

ADOPTED



North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: July 25, 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 22 members of the public.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 9:59 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. She noted that the meeting was being live streamed on Facebook.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Morrison gave her report, including updates on the following topics:

- Gardom Pond, with encouragement that the community voice their opinion to the Capital Regional District (CRD);
- Trust Programs Committee meeting to define climate change actions for the Islands Trust;
- Bylaw enforcement, with encouragement that applicants who are seeking permits cease actions until they receive their permit; and
- Board of Variance (BOV) and Advisory Planning Commission (APC) appointments, with thanks to all who have applied.

Trustee McConchie provided a report and noted that Elizabeth May replied to his correspondence regarding the draining of Gardom Pond. He provided an overview of her correspondence.

4. CHAIR'S REPORT

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Chair Patrick provided a report on the following:

- the Trust has adopted the Reconciliation Action Plan. The creation of a learning group was approved and will include Trustees who wish to participate; and
- Trust Council will be held on Bowen Island in September and delegations or visitors can see deadline information on the Islands Trust website.

5. TOWN HALL AND QUESTIONS

Ken Hancock addressed the draining of Gardom Pond and thanked the Local Trust Committee (LTC) for their actions on behalf of the residents.

Ann Burdett spoke in support of NP-OTH-2019.1.

Howard Cummer spoke as a member of the Hazard Abatement Committee and noted the importance of Gardom Pond as a water source for fire suppression.

Daurel Minion spoke about the Short Term Vacation Rental (STVR) applications being put in abeyance and the challenge of dealing with living near operations that are now outside of bylaw enforcement.

Regional Planning Manager (RPM) Kojima provided an overview of STVR enforcement and a timeline on moving forward.

Michael Sketch encouraged the LTC to alter the language in the Waste Management project to "Discarded Materials Management".

6. COMMUNITY INFORMATION MEETING

6.1 Proposal for Cannabis Retail Outlet

RPM Kojima provided an overview of the process for a Community Information Meeting and the application being discussed.

The following community members asked, and received responses to their questions:

- **Daurel Minion** requested information on the rationale for the application;
- **Sarah Rae** spoke in favour of the application and noted that seniors who use cannabis are disadvantaged by having to travel off island for a legal source;
- **Michael Sketch** requested information on the types of products available;
- **Katie Roland** spoke in favour of the outlet and the convenience of the location, noting the burden of travelling to Victoria for those who need it;
- **Ray Higgs** spoke in favour of the outlet and the benefits of having a reliable and legal cannabis store on island;
- **Amy Heggie**, the applicant, provided an overview of the requirements for a legal cannabis retail outlet including the discreet façade and packaging requirements;
- **Dorothy Murdoch**, representing the Driftwood Centre, spoke to the general acceptance of the nearby businesses; and
- **Annette Cyr** spoke to the health benefits of a legal cannabis retail store.

7. PUBLIC HEARING

None

8. MINUTES

8.1 Local Trust Committee Minutes Dated July 4, 2019

By general consent the Local Trust committee meeting minutes of July 4, 2019 were adopted as presented.

8.2 Section 26 Resolutions-without-meeting Report Dated July 2019

Received for information.

8.3 Advisory Planning Commission Minutes

None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated July 2019

The LTC gave direction to staff that the letter to the CRD regarding Gardom Pond be posted online and asked about the creation of a pamphlet for the Model Cell Tower Strategy.

10. DELEGATIONS

None

11. CORRESPONDENCE

None

12. APPLICATIONS AND REFERRALS

12.1 NP-OTH-2019.1 (Heggie)

RPM Kojima provided an overview of the application.

The LTC provided comments and asked questions on the following topics:

- Public education on social responsibility and driving under the influence;
- Appropriateness of the location;
- Role of the Royal Canadian Mounted Police (RCMP) in the application moving forward; and
- Inclusion of cannabis under the umbrella of Liquor and Cannabis Regulation Branch.

NP-2019-076

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to send a response to the Liquor and Cannabis Regulation Branch regarding the Non-Medical Cannabis Retail Store at 4605 Bedwell Harbour application that states:

- a. The proposed location of the non-medical cannabis retail store is considered to be suitable;
- b. The potential general impacts on the community if the application is approved would be minima;
- c. The Local Trust Committee has solicited public input to gather residents' views and nine residents provided written or verbal comments;
- d. A notice of the application was hand-delivered to occupants within 500 metres of the subject property, mailed to the owners of those properties, posted on local bulletin boards, and posted on the North Pender Local Trust Committee webpage. Residents were invited to provide written submissions or attend a community information meeting;
- e. A community information meeting was held on July 25, 2019 to gather residents' views about the application;
- f. The residents' views were generally in support about the application, with one not in support;
- g. The Local Trust Committee agrees with the residents' views that the application should be supported with the restriction of maximum hours of operation between 10 am and 9 pm; and
- h. The Local Trust Committee recommends the application be approved with the above stated restrictions.

CARRIED

NP-2019-077

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to include a record of the community information meeting with the response Liquor and Cannabis Regulation Branch regarding the Non-Medical Cannabis Retail Store at 4605 Bedwell Harbour Road application.

CARRIED

12.2 NP-OTH-2019.2 (Shaw - Lively Peak)

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

Kent Martin was invited to speak on behalf of Shaw.

Kent Martin provided an overview of the application. He mentioned the rationale for improving both the internet, CRD emergency services radio connections, and the rationale for requesting that public consultation be waived.

During discussion, the following points were raised:

- Health information and the stance of Health Canada on microwaves;

- Rationale for expanding the tower; and
- Rationale for requesting that the community consultation be waived.

NP-2019-078

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proceed with public consultation for application NP-OTH-2019.2 (Shaw Communications) as specified in Attachment 6 ('Public Consultation Plan').

CARRIED

NP-2019-079

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to undertake notification and schedule a community information meeting in coordination with the proponent.

CARRIED

12.3 NP-TUP-2018.5 (Grimmer)

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

A discussion was held regarding the application and the staff recommendations.

NP-2019-080

It was Moved and Seconded,

the North Pender Island Local Trust Committee request that prior to the implementation of any required environmental management plans, the applicant provide a letter from a licensed qualified environmental professional with relevant experience within 30 days of July 25, 2019:

- a. A statement of opinion that current uses and activities on the property have minimal risk on the receiving environment; and
- b. Any uses or activities for which the licenced qualified environmental professional with relevant experience cannot provide a statement of opinion of minimal risk must cease.

CARRIED

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Waste Management Project

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

A discussion was held regarding the sites included in the bylaws, inclusion of commercial composting, and the timeline for community consultation.

Mike Burdett requested information on the Burdett's application regarding commercial composting and the other sites related to commercial composting.

A discussion was held regarding altering the approach of the amendments for Bylaws 214 and 215.

NP-2019-081

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to revise Bylaw 214 to be specific to the policy components, but include the Medicine Beach drop off, and that Bylaw 215 be amended to include definition changes and the Medicine Beach Site, and that the amended bylaws be returned to the September 5, 2019 Regular Business meeting.

CARRIED

NP-2019-082

It was Moved and Seconded,

that the North Pender Island Local Trust Committee cancel the Community Information Meeting for Bylaws 214 and 215, previously scheduled for September 5, 2019.

CARRIED

NP-2019-083

It was Moved and Seconded,

that the North Pender Island Local Trust Committee rescind second reading of Bylaw 214, cited as North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017.

CARRIED

NP-2019-084

It was Moved and Seconded,

that the North Pender Island Local Trust Committee rescind first reading of Bylaw 214, cited as North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 2, 2017.

CARRIED

NP-2019-085

It was Moved and Seconded,

that the North Pender Island Local Trust Committee rescind second reading of Bylaw 215, cited as North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017.

CARRIED

NP-2019-086

It was Moved and Seconded,

that the North Pender Island Local Trust Committee rescind first reading of Bylaw 215, cited as North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2017.

CARRIED

13.2 James Island – Staff Memo

By general consent the item was postponed to the next meeting.

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated July 2019

A discussion of progress on the projects was held.

14.1.2 Projects List Report Dated July 2019

Received for information.

14.2 Applications Report Dated July 2019

NP-2019-087

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to write a letter to the applicants for NP-TUP-2019.1 and NP-TUP-2019.2 requesting that they come into compliance with the Short Term Vacation Rental guidelines immediately and specifically that they provide on-island contact information to neighbours.

CARRIED

14.3 Trustee and Local Expense Report Dated May 2019

Received for information.

14.4 Adopted Policies and Standing Resolutions

Received for information.

14.5 Local Trust Committee Webpage

No comments were made.

14.6 Islands Trust Conservancy Report

None

15. NEW BUSINESS

None

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for September 5, 2019 10:00 AM at the Community Hall, Pender Island

17. TOWN HALL

Daurel Minion spoke to the opening of the cannabis retail location and concerns about health, impaired behaviour, and appropriate public education regarding the use of cannabis.

Allison Roberts spoke against the late hours of operation allowed in the cannabis retail application.

Michael Burdett requested information about the LTC's request for information from NP-TUP-2018.5 (Grimmer) and whether that request would be coordinated with the Waste Transfer application also being considered for that site.

Michael Sketch provided an overview of the CRD land use contracts from the 1970's and their implications for Islands Trust zoning decisions.

Amanda Landa spoke against inclusion of the Mainroad Site, located beside the Southridge store, related to the Waste Transfer Project.

18. CLOSED MEETING (Distributed Under Separate Cover)

18.1 Motion to Close Meeting

NP-2019-088

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 Meeting Minutes Dated July 4
- Board of Variance Membership
Advisory Planning Commission Membership
AND that the recorder and staff attend the meeting

CARRIED

18.2 Recall to Order

Chair Patrick recalled the meeting to order at 12:14 p.m.

18.3 Rise and Report

Chair Patrick reported on the following:

- the appointment of Amanda Greisbach, Marika Kenwell, Ladislav Holovsky, Jaimie Debruin, Ann Stephenson, Ivy Dutton, and Carri Bell to the North Pender Island Advisory Planning Commission, commencing immediately for a term ending March 1, 2020.
- The appointment of Priscilla Zimmerman, Andrew McLean, and Michael Symons to the North Pender Island Board of Variance for a three (3) year term commencing immediately.

19. ADJOURNMENT

By general consent the meeting was adjourned at 12:17 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder