



## Denman Island Local Trust Committee Minutes of Regular Meeting

**Date:** May 1, 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  
 Sonja Zupanec, Island Planner  
 Fiona MacRaid, Senior Intergovernmental Policy  
 Advisor, Marine and First Nations Issues (by  
 telephone)  
 Miles Drew, Bylaw Enforcement Manager (by  
 telephone)  
 Vicky Bockman, Recorder

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

### 1. CALL TO ORDER

*"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."*

Chair Morrison called the meeting to order at 9:32 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Local Trustees, staff and recorder.

### 2. APPROVAL OF AGENDA

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

### 3. TOWN HALL AND QUESTIONS

Chair Morrison reminded those present that no written or oral representations on Bylaw No. 225 will be received by the Local Trust Committee (LTC) or its individual members as it is post-Public Hearing on this matter.

Comments from members of the public with responses by staff and Trustees follow:

- Should the LTC follow a legal opinion received on a proposed bylaw?
  - The LTC is not required to abide by any legal advice it may receive.
- Does the bylaw amendment process require that staff inform the LTC of all public responses received and make those known to the public?

- Yes, all correspondence relative to a proposed bylaw amendment is made known to the LTC and the public.
- Doug Olstead, on behalf of the Denman Community Land Trust Association (DCLTA), provided an update on efforts to obtain information necessary for their application and reported on a discussion held with the Ministry of Infrastructure and Transportation (MOTI), indicating that MOTI has stated they will accept a potable water waiver given by the LTC. He asked for clarification on the procedure to amend their Development Variance Permit (DVP) application and asked whether the information provided thus far is suitable in order to expedite the application.
  - Planner Eggen suggested that these issues could be discussed at length subsequent to this meeting.
- Harlene Holm, speaking on behalf of the DCLTA, expressed concern that the intent to harmonize the provincial water licensing process and the Water Assessment Terms of Reference (TOR) would not be useful and would delay the process. She supported proceeding solely with the referral, as the Province has jurisdiction and expertise in these matters.
  - Staff confirmed that it is a new process; however, it is likely that the referral that will be received would be technical in nature and would not generally be provided to the LTC at this stage. Trustees recognized the importance of minimizing duplication and supported the referral being presented for LTC consideration in this case to determine if harmonization of the TOR and provincial water licensing requirements is possible to create more efficiency.

**4. COMMUNITY INFORMATION MEETING - none**

**5. PUBLIC HEARING - none**

**6. MINUTES**

**6.1 Local Trust Committee Minutes dated March 6, 2018 - for adoption**

**By general consent** the minutes were adopted as presented.

Trustee Critchley noted that he has not received draft minutes for review in a timely manner as requested previously, and asked that staff follow-up on this to ensure that a procedure is in place to address this request.

**6.2 Local Trust Committee Public Hearing Record dated March 6, 2018 - for receipt**

Received for information.

**6.3 Section 26 Resolutions-Without-Meeting Report dated April 23, 2018**

Received for information.

**6.4 Advisory Planning Commission Minutes - none**

**7. BUSINESS ARISING FROM MINUTES**

Senior Intergovernmental Policy Advisor MacRaidl joined the meeting by telephone at 9:53 am.

**7.1 Follow-up Action List dated April 24, 2018**

Senior Intergovernmental Policy Advisor MacRaidl's comments included the following:

- The Follow-up Action List is primarily a planning tool and this may not be the most appropriate method to follow First Nations work on relationship building;
- As an initial step in this process to consider an alternative system, a summary of First Nations matters on the List might be provided at the next LTC meeting and discussion held to determine if it might be appropriate to remove or consider items further in another format;
- A possible means of recording First Nations matters might be through a standing item on the agenda summarizing a list of key projects throughout the Islands Trust Area.

Trustees discussed the proposed direction and the following key points were noted:

- They supported the proposed actions regarding First Nations items on the Follow-up Action List including initial discussion through a memorandum and inclusion of a standing item on future agendas;
- Several topics have arisen from the recent K'omoks First Nation meetings such as C2C grant funding, a potential presentation by Jesse Morin, and reviewing relevant policies;
  - Senior Intergovernmental Policy Advisor MacRaild suggested that these items might be best addressed after the next K'omoks First Nation Intergovernmental Engagement Meeting.

Planner Eggen provided updates on Follow-up Action List items with the following noted:

- She requested direction regarding the February 6, 2018 item: "Re: Notification of BC Housing with issued Siting and Use Permits. Staff to look into legislative responsibility."
  - Trustees determined that a legal opinion is not necessary and that the item may be removed from the List.

## **7.2 K'omoks First Nation Intergovernmental Engagement Meeting #3 – Memorandum**

Senior Intergovernmental Policy Advisor MacRaild advised that Protocol Agreements will be a focus of the next Intergovernmental Engagement Meeting, provided background on relevant Protocol Agreements and offered meeting preparation suggestions.

Senior Intergovernmental Policy Advisor MacRaild left the meeting at 10:16 am.

## **7.3 BC Farm Industry Review Board - Letter dated April 23, 2018**

Trustees discussed the BC Farm Industry Review Board's letter in response to the LTC's invitation to meet, with the following key points noted:

- They indicated their desire to move forward in a timely manner with the request to meet with the BC Farm Industry Review Board representatives and questioned the rationale referenced in the letter of waiting for resolution of complaints in the Cortes Island area; and
- Planner Eggen did not have any further information on this issue, advising that she is following up and will relay any input received to Trustees.

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

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

**10. APPLICATIONS AND REFERRALS****10.1 DE-SUB-2015.1 (De Villiers & Fraser) - Staff Report**

Trustees reviewed the covenant for the proposed subdivision to provide a residence for a relative pursuant to section 514 of the *Local Government Act*. They noted that this specific requirement is not explicit in the document and requested confirmation that this is not an oversight.

**By general consent** it was resolved to continue discussion of item 10.1 after item 14 to allow staff time to research the issue.

**11. LOCAL TRUST COMMITTEE PROJECTS****11.1 Denman Farm Plan Implementation - Staff Report**

Planner Eggen summarized the Staff Report that presents draft Bylaw Nos. 228 and 229 for LTC consideration along with a table that identifies the amendments to the Official Community Plan (OCP) and Land Use Bylaw (LUB).

Planner Zupanec conducted a PowerPoint presentation that included the following:

- Proposed Bylaw No. 228: A synopsis of the main components of the LTC endorsed amendments to the OCP for consideration, including the addition of "Agriculture" as a separate designation to be applied to land in the Agricultural Land Reserve, maps, and policies to enhance and preserve farming and formally protect Denman Island's land base for agriculture;
- Proposed Bylaw No. 229: A summary of potential draft LUB amendments;
- A list of referrals, noting that the Denman Growers and Producers Alliance (DGPA) and Denman Advisory Planning Commission (APC) are among those that will receive a referral with opportunity to comment.

Trustees asked questions for clarity and discussed minor changes.

Chair Morrison opened the floor for comments from the public as follows:

- Proposed Policy 7 indicates support of agricultural processing uses and facilities on non-agricultural land reserve (ALR) land, subject to rezoning; however, is processing permitted on all properties currently? Why the need to rezone?
  - Currently, processing is permitted in the ALR as an agricultural activity; processing outside of the ALR would depend on the scale and would be permitted under the home occupation regulations. This policy refers to the possible need for a more robust agriculture processing use or facility than is currently allowed.
- What is the source of the language being proposed for these bylaws?

- These bylaws have been drafted by staff based on input from the APC, the DGPA, Farm Plan and the LTC.
- Why not use the Temporary Use Permit (TUP) tool instead of rezoning for a processing use?
  - TUPs are an option to consider; however, are limited to six years which may not provide sufficient certainty for activities requiring significant investment in infrastructure.
- An APC member remarked that he has missed APC meetings due to poor communications and no response to emails. He objected that there was no reference to the APC's lack of consensus on Policy 6 regarding Agri-tourism accommodation in this staff report.
  - The bylaws have been drafted after consideration in past LTC meetings of APC minutes, response from the DGPA to a referral, and the Farm Plan. Suggestion was made to contact staff to receive copies of these minutes and to resolve the communication difficulties.
- The proposed definition of "intensive agriculture" includes cannabis production, except to the extent the use is carried out solely for domestic purposes. What is the source of this additional language?
  - The basis of the definition of intensive agriculture is from the Ministry of Agriculture and the addition of cannabis production to the definition was at the request of the LTC who asked that it be added if possible to clarify that zones R1, R2, and R3 are not currently intended for intensive agriculture including intensive cannabis production.

**DE-2018-032**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend draft Bylaw No. 228 by replacing the current Policy 14 with:

In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit:

- One dwelling per lot;
- One secondary suite per lot consistent with the Agricultural Land Reserve use, subdivision and procedure regulation;
- One temporary secondary dwelling per lot for immediate family consistent with the Agricultural Land Reserve use, subdivision and procedure regulation; and
- Additional dwellings could be permitted if they are required for full-time farm help and approved by the Agricultural Land Commission.

**CARRIED**

**DE-2018-033**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 228, cited as "Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018," as amended, is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**DE-2018-034**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 228, cited as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018”, be read a first time.

**CARRIED**

**DE-2018-035**

**It was MOVED and SECONDED,**

that the draft Bylaw No. 229 be amended by: in the definition for temporary secondary dwelling, removing the words “concrete or other”.

**CARRIED**

**DE-2018-036**

**It was MOVED and SECONDED,**

that the draft Bylaw No. 229 be amended by: in Schedule 1, 1.1 Part 1 ii. “feedlot”, adding the word “wholly” before the word “sustained”.

**CARRIED**

**DE-2018-037**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend draft Bylaw No. 229 by inserting table headings above the checkmarks in sections 1.10, 1.12 and 1.13.

**CARRIED**

**DE-2018-038**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to bring back options for exemption of incidental sales and trades of agricultural products from the definition of “intensive agriculture”, and consider providing a definition of “domestic purposes”.

**CARRIED**

**DE-2018-039**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”, is not contrary to or at variance with the Islands Trust Policy Statement.

**CARRIED**

**DE-2018-040**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”, be read a first time.

**CARRIED**

**DE-2018-041**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to refer Bylaw No. 228 and Bylaw No. 229 to the following agencies and First Nations for comment:

- Halalt First Nation
- K'omoks First Nation
- Lake Cowichan First Nation
- Nanwakolas First Nation
- Qualicum First Nation
- Stz'uminus First Nation
- Tla'amin Nation
- Cowichan Tribes
- Homalco First Nation (Xwemalhkwa)
- Laich-kwil-tach Treaty Society
- Lyackson First Nation
- Penelakut Tribe
- Wei Wai Kum First Nation
- Snaw'Naw'As Nation
- Te'Mexw Treaty Association
- We Wai Kai Nation
- Denman Growers and Producers Alliance
- Comox Valley Regional District
- School District #71 (Comox Valley)
- Ministry of Agriculture
- Agricultural Land Commission
- Ministry of Municipal Affairs & Housing
- Hornby Island Local Trust Committee
- Ballenas-Winchelsea Islands Local Trust Committee (Executive Committee)

**CARRIED**

**DE-2018-042**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to refer Bylaw No. 228 and Bylaw No. 229 to the Denman Island Advisory Planning Commission for comments, and that staff and at least one Trustee attend the meeting(s).

**CARRIED**

Trustees considered the option to exclude agriculture and horticulture from permitted uses in the R1, and R2 zones and proposed that input from the APC and DGPA on this topic would be useful.

**DE-2018-043**

**It was MOVED and SECONDED,**

that the Advisory Planning Commission and the Denman Growers and Producers Association be asked to provide their analysis about the advisability of removing horticulture and agriculture as permitted uses in the R1 and/or R2 zone(s).

**CARRIED**

**DE-2018-044**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting in accordance with the Denman Farm Plan Implementation Project Charter v. 4.2.

**CARRIED**

**11.2 Marine Issues (Driving on the Beach) - Staff Report**

Trustees expressed their appreciation to staff for clarification on these issues as requested.

**DE-2018-045**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 225, cited as "Denman Island Land Use Bylaw No. 186, 2008, Amendment No. 1, 2017", be read a third time.

**CARRIED**

**DE-2018-046**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 225, cited as "Denman Island Land Use Bylaw No. 186, 2008, Amendment No. 1, 2017", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

**By General Consent** the meeting was recessed at 12:22 pm and reconvened at 12:40 pm.

**12. REPORTS**

**12.1 Work Program Reports**

**12.1.1 Top Priorities Report dated April 23, 2018**

Received for information.

**12.1.2 Projects List Report dated April 23, 2018**

**DE-2018-047**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee replace the "Medical Marihuana" Project with "Commercial Marihuana Growing Regulations" in the Projects List with the Activity "Consider creating OCP and LUB regulations for commercial marihuana growing".

**CARRIED**

**DE-2018-048**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Projects List be amended by adding as a project "Greenshores Workshop".

**CARRIED**

**12.2 Applications Report dated April 23, 2018**

Planner Eggen advised that a Staff Report regarding the DCLTA DVP application is expected to be presented for LTC consideration at its next meeting.

**12.3 Trustee and Local Expense Report dated February, 2018**

Received for information.



**12.4 Adopted Policies and Standing Resolutions - none**

**12.5 Local Trust Committee Webpage**

Trustees discussed the APC meeting notification process and considered augmenting the existing system with website and subscription service postings.

**DE-2018-049**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to arrange for posting on to the Denman Island webpage notices of upcoming Advisory Planning Commission meetings.

**CARRIED**

**DE-2018-050**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to add Advisory Planning Commission meeting notices to the list of notifications provided to subscribers.

**CARRIED**

**12.6 Chair's Report**

Chair Morrison provided a report on the following:

- Highlights of items for consideration at the upcoming Executive Committee meeting; and
- Attended Thetis and Gambier LTC meetings, a Public Hearing regarding a Keats Island rezoning and a Lasqueti Island Information Meeting.

**12.7 Trustee Reports**

Trustee Busheikin provided a report on the following:

- The second K'omoks First Nation Intergovernmental Engagement Meeting;
- The Housing Needs Assessment and Lasqueti Island LTC meetings;
- Highlights from the Association of Vancouver Island and Coastal Communities (AVICC) convention;
- Has been working on stocking Islands Trust material, including the Denman Community Design Charrette Final Report, in the Dora Drinkwater Community Library;
- Has been in contact with MOTI regarding the possibility of removing the downtown concrete barrier, as suggested in the Design Charrette; and
- Attended the totem pole raising event on Hornby Island.

Trustee Critchley provided a report on the following:

- Attended the Trust Council and Trust Programs Committee meetings on Salt Spring Island;
- Participated in the second K'omoks First Nation Intergovernmental Engagement Meeting and is looking forward to the upcoming third meeting;
- Attended the Islands Freshwater Forum held in Cowichan Bay;
- His work with the Baynes Sound Forum working group continues;

- Attended the Denman Island Residents Association AGM; and
- The totem pole raising on Denman Island was a historic event.

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

**12.9 Trust Fund Board Report dated April, 2018**

Chair Morrison provided report highlights and commented that the proposed Islands Trust Fund name change is moving forward.

**13. NEW BUSINESS**

By general consent agenda item 13.1 was moved to follow item 15.

**13.2 Land-use Planning implications of Fisheries and Oceans Canada Integrated Geoduck Management Framework 2017 – Briefing**

A Trustee acknowledged that advocacy regarding geoduck aquaculture concerns in the Islands Trust Area have been ongoing and suggested continuation of these efforts.

**DE-2018-051**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request Executive Committee to undertake further advocacy with Fisheries and Oceans Canada (DFO) in opposition to the establishment of geoduck aquaculture in the Trust Area.

**CARRIED**

**13.3 Approval Process for Water Supply Systems on Salt Spring Island – Memorandum**

Received for information.

**13.4 Denman Local Trust Committee Annual Report Submission - Request for Decision**

**DE-2018-052**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approves the text in the Request for Decision for inclusion in the 2017-2018 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs & Housing.

**CARRIED**

**14. UPCOMING MEETINGS**

**14.1 Next Regular Meeting Scheduled for Tuesday, June 12, 2018 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

Trustees confirmed the next meeting date, time and location.

**10.1 DE-SUB-2015.1 (De Villiers & Fraser) - Staff Report (continued)**

Planner Eggen reported that staff has contacted legal counsel to address the question of whether it is necessary to include a reference in the covenant to clarify that the proposed subdivision is to provide a residence is for a relative; and have been advised

that the covenant language used is standard template wording used to address all sections of subsection 514 of the *Local Government Act* and that additional, specific text is not required.

Trustees acknowledged their preference for including a statement in the covenant for clarity.

**DE-2018-053**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to create a provision in the draft covenant document to include a positive obligation on the owners to abide by the terms of Section 514 of the *Local Government Act*.

**CARRIED**

**15. TOWN HALL – none**

Bylaw Enforcement Manager Drew joined the meeting by telephone at 1:36 pm.

**13.1 Proactive Enforcement Options for Short-Term Vacation Rental Bylaw Issues - for discussion**

Trustee Critchley reported that this item has been placed on the agenda as a result of discussions with community members who have inquired as to whether it is possible for residents to maintain anonymity in bylaw infraction matters by performing investigation of bylaw infractions and relaying this information to Bylaw Enforcement staff for action.

Bylaw Enforcement Manager Drew commented that investigating a situation without a specific complaint is possible in this type of circumstance.

Discussion followed on options to address violations of the Short-Term Vacation Rental (STVR) Bylaw and the following was noted:

- Bylaw Enforcement can act without complaint if the operations are advertised;
- Proactive enforcement options would include searching the internet for rentals, determining unlawful activities and sending letters;
- There was debate on proactive bylaw enforcement:
  - Whether other approaches might be effective,
  - Whether proactive enforcement is the appropriate next step given that the Bylaw was recently reviewed with extensive community consultation; and
  - If providing education prior to proactive enforcement might be a strategy to consider.

**DE-2018-054**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee direct Bylaw Enforcement staff to institute a proactive Bylaw Enforcement Policy with respect to Short-term Vacation Rentals on Denman Island.

Discussion continued on the motion with the following noted:

- A Trustee observed that there is no ticketing process on Denman Island; education as a first step would be expensive and might not be effective;
- Complaints have been heard from B&B operators that not enforcing STVR regulations is unfair to them;
- Bylaw Enforcement Manager Drew observed that proactive enforcement may be warranted for STVRs as most operators would be unlikely to comply with a softer approach to compliance given the profitable nature of the operations;
- A Trustee preferred an approach that includes an educational component and a letter, observing that for operators to comply with a proactive approach at this time in the season might be difficult.

The question on the motion was then called.

**CARRIED**

**Trustee Busheikin Opposed**

Trustee Busheikin explained that she would favour this approach only with the inclusion of an education component.

**16. CLOSED MEETING**

**16.1 Motion to Close the Meeting**

**DE-2018-055**

**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 Adoption of In-Camera Meeting Minutes dated February 6, 2018 and receipt of Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**CARRIED**

The meeting closed to the public at 2:06 pm.

**16.2 Recall to Order**

**By general consent** the meeting was recalled to order at 2: 15 pm.

**16.3 Rise and Report**

Chair Morrison reported that in the Closed Meeting the LTC adopted minutes from the *In-Camera* meeting of February 6, 2018.

**17. ADJOURNMENT**

By general consent the meeting was adjourned at 2:16 pm.

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Susan Morrison, Chair

Certified Correct:

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Vicky Bockman, Recorder