



## Denman Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** February 6, 2018  
**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:** Marnie Eggen, Island Planner  
 Fiona MacRaid, Senior Intergovernmental Policy Advisor, Marine and First Nations Issues  
 William Shulba, Senior Freshwater Specialist  
 Vicky Bockman, Recorder

**Others Present:** Approximately six (6) members of the public

#### 1. CALL TO ORDER

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

#### 2. APPROVAL OF AGENDA

The following changes to the agenda were presented for consideration:

Move agenda item 16 to follow item 14.4

Move agenda item 11.2 to follow item 16

Move agenda item 14.1 to follow 11.2

Move agenda item 13 to follow 14.1

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

#### 3. TOWN HALL AND QUESTIONS

- A member of the public argued against exempting shellfish workers from driving on the foreshore in W1/W4 zones in proposed Bylaw No. 225, providing excerpts from the Guide to the Pacific Shellfish Aquaculture Application, Pacific Shellfish Aquaculture Application, Shellfish Conditions of Licence, and the Fisheries Act in support of this position. She provided her speaking notes for the record.

- Trustees responded that they have received advice that the Local Trust Committee (LTC) cannot regulate this aspect of land use and suggested that concerns can be brought to the attention of the MP or MLA with jurisdiction in this matter.

**4. COMMUNITY INFORMATION MEETING – none**

**5. PUBLIC HEARING – none**

**6. MINUTES**

**6.1 Local Trust Committee Minutes dated November 14, 2017 - for adoption**  
By general consent the minutes were adopted as presented.

**6.2 Section 26 Resolutions-Without-Meeting Report dated January 30, 2018**  
Received.

**6.3 Advisory Planning Commission Minutes – none**

**7. BUSINESS ARISING FROM MINUTES**

**7.1 Follow-up Action List dated January 30, 2018**

Planner Eggen provided a status report on various items in the Follow-up Action List. She noted that it is anticipated that a Staff Report concerning the Farm Plan Project will be available at the March, 2018 meeting for LTC consideration.

**7.2 Status of the Local Planning Committee Housing Strategy – Memorandum**

A Trustee questioned why the Local Planning Committee (LPC) declined to pursue a model Affordable Housing First Policy.

A Trustee provided an overview of the discussion that occurred at the LPC meeting and noted that concerns had been expressed that included the need to observe administrative fairness and to not fetter the ability to balance other priorities and community needs that might arise. The Trustee added that the LPC will be reviewing the issue further and that the information gathered can be provided to the LTC for consideration.

**7.3 Notifying BC Housing of Issued Siting and Use Permits – Memorandum**

Pursuant to the LTC's previous request for information, Planner Eggen reported that BC Housing is among the agencies notified of issued Siting and Use Permits (SUP) as a part of the siting and use permit process and that Temporary Use Permits do not require this process.

A Trustee asked if there is a statutory duty for the reporting of SUPs and requested a reference to the legislation that requires this practice. Planner Eggen responded that she will follow up and convey this information by email.

#### 7.4 BC Farm Industry Review Board – Memorandum

##### DE-2018-001

##### It was **MOVED** and **SECONDED**,

that the Denman Island Local Trust Committee invite representatives of the BC Farm Industry Review Board to meet with the Local Trust Committee at a public meeting on Denman Island to present their work, answer questions and tour shellfish operations on Denman Island.

CARRIED

##### DE-2018-002

##### It was **MOVED** and **SECONDED**,

that the Denman Island Local Trust Committee request staff to ascertain whether the BC Farm Industry Review Board is considering drafting a Code of Practice for aquaculture operators and if so to arrange for the involvement of the Islands Trust in such a process.

CARRIED

### 8. DELEGATIONS

#### 8.1 Denman Community Land Trust Association (DCLTA)

Harlene Holm, speaking on behalf of the DCLTA addressed the LTC, provided a visual display of the project for Trustees' benefit and submitted her speaking notes for the record. The following points were noted:

- She asked that the LTC reconsider the "Non-Domestic" categorization of the proposed Seniors' Affordable Housing project interpretation in the Water Assessment Toolkit Draft Terms of Reference (TOR), providing rationale for a "Domestic" classification and expressing concern that the "Non-Domestic" licensing requirements would add to cost and time; and
- She submitted a Development Variance Permit (DVP) application along with the fee to vary proof of water and sewage disposal requirements in the current application for a lot line adjustment as an option to avoid the cost and work involved in fulfilling subdivision requirements, requesting that this application be expedited for consideration at the March, 2018 LTC meeting.

Trustees indicated that consideration of this proposal would be addressed at agenda item 10.1.

### 9. CORRESPONDENCE – none

### 10. APPLICATIONS, REFERRALS

#### 10.1 DE-RZ-2017.1 (DCLTA) – Staff Report

Planner Eggen summarized the Staff Report that recommends that the applicant provide the information requested in the Draft Water Assessment Toolkit Draft Terms of Reference (TOR) to ensure protection of groundwater resources.

William Shulba, Senior Freshwater Specialist provided an overview of the draft TOR and the following comments were noted:

- The definition of “Non-Domestic” has been determined by consideration of the *Water Sustainability Act*; the need for a single well to provide a water source for eight dwellings on one parcel identifier; and the additional layer of risk mitigation, maintenance and operations that will be required;
- This draft TOR has been developed to be specific for the Denman Island Local Trust Area, for this particular application;
- Islands Trust has expressed a willingness to work with the applicant to create the thematic maps of the location;
- The purpose and relevance of the pumping test on the aquifer was explained; and
- Trustees were urged to require that the applicant provide information as outlined in the draft TOR.

The applicant commented and the following was noted:

- Much information is in place already, including water quality testing, and conservation measures are being built into the project;
- The 72 hour pumping test, if required, will be a concern; and
- More consultation on the draft TOR is needed.

The applicant’s Qualified Environmental Consultant was in attendance and expressed concerns regarding the requirements of the draft TOR, considering them to be onerous.

Trustees discussed the draft TOR for the application and the following was noted:

- Clarification of the categorization of the groundwater source was considered to be necessary;
- A TOR can create additional hurdles for an applicant, however, can satisfy community concerns, as demonstrated in a recent Gambier Island example;
- The draft TOR should contain the motion from the LTC under which it was created with the terms relating to that objective;
- Options might be explored to reduce the complexity, cost and time of the requirements while obtaining specific information as to whether any parts of the TOR are unnecessary and how goals could be met in other ways; and
- More dialogue and a cooperative effort might be useful to create a suitable TOR.

### **DE-2018-003**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to consult with Denman Community Land Trust Association and its consultant to review and attempt to settle the terms of the draft Terms of Reference prior to the next Local Trust Committee meeting.

**CARRIED**

**DE-2018-004**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to provide a report and justification for the classification of the present application as “Non-Domestic” for water licensing purposes and ascertain if it would be considered as a “Water Utility”.

Discussion ensued and the Chair expressed uncertainty that eight dwellings connected to one well could be considered to be in the “Domestic” category. Senior Freshwater Specialist Shulba supported the need to determine the appropriate classification, as the intent of the TOR is to ensure that the applicant is proceeding on the correct path to licensing. He offered to review the matter with Ministry of Forest, Lands and Natural Resource Operations staff and report back to the LTC.

**CARRIED**

There was continuation of discussion on this matter after agenda item 11.3

**10.2 DE-DP-2017.2 (Shepherd) – Staff Report**

Planner Eggen presented the Staff Report that addresses the application for a Development Permit (DP) to remove nine trees within Development Permit Area 1.

The applicant was in attendance and expressed his opinion that the cost for this undertaking has been unreasonable.

Trustees discussed the process and the following comments were noted:

- They considered whether there might be options for an alternative to the requirement of geotechnical reports in close proximity and similar situations; however, staff pointed out that applications are considered on a case-by-case basis and simplification would be difficult within a Development Permit Area; and
- The wording of item 2 of the proposed Development Permit was considered adequate to allow it to proceed; however future versions might be improved and staff offered to bring draft suggestions for future DP documents.

**DE-2018-005**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approve issuance of DE-DP-2017.2 (Shepherd).

**CARRIED**

**11. LOCAL TRUST COMMITTEE PROJECTS AND BYLAWS****11.1 Denman Village Community Design Charrette - Staff Report**

**DE-2018-006****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee receive the Vancouver Island University Denman Community Design Charrette Final Report, dated January 2018, for information.

**CARRIED****DE-2018-007****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend the Projects List by replacing the current text in the activities section associated with the Denman Village Plan project with "Consideration of Denman Community Design Charrette Final Report recommendations".

**CARRIED****DE-2018-008****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to print out five hard copies of the Final Report from the Denman Community Design Charrette for Trustees to distribute on Denman Island.

**CARRIED**

A Trustee offered to send an email with a link to the Final Report to the participants in the Stakeholders' Meeting that was held, and requested that staff provide a list of attendees for this purpose.

A Trustee reported that requests had been made by various agency representatives to view the Final Report and it was suggested this be provided with a cover letter to the individuals.

**DE-2018-009****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to send a link to the Denman Community Design Charrette Final Report to the Director of Planning, Area A Regional Director of the Comox Valley Regional District, and to Ashley Cousens of the Ministry of Transportation and Infrastructure.

**CARRIED****11.3 Bylaw No. 225 - Marine Issues - Staff Report**

Planner Eggen summarized the Staff Report that addresses a suggested minor revision to the information note contained within the bylaw for LTC consideration.

**DE-2018-010****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 225, cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017", be amended by deleting the words "in the W3 zone" from the information note.

**CARRIED**

**DE-2018-011**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 225, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017”, be read a second time as amended.

**CARRIED**

**DE-2018-012**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting for Proposed Bylaw No. 225, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017”.

**CARRIED**

**DE-2018-013**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to schedule Public Hearing for Proposed Bylaw No. 225, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2017”.

**CARRIED**

**10.1 DE-RZ-2017.1 (DCLTA) – Staff Report (continued)**

Trustees discussed the applicant’s request that the LTC consider passing a motion to ask staff to process the DVP application in time for the next regular business meeting and the following points were noted:

- Staff could make efforts to meet that timeline; however there is a legislative responsibility to provide notice of the proposed DVP which would make it difficult to accomplish in time for the next meeting; and
- Staff will be looking into available options to suggest in order to expedite the process.

**11.4 Bylaw No 227 - Electronic Meetings – Memorandum**

**DE-2018-014**

**It was MOVED and SECONDED,**

that third reading of Denman Island Local Trust Committee Bylaw No. 227, cited as “Denman Island Local Trust Committee Meeting Procedure Bylaw No. 163, 2004, Amendment No. 2, 2017”, be rescinded.

**CARRIED**

**DE-2018-015**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend Bylaw No. 227, cited as “Denman Island Local Trust Committee Meeting Procedure Bylaw No. 163, 2004, Amendment No. 2, 2017”, as follows:

1.4 ELECTRONIC MEETINGS, section 21., the words “sections 18 and 19” be corrected to read “sections 19 and 20”.

**CARRIED**

**DE-2018-016**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 227, cited as “Denman Island Local Trust Committee Meeting Procedure Bylaw No. 163, 2004, Amendment No. 2, 2017”, be read a third time as amended.

**CARRIED**

**DE-2018-017**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 227, cited as “Denman Island Local Trust Committee Meeting Procedure Bylaw No. 163, 2004, Amendment No. 2, 2017”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

Senior Freshwater Specialist Shulba left the meeting at 11:52 am.

**By general consent** the meeting was recessed at 11:52 am and reconvened at 12:11 pm.

**12. REPORTS**

**12.1 Work Program Reports**

**12.1.1 Top Priorities Report dated January 30, 2018**

A Trustee asked the status of the Farm Plan Implementation Priority item. Planner Eggen replied that it is in progress and a Staff Report is anticipated for LTC consideration at the next business meeting. Trustees noted that the Denman Village Community Design Charrette Priority can be removed from the report as it has been completed.

**12.1.2 Projects List Report dated January 30, 2018**

Received.

**12.2 Applications Report dated January 30, 2018**

Received.

**12.3 Trustee and Local Expense Report dated December, 2017**

Received.

**12.4 Adopted Policies and Standing Resolutions – none****12.5 Local Trust Committee Webpage**

Trustees requested that the following items be made available on the webpage:

- The Denman Community Design Charrette Final Report
- The information sheet on Denman Island Shoreline eelgrass habitats and forage fish habitat

**12.6 Chair's Report**

Chair Morrison reported on the following:

- Attended a Financial Planning Committee meeting where work on the budget is continuing;
- Preparation is ongoing for the next Trust Council which will be held in March on Salt Spring Island;
- Attended a Trust Fund Board meeting;
- Attended a Gambier Island LTC meeting;
- Attended a meeting with the Honourable Selina Robinson, Minister of Municipal Affairs and Housing where Trustee Busheikin made a presentation on affordable housing and Chair Morrison presented information on the Trust Fund Board; and
- Peter Luckham has been invited to Ottawa for a Standing Committee on Transport, Infrastructure and Communities meeting regarding abandoned vessels.

**12.7 Trustee Reports**

Trustee Busheikin reported on her participation in the following:

- Two Trustee Office Hours were held;
- She has had inquiries from constituents regarding medical marijuana regulations;
- The regular monthly general meetings of the Denman Island Residents Association; aquaculture impacts were discussed there and she mentioned that general and Executive members are being sought for this group;
- A Health Action Network meeting where a representative from LILLI House spoke, urging people to call police when there is an active domestic violence situation;
- The annual Local Government Leadership Academy Forum where there was discussion regarding ethical conduct and a seminar on the topic of Medical Marijuana legislation.

Trustee Critchley reported on the following:

- Two Trustee Office Hours;
- A meeting with representatives of Emcon and Ministry of Transportation and Infrastructure where concerns regarding road conditions were discussed;

- A Ferry Advisory Committee meeting with an update on Cable Ferry cost savings and schedule improvements;
- A Trust Programs Committee meeting where improvements in intergovernmental relations was discussed;
- An Open House regarding ferry terminal revisions;
- An Open House regarding the Morrison Marsh Management Plan; and
- Trust Council.

Fiona MacRaild, Senior Intergovernmental Policy Advisor joined the meeting at 12:25 pm.

**12.8 Electoral Area Director's Report – none**

**12.9 Trust Fund Board Report dated November, 2017**

Chair Morrison reported on the following:

- Other LTCs have moved the Trust Fund Board reports to earlier in the agenda in order to increase public awareness of the information that is provided there;
- The current Regional Conservation Plan has been approved; and
- There is hope that a name change for the Trust Fund Board will be occurring and this is expected to help in attracting public engagement.

**DE-2018-018**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff that in the preparation of the agenda the Chair and Trustees Reports and Trust Fund Report occur following the first Town Hall.

**CARRIED**

**14. NEW BUSINESS**

**14.2 Denman Housing Association request for Letter of Support - for discussion**

**DE-2018-019**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee authorize a letter of support for the Denman Housing Association to be signed by the Chair of the Local Trust Committee.

Discussion followed on the motion and Trustees indicated their desire that relevant Official Community Plan policies be included in the letter and that the content be similar to the previous letter provided for this group.

**CARRIED**

**14.3 Housing Agreement Administration – Briefing**

Received.

#### **14.4 Farm Industry Review Board – Memorandum**

Received. This item was discussed with agenda item 7.4.

### **16. TOWN HALL**

A member of the public commented regarding the Farm Industry Review Board and the following points were noted:

- Agriculture has been effective in attracting new families to Denman Island and the LTC was urged to continue to support those activities in ways including expediting land use applications for those who wish to engage in agricultural activities;
- The definition of “intensive agriculture” as defined in the Provincial Farm Plan would be acceptable to the Denman Growers and Producers Alliance;
- Feedlot definitions should be reviewed and the Denman Growers and Producers Alliance would be interested in reviewing a proposed new definition;
- An aquaculture code of conduct could address negative impacts in the industry and examples of improvements were provided;
- Grants are available for environmentally sustainable aquaculture and he encouraged a review of this to inform the issues; and
- Property owners upland from shellfish operations should have input into what is permitted; local ownership of tenures would be more responsive to community concerns.

#### **11.2 Relationship Building with K’omoks First Nation - Verbal Report**

Senior Intergovernmental Policy Advisor MacRaild reported that this initiative is moving forward.

#### **14.1 Intergovernmental Engagement Meeting - K’omoks First Nation - for discussion**

Senior Intergovernmental Policy Advisor, Marine and First Nations Issues MacRaild reported that meeting topics that might be considered include an overview about agency, an explanation of how K’omoks First Nation fits into the current or long term vision, and how decision making might progress going forward. She provided an update on other First Nations that have asserted aboriginal and treaty rights on Denman Island.

Chair Morrison left the meeting at 1:02 pm, expressing deep regret that travel to another meeting requires her early departure from the meeting.

Trustee Busheikin recommended that Trustee Critchley assume the role of Chair for the remainder of the meeting.

### **13. CLOSED MEETING**

#### **13.1 Motion to Close the Meeting**

**DE-2018-020**

**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 s.90(2)(b) for the purpose of considering adoption of In-Camera meeting minutes dated November 14, 2017 and consideration of confidential information and that the recorder and staff attend the meeting.

**CARRIED**

The meeting closed to the public at 1:03 pm.

**13.2 Recall to Order**

**By general consent** the meeting was recalled to order at 2:29 pm.

**13.3 Rise and Report**

Acting Chair Critchley reported that in the closed meeting *In Camera* minutes dated November 14, 2017 were adopted.

**15. UPCOMING MEETINGS**

**15.1 Next Regular Meeting Scheduled for Tuesday, March 6, 2018 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

Trustees confirmed the next regular meeting date and location.

**17. ADJOURNMENT**

By general consent the meeting was adjourned at 2:30 pm.

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Susan Morrison, Chair

Certified Correct:

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Vicky Bockman, Recorder