

**MINUTES OF THE DENMAN ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 10:30 AM ON TUESDAY, FEBRUARY 26, 2013
AT THE DENMAN SENIORS HALL, 1111 NORTHWEST ROAD,
DENMAN ISLAND, BC**

Members Present: Peter Luckham Chair
Laura Busheikin Local Trustee
David Graham Local Trustee

Staff Present: Aleksandra Brzozowski Island Planner
Vicky Bockman Recorder

Media and Others Present: Approximately 14 members of the public – am
Approximately 7 members of the public – pm
Courtney Simpson, Acting Regional Planning Manager
James van Hemert, Senior Planner, Golder Associates Ltd.

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:32 am. He welcomed the public and introduced himself, the local trustees, staff, recorder and James van Hemert of Golder Associates who will present the report on the Shellfish Farming Regulation Review and be available for questions on that topic.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus with the following amendments:

- Add item 10.8: Email from Bill Engleson dated January 28, 2013 regarding Request for Denman LTC to Consider a Compression of APCs
- Add item 10.9: Email from Margie Gang dated February 18, 2013 regarding Denman Island OCP Bylaw Revision
- Add item 10.10: Email from Susan-Marie Yoshihara dated February 14, 2013 regarding Farm Plan Draft
- Add item 10.11: Email from Jennifer Balke regarding Denman Island Farm Plan
- Add item 13.4: Adopted Policies and Standing Resolutions

3. CHAIR'S REPORT

Chair Luckham reported that preparations are underway for the Trust Council to be held on Thetis Island in early March and noted that items to be considered will include possible adoption of the 2013/2014 budget and discussion regarding working with the Islands Trust Fund. He acknowledged recently announced additions to BC Parks on Denman Island.

Chair Luckham reported that the Executive Committee acting as a Local Trust Committee met and discussed seaweed harvesting in the Executive Area Islands

(Ballenas-Winchelsea). As a result of this consideration, the Executive Committee was requested to review options for advocacy available to address seaweed harvesting and staff was asked to request that the Minister of Agriculture refer seaweed harvesting permit applications to the Local Trust Committee to provide an opportunity to review and comment on the proposed permits. Staff was also requested to draft Official Community Plan and Land Use Bylaw policies addressing seaweed harvesting policy for that area. Chair Luckham suggested that these events might be relevant to Denman Island, where a similar issue is causing concern.

4. TRUSTEES' REPORT

Trustee Graham commented that in addition to participating in Trust Committees and preparing for the upcoming quarterly Trust Council meeting on Thetis Island, he held two sessions of Trustee Office Hours on Denman and met with the Marcus Isbister Old School Committee. He reported that he attended a Ministry of Agriculture Advisory Commission workshop in Nanaimo providing an opportunity to learn more about the operation of this type of commission. He noted that although the topics considered there involved large farm agribusiness, not relevant to farming issues on Denman, he found the discussion interesting.

Trustee Busheikin reported that she attended a Comox Valley Regional District open house for public input on the new edition of their Official Community Plan section on Aquaculture and Agriculture. She advised that this review is dealing primarily with upland objectives and policies rather than the foreshore. She commented that at this meeting she had an opportunity to have a conversation with Bruce Jolliffe, Area A Director, regarding aquaculture matters and advised that he stressed the importance of building relationships with First Nations to effectively address aquaculture issues.

Trustee Busheikin attended a Trust Programs Committee meeting by telephone and the topic of advocating on ferry issues was discussed. She commented that the consensus was to continue to strongly advocate and that recommendations will be presented at the upcoming Trust Council meeting. She noted that it is time to be thinking of nominations for the Community Stewardship Awards; nomination forms for individuals or groups can be found on the Islands Trust website and the deadline for submissions is the last week in April.

Trustee Busheikin reported that she occasionally hears from community members expressing interest in infrastructure, such as septic or wastewater management, in the Denman "downtown" or village area. She advised that she spoke to Bruce Jolliffe to learn how this might develop at some point in the future with a partnership of the Comox Valley Regional District, Islands Trust, and possibly the Ministry of Transportation and Infrastructure. She invited everyone to come to the Greenshores workshop being held this evening for what is expected to be an interesting and educational event.

5. **MINUTES**

5.1 *Local Trust Committee Meeting Minutes dated January 22, 2013*

The minutes were adopted by consensus.

5.2 *Section 26 Resolutions Without Meeting Log – None.*

5.3 *Denman Island Advisory Planning Commission Minutes – None.*

5.4 *Denman Island Marine Advisory Planning Commission Minutes – None.*

6. **BUSINESS ARISING FROM MINUTES**

6.1 *Follow-up Action List dated February 18, 2013*

Planner Brzozowski reviewed the follow-up action list dated February 18, 2013 and provided verbal updates. She advised that the first two items under the November 6, 2012 heading are on hold pending the outcome of discussions regarding shellfish aquaculture and the shellfish farming regulation review report.

There was concern expressed with delaying the request for referral of seaweed harvesting applications from the Ministry of Agriculture and staff was requested to continue to pursue this activity. It was also recommended that the letter might include the same language that the Executive Committee use in its correspondence to the Ministry of Agriculture on the same subject.

It was suggested that the letter referenced in the second item under the November 6, 2012 heading could be initiated regardless of future discussions. The agenda for the next meeting of the Association of Vancouver Island Coastal Communities Aquaculture Working Group will be forwarded to the Local Trust Committee from Regional Planning Manager Simpson when available and this will provide additional information to advance the activity further.

6.2 *Endorsement of Denman Island Farm Plan*

Planner Brzozowski advised that the Denman Island Farm Plan has not yet been endorsed by resolution and the item was placed on the agenda for clarification of the status and to allow consideration of input received since the last meeting. There was discussion to determine any possible further amendments to be made to the Plan.

The following points were considered:

- Planner Brzozowski explained the option to endorse, versus to adopt or receive the Plan;
- the photo credit on page six was inadvertently omitted and staff was requested to insert the information into copies which have not yet been distributed and to correct future copies of the Plan;

- comments and public input have been considered and while not all viewpoints have been represented, the Plan represents a valuable tool created by an effort led by community volunteers. It was suggested that implementation of the recommendations presented in the Plan will provide additional opportunity for consideration of input received.

DE-007-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee amend the Denman Island Farm Plan as presented to add a photo credit on page six.

CARRIED

DE-008-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee endorse the amended Denman Island Farm Plan.

CARRIED

7. **APPLICATIONS AND PERMITS** – None.

8. **DELEGATIONS**

8.1 *Harlene Holm for Denman Community Land Trust Association*

Harlene Holm, speaking on behalf of Denman Community Land Trust Association, provided a timeline of the bylaw amendment process that has been ongoing for nearly three years. She noted that the draft housing agreement is still in the legal review stage although she had hoped that it would be on the Local Trust Committee agenda for today's meeting. She acknowledged the significant time the Local Trust Committee and staff have dedicated to this project and expressed hope that future affordable housing projects might proceed more expeditiously.

Trustees thanked the Denman Community Land Trust Association for their patience and explained that staff attention to this project has been responsive while ensuring that the process is addressed thoroughly. Trustee Graham stated his aversion to housing agreements in general, expressing his concern that they lengthen the process significantly while mitigating the small chance of a negative occurrence; however, he indicated that the Local Trust Committee had taken the alternate viewpoint and considered the housing agreement to be a necessity. Trustees Busheikin acknowledged the complexity of the pilot project and suggested that it may be possible to initiate a set of guidelines for any future housing agreements.

8.2 *Louise Bell*

Louise Bell summarized the Islands Trust holdings on Denman Island and affirmed the responsibility of the Local Trust Committee to take care of these holdings. She provided history and rationale for holding the Local Trust Committee meetings in the Marcus Isbister Old School Centre and questioned the fiscal responsibility of renting meeting space at an alternate location. She advised that the Islands Trust display board is currently in need

of repair and requested that the display board either be repaired or donated to the Denman Island Recreation Commission Society.

She expressed concerns relating to serving constituents. She noted that two key Local Trust Committee binders holding the Official Community Plan and Land Use Bylaw with maps of land use designations and zoning are missing from the Dora Drinkwater Library. She asserted that even in these times of electronic communications, there are those who do not have access to information provided in this manner. She requested the Local Trust Committee monitor the Islands Trust material in the library to ensure that they are all present and are up-to-date.

She stated that she had recently reviewed the November 28, 2012 version of the Denman Island Farm Plan and expressed concern that page 55 does not address an important comment she made as a trustee regarding “redesignation of ALR land into a new park...”. Her comment had clarified that more land – and land of higher agricultural value – was put into the Agricultural Land Reserve in return for the land that was removed. She objected to the criticism of the Agricultural Land Commission in the Plan, observed that the Farm Plan appears to be ignoring public input, and she requested that the new Farm Plan reflect the view of islanders.

Trustee Graham clarified that the Local Trust Committee meeting location had been changed to provide handicapped access which was not available at the Marcus Isbister Old School. Trustee Busheikin volunteered to follow-up on the library materials and will ensure that they are current. Trustees advised that the topic of the Free Standing Poster Board is scheduled for discussion later in agenda item 13.1.

9. TOWN HALL DISCUSSION

Shelley McKeachie spoke on behalf of the Association of Denman Island Marine Stewards regarding the report presented to the Local Trust Committee from Golder Associates. She requested that Association of Denman Island Marine Stewards be allowed time to give a response as a delegation at the next Local Trust Committee meeting and that any decisions be delayed until having considered the response; the Trustees invite public comment on the report; and that the Trustees engage a legal expert to advise on creating land use bylaws to ban predator netting, driving on the beach, and beach modification.

David Critchley encouraged the Local Trust Committee to clarify its area of jurisdiction and to reclaim the area to the high water mark on the Vancouver Island side in agency referral correspondence.

Morley McKeachie commented on his understanding that the Comox Valley Regional District had agreed some years ago to take responsibility for jurisdiction to the high water mark on the Vancouver Island side; however he expressed his belief that the Islands Trust has jurisdiction and a responsibility for that area and he urged the Local Trust Committee to protect that jurisdiction.

Edina Johnston expressed her encouragement that steps are being taken on the local marine issues. She spoke against the permitting of predator netting, driving on beaches and harmful beach modification. She urged the Local Trust Committee to enact bylaws necessary to stop these practices and to take action with the consequences should they arise.

Keith Porteous objected to the proposed Comox Valley Regional District Cross Island Trail, outlining several concerns including safety, maintenance of rural character, and effect on heritage and Agricultural Land Reserve properties. He clarified for the record that he had not previously corresponded with Karin Albert of the Comox Valley Regional District. He requested that the Local Trust Committee consider referring the plan to the Advisory Planning Commission or appointing a Transportation Advisory Committee to conduct an assessment prior to adopting a design.

John Johnston observed that much of the report presented to the Local Trust Committee from Golder Associates is based on the BC Shellfish Growers Association's code of practice which consists of industry-developed suggestions and is not a legal set of rules. He requested that the Local Trust Committee clarify the existing regulations and seek legal advice regarding jurisdiction questions in order to find an acceptable compromise strategy.

Pat McLaughlin commented that the report presented to the Local Trust Committee from Golder Associates offers little information not already included in the March 2012 Staff Report. She urged the Local Trust Committee to engage legal expertise to prepare changes necessary to address removal of predator netting, driving on the beach and beach modification. She objected that the report does not include mention of scientific studies which indicate that there is no significant benefit to the industry in the use of predator netting and observed that years of advocacy have not resulted in changes in the shellfish industry.

Jennifer Balke spoke on behalf of Denman Conservancy Association. She wondered if the public process for the Denman Island Farm Plan was up to standard noting that comments for the draft have not been presented in a more public way. She argued that the Denman Conservancy Association does not support endorsement of the Denman Island Farm Plan in its current form as Denman Conservancy Association does not accept policies that do not include the recognition of the value of preservation of farmland or support a blending of agriculture with the necessary protection of the environment. She objected to inclusion of the Denman Conservancy Association's name in this document without consultation with their board members and accurate use of their mandate. She encouraged the Local Trust Committee to reconsider implementation of the Plan and to revise the Plan due to its inclusion of unacceptable and unrealistic content.

Morley McKeachie noted that the report presented to the Local Trust Committee from Golder Associates defers to specific, specialized legal advice and he supported the consideration to seek legal advice in order to receive the clarity to enact bylaws. He observed that advocacy efforts to address concerns with the shellfish industry have not been effective and the rules are not being enforced. He offered to refer a constitutional law expert to the Islands Trust as there are some who could be useful in this undertaking.

Harlene Holm expressed her objection to the Denman Island Farm Plan being presented as the “voice of the community”. She commented that many issues emphasized by islanders do not appear in the Plan, with much of the content created by consultants. She noted that the community has had limited ability to review the Plan.

By consensus the meeting was recessed at 12:20 pm and reconvened at 12:33 pm.

By consensus agenda item 12: Local Trust Committee Projects was moved to follow item 9: Town Hall Discussion and agenda items 14: Closed Meeting and 15: Recall to Order were moved to follow item 19: Town Hall Discussion.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Shellfish Farming Regulation Review *Report dated February 18, 2013 from Golder Associates Ltd.*

James van Hemert, Senior Planner for Golder Associates Ltd. summarized the report and responded to some comments made earlier in the Town Hall Discussion. He indicated that in producing the report efforts were made to understand the local as well as the industry contexts. He noted that in this regard he made a site visit to Denman Island and met with representatives of the Association for Denman Island Marine Stewards and the Deep Bay Marine Field Station. He confirmed that he did not meet with representatives from the BC Shellfish Growers Association in the process. The recommendations in the report suggested that the most effective means to address the concerns might be a collaborative approach involving various parties, consideration of a Development Permit Area for marine shorelines and the engagement of a legal expert to address the driving on the beach and beach modification issues.

There was discussion on the findings of the report and possible next steps were considered. The following key points were noted:

- the value of bringing the issues to the attention of the agency that writes industry management policies and regulations was underscored as an important element, while acknowledging that previous advocacy endeavors have not been successful;
- creation of a new Marine Development Permit Area was not considered to be an effective tool to control problematic shellfish industry practices;
- legal review of relevant issues, budget information and potential legal expenses were considered.

James van Hemert and Acting Regional Planning Manager Simpson left the meeting at 1:28 pm.

DE-009-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to draft amendments to Bylaw No. 186 which would restrict all structures in the W3 Zone and to add amendments which ban vehicular driving on the foreshore in the W3 Zone.

CARRIED

Prior to the vote, the bylaw amendment process was discussed.

10. CORRESPONDENCE

- 10.1 *Compilation of Emails dated January 29, 2013 to February 5, 2013 from Keith Porteous regarding Comox Valley Regional District's Parks and Greenways Masterplan – Cross Island Trail*

Received.

- 10.2 *Email dated February 6, 2013 to Comox Valley Regional District from Keith Porteous regarding Opposition to the Ferry to Ferry Connector on Denman*

Received.

- 10.3 *Email dated February 15, 2013 from Karin Albert of the Comox Valley Regional District regarding Cross Island Trail*

Received. Planner Brzozowski advised that she sent a brief reply to the email expressing appreciation for the correspondence.

Consideration was given to referring the emails regarding the Cross Island Trail to the Advisory Policy Commission after identifying the scope, purpose and objectives of such a referral.

- 10.4 *Letter dated January 17, 2013 to Comox Valley Regional District from Pat McLaughlin of Association for Denman Island Marine Stewards regarding Agriculture and Aquaculture Policy Review*

Received.

- 10.5 *Email dated February 10, 2013 from Harlene Holm regarding Denman Island Farm Plan*

Received.

- 10.6 *Email dated February 8, 2013 from Anne Page regarding National Marine Conservation Area Reserve*

Received.

10.7 *Email dated February 15, 2013 from Des Kennedy regarding Komas Bluffs*

Received.

10.8 *Email dated January 28, 2013 from Bill Engleson regarding Request for Denman LTC to Consider a Compression of APCs*

Received.

10.9 *Email dated February 18, 2013 from Margie Gang regarding Denman Island OCP Bylaw #186 Revision*

Received.

10.10 *Email dated February 14, 2013 from Susan-Marie Yoshihara regarding Denman Island Farm Plan Draft Concerns*

Received.

10.11 *Email dated February 22, 2013 from Jennifer Balke regarding Denman Island Farm Plan*

Received.

11. REPORTS

11.1 *Work Program Reports
Top Priorities and Projects List Report dated February 18, 2013*

The Top Priorities and Projects List dated February 18, 2013 was reviewed.

11.2 *Applications Log*

11.2.1 *Report dated February 18, 2013*

The Applications Log dated February 18, 2013 was reviewed.

11.3 *Trustee and Local Expenses*

11.3.1 *Expenses posted to January 31, 2013*

The expenses posted to January 31, 2013 were reviewed.

13. NEW BUSINESS

13.1 *Denman Local Trust Committee and the Free Standing Poster Board in the Back Hall*

DE-010-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee allocate up to \$100 for the reconditioning of the freestanding poster board by Orla Haagerup.

CARRIED

- 13.2 *Email dated January 29, 2013 from Michelle Patterson of University of Victoria, Institute for Coastal Research regarding State of the (Baynes) Sound 2013 Conference*

The opportunity to participate in the two-day State of the Sound Conference at the Deep Bay Marine Field Station in May 2013 was discussed and there was interest in taking a role in the Planning Committee. Dates such as those of the Local Trust Committee meetings, Trust Council meetings and the May 11-12, 2013 Islands Study Conference were identified as conflicts and it was suggested that this be communicated to the organizers.

DE-011-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to offer conference Planning Committee membership support for the upcoming State of the Baynes Sound 2013 Conference.

CARRIED

Trustees suggested that a possible forum might include the Islands Trust and BC Shellfish Industry, and that the Association for Denman Island Marine Stewards might participate in the conference should there be a call for papers and presenters. Trustee Busheikin indicated her desire to be involved in this conference.

- 13.3 *Advisory Commissions – Expressions of Interest Memorandum dated February 18, 2013*

Planner Brzozowski summarized the Memorandum dated February 18, 2013 regarding the planning commissions.

- 13.4 *Adopted Policies and Standing Resolutions*

The Denman Island Local Trust Committee Policies and Standing Resolutions was received for information.

16. **BYLAWS** – None.

17. **ISLANDS TRUST WEBSITE**

- 17.1 *Denman Page*

The following changes were requested to the Denman page of the Islands Trust website:

- add the Denman Island Farm Plan to the website

- add the Shellfish Farming Regulation Review report by Golder Associates to the latest news

18. NEXT BUSINESS MEETING DATE

The next meeting of the Denman Island Local Trust Committee will take place on Tuesday, April 2, 2013 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

19. TOWN HALL DISCUSSION

Shelley McKeachie indicated that the report presented to the Local Trust Committee from Golder Associates omits Dr. Leah Bendell's participation in the conference call with ADIMS that is referenced in the report. She requested the report be corrected to include this information.

Planner Brzozowski responded that she will forward this request to Golder Associates.

Keith Porteous thanked the Local Trust Committee for their consideration of the Cross Island Trail issues and offered to participate in a planning commission if needed.

Edina Johnston advised that she received information that BC Shellfish Growers Association has hired someone to clean the shoreline of industry debris. She noted that the report presented to the Local Trust Committee from Golder Associates notes that DFO regulates the aquaculture industry including marine finfish, shellfish and freshwater operations, but not marine plants and pointed out that in the Marine section of the Denman Island Official Community Plan, the Right to Farm Act is still honored.

14. CLOSED MEETING

DE-012-2013 It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee closes the next part of the February 26, 2013 business meeting to discuss matters pursuant to Section 90(1) (a) of the *Community Charter* to consider appointments to the Advisory Planning Commission, Agricultural Advisory Commission and the Marine Advisory Planning Commission and that Staff be invited to attend this meeting.

CARRIED

Chair Luckham closed the meeting at 2:26 pm to hold an *in-camera* meeting.

By general consent the Committee reconvened in open meeting at 2:32 pm.

15. RECALL TO ORDER

Rise and Report from Closed Meeting

Chair Luckham reported that appointments to the Advisory Planning Commission and the Marine Advisory Planning Commission were made in the *in camera* session as follows: Daryl McLoughlin and Ralph McCuaig were appointed to the Advisory Planning Commission for two-year terms; and Shelley McKeachie and Pat McLaughlin were appointed to the Marine Advisory Planning Commission for two-year terms. He advised that the Local Trust Committee will continue to be open to consideration of expressions of interest for other commission appointments.

20. ADJOURNMENT

By general consent the meeting was adjourned at 2:33 pm.

Recorder

Chair