



## Denman Island Local Trust Committee Minutes of Regular Meeting

**Date:** January 12, 2016  
**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  
 Vicky Bockman, Recorder

**Others Present** Approximately nine (9) members of the public - am  
 Approximately one (1) member of the public - pm

### 1. CALL TO ORDER

Chair Morrison called the meeting to order at 10:32 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:

- 7.3 Comox Valley Regional District (CVRD) Proposed Special Events Permit Bylaw No. 395
- 10.2 Memorandum dated January 7, 2016 re: Conducting a Public Hearing for File No. DE-RZ-2015.1 (Pandesign)

**By general consent** the agenda was adopted as amended.

### 3. TOWN HALL AND QUESTIONS

Theresa Wenner asked about the Islands Trust protocol regarding attributing names to comments made. She also asked if it is possible to change a special report through input provided subsequent to its receipt.

Chair Morrison explained that a name will always be included with a comment if it is so requested. Planner Milne explained that once the Local Trust Committee (LTC) receives a document, any change or amendment to that information would be addressed through creation of a separate document and not through an amendment to the received report.

Dean Ellis observed that he has not received a response from the LTC in answer to the questions he posed at the last meeting, and asked if a response would be forthcoming.

Trustees responded that Islands Trust staff monitors changes in provincial legislation and how those changes might affect the LTCs. They commented that the LTC has been advised to decline to discuss any matter that is currently in litigation or that has been litigated.

Doug Wright, a shellfish grower, asked how he can view the Islands Trust Forage Fish Habitat Map. He provided comments relative to draft Bylaw No. 207 (beach access and vehicular controls) and made the following points:

- approximately 65-70% of Denman Island beaches do not get driven on; 10% are rarely used, 20% are actively used and one-half of that is on gravel or rock;
- the area of greatest vehicular use is in the Hinton Road area;
- opening additional vehicular accesses in that area might help although there might be community concern expressed;
- working with Fisheries and Oceans Canada (DFO), medium and high value areas such as salt marshes and forage fish areas might be mapped and these areas could be protected through Shellfish Management Plans; and
- Shellfish Management Plan wording might be modified to restrict vehicular access for purposes of seeding and harvesting.

Trustees pointed out that the location of the Forage Fish Habitat Map is on the Trust Fund Board website and offered to send him the link to that site.

Dan Stoneman stated that several years ago Islands Trust staff made an agreement with the Agricultural Land Commission and Ministry of Agriculture to bring the Official Community Plan (OCP) and Land Use Bylaw (LUB) into compliance with provincial legislation. He asked why this has not happened and offered to provide written documentation of the agreement.

Trustees declined to respond, indicating that the LTC has been advised to decline to discuss any matter that is currently in litigation or that has been litigated.

David Graham encouraged the LTC to prioritize the review of the OCP and LUB regarding implementation of Denman Island Farm Plan work project. He also complimented the LTC on the recently produced publication, Secondary Suites & Cottages Guide for Homeowners and Builders.

**4. COMMUNITY INFORMATION MEETING - none**

**5. PUBLIC HEARING - none**

**6. MINUTES**

**6.1 Local Trust Committee Minutes dated December 1, 2015 for adoption**

By general consent the minutes were adopted.

**6.2 Local Trust Committee Public Hearing Record dated December 1, 2015 for receipt**

Received.

**6.3 Section 26 Resolutions-Without-Meeting - none****6.4 Advisory Planning Commission Minutes - none****6.5 Marine Advisory Planning Commission Minutes**

The Marine Advisory Planning Commission January 5, 2016 meeting minutes were received.

**7. BUSINESS ARISING FROM MINUTES****7.1 Follow-up Action List dated January 4, 2016**

Planner Milne reported that most projects are moving forward. He indicated that he will provide Trustees with a copy of the Follow-up Action List dated January 4, 2016.

**7.2 Proposed Meeting with K'omoks First Nation**

Planner Milne reported that a tentative date has been set for the meeting and that he will provide further updates as availability of other attendees is confirmed.

**7.3 Comox Valley Regional District (CVRD) Proposed Special Events Permit Bylaw No. 395**

Trustee Critchley noted that the CVRD proposed Special Events Permit Bylaw No. 385 exempts Denman Island from the bylaw. He suggested that the lack of regulation in this regard might be a cause for concern and questioned whether the LTC might want to consider requesting staff to investigate event bylaws in other areas or might consider the creation of a similar bylaw for Denman Island.

Trustees discussed the proposal with the following points noted:

- Lasqueti Island has chosen to restrict off-island advertising as an approach to the concerns relating to special events;
- Denman Island's proximity to a larger population might create concerns requiring other considerations;
- legal advice has led the CVRD bylaw to focus on public safety, not nuisance factors;
- the Denman Island Hall Committee has created security protocols that are working well; and
- learning how other islands are responding to this issue might be helpful.

**DE-2016-001****It was MOVED and SECONDED,**

That the Denman Island Local Trust Committee request staff to examine the topic of Special Events bylaws and their frequency and nature on other Gulf Islands.

**CARRIED**

**8. DELEGATIONS****8.1 Denman Community Land Trust Association regarding Agricultural Land Commission Application**

Susan-Marie Yoshihara read a presentation on behalf of the Denman Community Land Trust Association (DCLTA), providing information on the background of DCLTA's request for exclusion from the Agriculture Land Reserve in order to build eight units of affordable housing for Denman Island seniors. She submitted the presentation for the record.

In response to a Trustee's inquiry, Planner Milne commented that there will be an opportunity for the LTC to provide a comment on the application which will likely be on the agenda for the next LTC meeting.

**9. CORRESPONDENCE****9.1 Email dated December 1, 2015 from Graham Brazier regarding Bylaw No. 207**

Received.

**10. APPLICATIONS AND REFERRALS****10.1 Pesticide Use Permit Application (Ministry of Environment, Ecosystems Protection) - Response dated December 9, 2015**

Received.

**10.2 Memorandum dated January 7, 2016 re: Conducting a Public Hearing for File No. DE-RZ-2015.1 (Pandesign)**

Planner Milne explained that the required restrictive covenant will be ready for review shortly and suggested March 15, 2016 as a possible date for community review at a Public Hearing. He explained that the reasons for the delay included legal review and development of language which has now reached consensus.

**DE-2016-002****It was MOVED and SECONDED,**

That the Denman Island Local Trust Committee proceed to a Public Hearing for Bylaw Nos. 219 and 220 to be held prior to the regular meeting of the Local Trust Committee to be held on March 15, 2016 and that copies of the draft restrictive covenant for the "receiving" property be available for public review.

**CARRIED**

**11. LOCAL TRUST COMMITTEE PROJECTS****11.1 Marihuana for Medical Purposes Regulation**

### 11.1.1 Staff Report dated November 9, 2015

Planner Milne advised that since the last meeting, staff have not received any further input from the community on this topic.

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

- Theresa Wenner expressed her concerns for the record:
  - that the April, 2014 staff report is not an appropriate document to be used to frame this discussion as she feels that the tone and language are misleading and there are inaccuracies;
  - she requested removal of this issue from the Top Priorities;
- concern was expressed that the method of regulating by the number of plants is not appropriate as the potential impact of noise, light, and odor are not related to the number of plants; and
- opinions were expressed that the current bylaws provide adequate protection through setback, height, and lot coverage regulations.

Planner Milne observed that Bylaw Enforcement has identified a concern that current bylaws allow commercial horticulture as an accessory use on virtually every property on Denman. He suggested this issue might be reviewed within the context of the consideration of the production of medical marihuana on Denman Island.

Trustees considered the approach to take on this matter and the following points were noted:

A Trustee observed that:

- research has shown that other communities regulate by number of plants;
- the current political situation might encourage an increase in production resulting in impacts to small lot neighbours and possible legal, non-conforming status for operators;
- regulation to protect small lot neighbours from potential impacts is a time-sensitive matter;
- staff might be requested to investigate and report on what other communities are doing on this issue.

Other LTC members noted that:

- commercial horticulture is of greater concern than what is being grown;
- regulating by number of plants might negatively impact growers who are required to base the production levels on the number of patients and type of medical marihuana;
- there is time to consider the options as new permits for medical marihuana operations are not being issued at this time and current regulations would address large operations.

**DE-2016-003**

**It was MOVED and SECONDED,**

That the Denman Island Local Trust Committee request staff to investigate a report on the practices and policies of other municipal jurisdictions in British Columbia in the regulation of marihuana growing in residential areas.

During discussion, the following was noted:

- a Trustee inquired as to staff time that might be required to produce such a report, the impact on other projects and a possible timeline for producing the report;
- Planner Milne provided an indication of the process that might be expected and estimated the time to complete such a report.

The question on the motion was then called,

**DEFEATED**  
**Trustee Busheikin Opposed**  
**Chair Morrison Opposed**

11.1.2 Email dated December 1, 2015 from Keith Porteous

Received.

**12. REPORTS**

**12.1 Work Program Reports**

12.1.1 Top Priorities Report dated January 4, 2016

Planner Milne presented the Top Priorities report. He noted that the Marine Issues project has not been established as a budgetary item and suggested that the LTC might give consideration to identifying a Marine Issues budget. Possible expenditures, timing and process for budget requests were discussed.

A Trustee indicated a desire to discuss possible changes to the Top Priorities and Project Lists prior to continuation of the Marine Issues budget discussion.

**DE-2016-004**

**It was MOVED and SECONDED,**

That the Denman Island Local Trust Committee move from the Projects List the item regarding the Farm Plan Implementation to the Top Priorities List and add to it as an Activity “Include consideration of limiting commercial agriculture and horticulture in high density small lot neighbourhoods” and remove from the Top Priorities List Item 5 regarding Medical Marihuana.

During Discussion the following was noted:

- A Trustee expressed concern regarding the length of time to complete this initiative, in particular, the consideration of limiting commercial agriculture and horticulture in high density small lot neighbourhoods;
- A Trustee noted that if the Farm Plan is not given prioritization, a review and update might be necessary prior to implementation;
- Planner Milne observed that the Farm Plan includes a specific set of recommendations that would not be onerous to review and implement; and that
- a consultation with the community on the added activity might be a first step to consider in working on this Farm Plan Implementation project.

The question on the motion was then called,

**CARRIED**

12.1.2 Projects List Report dated January 4, 2016

Trustee Busheikin suggested the inclusion of an additional Projects List item for consideration.

**DE-2016-005**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee add to the Projects List “Review effectiveness of Secondary Suites and Cottages Bylaw”.

Trustee Busheikin spoke to the motion, noting that:

- comments have been expressed that the Temporary Use Permit (TUP) aspect of the regulation is a deterrent;
- she noted that there have been no TUP applications; and
- she supports a review of the regulation at some point for LTC evaluation of its effectiveness.

The question on the motion was then called,

**CARRIED**

**12.2 Applications Report dated January 4, 2016**

Planner Milne summarized the Applications Report and advised that the report has been produced with a new data base system and omitted fields will be corrected.

Trustees observed that some applications have been on the report for a long time and suggested that a report from Bylaw Enforcement on those applications might be useful prior to a determination of next steps in those cases.

**DE-2016-006**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request the Bylaw Enforcement Manager to provide an update on Bylaw Enforcement on File Nos. DE-DVP 2011.1, DE-SUP-2009.14, and on DE-DP-2006.2.

Trustee Critchley declared a potential conflict of interest due to his position as a neighbour to one of the properties identified and abstained from voting.

**CARRIED**

**12.3 Trustee and Local Expense Report dated December, 2015**

Received.

**12.4 Adopted Policies and Standing Resolutions**

Trustees noted that the policies on the report are no longer required.

**DE-2016-007**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to remove the references to enforcement policy on guest accommodation from the Policies and Standing Resolutions report.

**CARRIED**

**12.5 Local Trust Committee Webpage**

Trustees requested that the Denman Island Secondary Suites & Cottages Guide for Homeowners and Builders be added to the website.

**12.6 Chair's Report**

Chair Morrison commented that the Executive Committee is working to bring a First Nations workshop to the Trust Council meeting in March.

**12.7 Trustee Reports**

Trustee Busheikin reported on the following:

- a site visit to the DCLTA seniors affordable housing project;



- Trustee Office Hours in December;
- distribution of the new brochure on cottages and suites to realtors and others and a report on feedback;
- attendance at a meeting of the Housing Sub-Committee for the Local Planning Committee where a housing forum is being planned to share information with a group representing a variety of communities; and
- attendance at the Denman Island Residents Association meeting where it was reported that the Guardians of Denman Shores are applying for a grant for an education project relating to protection of the foreshore.

Trustee Critchley reported on the following:

- attendance at the Trust Council held in Victoria;
- attendance at the Marine Advisory Planning Commission's initial meeting to discuss the Beach Access and Vehicular Controls referral;
- Trustee Office Hours; and
- researching marihuana growing regulations in other jurisdictions.

**12.8 Electoral Area Director's Report - none**

**12.9 Trust Fund Board Report - none**

**13. NEW BUSINESS - none**

**14. UPCOMING MEETINGS**

**14.1** Trustees confirmed that the next regular meeting is scheduled for Tuesday, March 15, 2016 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

A Public Hearing for Bylaw Nos. 219 and 220 is scheduled to be held prior to the regular meeting of the Local Trust Committee on March 15, 2016.

**15. TOWN HALL - none**

**16. CLOSED MEETING - none**

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 12:35 pm.

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Susan Morrison, Chair

Certified Correct:

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Vicky Bockman, Recorder