



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: January 21, 2020
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

Members Present: Sue Ellen Fast, Chair
 David Critchley, Local Trustee
 Laura Busheikin, Local Trustee

Staff Present: Heather Kauer, Regional Planning Manager
 Sonja Zupanec, Island Planner (by telephone)
 William Shulba, Island Trust Freshwater Specialist
 Vicky Bockman, Recorder

Others Present: Approximately twenty (20) 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 Fast called the meeting to order at 12:30 pm. She welcomed the public, introduced Trustees and staff, and acknowledged that the meeting was being held in traditional territory of the Qualicum and K'ómoks First Nations.

2. APPROVAL OF AGENDA

The following amendment to the agenda was presented for consideration:

- Add item 11.1 Cable Beach

By general consent the agenda was approved as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Critchley reported on the following:

- There were many who stopped by to discuss issues during his Trustee Office Hours;
- Baynes Sound Forum was an opportunity for stakeholders concerned with the health and well-being of Baynes Sound and Lambert Channel to meet;
- Highlights from Trust Council included the budget and budgetary funding for the Islands Trust to assume an ongoing role as secretariat for organizations similar to the Baynes Sound Forum;
- The Association for Denman Island Marine Stewards hosted an event that included updates on the scientific research being conducted on the impact of marine microplastic contamination on Baynes Sound.

Trustee Busheikin reported on the following:

- The Baynes Sound Forum included a variety of stakeholders with different perspectives united in the goal of protecting Baynes Sound and Lambert Channel;
- Financial Planning Committee was engaged in work on the Islands Trust 2020/2021 budget;
- A Local Planning Committee initiative is a Coastal Douglas Fir mapping project;
- The Denman Island Residents Association meetings included an update on the Internet Committee's work; and the Marine Guardians Committee reported that significant aquaculture debris was observed on beaches after a recent storm;
- Concerns were heard during her Trustee Office Hours regarding a proposed regulatory change to permit a longer hunting season on Denman Island;
- She will follow-up to investigate the possibility of more climate-friendly catering options for Trust Council meetings.

3.2 Chair's Report

Chair Fast reported on Executive Committee meetings she attended. She brought several items for public viewing including a decision highlight sheet of Trust Council's December meeting and the Islands Trust Strategic Plan. She reported that a 2020/2021 budget has been drafted and will be available for public consultation.

3.3 Electoral Area Director's Report – none

4. TOWN HALL

Members of the public commented with the following noted:

- The Denman Community Land Trust Association (DCLTA) Seniors Affordable Housing project:
 - Support for site-specific zoning, and objections to its inclusion in a proposed R4 zone;
 - The Local Trust Committee (LTC) was asked to accept three metre setbacks;
 - The LTC was asked to accept the Ministry of Forests, Lands, Natural Resource Operations & Rural Development (FLNRORD) conditional water license as proof of adequate water;
 - The LTC was urged to encompass a perspective of how we can best go forward with this project in a way that is appropriate for this venture;
 - The community supports the initiative, it is needed, and it should not be delayed by adding anything to it.
- Denman Housing Association (DHA) – Denman Green:

Trustee Busheikin declared a potential conflict of interest as she lives next to the site of the proposed project and left the meeting at 1:04 pm.

 - This initiative is not supported as it has no well and would rely on expensive trucked water as a water source secondary to rain catchment; the Islands Trust's required climate change perspective should be considered for this application; the proposed allotted water per day is unreasonably low;
 - The community has not had adequate consultation and should not have to wait until the end of a lengthy process to receive information and provide input.

Trustee Busheikin returned to the meeting at 1:04 pm.
- Other Topics:
 - Creation of a new R4 zone was opposed. The proposed three-story building maximum height will encourage development and gentrification, is not compatible with Denman

Island's character, will create increased pressures for firefighters, and work on a new R4 zone may slow down the DCLTA's application process;

- Information on results of Ferry Advisory Committee (FAC) meetings is difficult to obtain. The Trustee representing the Denman Island LTC on the FAC was requested to announce in their Trustee Reports how the public can access minutes from the FAC meetings;
 - Denman Housing Association – Denman Green:
Trustee Busheikin declared a potential conflict of interest as she lives next to the site of the proposed project and left the meeting at 1:18 pm.
 - The location of Denman Green was opposed;
 - The project does not meet affordable requirements for infrastructure;
 - This application is being moved forward with many unanswered questions including potential fire risk considerations;
 - This application is being considered without benefit of a full complement of LTC members given a Trustee's declared potential conflict of interest on this application.
 - In response, Trustees clarified that regulations require recusal from participation in declared conflict of interest situations; and noted that a referral to the Advisory Planning Commission (APC) would add input gathered from a variety of community members to the decision making process .
- Trustee Busheikin returned to the meeting at 1:20 pm.

5. DELEGATIONS – none

6. MINUTES

6.1 Local Trust Committee Minutes dated November 7, 2019 - for adoption

DE-2020-001

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt the minutes of the November 7, 2019 Local Trust Committee meeting.

CARRIED

6.2 Section 26 Resolutions-Without-Meeting – none

6.3 Advisory Planning Commission Minutes – none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated January 13, 2020

Trustees requested the following updates to the Follow-up Action list:

- Remove the November 20, 2018 item regarding the Islands Trust signage at the Buckley Bay Ferry Terminal as it duplicates the March 7, 2019 Activity 1;
- Remove March 7, 2019 Activity 2 as it has been completed;
- Staff was requested to have the permanent Density Register, noted in July 4, 2019 Activity 1, completed and in place by the time either of the affordable housing rezoning proposals are presented for public consultation.

7.2 Response to Spraying on Tree Island - for discussion

Trustees noted that they would like to request a program of manual eradication such as has been approved for Denman Island and discussed coordinating a response to Spraying on Tree Island with K'ómoks First Nation prior to drafting a letter.

Trustee Critchley offered to contact Cory Frank of the K'ómoks First Nation Guardian Watchmen to discuss this matter and will report back at a future LTC meeting.

8. APPLICATIONS AND REFERRALS

8.1 DE-RZ-2017.1 (Denman Community Land Trust Association) - Staff Report for decision

The Staff Report asks the LTC to consider draft bylaws to amend the Official Community Plan (OCP) and Land Use Bylaw (LUB) to enable the proposed DCLTA Seniors' Affordable Housing development, recommends first reading of the draft bylaws, referral of the bylaws, the drafting of a housing agreement, and entering into a cost recovery agreement for legal review of the agreement.

Trustees' discussion on the matter included the following points:

Comments regarding proposed Bylaw No. 234:

- The creation of an R4 zone as a template to work with new rental zoning authority, combined with the R4(2) site-specific zoning terms for this project, was considered to be an effective approach;
- The R4(2) zone setback recommendations of 3 metres from the side, rear or exterior side lot lines and 7.5 metres from the front lot line were supported. These setbacks differ from those recommended by the Agricultural Land Commission (ALC); does the ALC have the authority to require their recommendations and might there be consequences as a result of reducing the setback as recommended? Regional Planning Manager Kauer indicated that she will investigate and report back;
- An increase in the R4(2) zone minimum number of bicycle parking spaces required to 1 from 0.5 was supported;
- There might be appropriate aspects of home occupation uses that could be acceptable in the R4 or R4(2) zone;
- Concern was expressed that the three-story maximum height in the R4 zone was not in keeping with Denman Island's smaller scale, rural character;
- Permitted uses of horticulture and agriculture in the R4 zone are permitted; however, these are commercial uses that might not be appropriate on this lot and location;
- A common house was supported as a permitted use in the R4 zone;
- R4 zone definitions that reference rental affordable housing might be changed to "rental and other types of affordable housing" to enable the template to be more inclusive of other types of BC Housing-approved affordable housing types;
- The definition of lot coverage in the R4 zone excludes cisterns; however, whether measurements include the cistern foundation might be clarified.

Comments regarding Proof of Adequate Potable Water and Water Assessment Draft Terms of Reference (TOR):

- The Islands Trust Freshwater Specialist Shulba recommended that the TOR is no longer applicable and further recommended requiring mitigation measures beyond what is required in the Conditional Water License in order to address short comings

in adequately addressing Islands Trust Policy Statement Directive policies 4.4.2 and 4.4.3;

- Trustees discussed the identified salt water intrusion risk and the data from monitoring that could provide early warning of deviation from water requirements and mitigate risk potential of salt water intrusion as well as providing a community amenity by observing in general the health and function of the aquifer.

Chair Fast invited the proponent to speak regarding application DE-RZ-2017.1.

Harlene Holm, agent for the applicant, provided background and rationale for requests that the LTC:

- Formally accept the Conditional Water License as proof of adequate potable water and receive Senior Freshwater Specialist Shulba's recommendations for information, however, direct staff not to incorporate those recommendations into a restrictive covenant as requirements;
- Direct staff to draft a site-specific residential zone bylaw, separate from R4 to represent the rezoning application and to remove all references to DE-RZ-2017.1 Seniors' Affordable Housing and Bylaw Nos. 233 and 234 from the proposed R4 zone;
- Based on a zone solely representing the Seniors' Affordable Housing proposal, that the LTC direct staff to designate a three metre setback from all lot lines;
- She advised that DCLTA has requested that home occupations not be included as a permitted use as there are concerns regarding potential water usage and traffic;
- All parts of the waste water system are included in the lot coverage percentage as defined in the definition of "lot coverage" which is a difficulty.

DE-2020-002

It was MOVED and SECONDED,

that draft Bylaw No. 234 be amended as follows: that in Section 1.12 Table 2 Item 12, Common house be a permitted use in the R4 zone.

CARRIED

DE-2020-003

It was MOVED and SECONDED,

that draft Bylaw No. 234 be amended as follows: that in Section 1.14 Table 4 item 1, the maximum height of the R4 zone be changed from 12 metres to 9 metres.

CARRIED

DE-2020-004

It was MOVED and SECONDED,

that due to the issuance of Conditional Water License 500469 with associated investigation of Groundwater License Application 106290 by the Ministry of Forests, Lands, Natural Resource Operations & Rural Development, the Islands Trust Area Water Assessment Toolkit Draft Terms of Reference is no longer applicable to Application DE-RZ-2017.1.

CARRIED

DE-2020-005

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee accept the Conditional Water License 500469 issued February 20, 2019 for this project as proof of adequate water.

A Trustee noted that this is a lower amount of water than the Land Use Bylaw subdivision requirement, however, the Conditional Water License is based on the actual amount of water needed there, which is significantly less than the Land Use Bylaw requirement.

CARRIED

DE-2020-006

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 233 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2019” as amended be read a first time.

CARRIED

DE-2020-007

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 234 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019” as amended be read a first time.

CARRIED

DE-2020-008¹

It was MOVED and SECONDED,

that proposed Bylaw Nos. 233 and 234 as amended be referred to the following First Nations, Local Governments and agencies for comment:

- a. First Nations:
K'ómoks First Nation, Qualicum First Nation, Tla'amin Nation, Snaw'Naw'As Nation, Te'Mexw Treaty Association, We Wai Kai Nation, Stz'uminus First Nation, Lake Cowichan First Nation, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, Cowichan Tribes, Laich-kwil-tach Treaty Society, Nanwakolas Council, We Wai Kum Nation, Xwemanlhkwu (Homalco) First Nation.
- b. Local Governments and Agencies:
Hornby Island Local Trust Committee, Island Health, Denman Advisory Planning Commission, Agricultural Land Commission, Comox Valley Regional District, School District 71, Ministry of Agriculture, and the appropriate fire service.

CARRIED

DE-2020-009

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. 233 cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2019” as amended is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

¹ This motion was amended at the September 8, 2020 meeting by removing the reference to the Denman Advisory Planning Commission

DE-2020-010**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to develop a draft housing agreement in consultation with the applicant/agent for application DE-RZ-2017.1 (Denman Community Land Trust Association) for Local Trust Committee consideration.

CARRIED**DE-2020-011****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee enter into a cost recovery agreement with the applicant/agent allowing Islands Trust legal counsel to review a draft housing agreement for application number RZ-DE-2017.1 (Denman Community Local Trust Area).

A Trustee inquired whether any precedent exists for this cost of developing a housing agreement being waived or contributed to by Islands Trust. Regional Planning Manager Kauer will research and report back.

CARRIED**DE-2020-012****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to bring forward, if possible, options for regulations permitting home occupations that do not involve increased traffic, increased water use, or increased noise for the proposed new R4 and R4 site-specific zoning.

A Trustee commented that Advisory Planning Commission review of this issue might be useful.

CARRIED

Trustees discussed the continuous monitoring and annual reporting of groundwater as recommended by Islands Trust Freshwater Specialist Shulba with the following noted:

- A Trustee expressed concern regarding the extra obligation of well data monitoring that would also benefit the Islands Trust and questioned whether it might be possible for the Islands Trust to fund a portion of it;
- Freshwater Specialist Shulba noted that a model exists for this possibility.

DE-2020-013**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request the Freshwater Specialist to prepare a draft Water Sustainability Project Charter.

CARRIED

By general consent the meeting was recessed at 3:19 pm and reconvened at 3:35 pm.

8.2 DE-RZ-2018.1 (Denman Housing Association) - Staff Report for decision

Trustee Busheikin declared a potential conflict of interest as she lives next to the site of the proposed project and left the meeting at 3:36 pm.

Planner Zupanec provided a summary of the Staff Report for the LTC's consideration that introduces draft bylaws to enable the designation of a new Development Permit

Area for the non-ALR portion of the subject property, and recommends that the draft bylaws be given first reading.

A Trustee commented that referral responses and public consultation will help to inform consideration of DHA's Denman Green proposal, and noted that advancing these bylaws today will move the process forward.

DE-2020-014

It was MOVED and SECONDED,

that Denman Island Local Trust Committee Bylaw No. 237 cited as "Denman Island Official Community Plan, 2008, Amendment No. 3, 2019" be read a first time.

CARRIED

DE-2020-015

It was MOVED and SECONDED,

that Denman Island Local Trust Committee Bylaw No. 238 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2019" be read a first time.

CARRIED

DE-2020-016

It was MOVED and SECONDED,

that proposed Bylaw Nos. 237 and 238 be referred to the following First Nations, Local Governments and agencies for comment:

- a. First Nations:
 - K'ómoks First Nation, Qualicum First Nation, Tla'amin Nation, Snaw'Naw'As Nation, Te'Mexw Treaty Association, We Wai Kai Nation, Stz'uminus First Nation, Lake Cowichan First Nation, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, Cowichan Tribes, Laich-kwil-tach Treaty Society, Nanwakolas Council, We Wai Kum Nation, Xwemanlhkwu (Homalco) First Nation.
- b. Local Governments and Agencies:
 - Hornby Island Local Trust Committee, Denman Advisory Planning Commission, Comox Valley Regional District, School District 71, Islands Trust Freshwater Specialist, Denman Island Fire and Rescue.

CARRIED

DE-2020-017

It was MOVED and SECONDED,

that Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 237 cited as "Denman Island Official Community Plan, 2008, Amendment No. 3, 2019" is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

DE-2020-018

It was MOVED and SECONDED,

that Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 238 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2019" is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

Chair Fast invited the proponent to speak to the application with the following noted:

- Shawn White, speaking on behalf of DHA, requested that the Public Hearing be conducted as soon as possible following the Community Information meeting;
- He asked whether it would be helpful for DHA to obtain a professional review of what is a reasonable amount of water for household use and another professional assessment of what period of time should be assumed as the drought period for the LTC's consideration;
 - A Trustee indicated that such information would be useful;
- Freshwater Specialist Shulba advised that a contemplated secondary water source from a Denman Island well would be considered a new non-domestic use and recommended that an application for a water license for that source be initiated as soon as possible if DHA moves forward with that approach.

Trustee Busheikin returned to the meeting at 4:01 pm.

9. LOCAL TRUST COMMITTEE PROJECTS - none

10. CORRESPONDENCE - none

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

11. NEW BUSINESS

11.1 Cable Beach

Trustee Busheikin reported that community members have complained of a land owner's encroachment onto the Ministry of Transportation and Infrastructure (MoTI) right-of-way at Cable Beach, advising that her calls to MoTI for remediation have not resulted in a resolution. She further commented that she has observed erosion at the Mable Beach culvert and noted that beach access has been made difficult in those locations. She solicited input from staff and LTC members as to what might be done to protect these public amenities.

Freshwater Specialist Shulba offered to conduct a site visit with Trustee Busheikin to assist in determining next steps.

DE-2020-019

It was MOVED and SECONDED,

that Denman Island Local Trust Committee write a letter to the Ministry of Transportation and Infrastructure, copying it to the Ministry of Forests, Lands, Natural Resource Operations & Rural Development, alerting them to water concerns and erosion of the Denman Island shoreline on Cable and Mable beaches.

A Trustee suggested that the letter contain expression of concern to further consider remedial actions.

CARRIED

12. REPORTS

12.1 Trust Conservancy Report dated December, 2019

Received.

12.2 Applications Report dated January 13, 2020

Received.

12.3 Trustee and Local Expense Report dated November, 2019

Received.

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 Local Trust Committee Webpage

There were no changes or additions requested.

13. WORK PROGRAM**13.1 Top Priorities Report dated January 13, 2020**

Trustees discussed placing the Follow-up Action item concerning the Islands Trust signage at the Buckley Bay terminal on the Top Priorities list in order to facilitate Senior Intergovernmental Policy Advisor Wilcox's ability to move forward with this initiative.

DE-2020-020

It was MOVED and SECONDED,

that Denman Island Local Trust Committee amend the Top Priority list by moving Temporary Use Permits to the Projects list and replacing it with "Signage at Ferry Terminal".

CARRIED

13.2 Projects List Report dated January 13, 2020

Received.

14. CLOSED MEETING - none**15. INFORMATION ITEMS****15.1 Letter dated November 21, 2019 from Sheila Malcolmson, Member of Parliament regarding Marine Debris**

Received.

15.2 Letter dated December 9, 2019 from Peter Luckham, Chair of Islands Trust to Minister of Fisheries and Oceans and the Canadian Coast Guard requesting additional Resources for Enforcement of Shellfish Aquaculture Regulations

Received.

15.3 Letter dated December 9, 2019 from Peter Luckham, Chair of Islands Trust to Minister of Forests, Lands, Natural Resource Operations and Rural Development requesting more Resources for Enforcement of Aquaculture Tenure Licences

Received.

- 15.4 Letter dated December 3, 2019 to Peter Luckham, Chair of Islands Trust from Jill Knot, Deputy Minister regarding the Connected Coast Project**

Received.

16. UPCOMING MEETINGS

- 16.1 Next Regular Meeting Scheduled for Tuesday, March 17, 2020 at 12:30 pm at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

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

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:20 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder