

ADOPTED



North Pender Island Local Trust Committee

Minutes of Special Meeting

Date: July 7, 2022
Location: Electronic Meeting

Members Present: Laura Patrick, Chair (by telephone)
Benjamin McConchie, Trustee, Acting Chair

Staff Present: Kim Stockdill, Island Planner
Lauren Edwards, Recorder

Regrets: Deb Morrison, Trustee
Phil Testamale, Planner 2

Public: There were approximately 19 attendees via Zoom

1. CALL TO ORDER

Trustee McConchie, Acting Chair, called the meeting to order at 6:30 pm. He commented that the Land Use Bylaw Review Project was initiated three and a half years ago and that on August 11, 2022 there will be a meeting for discussion and vote on the project.

He acknowledged his honour to teach music and be a trustee on SENĆOŦEN speaking land and the strides being made to rebuild broken bridges. He stated that the Pender Island LTC has worked hard towards reconciliation, especially with regards to James Island, and that Chair Patrick and the trustees can be contacted for more information.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Staff Presentation – Land Use Bylaw Review Project and overview of proposed Bylaws 223, 224, and 229

Planner Stockdill provided a PowerPoint presentation on bylaws 223, 224 and 229, and some of her reporting included that:

- The project began in early 2020 to do a full review of the Land Use Bylaw (LUB) and implement policies and initiatives in the Official Community Plan (OCP) to ensure the LUB is up to date and to do a technical review and minor amendments for the LUB.

- The various topics that staff and the LTC wanted to highlight through this process were:
 - Residential and maximum floor area;
 - Conservation subdivision;
 - Agricultural regulations;
 - Industrial regulations;
 - Tourist Accommodation (C2 Zoning) review;
 - Marine and shoreline regulations; and
 - Other minor technical amendments.

- The conservation subdivision topic was removed to be addressed as its own project.

- The progression of the project included:
 - Discussion papers submitted nearly two years ago and available on the Islands Trust website;
 - Engagement with First Nations during the fall of 2020 and into January 2021;
 - In the spring of 2021, a referral was received from the Agricultural Advisory Committee and recommendations were incorporated;
 - In the summer and fall of 2021, the LTC narrowed the project scope; and
 - Two community information meetings were held this year which highlighted hot topics.

- Bylaw 224 contains the majority of amendments and is consistent with the OCP and can proceed on its own track. It will require approval from the Executive Committee before adoption by the LTC.

- Bylaw 223 is the OCP amendment bylaw and will accompany bylaw 229 which are rezonings that require amendments to the OCP. OCP amendment bylaws require approval of the Minister of Municipal Affairs and it is not known how long the approval will take.

- All three bylaws received first reading at the May 26, 2022 LTC meeting and the bylaws and staff reports can be found on the project website titled Land Use Bylaw Review.

- Hot topics presented were:
 - RR1 and RR2 Zones
 - Maximum Floor Area
 - Legal Non-Conforming
 - Accessory Structures on bare land
 - Helicopters
 - MacKinnon Road (C2 Zoned) Properties
 - Docks

- Information provided included:
 - RR1 zoning throughout Magic Lake and Trincomali areas;
 - All other RR properties will be rezoned to new RR2 zoning;
 - A chart detailing maximum floor area per lot was presented;
 - With regards to legal non-conforming, a legal dwelling constructed prior to bylaw 224 can be replaced or altered provided it does not exceed the original floor area at the time the bylaw was adopted;
 - Bare land is permitted to have one outbuilding and one utility shed prior to constructing the building;
 - Helicopters for other than emergency use is not permissible;
 - Four MacKinnon Road properties are zoned Commercial 2 (Tourist Accommodation Zone). Property owners agreed to reduce density down to 23 tourist accommodation units; and
 - The LTC proposes to rezone the area around North Pender to Water 3 which does not permit private docks. Properties with a licencing application in process with the Province will retain Water 1 zoning and future private docks would require an application for rezoning.

- Planner Stockdill asked that members of the public provide comment on the following topics for discussion at upcoming community information meetings:
 - The new Rural Residential 2 zones: agricultural buildings could be between 30 and 50 feet in height depending on distance from lot lines. One consideration is that the LTC could restrict heights;
 - Port Washington store site: rezone to RR2 to allow a dwelling to be constructed. If rezoned, owners will apply to amalgamate the properties and shift property lines for parking area;
 - The portion of land behind the Driftwood Centre: The LTC is considering rezoning to rental housing which could allow up to 16 multifamily rental units;
 - The last three properties relate to waste transfer use, commercial composting and recycling:
 1. 4415 Bedwell Harbour Road: the LTC is considering rezoning a portion of this property to General Industrial (e) which only allows use currently permitted in the TUP. It would require an OCP designation and would be part of Bylaw 223.
 2. Portions of 3418 South Otter Road: The LTC is considering rezoning from industrial to community service site specific use.
 3. The other portion of 3418 South Otter Road: The LTC is proposing rezoning from Industrial (c) to General Industrial (d) to allow industrial zoning uses.

- Next steps are community information meetings:
 - A Zoom meeting is scheduled for July 28th and will include a presentation.
 - An in-person meeting is scheduled on August 13th at 11:00 am at Anglican hall and will include an open house and Q&A.
 - At the Regular LTC meeting on August 11th, the LTC may make more amendments to the bylaws or give direction to schedule a public hearing.

- For Bylaw 224, there is potential for a public hearing in the next few months and potential for bylaw adoption in the fall.
- For Bylaw 223 and 229, the timeline for potential adoption is unknown.
- All correspondence being sent to the LTC regarding this project should include southinfo@islandstrust.bc.ca
- The presentation made at this meeting is on the Project website.

Trustee McConchie invited the public to ask questions. The following comments were made:

Kathi D. (Allison) from Pender Island stated concern about the 2500 square foot limit. She has a house grandfathered and has ability to make a suite for her father, but 800 square feet of the basement is unusable. She asked whether 2500 square feet is too low and whether square footage of an unusable basement will be taken into consideration.

Planner Stockdill responded that Bylaw 224 maximum is 2500 square feet and includes any area greater than five feet in height. A second suite may require a Development Variance Permit (DVP) as the floor area includes the basement.

Kathy D. commented that she will put in writing that the 2500 square feet is too low as homeowners with sloping basements would be penalized.

Trustee McConchie commented that this item will be discussed with trustees as it should not impede homeowners.

Dale Henning stated that he was confused by the presentation regarding helicopters and the statement regarding bylaw enforcement. With no authority to enforce the bylaw, he asked why it was included.

Trustee McConchie responded that:

- There had been a lot of correspondence on this issue;
- Many community members are concerned about aeronautics in the Gulf Islands.
- Pender Island already has a bylaw regarding helipads.
- The creation of an unenforceable law should be discussed.
- There are low flying planes over the Gulf Islands that do not follow flight paths.
- He gets emails once per week regarding helijet, etc.
- He stated that the question is: What is the future of avionics on the islands? And, should local governments have a say, especially if it pertains to the environment?

Dale Henning commented that:

- Aviation is part of West Coast living and while float planes make a lot of noise, they transfer a lot of people. They are an essential part of tourism and medical transport; and

- The Islands Trust has been criticized many times for spending money on silly projects and there is one guy who is fortunate to own a helicopter; and, that Helijet cannot be limited, aircraft fly low and that has to be lived with.

Trustee McConchie stated that he had not received any correspondence with that opinion, but has received numerous correspondence indicating Islands Trust should pursue this issue. He invited Dale Henning to write to the LTC.

Dale Henning commented that years ago the property behind the Driftwood Centre was proposed for senior housing or rental housing. He suggested that Islands Trust take a close look at rental housing.

Planner Stockdill stated that, rather than posting to Facebook, it is important for the public to write to the southinfo@islandstrust.bc.ca in order to ensure their comments become part of the public record and so that each trustee has an opportunity to read them.

Sara Miles commented that in the most recent staff report a motion was carried to incorporate the Groundwater Sustainability Project draft LUB into the draft Bylaw 224. She asked for a summary of what that means.

Planner Stockdill reported that this item will be included in the meeting for July 28th and that there are three items of the Groundwater Project that was incorporated into this project: adding definition into bylaw 224, adding cistern and updating subdivision regulations.

Elizabeth Botman stated that she bought a home 12 years ago which was zoned as a sensitive eco system. She stated that she does not see that mentioned here and asked if there was a change to the category.

Planner Stockdill responded that DVP areas were established based on the sensitive eco system mapping and this project does not deal with that. She asked that Elizabeth Botman contact her directly.

Planner Stockdill also confirmed that any zoning can have an accessory building as long as it meets the setback requirements.

Planner Stockdill explained that the new RR1 zone for Magic Lake and Trincomali are small lots with one dwelling unit and no agriculture as a principle permitted use. Water is also a concern throughout the island including these areas.

Trustee McConchie reported that the LTC received the Agricultural Advisory Planning Commission's opinion that Magic Lake and Tracomalley are different than more rural parts of the Island and there should be differences in the zoning regulations. He reported that the Magic Lake Property Owners Association is voting to investigate incorporation and hopefully this new zoning will address some of their concerns.

Planner Stockdill provided direction and information regarding the Islands Trust website including that the Projects page holds the Land Use Bylaw Review documents.

Ann Burdett questioned how trustees can confidently move forward with these changes and that she has bylaw enforcement stating otherwise with regards to an outbuilding allowance.

Planner Stockdill responded that an outbuilding cannot currently be constructed on bare land, but that the proposed Bylaw 224 will allow it.

Trustee McConchie commented on the thoroughness of the project's process which included analysis, public debate and transparency. He further commented that the process has been ongoing for over three years and that the most helpful comments were those for which individuals addressed specific problems that resulted in alterations. He feels confident and wants to hear from the public on specific matters.

Sara Miles asked whether the LTC can factor density and changes into the decision making while well licensing applications are still in process with the Province and may take several months to process.

Trustee McConchie reported that there were creative solutions the Groundwater Project addressed and the decision was to move to the next phase at the next meeting.

Trustee McConchie read aloud Chair Patrick's typed comment that well registration and licensing is with the Province who work with Islands Trust. The Islands Trust is working on the science and it is a work in progress.

Trustee McConchie commented that this will need more discussion.

Sara Miles asked that if somebody's potable domestic water supply is affected by an authorized development who is liable? Is there any policy?

Planner Stockdill stated that the LTC will be scheduling a community information meeting regarding the Groundwater Project and that William Shulba can provide an answer.

Planner Stockdill invited Ann to have a discussion with her directly concerning her question regarding industrial zones.

Trustee McConchie stated that he discussed this issue with bylaw enforcement and there may be an opportunity for bylaw enforcement to bring the report for discussion at a future date.

Trustee McConchie commented that it is not too late to express yourself or ask questions. He asked that the public write to southinfo@islandstrust.bc.ca and that Chair Patrick and the trustees can be contacted.

4. ADJOURNMENT

By general consent the meeting was adjourned at 7:55 pm.

Ben McConchie, Trustee, Acting Chair

Certified Correct:

Lauren Edwards, Recorder