

**MINUTES OF THE DENMAN ISLAND LOCAL TRUST COMMITTEE  
BUSINESS MEETING  
HELD AT 10:30 AM ON TUESDAY, JULY 17, 2012  
AT THE DENMAN SENIORS HALL  
1111 NORTHWEST ROAD, DENMAN ISLAND, BC**

**PRESENT:**

Peter Luckham	Chair
Laura Busheikin	Local Trustee
David Graham	Local Trustee
Miles Drew	Bylaw Enforcement Coordinator
Courtney Simpson	Island Planner
Vicky Bockman	Recorder

There were fourteen (14) members of the public in attendance.

**1. CALL TO ORDER**

Chair Luckham called the meeting to order at 10:30 am. He welcomed the public and introduced himself, Local Trustees, Island Planner, Bylaw Enforcement Coordinator and Recorder. He acknowledged that the meeting is being held in traditional Coast Salish territory.

**2. APPROVAL OF AGENDA**

The agenda was adopted by consensus with the following amendments:

- Move item 13.1 to after item 11.3.2
- Add item 13.3 – Meeting Space Discussion

**3. CHAIR'S REPORT**

Chair Luckham reported that he attended an exercise in Vancouver presented by Western Canada Marine Response to learn what resources and energies would be available for containment and cleanup in the event of an oil spill in the Georgia Strait. He reported that he was impressed with the resources available for cleanup operations. Chair Luckham commented that he attended the Trust Council meeting held recently on North Pender Island.

**4. TRUSTEES' REPORT**

**Trustee Busheikin** reported that she attended a day-long session on First Nations Relations at the recent Trust Council meeting and found it to be very informative, educational and useful. She commented that she had held Trustee Office Hours on Denman recently and noted that it had been generally quiet.

**Trustee Graham** reported that the draft Denman Island Farm Plan is now available for public review and comment. He advised that he brought copies of the draft Plan to this meeting and that copies can also be obtained at Abraxas Books. He encouraged communication of feedback by the end of the summer so that the Denman Agriculture Plan Steering Committee can consider integrating this information into the Plan.

Trustee Graham observed that the top concerns on Denman Island at this time appear to be the proposed Cable Ferry and Raven Underground Coal Mine. He encouraged community members to take advantage of Trustee Office Hours, held in the Old School every two weeks from 10:00 am to noon to ask questions, discuss the Official Community Plan, land use issues, view zoning maps or to discuss other topics with a Local Trustee.

**5. MINUTES**

*5.1 Local Trust Committee Meeting Minutes of June 5, 2012*

The minutes were adopted by consensus with the following amendments:

- Page 1, PRESENT Heading : Add “Acting” before “Chair”
- Page 1, following the PRESENT Heading: Add “REGRETS: Peter Luckham”
- Page 9, Item 11.1, last sentence: Change to: “Chair Graham advised that he had been contacted by the writer.”

Trustee Graham advised that on page 4, fourth paragraph of the minutes, he stated that he would respond to a question after research and he confirmed that an answer to the question will be included in the upcoming Denman Local Trust Committee Report in the Grapevine.

**Bill Engleson** asked what the protocol is regarding the recording of names and addresses in Local Trust Committee minutes. The current guidelines were clarified for his information.

*5.2 Section 26 Resolutions Without Meeting*

None.

*5.3 Denman Island Advisory Planning Commission Minutes*

None.

*5.4 Denman Agriculture Plan Steering Committee Minutes*

None.

*5.5 Denman Island Marine Advisory Planning Commission Minutes*

None.

**6. BUSINESS ARISING FROM MINUTES**

*6.1 Follow-up Action List dated July 5, 2012*

Planner Simpson advised that there were no updates to the Follow-Up Action List dated July 5, 2012 and responded to questions.

Trustee Graham offered to draft the letter to Corey Jackson referenced in the May 1, 2012 follow-up activity, and will provide the draft to staff and other Trustees for review.

The status of the June 5, 2012 activity relating to an aquaculture meeting with key players was questioned. Discussion followed on the logistics of the meeting being proposed and it was determined that follow-up on this item should wait until a response is received from the letter to Corey Jackson, which Trustee Graham will draft.

*6.2 Advisory Planning Commission Referral of Islands Trust Affordable Housing Strategy*

Planner Simpson requested clarification about what particular affordable housing strategy material to refer to the Advisory Planning Commission as resolved at the June 5, 2012 Local Trust Committee meeting

Approaches to advance an affordable housing strategy were discussed. Planner Simpson advised that the Affordable Housing Tool Kit from Trust Council along with the Salt Spring Affordable Housing document provide recommendations of how to determine next steps and might assist to form the basis of a strategy. It was determined that it would currently be premature to apply for funding for an affordable housing strategy.

After discussion it was the consensus that the referral to the Advisory Planning Commission will not occur at this time.

*6.3 Boyle Point Park Addition and Gravel Reserve Memorandum dated July 5, 2012*

Planner Simpson summarized the memorandum provided in response to the Local Trust Committee's request for more background information on this referral. She confirmed that transferring the land to the Ministry of Environment would reduce potential impacts by reducing the area available for the gravel reserve and adding a requirement for rehabilitation after extraction.

**DE-058-2012** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee agrees that the Trust Fund Board release the Notation of Interest (Document #891085) on the Crown land described as the Southwest ¼ of Section 2, Denman Island, Nanaimo District, on the condition that this land be transferred to the Ministry of Environment for parks or conservation purposes.

**CARRIED**

**7. APPLICATIONS AND PERMITS**

7.1 *DE-RZ-2011.1 (Denman Community Land Trust Association)  
Memorandum dated July 16, 2012 regarding Cost Recovery Agreement for  
Legal Review of Housing Agreement*

Planner Simpson provided copies of the memorandum. She explained that staff has received a draft housing agreement provided by the applicant and that it is standard procedure for the cost of review of the draft by Islands Trust legal counsel to be covered by the applicant, requiring a cost recovery agreement.

**David Critchley**, legal counsel for the Denman Community Land Trust Association, addressed the Local Trust Committee requesting that consideration be given to waiving the fee for legal review of the draft housing agreement. He pointed out that this application was originally sponsored by the Local Trust Committee and the initial fees were absorbed by the Islands Trust. He stated that this application is for the public good and suggested that the housing agreement will have a broader benefit than this one application since it is a pioneering project that could be of use in subsequent applications. He added that as a charitable organization staffed by volunteers with limited financial resources, the fee would create a hardship.

Discussion followed on the estimated cost and the requirement to exercise due diligence that the Local Trust Committee has as a responsibility to the public. Possible alternative approaches for review, cost saving measures, and funding sources for the expense associated with the housing agreement were considered.

**DE-059-2012** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee seek advice from the Executive Committee about alternate approaches to the cost recovery agreement for legal review of the housing agreement for Denman Island rezoning application DE-RZ-2011.1 (Denman Community Land Trust Association).

**CARRIED**

Trustee Busheikin noted that the Trust Council Affordable Housing Tool Kit and the Salt Spring affordable housing document repeatedly refer to finding ways to reduce costs to the applicant and suggest that the use of templates might be explored. She noted that there is a need to assure the community that the affordable housing aspect of a project will remain intact over time.

8. **DELEGATIONS**

8.1 *Graham Brazier for Denman Opposes Coal*

**Graham Brazier** presented an overview of the written report: “An investigation of the Islands Trust legal authority with respect to the proposed Raven Underground Mine” prepared and presented by Patti Willis, David Critchley and himself.

**Patti Willis** outlined the threats posed by the proposed Raven Coal Mine project to the Islands Trust area, concentrating on the threat of acid mine drainage. She provided an update of the status of the proponent’s application process and projected mine construction and operation start-up dates. She reviewed the background of Islands Trust actions in addressing the proposed mine to date and the nature of the opposition expressed in those actions.

**David Critchley** provided comments on the jurisdiction, duties and powers of the Islands Trust. He presented rationale for interpretation that the Islands Trust area covers the land extending to the high water mark on the easterly shore of Vancouver Island and reviewed case law establishing the view that the seabed is considered land. He concluded that the Local Trust Committee has some jurisdiction over the seabed of Baynes Sound, and that it has a duty to preserve and protect it as required in the Islands Trust Act. He offered his services, *pro bono*, as *Amicus Curiae* (friend of the court) to assist in legal efforts that may be initiated in this regard.

**Graham Brazier** presented six points of action that the Local Trust Committee is requested to take regarding the proposed Raven Underground Coal Mine. He stated that the material was presented at this time in order to allow the Local Trust Committee time to reflect on the issues prior to the next Trust Council Meeting and he advised that the Denman Opposes Coal group is available for consultation if desired.

*The Chair recessed the meeting at 11:55 am and reconvened at 12:01 pm.*

9. **TOWN HALL DISCUSSION**

**Louise Bell** – observed that the next Local Trust Committee business meeting is scheduled to occur on October 2, 2012 and urged that consideration be given to meeting sooner given the important issues on the Work Program including an affordable housing strategy. Regarding the housing agreement discussion, she noted that while the idea of a housing agreement template is attractive, the individuality of projects has not allowed the use of templates to date even though there are many housing agreements throughout the Islands Trust area. She cautioned that housing agreements are provided for the protection of the community and as difficult as the cost issue may be, housing agreements are a necessary requirement.

**Jennifer Balke** – presented a submission dated July 17, 2012 which raised issues of concern and provided potential solutions. To assist in creating an environment that encourages a cooperative public, she suggested that intent be included in all bylaw provisions and that the overall intent and project be considered with a big picture viewpoint. She identified concerns with Riparian Areas Regulation reports for Denman Island properties and specifically on Agricultural Land Reserve-designated wetlands, and suggested two approaches to improve the existing situation. She identified problems with density transfer for conservation and charitable tax receipts and offered suggestions for a potential solution. She expressed concern that discovery of significant archeological remains is currently the responsibility of the landowner and provided a potential solution to establish an improved process for these situations.

**Edi Johnston** – presented statistics on dog euthanasia and animal shelter populations, stating that backyard breeders are the biggest contributor to the problem of too many dogs and not enough homes. She asked the Local Trust Committee to consider prohibiting dog breeding for fun and profit in all zones of the Denman Island Land Use Bylaw as other Gulf Islands have done.

**Fireweed** – expressed support for Edi Johnston’s statement. She added that regulations are lax and due to the high asking price for some dogs, far more people are engaging in breeding dogs without adhering to standards and regulations. She requested the Local Trust Committee consider a ban on kennels on Denman Island.

**Bill Engleson** – expressed his view that not being able to use a housing agreement template is a barrier to expediting affordable housing applications. As a related concern, he observed the lack of a dedicated social planner in the Islands Trust. Regarding the forthcoming Meeting Space Discussion, he expressed his support for the Seniors Hall as a regular venue for Local Trust Committee meetings as it is handicapped accessible and enhances the concept of “downtown” Denman.

**10. CORRESPONDENCE**

There was no correspondence.

*Chair Luckham recessed the meeting at 12:26 pm for presentation of a Community Stewardship Award to Peter Karsten.*

*Chair Luckham reconvened the meeting at 12:47 pm.*

**8. DELEGATIONS - Continued**

*8.1 Graham Brazier for Denman Opposes Coal - Continued*

Chair Luckham asked if the Trustees wished to follow-up on any aspect of the delegations presentations. He suggested that representatives of Denman

Opposes Coal might consider attending the next Trust Council meeting as a delegation to present their material.

The question of jurisdiction was discussed and it was determined that it would be beneficial to have this issue clarified at this time.

**DE-060-2012** It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee instruct staff to investigate and report back on the Local Trust Committee's jurisdiction over land up to the natural boundary of the sea of the east coast of Vancouver Island and the ability to adopt zoning regulations within that area.

**CARRIED**

**11. REPORTS**

11.1 *Work Program  
Top Priorities Report and Projects Report dated July 5, 2012*

Planner Simpson presented an overview of the Top Priorities report. She responded to a question regarding a Protected Area Network on Denman Island, clarifying the sequence of related events that will allow work on this project to proceed in the future.

11.2 *Applications Log  
Report dated July 5, 2012*

Planner Simpson provided updates to the Applications Log.

11.3 *Trustee and Local Expenses*

11.3.1 *Expenses posted to May 31, 2012*

Expenses posted to May 31, 2012 were received.

11.3.2 *Expenses posted to June 30, 2012*

Expenses posted to June 30, 2012 were received.

**13. NEW BUSINESS**

13.1 *Dog Breeding on Denman*

Trustee Graham asked staff to update the Local Trust Committee on the current regulations regarding dog breeding on Denman Island.

Bylaw Enforcement Manager Drew responded that it is the interpretation of Islands Trust Bylaw Enforcement staff and others that dog breeding is not

permitted on Denman Island other than on one specific property which is a spot zone. He advised that a formatting error in the text of the Land Use Bylaw caused some previous misunderstandings.

Planner Simpson advised that senior staff has informed her that correcting the formatting problem would not be possible without conducting a public hearing.

The Local Trust Committee requested that staff amend the Projects List to add to Housekeeping Project: "amend the definition of Agriculture to correct formatting for uses not included".

## **12. LOCAL TRUST COMMITTEE PROJECTS**

### *12.1 Riparian Areas Regulation Compliance Staff Report dated July 4, 2012*

Planner Simpson outlined the staff report which presents draft bylaw wording to amend Development Permit Area No. 4 Streams, Lakes and Wetlands; presents a Project Charter for Local Trust Committee endorsement; and provides recommendations for consideration.

Trustee Graham expressed his support for the Project Charter and draft bylaw and suggested the following amendments to the wording of the draft bylaw:

- Page 11 of the staff report, Attachment 4, Area, first line: change "Development permit area 1" to "Development permit area 4"
- Page 12 of the staff report, first line: appears to be missing text or requires clarification
- Page 13 of the staff report, 4.4: change the opening statement "an owner of property within the..." to correspond with the wording in 4.4.2 which clarifies the intent by indicating "...whenever the activity occurs within the Development Permit Area".

Trustee Busheikin requested the following amendments:

#### Draft bylaw amendment

- Page 15 of the staff report, item b): shorten the sentence by dividing it into two guidelines beginning the new guideline at the fifth line after the word "wetland," and renumber the subsequent guidelines

#### Project Charter

- Add "Grapevine article" and "Flagstone article" to the Project Charter Deliverable/Milestone section to provide a timeline and assist in determining the ideal time to write the articles.

Discussion followed regarding the project Communications budget for Fiscal 12/13 and Planner Simpson clarified that the Local Trust Committee cannot reallocate any of these funds to other uses if not fully utilized. Planner

## ADOPTED

Simpson provided an update on the status of the Northern Riparian Areas Regulation Working Group as requested.

Chair Luckham requested an amendment to the Project Charter Risk Response Strategy for the Budget for further mapping:

- He indicated that as a member of the Financial Planning Committee he vets all funding requests impartially. He suggested that the Project Charter Risk Response Strategy for the Budget for further mapping be reworded to "...and provide sufficient information to Financial Planning Committee members for adequate deliberations on the merits of the proposal." He noted that the proposal for doing this project needs to be advocated as a business case.

The recommendation to refer the draft Official Community Plan and Land Use Bylaw amendments to Development Permit Area No. 4 to the Advisory Planning Commission was discussed. Possible topics for referral comments and background information to provide were considered. It was the consensus that Planner Simpson's attendance at the Advisory Planning Commission meeting either in person or by speaker phone would be very helpful.

There was discussion regarding the consideration of reduced application fees if there are duplications in development permit applications and the Qualified Environmental Professional report required under Riparian Areas Regulation. It was suggested that the fees or development permit requirements might be reviewed after the process has been evaluated for some time.

### **DE-061-2012**

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee:

1. Endorse the Project Charter dated June 26, 2012 as amended;
2. Direct staff to provide a draft Development Approval Information Bylaw;
3. Refer the draft Official Community Plan and Land Use Bylaw amendments to Development Permit Area No. 4 to the Advisory Planning Commission, with the staff report dated July 4, 2012; and
4. Direct staff to report back on the work of the Northern Riparian Areas Regulation Working Group with recommendations for communications for Denman Island.

## CARRIED

It was confirmed that Planner Simpson will amend the draft as discussed and advance the referral of the amendments to the Advisory Planning Commission.

**13. NEW BUSINESS - Continued**

*13.2 Intensive Agriculture Definition*

Trustee Graham advised that he had asked for this item to be on the agenda, however; no discussion is necessary at this time as it is currently on the Projects List.

*13.3 Meeting Space Discussion*

The venue for the Local Trust Committee business meetings was considered in response to a constituent's concern and it was determined that the Seniors Centre is presently the best location to hold the meetings.

**Jessie Edwards** asked why the Local Trust Committee business meetings are held during the day. In response, it was explained that the daytime business hours are logistically necessary for Trustees and staff although Community Information Meetings and Public Hearings are typically held on Saturdays or during evenings for the convenience of the public.

**14. BYLAWS**

There were no bylaws for consideration.

**15. ISLANDS TRUST WEBSITE**

*15.1 Denman Page*

The following change was requested to the website:

- Denman Island Farm Plan: add that copies of the Draft Denman Island Farm Plan are currently available at Abraxas Books

**16. NEXT MEETING DATE**

There was discussion to determine if holding a meeting in September would be warranted. Planner Simpson provided an estimate of the material that might be available for review at that time and it was determined that a meeting in September would not be held.

The next meeting of the Denman Island Local Trust Committee will take place on Tuesday, October 2, 2012 at 10:30 am at The Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

**17. TOWN HALL DISCUSSION – time permitting**

**Jessie Edwards** asked for the names of the current Advisory Planning Commission members. In response, the present members were identified for her information.

**18. ADJOURNMENT**

Chair Luckham adjourned the meeting at 2:20 pm.

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Recorder

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Chair