

ADOPTED



South Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: February 4, 2022

Location: Electronic Meeting

Members Present: Laura Patrick, Chair
Steve Wright, Trustee
Cameron Thorn, Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Shannon Brayford, Recorder

1. CALL TO ORDER

Chair Patrick called the meeting to order at 11:00 am. 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. TRUSTEE REPORT

Trustee Thorn reported that he has heard from many community members about the impact that reduced ferry schedule has had on people who need to travel to Vancouver. He also reported that the Canal Road lane closure is impacting community members. He reported that discussion with the Ministry of Transportation & Infrastructure and Parks Canada indicate that temporary improvements to the system may be forthcoming and that a permanent solution is in the works.

Trustee Wright reported that there will be a 2-day power outage scheduled related to repairs at the DIP the following week.

4. CHAIR'S REPORT

Chair Patrick provided a report including the following points:

- A preliminary Budget is open for public comment until February 6, 2022;
- Policy Statement public engagement is forthcoming;
- Encouraged the public to subscribe to the Islands Trust website; and
- Trust Council will be held March 8-10, 2022.

5. TOWN HALL AND QUESTIONS

Donna Spalding provided comments, including the following:

- Recommended that the LTC work to provide agenda packages further in advance so that the community can have time to review the large packages;
- It was noted in the agenda package that a mail out related to Short Term Vacation Rentals (STVR) was sent, however her residence did not receive it;
- The Land Use Bylaw (LUB) project has not yet included fulsome community consultation on some matters such as side lot line setbacks. She encouraged greater consultation and public information meetings; and
- Concern for losing power for 2 days in a row and the impact that it will have on the community.

Gordie Duncan provided remarks including the following:

- Spoke against increasing setbacks and encouraged the LTC to review the statistics he forwarded to better understand the impact that this would have on properties; and
- Spoke against limiting maximum house size and encouraged the LTC to reconsider further reducing those maximum house sizes.

Rebecca (last name not provided) provided remarks on the STVR application. She expressed concern and encouraged that LTC to address a need for on-site oversight, regulation of water consumption, noise complaints, and overcrowding of smaller residences.

Trustee Thorn noted that he will be recusing himself from discussion of 12.1 SP-TUP-2021.1 (Ellis). A discussion was held and there was general agreement that members of the community will be invited to speak to item 12.1 SP-TUP-2021.1 (Ellis).

Liz (last name not provided) encouraged the LTC to share their rationale for allowing so many STVRs within the small population, that the LTC not allow absentee owners to host STVRs, and that better, broader, and earlier notification be provided to neighbours.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Adopted Local Trust Committee Minutes Dated November 5, 2021 (for Information)

Chair Patrick noted that the minutes of November 5, 2021 had been adopted.

8.2 Local Trust Committee Special Meeting Minutes Dated January 20, 2022 (for Adoption)

By general consent the Local Trust Committee meeting minutes of January 20, 2022 were adopted.

8.3 Section 26 Resolutions-without-meeting Dated January 2022

Received for information.

8.4 Advisory Planning Commission Minutes - None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated Jan 2022

Planner Stockdill provided an overview of the STVR project including next steps for notification through the email alert system.

10. DELEGATIONS

None

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

12.1 SP-TUP-2021.1 (Ellis) - Staff Report

Note: Trustee Thorn recused himself from the discussion due to his residence's proximity to the applicant residence.

Planner Testemale provided an overview of the application including the following points:

- Applicant's rationale for application;
- Confirmation that the guidelines for application have been met;
- Overview of impact on environment and neighbours;
- Correspondence both in favour and against the application; and
- Staff recommendations and potential conditions that the LTC could impose.

Chair Patrick invited the applicant, Catherine Ellis, to address the LTC.

Catherine Ellis provided an overview of her family's intent in operating an STVR and the mitigation efforts in place to address community concerns with STVRs.

A discussion was held regarding neighbour concerns and the mitigation efforts in place by the applicant. Further discussion was held regarding the volume of correspondence against the application.

SP-2022-006

It was Moved and Seconded,

that the South Pender Island Local Trust Committee deny application SP-TUP-2021.1 (Ellis).

CARRIED

Trustee Wright noted that the application appeared thoughtful and reasonable. He encouraged the community surrounding the applicant property and the applicant to try to come together and resolve the outstanding concerns.

Note: Trustee Thorn rejoined the meeting at this time.

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 South Pender Island Local Trust Committee Fees Bylaw No. 124 (for consideration)

Regional Planning Manager (RPM) Kojima provided an overview of the bylaw including the rationale for the new fee structure and the process moving forward should the LTC choose to adopt the bylaw.

A discussion was held regarding the relationship between the proposed fees, the actual costs, and opportunities for each LTC to vary the fee rates at the time of adoption. Further discussion was held regarding the costs that are involved in processing applications.

SP-2022-007

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw No. 124, cited as “South Pender Island Local Trust Committee Fees Bylaw, 2021”, be given First Reading.

CARRIED

SP-2022-008

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw No. 124, cited as “South Pender Island Local Trust Committee Fees Bylaw, 2021”, be given Second Reading.

CARRIED

A discussion was held regarding opportunities to amend the application cost.

SP-2022-009

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw No. 124, cited as “South Pender Island Local Trust Committee Fees Bylaw, 2021”, be given Third Reading.

CARRIED

SP-2022-010

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw No. 124, cited as “South Pender Island Local Trust Committee Fees Bylaw, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

13.2 LUB Amendments Project – Staff Report

Planner Stockdill provided an overview of the amendments requested by the LTC at a previous meeting and the manner by which these amendments were incorporated into the document.

Planner Stockdill also provided an overview of errors in the previous draft that should be corrected and the recommendations provided by the Agricultural Land Commission.

A discussion was held, including the following points:

- Relationship among STVR regulations, agritourism accommodations, and the LUB. It was noted that the LTC would like to receive additional feedback from local farm owners on this matter during the upcoming community information meetings;
- Community feedback on increasing side yard setbacks, rationale for considering the increase, and opportunities for mitigating the creation of legal non-conforming status;
- Rationale for limiting residential sizes to protect rural character, water consumption, affordable house values, etc;
- Rationale for calculating floor area based on internal square footage; and
- Inclusion or exclusion of pump houses in larger setbacks.

An alternative option for limiting residential house size per hectare and the number of homes currently in existence exceeding those limits were discussed. The recommendation was that properties be limited as follows:

- 0.5 hectare with maximum of 2500 square feet;
- 1 hectare with a maximum of 3000 square feet; and
- >1 hectare with a maximum 3500 square feet.

A discussion of how to accommodate properties that would otherwise be rendered legal non-conforming due to dwelling size or setback was held. Staff shared an example of the clause being considered by the North Pender Local Trust Committee and there was general consensus in support of considering use of this clause.

By general consent, the LTC requested that staff return to the March 2022 meeting with a revised table for maximum dwelling size.

A discussion of shipping container regulations was held. It was decided that the bylaw allow one container per acre to a maximum of three containers. It was noted that the shipping containers would be subject to all screening, setback, and total floor area regulations.

SP-2022-011

It was Moved and Seconded,

that the South Pender Island Local Trust Committee hold a Community Information Meeting electronically on March 4, 2022 in conjunction with the Regular Business Meeting.

CARRIED

SP-2022-012

It was Moved and Seconded,

that the South Pender Island Local Trust Committee direct staff to make the amendments to Bylaw 122 and bring them forward to the Regular Business meeting on March 4, 2022.

CARRIED

13.3 Minor OCP Amendments Project – Staff Report

Planner Stockdill provided an overview of the project and the consideration of re-incorporating the Rights of Nature into Bylaw 123, which was previously removed.

Planner Stockdill noted that the Community Information Meeting for the project was originally scheduled for this meeting, however it had been postponed due to the electronic meeting. She provided an overview of the process moving forward depending on the LTC's decision.

A discussion was held.

SP-2022-013

It was Moved and Seconded,

that the Rights of Nature be reintroduced to the Trust Committee's project list as a new bylaw amendment to the Official Community Plan and referred out to First Nations.

CARRIED

SP-2022-014

It was Moved and Seconded,

That the South Pender Local Trust Committee direct staff to schedule a public hearing for Bylaw 123.

CARRIED

14. REPORTS

14.1 Work Program Reports (attached)

14.1.1 Top Priorities Report Dated Jan 2022

Received for information.

14.1.2 Projects List Report Dated Jan 2022

Received for information.

14.2 Applications Report Dated Jan 2022

Received for information.

14.3 Trustee and Local Expense Report Dated Nov 2021

Received for information.

14.4 Adopted Policies and Standing Resolutions

Received for information.

14.5 Local Trust Committee Webpage

No comments heard

14.6 Islands Trust Conservancy Report Dated November 2021

Received for information.

15. NEW BUSINESS

15.1 Shoreline Protection Model Bylaw Report – Briefing

Received for information.

15.2 Raptor Nest Site Map Update

The LTC discussed a recommendation to support David Manning to update the raptor nesting map and the best way to create a new project.

SP-2022-015

It was Moved and Seconded,

that the South Pender Local Trust Committee add “Update of raptor nest map” to the projects list.

CARRIED

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for March 4, 2022 at the Fire Hall, Pender Island

17. TOWN HALL

John (last name not provided) provided remarks on reduction of total dwelling size allowed on properties. He requested that the LTC consider whether the limitations are arbitrary, whether the LTC could be challenged legally for devaluation, and whether the LTC has considered that larger houses may not consume additional water resources.

Gordie Duncan spoke against maximum dwelling size restrictions and the process by which the OCP amendments are being introduced.

John (last name not provided) requested and received information on the public notification process and legislative requirements.

A discussion was held regarding community consultation, including challenges of consultation during the pandemic, volume of consultation to date, and opportunities to improve notification.

18. CLOSED MEETING (Distributed Under Separate Cover)

18.1 Motion to Close the Meeting

At 2:15 pm Chair Patrick noted that the LTC would be entering a closed session and that they would not be returning to an open session this meeting.

SP-2022-016

It was Moved and Seconded,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1)(a)(d) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated May 7, 2021; and
- Appointment of Advisory Planning Commission Members

AND that the recorder and staff attend the meeting.

CARRIED

19. ADJOURNMENT

By general consent the meeting was adjourned at 2:30 pm.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder