



## Denman Island Local Trust Committee Minutes of Regular Meeting

**Date:** March 22, 2022  
**Location:** Denman Activity Centre  
 1111 Northwest Rd, Denman Island, BC

**Members Present:** Sue Ellen Fast, Chair  
 David Critchley, Local Trustee  
 Laura Busheikin, Local Trustee

**Staff Present:** Sonja Zupanec, Island Planner  
 Vicky Bockman, Recorder

**Others Present:** Approximately twenty-five (25) members of the public

### 1. CALL TO ORDER

*"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."*

Chair Fast called the meeting to order at 10:03 am. She introduced Trustees, staff and recorder; and acknowledged that the meeting was being held in territory of the Coast Salish First Nations that includes K'ómoks First Nation.

### 2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:  
 11.5 Orphan Crown Lands

**DE-2022-019**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approve the agenda as amended.

**CARRIED**

A Trustee requested that in future agendas Reports be placed following the Town Hall and Delegations sections to accommodate members of the public attending primarily to speak to the Local Trust Committee (LTC). She also asked that flexibility be allowed for time given to today's Delegation and Town Hall speakers.

### 3. RISE AND REPORT - IN CAMERA MEETING NOVEMBER 2, 2021

Chair Fast reported that at the November 2, 2021 *In Camera* meeting the LTC adopted the minutes of the September 7, 2021 *In Camera* meeting.

### 4. REPORTS

#### 4.1 Trustee Reports

Trustee Busheikin provided a summary of activities and meetings attended including:

- Trust Council held recently;
- Regional Planning Committee;
- A meeting with community groups to discuss responding to COVID and other items;
- She has begun offering “Tea with Trustee” opportunities for public to discuss matters of interest relating to Islands Trust;
- Participated at the Islands 2050 Trust Policy Statement review information pop-up tent on Denman Island;
- Forwarded a letter previously written to officials encouraging them to undertake a feasibility study on establishing a Housing Service on Denman Island.

Trustee Critchley provided a summary of activities and meetings attended including:

- Ferry Advisory Committee (FAC): action taken to communicate major problems including long summer delays and capacity issues, and follow-up including an electronic meeting with MLA Osborne and initiating further meetings outside of the FAC after concerning response received from BC Ferries on those issues;
- Trust Council held in Nanaimo March 8-10 where the budget and Governance Review report were major topics of discussion;
- Attended an electronic meeting with officials from DFO and elected officials from municipalities and regional districts to discuss updates and plans relating to shellfish and finfish aquaculture;
- Participated at the Islands 2050 Trust Policy Statement review information pop-up tent on Denman Island which was well attended;
- Islands 2050 public engagement event held at the Community Hall.

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

Chair Fast reported on activities and meetings including:

- Trust Council: major topics included the 2022/23 budget which was reduced from the estimate and passed; receipt of the Governance Review; and heard from consultants on the Trust Policy Statement project;
- Islands Trust Conservancy;
- Species at Risk workshop;
- Bowen Island Municipal Council next week;
- Executive Committee is upcoming;
- Gambier Island LTC meeting next week.

#### **4.3 Electoral Area Director's Report**

Chair Fast reported that the funding for a Housing Service feasibility study has been approved by Comox Valley Regional District.

### **5. TOWN HALL**

- Islands Trust is not supporting housing solutions; approval of large, resource-heavy homes does not preserve and protect for the benefit of the residents; insecure housing is a concern, voices are not being heard; lack of housing to rent or afford and bylaw enforcement that prevents land owners from providing space and small accommodations for those who need housing is causing staff shortages at local businesses. LTC was

- requested to review and remove bylaw housing restrictions that prevent small housing solutions and to permit home owners who wish to provide space for housing to be permitted to do so.
- Request was made to stop the enforcement of non-permitted housing and to give homeowners the right to provide space for those in need of housing on a permanent basis. Lack of housing is causing staffing shortages on BC Ferries and the loss of a diverse population is a concern.
  - The Farming Regulations Review Project and Questionnaire are addressing the regulation of agri-food, defined as the business of producing food agriculturally and relating to the commercial production of food by farming. The definitions of agriculture do not include land size, output or income/merchandizing. The Farm Plan is silent on climate change and water conservation including existing forms of regenerative agriculture, sustainability which includes buying local and productive gardens, or subsistence agriculture and barter.
  - Concern was expressed that the banning of all cannabis business on Denman Island is possibly being considered. The speaker wants to develop a micro grow operation with no dispensary, creating jobs and using resource responsibly.
  - Expansion of the Islands Trust or tax increases was opposed.
  - Suggestion was made that the ferry currently docked here could be used to assist with capacity issues being experienced on the Hornby Island route; support was expressed for the delegation by Riane da Silva and affordable housing; expansion of the Islands Trust was not supported and the speaker would support a referendum to remove Denman Island from the Islands Trust.

## 6. DELEGATIONS

### 6.1 Riane da Silva regarding Housing as a Human Right

Riane da Silva expressed her belief that her human rights under United Nations Declaration of the Right to Adequate Housing (UNDRAH), adopted by the Canadian government in 2019, are being violated by Islands Trust policies, staff and procedures that have deemed her home to be unlawful. She requested the LTC, Executive Committee, and Trust Council engage with her as a rights-holder as defined by UNDRAH, and requested 13 measures be adopted that have been identified in the paper submitted with this delegation.

She prioritized three items:

- 1) require all Bylaw Enforcement officers and staff to make advance arrangements with property owners before visiting peoples' homes (or suspected homes) on private property;
- 2) implement an immediate moratorium on Denman Island and Trust-wide on all bylaw enforcement action against "unlawful" housing until housing needs can be "lawfully" met to the satisfaction of rights-holders; and
- 3) establish an ongoing process of engagement that welcomes the meaningful participation of renters and rights-holders in identifying systemic issues and appropriate remedies to the ongoing housing crisis, and to meet housing needs of rights-holders on these Islands in the Salish Sea.

She asked if the LTC is ready to meet the minimum core obligation to recognize, respect, protect and fulfill the human right to housing.

- Trustees thanked the delegate for the presentation, research and material provided. A dialogue ensued with follow-up points for clarity, questions and answers; and a Trustee expressed an understanding of the interpretation that maintains the right of local government to zone to preserve and protect as it relates to this discussion of human rights to housing;
- A Trustee encouraged the public to take part in the Islands Trust 2050 public participation and the Farming Regulation Review opportunities as there are housing components in both of these projects.

## 7. MINUTES

### 7.1 Local Trust Committee Special Meeting Minutes dated February 15, 2022- for adoption

DE-2022-020

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

that the Denman Island Local Trust Committee adopt the Special Meeting minutes dated February 15, 2022.

CARRIED

### 7.2 Section 26 Resolutions-Without-Meeting Report dated March 14, 2022

Received.

### 7.3 Advisory Planning Commission Minutes - none

## 8. BUSINESS ARISING FROM MINUTES

### 8.1 Follow-up Action List dated March 14, 2022

Staff was requested to review the status of the July 4, 2019 item regarding draft procedures for cell tower application consultation and report back as to whether the model has been endorsed.

### 8.2 Siting and Use Permit Bylaw - Staff Report

Planner Zupanec presented the Staff Report that asks the LTC to give Bylaw No. 240 second and third readings and forward it to the Islands Trust Executive Committee for adoption. She explained the changes to the Siting and Use Permit Bylaw that include updating of outdated references and the addition of a requirement that a site plan drafted by a surveyor be submitted with the application when a building or structure is proposed to be located within one metre of the required setback.

It was reported that advertising of the proposed changes to this administrative bylaw has occurred and there have been no comments received by staff to this point, while a Trustee has received one comment with concerns minimized after clarification of the changes.

**DE-2022-021**

**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 240 cited as “Denman Island Local Trust Committee Siting and Use Permit Bylaw, 2021”, be read a second time.

**CARRIED**

**DE-2022-022**

**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 240 cited as “Denman Island Local Trust Committee Siting and Use Permit Bylaw, 2021”, be read a third time.

**CARRIED**

**DE-2022-023**

**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 240 cited as “Denman Island Local Trust Committee Siting and Use Permit Bylaw, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

**CARRIED**

**8.3 Fees Bylaw - Staff Report - for decision**

Planner Zupanec presented the Staff Report that asks the LTC to consider the proposed new Fees Bylaw, Bylaw No. 244. The comparison tables included in the report identify the application descriptions, the existing bylaw fee and the proposed model bylaw fee based on the model fee bylaw recommended by Trust Council.

Trustees discussed the proposed fee bylaw with the following noted:

- A Trustee acknowledged that fees have not been adjusted for many years however expressed concern that double or triple fee increases would affect affordability;
- Other Trustees were generally in favour of the draft model fees bylaw, noting budgetary considerations, the rising costs and complexity of applications, and supporting a user-paying framework as opposed to taxpayers’ subsidizing of development;
- Deferring consideration of the draft bylaw to the next regular LTC meeting was suggested to provide time to consider changes.

**DE-2022-024**

**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee defer consideration of Draft Bylaw No. 244 (new Fees Bylaw) until the next regular Local Trust Committee business meeting.

Trustee Busheikin offered to provide a submission for Trustee review with suggested changes.

**CARRIED**

**9. APPLICATIONS, REFERRALS and BYLAWS**

**9.1 DE-RZ-2021.1 (Denman Housing Association) - Staff Report**

Planner Zupanec presented the Staff Report that summarizes draft amendments to Proposed Bylaw Nos. 241 (Official Community Plan) and 242 (Land Use Bylaw) and the draft restrictive covenant for DE-RZ-2021.1 (Denman Housing Association). She reported that these recommended amendments are based on direction to staff provided at the

last LTC meeting and address additions to the draft restrictive covenant to implement the recommendations in the baseline environmental report for the protection of the wetland area. She advised that the applicant is working with the Ministry of Lands, Waters and Resource Stewardship to obtain their hydrogeological review of the Denman Green water plan.

Trustees were asked to consider the amendments to advance the application in preparation for a future public hearing pending provincial review of the Denman Green Water Plan. She noted that all relevant background information is posted to the Islands Trust Denman Island current applications webpage.

Chair Fast invited Simon Palmer, Denman Housing Association, to speak to the application. He reported on the status of the hydrological review of the water plan, hydrologist report and environmental biologist report, noting that fieldwork must be completed to address potential drawdown on the wetland. He advised that timing is important for funding opportunities and requested that the LTC continue to advance the application by scheduling a public hearing prior to the next LTC meeting and to consider a third reading at that meeting.

Discussion included the following points:

- A Trustee asked if an updated septic report is necessary to address the change in the septic field area. Staff suggested a report showing the new site plan and confirmation that it would still be a supportable volume of flow as intended, would form the basis for the report with Island Health and would be helpful at a public hearing; the applicant has indicated that an updated report will be provided;
- Island Health cannot issue a water license at this stage without construction drawings and the LTC needs to ensure it meets the Trust Policy Statement prior to a public hearing;
- A special LTC meeting held prior to the next regularly scheduled meeting with a limited agenda including a review of the revision to the septic report and review of the Islands Trust Policy Statement checklist might provide an opportunity to schedule a public hearing in a responsible manner to advance the application as efficiently and quickly as possible without being problematic.

Planner Zupanec explained proposed amendments to the Danes Road receiver parcels.

Chair Fast invited Henning Nielsen, owner and co-applicant, to speak.

- He wishes to continue the ability to apply for Temporary Use Permits for those parcels as is the case for any other R2 zone site; and is requesting that the specific 30 metre setback requirement be reconsidered, presenting arguments for these positions.
- Staff confirmed that the rear line setback in the R2 zone is 3 metres; a Trustee suggested that a setback of 6 metres might be reasonable for these lots due to the proposed densification of the area.

**By general consent** the meeting recessed at 1:10 pm and reconvened at 1:54 pm.

**DE-2022-025**

**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 241 cited as “Denman Island Official Community Plan, 2008” be amended as per Attachment 1 of this staff report and as follows:

- I. Schedule “2”, item 2. Be removed in its entirety and the subsequent item be renumbered chronologically; and
- II. Plan No. 2 be removed in its entirety and the subsequent Plan be renumbered chronologically.

**CARRIED**

**DE-2022-026**

**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 241 cited as “Denman Island Official Community Plan, 2008” be given first reading as amended.

**CARRIED**

**DE-2022-027**

**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw 242 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021” be amended as per Attachment 2 of this staff report and as follows:

- I. Section 1.2 definition of “dwelling, multi-family” be amended by inserting the words “excluding a principle dwelling with a secondary suite” after the word “units”;
- II. Section 1.20 be removed in its entirety and subsequent sections be numbered chronologically.

**CARRIED**

**DE-2022-028**

**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 242 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021” be amended as follows:

Section 1.21 be amended by adding the following new text after the “R2(6)” site specific regulations:

“R2(7)

1. Despite line 1 in Table 7 of this Section, the maximum number of lots permitted by subdivision in the R2(7) zone is four.

R2(8)

1. A Siting and Use Permit for a dwelling in the R2(8) zone must be accompanied by written certification from an appropriately qualified professional architect, engineer or energy advisor that the dwelling unit meets or exceeds the applicable requirements of Step 2 of the Energy Step Code in affect at the reference date of this bylaw amendment.
2. Despite line 1 in Table 5 of this Section, the minimum setback of buildings and structures, except for a fence or pump/utility house from a conservation covenant boundary is 6 meters.
3. Despite line 1 in Table 7 of this Section, the maximum number of lots permitted by subdivision in the R2(8) zone is 5.

4. Despite line 1 in Table 7 of this Section, the minimum average lot area permitted by subdivision, subject to the regulations in 2.8 is 2.8 ha.”

**CARRIED**

**DE-2022-029**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 242 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021” be amended as follows:

- I. Section 1.22 lines 5 and 6 be amended by adding the words “and water cisterns” after “solar array”;
- II. Section 2., Plan No. 1 Subject Area Text be amended to read “From: Commercial-C To: Affordable Rental Housing-R4(1)”;
- III. Section 2., Plan No. 2 Subject Area Text be amended to read “From: Rural 2-R2 to: Rural 2(8)-R2(8).

**CARRIED**

**DE-2022-030**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 242 cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021” be given first reading as amended.

**CARRIED**

**DE-2022-031**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee endorse the draft restrictive covenant for 1151 Northwest Road, DE-RZ-2021.1 (DHA) as per Attachment 3 of this staff report, for inclusion in a future public hearing package.

**CARRIED**

**DE-2022-032**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to set up an electronic special meeting for late April or early May to consider further steps in the Denman Green rezoning.

**CARRIED**

**9.2 DE-ALR-2022.1 - (A. Davidson, 3592 Northwest Road) - Staff Report**

Planner Zupanec presented the Staff Report that asks the LTC to consider the application for a Non-Adhering Residential Use for conformance with Official Community Plan (OCP) policy and Land Use Bylaw (LUB) zoning before forwarding to the Agricultural Land Commission for consideration.

**DE-2022-033**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to forward DE-ALR-2022.1 to the Agricultural Land Commission with the following comments:

“The Denman Island Local Trust Committee finds DE-ALR-2022.1 to be consistent with the objectives and policies of the Denman Island Official Community Plan and Denman Island Land Use Bylaw regulations, and so deems the application to meet the criteria necessary to warrant consideration by the Commission for a Non-Adhering Residential Use.”

**CARRIED**



**9.3 DE-RZ-2017.1 (Denman Community Land Trust Association) - verbal update**

Planner Zupanec provided a verbal update, reporting that bylaws for DE-RZ-2017.1 (Denman Community Land Trust Association) have been approved by the Ministry office. The applicant has been advised that the LTC is ready to proceed with advancing the bylaws; however, the applicant has requested that the bylaws not be considered for final adoption at this time.

**10. LOCAL TRUST COMMITTEE PROJECTS****10.1 Denman Housing and Short Term Rentals Review Project - for discussion**

Planner Zupanec provided an update on the Denman Island OCP and LUB Review of Housing project, noting that Trust Council has approved funding of \$13,500 for this project and that next steps might be considered. She suggested that the May LTC meeting might be an opportunity to review a draft framework for this project with a draft Project Charter, and to launch the work through the Regional Planning team, planning staff resources, or through a lead consultant in conjunction with the community.

Discussion on this project included the following points:

- The business case prepared for this project did not include home occupations; review of the business case along with information that was provided in support of it would assist in creation of the Project Charter;
- A Trustee suggested topics for consideration in the project including:
  - consideration of distributed square footage of dwellings or an approach similar to the Mayne Island methodology;
  - review permitting secondary dwelling suites and secondary cottages not just in R2 zones also in properties over a certain size;
  - changing zoning in the downtown village centre to allow densification;
  - consideration of creation of a community housing zone;
  - supporting tiny home village or trailer park housing.

**DE-2022-034****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to prepare a project charter with respect to the Denman Island Official Community Plan and Land Use Bylaw review for housing.

Trustees expressed support to move this project forward and suggested that it might be included in the special meeting being organized for late April or early May.

**CARRIED****11. CORRESPONDENCE**

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

**11.1 Email dated February 7, 2022 from Riane da Silva regarding Questions and Answers on Standing Resolution**

Received. Chair Fast noted that standing resolutions are on the agenda at item 13.4.

**11.2 Letter dated February 9, 2022 from the British Columbia Farmers Markets requesting Letter of Support**

**DE-2022-035**

**It was MOVED and SECONDED,**

that the Chair of the Denman Island Local Trust Committee write a letter to the Minister of Health thanking him for participation in the Farmers Markets Nutrition Coupon Program and supporting the program's participation on Denman Island.

**CARRIED**

**11.3 Letter dated November 23, 2021 from Hornby Island Residents' and Ratepayers' Association (HIRRA) regarding Limited Visitor Accommodation Signage at Buckley Bay**

Chair Fast spoke to the complexities involved with creation of signage and indicated that the Senior Intergovernmental Policy Advisor has been contacted regarding this issue.

**11.4 Email dated March 3, 2022 - Greetings from the BC Electoral Boundaries Commission**

Received.

**11.5 Orphan Crown Lands**

Trustee Critchley reported that the LTC and Islands Trust Conservancy have been notified that four Crown parcels of land on Denman Island have been identified as being conservation lands and that responsibility for these lands needs to be assigned. He noted that Denman Conservancy Association is suggesting that ownership or management by Islands Trust Conservancy would be the preferred approach.

**DE-2022-036**

**It was MOVED and SECONDED,**

that the Chair of the Denman Island Local Trust Committee write to the Islands Trust Conservancy expressing support for the request of the Denman Island Conservancy Association, by its letter of 17 March 2022, that certain Crown parcels on Denman Island be acquired by the Islands Trust Conservancy or otherwise managed by it.

**CARRIED**

**12. NEW BUSINESS**

**12.1 Shoreline Report - Briefing - for discussion**

Trustees acknowledged the importance of the topic.

**DE-2022-037**

**It was MOVED and SECONDED,**

that the Shoreline Protection Project be placed on the Denman Island Local Trust Committee Projects List.

Trustees requested that the title "Shoreline Protection Model Bylaw Report" be referenced in the description within the Projects List.

**CARRIED**

**12.2 Triple Rock Housing Agreement Declaration – Memorandum**

Received. Trustees requested that the subject title on the memorandum be corrected.

**13. REPORTS**

**13.1 Trust Conservancy Report**

13.1.1 November 23, 2021

Received.

13.1.2 January 25, 2022

Received.

**13.2 Applications Report dated March 14, 2022**

Received.

**13.3 Trustee and Local Expense Report dated January, 2022**

Received.

**13.4 Adopted Policies and Standing Resolutions**

A Trustee spoke to two Standing Resolutions regarding bylaw enforcement of unlawful dwellings:

- Consideration might be given to removing Standing Resolution No. 9. DE-IC-2021-002 regarding restriction of bylaw enforcement on unlawful dwellings during the COVID-19 public health emergency as restrictions are now being reduced;
- Amendments to Standing Resolution No. 7 DE-2021-015 were suggested for clarity and to remove the date of review of the resolution. Other Trustees requested this issue be deferred to the next regular LTC meeting with input from staff to inform a decision.

**DE-2022-038**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request the Manager of Bylaw Enforcement to provide commentary on the advisability of adding to Standing Resolution No. 7. DE-2021-015 the following: after d) that the Islands Trust will not issue any eviction notices and will balance the need for bylaw enforcement compliance with consideration of personal and community impact of the current housing crisis, seeking to avoid contributing to homelessness, and that the statement "This Standing Resolution will be reviewed in one year's time" be removed.

**CARRIED**

**13.5 Local Trust Committee Webpage**

The LTC requested that the Farming Regulation Review be brought forward on the Denman Island webpage, informing the public that the Farming Regulation Review project is underway and there is a paper survey available.

**14. WORK PROGRAM**

**14.1 Top Priorities Report dated March 14, 2022**

Planner Zupanec provided an update on the Farming Regulations Review project, noting that the survey questionnaire was sent by direct mail out to 214 properties and that those responses and the online survey responses are being received. The Community Information Meeting on this topic is scheduled for April 21<sup>st</sup> from 6:30 pm to 8:00 pm.

**14.2 Projects List Report dated March 14, 2022**

Received.

**15. INFORMATION ITEMS**

**15.1 Trustee Notebook - Grapevine April 2021**

The supporting document for this item was not included in the agenda package.

**16. UPCOMING MEETINGS**

**16.1 Next Regular Meeting Scheduled for Tuesday, May 31, 2022 at 10:30 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

**Community Information Meeting regarding the Farming Regulations Review scheduled for Thursday, April 21 from 6:30 pm to 8:00 pm with location to be determined**

**17. CLOSED MEETING - none**

**18. ADJOURNMENT**

**DE-2022-039**

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

**CARRIED**

The meeting was adjourned at 3:19 pm.

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Sue Ellen Fast, Chair

Certified Correct:

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Vicky Bockman, Recorder