



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: March 15, 2016

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 Rob Milne, Island Planner
David Marlor, Director, Local Planning Services
Vicky Bockman, Recorder

Others Present Approximately thirty (30) members of the public - am
Approximately fifteen (15) members of the public - pm

1. CALL TO ORDER

Chair Morrison called the meeting to order at 10:35 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:

- correspondence dated December 4, 2015 from Annette and Hartmut Schmidt-Schweda regarding watercourse mapping to agenda item 14.3.1
- Trust Fund Board Report dated March 2016

Ron Sakolsky raised a point of order about the agenda, objecting to the lack of an Islands Trust-sponsored Community Information Meeting (CIM) being held prior to the Public Hearing on proposed Bylaw Nos. 219 and 220. He also objected to holding Public Hearings as a part of regular Local Trust Committee (LTC) business meetings.

Trustees acknowledged that while an applicant-sponsored CIM had been previously held and well attended, they were aware of recent concerns expressed in the community in this regard. Consideration was given to holding a CIM at this time in the interest of providing a more open dialog with community members on these proposed bylaws.

DE-2016-008

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee add "Community Information Meeting on Bylaw Nos. 219 and 220" as agenda item no. 3.

CARRIED

Some members of the public in attendance expressed concern that a CIM held at this time would not allow for adequate notification to those who were not present at this business meeting and who may wish to attend.

Trustees considered this concern, noted that questions can be answered in a Public Hearing for clarity purposes and assured those present that time would be provided to ensure that clarification would be provided where necessary in the Public Hearing which had been well publicized as scheduled for today.

DE-2016-009

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee rescind motion number DE-2016-008 regarding the Community Information Meeting.

CARRIED

By general consent the agenda was adopted as amended.

3. COMMUNITY INFORMATION MEETING – none

4. PUBLIC HEARING

4.1 Recess for Public Hearing

4.1.1 Bylaw Nos. 219 and 220

The meeting was recessed at 10:47 am for the Public Hearing on Bylaw Nos. 219 and 220.

4.2 Recall to Order

The meeting was recalled to order at 11:31 am.

5. CLOSED MEETING

5.1 Motion to Close Meeting

DE-2016-010

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)(i) for the purpose of considering the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose and that the recorder and staff attend the meeting.

CARRIED

The meeting was closed to the public at 11:32 am.

5.2 Recall to Order

The meeting was recalled to order at 12:44 pm.

By general consent the meeting was recessed at 12:44 pm and reconvened at 12:55 pm.

5.3 Rise and Report

Chair Morrison reported that in the Closed Meeting the LTC adopted minutes from In Camera meetings of October 27, 2015 and December 1, 2015.

6. TOWN HALL AND QUESTIONS

Shelley McKeachie, speaking on behalf of the Association of Denman Island Marine Stewards, advised that an application for a new aquaculture raft tenure near Millard Road has been confirmed and asked if the LTC has received a referral, if so who would respond, and the process that would be involved as it may require rezoning.

Sharon Small expressed her objection to this aquaculture tenure proposal as the new deep water raft array, if approved, would stretch for a kilometre and be situated close to an existing 40-raft array.

Planner Milne suggested that objections be voiced to The Ministry of Forests, Lands and Natural Resource Operations. He advised that the application referral has just been received and the normal review process will include technical assessment by Islands Trust staff, a policy review that would determine if it needs rezoning, and response by staff to the referral.

Edi Johnston urged the LTC to request a meeting with the Comox Valley Regional District (CVRD) under Section 2. Cooperation of the 2011 Regional District/Local Trust Protocol Agreement as a potential solution to outstanding issues such as restricting vehicular driving on the beach. She submitted her speaking notes for the record.

7. MINUTES

7.1 Local Trust Committee Minutes dated January 12, 2016

By general consent the minutes were adopted.

7.2 Section 26 Resolutions-Without-Meeting Report dated March 3, 2016

Received.

7.3 Advisory Planning Commission Minutes - none

7.4 Marine Advisory Planning Commission Minutes – none

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated March 3, 2016

Planner Milne reviewed the report.

8.2 Memorandum dated March 2, 2016 regarding Coastal Douglas-Fir and Associated Ecosystems Conservation Partnership (CDFCP)

Trustees received the CDFCP Statement of Collaboration, supported the beliefs that were identified, and discussed becoming a signatory on the Statement.

DE-2016-011

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee become a signatory to the Coastal Douglas-Fir and Associated Ecosystems Conservation Partnership Statement of Cooperation.

CARRIED

DE-2016-012

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee send a letter signed by the Chair of the Denman Island Local Trust Committee to the Chair of the Coastal Douglas-Fir and Associated Ecosystems Conservation Partnership citing our resolution to support the Statement of Cooperation.

CARRIED

9. DELEGATIONS

9.1 Marine Advisory Planning Commission regarding Report on Beach Accesses

9.1.1 Report dated February 11, 2016

Shelley McKeachie and Edi Johnston were present from the Marine Advisory Planning Commission (MAPC) to answer any questions that Trustees might have regarding their report on beach accesses. They suggested that possible next steps might include a collaborative meeting with MAPC members and Islands Trust Staff to discuss options and noted that funding for this Top Priority issue remains undetermined.

9.2 Denman Community Land Trust Association (DCLTA) regarding Seniors' Affordable Housing

Harlene Holm, speaking on behalf of DCLTA, provided information to build on the Staff Report of January 25, 2016 including:

- Official Community Plan (OCP) references in support of affordable housing and seniors' housing; and
- clarification of the bare-land strata agreement.

She provided updates on the project and submitted her speaking notes and the following background documents for the record:

- the positive results of the Qualified Professional assessment and the Wastewater Assessment Report; and
- reports of meetings held with the Ministry of Transportation and Infrastructure and Vancouver Island Health Authority.

She stated that the LTC's support of the ALR exclusion application is an essential step in moving the project forward.

9.3 Simon Palmer for Denman Housing Association regarding Proposed Affordable Housing Project

9.3.1 Email submission from Denman Housing Association

Simon Palmer, speaking on behalf of Denman Housing Association submitted a document regarding affordable housing for working families on Denman Island dated March 14, 2016. He requested that the LTC:

- host a community meeting to engage community discussion of the issues;
- propose clarifications in the OCP to help develop solutions to the challenges facing applicants seeking to create affordable housing projects, including the acquisition of land; and
- give consideration to the proposed motions included in the document.

9.4 Denman Island Residents Association Marine Guardians Committee (DIRA MG) regarding Marine Issues

Edi Johnston, speaking on behalf of the DIRA MG Committee, asked the LTC to encourage the CVRD to work with them to find a solution to prohibit vehicles from driving on beaches while retaining the beach rights-of-way for non-motorized public use. She suggested that the LTC might find that other agencies have approaches that could be useful in its consideration of this issue.

10. CORRESPONDENCE

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

10.1 Notice of License for Denman Island Community Boat Ramp

Trustee Busheikin provided background and reported that this notice is provided for information regarding the license that has been received for a two-year term for a community boat ramp.

10.2 Denman Island Local Trust Committee Letter of Support dated January 29, 2016 to Comox Valley Regional District (CVRD) South Region Liquid Waste Management Plan

Received.

11. APPLICATIONS AND REFERRALS

11.1 Bylaw No. 219

Bylaw No. 219 cited as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2015" - for consideration of third reading and submission to Executive Committee and to the Ministry of Community, Sport and Cultural Development for approval.

Planner Milne outlined options for proceeding subsequent to the Public Hearing that has now been held.

Trustees discussed the complexities of this application and the need to provide clarity for the benefit of the community. They suggested that the next step involve receipt of a Staff Report that might include such information that addresses:

- clarification of all density questions;
- an explanation of the intent of the proposal to transfer, not increase density;
- an articulation of concerns expressed in the community;
- improved mapping if possible;
- inclusion of a response from the Trust Fund staff regarding the setback issue as expressed in Louise Bell's submission; and
- creation of a separate bylaw and OCP amendment that addresses the proposed transfer of a density to the Density Bank.

Trustees supported conducting an Islands Trust-sponsored CIM and a second Public Hearing on Bylaw Nos. 219 and 220.

DE-2016-013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back a Staff Report on Bylaw Nos. 219 and 220 reflecting issues brought up in discussion by the Trustees and at the Public Hearing.

CARRIED

DE-2016-014

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to prepare a revised set of bylaws for the proposed Bylaw Nos. 219 and 220 to show the transfer of one density to the Denman Island Density Bank and to show the transfer of one density from the donor property to the receiving property.

CARRIED

Trustees discussed the possibility of the creation of a site-specific zone or a restrictive covenant to address the density transfer and suggested that Planner Milne give consideration to the tool that might best structure the transfer and provide that analysis as a part of the Staff Report.

11.2 Bylaw No. 220

Bylaw No. 220 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015" - for consideration of third reading and submission to Executive Committee for approval.

This was addressed with agenda item 11.1.

11.3 DE-ALR-2015.1 Denman Community Land Trust Association

11.3.1 Staff Report dated January 25, 2016

Planner Milne summarized the application for exclusion of land from the Agricultural Land Reserve (ALR) to facilitate the development of eight units of affordable housing for Denman Island residents over 65 years of age.

Trustees discussed their support of the project and considered options for material and comments to include with the recommendation supporting the exclusion of the subject property from the ALR.

DE-2016-015

It was MOVED and SECONDED,

1. that the Denman Island Local Trust Committee supports application DE-ALR-2015.1 (Denman Community Land Trust Association on behalf of Beverley Severn) to exclude Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, except that part in Plan 24807 (3730 Denman Road) from the Agricultural Land Reserve;
2. that the Denman Island Local Trust Committee direct staff to forward application DE-ALR-2015.1 to the Agricultural Land Commission including a copy of the Committee's resolution of support;
3. that the following comments be attached in support of the application:
 - a. comments provided by Louise Bell;
 - b. There is a well-documented need for seniors' affordable housing (in the Denman Housing Needs Assessment of 2008, the Age Friendly Report of 2011, the Denman Community Land Trust Report of 2014, the Denman Housing Association Affordable and Convenient Housing Needs Report on Denman Island, 2013, and Denman Island Local Trust Committee public consultation on housing in 2013) to support viewing this project as potentially meeting an essential and pressing community need; and
 - c. There are currently no other available locations for affordable housing within walking distance of the village that are not in the Agricultural Land Reserve; and
4. that the Denman Island Official Community Plan excerpts regarding Seniors and affordable housing quotes from the Official Community Plan be attached.

CARRIED

11.4 DE-DP-2015.3 (Devilliers - 8330 Owl Crescent)

11.4.1 Staff Report dated March 2, 2016

Planner Milne presented the Staff Report reviewing the proposed application for a Development Permit (DP) to authorize construction of a new, single family dwelling with a deck, plus installation of a septic tank and partial location of a driveway in a location within DP Area No. 2, Steep Slopes.

Trustees discussed and supported amendments to the conditions for proposed DE-DP-2015.3 recommended in the Staff Report as follows:

- Condition 1 – add “are hereby made mandatory” after “respectively”;
- Conditions 2 and 3 – remove “strictly”; and
- Condition 2 – remove the comma after “views”.

DE-2016-016

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of DE-DP-2015.3 as amended.

CARRIED

By general consent the meeting was recessed at 2:41 pm and reconvened at 2:46 pm.

11.5 DE-DP-2015.4 (DeVilliers - 2201 Tristone Road)

11.5.1 Staff Report dated March 2, 2016

Planner Milne summarized the Staff Report, reporting that an application to subdivide under Section 514 in order to provide a residence for a relative has been received; and the need for a DP has been identified as part of the subject property is within DP Area No. 4: Streams, Lakes and Wetlands.

DE-2016-017

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of DE-DP-2015.4 conditional upon the following:

there shall be no future land alteration or development except as prescribed in accordance with Schedule “B” (“Riparian Areas Regulation: Assessment Report”, dated July 3, 2015, prepared by Warren Fleenor, Registered Professional Biologist of Current Environmental Ltd.) attached to and forming part of the permit.

CARRIED

12. LOCAL TRUST COMMITTEE PROJECTS

12.1 Denman Island Farm Plan

12.1.1 Staff Report dated February 3, 2016

Planner Milne presented the Staff Report regarding the initiation of the Denman Island Farm Plan Implementation. He provided an overview of the recommendations contained in the Denman Island Farm Plan and suggested a project management approach that prioritizes and initially focuses on recommendations 13 and 14 of the Farm Plan, providing rationale in support of this strategy.

Trustees discussed including elements of Farm Plan Recommendation No. 11: Undertake a Review of Additional Housing on Farmland in the initial implementation focus along with relevant OCP and zoning amendments.

DE-2016-018

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct staff to prepare a Project Charter for consideration of the Local Trust Committee which prioritizes implementation of Recommendations 13 and 14 and those sections of Recommendation 11 that pertain to the Official Community Plan and Land Use Bylaw of the Denman Island Farm Plan and outlines a corresponding public consultation process.

CARRIED

Trustees noted that providing comments on the Farm Plan's identified key issue of establishment of an Agricultural Advisory Planning Commission in the Staff Report would be useful. Planner Milne commented on current staff workload and timing for production of the Staff Report.

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report dated March 3, 2016

Trustees requested that Top Priority No. 2: Review of Visitor Accommodations Regulations be removed from the list as the project has been completed. They acknowledged that three Top Priorities remain and no further changes were requested at this time.

13.1.2 Projects List Report dated March 3, 2016

Trustees requested that the Project "Review of OCP/LUB regarding Implementation of Denman Island Farm Plan and ensuring food security" be removed from the Projects List as it has been moved to the Top Priorities List.

13.2 Applications Report dated March 3, 2016

Planner Milne presented the Applications Report and advised that there are no updates to report.

13.3 Trustee and Local Expense Report dated February, 2016

Received.

13.4 Adopted Policies and Standing Resolutions - none**13.5 Local Trust Committee Webpage**

Trustee Busheikin encouraged Trustee Critchley to send his Trustee Notebook articles to Planner Milne for posting on the webpage.

13.6 Chair's Report

Chair Morrison reported on the following:

- That Trust Council will be held on Hornby Island next week and that Executive Committee has been working on preparation of the budget and facilitating a First Nations workshop for that meeting.
- She advised that there will be a recommendation from Executive Committee presented at Trust Council to hire a temporary Marine and First Nations Specialist to help with marine issues.

13.7 Trustee Reports

Trustee Busheikin reported on the following:

- holding Trustee Office Hours;
- attendance at the monthly DIRA meeting;
- follow-up efforts with the archeologist from the First Nations meeting to explore the possibility of a presentation to be conducted on Denman Island; and
- she will be writing the Trustee Notebook article for the Flagstone and encouraged suggestions of a topic.

Trustee Critchley reported on the following:

- a CVRD South Region Liquid Waste Management Plan meeting that he attended;
- an Old School Committee meeting that he attended;
- a Trust Programs Committee meeting that he attended;
- CVRD Baynes Sound Initiative meeting that he attended; and
- the Trustee Office Hours held.

13.8 Electoral Area Director's Report - none

13.9 Trust Fund Board Report

Chair Morrison highlighted activities on Denman Island that were reported in the March 2016 Trust Fund Board Report.

14. NEW BUSINESS

14.1 Land Use Consultation for Radio Communication Utilities

14.1.1 Memorandum dated January 5, 2016

Trustees noted that this item will be on the Trust Council agenda and no action is required at this time.

14.2 Annual Comox Valley Regional District Meeting with Denman/Hornby Local Trust Committees

14.2.1 Letter dated January 6, 2016

Planner Milne advised that CVRD has proposed a date of October 20, 2016 as a possible date for the annual meeting with Denman/Hornby Island LTCs. Trustees confirmed their agreement with the suggested date.

14.3 Watercourse Mapping Concern

14.3.1 Correspondence regarding A and H Schmidt-Schweda

Additional correspondence dated December 4, 2015 from Annette and Hartmut Schmidt-Schweda regarding watercourse mapping was received.

Planner Milne presented an overview and background of the correspondence that requests correction of a mapping error on Denman Island.

A Trustee reported that a site visit had been made and supported the correction of maps. Trustees discussed budgetary considerations and process involved in mapping changes.

DE-2016-019

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct staff to make all reasonable efforts to utilize the budget money for Riparian Areas Regulation remaining in the Local Trust Committee's account for the purpose of mapping the stream located on the Schmidt-Schweda property referred to in their correspondence.

CARRIED

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, April 19, 2016 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC

Trustees confirmed the next regular tentatively scheduled meeting date, time and location.

16. TOWN HALL

Edi Johnston asked if there will be minutes produced from the annual CVRD meeting in October and if they will be available to the public. She inquired as to next steps for proposed Bylaw No. 207.

In response to her questions, Planner Milne advised that meeting notes are regularly taken at the CVRD annual meetings and Trustee Critchley explained that the LTC is continuing to consider options regarding proposed Bylaw No. 207.

Shelley McKeachie asked how the public can track the proposed new aquaculture raft tenure referral.

Trustee Critchley responded that the public will be kept informed of the referral through its inclusion on an LTC agenda.

Edi Johnston commented that the process of referrals going to staff and not the elected officials seems backwards.

Chair Morrison responded that the technical nature of referrals is first reviewed by staff and that once a political decision is required the referrals are provided to Trustees for consideration.

17. ADJOURNMENT

By general consent the meeting was adjourned at 3:31 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder