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**Denman Island  
Local Trust Committee  
Minutes of a Regular Meeting**

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**Date of Meeting:** Tuesday, July 15, 2014  
**Location:** Denman Seniors Hall  
1111 Northwest Road, Denman Island, BC

**Members Present:** Peter Luckham, Chair  
Laura Busheikin, Local Trustee  
David Graham, Local Trustee

**Staff Present:** Rob Milne, Island Planner  
Vicky Bockman, Recorder

**Media and Others Present:** Approximately three (3) members of the public - am  
Approximately two (2) members of the public - pm

**1. CALL TO ORDER**

Chair Luckham called the meeting to order at 10:30 am. He acknowledged that the meeting is being held in traditional territory of the Coast Salish First Nations.

**2. APPROVAL OF AGENDA**

**By general consent** the agenda was approved.

**3. CHAIR'S REPORT**

Chair Luckham reported briefly that Trust Council was recently held on Saturna Island.

**4. TRUSTEES' REPORT**

Trustee Busheikin reported on Ferry Advisory Committee matters, advising that a subcommittee met to consider revisions to the off-season ferry schedule for Denman and Hornby Islands and noted that this work is ongoing. She commented that she held Trustee Office Hours and that it had been generally quiet.

Trustee Graham reported that while holding Trustee Office Hours an issue regarding a Riparian Areas Regulation mapping inconsistency had been brought to his attention and he reported that he has since discussed this issue with Planner Milne. He commented on the presentation by Fisheries and Oceans Canada (DFO) at the recent Trust Council meeting.

**5. MINUTES**

**5.1 Local Trust Committee Meeting Minutes dated June 10, 2014**

The following amendments to the minutes were presented for consideration:

- Page 1, item 3, third line: remove “of the percentage”; and
- Page 2, item 4, third paragraph: change the first sentence to read “Trustee Graham reported that the Marcus Isbister Old School, which is the only property held by the Islands Trust Council, now has a new roof.”

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

**5.2 Local Trust Committee Special Meeting Minutes dated June 10, 2014**

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

**5.3 Local Trust Committee Public Hearing Record dated June 10, 2014**

Received.

**5.4 Section 26 Resolutions Without Meeting - None**

**5.5 Denman Island Advisory Planning Commission Minutes – None**

**5.6 Denman Island Marine Advisory Planning Commission Minutes – None**

**6. BUSINESS ARISING FROM MINUTES**

**6.1 Follow-up Action List dated July 7, 2014**

Planner Milne presented the report. As requested, he reported on the outcome of his exploration into the issue addressed by Mr. Paisley at the June 10, 2014 Town Hall session.

**6.2 Request for Executive Committee to arrange meeting with Ministry regarding Aquaculture Operations in Henry Bay Memorandum dated June 30, 2014**

**DE-2014-040**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee rescind DE-072-2013, which asks Executive Committee to arrange a meeting with the Ministry responsible for Forests Lands & Natural Resource Management on the topic of issuance of License of Occupation in the Trust area.

**CARRIED**

**7. APPLICATIONS AND PERMITS – None**

**8. DELEGATIONS - None**

**9. TOWN HALL DISCUSSION**

A community member asked about the DFO presentation at the recent Trust Council meeting and if there had been discussion or any action taken afterwards, or consideration of any future action by the Executive Committee in response to the presentation.

Trustees explained that the presentation and question session afterwards had not been as effective as had been anticipated. They responded that there was no direction for further action to be taken and noted that advocacy efforts will continue.

**10. CORRESPONDENCE**

**10.1 Email dated June 10, 2014 from Jane Guest regarding Riparian Rights – Geoduck Clam Cultivation**

Received.

**10.2 Email dated June 13, 2014 from Cindy and David Critchley regarding Geoduck PVC Pipe Cultivation**

Trustee Busheikin noted that she had responded to the correspondence; there was no further action taken at this time.

**11. REPORTS**

**11.1 Work Program Reports**

**11.1.1 Top Priorities and Projects List Report dated July 7, 2014**

Planner Milne summarized the report. Trustees discussed Top Priority No. 1, debating whether to specify further action to be taken, remove the item from the list, or to consider the matter at a future meeting in conjunction with a discussion of budget considerations for next term.

- Trustee Busheikin proposed that she was interested in exploring two approaches to continue addressing the impacts of shellfish farming: rezoning of some or all marine zones to limit or prevent aquaculture, or organizing a multi-stakeholder advocacy program. She suggested that staff might be directed to provide a report to inform the consideration of these options; and
- Trustee Graham expressed concern that rezoning would not stop the activities, might result in legal action and would contravene the Trust Policy Statement and the Official Community Plan Marine Environment Objective 8. He remarked that the Local Trust Committee's efforts to address the impacts of shellfish aquaculture had not been successful and commented that he preferred advocacy, observing that the

Golder Report had recommended a multi-party engagement to discuss aquaculture issues.

Discussion followed on what other project might be moved forward and added to the Top Priorities list. Trustee Busheikin noted that a staff report reviewing items on the Projects List would be useful to assist in determining next steps. There were no changes proposed to the Top Priorities list at this time; Trustees will consider options and budgetary considerations at the next meeting.

Trustees proposed that a review of the new medical marijuana regulations to assess potential impacts is warranted.

**DE-2014-041**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee add to its Projects List: Review of LUB in consideration of the new Federal *Marihuana for Medical Purposes Regulation* with the Activity being: Review the Staff Report dated April 28, 2014.

**CARRIED**

**11.2 Applications Log**

11.2.1 Report dated July 7, 2014

Received.

**11.3 Trustee and Local Expenses**

11.3.1 Expenses posted to end of June, 2014

Received.

**11.4 Policies and Standing Resolutions**

11.4.1 Report

Received.

**12. LOCAL TRUST COMMITTEE PROJECTS**

**12.1 Denman Housing Needs**

12.1.1 Staff Report dated June 16, 2014

Trustees provided their assessment of the comments and recommendations in the staff report and input received during the Community Information Meeting and Public Hearing on proposed Bylaw Nos. 210 and 211. They spoke to their consideration of the concerns expressed at those meetings regarding density and Temporary Use Permits, provided rationale and confirmed their support for maintaining those provisions as proposed.

## ADOPTED

They discussed possible changes to the draft bylaws including the following:

- Trustee Busheikin proposed eliminating the requirement for a separate entrance for secondary suites to make it less difficult for property owners to create secondary suites and to encourage the possibility of a less permanent nature. Trustee Graham and Chair Luckham recommended that the requirement be maintained to ensure safety, security and privacy for both the tenant and landlord and considered it to be responsible to inform the community of the BC Building code requirements;
- Adding a requirement for rainwater catchment and storage systems for uses other than domestic water supply; and
- Reducing the distance of the secondary dwelling from the main residence to encourage clustering while providing the ability for the Local Trust Committee to waive that requirement if circumstances warrant.

### **DE-2014-042**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend Bylaw No. 210 Schedule A by: in point 3, second paragraph, removing the word “existing” after the words “within the footprint of” and in point 5 at the end of the material in quotes after the word “Permit” changing the period to a comma and adding the phrase “in order to address housing objectives as defined in the Official Community Plan.”

**CARRIED**

### **DE-2014-043**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend Bylaw No. 211 Schedule A Item 3, Bullet 5 to add a new point “d)” which reads as follows, and the existing point “d)” and subsequent points re-numbered: “d) The secondary suite shall have an external access only which is separate from that of the principal dwelling.”

**CARRIED**

Trustee Busheikin Opposed

## ADOPTED

### DE-2014-044

#### It was **MOVED** and **SECONDED**,

that the Denman Island Local Trust Committee amend Bylaw No. 211 Schedule A by:

- in point b) of item 6 amend to read as follows: “b) shall not be located more than 60 metres from the principal residence unless otherwise approved by the Local Trust Committee as a condition of the permit; and”
- that an information note which reads as follows be inserted directly after proposed regulation 5(f) of Item 3: “**INFORMATION NOTE:** Any time two dwellings share a common water supply they are considered to be a “community water system” under the provisions of the *Health Act* and must comply with the requirements of the Act.”; and
- that an information note which reads as follows be inserted directly after proposed regulation 9 of Item 3: “**INFORMATION NOTE:** Any residence approved by the Agricultural Land Commission for farm help within the ALR does not require a Temporary Use Permit.”; and
- that an information note which reads as follows be inserted directly after proposed regulation 3: “**INFORMATION NOTE:** Secondary suites and secondary dwelling units are not permitted to be used for short term vacation rental or for the accommodation of paying guests in accordance with Regulation 2.1.2 of the Denman Island Land Use Bylaw.”

**CARRIED**

### DE-2014-045

#### It was **MOVED** and **SECONDED**,

that the Denman Island Local Trust Committee amend Bylaw No. 211 Schedule A Item 3.6 as follows: adding a further item “d) Include a rainwater catchment and storage system for a capacity of at least 1,000 gallons unless otherwise approved by the Local Trust Committee as a condition of the permit.”

**CARRIED**

### DE-2014-046

#### It was **MOVED** and **SECONDED**,

that the Denman Island Local Trust Committee give second reading to Bylaw No. 210 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2014”.

**CARRIED**

### DE-2014-047

#### It was **MOVED** and **SECONDED**,

that the Denman Island Local Trust Committee give third reading to Bylaw No. 210 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2014”.

**CARRIED**

**DE-2014-048**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee send Bylaw No. 210 to the Executive Committee and to the Minister of Community, Sport and Cultural Development for approval.

**CARRIED**

**DE-2014-049**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee give second reading to Bylaw No. 211 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2014".

**CARRIED**

**DE-2014-050**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee give third reading to Bylaw No. 211 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2014".

**CARRIED**

**By general consent** the meeting was recessed at 12:30 pm and reconvened at 12:45 pm.

**12.2 Riparian Areas Regulation Implementation**

**12.2.1 Staff Report dated July 7, 2014**

Planner Milne presented the staff report regarding implementation of Riparian Areas Regulation (RAR). Trustees reviewed the RAR maps and acknowledged that as a result of the stream mapping it is now possible to differentiate between those streams which are RAR applicable and require a Qualified Environmental Professional assessment report from those which are not RAR applicable. Discussion followed on the process for determining the need for a Registered Professional Biologist assessment report on non-RAR applicable properties.

Next steps were discussed and Trustees supported holding an informal Open House with Planner Milne in attendance to provide information and answer questions. The date, time and venue were considered with a tentative date of September 6, 2014 identified.

Trustees will forward any suggested changes or edits to the draft bylaws to Planner Milne and will reconsider the drafts following the Open House to determine further changes if necessary.

**12.2.2 Draft Official Community Plan Riparian Areas Regulation Bylaw**

**12.2.3 Draft Land Use Bylaw Riparian Areas Regulation Bylaw**

**12.2.4 Riparian Areas Regulation Maps 1 and 2 (Overlaid Datasets)**

**12.2.5 Riparian Areas Regulation Maps 3 and 4**

12.2.6 Riparian Areas Regulation Maps 5 and 6  
(Draft Official Community Plan Schedule E)

Items 12.2.2 through 12.2.6 were discussed at agenda item 12.2.1.

**13. NEW BUSINESS - None**

**14. BYLAWS**

**14.1 Proposed Bylaw No. 210 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2014”**

This item was addressed at agenda item 12.1.

**14.2 Proposed Bylaw No. 211 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2014”**

This item was addressed at agenda item 12.1.

**15. ISLANDS TRUST WEBSITE**

**15.1 Denman Page**

Trustees requested that notice of the RAR Open House be posted to the website along with the staff report and maps.

**16. NEXT BUSINESS MEETING DATE**

**16.1** An informal Open House to provide information and an opportunity for questions and answers regarding the implementation of Riparian Areas Regulation is tentatively scheduled for Saturday, September 6, 2014 from 4:00 pm – 6:00 pm at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

**16.2** The next meeting of the Denman Island Local Trust Committee will take place on Tuesday, September 16, 2014 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

**17. TOWN HALL DISCUSSION**

A community member asked why Islands Trust had not proceeded with a bylaw prohibiting driving on the beach.

Trustees responded that it had been determined that this is outside of their jurisdiction to regulate.

A member of the public asked if the resolution passed earlier in this meeting that prohibits secondary dwelling units from being used for short term vacation rentals or for the accommodation of paying



## **ADOPTED**

guests requires another Standing Resolution moratorium to restrict bylaw enforcement on bed & breakfast accommodations while bylaws are being reviewed.

Trustees clarified that the resolution referred to was to create an Information Note rather than a new regulation and explained the process and timeline for adoption of a bylaw. They confirmed that the Standing Resolution regarding the enforcement policy on guest accommodations is effective until December 31, 2014.

### **18. ADJOURNMENT**

**By general consent** the meeting was adjourned at 1:43 pm.

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**Peter Luckham, Chair**

**CERTIFIED CORRECT:**

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**Vicky Bockman, Recorder**