

ADOPTED



North Pender Island Local Trust Committee

Minutes of Regular Meeting

- Date:** April 28, 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, Island Planner
Narissa Chadwick, Island Planner (via Zoom)
William Shulba, Senior Freshwater Specialist (via Zoom)
Lauren Edwards, Recorder (via Zoom)
- Public Present:** There were approximately 9 members of the public present

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:17 am. She acknowledged that the meeting was held in the traditional territory of the Coast Salish First Nations. She commented on her travel with Lyackson First Nation on Valdez Island and heard the history of the clam garden. She encouraged learning about features to remember what was here.

2. RISE AND REPORT - In-camera March 24, 2022 Meeting

By general consent, the LTC agreed to rise and report that the North Pender Island Local Trust Committee appointed Priscilla Zimmerman, Andrew MacLean, and Bert Hol to the North Pender Island Board of Variance, commencing immediately for a term ending March 24, 2025.

3. APPROVAL OF AGENDA

Add:

The LTC agreed to discuss recreational vehicles under New Business regarding correspondence from Robert Fenton.

By general consent the North Pender Island Local Trust Committee meeting agenda was approved as amended.

4. TRUSTEE REPORT

Trustee McConchie reported:

- The recently released census information reported significant population increases. He encouraged people to review the statistics.
- Given some recent observations, there is a need for an improved communication strategy with the Ministry of Transportation and Infrastructure (MOTI).
- There had been a meeting with BC Ferries staff. The Salish Heron is not yet in service and the Salish ships should be operating in the Gulf Islands by 2023.
- There was a beach cleanup on April 23rd and the Pender Island Conservancy is working to purchase and conserve a tract of land. He asks that contributions be considered.

Trustee Morrison reported that:

- A lot of public activities and gatherings occurred with good ideas exchanged. Official feedback for the Policy Statement should come through regular channels.

5. CHAIR'S REPORT

Chair Patrick reported that:

- The census gives only partial information and it is necessary to know the community in order to protect the whole range of community members;
- The SGI Forum provides opportunity for ongoing conversation with all levels of government and First Nations to manage issues such as large industrial ships parking;
- The next Trust Council meeting will be in June; and
- The Salt Spring Island LTC will be meeting with the MOTI in May. The Gulf Islands were left out of the Vancouver and South Island Transportation Strategy and the Ministry will be encouraged to update the document to include the Gulf Islands.

6. TOWN HALL AND QUESTIONS

Discussion arose and included:

Public attendee #1: The procedure or standards for a recent Saturday meeting was questioned as the assumption was that the meeting was not related to Islands Trust business since it had not been advertised.

- It was confirmed that the meeting was not an official Islands Trust meeting;
- Chair Patrick stated that individual trustees do meet with constituents or groups of constituents outside of a meeting;
- Trustee Morrison stated she would be happy to have a conversation regarding his concerns;
- The member of the public commented that single floor buildings are necessary for retired seniors in general; and
- A suggestion was made that Trustee Steve Wright could be contacted for information regarding the mail-out for the April 23 informal meeting.

Public attendee #1, Don Corbin left the meeting.

Public attendee #2: An Advisory Planning Commission member offered personal opinions with respect to the proposed bylaws which included:

- There seems to be an ease to create and a rush to get bylaws in for elections in October;
- The difficulty is in the administration and enforcement of after-the-fact construction;
- Questioned if there is a list of larger North Pender homes, how many new houses there are, and whether preserve and protect mandate is followed;
- She commented that greenhouse gas is the #1 contributor to climate change and the 1994 Trust Policy Statement's main advice was to eliminate wood burning; and
- She asked about the use of incentives and education programs as well as coordination with other levels of government and having secondary suites.

Trustees responded that:

- Coordination is a major component of the Trust's work;
- Housing issues are diverse and are a larger discussion;
- Climate change adaptation effort that is being done as mitigation was not done well; and
- A bylaw will not be created which will hinder people, but rather the community is asked to participate in the democratic process to assist in decision making.

Public attendee #3: Regarding soil deposit and removal bylaw, the rules should address deposits on steep and hazardous slopes and deposits should not impair agricultural land. Soil removal should not impair adjacent ALR land and asking that adjacent ALR land be protected.

Public attendee #4: It was questioned whether Islands Trust would consider a Parks Commission application to install a community dock on Magic Lake.

Trustees and staff responded that the provincial moratorium is on saltwater docks and there is no moratorium on freshwater docks. There would be a rezoning process, and the fees can be refunded for fees associated to community use projects.

7. COMMUNITY INFORMATION MEETING

7.1 NP-LCB-2022.1 (Royal Canadian Legion) - Community Information Meeting

Planner Stockdill provided an overview regarding the application to the Liquor and Cannabis Regulation Branch to make permanent patio area use.

One member of the public commented that the patio adds additional pleasure in being able to go outside and approval seemed long overdue.

8. PUBLIC HEARING

None

9. MINUTES

9.1 Local Trust Committee Minutes Dated February 24, 2022 (for Adoption)

By general consent the Local Trust Committee meeting minutes of February 24, 2022 were adopted.

9.2 Local Trust Committee Special Meeting Minutes Dated March 12, 2022 (for Adoption)

By general consent the Local Trust Committee meeting minutes of March 12, 2022 were adopted.

9.3 Local Trust Committee Minutes Dated March 24, 2022 (for Adoption)

By general consent the Local Trust Committee meeting minutes of March 24, 2022 were adopted.

9.4 Section 26 Resolutions-without-meeting Report - None

9.5 Advisory Planning Commission Minutes - None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated April 2022

Received for information.

11. DELEGATIONS

12. CORRESPONDENCE

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

13. APPLICATIONS AND REFERRALS

13.1 NP-LCB-2022.1 (Royal Canadian Legion) - Staff Report

Planner Stockdill provided an overview of the staff report and stated there were no complaints over the last two years of patio use and sees no significant concerns. The applicant had no comments to add.

NP-2022-046

It was Moved and Seconded,

that the North Pender Island Local Trust Committee directs staff to send a response to the Liquor and Cannabis Regulation Branch regarding the Royal Canadian Legion Branch No. 239 application for a New Outdoor Patio at 1344 MacKinnon Road that states:

- a. The proposed location of the outdoor patio is considered to be suitable;
- b. The proposed person capacity of sixty-five (65) for the outdoor patio is considered to be suitable;
- c. The potential impacts due to noise if the application is approved would be minimal;
- d. The potential general impacts on the community if the application is approved be beneficial because it provides community space;
- e. The Local Trust Committee has solicited public input to gather residents' views and there were no written comments and one resident provided verbal comment in support;
- f. A notice of the application was hand-delivered to occupants within 100 metres of the subject property, mailed to the owners of those properties, posted on local bulletin boards, posted on the North Pender Local Trust Committee webpage, and advertised in the *Driftwood* newspaper. Residents were invited to provide written submissions or attend a community information meeting;
- g. A community information meeting was held on April 28, 2022 to gather residents' views about the application;
- h. The residents' views were generally in support about the application;
- i. The Local Trust Committee agrees with the residents' views that the application should be supported; and
- j. The Local Trust Committee recommends the application be approved.

CARRIED

NP-2022-047

It was Moved and Seconded,

that the North Pender Island Local Trust Committee directs staff to include a record of the community information meeting with the response to the Liquor and Cannabis Regulation Branch regarding the Royal Canadian Legion Branch No. 239 application for a New Outdoor Patio application.

CARRIED

13.2 NP-TUP-2022.2 (Burdett) - Staff Report

Planner Stockdill provided an overview of the staff report and recommendations. The applicants had no comments to add.

NP-2022-048

It was Moved and Seconded,

that the North Pender Island Local Trust Committee place application NP-TUP-2022.2 in abeyance until after the North Pender Land Use Bylaw Review Project is complete, or at such time that the Local Trust Committee removes the legalization of the TUP uses from the Project.

CARRIED

NP-2022-049

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to not enforce the full service waste transfer use and other accessory uses as outlined in NP-TUP-2019.7 until the Land Use Bylaw is amended.

CARRIED

13.3 Saturna Island Local Trust Committee Referral for Proposed Bylaws 133 and 134 (for response)

NP-2022-050

It was Moved and Seconded,

that the North Pender Island Local Trust Committee's interests are not affected by Saturna Island Local Trust Committee Bylaws 133 and 134.

CARRIED

13.4 Mayne Island Local Trust Committee Referral for Proposed Bylaws 184 and 189 (for response)

NP-2022-051

It was Moved and Seconded,

that the North Pender Island Local Trust Committee's interests are not affected by Mayne Island Local Trust Committee bylaws 184 and 189.

CARRIED

13.5 Mayne Island Local Trust Committee Referral for Proposed Bylaws 186 and 187 (for response)

NP-2022-052

It was Moved and Seconded,

that the North Pender Island Local Trust Committee's interests are not affected by Mayne Island Local Trust Committee bylaws 186 and 187.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

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

The Planner provided an overview of the Staff Report which was received for information. Discussion occurred and included the following:

- Community feedback was requested;
- Cost efficiencies and provincial support for conservancy should be sought and reduced taxes should be seen over time; and
- A communication plan regarding the fee policy change should be requested.

NP-2022-053

It was Moved and Seconded,

that the North Pender Island Local Trust request Islands Trust staff to schedule a Community Information Meeting at the beginning of the North Pender Local Trust Committee meeting on the 26th of May for the new fee bylaw.

CARRIED

Break for 10 minutes

14.2 LUB Review Project – Staff Report

Planner Stockdill provided an overview of the staff report.

NP-2022-054

It was Moved and Seconded,

that the North Pender Island Local Trust Committee incorporate the Groundwater Sustainability Project draft land use bylaw regulations into the draft Bylaw No. 224.

CARRIED

NP-2022-055

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to create a new land use bylaw amendment moving Agriculture as a principal resident use in the Rural Residential 2 zone and rezoning the C2 Driftwood property to rental housing into this new bylaw and removing these items from Bylaw No. 224.

CARRIED

NP-2022-056

It was Moved and Seconded,

that the North Pender Island Local Trust Committee rezone 1200 & 1201 Port Washington Road from Commercial 1(a) to Rural Residential 2 as part of the Land Use Bylaw Review Project.

CARRIED

NP-2022-057

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to incorporate the Temporary Use Permit uses into the Land Use Bylaw Review Project for Medicine Beach drop-off.

CARRIED

NP-2022-058

It was Moved and Seconded,

that the North Pender Island Local Trust Committee directs staff to adjust the maximum floor area table by removing the last row of four hectares or greater and providing options around incentivizing secondary suites.

CARRIED

NP-2022-059

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to schedule a Community Information meeting following first reading of the Land Use Bylaw Project.

CARRIED

14.3 Groundwater Sustainability Project - Staff Report (late item)

Planner Chadwick referenced the LUB and OCP amendment documents provided to the Trustees for their information. Regarding cistern regulation amendment, it was reported that:

- The amendment requires new builds and secondary suites to have a cistern installed;

- Island architects, cistern installers and suppliers were consulted. Calculations took into consideration garden use throughout the year including potential drought period during summer months; and
- The language in the amendment was changed to freshwater and not just rainwater so the property owner can store groundwater for later in the year.

Discussion occurred, including:

- Fire department(s) should be contacted to confirm their requirements for cistern fixtures;
- Discussed the benefits of cistern use including groundwater management; and
- It was reported the Province is examining best management practices guideline that could be employed by owners, plumbers and drillers.

Trustee Morrison left the meeting at approximately 1:15 pm

- Trustee McConchie commented on his objections to local government-dictating water retention regulations for property owners and confirmed that, based on the petition and feedback, this should remain as part of the discussion of the LUB review and a conversation at the community information meeting;
- It was reported that the development permit area for groundwater recharge is progressing. A technical memo will be provided; and
- It was agreed that discussion regarding the guidelines and maps will be scheduled for the next regular meeting.

15. REPORTS

15.1 Work Program Report

15.1.1 Top Priorities Report Dated April 2022

Received for information.

15.1.2 Projects List Report Dated April 2022

Received for information.

15.2 Applications Report Dated April 2022

Received for information.

15.3 Trustee and Local Expense Report Dated Feb 2022

Received for information.

15.4 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage

Received for information.

15.6 Islands Trust Conservancy Report - None

16. NEW BUSINESS

16.1 Draft Annual Report Wording - for approval

NP-2022-060

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approves the format and outline of contents for the 2021/22 Annual Report.

CARRIED

16.2 Correspondence from Rob Fenton

Mr. Rob Fenton requested the LTC make a motion encouraging the province to change the definition of recreation vehicles under the building code because RVs, trailers and tiny homes are not considered. He reported that:

- He has had discussions with the CRD;
- He would like the Province to make changes to the code;
- The CRD will discuss the SGI Housing Report in early May and he will ask permission to say the same thing;
- He wishes to meet with the Attorney General and Minister Responsible for Housing; and
- The LTC has agreed to this issue as a work project and if there are two levels of government willing to discuss this, the Province may be interested.

Chair Patrick stated the BC Housing website report on tiny homes indicates they are waiting for national building code changes. She commented that there are already tiny homes on Salt Spring Island and the Province should be urged to deal with the issue which has a lot of positives.

Mr. Fenton commented that RVs are relatively affordable and will become a bigger problem if the issue is not dealt with.

RPM Kojima commented that it is more effective if an issue like this is addressed at Trust Council and then sent to the Union of BC Municipalities.

Mr. Fenton commented he would like to have a chance for a coalition to present it.

Trustee McConchie suggested tabling the motion until after the CRD housing discussion on May 8th and Chair Patrick commented that it would be good to hear back from the CRD.

Trustee McConchie stated that Mr. Fenton could let the CRD know that the LTC is very interested in the subject and he would like to hear the outcome of the discussion.

Trustee McConchie stated he will informally call Paul Brent at the CRD and he requested that the item be added to the May 26th agenda.

Chair Patrick reported there are also efforts working through Adam Olsen's office to Minister David Eby regarding tiny home construction.

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for May 26, 2022 at the Anglican Church Hall, Pender Island

18. TOWN HALL

- Trustee McConchie confirmed that cisterns would be excluded from the floor area calculation;
- RPM Kojima confirmed that fees pay for up to the average cost of the process and not for the outcomes. It was commented that the issue is communication in that people do not understand the value of what they are receiving for their fees;
- A member of the public stated that there is nothing in the fees bylaw section regarding applications after the fact which allows an LTC to consider a petition from an applicant that the after-the-fact situation was unavoidable. It would help for the LTC to write that in; and
- He also asked to consider the LUB situations for industrial rezoning.

19. CLOSED MEETING

None

20. ADJOURNMENT

By general consent the meeting was adjourned at 2:10 pm.

Laura Patrick, Chair

Certified Correct:

Lauren Edwards, Recorder