



ADOPTED

North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: June 24, 2021
Location: Electronic Meeting (Zoom Webinar)

Members Present: Laura Patrick, Chair
Benjamin McConchie, Local Trustee
Deb Morrison, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Phil Testemale, Planner 2
Kim Stockdill, Planner
Maple Hung, Planning Assistant (Host)
Shannon Brayford, Recorder

Public: There were approximately (15) attendees in the webinar.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 3:00 p.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

It was recommended and agreed that Chris Roper will be granted 5 minutes for a presentation regarding helicopters during the Town Hall.

By general consent, the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Morrison reported that the Trust Policy Statement review is moving forward and broad public consultation is underway. She encouraged the public to visit the Programs Page under Islands 2050 and to send comments to the Islands 2050 email address before July 8, 2021 meeting.

Trustee Morrison also thanked the North Pender Island Agricultural Advisory Planning Commission (AAPC) for their comprehensive reports and minutes.

Trustee Morrison noted that, at a past meeting, a Temporary Use Permit (TUP) was considered in the absence of the applicant. She recommended that the Local Trust Committee (LTC) consider adopting a practice of deferring applications when the applicant wishes to, but is unable to attend.

Trustee McConchie requested a moment of silence for the 751 unmarked graves uncovered at a former Residential School in Saskatchewan.

Trustee McConchie reported that he will not be running for a second term as a Trustee.

4. CHAIR'S REPORT

Chair Patrick provided a report on the upcoming Trust Council Meeting. She noted that the meeting starts July 8, 2021, but that a Town Hall will be held on July 7, 2021 with an education session preceding it.

5. TOWN HALL AND QUESTIONS

Chris Roper noted that a helicopter is operating on the residential property next to his. He outlined the negative impact that the helicopter has on him as a neighbour and also expressed concern for it causing harm to the area's ecosystem.

Doug Regehr addressed a TUP application for a Short Term Vacation Rental (STVR). He encouraged the LTC to refuse the permit application citing noise, parking issues, and a lack of on-island contact.

Niall Parker requested further information on why the the Islands 2050 recommendations include prohibiting de-salination as a source of water.

It was noted that the question had been forwarded to staff and is awaiting further information.

Leslie Kerfoot noted that she had recently purchased a property with a Commercial 2 zoning and the intent to operate the resort. She reported receiving a letter implying that the zoning would be amended and outlined her concerns with the process and the impact it would have on her family's investment.

Michael Sketch addressed a proposed soil deposit and removal bylaw, noting staff recommendations for exemptions. He encouraged the LTC to carefully consider these exemptions and provided rationale, including past incidences in which stronger bylaws could have prevented ecological damage.

Michael Sketch recommended that the LTC not accept the staff recommendation for changing the Industrial I1b zone. He provided a rationale to support his recommendation.

Jeremy Lewis addressed the impact of vacation rentals on housing stock. He noted that the island will face a crisis of not having service providers due to a lack of housing.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated May 27, 2021 (for Adoption)

The following amendments to the minutes were presented for consideration:

- Under item 13.2 amend to identify Barbara Johnstone as “Property Owner”, not “Applicant”

By general consent, the minutes were adopted as amended.

8.2 Section 26 Resolutions-without-meeting Report - None

8.3 Advisory Planning Commission Minutes - None

8.4 Agricultural Advisory Planning Commission Minutes Dated May 10, May 14, May 20 and June 8, 2021

Received for information.

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated June 2021

Received for information.

10. DELEGATIONS

None

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

12.1 NP-RZ-2016.1 (Mainroad) - Consideration of Adoption of Land Use Bylaw No. 202 - Staff Report

Planner Testemale provided an overview of the application and associated staff report. He summarized the rationale for the staff recommendation, the history of the application, and the manners by which the applicant has satisfied all LTC conditions.

A discussion was held regarding the consequences should the covenant be breached.

NP-2021-070

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 202, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No.1, 2016,” be adopted.

CARRIED

12.2 NP-DP-2021.3 (Ferry) – Staff Report

Planner Testemale provided an overview of the application and associated staff report. He highlighted the applicant’s rationale for requesting the Development Permit (DP) and the recommendations of the professional reports received.

Chair Patrick invited the applicants to address the LTC.

Kevin Ferry provided an overview of their plans for the property and their intended stewardship of the treed property.

The LTC requested and received information on the following points:

- The rationale for siting of the septic field; and
- Historical rationale for creation of this development permit area.

NP-2021-071

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2021.3 (Ferry).

CARRIED

Note: A break was held from 4:44 p.m. – 4:50 p.m.

12.3 NP-TUP-2021.5 (Pegram) – Staff Report

Planner Testemale provided an overview of the application, the history of bylaw complaints against the property, and the steps taken by the applicant to minimize the impact of the use on neighbouring properties.

Chair Patrick acknowledged the applicant and invited him to speak.

Neil Pegram addressed the LTC. He highlighted the letters of support received for his application, the number of rentals that have been booked for the past 5 years, and data tracked by the installed decimeter with an automatic alert for excessive sound.

The LTC discussed the application and recommended that the applicant install a marker to delineate the property line and prevent guests from parking on the neighbour's property.

It was noted that there is an interpersonal issue between the applicant and a neighbour. The impact of the neighbour issues on the application were discussed and the LTC encouraged the neighbours to work collaboratively to reconcile the matter.

NP-2021-072

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2021.5 (Pegram) for a period of three (3) years.

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Land Use Bylaw Review Project - Staff Report

Planner Stockdill provided an overview of the staff report. She highlighted the areas in which additional guidance is being sought by staff including: maximum floor area, industrial regulations, and the project charter.

A discussion was held regarding maximum floor area including the following points:

- Importance of limiting maximum floor area in reducing tree removal and protecting natural character;
- Importance of the limit reflecting interior square footage as opposed to exterior to ensure that different building options are not being privileged;
- Consideration of imposing an overall floor area for all buildings on a property;
- Consideration of allowing property owners to split the total square footage into two dwellings to provide additional housing stock; and
- Consideration of incentivizing energy efficient home building and covenants by allowing applications for larger homes should certain conditions be met.

NP-2021-073

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct to staff to draft bylaw amendments for establishing a gradual scale maximum floor area, as outlined in Table 2 Example B, for properties zoned Rural Residential, Rural, Rural Comprehensive 1 and Rural Comprehensive 2 and to amend the definitions of lot coverage and floor area in the North Pender Land Use Bylaw as outlined in the Staff Report dated June 24, 2021 with the amendment to reduce each of the floor areas by 500 square feet.

CARRIED

NP-2021-074

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to provide a list of incentives in the Official Community Plan for addressing house size variance.

CARRIED

A discussion of additional lot coverage and impervious surfaces was held. The LTC requested and received information on the regulations already proposed and the definitions included in the OCP.

Planner Stockdill provided an overview of the proposed industrial regulation amendments. She noted that staff is seeking direction from the LTC regarding 3418 South Otter Bay Road and provided an overview of staff recommendations.

A discussion of the challenges of the industrial regulation amendments was held and the LTC considered options for the project moving forward. The following points were discussed:

- Potential sites and opportunities for creating a property with waste transfer as a use, including potentials for subdivision
- Waste transfer uses on the Gulf Excavating site.

Planner Stockdill provided an overview of the project plan moving forward.

NP-2021-075

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve the updated Project Charter for the Land Use Bylaw Review Project dated June 24, 2021.

CARRIED

13.2 Soil Bylaw Project – Staff Report

Regional Planning Manager (RPM) Kojima provided an overview of the staff report. He highlighted the recommended objectives for the project and encouraged the LTC to carefully consider that list.

A discussion was held regarding the objectives of the project. The following points were noted:

- Activities by Public Works should be included in the bylaw; and
- Stakeholder consultation, including service providers, should be undertaken early.

NP-2021-076

It was Moved and Seconded,

That the North Pender Island Local Trust Committee request staff to prepare a draft soil deposit and removal bylaw in accordance with the objectives identified in the staff reported prepared for the June 24, 2021 regular meeting.

CARRIED

NP-2021-077

It was Moved and Seconded,

That the North Pender Island Local Trust Committee request that staff report back with a draft bylaw for LTC review at a subsequent meeting, based on the discussion held at this meeting.

CARRIED

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated June 2021

Received for information.

14.1.2 Projects List Report Dated June 2021

Received for information.

14.2 Applications Report Dated June 2021

Received for information.

14.3 Trustee and Local Expense Report – None

None

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 May 25, 2021

Received for information.

15. NEW BUSINESS

15.1 Business Licenses – Memo

Chair Patrick provided an overview of the project and update on the progress to date.

A discussion was held regarding the role and limitations of the licences in regulating STVRs. Further discussion was held regarding the benefits and concerns of adopting the proposed resolution.

NP-2021-078

It was Moved and Seconded,

WHEREAS the North Pender Island Local Trust Committee is implementing additional policies and zoning to regulate and manage short term vacation rentals on North Pender island, the Local Trust Committee lacks the full range of tools for enforcement and administration of vacation rentals;

THEREFORE the North Pender Island Local Trust Committee requests that the Capital Regional District explore the implementation of business licensing for tourist accommodation and specifically for short term vacation rentals.

CARRIED

15.2 Amending the Islands Trust Act to change the structure of the Islands Trust Government

A discussion was held including the following points:

- Importance for reconciliation moving forward
- Consideration of building community
- Importance of self reflection and growth in an organization

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for July 29, 2021, Location: TBD

17. TOWN HALL

Michael Sketch encouraged the LTC to consider the history and social reasons why the industrial zoning owned by the Allen family hasn't been exercised.

18. CLOSED MEETING (Distributed Under Separate Cover)

18.1 Motion to Close Meeting

At 6:46 p.m. Chair Patrick noted that there was a recommendation for a motion to close the public meeting. She further noted that the Rise and Report will be included at the next Regular Business Meeting.

NP-2021-079

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)(d)(i) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated April 29, 2021
- Legal Advice

AND that the recorder and staff attend the meeting.

CARRIED

18.2 Recall to Order

The meeting was recalled to order at 7:10 p.m.

18.3 Rise and Report

Rise and report will be deferred to the next business meeting.

19. ADJOURNMENT

By general consent, the meeting was adjourned at 7:11 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder