

# ADOPTED

**MINUTES OF THE NORTH PENDER ISLAND  
LOCAL TRUST COMMITTEE BUSINESS MEETING  
HELD ON THURSDAY, MARCH 22, 2012, AT 9:45 AM  
COMMUNITY HALL, NORTH PENDER ISLAND, B.C.**

**PRESENT:**            **Gary Steeves**                            **Local Trustee**  
                         **Ken Hancock**                           **Local Trustee**  
                         **Peter Luckham**                           **Chair**  
                         **Andrea Pickard**                           **Island Planner**  
                         **Zorah Staar**                             **Recording Secretary**

**REGRETS:**            **none**

There were ten (10) members of the public in attendance.

## **1. CALL TO ORDER**

Chair Luckham called the meeting to order at 9:50 am. He also acknowledged that this meeting was occurring on traditional Coast Salish territory, and he noted the presence of Virgil Bob of the Pauquachin First Nation (see item 9.3 below),

## **2. APPROVAL OF AGENDA**

### **2.1 Additions/Deletions**

The proposed agenda was amended as follows:

- James Island Prescribed Burn added as new item 8.3;
- draft Development Variance Permit added to existing item 9.2;
- Staff Memorandum dated March 20, 2012 added to existing item 9.4;
- referrals to water systems groups added to existing item 11.5;
- updated copy of website added to existing item 11.6; and
- Meeting with South Pender Local Trust Committee added as new item 12.3.

The amended agenda was then 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 February 23, 2012 Local Trust Committee Business Meeting

The February 23, 2012 Local Trust Committee Business Meeting Minutes were adopted by consensus. However, regarding page 10, last paragraph of the Town Hall, Trustee Steeves clarified that what he meant to say was as follows: neither development permit areas nor covenants would last forever, if either the Local Trust Committee of the day or all parties to a covenant agreed to change the areas or the covenant.

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

None

### 5.3 Section 26 Resolutions-without-meeting

Planner Pickard reviewed the Resolutions-without-meeting.

### 5.4 Advisory Planning Commission/Task Force Minutes

Trustee Steeves noted that in addition to the circulated notice, he had been calling people to invite them to volunteer for the Advisory Planning Commission.

## **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.

## **7. DELEGATIONS**

None

## **8. CORRESPONDENCE**

### 8.1 S. Nievert Email dated March 7, 2012 re: Oil Tanker Plan

Trustee Hancock noted that the above letter from S. Nievert was a form letter initiated by the Dogwood Initiative regarding opposition to more oil tankers, and that the Islands Trust Chair had recently called Dogwood to advise them of the Trust's ongoing advocacy and other work to protect island waters.

8.2 Z. Staar Letter dated March 12, 2012 re: Pender Community Transition (PCT)

Planner Pickard noted the report from Pender Community Transition (PCT) regarding their most recent events and activities, and she said that a request to finance for the final payment of the related \$200 had been forwarded.

8.3 James Island Prescribed Burn

Planner Pickard referred to the Staff Memorandum dated March 20, 2012 re: the proposed James Island burn for ecological purposes, to be conducted by the Nature Conservancy of Canada's consultant with the assistance of Parks Canada. The Islands Trust held a covenant on the conservation area in question, and Islands Trust Fund Staff had reviewed the proposal.

Planner Pickard said that she would request more notice of such proposals in future.

Resolution NP-LTC-22-12

It was Moved and Seconded that the North Pender Island Local Trust Committee has no objection to the Prescribed Fire Burn Plan to occur within Conservation Area A (Village Spit), protected by registered conservation covenant FB180722-FB1807723, between March 23 and April 17, 2012.

**CARRIED**

Resolution NP-LTC-23-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to contact the Nature Conservancy of Canada, to arrange a meeting pursuant to the James Island conservation covenant held by both parties.

**CARRIED**

**9. APPLICATIONS, PERMITS AND REFERRALS**

9.1 NP-RZ-2011.2 (Lockhart)

Planner Pickard reviewed the March 14, 2012 Staff Report re: NP-RZ-2011.2 (Lockhart) and commented that this was an application to rezone a portion of the Water 1 (W1) zone to permit an ocean-based geothermal system (more properly called "geoexchange"); that this was to provide domestic heating and cooling for an upland residential property on Razor Point Road; that the application was initiated following Bylaw Enforcement, because the system was installed without the contractor (Lockhart Industries) realizing that a rezoning was required; and that this was a preliminary Staff Report, to seek direction about whether to draft a site-specific rezoning bylaw for further consideration.

Geoexchange contractor Doug Lockhart, was present and answered questions.

**Mr. Lockhart** said that when he installed the Poet's Cove geoexchange system years ago, he was told that the South Pender Local Trust Committee had no interest, so he assumed that this was the case on North Pender at the present time as well.

Trustees Steeves and Hancock expressed a number of concerns about this application to approve a geoexchange system after the fact, when neither the owners nor the applicant had taken any steps to check with the local government and ascertain that geoexchange structures were not yet permitted by the Land Use Bylaw. 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).

Resolution NP-LTC-24-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to proceed with application NP-RZ-2011.2 (Lockhart) and to prepare a draft bylaw.

**CARRIED**  
**2 in favour**

(Trustee Steeves opposed)

9.2 NP-DVP-2012.1 (Coffey)

Planner Pickard reviewed the March 1, 2012 Staff Report, commenting that NP-DVP-2012.1 (Coffey) was an application to construct a sauna building and deck, and to legalize an existing accessory building, on a property on Clam Bay Road; that this required varying the required setback from the rear lot line from 7.6 metres to 4.2 metres, and varying the required setback from the side lot line from 3.0 to 2.8 metres; that the reason was to have the sauna on a flat area near the house, and to minimize excavation and vegetation removal.

Trustee Steeves said that a site visit showed how the topography constrained other alternatives. The impact on other lots appeared to be negligible.

Resolution NP-LTC-25-12

It was Moved and Seconded that the North Pender Island Local Trust Committee approve Development Variance Permit NP-DVP-2012.1 (Coffey).

**CARRIED**

9.3 NP-RZ-2011.1 and NP-DP-2011.9 (Turner)

Planner Pickard reviewed the March 12, 2012 Staff Report, commenting that NP-DP-2011.1 was an application for a development permit and NP-RZ-2011.9 involved a draft rezoning bylaw (No. 190), to allow construction of a seawall below the natural boundary of the sea and within a Sensitive Intertidal Ecosystem Development Permit Area .

She added that this was at Camelot by the Sea on Otter Bay Road; that the seawall was needed to protect portions of the property that included an archaeological site, and that archeological, biologists, engineering, and other professional reports had been submitted in support of the application.

**Virgil Bob of the Pauquachin Nation** had been asked by the Tsawout Nation to speak in support of this proposal. He said that the teaching of their Elders were to place recovered human remains as close as possible to where they were discovered, to protect them, and to do all this with the utmost respect.

The Trustees acknowledged the generally applicable limits on structures within sensitive development permit areas or below the natural boundary of the sea, and also the Islands Trust policy not to interfere with natural coastal processes. However, the above situation was felt to be a legitimate exception, and also an important part of supporting better relations with local First Nations.

The Trustees further suggested that during the excavation period for the proposed seawall, the applicant and owner not only have the archeologist present (as required), but also invite First Nations representatives to be present. The property owner was agreeable to this and could provide a letter of commitment to that effect.

Resolution NP-LTC-26-12

It was Moved and Seconded that the North Pender Island Local Trust Committee Draft Bylaw No. 190, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2012”, be referred to other agencies for comment.

**CARRIED**

Resolution NP-LTC-27-12

It was Moved and Seconded that the North Pender Island Local Trust Committee Draft Bylaw No. 190, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2012” be given First Reading.

**CARRIED**

Resolution NP-LTC-28-12

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 NP-RZ-2011.1 (Turner), on a weekend after referral responses were expected to be received.

**CARRIED**

Resolution NP-LTC-29-12

It was Moved and Seconded that draft Development Permit NP-DP-2011.9 (Turner) be approved in principle but not issued, subject to the related rezoning process.

**CARRIED**

#### 9.4 NP-SUB-2008.3 (Wey)

Planner Pickard referred to the March 12 and March 20, 2012 Staff Memorandums, commenting that NP-SUB-2008.3 (Wey) was the 4-lot Hooson Road subdivision application previously referred to the Local Trust Committee by the Subdivision Approving Officer; that the applicant had now revised their layout plan so a 10% frontage waiver was no longer required; that Staff had worked with the Pender Islands Conservancy to draft a covenant on the natural areas being offered for protection; that the Pender Islands Parks and Recreation Commission had visited the parkland to be voluntarily offered; and that ideally both of the above local groups would like more suitable sites.

The Trustees agreed that the natural areas being offered were highly disturbed, and the parkland being offered had no access to the road. However, both of these were voluntary arrangements, which it was in the public interest to accept.

##### Resolution NP-LTC-30-12

It was Moved and Seconded that the North Pender Island Local Trust Committee delegate the Chair to sign a section 219 covenant pertaining to conservation of the two Natural Areas shown on the proposed layout plan for subdivision file NP-SUB-2008.3 (Wey).

**CARRIED**

##### Resolution NP-LTC-31-12

It was Moved and Seconded that the North Pender Island Local Trust Committee, regarding subdivision NP-SUB-2008.3 (Wey), will contribute up to \$750 in matching funds to cover costs of a baseline study for the proposed covenanted areas, and further that Staff be directed to negotiate with the owner to offer a matching commitment.

**CARRIED**

##### Resolution NP-LTC-32-12

It was Moved and Seconded that the North Pender Island Local Trust Committee, regarding subdivision NP-SUB-2008.3 (Wey), supports the dedication of parkland as proposed in the subdivision layout dated March 2012, noted as Plan EPP16005.

**CARRIED**

#### **10. LOCAL TRUST COMMITTEE PROJECTS**

None

## 11. REPORTS

### 11.1 Work Program Reports

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

There was Trustee discussion about item 2 on the Top Priorities of the Work Program – Shoreline Development Review.

Trustee Hancock said that he planned to inquire about available shoreline mapping.

##### Resolution NP-LTC-33-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to prepare a report on options for a Shoreline Development Review.

**CARRIED**

Trustee Hancock also suggested that the Local Trust Committee consider how to offer support to Pender Community Transition (see 8.2) and other community efforts to increase local resilience, in response to climate change and other worldwide impacts.

##### Resolution NP-LTC-34-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to amend item (2) of the Projects List of the Work Program, to read “Climate Change Adaptation and Community Resilience”.

**CARRIED**

##### Resolution NP-LTC-35-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to amend item (3) of the Top Priorities of the Work Program to include only the first two points (re: road classification and design standards review, and subdivision servicing regulation review) plus stormwater management regulation review, and that the remaining items be moved to the Projects List.

**CARRIED**

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

### 11.2 Applications Reports

#### 11.2.1 North Pender Island Applications Report

Planner Pickard briefly reviewed the available Applications Report.

### 11.3 Bylaw Enforcement Notification Bylaw No. 188

#### 11.3.1 Roadside Signage Enforcement Issues

Trustee Steeves noted the complaints that he was receiving about the ongoing proliferation of illegal roadside signage on Pender. He also expressed support for legal, appropriate, business signage. He had now been informed that the Land Use Bylaw applied to the road right-of-way, such that the Islands Trust could ask people to remove illegal signs and then ask the Ministry of Transportation and Infrastructure to follow up.

#### Resolution NP-LTC-35-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Bylaw Enforcement Coordinator Miles Drew to provide a report at the next meeting regarding removal of roadside signage and options for enforcement.

**CARRIED**

### 11.4 Expense/Budget Reports

#### 11.4.1 Trustee and Local Expenses

This item was presented for information.

#### 11.4.1 Adopted Budget 2011/12

None

### 11.5 Adopted Policies and Standing Resolutions Report

There was discussion about adding a policy to support extending agency referrals to local water systems groups, such as the Trincomali or Razor Point Rural Improvement Districts.

#### Resolution NP-LTC-36-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct the Planner to report back on a policy regarding referrals to Improvement Districts.

**CARRIED**

### 11.6 North Pender LTC Web Page

It was suggested to put the geoexchange staff report and related professional reports (see item 9.1) on the website.

## 11.7 Chair's Report

Chair Luckham reported that the Gabriola Trust Council Meeting had involved approval of a 0% tax increase, which involved a \$20,000 reduction in the Islands Trust budget; that Trust Council had also decided not to accept the \$250,000 Gas Tax Fund grant offered for a policy review; that there were still some policy amendments to occur in the coming term; and that the First Nations Task Force (of which Luckham was a member) was planning to bring a report to Trust Council in future.

## 11.8 Trustee Reports

Trustee Hancock noted that he and Trustee Steeves would be attending the upcoming meeting of the Association of Vancouver Island Coastal Communities (AVICC), at which Steeves would be seeking a leadership role.

Trustee Steeves added that he wanted to give some background to the AVICC about the Island Trust's marine advocacy activities. More locally, he was hearing feedback that Penderites wanted the roadway centre lines repainted.

### Resolution NP-LTC-37-12

It was Moved and Seconded that the North Pender Island Local Trust Committee ask Trustee Steeves to contact the Ministry of Transportation & Infrastructure regarding repainting of the centre line on North Pender roads.

**CARRIED**

## 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, April 28, 2012 (9:45 am, Community Hall Lounge).

### 12.2 A Strategic Approach to Islands Trust Communications

Chair Luckham noted the Guidelines now approved by the Executive Committee, to provide assistance for communications with local communities about Islands Trust initiatives.

### 12.3 Meeting with South Pender Island Local Trust Committee

#### Resolution NP-LTC-38-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to contact the South Pender Island Local Trust Committee to arrange a mutually satisfactory date for a joint meeting, and that the Planning Staff develop an agenda in consultation with Local Trust Committee members.

**CARRIED**

### 13. TOWN HALL MEETING

**Sylvia Pincott** commented that she hoped the Medicine Beach Nature Sanctuary sign was acceptable because it was on that property (rather than the road allowance); that she commended the Islands Trust for the new Map It system on their website; and that in a bit of Pender magic, a sharp-tailed snake had been discovered and photographed on Brooks Point Phase 3, which could help with CRD discussions.

**Sara Steil** commented that she wondered if heat or noise was emitted by ocean-based geexchange systems; that regarding the planned Shoreline Development Review, Parks Canada had some amazing shoreline mapping; that she suggested a maximum dwelling size be kept on the list of Land Use Bylaw amendments, because housing here was becoming increasingly unaffordable and there would likely be more very large houses being proposed.

The Trustees responded that there had been no indication that ocean geexchange systems created heat or noise; that there was also National Marine Conservation Area shoreline mapping; that such mapping needed to be to a certain standard if it was to support regulation; and that an increasing number of islanders were inquiring about and supporting protection of our sensitive shoreline areas.

**Sara Steil** said that eel grass could grow in most shoreline areas of a depth less than 20 feet, which would include all of the Pender bays.

Trustee Hancock said that reports including this kind of information could potentially serve as the basis for shoreline protection initiatives.

### 14. ADJOURNMENT

#### Resolution NP-LTC-39-12

It was Moved and Seconded that the meeting be adjourned at approximately 3:04 pm.

**CARRIED**

---

**RECORDER**

---

**CHAIR**