

# **ADOPTED**

**MINUTES OF THE NORTH PENDER ISLAND  
LOCAL TRUST COMMITTEE BUSINESS MEETING  
HELD ON MONDAY, NOVEMBER 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>Islands Trust Planner</b>
	<b>Robert Kojima</b>	<b>Regional Planning Manager</b>
	<b>Zorah Staar</b>	<b>Recording Secretary</b>

**REGRETS:** None

There were two (2) members of the public initially in attendance, and then another two (2) members of the public in attendance at the close of the meeting.

## **1. CALL TO ORDER**

Chair Luckham called the meeting to order at 9:45 am and made introductions, also acknowledging that we were meeting on traditional Coast Salish territory.

## **2. APPROVAL OF AGENDA**

### **2.1 Additions/Deletions**

The proposed agenda was amended as follows:

- to add a Trust Fund Board Memo and Letter to item 9.4 (Clam Bay);
- to move item 9.4 to later in the agenda (when the Applicant arrived); and
- to add a Staff Memo to item 10.1 (Conservation Subdivision Review).
- to change item 16 to Rise and Report
- add item 17 Adjournment

The amended agenda, by consensus, was adopted.

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

None

## **3. COMMUNITY INFORMATION MEETING**

See separate Community Information Notes of the same date.

Note – The business meeting resumed at 9:53 am

The North Pender Island Local Trust Committee agreed to discuss item 9.3, NP-LCB-2013.1 Pender Island Golf and Country Club (see item 9.3 notes below) and agreeing by consensus, to amend the agenda.

Representatives for the application, Gordon Souter and Peter Testemale, left after the foregoing discussion.

#### **4. PUBLIC HEARINGS**

None

#### **5. PREVIOUS MEETINGS**

##### 5.1 Local Trust Committee Minutes

##### 5.1.1 North Pender Island Local Trust Committee October 31, 2013 Meeting Minutes

The October 31, 2013 minutes were amended at page 4, second paragraph, fourth line – to replace “not being able to hold conservation covenants” with “not being the best party to hold conservation covenants”.

The North Pender Island Local Trust Committee adopted the amended minutes by consensus.

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

None

##### 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 Follow-up Action Report.

Regarding No. 5 (Conservation Subdivision Review). Trustee Hancock still supported the preparation of an “introduction to conservation subdivision” information sheet (see also item 10.1 below).

Regarding No. 7 (Shoreline Review), Regional Planning Manager (RPM) Kojima said that he had obtained an estimate for a Green Shores brochure (see also item 10.2 below).

## **7. DELEGATIONS**

None

## **8. CORRESPONDENCE**

None

## **9. APPLICATIONS, PERMITS, AND REFERRALS**

### **9.1 Salt Spring Island Local Trust Committee Bylaw No. 470 Referral**

There was discussion of the bylaw referral for Salt Spring Island Local Trust Committee, Bylaw No. 470, cited as Salt Spring Island Land Use Bylaw, 1999, which proposed to rezone a water zone to permit a private wharf or dock.

Chair Luckham was concerned that bylaw materials were not attached to this agenda package (although they had been provided previously).

Trustee Steeves did not consider the Salt Spring Staff Report to be useful; that the location of the eel grass beds and the location of the proposed dock in relation to the beds was not contained in the report. Trustee Steeves is concerned that the proposed dock appears to affect sensitive eelgrass beds, and therefore marine species in our region.

#### Resolution NP-LTC-101-13

It was Moved and Seconded that the North Pender Island Local Trust Committee recommends to the Salt Spring Island Local Trust Committee that approval of Proposed Bylaw No. 470, cited as Salt Spring Island Land Use Bylaw, 1999, not be recommended, due to the following reason: the siting of the dock in relation to the sensitive eelgrass beds may adversely impact the health of marine ecosystems in proximity to the North Pender Local Trust Area.

**CARRIED**

## 9.2 Salt Spring Island Local Trust Committee Bylaw No. 471 Referral

There was discussion of the Bylaw Referral for Salt Spring Island Local Trust Committee Bylaw No. 471, cited as Salt Spring Island Official Community Plan Bylaw No. 434, 2008, Amendment No. 1, 2013, which proposed to allow a Temporary Use Permit to be issued for a residential use. This appeared to be for secondary suites on a case-by-case basis, in areas not covered by the current secondary suite rezoning process.

Trustee Hancock said that it would be useful to be able to learn from the “best practices” being applied here, but this was not part of the referral process at this time.

### Resolution NP-LTC-102-13

It was Moved and Seconded that the North Pender Island Local Trust Committee request staff to return the referral from Salt Spring Island Local Trust Committee Bylaw No. 471, cited as Salt Spring Island Official Community Plan Bylaw No. 434, 2008, Amendment No. 1, 2013, with an indication of interests unaffected.

**CARRIED**

## 9.3 NP-LCB-2013.1 (Pender Island Golf and Country Club)

Discussion of NP-LCB-2013.1 (Pender Island Golf and Country Club) occurred immediately following the related Community Information Meeting (see item 3.1 above, plus separate Community Information Meeting notes of the same date).

The Trustees discussed the Staff Report dated November 15, 2013.

### Resolution NP-LTC-103-13

It was Moved and Seconded that the North Pender Island Local Trust Committee directs staff to send a response to the Liquor Control and Licensing Board regarding the Pender Island Golf and Country Club application that states:

- a. The potential impacts due to noise if the application is approved would be none.
- b. The impacts on the community if the application is approved would be none.
- c. The North Pender Island Local Trust Committee has solicited public input to gather the views of residents, and no residents provided written or verbal comments.
- d. No submissions from residents were provided.
- e. A notice of the application was advertised in the newspaper, posted on local bulletin boards, and posted on the North Pender Island webpage, and residents were invited to provide written submissions or attend a community information meeting.
- f. A community information meeting was held on November 28, 2013, to gather input from residents about the application.
- g. The North Pender Island Local Trust Committee agrees with the views of residents that the application should be supported.
- h. The North Pender Island Local Trust Committee recommends the application be approved.
- i. The North Pender Island Local Trust Committee recommendations are based on generally supportive community input.

**CARRIED**

### Resolution NP-LTC-104-13

It was Moved and Seconded that the North Pender Island Local Trust Committee directs staff to include a record of the community information meeting with the response to the Liquor Control and Licensing Branch regarding the Pender Island Golf and Country Club application.

**CARRIED**

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

Note - This item was dealt with as the last item of the meeting, to allow input from the applicant/owner representatives (who arrived during initial discussions).

Regional Planning Manager Kojima referred to the November 20, 2013, Staff Report for NP-RZ-2012.2 (Clam Bay) by Planner Kim Farris, as well as the November 26, 2013, letter and briefing from the Islands Trust Fund (re: the willingness of the Trust Fund Board to hold a conservation covenant). The Islands Trust Fund was seeking clarity from the Local Trust Committee about whether the applicant's conservation covenant should be treated as a voluntary conservation proposal, or a condition of rezoning (in which case additional requirements would apply).

At 12:20 pm the applicant, Bo Helliwell, arrived, together with Clam Bay Farm Manager Dan Hodgins (both representing the property owner, Clam Bay Holdings Ltd.)

The Trustees and Planners had a lengthy discussion of multiple issues relating to the rezoning application.

Mr. Helliwell and Mr. Hodgins answered questions.

In addition to the resolutions below, Trustees Hancock and Steeves agreed that the recommendations of the regional agrologist (e.g. about required farm help accommodation) were essential before a rezoning bylaw should be drafted.

Trustee Steeves commented as follows: that he disagreed with the staff opinion about an amendment not being required to the Official Community Plan (OCP) policy 2.2.5 (re: farm help accommodation having to be temporary in nature); that compliance needed to be demonstrated with OCP policies 2.1.2.4 (re: dwellings equivalent to lots) and 3.2.1 (re: water requirements); that there were too many other outstanding issues to draft a rezoning bylaw yet; that the triangle of rural land should also be included within the conservation covenant; and that the second driveway should be left as is, and/or more information provided.

#### Resolution NP-LTC-105-13

It was Moved and Seconded that the North Pender Island Local Trust Committee inform the Trust Fund Board that the conservation covenant proposal currently being reviewed with Clam Bay Holdings Ltd. is a requirement of the rezoning application being considered by the North Pender Island Local Trust Committee.

**CARRIED**

### Resolution NP-LTC-106-13

It was Moved and Seconded that the North Pender Island Local Trust Committee request staff to inform the applicant on NP-RZ-2012.2 that the North Pender Island Local Trust Committee requests inclusion of the entire rural area in the southern part of the property within a conservation covenant, as recommended in the environmental assessment.

**CARRIED**

### Resolution NP-LTC-107-13

It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff to request the applicant for NP-RZ-2012.2 to provide a supplemental report containing specific advice from an arborist and an engineer to address:

- the extent of the veteran Douglas-fir's root system;
- potential impacts to the veteran Douglas-fir and root system in relation to the existing location of the road;
- the feasibility of alternate routes for the road within the vicinity;
- potential impacts to the veteran Douglas-fir, in relation to relocating the road away from the tree;
- any other associated impacts in relation to relocating the road; and;
- recommendations on any construction and design options to minimize impacting the veteran Douglas-fir tree.

**CARRIED**

Both Trustees Hancock and Steeves said that they wanted clarity from the applicant and owners on build-out plans for the proposed two (2) houses and two (2) cottages (e.g. maximum dwelling sizes, and locations of the proposed building sites).

Regional Planning Manager Kojima said that another area for further clarity, to be provided by the applicant/owners, are details of a low-energy approach.

Chair Luckham noted that for the next Local Trust Committee meeting, more information for NP-RZ-2012.2 (Clam Bay) was expected to be available from the applicant (as per the above), the Trust Fund Board (re: the conservation covenant), the regional agrologist, and the planners.

## 10. LOCAL TRUST COMMITTEE PROJECTS

### 10.1 Conservation Subdivision Review

Planner Pickard reviewed the Conservation Subdivision Review Memorandum dated November 27, 2013 (an agenda addition), and commented as follows: that there had been generally positive input at the November 23, 2013, Community Information Meeting and workshop for this project; that the Staff Memorandum included initial survey results; and that the timeline for the Project Charter was now updated.

Trustee Hancock said that for this project, he would like to see the following happen next: the “Introduction to Conservation Subdivision” information sheet; having the Ministry of Transportation & Infrastructure (MOTI) minimum road standards be our maximum (for the purpose of new subdivisions); getting the video from the November 23 workshop up on the Islands Trust website (with the information sheet); and encouraging more people to complete the survey.

Regional Planning Manager (RPM) Kojima noted that in addition to the foregoing, staff would be coming back to the Trustees with various options, including potential subdivision regulations, environmental development permit area provisions, and other options to support a Conservation Subdivision approach for future North Pender Island subdivisions.

Trustee Steeves added that in the case of owners not interested in developing available density, or where it didn't make sense to do so (e.g. due to insufficient carrying capacity), someone should engage with those owners about options such as NAPTEP (Natural Area Protection Tax Exemption Program).

Trustee Hancock noted that the new regulations could include incentives re: conservation approaches, NAPTEP, Private Managed Forests, Farm Status, and more.

#### Resolution NP-LTC-108-13

It was Moved and Seconded that the North Pender Island Local Trust Committee endorses the next steps for the Conservation Subdivision Review as outlined in the Staff Memorandum dated November 27, 2013.

**CARRIED**

The Local Trust Committee also requested staff to report to them if they identified any landowners with subdivision density who had no interest in subdividing. Finally, Planner Pickard and RPM Kojima were thanked for their excellent work on the November 23, 2013 meeting/workshop and this project.

## 10.2 Shoreline Review

Regional Planning Manager Kojima reported as follows on the Shoreline Review project: that he was in the process of arranging a contract for Ramona de Graaf to prepare a Green Shores brochure; that this would use up the project budget for the fiscal year ending March 31, 2014; that staff could still help with preliminary aspects of the QR code idea; and that there was also the South Pender role to work out.

Trustee Hancock said that the project's "Sharing Our Shorelines" booklet was now in demand by Metchosin Councilors, and potentially other areas. Ramona de Graaf (of the non-profit Forage Fish BC) had created this booklet for the Local Trust Committee.

### Resolution NP-LTC-109-13

It was Moved and Seconded that the North Pender Island Local Trust Committee request staff to release rights to written content in the "Sharing Our Shorelines" booklet to the Sea Watch Society in order to facilitate use by other non-governmental organizations and local governments, on the condition that the North Pender Island Local Trust Committee's role be acknowledged.

**CARRIED**

## 11. REPORTS

### 11.1 Work Program Report

#### 11.1.1 Work Program Report dated November 2013

The Work Program was unchanged.

### 11.2 Applications Report

#### 11.2.1 Applications Report dated November 2013

Planner Pickard reviewed the available Applications Report. Regarding NP-ALR-2012.1 (Burdett), the Agricultural Land Commission that the decision was anticipated to be received in the coming weeks. Regarding NP-DP-2010.4 (Twa), staff sought direction.

### Resolution NP-LTC-110-13

It was Moved and Seconded that the North Pender Island Local Trust Committee defer decisions re: NP-DP-2010.4 (Twa) until such time as issues related to Gardom Pond Dam are resolved.

**CARRIED**

Regarding NP-RZ-2013.1 (Henshaw), Planner Pickard said that she would circulate the letter sent to the applicant about potential other non-conforming uses on the property,.

Further re: the foregoing applications involving waste transfer (Burdett and Henshaw), Trustee Steeves noted the need to discuss these applications at the same time (once sufficient information was available), and to find a harmonious, Pender-based solution.

Trustee Hancock noted that the Capital Regional District had a Solid Waste Bylaw process and other means to assist our community with this.

#### Resolution NP-LTC-111-13

It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff to contact Capital Regional District staff to determine the status of the Solid Waste Management review with regard to the North Pender Island Local Trust Committee's request for inclusion.

**CARRIED**

Regarding NP-RZ-2013.2 (Hamson), Recording Secretary Staar noted that she was no longer working for this non-profit Elder housing initiative.

#### 11.3 Bylaw Enforcement Report

None

#### 11.4 Expense/Budget Reports

##### 11.4.1 LTC Expense Report dated October 2013

For information

#### 11.5 Adopted Policies and Standing Resolutions

For information

#### 11.6 North Pender LTC Web Page

Trustee Hancock asked for the web page to highlight the Conservation Subdivision information handout, video, and survey. He also suggested that the masthead include a picture of North Pender.

Regional Planning Manager Kojima said that he would follow up.

The North Pender Island Local Trust Committee Home Web Page can be found at:

[www.islandstrust.bc.ca/islands/local-trust-areas/north-pender](http://www.islandstrust.bc.ca/islands/local-trust-areas/north-pender)

#### 11.7 Chair's Report

Chair Luckham said that the next Trust Council meeting was in Victoria on December 3<sup>rd</sup>, 4<sup>th</sup> and, 5<sup>th</sup>. This would include a presentation on sustainability with various guests, and also tabling of the draft Islands Trust budget for discussion.

#### 11.8 Trustee Reports

Trustee Steeves reported as follows: that all Pender mining claims but one had expired; that there was a Ministry of Transportation & Infrastructure email about signs within the highway easement; that concerns had been expressed about killing raccoons in cruel ways (contact BC Ministry of Environment); and that the Hope Bay LTC office would be open December 21 for Heritage Christmas Night.

Trustee Hancock said that he was working with a Royal Roads student called Brent Peterson on a survey re: Southern Gulf Islands economic sustainability.

### 12. OTHER BUSINESS

#### 12.1 Upcoming Meetings

The next regular meeting of the North Pender Island Local Trust Committee was scheduled for Thursday, January 30, 2014, (9:45 am, Community Hall Lounge).

### 13. TOWN HALL MEETING

None

### 14. MOTION TO CLOSE MEETING

#### Resolution NP-LTC-112-13

It was Moved and Seconded by the North Pender Island Local Trust Committee that, pursuant to Section 90(d), (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 October 31, 2013 In Camera Minutes; and that staff and Recording Secretary remain present.

**CARRIED**

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

**15. RECALL TO ORDER**

Resolution NP-LTC-116-13

It was Moved and Seconded that the North Pender Island Local Trust Committee re-open the meeting to the public at 2:20 pm.

**CARRIED**

**16. RISE and REPORT**

It was reported by Chair Luckham that during the In Camera portion of the meeting, the Local Trust Committee adopted October 31, 2013 In Camera minutes.

**17. ADJOURNMENT**

The meeting was adjourned, by consensus, at approximately 2:23 pm.

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**RECORDER**

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**CHAIR**