



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: June 6, 2023
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

Members Present: David Maude, Chair
David Graham, Trustee
Sam Borthwick, Trustee

Staff Present: Renée Jamurat, Regional Planning Manager – attended electronically
Narissa Chadwick, Island Planner
Marlis McCargar, Island Planner – attended electronically
Warren Dingman, Bylaw Compliance & Enforcement Manager -
attended electronically
Taryn Plater, Student Planner
Vicky Bockman, Recorder

Others Present: Approximately eight (8) 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."

The Chair called the meeting to order at 10:00 am. He welcomed the public, introduced Trustees, staff and recorder. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was adopted.

3. RISE AND REPORT

Judy Armstrong, Richard Day, Karla Neuffer, Riane daSilva, Pamela Willis, Virginia Spinney, and Rosa Telegus were appointed to the Denman Island Housing Advisory Planning Commission.

4. REPORTS

4.1 Trustee Reports

Trustee Graham reported:

- that he attended a Financial Planning Committee meeting where the unaudited March 31, 2023 financial statement was considered and approved to go forward to the next Trust Council meeting; and
- that hard copies of the Denman Island Official Community Plan (OCP) and Land Use Bylaw (LUB) are now in the Dora Drinkwater Library for the community's information.

Trustee Borthwick reported on a Ferry Advisory Committee meeting with BC Ferries to discuss summer ferry plans. The meeting was well attended by Denman Island community members.

4.2 Chair's Report

Chair Maude commented that he is honoured to be Chair of the Denman Island Local Trust Committee (LTC) and that he enjoys the community.

He described incidents of tree cutting by Ministry of Transportation and Infrastructure (MOTI) that are the subject of discussions on other islands. He noted that improved communications and work on the protocol agreement would be advisable.

4.3 Electoral Area Director's Report - none

5. PUBLIC COMMENTS

- Any diversion or planning that would deter or delay moving forward with the idea of affordable housing on Denman Island is not necessary or needed.
- Housing is critically needed and affects everyone; forward thinking is needed; without the well-being of people, this community will disintegrate with gentrification.
- Clarification was requested as to where the referral to the Housing Advisory Planning Commission (HAPC) discussion appears on the agenda. Request was made to include the Siting and Use bylaw enforcement issue with the HAPC referral.
- Looking into the future, status quo means things will be worse.

6. DELEGATIONS - none

7. MINUTES

7.1 Local Trust Committee Minutes dated April 4, 2023- for adoption

By general consent the minutes dated April 4, 2023 were adopted.

7.2 Section 26 Resolutions-Without-Meeting Report dated May 23, 2023

Received for information

7.3 Advisory Planning Commission Minutes dated - none

7.4 Local Trust Committee Special Meeting Minutes dated April 25, 2023 - for adoption

By general consent the minutes dated April 25, 2023 were adopted.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated May 30, 2023

- Staff will follow-up to ensure that all HAPC members have received the documents as listed in the April 25 activity.
- A Trustee recognized the importance of initiating a dialogue between the LTC members and K'ómoks First Nation and asked that the April 4 activity to initiate the process be expedited.

9. APPLICATIONS AND REFERRALS - none

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Denman Island Farming Regulation Review Project - Staff Report

Planner McCargar presented an overview of the Staff Report that provides background on the project, asks the LTC to consider minor amendments to Proposed Bylaw Nos. 228 and 229, and provides information on referral feedback received to date.

By general consent the meeting recessed at 10:42 am and reconvened at 10:55 am.

Discussion included the following points:

- The Staff Report proposes that the LUB Schedule B Zoning Map be added to a future projects list to ensure the approximately five properties that are designated Agriculture in the OCP and are in the ALR are zoned correspondingly. A Trustee inquired if that might be incorporated into the amendments being considered at this time.
 - Staff responded that it would be possible; however, it would extend the timeline for completion of the project by a few months.
- The process that gives different numbers to bylaws and their amending documents was explained in response to a Trustee's proposal that an alternate method might be considered to make it easier for the public to understand.
- A Trustee indicated that while he is willing to participate in the vote on the Farming Review recommendations at this time, he expressed a desire to understand the history of the project in a more complete manner. A meeting with staff will be arranged.

DE-2023-024

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 228, cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2018," be amended as presented in Attachment 2 – Schedule C Land Use Designations of the Staff Report dated June 6, 2023.

CARRIED

DE-2023-025

It was MOVED and SECONDED,

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

CARRIED

DE-2023-026

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 amended as follows:

- a) In Part 1 – ADMINISTRATION, Section 1.1 add “where no permanent facilities are constructed or erected” after “Assessment Act” in the agri-tourism definition.
- b) In Section 1.23 Table 2 (8) – Permitted Buildings and Structures delete “for a period of two (2) consecutive years.”

CARRIED

DE-2023-027

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 second time, as amended.

CARRIED

DE-2023-028

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee send notification to all property owners affected by the changes outlined in Attachment 2 – Schedule C Land Use Designations of the Staff Report dated June 6, 2023.

CARRIED

DE-2023-029

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee add a Land Use Bylaw Map Amendment Project to align the Official Community Plan land use designations with the Land Use Bylaw zoning regulations to the “Future Projects” list.

CARRIED

10.2 Denman Major Project - Housing Review Project Preliminary Report

Planner Chadwick presented the Staff Report that provides project background, options, and potential next steps for LTC consideration.

Trustees’ comments included the following:

- Concerns heard that the LTC is moving away from the Preserve and Protect mandate toward development were addressed;
- Public concern has been expressed regarding additional studies being undertaken for this project; however, funding requires information provided through studies and will not delay recommendations and review of the data;
- Water needs to be considered with rainwater capture encouraged;
- Land share concept can relieve some land price pressure; and housing agreements are an important part of this discussion;
- Legalizing current unlawful housing in cases where housing is providing safe and secure accommodation was supported;
- Caution regarding use of subdivision to address housing needs was expressed as this can lead to selling of smaller parcels and an increase in land price.

Staff solicited input as to preferences for community engagement on the project:

- The use of a professional facilitator was not felt to be necessary;
- An interim report by the HAPC at the July LTC meeting would be useful.

Chair Maude opened the floor for public comments:

- The human right to housing is being delayed and denied; this project is into its second year. A report needed for potential funding does not need to be included in the Housing Bylaw Review project. An updated Housing Needs Assessment should be done separately from this project. Reports of actions being taken by other rural areas to address housing, including tiny home parks, would be useful. Proposals for housing agreement templates would be helpful. The LTC was asked to stay focused on the Housing Bylaw Review to expedite action.
- Coho Housing is an example of living with water limitations, conserving water and the forest by using water cisterns which is the way of the future. Will there be a count in this review of those experiencing homelessness?
 - Staff responded that the LTC is being asked to consider requesting the Denman Housing Action Group (HAG) to help gather community based information relevant to the understanding of the housing need.
- The LTC was encouraged to work with community groups including the HAG to gather information to produce a report that might be used for potential funding possibilities. These groups have been successful with funding opportunities based on information already existing.
- Concern was expressed with the use of the Suitable Land Analysis tool identified in the Staff Report as who defines “suitable” is questionable and it might hinder advancement of the project. The LTC was encouraged to legalize currently unlawful housing and create water and sewage solutions that are basic, safe and legal.

Discussion continued with the following noted:

- A Trustee commented that the Suitable Land Analysis would be a useful tool; however, cannot be the only tool utilized to determine the suitability of

residential use. Additionally, he suggested that the HAPC might provide options for legalizing housing that does not include onsite inspections.

- Staff advised that an updated Housing Needs Assessment would not diminish the staff time focusing on this project.
- A Trustee questioned the inclusion of Short Term Vacation Rental (STVR) review with this project, stating his understanding that this had been eliminated from this project previously.
 - Staff responded that this was included in the business case submitted to Trust Council for funding; however, confirmed that the project will not be focusing on STVR issues. Technical amendments can be addressed in the process.
- A Trustee recognized that for many years housing has been an unresolved issue on Denman Island and confirmed this LTC's commitment to the issue of housing. He asked the community to be patient with the process that does take time.

DE-2023-030

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff send a letter to relevant First Nations to ask how they would like to be engaged in the development of a housing action plan for Denman Island.

CARRIED

DE-2023-031

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff forward the June 6, 2023 report and other relevant materials to the Denman Island Housing Advisory Commission for review and comments by October 1, 2023.

CARRIED

A Trustee commented that the LTC would welcome an interim report from the HAPC any time previous to the October 1 date if available.

DE-2023-032

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff ask the Denman Housing Action Group, the Denman Community Land Trust Association, and the Denman Housing Association to help gather community based information relevant to understanding housing need.

CARRIED

The matter of community engagement was discussed with a need to consider whether to conduct an informal or formal session being raised. A suggestion was made to task the HAPC with providing public engagement options.

By general consent the meeting recessed at 12:46 pm and reconvened at 12:49 pm.

DE-2023-033

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff identify public engagement options in consultation with the Housing Advisory Planning Commission.

CARRIED

DE-2023-034

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff develop a project charter for the next phase in the Housing Review Project.

CARRIED

DE-2023-035

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to develop a business case focusing on the need for a water availability assessment as part of the housing project for 2024/25.

CARRIED

11. CORRESPONDENCE

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

11.1 Letter dated May 6, 2023 from S. Carballeira regarding Re-Classification of Application

A Trustee spoke regarding the letter which describes the requirement for a subdivision process to accomplish what is a sale of property and lot line adjustment and informs the LTC that evidence he has provided to staff is not being accepted as evidence that the property is designated legal non-conforming status with the onsite buildings pre-dating the formation of the Islands Trust.

A Trustee proposed that the LTC might address the legal non-conforming issue as OCP Policy 30, first bullet allows that the LTC may consider bringing into conformity dwelling units that were in existence but did not comply with the policies at the time of its adoption in 2009, provided that the applicant provides written evidence to the satisfaction of the LTC that the dwelling units were constructed prior to the date of adoption of the OCP.

Discussion of the matter followed:

- A letter provided by the applicant, written by Kathy Rieder, was provided electronically for the LTC's consideration.
- Trustees considered the information provided in this letter to be satisfactory evidence that the cottage and main house of the subject property were in

existence in 1973, and suggested they have adequate information to vote on their acceptance of the evidence at this time.

- Trustees were advised to defer their decision by Regional Planning Manager Jamurat to allow time for staff review, noting that the Planner assigned to this file is not in attendance and in consideration of the application process that is necessary to advise a response to MOTI.

DE-2023-036

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to consider Denman Island Official Community Plan Policy 30 regarding applicant Steve Carballeira's subdivision application number DE-SUB-2022.1 and the particular aspect of the existing secondary dwelling and its age of construction with regards to the letter Kathy Rieder submitted to Steve Carballeira and the opportunity for the Local Trust Committee to vote on whether the evidence is satisfactory.

CARRIED

Staff was asked to expedite this request through a Resolution Without Meeting session if possible.

11.2 Email dated May 23, 2023 from Denman Island Housing Action Group

DE-2023-037

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee refer the letter dated May 23, 2023 from the Denman Housing Action Group to the Denman Housing Advisory Planning Commission for their consideration.

CARRIED

12. NEW BUSINESS

12.1 Freedom of Information and Protection of Privacy Bylaw - for adoption

DE-2023-038

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 246, cited as "Denman Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 246, 2023" be adopted.

CARRIED

12.2 Bylaw Enforcement Notice Bylaw Amendments - Staff Report

Bylaw Compliance and Enforcement Manager Dingman presented the staff report that explains the amendments for the contravention Schedules for the Denman Island LTC Bylaw Enforcement Notification Bylaw, 2019 that limits the contraventions listed to Short Term Vacation Rentals and failing to obtain Siting and Use permits.

DE-2023-039

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No. 1, 2023,” be read a first time.

CARRIED

DE-2023-040

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No. 1, 2023,” be read a second time.

CARRIED

DE-2023-041

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No. 1, 2023,” be read a third time.

A Trustee explained that this does not remove the ability for Bylaw Enforcement to deal with issues that impact the environment; it is a ticketing tool that otherwise limits the enforcement to Siting and Use issues and those profiting from the unlawful Short Term Vacation Rental operations.

CARRIED

DE-2023-042

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No. 1, 2023,” be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

12.3 Advisory Planning Commission Appointments – Staff Report

DE-2023-043

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request that staff send letters to members of the Advisory Planning Commission whose terms expire on July 6, 2023, inviting their expressions of interest for reappointment to the Advisory Planning Commission and thanking them for their participation.

CARRIED

LTC members discussed the need for an official referral to be made to the HAPC along with an orientation session.

DE-2023-044

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee ask the Housing Advisory Planning Commission to meet and consider “all things housing” and bring back their recommendations by October 1, 2023.

CARRIED

DE-2023-045

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule an orientation meeting with the Housing Advisory Planning Commission members.

CARRIED

By general consent item 12.4 was added to the agenda.

12.4 Comox Valley Regional District and Islands Trust Protocol Meeting

Regional Planning Manager Jamurat requested that Trustees provide her with agenda items for the upcoming annual Comox Valley Regional District and Islands Trust Protocol Meeting, scheduled to occur on June 19.

13. REPORTS

13.1 Trust Conservancy Report – none

13.2 Applications Report dated May 30, 2023
Received.

13.3 Trustee and Local Expense Report dated April 2023
Received.

13.4 Adopted Policies and Standing Resolutions
Received.

13.5 Local Trust Committee Webpage
No changes or additions were requested.

13.6 2022/23 Annual Report - Approval of Denman Island's LTC Section

DE-2023-046

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approves the text attached to the June 6, 2023 Trust Area Services Request for Decision for inclusion in the 2022/23 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

CARRIED

- 13.7 Project Watershed - for information**
Received.

14. WORK PROGRAM

- 14.1 Active Projects Report dated May 30, 2023**
Received.

- 14.2 Future Projects Report dated May 30, 2023**
Received.

15. UPCOMING MEETINGS

- 15.1 Next Regular Meeting Scheduled for Tuesday, July 25, 2023 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

The LTC confirmed the next regular meeting date, time and location.

Chair Maude suggested that a Town Hall at the end of the agenda on a regular basis would be useful. He opened the floor for public comment:

- It was pointed out that the Density Bank numbers are not correct and are in need of updating in the Standing Resolutions report and elsewhere. It will be difficult for the HAPC to consider their Housing Review referral without updated information and staff was requested to expedite the correction of the information.

16. ADJOURNMENT

DE-2023-047

It was MOVED and SECONDED,
that the Denman Island Local Trust Committee meeting be adjourned.

CARRIED

The meeting was adjourned at 1:55 pm.

David Maude, Chair

Certified Correct:

Vicky Bockman, Recorder