



Denman Island Local Trust Committee

Regular Meeting Revised Agenda

Date: June 26, 2018
Time: 9:30 am
Location: Denman Activity Centre
1111 Northwest Rd, Denman Island, BC

			Pages
1.	CALL TO ORDER	9:30 AM - 9:30 AM	
	"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."		
2.	APPROVAL OF AGENDA		
3.	TOWN HALL	9:30 AM - 9:40 AM	
3.1	<i>Growers and Producers of Denman and Hornby Islands (GPA) regarding Denman Farm Plan</i>		4 - 5
3.2	<i>L. Bell regarding Denman Community Land Trust Association (DCLTA) Development Variance Permit Application</i>		6 - 7
3.3	<i>T. Wenner regarding Cannabis Issues in the Farm Plan Implementation Project</i>		8 - 9
4.	COMMUNITY INFORMATION MEETING - none		
5.	PUBLIC HEARING - none		
6.	MINUTES	9:40 AM - 9:45 AM	
6.1	Local Trust Committee Minutes dated May 1, 2018 - for Adoption		10 - 22
6.2	Section 26 Resolutions-Without-Meeting Report dated June 19, 2018		23 - 23
6.3	Advisory Planning Commission Draft Minutes dated June 13, 2018 - for receipt		24 - 28
7.	BUSINESS ARISING FROM MINUTES	9:45 AM - 10:00 AM	
7.1	Follow-up Action List dated June 19, 2018		29 - 31
7.2	Standing Resolution regarding Pro-Active Bylaw Enforcement on Short Term Vacation Rentals - Staff Report		32 - 33
8.	DELEGATIONS - none		

9.	CORRESPONDENCE	
	(Correspondence received concerning current applications or projects is posted to the LTC webpage)	
9.1	Letter dated June 22, 2018 from N. Gourkow	34 - 40
10.	APPLICATIONS AND REFERRALS	10:00 AM - 10:30 AM
10.1	DE-DVP-2018.1 Wooley/Rempel/Severn (Denman Community Land Trust Association) - Staff Report	41 - 52
11.	LOCAL TRUST COMMITTEE PROJECTS	10:30 AM - 11:00 AM
11.1	Relationship Building with K'omoks First Nation	
11.1.1	Follow Up from K'omoks First Nation Intergovernmental Engagement Meeting #3 – Reflections and Discussion	53 - 53
11.1.2	Staff Report	54 - 57
11.2	Bylaw No. 225 - Marine Issues (Driving on the Foreshore) - for adoption	58 - 59
	<i>That Denman Island Local Trust Committee Bylaw No. 225, cited as "Denman Island Land Use Bylaw No. 186, 2008, Amendment No. 1, 2017", be adopted.</i>	
11.3	The Denman Farm Plan Implementation Project – for discussion	
12.	REPORTS	11:00 AM - 11:30 AM
12.1	Work Program Reports	
12.1.1	Top Priorities Report dated June 19, 2018	60 - 60
12.1.2	Projects List Report dated June 19, 2018	61 - 62
12.2	Applications Report dated June 19, 2018	63 - 68
12.3	Trustee and Local Expense Report dated March, 2018	69 - 69
12.4	Adopted Policies and Standing Resolutions - none	
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Reports	
12.8	Electoral Area Director's Report	

----- BREAK ----- 11:30 AM TO 11:45 AM

13. NEW BUSINESS 11:45 AM - 12:15 PM

- 13.1 Regulation of Cannabis Production and Retail Sales and Non-Medical Cannabis Retail License Application Fees - Staff Report 72 - 77

14. UPCOMING MEETINGS

- 14.1 Next Regular Meeting Scheduled for Tuesday, August 7, 2018 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

15. TOWN HALL 12:15 PM - 12:25 PM

16. CLOSED MEETING - none

17. ADJOURNMENT 12:25 PM - 12:25 PM

Speaking Notes Island Trust – Farm Plan - June 26 – I cannot speak for all farmers on Denman nor for all members of the original team that put together the Farm Plan.

Starting about 2006 there was major concerns about the economic health of Denman Island. Talks of school closure occurred. Numerous meetings were held. Basically it was identified that young people were needed and the one sector that had the greatest potential for growth was agriculture.

Island Trust supported and recognized this as an issue and provided/sought funding that eventually led to the creation of a farm plan. Included in the farm plan was a number of recommendations, part of which was the recognition of the Growers and Producers Alliance.

Page 1 of the report refers to the creation of a Farm Plan as a top priority and recognizes the objective “to support socio-economic diversity of island communities”.

The 2011 survey information reported a total of 99 producing properties producing an agricultural product for sale, barter or trade. Most properties produced multiple products.

For example: - 61 properties produced fruit berry or nuts

- 50 properties produced vegetable
- 45 properties were tame hay
- 35 properties were poultry and egg production
- And if you are wondering, cattle are way down the list.

Notwithstanding

The Denman Growers and Producers Alliance believes in Denman Feeding Denman.

Numerous producers are on R1 and R2 zoned lands.

Therefore we find the following confusing or restrictive and suggest a second look to include

- Agricultural lands should apply to all bonafide farms per the assessment act and ALR lands.
- Policy 3 - Why ??? subdivision should respect natural land forms and watercourses to maximize the best use of fertile soils.
- Policy 4 – again sounds like a double standard.
- Policy 5 – again confusing. Should the suggestion be open to bonafide farmers only?
- Agritourism use – needs to permit some option for permanent facilities. Eg. Washrooms, instructional rooms, tasting rooms
- Temporary use permit – what is yearly cost? And what term are they?
- Policy 7 – again what cost?
- Intensive agricultural and feedlot definitions don’t seem to work for Denman Island.
- Commercial Cannabis production warrants further discussion with Community

- Lub regulations. Larger parcels should be allowed more than 3 units per site to make it economical.

Last, The Growers and Producers Alliance does not support the removal of “ horticulture and agriculture as permitted uses in the R1, R2 zones.

Denman LTC Town Hall Session, June 26, 2018
Presentation by Louise Bell

I was part of the Islands Trust for 15 years. I'm familiar with the demands on staff time and the constraints affecting the application processing. So I'm really hesitant to complain, but I believe the DCLTA Seniors' Affordable Housing Project is not getting the attention it deserves.

Objectives in both the Islands Trust Strategic Plan and Denman's OCP "support the establishment of affordable housing. Why then, has the Trust been so slow and so difficult in dealing with this project?

Item 10.1 today is a Development Variance Permit asking the Trust to waive requirements in Denman's Land Use Bylaw for proof of adequate, potable water for one of the lots involved in a subdivision – the Denman Island Guest House property. The subdivision is a lot-line adjustment. The rationale for the application is straight forward. The subdivision doesn't create a new lot. It's preliminary to the subdivision required for the seniors' housing development. It merely moves a driveway from the Guest House lot to Bev Severn's lot. The driveway is already in use for Bev's lot as a result of a long-standing easement. There is no possible use for information about the adequacy or potability of the Guest House water in making this lot line adjustment. To me, the DVP was a no brainer.

This DVP is needed before MOTI can process the application for the lot line adjustment. It, therefore, is holding up that application. The DVP application was submitted to the Trust in February 2018. The response -- eventually -- was that the staff report would be available for the August LTC meeting. That would have been six months after the application was submitted. It is only on today's agenda because Doug Olstead asked that it be presented sooner. Does this sort of delay "support the establishment of affordable housing..."?

To my great surprise, the report recommends denying the permit. It begins by citing the following policy from the Denman's OCP: "Zoning regulations should specify minimum requirements for water supply for new lots created by subdivision." I think it's a huge stretch to consider the Guest House property a "new lot," once the driveway along one boundary -- a driveway not used for the Guest House but used for another property -- is removed from the lot.

The report then cites an OCP policy that pertains to the village area, even though both lots in the boundary adjustment are outside the village area. It says that boundary adjustments should address ground water availability and sewage disposal capability. The suggestion here is that sewage disposal capability should be an additional requirement for this DVP. Again, does this "support the establishment of affordable housing..."?

Incidentally, sewage disposal capability of the Guest House lot had already been documented and submitted to the Trust in April 2018. So what, pray tell, is the point of this part of the report?

The report then notes that the applicant failed to provide “documentation proving water for the current use” of the Guest House lot. This makes no sense to me. Given that the purpose of the DVP application is to waive the requirement for the applicant to provide this information, why would this be a reason to deny the permit?

The report summary states that applicant should “confirm that currently permitted uses [with respect to Guest House] are sufficiently supplied by potable water.” To me, it’s extraordinary to think that moving the west boundary of the Guest House lot a distance equal to the width of a driveway should require DCLTA to undertake this task.

So, why should the LTC approve this application? First, approval will allow DCLTA to move forward with the project, thus promoting the OCP policy on affordable housing. Second, because the boundary adjustment makes no change to land use or density, it couldn’t possibly change the availability or potability of the Guest House water supply. Third, because the boundary adjustment merely legalizes the existing use of the driveway, it should proceed without impediment.

This DVP application is one example. The rezoning application process has also been slow and confusing. My goal today is to encourage the LTC, Chair Morrison in particular, to ask staff to work efficiently and cooperatively with both DCLTA and the various agencies involved in processing DCLTA’s applications and referrals.

Please don’t complicate the work being done by this volunteer group. Please give the creation of affordable housing the priority it deserves. Please issue the DE-DVP-2018.1 today.

LTC

Denman island, June 22 2018

I absolutely disagree with the way our LTC has handled the subject of cannabis.

You set the tone in the fall of 2015 and etched this into the minutes of 5 meetings. You seemed determined to see something spurious and unclear that needed to be prevented “by any means available to us” in the unfounded and imaginary complaints posed by a small select lobby group. Even now almost 3 years later I have to hear that same lingo again at an APC meeting and then read it in their minutes for June 13 2018. Chemicals in the water table, really? What are these chemicals we keep hearing about that magically appear when cannabis is grown on a small scale?

The tone has not changed. But you will take this referral and your letter from AG Ministry telling you you are allowed (not compelled, allowed) to write cannabis into an otherwise perfectly fine and credible definition of intensive agriculture, and these will be your justifying documents. We may see yet see a new referral from GPA but the one they already vetted was before you inserted cannabis into the definition.

Cannabis does not merit being in that definition.

11.1 May 1 2018

Denman Farm Plan Implementation - Staff Report

☒ What is the source of the language being proposed for these bylaws?

o These bylaws have been drafted by staff based on input from the APC, the DGPA, Farm Plan and the LTC.

☒ The proposed definition of “intensive agriculture” includes cannabis production, except to the extent the use is carried out solely for domestic purposes. What is the source of this additional language?

- The basis of the definition of intensive agriculture is from the Ministry of

Agriculture and the addition of cannabis production to the definition was at the request of the LTC who asked that it be added if possible to clarify that zones R1, R2, and R3 are not currently intended for intensive agriculture including intensive cannabis production.

You keep saying that but you never say why.

Your first year long attempt to craft a bylaw to limit or eliminate agriculture from R1/R2/R3 was set aside (as inappropriate at that time) Nov 15 2016 by recommendation in a staff report. Yet you never stopped fussing with it. I cannot state strongly enough how distasteful this idea is. I bought my property for it's abundant water and horticulture/home occupation bylaws. It is an intrinsic part of the value of my property and it is an appropriate use. You are very glib to cast all small lots as alike. No two are similarly developed on my street. You should be more worried about a monoculture weed and feed lawn than my blueberries.

If new industry comes to our island, i would hope it would be in the form of small discreet respectful and respected endeavours. Land use on Denman Island should be friendly to small chances at economic stability. There is no avenue for 'farm gate sales' to occur in the case of cannabis as you must be aware of the rigid framework producers have for distribution. What we really need to protect our harmony from would be the giant millionaire investor operations that are truly voracious and I believe would not fit into the fabric of our environment.

The Farm Plan deserves to stand alone and not as a presage to interfering with the property rights of the rest of the community.

T. Wenner



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: May 1, 2018
Location: Denman Activity Centre
 1111 Northwest Rd, Denman Island, BC

Members Present Susan Morrison, Chair
 David Critchley, Local Trustee
 Laura Busheikin, Local Trustee

Staff Present: Marnie Eggen, Island Planner
 Sonja Zupanec, Island Planner
 Fiona MacRaid, Senior Intergovernmental Policy
 Advisor, Marine and First Nations Issues (by
 telephone)
 Miles Drew, Bylaw Enforcement Manager (by
 telephone)
 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 Morrison called the meeting to order at 9:32 am. She acknowledged that the meeting was being held in territory of the Coast Salish First Nations, welcomed the public and introduced Local Trustees, staff and recorder.

2. APPROVAL OF AGENDA

By general consent the agenda was adopted as presented.

3. TOWN HALL AND QUESTIONS

Chair Morrison reminded those present that no written or oral representations on Bylaw No. 225 will be received by the Local Trust Committee (LTC) or its individual members as it is post-Public Hearing on this matter.

Comments from members of the public with responses by staff and Trustees follow:

- Should the LTC follow a legal opinion received on a proposed bylaw?
 - The LTC is not required to abide by any legal advice it may receive.

- Does the bylaw amendment process require that staff inform the LTC of all public responses received and make those known to the public?
 - Yes, all correspondence relative to a proposed bylaw amendment is made known to the LTC and the public.
- Doug Olstead, on behalf of the Denman Community Land Trust Association (DCLTA), provided an update on efforts to obtain information necessary for their application and reported on a discussion held with the Ministry of Infrastructure and Transportation (MOTI), indicating that MOTI has stated they will accept a potable water waiver given by the LTC. He asked for clarification on the procedure to amend their Development Variance Permit (DVP) application and asked whether the information provided thus far is suitable in order to expedite the application.
 - Planner Eggen suggested that these issues could be discussed at length subsequent to this meeting.
- Harlene Holm, speaking on behalf of the DCLTA, expressed concern that the intent to harmonize the provincial water licensing process and the Water Assessment Terms of Reference (TOR) would not be useful and would delay the process. She supported proceeding solely with the referral, as the Province has jurisdiction and expertise in these matters.
 - Staff confirmed that it is a new process; however, it is likely that the referral that will be received would be technical in nature and would not generally be provided to the LTC at this stage. Trustees recognized the importance of minimizing duplication and supported the referral being presented for LTC consideration in this case to determine if harmonization of the TOR and provincial water licensing requirements is possible to create more efficiency.

4. COMMUNITY INFORMATION MEETING - none

5. PUBLIC HEARING - none

6. MINUTES

6.1 Local Trust Committee Minutes dated March 6, 2018 - for adoption

By general consent the minutes were adopted as presented.

Trustee Critchley noted that he has not received draft minutes for review in a timely manner as requested previously, and asked that staff follow-up on this to ensure that a procedure is in place to address this request.

6.2 Local Trust Committee Public Hearing Record dated March 6, 2018 - for receipt

Received for information.

6.3 Section 26 Resolutions-Without-Meeting Report dated April 23, 2018

Received for information.

6.4 Advisory Planning Commission Minutes - none

7. BUSINESS ARISING FROM MINUTES

Senior Intergovernmental Policy Advisor MacRaidl joined the meeting by telephone at 9:53 am.

7.1 Follow-up Action List dated April 24, 2018

Senior Intergovernmental Policy Advisor MacRaid's comments included the following:

- The Follow-up Action List is primarily a planning tool and this may not be the most appropriate method to follow First Nations work on relationship building;
- As an initial step in this process to consider an alternative system, a summary of First Nations matters on the List might be provided at the next LTC meeting and discussion held to determine if it might be appropriate to remove or consider items further in another format;
- A possible means of recording First Nations matters might be through a standing item on the agenda summarizing a list of key projects throughout the Islands Trust Area.

Trustees discussed the proposed direction and the following key points were noted:

- They supported the proposed actions regarding First Nations items on the Follow-up Action List including initial discussion through a memorandum and inclusion of a standing item on future agendas;
- Several topics have arisen from the recent K'omoks First Nation meetings such as C2C grant funding, a potential presentation by Jesse Morin, and reviewing relevant policies;
 - Senior Intergovernmental Policy Advisor MacRaid suggested that these items might be best addressed after the next K'omoks First Nation Intergovernmental Engagement Meeting.

Planner Eggen provided updates on Follow-up Action List items with the following noted:

- She requested direction regarding the February 6, 2018 item: "Re: Notification of BC Housing with issued Siting and Use Permits. Staff to look into legislative responsibility."
 - Trustees determined that a legal opinion is not necessary and that the item may be removed from the List.

7.2 K'omoks First Nation Intergovernmental Engagement Meeting #3 – Memorandum

Senior Intergovernmental Policy Advisor MacRaid advised that Protocol Agreements will be a focus of the next Intergovernmental Engagement Meeting, provided background on relevant Protocol Agreements and offered meeting preparation suggestions.

Senior Intergovernmental Policy Advisor MacRaid left the meeting at 10:16 am.

7.3 BC Farm Industry Review Board - Letter dated April 23, 2018

Trustees discussed the BC Farm Industry Review Board's letter in response to the LTC's invitation to meet, with the following key points noted:

- They indicated their desire to move forward in a timely manner with the request to meet with the BC Farm Industry Review Board representatives and questioned the rationale referenced in the letter of waiting for resolution of complaints in the Cortes Island area; and

- Planner Eggen did not have any further information on this issue, advising that she is following up and will relay any input received to Trustees.

8. DELEGATIONS - none

9. CORRESPONDENCE - none

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

10. APPLICATIONS AND REFERRALS

10.1 DE-SUB-2015.1 (De Villiers & Fraser) - Staff Report

Trustees reviewed the covenant for the proposed subdivision to provide a residence for a relative pursuant to section 514 of the *Local Government Act*. They noted that this specific requirement is not explicit in the document and requested confirmation that this is not an oversight.

By general consent it was resolved to continue discussion of item 10.1 after item 14 to allow staff time to research the issue.

11. LOCAL TRUST COMMITTEE PROJECTS

11.1 Denman Farm Plan Implementation - Staff Report

Planner Eggen summarized the Staff Report that presents draft Bylaw Nos. 228 and 229 for LTC consideration along with a table that identifies the amendments to the Official Community Plan (OCP) and Land Use Bylaw (LUB).

Planner Zupanec conducted a PowerPoint presentation that included the following:

- Proposed Bylaw No. 228: A synopsis of the main components of the LTC endorsed amendments to the OCP for consideration, including the addition of “Agriculture” as a separate designation to be applied to land in the Agricultural Land Reserve, maps, and policies to enhance and preserve farming and formally protect Denman Island’s land base for agriculture;
- Proposed Bylaw No. 229: A summary of potential draft LUB amendments;
- A list of referrals, noting that the Denman Growers and Producers Alliance (DGPA) and Denman Advisory Planning Commission (APC) are among those that will receive a referral with opportunity to comment.

Trustees asked questions for clarity and discussed minor changes.

Chair Morrison opened the floor for comments from the public as follows:

- Proposed Policy 7 indicates support of agricultural processing uses and facilities on non-agricultural land reserve (ALR) land, subject to rezoning; however, is processing permitted on all properties currently? Why the need to rezone?
 - Currently, processing is permitted in the ALR as an agricultural activity; processing outside of the ALR would depend on the scale and would be permitted under the home occupation regulations. This policy refers to the

possible need for a more robust agriculture processing use or facility than is currently allowed.

- What is the source of the language being proposed for these bylaws?
 - These bylaws have been drafted by staff based on input from the APC, the DGPA, Farm Plan and the LTC.
- Why not use the Temporary Use Permit (TUP) tool instead of rezoning for a processing use?
 - TUPs are an option to consider; however, are limited to six years which may not provide sufficient certainty for activities requiring significant investment in infrastructure.
- An APC member remarked that he has missed APC meetings due to poor communications and no response to emails. He objected that there was no reference to the APC's lack of consensus on Policy 6 regarding Agri-tourism accommodation in this staff report.
 - The bylaws have been drafted after consideration in past LTC meetings of APC minutes, response from the DGPA to a referral, and the Farm Plan. Suggestion was made to contact staff to receive copies of these minutes and to resolve the communication difficulties.
- The proposed definition of "intensive agriculture" includes cannabis production, except to the extent the use is carried out solely for domestic purposes. What is the source of this additional language?
 - The basis of the definition of intensive agriculture is from the Ministry of Agriculture and the addition of cannabis production to the definition was at the request of the LTC who asked that it be added if possible to clarify that zones R1, R2, and R3 are not currently intended for intensive agriculture including intensive cannabis production.

DE-2018-032

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend draft Bylaw No. 228 by replacing the current Policy 14 with:

In the Agriculture designation, unless otherwise permitted by Policy 29, on land in the Agricultural Land Reserve, zoning regulations should permit:

- One dwelling per lot;
- One secondary suite per lot consistent with the Agricultural Land Reserve use, subdivision and procedure regulation;
- One temporary secondary dwelling per lot for immediate family consistent with the Agricultural Land Reserve use, subdivision and procedure regulation; and
- Additional dwellings could be permitted if they are required for full-time farm help and approved by the Agricultural Land Commission.

CARRIED

DE-2018-033

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. 228, cited as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018,” as amended, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

DE-2018-034

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 228, cited as “Denman Island Official Community Plan Bylaw, 2008, Amendment No. 1, 2018”, be read a first time.

CARRIED

DE-2018-035

It was MOVED and SECONDED,

that the draft Bylaw No. 229 be amended by: in the definition for temporary secondary dwelling, removing the words “concrete or other”.

CARRIED

DE-2018-036

It was MOVED and SECONDED,

that the draft Bylaw No. 229 be amended by: in Schedule 1, 1.1 Part 1 ii. “feedlot”, adding the word “wholly” before the word “sustained”.

CARRIED

DE-2018-037

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend draft Bylaw No. 229 by inserting table headings above the checkmarks in sections 1.10, 1.12 and 1.13.

CARRIED

DE-2018-038

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to bring back options for exemption of incidental sales and trades of agricultural products from the definition of “intensive agriculture”, and consider providing a definition of “domestic purposes”.

CARRIED

DE-2018-039

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. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”, is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

DE-2018-040

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 229, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 1, 2018”, be read a first time.

CARRIED

DE-2018-041

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to refer Bylaw No. 228 and Bylaw No. 229 to the following agencies and First Nations for comment:

- Halalt First Nation
- K’omoks First Nation
- Lake Cowichan First Nation
- Nanwakolas First Nation
- Qualicum First Nation
- Stz’uminus First Nation
- Tla’amin Nation
- Cowichan Tribes
- Homalco First Nation (Xwemalhkwu)
- Laich-kwil-tach Treaty Society
- Lyackson First Nation
- Penelakut Tribe
- Wei Wai Kum First Nation
- Snaw’Naw’As Nation
- Te’Mexw Treaty Association
- We Wai Kai Nation
- Denman Growers and Producers Alliance
- Comox Valley Regional District
- School District #71 (Comox Valley)
- Ministry of Agriculture
- Agricultural Land Commission
- Ministry of Municipal Affairs & Housing
- Hornby Island Local Trust Committee
- Ballenas-Winchelsea Islands Local Trust Committee (Executive Committee)

CARRIED

DE-2018-042

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to refer Bylaw No. 228 and Bylaw No. 229 to the Denman Island Advisory Planning Commission for comments, and that staff and at least one Trustee attend the meeting(s).

CARRIED

Trustees considered the option to exclude agriculture and horticulture from permitted uses in the R1, and R2 zones and proposed that input from the APC and DGPA on this topic would be useful.

DE-2018-043

It was MOVED and SECONDED,

that the Advisory Planning Commission and the Denman Growers and Producers Association be asked to provide their analysis about the advisability of removing horticulture and agriculture as permitted uses in the R1 and/or R2 zone(s).

CARRIED

DE-2018-044

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to schedule a Community Information Meeting in accordance with the Denman Farm Plan Implementation Project Charter v. 4.2.

CARRIED

11.2 Marine Issues (Driving on the Beach) - Staff Report

Trustees expressed their appreciation to staff for clarification on these issues as requested.

DE-2018-045

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 225, cited as "Denman Island Land Use Bylaw No. 186, 2008, Amendment No. 1, 2017", be read a third time.

CARRIED

DE-2018-046

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Bylaw No. 225, cited as "Denman Island Land Use Bylaw No. 186, 2008, Amendment No. 1, 2017", be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

By General Consent the meeting was recessed at 12:22 pm and reconvened at 12:40 pm.

12. REPORTS

12.1 Work Program Reports

12.1.1 Top Priorities Report dated April 23, 2018

Received for information.

12.1.2 Projects List Report dated April 23, 2018

DE-2018-047

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee replace the "Medical Marihuana" Project with "Commercial Marihuana Growing Regulations" in the Projects List with the Activity "Consider creating OCP and LUB regulations for commercial marihuana growing".

CARRIED

DE-2018-048

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Projects List be amended by adding as a project "Greenshores Workshop".

CARRIED

12.2 Applications Report dated April 23, 2018

Planner Eggen advised that a Staff Report regarding the DCLTA DVP application is expected to be presented for LTC consideration at its next meeting.

12.3 Trustee and Local Expense Report dated February, 2018

Received for information.

12.4 Adopted Policies and Standing Resolutions - none**12.5 Local Trust Committee Webpage**

Trustees discussed the APC meeting notification process and considered augmenting the existing system with website and subscription service postings.

DE-2018-049

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to arrange for posting on to the Denman Island webpage notices of upcoming Advisory Planning Commission meetings.

CARRIED

DE-2018-050

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to add Advisory Planning Commission meeting notices to the list of notifications provided to subscribers.

CARRIED

12.6 Chair's Report

Chair Morrison provided a report on the following:

- Highlights of items for consideration at the upcoming Executive Committee meeting; and
- Attended Thetis and Gambier LTC meetings, a Public Hearing regarding a Keats Island rezoning and a Lasqueti Island Information Meeting.

12.7 Trustee Reports

Trustee Busheikin provided a report on the following:

- The second K'omoks First Nation Intergovernmental Engagement Meeting;
- The Housing Needs Assessment and Lasqueti Island LTC meetings;
- Highlights from the Association of Vancouver Island and Coastal Communities (AVICC) convention;
- Has been working on stocking Islands Trust material, including the Denman Community Design Charrette Final Report, in the Dora Drinkwater Community Library;
- Has been in contact with MOTI regarding the possibility of removing the downtown concrete barrier, as suggested in the Design Charrette; and
- Attended the totem pole raising event on Hornby Island.

Trustee Critchley provided a report on the following:

- Attended the Trust Council and Trust Programs Committee meetings on Salt Spring Island;
- Participated in the second K'omoks First Nation Intergovernmental Engagement Meeting and is looking forward to the upcoming third meeting;
- Attended the Islands Freshwater Forum held in Cowichan Bay;
- His work with the Baynes Sound Forum working group continues;
- Attended the Denman Island Residents Association AGM; and
- The totem pole raising on Denman Island was a historic event.

12.8 Electoral Area Director's Report - none

12.9 Trust Fund Board Report dated April, 2018

Chair Morrison provided report highlights and commented that the proposed Islands Trust Fund name change is moving forward.

13. NEW BUSINESS

By general consent agenda item 13.1 was moved to follow item 15.

13.2 Land-use Planning implications of Fisheries and Oceans Canada Integrated Geoduck Management Framework 2017 – Briefing

A Trustee acknowledged that advocacy regarding geoduck aquaculture concerns in the Islands Trust Area have been ongoing and suggested continuation of these efforts.

DE-2018-051

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request Executive Committee to undertake further advocacy with Fisheries and Oceans Canada (DFO) in opposition to the establishment of geoduck aquaculture in the Trust Area.

CARRIED

13.3 Approval Process for Water Supply Systems on Salt Spring Island – Memorandum

Received for information.

13.4 Denman Local Trust Committee Annual Report Submission - Request for Decision

DE-2018-052

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee approves the text in the Request for Decision for inclusion in the 2017-2018 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs & Housing.

CARRIED

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, June 12, 2018 at 9:30 am at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC

Trustees confirmed the next meeting date, time and location.

10.1 DE-SUB-2015.1 (De Villiers & Fraser) - Staff Report (continued)

Planner Eggen reported that staff has contacted legal counsel to address the question of whether it is necessary to include a reference in the covenant to clarify that the proposed subdivision is to provide a residence is for a relative; and have been advised that the covenant language used is standard template wording used to address all sections of subsection 514 of the *Local Government Act* and that additional, specific text is not required.

Trustees acknowledged their preference for including a statement in the covenant for clarity.

DE-2018-053

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to create a provision in the draft covenant document to include a positive obligation on the owners to abide by the terms of Section 514 of the *Local Government Act*.

CARRIED

15. TOWN HALL – none

Bylaw Enforcement Manager Drew joined the meeting by telephone at 1:36 pm.

13.1 Proactive Enforcement Options for Short-Term Vacation Rental Bylaw Issues - for discussion

Trustee Critchley reported that this item has been placed on the agenda as a result of discussions with community members who have inquired as to whether it is possible for residents to maintain anonymity in bylaw infraction matters by performing investigation of bylaw infractions and relaying this information to Bylaw Enforcement staff for action.

Bylaw Enforcement Manager Drew commented that investigating a situation without a specific complaint is possible in this type of circumstance.

Discussion followed on options to address violations of the Short-Term Vacation Rental (STVR) Bylaw and the following was noted:

- Bylaw Enforcement can act without complaint if the operations are advertised;
- Proactive enforcement options would include searching the internet for rentals, determining unlawful activities and sending letters;
- There was debate on proactive bylaw enforcement:
 - Whether other approaches might be effective,
 - Whether proactive enforcement is the appropriate next step given that the Bylaw was recently reviewed with extensive community consultation; and
 - If providing education prior to proactive enforcement might be a strategy to consider.

DE-2018-054

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct Bylaw Enforcement staff to institute a proactive Bylaw Enforcement Policy with respect to Short-term Vacation Rentals on Denman Island.

Discussion continued on the motion with the following noted:

- A Trustee observed that there is no ticketing process on Denman Island; education as a first step would be expensive and might not be effective;
- Complaints have been heard from B&B operators that not enforcing STVR regulations is unfair to them;
- Bylaw Enforcement Manager Drew observed that proactive enforcement may be warranted for STVRs as most operators would be unlikely to comply with a softer approach to compliance given the profitable nature of the operations;
- A Trustee preferred an approach that includes an educational component and a letter, observing that for operators to comply with a proactive approach at this time in the season might be difficult.

The question on the motion was then called.

CARRIED

Trustee Busheikin Opposed

Trustee Busheikin explained that she would favour this approach only with the inclusion of an education component.

16. CLOSED MEETING

16.1 Motion to Close the Meeting

DE-2018-055

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)(i) for the purpose of considering Adoption of In-Camera Meeting Minutes dated February 6, 2018 and receipt of Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

The meeting closed to the public at 2:06 pm.

16.2 Recall to Order

By general consent the meeting was recalled to order at 2: 15 pm.

16.3 Rise and Report

Chair Morrison reported that in the Closed Meeting the LTC adopted minutes from the *In-Camera* meeting of February 6, 2018.

17. ADJOURNMENT

By general consent the meeting was adjourned at 2:16 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder



Islands Trust

Print Date: June 19, 2018

Resolutions Without Meeting

Denman Island

Resolution #	Action	Resolution Description	Resolution Date
2018-03	In Favour	"That the Denman Island Local Trust Committee reschedule its regular business meeting of October 2, 2018 to October 9, 2018."	04-May-2018
2018-04	In Favour	"THAT resolution DE-2018-053, "That the Denman Island Local Trust Committee request staff to create a provision in the draft covenant document to include a positive obligation on the owners to abide by the terms of Section 514 of the Local Government Act", adopted at the May 1, 2018 regular business meeting of the Denman Island Local Trust Committee, be rescinded."	09-May-2018
2018-05	In Favour	"THAT the Denman Island Local Trust Committee accept a covenant under Section 219 of the Land Title Act from the registered owners of Lot 2, Section 12, Denman Island, Nanaimo District Plan VIP60281 and designate Chair Morrison and Trustee Busheikin of the Local Trust Committee to sign the covenant for DE-SUB-2015.1 (2201 Tristone Road, Denman Island, BC)."	12-May-2018
2018-06	In Favour	"That the Denman Island Local Trust Committee reschedule its regular business meeting of June 12, 2018 to June 26, 2018."	17-May-2018



Minutes of the Denman Island Advisory Planning Commission

Date of Meeting: Wednesday, June 13, 2018

Location: Denman Island Activity Centre
1100 Northwest Road, Denman Island, BC

APC Members Present: Steve Carballeira, Chair
Rosa Telegus, Deputy Chair
David Graham, Secretary
Edi Johnston
Jack Forsyth
Howard Stewart
Alan Stoddart
Tom Zawila
Margie Gang

Staff Present: Sonja Zupanec, Island Planner
Marnie Eggen, Island Planner
Katherine Vogt, Recorder

Others Present: Laura Busheikin Local Trustee
David Critchley, Local Trustee
Veronica Timmins, Denman Growers and Producers Alliance
Doug Wright, Denman Growers and Producers Alliance
11 members from the local public

1. CALL TO ORDER

Chair Carballeira called the meeting to order at 4:02 pm. He welcomed everyone and noted to members of the public present that there would be an upcoming Community Information Meeting for members of the public to respond to the issues that would presently be raised and discussed by members of the Advisory Planning Commission (APC).

2. APPROVAL OF AGENDA

By general consent, the agenda was approved.

3. MINUTES

3.1 Denman Island Advisory Planning Commission Draft Minutes dated August 23, 2017

By general consent, the minutes were adopted.

4. Denman Island Farm Plan Project

Chair Carballeira noted that the purpose of the meeting was for APC members to review and make recommendations to the Denman Island Local Trust Committee (DILTC) on proposed Bylaws 228 and 229 which involve amendments to the Official Community Plan (OCP) and Land Use Bylaws (LUB) to incorporate new policies around agriculture, as well as new definitions and regulations regarding agricultural activities and processes; as well as for APC members to provide an analysis of the advisability of removing horticulture and agriculture as permitted uses in the R1 and/or R2 zone(s).

Island Planners Zupanec and Eggen gave a slideshow presentation of the Farm Plan Implementation Project from its inception in 2009 to the present. Planner Eggen noted that the DILTC had given first reading to Bylaws 228 and 229 and that numerous agencies had been recently given formal referrals of these proposed Bylaws.

Doug Wright of the Denman Growers and Producers Alliance noted that his group had not received a formal referral. Planner Eggen expressed regret for the omission and would follow up with the Alliance promptly. Planner Eggen noted that the Denman Growers and Producers Alliance had been invited to the meeting so that they might be fully informed for their response to the proposed Bylaws.

Planner Zupanec explained that a Community Information Meeting would be held sometime in the summer, after which the DILTC could give second reading to the proposed Bylaws, after which a Public Hearing could be considered in the fall of 2018; before a third and final reading of the proposed Bylaws which would then be passed on to the Islands Trust Executive Committee and the Minister of Municipal Affairs and Housing for approval.

Planner Zupanec explained the new agricultural policy proposals for Bylaw 228 and the new agricultural definition and regulation initiatives for Bylaw 229. The APC decided to begin by examining and voting on each of the 12 new OCP agricultural amendments previously endorsed by the DILTC, which would, taken together, comprise Bylaw 228.

OCP Amendment 1: Add "Agriculture" as a separate OCP designation to be applied to land in the ALR. (9 out of 9 APC members supported this proposal)

OCP Amendment 2: Add an OCP policy that reinforces agriculture as the priority use for ALR and other agricultural lands. (9 out of 9 APC members supported this proposal)

OCP Amendment 3: Add an OCP policy to support the consolidation of farm parcels in the ALR. (9 out of 9 APC members supported this proposal)

OCP Amendment 4: Add an OCP policy to discourage panhandle lots (6 APC members were against this proposal and 3 APC members supported it. Concerns were raised that the definition of "panhandle was inexpertly defined; that unusual topography issues might necessitate panhandles; that land areas may be excluded from access if

panhandles are prohibited, including agricultural land behind residential lots; that the Island could better be preserved and protected if subdivision was discouraged through the prohibition of panhandles; that there was confusion over the difference between discouraging or prohibiting panhandles.

OCP Amendment 5: Add an OCP policy to support the provision of farm help accommodation on ALR land in association with a bona fide farm use (as per the BC Assessment Act) (8 out of 8 APC members present supported this proposal)

OCP Amendment 6: Add a policy to support agri-tourism (8 out of 8 APC members present supported this proposal)

OCP Amendment 7 Add a policy to support agri-tourism accommodation, subject to temporary use permit (to address site-specific issues) (5 out of 8 members present supported this proposal, 1 member wished to abstain from voting on this proposal, 2 members were against this proposal. Concerns were raised that having the policy would invite complications and abuse; that Temporary Use Permits (TUP's) were not likeable; that people could spend a lot of money putting in structures that could not be permanent; that TUP's should be for 10 years rather than 3; that it would be over-kill to get a TUP for 3 campsites)

OCP Amendment 8: Add an OCP policy to support agricultural processing uses and facilities on non-ALR land, subject to rezoning. (8 out of 8 APC members present supported this proposal)

OCP Amendment 9: Update all Ministry of Agriculture references throughout OCP. (8 out of 8 APC members present supported this proposal)

OCP Amendment 10: Add "Guiding Objective" in Section E.4 (pg 63) to address the protection of ALR land for farming. (8 out of 8 APC members present supported this proposal)

OCP Amendment 11: Update Local Government Act Citation for TUP's (pg 83) (8 out of 8 APC members present supported this proposal)

OCP Amendment 12: Add policy supporting ALR exclusion applications that have benefits for the greater community. (8 out of 8 APC members present supported this proposal, noting Elder Housing as an applicable example)

The APC members proceeded to discuss and vote on each of the new 17 Land Use Bylaw (LUB) amendments that were previously endorsed by the DILTC and which taken together comprised the proposed Bylaw 229:

*LUB Amendment 1: Replace the definition of agriculture. (8 out of 8 APC members present supported this proposal, noting that it was appropriate to align the local definition with the Provincial *Right to Farm Act* definition)*

LUB Amendment 2: Replace the definition of 'intensive agriculture.' **(8 out of 8 APC members present supported this proposal with some concern raised that intensive cannabis culture may pollute local groundwater with chemicals; that cannabis production should be considered industrial rather than agricultural; that there was much room for abuse of intensive livestock production for domestic purposes; that normal setbacks for commercial intensive agriculture are exempt in domestic cases; that domestic use agriculture is not defined)**

LUB Amendment 3: Replace the definition of feedlot in the Land use Bylaw as per recommended Bylaw 223 definition: **(8 out of 8 APC members present supported this proposal)**

LUB Amendment 4: Add a definition of a confined livestock area: **(This amendment was considered not applicable)**

LUB Amendment 5: Cross reference residential zoning provisions for agriculture and horticulture with home occupation regulations permitting "sale of agricultural products produced on-site." **(This amendment was considered not applicable)**

LUB Amendment 6: Add a height exemption for silos, grain bins, deer fencing, netting supports, trellises in the 'Agriculture' zone. **(8 out of 8 APC members present supported this proposal)**

LUB Amendment 7: Add a minimum setback to streams, lakes, wetlands and the natural boundary of the sea for confined livestock. **(8 out of 8 APC members present supported this proposal)**

LUB Amendment 8: Add a 30 m setback requirement (to the natural boundary of a stream, lake, wetland or the sea) for buildings and structures associated with intensive agriculture, feedlots or used to accommodate domesticated animals other than household pets. **(8 out of 8 APC members present supported this proposal with one comment that site-specific setbacks would be more ideal)**

LUB Amendment 9: Amend the Land Use Bylaw to permit roadside farm stands in setback areas subject to obtaining a Ministry of Transportation and Infrastructure permit. **(8 out of 8 APC members present supported this proposal)**

LUB Amendment 10: Amend the 'A' zone permitted uses, buildings and structures so they are consistent with Ministry Bylaw standards. **(8 out of 8 APC members present supported this proposal)**

LUB Amendment 11: Add a general regulation to prohibit feedlots outside the Agriculture Land Reserve **(8 out of 8 APC members present supported this proposal)**

LUB Amendment 12: Add a 30 m setback to lot lines where feedlots are permitted. **(8 out of 8 APC members present supported this proposal which was amended/corrected to 50 m)**

LUB Amendment 13: Amend the Land Use Bylaw to include subdivision regulations to prohibit creation of panhandle lots. Review/Amend definition of 'panhandle.' **(5 out of 8 APC members present supported this proposal, 3 members were opposed to the prohibition of panhandles)**

Discussion of the last 4 LUB amendment proposals as well as an analysis of the advisability of removing horticulture and agriculture as permitted uses in the R1 and/or R2 zone(s) was halted due to time restraints.

5. NEXT MEETING

It was noted by Planner Eggen that a full response by the APC to proposed Bylaws 228 and 229 would be needed by July 12, 2018. Chair Carballeira planned to arrange a new meeting date by email to discuss these further issues.

6. ADJOURNMENT

By general consent, the meeting was adjourned at 6:10 pm.

Steve Carballeira, Chair

Certified Correct:

Katherine Vogt, Recorder

Follow Up Action Report

Denman Island

19-Apr-2016

Activity	Responsibility	Target Date	Status
Organize CIM with presentations on eelgrass, forage fish habitat and aquaculture practices and future plans; invite participation from BC Shellfish Growers Association and Komoks; staff to engage a facilitator for CIM if required. Update: On hold until completion of other First Nation engagement activities.	Marnie Eggen David Critchley Laura Busheikin		On Going

02-May-2017

Activity	Responsibility	Target Date	Status
Public presentation by Islands Trust Senior Intergovernmental Policy Advisor on First Nations engagement and follow up presentations by Komoks members and representatives. Public presentation held June 4, 2017.			On Going
Where possible and appropriate, influence the content of signage to include First Nations place names and context of indigenous use of places.			On Going

01-Aug-2017

Activity	Responsibility	Target Date	Status
Staff to organize a presentation by representatives of the Komoks Nation about First Nations traditional knowledge and stewardship practices.		01-Nov-2017	On Going

14-Nov-2017

Activity	Responsibility	Target Date	Status
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Follow Up Action Report

Staff to organize one or more community dialogue sessions focused on First Nations and related topics of interest, to be facilitated by Denman Island community members, and to invite First Nations who have asserted rights and title on Denman Island to participate.

On Going

06-Feb-2018

Activity	Responsibility	Target Date	Status
Staff to invite representatives of the BC Farm Industry Review Board to meet with Denman LTC.	Marnie Eggen		Done

06-Mar-2018

Activity	Responsibility	Target Date	Status
Staff to issue DE-DVP-2017.2.- done. Staff to report back on subdivision potential and density transfer potential.	Marnie Eggen		On Going

01-May-2018

Activity	Responsibility	Target Date	Status
Staff to create a provision in the draft covenant (DE-SUB-2015.1 (De Villiers & Fraser)) to include a positive obligation on the owners to abide by the terms of Section 514 of the Local Government Act; resolution rescinded by RWM.	Teresa Rittemann		Done
Staff amend Bylaw 228 and Bylaw 229 and bring back options for changes to Bylaw 229.	Sonja Zupanec Marnie Eggen		On Going
1st reading given to Bylaw 228 and 229 with changes. ITPS Directives Checklist to EC. Bylaw referrals to Agencies and First Nations. Staff to add APC upcoming meeting notices on Denman Webpages. Staff to add upcoming APC meeting notices to the e-subscriber notifications.	Becky McErlean Sonja Zupanec Marnie Eggen		On Going

Follow Up Action Report

Staff to schedule a CIM for Bylaws 228 and 229, after receipt of referral responses.	Marnie Eggen Wil Cottingham	On Going
LTC to request EC to undertake further advocacy with DFO in opposition to the establishment of geoduck aquaculture in the Trust Area.	Marnie Eggen	On Going
Staff to send the approved Denman 2017-18 annual report text to Trust Council.	Marnie Eggen	Done
Enforcement staff to institute a proactive bylaw enforcement policy on short term vacation rentals.	Miles Drew	On Going



File No.: 5770-04
(Vacation Rentals/Short Term
Vacation Rentals)

DATE OF MEETING: June 26, 2018
TO: Denman Island Local Trust Committee
FROM: Ann Kjerulf, Regional Planning Manager
Northern Team
SUBJECT: Standing Resolution on Bylaw Enforcement of Short-term Vacation Rentals

RECOMMENDATION

1. That the Denman Island Local Trust Committee adopt the following standing resolution:

“That Bylaw Enforcement staff undertake proactive enforcement of Short-term Vacation Rentals on Denman Island.”

REPORT SUMMARY

The Denman Island Local Trust Committee (LTC) is asked to consider adopting a standing resolution on bylaw enforcement of short-term vacation rentals.

BACKGROUND

The Denman Island LTC passed the following resolution at the May 1, 2018 regular business meeting:

DE-2018-054

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct Bylaw Enforcement staff to institute a proactive Bylaw Enforcement Policy with respect to Short-term Vacation Rentals on Denman Island.

CARRIED

Bylaw enforcement staff are planning to undertake pro-active bylaw enforcement in response to the LTC's May 1, 2018 LTC resolution. Bylaw enforcement Manager, Miles Drew, has advised that pro-active bylaw enforcement of short-term vacation rentals “will be an on-going project for years”.

Rationale for Recommendation

Staff recommend that the LTC pass a standing resolution on bylaw enforcement with respect to short-term vacation rentals as this item currently sits on the LTC's follow-up action list (FUAL) with no target date for completion. The FUAL should be reserved for items that can be completed within a short period of time. Unless a completion date is set, the standing resolution would remain in effect until such time as the LTC decides to rescind it.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Adoption of an amended standing resolution

That the Denman Island Local Trust Committee adopt the following standing resolution: [specify resolution wording].

2. Receive for information

The LTC may receive the report for information. No resolution is required.

NEXT STEPS

Bylaw enforcement staff will continue with pro-active enforcement of short-term vacation rentals.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	June 12, 2018
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Dr. Nadine Gourkow

Email: [REDACTED]

Tel: [REDACTED]

Friday, June 22, 2018

To: Denman Island Land Trust Committee
Denman Activity Center
1111 Northwest Road
Denman Island, BC V0R 1T0

Att:// Denman Island Trust Committee:

I am writing to request a discharge of the covenant EM112275, held by the Denman Island Local Trust Committee, attached to the following title:

9000 Rayelyn Lane
Denman Island, BC
PID: 024-355-992

The description of the Covenant is as follows:

The covenant held by the LTC was charged to the title of the property as a condition of the issuance of a Development Variance Permit (DE-DVP-02-98) to vary Section 2.1.9(1) Denman Island Land Use Bylaw No. 65, 1992 (the Bylaw in effect at that time), to vary the width to depth ratio of Lot A and Lot B, of Plan VIP68333; and, to subdivide the Land into only two lots (the aforementioned Lot A and Lot B), therefore restricting further subdivision of the Land, pursuant to Section 2.1.8(3) of Denman Island Land Use Bylaw No. 65, 1992.

The portion of the property I wish to subdivide includes my research greenhouse where I grow a variety of veterinary medicinal plants. My current research requires a license from Health Canada and new regulations forbid a dwelling on the same legal plot.

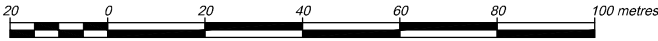
I would appreciate if my request could be heard at the next meeting, taking place June 26th, 2018. Please let me know if you need further information.

Kind Regards,

Dr. Gourkow, PhD.

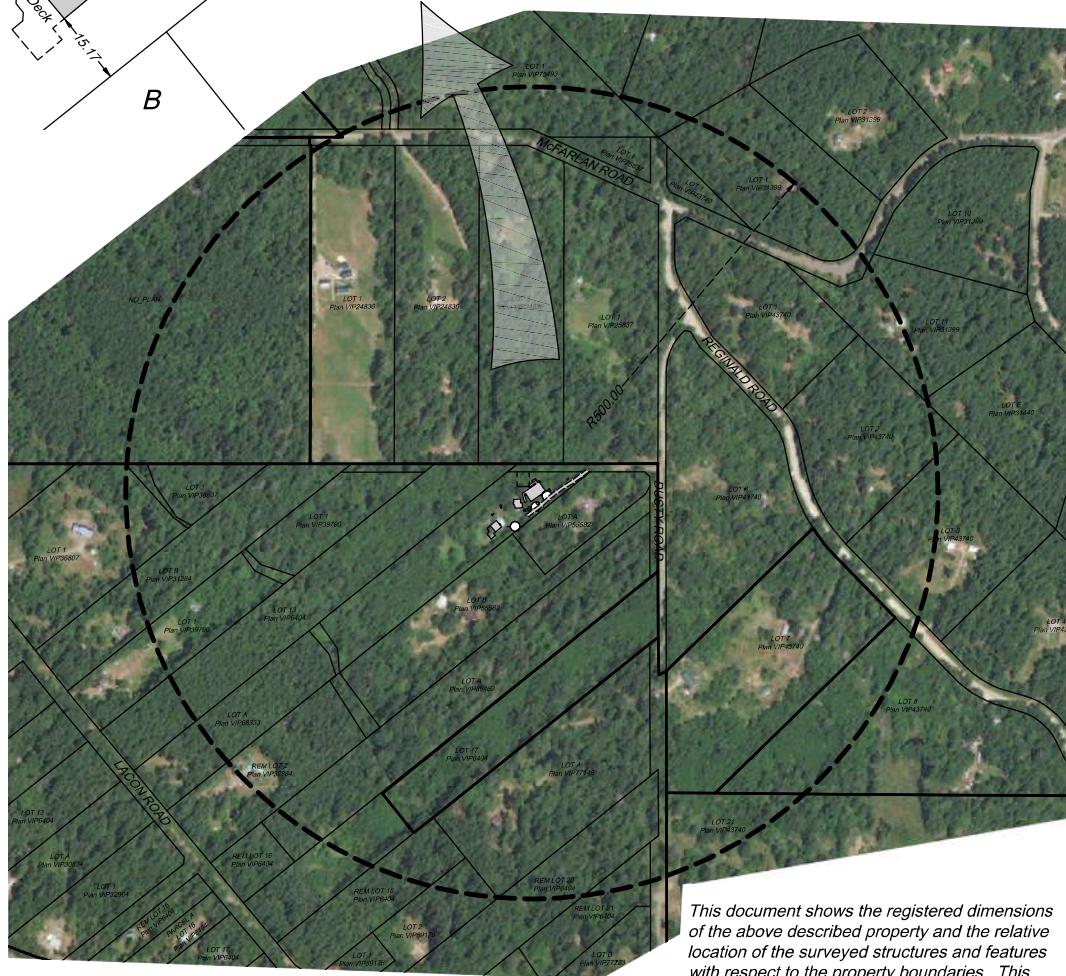
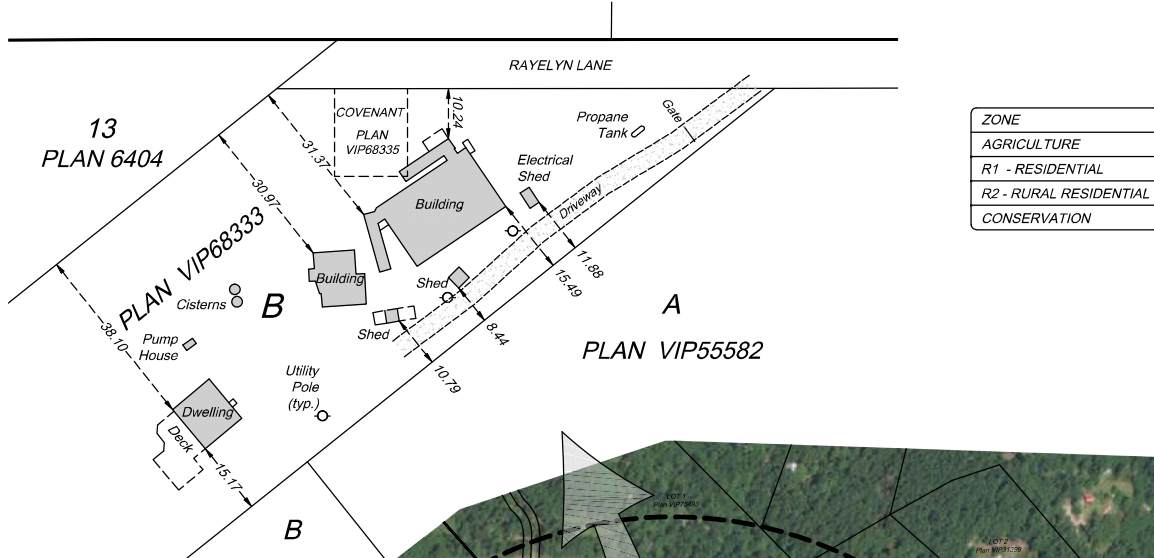
**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION
ON LOT B, SECTION 6, DENMAN ISLAND, NANAIMO
DISTRICT, PLAN VIP68333.**

Parcel Identifier: 024-355-992



1:1000

All dimensions are in metres and decimals thereof.



This document shows the registered dimensions of the above described property and the relative location of the surveyed structures and features with respect to the property boundaries. This document shall not be used to define property lines or property corners.

Date of Survey: February 23/17

Civic Address

Denman Island, BC

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express written consent of Grant Land Surveying Inc.

, BCLS

This document is not valid unless digitally signed.

Schedule A

TOPOGRAPHIC SITE PLAN ON LOT B, SECTION 6, DENMAN ISLAND, NANAIMO DISTRICT, PLAN VIP68333.

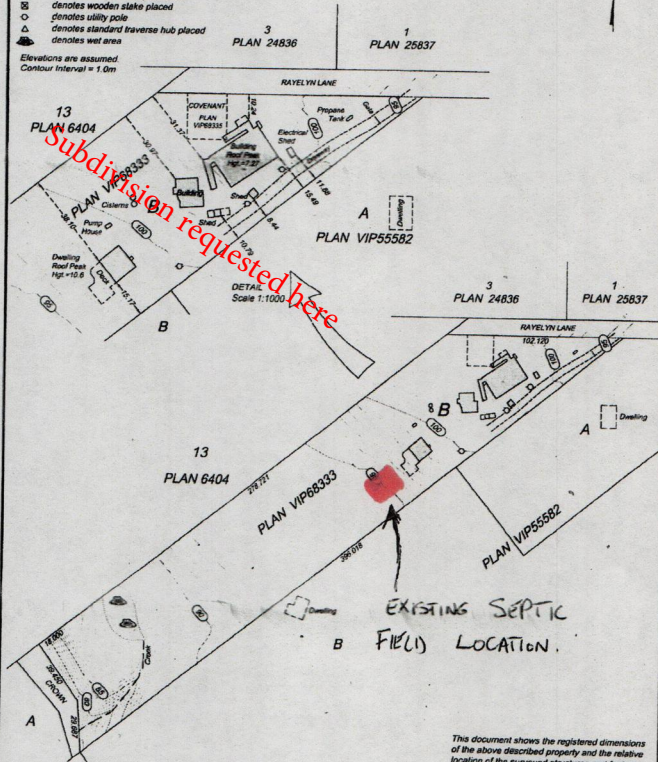
Parcel Identifier: 024-355-992



LEGEND

- denotes standard iron post found
- ⊠ denotes wooden stake placed
- denotes utility pole
- △ denotes standard traverse hub placed
- ▨ denotes wet area

Elevations are assumed
Contour Interval = 1.0m



Date of Survey:
February 23/17 & March 9/17

Civic Address
9000 Ravelyn Lane
Denman Island, BC

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All other rights reserved.

This document shows the registered dimensions of the above described property and the relative location of the surveyed structures and features with respect to the property boundaries. This document shall not be used to define property lines or property corners.

DLN: 40-CA, 400 Donald Grant
ECONIGHT on BC Land Surveyor,
Surveyor (24)
www.juricent.com (KUP client)
id: 406281
Date: 2017-03-17 09:19:10 -07:00
BCLS

This document is not valid unless digitally signed.

I hereby certify this to be Schedule "A" which is
attached to and forms part of Siting and Use Permit
No. DE-SUP-2017.4

McLellan JUNE 21, 2017

GRANT LAND SURVEYING INC.
1341 CONSUM AVE
COXSBY, B.C. V8M 3A3
WWW.GRANTTECHNICS.COM

FILE 181



Islands Trust

Northern Office

700 North Road, Gabriola Island, BC V0R 1X3
Telephone **250 247-2063** Fax 250 247-7514

Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC 1.800.663.7867

Email northinfo@islandstrust.bc.ca

Web www.islandstrust.bc.ca

June 21, 2017

File No. DE-SUP-2017.4

Nadine Gourkow
[REDACTED]

Denman Island, BC
V0R 1T0

Dear Nadine Gourkow:

Re: Siting & Use Permit Application

PID: 024-355-992

Lot B, Section 6, Denman Island, Nanaimo District, Plan VIP68333

Your Siting and Use Permit No. DE-SUP-2017.4 has been approved for the above-noted property and a copy is attached.

Please note that Valens Creek runs along the south-western property line. The creek and the surrounding riparian area are protected by a development permit area. In addition, our mapping indicates that the property hosts a Sensitive Ecosystem – Young Forest. Information on this important ecosystem is attached

If you have any questions, please contact Madeleine Koch. She may be reached through toll-free access via Service BC: in Vancouver at 604-660-2421 and elsewhere in BC at 1-800-663-7867 and request a transfer to 250-247-2207. Please quote the above-noted file number on any correspondence or inquiries you may have.

Yours truly,

Wil Cottingham

Acting Planning Team Assistant

Enclosures

cc: Denman Island Local Trustees
BC Assessment Authority
BC Housing, Licensing & Consumer Services
Island Health, Courtenay (Applicant Telephone No: 250-335-1959)

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSR2238475

Nadine Gourkow
[REDACTED]

Pick up by: Nadine Gourkow

A copy of this State of Title Certificate held by the land title office can be viewed for a period of one year at <https://stc.ltsa.ca/stc> (access code 521156).

I certify this to be an accurate reproduction of title number **CA1473736** at 03:43 this 19th day of February, 2017.


REGISTRAR OF LAND TITLES



Land Title District Land Title Office	VICTORIA VICTORIA
Title Number From Title Number	CA1473736 EP92600
Application Received	2010-03-01
Application Entered	2010-03-06
Registered Owner in Fee Simple Registered Owner/Mailing Address:	NADINE GOURKOW, ETHOLOGIST [REDACTED] DENMAN ISLAND, BC V0R 1T0
Taxation Authority	COURTENAY ASSESSMENT AREA
Description of Land Parcel Identifier: Legal Description:	024-355-992 LOT B SECTION 6 DENMAN ISLAND NANAIMO DISTRICT PLAN VIP68333

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSR2238475

Legal Notations

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 26 OF THE MUNICIPAL ACT, SEE EN33566

Charges, Liens and Interests

Nature:	UNDERSURFACE RIGHTS
Registration Number:	53541G
Registration Date and Time:	1924-09-25 10:00
Registered Owner:	SHOSUKE NAKANO
Remarks:	INTER ALIA DD 25134
Nature:	COAL TSN
Registration Number:	DF41393
Registration Date and Time:	1938-09-29 10:00
Remarks:	INTER ALIA FORFEITED TO CROWN 23/10/1939 DF 45970
Nature:	STATUTORY RIGHT OF WAY
Registration Number:	EK120550
Registration Date and Time:	1996-10-28 14:09
Registered Owner:	BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
Remarks:	INTER ALIA
Nature:	STATUTORY RIGHT OF WAY
Registration Number:	EK120551
Registration Date and Time:	1996-10-28 14:09
Registered Owner:	BC TEL
Remarks:	INTER ALIA
Nature:	COVENANT
Registration Number:	EM112275
Registration Date and Time:	1998-11-24 09:34
Registered Owner:	DENMAN ISLAND LOCAL TRUST COMMITTEE
Remarks:	INTER ALIA
Nature:	COVENANT
Registration Number:	EM120111
Registration Date and Time:	1998-12-17 09:39
Registered Owner:	THE CROWN IN RIGHT OF BRITISH COLUMBIA
Remarks:	INTER ALIA
Nature:	COVENANT
Registration Number:	EM120113
Registration Date and Time:	1998-12-17 09:40
Registered Owner:	THE CROWN IN RIGHT OF BRITISH COLUMBIA
Remarks:	INTER ALIA

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSR2238475

Nature:	COVENANT
Registration Number:	EM120119
Registration Date and Time:	1998-12-17 09:43
Registered Owner:	THE CROWN IN RIGHT OF BRITISH COLUMBIA

Nature:	MORTGAGE
Registration Number:	CA1473737
Registration Date and Time:	2010-03-01 12:30
Registered Owner:	ING BANK OF CANADA

Duplicate Indefeasible Title	NONE OUTSTANDING
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Transfers	NONE
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Pending Applications	NONE
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This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act(R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).

File No.: DE-DVP-2018.1
(Wooley/Rempel) (DCLTA)

DATE OF MEETING: June 26, 2018

TO: Denman Island Local Trust Committee

FROM: Marnie Eggen, Island Planner
Northern Team

SUBJECT: Development Variance Permit Application for Parcel L of the Proposed Subdivision Lot Line Adjustment (to vary proof of water requirements)
Applicant: D. Wooley and S. Rempel (Denman Community Land Trust Association)
Location: 3806 Denman Road, Denman Island

RECOMMENDATION

1. That the Denman Island Local Trust Committee deny issuance of Development Variance Permit DE-DVP-2018.1 to vary sections 2.8.8 and 2.8.12 of Denman Island Land Use Bylaw No. 186, 2008 (proof of water requirements for subdivision).

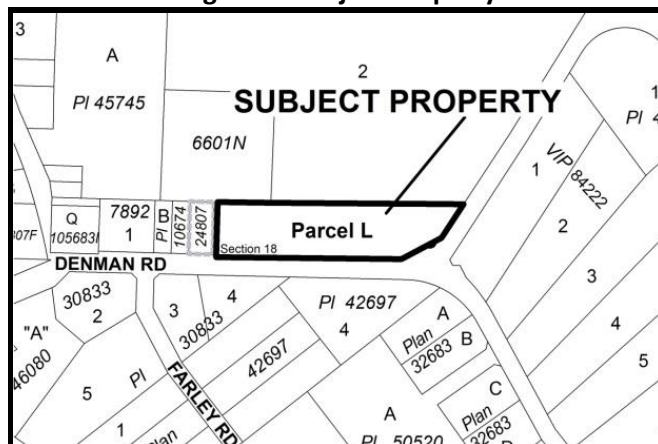
REPORT SUMMARY

The applicant seeks a Development Variance Permit (DVP) to vary the Denman Island Land Use Bylaw No. 186, 2008 (LUB) proof of water requirements for one of two lots proposed to be subdivided via a lot line adjustment. Staff recommends that the variance request be denied by the Denman Island Local Trust Committee (LTC) due to non-compliance with the Denman Island Official Community Plan (OCP). OCP policies clearly place value on regulating proof of water through subdivision, including lot line adjustments. These policies are enacted through the subdivision regulations in the Denman LUB.

BACKGROUND

The subject property Parcel L, is one of two lots that are the subject of an open subdivision application file for a lot line adjustment. Parcel L is approximately 1.64 ha in size, located on Denman Road close to the Denman village area, as shown in Figure 1.

Figure 1: Subject Property



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

The following ***Islands Trust*** Policy Statement (***ITPS***) policy indicates that LTCs should ensure that existing, anticipated and seasonal demands for water are considered and allowed for.

Directive Policies

4.4.2 *Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure:*

- *neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater,*
- *water quality is maintained, and*
- *existing, anticipated and seasonal demands for water are considered and allowed for.*

Official Community Plan:

The subject property is designated as Sustainable Resources as per the Denman Island Official Community Plan No. 185 (OCP).

The authority to regulate proof of water by a local government is discretionary, as this authority otherwise rests with the Provincial Approving Officer. The following policy indicates a clear interest that the Denman Island LTC regulate minimum requirements for water supply during subdivision.

Water Management - Policies

Policy 1 *Zoning regulations should specify minimum requirements for water supply for new lots created by subdivision.*

While this property is not within the ‘village’ area as indicated in the OCP, it is directly adjacent to the village and staff would like to note the following related policy:

The Village - Policies

Policy 5 *In the Village designation, boundary adjustments and lot consolidations should be permitted by zoning regulations where they address the ground water availability and sewage disposal capability.*

Land Use Bylaw:

The subject property is zoned A(2) – Agriculture - under the LUB.

Additionally, the LUB reflects the OCP water management policy mentioned above through the subdivision regulations, Sections 2.8.8 – 2.8.17.

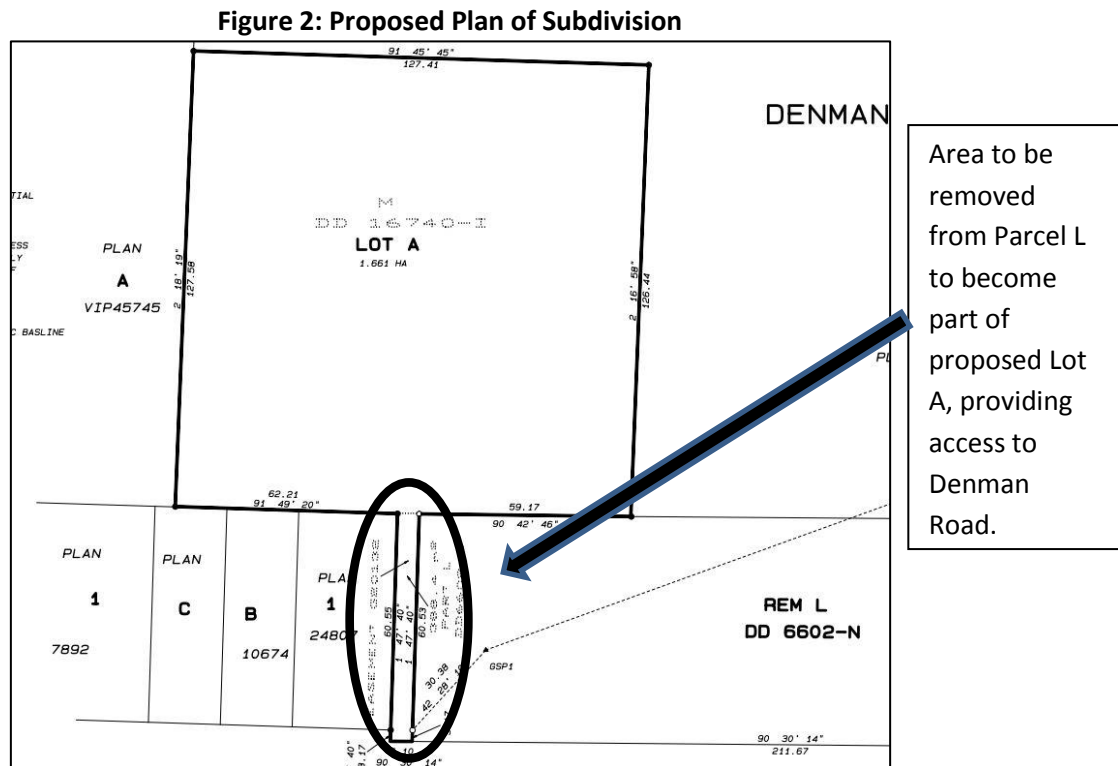
The applicant seeks a Development Variance Permit (DVP) to vary the Denman Island Land Use Bylaw No. 186, 2008 (LUB) proof of water requirements (Sections 2.8.8 and 2.8.12) for one of two lots proposed to be subdivided via a lot line adjustment:

8 Each lot in a proposed subdivision must be supplied with sufficient potable water from a well, surface water supply or community water system to accommodate all uses, buildings and structures permitted on the lot by this Bylaw according to the standards set out in regulations 9 to 11 of this section.

12 Where a well is proposed as a source of water for a proposed subdivision, the applicant must provide written certification under seal of a **qualified professional**:

- that there is, in respect of each building, structure or use of land permitted by this bylaw, sufficient available groundwater to provide the required amount of **potable** water on a continuous basis; and
- that extraction from the groundwater table for that amount of water is not reasonably expected to adversely affect the quantity of water obtainable from any existing well or surface water that is used as a source of water.

See below for the proposed plan of subdivision:



Issues and Opportunities

Proof of Potable Water for Parcel L

The applicant has provided proof of potable water for proposed Lot A, but not for Parcel L, and is requesting the LTC issue a DVP to remove this requirement from the conditions of subdivision. For lots that have an existing use(s) that requires the supply of water, staff expect that meeting the proof of water requirement would equate to providing existing documentation proving water for the current use. The applicant has not provided this for Parcel L. In processing this application, staff have determined through provincial public on-line resources, that Parcel L has three registered wells. These wells are relatively old and no data was found with respect to the

quantity of water that each well supplied at the time that the wells were developed. In addition, a restaurant is operated on Parcel L and is subject to provincial requirements for water testing. These are also publically available on line. The information reviewed online does not satisfy the Denman LUB requirement for proof of water.

Islands Trust staff have been informed by MOTI staff that proof of water will be required prior to subdivision. However, the applicant has advised that they have received a different opinion from the Provincial Approving Officer.

Statutory Requirements

Pursuant to the *Local Government Act* and Islands Trust policies and bylaws, statutory notification of the proposed DVP is required, commencing on June 14, 2018 until and including June 26, 2018. See Attachments for the proposed permit and the notice. Correspondence received with respect to this application will be forwarded to the LTC. Two letters of support from neighbours were received at the time this report was finalized (see Attachments).

Rationale for Recommendation

As mentioned above, the authority to regulate proof of water by a local government is discretionary, as this authority otherwise rests with the Provincial Approving Officer. Staff recommends that the LTC deny this DVP because the OCP policies clearly place value on regulating proof of water through subdivision, including lot line adjustments. These policies are enacted through the subdivision regulations in the Denman LUB. Staff suggests that lot line adjustments are included in this regulation to ensure that existing use meets the current proof of water standard outlined in the Denman LUB, confirming that currently permitted uses are sufficiently supplied by potable water.

Furthermore, staff also suggest that while this lot line adjustment is associated and considered a first step in facilitating the current rezoning application for the Denman Community Land Trust Association (DE-RZ-2017.1) on proposed Lot A, the DVP application should be considered a standalone application. For this DVP application, the LTC should consider the effect of their decision as it relates to the future water supply to Parcel L, which is not a subject property in the current rezoning application. Should the LTC decide to approve the DVP, staff highly recommend that the LTC provide an appropriate reason why they have decided not to require proof of water in this instance.

Staff recommends that the development variance permit be denied as noted in the recommendation listed on page 1 of the staff report.

ALTERNATIVES

The LTC may consider the following alternative to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are that it will require a second notification and additional staff resources to review further information. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the Denman Island Local Trust Committee request that the applicant submit to the Islands Trust [insert required information]

2. Approve Issuance of DE-DVP-2018.1

Should the LTC disagree with the staff analysis and find that the proposed variances are consistent with Denman Island OCP policies, the LTC may approve the issuance of the permit. Suggested wording for a resolution to approve issuance of the permit is as follows:

That the Denman Island Local Trust Committee approve issuance of DE-DVP-2018.1 to vary sections 2.8.8 and 2.8.12 of Denman Island Land Use Bylaw No. 186, 2008, based on compliance with OCP Policies [cite supporting OCP policies].

NEXT STEPS

The applicant will be advised of the LTC decision. As proof of water is a condition of subdivision for application DE-SUB-2017.4, the applicant will have to satisfy the condition before the subdivision can be approved by the Provincial Approving Officer.

Submitted By:	Marnie Eggen, MCIP RPP Island Planner	June 19, 2018
Concurrence:	Ann Kjerulf, MCIP RPP Regional Planning Manager	June 21, 2018

ATTACHMENTS

1. Site Context
2. Public correspondence received
3. Proposed Development Variance Permit
4. Development Variance Permit Notice

ATTACHMENT # 1 – SITE CONTEXT

LOCATION

Legal Description	Parcel L (DD 6602N) of Section 18, Denman Island, Nanaimo District, Except that Part in Plan 24807
PID	009-708-189
Civic Address	Denman Road, Denman Island, BC

LAND USE

Current Land Use	Commercial
Surrounding Land Use	Commercial, Agricultural, Residential

HISTORICAL ACTIVITY

File No.	Purpose
DE-ALR-1992.2	Archived
DE-ALR-2006.1	Request for exclusion from the ALR
DE-SUB-2017.4	To adjust the lot line between two lots
DE-SUP-2012.8	To construct a greenhouse and earthship
DE-SUP-2017.13	To construct an addition to the guesthouse
UN-SUP-1984.29	Archived

POLICY/REGULATORY

Official Community Plan Designation	SR – SUSTAINABLE RESOURCES WATER MANAGEMENT - POLICIES Policy 1 Zoning regulations should specify minimum requirements for water supply for new lots created by subdivision.
Land Use Bylaw	A(2) – Agriculture Principal uses include agriculture and residential. Site specific zoning allows for a restaurant as a permitted principal use and that five rooms may be used for home-based guest accommodation.
Other Regulations	Subdivision Regulations – Proof of Potable Water – Amounts 8 Each lot in a proposed subdivision must be supplied with sufficient potable water from a well, surface water supply or community water system to accommodate all uses, buildings and structures permitted on the lot by this Bylaw according to the standards set out in regulations 9 to 11 of this section. 9 In Residential and Resource zones, the minimum amount of potable water

	that must be provided per day is 1200 litres for each permitted principal residential dwelling unit, unless a cistern, subject to Regulation 17 of this section, is provided, in which case the minimum is 1000 litres for each permitted principal residential dwelling unit. 12 Where a well is proposed as a source of water for a proposed subdivision, the applicant must provide written certification under seal of a qualified professional: - that there is, in respect of each building, structure or use of land permitted by this bylaw, sufficient available groundwater to provide the required amount of potable water on a continuous basis; and - that extraction from the groundwater table for that amount of water is not reasonably expected to adversely affect the quantity of water obtainable from any existing well or surface water that is used as a source of water.
Covenants	N/A
Bylaw Enforcement	No bylaw enforcement files.

SITE INFLUENCES

Islands Trust Fund	N/A
Regional Conservation Plan	N/A
Species at Risk	None identified
Sensitive Ecosystems	None identified
Hazard Areas	None identified
Archaeological Sites	None identified within 50 metres.
Climate Change Adaptation and Mitigation	There is no risk of impact to the development due to sea level rise should this development variance permit be issued. There are no anticipated impacts with regard to greenhouse gas emissions that would result in issuing this development variance permit.

From: bev severn [REDACTED]
Sent: Sunday, June 17, 2018 10:28 AM
To: Marnie Eggen
Cc: Laura Busheikin
Subject: Notice - Development Permit Variance (Wooley, Rempel) DE - DVP
- 2018. 1

Thank you for the recent notice regarding the Development Permit Variance / Lot Line Adjustment . I am in support of this and am hoping that this permit will be issued on June 26th, Bev Severn, [REDACTED] Denman rd. , Denman Island
Parcel M (DD 6601N) of section 18

From: John Millen [REDACTED]
Sent: Saturday, June 16, 2018 5:24 PM
To: northinfo@islandstrust.bc.ca
Cc: Laura Busheikin; David Critchley
Subject: Variance permit Wooley, Rempel DE-DVP-2018.1

To whom it may concern:

My wife Donna and I live across the road from the subject parcel L at [REDACTED] Denman Road. We fully support the issuance of this permit.

It is perfectly clear that the subdivision off parcel L of the strip of land to provide access to 6601N need not require proof of water supply. The current uses of the remainder of Lot L will also be unaffected.

John & Donna Millen
Denman Island

PROPOSED

 Islands Trust	DENMAN ISLAND LOCAL TRUST COMMITTEE DEVELOPMENT VARIANCE PERMIT DE-DVP-2018.1 (WOOLEY, REMPEL)
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TO: D. Wooley and S. Rempel

1. This Development Variance Permit applies to the land described below:

PID 009-708-189

Parcel L (DD 6602N) of Section 18, Denman Island, Nanaimo District, Except that Part in Plan 24807

2. Pursuant to Section 498 of the *Local Government Act*, the *Denman Land Use Bylaw No. 186, 2008*, Schedule A Part **2 GENERAL REGULATIONS**, Section **2.8 Subdivision Regulations**, is varied as follows:

- a) "Proof of Potable Water – Amounts" Subsection 2.8.8 is varied to remove the requirement that each lot in a proposed subdivision must be supplied with sufficient potable water from a well, surface water supply or community water system to accommodate all uses, buildings and structures permitted on the lot by the *Denman Land Use Bylaw No. 186, 2008* according to the standards set out in regulations 9 to 11 of section 2.8 of the *Denman Land Use Bylaw No. 186, 2008*; AND
- b) "Proof of Potable Water – Well and Surface Water Certification" Subsection 2.8.12 is varied to remove the requirement that where a well is proposed as a source of water for a proposed subdivision, the applicant must provide written certification under seal of a qualified professional:
 - i) that there is, in respect of each building, structure or use of land permitted by this bylaw, sufficient available groundwater to provide the required amount of potable water on a continuous basis; and
 - ii) that extraction from the groundwater table for that amount of water is not reasonably expected to adversely affect the quantity of water obtainable from any existing well or surface water that is used as a source of water; AND
- c) Such deletions apply only to Parcel L as shown on Schedule "A", attached to and forming part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of the *Denman Island Land Use Bylaw No. 186*, including use and density, and to obtain other appropriate approvals necessary for completion of the proposed development.

AUTHORIZING RESOLUTION PASSED BY THE DENMAN ISLAND LOCAL TRUST COMMITTEE THIS ____ DAY OF ____, 2018.

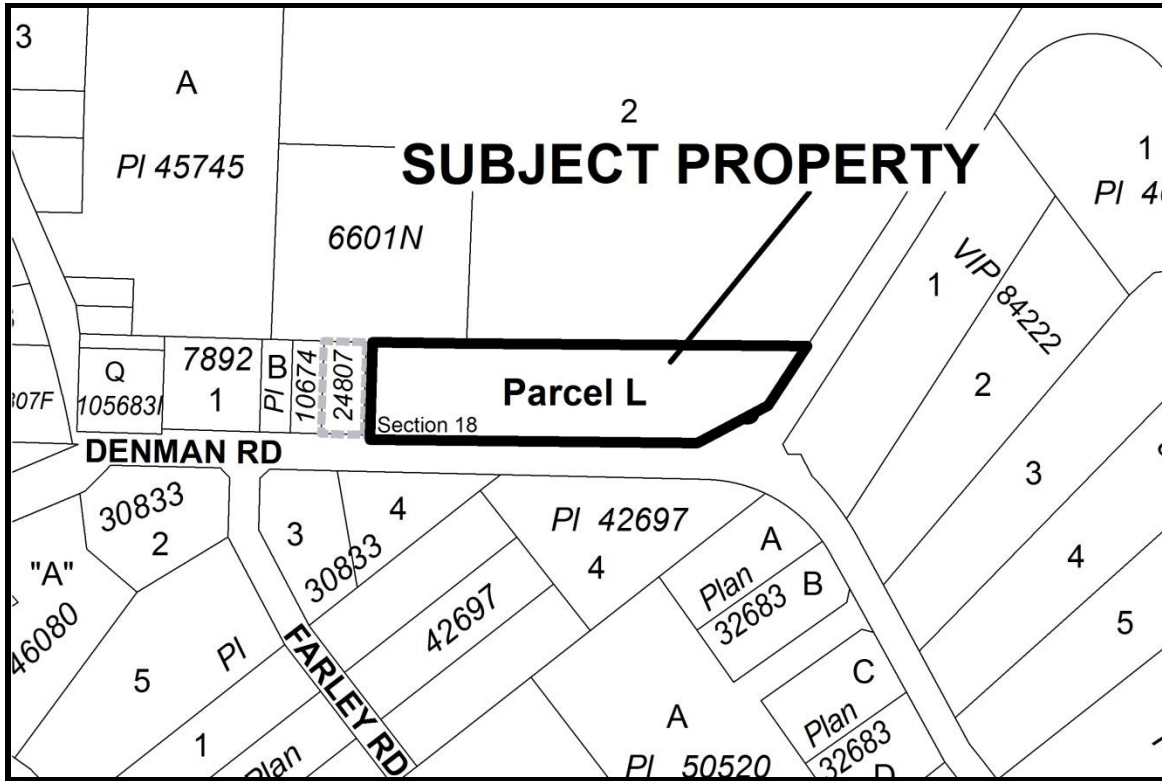
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ____ DAY OF ____ 2020, THIS PERMIT AUTOMATICALLY LAPSES.

DENMAN ISLAND LOCAL TRUST COMMITTEE
DE-DVP-2018.1

Schedule "A" – Subject Property





NOTICE

DE-DVP-2018.1 (Wooley, Rempel)
DENMAN ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given that the Denman Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, pursuant to Section 498 of the *Local Government Act*, varying subsections 2.8.8 and 2.8.12 of the Denman Island Local Trust Committee Land Use Bylaw No. 186, 2008:

The following subdivision requirements would be removed to allow for a lot line adjustment on the subject property:

- That the lot be supplied with sufficient potable water from a well, surface water supply or community water system to accommodate all uses, buildings and structures permitted on the lot.
- That the applicant must provide written certification under a seal of a qualified professional:
 - That there is sufficient available groundwater to provide the required amount of potable water on a continuous basis; and
 - That extraction from the groundwater table for that amount of water is not reasonably expected to adversely affect the quantity of water obtainable from any existing well or surface water.

The property located on 3806 Denman Road is legally described as:

PID: 009-708-189

PARCEL L (DD 6602N) OF SECTION 18, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT THAT PART IN PLAN 24807

A copy of the proposed permit may be inspected at the Islands Trust Northern Office, 700 North Road, Gabriola Island, BC, V0R 1X3, between the hours of 8:30 a.m. and 4:00 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing June 14, 2018 and continuing up to and including June 25, 2018 at 4:00 p.m. Also, attached for your convenience, is a copy of the proposed permit.

If you have any questions or comments regarding the proposed permit, please contact Marnie Eggen, Island Planner, at 250-247-2210. For Toll Free Access, request a transfer via Enquiry BC: in Vancouver 604-660-2421 and elsewhere in BC at 1-800-663-7867.

Written submissions should be sent to: **Mail:** Islands Trust, 700 North Road, Gabriola, BC V0R 1X3

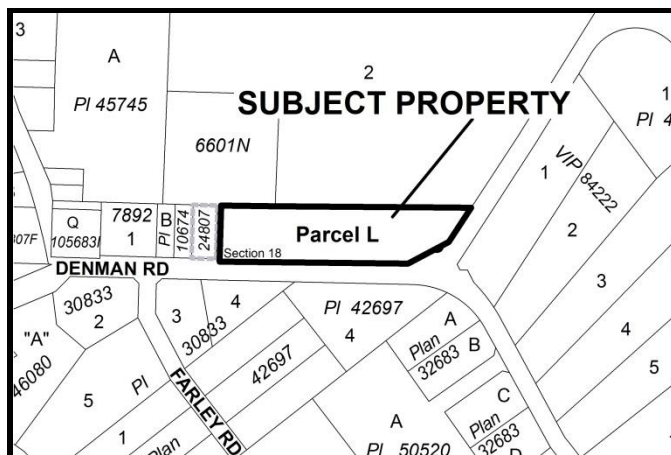
Fax: 250-247-7514 or **Email:** northinfo@islandstrust.bc.ca

Following the end of the notice period, the Denman Island Local Trust Committee may consider issuance of the proposed permit at its Regular Business Meeting to be held at 9:30 a.m., Tuesday, June 26, 2018 at the Denman Activity Centre, 1111 Northwest Road, Denman Island, BC.

All applications are available for review by the public. Written comments made in response to this notice will be provided to the Local Trust Committee and will form part of the public record.

Becky McErlean
Deputy Secretary

The general location of the subject area is shown in the following sketch:



Reflections on the K'omoks First Nation Intergovernmental Meeting

June 11 & 12

From the Denman Island and Hornby Island Local Trust Committees

1. Gratitude:

We thank you for putting on this event and including us. We thoroughly enjoyed ourselves, learned a lot, deepened relationships, and emerged with motivation and ideas for action.

The warm welcome, cedar brushing, gift and the many smiles made us feel welcome and set a respectful and heartfelt tone. The meeting was extremely well-organized, with the perfect balance of listening, talking in small groups, and coming together as a plenary. The creation of a vision for the K'omoks Valley provided a culminating focus and sense of accomplishment.

The meeting felt like the beginning of a new era for the K'omoks Nation in its relationships with local and regional governments and we are honoured to be part of that. We also appreciate that our time together provided fruitful relationship-building between the various local and regional governments present.

2. Some things we learned:

- There is huge potential for effective cooperation when local governments partner with First Nations;
- We can make better decisions if we think of a 250-year cycle, rather than just the immediate future;
- In Councillor Jack's words, "First Nations are still working within their traditional culture." This means the rest of us have the opportunity and responsibility of learning about that culture and respecting it;
- Sometimes it is beneficial to pause and ask, "What does your grandfather want to see?"
- Reconciliation is a process that will be ongoing, so we shouldn't expect it to be "done" once we achieve a few shared goals or a few feel-good moments;
- We need to respect the limited capacity of the KFN right now and be patient.

3. Some Ideas for action (for all and any local governments) we heard at the meeting:

- Create a protocol agreement with K'omoks First Nation;
- Tease out opportunities for partnerships, including job shadowing and internships;
- Offer practical help, such as sharing of expertise;
- Make territorial acknowledgements at our meetings and include them in written form in our correspondence;
- Workshops for staff and elected officials;
- Hold cultural events;
- Participate in a review of the K'omoks Marine Plan.

4. Next steps for Islands Trust:

We have already had a meeting to share our impressions and conclusions from the meeting and consider further actions. We are reporting back to our communities using social media, local newspapers, speaking to the public at community meetings, and word-of-mouth. We will be corresponding with you in the next few weeks about follow-up, and in the meantime welcome outreach from your team regarding future cooperation, dialogue and/or events.



DATE OF MEETING: June 26, 2018
TO: Denman Island Local Trust Committee
FROM: Marnie Eggen, MCIP RPP
Northern Team
COPY: Ann Kjerulf, Regional Planning Manager
SUBJECT: Denman Island Shared Narrative of Place Project

RECOMMENDATION

1. That the Denman Island Local Trust Committee request staff to remove items related to First Nations engagement from the Follow Up Action List.
2. That the Denman Island Local Trust Committee amend the Shared Narrative of Place Project Charter as follows [list amendments].
3. That the Denman Island Local Trust Committee endorse the Shared Narrative of Place Project Charter as amended.

REPORT SUMMARY

The purpose of the report is to request that the Denman Island Local Trust Committee (LTC) review and remove Follow Up Action List (FUAL) items related to First Nations engagement, and consider corresponding amendments to and subsequent endorsement of the Denman Island Shared Narrative of Place Project Charter.

BACKGROUND

Engagement with local First Nations has been a key focus of the Denman Island Local Trust Committee during the 2014-18 term. There has been a significant effort to communicate and strengthen the relationship with K'omoks First Nation and successful completion of many engagement activities including, recently, participation of Denman local trustees and Islands Trust staff in a series of three intergovernmental meetings. Notwithstanding, the following items remain on the FUAL with no target date for completion:

Date	Activity
May 2, 2017	Where possible and appropriate, influence the content of signage to include First Nations place names and context of indigenous use of places.
August 1, 2017	Staff to organize a presentation by representatives of the Komoks Nation about First Nations traditional knowledge and stewardship practices.
November 14, 2017	Staff to organize one or more community dialogue sessions focused on First Nations and related topics of interest, to be facilitated by Denman Island community members, and to invite First Nations who have asserted rights and title on Denman Island to participate.

ANALYSIS

First Nations Engagement Initiatives

The following is a summary of the various LTC initiatives to support First Nations relationship building during the term, and their status.

Date	Resolution	Status
Jan. 20, 2015	2015-05: That Top Priority "Review of visitor accommodation regulations" be moved to No. 2 and "Development of a Memorandum of Understanding with K'omoks First Nation" be moved to the No. 3 position.	Not started
Apr. 21, 2015	2015-028: That the LTC request staff to draft a letter for the Chair's signature to the K'omoks Band Chief Councillor Robert Everson to introduce the new Local Trust Committee and follow up on the August 8, 2015 meeting and offer.	Complete
July 21, 2015	2015-042: That the LTC request Trustee Busheikin to visit the K'omoks First Nation office with an invitation to meet.	Complete
Apr. 19, 2016	2016-029: That the LTC request staff to arrange a Community Information Meeting with regard to Bylaw No. 207, such meeting to include information including scientific information and to include persons who can speak to the need for a regulation of driving on the beach and to specifically invite the Shellfish Growers Association and the shellfish growers who are known to currently use vehicles on the beach and encourage them to bring any documentation that might be useful and to invite the K'omoks First Nation. 2016-030: That the LTC request staff to set up a meeting with representatives of K'omoks First Nation and the Local Trust Committee to discuss proposed Bylaw No. 207.	• Bylaw 207 was superceded by Bylaw 225; a CIM was held for Bylaw 225; • K'omoks referral response to Bylaw 225 indicated "no concerns"
	2016-034: That the LTC apply for a Community to Community grant for an event with the K'omoks First Nation.	Complete
Nov. 15, 2016	2016-072: That the LTC request that staff organize attendance of the Local Trust Committee with staff at a K'omoks First Nation Council meeting.	Complete
May 2, 2017	2017-36: That the LTC amend the Project Charter to add in the Shared Narrative of Place: "include a public presentation by the Islands Trust Senior Intergovernmental Policy Advisor and follow up public presentations by K'omoks members and representatives	Started
	2017-37: That the LTC endorse the Shared Narrative of Place Charter v1 Project Charter as amended which will strive to amend the Denman Island Official Community Plan in two phases. As a first step, integrating a First Nations "deep history" narrative and place names within the Official Community Plan. Then, in cooperation with local First Nations, review the Official Community Plan for opportunities for First Nations to participate in the work of the Local Trust Committee more meaningfully.	Started
	2017-38: That the LTC encourage residents of Denman Island to voluntarily start sharing First Nations" place names and histories of the island through various stakeholder community groups and community events and, where possible and appropriate, influence the content of signage to include First Nations" place names and context of indigenous use of places	Started
	2017-39: That the LTC send a letter signed by the Local Trustees to both island libraries including informing them about the First Nations reading list and potential co-financing opportunities.	Complete
Aug. 1, 2017	2017-61: That the LTC request staff to organize a presentation by representatives of the K'omoks First Nation on First Nation traditional knowledge and stewardship practices.	Not started
Nov. 14 2017	2017-89: That the LTC request staff to organize one or more community dialogue sessions focused on First Nations and related topics of interest, to be facilitated by Denman Island community members, and to invite First Nations who have asserted rights and title on Denman Island to participate with the expectation that prior to organization that staff will consult with trustees about possible presentations.	Not started

Shared Narrative of Place Project Charter

The current version of the “Shared Narrative of Place” Project Charter was endorsed by the LTC on November 14, 2017 (see attachments). Staff recommend that the LTC consider the Project Charter in relation to the outstanding FUAL items and previously noted initiatives, and also consider what activities can realistically be accomplished during the remainder of the term.

The outstanding FUAL items may be addressed in due course as opportunities arise with K’omoks First Nation and in consideration of the First Nation’s capacity. The FUAL should be reserved for items that can be completed within a short period of time. Staff recommend removing longer term FUAL items that may be captured in the Project Charter.

The LTC may also want to consider adding items to the Project Charter based on outcomes from the K’omoks First Nation Intergovernmental Engagement meetings held this spring (February 20; March 19th; June 11 & 12).

Staff further recommends that the Project Charter be amended to update the Background section to reflect the intergovernmental meetings, changes to Deliverables/Milestones to reflect conversations from the intergovernmental meetings regarding future cooperative activities/actions/events. Staff recommend that the FUAL be reserved for items which are directly actionable by staff and have a realistic chance of completion in the short-term.

NEXT STEPS

Staff will update the FUAL and Project Charter as requested.

Submitted By:	Marnie Eggen, MCIP RPP Island Planner	June 21, 2018
Concurrence:	Ann Kjerulf, MCIP RPP Regional Planning Manager	June 22, 2018

ATTACHMENTS

1. Project Charter v.3

Denman Island Shared Narrative of Place - Charter v3

Denman Island LTC

Date:14.11.17

Purpose For Denman Island Local Trust Committee to develop a mutually respectful long term relationship with local First Nation that honours their connections to the lands and water of the Denman Local Trust Area.

Background In December 2016, Islands Trust Council adopted the First Nations Engagement Principles Policy. Trustees and staff were invited to meet with K'omoks Chief, Council and key staff on April 10, 2017. Many positive ideas were discussed about how to develop a mutually respectful relationship with K'omoks First Nation. The Project Charter outlines activities that will deepen the meaningfulness of that relationship. The Project outlines activities that the LTC can pursue in order to reflect a shared narrative of place with local First Nations who have asserted rights and title in the Denman Local Trust area.

Objectives

- Increased understanding and respect for Indigenous connections to the islands
- Amending the OCP to reflect the "deep history" of K'omoks FN in the Hornby/Denman Trust Areas and adding maps (with permission from K'omoks FN) of Indigenous special places to the OCPs

In Scope

- Community Event to raise awareness of the History of First Nations on the Islands
- Hosting a public event where FNs are invited to share their knowledge of special places on Denman Island
- Identification of signage opportunities in the Denman Island Trust Area
- Encouraging community associations and events to include and honour Indigenous participation
- OCP amendments

Out of Scope

- Follow-through of activities from community associations and events
- Final decision of signage content where signage is a partnership effort of multiple agencies
- Payment for construction, installation or maintenance of signage
- Indigenous place names that are not publically available online or shared by explicit permission by local First Nations

Workplan Overview

Deliverable/Milestone	Date
Community First Nations Event(s)	2017-2018
K'omoks First Nation Chief and Council and LTC meeting/site visit	Summer 2017
OCP amendments	2017-2019
Identification of signage opportunities in Denman Trust Area where Indigenous history can be acknowledged	2017-2019

Project Team

Fiona MacRaidl	Project Manager
Denman Planner	Planning support

Budget

Budget Sources: Denman/Victoria FN Budgets

Fiscal	Item	Cost
2017/18	Community event(s)	1000
2017/18	FN & LTC mtg (completed)	1000
Total 2017/18		2000
2018/19 (pending)	Community event(s)	1000
2018/19 (pending)	OCP amend/Legislative	1500

RPM Approval:
Ann Kjerulf
Date: Nov. 6, 2017

LTC Endorsement:
Resolution #: DE-2017-090
Date: Nov. 14, 2017

PROPOSED

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 225

A bylaw to amend the Land Use Bylaw to prohibit the use of vehicles and ground based machinery on the foreshore in the W1, W3 and W4 zones.

The Denman Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area in the Province of British Columbia pursuant to the *Islands Trust Act*, enacts as follows:

- 1 Denman Island Land Use Bylaw No. 186, cited as "Denman Island Land Use Bylaw, 2008", is amended as detailed on attached Schedule 'A' of this amending bylaw.
- 2 This Bylaw may be cited as "Denman Island Land Use Bylaw No. 186, 2008, Amendment No 1, 2017".

READ A FIRST TIME this 6TH day of JUNE , 2017

READ A SECOND TIME this 6TH day of FEBRUARY , 2018

PUBLIC HEARING this 6TH day of MARCH , 2018

READ A THIRD TIME this 1ST day of MAY , 2018

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST

this 18TH day of MAY , 2018

ADOPTED this day of , 201X

Chairperson

Secretary

**DENMAN ISLAND LOCAL TRUST COMMITTEE
BYLAW NO.225**

Schedule 'A'

-
1. PART 3 ZONE REGULATIONS, Section 3.7 Water Zoning Tables is amended by the addition of a new "Table 5 – Prohibited Uses" as shown below:

Table 5 – Prohibited Uses

The regulations listed in this table are intended to be applied in conjunction with the provisions of Table1, "Permitted Uses" in order to provide additional guidance and clarity on acceptable implementation actions and practices associated with the permitted uses

Zoning Code	Regulations
W1, W3, W4	Despite Table 1 of this Section, the use of vehicles and ground based machinery on the foreshore is prohibited.

INFORMATION NOTE: Aquaculture operations that are licensed under the <i>Fisheries Act</i> (Canada) may be entitled to operate vehicles or ground based machinery in accordance with the terms of the license.
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Top Priorities

Denman Island

No.	Description	Activity	R/Initiated	Responsibility	Target Date
1	Marine Issues	Bylaw 225 (to prohibit the use of vehicles and ground-based machinery on the foreshore (W1, W3, and W4 zones))	03-Mar-2015	Ann Kjerulf	
1	Relationship building with Komoks First Nation	Shared Narrative of Place Project will integrate First Nations history and place names in the OCP and explore opportunities for First Nations to participate in the work of the Local Trust Committee more meaningfully.		Marnie Eggen	
1	Denman Island Farm Plan Implementation	Incorporate Bylaw 223 considerations (agriculture, intensive agriculture, feedlot definitions)		Sonja Zupanec Marnie Eggen	

**Projects****Denman Island**

Description	Activity	R/Initiated
Protected Area Network	Undertake planning for a Protected Area Network on Denman Island	15-Mar-2011
Alternative Energy	Consider regulations governing wind towers and Ocean Loop Geo-Exchange Systems. Monitor recommendation from Trust Council.	15-Aug-2011
Dwelling Floor Area Regulation	Consider regulations to limit the gross floor area of a dwelling	25-Oct-2011
Climate Change	Consider climate change adaptation and mitigation measures	25-Oct-2011
Development Procedures Review	Review and update Development Procedure Bylaw No. 71	11-Dec-2012
Rural Affordable Housing	Consider DCLTA Rural Affordable Housing Project Final Report (June 20, 2013) recommendations	22-Oct-2013
Commercial marijuana	OCP and LUB amendments for commercial marijuana growing.	01-May-2018
Alternative Dispute Resolution	To be considered as part of the enforcement tool kit, possibly in cooperation with the Hornby Island Local Trust Committee	26-May-2015
Denman Village Plan	Undertake a Denman Downtown Village Neighbourhood Plan; the plan might include reduction in greenhouse gas emissions; encouragement of a healthy, sustainable economy; addressing of water and septic concerns; and consideration of Denman Community Design Charrette Final Report Jan 2018 recommendations.	26-May-2015
Secondary Suites Review	Review policies and regulations with respect to secondary suites and cottages	12-Jan-2016
Affordable, attainable and seniors housing	Review regulatory mechanisms for supporting affordable, attainable and seniors housing	19-Apr-2016

Projects

Denman Island

Description	Activity	R/Initiated
Travel trailers	LUB amendments and enforcement policies regarding the use of travel trailers	07-Mar-2017
Occasional use of accessory buildings	Amend LUB definition of the term 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 per year regardless of who is staying there	07-Mar-2017
Greenshores Workshop		01-May-2018



Islands Trust

Print Date: June 19, 2018

Applications

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.2	Day, Ella Planner: Teresa Rittemann	21-Mar-2011	For barn sited within DP #1: Komas Bluff
Planning Status			
Status Date: 05-Jun-2018 No change in status.			
Status Date: 18-Apr-2017 Waiting for applicant to take next steps working with Bylaw Enforcement team.			
Status Date: 29-Jul-2013 File passed on to Bylaw enforcement			

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2011.1	Day, Ella Planner: Teresa Rittemann	13-May-2011	Barn on property line
Planning Status			
Status Date: 05-Jun-2018 No change in status.			
Status Date: 18-Apr-2017 Waiting for applicant to take next steps working with Bylaw Enforcement team.			
Status Date: 29-Jul-2013 no change; file passed on to bylaw enforcement			

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2018.1	Denman Community Land Trust Assoc. (Harlene Holm) Planner: Marnie Eggen	15-Feb-2018	PIDs: 009-708-189 & 009-708-537 Lot line adjustment Civic addresses: 3806 Denman Road & 3730 Denman Road, Denman Island, BC

Applications

Planning Status

Status Date:

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2017.1	Denman Community Land Trust Association Planner: Marnie Eggen	12-Sep-2017	PID: 009-708-537 Create two lots for affordable housing for seniors. Civic address: 3730 Denman Road, Denman Island, BC

Planning Status

Status Date: 05-Mar-2018

Awaiting information to rectify ALC conditions of approval for exclusion and rezoning application. Requested applicant apply for a water license to harmonize Ministry requirements and DE LTC TOR.

Status Date: 06-Feb-2018

Staff consulting with applicant re: draft TOR

Status Date: 22-Jan-2018

Islands Trust Area Water Assessment Toolkit Draft Terms of Reference: Assessment for a Non-Domestic Groundwater Source for the Denman Local Trust Area sent to applicant and trustees for review

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2009.14	Day, Jean Ella	02-Nov-2009	2900 SWAN RD

One 26 foot high barn.

Planner: Teresa Ritemann

Planning Status

Status Date: 05-Jun-2018

No change in status.

Applications

Status Date: 30-Jun-2011

On hold until outcome of DP and DVP.

Status Date: 03-Mar-2011

New info submitted by applicant indicates bld sited on lot line; options provided to applicant

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2014.10	Stoneman, Daniel & Debra Planner: Rob Milne	29-Sep-2014	Residence, Garage, Chicken House, Beach Stairs, Woodshed
Planning Status			

Status Date: 03-Nov-2014

On hold pending confirmation of compliance with condions of approval for DE-DP-2014.2

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2018.5	Denman Farmhouse Inc. Planner: Jaime Dubyna	16-Apr-2018	PID: 030-277-876 Building greenhouse and RV hookup for principal residence Civic address: 1771 Crescent Road, Denman Island, BC.
Planning Status			

Status Date: 06-Jun-2018

Island Health confirmed that a holding tank is required in the absence of a community sewer system or onsite sewage disposal system, pursuant to Section 3.1.a(ii) of the Sewerage System Regulation. Section 4(1) of the Regulation requires that a holding tank is not constructed unless a permit has been issued.

Status Date: 30-May-2018

Planner to confirm with Island Health that a holding tank, and pump and haul system can be approved for sewage disposal in accordance with the Sewage System Regulation.

Status Date: 28-May-2018

Planner reviewing application.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2018.6	VHC Floor Plans	18-May-2018	PID: 001-095-862 Addition to existing building for continued residential and home occupation use. Civic address: 3011 Nelson Crescent, Denman Island, BC

Applications

Planner: Ian Cox

Planning Status

Status Date: 13-Jun-2018

Ian sent to Penny to close June 12, 2018

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2018.8	Ayers, Judith	15-May-2018	PID: 000-394-581 Building single family dwelling with detached garage. Civic address: 6127 East Road, Denman Island, BC

Planner: Jaime Dubyna

Planning Status

Status Date: 18-Jun-2018

Planner finished review. File returned to Planning Team Assistant to issue SUP and close the file.

Status Date: 14-Jun-2018

Amended site plan submitted by applicant. Height of proposed accessory building has been amended to 19 feet 6 inches (or 6 m) to meet Section 3.3 Table 4(2) of the Land Use Bylaw regulation for height of accessory buildings or structures in the R2 zone.

Status Date: 04-Jun-2018

Planner reviewing application.

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2018.9	FRIESEN, ALAN	01-Jun-2018	PID: 003-040-127 Adding septic system and field. Civic address: 4251 East Road, Denman Island, BC.

Planner: Madeleine Koch

Planning Status

Status Date:

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2015.1	De Villiers & Fraser, Etienne & Louise	24-Dec-2014	2201 Tristone Road S.946 (2 lot subdivision)

Applications

Planner: Teresa Ritemann

Planning Status

Status Date: 05-Jun-2018

LTC accepted the covenant and signed. Planner returned covenant to applicant's lawyer for final signatures and registration. Awaiting confirmation of registration on title.

Status Date: 16-Apr-2018

Planner recommending LTC to accept and sign the Covenant at the May 1 LTC meeting.

Status Date: 21-Feb-2018

No change in status.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2016.1	MCKEACHIE, MORLEY	01-Feb-2016	PID: 005-850-771 Proposed four lot Subdivision application
Planner: Teresa Ritemann			

Planning Status

Status Date: 05-Jun-2018

No change in status.

Status Date: 14-Sep-2017

Applicant considering a revised plan and he will discuss with MOTI.

Status Date: 19-Jul-2017

No change in status.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2017.1	McElhanney Associates & Land Surveying	09-Jan-2017	PID: 005-850-011 Subdivide property into two lots for residential purposes. 5465 Lacon Road, Denman Island.
Planner:			

Planning Status

Status Date: 08-Feb-2017

Subdivision referral report sent to MOTI. Applicant requires a DVP and RAR DP.



Applications

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2017.3	Peter Mason Geomatics Planner: Marnie Eggen	27-Jul-2017	PID: 005-849-977 Two lot subdivision Lacon Road, Denman Island
Planning Status			

Status Date: 17-Aug-2017

Subdivision referral report sent to MOTI; requires DP RAR and DVP for width/depth lot requirement.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2017.4	Denman Community Land Trust (Harlene Holm)	29-Nov-2017	PID: 009-708-537 - Lot line adjustment Civic address: 3730 Denman Road, Denman Island, BC PID: 009-708-189 - Lot line adjustment Civic address: 3806 Denman Road, Denman Island, BC
Planner: Marnie Eggen			
Planning Status			

Status Date: 01-May-2018

Applicant applied for DVP to remove proof of water requirement for Parcel L.

Status Date: 06-Mar-2018

Frontage waiver approved

Status Date: 02-Jan-2018

Subdivision referral report sent to MOTI. Applicant requires a frontage waiver.

Islands Trust
 LTC EXP SUMMARY REPORT F2018
 Invoices posted to Month ending March 2018

615 Denman	Invoices posted to Month ending March 2018	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	750.00	691.85	58.15
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	4,500.00	2,879.91	1,620.09
65210-615	LTC - Local Exp - APC Meeting Expenses	600.00	540.57	59.43
65220-615	LTC - Local Exp - Communications	500.00	293.91	206.09
65230-615	LTC - Local Exp - Special Projects	500.00	5,028.09	-4,528.09
TOTAL LTC Local Expense		<u>6,100.00</u>	<u>8,742.48</u>	<u>-2,642.48</u>
Projects				
73001-615-2017	Denman OCP/LUB	1,500.00	657.72	842.28
73001-615-4011	Denman Agriculture Plan	3,500.00	0.00	3,500.00
73001-615-4062	Denman First Nations Relations	1,000.00	415.04	584.96
TOTAL Project Expenses		<u>6,000.00</u>	<u>1,072.76</u>	<u>4,927.24</u>



Trust Fund Board Report to Local Trust Committees and Bowen Island Municipality May 2018

Islands Trust Fund Name Change

The TFB is thrilled to have received notice that the name change to Islands Trust Conservancy has been approved. Staff has prepared a Name Change Implementation Plan that outlines a two-staged approach to implement the name change over the next few months.

Medicine Beach Nature Sanctuary Management Plan

The TFB received and approved an updated management plan for the Medicine Beach Nature Sanctuary. The TFB requested that an article be submitted to the Pender Post to provide community awareness about the management issues for this popular location.

Approval of Parks Canada – Sidney Island Forest Restoration Proposal

The TFB reviewed information and provided support in principle for Parks Canada's Sidney Island Forest Restoration Proposal, which includes eradication of fallow deer.

2017-2018 Annual Report Submission

The TFB approved text for inclusion in the 2017-2018 Annual Report for approval by Trust Council and submission to the Minister of Municipal Affairs and Housing.

Summary of Current Island-by-Island Activities

Denman

Staff are finalizing the revised management plan for Morrison Marsh Nature Reserve, to be completed by July 2018. Invasive species removal and trail clearing, sign installation, tree caging for forest restoration continues at all three TFB nature reserves on Denman.

Gabriola

Construction of a boardwalk around a large western red cedar tree at Elder Cedar

S'ul-hween X'pey Nature Reserve is now complete and volunteers have mulched the area with woodchips.

Gambier

Staff visited Keats Island to view the proposed Sandy Beach Nature Reserve. Restoration continues at Brigade Bay Bluffs and Long Bay Wetland Nature Reserves protecting and planting tree seedlings.

Lasqueti

The Salish View campaign continues, in partnership with the Lasqueti Island Nature Conservancy (LINC). A news release has been issued, and with a recent grant awarded to LINC, the campaign is 40 per cent of the way to a \$250,000 goal.

Thetis

Staff are negotiating a conservation covenant for Fairyslipper Forest Nature Reserve with the Thetis Island Nature Conservancy and the Cowichan Community Land Trust. Ecological information is in the process of being collected to inform the covenant baseline report and the management plan for the protected area.

Please feel free to contact members of the Trust Fund Board or Islands Trust Fund staff for more details.

Tony Law, Chair tlaw@islandstrust.bc.ca
Islands Trust Fund itfmail@islandstrust.bc.ca

File No.: 6500-20
(LTC Cannabis Regulation)

DATE OF MEETING: June 26, 2018

TO: Denman Island Local Trust Committee

FROM: Ann Kjerulf, Regional Planning Manager
Northern Team

COPY: David Marlor, Director of Local Planning Services

SUBJECT: Regulation of Cannabis Production and Retail Sales and Non-Medical Cannabis Retail License Application Fees

RECOMMENDATION

1. That the Denman Island Local Trust Committee adopt the following standing resolution with respect to the processing of non-medical cannabis retail license applications:

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms
 - The location of the proposed establishment and the subject site
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - How public comments may be submitted to the local trust committee.

2. That the Denman Island Local Trust Committee request that staff prepare a draft bylaw to amend the fees bylaw to specify a fee for Liquor Control and Licensing Branch non-medical cannabis retail license applications.

REPORT SUMMARY

This report provides information to local trust committees regarding the proposed *Cannabis Act* and describes options for the regulation of cannabis production and non-medical cannabis retail sales. The Denman Island Local Trust Committee (LTC) is asked to consider:

- Adopting a standing resolution to process Liquor Control and Licensing Branch (LCLB) non-medical cannabis retail applications;
- Amending the LTC fees bylaw to include a specific fee for the processing of LCLB non-medical cannabis retail applications;
- As an option, reviewing its land use regulations applicable to cannabis production and retail sales.

BACKGROUND

Regulatory Framework

Cannabis Act

The proposed *Cannabis Act*¹ would provide a framework for the production, distribution, sale and possession of cannabis, which would be jointly regulated by federal, provincial and local governments across Canada. Under the *Cannabis Act*, the federal government's primary responsibilities would include licensing both medical and non-medical cannabis producers, regulating the industry (advertising, marketing, and promotion), and determining health and safety standards (e.g. potency and ingredients). Provinces and territories would license and oversee the distribution and retail sale of cannabis.²

Until the adoption of the *Cannabis Act*, the *Access to Cannabis for Medical Purposes Regulation (ACMPR)* released 2016³ remains the authority for lawful cannabis production and possession; cannabis may be grown by registered persons or licensed producers for medical purposes; and retail distribution of cannabis in dispensaries and storefronts is illegal.⁴

The *Cannabis Act* includes a broad definition of cannabis:

- Any part of the cannabis plant, other than mature stalks that do not contain leaves, flowers or seeds, the cannabis plant fibre, or the plant root.
- Any substance or mixture of substances that contains or has on it any part of a cannabis plant.
- Any substance that is identical to any phytocannabinoid produced by, or found in, such a plant, regardless of how the substance was obtained.

Marihuana is a form of cannabis. "Cannabis" is preferable to "marihuana" for the regulatory context.⁵

¹ Proposed *Cannabis Act*. <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-45/third-reading>

² FCM. 2018. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>

³ The *Access to Cannabis for Medical Purposes Regulation* replaced the *Marihuana for Medical Purposes Regulation*.

⁴ FCM. 2018. Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>

⁵ IBID.

BC Cannabis Control and Licensing Act

The *BC Cannabis Control and Licensing Act (BCCLA)*, proclaimed on May 31, 2018, establishes provincial control over the sale, supply and possession of non-medical cannabis, and establishes licensing of private cannabis retailers, including registration and training requirements for those who will work in cannabis retail. The Act outlines restrictions on the possession, personal cultivation and consumption of cannabis by adults and prohibitions for minors.

The *BCCLA* requires notification to the local government or Indigenous nation for the area in which a retail establishment is proposed to be located or is located.

Upon receipt of notification, the applicable local government or Indigenous nation must take into account any prescribed criteria and, in the prescribed circumstances, gather the views of residents by one or more of the following methods:

- a) By receiving written comments in response to a public notice of the application;
- b) By conducting a public hearing in respect of the application;
- c) By holding a referendum;
- d) By using another method the local government or Indigenous nation considers appropriate.

The *BCCLA* further states that a licence must not be issued or amended unless the local government or Indigenous nation for the area gives a recommendation that the licence be issued or amended.⁶

In BC, the wholesale distribution of non-medical cannabis will be solely through the Liquor Distribution Branch (LDB). The LDB will be the operator of government-run retail stores and the Liquor Control and Licensing Branch (LCLB) will be responsible for licensing and monitoring the retail sector using a mixed public/private model.

Local Government Land Use Authority

Local governments have delegated authority from the Province, through the *Local Government Act (LGA)*, to regulate, through zoning regulations, the location, size, and siting of cannabis businesses.

LTCs may have previously amended their bylaws to provide regulations for the location, size or siting of cannabis (marihuana) production facilities. The Gabriola Island Land Use Bylaw (LUB) for example, stipulates:

- Permitted uses in the Agriculture (AG) zone include: “Indoor production of medical marihuana licenced under the *Marihuana for Medical Purposes Regulation* on lots in the Agricultural Land Reserve”.
- The maximum *height of buildings* in the Agricultural Land Reserve used exclusively for a Medical Marihuana Production Facility licenced under the *Marihuana for Medical Purposes Regulation* is 15.0 metres (49 feet); and
- The minimum setback for buildings, structures and fencing used for the indoor production of medical marihuana licenced under the *Marihuana for Medical Purposes Regulation* is 30 metres (98.4 feet) from any lot line and 150 meters (492.13 feet) from any school or park.

Notably, “the production of marihuana in accordance with the *Marihuana for Medical Purposes Regulations*” is a permitted farm use in the ALR under the *Agricultural Land Reserve (ALR) Use, Subdivision and Procedure Regulation*. Hence, cannabis production on land within the ALR cannot be prohibited by local governments.

⁶ *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>

ANALYSIS

Issues and Opportunities

Land Use (Zoning) Authority

Local trust committees are responsible for good governance through land use regulation. This involves consideration for the types and locations of land uses in their communities, and specific regulations to mitigate the potential for land use conflict. It is up to individual LTCs to determine to what extent land use regulation is needed and what, if any, amendments should be undertaken to their LUBs.

In accordance with the proposed *Cannabis Act*, LTCs have the ability to regulate the location, size, and siting of cannabis production and retail sales. This may occur in a variety of ways:

1. Permissive zoning

Cannabis retail sales would theoretically be permitted in all zones where retail uses are permitted (including home occupations allowing retail) if the applicable Land Use Bylaw permits retail sales and the definition of retail sales is liberal or absent.

Similarly, liberal LUB regulations may allow cannabis production anywhere agriculture is permitted (depending on the LUB definition of agriculture and in which zones agriculture is permitted). Cannabis production is, as noted earlier, an outright permitted use in the ALR.

2. Prohibitive Zoning

Cannabis retail sales could be prohibited in all zones if the applicable Land Use Bylaw included a regulation such as “Cannabis retail sales are prohibited in all zones” and a distinct definition of “cannabis retail sales”.

Cannabis production could be prohibited outside the ALR (although the federal government will retain exclusive authority to license producers).

3. Discretionary Zoning

Cannabis retail sales may be permitted in select zones (e.g. commercial zones) and/or a minimum distance from other cannabis retail sales establishments or other land uses (e.g. dwellings, schools, parks, museums, libraries, or medical facilities).

Cannabis production could be limited to select zones (e.g. industrial zones). Within the ALR, LTCs may regulate the siting and size of cannabis production facilities.

The LTC should consider whether or not it would like to pursue LUB amendments to strengthen its regulatory control with respect to the zoning and siting of cannabis retail sales or cannabis production facilities outside the ALR. This may occur through a resolution to add an LUB review project to the projects list or top priorities list.

Fees Bylaw

LTCs have the ability to charge fees for processing applications for LCLB non-medical cannabis retail licenses or license amendments. This requires that LTCs include an applicable fee in their LTC fees bylaws. Staff note that the majority of LTCs currently require an \$825 fee for “Liquor Control Licensing Branch” applications, with the exception of Hornby (\$750), Gabriola (\$850) and Lasqueti (no fee).

The application fees collected for review of LCLB applications are used to offset staff time and any news advertising in relation to the review of the applications. Generally, the fees collected for LCLB applications are insufficient to cover the costs of processing applications where the views of residents are gathered, prior to the LTC making a recommendation to the LCLB.

Staff recommend that each LTC enact a distinct and higher fee for LCLB cannabis retail applications, in anticipation of a high degree of public interest and corresponding staff resources and costs to process these applications. Staff note, for reference, that the Regional District of Nanaimo has amended its fees bylaw to include a fee of \$4,000 for processing non-medical cannabis license applications.

Staff can proceed with the preparation of a draft bylaw to amend the LTC fees bylaw; this would require minimal staff time. Such a bylaw amendment would require three readings, and approval by the Executive Committee prior to final adoption. No public hearing would be required.

As an aside, LTCs may consider whether or not there are other application fees which are either absent or require adjustment and could be included in a fees bylaw amendment.

Consultation Requirements

The *BCCLA* does impose a responsibility onto local governments and Indigenous nations to consider applications referred by the Liquor Control and Licensing Branch (LCLB) in accordance the *BCCLA*. In doing this, each LTC should turn its mind to the “prescribed criteria”, and option to gather the views of local residents under “prescribed circumstances”.

The evaluation criteria and/or a policy for considering such applications may be formalized through the adoption of a standing resolution. Staff have recommended the following standing resolution, which may be amended (either prior to initial adoption or from time to time):

- Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee.
- The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical.
- The public consultation process shall be determined by the local trust committee after initial review of the proposal.
- However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information:
 - Name of the applicant and a description of the proposal in general terms
 - The location of the proposed establishment and the subject site
 - The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered.
 - The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application
 - How public comments may be submitted to the local trust committee.

RATIONALE FOR RECOMMENDATION

Local trust committees may be referred cannabis license applications. Because a consultation process is not specifically prescribed through provincial legislation or LTC bylaws, staff are recommending that LTCs adopt a standing resolution to deal with these types of applications. LTCs would have the flexibility to readily amend such a standing resolution over time to adapt to their community's unique needs. Furthermore, because of the likelihood that these applications will attract significant public interest and involve significant staff resources to process, staff are recommending that LTCs amend their fees bylaws to include a specific fee for LCLB cannabis retail applications, which is distinct from and higher than liquor license applications.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Adopt an Amended Standing Resolution

Should the LTC wish to proceed with a standing resolution, it may adopt an amended resolution in lieu of the recommended resolution.

2. Proceed with Land Use Bylaw Amendments

The LTC may wish to pursue amendments to its LUB. This would require that a project be added to the projects list or top priorities list and for the project to be scoped and funded. Staff still recommend that a standing resolution be passed to address applications which may be received prior to adoption of LUB amendments. Should the LTC wish to pursue an LUB review project, the following resolution may be passed:

That the Denman Island Local Trust Committee add to its [Projects/Top Priorities List], "Review of land use regulations for cannabis production and retail sales".

3. Request further information

NEXT STEPS

A standing resolution adopted by the LTC would take effect immediately. Fees bylaw amendments would require preparation of an administrative bylaw amendment, three readings, and approval by the Executive Committee prior to adoption.

Submitted By:	Ann Kjerulf, MCIP, RPP Regional Planning Manager	June 19, 2018
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REFERENCES

- Proposed *Cannabis Act*. <http://www.parl.ca/DocumentViewer/en/42-1/bill/C-45/third-reading>
- Municipal Guide to Cannabis Legalization. <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>
- *Access to Cannabis for Medical Purposes Regulation* <http://laws.justice.gc.ca/eng/regulations/SOR-2016-230/page-1.html>
- *Cannabis Control and Licensing Act*. <https://www.leg.bc.ca/parliamentary-business/legislation-debates-proceedings/41st-parliament/3rd-session/bills/progress-of-bills>