



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: October 3, 2023
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

Members Present: David Maude, Chair
David Graham, Trustee

Regrets: Sam Borthwick, Trustee

Staff Present: Renée Jamurat, Regional Planning Manager
Narissa Chadwick, Island Planner (attended electronically)
Marlis McCargar, Island Planner (attended electronically)
Warren Dingman, Manager Bylaw Compliance & Enforcement (attended electronically)
Vicky Bockman, Recorder

Others Present: There were approximately ten (10) 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 10:02 am. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations. He welcomed the public, introduced himself, Trustee Graham, staff, and recorder and noted that Trustee Borthwick is unable to attend this meeting.

2. APPROVAL OF AGENDA

The following amendment to the agenda was presented for consideration:

- Delete item 15 Closed Meeting

By general consent, the agenda was approved as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Graham reported that the recent Trust Council meeting included a discussion of the Islands Trust preserve and protect mandate. It was clarified that there are three elements of jurisdiction: Trust Area that includes lands and land under the water to mid-channel; unique amenities that include residents, villages, housing, economics, and recreation; and natural environment - with no element taking priority and decisions to be balanced between them.

3.2 Chair's Report

Chair Maude reported on his attendance at the following:

- The Union of BC Municipalities convention which provides an opportunity to interface with provincial government staff and ministers. One outcome of these discussions was that the Minister of Transportation has agreed to set up a highways task force for the islands to address road priorities and protections.
- Trust Council quarterly meeting in September where discussion included crafting a Vision Statement for Islands Trust, with more work to be done on this.
- North Pender and Mayne Islands Local Trust Committee (LTC) meetings.

3.3 Electoral Area Director's Report - none

4. PUBLIC COMMENTS

- Cross-island ferry travel problems of speeding and congestion across Denman Island are an ongoing and increasing issue. Friends of Denman Forests has organized to oppose the proposed tree cutting for parking expansion at the Gravelly Bay ferry terminal. This is a land-use issue with detrimental effects to human and ecological health; and the LTC was asked to help by advocating for solutions.
- The stated Islands Trust preserve and protect object is to protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area. Unique amenities equals housing. Residents of the Trust area have unique needs for housing.
- Two of the proposed Land Use Bylaw (LUB) No. 186 Contraventions and Penalties listed in Schedule A of the October 3 Staff Report were opposed: 1.3.5 Non Permitted Use in Any Zone – too vague and might be used against housing infractions; 2.1.2 Non Permitted Use of Dwelling for Vacation Rental/Paying Guests – paying guests might include those renting a room for housing. The draft Bylaw No. 247 attached to the Staff Report does not include a new Schedule B as indicated in item 1.c. of the proposed Bylaw.
- Questions for Trustees: what positions were taken on municipal tree cutting bylaw; how is the LTC advocating to adhere to the Official Community Plan (OCP) as it relates to cross-island traffic; is it necessary for another housing study; can opposition to Hornby Island Short-Term Vacation Rentals (STVRs) be conveyed, and are there strong protections against the negative effects of STVRs on Denman Island?

- the municipal tree cutting bylaw was voted against as an educational approach rather than regulation was preferred, and it was clear that the Province would not support it;
- the concept of the cross-island ferry traffic being a land-use issue is something the LTC will be considering;
- STVRs are not a permitted use on Denman Island. B&Bs, where the owner/operator is on premise, are allowed. There is opportunity to comment on how Denman Island is affected by Hornby Island bylaws when they are referred to the Denman Island LTC for comment.
- Cross-island ferry traffic has increased significantly over the years and even includes mid-week traffic now. Residents can no longer safely walk or bike on the ferry traffic roads. LTC consideration of this concern as a land-use issue was supported.
- Multiple agencies, ministries, BC Ferries and the Ferry Advisory Committee (FAC) have been contacted regarding the cross-island ferry traffic and are not taking responsibility or helping. Denman West ferry terminal traffic is also a problem and promised flaggers were not provided in the village where congestion could interfere with emergency responders. Concern was expressed with the lack of FAC communication and the proposed replacing of the cable ferry with a larger vehicle capacity ferry. The LTC was requested to advocate for solutions.
- Bylaw Enforcement Officers should not be given the ability to fine for setbacks as listed in the proposed Schedule A of the draft LUB No. 186 Contraventions and Penalties.

5. DELEGATIONS

5.1 Denman Island's Official Community Plan and Through Traffic - Graham Brazier

Graham Brazier's presentation included background documents provided in the agenda material. Additional submissions for the record included: "The Impact of Through Ferry Traffic on Denman Island, January 1997" by Gerald Hodge, PhD., and an updated document "Presentation to Local Trust Committee (October 3, 2023) by Graham Brazier on behalf of Friends of Denman Forests."

He outlined the violations of OCP policy from the existing cross-island traffic system, noted that the links between Denman and Hornby Islands are well established, and stated that the concern can be satisfied by a direct sailing to Hornby Island from Vancouver Island. He asked the LTC to adopt a motion in support of the recommended solution of a direct sailing between Hornby Island and Vancouver Island as recommended by former Trustees Mandryk and Ludvigsen in 1995.

Trustees supported the proposed initiative, observing an additional concern of the existing speed limit on the primary road utilized by cross-island ferry traffic. They noted the need to gather support from Hornby Islanders to help ensure a successful outcome.

DE-2023-061

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to write a letter signed by the Chair regarding affirming the words of past Trustees Mandryk and Ludvigsen to the Ministry of Transportation and Infrastructure and to the current Chief Executive Officer of BC Ferries and our Regional District Director Arbour, and our MLA to seriously examine the option of supplying a ferry to Hornby Island from Vancouver Island and not across Denman Island.

CARRIED

DE-2023-062

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule a joint Hornby Island Local Trust Committee and Denman Island Local Trust Committee meeting regarding ferry transportation to the islands at the earliest time possible.

CARRIED

6. MINUTES

6.1 Local Trust Committee Minutes dated July 25, 2023 - for adoption

By general consent, the LTC minutes of July 25, 2023 were adopted.

6.2 Section 26 Resolutions-Without-Meeting Report - none

6.3 Advisory Planning Commission Minutes dated July 3, 2023- for receipt

6.4 Advisory Planning Commission Minutes dated July 11, 2023- for receipt

6.5 Advisory Planning Commission Minutes dated July 14, 2023- for receipt

6.6 Advisory Planning Commission Minutes dated July 18, 2023- for receipt

6.7 Advisory Planning Commission Minutes dated July 25, 2023- for receipt

6.8 Advisory Planning Commission Minutes dated August 1, 2023- for receipt

6.9 Advisory Planning Commission Minutes dated August 8, 2023- for receipt

6.10 Advisory Planning Commission Minutes dated August 15, 2023- for receipt

6.11 Advisory Planning Commission Minutes dated August 22, 2023- for receipt

6.12 Advisory Planning Commission Minutes dated August 29, 2023- for receipt

6.13 Advisory Planning Commission Minutes dated September 5, 2023- for receipt

6.14 Advisory Planning Commission Minutes dated September 12, 2023- for receipt

By general consent, the LTC received Advisory Planning Commission minutes presented in agenda items 6.3 – 6.14.

Chair Maude thanked the Housing Advisory Planning Commission (HAPC) for their work to date on this referral.

Regional Planning Manager Jamurat advised that corrections to the minutes, as proposed by HAPC Chair da Silva, may be submitted to staff for processing; and advised that all correspondence from the community received by the HAPC will either be attached to the minutes or with the final report for the public record.

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated September 26, 2023

A Trustee requested a status update on the July 25, 2023 Activity no. 6: “Staff to send a letter to First Nations to identify how they would like to be engaged on Denman Island’s Housing Review Project.”

Planner Chadwick responded that this activity is in process with completion estimated in the next few weeks. She reported that K'ómoks First Nation has requested a comprehensive package of requests for comments, including the Islands Trust Policy Statement, be forwarded as one package and not for each matter separately; and that working with this protocol is taking time. She advised that a letter has been distributed to all First Nations identifying major projects in progress, ensuring that K'ómoks First Nation is aware of the Housing Review project.

A Trustee recognized the need to respect the requested protocol and commented that awaiting LTC consultation with First Nations should not delay the HAPC production of the Housing Review project referral report.

8. APPLICATIONS AND REFERRALS

8.1 DE-DP-2023.2 (2191 Tristone Road) - Staff Report

The Staff Report asks the LTC to consider a Development Permit (DP) application being sought retroactively for construction of a vehicle culvert crossing that occurred within Development Permit Area 4 – Streams, Lakes and Wetlands. The Qualified Environmental Professional (QEP) retained by the applicants recommends a third culvert to improve the crossing.

It is noted in the Staff Report that, had the applicant enquired about a DP before the works were completed, the works likely would have been exempt under Section 4.4.2(1) of the Denman LUB No. 186 and not required a DP, as Provincial Section 11 and Riparian Areas Protection Regulation assessments and permits do not apply to works that have already occurred.

A Trustee noted that the QEP recommends inspection follow-up and enquired as to how that will be accomplished. Planner McCargar responded that the QEP will complete a

post-construction monitoring report that will be filed with the provincial government and is not a part of this process.

DE-2023-063

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of development permit DE-DP-2023.2.

CARRIED

A Trustee remarked that time and money could have been saved had the applicant discussed the proposed development prior to the work being initiated; and he used this opportunity to remind community members to consult with planners when considering developments.

By general consent, the meeting was recessed at 11:56 am and reconvened at 12:31 pm.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Denman Housing Advisory Planning Commission (HAPC) Reporting - verbal update from HAPC Chair

9.1.1 Denman HAPC Progress Report

HAPC Chair da Silva presented the progress report that included a number of requests for the LTC to consider. The Denman Housing APC Terms of Reference – July 25, 2023 was submitted for the record in order to update, publish, and complete the Terms of Reference for the HAPC Housing project referral.

Discussion and responses included the following:

- Staff have not had meetings with community members since July to discuss the project.
- Staff is working on drafting a staff report to address the updated Density Bank numbers and will provide this to the HAPC as soon as possible; HAPC will forward their information on this topic to staff.
- The referral report from HAPC is anticipated to be brought forward at the next LTC meeting. The HAPC was encouraged to prioritize changes to the LUB first, then address possible changes to the OCP, and then consider possible advocacy changes, in that order.
- There is no update on plans to collaborate on services to help with housing and other safety needs throughout the coming winter; however, it was noted that Trustee Borthwick has assisted with this initiative in the past.
- Bylaw Enforcement Compliance & Enforcement Manager Dingman clarified the current Bylaw Enforcement policy regarding investigation, providing notification to property owners, and arranging a mutually agreeable site visit to satisfy provincial requirements and staff safety; and explained the current Standing Resolution that withholds

enforcement against unlawful dwellings with some exceptions. There were no changes to the Bylaw Enforcement protocol at this time.

- There were no changes to Standing Resolution No. 12 regarding the Human Right to Housing at this time.

DE-2023-064

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to update and publish the July 25th version of the Terms of Reference for the Housing Advisory Planning Commission and the Project Charter including the Engagement Plan.

CARRIED

10. CORRESPONDENCE

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

10.1 Request to amend Denman Housing Association Covenant from S. Palmer dated August 21, 2023

The correspondence requests the LTC to consider amending the Covenant on the 1151 Northwest Road (Denman Green) title to remove the requirement for fencing along the north property boundary in order to reduce expenditures and as the adjoining neighbouring property believes it is not necessary.

DE-2023-065

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee authorizes Denman Housing Association to prepare an amendment to the section 219 restrictive covenant on title for 1151 Northwest Road that removes the requirement for a solid fence along the north property boundary and assigns any two members of the Local Trust Committee to sign the amended covenant prior to registration.

CARRIED

10.2 Correspondence dated August 18, 2023 from M. Gang regarding FireSmart vs. the Islands Trust

Trustees agreed with the correspondence that pointed out that FireSmart education and practices are important and that the Transition Salt Spring brochure "How Do Healthy Forests Reduce the Risk of Wildfires," produced in cooperation with Islands Trust, does not reflect the FireSmart recommendations.

DE-2023-066

It was MOVED and SECONDED,

ADOPTED

that the Denman Island Local Trust Committee request staff to review the Transition Salt Spring brochure “How Do Healthy Forests Reduce the Risk of Wildfires” for content and compliance with provincial FireSmart recommendations.

CARRIED

10.3 Correspondence dated July 29, 2023 from W. Boothroyd regarding Closing Loophole to Reduce Real Estate Profiteering on Gulf Islands

Trustees asked staff to research and confirm whether Hornby, Denman and Thetis Islands are included in the federal prohibition on the purchase of residential property by non-Canadians.

10.4 Correspondence dated September 7, 2023 from CVRD Community Services regarding CVRD Regional Parks and Trails Strategic Plan Update

Trustees considered that more information on the Regional Parks and Trails Strategic Plan would be useful and suggested that Regional District Electoral Area A Director Arbour might be invited to attend a LTC meeting to discuss this planning process.

DE-2023-067

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to invite Comox Valley Regional District Electoral Area A Director Arbour to the January 2024 Local Trust Committee meeting and speak to the Regional Parks and Trails Strategic Plan Update.

CARRIED

11. NEW BUSINESS - none

12. REPORTS

12.1 Trust Conservancy Report - none

12.2 Applications Report dated September 26, 2023 – Received.

12.3 Trustee and Local Expense Report dated July 2023 – Received.

12.4 Adopted Policies and Standing Resolutions – Received.

12.5 Local Trust Committee Webpage

There were no changes or additions requested.

12.6 Denman Advisory Planning Commission Membership Term Expiry – Memorandum

The memorandum was received and no action was taken at this time.

12.7 Census Infographics – Briefing – Received.

12.8 Bylaw Enforcement Notice Amendment Bylaw, 2019, Amendment No. 1, 2023 - Staff Report

LTC members considered that this topic might be deferred to the next meeting when all Trustees will be in attendance for a full discussion.

DE-2023-068

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back Staff Report File No.: 4050-03 to the November meeting for consideration.

CARRIED

13. WORK PROGRAM

13.1 Active Projects Report dated September 26, 2023

The process for adding projects such as advocacy to the Minister regarding cross-island ferry traffic was clarified; and the estimated timeline for the Farm Plan Public Hearing was provided.

13.2 Future Projects Report dated September 26, 2023 – Received.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, November 14, 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.

A Trustee requested that, in communication with LTC members, staff specify whether meetings will occur electronically or in-person for clarity.

15. ADJOURNMENT

By general consent, the meeting was adjourned at 1:40 p.m.

David Maude, Chair

Certified Correct:

Vicky Bockman, Recorder