

South Pender Island Local Trust Committee Minutes of Regular Meeting

Date: May 10, 2024
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

Members Present: Tobi Elliott, Chair (electronic)
Dag Falck, Local Trustee
Kristina Evans, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager (electronic)
Kim Stockdill, Island Planner (electronic)
Lisa Millard, Recorder (electronic)

Others Present: There were twenty-two (22) members of the public present.

1. CALL TO ORDER

Chair Elliott called the meeting to order at 10:30 a.m. She acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Falck noted the following

- He would like the public comment letters included in the discussion later in the meeting and not just in the meeting minutes
- The summaries of the recent workshops that the Trustees held are located on the Islands Trust website in the Trustees Corner and not the Projects page
- The workshop summary spreadsheet he has created needs to be updated on the website to the most current version

Trustee Evans reported the following:

- There have been a number of Chief Administrative Officer hiring committee meetings
- Trust Programs has allocated the secretariat fund to the organizations that had applied for said funds

4. CHAIR'S REPORT

Chair Elliott reported the following:

- The Chief Administrative Officer hiring committee is working on finalizing a contract for an executive search firm
- The Chair attended the Association of Vancouver Island Coastal Communities convention and participated in two seminars including one led by the Pacific Salmon Foundation which is working with the University of British Columbia Strait of Georgia Data Centre to create a marine reference guide that will support shoreline mapping
- The Chair observed a meeting between the Ministry of Transportation and Infrastructure, Islands Trust, and the Capital Regional District during which the parties discussed creating a joint task force to address issues of concern
- The draft Islands Trust policy statement is now public and there will be a committee of the whole meeting at the end of May to discuss said statement

5. ELECTORAL AREA DIRECTOR'S REPORT - none

6. TOWN HALL AND QUESTIONS

A member of the public stated that during a period of freezing temperatures gorse within the road allowances died and this creates a flammable hazard in the dry months. He asked if there is a plan to address this problem.

Trustee Evans noted that the road allowances are within the jurisdiction of the Ministry of Transportation and Infrastructure, however community members can coordinate a private clean up event.

A member of the public asked if there were plans to do beach clean ups this year.

Trustee Evans noted that last year she organized clean ups in her capacity as a private citizen and these events can be organized by community members.

A member of the public asked if there was support to lobby the Ministry of Transportation and Infrastructure to reduce the posted speed limits from Higgs Road to Gowlland Point Road.

Trustee Evans noted that she had been working on this for a few years and that the consensus from the Ministry of Transportation and Infrastructure is that a reduced speed limit will not force drivers to reduce their speed. She suggested they look into signs that ask drivers to share the road with pedestrians and cyclists.

A member of the public asked if items in Bylaw 122 including the definition of total floor area, inclusion or exclusion of garages as part of the floor area, structure height, total footprint, and dwelling size would be referred to the Advisory Planning Commission.

Trustee Evans noted that topic was on the agenda and would be discussed later in the meeting.

A member of the public stated that there were two paragraphs in the staff report on the Land Use Bylaw amendments devoted to what was said during the workshop but very little about the community wanting a decrease in house size or not.

A member of the public stated the following:

- That public correspondence letters should be forwarded to the Advisory Planning Commission for their consideration
- There are discrepancies in the report regarding Bylaw 114 usable site area definitions whereby in one part of the report it states total area of land within 25' of the sea however this should state 50'

Island Planner Stockdill noted that that any discrepancies in the bylaw will be corrected.

A member of the public asked if the Advisory Planning Commission makes the decisions regarding the bylaw amendments or if the Trustees make the decisions. They stated that some Advisory Planning Commission members might have their own agenda.

The Trustees noted that the Advisory Planning Commission members are considered a cross section of the community that make recommendations to the Local Trust Committee while the Local Trust Committee makes the decisions.

7. COMMUNITY INFORMATION MEETING - None

8. PUBLIC HEARING - None

9. MINUTES

9.1 Local Trust Committee Special Meeting Minutes Dated March 7, 2024 (for Information)

Received for information.

9.2 Local Trust Committee Special Meeting Minutes Dated April 7, 2024 (for Adoption)

By general consent the South Pender Island Local Trust Committee meeting minutes of April 7, 2024 were adopted.

9.3 Local Trust Committee Special Meeting Minutes Dated April 26, 2024 (for Adoption)

By general consent the South Pender Island Local Trust Committee meeting minutes of April 26, 2024 were adopted.

9.4 Section 26 Resolutions-without-meeting Dated May 2024

Received for information.

9.5 Advisory Planning Commission Minutes - None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated May 2024

Received for information.

11. DELEGATIONS - none

12. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted on the LTC webpage

13. APPLICATIONS AND REFERRALS

13.1 Mayne Island Local Trust Committee Referral for Draft Bylaw No. 193 (for Response)

Discussion ensued and the Trustees indicated that they do not think the Mayne Island draft bylaw affects South Pender Island. It was noted that changes to said bylaw might be helpful for information.

SP-2024-006

It was Moved and Seconded,

that South Pender Island Local Trust Committee interests are unaffected by the Mayne Island Local Trust Committee Draft Bylaw No. 193.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Minor Land Use Bylaw Amendments Project - Staff Report

Island Planner Stockdill summarized the staff report and highlighted the following:

- The report is based on community input received to date, summaries of the Trustee led workshops, and the minutes of the Community Information meeting
- The report includes recommendations for referral to the Advisory Planning Commission including the three primary topics: setback from the natural boundary of the sea, total floor area and maximum floor area for dwellings, and side lot line setbacks for dwellings and cottages in the rural residential zone

Discussion ensued and the following comments were made:

- The definition of the floor area should remain as is and removing the garage from the total floor area should be considered
- The inclusion, or exclusion, of the garage when determining house height should be discussed
- Should staff provide a table of new ideas that the community has proposed to the Advisory Planning Commission rather than have them read all of the letters
- Many of the new ideas were captured in Trustee Falck's spreadsheet in a column titled proposed solutions

Trustees asked the Advisory Planning Commission (APC) members present at the meeting if they would like staff to provide further summaries of information received at the community workshops. One of the APC members felt that the information that was available in the report and the website, combined with the public correspondence, was sufficient for their consideration.

Trustee Falck inquired if the APC can seek further community input. Island Planner Stockdill clarified that members of the public can attend APC meetings.

Island Planner Stockdill stated that she will prepare the referral to the Advisory Planning Commission and forward it to the Local Trust Committee prior to sending it to the APC.

SP-2024-007

It was Moved and Seconded,

that South Pender Island Local Trust Committee request staff to send a referral to the South Pender Advisory Planning Commission regarding the Minor LUB Amendment Project to evaluate potential land use bylaw amendments and to provide comments and recommendations related to the setback to the natural boundary of the sea, maximum floor area for dwellings, and setbacks to the interior lot line for dwellings and cottages, and other amendments as discussed at the May 10, 2024 Local Trust Committee meeting.

CARRIED

The meeting recessed for a break at 12:12 p.m. and reconvened at 12:21 p.m.

15. REPORTS

15.1 Work Program Reports

15.1.1 Active Projects Report Dated May 2024

Received for information.

15.1.2 Future Projects Report Dated May 2024

Received for information.

15.2 Applications Report Dated May 2024

Received for information.

15.3 Trustee and Local Expense Report Dated Mar 2024

Trustee Evans asked why the budget for Local Trust Committee meetings was \$630.00 (six hundred and thirty dollars) but spending was just under \$3000.00 (three thousand dollars)

Regional Planning Manager Kojima clarified that the actual amount spent was the cumulative expense for the fiscal year ending March 31, 2024. He noted that the Director of Finance has assumed that the Meeting Administrator position would have been filled last year and therefore minute taking expenses were not included in the budget. The position was not filled and the Local Trust Committees continued to use contract minute takers which resulted in a higher expenditure over budget.

15.4 Adopted Policies and Standing Resolutions

Trustee Evans asked for an update on the reconciliation report standing resolution.

Chair Elliott stated that there is ongoing government to government dialogue with First Nations and that Trustees do not always hear about the staff to staff conversations.

15.5 Local Trust Committee Webpage

No updates at this time.

15.6 Reconciliation and First Nation Relationship Building

Paul Petrie stated that the Southern Gulf Islands Community Resources Centre co-sponsored a project called the TETÁCES Revitalization Project which involved creating four videos with First Nations Elders speaking about their long history on, and relationship to, the islands. The videos are being shown to WSÁNEC school students as part of their curriculum, and the project has been identified as a one of four finalists for the Real Estate Foundation of BC land award. He also stated that they have an application before the Real Estate Foundation for funding for signage that will recognize the First Nations relationship to the land, and these signs are to be included as part of the installation at Poets Cove Resort which is located on the site of an ancient First Nations village.

15.7 Islands Trust Conservancy Report Dated April 2024

Received for information.

16. NEW BUSINESS

16.1 2023/24 Annual Report - Request for Decision

Trustees noted that they had no changes or additions.

SP-2024-008

It was Moved and Seconded,

that South Pender Island Local Trust Committee approves the attached text for inclusion in the 2023/24 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

CARRIED

16.2 Short Term Vacation Rental Legislation - Staff Report

Regional Planning Manager Kojima summarized the staff report as follows:

- Recent legislative changes affect existing short term vacation rentals on South Pender Island
- In 2020/2021 short term vacation rentals were considered unlawful unless they had a Temporary Use Permit to operate, or were grandfathered in by provincial legislation
- In 2023 Bill 35 was adopted and this had the affect of eliminating legal non-conforming status for short term vacation rentals province wide

Discussion ensued and Trustees indicated the following:

- They would like to look into options available that might protect existing short term vacation rentals
- Existing short term vacation rentals that were operating validly might now be operating illegally due to the provincial bill

SP-2024-009

It was Moved and Seconded,

that South Pender Island Local Trust Committee add 'Review of short term vacation rental policies and regulations' to the Future Projects list.

CARRIED

SP-2024-010

It was Moved and Seconded,

that South Pender Island Local Trust Committee request staff to report back with a draft enforcement policy to defer enforcement on short term vacation rentals that were validly operating as of April 30, 2024 until the completion of the project review of the short term vacation rental policies and regulations.

CARRIED

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for September 13, 2024 at the Fire Hall, Pender Island

18. TOWN HALL

A member of the public asked if the videos featuring the First Nations elders were available to the public.

Paul Petrie replied that there will be an opportunity for a community showing.

An Advisory Planning Commission (APC) member asked if staff are going to provide guidance on how the APC can set up a first meeting to elect a Chair and set meeting times.

Island Planner Stockdill stated that the APC can convene their first meeting once a referral from the Local Trust Committee is received, and that the APC elects the Chair at the beginning of the first meeting.

A member of the public asked if the Local Trust committee has any jurisdiction over an application that was approved by the Board of Variance when conditions of the application are not being met.

Island Planner Stockdill clarified that the recourse would be a bylaw enforcement complaint.

A member of the public said that at some time in the future they would like the Trustees to clarify their perspectives on the Island Trust Declaration of Climate Emergency and how that impacts the Local Trust Committee's priorities in terms of selecting the next special project and other business.

Trustees indicated that the next project would be determined by what the community priority is. Chair Elliott said that Trust Council and the Executive Committee are having joint meetings and recently had a discussion on what Islands Trust might be doing to address climate change as a trust wide project.

A member of the public asked if all APC members had received letters of appointment.

Island Planner Stockdill stated that letters were sent and should have been received.

19. CLOSED MEETING - None

20. ADJOURNMENT

By general consent the meeting was adjourned at 1:25 p.m.

Tobi Elliott, Chair

Certified Correct:

Lisa Millard, Recorder