

# ADOPTED

**MINUTES OF THE NORTH PENDER ISLAND  
LOCAL TRUST COMMITTEE BUSINESS MEETING  
HELD ON THURSDAY, NOVEMBER 29, 2012, AT 9:45 AM  
COMMUNITY HALL, NORTH PENDER ISLAND, B.C.**

<b>PRESENT:</b>	<b>Gary Steeves</b>	<b>Local Trustee</b>
	<b>Ken Hancock</b>	<b>Local Trustee</b>
	<b>Peter Luckham</b>	<b>Chair</b>
	<b>Andrea Pickard</b>	<b>Island Planner</b>
	<b>Robert Kojima</b>	<b>Regional Planning Manager</b>
	<b>Miles Drew</b>	<b>Bylaw Enforcement Coordinator</b>
	<b>Zorah Staar</b>	<b>Recording Secretary</b>

**REGRETS:** none

There were twelve (12) members of the public in attendance.

## **1. CALL TO ORDER**

Chair Luckham called the meeting to order at 9:48 am, acknowledging that we were gathering on traditional Coast Salish territory.

## **2. APPROVAL OF AGENDA**

### **2.1 Additions/Deletions**

The proposed agenda was amended by adding:

- item 8.1 - letter from Moving Around Pender;
- addendum materials to existing item 9.1 (NP-DVP-2012.5);
- item 12.2 - Mineral Claim Issues.

The amended agenda was adopted by consensus.

### **2.2 Questions from Public on Agenda Items**

None

## **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 October 4, 2012 Local Trust Committee Special Meeting**

The October 4, 2012 Minutes were amended at page 4, 3<sup>rd</sup> line, to change “breakwaters” to “sea walls”.

The amended minutes were adopted by consensus.

#### **5.1.2 Minutes of October 25, 2012 Local Trust Committee Business Meeting**

The October 25, 2012 Minutes were adopted by consensus.

### **5.2 Public Hearing Records and Community Information Meeting Notes**

None

### **5.3 Section 26 Resolutions-without-meeting**

There had been one Resolution-without-meeting, to confirm Local Trust Committee support for the Farmers’ Institute project to reduce invasive bullfrogs.

### **5.4 Advisory Planning Commission/Task Force Minutes**

None

## **6. BUSINESS ARISING FROM THE MINUTES**

### **6.1 Follow-up Action Report**

Planner Pickard reviewed the Follow-up Action Report.

Regarding item 5, the Trustees confirmed that they would still like to receive a draft enforcement policy on roadside signage, to help them decide how to resolve current safety and other concerns.

Bylaw Enforcement Coordinator Miles Drew noted that the Local Trust Committee had concurrent jurisdiction over third party signage (not permitted by the Land Use Bylaw), together with the Ministry of Transportation & Infrastructure (MOTI). At any time, MOTI could choose to remove any non-permitted signage on the road allowance.

Trustee Steeves said that the Local Trust Committee was hoping for a “made-on-Pender” solution, for example involving rezoning and MOTI approval for directional signage at key community locations.

## 7. DELEGATIONS

None

## 8. CORRESPONDENCE

### 8.1 Letter from Moving Around Pender dated November 25, 2012

The letter just received from Moving Around Pender was about how the current Magic Lake waterworks changes could present an opportunity for new roadside transportation pathways.

#### Resolution NP-LTC-116-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to report to the January 31, 2013 LTC meeting re: options and recommendations resulting from the November 25 Moving Around Pender correspondence.

**CARRIED**

## 9. APPLICATIONS, PERMITS, AND REFERRALS

### 9.1 NP-DVP-2012.5 (Wiebe)

Planner Pickard reviewed the November 6, 2012 Staff Report and commented that NP-DVP-2012.5 (Wiebe) was an application for 7 different setback variances at 1117 Walden Road, for an existing dwelling, a shed, various stone patios and pathways, a hot tub, and part of a foreshore deck; the foregoing structures were in violation of the required 15 metre setback from the natural boundary of the sea and/or the exterior side setback; the dwelling itself predated the ocean setback, but most of the other work did not, and further work had still been occurring; the foreshore deck was also partly below the natural boundary of the sea, and would require a separate rezoning application; and the file involved Bylaw Enforcement, addendum submissions just received from neighbours and the Applicant, and other complexities.

The Applicant/Contractor Harold Wiebe, was present on behalf of the owner (Drora Aronowicz), and he was questioned by the Trustees about their many, significant concerns. This included how such a huge amount of work could be done in violation of setback provisions, with no attempt by professional contractors to check the applicable Land Use Bylaw, and also leaving virtually no natural area between the house and the foreshore. Additional work within setback areas had been ongoing despite a stop work order, but Wiebe said that it would now be halted. The Trustees also noted their authority to not approve variances and to require removal of all structures within setbacks.

Resolution NP-LTC-117-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to create a supplemental report for variance application NP-DVP-2012.5 (Wiebe), including a chronology and any new information received.

**CARRIED**

Resolution NP-LTC-118-12

It was Moved and Seconded that the North Pender Island Local Trust Committee refer variance application NP-DVP-2012.5 (Wiebe) to the North Pender Island Advisory Planning Commission, and request comments in time for the February 28, 2013 Local Trust Committee meeting.

**CARRIED**

To accommodate Mr. Block's timeline, item 9.3 was addressed before item 9.2.

9.3 NP-DP-2-2012.3 (Block)

Planner Pickard reviewed the November 19, 2012 Staff Report and commented that NP-DP-2012.3 (Block) was an application for a development permit, as required for a boundary adjustment subdivision involving a sensitive woodland development permit area; the adjustment was to transfer 0.2 hectares between two lots, for practical reasons; a biologist's report confirmed there was no negative ecosystem impacts; and that a minimum frontage waiver was also required, for historic reasons that were acceptable.

Resolution NP-LTC-119-12

It was Moved and Seconded that North Pender Island Local Trust Committee Development Permit NP-DP-2012.3 (Block) be approved.

**CARRIED**

Resolution NP-LTC-120-12

It was Moved and Seconded that North Pender Island Local Trust Committee waive the requirement to meet the minimum 10% lot frontage for proposed Lots 1 and 2 for subdivision NP-SUB-2012.3 (Block).

**CARRIED**

Note: The Local Trust Committee then agreed by consensus to amend the agenda to advance Item 14. – Motion to Close Meeting, and Item 15. - Recall to Order, and the remaining Applications would then follow afterwards.

#### 14. MOTION TO CLOSE MEETING

Resolution NP-LTC-121-12

It was Moved and Seconded, pursuant to Section 90(1)(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 September 20, 2012 Local Trust Committee In Camera Meeting; to consider bylaw 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-124-12

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

**CARRIED**

It was reported that during the closed portion of the meeting, the Local Trust Committee had approved the In Camera Minutes of September 20, 2012.

#### 9. APPLICATIONS, PERMITS, AND REFERRALS (continued)

9.2 NP-DVP-2012.8 (Caza)

Planner Pickard referred to the November 15, 2012 Staff Report and commented that NP-DVP-2012.8 (Caza) was an application for a setback variance for a Sidney Island property (under the North Pender Associated Islands Land Use Bylaw); the proposal was to vary the regulation generally for the lot lines forming a rectangular strip of Limited Common Property (LCP) which significantly reduced the available building envelope; that this LCP was originally for two shared wells,; and that the variance would legalize an existing shed

Resolution NP-LTC-125-12

It was Moved and Seconded that the North Pender Island Local Trust Committee Development Variance Permit NP-DVP-2012.8 (Caza) be approved.

**CARRIED**

9.4 Referral of Proposed South Pender Island Bylaw No. 111 (LUB Amendment)

Planner Pickard referred to the Bylaw Referral Form received in respect of a bylaw to amend the South Pender Island Land Use Bylaw in various ways.

Resolution NP-LTC-126-12

It was Moved and Seconded that the North Pender Island Local Trust Committee advise the South Pender Island Local Trust Committee that our interests are unaffected by Proposed Bylaw No. 111.

**CARRIED**

9.5 Referral of Proposed Saturna Island Local Trust Committee No. 110 (LUB Amendment)

Planner Pickard referred to the Referral Form received for a bylaw to amend the Saturna Island Land Use Bylaw to permit ocean geo-exchange systems.

Resolution NP-LTC-127-12

It was Moved and Seconded that the North Pender Island Local Trust Committee advise the Saturna Island Local Trust Committee that our interests are unaffected by Proposed Bylaw No. 110.

**CARRIED**

**10. LOCAL TRUST COMMITTEE PROJECTS**

10.1 NP-OCP and LUB-2011.1 (Sidney Island)

Planner Pickard referred to the Staff Report dated November 20, 2012, and commented as requested, there had now been further revisions to the bylaws to amend the North Pender Associated Islands Official Community Plan (Draft Bylaw No. 189) and Land Use Bylaw (Proposed Bylaw No. 187); these amendments related to Sidney Island; that some additional re-ordering and map clarifications had also occurred; a consolidated version of the Land Use Bylaw had been prepared; and that assuming further approvals today, a Public Hearing could occur in January in Sidney (e.g. on January 26, 2013).

Resolution NP-LTC-128-12

It was Moved and Seconded that the North Pender Island Local Trust Committee revised Draft Bylaw No. 189, cited as “North Pender Associated Islands Official Community Plan Bylaw No. 147, 2002, Amendment No. 1, 2011” be given First Reading.

**CARRIED**

Resolution NP-LTC-129-12

It was Moved and Seconded that Proposed Bylaw No. 187, cited as “North Pender Associated Islands Land Use Bylaw 148, 2003, Amendment No. 1, 2011”, be amended as presented in the Staff Report dated November 20, 2012.

**CARRIED**

Resolution NP-LTC-130-12

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 187, cited as “North Pender Associated Islands Land Use Bylaw 148, 2003, Amendment No. 1, 2011”, as amended be given Second Reading.

**CARRIED**

Resolution NP-LTC-131-12

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to schedule a Community Information Meeting in conjunction with a Public Hearing for Proposed Bylaws No. 189 and 187, for a weekend date to be held in the town of Sidney.

**CARRIED**

10.2 NP-6500-20 (Road Designation)

Planner Pickard referred to the Staff Report dated November 21, 2012, commenting that the Local Trust Committee had previously decided to amend the Official Community Plan to designate the Magic-Ferry cycling route (from Otter Bay to Magic Lake Estates); another Moving Around Pender initiative (the Car Stops stations) could also potentially be designated on the OCP mapping; that in addition, the North and South Pender Local Trust Committees had submitted a request to the Ministry of Transportation & Infrastructure to designate Pender roads for Neighbourhood Zero Emission Vehicles (NZEV’s); that meanwhile the Capital Regional District was working on arranging Level 2 electric car charging systems on Pender; and that Staff now asked for direction on whether to include all of the foregoing alternative transportation initiatives in potential Official Community Plan amendments.

Trustee Hancock expressed the Trustees’ ongoing support for alternative transportation initiatives, but concern about other longstanding Work Program items (e.g. Land Use Bylaw amendments) which needed to be worked on first.

Resolution NP-LTC-132-12

It was Moved and Seconded that the North Pender Island Local Trust Committee endorse a project that would be limited to only amending the Official Community Plan map schedule to designate the Magic-Ferry cycling route and the Car Stops network.

**CARRIED**

## **11. REPORTS**

### 11.1 Work Program Reports

#### 11.1.1 North Pender Island Local Trust Committee Work Program

There were no changes to the Work Program.

### 11.2 Applications Report

#### 11.2.1 North Pender Island Applications Report

Planner Pickard reviewed the available Applications Report. She noted an application had just been received for a rezoning to allow a Waste Transfer and Commercial Recycling station, within Agricultural Land Reserve land located over from the Driftwood Centre towards Browning Harbour.

The Trustees said that they were interested in hearing whether the Agricultural Land Commission would allow this.

Regarding the Hooson Road subdivision, Trustee Steeves said that the road contractors had done some further clean-up and work. Planner Pickard was asked to contact the Ministry of Transportation & Infrastructure to follow through on lowering the speed limit.

Trustee Steeves said that he was going to tell the Advisory Planning Commission Chair about some significant land use applications coming up, a few of which could be referred to the APC.

### 11.3 Bylaw Enforcement

The Bylaw Enforcement Report was In Camera (see separate minutes).

### 11.4 Expense/Budget Reports

#### 11.4.1 Trustee and Local Expenses Report

Received for information

#### 11.4.2 Local Trust Committee Budget 2012/2013

Received for information

### 11.5 Adopted Policies and Standing Resolutions

Received for information



## 11.6 North Pender LTC Web Page

There were suggestions to add the latest Pender Post report and Sidney Island materials to the web page, and to remove other items.

Trustee Hancock said that he planned to update the guide about “Buying Property on Pender Island”.

## 11.7 Chair’s Report

Chair Luckham commented that the next Islands Trust Council meeting was on Salt Spring Island on December 4, 5 and 6.

## 11.8 Trustee Reports

Trustee Steeves commented that a dock had broken up on Medicine Beach and caused huge amounts of styrofoam to spread into this sensitive ecosystem; the Pender Islands Conservancy Association, Trustee Steeves, and others had been working on this problem; and that there was no federal emergency response (despite their jurisdiction) and few provincial government resources to help. In addition, Steeves and Robert Kojima (separately) had recently met with new Ministry of Transportation & Infrastructure representatives for our area, who seemed to be more progressive and active than in the past.

Trustee Hancock reported he had attended a Port Townsend oil spill response exercise, which was amazingly informative (including about the limits of our abilities to respond effectively); he was no longer the CRD’s Alternate Electoral Area Director for the Southern Gulf Islands, Derek Masselink having taken over this position to assist David Howe; and that he had been spending time on Mineral Claim Issues (see below).

## 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, January 31, 2013 (9:45 am, Community Hall Lounge).

### 12.2 Mineral Claim Issues

Trustees Hancock and Steeves described how two Pender Island individuals had recently caused significant consternation by buying up mineral rights for a large part of the island, and then making inaccurate statements about the impact of this.

CRD and Islands Trust Staff had begun responding, and initial inquiries and research suggested that the CRD had not in fact been halted in their Water & Sewer project work for Magic Lake Estates; that private landowners in general owned the sand, gravel, soil, and oil rights for their properties, but the mineral rights could be separately owned; there were limits on the ability of mineral rights owners to go onto someone else's private property, for example if there was a dwelling, orchard, or cultivated land there; and that for mineral exploration to occur on private land, the landowner had to own the mineral rights as well, or the mineral rights owner had to reach an agreement with the owner involving a minimum payment to them. The Trustees supported a media release and an advertisement, to share accurate information.

Resolution NP-LTC-133-12

It was Moved and Seconded that the North Pender Island Local Trust Committee request senior Staff to research issues related to mineral claims, to confer with Ministry of Mines and other appropriate agencies, and to prepare a media release.

**CARRIED**

**13. TOWN HALL MEETING**

It was stated that there were always new owners and contractors coming to Pender, many of whom might have no idea about the required 15 metre setback from the natural boundary of the sea. Perhaps this information could be highlighted in the new sensitive shoreline brochures being developed, and also in the "Buying Property on Pender" guide that was about to be updated.

Robert Kojima added that information about the ocean setback could also be placed in the environmentally-friendly building guide, and incorporated in the Islands Trust Map It system.

**16. ADJOURNMENT**

Resolution NP-LTC-134-12

It was Moved and Seconded that the meeting be adjourned at approximately 2:23 pm.

**CARRIED**

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**RECORDER**

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**CHAIR**