

ADOPTED

North Pender Island Local Trust Committee Minutes of Special Meeting

Date: April 12, 2025
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 (electronic)

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

Others Present: There were 10 members of the public present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 12:00 p.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

By general consent, the agenda was approved as presented.

4. BUSINESS ITEMS

4.1 Raptor Nest DPA Project - Staff Presentation - Q/A

Island Planner Smith provided a presentation and highlighted the following:

- The current Development Permit Area for raptors was adopted in 2008 based on a survey done by local volunteers and a Riparian Biologist
- The Local Trust Committee has updated the data set and Development Permit Area guidelines to reflect updated provincial guidelines
- If development is to occur within a Development Permit Area, specific guidelines are required to be met
- Development Permit Area 7 on North Pender includes provisions for the protection of the habitat used by bald eagles and raptors and generally applies to any subdivision of land and any development or construction or alteration of structures and includes a number of exemptions to the requirement for a permit
- To date a referral letter has been sent to First Nations, the study has been completed, updated mapping done, one letter has been sent to property

owners, a bylaw drafted, and a second letter to property owners will be forthcoming

- The first letter identified potential nest trees on specific properties and described provisions of the proposed bylaw
- The second letter will go out to those that own property within the proposed buffer zone
- There are approximately 20-25 new nest sites since mapping was last done
- The biggest proposed change is to increase the buffer area from 30-50 metres to a 60-metre radius with an additional seasonal buffer area
- The goal is to take into consideration options that might provide protections and not to sterilize lots or create an unbuildable environment
- Existing structures are not affected; however, new construction or alteration of an existing building within the Development Permit Area would require a permit

Members of the public asked questions and the Local Trust Committee provided responses as follows:

What is driving the proposed change?

There have been issues of cutting trees down within a Development Permit Area and it is difficult to enforce Development Permit Area guidelines if they are outside of provincial guidelines. Raptors are important species that require special protections.

What is driving the expansion of the buffer zone?

The Local Trust Committee wanted to update bylaws to reflect updated mapping and new provincial guidelines of best practices for protection.

There are examples of property owners who have stated an identified tree has not been occupied in several years or that the nest has fallen down, yet those trees are still mapped as viable inventory.

The intent is to work with property owners to continue to update the maps to get them as accurate as possible. If a property owner disagrees with mapping information, they can make a written submission and request further assessment.

If a nest is no longer present in a tree, why would it still be considered viable? This would encompass most trees on the island.

Most trees are not suited to raptors nests, the inventory of viable trees is not huge, and if a tree is viable, it should be protected.

It is important to get public acceptance because this will affect a large number of lots and additional public education might be required.

The Local Trust Committee has intentionally not rushed the bylaw amendment process as the matter requires community conversation and time to allow property owners to identify and report inventory that might be inaccurate.

It is important for Trustees to understand the Development Area Permit project is affecting many properties and there is evidence that shows eagles are thriving and live well amongst people.

The bylaw will be put into place as a check and balance system and enable conversation about the effects of development on the environment in respect of raptor nest trees.

Property owners fear extra costs, time, and limitations imposed by the bylaw and the language should be softened.

The Development Permit Area guidelines language can be influenced by community input; however, the guidelines do strive to retain, restore, and enhance key habitat features for raptors so that no net loss of habitat occurs. The intention is not to prevent any development being done but reflects the need to be cautious and meet the broader community goals of protecting the environmental components of the area.

Do real estate agent have to tell prospective buyers or sellers the property is located within a Development Permit Area.

The seller has a duty to disclose any restrictions to development. DPAs however are not declared on title.

The meeting recessed for a break at 1:20 p.m. and reconvened at 1:30 p.m.

4.2 Housing Access and Affordability Project

4.2.1 Housing Action Plan Presentation - Q/A

4.2.2 Community Discussion and Next Steps

The Planner provided an overview of Islands Trust wide housing review projects and processes and highlighted the following:

- Trust Council has prioritized a broad housing strategy, the Regional Planning Committee is implementing a wide range of housing project tools, and Local Trust Committees are working on individual housing projects
- A Housing Took Kit has been developed and is designed to help focus Local Trust Committee discussions
- The project looks at all of the Official Community Plan policies with respect to housing to broaden or create new policy
- A draft action plan has been informed by the housing needs assessment
- Next steps include continued community engagement, a mail out to all households, completion of the land suitability analysis and build out analysis, and First Nations Engagement
- The goals of the Action Plan include updating and using available data to inform projects, diversifying housing options through zoning, increasing opportunities for not-for-profit housing, community education and outreach, and incorporating First Nations interests in decision making

Discussion ensued and the following comments, questions, and clarifications were noted:

- Provincial or Federal affordable housing grant funding can not typically be applied for unless zoning is in place
- The Local Trust Committee would like to zone areas that would allow different housing options such as zoning a portion of land to provide for affordable housing to ensure it is project ready when funds become available
- There is intention to create flexibility on maximum floor coverage to permit the potential for an increased options within the floor coverage permitted
- There are provincial and federal initiatives for large project funding; however, there are barriers to doing small projects that are more suited to rural islands
- Islands Trust has been advocating for regulating tiny homes that are certified for year-round use
- There is limited uptake on secondary suite opportunities
- North Pender can be proactive and provide opportunity through zoning to increase housing options
- The intent of the moratorium on enforcement on illegal use of recreational vehicles (RVs) as dwelling units was to support workers and residents already living in RVs and the Local Trust Committee can direct staff to enforce if there are water, septic, or other concerns
- There are problems associated with living in an RV year-round due to circulation and mould issues and it is important to find ways to ensure that whatever is permitted will address health and safety issues
- There is potential to regulate RVs using the Temporary Use Permit which allows the Local Trust Committee to specify conditions that need to be met
- The goals of the planned actions are to explore opportunities to permit flexible housing and create a broad set of options

5. ADJOURNMENT

By general consent the meeting was adjourned at 2:35 p.m.

David Maude, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder