



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: June 4, 2024

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
Marlis McCargar, Island Planner
Margot Thomaidis, Planner 2
Warren Dingman, Bylaw Compliance & Enforcement Manager (electronic)
Daniel Schneider, Bylaw Enforcement Officer (electronic)
Lisa Millard, Recorder (electronic)

Others Present: There were approximately 6 (six) members of the public and 1 (one) member of the media in attendance.

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 10:00 a.m. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

The following additions and changes to the agenda were presented for consideration:

- The regular meeting will close to the public and go in-camera following Item 7.1; and
- The order of Items 8.1 and 8.2 will be reversed so that:
Item 8.1 will now be DE-RZ-2023.1 - Komas Ranch Ltd. - Staff Report
Item 8.2 will now be DE-RZ-2024.1 - Triple Rock Land Cooperative - Staff Report

By general consent, the agenda was approved as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Graham reported the following:

- Attended the committee of the whole meeting for discussion on the Islands Trust Draft Policy Statement; and
- Attended a meeting with Comox Valley Regional District, the Denman Island Local Trust Committee, and the Hornby Island Local Trust Committee to discuss topics of mutual interest and concern.

Trustee Borthwick reported the following:

- Attended the committee of the whole meeting for discussion on the Islands Trust Draft Policy Statement;
- Attended the protocol meeting with the Comox Valley Regional District; and
- Attended a meeting with representatives of the K'omoks First Nation.

3.2 Chair's Report

Chair Maude reported the following:

- Noted that June 5, 2024 is the 50th Anniversary of Islands Trust;
- There will be a Trust Council meeting June 18-20, 2024 being held on Salt Spring Island; and
- Attended the committee of the whole meeting for discussion on the Islands Trust Draft Policy Statement and a period of public engagement is being planned.

3.3 Electoral Area Director's Report - none

4. PUBLIC COMMENTS

- A member of the public stated that they heard that there is a policy that Trustees are not allowed to say anything negative about Islands Trust, in general, including their personal experiences.
 - Trustee Borthwick referred to a recent Denman Island community Facebook discussion about the draft code of conduct and he clarified that it was a draft policy and not finalized yet. He noted that the intent of the policy is not to silence Trustees and they have freedom to express their views. He referred to Roberts Rules of Order that states once a motion has been made by a government body, regardless of one's personal vote for or against, the individual is required to represent it, as the motion carried by the body.
 - Chair Maude stated that if a motion was carried forward and agreed on by the Trustees, but he did not support it, he would be obligated to carry the motion forward with Trust Council.
 - Trustee Graham noted that, at times, the Denman Island Facebook group perpetuates inaccurate information.

5. DELEGATIONS - none

6. MINUTES

6.1 Local Trust Committee Special Minutes dated February 20, 2024 - for adoption

By general consent, the Local Trust Committee meeting minutes of February 20, 2024 were adopted.

6.2 Local Trust Committee Minutes dated April 9, 2024 - for adoption

By general consent, the Local Trust Committee meeting minutes of April 9, 2024 were adopted.

6.3 Local Trust Committee Special Meeting Minutes dated May 7, 2024 - for adoption

By general consent, the Local Trust Committee special meeting minutes of May 7, 2024 were adopted.

6.4 Section 26 Resolutions-Without-Meeting Report - none

6.5 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated May 24, 2024

A Trustee questioned why the status of February 20, 2024 Activity 1 'preparation of a suitable land analysis draft' was marked as complete. The Planner stated that the status should be "in progress."

DE-2024-034

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(2)(k) for the purpose of considering:

- (k)negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public;

and that the Recorder, Staff and representatives of the K'omoks First Nation attend the meeting.

CARRIED

The regular meeting was recessed at 10:27 a.m. and recalled to order at 11:20 a.m.

8. APPLICATIONS AND REFERRALS

8.1 DE-RZ-2023.1 - Komas Ranch Ltd. - Staff Report

The Planner summarized the staff report and highlighted the following:

- A Land Use Contract (LUC) was entered into in 1977 and it terminates on June 30, 2024;

- The application proposes to increase the number of allowable single family dwellings on two lots from 9 units up to 20 units with each of the permitted dwellings allowed one accessory guest dwelling no larger than 400 square feet;
- The application also requests a portion of one of the lots be rezoned from Rural to Conservation/Recreation; and
- There is an opportunity for the Local Trust Committee to update zoning as required and to protect cultural heritage sites and areas of sensitive environmental concern.

The Applicant and one of the property owners were present and made the following comments during discussion with the Trustees:

- The original Land Use Contract (LUC) did not have a public trail; however, Komas Ranch has allowed day use public access to the adjacent marine park and boating areas, Morning Beach Park, and Longbeak Point;
- If a trail is established, it would cross private property;
- There is a public park with vehicle parking at Morning Beach Park and access to Longbeak Point is provided from the same public area;
- The Komas Ranch property does not have parkland because the LUC specified that 150 acres remain as undisturbed forest;
- They have not had an opportunity to explore the Natural Area Protection Tax Exemption Program (NAPTEC) as they have just heard about it and do not have sufficient information to comment;
- Komas Ranch was originally an operating farm and the building on the Agricultural Land Reserve portion of the property was housing used for the farm owner and staff and it is currently being used as a low-cost rental housing unit;
- This is being treated as rezoning a piece of land, but it is a hand over from one level of government to another level of government and the owners are seeking a continuation of the use that has already been in place;
- They have complied with the request to do a survey of the land;
- They are being asked to categorize water and septic field capacity and, while they are willing to confirm that each of the properties has a functioning septic system, doing studies on existing properties seems onerous;
- The Province put legislation into place that specified that local governments would take over the administration of LUCs and put rezoning into place by June, 2022 and that property owners were to be notified in writing of the expiry of the contract; however, neither of these requirements have been met; and
- The Local Government Act is clear that the local government was to put rezoning in place, but Islands Trust has put the onus on the property owners to do this;
 - The Planner noted that zoning has been in place on these lots since 2008 and that the language in the local Government Act states that zoning has to be in place by the expiry of the Land Use Contract.

Discussion ensued.

DE-2024-035

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Official Community Plan, 2008 (OCP), to proceed with application DE-RZ-2023.1 (Komas Ranch Ltd.).

CARRIED

DE-2024-036

It was MOVED and SECONDED

That the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend the Denman Island Land Use Bylaw, 2008 (LUB), to proceed with application DE-RZ-2023.1 (Komas Ranch Ltd.).

CARRIED

DE-2024-037

It was MOVED and SECONDED

that the Denman Island Local Trust Committee confirm that the draft bylaw includes designation of part of the Northern parcel and part of the Eastern parcel (PIDs 000-211-338 and 023-096-438) as 'Conservation/Recreation' in the OCP and 'Conservation (CN)' in the LUB.

CARRIED

DE-2024-038

It was MOVED and SECONDED

that the Denman Island Local Trust Committee confirm that the draft bylaw includes designation of Site Specific Rural Residential zones in the LUB to permit the existing residential density on each of the subject properties.

CARRIED

DE-2024-039

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request the applicant for DE-RZ-2023.1 (Komas Ranch Ltd.) to submit the following information to the Local Trust Committee regarding sewerage waste disposal on the Northern and Western parcels (PIDs 000-211-338 and 000-211-320):

- a) Sewage disposal filings for each sewage disposal system on the subject properties; and
- b) A comprehensive sewage disposal plan for each dwelling/building site on each of the subject properties.

CARRIED

DE-2024-040

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request the applicant for DE-RZ-2023.1 (Komas Ranch Ltd.) to submit the following information to the Local Trust Committee regarding the existing water quality and quantity on the Northern and Western parcels (PIDs 000-211-338 and 000-211-320):

- a) Source of potable water for each building site;
- b) Distribution of potable water to each building site;
- c) Any historic or current water quality tests for existing potable water sources supplying the building sites;
- d) Any additional sources of water for irrigation (non-potable); and

that this information be forwarded to the Islands Trust Freshwater Specialist for comment.

CARRIED

DE-2024-041

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to report back on the options and implications of establishing a shoreline protection Development Permit Area for the subject properties.

CARRIED

DE-2024-042

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request the applicant of DE-RZ-2023.1 (Komas Ranch Ltd.) to confirm whether or not they will pursue a Natural Area Protection Tax Exemption Program (NAPTEP) covenant to protect an environmentally sensitive portion of the Northern parcel.

CARRIED

DE-2024-043

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to engage with K'ómoks First Nation regarding their interest in formalizing access to Longbeak Point through a pedestrian trail on the Western and Northern parcels.

CARRIED

DE-2024-044

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to report back on the options to formally protect the cultural heritage of the subject properties using all available local government tools, in addition to the Heritage Conservation Act.

CARRIED

DE-2024-045

It was MOVED and SECONDED

That the Denman Island Local Trust Committee request the applicant of DE-RZ-2023.1 (Komas Ranch Ltd.) submit a post-impact Preliminary Field Reconnaissance prepared by a qualified professional, in consultation with K'ómoks First Nation.

CARRIED

DE-2024-046

It was MOVED and SECONDED

that the Denman Island Local Trust Committee direct staff to send an early referral of the preliminary staff report and application DE-RZ-2023.1 (Komas Ranch Ltd.) to the following groups for comment: K'ómoks First Nation; Qualicum First Nation; Tla'amin Nation; Homalco First Nation (Xwemalhkwu); Wei Wai Kum Nation; We Wai Kai Nation; Nanwakolas Council; Te'Mexw Treaty Association; Snaw'Naw'As Nation; Snuneymuxw First Nation; Halalt First Nation; Stz'uminus First Nation; Tsu'uubaa-asatx First Nation; Lyackson First Nation; Penelakut Tribe; Cowichan Tribes; Comox Valley Regional District; BC Archaeology Branch; Islands Trust Conservancy; and the Islands Trust Senior Intergovernmental Policy Advisor.

CARRIED

DE-2024-047

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to initiate the creation of an Advisory Planning Commission through expressions of interest for the Denman Island Local Trust Committee.

CARRIED

The meeting recessed for a break at 12:15 p.m. and reconvened at 12:45 p.m.

8.2 DE-RZ-2024.1 - Triple Rock Land Cooperative - Staff Report

The Planner summarized the staff report and highlighted the following:

- The current zoning allows for fifteen units and the application seeks to increase the number of units to nineteen and allow secondary suites in all units;
- In 2008, the property was rezoned from Forestry to a new site-specific zone, Co-housing (R3), which permitted 15 (fifteen) affordable units regulated by a housing agreement;
- In 2008, the portion of the property which is in the Agricultural Land Reserve (ALR) was rezoned to a site specific Agriculture (5) zone, which does not permit any dwellings;
- This application would create four new units of affordable housing, as well as potential for up to nineteen affordable secondary suites;

- The applicant plans to use rainwater harvesting;
- There is confirmation the property will support septic use for five additional residences, but information is required regarding septic suitability and capacity for the secondary suites if all were built out; and
- The current minor project is to remove the density bank so this application will not affect density bank calculations.

Discussion ensued and Trustees made the following comments;

- Affordable secondary suites are needed by the community;
- The existing development is already successfully using rainwater catchment and onsite potable water storage; and
- The integrity and history of the development is exemplary.

DE-2024-048

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to prepare a draft bylaw to amend Denman Island Land Use Bylaw, 2008 to rezone Lot A, Section 17, Denman Island, Nanaimo District, Plan VIP87456.

CARRIED

DE-2024-049

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request the applicant for DE-RZ-2024.1 (Triple Rock Land Cooperative) to submit Confirmation from a qualified professional that the subject property has adequate conditions to support wastewater systems, compliant with the BC Sewerage System Regulation under the Health Act for the proposed increase in density to the local trust committee prior to second reading being considered.

CARRIED

DE-2024-050

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request the applicant for DE-RZ-2021.1 (Triple Rock Land Cooperative) enter into a cost recovery agreement with the Islands Trust for the purposes of vetting an amended housing agreement, which the applicant will provide.

CARRIED

DE-2024-051

It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to send an early referral of DE-RZ-2024.1 (Triple Rock Land Cooperative) to the Denman Island Fire Department.

9. LOCAL TRUST COMMITTEE PROJECTS

9.1 Minor Project - Housing Related Temporary Use Permit Review- verbal update

The Planner noted further information will be available at the next meeting.

10. CORRESPONDENCE - none

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

11. NEW BUSINESS

11.1 Annual Reporting Excerpt for Denman Local Trust Area – Memorandum

Add the word “many” before First Nations in the second sentence.

DE-2024-052

It was MOVED and SECONDED

that the Denman Island Local Trust Committee approves the attached amended text for inclusion in the 2023/24 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs.

CARRIED

12. STAFF REPORTS

12.1 Bylaw Compliance and Enforcement Policy - Staff Report

The Bylaw Compliance and Enforcement Manager summarized the staff report as follows:

- The report provides details of site visits that occurred in January 2024;
- A complaint was received about tree cutting and soil removal within the riparian area around Graham Lake; however, a specific address was not provided;
- The Bylaw Officer attended a few properties and had contact with some residents;
- It was determined that one compromised tree was removed, that there was not a bylaw infraction, and the file was closed;
- Bylaw staff currently follow adopted Trust Council policies for compliance and enforcement, and they receive direction from Local Trust Committees in the form of standing resolutions regarding specific bylaw contraventions;
- The report proposed that a policy document be created for the Denman Local Trust Committee that would direct bylaw staff on specific issues not addressed within the Trust Council policies, including notice of site inspections, time to comply, frivolous complaints, definition of minor contraventions, and the use of discretion; and
- Through the policy document, each Local Trust Committee will be able to establish policy on how bylaw staff are to conduct themselves and when files are to be closed.

Discussion ensued.

DE-2024-053

It was MOVED and SECONDED

that the Denman Island Local Trust Committee adopt the proposed bylaw compliance and enforcement policy as presented.

CARRIED

12.2 Trust Conservancy Report March, 2024

Received for information.

12.3 Trust Conservancy The Heron - Spring Edition

Received for information.

12.4 Applications Report dated May 24, 2024

Received for information.

12.5 Trustee and Local Expense Report dated March, 2024

Received for information.

12.6 Adopted Policies and Standing Resolutions

Received for information.

12.7 First Nations Relationship Building Update

The Regional Planning Manager provided a general update and noted that a leadership meeting occurred between the Denman Island Local Trust Committee and Komoks First Nation and that staff-to-staff conversations are ongoing.

12.8 Local Trust Committee Webpage

No updates at this time.

13. WORK PROGRAM

13.1 Active Projects Report dated May 24, 2024

Received for information.

13.2 Future Projects Report dated May 24, 2024

Received for information.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, August 13, 2024 at 10:00 am at Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

15. CLOSED MEETING

15.1 Motion to Close the Meeting

DE-2024-54

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(2)(b)&(f) for the purpose of considering:

- (b)the consideration of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party;
- (f)law enforcement, if the council considers that disclosure could reasonably be expected to harm the conduct of an investigation under or enforcement of an enactment;

and that the Recorder and Staff attend the meeting.

CARRIED

The regular meeting recessed at 1:35 p.m.

15.2 Recall to Order

The meeting was recalled to order at 2:01 p.m.

16. ADJOURNMENT

By general consent, the meeting was adjourned at 2:02 p.m.

David Maude, Chair

Certified Correct:

Lisa Millard, Recorder