

**MINUTES OF THE DENMAN ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 10:30 AM ON TUESDAY, APRIL 2, 2013
AT THE DENMAN SENIORS HALL, 1111 NORTHWEST ROAD,
DENMAN ISLAND, BC**

MEMBERS PRESENT:

Peter Luckham	Chair
Laura Busheikin	Local Trustee
David Graham	Local Trustee

STAFF PRESENT:

Aleksandra Brzozowski	Island Planner
Vicky Bockman	Recorder

STAFF PRESENT BY TELEPHONE:

Courtney Simpson	Regional Planning Manager
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MEDIA AND OTHERS PRESENT:

Approximately 7 members of the public – am
Approximately 4 members of the public – pm

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:35 am. He welcomed the public and introduced himself, the local trustees, staff and recorder. He acknowledged that the meeting is being held in traditional territory of Coast Salish First Nations.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus with the following amendments:

- Add item 10.3: Email from Keith Porteous dated March 26, 2013 regarding Denman Local Trust Advisory Planning Commission Terms of Reference/Transportation Advisory Planning Commission for Safe Cycling Paths;
- Add item 10.4: Email Correspondence between Keith Porteous and David Marlor dated March 28, 2013 regarding Email to Executive Committee -January 29, 2013;
- Add item 13.1: Staff Report dated March 22, 2013 regarding Referral of BC Hydro request for Islands Trust Council to Enter Into Agreement to Grant Statutory Right of Way on Site of Marcus Isbister Old School Centre.

3. CHAIR'S REPORT

Chair Luckham reported that since the last meeting, Trust Council met on Thetis Island. He commented that this meeting included adoption of the 2013/14 budget and debate over extension of specific Trust Council powers to Salt Spring Island Local Trust Committee. In response to a concern expressed previously that the last meeting seemed rushed, he noted that there is always a need to be cognizant of ferry schedules as meetings draw to a conclusion, however, he will attempt to be mindful to not rush proceedings.

4. TRUSTEES' REPORT

Trustee Graham commented that the recent Trust Council was very productive and acknowledged the excellent facilities and arrangements provided by the Thetis Island community. He reported that on Denman Island he attended an Agricultural Land Reserve housing discussion group meeting, met with community members to discuss the Cross-Island Trail and an Agricultural Land Reserve application, attended an *in-camera* meeting by telephone, held Trustee Office Hours and attended an Online Meeting workshop held by Denman Works.

Trustee Graham reported that he has just received the Compliance Coal Corporation's Raven Underground Coal Mine project application and Environmental Impact Statement. He noted that the working group technical team now has 30 days to review the 12,000-plus-page document and will be focusing on portions of the application that impact Denman Island and Baynes Sound.

Trustee Busheikin offered apologies for missing her Trustee Office Hours. She advised that she is following-up on tracking down and labeling Islands Trust material in the Dora Drinkwater library and will be adding the Farm Plan to the section. She reported on a workshop that she attended presented by the Ministry of Forests, Lands and Natural Resource Operations called "Develop with Care". She noted that a focus in the presentation was climate change and sea level rise, and that information and resources were provided that might assist in addressing potential impacts to the marine environment and foreshore in land planning issues.

Trustee Busheikin summarized agenda items that are scheduled to be considered at the upcoming Ferry Advisory Committee meeting. These items include an update on the Cable Ferry, potential Denman West terminal upgrade, current and future policies for Experience cards and capacity for BC Ferries to promote Denman and Hornby events.

5. MINUTES

5.1 Local Trust Committee Meeting Minutes dated February 26, 2013 – for adoption

The minutes were adopted by consensus with the following amendments:

- Page 1, Under Media and Others Present: add Courtney Simpson, Acting Regional Planning Manager";
- Page 1, item 2, second bullet, second line: remove "#186";

ADOPTED

- Page 2, item 4, fifth line: add “workshop” after “Commission” and change “as” to “providing”;
- Page 2, item 4, eighth line: remove the sentence beginning “In particular he observed...”;
- Page 3, item 6.1, third paragraph, fourth line: insert “Aquaculture Working Group” after “Communities”;
- Page 8, second paragraph: change “explained” to “discussed”;
- Page 10, item 13.2, fourth paragraph, first line: change “It was” to “Trustees”.

5.2 *Section 26 Resolutions Without Meeting Log – None.*

5.3 *Denman Island Advisory Planning Commission Minutes – None.*

5.4 *Denman Island Marine Advisory Planning Commission Minutes – None.*

6. **BUSINESS ARISING FROM MINUTES**

6.1 *Follow-up Action List dated March 21, 2013*

Planner Brzozowski reviewed the follow-up action list dated March 21, 2013, provided verbal updates and responded to questions that arose.

6.2 *Proposed Advisory Planning Commission Referral regarding Comox Valley Regional District Cross-Island Trail*

Trustee Graham summarized the Terms of Reference to consider for a possible referral to the Advisory Planning Commission (APC) regarding the Cross-Island Trail.

Trustee Busheikin indicated that her research had determined that transportation issues are generally referred to Local Trust Committee APCs rather than to Transportation Advisory Planning Commissions and she suggested exploring the option of an annual transportation assignment for the APC.

The question of referral of the issue to the APC was debated and the following key points were considered:

- Trustee Busheikin observed that there does not appear to be sufficient reason for referral to the APC at this time, given the areas for consideration for this referral and the existing, supportive references in the Official Community Plan;
- Trustee Graham noted that input from the APC might help Trustees in responding to the request from Comox Valley Regional District (CVRD) for input on the first phase of the project; and that discussion of the off-road area work with Karin Albert, Parks Planner for the CVRD, in an APC setting would be useful;
- Timing of the commencement of work was discussed and the desire to not lose an opportunity to improve a road area which is a cause for concern and safety was acknowledged.

Trustees discussed the possibility of referring the issue to the APC after Phase 1 and prior to commencement of Phase 2 of the project in order to provide a basis for input

ADOPTED

to CVRD evaluating the work that had been completed in Phase 1 and to provide input into the Phase 2 design process.

DE-013-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee requests staff to advise the Comox Valley Regional District that the Denman Island Local Trust Committee will be referring to the Advisory Planning Commission their comments on Phase 1 for inclusion in community feedback prior to the commencement of Phase 2 of the Cross-Island Trail at the completion of Phase 1.

CARRIED

6.3 *Advisory Planning Commission and Agricultural Advisory Planning Commission Appointments/Call for Members – for discussion*

Planner Brzozowski advised that there are still appointment vacancies in Commissions and requested clarification for next steps. Discussion followed and it was determined that no further advertisements for expressions of interest will be pursued at this time. Planner Brzozowski will contact Daryl McLoughlin to discuss his Advisory Planning Commission appointment.

7. APPLICATIONS AND PERMITS

7.1 *DE-RZ-2011.1 (Denman Community Land Trust Association – 2016 Northwest Road)*

Regional Planning Manager Simpson joined the meeting by telephone at 11:35 am.

There was discussion regarding the Housing Agreement and Section 219 Covenant. Trustees requested changes to draft Bylaw No. 205 as follows:

- 1. b) R1(4) 1 – change to “Despite Tables 2 and 3 of this section, single family dwelling units and buildings and structures accessory to single family dwelling units are not permitted and instead, one affordable housing dwelling unit is permitted, and buildings and structures accessory to the affordable housing dwelling unit are permitted.”
- 1. b) R1(4) 3 – last line, remove “or units”
- 2.(a) (iii) – change standard measurement to square metres with square feet in brackets
- 2.(d) – replace “to” with “it will”
- 2.(e) – remove “that”
- 2.(f) – remove “that”
- 14. Indemnity, second line – change “form” to “from”
- 26 Enurement – remove “shall”

Trustee Busheikin expressed concern with limiting the occupancy to the tenant and spouse when a change to the ninety-nine year agreement would require an expensive bylaw amendment process. She suggested an alternative might be found that serves the community’s needs and respects the wishes of the donor. She pointed out that limiting occupancy to the spouse of a tenant and excluding children from residing in the unit is not in the best interest of affordable housing generally in the community.

ADOPTED

Discussion followed on process and possible options and there was debate on the issue. Trustee Graham indicated that he was prepared to move forward with the Housing Agreement with no changes, acknowledging that this is a unique affordable housing project.

DE-014-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give first reading to Bylaw No. 204, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2012” as amended.

CARRIED

DE-015-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give first reading to Bylaw No. 205, cited as “Denman Island Housing Agreement Bylaw No. 205, 2012” as amended.

CARRIED

DE-016-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give first reading to Bylaw No. 206, cited as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2013”; and refer proposed Bylaws No. 204, 205, and 206 to the following agencies and First Nations:

- Laich kwil tach Treaty Society
- We Wai Kai Nation
- We Wai Kum First Nation
- K’omoks First Nation
- Hul’qumi’num Treaty Group
- Cowichan Tribes
- Lake Cowichan First Nation
- Halalt First Nation
- Lyackson First Nation
- Qualicum First Nation
- Penelakut Tribe
- Snaw’Naw’As Nation
- Stz’uminus First Nation
- Nanwakolis First Nations Referral Office
- Te’Mexw Treaty Association
- Xwemalhwu (Homalko) First Nation
- Agricultural Land Commission
- Ministry of Agriculture
- Vancouver Island Health Authority
- Comox Valley Regional District
- Hornby Island Local Trust Committee
- Islands Trust Bylaw Enforcement

CARRIED

Trustee Busheikin commented that she is impressed with results of this work and wanted to thank staff and the applicant for their patience and hard work on this project.

Trustee Graham remarked that he appreciates the revised affordable housing definition that may be applicable to other affordable housing projects. He indicated that he is pleased to see this project moving forward.

Regional Planning Manager Simpson left the teleconference meeting at 12:30 pm.

7.2 DE-ALR-2013.1 (Jones – 8441 McFarlane Road)

7.2.1 Staff Report dated March 18, 2013

Planner Brzozowski summarized the staff report. Chair Luckham invited the applicant to address the Committee.

Pat Jones, the applicant, commented on measures that are being taken to minimize potential impacts on the neighbourhood that might occur by holding special events.

DE-017-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee forward application DE-ALR-2013.1 (Robert and Patricia Jones) to the Agricultural Land Commission with the comment “that the Denman Island Local Trust Committee supports the inclusion of the owners’ property in the Agricultural Land Reserve”.

CARRIED

By consensus the meeting was recessed at 12:38 pm and reconvened at 12:52 pm.

8. **DELEGATIONS** – None.

9. **TOWN HALL DISCUSSION**

Edi Johnston – spoke on behalf of the Association for Denman Island Marine Stewards (ADIMS) and submitted a paper for the record titled “ADIMS Delegation to the April 2, 2013 LTC Meeting”. She suggested methods of regulating driving on the beach, requested Local Trust Committee support for the appointment of a Fisheries Guardian for the Baynes Sound area, and requested clarity on the jurisdiction of Baynes Sound waters and beaches.

Keith Porteous – extended his thanks to Trustee Graham for consulting with him on the terms of reference for the potential referral of the Cross-Island Trail to the Advisory Planning Commission. He expressed concern with the planned Cross- Island Trail that is to be shared by pedestrians, horses and bicycles in both directions on a single path and urged the Local Trust Committee to reconsider the plan in the interest of safety. He added that an Islands Trust - Ministry of Transportation and Infrastructure agreement provides the Local Trust Committee with authority to affect planning decisions based on safety concerns.

Harlene Holm - suggested that if the Advisory Planning Commission is going to have an annual transportation assignment to meet with Ministry of Transportation and Infrastructure as suggested, the community should be informed to allow for their input on topics that might be included for consideration at the meeting.

Margie Gang – asked when the Local Trust Committee would be considering bylaw amendments regarding guest accommodations, noting that a petition was submitted with over 250 signatures requesting this issue be addressed.

Trustees advised that the issue is currently on the Top Priority list with a target completion date of September, 2014 and explained the process for addressing project items.

David Lang – commented that his idea of priorities has changed as he has learned more about the Cross-Island Trail.

10. CORRESPONDENCE

10.1 *Email dated March 1, 2013 from John Snyder and Louise Bell regarding the proposed Raven Coal Mine*

Trustee Busheikin supported the comment made in the correspondence suggesting the creation of an Op-Ed piece to highlight actions the Islands Trust has taken regarding the proposed Raven Coal Mine. The Trustees acknowledged the limitations of staff resources and Trustee Busheikin remarked that she may move forward with this opportunity to target general public opinion by writing a piece for publication.

10.2 *Email dated March 3, 2013 from Frank Frketich regarding Comox Valley Regional District Cross Island Trail*

Received.

10.3 *Email from Keith Porteous dated March 26, 2013 regarding Denman Local Trust APC Terms of Reference/Transportation APC for Safe Cycling Paths*

Received.

10.4 *Email Correspondence between Keith Porteous and David Marlor dated March 28, 2013 regarding Email to Executive Committee -January 29, 2013*

Received.

11. REPORTS

11.1 *Work Program Reports*

11.1.1 *Top Priorities and Projects List Report dated March 21, 2013*

The Trustees discussed Top Priority No. 3 and requested that staff present a draft Project Charter for their input and suggestions. They discussed timing considerations for completion of the Project Charter.

DE-018-2013

It was **MOVED** and **SECONDED** that the topic “Review of Official Community Plan/Land Use Bylaw with regards to recommendations contained in the Farm Plan” be added to the Projects List.

CARRIED

11.2 *Applications Log*

11.2.1 *Report dated March 21, 2013*

The Applications Log dated March 21, 2013 was reviewed.

11.3 *Trustee and Local Expenses*

11.3.1 *Expenses posted to February 28, 2013*

The expenses posted to February 28, 2013 were reviewed.

11.4 *Policies and Standing Resolutions*

11.4.1 *Report dated March 21, 2013 – attached for information*

The reported dated March 21, 2013 was received for information.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 *Review of Policies and Regulations regarding Impacts of Shellfish Farming on Marine Environment – Memo and Discussion*

Planner Brzozowski reported that the State of the Baynes Sound conference has been postponed until October 2013. Trustees confirmed that they would still like to be involved in the planning of the conference.

13. NEW BUSINESS

13.1 *Staff Report dated March 22, 2013 regarding Referral of BC Hydro request for Islands Trust Council to Enter into Agreement to Grant Statutory Right of Way on Site of Marcus Isbister Old School Centre*

The BC Hydro request was discussed and there were no negative impacts or visual changes identified. Trustee Graham reported that the Old School Committee had discussed this request and had no concerns.

DE-019-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee advise the Islands Trust Council that it has no objections or concerns related to the proposal for Islands Trust Council to enter into an agreement with BC Hydro to grant a statutory right-of-way over the property located at 5901 Denman Road, Denman Island.

CARRIED

14. BYLAWS

- 14.1 *Draft Bylaw No. 204 cited as “Denman Island Land Use bylaw, 2008, Amendment No. 1, 2012” for consideration of first reading*

This item was discussed earlier in the agenda at item 7.1.

DE-020-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to schedule a Public Hearing regarding proposed Bylaws No. 204, 205 and 206.

CARRIED

Trustees expressed a preference to hold the related Community Information Meeting prior to the Public Hearing with an evening start time of 7:30 pm.

- 14.2 *Draft Bylaw No. 205 cited as “Denman Island Housing Agreement Bylaw No. 205, 2012” for consideration of first reading*

This item was discussed earlier in the agenda at item 7.1.

- 14.3 *Draft Bylaw No. 206 cited as “Denman Island Official Community Plan Bylaw, 2009, Amendment No. 1, 2013” for consideration of first reading*

This item was discussed earlier in the agenda at item 7.1.

15. ISLANDS TRUST WEBSITE

- 15.1 *Denman Page*

The following changes were requested to the Denman page of the Islands Trust:

- Add information regarding proposed Bylaws No. 204, 205, 206, Community Information Meeting and Public Hearing
- Add the Shellfish Farming Regulation Review report by Golder Associates to the Latest News

16. NEXT BUSINESS MEETING DATE

The next meeting of the Denman Island Local Trust Committee will take place on Wednesday, May 8, 2013 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

17. TOWN HALL DISCUSSION - None

18. ADJOURNMENT

By general consent the meeting was adjourned at 2:20 pm.

Recorder

Chair