



## Denman Island Local Trust Committee Minutes of Regular Meeting

**Date:** January 19, 2021  
**Location:** Electronic Meeting

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

**Staff Present:** Heather Kauer, Regional Planning Manager  
 Sonja Zupanec, Island Planner  
 Wil Cottingham, Administrative Assistant  
 Vicky Bockman, Recorder

**Others Present:** Approximately twelve (12) 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 10:02 am. She welcomed the public, introduced Trustees, staff and recorder, and acknowledged that the meeting was being held electronically in traditional territory of the K'ómoks and Coast Salish First Nations.

### 2. APPROVAL OF AGENDA

#### 2.1 Resolution to Continue Holding Electronic Meetings

##### DE-2021-001

**It was MOVED and SECONDED,**

that in order to meet the principles of openness, transparency, and accessibility, meetings of the Denman Island Local Trust Committee will be held electronically until Ministerial Orders under the *Emergency Program Act* and requirements or recommendations under the *Public Health Act* change regarding public attendance at trust body meetings; and that such meetings 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 addition to the agenda was presented for consideration:

- 11.2 Letter of Support for Association for Denman Island Marine Stewards.

**DE-2021-002**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee approved the agenda as amended.

**CARRIED**

**3. RISE AND REPORT - IN CAMERA MEETING NOVEMBER 3, 2020**

Chair Fast reported that at the November 3, 2020 In Camera meeting the In Camera minutes of July 7, 2020 and August 17, 2020 were adopted.

**4. REPORTS**

**4.1 Trustee Reports**

Trustee Critchley reported on his attendance at the following meetings:

- Trust Programs Committee - amendments to the Trust Policy Statement were discussed;
- Baynes Sound Lambert Channel Organizing Committee – providing secretariat services for interested parties;
- Ferry Advisory Committee – the last replacing of the plastic-coated ferry cables is occurring; bringing discretionary sailings into the contract was discussed;
- Baynes Sound Forum - Islands Trust and World Wildlife Fund together have organized the Baynes Sound/Lambert Channel Marine Ecosystem Forum;
- K'ómoks First Nation Community to Community event;
- Trust Council –included bringing a motion to have a review of Trust operations and management;
- Baynes Sound Forum Steering Committee – Daniel Arbour was elected as Chair.

Trustee Busheikin reported on the following:

- Trust Council – she supported the approved external review of the Islands Trust's governance, management and operations;
- Baynes Sound/Lambert Channel Marine Ecosystem Forum – stakeholders and community members met to discuss the health of Baynes Sound;
- K'ómoks First Nation meetings – encouraging opportunities to work more closely together;
- Regional Planning Committee – work includes review of fees and freshwater strategies;
- Financial Planning Committee – discussion of managing surplus and budget;
- Wrote a letter of support for a working group appealing to help bring high-speed fibre optic internet infrastructure to Hornby and Denman Islands through Connected Coast;
- Attended a monthly meeting with a Denman Island group to coordinate and share information regarding COVID response;
- Made a Delegation to Executive Committee to promote an increase of planning resources for Denman Island and to consider the allocation of planning resources to ensure fairness and advancing projects in a timely manner.

#### 4.2 Chair's Report

Chair Fast reported that she attended the following meetings:

- Executive Committee;
- Financial Planning Committee;
- Trust Conservancy;
- Hornby and Gambier Islands Local Trust Committees;
- Bowen Island Municipal Council.

And noted the following:

- Items included in today's agenda for the public's information include Trust Council Decision Highlights, Islands Trust letters regarding development of BC Coastal Strategy and Law and a request to enhance jurisdiction over tree cutting;
- Public input is being sought for the Trust Council report on amending the Islands Trust Policy Statement; deadline for input is February 5<sup>th</sup> and details can be found on the Islands Trust website.

#### 4.3 Electoral Area Director's Report - none

### 5. TOWN HALL

The start of the session was delayed due to technical difficulties, however once resolved, the following comments were noted:

- A member of the public objected to evictions of occupants residing in non-compliant housing that is occurring as a result of Bylaw Enforcement actions, including to her and her daughter. She commented that she has attempted to assist the Local Trust Committee (LTC) in the creation of bylaws to improve the situation to no avail, and asked what actions Local Trustees will be taking to protect renters from eviction.
  - A Trustee commented that he is not familiar with specific details in the evictions described in order to provide comment, however noted that actions have been taken by the LTC to support affordable housing; and while injustices in individual cases might be considered, he supports the following of bylaws in general.
- A representative of the Association for Denman Island Marine Stewards (ADIMS), provided an update regarding the correspondence in today's agenda item 11.1 concerning complaints of an aquaculture lease extending beyond their lease into W1 (conservation) waters. She advised that Transport Canada has responded that the rafts floating in marine channels, will be removed if compliance is not achieved.

She expressed concern and objected to a solution proposed by the Ministry of Forests, Lands, Natural Resource Operations to allow the expansion of a W3 marine industry zoning into W1 Marine Conservation Zone through application by the tenure holder for the area currently being used, and urged the LTC to oppose further expansion should the matter come before them for consideration.

### 6. DELEGATIONS - none

### 7. MINUTES

#### 7.1 Local Trust Committee Minutes dated November 3, 2020 - for adoption

**DE-2021-003**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee minutes dated November 3, 2020 be adopted.

**CARRIED**

**7.2 Section 26 Resolutions-Without-Meeting - none**

**7.3 Advisory Planning Commission Minutes - none**

**8. BUSINESS ARISING FROM MINUTES****8.1 Follow-up Action List dated January 11, 2021**

Trustees considered the Follow-up Action List with the following noted:

- January 21, 2020 Activity “Staff to prepare a draft Water Sustainability Project Charter” – Trustees requested an update. Regional Planning Manager Kauer noted that she will consult with the Islands Trust Senior Freshwater Specialist and report back;
- July 7, 2020 Activity “Staff to forward the LTC request for a Denman Island OCP and LUB review to be prioritized” – has been completed and may be removed from the list.

**9. APPLICATIONS AND REFERRALS****9.1 DE-RZ-2017.1 (Denman Community Land Trust Association (DCLTA)) - Staff Report - for decision**

Planner Zupanec presented the Staff Report that identifies and explains minor changes to proposed Bylaw Nos. 234 and 239, recommends readings, asks the LTC to endorse a draft public Question & Answer (Q&A) document and draft restrictive covenant, and proposes scheduling of a Community Information Meeting (CIM) and Public Hearing (PH) for the project.

Trustees discussed the matters before them for consideration and the following was noted:

- Trustee Busheikin will forward suggested minor changes to the Q&A document to Planner Zupanec;
- Holding the PH on an evening prior to the next LTC meeting might be preferable for the public’s ability to participate and would allow Trustees time to reflect on submissions from the Hearing.

The LTC paused discussion of this agenda item to return to Town Hall submissions.

**By general consent** the meeting recessed at 11:27 am and reconvened at 11:35 am.

**9.1 DE-RZ-2017.1 (Denman Community Land Trust Association (DCLTA)) - Staff Report - for decision (continued)**

- Concerns have been received from a bordering neighbour and a Trustee suggested mitigating measures be taken to address these: a requirement for a fence along the

driveway next to the adjacent property, and to allow natural screening on the north side to revegetate. An additional concern was raised regarding the neighbour's ability to access their backyard with vehicles.

Chair Fast invited the agent for the applicant, Doug Olstead, to speak to the concerns:

- DCLTA has no objection to the request for screening by allowing the natural vegetation on the north boundary to regenerate and remain;
- Discussions with the neighbour regarding the fencing for some distance along the eastern boundary have occurred and DCLTA is willing to work with them;
- DCLTA is not agreeable to registering an easement for the benefit of the neighbour's access, however are agreeable to allow the use of the access to their property for a number of years, suggesting 15 years, or until they sell the property; and they consider this to be a matter of private negotiation.

**DE-2021-004**

**It was MOVED and SECONDED,**

that the draft covenant for DE-RZ-2017.1 (Denman Community Land Trust Association) be amended to include a requirement for a solid fence suitable to mitigate noise and dust between the driveway and the neighbouring property at 3716 Denman Road, and to include provision for access to that portion of the driveway for the residents of 3716 Denman Road for a period of 15 years; and to require the reestablishment of the natural vegetated buffer between the subject property and the lot line of 3716 Denman Road.

There was discussion of the motion. The agent for the application requested that the matter of access be conducted as a private negotiation rather than in a covenant against the title. He advised that DCLTA is entering into a formal agreement with other neighbours surrounding the project that stipulates they will allow access for 15 years or the duration of their ownership of that property whichever is the lesser, and requested that a similar agreement be made for this property. Trustees supported this approach and proposed an amendment to the motion.

**DE-2021-005**

**It was MOVED and SECONDED,**

that the motion be amended by removing "and to include provision for access to that portion of the driveway for the residents of 3716 Denman Road for a period of 15 years".

**CARRIED**

There was discussion on the motion to amend. Chair Fast invited the bordering neighbour to speak. Sean Maher stated that the creation of eight units next to his property was not anticipated when he purchased the property and access to the back of his property is important to him. He requested reconsideration to add the easement to the covenant.

Trustees discussed the issue and considered that handling the matter in a civil rather than a regulatory manner with an agreement such as those being drafted for other affected neighbours to be an acceptable option.

Trustee Busheikin based her concurrence on the assurance that there will be an agreement entered into and agreed upon, ensuring a resolution fair to all neighbours.

When asked by the Chair if there is any further discussion on the motion, a Trustee requested an amendment by deleting the word “solid”. There were no objections to the motion as amended.

The question on the following motion, as amended was then called:

**DE-2021-004**

**It was MOVED and SECONDED,**

that the draft covenant for DE-RZ-2017.1 (Denman Community Land Trust Association) be amended to include a requirement for a fence suitable to mitigate noise and dust between the driveway and the neighbouring property at 3716 Denman Road; and to require the reestablishment of the natural vegetated buffer between the subject property and the lot line of 3716 Denman Road.

**CARRIED**

The LTC resumed discussion of the application. A Trustee requested an explanation of the purpose of the Water Champion Covenant Annual Report form that has been developed for submission of the groundwater monitoring requirement to the Islands Trust. Planner Zupanec advised that the report would be attached to the raw data and provide a skilled interpretation, review, and summary for the Islands Trust and the applicant’s benefit to easily identify trends and to use for discussion purposes.

**DE-2021-006**

**It was MOVED and SECONDED,**

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

- a. 1.20 PART 3 ZONE REGULATIONS, Section 3.3 “Residential Zoning Tables”, Table 8 – Site Specific Regulations, R4(2)10 is amended by reducing the minimum lot size from 0.8 hectares to 0.7 hectares.

**CARRIED**

**DE-2021-007**

**It was MOVED and SECONDED,**

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

**CARRIED**

**DE-2021-008**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend Bylaw No. 239 cited as “Denman Island Housing Agreement Bylaw No. 239, 2020” as follows:

- a. Section C. Affordable rental housing eligibility – subsection iii. and schedule B, Section 6. i) be amended by increasing the annual household income percentage from 120% to 160%.

**CARRIED**

**DE-2021-009**

**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 given second reading.

**CARRIED**

**DE-2021-010**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee authorize the release of up to \$100 from the communications budget to insert the "Question and Answer" document as presented, into one edition of the "Islands Grapevine" community paper prior to the scheduled Community Information Meeting.

**CARRIED**

**DE-2021-011**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to schedule a Public Hearing prior to the March 16, 2021 regularly scheduled business meeting for Proposed Bylaw Nos. 233 (Official Community Plan) and 234 (Land Use Bylaw).

**CARRIED**

**DE-2021-012**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend schedule "D" of the section 219 restrictive covenant by removing the words "Denman Island Land Use Bylaw and" from the Purpose section.

**CARRIED**

**DE-2021-013**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee accept the section 219 restrictive covenant as amended and authorize the Chair and one Trustee to be signatories upon registration.

**CARRIED**

**By general consent** the meeting was recessed at 12:40 pm and reconvened at 1:10 pm.

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

**11. CORRESPONDENCE**

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

**11.1 Letter dated December 14, 2020 to Trustee Critchley from Association for Denman Island Marine Stewards (ADIMS) regarding Aquaculture File 1400036**

Received.

**11.2 Letter of Support for Association for Denman Island Marine Stewards (ADMINS)**

Trustee Critchley advised that provincial funding is now available to assist with beach cleanup and ADIMS has requested a letter of support for their application. Trustees supported the initiative.

**DE-2021-014**

**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee write a letter of support for the application for beach cleanup funding by the Association for Denman Island Marine Stewards.

**CARRIED**

Trustee Critchley offered to draft the letter of support for the Chair's signature.

**12. NEW BUSINESS****12.1 Forest Conservation Outreach Briefing - for information**

Received.

**12.2 K'ómoks Community to Community Meetings and Planning Process - for discussion**

Regional Planning Manager Kauer reported that K'ómoks First Nation is in the process of instituting changes to their permitting process, however, there is no change to the administering of referral requests at this time.

**12.3 Denman Community Land Trust Association (DCLTA) Housing Agreement - 3900 Lacon Road - Schedule B - Memorandum**

Received.

**13. REPORTS****13.1 Trust Conservancy Report dated November 24, 2020**

Received.

**13.2 Applications Report dated January 11, 2021**

Trustees reviewed the Applications Report with the following comments noted:

- Planner Zupanec reported that Denman Housing Association has withdrawn their application DE-RZ-2018.1; all four associated bylaws will be removed from the Applications Report and Denman Island webpage and will proceed no further as the property acquisition agreement with the property owner has expired and is not renewed;
- A Siting and Use Permit for construction of a pool was noted; there are no regulations regarding pools in the Denman Island LUB; this might be considered when reviewing groundwater regulations.

**13.3 Trustee and Local Expense Report dated October, 2020**

Received.

**13.4 Adopted Policies and Standing Resolutions**

Trustee Busheikin addressed Standing Resolution DE-2019-056 regarding bylaw enforcement against unlawful dwellings with the following comments:



- Concern was expressed that the wording of the current resolution does not reflect the intention which is to place a hold on this enforcement with some exceptions;
- Removing current exceptions a) and b) was proposed due to the ongoing shortage of housing and the social and human impacts of homelessness on Denman Island;
- A review of the secondary housing issues was to be reviewed in five years and is overdue;
- This action will help protect vulnerable people, who are usually living lightly on the land, until longer term solutions can be determined.

Trustee Busheikin proposed a draft resolution in this regard for LTC discussion. Other Trustees were not supportive of the proposed resolution, remarking that making allowances for substandard housing is not an acceptable land use policy for the Islands Trust and that this proposal is too broad, creating illegal situations.

Trustees discussed amending Standing Resolution DE-2019-056 with edits for clarity.

**By general consent** the meeting recessed at 2:06 pm and reconvened at 2:08 pm.

**DE-2021-015**

**It was MOVED and SECONDED,**

that DE-2019-056 be amended as follows: that the word “pursue” be replaced with “temporarily withhold” and the word “if” be replaced with “unless”; and that at the end of the resolution the following words be added “and that this Standing Resolution will be reviewed in one year’s time”.

**CARRIED**

**13.5 Local Trust Committee Webpage**

No changes or additions were requested.

**14. WORK PROGRAM**

**14.1 Top Priorities Report dated January 11, 2021**

Trustees discussed revising the Top Priorities list with budgetary and staffing resource considerations acknowledged.

**DE-2021-016**

**It was MOVED and SECONDED,**

that the Denman Island Top Priority list read as follows:

- 1) Farm Plan Implementation
- 2) Land Use Bylaw Review
  - Housing
    - review of secondary suites regulations
    - further opportunities to support housing options
    - limit on gross floor area of a dwelling (and/or use of floor area ratio to measure density)
    - amend Land Use Bylaw definition of “occasional” in relation to the use of an accessory building to clarify that it refers to a cumulative use of not more than 45 days/year regardless of who is staying there

- review of travel trailer regulations
- Home occupations
- Temporary Use Permits for Short Term Vacation Rentals in limited circumstances
  - Temporary Use Permits for home occupations (to be considered: retreats, camps and courses; seasonal mobile food and beverage operations; others)
  - Clarify visitor accommodation regulations regarding kitchen facilities and 45-day limit
- 3) Water sustainability Project.

**CARRIED****14.2 Projects List Report dated January 11, 2021**

Received.

**15. INFORMATION ITEMS****15.1 Trust Council Decision Highlights - December 1-3, 2020**

Received.

**15.2 Letter dated November 30, 2020 from Chair Luckham to Premier and Ministers regarding Development of BC Coastal Strategy and Law**

Received.

**15.3 Letter dated November 30, 2020 from Chair Luckham to The Honourable Josie Osborne, Minister of Municipal Affairs regarding request to Enhance Islands Trust's Jurisdiction Over Tree Cutting**

Received.

**16. UPCOMING MEETINGS****16.1 Next Regular Meeting Scheduled for Tuesday, March 16, 2021 at 10:00 am at - Location to be determined**

Trustees confirmed the next regular meeting date and time.

**17. CLOSED MEETING****17.1 Motion to Close the Meeting****DE-2021-017****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 (f) for the purpose of considering adoption of In-Camera Meeting Minutes dated November 3, 2020 and Bylaw Enforcement and that the recorder and staff attend the meeting.

**CARRIED**

The meeting was closed to the public at 2:51 pm.

**17.2 Recall to Order - none**

**17.3 Rise and Report - none**

**18. ADJOURNMENT**

**By general consent** the meeting was adjourned at 2:51 pm.

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Sue Ellen Fast, Chair

Certified Correct:

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Vicky Bockman, Recorder