

# ADOPTED

**MINUTES OF THE NORTH PENDER ISLAND  
LOCAL TRUST COMMITTEE BUSINESS MEETING  
HELD ON THURSDAY, FEBRUARY 28, 2013, AT 9:45 AM  
PENDER COMMUNITY HALL (LOUNGE),  
4418 BEDWELL HARBOUR ROAD,  
NORTH PENDER ISLAND, B.C.**

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

There were twenty-two (22) members of the public in attendance.

## **1. CALL TO ORDER**

Chair Luckham called the meeting to order at 9:47 am.

## **2. APPROVAL OF AGENDA**

### **2.1 Additions/Deletions**

The proposed agenda was amended as follows:

- to add a January 25, 2013, Memorandum to existing item 9.1 (the same document that was a late item to the January 31, 2013 meeting agenda); and
- to note that items 5.2.1 and 5.2.2 concerned January 26, 2013, meeting Notes and a Record that were already received at the January 31, 2013 meeting.

The agenda was then adopted by consensus.

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

None

## **3. COMMUNITY INFORMATION MEETING**

See separate Community Information Meeting Notes of the same date.

## **4. PUBLIC HEARINGS**

See separate Public Hearing Record of the same date.

## **5. PREVIOUS MEETINGS**

### 5.1 Local Trust Committee Minutes for adoption

#### 5.1.1 Minutes of January 31, 2013 Local Trust Committee Business Meeting

The January 31, 2013, minutes were amended as follows: on page 3, item 8.1, first line – to correct the spelling of “Tanja Lonergan”; and on page 5, item 9.2, second last line – to read “notification to the community”. The amended minutes were adopted by consensus.

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

#### 5.2.1 Notes of January 26, 2013 Community Information Meeting

These Notes were previously received, but Trustee Steeves noted that Islands Trust Fund was misspelled as “Islands trust Fund” on page 2.

#### 5.2.2 Record of January 26, 2013 Public Hearing

Previously received

### 5.3 Section 26 Resolutions-without-meeting

None

### 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 available Follow-up Action Report. Regarding item 23 on the National Marine Conservation Area, Regional Planning Manager (RPM) Kojima said that the Islands Trust was attempting to get better mapping, to determine how the exclusion areas would be designated.

## **7. DELEGATIONS**

None

## **8. CORRESPONDENCE**

### 8.1 M. & L. Thompson Letter dated February 4, 2013 re: Short Term Vacation Rentals

Marian and Lindsay Thompson had sent a letter to oppose short term vacation rentals (STVR's), which Trustee Hancock said that he would acknowledge.

Trustee Steeves noted the petition in favour of STVR's presented to the Local Trust Committee at their January 31 meeting, and commented that such correspondence should be sent to the Planner, in order to be placed on the agenda; of the 551 scribbled signatures on the petition, only about 232 appeared to be adult North Pender Island residents; he had called some of these and determined that they signed the Petition not understanding what they had signed, and/or they had thought that STVR regulation was involved.

Chair Luckham recommended that in future, such petitions include the printed name and address of the signatories.

8.2 A. Pickard Letter dated February 13, 2013 re: Area Farm Plan for Pender Islands

Planner Pickard had written to confirm the desire of the South Pender Island Local Trust Committee to collaborate with the North Pender LTC on developing an Area Farm Plan for Pender Islands. The North Pender Trustees noted the significant limits on their resources, and the need for a body such as the Capital Regional District (CRD) or the South Pender Island Local Trust Committee (LTC) itself to take a lead role (e.g. by seeking the government funding available for local governments to hire consultants to work on area farm plans).

Resolution NP-LTC-22-13

It was Moved and Seconded that the North Pender Island Local Trust Committee request Staff to respond to the February 13, 2013, correspondence from the South Pender Island Local Trust Committee regarding an Area Farm Plan as follows:

1. That the North Pender Island Local Trust Committee supports the idea of a regional area farm plan for the Southern Gulf Islands;
2. That we appreciate the CRD's willingness to consider taking a leadership role; and
3. That we look forward to receiving more information on the proposal.

**CARRIED**

8.3 Z. Staar Letter dated February 18, 2013, re: Pender Community Transition Report & Request for Disbursement

Planner Pickard confirmed that Pender Community Transition (PCT) had prepared another report on their activities to date, and therefore the agreed Local Trust Committee payment would be disbursed. Trustee Steeves thanked PCT for their great events, and said that the Local Trust Committee was happy to support them.

## 9. APPLICATIONS, PERMITS, AND REFERRALS

### 9.1 NP-DVP-2012.5 (Aronowicz c/o Wiebe)

Planner Pickard noted the January 25, 2013, Memorandum re: application NP-DVP-2012.5 (Aronowicz c/o Wiebe), and commented that this application concerned 7 different variances for 1117 Walden Road; this was to allow structures including part of a dwelling, various stone patios, cement walls, a partially sunken hot tub, lighting, etc. within the 15 metre setback from the natural boundary of the sea (and in some cases the side setback) and that discussions to date had resulted in a revised draft Development Variance Permit.

The Applicant/Contractor Harold Wiebe was present, along with lawyer, Zach Ansley and Contractor, Alvin Michaelchuk. They made representations as to why more variances should be allowed, to permit the existing structures.

The Trustees commented that the foregoing structures had been constructed before any variance, and the current request was to legalize them after the fact; the work done had removed or radically altered many natural features in the required setback from the sea; a number of the structures were now being eroded by run-off and would likely not last; the largely impermeable surfaces created were making run-off worse; some of the requested variances would be allowed, and some denied, meaning that the owner would need to remove or alter some structures.

#### Resolution NP-LTC-23-13

It was Moved and Seconded that North Pender Island Local Trust Committee revised Development Variance Permit NP-DVP-2012.5 (Wiebe) attached to the Memorandum dated January 25, 2013; amend subsection 2 c) i) by deleting "2 metres" and substituting "1.2 metres".

**CARRIED**

#### Resolution NP-LTC-24-13

It was Moved and Seconded that North Pender Island Local Trust Committee revised Development Variance Permit NP-DVP-2012.5 (Wiebe) attached to the Memorandum dated January 25, 2013; add a new subsection 2 d) as follows: "For certainty, this may include downcast safety lighting less than 0.6 metres in height along the walkway and patio area."

**CARRIED**

Resolution NP-LTC-25-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Development Variance Permit NP-DVP-2012.5 as included in the Memorandum dated January 25, 2013, as amended, be issued.

**CARRIED**  
**Trustee Steeves**  
**opposed**

9.2 NP-RZ-2013.1 (Henshaw)

Planner Pickard reviewed the February 19, 2013, Staff Report commenting that NP-RZ-2013.1 (Henshaw) was an application to rezone an Industrial Two – I2(c) zone (i.e. the Allan property beside the Recycling Centre); this was to legalize existing uses (waste transfer, storage and shipping, plus handling and wholesale of aggregates, soil, mulch), and also to permit the storage and wholesale of additional landscaping materials; Staff were seeking direction on whether further work should be done to support Trustee consideration of this application; in that case, additional reports would be requested regarding groundwater and geotechnical issues, and other steps would be required under the procedural Development Approval Information Bylaw.

Applicant Ron Henshaw, was present and commented he was no longer seeking a rezoning for in-vessel composting of organic waste. He had no intention of retailing landscaping materials to the public, but rather just storing and wholesaling; the proposed waste transfer operations involved vehicle-to-vehicle transfer into a sealed bin, which he did not believe should require a building; the waste sorting could involve construction materials; and there was no intention to receive household waste from the public.

The Trustees asked a variety of questions, and considering the proposed rezoning would require additional reports, obtaining an operational plan from the Applicant, community consultation, site visits, thinking about setbacks and best practices, consideration of larger waste issues on Pender including another waste transfer application that had been made. The LTC moved the following motions:

Resolution NP-LTC-26-13

It was Moved and Seconded that North Pender Island Local Trust Committee direct Staff to request from the Applicant for NP-RZ-2013.1 (Henshaw), an operational plan including volumes and types of materials that would be transferred, stored, and handled.

**CARRIED**

Resolution NP-LTC-27-13

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to proceed with application NP-RZ-2013.1 (Henshaw) and to prepare a draft bylaw to amend the Industrial 2(c) site-specific zone.

**CARRIED**

### 9.3 NP-RZ-2012.2 (Clam Bay)

RPM Kojima reviewed the February 19, 2013, Staff Report and commented that NP-RZ-2012.2 (Clam Bay Farm) was an application for a bylaw amendment to rezone a split zoned property, to shift density from the Agricultural to the Rural zone; that the rezoning would permit 3 dwelling units and 3 cottages, and also remove the agri-tourist accommodation use, allow farm-working/guest accommodation, and create a Conservation zone; Staff were seeking direction on whether further work should be done to support Trustee consideration of this complex application; and in that case, various steps would be required under the Development Approval Information Bylaw.

The caretakers of Clam Bay Farm and the Applicant Bo Helliwell were there representing the owner of the property. Mr. Helliwell stated that they are interested in turning the property into a sustainable working farm, and also a retreat for a large blended family.

The Trustees asked questions, and talked about additional information and outstanding issues to be addressed, in order for consideration of this rezoning application to proceed further.

Note: Recorder Zorah Staar then needed to leave the meeting, and Planner Pickard began taking notes.

The Trustees commented that if the application required an amendment to the Official Community Plan as well they would have more concerns, that more clarification was required regarding the number of farm workers versus other staff not related to farm operations, and they want to receive a farm plan when they revisit the application.

#### Resolution NP-LTC-28-13

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to proceed with application NP-RZ-2012.2 (Clam Bay) and to bring forward a supplemental Staff Report to the next Local Trust Committee meeting when outstanding issues have been clarified.

**CARRIED**

#### Resolution NP-LTC-29-13

It was Moved and Seconded that the North Pender Island Local Trust Committee direct Staff to request a hydrological report for the property and that the Agricultural Land Commission staff clarify the amount of farm worker accommodation permitted.

**CARRIED**

## 10. LOCAL TRUST COMMITTEE PROJECTS

### 10.1 Road Designation Project – Proposed Bylaw No. 192 (OCP Amendment)

Planner Pickard reviewed the February 13, 2013 Memorandum, and commented as follows: that Proposed Bylaw No. 192 would amend the Official Community Plan map Schedule E, to designate the Magic-Ferry Bicycle-Walking Route and also the existing Car Stop locations; and that there had been a related Community Information Meeting and Public Hearing earlier in the meeting.

#### Resolution NP-LTC-30-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 192, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012”) be given Second Reading.

**CARRIED**

#### Resolution NP-LTC-31-13

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 192, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012”) be given Third Reading.

**CARRIED**

#### Resolution NP-LTC-32-13

It was Moved and Seconded that North Pender Island Local Trust Committee Proposed Bylaw No. 192, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012”, be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

**CARRIED**

#### Resolution NP-LTC-33-13

It was Moved and Seconded that North Pender Island Local Trust Committee Proposed Bylaw No. 192, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2012”, be forwarded to the Minister of Community, Sport and Cultural Development for approval.

**CARRIED**

## 11. REPORTS

### 11.1 Work Program Reports

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

The Work Program was discussed with the following outcome.

##### Resolution NP-LTC-34-13

It was Moved and Seconded that North Pender Island Local Trust Committee Projects List be amended by deleting items #1 (Affordable Housing) and #3 (Tourism Plan), and by adding a new project for Neighbourhood Zero Emission Vehicles and other roadway initiatives.

**CARRIED**

##### Resolution NP-LTC-35-13

It was Moved and Seconded that North Pender Island Local Trust Committee Top Priorities be amended as follows: item #11 (Land Use Bylaw Amendments Related to Subdivision and Roads) from the Projects List be moved to replace Priority #2 (Pedestrian/Cycling Route Designation) which is now complete.

**CARRIED**

### 11.2 Applications Report

#### 11.2.1 North Pender Island Applications Report

Planner Pickard reviewed the available Applications Report.

### 11.3 Bylaw Enforcement Report

None

### 11.4 Expense/Budget Reports

#### 11.4.1 Trustee and Local Expenses Report

Presented for information

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

Presented for information

### 11.5 Adopted Policies and Standing Resolutions Report

Presented for information



## 11.6 North Pender LTC Web Page

No changes to the web page were suggested.

## 11.7 Chair's Report

Chair Luckham reported that the upcoming meeting of Trust Council was to be held on Thetis Island and that both he and Trustee French, look forward to hosting; the main topic for Trust Council would be the 2013-14 Budget.

## 11.8 Trustee Reports

The Local Trustees had nothing to report.

## 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, March 28, 2013, at 9:45 am, in the Community Hall Lounge.

## 13. TOWN HALL MEETING

**Sara Steil** commented that the Pender Islands Conservancy Association and Fisheries and Oceans Canada (DFO) have recently released 24,000 Chum salmon into Hope Bay Creek and that this was the 2<sup>nd</sup> of an 8 year program.

## 14. MOTION TO CLOSE MEETING

### Resolution NP-LTC-36-13

It was Moved and Seconded, pursuant to Section 90(1)(a) and (f) 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 November 29, 2012 North Pender Island Local Trust Committee In Camera Minutes and to consider Advisory Planning Commission appointments, and further that Staff 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 (this was 4:10)

Resolution NP-LTC-40-13

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 adopted previous In Camera minutes, and had also appointed the following persons to the North Pender Island Advisory Planning Commission, for the upcoming year: Valerie Butcher, Sharon Card, Bob Erho, Amanda Griesbach, Marika Kenwell, Julie Roper, Reg Smith and Marian Thomson.

**16. ADJOURNMENT**

The meeting was adjourned by consensus at approximately 4:12 pm.

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**RECORDER**

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**CHAIR**