



# ADOPTED

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

**Date:** Tuesday, February 3, 2015 (10:00 am)  
**Location:** Royal Canadian Legion, Branch 239  
1344 MacKinnon Road, North Pender Island

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

**Staff Present:** Justine Starke, Island Planner  
Robert Kojima, Regional Planning Manager  
Pamela Hafey, Islands Trust Communications Specialist  
Zorah Staar, Recorder

**Regrets:** None

**Media and Others Present:** David Howe, Capital Regional District Director  
Russ Smith, Senior Manager, Capital Regional District  
Thirty members of the public

### 1. CALL TO ORDER

Chair Grams called the meeting to order at 10:03 am, and made introductions. He also acknowledged that the meeting was being held on traditional territory of the Coast Salish First Nations.

### 2. TOWN HALL AND QUESTIONS

Chair Grams invited comments or questions from the public.

**Sara Steil** said that she supported having the Local Trust Committee continue with the Age and Disability Friendly Community Plan as a top priority, due to the resources already expended. As for the longer term, she suggested a comprehensive Land Use Bylaw review, but moving forward with the precautionary principle in mind.

**Ursula Poepel** said that there was now definitely a racoon problem on Pender, and she was wondering if anything could be done about this.

**John Corbett** suggested that the Age Friendly Community project (as proposed) be terminated, because what would really make this island age-friendly was a growing economy, attracting young people to provide services for people his age.

**Jane Perch** comments that we needed to look at what the new Trustees promised during the election process. She believed that the three big issues were the local economy, housing and short term vacation rentals, and waste management. She hoped these issues would be kept in focus.

**Oliver Gannon** commented in opposition to the proposed Burdett waste transfer station on Hamilton Road, which was across the road from where he lived, and within 100 feet of Browning Harbour. He said that most waste transfer stations were located away from centres populated by the public (e.g. due to smell), and that a more suitable Pender location would be near the Recycling Centre.

Chair Grams noted that Burdett solid waste transfer rezoning application was not on the agenda to be considered today, and that there would be plenty of opportunities for community comment about it in future.

Planner Starke said that the Local Trust Committee had decided to defer consideration of the Burdett application until after today's meeting re: priorities.

**Bill Gannon** commented in opposition to the Burdett solid waste application, as follows: that the staff reports to date had ignored the "human factor", i.e. his forty visiting family members, and many other island visitors and residents in the area, who would be affected by traffic, noise, smell, and health issues from the proposed transfer station; that section 2.5.1. of the Official Community Plan said "Industrial development which may have a deleterious impact on adjacent land uses will not be permitted"; and that this provision alone should stop the Burdett application.

**Marika Kenwell** commented as follows: that the Buck Lake Property Owners position was that before any consideration of allowing short term vacation rentals (STVR's), the precautionary principle should be applied; that this included considering our island's limited resources (e.g. watershed, services); and that Magic Lake residents were familiar with STVR's resulting in (for example) 100 bookings next door per year, keeping the whole community awake with parties.

Chair Grams said that he was hearing lobbying on specific issues not being considered at this meeting, which was focussed on what the Local Trust Committee's three top priorities should be.

**Dennis Perch** submitted and read a letter from Robert Conconi, commenting as follows: that as the Local Trust Committee considers its priorities, Conconi offered his suggestion of approval of short term vacation rentals in the Land Use Bylaw; that the Pender Island Vacation Accommodation Association had a code of conduct followed by STVR's; and that this was a simple solution to the issue.

**Chuck Harris** submitted a letter to the Local Trust Committee.

**Michael Sketch** presented two written submissions, and commented about the following suggestions: that the Local Trust Committee meet sometimes in the evening or on weekends, to facilitate attendance by working people; and that before the 1-year deadline on February 14, 2015, the LTC seek an appeal or reconsideration of the Agricultural Land Commission (ALC) decision to allow the proposed Burdett solid waste non-farm use, because this decision appears to have been inappropriately based on Pender's need for solid waste transfer, and to have ignored ALC principles about considering the site's agricultural potential.

Chair Grams suggested that the LTC discuss whether to amend today's agenda to add discussion of the above suggestion for an ALC appeal re: Burdett.

Trustee Masselink said that he had a potential perceived conflict of interest re: the Burdett solid waste transfer application, and therefore he was recusing himself, and he did not participate in the discussion or voting on the resolution below.

**NP-2015-011**

**It was MOVED and SECONDED** that the North Pender Island Local Trust Committee amend the agenda to add discussion of an Appeal to the Agricultural Land Commission re: Burdett.

**CARRIED**

**Michael Sketch** then commented on his second submission, which was that the Local Trust Committee ask Trust Council to review the Associated Islands Official Community Plan in respect of James Island, in particular to accommodate First Nations interests there, and potentially to advocate for a federal government purchase. Sketch noted that James Island was one of the Associated Islands within the North Pender Island Local Trust area, and he described a past subdivision application where there was arguably insufficient consideration of the interests of the Tsawout First Nation. Now James Island was for sale again.

Chair Grams said that staff were not prepared to report on James Island, and the matter could be placed on the next agenda, for the Local Trust Committee to decide whether to take any action.

**Candis Zell** commented as follows: that we live in one of the most incredible places in Canada – a gift for future generations; that garbage was a key issue for this community to consider, and had to be in the right location; and that the issue should not be decided simply based on a particular purchase of industrial land.

**3. APPROVAL OF AGENDA**

**By general consent** the agenda was approved, as amended by Resolution NP-2015-011 to add new item 5.3, Agricultural Land Commission Burdett Decision.

**4. BUSINESS ITEMS**

Chair Grams noted that items 4.1 and 4.2 were related, and would be considered together.

**4.1. Work Program - Long Range Planning**

**4.2. Top Priorities**

Planner Starke reviewed the January 26, 2015 Staff Report entitled "North Pender Island Local Trust Committee Work Program 2015", commenting as follows: that the new Local Trust Committee had an opportunity to establish its Work Program, which generally included 3 top priorities and also a projects list or long list; that the LTC generally had staff and financial resources to focus on three top priorities at once; that the two top priorities inherited from the previous

Local Trust Committee were an Age and Disability Friendly Community Plan, and the Conservation Subdivision project (summarized in the Staff Report); that a \$16,000 grant had been received for work on the first of these priorities; that the Staff Report also attached a proposed long list for consideration, with 9 inherited items, and 10 more items for potential consideration; that in addition, the Staff Report reviewed emerging issues suggested by the new Trustees, namely Waste Management, Short Term Vacation Rentals, and Affordable Housing.

Chair Grams noted that Southern Gulf Islands CRD Director David Howe and Russ Smith of the CRD were present, and he invited their comments on the Waste Management issue, re: interface with the Islands Trust.

CRD Director Howe said that he supported waste management planning for the Southern Gulf Islands, with the CRD and the Islands Trust in collaboration.

CRD Senior Manager Smith, of Environmental Resource Management, commented that the CRD was working on a revised Solid Waste Management Plan for the whole region, including the best way to consult and engage with the Southern Gulf Islands. Three options were as follows: for a local government to rezone for solid waste transfer without the CRD being involved; or for such a rezoning to be followed by CRD licensing of operators; or for the CRD to establish a local service owned and operated by them (and paid for by property taxes). In addition, the CRD potentially had some consultation resources to assist communities who were trying to determine what was the best option for them. CRD Manager Smith then had to leave the meeting at 11:15 am.

The Trustees then discussed the issue of the top priorities with which they would choose to begin this term. Chair Grams noted that initial exploration of a top priority could make it clearer how much time it was likely to take.

Trustee Masselink commented as follows, based on the community feedback he was hearing: that waste management was a top priority he supported, because it was an issue “eating at our community”, and needing to be dealt with in a fulsome and collaborative way; that we could not burn or bury waste as in the past, and would ideally handle it so as to build fertilizer; that housing was a second top priority he supported, including addressing short term vacation rental complexities and conflicts, significant affordable housing needs, live aboards (on boats), and also seniors housing and “aging in place; that transportation was a third top priority he supported, including transitioning away from organizing it solely around vehicles, and supporting cycling and pedestrian trail networks.

Trustee Barber said that her thinking was similar Trustee Masselink’s, and commented as follows: that waste management was a top priority she supported, to develop a proper plan going into the future; that short term vacation rentals was a second top priority she supported, as something we needed to legalize with some restrictions, to benefit our economy; that low income housing was a third top priority she supported, potentially including something like legalizing secondary suites or cottages, and helping seniors as well.

In discussion, Trustee Masselink said that he would prefer to begin with a broader focus on housing (e.g. potentially with a Housing Task Force), rather than starting with a focus on short term vacation rentals.

Trustee Barber said that she could accept this initial broader focus, if this is what it would take to get to the short term vacation rental issue.

**NP-2015-012**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee amend its Work Program by designating the following two Top Priorities – Waste Management and Housing, and request staff to bring new project charters forward for consideration of endorsement.

**CARRIED**

Planner Starke noted the inherited top priorities.

**NP-2015-013**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee resolution for new Work Program top priorities be amended by adding a third priority – an Age and Disability Friendly Community Plan.

**CARRIED**

**By general consent** the North Pender Island Local Trust Committee amended the Work Program to place Conservation Subdivision on the long list.

Planner Starke noted that if nothing further was decided at this time, the inherited long list items would go forward, and the remaining suggestions for long list items could be considered in future if desired.

**5. CORRESPONDENCE**

**5.1. Email dated January 26, 2015 from R. Schnurr re: Meeting with BC Nautical Residents Association**

**By general consent** the North Pender Island Local Trust Committee directed staff to invite the BC Nautical Residents Association to attend a future Local Trust Committee Meeting.

**5.2. Email Dated Jan. 26, 2015 from D. Perch re: Vacation Rental Strategy**

Received for information.

**5.3. Agricultural Land Commission Burdett Decision**

See item 3. (Town Hall), page 3, re: the suggestion by Michael Sketch that the Local Trust Committee seek an appeal or reconsideration of the Agricultural Land Commission (ALC) decision to allow the proposed Burdett solid waste non-farm use.

Before any Local Trust Committee discussion of the above matter, Trustee Masselink noted that he had a potential perceived conflict of interest re: the Burdett solid waste transfer rezoning application, and therefore needed to withdraw from the meeting, which he did at approximately 12:15 pm. The source of the potential perceived conflict was that Trustee Masselink pastured animals on the Burdett's land.

Regional Planner Manager Kojima and Planner Starke noted that for the Burdett's to create a solid waste transfer station on the proposed site, they needed two things – Agricultural Land Commission permission, and also a rezoning by the Local Trust Committee.

Chair Grams said that therefore an ALC appeal was not the last resort to prevent the proposed Burdett use (if appropriate), and such an ALC appeal did not need to be submitted before any deadline.

Trustee Barber said that she didn't think a decision could be made today regarding an ALC appeal, based on the limited information available.

Chair Grams suggested that he seek guidance from the Executive Committee, re: situations where the Agricultural Land Commission was suggested by community members not to be following its own principles.

## 6. TOWN HALL

**Sara Steil** thanked the Local Trust Committee for their website support of the upcoming March 7, 2015 Pender presentation by Andy MacKinnon, entitled "Save the Imperiled Remaining Coastal Douglas-fir (CDF) biogeoclimatic zone."

Trustee Masselink rejoined the meeting at 12:25 pm.

**Michael Sketch** commented on the high qualifications of Island Planner staff, and also the issue of how planning initiatives got going. He said that our community needed to discuss planning concepts and models (e.g. such as Conservation Subdivision), before they were applied by Planners to our community.

**Jane Perch** thanked Chair Grams for being somewhat liberal in allowing people to speak today. She also suggested recording Local Trust Committee meetings to make them more accessible to those not able to attend.

RPM Kojima said that making and sharing audio recordings of North Pender Island LTC meetings was being looked into.

Trustee Masselink said that holding LTC meetings at different times was also still being looked into.

Dennis Perch said that there had been great reliance on the Planners in the past, allowing them to come up with ideas. However, it would be nice to have more community committees addressing issues, by dealing with the facts and coming up with ideas.

7. **ADJOURNMENT**

**By general consent** the meeting was adjourned at 12:34 pm.

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George Grams, Chair

Certified Correct:

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Zorah Staar, Recorder