



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: April 4, 2023
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, RPP MCIP, Regional Planning Manager
Narissa Chadwick, RPP, MCIP Island Planner
Margot Thomaidis, Planner 2
Stephen Baugh, Planner 2
Warren Dingman, Bylaw Compliance & Enforcement Manager
Vicky Bockman, Recorder

Others Present: Approximately seventeen (17) members of the public
Dr. Pamela Shaw, Sonal Deshmukh, Consultants, Vancouver Island University

1. CALL TO ORDER

The Chair called the meeting to order at 10:00 am. He welcomed the public, introduced Trustees, staff and recorder; and noted that this meeting is being live streamed and recorded for viewing on the Islands Trust website. He acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:
11.3 Community Chat

By general consent the agenda was adopted as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Graham commented that Trust activities have been minimal for him since the last meeting; however, he did want to acknowledge that he does review social media even though he does not post often on that platform.

Trustee Borthwick reported on the following:

- He attended a Ferry Advisory Committee meeting where discussion included concerns regarding the proposed Gravelly Bay terminal expansion plans;
- Trust Programs Committee;
- He suggested that the Local Trust Committee (LTC) consider scheduling Town Halls early in the meeting as well as later in order to maximize the public's ability to comment on issues.

3.2 Chair's Report

The Chair reported on the following:

- He and Regional Planning Manager Jamurat attended a meeting with BC Ferries representatives to discuss the proposed Gravelly Bay terminal expansion and tree cutting plans; and noted that there will be community consultation on the issues;
- He attended Trust Council where the 2023/2024 budget was approved.

3.3 Electoral Area Director's Report - none

4. PUBLIC COMMENTS

- A member of the public asked the LTC to: 1) pass a motion requesting the Minister of Transportation and the Premier to create a separate ferry connecting Hornby Island and Vancouver Island to address the increased traffic across Denman Island that BC ferries plans, 2) pass a motion urging the Islands Trust Executive Committee to protest the exclusion of the Trust Area in the prohibition on the purchase of residential property by non-Canadians, and 3) discuss reversing the policy where Trustees remain anonymous in the meeting minutes; and record the mover and seconder of motions and how each Trustee voted if they are not unanimous. She submitted her comments for the record.
- Another member of the public expressed objections to the Bylaw Enforcement Notification (BEN) Bylaw, including that this system enforces against housing regulations under review and may contravene the human right to adequate housing. The Denman Island Housing Action Group requested that the LTC refer the proposed amendments to the BEN Bylaw to the Housing Advisory Planning Commission (HAPC) for consideration and discussion.
- Another member of the public asked what is the goal of the Housing Review project?
 - A Trustee responded that the housing policies were created by the community many years ago and this project is an opportunity to review the Official Community Plan (OCP) and Land Use Bylaw (LUB) to update those policies and regulations in conversation with the community.
- A member of the public shared her personal experience with the difficulties of her inability to find affordable housing on Denman Island even though she is engaged with the community and has meaningful employment.
- Another member of the public works two jobs and still cannot afford to purchase a home on Denman Island; she does not feel safe or secure in her current housing situation.

- Another member of the public is disappointed that Pepper Lane senior housing development did not proceed as she had hoped to transition there from her current cabin where living may be beyond her physical ability as she ages.
- Another member of the public acknowledged the importance of housing and expressed her opinion that the Islands Trust should spend less on bureaucracy and become more efficient; housing issues need to consider diminishing water levels.
- Laura Thomson objected for many reasons to the right of Bylaw Enforcement to impose fines if access without notice is refused; she asked the LTC to deny granting Bylaw Enforcement more power and not to introduce additional fines in the BEN Bylaw; micromanaging bylaws is not reasonable on Denman Island. Her notes were submitted for the record.
- Another member of the public stressed the importance of deliverables for the Housing APC and encouraged the Housing APC to continue to engage with the public to access a range of views to keep Denman Island alive, vibrant and diverse.

5. DELEGATIONS

5.1 Engagement Surveys and Densification - Harlene Holm

Harlene Holm addressed the Farming Regulations Review Project proposed Bylaw Nos. 228 and 229, expressing concerns with interpretation of some of the survey results, the potential increase in density that could result on Agricultural Land Reserve properties, and the lack of adequate consideration of all sources of water. She noted that the Denman Conservation Association document expressing concerns about water was not added to the agenda as a late item and that relevant communication gets lost in the Project Correspondence file. She proposed that the available background information on sources of water in addition to Graham and Chickadee Lakes, recommendations, and draft bylaws be provided to inform the community prior to advancement of the bylaws. A submission in the agenda package outlines additional requests in the consideration of farm regulations.

5.2 Two Decades of Denman Housing: Time for Action - Denman Housing Action Group

Riane DaSilva and Virginia Spinney observed that since 2002 there have been eight studies addressing housing for Denman Island that identify community housing needs, farm worker housing needs, and accessing public support for housing options. A summary of the reports is included in the agenda package and electronic versions are available and can be provided. Concern was expressed with creation of another Housing Review project and a two-year term for the Housing APC while the housing situation continues to decline. The LTC was requested to consider the information provided with this delegation, including suggestions for the Housing APC and recommendations for Bylaw Enforcement requirements relating to housing. The submission was included in the agenda package.

6. MINUTES

6.1 Local Trust Committee Minutes dated February 7, 2023- for adoption

By general consent the Local Trust committee meeting minutes of February 7, 2023 were adopted.

- 6.2 Section 26 Resolutions-Without-Meeting Report dated March 27, 2023**
Received for information.

- 6.3 Advisory Planning Commission Minutes - none**

7. BUSINESS ARISING FROM MINUTES

- 7.1 Follow-up Action List dated March 27, 2023**
Staff provided updates for information and responded to questions that arose.

8. APPLICATIONS AND REFERRALS

- 8.1 DE-ALR-2022.2 Wright - 2961 Northwest Rd. - Staff Report**
Planner 2 Baugh presented a Staff Report regarding this application that asks the LTC to make a resolution recommending whether or not to forward the application for a Non-Adhering Residential Use to the ALC for further consideration, if forwarding the application to the ALC the LTC should also provide comment to the Agricultural Land Commission (ALC) on conformity with bylaws. The additional residence is being proposed to allow the next generation to take over the farm while the current owners remain on the farm to train and support the transition of responsibility.

DE-2023-013

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to forward DE-ALR-2022.2 to the Agricultural Land Commission with the following comments:

“The Denman Island Local Trust Committee finds DE-ALR-2022.2 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

By general consent the meeting recessed at 11:28 am and reconvened at 11:31 am.

9. LOCAL TRUST COMMITTEE PROJECTS

- 9.1 Denman Housing Review Project - Consultant Report**
Dr. Pamela Shaw conducted an overview of the Denman Island Housing Review recommendations report. She summarized the project scope, community and stakeholder engagement, policy recommendations and conclusion. The full report is available with the April 4 agenda package.
A Trustee had several comments:

- he apologized on behalf of the community for the unfortunate comment that led to the cancellation of the planned Community Information Meeting;
- creating simplified housing agreement templates to ensure affordability would be difficult due to the many unique characteristics of situations; what types of incentives for property owners are suggested?
- updating the OCP and LUB to allow for secondary suites and secondary dwellings to be used for long-term rentals does not recommend where this might be appropriate;
- referring to aesthetic requirements as a common ideal is probably not relevant on Denman Island;
- rather than review existing secondary homes for yearly rentals on a case-by-case basis, an approach to allow as a permitted use might be considered;
- rather than subdivisions, land sharing options might be encouraged;
- a creative approach to total square footage was supported;
- instating “Empty Homes Tax” or “Vacancy Tax” is outside of Islands Trust’s authority.

The Chair opened the floor to the public for questions and comments.

- The Stakeholders’ Round Table included discussion and consideration of properties on lots less than one hectare for housing solutions; however, concern was expressed that this was not included in the consultants’ report. A review of existing situations on Denman Island was recommended to inform the policy.
 - This was recommended based on the Ministry of Health’s one hectare minimum relating to ground well water and septic considerations; however, this might be further considered.
- Creative housing square footage was supported to accommodate options for a variety of home and land sharing solutions.
 - This option might be flagged for consideration in the Housing Review.

10. CORRESPONDENCE

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

10.1 Email dated February 16, 2023 from Dr. J. Balke regarding Ferry Terminal Denman
Received for information.

10.2 Email dated March 3, 2023 from E. Johnston regarding Growing Concern over Local Trust Committee Focus
Received for information.

10.3 Email dated March 8, 2023 from H. Holm regarding Mar 8-23 NASA image argues for reducing light pollution
A Trustee requested that a follow-up be conducted on the issue of light pollution growth on Denman Island and aligning the LUB with the OCP Guiding Principle 8.

- 10.4 Email dated February 10, 2023 from R. DaSilva regarding Recording of Tuesday's Meeting**
Received for information.

11. NEW BUSINESS

11.1 Draft Freedom of Information and Protection of Privacy Bylaw - Request for Decision

DE-2023-014

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 246, cited as "Denman Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 246, 2023" be given first, second and third reading.

CARRIED

DE-2023-015

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 246, cited as "Denman Island Local Trust Committee Freedom of Information and Protection of Privacy Bylaw No. 246, 2023" be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

By general consent the meeting recessed at 12:25 pm and reconvened at 12:55 pm.

By general consent agenda item 11.2 was moved to follow 11.3.

11.3 Community Chat

A Trustee reported that both Trustees Graham and Borthwick would like to host an opportunity for community members to chat with them on a trial basis in an effort to promote a more frequent dialogue. Staff confirmed that the budget exists for this initiative and that there is no regulatory concern with such an event to hear information, providing no decisions are made.

11.2 Bylaw Enforcement Notification Bylaw Amendment - Staff Report

Bylaw Compliance and Enforcement Manager Dingman explained that the proposed BEN Bylaw amendment is before the LTC for consideration as a means to enforce the Siting and Use Bylaw, correct errors, and to add a contravention for failure to permit an inspection under section 1.3.7 of the LUB which is not a new law and was omitted in error. He advised that amending the BEN Bylaw is within the LTC's authority.

Trustees' discussion included the following:

- the Bylaw fines impact low-income residents disproportionately and it was suggested that consideration be given to limiting the infractions to Short Term Vacation Rentals, a practice that generates income for the operators;

- compliance is achieved most of the time, and without use of the BEN Bylaw system the LTC can authorize legal action as a recourse if necessary.

DE-2023-016

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 247, cited as “Denman Island Local Trust Committee Bylaw Enforcement Notification Bylaw, 2019” be amended by removing all Bylaws in the Bylaw Section from Schedule A Contraventions and Penalties, except 2.1.2, the Short Term Vacation Rental Bylaw.

Discussion followed with Bylaw Compliance and Enforcement Manager Dingman suggesting that the vote be deferred until after the Closed Meeting to allow the Committee members an opportunity to discuss the legal opinions on short-term vacation rentals.

After the Closed Meeting, Local Trust Committee members returned to the motion on the floor and the Chair called the question.

CARRIED

The LTC deferred consideration of amending the BEN Bylaw Schedule B to the next LTC meeting.

12. REPORTS

12.1 Trust Conservancy Report dated February, 2023

Received for information.

12.2 Applications Report dated March 27, 2023

Regional Planning Manager Jamurat responded to questions that arose.

12.3 Trustee and Local Expense Report dated January, 2023

Received for information.

12.4 Adopted Policies and Standing Resolutions

Received for information.

12.5 Local Trust Committee Webpage

There were no additions or changes requested.

13. WORK PROGRAM

13.1 Active Projects Report dated March 27, 2023

Discussion of the Active Projects included the following comments.

- A Trustee expressed a desire to create an opportunity to meet with K'ómoks First Nation for introductions and to establish a working relationship.

- Regional Planning Manager Jamurat responded that this request will be captured in the Follow-Up Action List for staff to facilitate an invitation to meet.
- An update on the status of the Farming Regulation Review was requested.
 - Regional Planning Manager Jamurat responded that staff will follow up with an update for the Trustees.

13.2 Future Projects Report dated March 27, 2023

Planner Chadwick advised that she is researching an opportunity being offered by Canada Mortgage and Housing Corporation for land use authorities to apply for grant funds to be utilized to build housing.

Discussion included the following key points:

- There is a short timeline for application with a requirement for an action plan informed by a conversation with the community; this might require a report for the June LTC meeting to meet the application deadline.
- Appointments for the Housing APC have not yet been made; however, could be completed in a timely manner by Resolution Without Meeting;
- The Denman Island Housing Group offered assistance with information to provide for a proposed information meeting.

DE-2023-017

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting for housing sometime in May.

A Trustee requested that the meeting be scheduled for an evening rather than during the day to encourage attendance.

CARRIED

A Trustee suggested that a review of guest accommodations regulations might be added to the Future Projects list.

DE-2023-018

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to add to the Future Projects list a review of zoning policies and regulations regarding guest accommodation in the Land Use Bylaw.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, June 6, 2023 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

Trustees confirmed the next regular meeting date, time and location.

15. CLOSED MEETING

15.1 Motion to Close the Meeting

DE-2023-019

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)(f) for the purpose of considering Bylaw Enforcement and that the Recorder and Staff attend the meeting.

CARRIED

The meeting closed to the public at 1:42 pm.

15.2 Recall to Order

The meeting was recalled to order at 2:07 pm.

The Chair reported that in the Closed Meeting, the LTC closed all the existing unlawful housing files on Denman Island and have closed the Siting file for 4696 Lacon Road.

16. ADJOURNMENT

By general consent the meeting was adjourned at 2:16 pm.

David Maude, Chair

Certified Correct:

Vicky Bockman, Recorder