

Islands Trust Policy Statement as needed will be considered utilizing existing resources.

4. TRUSTEES' REPORT

Trustee Busheikin had no report, however stated that she was pleased to see the large attendance at this meeting and encouraged the continuation of expanded community involvement.

Trustee Graham reported that he was pleased with the 2012/2013 Islands Trust budget and was in support of the Islands Trust's decision to decline the grant to review the Islands Trust Policy Statement at this time. He noted that amendments to the Islands Trust Policy Statement are likely to be considered in the future.

Trustee Graham stated that he attended the first Trustee Office Day and explained that this opportunity for the public to meet with a Local Trustee will continue to be held every two weeks at the Marcus Isbister Old School. He advised that the Trustees will alternate their attendance and that the Trustee Office Day will be advertised in the Grapevine calendar for reference.

Trustee Graham commented that the recent Community Information Meeting on the subject of the Bylaw Enforcement Notification Bylaw was constructive and well attended. He advised that he attended the Agriculture Plan Steering Committee meeting on March 26, 2012 where the first draft of the Denman Farm Plan was presented. He encouraged the public to attend the next meeting when a fine-tuned version of the Farm Plan is scheduled to be presented and discussed.

5. MINUTES

5.1 Local Trust Committee Meeting Minutes of February 28, 2012

The minutes were adopted by consensus with the following amendments:

- Page 1, item 3, second paragraph, second line: delete "Canada-British Columbia"
- Page 4, fourth paragraph ("There was discussion..."): move the paragraph and insert it prior to DE-016-2012
- Page 9, item 13.1: add the following new paragraph after the first paragraph: "It was pointed out that maximum square footage can be an effective way of minimizing greenhouse gas emissions and encouraging a light ecological footprint."
- Page 10, item 15.2, last paragraph, second line: change "forward" to "forwarded"

5.2 Section 26 Resolutions Without Meeting Log dated March 21, 2012

Planner Simpson summarized the Resolutions Without Meeting Log dated March 21, 2012.

5.3 *Local Trust Committee Special Meeting Minutes for Community Information Meeting on the Bylaw Enforcement Notification Bylaw of March 14, 2012*

The minutes were received for information with the following amendments:

- Page 1, first sentence: change “twenty-seven (27)” to “forty (40)”
- Page 2, item 5, fifth paragraph, second line: delete “enforcement”

It was acknowledged that this was a well-attended meeting and that the many viewpoints will be taken into consideration as this topic moves forward.

5.4 *Denman Island Advisory Planning Commission Draft Minutes*

There were no Advisory Planning Commission draft minutes.

5.5 *Denman Agriculture Plan Steering Committee Minutes*

The Denman Agriculture Plan Steering Committee minutes from the February 14, 2012 meeting were received.

Trustee Busheikin expressed her disappointment that she missed the meeting, stating that she did not receive the information regarding the change of meeting date. Planner Simpson will follow-up to ensure that the communication lists are complete.

6. BUSINESS ARISING FROM MINUTES

6.1 *Follow-up Action List dated March 21, 2012*

Planner Simpson provided updates to the report. A question was raised regarding the status of the February 28, 2012 item regarding a letter to Department of Fisheries and Oceans and Integrated Land Management Bureau as trustees did not think they had received a copy of it. Planner Simpson responded that she will look into this and report back.

6.2 *Bylaw Enforcement Notification Bylaw Community Information Meeting Follow Up*

Trustee Graham presented a summary of the recently held Bylaw Enforcement Notification Bylaw Community Information Meeting, observing that based on input from this and other meetings on the topic, the community appears to be opposed to ticketing in general and is concerned with the possibility of unfounded complaints being registered by disgruntled neighbours. He proposed that the Local Trust Committee

proceed no further with proposed Bylaw No. 201 and that it be removed from the bylaws under consideration. He suggested that addressing the proposed bylaw prior to holding community discussions about the regulations is premature. He concluded that bylaw enforcement is not a crisis on Denman Island and that a system of bylaw enforcement does currently exist even if proposed Bylaw No. 201 is withdrawn.

Trustee Busheikin considered the current plan to proceed no further with the proposed bylaw until after a review of housing policies to be a preferable option, suggesting that community discussions could lead to changes allowing the advancement of the proposed bylaw. She advocated for maintaining the status quo on this issue and recommended more community discussion about bylaw enforcement in general and streamlining of the bylaw enforcement system.

Chair Luckham noted that the Islands Trust has received criticism for not enforcing bylaws; the Bylaw Dispute Adjudication System allows enforcement to be conducted on minor infractions and has been supported in some communities. He observed that the discussion appears to be broadening from concerns about housing issues to include concerns about ticketing. He noted that one option is that consideration might be given to creating a resolution to not enforce particular housing problems rather than putting the entire enforcement issue on hold while considering changing existing bylaws. He commented that he would be interested in learning what the Bylaw Enforcement Coordinator may offer regarding alternatives.

Bylaw Enforcement Coordinator Drew recommended that the Local Trust Committee identify issues that they want to review, consider placing the issues on the Work Program, and ask him to come forward with an enforcement policy recommendation specifically structured for those issues. He cautioned that stopping the proposed Bylaw Enforcement Notification Bylaw, without specific instructions not to enforce a particular regulation, will not stop enforcement of housing infractions or enforcement on other minor issues.

Discussion followed on staff workload, the projects list and process that could be involved in various scenarios relating to bylaw enforcement issues. It was determined that the subject of the proposed Bylaw Enforcement Notification Bylaw can be discussed further later in this agenda or on a future agenda.

7. APPLICATIONS AND PERMITS

7.1 *DE-ALR-2011.3 (Holden, Jacobs & Aronson – 3333 North Central Rd.) Staff Report Dated March 15, 2012*

Planner Eggen summarized the Memorandum dated March 15, 2012 and reported that subsequent to this report the applicants have advised that they have additional information that may have a bearing on the

application. The option was given to the applicants to either speak today to the application or provide new information in a written form for consideration at a later date.

Chair Luckham clarified that the role of the Local Trust Committee is to determine whether or not to refer the application to the Agricultural Land Commission where the decision will be made. He advised that the inclusion of more information, including a Farm Plan, would assist in the process and encouraged that approach.

The applicants responded that they would like to defer the consideration of this application to allow time to provide more information and asked for information regarding preparation of a Farm Plan. In response it was suggested that staff might assist in providing such information.

The Trustees agreed by consensus that a decision on the application be deferred until the supplemental information is provided.

DE-030-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee direct staff to bring forward a revised staff report on DE-ALR-2011.3 (Holden, Jacobs & Aronson – 3333 North Central Road) incorporating new information from the applicants.

CARRIED

Planner Simpson clarified that because the Local Trust Committee has not seen the new information, the outcome of a decision whether or not to refer the application to the Agricultural Land Commission cannot be guaranteed. Similarly, it was advised that the Local Trust Committee cannot guarantee the outcome of the Agricultural Land Commission's decision in this matter.

8. DELEGATIONS

8.1 Simon Palmer for Denman WORKS! Regarding Visitor-Related Bylaw Amendment Request

Simon Palmer, President of Denman WORKS! Economic Enhancement Society presented an overview of the elements leading to the examination and request for the amendment of Bylaw No. 186. He stated that the issue was originally brought to their attention in September, 2011 by a delegation representing Hornby/Denman Tourist Services Society. He explained that the mandate of the Denman WORKS! Society is to nurture economic activity on the island. He indicated that visitor-related economic activity to house caregivers, facilitate visiting family, augment income and to provide affordable housing is of primary importance for the preservation of a diverse Denman Island community. He urged the Local Trust Committee to act on this request as soon as possible in a manner that reflects present needs and thinking on Denman Island.

ADOPTED

Morley McKeachie, Director of Denman WORKS! read the resolution passed by the Directors of Denman WORKS! in December, 2011 requesting amendments to Bylaw No. 186. He presented arguments for advancing the requested amendments and referenced segments of the Denman Island Official Community Plan including the Vision Statement and Guiding Principles that support the request. He outlined the economic difficulties facing residents of Denman Island and pointed out that permitting more options for guest accommodations would be a source of income with numerous positive implications. He recommended that concerns about water, septic and noise resulting from any possible changes could be addressed at the time of the review of Bylaw No. 186. He concluded by stating that Denman WORKS! supports a review and amendment of the relevant portions of Bylaw No. 186 to further the objectives of the Official Community Plan and the economic well-being of Denman Island.

Trustee Graham noted that hearing from the community on this issue is necessary and commented on the full work plan that the Local Trust Committee has outlined for the term. He recommended a standing resolution be created, protecting guest accommodation operators until the Local Trust Committee has reviewed current relevant regulations.

Trustee Busheikin confirmed that Denman WORKS! has not had consultation with the wider community on guest accommodation issues and acknowledged that this is a necessary step. There was discussion of the Local Trust Committee's Work Program and priorities and it was determined that this potential project, with public consultation, would be a significant process.

Chair Luckham confirmed that the Local Trust Committee has three Top Priorities established which have been identified as important issues to the community. He suggested that it is necessary to consider how the broader community would like the Local Trust Committee to address visitor accommodation issues. He expressed caution that there may be other factors to consider prior to creating a resolution for bylaw enforcement policy.

As an alternative, Trustee Graham suggested that a group could make an application for bylaw amendments and he summarized the costs which would be involved. He clarified that there would be no guarantee of outcome, however explained that it would facilitate the ability of the Local Trust Committee to address the issue.

DE-031-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request there be no action of bylaw enforcement regarding guest accommodation enforcement other than environmental issues until such time that the Local Trust Committee has reviewed current regulations.

DEFEATED
The vote was unanimous

Trustee Graham spoke to the motion, stating that he is concerned with guest accommodation operations being subject to proactive enforcement.

Bylaw Enforcement Coordinator Drew recommended that he bring a draft standing resolution to the next Local Trust Committee meeting for consideration that might be more complete.

The motion and possible alternatives were discussed and it was the consensus that a well-constructed motion drafted by the Bylaw Enforcement Coordinator would be useful.

DE-032-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request Miles Drew, Bylaw Enforcement Coordinator to draft an appropriate standing resolution that would protect guest accommodation practitioners from enforcement bylaw actions until such time as the Denman Island Local Trust Committee has reviewed current regulations, and to bring a report back to the Denman Island Local Trust Committee for consideration.

CARRIED

Morlie McKreachie expressed concern that tourist season is approaching and it is unknown when the Bylaw Enforcement Coordinator will provide the requested report.

Chair Luckham responded that the report will be scheduled for presentation at the next Local Trust Committee meeting. He affirmed that all community concerns need to be respected and that the work will be completed as quickly as possible under these circumstances.

9. TOWN HALL DISCUSSION

Louise Bell – noted that proposed Bylaw No. 201 is not on the Islands Trust website under Administrative Bylaws as it should be. She questioned the purpose of the recent Community Information Meeting as the Trustees had previously indicated that they did not intend to proceed further with the proposed bylaw and the audience attending appeared to be essentially the same as those that attended the Local Trust Committee when proposed Bylaw No. 201 was on the agenda. She noted that Simon Palmer's email (agenda item 10.4) referred to "irrelevant or petty bylaws" and she disagreed with that characterization, stating that the bylaws represent a careful blend of the wishes of the community and Islands Trust. She stated her opinion that the Local Trust Committee Work Program is important and should not be sidelined.

Ralph McCuaig – pointed out that many who stay at the guest accommodation facilities are visitors and relatives of residents, not just tourists.

Julie Geremia – appreciated the time and energy being given by all involved to make this the best community possible and valued hearing both sides of the rationale at today’s meeting. She said that most of the people attending this meeting are successful guest accommodation operators, furthering the economy of Denman Island. She pointed out that the guest accommodation industry has evolved as a valuable service that compliments Denman Island and she is trying to keep positive, however does not like the fear that is generated from the receipt of bylaw enforcement letters.

Karen Ross – stated that she came to this meeting to hear the discussion. She stated that she feels it has been a positive discussion and experience thus far.

Jan Bruce – acknowledged that she is a B&B operator on Denman Island and expressed her support for updating the guest accommodation bylaw regulations. She commented that not permitting a refrigerator and a microwave in guest accommodation in secondary suites makes it difficult for guests to be comfortable. She noted that it is hard for operators to comply with the provincial health requirements for serving meals to guests. She stated that guest accommodations are also utilized by service contractors and workers who must stay on Denman for a length of time and who find the lack of ability to prepare meals a concern. She expressed her opinion that the regulations are not only hurting the B&B operators but also Denman Island.

Dawn Stofer – expressed her support for the work that Simon Palmer and Denman WORKS! have done to bring this issue forward. She noted that it is important to distinguish between residences and empty vacation homes and she emphasized that this is not about empty vacation homes as B&B operators are able to closely monitor conditions.

Riane Dasilva – expressed her comfort with the status quo regarding proposed Bylaw No. 201, knowing that only in extreme circumstances will infractions be enforced.

Margie Gang – pointed out that Hornby/Denman Tourist Services did canvas the wider community regarding amending guest accommodation bylaws by circulating a petition. She reported that 45 signatures were obtained on the petition and that not all were B&B operators. The results indicated that all were in favor of change. She stated that postponing action on this issue perpetuates the fear that already exists and that suggesting a group apply to change the bylaw is too expensive and unreasonable. She asked why proposed Bylaw No. 201 is necessary when Denman Island is not in a bylaw enforcement crisis and noted that the Local Trust Committee gave first, second, and third reading to the proposed bylaw at a meeting with only three people in attendance.

Charles Metke – observed that Denman Island tourism is not being mentioned in either a large Edmonton journal or in the BC Ferry magazine.

Simon Palmer, Denman WORKS! – expressed his hope that the Trustees can see that there is significant interest in changing Bylaw No. 186 and that the request is not unreasonable and would benefit the entire island. He submitted

correspondence from some members of the public who could not attend this meeting.

Chair Luckham recessed the meeting at 12:42 pm and reconvened at 1:00 pm.

10. CORRESPONDENCE

- 10.1 *Letter dated February 10, 2012 from Shelly Jepps of Fisheries and Oceans Canada to Patricia McLaughlin, Denman Island Marine Stewardship Committee Regarding Predator Netting and Herring – Baynes Sound*

The Local Trust Committee reviewed the letter.

- 10.2 *Email dated December 16, 2011 from Simon Palmer of Denman WORKS! Regarding Bylaw Amendment Request for Denman Island Land Use Bylaw No. 186 (This item was 10.6 on January 24, 2012 agenda and was deferred)*

The email was received.

- 10.3 *Letter dated February 23, 2012 to Peter Luckham from BC Shellfish Growers Association regarding the Denman Island Farm Plan*

Planner Simpson provided an update, stating that subsequent to receipt of this letter, she spoke with Roberta Stevenson and informed her that the scope of the Denman Agricultural Plan does not include shellfish aquaculture as the Investment Agriculture Foundation will not fund work in related to aquaculture.

Trustee Graham noted that the Farm Plan does mention aquaculture and identified the specific occurrences. Trustee Busheikin noted that the letter indicates a willingness to work with the Islands Trust and she suggested that a response to the letter in an effort to find ways to work constructively together would be appropriate. Discussion followed on possible responses or invitations to extend.

DE-033-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee ask staff to reply, on the Chair's behalf, to BC Shellfish Growers Association thanking them for their interest in the Denman Island Farm Plan and for speaking with Planner Simpson, and that the Local Trust Committee would look to the future to further develop this conversation.

CARRIED

- 10.4 *Email dated March 15, 2012 from Simon Palmer regarding Bylaw Enforcement*

The email was received.

- 10.5 *Email dated March 20, 2012 from Pat McLaughlin forwarding Information from Ramona de Graff on BC Shore Spawners Alliance regarding Possible Changes to the Fisheries Act and Consequences for the Marine Environment*

Trustee Graham noted that this email was disseminating information through links from special interest groups and he advised that he does not wish to receive information in this manner; that in general he would prefer to receive information from official links.

- 10.6 *Petition re Home-Based Guest Accommodations, September 2011 From Margie Gang*

It was reported that this petition was presented for information in response to an enquiry from a prior Local Trust Committee meeting and that it represented an attempt by Denman WORKS! to determine if the community was supportive of the initiative to amend Bylaw No.186.

- 10.7 *Email from Margie Gang Dated March 28, 2012 Re: Ticketing Bylaw*

The email was received. In response to an enquiry asking if the Local Trust Committee might consider sponsoring an event regarding restorative justice it was the consensus that the Local Trust Committee would be interested in attending such a beneficial event if organized by an interested party other than the Local Trust Committee.

- 10.8 *Email from Edina Johnston Dated March 28, 2012 Re: Labeling Marine Issues*

There was discussion regarding the email and the intent and implications of the words used to identify the issues contained in the Staff Report and Work Program. It was the consensus that the text "impacts of shellfish farming on the marine environment" is an appropriate and not adversarial description of the issues to be examined.

11. REPORTS

- 11.1 *Work Program
Top Priorities Report and Projects Report dated March 21, 2012*

Planner Simpson summarized and updated the Top Priorities list. Trustee Graham requested that the information in the Agriculture Plan Activity column be updated to make it more current.

It was pointed out that resolution DE-010-2012 from the January 24, 2012 Local Trust Committee meeting requested staff to add Review of Housing Policies E. 1 with respect to secondary cottages and suites in residential designations to the Projects List, however it had not been added. Staff was requested to correct the omission.

Trustee Busheikin suggested that preparation to initiate the Affordable Housing Strategy might require time and asked if it would be possible to begin some of the process as time permits, perhaps by involving the Advisory Policy Commission. Discussion followed on the effects to the Planner's workload and the process that may be involved. It was noted that there is an affordable housing report prepared by a task force as well as other relevant reports that have been prepared in the past that might provide value if circulated as a starting point.

Doug Wright commented that Top Priority No. 3 may not be necessary as Fisheries and Oceans Canada did write a letter to all shellfish growers advising them to secure anti-predator netting properly to avoid fines and that this might suggest that they will be implementing new standards.

Chair Luckham cautioned that the implications of this information need to be considered before a determination of removing the third Top Priority from the list can be made and suggested it could be discussed further at a future meeting.

There was discussion about the possibility of staff researching funding for the Affordable Housing Strategy project as time allows without changing any of the Top Priorities.

DE-034-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee direct staff to research funding towards the creation of an Affordable Housing Strategy for Denman Island.

CARRIED

11.2 *Applications Log*
Report dated March 21, 2012

Planner Simpson reported that there were no updates to the Applications Log as presented.

11.3. *Trustee and Local Expenses*

11.3.1 *Trustee and Local Expenses*
Expenses posted to February 23, 2012

The expenses posted to February 23, 2012 were received.

11.3.2 *Email from Linda McClung re: FW: Denman March /12 Expense Report*

The Local Trust Committee discussed budget items for 2012/2013 and expenditure amounts for categories were determined.

DE-035-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to propose the following budget for 2012/2013:

65000 Trustee Expenses	250.00
65200 LTC Meetings	2,500.00
65210 APC Meetings	500.00
65220 Communications	300.00
65230 Special Projects	200.00
65240 Miscellaneous	550.00

CARRIED

12. LOCAL TRUST COMMITTEE PROJECTS

- 12.1 *Review of Policies and Regulations regarding Impacts of Shellfish Farming on Marine Environment
Staff Report dated March 13, 2012*

The Staff Report was deferred to the next Local Trust Committee meeting.

- 12.2 *Riparian Areas Regulation Update*

Planner Simpson provided an update to the Riparian Areas Regulation project, stating that a report for the Morrison Marsh watershed has been received and will be scheduled for presentation at the next Local Trust Committee meeting.

13. NEW BUSINESS

- 13.1 *Memorandum dated February 21, 2012 to Local Trustees from David Marlor, Director of Local Planning Services regarding A Strategic Approach to Islands Trust Communications*

The memorandum was received. Chair Luckham recommended that the communication strategy and guidelines be kept in mind as a tool for reference in various upcoming projects.

14. BYLAWS

- 14.1 *Proposed Bylaw No. 203 cited as the "Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012".*

Planner Simpson reported that Proposed Bylaw No. 203 has been approved by the Executive Committee.

DE-036-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee adopt Proposed Bylaw No. 203 cited as the “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012”.

CARRIED

14.2 *Proposed Bylaws No. 178 and 201*

Trustee Graham requested that Proposed Bylaw No. 178 be removed from the website under Administrative Bylaws heading as the intention is to not proceed any further with this proposed bylaw.

DE-037-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee proceed no further with Proposed Bylaw No. 178 and have it removed from the Denman Island Local Trust Committee web page.

CARRIED

Proposed Bylaw No. 201 was discussed earlier in the agenda.

15. ISLANDS TRUST WEBSITE

15.1 *Denman Page*

The following change was requested to the website:

- Denman Island Farm Plan Section: bring information up to date

16. CLOSED MEETING

DE-038-2012 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 Marine Advisory Planning Commission and for the receipt of advice that is subject to solicitor-client privilege, including communications necessary for the purpose and that Courtney Simpson, Island Planner; Marnie Eggen, Island Planner; Miles Drew, Bylaw Enforcement Coordinator; and Vicky Bockman, Recorder be invited to attend this meeting.

CARRIED

17. RECALL TO ORDER

Chair Luckham announced that Elizabeth Johnston, Edina Johnston and Rob Wiltshire have been appointed to the Marine Advisory Planning Commission for a term of two years and that Shelly McKeachie and Patricia McLaughlin for one-

year terms. Also during the closed session, the Local Trust Committee received legal advice on another matter.

18. NEXT MEETING DATE

The next meeting of the Denman Island Local Trust Committee will take place on Tuesday, May 1, 2012 at 10:30 am at The Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

19. TOWN HALL DISCUSSION – time permitting

There was no Town Hall Discussion conducted at this point in the agenda.

20. ADJOURNMENT

The Chair adjourned the meeting at 2:25 pm.

Recorder

Chair