

ADOPTED

**MINUTES OF THE NORTH PENDER ISLAND
LOCAL TRUST COMMITTEE SPECIAL MEETING
HELD ON SATURDAY, OCTOBER 22, 2011, AT 12:00 NOON
ST. PETERS ANGLICAN PARISH HALL
4703 CANAL ROAD, NORTH PENDER ISLAND, BC**

PRESENT:	Gary Steeves	Local Trustee
	Derek Masselink	Local Trustee
	Robert Kojima	Regional Planning Manager
	Zorah Staar	Recording Secretary
REGRETS:	Peter Luckham	Chair

There were twenty (20) members of the public in attendance, and also Ryan Evanoff of the Ministry of Transportation & Infrastructure.

1. CALL TO ORDER

Trustee Steeves (acting as Chair), called the meeting to order at 12:12 pm and made introductions.

2. APPROVAL OF AGENDA

It was proposed to amend the agenda by removing the item for “Engineering Summary”, because Engineers J.E. Anderson were not in fact attending the meeting.

The amended agenda was then adopted by consensus.

3. WORKSHOP FORMAT

3.1 Review of Proposed Format for Public Input and Workshop

Trustee Steeves said that this was a Special Local Trust Committee Meeting, for the purpose of holding a public consultation and “design workshop” relating to Hooson Road. He advised that this arose from the Hooson Road re-alignment that had been requested by the Ministry of Transportation & Infrastructure, at the access point for a new 4-lot subdivision (on the former Tapio property). Trustee Steeves commented that the work on Hooson Road had been stopped after significant initial alteration, firstly because the proper permit had not been obtained by the contractor; that in addition, the Ministry of Transportation & Infrastructure had not followed a Letter of Agreement with the Islands Trust, which required consultation before changes to heritage roads; that Hooson Road was one of three North Pender roads designated as heritage.

Trustee Steeves added that today's meeting and workshop were part of the required consultation process, so community members could discuss with relevant parties what they thought should be done with the now half-finished Hooson Road re-alignment; and that there were road engineering diagrams for people to work with, to develop design ideas which could potentially be included in the Ministry permit for any remaining roadwork.

Trustee Masselink said it would have been very useful to have all the affected parties here, including the engineers, so that design ideas could be discussed with them and the situation could more easily be resolved.

In response to the above and other questions, Ryan Evanoff of the Ministry of Transportation & Infrastructure stated that the subdivision applicant was a numbered company; that J.E. Anderson was handling the application, and also acting as engineers of record for the roadwork; that J.E. Anderson had said they would do whatever the Ministry directed as a result of public consultation; that ultimately the Ministry decided whether a particular community recommendation could be incorporated in the roadwork permit; and that the applicant was responsible for the cost of any roadwork required for the subdivision to occur, or they could simply choose not to proceed with the subdivision.

4. LOCAL TRUST COMMITTEE

4.1 Islands Trust Staff Summary of Project and Key Issues

Islands Trust Regional Planning Manager (RPM) Robert Kojima, commented that the 4-lot Hooson Road subdivision application had first been referred to the Islands Trust in 2008; that this was by the Subdivision Approving Officer of the Ministry of Transportation & Infrastructure, with the Islands Trust role being limited to checking if the proposal complied with the local Land Use Bylaw; that the application did not initially include re-alignment of Hooson Road; that Islands Trust Staff only became aware last month about work being done on the road, at which time they called the Ministry and the work was stopped; that the 1992 Letter of Agreement between the Islands Trust Council and the Ministry (amended in 1996) was not specific about the type of consultation to occur before changes to heritage roads, but public involvement appeared to be required.

5. PREVIOUS MEETINGS

5.1 Overview by Ryan Evanoff of the Ministry of Transportation & Infrastructure

Ryan Evanoff commented that he was a Development Technician who became responsible for our area only 6 months ago; that he later received emails from Lisa Ridgeway (of Hooson Road) about the roadwork which had begun without a permit; that he also became aware of the requirement for heritage road consultation, inadvertently overlooked by previous staff of the Ministry; that his resulting stop work order was initially defied by the contractor, but then complied with.

Mr. Evanoff added that the 1992 Letter of Agreement between the Islands Trust and the Ministry not only provided for scenic heritage road designation, but also allowed the Ministry to require only the minimum road standards (or slightly less) where they deemed this sufficient; that after the subdivision application in this case, the applicant was later told by the Ministry that their proposed access for the subdivision would require some straightening of the curve of Hooson Road (by moving the road without widening it); and that this was because an S-bend at the access meant that 2 sight lines did not meet the requirements for stopping distances.

Ryan Evanoff also said now that the contractor had already lowered the rock wall somewhat, this allowed drivers to see over it from one direction, thereby solving half the problem with the proposed intersection. However, there remained a sight distance problem with drivers who would exit the new subdivision and turn left onto Hooson Road. If there was a public consensus that the corner should still not be re-aligned, and the community was willing to assume the risk of this, then it was possible that Evanoff could convince the Subdivision Approving Officer to approve the subdivision without further road re-alignment. Another theoretical possibility was for the community to suggest that the access for the subdivision be moved, but any location further along Hooson Road would require asking permission of the Agricultural Land Commission.

6. PUBLIC CONSULTATION

At this point, and with the permission of the Chair, community members began asking questions and making comments about how they felt the Hooson Road situation should be resolved.

Karl Hamson suggested lowering the speed limit to 35 km/h in this area, and said that people were used to driving slowly on roads such as this, and the Ministry of Transportation & Infrastructure was applying a standard that was unnecessary.

Others expressed concern about enforcing a speed limit, and said that there was some indication of people speeding up at this corner, now that they could see better.

Christa Grace-Warrick said there was still a curve preventing people from seeing right around the bend, and that she didn't think they had sped up much.

Tekla Deverell said there were many blind access points on North Pender, and that people here were used to going slow and stopping before they entered.

Ryan Evanoff agreed there were many blind driveway accesses, but he noted that this Hooson Road spot would involve a new public road coming out of the subdivision, with its own road name and stop sign (and therefore more traffic).

Martha McMahon said there should be a practice to have a conversation between the Islands Trust and the Ministry whenever any road was being re-aligned.

Trustee Steeves said the Islands Trust had been advocating for the Ministry of Transportation & Infrastructure to listen more to local knowledge and that there were now regular meetings between the two staffs, and a better working relationship.

Leila Clogg said some of the work on the S-curve was meaningless because the other curve was still there, and that this was a huge solution for a simple problem.

Kathy Curtis (whose driveway was next to the roadwork) asked how much more vegetation was to be removed from the road allowance.

Ryan Evanoff said the re-alignment plan involved removing about another metre of vegetation near the neighbouring driveway and that more vegetation was also to be removed across the street (on the former Stewart property).

In response to a question about the contractor being penalized for working without a permit and initially ignoring the stop work order, Ryan Evanoff said the Ministry of Transportation & Infrastructure did not have enforcement tools, but that the commercial penalties to the contractor in this case appeared to be significant.

Lisa Ridgeway asked if there was any evidence of safety concerns for the Hooson Road corner under discussion, either as it was before or as it was planned to be.

Ryan Evanoff said there was likely no factual safety evidence kept by the Ministry for this corner (with none gathered unless a serious accident had taken place), and the sight line standards were the same ones applied across the country.

Regarding blasting, Evanoff said he believed that there had been none to date on Hooson Road itself, but the applicant was allowed to build the new road on the private property of the subdivision however they chose (e.g. with blasting, or using waste jack-hammered material, subject to other government regulations).

Robert Kojima said that Ministry road dedications on Pender were still 66 feet wide, notwithstanding the Letter of Agreement which supported actual road surfaces being narrower where appropriate.

When asked about lowering the speed limit for this Hooson Road area, Ryan Evanoff said that this was possible but it would need to be agreed upon by the Ministry of Transportation & Infrastructure, the Islands Trust, the CRD, and the RCMP.

Trustee Steeves said there were a variety of options, e.g. leaving the roadwork as is (except for mitigation with landscaping, etc.), or completing the re-alignment with mitigation, or doing something in-between. After today's meeting, the Local Trust Committee could discuss the Hooson Road situation again at their next meeting on October 27, and more verbal and written input was encouraged before and after that.

Ryan Evanoff said that due to seasonal weather, he believed there would be no more roadwork until at least February, and that January would be soon enough to receive recommendations from the Local Trust Committee.

Therefore, the Local Trustees agreed on a November 15, 2011, deadline for further public input. Then either the current Trustees at their November meeting, or the newly-elected Trustees at their January meeting, could consider all feedback and made recommendations to the Ministry of Transportation & Infrastructure.

Marion Davies said that in addition to dealing with what had already happened at this Hooson Road corner, she wondered what could be done so that this situation would not recur.

Trustee Steeves said that this was what the new regular meetings between Islands Trust and Ministry of Transportation staff were about, and the Islands Trust subdivision response also now included confirmation of heritage road involvement. Furthermore, the Islands Trust Executive Committee was aware of the situation, and the Letter of Agreement was to be modernized in future, for greater clarity about matters like heritage roads, standards, and forms of consultation.

Martha McMahon said that for the community to propose that the subdivision access to Hooson Road be moved along the road (necessarily into the Agricultural Land Reserve) would raise a lot of issues, and should not be done lightly.

Barb Grimmer said there had been a couple of new owners of the Hooson property since the ones who did the clearcut. She also said that getting Agricultural Land Commission approval for a new subdivision road access would be no easy task.

Linda Ellstrom said she had heard that the property across the street from the current subdivision (with the same owner) was also going to be subdivided in the near future, which would raise the same road access and consultation issues again.

Ryan Evanoff said there had been no second subdivision application to date.

RPM Kojima said that referral of a subdivision application to the Local Trust Committee did not in itself trigger public consultation, but further requested Hooson Road alterations would. The Applications Report of each Local Trust Committee Business Meeting Agenda listed the applications (including subdivision referrals) to be considered, and it was available on the Islands Trust website.

Christa Grace-Warrick said the Islands Trust should have been notified when the current subdivision application was changed to require re-alignment of Hooson Road. She also asked if the expected subdivision across the road (the former Stewart property) would require further reconfiguration of Hooson Road.

Ryan Evanoff said if Hooson Road were re-aligned now as proposed, then this would probably be enough for access to the second subdivision, whereas if the proposed re-alignment did not occur, then it would probably be required for the second subdivision (assuming access to Hooson Road was at the same corner).

Marion Thompson asked if a heritage road designation meant no paving.

Ryan Evanoff said this was another grey area in the Letter of Agreement with the Islands Trust, and he himself would probably be involved in the future process to revise this document for greater clarity.

Trustee Steeves read out a letter from **Carmen Oleskevich** of Hooson Road, who was in favour of changing the blind corner of the subdivision access, to improve the sight lines and reduce the danger to children and others.

At 1:55 pm a break was called, with a plan to reconvene shortly after for a more workshop-oriented look at the road diagrams and engineering information for the pertinent section of Hooson Road.

7. DESIGN WORKSHOP

A smaller group reconvened around a table (half the community members having left during the break).

Ryan Evanoff explained the engineering diagrams, which showed both the current and proposed Hooson Road locations. He reviewed the sight line problems for cars turning left, and how the proposed re-alignment would help this.

Sally Round said that she had lived on Hooson Road for 35 years and that there had never been an accident at the corner being discussed.

Ryan Evanoff said that now there would be four more lots with their own and other cars moving through the proposed intersection, which increased the danger.

Kathy Curtis asked that additional vegetation not be removed near her driveway.

Evanoff said that J.E. Anderson wanted to remove this for sight lines, but it did not appear to make much difference, so he had no problem with them not taking it out.

Trustee Masselink expressed concern about Mr. Evanoff's earlier comment to the effect that the community could choose to accept the risk of not re-aligning the road.

Mr. Evanoff said that this didn't mean community members couldn't still sue if there was an accident, but rather that the Subdivision Approving Officer who took responsibility for the subdivision and signed off on the plan, needed to know if the community was okay with not re-aligning Hooson Road.

In response to questions, Ryan Evanoff also commented that his Ministry could require that any remaining rock removal on Hooson not be done by blasting; that the three trees which had been undermined by the work to-date could be removed (by the Ministry dangerous tree people) to eliminate the apparent risk of them coming down. Mr. Evanoff added that he did not know if he could make the contractor do interim remediation work to deal with the shale that was currently tumbling down; that the finished road would involve a chip-sealed surface and a smooth gravel shoulder, which would allow natural vegetation to take the shoulder over.

Trustee Masselink suggested reducing the speed at the corner using speed bumps.

Ryan Evanoff said he would propose a warning sign and then if the community noticed a problem with speed and asked, speed bumps could be installed.

Tekla Deverell suggested a sign about Hooson being a scenic heritage road, and explaining why people should slow down. She also suggested the same thing for Razor Point – one of the other island heritage roads, which had multiple blind curves.

Mr. Evanoff said he had no problem with this, and that the developer was responsible for paying for required signage.

Alex Mitchell suggested the road now be left as is (i.e. without re-alignment), with the rocky bumpy part being flattened out, and the part that had been altered turned into a gravel shoulder so people could walk on it.

Mr. Evanoff said this would still leave a problem for someone coming out of the subdivision and wanting to turn left, but it's possible that the Subdivision Approving Officer would accept no re-alignment.

Kathy Curtis said the character of a heritage road should be considered, e.g. that it was meant to be winding, and to encourage lots of people to walk there (especially older people, who frequently walked on Hooson Road).

Trustee Masselink added that a heritage designation usually signified cultural or historical importance and meaning.

Christa Grace-Warrick expressed concern that more people might park at the Hooson Road subdivision corner, if there was a larger gravel shoulder there.

Ryan Evanoff confirmed the required sight distance for people leaving the subdivision and turning left might be met if the speed was lowered to 35 km/h, but he didn't know if the other required parties would agree to this (CRD and RCMP).

If the speed could be lowered and therefore the re-alignment not required, then the contractor would still need to finish what they had done – to clean up what was disturbed, fill in with gravel, and let vegetation take over.

Kathy Curtis suggested filling in the hill a bit, and leaving a walking area on the shoulder.

Pat Watson said she would still straighten this section of Hooson Road, because people did not pay that much attention to speed limits. She also wondered what arguments there were for keeping the road as it was.

Keith Smith said that even if a bend was kept in the road, people could see better now, so he didn't think that they would necessarily slow down to 35 km.

Ryan Evanoff said there was research suggesting that people drove at a certain speed based on what they would see.

Christa Grace-Warrick said that in terms of vegetation coming back, it might be better to move the road (as planned) to solid rock, and then leave the old road curve (which had more soil under it) to regenerate vegetation.

Trustee Masselink said the second subdivision was likely coming, and it was important to consider whether a decision now not to re-align the road would affect this. For the road re-alignment to proceed, the developer could be required to demonstrate that this would also address the safety needs of the second subdivision.

Ene Haabnit commented that it sounded like the speeds people drove were going to increase no matter what and this led her to be concerned about safety; and that the sight line issues seemed valid, so now she was leaning towards favouring the road re-alignment.

Keith Smith said if the road was moved as planned, it would look a lot nicer, with a big grassy verge for walking on the southern side, where the old road was.

However, Trustee Masselink said it could be better for pedestrians to be able to walk on the same side through the whole corner, which could be accomplished by leaving the road in the same location and having a larger grassy verge on the north side (not possible if the road was moved?).

Ryan Evanoff confirmed that half a metre was the standard minimum width for a road shoulder.

Trustee Masselink noted that the group didn't need to decide on recommendations today, and that he was concerned about the people who'd left the meeting before these very useful design discussions (i.e. how to inform and engage them).

Tekla Deverell noted she was not saying whether to move the road, but she supported a lower speed limit. She was also concerned about setting precedents for other heritage roads, and believed development should be limited on them.

Ryan Evanoff said that he was concerned about setting a precedent of not having to meet safe sight distances, although there was potentially some room to apply slightly less than the required standard here, if this was deemed sufficient.

It was noted that the existing but largely unsold Tyndallwood development on Hooson Road involved 26 more lots, and that Parks Canada might also be encouraging more visitors to the nearby National Park in future.

Ryan Evanoff confirmed that partially moving the road (e.g. halfway between the current road and the proposed road) did not solve the sight line problem. Moving the road as proposed would still leave a 3-metre gap between the large rock and the pavement, which (minus the ditch) would still leave 5 feet to walk.

Trustee Masselink said that we needed a definition of a heritage road, to provide some guidance. We also needed a way to know that what we were doing was not creating further problems, e.g. for pedestrians, unsafe parking, etc.

Trustee Masselink said it would be very helpful to have a better visual reference than the engineering diagram, e.g. simplified drawings of the two main options (moving the road or leaving it where it was), showing potential mitigation measures, ditches, impacts on pedestrians, parking, traffic flow, etc., and taking into account the likely second subdivision. He also suggested trying to further engage the people who had left the meeting early, to share the evolving results of this workshop discussion and seek their additional input on it.

8. NEXT STEPS

After further discussion, Islands Trust staff were requested to prepare a Staff Report for the November 24, 2011, Local Trust Committee meeting, to consider public feedback by the November 15th deadline; provide further clarity on options, and include two simple drawings as described above.

It was noted that recommendations on a solution to the Hooson Road problem were required in the shorter term (i.e. by January, 2012), but were not separate from the larger issue of how to deal with other heritage roads here.

Trustee Masselink said that installing heritage road signage could make it less likely for problems like the current ones to happen again.

Ryan Evanoff said he could approve such signage fairly quickly. Mr. Evanoff was thanked by community members for his positive attitude and availability. He said that he would be reporting shortly to the Subdivision Approving Officer, Bob Wiley, and to J.E. Anderson, about the November 15th deadline for further public input and the potential for decision at the November 24th Local Trust Committee meeting. In the meantime, the subdivision would likely receive final approval before January, subject to a bond for satisfactory completion of any remaining roadwork (equal to 150% of its estimated cost). He added that the option of moving the road access into the Agricultural Land Reserve was not on the table at this point.

9. ADJOURNMENT

The Local Trust Committee adjourned the meeting by consensus at approximately 3:47 pm.

RECORDER

CHAIR