

ADOPTED



North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: May 30, 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
Miles Drew, Bylaw Compliance and Enforcement Manager
Warren Dingman, Bylaw Enforcement Officer (in audience)
Clare Frater, Director (via telephone)
Maple Hung, Recorder / Planning Team Assistant

Public: There were approximately (14) members of the public.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 10:02 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

Chair Patrick mentioned the meeting is being live streamed. She introduces herself, the Islands Trust staff and reminds everyone this place is an official meeting forum; there will be opportunities to speak.

2. APPROVAL OF AGENDA

Add under New Business:

- 13.4 Advisory Planning Commissions Members
- There were 2 pieces of correspondence the Local Trust Committee (LTC) received for applications: NP-DVP-2019.1 (Randall) & NP-DP-2018.8 / NP-DVP-2019.3 (Montague).
- Move up items "12.6 Trustee Report" and "12.7 Chair's Report" to be discussed after "6.4 Advisory Planning Commission Minutes".

Chair Patrick will bring this request to change the agenda up to Executive Committee.

By general consent the Local Trust committee meeting agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Chair Patrick gives an overview of being a public speaker.

Gary Steeves, a previous 2011 trustee, mentioned being happy with the LTC. He comments on: 4 applications, Development Permit Areas (DPA) / Riparian Areas and LTC communications.

Michael Sketch comments on the Trust Policy and mentioned there was potential to re-write the policy statement.

Kathy Cronk comments on Gardom Pond being decommissioned. She wants to know if the Trustees talked to the Capital Regional District (CRD) in regards to a public consultation.

Trustee Morrison had a conversation with the engineer involved with the decommission and there is funding.

Trustee McConchie contacted engineer Ben Martin and mentioned it's difficult for people in Gardom Pond financially to get an engineer.

Kathy Cronk expresses her thanks to the LTC.

Marika Kenwell spoke about Buck Lake properties and questions the Trustees regarding a non-conforming fee of \$100.00.

Trustee Morrison comments that people who buy properties need to know if it's conforming or non-conforming.

Marika Kenwell mentioned that the Riparian Bylaw didn't exist when she bought her house in 1990.

Regional Planning Manager (RPM) Kojima explains the details of the application.

Michael Sketch comments on "section 35" of the *Islands Trust Act* and mentioned the word "permit" may be in there. He asks to have it checked.

RPM Kojima confirms that a regional district may not issue a permit contrary to an LTC bylaw.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes Dated April 25, 2019 (for Adoption)

Trustee Morrison is really happy with the work on the April 25, 2019 N. Pender LTC minutes and thanks Shannon Brayford.

By general consent the Local Trust committee meeting minutes of April 25, 2019 were adopted.

6.2 Public Hearing Record Dated April 25, 2019 (for Receipt)

Received for information.

6.3 Section 26 Resolutions-without-meeting Report

none

6.4 Advisory Planning Commission Minutes

none

The LTC decided to discuss Trustee Report and the Chair's Report. Please refer to item numbers 12.6 and 12.7 below for details.

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated May 2019

RPM Kojima highlights the Groundwater Sustainability project and mentioned it will include all 5 southern islands.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

none

10. APPLICATIONS AND REFERRALS

RPM Kojima provided an overview of the application and recommendations noted in the staff report.

A discussion was held with the applicant, LTC and staff on the following matters:

- Explanations were given on the maximum heights and elements in zoning.
- When the surveyor was contacted.
- The applicant doing work before realizing there was an issue.
- CRD building permits.
- The options: it could be brought to compliance and becomes a bylaw enforcement matter, it could be brought to the Board of Variance for consideration.
- The height of the building and structure.
- The plans had errors in the height calculation.

Trustee McConchie mentioned about respecting the Official Community Plan (OCP) and its established rules. He sympathizes with the applicant, but doesn't support this application.

Trustee Morrison commented on height variances and wanting to understand more. She wants to defer her decision, as she doesn't know if the error is in the building or with the CRD issued permit.

Discussion was made on the following matters:

- The approved plans show the height of the building to be compliant.
- RPM Kojima mentioned despite the errors, the height was still under.
- The applicant explains how the error happened with the designer and hydro coming in to do work in front of the property.
- RPM Kojima explained natural grade and finished grade.
- Chair Patrick comments on massing of the building. She points out that even if the height is reduced there would still be a massing effect.
- The applicant mentioned landscaping that will take the height significantly down.

Trustee McConchie advises the applicant to apply to (Board of Variance) BOV and discuss with the person who made the mistake.

Trustee Morrison comments on variances being a BOV issue.

NP-2019-045

It was Moved and Seconded,

that the North Pender Island Local Trust Committee deny issuance of Development Variance Permit NP-DVP-2019.1 (Randall).

CARRIED

10.2 NP-DP-2018.8 (Montague) and NP-DVP-2019.3 - Staff Report

RPM Kojima gives an overview of how this DP and DVP application started. He mentioned the DP has good conditions and the variance would address the issues of the siting of the house and float.

Applicant Ed Montague comments on the following points:

- He is a lawyer and owns his property with his wife Deborah.
- Gives a timeline on what happened with his property.
- He had a survey done, hired a biologist, did a detailed report and the area has been remediated.
- He did work on protecting the plants.
- He supports the overall intent for the Islands Trust rules.
- He would like more information for property owners coming and having reminders about the bylaws.

A discussion was held with the applicant, LTC and staff on the following matters:

- RPM Kojima gives an explanation of the Riparian Area Regulations (RAR).
- Trustee Morrison mentioned restoration work on the site is substantial.
- Trustee McConchie mentioned mistakes in the building inspection process and the trees cut down.
- Chair Patrick mentioned Development Permit guidelines.
- That the Variance is needed for the float
- RPM Kojima explains the process if the DP is denied.

NP-2019-046

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2018.8 (Montague).

CARRIED

NP-2019-047

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2019.3 (Montague).

CARRIED

10.3 NP-RZ-2018.2 (Shaw Communications/GRL Holdings) - Bylaw No. 220 - Staff Report

RPM Kojima mentioned Bylaw No. 220 is brought back to the LTC for approval. He gives an overview of the application.

Trustee McConchie thanks the Executive Committee for working on it.

Trustee Morrison mentions the applicant has good relationships with the community.

NP-2019-048

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. 103, 1996, Amendment No. 2, 2018", be adopted.

CARRIED

10.4 NP-DP-2019.1 (Ferguson) - Staff Report

RPM Kojima provided an overview with details of the application. He noted the recommendations and alternative options on the staff report.

Applicant Jack Ferguson comments on the following points:

- The statements in the staff report.
- He gives a timeline on when he started putting his application.
- The site visit was done May 14, 2019.
- Had conversations with the Planner.
- Had no time for requirements.

- He introduces Dan Baxter, a biologist which is here to speak to the Islands Trust staff and LTC.
- The pool is the only area that would affect the ground, the deck is on posts and the growth can come under it.

Dan Baxter comments on DPAs and prior modifications.

Applicant Jack Ferguson mentioned there were no trees cut down where the pool and deck are proposed. The trees are outside the lines of the carport. He reads out the Biology Report Impact assessment and mentioned there are no impacts on this sensitive area.

Points made by the LTC during discussion:

- Chair Patrick discussed guidelines in relation to a DPA.
- Trustee McConchie doesn't feel comfortable approving the DPA.
- Trustee Morrison mentioned the OCP the guidelines and public input. She wants more clarity on the Woodland part of the Development Permit Area.
- Dan Baxter, the biologist confirms that the DPA for the woodland can be remediated.

Applicant Jack Ferguson is happy to do a remediation plan and mentioned he wasn't given enough time to get things done.

NP-2019-049

It was Moved and Seconded,

that the North Pender Island Local Trust Committee deny issuance of the proposed development permit (Ferguson) NP-DP-2019.1 as it does not comply with the following guidelines contained in the North Pender Island Official Community Plan Bylaw No. 171, 2008:

5.2.1.5 OVERALL GUIDELINES.

2. Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.

17. The permit conditions may include:

- f. restoration or enhancement of disturbed sensitive ecosystems and habitat.

5.2.2.4 Woodland Ecosystems Guidelines.

1. Large mature and old trees, trees containing cavities, the root systems of trees, rareplant species, native grasses and associated under-storey vegetation should be protected.

WITHDRAWN

NP-2019-050

It was Moved and Seconded,

1. That the North Pender Island Local Trust Committee postpone consideration of NP-DP-2019.1 as the application does not comply with the following guidelines contained in the North Pender Island Official Community Plan Bylaw No. 171, 2007:

5.2.1.5 OVERALL GUIDELINES.

2. Avoid locating development in areas containing important, rare or fragile sensitive ecosystems or habitat where reasonable alternative sites exist.

17. The permit conditions may include:

- f. restoration or enhancement of disturbed sensitive ecosystems and habitat.

5.2.2.4 Woodland Ecosystems Guidelines.

1. Large mature and old trees, trees containing cavities, the root systems of trees, rare plant species, native grasses and associated under-storey vegetation should be protected.

CARRIED

NP-2019-051

It was Moved and Seconded,

that the North Pender Island Local Trust Committee requests that prior to further consideration of NP-DP-2019.1, the applicant submit to the Islands Trust the following information:

a. Site and building design analysis of alternative areas on the property for the proposed development.

b. A comprehensive restoration and enhancement plan by a qualified environmental professional that entails the following:

- i. An inventory of all trees removed within the DPA in the last year (including approximate size, species and date removed);
- ii. Recommendations for tree replacement based on the foregoing inventory;
- iii. Recommendations for the restoration and enhancement (including understory plantings, protection, maintenance and monitoring) of an area equivalent to 1.5 times the area of the proposed further incursion into the DPA with new development (deck, pool and portion of carport); and,
- iv. Information on drainage management, water consumption and conservation measures associated with the proposed pool.

CARRIED

Applicant, Jack Ferguson stated he will be withdrawing this application.

A break was held between 12:34 p.m. – 12:41 p.m.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Waste Management Project - Staff Report

RPM Kojima gave a brief overview of the Waste Management Project – Staff Report from last meeting. He explains details on bylaws 214 and 215 and mentions some options.

A discussion was held with the LTC and staff on the following matters:

- Boat storage, compost waste and the Agricultural Land Reserve (ALR).
- 4 sites considered for waste management.
- The focus is on the industrial zone and commercial operators and contractors.
- Trustee McConchie is opposed to item “d.” (Mainroad Yard) on the recommended motion in the staff report.
- Conservation, zero waste management processes and waste sorting.
- An operator may need a DP to put in infrastructure, if not existing, to start the use.

A member of the public comments about rural waste and composting. Removing compost is stringent and recommends to have it on the ALR portion.

More discussion was held with the LTC members on the following matters:

- Chair Patrick mentioned that draft bylaws can be changed, compost issues can be dealt with as a topic at a Community Information Meeting (CIM).
- Ownership issues.
- Finding the best site from a Land Use perspective.
- Working on a draft bylaw and getting language that will set the base.

NP-2019-052

It was Moved and Seconded,

that the North Pender Island Local Trust Committee endorse the proposed draft amendments to Bylaws 214 and 215 which 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 public drop-off waste transfer only at the Medicine Beach commercial site.

d. Amendments to the Land Use Bylaw to permit limited waste transfer uses in the two industrial zones excluding the Mainroad site.

CARRIED

NP-2019-053

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff develop and implement a public engagement process to inform and gather input on the proposed draft amendments to Bylaws 214 and 215.

CARRIED

The LTC had a discussion on a draft consultation plan.

Trustee McConchie mentioned liking town halls.

12. REPORTS

12.1 Work Program Report

12.1.1 Top Priorities Report Dated May 2019

RPM Kojima gives an update on the Landowner Education project.

Received for information.

12.1.2 Projects List Report Dated May 2019

Received for information.

12.2 Applications Report Dated May 2019

RPM Kojima explained the status of application NP-SUB-2012.4 Edgewood Estates. RPM Kojima mentioned there should be no LTC decisions to be made as of now.

Trustee McConchie mentioned wanting to have a discussion in the future in regards subdivisions.

Received for information.

12.3 Trustee and Local Expense Report Dated March 2019

Trustee McConchie comments on what the “\$1,500 Trustee Expenses” is and what can he use it for in the community.

RPM Kojima gives an explanation about the expense types: LTC Meeting Expenses, LTC Special Projects and Trustee Expenses.

12.4 Adopted Policies and Standing Resolutions

none

12.5 Local Trust Committee Webpage

none

12.6 Trustee Report

Trustee McConchie reported that he worked on a Request for Decision (RFD) proposal regarding “Live Streaming of Meetings” with Clare Frater, Director of Trust Area Services. He is looking forward to Trust Council. He recommended each LTC should decide if they want to live stream LTC meetings. He feels it’s important to live stream meetings so everyone is properly informed.

Trustee Morrison reports on planning to suggest options at the Trust Council regarding Climate Change Mitigation, Adaptation and Resilience. She reminds everyone to email her regarding: land use planning and thoughts on the policy statement review. Her hours are ad hoc at the office, so if you need to reach her please text or call her. She has continued concerns about tree cutting and encourages the public to talk about it and be informed.

The next LTC meeting is on July 4, 2019 (first Thursday of the month).

12.7 Chair's Report

Chair Patrick reported on the Agricultural Land Workshop May 1st and that there were 3 elected members there. She mentioned the ALC website has good details on bulletin 4, Cannabis production and bulletin 5, residences on agricultural land. She provided an update on the next Trust Council meeting on Galiano Island in June. If there are delegations to submit the deadline is May 30, 2019. Training was done with the Trustees and Chair from parliamentarian Eli Mina and it was a good learning experience. The “silent voices” are important. She also brought some wild flowers from the garden to a meeting and encourages other islands to do the same, as it reminds them of the importance of decisions.

12.8 Islands Trust Conservancy Report

none

13. NEW BUSINESS

13.1 Annual Report

RPM Kojima gives an overview of the recommended text inclusion in the Annual Report Memo. All LTCs are asked to endorse their draft sections of the 2018-2019 Annual Report, so that Trust Council can readily approve the annual report in the June 2019 meeting.

Trustee Morrison mentioned that project on Climate Change is not on there and wording was added to the draft.

NP-2019-054

It was Moved and Seconded,

that the North Pender Island Local Trust Committee endorse the following text for inclusion in the 2018- 2019 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing.

The North Pender Island Local Trust Committee (NP LTC) held nine regular business meetings and two special business meetings in the 2018/19 fiscal year. Work for this period focused on advancing the LTC priorities on planning for waste management and completing a project to permit and regulate secondary suites. The LTC has also initiated a project on groundwater sustainability as a part of their focus on Climate Change adaptation, mitigation and resilience. The NP LTC considered two major rezoning applications, six development permits, four variances, and eight temporary use permits during this period.

CARRIED

13.2 Meeting Procedure Amendment Bylaw No. 221 (for further consideration)

RPM Kojima spoke about Proposed Bylaw no. 221 and mentioned there can be three readings because it's an administrative bylaw.

NP-2019-055

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 read a first time.

CARRIED

NP-2019-056

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 read a second time.

CARRIED

NP-2019-057

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 read a third time.

CARRIED

NP-2019-058

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 forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

13.3 Public Engagement on North Pender Island for Visions 2099: The Future of the islands in the Salish Sea - Staff Report

Chair Patrick gives an overview of the introduction of the report.

Director Clare Frater calls in via cell phone.

Trustee Morrison asks Director Frater about the plan in relation to North Pender Island and other suggestions.

Director Frater responds by saying that there are a number of engagement options. The Local Trust Committee can recommend what type of engagement would suit the North Pender community and what timing would work best.

Trustee McConchie mentioned it’s great to engage the community and the pilot project will be in July and October. He asks if it will be live streamed and run by the Islands Trust.

Trustee Morrison gave feedback and the year “vision 2099” may be causing tension for people. Consideration is needed for who is at the event and what questions are asked. A booth was suggested for later in the summer.

NP-2019-059

It was Moved and Seconded,

that the North Pender Island Local Trust Committee endorses the recommended public engagement activities to take place in the North Pender Local Trust Area in support of the Trust Council’s Visions 2099: The Future of the islands in the Salish Sea, as outlined in the May 30th, 2019 staff report.

CARRIED

13.4 Advisory Planning Commission Members

RPM Kojima gives an update on the APC members and that no expression of interests were received.

The Trustees want to advertise again and have staff e-mail them the advertisement poster.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for July 4, 2019, at 10:00 am, at the Pender Community Hall, Pender Island

15. TOWN HALL

Michael Sketch mentioned the groundwater water project and a 2012 Marina proposal.

RPM Kojima comments on water provisions, and Freshwater Protection Specialist, William Shulba is reviewing the reports.

Trustee Morrison mentioned water catchment as an option, but cannot find information about it.

16. CLOSED MEETING (Distributed Under Separate Cover)

NP-2019-060

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)(f) for the purpose of considering:

- North Pender Local Trust Committee In-Camera Minutes Dated February 28, 2019 (for Adoption)
- Bylaw Enforcement

CARRIED

16.1. Recall to Order

Chair Patrick recalled the meeting to order at 2:44 p.m.

16.2. Rise and Report

A resolution was reported by the LTC:

NP-2019-061

It was Moved and Seconded,

that the North Pender Local Trust Community refer Short Term Vacation Rental Temporary Use Permits in the Magic Lake sewer catchment to the Magic Lake Sewer and Water Committee to confirm infrastructure capacity.

CARRIED

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:46 p.m.

Laura Patrick, Chair

Certified Correct:

Maple Hung, Recorder