



## Denman Island Local Trust Committee Minutes of Regular Meeting

**Date:** August 7, 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:** Ann Kjerulf, Regional Planning Manager  
 Marnie Eggen, Island Planner  
 Vicky Bockman, Recorder

**Others Present:** Approximately eight (8) 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 First Nations territory, welcomed the public and introduced Trustees, staff and the recorder.

### 2. APPROVAL OF AGENDA

**By general consent** the agenda was approved as presented.

### 3. TOWN HALL AND QUESTIONS

Members of the public commented with the following noted:

- Concern was expressed regarding dangerous hazards on Denman Island beaches resulting from aquaculture including rebar spikes, loose nets and other infrastructure. She suggested that posting signs in dangerous areas would be helpful and requested that the Local Trust Committee (LTC) assist in this effort.
- A second concern was raised that a shellfish tenure changing from a License to a Lease can bypass the LTC's zoning process and change a W1 Marine Conservation zone to a W3 Aquaculture Zone without local government notification of this change. Speaking notes were submitted for the record.
- Comments regarding the Farm Plan Implementation Project included urging the LTC to remove the reference to cannabis from the definition of "Intensive Agriculture" and to allow community engagement on the subject of cannabis regulations as a stand-alone project. Speaking notes were submitted for the record.

#### 4. MINUTES

##### 4.1 Local Trust Committee Minutes dated June 26, 2018 for Adoption

The following amendment to the minutes was presented for consideration:

- Page 6, item 11.3, first paragraph: remove the last sentence “They provided ...”

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

##### 4.2 Section 26 Resolutions-Without-Meeting Report dated July 30, 2018

Received.

##### 4.3 Advisory Planning Commission Draft Minutes dated June 26, 2018 - for receipt

The LTC received the minutes. Discussion followed on procedure and staff explained that the minutes from the last meeting in a series of Advisory Planning Commission (APC) meetings can be received by the LTC and are available to the public; however they cannot be adopted electronically and remain in draft form until the next APC meeting.

#### 5. BUSINESS ARISING FROM MINUTES

##### 5.1 Follow-up Action List dated July 30, 2018

Trustees discussed the Follow-up Action List and the following comments were noted:

- It was requested that the name of applicants or addresses be added following file numbers and that the Status field be expanded by providing additional information to the “On Going” designation if possible.
- Staff was requested to investigate whether the LTC request “that Executive Committee (EC) undertake further advocacy with DFO in opposition to the establishment of geoduck aquaculture in the Trust Area” has been received by the EC and to follow up if necessary.

##### 5.2 Amendment to Denman Island Fees Bylaw, 2007 - Fee for Liquor Control and Licensing Branch Cannabis Retail License Application - Staff Report

Regional Planning Manager Kjerulf presented the Staff Report and Draft Bylaw. She explained that the proposed fee of \$2,000 for non-medical cannabis retail license applications is based on the model Trust Council fee adjusted for inflation and includes anticipated costs of public consultation.

Trustees asked questions and recognized that holding a public hearing in association with these applications is outlined in the Standing Resolution adopted by the LTC and is an important element that adds expense that is only partially recovered by fees.

**DE-2018-069**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 230, cited as “Denman Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018”, be read a first time.

**CARRIED**

**DE-2018-070**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 230, cited as “Denman Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018”, be read a second time.

**CARRIED**

**DE-2018-071**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 230, cited as “Denman Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018”, be read a third time.

**CARRIED**

**DE-2018-072**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 230, cited as “Denman Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

**6. DELEGATIONS - none**

**7. CORRESPONDENCE - none**

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

**8. APPLICATIONS AND REFERRALS**

**8.1 DE-DP-2018.2 (Doheny) – Staff Report**

Planner Eggen presented the Staff Report that addresses a Development Permit (DP) application to authorize a two lot subdivision within Development Permit Area (DPA) 4-Streams, Lakes and Wetlands. She advised that the application meets the DPA guidelines and that issuance of the permit by the LTC is required to allow the subdivision application to proceed through the Provincial subdivision approval process.

Trustees confirmed that the DP, if approved, would be registered on the property title along with the *Riparian Areas Regulation* Assessment Report, observing that this thorough report is an important tool to maintain the health of this watercourse now and in the future.

**DE-2018-073**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approve issuance of Development Permit DE-DP-2018.2 (Doheny).

**CARRIED**

## 8.2 DE-DP-2018.1 (Comox Valley Regional District (CVRD)) - Staff Report

Planner Eggen summarized the Staff Report regarding a DP application being presented for LTC consideration to permit work required on the existing trail and boardwalk at Morning Beach Park. She noted that the subject property is within DPA No. 1 (Komas Bluff) and described the work being considered by CVRD Parks Department to improve public safety and decrease potential erosion in the area. She provided rationale for not requiring a survey plan for this application.

Discussion on the application followed that included the following key points:

- The applicant was in attendance and answered questions that arose regarding anchoring systems.
- Trustees expressed concern that the posted warning signs at the site are being disregarded by the public and have been disappearing; and asked that the CVRD consider improving the signage to provide a better indication of risk for public safety and to decrease erosion that may occur as a result of unauthorized use of the trail.

### DE-2018-074

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee has determined that the provision of a plan signed by a BC Land Surveyor in conjunction with Development Permit application DE-DP-2018.1 for the re-alignment of stairs and tree work at Morning Beach Park is not reasonably necessary to establish whether the proposed structures comply with the siting requirements of the Denman Island Land Use Bylaw.

**CARRIED**

### DE-2018-075

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approve issuance of Development Permit DE-DP-2018.1 (CVRD).

**CARRIED**

## 9. LOCAL TRUST COMMITTEE PROJECTS

### 9.1 Denman Farm Plan Implementation Project – Memorandum

Planner Eggen outlined the Memorandum that provides referral responses received to date. She advised that the third party responses included in the Growers & Producers Alliance (GPA) response were not included in this document, however will be available upon receipt of permission to release them. She reported on items relating to this project that will be brought forward for LTC consideration at a future meeting. She commented that this is an opportunity for the LTC to request any additional follow-up information from staff.

Discussion on the project included comments and questions from Trustees and the following points were noted:

- The Community Information Meeting (CIM) was considered to have been successful with useful comments, objections and ideas being heard. A Trustee expressed the opinion that the LTC could benefit from slowly and carefully considering the implications.

- It is important to involve non-farmers in the process including their consideration of issues such as density.
- Trustees could encourage non-farmer participation through articles written by a Trustee on this subject.
- Questions for staff to analyze were suggested.
- An alternate definition of feedlot for clarity or consideration of an Information Note was requested.
- Proposed Agri-Tourism regulations permitting three cabins could result in nine bedrooms; consideration might be given to limiting the number of cottages to one with up to three bedrooms.
- Inviting a representative from the Ministry of Agriculture to speak to issues including the definition of feedlot at a future LTC meeting was suggested as a way to help inform the discussion.
- Trustees recognized that there might be reasons to allow panhandle lots, such as for topographical features; and questioned whether it would be possible to have general discouragement with the ability to allow a variance in some situations.

**DE-2018-076****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to bring back a staff report on the Farm Plan Implementation Project responding to information received to date and that this include alternative definitions of feedlot and comments on the following questions:

**General questions:**

1. If “intensive agriculture” is not allowed on R1, 2 and 3, but ‘agriculture’ is, however agriculture is defined by *Farm Practices Protection Act* as a business, and intensive agriculture includes anything where products are grown or raised for sale, what exactly is allowed on R1, 2 and 3?
2. Is subsistence farming in any way limited (compared to current regulatory situation) by these proposed changes?
3. Why do we need a definition of feedlot? Just for setbacks?
4. What is in place currently to ensure that potential housing units will have adequate sewage facilities and will not overtax the groundwater?
5. Will a cistern for rainwater catchment be required for secondary dwellings? (We require this for secondary dwellings generally.)

**Questions and follow-up based on Growers & Producers Alliance (GPA) referral:**

1. GPA says ‘agriculture’ and ‘farming’ are used interchangeably in the bylaws. Can staff review the bylaws for consistency in this regard?
2. Answer to GPA question, “How will the definitions of ‘farming,’ ‘agriculture,’ ‘horticulture,’ and ‘bona fide farm use’ impact certain activities being allowed in R1 and R2?” (compared to current regulations). Also, how will nurseries (or small farms) in R1 or R2, not in Agricultural Land Reserve (ALR), be affected?
3. For E1, Policy 14—would this make any current dwellings legal non-conforming?
4. What are the implications of allowing some Agri-Tourism and housing options on bona fide farms *not* in the ALR?

5. Agri-Tourism does not mention wineries or activities and facilities associated with them. Where are those regulations? How can we on Denman Island know what is allowed for wineries?
6. GPA notes that definition of Agri-Tourism does not seem to include possibilities for permanent structures (i.e. farm classroom, wine tasting room, etc.); is this true and if so what are implications of considering allowing these?
7. Would animal husbandry (i.e. chickens) not for sale have any setbacks? (see bottom of first page, appendix a) Is this an issue that these proposed amendments would change?

**CARRIED****DE-2018-077****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to set up a telephone participation of a staff member from the Ministry of Agriculture at the next Local Trust Committee meeting to discuss definitions and concepts related to the Farm Plan Implementation Project.

**CARRIED****9.2 Denman Island Shared Narrative of Place, Community Event Planning - for discussion**

Trustee Busheikin provided an update on a tentative framework for a community and K'ómoks First Nation fireside chat event that may include options for speakers, presentations, story-telling, a community-wide potluck and a tour of Denman Island.

Discussion of this event included budget, process, transportation and other logistics that may need to be organized to provide an opportunity to hold the event outdoors if possible. A Trustee inquired regarding the role of volunteers at an Islands Trust event and staff responded that this question can be researched as plans develop.

**DE-2018-078****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to examine the possibility of hiring a bus and to discuss the acceptability of such arrangements with K'ómoks First Nation for the purpose of touring members of K'ómoks First Nation on a visit to Denman Island.

**CARRIED****10. REPORTS****10.1 Work Program Reports****10.1.1 Top Priorities Report dated July 30, 2018**

Top Priorities were reviewed and no action was taken at this time.

**10.1.2 Projects List Report dated July 30, 2018**

**DE-2018-079****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee add to the Projects List: Incorporate the Regional Conservation Plan into Land Use Planning to foster preservation and protection of Denman Island's ecosystems (based on the Islands Trust Conservancy Report of July 17, 2018).

**CARRIED****10.2 Applications Report dated July 30, 2018**

Planner Eggen presented the report. She provided an update on the Denman Community Land Trust Association (DCLTA) rezoning application, advising that staff have been working with the Ministry of Environment to harmonize the Terms of Reference and gather more information regarding the Ministry's requirements for water licensing; and staff have been working with the ALC to resolve issues relating to DCLTA's existing approval for exclusion from the ALR that is not consistent with their rezoning application.

A Trustee noted that completion of the harmonization work is taking time and asked for an explanation. Planner Eggen reported that Ministry of Environment staff have been reviewing and analyzing the application and have been keeping the applicant apprised of progress to date. She noted that the Islands Trust Senior Freshwater Specialist has been in conversation with the Ministry as well.

**10.3 Trustee and Local Expense Report - none****10.4 Adopted Policies and Standing Resolutions**

Received.

**10.5 Local Trust Committee Webpage**

Trustees requested that the Power Point presentation from the CIM on the Farm Plan Implementation Project be posted to the website.

**10.6 Chair's Report**

Chair Morrison reported on the following:

- Executive Committee is working on the upcoming Trust Council session;
- She was acting Chair of Trust Council for two and a half weeks;
- Chaired a Public Hearing and LTC meeting on Salt Spring Island;
- Attended a Trust Fund Board liaison meeting in July;
- Attended a Gambier Island LTC meeting
- Attended the Denman Island CIM on the Farm Plan Implementation Project.

**10.7 Trustee Reports**

Trustee Busheikin reported on the following:

- Has had many conversations with community members regarding Denman Island issues since the last LTC meeting;
- Attended a session at the Readers and Writers Festival discussing a book relating to disintegration of public discourse;
- Attended two APC meetings;

- Attended the Denman Island CIM on the Farm Plan Implementation Project.

Trustee Critchley reported on the following:

- Attended two APC meetings;
- Held Trustee Office Hours;
- Attended a Trust Programs Committee meeting;
- Attended the Denman Island CIM on the Farm Plan Implementation Project.

**10.8 Islands Trust Conservancy Report – none**

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

**By general consent** the meeting was recessed at 11:33 am and reconvened at 11:47 am.

**11. NEW BUSINESS**

**11.1 Housing Needs Assessment Report - Northern Region of Islands Trust - Staff Report**

**DE-2018-080**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee receive the “Housing Needs Assessment, Northern Region of Islands Trust” report prepared by Dillon Consulting dated June 21, 2018.

A Trustee asked for the purpose of a resolution to receive the report. Staff responded that the *Local Government Act* requires that local governments adopt housing needs reports.

**CARRIED**

**DE-2018-081**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to publish the “Housing Needs Assessment, Northern Region of Islands Trust” report prepared by Dillon Consulting dated June 21, 2018 on the Islands Trust website.

**CARRIED**

**11.2 Denman Community Land Trust Association Housing Agreement – Memorandum**

Planner Eggen reported that this Memorandum is presented to advise the LTC that the Owner Statutory Declaration has been received from the DCLTA relating to the Housing Agreement for the property on Lacon Road.

Trustees commended the DCLTA for providing this schedule proactively. They inquired if the Islands Trust has an administrative system in place to track Housing Agreement requirements and Planner Eggen responded affirmatively.

**DE-2018-082**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee write a letter to the Denman Community Land Trust Association recognizing their efficient and proactive administration of their Housing Agreement.

**CARRIED**

**11.3 Trust Programs Committee - Service Integration – Briefing**

Trustees considered the request for input regarding any service integration concerns and determined that while some improvements have been seen with other agencies, there remain concerns with DFO aquaculture practices, Ministry of Transportation and Infrastructure (MoTI) road maintenance, and options for housing.

**DE-2018-083****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee advises Trust Programs Committee that the Local Trust Committee has experienced barriers to engaging service providers/other agencies when addressing the following topics:

1. Affordable Housing
2. Roads
3. Aquaculture Practices

**CARRIED****11.4 Islands Trust Conservancy - Regional Conservation Plan Briefing**

This item was addressed previously at item 10.1.2 and placed on the Projects List.

**11.5 Agricultural Land Commission (ALC) Notification for Proposed Road Allowance in the ALR near Swan Road - Memorandum**

Planner Eggen summarized the Memorandum that informs the LTC regarding an application to the ALC for a proposed dedicated road statutory right-of-way within the ALR, advising that while the application is before the LTC for information, the LTC may provide comments to the ALC if desired.

Trustees discussed the proposal with key points from the comments and staff responses as follows:

- A Trustee reported that concerns have been heard regarding the development of the driveway over the wetland. Staff advised that this driveway was installed prior to the DPA being enacted in that area.
- Concern was expressed that a road will have additional implications for that wetland. Staff noted that this application is to remove the road right-of-way from the ALR and should this application be approved by the ALC, the MoTI would refer this proposal to Islands Trust where there would be further opportunity to provide response regarding protection of the wetland.
- Staff advised that a change in use to a roadway would require a DP from the Islands Trust.

**DE-2018-084**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to provide the following additional comments to the Agricultural Land Commission with respect to the Agricultural Land Commission application for a dedicated road Statutory Right-of-Way at the end of Swan Road (ALC application ID 57808): “There is concern that the existing trail or driveway goes through an environmentally significant wetland designated as a Development Permit Area and the potential increased use could have negative impacts on a sensitive wetland”.

**CARRIED**

**11.6 Cannabis Production in the Agricultural Land Reserve (ALR) - for discussion**

The document “Protecting land in the ALR guides cannabis production regulation” was presented for LTC information with the following discussion points noted:

- “Cannabis production and retail sales” is currently on the Projects List and work on this will require information and community discussion.
- Regional Planning Manager Kjerulf anticipated that more information will be forthcoming from the Ministry of Agriculture to aid local governments in development of land use bylaws.

**11.7 BC Ferries Electronic Sign - for discussion**

Trustee Busheikin reported that she has heard community concern regarding the obstruction of the Islands Trust signage by a new, electronic sign at the Buckley Bay ferry terminal. She observed that this has occurred without consultation with the Ferry Advisory Committee and suggested that a response be made to BC Ferries to address the concern.

**DE-2018-085**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee authorize the Chair to write to BC Ferries expressing concern about the location of the new electronic sign at Buckley Bay and asking for alternative proposals.

**CARRIED**

**12. UPCOMING MEETINGS****12.1 Next Regular Meeting Scheduled for Tuesday, October 9, 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.

**13. TOWN HALL**

Comments from members of the public and responses from staff and Trustees included the following:

- When will the candidates for the upcoming LTC election be announced?
  - The election process is conducted by the CVRD and information on key dates can be found on their website.
- Rebar and predator netting have been in use by aquaculture operators for a long time.

- The proposed use of Temporary Use Permits should be included in the upcoming staff report on the Farm Plan Implementation Project.
- What is the deadline for submission of input for inclusion in Farm Plan Implementation Project staff reports for LTC consideration?
  - Timing of inclusion for staff reports is difficult to determine exactly; however, all correspondence on this project will be reviewed by LTC members until the end of the Public Hearing at which time the LTC cannot receive further comments.
- Consideration of cannabis regulation needs to be respectful and include a full community discussion. Support was expressed that there should be growing opportunities for all lots, including small lots; and it was observed that this is currently occurring with no complaints.
- Concern was expressed that this is a busy time for farmers and the Farm Plan Implementation Project should slow down.
- Applications for production of non-medical cannabis retail can be applied for on October 17, 2018 and the LTC will have some ability to regulate land use in that regard. Will the LTC be prepared?
  - Staff responded that the LTC has adopted a Standing Resolution and has given readings on a fees bylaw on this matter. She noted that production will be licensed by the federal government with the LTC receiving a notice of applications. The speaker was encouraged to contact a Planner to discuss this topic further.

**14. CLOSED MEETING - none**

**15. ADJOURNMENT**

**By general consent** the meeting was adjourned at 12:48 pm.

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Susan Morrison, Chair

Certified Correct:

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Vicky Bockman, Recorder