ADOPTED

North Pender Island Local Trust Committee

Minutes of Special Meeting

Date:	**February 25, 2023**
Location:	**Pender Island Community Hall** **4418 Bedwell Harbour Road, North Pender Island, BC**
Members Present:	**David Maude, Chair** **Aaron Campbell, Trustee** **Deb Morrison, Trustee**
Staff Present:	**Kim Stockdill, Island Planner**
Others Present:	**Approximately 20 members of the public**

These minutes follow the order of the agenda although the sequence may have varied. The electronic meeting was live streamed and recorded.

1. CALL TO ORDER

Chair Maude called the meeting to order at 1:10 pm. He 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 Islands Trust budgeting for the 2023-2024 fiscal year that is underway by Trust Council

Trustees encouraged members of the public to submit comments regarding the Trust Council 2023-24 draft budget. The Trust Council 2023-24 draft budget is on the Islands Trust website and will be considered for approval at the March 7-9, 2023 Trust Council quarterly meeting.

A member of the public expressed support for the budget to include sufficient funds for legal opinions regarding important documents such as the Islands Trust Policy Statement, Bylaw No. 224.

A member of the public expressed concerns regarding the Trust Policy Statement Review project including that there is substantive opposition to the Trust Policy Statement and Trust Council has not determined if the current structure is sound and whether or not Trust Council can delegate the implementation of Trust Area Policies to the Local Trust Committee based on the wording of the Islands Trust Act. The member of the public expressed caution against spending any more funds on the Trust Policy Statement Review project until the fundamental question is addressed.

A member of the public acknowledged Trustees for stepping up to the challenging job of Islands Trust Trustee and expressed support for the importance of the Governance Committee to be sufficiently funded.

3.2 The Land Use Bylaw Review Project - Staff Report

Planner Stockdill presented a slide show entitled North Pender Island Land Use Bylaw Review Project – Draft Bylaws No's 223, 224 and 229. A Community Information Meeting regarding the Groundwater Sustainability Project will be held on March 11, 2023 at 12:00 p.m. Planner Stockdill encouraged members of the public to submit correspondence regarding the Land Use Bylaw Review Project to southinfo@islandstrust.bc.ca.

Trustee Morrison advised this is an opportunity to identify the areas that need additional work prior to adoption of Draft Bylaws 223, 224 and 229.

A member of the public expressed concerns regarding the Land Use Bylaw Review Project process including material changes that affect property rights being submitted late in the bylaw review process and advised that there is a fundamental structural problem with the process. The member of the public advised he presented a list of minor changes that could be included with minor amendments and the major amendments should be dealt with in a smaller meeting format.

A member of the public expressed concerns regarding the lack of designated land for waste management and for the years spent on the waste management issue.

A member of the public expressed concerns regarding the years spent on the waste management issue and that the decision making process is flawed.

A member of the public expressed concerns regarding proposed banning of docks and impacts on evacuation in an emergency. The member of the public advised it is important to maintain evacuation routes including docks and foreshore stairs in case of wildfire on North Pender Island. The member of the public expressed concerns regarding restricting maximum floor area of homes.

A member of the public expressed support for a Review of the Directive Policies in the Islands Trust Policy Statement and requested the LTC to add this to the LTC projects list.

A member of the public expressed concerns regarding the proposed amendments that would ban construction of new docks and suggested that there may be a maximum of twelve docks that would actually be built on North Pender Island.

Trustee Morrison advised the proposed amendments regarding construction of docks address protection of marine habitat and First Nation concerns. The proposed amendments would include the need to rezone from Water 3 zone to Water 2 zone and would include First Nations and community consultation. There was a dock application that was approved within the last few years that did not include community consultation.

A member of the public advised that docks provide habitat for marine species.

A member of the public expressed concern regarding the proposed change of land use in C2 Zone (Driftwood Centre) and loss of tourist accommodation potential. The

member of the public requested the LTC to not proceed with proposed Bylaws 223, 224 and 229.

A member of the public spoke to the history of the North Pender Island Land Use Bylaw Review Project. The member of the public expressed support for local government representatives to have a say when someone wants to build a super mansion or a large sized dock.

A member of the public advised that the OCP already addresses maximum floor area and that the majority of the community follow the rules that are already in place. The member of the public expressed concerns regarding the new regulations that are proposed in proposed Bylaws 223, 224 and 229.

Trustee Morrison advised there has been a shift in development permits and bylaw enforcement and some of the issues are loopholes that exist within the current regulations. For example, rural character needs to be defined in the Land Use Bylaw to follow the OCP community vision to maintain the rural character of the island. Trustee Morrison advised she has been working to reduce the costs/ budget and that she is considering whether the application fees in the Fees Bylaw should be reduced or waived to support the Islands Trust preserve and protect mandate.

Planner Stockdill clarified that campground is permitted and tourist accommodation use was removed in the C2 zone.

A member of the public expressed concern regarding restrictive language used to define accessory uses such as “boat storage only”.

Trustee Morrison asked staff to provide a synthesis of community feedback that is presented today and that the LTC should review the list of accessory uses.

Trustee Campbell expressed support to include common sense when including definitions in bylaws.

A member of the public expressed concerns regarding banning stairs to the foreshore as access to the foreshore is an important part of connecting with the marine environment. The member of the public expressed concerns regarding the proposed amendment to go through a rezoning process for a new dock and that the Province requires environmental assessments as part of the dock application process. The member of the public encouraged communications with First Nations although bylaws are not necessary in order to achieve First Nations input and that community support is vital to the success of the Islands Trust Preserve and Protect mandate.

A member of the public expressed concern regarding the broad definition of accessory agricultural building with regard to height, size and impact and requested the LTC to include a definition of “farming” as “a farm operation that takes place in land that is zoned for primary agriculture” and that agri-tourism use only be allowed on ALR land. The member of the public advised she submitted a letter dated September 29, 2023 regarding agriculture.

A member of the public expressed concerns regarding impacts of downzoning her family property (MacKinnon Road C2 zoned properties) including a complicated two-year application process that includes multi agency approvals.

A member of the public spoke to the history of his family property (MacKinnon Road C2 zoned properties) including water availability and for a solutions-based approach. The property has a prolific shallow well and a groundwater well. The property owners plan to develop the property in stages and include rainwater storage as part of the water availability plan.

Trustee Morrison asked for clarification regarding the proof of water and the Development Permit Area (DPA). Planner Stockdill reported the property is within DPA 9.

A member of the public expressed concerns regarding loss of property rights without compensation and asked if the LTC would compensate the property owners if the property is down zoned.

Trustee Morrison advised she has had a conversation with the MacKinnon Road C2 zoned property owners and that it is important to ensure that the groundwater is not stressed.

A member of the public asked whether the same principle would apply to a proposed change of land use in C2 Zone at the Driftwood Centre.

A member of the public asked whether the MacKinnon Road C2 zoned property owners were notified that the Islands Trust was considering downzoning the property at the time of purchase. The member of the public asked for more information regarding the need to define rural character and how the shift in demographic on North Pender Island is impacting the environment.

A member of the public expressed concerns regarding the process to date, the need for large houses to accommodate multi generational families and to the community need for tourism. The member of the public expressed support for docks that provide emergency evacuation routes and expressed support to clearly define a problem prior to finding solutions for issues such as housing, environmental protection and water. The member of the public advised that Province of BC taxpayers outside of the Trust Area should contribute to funding the Islands Trust.

Chair Maude reported Executive Committee is in discussions with the Province regarding funding the Islands Trust Preserve and Protect mandate for all British Columbians. For example, the Province contributes $180,000 per year to the Islands Trust and recent negotiations with the BC General Employees Union resulted in a $286,000 increase to staff salaries.

A member of the public asked about tree cutting regulations.

Trustee Morrison reported forest management practices are addressed in some Development Permit Areas and there is a need to reduce wildfire risk. There is a question regarding how to approach wildfire resiliency in the Local Trust Areas.

A member of the public spoke to Magic Lake Estates issues including rezoning land to reflect park status, secondary suites and accessory dwellings, yacht clubs definition, farm animals definition, and kennels definition.

Trustee Morrison reported there is potential for maximum floor area square footage to be distributed to smaller buildings.

The meeting recessed for a five-minute break.

A member of the public expressed concerns regarding the rezoning of 1200 and 1201 Port Washington road to Rural Residential use and that a rezoning should be part of a rezoning application process and not part of the Land Use Bylaw Review Project.

A member of the public expressed support to address housing issues.

A member of the public asked whether his concerns regarding tennis courts, pickle ball courts and additional uses in community park zones have been considered. The member of the public expressed support to remove the contentious issues from the proposed bylaws and proceed with the amendments with community support.

A member of the public spoke to the history of decision-making regarding waste management.

Trustee Morrison reported a designated area for waste management use is included in the proposed amendments and asked the member of the public if he objects to two additional properties being rezoned for wastewater uses. The member of the public advised he has no problem with competition.

A member of the public expressed support for regulations for new waste transfer station use.

A member of the public expressed concerns regarding the process and structural issues within the Islands Trust.

A member of the public expressed support for continuing with the proposed bylaw with changes that have community support such as the sea level rise setbacks and the Magic Lake Estates amendments.

A member of the public expressed concerns regarding the maximum floor area restrictions, the regulations regarding docks and foreshore stairs.

A member of the public expressed concern that the proposed property for wastewater transfer station is not appropriate.

A member of the public acknowledged Trustees for an excellent Community Information Meeting.

Chair Maude reported the LTC would consider the community input and next steps.

By general consent, the North Pender Island Local Trust Committee request staff to add consideration of the North Pender Island Land Use Bylaw Review Project to follow the Groundwater Sustainability Project Community Information Meeting on March 11, 2023.

4. ADJOURNMENT

By general consent, the meeting was adjourned at 3:55 p.m.

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David Maude, Chair

Certified Correct:

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Sarah Shugar, Recorder