



# ADOPTED

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

**Date:** Thursday, January 22, 2015  
**Location:** Pender Island Community Hall  
4418 Bedwell Harbour Road, North Pender Island, BC

**Members Present:** George Grams, Chair  
Dianne Barber, Trustee  
Derek Masselink, Trustee

**Staff Present:** Robert Kojima, Regional Planning Manager  
Zorah Staar, Recorder

**Regrets:** Justine Starke, Island Planner

**Media and Others Present:** twenty-five (25) members of the public

### 1. CALL TO ORDER

Chair Grams called the meeting to order at 9:45 am, introduced himself as the new Chair for the North Pender Island Local Trust Committee, and described his background, and his role as a “process manager”. He also acknowledged that the meeting was being held on traditional territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

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

Newly-elected Trustees Dianne Barber and Derek Masselink made brief opening statements, regarding community issues of importance to them as they entered this new term (see also item 12.7 below).

### 3. TOWN HALL AND QUESTIONS

Before the first Town Hall session began, Trustee Masselink noted that he needed to withdraw from the meeting during any discussion of items 10.2 (Clam Bay), 10.5 (Burdett), and 10.6 (0697595 BC LTD), because he had a relationship with each of these applicants. Trustee Masselink left the meeting at 9:56 am.

Chair Grams invited comments or questions from the public.

**Elizabeth Montague** of South Pender said that before the Burdett rezoning application (item 10.5) was decided, there should be a comprehensive solid waste management plan for the Pender Islands, developed in cooperation with the CRD and others. This should include a needs assessment, appropriate sites, and other guidance for land use decisions. The Burdett proposal could have serious impacts on various parties, and community planning should occur first.

**Dale Henning** of North Pender said that his only issue with the Burdett rezoning application was the assertion that a sewage system and water supply were not required on the proposed site. Apart from that, he believed that this application should go forward as soon as possible, or else when the current solid waste temporary use permit at Medicine Beach ended, people might once again start throwing their garbage in various places around the island.

**David Rippner** presented a submission on behalf of the Pender Island Recycling Society (PIRS), saying that there should be a local waste management committee, including PIRS as a participant with major experience. This committee should help develop a Pender waste management plan, as had been supported by all Trustee candidates during the election. This plan should be a priority, and Trustee decisions on waste proposals should be delayed until it was completed.

**Ron Henshaw**, an adjacent property owner, read the first part of a submission on the Burdett application, including what he described as: the problematic history of the site as a fuel tank farm; the inappropriateness of placing a solid waste transfer station on agricultural land (contrary to the Official Community Plan), and next to a harbour, resort and restaurant; and the inaccurate historical statements and lack of public consultation which had occurred on this application to date (see also 8.2 below).

**Rhonda Porter** expressed concerns about the proposed Burdett site for solid waste transfer, in particular its potential impacts on the nearby resort, visitors, and residents (e.g. traffic, dust, smell). She said that the neighbours should have their say, and the resort owners should also be consulted.

Regional Planning Manager (RPM) Kojima said that it was very early in the process of considering the Burdett application, and staff recommended that the Local Trust Committee hold Community Information Meetings well in advance of the formal Public Hearing on the application. The previous Trustees had directed the preparation of a draft rezoning bylaw, for discussion purposes.

Southern Gulf Islands CRD Director David Howe commented as follows: that he supported the CRD, Islands Trust, Pender Recycling, and others in a coalition, working together on waste management planning for the Southern Gulf Islands; that the CRD had staff and other resources to contribute; and that he supported how the Local Trust Committee chose to move forward on this.

Chair Grams confirmed with the public that there were no remaining Town Hall questions on items 10.2, 10.5 or 10.6, so Trustee Masselink returned to the Town Hall session at 10:17 am.

**Bruce Pendergast** spoke on behalf of the Pender Island Vacation Accommodation Association, as follows: that the Association had a policy guiding the actions of members, to help them fit in with the community; that they supported a more flexible approach to short term vacation rentals (STVR's); and that they were willing to work with the Trustees on this (e.g. on a committee).

Chair Grams noted that this new Local Trust Committee had not yet determined its priorities for the coming term.

RPM Kojima confirmed that on Tuesday, February 3, there would be a Special Local Trust Committee Meeting open to the public, which included discussion of the work program and priorities.

Trustee Masselink noted that the February 3 meeting was at the Legion, and that the Local Trust Committee was exploring new locations and different times for meetings, so that more people could participate.

**Jane Perch** said that she was glad to see a change or an opening on the issue of short term vacation rentals. She asked the Local Trust Committee to look at the current STVR enforcement policy, and consider whether to keep it.

**4. COMMUNITY INFORMATION MEETING**

None

**5. PUBLIC HEARING**

None

**6. MINUTES**

**6.1. Local Trust Committee Minutes**

6.1.1. Special LTC Meeting Draft Minutes Dated December 17, 2014

**By general consent**, the North Pender Island Local Trust Committee Meeting Minutes of December 17, 2014, were adopted.

6.1.2. Local Trust Committee Adopted Minutes Dated August 28, 2014

Received for information

**6.2. Section 26 Resolutions-without-meeting Report Dated January 2015**

Received for information

**6.3. Advisory Planning Commission Minutes**

6.3.1. Advisory Planning Commission Draft Minutes Dated January 7, 2015

Received for information

6.3.2. Advisory Planning Commission Adopted Minutes Dated January 14, 2013

Received for information

6.3.3. Advisory Planning Commission Adopted Minutes Dated October 29/November 3, 2014

Received for information

6.3.4. Advisory Planning Commission Adopted Minutes Dated November 13, 2014

Received for information

6.3.5. Advisory Planning Commission Adopted Minutes Dated December 8, 2014

Received for information

**7. BUSINESS ARISING FROM THE MINUTES**

**7.1. Follow-up Action List Dated January 2015**

Received for information. RPM Kojima reported on 2 items from the December 17, 2014 Local Trust Committee meeting.

**8. DELEGATIONS**

**8.1. Michael Sketch**

Michael Sketch reviewed his two written submissions, the first of which had suggestions for the Local Trust Committee to increase public accountability (e.g. how meetings and minutes were handled, including earlier dissemination of information). The second submission had suggestions re: the Conservation Subdivision project initiated by the previous LTC (e.g. to end this project, and also remove Official Community Plan references to compact, complete, and connected development, as well as increasing the minimum lot sizes in the Land Use Bylaw).

Trustee Masselink acknowledged that there was a need for people to know as soon as possible what had happened at meetings, and that options like audio recordings of meetings could be explored. Regarding the Conservation Subdivision Project, Trustee Masselink acknowledged the importance of green space, addressing rural sprawl, and having a fulsome community conversation on appropriate development patterns.

Chair Grams noted that on Salt Spring, there had been a re-design of the public consultation processes, and now audio recording of Local Trust Committee meetings were uploaded to the website.

## **8.2. Ron Henshaw**

Before Ron Henshaw spoke, Trustee Masselink noted that he needed to withdraw from the meeting during any discussion of item 10.5 (Burdett), because he had a relationship with these applicants, he then left the meeting at 10:46 am.

Ron Henshaw continued reading his submission re: the Burdett Solid Waste proposal, commenting on what he characterized as: the absence of meaningful public consultation, “trial by social media”; erroneous postings and letters had been published outside of the public process in favour of proposal, and Henshaw had been verbally attacked; that neighbour concerns had been forgotten; that there was a long list of persons who would be negatively affected by the Burdett proposal; and that the proposal was not appropriate for agricultural land, and consideration of it should be delayed.

Trustee Masselink rejoined the meeting at 10:53 am.

## **9. CORRESPONDENCE**

*Correspondence received concerning current applications or projects is posted to the LTC webpage*

### **9.1. December 14 2014 Email & Attachments from S. Steil Re: Request for Assistance**

RPM Kojima confirmed that as requested by Sara Steil, staff would send the notice for the March 7, 2015 Coastal Douglas Fir presentation to the Islands Trust website subscribers, about a month before the event.

## 10. APPLICATIONS AND REFERRALS

### 10.1. Salt Spring Island Local Trust Committee Bylaw 479 Referral

Regional Planning Manager Kojima reported that the referred Bylaw 479 was to rezone a Salt Spring Island property from one variant of commercial zoning to another.

Chair Grams said that the bylaw related to the down zoning of a property as proposed by its owners, which had been endorsed by the Salt Spring Island Local Trust Committee.

#### **NP-2015-001**

#### **It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee advise the Salt Spring Island Local Trust Committee that North Pender Island interests are unaffected by Bylaw No. 479.

**CARRIED**

### 10.2. NP-RZ-2012.2 (Clam Bay) – Memorandum

Trustee Masselink noted that he needed to withdraw from the meeting during discussion of item 10.2, because he had a relationship with the applicants then left the meeting at 10:58 am.

RPM Kojima reviewed the Memorandum dated January 9, 2015. The Bylaws for rezoning application NP-RZ-2012.2 (Clam Bay) had been approved by the Local Trust Committee and the Executive Committee, and now a resolution was needed to authorize the LTC Chair to execute related covenants. One more covenant was still in process.

#### **NP-2015-002**

#### **It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee authorize the Chair of the North Pender Island LTC to execute section 219 covenants required as a condition to rezone for application NP-RZ-2012.2 (Clam Bay).

**CARRIED**

### 10.3. NP-DVP-2014.2 (Davies) - Staff Report

Trustee Masselink returned to the meeting at 11:02 am.

RPM Kojima referred to the Staff Report dated January 13, 2015 re: NP-DVP-2014.2 (Davies), and commented as follows: that this was an application regarding a Hooson Road boundary adjustment subdivision, to allow one of the lots to be sold; that the result would be a split-zoned lot, and this required a variance; that the rationale for the application was to protect the future condition of a well, pond and wetland; and that neighbours had been advised, and had not made any objections.

Chair Grams noted that there was no issue of subdivision potential.

**NP-2015-003**

**It was MOVED and SECONDED**

THAT North Pender Island Local Trust Committee Development Variance Permit NP-DVP-2014.2 (Davies) BE APPROVED.

**CARRIED**

**10.4. NP-DVP-2014.3 (Vasilev) - Staff Report**

RPM Kojima reviewed the Staff Report dated January 9, 2015, commenting as follows: that NP-DVP-2014.3 (Vasilev) was a variance application for Westwind Road, for various non-conforming and legal non-conforming matters; that this included varying the setback from the natural boundary of the sea for a dwelling, sidewalk, walkway, ramp, stone wall, patio, and hot tub; that there was also a variance requested for the width of a ramp, and for a garage (within the interior side lot line setback); that this application resulted from bylaw enforcement; that the adjacent property owners were advised, and had not objected; and that given the pre-existing, historic character of the structures, staff supported the variance.

David Gobeil was present, as a representative of the property owner.

**NP-2015-004**

**It was MOVED and SECONDED**

THAT North Pender Island Local Trust Committee Development Variance Permit NP-DVP-2014.3 (Vasilev) BE APPROVED.

**CARRIED**

**10.5. NP-RZ-2012.1 (Burdett) - Staff Report**

Trustee Masselink noted that he needed to withdraw from the meeting during discussion of item 10.5, because he had a relationship with the applicants, then left the meeting at 11:16 am.

RPM Kojima reviewed the Staff Report dated January 5, 2015 re: NP-RZ-2012.1 (Burdett), and commented as follows: that the address of the proposed site was Razor Point Road, also fronting onto Hamilton Road; that the proposed rezoning was to amend the Land Use Bylaw to permit a waste transfer station; that the composting portion of the application had now been removed; that the proposal was for waste drop-off and transfer within a building on a concrete pad; that the Staff Report described the proposal and numerous relevant factors in greater detail, and attached various reports; that the Local Trust Committee could rezone for the land use, and also use a covenant to control the solid waste operation to a degree, until there was a CRD Bylaw to more appropriately regulate and license the use; that this would first require the CRD to finish the update of their regional solid waste management plan (now requested to include the Southern Gulf Islands); and that the Agricultural Land Commission had approved the proposed use for a period of 5 years, subject to renewal.

Applicants Anne and Michael Burdett made a statement, commenting as follows: that their application had been a two-year journey so far; that the application addressed the environmental/community concerns of odour, leachate, vector, noise, and traffic; that they had worked diligently for 7 years with temporary use permits on rental properties, to provide solid waste services, and now they sought do this from industrial property that they'd purchased. The Burdetts also confirmed that trucks containing waste currently sat on the property overnight, and then were driven off island.

Trustee Barber said that she had looked at the property, and what was happening on it was well done.

Chair Grams said that there was clearly an expressed wish on Pender to have an integrated waste management plan, so why then wasn't a temporary use permit being considered for the Burdett property? The Local Trust Committee now needed to decide whether to make solid waste planning one of their top priorities, in cooperation with the CRD.

**NP-2015-005**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee defer consideration of NP-RZ-2012.1 (Burdett) pending the outcome of the work program and top priority discussion at the February 3, 2015 Special Local Trust Committee Meeting.

**CARRIED**

**10.6. NP-RZ-2014.1 (0697595 BC LTD)**

After a break from 11:36 to 11:51 am, Trustee Masselink noted that he needed to continue to withdraw from the meeting during discussion of item 10.6, because he had a relationship with the applicant, then left the meeting at 11:52 am.

RPM Kojima reviewed the Staff Report dated January 5, 2015 re: NP-RZ-2014.1 (0697595 BC Ltd./Philpot), and commented as follows: that this was an application to amend the Land Use Bylaw to permit an oversize dock of 83.6 m2, versus the existing limit of 35 m2; that there was a concurrent subdivision application for 2 more lots; that it was proposed for 3 lots to share the dock, and zoning would prevent additional docks; that the Staff Report reviewed relevant factors and attached a professional report and a draft rezoning bylaw (Bylaw No. 198); and that the application had been referred to First Nations, with one response and no objections.

Michael Philpot was present for the applicant, and he answered questions about the dock's location and construction, and the sea life growing on it.

**NP-2015-006**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee gives FIRST READING to Bylaw 198, cited as North Pender Island Land Use Bylaw 103, 1996, Amendment No. 04, 2014. (NP-RZ-2014.1 0697595 BC Ltd; 7950 Plumper Way).

**CARRIED**

**NP-2015-007**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee refer Bylaw 198 and the staff report dated November 10, 2014 to the Advisory Planning Commission for advice.

**CARRIED**

**NP-2015-008**

**It was MOVED and SECONDED.**

THAT North Pender Island Local Trust Committee has reviewed and agrees with the Islands Trust Directive Policy Checklist as attached to the Staff Report for NP-RZ-2014., dated January 5, 2015.

**CARRIED**

The Trustees discussed considering a Community Information Meeting, after the above referral to the Advisory Planning Commission.

Trustee Masselink returned to the meeting at 12:00 noon.

## **11. LOCAL TRUST COMMITTEE PROJECTS**

None

## **12. REPORTS**

### **12.1. Work Program Report**

#### **12.1.1. Top Priorities Report Dated January 2015**

Received for information (to be discussed at February 3, 2015 Special Meeting).

#### **12.1.2. Projects List Report Dated January 2015**

Received for information.

### **12.2. Applications Report Dated January 2015**

Received for information. RPM Kojima reviewed the Applications Report.

### **12.3. Trustee and Local Expense Report Dated December 2014**

Received for information. Further budget discussions could occur at the February 3, 2015 Special LTC meeting, including project funding.

### **12.4. Adopted Policies and Standing Resolutions**

Received for information. RPM Kojima provided background on current Policies and Standing Resolutions.

### **12.5. Local Trust Committee Webpage**

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).

RPM Kojima reviewed some aspects of the webpage.

Trustee Masselink suggested a website adjustment to make it easier for people to see which Local Trust Committee meetings or discussions were coming up next. He also planned to use the Trustees Corner for current comment, and then publish a link to that location in the Pender Post.

## 12.6. Chair's Report

Chair Grams confirmed that he was a Salt Spring Island Trustee, and he described their LTC's current top five priorities: the governance study re: incorporating as a municipality; First Nations reconciliation and sensitive sites (the Grace Islet purchase being a recent victory); water sites and supporting a new Salt Spring Island Watershed Protection Authority; a new Industrial Advisory Planning Commission to ensure forward planning and meeting community needs; and the development of an Integrated Community Sustainability Plan, to inform many decisions that Salt Spring needed to make.

## 12.7. Trustee Reports

Trustee Masselink commented on the importance of the Local Trust Committee looking at the larger picture, rather than just making land use decisions application by application, and also the importance of the Islands Trust "preserve and protect" mandate, and thinking ahead to what it will take to achieve it. He apologized for his time outside the meeting today, which resulted from having done environmental assessments for some of the applicants, and also having a farming operation involving pasturing animals on other people's land. He said he wanted to focus on connections and relationships, to help us achieve the preserve and protect mandate not only with land use, but also with other issues, like waste, sewage treatment, energy, etc.

Trustee Barber agreed with Trustee Masselink's comments, and also stressed the importance of the local economy, low income housing, supporting seniors with the new "Better at Home" proposal, and supporting ways to bring tourism back to the island, without damaging it.

## 13. NEW BUSINESS

### NP-2015-009

#### It was **MOVED** and **SECONDED**

THAT the North Pender Island Local Trust Committee request that Bylaw Enforcement Staff attend an upcoming meeting, to report on the status of Live-Aboard enforcement.

**CARRIED**

## 14. UPCOMING MEETINGS

### 14.1. 2015 Annual LTC Meeting Schedule

Trustee Masselink said that meeting timing was still being discussed, to maximize community engagement. For now, staff needed to book a location and some times. Therefore, there was a consensus to stay with the Community Hall at 9:45 am, until more flexibility could be worked out.

#### **NP-2015-010**

#### **It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee adopt the annual meeting schedule as originally proposed, as may be amended from time to time.

**CARRIED**

### 14.2. Special Local Trust Committee Meeting to be held 10:00 am, Tuesday, February 3, 2015, at the Pender Royal Canadian Legion

### 14.3. Next Regular Meeting Scheduled for February 26, 2015 at the Pender Island Community Hall

## 15. TOWN HALL

**Michael Sketch** commented as follows: that we now had a hornet`s nest, with 2 applications for solid waste transfer sites (Burdett and Henshaw); that a previous Local Trust Committee should have amended the Official Community Plan to provide for appropriate solid waste transfer siting; that Sketch recommended a Discarded Waste Commission, and also a local service tax requisition established by CRD, to provide emergency waste services if necessary; and that we should determine the best waste transfer site for the community in the long term, and then plan and have the CRD license for that.

**Liz Montague** agreed with Sketch`s comments, and said that the community needed to have a voice in planning and determining the best site for solid waste transfer. Land use zoning carried beyond individual current owners of proposed sites. Adjacent landowners were also affected. There should be an overall planning process, considering community needs and impacts.

## 16. CLOSED MEETING

None

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 1:18 pm.

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George Grams, Chair

Certified Correct:

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Zorah Staar, Recorder