

ADOPTED



North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: February 28, 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
William Shulba, Fresh Water Specialist
Shannon Brayford, Recorder

Public: There were approximately (65) members of the public.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:00 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations. Chair Patrick noted that the meeting was being live streamed through Facebook.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Anne Burdett addressed the staff report for the Temporary Use Permit (TUP) for 4415 Bedwell Harbour Road. She recommended that the Local Trust Committee (LTC) not accept the staff recommendation to allow the application to proceed no further and provided a rationale for the importance of this application, mitigation options to reduce impacts, and the general benefits of allowing industrial locations to evolve.

Gregory Franklin spoke in favour of the TUP for 4415 Bedwell Harbour Road and encouraged the LTC to consider the Grimmer family's ongoing contributions to the island when considering the application.

Karl Hamson addressed the current uses of 4415 Bedwell Harbour Road. He spoke in favour of the application with the condition that the property's current state and ongoing land use violations be remedied.

Michael Sketch addressed the staff report for a TUP at 4415 Bedwell Harbour Road, recommending that the LTC consider the differences in the waste transfer application and concrete applications on the site. He also requested that the previous meeting's minutes be amended to state that he requested a cost sharing rather than a waived fee.

4. COMMUNITY INFORMATION MEETING

4.1 North Pender Island Local Trust Committee Bylaw 220 re NP-RZ-2018.2 (GRL Holdings/Shaw)

4.1.1 NP-RZ-2018.2 (GRL/Shaw) - Staff Memo

10:20 am

Regional Planning Manager (RPM) Kojima provided an overview of the Community Information Meeting process in general and also a specific overview of the related staff report.

A representative of Westbrook Consulting addressed the LTC providing an overview of the application's purpose, their intentions regarding compliance with the application's requirements, and historical care taken on the property.

Trustee Morrison requested that Slow Coast be consulted on the landscaping and screening.

Trustee McConchie requested staff information regarding the outcome if the application were to be denied.

Eleanor Brown, a member of Pender Island Conservancy, requested reassurance that the Medicine Beach conservation area will be considered and protected.

The representative addressed the concern and noted that ongoing monitoring has continued throughout the history of the building.

Michael Sketch requested information on the purpose of the transmitters at the site and noted that the energy density of the transmissions can be a concern.

Trustee Morrison requested that the minutes record her request that the applicant be requested to provide information on the energy density of the transmissions and the implications of those transmissions.

5. PUBLIC HEARING

None

6. MINUTES

6.1 Local Trust Committee Minutes Dated January 31, 2019

It was recommended that Michael Sketch's comments, under Item 12.1.2 be amended to remove "waived" and replace with the phrase "arranged with cost sharing".

By general consent the Local Trust committee meeting minutes of January 31, 2019 were adopted as amended.

6.2 Section 26 Resolutions-without-meeting Report

None

6.3 Advisory Planning Commission Minutes

None

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated February 2019

Trustee Morrison noted that standing resolution 5 was amended at the last meeting to improve enforcement.

NP-2019-023

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request an update report every two months from Bylaw Enforcement.

CARRIED

Trustee McConchie encouraged the public to take note of this change and provide feedback.

8. DELEGATIONS

None

9. CORRESPONDENCE

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

None

10. APPLICATIONS AND REFERRALS

10.1 NP-DVP-2019.2 (Finlayson) Staff Report

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

Note: 46 members of the public arrived to the meeting.

Trustee Morrison provided comments on the staff report and enclosed applicant comments. She requested clarification on the circumstances by which the planned construction could vary from the permit.

Trustee McConchie requested information on the current status of Moresby Island.

A discussion was held regarding the application, the Official Community Plan, and the conditions under which a development variance permit can be granted.

NP-2019-024

It was Moved and Seconded,

that the North Pender Island Local Trust Committee deny issuance of Development Variance Permit NP-DVP-2019.2.

CARRIED

10.2 NP-DVP-2018.9 (Cooke) - Staff Report

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

NP-2019-025

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of proposed Development Variance Permit NP-DVP-2018.9 (Cooke).

CARRIED

10.3 NP-TUP-2018.5 (Grimmer) - Staff Report

RPM Kojima provided an overview of the staff report and highlighted those areas that were beyond the scope of the report. He noted the recommendation to proceed no further and provided information on the processes should the LTC choose to accept the recommendation or not.

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

- Potential impact of this application on ground water and whether, should a problem arise in the future, future damages could be filed against the Islands Trust for making a decision contrary to the recommendations of the report.
- The ground water concerns included in the Environmental Assessment.
- Ongoing monitoring requirements outlined in the report and the manner by which these would exceed Islands Trust capacity.
- Alternatives and options for monitoring that could be required of the operator.
- Whether the applicant understands the potential associated costs with using this site under a TUP and is willing to accept the burden of these costs given the temporary nature of the permit.
- Additional studies and reports that would be required during the TUP process.
- The flow of water from the various ponds and their associated pH levels.
- The process, should the compliance agreement option be selected, and the process for a rezoning application including the timeframe and cost.

The LTC addressed, through their comments, the following points:

- The implication of this report's assessment for the waste transfer application on the same site.

- The Staff Report’s provision for additional support to relocate the operation and ensure that the operation is not closed immediately.
- The concerns outlined in the Environmental Assessment and the associated costs to the operator for mitigating these issues.
- That, if the application proceeds, the high pH tank needs to be fenced to prevent inadvertent human contact.
- The irregularity of granting a TUP after the fact and the challenges created by this process.
- The future need for a permanent solution for this operation through rezoning.
- The importance of groundwater protection.
- The understanding that moving forward with the TUP application does not guarantee that the permit will be granted.

William Shulba noted that significance of the ground water and surface water interaction.

Trustee McConchie spoke in favour going forward with a compliance agreement and provided a rationale for this opinion.

Trustee Morrison spoke in favour of moving forward with the TUP application and provided a rationale for this opinion.

Chair Patrick spoke in favour of moving forward with the TUP application and provided a rationale for this opinion.

A discussion was held regarding the staff recommendations and the implications of each option for the community.

NP-2019-026

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proceed no further with Temporary Use Permit application NP-TUP-2018.5 (Grimmer) and that the North Pender Island Local Trust Committee direct Bylaw Enforcement staff to enter into a compliance agreement with the applicant that includes management measures to mitigate the risk of groundwater contamination and requires all industrial uses be ceased and associated equipment removed from the subject property by February 28, 2020. And that the North Pender Island Local Trust Committee direct planning staff to assist the applicant in finding an alternative site for the industrial operation on North Pender Island.

DEFEATED

A discussion of the motion was held including debate of the relative benefits of each option and the technical differences of each process moving forward.

RPM Kojima provided clarification on the differences between the compliance agreement and TUP options.

William Shulba provided clarification on the scope and purpose of the Environmental Assessment report.

NP-2019-027

It was Moved and Seconded,

that based on the potential risk to groundwater aquifers under and surrounding the subject property, and the potential risk to the downslope Riparian Area Regulation stream from surface runoff, the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust an updated Environmental Assessment report prepared by a qualified professional based on a Terms of Reference developed by Islands Trust staff.

CARRIED

Trustee Morrison provided a rationale for the motion and the benefits that it would have for the LTC, the applicant, and the community.

Trustee McConchie noted for the record that his preferred route was a compliance agreement, but that he would support proceeding with the TUP application process.

Note: A break was held from 12:43-12:53

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Groundwater Sustainability - Staff Report

William Shulba provided an overview of his report highlighting the importance of groundwater recharge, the factors influencing recharge, and the significance of this for Islands Trust purposes.

The Trustees requested and received further information on the following points:

- The methodology for the proposed project and the projected strength of the validity of that data moving forward.
- The uses of the data once it is obtained including climate models, data dashboards, and water budgets and the benefits of these products.
- The proposed budget and the rationale for that figure.
- The role of the Capital Regional District's data and boundaries.
- Whether this project can be included as a component of the Climate Change Adaptation, Mitigation and Resilience Project.
- Historical recommendations and the role of Trustees in setting priorities to access them.

NP-2019-028

It was Moved and Seconded,

that the North Pender island Local Trust Committee request staff to report back with a Project Charter for a Groundwater Sustainability Project that would develop information and data as part of a phased ecological approach to groundwater management on North Pender Island.

CARRIED

A member of the public requested and received information on William Shulba's credentials.

Sandor Csepregi requested and received information on how the data would be impacted in the event of an earthquake.

A member of the public requested and received information of the geographic scope of the project. The limitation to North Pender Island was noted.

Trustee Morrison addressed the importance of this data for future decisions on density and land use.

12. REPORTS

12.1 Work Program Report

12.1.1 Top Priorities Report Dated February 2019

Received for information.

12.1.2 Projects List Report Dated February 2019

Trustee Morrison recommended that the list be revisited at a future meeting.

12.2 Applications Report Dated February 2019

Trustee Morrison requested information on the process for updating the applications list.

12.3 Trustee and Local Expense Report Dated December 2018

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

12.6 Chair's Report

Chair Patrick reported that the recent survey regarding the Islands Trust Budget was completed and that within that survey climate change, housing, and water were the top priorities chosen by the public. She also noted that a similar online survey will be available regarding the user experience of the Islands Trust website.

12.7 Trustee Report

Trustee McConchie reported that he holds standing office hours in the islands Trust Office at the Driftwood Community Resource Centre between 10am-12pm on Wednesdays.

Trustee Morrison noted that her office hours will be posted on the website. She also reported that a public input meeting will be held on March 1, 2019 at 10 am at the Community Resource Centre regarding the Islands Trust Websites. She noted that RSVP is required and that people can attend in person or via Zoom.

Trustee Morrison further reported that Trust Council will be held March 12, 13 and 14 2019 and that she and a Gabriola Trustee have put forward a motion to declare a Climate Emergency in the Islands Trust area.

12.8 Islands Trust Conservation Report

None

13. NEW BUSINESS

13.1 Landowner Contact

RPM Kojima provided an overview of the request by the LTC and a summary of the report. He highlighted the options provided and provided a brief overview of each.

The LTC discussed each of the options and the value of promoting community awareness.

NP-2019-029

It was Moved and Seconded,

that the North Pender Island Local Trust Committee make "Landowner Education" a top priority to address points #4 and #5 in Staff Report dated February 28, 2019.

CARRIED

13.2 Advisory Planning Commission - Staff Memo

RPM Kojima provided an overview of the memo and the associated recommendation for a standing resolution.

NP-2019-030

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request that prior to expiration of Advisory Planning Commission members terms of office, staff write to commissioners asking if they wish to be reappointed and also advertise for expressions of interest for new commissioners.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for March 28, 2019, at the Community Hall, Pender Island

RPM Kojima provided an overview of the recommendation to cancel the March meeting and schedule a special meeting to consider applications.

NP-2019-031

It was Moved and Seconded,

that the North Pender Island Local Trust Committee cancel the March 28, 2019 meeting.

CARRIED

15. TOWN HALL

A member of the public requested and received information on the applications list and the nature of the application on Sidney Island.

A member of the public requested and received information on the APC and also information on the goals of the proposed communications regarding Development Permit Areas.

Michael Sketch recommended that the LTC consider ground truthing the DPAs to confirm the accuracy of the DPA maps.

RPM Kojima provided a history of the DPA map accuracy.

Michael Sketch noted that the property of MacDonald Farm is one of the few properties that is practical for digging down a berm and recommended that the property's use be carefully considered.

Michael Sketch requested that the LTC consider taking to Trust Council a recommendation to change the Minute Taking guideline and adopt a guideline more consistent with Robert's Rule.

A member of the public spoke in favour of placing the onus of understanding the DPA on the property owner.

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close Meeting

NP-2019-032

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 September 6, 2018
- Appointment of BOV Members

AND that the recorder and staff attend the meeting.

CARRIED

A break was held from 2:12 p.m. until 2:17 p.m.

16.2 Recall to Order

Chair Patrick recalled the meeting to order at 2:26 p.m.

16.3 Rise and Report

That the LTC will advertise for expressions of interest for members of the Board of Variance.

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:27 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder