

# ADOPTED

## MINUTES OF THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE BUSINESS MEETING HELD ON THURSDAY, APRIL 26, 2012, AT 9:45 AM

<b>PRESENT:</b>	<b>Peter Luckham</b>	<b>Chair</b>
	<b>Gary Steeves</b>	<b>Local Trustee</b>
	<b>Ken Hancock</b>	<b>Local Trustee</b>
	<b>Andrea Pickard</b>	<b>Island Planner</b>
	<b>Robert Kojima</b>	<b>Regional Planning Manager</b>
	<b>Miles Drew</b>	<b>Bylaw Enforcement Coordinator</b>
	<b>Zorah Staar</b>	<b>Recording Secretary</b>

**REGRETS:** none

There were eight (8) members of the public in attendance.

### 1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:48 am.

### 2. APPROVAL OF AGENDA

#### 2.1 Additions/Deletions

The proposed agenda items were amended as follows:

- to substitute a revised version of the Follow-Up Action List (6.1);
- to add supplementary Shoreline Development Review info (10.1);
- to note that some Moving Around Pender representatives were present (8.3);
- to note that a Chamber of Commerce representative was present (11.3.1).

The agenda as amended was approved by consensus.

#### 2.2 Questions from Public on Agenda Items

None

### 3. COMMUNITY INFORMATION MEETING

None

### 4. PUBLIC HEARINGS

None

## **5. PREVIOUS MEETINGS**

### 5.1 Local Trust Committee Minutes for adoption

#### 5.1.1 Minutes of March 22, 2012 Local Trust Committee Business Meeting

The following amendment was made.

- Item 9 - page 4, second paragraph, last sentence before the motion, is to read as:

“There was also debate about whether to allow the requested rezoning to proceed on a site-specific basis (as suggested by Trustee Hancock), or to initiate a larger process to consult the community and consider general Land Use Bylaw amendments to allow various geoexchange or geothermal structures (as suggested by Trustee Steeves).”

The North Pender Island Local Trust Committee meeting minutes of March 22, 2012, as amended were Adopted by consensus.

### 5.2 Public Hearing Records and Community Information Meeting Notes

None

### 5.3 Section 26 Resolutions-without-meeting

None

### 5.4 Advisory Planning Commission/Task Force Minutes

None

## **6. BUSINESS ARISING FROM THE MINUTES**

### 6.1 Follow-up Action Report

Planner Pickard reviewed the available Follow-up Action Report, regarding completed or ongoing work items.

Trustee Steeves noted that he had contacted the Ministry of Transportation and Infrastructure about having the road centre lines repainted, and about deer crossing signs.

## **7. DELEGATIONS**

None

## 8. CORRESPONDENCE

### 8.1 Email from Sara Steil re: Green Shores/Marine Riparian Areas Protection Joint Initiative Proposal

The correspondence from Sara Steil was received and briefly discussed. See further discussion under item 10.1 – Shoreline Development Review.

### 8.2 April 3, 2012 Letter from Mayne Island Integrated Water Systems Society

It was noted that Local Improvement Districts, Community Water Systems, and Parks Commissions were now being added to the Islands Trust data base for agency referrals (where appropriate). In addition to the resolution below, Regional Planning Manager (RPM) Kojima was asked to inform the Mayne Island Integrated Water Systems Society of the limits of Local Trust Committee jurisdiction, and also to check if the 100-metre rule for notifying neighbours about certain applications was fixed or variable.

#### Resolution NP-LTC-40-12

It was Moved and Seconded that the North Pender Island Local Trust Committee request Regional Planning Manager Kojima to respond to the April 3, 2012, correspondence from Mayne Island Integrated Water Systems Society, informing them of the change to the referral policy.

**CARRIED**

### 8.3 Executive Summary of Transportation Plan (from Peter Pare of Moving Around Pender Alternative Transportation Society)

The Local Trust Committee acknowledged receipt of the Executive Summary of the “Pender Islands Transportation Management Plan” developed by Moving Around Pender Alternative Transportation Society (MAP). Dean Mills, Barry Mathias, and John Chapman of MAP engaged in a constructive discussion with the Trustees, who gave useful and complimentary feedback about the Plan’s suggestions to improve the safety, effectiveness, and environmental impact of transportation on Pender. There was general agreement that MAP would submit a revised version of the Plan two weeks before the next Local Trust Committee meeting, and then send a Delegation to that meeting for follow-up discussion. Islands Trust Staff could also assist by posting the MAP Plan and survey on the Islands Trust website, and bringing up some elements of the Plan at the upcoming meeting with Ministry of Transportation and Infrastructure staff.

## 9. APPLICATIONS, PERMITS, AND REFERRALS

### 9.1 NP-RZ-2011.2 (Lockhart)

Planner Pickard reviewed the April 17, 2012, Staff Report re: NP-RZ-2011.2 (Lockhart) commenting this was an application to rezone a portion of the Water 1 zone to allow an ocean-based geoexchange system for residential heating.

She added that various biologist's and other professional reports had been provided in support of the application, and draft rezoning Bylaw No. 191 had been prepared for consideration as requested by the Local Trust Committee last month; and that the next steps could be First Reading of the draft Bylaw and a Community Information Meeting to seek public input.

**Sandra MacPherson and Noel Hall**, property owners, were present and they answered the Trustees' questions. They also apologized for missing some steps during the geoexchange construction by their contractor (Lockhart), including the required rezoning application. The owners said that they would like to help with community education about the new, improved geoexchange systems.

Resolution NP-LTC-41-12

It was Moved and Seconded that North Pender Island Local Trust Committee Bylaw No. 191, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2012", be given First Reading.

**CARRIED**

Resolution NP-LTC-42-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to schedule a Community Information Meeting and a Public Hearing for application NP-RZ-2011.2 (Lockhart), to be held on Saturday, June 23, 2012, in conjunction with the Community Information Meeting and Public Hearing that was being scheduled for a proposed seawall application.

**CARRIED**

Resolution NP-LTC-43-12

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 191, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2012", be referred to the North Pender Island Advisory Planning Commission for comment, and also to other agencies.

**CARRIED**

Note: Due to the arrival of Bylaw Enforcement Coordinator Miles Drew, the Local Trust Committee amended the agenda by advancing discussion of the bylaw enforcement items (see notes under 11.3 below).

9.2 NP-DVP-2012.3 (Thompson)

Planner Pickard reviewed the April 11, 2012, Staff Report drafted by new Planner Kris Nichols, stating that NP-DVP-2012.3 (Thompson) was an application to vary the front lot line setback, from the required 7.6 metres to 3.0 metres, in order to build a home on a level portion of the lot; and that there had been no objections from neighbours after the required notice of the application was circulated.

Resolution NP-LTC-44-12

It was Moved and Seconded that the North Pender Island Local Trust Committee Development Variance Permit NP-DVP-2012.3 (Thompson) be approved.

**CARRIED**

9.3 NP-SUB-2008.3 (Wey)

Planner Pickard reviewed the April 18, 2012, Staff Memorandum commenting NP-SUB-2008.3 (Wey) was the 4-lot Hooson Road subdivision application, which involved two covenants; regarding the potable water covenant, Capital Regional District (CRD) Building Inspection and CRD Finance/Risk Management staff were of different opinions about whether CRD should sign it; regarding the conservation covenant to be held jointly with Pender Islands Conservancy Association (PICA), they had agreed to the new wording that was required for legal reasons. Planner Pickard added that the subdivision owner had agreed to pay \$500 to PICA for the baseline assessment (to be matched by the Local Trust Committee).

Resolution NP-LTC-45-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to advise the applicant for subdivision on NP-SUB-2008.3 (Wey) that the LTC is unwilling at this time to sign the proposed potable water covenant until the Capital Regional District also signs as a grantee.

**CARRIED**

Resolution NP-LTC-46-12

It was Moved and Seconded that the North Pender Island Local Trust Committee agrees to be a co-holder for a conservation covenant for the two water bodies identified on the proposed subdivision plan for NP-SUB-2008.3 (Wey), and that it delegates the Chair to sign the covenant.

**CARRIED**

**10. LOCAL TRUST COMMITTEE PROJECTS**

10.1 Shoreline Development Review – Staff Report

Planner Pickard discussed the Shoreline Review Staff Report dated April 17, 2012, which included in summary, the relevant policies (Islands Trust Policy Statement, Strategic Plan, and North Pender Official Community Plan); regulatory framework (Land Use Bylaw, Development Permit Areas, covenants, various other tools for potential shoreline regulation.

She added the report included land use issues (setbacks, access, docks, seawalls, geothermal, shoreline sensitivity/hardening/hazards, mapping resources, etc.). Planner Pickard also commented, while no specific concerns about existing policies had been identified by Staff, there had been concerns expressed generally about shoreline development issues, most commonly about stairs to access the foreshore, seawalls, and docks. Various options were listed by Staff, including public consultation to assist the Local Trust Committee to decide about the scope of their intended Shoreline Development Review.

Trustee Hancock made comments about including mooring buoys and derelict vessel issues in a Shoreline Development Review (if possible); having a uniform shoreline setback around the whole island, or basing it on geology (rather than on mapping of environmental/biological features, which would have to be very accurate to be applied); education and good stewardship (e.g. Green Shores program) versus regulation; and engaging the community in discussion about protecting the most fragile shoreline sites.

Regional Planning Manager (RPM) Kojima said that there was potentially some remaining funding for additional shoreline mapping, for the Local Trust Areas that had this initiative on their Work Program (including North Pender).

Trustee Steeves said that many Penderites did not connect activities that they enjoyed (e.g. salmon fishing, Orca watching) with the importance of protecting shoreline forage fish habitat. North Pender could do some simple regulatory protections, but other key steps were public education and consultation.

Chair Luckham agreed, adding that there were fundamental connections which we all needed to understand better, between our island geology, seadrift, migration, eelgrass, forage fish, larger fish, people, Orcas, and more. A Shoreline Task Force could be part of this, and other steps.

#### Resolution NP-LTC-47-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to report back with a draft scope, timeline, budget, and workplan for advancing the Shoreline Review, based on three phases: information gathering; education and consultation; and implementation.

**CARRIED**

The Trustees further supported having this year's Pender Stewardship Day be focused on shoreline issues. This would be an Islands Trust project that Trustee Hancock was willing to organize in cooperation with community groups, for example on Saturday, October 13. It was noted that Sara Steil of the Pender Islands Conservancy Association had already arranged for some scientists to speak about shorelines issues at a Pender event on October 13, 2012.

## 11. REPORTS

### 11.1 Work Program Reports

#### 11.1.1 North Pender Island Local Trust Committee Work Program

See Resolution NP-LTC-50-12 below.

#### 11.1.2 Strategic Plan (to be circulated quarterly for information)

### 11.2 Applications Report

#### 11.2.1 North Pender Island Applications Report

The Applications Report was available for information.

### 11.3 Bylaw Enforcement

#### 11.3.1 Application of Sign Regulations

Bylaw Enforcement Coordinator (BEC) Miles Drew reviewed his April 11, 2012, Briefing regarding Enforcement Options to Remove Unlawfully Located Signs. He commented that on a provincial road, local bylaws had concurrent jurisdiction; that in general, the North Pender Land Use Bylaw restricted commercial signs to one on the business premises and one within a specified distance from the business. BEC Drew added, therefore it was not permitted for a business to have roadside signage at a greater distance from their businesses; that neither did the Ministry of Transportation and Infrastructure (MoTI) allow signage on the road right-of-way, except with a permit; and that the options to require removal of all North Pender illegal roadway signage were reviewed.

Trustee Steeves commented on the very high number of complaints he had received from residents, about the proliferation of illegal “sandwich board” and other roadside signage that was both unsightly and unsafe (e.g. for the interaction of pedestrians, cyclists, and cars). He favoured developing a solution in cooperation with Pender businesses, involving a handful of agreed locations for joint business directional signage, in the form allowed by the MoTI.

Trustee Hancock agreed, and added that directional signage was useful, but blatant roadside advertising signage was not supported by the community, and also not generally allowed by the MoTI. In addition, it would be useful to have an information centre for visitors, that was more accessible to non-profits and community organizations than the Chamber of Commerce info kiosk at the Driftwood Centre.

**Ina Timmer**, President of the Pender Islands Chamber of Commerce, was present, and agreed that the signage issue needed to be cooperatively worked out. She personally favoured joint signage, but acknowledged that the Chamber members had various opinions.

Resolution NP-LTC-48-12

It was Moved and Seconded that the North Pender Island Local Trust Committee request Bylaw Enforcement Coordinator Miles Drew to produce a draft enforcement policy on roadside signs, and report back to the Local Trust Committee.

**CARRIED**

Resolution NP-LTC-49-12

It was Moved and Seconded that the North Pender Island Local Trust Committee resolves to work with community organizations to examine options for directional roadside signage.

**CARRIED**

Resolution NP-LTC-50-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to place the issue of roadside signs on the Local Trust Committee Projects List.

**CARRIED**

11.3.1 Bylaw Enforcement Overview

Bylaw Enforcement Coordinator Miles Drew had also prepared a Briefing about current Bylaw Enforcement Investigations for North Pender. There were 37 active files, about a third of which related to commercial operators of short term vacation rentals.

Note: At this point, Planner Pickard and Regional Planning Manager Kojima had to leave the meeting to catch a ferry.

11.4 Expense/Budget Reports

11.4.1 Trustee and Local Expenses

Presented for information.

11.4.2 Adopted Budget 2011/2012 - None

11.4.3 Email from Cindy Shelest re: 2012-2013 LTC Expense Budget

It was noted that Trustee Steeves was going to draft a detailed 2012-2013 Budget as requested.

## 11.5 Adopted Policies and Standing Resolutions Report

There were no changes to this report.

## 11.6 North Pender LTC Web Page

It was suggested that the latest Pender Post article be added to the webpage.

## 11.7 Chair's Report

Chair Luckham reported that at a recent gathering of the Association of Vancouver Island Coastal Communities (AVICC), Trustee Steeves was elected by a majority of 260 delegates, as a Director-at-Large.

## 11.8 Trustee Reports

Trustee Steeves said that also at the Association of Vancouver Island Coastal Communities (AVICC) gathering, Islands Trust Chair, Sheila Malcolmson, gave a very impactful workshop on lack of preparedness for oil spills. The gathering involved many important meetings between coastal community representatives.

Trustee Hancock reported that this past week on Pender, the Raincoast Foundation gave a strong scientific presentation about the extreme and long-lasting ecological impacts of oil spills, and about the risks involved with the Northern Gateway Pipeline. There would hopefully be further information sharing of this nature with the Islands Trust. The day after the Raincoast presentation, Pender had its annual Earth Day Beach Cleanup, which was very fun and successful.

## 12. OTHER BUSINESS

### 12.1 Upcoming Meetings

#### 12.1.1 Next Local Trust Committee Business Meeting

The next Local Trust Committee Business Meeting was scheduled for Thursday, May 31, 2012, at 9:45 am, at the Community Hall Lounge.

### 12.2 Annual Report

#### Resolution NP-LTC-51-12

It was Moved and Seconded that the North Pender Island Local Trust Committee endorse the draft North Pender Island Local Trust Committee Annual Report for April 1, 2011, to March 31, 2012.

**CARRIED**

### 12.3 Requests for Eagle Report

Trustee Steeves reported about the eagle and raptor reporting done by David Manning at a recent Pender Islands/National Park Liaison Committee meeting.

#### Resolution NP-LTC-52-12

It was Moved and Seconded that the North Pender Island Local Trust Committee spend up to \$500 for the purchase of a report from David Manning of Project Eagle Watch, on eagle and raptor nesting patterns on the Pender Islands, comparing this year to the previous year, and that the report be posted on the North Pender Islands Local Trust Committee webpage and be used in support of assessing the effectiveness of our Raptor Nest Development Permit Areas.

**CARRIED**

### 13. TOWN HALL MEETING

**Sara Steil** commented that regarding the sign issue, it would be nice if the new signs were painted by local artists.

Trustee Steeves said that one of the forms of signage approved by the Ministry of Transportation and Infrastructure had a panel at the top for artwork.

### 14. MOTION TO CLOSE MEETING

#### Resolution NP-LTC-53-12

It was Moved and Seconded, pursuant to Section 90(1)(c) of the Community Charter, that the North Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose of considering Advisory Planning Commission appointments and Minutes of the November 24, 2011, Local Trust Committee In Camera Meeting, and further that Islands Trust Staff and Recorder Zorah Staar remain present.

**CARRIED**

Note: See separate In Camera Meeting Minutes of the same date.

### 15. RECALL TO ORDER

#### 15.1 Rise and Report from Closed Meeting

#### Resolution NP-LTC-55-11

It was Moved and Seconded that the North Pender Island Local Trust Committee re-open the meeting to the public.

**CARRIED**

The Local Trust Committee reported that during the In Camera Meeting, they appointed the following persons to the North Pender Island Advisory Planning Commission: Sharon Card, Amanda Griesbach, Valerie Butcher, Marika Kenwell, Bob Erho, Rob Willingham, Julie Roper, and Reg Smith.

**16. ADJOURNMENT**

Resolution NP-LTC-56-11

It was Moved and Seconded that the meeting be adjourned at approximately 3:26 pm.

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**RECORDER**

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**CHAIR**