

ADOPTED



North Pender Island Local Trust Committee Minutes of Regular Meeting

- Date:** Thursday, September 10, 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:** Robert Kojima, Regional Planning Manager
Zorah Staar, Recorder
Miles Drew, Bylaw Enforcement Manager (from 11:15 am)
- Regrets:** Justine Starke, Island Planner
- Others Present:** Six (6) members of the public present and no members of the media

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 following amendments to the agenda were presented for consideration:

- add Correspondence item, 9.3, Letter dated September 10, 2015 from Burdett;
- add Correspondence item, 9.4, Submission from Michael Sketch; and
- add to existing item 14.1, discussion of different times for future meetings.

By general consent the agenda was approved, as amended.

3. TOWN HALL AND QUESTIONS

Sara Steil commented re: item 9.2 – notice of an October 10 seminar with Dr. Jim Henderson concerning groundwater. She asked that the Islands Trust put this on the website and also send it to the email list. (already done).

Trustee Masselink suggested that Sara Steil also invite Graham Henderson of the Ministry of Environment to participate in the October 10 seminar.

Garnet Coburn commented as follows:

- he had previously operated a short term vacation rental (STVR) in a small cabin on his property, which provided inexpensive accommodation to visitors (e.g. cyclists);
- he lived on the property as well, and looked after the STVR to ensure low impact;
- he now understood why STVR's were currently illegal, but he made a plea to the Local Trust Committee (LTC) to allow operations such as his, with some regulation.

Chair Grams said that a review of the STVR issue was in progress, and the LTC needed to balance contradictory needs and pressures in order to come to a resolution.

Dennis Perch commented re: 13.1 (Bylaw Enforcement Strategy for Waste Management):

- for waste and vehicles, it was proposed to expand investigation and enforcement without written complaint, based on observations onsite or reliable verbal complaints;
- this violated section 8 of Canadian Charter (further details submitted in writing);
- Bylaw Enforcement Officers had made a previous promise to comply with rules, they were aware that above approach was not allowed, and legal advice should be sought.

Michael Sketch commented as follows on his written submission (see 9.4 below):

- requested to revise paragraph 4 of Terms of Reference for Waste and Resource Management Commission, in order for minutes to name resolution makers, have sufficient detail, and be published on website in draft form within 7 days;
- requested re: paragraph 12 to take out or revise sentence about LTC being satisfied;
- applicants for Advisory Planning Commissions should be required to state conflicts of interest in their expressions of interest, and in addition, past conflict of interest work by Local Planning Committee and Executive Committee should be implemented.

4. COMMUNITY INFORMATION MEETING

none

5. PUBLIC HEARING

none

6. MINUTES

6.1 Local Trust Committee Minutes

6.1.1 Local Trust Committee Meeting Minutes Dated July 30, 2015

By general consent the Local Trust Committee meeting minutes of July 30, 2015 were adopted.

6.2 Section 26 Resolutions-without-meeting Report

none

6.3 Advisory Planning Commission Minutes

6.3.1 APC Minutes Dated April 2, 2015

Received for information

6.3.2 APC Minutes Dated April 23, 2015

Received for information

6.3.3 APC Minutes Dated July 29, 2015

Received for information

6.3.4 Waste & Resource Management Special Advisory Planning Commission (SAPC) Minutes Dated August 18, 2015

Received for information

6.3.5 SAPC Minutes Dated August 27, 2015

Received for information

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated July 2015

Regional Planning Manager (RPM) Kojima reviewed the Follow-Up Action List.

8. DELEGATIONS

none

9. CORRESPONDENCE

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

9.1 Email dated July 28, 2015 from M. Pare re: Well #284, Pirates Road

Received for information

9.2 Email from S. Steil re: Pender Islands Trust Protection Society – October 10 Seminar on Groundwater

See Town Hall comments, item 3.

9.3 Letter dated September 10, 2015 from Anne & Michael Burdett

Received for information

9.4 Submission from Michael Sketch re: Waste & Resource Management Commission

See Town Hall comments, item 3

10. APPLICATIONS AND REFERRALS

10.1 Salt Spring Island Local Trust Committee Bylaw No. 484 Referral

This Salt Spring Island Bylaw No. 484 - referred for comment - would introduce a required 30.5 metre setback between septic fields and drinking water, and was needed to address some inadequate septic issues in an area on Salt Spring.

NP-2015-060

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee supports Salt Spring Island Local Trust Committee Bylaw No. 484 because it may serve as a model for other Trust areas.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Waste and Resource Management Commission Terms of Reference

Regional Planning Manager Kojima reviewed the August 31, 2015 Staff Report re: revised Terms of Reference for the Special Advisory Planning Commission known as the Waste and Resource Management Commission. There was discussion as follows:

- this Commission had met twice and given feedback on Terms of Reference;
- legal opinion obtained re: conflict of interest, resulting in provisions that Commission members would disclose any conflicts on agenda items and could then still participate, which the LTC was satisfied was procedurally fair;
- South Pender LTC was asking for another community member appointee, rather than an ex officio representative of the South Pender APC;
- North Pender LTC supported minutes for Waste and Resource Management Commission being a balance between decision-only and verbatim minutes;
- Trustee Masselink suggested fast tracking the use of audio recording for Commission meetings, and RPM Kojima said that he would look into this.

NP-2015-061

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee adopts the amended Terms of Reference for the Waste and Resource Management Commission attached to the staff report dated August 31, 2015.

CARRIED

11.2 North Pender Advisory Planning Commission (APC) Bylaw No. 200

RPM Kojima reviewed the August 31, 2015 Staff Report re: Advisory Planning Commission Bylaw No. 200, which was ready for adoption and which allowed North Pender special APC's to have some South Pender members as well.

NP-2015-062

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee adopt Bylaw No. 200, cited as "North Pender Island Local Trust Committee Advisory Planning Commission Bylaw No. 166, 2005, Amendment Bylaw No. 1, 2015".

CARRIED

11.3 Age Friendly Plan: Baseline Research and Analysis

RPM Kojima reviewed the September 1, 2015 Staff Report re: the Age Friendly Planning initial Baseline Report. There was more work to come, to produce a draft Age Friendly plan and recommendations for our community. The Local Trust Committee had limited jurisdiction in this regard, but would cooperate meaningfully with agencies and organizations.

Trustee Masselink noted that senior-friendly modifications helped other ages and families as well, e.g. in relation to issues like affordability, housing, transportation, etc.

12. REPORTS

12.1 Work Program Report (attached)

13.1.1 Top Priorities Report Dated August, 2015

13.1.2 Projects List Report Dated August, 2015

There were no changes to the Work Program.

12.2 Applications Report Dated August, 2015

Received for information

12.3 Trustee and Local Expense Report Dated August, 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

12.6 Trustees Report

Trustee Masselink commented on the following:

- Trust Council meeting next week, to discuss issues including Strategic Plan, Salt Spring Island governance review, and tanker traffic;
- on Pender, ongoing concerns re: freighter traffic (e.g. gypsum barge back);
- Trustee Masselink on National Park Advisory Board, and hoping to meet in fall to discuss terms of reference for National Marine Conservation Area.

Trustee Barber reported that she had been speaking with a lot of people about water supply / groundwater concerns, and various other issues.

Note: Bylaw Enforcement Manager (BEM) Drew arrived at 11:15 am.

12.7 Chair's Report

Chair Grams reported on the following:

- Executive Committee received a Pender delegation in opposition to Local Trust Committee approval of an oversized dock (seeking legal opinion);
- Chief Executive Officer hiring process going well;
- Salt Spring incorporation study going well (preliminary report next week);
- Salt Spring Water Protection Association working on various watersheds.

12.8 Electoral Area Director's Report

none

12.9 Trust Fund Board Report

Received for information

13. NEW BUSINESS

13.1 Bylaw Enforcement Strategy for Waste Management

Bylaw Enforcement Manager Miles Drew reviewed the September 1, 2015 Staff Report re: enforcement on storage and disposal of waste and vehicles. It was proposed that investigation and enforcement could occur without a written complaint, based on observations made by Bylaw Enforcement, or based on reliable verbal complaints. Drew said that the Land Use Bylaw did not prevent proactive enforcement like this, although right of entry restrictions would still apply. Trust Council policies allowed enforcement without written complaint on some issues, and this was not contrary to the *Charter of Rights and Freedoms*.

While waste management was being assessed by a Commission (see 11.1), the Trustees supported proactive, balanced enforcement – as proposed above.

NP-2015-063

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee authorizes bylaw enforcement officers to commence bylaw investigations and enforcement without written complaint if bylaw violations related to disposal or storage of waste or recyclable materials or storage of vehicles or vehicle parts are observed by the bylaw enforcement officer while doing inspections for other issues, or if it is reliably reported to the officer that such activity may be taking place.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Thursday, October 29, 2015 (9:45 am, Pender Island Community Hall).

Trustee Masselink repeated his strong preference for trying to have one or more LTC meetings in the evening or on a Saturday, to support greater participation. This could mean the November meeting. Staff would follow up.

15. TOWN HALL

Michael Sketch said regarding proactive bylaw enforcement on waste, there could be a paper trail establishing the basis for intervention. Re: final appointments to the Waste & Resource Management Commission, Sketch believed that the Chair of the North Pender Island Advisory Planning Commission was willing to attend some meetings.

16. CLOSED MEETING

16.1 Motion to Close Meeting

NP-2015-064

It was MOVED and SECONDED

THAT the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s. 90(1) (a), (d) and (i), for the purpose of considering adoption of In Camera Meeting Minutes, a legal opinion, appointment of Advisory Planning Commission Members, and appointment of Board of Variance Members, and that and that recorder and staff attend the meeting.

CARRIED

Note: See separate In Camera minutes dated September 10, 2015.

16.2 Recall to Order

The regular meeting was recalled to order at 12:36 pm.

16.3 Rise and Report

It was reported as follows that during the In Camera meeting, the following appointments were made:

- Ron Underhill to the North Pender Island Advisory Planning Commission;
- Sara Steil and Priscilla Ewbank to the North Pender Island Board of Variance; and
- Gordie Duncan to the Waste and Resource Management Commission.

17. ADJOURNMENT

By general consent the meeting was adjourned at 12:38 pm.

George Grams, Chair

Certified Correct:

Zorah Staar, Recorder