



Denman Island Local Trust Committee Minutes of Special Meeting

Date: February 15, 2022
Location: Electronic Meeting

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

Staff Present: Sonja Zupanec, Island Planner
 Vicky Bockman, Recorder

Others Present: Ione Smith, Upland Agricultural Consulting
 Approximately two (2) 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 10:01 am. 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 due to technical and staff limitations public participation is not possible at this meeting.

2. APPROVAL OF AGENDA

A Trustee expressed concern regarding the absence of opportunity for public participation in today's agenda, expressing a desire to enable the ability to have Town Halls or Delegations in electronic meetings. Chair Fast advised of technical issues and staff limitations that are contributing to this situation, reported that this is a topic for discussion at the next Trust Council meeting, and noted that the next Local Trust Committee (LTC) meeting may be held in person and would include public participation.

By general consent the agenda was approved as presented.

3. BUSINESS ITEMS

3.1 Local Trust Committee Special Meeting Minutes dated January 13, 2022

By general consent the January 13, 2022 minutes were adopted.

3.2 Local Trust Committee Special Meeting Minutes dated November 2, 2021

By general consent the November 2, 2021 minutes were adopted.

3.3 Denman Farming Regulations Review Project - Staff Report

Ione Smith, consultant, agrologist and project manager, presented the Staff Report that provides an update on the project and asks the LTC to review, comment, and endorse the draft Farming Regulation Community Questionnaire.

She outlined the work undertaken to advance the project that includes review of data, maps, reports, and policy with extensive interviews to gather informed feedback to develop the questionnaire.

Trustees expressed the desire to include the submission dated February 1, 2022 from H. Holm with other project documents, with the exception of a section relating to a submission that was on record at the time of the adoption of the Farm Plan. They acknowledged the need to organize the documents on this project which span many years.

DE-2022-009

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to include in the Islands Trust website as project documents the items listed as items 1) a, b, c, and e in the letter from Harlene Holm dated February 1, 2022.

Trustees explained that the need to highlight current discussions on this project to assist the public to navigate through the abundance of documents on the project site. They clarified that item 1)d can be found in the record from adoption of the Farm Plan, and suggested that staff organize the documents on the project webpage under general headings.

CARRIED

Discussion on the draft Farming Regulation Community Questionnaire included the following:

- The complexity and length of the questionnaire was of concern, however, was considered necessary, as responses to a preliminary draft without the contextual information indicated confusion of jurisdictional limits, while a version with explanation of what the Islands Trust can do will likely produce more informed responses. An online version of the questionnaire can be condensed with the ability to expand for further information.
- The survey will be mailed out and staff suggested a drop off location be established that can be used for returns. Trustees considered options and determined to continue reviewing this following the meeting.

Comments on the content of the questionnaire included:

- Overview: change “Denman Island Farm Bylaw” to “Denman Island Land Use Bylaw and Farming Regulations”;
- Definition of Horticulture: add an explanation of the implications if not defined at all;
- Secondary Dwellings in the ALR: include a question regarding restrictions for secondary dwellings such as: would you support a maximum overall combined primary and secondary dwelling size of 500 m²?
- Tourism Accommodation in the ALR: correct the information to reflect that B&Bs are allowed and are regulated in the Land Use Bylaw;

- Temporary Use Permits: suggest including a qualifier such as “the intention generally is” that the most common form of permitting is through the use of TUPs which would provide up to 3 years of approved use which can be renewed once, for 6 years total. The last sentence requires reworking as the Official Community Plan (OCP) and Land Use Bylaw (LUB) do not support granting a rezoning for a secondary dwelling or tourist accommodation.

Trustee Busheikin offered to work with the consultant to suggest edits to the documents to increase ease of understanding and readability.

DE-2022-010

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee generally endorses the “Denman Island Farming Regulation Community Questionnaire” dated February 2022 subject to the points discussed at the meeting”.

CARRIED

DE-2022-011

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee release up to \$2,000 from the Farming Regulation Review Project budget for advertising and direct mail out of the questionnaire to Denman Island residents and property owners.

CARRIED

DE-2022-012

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct staff to work with the consultant to schedule and advertise a special meeting to hold a Community Information Meeting in the spring for the Farming Regulations Review Project.

CARRIED

3.3.1 Submission dated February 1, 2022 from H. Holm

Received for information and discussed in agenda item 3.3.

3.4 DE-RZ-2021.1 (Denman Housing Association) - Staff Report

Planner Zupanec summarized recommended amendments to Proposed Bylaw Nos. 242 (LUB) and 243 (Housing Agreement) as outlined in Attachment 1 Table 1 and Table 2 of the Staff Report relating to DE-RZ-2021.1 (DHA).

Discussion of the proposed amendments outlined in Table 1 and Table 2 included the following points:

Denman Green

- With the identification of a wetland on the Denman Green parcel resulting in a reduced area able to be developed and causing site constraints, maximum flexibility for setback restrictions and minimum parking requirements are proposed;
- Concern was expressed that if on-site parking is reduced to one vehicle per affordable housing unit that there may be overflow parking for second vehicles on the adjacent roadway causing safety hazards and other issues.

Dave Ricketts, speaking on behalf of the Denman Housing Association, supported the reduction in minimum required parking due to site constraints and commented that requiring access to parking on an adjacent site would significantly extend the project timeline.

Trustees recognized that the location of the project may reduce the need for some vehicles, and affirmed that the priority is to the affordable housing, however, acknowledged the responsibility to address parking issues and suggested that the applicant explore options for a solution to this issue.

- It is important that the restrictive covenant references the newly identified wetland to ensure that at the time of construction the site plan and necessary buffer or fencing requirements are in place.
- Planner Zupanec clarified that there is no need for the Freshwater Specialist or a Planner to communicate directly with DHA's engineers to reconcile aspects of the water plan issues, and she explained the process.

Danes Road Receiver Lots 4 and 5

- Henning Nielson, the owner and co-applicant, noted that the adjacent covenant area buffer was established to protect the integrity of the watercourse. He expressed the opinion that the additional restriction of requiring a 30 metre setback to the covenant area is not necessary in this case, and asked that the property not be encumbered further. He added that the topography of the site further ensures that the covenant setback is sufficient. He noted that a 30 metre setback to the covenant area would remove the possibility of views on the lots, basically devaluing the attractiveness of the properties which are a necessary element to the development of the Denman Green housing project. He offered to forward a copy of the environmental assessment completed a year ago to support his position and provide more information for Trustees.

Planner Zupanec advised that the owner and co-applicant has recently requested a change relating to the Danes Road receiver parcel that has not been addressed in the Staff Report. Discussion on this requested amendment included the following points:

- Proposed Bylaw No. 241 (OCP) currently proposes a change in designated zoning from Rural to Residential and in Proposed Bylaw No. 242 (LUB), a change from Rural 2-R2 to Residential 1(5)-R1(5) which is reflective of minimum lot size not meeting the Rural requirement of no less than 4 hectares.
- Henning Nielson, owner and co-applicant, has advised that this was not in line with the original request and is requesting that the R2 rural designation be maintained as a site-specific zone with minimum average lot size of less than 4 hectares. He pointed out that other site-specific lots that vary the minimum average lot size exist on Denman Island, this change would eliminate the need for notes regarding secondary suites, that the densities are being transferred from a rural designation, the area has rural designations throughout, and this decision is within the authority of the LTC.

DE-2022-013**It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee direct staff to prepare draft language to amend proposed Bylaw Nos. 241 (Official Community Plan) and 242 (Land Use Bylaw) in order to maintain the R2 designation and an R2 site specific zone for the receiver lots 4 and 5 (Danes Road).

CARRIED**DE-2022-014****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:

- i. Section 1.20, Line Item 2, be amended to read “Despite line 10 in Table 1 of this Section, a secondary suite is permitted in a principle dwelling in the R1(5) zone”;
- ii. Section 1.21, Line Item 1 be removed in its entirety and subsequent line items numbered chronologically;
- iii. Section 1.22, Table 8 – Site Specific Regulations, R4(1) – add a new line after item 5 to read: “6 Despite line 1 in Table 5 of this Section, the minimum setback of all buildings and structures, except for free standing photovoltaic solar arrays, is 4.0 metres from an exterior lot line and 3.0 metres from an interior lot line.”; and renumber subsequent line items chronologically;
- iv. Section 1.22, Table 8 – Site Specific Regulations, R4(1), Line Item 8 – reduce the minimum required number of automobile parking spaces required to 1.0 per affordable housing unit.

A Trustee explained that Section 1.20, Line Item 4 regarding the requirement for additional setback from the conservation covenant is not requested to be removed at this time as more information and a site visit would be helpful in the consideration of the matter.

CARRIED**DE-2022-015****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 given first reading as amended.

CARRIED**DE-2022-016****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 243 cited as “Denman Island Housing Agreement Bylaw” be amended by removing clause iv in “section b. Agreement over the Lands” in its entirety.

CARRIED**DE-2022-017****It was MOVED and SECONDED,**

that the Denman Island Local Trust Committee Bylaw No. 243 cited as “Denman Island Housing Agreement Bylaw” be given second reading as amended.

CARRIED

DE-2022-018

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to work with the applicant to prepare the following amendments to the draft restrictive covenant for 1151 Northwest Road, DE-RZ-2021.1 (DHA), for future Local Trust Committee consideration:

- i. Protection of riparian habitat along the western boundary and establishment of a 3.0 metre minimum setback and restoration area along the eastern edge of the wetland. Requirements for a landscape buffer, wetland area fencing to be constructed prior to any construction on the site and maintained in perpetuity; and siting of a trail consistent with the “Baseline Inventory” report recommendations dated February 2, 2022; and
- ii. Requirements for a stormwater management (drainage) plan as part of a future Siting and Use Permit.

CARRIED

Trustee Busheikin made a point of order in reference to a comment made during discussion of the setback to a covenant area, asking everyone to be aware of and not to use inflammatory language as it denigrates the work being done to balance living here in a full way with protecting the environment.

Trustees discussed the definition of “dwelling, multi-family” and deferred consideration of amending this definition for clarity pending further analysis.

4. ADJOURNMENT

Chair Fast advised that Trust Council will be meeting in Nanaimo on March 10th; and the next regular LTC business meeting is scheduled for March 22, 2022.

By general consent the meeting was adjourned at 12:27 pm.

Sue Ellen Fast, Chair

Certified Correct:

Vicky Bockman, Recorder