



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: February 7, 2019
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

Members Present: Sue Ellen Fast, Chair
 David Critchley, Local Trustee
 Laura Busheikin, Local Trustee

Staff Present: Ann Kjerulf, Regional Planning Manager
 Marnie Eggen, Island Planner
 Sonja Zupanec, Island Planner
 Miles Drew, Bylaw Enforcement Manager
 Lisa Wilcox, Sr. Intergovernmental Policy Advisor
 Vicky Bockman, Recorder

Others Present: Approximately nine (9) members of the public

1. CALL TO ORDER

"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."

Chair Fast called the meeting to order at 12:33 pm. She welcomed the public and acknowledged that the meeting was being held in territory of the Qualicum and K'ómoks First Nations.

2. APPROVAL OF AGENDA

The following addition was presented for consideration:

10.6 Signage at Buckley Bay

DE-2019-001

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve the agenda as amended.

CARRIED

3. TOWN HALL

Members of the public commented with the following noted:

- Expenses for local farmers are increasing, making supporting and purchasing from local farmers even more important.
- Cannabis land use regulations should be considered after community consultation and separate from the Farm Plan Implementation project. Speaking notes were submitted.

4. MINUTES

4.1 Local Trust Committee Minutes dated November 20, 2018 - for adoption

DE-2019-002

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt the minutes of the November 20, 2018 Local Trust Committee meeting.

CARRIED**4.2 Section 26 Resolutions-Without-Meeting Report dated January 24, 2019**

Received.

4.3 Advisory Planning Commission Minutes - none**5. BUSINESS ARISING FROM MINUTES****5.1 Follow-up Action List dated January 31, 2019**

Trustees considered that discussions with Comox Valley Regional District (CVRD) Electoral District A Director regarding the Marine Guardians' proposal for a beach trail and other possible topics might be beneficial.

DE-2019-003

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee provide a written invitation to the local Comox Valley Regional District Director to attend the next meeting of the Local Trust Committee to make introductions and discuss activities of mutual interest.

Discussion followed and staff confirmed that the letter is to come from the Chair.

CARRIED**6. DELEGATIONS****6.1 Harlene Holm (Denman Community Land Trust Association) regarding DE-RZ-2017.1**

Harlene Holm, speaking on behalf of the Denman Community Land Trust Association (DCLTA), commented with the following key points summarized. She submitted her speaking notes for the record.

- Provided background information and an update of actions and additional documents that have been provided to facilitate the rezoning application for the proposed Seniors' Affordable Housing project.
- Asked the Local Trust Committee to defer consideration of proof of adequate, potable water to the March 7, 2019 meeting to allow staff to receive and review information from the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD).
- DCLTA's water conservation plan was presented.

Trustees discussed elements of the water conservation plan and water sufficiency with the following noted:

- A water budget showing how much water would be provided from catchment versus the well might be useful for possible future considerations.
- More information regarding the Groundwater Licence will be forthcoming and will provide information to inform next steps.

7. APPLICATIONS AND REFERRALS

7.1 DE-RZ-2017.1 Denman Community Land Trust Association (DCLTA) – Memorandum

Planner Eggen presented the Memorandum that provides an update on DCLTA's Water Licence application and the status of the draft Terms of Reference (TOR) requested by the Local Trust Committee (LTC); and reports that the Agricultural Land Reserve (ALR) has provided DCLTA with an option to exclude the .8 ha parcel only, subject to conditions. Staff advised that a restrictive covenant may help to satisfy this requirement.

Discussion ensued with the following points noted:

- Trustees discussed the value of knowing what reports or tests FLNRORD considers in their review of water license applications to eliminate possible duplication in a harmonized approach.
- A Trustee asked if FLNRORD considers climate change factors in their review.

DE-2019-004

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff, under File DE-RZ-2017.1, to provide a brief report as to the tests, investigations, and data review employed or relied upon by the Water Licensing Branch prior to its issuance of a Water License.

CARRIED

DE-2019-005

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to request the Ministry of Forests, Lands, Natural Resource Operations and Rural Development staff to provide any information they have or are developing about Denman Island groundwater and aquifers.

CARRIED

7.2 DE-DVP-2017.2 (Doheny) - Follow Up – Memorandum

Planner Eggen summarized the Memorandum that reports on subdivision and density transfer potential in response to an LTC enquiry.

7.3 DE-RZ-2018.1 (Denman Housing Association (DHA)) - verbal update

Trustee Busheikin declared a potential conflict of interest as she lives next to the site of the proposed project and left the meeting at 1:26 pm.

Planner Zupanec provided a verbal update, summarized documents received thus far in support of the rezoning application, and reported that the applicant has provided an alternative approach to water requirements for the LTC's consideration.

7.3.1 Correspondence from DHA - Simon Palmer

Simon Palmer, speaking on behalf of the Denman Housing Association (DHA), reported that DHA has commissioned a professional study to support meeting the water needs of the 20 proposed houses in the project through collection and storage of rainwater combined with low-flow devices and a common laundry with water supplied from a separate non-potable source. He asked that the LTC consider removing the requirement for a hydrogeological assessment as set out in a November 20, 2018 LTC meeting resolution.

Trustees discussed the proposal and the following key points were noted:

- They confirmed that the intention of the alternative approach to water requirements is for rainwater to service all needs;
- They requested that the commissioned study include information regarding potential climate change impacts;
- The requirement for a hydrogeological assessment as outlined in DE-2018-102 will remain at this time. The LTC will be able to have a complete discussion on the matter when the professional report and staff input on larger land use planning issues are available for their review.

Trustee Busheikin returned to the meeting at 1:43 pm.

8. LOCAL TRUST COMMITTEE WORK PROGRAM

8.1 Denman Farm Plan Implementation - Staff Report

Planner Eggen presented the Staff Report that requests LTC consideration of an amendment to Proposed Bylaw No. 228 in order to advance the Denman Island Farm Plan.

DE-2019-006

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend Proposed Bylaw No. 228 (OCP), cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2018” by replacing item 1.15 Policy 3 with the following text:

“Subdivision regulations for parcels in the Agricultural Land Reserve should prohibit the creation of panhandle lots unless there is a demonstrated agricultural or community benefit to support panhandle parcel configuration.”

A Trustee commented that community concern had been expressed regarding this proposed amendment, however, a level of comfort was provided with the explanation that variances may be considered for unique situations.

CARRIED

Discussion on the proposed Special Meeting for public consultation followed. A Trustee requested that the proposed amendments be reviewed at this time, and suggested changes to ensure that information provided for community consultation reflects the most recent input from referrals and community.

DE-2019-007

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to prepare the following amendments to Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” for Local Trust Committee consideration:

- a) Include Temporary Use Permit (TUP) and rainwater harvesting collection system requirements for temporary secondary dwellings for immediate family;
- b) Reduce the lot line setback for feedlots from 50 metres to 30 metres;
- c) Remove the term, “feedlot”;
- d) Add a new defined term, “confined livestock area”;
- e) Remove “agriculture” as an accessory use in the R1 zone, while retaining “horticulture” as an accessory use in that zone;
- f) Remove the term “intensive agriculture”;

- g) Amend the definition of “horticulture” to continue to allow the sale of products produced on the lot, and to ensure that the use is accessory to a principal residential use and not tied specifically to a landowner;
- h) Permit the “keeping of animals for personal use” as an accessory use in the R1, R2, R3 zones.

In speaking to the motion, Trustee Busheikin noted R2 and R3 zones have been omitted from “e” as there are 10-acre R2 lots being actively farmed with community support. Trustees supported considering this component in terms of lot size rather than by zone. Staff indicated that information and options could be provided by lot size versus zones for public consultation and to guide future LTC decisions.

CARRIED**DE-2019-008****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to prepare the following amendments to Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” for Local Trust Committee consideration:

- a) Amend the agri-tourism accommodation TUP guidelines to remove the option for seasonal cabins, and continue to permit seasonal campsites and a maximum of three sleeping units, which includes home-based guest accommodation rooms;
- b) Remove “horticulture” as a permitted use in the A, F, and RE zones, while retaining “agriculture” as a principal permitted use in these zones;
- c) Amend Proposed Bylaw 229 (LUB) to prohibit cannabis production in residential zones with a minimum lot size or other appropriate regulation with input from provincial and/or federal agencies.

During debate the removal of the option for seasonal cabins and permitting of three sleeping units was examined with Trustees suggesting that further public consultation on these points would be useful.

Trustees differed on their support for inclusion of cannabis regulations within the Farm Plan Implementation project with reasons for their position given.

When asked by the Chair if there was further discussion on the motion, it was agreed by unanimous consent that the motion be amended by removing item “c”.

The question on the motion, as amended, was then called:

DE-2019-008**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to prepare the following amendments to Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” for Local Trust Committee consideration:

- a) Amend the agri-tourism accommodation TUP guidelines to remove the option for seasonal cabins, and continue to permit seasonal campsites and a maximum of three sleeping units, which includes home-based guest accommodation rooms;
- b) Remove “horticulture” as a permitted use in the A, F, and RE zones, while retaining “agriculture” as a principal permitted use in these zones.

CARRIED

DE-2019-009**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to prepare the following amendment to Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018” for Local Trust Committee consideration:

“Amend Proposed Bylaw 229 (LUB) to prohibit cannabis production in residential zones with a minimum lot size or other appropriate regulation with input from provincial and/or federal agencies.”

Trustee Critchley spoke to the motion, noting that community members have expressed concern regarding this issue and that addressing it through inclusion in the Farm Plan Implementation project would be a more timely approach than considering the issue in a separate project.

Other Trustees expressed concern with the motion, preferring to include cannabis regulation in a separate project in order to provide time for receipt of necessary information on the subject, to educate the public, and to maintain momentum on advancing the Farm Plan Implementation project.

The question on the motion was then called.

DEFEATED**Chair Fast and Trustee Busheikin Opposed****DE-2019-010****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to schedule a special meeting for the purposes of holding a public consultation event to solicit input on proposed Bylaw No. 228 (OCP) and revised 229 (LUB), to be scheduled as early as March 7, 2019.

CARRIED**DE-2019-011****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee revise the Denman Island Farm Plan Implementation Project Charter v.4.3, dated January 29, 2019 by adding to the “Out of Scope” column: “Cannabis regulations”.

Trustee Busheikin spoke to the motion, noting that over time and through gathering more information she has been convinced that the best way forward to addressing cannabis regulations is to separate it from the Farm Plan and to keep the momentum moving forward on that project.

CARRIED**Trustee Critchley Opposed**

By general consent the meeting recessed at 2:28 pm and reconvened at 2:39 pm.

8.2 First Nations Reconciliation - Staff Report and facilitated discussion

Senior Intergovernmental Policy Advisor Wilcox, Kwakwemtenaat, commented that the report “Creating Parallel Understanding” was created to increase understanding and to guide reconciliation work within the Local Trust Area.

Discussion followed with the following comments noted:

- The suggestion was made that this work might be presented at Trust Council where there are many new incoming members;
- A format of facilitated workshops can be an effective approach to work with the material provided and to address questions that arise;
- Approaches to encourage protection of heritage, archeological and ancestral remains sites might be considered.

DE-2019-012

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt the following standing resolution with respect to First Nations in the Local Trust Area:

Whereas the Local Trust Committee seeks to engage in Reconciliation with local First Nations, governments and the island community by honouring the Truth and Reconciliation Commission (TRC) Calls to Action, United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples, and Islands Trust First Nations Engagement Principles, the Local Trust Committee endeavours to:

- Annually, write a letter to First Nations, (re)introducing Trustees and staff and provide a schedule of known Local Trust Committee meetings for the upcoming year, as well as, provide an update of current projects and advocacy activities;
- For various Local Trust Committee meetings, invite elders from local First Nations to attend and provide a traditional welcome to the territory;
- Work with First Nation governments on cooperative initiatives, including and not limited to, language, place names, territorial acknowledgements, and community education on Coast Salish and local First Nations' cultural heritage and history;
- Work with First Nations governments on engagement principles for inclusive land use, marine use and climate change planning; advocacy, protection and stewardship; and knowledge and information sharing protocols;
- Establish and maintain government to government dialogue with First Nations, now and into the future, based on respect and recognition of Aboriginal rights and title, treaty rights and First Nations' traditional territories within the Islands Trust Area.

CARRIED

Trustees discussed the value of holding a facilitated workshop and requested that this item be added to the next LTC meeting agenda for further consideration.

8.3 Cannabis Land Use Regulations - Staff Report

Regional Planning Manager Kjerulf outlined the Staff Report that presents the Cannabis Land Use Regulations Project Charter v.1 for consideration of endorsement.

Discussion included the following points:

- A suggestion was made that staff review the Bowen Island bylaw recently advanced that considers more than production and sales regulations;
- Public communication through The Flagstone as well as The Grapevine was suggested.

DE-2019-013

It was MOVED and SECONDED,

that the Cannabis Land Use Regulations Project Charter v.1 dated February 7, 2019 be amended by adding the words “and Flagstone” after “Grapevine” in the fourth bullet under “In Scope”.

CARRIED**DE-2019-014**

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse the Cannabis Land Use Regulations Project Charter v.1 dated February 7, 2019 as amended.

CARRIED**9. CORRESPONDENCE - none**

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

10. NEW BUSINESS**10.1 Bylaw Enforcement – discussion**

A Trustee reported that Bylaw Enforcement Manager Drew has been asked to address the LTC regarding the Bylaw Enforcement Notification (BEN) system.

Bylaw Enforcement Manager Drew asked the LTC to reconsider adopting a BEN bylaw, advising that the system has been successfully used on several other islands with lack of controversy. He commented that it is an adjudication system, is not onerous, is cost effective, provides resolution, and is a tool that has been shown to be effective in gaining compliance.

Discussion following with the following key points noted:

- Enforcement policy would continue to begin with investigation and efforts to obtain compliance prior to employing the BEN;
- Other LTCs have created a process where the fine is reduced if a compliance agreement is entered into and completed;
- The listing of possible bylaw infractions cannot be altered, however, the LTC can establish a standing resolution enforcement policy that would indicate how Bylaw Enforcement is to respond to certain situations;
- A report from Bylaw Enforcement about the BEN bylaw with communication plan recommendations would be helpful as the LTC considers the issues.

DE-2019-015

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request the Bylaw Enforcement Manager to prepare a report with recommendations on the topic of a Bylaw Enforcement Notification Bylaw.

CARRIED

10.2 Support for Denman Flagstone – discussion

A Trustee suggested that the LTC consider options to support the local publication, The Flagstone, in addition to The Grapevine. It was proposed that payment be made to this non-profit for articles published. It was clarified that statutory notices are time sensitive and timelines are not possible for The Flagstone to meet, however, compensation might be provided for Trustee Reports and other articles published if provided with an invoice.

Discussion of budgetary considerations relating to this matter was continued at agenda item 11.7.

10.3 Updated Islands Trust Climate Change Webpages – Briefing

Received.

10.4 Coastal Douglas-fir & Associated Ecosystems Toolkit - Staff Report

<http://www.islandstrust.bc.ca/media/346674/cdf-toolkit-final-web.pdf>

DE-2019-016

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee consider implementation of the report *Protection of the Coastal Douglas-fir and Associated Ecosystems: An Islands Trust Tool Kit (2018)* as a Project on their Work Program.

CARRIED

10.5 Response to Herbicide Spraying - Referral for Pesticide Use Permit Application – discussion

Trustee Busheikin reported that she attended a public consultation regarding the application to authorize herbicide application to aid in the eradication of invasive intertidal cordgrasses including on Denman Island. She observed that there has been a successful manual eradication program on Denman Island and proposed that a letter be sent requesting support for continued manual removal on Denman Island.

DE-2019-017

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee send a letter signed by the Chair in response to the consultation on the application for a Pesticide Use Permit to eradicate invasive intertidal cordgrass infestations, expressing support for manual removal techniques only, on Denman Island.

CARRIED

10.6 Signage at Buckley Bay

Trustee Critchley reported on actions taken to investigate alternative locations for the Islands Trust signage at the Buckley Bay Ferry Terminal. He suggested a placement similar to its prior location with an alteration in size to accommodate the space. Trustees discussed a consideration of change in wording to incorporate references to First Nations and Hornby Island.

LTC members supported taking these suggestions to the next Ferry Advisory Committee (FAC) meeting for discussion. They requested this agenda item be returned to the next LTC meeting for continued follow-up.

11. REPORTS

11.1 Trustee Reports

Trustee Busheikin reported on her attendance at the following:

- Trust Council included presentation of an award to Northern Office staff member Cottingham and Planner Eggen for their work in organizing the well-received event with community and members of K'ómoks First Nation;
- A working group open house regarding plans for invasive Spartina removal;
- A Local Planning Committee meeting where she was pleased to be elected as Chair. She provided a summary of some of the projects that are being undertaken.

Trustee Critchley reported on his attendance at the following:

- Trustee Office Hours where concern was expressed by community members regarding the noise and length of BC Ferry announcements on the Baynes Sound Connector. He advised that he will bring this issue forward to the FAC;
- An Association of Denman Island Marine Stewards event where it was reported that scientific studies on the effect of micro plastics on herring will be conducted;
- Trust Council;
- An informal meeting with Kris La Rose of Comox Valley Regional District (CVRD) Liquid Waste Management to discuss the present outfall off Cape Lazo;
- A Trust Programs Committee meeting.

11.2 Chair's Report

Chair Fast reported on the following:

- She attended the Trust Council meeting and invited the public to review and comment on the Islands Trust's draft 2019/20 budget which is now available and can be viewed online.
- An Islands Trust Conservancy Board meeting was attended;
- She is a member of the Financial Planning Committee and will be attending those meetings;
- She is looking forward to the by-election to fill the vacant Local Trustee position for the Hornby Island Local Trust Committee.
- Executive Committee will be coming to Bowen Island for the joint meeting in early March 2019.

11.3 Trust Conservancy Report dated November, 2018

Received

11.4 Electoral Area Director's Report - none

11.5 Applications Report dated January 31, 2018

Trustees reviewed the Applications Report and received updates as requested.

11.6 Trustee and Local Expense Report dated November, 2018

Received

11.7 Trustee and Local Expense Report dated December, 2018

Discussion on proposed payments for articles published in The Flagstone was continued from agenda item 10.2.

DE-2019-018

It was MOVED and SECONDED,

that publication charges for Trustee Reports in local publications be paid out of the Local Trust Committee Communications budget.

CARRIED

11.8 Adopted Policies and Standing Resolutions

Received

11.9 Local Trust Committee Webpage

There were no changes requested.

12. WORK PROGRAM**12.1 Top Priorities Report dated January 31, 2019**

Received

12.2 Projects List Report dated January 31, 2019

Trustees requested that "Cannabis production and retail sales" be removed from the list as it has been added to the Top Priorities.

13. CLOSED MEETING**13.1 Motion to Close the Meeting**

DE-2019-019

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1) (d) and (f) for the purpose of considering Adoption of *In-Camera* Meeting Minutes dated November 20, 2018 and Bylaw Enforcement and that the recorder and staff attend the meeting.

CARRIED

The LTC closed the meeting at 4:54 pm.

13.2 Recall to Order

By general consent the LTC reconvened in open meeting at 5:08 pm to rise and report.

13.3 Rise and Report

Chair Fast reported that the *In Camera* minutes of the LTC meeting of November 20, 2018 were adopted.

14. UPCOMING MEETINGS**14.1 Next Regular Meeting Scheduled for Tuesday, March 7, 2019 at 12:30 pm at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

LTC members confirmed the next regular meeting date, time and location.

15. ADJOURNMENT

By general consent the meeting was adjourned at 5:09 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder