

North Pender Island Local Trust Committee

Minutes of Special Meeting

Date: October 26, 2024
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

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

Staff Present: Brad Smith, Island Planner
Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: There were approximately fifteen (15) members of the public present

1. CALL TO ORDER

Chair Maude called the meeting to order at 12:39 p.m. He acknowledged that the meeting was held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following amendments to the agenda were presented for consideration:

- Re-order items 4.1 and 4.2

By general consent, the agenda was approved as amended.

3. BUSINESS ITEMS

3.1 July 26, 2024 Local Trust Committee Minutes (for Adoption)

Adoption of the minutes was deferred to the November, 2024 regular business meeting.

4. COMMUNITY INFORMATION MEETING

4.1 Raptor Nest Development Permit Area (DPA) Project

Island Planner Smith provided a presentation and highlighted the following:

- Current North Pender development permit areas for raptor nests was mapped in late 2000's
- Official Community Plan includes provision for the protection of habitat used for nesting and breeding by bald eagles, other raptors, and blue herons
- Updated mapping has been undertaken by a consultant, with support from a volunteer field naturalist, both of which have local expertise and knowledge of the previous mapping work
- Provincial guidelines for raptor conservation have been incorporated

- Development within the development permit area needs to meet specific guidelines to avoid disturbance, and retain the natural habitat, of raptor nests
- Owners of property containing a nest site have been sent information about the development permit area
- Development permit areas includes buffer zones that are associated with the particular habitat feature, such as a tree along with surrounding trees
- Most significant proposed change is an increase to the current buffer zone from thirty to fifty metres to sixty to five-hundred metres; however, a range of buffers could be considered based on various factors
- Next steps include continued engagement with property owners and First Nations, site visits to reaffirm assessments, drafting proposed bylaw amendments, and conducting a public hearing

The following comments and questions from members of the public were noted:

- Resident owns property adjacent to a property with a raptor nest but did not receive a letter about the development permit area
 - Island Planner Smith noted letters were only sent to property owners where nests were located and not to those who might be impacted by buffer zones; however, Local Trust Committee could direct broader communication prior to a public hearing
- Member of the public asked how infractions are reported and how one would know that a complaint is being followed up on
 - Island Planner Smith stated infractions would be reported to bylaw enforcement
 - A Trustee noted the Local Trust Committee receives reports on open bylaw enforcement files which would indicate that a complaint was being investigated
- Two members of the public spoke to the potential impacts that the proposed buffer zone will have on properties including changing intended uses and affecting ability to sell the property and they requested the Local Trust Committee consider smaller buffer zones
 - Island Planner Smith noted that the Local Trust Committee could determine varying buffer sizes for different areas and property owners could apply for a development permit if developing in DPA areas
- Member of the public noted the following:
 - There are 23 new nests, of which 14 are eagles nests
 - BC Guidelines for Raptor Conservation Report indicates neither ospreys or eagles are at risk and both have tolerance to coexist with humans which suggests there is no pressing need for an alteration of the buffer zones
 - Staff Report does not speak to impacts on the eagle population or number of nests if new guidelines were imposed
 - Requested GPS coordinates and visual evidence of the nests at the mapped sites and that staff warrant private property was not trespassed on by anyone connected with the study
 - Cost benefit study for the project has not been provided
 - Based on issues highlighted the project should not go forward

- The Islands Trust Act requires protection of environment and unique amenities for the benefit of residents
- Member of the public asked if buffer zones include a radius from the top of the tree upwards and if so would Transport Canada have to remain out of the aerial corridor
 - Island Planner Smith noted that Transport Canada regulates air transportation not the Islands Trust
- Member of the public spoke to the importance of protecting the land and eagles and noted trees in the buffer zone create important habitat
- Member of the public stated that issues such as ground water availability and raptor nest protection speak to the density of development allowed by Islands Trust and the object of the Trust needs to come first in planning processes

The meeting was recessed for a break 1:37 p.m. and reconvened at 2:00 p.m.

4.2 Housing Access and Affordability Project

Island Planner Smith provided a presentation and highlighted the following:

- Regional Planning Committee working on housing strategy, housing toolkit, and suitable land analysis
- Several Local Trust Areas have housing projects underway
- Islands Trust authority is limited to land use and zoning functions and not actual development; therefore, it is important for Trustees to work together with, and provide advocacy to, other levels of government
- Local Trust Committee housing project action plan could focus on increasing housing options through rezoning, secondary suite initiatives, limiting short-term vacation rentals, and consideration of permitting alternative dwelling units
- Housing Needs Survey is being undertaken with 340 survey submissions received to date and final results will be provided at the November 29, 2024 Local Trust Committee meeting
- Current phase of Housing Review Project focusses on consultation and reviewing options and the next phase will look at changes to zoning and other regulations to enable preferred options as well as housing action plan development

North Pender Advisory Planning Commission (APC) Chair Peter Pare provided an update on the recent work of the APC and highlighted the following:

- Local Trust Committee asked APC to review existing relevant reports and studies and provide recommendations on how best to amend the Official Community Plan to improve access to affordable housing
- To date the APC has reviewed the Housing Toolkit, Official Community Plan and relevant Land Use Bylaws, looked at initiatives, policies, and regulations implemented in other Local Trust Areas, considered implications of potential housing alternatives on water resources and the natural environment, and provided input to the Housing Needs Survey
- Recommendations concerning density should be based on parameters including forest cover, water availability, septic capacity, ecosystem value and preservation, restoration plans, and proximity to amenities
- Housing needs identified include a diversity of affordable below market housing options for seniors, families, and workers who do not currently own property

- Local Trust Committee does not produce housing; therefore, creating below market rental and ownership opportunities would require funding from government and other sources with community groups advocating for said funding with the support of the Local Trust Committee
- Preliminary possible recommendations for the consideration of the Local Trust Committee include lobbying provincial government to extend the speculation vacancy tax, model the housing plan on other Local Trust Area plans, incorporating flexible housing options into the Official Community Plan, increase options for additional residences throughout the island, permitting long term use of recreational vehicles and tiny homes provided they have water supply and proper sewage connections, opting in to the provincial short-term accommodation regulations, and allowing clusters of manufactured homes that meet provincial and federal construction standards

The meeting was recessed for a break at 2:52 p.m. and reconvened at 3:00 p.m.

Discussion ensued and the following questions and comments were noted:

- Most recreational vehicles have smoke and carbon dioxide alarms and dampness and mould issues can be managed with proper care
- Standards for allowing recreational vehicles as dwelling units need to be established including septic hook ups, water availability, and suitable locations
- Vancouver Island Health Authority requires an entity to hold liability for water quality for multi-family water systems and do not allow rain water collection as a potable water source and these issues are under review
- Speculation taxes go into general revenue and if there is opt-in to the program the community should retain the taxes collected
- Rental housing diminished when the short-term vacation rental market demand increased and houses became a commodity item
- Official Community Plan currently has policies that restrict increased density and these policies will be looked at using the build out analysis and suitable land analysis
- Rental housing has diminished as properties have sold and owners are living in them and working remotely
- If a short-term vacation rental is removed the property will not necessarily be put into the rental market
- A regional exception to some requirements of the BC Building Code can be requested if reasonableness of using a different building method, or materials, can be shown to provide the same standard of construction
- Modular housing is an important factor in affordable housing
- Tiny homes on wheels can be built for less than a regular home; however, foundations are essential in keeping a home safe in a high level seismic area
- One needs to ask why secondary suites and accessory dwelling units are not being built and the provincial secondary suite incentive program has not had any uptake
- Many home owners do not want to be landlords and deal with potential tenant issues
- Opting into the provincial regulations on short-term vacation rentals would result in the Local Trust Committee losing some ability for regulation and reliance on the province for enforcement

- There are housing issues on North Pender Island now and the Local Trust Committee wishes to be proactive and work on potential solutions

5. ADJOURNMENT

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

David Maude, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder