



Denman Island Local Trust Committee Minutes of Special Meeting

Date: November 2, 2021
Location: Electronic Meeting

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
Marnie Eggen, Island Planner
William Shulba, Senior Freshwater Specialist
Vicky Bockman, Recorder

Others Present: Daniel Arbour, Electoral Area Director
Approximately 6 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 10:32 am. She introduced Trustees, staff and recorder and acknowledged that the meeting was being held in the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. RISE AND REPORT - IN CAMERA MEETING SEPTEMBER 7, 2021

Chair Fast reported that at the September 7, 2021 *In Camera* meeting the Local Trust Committee (LTC) adopted the minutes of the July 6, 2021 *In Camera* meeting.

4. REPORTS

4.1 Trustee Reports

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

- Trust Council in September;
- Regional Planning Committee-working on initiatives based on regional approaches to planning;
- Comox Valley Regional District (CVRD) Elected Officials Forum focused on water and water protection;
- CVRD and Islands Trust annual coordination meeting discussing matters of mutual interest;
- Vancouver Island Economic Summit;

- Financial Planning Committee-working on the budget for the next fiscal year;
- Islands Trust screening of the documentary Dust n' Bones.

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

- Three meetings of the Select Committee for management and governance review of Islands Trust-a report is anticipated for Trust Council in March, 2022;
- Trust Council in September;
- Islands Trust screening of the documentary Dust n' Bones;
- CVRD/Islands Trust annual meeting-Fire Chief Luckett reported on a wildfire emergency fighting exercise on Denman Island;
- Baynes Sound Lambert Channel Forum Steering Committee;
- Trust Programs Committee.

4.2 Chair's Report

Chair Fast reported on activities and meetings including:

- Howe Sound Forum held on Bowen Island;
- Metro Vancouver Regional District meeting – discussion on changes to wastewater treatment to improve marine water quality in the Salish Sea;
- Bowen Island Municipal Council;
- Executive Committee;
- Zero Waste Conference – annual event held electronically;
- Financial Planning Committee meeting is upcoming.

4.3 Electoral Area Director's Report

Director Arbour reported on the following:

- A letter exploring housing services feasibility for Denman and Hornby Islands with options to support housing on Denman Island may be available for consideration at the next LTC meeting;
- The high speed internet initiative referendum vote to bring fibre optic service to Denman and Hornby Islands will take place on November 27;
- CVRD is starting strategic sessions to discuss a solid waste management plan for the entire region;
- Advocating to make the chipping program a permanent fixture in all communities – many benefits include improvement of air quality and reduction of fire risk;
- CVRD is continuing to work with the Graham Lake Improvement District to resolve issues;
- Discussions are being held to consider options to apply to Oceans and Fisheries Canada for selection in a new pilot program.

5. TOWN HALL - none

6. DELEGATIONS - none

7. MINUTES

7.1 Local Trust Committee Minutes dated September 7, 2021 - for adoption

By general consent the September 7, 2021 minutes were adopted.

8. BUSINESS ARISING FROM MINUTES

8.1 Follow-up Action List dated October 25, 2021 - for discussion

Trustees had no comments.

8.2 Islands Trust Area Bylaw No. TC183 - Referral Request for Response

LTC members discussed process, options, and timing for responding to this referral and expressed support for an approach that provides an opportunity to solicit and reflect Denman Island community's viewpoints.

DE-2021-075

It was MOVED and SECONDED,

that the matter of Islands 2050 Bylaw Referral be deferred until the completion of the formal consultation process as applied to Denman Island.

CARRIED

9. APPLICATIONS AND REFERRALS

9.1 DE-RZ-2021.1 (Denman Housing Association - DHA) - Staff Report - for decision

Planner Zupanec presented the staff report that includes Draft Bylaw No 241 (Official Community Plan), Draft Bylaw No. 242 (Land Use Bylaw), Draft Bylaw No. 243 (Housing Agreement), Draft Restrictive Covenant, Sewage confirmation addendum for Northwest Road, Proposed Water Management Plan, and Early Referral response from Denman Conservancy.

She reported that pending items include approval for a water license, confirmation of adequate sewage disposal capacity for the Danes Road receiver parcels, the Islands Trust Policy Statement checklist; and an internal review of the proposed Water Management Plan that will be conducted by staff with a report provided to the LTC. Staff recommends first reading to advance the referral process.

A Trustee expressed concern that documentation supporting key elements is lacking.

Chair Fast invited the applicant, Simon Palmer, to speak to the application with the following comments noted:

- The Water Plan, including the rainwater harvesting aspect, has been submitted to Island Health who determined they would have no further need to comment until the design stage of the system;
- The well flow test indicated more than adequate well water to supply the project and in addition, half of the potable water needs are planned to be supplied by a rainwater system which has been approved by the BC Ministry of Health;
- The engineer that designed the wastewater system determined there are adequate soil conditions to accept the calculated waste without having any effect downstream of the fields; design of that system is premature at this time and will come early in 2022;
- The LTC was requested by the applicant to consider giving first and second reading for all three bylaws at today's meeting to enable the project to meet the funding request deadline.

Trustees discussed the proposal further with the following noted:

- The proponent confirmed that an electric charging station for residents has been discussed internally;
- In response to a Trustee's concern regarding impact on project residents from potential late-night noise from the nearby community Hall and Activity Centre, the applicant expressed the opinion that the benefits of the affordable living would outweigh any potential objections to noise;
- Giving second reading at today's meeting was considered premature as the referral responses, community input, and receipt of pending documents and analysis might inform possible changes which are typically completed at second reading; and deferral of second reading may not delay the process depending on the substance of the information received.

By general consent the meeting recessed at 11:52 am and reconvened at 11:55 am.

- Definitions and analysis might be expanded to provide clarity and to ensure there is no conflict between multi-family affordable housing and secondary suites regulations and definitions;
- The Housing Needs Assessment indicated a lack of rental housing altogether, not just low income households; consideration might be given to Bylaw No. 235 Schedule "1" Objective 5 to broaden the intent;
- The BC Energy Step Code Level in Bylaw No. 235 Schedule "1" seventh bullet was noted as Level 3 and should be corrected to Level 2;
- Trustees supported a Community Information Meeting to be held as a separate, stand-alone event on an evening or weekend afternoon to encourage community involvement.

DE-2021-076

It was MOVED and SECONDED,

that Denman Island Local Trust Committee Bylaw No. 241 cited as "Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2021" be amended as follows: by removing the words "for low income households" from proposed Objective 5.

A Trustee made it clear that this amendment is not against low income households however is intended to broaden the scope of availability of rental housing on Denman Island.

CARRIED

DE-2021-077

It was MOVED and SECONDED,

that Denman Island Local Trust Committee Bylaw No. 241 cited as "Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2021" be read a first time.

CARRIED

DE-2021-078

It was MOVED and SECONDED,

that Denman Island Local Trust Committee Bylaw No. 242 cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021" be read a first time.

CARRIED

DE-2021-079

It was MOVED and SECONDED,

that Denman Island Local Trust Committee Bylaw No. 243 cited as “Denman Island Housing Agreement Bylaw” be amended by replacing the words “Step Code 3” with the words “Step Code 2” in paragraph b. v of the Housing Agreement Section 219 Covenant.

CARRIED

DE-2021-080

It was MOVED and SECONDED,

that Denman Island Local Trust Committee Bylaw No. 243 cited as “Denman Island Housing Agreement Bylaw” be read a first time.

CARRIED

DE-2021-081

It was MOVED and SECONDED,

that proposed Bylaw Nos. 241, 242, and 243 be referred to the following First Nations, Local Governments, and agencies for comment:

- a. Hornby Island Local Trust Committee
- b. Island Health
- c. Denman Advisory Planning Commission
- d. Denman Conservancy
- e. Comox Valley Regional District
- f. K'ómoks First Nation
- g. School District 71
- h. Denman Fire Department
- i. Qualicum First Nation
- j. Tla'amin Nation
- k. Snaw'Naw'As Nation
- l. Te'Mexw Treaty Association
- m. We Wai Kai Nation
- n. Stz'uminus First Nation
- o. Lake Cowichan First Nation
- p. Halalt First Nation
- q. Lyackson First Nation
- r. Penelakut Tribe
- s. Cowichan Tribes
- t. Laich-kwil-tach Treaty Society
- u. Nanwakolas Council
- v. We Wai Kum Nation
- w. Xwemanlhkwu (Homalco) First Nation
- x. Islands Trust Freshwater Specialist

A Trustee requested that a cover letter be provided to the Advisory Planning Commission to provide an understanding of the link between the different parts of this project including the donor parcel and receiver parcels.

CARRIED

DE-2021-082

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting for an evening or weekend afternoon prior to the next scheduled Local Trust Committee business meeting for application DE-RZ-2021.1 (DHA) and proposed Bylaw Nos. 241, 242, and 243.

CARRIED

DE-2021-083

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back an analysis with recommendations to clarify the definition of dwelling, multi-family in the proposed Bylaw No. 242 and ensure that proposed Bylaw No. 241 Schedule "1", 1. Bullet no. 4 clearly delineates between affordable housing types and primary dwellings, secondary suites and cabins.

CARRIED

By general consent the meeting recessed at 12:51 pm and reconvened at 1:22 pm.

By general consent agenda item 12.3 was moved to follow 9.1.

12.3 2022 Annual Meeting Schedule - for discussion and decision

DE-2021-084

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee schedule its regular business meetings on the following dates in 2022: January 18, March 22, May 31, July 19, September 27, and November 8.

CARRIED

10. LOCAL TRUST COMMITTEE PROJECTS

10.1 Denman Farming Regulations Review Project - Staff Report - for decision

Planner Eggen presented the Staff Report that provides the LTC with a project status update and asks the LTC to consider a referral to the Advisory Planning Commission (APC) and the Denman Growers and Producers Alliance (GPA) for comment.

Trustees discussed the APC workload and debated benefit of referring the draft community engagement plan and draft topic areas for the community survey/questionnaire to the APC. They discussed process with two referrals currently being considered for APC comment, and suggested that the APC and GPA be advised of the introductory nature and focused responses being requested at this time.

DE-2021-085

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to refer to the Denman Island Advisory Planning Commission and the Denman Growers and Producers Alliance for their comment, the anticipated draft community engagement plan for the Denman Farming Regulations Review Project and anticipated draft topic areas for the community survey/questionnaire to be prepared by the consultant.

CARRIED

11. CORRESPONDENCE - none**12. NEW BUSINESS****12.1 William Shulba, Senior Freshwater Specialist regarding the Groundwater Recharge Potential Mapping Project and the Watershed Resilience Mapping Project - verbal update**

Senior Freshwater Specialist Shulba provided updates on four projects that have occurred on Denman Island over the past year and a half: the Aquifer Conceptualization Project; Groundwater Recharge Mapping Project; Hydraulic Connectivity and Aquifer Mapping Study; and Healthy Watersheds Project- Watershed Resiliency Mapping.

He advised that a report will be provided in the future that will include island profiles for each Trust Area island and that LTCs will be able to initiate projects with more information specific to their island if desired.

12.2 Fees Bylaw Update - Request for Decision

This Request for Decision asks the LTC to consider adoption of a new application processing Fees Bylaw, drafted by staff and specific to Denman Island needs, based on the model Fees Bylaw.

- A Trustee suggested that the model fee bylaw needs to be adjusted for Denman Island, however it might be preferable to delay consideration until the Farming Regulation project is concluded;
- A Trustee noted that this is an Administrative Bylaw that does not require community consultation, however suggested that an opportunity for public comment might be beneficial as a part of the process.
- The timing, process, and effect on other projects currently on the LTC work program were reviewed.

DE-2021-086**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to draft a new Fee Bylaw based on the model fee bylaw attached to Trust Council Policy "5.6.1 Application Processing Services."

Trustees debated the motion. A Trustee expressed concern that support might be given if increases were limited, however, large increases with no assurance of sponsorship and costs associated with new Agricultural Land Reserve conditions might create negative impacts on small scale projects for community needs. A Trustee indicated that this approach asks users to bear a cost of the service rather than taxation on the general public, and supported advancing this initiative to a draft stage with subsequent opportunity for public comment.

The question on the motion was then called.

CARRIED

Trustee Busheikin Opposed

12.4 Position of Rise and Report on the Local Trust Committee Agenda - for discussion

LTC members discussed the matter with no change recommended to the current position of Rise and Report items on the LTC agenda at this time.

13. REPORTS**13.1 Trust Conservancy Report - none****13.2 Applications Report dated October 25, 2021**

Received.

13.3 Trustee and Local Expense Report dated August, 2021

Received.

13.4 Adopted Policies and Standing Resolutions

Received.

14. WORK PROGRAM**14.1 Top Priorities Report dated October 25, 2021**

Received.

14.2 Projects List Report dated October 25, 2021

Received.

By general consent items 16 through 17 were moved to follow 14.2.

16. UPCOMING MEETINGS**16.1 Next Regular Meeting - to be determined**

Trustees confirmed the next regular business meeting is scheduled for Tuesday, January 18, 2022 with start time and location to be determined.

17. INFORMATION ITEMS**17.1 News Release - Islands Trust to Improve Development Application Process**

Received.

17.2 Islands Trust Council Highlights - September 21-23, 2021

Received.

17.3 Islands Trust to Return to In-Person Meetings

Received.

15. CLOSED MEETING**15.1 Motion to Close the Meeting**

DE-2021-087

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) (d) and (m) for the purpose of considering:(d) adoption of In-Camera Meeting minutes dated September 7, 2021 and (m) a matter that, under another enactment, is such that the public may be excluded from the meeting and that the recorder and staff attend the meeting.

CARRIED

The meeting closed to the public at 2:50 pm.

15.2 Recall to Order - none

18. ADJOURNMENT

By general consent the meeting was adjourned at 2:50 pm.

Sue Ellen Fast, Chair
Certified Correct:

Vicky Bockman, Recorder