



Denman Island Local Trust Committee Minutes of Regular Meeting

Date:	July 5, 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 Marnie Eggen, Island Planner Vicky Bockman, Recorder
Others Present	Approximately twenty (20) members of the public - am Approximately two (2) 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 territory of the First Nations.

2. APPROVAL OF AGENDA

The following changes to the agenda were presented for consideration:

- Add 6.3 Local Trust Committee Special Meeting Minutes dated June 25, 2016
- Add 6.4 Public Hearing Record dated June 25, 2016
- Renumber subsequent category 6 items accordingly
- Add 9.1 Letter dated May 26, 2016 from Jayne O'Reilly regarding Driving on the Beach
- Add 9.2 Email dated July 4, 2016 from Eileen O'Brien re: Application 3131 Jemima Road
- Add 9.3 Email dated July 3, 2016 from Dorrie Woodward re: DE-TUP-2016 (Lundberg)
- Add 9.4 Email dated July 3, 2016 from J. Thornton re: 3131 Jemima Road (Lundberg)
- Add 9.5 Email dated July 1, 2016 from Esther Muirhead re: DE-TUP-2016.1
- 10.1 Staff Report dated June 29, 2016 was received
- 10.2 Staff Report dated June 27, 2016 was received.

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Edi Johnston mentioned various practices and agreements used by the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) to restore and protect sensitive ecosystems, including making available to regional districts, parcels of Crown Land for social goals that benefit the public. She advised that Sponsored Crown Grants are available for this purpose by application and indicated that the Local Trust Committee (LTC) could make application for this. She noted that all of Denman Island's foreshore can be tenured and asked the LTC to consider taking advantage of these FLNRO programs to provide the community with dedicated beaches at Millard Road, Fillongley and Morning Beach. She provided her speaking notes for the record.

Harlene Holm objected that Temporary Use Permits (TUP) to enable secondary dwelling units reduce the number available for affordable housing and special needs uses within the permitted increase of five percent over the Official Community Plan (OCP) density cap. She did not support the TUP application on the agenda today for the LTC's consideration as it is not for affordable housing. She expressed concern that the TUP process for secondary dwellings does not include adequate oversight to manage densities available for affordable housing and special needs and is not subject to the agreements, restrictions and public process that apply to special needs and affordable housing projects. She provided her speaking notes for the record.

She asked if TUP applications are approved in an administrative manner without opportunity for public discussion.

A Trustee clarified that TUP applications are considered in regular LTC meetings which are a public forum.

Bill Engleson commented that his new book will be published this summer and he expressed his opinion that it will have implications for the Gulf Islands that LTCs might find helpful.

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

6.1 Local Trust Committee Special Meeting Minutes dated May 16, 2016

By general consent the minutes were adopted.

6.2 Local Trust Committee Meeting Minutes dated May 17, 2016

By general consent the minutes were adopted.

6.3 Local Trust Committee Special Meeting Minutes dated June 25, 2016

By general consent the minutes were adopted.

6.4 Public Hearing Record dated June 25, 2016

The Public Hearing Record was received.

6.5 Section 26 Resolutions-Without-Meeting - none

6.6 Advisory Planning Commission Minutes - none

6.7 Marine Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated June 23, 2016

Planner Milne presented the Follow-up Action List and provided updates on activities.

He reported that staff contacted K'omoks First Nation regarding the proposed Community to Community forum, however, a response has not been received. Trustees acknowledged that this is a necessary component to secure funding for the initiative and discussed possible next steps.

DE-2016-041

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request the Chair to write to the K'omoks Chief and Council inviting their participation in a Community to Community forum.

CARRIED

Trustee Critchley advised that he has completed the first April 19, 2016 item and requested that it be removed from the List.

7.2 Agricultural Advisory Committee or Special Projects Advisory Planning Commission - Expressions of Interest - Verbal Update

Planner Milne reported that two expressions of interest have been received and the matter can be addressed in today's scheduled Closed Meeting.

8. DELEGATIONS - none

9. CORRESPONDENCE

The following correspondence was received:

9.1 Letter dated May 26, 2016 from Jayne O'Reilly regarding Driving on the Beach

9.2 Email dated July 4, 2016 from Eileen O'Brien re: Application 3131 Jemima Road

- 9.3 Email dated July 3, 2016 from Dorrie Woodward re: DE-TUP-2016.1 (Lundberg)
- 9.4 Email dated July 3, 2016 from J. Thornton re: 3131 Jemima Road (Lundberg)
- 9.5 Email dated July 1, 2016 from Esther Muirhead re: DE-TUP-2016.1

By general consent agenda items 10.1 and 10.2 were moved to follow item 12.1.2.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Denman Island Farm Plan Implementation

11.1.1 Staff Report dated May 18, 2016

Planner Milne presented the Staff Report, suggesting that the complex implementation process would benefit from the creation of an Agriculture Advisory Planning Commission (AAPC) or Special Projects Advisory Planning (SPAPC) Commission to facilitate community consultation and to prioritize the various actions identified. He advised that the advertisement for these members has not produced sufficient expressions of interest to form a committee and he solicited input from Trustees for next steps to move the project forward.

Trustees discussed approaches that might be considered to advance the initiative. They determined that the preferred strategy at this time would include continuing to solicit interest by approaching key individuals and the Hornby/Denman Growers and Producers Alliance, and focusing Trustee Busheikin's monthly article on the subject to enable the creation of an AAPC or SPAPC.

Planner Milne noted that there are budgetary implications to consider if the project is significantly postponed that might include changing the focus of the budgeted expenditure to allow for a use of the funds for an alternative project.

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report dated June 23, 2016

Received.

12.1.2 Projects List Report dated June 23, 2016

A Trustee commented that the activity: Land Use Bylaw definition of intensive agriculture; remove “and excluding feedlots” which is described as a Housekeeping Project has been on the list for a long time and inquired as to a possible time line for completion.

Planner Milne responded that the definition change should be attached at such time that a related matter is brought forward.

10. APPLICATIONS AND REFERRALS

10.1 **DE-DVP-2016.1 and DE-TUP-2016.1 (Lundberg - Citizen Design - 3131 Jemima Road)**

10.1.1 Staff Report dated June 29, 2016

Planner Eggen presented the Staff Report addressing the applications for a Development Variance Permit (DVP) and Temporary Use Permit (TUP) for a number of proposed buildings and structures with the following key points noted:

- She described the intent of the proposed variances including reducing the setback to Graham Lake from 60 metres to 40 metres and reducing the setback to a stream from 30 metres to 15 metres;
- She reported that should the proposal move forward, staff recommends that a registered, restrictive covenant be required to assure the proper operation of the sewage system and protection of the riparian areas;
- She noted that the TUP is requested for a secondary dwelling unit for relatives and is within the allowable five percent increase in densities stipulated for this purpose in the OCP policies; however it is sited within setbacks and requires approval of a DVP; and
- She pointed out that the proposal to vary the setbacks is not supported by the Graham Lake Improvement District Trustees (GLID) or the Vancouver Island Health Authority (VIHA) Officer.

The owners, applicant and the professional retained to complete a limited hydrogeological investigation and to design the wastewater system were in attendance. Trustees discussed the technical and historical information and asked questions for clarity.

Trustees expressed concern regarding the variances to the setbacks, acknowledging that the community established the large setbacks in recognition of Graham Lake’s value as a drinking water supply as well as its ecological and recreational values. They discussed the feasibility of alternatives to the proposal.

The applicant addressed the LTC with the following points noted:

- the unique constraints of this property deserves consideration on its own merits;

- using the proposed location in cleared areas minimizes impact and alteration to the land;
- the Type 3 filtration wastewater system exceeds requirements;
- the current septic system is outdated and doing harm;
- the proposed restrictive covenant for the septic system is supported;
- this proposal meets the spirit and intent of the bylaw and the science provided is reasonable; and
- careful consideration by the LTC was requested.

Chair Morrison opened the floor to public comments.

Jane Lighthall spoke regarding the TUP request for a secondary dwelling, noting that the community's desire to keep the island rural is reflected in the OCP. She pointed out that this is a large dwelling with its future uncertain after the six years of the TUP and possible renewal, and requested the LTC exercise caution out of respect for Graham Lake.

Dorrie Woodward expressed concerns that officials from GLID and VIHA do not support this proposal, that a system for discovery of any problem with the septic system is not developed which could negatively impact Graham Lake, and there has been no analysis of the area watershed as a whole.

The owners indicated their desire to work with the community, observed that the existing septic system is doing more harm than good because it is outdated, and expressed the belief that this proposal represents the best solution.

DE-2016-042

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee not approve the issuance of DE-DVP-2016.1.

Trustee Critchley spoke to the motion, expressing concern with the failing septic system, however confirming that the commitment to the Islands Trust's preserve and protect mandate requires careful consideration of Graham Lake. He expressed concerns that staff, VIHA and GLID have opposed the application, the large setbacks were established by the community with good reasons, and that approval of this application would have the potential to set a precedent.

Trustee Busheikin commented that in her view a new house with a new septic and a registered restrictive covenant without the guest dwelling in an area already developed is a reasonable proposal and that she would consider a setback of at least 45 metres from the lake. She noted that a thorough scientific review has been conducted on this application and observed that all variance requests are considered on a case-by-case basis, not setting a precedent.

Chair Morrison called the vote.

FAILED

Trustee Critchley in favour
Trustee Busheikin opposed
Chair Morrison opposed

Discussion ensued and the following points were noted:

- A Trustee noted that the VIHA Officer supported the proposal without the secondary residence;
- The septic would be slightly smaller if only providing for the principal dwelling; and
- The proposed home office was confirmed to be non-sewage producing although the permit is not worded in such a way as to prevent this in the future.

DE-2016-043

It was MOVED and SECONDED,

that proposed DE-DVP-2016.1 (Lundberg) be amended so that in item 2. a) i) the number 40 is changed to 45.

CARRIED

Trustee Critchley opposed
Trustee Busheikin in favour
Chair Morrison in favour

By general consent the meeting was recessed at 12:33 pm and reconvened at 12:38 pm.

Discussion continued on the proposed DVP with the following noted:

- LTC members explained that they discussed the options for consideration of a revised proposal that does not allow for the guest cottage or the office and would require at least a 45 metre setback for the septic and provide for as small of a setback variance as possible;
- The owners and applicant appreciated the compromise and attempt to find a solution and stated that they can work with this suggested change; and
- Trustees advised that due to the technical nature of the changes, they will ask staff to make these changes and a decision can be made by Resolution Without Meeting after reviewing the revised proposal.

DE-2016-044

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back an amended version of DE-DVP-2016.1 without the proposed home office and the proposed guest house and with the proposed setback from Graham Lake increased as much as possible given the amended site plan.

CARRIED

10.2 DE-RZ-2015.1 (Pandesign) Density Transfer

10.2.1 Consideration of Next Steps - Bylaw Nos. 219 and 220

Planner Milne summarized the Staff Report dated June 27, 2016, providing a summary of the June 25, 2016 Public Hearing and submissions received relating to Bylaw Nos. 219 and 220. He noted that there were no comments received regarding the stated need to amend the bylaw to address the failure of the current map to include the balance of the property currently zoned R2 into the proposed R2(6) zoning designation.

Trustees considered next steps with the following noted:

- A Trustee proposed placing a condition on the property to prohibit secondary dwellings in this zone as a measure to address neighbours' concerns of increased density in this area;
- Henning Nielsen, one of the applicants, was in attendance and was asked to comment on the proposal. He opposed the suggested restriction and provided rationale for this position. He suggested a possible alternative of entering into a covenant to specify that one of the potential three lots cannot have a secondary dwelling; and
- Planner Milne outlined the process that would be involved with that approach and noted that TUP applications for secondary

dwelling are considered by the LTC which can approve or deny those applications, providing a level of oversight.

DE-2016-045

It was MOVED and SECONDED, that the Denman Island Local Trust Committee Bylaw No. 219, cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2015” be read a third time.

Chair Morrison asked if there was any further discussion on the motion.

Trustee Busheikin expressed her support for a covenant to restrict secondary dwellings on that property to mitigate the potential for overall increased impact.

Chair Morrison expressed her view that the TUP process for secondary dwellings provides for full examination, discussion and LTC consideration of applications.

The question was then called.

CARRIED

DE-2016-046

It was MOVED and SECONDED, that the Denman Island Local Trust Committee Bylaw No. 219, cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2015” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

DE-2016-047

It was MOVED and SECONDED, that the Denman Island Local Trust Committee Bylaw No. 220, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015” be amended at second reading by deleting Appendix No. 2 and replacing it with a revised Appendix No. 2 which shows all of the portions of land legally described as Lot A, Section 12, Denman Island, Nanaimo District, Plan VIP88949 currently zoned as Rural Residential (R2) to be rezoned to Rural Residential 2(6), (R2(6))

CARRIED

DE-2016-048

It was MOVED and SECONDED, that the Denman Island Local Trust Committee Bylaw No. 220, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015” be read a second time as amended.

CARRIED

DE-2016-049

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 220, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015” be read a third time.

CARRIED

DE-2016-050

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 220, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

By general consent the meeting recessed at 1:08 pm and reconvened at 1:17 pm.

12.2 Applications Report dated June 23, 2016

Received.

12.3 Trustee and Local Expense Report dated May, 2016

Received.

12.4 Adopted Policies and Standing Resolutions - none

12.5 Local Trust Committee Webpage

There were no changes requested to the webpage.

12.6 Chair's Report

Chair Morrison reported that much of her Islands Trust work has been focused on Denman Island recently.

12.7 Trustee Reports

Trustee Busheikin reported that since the last meeting she attended the following events:

- The Islands Trust Housing Forum;
- The Denman Island Oceans Day event;
- A session at the K'omoks Band Aboriginal Day event; and
- A Ferry Advisory Committee meeting.

Trustee Critchley reported on his attendance at the following:

- The Islands Trust Housing Forum;
- The June Trust Council meeting;
- The Community Information Meeting regarding Bylaw Nos. 219 and 220;
- An Oil Spill Response workshop; and

- He provided an update regarding the South Sewer Project.

12.8 Electoral Area Director's Report - none

12.9 Trust Fund Board Report dated May, 2016

Received.

13. NEW BUSINESS

13.1 Affordable Housing Reporting Requirements - for discussion

Trustee Critchley commented that there was a discussion during the Islands Trust Housing Forum concerning the significant administrative obligations of housing agreements. He inquired as to the process, the value of the statutory declaration requirement, and if the reporting documents are reviewed by the LTCs.

Trustees indicated their desire to review reporting documents as an added measure of oversight and Planner Milne stated that he would research the process to provide clarity on the matter.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, September 20, 2016 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC

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

15. TOWN HALL

Edi Johnston commented that she is aware of a Letter of Understanding on Crown Land Administration within the Islands Trust area between the Ministry of Environment and Islands Trust that mentions an annual meeting to be held between senior officials at the beginning of the fiscal year to discuss initiatives and items of mutual concern. She asked if these meetings happened and noted that this would be a good forum for discussion of marine issues.

Trustees responded that this meeting was recently held and they advised that marine issues have been a topic of discussion.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

DE-2016-051

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) and (d) for the purpose of considering Board of Variance Appointments and Adoption of *In-Camera Meeting Minutes* dated March 15, 2016 and that the recorder and staff attend the meeting.

CARRIED

The meeting was closed to the public at 1:35 pm.

16.2 Recall to Order

The meeting was recalled to order at 1:49 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 15, 2016;
- appointed Jack Woodward, Sheila Ray and Dr. Laurie Jackson to the Board of Variance; and
- requested staff to write to Agriculture Advisory Planning Commission or Special Projects Advisory Planning Commission applicants thanking them for their interest and advising them that their applications will be retained and considered as a minimum number of applications continues to be pursued.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:50 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder