



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: March 6, 2018
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

Members Present: David Critchley, Local Trustee
 Laura Busheikin, Local Trustee, Acting Chair

Staff Present: Marnie Eggen, Island Planner
 Sonja Zupanec, Island Planner (by telephone)
 Ann Kjerulf, Regional Planning Manager
 David Marlor, Director Local Planning Services
 Vicky Bockman, Recorder

Others Present: Peter Luckham, Chair Islands Trust Council
 Approximately thirty (30) members of the public

Regrets: Susan Morrison, Chair

1. CALL TO ORDER

Planner Eggen called the meeting to order at 9:38 am. She explained that Chair Morrison was absent due to illness and called for an appointment of an interim Chair. Trustee Critchley nominated Trustee Busheikin to act as interim Chair and she consented.

Acting Chair Busheikin acknowledged that the meeting was being held in territory of the Coast Salish First Nations. She welcomed the public and introduced Trustee Critchley, Islands Trust Council Chair Peter Luckham who will be facilitating the Public Hearing on proposed Bylaw No. 225, staff, and recorder.

2. APPROVAL OF AGENDA

The following change to the agenda was presented for consideration:

Move agenda item 12.1 to follow item 4.2

By general consent the agenda was adopted as amended.

3. COMMUNITY INFORMATION MEETING

3.1 Marine Issues - Bylaw No. 225

3.1.1 Planner Presentation

Regional Planning Manager Kjerulf conducted a power point presentation that included the following points:

- Proposed Bylaw No. 225, if adopted, would amend the Denman Island Land Use Bylaw (LUB) by adding a general prohibition against the use of vehicles and ground-based machinery in the W1, W3 and W4 zones;
- It contains an information note that clarifies that aquaculture operations that are licensed under the *Fisheries Act* may be entitled to operate vehicles or ground-based machinery in accordance with their terms of the license;
- A map was distributed that identifies the Denman Island zones;
- Values, guiding objectives, and eelgrass and forage fish habitat mapping provide a basis for protection of that sensitive marine riparian habitat;
- The Local Trust Committee (LTC) has received advice from legal counsel that it does not have authority to regulate fisheries under federal jurisdiction and speaks to the rationale for the way the bylaw was drafted;
- The statutory process from June 6, 2017 to present was outlined; and
- LTC options were summarized.

3.1.2 Question and Answer Session

Acting Chair Busheikin explained that this is the opportunity for members of the public to ask questions for clarity about the bylaw before the Public Hearing that follows.

Members of the public asked the following questions and staff and Trustees responded as follows:

- Why is the W3 zone (aquaculture) included in the bylaw?
 - The LTC received legal advice that the bylaw not be targeted at any particular group; and it would work to prohibit any non-aquaculture tenure related driving on that zone.
- The deadline for correspondence sent to the website was yesterday at 4:00 pm; however, the public has not had a chance to see those items submitted close to the deadline. The public is expecting a 10:00 am start to the Public Hearing. Can Islands Trust Council Chair Luckham vote on matters before the LTC today?
 - The Public Hearing binder contains all correspondence received up to 4:00 pm yesterday. The published agenda is clear that this CIM is to occur prior to the Public Hearing which is scheduled for 10:00 am. Islands Trust Council Chair Luckham will not vote on any motions today.
- This bylaw allows aquaculture operators to drive on the beach although respecting local zoning is a licensing requirement. Has an assessment been completed on what effect this will likely have and is it encouraging operators to drive when they might not have before?
 - This bylaw upholds the mandate of the Islands Trust to preserve and protect to the best of the LTC's ability given the clear limitations of jurisdiction, will prohibit those not involved in aquaculture operations from driving on the beach, and will assist in advocacy efforts.
- It is not believed that all tenure management plans allow for operators to drive on the beach to access their tenures as it is not necessary for them all to do so; has the LTC discussed this with Fisheries and Oceans Canada (DFO)? DFO has announced it will be amending the *Fisheries Act* to increase

protection of all fish, fish habitat and restoring damaged fish habitat; has this trend to be more protective been taken into consideration with moving this bylaw forward?

- DFO was provided opportunity to comment with an agency referral and the comments were read. They included concern that the bylaw not restrict the ability of operators to access their tenures. DFO has confirmed that the same terms of license apply to all operators and they have increased their enforcement staff. Islands Trust staff keep informed of regulatory changes and provide information to LTCs for consideration; this proposed bylaw is being created under current circumstances.
- Can written submissions still be received? Is there any point in participating verbally if a written submission was made?
 - Written or verbal submissions can be received until the close of the Public Hearing. Choosing to respond in a written or verbal manner is a personal choice.
- Is there a provision in a DFO act that allows the Islands Trust to put in place their own bylaws in areas under their jurisdiction such as beaches and surrounding waters?
 - The LTC has authority under the *Local Government Act* to enact local bylaws. When the Province considers new tenure applications they send the LTC a referral and input can be made although the LTC cannot regulate a federal licensed activity.
- Other communities such as Qualicum Beach and Parksville have prohibited driving on beaches. Why can't Denman Island do the same?
 - These communities have enacted these regulations through their Parks Services on park lands within their municipalities and regional district.
- Has thought been given as to how this bylaw will be enforced in any way other than by using the public complaint-based system?
 - Staff has advised that this type of regulation will be difficult to enforce with no full time enforcement staff on Denman Island. Generally, Islands Trust bylaw enforcement is complaint-based with a goal of compliance.

There were no further questions from the public. Acting Chair Busheikin thanked everyone for their participation.

4. PUBLIC HEARING

4.1 Recesses for Public Hearing

By general consent the LTC meeting recessed at 10:24 am to conduct a Public Hearing on Bylaw No. 225 (Marine issues).

Trust Council Chair Luckham left the meeting at 11:06 am.

4.2 Recall to Order

By general consent the meeting reconvened at 11:07 am.

12.1 DE-DVP-2017.2 (Doheny/Mason) - Staff Report

Planner Eggen presented the Staff Report that addresses a Development Variance Permit (DVP) application to reduce subdivision lot width/depth ratio in order to subdivide an existing undeveloped lot into two new lots. She advised that the applicant is in attendance to answer any questions.

DE-2018-021

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of Development Variance Permit DE-DVP-2017.2 to vary the required subdivision lot width to depth ratio in the Denman Island Land Use Bylaw No. 186 from one third to one fourth for proposed Lot 1, and from one third to one sixth for proposed Remainder Lot 5.

Discussion followed and a Trustee noted that this property has the potential for subdivision into three lots, enquiring as to the status or plans for the third potential subdivision. The applicant responded that there are no plans for further subdivision with the intent being the creation of a less intensive development with possibility of environmental protection of a portion of the lot. Donation of land for environmental protection and contribution of the potential extra density into the Density Bank for affordable housing were suggested as options for consideration.

The question on the motion was called.

CARRIED

DE-2018-022

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to investigate the subdivision potential and density issues connected to DE-DVP-2017.2 and report back to the Local Trust Committee and applicant.

CARRIED

5. BYLAW NO. 225 - (Marine Issues) - Memorandum

Regional Planning Manager Kjerulf reported that 11 written submissions were received during the Public Hearing. Trustees indicated their wish to review these prior to a decision on the proposed bylaw and declared their preference for a full LTC membership vote on the matter.

DE-2018-023

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee defer further consideration of Bylaw No. 225 until the next meeting of the Local Trust Committee.

CARRIED

DE-2018-024

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to report back on the following issues related to proposed Bylaw No. 225: emergency vehicles, vehicles used in ecological projects, boat launching, and access by Department of Fisheries and Oceans staff; and to develop an amendment to reflect changes that staff may recommend.

CARRIED

Staff advised that this request may generate new information to the Local Trust Committee which would require holding or waiving a second Public Hearing. Trustees discussed process and possible alternate approaches to the request.

DE-2018-025

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee rescind Resolution DE-2018-024.

CARRIED

DE-2018-026

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring forward options to address the following issues regarding Bylaw No. 225: emergency vehicles, vehicles used in ecological projects, boat launching, and access by Department of Fisheries and Oceans staff.

CARRIED

6. TOWN HALL AND QUESTIONS

Comments from members of the public and staff and Trustees responses were noted as follows:

- Has the LTC received a referral for the Union Bay development? Concern was expressed that dredging for the marina there could potentially cause the release of dormant toxic heavy metals.
 - A referral has not yet been received.
- It is understood that at the close of the Public Hearing the Trustees are not to receive any further written or oral communication relating to Bylaw No. 225; however, it will be six weeks until the next LTC meeting and that will be challenging.
 - General process and practices for conduct under these circumstances were explained.
- All submissions received should be available for public review prior to any Public Hearing.
 - Statutory requirements outlined in the *Local Government Act* were explained and it was noted that information provided to the public through maintaining the website and placement of a Public Hearing binder on island exceed these requirements.

7. REPORTS

7.1 Chair's Report - none

7.2 Trustee Reports

Trustee Critchley reported on the following:

- Trustee Office Hours were held;
- A report was given on business from the Old School Committee meeting;
- A Trust Programs Committee meeting was attended where discussion on governance issues occurred;
- An overview of the first of three meetings with K'omoks First Nation was given;
- Attended the second meeting of the Baynes Sound/Lambert Channel Forum working group;
- A Comox Valley Regional District Area Services Committee meeting where it was learned that new fisheries regulations will allow ticketing and the enforcement capacity will be expanding; and in response to concerns expressed, shellfish tenure application form inaccuracies will be better addressed through a new form requiring more specific information.

Trustee Busheikin reported on the following:

- Attended the K'omoks First Nation meeting;
- A summary of work being conducted at a meeting of the Local Planning Committee includes drafting of a telecommunication consultation and siting protocol, work on housing agreements and creation of a tool relating to protection of Coastal Douglas Fir Forests;
- Met with Powell River Regional District in association with Lasqueti Island work where she learned that the creation of a management plan has been a useful tool to improve impacts from oyster operations there.

7.3 Trust Fund Board Report dated January, 2018

Acting Chair Busheikin reported that the requested name change for the Trust Fund Board appears to be advancing.

By general consent the meeting recessed at 12:06 pm and reconvened at 12:30 pm.

8. MINUTES

8.1 Local Trust Committee Minutes dated February 6, 2018 - for adoption

By general consent the minutes were adopted as presented.

8.2 Section 26 Resolutions-Without-Meeting - none

8.3 Advisory Planning Commission Minutes - none

9. BUSINESS ARISING FROM MINUTES

9.1 Follow-up Action List dated February 26, 2018

Planner Eggen presented the report, provided status updates and responded to questions that arose. Trustees expressed their interest in seeing the work regarding the BC Farm Industry Review Board proceeding.

9.2 K'omoks First Nation Intergovernmental Engagement Meeting - for discussion

Planner Eggen reported that topics for the next meeting might be discussed at upcoming Trust Council, advising that K'omoks First Nation has expressed their wish to be informed of agenda items prior to the meeting.

Trustees discussed possible opportunities for participants to consider topics, asking that staff initiate an email to Trustees from Denman and Hornby Islands and Senior Intergovernmental Policy Advisor Fiona MacRaild suggesting that they meet after Trust Council dinner on March 13th to discuss plans for the next K'omoks First Nation Intergovernmental Engagement meeting.

9.3 Farm Industry Review Board and Aquaculture - Islands Trust Executive Committee Response – Memorandum

Received.

10. DELEGATIONS

10.1 Denman Community Land Trust Association (DCLTA) regarding Development Applications

Doug Olstead, on behalf of the DCLTA, provided summaries of the status of the application through the Ministry of Transportation and Infrastructure (MoTI) for a lot line adjustment and requested the LTC to waive the required frontage that is on today's agenda. He updated Trustees on a change being considered to the Development Variance Permit application regarding proof of water and wastewater capabilities.

He reported that MoTI verbally assured DCLTA that they would defer to the LTC regarding varying subdivision requirements to prove water; however staff reported that they had received conflicting information from MoTI in this regard and were awaiting input from the applicant on how they wish to proceed.

Trustees suggested clarification of MoTI's position be obtained in writing and that the applicant and staff coordinate with MoTI to reach a conclusion in order to inform next steps.

11. CORRESPONDENCE - none

12. APPLICATIONS AND REFERRALS - (30 minutes)

12.2 DE-SUB-2017.4 Denman Community Land Trust Association (DCLTA) - Staff Report

Planner Eggen presented the Staff Report addressing an application for a lot line adjustment consideration of reducing the 10% road frontage requirement.

DE-2018-027

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee exempt proposed Lot A of subdivision DE-SUB-2017.4 from the 10% perimeter provision of Section 512 of the *Local Government Act*.

A Trustee observed that this action represents a step in facilitating an affordable housing initiative.

CARRIED

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

Planner Eggen provided an update on the status of the draft Water Assessment Terms of Reference that included information on the provincial water licensing process and the recommendation that these be harmonized.

She reported that new information has been received that an inconsistency with the project's Agricultural Land Reserve (ALR) exclusion has arisen and needs to be addressed prior to proceeding further with this application. She noted that the Agricultural Land Commission (ALC) has indicated that they will advise the applicant with regard to possible options to pursue to move forward.

13. LOCAL TRUST COMMITTEE PROJECTS

Planner Zupanec joined the meeting by telephone at 1:21 pm.

13.1 Denman Farm Plan Implementation - Staff Report

Planner Zupanec presented the Staff Report that includes responding to the LTC's request for information on specific potential bylaw amendments and provides recommendations for additional Official Community Plan (OCP) and Land Use Bylaw (LUB) amendments to advance this project that is intended to help formally protect Denman Island's land base for agriculture.

Discussion on the topics responding to the LTC's request for additional information included the following points:

- Staff is soliciting input from the LTC on what types of intense agricultural land uses they are wishing to redirect to agriculture zones and not have in residential zones;
- Staff suggested that the LTC's intentions could be accomplished by strengthening definitions and ensuring that there is no ambiguity under the home occupation regulations;
- A Trustee recognized the importance of ensuring that there is no discrimination against any specific commercial product while addressing potential negative impacts of commercial horticulture;
- Trustees favoured inclusion of a policy that supports exclusion of land from the agricultural land reserve for a community amenity that is defined in the OCP.

Director of Local Planning Services Marlor left the meeting at 1:24 pm.

Attachment 1 – Potential OCP Policy Amendments

Discussion followed on the Staff Report with Trustees providing support, non-support or comments as direction for bylaw preparation as follows:

Recommended Amendment No. 1

Supported - with a request for staff to draft a schedule of lots in the ALR and how that interfaces with zoning designations; and provide a review of lots zoned A outside of the ALR for LTC consideration

Recommended Amendment Nos. 2-7

Supported

Recommended Amendment No. 8

Supported – with a request that a policy be drafted for LTC consideration that includes guidance on impacts or when rezoning would or would not be supported

Recommended Amendment Nos. 9-11

Supported

Other Potential OCP Policy Amendment

Support was expressed for consideration of drafting a policy to allow the LTC to support an ALC application that benefits farming or the greater community.

Attachment 2 – Potential LUB Amendments

Discussion followed on the Staff Report with Trustees providing support, non-support or comments as direction for bylaw preparation as follows:

Recommended Amendment No. 1

Supported – definitions and regulations working together would address the concerns expressed by the Denman Growers & Producers Alliance

Recommended Amendment Nos. 2-9

Supported

Recommended Amendment No. 10

Supported – highlighting inconsistencies and what would be changed would be helpful

Recommended Amendment No. 11

Supported

Recommended Amendment No. 12

Change the setback to 50 m

Recommended Amendment No. 13

Supported

Recommended Amendment No. 14

Supported – with a caveat that further subdivisions of ALR land is prohibited unless a community amenity is provided

Recommended Amendment No. 15

Remove the TUP requirement from the A zone, supporting what is possible in the ALC regulations without imposing additional regulations. This would require a corresponding change in the secondary suite regulations

Recommended Amendment Nos. 16-17

Supported

DE-2018-028

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee proceed no further with Denman Island Local Trust Committee Bylaw No. 223, cited as “Denman Island Land Use Bylaw No. 186, 2008, Amendment No. 1, 2016”.

CARRIED

DE-2018-029

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse the revised draft Project Charter v 4.2, dated March 6, 2018.

CARRIED

DE-2018-030

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to prepare draft bylaws to amend the Official Community Plan and Land Use Bylaw in accordance with the Denman Island Farm Plan Project Charter, and Local Trust Committee direction on each of the potential amendments outlined in Attachments 1 and 2 of the Staff Report dated March 6, 2018.

CARRIED

Planner Zupanec left the meeting attended by telephone at approximately 2:50 pm.

14. REPORTS - (10 minutes)**14.1 Work Program Reports****14.1.1 Top Priorities Report dated February 26, 2018**

Received.

14.1.2 Projects List Report dated February 26, 2018

Received.

14.2 Applications Report dated February 26, 2018

Planner Eggen presented the Applications Report and responded to questions that arose.

14.3 Trustee and Local Expense Report - none**14.4 Adopted Policies and Standing Resolutions - none****14.5 Local Trust Committee Webpage**

No changes or updates requested.

14.6 Electoral Area Director's Report - none**15. NEW BUSINESS - (5 minutes)****15.1 Denman Island Phone Book Advertising - for discussion****DE-2018-031****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee authorize the expenditure of up to \$140.00 from the 2017-2018 Local Trust Committee Communications Budget for the purpose of advertising in the 2018 Denman Island Telephone Directory.

CARRIED

16. UPCOMING MEETINGS**16.1 Next Regular Meeting Scheduled for Tuesday, May 1, 2018 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

Trustees confirmed the next meeting date, time and location.

17. TOWN HALL

- Simon Palmer, speaking on behalf of the Denman Housing Association, provided Trustees with a photocopy of the latest plan of the Denman Green 20 acres, identified the steps that have been taken on the project since signing an Agreement of Intent and summarized the anticipated next steps. He provided his speaking notes for the record.
 - Trustees reviewed the lots, discussed densities involved in the project and encouraged the group to consult with neighbours early in the process.

18. **CLOSED MEETING - none**

19. **ADJOURNMENT**

By General Consent the meeting was adjourned at 3:04 pm.

Laura Busheikin, Acting Chair

Certified Correct:

Vicky Bockman, Recorder