



ADOPTED

North Pender Island Local Trust Committee Minutes of a Regular Meeting

Date: February 25, 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: Robert Kojima, Regional Planning Manager
Lisa Gordon, Director of Trust Area Services
Shannon Brayford, Recorder

Others Present: Ten (10) 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 and introduced the Trustees and staff present.

2. APPROVAL OF AGENDA

Regional Planning Manager (RPM) Kojima noted that for item 6.3.2 he had distributed a set of adopted minutes for the North Pender Island Advisory Planning Commission (APC) meeting of Tuesday, February 2, 2016.

By general consent the agenda was approved, as amended.

3. TOWN HALL AND QUESTIONS

Donn Korbin noted an apparent change of attitude between the Trustees' Pender Post article which stated they looked forward to further work by the Waste and Resource Management Commission (WRMC) (North Pender Island Special APC), and their subsequent decision to dissolve the commission. He asked the Local Trust Committee (LTC) to explain the change of opinion and questioned whether threat of a lawsuit, Islands Trust Executive intervention, or staff intervention played a role.

The LTC addressed Donn Korbin's concern, noting that the Trustees are not able to discuss matters until the public meeting and thus could not have formed their intent to dissolve the Commission when they wrote the article. They further noted that they did not receive outside pressure from a threatened lawsuit, Islands Trust Executive, or staff.

Donn Korbin asked that the information that was received in camera which informed the decision to dissolve the WRMC be made public.

Chair Grams provided an overview of the legislative process for in camera meetings, the types of matters discussed therein, and the confidentiality of those matters.

Donn Korbin requested that Trustee Masselink remove himself from discussions about waste and resource management issues because his sheep flock was housed on one of the relevant properties and that flock would be returning there.

Trustee Masselink addressed the concern, noting that his wife did have sheep on the property and a horse housed there. He reported that he had sought legal advice and as he is not beholden to the land because the animals could be housed elsewhere, there is no conflict. He further noted that he had no intention to return the sheep flock to the property and, if needed, would be able to relocate the horse as well.

Niall Parker spoke as a director of Moving Around Pender (MAP), offering to answer any questions from the LTC or public regarding MAP's projects.

Chair Grams invited the public and LTC to address Niall Parker. No questions were asked. Chair Grams thanked Niall Parker for attending.

Martin Walker asked whether residents could apply for Temporary Use Permits (TUPs) for Short Term Vacation Rentals (STVRs) and, if so, whether there would be any public meetings on the matter.

RPM Kojima provided an overview of TUPs and noted that residents can apply for a TUP for any use of their property that otherwise is not permitted. He further noted that the LTC is under no obligation to grant TUPs.

Chair Grams noted that TUPs were being addressed as part of the STVR project and invited Martin Walker to participate in the survey and public meetings.

Dale Henning and **Heath Lansdowne** asked about STVRs that are operating without a permit and whether the imposed fines could be increased to provide a greater deterrent.

RPM Kojima provided an overview of the enforcement policy, including tickets and possible injunctions. He noted that the rate of the fines is controlled with legislation.

4. COMMUNITY INFORMATION MEETING

None.

5. PUBLIC HEARING

None.

6. MINUTES

6.1 Local Trust Committee Minutes

6.1.1 North Pender Island Local Trust Committee Meeting Minutes of January 28, 2016

Recommended amendment of “chance” rather than “change” on page 7.

By general consent the North Pender Island Local Trust Committee Meeting Minutes of January 28, 2016 were adopted, as amended.

6.1.2 North Pender Island Local Trust Committee Special Meeting Minutes of February 6, 2016

By general consent the North Pender Island Local Trust Committee Special Meeting Minutes of February 6, 2016 were adopted, as presented.

6.2 Section 26 Resolutions-without-meeting Report

None

6.3 Advisory Planning Commission Minutes

6.3.1 APC Adopted Minutes Dated July 29, 2015

Received for information.

6.3.2 APC Adopted Minutes Dated February 2, 2016

Received for information.

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action List Dated February 2016

No items for discussion.

8. DELEGATIONS

None.

9. CORRESPONDENCE

None.

10. APPLICATIONS AND REFERRALS

10.1 NP-RZ-2014.1 (Philpot) Staff Memo/Covenant

Trustee Masselink excused himself at 10:19 am noting a conflict of interest.

RPM Kojima provided an overview of the staff memo.

NP-2016-011

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee adopt Bylaw 198, cited as North Pender Island Land Use Bylaw 103, 1996, Amendment No. 04, 2014 (NP-RZ-2014.1; 0697595 BC Ltd; 7950 Plumper Way).

CARRIED

10.2 NP-DVP-2015.5 (deRuiter)

Trustee Masselink returned to the meeting.

RPM Kojima noted that the applicant had expressed their intention to attend and was not yet present.

Chair Grams suggested that the LTC return to item 10.2 once the applicant was present.

10.3 NP-DVP-2016.1 (Lansdowne)

RPM Kojima provided an overview of the staff report.

NP-2016-012

It was MOVED and SECONDED,

that Development Variance Permit NP-DVP-2016.1 (Lansdowne) be approved.

CARRIED

10.4 NP-DP-2015.5 (Bowers)

RPM Kojima provided an overview of the staff report.

The LTC held a discussion with the applicant regarding the site choice and whether another option was available that would not require a permit.

NP-2016-013

It was MOVED and SECONDED,

that Development Permit NP-DP-2015.5 (Bowers) be approved.

CARRIED

Chair Grams noted that the LTC would be returning to item 10.2

RPM Kojima provided an overview of the staff report. He noted that, if approved, staff would continue to monitor the site and ensure that the building permit for the primary residence moves forward.

The LTC and the applicant had a discussion about the history of the structure, concerns with the structure's plumbing system, and general benefits of small residences.

The applicant advised that he offered his expertise and assistance to municipalities looking to encourage small dwellings. Trustee Masselink commented that he would like to see that support shared with this LTC.

NP-2016-014

It was MOVED and SECONDED,

that Development Variance Permit NP-DVP-2015.5 (De Ruiter) be approved.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Land Use Planning for Waste and Resource Management

Chair Grams noted that Capital Regional District (CRD) Director David Howe was in attendance and thanked him for his participation.

RPM Kojima provided an overview of the staff report, including a revised project charter and budget.

A discussion was held regarding the next steps in the project.

Chair Grams invited CRD Director David Howe to speak. Director Howe noted that the CRD is in the process of reviewing its policies and that there are challenges, but they are working closely with Islands Trust Staff.

A discussion was held regarding the importance of ongoing CRD staff involvement in the project.

Community Member Donn Korbin, spoke regarding the revised project charter, raising the following points:

- Recommended that the project refrain from addressing community composting as this was a contentious issue for the SAPC WRMC and could hinder the project's ability to move forward.
- Noted that there are two waste sites already on North Pender and none on South Pender. He remarked that North Pender tax payers are bearing the cost of the planning and would bear the ongoing cost.

Chair Grams noted that the project's budget is from the Islands Trust as a whole and is not a specific cost to the North Pender tax base.

Trustee Masselink noted that he is interested in community composting and does not want to see the topic removed from the project's charter.

Community Member Dale Henning commented that there was a challenge to an application of a potential site and that this had blocked that site from consideration. He noted that Chair Grams had previously remarked that the charter could be modified if required, and asked if all properties would be considered fairly.

The LTC agreed that the charter is a living document that can be modified easily and quickly.

NP-2016-015

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee endorse the Project Charter Version 3, dated February 15, 2016.

CARRIED

NP-2016-016

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee refer the subject staff report (dated February 15, 2016) to the South Pender Island Local Trust Committee for information.

CARRIED

12. REPORTS

12.1 Work Program Report

12.1.1 Top Priorities Report Dated February 2016

A discussion was held regarding the two top priorities of the LTC and whether a third, Potable Water, should be added. It was generally agreed that the LTC would focus on the current two priorities before adding an additional one.

The LTC asked that the minutes record their appreciation for the deliberations of the North Pender Island APC.

It was generally agreed that Trustee Masselink would work with staff to send an email of thanks to the members of the APC.

A discussion was held regarding the benefits and challenges of having the elected body, versus a private organization, spearhead an island's strategy to protect potable water.

12.2.2 Projects List Report Dated February 2016

Received for information.

12.2 Applications Report Dated February 2016

RPM Kojima provided a review of the applications that have been closed and highlighted the details of the applications that the LTC could expect on upcoming agendas.

12.3 Trustee and Local Expense Report Dated January 2016

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

No discussion or recommendations.

12.6 Chair's Report

Regarding Islands Trust Executive, Chair Grams provided an overview of the presentations and workshops that he had attended at the Local Government Leadership Academy.

Regarding his work as a Salt Spring Island Trustee, Chair Grams discussed the Salt Spring Island Water Shed Protection Association and noted that their approach to watershed and potable water protection had been commended by the BC Centre for Sustainability and Potable Water.

12.7 Trustee's Reports

Trustee Masselink commented that the last STVR meeting had showcased a range of opinions and demonstrated that the community can come together to work on difficult issues.

Trustee Barber agreed that the STVR meetings were a success and remarked that she was disappointed that they had to dissolve the SAPC.

12.8 Trust Fund Board Report

None.

13. NEW BUSINESS

None.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for March 31, 2016, at the Pender Community Hall

Noted for information.

15. TOWN HALL

Kevin Keating spoke regarding short-term vacation rentals. He provided a history of his property ownership and development on North Pender Island. He reported having received a letter implying that he is operating a STVR and provided reasons why he believes this classification is incorrect.

RPM Kojima noted that bylaw enforcement staff does acknowledge that there can be a difference between how owners operate and what is advertised on the internet sites. He encouraged Kevin Keating to speak with bylaw staff.

Trustee Masselink encouraged Kevin Keating to communicate with staff. He acknowledged that Mr. Keating's history with staff was contentious, but encouraged him to move forward and expressed his belief that the experience would be helpful.

16. CLOSED MEETING

16.1 Motion to Close Meeting

At 11:54 am the Chair announced that the LTC would be moving to a private room for the In-Camera portion of the meeting.

NP-2016-017

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) for the purpose of considering:

- Adoption of In Camera Meeting Minutes Dated January 28, 2016
- Appointment of Board of Variance Members

and

that the Recorder and Staff attend the meeting.

CARRIED

16.2 Recall to Order

Chair Grams recalled the meeting to order at 12:00 pm.

16.3 Rise and Report

Chair Grams reported that the LTC had, by resolution, re-appointed Jim Petrie to the North Pender Island Board of Variance for a term commencing February 25, 2015 until September 10, 2018.

17. **ADJOURNMENT**

By general consent the meeting was adjourned at 12:08 pm.

George Grams, Chair

Certified Correct:

Shannon Brayford, Recorder