

ADOPTED



Islands Trust

South Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: March 4, 2022
Location: Electronic Meeting

Members Present: Laura Patrick, Chair
Cameron Thorn, Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Lauren Edwards, Recorder

Regrets: Steve Wright, Trustee

There were approximately 12 public attendees at the meeting

1. CALL TO ORDER

Chair Patrick called the meeting to order at 11:00 am. She acknowledged that the meeting was held in the traditional territory of the Coast Salish First Nations.

2. RISE AND REPORT - In-Camera February 4, 2022 Meeting

By general consent the LTC chose not to appoint an APC for the balance of the term, however consideration may be given to opportunities for working groups.

3. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

4. TRUSTEE REPORT

Trustee Thorn reported on road problems and he remains in contact with the Ministry of Transportation regarding timelines.

5. CHAIR'S REPORT

Chair Patrick reported that the Islands Trust Council meeting is scheduled for March 8th to 10th with a Town Hall session scheduled on March 8th from 7:00 to 9:00 pm. The Trust Policy Statement engagement is being initiated and events will be occurring on Pender Island. She recommended subscribing to the website.

6. TOWN HALL AND QUESTIONS

In response to a question about being informed of the work by the LTC:

- Residents were encouraged to register to receive email notifications through the Islands Trust website and Trustee Thorn commented that his cell and email have been made available.
- The LTC will begin in person meetings at the next meeting.

7. COMMUNITY INFORMATION MEETING

7.1 Land Use Bylaw Amendment Project

Planner Stockdill introduced the Land Use Bylaw (LUB) Amendment Project which is for LTC's consideration of amendments to regulations for total and maximum floor areas, setbacks and agricultural land use as well as shipping containers and other minor and technical amendments. She stated that the first reading has not yet been given and there will be a second Community Information meeting in the late spring/early summer if the LUB proceeds.

In response to a question concerning waterfront setbacks:

- Bylaw 122 attached to the agenda was referenced;
- Changes under sections 2.4 and 2.5 restrict setback to 15 metres;
- The setback from the sea can be found under General Regulations;
- Current structures, if legally constructed, would be protected if the new regulation is more restrictive; and
- Repairs to current structures will be addressed during bylaw consideration.

In response to a concern regarding the maximum floor space and that the five tier model be reduced:

- It was reported that a number of house size options had been put forward as well as a proposal for changes to house size or setbacks in order to be legally conforming.

In response to a suggestion that an equal cap be set on short-term vacation rentals (STVRs):

- It was reported that a separate project has been completed for this issue and an email will be sent today.

In response to a question about the changing square footage figures in the drafts:

- Trustee Thorn reported that the square footage opinions differ, but that his numbers are based on rural consideration and captures 85 to 95 percent of the current building stock, but that there is fluidity to that number.

In response to a concern raised about public reaction and dialogue, the following was reported:

- In the absence of changes to the LUB, a variance can be sought, but there are no criteria for trustees to rely on; and
- In 2019, design and siting guidelines were developed and would be attached as appendices to the OCP to provide principles to consider that reflect the values of the Official Community Plan (OCP); and

- Trustee Thorn reported that he focussed on land use issues only for square footage figures.

A concern was raised about uncertainties in the variance process and the mechanisms for decision making by trustees.

- It was reported that variance considerations are of rural character, which includes privacy and natural landscape as well as maintaining setbacks for side yard boundaries and homes; and
- The two mechanisms for variance processes were described.

In response to a request for the actual proposals for house sizes:

- Planner Stockdill reported that if adopted as currently drafted, there will be the existing maximum floor area regulations for those dwellings that currently exist and more restrictive regulations for new builds.

Comments from the community members in attendance were:

- One individual was in favour of the original proposal and adopting a tier structure similar to North Pender;
- One individual supported the blackline draft of page 24, but that could change based on amendments; and
- One individual suggested that there should be a unique solution for South Pender as it is more rural than North Pender.

In response to a concern raised about the BC Assessment data and the calculation of unfinished areas:

- Trustee Thorn reported that his proposal is meant to avoid non-conforming properties through a schedule to the bylaw as opposed to a table of existing and new bylaws; and
- Attached garages should be recognized in the schedule to the bylaw.

In response to concern expressed on the rationale for changes:

- Trustee Thorn reported the goal is to have a mechanism to recognize existing properties within the LUB.

8. PUBLIC HEARING

None

9. MINUTES

9.1 Local Trust Committee Minutes Dated February 4, 2022 (for Adoption)

By general consent the Local Trust Committee meeting minutes of February 4, 2022 were adopted.

9.2 Section 26 Resolutions-without-meeting - None

9.3 Advisory Planning Commission Minutes – None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated Feb 2022

11. DELEGATIONS

12. CORRESPONDENCE

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

13. APPLICATIONS AND REFERRALS

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 LUB Amendments Project – Staff Report

Planner Stockdill provided an overview of this topic for LTC consideration. Three topic areas where staff had provided comment were: maximum floor areas; shipping containers; and groundwater recommendations. She reported that shipping container regulations were added.

Planner Stockdill described Draft Bylaw 122 with two options that would eliminate legal non-conforming maximum floor area. One option has two regulations and the second option (not detailed in the staff report) has one regulation.

Planner Stockdill described the differences as:

- Two sets of regulations allows the property owner to add an addition if structure is under the bylaw maximum; and
- One regulation with a restricted house size for both new builds and current structures, the floor area could be retained but could not be expanded.

Discussion occurred on this issue and included:

- Progressing this issue in the absence of Trustee Wright;
- Planner Stockdill reported that Trustee Wright sent comments on a number of issues which she can highlight but not paraphrase;
- Concern was raised that with two tables, new construction on an existing home may avoid new size restrictions and remain legal non-conforming and outside the LUB;
- A single table that recognizes construction prior to LUB can be reflected in a schedule to the LUB;
- Communication to be sent to residents with an 18 month response time for a site plan;
- Amending Bylaw 122 to one table with a clause to retain or rebuild to the existing floor area;
- An example can be brought back for the May 6th meeting in a blackline version of the bylaw as well; and
- The available tables and the certainty for first reading was discussed.

SP-2022-017

It was Moved and Seconded,

that the South Pender Island Local Trust Committee amend draft bylaw 122 as follows:

by using the table on page 15 exhibiting four land use categories as Table 3 in the Staff Report in the right-hand column;

and,

the draft bylaw include clauses recognizing homes in terms of house size and setbacks that would have been built before the adoption of this new bylaw;

and,

that the bylaw include only one table.

CARRIED

Planner Stockdill requested direction on groundwater protection regulation and discussion included:

- Cistern catchment for storage of freshwater;
- The building permit for a house or cottage triggers the requirement to install a cistern on the lot.

SP-2022-018

It was Moved and Seconded,

that the South Pender Island Local Trust Committee amend draft Bylaw No. 122 as amended by amending the Groundwater Protection Regulation Section 3.14 to include a cottage as a new building.

CARRIED

SP-2022-019

It was Moved and Seconded,

that the South Pender Island Local Trust Committee Bylaw No. 122, cited as the "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021" as amended be read a first time.

CARRIED

SP-2022-020

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. 122, cited as "South Pender Island Land Use Bylaw No. 114, 2016, Amendment No. 2, 2021", is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

SP-2022-021

It was Moved and Seconded,

that the South Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting and a Public Hearing for proposed Bylaw No. 122.

CARRIED

Chair Patrick stated that a Community information meeting will be held May 6th for the proposed bylaw followed by a Public Hearing.

14.2 Minor OCP Amendments Project – Staff Report

Region Planning Manager (RPM) Kojima reported that both draft versions of the Rights of Nature bylaw are attached and will be going to First Nation consultation and referral and that the remaining OCP amendments are going to public hearing.

14.3 Shoreline Review – Draft Discussion

RPM Kojima reported the project’s draft version of the discussion paper is attached.

- Discussed timeline for consultation and community meeting as well as coordination with other shoreline projects;
- Chair Patrick reported that the Lyacksen First Nation asked to be involved in the project definition phase for new projects and that trips to each first nations will occur; and
- RPM Kojima will report back in the May or June meeting with on update on a potential new timeline.

15. REPORTS

15.1 Work Program Reports (attached)

15.1.1 Top Priorities Report Dated Feb 2022

15.1.2 Projects List Report Dated Feb 2022

15.2 Applications Report Dated Feb 2022

- RPM Kojima reported that there is no news on the ALR application; and
- TUP file is closed and will taken off the applications report.

15.3 Trustee and Local Expense Report Dated Dec 2021

15.4 Adopted Policies and Standing Resolutions

15.5 Local Trust Committee Webpage

15.6 Islands Trust Conservancy Report - None

16. NEW BUSINESS

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for May 6, 2022 at the South Pender Fire Hall, Pender Island

A Community Information Meeting and public hearing on draft bylaw 122 will occur.

18. TOWN HALL

A community member raised a concern about the confusion caused by the various tables, communication being limited to email and the appearance of lack of transparency.

- Trustee Thorn commented on making available a concise table that relates to house size;
- Chair Patrick stated that the Community Information Meeting and public hearing meetings should have clarity and information will be communicated by email and the Islands Trust website and sent out by the trustees as best they can;
- Discussion occurred about the number of properties affected which Trustee Thorn reported would be 25 across all categories based on today's proposed information if adopted and that there are a number of protections for homes larger than allowed in the bylaw;
- Chair Patrick commented that slides would be helpful at the public meetings and suggested comments can be sent to southinfo@islandstrust.bc.ca.

19. CLOSED MEETING

None

20. ADJOURNMENT

By general consent the meeting was adjourned at 1:49 pm.

Laura Patrick, Chair

Certified Correct:

Lauren Edwards, Recorder