



Denman Island Local Trust Committee

Minutes of Regular Meeting

- Date:** February 13, 2024
- 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 (attended electronically)
Sonja Zupanec, Island Planner (attended electronically)
Ian Cox, Planner 2 (attended electronically)
Warren Dingman, Bylaw Compliance & Enforcement Manager (attended electronically)
Marlis McCargar, Island Planner
Vicky Bockman, Recorder
- Others Present:** Approximately twenty (20) members of the public
Daniel Arbour, Director, Comox Valley Regional District Electoral Area A

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, and introduced himself, Local Trustees, staff and recorder.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. ELECTORAL AREA DIRECTOR'S REPORT

3.1 Regional Parks and Trails Strategic Plan - verbal update from Director Arbour

Director Arbour provided updates and responded to questions.

General Topics of interest for Denman Island

- The Cross Island Trail work is proceeding with an extension into the downtown area anticipated in the coming year.

- A community member asked about continuation of the Cross Island Trail for the big hill from the ferry terminal, which is dangerous for pedestrians and cyclists. Director Arbour responded that the scope and cost of this section has been researched and is beyond the ability of the Comox Valley Regional District (CVRD) or residents to implement. It is hoped that the Province can include funding for this in their capital projects budget.
- Preparation and early design work is in process for building the new Fire Hall next year.
- CVRD approved an increase of the budget for a Housing Service in the Comox Valley, which does not include Denman or Hornby Islands; however, a feasibility study regarding a Housing Authority will be conducted and may be of interest to these islands. More information will be provided on this in the future.

Regional Parks and Trails Strategic Plan

- The structure and funding of large park capital projects of this new service were explained.
- Denman and Hornby Islands are included, as are all service participants.
- Feedback into the Regional Parks and Trails Strategic Plan is being sought at this time and input from Denman Conservancy Association or other organizations was encouraged and could benefit Denman Island. He will follow-up to provide information regarding the Plan and submission requirements.

4. COMMUNITY INFORMATION MEETING - Proposed Bylaw Nos. 228 and 229 - Denman Farming Regulations Review Project

4.1 Planner Presentation

Planner McCargar reported that the purpose of this Community Information Meeting (CIM) is to review with the community all the main elements of the changes to proposed Bylaw Nos. 228 and 229 to provide information needed for community members to be able to speak at the Public Hearing, which will follow, and will include a question and answer session.

She provided background information on the process to date and the main engagement activities; and noted that post Public Hearing the Local Trust Committee (LTC) will consider proposed minor changes to the bylaws to correct numbering, small editing errors and rewording of the “produce stand” definition. She summarized the proposed changes to the Official Community Plan (OCP) and Land Use Bylaw (LUB) that are being considered to enhance and protect farming activities on the island.

Summary of changes to Bylaw No. 228 which, if adopted, will amend the OCP by:

- Re-designating all lands within the Agricultural Land Reserve (ALR) to a new “Agriculture” designation; and
- Several new policies supporting agriculture uses consistent with the Agricultural Land Commission (ALC) regulations.

Summary of changes to Bylaw No. 229 which, if adopted, will amend the LUB by:

- Regulating dwellings in the ALR;

- Regulating agri-tourism use and accommodation;
- Updating several agricultural related definitions; and
- Updating setback regulations for associated agriculture buildings.

4.2 Question and Answer Period

- Are pump houses affected by the new setback regulations?
 - There are no changes for pump house regulations being proposed; specific setback regulations for zones currently existing in the bylaw will apply.
- Permanent dwellings on farmland used seasonally for farm workers are under-utilized in the winter. Can these be used for agri-tourism accommodation for off-season? Part-time rentals should be allowed in the winter.
 - ALC agri-tourism accommodation regulation currently does not allow for permanent facilities.
- Does ALR have the same rules as R1 and R2?
 - If the property is zoned residential in the ALR, then the same rules would apply. In the proposed bylaw, lots larger than four hectares residentially zoned in the ALR would be allowed to have agri-tourism accommodation.
- Define proof of water availability – what details are given to which authority?
 - Section 2.8 of the LUB addresses Proof of Water topics. Authorities vary depending on the type of land use being requested. Commercial use of groundwater requires provincial approval through a ground water license.
- If surface or groundwater usage is granted for agricultural irrigation, i.e. license approved, how is it monitored to ensure that the terms of the license are adhered to? How frequently does the licensee have to provide proof of adequate water and does this include testing for contamination?
 - Details of proof of water requirements for subdivision are provided in the LUB section 2.8. Monitoring of the conditions of the groundwater or commercial use license conditions is outside of the Islands Trust’s authority.
- The LUB Schedule 1, section 1.3 references agri-tourism accommodation cabin. What is the definition of cabin?
 - A cabin would be a separate building or accessory dwelling.
- Does “adjacent” include across the road?
 - Adjacent is not specifically defined in the LUB; however, is interpreted as being next door and would not apply to across the road. To address the speaker’s concern with a vineyard being developed close to their property, it was suggested that they might have a conversation with owners of the Corlan Vineyard to learn of their experience with irrigating and water usage necessary for this type of crop.
- How does the ALC fit into these regulations? Is a special use permit required for agri-tourism and how does the approval process work for secondary dwellings on ALR land?

- If zoned Agriculture on ALR land, a permit is not required to conduct agri-tourism. ALC regulations would govern the permanent structures. For a secondary dwelling on Agriculture land in the ALR land, an application would need to be made to Islands Trust for a Siting and Use Permit to develop the dwelling; a Temporary Use Permit would be necessary if located on Forestry or Resource zoned land. A secondary dwelling on ALR land is a permitted use. If elements are not permitted, an exception from the ALC would be required.

There were no further questions from the public and Chair Maude concluded the Community Information Meeting.

5. PUBLIC HEARING

5.1 Proposed Bylaw Nos. 228 and 229 - Denman Farming Regulations Review Project

5.1.1 Recess for Public Hearing

The meeting recessed at 10:41 am for the Public Hearing.

5.1.2 Recall to Order

The meeting was recalled to order at 11:08 am.

6. MINUTES

6.1 Local Trust Committee Minutes dated November 14, 2023- for adoption

By general consent the LTC minutes dated November 14, 2023 were adopted as presented.

6.2 Section 26 Resolutions-Without-Meeting Report dated February 2, 2024

Received for information.

6.3 Advisory Planning Commission Minutes - none

7. REPORTS

7.1 Trustee Reports

Trustee Borthwick thanked everyone who attended the Public Hearing today, spoke with him or submitted letters about issues relating to the Farming Regulations Review. He commented that the Open House held about this project was well attended and successful; and remarked that he is aware of water concerns that are important to consider.

Trustee Graham reported that the 2024/25 budget was discussed at length at the Trust Council meeting held in December. He explained that efforts are being made to keep tax increases as palatable as possible; and noted that the budget will be finalized at the March Trust Council meeting.

7.2 Chair's Report

Chair Maude commented on the following.

- The budget discussion has been difficult this year. There are many projects being requested across the Trust Area that may be limited due to financial resources.
- Islands Trust Chief Administrative Officer Russ Hotsenpiller will be retiring in June and a Hiring Committee is working on the replacement process.
- He has been busy attending many Islands Trust meetings.

8. PUBLIC COMMENTS

- A pop-up advertisement for Islands Trust came up while viewing the internet. Is this a wise use of budgetary funds and what was the purpose?
 - Islands Trust does various methods of promotional outreach to the public; the specifics are unknown; however, it is unlikely to have been a large budgetary item. Claire Frater, Director of Trust Area Services can be contacted for more information.

9. DELEGATIONS - none

10. CLOSED MEETING

10.1 Motion to Close the Meeting

DE-2024-001

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)(g) for the purpose of considering:

- (g) litigation or potential litigation affecting the municipality; and that the Recorder and Staff attend the meeting.

CARRIED

The meeting closed to the public at 11:19 am.

10.2 Recall to Order

The meeting recessed at 11:47 am and was recalled to order at 12:30 pm.

By general consent agenda item 11 New Business was moved to after 17.2 Future Projects Report.

12. BUSINESS ARISING FROM MINUTES

12.1 Follow-up Action List dated February 6, 2024

Received for information.

13. APPLICATIONS AND REFERRALS

13.1 DE-DVP-2023.1 (BC Ferries) - Staff Report

Planner Cox presented the Staff Report that asks the LTC to consider approval of Development Variance Permit DE-DVP-2023.1 for upgrades to the existing rip-rap

jetty/breakwater and repositioning of a 10m² steel container within the 15 metre setback to the natural boundary of the sea at the Gravelly Bay Terminal. The application stated that due to site constraints, the location of the storage container within the setback from the natural boundary of the sea is unavoidable. Staff noted that the applicant is available to answer questions if requested.

DE-2024-002

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve Development Variance Permit DE-DVP-2023.1.

CARRIED

13.2 DE-TUP-2023.1 (Peters & Ward) - Staff Report

Planner McCargar presented the Staff Report that asks the LTC to consider a Temporary Use Permit for a secondary dwelling for the residential use of a family member to support the owners aging in place. She noted that the applicants are in attendance. Trustees appreciated the thorough application.

DE-2024-003

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approve issuance of Temporary Use Permit DE-TUP-2023.1 for a secondary dwelling for a period of three (3) years from the date of issuance, subject to the conditions imposed by the permit.

CARRIED

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 Denman Housing Advisory Planning Commission Reporting - verbal update

Planner Chadwick reported that an Open House was recently held to provide information on the Denman Housing Advisory Planning Commission (HAPC) report. She stated that there is a Special LTC meeting scheduled for February 20 to review and discuss a Staff Report analysis of the HAPC housing report recommendations and will be an opportunity for the LTC to consider next steps.

14.2 Major Project: Denman Island Housing Project First Nations Engagement - Staff Report

Planner Chadwick presented the Staff Report that provides an update on K'ómoks First Nation engagement activity and asks the LTC to consider entering into a capacity work agreement with K'ómoks First Nation to facilitate their engagement on projects.

Discussion included the following points:

- A meeting was held in January between K'ómoks First Nation officials and Islands Trust staff to discuss projects, process, and the Nation's needs considering their low staffing capacity. Trustees requested that they be included

in any future meetings with K'ómoks First Nation that includes their elected officials.

- Entering into a capacity work agreement with K'ómoks would help facilitate the Nation's ability to fully engage and bring input into the discussion related to the Housing project. This approach has been used effectively elsewhere.
- The funding for the work agreement might be sourced from the unused budget allocation toward engagement and legal review.
- Trustees recognized that these meetings can offer an opportunity for K'ómoks officials to share input on other topics, however, they considered the importance of focusing on the Housing Review Project at this time.

DE-2024-004

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to prepare a capacity work agreement between the Local Trust Committee and K'ómoks First Nation for the purpose of engagement with the Nation on the Denman Island Housing Review Project.

CARRIED

DE-2024-005

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee authorize the release of up to \$16,000 from the Housing Review Project 2023/2024 fiscal projects budget for the purposes of entering into a capacity work agreement with K'ómoks First Nation on the Denman Island Housing Review Project.

CARRIED

During discussion of the motion, a Trustee confirmed that this does not affect the budget requests for 2024/25 and requested that the final amount of cost for this agreement be provided to the Local Trust Committee when available.

14.3 Minor Project: Proposed Bylaw Nos. 228 and 229 - Post Public Hearing Staff Report

Planner McCargar presented the Staff Report that asks the LTC to consider proposed minor changes to Bylaw Nos. 228 and 229 to correct numbering, small editing errors for clarity, and reword the "produce stand" definition post Public Hearing.

Trustees discussed concerns heard during the CIM and Public Hearing regarding consideration of water, mapping inadequacy, and use of existing farm work housing for agri-tourism. The following key points were noted.

- Staff advised that addressing these concerns at this time with the proposed Farming Regulations Review Project would necessitate revision and a change in scope; and suggested that the LTC might consider addressing these as a new project.
- The jurisdiction of regulations relating to water and farming is complex and might require a more lengthy review.
- The proposed amendments under consideration at this time include helpful elements for housing farm workers. Other concerns such as Farm Status without ALR rights might be considered with the Housing Project; freshwater

sustainability might warrant consideration as a separate project as well as utilization of farm dwelling accommodations in the off-season if it is within Islands Trust’s authority to regulate.

- LTC suggested they consider options further during the Work Program discussion.

DE-2024-006

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 follows:

- Schedule 1, Section 1.6, delete in its entirety and replace with: “Part E-FAMILIES AND INDIVIDUALS, Section E.1 – HOUSING, Subsection Housing – Policies, Subdivision, Article-Policy 4 is amended by adding the words “Agriculture designation and in the” before the word “Sustainable”;
- Schedule 1, Section 1.7, replace “4” with “5”;
- Schedule 1, Section 1.8a, replace “16” with “17” and replace “17” with “18”;
- Schedule 1, Section 1.8c, replace “27” with “28”;
- Schedule 1, Section 1.8d, replace “28” with “29”; and
- Schedule 1, Section 1.8, replace “14” with “15” and replace “29” with “30”.

CARRIED

DE-2024-007

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-2024-008

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 third time.

CARRIED

DE-2024-009

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 229 cited as “Denman Island Land User Bylaw, 2008, Amendment No. 1, 2018” be amended as follows:

- Schedule 1, Section 1.3, replace produce stand definition with “Produce stand means a structure used for the sale of agricultural products where the products being offered for sale have been grown or reared on Denman Island”;
- Schedule 1, Section 1.11, delete in its entirety;
- Schedule 1, Section 1.14, replace “6 with “7”;
- Schedule 1, Section 1.15, replace “9” with “10” and replace “6” with “11”;
- Schedule 1, Section 1.17, Table 1 – Permitted Uses, delete “10” in its entirety and start sequential numbering at 11;

ADOPTED

- f. Schedule 1, Section 1.17, Table 2 – Permitted Buildings and Structures, insert “One agricultural produce stand per lot, not exceeding 4.6 square metres (50 square feet) gross floor area” after “12”;
- g. Schedule 1, Section 1.18, replace “6 with “2”;
- h. Schedule 1, Section 1.20, replace “7” with “9” after “Table” and insert “agri-tourism accommodation or” before “dwelling is connected”;
- i. Schedule 1, Section 1.23, insert “renumbering accordingly and” before “deleting in its entirety”;
- j. Schedule 1, Section 1.23, Table 1 – Permitted Buildings and Structures, insert “must be” before “classified under the BC Assessment” and delete in its entirety “Should farm tax classification discontinue, agri-tourism is no longer a permitted accessory use on the lot”;
- k. Schedule 1, Section 1.29, Table 5 – Setbacks, insert “Minimum setback from any lot line for a produce stand with a gross floor area no greater than 10m²” and insert 0m in the A, F and RE columns; and
- l. Schedule 1, Section 1.30, insert “agri-tourism accommodation or” before “dwelling is connected.”

CARRIED

DE-2024-010

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 229 cited as “Denman Island Land User Bylaw, 2008, Amendment No. 1, 2018,” be read a second time, as amended.

CARRIED

DE-2024-011

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 229 cited as “Denman Island Land User Bylaw, 2008, Amendment No. 1, 2018,” be read a third time.

CARRIED

DE-2024-012

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” and proposed Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018,” be forwarded to the Secretary of the Islands Trust for Executive Committee approval.

CARRIED

DE-2024-013

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 forwarded to the Minister of Municipal Affairs for approval.

CARRIED

15. CORRESPONDENCE

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

15.1 Letter dated January 25, 2024 from Nicolas Jimenez, President and CEO, BC Ferries regarding Request for Meeting

LTC members expressed disappointment that the LTC's request for a meeting with BC Ferries to discuss establishing a new direct route from Vancouver Island to Hornby Island was not successful.

15.2 Email dated November 15, 2023 from S. Small regarding Untenable Hornby Island Tourist Traffic

Received for information.

15.3 Email dated January 4, 2024 from G. Donaldson regarding Housing

Received for information.

15.4 Email dated January 18, 2024 from D. Ricketts regarding Request for Letter of Support

Trustees and the writer who was in attendance discussed the request from Denman Community Land Trust Association for the LTC to provide a letter of support for limiting the scope of the Phase 2 Environmental Assessment work associated with their affordable housing development for seniors to only the portion of the site that is of interest for development.

Trustees suggested a letter be drafted by staff and signed by the Chair in support of the request.

DE-2024-014

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request a letter of support for the Denman Community Land Trust Association to the Ministry of Environment and Climate Change Strategy in support of limiting the scope of the Phase 2 Environment Assessment to the portion being donated for affordable housing for seniors.

CARRIED

16. REPORTS

16.1 Denman Bylaw No. 247 Final Adoption - Staff Report

Bylaw Compliance and Enforcement Manager Dingman presented the Staff Report. He advised that Executive Committee approved the proposed amendment of Bylaw No. 247 in January and that it is before the LTC at this time for final adoption. The Report also suggests that the LTC review policies relating to enforcement and consider standardizing bylaw enforcement policies and procedures to replace policies set in place by standing resolutions.

DE-2024-015

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee adopt Bylaw No. 247 the "Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019, Amendment No. 1, 2023."

CARRIED

DE-2024-016

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff prepare a report regarding the current policies for screening officer appointments, powers, duties and procedures.

CARRIED

16.2 First Nations Relationship Building - verbal update

Regional Planning Manager Jamurat noted that this topic was discussed at some length at agenda item 14.2. She confirmed that as conversations with K'ómoks First Nation occur she will update the LTC to keep Trustees informed.

Trustees expressed their continued interest in engaging with K'ómoks First Nation officials to advance their desire to build a relationship. They suggested that a meeting location of the Nation's preference would be supported.

DE-2024-017

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to coordinate an introduction meeting between the Local Trust Committee and K'ómoks First Nation Chief and Council, and that the Denman Island Local Trust Committee use of up to \$1,000 for arrangements to host a meeting.

CARRIED

16.3 Trust Conservancy Report - none

16.4 Applications Report dated February 2, 2024

Received for information.

16.5 Trustee and Local Expense Report dated December, 2023

Received for information.

16.6 Adopted Policies and Standing Resolutions

Received for information.

16.7 Local Trust Committee Webpage

No changes were requested.

17. WORK PROGRAM

17.1 Active Projects Report dated February 2, 2024

LTC members noted that the Farming Regulations Review Project is nearing completion and discussed the opportunity to advance another Active Project. They considered that review of information relating to mapping and the Freshwater Sustainability Strategy might inform a decision on next steps.

DE-2024-018

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to provide information regarding Development Permit Area No. 4: Streams, Lakes and Wetlands including evaluation of accuracy and completion of mapping on Denman Island with regard to surface water on Denman Island.

CARRIED

DE-2024-019

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request an update from staff regarding the status of the Freshwater Sustainability Strategy with regards to the Denman Island Local Trust Area.

CARRIED

17.2 Future Projects Report dated February 2, 2024

Trustees reviewed the Future Projects Report to consider changes that might be made.

- Future Project No. 1 LUB Amendments sections 1 and 2 relate to Short-Term Vacation Rentals and Guest Accommodations and might be considered within the Housing Review Project.
- Future Project currently listed as No. 3 relates to Farm Plan Map Amendment and can be moved to the No. 2 position as it is part of the completion of the Farm Plan Regulations Review.
- Trustees indicated that advancing the Future Project currently listed as No. 2 regarding Development Approval Information Bylaw is not a priority.
- It was unknown how the changes to Provincial Housing legislation would affect Future Projects No. 4.

11. NEW BUSINESS

11.1 Review of the New Provincial Short Term Rental Accommodation Act for the Denman Island Local Trust Area - Memorandum

Planner Zupanec provided context and clarification of housing statute changes to BC legislation with preliminary analysis for LTC consideration of possible next steps and how to align with Provincial legislation. The presentation included an overview of new legislation affecting short-term rental accommodation and housing statutes, potential challenges, opportunities, and implications for existing Denman Island regulations.

She reported that all LTCs are being asked to consider whether they wish to opt-in to the new principal residence requirement by the first annual deadline of March 31 and that staff are suggesting that the LTC may wish to consider reviewing the Denman Island LUB home-based guest accommodation regulations as part of the major housing project.

Trustees discussed options, process and next steps with the following noted.

- Clarification is still being sought by staff on whether Bed and Breakfasts are required to register with the Provincial Registry.

ADOPTED

- The opt-in option is an annual opportunity; the community might be interested to see a more comprehensive analysis and a decision can be made considering all the facts and issues.
- Including a comprehensive review and update of home-based guest accommodation regulations within the Denman Housing Review Project scope was not supported. Consideration as a separate, likely minor project was preferred.

DE-2024-020

It was **MOVED** and **SECONDED**,

that the Denman Island Local Trust Committee request staff to provide a comprehensive review of the state of home based guest accommodation and regulations on Denman Island and add as a Minor Project.

CARRIED

11.2 Housing Statute Changes to British Columbia Legislation - Memorandum

Received for information.

11.3 Copy of Letter from P. Luckham to V. Tong, BC Housing regarding Letter of Support for BC Housing Funding Applications for Affordable Housing Projects

Received for information.

18. UPCOMING MEETINGS

18.1 Next Regular Meeting Scheduled for Tuesday, April 9, 2024 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

A Special Meeting has been scheduled for Tuesday, February 20, 2024 at 2:00 pm to be held electronically.

19. ADJOURNMENT

By general consent the meeting was adjourned at 2:25 p.m.

David Maude, Chair

Certified Correct:

Vicky Bockman, Recorder