

ADOPTED

South Pender Island Local Trust Committee Minutes of Special Meeting

Date: June 3, 2023
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

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

Staff Present: Kim Stockdill, Island Planner
Lisa Millard, Recorder

Others Present: There were approximately 20 members of the public present.

1. CALL TO ORDER

Chair Elliott called the meeting to order at 1:02 pm. She acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

6. Add Closed Meeting
4. Change item 4.1 to the following:
Scheduling an Electronic Special Meeting for review of special items.

Re-number subsequent items on the Agenda.

By general consent, the agenda was adopted as amended.

3. MINUTES

3.1 Local Trust Committee Minutes Dated May 5, 2023

The following amendments to the minutes were presented for consideration:

On page 3 of the minutes, item 6, paragraph 6 change Dennis Henshaw to Dennis Perch.

On page 3 of the minutes, item 5, paragraph 1, second sentence remove words “and requested it be referred to the APC.”

By general consent, the South Pender Local Trust Committee meeting minutes of

May 5, 2023 were adopted as amended.

4. BUSINESS ITEMS

4.1 Scheduling an Electronic Special Meeting for review of special items.

Island Planner Stockdill noted the following:

- The Ministry of Transportation and Infrastructure (MOTI) plans to begin work on repairs to “the dip” by early September
- MOTI has requested to store materials on private property, which is located in the Agricultural Land Reserve (ALR)
- The storage of materials is not a permitted use in the ALR therefore permits will be required

SP-2023-026

It was Moved and Seconded,

that the South Pender Island Local Trust Committee request staff to schedule an electronic special meeting for the following applications: SP-TUP-2023.1 and SP-ALR-2023.1.

CARRIED

4.2 South Pender Bylaw No. 123 - Project Update

Island Planner Stockdill reviewed the Staff Report and highlighted the following:

- Proposed Bylaw 123 was sent to the Minister for approval in September, 2022
- Chair Elliott received a letter from the Minister noting that the Local Trust Committee (LTC) had sought early engagement with First Nations regarding the bylaw however there had been no reply, therefore the LTC should consider revisiting the matter with local First Nations for the purpose of engaging in meaningful discussion

Discussion ensued and Trustees noted that:

- The LTC has a standing resolution regarding engagement with First Nations
- Following a public hearing the LTC can not hear any further submissions from community members regarding a matter
- Both the reconciliation, and siting guidelines, aspects of the bylaw deserves further, and separate, discussion
- It is important to allow deep engagement and extended public process before moving bylaws through second and third readings

SP-2023-027

It was Moved and Seconded,

that the South Pender Island Local Trust Committee proceed no further with the Minor Official Community Project and Proposed Bylaw No. 123.

CARRIED

4.3 2023 – Work Program Discussion

Trustees reviewed the May 5, 2023 Staff Report which summarized comments received from community members at the March 25, 2023 Community Information meeting, which was held, in part, to generate ideas for new LTC projects.

Discussion ensued.

It was noted that a significant amount of correspondence had been received regarding Bylaw 122. It was also noted that quite a bit of correspondence was received in the seven days prior to the meeting and while that correspondence is reviewed by Trustees it is not included in the meeting package due to staff time limitations.

5. COMMUNITY INFORMATION MEETING

5.1 Future Projects Discussion

It was clarified that the purpose of the meeting is to determine, with community input, what the next minor project will be.

Members of the public made the following comments:

- Bylaw 122 should be rescinded or altered. It has had the effect of making many properties legal non-conforming which has the potential to affect property insurance, restrict enjoyment of property, and the bylaw assumes community members will not be environmentally responsible
- Reconciliation activities should be the next minor project. The Ministry has provided funding to move forward with First Nations engagement and relationship building and there are resources available and a framework which allows the LTC to do so.
- Bylaw 122 should be re-visited as the resulting building setbacks caused significant community contention
- Bylaw 122 should be rescinded and Bylaw 114 reinstated. It took two LTC terms, engagement with focus groups, and multiple hearings to reach an accord on Bylaw 114 and then incoming Trustees opened it up and changed it. The speaker would also like to see further engagement with First Nations
- Bylaw 122 should be rescinded. The bylaw attempted to address housing shortages by restricting short term vacation rentals (STVRs), but the bylaw has not had an impact on housing. Accommodations options are in demand and the LTC should not regulate how people use their home. There are also issues with the bylaw in relation to water storage and waterfront setbacks
- Bylaw 122 should be rescinded. House size maximums and building footprints should be re-discussed
- Bylaw 122 should be rescinded. It resulted in many homes becoming legally non-conforming
- Bylaw 122 should not be rescinded. There have not been issues with people getting variances since it has passed and re-opening it will create further divisiveness. The LTC should focus on forest management and water

- Bylaw 122 should be rescinded. It has resulted in community members feeling that their homes are legal non-conforming which can affect home values and resale prices. The entire Islands Trust policy needs to look at First Nations reconciliation, and not just within the policies of South Pender Island
- First Nations reconciliation and engagement needs to be driven by Islands Trust policy, but there are also local issues that the community needs to be involved with
 - Trustee Falck noted that a Trust Policy statement is presently being worked on and will be available for public review in approximately six months
- Bylaw 122 should not be rescinded. There are misperceptions and division within the community. There were specific steps taken to ensure that existing housing would not be considered legal non-conforming. Efforts were made to safeguard land coverage during a population surge, and new larger homes that are too close to property lines can negatively impact neighbors. Instead of rescinding the bylaw during a housing crisis, consideration should be given to finding a mechanism to look at housing sizes tied to options such as secondary suites
- Bylaw 122 needs to be rescinded or discussed at length. The bylaw could affect inheritances as well as a community member's ability to rebuild their home if it were destroyed by fire. Freedom of choice is being affected
- Bylaw 122 should be revisited. The specific one size fits all setback, and water, regulations do not make sense for every property. Decisions should be made on an objective, science based, view and a case-by-case basis for what is appropriate for a particular lot
- Bylaw 122 should be rescinded. The community discussion regarding the bylaw was incomplete and rushed, in part due to COVID gathering restrictions. Bylaw 122 makes existing houses legal non-conforming. Each insurance underwriter is going to evaluate and look at it differently
 - The Chair requested the Planner clarify the conforming versus non-conforming issue. The Planner stated that if a Bylaw is amended then use and siting are protected under the Local Government Act. The previous LTC took a step further by including a clause that a house can be rebuilt in the exact location, at the same size as previous, even if this is not conforming to current land use bylaw
- Bylaw 122 needs to be revisited. Bylaw 114 went through a six-year period of discussion and focus groups which resulted in stringent building restrictions. Bylaw 114 should not have been re-opened
- There needs to be consideration of how Bylaw 122 affects community members that bought property when the previous bylaw was in place but who have not built yet
- Bylaw 122 should not be rescinded. There are many people who believe that the bylaw has merit, but they are disengaged with the discussion. There is a mechanism in place for community members to get approval for non-compliant plans and there needs to be a process put in place to better communicate and explain the bylaw
 - Trustee Falck noted that the meeting is being held to discuss work projects, and if community members are indicating that rescinding Bylaw 122 is a priority then they are giving voice to what they want the next work project to be. Everyone had the opportunity to attend and state what they want the priority to be

- Bylaw 122 should not be rescinded. There should be further engagement to help community members understand the bylaw. There is pressure to build larger homes and new buyers often want to build larger homes. Discussion should focus on guidelines to encourage water conservation and use of solar power
- We are living on unceded First Nations territory where there are historic and treaty rights, and the community needs to be welcoming to the presence of First Nations peoples. The community has responsibility to protect the health of the shoreline and focus should be on increasing awareness of First Nations historic presence and improving relationships. The Trustees need to bring the community together, in a safe environment, to clarify the issues and work together to find solutions
- Bylaw 122 should not be rescinded. Further discussion is needed and if the community is not involved then there is not opportunity to change. If there is opportunity for discussion, and effort made within a group to talk about the issues, then it will be easier for everyone to relate to other's concerns
- Bylaw 122 needs to be the minor project. It was designed for a one size fits all process that is not working. The development variance permit process takes time and costs money, and one should be allowed to build a larger house. It is not a solution to say a community member can be allowed to build a larger house only if part of the house is a solution to the housing crisis. This forces the homeowner to become a landlord
- The community needs to understand what protections are already in place and how to respect the land for themselves and for others
- Since Bylaw 122 was put in place there have only been two applications made for a development variance permit. This does not mean that the bylaw has not caused any problems but rather there have not been any problems yet
- Bylaw 122 should be rescinded and Bylaw 114 reinstated. We were not presented with data or technical reasons for the changes in Bylaw 122
- Bylaw 122 should be discussed. Bylaw 114 was not ideal, and Bylaw 122 is not the path forward either. Further discussion and workshops would be welcome, and Trustees need to find a community consensus
- Bylaw 122 should be revisited but not rescinded. A lot of work was done with compromises made, and further analysis and dialogue is needed to identify the problems and create solutions to fix them

The Trustees thanked everyone for providing their input and discussion ensued.

The LTC noted that the following resolution was to demonstrate the intent of the LTC to move forward with reviewing the changes made under Bylaw 122.

SP-2023-028

It was Moved and Seconded,

that the South Pender Local Trust Committee repeal Bylaw 122.

CARRIED

SP-2023-029

It was Moved and Seconded,

that the minor project for the South Pender Local Trust Committee is to conduct further community engagement on the 2021 Land Use Bylaw Amendments Project and the staff be requested to prepare a report with options for the next Local Trust Committee meeting in September 2023.

CARRIED

6. CLOSED MEETING

6.1 Motion to Close the Meeting

SP-2023-030

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) (m) for the purpose of considering a matter that, under another enactment, is such that the public may be excluded from the meeting."

CARRIED

Chair Elliott recessed the regular meeting at 4:35 pm.

6.2 Recall to Order

Chair Elliott reconvened the regular meeting at 5:13pm

6.3 Rise and Report

Nothing to rise and report, discussion only.

7. ADJOURNMENT

By general consent the meeting was adjourned at 5:14 pm.

Tobi Elliott, Chair

Certified Correct:

Lisa Millard, Recorder