South Pender Island Local Trust Committee
Regular Meeting Agenda

Date:	**March 1, 2016**
Time:	**10:00 am**
Location:	**South Pender Fire Hall**
	8961 Gowlland Point Road, South Pender Island, BC

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

none

10. APPLICATIONS AND REFERRALS

none

11. LOCAL TRUST COMMITTEE PROJECTS 10:45 AM - 11:45 AM

11.1 LUB Review - Staff Report & Draft Bylaw 43 - 47

12. REPORTS 11:45 AM - 12:00 PM

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated February 2016 48 - 48

12.1.2 Projects List Report Dated February 2016 49 - 49

12.2 Applications Report

none

12.3 Trustee and Local Expense Report Dated January 2016 (attached) 50 - 50

12.4 Adopted Policies and Standing Resolutions (attached) 51 - 51

12.5 Local Trust Committee Webpage

12.6 Chair's Report

12.7 Trustee Report

12.8 Trust Fund Board Report

none

13. NEW BUSINESS 12:00 PM - 12:30 PM

13.1 Pender Island Waste & Resource Management Special APC - Discussion

13.1.1 Review Budget Proposal to Trust Council for the SAPC Project Expense

13.2 Continued Erosion Problem in Pender Canal - Discussion

Re - Participation with CRD to Work on Mitigation Solutions

14. UPCOMING MEETINGS 12:30 PM - 12:40 PM

14.1 Next Regular Meeting Scheduled for April 5, 2015, at the South Pender Fire Hall

15. TOWN HALL

16. CLOSED MEETING (Distributed Under Separate Cover) 12:40 PM - 1:00 PM

16.1 Motion to Close the Meeting

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 December 14, 2015*
- *Bylaw Enforcement*

AND that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT 1:00 PM - 1:00 PM

ADOPTED

South Pender Island Local Trust Committee
Minutes of Regular Meeting

Date:	**December 14, 2015**
Location:	**South Pender Fire Hall 8961 Gowlland Point Road, South Pender Island, BC**
Members Present	**Peter Luckham, Chair Wendy Scholefield, Local Trustee Bruce McConchie, Local Trustee**
Staff Present	**Robert Kojima, Regional Planning Manager Lori Foster, Recorder**

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:30. He 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. TOWN HALL AND QUESTIONS

none

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes

6.1.1 Adopted Local Trust Committee Minutes Dated September 1, 2015

For information

6.1.2 Draft Local Trust Committee Minutes Dated October 27, 2015

By general consent the October 27, 2015 minutes as presented were adopted.

6.1.3 Draft Local Trust Committee Minutes Dated November 14, 2015

SP-2015-041
It was MOVED and SECONDED
THAT the South Pender Island Local Trust Committee November 14, 2015 minutes be amended that pages 3 and beyond are formatted so that names are not attributed to specific comments, rather in general, and the minutes be adopted by resolution without meeting.

CARRIED

6.2 Section 26 Resolutions-without-meeting Dated December 2015

none

6.3 Advisory Planning Commission Minutes (for Receipt)

none

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated December 2015

All items reported as complete, continuing with the Land Use Bylaw review process.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

none

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Land Use Bylaw (LUB) Review - Staff Report & Discussion

Regional Planning Manager (RPM) Kojima summarized the staff report dated December 4, 2015.

Discussion and comments arising from the report, and the project process in general, included the following:

- Process and time frame to include Advisory Planning Commission referral.
- Project visibility on the website.

The LTC made comment and considered the following items of the blackline version of the Land Use Bylaw for review:

- Groundwater extraction: include as a prohibited use for sale and export in all zones.
- Staff clarified that 3.6.2 (c) refers to the defined term "farm use" regarding boarding kennels.
- Casinos: policy statement includes a prohibition, South Pender has only one commercial zone which is closely regulated, and First Nations Land cannot be regulated. No changes were made.
- Outbuildings: agreement to permit one non-residential building prior to dwelling, with a maximum floor area of 70 sq. metres.
- Definition of "utilities" on page 11 of blackline version and rationale for change were discussed. Staff will review and report back.
- 2.3(1): inspections and notifications to owner/occupier: change draft to keep "prior notification" and remove strikethrough.
- 3.6(6) Home Occupations: add reference to operator or owner being resident at the time.
- 3.11: derelict vehicles storage to be left as is.
- 5.8 Community Park Zones density: change to P2 lot coverage from 25% to 1%.

Note: The meeting recessed at 11:38 a.m. and reconvened 11:48 a.m.

Discussion and comments continued on the following items of the blackline version of the Land Use Bylaw:

- 5. 12: trustees asked for clarification about stairs to the beach, setbacks and platforms/landings, stair adjacent to temporary floats.
- 5.12 (b): change to "for certainty, docks are not permitted in this zone." replacing current (b). Discussion about mooring of private vessel/boat.
- 7.1 (2) and 7.4: update term "disabled" in both.
- 3.14 Cistern size: experience on Saturna Island and East Point Water District, indoor and outdoor collection systems were discussed, and the Local Trust Committee agreed to retain the 4800 gallons in the current draft as a minimum cistern size.

Further discussion ensued on the following points as the LTC addressed the issue of lot coverage:

- Lot coverage and floor area ratio for the principal dwelling was discussed.
- In order to protect the rural nature of the island, the Local Trust Committee agreed to lot coverage of: 15% on lots of 1 acre or less, 10% on lots over 1 acre and up to 10 acres, and 5% on lots over 10 acres, in all zones where a dwelling is permitted.
- The Local Trust Committee discussed an appropriate maximum floor area for dwellings.

- **By general consent** the South Pender Island Local Trust Committee agreed on 5000 square feet as a maximum house size for all zones.
- The Local Trust Committee agreed to remove the table restricting accessory building floor area.
- The Local Trust Committee agreed to increase cottage floor area to $70m^2$.
- The Local Trust Committee agreed to increase the minimum lot area in the Agriculture and Forest zones to 16 hectares (40 acres).

RPM Kojima summarized the list of changes as discussed.

SP-2015-042
It was MOVED and SECONDED
THAT the South Pender Island Local Trust Committee request staff revise the draft Land Use Bylaw to incorporate the changes identified at the December 14, 2015 Meeting.

CARRIED

Note: The meeting recessed at 1:10 p.m. and reconvened 1:20 p.m.

12. REPORTS

12.1 Work Program Reports (attached)

12.1.1 Top Priorities Report Dated December 2015

For information

12.1.2 Projects List Report Dated December 2015

For information

12.2 Applications Report

None

12.3 Trustee and Local Expense Report Dated November 2015 (attached)

Discussion about allocating funds from projects and unspent funds going into general reserves was held.

12.4 Adopted Policies and Standing Resolutions (attached)

The Local Trust Committee requested that staff post the business meeting minutes to the website in a timely fashion.

12.5 Local Trust Committee Webpage

The LTC requested that a permanent link be placed on the South Pender Island landing page to easily navigate to the Land Use Bylaw Review project and that the project webpage be updated.

The South Pender Island LTC webpage can be found at:
www.islandstrust.bc.ca/spender

12.6 Chair's Report

Chair Luckham talked about attending Trust Council in Victoria where the new Chief Administrative Officer, Russ Hotsenpiller was present.

12.7 Trustee Report

Trustee Scholefield attended Trust Council in Victoria and also a meeting organized by Mayne Island to discuss oil spill response. Representatives of San Juan County and the Southern Gulf Islands attended the meeting. On a regular basis she has been speaking with constituents on various issues.

Trustee McConchie summarized a written report, which he will submit, and commented on the following: he met with representatives of the shipping industry opening points of dialogue regarding gypsum unloading and anchoring in Plumper Sound. He presented impact statements from local constituents at this meeting. He is chairing a Trust council Select Committee that is reviewing the location of the Victoria office. Trustee McConchie also attended Trust Council.

12.8 Trust Fund Board Reports Dated October & November 2015 (attached)

Attached for information, the Clam Bay Farm covenant and the Philpot covenant from North Pender Island.

12.8.1 TFB Briefing re Coastal Douglas-fir and Associated Ecosystems Partnership Conservation Strategy & Attachments

Some recommended conservancy strategies for planning staff which could be implemented were highlighted in the report.

The LTC discussed holding off addressing incorporating recommendations at this time.

13. NEW BUSINESS

13.1 South Pender Island Local Trust Committee Revised Annual 2016 Proposed Meeting Schedule & Memo (for Adoption)

SP-2015-042
It was MOVED and SECONDED
THAT the South Pender Island Local Trust Committee proposed 2016 business meeting schedule, as amended to the following dates of March 1, April 5, May 10, June 7, September 6, and November 8, be adopted.

CARRIED

13.2 North Pender Island Special APC Work Status Report

The South Pender Local Trust Committee agreed that all North Pender Island Special Advisory Planning Commission minutes of the Waste and Resource Management Commission continue to be added to South Pender agendas as received.

The following minutes were received for information:

13.2.1 Pender Island Waste & Resource Management Commission Special APC Adopted Minutes of August 18, 2015

13.2.2 Pender Island Waste & Resource Management Commission Special APC Adopted Minutes Dated August 27, 2015

13.2.3 Pender Island Waste & Resource Management Commission Special APC Adopted Minutes Dated September 16, 2015

13.2.4 Pender Island Waste & Resource Management Commission Special APC Draft Minutes Dated October 16, 2015

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for 2016

The next regular business meeting of the South Pender Island Local Trust Committee will be held on March 1, 2016 at the South Pender Fire hall at 10:00 a.m.

15. TOWN HALL

Sara Steil wished the LTC a Merry Christmas.

16. CLOSED MEETING (Distributed Under Separate Cover)

SP-2015-043
It was MOVED and SECONDED
THAT the South Pender Island Local Trust Committee business meeting be closed to the public in accordance to the *Community Charter,* Part 4, Division 3, s. 90(1) (a) & (d) for the purpose of considering:

- Adoption of In-Camera Minutes Dated September 1, 2015
- APC Memberships

And that the Recorder and Staff attend the meeting.

CARRIED

16.1 Recall to Order

Chair Luckham recalled the meeting to order at 2:05 p.m.

16.2 Rise and Report

Chair Luckham reported from the in-camera meeting the appointments of Cameron Thorn, Steve Wright, Christina McQuarrie, Paul Petrie, and Mamie Hutt-Temoana to the South Pender Island Advisory Planning commission for a term starting January 1, 2016 ending January 1, 2019.

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:10 p.m.

____
Peter Luckham, Chair

Certified Correct:

____
Lori Foster, Recorder

Resolutions Without Meeting

South Pender Island

Resolution #	Action	Resolution Desciption	Resolution Date
2015-05	In Favour	THAT the South Pender Island Local Trust Committee Meeting minutes of November 14, 2015, as amended be Adopted.	17-Dec-2015
2015-06	In Favour	That the South Pender Island Local Trust Committee December 14, 2015 minutes, as amended, be Adopted.	24-Dec-2015

Islands Trust

ADOPTED

Pender Island
Waste and Resource Management Commission
Special Advisory Planning Commission
Minutes of a Meeting

Date: Friday, November 20, 2015 (12:30 p.m.)

Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present:
Elizabeth Montague, Chair
Richard Philpot, Deputy Chair
Dale Henning
Donn Korbin
Jim Petrie
Ursula Poepel
Gordie Duncan
Michael Sketch
Davy Rippner
Ron Underhill

Staff Present:
Justin Starke, Island Planner
Shannon Brayford, Recorder

Regrets: John Pollard

Others Present:
Trustee Masselink
Anke Bergner of the Capital Regional District (CRD)
Russ Smith of the CRD
Ten (10) members of the public were present

1. CALL TO ORDER

At 12:31 Chair Montague welcomed everyone and called the meeting to order.

2. ADOPT AGENDA

By general consent the agenda was approved as presented.

3. APPROVAL OF MINUTES

By general consent the minutes of October 16, 2015 were adopted.

4. COMMENTS FROM COMMUNITY MEMBERS

Chair Montague recognized Member Petrie, who made the following motion:

NP-SAPC-2015-018
It was MOVED by Member Petrie and SECONDED by Member Henning
THAT the Commission limit presentations to fifteen minutes on any subject in an effort to utilize time effectively.

Member Petrie spoke to his motion and commented that the Commission was falling behind schedule and that this motion would encourage effective use of their time.

Member Sketch commented that the Chair and Co-Chair should continue to allot time based on their judgement.

Chair Montague provided an overview of the objectives of this meeting and recommended the motion be held until the next meeting. Co-Chair Philpot offered support of this suggestion.

By general consent it was agreed to postpone motion NP-SAPC-2015-018 indefinitely.

John Aftias was acknowledged by the Chair. He commented on one of the proposed waste transfer station sites and the impact this site would have on his adjacent property. Mr. Aftias noted that this proposed site would threaten his property's water source and that the area surrounding his property was already too heavily zoned for industrial use. He presented the commission with a copy of a past hydrology report and invited commissioners to visit the property.

Chair Montague invited Planner Starke to provide feedback.

Planner Starke thanked Mr. Aftias for the information and offered assurance that the issues that concerned him were part of the Commission's deliberations.

Member Sketch asked how long Mr. Aftias had been on the property and was answered "16 years". Member Sketch also asked if proper drainage would address his concerns and Mr. Aftias answered that it might help, but that the water issue was not his only concern.

Ron Henshaw introduced himself and thanked the Commission for their work. He remarked that as an operator he was willing and wanting to work with the Commission. Mr. Henshaw addressed Mr. Aftias and assured him that he was not pushing the Commission to recommend that or any other particular site, but did acknowledge the limitation of industrial lands on Pender Island.

Chair Montague acknowledged Member Henning.

Member Henning rose and asked that the document he was about to read be recorded in the minutes. Points from Mr. Henning's presentation included the following:

- An overview of the format for the community comments portion of the meeting in which Members could also make presentations.
- An overview of the Commission's Terms of Reference Item 13 which compels Members to disclose conflicts of interest.
- A report of Member Henning's conversation with the Islands Trust Office of Advocacy and Policy during which he confirmed that policies related to bias apply to this Special Advisory Planning Commission (SAPC).
- A report that Member Henning discovered public documents on the Agricultural Land Commission's (ALC) website which listed Member Sketch and Chair Montague as "affected parties" in ALC file #53097.

Member Henning then called upon the Members of the Commission to identify themselves if they are participating in any way in ALC file #53097.

Member Sketch stood saying "I stand on a point of order" and was acknowledged by the Chair. Member Sketch remarked that the Member Henning's presentation was not part of the agenda.

Chair Montague asked Member Henning to relinquish the floor and commented that the issue he was addressing did not represent a pecuniary interest and was therefore not a conflict.

Member Henning commented that he did not want to relinquish the floor, but returned to his seat. Member Henning noted Trustee Masselink's presence and remarked that the Trustee might have some comment on the issue.

Chair Montague acknowledged Trustee Masselink's presence, but remarked that she did not observe the Trustee indicating that he had a desire to speak.

Trustee Masselink confirmed that he would like to speak and made the following points:

- He was observing the Commissioners using public process to deal with unresolved issues around conflict of interest.
- The SAPC was sitting at the pleasure of the Local Trust Committee (LTC) and was not making sufficient progress.
- He encouraged the SAPC to work better moving forward.

Chair Montague thanked Trustee Masselink for his input and respectfully requested that Trustee Masselink allow the Commission to carry forth with their work.

5. INTRODUCTION OF CRD REPRESENTATIVES

Chair Montague provided an overview of the Commission's overall process and the objectives of today's meetings. She noted that this meeting was to serve a function of information gathering and would therefore not include motions on possible locations.

Chair Montague welcomed CRD representatives Russ Smith and Anke Bergner.

Russ Smith discussed the structure of solid waste management within the CRD and the principles that guide their work. He also offered an overview of the variety of approaches that are currently used in different electoral areas and a detailed description of the approach used on Salt Spring Island. This overview included the following points:

- Salt Spring Island is the only area in the Capital Region with a transfer station bylaw.
- The CRD is the regulator and does not operate the site.

6. COMMISSIONER QUESTIONS TO CRD REPRESENTATIVES

Member Underhill asked whether the CRD has a strategy for waste material handling in the areas under their jurisdiction if the representatives could provide an overview of that strategy.

The CRD representatives responded with the following points:

- The CRD Solid Waste Management Plan does not currently include a plan for Pender Island.
- This overall plan is currently in the process of review and revision.
- The CRD could either include a plan for Pender Island in the update or write a solid waste bylaw under the current plan.
- The CRD is currently involved with Pender Island Recycling Society.
- The overall principles that guide the CRD"s Solid Waste Management Plan are provided in the annual report which is not yet available in print, but is available online.

Member Korbin asked whether the CRD purchases land for waste transfer stations, whether this would be a reasonable possibility for Pender Island, and whether the CRD would insist on operating the site if they purchased the land.

The CRD representatives answered with the following points:

- The CRD can purchase land. This socializes the cost and the risk.
- The first step is to have the community invite the CRD to create the service.
- If the CRD purchases the land, this does not necessitate their involvement in operating the facility.

Member Korbin requested an overview of what a Land Use Bylaw from the LTC would provide.

Russ Smith invited Planner Starke to answer the question.

Planner Starke provided an overview of the limitations of an LTC Bylaw, noting that it could not necessitate ongoing operational requirements the way CRD licensing can.

Member Sketch asked if the representatives could estimate an annual parcel tax for a facility in which the CRD provides an all-inclusive service.

The CRD representatives noted the difficulty in making such an estimate as the true cost is impacted by a number of variables. They further stressed that each community is individual and comparisons are difficult.

Russ Smith estimated that the annual parcel tax would be around $250 and noted that if the CRD was invited to do so they would provide scenarios and estimates to help the community understand the likely costs.

Member Sketch noted that Salt Spring Island is looking to incorporate their facility and that their rationale includes dissatisfaction with the CRD's service. He asked whether the CRD representatives had a solution for Pender Island that might provide greater success.

The CRD representatives answered with the following points:

- The creation of the service is driven by the preferences of the community.
- The CRD can be invited to provide any of the following roles including facilitating the discussions, providing estimates, creating the service, and distributing the cost.

Planner Starke asked how the CRD becomes involved.

Russ Smith answered that the CRD first creates a bylaw and the information on what the community wants could come from a source like this Commission.

Chair Montague asked what percentage of total diversion the CRD had reached toward their goal of 70%.

The CRD representatives replied that the percentage is 56%, but that the Provincial Target for 2020 is 350 kg per capita disposal.which the CRD has already met.

Chair Montague asked whether it would be possible to require operators, as part of their licence, to sort and remove removable materials.

The CRD representatives answered with the following points:

- Materials are kept from the landfills using a combination of banning materials and increasing tipping fees.
- The regulations are not adapted for individual operators, but need to tbe the same for all licensed operators.

Member Korbin asked why the CRD subsidizes the cost of kitchen waste disposal, charging only $110 when the true cost is $140.

The CRD representatives commented that this is a complicated issue, but noted that keeping a consistent tipping fee for kitchen scraps and garbage is part of the reason.

Member Korbin asked if the private service that collects garbage could be expanded to include recycling.

Russ Smith responded that there are not any obstacles from the CRD's part of the process, but that they do not control the revenue piece for recycling and a smaller community may not be able to balance the high cost of that service.

Member Korbin asked whether the CRD anticipates becoming involved with commercial composting.

The CRD representatives responded that they have, in the past, approved a pure compost facility that met with the CRD bylaws. The facility had since ben shut down due to non-compliance issues.

Member Sketch provided an overview of Section 838(1) of the Local Government Act and asked which model for CRD commissions was preferable, that commissioners are appointed by the electoral area director or that commissioners are elected within the local community where services are are provided.

The CRD representatives were unable to offer any insight.

Member Sketch asked whether the CRD representatives could see an opportunity for a not for profit to manage the facility on property purchased through CRD loans.

The CRD representatives provided an overview of the CRD procurement policy making the following points:

- The first step could be community information which would lead to the writing of a CRD bylaw.
- If the CRD was not going to operate the site then they would use the community information to tender bids and recommend an operator who is able to provide equitable service at the lowest cost.
- There are limitations on which operators can be considered under the CRD procurement policy, but the CRD Director David Howe could also offer recommendations that are different from the staff.

Member Sketch clarified that his question regarded a Not for Profit serving as operator as has been used on Thetis and Hornby Islands.

Russ Smith said that such a solution is possible as long as it is established in accordance with regulations.

Chair Montague asked wether the CRD had educational material and resources that the LTC could use.

The CRD representatives provided an overview of the materials available including their annual report, outreach displays, social media education, the web resource My Recylopedia, and resources for school teachers.

Member Korbin noted that should the CRD licence or operate the facility it may become difficult for them to deal with operating violations, especially if there was financial incentive not to close the facility.

The CRD representatives responded that such a process requires due diligence in consultation with lawyers and that the preferred result is to have the operator start to comply. They acknowledged that closing a facility is difficult, but noted that staff enforces the bylaws and that political decisions do not play a role.

Member Sketch asked whether the CRD would consider allowing commingling of solid and liquid waste if the pathogenic and other risks of that practice was removed.

The CRD representatives advised that integrated resource management is a CRD Board priority. They further explained that one consideration is a Board policy that prohibits the land application of biosolids. .

Member Petrie asked for clarification regarding a facility in Ladysmith that does process solid and liquid waste.

The CRD representatives acknowledged this facility, but noted that the operation is not part of CRD.

7. **NEXT MEETING AND NEXT STEPS**

Chair Montague noted that an additional meeting has been scheduled for Friday, November 27 at 12:30 pm. She provided an overview of the meeting.

Member Petrie noted that Member Henning had not completed his presentation during this meeting and asked that it be continued at the next meeting.

Chair Montague acknowledged the request.

8. NEXT MEETING AND NEXT STEPS

NP-SAPC-2015-19
It was MOVED by Member Rippner and SECONDED by Member Henning
THAT the Commission adjourn at 2:30 pm.

CARRIED
(unanimous)

Elizabeth Montague, Chair

Certified Correct:

Shannon Brayford, Recorder

Islands Trust

ADOPTED

Pender Island
Waste and Resource Management Commission
Special Advisory Planning Commission
Minutes of a Meeting

Date:	**Monday, December 14, 2015 (12:30 p.m.)**
Location:	**Pender Island Community Hall** **4418 Bedwell Harbour Road, North Pender Island, BC**
Members Present:	**Elizabeth Montague, Chair** **Richard Philpot, Deputy Chair** **Dale Henning** **Donn Korbin** **Jim Petrie** **Ursula Poepel** **Gordie Duncan** **Michael Sketch** **Davy Rippner** **Ron Underhill** **John Pollard**
Staff Present:	**Justin Starke, Island Planner** **Shannon Brayford, Recorder**
Regrets:	**None.**
Others Present:	**North Pender Island Trustee Diane Barber** **Twelve (12) members of the public were present**

1. CALL TO ORDER

At 12:31 Chair Montague welcomed everyone and called the meeting to order.

2. ADOPT AGENDA

Member Korbin recommended the following additions:

- Following Item 5, new item titled "Role of the Chair".
- Following Item 7, new item titled "Relationship of the Special Advisory Planning Commission (SAPC) to the North Pender Island Local Trust Committee (LTC)".

By general consent the agenda was approved as amended.

3. APPROVAL OF MINUTES OF NOVEMBER 20, 2015

Recorder Shannon Brayford read the recommended amendments of Anke Bergner of the Capital Regional District (CRD).

Member Sketch read a recommended revision to Item 6.

It was noted that John Pollard was mistakenly listed as present.

NP-SAPC-2015-20
It was MOVED by Member Henning and SECONDED by Member Rippner
THAT the Waste and Resource Management Commission adopt the minutes of November 20, 2015 as amended.

CARRIED
(unanimous)

4. COMMENTS FROM COMMUNITY MEMBERS

Chair Montague addressed the community with a statement that included the following points:

- This commission has been appointed by the North Pender Island LTC and all members are volunteers.
- Asked speakers to conduct themselves with civility.
- An overview of the Commission's goals and a note that public consultation is not included in those goals.
- A request that all comments on the applications now on hold be directed to the North Pender Island LTC in writing.
- A note that time will be limited to facilitate the remainder of the meeting's objectives.

Anne Burdett reported that during the Agricultural Land Commission (ALC) hearing Elizabeth Montague said that six sites were being considered by the Commission. Anne Burdett asked the Chair to make those sites public.

Chair Montague responded that the sites under consideration are publicly available and that they were provided to the Commission. She provided a list of the sites.

Isaac McPhee offered his property as a potential site, noting that he was willing to have one acre of the eight available acres rezoned and that his offer stood regardless of the operator selected. Mr. McPhee provided his address to the Commission.

Barbara Johnstone-Grimmer thanked the Commission for their work. She noted that difference of opinion is part of any commission and that the process serves to manage this.

Mike Burdett addressed Deputy Chair Philpot asking for clarification regarding the Pender Island Recycling Society's budget and whether the CRD was subsidizing inadequate funding from Multi-Material British Columbia (MMBC). He also asked how much of this funding goes to wages.

Deputy Chair Philpot noted that the question may not be related to the business of the Commission and received the Chair's consent to answer. He then responded with the following points:

- Approximately 50% of the annual operating budget or $86,000 is provided from the CRD in a funding model similar to the municipal blue box program.
- 65% of the total operating costs are wages, which is approximately $65,000 annually. The director receives $27.50 per hour.
- Funding is also received from six provincial stewardship programs.

Mike Burdett commented that the Commission includes three members of the Pender Island Recycling Society, as well as the spouse of a member. He noted that there is a conflict between their position and the work they are doing on this commission.

Member Sketch remarked that conflict of interest has been discussed at length by this Commission with the support of legal advice from the Islands Trust office. He noted by the Commission's Terms of Reference, conflicts are to be declared when a relevant agenda item is presented.

Member Korbin remarked that the LTC knew or should have known about the potential conflicts when they appointed this Commission. He noted that public perceptions of bias gone beyond the technical issues of bias and conflict of interest described by Member Sketch. Member Korbin commented that this is a serious concern.

5. COMMISSIONER CONFIDENCE

Member Sketch made a statement which included the following points:

- He opposed the ALC decision to allow conditional non-farm use on a particular Agricultural Land Reserve (ALR) property on Pender because it was falsely claimed that there was a need for siting a waste transfer site on this land and because the decision dismissed the agricultural value of the land.
- He and Mike Burdett had an informal and civil discussion on his position and if they could have such a discussion then this Commission should be able to do so as well.
- He does believe that the waste transfer site should not be on ALR land if an alternative exists and this position is consistent with North Pender Island's Official Community Plan (OCP).
- Member Henning had provided a written request asking for Member Sketch's removal and Member Petrie made comments of a similar spirit.
- The Commission does not have the power to remove commissioners, but the LTC does.
- During the last LTC in-camera meeting the LTC advised Member Henning to make a motion of non-confidence with the comment that if such a motion was

successful, Member Sketch might choose to step down and if the motion was unsuccessful Member Henning might choose to step down.
- He would be making a motion at this time and reminded the Commission that abstention is recorded as a vote in favour.

NP-SAPC-2015-21
It was MOVED by Member Sketch and SECONDED by Member Rippner
THAT the Waste and Resource Management Commission has confidence in Michael Sketch in his continued role as commissioner, with knowledge of his action prior to establishment of the Waste and Resource Management Commission to ask the Agricultural Land Commission to reconsider their own decision 413/2013 given February 14, 2014 to allow conditional non-farm use of land in the Agricultural Land Reserve for operation of a waste transfer facility.

Member Petrie remarked that the comments Member Sketch referred to were made during a closed meeting and therefore Member Sketch was breaching confidentiality.

Member Korbin raised a point of order, noting that those who attended the meeting were not advised to hold the contents of the meeting in confidence and that they were not provided with a confidentiality agreement. He further noted that the LTC failed to meet the requirements of Section 92 of the Community Charter as they did not state the reason why the meeting had been closed to the public.

Member Petrie commented that the had spoken at the meeting with the understanding that it was in confidence.

At Chair Montague's request, Planner Starke made the following comments:
- Although the LTC did not specifically advise the Commissioners of the meeting's confidentiality, it was assumed that the Commissioners would understand this, given that it was a closed meeting.
- The comments made today have all been made publicly as well and therefore do not appear to be in breach of any confidentiality.

NP-SAPC-2015-22
It was MOVED by Member Korbin and SECONDED by Chair Montague
THAT motion NP-SAPC-2015-21 be postponed indefinitely.

Member Korbin spoke to his motion commenting that it was premature to vote on a motion of confidence of any member.

Member Sketch remarked that several meetings had included discussion of this topic and that it could be settled at this time.

Member Petrie commented that he appreciated that Member Sketch had publicly disclosed his role in the recent ALC application. He further noted that while he agrees that differences of opinion will arise, he believes that the actions of Member Sketch and Chair Montague reflect a deeper bias.

The Chair called for a vote

CARRIED
(Members Sketch, Pollard, and Rippner opposed)

Chair Montague made a statement which included the following points:

- Member Henning has called for her and Member Sketch's resignation because of conflict of interest related to an ALC request.
- She did not conceal her involvement in this application and sent a copy of her letter to the ALC dated January 2015 to the North Pender Island LTC the next month.
- She opposed the ALC's decision because it was inconsistent with the island's OCP and since her role on the Commission is to uphold the OCP, there is no conflict.
- The Commission has a conflict of interest rule to deal with the biases of the members.
- The Commission has several members with possible biases because the people who applied are those who have expertise and interest in this area.
- Anne Burdett was originally appointed to the Commission, but subsequently withdrew.
- If the commission deems it necessary, she will accept a vote of no confidence and step down from her elected position as Chair of the Commission.
- She will accept the LTC's decision should they chose to remove her from the Commission.

NP-SAPC-2015-23
It was MOVED by Chair Montague and SECONDED by Member Rippner
THAT the Waste and Resource Management Commission has confidence in Elizabeth Montague in her role as Chair of the Commission, with the knowledge of her action, initiated prior to the establishment of the Commission, to request a reconsideration of Agricultural Land Commission decision #413/2013 to conditionally approve non-farm use of land in the Agricultural Land Reserve for the operation of a waste transfer facility.

Member Korbin commented that the LTC has placed the Commissioners in a difficult position for the following reasons:

- They approved amendments to the Terms of Reference after the appointments were accepted and this is inconsistent with Trust Council Guidelines for APCs.
- They appointed two members from the same household.
- They appointed five people who are involved in public discussions of the rezoning applications for Waste Transfer Sites.
- They did not consider the implications of appointing residents from South Pender Island to a commission that will be making recommendations regarding the OCP of North Pender Island.

Member Korbin raised a point of order stating that the election of the Current Chair and Deputy Chair violated by-law 166(2i) and are therefore null and void. He remarked that after Barbara Johnstone-Grimmer resigned from the Commission, the Commission should have only elected a new Chair and not a Deputy Chair.

Member Henning made the following points::

- The Burdett land in question is identified as unusable for agriculture.
- He was not aware that the Commission was on record as considering any other non-industrial sites.
- He was not aware of Chair Montague nor Member Sketch's actions with the ALC when he joined the Commission and these actions demonstrate bias.
- When he joined he assumed that the process would be fair and unbiased and result in an accurate assessment.
- If the Commission cannot find any existing industrial options then they should look at other options including ALR lands.
- Community member John Aftias has raised concerns regarding the safety of his property's water should the site adjacent to his property be chosen.
- Member Sketch's solution for Mr. Aftias's concerns was unacceptable.
- Every member of the Commission should visit each of the proposed sites.
- Recommended that the Commission have an open discussion without Roberts Rules to fix the issue.
- The Commission has not done much toward achieving its goals.

Member Sketch responded with the following points:

- He had told Member Henning about his involvement with the ALC application during a private conversation in the Spring of 2015.
- He addressed his involvement in the application during an LTC meeting that Member Henning attended.
- Mr. Aftias' concerns relate to a surface well and surface run-off. Excavation can potentially be used to address the concern and Allen Industrial Land adjacent to recycling rented by Buchmaier should not be excluded as a viable choice on these grounds.

Member Korbin remarked that his Point of Order had not yet been addressed and noted that it would eliminate the need for Commissioners to choose sides in the Chair's motion and therefore facilitate the long term relationship of the Commission.

Chair Montague commented that the point of order was not productive and could be dealt with in a mediated session.

At the Chair's request, Planner Starke made the following points:

- A review of the minutes and a legal opinion may be required.
- By her recollection Liz Montague was nominated for the position of Chair and then passed the officiating of the election to Planner Starke. After becoming elected, Chair Montague's previous position of Deputy Chair became vacant.

Chair Montague deferred a decision on the point of order. .

Deputy Chair Philpot asked if Member Henning was asking for a vote of confidence.

Member Henning replied that he was not.

Deputy Chair Philpot made the following points:

- The Commission should not ask any members to step down nor pressure them to do so.
- The Commission is a community group comprised of the only eleven people who put their names forward. The LTC did not reject any applications.
- The Commission has been asked to deal with a complex and contentious issue. In the process, the members have had to become educated on both the topic and the process.
- The Commission needs a third party from off-island who is trained in mediation to help the group work together. Alternatively, this Commission should be dissolved and a new one formed.

Deputy Chair Philpot remarked that he would like to make a motion and it was noted that motion NP-SAPC-2015-23 was still on the table.

Member Pollard made the following points:

- The members are all adults and volunteers. All the members have his trust that they will behave as responsible adults.
- The job before the Commission is simple and requires that they look at seven sites and make a recommendation.
- The public will not be able to trust the Commission if they cannot trust each other.
- He is in favour of the motion of the Chair.

NP-SAPC-2015-24
It was MOVED by Member Korbin and SECONDED by Member Henning
THAT motion NP-SAPC-2015-23 be postponed indefinitely.

CARRIED
(Members Rippner and Pollard Opposed)

Member Henning remarked that while Member Sketch may have spoken to him regarding the ALC application he does not have a recollection of this conversation. He further noted that he has not found any public comments in the minutes.

6. ROLE OF THE CHAIR

Member Korbin commented that the Chair had exceeded her role by conducting the following actions without the direction of the Commission:

- Directing Member Henning to speak with Pender Waste Management.
- Creating a separate operator survey in addition to the one created by the formed sub-committee.
- Inviting outside parties to speak with the Commission.
- Asking the LTC to create a mail out.

Chair Montague acknowledged these comments and it was generally agreed that the Chair will consult with the Commission prior to initiating actions on behalf of the Commission.

7. CODE OF CONDUCT

A document, which included a proposed Code of Conduct for the Commission was read for the benefit of the attending public.

Deputy Chair Philpot also asked that Commissioners refrain from exhibiting negative body language in response to the comments of other Members or the public.

NP-SAPC-2015-25
It was MOVED by Deputy Chair Philpot and SECONDED by Member Rippner THAT the Pender Island Waste and Resource Management Commission adopt the Commissioner Code of Conduct as presented.

Member Henning requested that the Code of Conducted be amended to include Section 45 of Roberts Rules which states that no member should vote on a question in which he or she has a direct pecuniary interest not common to the other members.

Chair Montague asked Planner Starke whether such an inclusion would be another rule on conflict of interest.

Planner Starke noted that the Islands Trust follows Roberts Rules when an issue is not otherwise addressed. She also noted that the Terms of Reference already define the conflict of interest procedures for this Commission, therefore this proposed inclusion would require the LTC to amend the Terms of Reference.

Member Petrie remarked that the Commission needs to work as a team and that the continuous focus on rules is eroding the public's confidence. He recommended that the motion be postponed indefinitely.

Member Underhill commented that the Code of Conduct itself is common sense and he has no issues with it. He also noted that the first paragraph includes vague statements and without a more clear understanding of what those statements mean he would not agree to adopt the document. Member Underhill also noted his hope that the commission would discuss whether the island needs a waste transfer site at all.

Member Korbin agreed with Member Underhill and noted that he would not vote in favour of adopting the document. He further noted that it was not appropriate to ask Commissioners to uphold the integrity and authority of our local government.

Member Sketch noted that some members of the Commission are not as versed with Robert's Rules as others are. He recommended that the document be amended to delete the first paragraph and the phrase "obey the rules of the organization".

Chair Montague agreed that the document could be amended and noted that the document was meant to serve as a reminder of the rules that all Commissioners should follow.

Deputy Chair Philpot withdrew his motion.

8. CRITERIA FOR SITING

Planner Starke provided an overview of the background material and noted that the Commission was not obligated to recommend a site, but could recommend that no property is zoned.

Ann Hewlett, a member of the public, was acknowledged by the Chair. She asked whether the ALC reconsideration decision removed the Burdetts from consideration.

Mike Burdett noted that a portion of their property is already zoned industrial.

Planner Starke commented that being part of the ALR does not preclude a property from consideration.

Chair Montague noted that in order to be consistent with the OCP, ALR property's are precluded.

Member Underhill commented that he hoped the Commission would be able to work successfully, but noted that if the Commission was going to be weighed down with motions and other process issues then the LTC should restart the process and form a new commission. .

A discussion was held regarding whether or not Member Underhill's comment was a motion. During the discussion Member Korbin commented that Member Underhill's remarks were out of order and not a motion.

Chair Montague acknowledged the comments of the Commissioners which had been circulated prior to the meeting. She recommended tabling the remaining agenda items until the next meeting.

Member Henning asked whether the next meeting would be a mediated one.

Deputy Chair Philpot suggested that Member Underhill facilitate the development of the siting criteria based on his expertise.

Member Underhill provided an overview of how such facilitation would work.

Member Henning recommended a round table discussion and asked whether such a discussion could be held, as a quorum, without following Robert's Rules.

Planner Starke advised that all meetings of the Commission must be advertised and open to the public if there is a quorum present. She further noted that the Commission can agree to hold a meeting in which they do not follow Robert's Rules.

Note: Planner Starke left the meeting at 2:49 pm.

Member Pollard commented that the type of session proposed by Member Underhill would be team-building and show the Commission how well they can work together.

A discussion was held regarding the scheduling of an additional meeting. It was generally agreed to hold the meeting on January 4, 2016 at 12:30 pm.

Chair Montague requested that all members circulate an advance list of their siting criteria.

Member Petrie noted that he had made a motion at the last meeting to limit Commissioner presentations to fifteen minutes and, as the motion had been postponed indefinitely, had intended to reintroduce it at this meeting. He commented that he would not make such a motion if the Commission would generally agree to follow the guideline.

Member Underhill remarked that he was reluctant to put a cap on any topic and that the Chair could stop speakers who were consuming an excessive amount of the Commission's time.

Anne Burdett asked what would lead the Commission to believe that an operator whose site was not chosen would use the waste transfer facility. She also asked whether the Commission would allow public comment at the end of meetings as the LTC does.

Member Sketch noted that the Terms of Reference was amended to allow the public to speak at the beginning of meetings so that the Commission could hear their comments before discussing the topics. He recognized that the current LTC chair is generous with the time for public input and also noted that Chair Montague generally recognizes the public and allows them to speak during the meetings.

Ben McConchie thanked the Commission for their work and commented that they appeared to be too caught up with Robert's Rules of Order. He expressed his hope that he would hear exciting discussion of how the problem can be solved and noted the expertise of the Members.

NP-SAPC-2015-26
It was MOVED by Chair Montague and SECONDED by Member Henning
THAT the Commission adjourn at 3:03 pm.

CARRIED
(unanimous)

Elizabeth Montague, Chair

Certified Correct:

Shannon Brayford, Recorder

ADOPTED

Pender Island
Waste and Resource Management Commission
Special Advisory Planning Commission
Minutes of a Meeting

Date:	**Monday, January 4, 2016 (12:30 p.m.)**
Location:	**Pender Island Community Hall** **4418 Bedwell Harbour Road, North Pender Island, BC**
Members Present:	**Elizabeth Montague, Chair** **Richard Philpot, Deputy Chair** **Dale Henning** **Donn Korbin** **John Pollard** **Jim Petrie** **Ursula Poepel** **Gordie Duncan** **Michael Sketch** **Davy Rippner** **Ron Underhill (Ex officio Member)**
Staff Present:	**Justin Starke, Island Planner** **Shannon Brayford, Recorder**
Regrets:	**None**
Others Present:	**Thirteen (13) members of the public were present** **Diane Barber, North Pender Island Trustee** **Bruce McConchie, South Pender Island Trustee**

1. CALL TO ORDER

At 12:32 Chair Montague welcomed everyone and called the meeting to order.

Chair Montague provided opening remarks which included an overview of the purpose of the meeting and a reminder that the Terms of Reference allow the Commission to identify new sites in addition to those provided in the staff report.

2. ADOPT AGENDA

A discussion was held regarding the agenda and the need for sufficient time for Item 5. It was suggested to move item 5 ahead in the agenda to become Item 3.

By general consent, the agenda was adopted as amended.

3. DEVELOPMENT OF CRITERIA FOR EVALUATING POTENTIAL SITES

Chair Montague recognized Member Underhilll as the process facilitator.

Member Underhilll provided an overview of the planning process and the meeting's goals. During initial discussions the Commission generally agreed to the following points:

- The Commission is not limited to recommending only one site.
- For consistency, the site will be referred to as a Waste Transfer Site (WTS).
- The criteria will be for the WTS itself which would be a site where items are sorted, segregated and transferred.

Member Underhill opened the floor to brainstorming ideas and the following criteria were raised by members of the Commission and the public:

- Central location
- Minimized visual impact
- Low tax payer cost
- Large enough to accommodate the changing waste stream
- Traffic safety
- Access to services (water, septic, hydro)
- Environmental impact
- Location
- Hydrology
- Protection of water table
- Not on potential farm lands where a viable alternative exists
- Noise
- Public convenience
- Using existing WTS
- Distance to ferry
- Avoid steep long hills on truck transportation route
- Smell
- Minimal size
- Criteria meets expert opinion
- Tourism value
- Sites ability to cope with toxic spill
- Fire hazards
- Broad community agreement with chosen site
- The materials that will be accepted
- Not adjacent to sensitive eco-systems
- Traffic flow at the site
- Space for parking
- Impact on high density users
- Buffer
- Berm for noise control
- Minimum 20 year life span
- Ownership (public or private)
- Minimize transportation greenhouse gas emissions

- Light pollution
- Minimize impact on marine and wildlife

Member Underhill encouraged the group to go through the list and group similar items. The following items were grouped under the heading “location”:

- Central location
- Distance to ferry
- Tourism value
- Not adjacent to sensitive ecosystem
- Minimal visual impact from road
- Fire hazards

Member Underhill asked that the group discuss the items that had been selected under the heading “LOCATION”. The following points were raised:

- Member Henning suggested a central location closer to the density of the public. It was noted that a central location would be more convenient for the majority of the public to reach and more efficient for operators to transport to.
- Chair Montague noted that the Commission does not have a clear understanding of what the public does with their waste and does not know if the WTF needs to be centralized or if it could be in a less central convenient location, such as en route to the ferry.
- Member Korbin noted that just because the WTS is open for particular items does not mean that operators will use it for that purpose.
- Member Henning noted the Capital Regional District (CRD) recommendation is that the siting should be viable for a minimum of 20 years.

A discussion was held regarding the types of material that will be accepted by the WTS:

- It was noted by several members that the Commission does not have a clear definition of the types of materials that will be accepted by the WTS.
- Member Henning commented that if the WTS opens with a basic structure it can then be expanded to accommodate the needs of the island.
- Member Sketch noted that the Commission had defined the materials and obtained general volume estimates at an earlier meeting.
- Planner Starke suggested that for the purpose of this exercise the Commission could list the criteria as a “size that is large enough to handle the accepted materials”, with the definition those materials being left for a later time.

A discussion was held regarding materials sorting at the WTS:

- Member Sketch remarked that there is a provincial imperative that the WTS operate as a sorting facility in order to minimize landfill waste.
- Member Petrie noted that facilities exist elsewhere to deal with reclaiming materials.
- Chair Montague remarked that the goals of the Province and the OCP is to create zero waste and transporting the materials does generate greenhouse gases.
- Member Henning questioned whether the scale of Pender Island can create a operationally efficient and cost effective method to reclaim the materials.

A discussion was held regarding a WTS and additional drop-off sites:

- Chair Montague and Member Korbin noted that if there are drop-off sites then the WTS would see less traffic from residential users.
- Member Petrie asked for clarification of what constitutes a drop off site and what constitutes a WTS. Member Korbin provided an explanation based on CRD definitions and Planner Starke noted that the WTS would accept materials, provide some sorts of processing, and store those materials until they are sent elsewhere.
- Member Henning questioned whether assuming that there will be a central drop off location is forcing an operational decision on the operators. Member Korbin noted that the drop off location does not assume that materials will then be taken to the WTS.
- A discussion was held regarding whether the drop off site and the WTS should be centrally located. Member Henning suggested that the WTS should be centrally located. He noted that there is a main corridor on the island and by locating the WTS on that corridor it would facilitate use. Member Rippner asked that the topic be revisited at a later time and Member Henning agreed.
- Member Korbin remarked that both a location close to the ferry and one close to the dense population area have been credited with potentially reducing greenhouse gas emissions. He noted that these statements together demonstrate that there is not a clear understanding of which one would produce a reduction. Member Korbin further commented that the island's size might make discussions of distance unnecessary

A discussion was held regarding composting and Member Petrie suggested seeking information from a member of the public who might have more information. He questioned the assumption that most members of the community are composting on their private properties. No member of the public spoke at this time.

Member Underhill asked that the group discuss the items that had been selected under the heading "SIZE":

- 15-35 meter vegetative buffer available.
- 15-35 meter setback

Member Henning read the Ministry of Environment recommendations regarding buffers. Planner Starke provided an explanation of the recommendations and noted that they serve to inform the regulations that are ultimately created under the Local Trust Committee (LTC) jurisdiction.

Member Underhill encouraged the group to go through the list and group similar items under the heading "environment":

- Water, septic and hydro services
- Environmental impact
- Hydrology
- Protection of water table and consideration of aquifer susceptibility.
- Noise
- Smell
- Risk from toxic spill

- Light pollution
- Berm for noise control
- Not adjacent to sensitive ecosystem
- Minimize impact on marine and wildlife

A discussion was held regarding the item "hydrology". The Commission discussed the value of obtaining a hydrology report and the types of regulations that the Commission could recommend. Planner Starke noted that there are not regulations from an outside body, but the LTC could look at recommendations from those bodies.

Member Henning read a regulation regarding bio solids and compost facilities and noted that this regulation would need to be met. Planner Starke noted that there is also a CRD licence requirement for such a facility and that this would be an operational consideration rather than a land use one.

A discussion was held regarding noise and how to create a criteria related to this concern.

- Planner Starke commented that there are many ways that the environmental issues can be addressed, including a recommendation that the LTC require an environmental impact study. She noted the different tools available to the LTC and the differences for example, between zoning and temporary use permits.
- Planner Starke suggested that noise, odour, dust, light and traffic could be placed under a heading such as "nuisance". Member Underhill noted that these items might not be related to siting, but should be placed in the parking lot as issues that are brought to the LTC.
- Member Sketch remarked that noise could be left as a criteria for siting because it relates to the size, presence of a berm, proximity to those who would be annoyed, and presence of vegetative cover.
- Member Duncan noted that trucks driving to the locations also create noise.
- John Aftias, a member of the community, commented that traffic and site-related noise is a concern and that the area near the current recycling facility is already experiencing a high volume of noise.
- Candice Zell noted that Pender Island residents place a premium on the quiet atmosphere.

Throughout the discussion, the following items were noted for later conversation under the heading "Parking Lot":

- Composting
- Site functions related to public education
- List of accepted materials
- Existing models that can be studied
- Drop off site criteria (such as central location)
- Noise, light, dust and traffic

Additionally, the following items were noted under the heading "Assumptions":

- Site will fit the Official Community Plan (OCP) or the OCP will be modified.

- Visual impact will meet Ministry of Transportation and Infrastructure (MOTI) regulations
- Typical WTS's will handle residential, commercial, demolition, and additional items.
- The WTS will only handle waste from Pender Island.
- The issue of composting is undecided/unresolved.
- The drop-off site should be centrally located
- Future residential garbage may be picked up or will continue to be dropped off.

Note: Planner Starke left the meeting at 2:34 pm.

4. COMMENTS FROM COMMUNITY MEMBERS

Ann Hewlett addressed Members Sketch, Montague, and Rippner. She commented that the conflict of interest issue will continue to be ongoing and noted that the guidelines indicate that the members should seek legal advice from the Islands Trust. She remarked that the public would have to respect that advice, but asked if the members had each sought such advice.

Chair Montague responded that she has asked for legal advice, but has not heard back from the Island's Trust office, noting that many people were on holidays. Chair Montague further remarked that the LTC has the ability to remove members from the Commission and that they were given the opportunity to do so, but had not.

Member Rippner responded that the legal advice sought by Chair Montague was on his behalf as well. He further commented that he was not prepared to step down.

Member Sketch responded that he had sought legal advice from three independent lawyers in addition to the legal advice sought from the Islands Trust. Member Sketch noted that members of the public can obtain legal representation to challenge their place on the Committee and they can also write to the LTC to ask that members be removed.

Deputy Chair Philpot thanked Ann Hewlett for her question and confirmed with the Trustees that the legal opinion was sought, but had not yet been received.

Chair Montague asked Ann Hewlett why Member Rippner was included in the question. Ann Hewlett responded that she addressed the issue in a letter to the LTC.

Referring again to the policy on conflict of interest, Ann Hewlett noted that she believed that the conflict of interest in question does not represent a single issue, but a larger one that will continue to arise consistently through the Commission's ongoing work.

Note: A break was held from 2:55-3:05 pm and Deputy Chair Philpot left during this time.

Chair Montague called the meeting to order. She invited Member Underhill to provide an overview of the next meeting.

A discussion was held regarding the goals of the next meeting.

Member Petrie remarked that the CRD could be very pivotal in this process and a discussion was held regarding the involvement of the CRD representatives:

- Chair Montague commented that the CRD is waiting for an initiative from the community before providing suggestions.
- A discussion was held regarding the information that the CRD could potentially provide to facilitate the process.
- Chair Montague noted that community information sessions will be held and the CRD representatives will be invited to those.
- Member Sketch remarked that he had asked for the per parcel lot cost of a complete service and the CRD representatives had estimated a cost of $200-$250. Member Sketch noted that he had also asked about details for a non-profit operation. He commented that the CRD representatives indicated that they would adapt to the Island's needs.

5. **MINUTES OF DECEMBER 14, 2015 FOR ADOPTION**

Member Petrie noted the importance of having an audio recording of the meeting and stated that he had written to the LTC to encourage its use.

In addition to recommended revisions the following points were discussed:

- Referring to page 7 Member Sketch asked Member Henning if he (Member Henning) said that when Member Sketch rambles he (Member Henning) often ignores him. Member Henning confirmed that he said this. Member Sketch asked if everyone was happy that the minutes stated that Member Henning "did not recall the conversation" as opposed to saying that he had ignored him. There was general consent that this was acceptable. Chair Montague asked for Mr. Henning to apologize to Member Sketch. Member Henning stated that he has great respect for his fellow member, but that he would not apologize for the statement.
- Member Henning asked when the Agricultural Land Commission (ALC) reconsideration of the Burdett application would be released. Member Sketch and Chair Montague noted that the decision will take time, but that it would be published on the ALC website.
- Referring to page 2, Member Petrie asked whether Mike Burdett asked the question or if it was another member of the public, Gary Steeves. The recorder clarified that while Mr. Steeves participated in the discussion, Mr. Burdett asked the question.
- Member Pollard commented that inclusion of the public's names in the minutes might deter public comment. Chair Montague noted that names are helpful when the minutes are used for reference at a later date and the inclusion of names would encourage respectful interactions.
- Community member Ann Hewlett asked for an explanation of why some community member comments are included and others are not. The recorder explained that this Commission has requested more detailed minutes than those commonly used in the Islands Trust. She further explained that when anyone states a specific point or asks a question it is

included with their name, however in discussions where many people are speaking each specific comment is not usually noted.

The following amendments were put forward by Member Korbin:

- Page 3, replace “he noted that he shares Mr. Burdett’s concerns” with “He said the public perceptions of bias goes beyond the technical issues of bias and conflict of interest described by Mr. Sketch. This is a serious concern”.
- Page 5, after “Trust Council” add “Guidelines for divisors Planning Commissions.
- Page 5, replace “Chair Montague tabled the point of order” with “Chair Montague deferred a decision on the point of order”.
- Page 7, replace “directing” with “asking”.
- Page 8, to the bottom of paragraph four add “He further noted that it was not appropriate to ask Commissioners to uphold the integrity and authority of our local government”.

The following amendments were put forward by Member Sketch:

- Page 6, Bachmeier Farm should read “Allen Industrial Land adjacent to Recycling rented by Bachmeier”. (This amendment was confirmed with Mr. Aftias who was the original speaker)
- Item 5 title should be “Commissioner Confidence”
- Page 9, add “reconsideration” between ALC and decision. (This amendment was confirmed with Ms. Hewlett who was the original speaker)

NP-SAPC-2016-001
It was MOVED and SECONDED THAT the Waste and Resource Management Commission adopt the minutes of December 14, 2015 as amended.

6. NEXT STEPS

An overview of the next meeting was provided by Member Underhill at the completion of Item 4.

7. NEXT MEETING

By general consent the Waste and Resource Management Commission agreed to change the next scheduled meeting from January 15, 2015 at 12:30 pm at the Community Hall to January 15, 2015 at 10:00 am at St. Peter’s Anglican Church.

8. ADJOURNMENT

NP-SAPC-2016-002
It was MOVED by Member Duncan and SECONDED by Member Poepel
THAT the Commission adjourn at 3:42.

CARRIED
(unanimous)

Elizabeth Montague, Chair

Certified Correct:

Shannon Brayford, Recorder

Islands Trust

Print Date: February 22, 2016

Follow Up Action Report

South Pender Island

01-Sep-2015

No.	Activity	Responsibility	Target Date	Status
2	SPILTC approves payment of LTC expenses for Trustee McConchie to attend Plumper Sound Freighter meeting		30-Sep-2015	On Going
1	SPILTC approves travel expenses for trustee to roundtable with San Juan County on Sept 28th		30-Sep-2015	On Going

14-Dec-2015

No.	Activity	Responsibility	Target Date	Status
3	Oct 27 minutes adopted by consent	Lori Foster	21-Dec-2015	Done
4	Minutes of Nov 14th amended, to be adopted by RWM	Sharon Lloyd-deRosario Lori Foster	21-Dec-2015	Done
5	Revise LUB draft to incorporate changes agreed at the Dec 14th meeting	Robert Kojima	31-Jan-2016	Done
6	Webpage: make revisions to webpage for LUB project agreed at Dec 14th meeting	Lori Foster	21-Dec-2015	Done
7	2016 Meeting schedule adopted with the following changes: March 8th to March 1st, Add June 7th, delete July meeting	Lori Foster	21-Dec-2015	Done
8	APC appointments: the LTC appointed Paul Petrie, Steve Wright, Cameron Thorne, Mamie Hutt-Temoana, Christina McQuarrie to a three year term commencing January 1, 2016	Sharon Lloyd-deRosario Lori Foster	21-Dec-2015	Done
9	Bylaw enforcement manager requested to attend March 1st meeting to provide update on bylaw enforcement	Sharon Lloyd-deRosario Miles Drew Warren Dingman	15-Feb-2016	Done

Follow Up Action Report

10	in-camera minutes adopted	Lori Foster	21-Dec-2015	Done

Islands Trust

STAFF REPORT

Date: February 19, 2016 **File No.:** 6500-02-LUB Review

To: South Pender Island Local Trust Committee
For the meeting of March 1, 2016

From: Robert Kojima
Regional Planning Manager

CC:

Re: Land Use Bylaw Review

The purpose of this report is to provide the Local Trust Committee (LTC) with a summary of revisions made to the Land Use Bylaw (LUB) at the previous meeting, update the status of the Land Use Bylaw review project, and provide options for proceeding.

Project Background

This project was initiated in the previous term, and over the past year the LTC has identified issues, conducted public consultation, overseen a technical review, and provided direction on a number of substantive issues. Background on the project is posted on the LTC webpage: **Land Use Bylaw Amendments**.

At the last meeting (December 14, 2015), the LTC made a number of decisions on draft regulations and gave direction to make revisions to the draft LUB. The changes requested in the first resolution have been incorporated into an updated draft bylaw, posted on the webpage, and the revisions are summarized below.

Draft Bylaw Revisions

The following changes have been made to the draft Land Use bylaw based on direction given at the last meeting.

LTC Direction	LUB Section	Staff Comments
Groundwater extraction: include as a prohibited use for sale and export in all zones.	New prohibition added (3.2(16))	The LTC cannot prohibit extraction of groundwater itself, consequently the regulation is a prohibition on commercial use of groundwater (consistent with regulation from the Mayne LUB).
Outbuildings: to permit one non-residential building prior to dwelling, with a maximum floor area of	New regulation added to General	The regulation would apply to all zones where a dwelling is permitted, is included in the general regulations for

70 sq. metres	Regulations (3.5(2))	accessory buildings for ease of interpretation.
Definition of “utilities”: Staff will review and report back on rationale for change.	1.1 (definitions)	The change was made to provide clarity to the existing definition. The current definition is unclear as to whether all the preceding categories should be read to include “facilities established or licensed by a government or government agency” or if it should be read as a separate category of utility. The applicability of the definition in the bylaw is to support permission for utility services in the form of underground lines or above telephone and cable services in all zones.
inspections: keep “prior notification” requirement	2.3(1)	This retains the current requirement to provide prior notification for bylaw enforcement inspections
Home Occupations: add reference to operator or owner being resident at the time.	3.6(5)	This addition would add certainty to the earlier change (deleting reference to permanent resident).
Community Parks zones: change lot coverage to 1%	5.8(2)	Consistent with approach to permitting minimal structures or buildings
Marine Protection Zone: change second use to “for certainty, docks not permitted in this zone”, remove current (b)	5.12(b)	The existing uses are either exempt from zoning (buoys and anchorage), not a structure that would be in the water zone (stairs), or undesirable in the zone (floats). The replacement wording adds certainty and clarity in interpretation.
Update terminology for “disabled”	7.1(2) and 7.4	“Persons with disabilities” is used in some other current bylaws and policies.
Lot coverage: In order to protect the rural nature of the island, the Local Trust Committee agreed to lot coverage of: 15% on lots of 1 acre or less, 10% on lots over 1 acre and up to 10 acres, and 5% on lots over 10 acres, in all zones where a dwelling is permitted.	5.1(5)	Revision made to the RR zones. No revisions have been made to the Agriculture, Forestry, or Natural Resource zones as they currently contain lot coverage regulations more restrictive than those proposed for the RR zones.
Remove table restricting accessory	3.5(4)	Consequential to changes to lot

building floor area		coverage in RR zones
LTC agreed on 5000 square feet as a maximum house size for all zones.	5.1(7), 5.5(9), 5.6(7), 5.7(6)	Would establish a maximum floor area for dwellings in the RR, A, F, and NR zones.
Increase cottage floor area to $70m^2$	1.1 (Definition of Cottage)	Would increase maximum cottage floor area from $56m^2$ to $70m^2$. Would also require a consequential OCP amendment.
The Local Trust Committee agreed to increase the minimum lot area in the Agriculture and Forest zones to 16 hectares (40 acres).	5.5(11), 5.6(10)	Would increase the minimum lot from 4 hectares to 16 hectares in both zones.

Consequential OCP amendments: The LUB amendments identified above or previously incorporated will require the following consequential amendments to the OCP:

1. Map amendments: re-designation of land use map for addition to Brooks Point, and consistency of Agriculture designation boundary with ALR boundary.
2. Amendment to Marine Use Policy 4.2(b)(iv) to provide clarity that rezonings for docks may be considered within the Marine General designation, and provide criteria for assessing such rezoning applications.
3. Amendment to the definition of cottage to remove reference to specific floor area
4. Inclusion of a policy to support floor area limit for dwellings
5. Amendment to Agricultural policy 3.5.2(a) for minimum lot area increase
6. Amendment to Forest policy 3.6.2(a) for minimum lot area increase

Next Steps

First, the LTC should review the revised draft LUB, which has been updated with the revisions requested at the last meeting, and posted on the LTC **project webpage**, seek any clarification from staff, or revisit any of the revisions.

Second, the Project Charter indicates that the LTC would be reviewing draft bylaws and potential revisions in February 2016 in preparation for commencement of the legislative process to amend the LUB. However, the LTC previously indicated a preference to refer the draft changes to the APC for comment prior to commencing the legislative process. The LTC can refer the drafts to the APC for review; however at the last meeting the LTC considered appointments to the APC and appointed all new commissioners (some with previous experience and others with none). The LTC should be cognizant that the new commissioners have not been involved with the current review of the LUB as APC members, nor have they had the benefit of any orientation. The LTC may wish to consider giving the APC a few focused issues to consider (e.g. comment on substantive proposed changes to minimum lot area, maximum dwelling floor area, cottage floor area increase, and lot coverage) rather than requesting the APC to review and comment on all the proposed changes and revisions to the LUB. Staff can also provide an orientation session to the APC; however this would result in further extending timelines.

If the LTC does wish to refer the changes to the APC for comment, this will result in changes to timeline established in the project charter. As the project charter has not been updated recently, I am recommending that it be revised and brought back to a future meeting, the revisions would address:

- Adding time for the APC to review and report back
- If orientation for the APC is undertaken, include additional time to schedule and hold an orientation session
- Developing a more detailed timeline for community consultation on the draft bylaw(s)
- Developing a detailed timeline incorporating agency referrals, First Nations engagement, and the formal legislative process and approvals.

Options

1. Refer the draft revisions to APC, either as a whole or seeking comments on specific substantive changes
2. Direct staff to prepare draft bylaws for referral and further consideration

RECOMMENDATIONS:

1. That the South Pender Island Local Trust Committee request that staff report back with a revised the project charter.

2. That the South Pender Island Local Trust Committee refer the draft LUB changes to the Advisory Planning Commission for comment on the following topics…

Prepared and Submitted by:

Robert Kojima, RPM	February 19, 2016 Date

Attachment: Project Charter

Land Use Bylaw Review - Charter v4

South Pender Island Local Trust Committee

Date: June 16, 2015

Purpose

This project is intended to provide a comprehensive review of the Land Use Bylaw.

Background

The project was initiated by the South Pender Island Local Trust Committee in the previous term in order to provide for comprehensive community consultation on which elements of the Land Use Bylaw should be considered for amendment. In 2014 the LTC appointed three persons to Chair focus groups, each reviewed different sections of the LUB and reported back to the LTC and the community. The new LTC re-affirmed the review of the LUB as its Top Priority project in February 2015 and initiated a technical review and community consultation.

Objectives

- *To provide an opportunity for comprehensive community input on the Land Use Bylaw*
- *To consider amendments to the LUB*

In Scope

- *Community consultation*
- *Review of potential technical provisions of the LUB*
- *Consideration of amendments to substantive regulations in the Land Use Bylaw*
- *Legislative process to amend the LUB and concurrent and minor OCP policies*

Out of Scope

- *activities unrelated to the Land Use Bylaw review*
- *Significant review of OCP policies*

Workplan Overview

Deliverable/Milestone	Date
Project confirmed as Top Priority	February 24, 2015
Review of project charter and timeline	April 28, 2015
Initial review of technical amendments, key issues	April 28, 2015
Community Open House	May, 2015
Review of community consultation and technical review	June 16, 2015
Special Meeting: Review community consultation and technical review	July 2015
Review of significant policy or regulatory changes	September 1, 2015
Community information meeting	October 2015
Review of options by LTC, direction to draft bylaws	November 17, 2015
Review of draft bylaws and potential revisions	February 2016
Commencement of legislative process to amend LUB	April—November 2016

Project Team

Robert Kojima	*Project Manager*
Kim Farris	*planner*
Lori Foster, Sharon Lloyd-deRosario	*Admin support*
Barb Dashwood	*GIS support*

RPM Approval:

Robert Kojima

Date: April 29, 2015

LTC Endorsement:

Resolution #:

Date: April 28, 2015

Budget

Budget Source: SP LUB project

Fiscal	Item	Cost
2014-15	Legal review	$3000
2015-16	Communication, mailings	$300
2015-16	Sp. Meetings (up to 3)	$1200
2015-16	Additional legal	$1000
2015-16	contingency	$500
2016-17	Legislative process	$3000
	Total	$9000

Top Priorities

South Pender Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	LUB Review and Update	1.Staff technical review, including definitions and mapping. 2.Trustee development of broad questions 3.Develop format for community consultation 4.Community consultation	04-Oct-2011	Robert Kojima	31-Dec-2015

Projects

South Pender Island

No.	Description	Activity	R/Initiated
1	Lower Ecological Footprint	explore alternative energy solutions, reducing GHG emissions, preservation of water supply and quality, and other initiatives to lessen our impact on our environment of the SPI LTA.	28-Apr-2015
2	Waste Management	participate with CRD and NPILTC in waste management review for North and South Pender Islands	24-Feb-2015
3	Pedestrian and Cycle Routes	Consider amending OCP map schedule and policies to designate future cycle / pedestrian routes	04-Nov-2014
4	Development Permit Areas	review existing DPAs for sensitive ecosystems to determine current status	28-Apr-2015
5	Sea level Rise and Shoreline Erosion		28-Apr-2015
6	Heritage conservation Options for the Church of the good shephard		01-Sep-2015

Islands Trust

LTC EXP SUMMARY REPORT F2016

Invoices posted to Month ending January 2016

665 South Pender	Invoices posted to Month ending January 2016	Budget	Spent	Balance
65000-665	LTC "Trustee Expenses"	750.00	352.08	397.92
LTC Local				
65200-665	LTC - Local Exp - LTC Meeting Expenses	1,000.00	1,365.78	-365.78
65210-665	LTC - Local Exp - APC Meeting Expenses	500.00	344.47	155.53
65220-665	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-665	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		2,550.00	1,710.25	839.75
Projects				
73001-665-2011	South Pender OCP/LUB	5,000.00	394.36	4,605.64
TOTAL Project Expenses		5,000.00	394.36	4,605.64

South Pender Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

Revised: April 28, 2015

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 23, 2006	SP-LTC-12-06	Adoption of Minutes	That staff prepare draft of meeting minutes for Local Trust Committee reading, correction and amendment as soon as possible following meetings. The South Pender Island Local Trust Committee will adopt these minutes by Resolution without Meeting within fourteen business days, if possible, of each meeting. [The adopted minutes will be posted to the website as soon as possible and a copy will also be included in the next meeting's agenda package].
2.	October 5, 2010		Follow up action list	Send FUAL to trustees once drafted following the meeting.
3.	April 28, 2015	SP-2015-015	Printed Agenda Pkgs	That whereas full agendas are available for public perusal on the website, and whereas the SPILTC endeavours to lower its ecological footprint be it moved that full paper printed agenda packages no longer be provided for future SPILTC meetings. [Copies of the agenda cover will be brought to the meetings]