



ADOPTED

North Pender Island Local Trust Committee Minutes of a Regular Meeting

Date: January 26, 2017
Location: Pender Island Community Hall
4418 Bedwell Harbour Road, North Pender Island, BC

Members Present George Grams, Chair **(By Phone)**
Dianne Barber, Local Trustee
Derek Masselink, Local Trustee

Staff Present Justine Starke, Island Planner
Robert Kojima, Regional Planning Manager
Shannon Brayford, Recorder

Others Present Thirty-nine (39) members of the public present

1. CALL TO ORDER

At 9:45 am Chair George Grams called the meeting to order. He acknowledged that the meeting was being held in the territory of the Coast Salish people. He also introduced the Local Trust Committee (LTC) and members of the staff present.

Chair George Grams read a written statement noting that the meeting was being recorded, that the recording may be posted online, and the implications of potentially defamatory statements on the publishing of the recording.

He also read from a written statement regarding the process for the meetings and the procedure for public comment outside of Town Hall sessions.

2. APPROVAL OF AGENDA

It was recommended that item 11.1 First Nations Presentation by Fiona MacRaid be moved to item 4 and that the remaining items be renumbered accordingly.

By general consent, the agenda was approved as amended.

3. TOWN HALL AND QUESTIONS

Chair Grams noted that the LTC cannot receive oral comments on item 11.3 NP-TUP-2016.2 (Coburn), but that written submission can be received and need to be submitted to staff by 4:30 pm.

Ben McConchie noted that the meeting time does not accommodate participation of younger community members who work during the day.

He further acknowledged his role on the North Pender Island Advisory Planning Commission (APC) and offered several recommended points for the LTC to consider when evaluating Port Browning Marina applications.

Lou Henshaw provided a historical background on the water source that feeds Port Browning Marina, including the installation and permits.

Trinnette Prior requested confirmation that her written submission regarding NP-TUP-2016.2, sent January 25, 2017 had been received.

Staff confirmed that the submission was received and Chair Grams noted that oral submissions are not able to be heard on this issue.

Michael Sketch spoke about the treatment of James Island in the Associated Islands' Official Community Plan (OCP) and noted its relevance for the LTC's consideration of First Nations relations.

He also noted that the minutes of the November 24, 2016 were not published for six weeks. He requested that the minutes of the Town Hall record the source of the information of the Agricultural Land Commission (ALC) decision. He also commented that he did not recall the passing of resolutions NP-LTC-078 through -080 and requested that LTC consider those when adopting the draft minutes.

Michael Sketch made comments about the LTC's site visits to potential waste management sites and questioned the inclusion of both Trustees and members of the Capital Regional District (CRD).

Elizabeth Montague spoke about the Waste Management Project and the role of Agricultural Land Commission decisions. She asked for details regarding the practicalities of how the LTC will handle site visits.

Chair Grams recommended that the questions be sent to staff in writing to facilitate a thorough response.

Don Korbin recommended that the Town Hall minutes of November 24, 2016 be amended to more accurately reflect the comments of himself, Ann Burdett, and Michael Sketch. He remarked that the general recording does not record the spirit of the comments in a fulsome manner, and noted that the scathing tone of his own comments were not captured.

He further commented on LTC's upcoming site visits. He asked if all site owners have been contacted and if those owners have agreed to the visits.

Chair Grams invited Planner Starke to provide a response.

Planner Starke reported that the process of contacting site owners is being undertaken. She noted that, at this point, one site owner has declined participation and will be removed from the list.

Dale Henning noted a payment to the People Power Productions Incorporated in the Financial Report for the services of Dr. Shannon Cowan. He questioned whether the value of the cost of the services were reflected in the results. He also asked if the waste management project is being unduly delayed.

Dale Henning further noted that a CRD-run waste facility would carry a tax payer cost that a private facility would not.

Lou Henshaw provided further information regarding the history of the water rights related to Port Browning Marina.

Kevin Ade spoke in favour of protecting Agricultural Land Reserve (ALR) lands. He spoke against the development of Port Browning Marina and cautioned against the impact that it would have on the social dynamic of the island.

4. LOCAL TRUST COMMITTEE PROJECTS

4.1 First Nations Presentation by Fiona MacRaidl

Fiona MacRaidl introduced herself and gave a presentation titled “Douglas Treaties and the Gulf Islands” which included a power point and printed materials on the following points:

- History of Treaties in Canada
- The Douglas Treaty
- The standing of the Southern Gulf Islands and Village Sites.
- Impact of Small Pox epidemic, shrinking reserve sizes, Residential Schools, and the Indian Act.
- Case law clarifying the Douglas Treaties and implications for land use.
- BC Treaty process.

Chair Grams invited questions from the public to which Fiona MacRaidl provided responses. The following questions were raised and responded to:

- Provincial and Federal spending on First Nations issues.
- The impact of the Douglas Treaty on Pender Islands properties.
- The significance of Pender Islands to First Nations peoples.

NP-2017-001

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee embark on a plan of constructive actions that demonstrate a commitment to improving respectful relationships between residents and visitors of North Pender Island and local First Nations.

CARRIED

NP-2017-002

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee ask the South Pender Island Local Trust Committee to join in the work of this plan as local First Nations have considered North and South Pender Islands to have always been one island until the canal was dredged in 1902-03.

CARRIED

NP-2017-003

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee (and possibly the South Pender Island Local Trust Committee) initiate these reconciliatory actions by hosting a public educational event focused on the archeological findings of the canal excavation between the two islands during the summers of 1984-85-86, particularly the research goal of testing the theory that this was an early area of Coast Salish cultural intensity and climax (proposed by A.L. Kroeber in 1939).

CARRIED

NP-2017-004

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee (and possibly the South Pender Island Local Trust Committee) build on the knowledge shared at this event and develop other events in coordination with local First Nations that focus on land-use issues (Islands Trust core activities), such as Indigenous law principles of land use, land ownership, land transfers, land-use authority and land-use enforcement.

CARRIED

Chair Grams thanked Fiona MacRaild for her presentation.

5. COMMUNITY INFORMATION MEETING

5.1 NP-LCB-2016.1 (Port Browning Marina)

Planner Starke provided an overview of the application and the process for the community information meeting.

Chair Grams invited the public to make comments and ask questions.

Kathy Heslop, representing the Port Browning Marina, provided clarification on the application's rationale.

No further comments were made.

6. PUBLIC HEARING

none

7. MINUTES

7.1 Local Trust Committee Meeting Minutes Dated November 24, 2016 (for Adoption)

The following recommended amendments were made:

- In call to order, "unseated" to "unceded".

In response to public comments during the Town Hall, the LTC invited staff to provide feedback on the level of detail included in the minutes.

RPM Robert Kojima provided an overview of the minutes guidelines as determined by Trust Council. It was further noted that the audio recording project is intended to provide full access to the meeting contents.

By general consent, the Local Trust Committee Meeting Minutes of November 24, 2016 were adopted as amended.

7.2 Section 26 Resolutions-without-meeting Report Dated January 2017

Received for information

7.3 Advisory Planning Commission Minutes

none

8. BUSINESS ARISING FROM THE MINUTES

8.1 Follow-up Action List Dated January 2017

For information.

9. DELEGATIONS

9.1 M. Sketch re Trouble & Avoiding Trouble in the Discarded Materials Management Project for North & South Pender

Michael Sketch read from a written submission and included the following points:

- History of waste and resource management on the Pender Islands.
- Consequences of fill placement on Agricultural Land Reserve (ALR).
- Request that Trustee Masselink recuse himself from waste management deliberations and decisions.
- Agricultural Land Commission (ALC) decisions in the past and future.

Note: A break was held from 12:00 pm to 12:15 pm.

10. CORRESPONDENCE

none

11. APPLICATIONS AND REFERRALS

11.1 NP-RZ-2016.2 (Port Browning) & NP-RZ-2016.3 (Eakins) - Staff Report

Planner Starke provided an overview of the application and staff report. She noted that a preliminary report has been received from the archeologist and that the First Nations referral process is ongoing.

Planner Starke noted that due to a process error the applicant was not notified of the North Pender Island Advisory Planning Commission (APC) meeting and recommended that the NP LTC refer the issue to the APC once again.

The applicant was acknowledged by Chair Grams and provided comments. He spoke to Town Hall comments regarding the Marina's impact on water resources.

Trustee Barber asked for information regarding noise impact on property owners across the bay.

The applicant provided an overview of the changes being made to minimize the sound.

Trustee Masselink requested information about the First Nations referral process.

Planner Starke and RPM Kojima provided an overview of the process to date and the process moving forward.

NP-2017-005

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee Bylaw No. 206, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 3, 2016", be read a first time.

CARRIED

NP-2017-006

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee Bylaw No. 207, cited as "North Pender Island Land Use Bylaw 171, 2007, Amendment No. 3, 2016", be read a first time.

CARRIED

NP-2017-007

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee Bylaw No. 208, cited as "North Pender Island Land Use Bylaw 103, 1996, Amendment No. 4, 2016", be read a first time.

CARRIED

NP-2017-008

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee request staff to refer Bylaw Nos. 206, 207, and 208 to the North Pender Island Advisory Planning Commission for comment.

DEFEATED

It was recommended that the APC not receive the referral until after the LTC receives the archeological report.

NP-2017-009

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting for Bylaws Nos. 206, 207, and 208.

CARRIED

It was noted that this meeting would not be scheduled by staff until the archeological report is received.

11.2 NP-RZ-2016.3 (Eakins)- Staff Report

Planner Starke provided an overview of the application, staff report and recommendations.

NP-2017-010

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee Bylaw No. 209, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 4, 2016,” be read a first time.

CARRIED

NP-2017-011

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee Bylaw No. 210, cited as “North Pender Island Official Community Plan Bylaw No. 171, 2007, Amendment No. 4, 2016,” be read a first time.

CARRIED

NP-2017-012

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee endorses the Islands Trust Policy Statement Directive Policies Checklist for proposed Draft Bylaw Nos. 209 and 210.

CARRIED

NP-2017-013

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee direct staff to enter into a cost recovery agreement with the applicant(s) of NP-RZ-2016.3 (Eakins) to cover the extraordinary cost associated with holding a separate public hearing for Bylaws 209 and 210.

CARRIED

11.3 NP-TUP-2016.2 (Coburn) – Staff Report

Chair Grams noted that at this stage public comment is not able to be heard on this amendment.

Planner Starke provided an overview of the application, the staff report, and the recommendations. She further noted that staff is recommending that the permit be amended to include a condition that an occupancy permit is received for the building.

It was noted that correspondence had been sent to the LTC regarding this application, but that it had not been received in time for the LTC to review it prior to this meeting.

NP-2017-014

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee consider NP-TUP-2016.2 at the February 2017 North Pender Island Local Trust Committee meeting.

CARRIED

11.4 NP-TUP-2016.3 (Bigham) – Staff Report

Planner Starke provided an overview of the application, staff report, and recommendations, including restrictions on use.

NP-2017-015

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP-2016.3 (Bigham).

CARRIED

A member of the community requested an opportunity to speak to the application. Chair Grams requested that community members hold comments until the Town Hall. The community member expressed discontent with the ruling.

Note: Chair Grams called for a recess at 1:12 pm and re-called the meeting to order at 1:15 pm.

11.5 NP-LCB-2016.1 (Port Browning) – Staff Report

NP-2017-016

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee directs staff to send a response to the Liquor Control and Licensing Branch regarding the Port Browning Marina application that states:

- a. The potential impacts due to noise if the application is approved would be minimal.
- b. The impacts on the community if the application is approved would be negligible.
- c. The Local Trust Committee has solicited public input to gather the views of residents and no residents had provided written or verbal comments.
- d. The views of the residents were generally neutral about the application
- e. A notice of the applications was advertised in the newspaper, posted on local bulletin boards, and posted on the North Pender webpage and residents were invited to provide written submissions or attend a community information meeting.
- f. A community information meeting was held on January 26, 2017 to gather input from residents about the application.
- g. The Local Trust Committee agrees with the views of residents that the application should be supported.
- h. The Local Trust Committee recommends that the application be approved.
- i. The Local Trust Committee recommendations are based on no concerns of the community.

CARRIED

NP-2017-017

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee directs staff to include a record of the community information meeting with the response to the Liquor Control and Licensing Branch regarding the Port Browning Marina application.

CARRIED

11.6 NP-DP-2016.6 (Murdoch/Driftwood) – Staff Report

Planner Starke provided an overview of the application, the Staff Report and the recommendations.

Chair Grams invited the applicant to make comment and she offered clarification of the purpose of the application.

NP-2017-018

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2016.6 (Murdoch/Driftwood Properties Ltd.).

CARRIED

12. REPORTS

12.1 Work Program Report (attached)

12.1.1 Top Priorities Report Dated January 2017

Received for information.

12.1.2 Projects List Report Dated January 2016

Received for information.

12.2 Applications Report Dated January 2017 (attached)

Planner Starke noted changes in the report due to the withdrawal of an application.

12.3 Trustee and Local Expense Report Dated November 2016 (attached)

Planner Starke responded to Town Hall questions regarding Dr. Shannon Cowan's compensation for facilitating the workshop and creating the staff report. She clarified the total cost and outlined the services rendered.

12.4 Adopted Policies and Standing Resolutions (attached)

Received for information.

12.5 Local Trust Committee Webpage

Trustee Masselink requested that Fiona MacRaild's presentation be added to website.

Planner Starke acknowledged the request and noted that the presentation materials would be added to the projects page.

12.6 Chair's Report

Chair Grams reported on the most recent Trust Council. He noted that an internal review of the Trust Act will be conducted and will make recommendations to the Ministry for potential revisions. He further reported that the Trust Council decided by resolution to engage a specialist on fresh water issues and the impact of climate change.

12.7 Trustee Report

The Trustees both noted that they are looking forward to the projects of this new year.

12.8 Trust Fund Board Report

none

13. NEW BUSINESS

none

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for February 23, 2017, at 9:45 am at the Pender Community Hall

15. TOWN HALL

Lou Henshaw spoke to application NP-TUP-2016.3 (Bigham) with sympathy with the site owners who live in proximity to the property and may be impacted by the noise.

Jan Letts spoke to application NP-TUP-2016.3 (Bigham). She outlined several concerns with possible bylaw issues on the property.

Braedon Bigham addressed the issues raised and the documents provided in support of the application.

Chair Grams remarked that concerns of the neighbours can be reported to bylaw enforcement and the LTC encouraged the neighbours to do so.

Michael Sketch spoke to the First Nations referral for NP-RZ-2016.2 (Port Browning) & NP-RZ-2016.3 (Eakins) with recommendations for how such referrals could be handled in the future.

Peter Taylor noted that it is difficult to hear during the meetings. He also noted that he did not receive a notice for the application NP-RZ-2016.2 (Port Browning) & NP-RZ-2016.3 (Eakins) and asked that the process for determining which properties receive them be reviewed.

Chair Grams invited staff to provide an overview of the process.

Planner Starke and RPM Kojima provided an overview of the notification requirements and encouraged the applicant to contact the office so that staff can address the reasons for a particular property not receiving notice.

Dale Henning questioned the value of visiting fifteen sites for the waste management project and asked for clarification on the time frame for the project.

Planner Starke noted that the site visits will begin on February 25, 2017 and the project timeline will be guided by the Project Charter. She provided an overview of the history of the project up to this point.

Dale Henning requested that the LTC set a completion date for the project.

Chair Grams noted that timelines are impacted by other agencies and that the timeline will be considered at a future meeting.

16. CLOSED MEETING (Distributed Under Separate Cover)

16.1 Motion to Close Meeting

NP-2017-019

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) & (g) for the purpose of considering:

- Adoption of In-Camera Meeting Minutes Dated September 22, 2016
- Advisory Planning Commission
- Legal Issues

AND that the recorder and staff attend the meeting.

CARRIED

16.2 Recall to Order

Chair Grams recalled the public meeting to order at 12:54 pm.

16.3 Rise and Report

Chair Grams noted that there was no Rise and Report.

17. ADJOURNMENT

By general consent, the meeting was adjourned at 12:55 pm.

George Grams Chair

Certified Correct:

Shannon Brayford, Recorder