



ADOPTED

North Pender Island Local Trust Committee

Minutes of Regular Meeting

Date: May 27, 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
Shannon Brayford, Recorder
Maple Hung, Planning Team Assistant
Phil Testemale, Island Planner 2

Public: There were approximately (20) attendees in the webinar.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 9:03 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. RISE AND REPORT - In-Camera Meeting - April 29, 2021

Note: This item was addressed following Item 5.

3. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

4. TRUSTEE REPORT

Trustee McConchie provided a report on his recent activities as both a Trustee and Chair of the Pender Islands Parks and Recreation Commission. He noted ongoing work on Reconciliation, specifically with the WASANEC Leadership Council, encouraged the public to support the local Health Care Society, and expressed support for ongoing activities in the community both in the Fairy Creek Protests and the Pender Islands Conservancy's Broom Bash.

Trustee Morrison reported on the upcoming Trust Council meeting and encouraged the public to participate in the special meeting for the Draft Policy Statement. She also thanked the community, the Agricultural Advisory Planning Commission (AAPC), and the Advisory Planning Commission (APC) for their ongoing feedback on the Land Use Bylaw Review project.

Trustee Morrison thanked the AAPC and regular APC for their work and feedback

5. CHAIR'S REPORT

Chair Patrick provided an overview of upcoming meetings including Trust Council (June 8-10, 2021), Special Meeting for First Reading of the Draft Policy Statement (July 8, 2021), and the Vancouver Island Coastal Communities Conference.

Chair Patrick also provided an overview of the public consultation process and the process of a first reading. She encouraged public participation.

Note: Item 2, "Rise and Report" was addressed at this time.

Chair Patrick reported that at the In Camera Meeting of April 29, 2021 the following decisions were made by resolution:

- That the North Pender Island Local Trust Committee appointed Amanda Greisbach, Ann Stephenson, Carolyn Bell, Vicki Dutton, Michael Symons, and Denis Agar to the North Pender Island Advisory Planning Commission, commencing immediately for a term ending March 1, 2022.
- That, regarding the subdivision of James Island, the North Pender Island Local Trust Committee will not accept any appraisal until written confirmation from the Tsawout First Nation is received that the Tsawout leadership approve subdivision NP-SUB-2008.9 (JI Properties).
- That, regarding the subdivision of James Island, the North Pender Island Local Trust Committee amend resolution NP-2021-027 by modifying the grant of authority by requiring that the Chair also obtain written confirmation from the Tsawout First Nation that they consider the consultation by the Ministry of Transportation and Infrastructure to be sufficient and will not be seeking further consultation.

6. TOWN HALL AND QUESTIONS

Rhondda Porter noted a broken link in the email announcement of the meeting.

7. COMMUNITY INFORMATION MEETING

None

8. PUBLIC HEARING

None

9. MINUTES

9.1 Local Trust Committee Minutes

9.1.1 Regular Meeting Minutes Dated April 29, 2021 (for Adoption)

By general consent the Local Trust committee meeting minutes of April 29, 2021 were adopted as presented

9.1.2 Special Meeting Minutes Dated May 12, 2021 (for Adoption)

By general consent the Local Trust committee special meeting minutes of May 12, 2021 were adopted as presented

9.2 Section 26 Resolutions-without-meeting Report - None

9.3 Advisory Planning Commission Minutes - None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated May 2021

Received for information

11. DELEGATIONS

11.1 Capital Regional District - Southern Gulf Islands Transportation Integration Plan

Chair Patrick introduced Justine Starke of the Capital Regional District (CRD) and invited her to address the Local Trust Committee (LTC).

Justine Starke provided an overview of the Southern Gulf Islands Transportation Integration Plan including the rationale for the project and the process moving forward.

The LTC requested and received information on the following points:

- Opportunities to scale trail requirements to suit the Penders and still meet the requirements of the Ministry of Transportation and Infrastructure.
- Plans to collaborate locally for thoughtful trail placement.
- Rationale for seeking public funding and establishing a service through the CRD rather than continuing to develop transportation options through local groups.
- General outline of some of the options that could be considered, including opportunities for inter-island transportation.

12. CORRESPONDENCE

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

13. APPLICATIONS AND REFERRALS

13.1 NP-TUP-2021.3 (Wilmott) - Staff Report

Planner Stockdill provided an overview of the application and reported that a previous LTC placed a special direction on the file encouraging future LTC's to deny any further applications.

Chair Patrick invited the applicants to speak.

Al and Julie Wilmott provided an overview of their conservation efforts on their property and the precautions put in place to reduce the impact of their operations on neighbours and the environment. They also provided an overview of the history of the development of the property and their rationale for the current application.

A discussion was held, including the importance of maintaining an environmentally sustainable model for sourcing lumber, the value of the current operation, and the role of the LTC and service providers in protecting the island.

NP-2021-055

It was Moved and Seconded,

That the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit NP-TUP2021.3 (Wilmott) for three years.

CARRIED

13.2 NP-TUP-2021.4 (Grimmer – 4415 Bedwell Hbr. Rd.) – Renewal Permit/Staff Report

Planner Testemale provided an overview of the application and associated staff report. He noted the deficiencies in compliance that would need to be addressed with a recommended deadline of October 1, 2021.

Chair Patrick acknowledged the property owner, Barbara Johnstone.

The LTC requested and received information from the property owner regarding current compliance with application requirements and plans to meet outstanding requirements.

The LTC requested and received information from staff regarding ongoing bylaw enforcement and the process moving forward should the deficiencies not be reconciled by October 1, 2021.

NP-2021-056

It was Moved and Seconded,

that the North Pender Island Local Trust Committee (LTC) approve issuance of renewal application Temporary Use Permit NP-TUP-2021.4 (Grimmer) shown as Attachment 1 for a period of two (2) years.

A discussion of the history of the application, ongoing bylaw enforcement matters, and the community's current process of evaluating industrial land planning was held.

Trustee McConchie spoke against the motion and provided a rationale for withholding his support.

CARRIED

Trustee McConchie opposed

Note: A break was held from 10:56-11:01 a.m.

13.3 NP-TUP-2021.6 (VanGeel – 5706 Canal Rd.) – Staff Report

Planner Testemale provided an overview of the application and a description of the project's current status, including a rationale for why the use began prior to approval of the Temporary Use Permit (TUP).

Chair Patrick acknowledged the applicant, Kyle VanGeel.

The LTC discussed concerns with reviewing the application after the use had already begun. They noted the following concerns that could have been addressed had the application been received at the appropriate time:

- Delivery mode of the gravel at Hamilton Beach and potential ecological concerns.

- Appropriate site selection to consider ecological concerns, impact on traffic, and general public safety.
- Pre-planning and inter-organizational collaboration to reduce public impact.

The LTC requested and received information on the following topics:

- Responsible regulatory bodies and LTC jurisdiction limits on regulating barge access to Hamilton Beach.
- History of this project’s timeline and the CRD’s role in applying for and obtaining permits.
- Opportunities and modes for addressing concerns with CRD and Islands Trust’s inter-organizational communication.
- Alternatives sites considered by the contractor and the rationale for selecting the current site.

NP-2021-057

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Temporary Use Permit application NP-2021.6 (VanGeel) for a period of one (1) year.

CARRIED

Trustee McConchie opposed

NP-2021-058

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request staff to draft a letter from the Chair of the North Pender Local Trust Committee to the Capital Regional District indicating a need for improved communication regarding any future CRD-Islands Trust related project, particularly among contractors, Capital Regional District staff, Trustees and Islands Trust staff.

CARRIED

13.4 NP-TUP-2021.2 (Pettyfer) – Staff Memo

Planner Testemale provided an overview of the application and the rationale for the application returning to this meeting. He outlined the staff recommendation and the information provided by the applicant.

Chair Patrick acknowledged Robin Pettyfer, who welcomed questions from the LTC.

A discussion was held regarding monitoring of water use and it was noted that staff could investigate average water usage for Magic Lake Estates for comparison with Short Term Vacation Rental (STVR) water usage.

NP-2021-059

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2021.2 (Pettyfer) for a period of three (3) years.

CARRIED

13.5 NP-DP-2021.2 (Lofts) – Staff Report

Planner Testemale provided an overview of the current application and the staff comments.

Chair Patrick welcomed the applicant, Stephen Lofts, who provided an overview for his rationale for seeking the subdivision and his intentions for the land.

A discussion was held and the LTC requested and received information on the process for development permit applications, the rationale for requested reports, and the role of the LTC in the process.

NP-2021-060

It was Moved and Seconded,

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2021.2 (Lofts)

CARRIED

13.6 NP-RZ-2021.1 (Sketch) - Staff Report

Planner Stockdill provided an overview of the application and associated staff report. She noted the history of past applications related to the matter and the applicant’s attempts to mitigate concerns for the requested use.

Planner Stockdill outlined the staff’s recommendation, including rationale and potential alternatives.

Chair Patrick invited the applicant, Michael Sketch to address the LTC. He noted that he submitted a written response to the staff report electronically and welcomed questions.

Michael Sketch provided an overview of the rationale for needing the storage units, the screening measures installed, his concern that the storage units are being classified as an industrial use, and his ongoing stewardship of the property and walking trail easement.

The LTC requested and received information on the following matters:

- Geotechnical concerns that are deterring residential development on the property
- The applicant’s rationale for requesting the rezoning.
- Potential alternative solutions.
- The applicant’s rationale for a rezoning application rather than a TUP

NP-2021-061

It was Moved and Seconded,

That the North Pender Island Local Trust Committee deny application NP-RZ-2021.1 (Sketch).

CARRIED

The LTC discussed opportunities to address shipping containers as buildings in the Land Use Bylaw review and the LTC's rationale for denying the current application.

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Groundwater Sustainability Implementation - Staff Report

Planner Chadwick provided an overview of the staff report which included the project's progress to date and recommendations for preliminary Official Community Plan (OCP) and LUB amendments.

Planner Chadwick also outlined the timeline for the project moving forward including opportunities for collaboration with other Trust Areas, recommendations for scheduling a Special Meeting, and proposed community consultation.

The LTC requested and received information on the following matters:

- Opportunities for understanding the significance of tree cutting in ground water recharge
- Non-potable water catchment for fire suppression
- Feasibility of the adjusted timeline
- Interpretation and impact of data on those areas with high vulnerability
- Community consultation strategies and opportunities for education, including accessible information that will highlight the data and focus on opportunities for community actions in response.

NP-2021-062

It was Moved and Seconded,

That the North Pender Island Local Trust Committee request staff to organize a community information meeting in July 2021 to share the results of the 2020 Southern Gulf Islands Groundwater Recharge Potential Mapping and Regional Groundwater Availability Assessments.

CARRIED

The LTC noted the importance of receiving the research and results well in advance of the community information meeting to facilitate their understanding of the matter and their ability to discuss the matter within the community.

NP-2021-063

It was Moved and Seconded,

That the North Pender Island Local Trust Committee request staff to organize special meeting of the Local Trust Committee in September 2021 to review in detail proposed amendments to the Official Community Plan and Land Use Bylaw.

CARRIED

15. REPORTS

15.1 Work Program Report

15.1.1 Top Priorities Report Dated May 2021

Received for information.

15.1.2 Projects List Report Dated May 2021

Received for information.

15.2 Applications Report Dated May 2021

Received for information.

15.3 Trustee and Local Expense Report - None

15.4 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage

No comments heard

15.6 Islands Trust Conservancy Report - None

16. NEW BUSINESS

16.1 Business Licenses – Memo

Regional Planning Manager (RPM) Kojima provided an overview of the contents of the memo. He noted that it outlines a rationale for the LTC to consider requesting that the CRD explore the implementation of business licensing, specifically for short term vacation rentals.

A discussion of the matter was held.

By general consent, the LTC requested that the matter be brought forward again at the next meeting.

16.2 Draft Annual Report Wording - for approval

NP-2021-064

It was Moved and Seconded,

That the North Pender Island Local Trust Committee approves the format and outline of contents for the 2020/21 Annual Report.

CARRIED

Note: A break was held from 1:35-1:40 p.m.

17. UPCOMING MEETINGS

17.1 Next Regular Meeting Scheduled for June 24, 2021

It was recommended that the start time for the next meeting time be moved from 9:00 am to 3:30 pm.

NP-2021-065

It was Moved and Seconded,

That the North Pender Local Trust Committee change the June 24, 2021 meeting time from 9 am to 3:30 pm.

CARRIED

18. TOWN HALL

Chris Roper thanked the LTC for their work and patience during such long meetings.

Chris Roper addressed the private helicopter matter on Pirates Road. He noted that the installation took place 90 days prior and that he is seeking further information and action. He requested information on whether the site has been classified as an helidrome or a private landing site.

Chris Roper noted that his delegation was refused for this meeting.

Michael Sketch addressed NP-TUP-2021.6 (VanGeel). He outlined concerns with the current application and drew comparisons to a similar application in 2012. Michael Sketch recommended that the LTC request that the CRD allow the LTC to review pending contracts to ensure that they are not at variance with the OCP and LUB.

Barbara Johnstone spoke in favour of the groundwater project. She noted the current requirements for agricultural users to licence their wells and also noted that the requirement could provide additional usage data.

19. CLOSED MEETING

NP-2021-066

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)(i) for the purpose of considering Legal Advice.

AND that the recorder and staff attend the meeting.

CARRIED

Chair Patrick re-opened the public meeting at 2:30 pm. She noted that there were no items for a Rise and Report from the In Camera session, but that the LTC would be making several motions now in the public meeting.

NP-2021-067

It was Moved and Seconded,

that the North Pender Island Local Trust Committee request from Executive Committee a legal opinion from May 19, 2021 on recreational helicopter pads.

CARRIED

NP-2021-068

It was Moved and Seconded,

that the North Pender Island Local Trust Committee add a prohibition on recreational helicopters as a part of the Land Use Bylaw Review.

CARRIED

NP-2021-069

It was Moved and Seconded,

that the North Pender Island Local Trust Committee advocate to prohibit recreational helicopter use in the Trust Area.

CARRIED

20. ADJOURNMENT

By general consent the meeting was adjourned at 2:45 p.m.

Laura Patrick, Chair

Certified Correct:

Shannon Brayford, Recorder