

**MINUTES OF THE DENMAN ISLAND LOCAL TRUST COMMITTEE
BUSINESS MEETING
HELD AT 10:30 AM ON TUESDAY, JUNE 4, 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
Rob Milne	Island Planner
Vicky Bockman	Recorder

MEDIA AND OTHERS PRESENT:

Seth Wright Student Planner
Approximately five (5) members of the public – am
Approximately four (4) members of the public – pm

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:30 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 Coast Salish First Nations.

2. APPROVAL OF AGENDA

The agenda was adopted by consensus with the following amendments:

- Add item 10.1: Association of Denman Island Marine Stewards Delegation;
- Add item 15.2: Comox Valley Regional District Annual Meeting Preparation; and
- Add item 15.3: Meeting Agendas.

3. CLOSED MEETING

DE-029-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee closes the next part of the June 4, 2013 business meeting to discuss matters pursuant to Section 90(1)(f) (Bylaw Enforcement) of the *Community Charter* and that Staff be invited to attend this meeting.

CARRIED

The meeting was closed to the public at 10:32 am.

4. RECALL TO ORDER

The meeting was re-opened to the public at 11:17 am.

4.1 Rise and Report from Closed Meeting

Chair Luckham reported on the following points regarding the Pentlatch Seafoods Shellfish Aquaculture Tenure in Henry Bay:

- we understand that the license holder is required, as a condition of their license, to comply with applicable local government bylaws; and
- Islands Trust bylaw enforcement staff will be contacting the license holder to seek voluntary compliance with the Denman Island Land Use Bylaw which could mean removing the rafts or making an application to rezone the area.

5. CHAIR'S REPORT

Chair Luckham reported that preparations are being made for the upcoming Trust Council meeting which will be held on Mayne Island. He noted that two main topics of discussion will be Kinder Morgan's presentation on the shipping safety aspects of their proposed oil tanker increase, and carbon neutrality through local initiatives – the Community Carbon Marketplace Initiative.

6. TRUSTEES' REPORT

Trustee Graham reported that he held Trustee Office Hours and had two separate interesting discussions with community members on the topic of the Official Community Plan Housing Policy 16 of the Housing Section. He noted that this policy encourages the Local Trust Committee to consider applications for site-specific zoning to allow secondary dwelling units or suites on lots of two hectares or more that are in the R2 zone. He commented that the conversations included discussion of the barriers involved and noted that the application fee was a discouraging factor. Trustee Graham indicated that he is preparing for the Trust Council meeting.

Trustee Busheikin reported that she attended the Islands Studies Conference on Gabriola which she found to be interesting and informative. She noted that she considered the First Nations workshop presented by Cheryl Ward to have been valuable and thought that consideration might be given to presenting this session on Denman Island. Trustee Busheikin commented that she attended the Denman Community Land Trust Association Annual General Meeting and found their work being done on housing in Agricultural Land Reserve land to be of interest and she looks forward to hearing more. She also noted that she held Trustee Office Hours and was pleased that it had been well attended.

7. MINUTES

7.1 Local Trust Committee Special Meeting Minutes of March 13, 2013

The minutes were adopted by consensus.

7.2 Local Trust Committee Meeting Minutes of May 8, 2013

The minutes were adopted by consensus.

7.3 Section 26 Resolutions Without Meeting

None.

7.4 Denman Island Advisory Planning Commission Minutes

None.

7.5 Denman Island Marine Advisory Planning Commission Minutes

None.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated May 27, 2013

Planner Brzozowski reviewed the Follow-up Action List dated May 27, 2013, provided verbal updates and responded to questions that arose. The application for representation of a local trustee on the Department of Fisheries and Oceans Shellfish Aquaculture Management Advisory Committee was discussed with process and potential benefits considered.

DE-030-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee nominate Trustee Laura Busheikin as a representative from the Denman Island Local Trust Committee to sit on the Shellfish Aquaculture Management Advisory Committee being assembled by the Department of Fisheries and Oceans.

CARRIED

There was discussion on the timing of the May 8, 2013 Follow-Up Action to correspond with BC Ferries requesting that they install a barricade at the north end of the Denman West terminal. It was confirmed that sending the proposed letter at this time would be useful even as BC Ferries considers its long-term plan for terminal changes.

9. APPLICATIONS AND PERMITS

None.

10. DELEGATIONS

10.1 Association of Denman Island Marine Stewards regarding the Pentlatch Seafoods Ltd. Contravention of Denman Island Trust Zoning Bylaws and the Draft Amendments to Bylaw No. 186

Edi Johnston presented a document for the record: June 4, 2013 LTC Delegation Notes Re: Pentlatch Seafoods Ltd. contravention of D.I. Trust zoning bylaws. On behalf of the Association of Denman Island Marine Stewards (ADIMS) she expressed concern regarding the operation of an aquaculture tenure at Henry Bay in Marine Conservation waters. She requested that the Denman Island Local Trust Committee meet with both Department of Fisheries and Oceans (DFO) and Integrated Land Management Bureau (ILMB) to consider possible solutions including offering an existing rafted tenure which is either dormant or for sale in exchange for the Henry Bay location. Additionally, she requested the Local Trust Committee consider declaring a moratorium on any future industrialization, including expansion of existing tenures, of Baynes Sound until an independent environmental study is conducted to determine the impact on the environment from existing industry and how much more, if any, Baynes Sound can accommodate.

Shelley McKeachie presented a document for the record: ADIMS June 4, 2013 LTC Delegation Notes Re: the draft amendments to Bylaw No. 186. She requested the Local Trust Committee proceed with the draft bylaw amendments to address all three of the identified issues.

Trustee Graham indicated that he hopes that the Local Trust Committee can discuss the situation and ideas presented here in meetings with DFO officials.

Trustee Busheikin commented that the scientific aspects of industry expansion are an important element of the issue.

Sharon Small commented that a study being completed at Vancouver Island University addressing aquaculture within a larger ecosystem might be a helpful scientific tool.

11. TOWN HALL DISSCUSSION

Edi Johnston – presented a document for the record regarding vehicle use on beaches, predator netting and banning beach modification. She requested that the Denman Island Local Trust Committee:

- prohibit vehicle access to W1 Marine Conservation areas by use of beach rights of way which are also considered conservation areas;
- ask for an independent environmental review to be done to determine the value of the predator nets and the impact on the environment;
- address the issue of beach modification which was not discussed in the May 27, 2013 staff report; and
- meet with DFO to find solutions to these issues.

Shelley McKeachie – expressed concern with predator netting, stating that studies have been completed that recognize the damaging effects of predator netting including reducing species diversity on the foreshore and rendering unavailable 62% of the critical bird habitat of Baynes Sound, an internationally-recognized bird habitat that includes several species on the endangered list.

Sharon Small – commented that tenure licenses include the condition that predator netting be kept in good repair, however, ADIMS has had over 300 complaints of net problems and there is no enforcement of that condition.

Pat McLaughlin – expressed an additional concern regarding predator netting, questioning who would bear the responsibility should there be an accident resulting from unsecured netting.

Edi Johnston – described an accident that occurred in the past involving predator netting in poor condition.

12. CORRESPONDENCE

None.

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities and Projects List Report dated May 27, 2013

Planner Brzozowski reviewed the Top Priorities and Projects List dated May 27, 2013.

DE-031-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee reprioritize the Top Priority list, moving Review of Housing Policies to number 2 and Implementing Riparian Areas Regulation to number 3.

CARRIED

13.2 Applications Log

13.2.1 Report dated May 27, 2013

Planner Brzozowski summarized the Applications Log dated May 27, 2013.

Trustee Busheikin noted that in the Log the purpose of file number DE-SUP-2011.10 includes “one wind turbine” however, this is no longer a part of the application and should be removed from the report.

13.3 Trustee and Local Expenses

13.3.1 Expenses posted to March 31, 2013 (Fiscal Year-end Final)

The expenses posted to March 31, 2013 were received.

13.4 *Policies and Standing Resolutions*

13.4.1 *Report*

The Policies and Standing Resolutions report was received for information.

By general consent the meeting was recessed at 12:03 pm and reconvened at 12:21 pm.

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 *Review of Aquaculture Policies and Regulations*
Staff Report dated May 27, 2013

Planner Brzozowski summarized the report which discusses potential bylaw amendments regarding prohibiting predator netting and driving on the foreshore and outlines the draft language for the potential amendments. She advised that given the consideration of the jurisdictional and bylaw enforcement difficulties that might be involved with proceeding with the proposed bylaw amendment to prohibit the use of predator netting, staff instead recommends advocacy with DFO to review their policies and standards on the authorization of predator netting.

The Trustees debated the proposed approach to the aquaculture policies, regulations and creation of potential bylaw amendments.

Trustee Graham commented that there is value in proceeding with the draft amendments to communicate the Local Trust Committee's position; and that the normal industry practice is to not use vehicles on the foreshore which provides a foundation to ban driving on the foreshore.

Trustee Busheikin noted that given the jurisdictional and bylaw enforcement difficulties of the potential bylaw amendments, she supported expanding advocacy work to engage DFO to discuss aquaculture practices, common interests and concerns.

The discussion on the potential amendment prohibiting driving on the foreshore included the following key points:

- the use of both terms "ground-based machinery" and "vehicular driving" in the description of the prohibited use was supported; and
- ensuring that aquaculture operators have access to their lease through their lease without trespassing on other property would be an important consideration.

Chair Luckham observed that the Local Trust Committee has attempted to have a dialog with DFO on a variety of issues; however these attempts have not come to fruition. Trustees supported drafting the bylaws and sending a referral to DFO for their referral response.

DE-032-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee ask staff to proceed with draft amendments to Bylaw No. 186 which would restrict predator netting as a permitted use and beach modification in the W3 zone and to add amendments which ban vehicular driving and ground based machinery on the foreshore in the W3 zone.

CARRIED

DE-033-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to set up a meeting with Department of Fisheries and Oceans aquaculture management personnel regarding aquaculture practices in Baynes Sound.

CARRIED

14.2 *Consultation on Housing Needs
Staff Report dated May 27, 2013*

Student Planner Wright presented the staff report proposing format and communications for community meeting consultations on housing needs strategies. Trustees indicated their support for the following changes to the Communications and Community Engagement Plan:

Scope

- Out of Scope: add multi-unit projects as these have been addressed;
- In Scope: add density cap and temporary use permits;
- Out of Scope: add Denman Community Land Trust Association affordable housing projects and Agricultural Land farm housing;
- reduce the number of topics as the background issues have been thoroughly addressed through the years;

Action Plan

- an assignment to the Advisory Planning Commission might be considered in this timeline, asking for their attendance in these meetings and providing feedback on conclusions;
- Communications: keep the focus on consultation on secondary dwelling units;
- Grapevine insert invitation to include a newsletter with information on Advisory Planning Commission work from last term and Accessory Dwelling Advisory Commission work from several years ago;
- there is a need to ensure that people are sufficiently engaged to attend the second meeting; various strategies to achieve this were considered, including emails, posting on the Denman Island Facebook bulletin board, and allowing for written comments to be submitted.

Meeting Format

- a preference was expressed for a panel format with an expanded introduction, possibly with Advisory Planning Commission participation, someone from the Accessory Dwelling Advisory Commission, Trustees speaking to existing policies, a senior and a renter to put faces to stories;

ADOPTED

- first meeting to focus on obstacles and opportunities with the second meeting to discuss possible solutions;
- the “reporting back” inclusion of the most popular ideas in the Obstacles and Opportunities meeting might be premature;
- a meeting format strategy was suggested that included an introduction, lists solutions that have been suggested before to avoid going over the same information another time, asking for other ideas to be followed by a policy meeting that acknowledges the community input;

Next Step Timeline

- timelines suggested in the staff report will change based on the need to incorporate the requested changes.

DE-034-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to redraft the Consultation on Housing Needs Strategies for the July meeting for discussion.

CARRIED

Possible date, times and location for the first meeting were considered. Sunday, August 25, 2013, in the Back Hall, with doors opening at 2:30 pm and meeting start of 3:00 pm were tentatively suggested. Trustees indicated that the discussion regarding Advisory Planning Commission engagement might be considered after the staff report is received. Chair Luckham volunteered to facilitate the meeting and the Trustees welcomed the offer.

15. **NEW BUSINESS**

15.1 *Executive Committee Local Trust Area (Ballenas-Winchelsea Islands) Bylaw Referral Request for Response*

Chair Luckham summarized the Bylaw Referral form.

DE-035-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee advise the Executive Committee that the Denman Island Local Trust Committee’s interests are not affected by proposed Bylaws No. 27 and 28.

CARRIED

15.2 *Comox Valley Regional District Annual Meeting Preparation*

Planner Brzozowski reported that an initial meeting including Islands Trust staff and staff from the Comox Valley Regional District (CVRD) will be held prior to the July 3, 2013 annual meeting. She suggested that staff report back to the Local Trust Committee on the meeting involving staff and that the annual meeting topics for discussion along with an agenda might be prepared in consultation with the Local Trust Committee at that time.

Trustees suggested that possible topics for discussion might include the CVRD proposed Aquaculture and Fisheries policies, the CVRD Parks and Greenways Master Plan Cross-Island Trail, road safety, general areas of interest, development and zoning in Baynes Sound, cumulative environmental and social impacts of aquaculture.

15.3 Meeting Agendas

Trustee Graham commented that he would like to prepare for Local Trust Committee meetings in a paperless manner, however, has not been able to create online notations on documents being received online from the Northern Office. He requested this be reviewed and improved if possible.

By general consent the meeting was recessed at 3:14 pm and reconvened at 3:20 pm.

Student Planner Wright left the meeting at 3:20 pm.

16. BYLAWS

None.

17. ISLANDS TRUST WEBSITE

17.1 Denman Page

DE-036-2013

It was **MOVED** and **SECONDED** that the Denman Island Local Trust Committee request staff to populate the Housing Section of the Denman webpage with past information relevant to the upcoming discussion.

CARRIED

18. NEXT BUSINESS MEETING DATE

18.1 Community Information Meeting at 7:00 pm

There will be a Community Information Meeting held on Tuesday, June 4, 2013 at Denman Island Community Hall, 1196 Northwest Road, Denman Island, BC regarding proposed Bylaw Nos. 204, 205, and 206 (Rezoning Application – 2016 Northwest Road).

18.2 Public Hearing at 7:30 pm

There will be a Public Hearing held on Tuesday, June 4, 2013 at Denman Island Community Hall, 1196 Northwest Road, Denman Island, BC regarding Bylaw Nos. 204, 205, and 206 (Rezoning Application – 2016 Northwest Road).

18.3 Local Trust Committee Business Meeting

The next meeting of the Denman Island Local Trust Committee will take place on Tuesday, July 16, 2013 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

19. TOWN HALL DISCUSSION

Shelley McKeachie – expressed support for the language “cumulative effects” rather than “carrying capacity” when addressing aquaculture issues and provided rationale for that viewpoint. She asked what the proposed marine zoning is for the Ballenas-Winchelsea Islands area. She also commented that ADIMS would like to invite Planner Milne to view their power-point presentation on marine issues.

Chair Luckham responded that the Ballenas-Winchelsea Islands area zoning has been set at 300 metres or mid-channel, whichever is less. He commented that an abbreviated version of the power-point presentation might be useful at the CVRD meeting or other venues.

Pat McLaughlin – thanked the trustees and staff for the opportunity to present the ADIMS delegation, for listening to concerns, and for addressing these issues.

20. ADJOURNMENT

By general consent the meeting was adjourned at 3:32 pm.

Recorder

Chair