

ADOPTED



North Pender Island Local Trust Committee

Minutes of Special Meeting

Date: August 13, 2022
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

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

Staff Present: Kim Stockdill, Island Planner (Zoom)
Robin Ellchuk, Recorder (Zoom)

1. CALL TO ORDER

Chair Patrick called the meeting to order at 12:02pm. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Community Information Meeting re Land Use Review Project

3.1.1 Open House

3.1.2 Break

3.1.3 Town Hall

Trustee McConchie reviewed the process of today's Community Information Meeting (CIM).

Trustee Morrison reviewed that the public can ask questions and give suggestions in today's CIM meeting.

The following comments were made during the CIM:

Dorothy spoke regarding the Commercial 2 zoning behind the Driftwood Centre. If rental housing for the Driftwood Centre is what the Trustees would like, then the suggestion is to add the rental housing to the permitted uses rather than changing the zoning. She also suggested to postpone readings of the proposed bylaws until after the election.

Karen Bell asked if shipping containers on properties will be grandfathered if the new proposed bylaw is passed and the shipping container regulations are changed.

Planner Stockdill answered that the existing shipping containers will be legal non-conforming.

Karen Bell asked if the property is grandfathered with regards to shipping containers would the property owner be required to screen the shipping containers according to the new regulations.

Planner Stockdill answered that the grandfathered shipping containers wouldn't be required to put up screening.

Bob Wilson of the Magic Lake property association president, discussed RR1 & RR2 zoning for livestock.

Discussion regarding secondary suites and rental of accessory buildings.

Bob Willson commented on the maximum floor area of a dwelling being 2500 sq ft.

Joyce Thayer provided draft motions regarding removing Agriculture and Agri-Tourism as principle or accessory uses for the RR2 zoned areas.

Joyce Thayer would also like to see horticulture and the keeping of livestock to be recognized as permitted principle uses so that vacant properties can be used for these purposes. There needs to be an amendment of bylaw No. 229 as Section 2.2 suggests that Agriculture in RR2 zoned land be a permitted principle use.

Further discussion continues regarding clarity of the definition of farm status and allowable accessory buildings.

Trustee Morrison explained that it could be a safety risk if fences are not allowed in the setback to the natural boundary of the sea. Planner Stockdill will draft a motion regarding fencing being allowed in the setbacks.

George Leroux spoke to the process of amending the bylaws. George questions how the Local Trust Committee (LTC) can hold a Public Hearing in September if the bylaws have not been finalized.

Trustee Morrison agreed and would like a fully complete document that she can review before the Public Hearing.

Trustee McConchie commented that for future Trustees that communication from Trustees to the community members is very important and that this LTC has done its very best to communicate with the community.

Lesley Kerfoot expressed concerns about waiting until after the election to have the Public Hearing regarding the Land Use Bylaw (LUB) Review.

Discussion regarding the process of the bylaws and the timing of another meeting in September.

Michael Sketch commented on how the process needs a policy discussion and to take out any amendments to the bylaws regarding policy change and leave this for an Official Community Plan (OCP) review.

Joyce Thayer spoke to the fact that she has identified specific issues and if the bylaw doesn't get passed, she would like to see these specific issues addressed as amendments to the current bylaw.

Karen Bell requested a motion regarding lighting specifically security night lighting, in Section 5.1 of Bylaw No. 224 regarding RR1 and RR2 zoning to prohibit exterior lighting that affect neighbouring homes.

Further discussion regarding residential lighting and whether the LTC can enforce any restrictions to residential outdoor lighting. Chair Patrick suggested that this could be a project added to the LTC project list for a full review.

Anne Burdett asked the question if there will be a requirement for professional reports regarding rock fall hazards or hydrology with changes in zoning for commercial and industrial property.

Planner Stockdill answered that if the property owners are in compliance with the zoning requirements, then they wouldn't require any further professional reports. There is a potential for further professional reports if the property is in a DPA, or requires a Temporary Use Permit application or Rezoning application.

Dale Henning addressed concerns regarding Bylaw Nos. 224 & 229, Subsections 3.2.7 & 3.2.8 with regards to helipads. He questioned that if the Islands Trust does not have jurisdiction to enforce the bylaw restriction for the building of helipads, then why would the Islands Trust put the time in to creating the bylaw.

Further discussion regarding jurisdiction of helicopter pads and aeronautics.

Karen Bell questioned whether the Islands Trust has asked the Department of Transportation (DOT) to include the Islands Trust in their conversation regarding helipads and helicopters. The Islands Trust could potentially set conditions if they are involved in the consultation process with DOT.

Further discussion regarding advocacy and consultation with government agencies and the Islands Trust.

Dale Henning suggested that the Islands Trust mail out a newsletter of decisions every two weeks to the property owners for better communication of decisions made by the Trust.

Michael Sketch commented that the present bylaw requires vegetation for screening of shipping containers and suggested both a mixed vegetation and fence for screening.

Barb Grimmer asked the question of which zones the shipping containers are permitted in.

Commented that there are some properties that are in the violation of the current rural residential bylaws and the Agricultural Advisory Planning Commission (AAPC) wanted to make sure these properties were legal. The AAPC wanted to allow low impact agriculture such as orchards, sheep, and bee keeping in the RR2 zone.

Break – 1:50pm-2pm

Discussion of the property owners plan for the MacKinnon Road sites.

NP-2022-85

It was Moved and Seconded,

that the North Pender Island Local Trust Committee rescind the resolution made at the North Pender Island Local Trust Committee August 11, 2022 regular meeting that reads: "That the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as "North Pender Island Land Use Bylaw No. 224, 2022" be amended to reduce the number of tourist accommodation units from 8 to 3 for 1349 MacKinnon Road and from 15 to 7 for 1329 MacKinnon Road".

CARRIED

NP-2022-86

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed bylaw 223, cited as "North Pender island Official Community Plan Bylaw 171, 2007, Amendment No. 1, 2021, be amended by deleting Section 2.

CARRIED

NP-2022-87

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as "North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022" be amended by deleting Subsection 2.2.

CARRIED

NP-2022-88

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as "North Pender Island Land Use Bylaw No. 224, 2022" be amended by adding the following new Article to Subsection 5.2.1: 'Horticulture'.

CARRIED

NP-2022-89

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as "North Pender Island Land Use Bylaw No. 224, 2022" be amended by deleting the words "and keeping of livestock" from Article 5.2.1(f), by deleting the word "accessory" from Subsection 5.2.13, and by adding the following new Articles to Subsection 5.2.1: 'Keeping of Livestock and keeping of bees".

CARRIED

NP-2022-90

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by deleting Article 5.2.1(g).

CARRIED

NP-2022-91

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as North Pender Island Land Use Bylaw No. 224, 2022” be amended by amending Rural Residential 1 and Rural Residential 2 zones so that all building and structures must not exceed 4.6 metres in height and one storey except for a dwelling or cottage.

CARRIED

NP-2022-92

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by deleting the words “Despite Subsection 5.10(1), the only use permitted in this location is boat storage” and replacing them with “Despite Subsection 5.10(1), the only uses permitted in this location is covered boat storage and accessory buildings and structures and all covered boat storage buildings and structures and accessory building and structures must not exceed a height of 4.6 metres” to the Site-Specific General Industrial b (GI(b)) zone.

CARRIED

NP-2022-93

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by deleting the words “In addition to the uses permitted in Subsection 5.10(1), the following uses are also permitted:” and replacing it with “The only uses permitted are:” and by adding “Accessory buildings and structures” to the list of permitted uses to Site-Specific General Industrial c (GI(c)) zone.

CARRIED

NP-2022-94

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to rezone 3330 Port Washington Road and 3334 Port Washington Road from General Industrial Zone to the Rural Zone.

CARRIED

NP-2022-95

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by adding words “and accessory buildings and structures” to the list of permitted uses to Site-Specific General Industrial a (GI(a)) zone.

CARRIED

NP-2022-96

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021” be amended by deleting Plan No. 4.

CARRIED

NP-2022-97

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022” be amended by adding “Accessory buildings and structures” to the list of permitted uses to Site-Specific General Industrial e (GI(e)) zone.

CARRIED

NP-2022-98

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to allow a ‘contractor yard’ use and ‘the storage of gravel’ on that portion of 3418 South Otter Bay Road in addition to the uses as outlined in the Community Service (q) zone.

CARRIED

Discussion of commercial composting and chipping of wood.
Further discussion of industrial and commercial uses definitions.

NP-2022-99

It was Moved and Seconded,

that the North Pender Island Local Trust proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022 be amended by rezoning Parcel C, DD828241, Section 17 and a portion of Lot A, VIP52864, Section 17 from Commercial 2 g (C2(g)) to Commercial 2 f (C2(f)).

CARRIED

NP-2022-100

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by rezoning the Portion of Lot 1, VIP59811, Section 15 from Commercial 2 f (C2(f)) to Commercial 2 g (C2(g)) and to add the following wording to the Site-Specific Commercial 2 g (C2(g)) zone: “Despite Subsection 5.8.1, Tourist Accommodation use is not permitted on the lot.”

CARRIED

NP-2022-101

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by adding the words “or community” after the word ‘private’ in Article 3.3.2(b).

CARRIED

NP-2022-102

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended by deleting the word “fences” from Subsection 3.3.1 and by adding the following new article to Subsection 3.3.2: “Fences.”.

CARRIED

NP-2022-103

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended to amend General Industrial d (GI(d)) zone to only permit the following uses: Waste transfer facility; composting facility; recycling or reuse facility; the processing, fabricating, assembly, manufacturing, servicing and repairing of goods, materials and equipment; and accessory building and structures.

CARRIED

NP-2022-104

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 224, cited as “North Pender Island Land Use Bylaw No. 224, 2022” be amended Subsection 3.4.2 by deleting words “in a zone” and replacing it with “in the Rural, Rural Comprehensive 1, Rural Comprehensive 2, and Agriculture zones”.

CARRIED

NP-2022-105

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021” be amended by deleting Plan No. 5.

CARRIED

NP-2022-106

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022” be amended by deleting Subsection 2.1.4 and by deleting Plan No. 3.

CARRIED

For the next NP LTC meeting in September under projects list in the agenda to include an area plan for the Driftwood centre. For the NP LTC Regular Meeting in September bring forward the lighting motion from Karen Bell’s submission.

Planner Stockdill may be able to prepare a blackline document with the amendments that were made at today’s meeting.

NP2022-107

It was Moved and Seconded,

that the North Pender Island Local Trust Committee schedule a special LTC meeting to review the bylaw amendments.

Public hearing notice could be scheduled on September 29, 2022.

Town Hall: The following comments were made by community members.

Community Member commented that there was a complaint regarding lightning where a neighbour built a hot tub, and the Islands Trust enforced regulations.

Michael Sketch inquired about the motion for the Port Washington shed property. The property owner needs to apply for a zoning change because the current zoning did not address community needs.

Michael Sketch also addressed that in section 46 of the *Agriculture Land Commission Act*, that for land within the Agricultural Land Reserve (ALR) that bylaws must not contravene with the regulations of the ALR.

Trustee Morrison would like to see the ALR document for the next meeting.

NP-2022-108

It was Moved and Seconded,

that the North Pender Island Local Trust Committee adjourn the meeting.

CARRIED

4. ADJOURNMENT

By general consent the meeting was adjourned at 4:01pm.

Laura Patrick, Chair

Certified Correct:

Robin Ellchuk, Recorder