



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: December 1, 2015
Location: Denman Seniors Hall
 1111 Northwest Rd, Denman Island, BC

Members Present Susan Morrison, Chair
 David Critchley, Local Trustee
 Laura Busheikin, Local Trustee

Staff Present Rob Milne, Island Planner
 Miles Drew, Bylaw Enforcement Manager
 Vicky Bockman, Recorder

Others Present Approximately twenty-five (25) members of the public - am
 Approximately thirteen (13) members of the public - pm

1. CALL TO ORDER

Chair Morrison called the meeting to order at 10:30 am. She welcomed the public and introduced herself, Trustees, staff and recorder. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 9.1 Email dated November 13, 2015 from Allan Danks re: Cross-Island Trail
- 9.2 Letter to Stuart Craig, SMC Consulting from Shelley McKeachie, Co-chair, Association of Denman Island Marine Stewards (ADIMS) dated November 19, 2015 re: Spartina Pesticide Use Permit Application
- 9.3 Letter from Barbara Mills & Shelley McKeachie, Co-chairs, ADIMS dated November 26, 2015 re: Bylaw No. 207 Stakeholder Meeting
- 9.4 Letter from Ramona de Graaf, Ian Birtwell, Doug Hay and Ross Peterson dated November 17, 2015 re: Loss of forage fish habitat from destructive seaweed harvesting methods
- 12.1.3 Secondary Suites and Cottages Brochures Discussion
- 17 Closed Meeting
- 17.1 Motion to Close Meeting
- 17.2 Recall to Order

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Edi Johnston expressed her support for draft Bylaw No. 207 and limiting driving on the beach. She provided comments in response to the November 3, 2015 Stakeholder's Meeting and submitted a copy of her speaking notes for the record.

Shelley McKeachie read a letter supporting draft Bylaw No. 207 from Shari Dunnet and Richard Menard and submitted the letter for the record.

Barbara Mills read from a letter written in support of draft Bylaw No. 207. The letter was on the agenda as item 9.3.

Dorri Woodward, Co-ordinator for the Denman Island Forage Fish Group and Co-chair of the Denman Island Residents Association Marine Guardians Committee, stated that the Marine Guardians Committee fully supports draft Bylaw No. 207. She submitted a copy of her speaking notes for the record.

Dean Ellis referenced a letter from Islands Trust Chair, Peter Luckham to Frank Leonard Chair, Agricultural Land Commission as well as a Schedule from the *Agricultural Land Commission Act*. He pointed out that this schedule states that farming cannot be prohibited and asked if the Local Trust Committee (LTC) had adopted the Farm Plan.

A Trustee responded that the Farm Plan has been endorsed as a guiding document and that review of the Official Community Plan (OCP) and Land Use Bylaw (LUB) regarding implementation of the Farm Plan is an item on the LTC's Projects List.

Chair Morrison commented that the LTC has been advised to decline to discuss any matter that is currently in litigation or that has been litigated. Mr. Ellis denied that this topic is related to litigation. Chair Morrison responded that if Mr. Ellis were to submit the documents he has spoken of, the matter will be reviewed. Mr. Ellis submitted the documents for the record.

Graham Brazier commented that he supports moving forward with draft Bylaw No. 207 and concurs with all statements made at this meeting in support of the initiative to limit driving on the beach.

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING

5.1 Recess for Public Hearing

5.1.1 Bylaw No. 216

By general consent the meeting was recessed at 10:55 am to conduct a Public Hearing on Bylaw No. 216.

5.2 Recall to Order

By general consent the meeting was recalled to order at 11:19 am.

6. MINUTES

6.1 Local Trust Committee Regular Meeting Minutes dated October 27, 2015

The following amendment to the minutes was presented for consideration:

Page 4, item 7.2.1, fourth paragraph, first sentence: change “gardens are” to “horticulture is”.

By general consent the minutes were adopted as amended.

6.2 Local Trust Committee Special Meeting Minutes dated November 3, 2015

By general consent the Local Trust Committee Special Meeting Minutes of November 3, 2015 were adopted.

6.3 Section 26 Resolutions-Without-Meeting Report dated November 18, 2015

Received.

6.4 Advisory Planning Commission Minutes - none

6.5 Marine Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated November 18, 2015

Planner Milne presented the Follow-up Action List and provided updates.

7.2 Ministry of Aboriginal Relations and Reconciliation

This item was discussed in the Closed Meeting.

By general consent agenda item 17 was moved to follow 7.2.

17. CLOSED MEETING

17.1 Motion to Close the Meeting

DE-2015-082

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)(i) for the purpose of receipt of advice, and that staff attend the meeting.

Trustees requested an amendment to the motion to include Hornby Island Trustee Tony Law as a permitted attendee. The question on the following main motion, as amended, was then called.

DE-2015-082

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)(i) for the purpose of
receipt of advice, and that Hornby Island Trustee Tony Law and staff
attend the meeting.

CARRIED

The meeting closed to the public at 11:30 am.

17.2 **Recall to Order**

The meeting was reopened to the public at 12:16 pm.

8. **DELEGATIONS- none**

9. **CORRESPONDENCE**

9.1 **Email dated November 13, 2015 from Allan Danks re: Cross-Island Trail**

Trustees reviewed the correspondence and considered the issue.

DE-2015-083

It was **MOVED** and **SECONDED**,
that the Denman Island Local Trust Committee direct the Chair to prepare a letter
to the Ministry of Transportation and Infrastructure and to the Comox Valley
Regional District expressing the concern of the Committee with regard to
completing the trail on the ferry hill and urging action to be taken.

CARRIED

9.2 **Letter to Stuart Craig, SMC Consulting from Shelley McKeachie, Co-chair,
Association of Denman Island Marine Stewards (ADIMS) dated November
19, 2015 re: Spartina Pesticide Use Permit Application**

Received.

9.3 **Letter from Barbara Mills & Shelley McKeachie, Co-chairs, ADIMS dated
November 26, 2015 re: Bylaw No. 207 Stakeholder Meeting**

Received.

9.4 **Letter from Ramona de Graaf, Ian Birtwell, Doug Hay and Ross Peterson
dated November 17, 2015 re: Loss of forage fish habitat from destructive
seaweed harvesting methods**

Received.

10. APPLICATIONS AND REFERRALS

10.1 DE-DVP-2015.2 (Wilshire - 5621 Lacon Road)

10.1.1 Staff Report dated October 14, 2015

Planner Milne presented the staff report for consideration of a Development Variance Permit to vary the minimum setback from the natural boundary of the sea in order to allow for replacement of a non-conforming septic system with a new, conforming system. He advised that the applicant was in attendance to answer any questions that might arise.

A Trustee noted that given the number of ageing septic systems on Denman Island, more discussion may be warranted in the future to consider public education of maintenance of septic fields or changes to the LUB setbacks.

DE-2015-084

It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee approve Development Variance Permit DE-DVP-2015.2 to Gillian Wilshire for PID: 005-299-161; That Part of Lot 9, Sections 5 and 6, Denman Island, Nanaimo District, Plan 6404, Lying to the South West of Lacon Road as Said Road is Shown on Said Plan.

CARRIED

10.2 Pesticide Use Permit Application (Ministry of Environment, Ecosystems Protection and Sustainability Branch)

10.2.1 Memorandum dated November 9, 2015

DE-2015-085

It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee authorize the Chair to write a letter to the BC Ministry of Environment, Ecosystems Protection and Sustainability Branch requesting that Denman Island be excluded from the Pesticide Use Permit to eradicate invasive intertidal cordgrass infestations because a volunteer-based program to manually control invasive cordgrass, under the oversight of a registered professional biologist, is ongoing on Denman Island and appears to be effective.

During discussion, Chair Morrison recognized members of the public who wished to speak and the following points were made:

- The proposed pesticide has been in use in Washington State for many years and the public there have expressed concern;
- Denman Island manual eradication is a three year project and must be given that length of time to assess the process.

The question on the motion was then called,

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Aquaculture Practices (Driving on the Foreshore)

11.1.1 Bylaw No. 207

Planner Milne recapped the process that has occurred to this point regarding draft Bylaw No. 207 and sought direction from LTC members for next steps that might be taken.

Trustees observed that the Stakeholder's Meeting had been informative, however, they suggested that more information would be useful, such as additional input from growers or other groups who had not attended the meeting, engaging the Marine Advisory Planning Commission (MAPC) to review further, researching beach accesses, and collaborating with Fisheries and Oceans Canada to review the information they have to share.

DE-2015-086

It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee direct the Marine Advisory Planning Commission to investigate and report on the possibilities for improving existing beach accesses to reduce the impact of Bylaw No. 207 on shellfish growers.

During discussion, the following points were made:

- there is a desire to forward a clear referral to the MAPC ;
- support for an approach that would include the MAPC identifying constraints to accesses, staff examining locations, subsequently providing that information to Ministry of Transportation and Infrastructure for review, and overlaying this with forage fish/eelgrass sites to identify reasonable choices;
- LTC members could then consider the matter and make informed decisions.

Trustees acknowledged their desire to proceed cautiously and gather more information to carefully consider next steps.

The question on the motion was then called,

DEFEATED
Unanimously

This agenda item was continued after agenda item 16.

11.2 Marihuana for Medical Purposes Regulation

Bylaw Enforcement Manager Drew joined the meeting at 1:00 pm.

11.2.1 Staff Report dated November 9, 2015

Planner Milne presented the staff report and Project Charter to review and amend the LUB to regulate the growth and production of marihuana and limit the associated impacts.

Trustees debated the initiative and were divided on whether to regulate by type of use and intensity of use or by type of plant. They indicated that research needed to be conducted to ascertain the number of plants that would constitute an intensive operation, while acknowledging that the proposed criteria of more than ten plants had been selected as a starting point for community discussion and that it is readily identifiable for bylaw enforcement purposes.

Chair Morrison recognized members of the public who wished to speak on this issue and the following points were made:

- Organic practice
- Limited water use
- No fertilizer runoff
- Safety of the operation
- Health Canada requires the grower to produce an amount sufficient to fill the prescriptions for the patients
- Proposed bylaw and Project Charter are based on unfounded complaints
- The language in the draft bylaw is inconsistent between marihuana, medical marihuana and intensive horticulture
- Concern with the difficulty of defining intensive operations by the number of plants
- Ten plants is not an appropriate number to use in the bylaw
- The number of plants has no bearing on whether or not the operation can be considered intensive as the productivity of plants varies
- The issue should be addressed under general agricultural policies
- Concern that the LTC is considering a “spot zone” approach which would be costly for applicants
- The current bylaws are adequate at this time and the lot coverage percentages would act as a limiting factor
- Limiting by lot coverage might not be adequate protection for neighbours
- Concern was expressed that the operator of the Baikie Road operation is being intimidated

Bylaw Enforcement Manager Drew noted that Denman Island currently allows commercial horticulture as an accessory use on every property which is unique among Gulf Islands and could allow intensive production of marihuana on small lots. He explained that the draft bylaw was viewed as an interim measure, to engage the community and assess the direction that the community might favour in the possible regulation of intensive marihuana growing operations on Denman Island. He explained

that property within the Agricultural Land Reserve would not need rezoning for an intensive growing operation.

Trustees indicated that more information would be helpful such as on the measurable impacts of large growing operations, approaches being taken by other communities, and impacts of marihuana versus other horticulture. They suggested the issue be brought back to the LTC at the next meeting for further consideration.

DE-2015-087

It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee go no further with the proposed bylaw regarding marihuana production and put the topic on the agenda for its next meeting.

CARRIED

11.3 Bylaw No. 216

Bylaw No. 216 cited as "Denman Island Land Use Bylaw 186, Amendment No. 1, 2015" - for consideration of third reading and submission to Executive Committee for approval.

Trustees indicated their desire to move forward with Bylaw No. 216.

DE-2015-088

It was **MOVED** and **SECONDED**, that Bylaw No. 216 cited as "Denman Island Land Use Bylaw 186, Amendment No. 1, 2015" be given third reading.

CARRIED

DE-2015-089

It was **MOVED** and **SECONDED**, that Bylaw No. 216 cited as "Denman Island Land Use Bylaw 186, Amendment No. 1, 2015" be submitted to Executive Committee for approval.

CARRIED

By general consent agenda item 13 was moved to follow 11.3.

13. BREAK (20 Minutes)

The meeting was recessed at 1:48 pm and reconvened at 2:00 pm.

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report dated November 18, 2015

Trustees noted that “Implementing Riparian Areas Regulation” might be moved from the Top Priorities Report at this time as it is nearing completion.

DE-2015-090

It was **MOVED** and **SECONDED**,
that the Denman Island Local Trust Committee move “Implementing Riparian Areas Regulation” from the Top Priorities List to the Projects List.

CARRIED

12.1.2 Projects List Report dated November 18, 2015

DE-2015-091

It was **MOVED** and **SECONDED**,
that the Denman Island Local Trust Committee remove “Development of a Memorandum of Understanding with K’omoks First Nation” from the Projects List and add to the Top Priorities List: “Relationship building with K’omoks First Nation”.

CARRIED

12.1.3 Secondary Suites and Cottages Brochures Discussion

Trustee Busheikin reported on the pricing quotes received for printing of the Denman Island brochures on Secondary Suites and Cottages that she has been drafting. Trustees reviewed the draft brochure and discussed distribution approaches and number of brochures to print. They preferred a preliminary strategy that included publicizing the availability of the brochure, keeping some in the local Islands Trust office, and distributing it to real estate offices.

DE-2015-092

It was **MOVED** and **SECONDED**,
that the Denman Island Local Trust Committee authorize the printing of 200 brochures on Secondary Suites and Cottages in full colour.

CARRIED

12.2 Applications Report dated November 18, 2015

Planner Milne presented the Applications Report and provided updates.

12.3 Trustee and Local Expense Report dated November, 2015

Trustees received an updated LTC Expense Summary Report for invoices posted to month ending November 2015.

12.4 Adopted Policies and Standing Resolutions

Trustees noted that Standing Resolution DE-2014-054 regarding enforcement policy on guest accommodation is expiring on December 31, 2015 and did not take further action as the amended home-based guest accommodation regulations in Bylaw No. 186 have been given third reading and submitted to Executive Committee for approval.

12.5 Local Trust Committee Webpage

There were no changes requested.

12.6 Chair's Report

Chair Morrison reported that there will be an Adaptation Strategy session on the schedule at the December Trust Council.

12.7 Trustee Reports

Trustee Busheikin reported on the following:

- Ferry Advisory Committee (FAC) business, reporting that BC Ferries has committed to complete a business case study on extending the peak season schedule. The FAC Chair is writing a letter to Minister Todd Stone to support schedule adjustments.
- She attended the Denman Island Residents Association (DIRA) meeting and commented on the discussion regarding the Alternate Approval Process initiative that will be separating Denman and Hornby Islands' parks functions.

Trustee Critchley reported on the following:

- The Old School Committee will be looking into the possibility of funding the replacement of the heating system that currently runs on oil to modernize and create a more environmentally friendly system.
- He also attended a Trust Programs Committee meeting and held Trustee Office Hours.
- He reported on a Shellfish Aquaculture Management Advisory Committee meeting that he attended and noted that he will continue to advocate for a seat on that forum.

12.8 Electoral Area Director's Report - none

12.9 Trust Fund Board Report

Chair Morrison commented that the Trust Fund Board (TFB) will be looking for a new appointment to the Board to replace a retiring member.

14. NEW BUSINESS

14.1 Coastal Douglas-Fir Conservation Strategy

14.1.1 Briefing Report, November 10, 2015

Trustees discussed the report and noted that the Statement of Collaboration had not been included for review.

DE-2015-093

It was **MOVED** and **SECONDED**,
that the Denman Island Local Trust Committee receive the Conservation Strategy and defer consideration of becoming a signatory to the Statement of Collaboration until we have reviewed a copy of the same.

CARRIED

By general consent the following items were added to the agenda:

- 14.2 CVRD Special Events Bylaw
- 14.3 Late Agenda Items Discussion

14.2 CVRD Special Events Bylaw

Information received, no action necessary at this time.

14.3 Late Agenda Items Discussion

Chair Morrison commented that late agenda items should be limited to those that are time-sensitive in order to provide the public with adequate opportunity to review the material.

15. UPCOMING MEETINGS

- 15.1** Trustees confirmed that the next Regular Meeting is scheduled for Tuesday, January 12, 2016 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

16. TOWN HALL

The following comment was made by a member of the public:

- The LTC is actively seeking to include those who did not respond to or attend the Stakeholder's Meeting while Bylaw No. 207 supporters have been actively involved and supplying information for the process.
- She expressed concern that LTC support for draft Bylaw No. 207 is possibly diminishing.

Chair Morrison responded that the LTC is seeking to gain more clarity on the issues in order to make an informed decision on the proposed bylaw.

11.1.1 Bylaw No. 207 (continued)

Trustees discussed the addition of specific components to enhance the clarity of the referral to the MAPC.

DE-2015-094

It was **MOVED** and **SECONDED**,
that the Denman Island Local Trust Committee direct the Marine Advisory
Planning Commission to investigate and report on the possibilities for
improving existing beach accesses to reduce the impact of Bylaw No. 207
on shellfish growers such to include: 1) the identification of growers who
use vehicles on the beach and 2) the physical suitability of existing
access points to provide access to those growers.

CARRIED

18. ADJOURNMENT

By general consent the meeting was adjourned at 2:39 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder