

**MINUTES OF THE DENMAN ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 10:30 AM, JANUARY 24, 2012
AT THE MARCUS ISBISTER OLD SCHOOL CENTRE
5901 DENMAN ROAD, DENMAN ISLAND, BC**

PRESENT: Peter Luckham Chair
 Laura Busheikin Local Trustee
 David Graham Local Trustee
 Courtney Simpson Island Planner
 Chris Jackson Regional Planning Manager
 Vicky Bockman Minute Taker

There were eleven (11) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:30 am.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus.

3. CHAIR'S REPORT

Chair Luckham reported on the first Islands Trust Council meeting of the term in Victoria. He stated that the first Financial Planning Committee meeting had been held to determine the budget for the coming year and that the budget, along with the Strategic Plan, will be finalized at the March Islands Trust Council meeting. He advised that the meeting will be held on Gabriola Island and that the public is welcome to attend.

4. TRUSTEES' REPORT

Trustee Busheikin stated that she is excited to begin serving as a Trustee, thanked the community and acknowledged the group of candidates who also ran in the election. She reported that she attended Trustee and Northern Team orientations and the first Islands Trust Council meeting. She stated that she also attended the inaugural meeting of the Comox Valley Regional District and a workshop on government transparency and fair decision-making. She added that she met with the Denman Island Marine Stewardship Committee and attended meetings of the Denman Island Residents Association, Denman Island Residents Association Parks Committee and the Denman Island Community School.

Trustee Graham reported that he attended his third Islands Trust orientation meeting and the first Islands Trust Council meeting of the term. He stated that he is looking forward to this term and to working with new Trustee Busheikin.

5. MINUTES

5.1 Local Trust Committee Meeting Minutes of October 25, 2011

The minutes were adopted by consensus with the following amendment:

- Move agenda item 7 from after item 10 to after item 6

5.2 Local Trust Committee Public Hearing Record of October 25, 2011

The Local Trust Committee Public Hearing Record of October 25, 2011 was received.

5.3 Local Trust Committee Special Meeting Minutes of November 2, 2011

The Local Trust Committee Special Meeting Minutes of November 2, 2011 were adopted by consensus.

5.4 Section 26 Resolutions Without Meeting Log dated January 9, 2012

Chair Luckham summarized the report.

5.5 Denman Island Advisory Planning Commission Minutes

There were no Advisory Planning Commission minutes.

5.6 Denman Island Transportation Advisory Planning Commission Minutes

There were no Transportation Advisory Planning Commission minutes.

5.7 Denman Agriculture Plan Steering Committee Minutes dated December 6, 2011

The Trustees extended their thanks to Danni Crenna for her excellent and informative minutes.

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated January 12, 2012

The Local Trust Committee reviewed the Follow-up Action List dated January 12, 2012.

Regional Planning Manager Jackson and Planner Simpson responded to questions from the trustees and provided update information.

It was agreed that item No. 1 pertaining to tracking covenant registration should be removed from the Follow-up Action List as it is being dealt with by the Regional Planning Manager.

6.2 *Email dated December 20, 2011 from Scott Whamond of Parks Canada regarding Additional Nominations for Chrome Island Lighthouse*

Planner Simpson reported that it appears from her correspondence with Parks Canada that an additional petition is would not add value to the current petition for the protection of Chrome Island lighthouse.

Discussion followed and it was determined that it might be appropriate to encourage the Denman Island Residents Association Parks Committee's involvement. Trustee Busheikin stated that she will forward a link to the Heritage Lighthouse Program website to them with some introductory remarks.

7. APPLICATIONS AND PERMITS

7.1 *DE-RZ-2011.1 (Denman Community Land Trust Association – 2016 Northwest Road) - Staff Report dated January 3, 2012*

Planner Simpson presented the staff report noting a correction to the requested affordable housing lot size which will be verified by a survey, and provided an updated recommended definition of affordable housing received from the Denman Community Land Trust Association subsequent to the staff report. She added that in addition to the community information meetings listed in the staff report, the proposal had also been referred to the Advisory Planning Commission in November who recommended in favour of moving forward with the rezoning.

David Critchley, on behalf of the Denman Community Land Trust Association, stated that even though it would not add additional cost, the group considers the recommended application to the Agricultural Land Commission to extend the boundary of the Agricultural Land Reserve boundary to be unnecessary and time consuming and he provided rationale for that position. He confirmed that the next step is drafting of the housing agreement which the Denman Community Land Trust Association is happy to do. He spoke to the reasons for drafting the new affordable housing definition and for changing the income cutoff for eligibility for the housing.

Discussion followed regarding annual review and enforcement of the housing agreement and regulation of the number of occupants. The need for addition of a definition of affordable housing in the Land Use Bylaw was discussed along with the advantages and difficulties of specifics versus generic terminology in the definition. The roles of the housing agreement and Land Use Bylaw were discussed.

The recommendation to request that the applicant make an application to the Agricultural Land Commission to include the gap in the boundary between the

ADOPTED

Agricultural Land Reserve and the proposed new lot in the Agricultural Land Reserve was discussed. Planner Simpson confirmed that there would be no cost to the applicant for application for inclusion in the Agricultural Land Reserve nor would it delay the project by going with that approach.

DE-001-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to request the applicant to make an inclusion application to the Agricultural Land Commission to extend the boundary of the Agriculture Land Reserve to meet the proposed new lot line for the affordable housing lot.

CARRIED

DE-002-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to amend the draft definition of dwelling unit affordable housing to remove specific low income requirements.

CARRIED

DE-003-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee direct staff to refer DE-RZ-2011.1 (Denman Community Land Trust Association) to the K'omoks First Nation for referral.

DE-004-2012

It was **MOVED** and **SECONDED** to amend resolution DE-003-2012 to remove "the K'omoks" before "First Nation and change "Nation" to "Nations".

CARRIED

The question on the following main motion, as amended, was then called:

DE-003-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee direct staff to refer DE-RZ-2011.1 (Denman Community Land Trust Association) to First Nations for referral.

CARRIED

7.2 *DE-ALR-2011.2 (Fraser, Margaret and Stirling – 1721 Scott Road)
Staff Report dated December 13, 2011*

Planner Simpson presented the report with a summary of the issues for consideration, concluding in a recommendation to not forward the application to subdivide to the Agricultural Land Commission.

Stirling Fraser, the applicant, in favour of forwarding the application to the Agricultural Land Commission, stated that he appreciates the effort staff took in preparation of the staff report however takes issue with the outcome.

There was a discussion about various positive aspects of this application, including: no change in density, a large piece of land remaining, ability to attract equity improved, no need for additional farm and worker housing, and that the proposal illustrates succession planning that has been identified as an important issue on Denman Island.

Chair Luckham noted that the Local Trust Committee is deciding whether to refer the application to the Agricultural Land Commission which will make a decision based on the merits of the proposal. Continuation of discussion on this proposal was deferred to after agenda item 9.0.

8. DELEGATIONS

8.1 Pat McLaughlin for Denman Island Marine Stewardship

Pat McLaughlin spoke on behalf of the Denman Island Marine Stewardship Committee about continuing concerns regarding the degradation of the marine environment around Denman Island. She urged the Denman Island Local Trust Committee to not approve any further expansion should there be an application.

She presented a request that the Local Trust Committee advocate that:

- Baynes Sound be designated a Marine Protected Area with no further expansion of the industry in Baynes Sound
- The Local Trust Committee communicate with Fisheries and Oceans Canada and British Columbia Shellfish Growers Association the immediate need to remove the netting used on the shellfish tenures
- There be a total ban of driving vehicles on the beach
- There be an end to beach modification
- The Local Trust Committee communicate with Fisheries and Oceans Canada and British Columbia Shellfish Growers Association the need to devise better methods of securing their equipment so it does not foul the beaches

She also requested a review of the Marine section of the Denman Island Official Community Plan be done to assess if bylaws or development permit areas would facilitate these changes. In response to a question from Trustee Busheikin, she indicated that it would be difficult to prioritize the concerns as they are all important, however, removing netting from the beach and designation as a marine protected area could be considered as top priorities.

9. TOWN HALL DISCUSSION

Margie Gang, Ralph McCuaig and Sara French indicated that they wished to speak to agenda item 10.6 and it was determined that this discussion would occur at that point in the agenda.

Henning Nielson extended his welcome to the new Local Trust Committee. He expressed his hope that there can be a revisitation of an affordable housing pilot project proposal that he discussed two or three years ago consisting of large residential properties with secondary dwellings specifically for affordable housing. He suggested the value of looking at alternative land use planning to support development

of affordable housing in concert with market housing and affordable rentals in an appropriate location and offered his assistance.

Marion Cobb suggested that it would be better if Town Hall discussions were scheduled later in the agenda or perhaps one-half at the top and another at the end.

Chair Luckham advised that there is a trend to want more inclusion of public input and to provide more opportunity for listening to views, hearing oppositions and working together. He suggested that the Local Trustees think about content and structure of Local Trust business meeting agendas. He questioned Regional Planning Manager Jackson as to the current Town Hall discussion practices around the Islands Trust area.

Regional Planning Manager Jackson responded that there is no standard practice and the decision is up to each individual Local Trust Committee. He suggested that this could be discussed at Regional Team Meetings at Islands Trust Council, however he noted that the current trend is to have one Town Hall Discussion opportunity at the beginning and one at the end of the agenda.

Sara French stated that she thinks the Town Hall discussions should be in the middle and end of the agenda.

Henning Nielson stated that he agreed that the Town Hall discussions should be in the middle and end of the agenda.

Margie Gang asked for clarification on the affordable housing proposal for Denman Community Land Trust Association. Planner Simpson and members of the Local Trust Committee provided responses.

Marion Cobb stated that she felt that affordable housing was not defined clearly enough at the last meeting and that she finds the rules about only a particular person being allowed to live there objectionable and unfair.

Chair Luckham advised that there will be opportunity for the community to respond in a public meeting.

Chair Luckham recessed the meeting at 12:30 pm and reconvened the meeting at 12:45 pm.

7. APPLICATIONS AND PERMITS - CONTINUED

7.2 *DE-ALR-2011.2 (Fraser, Margaret and Stirling – 1721 Scott Road)
Staff Report dated December 13, 2011 - Continued from earlier in the agenda*

DE-005-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee forward DE-ALR-2011.2 to the Agricultural Land Commission with the following comments: "This subdivision will clarify the historical use of this land. It has been used for over 30 years as if it was subdivided. The larger parcel created is of a size which is suitable for the agricultural practices contemplated as appropriate for Denman Island by the ongoing work of the Denman Island Agriculture Plan Steering Committee. It unencumbers both

parcels from the current financial restraints which have inhibited agricultural activities to date.”

CARRIED

10. CORRESPONDENCE

- 10.1 *Letter dated October 31, 2011 to Harlene Holm from Peter Luckham, Chair Denman Island Local Trust Committee regarding resignation from the Agricultural Plan Steering Committee*

The Local Trust Committee received the letter.

- 10.2 *Letter dated November 15, 2011 from Pat McLaughlin, Denman Island Marine Stewardship Committee regarding Pentlach Seafoods Ltd. application*

The Local Trust Committee received the letter.

- 10.3 *Letter dated November 29, 2011 to The Honourable Terry Lake, Minister of the Environment, Government of BC from Louise Bell, Trustee regarding government response to public comments on the draft Application Information Requirements for the proposed Raven Underground Coal Mine Project*

The Local Trust Committee received the letter.

- 10.4 *Letter dated November 29, 2011 to The Honourable Peter Kent, Minister of the Environment, Government of Canada from Louise Bell, Trustee regarding government response to public comments on the draft Application Information Requirements for the proposed Raven Underground Coal Mine Project*

The Local Trust Committee received the letter.

- 10.5 *Letter dated December 5, 2011 to Commissioner Gordon Macatee, BC Ferry Commission from Louise Bell, Trustee regarding the Review of the Coastal Ferry Act*

The Local Trust Committee received the letter.

- 10.6 *Email dated December 16, 2011 from Simon Palmer of Denman WORKS! Regarding Bylaw Amendment Request for Denman Island Land Use Bylaw No. 186*

The Local Trust Committee reviewed the email and there was discussion regarding the need to identify specific concerns and disparity between operations and regulations in guest accommodation operations on Denman Island in a manner that is non-threatening to those involved.

Sara French suggested creating a box for anonymous comments.

Ralph McCuaig expressed concern that the current bylaws do not reflect the realities of the operations, that the complaint process is very stressful and

bylaw enforcement unfair. He added that the bylaws discourage agriculture and tourism which are the biggest economic drivers on Denman Island.

Marion Cobb suggested that informing the public of the rules would be helpful.

Margie Gang spoke to the need to make Denman Island more tourist friendly, increasing the economic possibilities for local residents. She stated that she had circulated a petition and obtained 45 signatures requesting a change in the system to allow cooking in home-based guest facilities. She stated that she would provide a redacted version of the petition to the Local Trust Committee and said that Denman WORKS! is willing to work with the Local Trust Committee to assist in effecting change.

Sara French stated her opinion that stringent bylaws that do not allow cooking facilities are outdated given there is no place to have dinner on Denman Island most of the week. She added that the complaint-based system makes the Islands Trust seem intrusive.

Chair Luckham thanked everyone for their input. He advised that the Local Trust Committee must uphold the Official Community Plan and Land Use Bylaws and changes to those require an entire public process. He suggested this topic be considered as an addition to the Work Program and this option will be explored later in the agenda.

10.7 *Email dated December 23, 2011 from Terry Lake, Minister of the Environment regarding Raven Underground Coal Project*

The Local Trust Committee received the email.

10.8 *Email dated December 29, 2011 from Tomoe Yoshihara regarding Support of Home Wind Turbines*

The Local Trust Committee received the email and Trustee Busheikin offered to respond to the writer.

11. REPORTS

11.1 *Work Program*

11.1.1 *Memorandum dated December 21, 2011*

The Local Trust Committee received the memorandum dated December 21, 2011.

11.1.2 *Term Review and Discussion: Ideas from Louise Bell*

The Local Trust Committee received the Term Review and Discussion: Ideas from Louise Bell dated October 25, 2011.

11.1.3 Top Priorities Report and Projects Report dated January 9, 2012

There was discussion regarding the currently designated three Top Priorities.

DE-006-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to amend No. 3 of the Top Priorities List to include a review of associated Land Use Bylaw regulations and specifically to address the three following actions in the Activity section:

1. Removal of predator netting on the beach
2. Banning driving on the foreshore
3. Ban on beach modifications

CARRIED

Discussion followed on the Projects List to determine possible removal or addition of items.

DE-007-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee remove the following from the Projects List:

- Soil removal and deposit bylaw
- Conservation objectives and policies for OCP part E.3
- Review DPA 2 and 3 including mapping

CARRIED

DE-008-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to add to Regulations governing wind towers, under Activity: Monitor recommendations from Trust Council.

CARRIED

DE-009-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee direct staff to add Housekeeping Projects to the Projects List and add Land Use Bylaw Definition of intensive agriculture; remove “and excluding feedlots.” to the Activity column.

CARRIED

DE-010-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to add to the Projects List the following topic: Review of Housing Policies E.1 with respect to secondary cottages and suites in residential designations.

CARRIED

Trustees Graham and Busheikin noted that they would like more time to consider the Denman WORKS! email, to clarify the problems and prioritize them before proceeding, possibly through a forum organized by Denman WORKS!, Hornby Denman Tourist Services or a similar group.

Ralph McCuaig commented that a Denman WORKS! representative had not been able to attend today’s meeting and that other interested people were not willing to

attend. He asked the Local Trust Committee to encourage rather than request more information.

Trustee Busheikin stated that the Local Trust Committee needs to hear community views and clarify the issues in the Denman WORKS! email before being able to determine the next steps.

Chair Luckham suggested that an anonymous survey to determine the most important points to address might be a valuable tool.

Trustee Graham recommended reviewing the existing regulations relating to guest accommodations for everyone's benefit and Trustee Busheikin offered to write an article for publication on this subject.

Marion Cobb asked for clarification of the Local Trust Committee's role in bylaw enforcement as it may impact the desire of operators to discuss the regulations openly.

Trustee Graham responded that the Local Trust Committee is completely independent of bylaw enforcement.

11.2 Applications Log - Report dated January 9, 2012

Planner Simpson reported that there are no additions or corrections to the Applications Log Report dated January 9, 2012 and there was no discussion.

11.3 Trustee and Local Expenses - Expenses posted to December 21, 2011

The Local Trust Committee received the Trustee and Local Expenses Posted to December 21, 2011 report.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Agriculture Plan - Staff Report dated December 21, 2011

Planner Simpson presented the Staff Report dated December 21, 2011. Discussion followed on consideration of Local Trustee appointment to the Agriculture Plan Steering Committee. Trustee Graham stated that he would like to stay on in this role.

13. NEW BUSINESS

*13.1 Affordable and Special Needs Housing Documents
Memorandum dated August 8, 2011 regarding Housing Agreements on Salt
Spring Island and the Islands Trust Application Guide for Affordable and
Special Needs Housing*

The Local Trust Committee received the memorandum

13.2 *Advisory Planning Commission and Transportation Advisory Planning Commission Appointments for 2012 - Memorandum dated January 24, 2012*

The Local Trust Committee did not find it necessary to reappoint members to the Transportation Advisory Planning Commission at this time.

Trustee Graham suggested the addition of a Marine Advisory Planning Commission.

DE-011-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to create a Marine Advisory Commission.

CARRIED

DE-012-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to advertise for the four positions of the Advisory Planning Commission and for six members of the newly formed Marine Advisory Commission.

CARRIED

DE-013-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to write thank you letters to the standing members of the Transportation Advisory Planning Commission, thanking them for their many years of hard work and community involvement.

CARRIED

13.3 *Planner On-Island Office Hours - Memorandum dated January 24, 2012*

Planner Simpson presented the memorandum, reporting that use of these hours by the community has been less than anticipated and she presented options to change the schedule for consideration.

Discussion followed and it was the consensus to change the Planner On-Island Office Hours to a quarterly schedule, supplemented in the off months by Trustee Hours. It was considered to be an important demonstration of availability to the community and regular advertising of the hours as well as monitoring of actual usage was recommended.

13.4 *Proposed Local Trust Committee Meeting Schedule 2012*

The Local Trust Committee reviewed the Proposed Local Trust Committee Meeting Schedule for 2012.

DE-014-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee approve the meeting schedule as follows:

Tuesday, February 28, 2012
Tuesday, April 3, 2012
Tuesday, May 1, 2012
Tuesday, June 5, 2012
Tuesday, July 17, 2012
Tuesday, September 25, 2012
Tuesday, October 2, 2012
Tuesday, November 6, 2012
Tuesday, December 11, 2012

CARRIED

Trustee Graham stated that he would like a change of venue for the meetings to be considered, giving the lack of handicapped access in the present location as the primary reason and also to give more visibility for community participation. Discussion followed and it was the consensus that an alternative location will be researched and if arranged, the venue may be changed beginning with the March meeting.

Trustee Graham reported that he has received information suggesting that the rental rate the Islands Trust pays for rental of their room in the Marcus Isbister Old School Centre may be unrealistically low and an increase in the rental rate based on market rental rates might be considered. He indicated that he will follow up and report back at a future time.

13.5 *Local Trustee Involvement on Denman Island Committees*

The involvement of a Ferry Advisory Committee member from the Local Trust Committee was discussed and it was determined that it is important to continue this role. Trustee Busheikin stated she would be willing to fill this position. Trustee Graham stated that he will contact the Ferry Advisory Committee to advise them of Trustee Busheikin's involvement.

13.6 *Local Government Consultation on Integrated Management of Aquaculture Planning by Fisheries and Oceans Canada*

The Local Trust Committee was advised that David Graham was appointed to represent the Executive Committee when the Integrated Management of Aquaculture Planning by Fisheries and Oceans Canada group meets again.

14. BYLAWS

There were no Bylaws for discussion.

15. ADVISORY PLANNING COMMISSION AND TRANSPORTATION ADVISORY PLANNING COMMISSION REFERRALS

There were no Advisory Planning Commission or Transportation Advisory Planning Commission referrals.

16. ISLANDS TRUST WEBSITE

16.1 Denman Page

The following change was requested to the website:

- Add to the Latest News Heading: “New Marine Advisory Commission – Call for Expressions of Interest”

17. NEXT MEETING DATE

The next meeting of the Denman Island Local Trust Committee will take place on Tuesday, February 28, 2012 at 10:30 am at the Marcus Isbister Old School Centre, 5901 Denman Road, Denman Island, British Columbia.

18. ADJOURNMENT

The Chair adjourned the meeting at 3:08 pm.

Chair

Minute Taker