

ADOPTED

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE BUSINESS MEETING
HELD ON THURSDAY, AUGUST 27, 2009, AT 9:45 AM
COMMUNITY HALL, NORTH PENDER ISLAND, B.C.**

PRESENT:	Peter Luckham	Chair
	Gary Steeves	Local Trustee
	Derek Masselink	Local Trustee
	Andrea Pickard	Island Planner
	David Marlor	Regional Planning Manager
	Zorah Staar	Recording Secretary

REGRETS: None

There were approximately twelve (12) members of the public in attendance.

1. CALL TO ORDER

Chair Peter Luckham called the meeting to order at 9:45 am and made introductions.

2. APPROVAL OF AGENDA

Island Planner Andrea Pickard noted the correspondence and covenant now received re: agenda item 10.1 (Edgewood Estates). The proposed agenda was approved by consensus.

3. QUESTIONS OF AGENDA ITEMS

None

4. COMMUNITY INFORMATION MEETING

None

5. PUBLIC HEARINGS

None

6. PREVIOUS MEETINGS

6.1 Local Trust Committee Minutes for adoption

6.1.1 Minutes of July 23, 2009 Local Trust Committee Business Meeting

Page 3 of the July 23, 2009 Local Trust Committee (LTC) minutes was amended as follows:

- first paragraph, second and third lines – revise to read “which agreement was between the Local Trust Committee and the strata corporation”
- second paragraph, fifth line - change “on” to “an”.

The minutes of the North Pender Island Local Trust Committee Business meeting of July 23, 2009, as amended were Adopted by consensus.

6.2 Public Hearing Records and Community Information Meeting Notes

None

6.3 Section 26 Resolutions-without-meeting

None

6.4 Advisory Planning Commission/Task Force Minutes

None

7. BUSINESS ARISING FROM THE MINUTES

7.1 Follow-up Action Report

Planner Pickard briefly reviewed the Follow-up Action List, including items done or on the agenda today, and other ongoing items.

8. DELEGATIONS

8.1 Margot Venton re: Moving Around Pender

Margot Venton, who was present on behalf of the Moving Around Pender Alternative Transportation Society (MAP), said that they had made progress on some projects (e.g. Car Stops), and was now requesting support from the Local Trust Committee (LTC) and Ministry of Transportation and Infrastructure (MOTI) to go further; that Moving Around Pender Alternative Transportation Society volunteers had almost completed an alternative transportation vision map/plan for Pender (including cycling routes, bypasses, etc.), which they would like to discuss with the LTC and MOTI at a joint meeting; that MAP also supported the Islands Trust fully implementing its memorandum of understanding and protocol agreements with Ministry of Transportation and Infrastructure.

Margot Venton added that Moving Around Pender Alternative Transportation Society would be willing to structure its fall AGM to include a meeting between Moving Around Pender Alternative Transportation Society, Local Trust Committee, and Ministry of Transportation and Infrastructure representatives.

In the discussion that followed, Trustees Steeves and Masselink affirmed their support for alternative transportation planning, and their willingness to meet with MAP and MOTI. However, they requested that MAP provide a brief summary (e.g. one page) of specifically what they were asking for or recommending. Trustee Steeves agreed to follow up with Larry Griffiths of Ministry of Transportation and Infrastructure to request a joint meeting. The Planner was requested to check on the status of Islands Trust staff helping a MAP volunteer with digital mapping for the alternative transportation map, and also on the previous LTC request to the Local Planning Committee to designate as a cycle route the "Magic Ferry Trail" (see below).

Resolution NP-LTC-77-09

It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff to determine whether the Local Trust Committee had designated as a cycle route, the route from the ferry terminal to the Magic Lake baseball field, pursuant to the protocol agreement between the Local Trust Committee and Ministry of Transportation.

CARRIED

8.2 Southern Gulf Islands Electoral Area Director

Ken Hancock, Southern Gulf Islands Electoral Area Director, thanked the Local Trust Committee for their input re: developing the "Next Door to Nature" tourism video, and said the next draft would be circulated shortly for final input; that letters of agreement between the Islands Trust and Capital Regional District Building Inspection were in progress; that a related project was the "sustainability checklist" for building permits (developed on Salt Spring, but now to be reviewed by the Islands Trust for adaptation on other islands); that Hancock was advocating to reduce potential negative impacts of a proposed wood waste ban at the Hartland landfill; and that new chipping and composting initiatives were being developed, and people were invited to make related comments to the Capital Regional District (CRD) before October.

Trustee Steeves thanked Director Hancock for his efforts, in particular developing the sustainability checklist.

9. CORRESPONDENCE

9.1 Three Late Submissions on the Affordable Housing Report

Staff recommended no action required on three late submissions relating to the North Pender Affordable Housing Report.

10. APPLICATIONS, PERMITS AND REFERRALS

10.1 NP-RZ-2006.2 (Edgewood Estates)

Planner Pickard referred to Edgewood Estates Proposed Bylaw No. 174 (approved by the Executive Committee, subject to amending the map to concur with the text) and the related covenant now signed; she said that the property included a “hooked” portion, which was included in the text of the Bylaw describing the property to be rezoned, but was not included in the Plan attached to the Bylaw; that this inconsistency could be resolved by amending either the text or the plan.

Resolution NP-LTC-78-09

It was Moved and Seconded that the North Pender Island Local Trust Committee Proposed Bylaw No. 174, Plan No 1, be amended by including the hooked portion of the lot in the RC2 zone, for consistency with Section 2, amendment 8.2B of the Proposed Bylaw.

CARRIED

Resolution NP-LTC-79-09

It was Moved and Seconded that the North Pender Island Local Trust Committee Bylaw No. 174, cited as, “North Pender Island Land Use Bylaw 103, 1996, Amendment No. 1, 2007”, as amended be Adopted.

CARRIED

10.2 NP-SUB-2008.6 (Ferguson)

Planner Pickard referred to the applicable Staff Memorandum and said that NP-SUB-2008.6 concerned a boundary adjustment subdivision to transfer .4 acres between two lots on MacKinnon Road; that the lots were both zoned C2, and the required covenant had now been drafted, to ensure that the overall density of the two properties would remain the same and to resolve any “grey area” in this regard.

The Trustees discussed the confusion potentially created by a current Land Use Bylaw (LUB) formula for calculating densities, in cases of site-specific zoning such as this. This situation could be resolved at the time of the next LUB revisions.

Resolution NP-LTC-80-09

It was Moved and Seconded that the North Pender Island Local Trust Committee authorize Chair Luckham to sign the covenant relating to NP-SUB-2008.6 (Ferguson).

CARRIED

10.3 NP-LCB-2009.1 (Pender Island Golf and Country Club)

Planner Pickard referred to the Staff Report commenting that NP-LCB-2009.1 concerned the referral by the Liquor Control and Licensing Branch (LCLB) of an application by the Pender Island Golf and Country Club; that the Club wanted to change their license from a liquor-primary club to liquor-primary, so that their restaurant could legally serve alcohol to the public, as well as have a contractor take a cart around to provide bar service on the golf course; that the Local Trust Committee (LTC) had various options in responding to the referral (described); and that the Club also sought a relaxation or waiver of the LTC application fees.

Mel MacDonald was present along with two other representatives of the Golf and Country Club, and he stated that recent discussions with the Liquor Inspector had led to a separate change to add a food-primary license, which would allow children to be in the restaurant; that this change did not require local government input; that the Golf Club restaurant and bar service were provided by a contractor; that the Golf and Country Club itself was run by a non-profit Society; and that the Society had to pay a substantial fee to the LCLB for the current license change application, in addition to LTC fees.

Trustee Steeves said it was his understanding that the Club had already been serving the public and running a beverage cart for a number of years, in the belief that their existing license permitted this. Then they were advised that a license change was required. Both Trustee Steeves and Trustee Masselink felt that there should be an opportunity for public discussion of the license referral.

Resolution NP-LTC-81-09

It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff to schedule a Community Information Meeting re: NP-LCB-2009.1, during the next regular Local Trust Committee Business Meeting; and that the proposed meeting notice be advertised in the Island Tides newspaper and posted on North Pender in advance of the meeting; and that the North Pender Island Local Trust Committee direct staff to prepare a draft response for the Liquor Control and Licensing Branch based on the regulatory criteria.

CARRIED

Resolution NP-LTC-82-09

It was Moved and Seconded that the North Pender Island Local Trust Committee defer any decision on waiving all or part of the application fee on NP-LCB-2009.1, until such time as the file is concluded and real costs are calculated.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Verbal Updates

Planner Pickard said that Planner Robert Kojima hoped to have a revised draft Development Approval Information Bylaw for the next Local Trust Committee Meeting; that re: the Geo-Hazard mapping, staff were hoping to connect with the consultants soon; and that some initial Land Use Bylaw amendments were being considered and a report was expected at the next Local Trust Committee Meeting (see further discussion under 12.1.1 below)

12. REPORTS

12.1 Work Program Reports

12.1.1 North Pender Island Local Trust Committee Work Program

Trustees Steeves and Masselink both noted the importance of bringing the issue of climate change adaptation and mitigation into the Work Program (e.g. next month), especially since Trust Council was expected to move further in September on the provincial requirement to get climate change goals and targets into Official Community Plan's. There was support for finishing up other project to allow time for climate change initiatives.

Trustee Masselink also stressed the importance of action on protective Riparian Area Regulations (as required by the province). With regard to the geo-hazard mapping, he asked if the proposed policies for the related development permit areas could be drafted before the mapping was completed (Planner Pickard was asked to check with Planner Kojima about this).

Resolution NP-LTC-83-09

It was Moved and Seconded that the North Pender Island Local Trust Committee direct staff to adjust the Work Program, Top Priorities to indicate that No. 1 is completion of the Development Approval Information Bylaw, No. 2 is Land Use Bylaw – Technical Review, No. 3 is Official Community Plan Implementation – Riparian Regulations first, and Geological Hazard Mapping second, and the remaining items are to be placed on the projects list.

CARRIED

12.1.2 Strategic Plan (excerpt from existing Islands Trust Strategic Plan – attached for information)

Chair Luckham said that the new Strategic Plan would hopefully be approved by Trust Council in September.

12.2 Applications Reports

12.2.1 North Pender Island Applications Report

Island Planner Andrea Pickard reviewed the available Applications Report, noting in particular the reports and other requested information still awaited.

12.3 Bylaw Enforcement Report – None

12.4 Expense/Budget Reports

12.4.1 Trustee and Local Expenses (for information)

12.4.2 LTC Budget (for information)

Trustee Steeves confirmed that he would prepare a revised budget showing the changes relating to the increased Community Hall rental amount.

12.5 Adopted Policies and Standing Resolutions Report

This Report was unchanged.

12.6 North Pender LTC Web Page

It was agreed by consensus to amend the Local Trust Committee web page as follows: post information regarding the Golf Club, Liquor Control and Licensing Branch application and meeting date; remove the February Local Trust Committee, Pender Post report; and add the next Local Trust Committee, Pender Post report.

12.7 Chair's Report

Chair Luckham said that the Executive Committee was continuously overwhelmed with work; that the next Trust Council Meeting was September 15, 16 and 17 on Mayne; and that the climate change issue was to be discussed then (among other issues).

12.8 Trustee Reports

Trustee Masselink said that August 22 had been another fantastic Fall Fair, highlighting what makes this community special; and that big kudos should be given to the Fair organizers, who were excellent candidates for Islands Trust Stewardship awards.

Trustee Steeves echoed these comments, and added that the Fall Fair had an immense amount of community involvement; that on another topic, former Trustee Ken Hancock was acknowledged for having initiated an annual Stewardship Day.

Trustee Steeves asked for members of the community to help with the organization of this year's Stewardship Day (on October 10); and that the day would be at the Community Hall, and was to begin during the market and continue into the afternoon.

In response to the forgoing, Sara Steil, Sylvia Pincott of PICA, Graham Boffey, and Tekla Deverell offered to help Trustee Steeves with some Stewardship Day arrangements.

13. NEW BUSINESS

13.1 Upcoming Meetings

13.1.1 Next Business Meeting(s)

Trustee Masselink had a scheduling conflict re: the September 24 LTC Meeting.

Resolution NP-LTC-84-09

It was Moved and Seconded that the North Pender Island Local Trust Committee reschedule the September 24th business meeting to Wednesday, October 7, 2009 (9:45 am, Community Hall Lounge).

CARRIED

14. TOWN HALL MEETING

Sara Steil said that she was concerned about wetlands within parks not being shown in the Development Permit Area (DPA) maps attached to the Official Community Plan (OCP); that then neighbouring landowners were not aware and might use their properties in a way which damaged adjacent wetlands; and that on Harbour Hill Road, there was a wetland in the park which could be damaged by activities in the new subdivision.

Trustee Steeves said that parklands were exempt from the environmental DPA's, so this was why the related OCP maps did not show sensitive areas within the parks. He also said that the available wetland mapping was very poor at the time the OCP was being revised, and the Local Trust Committee (LTC) did the best they could at the time to bring in protective measures.

Both Trustee Masselink and **Sylvia Pincott** said they hoped that the upcoming work on Riparian Area Regulations could protect a lot more, e.g. going beyond fish-bearing streams. Related community feedback to Islands Trust Planners was encouraged.

Capital Regional District Director, **Ken Hancock** said that he believed mapping of park wetlands existed, and could hopefully be found by Islands Trust staff.

Graham Boffey asked who was responsible for controlling pesticide use and other pollution next to feeder streams (e.g. like the Shingle Bay Creek feeding Buck Lake).

The Trustees responded that the Ministry of Environment had jurisdiction under the provincial Groundwater Protection Act (with a contract to a Vancouver Island Health Authority Inspector, contact the Nanaimo office). The Department of Fisheries and Oceans could have jurisdiction if federal fish resources were involved.

Michael Sketch said that the catchment areas for wetlands should somehow be included in Development Permit Areas; that the owner's signature should be required on the proposed sustainability checklist for building permits; that since the Golf Club was requesting a fee waiver and a beverage cart crossing roadways, the public should be well informed about this (e.g. by mail-out and with a community meeting on a Saturday, plus a referral to the Advisory Planning Commission); and regarding Edgewood Estates, he was concerned about the hooked portion of the property being rezoned in future with additional density.

With regard to wetlands, **Ken Hancock** said that there had been past court precedent questioning the right of local governments to control buffer areas beyond DPA's, but the Land Use Bylaw did have some wetland setbacks to make use of.

Trustee Masselink said that the new University of BC, watershed mapping initiatives were working on how to delineate the whole area which potentially affected a watershed, with an emphasis on public education. Some of this new work could potentially be incorporated in our upcoming Land Use Bylaw revisions.

15. ADJOURNMENT

Resolution NP-LTC-85-09

It was Moved and Seconded that the meeting be adjourned at approximately 1:30 pm.

CARRIED

RECORDER

CHAIR