

ADOPTED



North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: Wednesday, March 4, 2015 (9:45 am)
Location: Royal Canadian Legion
1344 MacKinnon Road

Members Present George Grams, Chair
Dianne Barber, Local Trustee
Derek Masselink, Local Trustee

Staff Present Justine Starke, Island Planner
Zorah Staar, Recorder

Media and Others Present: There were twenty-six (26) members of the public present

1. CALL TO ORDER

Chair Grams called the meeting to order at 9:48 am. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

Planner Starke noted that item 10.1 (application NP-DVP-2014.4 – Heigh) was being withdrawn from the agenda at the Applicant's request, but could be considered in future.

By general consent the Local Trust committee adopted the agenda, as amended.

3. TOWN HALL AND QUESTIONS

Gordon Hansen asked that the Work Program Land Use Bylaw Amendments include increasing the allowed square footage of guest cottages, which were larger elsewhere.

Planner Starke said that the Local Trust Committee could choose to include this within their top priority of Housing.

Don Corbett said that the Islands Trust bureaucracy and property tax assessment should be reduced, because fewer services were provided than education or fire prevention.

Michael Sketch said that the Hooson Road Bible Camp application for an accessory building involved agricultural land, should have a Community Information Meeting before detailed Staff Reports, and should involve dual Islands Trust jurisdiction because the Camp pre-dated the Agricultural Land Reserve (ALR).

Carmen Oleskevich said that there was a meeting of community members at the Bible Camp yesterday. The Local Trust Committee and planner should consider the bigger picture (including the large number of buildings already on this ALR property), and have a Community Information Meeting before proceeding further.

Dale Henning said that the Local Trust Committee should not defer consideration of application NP-RZ-2012.1 (Burdett), because this application had already gone on for years, garbage needed to be collected on Pender, the Medicine Beach collection could be shut down, and this would really affect local residents and businesses.

Chair Grams explained that application NP-RZ-2012.1 would not be considered any faster than could be competently done by the Local Trust Committee. The application was controversial and not simple, and he was a new Chair being asked to have a greater decision-making role than usual, because Trustee Masselink had to recuse himself.

Candis Zell said that the Burdett property was not suitable because: solid waste zoning was usually farther away from food services and shopping; the property had a history of rich agricultural soil and grazing; and the fuel tanks were shut down by the government.

John Aftias said that he owned property adjacent to the Pender Recycling property (being proposed by some people as a better solid waste transfer site). He was opposed to this because of rat problems when garbage was there before, and because when it rained hard, run-off from the property came down into his well area, 70 yards away. He added that there was a flawed hydrology report which failed to include his well.

Sara Steil said that the February 3, 2015 Local Trust Committee minutes should have said on page 1 that she supported continuing the Conservation Subdivision Review project as a Top Priority, due to the resources already expended.

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARING

None

6. MINUTES

6.1. Local Trust Committee Minutes Dated January 22, 2015

By general consent the Local Trust Committee minutes of January 22, 2015 were adopted.

6.2. Local Trust Committee Special LTC Meeting Minutes Dated February 3, 2015

By general consent the Local Trust Committee minutes of February 3, 2015 were adopted.

6.3. Section 26 Resolutions-without-meeting Report Dated February 2015

There had been a resolution-without-meeting to reschedule the February 26 Local Trust Committee meeting to today (March 4).

6.4. Advisory Planning Commission Minutes

None

7. BUSINESS ARISING FROM THE MINUTES

7.1. Follow-up Action List Dated February 2015

All the current Follow-Up Action List items were done as of this time.

8. DELEGATIONS

8.1. Monica Petrie re: Blue Dot Campaign

Lynn Wells said that she was present in the place of Monica Petrie, to read a statement about the “Right to Live in a Healthy Environment” Blue Dot Campaign (materials provided). This was a Canada-wide initiative, involving local governments being asked to pass an environmental rights declaration.

Trustee Masselink said that he believed two trustees were already working on a related motion to go before the next meeting of the Islands Trust Council.

9. CORRESPONDENCE

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

None

10. APPLICATIONS AND REFERRALS

10.1. NP-DVP-2014.4 (Heigh)

See item 2.

10.2. NP-DVP-2015.1 (Bradley)

Planner Starke reviewed the February 17, 2015 Staff Report re: NP-DVP-2015.1 (Bradley), commenting as follows: that this was an application for 4814 Cannon Crescent to vary the front lot line setback for construction of a car -port that the reason was due to the steep elevation of the property and the difficulty of access four neighbours responded to the notification in favour of the application.

NP-2015-014

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee Development Variance Permit NP-DVP-2015.1 (Bradley) be Approved.

CARRIED

10.3. NP-RZ-2012.1 (Burdett)

At 10:19 am, Trustee Masselink left the meeting, recusing himself from discussion of this item) because of a potential perceived conflict of interest. . Chair Grams noted that if Trustees did not recuse themselves in such cases, then the Local Trust Committee decision could later be challenged in court.

Planner Starke reviewed the February 10, 2015 Memorandum and attached January 5, 2015 Staff Report re: NP-RZ-2012.1 (Burdett), commenting as follows: that the Report gave a thorough analysis of the Applicants' proposal to

rezone their property at 4606 Razor Point Road (also adjoining Hamilton Road) for solid waste transfer and related uses; that the Applicants now said they had no plans for a septic system, but they would include a portable toilet and a water supply from the existing well or pond; that the draft rezoning Bylaw No. 196 (attached to the Report) would create a new Industrial zone for a waste transfer facility; and that given the February 3, 2015 Local Trust Committee decision to make Waste Management a Top Priority, the Report suggested 3 options.

Applicant Anne Burdett read out a written statement, including comments as follows: that the applicants (herself and Mike Burdett) had gone through multiple applications and worked diligently for 7 years, to deliver waste services to the community; that being unable to achieve security for their operations on rented land, they had purchased the current property and sought rezoning; and that their current waste drop-off site at Medicine Beach was near residents, a store, and a nature reserve, and none of the current complainants had objected to that.

Chair Grams asked why there had not been a Temporary Use Permit application made in this case. He also noted that there had been an appeal lodged with the Agricultural Land Commission (ALC) of the decision to allow waste transfer as a non-farm use on the site. He supported deferral of the rezoning application until there was a Staff Report on Waste Management in the larger sense.

Trustee Barber said that we needed more community involvement and ideas in this process, and she also preferred the third option, to defer the application.

NP-2015-015

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee put application NP-RZ-2012.1 (Burdett) on hold, pending the outcome of a community wide land use planning process for waste management; and that without fettering the discretion of the Local Trust Committee, the applicants be invited to make an application for a Temporary Use Permit.

CARRIED

After a break from 10:35 to 10:41, the meeting reconvened and Trustee Masselink returned.

There were some public comments speaking against the motion to defer a decision on the Burdett application, and questions about another solid waste rezoning application in progress, by a different party.

Planner Starke clarified that this other party was in ongoing communication, and was working on providing additional required information so that the Local Trust Committee would be in a position to consider their application.

Chair Grams added that applicants had a right of confidentiality, and that the second application would also be considered in the larger context of waste management planning.

Trustee Masselink commented generally that it was essential to move forward with community discussions on waste management planning, and that the CRD had said they could help with this.

Planner Starke said that she was aiming for the next Local Trust Committee meeting, to provide a Waste Management Staff Report and draft project charter.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1. Age and Disability Friendly Community Planning - Memo & Project Charter

Planner Starke reviewed the February 10, 2015 Memorandum re: the Local Trust Committee top priority of Age and Disability Friendly Community Planning. She said that a consultant with excellent experience had now been hired for the project, and the Project Charter had been revised slightly to match the wording of the proposed work to be delivered by the consultant.

NP-2015-016

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee endorse the Project Charter (v.2) for the Age and Disability Friendly Planning top priority.

CARRIED

12. REPORTS

12.1. Work Program Reports

12.1.1. Top Priorities Report Dated February 2015

The current top priorities were: Waste Management; Housing; and Age and Disability Friendly Planning. Planner Starke said that she would try to draft a project charter for Housing as soon as possible.

Chair Grams noted that it would be up to the Trustees which housing issues to prioritize.

12.1.2. Projects List Report Dated February 2015

For information

12.2. Applications Report Dated February 2015

For information

12.3. Trustee and Local Expense Report Dated January 2015

For information

12.4. Adopted Policies and Standing Resolutions

For information

12.5. Local Trust Committee Webpage

Trustee Masselink invited comments and feedback about the webpage at

<http://islandstrust.bc.ca/islands/local-trust-areas/north-pender.aspx>

12.6. Chair's Report

Chair Grams commented as follows: that he had been working with the Executive Committee on the agenda for the next Trust Council meeting on Gabriola; that he was getting up to speed on the North Pender Island Official Community Plan and Land Use Bylaw as well as Chairing other island meetings; and that on Salt Spring (where he was a Trustee), there had been some positive developments on assisting with the health of Mary's Lake (the main water source).

12.7. Trustee Report

Trustee Masselink reported on the following issues: his ongoing meeting with various community groups; attending a positive advocacy meeting with shipping representatives (in particular gypsum freighters); a planned page on the Islands Trust website, to have more freighter information; Masselink now being the Chair of the Trust Programs Committee, which included sitting on the Finance Committee; upcoming Trust Council discussions on creating an Aboriginal Advisory Position, which was very important; and recent good conversations with the Superintendent of the Gulf Islands National Park Reserve.

Trustee Barber said that the recent meeting on freighters had been very productive, as well as her ongoing conversations with community members – to hear their ideas about positive changes that could be made on our island.

12.8. Trust Fund Board Reports

12.8.1. TFB Report to the LTC

A Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality (BIM) – January 2015 was available for information.

12.8.2. Eelgrass Mapping Final Report - Memo & Maps

A 2102 – 2014 Final Report – Nearshore Eelgrass Inventory was available for information.

Planner Starke noted that it showed the most sensitive coastal areas, and could now inform future planning and zoning decisions.

13. NEW BUSINESS

13.1. Advisory Planning Commission Membership – Memo & List

Planner Starke reviewed the December 8, 2014 Memorandum re: the April, 2015 expiration of current Advisory Planning Commission terms.

NP-2015-017

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee directs staff to contact expired Advisory Planning Commission members to find out if they would be interested in being reappointed to the North Pender Island Advisory Planning Commission, and to advertise for more members.

CARRIED

13.2. James Island - Memo & Correspondence

Planner Starke reviewed the February 23, 2015 Memorandum re: James Island (a North Pender Trust Area Associated Island). This Memorandum had a chronology including North Pender Island Local Trust Committee decisions made up to 2008 on an application to rezone for subdivision, and how this application was referred to the Tsawout First Nation.

Planner Starke noted that the zoning had been completed in 2008, although there could potentially be some Official Community Plan changes in future.

One community member had also suggested Islands Trust advocacy for a government purchase of James Island for the benefit of local First Nations.

Trustee Masselink noted that James Island was one example of why it would be important to have an Aboriginal Advisory Position on Trust Council.

14. UPCOMING MEETINGS

14.1. Next Regular Meeting Scheduled for March 26, 2015 at 9:45 am, at the Pender Island Community Hall

15. TOWN HALL

Michael Sketch suggested that the Local Trust Committee think carefully before considering asking the CRD to take over any handling of discarded materials (waste). He also suggested that when approaching the Housing top priority and/or the issue of boat live-aboards, to consider the United Kingdom approach of allowing people houseboats.

Candis Zell spoke about the current community upset over the waste issue, and the need not only for community consultation plus expert professional analysis to help us figure this out, but also healing for our community.

Trustee Masselink said that we needed to come together as a community to resolve issues like this, and to have caring, efficient, thoughtful and non-violent discussions, focussing on bringing peace to each conversation.

Austin Davies said that he had recently moved to Pender with his partner and children, and really appreciated the island, but he was also perceiving some community tensions and issues. He hoped that the community could mature into seeking to understand each other, and speaking in respectful, loving ways.

Anne Burdett said that when she and her partner Mike first decided to apply for rezoning for solid waste transfer, they put two notices in local papers seeking input and there were only two responses.

16. CLOSED MEETING

16.1. Motion to Close Meeting

The following motion was passed at 12:22 pm.

NP-2015-018

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee close the meeting to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1) (d) and (f) and s. 91(1), for the purpose of considering: Adoption of In-Camera Meeting Minutes dated December 17, 2014, and Bylaw Enforcement Issues, and that the recorder and staff attend the meeting.

CARRIED

16.2. Recall to Order

The following motion was passed at 1:23 pm.

NP-2015-019

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee re-open the meeting to the public.

CARRIED

16.3. Rise and Report

It was reported that during the In Camera Meeting, the Local Trust Committee received and reviewed a Bylaw Enforcement Report on live-aboards, and directed staff to provide recommendations on options for an enforcement policy for live-aboards in the North Pender W1 and W2 zones.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:25 pm.

George Grams, Chair

Certified Correct

Zorah Staar, Recorder