



ADOPTED

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: May 6, 2016
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present George Grams, Chair
Dianne Barber, Local Trustee
Derek Masselink, Local Trustee

Staff Present Justine Starke, Island Planner
Shannon Brayford, Recorder

1. CALL TO ORDER

Chair Grams called the meeting to order at 1:01 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. TOWN HALL AND QUESTIONS

Maggie MacDonald presented highlights from a letter from Ellie Ross that had also been sent to the North Pender Local Trust Committee (LTC). She discussed concerns of the motivation behind the current short term vacation rentals (STVRs) plan and presented arguments against the use of Temporary Use Permits (TUPs).

Jane Perch noted that she had submitted a correspondence, but that it had not been posted in its entirety. She asked that this be rectified and the request was acknowledged. She presented points against the use of TUPs for STVRs and argued in favour of legalizing them with regulations.

Donn Korbin referenced a letter sent by Gary Steeves to the Islands Trust regarding the North Pender Special Advisory Planning Commission (APC) on Waste and Resource Management. He noted that he had been told that the letter had been kept as private communication because it dealt with administrative fairness. Mr. Korbin asked whether this letter had played a role in the dissolution of the Special APC and whether it threatened legal action.

Chair Grams responded to Mr. Korbin's inquiries noting that the letter had been sent to the Executive Committee of Trust Council, not this LTC. He further remarked that the LTC made its decision independent of the letter and that, subsequent to the dissolution of the Special APC, Mr. Steeves withdrew his complaint.

Donn Korbin remarked that neither the LTC, nor staff had provided a satisfactory rationale for dissolving the Special APC and asked whether the composition of the committee was deliberately chosen so that it would fail.

Chair Grams remarked that there was no substance for making an accusation that the LTC was providing a disingenuous rationale. He further noted that the LTC had acknowledged the bias issue with the Special APC and had given the Committee an opportunity to self-correct.

Zoe Landel spoke in favour of the staff recommended option for STVRs as described in the March 31, 2016 minutes.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated March 31, 2016 (for Adoption)

By general consent, the Local Trust committee meeting minutes of March 31, 2016 were adopted as presented.

6.2 Section 26 Resolutions-without-meeting Report Dated April 2016

For information.

6.3 Advisory Planning Commission Draft Minutes Dated February 2 & 18, 2016 (for Receipt)

For information.

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated April 2016

Chair Grams noted that all actions had been completed.

Planner Starke provided an update regarding Item 13.1 Coordinate Meeting with Ministry of Transportation and Infrastructure (MoTI) and CRD Director to Discuss Moving Around Pender (MAP) Recommendations. Item 13.1.

A discussion was held regarding the meeting and included the following points:

- SP LTC also received a delegation from MAP.
- Trust Executive had drafted a letter to MOTI requesting a meeting to discuss the state of road maintenance in the Trust Area.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

9.1 Email from S Steil re Port Browning Marina - Water Zone Expansion

For information

9.2 March 23, 2016 Letter from E. Brownlee re Eelgrass Concerns at Port Browning

For information

10. APPLICATIONS AND REFERRALS

10.1 NP-RZ-2016.1 (Mainroad) - Staff Report

Planner Starke provided an overview of the application, the staff report and the site under discussion.

Tim Clarke was present to represent the applicant and the following points were discussed:

- The regulatory differences between the TUP, the by-law amendment, and the Development Permit process.
- The importance of a drainage management plan to ensure that no contaminants reach surface water sources.
- The importance of effective edging and potential improvements on the current efforts to edge with vegetation.

A discussion was held regarding the storage and transfer of waste materials, including animal carcasses removed from roadways. Following the discussion Planner Starke noted that she would flag the issue for staff and ask that it be addressed through the rezoning application process.

NP-2016-023

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee directs staff to proceed with the application NP-RZ-2016.1 (Mainroad) and to prepare draft bylaws.

CARRIED

10.2 NP-DP-2016.3 (Hoshowski) - Staff Report

Planner Starke provided an overview of the staff report. She noted the reasons for seeking the permit and provided an overview of the recommended conditions.

NP-2016-024

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee approve Development Permit NP-DP-2016.3 (Hoshowski).

CARRIED

10.3 Salt Spring Island Local Trust Committee Bylaw No. 491 Referral (for Response)

Chair Grams provided an overview of the bylaw amendments.

NP-2016-025

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee respond to Salt Spring Island Local Trust Committee Bylaw No. 491 with "interests unaffected".

CARRIED

10.4 Salt Spring Island Local Trust Committee Bylaw No. 492 Referral (for Response)

NP-2016-026

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee respond to Salt Spring Island Local Trust Committee Bylaw No. 492 with "interests unaffected".

CARRIED

10.5 Salt Spring Island Local Trust Committee Bylaw No. 493 Referral (for Response)

NP-2016-027

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee respond to Salt Spring Island Local Trust Committee Bylaw No. 493 with "interests unaffected".

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Housing: Short Term Vacation Rentals (STVR) - Staff Report

Planner Starke provided an overview of the Staff Report including the following details:

- The proposed regulatory approach.
- The streamlined Temporary Use Permit (TUP) process and noted that the *Local Government Act* prescribes much of the process.
- The rationale for the suggested cost of a TUP for an STVR.

A discussion was held regarding TUPs for STVRs. The LTC discussed the public feedback that they had received and the role that TUPs can have as a transition to a more permanent solution.

Planner Starke presented a list of topics for the LTC to consider and each was discussed. The following points were made:

- Operating a bed and breakfast and STVR on the same property. Planner Starke noted that the B&B regulations require operators to be living on the property. General agreement that this should be allowable.
- Allowing portions of a residence to be rented as an STVR. General agreement that the bylaw should be framed to permit this.
- Specifying a maximum number of persons per bedroom for a TUP. A discussion was held regarding the benefits and drawbacks of the guideline. General agreement to include the limitation in the TUP guidelines, but defer the decision to pick a number until an application warrants it.
- Specific exclusion of some areas from TUP consideration. A discussion was held regarding Buck Lake and there was general consensus to not exclude certain areas from being eligible for a TUP.
- TUP for a non-residential accessory building. A discussion was held and there was general agreement that this should be allowable under limited circumstances.
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NP-2016-028

that the North Pender Local Trust Committee direct Staff to include Temporary Use Permits for a non-residential accessory building to be allowable under the bylaw.

CARRIED
Trustee Barber opposed

A discussion was held regarding trailers and micro houses being used as STVRs. Planner Starke provided information regarding the regulations and the requirements that STVRs will be operated in permitted dwelling units.

NP-2016-029

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee directs staff to proceed with drafting regulations to change the Land Use Bylaw 103, 1996 and the Official Community Plan Bylaw 171, 2007 to achieve the following:

Permit Short Term Vacation Rentals as a part-time or temporary use, which is a residential use only and specify in the bylaw and the Short Term Vacation Rental use is permitted part time 185 days a year, or less than 50% of the time on an annual basis.

- Only one Short Term Vacation Rental is allowed per property.
- There is no minimum lot size for Short Term Vacation Rentals.
- There is no floor area limit for Short Term Vacation Rentals.
- There is a limit of three bedrooms for use as a Short Term Vacation Rental.
- A minimum of two off street, on-site parking spaces must be provided for a Short Term Vacation Rental (Or one per each of the two bedrooms).
- There is no tent or recreation vehicle (RV) parking allowed on the property.
- There is only one building for rent on the property.

A discussion was held regarding the benefits of such a bylaw. Chair Grams and Trustee Masselink remarked that this type of regulation may be the future of STVR regulation on the island, but noted that the process may need to move forward incrementally.

Members of the community were acknowledged by the chair to speak regarding the use of TUPs for STVRs and the following comments were made:

- TUPs could discourage the STVRs and this would not move forward with improving the economic issues of the island.
- The staff report's recommendation, including TUPs, provides a solution that bridges those who are supportive of STVRs and those who not support them.
- Historically the LTC has swayed in favour of and against STVRs, and TUPs will be too dependent on the preferences of the Trustees of the time.
- TUPs are an excellent tool and a soft way to bring the community together.
- The Trustees won the election because they supported STVRs and meetings show that the public is in favour of them so the LTC needs to move forward.

Motion NP-2016-029 was re-read and a vote was held.

NP-2016-029

It was MOVED and SECONDED ,

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- There is a limit of three bedrooms for use as a Short Term Vacation Rental.
- A minimum of two off street, on-site parking spaces must be provided for a Short Term Vacation Rental (Or one per each of the two bedrooms).
- There is no tent or recreation vehicle (RV) parking allowed on the property.
- There is only one building for rent on the property.

DEFEATED

Trustee Masselink and Chair Grams opposed.

A discussion was held regarding TUPs and whether refunds can be issued for unsuccessful applications. Planner Starke provided information on the fees, the services provided, and the strategies used by staff to ensure that applications have the best chance of success possible.

NP-2016-030

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee direct staff to draft amendments to the Land Use Bylaw 103, 1996 and the Official Community Plan Bylaw 171, 2007 to permit Short Term Vacation Rentals based on the draft regulations presented in the staff report dated April 13, 2016 and amended as discussed at the meeting on May 5, 2016.

CARRIED

Trustee Barber opposed

NP-2016-031

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee directs staff to draft a bylaw amendment to the North Pender Island Fees Bylaw 173 to reduce the fee for Short Term Vacation Rental Temporary Use Permits to \$900.00.

CARRIED

NP-2016-032

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee directs staff to draft a sample Development Approval Information Bylaw Checklist aimed at streamlining the short term vacation rental permit process.

CARRIED

11.2 Waste Management - Staff Memo

Planner Starke provided an overview of the Staff Memo, noting the upcoming open house on May 30, and the integrated decision making meeting planned for mid-July.

NP-2016-033

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee directs staff to schedule the Waste and Resource Management community open house on May 30, 2016 as a “special meeting” of the North Pender Island Local Trust Committee.

CARRIED

12. REPORTS

12.1 Work Program Report (attached)

12.1.1 Top Priorities Report Dated April 2016

For information.

12.1.2 Projects List Report Dated April 2016

For information.

12.2 Applications Report Dated April 2016 (attached)

For information.

12.3 Trustee and Local Expense Report Dated March 2016 (attached)

For information

12.4 Adopted Policies and Standing Resolutions (attached)

For information

12.5 Local Trust Committee Webpage

none

12.6 Chair's Report

Chair Grams provided a report which included the following points:

- The CAO Hiring Committee continues to meet and everyone is pleased with the new CAO's integration.
- An overview of sustainable water source research and plans being conducted on Salt Spring Island and how the results are being reconciled with the OCP to ensure that it does not permit unsustainable development.

12.7 Trustee Report

Trustee Barber remarked that the people of Fort McMurray are in everyone's thoughts and that the Pender community should consider the risks of fire.

Trustee Masselink noted that this LTC had agreed to record their meetings and make those recordings public. He asked that staff move forward with this plan.

Planner Starke acknowledged the request and said that it would be arranged for the next meeting.

Trustee Masselink provided an update with the following points:

- He attended The National Youth Leadership and Innovation Strategy Summit in Toronto
- He teaching an introduction to planning course at Royal Roads University.
- Trust Council will be held on North Pender Island during the week of June 14, 2016
- The Local Planning Committee will be hosting a Community Housing Forum on June 13, 2016 in Cowichan Bay

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

13.1 2015-2016 Annual Report - North Pender Island Local Trust Committee Section

NP-2016-034

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee approves the attached text for inclusion in the 2015-2016 Annual Report for approval by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for May 26, 2016, 9:45 am, at the Pender Island Community Hall

15. TOWN HALL

A member of the community asked for information regarding how opinions of neighbours might affect the success of a Short Term Vacation Rental (STVR) Temporary Use Permit (TUP) application.

Chair Grams remarked that the response of neighbours is just one part of the information considered.

Trustee Barber asked how a decision would be reached if someone applied for an STVR TUP under the current regulations.

Planner Starke responded that it would be reasonable to use the guidelines currently under consideration to inform the decision.

Maggie MacDonald remarked that for residents who would like to rent their home in their absence a few times a year, the cost of a TUP would not be practical. She commented that this would promote STVRs without permits.

Eleanor Brownlee commented on her concerns regarding water issues.

16. CLOSED MEETING

none

17. ADJOURNMENT

By general consent, the meeting was adjourned at 3:23 pm.

George Grams, Chair

Shannon Brayford, Recorder