



## Denman Island Local Trust Committee Minutes of Regular Meeting

**Date:** October 21, 2014  
**Location:** Denman Seniors Hall  
 1111 Northwest Rd, 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

**Others Present** Courtney Simpson, Regional Planning Manager  
 Miles Drew, Bylaw Enforcement Coordinator  
 Francesca Marzari, Young Anderson – by telephone

**There were four members of the public in attendance – am  
 There was one member of the public in attendance – pm**

### 1. CALL TO ORDER

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

### 2. APPROVAL OF AGENDA

The following changes to the agenda were presented for consideration:

#### **Additions:**

- 6.2 Letter from Islands Trust Fund to Don Cadden dated October 15, 2014
- 7.1.2 Correspondence from Dan Stoneman dated October 20, 2014
- 7.1.3 Correspondence from Dan Stoneman re: Drainage and Unspecified Hazard Trees - Stoneman Property
- 7.1.4 Correspondence from Dan Stoneman re: Golder Revegetation Requirements

#### **Move:**

- 9. Townhall to follow agenda item 4.

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

### 3. CHAIR'S REPORT

Chair Luckham commented that it has been a quiet time with Islands Trust elections approaching. He reported that the Executive Committee is preparing the agenda for the first Trust Council meeting of the new term.

### 4. TRUSTEES' REPORT

Trustee Graham took this opportunity to thank the Denman Island community, Trustee Busheikin, Chair Luckham, Staff and those who have come to meetings for the support given to him over the past nine years that he has been a Trustee.

Trustee Busheikin reported that she attended the Denman Island Residents Association (DIRA) meeting and commented that DIRA is addressing the issue of driving on beaches, which follows up on an earlier assignment to the Marine Advisory Planning Committee on this topic. She noted that they are planning community consultation on the matter. She reported that the Ferry Advisory Committee is reviewing a request to reserve some number of spaces for Hornby Island traffic on the 8:00 am sailing from the Denman West terminal. She commented that she attended an annual meeting with representatives from the RCMP, Comox Valley Regional District and Hornby Island Trustees to hear reports and share concerns.

### 9. TOWN HALL SESSION

Margie Gang expressed her appreciation to Trustee Graham for all the work he has done as a Trustee over the years.

Perri Gorrara expressed her opposition to the proposal to reserve a number of spaces for Hornby traffic on the 8:00 am sailing from Denman West, stating that no one has been able to provide her with specific occasions of Hornby Islanders not making that sailing. She pointed out that Denman Islanders miss sailings trying to get home and suggested that BC Ferries add more sailings.

### 5. MINUTES

#### 5.1. Local Trust Committee Meeting Minutes dated September 16, 2014 – for adoption

The following amendments to the minutes were presented for consideration:

- page 2, item 4, first paragraph, second line: insert “, if elected,” after “Trustees”;
- page 2, item 4, second paragraph, last line: remove and replace with “not be running as a candidate for Trustee in the next term.”;
- page 4, item 7.2, second paragraph, first line: change “Karen” to “Karin”;
- page 5, item 10.2, third paragraph, first line: change “Karen” to “Karin”;

- page 5, item 10.2, fourth paragraph, first line: insert “With the permission of the Local Trust Committee” before “Chair Luckham recognized”;
- page 7, item 10.5: add “Received.”;
- page 8, first paragraph: remove the entire paragraph starting with “Trustee Graham commented...” and
- page 13, item 16: remove the duplicate text.

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

**5.2. Section 26 Resolutions Without Meeting Log dated October 9, 2014**

Planner Milne summarized the Resolutions Without Meeting Log.

**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 9, 2014**

Planner Milne summarized the report and provided updates.

**6.2. Letter from Islands Trust Fund to Don Cadden dated October 15, 2014**

Chair Luckham advised that as a member of the Trust Fund Board he had an opportunity to speak to the Board regarding community concerns and the value of the lands being proposed for return to Ministry of Forest, Lands and Natural Resource Operations with no protection in place. He indicated that the Local Trust Committee was copied on the response made by the Trust Fund Board regarding this situation and that it is presented here for information.

**7. APPLICATIONS AND PERMITS**

**7.1. DE-DP-2014.2 (2600 Swan Road - Stoneman)**

**7.1.1. Staff Report dated October 14, 2014**

Francesca Marzari, Young Anderson, joined the meeting by telephone at 10:55 am.

Planner Milne outlined the Staff Report regarding Development Permit Application – Lot A, Section 23, Denman Island, Nanaimo District, Plan VIP74719. He noted that the report reviews each of the proposed

development activities in relation to the Komasa Bluff Development Permit Area Guidelines and considered the geotechnical reports prepared in support of this application: the 2014 Golder Report and the 2014 Tetra Tech EBA Report. He provided the basis for staff's recommendation to incorporate the recommendations in the 2014 Golder Report as conditions of the issuance of a Development Permit to address the requirements of Guidelines 2, 3 and 4 in relation to the proposed house and associated buildings.

The applicants were not in attendance to speak to their application. The Trustees did, however, receive and review the written correspondence noted below from the applicants in response to the Staff Report.

Trustees had a broad discussion of the issues raised by this application, which included the following considerations:

- There were two geotechnical reports available for the Local Trust Committee's consideration in relation to this application, and the merits of reliance on each were discussed;
- It was expressed that while the 2014 EBA TetraTech report may not be the best report, it may still be sufficient for the issuance of a development permit in this application;
- A number of Trustees, but not all, were concerned about the thoroughness of the 2014 TetraTech EBA Report in terms of addressing the specific developments to be approved, and the applicable development permit guidelines to that development;
- A number of Trustees, but not all, were concerned about the limitations and conditions in the 2014 TetraTech EBA report limiting reliance on the report data and recommendations to TetraTech EBA's client, and the lack of response to the September 5, 2014 letter requesting that this concern be addressed in the report;
- It was noted that both reports contemplated reliance on the report in court proceedings;
- The bluff is unstable and is likely to continue to erode and slough;
- Some Trustees indicated a preference for the approach in the 2014 Golder Report to protect the house and developments for current and future owners of the property to the extent possible given the work done to date and the information provided;
- It was also expressed that any development may not last, regardless of the works installed to slow erosion;
- Approval of the stairs was problematic because their base may not be on the applicants' property based on the material provided;

Mr. Ellis requested permission to speak to the application, and addressed the 2014 TetraTech EBA Report in relation to previous reports provided by EBA.

**By general consent** the meeting was recessed at 12:01 pm and reconvened at 12:05 pm.

Planner Milne provided Trustees with some minor wording suggestions for the draft Development Permit and confirmed that these changes are intended to provide clarity. Trustees considered the suggested wording changes.

**DE-2014-066**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee accept the revised draft of DE-DP-2014.2 (Stoneman) and further revise the draft permit by severing Section 3 in its entirety from the draft permit.

**CARRIED**

Trustees discussed whether to approve removal of unspecified hazard trees. The discussion included concerns re liability for trees falling on the beach, the identification of hazard trees on the property, and consistent application and oversight of tree removal in the development permit area

**DE-2014-067**

**It was MOVED and SECONDED,**

that resolution DE-2014-066 be amended to add: “and that item (g) on page one be included in the permitted activities list”.

**DEFEATED**

Trustees indicated that an application for the removal and/or management of hazard trees on the bluff slope and perimeter could be brought to the Local Trust Committee for consideration of a development permit in the future with proper identification and assessment of the specific hazard trees to be removed.

**By general consent** the meeting was recessed at 12:40 pm and reconvened at 12:45 pm.

Trustees discussed the requirement, purpose and dollar amount of the security condition in point 3 of the draft Development Permit. It was noted that that the security requirement is not mandatory, but is a non-litigation-based option to ensure compliance with the permit. Staff suggested that

consideration might be given to an approach that provides that as work is satisfactorily completed, the Letter of Credit or certified cheque could be reduced accordingly. Trustees discussed the possibility of reducing the amount of the required Letter of Credit or certified cheque by eliminating the amount set aside for contingency.

**DE-2014-068**

It was **MOVED** and **SECONDED**,  
that the Denman Island Local Trust Committee revise draft DE-DP-2014.2 to:

- include on page 3 a point 3 that reads as follows: “The property owner shall provide security in the form of an irrevocable Letter of Credit or certified cheque in the amount of \$153,480 on or before December 31, 2014. The security shall be returned upon completion of each of the works set out at conditions 2(a-d) and (h-l) of this Permit”; and
- include attachment no. 10 of the staff report to the Permit as Schedule “C”.

**CARRIED**

**DE-2014-069**

It was **MOVED** and **SECONDED**,  
that the Denman Island Local Trust Committee approve and issue Development Permit DE-DP-2014.2 (Stoneman) in accordance with the site survey in Schedule “A” and subject to the conditions and recommendations of the Golder Associates report dated March 24, 2014 in Schedule “B” both of which are attached to and form part of the Development Permit, and that an Irrevocable Letter of Credit or certified cheque in the amount of \$153,480 be provided as a condition of the issuance of DE-DP-2014.2 with a reduced Letter of Credit or certified cheque to be accepted upon verification of completion of the works identified in the Development Permit as per the cost figures contained in Schedule “C” of the Permit.

**CARRIED**

**DE-2014-070**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee not issue a Development Permit for the following developments applied for on the property:

- a. the construction of a beach access stairway in its current form;
- b. the removal and/or management of unspecified hazard trees on the bluff slope and perimeter;

and that the applicants be encouraged to return with full applications for the construction of a beach access stairway fully contained on the property and the removal and/or management of specified hazard trees on the bluff slope and perimeter.

**CARRIED**

7.1.2. Correspondence from Dan Stoneman dated October 20, 2014

Received.

7.1.3. Correspondence from Dan Stoneman re: Drainage and Unspecified Hazard Trees - Stoneman Property

Received.

7.1.4. Correspondence from Dan Stoneman re: Golder Revegetation Requirements

Received.

Francesca Marzari, Young Anderson, left the meeting at 1:34 pm.

Courtney Simpson, Regional Planning Manager, left the meeting at 1:34 pm.

Miles Drew, Bylaw Enforcement Coordinator, left the meeting at 1:34 pm.

**By general consent** the meeting was recessed at 1:34 pm and reconvened at 1:45 pm.

**8. DELEGATIONS**

None.

**10. CORRESPONDENCE**

*(Correspondence received concerning current applications is considered with the application)*

None.

**11. REPORTS**

**11.1. Work Program**

**11.1.1. Top Priorities Report and Projects Report dated October 9, 2014**

The report was received.

**11.2. Applications Log dated October 9, 2014**

Trustees inquired about the process for handling incomplete applications and Planner Milne responded with information regarding the standard procedures. Trustees requested that staff update the report to remove completed items and suggested that a status report on applications might be provided at the beginning of the new term.

**DE-2014-071**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to provide a status report on applications for review by the next Denman Island Local Trust Committee.

**CARRIED**

**11.3. Trustee and Local Expenses**

**11.3.1. Expenses posted to Month Ending September, 2014**

The Expenses Report was received for information.

**11.4. Policies and Standing Resolutions**

The report was received for information.

**12. LOCAL TRUST COMMITTEE PROJECTS**

None.

**13. NEW BUSINESS**

None.

**14. BYLAWS**

None.

**15. ISLANDS TRUST WEBSITE**

**15.1. Denman Island Web Pages**

The Denman Island Local Trust Committee Website can be found at: <http://www.islandstrust.bc.ca/islands/local-trust-areas/denman.aspx>

Trustees requested regular updates be provided on the website.

**16. CLOSED MEETING**

The Denman Island Local Trust Committee closes the next part of the October 21, 2014 business meeting to discuss matters pursuant to Section 90(1)(d) of the Community Charter to consider adoption of Closed Meeting Minutes and that Staff be invited to attend this meeting.

**DE-2014-072**

**It was MOVED and SECONDED,**

that The Denman Island Local Trust Committee closes the next part of the October 21, 2014 business meeting to discuss matters pursuant to Section 90(1)(d) of the *Community Charter* to consider adoption of Closed Meeting Minutes and that Staff be invited to attend this meeting.

**CARRIED**

The Local Trust Committee closed the meeting at 2:00 pm.

**17. RECALL TO ORDER**

Rise and Report from Closed Meeting

**By general consent** the Local Trust Committee reconvened in open meeting at 2:02 pm.

Chair Luckham reported that in the Closed Meeting the Denman Island Local Trust Committee adopted the minutes of the April 1, 2014 *In Camera* meeting.

**18. NEXT MEETING DATE**

Tuesday, November 25, 2014 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC.

Trustees discussed the next meeting of the Local Trust Committee noting that it is scheduled to occur post-election and that there are no known business items to consider at that meeting at this time.

**DE-2014-073**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee cancel the meeting of Tuesday, November 25, 2014.

**CARRIED**

**19. TOWN HALL SESSION - Time Permitting**

None.

**20. ADJOURNMENT**

Chair Luckham stated that it has been his great pleasure to work with the Denman Island Local Trust Committee and with supporting staff this term.

Trustee Busheikin stated that she was grateful to have worked with Chair Luckham and Trustee Graham this term and wished outgoing Trustee David Graham the very best in his future endeavours.

**By general consent** the meeting was adjourned at 2:05 pm.

---

Peter Luckham, Chair

Certified Correct:

---

Vicky Bockman, Recorder