



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

**Date of Meeting:** Tuesday, February 25, 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  
Courtney Simpson, Regional Planning Manager  
David Marlor, Director Planning Services, by telephone  
Miles Drew, Bylaw Enforcement Manager  
Vicky Bockman, Recorder

**Media and Others Present:** Approximately three (3) 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 10:35 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 addition to the agenda was presented for consideration:

14.2 Conference on Management of Sensitive Marine Ecosystems - Lessons from Case Studies to Identify Solutions for Baynes Sound

**By general consent** the agenda was approved, as amended.

**3. CHAIR'S REPORT**

Chair Luckham reported that the upcoming Trust Council meeting will be held on Hornby Island and that items of interest will include a presentation open to the public regarding treaty negotiations and consideration of adoption of the proposed budget for 2014/2015.

He noted that on Thetis Island, the Ferry Advisory group has approached its response to the BC Ferries announced schedule changes, by completely revamping the proposal and demonstrating that lower fuel costs, resulting from slowing down the speed of the ferry would maintain a satisfactory schedule, reduced overtime expense, and achieve sufficient savings to meet the financial objectives and even create a surplus.

#### **4. TRUSTEES' REPORT**

Trustee Busheikin reported that she attended several meetings since the last Local Trust Committee meeting:

- Denman Island Residents' Association;
- Trustee Office Hours;
- Trust Programs Committee;
- Advisory Planning Commission where the housing regulations review was considered;
- Old School Committee which is proceeding with the roof replacement while preserving the bat roosting sites; and
- Met with treaty negotiators to learn about the status of the K'omoks First Nation treaty and discuss issues.

She reported that as a member of the Ferry Advisory Committee she held a public meeting last week to discuss the proposed new ferry schedule. She commented on the preferences that were expressed, particularly for sailings for as long of a day as possible even if meaning fewer sailings in the middle of the day; and some cautious interest in cutting some peak season sailings in order to have more off-peak sailings such as preserving at least one late night. She noted that she will be attending a Ferry Advisory Committee meeting with BC Ferries to share this information and to discuss scheduling in depth on March 7, 2014. She also noted that she has made an information and contact list including information about the rally scheduled for March in Victoria that people have found to be useful.

Trustee Graham remarked that he attended Trustee Office Hours and Trust Council Committee meetings. He reported that the Ferry Commissioner has announced that he has approved funding for BC Ferries to build the cable ferry. Trustees observed that the approval is conditional and these conditions address many of the issues brought forth by concerned community members.

#### **5. MINUTES**

##### **5.1 Local Trust Committee Meeting Minutes dated January 21, 2014**

The following amendment to the minutes was presented for consideration:

- Page 8, last line: change "Local Trust Committee" to "Advisory Planning Commission"

**By general consent** the minutes were adopted, as amended.

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

**5.3 Denman Island Advisory Planning Commission (APC) Draft Minutes dated February 11, 2014**

Planner Milne distributed the attachments for items 4.1 and 4.2 of the draft APC minutes. He provided a summary of the key points of the discussion that occurred at the APC meeting:

1. There was support for the use of Temporary Use Permits (TUP) for secondary dwelling units as they would be more cost and time effective than the rezoning process;
2. The size of secondary dwellings was discussed and a recommendation was made;
3. The distance between the secondary dwelling unit from the principle residence was discussed and a recommendation was made;
4. There was support for permitting a secondary dwelling on any R2 property regardless of the size of the lot. Planner Milne pointed out that this would require an Official Community Plan (OCP) language amendment for the community to consider;
5. It was noted that there should be equivalency between requirements for adding a secondary dwelling unit and subdivision in terms of verification of adequate septic capability or allowing the Local Trust Committee to see verification through the TUP; and
6. It was recognized that Vancouver Island Health Authority (VIHA) requirements would limit some properties; however, without building inspections there would be no framework to verify compliance.

Discussion ensued and the following key points were noted:

- Trustee Busheikin inquired if the draft bylaw could refer to a size of lot and larger rather than a zone and Planner Milne responded that this option is possible; however, advised that it would be new language in the existing OCP;
- Trustee Graham suggested that the TUP might be designed to accommodate conditions on a property as opposed to lot size or zone in order to ensure safe and healthy conditions. He suggested that a discussion with VIHA might be useful in order to determine what criteria could be used in a TUP to ensure adequate septic or other requirements;
- Research into the types of septic capability testing options and costs might be useful to help determine feasibility of this approach; and
- Chair Luckham observed that if the Local Trust Committee proceeds with the TUP requirement it would be able to set the minimum standard that is required and this could be adjusted according the circumstances.

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

**6. BUSINESS ARISING FROM MINUTES**

**6.1 Follow-up Action List dated February 13, 2014**

Planner Milne summarized the items on the Follow-up Action List. He reported back to the Local Trust Committee as requested on the current status of what remains in the 5 percent density allowed for affordable housing. He advised that 5 percent of the total 1,020 parcels on Denman Island equals 51 and while still researching, he estimated that 16 of the units allowed for affordable housing have been used, indicating significant availability remaining.

**6.2 Beach Access and Vehicular Controls**

6.2.1 Staff Report dated February 12, 2014

Planner Milne summarized the Staff Report which identifies the complex issues involved in consideration of beach access and vehicular controls. He suggested that there is reason for the Marine Advisory Planning Commission to continue with the referral task of identifying the beach access points, indicating that this would provide the initial information necessary to determine next steps.

Trustees acknowledged that identifying the number of beach access points would be useful in consideration of possible strategies. There was no action taken at this time, with Trustees expressing a preference to hear the presentation from DFO on today's agenda prior to consideration of whether there is any further direction to provide on this matter.

**7. APPLICATIONS AND PERMITS - None**

David Marlor, Director Planning Services joined the meeting by telephone. Miles Drew, Bylaw Enforcement Manager joined the meeting.

**8. PRESENTATION BY DEPARTMENT OF FISHERIES AND OCEANS CANADA (DFO)**

Compliance Inspections and Aquaculture Practices presented by Steven Schut, Senior Aquaculture Biologist

Senior Aquaculture Biologist Steven Schut gave a power-point presentation on compliance inspections and aquaculture practices in British Columbia. He introduced himself and described his position as lead biologist working on shellfish aquaculture and environmental issues at DFO. He invited conversation and responded to questions as they arose during the presentation.

He outlined the general framework of the presentation which would discuss in broad terms, the overview of aquaculture and jurisdictional issues, DFO's position on aquaculture, discussion of his group: Aquaculture Environmental Operations Fisheries Management, what has been done in the last three years and where his group is expected to go in the next year.

His discussion centered on the following topics:

1. The scope of aquaculture activities in British Columbia;
2. The contribution to the economy of resource-based coastal communities in BC/ the value of aquaculture harvest;
3. Shellfish farming aquaculture sites in the Vancouver Island area;
4. The evolution of the BC Aquaculture Regulatory Program;
5. Regulatory tools and approaches – Shellfish Conditions of License;
6. Jurisdictions involved in management of the aquaculture industry;
7. DFO key priorities for aquaculture management;
8. Delivering the program: Fisheries Management/Aquaculture Management Division/Aquaculture Resources Management/ Aquaculture Environmental Operations/ Aquaculture Programs;
9. Aquaculture Management Division teams – key roles and responsibilities;
10. Office locations; and
11. Aquaculture Environmental Operations – located in Courtenay: summary of site inspections, compliance rates, mapping assessment of clam netting with an overview of actual sites visited.

He advised that plans for next season include continued compliance inspections and better communication with growers about field operations. He concluded by noting that the group is trying to use all the tools at their disposal to engage the farmers and to encourage best practices.

A question and answer period followed. He indicated that many questions being posed are outside of his area of responsibility and suggested that the Local Trust Committee might consider inviting March Klaver, of Aquaculture Management, for a follow-up presentation.

Chair Luckham thanked Biologist Schut for his presentation. He advised that many interested members of the community had not been able to attend today's presentation due to weather conditions, and asked if this power-point presentation might be posted to the Islands Trust website.

Planning Manager Simpson added that this presentation had been useful and appreciated hearing that DFO inspections are occurring.

**9. DELEGATIONS - None**

**10. TOWN HALL DISCUSSION**

Edi Johnston read a submission "Prohibiting Vehicles from Beaches" providing references to the Golder Report, policies and examples of methods Comox Valley Regional District has utilized to restrict vehicular access to beaches. She urged the Committee to use the powers available to them to prohibit vehicles from driving on the beaches.

Shelley McKeachie asked for clarification of the Staff Report regarding Beach Accesses and Vehicular Controls, inquiring if restricting access through parks was an approach being discussed.

Planner Milne responded by explaining the road right-of-way jurisdictional issues and the difficulties with a gate approach which include concerns regarding enforcement and access for public safety such as fire response.

Liz Johnston stated that although DFO's report notes that a large percentage of predator netting is in compliance, she stated that in past years while walking the beaches all the netting she observed had trapped and killed herring.

**11. CORRESPONDENCE**

**11.1 Email response dated January 29, 2014 from BC Ferry Commission regarding Denman Cable Ferry Proposal**

Committee members received the above correspondence.

**11.2 Email dated January 23, 2014 from Wendy Boothroyd regarding Opposition to Aquaculture Applications**

Committee members received the above correspondence.

**11.3 Email dated January 24, 2014 from Ken Madsen regarding Opposition to Aquaculture Applications**

Committee members received the above correspondence.

**11.4 Letter forwarded from Islands Trust Executive Committee to the Denman Local Trust Committee and dated January 21, 2014 to Islands Trust Council from Association for Denman Island Marine Stewards (ADIMS) regarding Islands Trust participation in the treaty negotiation process**

Committee members received the letter and deferred a decision on response until more information is received, noting that they will be learning about the provincial perspective at Trust Council next week.

**By general consent** the meeting was recessed at 12:45 pm and reconvened at 1:05 pm.

**12. REPORTS**

**12.1 Work Program Reports**

**12.1.1 Top Priorities and Projects List Report dated February 13, 2014**

Report was reviewed.

**12.2 Applications Log**

12.2.1 Report dated February 13, 2014

Report was received for information.

**12.3 Trustee and Local Expenses**

11.3.1 Expenses posted to month ending January, 2014

Report was received for information.

**12.4 Policies and Standing Resolutions**

12.4.1 Report

Report was received for information.

**13. LOCAL TRUST COMMITTEE PROJECTS**

Trustees discussed the process, timing and next steps for the draft bylaws to enable secondary suites and secondary dwelling units. The recommendations from the APC's February 11, 2014 meeting draft minutes were considered.

**DE-2014-015**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee direct staff to incorporate Advisory Planning Commission resolutions DEAPC-01-2014 and DEAPC-02-2014 from the Advisory Planning Commission meeting of February 11, 2014 into the draft bylaw regarding housing and send the amended draft bylaw out for early agency referrals.

Trustees debated the recommended increase in the secondary dwelling unit permitted floor area from 90 to 140 square metres contained in DEAPC-01-02:

- Trustee Busheikin stated that she agrees with the overall direction of the motion; however, is not comfortable with increasing the permitted floor area from 90 to 140 square metres as that is bigger than many primary dwellings on Denman Island and would exhibit less of an accessory quality. She suggested that an increase to 110 might be more appropriate; and
- Trustee Graham spoke to the motion, supporting the process of taking the APC's recommendation to the community for feedback, rather than changing the recommended floor area at this time.

Chair Luckham put the motion to the vote.

**CARRIED**

Trustee Busheikin Opposed

**14. NEW BUSINESS**

**14.1 Denman Island Riparian Areas Regulation (RAR) Mapping**

14.1.1 Madrone Environmental Services Ltd. Report dated January 21, 2014  
Presented by Trystan Willmott, Aquatic/Terrestrial Biologist, Madrone  
Environment Services Ltd.

Biologist Trystan Willmott of Madrone Environmental Services introduced himself and gave a power-point presentation on Denman Island Riparian Areas Regulation (RAR) mapping. He explained the scope of the project, commenting that four watersheds had been targeted based on information from the Ministry of Environment: Chicadee Lake, Graham Lake, Beadnell Creek and Valens Brook. He noted that the Morrison Marsh watershed had been mapped previously and explained that another RAR-applicable stream had been identified and mapped: Gladstone Creek, thereby bringing the total watersheds mapped with this report to five.

He advised that the objective of the project was to map the centre line of streams to allow the Islands Trust to accurately identify RAR-applicable watercourses and he summarized the methods used and the fieldwork that was done to gather the data. He noted that in some cases he was not given permission to access properties and those occurrences had been listed as “not field verified” on the maps. The power-point presentation included maps of the watersheds, the definition of a “stream” under the RAR and when a watercourse is not a “stream” under the RAR. He advised that surface flow connectivity to potential fish habitat is the key component. He provided an outline of the results of fish distribution data and summaries of the watersheds.

Biologist Willmott clarified that per the RAR, any development within the Riparian Assessment Area (RAA) triggers the requirement for an assessment completed by a Qualified Environmental Professional. He explained that the RAA occurs within 30 metres of applicable watercourses and described how that area is measured. He concluded his presentation with the reasons to protect riparian areas and welcomed local knowledge as that can be valuable input. He confirmed that the maps will be public documents, available for viewing. A question and answer period followed.

Planner Milne suggested that it might be appropriate for staff to bring a report that addresses the implementation of the RAR process to the Local Trust Committee and noted that education can be crucial to understanding the regulations.

Trustees thanked Biologist Willmott for the report and presentation. They acknowledged that this material provides them with the data necessary to move forward with the process to enact the regulation.

**By general consent** agenda items 16, 17 and 18 were moved to follow agenda item 14.1.1.

**16. CLOSED MEETING**

**16.1 Motion to Close the Meeting**

**DE-2014-016**

It was **MOVED** and **SECONDED**,

that the Denman Island Local Trust Committee closes the next part of the February 25, 2014 business meeting to discuss matters pursuant to Section 90(1) (a) Advisory Planning Commission and Marine Advisory Planning Commission Appointments and Section 90 (1)(i) Solicitor-Client Privilege of the *Community Charter* and that staff be invited to attend this meeting.

**CARRIED**

The Committee closed the meeting at 2:05 pm.

**17. OPEN MEETING RESOLUTION**

The Denman Island Local Trust Committee re-opens this meeting to the public subject to Section 89 of the *Community Charter*.

**By general consent** the Committee reconvened in open meeting at 3:00 pm.

**18. OPEN MEETING RESOLUTION**

**Rise and Report from Closed Meeting**

Chair Luckham reported that while in closed meeting the Local Trust Committee directed staff to develop a communications plan with regard to aquaculture in the Denman Island Local Trust area and to write letters to K'omoks First Nation and Ministry of Forests, Lands and Natural Resource Operations. He added that the Committee also reappointed Henning Nielsen, Jessie Edwards and Lindsay Graf to the Advisory Planning Commission for a two year term.

**14.2 Conference on Management of Sensitive Marine Ecosystems - Lessons from Case Studies to Identify Solutions for Baynes Sound**

Trustee Busheikin reported that she has received an invitation to attend the Conference on Management of Sensitive Marine Ecosystems - Lessons from Case Studies to Identify Solutions for Baynes Sound which will be held at Simon Fraser University in April, 2014. She reported that this will be a multi-stakeholder conference and Trustees acknowledged that attendance at this conference would serve the purpose of the Local Trust Committee's jurisdiction and the Islands Trust Strategic Plan.

**DE-2014-017**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee allocate funds up to \$500 from the Local Trust Committee Expense Account for Trustee Laura Busheikin to attend the Management of Sensitive Marine Ecosystems workshop April 3-4, 2014.

**CARRIED**

**15. BYLAWS – None.**

**19. ISLANDS TRUST WEBSITE**

**19.1 Denman Page**

Trustees requested several items be updated on the website:

- Post Trustee Graham's Grapevine articles (he will forward them to Planner Milne);
- Update the Trustee Office Hours;
- Remove the Planner Office Hours;
- Add the most recent Project Charter for the Policy Review of Housing Needs (removing affordable housing as a goal);
- Post the Trustee Notebooks articles;
- Change Trustee Busheikin's contact telephone number to her cell number; and
- Follow-up with Steven Schut on the possibility of posting his February 25, 2014 power-point presentation.

**20. NEXT BUSINESS MEETING DATE**

The next meeting will take place on Tuesday, April 1, 2014 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

**21. TOWN HALL DISCUSSION**

Shelley McKeachie requested confirmation of the Marine Advisory Planning Commission (MAPC) referral.

Trustees responded that there would be various possible uses for the information that might be identified in the MAPC referral.

**22. ADJOURNMENT**

**By general consent** the meeting was adjourned at 3:29 pm.

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**Peter Luckham, Chair**

**CERTIFIED CORRECT:**

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**Vicky Bockman, Recorder**