

ADOPTED



North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: April 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
Narissa Chadwick, Island Planner
Shannon Brayford, Recorder

Members: There were approximately (22) members of the public.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:04 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

It was recommended that the Trustee and Chair reports be moved to Item 4 and that the agenda be re-numbered accordingly.

By general consent the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Dale Henning spoke against the application NP-RZ-2019.1. He noted that the application is asking for forgiveness-after-the-fact, that its approval would not be consistent with maintaining the rural character of the island, and expressed concern that the intended storage containers would create a safety or environmental damage issue.

Ann Burdett stated her opposition to NP-RZ- 2019.1.

Michael Sketch addressed Bylaws 214 and 215. He encouraged the LTC to request a rewriting of the document to reframe “Waste Management” as “Discarded Material Management” and to eliminate the boat storage use in the 1B zone, as this is in opposition with the ruling of the Agricultural Land Commission (ALC).

A member of the public noted that bidding has opened for the project to drain Gardom Pond. He asked whether the riparian zone surrounding the pond has received any consideration prior to now or whether its existence could provide a protection for the pond and area. He further noted that the contract that the owners signed stated that there would be “public consultation”, but this has not been observed.

Trustee McConchie requested information from staff on the role of Islands Trust in the decisions being made at Gardom Pond.

RPM Kojima provided an overview of protected areas and the exemptions provided when those areas are under the control of the Capital Regional District.

4. TRUSTEE AND CHAIR REPORTS

4.1 Trustee Report

Trustee Morrison provided a report, including the following points:

- Bylaw enforcement has been very busy with active enforcement of derelict vehicles on the island.
- The Climate Change Emergency Motion passed at Trust Council and will guide the Strategic Plan.
- She is serving as Chair of the Trust Programs Committee that will be handing the Policy Review.
- Thanks and encouragement for the emails that have been sent from the public.
- Encouragement for the public to volunteer for the Advisory Planning Commission.

Trustee Morrison also noted that any members of the community who may have concern with staff member qualifications or Trustee conflict interest should direct these concerns to the Islands Trust Chief Administrative Officer for accurate information on the matters.

Trustee McConchie provided a report, including the following points:

- Welcome to Narissa Chadwick, Island Planner.
- Trust Council declared a Climate Change Emergency to recognize the level of seriousness of this issue.
- He had recommended that Trustees donate their recent 2.5% pay increase to First Nations Community and Community Building projects, but this was rejected.
- He holds regular office hours from 10:00 a.m. -12:00 p.m. on Wednesdays at the Islands Trust office at the Driftwood Centre.
- Live streaming of meetings has been successful on North Pender Island and staff are looking to replicate it in other areas.

4.2 Chair Report

Chair Patrick provided a report, including the following points:

- The Climate Change initiative was well received at the March Trust Council meeting.
- A declaration regarding reconciliation was passed at the Trust Council meeting and Chair Patrick read the declaration aloud.

- Community consultation will begin and carry forward for the next year in order to hear from the public regarding Islands Trust Policy
- New guidance material from the recent ALC training will be received next month.

5. PUBLIC HEARING

5.1 North Pender Island Local Trust Committee Bylaw 220 - LUB Amendment No. 2, 2018 (Shaw)

At 10:26 a.m., Chair Patrick read a written statement regarding the Public Hearing and closed the Regular Meeting to open a Public Hearing for North Pender Island Local Trust Committee Bylaw 220 – Land Use Bylaw Amendment No. 2, 2018.

Chair Patrick re-opened the regular meeting at 10:42 a.m.

6. MINUTES

6.1 Local Trust Committee Minutes Dated February 28, 2019

By general consent the Local Trust committee meeting minutes of February 28, 2019 were adopted.

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 April 2019

RPM Kojima provided an overview of the items on the list and an update on the Grimmer project.

Trustee Morrison requested a deadline for the applicant.

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-RZ-2018.2 (Shaw) - Post Public Hearing Report

RPM Kojima provided an overview of the application, the Public Hearing held earlier in the meeting, and the submissions received in response to the application.

Trustee Morrison noted that the Islands Trust Conservancy’s submission outlined concerns with the impacts that the site could have on the adjacent nature sanctuary. She noted her satisfaction with the applicant’s response to those concerns and the importance of continuing to follow up on the matter.

Trustee McConchie requested and received information on why the TUP process was used repeatedly prior to applying for rezoning.

NP-2019-033

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 220, cited as “North Pender Island Land Use Bylaw No. 203, 1996, Amendment No.2, 2018”, be read a second time.

CARRIED

NP-2019-034

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 220, cited as “North Pender Island Land Use Bylaw No. 203, 1996, Amendment No.2, 2018”, be read a third time.

CARRIED

NP-2019-035

It was Moved and Seconded,

that the North Pender Island Local Trust Committee proposed Bylaw No. 220 be forwarded to the Secretary of the Islands Trust Executive Committee Approval.

CARRIED

10.2 NP-DP-2018.10 (Lee) - Staff Report

RPM Kojima provided an overview of the application, staff report, and associated recommendation.

Trustee Morrison requested and received information on the following points:

- Why consultations were not required.
- Why “unnecessary pruning” is discouraged in the report.
- The consequences to the applicant should item 2c be violated and vegetation be removed.

Trustee McConchie requested and received information on the following points:

- The impact that a dock can have on the environment.
- How this decision could impact future applications to install docks on Buck Lake.
- Ownership and regulations on the use of Buck Lake.
- South Pender Island regulations regarding docks.

Trustee Morrison noted the following points:

- The shoreline on this lake is a manufactured shoreline and without a dock, swimming, which is allowed, could result in damage to the shoreline.
- For Item 2y, recommended that the applicant use natural stone instead of concrete and steel.

Trustee Morrison requested information on how item 2aa would be achieved in a practical sense.

The applicant provided a response outlining the options to ensure that the float is constructed off site and brought into the lake with as little disturbance as possible.

Trustee McConchie requested that the LTC consider how to deal with docks in the future, including increased education for the Trustees and greater community input.

Trustee McConchie noted for the record that although he appreciates the quality of the application, he does not have enough information on docks and their impact in general to approve the application in good conscience.

NP-2019-036

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2018.10 (Lee).

CARRIED

Trustee McConchie Opposed

10.3 NP-TUP-2019.1 (Vermeeren) - Staff Report

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

Trustee Morrison noted the following points:

- This Short Term Vacation Rental (STVR) was in operation prior to making the application.
- Secondary suites are not going to be permitted until the water and sewer systems of Magic Lake are updated and STVRs could be considered in the same way.

Trustee McConchie noted the following points:

- The total number of AirBnBs operating on North Pender Island is not well understood.
- The impact of STVRs on groundwater resources, community infrastructure, and the availability of housing to residents needs to be better understood.
- STVRs do not operate on a level playing field with other vacation accommodations that are required to pay commercial taxes.
- The Islands Trust has declared a Climate Change Emergency and the implications of this need to be considered.

- The Magic Lake Water and Sewer Committee is in the process of considering upgrades.

Trustee Morrison requested and received information on the reasons why business licenses are not provided to STVRs.

Chair Patrick invited the applicant to address the LTC.

The applicant addressed the concerns of resource usage and agreed that water conservation should be addressed with users.

David Reed (Magic Lake Water and Sewer Committee) provided an overview of the timeline for the sewer project consultation.

NP-2019-037

It was Moved and Seconded,

that the North Pender Island Local Trust Committee table NP-TUP-2019.1 (Vermeeren) pending further information from the Magic Lake Water and Sewer Committee regarding system repair.

CARRIED

RPM Kojima requested direction on when the LTC would like this application to be brought back.

Trustee Morrison stated that she would like to see the application back after the Magic Lake Water and Sewer Committee holds their referendum.

10.4 NP-TUP-2019.2 (Hepburn) - Staff Report

Planner Chadwick provided an overview of the application and staff report.

Trustee McConchie requested information on the Temporary Use permit and renewal system for STVRs in Magic Lake. He spoke against a system that creates a perpetual use of Temporary Use Permits.

RPM Kojima provided an overview of the history of the matter and the rationale and process by which the previous LTC adopted the current system.

Trustees McConchie and Morrison noted that their position on this application followed the same rationale as that for item 10.3.

NP-2019-038

It was Moved and Seconded,

That the North Pender Island Local Trust Committee table NP-TUP-2019.2 (Hepburn) be deferred pending further information from the Magic Lake Water and Sewer Committee regarding system repair.

CARRIED

10.5 NP-RZ-2019.1 (Sketch) - Preliminary Report

RPM Kojima provided an overview of the application and the report. He highlighted the purpose of the preliminary report.

Chair Patrick invited the applicant, Michael Sketch, to address the LTC.

Michael Sketch noted the following points:

- The rationale and circumstances necessitating the application.
- A belief that his property is being targeted when there are other more significant bylaw infractions.
- The storage containers are new and screened with trees at the end of a cul de sac and therefore not unsightly.
- Encouragement that the LUB be amended to allow unbuilt lots to hold some accessory buildings. He noted that this would encourage the maintenance of unbuilt land without pressure to construct housing on those lots.

Trustee McConchie requested and received information on the following points:

- Whether a geo-technical report was required.
- What implications such amendments would have on the rest of the island.

Trustee Morrison requested and received information on the following points:

- Permits required and CRD regulations for placing shipping containers on a property.
- The process that moving forward with this application would trigger if approved.
- The process currently in place for building accessory buildings prior to building a residence.

Trustee Morrison provided an overview of the responses received from the community.

NP-2019-039

It was Moved and Seconded,

that the North Pender Island Local Trust Committee deny application NP-RZ-2019.1 (Sketch).

CARRIED

Trustee Morrison noted for the record that that the applicant should work with staff to find other ways to meet his needs for storage and that staff consider a compliance window that compassionately addresses the storage needs of this applicant and others placed in similar situations due to the housing crisis.

A break was held from 12:20 p.m. - 12:27 p.m.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Waste Management Project - Staff Report

RPM Kojima provided an overview of the Staff Report, the recommendations, and the next steps, should those recommendations be accepted.

Trustee Morrison requested and received information on the following points:

- Which lands would be included and which lands, previously considered, would no longer be included.
- The next steps and process that would follow should the LTC move forward with the staff's recommendation.

Trustee McConchie requested and received information on the following points:

- Whether an industrial land use review has been completed on North Pender Island.
- Enforcement practices that are in place to ensure that inappropriate materials are not being discarded in trash facilities.
- Whether accepting the staff recommendation commits the LTC to any particular course on this matter.

Trustee Morrison noted the following points:

- Support for option three as outlined in the Staff Report
- Concern that the language in the bylaw should not be "Waste Management" because the goal is to eliminate waste and request that this be addressed.
- Encouragement for the operators of the Medicine Beach site to work to reduce the issue of inappropriate materials being discarded at the site.

NP-2019-040

It was Moved and Seconded,

That the North Pender Island Local Trust Committee request staff to report back with draft amendments to Bylaws 214 and 215 which would include:

- a. Policy amendments to the Official Community Plan for waste transfer facilities, including development permit area and temporary use permit guidelines.
- b. Amendments to the Land Use Bylaw to include definitions and relevant general regulations.
- c. Amendments to the Land Use Bylaw to permit drop-off only at the Medicine Beach commercial site.
- d. Amendments to the Land Use Bylaw to permit limited waste transfer uses in appropriate industrial zones.

CARRIED

Mike Burdett requested and received information on how Pender Island Waste Management should move forward given the previous motion. He also requested and received information on whether they would be able to combine the assessments of the alternate site with the reports that are already being done on that site for another application.

Trustee Morrison stated for the record that it is not her intent to facilitate a CRD managed facility.

11.2 Groundwater Sustainability Project - Staff Report

RPM Kojima provided an overview of the staff report and the general purpose of a project charter.

NP-2019-041

It was Moved and Seconded,

that the North Pender Island Local Trust Committee endorse the attached Groundwater Sustainability Strategy Project Charter to develop information, data, coordination, and outreach as part of a phased ecological approach to groundwater sustainability on North Pender Island.

CARRIED

The Trustees each noted for the record the importance of this matter in order to adapt to the implications of climate change.

11.3 Electronic Meeting Amendment - Staff Report

RPM Kojima provided an overview of the staff report.

Trustee Morrison spoke in favour of the amendment and provided a rationale for her support.

Trustee McConchie recommended, and Trustee Morrison echoed support for, a limit being placed in order to prevent future situations in which an LTC member fails to be present in the community and attends the meeting electronically.

NP-2019-042

It was Moved and Seconded,

that the North Pender Island Local Trust Committee direct staff to prepare a draft bylaw to amend “North Pender Island Local Trust Committee Meeting Procedure Bylaw No. 156, 2004” in order to incorporate electronic meeting amendments.

CARRIED

12. REPORTS

12.1 Work Program Report

12.1.1 Top Priorities Report Dated April 2019

RPM Kojima provided an overview of the general progress of the projects.

12.1.2 Projects List Report Dated April 2019

RPM Kojima provided an overview.

12.2 Applications Report Dated April 2019

Trustee McConchie noted that the North Pender Island LTC is responsible for associated islands, but does not have an opportunity to build a relationship with those islands.

RPM Kojima noted that trips can be arranged in order for the LTC to meet with those communities.

Trustee Morrison agreed with the recommendation for such trips and further recommended First Nations inclusion in such an event.

Trustee McConchie requested and received an update on the Montague application.

12.3 Trustee and Local Expense Report Dated February 2019

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

No Comments

12.8 Islands Trust Conservancy Report Dated March 2019

12.8.1 Forage Fish Habitat Mapping - James and Sidney Islands - Staff Report

Received for information.

13. NEW BUSINESS

13.1 North Pender Island LTC BEN Bylaw 218 - Staff Report

RPM Kojima provided an overview of the staff report.

The LTC spoke in favour of the work being done by Bylaw Enforcement and the spirit of the bylaw.

NP-2019-043

It was Moved and Seconded,

that the North Pender Island Local Trust Committee Bylaw No. 218, cited as “North Pender Island Local Trust Committee Bylaw Enforcement Notification Bylaw No. 188, 2011, Amendment No. 1, 2018” be adopted.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for May 30, 2019, at the Community Hall, Pender Island

15. TOWN HALL

Jim Petrie addressed the STVR and AirBnB issue that faces the island and the implication that unknown operations have on water resources. He noted that by deferring the two applications today the LTC may have deterred future applications and further compounded the issue of unknown STVR operations.

The LTC addressed the concern and provided a rationale for their decision to defer the applications.

Mike Burdett requested and received information on whether the LTC would consider an STVR application if the applicant’s property had a septic tank and a water catchment system.

Michael Sketch spoke against the decision to limit the properties considered under the Waste Transfer bylaw to those that are already zoned as industrial. He noted that a four-year public consultation process identified properties and provided a rationale for recommending that the LTC reconsider.

Michael Sketch recommended that the LTC consider a provision for the recycling of road surfacing material and storage space for excavated road works. He further recommended that these provisions be in place prior to any work being started on Magic Lake sewer system.

Ken Hancock addressed the decision to defer the consideration of TUPs for STVRs. He noted that there is not evidence either way in terms of whether visitors are more taxing on water and sewer systems. He recommended that future applicants be given warning if the LTC will not be approving STVR TUP applications and noted that the sewer issue will take several years and the LTC needs to consider the implication of that on the compliance process for STVRs.

The LTC addressed the concerns raised and reiterated their rationale for deferring decision on the STVR applications.

A member of the public provided an overview of the importance of Gardom Pond as a park, as a source of groundwater recharge, and as water for fire suppression. He provided a history of the process by which the property owners were required to get a water licence. He outlined the costs, the controversies, and the lack of disclosure and public consultation. He noted that the only alternative to draining the pond being considered is that the licence holders are required to pay \$250,000 each for remediation. He expressed frustration that the public consultation promise is not being honoured.

Trustee Morrison requested and received information from staff on how the LTC could address the concerns raised.

NP-2019-044

It was Moved and Seconded,

that the North Pender Island Local Trust Committee recommends that the responsible agencies conduct public consultation in relation to the decommissioning of Gardom Pond Dam.

CARRIED

Trustees Morrison and McConchie each stated their support of the community on this matter, their frustration with the history of the matter, and their willingness to continue actively supporting the community.

Ken Hancock provided an overview of the history of the matter at Gardom Pond and the role of the CRD in the decision. He encouraged the LTC to contact the CRD on that matter.

16. CLOSED MEETING

none

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:48 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder