

ADOPTED

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, JUNE 28, 2012, AT 9:45 AM
COMMUNITY HALL, NORTH PENDER ISLAND, B.C.**

PRESENT:

Gary Steeves	Local Trustee
Ken Hancock	Local Trustee
Peter Luckham	Chair
Andrea Pickard	Island Planner
Miles Drew	Bylaw Enforcement Manager
Zorah Staar	Recording Secretary

REGRETS: none

There were fourteen (14) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:46 am, acknowledging that this was taking place on the traditional territories of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The proposed agenda was amended as follows:

- to add the June 23, 2012 Local Trust Committee Minutes to item 5.1.2;
- to add the Notes of the June 23, 2012 Community Information Meeting to item 5.2.1, and the Record of the same day's Public Hearing to item 5.2.2;
- to add a supplemental Bylaw to item 9.2 (NP-RZ-2011.1 – Turner);
- to add an email submission to item 9.3 (NP-DVP-2012.6 – Rideout); and
- to add item 12.2 for "Local Trust Committee and Tsawout First Nations"

2.2 Questions from Public on Agenda Items

There were no questions, but Trustee Steeves made two announcements: firstly that the Ministry of Transportation & Infrastructure had confirmed the Pender roads on which they planned to repaint the centre lines (maps available); and secondly that the CRD was sponsoring a Household Hazardous Waste drop-off day, at the Pender Recycling Centre on Sunday, July 15, 2012 (11 am to 2 pm).

3. COMMUNITY INFORMATION MEETING

None

4. PUBLIC HEARINGS

None

5. PREVIOUS MEETINGS

5.1 Local Trust Committee Minutes for adoption

5.1.1 Minutes of May 31, 2012 Local Trust Committee Business Meeting

The May 31, 2012 Minutes were adopted by consensus.

5.1.2 Minutes of June 23, 2012 Local Trust Committee Special Meeting

The June 23, 2012 Minutes were adopted by consensus.

5.2 Public Hearing Records and Community Information Meeting Notes

5.2.1 Notes of June 23, 2012 Community Information Meeting

The June 23, 2012 Community Information Meeting Notes were received for information. Trustee Hancock noted two typographical errors (page 1, Mr. Underwood's comments - "cooperation"; and page 2 - "Proposed Bylaw No. 191").

5.2.2 Record of June 23, 2012 Public Hearing

The June 23, 2012 Record of the Public Hearing was received for information. Planner Pickard confirmed that the Trustees could also rely on additional comments heard at the Hearing (see 9.2 below).

5.3 Section 26 Resolutions-without-meeting

None

5.4 Advisory Planning Commission/Task Force Minutes

5.4.1 Minutes of June 6, 2012 Advisory Planning Commission Meeting

The June 6, 2012 Advisory Planning Commission Minutes were noted. Planner Pickard confirmed that these Minutes had been received prior to the June 23, 2012 Public Hearing. An item was added to the agenda (6.2) to discuss an Advisory Planning Commission recommendation.

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

Planner Pickard reviewed the Follow-up Action Report. Regarding violations to the setback from the sea, the Executive Committee had requested an enforcement strategy for the Islands Trust as a whole. Regarding assessment for Neighbourhood Zero Emission Vehicles (NZEV), Planner Pickard said that she could follow-up with the Ministry of Transportation & Infrastructure (MOTI) regarding the timeline.

Regarding illegal roadside signage, Trustee Hancock reported that the Chamber of Commerce was waiting to hear MOTI confirm that Local Trust Committees did indeed have concurrent jurisdiction over signage, under their Land Use Bylaws.

Trustee Steeves said that it was in the interests of businesses to accept the Trustee suggestion about rezoning to allow aggregate directional signage at key locations, failing which MOTI had the jurisdiction to remove roadside signage without permits, and the Islands Trust could also proceed to enforcement.

Islands Trust Bylaw Enforcement Manager Miles Drew noted that the Driftwood Centre Development Permit included a condition for aggregate (i.e multiple business) signage which could also be enforced (for example, to deter unsafe sandwich board signs on the road).

6.2 Advisory Planning Commission Recommendation

Trustee Steeves said that at the June 6, 2012 Advisory Planning Commission meeting, the APC noted how some agencies had not referred the applicants to the Islands Trust. The APC also recommended that the Local Trust Committee “look at options for addressing situations where construction work has occurred without the required prior application or approval by the local government”.

Planner Pickard described some useful inter-agency communications which had now occurred, and the difficulties for the Islands Trust to apply penalties for applications after the fact (e.g. after building had started). See also 11.1 below.

7. DELEGATIONS

None

8. CORRESPONDENCE

None

9. APPLICATIONS, PERMITS, AND REFERRALS

9.1 NP-RZ-2011.1 & NP-DP-2011.9 (Turner)

Planner Pickard reviewed the June 11, 2012 Staff Report and commented as follows: that NP-RZ-2011.1 and NP-DP-2011.9 (Turner) involved a site specific rezoning bylaw (No. 190) and a development permit, to allow the construction of

a seawall below the natural boundary of the sea; that this application had been subject to a lengthy process, including professional reports and the June 23, 2012 Community Information Meeting and Public Hearing; and that there were final conditions to address re: a landscaping bond and First Nations monitoring.

Trustees Hancock and Steeves noted the general need to control shoreline alterations, in order to protect sensitive ecosystems. However, in this case there were important archaeological values which needed the protection of a seawall.

Resolution NP-LTC-70-12

It was Moved and Seconded that North Pender Island Local Trust Committee Proposed Bylaw No. 190 (cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2012”), be given Second Reading.

CARRIED

Resolution NP-LTC-71-12

It was Moved and Seconded that North Pender Island Local Trust Committee Proposed Bylaw No. 190 (cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2012”), be given Third Reading.

CARRIED

Resolution NP-LTC-72-12

It was Moved and Seconded that the North Pender Island Local Committee direct Staff to forward Proposed Bylaw No. 190 (cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2012”) to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

Resolution NP-LTC-73-12

It was Moved and Seconded that the North Pender Island Local Trust Committee approve the terms and conditions of proposed Development Permit NP-DP-2011.9 (Turner) but that the permit not be issued until the related bylaw amendment for NP-RZ-2011.1 is adopted.

CARRIED

Resolution NP-LTC-74-12

It was Moved and Seconded that the North Pender Island Local Trust Committee requires, prior to the adoption of Proposed Bylaw No. 190, the applicant to provide a letter of commitment to have a First Nations monitor on site during any site preparation for the proposed seawall.

CARRIED

Resolution NP-LTC-75-12

It was Moved and Seconded that the North Pender Island Local Trust Committee requires, prior to the adoption of Proposed Bylaw No. 190, the applicant to provide security for the proposed landscaping in the form of an irrevocable letter of credit with a clause for automatic renewal, that is payable to the Islands Trust, and is in the amount of \$9,315.13 or 125% of the quoted landscaping cost estimate provided by Kristin Taggart of Islandsapes dated March 10, 2012.

CARRIED

9.2 NP-RZ-2011.2 (Lockhart)

Planner Pickard reviewed the June 12, 2012 Staff Report and commented as follows: that this was a site-specific rezoning to permit an ocean-based geexchange system for heating and cooling; that this application had been subject to a lengthy process, including the June 23, 2012 Community Information Meeting and Public Hearing; and that Proposed Bylaw No. 191 had been revised to refer to a “marine geothermal loop”, using only fresh water.

Trustee Steeves had a concern about the system definition referring to a standard (CSA 448) which could include fluids other than water, but Planner Pickard said that the more specific wording of the Bylaw would not allow this.

Resolution NP-LTC-76-12

It was Moved and Seconded that North Pender Island Local Trust Committee direct Staff to amend Proposed Bylaw No. 191 (cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2012”), by inserting “marine geothermal loop” into the site-specific table and a definition for “marine geothermal loop” as outlined in the Staff Report dated June 12, 2012.

CARRIED

Resolution NP-LTC-77-12

It was Moved and Seconded that North Pender Island Local Trust Committee Proposed Bylaw No. 191 (cited as “North Pender Island Land Use Bylaw 103, Amendment No. 2, 2012”), be given Second Reading.

CARRIED

Resolution NP-LTC-78-12

It was Moved and Seconded that North Pender Island Local Trust Committee Proposed Bylaw No. 191 (cited as “North Pender Island Land Use Bylaw 103, Amendment No. 2, 2012”), be given Third Reading.

CARRIED

Resolution NP-LTC-79-12

It was Moved and Seconded that the North Pender Island Local Committee direct Staff to forward Proposed Bylaw No. 191 (cited as “North Pender Island Land Use Bylaw 103, Amendment No. 2, 2012”) to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

Trustee Hancock thanked the Advisory Planning Commission for their analysis and recommendation on the above rezoning application.

9.3 NP-DVP-2-12.6 (Rideout)

Planner Pickard referred to the June 18, 2012 Staff Report and commented as follows: that NP-DVP-2-12.6 (Rideout) was an application to vary the required setback from the natural boundary of the sea, from 15 metres to 11.2 metres; that this was to legalize the deck of an existing dwelling on Pecos Road, built by the previous owners; and that there had been no objection from neighbouring landowners, nor from the Pender Islands Parks & Recreation Commission.

Resolution NP-LTC-80-12

It was Moved and Seconded that the North Pender Island Local Trust Committee approve Development Variance Permit NP-DVP-2012.6 (Rideout).

CARRIED

9.4 NP-DVP-2012.7 and NP-DP-2012.2 (Graham)

Planner Pickard referred to the June 14, 2012 Staff Report and commented as follows: that application NP-DVP-2012.7 requested a variance to build an overheight two-storey accessory building; that NP-DP-2012.2 requested a development permit to construct both this accessory building and additions to an existing dwelling, within a woodland sensitive ecosystem development permit area; that the owners’ plan was to cluster development close to the dwelling and in a previously disturbed area; and that there was a biologist’s report in support.

Trustee Hancock noted that the applicants were trying to limit their footprint, and that the property had various constraints relating to the requested permits.

Resolution NP-LTC-81-12

It was Moved and Seconded that the North Pender Island Local Trust Committee approve Development Variance Permit NP-DVP-2012.7 (Graham).

CARRIED

Resolution NP-LTC-82-12

It was Moved and Seconded that the North Pender Island Local Trust Committee revise draft Development Permit NP-DP-2012.2 as follows:

1. To add a new subsection 2.(a) reading as follows: “the development shall be substantially consistent with Schedule A attached to and forming part of this permit”;
2. To remove existing subsections 2.(d) and (e);
3. To revise subsection 2. (f) by replacing “minimize” with “avoid”;
4. To revise subsection 2.(r) to read, “Blasting of rock is not permitted”.

CARRIED

Resolution NP-LTC-83-12

It was Moved and Seconded that the North Pender Island Local Trust Committee issue Development Permit NP-DP-2012.2, as amended.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Shoreline Review

Planner Pickard referred to the Staff Report dated June 12, 2012, which provided a draft scope, timeline, budget, and workplan for advancing the Shoreline Review (in order to protect sensitive areas and address shoreline development issues). The Planner commented as follows: that the review could include the three phases of information gathering, education and consultation, and implementation (described); that Trust Council had existing contracts with shoreline consultants who could assist with public consultation (if appropriate); that the Trust Council had now decided to create a Shoreline Mapping Working Group, to assist the various Local Trust Areas looking at related issues; and that there was an upcoming joint meeting with the South Pender Island Local Trust Committee, which was intended to include shoreline issues as well.

Trustees Hancock and Steeves commented as follows: that they had some questions about the initial work by the existing shoreline consultants; that the Shoreline Mapping Working Group did not yet have terms of reference and might take a while to create results, although their cooperative approach was important; that the North Pender Local Trust Committee had some time-limited funding for Shoreline Review work, and wanted to complete its process by September, 2013; that we could start by looking at the North Pender shoreline mapping already available, with a focus on ecosystems rather than geology; and that the Planner was asked to follow up, based on the foregoing comments and the resolution below.

Resolution NP-LTC-84-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to schedule a meeting between the Committee and the consultants currently on contract for the Shoreline Mapping Project, and invite the South Pender Local Trust Committee to participate.

CARRIED

11. REPORTS

11.1 Work Program Reports

11.1.1 North Pender Island Local Trust Committee Work Program

Resolution NP-LTC-85-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to amend the Work Program by adding “Options to Deal with Applications after the Fact” as item 10. on the Projects List, described as “options for addressing situations where construction work has occurred without the required prior application or approval by the local government”.

CARRIED

11.2 Applications Report

11.2.1 North Pender Island Applications Report

Planner Pickard reviewed the available Applications Report.

11.3 Bylaw Enforcement

Bylaw Enforcement Manager Miles Drew commented as follows: that the Bylaw Enforcement Notification Bylaw (BEN Bylaw) was starting to be implemented on Pender, and it was a good tool; that the policy was still to secure voluntary compliance where possible, so a written warning was often given before a ticket; and that the short term vacation rentals (STVR`s) had been winnowed down to a few still operating, with evidence to be gathered over the summer. See also In Camera Minutes of the same date.

11.4 Expense/Budget Reports

11.4.1 Trustee and Local Expenses Report - None

11.4.2 Local Trust Committee Budget 2012/2013 – attached for information

11.5 Adopted Policies and Standing Resolutions Report – attached for information

11.6 North Pender LTC Web Page

Trustee Hancock asked Planner Pickard to check if the Work Program could go on the web page. Re: the Hooson Road material on the web page, Steeves asked the Planner to check when the Ministry of Transportation & Infrastructure planned to do the agreed remediation work.

11.7 Chair's Report

Chair Luckham commented as follows: that the recent Pender Trust Council meeting had been very successful; that this included a great transportation demonstration of a Neighbourhood Zero Net Emission Vehicle (NZEV); that the Islands Trust was going to seek public input on their Strategic Plan; and that the Trust Council meeting had also included a First Nations workshop, and decisions on continued advocacy about tanker and oil spill prevention.

11.8 Trustee Reports

Trustee Steeves commented as follows: that he and other Islands Trust representatives recently had a good meeting with the Nature Conservancy of Canada (NCC) about James Island; that the sensitive covenanted areas were being inspected annually, with the James Island owners being solid partners; that more regular communications with the NCC were intended; that there would likely not be another controlled burn; that there could be future opportunities for conservation volunteers to do some work on James Island; and that after the rezoning which created the conservation areas, the subdivision application file had been closed, but it could be re-opened in future.

Trustee Hancock recognized the passing of Penderite Tekla Deverell, who had been a very keen, huge participant in Islands Trust matters, as well as contributing to our community in countless other ways. This included helping to organize the first Community Stewardship Day a few years ago.

12. OTHER BUSINESS

12.1 Upcoming Meetings

12.1.1 Next Local Trust Committee Business Meeting

The next Local Trust Committee Business Meeting was scheduled for Thursday, August 30, 2012 (9:45 am, Community Hall Lounge). There would be no meeting in July.

12.2 Local Trust Committee and Tsawout First Nations

Trustee Hancock said that there had been a Tsawout First Nations delegation at the June Trust Council meeting on Pender, and that he was concerned that there is a misunderstanding about the past rezoning of James Island.

Trustee Steeves said that he believed there had been First Nations referrals and an archaeological report leading to adjustments to the James Island rezoning, but he needed more information to help resolve this situation.

Resolution NP-LTC-85-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to produce a report with respect to the First Nations and archaeological issues pertaining to the James Island rezoning.

CARRIED

13. TOWN HALL MEETING

Sara Steil commented that eelgrass mapping was underway on Pender (by the Pender Islands Conservancy Association working with SeaChange), and that as a member of the Nature Conservancy of Canada (NCC), she received their notices about opportunities for conservation volunteers.

Gerry Roy commented as follows: that it had been hard to find the telephone number for Planner Pickard on the Islands Trust website; that overlapping jurisdiction between agencies should be minimized, with one-stop-shopping where possible; and that applicants should not be fined for an honest mistake.

Trustee Steeves noted that the Planners did give out information sheets to assist with various application processes, but it was difficult to get every agency to refer applicants to the Islands Trust where appropriate.

Trustee Hancock said that the 2008 publication about “Buying Property on North Pender Island” needed to be updated and moved further up on the website. He also said that where applicants had made a mistake, the Local Trust Committee tried to determine whether it was inadvertent and understandable in the circumstances.

Ralph Turner suggested that in addition to being given to realtors, the handout about “Buying Property on North Pender Island” should be publicized in the Island Tides and Driftwood newspapers.

14. MOTION TO CLOSE MEETING

Resolution NP-LTC-86-12

It was Moved and Seconded, pursuant to Section 90(1)(a), (f), and (g) of the Community Charter, that the North Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting minutes of the April 26, 2012 Local Trust Committee In Camera Meeting; to consider Board of Variance Appointments; and to consider enforcement and litigation matters; and further that Islands Trust Staff and Recorder Zorah Staar remain present.

CARRIED

Note: See separate In Camera Meeting Minutes of the same date.

15. RECALL TO ORDER

15.1 Rise and Report from Closed Meeting

Resolution NP-LTC-88-12

It was Moved and Seconded that the North Pender Island Local Trust Committee re-open the meeting to the public.

CARRIED

The Local Trust Committee reported that during the In Camera Meeting, they appointed the following persons to the North Pender Island Board of Variance: Priscilla Ewbank, Jim Petrie, and Sara Steil.

16. ADJOURNMENT

Resolution NP-LTC-89-12

It was Moved and Seconded that the meeting be adjourned at approximately 2:26 pm.

RECORDER

CHAIR