

ADOPTED



North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: January 31, 2019
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present: Laura Patrick, Chair
Deb Morrison, Local Trustee
Ben McConchie, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Miles Drew, Bylaw Enforcement
Shannon Brayford, Recorder

Public: There were approximately (23) members of the public.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:00 a.m. She noted that the meeting will be live-streamed on Facebook. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

Regional Planning Manager (RPM) Robert Kojima noted that the Trustees received a package of late submissions for item 10.3.

3. TOWN HALL AND QUESTIONS

Michael Sketch noted that his submission is listed under correspondence. He requested clarification on the regulations regarding structures on residentially zoned land that have not yet had a residence built upon them. He requested that the LTC consider this bylaw and its practical application.

A member of the public addressed the construction of non-residential buildings on residentially zoned land. He encouraged the Islands Trust to enforce the bylaw and outlined the impact of such bylaw infractions on his own neighbourhood.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated November 29, 2018 & January 12, 2019

Deb Morrison recommended that the minutes be revised as follows:

- Item 2, addition of “The request to defer item 10.1 was denied” following the words “Planner Stark reported”.
- Item 6.2 , the addition of “Trustee Morrison requested that RPM Kojima follow up on the Browning sewer smells”.
- Item 10.2, addition of a third point stating “Trustee Morrison specifically asked Ms. Murdoch to keep the MOTI right of way clear of any use as this is beyond their property”
- Item 11.1, following the final point the addition of “Trustee Morrison asked for clarification from RPM Kojima about the approval of secondary suites in the Magic Lake area and he confirmed that no secondary suites can be approved in Magic Lakes until the water and sewer upgrades are complete as per the community feedback during bylaw review”

Chair Patrick requested that under Item 3 the word “comments” be revised to “inquiries”.

By general consent the Local Trust committee meeting minutes of November 29, 2018 were adopted as amended.

By general consent the Local Trust committee meeting minutes of January 12, 2019 were adopted as presented.

6.2 Section 26 Resolutions-without-meeting Report Dated January 2019

Received for information.

6.3 Advisory Planning Commission Minutes

none

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated January 2019

Trustee Morrison requested and received information regarding the time line for application NP-DVP-2017.3 (Cooke/Tayler).

8. DELEGATIONS

8.1 John Aftias re Issues with Proposed Properties for Waste Management Site

John Aftias outlined concerns with current and proposed industrial use on properties in the area of the Recycling Depot and MacDonald Farm. He reviewed the impact that the industrial land uses have on the general area, as well as his enjoyment of his property and the safety of his drinking water.

The Trustees acknowledged the concerns expressed in the delegation. They encouraged the following:

- Public should consider focusing only on land use issues and not personal attacks.
- Uses on industrial land that are not zoned are not ok.

9. CORRESPONDENCE

9.1 M. Sketch re Amendment to Land Use Bylaw

RPM Kojima provided an overview of the requests made in the correspondence and the options available to the LTC.

Trustee Morrison addressed the matters in the correspondence and provided an overview of the rationale for the bylaw in question.

RPM Kojima provided further information on the bylaw and outlined considerations for the LTC should they add this as a work project.

10. APPLICATIONS AND REFERRALS

10.1 NP-TUP-2018.8 (Chapman/PIPRC) - Staff Report

RPM Kojima provided an overview of the staff report and associated recommendations.

John Chapman, Chair of the Pender Islands Parks and Recreation Commission, noted that instead of two smaller structures, construction will be of one structure.

A discussion of the impact of this change may have on the application process was held.

Trustee McConchie provided an overview of the history of events leading to this application and encouraged greater inter-agency communication with the Capital Regional District to prevent future incidents of inefficiency.

RPM Kojima provided an overview of the regulations related to noticing and the wording of the proposed permit. He provided a recommendation for moving forward in consideration of the new information.

NP-2019-001

It was Moved and Seconded,

that the permit NP-TUP-2018.8 (Chapman/PIPRC) be amended to change “two structures” to “up to two structures” of the same overall size.

CARRIED

NP-2019-002

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP- TUP-2018.8 (Chapman/PIPRC) as amended.

CARRIED

10.2 NP-RZ-2018.2 (GRL Shaw) - Staff Report & Bylaw 220

RPM Kojima provided an overview of the Staff Report and associated recommendations.

Trustee McConchie requested information on the rationale for the type of zoning being sought.

Trustee Morrison requested information regarding the Policy Statement Directive Policies Checklist.

A discussion was held regarding the referring of this application to the Advisory Planning Commission (APC)

NP-2019-003

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 220, cited as “North Pender Island Land Use Bylaw No. 103, 1996, Amendment No. 2, 2018”, be read a first time.

CARRIED

NP-2019-004

It was Moved and Seconded,

that the North Pender Island Local Trust Committee endorses the Islands Trust Policy Statement Directive Policies Checklist for proposed Draft Bylaw No. 220.

CARRIED

NP-2019-005

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 220.

CARRIED

Trustee Morrison requested that noticing sites be expanded to include Slow Coast Coffee, Browning Pub, and the Public Library, if those sites grant posting permission.

A brief break was held from 10:47 p.m. to 10:51 p.m.

10.3 NP-DP-2018.3 (Collinson) - Staff Report

RPM Kojima provided an overview of the staff report and noted that the applicant was available for comments and questions by phone. He further outlined the options available to the LTC.

The applicant addressed the LTC and requested that the permit be amended to remove “a minimum” from item 2j.

Trustee McConchie requested clarification on the history of the trees being removed.

A discussion was held by the LTC regarding the violation, the nature of the relevant regulations, the responsibility of the LTC to issue Development Permits when the criteria are met, and options for increasing community awareness of Development Permit Area regulations.

Dan Baxter provided rationale for his recommendations made in the biological assessment.

Chair Patrick provided an overview of Trust Council’s current work to improve enforcement of such matters.

NP-2019-006

It was Moved and Seconded,

that the NPLTC amend Development Permit NP-DP-2018.3 (Collinson) as follows:

- 2(a), replace the word “saplings” with “seedlings”
- 2(b), be deleted
- 2(c), replace the word ‘minimum’ with the word ‘period’
- Schedule B, be deleted

And that the items be re-numbered accordingly.

CARRIED

The Trustees each noted, for the record, their discomfort with being forced to issue such a permit retroactively and encouraged the public to observe these regulations.

NP-2019-007

It was Moved and Seconded,

that the North Pender Local Trust Committee amend Development Permit NP-DP-2018.3 (Collinson) Section 2 to insert the word “retroactively” before the word “authorizes”.

CARRIED

NP-2019-008

It was Moved and Seconded,

that the North Pender Local Trust Committee amend Development Permit NP-DP-2018.3 (Collinson) Section 2c to insert the phrase “or until they have reached a suitable ‘free to grow’ stage of 1.5 metres” following the word “planting”.

CARRIED

NP-2019-009

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of proposed Development Permit NP-DP-2018.3 (Collinson) as amended.

CARRIED

NP-2019-010

It was Moved and Seconded,

that the North Pender Island Local Trust Committee write a letter to request the Province of BC to improve the enforceability of the Development Permit Area requirements on North Pender Island.

CARRIED

NP-2019-011

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request that staff report on options for informing property owners and others on requirements under the bylaws.

CARRIED

10.4 NP-TUP-2018.5 (Grimmer) - Staff Report

RPM Kojima provided an overview of the report and the options available to the LTC.

A discussion was held in which the Trustees requested information from the staff and the applicant on the following matters:

- Concerns that the site is not well suited to the proposed industrial use.
- Opportunities to relocate the activities to a better suited site.
- The applicants' decision to apply for a TUP instead of re-zoning.
- Removal of the industrial zoning and permitted uses on the business' previous location.
- The implications of denying the application and the time that would be afforded to the applicant to find an alternative property.

A member of the public requested information on the year that the surrounding land was zoned to industrial and whether a portion of this land could be considered for rezoning from rural to industrial.

Michael Sketch asked whether the Official Community Plan states that industrial lands need to be adjacent to others.

Neville Avison noted an error on the map.

A member of the public requested information on whether the LTC has a recommendation on an alternative site that would be more appropriate.

Carl Hamson asked whether the TUP could include a requirement for noise screening.

Gavin Lonergin asked whether the TUP could be issued to require that the owner work with the community to address their concerns.

The Trustees each noted the challenges of making land use decisions when significant economic issues are also involved.

A member of the public recommended that the LTC consider the impact of concrete being brought from off island should this business close.

Shane Greenall asked whether the LTC will actively help the business find a suitable location that can be rezoned.

Trustee Morrison acknowledged the comment and noted that the LTC needs to consider how to provide suitable support for this business.

NP-2019-012

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to draft a temporary use permit proceed with application NP-TUP-2018.5 (Grimmer) and schedule a Community Information Meeting.

CARRIED

Trustee Morrison encouraged the applicant to work with neighbours to reduce the impact of noises from the business' activities.

10.5 Mayne Island Local Trust Committee Bylaws No. 174 & 175 Referral

RPM Kojima provided an overview of the referral.

By general consent, the North Pender Island Local Trust Committee responded to referral Mayne Island Local Trust Committee Bylaws No. 174 & 175 with "interests unaffected"

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Land Use Planning for Waste Management Project - Staff Report

RPM Kojima provided an overview of the staff report and the matter's history.

The LTC held a discussion in which they addressed the following points:

- The implication that this project's timeline has on bylaw enforcement.
- The history of community consultation and the challenges faced.
- The Burdett property and its preclusion from consideration due to the Agricultural Land Commission (ALC) decision
- MacDonald Farm's inclusion in the Bylaw and the relevance of the LTC's decision under Item 10.4.
- Opportunities to explore community based lands with the CRD.

- The option to request a new Staff Report and the timeline associated with that option.
- The option to proceed no further and the implications of this decision on the property owners and operators.
- A discussion was held regarding the sites included in the Bylaws and predictions on which sites would move forward with independent applications.

David Reed requested an update of the previous LTC’s letter to the Agricultural Land Commission in support of the Burdett application.

RPM Kojima reported that the letter was sent and acknowledged by the ALC.

Trustee McConchie acknowledged South Pender Island Trustee Steve Wright and invited him to comment.

Trustee Wright provided observations on the challenges of the process and the impact on operators, the community, and land planning practices.

Trustee Morrison requested recommendations from staff on whether the LTC consider an industrial land review.

RPM Kojima and Miles Drew provided overviews of the process for an Industrial Land Review, including the challenges and benefits.

NP-2019-013

It was Moved and Seconded,

that the LTC request staff to report back with a range of options to amend proposed bylaws 214 and 215 within three months.

CARRIED

A brief break was held from 1:07 p.m. to 1:13 p.m.

12. REPORTS

12.1 Work Program Report

12.1.1 Top Priorities Report Dated January 2019

RPM Kojima provided an overview of the report

Trustee Morrison requested the following items be considered:

- Add “mitigation” to the title of the Climate Change project.
- Consideration of bylaws regarding cisterns and other water use solutions.
- Raising the development permit height in consideration of sea level rise
- Educational programs for the construction industry to encourage compliance
- Material buildup management for fire safety.

Trustee McConchie requested an update on the status of the water project. He noted his hope to receive a report on the capacity and the water needs of North Pender Island in order to better understand the amount of ground water available, as well as the risk of ground water contamination from industrial activity.

RPM Kojima recommended that the the LTC request that the Fresh Water Specialist, William Shulba, provide a brief report and attend a meeting to outline the data that would be required to begin addressing the water issue.

David Reed recommended that Magic Lake be considered uniquely and separate from other areas on the island.

NP-2019-014

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to report on available data and recommended next steps to answer the question of water quality, water quantity, and options on North Pender Island.

CARRIED

NP-2019-015

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request that staff add a second component to the project "Climate Change Adaptation and Resilience" to include a second phase, titled "Sea-Level Rise Adaptation".

CARRIED

12.1.2 Projects List Report Dated January 2019

A discussion was held regarding proactive enforcement versus the complaint-driven model, particularly as regards derelict vehicles. It was noted that discussion of this matter will be continued under item 13.4

A discussion was held regarding the recommended project from item "9.1 M. Sketch re Amendment to Land Use Bylaw."

Michael Sketch requested that the LTC provide direction on whether it would be a benefit for him to make an application to have the Land Use Bylaw amended and whether the fees could be waived.

The LTC remarked that any application would be appropriately considered, but that the fee policy would prevent any waiving of fees.

12.2 Applications Report Dated January 2019

Trustee Morrison requested information on the following points:

- Status on the Application for rezoning at Danny Martin park for the lawn bowling
- Status of the illegal dwelling at Port Browning.
- Status update on Hemsworth/Richardson property.
- Trincomali property TUP application for a vacation rental.

12.3 Trustee and Local Expense Report - November 2018

Received for information.

12.4 Adopted Policies and Standing Resolutions

NP-2019-016

It was Moved and Seconded,

that the North Pender Island Local Trust Committee directs bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues or if it is reliably reported to the officer that such activity may be taking place.

CARRIED

12.5 Local Trust Committee Webpage

The LTC thanked staff for the improvements made to the webpage.

12.6 Chair's Report

Chair Patrick reported that she will be sitting on the Salt Spring Island Water Protection Alliance and provided an overview of the project and its benefits to the other Southern Gulf Islands. She also offered an overview of the recent Trust Council and encouraged the community to provide budget feedback, which can be done on the Islands Trust website until February 11, 2019.

Trustee Morrison noted that a link to the survey will also be available Pendertrust.org as well.

12.7 Trustee Report

Trustee McConchie provided an overview of the recent Trust Council held in Nanaimo. He encouraged the public to review the budget that was put forward and provide feedback. He also noted the high level of cooperation between the South Pender and North Pender LTCs and thanked the South Pender trustees.

Trustee Morrison reported that she has received 500 emails since beginning her term in November. She reported that she will be serving as Chair of the Trust Programs Committee, which will be heading a large scale policy review. She also noted that she will be sitting on the on the Financial Planning Committee.

12.8 Islands Trust Conservation Report Dated November 2018

Received for information.

13. NEW BUSINESS

13.1 Protection of Coastal Douglas Fir - Staff Report & Tool Kit

RPM Kojima provided an overview of the Staff Report.

NP-2019-017

It was Moved and Seconded,

that the North Pender Island Local Trust Committee consider implementation of the report Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018) as a top priority work program item.

CARRIED

13.2 North Pender Island Local Trust Committee Fees Bylaw No. 219 - Staff Report

RPM Kojima provided an overview of the Staff Report and the rationale for the amendment to the Fees Bylaw.

NP-2019-018

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 219, cited as “North Pender Island Local Trust Committee Fees Bylaw No. 173, 2007, Amendment No. 1, 2018”, be adopted.

CARRIED

13.3 Trust Area Services Briefing re - Updated Islands Trust Climate Change Web-pages

Received for information.

13.4 Bylaw Enforcement Draft Bylaw No. 218 - Staff Report

Miles Drew provided an overview of the Staff Report, including the recommended amendments and the rationale for the recommendations.

NP-2019-019

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 218, cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 188, 2011, Amendment No. 1, 2018”, be read a first time.

CARRIED

NP-2019-020

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 218, cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 188, 2011, Amendment No. 1, 2018”, be read a second time.

CARRIED

NP-2019-021

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 218, cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 188, 2011, Amendment No. 1, 2018”, be read a third time.

CARRIED

NP-2019-022

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 218, cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 188, 2011, Amendment No. 1, 2018”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

A discussion was held regarding the value of the fines and Miles Drew provided a rationale for the set amounts.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for February 28, 2019 at the Community Hall, Pender Island

15. TOWN HALL

A member of the public addressed cell tower construction. She noted that in the past, the community has successfully fought this type of development, but were also advised to request that the LTC create the development of a local policy. She encouraged this LTC to consider a project on this matter.

RPM Kojima reported that the Local Planning Committee adopted guidelines in the last term.

Trustee Morrison recommended that the LTC review the Model Strategy for Antenna Systems as developed by the Local Planning Committee and consider the matter further at a future date.

Michael Sketch noted the requirement of the undertaking of an audit under the Islands Trust act and gave recommendations. He also recommended that the LTC refer to “waste” as “discarded materials” and take a broader perspective beyond the private operators.

16. CLOSED MEETING

none

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:21 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder