



ADOPTED

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: January 20, 2023
Location: Anglican Parish Hall
4703 Canal Road, North Pender Island, BC

Members Present: David Maude, Chair
Aaron Campbell, Trustee
Deb Morrison, Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Brad Smith, Island Planner
Warren Dingman, Bylaw and Enforcement Manager
Kim Stockdill, Island Planner
Pat Todd, Recorder

There were approximately twenty 20 members of the public in attendance.

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:34 am. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. He introduced Electoral Area Director Paul Brent, Capital Regional District (CRD).

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as circulated.

3. TRUSTEE REPORT

Trustee Morrison noted there are a number of concerns that will be raised during Town Hall and that it is important to write to the Trust with issues. Trust Council is addressing budget together with other items.

Trustee Campbell spoke to this opportunity to hear from the community. There are a number of important issues and many people willing to get involved. Also noted the value of written submissions and that it is interesting how concerns go through the various government levels.

4. CHAIR'S REPORT

Chair Maude related his connections with Pender Island and that he is looking forward to the next four years. Islands Trust (IT) is undergoing a number of reviews. With CRD Director Brent,

who was previously a Saturna Island Trustee, it is hopeful that the two agencies can work together on behalf of the community.

5. ELECTORAL AREA DIRECTOR'S REPORT

Director Brent related the importance of working together to accomplish meeting needs of community/agencies.

6. TOWN HALL AND QUESTIONS

Kelly Irving: Noted his First Nations family history on Pender and that his father was a past Trustee. Concerns are with logging and impact on ecosystems e.g. eagles habitat. Hopeful that Islands Trust will address this issue.

Norma Riley: A local business has been shut down through Island Health Question is why? There many people who are upset and this could affect other businesses. Regulations don't make sense.

Michael Sketch: Expressed appreciation to Trustees for serving. There is important work to be done. Questioned Draft Applications Fees Bylaw – surcharge after the fact: there are some items that need to be addressed immediately and can't wait for application process. Does not support delegating approval for environmental Development Permit Area (DPA) applications to staff. Important that Trustees be involved.

Joyce: Spoke to building of barns and a desire to have 'farm' defined on rural residential land, and that there has been a legal opinion regarding the Bylaw interpretation. Regarding delegation of authority to staff for approvals: It is important for the Local Trust Committee (LTC) to be aware of situations and requires clear policies. Important for staff to attend meeting to understand applications and the community.

Kathy Cronk: Tired of trees coming down. BC government to move on legislation to control commercial logging – not happening. Clear cutting allows space for invasive species.

Leslie McBain: A neighbour to lot that had extensive logging. Water is sluicing along with soil; there is damage to land; consequences of logging. Importance of trees is known – do something to stop the logging.

Allison Ferguson: Also a neighbour of the lot that had extensive logging. Don't cut down forests. Increased fire hazards, shoreline disappearing through runoff; worried as to biodiversity; need for enforcement of violations.

Member of the public: Has made a submission to MLA. It is the responsibility of the LTC to connect with the Ministry. DPA needs to be strengthened. Want islands preserved – has Council approached Ministry to enforce regulations?

Bev Moginson: Was shocked by the logging trucks. The logging needs to stop.

Karen Bell: Speaking to proposed building: concerns as to light pollution, interference with privacy of neighbours particularly through security cameras, plans not indicative of a farm building. Regarding logging, flow of soil, damage to land. We live here, we care.

Maryann Perry: Logging issues go back to 2004. Hard lessons have been learned over time. Questioned status of authority being moved from Ministry to IT. We want to help – what can we do?

Julia Nichols: To date activism has not been effective. Bylaws are not being enforced; DPAs are not enforced; trees are still coming down. “Big Money” making policy. Laws are being broken – there should be large fines.

Gregory Nichols: Neighbours to a lot where they cut trees. The lot owner’s frack to obtain a well. Loss of nature and eagles nest. What is happening to Preserve and Protect?

Mary Grier: Please do something about the logging.

Aaron Ewins: Environmental concerns - we’re all impacted - lots of talk without action. Residents should think of stewardship not ownership. Plan for future when water is gone and the trees are gone.

John Allen: Sad with what is happening. Islands Trust needs to rethink mandate to Preserve and Protect. Who does the Islands Trust represent? The issue is really about the environment. People log without understanding the overall impact. Trust to focus on mandate – laws that will not allow logging.

Discussion: Logging

- What are the tools to affect change?;
- Put to the Island Trust Council to get tree cutting authority;
- Personal freedoms regarding property;
- Find a way to educate;
- Properties being advertised as “loggable”;
- Covenants are a useful tool for preserving the environment;
- Protect uniqueness of island;
- Importance of forest management – forest health – water health; and
- Multi-level government sectors are involved.

NP-2023-001

It was Moved and Seconded,

that the North Pender Island Local Trust Committee prohibit logging on all areas of North Pender Island to facilitate appropriate intergovernmental decisions to be made about forest protection on the island. Logging shall be defined as the cutting of more than one tree per acre per year.

DEFEATED

**1/2 Trustee Campbell,
Chair Maude**

Discussion to motion:

- Creating the above motion seems to be the only method that will get things done at Ministry levels;
- It was 3 acres that were logged and there are no plans to cut more;
- Majority of logging outside of DPA;
- 2 raptors nests: 1 area exempted previously – 1 area would require permit application which owners are willing to proceed with;
- Talking with Province;
- Legal action by IT – civil claim in Court;
- Efforts being made for unincorporated areas to be granted increased authorities for tree protection – similar to those of municipalities;
- Blanket tree protection has not been addressed;
- Staff view is that proposed motion is unenforceable; outside IT authority;
- Enforcement of current bylaw infractions is occurring;
- Review and or expand existing DPA;
- Advocating for more authority;
- Work with staff to craft a resolution that would be more effective;
- Creating a moratorium without enforcement authority;
- Difficulty supporting motion knowing it can't be enforced; and
- What authority has LTC to enforce mandate to Preserve and Protect.

Motion put to vote and did not carry.

7. COMMUNITY INFORMATION MEETING - None

8. PUBLIC HEARING - None

9. MINUTES

9.1 Local Trust Committee Minutes Dated October 27, 2022

By general consent, the Local Trust Committee meeting minutes of October 27, 2022 were adopted.

9.2 Local Trust Committee Special Meeting Minutes of December 1, 2022

By general consent, the Local Trust Committee Special Meeting minutes of December 1, 2022, were adopted.

9.3 Section 26 Resolutions-without-meeting Report - None

9.4 Advisory Planning Commission Minutes Dated – None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated Jan 2023

Planner Stockdill informed LTC that 2 outstanding items pertaining to the Land Use Bylaw (LUB) Review will be addressed in February.

11. DELEGATIONS - None

12. CORRESPONDENCE- None

Correspondence received concerning current applications or projects is posted to the LTC webpage.

13. APPLICATIONS AND REFERRALS

13.1 NP-TUP-2022.4 (O'Malley)

Planner Stockdill reviewed the application for a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR); the use has been in place for 5 years through previous TUPs. Checklist was reviewed, no complaints have come forward and staff recommendation is to approve application.

NP-2023-002

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit application NP-TUP-2022.4 (O'Malley).

CARRIED

13.2 NP-RZ-2022.1 (Sidney Island)

Regional Planning Manager (RPM) Kojima reviewed the application. The applicant, on behalf of Sidney Island, clarified some points for the LTC. The Public Hearing would likely take place on North Pender.

NP-2023-003

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No 232, cited as “North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022”, be read a first time.

CARRIED

NP-2023-004

It was Moved and Seconded,

that the North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 232, cited as “North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

NP-2023-005

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to schedule a Public Hearing for Bylaw No. 232, cited as “North Pender Associated Islands Land Use Bylaw No. 148, 2003, Amendment No. 1, 2022”.

CARRIED

13.3 Saturna Island Local Trust Committee Referral for Proposed Bylaws 136 and 137

Planner Smith reviewed the proposed Saturna bylaws.

NP-2023-006

It was Moved and Seconded,

that North Pender Local Trust Committee interests are not affected by Saturna Island Local Trust Committee Proposed Bylaws 136 and 137.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Land Use Bylaw Review Project

Planner Stockdill reviewed the procedures and actions to date.

Discussion as to planning a special meeting, to review package, prior to February 25, 2023.

Planner Stockdill will arrange a Special Meeting, on zoom, for February 10, 2023 at 1:00 p.m.

NP-2023-007

It was Moved and Seconded,

that the North Pender Island Local Trust Committee (LTC) schedule a Special Meeting to discuss further decisions and next steps for the Land Use Bylaw Review Project.

CARRIED

14.2 North Pender Local Trust Committee Draft Fees Bylaw No. 226

RPM Kojima reviewed the draft Bylaw and detailed the rationale for the proposed increases. It has been a number of years with no increases and costs to process applications, etc. have risen.

Discussion:

- Conservation Covenant can cost as much as \$10,000. Islands Trust Conservancy has their own fees structure;
- Saturna has not passed a Fee Bylaw to take pressure off general tax payers. Use of TUPs as a “tester”. If costs are too high, owners will not apply for a permit. The general consensus on Saturna is that an increase in fees is inappropriate;
- Can defer to March meeting; and
- Upcoming changes to *Local Government Act* which would lessen costs to process applications ie. advertising, notification, etc.

By consensus it was agreed to defer this item to the March LTC Regular meeting.

14.3 North Pender Island Local Trust Committee Draft Delegation Bylaw No. 231 - Staff Report

RPM Kojima detailed the purpose of the draft Bylaw.

Discussion as to need for further understanding of how delegation would work; critical for Trustees to be informed.

By consensus it was agreed to defer this item to January 2024.

14.4 Groundwater Sustainability Implementation Project Update

Planner Chadwick reviewed the project and outlined the three recommendations within the report.

To move forward, the Project Charter needs to be updated. North Pender can learn from Galiano processes to enhance progression.

1. Organize a Special Meeting to review with community;
2. Official Community Plan (OCP) amendments – updates to policies, inclusion of groundwater regions, better alignment with DPAs; and
3. Creation of DPA – number of options.

Possible dates reviewed for a Community Information Meeting prior to end of March. Planner Chadwick would need to co-ordinate with William Shulba, Senior Fresh Water Specialist.

NP-2023-008

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to schedule a Community Information Meeting prior to March 31, 2023 on the Groundwater Sustainability Implementation Project.

CARRIED

15. REPORTS

15.1 Work Program Report

15.1.1 Local Trust Committee Work Program Review

RPM Kojima reviewed the report – details last year's projects, current active projects, applications from last term. Encouraged the LTC to think about future projects.

15.1.2 Active Projects Report Dated Jan 2023 – Received for information.

15.1.3 Future Projects Report Dated Jan 2023 – Received for information.

There is a TUP coming due. Bylaw staff reported slow progress towards compliance. Could make application to renew or to rezone.
“Barn” being built: Bylaw staff will prepare a report for in-camera LTC meeting.

15.2 Applications Report Dated Jan 2023 - Received for information.

15.3 Trustee and Local Expense Report Dated Nov 2022 - Received for information.

Discussion regarding refreshments at LTC meetings.

15.4 Adopted Policies and Standing Resolutions - Received for information.

RPM Kojima added that Trustees should review Standing Resolutions for future discussion.

Item to be added to March agenda.

15.5 Local Trust Committee Webpage - To be updated at conclusion of meeting.

15.6 Islands Trust Conservancy Report Dated Nov 2022 - Received for information.

16. NEW BUSINESS

16.1 Letter from WSANEC Leadership Council Staff regarding Draft 2021 Islands Trust Policy Statement Amendments - Received for information.

16.2 Trustee Morrison put forth a motion regarding logging.

NP-2023-009

It was Moved and Seconded,

that the North Pender Local Trust Committee direct staff to explore possible next steps that the North Pender Local Trust Committee may take to address clearcutting of forest areas on North Pender Island in terms of bylaws and/or coordination with other agencies.

CARRIED

17. UPCOMING MEETINGS

17.1 Special Meeting on February 25, 2023 at 1:00 pm at the Pender Island Community Hall

17.2 Next Regular Meeting Scheduled for March 24, 2023 at the Anglican Hall, Pender Island

18. TOWN HALL

Question raised as to why information regarding “barn” would not be available to public.

Legal opinions are private information given to LTC in-camera meetings. LTC can make a request to Executive Committee to make information public.

Trustee Morrison to speak with staff to clarify next meeting – March 17 or March 24.

19. CLOSED MEETING - None

20. ADJOURNMENT

By general consent, the meeting was adjourned at 2:17p.m.

David Maude, Chair

Certified Correct:

Pat Todd, Recorder