



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: October 9, 2018
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

Members Present: Susan Morrison, Chair
 Laura Busheikin, Local Trustee
 David Critchley, Local Trustee

Staff Present: Marnie Eggen, Island Planner
 Sonia Zupanec, Island Planner
 Katherine Vogt, Recorder

Others Present: Approximately seventeen (17) 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 9:30 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Trustees, staff and the recorder.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Members of the public commented with the following noted:

- A representative of the Denman Community Land Trust Association (DCLTA) expressed concern that the water licence they were seeking through The Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR) would also be sufficient for the requirements of the Islands Trust. She requested that her group receive any updates to the Trust Staff Water Assessment Terms of Reference Draft Document.
- A member of the public commented that she had received a letter from the Islands Trust that they had to remove their Airbnb advertisement for their Denman Island short term vacation rental (STVR), and wanted to know if others had received letters or if it was just them; also, how this letter action was decided. She added that their property was a vacation home that they used frequently and would never be rented out long-term. Trustee Critchley responded that approximately twenty-six (26) business operators on Denman Island had received letters from Islands Trust Bylaw Enforcement based on investigation into online advertising on such sites as Airbnb. Trustee Busheikin added that this initiative had come from the Local Trust Committee (LTC) in response to numerous concerns from local residents about STVRs, and that the goal was to ensure compliance with existing bylaws, and to give people time and support to do that. Trustee Busheikin noted that presently it would not be possible to rent a whole house out for short-term rentals, based on the Official

Community Plan and Land use Bylaws. It was offered that the resident could contact island planning staff for clarification.

- A member of the public spoke against rushing any Farm Plan Implementation Draft bylaws through because residents needed more time to digest the new improvements made to them.
- A member of the public would like to see the Denman Island Growers and Producers Alliance definition of “Intensive Agriculture” be adopted.
- A member of the public expressed concern over damage done to the road at the end of Cable Beach.
 - Trustee Critchley responded that the adjacent property owners had been ordered by the Ministry of Transportation and Infrastructure (MoTI) to put the road back into its original state and that a report from MoTI was forthcoming.

4. REPORTS

4.1 Chair's Report

Chair Morrison reported on the following:

- That it would be her last time chairing a meeting on Denman and what a wonderful experience it had been working with Trustees Busheikin and Critchley, Staff and the Denman Island public;
- Attendance at Trust Council in September on Keats Island;
- Attendance at the Union of British Columbia Municipalities (UBCM) meeting as a representative of the Trust Executive;
- Personnel changes on the Islands Trust Conservancy Board;
- Approval for the Management Plan for Morrison’s Marsh Nature Reserve.

4.2 Trustee Reports

Trustee Critchley reported on the following:

- Attendance at Trusts Programs Committee meeting in August;
- Office hours in September where several people expressed concern over proactive bylaw enforcement regarding STVRs;
- Attendance at Denman Island Residents Association (DIRA) meeting with the following items:
 - Vehicle collisions with deer seemed to be occurring more frequently;
 - Deer were being gravely injured and needed to be euthanized;
 - Reporting of these collisions was lacking; and
 - This problem seemed specific to Denman.
- Attendance at Trust Council in September on Keats Island;
- Expressed thanks to Chair Morrison for doing a wonderful job of chairing the LTC meetings over the last four years.

Trustee Busheikin reported on the following:

- Receiving phone calls from constituents for setting up face to face meetings to discuss STVRs, the Farm Plan, young peoples’ issues, and the recent goeey duck application for Union Bay;

- The upcoming cultural sharing event to take place at the Denman Activity Center with members of K'omoks First Nation;
- Attendance at a workshop in Victoria put on by the International Association for Public Participation on dealing with anger and outrage in public participation;
- Pleased to be back in the Trustees' seat by acclamation for a further 4 years, alongside Trustee Critchley;
- High regard for Chair Morrison and her work with the LTC.

4.3 Trust Conservancy Report dated July, 2018

Received.

5. COMMUNITY INFORMATION MEETING - None

6. PUBLIC HEARING - None

7. MINUTES

7.1 Local Trust Committee Minutes dated August 7, 2018 for Adoption

The following amendment to the minutes was presented for consideration:

- Page 4, Item 9.1, line 2 of first paragraph: add space between she and advised.

By general consent the minutes were adopted.

7.2 Local Trust Committee Special Meeting Minutes dated August 2, 2018 for Adoption

By general consent the minutes were adopted.

7.3 Section 26 Resolutions-Without-Meeting Report - None

7.4 Advisory Planning Commission Minutes - None

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated October 2, 2018

Planner Eggen noted that staff had received new information on how best to move forward regarding a repositioning of the new electronic BC ferries signs.

8.2 Denman Island Local Trust Committee Fees Bylaw No. 230 for Adoption

DE-2018-086

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 230, cited as "Denman Island Local Trust Committee Fees Bylaw, 2007, Amendment No. 1, 2018", be adopted.

CARRIED

9. DELEGATIONS

9.1 J. Geremia, Owner/Operator of Blue Owl B&B/Retreat – Presentation

J. Geremia expressed concern over a letter they had received from Islands Trust Bylaw Enforcement on August 15, 2018 for unlawful guest accommodation. She explained that

her initial reaction to the letter had been one of disbelief given that she had been in business for over nine years, and that they had always operated transparently and responsibly and had never once received a complaint. The reason for the enforcement letter was that the accommodations were in a different freestanding building; but to fully comply with the bylaws would destroy the charm and ambiance of the operation.

A member of the public noted that B&B operations were an integral part of the island culture.

9.2 Denman Island Housing Association – Presentation

- Denman Housing Association (DHA) President, Simon Palmer, stated that the Denman Island Housing Association should actually read as Denman Housing Association.
- Gave a history and update of their ongoing Denman Green affordable rental housing project.
- Updated new funding opportunities. Recently, BC Housing had approved DHA to receive \$95,000 in Proposal Development funding with the provision that they apply for capital funding by June, 2019, with the estimated cost for their 20 units with 32 beds project being \$6.7 million.
- He noted that if there were too many delays in the trust approval processes for their project, the application submitted to the Trust on October 1, 2018, that they could risk losing their 2019 capital funding; and he appealed for consideration of this funding opportunity.
- He also appealed for Trust support for the project's plan to make extensive use of rainwater.

9.3 Denman Island Residents' Association Marine Guardians Committee – Presentation

Information received from Edi Johnston for consideration.

10. CORRESPONDENCE

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

10.1 Email dated August 25, 2018 from H&K Christensen

Received

10.2 Email dated September 24, 2018 from Denman Island Residents' Association

Received

11. APPLICATIONS AND REFERRALS

11.1 DE-RZ-2017.1 (DCLTA) – Memorandum

Planner Eggen summarized that there are two outstanding issues for the DCLTA rezoning application: FLNRORD approval for a water licence and Agricultural Land Commission approval for their exclusion from the Agricultural Land Reserve.

Trustee Busheikin expressed interest in the FLNRORD Water Budget Analysis of Denman Aquifers.

12. LOCAL TRUST COMMITTEE PROJECTS**12.1 Denman Island Shared Narrative of Place - attached item - for Discussion**

Trustees discussed that K'omoks First Nations Band Manager, Tina Mclean, had requested a response from them as to how the K'omoks name for Denman Island might be worked into Local Trust documents. The issue was complicated by there being other indigenous names for Denman Island, which suggested that the matter was a Trust wide issue that could be referred to the Islands Trust Executive Committee.

DE-2018-087

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request to the Executive Committee that they carry out a Trust wide project focused on use of indigenous names for Islands, with consideration of using Denman and Hornby Islands as precedents.

CARRIED**DE-2018-088**

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request to Staff to bring forward options for the use of the K'omoks name on meeting agendas for the Island.

CARRIED**12.2 Denman Farm Plan Implementation - Staff Report [report was distributed in addendum]**

Planner Eggen and Zupanec summarized the report which contained proposed changes to Bylaws 228 and 229 as well as an analysis of referral responses and public comments to date.

Trustees expressed interest in how other urban and rural jurisdictions managed agriculture and horticulture enforcement and threshold issues, to maintain neighborhood harmony.

Discussion ensued. Doug Wright, President of the Growers and Producers Association (GPA), observed that it was very difficult to achieve consensus on farm issues within the GPA, and even harder with those outside of the GPA, and he suggested another public meeting.

DE-2018-089

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct that the Staff Report on the Farm Plan Implementation Project be referred to the Growers and Producers Association for comments.

CARRIED

By General consent, the meeting was recessed at 11:51 am and reconvened at 12:00 pm

DE-2018-090

It was MOVED and SECONDED,

that the Farm Plan Project be placed on the next Local Trust Committee agenda with staff suggestions for a participatory public meeting format.

CARRIED

DE-2018-091**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to amend the Farm Plan Implementation Project Charter to include an additional Community Information meeting and to seek budget approval for this.

CARRIED

Trustee Busheikin requested and staff agreed to be available by telephone to the GPA at their next meeting to answer questions.

Doug Wright commented that another significant concern was for three or four local farmers who had been raising livestock on R2 and R3 land over many years being overlooked by the new bylaws. Could they be grandfathered in? Trustee Busheikin offered that historical use provisions could be considered by planning staff.

13. REPORTS**13.1 Work Program Reports****13.1.1 Top Priorities Report dated October 2, 2018**

Received and reviewed.

13.1.2 Projects List Report dated October 2, 2018

Received and reviewed.

13.2 Applications Report dated October 2, 2018

Received.

13.3 Trustee and Local Expense Report dated July, 2018

Received.

13.4 Adopted Policies and Standing Resolutions

Received.

13.5 Local Trust Committee Webpage

No action was taken at this time.

13.6 Electoral Area Director's Report

Received.

14. NEW BUSINESS

14.1 Local Trust Committee 2014 - 2018 Term Summary - Staff Report**DE-2018-092****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee endorse the 'Top priorities List' and 'Projects List' as presented on October 9, 2018, for further consideration by the incoming local Trust Committee.

CARRIED**14.2 Request from the Denman Island Preschool Society for a Letter of Support - for Discussion**

Trustee Busheikin offered to draft the letter.

DE-2018-093**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee write a letter of support signed by the Chair for the Denman Island Preschool Society's funding application.

CARRIED**14.3 Delegations- 9.1 and 9.2 Continued from previous discussion**

Trustees addressed the issues brought forward by the delegations of 9.1 and 9.2 who had spoken earlier at the meeting.

DE-2018-094**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to prepare a draft bylaw for the issuance of Temporary Use Permits for short-term vacation rentals and that the matter be placed on the top priorities list.

CARRIED**DE-2018-095****It was MOVED and SECONDED,**

that the bylaw enforcement staff be requested to attend the next Denman Island Local Trust Committee meeting to discuss bylaw enforcement of short-term vacation rentals.

CARRIED**DE-2018-096****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee direct staff to give priority to processing applications for affordable housing projects until further direction by the Denman Island Local Trust Committee.

CARRIED

Trustee Critchley observed that there was a dire need for affordable housing and that the Denman Housing Association project was in jeopardy of losing its funding opportunities if its application process were delayed.

Trustee Busheikin declared a conflict of interest in the matter due to her residence being located adjacent to the property in discussion and stepped out of the meeting room at 12:35.

DE-2018-097**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to prepare a timeline for processing the affordable housing project application of the Denman Housing Association together with suggestions for reducing the time involved.

CARRIED

Trustee Busheikin returned to the meeting at 12:38.

15. UPCOMING MEETINGS**15.1 Next Regular Meeting Scheduled for Tuesday, November 20, 2018 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC****16. TOWN HALL**

Comments from members of the public and responses from staff and Trustees included the following:

- Problems around communicating bylaws with the general public could be ameliorated with a website that would allow the public to vote on them directly.
- That most short-term vacation rental operators in contravention of Bylaw 186 were never actually aware of their non-compliance.
- The Islands Trust being treated as a proxy for the police regarding noise complaints, given there is no police presence on the island.
- Businesses being punished as a group due to complaints against only one or a few of them.
- Bylaw 186 being outdated.
 - Trustees were beholden to respect bylaws that had been created through lengthy community consultation processes.
 - Trustees can initiate a Standing Resolution to halt bylaw enforcement.
 - Businesses should ideally consult with the Official Community Plan and Land Use Bylaws to be compliant with them.
 - Original discussions 20 years ago on short-term vacation rentals decided that only Bed and Breakfasts were wanted in owner-occupied buildings.
 - That Trustees have to listen to the entire community.
- Regarding existing Land Use Bylaws: that commercial horticulture but not intensive agriculture was presently allowed on R1, R2 and R3 lands and that this might not be known to the general public.
- How beekeeping is not clarified in the Farm Plan
- Long-time livestock operations on R2 zones that would be considered intensive agriculture are not being addressed by the Farm Plan so there should be a moratorium on the plan unless they could be grandfathered into it.

17. CLOSED MEETING**17.1 Motion to Close the Meeting****DE-2018-098****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) for the purpose of considering adoption of In-Camera Minutes dated May 1, 2018 AND that the recorder and staff attend the meeting.

CARRIED

The meeting was closed at 1:09pm.

17.2 Recall to Order

The meeting was recalled to order at 1:12 pm

17.3 Rise and Report

There was no information to report.

18. ADJOURNMENT

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

Susan Morrison, Chair

Certified Correct:

Katherine Vogt, Recorder