



# ADOPTED

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

**Date:** Thursday, June 18, 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  
Miles Drew, Bylaw Enforcement Manager  
Zorah Staar, Recorder

**Members of the Public and Media Present:** Twenty-eight (28) members of the public

### 1. CALL TO ORDER

Chair Grams called the meeting to order at 9:47 am, and acknowledged that it was being held in traditional territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

The following items were presented for consideration:

- to delete items 8.1.1 and 8.1.2 of Delegations (persons not intending to speak today);
- to add item 8.2 (Michael Sketch as an additional Delegation);
- To add item 11.2.1 (Regular Meeting Addendum).

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

### 3. TOWN HALL AND QUESTIONS

**Richard Piskor** asked Chair Grams if he had more details yet about the administrative portion of the Islands Trust annual budget.

Chair Grams replied that after the upcoming June meeting of Trust Council, he should have more information to report.

**Dorothy Murdoch** commented as follows:

- She was told at a previous meeting that Islands Trust Bylaw Enforcement Officers did not need a landowner's prior permission to enter a property; however, Land Use Bylaw No. 103 appeared to require giving notice;
- Driftwood Centre had been inspected on two occasions without such notice.

Bylaw Enforcement Manager (BEM) Drew, clarified that the Land Use Bylaw required officers to notify the property occupant (not the owner) to arrange a reasonable time for inspection, and this notification could occur in-person, by the officer entering the property to knock on the occupant's door.

**Donn Korbin** asked where he could find an analysis of the impact on other taxpayers of those receiving property tax relief for agreeing to a conservation covenant.

Island Planner Starke, said that potential tax relief came not from the covenant itself but from a related application under the Natural Area Protection Tax Exemption Program (NAPTEP) handled by the Trust Fund Board, who could provide more details.

**Dennis Perch** commented on unfounded assumptions or statements made about short term vacation rentals (STVR's), by community members and also in Staff Reports, e.g.:

- Suggesting that STVR's are illegal on residential property, and all other uses are not;
- Stigmatizing STVR's as "commercial" and not housing, but B & B's are commercial too;
- Suggesting that STVR's over-consume groundwater, but not B & B's or other homes;
- Saying STVR's are unruly places, when official complaint numbers don't confirm this.

Planner Starke confirmed that general principles of zoning classify vacation rentals as commercial uses.

Bylaw Enforcement Manager (BEM) Drew confirmed that precedent has been set in the courts based on a previous Pender Island court case which analyzed the current North Pender Island Land Use Bylaw and concluded short term vacation rentals as a commercial and not a residential use.

Planner Starke added that staff reports refer to community concerns expressed about STVR's, including potential overuse of groundwater by visitors.

Chair Grams felt that it was reasonable to be concerned about visitors from the city (to both STVR's and Bed and Breakfasts) potentially overusing groundwater, especially if they came from areas where there were no restrictions or issues with water supply.

**Elizabeth Montague** commented on the revised Waste Management Task Force Terms of Reference, saying that people with significant conflicts of interest (e.g. operators) should not be members, although they could still be consulted. She also felt that it was important for Trustees or staff not to dominate the Task Force discussions, i.e. to attend to comment when invited, but not otherwise – so that the community could decide issues.

**Ron Schuster** described how he and his partner had been resisting an Islands Trust lawsuit for operating their STVR, commenting as follows:

- Their STVR is not a "party house", the lawsuit was based on one neighbour complaining;
- They followed the code of conduct of the Pender Island Vacation Accommodation Association;
- Legal fees had a huge financial impact on them, as well as stress and health impacts;
- They believed STVR's were legal here, or legality was unresolved and needed clarifying.

#### 4. COMMUNITY INFORMATION MEETING

##### 4.1. Bylaw No. 198

Chair Grams called the Community Information Meeting to order at 10:15 am, as part of a Regular Meeting of the North Pender Island Local Trust Committee.

Trustee Masselink left the meeting at 10:15 am, due to a potential conflict of interest re: Bylaw No. 198, because his wife had done some consulting work for the Applicant.

Chair Grams noted that the purpose of this Community Information Meeting was to share information and invite community members to ask questions or comment informally about North Pender Island Local Trust Committee Proposed Bylaw No. 198 (cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 04, 2014").

Island Planner Starke commented as follows:

- Bylaw No. 198 involved application NP-RZ-2014.1, Applicant Michael Philpot's request to rezone the water zone around Wallace Point to allow his oversized dock;
- The dock was 83.6 m<sup>2</sup>, rather than 37 m<sup>2</sup> as permitted by the Land use Bylaw;
- Majority of Advisory Planning Commission had said that dock rezoning should proceed no further, because of the precedent it could set;
- Biologist's Report discussed the larger dock's current environmental impact with potential impact of additional smaller docks, or impact of removing larger dock.

Chair Grams invited questions or comments from the public.

Applicant Michael Philpot was present to respond.

**Dale Henning** asked if the purpose of the existing dock was for a private boat.

Applicant Michael Philpot responded yes.

**Michael Sketch** said that the dock was 900 square feet, and looked like a monster dock on Google Earth. He asked why the Applicant had submitted a plan for a smaller compliant dock when he applied for his Crown land tenure, but then built a larger dock.

Applicant Michael Philpot responded that he had a larger boat at the time the dock was proposed, and his contractor said that therefore a larger dock was required, which could be achieved by floating in and attaching a dock and calling it a "barge." Now the Applicant had a somewhat smaller boat, but the larger dock was still required for its safe harbour.

**Michael Sketch** said that with the extreme wind conditions around Wallace Point, it was implausible that any additional docks would be built if subdivision occurred. Also, the dock could be reduced in size without environmental damage, by being detached from its chains, floated away, and replaced with a smaller dock.

**Donn Korbin** asked about the relationship between the dock rezoning and the NAPTEP (Natural Area Protection Tax Exemption Program) covenant condition.

Planner Starke said that the two processes were independent, but the Local Trust Committee wanted assurance that the Applicant was following through on his assertion of environmentally responsible action, regarding the upland ecologically sensitive areas.

Applicant Philpot said that he wanted to see the sensitive areas of his property protected, and that he was trying to give back to the other residents in his area (e.g. by letting them use his dock). He added that only one of his neighbours had complained about the dock.

Chair Grams invited additional questions, but there were none. He declared the Community Information Meeting concluded at 10:41 am.

## 5. PUBLIC HEARING

### 5.1. Recess for Public Hearing

#### 5.1.1. Bylaw No. 198

See separate Public Hearing Record dated June 18, 2015.

### 5.2. Recall to Order

The regular local trust committee meeting was recalled to order at 11:24 am.

Trustee Masselink rejoined the meeting at 11:24 am.

## 6. MINUTES

### 6.1. Local Trust Committee Minutes

#### 6.1.1. Local Trust Committee Minutes Dated April 30, 2015

Adopted by Resolution-without-meeting.

#### 6.1.2. Special Local Trust Committee Meeting Minutes of May 19, 2015

**By general consent** the Local Trust Committee adopted the Special Meeting minutes of May 19, 2015.

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

For information

**6.3. Advisory Planning Commission Minutes**

None

**7. BUSINESS ARISING FROM THE MINUTES**

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

For information

**8. DELEGATIONS**

**8.1. M. Kenwell re: How Other Local Governments Regulate STVR's**

Marika Kenwell made a submission on behalf of the Pender Islands Trust Protection Society and the Buck Lake Property Owners Association, as follows:

- There are significant concerns in our community re: Local Trust Committee appearing to move towards legalizing short term vacation rentals (STVR's);
- Kenwell reported on how short term vacation rentals (STVR's) were enforced against in various jurisdictions, with some permitting them as a home occupation for some locations, or by means of a temporary use permit application;
- Many vacation communities were keeping STVR's out of residential areas, because their proliferation eroded community and had impacts on limited resources and infrastructure, which was why Kenwell hoped that the LTC would not yield to pressure from a small group to legalize STVR's.

**8.2. Michael Sketch re: Waste Management Task Force/Special APC**

Michael Sketch made a submission about the Waste Management Task Force or Special Advisory Planning Commission (APC) to be appointed today, including:

- That to include some South Pender residents, it would be better to amend the APC Bylaw to allow this, rather than creating a Task Force;
- Terms of Reference should include Official Community Plan policies;
- Trustees should attend when requested by the group, and not otherwise;
- Trustee Masselink should recuse himself from even this participation, because of his conflict of interest in relation to one solid waste operator;
- Same conflict of interest rules as with APC should apply, which would affect waste operators being appointed because of the appearance of bias.

**9. CORRESPONDENCE**

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

**9.1. Letter from S. Steil re: Request for Assistance re: Invitation for Celebrating Orca of the Salish Sea**

This request was to share information about a July 18 Orca Celebration event.

**9.2. Email Dated April 25, 2015 from J. Burrows re: Depletion of Aquifer on Pender**

This email was about the decline of the aquifer near Oaks Bluff and Trincomali (trustee tour to occur later today), and also on the Penders generally.

**10. APPLICATIONS AND REFERRALS**

**10.1. NP-DVP-2015.3 (Stephenson/PIGCC) – Staff Report**

Island Planner Starke reviewed the June 4, 2015 Staff Report re: NP-DVP-2015.3 (Stephenson), which was a variance for a Pender Island Golf & Country Club wheelchair access ramp that needed to be within the setback, and to allow a corner of the building that had also now been discovered to be within a setback.

**NP-2015-038**

**It was MOVED and SECONDED**

That the North Pender Island Local Trust Committee Development Variance Permit NP-DVP-2015.3 (Stephenson) be approved.

**CARRIED**

**10.2. NP-DVP-2015.4 (Thierault c/o Lansdowne) - Staff Report**

Island Planner Starke reviewed the June 4, 2015 Staff Report re: NP-DVP-2015.4 (Thierault c/o Lansdowne), which was a variance to the setback from the sea to permit construction of a garage/studio addition, and an existing deck.

Applicant Heath Lansdowne was present, and said that the lot was such that the house was squeezed in, and there was no room for another approach.

**NP-2015-039**

**It was MOVED and SECONDED**

That the North Pender Island Local Trust Committee Development Variance Permit NP-DVP-2015.4 (Lansdowne) be approved.

**CARRIED**

**10.3. NP-SUB-2014.3 (Davies) 10% Waiver - Staff Report**

Island Planner Starke reviewed the May 13, 2015 Staff Report re: NP-SUB-2014.3 (Davies), which was an application to exempt a boundary adjustment subdivision from the 10% minimum frontage requirement. This was consistent with the intent of the frontage requirement, and was supported by staff.

**NP-2015-040**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee EXEMPT proposed Remaining Parcel "G" of subdivision NP-SUB-2014.2 (Davies) from the 1/10 perimeter provision of Section 944 of the *Local Government Act* and Subsection 4.3.1 of North Pender Island Land Use Bylaw No. 103, 1996.

**CARRIED**

**11. LOCAL TRUST COMMITTEE PROJECTS**

**11.1. Housing (STVR) - Staff Report & Project Charter**

Island Planner Starke reviewed the June 9, 2015 Staff Report on LTC Top Priority – STVR (Housing), commenting as follows:

- Options for LTC consideration of the use of residential zones for tourist accommodation (i.e. short term vacation rentals or STVR's);
- STVR's were first priority focus chosen by LTC, within the Housing top priority;
- North Pender Island regulations currently prohibited STVR's as a principal use in residential zones, various options for LTC to consider included Official Community Plan and/or Land Use Bylaw amendments staff had drafted a Project Charter on "Housing – Short Term Vacation Rentals", with potential next steps starting with more community input.

Trustee Barber commented that the LTC work on STVR issue should be separate from work on affordable housing.

Chair Grams said that this was explicit in the draft Project Charter.

Trustee Barber commented on the following:

- She supported allowing STVR's, but not for every part of the island;
- There were many STVR complaints, and both sides needed to be heard;
- She would like to take this issue to the community.

Trustee Masselink commented as follows:

- Some STVR's could be of benefit to our community, but not a "free for all";
- This issue had a lot of heat, and we needed to hear different perspectives;
- It was really critical that our community decide about STVR's together;
- Why not have this happen through a task force (as with waste management), and also possibly involve South Pender in our STVR discussions?

Planner Starke responded that the Local Trust Committee (LTC) could choose to create a task force, to examine short term vacation rentals (STVR's) and other housing issues; however, this year's budget had limited funds for more meetings.

Chair Grams commented as follows about STVR's:

- The staff report was very comprehensive, and he welcomed examining all options;
- If a decision was made to allow STVR's, the report showed how it could be done;
- Also examine STVR socio-economic impacts, and have a needs assessment;
- Could Southern Gulf Islands Economic Development Commission help?

**NP-2015-041**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee amend the draft “Housing – Short Term Vacation Rentals – Project Charter” to delete the first point under “Out of Scope” and add a point under “In Scope” as follows: “Explore doing a socio-economic impact analysis of Short Term Vacation Rentals on the local community, in partnership with other agencies and organizations”.

**CARRIED**

**NP-2015-042**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee endorse the Housing – Short Term Vacation Rentals – Charter v1.0 dated June 4, 2015, as amended.

**CARRIED**

**NP-2015-043**

**It was MOVED and SECONDED**

THAT the North Pender Island Local Trust Committee direct staff to develop information materials and schedule a community information meeting designed to gather feedback on options for the regulation of short term vacation rentals.

**CARRIED**

**11.2. Waste Management – Staff Report and Memo**

For the Local Trust Committee (LTC) top priority of Land Use Planning for Waste Management, Planner Starke reviewed the June 10, 2015, Staff Report re: “UPDATE – Special Advisory Planning Commission”, and the June 16, 2015, Memorandum re: “Amended Terms of Reference for Waste Management Task Force”, commenting as follows:

- Advertisements had resulted in expressions of interest to serve on the Waste Management Special Advisory Planning Commission or Task Force;
- The LTC would choose members for this body in the In Camera meeting today;
- Amended draft Terms of Reference suggested the name “Task Force”, but with requirements similar to Advisory Planning Commissions (e.g. open meetings, accessible minutes, resident composition, clear roles for elected officials, etc.);
- South Pender residents could also be involved in the Task Force.

Trustee Masselink commented as follows:

- Re: his conflict of interest status, he would continue to recuse himself from LTC discussion of the Burdett solid waste rezoning application, because he had a horse stabled on the Burdett land which could not go anywhere else;
- He had received legal advice that the above situation did not require him to recuse himself from LTC discussions of solid waste planning generally;
- Pender discussions on waste were polarized, with many different opinions and vested interests, and he wanted to provide a forum for the community and these interests to sort out what made sense for waste management.

South Pender Trustee Bruce McConchie had arrived, and commented as follows:

- He was a liaison with the South Pender LTC but could not speak for them;
- South Penderites felt a bit left out of current waste management discussions, and would like more than token involvement with the proposed Task Force;
- Task Force could be a useful advisor to the communities of both North and South Pender, but focus on North Pender for specific rezoning issues;
- Terms of Reference could be amended to refer to Land Use Planning for Waste Management on the Pender Islands (instead of just North Pender).

CRD Director David Howe had also arrived, and commented as follows:

- Current discussions were creating stronger CRD/Islands Trust relationships;
- Once Pender rezoning for waste management was in place, CRD could have jurisdiction, and was willing to be supportive as requested by our community;
- This could include education, environmental compliance, licensing of operators, or even establishment of a new waste management local service.

Chair Grams suggested that the Task Force include South Pender representatives, Trustees in an ex officio (non-voting) capacity, and also experienced community members who, if they had a financial interest, should also be ex officio (non-voting). Chair Grams also suggested that Task Force meetings have limited time at the end for community comment.

#### **NP-2015-044**

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

THAT the North Pender Island Local Trust Committee adopt the Terms of Reference for a Waste Management Task Force, amended as follows:

1. To permit up to 9 voting members, excluding ex officio members;
2. To provide that those with a pecuniary interest in waste management be limited to ex officio members;
3. To make it clear that this is a joint initiative that engages North Pender and South Pender Island;
4. That the Local Trust Committee direct staff to arrange an inaugural meeting once Task Force members have been selected.

**CARRIED**

## **12. REPORTS**

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

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

No changes

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

No changes

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

For information

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

For information

**12.4. Adopted Policies and Standing Resolutions**

For information

**12.5. Local Trust Committee Webpage**

The North Pender Island Local Trust Committee webpage can be found at:  
[www.islandstrust.bc.ca/npende](http://www.islandstrust.bc.ca/npende)

**12.6. Chair's Report**

Chair Grams commented as follows:

- The past month involved preparation for Galiano Trust Council, and a Chief Administrative Officer (CAO) hiring committee to replace departing CAO Linda Adams;
- Salt Spring Island Incorporation Study had a 10-member committee, which recently did an orientation with a provincial Ministry, and which was going to appoint a consultant to assist them.

**12.7. Trustee Report**

Trustee Masselink commented as follows:

- He had attended a May 1 National Park Advisory Board meeting, with a new Superintendent and positive developments re: First Nations inclusion and support for a local National Marine Conservation Area;
- He had helped host a May 7 meeting at the Pender Legion for agencies involved with enforcement, which involved many questions being answered;
- LTC's May 19 meeting and workshop on Age Friendly Community Planning was well-attended and involved very useful discussions about aging in place;
- He chaired a June 1 Trust Programs Committee meeting;
- He would be attending a Social Innovation Residency in Banff, with a Salish Sea focus.

**12.8. Trust Fund Board Report - May 2015**

For information

**13. NEW BUSINESS**

None

**14. UPCOMING MEETINGS**

**14.1. Next Regular Meeting Scheduled for July 30, 2015 (9:45 am, Pender Islands Community Hall)**

**15. TOWN HALL**

**Sara Steil** asked the Islands Trust to help spread the word about the July 18 Orcas in the Salish Sea event. Re: Trustee Masselink's upcoming residency, Steil wondered if anyone had ever done an analysis of the carrying capacity of the Salish Sea.

**Michael Sketch** said that the Islands Trust Chief Administrative Officer (CAO) currently hired and fired all senior staff. Sketch suggested this power should involve the Trustees.

Chair Grams agreed, and said that some Trustees wanted the ability to ratify appointments and be consulted by the CAO on other key matters.

**16. CLOSED MEETING**

**NP-2015-045**

**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) (a), (d), (f) and (g) for the purpose of considering: Adoption of In-Camera Meeting Minutes dated April 30, 2015; Bylaw Enforcement Issues; and Waste Management Task Force Member Appointments; and that the Recorder and Staff, the Southern Gulf Islands CRD Director David Howe, and South Pender Island Trustee Bruce McConchie remain present.

**CARRIED**

**16.1. Recall to Order**

The Regular Local Trust Committee Meeting was recalled to order at 2:54 pm.

**16.2. Rise and Report**

It was reported that during the In-Camera meeting, Jim Petrie, John Pollard, Michael Sketch, Ursula Poepel, Elizabeth Montague, Dale Henning and Donn Korbin were appointed as voting members of the Waste Management Task Force, and Richard Philpot, Davy Rippner, and Anne Burdett were appointed as ex-officio non-voting members, along with agreed ex-officio non-voting members Trustee Derek Masselink, Trustee Dianne Barber, South Pender Island Trustee Bruce McConchie, and Southern Gulf Islands CRD Director David Howe. Additional appointments were invited and could still occur.

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:56 pm.

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George Grams, Chair

Certified Correct:

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Zorah Staar, Recorder