



Denman Island Local Trust Committee Minutes of Regular Meeting

- Date:** January 31, 2017
- 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, Planner 2
Vicky Bockman, Recorder
- Others Present:** Approximately seven (7) members of the public - am
Approximately three (3) members of the public - pm

1. CALL TO ORDER

Chair Morrison called the meeting to order at 9:30 am. She welcomed the public, acknowledged that the meeting was being held in territory of the Coast Salish First Nations, and introduced Trustees, staff and recorder.

Trustee Busheikin called for a moment to reflect on the Quebec City mosque shooting, considering it to be a tragedy of national proportions. She strongly condemned acts of violence and racial or other intolerance in our communities; and expressed condolences and hope for justice.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

14.3 Ferry Hill Discussion

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

The following points were made:

- Opposition to staff report recommendation that the Local Trust Committee (LTC) not proceed with draft Bylaw No. 207 which excludes driving vehicles in the W1 zone.
- Argument to support the position that the Islands Trust has the authority to regulate activities in W1 and W4 zones and has a duty to protect fish habitat.
- Support for draft Bylaw No. 207 expressed offering suggestions for next steps to protect the W1 zone.

- A question was asked as to why the Farm Plan implementation project was not going to better define Development Permit Areas (DPA) to bring them into compliance with the Agriculture Land Commission Act.
 - A Trustee responded that comments will be taken under advisement; however, advised that the LTC had prioritized the recommendations presented in the Farm Plan for implementation and confirmed that reviewing the DPAs was not in the current scope of the work under consideration.

A member of the public asked a question about removing a requirement of his Development Permit.

Chair Morrison commented that the LTC has been advised to decline to discuss any matter that is currently in litigation or that has been litigated.

- Comment regarding bylaw amendments being considered regarding intensive agriculture, feedlots and setbacks. It was noted that the proposed definition of intensive agriculture is too broad and might be better considered from a perspective of the ratio of the amount of land being used to the number of livestock. The proposed feed lot definition is too prohibitive and would affect those who are raising chickens. Opinion was expressed that the agricultural setback issue is complex, noting that needs can differ based on type of land both in the subject and adjoining property.
- Concern expressed that the current bylaw enforcement system is too limited in its ability to compel compliance when there are complaints, and asked what can be done to improve the situation. Acknowledged that housing is a sensitive issue, however, noted that there are times when aspects of housing can create problems for neighbours.
- Encouragement to the LTC to continue to proceed with proposed Bylaw No. 207 and to consider suggestions that have been proposed in today's Town Hall as possible approaches to investigate.

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

6.1 Local Trust Committee Minutes dated November 15, 2016

By general consent the Local Trust Committee minutes dated November 15, 2016 were adopted.

6.2 Section 26 Resolutions-Without-Meeting Report dated January 23, 2017

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 January 23, 2017**

Regional Planning Manager Kjerulf presented the List and provided updates. Trustee Busheikin reported that the Financial Planning Committee had been asked to consider the automatic application fee increases approach as listed in the October 18, 2016 activity; however, had provided rationale for not pursuing this methodology.

8. DELEGATIONS - none**9. CORRESPONDENCE**

The following was received:

- Correspondence from Edi Johnston dated January 5, 2017 re: Review of 2016 Marine Issues;
- Correspondence from Dorrance Woodward dated January 25, 2017 re: Gulf Islands Alliance legal opinion; and
- Correspondence from Association for Denman Island Marine Stewards dated January 31, 2017 re: Amendment of Bylaw No. 207.

10. APPLICATIONS AND REFERRALS**10.1 Bylaw No. 219**

That the Denman Island Local Trust Committee Bylaw No. 219 cited as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2015", be adopted

DE-2017-001

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 adopted.

CARRIED

10.2 Bylaw No. 220

That the Denman Island Local Trust Committee Bylaw No. 220 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015", be adopted

DE-2017-002

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 adopted.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Bylaw Nos. 222 and 223 Housekeeping - Staff Report

Planner Ritemann presented the Staff Report which recommends second reading of the bylaws and responds to the LTC's direction to improve the definition of "agriculture", amend the definition of "intensive agriculture" and to provide information on regulations regarding feedlots. Staff suggested alternative definitions that align with the *Farm Practices Protection (Right to Farm) Act* and the *Local Government Act*.

Trustees considered the proposed definitions and agricultural setback regulation and concurred with concerns that had been expressed in the Town Hall that indicated that the proposed changes may be too broad for agriculture and livestock husbandry on Denman Island.

Trustees requested further information on alternative options and suggestions for approaches to the bylaw amendments prior to making a decision.

DE-2017-003

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to provide the following information regarding agricultural definitions:

1. Alternative ways to regulate intensity that address concerns with numbers of livestock in a given space and still would allow pastured keeping of livestock;
2. An alternative definition or definitions of feedlot that clarify that feedlot does not include small-scale confined keeping of poultry and livestock for occasional commercial activities; and
3. Options for feedlot setbacks and screening to better protect neighbouring properties especially on non-agricultural lots for negative impacts.

When asked by the Chair if there was further discussion on the motion, a Trustee requested a friendly amendment.

The Chair asked if there were any objections to the motion, as amended. The Chair then read the motion as:

DE-2017-003

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to provide the following information regarding agricultural definitions:

1. Alternative ways to regulate intensity that address concerns with numbers of livestock in a given space and still would allow pastured-keeping of livestock;
2. An alternative definition or definitions of feedlot that clarify that feedlot does not include small-scale confined keeping of poultry and livestock for occasional commercial activities; and
3. Options for feedlot setbacks and screening to better protect neighbouring properties especially on non-agricultural lots for negative impacts;

and report back to the Local Trust Committee with information on best practices for these issues.

CARRIED

DE-2017-004**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to provide information on other examples of agricultural bylaws in other jurisdictions that cover the same or similar topics under consideration now.

CARRIED

Trustees discussed the value of receiving examples of agricultural bylaws gathered from locations throughout the Islands Trust area as well as from other jurisdictions.

11.2 Marine Issues**11.2.1 Staff Report**

Regional Planning Manager Kjerulf presented the Staff Report which recommends the LTC not proceed with Bylaw No. 207, based on advice from the Islands Trust solicitor, and suggests that the LTC consider following other viable avenues to pursue as provided in the Official Community Plan. She advised that Trust Area Services is reviewing options for marine protection at a broader level and that outcomes from that process may be useful in the consideration of next steps.

Trustees considered the report and debated next steps with the following key points noted:

- A Trustee concurred with the advice provided in the Staff Report, indicating that this approach to marine protection has been ongoing for years and the initiative has not been able to come to conclusion despite numerous attempts at stakeholder meetings and the receipt of legal advice, staff and other reports. It was considered that a different approach to protection of marine priorities might yield a positive impact in a significant and lasting way.
- A Trustee argued that there is an opportunity to amend the proposed bylaw to conform to the limited management of land use within the LTC's jurisdictional authority that would not encroach on federal jurisdiction of fisheries and agriculture and could advocate for not driving on the beaches. It was considered that measures deemed possible should be taken to act in accordance with the Islands Trust mandate to preserve and protect.

DE-2017-005**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to redraw Bylaw No. 207 in consultation with legal counsel that conforms to the jurisdictional limitations of the Local Trust Committee.

There was discussion on the motion with the following noted:

- Trustee Critchley spoke to the motion remarking that the efforts put into this initiative over the years should not be lost regardless of potential bylaw enforcement difficulties; that this is a statement of principal that has purpose and sends the message that we hold the protection of the environment to be important and that we expect the regulations to be respected;
- Trustee Busheikin remarked that the Official Community Plan presents the community's guiding values; and was concerned that proceeding with Bylaw No. 207 might jeopardize First Nations relationship building; and
- Chair Morrison cautioned that she generally does not recommend the creation of unenforceable bylaws. She observed that the agency referral process would bring First Nation perspectives into discussion should an amended bylaw proceed further.

Discussion continued with Trustees asking staff to consult with legal counsel to gauge the ability to amend the proposed bylaw to an acceptable legal framework and to report back to the Local Trust Committee, acknowledging that if not considered to be possible, the decision could be made to not proceed further.

The question on the motion was then called,

CARRIED

Bylaw Enforcement Manager Drew joined the meeting at 10:54 am.

By general consent agenda item 12 was moved to follow 11.2.1.

12. BREAK

The meeting recessed at 10:55 am and reconvened at 11:05 am.

11.2.2 Shoreline Protection Resource Material - Memorandum

The memorandum advised that a shoreline protection information guide "Your Marine Waterfront Guide: a guide to protecting your property while promoting healthy shorelines" is available and solicited input on the LTC's interest in arranging for linking the guide to the webpage and receiving hard copies.

Trustees requested the guide be placed on the Denman Island webpage and discussed possible distribution of a limited number of hard copies.

DE-2017-006

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request ten hard copy publications of the shoreline protection manual: "Your Marine Waterfront Guide: A guide to protecting your property while promoting healthy shorelines".

CARRIED

13. REPORTS

13.1 Work Program Reports

13.1.1 Top Priorities Report dated January 23, 2017

Regional Planning Manager Kjerulf presented the report, provided updates and responded to questions that arose.

13.1.2 Projects List Report dated January 23, 2017

Received.

13.2 Applications Report dated January 23, 2017

Bylaw Enforcement Manager provided an update on DE-DP-2011.2 and DE-DVP-2011.1 (Ella Day).

13.3 Trustee and Local Expense Report dated November, 2016

Received.

13.4 Adopted Policies and Standing Resolutions - none

13.5 Local Trust Committee Webpage

Trustees requested that a link to "Your Marine Waterfront Guide: A guide to protecting your property while promoting healthy shorelines" be placed on the Denman Island webpage.

13.6 Chair's Report

Chair Morrison reported on the following:

- Lasqueti Island is disputing the Ministry of Transportation's non-inclusion of a 100-year-old road access to the water in its road survey. She reported that she did not ask for an Executive Committee meeting regarding this issue as erroneously reported in a publication.

13.7 Trustee Reports

Trustee Critchley reported on the following:

- Highlights from the December Trust Council;
- Office hours held;
- He made a submission to the Shellfish Aquaculture Management Advisory Committee requesting an Islands Trust representative be appointed through the Union of BC Municipalities to a seat on this committee; however, he has not received a positive response.

Trustee Busheikin reported on the following:

- Attendance at two Denman Island Residents Association meetings;
- The Ferry Advisory Committee met recently regarding operations and there is a possibility of some improvement in the schedule of Route 21;
- Attendance at Denman Island's Seedy Saturday with Planner Zupanec that was successful and well received;
- She is participating in an on-line course through UBC regarding Reconciliation and First Nations issues; and
- She will be attending the Local Government Leadership Academy forum.

13.8 Electoral Area Director's Report - none

13.9 Trust Fund Board Report - none

14. NEW BUSINESS

14.1 Advisory Planning Commissions - Staff Report

Regional Planning Manager Kjerulf presented the Staff Report that addresses the need to recruit Advisory Planning Commission (APC) members and suggests the benefits of reducing the number of advisory committees from five to an APC and a Special Projects APC. She advised that staff recommends that the LTC update its APC Bylaw to reflect any revised terms of reference.

Trustees discussed the benefit of having one active APC and a Special APC engaged as needed for this term while maintaining the possibility of multiple, specialized APCs in the bylaw for any future needs. They concurred with the recommendation to revise the APC terms of appointment to six members who each serve a concurrent two-year term with the option for reappointment for a subsequent two-year term to reduce administrative and advertising costs. They confirmed the need to advertise and broaden the search in recruitment of new members.

DE-2017-007

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff advertise for expressions of interest for the Denman Island Advisory Planning Commission.

CARRIED

DE-2017-008

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff send letters to members of the Advisory Planning Commission and Marine Advisory Planning Commission whose terms expired in 2016 or will expire in 2017, inviting their expressions of interest for reappointment to the Advisory Planning Commission.

CARRIED

DE-2017-009

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff prepare a draft bylaw to replace Bylaw No. 203 cited as “Denman Island Local Trust Committee Advisory Planning Commission Bylaw, 2012”, which includes revised terms of reference for Denman Island Advisory Planning Commissions which includes commissions such that the two year terms are aligned to begin and end concurrently.

CARRIED

Trustees discussed advertising options for soliciting APC expressions of interest and requested that staff proceed with two Grapevine ads while Trustees will write notices for social media and the Trustee Notebook column.

14.2 Provincial Private Moorage Policy Update January 2017 - Memorandum

Regional Planning Manager Kjerulf outlined the memorandum. She advised that Denman Island is excluded from the “Application-Only Areas” with private moorage permitted under the Ministry of Forests, Lands and Natural Resource Operations’ General Permission policy; however, noted that prospective dock owners must continue to ensure compliance with local zoning bylaws.

Trustees acknowledged the significance of dock issues, noting that there are potential negative impacts on the environment and foreshore associated with them. They considered that a review of pertinent regulations in the Land Use Bylaw (LUB) might be warranted to inform a decision regarding regulation of private moorage now that the Province is no longer requiring applications.

Bylaw Enforcement Manager Drew commented that bylaws are outdated in this regard and are in need of updating as needs and ability to afford private docks have changed over the years.

Regional Planning Manager Kjerulf commented that a review of the LUB could be conducted to provide an understanding of permitted locations and the relevance of DPAs to the issue in order to provide recommendations. She suggested that this activity might be considered as a project related to the Top Priority of Marine Issues.

DE-2017-010

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee ask staff to review the Denman Island Land Use Bylaw and report back to the Local Trust Committee on the current state of regulation of docks and provide recommendations for further regulation of docks.

CARRIED

14.3 Ferry Hill Discussion

Trustee Critchley clarified that this issue had been deferred from the previous LTC meeting. He reported that he spoke to Comox Valley Regional District (CVRD) staff regarding the safety concerns on the ferry hill and the need for a trail there. He reported that they responded that there are no plans to extend the trail network down to the ferry landing. He solicited input on how to proceed with next steps.

LTC members suggested further communication with CVRD staff on this issue.

DE-2017-011

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee write a letter from the Chair to the Comox Valley Regional District noting safety concerns on the ferry hill and requesting that a trail be considered in this location.

CARRIED

15. UPCOMING MEETINGS**15.1 Next Regular Meeting Scheduled for Tuesday, March 7, 2017 at 10:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

Trustees confirmed the meeting date and location, however, noted that the mid-day ferry schedule has created travel difficulties for those who must travel after conclusion of LTC meetings. They suggested that a start time of 9:30 am be considered for future meetings.

DE-2017-012

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee establish a start time for its regular meetings of 9:30 am.

CARRIED

16. TOWN HALL

- A constituent wanted to know why she was advised that a bylaw enforcement complaint she filed in 2015 cannot be investigated because of the bylaw amendment under consideration.

- Trustees recommended that she discuss this further with Bylaw Enforcement Manager Drew for clarification.

17. CLOSED MEETING

17.1 Motion to Close the Meeting

DE-2017-013

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) and (f) for the purpose of considering Adoption of In-Camera Meeting Minutes dated October 18, 2016 and November 15, 2016; and Bylaw Enforcement and that the recorder and staff attend the meeting.

CARRIED

The meeting closed to the public at 12:05 pm.

17.2 Recall to Order

By general consent the meeting was recalled to order at 12:33 pm.

17.3 Rise and Report

Chair Morrison reported that in the Closed Meeting the LTC adopted minutes from *In Camera* meetings of October 18, 2016 and November 15, 2016 and requested that staff prepare a report showing options for improvement of our bylaws relating to occupation of travel trailers.

18. ADJOURNMENT

By general consent the meeting was adjourned at 12:34 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder