Denman Island Local Trust Committee
Minutes of Regular Meeting

Date:	**February 7, 2023**
Location:	**Denman Activity Centre** **1111 Northwest Rd, Denman Island, BC**
Members Present:	**David Maude, Chair** **David Graham, Local Trustee** **Sam Borthwick, Local Trustee**
Staff Present:	**Renee Jamurat, Regional Planning Manager** **Sonja Zupanec, Island Planner** **Marlis McCargar, Island Planner** **Stephen Baugh, Planner 2** **Warren Dingman, Bylaw Compliance & Enforcement Manager** **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 Maude called the meeting to order at 12:31 pm. He welcomed the public; introduced Trustees, staff and recorder; and noted this this meeting is being live streamed and recorded for viewing on the Islands Trust website. He acknowledged that the meeting was being held in territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. RISE AND REPORT - none

4. REPORTS

4.1 Trustee Reports

Trustee Borthwick reported that he has been busy with Islands Trust orientation, and encouraged community members to contact him at any time about any topic or concern they might wish to discuss.

Trustee Graham reported on the following:

- He and Trustee Borthwick attended Trust Council in December that included sessions on orientation;

- He will be working on the Financial Planning Committee where the budget planning process will be under discussion and working on the Regional Planning Committee as well;
- He expressed his gratitude for the opportunity to serve again as a local Trustee and commented on his appreciation for the Islands Trust preserve and protect mandate.

4.2 Chair's Report

Chair Maude introduced himself with a brief background of his family's history of residing on Mayne Island since 1898. He commented that he is honoured to have been selected by Executive Committee to serve as Chair of the Denman Island Local Trust Committee (LTC) and he looks forward to a positive experience of working with the community.

4.3 Electoral Area Director's Report - none

5. PUBLIC COMMENTS

Doug Wright - outlined difficulties faced by farmers and stressed the importance and fragility of the food supply system. He proposed suggestions that partially relate to the Farm Plan Implementation Project: let farmers, not bureaucracy, deal with water issues; do not place barriers on the sale of food and agricultural products as proposed; let the Agricultural Land Reserve (ARL) manage farmlands; have a system that allows flexibility as to who farms the land and permits farmers to remain on the land without having to sell; be creative about bringing unused farmland lots into production; have an appreciation of quantities produced when evaluating proposals. He submitted his remarks for the record.

Richard Day – is currently farming under the Agricultural Assessment Act on property zoned RE (Resource). While many lots zoned RE are being re-designated as A (Agriculture), some are being left out as proposed Bylaw Nos. 228 and 229 relate to farms designated as ARL or having farm status. There is a burden if farming but not in Zone A as, for example, Agri-tourism accommodation would require a Temporary Use Permit which would be onerous. He asked the LTC to consider that some lands zoned RE that are currently being farmed but are not in the ARL, be designated as Zone A without a multi-year process.

6. DELEGATIONS

By general consent agenda item 6.1 was moved to follow item 6.2.

6.2 L. Virginia Spinney for Denman Island Housing Action Group regarding Housing - Adequate Housing on Denman

Virginia Spinney presented a report that outlines the housing needs on Denman Island, summarizes barriers to moving forward to achieve adequate housing, and provides suggestions for changes to the Official Community Plan (OCP), Land Use Bylaw (LUB), enforcement practices, and approval processes to help resolve the housing challenges on Denman Island. The presentation document is available for viewing on the Islands Trust website.

6.1 Laura Busheikin for Triple Rock Land Cooperative regarding Increasing capacity at the Triple Rock Land Cooperative

Laura Busheikin reported that Triple Rock Land Cooperative is exploring the possibility of adding five new units to increase the overall density to 20 units, allowing all units to have a secondary suite, increasing the maximum square footage for all accessory buildings, and including changes to square footage conditions to accommodate secondary suites. She explained that the intention for these changes is to help provide housing for islanders and to bring more diversity to the Cooperative. She suggested that these changes might be accomplished with amendments to the regulations in the current OCP/LUB Housing Review and solicited input from the Trustees on this approach. The presentation document is available for viewing on the Islands Trust website.

Trustees asked staff for a general timeline of accomplishing these changes through either the OCP Review or through the application process. Staff estimated that an OCP review is typically a multi-year process while a rezoning application might take a minimum of 12-18 months once an application is complete.

6.3 Erin O'Brien-Hornsey regarding Status of Women Canada Heroines Journey Project Denman Island Women's Outreach - Critical Need for Housing Identified for the Prevention of Violence against Rural Women and Access to Economic Independence

Erin O'Brien-Hornsey presented a report identifying the critical need for housing for the prevention of violence against rural women and access to economic independence, and recognized that in 2023 the need for affordable, safe, year-round and local housing has increased. She proposed the creation of a local action committee, a review of the OCP Density Bank, and to study what exists and is working. The presentation document is available for viewing on the Islands Trust website.

6.4 R. da Silva regarding Human Rights

Riane da Silva spoke to the obligation of the LTC regarding the human right to housing and proposed 13 actions to meet those obligations including requiring Bylaw Enforcement staff to undergo Trauma Informed Practice training. The presentation document is available for viewing on the Islands Trust website.

Trustees' comments on the Delegations included the following:

- Delegation presenters were thanked for the helpful material that has been provided;
- They noted that a Housing Review of OCP and LUB Bylaws is ongoing and that material relevant to that review might be forwarded to Islands Trust Planners to help inform the review and further the conversation at a community level;
- The importance of a diverse community was acknowledged;
- A Trustee expressed support for all those producing food, whether in zone A or RE.

7. MINUTES

7.1 Local Trust Committee Special Meeting Minutes dated January 17, 2023- for adoption

By general consent the minutes dated January 17, 2023 were adopted as presented.

7.2 Section 26 Resolutions-Without-Meeting Report dated January 31, 2023
Received.

7.3 Advisory Planning Commission Minutes dated January 17, 2023 - for receipt
Received.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated January 31, 2023

A Trustee expressed his support for Trustees and staff to attend regular LTC meetings in person at least for the first year of this term with the possibility of exploring compromise options in the future.

9. APPLICATIONS AND REFERRALS

9.1 DE-DP-2022.3 (Smith - 8330 Owl Crescent) - Staff Report

Planner 2 Baugh presented an overview of the Staff Report, reporting that this Development Permit application is to permit the construction of an addition to an existing single family dwelling within Development Permit Area 2 – Steep Slopes. He noted that the applicant has confirmed that no tree cutting is required or proposed.

DE-2023-003
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee approve issuance of Development Permit DE-DP-2022.3.

CARRIED

9.2 DE-RZ-2021.1 (Denman Housing Association) - Staff Report

Planner Zupanec presented the Staff Report that outlines minor recommended corrections to policy references and minor text amendments to proposed Bylaw Nos. 241 (OCP) and 243 (Housing Agreement). She reported that the applicant has requested that five units of seniors' affordable rental housing be incorporated into the units. She advised that this does not include any new information post public hearing and that the LTC is now asked to consider final reading and adoption of the proposed bylaws.

DE-2023-004
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 amended as per Attachment 1 of this staff report and as follows:

i. Section 1.3, replace "Policy 9" with "Policy 8".
ii. Section 1.4, replace "Policy 10" with "Policy 11" and "Policy 30" to "Policy 28".
iii. Section 1.5, replace "Policy 10" with "Policy 11" and adding "27, 28, and 29" in place of "30".
iv. Section 1.6, replace "Policy 27" with "Policy 26".

CARRIED

DE-2023-005
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 adopted as amended.

CARRIED

DE-2023-006
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 adopted.

CARRIED

DE-2023-007
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 as per Attachment 3 of this staff report and as follows:

i. Item a. Definitions, "Family Member" be amended by removing the words "under the age of 65 years old";
ii. Item a. Definitions, be amended by adding the following definition after "Schedule B" and before "Tenancy Agreement":
    - "Senior" means a person who is 65 years or older at the time of first occupying a housing unit.
iii. Item b. Agreement over the Lands, be amended by adding the following new clause after v:
    - vi up to five (5) units of housing will be reserved for seniors.
iv. Schedule B, Definition of a Qualified Occupant, clause d. be amended by removing the following text:
    - "Immediate family member" means a daughter/son or parent or sibling, to whom the person is related by blood, or by marriage or common-law relationship, or by adoption

CARRIED

DE-2023-008
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 adopted as amended.

Trustee Graham thanked the Denman Housing Association members and volunteers for the time put into this work, and those involved in the density transfers creative approach to facilitate the project.

CARRIED

DE-2023-009
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee accept a covenant under section 219 of the *Land Title Act* from the registered owners of LOT B, SECTION 18, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 36263 EXCEPT PLAN EPP113337, PID 000-393-941, and designate any two members of the Local Trust Committee to sign the covenant (DE-RZ-2021.1 DHA, 1151 Northwest Road).

CARRIED

Chair Maude invited the applicant to speak.

Simon Palmer on behalf of the Denman Housing Association observed that this is a significant step for Denman Island. He noted that it has been years in the making and commented that this demonstrates that the process was hard and the application should have advanced faster. He supported the creation of an Advisory Planning Commission (APC) dedicated to housing; and thanked those involved in the density transfers which enabled the project, the previous local Trustees, and staff for their work on this project.

By general consent the meeting recessed at 2:18 pm and reconvened at 2:52 pm.

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Denman Island Farm Plan Regulation Review Project – Memorandum

Planner McCargar presented an overview of the Memorandum with an update on progress to date on the Farm Plan Regulation Review project. She outlined next steps that will include a Community Information Meeting and Public Hearing, noting that a date for those meetings is unknown at this time.

She reported that the APC supported moving forward to a Public Hearing with Bylaw No. 228 and confirmed that the Denman Growers & Producers had received a referral request for comment.

10.2 Local Trust Committee Active and Future Projects Summary - Staff Report

Trustees reviewed the work program and confirmed the Active and Future Project List with no changes requested at this time.

Planner Zupanec outlined next steps for the Denman Housing Review Project including the process that would be necessary should the LTC wish to consider striking a new APC specifically focused on housing to help inform the project.

DE-2023-010
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee advertise for expressions of interest for a special Advisory Planning Commission specifically to consider the current Housing Review.

CARRIED

11. CORRESPONDENCE

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

11.1 Email dated January 23, 2023 from H. Holm regarding Flagstone Article – Housing

Received for information with appreciation expressed for the correspondence.

11.2 Email dated January 12, 2023 from S. Carballeira regarding 3060 Lake Road, Lot Line Adjustment (DE-SUB-2022.1)

Trustees requested that Planning staff investigate whether a technical option for a variance to the LUB requirements exists for this lot line adjustment, and advise the applicant of options.

11.3 Email dated January 12, 2023 from R. da Silva regarding Denman's Housing Emergency
Received.

12. NEW BUSINESS

12.1 Bylaw Enforcement Update - Staff Report
Bylaw Compliance & Enforcement Manager Dingman presented the Staff Report, providing an update on current compliance and enforcement files for Denman Island.

Discussion followed with the following points noted:

- Currently Bylaw Enforcement staff training does not involve Trauma Informed Practice training. Initiating this practice and the relevant budget requirements could be considered at Trust Council;
- Although a Standing Resolution currently in effect directs the temporary withholding of enforcement against unlawful dwellings unless certain conditions apply, a Trust Council policy requires that a file be opened if a complaint is received and the complaint must be investigated to discover if in contravention;
- The landowner is given notice of investigation of a potential unlawful dwelling. Bylaw Enforcement staff might attempt to notify the occupant; however, provincial legislation provides that it is the landowner's responsibility to inform tenants and the Islands Trust does not have authority to give direction to the landowner to perform that action even though tenants may be impacted;
- Bylaw Compliance & Enforcement Manager Dingman confirmed that the Islands Trust does not have the authority to evict.

DE-2023-011
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee request an In Camera report on unlawful dwellings on Denman Island from Bylaw Compliance & Enforcement Manager for the next Local Trust Committee meeting.

CARRIED

Discussion followed on the Bylaw Enforcement Notification (BEN) system with the following noted:

- A Trustee suggested that the Bylaw fines impact low-income residents disproportionately and that consideration be given to limiting the infractions to Short Term Vacation Rentals, an unlawful practice that generates income for the operators;
- Bylaw Compliance & Enforcement Manager Dingman advised that the BEN Bylaw is in need of amending as a result of a revision to the Siting and Use Bylaw adopted last year. He suggested that the LTC might consider changes to the infraction schedule and fine amounts when the amendment comes before the Committee, possibly at the April LTC meeting.

DE-2023-012
It was MOVED and SECONDED,
that the Denman Island Local Trust Committee adopt the following Standing Resolution:
That the Local Trust Committee acknowledges and affirms its commitment to the human right to housing as laid out by the United Nations Declaration of the Human Right to Adequate Housing.

CARRIED

13. REPORTS

13.1 Trust Conservancy Report dated October 6, 2022
Received.

13.2 Applications Report dated January 31, 2023
Received.

13.3 Trustee and Local Expense Report dated November, 2022
Received.

13.4 Adopted Policies and Standing Resolutions

A Standing Resolution was adopted under agenda item 12.1.

13.5 Local Trust Committee Webpage
No additions or changes were requested.

14. WORK PROGRAM

14.1 Active Projects Report dated January 31, 2023
Received.

14.2 Future Projects Report dated January 31, 2023
Received.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled for Tuesday, April 4, 2023 at 12:30 pm at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

The LTC confirmed the next regular meeting location and date of Tuesday, April 4, 2023 at 12:30pm.

16. CLOSED MEETING – None

17. ADJOURNMENT

By general consent the meeting was adjourned at 4:20 pm.

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David Maude, Chair

Certified Correct:

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Vicky Bockman, Recorder