



# ADOPTED

## North Pender Island Local Trust Committee Minutes of Regular Meeting

**Date:** October 28, 2021  
**Location:** Anglican Parish Hall  
4703 Canal Road, RR#1, North Pender Island, BC

**Members Present:** Laura Patrick, Chair  
Benjamin McConchie, Local Trustee  
Deb Morrison, Local Trustee (electronically)

**Staff Present:** Robert Kojima, Regional Planning Manager  
Phil Testemale, Planner 2  
Shannon Brayford, Recorder

**Public Present:** There were approximately seven (7) members of the public.

### 1. CALL TO ORDER

Chair Patrick called the meeting to order at 9:49 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

The following additions were recommended under New Business:

- Local Trust Committee (LTC) advocating to the Capital Regional District (CRD) for improvements to the Magic Lake area.
- Quarterly meetings with the Agricultural Advisory Planning Commission (AAPC).
- Bylaw enforcement of trailers and temporary housing.

**By general consent**, the agenda was adopted as amended.

### 3. TRUSTEE REPORT

Trustee Morrison reported that she was attending meeting electronically from Scotland as she is also attending the United Nations Climate Change Conference.

Trustee Morrison further reported that she has appreciated community feedback on the Land Use Bylaw (LUB) review. She encouraged the community to consider the Trust Policy Statement and give comment through the Trust Council's Islands 2050 project.

Trustee McConchie provided an overview of recent activities including:

- LUB review and policy statement discussions with community.
- Collaboration with South Pender Island Local Trust Committee on common goals related to the LUB.
- Meeting with the Agricultural Advisory Planning Commission (AAPC) and discussion of housing on agricultural land and farm worker housing.
- Collaboration with an invasive species management group to help manage the invasion of daphne in local park spaces.

Trustee McConchie also encouraged the public to engage with Trust Council regarding the Trust Policy Statement.

#### **4. CHAIR'S REPORT**

Chair Patrick reported that Trust Council met in September and that one outcome of the meeting was an approval for consultant support for the Trust Policy public engagement process.

She further reported that the next Trust Council starts November 30, 2021 and that budget planning will be a key focus at the meeting. She encouraged public participation and provided directions to the website for further information.

#### **5. TOWN HALL AND QUESTIONS**

**Donn Korbin** addressed Bill 26 which will amend the Islands Trust Act. He requested information on the Bill, including the rationale for the request for the amendments and the route by which public to access additional information.

**Donn Korbin** addressed Trust Policy Statement Bylaw No. 183 and requested a definition for the reference to “aboriginal ways of knowing”.

**Michael Sketch** addressed Trust Policy Statement Bylaw No. 183. He provided criticism of the current draft, offered recommendations for improvement, and encouraged the LTC not to support the policy until improvements had been made.

#### **6. COMMUNITY INFORMATION MEETING**

None

#### **7. PUBLIC HEARING**

None

## **8. MINUTES**

### **8.1 Local Trust Committee Regular Minutes Dated July 29, 2021 (for Adoption)**

It was recommended that the minutes be amended as follows:

Under Call to Order, to add, "Trustee McConchie requested a minute of silence in recognition of the discovery of the graves at the Kamloops Residential School."

**By general consent** the minutes were adopted as amended.

### **8.2 Local Trust Committee Special Meeting Minutes Dated September 7, 2021**

**By general consent** the minutes were adopted as amended.

### **8.3 Section 26 Resolutions-without-meeting Report Dated Oct 2021**

Received for information

### **8.4 Agricultural Advisory Planning Commission Minutes Dated September 23 and September 27, 2021 (for Receipt)**

Received for information

## **9. BUSINESS ARISING FROM THE MINUTES**

### **9.1 Follow-up Action List Dated Oct 2021**

The LTC requested and received information on the current status on the following projects:

- Personal helicopter use in the Trust Area.
- Letter to the CRD requesting collaboration to improve inter-agency communication.

## **10. DELEGATIONS**

None

## **11. CORRESPONDENCE**

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

## **12. APPLICATIONS AND REFERRALS**

### **12.1 NP-DP-2021.5 (Resuello) – Staff Report**

Planner Testemale provided an overview of the application including the intended work, the rationale for the application, results of professional studies, and staff recommendations.

The LTC discussed the application and staff report, including the following points:

- Clarification of protection regulations for the riparian area, including the designated protected area compared with the extended 30-meter management zone.
- Opportunities for improvements within the protection and enhancement area, including the planting of native shade species.
- History of the Development Permit Area (DPA) and benefits of the regulations.

**NP-2021-088**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee amend NP-DP-2021.5 (Resuello) to include a condition for planting of native species for shade of waterfront under the guidance of a monitoring Qualified Environmental Professional.

**CARRIED**

**NP-2021-089**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2021.5 (Resuello) as amended.

**CARRIED**

## **12.2 NP-DP-2021.1 (Charest) – Staff Report**

Planner Testemale provided an overview of the application including the details of the easement, the rationale for the request, the proposed methods for the work, and the plans for rehabilitation. He outlined the professional recommendations received and the manner by which those recommendations were incorporated.

Chair Patrick acknowledged the applicant and invited him to answer questions from the LTC.

The LTC discussed the application and staff report, including the following points:

- Alternatives should the application be denied.
- Importance of protecting tree roots in shallow soil.
- Alternative work plans that would protect the tree roots.

**NP-2021-090**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee amend NP-DP-2021.1 (Charest) to amend clause 2f by replacing “should” with “shall”.

**CARRIED**

**NP-2021-091**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2021.1 (Charest) as amended.

**CARRIED**

### **12.3 NP-DVP-2021.3 (Driessen) - Staff Report**

Planner Testemale provided an overview of the application including the details of the application, the details of the limited common property, and the rationale for the application.

The LTC discussed the application and staff report.

A discussion was held regarding the relationship between the LTC and the Sidney Island Strata Council. Opportunities for collaboration were explored.

**NP-2021-092**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee direct staff to draft a standing resolution regarding application referrals from the North Pender Island Local Trust Committee to Sidney Island

**CARRIED**

**NP-2021-093**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee approve issuance of Development Variance Permit application NP-DVP-2021.3 (Driessen).

**CARRIED**

### **12.4 NP-TUP-2021.8 (Murdoch) - Staff Report**

Planner Testemale provided an overview of the application including the requested temporary uses that are being requested. He outlined the history of the application and opportunities for mitigating concerns related to the use.

Chair Patrick acknowledged the applicant who provided an overview of the request. She addressed concerns related to volume of aggregate being stored and provided an overview of how the land is used.

The LTC requested and received information on the following points:

- Opportunities to limit gravel stored to that which is used on the applicant's property only.
- Neighbour concerns of traffic on Bedwell Harbour Road.

- Neighbour concerns of flooding on their own property and mitigation currently in place.

A discussion was held regarding the use of Temporary Use Permits (TUPs) for industrial uses in general and specifically for this property.

**NP-2021-094**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee amend section 2b of NP-TUP-2021.8 (Murdoch) to add “required for the maintenance and construction of the Driftwood Centre only”.

**CARRIED**

**NP-2021-095**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee approve the Temporary Use Permit NP-TUP-2021.8 for a period of three (3) years as amended.

**CARRIED**

**12.5 NP-DP-2021.6 (Amenyogbe) - Staff Report**

Planner Testemale provided an overview of the application and associated staff report. He outlined the recommendations included in the biologist report and noted their inclusion in the permit.

Chair Patrick acknowledged the biologist and author of the report. A discussion was held regarding the recommendations in the report and the environmental benefits if the recommendations were followed.

**NP-2021-096**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee approve issuance of proposed Development Permit NP-DP-2021.6 (Amenyogbe).

**CARRIED**

**12.6 Trust Council Policy Statement Bylaw No. 183 Referral**

A discussion was held by the LTC including the current progress of the project and opportunities for community consultation.

**By general consent,** the LTC did not respond to the referral.

**12.7 Salt Spring Island Local Trust Committee Referral for Proposed Bylaws No. 504 and 505**

Chair Patrick provided an overview of the referral and the project being proposed.

A discussion of Salt Spring's strategies for increasing affordable housing and the overall benefits/challenges of prompting affordable housing was held.

Trustee Morrison requested that her concern for added density, as opposed to density transfer, in the Trust Area be recorded.

**NP-2021-097**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee respond to Salt Spring Island Local Trust Committee Referral for Proposed Bylaws No. 504 and 505 with interests unaffected.

**CARRIED**

**12.8 Salt Spring Island Local Trust Committee Referral for Proposed Bylaws No. 523 and 524 (for response) (attached)**

**NP-2021-098**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee respond to Salt Spring Island Local Trust Committee Referral for Proposed Bylaws No. 523 and 524 with interests unaffected.

**CARRIED**

**13. LOCAL TRUST COMMITTEE PROJECTS**

**14. REPORTS**

**14.1 Work Program Report**

**14.1.1 Top Priorities Report Dated Oct 2021**

The LTC requested and received an update on the groundwater mapping project.

**14.1.2 Projects List Report Dated Oct 2021**

**14.2 Applications Report Dated Oct 2021**

The LTC requested an update regarding James Island. It was reported that updates would be forwarded to the LTC once received.

The LTC requested and received an update regarding the concrete plant application.

**NP-2021-099**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee request an update from Bylaw Enforcement for the concrete plant Temporary Use Permit at the next North Pender Island Local Trust Committee Meeting.

**CARRIED**

The LTC requested and received an update on the application for windjammer self storage.

**14.3 Trustee and Local Expense Report Dated August 2021**

Received for information

**14.4 Adopted Policies and Standing Resolutions**

Received for information

**14.5 Local Trust Committee Webpage**

No comments heard.

**14.6 Islands Trust Conservancy Report Dated August 2021**

Received for information

**15. NEW BUSINESS**

**15.1 New Fee Bylaw - Request for Decision**

A discussion was held regarding the proposed bylaw including the following points:

- Rationale for the new fee bylaw in order to recover actual application costs
- Regulations that govern the setting of the new fees.

**NP-2021-100**

**It was Moved and Seconded,**

that the North Pender Local Trust Committee request staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy "5.6.1 Application Processing Services."

**CARRIED**

**15.2 Advocating to Capital Regional District**

Trustee McConchie noted that there are opportunities for remediation of Magic Lake and that the Capital Regional District (CRD) and associated commissions should be encouraged to do so.



**NP-2021-101**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee direct staff to write to the Capital Regional District Electoral Area Director and Magic Lake Water and Sewer Management Commission to advocate for invasive species management, environmental management, and water quality improvements for Magic Lake.

**CARRIED**

**15.2 Quarterly Meetings with Agricultural Advisory Planning Commission**

A discussion was held regarding the request of the Agricultural Advisory Planning Commission (AAPC) that the LTC meet with them quarterly. The following points were discussed:

- A similar policy and its benefits on Salt Spring Island.
- Specific benefits of the work coming from the AAPC.
- Challenges of scheduling the meetings and most appropriate structure.

**NP-2021-102**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee meet quarterly with the North Pender Island Agricultural Advisory Planning Commission

**CARRIED**

**By general consent,** it was agreed that the meetings shall be scheduled as AAPC meetings to which the LTC is invited.

**15.3 Bylaw Enforcement of Trailers and Temporary Housing**

A discussion was held regarding the use of trailers as temporary housing and the challenges faced by those who are residing in temporary residences that are now under bylaw action.

The following points were discussed:

- Solution adopted on Salt Spring Island.
- Risks of allowing trailer and other temporary housing.
- Options for development of a plan for this LTC.

**NP-2021-103**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee create a moratorium on bylaw enforcement related to housing and request that the Bylaw Enforcement Manager create a report about the extent of the problem.

**CARRIED**

## 16. UPCOMING MEETINGS

### 16.1 Draft 2022 LTC Meeting Schedule

A discussion of the proposed meeting schedule was held. It was noted that the proposed schedule does not accommodate participants who are working during the week and the LTC indicated their desire to hold some meetings at more convenient times.

**NP-2021-104**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee approve 2022 the Local Trust Committee Meeting schedule as presented

**CARRIED**

### 16.2 Next Regular Meeting Scheduled for November 25, 2021 at the Anglican Parish Hall, Pender Island

A discussion was held regarding the November 25, 2021 meeting and potential for rescheduling.

**NP-2021-105**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee reschedule the November 25, 2021 regular business meeting to December 4, 2021 at 11:00 am.

**CARRIED**

### 16.3 Special Meeting Dates

A discussion was held regarding the scheduling of Community Information Meetings in January and February 2022. It was noted that the Community Hall would be a more appropriate setting, if available, due to capacity.

**NP-2021-106**

**It was Moved and Seconded,**

that the North Pender Island Local Trust Committee schedule a Community Information Meeting regarding the Land Use Bylaw Review on February 5, 2021 at 11:00 am.

**CARRIED**

**17. TOWN HALL**

**Anne Burdett** addressed NP-TUP-2021.8 (Murdoch) and the neighbouring concerns of water run off. She provided an overview of the concerns and noted a potential solution would be diverting the culvert into the storm drain.

**Anne Burdett** requested that the LTC create an instructional video to help community members navigate the new website.

Trustee McConchie requested that staff look into solutions to reduce large file sizes online. He noted that this would help community members who are unable to watch meeting videos or download meeting agenda packages due to poor internet connectivity on the island.

**Michael Sketch** addressed the concept of “indigenous ways of knowing” and encouraged the LTC to consider how this applies to the duty of care for the environment within the Trust Policy Statement.

**18. CLOSED MEETING**

None

**19. ADJOURNMENT**

**By general consent** the meeting was adjourned at 1:24 pm.

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Laura Patrick, Chair

Certified Correct:

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Shannon Brayford, Recorder