



## Denman Island Local Trust Committee Minutes of Regular Meeting

**Date:** March 7, 2019  
**Location:** Denman Activity Centre  
 1111 Northwest Rd, Denman Island, BC

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

**Staff Present:** Ann Kjerulf, Regional Planning Manager  
 Sonja Zupanec, Island Planner  
 Ian Cox, Planner 1 (by telephone)  
 Jaime Dubyna, Planner 1 (by telephone)  
 Miles Drew, Bylaw Enforcement Manager  
 Vicky Bockman, Recorder

**Others Present:** Approximately twenty-five (25) members of the public

### 1. CALL TO ORDER

Chair Fast called the meeting to order at 12:37 pm. She welcomed the public and acknowledged that the meeting was being held in traditional territory of the Qualicum and K'ómoks First Nations.

### 2. APPROVAL OF AGENDA

**DE-2019-020**

**It was MOVED and SECONDED,**  
 that the Denman Island Local Trust Committee approve the agenda.

**CARRIED**

### 3. TOWN HALL

Members of the public commented with the following noted:

- Why has the second Town Hall at the end of the Local Trust Committee (LTC) meetings been discontinued?
  - Chair Fast responded that having one Town Hall near the beginning of the agenda improves the public's awareness of when comments will be made and allows those who may need to leave the meeting early to have had access to all comments made.
- How it is determined whether written submissions provided for the record are considered correspondence or speaking notes?
  - Generally, staff will post correspondence relating to a specific project in the project's public correspondence section or as a late agenda item posted to the website.
- A member of the public stated his concerns regarding the Bylaw Enforcement Notification (BEN) Bylaw.

- Chair Fast advised that should this bylaw initiative advance, there will be opportunity for public input and comments.

#### 4. MINUTES

##### 4.1 Local Trust Committee Minutes dated February 7, 2019 - for adoption

###### DE-2019-021

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee adopt the minutes of the February 7, 2019 Local Trust Committee meeting.

**CARRIED**

##### 4.2 Section 26 Resolutions-Without-Meeting Report - none

##### 4.3 Advisory Planning Commission Minutes - none

#### 5. BUSINESS ARISING FROM MINUTES

##### 5.1 Follow-up Action List dated February 27, 2019

Discussion on the Follow-up Action List included the following points:

- Staff was asked to follow-up regarding the proposed meeting with the BC Farm Industry Review Board;
- Trustee Busheikin has spoken to Area Director Arbour regarding the LTC's interest in his attending an upcoming meeting and noted his support of this initiative. Staff indicated that they can send an agenda to him at the time of its distribution;
- Plans for the Community Information Meeting for the Farm Plan Implementation project were discussed.

##### 5.2 Signage at Buckley Bay – discussion

Trustees noted alternative size, location and change in wording for the Islands Trust sign at the Buckley Bay ferry terminal was discussed at the recent Ferry Advisory Committee meeting. Next steps might involve determination of wording for the sign.

Trustees discussed the following:

- How to proceed with First Nations acknowledgement;
- Trustee Busheikin offered to discuss the sign informally with K'omoks First Nation Chief Rempel;
- A Trust-wide, comprehensive signage program has been discussed and might be an option for consideration;
- Installation of the sign by summer was considered to be important, noting that there may be future changes.

###### DE-2019-022

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request the Communication Specialist to prepare draft wording for Islands Trust signage at the Buckley Bay Terminal, which would consist of a sign three feet wide by four feet tall, include reference to indigenous territorial acknowledgement and include suggestions for design elements and graphics.

**CARRIED**

### 5.3 **Bylaw Enforcement Notification Bylaw - Staff Report**

Bylaw Enforcement Manager Drew presented the Staff Report that recommends the LTC consider adopting a BEN bylaw along with an enforcement policy to not enforce on some types of unlawful housing.

Trustees discussed the importance of publicizing and conducting public engagement to promote understanding of this system, and considered a variety of possible approaches.

#### **DE-2019-023**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request Bylaw Enforcement staff to conduct a "Coffee and Questions" public information event with reference to a possible Bylaw Enforcement Notification Bylaw.

**CARRIED**

Trustees requested that information on the results of the event be presented to the LTC to inform next steps.

## 6. **DELEGATIONS**

### 6.1 **Harlene Holm agent for Land Owner and Board Member of Denman Community Land Trust Association (DCLTA) regarding DE-RZ-2017.1 and DE-SUB-2017.4**

Harlene Holm spoke on behalf of the DCLTA, with the following noted:

- Expressing concern about delays and timing limitations on various agency requirements;
- LTC members were asked to consider attending the proposed Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD)/Trust staff meeting;
- Correspondence dated March 6, 2019 from the FLNRORD Water Authorizations Specialist was provided. She argued that FLNRORD has responded that the volume of water granted in the Conditional Water Licence is based on the ability to make beneficial use of the water and is not indicative of water availability.
- Addressed concerns regarding the proposed wastewater system;
- Water conservation measures and a rainwater catchment system are proposed.

## 7. **APPLICATIONS AND REFERRALS**

### 7.1 **DE-DVP-2018.2 (Newcombe & McDonald - 2993 Nelson Crescent) - Staff Report**

Planner Cox presented the Staff Report that addresses the current property owners' application to bring the existing house and sheds into compliance by relaxing setback requirements to a modest degree.

#### **DE-2019-024**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approve issuance of DE-DVP-2018.2 (Newcombe and McDonald).

**CARRIED**

### 7.2 **DE-ALR-2018.1 (Kirk - 1100 Lacon Road) - Staff Report**

Planner Dubyna presented the Staff Report that addresses a referral to the LTC for consideration of comment for a non-farm use application in the Agricultural Land Reserve. She advised that staff deem the application to be inconsistent with Islands

Trust Policy Statement 3.3.1 and Directive Policy 4.4.2 citing concerns for groundwater use within the area.

Trustees discussed the referral with the following noted:

- Information about the groundwater supply and projected water usage for the proposed use was unavailable and considered necessary for the LTC to assess impacts on groundwater;
- The applicant advised that estimated water usage will be provided in the groundwater licence application and commented that the property includes a ditch fed by natural springs that can be used as well.

**DE-2019-025**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request that the applicant submit to the Islands Trust the Groundwater Licence application and the Forests, Lands, Natural Resource Operations and Rural Development response and/or an evidence-based estimate of the amount of water that would be used for the proposed non-farm use and a professional report commenting on how anticipated water use will potentially affect the aquifer, neighbouring wells and natural environment of the surrounding area for the purposes of satisfying Trust Policy Statement 3.3.1 and Directive Policy 4.4.2.

**CARRIED**

**By general consent** the meeting was recessed at 2:57 pm and reconvened at 3:08 pm.

**7.3 DE-RZ-2018.1 Denman Housing Association - Staff Report**

Trustee Busheikin declared a potential conflict of interest as she lives next to the site of the proposed project and left the meeting at 3:08 pm.

Planner Zupanec presented the Staff Report with the following comments noted:

- The applicant reports that the groundwater supply appears to be insufficient to support the proposal as presented, and has submitted a rainwater feasibility report proposing the utilization of rainwater collection and treatment systems as an alternative;
- Coastal Douglas-fir and associated ecosystem protection should be incorporated into the proposal;
- Issues that remain to be addressed by the wastewater assessment report were identified;
- Early referral to the Advisory Planning Commission (APC) was recommended;
- A request to the Approving Officer of the Ministry of Transportation and Infrastructure was suggested to confirm that they can approve the registration of a subdivision where the proof of water requirements have been partially or completely waived by the LTC.

Trustees discussed the staff report and noted that rainwater collection of potable water for multi-family and affordable housing projects is not currently allowed.

Individuals representing the Denman Housing Association (DHA) were in attendance and spoke to the application with the following comments noted:

- A rainwater harvesting system was installed in an Islands Trust Fund house on Salt Spring Island.

- The proposal being considered would be 20 individual rainwater harvesting/collection and treatment systems;
- While this may be an innovative approach in BC, it has been used for years elsewhere;
- The proposed storage capacity provides for six months of dry weather;
- Each unit will have storage plus a solar array that will collect additional water.

**DE-2019-026**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee refer the Staff Report for DE-RZ-2018.1 (DHA) dated March 7, 2019 to the Advisory Planning Commission for early referral and comment on the issues identified in the Staff Report, and that the applicant, planning staff and one Trustee attend.

**CARRIED****DE-2019-027**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to provide the following prior to further consideration of application DE-RZ-2018.1 (Denman Housing Association):

- a. Confirmation that the Approving Officer from the Ministry of Transportation and Infrastructure can approve the registration of a plan of subdivision for a parcel with a potential maximum density of 20 dwelling units, if the proof of water requirements in the Denman Island Land Use Bylaw No. 186 have been partially or completely waived by the Local Trust Committee; and
- b. Analysis and/or confirmation that there are sufficient density reserves using Denman Island Official Community Plan's Housing Policies, Use and Density Policy 11, from which to draw 19 new densities.

**CARRIED**

Trustee Busheikin returned to the meeting at 3:56 pm.

#### **7.4 DE-RZ-2017.1 (Denman Community Land Trust Association) - Staff Report**

Planning Manager Kjerulf presented the Staff Report that asks the LTC to consider the following:

- To refer the DCLTA proposal to the APC and the Island Health Drinking Water Officer;
- To seek confirmation from the Provincial Approving Officer that subdivision can be approved in light of the recent conditional water licence issued by FLNRORD that provides that the volume of water available to be extracted from the ground is less than that required under the Land Use Bylaw for subdivision. She referenced the Conditional Water Licence section e): "The maximum quantity of water which may be diverted for industrial (commercial enterprise) purpose is 3.68 cubic metres per day".
- To seek confirmation of the availability of density reserves to satisfy the rezoning proposal.

She advised that outstanding issues remain, including:

- Confirmation from the Agricultural Land Commission that the proposed vegetative buffer and fencing plan is acceptable.

- Draft Terms of Reference, which remain outstanding; staff would like to discuss these with the Freshwater Specialist given that a number of requirements seem to already have been addressed by the applicant.
- Difficult to draft bylaws in the absence of good information.

She advised that staff intend to meet with the FLNRORD water licensing staff to discuss water licensing application requirements and information applicable to Denman Island aquifers.

Trustees discussed:

- Questioned the information that would be provided to the Drinking Water Officer to explain the configuration and occupancy of the units.
- Logistics arounds referral to the APC – either before or after preparation of bylaws.
- Concerns for hard work of volunteers to move this project forward.

Louise Bell advised that DCLTA has interpreted the 3.68 cubic metres per day volume granted in the Conditional Water Licence to be an amount that needs reasonably to be used and is not a limitation on what can be extracted, based on the email from the FLNRORD Water Authorizations Specialist.

Staff clarified that the water license stipulates that the 3.68 cubic metres is the maximum amount of water that can be extracted per day.

Trustees discussed the next steps that might be taken and the timing of when draft bylaws might be produced.

**DE-2019-028**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to prepare draft bylaws for application DE-RZ-2017.1 (Denman Community Land Trust Association).

Trustees debated the merits of drafting bylaws in the absence of some information and whether or not this could slow the process.

A trustee presented an amending motion to add “language” after “draft bylaw”.

The question on the amending motion was then called.

**CARRIED**

**Trustee Critchley Opposed**

**DE-2019-029**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to prepare draft bylaw language for application DE-RZ-2017.1 (Denman Community Land Trust Association).

The question on the motion was then called.

**CARRIED**

**DE-2019-030**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee refer application DE-RZ-2017.1 (DCLTA), including staff reports and associated technical reports, to the Island Health Drinking Water Officer responsible for Denman Island to determine the permissibility of a Water Supply System providing 3.68 m<sup>3</sup>/day to serve 8 dwelling units.

**CARRIED**

**DE-2019-031**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to provide the following prior to further consideration of application DE-RZ-2017.1 (DCLTA):

- a. Confirmation that the Provincial Approving Officer can approve the registration of a plan of subdivision for two lots with a potential maximum density of 9 dwelling units, if the proof of water requirements in the Denman Island Land Use Bylaw No. 186 have been partially or completely waived by the Local Trust Committee; and
- b. Analysis and/or confirmation that there are sufficient density reserves using Denman Island Official Community Plan's Housing Policies, Use and Density Policy 11, and that there are sufficient reserves to draw seven densities to satisfy the rezoning proposal (DE-RZ-2017.1).

**CARRIED**

Trustees noted that the *Water Sustainability Act* is new and expressed interest in opportunities to becoming more informed about the *Act*, water licensing, and the concept of beneficial use.

**8. LOCAL TRUST COMMITTEE PROJECTS - none**

**9. CORRESPONDENCE - none**

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

**10. NEW BUSINESS**

**10.1 Advisory Planning Commission Appointments – Staff Report**

Planning Manager Kjerulf presented the Staff Report, advising that the APC currently has nine members with terms expiring May 1, 2019 and asked the LTC to consider recruitment of up to nine members.

**DE-2019-032**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request that staff advertise for expressions of interest for the Denman Island Advisory Planning Commission.

**CARRIED**

**DE-2019-033**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request that staff prepare an updated Advisory Planning Commission Bylaw for Local Trust Committee consideration at a subsequent meeting.

**CARRIED**

A Trustee suggested that this might be an opportunity to advertise in both the Grapevine and Flagstone publications.

**11. REPORTS**

**11.1 Trustee Reports**

This item was deferred to the next meeting.

**11.2 Chair's Report**

This item was deferred to the next meeting.

**11.3 Trust Conservancy Report - none**

**11.4 Electoral Area Director's Report - none**

**11.5 Applications Report dated February 27, 2019**

This item was deferred to the next meeting.

**11.6 Trustee and Local Expense Report dated January, 2019**

This item was deferred to the next meeting.

**11.7 Adopted Policies and Standing Resolutions**

This item was deferred to the next meeting.

**11.8 Local Trust Committee Webpage**

This item was deferred to the next meeting.

**12. WORK PROGRAM**

**12.1 Top Priorities Report dated February 27, 2019**

This item was deferred to the next meeting.

**12.2 Projects List Report dated February 27, 2019**

This item was deferred to the next meeting.

**13. CLOSED MEETING**

**13.1 Motion to Close the Meeting**

**DE-2019-034**

**It was MOVED and SECONDED,**

that That the meeting be closed to the public in accordance with *the Community Charter*, Part 4, Division 3, s.90(1)(d)(f) and (i) for the purpose of considering Adoption of *In-Camera* Meeting Minutes dated February 7, 2019, Bylaw Enforcement and Legal advice and that the recorder and staff attend the meeting.

**CARRIED**

The LTC closed the meeting at 4:51 pm.

**13.2 Recall to Order**

**By general consent** the LTC reconvened in open meeting at 5:09 pm to rise and report.

**13.3 Rise and Report**

Chair Fast reported that the *In Camera* minutes of the LTC meeting of February 7, 2019 were adopted.

**14. UPCOMING MEETINGS**

**14.1 Next Regular Meeting Scheduled for Tuesday, April 4, 2019 at t 12:30 pm at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC**

LTC members confirmed that next regular meeting, date, time and location.

**15. ADJOURNMENT**

**By general consent** the meeting was adjourned at 5:10 pm.

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Sue Ellen Fast, Chair

Certified Correct:

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Vicky Bockman, Recorder