



## Denman Island Local Trust Committee Minutes of Regular Meeting

**Date:** June 26, 2018  
**Location:** Denman Activity Centre  
 1111 Northwest Rd, Denman Island, BC

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

**Staff Present:** Marnie Eggen, Island Planner  
 Vicky Bockman, Recorder

**Others Present:** Approximately fourteen (14) 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 Morrison called the meeting to order at 9:32 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Local Trustees, staff and recorder.

### 2. APPROVAL OF AGENDA

The following addition was presented for consideration:

9.1 Correspondence dated June 22, 2018 from Dr. Nadine Gourkow

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

### 3. TOWN HALL

- Doug Wright of the Growers and Producers of Denman and Hornby Islands (GPA) spoke on their behalf with a preliminary response to the Denman Farm Plan Implementation project referral. He commented on several proposed policies, definitions, commercial cannabis production, and farm housing; and advised that the GPA does not support the removal of agriculture and horticulture as permitted uses on R1 and R2 properties. He submitted his speaking notes for the record.
- Harlene Holm, on behalf of the Denman Community Land Trust Association (DCLTA), submitted the document: Owner Statutory Declaration in the Matter of a Housing Agreement with the Denman Island Local Trust Committee (LTC), signed by a notary. She advised that this document has been created for the DCLTA's ridge property.
- A member of the public opposed elimination of agriculture as a permitted use on small lots, opposed the consideration of cannabis issues in the Farm Plan Implementation project, and

supported more community consultation on potential cannabis regulations. She submitted correspondence dated June 22, 2018 for the record.

- A community member inquired if the LTC would support an initiative to include Denman Island beaches in the Comox Valley Regional District (CVRD) Parks and Trails Greenways Master Plan.
  - Trustees commented that more information on this proposal would be helpful to inform their possible consideration.
- Louise Bell spoke in favour of the LTC's granting of the DCLTA's Development Variance Permit (DVP) application to vary proof of water requirements for subdivision, outlining the circumstances and rationale for this position. She urged the LTC to act without delay to support this creation of affordable housing. She submitted her presentation notes for the record.
- Doug Olstead, speaking on behalf of DCLTA, advised that staff have been provided with verification of the Ministry of Transportation and Infrastructure's (MoTI) position to agree to accept a potable water waiver for one of the two lots proposed in the lot line adjustment. He pointed out that the staff report on file DE-DVP-2018.1 does not reflect this and objected to the recommended denial of issuance presented in that report.
- Dorrie Woodward, Chair of the Association for Denman Island Marine Stewards (ADIMS), expressed appreciation for the support for the Baynes Sound and Lambert Channel Ecosystem Forum that the Islands Trust has provided. She noted that ADIMS intends to address Trust Council to encourage additional support to expedite this initiative. She asked the LTC to consider decision making opportunities and consultation with Kimberly Dunn of the World Wildlife Fund to advance this project. She submitted her speaking notes for the record.
- A member of the public observed that mobile food truck operations appear to be limited to the BC Ferry landings. She explained that she would like to provide this service in an alternative location and requested that the LTC consider expansion of that regulation to increase options for fresh, affordable food on Denman Island.
  - A Trustee suggested that the individual might contact staff or Trustees to discuss the initiative further.
- A neighbour whose property is adjacent to the proposed seniors' Affordable Housing project stated that his concerns regarding access to his back yard, screening and effects on water, have not been addressed. He advised that he is not opposed to affordable housing; however, the lack of communication has been problematic and he requested assistance in resolution of his concerns.
  - Discussion followed on the process and options at agenda item 10.1.

#### **4. COMMUNITY INFORMATION MEETING - none**

#### **5. PUBLIC HEARING - none**

#### **6. MINUTES**

##### **6.1 Local Trust Committee Minutes dated May 1, 2018 - for Adoption**

**By general consent** the minutes were adopted.

##### **6.2 Section 26 Resolutions-Without-Meeting Report dated June 19, 2018**

Received.

**6.3 Advisory Planning Commission Draft Minutes dated June 13, 2018 - for receipt**

The LTC received the draft minutes and a Trustee expressed appreciation for the level of detail included.

**7. BUSINESS ARISING FROM MINUTES**

**7.1 Follow-up Action List dated June 19, 2018**

Planner Eggen provided updates on several items.

Discussion followed on the February 6, 2018 item regarding the invitation to the BC Farm Industry Review Board to meet, with the following noted:

- Staff has not received a response and will follow-up with an inquiry; and
- The item's status was requested to be changed to "On Going".

**7.2 Standing Resolution regarding Pro-Active Bylaw Enforcement on Short Term Vacation Rentals - Staff Report**

**DE-2018-056**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee adopt the following standing resolution: "That Bylaw Enforcement staff undertake proactive enforcement of Short-term Vacation Rentals on Denman Island".

Trustee Critchley spoke to the motion summarizing the background that has led to this resolution and confirmed that Bylaw Enforcement staff will be making efforts to work with unlawful operations to bring them into compliance.

Trustee Busheikin confirmed her support for the standing resolution having spoken to many constituents voicing concerns regarding Short-term Vacation Rentals on Denman Island since the last meeting.

The question on the motion was then called.

**CARRIED**

**8. DELEGATIONS - none**

**9. CORRESPONDENCE**

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

**9.1 Correspondence dated June 22, 2018 from Dr. Nadine Gourkow**

Trustees discussed the request to discharge a covenant on the title of Dr. Gourkow's property to enable a subdivision. They expressed concern that covenants are generally designed in perpetuity, that details of this case are unknown to them, and removal might set a precedent. They recognized that other options might be available for Dr. Gorkow's consideration.

Trustee Busheikin offered to inform Dr. Gourkow of the LTC's non-support of this request.

## 10. APPLICATIONS AND REFERRALS

### 10.1 DE-DVP-2018.1 Wooley/Rempel/Severn (Denman Community Land Trust Association) - Staff Report

Planner Eggen presented the staff report that addresses a DVP to vary the proof of water requirement for one of two lots proposed to be subdivided by a lot line adjustment. She advised that the Denman Island Official Community Plan (OCP) policies place value on regulating proof of water through subdivision, including lot line adjustments.

Trustees expressed support for granting the DVP as the adjustment in the lot line represents a minor change of use of an easement right-of-way to a dedicated access, adequacy or potability of water on Parcel L is not an issue in this circumstance, and the OCP contains policies supportive of affordable housing.

Discussion continued regarding the effects of the project on the adjacent landowner with the following comments noted:

- Consideration of this DVP for varying proof of water requirement for the subject property (Parcel L) is separate from the rezoning application for affordable housing;
- The neighbour was advised of an option to contact MoTI as that agency is the approving authority, while the LTC is a referral agency;
- Trustees and staff suggested that a meeting to address the concerns might be conducted between affected neighbours, including a mediator if necessary, and proposed that if not resolved, the issues might be brought forward at the time of consideration of the rezoning application.

#### DE-2018-057

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approve issuance of Development Variance Permit DE-DVP-2018.1 to vary sections 2.8.8 and 2.8.12 of Denman Island Land Use Bylaw No. 186, 2008 (proof of water requirements for subdivision).

**CARRIED**

## 11. LOCAL TRUST COMMITTEE PROJECTS

### 11.1 Relationship Building with K'ómoks First Nation

By general consent item 11.1.2 was moved to follow 10.1

#### 11.1.2 Staff Report - Denman Island Shared Narrative of Place Project

Planner Eggen presented the staff report that requests that the LTC review and remove Follow-up Action List items related to First Nations engagement that might be captured in the Denman Island Shared Narrative of Place Project Charter. She suggested that the LTC may also wish to add items to the Project Charter to reflect outcomes from the K'ómoks First Nation Intergovernmental Engagement meetings.

Trustees were supportive of the requested approach to tracking items related to First Nations engagement and discussed potential changes to the Project Charter.

**DE-2018-058**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to remove items related to First Nations engagement from the Follow Up Action List.

**CARRIED**

**DE-2018-059**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend the Shared Narrative of Place Project Charter as follows:

- Add to Out of Scope: Amend the Official Community Plan to reflect the Local Trust Committee's intentions around First Nations engagement and rights
- Add to In Scope: Follow-up from Intergovernmental Meetings
- Objectives, second bullet, second line: change "K'ómoks FN" to "FN".

**CARRIED**

**DE-2018-060**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee endorse the Shared Narrative of Place Project Charter as amended.

**CARRIED**

**11.1.1 Follow Up from K'ómoks First Nation Intergovernmental Engagement Meeting #3 – Reflections and Discussion**

Trustees discussed the importance of follow-up to maintain the positive momentum that has been achieved with these meetings.

A Trustee suggested possible approaches and topics to pursue including the following:

- Investigate K'ómoks First Nation's interest in creation or leadership of an ongoing Baynes Sound/Lambert Channel Forum working group;
- Clarification of K'ómoks First Nation's request for recognizing their jurisdiction over the estuary;
- Follow through on ideas raised at the meeting such as holding events on Denman and Hornby Islands, and hiring of a K'ómoks First Nation individual to assist with mapping and place names of historical significance.

Discussion of these proposed topics ensued with the following points noted:

- It might be prudent to seek legal counsel and clarification on estuary jurisdiction questions ;
- A Trustee noted that a partnership versus leadership role for First Nations in future Baynes Sound/Lambert Channel Forums might be a preferable arrangement; and

- Advancing discussion of topics through an informal meeting was supported as a first step prior to attendance at a Chief and Council Meeting and Trustee Busheikin offered to follow-up on this option.

### 11.2 Bylaw No. 225 - Marine Issues (Driving on the Foreshore) - for adoption

*That Denman Island Local Trust Committee Bylaw No. 225, cited as "Denman Island Land Use Bylaw No. 186, 2008, Amendment No. 1, 2017", be adopted.*

**DE-2018-061**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 225, cited as "Denman Island Land Use Bylaw No. 186, 2008, Amendment No. 1, 2017", be adopted.

**CARRIED**

Trustees proposed that a communication piece regarding this bylaw be created to provide clarity and address questions the community might have.

**DE-2018-062**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to create a media release regarding Bylaw No. 225.

**CARRIED**

### 11.3 The Denman Farm Plan Implementation Project – for discussion

Trustees addressed misconceptions circulating in the community regarding the LTC's intentions for agriculture and horticulture on small lots. They clarified that the Denman Island Advisory Planning Commission (APC) and GPA are being requested to provide analysis of prohibiting horticulture and agriculture on R1 and R2 lots for the LTC's consideration, as concerns have been heard regarding possible nuisance from intensive agriculture operations on small lots.

**DE-2018-063**

**It was MOVED and SECONDED,**

that the following information be provided to the Advisory Planning Commission and Growers and Producers of Denman and Hornby Islands:

Clarification of request to the Denman APC to provide analysis of prohibiting horticulture and agriculture on R1 and R2 lots:

The LTC is aware that current definitions of horticulture and agriculture allow substantial operations to lawfully take place in relatively high-density small lot neighbourhoods. Over the years, community members have expressed concerns about this, and there are plenty of examples of difficult situations from other places.

Before deciding whether to address this issue as part of the Farm Plan project, or as its own discrete project, the LTC is interested to hear community feedback in the form of comments from the APC and the Growers and Producers Association.

The LTC is not considering prohibiting gardens, orchards or other personal-use growing anywhere on Denman. The LTC is asking the question, “Is there reason to consider limits on the scale and type of agricultural and horticultural activities on some residential lots, and if so, do you have any recommendations about criteria (zoning, lot size, setbacks, type of activity, number of animals, types of crops, or other issues)?”

**CARRIED**

Trustees discussed options for the Community Information Meeting (CIM) on the Farm Plan Implementation project including date possibilities and effective presentation approaches to enhance greater community understanding of the proposal.

## **12. REPORTS**

### **12.1 Work Program Reports**

#### **12.1.1 Top Priorities Report dated June 19, 2018**

Trustees reviewed the Top Priorities Report and suggested possible changes, taking time to consider various options.

**By general consent** the meeting was recessed at 11:27 am and reconvened at 11:42 am.

#### **DE-2018-064**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee place “Facilitating Affordable, Attainable and Seniors Housing” on the Top Priorities List and remove “Marine Issues”.

**CARRIED**

#### **DE-2018-065**

**It was MOVED and SECONDED,**

that the following be added in the Activity column for the Top Priority “Facilitating Affordable, Attainable and Seniors Housing”: “Secondary suites review, consideration of Denman Community Land Trust Association Rural Affordable Housing Project Final Report recommendations (June 20, 2013), and consideration of further opportunities to support housing options”.

**CARRIED**

#### **12.1.2 Projects List Report dated June 19, 2018**

Received.

### **12.2 Applications Report dated June 19, 2018**

Planner Eggen presented the Applications report, provided updates and responded to questions that arose.

### **12.3 Trustee and Local Expense Report dated March, 2018**

Received.

### **12.4 Adopted Policies and Standing Resolutions - none**

### **12.5 Local Trust Committee Webpage**

Trustees requested that the following be added to the webpage:

- Information regarding the Farm Plan Implementation Project CIM when available; and
- The information piece “Reflections on the K’ómoks First Nation Intergovernmental Meeting June 11 & 12”.

## 12.6 Chair's Report

Chair Morrison reported on the following items:

- Trust Council on Saturna Island went well; there was a large agenda and there will be a highlight piece available with information on decisions made there.
- There will be an Executive Committee and Islands Trust Conservancy liaison meeting in July.
- She will be Chairing meetings on Salt Spring Island and standing in for Trust Council Chair Luckham in his absence.

## 12.7 Trustee Reports

Trustee Critchley reported on his attendance at the following:

- Trustee Office Hours;
- Trust Programs Committee meeting;
- Two day Baynes Sound/Lambert Channel Forum;
- Meeting with DFO organized by Hornby Island Conservancy;
- Meetings with MLA Scott Fraser and MP Gordon Johns;
- World Oceans Day Art Installation and Performance;
- Two day K’ómoks First Nation Intergovernmental Meeting;
- APC meeting;
- Trust Council on Saturna Island; and
- Annual CVRD meeting.

Trustee Busheikin reported on the following:

- Attended many of the meetings mentioned in Trustee Critchley’s report; and
- Attended a Denman Island Residents Association meeting.

## 12.8 Electoral Area Director's Report - none

## 12.9 Islands Trust Conservancy Report dated May, 2018

Chair Morrison summarized the Islands Trust Conservancy report.

## 13. NEW BUSINESS

### 13.1 Regulation of Cannabis Production and Retail Sales and Non-Medical Cannabis Retail License Application Fees - Staff Report

Planner Eggen presented the staff report that provides information regarding the proposed *Cannabis Act* and describes options for the regulation of cannabis production and non-medical cannabis retail sales.



**DE-2018-066**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the Local Trust Committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the Local Trust Committee after initial review of the proposal.
- However, as a minimum, the Local Trust Committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
  - Name of the applicant and a description of the proposal in general terms;
  - The location of the proposed establishment and the subject site;
  - The place where, and date and time when, both a public meeting will be held and a resolution of the Local Trust Committee considered;
  - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application; and
  - How public comments may be submitted to the Local Trust Committee.

**CARRIED**

**DE-2018-067**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request that staff prepare a draft bylaw to amend the fees bylaw to specify a fee for Liquor Control and Licensing Branch non-medical cannabis retail license applications.

**CARRIED**

**DE-2018-068**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee replace the item in the Projects List “Commercial marijuana” with “Review of Land Use Regulations for Cannabis Production and Retail Sales”.

**CARRIED**

**14. UPCOMING MEETINGS****14.1 Next Regular Meeting Scheduled for Tuesday, August 7, 2018 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

Trustees confirmed the next regular meeting date, time and location.

**15. TOWN HALL**

- A member of the community supported the change in wording from “marihuana” to “cannabis” and objected to the staff report text “Marihuana is a form of cannabis”. She

asked for an explanation for the LTC's discussion of a small lot cannabis operation in 2015, and urged the LTC to conduct respectful discussions regarding cannabis.

- A Trustee clarified that the LTC's prior discussion of the small lot cannabis operation was in response to neighbourhood concerns.

**16. CLOSED MEETING - none**

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 12:29 pm.

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Susan Morrison, Chair

Certified Correct:

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Vicky Bockman, Recorder