

ADOPTED



North Pender Island Local Trust Committee Minutes of a Regular Meeting

Date: January 28, 2016
Location: Pender Island Community Hall
4418 Canal Road, North Pender Island, BC

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

Staff Present: Justine Starke, Island Planner
Russ Hotsenpiller, Chief Administrative Officer
Robert Kojima, Regional Planning Manager
Shannon Brayford, Recorder

Others Present: Approximately (40) members of the public present.

1. CALL TO ORDER

Chair Grams called the meeting to order at 9:47 am. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations and introduced the Trustees and staff present.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. CLOSED MEETING

At 9:46 am the Chair announced that that the LTC would be moving to a private room for the In-Camera portion of the meeting.

NP-2016-001

It was MOVED and SECONDED

THAT the meeting be closed to the public in accordance to the Community Charter, Part 4, Division 3, S. 90(1) (a) & (d) for the purpose of considering

- Adoption of In-Camera Meeting Minutes Dated October 29 & November 26, 2015
- Personal information about individuals considered for positions appointed by LTC
- Legal advice

And that the Recorder and Staff attend the meeting.

CARRIED

3.1 Recall to Order

NOTE: RPM Kojima and CAO Hotsenpiller left the meeting at 10:30 am.

Chair Grams recalled the meeting to order at 10:36 am.

3.2 Rise and Report

Chair Grams reported that the in-camera meeting had been recessed and that the LTC would return in-camera following Item 16. He noted that there was not a Rise and Report at this time.

4. TOWN HALL AND QUESTIONS

Dorothy Murdoch, Maria Hanson, Lance Mueller (Director of Pender Island Chamber of Commerce), **Phillip Cook, Ed Taylor, and Martha Berringer** each spoke in favour of application NP-RZ-2015.1 (Colliers International). Each speaker noted the economic benefits of The Timbers for the tourism industry and the owners' efforts to operate with a good neighbours agreement.

John Allen spoke against the application NP-RZ-2015.1 (Colliers International), noting the rural zoning of the land and the past legal decisions against its proposed use. He requested that Trustee Barber recuse herself from discussion of this application as she has expressed bias in favour of the application in the past.

Dan Charman asked that any trustees who considered the proposal outside of the public meeting recuse themselves. Also noted that he is an immediate neighbour and has not been notified, involved, or invited to any community consultations.

Chair Grams asked Planner Starke to speak to the notification process. Planner Starke provided an overview, noting that this application is in its preliminary stages and that the formal process would not begin until a later time.

Rob Reedleder spoke against application NP DVP-2015.7 (Deschenes) noting that the lot has three inhabitable structures, it is a home that is being referred to as an accessory building, and approval would set precedent for future bylaw infractions.

Dale Henning spoke regarding the Waste and Resource Management Committee (WRMC). He provided an overview of the Commission's initial goal and noted that of the five objectives, progress had been made on one.

Michael Sketch, member of WRMC, spoke regarding bias and noted that bias would not be relevant for the WRMC if they dealt only with policy. He further commented that staff reports and other staff advice to the LTC contains bias.

5. COMMUNITY INFORMATION MEETING

none.

6. PUBLIC HEARING

none.

7. MINUTES

7.1 Local Trust Committee Minutes Dated November 26, 2015

By general consent the minutes of November 26, 2015 were adopted.

7.2 Section 26 Resolutions-without-meeting Report Dated January 2016

Received for information.

7.3 Advisory Planning Commission Minutes

7.3.1 Advisory Planning Commission Draft Minutes of January 12, 2016

Received for information.

7.3.2 Waste & Resource Management Special Advisory Planning Commission (SAPC) Adopted Minutes Dated November 20, 2015

Received for information.

7.3.3 Waste & Resource Management SAPC Adopted Minutes of January 4, 2016

Received for information.

7.3.4 Waste & Resource Management SAPC Adopted Minutes of January 4, 2016

Received for information.

7.3.5 Waste & Resource Managements SAPC Draft Minutes of January 15, 2016

Received for information.

8. BUSINESS ARISING FROM THE MINUTES

8.1 Follow-up Action List Dated January 2016

Trustee Masselink addressed the concern that the website does not allow easy sharing of information through social media. Planner Starke noted that they can try to address the concerns in other ways, but that the core issue is a structural problem with the design of the website.

9. DELEGATIONS

9.1 B. Mathias & J. Chapman Re: Moving Around Pender (MAP) Transportation Plan

John Chapman spoke, providing the following points:

- An overview of MAP and the organization's goals.
- A request that the LTC re-open the 1992 agreement with MOTI.
- An offer that MAP will participate in whatever manner the LTC determines appropriate.
- A request that the LTC endorse the Pender Transportation Plan and support its ideas.

Barry Mathias, Vice Chair of MAP, noted that since 1992 MAP had assumed they would receive prior knowledge of any work completed on the roads so that they could negotiate the creation of roadside paths. He reported that they have not received such notice.

Trustee Masselink thanked them for bringing it to their attention and agreed that the MOTI agreement should be attended to.

9.2 Jim Burrows & Neptune Estates Re: NP-RZ-2015.1 (Colliers International)

Jim Burrows provided a hand-out to the LTC and presented the following points:

- Representing Neptune Estates, 38 neighbours of the application property.
- The application is not about those who support business and those who do not, but about keeping business locations consistent with the Official Community Plans (OCP).
- A list of bylaw infringements regarding the property's dock, buildings and operations.
- An overview of the legal covenant related to construction on the site.
- An overview of the environmental impact of construction on the site.
- An overview of the history of legal actions and decisions related to the property.
- Noted that multiple OCP amendments would be required and would impact rural ones across the island.
- Noted that residents in Neptune Estates purchased their properties believing they were protected by the OCP.

Michael Symons rose to speak and Chair Grams asked that he limit his remarks in the interest of time. Michael Symons agreed that he would submit his prepared written remarks and limit his verbal ones. The remarks were submitted to the LTC.

Michael Symons made the following remarks:

- Requested that the LTC not be distracted by decisions of how to move forward and focus on whether the application should move forward at all.
- Noted that this application is the kind of development that the Islands Trust was created to guard against.
- Remarkd that property owners purchase in rural areas for specific reasons and trust that the zoning will be upheld.
- Listed the Rural Land Use Statement in OCP outlines four allies and benefits of Rural Land. Noted that these would be promoted by preserving the zoning.
- Noted that denying this application does not take rights from the owner as they are asking for special consideration.

10. CORRESPONDENCE

Chair Grams noted that the agenda stated that “*Correspondence received concerning current applications or projects is posted to the LTC webpage*” and asked about the change. Planner Starke commented that this is the practice for handling correspondence to help manage the volume of the agenda package.

11. APPLICATIONS AND REFERRALS

11.1 NP-DVP-2015.7 (Deschenes)

Planner Starke provided an overview of the application, the purpose of the regulations, and the staff recommendation for the most reasonable solution.

Chair Grams invited the applicant to speak, but she noted that all of her information was included in the staff report.

Trustee Masselink asked whether the accessory building had been disconnected from sewage thus ensuring that it not be used as a residence.

The applicant responded that the CRD had requested that the sewer connection be disconnected and they had complied. She further noted that if they want to reconnect they will have to apply to the CRD for a permit.

NP-2016-002

It was MOVED and SECONDED

THAT Development Variance Permit NP-DVP-2015.7 (Deschenes) be approved.
CARRIED

11.2 NP-DP-2015.4 (Beauvais)

Planner Starke provided an overview of the application and the related staff report. She noted that the applicant sent their regrets and was not in attendance at the meeting.

NP-2016-003

It was MOVED and SECONDED

THAT Development Variance Permit NP-DVP-2015.4 (Beauvais) be approved.

CARRIED

Chair Grams commended the applicant for taking action to protect the land before building.

11.3 NP-DP-2015.6 (Rae/Driftwood)

Planner Starke provided an overview of the application and the related staff report. She noted that there is an active bylaw enforcement file on this property.

Dorothy Murdoch spoke as a representative for the applicant and provided rationale for the proposed changes.

Trustee Masselink remarked that the parking spot adjacent to the flower area was encroached by the fence. Dorothy Murdoch reported that the fence had been moved.

NP-2016-004

It was MOVED and SECONDED

THAT Development Variance Permit NP-DVP-2015.6 (Rae/Driftwood) be approved.

CARRIED

11.4 NP-RZ-2015.1

Planner Starke provided an overview of the application and the related staff report. She also noted the following points:

- The applicant's request is for site specific zone variations.
- The proposed Short Term Vacation Rental (STVR) use would be a primary use rather than a secondary one and would thus require an OCP amendment.
- There is community sensitivity regarding this application.
- The staff report recommends a community information meeting and that the application be referred to the Advisory Planning Commission for review,

Planner Starke noted that the first consideration is whether the application warrants a change in the Official Community Plan.

Alex Conconi addressed the LTC and acknowledged the controversy, remarking that he hoped that they could reconcile the concerns.

In response to Trustee Masselink's question about the dock's size, Alex Conconi noted that the dock was built in accordance with the licence that they were granted, but that the licence was granted in spite of being non-conforming.

Planner Starke noted that the amendment would be site specific permit the dock at its current size in this location only.

Trustee Masselink noted the controversial history of the issue and remarked that he hoped that they would be able to continue without further dividing the community.

A discussion was held regarding the process of hosting community information meetings, whether such meetings would be of benefit, and whether this would be the role of the applicant or the LTC.

Trustee Masselink noted his preference that the applicant hold these meetings.

Additional members of the public requested an opportunity to speak. Chair Grams noted that time had been provided during the Community Hall and that the floor would not be open to public comment at this time.

Chair Grams asked if there were any material changes between this application and the 2013 Temporary Use Permit (TUP) application.

Planner Starke responded that this application was revised as a result of the TUP process and that it addresses several of the concerns by way of additional information and professional reports. Planner Starke noted that the application package was comprehensive and cautioned against the LTC requesting further information from the applicant unless the application proceeds to bylaw drafting. Alex Conconi commented that he saw value in the LTC hosting the community meetings, as his attempts at neighbour outreach faced difficulty due to the level of controversy.

Additional community members requested an opportunity to speak and the Chair denied their requests.

A discussion was held regarding the current STVR project and whether it's outcome would be relevant to this application.

Trustee Masselink remarked that he would like to defer moving forward on the application and a discussion was held regarding the LTC's options.

NP-2016-005

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee direct staff to proceed no further with application NP-RZ-2015.1 (Colliers International).

CARRIED

(Opposed by Trustee Barber)

NOTE: A break was held from 12:15-12:32.

Trustee Masselink addressed the applicant and remarked that he appreciated the work that had gone into the application. He noted that the LTC's decision reflected the community's concerns and their current position in their work plan. He further encouraged the applicants to return once they had made further progress with their neighbours and offered his ongoing assistance.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Land Use Planning for Waste and Resource Management

In response to direction from the LTC at their last meeting, Planner Starke provided an overview of a staff report regarding alternatives for pursuing this work program without a Waste and Resource Management Special Advisory Planning Commission (WRMC)..

Planner Starke's presentation included the following points:

- Noted that the staff report does not make a recommendation.
- There was some progress made by the WRMC to date and noted the productivity of the previous two meetings.
- An overview of the options presented in the Staff Report and her opinion on each option.
- The principles of Natural Law include the right to unbiased decision makers and in this case, advisors.

Addressing the LTC's consideration of whether to dissolve the WRMC, Planner Starke noted that central to this decision is whether the LTC felt that the recommendations of the WRMC would ultimately have public credibility..

A discussion was held regarding the WRMC, the work completed to date, and the issue of bias.

NP-2016-006

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee dissolves the Waste and Resource Management Special Advisory Planning Commission.

CARRIED

Trustee Masselink and Trustee Barber remarked that the WRMC had generated a useful decision making framework and that this would be used moving forward.

Chair Grams noted that some members of the Commission ignored the LTC's request and continued to act with overt bias. He further noted that the other members of the WRMC had been informed that they could raise a vote of no-confidence, but had chosen not to do so.

Planner Starke noted the high level of volunteerism demonstrated by the WRMC members and commented that she hoped that those members would continue to remain involved in the process.

At Chair Gram's request, Planner Starke commented that, of the staff report's recommendations, her preference would be that the LTC direct staff to conduct a hybrid process with planning staff and consultant(s). She provided an overview of the process and the types of consultants that could be involved.

Trustee Masselink noted that moving forward he would like to continue including the Trustees from South Pender Island and also the CRD.

NP-2016-007

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee conduct a hybrid process with planning staff and consultants with regards to the waste and resource management issue and revise the project charter to accommodate that process.

CARRIED

Dale Henning asked whether the pending Agricultural Land Commission decision would impact this charter. Chair Grams noted that this is not in the hands of the LTC and that the project charter would be modified if required.

13. REPORTS

13.1 Work Program Report

13.1.1 Top Priorities Report Dated January 2016

Planner Starke provided an overview of the Advisory Planning Commission's (APC) comments on the Age Friendly Report. She noted that the APC's recommendation was recorded in the minutes and that those draft minutes had been revised.

The APC has advised that the LTC consider Climate Change Adaption and Community Resilience and Potable Water, and the Age Friendly Plan for the Top Priority List.

Michael Symons, APC Chair, noted that the minutes were in draft and not yet approved by the APC. He reported that the Top Priorities document had listed three separate number 1 items. Michael Symons clarified that the APC's motion recommended Climate Change Adaption and Community Resilience and Potable Water, and the Age Friendly Plan.

Planner Starke clarified that although each were numbered with a "1", the first three items on the list were separate items.

Trustee Barber noted that she was at the meeting and felt that continuing work on the Age Friendly plan fit within the LTC's project on housing.

A member of the public asked if the LTC had received any response from the public to their request in the Pender Post for comments on the Age Friendly plan. Trustee Barber noted that they had not.

Trustee Masselink asked whether the LTC would be stretching their resources by adding an additional project.

Planner Starke commented that the LTC has the resources for three top priorities. She further recommended that they address potable water because it relevant to every land use decision.

NP-2016-008

It was MOVED and SECONDED

THAT the North Pender Island Local Trust Committee remove the age friendly planning from the list of top priority projects.

CARRIED

A discussion was held regarding whether the LTC would require additional information in order to add a new item to the Top Priority List.

Michael Symons noted that the APC would be meeting soon and wondered if, with the clarification that they were discreet items, the LTC would like them to reconsider the items and make a new recommendation.

Trustee Masselink agreed that his would be helpful and noted that he would like a particular focus on potable water.

NP-2016-009

It was MOVED and SECONDED

That the North Pender Island Local Trust Committee refer back to the Advisory Planning Commission the consideration of the top priorities to identify a project to fill the vacated place.

CARRIED

13.1.2 Projects List Report Dated January 2016

For information.

13.2 Applications Report Dated January 2016

For information

13.3 Trustee and Local Expense Report Dated December 2015

For information.

13.4 Adopted Polices and Standing Resolutions

For information.

13.5 Local Trust Committee Webpage

Trustee Masselink noted that he had spoken to RPM Kojima regarding the issue of sharing calendar information on social media. He reported that he would be following up with the correct staff member.

13.6 Chair's Report

Chair Gram provided an overview of the meetings which he had recently attended, as well as an update of the ongoing projects in which he is involved. He provided a highlight of decisions that had been made at Trust Council and noted the ongoing importance of marine issues.

13.7 Trustee Report

Trustee Masselink thanked the WRMC for their work and noted that he is looking forward to the STVR meeting on Saturday. He reported that the Trust Budget would be considered in March and that a public survey is available online.

Trustee Barber thanked the WRMC members and noted that she hoped they understood the LTC's reason's for their decision made today. She thanked the public for their participation in today's difficult meeting.

13.8 Trust Fund Board Report

None.

14. NEW BUSINESS

None.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for February 25, 2016, at the Pender Community Hall.

16. TOWN HALL

Jim Petrie commented as a member of the now dissolved WRMC. He noted that he was disappointed with the LTC's decision. He remarked that community involvement is an important part of the project and that the use of consultants will be expensive.

Chair Grams commented that the Commission could have raised a motion of no-confidence and the LTC may have made a different decision if that had happened.

Donn Korbin spoke, raising the following points:

- It has not been demonstrated that the island needs a new waste transfer site.
- North Pender Island currently houses two waste transfer sites that serve both North and South Pender Islands already. He encouraged the LTC to consider their responsibility to the North Pender Residents to keep this equitable.
- Regarding in camera decision and recording of votes at the November meeting he noted that he had inquired to Planner Starke about the count of a particular vote, but was informed that it was confidential because it happened during an in-camera session. He noted his concern that Trustee Masselink had voted on an issue when he should have recused himself.

Planner Starke provided an explanation of the regulations governing the confidential nature of In-Camera Meetings.

Chuck Harris asked how the next STVR meeting would be different from the previous meeting.

Planner Starke provided an overview of the structure of the upcoming meeting.

Marika Kenwell offered feedback on the November STVR meeting. She recommended that when using the break-out group methodology as an inductive approach, some direction should be provided to the small groups.

Dale Henning commented that the LTC's decision regarding the WRMC was a difficult one. He remarked that he felt that it would lead to a more open discussion and better outcome.

Anne Burdett asked whether a microphone could be used at large meetings. This request was acknowledged by the LTC. Marika Kenwell noted that as a member of the Community Hall board she would explore this.

17. CLOSED MEETING

At 1:39 pm the Chair announced that that the LTC would be returning to the in-camera meeting which had been left in recess.

NP-2016-010

It was MOVED and SECONDED

THAT the meeting be closed to the public in accordance to the Community Charter, Part 4, Division 3, S. 90(1) (a) & (d) for the purpose of considering

- Personal information about individuals considered for positions appointed by LTC
- Legal advice

And that the Recorder and Staff attend the meeting;

CARRIED

17.1 Recall to Order

Chair Grams recalled the meeting to order at 1:43 pm.

A discussion was held regarding a letter of appreciation to the WRMC members.

Trustee Masselink volunteered to send the letter and requested that Islands Trust's communications staff provide a template.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:44 pm.

George Grams, Chair

Certified Correct:

Shannon Brayford, Recorder