

**MINUTES OF THE DENMAN ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 10:30 AM ON TUESDAY, OCTOBER 2, 2012
AT THE DENMAN SENIORS HALL
1111 NORTHWEST 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 eight (8) 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 Trustees and staff. He acknowledged that the meeting is being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus with the following amendments:

- Add item 11.3.3 – Expenses Posted to September 30, 2012
- Add item 13.4 – Memorandum dated September 18, 2012 regarding 2013-14 Budget Proposals
- Add item 18 - Closed Meeting and item 18.1 Motion to Close the Meeting
- Add item 19 – Rise and Report and renumber Adjournment to item 20

3. CHAIR'S REPORT

Chair Luckham reported that in September he attended an Executive Committee meeting and the Trust Council meeting on Bowen Island where the Strategic Plan was adopted. He advised that work on the budget review process is now beginning. He reported that he recently attended the Union of British Columbia Municipalities convention held in Victoria.

4. TRUSTEES' REPORT

Trustee Busheikin reported that she also attended the Trust Council meeting. She commented that she attended a Riparian Areas Regulation Northern Working Group meeting, focusing on implementation of the regulations. She reported that since the last meeting she has had many opportunities to participate in dialog with Denman Islanders including during the Trustee Office Hours, the Denman Debates Salon, and in other informal settings.

Trustee Graham reported that at a recent Denman Island Residents Association Parks Committee meeting, he presented Peter Karsten with the official Community Stewardship Award. He advised that he attended the Trust Council meeting and the Denman Agriculture Plan Steering Committee meeting. He commented that the Denman Island Marine Stewardship Committee and volunteers collected a large amount of debris, primarily originating from aquaculture industry, from the Denman shoreline during the Great Canadian Shoreline Cleanup in September and that the efforts received good media attention.

5. MINUTES

5.1 Local Trust Committee Meeting Minutes of July 17, 2012

The minutes were adopted by consensus as presented.

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 dated September 18, 2012

The Denman Agriculture Plan Steering Committee minutes were reviewed. It was requested that the minutes be amended to reflect Trustee Busheikin's attendance at the meeting.

5.5 Denman Island Marine Advisory Planning Commission Minutes – None.

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated September 20, 2012

Planner Simpson provided updates to the Follow-Up Action List dated September 20, 2012 and responded to questions.

There was discussion regarding the June 5, 2012 activity involving potential aquaculture meetings with BC Shellfish Growers Association, Fisheries and Oceans Canada and Integrated Land Management Bureau. Planner Simpson advised that she has been appointed to an advisory group as the Islands Trust representative to liaison with other local, provincial and federal government representatives. She noted that this might be an appropriate venue for furthering the activity. It was requested that Planner Simpson explore the question of consultation regarding regional concerns in the advisory group and report back to the Local Trust Committee.

6.2 *Denman Opposes Coal Request regarding Local Trust Committee Water Jurisdiction*

Planner Simpson provided information on Local Trust Committee marine jurisdiction as requested at a previous meeting. She reported that a recent legal opinion was reviewed and based on that opinion staff does not recommend pursuing changing the limits of the existing water jurisdiction boundaries. She advised that additionally, senior Islands Trust staff did not support the proposition that the Local Trust Committee consider the ability to zone the waters over the seabed and the rationale was provided. It was the consensus that there be no further action on the water jurisdiction issue other than to pursue advocacy opportunities.

7. APPLICATIONS AND PERMITS

7.1 *DE-DVP-2012.1 (Mills – 9850 Greenhill Road) – An Application to Vary the Height Regulations for an Accessory Building
Staff Report dated September 10, 2012*

Planner Simpson summarized the report. The applicant clarified that contrary to the staff report, the new home is not proposed to be built onto the wood carving shop and that the shop has been removed. He presented an overview of the project and application.

There was discussion regarding the ability to maintain the decommissioned building as an accessory building rather than a second residence in the future. It was determined that the language in the development variance permit satisfactorily addresses this concern.

DE-062-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee instruct staff to issue development variance permit DE-DVP-2012.1 (Barbara and John Mills).

CARRIED

7.2 *DE-RZ-2011.1 (Denman Community Land Trust Association)
Staff Report dated September 10, 2012*

Planner Simpson presented the staff report explaining that the purpose of the report was to review the draft housing agreement and updated definition of dwelling unit, affordable housing in the draft amendment to Bylaw No. 204. She advised that a legal review of the draft housing agreement is strongly recommended and that the issue of the applicant's request for cost relief for funding the legal review of the housing agreement remains unresolved.

There was discussion regarding the draft housing agreement and the following points were raised:

ADOPTED

- there was consensus that legal review of the draft housing agreement is necessary;
- the Islands Trust Executive Committee has been asked to explore additional options for funding the legal review;
- the decision regarding possible sponsorship of the cost of legal review of the draft housing agreement will be deferred to a resolution without meeting pending a recommendation by the Executive Committee.

Discussion followed on the process and possible timeline for the application and included the following points:

- it was the desire to proceed as expeditiously as possible, suggesting that the housing agreement bylaw and bylaw to amend the Land Use Bylaw might be brought through the process together and any other time saving options utilized where appropriate to advance the application;
- the impact on staff time and internal costs were considered.

The draft amendment to Bylaw No. 204 was discussed and the following changes were requested:

- in 1. a) fourth line: insert “monthly financed” before “purchase price” and “payment” after “purchase price”;
- add equivalent square footage whenever meters are given to provide consistency;
- in 1. b) 4: clarify “including sale of products produced on site”;
- in 1. c) “A(14)1, second line: add a comma after “Section 2.8.

During discussion of the draft definition of dwelling unit, affordable housing the following issues were raised:

- there was concern expressed by Trustee Busheikin that the definition of dwelling unit, affordable housing was too specific and that the 30% of income rate might not always be appropriate;
- the applicant emphasized that the definition is specific to this project and expressed concern that the definition should not attempt to encompass all future projects which would result in additional community housing meetings and delay the project;
- it was determined that it would be worthwhile to consider alternate definitions that might be used in this and other applications while affirming the intent to not delay the process.

DE-063-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee direct staff to explore variations on the definition of dwelling units, affordable housing as it pertains to DE-RZ-2011.1

CARRIED

8. DELEGATIONS – None.

9. TOWN HALL DISCUSSION

Harlene Holm – noted that it appears that some aspects of the draft Farm Plan would require changes in Denman Island regulations and she requested clarification of the ability of the public to review and provide input to the final draft.

In response the timeline, process and opportunities for public input were summarized.

Liz Johnston – stated that the Denman Island Marine Stewardship Committee is concerned with aspects of the Comox Valley Regional District Aquaculture and Agricultural Policy review. She asked the Local Trust Committee to write to the Comox Valley Regional District and others to assert that the Islands Trust does have jurisdiction and should be included and consulted in these ongoing meetings as a significant stakeholder for Baynes Sound and the marine environment.

Additionally, she asked for an explanation of the vote in opposition to the initiative at Trust Council to create a new strategy for developing mechanisms for proactive enforcement of illegal structures on the foreshore.

Trustee Graham responded that he voted against the measure as the structures are primarily breakwaters and it is his opinion that information and education programs for property holders involved should precede proactive bylaw enforcement.

David Critchley – expressed his objection to the recommendation based on legal opinion regarding the water jurisdiction issue as referenced in agenda item 6.2. He indicated his concern that by taking this stance, the Islands Trust is not being assertive enough in its mandate to preserve and protect against pollution from the Raven Coal Mine, sea cucumber aquaculture, or other pollutants.

In response, Chair Luckham acknowledged the concerns however indicated that the details of the legal opinion were confidential and could not be discussed. He confirmed that the Local Trust Committee is taking staff's advice to not pursue the issue further.

Liz Johnston – advised that the aquaculture industry is currently lobbying in Ottawa to establish a legislative Act and code of practice for their industry. She requested Islands Trust's involvement to represent a balance to the regulations and codes being brought forward by the industry interests and emphasized that timing is important as it is happening now.

Graham Brazier – noted that an essential part of the Denman Opposes Coal presentation at Trust Council was the interpretation that the Islands Trust is required to be active and not passive. He suggested that pollution threats should be anticipated and requested that samples of the seabed be taken to provide baseline information and evidence should there be a polluting event in the future.

10. CORRESPONDENCE

- 10.1 *Two Emails dated July 28, 2012 from Edina Johnston for the Denman Island Marine Stewardship Committee regarding the Comox Valley Regional District Aquaculture Policy Review*

Planner Simpson indicated that Comox Valley Regional District planning staff have been contacted and a draft of the Comox Valley Regional District Aquaculture and Agricultural Policy will be referred to the Local Trust Committee for comment. She advised that the policy is primarily focused on the upland area.

Pat McLaughlin commented on a lack of knowledge in the public and among public officials about what is happening on the foreshore.

Trustee Busheikin expressed concern that receiving a referral for comment may not be an adequate solution given the nature of the pro-industry stance noted in the policy analysis correspondence referred to in agenda item 10.1. She noted that environmental impacts need to be considered before the end of the process. Consideration was given to alternative approaches and it was suggested that it might be effective to ask for the Denman Marine Stewardship Committee to be included in the referrals for the draft Aquaculture and Agricultural Policy.

Liz Johnston advised that the Denman Marine Stewardship Committee has changed its name to the Association for Denman Island Marine Stewards.

DE-064-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee write a letter to the Comox Valley Regional District suggesting that the Association for Denman Island Marine Stewards be included in the referrals for the Aquaculture and Agriculture Policy review.

CARRIED

Chair Luckham indicated that he would send a thank-you letter to Edi Johnston for her correspondence.

- 10.2 *Letter dated August 5, 2012 from Oliver Cobb regarding Bylaw Restrictions on Bed and Breakfast Establishments*

Received.

- 10.3 *Letter dated August 7, 2012 from Marion Cobb regarding Bylaw Restrictions on Bed and Breakfast Establishments*

Received.

10.4 *Letter dated August 22, 2012 from BC Hydro regarding Funding Available for Electric Beautification Projects*

Committee members reviewed and discussed the above noted letter which describes funding opportunities for BC Hydro beautification projects. It was the consensus that other local organizations might benefit from this information and Trustee Graham indicated that he would forward the information to the Denman Seniors & Museum Society and Denman Works!.

11. REPORTS

11.1 *Work Program
Top Priorities Report and Projects Report dated September 20, 2012*

Planner Simpson presented an overview of the Top Priorities report. The following points were noted:

- the Agriculture Plan is nearing the final draft and it was suggested that consideration be given as to how implementation might affect the Work Program in the future;
- the target date of December 31, 2012 for Riparian Areas Regulation may need updating as the mapping is not complete

Chair Luckham recessed the meeting at 12:44 pm and reconvened at 12:52 pm.

11.2 *Applications Log
Report dated September 20, 2012*

Planner Simpson provided updates to the Applications Log and responded to questions.

11.3 *Trustee and Local Expenses
11.3.1 Expenses posted to July 31, 2012*

Expenses posted to July 31, 2012 were received.

11.3.2 *Expenses posted to August 31, 2012*

Expenses posted to August 31, 2012 were received.

11.3.3 *Expenses posted to September 30, 2012*

Committee members reviewed and discussed the above noted Expense Summary Report and noted a possible discrepancy in the Denman Riparian Areas Regulation budget allocation amount.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Development Permit Area No. 4 Amendments – Streams, Lakes & Wetlands

12.1.1 Staff Report dated September 17, 2012

Planner Simpson summarized the staff report and advised that a draft Development Approval Information Bylaw will be presented at an upcoming meeting.

There was discussion regarding the budget for Denman Island Riparian Areas Regulation communications and the following points and questions were raised:

- the difficulties of communicating about the project before the mapping has been completed was acknowledged as a concern;
- the option of reallocation of the funds from communications to mapping was considered;
- if it is determined that reallocation is possible, can the funds be used effectively to further the mapping.

DE-065-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to confirm the Riparian Areas Regulation budget of \$5,000 and to explore the possibility of reallocation to mapping.

CARRIED

12.1.2 Submissions from Advisory Planning Commission Members

The submissions from Advisory Planning Commission members were received and will be reviewed by staff in a subsequent staff report.

13. NEW BUSINESS

13.1 Islands Trust Fund Board Referral Briefing and Five Year Plan

Trustee Busheikin noted that there might be local community members interested in being involved with developing the mapped protected area networks on Denman Island and indicated that she would contact the Islands Trust Fund Ecosystem Protection Specialist to discuss the process.

The Islands Trust Fund Five Year Plan 2013-2017 was accepted for information with no comment on the content of the plan.

13.2 Local Trust Committee Meeting Dates for 2013 Memorandum dated September 10, 2012

The Committee reviewed the proposed meeting dates for 2013.

DE-066-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee endorse the 2013 meeting schedule as follows:

- Tuesday, January 22, 2013
- Tuesday, February 26, 2013
- Tuesday, April 2, 2013
- Tuesday, May 7, 2013
- Tuesday, June 4, 2013
- Tuesday, July 16, 2013
- Tuesday, September 17, 2013
- Tuesday, October 22, 2013
- Tuesday, November 26, 2013

CARRIED.

13.3 *Special Occasion Licences*
Memorandum dated August 31, 2012

The Local Trust Committee reviewed the memorandum advising that local governments are to be consulted in regard to all public events being held in their jurisdiction where special occasion licences are required and recommending the delegation of approval authority to streamline the process.

DE-067-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to prepare a letter to the Comox Valley RCMP Detachment Staff Sergeant Andrew Isles advising that the Local Trust Committee delegates the approval of special occasion licences to the Comox valley RCMP detachment effective immediately .

CARRIED

13.4 *Memorandum dated September 18, 2012 regarding 2013-14 Budget Proposals*

The Local Trust Committee reviewed the above memorandum which outlines local trust committee budget request guidelines and contains budget information for the Denman Island Local Trust Committee.

DE-068-2012

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee approve and forward funding requests for Projects Proposed for Next Fiscal, 2013/14 to Financial Planning Committee as presented.

CARRIED

14. **BYLAWS** – None.

15. **ISLANDS TRUST WEBSITE**

15.1 *Denman Page*

There were no changes requested to the website.

16. NEXT MEETING DATE

The next meeting of the Denman Island Local Trust Committee will take place on Tuesday, November 6, 2012 at 10:30 am at The Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC V0R 1T0.

17. TOWN HALL DISCUSSION – time permitting - None

18. CLOSED MEETING

18.1 Motion to Close the Meeting

DE-069-2012 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee closes the October 2, 2012 business meeting to discuss matters pursuant to Section 90(1)(d) of the *Community Charter* to consider adoption of closed meeting minutes and that staff be invited to attend this meeting

CARRIED

Chair Luckham closed the in-camera meeting at 1:16 pm.

Chair Luckham reconvened the meeting at 1:21 pm to rise and report.

19. RISE AND REPORT

Chair Luckham reported that the *In Camera* minutes of April 3, 2012 were approved as presented.

20. ADJOURNMENT

Chair Luckham adjourned the meeting at 1:23 pm.

Recorder

Chair