



**Denman Island
Local Trust Committee
Minutes of a Regular Meeting**

- Date of Meeting:** Tuesday, October 22, 2013
- Location:** Denman Seniors Hall
1111 Northwest Road, Denman Island, BC
- Members Present:** Peter Luckham, Chair
Laura Busheikin, Local Trustee
David Graham, Local Trustee
- Staff Present:** Rob Milne, Island Planner
Vicky Bockman, Recorder
- Media and Others Present:** Approximately (14) members of the public-am
Approximately (8) 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 is being held in traditional territory of Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 10.5 Email and attachment from Pat McLaughlin regarding Application for Shellfish Tenure in Henry Bay dated October 11, 2013
- 10.6 Email from Margie Gang dated October 14, 2013 regarding Definition of Dwelling Unit
- 13.2 Memorandum regarding Aquaculture Use Applications 1414124 & 1414125 dated October 8, 2013

By general consent the agenda was approved, as amended.

By general consent the Committee directed staff to add the topic of “Adding Future Meetings” for discussion at the next Local Trust Committee meeting.

3. CHAIR'S REPORT

Chair Luckham reported that the agenda for the next Trust Council meeting, scheduled for December in Victoria, has been set and noted that a session to facilitate the discussion of economic development on the islands will include area Regional Directors. He commented that he recently attended a Cultural Connections event that focused on communications with First Nations to foster meaningful relationships that was well attended and effective.

4. TRUSTEES' REPORT

Trustee Graham reported that since the last meeting, he attended a round table gathering of Denman/Hornby health providers where discussion included the importance of secure, accessible housing in a healthy community.

He commented on a discussion with a concerned resident who reported that a shellfish tenure operator had agreed to move their raft operation to a location less troublesome to upland residents, however, in return the company indicated that they would want to increase the number of their aquaculture rafts. Trustee Graham suggested that the group of residents confer with the Association for Denman Island Marine Stewards to discuss the situation which would require a rezoning application for Local Trust Committee consideration.

Trustee Busheikin reported that she recently attended a Comox Valley Task Force on Housing and Homelessness forum which included presentation of strategies that other local governments are using to promote affordable housing. She noted that upcoming meetings she will attend include Ferry Advisory Committee and RCMP meetings.

She commented that since the last meeting, she attended a Denman Island Residents Association (DIRA) meeting where it was determined that DIRA will engage in discussions with BC Ferries to advocate for the need to retain the boat launch in the proposed new Denman West ferry terminal area.

Chair Luckham suggested that DIRA might also be interested in supporting the Local Trust Committee's effort to restrict vehicular beach access at the north side of the terminal area when meeting with BC Ferries, and staff was asked to follow-up on this suggestion and bring information back to the Committee for discussion.

5. MINUTES

5.1. Local Trust Committee Meeting Minutes dated September 24, 2013

The following amendments to the minutes were presented for consideration:

- Page 2, first paragraph, third line: replace: "create a Howe Sound Trust Area Management Plan" with "request that a Howe Sound Management Plan be created.";
- Page 2, first paragraph, fifth line: replace "organism foods" with "crops";

- Page 4, third paragraph, second line: delete “ that the law is being broken and”;
- Page 6, third paragraph, second line: replace “Federation” with “Council”;
- Page 6, Town Hall Discussion (Continued), third paragraph: insert a bullet before “support was expressed...”.

By general consent the minutes were adopted, as amended.

5.2. Section 26 Resolutions Without Meeting – None.

5.3. Denman Island Advisory Planning Commission Minutes – None.

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

6. BUSINESS ARISING FROM MINUTES

6.1. Follow-up Action List dated October 10, 2013

Planner Milne reviewed the Follow-up Action List dated October 10, 2013, provided updates and responded to questions that arose.

Trustees discussed their desire to move forward with the June 4, 2013 activity, “set up a meeting with Department of Fisheries and Oceans” and potential items for discussion at that meeting were considered.

Chair Luckham commented on an item that might relate to the February 26, 2013 Vancouver Island University state of Baynes Sound activity, noting that Executive Committee has proposed that one session in the next Association of Vancouver Island & Coastal Communities conference might be an educational session at the Vancouver Island University Deep Bay Marine Field Station to talk about aquaculture.

Chair Luckham noted several items in the report that were in need of correction and/or updating and Planner Milne responded that he will complete the changes.

7. APPLICATIONS AND PERMITS - None

8. DELEGATIONS - None

9. TOWN HALL DISCUSSION

On the topic of housing, the following comments were noted:

- It was asked when the Denman Community Land Trust Association Rural Affordable Housing Project Report would be placed on the Committee’s work list.

- The Staff Report on the Housing Needs Summary discusses approaches for the definition of affordable housing and it was suggested that consideration might be given to the Denman Community Land Trust Association Keystone Project's definition within the bylaw which has just been completed.
- The Visitor Survey conducted by DenmanWORKS! over the summer combined affordable housing and visitor accommodation questions which makes analysis problematic; and the results are additionally influenced by the difficulty to say "no" in a small community.
- There was support expressed for the Housing Forum held as a setting for discussion, and encouragement for a second forum to be held.
- Simon Palmer, speaking for DenmanWORKS! advised that the results of an affordable housing survey are being tabulated and will be forwarded to the Local Trust Committee for review. He submitted a letter dated October 21, 2013 requesting an extension of the Standing Resolution regarding a moratorium restricting bylaw enforcement of guest accommodations.
- The examples given in the Housing Needs Staff Report for secondary suites on Salt Spring Island indicated the lots where secondary suites are permitted. Clarification was requested as to how those areas were chosen, noting that the basis of the decisions made elsewhere is of interest.
Planner Milne noted that water systems and availability were factors, although the focus of this report was generally on the commonality in usage of secondary suites to address housing throughout the Trust area.

On the topic of marine issues, the following comments were noted:

- It was recommended that the most effective way to meet with shellfish regulatory agencies responsible for giving tenures would be in a setting that involves both Department of Fisheries and Oceans and Ministry of Forests Lands & Natural Resource Management in one meeting.
Trustee Busheikin advised that a meeting involving all parties is currently being organized.
- The window of opportunity to address zoning and geoduck issues is critical and Trustees should be involved in a multi-level group meeting.
- Attention was directed to the Baynes Sound Opinion Survey on Shellfish Aquaculture conducted by the Institute for Coastal Research at Vancouver Island University. It was the opinion that the report did not include adequate clarification about the viewpoints of Denman Islanders versus those on Vancouver Island. Approximately twenty Denman Islanders on the west side of Denman were surveyed however the impacts of the shellfish industry affect everyone on Denman every day. Only 11% of the respondents surveyed felt that there should be an increase in shellfish aquaculture in Baynes Sound; however it is the belief that this report will be used to justify further industrialization actions and Trustees were encouraged to become involved.
Trustee Busheikin advised that the researcher had offered to make a presentation on Denman Island of the research findings and she will let the researcher know that there is interest in having that occur.
- It was recommended that "raft culture" be taken out of the definition of aquaculture in the bylaw as it reflects industrialization versus farming.
- It was noted that the Gulf Islands Alliance is sponsoring a tour of six southern Gulf Islands in conjunction with the Association for Denman Island Marine

Stewards in early November to draw attention to the impacts of aquaculture and to share information about what is happening on Denman Island.

- Trustees were asked what actions would be taken on October 31, 2013 if the Henry Bay aquaculture operation is still in non-compliance.
Planner Milne responded by explaining the bylaw enforcement procedures.
- Trustees were asked if the Henry Bay operator's non-compliance would influence their consideration of the same group's further applications.
Trustees responded that any decision would be made at the time that an application for rezoning comes forward.
- Concern was expressed that there has been discussion of twenty additional rafts being added north of Millard Road.
Trustees responded that the discussion of moving those rafts further south has been brought to their attention; however this is not a process that the Local Trust Committee would initiate.

By general consent the meeting was recessed at 11:57 am and reconvened at 12:05 pm.

10. CORRESPONDENCE

Planner Milne outlined the timeline and process that staff undertakes regarding the receipt and placement of correspondence on the agendas. He noted that all submissions addressed to the Local Trust Committee get placed on the agenda. He added that correspondence with a "cc" to the Local Trust Committee will also be placed on the agenda. Correspondence addressed to the Planner may be placed on the agenda, at the Planner's discretion. Draft agendas can be prepared up to fourteen days prior to the meeting and correspondence received after that time may be brought by staff to the meeting as Late Correspondence and Trustees may review late items as necessary.

Chair Luckham recommended that correspondence, including emails, be addressed to the Denman Island Local Trust Committee to ensure placement on an agenda.

10.1. Emails dated September 21, October 3 and October 8, 2013 from Duncan and Susan Stewart regarding Aquaculture Expansion on Denman Island

Committee members received the above noted emails for information.

10.2. Email dated September 25, 2013 from Howard Stewart regarding Shoreline Degradation on Denman Island

Committee members received the above noted email for information.

10.3. Letter dated September 30, 2013 from Ron Shepherd regarding Tenure Violations

Committee members received the above noted letter for information.

10.4. Letter dated September 27, 2013 from Simon Palmer, President, Denman WORKS! Regarding Bylaw 186 and Visitor Accommodation Providers

Committee members received the above noted letter for information.

10.5. Email and attachment from Pat McLaughlin regarding Application for Shellfish Tenure in Henry Bay dated October 11, 2013

Committee members received the above noted email for information.

10.6. Email from Margie Gang dated October 14, 2013 regarding Definition of Dwelling Unit

Trustee Graham summarized the email, which suggests that “kitchen” be removed from the definition of dwelling unit as a solution to the guest accommodation issue. He noted that his research has shown that every island has a reference to cooking facility or kitchen in their definition of dwelling unit.

Chair Luckham remarked that the email will be considered as the issue is deliberated.

11. REPORTS

11.1. Work Program Reports

11.1.1. Top Priorities and Projects List Report dated October 10, 2013

Planner Milne summarized the report and provided updates.

Trustee Busheikin observed that the wording in the description of Top Priority No. 2 had changed from that created in the November 6, 2012 resolution. She suggested that to focus the range of discussion, the original wording should be restored.

DE-062-2013

It was MOVED and SECONDED,

that the Top Priority item No. 2 be corrected to read as follows: “Review of housing policies with respect to secondary cottages and suites in residential designations.”

CARRIED

Trustee Graham proposed that the Top Priority No. 2 Activity should reflect that affordable housing is not a part of this priority item.

DE-063-2013

It was MOVED and SECONDED,

that the Activity column for Top Priority item No. 2 be amended to read as follows: "Consider potential use of secondary dwelling units to meet a range of evolving housing needs."

CARRIED

DE-064-2013

It was MOVED and SECONDED,

that "DCLTA Rural Affordable Housing Project Final Report dated June 20, 2013" be added to the Projects List with the Activity: "Consideration of recommendations".

CARRIED

11.2. Applications Log

11.2.1. Report dated October 10, 2013

The Applications Log was received for information.

11.3. Trustee and Local Expenses

11.3.1. Expenses posted to September 30, 2013

The expenses posted to September 30, 2013 were received for information.

11.4. Policies and Standing Resolutions

11.4.1. Report

The Policies and Standing Resolutions Report was received for information.

DE-065-2013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee renew Standing Resolution No. DE-041-2012 to be extended to December 31, 2014.

CARRIED

By general consent the meeting was recessed at 12:26 pm and reconvened at 12:45 pm.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1. Housing Regulations Review

12.1.1. Staff Report dated October 3, 2013 (Summary of August 25, 2013 Housing Needs Meeting)

Planner Milne summarized the report. Discussion followed on potential approaches for next steps and the following key points were noted:

- implementation discussions will need to explore approaches to ensure safe and healthy housing including water, septic and electrical requirements;
- referral to the Advisory Planning Commission should be considered; and
- there was support for consideration of permitting secondary dwellings on properties two hectares or more in size and in the Agricultural Land Reserve and having a community discussion regarding the density cap.

Trustee Busheikin introduced a definition of attainable housing for detached units which includes limitation of rent to 30% of median income and would be regulated through Temporary Use Permits. She suggested that utilizing this tool for housing creates a hybrid model that would ensure that this housing meets a community need. There was debate on this approach.

Trustee Graham supported keeping housing costs attainable through control of the size of the unit, sharing of services and other methods. He expressed concern that the attainable housing definition might be too similar to the definition of affordable housing and noted that secondary suites are generally considered to be affordable. It was his understanding that rent can only be controlled through a housing agreement.

Temporary Use Permits (TUPs) were discussed as a possible mechanism to provide specific requirements and the following points were noted:

- support was expressed for keeping the TUP application fees low;
- the use of TUPs for secondary dwellings was considered;
- the definition of secondary dwelling unit could be expanded to include moveable dwelling units which could then also be regulated; and
- research might be conducted to determine the ability to control rent pricing through TUPs.

Discussion followed on the second Housing Forum and the following key points were noted:

- there was support to bring these ideas to a second Housing Forum for community discussion;

ADOPTED

- preference was given for the information to be presented to the community as a list and options for discussion; and
- Trustees requested a preliminary review of the information prior to presentation at the Forum.

DE-066-2013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee give consideration to amendments to the Denman Island Land Use Bylaw to facilitate the creation of secondary suites and secondary dwelling units including the use of moveable units and using Temporary Use Permits (for secondary dwelling units only) as the regulatory tool as part of the solution to the lack of housing options on Denman Island.

CARRIED

DE-067-2013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee give consideration to amendments to the Denman Island Official Community Plan to allow secondary suites and secondary dwelling units in Rural and Sustainable Resource land designations as part of the draft work on this Top Priority.

CARRIED

DE-068-2013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to amend the Project Charter "In Scope" for removal of Affordable Housing Agreements and Multi-unit projects (i.e. co-housing or senior housing).

CARRIED

DE-069-2013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to incorporate changes made to the Charter at the June Local Trust Committee business meeting into the current version.

CARRIED

Trustee Busheikin commented that this project is intended to meet evolving housing needs on Denman Island and that the Local Trust Committee is looking at the whole spectrum, trying to create a way to allow Denman Islanders individually to create housing to meet all kinds of needs that might include seniors, changing families, or caregivers. She recognized that this is not a way for housing groups to create dedicated housing, however expressed hope that it will create options for seniors and caregivers and family members in a way that is not so specifically designated or highly regulated.

Trustee Graham added that the Local Trust Committee has done the work to craft regulations and has had discussion at the community level to create opportunities for individuals or groups to bring applications forward for addressing affordable, senior and special needs housing.

Chair Luckham opened the floor for comments from the public and the following comments were noted:

- It was pointed out that visitor accommodation has not been discussed even though it is noted as “In Scope” in the Project Charter and that combining residential and home occupation issues may be confusing and encourage short term vacation rentals.

Trustee Graham commented that the intention is to work initially on secondary cottages and suites which is a Top Priority. He pointed out that short term vacation rentals are currently not permitted and this review will not affect that designation.

DE-070-2013

It was MOVED and SECONDED

that the Denman Island Local Trust Committee instruct staff to remove in the Project Charter, from the column “In Scope”, the words “including visitor accommodation”.

CARRIED

- There was concern expressed that if the definition of attainable housing is broadened, individuals with more money will be accommodated first.
- It was suggested that the fees for affordable housing rezoning applications might also be reduced if fees are lowered for attainable housing Temporary Use Permit applications.
- Concern was expressed that renters are vulnerable and that trust is not enough - regulations to address the imbalance of power are necessary.

13. NEW BUSINESS

13.1. Islands Trust Council Strategic Plan – Local Trust Committee Input

13.1.1. Briefing dated October 3, 2013

There was discussion of the Strategic Plan Strategy item 2.5 and the need to revise the item given the unsuccessful attempt for representation on the Department of Fisheries and Oceans Committee.

DE-071-2013

It was MOVED and SECONDED

that the Denman Island Local Trust Committee amend the Activities and Phases for Strategy 2.5 (Advocate for appropriate regulation of aquaculture) to read "Executive Committee to meet with regulatory agencies responsible for shellfish activities in the Islands Trust area" and delete the activities under how we measure success.

CARRIED

13.2. Memorandum regarding Aquaculture Use Applications 1414124 & 1414125 dated October 8, 2013

Planner Milne outlined the memo which describes two applications submitted by Salish Sea Farms. The proposed reply in response to the referrals was discussed.

DE-072-2013

It was MOVED and SECONDED

that the Denman Island Local Trust Committee ask Executive Committee to arrange a meeting with the Ministry responsible for Forests Lands & Natural Resource Management and the Denman Island Local Trust Committee to discuss the issuance of License of Occupation in the Trust area.

CARRIED

Chair Luckham commented that he would like to explore an opportunity for a member of the Local Trust Committee to meet with the Chief of the K'omoks First Nation Band in an effort to move forward with communications. Discussion followed with Trustees supporting the strategy and recommending that Chair Luckham proceed with the initiative.

DE-073-2013

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request Chair Luckham to meet with the Chief of the K'omoks First Nation.

CARRIED

14. BYLAWS – None.

15. ISLANDS TRUST WEBSITE

15.1. Denman Page

There were no changes or additions requested for the Denman Page.

16. NEXT BUSINESS MEETING DATE

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

17. TOWN HALL DISCUSSION

Members of the public commented on topics as follows:

- It was recommended that a marine biologist be hired to perform research to identify what is unknown about the impact of geoduck aquaculture on Denman Island in order to address the concerns more specifically.
- It was suggested that the Marine Advisory Planning Commission (MAPC) be engaged as a source of support in the ongoing marine issues.
Trustees commented that timely, valuable information is being provided by a very active community group and acknowledged the value of the MAPC as well.
- It was pointed out that the new shellfish tenure applications would result in 575,000 square metres of netting in the sub-tidal zone and that in Washington State there are 43,000 tubes of PVC per acre for geoduck aquaculture.
- It was noted that the term “carrying capacity” does not take into account many other important impacts such as those on other sea life and economic stakeholders. Concern was expressed that from a social standpoint, there is no more carrying capacity.

18. ADJOURNMENT

By general consent the meeting was adjourned at 3:17 pm.

Peter Luckham, Chair

CERTIFIED CORRECT:

Vicky Bockman, Recorder