

# ADOPTED



## North Pender Island Local Trust Committee Minutes of a Regular Meeting

---

<b>Date of Meeting:</b>	<b>Thursday, August 28, 2014</b>
<b>Location:</b>	<b>Pender Islands Community Hall 4418 Bedwell Harbour Road North Pender Island, BC</b>
<b>Members Present:</b>	Peter Luckham, Chair Gary Steeves, Local Trustee Ken Hancock, Local Trustee
<b>Regrets:</b>	None
<b>Staff Present:</b>	Robert Kojima, Regional Planning Manager Justine Starke, Island Planner Zorah Staar, Recording Secretary
<b>Media and Others Present:</b>	Thirteen (13) members of the public

### 1. CALL TO ORDER

Chair Luckham called the meeting to order at 9:48 am. Chair Luckham acknowledged that the meeting was being held in traditional territory of Coastal Salish First Nations. Trustees and staff were introduced.

### 2. APPROVAL OF THE AGENDA

#### 2.1 Additions and Deletions

The following additions to the agenda were presented for consideration:

- 11.3 Discuss MoTI Response re: Einar's Hill under existing item 6.1
- 12.3 Travel Expenses for Farm Plan Meeting on Saturna Island

**By general consent** the agenda was approved as amended.

#### 2.2 Questions from Public on Agenda Items

None

**3. COMMUNITY INFORMATION MEETING**

None

**4. PUBLIC HEARING**

None

**5. PREVIOUS MEETINGS**

**5.1 Local Trust Committee Minutes**

5.1.1 North Pender Island Local Trust Committee Meeting Minutes of June 26, 2014.

The June 26, 2014 minutes were amended as follows:

- 8.1 first sentence, revise as follows: "...the comments requesting amendment of the Public Hearing Record were about subjects not covered by the Land Use Bylaw amendments, so..."
- 12.3 first sentence, revise as follows: "Trustee Steeves noted that a Community Stewardship Award is to be presented..."

**By general consent**, the North Pender Island Local Trust Committee Meeting Minutes of June 26, 2014, were adopted as amended.

**5.2 Public Hearing Records and Community Information Meeting Notes to be Received**

5.2.1 North Pender Island Local Trust Committee Community Information Meeting Notes of June 26, 2014

The June 26, 2014 Community Information Meeting Notes were received.

5.2.2 North Pender Island Local Trust Committee Public Hearing Record of June 26, 2014

The June 26, 2014 Public Hearing Record was received.

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

None

**5.4 Advisory Planning Commissions / Task Force to be received**

None

**6. BUSINESS ARISING FROM THE MINUTES**

## 6.1 Follow-up Action List

Island Planner Justine Starke provided information from the Follow-Up Action Report dated August 20, 2014.

Trustee Hancock reported on the MoTI (Ministry of Transportation & Infrastructure) response to his inquiries re: road safety issues on Einar's Hill. This included a visit by an engineer, and an indication that MoTI had requested funding approval to install a barrier and improve the shoulders.

## 7. DELEGATIONS

None

## 8. CORRESPONDENCE

### 8.1 June 23, 2014 Letter from D. Durant re: Einar's Hill Bypass Route

Re: the letter from D. Durant expressing concerns about the Einar's Hill Bypass Route proposed by Moving Around Pender.

Trustee Steeves also expressed concerns re: the lack thus far of an ecological assessment, Capital Regional District (CRD) budget, public consultation in the CRD format, and licenses of occupation.

#### **NP-2014-075**

**It was MOVED and SECONDED,**

That the North Pender Island Local Trust Committee requests Trustee Steeves to work with staff on a response to the June 23, 2014 Letter from D. Durant, for the Chair's signature.

**CARRIED**

## 9. APPLICATIONS, PERMITS, BYLAWS AND REFERRALS

### 9.1 NP-TUP-2014.3 xref NP-DP-2014.3 (Shaw Communications)

Island Planner Starke referred to the Staff Report for NP-TUP-2014.3 xref NP-DP-2014.3 (Shaw), and said that this was an application to renew a Temporary Use Permit and amend a Development Permit for the Shaw Cable building and site at Medicine Beach. There had been some minor changes to the landscaping, which were substantially in compliance, but which made it advisable to make slight revisions to the permits.

The Trustees and Chair asked questions and commented about drainage, landscaping, future rezoning, and a reference to herbicides possibly having been used by Shaw's contractors, to deal with invasive species.

**NP-2014-076**

**It was MOVED and SECONDED,**

That the North Pender Island Local Trust Committee directs staff to contact the Applicant for NP-TUP-2014.3 xref NP-DP-2014.3 (Shaw), to inquire about past or future use of herbicides or pesticides, as this would be contrary to the conditions of the Temporary Use Permit.

**CARRIED**

**NP-2014-077**

**It was MOVED and SECONDED,**

That the North Pender Island Local Trust Committee directs staff to prepare a resolution-without-meeting for further consideration of applications NP-TUP-2014.3 xref NP-DP-2014.3 (Shaw).

**CARRIED**

**9.2 NP-RZ-2014.1 (0697595 BC Ltd.)**

Island Planner Starke reviewed the August 7, 2014 Staff Report for NP-RZ-2014.1 (0697595 BC Ltd.), commenting as follows: that this application was to amend the Water 1 zone for an existing 83.6m<sup>2</sup> dock on Wallace Point, whereas only a size of 37m<sup>2</sup> was allowed; that the Applicant had agreed to restrict further development of docks on a proposed 3-lot subdivision of the property, meaning that the existing dock would become a common one; and that the Applicant had also agreed to consider a NAPTEP covenant for the property (Natural Area Protection Tax Exemption Program).

The applicant was present.

The Trustees asked questions and commented on the following issues:

- mapping indicates some eel grass near the dock and the staff site visit observed bull kelp beds (which are significant marine habitat for fish) in the general area of the dock;
- the Official Community Plan policy reference to “coastal processes” interpreted as biological and environmental factors as primary in this case, but this was also connected with aspects of the hard shoreline;
- a registered archaeological site being near the dock (although has been confirmed to not be on the subject property), and the importance of early consultation with First Nations;
- An underlying premise of the proposal is to limit new docks from being permitted on the proposed strata lots and the sharing of the larger dock, once the subdivision has completed. I; therefore, the subdivision of the upland lot is relevant to the rezoning of the water and the Preliminary Layout Approval should be attached to the next staff report; and
- the possibility of referring the application to the Advisory Planning Commission.

**NP-2014-078**

**It was MOVED and SECONDED,**

That the North Pender Island Local Trust Committee directs staff to proceed with application NP-RZ-2014.1 (0697595 BC Ltd.), and to prepare a draft bylaw.

**CARRIED**

**NP-2014-079**

**It was MOVED and SECONDED,**

That the North Pender Island Local Trust Committee directs staff to give early notice to First Nations re: rezoning application NP-RZ-2014.1 (0697595 BC Ltd.).

**CARRIED**

**9.3 NP-CL-2014.1 (Shaw-Ledcor)**

Island Planner Starke reviewed the August 12, 2014 response letter sent by the Islands Trust, which concerned Crown lease referral NP-CL-2014.1 for Shaw-Ledcor to install a submarine cable in Navy Channel, at the new location of Tracey Road on North Pender.

Trustee Steeves said that he planned to notify the Tracey Road residents, and tell them that the proposal was supposed to involve remediation of the work area.

**9.4 Referral – Experience the Southern Gulf Islands Cycling & Pedestrian Draft Trail Plan**

Regional Planning Manager (RPM) Kojima referred to the August 19, 2014 Memorandum, which summarized policy-based comments to be made to the CRD in response to their referral of the draft “Experience the Southern Gulf Islands Cycling and Pedestrian Draft Trail Plan.”

The Trustees commented about the draft CRD Trail Plan, including:

- support for the responses proposed by Islands Trust staff;
- general support for CRD measures to make our roads safer, but also some concerns about why the Einar’s Hill Bypass was not part of the Plan, the Plan’s scope and cost, and more (see motion below);
- the Trustees having received indications of both community support and also community concerns about the Plan;
- the need for early, real consultation with affected landowners;
- the need for consultation with local commissions;
- the need for work to be tendered locally and support economic development
- that it would have been useful to have an Experience the Southern Gulf Islands representative present to answer questions.

**NP-2014-080**

**It was MOVED and SECONDED,**

That the North Pender Island Local Trust Committee directs staff to include the following points in their referral response to the CRD re: the draft Experience the Southern Gulf Islands Cycling and Pedestrian Draft Trail Plan:

1. future construction should be tendered locally where possible;
2. environmental assessment of proposed trails;
3. establish proposed budget in advance;
4. early consultation with local Parks Commissions;
5. consistent with Local Trust Committee Official Community Plan policies;
6. ongoing consultation with local community, consistent with CRD Public Consultation Guidelines.

**CARRIED**

It was noted that people with comments about the above CRD draft Trail Plan should express them to the CRD's Southern Gulf Islands Electoral Area Director and/or Economic Development Commission.

**10. LOCAL TRUST COMMITTEE PROJECTS**

**10.1 Conservation Subdivision Review**

Island Planner Starke reviewed the August 15, 2014 Staff Report re: Conservation Subdivision Review. This project is to encourage property owners to apply a conservation approach for the design and layout of future subdivisions on their property, so as to minimize adverse effects of development. As requested, the Staff Report described a range of possible Official Community Plan and Land Use Bylaw amendments, not to impede and potentially to incentivize a Conservation Subdivision approach for new subdivisions. This could include a new development permit area.

The Trustees thanked staff for their report, but noted that due to time limitations today, detailed discussion of the recommendations would have to occur at the next Local Trust Committee meeting. One or more "workshop" type meetings by the Advisory Planning Commission were also suggested.

**NP-2014-081**

**It was MOVED and SECONDED,**

That the North Pender Island Local Trust Committee directs staff that the Conservation Subdivision Review, including background material and Staff Reports, be referred to the North Pender Island Advisory Planning Commission (APC) for preliminary review and comments, with the understanding that any bylaw amendments will be subject to inviting further review and recommendations by the APC.

**CARRIED**

## 10.2 Age and Disability Friendly Planning

Island Planner Starke reviewed the August 7, 2014 Staff Report regarding Age and Disability Friendly Community Planning, a new project to consider how the Local Trust Committee can improve accessibility aging and mobility challenged community members and people with disabilities. The report included background and a draft project charter.

The Trustees thanked staff and expressed support, but noted that detailed discussion would have to be postponed to the next Local Trust Committee meeting. Also, the proposed project charter's "Workplan Overview" should be amended, to show dates "to be decided" for items 2-5

### **NP-2014-082**

**It was MOVED and SECONDED,**

That the North Pender Island Local Trust Committee endorses the project charter for the Age and Disability Friendly Community Planning Project, as amended.

**CARRIED**

### **NP-2014-083**

**It was MOVED and SECONDED,**

That the North Pender Island Local Trust Committee requests staff to prepare an age-friendly and disability-friendly assessment for North Pender Island using online and paper questionnaires or surveys.

**CARRIED**

## 11. REPORTS

### 11.1 Work Program Report

Island Planner Starke referred to the June 17, 2014 Memorandum, which provided comments and context for the Local Trust Committee to consider refining the Work Program's "long list" of project priorities.

### **NP-2014-084**

**It was MOVED and SECONDED,**

That the North Pender Island Local Trust Committee defers consideration of the projects list update memorandum to its next meeting.

**CARRIED**

### 11.2 Applications Report

Island Planner Starke reviewed the August 20, 2014 Applications Report.

### 11.3 Bylaw Enforcement Reports

The Trustees requested an update from the Bylaw Enforcement Office at their next meeting.

## **11.4 Expense/Budget Reports**

### **11.4.1 LTC Expense Report dated June, 2014**

### **11.4.2 LTC Expense Report dated July, 2014**

The June and July, 2014 Expense Reports were available.

### **11.4.3 2015-16 Budget Submissions**

Regional Planning Manager (RPM) Kojima reviewed the August 6, 2014 Staff Report, which included a draft Local Trust Committee Budget Request for 2015-16.

#### **NP-2014-085**

**It was MOVED and SECONDED,**

That the North Pender Island Local Trust Committee approve and forward the draft 2015-16 LTC Project Budget Request to the Financial Planning Committee as presented.

**CARRIED**

## **11.5 Adopted Polices and Standing Resolutions**

This report was unchanged.

## **11.6 North Pender LTC Web Page**

The North Pender Island Local Trust Committee web page is 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 Report**

Chair Luckham said that the final Trust Council meeting of this term would occur on Gambier and Keats Islands in September, 2014, including consideration of the past 3 years of activities.

## **11.8 Trustees Report**

Trustee Steeves had been receiving complaints about the prevalence of rats, and he planned to check with the relevant provincial Ministry.

Note: At this point, the Local Trust Committee amended the agenda by consensus, to advance the Town Hall Meeting so that it would occur before staff had to leave for a ferry (see notes at 13. below).

## **12. OTHER BUSINESS**



### **12.1 Community Stewardship Awards Presentation**

There was discussion of arrangements to award Community Stewardship Awards to Barrie Morrison and the Nancy Waxler-Morrison Fund (posthumously), and to Christa Grace-Warrick, tentatively at noon on September 13, at the Community Hall.

### **12.2 Upcoming Meetings**

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

### **12.3 Travel Expenses for Farm Plan Meeting on Saturna Island**

**NP-2014-086**

**It was MOVED and SECONDED,**

That the North Pender Island Local Trust Committee agrees that Trustee Hancock is attending on its behalf the September 2, 2014, Saturna meeting of the Steering Committee for the Regional Farm Plan, and he is to be reimbursed for travel expenses up to \$250.

**CARRIED**

## **13. TOWN HALL MEETING**

**David Miller** spoke regarding the new project for Age and Disability Friendly Community Planning suggesting that the disability parking spots at the Driftwood Centre needed repainting.

RPM Kojima said that the Driftwood development permit did not cover this issue per se, but perhaps Miller could try speaking with CRD Building Inspection.

**Dennis Perch** expressed concerns about the April 24, 2014 Record of the Public Hearing not containing an accurate summary of his verbal comments, or attaching his written submission, and about this matter not yet having been addressed to his satisfaction..

RPM Kojima confirmed that the Record of Public Hearing document itself did not attach written submissions, but these were included in the Public Hearing binder, which is not converted to electronic versions. However, correspondence to the Local Trust Committee (such as that received from Perch about his concerns) had been included in agenda packages. RPM Kojima stated that Mr. Perch likely confused the correspondence section of the agenda package with the draft minutes of a previous meeting, where correspondence from a previous meeting would be recorded.

Chair Luckham said that he would follow up further with Dennis Perch.

**Elizabeth Montague** spoke regarding the Burdett application to rezone part of North Pender property for solid waste transfer purposes. She commented on the following: that she was commenting as a South Pender landowner and not as a Trustee; that she had written a letter to the LTC and she wondered why it wasn't on the agenda today; that she suggested having the Town Hall earlier in the meeting; that the Burdett application affected South Penderites as well, and most people didn't know about it; and that since this application was being referred to the North Pender Island Advisory Planning Commission, could submissions be made to them?

RPM Kojima noted that letters regarding an application are gathered and then included in the LTC agenda package when that application is on the agenda (which Burdett was not today).

Chair Luckham encouraged North or South Penderites with concerns about the Burdett application to send them in writing to the North Pender Island Local Trust Committee. Advisory Planning Commission meetings were public and could involve some public comments, but they were not a body intended to receive such comments for the Local Trust Committee. In addition, the Burdett application was just beginning to be considered by the Local Trust Committee, and so there would be various future opportunities for public consultation.

**Barb Grimmer** said that the dates of Advisory Planning Commission meetings should be posted on the Islands Trust website (in addition to notices being put up).

Chair Luckham said that he would bring this up with staff.

**Barb Grimmer** also commented as follows: that she wouldn't want to see a Conservation Subdivision approach required in all cases because sometimes a conventional subdivision plan might be more appropriate; that regarding Industrial zones on North Pender, Islands Trust staff should review these, because there were errors that had existed for 15 years re: industrial setbacks, development permits, waste disposal, etc., some of which were pertinent to the current waste applications; that regarding the Burdett solid waste application, there were errors and omissions relating to past approvals and use of the property by others, which were being carried forward in the Staff Reports, and instead should be corrected as well; and that the Burdett Agricultural Land Commission approval was only for 5 years, so why was a rezoning being considered instead of a temporary use permit?

Chair Luckham said that it would be useful for Barb Grimmer to confirm in writing for the Planners the historical errors in Industrial zoning and use referred to above.

**Sara Steil** commented on two future events being organized by PICA (Pender Islands Conservancy Association) and PITPS (Pender Islands Trust Protection Society), namely: a March, 2015 presentation by Andy MacKinnon of the Ministry of Forests, regarding the Coastal Douglas Fir zone under stress; and a July, 2015 San Juan County whale presentation.

**Dennis Perch** commented as follows: that Elizabeth Montague's letter regarding the Burdett application was important because it showed the "big picture" on Pender waste management; that a major solid waste management plan was needed before the North Pender Local Trust Committee entertained applications by individuals seeking rezoning for this purpose; that such a plan should be put on the Local Trust Committee work plan and given a budget; and that a past timeline suggested moving fairly quickly on the solid waste issue, which Perch did not support.

Trustee Hancock commented as follows: that the CRD was in the middle of a regional solid waste management planning review, which they had initiated without informing the Local Trust Committees within the CRD; that North Pender was the only LTC which had asked staff to involve Islands Trust in the process; that the North Pender Advisory Planning Commission had made a 2009 recommendation for North Pender not to develop a local solid waste management plan; and that on the other hand, Hancock and the other Trustees did support consideration of such a plan

**14. ADJOURNMENT**

**NP-2014-087**

**It was MOVED and SECONDED,**

That the North Pender Island Local Trust Committee meeting be adjourned at 3:27 p.m.

**CARRIED**

---

**Peter Luckham, Chair**

CERTIFIED CORRECT:

---

**Zorah Staar, Recorder**