

ADOPTED



North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: February 25, 2021
Location: Electronic Meeting (Zoom Webinar)

Members Present: Laura Patrick, Chair
Benjamin McConchie, Local Trustee
Deb Morrison, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Kim Stockdill, Island Planner
Phil Testemale, Island Planner 2
William Shulba, Freshwater Specialist
Shannon Brayford, Recorder
Maple Hung, Planning Assistant, Host

Public: There were approximately (22) attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 9:01 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

It was recommended that item 12.2 and 12.1 be switched in order.

By general consent the agenda was approved as amended.

3. TRUSTEE REPORT

Trustee McConchie reported that he has been focused on James Island and reviewing the history of staff reports.

Trustee Morrison thanked the community and visitors who have been respecting the public health orders. She reported that work has been completed on both the Management Review and the Trust Policy Statement, noting that there will be an open house regarding the Trust Policy Statement on March 3, 2021.

4. CHAIR'S REPORT

Chair Patrick provided an overview of upcoming meetings, including:

- March 9-11, 2021 Trust Council

- March 9, 2021 Delegations and Town Hall session for Trust Council will be held in the evening
- March 3, 2021 Open House for the Trust Policy Statement, which requires prior registration through the Islands Trust Website.

5. TOWN HALL AND QUESTIONS

Michael Sketch noted that a written submission was sent electronically. He provided an overview of concerns with NP-SUB-2008.9 (James Island Properties) and a history of the properties.

George Leroux requested and received information on the Management Review project, the overall cost of that project, and the process through which that project is being approved. He provided a rationale for the Islands Trust to move forward with a comprehensive review.

6. COMMUNITY INFORMATION MEETING

6.1 North Pender Island Local Trust Committee Proposed Bylaw No. 222 (OCP Amendment) - STVR Project

Planner Stockdill provided an overview of the proposed bylaw and amendments made at the previous LTC meeting.

Jade Ganasi requested and received information on the fire ban and the use of propane fires by the property owner.

Robin Pettyfer requested and received information on item 6.4.4 and the restriction of permitting additional Temporary Use Permits (TUPs) within 200 meters of a current one.

Neil Pegram requested and received information on the rationale for the guidelines for banning fires.

Darryl Persello requested and received information on the application of these bylaws to future renewals of current TUPs.

Amanda Griesbach requested and received information on monitoring of water restrictions and also on the practical application of item 6.4.4 (limitation of TUPS within 200 meters)

7. PUBLIC HEARING

7.1 North Pender Island Local Trust Committee Proposed Bylaw No. 222 (OCP Amendment) - STVR Project

At 9:50 a.m., Chair Patrick opened the Public Hearing which was recorded under separate cover.

Chair Patrick re-opened the public meeting at 10:46 a.m.

Note: A break was held from 10:46 a.m. – 11:00 a.m.

8. MINUTES

8.1 Local Trust Committee Special Meeting Minutes Dated January 15, 2021 (for Adoption)

By general consent the Local Trust committee meeting minutes of January 15, 2021 were adopted as presented.

8.2 Local Trust Committee Regular Minutes Dated January 28, 2021 (for Adoption)

By general consent the Local Trust committee meeting minutes of January 28, 2021 were adopted.

8.3 Section 26 Resolutions-without-meeting Report

None.

8.4 Advisory Planning Commission Minutes Dated January 18 and February 4, 2021

Received for information.

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated February 2021

Received for information.

10. DELEGATIONS

11. CORRESPONDENCE

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

12. APPLICATIONS AND REFERRALS

Note: As approved in the amended agenda, Item 12.2 was addressed prior to Item 12.1

12.2 NP-DP-2020.6 (Daykin) – Staff Report

Planner Testemale provided an overview of the staff report including the results of the required professional reports. He further outlined the recommendation of the staff report and the rationale.

Chair Patrick acknowledged the applicants and invited them to address the LTC.

Bruce Daykin provided an overview of their property, the rationale for their application, and the survey of the trees proposed for removal.

The LTC requested and received information on the following points:

- Classification requirements for identifying a tree as “mature”.
- Opportunities to remove branches only for those trees being removed for the purpose of improving the view.
- Role and limitations of the LTC in approving a technical Development Permit application.

NP-2021-022

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2020.6 (Daykin)

CARRIED

12.1 NP-SUB-2008.9 (James Island Properties) – Staff Report

Planner Testemale provided an overview of the staff report including its rationale and the role of the LTC in their review and consideration of approval. He reviewed all proposed motions within the staff report and the rationale for each.

Chair Patrick invited the applicants, Brett Rasinski and Greg Atkins to address the LTC.

Brett Rasinski provided a history of the property and thanked the LTC and staff for their work on the application.

A discussion of the application was held including the following points:

- The history of LTC decisions regarding this land.
- The process by which cash in lieu is accepted instead of park land dedication.
- Progress of First Nations consultation.
- Legal obligations and limitations on the LTC's discretion regarding the acceptance of cash in lieu of park land dedication.
- Scope of the education covenant and inclusion of all ages.

A discussion was held regarding options moving forward and the Trustees rationales for hesitating to accept the recommendations within the staff report.

NP-2021-023

It was Moved and seconded,

That the North Pender Island Local Trust Committee direct staff to request that the Crown provide to the North Pender Island Local Trust Committee proof of consultation with the Tsawout Chief and Council.

CARRIED

NP-2021-024

It was Moved and Seconded,

that the North Pender Island Local Trust Committee accept two (2) covenants under section 219 of the Land Title Act to satisfy the requirements of registered section 219 covenant FB180725 (Subdivision Control Covenant) from the registered owner of Lots 1, 2, 3, 4, & 5, Section 1, James Island, Cowichan District, Plan VIP85132 that are Attachment 5 (Raptor Nesting Tree) and Attachment 6 (Wildlife Trees) to this report, for NP-SUB-2008.9 (James Island).

CARRIED

NP-2021-025

It was Moved and Seconded,

that the North Pender Island Local Trust Committee accept two (2) covenants under section 219 of the Land Title Act to satisfy the provisions of Subsections 8.3 (1) and 8.3 (3) of the North Pender Associated Islands Land Use Bylaw No. 148, 2003 from the registered owner of Lots 1, 2, 3, 4, & 5, Section 1, James Island, Cowichan District, Plan VIP85132 that are Attachment 7 (Subdivision and Density Control for Proposed Strata Lots 51 and 70), and Attachment 8 (Subdivision and Use Control for Common Property - partial) to this report, for NP-SUB-2008.9 (James Island).

CARRIED

NP-2021-026

It was Moved and Seconded,

That the North Pender Island Local Trust Committee direct staff to schedule an In Camera discussion regarding NP-SUB-2008.9 (James Island) to receive legal advice and information about First Nations consultations before proceeding with the application.

CARRIED

NP-2021-027

It was Moved and Seconded,

that the North Pender Island Local Trust Committee designate the Chair of the Local Trust Committee to sign section 219 covenants cited in the foregoing resolutions upon written confirmation from the Provincial Approving Officer that the consultation process between the Ministry of Transportation and Infrastructure and affected First Nations (Tsawout First Nation) has been finalized, and upon acceptance of a cash-in-lieu amount by resolution of the North Pender Island Local Trust Committee.

CARRIED

The applicant requested and received information on the process of this application moving forward.

12.3 South Pender Island Local Trust Committee Bylaw No. 121 Referral (for response) (attached)

Note: By general consensus Item 12.3 was deferred to follow item 13.1.

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Groundwater Sustainability Project - Staff Report

William Shulba provided a brief update on the project.

The LTC requested and received information on the timeline for the project and concerns that the project will span beyond the current LTC term.

A discussion of the project benchmarks moving forward was held.

NP-2021-028

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve the project charter for the implementation phase of the Groundwater Sustainability Project.

CARRIED

Note: Trustee Morrison departed the meeting at 1:31 p.m.

Note: The LTC returned to item 12.3 South Pender Island Local Trust Committee Bylaw No. 121 Referral

NP-2021-029

It was Moved and Seconded,

that the NP LTC respond to referral South Pender Island Local Trust Committee Bylaw No. 121 with "interests unaffected"

CARRIED

13.2 STVR Review Project – Staff Report

By general consent this matter was deferred to the next meeting

14. REPORTS

14.1 Work Program Report

14.1.1 Top Priorities Report Dated February 2021

Received for Information.

14.1.2 Projects List Report Dated February 2021

Received for Information.

14.2 Applications Report Dated February 2021

Received for Information.

14.3 Trustee and Local Expense Report Dated December 2020

Received for Information.

14.4 Adopted Policies and Standing Resolutions

Received for Information.

14.5 Local Trust Committee Webpage

No comments.

14.6 Islands Trust Conservancy Report

None

15. NEW BUSINESS

15.1 Communication Strategies – Discussion

By general consent this matter was deferred to the next meeting.

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for March 25, 2021 - Location: TBD

It was noted that there is an additional meeting for the Land Use Bylaw Review on March 18, 2021

17. TOWN HALL

Dale Henning noted that there is a property on Otter Bay Road that has been granted a Temporary Use Permit for industrial use. He outlined rationale for concerns with this TUP in regards to tree removal, risks from run off, and increased traffic.

Dale Henning noted that he received a response from Trustee McConchie in the past that indicated a prior communication was slanderous and that Trustee McConchie was sending the communication for legal review. Dale Henning noted that he is still awaiting a response and the results of the legal review.

18. CLOSED MEETING

None

19. ADJOURNMENT

By general consent the meeting was adjourned at 1:42 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder