

ADOPTED



Islands Trust North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: January 27, 2022
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

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

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

There were 7 members of the public attending electronically and approximately 12 members of the public attending in person.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:06 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following amendments were recommended for consideration:

- Item 13.1 Bylaw Number 226 be moved ahead to follow item 11.
- Item 15.5 Travel Trailer Enforcement be moved to follow items 11.

By general consent, the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee McConchie reported on his recent activities, including the following:

- Attended a Housing Coalition meeting in December 2021.
- Discussion with local fire department regarding safety protocols for short term vacation rentals.
- Trincomali Water district discussion regarding ecological protection.

- Magic Lake Property Owners Society (MLPOS) discussion regarding their request for a report exploring the incorporation of the Magic Lake Estates
- Opportunities to review the Islands Trust Act and recommendations for improving organizational efficiency and reducing costs.

Trustee Morrison provided a report on recent activities, included the following points:

- Trust Policy Committees meeting upcoming and encouragement for the community to provide feedback and attend the meeting virtually.
- Expressed concern with the permitting process, and opportunities to improve efficiency.
- Encouraged the community to be attentive and active in reviewing and giving feedback on Islands Trust policies that are coming up.

4. CHAIR'S REPORT

Chair Patrick provided a report on recent activities, including a reminder that the community feedback process for the Islands Trust budget is ongoing, including access to the online survey and upcoming webinars.

5. TOWN HALL AND QUESTIONS

Robert Fenton requested that the Local Trust Committee grant his clients, members of the community with an open bylaw case, the ability to continue to use their mobile home as a residence. He provided an overview of the circumstances of the property on which the mobile home is situated and the bylaw case itself.

Don Korbin addressed Bylaw 226 and Bylaw 227. He noted the following points:

- Encouraged the Islands Trust to address internal matters of efficiency and cost as have been formally identified before increasing revenue.
- Encouraged the Islands Trust to reconsider the required number of in person meetings and to hold all meetings in person, unless mandated by a state of emergency.
- Encouraged the LTC to approach the Trust Policy Statement with caution and prudence given the past year's pandemic landscape and the current LTC's status as acclaimed rather than elected officials.

A member of the community requested information on why meetings are scheduled during working hours.

The LTC requested that discussion of meeting dates and times be added to the next meeting agenda.

Liz Brown noted that herself and most of the attendees at the meeting were there to discuss the housing issue.

A member of the community requested and received information on the process moving forward for Item 15.5 Travel Trailer Enforcement.

Michael Sketch addressed Draft Bylaw 226 and provided recommended improvements to staff reports that could support the fee increases. He also encouraged the LTC to amend the bylaw to

consider situations where the 20% surcharge would not appropriate applicants who violated a bylaw out of necessity.

Suzanne Sterling addressed the staff report for item 15.5 Travel Trailer Enforcement. She encouraged the LTC to consider the real-life conditions of living in a trailer and noted that the writer of the report admitted that he is not aware of the specific conditions of living in a trailer on Pender.

Diane Logan provided a historic perspective of successful trailer living on Pender Island in the past.

Diane Logan encouraged careful consideration of the value and cost of Islands Trust services. She provided examples of jurisdictions with smaller budgets and outlined the services achieved.

Martha McMahon addressed item 15.1. She noted that the LTC has set aside other bylaws in the past and that the Agricultural Advisory Commission have also supported the use of trailers for housing.

6. COMMUNITY INFORMATION MEETING

None

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated December 4, 2021 (for Adoption)

The following amendments to the minutes were presented for consideration:

- Under Chair's report, amend to state that the budget was approved for consultation, not adoption.

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

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated Jan 2022

Received for information.

10. DELEGATIONS

None

11. CORRESPONDENCE

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

Erin O'Brien, Pender Island Conservancy, was invited to address her correspondence to the LTC regarding concerns with the raptor and heron nesting development permit areas (DPAs).

Erin O'Brien reported that the mapping used to inform those DPAs is out of date and that the Conservancy will be leading the collecting of current data through their work and their citizen scientists and will provide that information to the Islands Trust.

Trustee McConchie requested and received an update on the ground water project and the forthcoming feedback from the groundwater specialist on the Mackinnon Road projects.

Note: Item 13.1 North Pender Island Local Trust Committee Fees Bylaw No. 226 was discussed at this time.

RPM Kojima provided an overview of the proposed bylaw.

The Trustees provided comments on the proposed bylaw and noted that community concerns have been heard.

NP-2022-001

It was Moved and Seconded,

that the North Pender Islands Local Trust Committee move that first reading of North Pender Island Local Trust Committee Fees Bylaw No. 226 be tabled until after the governance review has been submitted to the public.

CARRIED

Note: Item 15.5 Travel Trailer Enforcement was addressed at this time.

Warren Dingman provided an overview of the staff report.

A discussion of the report was held, including the following points:

- Current and anticipated impact of the housing crisis on Pender Island;
- Limitations of bylaw enforcement's ability to assess the scope of the travel trailer matter; and
- Current and historic circumstances regarding unlawful housing.

NP-2022-002

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct bylaw staff to defer enforcement on unlawful dwellings, except in the following circumstances:

- a. There are concerns regarding health and safety;
- b. There are concerns that sewage is not being disposed of in an approved septic or sewage disposal system; or that septic or sewage disposal systems are beings used in excess of capacity or ability as a result of unlawful dwellings;
- c. There are concerns of possible contamination of wells or other drinking water sources;
- d. Unlawful dwellings are in environmentally sensitive areas;

e. There are non-permitted campgrounds; and

f. That the North Pender Island Local Trust Committee may give direction to resume enforcement on activities on any property that poses risk to the health and safety of the neighbouring residents or the residents on the property subject to enforcement.

CARRIED

The LTC confirmed with Warren Dingman that passing this motion would not allow travel trailers to be used as vacation rentals.

12. APPLICATIONS AND REFERRALS

12.1 NP-SUB-2016.2 (Mill Bay Marine Group/Henshaw) – Request to release covenants – Staff Memo

RPM Kojima provided an overview of the staff memo.

The LTC requested and received additional information on the following points:

- Location of the covenants;
- Explanation of the request and the impact that the discharge will have on the property's use moving forward;
- Status of current bylaw enforcement on the property; and
- Challenges for LTC.

NP-2022-003

It was Moved and Seconded,

that the North Pender Island Local Trust Committee accepts the discharge of Section 219 Covenant CA6746422, Covenant CA6746425 and Statutory Right of Way FB517088 over Lot 3, Section 11, Pender Island, Cowichan District, Plan VIP7982, except part in Plan 21227, 1772RW and EPP93836, and designates the Chair of the Local Trust Committee to sign the discharge of the covenants and Statutory Right of Way (4602 Oak Road).

CARRIED

Trustee Morrison requested that the record reflect that her understanding of the staff report is that the motion will apply to the south side of Oak Road on the Henshaw property.

Trustee McConchie requested that the record reflect that he felt compelled to pass the motion based on staff advice in order to avoid appearing obstructive when expressing his uncertainty of understanding the staff report.

12.2 NP-DP-2021.7 (Brodie) – Staff Report

Chair Patrick invited Shane Haxton, a representative for the applicant to address the LTC.

Shane Haxton addressed concern regarding tree removal and noted the circumstances in which tree removal would impact the geotechnical assessment.

The applicant addressed the application and removal of trees.

The LTC requested and received information on the following points:

- Engineering reports and information regarding the steep slope; and
- Information on the development permit area.

NP-2022-004

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP2021.7 (Brodie).

CARRIED

12.3 NP-DP-2021.8 (Clarke) – Staff Report

Kim Stockdill provided an overview of the staff report, including the details of the court order.

The applicant, Denver Clarke, was invited to speak. He requested and received information regarding the security deposit for the care and maintenance of the trees.

The applicant noted that the remediation work and additional cost of the security deposit could become financially prohibitive.

A discussion of the history of the matter was held. The LTC requested and received information on the circumstances that led to the tree removal.

The applicant requested and received information on the timeline expectation of the permit.

NP-2022-005

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP2021.8 (Clarke).

CARRIED

12.4 NP-TUP-2021.9 (Persello) – Staff Report

Planner Stockdill provided an overview of the application and associated staff report.

The applicant, Darryl Persello, was invited to speak and provided an overview of the information package for guests, recent use, and the owners' relationship with neighbours.

Trustee McConchie noted that representatives of Pender Island Fire Rescue have expressed concern over the safety of Short Term Vacation Rentals (STVRs).

Planner Stockdill provided an overview of the safety requirements included in the proposed STVR bylaw, Bylaw 222.

The LTC expressed interest in requiring Fire Department property inspections for STVRs.

NP-2022-006

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2021.9 (Persello) for a period of three (3) years.

CARRIED

12.5 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 521 (for response)

NP-2022-007

It was Moved and Seconded,

that the North Pender Island Local Trust Committee respond to Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 521 with interests unaffected.

CARRIED

12.6 Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 526 (for response)

Chair Patrick provided an overview of the referral.

NP-2022-008

It was Moved and Seconded,

that the North Pender Island Local Trust Committee respond to Salt Spring Island Local Trust Committee Referral for Proposed Bylaw No. 526 with interests unaffected.

CARRIED

12.7 South Pender Island Local Trust Committee Referral for Draft Bylaw No. 122 (for response)

Chair Patrick provided an overview of the referral.

NP-2022-009

It was Moved and Seconded,

that the North Pender Island Local Trust Committee respond to South Pender Island Local Trust Committee Referral for Draft Bylaw No. 122 with interests unaffected.

CARRIED

12.8 South Pender Island Local Trust Committee Referral for Proposed Bylaw No. 123 (for response)

NP-2022-010

It was Moved and Seconded,

that the North Pender Island Local Trust Committee respond to South Pender Island Local Trust Committee Referral for Proposed Bylaw No. 123 with interests unaffected.

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 North Pender Island Local Trust Committee Fees Bylaw No. 226 (for consideration)

Note: This item was discussed following item 11.

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated Jan 2022

The LTC requested an update on current staff resources and opportunities to add additional priorities.

Trustee McConchie requested and received staff input on adding a new project for updating the mapping of raptor and heron nest development permit areas.

The LTC requested and received updates on the top priorities.

14.1.2 Projects List Report Dated Jan 2022

NP-2022-011

It was Moved and Seconded,

that the North Pender Islands Local Trust Committee add Raptor Nesting Mapping updates to the projects list.

CARRIED

14.2 Applications Report Dated Jan 2022

The LTC requested and received information on a potential incoming application and the timeline that the applicant may face.

RPM Kojima provided an overview on the timelines for applicants and the current volume of applications being serviced. He recommended that the applicant consider applying to the Board of Variance.

A discussion was held regarding opportunities for improving efficiency in the application process and the progress being made by staff to standardize and simplify the process.

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

Received for information.

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.

RPM Kojima provided an overview of the brief.

A discussion of the matter was held and the LTC noted additional mapping efforts that would support their work, including eel grass mapping and heritage mapping.

15.2 North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 227 (for consideration)

RPM Kojima provided an overview of the bylaw, its rationale, and the amendments made by other LTCs.

NP-2022-012

It was Moved and Seconded,

that the North Pender Island Local Trust Committee revise North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 227 to make a minimum of 50% of meetings in person.

CARRIED

NP-2022-013

It was Moved and Seconded,

that the North Pender Island Local Trust Committee revise North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 227 to remove items 18-40.

CARRIED

NP-2022-014

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 227, cited as “North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 227, 2022”, be given first reading as amended.

CARRIED

NP-2022-015

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 227, cited as “North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 227, 2022”, be given second reading.

CARRIED

NP-2022-016

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 227, cited as “North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 227, 2022”, be given third reading.

CARRIED

NP-2022-017

It was Moved and Seconded,

that the North Pender Island Local Committee Bylaw No. 227, cited as “North Pender Island Local Trust Committee Meeting Procedures Bylaw No. 227, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

15.3 Sidney Island Referral Process - Staff Memo

RPM Kojima provided an overview of the staff memo including the rationale for the LTC’s request for creation of a referral process, including limitations the Strata Council may have in responding to such referrals.

NP-2022-018

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to refer the Sidney Island Referral Process report dated January 27, 2022 to the Sidney Island Strata Council for comment.

CARRIED

15.4 North Pender Island Board of Variance – Discussion

Trustee McConchie provided an overview of a report of concern that he received from a former member of the North Pender Island Board of Variance. He noted that the concerned member recommended that those associated with building not be permitted to hold a spot on the board.

RPM Kojima provided an overview of the role of the Board of Variance and the process by which they review applications.

15.5 Travel Trailer Enforcement - Staff Report

Note: This item was discussed following item 11.

16. UPCOMING MEETINGS

16.1 Special Electronic Community Information Meeting - February 5, 2022 at 10:00 am

For information.

16.2 Special Electronic Community Information Meeting - March 12, 2022 at 10:00 am (for consideration)

NP-2022-019

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to schedule a meeting for a special electronic community information meeting on March 12, 2022 at 10:00 am for the Land Use Bylaw Review Project.

CARRIED

16.3 Next Regular Meeting Scheduled for February 24, 2022 at the Anglican Church Hall, Pender Island

For Information.

16.4 North Pender LTC March 31, 2022 Meeting - Reschedule to March 24, 2022

NP-2022-020

It was Moved and Seconded,

that the North Pender Island Local Trust Committee's March 31, 2022 Regular Business Meeting be rescheduled to March 24, 2022.

CARRIED

17. TOWN HALL

Diane Logan addressed the draft Islands Trust Budget. For illustration of opportunities to improve efficiency she provided a hypothetical budget for an independently functioning North Pender Islands Trust which would include increased salaries for the Trustees and significant reduction in overall cost

Michael Sketch recommended that bylaw enforcement be amended to allow property owners to plead circumstances in which they had no reasonable alternative course of action.

18. CLOSED MEETING (Distributed Under Separate Cover)

18.1 Motion to Close Meeting

At 2:14 pm Chair Patrick reported that the LTC would be entering a closed meeting and that the LTC would deliver a Rise and Report on matters discussed at the next regular business meeting.

NP-2022-021

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)(f) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated June 24, 2021 and December 4, 2021;
- Appointment of Agricultural APC Members;
- Bylaw Enforcement;

AND that the recorder and staff attend the meeting.

CARRIED

18.2 Recall to Order

At 2:40 pm Chair Patrick called the public meeting to order, noting that no members of the public were in attendance.

18.3 Rise and Report

Note: Rise and Report to be delivered at next regular meeting due to public no longer in attendance.

19. ADJOURNMENT

By general consent the meeting was adjourned at 2:41 pm.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder