



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: May 31, 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
 Heather Kauer, Regional Planning Manager (via telephone)
 Vicky Bockman, Recorder

Others Present: Approximately seven (7) 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 10:38 am. She welcomed the public, introduced Trustees, staff and recorder, and acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- 12.2 - WiFi Upgrade

DE-2022-050

It was MOVED and SECONDED,

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

CARRIED

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

Chair Fast reported that an In Camera meeting was held on November 2, 2021.

4. REPORTS

4.1 Trustee Reports

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

- A Special Local Trust Committee (LTC) meeting where a presentation and facilitated question and answer session were conducted on the Farm Regulations Review project;

- A Special electronic LTC meeting where the Denman Green and Housing Review projects were considered;
- A Denman Island Newcomer Event which was well attended;
- Trust Programs Committee where discussion included Trust Policy Statement next steps and recommendations for Community Stewardship Awards;
- BC Ferry update: A meeting in Victoria with the Minister of Transportation and our MLA was well received, however, BC Ferries has communicated that there will not be much change for this year.

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

- Two Special LTC meetings and the Newcomers Event mentioned in Trustee Critchley's report;
- Regional Planning Committee meetings - reviewing scientific work being done on groundwater mapping and protection; and an initiative requesting the provincial government to create a Housing Authority or Housing Body for the Islands Trust Area were discussed;
- Tea with Trustee and calls from community members;
- Information packages on Islands Trust are now available and have been sent out to newcomers.

4.2 Chair's Report

Chair Fast provided a summary of activities and meetings attended including:

- Islands Trust Conservancy meeting – 111 properties in the Trust Area are now protected, and the Species at Risk funding from the Federal Government has been extended for three years;
- Bowen Island Municipal Council;
- Executive Committee;
- Gambier Island LTC;
- The next Trust Council meeting will be held in June.

4.3 Electoral Area Director's Report - none

5. TOWNHALL

- The Islands Trust was encouraged to do all they can and to be creative to make more affordable housing options for people.
- Finding a legal house to rent is almost impossible. Concern was expressed that it is possible to rent a B&B but not rental housing. The Islands Trust was encouraged to explore options other than new buildings, using existing buildings to improve the lack of legal rental housing.

6. DELEGATIONS

6.1 Harlene Holm regarding Carrying Capacity in All Local Trust Committee Decisions

Harlene Holm presented her submission asking the LTC to enact bylaws to set limits on land use and build-out, and to update the Official Community Plan (OCP) to best represent residents' collective stewardship of this finite island; and for Trust Council to call for Trust Area carrying capacity safeguards plus advocacy to extend safeguards to the policies and actions of other levels of government.

The presentation included discussion of water, land, housing and diversity in this context and provided options and possible solutions, pointing out that carrying capacity needs to be defined in terms of protecting the environment.

6.2 Riane Da Silva regarding Agricultural Land Reserve (ALR) Regulations and Secondary Dwellings on ALR Lands

Riane Da Silva presented a petition, signed by hundreds of Denman Island residents and non-resident property owners, asking the LTC to:

1. Change Bylaw No. 228 (Land Use Bylaw (LUB)) and Bylaw No. 229 (OCP) to align with Provincial ALR regulations allowing secondary dwellings on all ALR lands;
2. To impose no restrictions beyond the provincial ones, on these year around dwellings;
3. To ensure that these dwellings are not used for vacation and other short term rentals.

She asked the LTC to make the bylaw changes necessary to allow the secure housing of Denman Island residents and to remove the stress of potential bylaw enforcement at peoples' homes.

7. MINUTES

7.1 Local Trust Committee Minutes dated March 22, 2022- for adoption

By general consent the minutes dated March 22, 2022 were adopted.

7.2 Local Trust Committee Special Meeting Minutes dated April 21, 2022 - for adoption

By general consent the minutes dated April 21, 2022 were adopted.

7.3 Local Trust Committee Special Meeting Minutes dated April 29, 2022 - for adoption

DE-2022-051

It was MOVED and SECONDED,

that the words "as amended" be added to resolution DE-2022-041 after "2021".

CARRIED

By general consent the minutes dated April 29, 2022 were adopted as amended.

7.4 Section 26 Resolutions-Without-Meeting - none

7.5 Advisory Planning Commission Minutes - none

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated May 25, 2022

Received.

8.2 Fees Bylaw No. 245 - Staff Report - for decision

Regional Planning Manager Kauer presented the Staff Report that asks the LTC to consider three readings of Fees Bylaw No. 245 which updates the document, and provides fee options based on the Trust Council (TC) model and recommendations from Trustee Busheikin. She advised that Trust Council has indicated that the model fees

should not be modified by more than 20% and that, as many of the fees recommended by Trustee Busheikin constitute a variation of more than 20%, there is a risk that the bylaw could be rejected by the Executive Committee (EC) when presented to them for approval.

She commented that although the term “Community Benefit” is referenced in the bylaw, she expressed concern that the Denman Island OCP does not define that term which would require staff to make subjective decisions as to what constitutes a community benefit.

Trustee Busheikin spoke to her recommendations with the following noted:

- As Chair of the Regional Planning Committee (RPC) she has worked on this initiative for two years; the intent of the RPC was to allow flexibility to LTCs in their suggested variations from the TC model; the process allows for LTCs to recommend changes and for EC to review and make a decision;
- Many communities have not raised fees for many years and the TC model may represent a change that is too large, too fast;
- Most of these applications are not for development, rather are single family homes, small businesses;
- No increases proposed are more than 50% and respond to the needs of our community;
- She proposed that the LTC forward her recommended changes to the EC and consider a gradual increase of fees over a few years.

Other Trustees commented on the proposed fee changes:

- Support was expressed for the TC model fees, preferring the fees to be uniform throughout the Trust Area;
- A user-pay principal is supported; reducing the fees for applications places a burden on the taxpayers to subsidize development applications.

DE-2022-052

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee By law No. 245, cited as “Denman Island Local Trust Committee Fees By law, 2022”, be read a first time.

When asked by the Chair if there is any discussion on the motion, Trustees requested the following amendments to the motion:

- with the inclusion of a new type of application “Amendment for affordable housing inclusive of change to density or Official Community Plan or Zoning” to have a fee of \$1,500;
- and including the category “Temporary Use Permit for residential uses under 95 square metres through allowing secondary dwellings” and that the fee for this be \$440;

A Trustee commented that this option has only been used once, will be a part of discussion in the upcoming Farm Regulation Review and Housing Review projects. This reduced fee was recommended by the Regional Planning Committee.

- Include: “Temporary Use Permit Renewal for a secondary dwelling” with the fee of \$165.

Trustee Busheikin commented that she feels the increase in fees is too drastic in many areas and she does not share the philosophy of her colleagues. She said the average income on Denman Island is significantly lower than the Comox Valley average and feels it would have been justified to lower the fees as she recommended.

CARRIED

DE-2022-053

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee By law No. 245, cited as “Denman Island Local Trust Committee Fees By law, 2022”, be read a second time.

CARRIED

DE-2022-054

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee By law No. 245, cited as “Denman Island Local Trust Committee Fees By law, 2022”, be read a third time.

CARRIED

DE-2022-055

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee By law No. 245, cited as “Denman Island Local Trust Committee Fees By law, 2022”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

9. APPLICATIONS AND REFERRALS

9.1 DE-RZ-2021.1 (Denman Housing Association (DHA) - verbal update - for decision

Planner Zupanec provided an overview of the Public Hearing that was held, reporting that approximately 35 members of the public were in attendance, approximately 12 written submissions were received, and that there were no specific requests for amendments to the OCP or LUB bylaws.

DE-2022-056

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee By law No. 241, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2021”, be read a third time.

Trustee Critchley commented that there was overwhelming support for these bylaws voiced at the Public Hearing. He noted that while some aspects, such as the subsidized rent, have not yet been finalized, overall this is a good project and he commended the applicants for the work that has gone into this proposal. He acknowledged that the need for affordable housing on Denman Island is well documented and significant; rate of child poverty is an issue of troubling concern. He observed that there is more to be done before actualizing the building.

Trustee Busheikin remarked that the Public Hearing had been constructive. She responded to concern regarding the density transfer aspect of this application, indicating that this collaboration of parties will obtain the land which is the difficulty, result in a lasting project addressing a community need. She

explained that the density transfer does not increase density, rather moves them from one area to another.

Chair Fast agreed on the value of this project, noting that communities need all sorts of people and all are valuable members of the community.

CARRIED

DE-2022-057

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 241, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

DE-2022-058

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee forward Bylaw No. 241, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2021”, to the Ministry of Municipal Affairs for approval.

CARRIED

DE-2022-059

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 read a third time.

CARRIED

DE-2022-060

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 forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

DE-2022-061

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 243, cited as “Denman Island Housing Agreement Bylaw No. 243, 2021”, be amended by adding the numbers 241 and 242 in clause B.

CARRIED

DE-2022-062

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 243, cited as “Denman Island Housing Agreement Bylaw No. 243, 2021”, as amended, be read a third time.

CARRIED

DE-2022-063

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 243, cited as “Denman Island Housing Agreement Bylaw No. 243, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

Trustee Busheikin responded to a comment heard at the Public Hearing that expressed concern that the Local Trust Committee had not heard from community members in need of housing; however, there

have been many communications with those including at the Public Hearing, personally as a Trustee, the Advisory Planning Commission response, and through Denman Housing Association. She did recognize the need to put more energy and resources into increasing community engagement.

CARRIED

Chair Fast invited the applicant to speak. Simon Palmer on behalf of DHA thanked the LTC for their support, and thanked Planner Zupanec for the hard work on this application.

9.1.1 Bylaw No. 241

Received.

9.1.2 Bylaw No. 242

Received.

9.1.3 Bylaw No. 243

Received.

9.1.4 Restrictive Covenant

Received.

By general consent the meeting was recessed at 12:45 pm and reconvened at 1:30 pm.

9.2 Bylaw No. 240 - Siting and Use Bylaw - Staff Report - for consideration of adoption

DE-2022-064

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 240 cited as "Denman Island Local Trust Committee Siting and Use Permit Bylaw No. 240, 2021", be adopted.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Denman Island Farming Regulation Review Project - Staff Report - for decision

Planner Zupanec presented the Staff Report that asks the LTC to consider endorsing a special LTC meeting to review the consultant's findings and review proposed next steps. She suggested that the meeting could be held electronically with a limited agenda including the Farming Regulation Review project and a Town Hall.

DE-2022-065

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to set up an electronic special meeting for late June or early July to consider further steps in the Denman Island Farming Regulations Review project.

CARRIED

A Trustee commented that there is significant community interest in the topic of secondary dwellings and suites and there has been concern expressed that secondary

dwellings on ALR lands may not be used for the intended purposes of farm staff housing, extended family housing, or stable housing for community members. Staff was asked to consider if there are tools or ways to shape the regulations to ensure secondary dwellings on ALR lands are not used for other purposes.

Trustees suggested that discussing agenda item 11.1 at this time might be warranted.

Trustee Busheikin declared a potential conflict of interest due to her position as a Director of Triple Rock Land Cooperative and left the meeting at 1:45 pm.

Planner Zupanec advised that the email from R. Dickson on behalf of Triple Rock Land Cooperative (TRLC) requests expanding the scope of the Farming Regulations Review Project Charter to include a site specific zoning amendment for their parcel. She reported that this would normally be a site specific application, and has not been included as a part of the consultant's work contract.

LTC members discussed the request and process, noting that public consultation has already begun on this project, and expressed the preference to conduct and complete the Farming Regulation Review project as planned, and to look at individual properties on a separate basis.

DE-2022-066

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to write to the Triple Rock Land Cooperative advising them that the Local Trust Committee has decided not to proceed with an amendment to the Denman Island Farming Regulations Review Project Charter at this time and that they are encouraged to make a bylaw amendment application.

CARRIED

Trustee Busheikin returned to the meeting at 1:55 pm.

11. CORRESPONDENCE

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

11.1 Email dated May 20, 2022 from R. Dickson on behalf of Triple Rock Land Cooperative (TRLC) – Formal Request Regarding Amendments on the TRLC Property

This was discussed at agenda item 10.1.

12. NEW BUSINESS

12.1 Annual Report - Staff Report - for decision

DE-2022-067

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse the following text for inclusion in the 2021-2022 Annual Report for approval by the Islands Trust Council and submission to the Minister of Municipal Affairs & Housing.

“The Denman Island Local Trust Committee (DEILTC) held four regular business meetings, three special business meetings and one special meeting/Community Information Meeting in the 2021/22 fiscal year, for a total of eight meetings.

Work for this period focused on advancing two bylaw amendment applications for affordable housing projects and reviving the Denman Farm Plan implementation project. The DEILTC was also successful in acquiring Trust Council budget approval to advance an Official Community Plan (OCP)/Land Use Bylaw project in 2022/23 focused on housing.

The DEILTC also amended their Fees bylaw and Meeting Procedures bylaw to allow all LTC meetings to be electronic when needed.

From April 1, 2021 to March 31, 2022, staff reviewed 15 siting and use permits, one crown lease referral, one Agricultural Land Reserve referral, and two subdivision referrals in the Denman Island Local Trust Area for a total of 19 referral reviews.”

CARRIED

12.2 WiFi Upgrade

Trustee Critchley spoke of the WiFi limitations at this meeting location.

DE-2022-068

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to research the possibility of the Islands Trust upgrading the WiFi at the Denman Activity Centre.

Trustee Critchley spoke to the motion, suggesting that a financial contribution might be made to upgrade the WiFi at this location in order to improve communications with constituents.

CARRIED

13. REPORTS

13.1 Trust Conservancy Report dated March 22, 2022

Received.

13.1.1 The Heron - Spring 2022

Received.

13.2 Applications Report dated May 25, 2022

Planner Zupanec responded to questions from the Trustees that arose.

13.3 Trustee and Local Expense Report dated March, 2022

Received electronically.

13.4 Adopted Policies and Standing Resolutions

Trustee Busheikin advised that at the March 22, 2022 meeting Standing Resolutions regarding bylaw enforcement of unlawful dwellings was deferred. She advised that there is no staff report to reference, however, she did speak to Bylaw Enforcement staff and received their concurrence that this suggested change provides clarity and makes explicit the way enforcement is currently carried out.

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend Standing Resolution No. 7. DE-2021-015:

by adding the following: after d) "and that the Islands Trust will not issue eviction notices and will balance the need for bylaw enforcement compliance with consideration of personal and community impacts of the current housing crisis, seeking to avoid contributing to homelessness, and that site inspection for the purpose of gathering information and communication with property owners will continue."

and

by replacing the sentence "This Standing Resolution will be reviewed in one year's time" with the phrase "and that the Denman island Local Trust Committee may change this policy at any given time and may give direction to resume enforcement activities."

Trustees debated the motion and expressed concerns regarding process, wishing to defer consideration of this resolution to a future meeting with Bylaw Enforcement input. The motion was tabled and question on the motion was not called.

DE-2022-069

It was MOVED and SECONDED,

that the motion regarding the Bylaw Enforcement Standing Resolution be postponed until the next regular Denman Island Local Trust Committee meeting.

CARRIED

13.5 Local Trust Committee Webpage

No changes.

14. WORK PROGRAM

14.1 Top Priorities Report dated May 25, 2022

Planner Zupanec provided an update on the Housing Review project, advising that staff investigated, however, were not able to secure additional funds for the project. Staff are engaging with potential consultants and will have an update shortly.

14.2 Projects List Report dated May 25, 2022

Received.

15. INFORMATION ITEMS

15.1 Islands Trust Council Decision Highlights - March 8-10, 2022

Received.

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for Tuesday, July 19, 2022 at 10:30 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

17. CLOSED MEETING - none

18. ADJOURNMENT

By general consent the meeting was adjourned at 2:26 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder