



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: November 3, 2020
Location: Electronic Meeting

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

Staff Present: Heather Kauer, Regional Planning Manager
 Marnie Eggen, Island Planner
 Vicky Bockman, Recorder

Others Present: Approximately six (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 12:31 pm. She welcomed the public, introduced Trustees and staff, and acknowledged that the meeting was being held electronically in traditional territory of the K'ómoks First Nation.

2. APPROVAL OF AGENDA

2.1 Electronic Meetings Resolution

DE-2020-057

It was MOVED and SECONDED,

that in accordance with *Ministerial Order M192 - Local Government Meetings & Bylaw Process* and *Province of BC Bill 19 - 2020*, Denman Island Local Trust Committee cannot conduct public in-person meetings at this time because the meeting venues traditionally used have limited access or do not meet the legislated requirements for the protection of the community, trustees and staff; and

Therefore in order to meet the principles of openness, transparency and accessibility, this meeting of the Denman Island Local Trust Committee will be held electronically on November 3, 2020, will be live streamed and the public invited to participate in meetings by connecting to the link or the phone number provided in the meeting notice, in order to observe proceedings and speak when invited by the Chair.

CARRIED

The following amendments to the agenda were presented for consideration:

- Delete item 8.2 at the applicant's request;
- Move items 15 and 16 to follow 13.2.

By general consent the agenda was approved as amended.

3. REPORTS

3.1 Trustee Reports

Trustee Busheikin reported on the following:

- Discussions with constituents on a variety of topics;
- Comox Valley Regional District (CVRD) liaison meeting;
- Regional Planning Committee, conducting a review of fees;
- Financial Planning Committee, working on the budget for the coming year.

Trustee Critchley reported on the following:

- Trust Programs Committee meetings reviewing the Islands Trust Policy Statement and a sub-group considering affordable housing;
- Trust Council;
- CVRD Liaison meeting;
- Baynes Sound Forum working group;
- Emails and calls from constituents.

3.2 Chair's Report

Chair Fast reported on the following:

- Trust Council; the next electronic Trust Council meeting on December 1 will schedule Delegations and Town Hall in evenings to make these sessions more accessible to the public;
- Union of BC Municipalities;
- Islands Trust Conservancy meeting;
- Financial Planning Committee meeting;
- Bowen Island Municipal Council meetings;
- Hornby Island Local Trust Committee (LTC) meeting;
- Gambier Island LTC meeting.

3.3 Electoral Area Director's Report - none

4. TOWN HALL

Trustee Busheikin declared a potential conflict of interest as she lives next to the site of the proposed Denman Green project, and left the meeting at 12:56 pm.

Simon Palmer provided an update on the Denman Green project, advising that meetings have been held with Island Health staff and written support has been received for the source water. He reported that information has been provided as to Island Health's requirements for sufficiency of water and that Denman Housing Association is working to resolve issues relating to those requirements. He requested that, in consideration of this information and the financing deadlines, the LTC expedite advancement of the rezoning application and schedule community consultation prior to the next LTC meeting.

Trustees acknowledged the concerns and expressed a willingness to conduct a special meeting if appropriate once the Island Health water source approval has been submitted for their review.

Trustee Busheikin returned to the meeting at 1:01 pm.

5. DELEGATIONS - none

6. MINUTES

6.1 Local Trust Committee Minutes dated September 8, 2020 - for adoption

By general consent the LTC minutes dated September 8, 2020 were adopted.

6.2 Section 26 Resolutions-Without-Meeting Report dated October 26, 2020

Received.

6.3 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

7.1 Follow-up Action List dated October 26, 2020

Trustees discussed the Follow-up Action list and the following was noted:

- Consideration might be given to bringing the July 4, 2019 activity forward;
- Trustee Critchley provided an update on the January 21, 2020 activity and advised that the task outlined in the list has been concluded and the activity may now be removed.

By general consent item 10 was moved to follow agenda item 7.1.

10. CORRESPONDENCE

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

10.1 Letter dated August 10, 2020 from Association for Denman Island Marine Stewards (ADIMS)

Trustees confirmed that ADIMS has expressed interest in the BC Farm Industry Review Board presentation and question & answer session conducted at the September 8, 2020 LTC meeting and has access to review that presentation.

In related information, a Trustee reported on the following:

- The Shellfish Aquaculture Management Advisory Committee, a subset of Fisheries and Oceans Canada (DFO), is currently reviewing terms of license for aquaculture with an interest in strengthening the terms as a management tool;
- The Federal Government is considering a new *Aquaculture Act* and is soliciting public consultation on this topic until January 15, 2021. Information on how to participate may be found on the DFO website.

10.2 Notification for Information from the Comox Valley Regional District Electoral Area Services Committee, dated August 6, 2020 of Development Permits for Shoreline Protection at Coal Hills, Vancouver Island

Received.

10.3 Email dated September 15, 2020 from L. Larkin regarding Request for New Regulations to Protect Our Forests

Trustees discussed the limitations of the Islands Trust's ability to regulate tree removal and the following comments were noted:

- A Development Permit Area is currently the only tool that could be used to identify sensitive ecosystems that need protection and could regulate tree cutting;
- This issue might be included in requested changes to the *Islands Trust Act* that the Islands Trust has been pursuing;
- Executive Committee and the Regional Planning Committee might be consulted on this topic as they are guiding the work with the Province;
- An upcoming Trust Council agenda may include information on increased forest and ecosystem protection in the Island Trust's Strategic Plan.

DE-2020-058**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee forward the email dated September 15, 2020 from Lisa Larkin regarding Request for New Regulations to Protect Our Forests to the Executive Committee and Regional Planning Committee for information.

CARRIED**8. APPLICATIONS AND REFERRALS****8.1 DE-RZ-2017.1 (Denman Community Land Trust Association (DCLTA)) –Staff Report**

Planner Eggen outlined the Staff Report that presents amended proposed Bylaw Nos. 233 and 234 and proposed Bylaw No. 239 for the Housing Agreement, and asks the LTC to consider first reading of these Bylaws. She advised that staff recommends that a Community Information Meeting be scheduled once the LTC has considered the final draft restrictive covenant.

A Trustee requested information regarding the approximate percentage of lot coverage as per the site plan in order to inform a decision on this aspect of the rezoning. Planner Eggen responded that she will research and provide this information to the Trustee.

Chair Fast invited the applicant, Harlene Holm, to speak to the application and the following was noted:

- Concern was expressed regarding recent communication with planning staff regarding the direction of clause C of the restrictive covenant and the possibility of Islands Trust staff requiring access to the well with no benefit from that data to match DCLTA's weekly conducting of baseline monitoring of the well;
- DCLTA has requested that the covenant require that DCLTA monitor well water level and electro-conductivity on a weekly basis once the well is in use and share this data with the Islands Trust;
- The LTC was urged to consider ways to solve all the needs without a draft covenant as DCLTA will incur costs of any changes;
- She reported that the Ministry of Transportation and Infrastructure referral request deadline has passed and a response has not yet been provided.

Trustees confirmed their understanding that clause C of the proposed covenant would require the installation of a data logger and that information would be available for the Islands Trust; and their general understanding that requiring staff access to the well had not been considered and details of the covenant have not yet been drafted.

DE-2020-059**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 239, cited as “Denman Island Housing Agreement Bylaw No. 239, 2020” be read a first time.

CARRIED**DE-2020-060****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend Bylaw No. 233, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2019” as follows:

- a. Item 1.4 is amended by adding the text “subject to Agricultural Land Commission approval.” to the end of Policy 4.
- b. Schedule “2” 1 is amended by removing the text “Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, Except that Part in Plan 24807 (PID 009-708-537)” and replacing it with “Lot A Section 18, Denman Island, Nanaimo District Plan EPP 68031 (PID 031-102-026)”.

CARRIED**DE-2020-061****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 233, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2019” be read a first time, as amended.

CARRIED**DE-2020-062****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. 233, cited as “Denman Island Official Community Plan, 2008, Amendment No. 1, 2019” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED**DE-2020-063****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend Bylaw No. 234, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019” as follows:

- a. Adding the word “Rental” between the words “Affordable” and “Housing” in items 1.3, 1.4, 1.10, and 1.12.
- b. Item 1.3 is amended by removing the word “ADMINISTRATION” and replacing it with “GENERAL REGULATIONS”.
- c. Adding new item 1.5 that amends PART 2 GENERAL REGULATIONS, Section 2.4 Home Occupation Regulations, Permitted Home Occupation Uses by adding new regulations 3 and 4 that limit home occupation uses in the R4 zone to general business offices, professional offices, excluding health services, artist or artisan studios, and prohibits in the R4 zone on-site purchase of any products or services, on-site attendance of clientele or customers, and the creation of noise which disturbs persons.

- d. Adding new item 1.6 that amends 1.6 PART 2 GENERAL REGULATIONS, Section 2.4 Home Occupation Regulations, Number of Employees, by adding a new regulation 17 that prohibits non-resident employees in the R4 zone.
- e. Item 1.18 that amends PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables” Table 6 – Floor Area, line 6 is amended by removing “100 m²” from the R4 column and leaving blank.
- f. Item 1.20 that amends PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 8 – Site Specific Regulations, by adding Site Specific Zoning Code R4(2) is amended by adding a new line 1 that prohibits the keeping of chickens or other livestock, and the sale of agricultural and horticultural products, including their storage, processing and direct marketing.
- g. Item 2.3 is amended by removing the text “Parcel M (DD 6601N) of Section 18, Denman Island, Nanaimo District, Except that Part in Plan 24807 (PID 009-708-537)” and replacing it with “Lot A Section 18, Denman Island, Nanaimo District Plan EPP68031 (PID 031-102-026).

CARRIED**DE-2020-064****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 234, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019” be read a first time, as amended.

CARRIED**DE-2020-065****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to schedule Community Information Meeting early in the New Year, subject to:

- a. Staff’s receipt of the signed cost recovery agreement for a restrictive covenant in accordance with the Local Trust Committee resolution DE-2020-025, passed May 19, 2020 for application DE-RZ-2017.1 (DCLTA); and
- b. Consideration of the final draft restrictive covenant by the Local Trust Committee.

CARRIED**9. LOCAL TRUST COMMITTEE PROJECTS****9.1 Projects Review Presentation - for information**

Planning Manager Kauer conducted a presentation that identified some of the impacts to the Northern Office, LTC projects and staff resources as the Islands Trust moves forward in implementation of a Regional planning group.

Discussion of the presentation included the following points:

- The graphic representation of bylaw amendment timelines was considered useful information to display on the website for public reference;
- Staff recommends resumption of the Farm Plan Project or grouping Land Use Bylaw amendments into a minor or medium scale project for local Planner attention;
- The question of the opportunity to hire short term support to assist advancing projects was raised, with budget requests and policies being necessary considerations for that possibility.

11. NEW BUSINESS**11.1 2021 Local Trust Committee Meeting Schedule - Memorandum for decision****DE-2020-066****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee schedule its regular business meetings on the following dates in 2021: January 19, March 16, May 4, July 6, September 7, and November 2.

Trustee Busheikin commented on her concern that the number of LTC meetings per year is continually fewer than in the past while complexity of regulations and local government workload has increased. Other Trustees commented that the reduced number of meetings might be an indication of increased efficiency in the organisation and that holding meetings electronically may be contributing to that efficiency.

CARRIED**12. REPORTS****12.1 Trust Conservancy Report dated July 14, 2020 and October 6, 2020**

Chair Fast presented highlights from the two reports. She reported that a map of Denman Island high quality forests and a brochure on The Natural Area Protection Tax Exemption Program (NAPTEP) was sent to relevant landowners to encourage conservation. Trustees asked that this information be added to the Denman Island webpage "Resources" section.

12.2 Applications Report dated October 26, 2020

Application File Number DE-RZ-2018.1 status was asked to be updated with information that the LTC is awaiting proof of source water approval by Island Health.

12.3 Trustee and Local Expense Report dated September, 2020

Trustees observed that Trust Area Services is currently working on an Islands Trust-wide project to update signage, and suggested that the Projects budget of \$1,000 for the Denman Ferry Signage might be reallocated to another project. No action was taken at this time.

12.4 Adopted Policies and Standing Resolutions

Received.

12.5 Local Trust Committee Webpage

During discussion the LTC requested the following:

- The bylaw timeline from the agenda item 9.1 presentation was asked to be added to the Denman Island website in an appropriate location;
- The new Denman Island mapping associated with the Islands Trust Conservancy 2020 Forest Outreach Campaign was asked to be placed on the Denman Island "Resources" page.

13. WORK PROGRAM

13.1 Top Priorities Report dated October 26, 2020

DE-2020-067

It was MOVED and SECONDED,

that the item "Signage at Ferry Terminal" be removed from the Denman Island Local Trust Committee Top Priorities Report.

A Trustee noted that Trust Area Services is currently working on an Islands Trust-wide signage project; and asked that a request be made that, if possible, options to have the signage reflect some local aesthetic be considered for inclusion in the Denman Island ferry terminal signage.

CARRIED

Trustees proposed adding a review of the Official Community Plan/Land Use Bylaw Review to the Top Priorities Report to support the prioritization of this project.

DE-2020-068

It was MOVED and SECONDED,

that the item "Official Community Plan/Land Use Bylaw Review" be added to the Top Priorities Report.

CARRIED

DE-2020-069

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee remove the activity dealing with ferry terminal signage from the Follow-up Action List.

CARRIED

13.2 Projects List Report dated October 26, 2020

Received.

15. UPCOMING MEETINGS

15.1 Next Regular Meeting Scheduled in (2021) – January 19, 2021

Trustees confirmed the next regular LTC meeting date with start time and location to be determined.

16. ADJOURNMENT

By general consent the meeting was adjourned at 3:06 pm.

14. CLOSED MEETING

14.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1) (m) for the purpose of considering Adoption of In-Camera Meeting Minutes dated July 7, 2020 and August 17, 2020 and that the recorder and staff attend the meeting.

14.2 Recall to Order - none

14.3 Rise and Report - none

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder