



## Denman Island Local Trust Committee Minutes of Special Meeting

**Date:** April 29, 2022  
**Location:** Electronic Meeting

**Members Present:** Sue Ellen Fast, Chair  
 David Critchley, Local Trustee  
 Laura Busheikin, Local Trustee

**Staff Present:** Sonja Zupanec, Island Planner  
 William Shulba, Freshwater Specialist  
 Vicky Bockman, Recorder

### 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 4:02 pm. She introduced Trustees, staff and recorder; and acknowledged that the meeting was being held electronically in territory of the Coast Salish First Nations that includes K’ómoks First Nation.

She explained that this meeting has a limited agenda with matters of a time-sensitive nature for consideration; and that due to technical and staff limitations the meeting is available for viewing by streaming and is being recorded, however, public participation is not possible at this meeting.

### 2. APPROVAL OF AGENDA

**By general consent** the agenda was approved as presented.

### 3. DE-RZ-2021.1 (Denman Housing Association) - Staff Report

Planner Zupanec summarized the Staff Report that asks the Local Trust Committee (LTC) to consider the following staff recommendations for next steps in the Denman Green project application to amend the Official Community Plan (OCP) and Land Use Bylaw (LUB) to allow for a density transfer and 20 units of affordable housing:

- Amend Proposed Bylaw No. 242 (LUB) to remove the site-specific setback regulation from the R2(8) zoning as per the owner’s request;
- Give second reading to Bylaw No. 242 (LUB);
- Review and confirm consistency with the Islands Trust Policy Statement checklist;
- Give second reading to Bylaw No. 241 (OCP);
- Consider that proof of an approved water license not be required prior to a Public Hearing being scheduled with the applicant requested to submit it prior to final consideration of proposed Bylaw Nos. 241, 242, and 243 for adoption; and
- That staff be requested to schedule a Community Information Meeting and Public Hearing for proposed Bylaw Nos. 241, 242, and 243.

Discussion of these recommendations included the following point:

- A Trustee asked the co-applicant and owner of the Danes Road receiver parcels to explain his request to remove the proposed six metre setback from the Denman Island Conservancy covenant lot boundaries requirement, as the area is not likely to be developed and this might provide a sense of due diligence in a proposal that is adding to the density of the area.
  - Henning Nielsen responded that he is proposing to expedite an affordable housing project on Denman Island; and that setback changes to adjacent types of land should be a process that is done as a project and not as a site-specific adjustment.

Planner Zupanec reported on the following:

- The Ministry of Lands, Waters and Resource Stewardship (LWRS) conducted a hydrogeological review of the Denman Green water plan; the applicant has submitted an updated wastewater report and an updated professional report addressing the impact of the well's use on the adjacent wetland. The reports and an analysis of the key findings of these reports are provided in the Staff Report. The supporting documentation gives planning staff confidence to advise the LTC that the bylaws are consistent with the Islands Trust Policy Statement.
- The well licensing authority has indicated a timeline of 4-5 months to complete the process. The LTC may consider advancing the project to second reading and proceeding to a Public Hearing in May, 2022 prior to receipt of the final license with the applicant to provide proof of the approved water license prior to consideration of final adoption of the bylaws.

A Trustee asked Freshwater Specialist Shulba to comment on the professional reports, discrepancy of soil characterizations, daily design flow of the wastewater system, well monitoring options, and possible requirement of wastewater system maintenance reports.

The following key points were noted in response:

- The extensive clay layer below the wetland reported in the Elanco Enterprises report is in contrast to the sandy loam soil in the H<sub>2</sub>O Wastewater Assessment, however it is possible that soils can vary across a property.
- The average daily flow estimated by H<sub>2</sub>O Wastewater to be ½ the daily design flow may be explained by factors including the reusing of greywater for toilet flushing and the addition of precipitation; and it was noted that the daily design flow is designed to allow for peak uses.
- This well will need careful management to be a sustainable, viable water source. A storm water management plan and water management plan are recommended; monitoring of the well levels and flow are important parameters through seasons and over time; well water storage for approximately 4-5 days of storage was suggested.

Other comments on water and wastewater included the following:

- Planner Zupanec advised that the proposed wastewater system is a Type 3 system which is the most complex system that comes with a multitude of maintenance requirements.
- Simon Palmer, speaking on behalf of Denman Housing Association (DHA), commented that the funding agencies will require responsible management of the systems and that these systems will be part of a comprehensive management plan and comprehensive water system design.

He reported that LWRS had asked about the impact, if any, the well might have on the drawdown of the wetland particularly during the dry season and what, if any, impact the

well might have on the flora and fauna. Current Environmental investigated further and the conclusion was that there will not be any impact to the wetland nor to flora or fauna. An email was received from LWRS stating that their questions have been satisfied and they are now moving on to the consultation stage.

Although this has not yet been addressed by DHA, Island Health will require that this water system be operated by an Environmental Operators Certification Program qualified professional operator.

- Dave Ricketts, DHA, advised that there will be a storm water management plan and that the water license and Island Health will have monitoring requirements. He reported that a more rigorous survey has been completed and an adjustment will be made to ensure the septic system does not impinge within 30 metres of the well.

Trustees debated whether a professional review of the proposed waste water system should be conducted:

- A Trustee expressed concern with the proximity of the septic discharge fields and system to the well, potential impact on neighbouring wells, the uphill nature of the septic system from the well, the size of the project and need to protect the environment and water for the needs of the project.
- A Trustee argued that complete and detailed professional reports have been received, funding agencies and Island Health will be involved, and a need for further review was not considered necessary.

**DE-2022-040**

**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 amended by removing line item 2 from section 1.20 of the R2(8) site specific zoning regulations and renumbering subsequent sections accordingly.

Trustee Busheikin observed that while regulating setbacks on a site specific basis is not unreasonable there has not been any scientific reason presented to support an increased setback, and the advancement of an affordable housing project is a compelling reason to favour this amendment.

Trustee Critchley noted that the originally proposed setback regulation of 30 metres that was supported by Denman Island Conservancy was reduced to six metres as a compromise, and he did not consider the process and policy to be reason to reduce the setback further.

Chair Fast proposed that the need to protect land needs to be balanced with the need of projects such as this affordable housing project. She recognized that this process is still at an early stage and would like to see the process go forward.

**CARRIED**

**Trustee Critchley Opposed**

**DE-2022-041**

**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”, as amended, be read a second time.

Trustee Busheikin appreciated that meaningful work and care have gone into this project; a diligent response was taken when the wetland was discovered; volunteers have created a project that works in a good location and will provide a variety of different types of housing; and it is time to see it move forward.

**CARRIED**

**DE-2022-042**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 241, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2021” and Bylaw No. 242, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2021” are not contrary to or at variance with the Islands Trust Policy Statement.

Trustee Critchley suggested that this may be outside of the Islands Trust Policy Statement with regard to the water license issue, however, the Local Trust Committee is willing to continue with the process, noting that approval will not occur until a water license is issued. He is personally satisfied with the ability of the applicant to provide sufficient water to this project through a combination of well and harvested rain water.

**CARRIED**

**DE-2022-043**

**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 read a second time.

**CARRIED**

**DE-2022-044**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee has considered the March 11, 2022 Hydrogeological Technical Review from the Ministry of Land, Water and Resource Stewardship (formerly Ministry of Forests, Lands and Natural Resource Operations) for 1151 Northwest Road and determined that despite resolution DE-2021-052, proof of an approved water license is not required prior to a Public Hearing being scheduled and the applicant is requested to submit it to Islands Trust planning staff prior to final consideration of Proposed Bylaw Nos. 241, 242 and 243 for adoption.

**CARRIED**

**DE-2022-045**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting and Public Hearing for Bylaw No. 241 cited as "Denman Island Official Community Plan, 2008, Amendment No. 1, 2021" and Bylaw No. 242 cited as "Denman Island Land Use Bylaw, 2308, Amendment No. 1, 2021".

Trustees requested that that the Community Information Meeting and Public Hearing be scheduled the evening before the next regularly scheduled Local Trust Committee meeting if possible as this provides time for Trustees to consider input provided, allows community members who might not be available during the day to attend, and if held separately from a business meeting would allow more time for agenda business items to move forward.

**CARRIED**

Simon Palmer, on behalf of the applicant Denman Housing Association, thanked Planner Zupanec for the hard work on this project. He commented that it is gratifying to see the project move forward and hoped it can advance further at the May 31<sup>st</sup> Local Trust Committee meeting.

**By general consent** the meeting recessed at 5:44 pm and reconvened at 5:47 pm.

**4. Denman Housing and Short Term Rentals Review Project - Staff Report**

Planner Zupanec presented the Staff Report that asks the LTC to consider endorsement of a draft project charter for their second Top Priority project. She advised that this project charter represents phase one of the project and would utilize the budget that was approved by Trust Council.

Trustees clarified that "Short Term Rentals" was not intended to be a part of the Housing Review and suggested amendments to the draft project charter including the changing of the name of the project to "Denman Island Housing Review Project".

**DE-2022-046**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend the Housing Review Project Charter as follows:

- The words "short term rental" be removed throughout the document and the name of the project be changed to "Denman Island Housing Review Project";
- Replace the In Scope item "flexible housing" with "distributed square footage or similar approach";
- Move Out of Scope item "Review of land use designations or zoning categories" into In Scope;
- In Scope third bullet to read: "Secondary suite, secondary dwelling, travel trailer regulations".

**CARRIED**

**DE-2022-047**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend the title and description of the second Top Priority Project to be “Denman Island Housing Review Project – Targeted public engagement with First Nations, residents, external agencies and local organizations to update the Official Community Plan and Land Use Bylaw with policies and regulations to strengthen housing options and affordability on the island.”

**CARRIED**

**DE-2022-048**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approve the project charter for the “Denman Island Housing Review Project” dated April 29, 2022 as amended.

**CARRIED**

Trustees discussed budgetary considerations, suggesting that additional funding may be required to address all items in the project charter. Staff indicated that avenues to obtain more funding can be explored without delaying the process significantly.

**DE-2022-049**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to look into options for increasing the budget of the Denman Island Housing Review Project to allow for thorough exploration of options.

**CARRIED**

**5. ADJOURNMENT**

**By general consent** the meeting was adjourned at 6:17 pm.

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Sue Ellen Fast, Chair

Certified Correct:

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Vicky Bockman, Recorder