

# ADOPTED



## North Pender Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** April 29, 2021  
**Location:** Electronic Meeting (Zoom Webinar)

**Members Present:** Laura Patrick, Chair  
Benjamin McConchie, Local Trustee  
Deb Morrison, Local Trustee

**Staff Present:** Robert Kojima, Regional Planning Manager  
Kim Stockdill, Planner  
Shannon Brayford, Recorder  
Maple Hung, Planning Team Assistant (Host)  
Phil Testemale, Planner 2

**Public:** There were approximately (7) attendees in the Zoom Webinar.

#### 1. CALL TO ORDER

Chair Patrick called the meeting to order at 9:02 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

#### 2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

#### 3. TRUSTEE REPORT

Trustee McConchie provided a report including the following points:

- Pender Island's Whole Community Vaccination program has begun.
- Capital Regional District (CRD) is making steps towards reconciliation and this includes honoring archeologically significant sites.
- There is little that local government can do currently to prevent helicopters from landing in residential areas. He expressed concern for this.

Trustee McConchie thanked MLA Adam Olson for supporting increasing the Islands Trust's ability to regulate forestry and tree removal.

Trustee Morrison reported that she and Trustee McConchie had an opportunity to meet with the Advisory Planning Commission and the Agricultural Advisory Planning Commission. She thanked those volunteers for their time and input.

Trustee Morrison encouraged everyone to watch for the new Islands Trust website, the Climate Change Speakers Series, and the agenda package for the June Trust Council.

**4. CHAIR'S REPORT**

Chair Patrick noted a forthcoming motion to the Executive Committee to investigate inter-agency cooperation for the fall grant intake of the Natures Smart Climate Solutions Fund. She also noted the new website and provided information on how community members can access information while the new website is being developed.

**5. TOWN HALL AND QUESTIONS**

**Chris Roper** spoke to his concern about helicopters landing in residential neighbourhoods

**Jim Burrows** spoke to his concern about the impact of helicopters on nesting birds and about construction of infrastructure around the private helicopter landing site currently on Pender Island. He encouraged the Local Trust Committee (LTC) to use Land Use Regulations to prevent helicopter landing sites in residential neighbourhoods.

**Sandy Shreve** spoke in support of those community members advocating against helicopters landing in residential neighbourhoods. She noted that she forwarded a recommendation for relevant bylaw wording to the LTC.

**Chris Roper** noted that the neighbours in Neptune Estates have signed a letter requesting that private helicopters not be used in their neighbourhood.

**By general consent**, item 14.3 "LUB Review Project" was moved ahead in the agenda to immediately follow item 10.1 "Agricultural Advisory Planning Commission"

**6. COMMUNITY INFORMATION MEETING**

None

**7. PUBLIC HEARING**

None

**8. MINUTES**

**8.1 Local Trust Committee Minutes**

8.1.1 Regular Minutes Dated March 25, 2021 (for Adoption)

**By general consent** the Local Trust committee meeting minutes of March 25, 2021 were adopted as presented.

8.1.2 Special Meeting Minutes Dated March 18, 2021 (for Adoption)

**By general consent** the Special Meeting minutes of March 18, 2021 were adopted as presented.

8.1.3 Special Meeting Minutes Dated March 26, 2021 (for Adoption)

**By general consent** the special meeting minutes of March 26, 2021 were adopted.

8.1.4 Special Meeting Minutes Dated April 1, 2021 (for Adoption)

**By general consent** the special meeting minutes of April 1, 2021 were adopted.

**8.2 Section 26 Resolutions-without-meeting Report**

None

**8.3 Advisory Planning Commission Minutes**

None

**9. BUSINESS ARISING FROM THE MINUTES**

**9.1 Follow-up Action List Dated April 2021**

The LTC requested and received information regarding the status of the LTC's involvement with the North Pender property on which a private helicopter is landing.

**By general consent**, the helicopter matter was added to the agenda under New Business as item 16.2.

**10. DELEGATIONS**

**10.1 Agricultural Advisory Planning Commission**

Chair Patrick welcomed Barbara Johnstone, Chair of the Agricultural Advisory Planning Commission (AAPC) and George Leroux, member of the AAPC. The AAPC representatives were invited to address their report to the LTC and provide recommendations.

Barbara Johnstone addressed the recommendations from the AAPC regarding the Land Use Bylaw Review, including the following points:

- The Official Community Plan (OCP) is due for review and could have been done at the same time.
- Encouraged for LTC to keep "Preserve and Protect" in the forefront.
  - Encouraged a less prescriptive approach to regulation to instead allow growth, innovation, and adaptation by the farmers.

George Leroux addressed the recommendations from the AAPC regarding the Land Use Bylaw (LUB) Review. He recommended that the LTC consider treating the Magic Lake Estates area distinctly from the rest of the island.

George Leroux encouraged the LTC to consider the impact of stacking additional regulations onto lands already regulated by the Agricultural Land Commission (ALC). He further recommended that the LTC refrain from applying ALC regulations to lands outside of the Agricultural Land Reserve (ALR).

Note: Item 10.3 was moved ahead in the agenda.

The LTC requested and received information on the practical project requirements for establishing separate zoning for the Magic Lake Estates. A discussion of opportunities and challenges was held.

AAPC member, George Leroux, highlighted challenges with the current regulations for farm worker housing, agri-tourism, and farm retail sales.

A discussion of the staff recommendations within the Staff Report was held. The LTC discussed the process moving forward and noted their recommendations to staff for amending Items 1, 2, and 21.

Staff confirmed receipt of the recommended amendments.

**NP-2021-042**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee give direction to staff to include the recommendations found in Attachment No. 1 to the draft bylaw, including the amendments to items 1, 2, and 21 and that the amendments be referred to the North Pender Agricultural Advisory Planning Commission for comment.

**CARRIED**

**NP-2021-043**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee request that the North Pender Agricultural Advisory Planning Commission review the staff report on the agricultural review, dated April 29, 2021, and provide written feedback

**CARRIED**

**11. CORRESPONDENCE**

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

**11.1 Letter from Reed Pope Law Corporation re: NP-SUB-2008.9 (James Island)**

It was noted this item would be discussed during an In Camera session later in the meeting.

**12. MEETING BREAK**

**By general consent** this item was postponed.

**13. APPLICATIONS AND REFERRALS**

**13.1 NP-DP-2020.3 and DVP-2020.5 (Hoyland and Brown) – Staff Memo**

Planner Testemale provided an overview of the staff memo and noted the additional information which had been provided to meet the LTC’s request at their previous meeting.

Chair Patrick acknowledged the applicant who acknowledged that they were available to answer questions.

A discussion of the application and staff recommendations was held.

**NP-2021-044**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2020.3 (Hoyland & Brown).

**CARRIED**

**NP-2021-045**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2020.5 (Hoyland & Brown)

**CARRIED**

**13.2 NP-TUP-2021.1 (Landale) - Staff Report**

Planner Stockdill provided an overview of the staff report and the rationale of the application. She provided an overview of the staff’s recommendation and the consequences for the applicant should the LTC accept them.

Chair Patrick acknowledged Zoe Landale, who welcomed questions from the LTC.

The LTC requested and received information from the applicant regarding the size of the cottage and the typical guests in attendance.

A general discussion of allowing such rentals within Magic Lake was held.

**NP-2021-046**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2021.1 (Landale) for a period of 3 years.

**CARRIED**

Note: A break was held from 11:20-11:25 am

**13.3 NP-TUP-2021.2 (Pettyfer) – Renewal – Staff Report**

Planner Testemale provided an overview of the application and associated staff report.

The LTC discussed the application and noted the importance of improving the material that is provided to guests and opportunities for staff to forward examples.

**NP-2021-047**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee request that the applicant for renewal application NP-TUP-2021.2 submit to the Islands Trust the following:

- New visitor package
- Letters of support from their neighbours

**CARRIED**

**14. LOCAL TRUST COMMITTEE PROJECTS**

**14.1 Groundwater and Coastal Douglas-fir Ecosystem Project - Staff Report**

Regional Planning Manager (RPM) Robert Kojima provided an overview of the project.

William Shulba, Freshwater Specialist, provided an overview of the staff report and the project moving forward.

The LTC requested and received information, including the following points:

- Opportunities and challenges for integrating forest, groundwater, and watershed ecosystems.
- Project schedule moving forward and importance of moving toward bylaw recommendations with expedience
- Options identified in the staff report and benefits of each toward achieving the LTC's identified goals.

**By general consent** the LTC directed staff to continue with the project according to the project charter.

**14.2 Soil Bylaw Project – Staff Report**

RPM Kojima provided an overview of the staff report and associated recommendations. He noted the importance of stakeholder consultation.

The LTC requested and received information, including the following topics:

**NP-2021-048**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee endorse the project charter as indicated in the April 29, 2021 staff report on page 84

**CARRIED**

**14.3 LUB Review Project – Staff Report**

**Note:** This item was discussed under item 10.1.

**15. REPORTS**

**15.1 Work Program Report**

15.1.1 Top Priorities Report Dated April 2021

Received for information

15.1.2 Projects List Report Dated April 2021

Received for information

**15.2 Applications Report Dated April 2021**

The LTC requested and received updates on the current applications.

It was noted that application volume has increased significantly and that this is impacting the timelines of addressing the applications.

**By general consent** the LTC directed staff to prioritize applications related to the Magic Lake sewer project.

**15.3 Trustee and Local Expense Report Dated February 2021**

Received for information

**15.4 Adopted Policies and Standing Resolutions**

Received for information

**15.5 Local Trust Committee Webpage**

No comments heard.

**15.6 Islands Trust Conservancy Report - None**

15.6.1 Pare-Baile NAPTEP Application (North Pender) – Briefing

The LTC thanked Peter Pare and Lisa Baile for their protection of the land included in the application.

**16. NEW BUSINESS**

**16.1 Helicopters on North Pender Island**

The LTC noted the challenge of finding enforcement routes and requested information from staff.

Staff provided an overview of the LTC's involvement to date and plans moving forward.

It was recommended that the matter be addressed further during an in camera session to discuss bylaw enforcement and legal action.

**17. UPCOMING MEETINGS**

**17.1 Special Electronic Meeting - May 12, 2021 at 4:00 p.m. RE: Land Use Bylaw Review**

**17.2 Next Regular Meeting Scheduled for May 27, 2021, Location: TBD**

**18. TOWN HALL**

**Michael Sketch** recommended that the LTC specifically address the storage, replacement, and disposal of all road spoils and related materials in the upcoming Magic Lake Sewer project.

**19. CLOSED MEETING (Distributed Under Separate Cover)**

**19.1 Motion to Close Meeting**

**NP-2021-049**

**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) (a)(d)(i) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated March 26, 2021
- Appointment of APC Members
- Legal Advice

AND that the recorder and staff attend the meeting.

**CARRIED**

**19.2 Recall to Order**

Chair Patrick recalled the meeting to order at 1:34 pm.

Note: Trustee Morrison departed the meeting during the In Camera session at 1:29 pm.

**19.3 Rise and Report**

Chair Patrick noted that, as no members of the public remained in the public meeting, the Rise and Report would also be delivered at the next Regular Business meeting.

Chair Patrick reported that the LTC passed resolutions during the In Camera session on the following points:

- That the North Pender Island Local Trust Committee appointed Amanda Greisbach, Ann Stephenson, Carolyn Bell, Vicki Dutton, Michael Symons, and Denis Agar to the



North Pender Island Advisory Planning Commission, commencing immediately for a term ending March 1, 2022.

- That, regarding the subdivision of James Island, the North Pender Island Local Trust Committee will not accept any appraisal until written confirmation from the Tsawout First Nation is received that the Tsawout leadership approve subdivision NP-SUB-2008.9 (JI Properties).
- That, regarding the subdivision of James Island, the North Pender Island Local Trust Committee amend resolution NP-2021-027 by modifying the grant of authority by requiring that the Chair also obtain written confirmation from the Tsawout First Nation that they consider the consultation by the Ministry of Transportation and Infrastructure to be sufficient and will not be seeking further consultation.

**20. ADJOURNMENT**

**By general consent** the meeting was adjourned at 1:37 p.m.

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Laura Patrick, Chair

Certified Correct:

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Shannon Brayford, Recorder