

ADOPTED



North Pender Island Local Trust Committee

Minutes of Special Meeting

Date: September 1, 2022
Location: Electronic Meeting

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

Staff Present: Kim Stockdill, Island Planner
Robert Kojima, Regional Planning Manager
Robin Ellchuk, Recorder

1. CALL TO ORDER

Chair Patrick called the meeting to order at 3pm. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration: addition of a Town Hall under 3. Business Items.

By general consent the agenda was approved as amended.

3. BUSINESS ITEMS

3.1. TOWN HALL

The below comments were made during the Town Hall.

Susan Bennett: asked why the reduction of units was rescinded on the McKinnon Rd properties at the August 13, 2022 meeting. Susan expressed concern about water availability and the environmental impact of the proposed density for McKinnon Rd.

Trustee McConchie: the Local Trust Committee (LTC) and staff have worked with the property owners to reduce the density on the McKinnon Rd properties. The owners have submitted a proposal to the LTC of what their development plans will be.

Discussion regarding the Public Hearing and the protocols regarding when the density can be changed. After the close of the Public Hearing the use or density cannot be changed.

Kathie D: expressed concerns regarding basement ceiling height and what is included in the floor area calculation of the dwelling.

Discussion regarding floor area of basements and ceiling heights. Capital Regional District's calculation of square footage of livable space should be reviewed. More discussion is needed regarding the basement ceiling heights as it relates to livable space.

Dr. Peter Pare: questioned why the 15 metre setback from the natural boundary of the sea for buildings are not the same for streams and wetlands.

Dr. Peter Pare: questioned why the setback for septic fields for industrial and commercial purposes do not include residential septic fields.

Planner Stockdill: the 15 metre setback is standard for buildings with regards to boundary of the sea. Any setback that is within 30 metres of a stream would be flagged for a Development Permit (DP).

Planner Stockdill: There is a setback of 30 metre from the natural boundary of the sea and wells for residential dwelling's septic fields and this is regulated by Island Health.

Dr. Peter Pare: questioned further why there would be a setback of 30 metre from the sea and not for freshwater sources as the fresh water sources would be a health concern as well.

Dr. Peter Pare: has a suggestion of a fence within the setbacks for safety concerns. This was addressed and added to the bylaw amendments at the August 13, 2022 North Pender (NP) LTC Special Meeting that a fence can be within the setback for the natural boundary of the sea.

Michael Sketch: discussion regarding the setback from the natural boundary of the sea in regards to septic fields. The Land Use Bylaw (LUB) is silent on this and it would be easy to put a clause into the bylaw. A setback from a well should also be included in the LUB.

Rob Botterell: requested the LTC not to pass the bylaws before the election.

Joyce: concerned with the confusion regarding the definition of a farm for tax purposes and a farm for zoning purposes. Also the definition of agriculture use in Rural Residential 1 (RR1) & Rural Residential 2 (RR2) zoned land.

Further discussion of clarification of farm and agricultural as principle use on the RR1 & RR2 zoned land and clarification.

Planner Stockdill: the amendments in the bylaw do not permit agriculture as a principle use in RR1 & RR2 zoned land.

Karen Bell: outdoor lighting regulation was discussed and asked to be put on the agenda to possibly be in the amendments for the LUB. The question was asked of how to proceed to have this issue included in the LUB bylaw amendments.

Trustee Morrison: answered that the lighting regulations would be put on the projects list for the next LTC because it is too late to put on the projects list in this term.

Kathy Cronk: addressed concerns regarding the density for McKinnon Rd due to septic systems issue and water shortages. Would like Trustees to reconsider the density of the McKinnon Rd property to a lower density.

Trustee McConchie: read a letter from **Anne Burdett** regarding site specific uses for her property. Anne's concern that there aren't any site specific accessory uses allowed on the property. Boat storage would be allowed but not uses regarding any other part of a business.

Planner Stockdill: The property is allowed boat storage, if the owner wants to have boat maintenance or run a business as a use then they need to apply for a TUP or submit a rezoning application.

3.2 Land Use Bylaw Review Project - Staff Report

Planner Stockdill gave an overview of the bylaw amendments for bylaw Nos. 223, 224 & 229 with regards to the motions that were carried in the August 11, 2022 & August 13, 2022 NP LTC meetings.

Discussion regarding the public hearing whether to hold the public hearing before the end of this term or to wait until after the elections. Further discussion regarding communications not allowed after a public hearing before an election could be an issue if the Trustees are running in the election they would be unable to discuss any further the amendments to the bylaws that were considered at the Public Hearing. Holding a Community Information Meeting (CIM) at the next LTC regular meeting on September 29, 2022 instead of a public hearing to allow the community to further speak to their concerns might be an option.

NP-2022-109

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to schedule a special meeting and a community information meeting on October 1, 2022 regarding the LUB Review Project.

CARRIED

Discussion regarding the motion:

The LTC will hold a CIM and within the meeting bring to discussion to include the following:

- setbacks with regards to wetlands and streams;
- residential septic field setbacks in the LUB Review as there are setbacks for industrial and commercial septic;
- setbacks for septic systems from residential wells;
- discussion regarding 1.5m heights for basements to calculate livable floor area (to possibly add to the building code);

- outhouses;
- definition of ‘farm’;
- residential lighting; and
- discussion of the pros and cons of the density for the McKinnon Rd property.

NP-2022-110

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. 2.

CARRIED

Discussion:

Trustee Morrison addressed that this motion will be more consistent for the OCP to have the property as commercial zoned land. The motion will make the OCP & LUB review project more consistent. If the land owner would like to have the land use as residential they would need to apply for rezoning.

NP-2022-111

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Draft Bylaw No. 223, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2021”, be read a second time as amended.

CARRIED

NP-2022-112

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 read a second time as amended.

CARRIED

NP-2022-113

It was Moved and Seconded,

that the North Pender Island Local Trust Committee draft Bylaw No. 229, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2022”, be read a second time as amended.

CARRIED

These motions have been carried to update the bylaws so that the version on the website is the current.

Trustee Morrison encouraged community members to attend the NP LTC Special meeting and CIM on October 1, 2022 and to address their concerns, give suggestions and ask questions.

Trustee McConchie mentioned that there will be an 'all candidates' debate to be hosted in late September or early October held on North Pender Island.

4. ADJOURNMENT

NP-2022-114

It was Moved and Seconded,

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

CARRIED

This meeting was adjourned at 4:27pm.

Laura Patrick, Chair

Certified Correct:
Robin Ellchuk, Recorder