

ADOPTED



North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: July 4, 2019
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

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

Staff Present: Robert Kojima, Regional Planning Manager
Shannon Brayford, Recorder

Public: There were approximately 11 members of the public.

1. CALL TO ORDER

Chair Laura Patrick called the meeting to order at 10:01 a.m. and noted that the meeting was being live-streamed though Facebook. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following amendments were recommended:

- The Chair and Trustee reports be moved to Item 3 and the agenda be re-numbered accordingly.
- The CRD correspondence of June 28th be added under item Item 9, Correspondence.

By general consensus, the agenda was approved as amended.

NP-2019-062

It was Moved and Seconded,

that the North Pender Island Local Trust Committee adopt a standing resolution to move items 12.6 Chair's Report and 12.7 Trustees report ahead in the agenda, between the Approval of the Agenda and the Town Hall, for all future agendas.

CARRIED

3. REPORTS FROM THE TRUSTEES AND THE CHAIR

3.1 Trustee Reports

Trustee McConchie provided a report, including updates on the following topics:

- At the recent Trust Council on Galiano Island South Pender Island Trustee Steve Wright proposed a policy review that was unfortunately defeated. He highlighted his disappointment in the way the debate was handled;
- His Request for Decision was passed unanimously to introduce live streaming and videos to Islands Trust meetings; and
- Recent work on the issues at Gardom Pond, have been undertaken as a private citizen and are not associated with his work as a Trustee. The Times-Colonist had mischaracterized his efforts as being under the Islands Trust and he reaffirmed that he is operating as a private citizen.

Trustee Morrison provided a report, including the following points:

- The Local Trust Committee (LTC) passed a Resolution without Meeting (RWM) to send a letter to the Capital Regional District (CRD), requesting that they cease activity at Gardom Pond until community consultation and relevant studies have been completed; and
- Any meaningful efforts for reconciliation must include a careful consideration and conversations about the future of James Island and the other associated islands.

3.2 Chair Report

Chair Patrick reported that Trust Council is in the process of completing their strategic plan and anticipates it will be finalized in September 2019.

4. TOWN HALL AND QUESTIONS

Jaime DeBruin requested that item 3.5 of the North Pender Island Land Use Bylaw be clarified, noting that the bylaw currently allows residents to rent their home as a vacation rental while living in a secondary suite, but prohibits the same from being rented in a similar way if the homeowners dwell inside the main home.

A discussion of the bylaw was held between the LTC and staff in order to clarify the matter, the history of the bylaw, and options for amending should they choose to do so.

Michael Sketch addressed the recommendation of the staff report requesting the LTC to meaningfully consult and cooperate with First Nations. He provided wording for a related motion and requested that the LTC consider passing it.

Dale Henning spoke against the length of time that the Waste Management project has taken. He noted the volume of money that has been spent, the free zoning that has been considered, and the negative impact on local businesses. He further recommended that the Islands Trust sign at the ferry terminal be updated as it has fallen into disrepair.

5. COMMUNITY INFORMATION MEETING

None

6. PUBLIC HEARING

None

7. MINUTES

7.1 Local Trust Committee Minutes Dated May 30, 2019

By general consent the Local Trust Committee meeting minutes of May 30, 2019 were adopted as presented.

7.2 Section 26 Resolutions-without-meeting Report

None

7.3 Advisory Planning Commission Minutes

None

8. BUSINESS ARISING FROM THE MINUTES

8.1 Follow-up Action List Dated June 2019

Regional Planning Manager (RPM) Kojima provided an overview of the Advisory Planning Commission (APC) and noted the closing date for applications for APC members. In response to questions, information was provided on the NP-TUP-2019.1 (Vermeeren) and NP-TUP-2018.5 (Grimmer) applications.

It was requested that the environmental assessment of the McDonald Farm property include an assessment for a potential waste transfer site use. Staff were asked to provide an update on the process and recommendations on other agencies that should be involved at the next Regular Business meeting, scheduled for July 25, 2019.

9. DELEGATIONS

None

10. CORRESPONDENCE

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

10.1 Capital Regional District Correspondence of June 28, 2019

Trustee McConchie provided an overview of the correspondence regarding the CRD's decisions for Gardom Pond. He spoke against their use of the word "naturalize" and requested that the CRD address the issues raised regarding their chosen process. He stressed the importance of addressing these matters in light of the Climate Change Emergency.

NP-2019-063

It was Moved and Seconded,

that the the North Pender Island Local Trust Committee request that staff draft a letter from the Chair to respond to the Capital Regional District with a letter noting the following points:

- 1) Thanking the Capital Regional District for their correspondence, naming that they did not address the points of the original Local Trust Committee letter, and requesting clarification;
- 2) Noting that their justification of the dam removal is not consistent with the federal grant money which can also be used for climate change resilience work.

CARRIED

11. APPLICATIONS AND REFERRALS

11.1 Saturna Island Local Trust Committee Bylaw 127 Referral

RPM Kojima provided an overview of the referral.

The LTC discussed the implications of Commercial Vacation Rentals and information that could be considered in making decisions. They recommended that the Saturna LTC consider mandating local ownership to prevent speculators.

NP-2019-064

It was Moved and Seconded,

that the North Pender Island Local Trust Committee respond to Saturna Island Local Trust Committee Bylaw Number 127 Referral with "Interests Unaffected by Bylaw".

CARRIED

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Waste Transfer - Staff Report

RPM Kojima provided an overview of the staff report and associated recommendations.

The LTC requested and received information from staff on the following matters:

- Whether environmental assessments need to be completed on relevant lands prior to the passing of the bylaw;
- The process moving forward and the practical ways in which community members can object to specific sites and operators can apply to operate on specific lands; and
- Postponing the Community Information meeting, referral timing and process, and timeline for decision making.

NP-2019-065

It was Moved and Seconded,

that the North Pender Island Local Trust Committee endorse the attached Project Charter, dated July 2019.

DEFEATED

A discussion of the recommendations was held.

NP-2019-066

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to remove item 2.7 from the draft Bylaw 215.

CARRIED

NP-2019-067

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request that staff include the Mainroad site and the MacDonald Farm site as previously identified, for limited transfer, in the draft Bylaws 214 and 215.

CARRIED

Trustee McConchie opposed

NP-2019-068

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request that staff replace the phrase “waste management” with “discarded materials management” in key definitions in the draft Bylaws 214 and 215.

CARRIED

A discussion was held regarding commercial composting and the permit options available for operators under the current bylaws.

NP-2019-069

It was Moved and Seconded,

that the North Pender Island Trust Local Trust Committee request staff to schedule a community information meeting at the September Local Trust Committee regular meeting.

CARRIED

NP-2019-070

It was Moved and Seconded,

that the North Pender Island Trust Local Trust Committee endorses the attached project charter dated July 2019, as amended.

CARRIED

12.2 Development Permit Area (DPA) Education Contact Draft Mail-Out

RPM Kojima provided an overview of the report and noted that draft copies of the mail-outs were included for LTC comment.

The following recommendations for revisions were made:

- Header be amended to highlight the purpose of protecting the eco-systems;
- Introduction added that outlines the purpose of using DPAs to ensure that the Islands Trust can preserve and protect these areas;
- Addition of the costs associated with violating regulations associated with the DPAs; and
- Information to highlight that residents should ask for information if they are unsure, before proceeding with work in a DPA.

13. REPORTS

13.1 Work Program Report

13.1.1 Top Priorities Report Dated June 2019

The following requests were made:

- An update on each project and projected timelines; and
- Information on how the LTC can address the zoning on the ALR land. The property owners should speak to the planner prior to the next meeting so that the LTC can discuss the matter at that time.

13.1.2 Projects List Report Dated June 2019

It was recommended that the Projects List be revised to eliminate items that are no longer relevant. Trustee Morrison agreed to review the list and report back with recommendations at the next meeting.

13.2 Applications Report Dated June 2019

Information was requested and received on NP-DP-2018.5A discussion was held regarding the requirement of proof of water and regulations for approval of rain water catchment. It was confirmed that rain water catchment is not prohibited by LTC bylaw.

Information was requested on the application for a cannabis dispensary.

13.3 Trustee and Local Expense Report

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

No comments were made.

12.6 Islands Trust Conservancy Report Dated May 2019

There was discussion on how to encourage the Islands Trust Conservancy to purchase land on the islands.

13. NEW BUSINESS

13.1 Meeting Procedure Amendment Bylaw No. 221

NP-2019-071

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 221, cited as “North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 156, 2004, Amendment No. 1, 2019”, be adopted.

CARRIED

13.2 Standing Resolution - Reconciliation Report

RPM Kojima provided an overview of the report and the recommended resolution.

During discussion it was noted that initiatives for reconciliation are better supported when there are funds available. It was also reported that the Executive Committee has requested to meet with the relevant Provincial ministers in an effort to secure additional resources and support.

NP-2019-072

It was Moved and Seconded,

that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:

Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:

- a) Annually, write a letter to First Nations, (re)introducing trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities;
- b) For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;
- c) Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations’ cultural heritage and history;
- d) Work with First Nation governments on engagement principles for inclusive land use, marine use, and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;
- e) Establish and maintain government-to-government dialogue with First Nations, now and into the future, based on respect and recognition of

Aboriginal rights and title, treaty rights, and First Nations' traditional territories within the Islands Trust Area.

CARRIED

Trustee Morrison noted that a member of the public, Michael Sketch, had recommended a motion related to reconciliation.

NP-2019-073

It was Moved and Seconded,

that the North Pender Island Local Trust Committee resolve to consult with the Tsawout First Nation and with Islands Trust Conservancy respecting amendment of parts of the Associated Islands Official Community Plan and Land Use Bylaw, as well as the associated covenants such that, upon subdivision of James Island:

- a. Land which is significant to the Tsawout both culturally and for its resources, shall be accessible to the Tsawout by means of parkland dedication and/or ownership and said access may be furthered by covenant and/or development permit areas and
- b. The Islands Trust Conservancy shall own land which will preserve and protect both environmentally and culturally sensitive land to benefit residents and the people of British Columbia generally – and in particular the Tsawout First Nation.

And further that said consultation precedes and directs the substance of draft amending bylaws.

RPM Kojima provided an overview of the bylaws related to James Island and the covenants held by a variety of agencies.

A discussion of the proposed resolution was held.

By general consent, consideration of motion NP-2019-073 was postponed to the next meeting with the understanding that staff will provide a staff report regarding the implications of the resolution.

13.3 Model Cell Tower Strategy - Staff Briefing

RPM Kojima provided an overview of the briefing document.

NP-2019-074

It was Moved and Seconded,

that the North Pender Island Local Trust Committee adopt the model cell tower strategy for future review and consideration of proposals.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for July 25, 2019, at the Community Hall, Pender Island

15. TOWN HALL

Mike Burdett requested information on why the parties interested in commercial composting are not part of the conversation on waste management.

Mick Collins addressed the use of Temporary Use Permits (TUPs) for Short Term Vacation Rentals (STVRs) and provided a rationale for cautioning the LTC against reserving the last LTC's process for TUPs.

Michael Sketch addressed the matter of inter-island referrals, noting its importance and examples in which it has been beneficial. He recommended that additional criterion for DPAs be added for Protection of First Nations sites.

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion To Close Meeting

NP-2019-075

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) for the purpose of considering:

- Adoption of In-Camera minutes dated May 30, 2019
- Appointment of BOV Members

AND that the recorder and staff attend the meeting.

CARRIED

The meeting was closed at 12:25 p.m.

16.2 Recall To Order

Chair Patrick recalled the meeting to order at 1:06 p.m.

16.3 Rise and Report

Chair Patrick reported that the North Pender Island Local Trust Committee passed a resolution that the deadline for Board of Variance applications be extended until July 18, 2019.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:07 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder