



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: January 21, 2025

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
Narissa Chadwick, Island Planner (electronic)
Marlis McCargar, Island Planner
Sonja Zupanec, Island Planner (electronic)
Margot Thomaidis, Planner 2 (electronic)
Lisa Millard, Meeting Administrator/Recorder (electronic)

Others Present: There were approximately 7 members of the public and 3 representatives of K'ómoks First Nation present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:00 am.

2. TERRITORIAL ACKNOWLEDGEMENT

Chair Maude acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

3. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

4. REPORTS

4.1 Trustee Reports

Trustee Graham reported the following:

- Attended Committee of the Whole meeting to work on draft Policy Statement;
- Attended Regional Planning meeting to review Bylaw Enforcement Handbook; and
- Will be attending Financial Planning Committee meeting to discuss upcoming budget.

Trustee Borthwick reported the following:

- Attended Committee of the Whole and Regional Planning Committee meetings.

4.2 Chair's Report

Chair Maude reported the following:

- Attended Trust Council quarterly meeting in December; and
- Ongoing attendance at Committee of the Whole meetings to work on draft Policy Statement in preparation for public consultation stage.

4.3 Electoral Area Director's Report - none

5. PUBLIC COMMENTS

A member of the public spoke to the importance of addressing issues of affordable housing quickly as many residents are living in substandard conditions.

A member of the public noted that it is their understanding the purpose of allowing a second residence on a property is to create affordable housing and asked if there was a mechanism in place to ensure that a second residence will actually be affordable.

Trustees replied that affordability could be accomplished through a housing agreement; however, resources to administer a high number of agreements are not in place. They confirmed there will not be opportunity to subdivide a property with a second residence and short-term vacation rentals are not allowed.

6. MINUTES

6.1 Local Trust Committee Minutes dated December 10, 2024 - for adoption

The following amendments to the minutes were presented for consideration:

- Page 3 of the minutes, second bullet point from the bottom, change word “once” to “one”.

By general consent, the minutes were adopted as amended.

6.2 Section 26 Resolutions-Without-Meeting Report - none

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated January 14, 2025

A letter of congratulations to K'ómoks First Nation regarding their recent elections has been drafted by Islands Trust Senior Indigenous Advisor and will be forwarded to Chair Maude for signature. The Chair requested staff provide a copy of the letter to Trustees for their information.

8. DELEGATIONS - none

9. APPLICATIONS AND REFERRALS

9.1 DE-DVP-2024.1 (Nielsen) - Staff Report

The Planner summarized the staff report and highlighted the following:

- Application seeks retroactive approval for multiple setback variances for existing structures;

- Public notification was sent out in December, 2024 and there have been no responses to date; and
- Encroachments are relatively minor.

A member of the public provided a written submission and stated the following:

- They participate in a group that is planning to open up, and mark, as many road allowance beach access points as possible;
- They asked the Local Trust Committee not to approve a variance that reduces the road setback as the reduction makes the road harder to maintain and less safe to drive on; and
- Granting the permit will send a message that it is okay to build on a public right of way and ask for permission to do so only after a complaint is made.

The applicant was in attendance and made the following comments:

- An encroachment permit from the Ministry of Transportation and Infrastructure had been received;
- Encroachment onto the right of way was approximately .18 metres and resulted from an improperly marked survey line; and
- They were asked to rectify the situation by applying for a development variance permit.

Trustees confirmed that the applicant had received an encroachment permit.

DE-2025-001

It was MOVED and SECONDED

that Denman Island Local Trust Committee approve issuance of Development Variance Permit DE-DVP-2024.1 (Nielsen).

CARRIED

9.2 DE- RZ-2023.1 (Komas Ranch Ltd.) - Staff Report

The Planner summarized the staff report and highlighted the following:

- The report provides an update on previous requests related to the environmental, archaeological, and cultural heritage protection of the Komas Ranch properties;
- The Local Trust Committee had requested a preliminary field reconnaissance report and the applicant required further details prior to hiring an archaeological consultant to perform the work;
- Draft terms of reference and detailed preliminary field reconnaissance requirements have been informed by ongoing engagement with K'ómoks First Nation archaeology staff;
- The preliminary field reconnaissance seeks to address gaps in cultural and archaeological heritage information and help to inform the creation of a heritage conservation area for the properties;
- Recorded, and unrecorded, archaeological sites are protected through the *BC Heritage Conservation Act*; however, unrecorded sites are likely to be overlooked and damaged, resulting in a need to account for all existing cultural heritage sites prior to any future development; and

- The applicant is in support of protecting the cultural heritage values on the properties but they question the necessity of conducting preliminary field reconnaissance.

A Komas Ranch property owner, representing the ownership group, was in attendance and the following comments were noted:

- The BC Archeology Branch has information about culturally sensitive materials on Long Beak Point and the other properties;
- There have been three extensive archeological digs on the property;
- Land owners are not permitted access to information on file at the Archaeology Branch;
- The preliminary field reconnaissance would not be as extensive as the three digs previously conducted and would not add new information;
- The rezoning is the result of a transfer of authority and property owners should not be responsible for costs associated with providing further archaeological information on the property.

A K'ómoks First Nation Archeologist made the following comments:

- As an archeologist, they have access to the information held at the BC Archeology Branch;
- There have been no significant or extensive excavations done on the property and the Owner's have misunderstood the BC Archaeology Branch's information;
- Information held at the Branch indicates archaeologists were present on site in 1952, hydro pole replacement work was done along the road, and K'ómoks First Nation attended the site to rebury ancestral remains.
- One of the reasons K'ómoks First Nation has recommended a preliminary field reconnaissance is because they identified extensive archaeological material outside of the currently registered site boundary; and
- Some of the development that has occurred on the site has been completed without permits, which have been required since 1994, resulting in infractions to the standards of the *Heritage Conservation Act*.

The Planner provided information about a Section 219 Covenant and noted it is a different tool than the Heritage Conservation Area and would mimic the protection that was provided through the historic land use contract. The covenant would be implemented in addition to zoning and for the purpose of environmental protection. A K'ómoks First Nation Staff Archaeologist provided the following input:

- They are working with the BC Archaeology Branch to increase the registered site boundaries on the properties;
- The property is private and archaeologists have not been able to document the site in the past; and
- A preliminary field reconnaissance will provide an opportunity to thoroughly document the information that is available on the surface and the unpermitted work that has taken place since the *Heritage Conservation Act* came into effect.

Discussion ensued and the following comments were noted:

- A preliminary field reconnaissance is not designed to be intrusive, but applied at the surface level to identify where there may be areas of higher, or lower, sensitivity;
- Many of the early archeological surveys were done by boat and therefore not complete or accurate; and
- K'ómoks First Nations is requesting an opportunity to get a more thorough and broad sense of the cultural heritage values on the site; and
- There are identified gaps in the archeological information on the site and a preliminary field reconnaissance would address those gaps and potentially inform the wording and mapping of heritage conservation protections.

The meeting was recessed for a break at 10:54 a.m. and reconvened at 11:00 a.m.

DE-2025-002

It was MOVED and SECONDED

that Denman Island Local Trust Committee request staff to prepare draft bylaw language to amend the Denman Island Official Community Plan, 2008 (OCP), to introduce a new site-specific Heritage Conservation Area for the subject properties at PIDs 000-211-338, 000-211-320, and 023-096-438, application DE-RZ-2023.1 (Komas Ranch Ltd.) including draft objectives, exemptions, and guidelines.

CARRIED

DE-2025-003

It was MOVED and SECONDED

that Denman Island Local Trust Committee endorse the draft Terms of Reference letter and direct staff to forward it to the applicant for DE-RZ-2023.1 (Komas Ranch Ltd.), with a final deadline of December 31, 2025 to provide additional information requested in support of the application.

CARRIED

DE-2025-004

It was MOVED and SECONDED

that Denman Island Local Trust Committee request staff to develop a draft restrictive covenant in consultation with the applicant for application DE-RZ-2023.1 (Komas Ranch Ltd.) for Local Trust Committee consideration.

CARRIED

DE-2025-005

It was MOVED and SECONDED

that Denman Island Local Trust Committee enter into a cost recovery agreement, if necessary, with the applicant allowing Islands Trust legal counsel to review a draft restrictive covenant for application DE-RZ-2023.1 (Komas Ranch Ltd.).

CARRIED

9.3 Hornby LTC Bylaw No. 176 and 177 Referral Form

DE-2025-006

It was MOVED and SECONDED,

that Denman Island Local Trust Committee interests are unaffected by the Hornby Island Local Trust Committee Draft Bylaw No. 176 and 177.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Denman Island Temporary Use Permit Review Project - Staff Report

The Planner summarized the staff report and highlighted the following:

- Proposed Bylaw No. 249 considers the removal of Temporary Use Permit requirements for secondary dwellings;
- Amendments focus on clarifying whether secondary dwelling units should be permitted on a per lot basis or per primary dwelling;
- The per lot approach limits unintended density increases particularly with lots with multiple dwellings; and
- The Temporary Use Permit Review project addresses immediate housing needs and staff recommend it continue independently from the broader Housing Review project as combining them could delay progress on the development of secondary dwellings.

Discussion ensued and the following comments were noted:

- Trustee Graham stated he would not comment as he lives on a property that contains multiple dwellings;
- The Planner clarified further analysis could be done on properties that might require site-specific zoning, and information would be sent to property owners once any additional areas allowing secondary suites were identified.

DE-2024-007

It was MOVED and SECONDED

that Denman Island Local Trust Committee Bylaw No. 249, cited as the “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024”, be amended as follows:

- i. Part 3 – ZONE REGULATIONS, Section 3.3 Residential Zoning Tables – Table 3 – Density of Uses, Buildings and Structures is amended by adding the following after line 3 “maximum number of secondary dwelling units per lot”, placing the number “1” in the R2 column, placing “n/a” in all other columns, and renumbering accordingly.
- ii. Part 3 – ZONE REGULATIONS, Section 3.4 Resource Zoning Tables – Table 3 – Density of Uses, Buildings and Structures is amended by adding the following after line 3 “maximum number of secondary dwelling units per lot”, placing the number “1” in the A, F and RE columns, and renumbering accordingly.

CARRIED

DE-2024-008

It was MOVED and SECONDED

that Denman Island Local Trust Committee Bylaw No. 249, cited as the “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2024”, be read a first time as amended.

CARRIED

10.2 Minor Project Prioritization - Staff Report

The Planner indicated the staff report summarizes four potential minor projects currently listed on the Local Trust Committee’s Future Projects list as well as a proposed new minor project that aligns with the major housing review project already underway.

The potential new project would seek to accomplish the following:

- Update the Official Community Plan to better reflect community needs and integrate First Nation perspectives;
- Collaborate with K’ómoks First Nation to incorporate their values, history, and priorities into the Official Community Plan preamble;
- Update the Official Community Plan with the most recent demographic and housing needs data; and
- Coordinate outreach with the ongoing Housing Review project to align efforts to educate the community of First Nation land use priorities.

Trustees noted it is a timely project that aligns with the Housing Review project.

DE-2025-009

It was MOVED and SECONDED

that Denman Island Local Trust Committee request staff prepare a project charter for the OCP Technical and First Nations Updates minor project, with scope and objectives as defined by the Local Trust Committee.

CARRIED

10.3 Major Project: Denman Housing Official Community Plan and Land Use Bylaw Review Project - verbal update

The Planner stated bylaws were being drafted and would be ready for review in March, 2025 and the Suitable Land Analysis, which will inform areas where expansion of accessory dwellings could be permitted, will be completed at the end of January.

DE-2025-010

It was MOVED and SECONDED

that Denman Island Local Trust Committee schedule an electronic special meeting in February to review the suitable land analysis.

CARRIED

11. CORRESPONDENCE

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

12. NEW BUSINESS - none

13. STAFF REPORTS

13.1 Trust Conservancy Report - none

13.2 Applications Report dated January 14, 2025
Received for information.

13.3 Trustee and Local Expense Report dated November, 2024
Received for information.

13.4 Adopted Policies and Standing Resolutions
Received for information.

13.5 First Nations Relationship Building Update - none

13.6 Local Trust Committee Webpage
No updates requested.

14. WORK PROGRAM

14.1 Active Projects Report dated January 14, 2025
Received for information.

14.2 Future Projects Report dated January 14, 2025
Received for information.

15. UPCOMING MEETINGS

**15.1 Next Regular Meeting Scheduled for Tuesday, March 18, 2025 at 10:00 am at
Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

16. ADJOURNMENT

By general consent, the meeting was adjourned at 11:45 a.m.

David Maude, Chair

Certified Correct:

Lisa Millard, Meeting Administrator/Recorder