young people and workers; and causing stress for many. No provincial money is coming to the islands because it is rural low density with little infrastructure
- The CRD is working on a Temporary Use Permit (TUP) for trailers. Currently it is illegal to sleep in trailers year- round according to the BC building code. However, if you have a building permit, it is allowable to live in a trailer for 1 to 2 years
- Affordable housing units on the Gulf Islands would likely cost between \$550,000 to \$600,000 per unit
  - A Trustee asked if the empty house tax could be applied on North Pender; how occupancy of current housing stock could be increased; and how tiny homes could be supported
  - Director Brent responded that the Provincial Secondary Suite Program will fund \$40,000 per suite and the CRD is looking at modeling something similar. Island Trust Senior Planner Narissa Chadwick is working with CRD Manager Justine Starke on a joint submission for funding from the Canada Mortgage and housing Corporation (CMHC) Accelerator Fund
  - A Trustee noted that the building code for tiny homes is a problem

Members of the public noted or asked the following:

- We don't need any more single-family homes. Existing secondary suites should be legalised, and new secondary suites supported
- A Director for the Pender Islands Housing Society (PIHS) clarified that they have zoning for 8 more units at Plum Tree Court; and their operating agreement and funding with BC Housing expires in 2028; and the proposed 8 more units will not be connected to BC Housing; rather, no-age-restriction funding is being sought. Affordable market rent, which is considered 20% below normal market rent, will be applied
- A Regional exemption for the Southern Gulf Islands should be sought for some BC Building Code regulations, as is done in the Okanagan, especially for tiny homes
  - Director Brent responded that the CRD has tried for tiny homes but the Province has said no; and, that secondary suites are fraught with legal and liability issues for the landlord. The Province should backstop tenant risk for a housing society
- Can the Trust or CRD further facilitate the Plum Tree Court project?
  - The PIHS Director noted that the Plumtree Court is zoned for duplex buildings only. The new units could be a single building

- A Trustee noted the ‘Community Benefit’ clause in the Official Community Plan (OCP) may simplify the Plum Tree Court process
- We need short-term permits and long-term planning and safety considerations for affordable housing
  - A Trustee noted that it was the CRD’s jurisdiction to legalise secondary suites, but the Trust could provide a TUP for a trailer while the CRD would provide the safety TUP for it
- There are many illegal Airbnbs that have depleted the long term rental stock and are not being enforced
  - A Trustee responded that there are resident present and resident non-present Airbnbs; the former does not need a permit; the latter must seek a TUP and these are being attempted to be enforced
- Can we have a housing project for North Pender such as has been done on Denman, Mayne, and Salt Spring Islands to deal with this housing crisis that is not humane?

Planner Smith noted that there were no safety regulations for trailers.

- Director Brent responded that a \$500.00 Notice on Title of a derelict building situation can be acquired from or required by the CRD
- Why do cities have an empty house tax, but we don’t?
  - Director Brent responded that there was not much speculation here in 2012 when the speculation tax was applied. The Rural Islands Economic Partnership has proposed an empty tax for the Southern Gulf Islands for direct delivery to affordable housing; the other better option is to direct some of the property transfer tax revenues into local communities. Currently, that tax is the Provincial Government’s top source of revenue
- The Southern Gulf Island Housing Strategy Report has references to ‘smart growth’ and ‘complete communities’ of concentrated development with green spaces in between. But dispersed density is better for available water resources; so affordable housing might be better dispersed than concentrated. The West Coast Environmental Law Association has determined that the ‘smart growth’ model is entirely inappropriate to the Trust area
- Homeowners are moving into their secondary suites and renting out their main homes on a short term basis in a legal loophole that bypasses the intent of the secondary suite bylaw to provide long term rentals. Many people do not want to be long term landlords
  - A Trustee noted that homeowners did not actively capitalize on the secondary suite option legally
  - Director Brent noted that Airbnb provides insurance to homeowners for property damage. Governments should be able to duplicate this so that long term landlords have greater protection
  - A Trustee noted that the manner in which projects are handled in the Trust can be frustrating; and it is not intended to put the environment ahead of people.

**4. ADJOURNMENT**

**By general consent**, the meeting was adjourned at 4:00 p.m.

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David Maude, Chair

Certified Correct:

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Katherine Vogt, Recorder