



## Denman Island Local Trust Committee Minutes of Regular Meeting

**Date:** September 8, 2015  
**Location:** Denman Seniors Hall  
1111 Northwest Rd, Denman Island, BC

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

**Staff Present** Ann Kjerulf, Regional Planning Manager  
Rob Milne, Island Planner  
Vicky Bockman, Recorder

**Others Present** Approximately twenty-five (25) members of the public – am  
Approximately eight (8) members of the public – pm

### 1. CALL TO ORDER

Chair Morrison called the meeting to order at 10:30 am. She welcomed the public and introduced herself, Trustees, staff and recorder. 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:

**6.4 Marine Advisory Planning Commission draft Minutes**

**14.4 Climate Leadership**

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

### 3. TOWN HALL AND QUESTIONS

Comments from the public were grouped by topic as follows:

Fillongley Subdivision Marijuana Growing Operation

Scenery Slater asked for information regarding the Baikie Road marijuana growing operation including if it is licensed and if so, whether the license is for commercial, medical or for personal use.

Christine Oliver noted that 12 are present to voice their concerns that include the operation occurring in a neighbourhood of very small lots, the unsightly shipping container, potential contamination of the seasonal creek, diversion of the creek for two new ponds, traffic and security issues. She expressed her opinion that this activity should be conducted on at least a five-acre lot or situated in a manner that cannot be seen. She confirmed that both the RCMP and the Islands Trust Bylaw Enforcement have been contacted and stated that neighbours do not want this occurring in their neighbourhood.

Victor Scott expressed his concern about the effect that this operation will have on the local groundwater, already stressed from a drought, noting that a commercial use will use a large amount of water and create the possibility of pesticide and fertilizer contamination. He added that marijuana growing operations should be regulated so that they are not permitted close to schools or other inappropriate locations.

Mary Reid expressed her opposition to this operation. She stated that the grow-op property has been excavated and is using landscape fabric that causes water to run off toward her property. She stated that her lot was already overwhelmed by water last winter causing the Dalziel Road culvert to overflow. She voiced her concern with the associated noise, odors, lights and unsightly scene that this creates.

Sharon Johnston pointed out that she had flooding damage on her property this past year and does not want to see more caused by this operation.

Frank McGaffney wants Bylaw Enforcement to take action and address this issue before it is established as an on-going concern.

Planner Milne responded to the concerns by verifying that Bylaw Enforcement has been contacted and is involved. He indicated that he was unable to provide details, although it was his understanding that there is a license in process and that the use was for medical marijuana.

Trustees explained the Bylaw Enforcement process and noted that a report from Bylaw Enforcement clarifying the situation would be helpful. They indicated that agenda item 14.2 will provide an opportunity to continue consideration of these concerns.

### Aquaculture Practices – Driving on the Foreshore

Edi Johnston commented that Denman Island has no designated public beaches and all foreshore areas could potentially be tenured. She remarked that Comox Valley Regional District (CVRD) took out a 30-year lease on a beach in Royston and suggested that the Local Trust Committee (LTC) could do the same on Denman beaches. She observed that this topic was considered by the LTC four years ago and the Planner was asked to provide more information on this issue, however, as yet there has been no follow-up.

Graham Brazier commented that he has learned that the Corporation of the District of Saanich has a bylaw that prohibits driving on the foreshore. He quoted from the regulations and suggested that this information might be useful when the LTC addresses agenda item 11.1.

### Riparian Areas Regulation (RAR)

Margie Gang asked questions about RAR setbacks and applicability to the Graham Lake area including where the setbacks begin, how far the setbacks extend, whether she could prune existing fruit trees close to the lake and whether a proposed boom across the lake would be permitted.

Planner Milne explained that the proposed bylaws would establish a 30-metre wide Development Permit Area where a development permit may be required, depending upon proposed activities, with a Qualified Environmental Professional establishing the Streamside Protection and Enhancement Area. He clarified that methodologies provided by the province would establish the high-water mark to be considered in the process. He confirmed that gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides within a pre-existing landscaped area, are exempt from RAR. Regarding the boom, he explained that the bottom of Graham Lake is not part of the RAR regulations and this activity would be governed by provincial regulations.

Marina Reid noted that the RAR does not specify different setbacks for different situations. She indicated that she has a house that is now being put into a RAR area as the boundaries have changed, and that the development permit process is onerous for landowners. She acknowledged that Seasonally Flooded Fields are exempted in the bylaw; however requested that the RAR map include a legend that clearly indicates this to eliminate any confusion.

Planner Milne explained the new regulations, and advised that the more accurate Global Positioning System (GPS) mapping completed for RAR has created some changes.

Pat Veness commented that if a property is in the Agricultural Land Reserve (ALR), most of these RARs would not apply.

Planner Milne confirmed that any agricultural activity is exempted, and that on ALR land the only activity that would be affected by RAR would be residential use.

Shaun White commented that there are inaccuracies in the mapping of two properties with which he is familiar, and asked how the map was generated. He also pointed out that stream courses have changed and the map shows water where no water has existed for years. He remarked that the map in Schedule E Map 2, Schedule 1 of this bylaw, and the digital map on the Trust website are all different and suggested that a map not be included with this bylaw change as it may create problems. He added that it is not possible to identify the waterway high-water marks by contour maps, as it appears to him to have been done, and asked if it would be possible to have a discussion with the consultant that completed the mapping.

Planner Milne explained that the RAR-applicable areas were mapped using GPS technology and are highly accurate, adding that the consultants also walked the areas. He commented that including the map with the bylaw is essential for determining what is RAR-applicable.

A Trustee responded that the mapping consultants addressed their work at a previous LTC meeting and were available at that time for questions.

Marina Reid commented that the Trust has been aware of inaccuracies of their maps for years and remarked that her land was not walked as she denied access to the consultant when asked for permission.

Chair Morrison responded that if the consultant was denied access, the previously known information about the property has been used.

Burt Taylor remarked that last spring he sent the Trust a detailed commentary on mapping in relation to ponds, indicating at that point that the mapping that was done was better than the previous mapping; however, he feels there is the possibility of inaccuracies that might affect property owners bordering a riparian area, mostly due to the lack of precision with respect to the high-water marks. He expressed his opinion that it is not fair to place a financial burden on the property owner in order to demonstrate that there is an inaccuracy that affects them due to the mapping.

Tony Aly asked how to understand which map to use when considering RAR. He observed that the map on the Trust website does not match the proposed bylaw map. He asked if there will be an effort in the future to align these maps and if it might be possible to audit the methodology.

Planner Milne responded by advising that the on-line map is an informational tool, gathered from many sources. He clarified that the RAR map schedule is the defining

instrument on how to interpret the applicability of RAR. He added that the provincial government conducts periodic audits of RAR reports to ensure compliance and indicated that the option for a public audit may not be possible.

**4. COMMUNITY INFORMATION MEETING - none**

**5. PUBLIC HEARING**

**5.1 Recess for Public Hearing**

5.1.1 Bylaw Nos. 212 and 213

**By general consent** the meeting was recessed at 11:27 am to conduct a Public Hearing on Bylaw Nos. 212 and 213.

**5.2 Recall to Order**

**By general consent** the meeting was recalled to order at 11:39 am.

**6. MINUTES**

**6.1 Local Trust Committee Minutes dated July 21, 2015 – for adoption**

**By general consent** the Local Trust Committee meeting minutes of July 21, 2015 were adopted.

**6.2 Section 26 Resolutions-without-meeting Report dated August 27, 2015**

Received for information.

**6.3 Advisory Planning Commission Minutes - none**

**6.4 Marine Advisory Planning Commission Draft Minutes**

The draft minutes of the Marine Advisory Planning Commission (MAPC) meeting of August 28, 2015 were received.

**7. BUSINESS ARISING FROM MINUTES**

**7.1 Follow-up Action List dated August 27, 2015**

Planner Milne presented the Follow-up Action List dated August 27, 2015 and provided updates.

Trustee Busheikin provided an update regarding the LTC request that she visit the K'omoks First Nation office with an invitation to meet, noting that the effort is on-going and she may have more to report at the next LTC meeting.

- 8. **DELEGATIONS - none**
- 9. **CORRESPONDENCE – none**
- 10. **APPLICATIONS AND REFERRALS - none**
- 11. **LOCAL TRUST COMMITTEE PROJECTS**

#### 11.1 **Aquaculture Practices (Driving on the Foreshore)**

##### 11.1.1 Staff Report dated August 18, 2015

Planner Milne presented the staff report providing background on the issue of driving on the foreshore in W1, W3 and W4 foreshore zones, including a draft bylaw with suggested amendments for consideration. He pointed out that Bylaw Enforcement continues to caution regarding the question of enforcement of the provisions of the draft bylaw.

Trustees requested clarification on the draft bylaw's identifying number and Planner Milne responded that an amendment would be necessary in order to maintain the identifying No. 207.

#### **DE-2015-059**

It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee amend draft bylaw No. 207 by deleting the previous content and substituting the part shown as Schedule 'A' in the staff report dated August 18, 2015.

**CARRIED**

Before the vote, Trustee Critchley spoke to the motion, pointing out that the MAPC provided a strong report in support of this action, it is important to the community, fulfills the Islands Trust mandate, and the Golder Report indicates authority to take this approach. He commented that he would like this amendment to move forward to full public consultation.

Trustee Busheikin observed that this draft amendment is intended to limit driving on the foreshore, especially aquaculture operators driving across other areas to access the licensed site. She asked for confirmation that this is within the LTC's jurisdictional authority to enforce.

Planner Milne confirmed his understanding that Fisheries and Oceans Canada (DFO) does not have authority to authorize driving on the foreshore off of the licensed area should the bylaw be adopted. He responded to a question from the MAPC Chair by confirming that the comment attributed to Bylaw Enforcement in the staff report is current and refers to this draft bylaw amendment.

Trustees considered next steps in the process and supported holding an informal, round-table public meeting to voice concerns, discuss the implications and impacts of the draft bylaw and should include the public and key players.

**DE-2015-060**

It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee direct staff to arrange a public meeting specifically inviting the Shellfish Growers Association, Fisheries and Oceans Canada, independent shellfish growers having tenures on Denman Island, K'omoks First Nation, the Aboriginal Aquaculture Association, Ministry of Forests, Lands & Natural Resource Operations, and a representative from the Association for Denman Island Marine Stewards to discuss the content of proposed amended Bylaw No. 207.

**CARRIED**

Trustees discussed the possibility of engaging a professional facilitator for the meeting and agreed on this approach, adding that the facilitator might assist in the design of the meeting process.

**DE-2015-061**

It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee hire a facilitator for the round table meeting about proposed Bylaw No. 207 and that staff be requested to organize the meeting within the next 60 days.

**CARRIED**

Planner Milne confirmed that he will explore options and possible facilitator candidates and will report back to the Trustees to determine next steps.

**11.2 Bylaw No. 212 and Bylaw No. 213**

Bylaw No. 212 cited as "Denman Island Official Community Plan (Denman Island) Bylaw 185, Amendment No. 2, 2014" - for consideration of third reading and submission to Executive Committee and to the Minister of Community, Sport and Cultural Development for approval.

Bylaw No. 213 cited as "Denman Island Land Use Bylaw 186, Amendment No. 2, 2014" - for consideration of third reading and submission to Executive Committee for approval.

There was no action taken on this agenda item. Trustees expressed their desire to review the written submissions and consider the issues raised at the Public Hearing prior to consideration of further bylaw readings.

**DE-2015-062**

It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee request staff to prepare a report consequent upon the Public Hearing held with respect to proposed Bylaw Nos. 212 and 213.

**CARRIED****12. BREAK**

**By general consent** the meeting was recessed at 12:24 pm and reconvened at 12:45 pm.

**By general consent** agenda item 14.2 was moved to follow 12.

**14.2 Recent Developments in Marihuana Laws and Consideration of 2014 Staff Report**

Planner Milne briefly introduced the staff report from April 28, 2014.

Trustees noted that this matter has been brought forward in response to concerns expressed in the community regarding apparent marijuana production in the Fillongley subdivision area and indicated that a review and possible bylaw changes might be in order.

Discussion followed and Trustees proposed that a report from Bylaw Enforcement might be an appropriate next step, and determined that placing the issue on the Top Priorities list would direct resources to its consideration.

**DE-2015-063**

It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee instruct the Bylaw Enforcement Manager to provide a report on the horticulture infrastructure Bylaw Enforcement file on Baikie Road, addressing in particular, issues of licensing.

**CARRIED**

Dialogue followed with members of the public; and other agencies with authority, to address noise, odor, unsightliness; water and contamination issues were suggested for follow-up.

**DE-2015-064**

It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee direct staff to:

- add to the Top Priorities list an amendment to the Denman Island Bylaw No. 186 regarding the production of marijuana;
- provide further information on limiting the use by any means available to us; and
- provide further information regarding other provisions such as minimum lot size, setbacks and screening.

**CARRIED**

Trustees suggested that this information might include a review of the definition of horticulture and a review of other jurisdictions' approaches including possible limitation on the amount of growth that is permitted.

**13. REPORTS**

**13.1 Work Program Reports**

**13.1.1 Top Priorities Report August 27, 2015**

Trustees acknowledged that the number of Top Priorities is in need of refinement and discussed possible changes.

**DE-2015-065**

It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee move item 3 "Development of a Memorandum of Understanding with K'omoks First Nation" from its Top Priority list on a temporary basis to the Projects List and that the topic of "Marijuana Production Bylaw Amendments" be moved to item 3 on the Top Priorities list.

**CARRIED**

### 13.1.2 Projects List Report dated August 27, 2015

Trustees reviewed the Projects List. A requested change was addressed under agenda item 13.1.1.

### 13.2 **Applications Report dated August 27, 2015**

Planner Milne presented the report and provided updates.

### 13.3 **Trustee and Local Expense Report Dated July, 2015**

The Expense Report was received for information.

### 13.4 **Adopted Policies and Standing Resolutions**

The report was received for information.

### 13.5 **Local Trust Committee Webpage**

There were no changes requested at this time.

### 13.6 **Chair's Report**

Chair Morrison reported that the Executive Committee (EC) is working on matters including the upcoming Trust Council agenda that will include a discussion of the Strategic Plan and a meeting with the Bowen Island Municipal Council with discussion of the possible extension of the Natural Area Protection Tax Exemption Program (NAPTEC) to Bowen Island. Other EC work involves forming a committee to consider the Victoria office location study and reviewing the Salt Spring Island Incorporation study. She remarked that she will be attending the Union of British Columbia Municipalities (UBCM) convention in Vancouver later this month.

### 13.7 **Trustee Reports**

Trustee Critchley reported that he attended an Old School Committee meeting and provided updates on the window and bench upgrades. He commented on the meeting he attended in July with the Association for Denman Island Marine Stewards (ADIMS) and Guardians of Denman's Shores with Shelley Jepps from DFO. He advised that he participated in the Baynes Sound Initiative organized by CVRD and noted that the next meeting of this group is scheduled to include DFO. Additionally, Trustee Critchley attended a Strategic Plan discussion, a Trust Programs Committee meeting and, along with Trustee Busheikin, attended

a meeting with the CVRD Bylaw Enforcement Manager to discuss enforcement and mediation.

Trustee Busheikin reported that she attended a Local Planning Committee meeting and commented on the Strategic Plan work and discussion of a potential project that addresses housing in the Islands Trust area. She commented that she attended a Financial Planning Committee meeting and noted that the budget history briefing was very useful. Trustee Busheikin reported that she held Trustee Office Hours and attended the CVRD meeting where alternative methods of dispute resolution were discussed. She commented that she will be attending the UBCM convention in Vancouver later this month.

**13.8 Electoral Area Director's Report - none**

**13.9 Trust Fund Board Report - August, 2015**

Chair Morrison provided an update of some of the Trust Fund Board projects noting that meeting with Qualicum First Nation is part of a continuing project. She commented that discussion of the realtor outreach program on Pender Island has resulted in the decision to ensure that local Trustees are informed of these activities. She noted that the Trust Fund Board is working on establishing a gate in the Mt. Trematon Nature Reserve and will be remediating a creek there.

**14. NEW BUSINESS**

**14.1 Hornby Island Local Trust Committee Request by Resolution Regarding Ferry Terminal Signage**

That the Hornby Island Local Trust Committee request the Denman Island Local Trust Committee give consideration to mentioning Hornby Island in the signage being renewed at Buckley Bay and also to mention that the islands are in the traditional territory of the Coast Salish First Nations.

Planner Milne provided the background on the request.

Trustees discussed the request and acknowledged that this might be addressed by the Denman Island community group that is currently interested in updating that sign.

**DE-2015-066**

It was **MOVED** and **SECONDED**, that the Denman Island Local Trust Committee write a letter to the representative of the organization working on welcome signage, passing the request from the Hornby Island Local Trust Committee regarding ferry terminal signage.

**CARRIED**

Trustee Busheikin offered to draft a letter for Trustees' review.

**14.3 Meeting with San Juan County Council Regarding Economic Development on Islands**

The draft agenda includes potential collaboration over joint business and tourism, farmers markets, product branding, marine Nexus passes for private and commercial boats, a Free Trade Zone, shared access to broadband, the ETGI project and an international Tour des Isle. There is also an oil spill response initiative scheduled the same day at the same location. For consideration: should the LTC send a delegate?

Trustee Critchley outlined the proposal to meet with San Juan County Council and reported that the travel portion would be sponsored by Trust Council to support attendance of the oil spill response initiative scheduled there. Trustees discussed the value of a Trustee's participation and Trustee Critchley indicated that he would consider attending.

**14.4 Climate Leadership**

Trustee Critchley summarized the provincial Climate Leadership Plan Discussion Paper which has been soliciting submissions from the public on priorities in the climate change initiative. He suggested that even though the formal submission period has ended, that a demonstration of support might be warranted. Trustees discussed the proposal, however, determined that given the time and limited resource availability, advocacy at a higher level might be more effective.

**15. UPCOMING MEETINGS****15.1 Next Regular Meeting Scheduled for Tuesday, October 27, 2015 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC**

Trustees confirmed that the next regular LTC meeting is scheduled for Tuesday, October 27, 2015 at 10:30 am.

Planner Milne advised that the joint meeting with Islands Trust and CVRD is tentatively scheduled for October 15, 2015 at the Royston Hall and encouraged submission of topics for discussion.

## 16. TOWN HALL

Barbara Mills noted that the Parks Committee, upland property owners, eco-tourism operators and scientists were not mentioned as being invited to the proposed round-table meeting to discuss driving on the foreshore with stakeholders. She requested clarity on the intended purpose of the meeting.

Trustees responded that it will be a public meeting in the consultation process with the invitations going to those who may not be aware of the opportunity. They suggested that it will be a forum to listen to concerns, inform, educate and perhaps engage in potential problem solving discussions.

Shelley McKeachie expressed her opinion that scientists, Denman Island's Park Committee and the Gulf Island Alliance would be important elements to include by invitation.

Chair Morrison responded that the LTC has been informed with scientific reports and this could be shared with shellfish growers who may not be familiar with the science. She indicated that this meeting might add a balance and an educational element to the consideration of the issues.

Edi Johnston commented that the BC Shellfish Growers Association's membership is declining and inviting individual growers on Denman Island would be more productive. She suggested that a letter on the Climate Leadership initiative might include the information that salt marshes could be supported as they are a critical carbon dioxide sequester.

Barbara Mills suggested that a letter on the Climate Leadership initiative might include the information that Baynes Sound is an Ecologically and Biologically Significant Area (EBSA) and should be protected.

Shelley McKeachie asked about the structure of the proposed meeting on the issue of driving on the foreshore and if the public will be participating.

Trustees suggested that the facilitator might assist in the designing of the meeting process with the intention of providing an opportunity for input from all sources to create a balance in the public consultation process.

Liz Johnston commented that there are many upland property owners who are summer residents and will not be able to attend this meeting.

Planner Milne responded that there will be additional meetings for public comments and there will be ample opportunity for everyone to be heard.

**17. CLOSED MEETING - none**

**18. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:10 pm.

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Susan Morrison, Chair

Certified Correct:

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Vicky Bockman, Recorder