



## Denman Island Local Trust Committee Minutes of Regular Meeting

**Date:** September 16, 2014  
**Location:** Denman Seniors Hall  
 1111 Northwest Rd, Denman Island, BC

**Members Present** Peter Luckham, Chair  
 David Graham, Local Trustee  
 Laura Busheikin, Local Trustee

**Staff Present** Rob Milne, Island Planner  
 Vicky Bockman, Recorder

**Others Present** There were approximately 8 members of the public-am  
 There were approximately 2 members of the public-pm

### 1. CALL TO ORDER

Chair Luckham called the meeting to order at 10:30 am. He acknowledged that the meeting is being held in traditional territory of the Coast Salish First Nations. He welcomed the public and introduced himself, the Local Trustees, Staff and Recorder.

### 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 10.3 Letter from Denman Conservancy Association dated September 12, 2014
- 10.4 Letter from Denman Island Residents Association dated September 8, 2014
- 10.5 Letter from Dr. J. Balke dated September 8, 2014
- 10.6 Email from Des and Sandy Kennedy dated September 13, 2014
- 10.7 Email from Kal Holsti dated September 14, 2014
- 10.8 Letter from Anne Siegel dated September 15, 2014

Consideration was given to change 5.1 Local Trust Committee Special Meeting Minutes dated July 15, 2014 to read "5.1 Local Trust Committee Meeting Minutes dated July 15,

2014”.

**By general consent** the agenda was adopted as amended.

### **3. CHAIR'S REPORT**

Chair Luckham commented that Trust Council was recently held on Keats Island and noted that the meeting provided an opportunity to reflect on accomplishments that the Islands Trust has achieved during this term. He reported that he and other Islands Trust representatives will be attending the upcoming Union of BC Municipalities 2014 convention.

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

Trustee Busheikin remarked that she appreciated the review of the term accomplishments at the recent Trust Council. She commented that many Trustees, if elected, will be returning to the new term which will add depth and experience to the work being done, and acknowledged that she is saddened that Chair Malcolmson will not be returning. She noted that she was pleased with the outcome of the meeting in August with the K'omoks First Nation.

Trustee Graham observed that the Trust Council provides a forum for Trustees to gather four times a year to bring awareness to communities of the work that Islands Trust is doing as well as informing Trustees of local issues which are often shared in common among islands. He noted that he recently attended a Financial Planning Committee meeting where work is beginning on the next budget cycle. He announced that he will not be running as a candidate for Trustee in the next term.

### **5. MINUTES**

#### **5.1. Local Trust Committee Special Meeting Minutes dated July 15, 2014 – for adoption**

The following amendments to the minutes were presented for consideration:  
 Page 3, item 10.1 heading: change “June” to “Jane”; and  
 Page 6, resolution DE-2014-044: remove the superfluous bullet at the end of the resolution.

By general consent the minutes were adopted, as amended.

#### **5.2. Section 26 Resolutions Without Meeting Log dated September 2, 2014 - attached**

Chair Luckham reviewed the Resolutions Without Meeting Log for information.

### **6. BUSINESS ARISING FROM MINUTES**

#### **6.1. Follow-up Action List dated September 2, 2014 - attached**

Planner Milne presented the Follow-up Action List and provided updates on the status of outstanding items.

## **6.2. Denman Local Trust Committee - K'omoks First Nation Joint Protocol - for discussion**

Chair Luckham commented that productive first steps have been made in building a relationship between the Denman Local Trust Committee and the K'omoks First Nation and provided a brief review of a recent meeting.

There was discussion of the differences between terms "Protocol" and "Memorandum of Understanding" and Trustees considered that a Memorandum of Understanding might be a more useful tool for the Local Trust Committee to consider in this circumstance.

Chair Luckham advised interested public in attendance that the K'omoks First Nation has committed to assist in either cleaning up beach debris or bringing a problem to the attention of a responsible party if advised of a concern.

## **7. APPLICATIONS AND PERMITS**

### **7.1. DE-DVP-2014.1 (Servo)**

Staff Report dated August 27, 2014 - attached

Planner Milne presented the Staff Report for consideration of a proposed Development Variance Permit which requests a variance of the width to depth ratio due to the panhandle configuration of proposed Lot B and the requirement for frontage greater than 10% of the lot perimeter for Proposed Lot B. Trustees discussed concerns that had been brought to their attention and requested clarity regarding issues including road access, covenants and aquifer/water impact. The applicant was in attendance to address questions raised. Planner Milne advised that he is not aware of a process that would allow adjacent landowners to be informed of technical reviews of subdivision requirements by the Ministry of Transportation and Infrastructure. Discussion followed on possible mechanisms that the Local Trust Committee might utilize in the future, such as new language in the subdivision regulations section, to add protection against impacts to the aquifer that might result from subdivisions.

Trustee Graham spoke to the motion declaring that in his nine years of experience as a Trustee he has seen several applications for variance of the width to depth ratio requirement approved, and suggested that the next Local Trust Committee consider a revision of this regulation.

DE-2014-051

It was MOVED and SECONDED,  
that the Denman Island Local Trust Committee:

1. approve Development Variance Permit DE-DVP-2014.1 to Odelja Servo for Proposed Lot B on Lot 2, Section 12, Denman Island, Nanaimo District, Plan 54063; and
2. waive the 10% frontage requirement of the Local Government Act.

CARRIED

## 7.2. DE-DP-2014.1 (Comox Valley Regional District - Parks Department)

Staff Report dated September 2, 2014 - to be distributed

Planner Milne reviewed the Staff Report which addresses the proposal to construct the second section of the multi-use Denman Cross-Island Trail which requires a development permit as the trail encroaches into the Development Permit Area #4 wetland for approximately 152 metres.

Karin Albert, Comox Valley Regional District Parks Planner was in attendance, summarized the project, and answered questions that arose. She advised that the impact will be small and that Dr. J. Balke has been hired as the environmental monitor on the project. She confirmed that property owners and affected entities such as the Denman Island Memorial Society, The Old School, Denman Conservancy and the Denman Island United Church have been consulted on the proposed work.

Trustees acknowledged that this is a project that the community supports and expressed their appreciation to the Comox Valley Regional District for undertaking this work in a thorough manner that will serve to protect pedestrians, children, and bicycle riders on these rural roads. They also appreciated the hiring of local residents whenever the tender process allows.

DE-2014-052

It was MOVED and SECONDED,  
that Development Permit DE-DP-2014.1 (CVRD) be approved and issued in accordance with Schedules "A", "B", "C" and "D" attached to the permit.

CARRIED

## 10. CORRESPONDENCE

*Correspondence specific to an active development application and/or project will be received by the Denman Island Local Trust Committee when that application and/or project is on the agenda for consideration.*

**10.2. Letter dated August 15, 2014**

Don Cadden, Regional Director, BC Parks regarding Designation of Denman Island Lands - attached

Planner Milne explained the contents of the letter which informed the Local Trust Committee that of the four Denman Island parcels not included in the protected area designation process in 2013, three parcels are not considered suitable by BC Parks' staff for addition to the provincial protection areas system. He reported that these three parcels are the Denman Island Quarry, McFarlane Road and Morrison Marsh properties and that the Ministry of Environment is preparing to transfer the administration of these parcels to the Minister of Forests, Lands and Natural Resource Operations.

Trustees expressed concern that these properties have significant ecological value and their protection is important. They also noted that these properties were part of a commitment made to the community as a part of a development settlement. They indicated that options need to be identified and explored to ensure the protection of these parcels. Discussion followed on possible options to consider including the following:

Karin Albert, Comox Valley Regional District (CVRD) Parks Planner, was in attendance and was asked if CVRD might consider discussion of placing these properties under their parks program or under a license of operation. She responded that if requested, options might be considered and explored by the Board;

With the permission of the Local Trust Committee, Chair Luckham recognized an attendee who wished to make a comment. Simon Palmer suggested that it might be appropriate to initiate a community discussion regarding the disposition of the lands as there might be other uses identified in conjunction with preservation of the land, such as for community housing; and

Trustees discussed writing a letter in response to the correspondence from BC Parks. They noted that several pieces of correspondence on the agenda had concerned this issue and that the summary of the value of the lands presented in agenda item 10.5 could be helpful in the creation of the letter.

**DE-2014-053****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request that staff write a letter to Don Cadden, Regional Director, BC Parks, for the Chair's signature, expressing disappointment with BC Parks' decision to exclude these parcels from previously agreed upon protection by Park land status and requesting an opportunity to discuss other options for the future of these lands.

**CARRIED**

**By general consent** the meeting was adjourned at 12:00 pm for a break and presentation of the Community Stewardship Award to the Association of Denman Island Marine Stewards. The meeting reconvened at 12:30 pm.

**8. DELEGATIONS**

There were no Delegations.

**9. TOWN HALL SESSION**

A community member asked if a review of B&B regulations is going to be a priority for the incoming Trustees. In a follow-up question she asked if the standing resolution restricting bylaw enforcement on home based guest accommodation regulations would be ending in December, 2014. She indicated that it had been understood that it would continue until the Local Trust Committee has reviewed the regulations, pointing out that the definition of kitchen is not clear and that operators are in fear of fines that might be assessed. She asked that the moratorium be extended until the review has been completed.

Trustees clarified the process, indicating that existing Top Priorities and Projects List will be passed to the new Trustees who will be setting the priorities for their work program. They suggested that community members may attend meetings to identify topics of concern that they wish the Local Trust Committee to consider. Trustees explained that other priorities have taken precedence over the guest accommodation review and confirmed that an extension of the bylaw enforcement moratorium may be considered prior to the end of the term.

**10. CORRESPONDENCE****10.1. Email dated August 11, 2014**

Ralph McCuaig, Margie Gang and Marion & Oliver Cobb regarding Extension of Moratorium on Enforcement of the Tourism-Related Prohibitions of Bylaw No. 186- attached

Trustees considered the options of extending the moratorium which is due to expire on December 31, 2014 at this time or to defer the decision to the next

Local Trust Committee.

**DE-2014-054**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee renew Standing Resolution No. DE-065-2013 to be extended to December 31, 2015.

**CARRIED**

In speaking to the motion Trustees explained that this resolution will not bind the incoming Local Trust Committee to a commitment to extend the moratorium as they could choose to rescind it; however it will make a statement that this Local Trust Committee believes that it is a good idea. Trustees cautioned that economic decisions should not be based on an impression or expectation that the moratorium will be extended by the next Local Trust Committee.

**By general consent** agenda item 10.2 was moved to follow item 7.2.

**10.3. Letter from Denman Conservancy Association dated September 12, 2014**

Received.

**10.4. Letter from Denman Island Residents Association dated September 8, 2014**

Received.

**10.5. Letter from Dr. J. Balke dated September 8, 2014**

Received.

**10.6. Email from Des and Sandy Kennedy dated September 13, 2014**

Received.

**10.7. Email from Kal Holsti dated September 14, 2014**

Received.

**10.8. Letter from Anne Siegel dated September 15, 2014**

Received.

**11. REPORTS**

**11.1. Work Program**

11.1.1. Top Priorities Report and Projects Report dated September 4, 2014 - attached

Trustees discussed removing and adding items to the Top Priorities Report.

Trustee Busheikin remarked that the Local Trust Committee has not abandoned the Farm Plan. She indicated that while the Committee does want to work on the review, at this time there is not a surge of community concern on this issue. She observed that the Farm Plan is being used and has been a useful tool to address some issues.

**DE-2014-055**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend its Top Priorities List as follows:

1. remove item nos. 1 and 2;
2. move “Implementing Riparian Areas Regulations” to the top of the list;
3. add “Creation of Memorandum of Understanding with K’omoks First Nation” as item no. 2; and
4. move “Review of visitor accommodation regulation” from the Projects to the Top Priorities as item no. 3.

**CARRIED**

**DE-2014-056**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee remove the item “Affordable Housing Strategy” from the Projects List.

**CARRIED**

**DE-2014-057**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee add as an Activity to the Farm Plan project: “Include consideration of Exploring Food Security in the Islands Trust Area in the final report”.

**CARRIED**

**11.2. Applications Log**

11.2.1. Report dated September 4, 2014 - attached

Planner Milne summarized the report and provided updates.

**11.3. Trustee and Local Expenses**

11.3.1. Expenses posted to end of July, 2014 - attached

Received.

11.3.2. Expenses posted to end of August, 2014 - attached

Received.

**11.4. Policies and Standing Resolutions**

11.4.1. Report– attached for information

The report was received for information and was addressed at agenda item 10.2.

**BREAK AND PRESENTATION OF COMMUNITY STEWARDSHIP AWARD TO THE ASSOCIATION OF DENMAN ISLAND MARINE STEWARDS**

**12. LOCAL TRUST COMMITTEE PROJECTS**

**12.1. Denman Housing Needs**

12.1.1. Staff Report dated August 25, 2014 regarding Response to EC Review of Proposed Bylaw No.211 - attached

Planner Milne summarized the Staff Report regarding the Executive Committee review of proposed Bylaw No. 211 and the recommended change in wording. He commented that staff believes that the replacement language would work equally well.

Chair Luckham acknowledged that the Local Trust Committee has been advised that given the nature of the change there is no requirement to proceed to a further Public Hearing.

**DE-2014-058**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee rescind third reading of proposed Bylaw No. 211 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2014”.

**CARRIED**

**DE-2014-059**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend proposed Bylaw No. 211 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2014” by deleting the existing text in 5(a) of item 3 of Schedule “A” and replacing it with the following:

“Either the dwelling unit or secondary suite is occupied by the owner of the dwelling unit; or the dwelling unit or the secondary suite is occupied by a person other than the owner who has responsibility for managing the property, including dealing with complaints of neighbours arising from the occupancy of the property”.

**CARRIED**

**DE-2014-060**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee give third reading to proposed Bylaw No. 211 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2014”, as amended.

**CARRIED**

**DE-2014-061**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee re-submit proposed Bylaw No. 211 to the Executive Committee for further review and consideration of approval.

**CARRIED**

**12.2. Riparian Areas Regulation - Next Steps - for discussion**

Planner Milne reported on the Open House presentation that occurred and indicated that in his assessment the attendees were supportive of the proposed bylaws. He considered that the Open House had been an effective way to present the material and gauge the response of the general community. He suggested that the Local Trust Committee consider moving the draft bylaws forward. Discussion followed on possible next steps which included giving first reading to start the conversation with the community on this issue and referral of the proposed bylaws to agencies for comments.

Trustees acknowledged that there is no budget to reassess, review or conduct additional Riparian Areas Regulation mapping based on individual concerns that might be expressed, noting that small discrepancies would not necessarily be meaningful in the context of the bylaws.

Planner Milne determined that it is necessary for the draft Riparian Areas Regulation bylaws to be assigned identifying bylaw numbers prior to giving first reading and advised that first reading may be given by the Resolution Without Meeting process.

**DE-2014-062**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to initiate a Resolutions Without Meeting to give first reading to Riparian Areas Regulation draft bylaws.

**CARRIED**

**13. NEW BUSINESS**

**13.1. 2015-16 Budget Submissions**

**13.1.1. Memorandum dated August 18, 2014 - attached**

Trustees discussed the 2015-2016 budget submission for the Denman Island Local Trust Committee.

The allocation for Protocol Agreement with K'omoks First Nation was discussed with the following key points noted:

- The project focus is to improve relationship and the budget should include funding for a strategy that includes a community workshop to engage and stimulate that understanding;
- A Memorandum of Understanding has been recommended by the Local Trust Committee as the preferred agreement which is a simpler document without high-level protocol work; and
- The savings recognized from using a Memorandum of Understanding versus a Protocol Agreement is estimated to be sufficient to fund the suggested workshop; no change in the cost for the project is necessary.

**DE-2014-063**

**It was MOVED and SECONDED,**

that the second item on Attachment 2 of the Budget Request be changed to “Memorandum of Understanding and relationship building with K’omox First Nation and that the wording under the Description column be changed to “Host community relationship building exercises”.

**CARRIED**

**DE-2014-064**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approve and forward the draft 2015-16 Project Budget submission to Financial Planning Committee, as amended.

**CARRIED**

**13.2. Comox Valley Regional District Rural Official Community Plan Referral**

13.2.1. Memorandum dated August 28, 2014 - attached

Trustees discussed their interests and comments that might be provided in this referral.

**DE-2014-065**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee respond to the Referral Form on File 6480-25 as “Interests unaffected” with a comment provided as follows: The Local Trust Committee would like to be appraised of the work being done on the new action item “to develop an area plan to balance the interests between residential users and aquaculture operators in the Baynes Sound area”.

**CARRIED**

**13.3. Denman Island Communications Material Review - for discussion**

There was no action taken on this agenda item at this time.

**14. BYLAWS**

**14.1. Proposed Bylaw No. 211 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2014"- for further consideration**

This item was discussed at agenda item 12.1.1.

**15. ISLANDS TRUST WEBSITE**

Denman Pages - for discussion

The Denman Island Local Trust Committee Website can be found at:

<http://www.islandstrust.bc.ca/islands/local-trust-areas/denman.aspx>

Trustees requested additions to the website as follows:

post the overlay mapping from the Riparian Areas Regulation presentation; post a direct link to Denman Island Crown Land Profiles to the Community Profile or other appropriate area; and after every meeting post a “Highlights from Meeting” near the front of the website using information in Trustee Graham’s report in the Grapevine. Trustee Graham will forward this report to the web administrator.

**17. TOWN HALL SESSION**

None.

**18. ADJOURNMENT**

**5. MINUTES**

**5.3. Denman Island Advisory Planning Commission Minutes - none**

None.

**5.4. Denman Island Marine Advisory Planning Commission Draft Minutes - none**

None.

**16. NEXT MEETING DATE**

Tuesday, October 21, 2014 at 10:30 am at the Denman Seniors Hall, 1111 Northwest Road, Denman Island, BC

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Peter Luckham, Chair

Certified Correct:

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Vicky Bockman, Recorder