

**MINUTES OF THE DENMAN ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 10:30 AM ON TUESDAY, JANUARY 22, 2013
AT THE DENMAN SENIORS HALL, 1111 NORTHWEST ROAD
DENMAN ISLAND, BC**

PRESENT: Peter Luckham Chair
Laura Busheikin Local Trustee
David Graham Local Trustee
Courtenay Simpson Acting Regional Planning Manager
Aleksandra Brzozowski Island Planner
Katherine Vogt Recorder

There were eight (8) members of the public in attendance.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:38 am. He welcomed the public and introduced himself, the local trustees, staff and recorder. He acknowledged that the meeting was being held in the Traditional Territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus with the following amendments:

- Add item 10.5: Email correspondence by Ralda Leroux dated January 4, 2013
- Add item 10.6: Email correspondence by Keith Porteous dated January 20, 2013
- Add item 6.4: Trustee Busheikin participation in upcoming Island Studies Conference - Discussion

3. CHAIR'S REPORT

Chair Luckham reported that he was preparing for the upcoming March Trust Council and continuing with advocacy work in regards to BC Ferries issues.

4. TRUSTEES' REPORT

Trustee Graham noted that he had recently spoken by phone with South Pender Trustee Liz Montague about the three-year development of the recently completed Denman Island Farm Plan, in regards to a possible future combined Farm Plan for South Pender and North Pender Islands. Trustee Graham also shared that he had recently sat with two members of the Denman Community Land Trust Association to hear their concerns about the possible political ramifications of some of the association's Housing Agreement submissions.

Trustee Busheikin commented that she had recently attended a Denman Island Residents Association meeting in which lively discussion had developed around the definitions of dwelling units and cooking facilities, and that she believed there was still room for clarification of these concepts before upcoming discussions on secondary dwellings. Trustee Busheikin also noted that her participation as an observer at a recent meeting between the Denman Community Land Trust Association and Islands Trust's Planners was helpful in terms of highlighting the processes around housing agreements. Trustee Busheikin also shared her experience at a recent Comox Valley Regional District Open House on their plans for a Denman Island ferry-to-ferry Cross Island Trail. She appreciated that the event was conducted as an open house/meeting combination in two sittings which provided greater opportunity for public participation. She related that there were concerns raised at the meeting about an initial lack of public consultation by the Comox Valley Regional District in their launching of a Parks and Greenways Plan, and also that the proposed six-foot width of many of the pathways might prove excessive.

5. MINUTES

5.1 Local Trust Committee Meeting Minutes dated December 11, 2012

The minutes were approved by consensus with the following amendments:

- Page 5, item 10.3, last sentence, remove the phrase "*and Committee members will agree to it by consent* " so that the last sentence ends after the word "*signature*."

5.2 Section 26 Resolutions Without Meeting Log - None

5.3 Denman Island Advisory Planning Commission Minutes - None

5.5 Denman Island Marine Advisory Planning Commission Draft Minutes - None

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated January 10, 2013 - attached

The Follow-up Action List dated January 10, 2013 was reviewed by Planner Brzozowski who noted that Bylaw Enforcement Manager Miles Drew was on a leave of absence until April 2013; that the Denman Island Natural Drainage Area Map linked on the Denman webpage was completed; and that copies of the Denman Farm Plan had been sent out to Steering Committee Members and other relevant organizations.

There was some discussion about tidying up the Follow-Up Action List and coming up with ideas on how best to manage the list by next month's meeting. Concern was raised about the lack of standard protocol in the ways that various Local Trust Committees handle their Follow-Up Action Lists.

6.2 *Integrated Shoreline Mapping Workshop Discussion*

Planner Brzozowski noted that the request at last month's meeting by the Denman Island Local Trust Committee to invite SeaChange as an additional presentation on eelgrass mapping for the Integrated Shoreline Mapping Project Workshop would not be possible due to insufficient time, but that this presentation had been approved and scheduled for Hornby Island on February 26, 2013, 1:30 - 4:30 pm, in Hornby Island Community Hall.

6.3 *Bylaw Interpretation Review regarding DE-SUP-2011.5 (Corlan Winery, 8441 McFarlane Road) Review Bylaw Interpretation that an operating winery at 8441 McFarlane Road cannot hold Special Public Events. Memorandum dated January 9, 2013-attached.*

Planner Brzozowski noted that the memorandum of January 9, 2013 by Planner 2 Linda Prowse explains that holding Special Public Events outdoors on the property in question is not permitted under the existing Denman Island Land Use Bylaw. The property in question is zoned Rural Residential (R2) which allows for the storage, production, and sale of agricultural products from the property; however, Special Public Events outdoors would be considered a commercial use of the property and commercial activities are presently not permitted in R2 zones.

Planner Brzozowski referred to that portion of the memorandum that suggests three possibilities for the applicants to consider in their efforts to hold Special Events on their property, in particular the third possibility that the applicants could apply for an Official Community Plan and Land Use Bylaw Amendment to rezone the property for commercial use. Planner Brzozowski suggested that implementing the agriculture tourism components of the Denman Island Farm Plan could result in changes to the Land Use Bylaw; however, implementation of the Farm Plan has not yet been placed as an item on the Work Program.

Trustee Busheikin commented that the Memorandum was helpful in clarifying the issues surrounding the Corlan Winery application, confirmed that the applicants had received a copy of the Memorandum, then referred for clarification to the first possibility suggested in the Memorandum that offers for the applicants to have their property put in the Agricultural Land Reserve (ALR) as the ALR allows for Special Event uses on ALR property as per Agricultural Land Commission Policy #3 - Activities Designated as Farm Use.

Planner Brzozowski clarified that the Agricultural Land Commission regulations in question referred to permitted outdoor uses on wineries and cideries and the applicants would have to apply to the commission for the proper license.

Trustee Busheikin commented in reference to Schedule 2 - Home Occupation Regulations from the Denman Land Use Bylaw No.86, that the permitted home occupation uses category did not acknowledge educational uses such as yoga classes or farm and gardening workshops conducted from a home.

There was some discussion that educational workshops and classes could be conducted for profit or non-profit and that there was a fine line as to whether they could be considered as commercial or non-commercial activities.

Trustee Graham asked if a temporary use permit was considered as an alternative in regards to accommodating the Corlan Winery application and that such a permit could have allowed the community a 3-year trial period in which to assess the Special Event activities being proposed by the winery.

Planner Brzozowski replied that temporary use permits were very restrictive on Denman Island. Acting Regional Planning Manager Simpson elaborated that the Local Government Act allows for local governments to decide for what activities a temporary use permit can be issued, and that on Denman Island the only activity presently utilized for special use permits is barge loading and unloading. Amendments would have to be made to allow for other uses.

6.4 *Trustee Busheikin participation in upcoming Island Studies Conference - Discussion*

There was some discussion about whether it was possible and appropriate for funds to be made available for Trustee Busheikin to attend the Island Studies Conference on Gabriola Island in May, 2013. It was suggested that partial funding of the trip could be provided on the basis of Trustee Busheikin obtaining valuable educational experience as a trustee.

DE-001-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee pay \$150.00 in registration fees and travel costs for Trustee Busheikin to attend the upcoming Islands Studies Conference in May, 2013.

CARRIED

7. **APPLICATIONS AND PERMITS** - None.

8. **DELEGATIONS**

8.1 *Graham Brazier for Denman Opposes Coal*

Graham Brazier read out and then submitted a letter titled "Islands Trust Response to Raven Coal Mine Project," from Denman Opposes Coal, dated January 22, 2013, to the Denman Island Local Trust Committee.

The letter sought for the Denman Island Local Trust Committee (LTC) to give attention and priority to this issue.

Chair Luckham commented that tackling this issue would involve extensive time and resources that would displace other work projects, and that the Islands Trust Council was still waiting for a response from Compliance Energy to Trust Chair

Sheila Malcomson's letter dated November 20, 2012, which asserts that the Denman LTC has jurisdiction over the waters and sea floor of Baynes Sound.

Trustee Busheikin commented that although the Denman LTC had confirmed jurisdiction over these waters, that they did not have jurisdiction over the land that Compliance Coal would be operating on, nor did the Denman LTC have any zoning bylaws in place over the opposite shoreline, a process which could take years involving extensive dialogue with Fanny Bay and other residents. Advocacy might be a more useful avenue for the Denman LTC.

Trustee Graham commented in reference to the previous request by Denman Opposes Coal for the Denman LTC to initiate a Benthic study of Baynes Sound, that the aquaculture industry and other agencies also had a strong motivation to collect the sort of data that might help to prove acid mine drainage risks brought about through coal mining, and that the possible collecting of such data by the Denman LTC needed to be reviewed once the Environmental Impact Statements submitted by Compliance Coal to various agencies were made available.

9. TOWN HALL DISCUSSION

Edina Johnston - presented an update on the commercial harvesting of seaweed in the Trust area and submitted a written page titled "Edi's Notes for the LTC meeting of January 22, 2013" to the Denman LTC.

The letter expressed alarm over current testing of a seaweed extraction machine by one of the license holders and the possibility of future harvesting of seaweed from the seabed. It also questioned why the Comox Valley Regional District (CVRD) is in the process of amending its Official Community Plan that includes Baynes Sound Waters when Baynes Sound is in the jurisdiction of the Islands Trust.

There was some discussion that there had been no consultation with the DILTC prior to the granting of seaweed licenses by the CVRD and that there was presently no process in place for the CVRD to consider a referral in regards to applications to such licenses. The CVRD would only receive a referral if the issue regarded zoning. The CVRD was aware that Denman LTC had jurisdiction over Baynes Sound.

Bill Engelson suggested that the Denman Island LTC take advantage of the Senior's Center racquet-ball court to stage a symbolic photo-op to publicize that the ball was now in the their court in regards to jurisdiction over the waters of Baynes Sound.

Ralph McCuaig - announced that the Hornby - Denman Tourist Services Society would be available with resources and support to local islanders needing to negotiate Bylaw No. 186 which deals with housing and cooking facilities.

On another topic, he questioned if the Denman LTC had any influence with the Highways Department on the condition of the Big Hill on Denman Road which was unsafe and not up to present Highways standards, but had not been upgraded due to the high costs of such a project. This present condition of the Big Hill would affect that portion of the Cross Island Trail that is proposed to run alongside it.

Chair Luckham noted that Road Safety Assessments had been conducted on other Gulf Islands and then submitted to their Highways Departments for review. He also noted that on many other islands, a transportation committee existed as part of the local Ratepayers Association.

Trustee Graham commented that restructuring the Big Hill could involve environmental destruction to trees and the natural environment and that previous Denman LTCs had set up a Transportation Advisory Committee.

Trustee Busheikin noted that there was a conflict between wanting to maintain the rural quality of roads versus safety concerns. She stated a concern with road safety issues but a reluctance to take on road issues at the present time, given the already full Denman LTC agenda.

Keith Porteous commented on the absence of a transportation committee on Denman Island and on the lack of safety assessments for local roads.

Bill Engelson spoke to the possibility of amalgamating local committees so that a more cohesive approach to local issues could be achieved. Transportation issues could be added to one of the existing trust committees.

DE-002-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee amend the present agenda to add seaweed harvesting to the agenda as Item 13.3.

CARRIED

10. CORRESPONDENCE

10.1 Email dated November 27, 2012 from Dean Ellis regarding Denman Island Local Trust Committee - attached

Received.

10.2 Emails dated November 27, 2012, December 18 and 21, 2012 from Dean Ellis and Responses regarding Ditch on Radcliffe Road - attached

Received.

10.3 Email dated December 8, 2012 from Dean Ellis regarding Denman Farm Plan Maps Erosive Soils - attached

Received.

10.4 Email dated January 5, 2013 from Edina Johnston of Denman Island Forage Fish Group regarding Negative Impacts of the Removal of Large Amounts of Seaweed with Summary Document - attached

ADOPTED

The email dated January 5, 2013 from Edina Johnston of Denman Island Forage Fish Group regarding Negative Impacts of the Removal of Large Amounts of Seaweed with Summary Document was received.

10.5 *Email dated January 4, 2013 by Ralda Leroux regarding an update on the agriculture and aquaculture policy review project - attached*

The email dated January 4, 2013 by Ralda Leroux regarding an update on the agriculture and aquaculture policy review project was received.

There was some discussion on the short notice given for attending the January 24, 2013 Open House put on by the Comox Valley Regional District (CVRD) to provide for public input on their agriculture and aquaculture policy review. Trustee Busheikin commented that she appreciated that the CVRD was acknowledging DILTC's jurisdiction over Bayne's Sound as well as actively soliciting input from the DILTC. She was hoping to be able to attend one of the remaining open houses.

DE-003-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee direct staff to reply to the Comox Valley Regional District email correspondence regarding their agriculture and aquaculture policy review and provide relevant sections of our Official Community Plan as well as Islands Trust Policy Statement.

CARRIED

10.6 *Email dated January 20, 2013 by Keith Porteous regarding the Comox Valley Regional District proposal for a six foot wide gravel path alongside Denman and East Roads - attached*

The email dated January 20, 2013 by Keith Porteous regarding the Comox Valley Regional District proposal for a six foot wide gravel path alongside Denman and East Roads was received.

Planner Brzozowski noted that she had found no conflicts between the existing Official Community Plan and the Cross Island Trail being proposed for Denman Island. The CVRD Concept Plan for their Parks and Greenways Plan had been added to the Official Community Plan as Schedule G in August of 2011.

The CVRD was now processing input on their entire proposed plan for Denman Island which had been broken into ten one-kilometer sections that could be tackled as funding became available. The first scheduled section to be done as a pilot project would be the Denman Village section. There was still time for the public to comment on the plan through the CVRD website.

Chair Luckham invited Keith Porteous to present his opinions on the Cross Island Trail.

Keith Porteous commented that the Cross Island trail would be a major impact on the transportation corridors of Denman Island and that there had been too little discussion on transportation safety issues; there were conflicts between the

Cross Island Trail Plan and the Official Community Plan; other options had not been considered; the priority of the CVRD was for a ferry-to-ferry trail; there was insufficient public process and input for the trails plan; the Local Trails Committee had too much influence over the final plan; people who gave their approval to the plan didn't have sufficient data on the overall plan to make a sound judgment of it; and that a step back needed to be taken before this irreversible infrastructure was built.

He noted that he was in support of some aspects of the plan and he appreciated the efforts already put into the plan.

Local Trustees thanked Keith Porteous for his passionate and detailed presentation.

The meeting was recessed at 12:25 pm and reconvened at 12:35 pm.

11. REPORTS

- 11.1 *Work Program - Top priorities Report and Projects Report dated January 10, 2013*

The Top Priorities Report and Projects Report was reviewed

- 11.2 *Applications Log - Report dated January 10, 2013*

The Applications Log dated January 10, 2013 was reviewed.

Trustee Graham expressed regret that the Holden/Aronson rezoning application to the Agricultural Land Committee had been denied. He commented that the Agricultural Land Committee seemed to be applying inappropriate urban policy considerations to a small rural Gulf Island property.

- 11.3 *Trustee and Local Expenses - Expenses posted to December 31, 2012*

The expenses posted to December 31, 2012 were reviewed.

12. LOCAL TRUST COMMITTEE PROJECTS

- 12.1 *Review of Development Permit Area No. 4: Streams, Lakes and Wetlands - Staff Report dated January 9, 2013*

Planner Brzozowski presented the Staff Report dated January 9, 2013 regarding Review of Development Permit Area No. 4: Streams, Lakes and Wetlands - Development Approval Information Bylaw.

The report addresses staff revisions made to the draft Development Approval Information bylaw so that development applications regarding the proposed new

Development Permit Area Regulations for Riparian Areas will be more user-friendly for applicants and administratively consistent for planning staff.

Chair Luckham thanked Planner Brzowski for an excellent first report.

Trustee Graham commented that there needed to be a clearer definition of steep slopes. He also noted that this new revised Development Approval Information bylaw was considerably more complex than previous versions which could increase expenses for local landowners if they had to spend too much money on hired professionals to comply with environment impact statement requirements. There was some concern that if the process for landowners was too onerous, that they may reject the permit process. He noted that there seemed to be flexibility within this new draft bylaw and permit process to address minor and major environmental impact issues.

Trustee Busheikin commented that it was important to keep the development permit process affordable, flexible, and manageable.

Trustee Graham commented that the development permit process was dependant on high quality maps which were presently not available on Denman Island. There could be conflicts and unneeded expenses arising from confusion over the boundaries of specific sites. This reality needed to be taken into consideration when processing development permits.

Acting Regional Planning Manager Simpson noted that it was very important that the Trust Council budget maintain funds for Riparian Area Regulation mapping.

DE-004-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee approve the submitted revisions to the draft Development Approval Information bylaw and submit the draft Development Approval Information bylaw cited as "Denman Island Local Trust Committee Development Approval Information Bylaw No. 149, 2013" with the accompanying Request for Decision to Executive Committee for consideration at the Trust Council March 2013 quarterly meeting.

CARRIED

13. NEW BUSINESS

13.1 *Islands Trust Planner - On Island Office Hours - Memorandum dated January 8, 2013*

The Islands Trust Planner - On Island Office Hours Memorandum dated January 8, 2013 was received.

13.2 *Rescheduling of September 2013 meeting - verbal report*

DE-005-2013 It was **MOVED** and **SECONDED** to amend the Denman Island Local Trust Committee 2013 meeting schedule by rescheduling the September 17, 2013 meeting to September 24, 2013.

CARRIED

13.3 *Seaweed Harvesting*

DE-006-2013 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee forward all of Edina Johnston's correspondence to date regarding seaweed harvesting to the Executive Committee as a local Trust Committee.

CARRIED

14. **BYLAWS** - None

15. **ISLANDS TRUST WEBSITE**

15.1 *Denman Page*

There were no changes requested to the Denman page of the website.

16. **NEXT MEETING DATE**

The next meeting of the Denman Island Local Trust Committee will take place on Tuesday, February 26, 2013 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

17. **TOWN HALL DISCUSSION**

Chair Luckham invited Edina Johnston to address the Local Trust Committee again if she wished.

Edina Johnston thanked the Local Trust Committee for their time and consideration.

18. **ADJOURNMENT**

Chair Luckham adjourned the meeting at 12:49 pm.

Recorder

Chair