



## Denman Island Local Trust Committee

### Minutes of Regular Meeting

**Date:** July 25, 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  
 Stephen Baugh, Planner 2 (attended electronically)  
 Narissa Chadwick, Island Planner  
 Stefan Cermak, Director, Planning Services (attended electronically)  
 Warren Dingman, Manager, Bylaw Compliance & Enforcement (attended electronically)  
 Vicky Bockman, Recorder

**Others Present:** There were approximately twenty-four (24) members of the public and no members of the media in attendance.

#### 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 Maude called the meeting to order at 10:00 am. He acknowledged that the meeting was being held on the territory of the Coast Salish First Nations. He welcomed the public, introduced himself, Trustees, staff, and recorder; and advised that the meeting was being live streamed and recorded for viewing on the Islands Trust website.

#### 2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

#### 3. RISE AND REPORT - none

#### 4. REPORTS

##### 4.1 Trustee Reports

Trustee Borthwick reported on his attendance at the following:

- The Trust Council meeting which was held in-person on Gabriola Island;

- The Baynes Sound Lambert Channel Ecosystem Forum steering committee where water issues around the islands were discussed.

Trustee Graham reported on the following:

- He met with Islands Trust Communications staff to obtain brochures, general information and a fact sheet, which he brought to this meeting for the public;
- He responded to questions raised about the origin of the Density Bank with the following information: Trustees Louise Bell, David Graham and the Chairperson at that time asked staff to count the number of residential densities that had been removed from lands which, through rezoning, had been zoned conservation. They also asked staff to calculate 5% of all residential parcels that existed on Denman Island at the time of that report, as per the Official Community Plan (OCP) policy which allows Denman residential densities to increase by up to 5% for affordable and special needs residential densities. This number created the density bank which was attached to Bylaw 185 (Official Community Plan).

#### **4.2 Chair's Report**

Chair Maude commented on the following:

- The Islands Trust Governance Committee is advancing work on the governance review. The first set of recommendations is expected in September;
- Trust Council will be reviewing and voting on how they want to proceed with a broad government review of the Islands Trust in September;
- He assured the Denman Island community that this Local Trust Committee (LTC) is listening, understands the issues, and hopes to make decisions that benefit the community.

#### **4.3 Electoral Area Director's Report - none**

### **5. PUBLIC COMMENTS**

- Following up on Trustee Graham's information regarding Density Bank creation, Denman Conservancy and community efforts should be acknowledged for their part in Density Bank transactions.
- A response to questions posed at the April 4 Public Comment session was requested.
  - Regarding the ask for a motion requesting a separate ferry connecting Hornby Island and Vancouver Island, it was Trustees' impression that a separate ferry route is not likely.
  - The issue of prohibition of purchase of residential property by non-citizens has not been brought forward to Executive Committee or Trust Council.
  - The current procedure for naming individual Trustees in resolution motions and votes was explained and no change is anticipated at this time.
- Personal experience with home renting difficulties on Denman Island was shared. Bylaws need to be changed to reflect the results of the studies.
- Concern was expressed regarding the large acreage clear cutting occurring on the North Lands and the Local Trust Committee (LTC) was encouraged to move forward with provisions for tree protection.

- Another housing study is not needed to address affordable and necessary housing on Denman Island. A referendum to assess support for creation of a tax to fund affordable housing was suggested.
- Trustees were urged to remove barriers to housing such as removing bylaws that prevent housing, removing Temporary Use Permits, and removing restrictions on secondary housing for certain zones to be determined.
- The Density Bank numbers need to be corrected; the Density Bank concept may actually be a barrier to affordable housing.
- The minutes from the June 6 LTC meeting asked for a Town Hall to be placed regularly at the end of each agenda; however, there isn't one in this meeting.
- Restrictive housing regulations have caused residents to move off island. Housing for workers in Denman Island restaurants, the general store, and ferries is lacking and is causing problems.
- Speaker would like to see the Islands Trust move more toward local, home-grown funding for housing solutions rather than government funding.
- Children are experiencing anxiety about insecure housing, causing an inability to function at full capacity. Solutions for cities and larger populations do not work here. The health of the community is dependent on housing.
- Housing is needed for young adults wanting to move back to their home community, and for elder parents needing family assistance. Most of the population increase that may occur from housing changes would not be "newcomers."
- Personal experience of housing insecurity was described. The lack of safe, secure housing is affecting children and generations, and impacting mental health. The bylaws need to protect the environment but also the community. Creative solutions should be considered; in Europe, above ground septic systems are authorized.
- Cross-island ferry traffic is unsafe and is contrary to the Islands Trust mandate to preserve and protect the environment as well as communities. The LTC was requested to advocate for a direct ferry from Vancouver Island to Hornby Island.
- A community member spoke to 20 years of housing insecurity on Denman Island and the effect it has had on her children. The community has been discussing the need for 20 years.
  - A Trustee acknowledged his desire to help with the housing problem. He noted that there is information available to assist the new Housing Advisory Planning Commission (HAPC) which is focusing on the Housing Review project, working hard to help create solutions. He asked the community to direct concerns to Trustees and not staff in this regard.
- Is the Standing Resolution to stop enforcement of non-permitted housing still in effect?
  - Yes, a Standing Resolution to withhold enforcement against unlawful dwellings, with some exceptions, is still in effect.
- Funding would be helpful to assist homeowners who are able to build secondary dwellings but cannot afford to do so.

- A community member with land and ample water wants to be able to have more people on the land; financing for those types of improvements needs to be implemented.

**6. DELEGATIONS**

**6.1 Housing Action Group – Presentation on Community Petitions**

A representative from the Housing Action Group spoke to the need to weigh the strengths and weaknesses of the tools that have been created relating to housing. Are the bylaws and Density Bank upholding the values that are trying to be upheld? There have been ten studies and surveys received over the years, repeating the message. Those vulnerable on Denman Island stay for the infrastructure and community that supports them; displacement creates more insecurity. For the most vulnerable, death from housing insecurity is the worst case scenario.

She outlined two petitions for LTC consideration: 1) Against enforcement and request for Official Community Plan (OCP) and Land Use Bylaw (LUB) housing regulation review signed by 541 residents and 2) ALR secondary dwelling regulations support signed by 601 residents. The petitions and comments associated were submitted for the record.

**7. MINUTES**

**7.1 Local Trust Committee Minutes dated June 6, 2023- for adoption**

The following amendment was presented for consideration:

- Page 6, resolution DE-2023-031, last line, change “Committee” to “Commission”

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

**7.2 Section 26 Resolutions-Without-Meeting Report – none**

**7.3 Advisory Planning Commission Minutes - dated July 6, 2023 - for receipt – Received.**

**By general consent** the meeting recessed at 11:12 am and reconvened at 11:22 am.

**8. BUSINESS ARISING FROM MINUTES**

**8.1 Follow-up Action List dated July 17, 2023**

A Trustee requested an update on the April 4 activity regarding the production of a letter for setting up an introductory meeting with K'ómoks First Nation. Staff provided a status update and estimated a timeline of this or next week for completion.

**9. APPLICATIONS AND REFERRALS**

**9.1 DE-LCB-2023.1 (Jones) - 8441 McFarlane Road - Staff Report**

Planner 2 Baugh summarized the Staff Report that presents a referral from the Liquor and Cannabis Regulation Branch for a Lounge Area Endorsement at Corlan Vineyard & Farm for LTC consideration.

The applicant was in attendance. Trustees had no concerns with the application.

**DE-2023-048**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to inform the Liquor and Cannabis Regulation Branch that the Local Trust Committee is opting out of the comment and public input process for application DE-LCB-2023.1, a lounge area endorsement.

**CARRIED**

**9.2 DE-DP-2023.1 (Carballeira) - 3060 Lake Rd & 4060 Wren Rd - Staff Report**

Planner 2 Baugh outlined the Staff Report that asks the LTC to consider a Development Permit application and a request to waive the minimum lot frontage requirement for a proposed lot line adjustment subdivision. He clarified that these form a part of the conditions for the subdivision separate from the legal non-conforming element that remains outstanding.

**DE-2023-049**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approve issuance of Development Permit DE-DP-2023.1.

**CARRIED**

**DE-2023-050**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee exempt Lot 5 of the proposed lot line adjustment subdivision with file number DE-SUB-2022.1 from Section 512(1) of the *Local Government Act* which requires that each parcel have highway frontage that is greater than 10% of the perimeter of the lot.

**CARRIED**

**By general consent** agenda item 13.1 was moved to follow 9.2

**13.1 Official Community Plan Policy 30 – Memorandum**

Planner 2 Baugh summarized the Memorandum that responds to the LTC's request that staff consider OCP Policy 30 and the opportunity for the LTC to vote on whether the evidence submitted to establish the legal non-conforming nature for the dwelling meets LTC satisfaction. He reported that Policy 30 addresses zoning amendment applications, does not apply to subdivision application or empower the LTC to vote on whether or not a dwelling is legally non-conforming in that instance; and proposed that the applicant seek a zoning amendment to bring the non-conforming dwelling into conformity.

Discussion followed on potential alternative strategies to a rezoning application to resolve the legal non-conforming issue:

- Trustees commented that Policy 30 provides a method to establish confidence in the age of the dwelling through Trustee knowledge of history and quality of evidence and might be a valid way to show credibility in a different type of application as well. They considered that there is precedent for the LTC to accept evidence of this nature to support this type of decision.

The applicant was in attendance and his comments included the following:

- He reported that correspondence he received from the Planner dated April 12, 2022 states that a letter from a long-term resident describing the houses as existing before Islands Trust would be sufficient to allow the Trust to designate the property as legal non-conforming. He distributed this email to staff and Trustees and asked why the letter submitted previously with this information was not acceptable to determine the legal non-conforming status.

Regional Planning Manager Jamurat explained that staff had researched and found examples in other application files where two pieces of evidence, such as a letter paired with other information were provided and considered as sufficient. She indicated that, with the information of the April 2022 email provided by the applicant, staff might re-evaluate the acceptability of the letter that has been considered satisfactory by the LTC.

**DE-2023-051**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee ask staff to re-evaluate the materials to establish the legal non-conforming status regarding file DE-SUB-2022.1.

**CARRIED**

**By general consent** the meeting recessed at 12:19 pm and reconvened at 12:51 pm.

**10. LOCAL TRUST COMMITTEE PROJECTS**

**10.1 Denman Housing Advisory Planning Commission Reporting - verbal update**

The Chair of the Denman Island HAPC presented an overview of actions to date and submitted the document "Report from Denman Housing Advisory Planning Commission" dated for the meeting of July 25, 2023. She asked that the LTC consider endorsing the HAPC Terms of Reference (Appendix A), Housing Review Timeline and Public Engagement Process (Appendix B), and requested staff support for items identified (Appendix C).

Trustees proposed that the recommendations in this report be discussed with agenda item 10.2.

**10.2 Major Project: Denman Housing Review Project (Project Charter, Business Case, Advisory Planning Commission Terms of Reference, Engagement Plan) - Staff Report**

Planner Chadwick outlined the Staff Report that asks the LTC to endorse the project's Project Charter, Terms of Reference for the HAPC, Public Engagement Plan, and Business Case for 2024/25. Discussion of each of the elements followed, with consideration given to Staff Report documents and HAPC recommendations.

LTC requested amendments to the documents included in the Staff Report and supporting comments are as follows:

Project Charter

In Scope

- First bullet: Action - remove first bullet.  
The public already understands housing needs

Workplan Overview

Phase 1

- Housing needs assessment update: Action – delete.  
Not considered necessary for this project
- First Nations engagement: Action - staff to prioritize and expedite.
- Suitable Land and Build Out Analysis – Regional Planning Team is working on this; most of potential housing solutions will occur on land already housed; however, the information will be useful and will not delay the project.
- Deliverable Dates are flexible and reasonably in alignment with expectations. Components can be advanced faster than the identified date if possible.

Workplan Overview

Phase 2

- Second Reading/third Reading/EC review - Action: add Public Hearing.

**DE-2023-052**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee endorse the Project Charter for the Denman Island Housing Review Project Stage 2, Phase 1 and 2 as amended.

**CARRIED**

Housing Advisory Planning Commission Terms of Reference

1. Purpose

- a) Action - Change text to read: Assist the LTC with engagement to support the Denman Island Housing Review Project.
- b) Action – Delete.  
Limit participation in public consultation to LTC to protect HAPC from potential disagreement.
- c) Action - Change text to read: Conduct a focused review of Denman Island Land Use Bylaw No. 186 and Official Community Plan No. 185, focusing on housing, with the goal of increasing options for affordable and attainable housing while also minimizing the impacts of housing, generally, to better protect the environment while supporting equity, diversity and inclusion.
- e) Action - Remove “; and” at the end of the line.  
Advocacy policies and additional action plan items may be considered; however, the main focus remains review of OCP and LUB housing policies and regulations
- f) Action – Delete.  
Drafting policies and regulations to be completed by Islands Trust staff.

3. Duties and Responsibilities of the HAPC
  - c) Action – Change first sentence text to read “Islands Trust staff may be invited to serve as a resource at any meeting and may attend if availability permits.”
4. Role of Chair Person
  - Action – Change heading to: Roles of the Chair, Deputy Chair and the Secretary.
  - Action – Change text within this section to read: “Roles of the Chair, Deputy Chair and the Secretary are as outlined in the Denman Island Local Trust Committee Bylaw No. 231.”

**DE-2023-053**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee endorse the amended Terms of Reference for the Housing Advisory Planning Commission (HAPC).

**CARRIED**

**DE-2023-054**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to send a letter to First Nations to identify how they would like to be engaged on Denman Island’s Housing Review Project.

**CARRIED**

Draft Engagement Plan for Phase 1 and Phase 2

- Action – Change heading to: Draft Engagement Plan for Phase 1, Phase 2, and Phase 3.
- Action: recognize the engagement work the HAPC has done; include dates listed in HAPC Appendix B.

Phase 1 – Laying the Groundwork

- Action – delete.  
Community is aware of project

Phase 1 – Identification of Options and Opportunities

- Community Meeting 2: Action – Change to “Community Meeting 1”; and add “to include HAPC recommendations.”  
Ensure the meeting has large format information and different methods of engaging the public
- Focussed meetings with on Island Housing Groups: Action – delete.  
HAPC is conducting these meetings; staff engagement not necessary.
- Needs Assessment/Options survey: Action – delete.  
Not necessary as reports and surveys have been conducted previously.
- HAPC: Action – remove.



Questionnaire not being conducted; community meetings limited to LTC engagement.

- Legal: Action – remove.  
Premature at this point.

Phase 2 – Defining Options and Action Plan Development

- Community Meeting 3: Action – Change to Community Meeting 2.
- Focused follow-up with on-Island Housing Groups: Action – delete.

Phase 2 – Bylaw Drafting and Approval (Phase 2)

- Action – Change heading to: Phase 3 - Bylaw Drafting and Approval (Phase 2).
- Project Phase: - Action – change to April 2024 – December 2024.
- Community Information Meetings: Action – Change to Community Information and Public Hearing Meetings.

**DE-2023-055**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee endorse the amended Engagement Plan for the Denman Island Housing Review Project Stage 2, Phase 1, 2, and 3.

**CARRIED**

**DE-2023-056**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee endorse the Business Case for the Denman Island Housing Review Project Stage 2, Phase 1, 2, and 3.

**CARRIED**

**DE-2023-057**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request the Regional Planning Committee submit a business case to Trust Council regarding water availability assessment and prioritize Denman Island in fiscal 2024/25.

**CARRIED**

**DE-2023-058**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff schedule Community Meeting 1 following receipt of the October report from the Housing Advisory Planning Commission.

**CARRIED**

Discussion followed on the HAPC Appendix C: Support Requested from Staff with the following noted:

1. Mount Arrowsmith Biosphere Region Research Institute (MAABRI) survey comments: This information is currently not available in files; staff is researching availability.
2. Density Bank creation: Much of this covered in Trustee Graham's Trustee Report.
3. Actual number of densities left in Bank: Staff is currently working on this.
4. Tiny home regulations: Can be researched if determined this is needed once options are identified.
5. Housing Agreements: There are no "templates" however examples can be forwarded.
6. Integration of environmental considerations: Once options are identified, specifics can be provided.
7. Current Island Health and Provincial regulations: Information publically available; no additional information available at this time.
8. The acknowledgement regarding human rights is supported.

**11. CORRESPONDENCE**

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

**11.1 Department of Fisheries and Oceans Consultation - Schedule 1 of the Species at Risk Act – Received.**

**12. NEW BUSINESS - none**

**13. REPORTS**

**13.2 Bylaw Enforcement Notice Bylaw Amendments - Staff Report**

The Director of Planning Services summarized the Staff Report that provides follow-up to the LTC's decision to restrict the use of the Bylaw Enforcement Notification (BEN) system to short-term vacation rental enforcement and Siting and Use permit infractions. He reported that this was not forwarded to Executive Committee for approval due to concerns about the extra resources that may be required for enforcement efforts and the potential to raise legal costs.

Alternative options to achieve the goal were provided and it was advised that the current amendments do not permit the issuance of bylaw notices for contravention in environmentally sensitive areas.

Trustees considered the matter and discussion included the following comments:

- They did not consider that the amended BEN Bylaw is contrary to Trust Council Policy 5.5.1 as noted in the Staff Report;
- "Options" first bullet is not feasible as the LTC only meets every two months;
- The LTC did greatly reduce the number of contraventions as suggested in "Options" second bullet;
- Education, voluntary compliance, and legal process if necessary were considered the most useful options;

- The issuance of bylaw notices for contraventions in environmentally sensitive areas was supported.

**DE-2023-059**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff bring back to the Local Trust Committee those Denman Island bylaw infractions which are categorized by environmental harm, for possible inclusion to Schedule A or B of our Bylaw Notification Enforcement Bylaw.

**CARRIED**

A Trustee noted that Bylaw Enforcement Notification ticketing may be an effective tool to bring a landowner into compliance in this circumstance.

LTC members proposed that the decision to rescind or forward the amended BEN bylaw to Executive Committee be made subsequent to receipt of the Staff Report on bylaw infractions involving environmental contraventions.

The Bylaw Compliance and Enforcement Manager confirmed that BEN notices would be issued for Short-Term Vacation Rental infractions at this time; however, notices for non-compliance of Siting and Use permits will await resolution of the amending Bylaw matter.

**13.3 Trust Conservancy Report dated June, 2023 – Received.**

**13.4 Applications Report dated July 17, 2023 – Received.**

**13.5 Trustee and Local Expense Report dated May, 2023 – Received.**

**13.6 Adopted Policies and Standing Resolutions – Received.**

**13.7 Local Trust Committee Webpage**  
No changes or additions were requested.

**14. WORK PROGRAM**

**14.1 Active Projects Report dated July 17, 2023**

A Trustee recognized that the title of Active Project 1. Should read “Denman Housing Review Project – Phase 2”.

**14.2 Future Projects Report dated July 17, 2023 – Received.**

**15. UPCOMING MEETINGS**

**15.1 Next Regular Meeting Scheduled for Tuesday, October 3, 2023 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

The next regular meeting date, time and location were confirmed.

**16. CLOSED MEETING**

**16.1 Motion to Close the Meeting**

**DE-2023-060**

**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)(a), (d) for the purpose of considering;

- (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;
  - (d) the security of the property of the municipality; and
- that the recorder and staff attend the meeting.

**CARRIED**

The meeting closed to the public at 3:01 pm.

**16.2 Recall to Order**

Chair Maude recalled the meeting to order at 3:32 pm.

**17. ADJOURNMENT**

**By general consent** the meeting was adjourned at 3:32 pm.

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David Maude, Chair

Certified Correct:

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Vicky Bockman, Recorder