

ADOPTED



South Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: November 5, 2021
Location: South Pender Fire Hall
8961 Gowlland Point Road, South Pender Island, BC

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

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

Public Present: There were approximately 11 members of the public.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:30 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

The Trustees thanked the public for their attendance at recent community gatherings regarding the current projects.

4. CHAIR'S REPORT

Chair Patrick reported that Trust Council will be held at the end of November. She noted that the meeting will include the beginning of the budget conversations and she provided an overview of the public consultation process that will be forthcoming.

5. TOWN HALL AND QUESTIONS

Donna Spalding reported that her comments on Shoreline Review and encouragement to have the matter referred to the Advisory Planning Commission was not included in the minutes of the last meeting.

Donna Spalding noted that the Minor Official Community Plan (OCP) amendments has become a large list and encouraged the Local Trust Committee (LTC) to consider whether a review of the OCP may be warranted.

Donna Spalding spoke against amendments that will lead to legal non-conforming status, noting the negative impacts that such status could have for property owners.

Bruce McConchie addressed shoreline review and encouraged adoption of a process that includes greater consultation. He encouraged the LTC to consider options for addressing freighters.

Bruce McConchie noted that the term “stairway” is not formally defined and encouraged the LTC to consider the implications.

Bruce McConchie addressed consideration of limiting house size and encouraged the LTC to consider accessory buildings in the regulations and the impact of them on overall lot coverage.

Alma Lightbody noted that she submitted a letter to the Trustees. She addressed the matter of legal non-conforming and encouraged the Trustees to consider the impact of that status on long-time owners, insurance, and property values.

Jared Halls echoed the concerns for legal non conforming.

The trustees provided an overview of their thoughts on legal nonconforming status.

Paul Petrie thanked the Trustees for the work on the community gatherings. He spoke in support of Draft Bylaw 123 and noted the importance of First Nations acknowledgement statements and the Rights of Nature.

Paul Petrie addressed Draft Bylaw 122. He spoke in favour of the current direction and encouraged further consultation.

Kristof Subryan requested information on the rationale for limiting house size and noted that approximately fifty properties remain vacant on South Pender.

Shelley Henshaw questioned the LTC’s rationale on several matters, including the following:

- Opposition to construction of large homes.
- Instituting Building and Siting Guidelines.
- Trail blazing on the Rights of Nature.
- Applying shoreline protection measures that are too broad.

Alma Lightbody addressed legal non-conforming status and the potential implications for insurance.

A member of the public spoke against rendering homes legal nonconforming due to the risk of property value and insurance uncertainties. He questioned whether a benefit could be cited to justify taking that risk.

Gordie Duncan addressed legal nonconforming status for stairs in the foreshore and the setbacks.

Gordie Duncan questioned the minor amendments to the OCP, noting that some are significant and should be given greater consideration. He also encouraged the LTC to consider waiting for the outcome of the Trust Policy Statement since many of the matters could be addressed at that level.

A member of the public requested and received information on the impact of the proposed bylaws on the ability to reside in an accessory building while constructing the primary residence.

Dorset Norwich Young spoke in favour of supporting the Rights of Nature.

Donna Spalding encouraged discussions with underwriters when looking at insurance implications of legal-nonconforming.

Kristof Subryan encouraged resourced be directed toward consideration of fire suppression, evacuation plans, and protection of water resources.

Bruce McConchie requested and received an update on interactions with the Ministry of Transportation and Infrastructure (MOTI) regarding the roadway dip.

Audrey Green recommended that the Trustees consider a larger venue for COVID safety, such as Fire Hall 3's truck bay.

Donna Spalding spoke against the adoption of the Short Term Vacation Rental (STVR) Bylaw.

Emma McLay noted that setback changes could make building on irregular shaped properties impossible.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Adopted Local Trust Committee Minutes Dated September 24, 2021

The following amendments to the minutes were presented for consideration:

- That under the second town hall the following be added “Donna Spalding addressed the shoreline review and noted that the South Pender Island Advisory Planning Commission is ready and willing to consider review of shorelines.”
- That on page 5, under item 8.2 Trustee Thorn be amended to Trustee Wright.

By general consent the minutes were adopted as amended.

8.2 Section 26 Resolutions-without-meeting

None

8.3 Advisory Planning Commission Minutes

None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated Oct 2021

Received for information

10. DELEGATIONS

None

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

None

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Short Term Vacation Rental Project – Consideration of Adoption of Bylaws 119 and 120

Planner Stockdill provided an overview of the staff report including details of Bylaws 119 and 120, the history of the review process and the associated recommendations.

A discussion was held including the following points:

- History of the matter and rationale for considering the draft bylaws.
- Rationale for why Bylaw 117 cannot be rescinded, but why the moratorium on STVRs will be lifted with the passing of Bylaws 119 and 120.
- Option of creating a registry of current STVRs to avoid requiring Temporary Use Permits for those already in existence.
- Maintenance of grandfather status of operating an STVR and how home owners can remain with the non-conforming protection.

- Rationale for restricting STVRs from altering the residential character of the dwelling.
- Future options for replacing the TUP process should they become available, including business licences.

SP-2021-050

It was MOVED and SECONDED

That South Pender Island Local Trust Committee Bylaw No. 119, cited as “South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2020”, be adopted.

CARRIED

SP-2021-051

It was MOVED and SECONDED

That South Pender Island Local Trust Committee Bylaw No. 120, cited as “South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 1, 2020”, be adopted.

CARRIED

Regional Planning Manager (RPM) Kojima provided an overview of the application process for TUPs.

The LTC requested that staff send an email notification to all South Pender residents encouraging those operating a current STVR to register with the Islands Trust.

13.2 Shoreline Review - Staff Report

RPM Kojima provided an overview of the staff report and outlined each of presented options, Development Permit Area (DPA) approach or a comprehensive review.

A discussion was held including the following points:

- Rationale for using a DPA instead of a bylaw under the Land Use Bylaw (LUB).
- Opportunities for regulation that are available under a DPA
- Importance of referring to the matter to the APC
- Importance of requesting First Nations consultation
- Benefits of the comprehensive review option
- Opportunities for collaboration and guidance from the process currently being undertaken on Thetis Island
- Opportunities for guidance from the process undertaken on Galiano Island
- Timeline for amendments to the OCP to be completed

The LTC requested public input and Trustee Patrick acknowledged members of the public. Comments on the following points were heard:

- Consideration of a hybrid approach using a DPA for protection while further consultation is being undertaken.
- The benefits of choosing the DPA option due to a shorter timeline.

- Concern for shoreline erosion, limitations to government support and oversight, and options for property owners.
- Limitations of the DPA in preventing shoreline erosion.
- Estimate that the number of waterfront properties that are undeveloped is twenty-two.
- Concern that the LTC will limit property owners' ability to access the water from their properties.

SP-2021-052

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee endorse the project charter for the shoreline compressive review project.

CARRIED

Trustee Wright Opposed

13.3 Land Use Bylaw Amendments Project - Staff Report

Planner Stockdill provided an overview of the staff report. She highlighted the requests made by the Trustees, including increasing setbacks, site specific zoning for those properties that currently exceed the maximum floor area, and allowance of shipping containers depending on lot size.

A discussion was held including the following points:

- Benefits of allowing shipping containers for residential and agricultural use.
- Importance of further consultation on the number of shipping containers and requirements for screening.
- Benefits of protecting the character of the island with limitations to residential size.
- Legal non conforming status, community concerns, and how legal non conforming is viewed in other jurisdictions.
- Options for coping with legal non-conforming including eliminating the status by using a protection under a schedule included in the bylaw.
- A community member's recommendation that two sets of regulations exist for properties developed before and after a set date.

SP-2021-053

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee amend the bylaw to create a second set of regulations for setback and floor size for new construction, while maintaining the existing regulations for existing structures, and also amend the setback from the highwater mark for new construction to 15 m.

CARRIED

SP-2021-054

It was MOVED and SECONDED

That for the South Pender Island Local Trust Committee Remove stairways from the bylaw amendment.

CARRIED

SP-2021-055

It was MOVED and SECONDED

That for the South Pender Island Local Trust Committee remove shipping containers from the bylaw amendment.

CARRIED

13.4 Minor Official Community Plan Amendments Project - Staff Report

Planner Stockdill provided an overview of the staff report including the recommended options and the timeline for moving forward.

Further discussion was held regarding the following points:

- Timeline options
- Benefits of acknowledging the Rights of Nature.
- Opportunities for First Nations consultation on wording the Rights of Nature.
- Building Design and Siting Guidelines, including the history, community feedback, and rationale
- Potential amendments to the guidelines and consideration of the practical impact they would have.
- Benefits of including the principles and guidelines and challenges of implementation.

SP-2021-056

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee defer the Rights of Nature from the South Pender Island Local Trust Committee Bylaw No. 123.

CARRIED

A discussion was held regarding recommended amendments to the Building and Siting Guidelines. It was noted that directions on regionally sourced materials and the phrase to “keep the design simple” needed consideration. The LTC provided staff with direction to delete the phrase “the use of regionally sourced building materials” and to amend the phrase “keeping the design simple” with clarified language.

SP-2021-057

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee direct staff to amend Bylaw No. 123, Building and Siting Guidelines, as discussed.

CARRIED

SP-2021-058

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee Bylaw No. 123, cited as the "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021" be read a first time as amended.

CARRIED

SP-2021-059

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 123, cited as "South Pender Island Official Community Plan Bylaw No. 107, 2011, Amendment No. 1, 2021", as amended, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

SP-2021-060

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee direct request staff to schedule a Community Information Meeting for draft Bylaw No. 123 as amended.

CARRIED

14. REPORTS

14.1 Work Program Reports (attached)

14.1.1 Top Priorities Report Dated Oct 2021

Received for information

14.1.2 Projects List Report Dated Oct 2021

Received for information

14.2 Applications Report Dated Oct 2021

Received for information

14.3 Trustee and Local Expense Report Dated Sept 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 – None

15. NEW BUSINESS

15.1 New Fee Bylaw - Request for Decision

The LTC discussed the rationale for the bylaw and noted that fees were not recovering the costs of the applications.

Trustee Wright requested to be on the record as commenting that whenever an organization raises their fees there should be indication that the services will improve. He noted the processing of applications through the Islands Trust has been extensive and expressed hope that service time will improve.

SP-2021-061

It was MOVED and SECONDED

That the South Pender Local Trust Committee request Staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy “5.6.1 Application Processing Services”.

CARRIED

15.2 Advisory Planning Commission Appointments – Staff Memo

RPM Kojima provided an overview of the staff memo and noted the recommendation for improving the process at the staff level.

By general consent, the LTC requested that staff canvas the current APC for continued interest in reappointment and, should any vacancies exist, return to the LTC regarding advertising for new members.

SP-2021-062

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.

CARRIED

16. UPCOMING MEETINGS

16.1 Draft 2022 LTC Meeting

It was noted that the November 4, 2022 meeting may conflict with Trust Council schedule and should be considered.

SP-2021-063

It was MOVED and SECONDED

That the South Pender Island Local Trust Committee proceed with the 2022 Local Trust Committee Meeting Schedule as presented.

CARRIED

17. TOWN HALL

A member of the public requested information on a current subdivision request and the process through the Agricultural Land Commission, the Local Trust Committee, and relevant provincial ministries.

Donna Spalding recommended improvements to the website. She further recommended that the LTC conduct direct consultation with the 144 shoreline property owners regarding the Shoreline Review.

A member of the public addressed the Rights of Nature proposal and recommended inclusion of consultation with children and youth.

18. CLOSED MEETING

None

19. ADJOURNMENT

By general consent the meeting was adjourned at 1:35 pm.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder