



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: March 16, 2021
Location: Electronic Meeting

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

Staff Present: Sonja Zupanec, Island Planner
 Jaime Dubyna, Planner 2
 Wil Cottingham, Administrative Assistant
 Vicky Bockman, Recorder

Others Present: Comox Valley Regional District Electoral Area A Director Arbour
 Doug Olstead, Co-Chair Denman Community Land Trust Association
 Approximately seventeen (17) members of the public

1. APPROVAL OF AGENDA

"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 10:00 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 Qualicum First Nations.

By general consent the agenda was approved.

2. REPORTS

2.1 Trustee Reports

Trustee Critchley provided updates on the following meetings:

- Trust Programs Committee;
- Baynes Sound Lambert Channel Steering Committee;
- Select Committee regarding the management review of the Islands Trust;
- BC Shellfish Growers Association information session regarding voluntary code of practice;
- Connected Coast regarding internet fibre optic cable for Denman and Hornby Islands;
- Community Information Meeting regarding Seniors Affordable Housing - Pepper Lane;
- Meeting of Comox Valley elected officials including from Comox Valley Regional District (CVRD) and K'ómoks First Nation;
- Trust Council;

- Although he was unable to attend the Ferry Advisory Committee meeting, an update on BC Ferry matters was provided.

Trustee Busheikin provided information on the following meetings attended:

- Meeting of Comox Valley elected officials including from Comox Valley Regional District (CVRD, School District, and K'ómoks First Nation);
- Financial Planning Committee;
- Regional Planning Committee;
- Trust-wide Water Sustainability Steering Committee Round Table;
- Denman Island ad hoc group coordinating and sharing information regarding COVID-19 response;
- Numerous phone calls and emails with constituents.

2.2 Chair's Report

Chair Fast reported that her work included attending Executive Committee and Islands Trust Conservancy meetings.

2.3 Electoral Area Director's Report

Director Arbour shared information on the following topics:

- CVRD has allocated \$100,000 for the next 3 years for the Hornby Island bus and the Denman Island bus pilot project;
- The Kirk Road stairs addition to the Cross Island Trail has been well received;
- An update on the Connected Coast internet connectivity funding;
- Baynes Sound Ecosystem Forum multi-stakeholder group;
- The Island group discussing COVID-19 issues has helped identify needs;
- Grants from BC Housing are being secured and a new fund has been established to be used by local governments to assist in accelerating the approval process for affordable housing projects;
- CVRD Board has been asked to write a letter of support for Denman Green and will be considering requests from Denman Housing Association (DHA) and Denman Community Land Trust Association (DCLTA) to assist with development costs for their affordable housing projects.

3. TOWN HALL

- Support was expressed for the Agricultural Land Reserve Use Regulation that allows farmers to have up to 10 sleeping units; the Local Trust Committee (LTC) was asked to allow Denman Island farmers to accommodate up to 10 campsites and not to require a Temporary Use Permit for this purpose.

4. DELEGATIONS

4.1 Riane da Silva regarding Bylaw Enforcement and Housing

Riane da Silva presented information on Denman Island housing needs, with the full address included in the LTC meeting agenda package. She expressed concern that even with the partial moratorium on bylaw enforcement of unlawful dwellings, vulnerable people living in precarious housing are being stressed.

She presented a petition, signed by over 600 residents, asking the LTC to place a moratorium on enforcement resulting in eviction until:

- an Official Community Plan (OCP) review is conducted;
- a targeted review of Land Use Bylaw (LUB) housing regulations is completed;
- supportive LUB bylaws are created.

4.2 Simon Palmer for Denman Housing Association regarding New Plans for an Affordable Housing Rezoning Application

Simon Palmer introduced the proposed new site for a Denman Green affordable housing project, noting that the plans are to accommodate 20 units of housing. He reported that a rezoning application has been submitted along with an application for sponsorship of the application fee; and he provided a summary of reports and plans in progress for this proposal.

4.3 Harlene Holm regarding Suggested Amendments to Bylaw 228 (Farm Plan)

Harlene Holm addressed concerns with proposed Bylaw No. 228 that will make it difficult to protect wetlands and watershed areas on Denman Island. An annotated copy of the bylaw has been included in the LTC meeting agenda package.

She requested that the LTC:

- set aside consideration of proposed Bylaw No. 228 until protection of watershed and wetland areas is in place;
- give priority to completing accurate mapping of water systems on Denman Island using Island knowledge and expertise;
- work with the Ministry of Transportation and Infrastructure regarding alternatives to its use of ditches and culverts to drain surface water including wetlands;
- encourage the farming community and the community in general to steward wetland areas;
- support the mandate of the Trust by recognizing that farming on Denman is and can continue to be compatible with island scale, that farming encompasses productive gardens as well as income-producing farms and that food sovereignty is a valid community goal.

4.4 David Graham regarding Bylaw Enforcement of Illegal Dwellings

David Graham supported the petition created to request a moratorium on bylaw enforcement of unlawful dwellings. He reported that it was determined approximately eight years ago, when he was a Local Trustee, that the housing regulations did not align with the way people were choosing to live at that time; and it was thought that a full review of housing would occur, however, it has not. He encouraged the LTC to place a full review of Housing Regulations on the Top Priorities list in order to allow for consideration and community consultation on the topic.

A Trustee responded that a review of LUB Housing Regulations is currently on the Top Priority list; however noted that a Standing Resolution to prioritize use of staff resources on affordable housing applications makes advancing other worthwhile projects difficult. They advised that a trust-wide moratorium on bylaw enforcement of unlawful dwellings is in effect until COVID-19 health and safety issues are resolved.

By general consent item “10.2 Denman Housing Association Request for Letter of Support” was added to the agenda.

5. MINUTES

5.1 Local Trust Committee Minutes dated January 19, 2021- for adoption

DE-2021-018

It was MOVED and SECONDED,

that the minutes be amended by removing the following text: page 2, item 4.1, Trustee Busheikin’s report, first bullet, the words after “Trust Council”.

CARRIED

By general consent the minutes of the LTC meeting of January 19, 2021 were adopted, as amended.

5.2 Local Trust Committee Special Meeting Minutes dated March 2, 2021

By general consent the minutes of the Local Trust Committee Special Meeting dated March 2, 2021 were adopted.

5.3 Section 26 Resolutions-Without-Meeting Report - none

5.4 Advisory Planning Commission Minutes - none

6. BUSINESS ARISING FROM MINUTES

6.1 Follow-up Action List dated March 8, 2021

Received.

6.2 Guidelines for Correspondence and Meeting Participation - for discussion

Trustees related their support to make public participation as easy as possible and considered possible changes to the draft Guidelines with suggestions including:

- rather than limit a delegation’s ability to talk about ideas and information on the agenda, limit talks that are related to ongoing applications;
- note that delegation materials submitted less than two weeks before the meeting may not be posted or published.

DE-2021-019

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee ask staff to bring back a revised draft of the Guidelines for Correspondence and Meeting Participation.

CARRIED

By general consent the meeting was recessed at 11:12 am and reconvened at 11:19 am.

7. APPLICATIONS, REFERRALS AND BYLAWS

7.1 DE-SUB-2019.2 (Nielsen) - Staff Report

Planner Dubyna summarized the Staff Report that asks the LTC to consider accepting a water treatment covenant requiring water treatment to meet potable drinking water

standards in accordance with the Denman Island LUB, as a condition of a proposed six lot subdivision.

A Trustee confirmed that the Islands Trust Senior Freshwater Specialist had reviewed the information and had provided feedback; and that the covenant would cover all lots to ensure that potential purchasers of these lots are informed of the water quality issues in the area.

DE-2021-020

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee, in respect of application DE-SUB-2019.2, accept a water treatment covenant under Section 219 of the *Land Title Act* from the registered owners of THE EAST ½ OF SECTION 28, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT PARTS IN PLANS VIP87737 AND VIP88293 (PID 006-660-495), attached as Attachment 1 to this Staff Report, dated March 16, 2021, and designate the Chair and additional Trustee of the Local Trust Committee to sign the covenant.

CARRIED

7.2 PROPOSED BYLAW NOS. 233 and 234 (DE-RZ-2017.1) - consideration of further readings

Planner Zupanec reported that the Public Hearing held on March 15, 2021 resulted in a small number of input for Trustees to consider relating to the proposed Bylaws and advised of the following:

- there are no staff recommendations for changes to Bylaw No. 233 (OCP); and the LTC may consider second and third readings at this time;
- a number of minor changes for Bylaw No. 234 have been identified for LTC consideration prior to advancing the Bylaw.

DE-2021-021

It was MOVED and SECONDED,

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

Trustees commended members of Denman Community Land Trust Association and owner of the parent property for their work to bring this project to this point; the need for this housing was acknowledged and it was suggested that this project helps to meet that need in a sustainable way.

A Trustee added that the project has had great support from the community; all comments received were appreciated; pointing out that this application needed to take precedence over the issue of removing land from the Agricultural Land Reserve given the need for affordable housing opportunity on Denman Island and that this parcel does not have high agricultural possibility.

CARRIED

DE-2021-022

It was MOVED and SECONDED,

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

CARRIED

DE-2021-023**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 233, cited as “Denman Island Official Community Plan, 2008”, Amendment No. 1, 2019”, be forwarded to the Secretary of the Islands Trust for approval of Executive Committee.

CARRIED**DE-2021-024****It was MOVED and SECONDED,**

that Denman Island Local Trust Committee forward Bylaw No. 233, cited as “Denman Island Official Community Plan, 2008”, Amendment No. 1, 2019”, to the Minister of Municipal Affairs and Housing for approval.

CARRIED

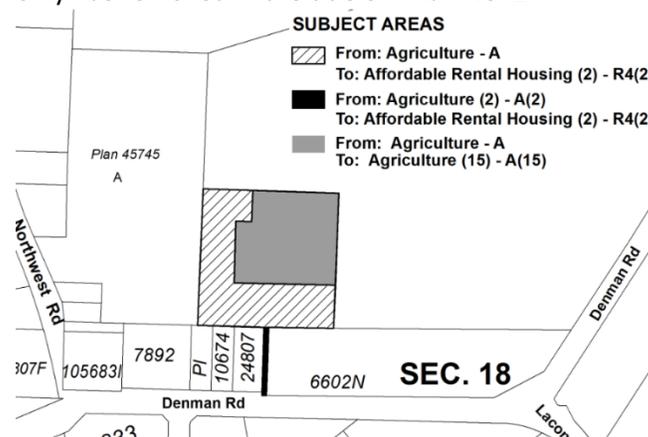
Planner Zupanec identified two changes to proposed Bylaw No. 234 (LUB) for LTC consideration:

- the applicant has requested that in Table 8 the maximum gross floor area of a seniors affordable dwelling unit be amended from 60m² to 65m²;
- Plan No. 1 be replaced with a plan that has the correct citation for the Affordable Housing Zone and removal of the “Conceptual Plan Only” text.

DE-2021-025**It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 234, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019”, be amended by:

1. Table 8, item 9: the floor area be increased from 60m² to 65m²;
2. Plan No. 1 be replaced with the following Plan and the words “conceptual plan only” be removed in the title of “Plan No. 1”.

**CARRIED**

DE-2021-026**It was MOVED and SECONDED,**

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

Trustees spoke to concerns raised that the R4 Zone might allow for large-scale multi-unit, urban style developments, by responding that this zone gives guidance, limits and requirements for any future rental multi-unit housing to ensure that they meet community needs; and this zone is an aid to further future affordable housing applications.

CARRIED**DE-2021-027****It was MOVED and SECONDED,**

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

CARRIED**DE-2021-028****It was MOVED and SECONDED,**

that Denman Island Local Trust Committee Bylaw No. 234, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2019”, be forwarded to the Secretary of the Islands Trust for approval of Executive Committee.

CARRIED

Planner Zupanec identified changes to the Restrictive Covenant requested by the applicant, noting that minor modifications to the Restrictive Covenant might be considered at this time or at a future meeting without delaying the advancement of Bylaw Nos. 233 and 234:

- Clause (a) - allowing flexibility in the wording to permit vegetative buffer and fencing changes if approved by the Agricultural Land Commission;
- Clause (c) – consideration of a change in the wording to standardize the requirement to require fencing suitable to mitigate noise and dust to include the three other neighbouring properties that abut the project;
- Clause (d) – modification to extend the existing clause to create a buffer area for the regeneration of natural vegetation that was specific to one property to include the other three properties that abut the development.

Trustees discussed possible amendments to the Restrictive Covenant with the following noted:

- A reconsideration of the requirement for an annual professional analysis of the well datalogger data was suggested to mitigate the expense that DCLTA would incur to meet that requirement; alternative suggestions included annual reporting of raw data to Islands Trust, or a graduated approach limiting the annual requirement of a professional analysis to a number of years;
- Suggestions from staff might be useful regarding construction and maintenance of fencing, including consideration of the noise abatement aspect.

By general consent the meeting recessed at 12:11 pm and reconvened at 12:43 pm.

DE-2021-029**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee amend “Section 2 No Build” of the draft restrictive covenant for DE-RZ-2017.1 (DCLTA- Pepper Lane) by:

1. clause (a) – by adding the words “or amendments thereto approved by the ALC” after “..contained in the ALC Resolutions;”
2. clause (c) – by replacing the clause with “it constructs a solid fence suitable to mitigate noise and dust along both lengths of the driveway of the subject property and the full extent of the southern property lines of the subject property.”
3. Clause (d) – by replacing the clause with “it establishes an area for the regeneration of the natural vegetation to create a buffer along the full extent of the southern borders of the subject property adjacent to the neighbouring properties along Denman Road.

CARRIED**DE-2021-030****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to work with the applicant and address concerns with adjacent property owners with concerns to clauses (c) and (d) and return alternative language with respect to the Restrictive Covenant for Local Trust Committee consideration.

CARRIED**DE-2021-031****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to review clause 6 (c)(Water Champion Covenant Annual Report) of the draft Restrictive Covenant and to provide alternative suggestions to reduce or eliminate the burden of expense on the applicant.

In speaking to the motion, a Trustee expressed concern with the financial burden to the applicant to complete the annual professional analysis of the datalogger data requirement, noting that the analysis is an amenity for the community; and suggested that some term of years might be more appropriate; the raw data collected and reviewed by the applicant would bring attention to any saltwater intrusion for mitigating measures to be taken.

CARRIED

Planner Zupanec advised that the applicant has requested a change to the Housing Agreement text, amending the affordable housing stipulation for maximum rent to reflect a similar formula of BC’s Shelter Aid for Elderly Renters.

DE-2021-032**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”, Section E. Rental rates, subsection i., be amended by adding the following to the end of the clause: “provided ‘rent’ does not include any sums received by way of institutional rent subsidy or rent assistance available from time to time.”

A Trustee requested clarification of the requested change and Chair Fast invited the applicant to respond. Doug Olstead explained that this change allows the additional funding from the government to be accessed.

CARRIED

A Trustee commented that the possibility of expanding the definition of qualified occupants in the Housing Agreement to include indigenous people was raised at the Special Meeting held last night and is beginning to be included in other Trust areas.

DE-2021-033**It was MOVED and SECONDED,**

that the Denman Island Local Trust request staff bring back a draft amendment to the Housing Agreement to specify that the qualified occupant definition be expanded so that it includes but is not limited to on-reserve and off-reserve status and non-status and/or self-identified Indigenous, Inuit, or Native people.

In speaking to the motion, a Trustee noted that this approach has been proposed on the advice of the Islands Trust Senior Intergovernmental Advisor. A Trustee commented that there are questions regarding some of the elements of the proposed definition; however it is supported in the spirit of reconciliation.

CARRIED

Chair Fast invited the applicant to speak and Doug Olstead’s comments including the following:

- DCLTA has recognized that the issue raised at the Community Information Meeting, regarding aging in place and becoming incapacitated, has not been adequately addressed in their tenant selection procedure. They would like to add an additional paragraph to the end of the Housing Agreement to stipulate that the owner may amend the tenant selection process from time to time in order to adapt when necessary.

DE-2021-034**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee request staff to work with the applicant to add a phrase regarding the ability to adapt the tenant selection procedure.

Trustees requested that staff provide the Staff Report and recommendation to Trustees in advance of the next Local Trust Committee meeting for their review of the suggested wording to address the issue to everyone’s satisfaction.

CARRIED**8. LOCAL TRUST COMMITTEE PROJECTS**

8.1 Farm Plan Implementation Status Update – Memorandum

Planner Zupanec summarized the Memorandum that provides a status update on the project. She advised that a new affordable housing application is forthcoming, and that staff will bring a more in-depth report on the Farm Plan Implementation project as resources allow.

Trustees commented with the following noted:

- The Standing Resolution that gives priority to processing applications for affordable housing projects is still supported and the challenging task to balance resources and move ahead with projects that the community considers important was acknowledged;
- It was questioned whether the provincial grant for local governments reported by CVRD Director Arbour might be utilized by the Denman Island LTC to assist in the effort to advance affordable housing initiatives; Staff will discuss with the Islands Trust grant manager and report back.

9. CORRESPONDENCE

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

9.1 Letter dated January 21, 2021 from Hornby & Denman Community Health Care Society regarding Transportation Issues

A Trustee advised that Denman Works!, the Denman Island Community Economic Enhancement Society, might be informed of this project as it has formed a transportation committee that may have overlapping issues and interests in this Active Transportation Network Planning project.

9.2 Email dated February 22, 2021 from W. Northcut regarding Permit Transparency

Trustees discussed the suggestion to post all Siting and Use Permits on the Trust website. They identified difficulties with that approach and noted that contacting staff with questions is an efficient option that is always available.

9.3 Letter dated March 6, 2021 from B. Engleson regarding Support for Denman Housing Society New Proposal

Received.

10. NEW BUSINESS

10.1 Denman Island Cross island Trail - for discussion

Trustee Busheikin proposed that a letter be drafted encouraging the CVRD to hold public consultation prior to continuing with the next phase of the Cross Island Trail to determine community priorities that may involve preference for other recreational initiatives than the trail.

DE-2021-035

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee send a letter signed by the Chair to the Comox Valley Regional District encouraging further public consultation before moving ahead with the next phase of the Denman Island Cross Island Trail.

A Trustee and the Chair commented that it might be appropriate to bring this to Director Arbour as it is a Comox Valley Regional District project; and observed that the Cross Island Trail initiative fits with various Islands Trust policies concerning climate action and alternative transportation options.

A Trustee noted as background information, that the Parks and Greenways Plan is a Comox Valley Regional District initiative, and supported discussing this topic directly with Director Arbour.

DEFEATED
Chair Fast Opposed
Trustee Critchley Opposed

10.2 Denman Housing Association Request for Letter of Support

DE-2021-036

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee write a letter to Executive Committee supporting Denman Housing Association's application for fee sponsorship.

CARRIED

Trustee Busheikin offered to draft the letter.

11. REPORTS

11.1 Trust Conservancy Report dated January 26, 2021

Chair Fast summarized the report.

11.2 Applications Report dated March 8, 2021

Planner Zupanec responded to Trustee questions that arose.

11.3 Trustee and Local Expense Report dated January, 2021

Received.

11.4 Adopted Policies and Standing Resolutions

Received.

11.5 Local Trust Committee Webpage

There were no changes or additions requested.

12. WORK PROGRAM

12.1 Top Priorities Report dated March 8, 2021

Received.

12.2 Projects List Report dated March 8, 2021

Received.

13. INFORMATION ITEMS

13.1 Letter to Editor from Denman Local Trust Committee regarding Bylaw Enforcement Clarification

Received.

13.2 News Release dated January 21, 2021- Islands Trust Actively Promotes Regional Collaboration

Received.

13.3 Letter dated January 21, 2021 regarding Support for Association of Denman Island Marine Stewards (ADIMS) Application to BC Clean Waters (BCCCW) Fund

Received.

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, May 4, 2021 at 10:00 am via Zoom Electronic Meeting

Trustees confirmed the next regular meeting date and time to be conducted electronically via Zoom.

15. CLOSED MEETING

15.1 Motion to Closed the Meeting

DE-2021-037

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 January 19, 2021 and Bylaw Enforcement and that the recorder and staff attend the meeting.

CARRIED

The meeting was closed to the public at 2:10 pm.

15.2 Recall to Order – none.

16. ADJOURNMENT

By general consent the meeting was adjourned at 2:10 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder