



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

Date of Meeting: Tuesday, January 21, 2014

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 nine (9) 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 10:32 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

By general consent the agenda was approved.

3. CHAIR'S REPORT

Chair Luckham noted briefly that he attended a Trust Council meeting where preliminary budget work was a focus. He reported that, along with Islands Trust staff, he met in January with members of the K'omoks First Nation and the chief negotiator representing the Band's interest in the treaty negotiations to discuss aquaculture matters. He commented that it was a good meeting with exchange of concerns and a general agreement reached to continue to have conversations.

4. TRUSTEES' REPORT

Trustee Busheikin reported that she attended the Denman Housing Coalition public meeting on affordable housing and two Denman Island Residents Association meetings, one of which focused on ferry issues. She commented on a telephone conversation she had with Ken Albrecht of the Integrated Land Management Bureau of the Ministry of Forests, Lands and Natural Resource Operations (FLNRO), following up on his recent presentation to the Local Trust Committee. She noted that this conversation led her to conclude that future conversations with FLNRO need to contain clear, specific and relevant arguments about the environmental impacts of shellfish aquaculture as well as emphasizing the Islands Trust mandate. She reported that she will be attending the Department of Fisheries and Oceans Aquaculture Management Advisory meeting in Courtenay as an observer where they will be discussing geoduck farming guidelines.

Trustee Graham commented briefly on his understanding that the Raven Coal Mine proponents will be submitting an application in the spring. He noted that he has had many good conversations with islanders about matters of concern including ferry issues and affordable housing.

5. MINUTES

5.1 Local Trust Committee Meeting Minutes dated November 26, 2013

The following amendments to the minutes were presented for consideration:

- Page 2, item 3, first line: replace "Executive Committee" with "Trust Council";
- Page 2, item 4, first paragraph: delete the sentence "He noted that the Financial Planning Committee...";
- Page 2, item 4, second paragraph, second line: replace "becoming involved with RCMP" with "an annual meeting with the RCMP to discuss";
- Page 2, item 4, second paragraph, fourth line: replace "Comox Valley" with "Strathcona";
- Page 2, item 4, second paragraph, fifth line: replace "gain some direction on how to best proceed with dealing with such" with "learn how they had dealt with similar";
- Page 3, fifth paragraph, third line: delete "regarding the use of second dwellings"; and
- Page 10, first paragraph: remove all quotation marks.

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 January 10, 2014

Planner Milne reviewed the Follow-up Action List dated January 10, 2014 and the following items were noted:

- the June 5, 2012 item will be removed from the report in the future as it has been replaced by a regular, new agenda item: Policies and Standing Resolutions;
- the Riparian Areas Regulation mapping is nearing completion and a presentation by Madrone Environmental to outline the report is tentatively scheduled for the February 25, 2014 Local Trust Committee meeting;
- committee members encouraged staff to move forward with tentative plans for a February 25, 2014 presentation by a Fisheries and Oceans Canada (DFO) Field Inspection Office representative to address topics such as inspection procedures, the role of the Field Inspector and what types of aquaculture might be involved in proposed or existing operations;
- an advertisement is currently running in the Grapevine requesting expressions of interest for three positions on the Advisory Planning Commission; and
- Planner Milne requested direction for advertising the three Marine Advisory Planning Commission positions that will expire in April, and Trustees recommended that current members be invited to remain in the positions, as a first step.

7. APPLICATIONS AND PERMITS - None

8. DELEGATIONS - None

9. TOWN HALL DISCUSSION

Shelley McKeachie, speaking on behalf of the Association for Denman Island Marine Stewards, acknowledged the importance of the ongoing treaty negotiations in resolving aquaculture concerns. She commented that a stated objective of the Ministry of Aboriginal Relations and Reconciliation is that communities must be consulted and local governments informed yet at stage five of a six-stage process, this has not happened. She urged the Islands Trust and Local Trust Committee to request an official seat on the Aquaculture Review Committee in order to have input in the treaty process and to advocate for environmental protection. She indicated that she would be sending a letter on this matter to Trust Council.

Edi Johnston asked if the K'omoks treaty has been sent to the Local Trust Committee or other agencies for referral. She asked the Committee to consider measures, such as

Marine Park zoning, to protect the remaining Denman shores unaffected by aquaculture tenures.

Graham Brazier urged the Islands Trust to be proactive, not to wait for an invitation to participate in the treaty negotiations as there is a critical need to provide protection for threatened ecosystems.

Trustees responded that they had not seen a referral of the treaty for comment, however, advised that Islands Trust staff has initiated steps to become involved. It was reported that there is a meeting scheduled with local treaty negotiators in February and an invitation to the provincial treaty negotiator to participate in the Trust Council meeting on Hornby Island in March. It was anticipated that these meetings will provide an opportunity to ask questions and clarify the possibility of further opportunity to participate in the treaty process.

Margie Gang requested that consideration of cooking facilities be removed from the definition of dwelling unit and suggested an alternate definition. She read an article regarding an amendment to a zoning regulation which illustrates difficulties with a definition that includes cooking facilities. She expressed support for the drafted amendments to the bylaw, however, noted that the amendments do not address the reality that some are providing cooking facilities in a part of a single family home that will never be a secondary suite.

Trustee Graham clarified that a second kitchen can be put in in a dwelling as long as it conforms to regulations.

Planner Milne responded that the Local Trust Committee has added “review of visitor accommodation regulations with a focus on allowing the provision of cooking facilities for guests” to the Projects List in response to concerns. He clarified that the intent of the draft bylaws to enable secondary suites and secondary dwelling units is for full time occupation rather than for visitor accommodations. He noted that the intent is to approach secondary suites/secondary dwelling units and visitor accommodations separately to minimize possible misunderstandings.

In response to an inquiry, Trustees advised that there is no new information regarding the bylaw enforcement process on the Henry Bay aquaculture operation.

Shelley McKeachie stated that she had received information from DFO staff recently that indicated that three aquaculture applications in the Denman Island jurisdiction area are in the initial stages of review prior to being forwarded to DFO, yet they have already been signed off on in the Interim Measures Agreement of the K’omoks First Nation treaty negotiation. She expressed concern with this process and offered that this might be a topic to address in the upcoming meetings.

10. CORRESPONDENCE

10.1 Correspondence regarding Aquaculture Tenure Applications

Committee members received the above correspondence.

10.2 Letter dated December 20, 2013 from Woodward & Co., for K'omoks First Nation regarding Assertion of K'omoks First Nation Aboriginal Rights and Title at *Xelikw'*, (Henry Bay)

Committee members received the above correspondence.

10.3 Letter dated January 1, 2014 from Association for Denman Island Marine Stewards regarding Proposed Bylaw 207

Trustee Graham responded to the correspondence which expressed disappointment with the decision to proceed no further with draft Bylaw No. 207. He summarized the difficulties with continuing with that approach, however, noted that the Golder Report had suggested that the issue of driving on the beach might be addressed by restricting access. He proposed that the Marine Advisory Planning Commission might be given a referral to identify possible beach accesses to consider for closure for this purpose. Discussion followed on the need to consult with the Ministry of Highways and Infrastructure and the Comox Valley Regional District on this strategy.

DE-2014-001

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to refer to the Marine Advisory Planning Commission, the task of identifying which beach accesses on Denman Island are appropriate for installing controls on vehicular access and to advise the Local Trust Committee.

CARRIED

DE-2014-002

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to consult with the Comox Valley Regional District on potential work on vehicular control structures at beach accesses.

CARRIED

10.4 Email dated January 6, 2014 from Duncan Stewart regarding Henry Bay and Pentlatch Seafoods

Committee members received the above correspondence.

10.5 Email dated December 4, 2013 from March Klaver, Regional Manager, Aquaculture Resource Management, Fisheries and Oceans Canada (DFO) regarding Aquaculture within the Denman Island Local Trust Area

Trustees discussed the correspondence which responds to concerns expressed by the Local Trust Committee with respect to aquaculture, including the request that a moratorium on new geoduck aquaculture sites be put in place and for the need for a research study on the potential impacts of geoduck aquaculture in the area. The letter references DFO's review of geoduck management and the current process of developing an Integrated Geoduck Management Framework, and indicates that a draft copy of the Framework could be distributed to the Islands Trust if requested.

DE-2014-003

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee instruct staff to contact Sean Wouters to ask to be included on the distribution list to receive a draft copy of the Integrated Geoduck Management Framework.

CARRIED

DE-2014-004

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee forward the letter from Fisheries and Oceans Canada dated December 4, 2013 from March Klaver to the Executive Committee of Islands Trust for their consideration.

CARRIED

10.6 Email dated November 29, 2013 from Allan Danks regarding Letters of Support for the Cross Island Trail

Committee members discussed the correspondence which requests a letter of support from the Local Trust Committee regarding structural improvements to the ferry hill and the big hill sections of the Cross Island Trail. The Trustees expressed support for prioritizing the work to be done as soon as possible and suggested that this might be the time to request improvements to the big hill which poses serious safety issues and does not currently meet Ministry of Highways and Infrastructure standards.

DE-2014-005

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request Trustees Busheikin and Graham to prepare a letter for the Chair's signature supporting Comox Valley Regional District's request to the Ministry of Transportation and Infrastructure to make roadbed improvements to the ferry hill and the big hill.

CARRIED

10.7 Emails dated December 7 and 8, 2013 from Scott Donaldson regarding Secondary Dwellings

Trustees discussed the correspondence, acknowledging many worthwhile points made which may be considered further by the general public and the Advisory Planning Commission as the draft bylaws to enable secondary suites and secondary dwelling units proceed further. Trustee Graham will contact the writer regarding this submission.

11. REPORTS

11.1 Work Program Reports

11.1.1 Top Priorities and Projects List Report dated January 10, 2014

Planner Milne summarized the report. Trustees discussed the status of Top Priority No. 1 and determined that an updated description of the “Activity” would be warranted.

DE-2014-006

It was MOVED and SECONDED,

that the Activity on Top Priority No. 1 be changed to: Investigate further with regard to alternate measures to address negative impacts of shellfish farming.

CARRIED

Planner Milne was asked to correct the number of the last Project to “1”.

11.2 Applications Log

11.2.1 Report dated January 10, 2014

The Applications Log was reviewed by the Trustees, and Planner Milne provided an update on the Denman Community Land Trust Association file.

11.3 Trustee and Local Expenses

11.3.1 Expenses posted to December, 2013

The expenses posted to December, 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.

By general consent the meeting was recessed at 12:20 pm and reconvened at 12:35 pm.

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Housing Regulations Amendments for Land Use Bylaw

12.1.1 Staff Report dated December 16, 2013 regarding Draft Bylaws for the Implementation of Secondary Suites and Secondary Dwelling Units

Planner Milne summarized the report and the attachments were discussed. Trustee Busheikin provided Planner Milne with a list of suggested changes including grammatical, punctuation and minor modifications. The Trustees provided comments and suggestions for further revisions including the following:

Attachment 1

- Schedule A, Policy 10: add to the last sentence: “unless a secondary dwelling is otherwise approved by Temporary Use Permit.”;
- Schedule A, Policy 11, second paragraph: remove the section addressing secondary dwelling units and move it to the first paragraph;
- Schedule A, Policy 11: the effect of secondary dwelling units on density calculations was discussed and the need to track density increases from this source was recognized; and
- Planner Milne was requested to report back to the Local Trust Committee on the current status of what remains in the 5 percent density allowed for affordable housing.

Attachment 2

- Schedule A, item 3, Section 2.1, 5 d): remove this clause and renumber accordingly;
- Schedule A, item 3, Section 2.1, 6 a): there was debate on the permitted maximum floor area with Trustee Graham suggesting that 90 square metres be reduced to 600 square feet (expressed in metres) while Trustee Busheikin felt that 600 square feet is not a healthy size for a family of four;
- Schedule A, item 3, Section 2.1, 6 b): Trustee Busheikin advocated for reducing the distance of the secondary dwelling unit to the principal residence from 100 metres to 60 metres to promote a clustered housing effect. This item may be considered for community feedback;
- Schedule A, item 3, Section 2.1, 7: Trustees expressed a preference for Local Trust Committee discretion on this issue and requested this clause be deleted;
- Schedule A, item 3, Section 2.1, 8: Delete this clause and renumber accordingly; and
- Schedule A, Area 2 Objective: replace “needs” with “objectives”.

Attachment 3

- The Committee endorsed the Project Charter as presented.

Attachment 4

- The Committee endorsed the map as presented.

Planner Milne confirmed that he will redraft the bylaws, incorporating the comments and suggestions for changes provided and will send it to the Advisory Planning Commission for review.

DE-2014-007

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee refer the amended January 21, 2014 draft bylaws of the Housing Regulations Review to the Advisory Planning Commission.

CARRIED

DE-2014-008

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse version 1.3 of the Project Charter for Denman Island Consultation of Housing Policy Review.

CARRIED

Trustee Busheikin noted that she has particular items she would like to include for the Advisory Planning Commission's (APC) consideration in the referral and will forward these to Planner Milne. Discussion followed on the timing for the APC's response and the subsequent Community Information Meeting.

DE-2014-009

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee requests the Advisory Planning Commission to provide their advice no later than February 21, 2014.

CARRIED

12.2 Aquaculture Practices

12.2.1 Bylaw Referral Response dated November 27, 2014 from Fisheries and Oceans Canada regarding Draft Bylaw No. 207

The Bylaw Referral Response was received for information at this time.

By general consent agenda items 15. Closed Meeting and item 16. Recall to Order were moved to follow after item 12.2.1.

15. CLOSED MEETING

15.1 Motion to Close the Meeting

DE-2014-010

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee closes the next part of the January 21, 2014 business meeting to discuss matters pursuant to Section 90(1) (i) (receipt of advice subject to solicitor-client privilege) of the *Community Charter* and that staff be invited to attend this meeting.

CARRIED

The Committee closed the meeting at 1:43 pm.

**16. RECALL TO ORDER
Rise and Report from Closed Meeting**

By general consent the Committee reconvened in open meeting at 1:59 pm.

Chair Luckham reported that while in closed meeting the Committee adopted *In Camera* minutes from a prior meeting and received updates on matters concerning Stoneman and Ellis.

13. NEW BUSINESS

**13.1 On-Island Planner Office Hours
Memorandum dated December 18, 2013**

Planner Milne outlined the memorandum which described the current limited utilization of on-island Planner office hours services and the costs involved, and requested consideration as to whether to continue this service. Trustees considered the matter and agreed that an information box or footnote included in the Trustee Notebook article, noting how to contact a planner with questions, might be an effective alternative.

DE-2014-011

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee instruct staff to discontinue On-Island Planner Office Hours for Denman Island.

CARRIED

**13.2 Trustee Busheikin – Submission to Ferry Commissioner regarding the
Cable Ferry**

Trustee Busheikin presented a draft submission to the Ferry Commission regarding the Cable Ferry review process. Trustees discussed the submission and recommended that references to “our concerns” be changed to reference the views of the community.

DE-2014-012

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse the letter from Trustee Busheikin as discussed and submit for staff signature to be forwarded to the Ferry Commission.

CARRIED

Trustee Busheikin referenced a letter from Trust Council expressing support for BC Ferry Coalition’s Fiscal Fairness campaign, a group that opposes the proposed cuts, and suggested the Local Trust Committee consider writing a letter of support as well.

DE-2014-013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee express support for the BC Ferry Coalition's Fiscal Fairness campaign, as its goals align with Denman Island's position that coastal communities depend on affordable fares and reliable service levels, that 25% fare rollbacks are needed to revitalize coastal economies, and that the Province should recognize the coastal ferry service as an essential and integral part of BC's transportation infrastructure and fund it accordingly.

CARRIED

DE-2014-014

It was MOVED and SECONDED,

that the Denman Island Local Trust send a letter of support for the BC Ferry Coalition's Fiscal Fairness campaign to the BC Ferry Coalition, signed by the Chair.

CARRIED

**13.3 Jurisdiction over Aquaculture Operation
Draft Briefing from Linda Adams, Islands Trust, CAO**

The preliminary briefing from Linda Adams, Chief Administrative Officer was received for information.

14. BYLAWS – None.

17. ISLANDS TRUST WEBSITE

17.1 Denman Page

There were no changes or additions requested.

18. NEXT BUSINESS MEETING DATE

The next meeting of the Denman Island Local Trust Committee will take place on Tuesday, February 25, 2014 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

Trustees recognized that this meeting may include two presentations in addition to the review of the amended housing bylaws and APC recommendations, and requested that additional agenda items be kept to a minimum if possible to allow adequate time for a full engagement of these topics.

19. TOWN HALL DISCUSSION – None.

20. ADJOURNMENT

By general consent the meeting was adjourned at 2:25 pm.

Peter Luckham, Chair

CERTIFIED CORRECT:

Vicky Bockman, Recorder