

ADOPTED



North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: September 6, 2018
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

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

Staff Present: Justine Starke, Island Planner
Warren Dingman, Bylaw Enforcement Officer
Shannon Brayford, Recorder

1. CALL TO ORDER

Chair Grams called the meeting to order at 10:00 a.m. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Don Corbin addressed the notification process for the upcoming Public Information Meeting at the end of the current meeting, noting that there was conflicting information provided regarding the time of that portion of that meeting. He requested that the meeting be cancelled on the grounds that insufficient notification was provided.

Chair Grams requested staff advice on the matter and ruled that the statutory requirements were met and that the meeting could proceed as scheduled.

Dale Henning requested information on the length of time being allotted for the public information meeting. He noted that a meeting that is limited to two hours may be insufficient.

Michael Sketch addressed the proposed bylaw amendment that would allow boat storage on a piece of property in the Agricultural Land Reserve (ALR). He encouraged that the bylaw be changed for consistency with the Agricultural Land Commission (ALC) and provided a rationale for the request.

Gary Steeves requested clarification on whether bylaws can be amended after a public meeting has been held.

Chair Grams and Planner Starke provided an overview of the process and circumstances under which the public consultation process would be re-initiated.

4. PUBLIC HEARING

None

5. MINUTES

5.1 Local Trust Committee Minutes Dated June 26, 2018

By general consent the Local Trust committee meeting minutes of June 26, 2018 were adopted.

5.2 Section 26 Resolutions-without-meeting Report Dated August 2018

Received for information.

5.3 Advisory Planning Commission Minutes

Received for information.

6. BUSINESS ARISING FROM THE MINUTES

6.1 Follow-up Action List Dated August 2018

Planner Starke provided an overview and recent updates.

7. DELEGATIONS

None

8. CORRESPONDENCE

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

None

9. APPLICATIONS AND REFERRALS

9.1 NP-DVP-2018.3 (Archer) - Staff Report

Planner Starke provided an overview of the Staff Report.

Chair Grams invited the applicant to speak and no comments were made.

NP-2018-069

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee approve issuance of Development Variance Permit NP-DVP-2018.3 (Archer).

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

None

11. REPORTS

11.1 Work Program Report

11.1.1 Top Priorities Report Dated August 2018

Received for information.

11.1.2 Projects List Report Dated August 2018

Received for information.

11.2 Applications Report Dated August 2018

Received for information.

11.3 Trustee and Local Expense Report Dated June 2018

Received for information.

11.4 Adopted Policies and Standing Resolutions

Received for information.

11.5 Local Trust Committee Webpage

Trustee Masselink requested that the staff consider changing the structure of the online calendar to remedy the dysfunction of not being able to post more than one meeting per day.

11.6 Chair's Report

Chair Grams reported that a recent letter was issued on behalf of all of the Trustees to the Prime Minister in opposition to the Trans Mountain Pipeline. He noted that the letter was also signed by representatives of San Juan County.

11.7 Trustee Report

Trustee Masselink reported that he is looking forward to the Public Information Meeting and also to the upcoming elections.

Trustee Barber reported that she will not be running for a second term, but that she is looking forward to seeing more progress within the community.

11.8 Trust Fund Board Report Dated July 2018

Received for information.

12. NEW BUSINESS

12.1 Islands Trust Conservancy, Incorporating the Regional Conservation Plan into Land Use Planning - Staff Briefing

Received for information.

12.2 Retail Cannabis Licensing - Staff Report

Planner Starke provided an overview of the report and noted that a standing resolution is included for consideration.

Trustee Masselink requested information on the application cost, noting that it is currently being recommended at an amount significantly lower than the amount recommended by the province.

NP-2018-070

It was **MOVED** and **SECONDED**,

that the North Pender Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property, where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms.
 - The location of the proposed establishment and the subject site.
 - The place, date and time when, both a build meeting will be held and a resolution of the Local Trust Committee is considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application.
 - How public comments may be submitted to the local trust committee.

CARRIED

NP-2018-071

It was MOVED and SECONDED,

That the North Pender Island Local Trust Committee request that staff prepare a draft bylaw to amend the fees bylaw to specify a separate fee for Liquor and Cannabis Regulation Branch non-medical cannabis retail license applications in the amount of \$4,000.

CARRIED

12.3 Housing Needs Assessment Report - Staff Report

Planner Starke provided an overview of the Staff Report, noting the benefits that the Housing Needs Assessment Report will provide to the communities involved.

NP-2018-072

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee receive the “Southern Gulf Islands Housing Needs Assessment” report by JG Consulting Services Ltd, dated February 2018; and that the North Pender Island Local Trust Committee request staff to publish the “Southern Gulf Islands Housing Needs Assessment” report by JG Consulting Services Ltd, dated February 2018, on the North Pender Island Local Trust Committee website.

CARRIED

12.4 Trust Programs Committee, Service Integration - Staff Briefing

Planner Starke provided an overview of the briefing and outlined the purpose of the request for response.

NP-2018-073

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee advises Trust Programs Committee that the Local Trust Committee has experienced barriers to engaging service providers/other agencies when addressing the following topics:

- First Nations Engagement, collaboration with other agencies to reduce the strain on their capacity.
- Road Right of Ways (Ministry of Transportation and Infrastructure).
- Public Transportation (Transportation Services).
- Access to alternative transportation corridors (Parks Canada).
- Solid waste and sewage (Waste Services).
- Access routes to Magic Lake Subdivision (Fire and Safety).
- Housing affordability and increased stock.
- Building inspections (CRD).

CARRIED

A discussion was held regarding expediting the zoning process to increase density for greater affordable housing.

12.5 Bylaw Enforcement Update on Short Term Vacation Rentals (STVRs) - Staff Report

Chair Grams invited Warren Dingman to provide a report.

Warren Dingman provided an update on the project to bring illegal short term vacation rentals (STVRs) into compliance. He noted a significant decrease in the number of open bylaw files related to STVRs.

The Trustees discussed the report and the following matters were clarified:

- There have not been any occurrences of neighbour complaints related to current Temporary Use Permit holders.
- North Pender Island has been more successful relative to other jurisdictions due to the way the project was undertaken.
- Details of the compliance campaign and the process for working with community members.

13. UPCOMING MEETINGS

13.1 Next Regular Meeting Scheduled for October 25, 2018, at the Royal Canadian Legion Hall, Pender Island

14. TOWN HALL

Sara Steil reported that there is an upcoming seminar on Watersheds, Groundwater and Climate Change on April 13-14, 2019 that will feature Andy MacKinnon and William Shulba. She requested that the North Pender Island Local Trust Committee assist in the promotion.

Dale Henning asked whether the incoming Trustees are restricted from discussing key decisions outside of Regular Meetings.

Chair Grams and Planner Starke provided a response. Planner Starke noted that the incoming Trustees are subject to the regulations of the bylaw process.

Dale Henning stated that he believes Trustees need to be property owners and full-time residents. He requested information on how to change the regulations to reflect this.

Chair Grams provided an overview of the legislative process.

Dale Henning requested that staff address the problems with the website calendar and not being able to post two meetings on the same day. He also requested information from Warren Dingman regarding the process for bylaw infestation of Gulf Excavating at MacDonald Farm.

Warren Dingman provided an overview of the matter.

Dale Henning addressed the ongoing loss of young families who leave the island when unable to find affordable housing. He encouraged the Islands Trust to take a more active role in building a solution.

Michael Sketch addressed the reasoning application for MacDonald Farm. He requested information on the dates and the requirements of the application.

Warren Dingman addressed the questions.

Michael Sketch addressed concerns that activities on MacDonald Farm pose a risk for groundwater pollution. He noted that that MacDonald Farm is not indicated on the map of sensitive aquifers and that bedrock protects the area.

Michale Sketch reported that Trust Council is upcoming and that he has made three submissions. He requested that Chair Grams request consideration of remedial measures regarding the ALC, including education on the website for landowners to understand their responsibilities if their property falls within the ALR.

Kathy Cronk requested information on how properties are identified as illegal STVRs in need of bylaw attention.

Warren Dingman provided an overview of the process, noting that some rentals are not STVRs, but are legal Bed and Breakfasts.

Leila Tattersall requested information on decisions made under item 12.2, Retail Cannabis Licensing.

Chair Grams provided an overview of the discussion and related decisions.

15. CLOSED MEETING (Distributed Under Separate Cover)

15.1 Motion to Close Meeting

NP-2018-074

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 April 26 and May 24, 2018
- Memberships of Board of Variance Members

AND that the recorder and staff attend the meeting.

CARRIED

15.2 Recall to Order

At 11:36 am Chair Grams recalled the meeting order.

15.3 Rise and Report

-----BREAK-----11:37 PM - 3:00 PM

16. COMMUNITY INFORMATION MEETING

Note: An excess of 200 members of the public where in attendance.

Chair Grams called the meeting back to order at 3:00 pm. He provided an overview of the purpose of the meeting and the process.

16.1 North Pender Island Local Trust Committee Bylaws 214 & 215 - Waste Transfer

Planner Starke gave a presentation, which included the following points:

- Rationale for the initiation of the waste transfer project.
- History of the project and key milestones.
- Overview of the bylaws and details of the specific properties included within them.
- Example of how the process is applied.

Alex Wilson requested information on whether the current Trustees are running again. He noted that Pender Island Waste Management is currently meeting the community's needs. He requested that that the members of the public who agree with that statement raise their hands.

Gary Goodman spoke in favour of the current operation of Pender Island Waste Management and noted that every site considered will have challenges.

John Pender spoke in favour of the current operation by Pender Island Waste Management, noting that the operators are long-time integrated members of the community.

Malcom Armstrong spoke in favour of the Medicine Beach site and the drop-of system. He asked for a rationale for initiating the process.

Trustee Masselink responded with the rationale for initiating the process and also provided an overview of the relative jurisdictions of Islands Trust and other agencies.

Wally Foster noted that in spite of public support a property has been excluded and he requested information on how that property could be reinstated.

Anne Burdett read a written statement which included the following points:

- The history of the process from her and Mike Burdett's perspective.
- Examples from their experience of how the process was flawed and allowed for bias

Robert Landa made three recommendations:

- That zoning be dealt with as the properties present themselves in the future.
- That the public hearing be held at a later date to reduce holding a redundant meeting for the incoming Trustees.
- That the LTC write to the ALC in support of the Burdette's application.

Chair Grams asked for a show of hands of the public who would like for the LTC to send such a letter. The majority of the room raised their hand in support and two raised their hands in opposition.

NP-2018-075

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee send a letter to the Agricultural Land Commission asking for reconsideration of their motion for farm use.

CARRIED

Chair Grams requested in indication from the public present on whether they would like the LTC to hold their consideration of the bylaws until the ALC has time of reconsider their decision.

There was loud support in favour of this recommendation from the crowd.

NP-2018-076

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee advance the Hamilton Road property application for consideration under Bylaws 214 and 215.

CARRIED

NP-2018-077

It was MOVED and SECONDED,

that the North Pender Island Local Trust Committee cancel the Public Hearing for Bylaws 214 and 215 for September 22, 2018.

CARRIED

Marika Grunfeld provided an overview of the impact that a Capital Regional District (CRD) run facility would have on the tax base and expressed the opinion that four sites are too many. She addressed specific concerns with the property currently operated by Main Roads.

A member of the public spoke against the process of pre-emptively zoning the properties.

John Affitavas noted that two of the properties being considered are neighbouring to his property and he reported that he has made complaints about dangerous practices on those properties.

Don Corbin addressed the provisions for commercial composting. He spoke against its inclusion and reported that community consultation did not show a majority of support for its inclusion.

Jim Petrie reported that he had circulated a mail-out to the community. He requested information on the status of Bylaws 214 and 215 given the recent resolutions.

Chair Grams provided an overview of the process moving forward.

Jim Petrie requested information on whether the setback allowances will be modified to accommodate the Burdett property.

Chair Grams provided an overview of the required process and the rationale for ensuring that the process is followed correctly.

Neville Ammison spoke to the MacDonald Farm property and its large size, questioning whether it puts the island at risk of becoming a regional waste site for the Southern Gulf Islands. He also spoke in favour of the current situation continuing.

Planner Starke provided an overview of role that the CRD has played to date.

Allen Willmot noted that the CRD should have had representatives attend the meeting. He also provided recommendations on improving the holding of meetings including larger quantities of handouts and wireless microphones.

Sharon Card spoke against the process, noting that the LTC should not be promoting greater capacity for waste, but should be working to reduce waste overall. She also noted that community demand was not assessed prior to beginning the process.

Gayle Forthsythe requested information on examples of inconsistent numbers within the various reports. She also requested information on how a “no asbestos” policy is enforced.

Planner Starke noted that the siting on one of the properties has changed through community feedback and this is reflected over time in the reports.

Anne Greendon requested information on whether the other outer Southern Gulf Islands are also going to have waste sites.

Chair Grams provided an overview of the other operations on the other islands, particularly on Salt Spring Island.

Sara Steil noted that by rezoning the properties to Industrial 2 there would be additional uses outside of garbage and provided a list of those.

Benjamin McConchie spoke against the process and addressed the comment that the LTC was not aware of the public’s opinion and noted that the Advisory Planning Commission had requested improved information.

Lilian Tetral spoke in favour of continuing the Island’s current excellent progress in reducing the waste produced.

Dale Henning noted that he and Jim Petrie circulated mailing to address the issues with this process. He provided an overview of some of the points in that mail-out, including criticisms of the process and opportunities for bias.

A member of the public spoke in favour of the process and noted that zoning a variety of sites is a valuable exercise.

Margot Benton spoke as a member of the Board of the Epicentre and expressed concern with placing a transfer station next to a community playground. She encouraged the community to reduce waste creation further.

Gary Steeves spoke against the process of the bylaw amendments because it rezones land without the prior application of the land owners.

Robert Landa addressed the potential of the property that Main Roads currently occupies being underbid by a larger business to access the extra allowed uses on the property. He also encouraged evening meetings in the future.

17. ADJOURNMENT

By general consent the meeting was adjourned at 5:10 pm.

George Grams, Chair

Certified Correct:

;Shannon Brayford, Recorder