



# ADOPTED

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

**Date:** Thursday, April 30, 2015 (9:45 AM)  
**Location:** Pender Island Community Hall  
4418 Bedwell Harbour Road, North Pender Island, BC

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

**Staff Present:** Justine Starke, Island Planner  
Zorah Staar, Recorder

**Public and Media Present:** There were twenty (20) members of the public present

### 1. CALL TO ORDER

Chair Grams called the meeting to order at 9:45 am. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

The agenda was amended as follows:

- Add item 9.1 Letter Dated April 24, 2015 from S. Steil re: Trust Council 2014 – 2018 Strategic Plan;
- Add item 10.3 Galiano Island Local Trust Committee Bylaw 250 Referral;
- Add item 11.3 Housing – Resolutions re: Vacation Rentals.

**By general consent** the Local Trust Committee agenda, as amended, was Approved.

### 3. TOWN HALL AND QUESTIONS

**Sara Steil** asked if the Trustees had read Jim Henderson's Pender Island groundwater report that she had provided, to help inform Trustee decisions.

Trustee Barber said "yes" and Trustee Masselink said "no."

**Sara Steil** suggested that rezoning application NP-RZ-2014.1 (item 10.2 below) should not be approved, because this would set a huge precedent for oversized docks, it was not a community dock, and the Advisory Planning Commission had opposed it.

**Dorothy Murdoch** said that she had expressed interest in writing to be appointed to the Advisory Planning Commission, but was concerned about having been informed by Islands Trust staff that her name had been withdrawn from the list of candidates.

Planner Starke said that there was a staff mistake confusing Murdoch's name with someone else, now Murdoch was on the candidate list, and apologies were offered.

**Dorothy Murdoch** said that she also spoke as Manager of the Driftwood Centre, because the owner had recently received a call from Islands Trust Bylaw Enforcement alleging that illegal burning of garbage was happening at the Centre. Murdoch said that the proper permit, insurance, and venting was in place for the fire, no garbage was burned, how could the officer enter without notice, and was this targeting the Driftwood?

Chair Grams said that the Bylaw Enforcement Officers could act on complaints and visit private premises without notice to or consent of the owner, during reasonable hours. The issues raised by Murdoch could be discussed at the in camera meeting later today.

**Richard Piskor** said that he was an owner of the Hope Bay Hop Farm, he appreciated Islands Trust transparency, and why did this month's Local Trust Committee Expense Report seem to say that meeting expenses were about \$1,000 over budget for the month?

Planner Starke clarified that the expense report was for a fiscal year, and showed that Local Trust Committee meeting expenses had been \$922 over budget for that year.

**Richard Piskor** added that the entire Islands Trust budget for the fiscal year was about \$7 million, and he asked what the \$1.6 million amount for administration included.

Chair Grams said that the Islands Trust budget had line by line items for each section, and we could try to find out and confirm what expenditures were included under administration.

**Don Corbett** asked if the Islands Trust budget itemized time spent on advocacy (e.g. re: ferry costs, Salish Sea pollution, etc.), why staff worked on advocacy instead of just the Trustees, and why staff numbers had increased since 2007 from 37 to over 50?

Chair Grams replied that on larger advocacy issues, it made sense for planning staff to collect and consolidate the views of various Local Trust Committees, do research, and construct advocacy letters and statements for the consideration of Trust Council. Also, the Islands Trust currently had 50 staff (website indication of 53 staff needed to be updated).

Trustee Masselink said that he was the Chair of the Trust Programs Committee, and that the Islands Trust currently had one staff person working on advocacy. He felt more staff time was needed, considering an organization of this size and the major issues it faced.

Chair Grams said that he supported a different Islands Trust approach regarding advocacy – “pulling levers that we control, instead of begging others to pull levers”. It was important to assess where advocacy had been successful and where it had not.

**Leigh Pullen** said that he agreed with Chair Grams' statement above.

**Michael Sketch** provided a submission re: the Agricultural Lands Commission (ALC) decision to allow the Burdett solid waste use, saying that he and 6 other persons had asked the ALC to reverse this decision, because it was incorrectly based on community need. West Coast Environmental Law had agreed to provide legal advocacy on this point.

#### **4. COMMUNITY INFORMATION MEETING**

None

**5. PUBLIC HEARING**

None

**6. MINUTES**

**6.1. Local Trust Committee Minutes Dated March 26, 2015**

**By general consent** the Local Trust committee meeting minutes of March 26, 2015 as presented, were Adopted.

**6.2. Section 26 Resolutions-without-meeting Report**

None

**6.3. Advisory Planning Commission Minutes**

**6.3.1. APC Minutes Dated January 7, 2015**

For information

**6.3.2. APC Minutes Dated March 17, 2015**

For information

**6.3.3. APC Minutes Dated April 2, 2015**

For information

**7. BUSINESS ARISING FROM THE MINUTES**

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

Planner Starke said that regarding audio recording of meetings, Management would consider if there were resources for the North Pender Island Local Trust Committee to be a pilot project to expand this beyond Salt Spring.

Chair Grams said that on Salt Spring, the Local Trust Committee Recorder/ Minute Taker handled the recording device, and staff later deleted any defamatory comments and uploaded the recording to the Islands Trust website.

**8. DELEGATIONS**

None

**9. CORRESPONDENCE**

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

**9.1. Letter Dated April 24, 2015 from S. Steil re: Trust Council 2014 – 2018 Strategic Plan**

Received for information

## 10. APPLICATIONS AND REFERRALS

### 10.1. Mayne Island Local Trust Committee Bylaws No. 161 & 162 Referral

Planner Starke noted that the above bylaws involved general and technical amendments by the Mayne Island Local Trust Committee.

**By general consent** the Local Trust Committee confirmed that its interests were unaffected by Mayne Island Local Trust Committee Bylaws No. 161 and 162.

### 10.2. NP-RZ-2014.1 (06975950 – Michael Philpot)

Trustee Masselink said that he was recusing himself for this item because of potential perception of conflict of interest due to his wife having previously been a consultant for the applicant.

Trustee Masselink left the meeting at 10:18 a.m.

Planner Starke reviewed the April 15, 2015 Staff Report for the Wallace Point Rezoning for Common Dock (NP-RZ-2014.1), commenting as follows:

- Application involved Proposed Bylaw No. 198 to rezone a Water 1 zone, to permit a larger dock (83.6 m<sup>2</sup>) than the Land Use Bylaw allowed (37 m<sup>2</sup>);
- Applicant's strata subdivision application for the property had been withdrawn, and their NAPTEP covenant for the property was now approved;
- Biologist's report said that impact of removing dock was greater than leaving it;
- Advisory Planning Commission majority recommended that dock rezoning application proceed no further, to avoid setting a precedent;
- As part of rezoning, applicant would sign a covenant that if and when he did subdivide into two additional lots the dock would be shared by future lot owners. .

The Applicant was present, and said that the subdivision was a low priority for him.

Trustee Barber said she agreed with the rezoning, and withdrawal of subdivision.

Chair Grams said that allowing the oversized dock was the lesser of two evils, because without the rezoning and covenant, two additional docks could be built if the property was subdivided.

#### **NP-2015-026**

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

THAT the North Pender Island Local Trust Committee give Second Reading to Bylaw No. 198, cited as North Pender Island Land Use Bylaw 103, 1996, Amendment No. 4, 2014 (NP-RZ-2014.1; 0697595; 7950 Plumper Way).

**CARRIED**

**NP-2015-027**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee direct staff to schedule a Public Hearing and Community Information Meeting for Bylaw No. 198, cited as North Pender Island Land Use Bylaw 103, 1996, Amendment No. 4, 2014. (NP-RZ-2014.1; 0697595; 7950 Plumper Way).

**CARRIED**

**NP-2015-028**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee request that a suitable worded s. 219 covenant be registered prior to final adoption of Bylaw No. 198, to ensure that prior to registration of any future subdivision an easement or access via common property is a condition of subdivision approval.

**CARRIED**

There was a brief break, and then Trustee Masselink returned to the meeting at 10:39 am.

**10.3. Galiano Island Local Trust Committee Bylaw No. 250 Referral**

It was noted that Galiano Island Local Trust Committee Bylaw No. 250 involved a Land Use Bylaw amendment for clarity (confirming that zoning must regulate uses and not users of land).

Trustee Masselink said that a copy of the proposed bylaw was necessary, before making a decision on this referral.

**11. LOCAL TRUST COMMITTEE PROJECTS**

**11.1. Waste Management – Staff Report**

Planner Starke reviewed the April 21, 2015 Staff Report, commenting as follows:

- Report included the Project Charter Work Plan Overview for the Local Trust Committee Top Priority – Land Use Planning for Waste Management;
- Report included draft Terms of Reference for a Special Advisory Planning Commission (like a Community Task Force), to do research, community analysis, and reach consensus on ideal locations and preferred scope of waste management on North Pender (with consideration of South Pender);
- Proposed process also involved stakeholder meetings, local community engagement / consultation, providing input to CRD re: their consultations on a regional waste management plan, and other cooperation with CRD;
- Proposed project timeline was between present and July, 2016.

The Trustees discussed the need for the waste management planning process to involve directly the CRD, South Pender Island, and solid waste operators, including allowing operators to seek membership on the Special Advisory Planning Commission. This was considered to be consistent with provision 7 of the proposed Terms of Reference.

**By general consent** the Local Trust Committee amended the draft Terms of Reference for the Special Advisory Planning Commission (APC) as follows:

- To amend provision 12 to clarify that Trustees participating in a Special APC meeting will have no vote;
- To amend provision 13 to clarify that both the CRD Director or his delegate and also a South Pender Trustee are to be invited to participate in the Special APC in an ex officio capacity.

**NP-2015-029**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee endorses the Terms of Reference as amended, for a Solid Waste Management Special Advisory Planning Commission attached to the Staff Report dated April 16, 2015, and directs staff to advertise for members.

**CARRIED**

**11.2. Age Friendly Planning – Verbal Report**

Planner Starke reported that a May 19 workshop (10:30 am to 1:30 pm) had been scheduled for the Age Friendly Planning project, to be facilitated by the consultant and staff. This was to discuss Age Friendly community issues broadly. All interested persons were invited to RSVP to lfoster@islandstrust.bc.ca.

**NP-2015-030**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee directs staff to issue a media release inviting participation in the Age Friendly Planning workshop scheduled for May 19, 2015.

**CARRIED**

**11.3. Housing – Resolutions re: Vacation Rentals**

Trustee Barber proposed two resolutions regarding vacation rentals (short term vacation rentals), to give them first priority within the Local Trust Committee's Housing Top Priority, and to request a Project Charter on options for legalization.

Trustee Masselink said that he was more interested in an ecosystem approach to the Housing top priority, giving broad consideration to issues, but he was willing to start with the vacation rental issue.

Chair Grams said that he had a difficulty with vacation rentals being within a Housing priority because they were commercial, and also a concern with a resolution requesting "options for the legalization of tourist accommodation within residential zones", because this sounded as if legalization of vacation rentals was already decided, which was not the case. Chair Grams allowed public comment.

**Julie Roper** said that she was Vice-Chair of the Advisory Planning Commission, which met last week to discuss and comment at length on the LTC referral re: whether to take a comprehensive or a focussed approach to Housing. These APC comments now felt like a waste of time, given the resolutions proposed today.

**Marika Kenwell** said that she was also on the APC, and she asked why short term vacation rentals (STVR's) would be made the top housing issue, when our island had people looking for affordable housing and not being able to find it.

Trustee Barber said that there were people who would like to live here part-time, who wanted or needed to be able to rent out their house part-time to allow this.

**Marika Kenwell** said that many short term vacation rental owners already lived here, but had second and third houses that they rented out as STVR's, which they had no intention of living in themselves.

**Dorothy Murdoch** said that we needed to have the STVR discussion as soon as possible because the lack of them was killing business on this island, and also she was not convinced that we had a lack of low-income housing here.

**NP-2015-031**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee put first priority on consideration of Vacation Rentals over other matters within the Housing top priority.

**CARRIED**

**NP-2015-032**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee direct staff to bring a project charter and scope of work on options for reviewing the issue of tourist accommodations in residential zones to the next regular Local Trust Committee meeting.

**CARRIED**

Planner Starke clarified that Housing was still one of the Local Trust Committee's three top priorities, and that the Advisory Planning Commission minutes on the Housing referral would be brought forward for review.

**12. REPORTS**

**12.1. Work Program Report (attached)**

12.1.1. Top Priorities Report Dated April 2015

Received for information

12.1.2. Projects List Report Dated April 2015

Received for information

**12.2. Applications Report Dated April 2015**

Received for information

**12.3. Trustee and Local Expense Report Dated March 2015**

Received for information

**12.4. Adopted Policies and Standing Resolutions**

Received for information

**12.5. Local Trust Committee Webpage**

The North Pender Local Trust Committee webpage can be found at:

[www.islandstrust.bc.ca/npender](http://www.islandstrust.bc.ca/npender)

**12.6. Chair's Report**

Chair Grams commented on the following:

- Provincial Ministerial funding now given for Salt Spring Island to undertake a study and a process re: potential incorporation as a municipality;
- Islands Trust Executive decision to have some of their meetings on other islands;
- A recent useful Southern Gulf Islands planning round table, involving Local Trustees, CRD, and Ministry of Transportation & Infrastructure representatives;
- A recent useful meeting of Southern Gulf Islands Trustees, including considering the Islands Trust vision statement, and also potential relocation of some Trust functions away from Victoria, to be staffed by more islanders.

**12.7. Trustee Report**

Trustee Masselink commented on the following:

- Recent Southern Gulf Islands planning round table meeting, which was part of positive steps for the Islands Trust and CRD to work more collaboratively;
- Recent Southern Gulf Islands Trustees meeting - an important chance to discuss where the Trust was headed, e.g. could it become a beacon of sustainability;
- Parks Canada Advisory Board meeting tomorrow, which he would attend;
- Upcoming May 7 meeting (10 am, Legion), for Bylaw Enforcement discussions between local enforcement personnel and stakeholders;
- Trustee Masselink being chosen for a Social Innovation Residency at Banff Centre.

Trustee Barber commented on the following:

- LTC looking for volunteers for the regular Advisory Planning Commission, and the Solid Waste Management Special Advisory Planning Commission;
- Re: vacation rentals, Trustee Barber was looking for a way to legalize this with regulations, and to figure out how to put those in place;
- Re: recent Southern Gulf Islands Trustee discussions, we were on the road to our communities working with Planners who actually lived on the islands;

- Also, Trustee Barber encouraged people to be a bigger, better part of our community.

## **12.8. Trust Fund Board Report**

Received for information

## **12.9. Bylaw Enforcement**

### **12.9.1. Trust Council Briefing and Statistics**

Chair Grams noted the February 17, 2015 Bylaw Enforcement Briefing to Trust Council, which provided statistics based on local trust area and violation types. Islands Trust enforcement of bylaw violations was ongoing, often began with seeking persuasion and education, and could then proceed to successive layers of enforcement action.

## **13. NEW BUSINESS**

### **13.1. 2014-15 Annual Report - North Pender Island Local Trust Committee Section – Request for Decision**

**NP-2015-033**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee approves the text attached to the April 7, 2015 Request for Decision, for inclusion in the 2014-15 Annual Report for approval by Trust Council and submission to the Minister of Community, Sport and Cultural Development.

**CARRIED**

### **13.2. Input to Strategic Plan – Request for Decision**

Chair Grams noted that revision of the Islands Trust Strategic Plan for 2014 – 2018 had been discussed at the recent Galiano Trust Council meeting, and additional input was requested from each Local Trust Committee.

The two local trustees suggested priorities for the Islands Trust Strategic Plan, which Chair Grams helped summarize (Trustee Barber – see points 1 to 4 in resolution below, and Trust Masselink – points 5 to 8 below). Trustee Masselink also expressed frustration with the length, repetition, and lack of clarity in the Strategic Plan, and felt the Islands Trust should first re-vision where it was headed in a big sense (e.g. from 30,000 feet), and then revise the Strategic Plan more significantly.

**NP-2015-034**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee recommend to Trust Council that the potential objectives and strategies in the Discussion Draft of the Strategic Plan for 2014 – 2018 be amended to include the following priorities:

1. Organizational cost effectiveness and resilience;
2. Reduction in our ecological footprint;
3. Protecting and preserving our shorelines;
4. Maximizing resource efficiency, in particular by making the best use of existing buildings
5. Engaging our communities and the rest of BC in the protection and stewardship of the Trust area;
6. Improving the economic and social health of our communities;
7. Delivering open and effective governance;
8. Establish effective evaluation processes of Islands Trust in achieving its mandate.

**CARRIED**

**13.3. Board of Variance (BOV) Expiring Memberships - Staff Memo**

Planner Starke noted the April 16, 2015 Memorandum, on steps that staff will now take re: candidates for the North Pender Island Board of Variance.

**14. UPCOMING MEETINGS**

**14.1. Next Regular Meeting Scheduled for May 28, 2015, at the Pender Island Community Hall**

Trustee Masselink suggested rescheduling to an evening Local Trust Committee meeting earlier in May, to support attendance by more community members.

**NP-2015-035**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee request staff to reschedule the May 28 Local Trust Committee meeting to the week of May 21, and consider hosting that meeting in the evening.

**CARRIED**

**15. TOWN HALL**

**Marika Kenwell** thanked Trustee Masselink for his inclusiveness and his interest in greater dialogue with the community.

**Julie Roper** thanked the Local Trust Committee for referring the Housing top priority to the Advisory Planning Commission for discussion last week, resulting in meeting minutes which she hoped the Trustees would review.

**Michael Sketch** thanked the Trustees for receiving community comment during their meetings, and agreed that it was good to look at the Islands Trust Strategic Plan “from 30,000 feet”, and consider redrafting and shortening it.

**Chuck Harris** said that he had recently become aware of real estate statistics suggesting that of the local islands, Pender Island had the largest number of homes that were only occupied part-time. Harris also said that “Airbnb” (worldwide vacation rentals arranged by internet) appeared to be operating on Pender, and that we also seemed to have a large transient rental population (rental residents coming and going).

**Anne Burdett** asked if the Local Trust Committee would be writing to the Agricultural Lands Commission (ALC) to request reconsideration of their previous decision to allow a non-farm use for solid waste transfer on the Burdett property (associated with rezoning).

Chair Grams said that he did not see the need for the LTC to request this, and that such a request could be interpreted as pre-judging the Burdett rezoning application.

Planner Starke noted that the previous LTC had referred the Burdett request for a non-farm use to the ALC, which could be interpreted as implicit support for this non-farm use.

**Michael Sketch** said that the previous LTC made the Burdett referral to the ALC not with support for the proposed non-farm use, but rather to see if the ALC would even allow it, before further engaging the community in discussion of a rezoning application.

**David Reed** commented as follows:

- He was part of Magic Lake Property Owners Association, which was developing a position paper on short term vacation rentals (STVR's);
- He wondered how people could say that Pender businesses were suffering because of a lack of STVR's, when there were likely other causes (e.g. increasing ferry fares);
- 57 local STVR's were currently advertised by internet, and how many were enough?

Chair Grams said that STVR issues like the above were all to be discussed and debated in future, with no pre-determined outcome. For example, the outcome could be to renew enforcement on all North Pender STVR's.

Trustee Masselink agreed, adding that the current LTC attention to STVR's would provide a legitimate forum for a community discussion that was already happening.

**Candis Zell** suggested consideration of creating ecological rural tourism here, and also spoke in support of year-round renters.

**Anne Burdett** asked about North Pender Island build-out potential.

**Marika Kenwell** said that there were 4,500 lots on North Pender, and you could multiply this by 2.1 (a rough average), to estimate a potential future population with full build-out.

## 16. CLOSED MEETING

### 16.1. Motion to Close Meeting

The following motion was passed at 12:56 pm.

**NP-2015-036**

**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 e, s. 90(1) (a), (d), (f) and (g) for the purpose of considering: Adoption of In-Camera Meeting Minutes Dated March 4, 2015, Bylaw Enforcement Issues, and Appointment of APC Members, AND that the recorder and staff attend the meeting.

**CARRIED**

**16.2. Recall to Order**

The following motion was passed at 1:15 pm.

**NP-2015-037**

**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 passed a resolution to appoint Benjamin McConchie, Dorothy Murdoch and Barbara Johnstone Grimmer, and to re-appoint Michael Symons, Julie Roper and Sharon Card to the North Pender Island Advisory Planning Commission for a term of one year commencing April 24, 2015.

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 1:16 pm.

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George Grams, Chair

Certified Correct:

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Zorah Staar, Recorder