



Denman Island Local Trust Committee Minutes of Regular Meeting

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| Date: | September 20, 2016 |
| Location: | Denman Activity Centre 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 Teresa Rittemann, Island Planner Marnie Eggen, Island Planner (via telephone) Vicky Bockman, Recorder |
| Others Present | Approximately twelve (12) members of the public – am Approximately four (4) 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 Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- 9.2 Email from Margie Gang Regarding BC Ministry of Sustainable Resources Study Report Data and Conclusions

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Edi Johnston asked what action the Local Trust Committee (LTC) would take to protect the W1 zone now that the Ministry of Forests, Lands & Natural Resource Operations has ordered that the gate at the Community Dock be removed.

A Trustee and staff suggested that the process might include the registration of any complaints to Bylaw Enforcement by concerned community members after which the LTC would be advised and a course of action recommended.

Edi Johnston asked for clarification of a statement made by David Marlor, Director, Local Planning Services, regarding regulation of vehicles for a shellfish operation.

LTC members and staff declared that they are currently in the process of gathering additional information on this subject.

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

6.1 Local Trust Committee Minutes dated July 5, 2016 - for adoption

The following amendments to the minutes were presented for consideration:

- Page 1, item 1, third line: remove “traditional”
- Page 4, item 11.1.1, third paragraph, first line: change “Trustee” to “Planner”
- Page 11, item 13.1, first paragraph, last line: change “agreements” to “reporting documents”
- Page 11, item 13.1, second paragraph, first line: change “housing agreements” to “reporting documents”

By general consent the minutes were adopted as amended.

6.2 Section 26 Resolutions-Without-Meeting Report dated September 8, 2016

Received.

6.3 Advisory Planning Commission Minutes - none

6.4 Marine Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated September 8, 2016

Regional Planning Manager Kjerulf presented the report and provided updates on the following:

- K’omoks First Nation’s interest in the proposed Community to Community event; and
- Re-advertising for positions on the proposed agricultural steering committee did not result in any further expressions of interest.

A Trustee noted that the LTC previously requested staff to examine the topic of Special Events Bylaws and their frequency and nature on other Gulf Islands, however, it is not reflected in the Follow-Up Action List. Regional Planning Manager Kjerulf responded that staff will follow-up on this matter.

8. DELEGATIONS - none

9. CORRESPONDENCE

9.1 Letter dated August 30, 2016 from Shelley McKeachie for ADIMS regarding Baynes Sound and Lambert Channel

Received.

9.2.1 Email from Margie Gang Regarding BC Ministry of Sustainable Resources Study Report Data and Conclusions

Received.

10. APPLICATIONS AND REFERRALS

10.1 DE-TUP-2016.1 (Williams)

10.1.1 Staff Report dated September 20, 2016

Planner Ritemann presented the Staff Report which reviews an application for a Temporary Use Permit (TUP) to accommodate a secondary dwelling for the residential use of the owners' family member.

Discussion followed regarding the TUP process with the following points noted:

- A Trustee commented that having conditions met prior to LTC consideration might be preferable;
- Trustees requested clarity regarding the need for a Siting and Use Permit (SUP) for this purpose;
- A Trustee suggested that if a SUP is required, that it be added to the conditions listed in the TUPs;
- Trustees considered approaches that might be examined to streamline the process and reduce applicant costs; and
- Staff confirmed that approved TUPs are effective for three years, may be renewed for an additional three-year period and thereafter application for a new TUP may be made or rezoning considered. A Trustee suggested that this information might be published for the community's benefit as there has been confusion expressed on this point.

The applicant spoke to the application, noting that he was not aware that a SUP would be a requirement in addition to a TUP. He reported that the Graham Lake Improvement District has confirmed that there is adequate supply of potable water, and he commented that sewerage requirements will be met. He observed that there was a SUP for a permitted building in the proposed location that had not been built.

DE-2016-052**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approve Temporary Use Permit DE-TUP-2016.2 for a period of three (3) years from date of issuance, including the conditions that form part of the proposed permit, subject to the following condition being met prior to issuance by the Deputy Secretary:

“that written confirmation be provided to the Islands Trust from an “Authorized Person” as per the *Sewerage System Regulation* that the proposed secondary dwelling will be connected to an approved sewerage system”.

CARRIED

In further discussion, a Trustee considered that a change in the process to allow the TUP to encompass the SUP information in order to eliminate the need for two separate applications might be an efficient and cost-effective approach.

DE-2016-053**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to review the bylaws with a view to making recommendations to the Local Trust Committee about the harmonization of those bylaws for the reduction of costs and unnecessary applications.

CARRIED

10.2 DE-DVP-2016.2 (BC Ferries - West Terminal) and DE-DVP-2016.3 (BC Ferries - East Terminal)

10.2.1 Staff Reports dated September 20, 2016

Planner Ritemann summarized the Staff Report regarding a proposal to replace and upgrade the existing terminal buildings and sewage disposal fields at Denman West Terminal and at Gravelly Bay Terminal. She reported that the proposal requests Development Variance Permits (DVPs) to accommodate siting within the minimum setback from the natural boundary of the sea.

Trustees considered the proposal and concluded that site constraints and failing septic systems warrant approval of the variances.

DE-2016-054**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approve Development Variance Permit DE-DVP-2016.2.

CARRIED

DE-2016-055**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approve Development Variance Permit DE-DVP-2016.3.

CARRIED

Planner Eggen joined the meeting by telephone at 11:14 am.

10.3 DE-DVP-2016.1 (Lundberg - Citizen Design Build)**10.3.1 Staff Report dated September 20, 2016**

Planner Eggen outlined the Staff Report noting that the purpose is to present a revised DVP proposal from that considered at the July, 2016 LTC meeting. She reported that this application does not include a guest house or home office and includes proposed setback variances that have been increased as much as possible: the setback to Graham Lake is varied from 60 metres to 47 metres for the dwelling and sewage disposal field and the setback to a stream is varied from 30 metres to 18 metres for a sewage disposal field.

She advised that there have been no comments received in response to circulation of the second DVP permit notice.

DE-2016-056**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approve Development Variance Permit DE-DVP-2016.1 conditional upon registration of a restrictive covenant that is granted to the Denman Island Local Trust Committee in priority to all financial charges and that is delivered in a form satisfactory to the Denman Island Local Trust Committee and that stipulates the following:

- a. No removal of vegetation and no soil disturbance between the septic field and Graham Lake as recommended by H2O Environmental Ltd. and Aqua-Tex Scientific Consulting Ltd.;
- b. That the proposed sewerage system is designed, installed and appropriately maintained and monitored according to a "Maintenance Plan" prepared in accordance with *BC Sewerage System Regulation* and the *Sewerage System Standard Practice Manual*; and
- c. That the proposed construction and future use of the property is in accordance with the report, "*3131 Jemima Road Denman Island Development Permit Report: Streams, Lake and Wetlands*", prepared by Aqua-Tex Scientific Consulting Ltd., dated March 17, 2016.

CARRIED

DE-2016-057

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to enter into a cost recovery agreement allowing Islands Trust legal counsel to draft and/or review a covenant for property PID: 000-980-820; Lot 3, Section 13, Denman Island, Nanaimo District in respect of Development Variance Permit DE-DVP-2016.1.

CARRIED

DE-2016-058

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to request that Aqua-Tex Scientific Consulting Ltd. submit the report, "*3131 Jemima Road Denman Island Development Permit Report: Streams, Lakes and Wetlands*", dated March 17, 2016 to the Provincial Ministry as per section 4(2) (b) of the *Riparian Areas Regulation*.

CARRIED

DE-2016-059

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee deny Temporary Use Permit application DE-TUP-2016.1

CARRIED

A Trustee remarked that this application required significant financial resources and observed that with the professional reliance system a low-income applicant would not have been able to create the necessary solutions for a successful outcome in this case.

The proponent thanked the LTC for their efforts in this application. He acknowledged that this undertaking has been expensive and observed that the owners have a deep commitment to Denman Island.

Planner Eggen left the meeting at 11:24 am.

11. LOCAL TRUST COMMITTEE PROJECTS - none

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report dated September 8, 2016

Trustees discussed the Farm Plan Implementation priority and the following was noted:

- There have been no new expressions of interest received to create an agricultural steering committee after a re-advertisement and multiple other methods of outreach;

- There was consideration given to moving the initiative forward without a steering committee;
- It was recognized that the public would have the opportunity to provide input on recommendations through the public consultation process; and
- It was suggested that a referral might be given to the existing Advisory Planning Commission (APC) to identify possible priorities for Farm Plan Implementation.

DE-2016-060

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee refer the Farm Plan Implementation project to the Advisory Planning Commission asking them to suggest priority items within the Project Charter.

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

Trustees expressed concern that given the LTC meeting schedule and logistics a referral to the APC would delay moving the project forward. They considered another approach that would involve staff working on policies identified in the Farm Plan to support agriculture followed by a full discussion of recommendations by the LTC.

The question was then called.

DEFEATED
Unanimously

A Trustee commented that it had been their hope to engage the APC in this work, however, it has been realized that this is not the opportune time.

Discussion continued and it was suggested that Trustees provide Planner Milne with their input on possible Farm Plan recommendations to implement; a staff report could then be provided for LTC consideration and discussion, with the Project Charter amended at that time.

DE-2016-061

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to prepare a staff report on Farm Plan Implementation presenting options for process given that we do not have a steering committee, and providing comments on which items in Farm Plan sections 11, 13 and 14 could be prioritized.

There was discussion on the motion with Regional Planning Manager Kjerulf requesting clarification on the types of changes Trustees might wish to be prioritized. A Trustee suggested that a staff report might address items that are feasible, legal, or technical in nature.

The question was then called.

CARRIED

Discussion continued on Top Priorities with the following noted:

- A Trustee supported changing the activities under “Marine Issues” to an educational and/or advocacy approach to the issues. There were several reasons defined for this suggestion including difficulty in moving the initiative forward after many years on the list, First Nations considerations, enforcement concerns and limitations of the LTC’s ability to regulate in this area;
- Another Trustee opposed abandoning the existing Marine Issues activities, citing the Islands Trust Preserve and Protect mandate and the need to recognize the importance of the environment as reasons to maintain the driving on the beach issue activity as a Top Priority; and
- Chair Morrison noted that Trustees may wish to delay further consideration of this issue pending the receipt of additional information on the subject that is forthcoming.

There were no changes to the Top Priority List at this time.

12.1.2 Projects List Report dated September 8, 2016

There were no changes proposed at this time.

12.2 Applications Report dated September 8, 2016

Received.

12.3 Trustee and Local Expense Report dated July, 2016

Received.

12.4 Adopted Policies and Standing Resolutions - none

12.5 Local Trust Committee Webpage

There were no changes proposed at this time.

12.6 Chair's Report

Chair Morrison reported on her recent attendance at a Trust Fund Board meeting and Trust Council. She commented that she will be attending the Union of BC Municipalities convention next week.

12.7 Trustee Reports

Trustee Critchley reported on his attendance at the following:

- Trust Programs Committee meeting;
- Old School Committee meeting;
- Trustee Office Hours; and
- Trust Council.

Trustee Busheikin commented on meetings attended including the following:

- Trustee Office Hours;
- Denman Island Residents Association meeting;
- Local Planning Committee meeting; and
- Trust Council.

12.8 Electoral Area Director's Report - none

12.9 Trust Fund Board Report

Chair Morrison provided a Trust Fund Board update with the following noted:

- Appointment of a new member to the Board;
- Several projects are underway that will place more than fifty hectares into conservation across the islands; and
- A federal grant was received for preservation initiatives on Thetis Island.

13. NEW BUSINESS

13.1 Local Trust Committee Budget Request for 2017-2018

13.1.1 Staff Report dated July 12, 2016

Trustees reviewed the proposed LTC 2017-2018 budget. Regional Planning Manager Kjerulf explained that the proposed project budget has been created based on current and anticipated workplan priorities and reflects items that are regularly considered by LTCs.

Trustees requested that the Targeted OCP/LUB Amendments project category Notes be changed to read: "Potential for RAR, Marine, or housing-related amendments".

DE-2016-062

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve and forward the draft 2017-18 budget submission to Financial Planning Committee noting the requested change.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, October 18, 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

Craig Williams reported that during the course of his TUP application he learned that the Trust's RAR information affecting his property was inaccurate. He noted that it was corrected in this case by referencing the Graham Lake watershed study which was quite accurate. He expressed concern that this potential for errors in other situations should be addressed and asked if this expert data might be added to the Planning data base.

Regional Planning Manager Kjerulf responded that if there is expert information that could potentially affect bylaws the LTC could ask staff to prepare a report for their consideration.

Craig Williams asked if it had been determined if a SUP would be required for his secondary dwelling unit in addition to the TUP.

Regional Planning Manager Kjerulf explained that there are several factors that might affect the need for a SUP in this circumstance and advised that this be followed up in a discussion with Planners.

Margie Gang had questions regarding draft Bylaw No. 207:

- How many readings has it had;
- If it goes forward who approves it;
- What is the outcome if there are negative comments received from the referral process;
- Would it be possible for her to view all the public submissions received on this topic and if so, what is the process; and
- Why does Ramona de Graaf's report on forage fish not discuss whether eggs were found. She expressed her view that Denman Island foreshore is generally not suitable for forage fish habitat.

Trustees and staff responded by indicating that this bylaw is in the very early stages and explained the bylaw approval process. They noted that all comments received are part of a public record and suggested that she contact the Islands Trust Northern Office to discuss viewing the submissions. They advised that the referenced report was contracted for the Trust Fund Board and answers to questions regarding the contents of the report should be directed to the writer.

Margie Gang asked if the LTC had contacted Telus to request that barricades be installed to prevent access to the foreshore.

Trustees responded that the LTC had not passed a resolution to that effect.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

DE-2016-063

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) (d) (f) and (i) for the purpose of considering: Adoption of In-Camera Meeting Minutes dated July 5, 2016, Bylaw Enforcement Advice and Receipt of Advice Subject to Solicitor-Client Privilege and that the recorder and staff attend the meeting.

CARRIED

The meeting closed to the public at 12:43 pm.

16.2 Recall to Order

The meeting was recalled to order at 1:12 pm.

16.3 Rise and Report

Chair Morrison reported that in the Closed Meeting the LTC adopted the minutes from the *In-Camera* meeting of July 5, 2016.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:13 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder