

ADOPTED

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, JANUARY 30, 2014, AT 9:45 AM
PENDER COMMUNITY HALL (LOUNGE),
4418 BEDWELL HARBOUR ROAD,
NORTH PENDER ISLAND, B.C.**

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

There were twenty (20) members of the public initially in attendance.

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

2.1 Additions/Deletions

The agenda was amended to:

- add late item 8.2 (Letter from Ted Robbins of CRD)
- add attachment for agenda item 10.2 (Conservation Subdivision Review)

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

None

5.2 Public Hearing Records and Community Information Meeting Notes

None

5.3 Section 26 Resolutions-without-meeting

Regional Planner Manager (RPM) Kojima noted that there had been resolutions-without-meeting to receive and/or adopt previous meeting notes and minutes, and to write a letter to the Chair of the Translink Board.

5.4 Advisory Planning Commission/Task Force Minutes

None

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action Report

RPM Kojima reviewed the January 22, 2014, Follow-up Action Report.

Trustees Hancock and Steeves commented about gathering Shoreline Project QR (Quick Response) Code information, relating to the interesting history of certain shoreline areas.

7. DELEGATIONS

None

8. CORRESPONDENCE

8.1 Experience the Gulf Islands – Einar’s Hill Bypass

The Moving Around Pender Alternative Transportation Society (MAP) had forwarded their “Proposal for a multi-modal bypass trail of Einar’s Hill – An Experience the Gulf Islands Trail Project”. John Chapman was present on behalf of MAP to discuss this proposal for a pedestrian/bicycle bypass trail on public right-of-ways through the forest, intended to be funded through the Capital Regional District.

The Trustees provided feedback, clarifying that so far, the Official Community Plan only expressed support for a designated bike route on the existing road, and that the Local Trust Committee did not have any jurisdiction or budget to help with public consultation on the foregoing proposal.

NP-2014-001

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee request Trustee Steeves to write a letter summarizing the Local Trust Committee points made today regarding the Experience the Gulf Islands Einar's Hill Bypass Proposal.

CARRIED

- 8.2 Letter dated January 23, 2014, from Ted Robbins of Capital Regional District – Integrated Water Services re: Harbours Commission

Ted Robbins had written to respond to an October 31, 2013, Local Trust Committee resolution, which requested that the CRD Harbour Commission refer to the LTC proposed bylaw amendments affecting community interests.

NP-2014-002

It was MOVED and SECONDED that, given the Capital Regional District failure to notify the Islands Trust of a pending legislative change, and in light of Section 2.0 Co-operation, Paragraph 4 of the Protocol between the CRD and the Islands Trust, which states "Both Parties agree to notify and consult the other Party on legislative,... initiatives", that the North Pender Island Local Trust Committee seek the advice of the Executive Committee of the Islands Trust as to whether the Capital Regional District Protocol and Bylaw No. 63 require enforcement, amendment or extinguishment.

CARRIED

9. APPLICATIONS, PERMITS, AND REFERRALS

- 9.1 Development Permit Application NP-DP-2014.1 (Rempel)

Regional Planning Manager Kojima referred to the Staff Report dated January 16, 2014, commenting as follows: that NP-DP-2014.1 (Rempel) was an application for a development permit to authorize construction of a new single-family dwelling within a sensitive woodland ecosystem Development Permit Area (DPA). This included the demolition of an existing cabin, installation of a new septic system, and improvements to the site access. The environmental professional's mitigation recommendations were incorporated in the draft Development Permit.

Owner Steve Sipos was present to answer questions.

The Trustees complimented Steve Sipos and Consultant Ken Rempel on the modest scale of the proposal, and the good job minimizing impacts on this special property.

NP-2014-003

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee approve Development Permit NP-DP-2014.1 (Rempel) .

CARRIED

9.2 NP-TUP-2014.1 (Colliers International)

Regional Planning Manager Kojima referred to the Staff Report dated January 14, 2014, commenting as follows: that NP-TUP-2014.1 (Colliers International) was an application for a Temporary Use Permit to allow commercial rental of a property known as “The Timbers”; that this included commercial guest accommodation in five dwellings, and use of the accessory structures and outdoor areas for hosting of events; that there was previous Bylaw Enforcement and litigation with the Islands Trust arising from this property; and that this was a preliminary report, with Staff seeking direction on whether to proceed to request additional information from the applicant (re: current and proposed uses, noise, traffic, water, the dock, mitigation, etc.).

Alex Conconi and Consultant Justen Harcourt were present to answer the Trustees’ many questions for the Applicant. Mr. Conconi suggested that the proposal would benefit the community economically, and that a 3-year Temporary Use Permit for the requested commercial rentals could be a “controlled experiment”.

The Trustees also allowed four (4) community members with various opinions to be heard (Michael Symons, Janet Laurencelle, Mel MacDonald, and Jane Perch).

NP-2014-004

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee request the Applicant for Temporary Use Permit application NP-TUP-2014.1 (Colliers International) to provide more clarification regarding the current and proposed use of all buildings and structures on the property, including the total number of beds, and visitor capacity for the five cottages.

CARRIED

NP-2014-005

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee require the Applicant for NP-TUP-2014.1 (Colliers International) to provide a written summary of the consultation that was undertaken and include copies of any and all correspondence received from the public.

CARRIED

NP-2014-006

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee require the Applicant for NP-TUP-2014.1 (Colliers International) to provide confirmation from a building or fire professional that all of the buildings and structures for the proposed use meet the BC Building and Fire Codes and Health standards for water as outlined in the Staff Report dated January 14, 2014.

CARRIED

NP-2014-007

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee require the Applicant for NP-TUP-2014.1 (Colliers International) to provide a report from a professional Hydrogeologist with experience in groundwater hydrology that confirms there is an available supply of potable water in a sufficient quantity for commercial use as outlined in the applicant's proposal, that the water supply meets or exceeds the Guidelines for Canadian Drinking Water Quality, and that identifies any potential impacts to nearby wells.

CARRIED

9.3 Mayne Island LTC Bylaw Referrals for Bylaws 159 (OCP) & 160 (LUB)

There was a Bylaw Referral from the Mayne Island Local Trust Committee.

NP-2014-008

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee finds that its interests are unaffected by Mayne Island Local Trust Committee Proposed Bylaw No. 159 cited as "Mayne Island Official Community Plan Bylaw No. 144, 2007, Amendment No. 1, 2013" and Bylaw No. 160. cited as "Mayne Island Land Use Bylaw No 146, 2008".

CARRIED

9.4 Salt Spring Island LTC Bylaw Referrals for Bylaws 472, 474 (OCP) & 475 (LUB)

There was a Bylaw Referral from the Salt Spring Island Local Trust Committee.

Trustee Steeves had spoken with the Salt Spring Planner, about the eelgrass and marine impacts of a breakwater and dock, and its potential removal.

NP-2014-009

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee finds that its interests are unaffected by Salt Spring Island Local Trust Committee Proposed Bylaw No. 472 cited as “Salt Spring Island Land Use Bylaw, 1999,” and Proposed Bylaw No. 474 cited as “Salt Spring Island Official Community Plan Bylaw No. 434, 2008,” and Proposed Bylaw No. 475 “Salt Spring Island Land Use Bylaw, 1999.”

DEFEATED

NP-2014-010

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee advise the Salt Spring Island Local Trust Committee that its interests are unaffected by Salt Spring Island Local Trust Committee Proposed Bylaw No. 274 cited as “Salt Spring Island Official Community Plan Bylaw No. 434, 2008,” and Proposed Bylaw No. 475 “Salt Spring Island Land Use Bylaw, 1999.”

CARRIED

NP-2014-011

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee ask Staff to advise the Salt Spring Island Local Trust Committee that approval of Proposed Bylaw No. 472 cited as “Salt Spring Island Land Use Bylaw, 1999,” is not recommended because of the inappropriate location of a dock, and deleterious impact on our shared marine ecosystem.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Land Use Bylaw Technical Amendments

Regional Planning Manager Kojima reviewed the Staff Report dated January 10, 2014, re: Land Use Bylaw Technical Amendments, commenting as follows: that the Report included a fairly detailed table of identified technical corrections for the Land Use Bylaw; that the table was followed by discussion; and that LTC direction was sought on three issues (maps, water zone boundaries, and farm building heights).

The Trustees noted that of the 51 proposed technical Land Use Bylaw amendments, 31 were reference updates, and 17 involved mapping issues. There was Trustee discussion of potentially allowing rezoning for accessory campgrounds in a Rural zone (deferred), and potentially allowing Bed & Breakfasts in cottages.

NP-2014-012

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee request Staff to prepare a draft amendment to Bylaw No.103 cited as "North Pender Island Land Use Bylaw 103, 1996" to provide for Bed & Breakfast (B & B) use in legal cottages.

CARRIED

NP-2014-013

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee requests the Bylaw Enforcement Manager to provide a report regarding the applicability of the bylaw cited as "North Pender Island Trust Committee Bylaw Infraction Investigations Bylaw No. 54, 1990", including recommended amendments.

CARRIED

NP-2014-014

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee directs Staff to prepare a draft bylaw to amend the North Pender Island Land Use Bylaw cited as "North Pender Island Land Use Bylaw 103, 1996" including proposed amendments Nos. 1 to 51 as outlined in the Staff Report dated January 10, 2014, except for Nos. 29 to 45 related to Schedule C maps.

CARRIED

NP-2014-015

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee directs Staff to include an amendment to Bylaw No. 103 cited as "North Pender Island Land Use Bylaw 103, 1996" to delete the Zoning Maps for Particular Locations in Schedule C.

CARRIED

Trustee Steeves thanked Planner Pickard for all her detailed work on the above technical Land Use Bylaw amendments, and a very effective report.

10.2 Conservation Subdivision Review

Regional Planning Manager (RPM) Kojima referred to the Staff Report dated January 22, 2014, commenting as follows: that a summary of the Conservation Subdivision survey results was attached; that Planner Pickard and RPM Kojima had been meeting with stakeholders and doing research; and that Staff now sought direction on options.

Trustee Hancock said that he was pleased with the positive survey results, which included support for Conservation Subdivision approaches including environmental resource protection. In his opinion, the key was landowner understanding. There was also the issue of better managing roads in subdivisions (e.g. not overbuilding), which Hancock asked to be looked at separately. Finally, he suggested working further with interested landowners.

NP-2014-016

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee direct Staff to prepare a report for the Conservation Subdivision Project that identifies a range of Official Community Plan and Land Use Bylaw amendments with the objective of requiring a conservation design for new subdivisions, including a new development permit area.

CARRIED

NP-2014-017

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee direct Staff to arrange a workshop or design charrette to further engage interested property owners, explain options, produce rough conceptual layout plans, and identify concerns.

CARRIED

NP-2014-018

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee direct Staff to come back with a revised Project Charter.

CARRIED

11. REPORTS

11.1 Work Program Report

There was a Work Program Report dated January, 2014 (unchanged).

11.2 Applications Report

Regional Planning Manager Kojima reviewed the Applications Report dated January, 2014.

NP-2014-019

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee direct Staff to inform the Applicant for NP-RZ-2012.2 (Clam Bay Holdings Ltd.) that the Local Trust Committee will be considering house size limits for the two proposed dwellings on the property.

CARRIED

11.3 Bylaw Enforcement Report

It was noted that the court decision on the Port Washington Shed litigation was still undelivered by the presiding Judge, 19 months after the trial.

11.4 Expense/Budget Reports

There were Expense Budget Reports dated December, 2013.

11.5 Adopted Policies and Standing Resolutions

For Information

11.6 North Pender LTC Web Page

There was a new North Pender photo header for the webpage:
www.islandstrust.bc.ca/islands/local-trust-areas/north-pender

11.7 Chair's Report

Chair Luckham reported that a draft Islands Trust budget involving a 0% tax increase had just been sent out for comment.

11.8 Trustee Reports

Further on budget issues, Trustee Steeves said that new Islands Trust budget was \$7.1 million, achieved by transferring \$250,000 from reserves into operating, and doing a lot of tightening and slashing of budget lines. The budget represented about 10% of the average property tax bill (or less).

Trustee Hancock reported that he had been making progress on the Stewardship Day planned for Saturday, April 19, 2014. The morning would involve the community beach clean-up, lunch, and then the speakers. So far Trustee Hancock had positive responses from the Gulf Islands National Park Reserve, National Marine Conservation Area, Habitat Acquisition Trust, the Islands Trust Fund, and Islands Trust Chair Sheila Malcolmson (re: oil spill preparedness).

12. OTHER BUSINESS

12.1 Upcoming Meetings

The next regular meeting of the North Pender Island Local Trust Committee is scheduled for Thursday, February 27, 2014 (9:45 am, Community Hall Lounge).

12.2 Email dated January 7, 2014 from Clare Frater re: Grant Notification

There was an opportunity for local governments to apply for Healthy Communities Capacity Building Grants (deadline: March 14, 2014).

12.3 Advisory Planning Commission (APC) Membership Terms

There was a January 9, 2014 Memo about expiring APC terms.

NP-2014-020

It was MOVED and SECONDED, that the North Pender Island Local Trust Committee direct Staff to send a letter to current Advisory Planning Commission members, thanking them for their service and asking them if they are prepared for serve another term, and if there any vacancies, that Staff be directed to advertise for Advisory Planning Commission Expressions of Interest.

CARRIED

13. TOWN HALL MEETING

Gordon Hanson expressed concerns about the North Pender Island limit on the size of guest cottages, which was smaller than limits on South Pender and some other islands. Hanson needed to build a cottage, but because of site limitations, it didn't make sense for him to do so unless it could be larger.

Trustee Steeves said that the Local Trust Committee Work Program had many projects ahead of any reconsideration of cottage size, which no one else had yet requested.

Chair Luckham said that Mr. Hanson could apply for rezoning, and if there was an early indication of little chance of success, then all but \$100 of the fee could be refunded.

Sara Steil suggested that the Advisory Planning Commission (APC) Bylaw be amended to include a conflict of interest clause.

Trustee Hancock said he had confidence in the North Pender Island APC, that people were aware of conflict of interest issues.

14. ADJOURNMENT

The meeting was adjourned by consensus at approximately 2:59 pm.

RECORDER

CHAIR