

# **ADOPTED**

**MINUTES OF THE NORTH PENDER ISLAND  
LOCAL TRUST COMMITTEE BUSINESS MEETING  
HELD ON THURSDAY, APRIL 24, 2014, AT 9:45 A.M.  
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>Robert Kojima</b>	<b>Regional Planning Manager</b>
	<b>Zorah Staar</b>	<b>Recording Secretary</b>

**REGRETS:**           **None**

There were twenty-seven (27) members of the public in attendance.

## **1. CALL TO ORDER**

Chair Luckham called the meeting to order at 9:47 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 as follows:

- item 9.1 (Wallace Point NAPTEP) was moved to the end of section 9
- item 9.2 more correspondence was added

The amended agenda was adopted by consensus.

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

None

## **3. COMMUNITY INFORMATION MEETING**

See separate April 24, 2014, Community Information Meeting Notes for North Pender Island Local Trust Committee Proposed Bylaw No. 194 (Technical Land Use Bylaw Amendments).

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

See separate April 24, 2014, Record of the Public Hearing for North Pender Island Local Trust Committee Proposed Bylaw No. 194 (Technical Land Use Bylaw Amendments).

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

##### 5.1 Local Trust Committee Minutes

##### 5.1.1 North Pender Island Local Trust Committee Draft Meeting Minutes of March 27, 2014

The March 27, 2014, minutes were amended as follows:

- page 3, item 9.2, 3<sup>rd</sup> line – after “information from”, remove “to”;
- page 7, item 11.7, 1<sup>st</sup> line – remove “really”.

The amended March 27, 2014, 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 Resolutions-without-meeting to add NP-TUP-2014.1 (Colliers) and associated correspondence to today’s agenda, and to reschedule the May Local Trust Committee Business Meeting from May 29 to May 22.

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

None

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

##### 6.1 Follow-up Action Report

Regional Planning Manager (RPM) Kojima reviewed the April, 2014, Follow-up Action Report.

#### **7. DELEGATIONS**

None

## **8. CORRESPONDENCE**

None

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

### **9.2 NP-TUP-2014.1 (Collier)**

Regional Planning Manager (RPM) Kojima noted the April 16, 2014, Memorandum, which provided an update on Temporary Use Permit application NP-TUP-2014.1 (Colliers). This application was to allow commercial guest accommodation on the property known as “the Timbers”. At their January 30 meeting, the Local Trust Committee requested various items of information from the applicant, many aspects of which had now been provided (some very recently and therefore not yet reviewed by staff). Staff had also provided all community correspondence received to date. RPM Kojima noted that this was unsolicited correspondence, in the sense that the Trustees had not yet done any public notification and request for comment.

Alex Conconi and Justen Harcourt were present for the applicant, and firstly explained why they believed the hydrological information provided was sufficient. They also noted that it was taking them longer than expected to provide the degree of detail and professional opinions requested by the Trustees.

Trustees Steeves and Hancock did not believe the hydrological information provided was sufficient to support the proposed commercial uses, because there had been no well drawdown test, the estimate of required water use per person was very low, not all of the proposed uses were addressed, and there was no information about the potential negative impact on neighbouring wells.

Trustee Steeves expressed various concerns about the application: technical/land use planning issues such as hydrology (see above); a first legal issue with the applicant’s number of dwellings appearing to exceed the density allowed by a covenant with the Local Trust Committee (5 dwellings instead of 3, plus cottages); a second legal issue with the dock (see below); a third legal and liability issue re: the Timbers access road being over neighbouring property and for “residential” use only; other neighbor issues, i.e. adjacent landowners being opposed to the proposed commercial uses; and also the fundamental issue of the Timbers property not appearing to be an appropriate rural/residential location for the proposed commercial accommodation resort.

Trustee Hancock expressed various concerns about the application: the current site plan being incomplete; weddings and banquets appearing to be a proposed commercial use, but not yet included in the temporary use permit application or hydrology analysis (and also opposed by neighbours); the large dock with a structure on it being subject to a bylaw enforcement complaint for non-compliance; close neighbours being in longtime opposition to the proposed uses, and any supportive letters being from farther away; Official Community Plan and Land Use Bylaw provisions that made stronger neighbourhoods a priority, along with rural lifestyle; wider community opposition to the proposed uses, over a number of years; gaps in the information provided, but a reluctance to suggest that the applicant spend more time and money on it since Trustee Hancock felt the above factors could prevent him from being comfortable with the application; and limits on Islands Trust ability to enforce the detailed temporary use permit conditions likely required, meaning that neighbours would (unfairly) have to do this.

Chair Luckham also expressed concerns: this being a temporary use permit application rather than a rezoning application, which put a burden on Island Trustees and Staff to make decisions without full information and discussion; not enough information having yet been provided by the applicant; and a temporary use permit not being the right tool to support this ongoing use.

Justen Harcourt and Alex Conconi (for the applicant) said that they were surprised by some of the above concerns, and did their best to address them.

RPM Kojima noted that the Local Trust Committee could make a decision at any time for a particular application to proceed no further.

**NP-2014-042**

**It was MOVED and SECONDED**, by the North Pender Island Local Trust Committee, that temporary use permit application NP-TUP-2014.1 (Colliers) proceed no further.

**CARRIED (unanimously)**

Note: See also Trustee comments under item 13. Town Hall (below).

A break then occurred, from approximately 12:03 to 12:21 pm.

9.3 NP-RZ-2012.2 (Clam Bay)

Regional Planning Manager (RPM) Kojima summarized the April 15, 2014, Staff Report for rezoning application NP-RZ-2012.2 (Clam Bay Farm): that as requested, the report attached Draft Bylaw No.195 (to amend the Land Use Bylaw), and Draft Bylaw No.197 (to amend the Official Community Plan). The report also attached two draft covenants, a mitigation plan regarding construction traffic and a veteran tree and an expanded farm plan. The Draft Bylaw No.195 included a maximum floor area of 300 m<sup>2</sup> (7535 ft<sup>2</sup>) for the main dwelling.

Applicant Bo Helliwell and Farm Manager Dan Hodgins were present. Bo Helliwell did not recollect a firm Trustee decision to include a bylaw provision on maximum floor area.

Trustees Steeves and Hancock suggested that this be left in the bylaw for the community to consider at the future Public Hearing.

Dan Hodgins noted the plan to retain a commercial kitchen in the farm house.

The Local Trust Committee agreed, by consensus, to revise the covenant wording to allow this.

**NP-2014-043**

**It was MOVED and SECONDED**, that the North Pender Island Local Trust Committee direct Staff to add a restriction in the permanent covenant (for Clam Bay Farm) on tree removal in the area between the shoreline and the adjacent fence depicted on the siting plan.

**CARRIED**

The Trustees also agreed by consensus to revise page 6 of the temporary covenant for Clam Bay Farm, to provide that it would be discharged once construction has been completed, occupancy has been granted, “and the covenant has been fulfilled”.

**NP-2014-044**

**It was MOVED and SECONDED**, that the North Pender Island Local Trust Committee give First Reading to Draft Bylaw No. 195, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 2, 2014.”

**CARRIED**

**NP-2014-045**

**It was MOVED and SECONDED**, that the North Pender Island Local Trust Committee give First Reading to Draft Bylaw No. 197, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 1, 2014.”

**CARRIED**

**NP-2014-046**

**It was MOVED and SECONDED**, that the North Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting and a Public Hearing for NP-RZ-2012.2 (Clam Bay), for a future regular Local Trust Committee meeting.

**CARRIED**

It was further understood that the draft Bylaws would now be referred to agencies.

## 9.1 Wallace Point NAPTEP Application – April 2014 Updates

Regional Planning Manager (RPM) Kojima noted the April 1, 2014, Memorandum from the Islands Trust Fund, which had agreed to hold a Natural Area Protection Tax Exemption (NAPTEP) covenant for a Wallace Point property on North Pender Island. The Islands Trust Council would now consider the covenant. RPM Kojima said that the property also involved subdivision and development permit applications, and other outstanding issues.

## 10. LOCAL TRUST COMMITTEE PROJECTS

### 10.1 Land Use Bylaw Technical Amendments

RPM Kojima noted the April 10, 2014, Memorandum regarding Proposed Bylaw No. 194, and the related Community Information Meeting and Public Hearing that occurred earlier today. Bylaw No. 194 would amend the Land Use Bylaw for technical corrections, such as erroneous cross-references, typographical errors, outdated regulatory references, inconsistencies, and to improve clarity.

#### **NP-2014-047**

**It was MOVED and SECONDED**, that North Pender Island Local Trust Committee Proposed Bylaw No. 194, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2014” be given Third Reading.

**CARRIED**

#### **NP-2014-048**

**It was MOVED and SECONDED**, that North Pender Island Local Trust Committee Proposed Bylaw No. 194, cited as “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2014” be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

**CARRIED**

## 11. REPORTS

### 11.1 Work Program Report

There were no changes to the Work Program. Regarding the Shoreline Review project, RPM Kojima noted that the pamphlet was done, the school workshop might not be feasible at this time, and the Quick Response (QR) code work was in progress by the local trustees.

### 11.2 Applications Report

RPM Kojima reviewed the Applications Report dated April 2014.

### 11.3 Bylaw Enforcement Report

None

### 11.4 Expense/Budget Reports

The March 2014 Local Trust Committee Expense Report was available (for the fiscal year just ending, with more expense posting still to occur).

### 11.5 Adopted Policies and Standing Resolutions

For information

### 11.6 North Pender LTC Web Page

RPM Kojima said that the Islands Trust website had apparently now been improved, with regard to searching for past minutes and other documents.

### 11.7 Chair's Report

Chair Luckham reported that he had attended Columbia Institute workshops on food security and climate change. There had also been a recent Association of Vancouver Island Coastal Communities (AVICC) gathering where he ran for Director-at-Large (unsuccessfully, but it was an interesting process).

### 11.8 Trustee Reports

Trustee Steeves said that he had been less active than usual due to a recent illness, but had been busy dealing with the items on today's agenda. He had also contacted some of the local realtor offices regarding signage issues and might possibly chair a related meeting if this was appropriate.

Trustee Hancock commented: that at the Columbia Institute for Civic Governance, he had attended a very interesting workshops on "Catalyzing Communities" (e.g. re: a non-hierarchical task force on housing, and a community group organizing for political change); that the recent AVICC (Association of Vancouver Island Coastal Communities) gathering adopted a preliminary economic impact study regarding ferries, which is something the province should be doing; and that the April 23 Community Stewardship Day focusing on our sensitive shorelines had been highly successful, with Islands Trust staff Lori Foster helping a great deal.

Trustee Steeves thanked Trustee Hancock for this huge effort.

## 12. OTHER BUSINESS

### 12.1 Upcoming Meetings

The next regular meeting of the Local Trust Committee had been re-scheduled from May 29 to Thursday, May 22, 2014, (9:45 am, Community Hall Lounge).

## 12.2 2013 – 2014 Annual Report Submission

Staff had prepared a draft submission for the Islands Trust Annual Report, which was revised by removing the words “or referrals”, inserting “liquor” before “license referral”, and including mention of the two publications produced and two events organized by the Local Trust Committee in cooperation with others.

### **NP-2014-049**

**It was MOVED and SECONDED**, that North Pender Island Local Trust Committee approves their submission for the 2013 – 2014 Annual Report, as amended.

**CARRIED**

## 12.3 Einar’s Hill

Trustee Hancock described a recent Einar’s Hill accident that he had witnessed and assisted with, and he expressed great concern about the number of other accidents and close calls that this location appeared to involve.

The Trustees agreed by consensus that Trustee Hancock could contact the Local Manager for the Ministry of Transportation & Infrastructure, to inquire about a road safety assessment being done for Einar’s Hill.

## 13. TOWN HALL MEETING

**Ben McConchie** commented: that the Clam Bay Farm rezoning application materials referred to young people on Pender as “entitled” and the Farm not being able to maintain employment from them, therefore bringing in other workers seemed necessary; that community letters re: The Timbers temporary use permit application had talked about the need to create jobs for local people through the intended commercial uses; and that McConchie wondered how the Trustees and Planners analyzed job creation and other economic factors when making decisions.

Trustee Hancock commented: that he took great exception to any comments about insufficiency of younger island workers, and that the issue with farming was the business case (i.e. how to provide an income from it); that economic development for our island was under the jurisdiction of the regional district, whereas the Islands Trust mandate was preserving and protecting our environment and rural communities; that the Islands Trust was not supposed to consider the tax base or job creation per se, but rather community sustainability in a larger sense; that economic factors were one of various community benefits to be considered with an application, but this needed to be balanced with other elements of a healthy community; that Pender had a relatively low unemployment rate; and that as a volunteer, Hancock had assisted with a recent study of local economic factors by the Capital Regional District’s (CRD’s) Southern Gulf Islands Economic Development Commission (to be released).

Trustee Steeves added that consideration of economic factors depended on what the application was, and if the Local Trust Committee approved a proposed land use just for economic reasons, this could be overturned. Economic development, per se, was not within the jurisdiction of the Islands Trust.

**Sara Steil** commented that the proposed “Woofers” workers for Clam Bay Farm (WWOOF – World Opportunities on Organic Farms) did not receive any wages but rather just room and board, which was of economic benefit to the Farm.

Chair Luckham said that these workers were not just from other countries, but could be Canadian as well.

Trustee Steeves said that if Clam Bay Farm in fact proceeded towards hiring Woofers, a temporary use permit application for temporary farm worker accommodation would be required.

**Sara Steil** also expressed concern about future cement trucks crossing Clam Bay Farm near the sensitive veteran tree, suggesting that some local trucks involved leaking, polluting, and unsafe driving. Finally, Steil thanked the Trustees for creating the Community Stewardship Day on shorelines, and she provided a copy of potential Marine Shoreline Management and Marine Riparian Area provisions that could be considered for inclusion in the North Pender Island Official Community Plan.

**NP-2014-050**

**It was MOVED and SECONDED**, that North Pender Island Local Trust Committee amend the Work Program Projects List to include consideration of Marine Riparian Areas in the Official Community Plan.

**CARRIED**

**Anne Burdett** asked about short term vacation rentals (STVR’s) on other islands, and a reference at a past meeting to the Mayne Island Local Trust Committee having considered temporary use permits (TUP’s) for this purpose.

Chair Luckham responded that one such Mayne TUP for an STVR had been approved, with neighbour support and because all factors were favourable, whereas another application was not successful.

Trustee Hancock confirmed that no one on North Pender had yet applied for a TUP for an STVR.

RPM Kojima said that Saturna Island was considering amending its OCP to include TUP guidelines for STVR’s, and Galiano Island was considering similar amendments.

## 14. IN CAMERA MEETING

### NP-2014-051

It was **MOVED** and **SECONDED**, that pursuant to Section 90(d), (f) and (g) of the Community Charter, the North Pender Island Local Trust Committee resolves to close the meeting to the public for the purpose of adopting the November 28, 2013, In-Camera Meeting Minutes and to consider membership appointments to the Advisory Planning Commission; and that Staff and Recording Secretary 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

### NP-2014-052

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 In-Camera portion of the meeting, the Local Trust Committee adopted the November 28, 2013, In-Camera minutes; re-appointed Valerie Butcher, Sharon Card, Bob Erho, Amanda Griesbach, Julie Roper, Reg Smith and Marika Kenwell to the North Pender Island Advisory Planning Commission for a one-year term beginning April 24, 2014; and also appointed Michael Symons to the APC for a one-year term.

## 16. ADJOURNMENT

### NP-2014-053

It was **MOVED** and **SECONDED**, that the North Pender island Local Trust Committee adjourn the meeting at 2:36 pm.

**CARRIED**

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**RECORDER**

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**CHAIR**