

**MINUTES OF THE DENMAN ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 10:30 AM, FEBRUARY 28, 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
 Vicky Bockman Recorder

There were three (3) 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 with the following amendments:

- Add item 9.1: Memorandum dated February 20, 2012 regarding DE-SUB-2011.1 Cost Recovery Agreement
- Add item 15.1: Denman WORKS! Meeting Process
- Add item 15.2: Strategic Plan – Marine Advocacy
- Add item 16.2: Bylaw Enforcement Notification Bylaw
- Add a second Town Hall Discussion after item 17 and renumber subsequent items
- Add item 19.2: Denman Island Local Trust Committee Business Meeting Schedule

3. CHAIR'S REPORT

Chair Luckham reported that the Islands Trust Executive Committee, the Islands Trust Financial Planning Committee and others are preparing the upcoming budget for submission in March at the Islands Trust Council meeting on Gabriola Island. He stated that he anticipates that there will be a very low tax increase resulting from this budget, perhaps as low as less than one percent.

He stated that Islands Trust is currently examining an opportunity to accept a grant from the Gas Tax Fund (Union of British Columbia Municipalities Agreement on the Transfer of Federal Gas Tax Revenues) to review the Islands Trust Policy Statement. He expressed his view that this would present a chance to engage discussion with communities about the values that Islands Trust holds.

Chair Luckham reported that this term he is a member of the Islands Trust Fund Board, and that work is continuing there on matters relating to conservation. He advised that he and Planner Simpson are members of the First Nations Task Force, a forum that will be looking at ways to effectively work with First Nations on land use issues.

4. TRUSTEES' REPORT

Trustee Busheikin reported that she attended her first Islands Trust Programs Committee meeting and found it to be an interesting discussion. She stated that she also attended a Denman Agriculture Plan Steering Committee meeting and reported that the consultant is planning to present a draft of the Farm Plan at their next meeting.

Trustee Graham reported that he is excited about his new role as a Vice-Chair of the Islands Trust Executive Committee. He stated that he attended a seminar at The Local Government Leadership Academy in Parksville and that he also attended a Denman Island Residents Association Parks Committee meeting, commenting that he always finds updates on their activities to be interesting.

Trustee Graham advised that he attended an Islands Trust Financial Planning Committee meeting where the budget and the subject of an Islands Trust Policy Statement review were discussed. He concluded by commenting that he is looking forward to the Islands Trust Council budget meeting.

5. MINUTES

5.1 Local Trust Committee Meeting Minutes of January 24, 2012

The minutes were adopted by consensus with the following amendments:

- Page 3, item 7.1, first paragraph, last sentence: remove the extra period
- Page 6, item 9, second paragraph, last sentence: change the text from “consort” to “concert”
- Page 3, item 6.1, third paragraph: after “should be removed from the Follow-up Action List” add the text “as it is being dealt with by the Regional Planning Manager.”
- Page 3, item 6.2, first paragraph, second line: delete the text “is not important to” and replace with “would not add value to the current petition for”
- Page 13, item 13.6: replace the text with: “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.”
- Page 6, item 9, fifth paragraph, first line: delete the text “principal” and replace with “practice”

5.2 *Section 26 Resolutions Without Meeting Log dated January 9, 2012*

There were no resolutions without meeting to report.

5.3 *Denman Island Advisory Planning Commission Draft Minutes*

There were no Advisory Planning Commission draft minutes.

5.4 *Denman Agriculture Plan Steering Committee Minutes*

There were no Denman Agriculture Plan Steering Committee minutes.

6. BUSINESS ARISING FROM MINUTES

6.1 *Follow-up Action List dated February 16, 2012*

Planner Simpson provided an update to the Follow-up Action List dated February 16, 2012, stating that file number DE-ALR-2011.2 (Fraser) has been forwarded to the Agricultural Land Commission.

Trustee Graham provided an update regarding the September 12, 2011 item related to scheduling a meeting with the K'omoks First Nation. He advised that the Hornby Island Local Trust Committee has expressed concerns, indicating that they would prefer that the Hornby Island and Denman Island Local Trust Committees hold separate meetings with the K'omoks First Nation. He suggested that both meetings could occur on the same day with the Denman Island meeting following the Hornby Island meeting. Planner Simpson will follow-up on this request.

6.2 *Marine Advisory Planning Commission and Agriculture Plan Steering Committee - Staff Report dated February 2, 2012*

There was discussion regarding the Advisory Planning Commission Bylaw's primary requirement for up to three appointments of members for the various commissions to be appointed in even numbered years and three members in odd numbers years. It was suggested that simplifying the process to merely appoint up to six members in a single year might be preferable as these commissions do not meet regularly.

Trustee Graham recommended incorporating the creation of an Agriculture Advisory Planning Commission into draft Bylaw No. 203 at this time.

There was further discussion regarding the requirement in the Advisory Planning Commission Bylaw that the minutes of each meeting are to be approved by the members at a subsequent meeting, as this can occur at a significantly later date. Various methods of addressing this concern

ADOPTED

were considered, including the possibility of Resolution Without Meeting, and Planner Simpson offered to contact other staff during the break to determine if any of the options discussed were permissible and to report back to the Local Trust Committee later in the meeting.

DE-015-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee amend draft Bylaw 203 to add 1. b) iv) "a Denman Island Agriculture Advisory Planning Commission" to advise the Local Trust Committee on all matters respecting agriculture that are referred to it by the Local Trust Committee.

CARRIED

There was discussion regarding the merits of appointing up to six members for two years versus maintaining the current requirement which requires appointing up to three members in even numbered years and up to three members in odd numbered years. Trustee Graham expressed his opinion that this is an opportunity to simplify the process for commissions that do not meet regularly.

DE-016-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee amend draft Bylaw 203 2. a) ii) to read: The Local Trust Committee may, by resolution, appoint up to six members to serve for up to two years.

DEFEATED

Trustee Graham in favour
Trustee Busheikin Against
Chair Luckham Against

The alternative view was presented with the benefits of staggering the appointments considered. Planner Simpson advised that most bylaws do stagger the appointments; however, in other local governments it is more common not to stagger them.

Trustee Busheikin and Chair Luckham observed the value of continuity of members and the oral history that they can provide as a benefit of staggering the appointments..

Continuation of discussion of draft Bylaw No. 203, section 7. b) regarding the timing of approval of the minutes, and the possibility of approval by a Resolution Without Meeting by the Advisory Policy Commission was deferred to after agenda item 19.2.

DE-017-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee amend draft Bylaw No. 203 by inserting after section 2. c) a new section called Agriculture Advisory Planning Commission with three subsections:

- i) The Agriculture Advisory Planning Commission consists of up to six members.
- ii) The Local Trust Committee may, by resolution, appoint up to three members in even numbered years to serve a two-year term and up to three members in odd numbered years to serve a two-year term.
- iii) If no appointments are made in a calendar year, up to six appointments may be made in a subsequent calendar year provided that no more than three members are appointed for a two-year term and the remainder of appointments are for a one-year term.

CARRIED

DE-018-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee amend draft Bylaw No. 203 to insert into section 2. j) after Marine Advisory Planning Commission the following words: "Agriculture Advisory Planning Commission".

CARRIED

7. CLOSED MEETING

DE-019-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee close the next part of the February 28, 2012 business meeting to discuss matters pursuant to Section 90(1)(a) of the *Community Charter* to consider appointments to the Advisory Planning Commission and the Marine Advisory Planning Commission and that Courtney Simpson, Island Planner and Vicky Bockman, Recorder be invited to attend this meeting.

CARRIED

8. RECALL TO ORDER

Chair Luckham announced that Lindsay Graf, Jessie Edwards and Henning Nielsen have been appointed to the Advisory Policy Commission for a two-year period and Barry Landeen for a one-year term. He reported that the Local Trust Committee would like to consider additional expressions of interest for the Marine Advisory Planning Commission.

DE-020-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee direct staff to seek further expressions of interest for the Marine Advisory Planning Commission.

CARRIED

Chair Luckham suggested that those who submitted expressions of interest for the Advisory Planning Commission and were not appointed may wish to consider submitting expressions of interest to serve on the Marine Advisory Planning Commission. Trustee Graham volunteered to contact those individuals to explore this possibility.

9. APPLICATIONS AND PERMITS

9.1 *Memorandum dated February 20, 2012 regarding DE-SUB-2011.1 Cost Recovery Agreement*

Planner Simpson summarized the Memorandum dated February 20, 2012.

DE-021-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee enter into a Cost Recovery Agreement allowing Islands Trust legal counsel to draft and/or review a statutory right of way and easement as per the requirements of Sections 2.8.14 and 1.2.4 of the Denman Island Land Use Bylaw No. 186, 2008 for the proposed 946 subdivision on the North East ¼ of Section 10, Denman Island, Nanaimo District (PID 006-639-275), application DE-SUB-2011.1 (Hoerburger for Smith).

CARRIED

10. DELEGATIONS

Henning Nielsen provided an informal update on the developments of the future park and designation within the provincial parks and protected areas system. He reported that he has had meetings with officials to determine the status and to attempt to discern the timeline. He advised that while it had been thought that the park would be designated in the 2012 Spring Sitting of the Legislature, several issues have arisen which may delay the designation until the Fall Sitting. He provided details of the issues which involve pending registration of an easement, road closure completion delay and K'omoks First Nation's interest in land status.

He also reported that there is a small change to the addition to the Boyle Point Park, stating that there is a corner of the Bill Mee Park which is owned by the Ministry of Transportation and Infrastructure as a gravel reserve, and that an agreement has been made to set aside this portion as a BC Ministry of Transportation and Infrastructure Aggregate Reserve. He added that it is unlikely

that it would ever be quarried for gravel as it would be economically unfeasible to do so.

11. TOWN HALL DISCUSSION

David Critchley, speaking on behalf of the Denman Community Land Trust Association, advised that the group is proceeding with making 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. He said that this is requiring a survey which has been approved by their Board. He reported that a Housing Agreement has been drafted, reviewed and approved by the Directors and is now awaiting the owner's approval. He stated that once that approval is obtained, the Agreement will be forwarded to Planner Simpson for Islands Trust review.

He also spoke concerning the proposed Raven Underground Coal Mine, suggesting that as the Islands Trust budget is being addressed at Islands Trust Council in March, that there were several approaches that might be considered in an effort to protect Baynes Sound from the potential negative effects of the coal mine. He proposed that these strategies might include:

- engaging the Islands Trust's legal council to advise what legal powers are available and how they might be exercised to protect the marine environment of Baynes Sound
- hiring an independent expert to address the hydrology and the potential for mine pollution
- investigating the extension of the Island Trust's jurisdiction on the Buckley Bay side of Baynes Sound
- designating a new Development Permit Area to enhance the legal position
- obtaining background sampling now to provide a baseline and information in the case of future litigation

Chair Luckham thanked David Critchley for his input and explained the budget process timeline. He advised that legal opinion regarding water zone jurisdiction has been obtained recently and the issue is being considered.

Trustee Graham added that the Raven Underground Coal mine project is being required to perform baseline measuring and this is being done, although it may not be as in depth as some would prefer.

Henning Nielsen stated that he would like to hear more about the vacation rental issue as referenced in the recent Flagstone Trustee Notebook article. He asked if this is an indication of possible change in visitor accommodation regulations as he considered that such a discussion could help make a more sustainable community.

Chair Luckham responded that the goal is to have an open discussion about this subject and while an Official Community Plan review was recently conducted and

this issue was not a concern at that time, it appears that a discussion is now warranted. He expressed his hope that the article will draw people into the discussion.

12. CORRESPONDENCE

- 12.1 *Letter dated January 20, 2012 to Andrew Thomson, Regional Director of Department of Fisheries and Oceans from Denman Island Marine Stewardship Committee regarding Hazards to Fish and Wildlife Created by Anti-Predator Netting on the Foreshore of Baynes Sound*

The Local Trust Committee received the letter.

Trustee Graham stated that he has been copied on 13 emails, all of which chronicle documented, legitimate situations where anti-predator netting has not being property secured. He stated that he is interested in the response that the Department of Fisheries and Oceans may provide to this correspondence.

- 12.2 *Letter dated January 23, 2012 from The Honourable Peter Kent, Minister of the Environment to Louise Bell, Vice-Chair of the Islands Trust Council and Local Trustee for Denman Island regarding the Proposed Raven Underground Coal Mine Project*

The Local Trust Committee received the letter. Trustee Graham reported that he has attempted to ascertain the current status of the process; however, responses have not yet been received to his inquiries.

- 12.3 *Email dated January 25, 2012 from Ashlea Jones Smith regarding Resignation from Denman Farm Plan Group*

The Local Trust Committee received the email.

Trustee Graham indicated that he will send a thank-you letter to Ashlea Jones Smith for her participation.

13. REPORTS

- 13.1 *Work Program
Top Priorities Report and Projects Report dated February 16, 2012*

Planner Simpson provided updates to the Top Priorities Report and Projects Report dated February 16, 2012 as requested.

It was pointed out that maximum square footage can be an effective way of minimizing greenhouse gas emissions and encouraging a light ecological footprint.

Trustee Graham stated that he has concerns with the Project: Regulation limiting the gross floor area of a dwelling. He suggested that education and possible other approaches might be a more effective means to produce change in this area.

Chair Luckham recessed the meeting at 12:20 pm and reconvened the meeting at 12:35 pm.

13.2 Applications Log
Report dated February 16, 2012

Planner Simpson provided updates to the Applications Log and responded to inquiries from the Trustees.

13.3 Trustee and Local Expenses
Expenses posted to January 23, 2012

The Local Trust Committee received the Trustee and Local Expenses Posted to January 23, 2012 report.

It was requested that expense updates be provided to the Trustees as PDF files rather than embedded within the body of emails. Planner Simpson responded that she will discuss this with office staff.

The economic impact of moving the venue for the Local Trust Committee business meetings was discussed and it was determined that changes to the expense allocations, if necessary, can be made when the new budget is received.

14. LOCAL TRUST COMMITTEE PROJECTS

There were no Local Trust Committee Projects.

15. NEW BUSINESS

15.1 Denman WORKS! Meeting Process

Trustee Graham indicated that there is a need to establish a way for visitor accommodation operators to meet with the Local Trust Committee in order to determine the scale of the issue with assurances that bylaw enforcement action will not be triggered. He offered suggestions as to how that could be accomplished.

Chair Luckham advised that any meetings need to be in a public forum and acknowledged the difficulties caused by fear of bylaw enforcement.

He agreed that it is necessary to determine if this is an issue that a majority of operators want to discuss.

The consensus was that this discussion can be carried forward at the April Local Trust Committee business meeting as a representative from Denman WORKS! as well as the Bylaw Enforcement Coordinator will be in attendance at that meeting.

15.2 Strategic Plan – Marine Advocacy

There was discussion regarding the desire to hold a meeting with Department of Fisheries and Oceans and other groups to discuss issues of concern. The timing and participants to include in such a meeting were considered.

DE-022-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee instruct staff to write a letter to Department of Fisheries and Oceans and Integrated Land Management Bureau inviting them to attend a Local Trust Committee meeting as a Delegation to talk about aquaculture in Baynes Sound.

CARRIED

There was discussion regarding the possibility of presenting a resolution at Islands Trust Council requesting the advocacy of sustainability of marine aquaculture. It was determined that such a resolution would be appropriate and might benefit the entire Islands Trust area even as aspects of the aquaculture industry can vary.

DE-023-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request Trust Council to add to the Advocacy Program of the Strategic Plan “advance sustainability of marine aquaculture practices in the Islands Trust Area”.

CARRIED

Planner Simpson indicated that she will forward this resolution to staff to ensure that it is forwarded to the proper Islands Trust Committees.

16. BYLAWS

16.1 *Denman Island Local Trust Committee Proposed Bylaw No. 202 cited as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2011”.*

DE-024-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee adopt Bylaw No. 202 cited as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 2, 2011”.

CARRIED

Trustee Graham commented that this bylaw has been given a great degree of consideration, does not hamper farmers who have seasonably flooded fields from using those fields for agriculture and, in fact, makes it easier by not requiring a development permit process for those activities.

16.2 Bylaw Enforcement Notification Bylaw

Trustee Graham reported that Bylaw Enforcement Coordinator Drew has expressed concern with the inability to use the new adjudication process for infractions other than unlawful housing and has indicated that he would like to address the community, explain the proposed Bylaw and have the Bylaw advance with a provision included that it is not to be used for enforcement of unlawful housing until such time as community housing issues have been addressed.

DE-025-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request the Bylaw Enforcement Coordinator to draft a report which would present an enforcement policy and work with staff to schedule a Community Information Meeting to explain the proposed Bylaw Enforcement Notification Bylaw.

CARRIED

Discussion followed on possible dates in March for the proposed Community Information Meeting and the format for that meeting.

17. ISLANDS TRUST WEBSITE

17.1 Denman Page

The following changes were requested to the website:

- Latest News - remove the existing February, 2012 information
- Latest News – add: “The Denman Island Local Trust Committee is requesting expressions of interest from individuals for up to six positions on a new Marine Advisory Planning Commission
- Remove the Seasonally Flooded Agricultural Fields heading and Staff Reports

18. TOWN HALL DISCUSSION

Henning Nielsen provided the background and history of the Denman WORKS! organisation, stating that he understands that they are in the process of forming as a Society, administering tax funds for economic development and enhancement. He commented that responding to and moving forward a community-driven issue of economic significance is within their strategic plan.

He expressed his opinion that the level of fear of bylaw enforcement that exists in the visitor accommodation sector erodes confidence in the Islands Trust.

Trustee Graham responded that the issues of visitor accommodation and bylaw enforcement are recognized, a discussion will be held, and that bylaw enforcement is evolving.

Henning Nielsen asked if the Trust Council will be making a decision regarding the Trust Policy Statement Review.

Chair Luckham responded that the Islands Trust is currently considering the acceptance of a grant to review the Trust Policy Statement. He noted that alternatively, there may be an option to delay the decision until June. He advised that there is currently an opportunity for individuals to submit their opinions on how the issue should proceed.

19. NEXT MEETING DATE

19.1 Next Meeting Date

The next meeting of the Denman Island Local Trust Committee will take place on Tuesday, April 3, 2012 at 10:30 am at The Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

19.2 Denman Island Local Trust Committee Business Meeting Schedule

Trustee Busheikin expressed concern that with the cancellation of the September 25, 2012 meeting, there may be too long of an interval between meetings. Discussion ensued and there was consensus that a summer community meeting could be held if desired, and that a decision can be made closer to September to schedule an additional business meeting if necessary.

6. BUSINESS ARISING FROM MINUTES (Continued)

*6.2 Marine Advisory Planning Commission and Agriculture Plan Steering Committee
Staff Report dated February 2, 2012 (Continued)*

Planner Simpson reported that her research had revealed that an Advisory Planning Commission cannot use a Resolution Without Meeting to approve minutes in a more expedient manner. She concluded that there is no way to approve minutes other than at a subsequent meeting and advised that draft minutes are routinely made available as a working document until they can be approved.

ADOPTED

DE-026-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give first reading to draft Bylaw No. 203 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012” as amended.

CARRIED

DE-027-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give second reading to proposed Bylaw No. 203 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012”.

CARRIED

DE-028-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee give third reading to proposed Bylaw No. 203 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012”.

CARRIED

DE-029-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee refer proposed Bylaw No. 203 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012” to the Executive Committee.

CARRIED

20. ADJOURNMENT

Chair Luckham adjourned the meeting at 2:26 pm.

Recorder

Chair