



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

Date of Meeting: Tuesday, April 1, 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
Katherine Vogt, Recorder

Media and Others Present: Approximately three (3) members of the public-am
Approximately two (2) members of the public-pm

1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:33 a.m. He welcomed the public and introduced himself, the Local Trustees, Staff and Recorder. He acknowledged that the meeting was being held in traditional territory of Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 5.4** Draft Minutes of the Denman Island Marine Advisory Planning Commission of March 17, 2014.
- 10.3** Email from Edina Johnson, co-chair of the Association for Denman Island Marine Stewards, to Bruce Jolliffe regarding rezoning request from Shao Ping Kang.
- 13.2** Bylaw Referral Form from the Hornby Island Trust Area #HO-OCP-2009.1, dated March 24, 2014 regarding review and update of Hornby Bylaw # 104.
- 13.3** Memorandum from the Local Planning Committee to Local Trust Committees regarding Gulf Islands Groundwater Protection – A Regulatory Toolkit, dated March 19, 2014.
- 13.4** Bylaw Referral Form from the Comox Valley Regional District regarding amendments to address implementation of the federal Marijuana for Medical

Purposes Regulation, dated March 21, 2014, files # 3350-20/CP 1CV 14 and 3360-20/RZ 1CV 14.

- 13.5** Discussion regarding inviting Department of Fisheries and Oceans regulator, March Klaver, to meet with the Denman Island Local Trust Committee.

By general consent the agenda was approved, as amended.

3. CHAIR'S REPORT

Chair Luckham reported on the recent Trust Council meeting held on Hornby Island, highlighting that there was a zero percent tax increase and an increase in the surplus account. Trust Council also met with Provincial Treaty Negotiators who provided fruitful answers to questions on the treaty process. He spoke about looking forward to the upcoming meeting of the Association for Vancouver Island Coastal Communities, of which the Islands Trust is a participating member and wherein they meet with other Coastal Regional Districts to talk about common interests. Presently, these interests include BC Ferries, derelict vessels and oil tanker traffic.

4. TRUSTEES' REPORT

Trustee Graham reported that he had attended a meeting with the Comox Valley Regional District (CVRD) on February 28, 2014, a yearly meeting scheduled to allow for discussion of common interests between the two governments. He received updates on the CVRD's Official Community Plan review and on Raven Coal which would likely be submitting a revised application to the CVRD sometime in the spring of this year.

Trustee Graham spoke about attending the recent Trust Council meeting on Hornby Island and the March 11, 2014 ferry protest demonstration at the legislature in Victoria.

Trustee Busheikin reported that she appreciated meeting with the treaty negotiators at the recent Trust Council meeting on Hornby Island in terms of their accepting both questions and feedback from trustees.

Most recently, as a member of the Ferry Advisory Committee, ferry scheduling issues had been a major concern and though nobody on the committee was happy with the final proposed schedule outcome, it was felt that they had negotiated the best schedule possible, given the circumstances. The new schedule will come into effect on April 28, 2014. The big concern for Denman Islander residents was maintaining the 6:40 a.m. ferry run off the island; so, at minimum, the latest night sailing has been eliminated. For Hornby Island, the Friday night late sailing had high priority given that weekend commuters from Victoria and the lower mainland frequently relied on it to get to Hornby for the weekend. In the original plan, the late night Hornby Island sailings had been completely eliminated, but as of a few days ago, it looked as though they would be reinstated in a modified way, with the last late night sailing to Hornby Island being offered at an earlier time than what was the usual 10:00 p.m. sailing. Trustee Busheikin noted how hard Hornby Island Trustee, Tony Law had worked on this issue and how many emails the Ferry Advisory Committee had received about it.

Trustee Busheikin shared that she would be attending the Baynes Sound Conference in Vancouver the following day and was hoping to learn a lot from it.

5. MINUTES

5.1 Local Trust Committee Meeting Minutes dated February 25, 2014

The following amendment to the minutes was presented for consideration:

- Page 3, 5.3, first line: add the acronym (APC) after the last word “draft”.
- Page 3, 5.3, second line: eliminate “that had been inadvertently omitted from the agenda package”.
- Page 4, 6.1, Line 5, last word: change the word “has” to “have”.

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 – late item

Chair Luckham and Trustees Graham and Busheikin thanked the committee members for their work.

It was discussed that although there were 14 beach accesses around Denman Island, only three of these were deemed problematic by the Denman Island Marine Advisory Planning Commission in terms of allowing for uncontrolled vehicular access to beach areas.

It was proposed that the Denman Island Residents Association would be an appropriate body through which to further this issue, given that they had access to funds through the Comox Valley Regional District.

There was concern expressed that restricting vehicle access could be deemed interference with accepted aquaculture activities on provincial crown land which could precipitate liability issues.

DE-2014-018

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct the Marine Advisory Planning Commission to request an invitation to attend a Denman Island Residents Association Parks and Trails Committee meeting to discuss limiting vehicle beach access to Mallard Road (north and south), Hinton Road (north and south), and Denman Road West (north and south) and to report back to the Denman Island Local Trust committee.

CARRIED

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated March 17, 2014

Planner Milne summarized the items on the Follow-up Action List. He noted that the Riparian Areas Regulation (RAR) mapping project was in its analysis stage and could be discussed at the next meeting; there had been some consultation with the Comox Valley Regional District regarding the vehicle control on beaches issue; and the comments brought forth from the most recent Denman Island Advisory Planning Commission meeting had been incorporated into the new Draft Bylaws of the Housing Regulations Review.

It was noted that if two separate residents draw from a single well, that the well would be considered a water system, thereby adding a layer of complexity to ongoing habitation issues.

7. APPLICATIONS AND PERMITS - None

8. DELEGATIONS

8.1 Denman Community Land Trust

There was no spokesperson present for the Denman Island Community Land Trust.

Planner Milne remarked that he had participated in a recent meaningful discussion with the Land Trust group about the possibility of their revising their project to avoid road and subdivision processes. The group was looking at a prospective site and will be doing research over the next while to explore some options that they had not previously been aware of.

9. TOWN HALL DISCUSSION

Edina Johnston asked the following questions:

- If the Denman Island Local Trust Committee (LTC) would be taking any further action on the non-compliant tenures in Henry Bay.

Chair Luckham responded that there would be an *in camera* discussion of this issue later on at the present meeting.

- If the LTC had sent an opposition letter to the Department of Fisheries and Oceans regarding the Integrated Geoduck Management Framework.

Trustees responded that a letter from Trust Council Chair, Sheila Malcolmson, was in progress and, so far, included a policy statement drawn up by senior staff, and a

submission from Trustee Tony Law.

- With regard to a recent letter sent by Heinz Dyck (the Chief Negotiator for the K'omok's First Nations Treaty Negotiations) to the Association of Denman Island Marine Stewards, wherein Mr. Dyke referred to the Trust having been engaged prior to the K'omok's agreement in principal and to the Trust having been recently reengaged, where pertinent information on this might be gathered.

Chair Luckham responded that any information regarding this subject would be *in camera*, given that treaty negotiations are still in progress.

- Miriam Cobb asked if the LTC had a timeline for looking at bed and breakfast cooking facilities issues and whether it would be tied into the cottages and suites issues.

Trustees responded that the two issues had been separated and that the issues were on the long list, but that time considerations prevented trustees from putting the matters on a higher priority list. It was noted that the secondary suites issue would need to be settled before the visitor accommodations issue was tackled because the two issues affected each other. It was also noted that a full public consultation process on visitor accommodations could take up to six months.

10. CORRESPONDENCE

10.1 Letter Dated January 14, 2014 from Association for Denman Island Marine Stewards Regarding Participation in the Treaty Negotiation Process

Committee members received the above correspondence. Trustee Graham noted that the LTC was not a part of the treaty negotiation process because it was beyond its scope of jurisdiction. Though some conversation was taking place between the LTC and treaty negotiators, it was limited.

10.2 Emails Dated February 23, 2014 to March 15, 2014 Regarding Aquaculture License of Occupation Application No. 1413722

Committee members received the above correspondence.

10.3 Email Dated March 24, 2014 from Edina Johnston sent to Bruce Jolliffe Regarding the Shao Ping Kang Crown land Tenure Expansion and Associated Proposed Bylaw Amendment 3360-20/RZ 2A 13

Committee members received the above correspondence.

11. REPORTS

11.1 Work Program

11.1.1 Top Priorities Report and Projects Report dated March 17, 2014

Report was reviewed. Trustee Busheikin requested that greater clarity be maintained in the Priorities and Projects reports by referring to items in terms of their original resolutions, rather than informally rewording them, so that trustees could be kept on track with the original intent of the resolutions.

11.2 Applications Log

11.2.1 Report dated March 17, 2014

Report was received for information.

11.3 Trustee and Local Expenses

11.3.1 Expenses posted to month ending February, 2014

Report was received for information.

11.4 Policies and Standing Resolutions

11.4.1 Report

Report was received for information.

12. LOCAL TRUST COMMITTEE PROJECTS - None

13. NEW BUSINESS

13.1 Eelgrass Mapping for the Denman Island Local Trust Area

13.1.1 Islands Trust Fund Briefing – Memorandum dated March 17, 2014

The memorandum was received for information.

13.1.2 Final Report – Nearshore Eelgrass inventory 2012-2013

The report was received for information.

13.1.3 Eelgrass Presence Denman Island Local Trust Area – Map 10

The map was received for information.

13.2 Bylaw Referral Form from the Hornby Island Trust Area #HO-OCP-2009.1, dated March 24, 2014 Regarding Review and Update of Hornby Bylaw No. 104

Planner Milne noted that the proposed bylaw for Hornby Island was specific to its needs for appropriate local resident habitations.

DE-2014-019

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee advise the Hornby island Local Trust Committee that the interests of the Denman Island Local Trust Committee are not affected by proposed Draft Bylaw No. 104.

CARRIED

13.3 Memorandum from the Local Planning Committee to Local Trust Committees Regarding Gulf Islands Groundwater Protection – A Regulatory Toolkit, dated March 19, 2014

Chair Luckham noted that the Groundwater Report had been posted to the Islands Trust website and that the information it contained would be pertinent to the secondary suites issue.

Trustee Busheikin noted the importance of groundwater issues and expressed interest in creating a groundwater issues folder for public access.

13.4 Bylaw Referral Form from the Comox Valley Regional District Regarding Amendments to Address Implementation of the Federal Marijuana for Medical Purposes Regulation, dated March 21, 2014, files # 3350-20/CP 1CV 14 and 3360-20/RZ 1CV 14

DE-2014-020

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct staff to reply to the Comox Valley Regional District in regard to referral No. 3350-20/CP 1 CV 14 and 3360-20/RZ 1CV 14 to say that our interests are not affected by this bylaw.

CARRIED

13.5 Discussion Regarding Inviting Department of Fisheries and Oceans Regulator, March Klaver, to Meet with the Denman Island Local Trust Committee

It was noted that March Klaver, in charge of the implementation and content of regulations overseeing various aquaculture processes, would be meeting electronically with the Trust Council in June, 2014. It was agreed that it would be more appropriate to accommodate the information from that meeting before extending a specific meeting invitation to her. This would allow trustees to be better prepared with targeted and pertinent questions.

14. BYLAWS

14.1 Denman Island Bylaw No 206 cited as “ Denman Island Official Community Plan, 2008, Amendment No. 1, 2013 – for approval

Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan, 2008” is amended as follows:

1. Schedule C (Land Use Designations) be amended by changing the land use designation on a portion of land legally described as Lot 1, Sections 20 and 21, Denman Island, Nanaimo District Plan 32301 from Rural to Sustainable Resources as shown on Plan No. 1 attached to and forming part of this bylaw.

DE-2014-021

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt Bylaw No. 206 cited as “Denman Island Official Community Plan 2008, Amendment No. 1, 2013”.

CARRIED

15. CLOSED MEETING

15.1 Motion to Close the Meeting

DE-2014-022

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee closes the next part of the April 1, 2014 business meeting to discuss Marine Advisory Planning Commission Appointments and Consideration of Confidential Information pursuant to Section 90(1)(a) and Section 90(2)(b) of the Community Charter and to discuss other matters relevant to 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 12:00 pm.

16. 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 12:20 pm.

17. RISE AND REPORT

Rise and Report from Closed Meeting

Chair Luckham reported that while in closed meeting, the Local Trust Committee

reappointed Liz Johnston, Edina Johnston and Robert Wiltshire to the Denman Island Marine Advisory Planning Commission.

Trustee Graham responded to Edina Johnston's previously asked question regarding further bylaw enforcement with K'omoks First Nation that no further action at this time was planned.

18. ISLANDS TRUST WEBSITE

18.1 Denman Page

Trustees requested that the Eelgrass Map and Report be put up on the website on the Denman Pages.

19. NEXT BUSINESS MEETING DATE

The next meeting will take place on Wednesday, May 7, 2014 at 10:30 am at the Denman Seniors Hall, 1111 Northwest Road, Denman Island, BC.

20. TOWN HALL DISCUSSION

- Edina Johnston suggested the possibility of obtaining grants to restore Denman Island salt marshes.

Trustees responded that this was an issue on the Top Priorities List and that Mike Richards, the new Grants Administrator for the Islands Trust, could be directed to look into this.

21. ADJOURNMENT

By general consent the meeting was adjourned at 12:25 pm.

Peter Luckham, Chair

CERTIFIED CORRECT:

Katherine Vogt, Recorder