



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: April 21, 2015
Location: Denman Seniors Hall
1111 Northwest Rd, Denman Island, BC

Members Present Susan Morrison, Chair
Laura Busheikin, Local Trustee
David Critchley, Local Trustee

Staff Present Rob Milne, Island Planner
Vicky Bockman, Recorder

Others Present Approximately ten members of the public – am
Approximately one member of the public - pm

1. CALL TO ORDER

Chair Morrison called the meeting to order at 10:30 am. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 7.2 Riparian Areas Regulation (RAR) Bylaws Discussion
- 9.3 Correspondence from Liz Johnston, Association for Denman Island Marine Stewards (ADIMS), dated April 13, 2015 Re: Bylaw Enactment for Protection of W1 Conservation Foreshore Areas
- 9.4 Email from Edina Johnston dated April 14, 2015 re: Unresolved Marine Issues
- 9.5 Email from Don Cadden, Regional Director, BC Parks dated April 16, 2015 Re: Addition to Denman Island Provincial Park and Transfer of Lands from Ministry of Environment
- 12.10 Communications Materials Report
- 13.3.2 Agenda for Southern Trustees Ad Hoc Meeting

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Elizabeth Johnston, speaking on behalf of ADIMS, read the letter submitted as agenda late item 9.3 requesting that the Local Trust Committee (LTC) consider the creation of a new bylaw specifically designed to limit vehicle traffic access to protect W1 Conservation foreshore areas. She submitted the full Denman Island Residents Association (DIRA) Guardians of Denman Shores Denman Island Public Input Survey results which illustrates community support for limiting vehicular access to Denman Island beaches.

Edi Johnston supported limiting vehicular driving on Denman Island beaches, citing a British Columbia land use policy that provides that a Prohibition of Use regulation may be applied in circumstances where a government's intent is to restrict a specific use or activity on Crown Land. She expressed concern that Denman Island has no public beaches and has confirmed that any foreshore can be tenured. She requested that the LTC consider options to address this concern, noting that the Comox Valley Regional District (CVRD) use of reserves might be an example of a possible approach.

Trustees asked follow-up questions regarding lease reserves and inquired whether Islands Trust has the ability to hold leases.

Planner Milne responded that it might be possible for an LTC to hold leases, however suggested that it might be a more appropriate function of CVRD Parks. He proposed that this might be a topic for discussion at a meeting he is currently organizing to include representatives from the CVRD, Denman Island and Hornby Island LTCs.

Elizabeth Johnston presented the LTC with an information handout: "The Core Values", addressing the impact of industrial seaweed harvesting occurring at Deep Bay.

4. COMMUNITY INFORMATION MEETING

None.

5. PUBLIC HEARING

None.

6. MINUTES

6.1. Local Trust Committee Minutes dated March 3, 2015 – for adoption

By general consent the Local Trust Committee meeting minutes of March 3, 2015 were adopted.

6.2. Local Trust Committee Special Meeting Minutes dated April 7, 2015 - for adoption

By general consent the Local Trust Committee Special Meeting minutes of April 7, 2015 were adopted.

6.3. Section 26 Resolutions-without-meeting

None.

6.4. Advisory Planning Commission Minutes

None.

6.5. Marine Advisory Planning Commission Draft Minutes

None.

7. BUSINESS ARISING FROM MINUTES

7.1. Follow-up Action List Dated April 9, 2015

Planner Milne presented the report, commenting on the status of on-going items.

7.2. Riparian Areas Regulation (RAR) Bylaws Discussion

Planner Milne provided background information including the Project Charter and draft bylaws. He reported that Gabriola Island's proposed RAR bylaws have now received Ministerial approval with the exemption provisions intact and noted that there had been no feed-back received on the proposed Denman Island RAR bylaw exceptions discussed at the Community Information Meeting.

He cautioned that exception 4.4.2 h) would have a detrimental effect on the environmental value on Denman Island given the lakes that exist here and recommended that Trustees consider the deletion of that exception prior to moving forward in the process.

Trustees requested clarification of RAR-related definitions as it applies to regulation 4.4.2 h) and protection of lakes. Discussion followed on process and next steps which would include first reading and requesting staff to proceed with statutory referrals to solicit further responses on the proposed bylaws.

DE-2015-020

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend draft Bylaw No. 213 Schedule 1 by removing 4.4.2 h) and renumbering subsequent items and request staff to proceed with statutory referrals on the amended bylaw.

CARRIED

DE-2015-021

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee give first reading to Bylaw No. 212 cited as "Denman Island Official Community Plan (Denman Island) Bylaw 185, Amendment No. 2, 2015".

CARRIED

DE-2015-022

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee give first reading to Bylaw No. 213 cited as "Denman Island Land Use Bylaw 213, Amendment No. 2, 2015".

CARRIED

8. DELEGATIONS

None.

9. CORRESPONDENCE

(Correspondence received concerning current applications or projects is posted to the LTC webpage)

9.1. Email March 19, 2015 from Mitra Prior regarding Gulf Island Issues

Received.

9.2. Email March 23, 2015 from Veronica Timmons of Denman Island Visitor Services Committee regarding Islands Trust Sign at Buckley Bay Ferry Terminal

Veronica Timmons, speaking on behalf of Denman Island Visitor Services Committee, requested that the LTC consider their proposal to rewrite, update and enlarge the Islands Trust sign at the Buckley Bay Ferry Terminal. She confirmed that funding would come from their budget and proposed changes would be presented to the LTC for review and approval.

Trustees discussed the proposal and supported the initiative, clarifying the need for the ownership of the new sign to remain with the Islands Trust and for any changes to be brought back to the LTC for review and approval.

9.3. Correspondence from Liz Johnston, Association for Denman Island Marine Stewards (ADIMS), dated April 13, 2015 Re: Bylaw Enactment for Protection of W1 Conservation Foreshore Areas

Received.

9.4. Email from Edina Johnston dated April 14, 2015 re: Unresolved Marine Issues

Received.

9.5. Email from Don Cadden, Regional Director, BC Parks dated April 16, 2015 Re: Addition to Denman Island Provincial Park and Transfer of Lands from Ministry of Environment

Planner Milne summarized the correspondence that advises of transfer of the Denman Island Quarry, Morrison Marsh and McFarlane Road lands to the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) to be administered under the Crown Land Conservation Lands program. He explained that a condition of the transfer is that FLNRO agrees to use the land only for conservation purposes.

10. APPLICATIONS AND REFERRALS

10.1. DE-RZ-2015.1 PANDESIGN, Hermanutz, Innes (2100 Crescent Road)

10.1.1. Staff Report dated March 30, 2015

Planner Milne presented the staff report that addresses the application to redesignate and rezone lands to facilitate the donation of lands and the transfer of density. He pointed out that the applicant and the consultant that completed the RAR environmental assessment were in attendance and available to answer any questions that might arise.

Planner Milne's explanation of the proposal included the following key points:

- the intent of this combined application is to transfer approximately 2.545 hectares to the Trust Fund Board to be protected as a nature reserve and transfer the two densities associated with that property to the receiving property. He advised that the transfer of density would be accomplished by a rezoning of the subject property from a combination of R2 (Rural Residential) and F (Forestry) to R2 and would allow for the possible future subdivision of the parcel and that the lands proposed for the nature reserve would be rezoned from R1 (Residential) to CN (Conservation). He confirmed that the Trust Fund Board approved the proposed transfer of density in return for a nature reserve dedication;
- the receiving property is affected by Development Permit Area No. 2 Steep Slopes and is identified as a Visually Sensitive Area on Schedule D, Sensitive Areas, as well as being the home of a Red-tailed Hawk nesting site and possible location of Turkey Vulture nesting site. He addressed potential procedures to address these issues;
- the applicant held a Community Open House and Planner Milne noted that there was good discussion at that event; and
- preparation of draft bylaws and subsequent agency referrals were identified as possible next steps.

A trustee noted that at the Open House a neighbour had expressed concern with the effect of increased density on his spouse who has chemical sensitivities and he questioned whether there might be a way to mitigate this concern.

Planner Milne suggested that this concern might best be addressed through a conversation held between the property owners and advised that the subdivision process would provide a framework to address concerns.

The applicant reported that he met with the neighbour after the Open House to discuss proximities and possible house sites and subsequently sent him a map. He indicated that the distances involved should be far enough away to mitigate concerns.

The applicant also advised that the Red-tailed Hawk nesting tree was identified with a wildlife biologist and an assessment was completed that recommended protection of the tree with a covenant even though it had not been used for a number of years. He added that there were no signs of the Turkey Vulture nesting site.

Planner Milne indicated that restrictive covenants associated with rezonings are typically available for public consideration at the time of the Community Information Meeting.

DE-2015-023

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct staff to prepare draft bylaws for DE-RZ-2015.1.

CARRIED

10.2. DE-DVP-2015.1 Neilsen (Reda - 3000 North Central Road)

10.2.1. Staff Report dated March 30, 2015

Planner Milne outlined the staff report that addresses a Development Variance Permit (DVP) application to vary the setback on a stream to allow the location of a proposed bridge and driveway to a portion of the property that is otherwise landlocked. In addition, the applicant requires a Development Permit to construct the proposed bridge and driveway as the bridge is located within the Development Permit Area #4: Streams, Lakes and Wetlands (Major Stream).

He advised that the applicant retained a Qualified Environmental Professional to complete an environmental sensitivity assessment that identified potential issues and determined an appropriate site for a stream crossing on the property. He also noted that the proposed work has received approval from the Province for the Section 9 of the Provincial *Water Act* requirement and that there were no comments received from the public in response to notifications of the proposal.

Trustees discussed the applications, expressing concern that treated lumber not pollute the stream and that all aspects of the bridge construction plan be reviewed and monitored. Planner Milne explained the process that is in place to provide assurance that these concerns would be addressed.

Trustees observed that the wording in the DVP might be expanded to ensure that this variance is limited to the location of the proposed bridge and driveway.

DE-2015-024

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend DE-DVP-2015.1 Nielsen (Reda) as follows: by adding the word “only” after the word “driveway” at the end of point 2.

CARRIED

DE-2015-025

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee issue the Development Variance Permit for DE-DVP-2015.1 Nielsen (Reda) that authorizes the reduction of the minimum setback to the natural boundary of a stream from 15 metres to 0.0 metres to allow the location of a proposed bridge and driveway located on The West 20 Chains of the North 30 Chains of the South West ¼ of Fractional Section 23, Denman Island, Nanaimo District, PID 006-639-003, in accordance with Schedule “A” attached to and forming part of the permit.

CARRIED

DE-2015-026

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee issue the Development Permit DE-DP-2015.1 Nielsen (Reda) located on The West 20 Chains of the North 30 Chains of the South West ¼ of Fractional Section 23, Denman Island, Nanaimo District, PID 006-639-003 in accordance with Schedules “A”, “B”, “C”, “D”, and “E” attached to and forming part of the permit.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1. Visitor Accommodation Review

11.1.1. Staff Report dated April 1, 2014

Planner Milne presented the staff report that included the Visitor Accommodation Regulations project scope and timeline as well as the Project Charter for review and possible endorsement.

Trustees considered the report and inquired as to the nature of the Public Open House listed in the Workplan Overview. Planner Milne clarified that this would be an opportunity for the public to learn about the project, to ask questions and provide comments. He added that given the limited scope of the project, the determination of a need for a formal Community Information Meeting (CIM) could be made after the Open House. The proposed timelines were discussed and Planner Milne confirmed that there is margin for flexibility if necessary.

DE-2015-027

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse the Project Charter for the “Review of Visitor Accommodation Regulations” project; and that staff be requested to prepare a staff report and draft bylaw for the consideration of the Denman Island Local Trust Committee at their next meeting.

CARRIED

11.2. K’omoks First Nation Relationship

11.2.1. Staff Memorandum dated April 8, 2015

Planner Milne summarized the Memorandum regarding K’omoks First Nation Relationship Building prepared by Courtney Simpson, Regional Planning Manager.

Trustees considered the memorandum and concurred with the staff suggestions for next steps.

DE-2015-028

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to draft a letter for the Chair’s signature to the K’omoks Band Chief Councillor Robert Everson to introduce the new Local Trust Committee and follow up on the August 8, 2015 meeting and offer.

CARRIED

Trustee Critchley requested examples of Memorandum of Understanding templates that have been utilized in other jurisdictions and Trustee Busheikin offered to forward some information on this to the LTC.

Trustee Busheikin commented on a Community to Community event she learned of recently that had included representatives from several local and regional governments as well as First Nations; however, the Islands Trust had not been included in the opportunity to participate. She suggested that this might be a topic of discussion at the formal annual meeting with the Regional District. Planner Milne agreed and asked that Trustees provide him with suggestions for agenda items for that meeting.

12. REPORTS

12.1. Work Program Reports

12.1.1. Top Priorities Report Dated April 9, 2015

Planner Milne outlined the Top Priorities Report. Trustees discussed the fourth item “Marine Issues”, considering approaches to take to advance the item without involving staff time at this point, including but not limited to advocacy.

12.1.2. Projects List Report Dated April 9, 2015

Planner Milne presented the Projects List and suggested that Trustees give consideration to items that might be included in the Housekeeping Project for his attention. He indicated that the report that will be brought to the LTC for consideration will include background information on the subjects being addressed.

12.2. Applications Report Dated April 9, 2015

Planner Milne reported that the Applications Report is current and up-to-date.

12.3. Trustee and Local Expense Report Dated March, 2015

Received.

12.4. Adopted Policies and Standing Resolutions

Received.

12.5. Local Trust Committee Webpage

There were no changes, additions or deletions requested at this time.

12.6. Chair's Report

Chair Morrison reported that she will be attending an Executive Committee meeting in Victoria and that start times for these meetings has been changed in the hopes that an earlier start will allow more time to address all the items on the agendas. She commented that since the last LTC meeting, she attended both the Denman Island and Lasqueti Island RAR Community Information Meetings (CIMs). She remarked that she attended the Association of Vancouver Island Coastal Communities (AVICC) Annual General Meeting and Convention recently and appreciated the First Nations presentation at that event. She reported that she has attended meetings on Gambier Island concerning Official Community Plan (OCP), Green Shores and RAR work.

12.7. Trustee Reports

Trustee Busheikin reported on meetings she has attended including the applicant-sponsored Open House regarding property rezonings as well as both

the Denman Island and Lasqueti Island RAR CIMs; and apologized for missing her appointed Trustee Office Hours recently. She commented on her attendance at the AVICC Convention noting that she found the First Nations presentation to have been impressive. She mentioned that she also attended a meeting on Denman Island of a working group of the “Walking with Our Sisters”, a project concerning First Nations indigenous women.

Trustee Critchley reported on his attendance at two days of meetings relating to the Comox Valley Regional District South Sewer Project, noting that at this time attendees were unanimously in favour of selecting Cape Lazo as the discharge point. He commented that other meetings he has attended since the last LTC meeting have included holding Trustee Hours, attending Trust Council, the Open House for the Denman Island rezonings relating to Valens Brook, the Denman Island RAR CIM, and meeting with a property owner to discuss their desire to designate their property as RAR-applicable. He advised that he has been reviewing the issue of driving on beaches and that tomorrow he will be attending an all-day program on oil spill response.

12.8. Electoral Area Director's Report

None.

12.9. Trust Fund Board Report - April 2015

Chair Morrison presented the Trust Fund Board Report with an update on the Lasqueti Crown Land acquisition initiative and communications with First Nations on this matter.

12.10. Communications Materials Report

Trustee Busheikin reported on the progress being made on the brochure regarding Denman Island’s new housing regulations and reviewed materials that have been gathered to be given to realtors for newcomers to Denman Island.

By general consent the meeting was adjourned at 12:30 pm and reconvened at 12:45 pm.

13. NEW BUSINESS

13.1. Denman Island Local Trust Committee Submission for 2014-2015 Annual Report

13.1.1. Request for Decision dated April 1, 2015

Planner Milne summarized the request for LTC approval of its section of the Annual Report. Trustees considered the suggested text and discussed an editorial change for clarity and addition of a paragraph to reflect the time spent on marine issues during the term.

The LTC requested the first paragraph, fourth line be changed as follows: delete the words “Local Trust Committee priorities of”.

DE-2015-029

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Annual Report submission be amended by adding a paragraph at the end as follows: “Advocacy was undertaken to address the impacts of increased industrialization of shellfish aquaculture and the Local Trust Committee considered various regulatory initiatives to place controls on potential harmful practices.”

CARRIED

13.2. Reschedule of June 2, 2015 Regular Business Meeting - for discussion

The LTC discussed the potential conflict for the June 2, 2015 meeting and determined that a decision for a new date might be made by Resolution Without Meeting if necessary.

13.3. Input to Strategic Plan

13.3.1. Request for Decision dated April 8, 2015

Planner Milne outlined the Request for Decision from Linda Adams, Chief Administrative Officer, advising that the Executive Committee is seeking input from LTCs into a Strategic Plan Discussion Draft with a focus on the objectives and strategies that LTCs believe to be priorities.

Trustees discussed possible additions to the plan and the following suggested changes were noted for consideration:

- objective 2.3 – add after “derelict vessels”: “and increased industrialization and intensification of shellfish aquaculture and industrial activities”;
- activity 4.3.3 – add after “yards”: “,Denman Island project re: visitor accommodation regulations review”;
- add new Activity and Phases 5.1.3 – “Development of Memorandums of Understanding and other formal agreements (for instance Denman Island Memorandum of Understanding with K’omoks First Nation)”;
- move current objective 10 “improve internal operations” to be a subset of objective 6 “Improve organizational cost effectiveness and resilience”;
- replace existing objective 10 with a new objective as follows:
“Strengthen Trust Council’s sense of a common vision, collective goals and a shared understanding of the Trust mandate, structure and work. “
- new objective 10 Activities: “increase opportunity for Trust Council to engage in in-depth discussion about its vision, goals, mandate, structure and activities, for instance a retreat or extra day at Trust Council”.

Trustees confirmed that this conversation could be continued at a future meeting to allow time to consider these suggestions as well as to explore

and develop other ideas for inclusion, including those relating to marine issues.

13.3.2 Agenda for Southern Trustees Ad Hoc Meeting

Chair Morrison shared the agenda for the Southern Trustees Ad Hoc meeting held recently to assist trustees in their preparation for the Trust Council Strategic Planning session.

13.4. Bylaw Enforcement Report to Trust Council, March 2015

Received.

14. UPCOMING MEETINGS

14.1. Next Regular Meeting - to be determined

The LTC determined that the next regular meeting will be on June 2, 2015 or earlier with the date yet to be confirmed.

15. TOWN HALL

Edi Johnston asked for clarification of the draft Strategic Plan Strategy 7.1.

Chair Morrison responded that there is a current protocol agreement and Letter of Understanding with FLNRO and this strategy refers to the desire to update that protocol agreement.

Edi Johnston appreciated the completion of the eelgrass and forage fish mapping project and asked if there are any plans to use that information.

Chair Morrison responded that the Trust Fund Board would like to see these reports become a part of the OCP and Land Use Bylaw to be used to indicate sites for protection.

Edi Johnston asked if the LTC has approached Fisheries and Oceans Canada for a seat at the Fisheries & Oceans Shellfish Advisory Management Advisory Committee.

Trustees responded that they would review this opportunity and follow-up.

16. CLOSED MEETING:

16.1. Motion to Close the Meeting

DE-2015-030

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1)(a) for the purpose of considering Appointment of APC Members and (d) Adoption of In-Camera Meeting Minutes dated March 3, 2015 and that the recorder and staff attend the meeting.

CARRIED

The meeting closed to the public at 1:27 pm.

16.2. Recall to Order

The meeting reopened to the public at 1:37 pm.

16.3. Rise and Report

Chair Morrison reported that in the closed meeting the LTC adopted minutes from the In-Camera meeting of March 3, 2015 and appointed Selwyn Jones, Perri Gorrara and Erika Bland to the Advisory Planning Commission.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:38 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder