

ADOPTED

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, FEBRUARY 23, 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 nine (9) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at approximately 9:45 am. He also noted that both attempts to have Local Trust Committee Meetings in January had led to cancellations, due to snow and power outages.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The proposed agenda was adopted 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 November 24, 2011

Chair Luckham noted that the November 24, 2011 Minutes had already been approved (by Resolution-without-meeting).

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, most of which were due to the cancelled January meetings. Regarding the 2012 meeting schedule, Trustee Steeves asked Planner Pickard to follow up with the Pender Post.

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.

Resolution NP-LTC-01-12

It was Moved and Seconded that the North Pender Island Local Trust Committee request Miles Drew to present a report on the follow-up action item re: violations of the setback to the sea, at the earliest opportunity.

CARRIED

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 Ministry of Transportation & Infrastructure Letter re: Hooson Road Realignment

Planner Pickard noted that the above letter was already on the Islands Trust website, for the information of local residents.

8.2 J. Johnston letter dated January 17, 2012 re: Gulf Islands Learning Centre

Trustee Steeves thanked Julie Johnston and Greg Lucas for the above initiative, and said that he planned to forward their correspondence to David Howe.

8.3 J. Rowlandson email dated February 6, 2012 re: Support for Rural Cycling

Resolution NP-LTC-02-12

It was Moved and Seconded that the North Pender Island Local Trust Committee urges the Province of British Columbia to invest in cycling infrastructure in rural communities, in order to accelerate the availability and broaden the range of cycling opportunities for commuter, recreational and competitive cyclists living in and visiting rural and urban areas.

CARRIED

- 8.4 C. Stewart email dated February 13, 2012 re: Pender Islands-Parks Canada Liaison Committee

Resolution NP-LTC-03-12

It was Moved and Seconded that the North Pender Island Local Trust Committee nominate Gary Steeves as their representative to the Pender Islands-Parks Canada Liaison Committee.

CARRIED

- 8.5 P. Pare email dated February 11, 2012re: Draft MAP Surveys

Resolution NP-LTC-04-12

It was Moved and Seconded that the North Pender Island Local Trust Committee endorse the conducting of a survey by Moving Around Pender, and that Staff be directed to contact Peter Pare re: placing a link to survey on the Islands Trust website.

CARRIED

9. APPLICATIONS, PERMITS AND REFERRALS

- 9.1 NP-SUB-2008.3 (Wey)

Planner Pickard reviewed the January 9, 2012 Staff Report re: NP-SUB-2008.3 (Wey) and commented as follows: that this subdivision application (referred for comment by the Approving Officer) concerned a 4-lot subdivision on Hooson Road; that the Local Trust Committee was being asked to waive the provincial requirement for 10% frontage on 2 lots, and to delegate signing authority for a covenant to fulfill potable water requirements through a water treatment system; and that the “natural state” covenants on the subdivision plans were voluntary.

Resolution NP-LTC-05-12

It was Moved and Seconded that the North Pender Island Local Trust Committee request Staff to inquire with the Applicant for NP-SUB-2008.3 (Wey) as to the status of the natural state covenants depicted on the subdivision plan, and who the planned covenants would be in favour of.

CARRIED

Lloyd Eakins was present and answered some questions on behalf of the Applicant (Richard Wey & Associates), but he did not have full information about the proposed covenants for areas to be left in their natural state.

Trustee Steeves expressed various concerns about application NP-SUB-2008.3, stating that it appeared the owner could fulfill the 10% frontage requirement by extending the proposed public road further into an already disturbed area; that the hydrology report indicated water problems; that the actions of the owner (a numbered company) and their agents had already created a huge mess in the neighbourhood (e.g. the road re-alignment situation); and that the owner's contractors had previously been observed impacting the pond "natural state" area with heavy equipment.

There was further discussion. Trustee Hancock felt that the property's water issues were sufficiently addressed by the water treatment covenant.

Resolution NP-LTC-06-12

It was Moved and Seconded that the North Pender Island Local Trust Committee defer a decision on the 10% frontage waiver request for lots 2 and 4 of application NP-SUB-2008.3, until the information requested in the previous Resolution NP-LTC-05-12 is received.

CARRIED

Resolution NP-LTC-07-12

It was Moved and Seconded that the North Pender Island Local Trust Committee delegate the Chair to sign a section 219 covenant requiring a water treatment system for potable water as a condition of subdivision for NP-SUB-2008.3 (Wey).

CARRIED

Resolution NP-LTC-08-12

It was Moved and Seconded that the North Pender Island Local Trust Committee requests the applicant on NP-SUB-2008.3 to provide technical information as to the pros and cons of extending the existing road so as to remove the need for a 10% frontage waiver.

CARRIED

9.2 NP-DP-2011.10 (Roper/Winterbourne)

Planner Pickard reviewed the January 9, 2012 Staff Report, and that NP-DP-2011.10 (Roper/Winterbourne) was an application to construct a greenhouse as an accessory residential building, within a Sensitive Herbaceous Ecosystem Development Permit Area; that the proposed area had been cleared 20 years ago with the intent of future food growing; that there was a biologist's report in support.

Planner Pickard added that a second-storey storage area was proposed for the greenhouse, which required a height variance; that the draft Development Permit included restoration and other conditions to minimize impact.

Trustee Hancock expressed concern about the proposed 10-foot height variance. It was noted that this was so the applicants could grow citrus trees, and that the Local Trust Committee had included agricultural accessory buildings for further discussion during the forthcoming Land Use Bylaw Review.

Resolution NP-LTC-09-12

It was Moved and Seconded that the North Pender Island Local Trust Committee approve Development Permit NP-DP-2011.10 (Roper/Winterbourne).

CARRIED

9.3 NP-DP-2010.4 (Twa)

Planner Pickard reviewed the January 10, 2012 Staff Report, and commented that NP-DP-2010.4 (Twa) was an application for a development permit required as part of a 15-lot subdivision (the final phase of Harbour Hill); that the property included three sensitive ecosystem development areas (wetland, riparian/aquatic, and raptor nest); that the Staff Report included a draft Development Permit, a draft covenant consolidating the provisions of existing protective covenants, and an engineer's Drainage Study; that the Development Permit was only for the subdivision layout, and future owners would need to apply again if they wanted to develop within the specific Development Permit Areas; that the consolidated covenant referenced these areas, and also included the previously-agreed general location for the required parks trail; and that the precise location to be determined with the approval of the Pender Parks & Recreation Commission, who were still waiting to meet with the owner.

Lloyd Eakins of Wey & Associates was present on behalf of the owner, N-Twa Equipment Ltd. (Norman Twa), who had agreed to the consolidated covenant.

Trustees Hancock and Steeves expressed a number of concerns, commenting that the Qualified Environmental Professional Report (which was apparently accepted by the owner) suggested further ecosystem protection using additional covenant provisions; that the drainage study indicated that development within the new subdivision would increase flow into Gardom Pond, and thus affect the high-consequence Gardom Dam; that limiting ecosystem impact (e.g. clearing of natural vegetation) was also important in order to limit drainage impacts; that it was of concern that the owner had still not accepted the proposed park trail location; and that it was also of concern that the Department of Fisheries & Oceans had still not responded to the Planner's repeated requests to confirm the absence of foreshore/enforcement concerns.

Planner Pickard confirmed that the Drainage Report had been forwarded to the Provincial Dam Safety Officer and the Subdivision Approving Officer of the Ministry of Transportation & Infrastructure, and that the Local Trust Committee would have a future opportunity to consider the subdivision referral as a whole.

Resolution NP-LTC-10-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct the Planner as follows (re: NP-DP-2010.4):

1. To discuss with the applicant/owner whether they would consider amending the draft consolidated covenant to provide for:
 - (a) No building or structures within the Development Permit Areas;
 - (b) Expanding the property line buffer provisions to include trees and native vegetation;
 - (c) Adding an exemption for dangerous trees; and
 - (d) Adding a penalty clause;
2. To report back to the Local Trust Committee when the above issues and also the Department of Fisheries & Oceans and the Parks trail have been resolved.

CARRIED

Resolution NP-LTC-11-12

It was Moved and Seconded that the North Pender Island Local Trust Committee ask the Planner to report back to them with regard to the Subdivision Approving Officer, the Dam Safety Officer, and the Drainage Report dated December 7, 2011.

CARRIED

9.4 NP-RZ-2011.1 (Turner)

Planner Pickard reviewed the January 25, 2012 Staff Report, and commented that NP-RZ-2011.1 (Turner) was an application for a bylaw amendment to rezone a portion of the Water 1 (W1) zone abutting the property at 1215 Otter Bay Road and an adjacent lot; that this was to allow a concrete seawall, up to 4.5 metres in height and approximately 30 metres in length (to be attached to a seawall previously approved and constructed); that the purpose of the seawall was to prevent further significant erosion, including to a First Nations archaeological site; that the Staff Report summarized the various biologist, engineering, and archaeological reports provided in support of the application; and that the Planner sought direction from the Local Trust Committee as to whether to proceed further with the rezoning application.

Archaeologist Jim Stafford was present, and talked about the First Nations site on the property and the need for its protection. Applicant Ralph Turner (on behalf of owner Natrikan Holdings) was also present to answer questions.

Trustee Steeves said that usually no structures were permitted below the natural boundary of the sea, but this could be an exception due the First Nations issues, in particular the high probability of additional human remains.

Chair Luckham talked about the importance of engaging in a respectful way with the First Nations involved, beginning prior to the official bylaw referral process.

Resolution NP-LTC-12-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to proceed with the application NP-RZ-2011.1 (Turner), and to prepare a draft bylaw and commence preparation for a Community Information Meeting.

CARRIED

Resolution NP-LTC-13-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to send an early referral letter re: application NP-RZ-2011.1 to the eleven First Nations listed in the January 25, 2012 Staff Report, in advance of the formal bylaw referral.

CARRIED

9.5 NP-DP-2012.1 (Eakins)

Planner Pickard reviewed the February 9, 2012 Staff Report and commented that NP-DP-2012.1 (Eakins) was an application for a Development Permit, required for a boundary adjustment subdivision reducing the size of the property at 4602 Oak Road; that the property contained sensitive herbaceous and wetland ecosystem development permit areas; that the proposed Development Permit could support development and use of the property without necessary encroachment into the sensitive development permit areas; and that the Islands Trust would not sign off on the boundary adjustment subdivision until the enforcement issues affecting the property were resolved.

Resolution NP-LTC-14-12

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

CARRIED

Resolution NP-LTC-15-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Bylaw Enforcement to investigate the garbage as depicted in the photos included in the Linnaeus Environmental Consulting Report dated January 8, 2012.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 NP-LUB-2011.1 and NP-OCP-2011.1 (Sidney Island)

Planner Pickard referred to the Staff Report dated January 9, 2012, regarding Draft Bylaws No. 187 and 189 to amend the Associated Islands Official Community Plan and Land Use Bylaw, as they related to Sidney Island.

Resolution NP-LTC-16-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to defer Draft Bylaws No. 187 and 189 until a formal response from the Sidney Island Strata Council is received, but no later than August 2012.

CARRIED

11. REPORTS

11.1 Work Program Reports

11.1.1 North Pender Island Local Trust Committee Work Program

Resolution NP-LTC-17-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to move item 3. on the Top Priorities List (Geological Hazard Mapping) to item 6 on the Projects List.

CARRIED

There was also a suggestion about adding ocean-based geothermal systems to the Land Use Bylaw Review (see also 11.2.1 below).

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 Applications Report, which included rezoning for a geo-exchange loop (ocean-based geothermal) that had been installed in contravention of the Water zone. Further discussion about this was to occur at the next meeting.

11.3 Bylaw Enforcement Notification Bylaw No. 188

Planner Pickard referred to the Staff Report from Miles Drew dated January 27, 2012, relating to the Screening Officers for the new Bylaw Enforcement Notification Bylaw.

Resolution NP-LTC-18-12

It was Moved and Seconded that the North Pender Island Local Trust Committee appoint the Bylaw Enforcement Assistant, the Bylaw Enforcement Coordinator and the Regional Planning Manager as Screening Officers pursuant to North Pender Island Local Trust Area Bylaw Enforcement Notification Bylaw No. 188, 2011.

CARRIED

Resolution NP-LTC-19-12

It was Moved and Seconded that the North Pender Island Local Trust Committee adopt the Bylaw Enforcement Notification Bylaw Screening Officers' Powers and Duties Policy attached to the Staff Report dated January 27, 2012.

CARRIED

Resolution NP-LTC-20-12

It was Moved and Seconded that the North Pender Island Local Trust Committee stipulates that the Bylaw Violation Notice attached to the Staff Report dated January 27, 2012 is the form of violation notice to be used pursuant to the Bylaw Enforcement Notification Bylaw.

CARRIED

11.4 Expense/Budget Reports

11.4.1 Trustee and Local Expenses

Presented for information.

11.4.1 Adopted Budget 2011/12

None

11.5 Adopted Policies and Standing Resolutions Report

This Report was unchanged.

11.6 North Pender LTC Web Page

The Sidney Island materials and Advisory Planning Commission request for expressions of interest were to be added to the website.

11.7 Chair's Report

Chair Luckham reported that the upcoming Trust Council Meeting was next month on Gabriola Island; that Council would be discussing the new budget, and the issue of a Policy Statement review; and that Luckham was a member of the Islands Trust First Nations Task Force.

11.8 Trustee Reports

Trustee Steeves commented that the Health Care Society was concerned to maintain the emergency helipad, even though the property containing it was for sale; that if a covenant was placed on this property, perhaps the Local Trust Committee could hold it; and that Steeves had received some emails objecting to the Islands Trust using the grant money it had been offered for a policy review.

Trustee Hancock said it was great to be back as part of the North Pender Island Local Trust Committee, and that he was also on the Executive Committee taking over Trustee Steeves' former Chairing schedule.

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, March 22, 2012 (9:45 am, Community Hall Lounge).

12.2 Information Item for Proposed NAPTEP Covenant on Nowak/Reher Property

The Chair noted the Staff Memorandum about the proposed NAPTEP (Natural Area Protection Tax Exemption Program) covenant on the Nowak/Reher property on Pirates Road in the package. It was also noted that North Pender had most of the NAPTEP covenants in all of the trust area to date.

13. TOWN HALL MEETING

Sara Steil asked which form of ecosystem protection would last in perpetuity – a development permit or a covenant.

Trustee Steeves said that neither development permit areas nor covenants would last forever, if either the Local Trust Committee of the day or all the parties to a covenant agreed to change the areas or the covenant.

14. ADJOURNMENT

Resolution NP-LTC-21-12

It was Moved and Seconded that the meeting be adjourned at approximately 3:52 pm.

CARRIED

RECORDER

CHAIR