



ADOPTED

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: November 23, 2017
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present: George Grams, Chair
Dianne Barber, Local Trustee
Derek Masselink, Local Trustee

Staff Present: Justine Starke, Island Planner
Robert Kojima, Regional Planning Manager
Shannon Brayford, Recorder

Public Present: There were approximately 26 members of the public in attendance.

1. CALL TO ORDER

Chair Grams called the meeting to order at 10:03 am. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

Chair Grams announced that the meeting was being audio recorded and read a written statement regarding the policies of the recording.

3. TOWN HALL AND QUESTIONS

Dale Henning addressed item 8, a delegation from M. Sketch. He spoke in favour placing a waste management facility at Razor Point Road and outlined the benefits of that location. He further requested that the Trustees carefully consider approving that application.

Ron Miller spoke in favour of the statements made by Dale Henning.

Maureen Thompson addressed NP-DVP-2017.4. She spoke against the application, noting that twenty-one neighbours have written against this permit and outlined the negative impact that the building's non-compliance has had on the nearby lots.

Michael Sketch addressed the Advisory Planning Commission (APC) Minutes of October 25, 2017. He recommended that the APC be referred Bylaws 214 and 215 after they are revised.

Allen Waddle spoke against NP-TUP-2017.3 noting the volume of people who rent the residence and the negative impact it has on the neighbourhood. He also spoke to the negative impact that short term rentals have on the community in general.

Nancy Boydell spoke against NP-DVP-2017.4, noting health and safety concerns.

Ron Miller requested information on NP-DVP-2017.4.

Regional Planning Manager (RPM) Kojima provided a brief overview of the application.

A member of the community expressed concern with future compliance regarding NP-DVP-2017.4 noting - he believes - that further acts of non-compliance will follow.

4. COMMUNITY INFORMATION MEETING

4.1 North Pender Island Local Trust Committee Bylaws No. 211 & 212

Planner Starke provided an overview of the application and the role of the Community Information Meeting.

Jim Petrie spoke on behalf of Pender Island Community Services, providing a history of the application and the rationale for relocating the Nu to Yu store.

Ron Miller requested information regarding the cost of the construction and the source of the funds.

Jim Petrie provided an overview of the donations received to date.

Michael Sketch noted that adequate potable water is unknown on the subdivision and recommended that proof of potable water be required as a condition of approval.

Planner Starke provided an overview of the process, noting the stages during which adequate supplies of potable water are to be demonstrated.

A member of the community expressed concern with parking at the proposed site and also concern with the future of the current store location.

The applicant responded that twenty-three parking spots are provided in the current plan, but should that not be adequate additional spots could be accommodated.

RPM Kojima provided an overview of required parking spaces and also the role of the development permit process which would be a subsequent step.

5. PUBLIC HEARING

5.1 Recess for Public Hearings

5.1.1 North Pender Island Local Trust Committee Bylaws No. 211 & 212

See Public Hearing record dated November 23, 2017.

5.1.2 North Pender Island Local Trust Committee Bylaw No. 213

See Public Hearing record dated November 23, 2017.

5.2 Recall to Order

Chair Grams recalled the meeting to order at 11:37 am.

Note: A break was held from 11:37 to 11:51 am

6. MINUTES

6.1 Local Trust Committee Minutes Dated October 21 & 26, 2017

By general consent the Local Trust committee meeting minutes of October 21, 2017 and October 26, 2017 were adopted as presented.

6.1.1 Local Trust Committee Public Hearing Record Dated October 26, 2017

The Public Hearing Record dated October 26, 2017 was approved as presented.

6.2 Section 26 Resolutions-without-meeting Report
none

6.3 Advisory Planning Commission Minutes Dated June 27 & October 25, 2017

Received for information.

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated November 2017

Received for information.

8. DELEGATIONS

8.1 M. Sketch re: ALR a Unique Amenity for the Islands Trust or a Land Resource?

Michael Sketch spoke against the proposal that a waste transfer facility be permitted on Browning Harbour Agricultural Land Reserve (ALR) land. He supported his argument with a history of the site, an overview of the role of the Agricultural Land Commission and their relevant decisions, and support for alternative site locations.

Michael Sketch noted missed opportunities for enforcement in the past and encouraged Chair Grams to take a request for a change in planning process to Trust Executive and to the Chief Administrative Officer.

9. CORRESPONDENCE
none

10. APPLICATIONS AND REFERRALS

10.1 NP-RZ-2016.4 (PICSS) - Staff Memo Bylaws No. 211 & 212

Planner Starke provided an overview of the application and related bylaw.

NP-2017-104

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee Bylaw No. 211, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2017", be read a Second time.

CARRIED

NP-2017-105

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee Bylaw No. 211, cited as "North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2017", be read a Third time.

CARRIED

NP-2017-106

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee Bylaw No. 212, cited as "North Pender Island Official Community Plan Bylaw No. 103, 1996, Amendment No. 1, 2017", be read a Second time.

CARRIED

NP-2017-107

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee Bylaw No. 212, cited as "North Pender Island Official Community Plan Bylaw No. 103, 1996, Amendment No. 1, 2017", be read a Third time.

CARRIED

NP-2017-108

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee proposed Bylaws No. 211 and 212 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

CARRIED

NP-2017-109

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee proposed Bylaw No. 211 be forwarded to the Minister of Municipal Affairs and Housing for approval.

CARRIED

Jim Petrie expressed his appreciation of the public's support and thanked the LTC and staff for their assistance.

10.2 NP-RZ-2017.1 (PIPRC) - Staff Memo Bylaw No. 213

Planner Starke provided an overview of the application and related memo.

A discussion was held by the LTC in which the concerns of the public during the public hearing were noted.

NP-2017-110

It was MOVED and SECONDED,

That the North Pender Island Bylaw No 213, cited as "North Pender Island Land Use Bylaw 103, 1996, amendment no 2, 2017 be read a Third time.

CARRIED

NP-2017-111

It was MOVED and SECONDED,

That the North Pender Island proposed Bylaw No 213, be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

CARRIED

10.3 NP-TUP-2017.1 (Pasion) - Staff Report

Planner Starke provided an overview of the application and the related staff report.

NP-2017-112

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2017.1 (Pasion).

CARRIED

10.4 NP-TUP-2017.3 (Yuers) - Staff Report

Planner Starke provided an overview of the application and the related staff report. She noted that a letter of concern had been received and as a result staff recommended the following amendment:

“That all parking must be contained on the subject property and that the LTC consider limiting the number of guests.”

Pauline O’Malley, one of the applicants, addressed the LTC and noted that the home is their principal residence and that they screen the house users personally.

A discussion of the proposed amendments as held and it was noted that enforcement is very difficult.

NP-2017-113

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee amend condition (j) of the Temporary Use Permit NP-TUP-2017.3 to state that all parking for guests of, and visitors to, the Short Term Vacation Rental must be contained on the subject property.

CARRIED

NP-2017-114

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee issue Temporary Use Permit NP-TUP- 2017.3 as amended.

CARRIED

10.5 NP-TUP-2017.4 (Lovatt) - Staff Report

Planner Starke provided an overview of the application and the related Staff Report.

NP-2017-115

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee issue Temporary Use Permit NP-TUP-2017.4

CARRIED

10.6 NP-DVP-2017.4 (Johnson) - Staff Report

Planner Starke provided an overview of the application and the related Staff Report. She noted the historical events that have led to the application.

Glen Johnson, the applicant, read a written statement noting his understanding of the concerns of his neighbours and providing a rationale for the application.

A discussion was held by the LTC regarding the impact that not approving the application would have, including the possibilities of demolition, partial demolition, or moving of the portion of the building currently not in compliance.

RPM Kojima provided an overview of the process that would result should the DVP not be approved.

Trustee Masselink recommended that the applicant consider alternatives including relocating a portion of the house.

Planner Starke provided an explanation to distinguish the roles of the LTC and the roles of the CRD in regulating projects of this nature.

Trustee Masselink recommended that the LTC take this application as information and that the applicant explore other options.

There was general consensus that consideration of this application shall be deferred to the next meeting.

10.7 NP-DVP-2017.5 (O'Brien) - Staff Report

Planner Starke provided an overview of the Staff Report.

NP-2017-116

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2017.5 (O'Brien).

CARRIED

10.8 NP-DVP-2017.1 (Barrett) - Staff Report

Planner Starke provided an overview of the application and related staff report. She noted that the applicants are available by phone.

NP-2017-117

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee issue Development Variance Permit NP-DVP-2017.1

CARRIED

10.9 Briefing from Executive Committee - Japanese Canadian Historic Places Project

Received for information.

10.10 Salt Spring Island Local Trust Committee Bylaw No. 507 Referral

NP-2017-118

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee respond with "interests unaffected" to Salt Spring Island Local Trust Committee Bylaw No. 507.

CARRIED

10.11 Salt Spring Island Local Trust Committee Bylaws No. 504 & 505 Referral

NP-2017-119

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee respond with “interests unaffected” to Salt Spring Island Local Trust Committee Bylaw No. 504 and 505.

CARRIED

10.12 Salt Spring Island Local Trust Committee Bylaw 508 Referral

NP-2017-120

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee respond with “interests unaffected” to Salt Spring Island Local Trust Committee Bylaw No. 508.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Secondary Suites - Staff Report

Planner Starke provided an overview of the Staff Report.

NP-2017-121

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee directs staff to draft regulatory amendments that would permit secondary suites on North Pender Island.

CARRIED

12. REPORTS

12.1 Work Program Report

12.1.1 Top Priorities Report Dated November 2017

Received for information.

12.1.2 Projects List Report Dated November 2017

A discussion was held regarding a project to examine “Potable Water”. No recommendations were made.

12.2 Applications Report Dated November 2017

Received for information.

12.3 Trustee and Local Expense Report Dated September 2017

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information

12.5 Local Trust Committee Webpage

No comments were made.

12.6 Chair's Report

Chair Grams reported that the Executive Committee is preparing for Trust Council and is looking forward to having First Nations representation at the meeting.

Chair Grams also noted that the meeting will include a staff report with an overview of the recommended areas of consideration for the project to amend the *Islands Trust Act*.

12.7 Trustee Report

Trustee Masselink addressed the concerns of the community regarding the management plan proposed for Greenburn Lake and the beavers that reside there. He noted that the community can become frustrated that the LTC does not have the ability to influence the decisions of other agencies.

He also reported that the National Parks are reviewing their plans for governance and are acknowledging that the current model is not adequately serving the interests of the local communities and the First Nations.

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

13.1 Bylaw Enforcement Short Term Vacation Rentals (STVR) - Staff Report

Planner Starke provided an overview of the report, noting that it does indicate the likelihood that additional TUPs will be sought for STVRs.

14. UPCOMING MEETINGS

**14.1 Next Regular Meeting Scheduled for 2018, Pender Island – January 25, 2017
10:00 am Pender Island Community Hall**

14.2 Draft 2018 LTC Meeting Schedule - Memo

A discussion was held regarding the meeting location, and there was general agreement that the Anglican Church and the Community Hall are both suitable locations.

NP-2017-122

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee 2018 meeting schedule, as presented, be adopted.

CARRIED

15. TOWN HALL

Dale Henning spoke to NP-DVP-2017.4 (Johnson). He requested information on which of the Staff and Trustees have visited the site in person. He expressed his disappointment that a decision was not reached during the meeting.

RPM Kojima provided information on the role of the LTC applications and the relevant jurisdiction of other agencies.

Jim Petrie requested information regarding secondary suites and how existing suites will be regulated.

RPM Kojima noted property owners would be responsible for obtaining an occupancy permit from the Capital Regional District.

Jim Petrie expressed his concern that homeowners will create suites that are not built to code and not built safely.

A member of the community addressed NP-DVP-2017.4 and questioned how it would impact future sales. She also noted that if the building requires tear down or relocation anyway, the permit may not be necessary.

RPM Kojima noted that the applicant has received a list of required improvements from the building inspector.

Michael Sketch requested information on Trust Council and the process of amending the *Islands Trust Act*.

Chair Grams clarified that a staff report will be provided and the Trustees will evaluate the recommended areas of consideration provided.

Michael Sketch asked if there is a staff report in the Trust Council agenda package.

Chair Grams noted that the agenda package has not been released yet for that meeting.

Diane Cuthbert requested information on the role of staff and the considerations taken when making a recommendation to the LTC.

RPM Kojima provided an overview of the process.

Robert Pasion spoke to NP-DVP-2017.4 (Johnson), expressing support for moving the project forward for the sake of the applicant and the community.

Jim Petrie requested information on whether DVPs are time limited.

RPM Kojima provided an explanation, including the rationale for the not including a time limit.

A general discussion was held regarding the application NP-DVP-2017.4 (Johnson),

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close Meeting

NP-2017-123

It was MOVED and SECONDED,

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3 s. 90(1) (d & f) for the purpose of considering:
Adoption of In-Camera Meeting Minutes Dated October 26, 2017
Bylaw Enforcement Information
AND that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

At 1:49 pm, Chair Grams recalled the public meeting to order.

16.3 Rise and Report

none

17. ADJOURNMENT

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

George Grams, Chair

Certified Correct:

Shannon Brayford, Recorder