

Denman Island Local Trust Committee

Regular Meeting Agenda

Date: March 3, 2015
Time: 10:30 am
Location: Denman Seniors Hall
 1111 Northwest Rd, Denman Island, BC

Pages

- | | | | |
|-----|--|---------------------|---------|
| 1. | CALL TO ORDER | 10:30 AM - 10:35 AM | |
| 2. | APPROVAL OF AGENDA | | |
| 3. | TOWN HALL AND QUESTIONS | 10:35 AM - 10:50 AM | |
| 4. | COMMUNITY INFORMATION MEETING - none | | |
| 5. | PUBLIC HEARING - none | | |
| 6. | MINUTES | 10:50 AM - 11:00 AM | |
| 6.1 | Local Trust Committee Minutes dated January 20, 2015 – for adoption | | 4 - 13 |
| 6.2 | Section 26 Resolutions-without-meeting - none | | |
| 6.3 | Advisory Planning Commission Minutes - none | | |
| 6.4 | Marine Advisory Planning Commission Draft Minutes - none | | |
| 7. | BUSINESS ARISING FROM MINUTES | 11:00 AM - 11:15 AM | |
| 7.1 | Follow-up Action List Dated February 19, 2015 | | 14 - 15 |
| 8. | DELEGATIONS | 11:15 AM - 11:35 AM | |
| 8.1 | Association of Denman Island Marine Stewards (ADIMS) regarding Marine Issues | | |
| 8.2 | Louise Bell regarding the Blue Dot Movement | | |
| 8.3 | Selwyn Jones and Patricia Jones for Corlan Vineyard and Farm | | |
| 9. | CORRESPONDENCE | 11:35 AM - 11:45 AM | |
| | (Correspondence received concerning current applications or projects is posted to the LTC webpage) | | |

9.1	Email dated January 22, 2015 from Margie Gang regarding Bylaw Provisions for Cooking Facilities	16 - 16
9.2	Email dated January 30, 2015 from Shelley McKeachie regarding Industry Debris Collection	17 - 18
10.	APPLICATIONS AND REFERRALS	
11.	LOCAL TRUST COMMITTEE PROJECTS	11:45 AM - 12:00 PM
11.1	Riparian Areas Regulation Implementation	
11.1.1	<u>Staff Report Dated February 12, 2015</u>	19 - 40
11.2	Visitor Accommodation	
11.2.1	<u>Memorandum dated January 29, 2015</u>	41 - 41
11.3	Local Trust Committee Goal Setting Session Report	
11.3.1	<u>Memorandum dated February 18, 2015</u>	42 - 44
12.	REPORTS	12:00 PM - 12:15 PM
12.1	Work Program Reports	
12.1.1	<u>Top Priorities Report Dated February 19, 2015</u>	45 - 45
12.1.2	<u>Projects List Report Dated February 19, 2015</u>	46 - 46
12.2	Applications Report Dated February 19, 2015	47 - 51
12.3	Trustee and Local Expense Report Dated January, 2015	52 - 52
12.4	Adopted Policies and Standing Resolutions	53 - 54
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Reports	
12.8	Electorial Area Director's Report	
12.9	Trust Fund Board Report Dated January 2015	55 - 57
	<u>LUNCH BREAK</u>	
13.	NEW BUSINESS	12:35 PM - 12:50 PM
13.1	Local Trust Committee Newsletter - for discussion	
13.2	Review of Denman Island Communication Materials - for discussion	
13.3	Board of Variance Report	
13.3.1	<u>Staff Report dated February 2, 2015</u>	58 - 63

13.4 Raven Coal Project -for discussion

14. UPCOMING MEETINGS

14.1 Next Regular Meeting Scheduled for Tuesday, April 21, 2015 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC

15. TOWN HALL 12:50 PM - 1:00 PM

16. CLOSED MEETING: 1:00 PM - 1:10 PM

16.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s.90(1)(a) for the purpose of considering Appointment of APC Members and s.90(1)(g) and (i) for the purpose of litigation and receipt of advice that is subject to solicitor-client privilege AND that the recorder and staff attend the meeting.

16.2 Recall to Order

16.3 Rise and Report

17. ADJOURNMENT 1:15 PM - 1:20 PM



Denman Island Local Trust Committee

Minutes of Regular Meeting

Date: January 20, 2015

Location: Denman Seniors Hall
1111 Northwest Rd, Denman Island, BC

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

Staff Present Rob Milne, Island Planner
Aleksandra Brzozowski, Island Planner
Courtney Simpson, Regional Planning Manager
Vicky Bockman, Recorder

Others Present There were nine (9) members of the public in attendance – am
There were two (2) members of the public in attendance - pm

1. CALL TO ORDER

Chair Morrison called the meeting to order at 10:30 am. She welcomed the public and acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TOWN HALL AND QUESTIONS

Shelley McKeachie, representing the Association of Denman Island Marine Stewards (ADIMS), welcomed the new Local Trust Committee (LTC) members and expressed the hope that marine issues will remain a top priority.

Edi Johnston, representing the Denman Island Residents Association Guardians of Denman Shores Committee, provided an overview of the Committee, its tasks and goals.

Marion Cobbs expressed her hope that the incoming LTC will maintain the guest accommodation cooking facilities review as a high priority, noting the importance of this matter to the community.

Harlene Holm expressed concern that proposed Bylaw Nos. 210 and 211 are dependent on the use and enforcement of the building code for regulation control, cautioning that the building code is not being enforced on Denman Island and noted difficulties with use of a building-code system. She observed that density will be doubled on much of the island with adoption of these bylaws and urged the LTC to give more consideration to proposed Bylaw Nos. 210 and 211 before advancing them further.

Graham Brazier recognized the new Islands Trust four-year term and expressed his hope that this will provide opportunity for long-term thinking on environmental issues and benefit the structure of the Trust itself as it deals with the day-to-day administrative work.

4. COMMUNITY INFORMATION MEETING

None.

5. PUBLIC HEARING

None.

6. MINUTES

6.1. Local Trust Committee Adopted Minutes Dated October 21, 2014

Received.

6.2. Section 26 Resolutions-without-meeting Report Dated January 8, 2015

Planner Milne provided an overview of the report.

6.3. Advisory Planning Commission Minutes

None.

6.4. Marine Advisory Planning Commission Draft Minutes

None.

7. BUSINESS ARISING FROM MINUTES

7.1. Follow-up Action List Dated January 8, 2015

Planner Milne summarized the report. In response to a trustee's request for an update, Planner Milne reported that there has not been a response to the correspondence sent to Don Cadden, Regional Director, BC Parks. Trustees indicated their desire to follow-up on this item at a future meeting, if necessary.

8. DELEGATIONS

None.

9. CORRESPONDENCE

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

9.1. Email dated December 23, 2014 from Pat McLaughlin regarding Garbage at Henry Bay Area

Trustees discussed possible approaches to take in response to this matter, supporting an informal conversation with the BC Shellfish Growers' Association to discuss the best way to influence and prevent this type of occurrence as well as forwarding this correspondence to Steven Schut, Senior Aquaculture Biologist, Fisheries and Oceans Canada.

DE-2015-001

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee forward correspondence from Helen Mason regarding aquaculture debris to Steven Schut, Shellfish Aquaculture Environmental Group of Fisheries and Oceans Canada, asking what steps can be taken to address this.

Discussion ensued.

DE-2015-002

It was MOVED and SECONDED,

that resolution DE-2015-001 be amended to add after "debris": "with a cover letter created by staff and including the photo".

CARRIED

The resolution was restated as follows:

DE-2015-001

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee forward correspondence from Helen Mason regarding aquaculture debris with a cover letter created by staff and including the photo to Steven Schut, Shellfish Aquaculture Environmental Group of Fisheries and Oceans Canada, asking what steps can be taken to address this.

CARRIED

10. APPLICATIONS AND REFERRALS

10.1. Hornby Island Local Trust Area Bylaw Referral Request for Response Regarding Riparian Areas Regulation Bylaws

This item was deferred to a future meeting.

10.2. DE-ALR-2014.1 (Jones) - Staff Report dated January 7, 2015

Planner Milne presented the staff report addressing a re-application for inclusion of land within the Agricultural Land Reserve. He provided background information noting that while the LTC did forward the original application to the Agricultural Land Commission (ALC), it was denied inclusion for reasons which were identified by the ALC. He addressed the stated need for the applicant to provide new evidence for the ALC to consider in re-evaluating the reasons for refusal, and noted that it is the conclusion of staff that this has not been included in the re-application.

The applicants were in attendance to speak to their re-application. They provided photos, statistics, inspection and licensing information as evidence to refute the ALC conclusion that the land has no capability for soil-bound agriculture and that it does not meet the required agricultural threshold for a winery.

Trustees suggested that it would be beneficial to include the photos and information provided with this discussion in the re-application to provide more complete evidence for ALC consideration. Trustees supported deferring a decision on this application pending receipt of more information from the applicants.

DE-2015-003

It was MOVED and SECONDED,

that consideration of application DE-ALR-2014.1 be deferred until a later date pending receipt of new information from the applicant.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

None.

12. REPORTS

12.1. Work Program Reports

12.1.1. Top Priorities Report Dated January 8, 2015

Planner Milne provided an overview of the Top Priorities Report.

12.1.2. Projects List Report Dated January 8, 2015

Planner Milne summarized the Projects List.

12.2. Applications Report Dated January 8, 2015

Planner Milne presented the Applications Report. In response to a trustee's inquiry, he provided a status update on files.

A trustee questioned whether application to a Board of Variance (BOV) is possible to resolve some variance issues. Planner Milne explained that this option does exist by application process. Planning Manager Simpson confirmed that there is a standing BOV for Denman Island and that a staff report will be coming in the future on this topic.

12.3. Trustee and Local Expenses

12.3.1. Report Dated October, 2014

Received.

12.3.2. Report Dated November, 2014

Received.

12.3.3. Report Dated December, 2014

Received.

12.4. Adopted Policies and Standing Resolutions

Received.

12.5. Local Trust Committee Webpage

Trustees requested that the website be updated to reflect the Top Priorities as determined in the forthcoming Strategic Planning Session.

12.6. Chair's Report

Chair Morrison reported that she attended the first Executive Committee meeting of the term in Victoria where use of iPads and Escribe software were discussed and trustees began settling into their new roles.

12.7. Trustee Reports

Trustee Busheikin welcomed the new LTC members, stating that she is excited to have a four-year term to work together. She reported that she is now a member of the Executive Committee which she finds to be a valuable and educational experience as it presents a different viewpoint of Islands Trust issues.

Trustee Critchley attended a Denman WORKS! workshop and a number of South Sewer Project meetings as a member of the Advisory Planning Group to discuss options to create a comprehensive waste management system. He also held Trustee Office Hours at the Old School, attended a Denman Island Residents Association meeting and Islands Trust duties and procedures orientation meetings.

12.8. Electoral Area Director's Report

None.

LUNCH BREAK

By general consent, the meeting was adjourned at 11:50 am and reconvened at 12:06 pm.

13. NEW BUSINESS

13.1. Raven Coal EAO Working Group Representative - for discussion

Planner Milne explained the need to appoint a new representative to the Raven Coal Environmental Assessment Office Working Group.

DE-2015-004

It was MOVED and SECONDED

that the Denman Island Local Trust Committee appoint Trustee David Critchley to the Raven Coal Environmental Assessment Office Working Group as its representative.

CARRIED

By general consent, the LTC adopted the following addition to the agenda:

- 13.4 Ferry Advisory Committee Representative

13.2. Denman Island Local Trust Committee Work Program - 2015

13.2.1. Staff Report dated January 7, 2015

Planner Milne presented the staff report providing the LTC with an overview of Top Priorities, Projects and budgets in order to provide

background for discussion to confirm or set new priorities for the new term.

13.2.2. Work Program Strategic Planning Session

Planner Brzozowski and Regional Planning Manager Simpson facilitated an open discussion among LTC members to consider staff report recommendations, planning priorities, goals and options. They reported that staff will create a document for trustees based on the Strategic Planning Session discussion to reflect thoughts and ideas that were generated.

Trustees considered the three Top Priorities items during the Strategic Planning Session. They acknowledged that the guest accommodation review has had a related bylaw enforcement moratorium in place for a significant length of time and that scoping the development of a Memorandum of Understanding with First Nations would provide a first step on that priority.

DE-2015-005

It was MOVED and SECONDED,

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.

CARRIED

DE-2015-006

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to work on the Housekeeping Project as their time permits.

CARRIED

Trustees commented that a staff report on the First Nations Top Priority item would be helpful in determining an approach to undertake and Trustee Busheikin indicated that she would forward staff some pertinent information that she has gathered to assist in the creation of the report.

The LTC discussed the budget request submitted by the former LTC and confirmed the current budget.

13.3. Denman Island Advisory Commissions

13.3.1. Staff Report dated January 7, 2015

Planner Milne presented the staff report outlining the need for appointment of Advisory Planning Commission members, and requested direction on the continuation of the Marine Advisory Planning Commission.

Trustees affirmed their desire to maintain the Marine Advisory Planning Commission and to move forward with advertising for expressions of interest for the vacant Advisory Planning Commission positions.

DE-2015-007

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee directs staff to advertise for expressions of interest for up to three (3) vacant positions on the Denman Island Advisory Planning Commission and send letters to those appointees whose terms are expiring, thanking them for their service and inviting them to submit expressions of interest if they wish to be re-appointed to the Denman Island Advisory Planning Commission.

CARRIED

DE-2015-008

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct staff to advertise for expressions of interest for up to three (3) vacant positions on the Denman Island Marine Advisory Planning Commission and send letters to those appointees whose terms are expiring, thanking them for their service and inviting them to submit expressions of interest if they wish to be re-appointed to the Denman Island Marine Advisory Planning Commission.

CARRIED

DE-2015-009

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct staff to return submissions for expressions of interest to the Local Trust Committee for consideration of appointments.

CARRIED

13.4 Ferry Advisory Committee Representative

Trustees discussed the appointment of a representative to the Ferry Advisory Commission.

DE-2015-010

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee appoint Trustee Laura Busheikin to sit on the Ferry Advisory Committee.

CARRIED

By general consent, the LTC adopted the following addition to the agenda:

- 13.5 Addition of Trust Fund Board Report to Agendas

13.5 Addition of Trust Fund Board Report to Agendas

Trustees discussed the value of having Trust Fund Board reports on the LTC agendas on a regular basis and requested staff to include this as a standing item on future agenda templates.

14. UPCOMING MEETINGS

14.1. Next Regular Meeting Scheduled for Tuesday, March 3, 2015 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC

Trustees confirmed that the next regular Denman Island Local Trust Committee meeting is scheduled for March 3, 2015 at 10:30 am at the Denman Seniors Centre.

15. TOWN HALL

Ralph McCuaig expressed his support for moving the review of visitor accommodations regulations from Top Priority position No. 3 to No. 2 as he believes these operations may be the most important economic driver on Denman Island.

Margie Gang supported moving the review of visitor accommodations to a higher prioritization, noting that these regulations affect not only tourists but also ferry and other workers who must stay on Denman Island for business reasons. She offered to write a background paper on the issue for the benefit of new trustees.

Trustees thanked her for her input and offer, although they assured her that staff will provide background material to them as they consider their review of visitor accommodations.

16. CLOSED MEETING

None.

17. ADJOURNMENT

By general consent, the meeting was adjourned at 2:15 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder



Islands Trust

Print Date: Feb-19-2015

Follow Up Action Report w/ Target Date

Denman Island Jan-20-2015

No.	Activity	Responsibility	Target Date	Status
1	that the Denman Island Local Trust Committee forward correspondence from Helen Mason regarding aquaculture debris with a cover letter created by staff and including the photo to Steven Schutt, Shellfish Aquaculture Environmental Group of Fisheries and Oceans Canada, asking what steps can be taken to address this [the issue of garbage at Henry Bay].	Rob Milne		Done
1	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.	Rob Milne		Done
1	1. that the Denman Island Local Trust Committee directs staff to advertise for expressions of interest for up to three (3) vacant positions on the Denman Island Advisory Planning Commission and send letters to those appointees whose terms are expiring thanking them for their service and inviting them to submit expressions of interest if they wish to be re-appointed to the Denman Island Advisory Planning Commission. 2. that the Denman Island Local Trust Committee direct staff to advertise for expressions of interest for up to three (3) vacant positions on the Denman Island Marine Advisory Planning Commission and send letters to those appointees whose terms are expiring thanking them for their service and inviting them to submit expressions of interest if they wish to be re-appointed to the Denman Island Marine Advisory Planning Commission. 3. that the Denman Island Local Trust Committee direct staff to return submissions for expressions of interest to the Local Trust Committee for consideration of appointments.	Becky McErlean Lisa Webster-Gibson		Done

1	that staff work on the Housekeeping Project as their time permits	Rob Milne	On Going
1	Follow-up request to Don Cadden, Regional Director, BC Parks at a future meeting if necessary.	Rob Milne	On Going

From: **Marjorie Gang** <[REDACTED]>
Date: Thursday, January 22, 2015
Subject: other bylaw provisions re. cooking facilities
To: Rob Milne <rmilne@islandstrust.bc.ca>
Cc: laura busheikin <lbushiekin@islandstrust.bc.ca>, David Critchley
<[REDACTED]>

Quadra's LUB defines dwelling unit as having a single set of cooking facilities, but includes "used as a residence" in the definition. (Denman's does too, but Courtenay Simpson told us that that doesn't matter, as the stove is a dwelling regardless of how the space around it is or isn't used). Quadra allows an auxiliary dwelling unit on larger rural properties. It doesn't forbid use of an auxiliary dwelling unit for guest accommodation.

Mayne OCP recommends ensuring that tourist accommodations are adequately provisioned.

Galiano LUB allows auxiliary dwelling units on rural lots, and doesn't forbid use of an auxiliary dwelling unit for guest accommodation.

Thetis LUB defines short term vacation rental as less than 30 days. Short term vacation rental is permitted in a guest cottage.

Cortez LUB states that a second set of cooking facilities may be permitted in a home occupation or B & B.

Saltspring LUB allows a seasonal cottage or auxiliary building. Guest accommodations may be conducted in them, and cooking facilities are allowed.

I think what Denman's LUB does that other islands' LUB's don't do is specifically forbid the use of a dwelling unit for short term guest accommodation. And Denman hasn't got as far as permitting auxiliary dwelling units anywhere. I think Denman wins the booby prize as the least friendly island to ferry workers, relatives, friends, and visitors.

Whistler zoning bylaws, 2012:

"guest room" means not more than one habitable room that is used for temporary accommodation of paying guests and may include a bathroom and one set of cooking facilities;

"sleeping unit" means no more than two habitable rooms that are used for accommodation and may include a bathroom and one set of cooking facilities; (Bylaw No. 464)(Bylaw No. 614)

From: Shelley McKeachie <[REDACTED]>
Date: January 30, 2015 at 2:29:39 PM PST
To: David Critchley <[REDACTED]>, Laura Busheikin
<lbusheikin@islandstrust.bc.ca>
Cc: Barb Mills <[REDACTED]>, Edina Johnston <[REDACTED]>, Hap &
Lucinda Abbott <[REDACTED]>, Howard Stewart <[REDACTED]>, "Joanne
Shepherd (home)" <[REDACTED]>, Johnston John <[REDACTED]>,
Liz Johnston <[REDACTED]>
Subject: Fwd: Industry Debris Collection, Between Metcalfe Bay & Hinton, Jan. 30

Hi David and Laura,

I just got back from spending the morning with Edi collecting accumulated piles of shellfish industry debris from drop-off spots between Metcalfe Bay and Hinton Rd. (see attached photos). As you can see we filled a utility trailer brimming with plastic baskets, bags, styrofoam (horrible as all the little pellets are strewn and can't be captured!), oyster blue rope, large poly rope etc. As usual, the winter storms and the recent king high tide have caused a large volume of debris to reach our shores.

As you know, this is a constant and year round problem that isn't getting better or going away. The industry response is for the BCSGA to stop their on-going monitoring and collection on BS beaches and to remove the bin they had placed on the Vancouver Is. side of the sound for locals to drop off debris (this was announced at the last SAMAC mtg Edi attended). We realize that the bin was being abused and it made sense to remove it for that reason but, it feels so wrong that the one effort they were making to clean up after themselves has been stopped. ADIMS and the Denman community efforts are perhaps enabling them to carry on with their polluting knowing that others are cleaning up after them.

We appreciated your acknowledgement of the recent debris problem in Henry Bay, Laura, and initiative to contact DFO and BCSGA, Roberta Stevenson. We'd be interested to know their response. We note that marine issues did not stay as a top priority for the LTC and are very disappointed about this. Your priority of establishing better communications with the K'omoks FN could have some positive effect with the aquaculture problems but the on-going harmful practices such as the debris, driving on the beaches, netting over 61% of the critical bird habitat, and beach modification + the continued pressure for the industry to expand into the remaining 10% of our shoreline need to be addressed by our local government, the LTC.

We're not suggesting there is a quick or easy fix but your political advocacy with all levels of gov't and industry is critical in order to highlight these problems and apply the necessary pressure to find solutions. More of the kind of action you committed to at the recent LTC mtg re: Henry Bay debris is what's needed. Could you create an 'action plan' for two of the pressing issues, industry debris and driving on the beach, and add this to your priority Projects List? We need your help!

Best regards,
Shelley

[photo.JPG](#)
(171K)



Date: February 12, 2015

File No.: 6500-20-(RAR)

To: Denman Island Local Trust Committee
For meeting of March 3, 2015

From: Rob Milne, Island Planner

CC: Courtney Simpson, Regional Planning Manager

Re: Riparian Areas Regulation Implementation

Interim Report

The purpose of this report is to report on the outcomes of the early referral of the draft bylaws for the Riparian Areas Regulation Implementation project.

Project Objectives

The objective of this project is the implementation of the Riparian Areas Regulation on Denman Island.

Project Background

A staff report was presented at the May 7, 2014 meeting of the LTC where a discussion took place on the timing and implementation of the provincial Riparian Areas Regulation (RAR). Subsequent to that discussion the LTC adopted the following resolution:

DE-2014-035

that the Denman Island Local Trust Committee request staff to bring draft amendments to Development Permit Area No. 4 which incorporates Riparian Areas Regulation including exemptions as included in Gabriola Island's Riparian Areas Regulation proposed Bylaw No. 266 for consideration by this Committee.

A further staff report, which included draft bylaws, was presented at the July 15, 2014 meeting of the LTC regarding the implementation of the RAR, and which contained a discussion on differentiating between RAR and non-RAR watersheds and the appropriate professional assessments required for the two classes of watersheds. The LTC supported the suggested approach and an informal open house was scheduled for September 6, 2014.

At the September 16, 2014 meeting of the LTC staff provided a summary and assessment of the open house. The ensuing discussion considered the possible next steps for the draft bylaws which included giving the draft bylaws first reading and referral of the proposed bylaws to agencies for comments, as per the revised project charter. The LTC subsequently adopted the following resolution:

DE-2014-062

that the Denman Island Local Trust Committee request staff to initiate a

Resolutions Without Meeting to give first reading to Riparian Areas Regulation draft bylaws.

On October 8, 2014 the LTC adopted the following Resolution Without Meeting:

“That the Denman Island Local Trust Committee give First Reading to Bylaw No. 212, cited as “Denman Island Official Community Plan (Denman Island) Bylaw 185, Amendment No. 2, 2014” and Bylaw No. 213, cited as “Denman Island Land Use Bylaw 186, Amendment No. 2, 2014”, and that, the Denman Island Local Trust Committee direct staff to refer Bylaw Nos. 212 and 213 to public agencies and First Nations.”

The bylaws were referred out to seven agencies and 17 First Nations on November 12, 2014. A summary of the responses received from the early bylaw referral are included below.

Table 1 SUMMARY OF AGENCY EARLY REFERRAL RESPONSES and PROPOSED ACTIONS			
Agency	Response	Proposed Action	Synthesis of Agency response
Hornby Island Local Trust Committee	Interests Unaffected	No action required	<i>Approval Recommended</i>
Islands Trust Fund	Riparian Areas Regulations are consistent with management objectives of the Trust Fund Board nature reserves.	No action required	<i>Approval Recommended</i>
Ministry of Transportation and Infrastructure	The Ministry of Transportation and Infrastructure has no objections to the proposed amendments.	No action required	<i>Approval Recommended</i>
Ministry of Forests Lands and Natural Resource Operations	1. Bylaw 212 DPA 4, p.2 - last paragraph before Objectives. Note that the FPA is soon to become the <i>Riparian Areas Protection Act</i> .	Amend reference as required	<i>Approval recommended subject to conditions</i>
	2. Bylaw 213 LU Bylaw amendment – 4.4.1 e) Note that this appears to contradict 4.4.2. m) Is the intention to permit works in and about a stream?	Staff does not believe there is a conflict between the two policies. No actions deemed necessary.	
	3. 4.4.2 Exemptions h) Re: removal of trees >15m away from the HWM or TORB - I take it you are assuming that no SPEA would be >15m. While this may work for stream it won't work for wetlands and lakes where the SPEA may be as much as 30m.	Direction required	
	4. 4.4.2 Exemptions r) unfortunately we cannot support trails within SPEAs as this contradicts the	Direction required	

	RAR definition of development		
	5. 4.4.2 Exemptions s) again this is contradictory to the RAR Methods and would fetter decisions of the QEP	Direction required	
	6. 4.4.2 Exemptions t) same as above however if this is in an existing landscaped area it may be OK provided that it is not a permanent structure – i.e. no foundation	Direction required	
	7. 4.4.3 Guideline 2 Contradicts Exemption r)s) and t) in terms of the RAR definition of development	The exemptions are intended to identify exceptions to the general guidelines. As such staff does not see a conflict. No actions deemed to be necessary	
	8. 4.4.3 Guideline 4 Appears to duplicate the WSA for Works in and About a Stream	No conflict identified. No actions deemed necessary.	
	9. As suggested above, I'm trying to compare the stream map attached to the referral to the earlier Denman Island RAR map (in shades of orange) but was struggling with the legend for two separate areas delineated as "RAR Applicable Streams, lakes and Wetlands"	No actions deemed necessary	
Sliammon First Nation	Conditional Approval (see letter attached)		<i>Approved with conditions</i>

Relevant Policy and Land Use Considerations

Trust Council Strategic Plan

The Islands Trust Council Strategic Plan contains the following relevant policy:

- 1.3.6 Adopt new bylaws to implement RAR on all islands where still required (Ballenas/Winchelsea, Denman, Denman, and Salt Spring)

Islands Trust Policy Statement

The Islands Trust Policy Statement contains the following relevant Directive Policy:

- 3..1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and

protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.

Analysis

Limited responses were received from the early referral including one response from First Nations. However, the referral did result in a detailed review response from the Ministry of Forests, Lands and Natural Resource Operations (FLNRO). As shown in the table above the Ministry's response is the only one which suggests changes to the draft bylaws at this time.

As may be seen in the "Project Background" section of this report LTC resolution DE-2014-035, which was adopted by the LTC at the May 7th, 2014 regular meeting, directed that the draft bylaws include the exemptions that formed part of the Gabriola LTC proposed RAR bylaws. Those exemptions are the focus of the FLNRO comments.

Staff has reviewed the FLNRO comments and are of the opinion that a number of them, as noted in the table, do not require amendments to the draft bylaws. However, there are several (comments 3, 4, 5 and 6) which staff feel require direction from the LTC.

A review of the project charter for the implementation of the RAR shows the project to be basically on track, although the adopted meeting schedule which sets only two meetings in the January to March period will have the effect of pushing back the Community Information Meeting proposed for February by the charter. However, staff is confident that given this project is in its early stages that it will be possible to realign with the milestones scheduled for the project.

Project Scope and Timeline

As noted in the section above, the project is basically on track.

Resources and Roles

It is the view of staff that the financial and staff resources currently allocated for this project are adequate.

Communications

It is the recommendation of staff that once a decision has been made as to the scheduling of a Community Information Meeting (CIM) that an advertisement be placed in the Grapevine and posters placed at appropriate locations on Denman Island as was done for last year's open house. The CIM would include a presentation by staff on the Riparian Areas Regulation, the watershed assessments and the draft bylaws under consideration. The purpose of the meeting would be to both inform the Island residents of the current status of the RAR implementation process as well as to seek feedback from the community on the draft bylaws and their implementation.

Project Charter

It is the view of staff that the project charter does not require amendment or revision at this time.

Next Steps

This report with its review of the various agency responses aligns with the December 2014/2015 and January, 2015 milestones listed in the attached project charter. The next milestone identified in the project charter is the hosting of a Community Information Meeting. Given that

there was no LTC meeting in February the most appropriate date to hold that meeting would be in the latter part of March, 2015 or early April to allow for the input received to be considered at the April 21, 2015 meeting of the LTC. Subsequent to that open house the LTC may wish to make amendments to the bylaws before proceeding with the adoption process. It should be noted that adhering to the project charter schedule will to a degree be dependent upon the Ministerial review of the Bylaw. It should also be noted that the Gabriola RAR bylaw has been with the Ministry since May 2014.

RECOMMENDATIONS:

That the Denman Island Local Trust Committee:

1. provide direction to staff as to what actions they wish staff to take with respect to points 3, 4, 5 and 6 of the Ministry of Forests Lands and Natural Resource Operations referral response as shown in Table 1; and
2. direct staff to schedule a Community Information Meeting in March or early April, 2015 to allow for a community review of the draft bylaws for Riparian Areas Regulation Implementation.

Prepared and Submitted by:

Rob Milne

February 3, 2015

Rob Milne, M.A., RPP, MCIP
Island Planner

Date

Concurred in by:

Courtney Simpson

February 16, 2015

Courtney Simpson MCIP, RPP
Regional Planning Manager

Date

Attachments:

1. Project Charter
2. Draft OCP RAR bylaw
3. Draft LUB RAR bylaw
4. Email referral response from Ministry of Forest Lands and Natural Resource Operations
5. Referral response from Sliammon First Nation
6. Revised Schedule E Map 2 North
7. Revised Schedule E Map 2 South

Review of Development Permit Area No. 4: Streams, Lakes and Wetlands

Project Charter

Creation Date: June 26, 2012

Last Updated: March 24, 2014

Version: 1.2

	Name	Endorsement Date
Project Sponsor	Courtney Simpson	May 7,, 2014
Project Manager	Rob Milne	May 7,, 2014
Local Trust Committee	Denman Island	May 7,, 2014

Purpose

This project will improve the protection of fish and fish habitat on Denman Island by improving stream mapping accuracy and amending the Official Community Plan and Land Use Bylaw to come into compliance with the Riparian Areas Regulation (RAR) of the provincial Fish Protection Act.

Background

This project has been initiated by the Denman Island Local Trust Committee (LTC) pursuant to the Islands Trust Council 2008-2011 Strategic Plan objective 1.1 “to identify and protect riparian areas”.

A 2008-2009 Trust-wide “Drainage Areas of the Island Trust” project identified 19 watersheds on Denman Island, 5 of which are designated by the Ministry of Environment as supporting fish or having the potential to support fish. In preparation for this project, it was identified that more accurate mapping of these 5 watersheds is necessary in order to become compliant with the RAR.

In the 2011-2012 fiscal year the Denman LTC had sufficient Official Community Plan project budget for one of these watersheds to be mapped, the Morrison Marsh Watershed. In the 2013-2014 fiscal year funding became available to complete mapping of the four remaining watersheds. The mapping of these watersheds was contracted to be completed in February of 2014.

Given the lapse of time since the adoption of e original charter in June of 2012 this version, 1.2, may be considered to be a major revision of that original charter.

Objectives

- Complete mapping of the four remaining RAR watersheds by a Qualified Environmental Professional in order to identify and map all streams, as defined by the RAR, within these watersheds.
- Amend or adopt a new Development Permit Area No. 4 with new mapping and revised wording if necessary.
- Amend or adopt a new Development Approval Information Bylaw
- Communicate both the process and outcome to the Denman Island community and solicit feedback during development of the deliverables.

Scope

In Scope	Out of Scope
- Map 4 remaining RAR watersheds - Amend DPA 4 boundaries to reflect new mapping - Review DPA text to determine if amendments are needed. - Make any necessary amendments to DPA text. - Review DAI to determine what amendments are needed, and make necessary changes. - Communicate and consult with Denman Island community.	Mapping of non-RAR watersheds

Deliverables and Milestones

Deliverable / Milestone	Target Completion Date
Project Charter Endorsed by Regional Planning Manager	June 29, 2012
Draft DPA boundary amendment for Morrison Marsh Watershed to LTC	July 17, 2012
Draft amendments to DPA text to LTC	July 17, 2012
Draft amendments to DAI Bylaw to LTC	October 2, 2012
Stream mapping for 4 remaining RAR streams	February, 2014
Trustee Notebook	May, 2014
Small venue community information and mapping review meetings (4)	Spring/Summer 2014
Report to LTC on consultation (Resolution to update draft bylaws)	September 2014
LTC review of draft bylaws to amend OCP and LUB & draft DAI bylaws	December 2014/January 2015
Early First Nations referral of draft bylaws	January, 2015
Community Information meeting	February 2015
First reading of bylaws and statutory referrals	March, 2015
Referral comment review	April, 2015
Public hearing/bylaw amendments	May, 2015
Submission of OCP and DAI bylaws to EC	June, 2015
Adopted bylaw amendments	July, 2015
Adoption of DAI, OCP and LUB bylaws by Trust Council	September, 2015

First Nations

As with all LTC projects, First Nations with asserted aboriginal rights on Denman Island will be contacted through an early referral of the draft bylaws to inform them of the project and ask them to identify any aboriginal rights that may be impacted by the proposed change. Almost all identified archaeological sites on Denman Island are coastal, with some located at the mouth of streams. It is anticipated that First Nations may have an interest in supporting increased mapping and protection of riparian areas as this may also lead to better protection of archaeological sites from development.

Stakeholders

Stakeholder	Represented by	Interests, expectations, concerns
<i>Affected property owners</i>	<i>All</i>	• New DPA requirements are not overly onerous • New regulations are understood • Expect clear, proactive communication
<i>Other community members</i>	<i>All</i>	• Understand that new requirements may NOT apply to their property • Overall concern for protection of Denman Island environment without being overly restrictive.
<i>Farmers</i>	<i>Hornby/Denman Growers and Producers Association</i>	• Concern that new regulations will negatively impact agriculture • Expect clear, proactive communication.
<i>Ministry of Environment</i>	<i>Maggie Henigman</i>	• That requirements of the RAR are met in the guidelines • That stream mapping is consistent with their identification of RAR watersheds

Project Team Resources

Name	Project Role	Area	Duration	Time
<i>Rob Milne</i>	<i>Project Manager</i>	<i>LPS – Northern</i>	<i>All</i>	<i>20 days</i>
<i>Marnie Eggen</i>	<i>Advisor</i>	<i>LPS – Northern</i>	<i>All</i>	<i>1-3 days</i>
<i>Barb Dashwood</i>	<i>GIS Coordinator</i>	<i>LPS – Victoria</i>	<i>Mapping only</i>	<i>1-2 days</i>
<i>Lisa Webster-Gibson</i>	<i>Public Hearing</i>	<i>LPS – Northern</i>	<i>PH only</i>	<i>1-2 days</i>
<i>Penny Hawley</i>	<i>Meeting notices & bookings</i>	<i>LPS – Northern</i>	<i>All</i>	<i>1-2 days</i>

Project Governance

Role	Responsibility
Project Champion – David Marlor	Strategic matters at Executive Committee level
Project Sponsor - Courtney Simpson	Ensures project aligns with Trust Council Strategy, provide adequate project resources

Local Trust Committee	Provides support through maintaining the project as a work program priority
Project Manager – Rob Milne	All project management of the project, lead/ direct all project work
Project Team Members	Carry out assigned project tasks

Critical Success Factors

- Ongoing support from Sponsors and LTC
- Project is adequately resourced – budget request for further mapping is filled in 2013-14 fiscal
- Project completes on time

Links and Dependencies

- Denman Island Farm Plan project completes on time, allowing this project to move to the top work program priority and staff resources to be adequately allocated.
- Aquaculture project (3rd work program priority) is not moved in front of this project.
- Any new project added to the top priorities list does not move ahead of this project.

Risk Assessment

Risk Description	Prob-ability	Impact	Risk Response Strategy
<i>Budget is not allocated for further mapping</i>	M	H	Prepare thorough budget request through RPM, in order to provide LPS director with adequate information for preparing budget information to FPC.
<i>Farm Plan not completed on time</i>	L	L-M	Ensure LTC is aware of consequences of extending timeline on Farm Plan.
<i>Significant public opposition</i>	L	M-H	Ensure communications are early and ongoing. Acknowledge and respect the work done locally on stream mapping and protection in the past.

DRAFT

Denman Island Local Trust Committee

BYLAW NO. 212

A BYLAW TO AMEND THE DENMAN ISLAND OFFICIAL COMMUNITY PLAN, NO. 185

The Denman Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area under *the Islands Trust Act*, enacts as follows:

1. Bylaw No 185, cited as "Denman Island Official Community Plan (Denman Island) Bylaw No. 185, 2008" is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as "Denman Island Official Community Plan (Denman Island) Bylaw 185, Amendment No. 2, 2014"

READ A FIRST TIME THIS	DAY OF	, 2014
PUBLIC HEARING HELD THIS	DAY OF	, 2014
READ A SECOND TIME THIS	DAY OF	, 2014
READ A THIRD TIME THIS	DAY OF	, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 2014
APPROVED BY THE MINISTER OF COMMUNITY, SPORT AND CULTURAL DEVELOPMENT		
THIS	DAY OF	, 2014
ADOPTED THIS	DAY OF	, 2014

SECRETARY

CHAIRPERSON

Denman Island Local Trust Committee

Bylaw No. 212

Schedule 1

The Denman Island Official Community Plan Bylaw No. 185 cited as “Denman Island Official Community Plan (Denman Island) Bylaw No. 185, 2008”, is amended as follows:

1. “Development Permit Area No. 4: Streams, Lakes and Wetlands” of Part “F”;; Development Permit Areas” of Schedule “A” is deleted in its entirety and replaced with the following:

“DEVELOPMENT PERMIT AREA NO. 4: STREAMS, LAKES AND WETLANDS

Category

This development permit area (DPA) is established, pursuant to Section 919.1(1)(a) of the *Local Government Act*, for the protection of the natural environment, its ecosystems and biological diversity.

The Streams, Lakes and Wetlands DPA is designated as an area for which development approval information may be required as authorized by Section 920.01 of the *Local Government Act*. Development approval information in the form of a report from a qualified environmental professional (QEP) or another professional may be required.

Terms used in this section that are defined in the *Riparian Areas Regulation, BC Fish Protection Act* (RAR) are intended to be interpreted in accordance with the definition given in the Regulation, as it may be amended from time to time.

Area:

Development Permit Area No. 4 includes all land designated on Schedule E of this plan as being within the Stream, Lakes and Wetlands DPA. This DPA includes minor and major streams and wetlands, and watercourses and lakes designated as “RAR applicable” and “Non-RAR”. See ‘Measurement of RAR and Non-RAR Development Permit Areas’ below for explanation of the differentiation between RAR and non-RAR applicable areas.

Justification:

Riparian areas are important because they include ecosystems that support a disproportionately high number of vascular plant, moss, amphibian and small mammal species for the area they occupy.

This development permit area includes streams, lakes, and wetlands that have been identified as important fish, wildlife, and plant habitats and as water supplies for rural and residential use. Trees and shrubs shade streams, preventing high water temperatures that can be harmful to fish and other aquatic animals and providing cover that enables fish to avoid predators. Mature trees along streams provide a source of large organic debris that maintains pools and cascades used by fish. Plant roots and ground-covering vegetation stabilize stream banks and help to maintain high water quality by filtering sediments and pollutants throughout a drainage system. Riparian and aquatic habitats are unique and necessary to many species of plants and

animals. Land use practices including land clearing, logging, road building, construction of buildings and structures, and location of septic systems in or near riparian areas can jeopardize these habitats and water quality. Protection of riparian vegetation and watercourses is therefore necessary to protect the natural environment, ecosystems and biological diversity of Denman Island.

It is the Object of the Islands Trust to “Preserve and protect the Trust Area and its unique amenities and environment of the Trust Area for the benefit of the residents of the Trust Area, and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is a policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or water courses, wetlands or riparian zones and to protect aquatic wildlife.

Furthermore, the province of British Columbia’s *Fish Protection Act* requires that local governments establish regulations to protect riparian areas. This designation is intended, in part, to protect riparian areas from development so that the areas can provide natural features, functions and conditions that support fish life processes.

Objectives:

The objectives of this development permit area are as follows:

1. To honour provincial designations of certain lands as for agricultural purposes
2. To protect the biological diversity and habitat values of riparian and aquatic ecosystems
3. To protect the natural environment necessary to conserve productive fish habitat, including both streams and the adjacent land and vegetation
4. To prevent the degradation of existing and future water supplies on Denman Island
5. To minimize adverse impacts of land use practices on wildlife habitats and plant habitats in riparian areas
6. To prevent water pollution

Measurement of RAR and Non-RAR Development Permit Areas

1. All riparian assessment areas related to the areas identified on schedule E as “RAR-applicable” streams, major wetlands, and lakes, as the term “streams” is defined in the Riparian Areas Regulation, which include any of the following that provide fish habitat:
 - a watercourse, whether it usually contains water or not;
 - a pond, lake, river, creek or brook; and
 - a ditch, spring or wetland that is connected by surface flow to something referred to in the two previous bullets.

and consisting of the surface of the water body and:

- a) for a watercourse, a 30 metre strip on both sides of the stream measured from the high water mark;
 - b) for a ravine less than 60 metres wide, a strip on both sides of the stream measured from the high water mark to a point that is 30 metres beyond the top of the ravine bank;
 - c) for a ravine 60 metres wide or greater, a strip on both sides of the stream measured from the high water mark to a point that is 10 metres beyond the top of the ravine bank;
 - d) for a lake, wetland or other water body, 30 m around the water body measured from the high water mark of the water body;
 - e) for a ditch, a 5 metre strip on both sides of the ditch measured from the high water mark.
2. Other watercourses and wetlands, identified on Schedule E as “Non-RAR” applicable streams and minor wetlands, consisting of the surface area of the water body and a riparian area consisting of:
- a) for a minor stream, a 10 metre strip on both sides of the of the watercourse, measured from the high water mark;
 - b) for a minor wetland, 10 m around the water body measured from the top of bank of the water body;

and Schedule E shall be so interpreted. The designation and delineation of Development Permit Area No. 4 consists of a digital record stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust. The actual location of the streams and water bodies may need to be determined on a site-specific basis by a qualified environmental professional or a surveyor.

Development Approval Information

Development Permit Area No. 4 is designated as an area for which development approval information may be required as authorized by Section 920.01 of the Local Government Act. Development approval information in the form of a report from a qualified environmental professional (QEP) or another professional may be required due to special conditions and the objectives described above.

INFORMATION NOTE: Development Permit Area Guidelines for Development Permit Area No. 4: Streams, Lakes and Wetlands are in the Land Use Bylaw.

2. Schedule E, Map 2 is deleted and replaced by Attachment “1” attached to and forming part of this bylaw.

DRAFT

Denman Island Local Trust Committee

BYLAW NO. 213

A BYLAW TO AMEND THE DENMAN ISLAND LAND USE BYLAW, NO. 186

The Denman Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Denman Island Local Trust Area under *the Islands Trust Act*, enacts as follows:

1. Bylaw No. 186, cited as “Denman Island Land Use Bylaw No. 186, 2008” is amended as shown on Schedule 1, attached to and forming part of this bylaw.
2. This bylaw may be cited as “Denman Island Land Use Bylaw 186, Amendment No. 2, 2014”

READ A FIRST TIME THIS	DAY OF	, 2014
READ A SECOND TIME THIS	DAY OF	, 2014
PUBLIC HEARING HELD THIS	DAY OF	, 2014
READ A THIRD TIME THIS	DAY OF	, 2014
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 2014
ADOPTED THIS	DAY OF	, 2014

SECRETARY

CHAIRPERSON

Denman Island Local Trust Committee

Bylaw No. 213

Schedule 1

Schedule “A” of Denman Island Land Use Bylaw No. 186 cited as “Denman Island Land Use Bylaw No. 186, 2008” is amended by:

1. Deleting “Part 4.4 Development Permit Area No. 4: Streams, Lakes and Wetlands – Guidelines” in its entirety and replacing it with the following text:

“4.4 Development Permit Area No. 4: Streams, Lakes and Wetlands - Guidelines

Prior to undertaking any development, subdivision or land alteration, an owner of property within the Streams, Lakes and Wetlands development permit area shall apply to the Denman Island Local Trust Committee for a development permit.

4.4.1 Applicability

The following activities shall require a development permit whenever they occur within the DPA, unless specifically exempted below:

- a) Subdivision of land;
- b) Construction of, addition to or alteration of a building or other structure;
- c) Alteration of land;
- d) Development as that term is defined in the *Riparian Areas Regulation, BC Fish Protection Act*; and
- e) Installation of any structures within a stream or within the natural boundary of a lake.

A separate development permit, or additional development permit conditions in a single permit, may be required or imposed if the development is occurring in another development permit area designated in this plan.

4.4.2 Exemptions

The following activities are exempt from any requirement for a development permit:

- a) works undertaken by a local government or a body established by a local government;
- b) agricultural activities within a seasonally flooded agricultural field that is in the Agricultural Land Reserve as long as it can be determined by site inspection and/or by current orthophoto interpretation that it has been previously modified for agriculture. If it is not possible to make the determination by these means, other historical evidence that agricultural activities have occurred in the subject area within the last 50 years from the date of the application may be acceptable;
- c) the following properties are recognized as containing seasonally flooded agricultural fields and are exempt from requiring a development permit for agricultural activities as long as they remain in the Agricultural Land Reserve:

Lot A, Section 32, Denman Island, Nanaimo District, Plan VIP 61295;

Lot 1, Section 17, Denman Island, Nanaimo District, Plan 43576;

Lot 2, Section 17, Denman Island, Nanaimo District, Plan 43576;

The South East ¼ of Section 26, Denman Island, Nanaimo District;

The North West ¼ of the North West ¼ of Section 22, Denman Island, Nanaimo District; and

The South West ¼ of Section 13, Denman Island, Nanaimo District;

- d) for certainty, all uses that are not residential, commercial or industrial or accessory to such a use;
- e) interior or exterior alterations, renovations, maintenance, reconstruction or repair to a pre-existing permanent building or structure to an extent that does not alter, extend or otherwise increase the footprint;
- f) repair or replacement of a septic field on the same spot;
- g) the removal of trees that have been examined by an arborist and certified to pose an immediate threat to life or property;
- h) With the exception of nesting trees protected under Section 34 of the *Wildlife Act*, cutting of vegetation and trees more than 15 meters from the stream's high water mark or the top of the ravine bank, provided the cutting is not a precursor to development, the roots/stumps are left in the ground, and the cutting does not result in land alteration;
- i) gardening and yard maintenance activities, not involving the application of artificial fertilizer, pesticides or herbicides, within a pre-existing *landscaped area*, including mowing, pruning, planting, and minor soil disturbance that does not alter the general contours of the land;
- j) manual removal of invasive species and manual planting of native vegetation conducted in accordance with best management practices;
- k) pruning of not more than two trees in one growing season and that is conducted in accordance with the standards and recommendations of the International Society of Arboriculture, and that does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown in one growing season, topping, or the pruning or removal of a structural root within the critical root zone;
- l) ecological restoration or enhancement projects undertaken or authorized by a public body;
- m) changes in or about a stream authorized under Section 9 of the *Water Act*;
- n) work that is authorized by Fisheries and Oceans Canada by permit under Section 35 of the *Fisheries Act*;
- o) emergency procedures to prevent, control or reduce immediate threats to life or property including:
 - i. emergency actions for flood-protection and erosion protection,
 - ii. clearing of an obstruction from a bridge or culvert or an obstruction to drainage flow, and
 - iii. repairs to bridges and safety fences carried out in accordance with the *Water Act*;
- p) farm operations as defined in the *Farm Practices Protection (Right to Farm) Act* and farm uses as defined in Section 2(2) of the *Agricultural Land Reserve Use, Subdivision, and Procedure Regulation* and horticulture as defined in the Denman Island Land Use Bylaw 177;
- q) The construction of a fence if no native trees are removed and the disturbance of native vegetation is restricted to 0.5 meters on either side of the fence, or 1.5 meters on either side of the fence in agricultural areas;

- r) The construction of a private trail if all of the following apply;
 - i. The trail is 1 meter wide or less;
 - ii. No native trees are removed;
 - iii. The surface of the trail is pervious (for example, soil, gravel or wood chips)
 - iv. The trail is designed to prevent soil erosion where slopes occur; and
 - v. Where the trail parallels the stream, the trail is more than 5 meters away from the high water mark of a stream;
- s) Disturbance of soils more than 15 meters from the stream's high water mark or the top of the ravine bank if the total area of soil disturbance is less than 5 meters squared; and
- t) The constructing of a small accessory building such as a pump house, gazebo, garden shed or playhouse more than 15 meters from the stream's high watermark or the top of the ravine bank if the building is located within an existing landscaped area and the total area of small accessory building is less than 10 meters squared

Information Note: For best management practices on manual removal of invasive species and planting of native vegetation, property owners should contact organizations such as the Invasive Species Council of British Columbia and the Coastal Invasive Species Committee.

Information Note: Some activities not listed here that are regulated under other provincial or federal legislation may not require a development permit.

4.4.3 Guidelines

Prior to undertaking any development activities within the Streams, Lake and Wetlands DPA an owner of property shall apply to the Local Trust Committee for a development permit, and the following guidelines apply:

Guideline 1

In general, all development in this DPA should be undertaken in a manner that minimizes impact on and that restores or maintains the proper functioning condition of the riparian area, water bodies and ecosystems. Where a Qualified Environmental Professional (QEP) or other professional has made recommendations for mitigation measures, enhancement or restoration in order to lessen impacts on the riparian area and ecosystems, the Local Trust Committee may impose permit conditions, including a requirement for security in the form of an irrevocable letter of credit, to ensure the protection of riparian areas and ecosystems is consistent with the measures and recommendations described in the report.

Guideline 2

The development permit should not allow any development activities, including the storage or application of pesticides and other chemicals for non-essential cosmetic purposes, to take place within any Streamside Protection and Enhancement Area (SPEA) identified by the QEP or riparian buffer recommended by another professional adjacent to a non-RAR applicable watercourse, lake or wetland, and the owner should be required to implement a plan for protecting the SPEA or riparian buffer over the long term through measures that may be implemented as conditions of the development permit.

Guideline 3

Where the QEP or other professional's report describes an area as suitable for development with special mitigating measures, the development permit should only allow the development to occur in compliance with the measures described in the report. Monitoring and regular reporting by a QEP or other professional at the applicant's expense may be required during construction and development phases, as specified in a development permit.

Guideline 4

The following guidelines are applicable to floats and associated structures within the development permit area:

- i) floats should not be placed in areas identified as important to fish life processes where installation of a float would compromise the functioning of the processes;
- ii) a ramp or float should not rest on the bed of the water body;
- iii) the use of treated wood in the water body should be avoided;
- iv) floatation material should be contained within a durable shell to prevent disintegration;
- v) pervious surfacing should be used on ramps and floats (e.g. grating or separated boards);
- vi) any areas disturbed during installation should be restored;
- vii) where a float is being replaced, all old materials should be removed from the riparian area.

Guideline 5

If the nature of the proposed project within the DPA changes after the professional report has been prepared such that it is reasonable to assume that the professional's assessment of the impact of the development may be affected, the Local Trust Committee may require the applicant to have the professional update the assessment at the applicant's expense and DP conditions may be amended accordingly.

Guideline 6

The Local Trust Committee may consider variances to subdivision or siting or size regulations where the variance may result in enhanced protection of a SPEA, riparian buffer or riparian ecosystem in compliance with recommendations of a professional's report."

Rob Milne

From: Henigman, Margaret FLNR:EX <Margaret.Henigman@gov.bc.ca>
Sent: Friday, December 05, 2014 11:43 AM
To: Rob Milne
Subject: Bylaw Referral - Denman Island LTC Bylaw 212 and 213 Riparian Area Regulation

Hi Rob; Trust you are well and enjoying life on Denman Island! Thank you for forwarding your draft bylaw. Overall it looks really good and I like that you have included a setback for so called non-RAR applicable streams although I'm still at a bit of a loss as to which ones these are..

- 1) Bylaw 212 DPA 4, p.2 - last paragraph before Objectives. Note that the FPA is soon to become the Riparian Areas Protection Act. Not sure how or if you want to handle that.
- 2) Bylaw 213 LU Bylaw amendment – 4.4.1 e) Note that this appears to contradict 4.4.2. m) Is the intention to permit works in and about a stream? (ala Water Stewardship Act?)
- 3) "" 4.4.2 Exemptions h) Re: removal of trees >15m away from the HWM or TORB - I take it you are assuming that no SPEA would be >15m. While this may work for stream it won't work for wetlands and lakes where the SPEA may be as much as 30m.
- 4) "" 4.4.2 Exemptions r) unfortunately we cannot support trials within SPEAs as this contradicts the RAR definition of development
- 5) "" 4.4.2 Exemptions s) again this is contradictory to the RAR Methods and would fetter decisions of the QEP
- 6) "" 4.4.2 Exemptions t) same as above however if this is in an existing landscaped area it may be OK provided that it is not a permanent structure – i.e. no foundation
- 7) "" 4.4.3 Guideline 2 Contradicts Exemption r)s) and t) in terms of the RAR definition of development
- 8) "" 4.4.3 Guideline 4 Appears to duplicate the WSA for Works in and About a Stream
- 9) As suggested above, I'm trying to compare the stream map attached to the referral to the earlier Denman Isl RAR map (in shades of orange) but was struggling with the legend for two separate areas delineated as "RAR Applicable Streams, lakes and Wetlands" Any help sorting this would be helpful. Are the delineations of watersheds the same as on the earlier (RAR Designated Watershed of Denman Island map (May 17, 2011)?

Beyond the scope of your draft I wonder if this bylaw would address enforcement where a landowner clears their property in the absence of a DP. I'm hearing from local RDs that they are unable to enforce their bylaws with respect to clearing trees in the absence of a DP, even if the clearing goes right to the stream. This has been causing a great deal of land disturbance and loss of riparian cover and my sense is that the word is out among developers and realtors, not to apply for a DP until they have completed their clearing as a means of avoiding the RAR. Clearly would not avoid the necessity of having to get a RAR assessment done and SPEA applied at the point of initiating the permit process however the damage has already been done. Brent Mueller at CSCD has done a poll of RDs for me across the province and apparently most say they are enforcing their bylaws in this regard but unfortunately the Comox Valley RD and RDN feel they are unable to do so. Would appreciate your thoughts o that.

K. I think that's it Rob.

Maggie Henigman, MA
Sr. Ecosystems Biologist
Ministry of Forests lands and Natural Resource Operations
2080-A Labieux Rd.,
Nanamo, BC, V9T 5C1
250-751-3214
margaret.henigman@gov.bc.ca

Sliammon First Nation

Tla'Amin Timber Products Ltd.
6686 Sliammon Road, Powell River, B.C. V8A 0B8
Phone (604) 483 9696 / Fax (604) 483 9645



November 19, 2014

Lisa Webster-Gibson
Legislative Clerk
Islands Trust-Northern Office
700 North Road, Gabriola Island, BC

Via Email: lwebstergibson@islandtrust.bc.ca

Dear Lisa:

Re: File # DE BL 212 and 213, Denman Island

I am responding to the file# DE BL 212 and 213 in which a application for bylaws 212 and 213 to be adopted. The letter was sent dated November 10, 2014. Islands Trust is requesting a response to the above mentioned referral file.

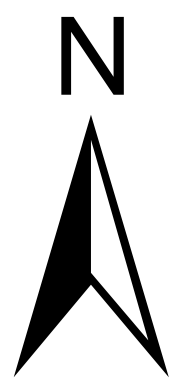
SFN expects to be contacted if there are any archeological features found on these lands. Also if there are any employment opportunities we like an opportunity in exchange for our approval.

The SFN have completed a review of above noted files and are satisfied that we have not been able to identify any concerns associated with this referral application and are in a position to provide your office with our **CONDITIONAL APPROVAL** to proceed with your determination on this particular referral application.

If you have any questions, please call Craig Galligos at (604) 483-9696 (extension 224).

Sincerely,

Craig Galligos, Manager Crown Land Referrals Department



Denman Island

Official Community Plan

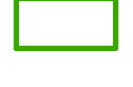
Schedule E Map 2

North

DEVELOPMENT PERMIT AREAS

DRAFT

Development Permit Area No. 4

-  RAR Applicable Streams, Lakes and Wetlands
-  Non-RAR Applicable Streams, Lakes and Wetlands

Development Permit Area No. 5

Commercial

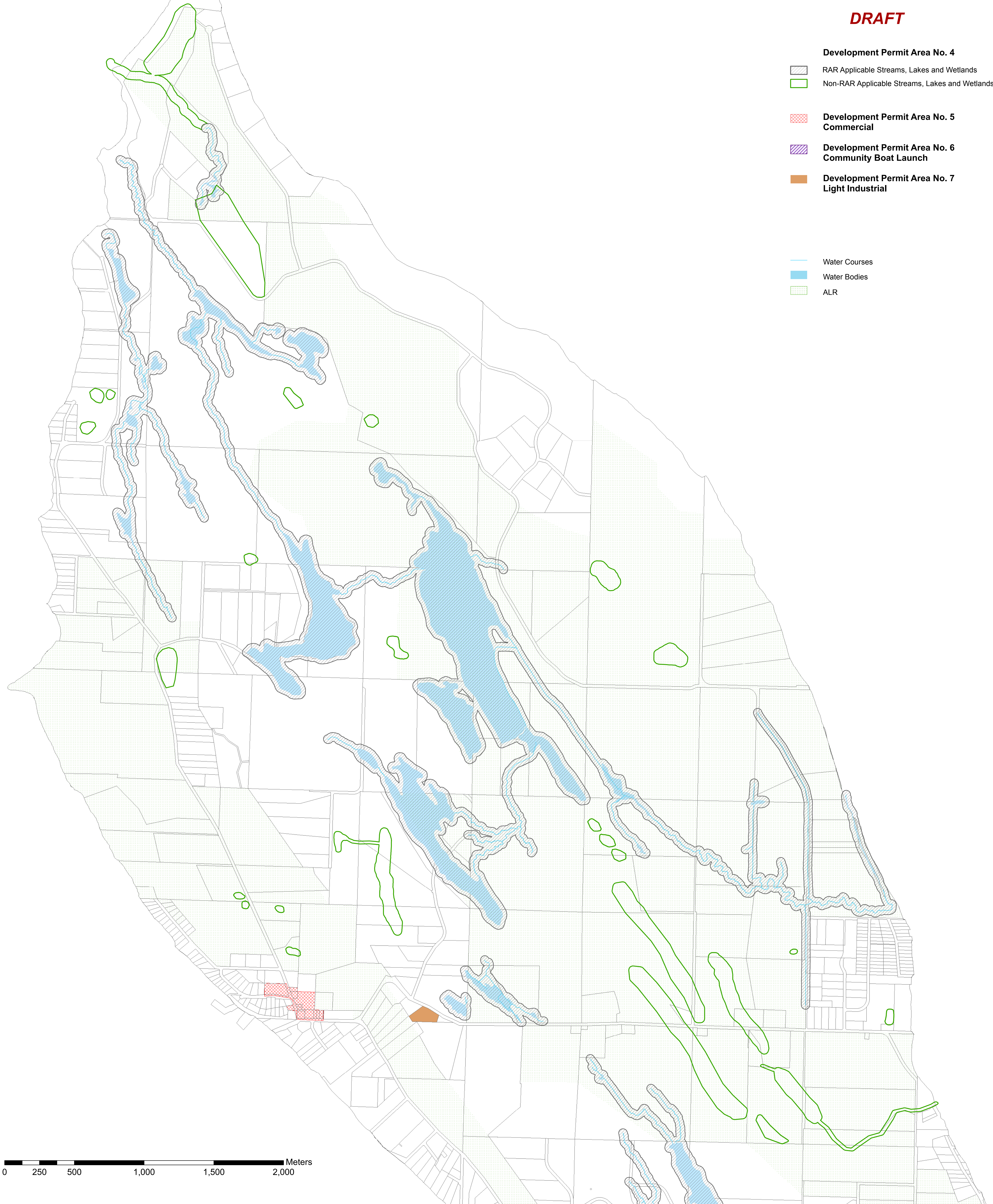
Development Permit Area No. 6

Community Boat Launch

Development Permit Area No. 7

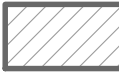
Light Industrial

-  Water Courses
-  Water Bodies
-  ALR



0 250 500 1,000 1,500 2,000 Meters

Denman Island
Official Community Plan
Schedule E Map 2
South
DEVELOPMENT PERMIT AREAS
DRAFT

- Development Permit Area No. 4**
-  RAR Applicable Streams, Lakes and Wetlands
-  Non-RAR Applicable Streams, Lakes and Wetlands
-  **Development Permit Area No. 5**
Commercial
-  **Development Permit Area No. 6**
Community Boat Launch
-  **Development Permit Area No. 7**
Light Industrial
-  Water Courses
-  Water Bodies
-  ALR

0 250 500 1,000 1,500 2,000 Meters



Memorandum

700 North Road Gabriola Island BC V0X 1X3

Telephone (250) 247.2203 FAX: (250) 247.7514

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

northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date: January 29, 2015

File No.: 6500-02

To: Denman Island Local Trust Committee
For meeting of March 3, 2015

From: Rob Milne, Island Planner

Re: Denman Island Local Trust Committee Priorities

Problem/Issue

At its January 20th, 2015 regular meeting the Local Trust Committee (LTC) moved the "Review of visitor accommodation regulations" into the position of the second LTC priority with the project of "Implementing Riparian Areas Regulations" remaining as the first priority. As may be seen in another staff report appearing on this agenda work on the implementation of the RAR is underway. Staff would entertain any guidance from the LTC regarding activities or actions to move the second priority forward.

Background

The activity associated with the review of visitor accommodation regulations is identified as, "allowing the provision of cooking facilities for guests". With the first priority underway staff are of the view that some progress can be made on the second priority, as time allows, between the events and work required to maintain momentum on the first priority.

Staff is therefore, by way of this memorandum, advising the LTC that staff will commence work on the development of a project charter for priority number two, the review of visitor accommodation regulations, to be reviewed at an upcoming meeting of the LTC.



Memorandum

700 North Road Gabriola Island, BC BC V0R 1X3

Telephone **(250) 247-2063** FAX: (250) 247-7514

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northinfo@islandstrust.bc.ca www.islandstrust.bc.ca

Date February 18, 2015 File Number 6500-02 LTC Top
Priorities

To Denman Island Local Trust Committee
For meeting of March 3, 2015

From Courtney Simpson
Regional Planning Manager
Northern Office

Re Denman Island Local Trust Committee Strategic Planning Session

At the January 20, 2015 regular business meeting, the Denman Island Local Trust Committee held a "strategic planning session" facilitated by planning staff. The attached document is a record of the session.



OVERVIEW

The Denman Island Local Trust Committee (LTC) held a 'Strategic Planning Session' on January 22, 2015, facilitated by planning staff. The session took about an hour and comprised the following steps:

1. **Wishlist** - A brainstorming of what the three Trustees hoped to get out of the 2014-2018 term. The trustees completed this step independently using post-it notes and then shared their goals.
2. **What Else?** - A review of the current Top Priorities list, the Projects list, and any external requirements and considerations. The LTC identified certain topics and tasks they agreed should be added to the discussion.
3. **Grouping and Filtering** - Reviewing all the individual goals and additional topics and tasks, similar goals and tasks were grouped. Synergies were also considered.
4. **The Goals List** - The LTC established goals for the term. Some were content-related, some were process-related.

SUMMARY NOTES FOR JANUARY 20 SESSION

Trustee Responses to Wish List Brainstorm

- | | |
|---|--|
| <ul style="list-style-type: none">• Strengthen protection of Baynes Sound and all waters and beaches around Denman• Reform aquaculture practices around Denman• Clean up beaches and oceans• Wield influence on aquaculture• Promote environmentally sustainable practices on Denman• Develop further ideas to facilitate the realization of Affordable Housing on Denman• Encourage more protected areas• Support a sustainable economy• Resolve the issues around cooking facilities in B&Bs. | <ul style="list-style-type: none">• Develop good relationships, especially with First Nations• Build relationships with First Nations• Create more Trust Fund Board awareness• Encourage more voluntary compliance with bylaws• Get more people, especially young people, involved in island issues• Increase/improve community engagement• Increase communication in general• Improve understanding of the Trust on the Island• Gain more community support for the Trust |
|---|--|

“What Else” List:

- Implementation of Denman Farm Plan policies
- Greenhouse Gas Emissions Reduction
- Protected Area Network
- ‘Downtown’ Neighbourhood Plan
- Phasing out of all Land Use Contracts

Draft Long-Range LTC Goals for the 2014-2018 Term

- Strengthen First Nations Relationships
- Protect the Marine Environment
- Increase Protected Areas
- Support Affordable Housing
- Support a sustainable economy
- Promote environmentally sustainable practices on Denman
- Improve community engagement
- Improve understanding and support of Islands Trust and Trust Fund Board

NEXT STEPS

This list can be referred to in amending the LTC Work Program; the Top Priorities and Projects Lists. Weighing potential projects against identified goals can help set priorities.

The LTC can refer to this list of goals throughout the term, especially when projects are completed and a new project can be moved up to the Top Priorities list for staff to begin work on.



Islands Trust

Print Date: Feb-19-2015

Top Priorities

Denman Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Implementing Riparian Areas Regulations	Mapping of all streams and wetlands on Denman Island and amending DPA 4 to comply with RAR. RFP re-issued October 8th	Aug-03-2010	Rob Milne	Sep-01-2015	On Going
2	Review of visitor accommodations regulations	Proposed focus of review is on allowing the provision of cooking facilities for guests.		Rob Milne		On Going
3	Development of a Memorandum of Understanding with K'omoks First Nation.		Sep-16-2014	Rob Milne		On Going



Projects

Denman Island

No.	Description	Activity	Received/Initiated	Status
1	A Protected Area Network on Denman Island		Mar-15-2011	On Going
1	Housekeeping project	1. Land Use Bylaw definition of intensive agriculture; remove "and excluding feedlots". 2. Formatting of Agriculture definition	Aug-15-2011	On Going
1	Regulations governing wind towers and Ocean Loop Geo-Exchange Systems.	Monitor recommendation from Trust Council.	Aug-15-2011	On Going
1	Regulation limiting the gross floor area of a dwelling		Oct-25-2011	On Going
1	Regulations to promote greenhouse gas emissions reduction.		Oct-25-2011	On Going
1	Review and Update of Development Procedures Bylaw No. 71		Dec-11-2012	On Going
1	Review of OCP/LUB regarding implementation of Denman Island Farm Plan and ensuring food security.	Include consideration of Exploring Food Security in the Islands Trust Area in the final report	Apr-02-2013	On Going
1	DCLTA Rural Affordable Housing Project Final Report dated June 20, 2013	Consideration of recommendations	Oct-22-2013	On Going
1	Review of LUB in consideration of the new Federal <i>Marihuana for Medical Purposes Regulation</i>	Review the Staff Report dated April 28, 2014.	Jul-15-2014	Done



Applications w/ Status - Denman Island Status: Open

Applications

Agricultural Land Reserve

File Number	Applicant Name	Date Received	Purpose
DE-ALR-2014.1	Selwyn and Patricia Jones Planner: Teresa Ritemann	Nov-12-2014	Application for vineyard and farm to be included in the ALR

Planning Status

Status Date: Feb-16-2015

Planner TR is waiting on additional information to be provided by the applicants before revising the Staff Report. Trustee David Critchley is working with the applicants to get this information in, likely to be on the agenda of the upcoming April meeting.

Status Date: Jan-20-2015

LTC meeting on Denman Island. LTC resolution to defer consideration of application until more information is provided. Staff Report to be revised accordingly.

Status Date: Jan-19-2015

Planner TR emailed a copy of Staff Report to the applicants and reminded them of the upcoming LTC meeting.

Development Permit

File Number	Applicant Name	Date Received	Purpose
DE-DP-2006.2	Daniel/Debra Stoneman Planner: Courtney Simpson	Aug-31-2006	The use of presently cleared areas within the Komasa Bluff permit area for agricultural use.

Planning Status

Status Date: Apr-04-2011

No change: waiting for info from applicant.

Status Date: Feb-04-2010

No change

Status Date: May-01-2009

No change

File Number	Applicant Name	Date Received	Purpose
DE-DP-2011.2	Ella Day Planner: Marnie Eggen	Mar-21-2011	For barn sited within DP #1: Komas Bluff

Planning Status

Status Date: Jul-29-2013

File passed on to Bylaw enforcement

Status Date: Oct-05-2012

Letter sent to applicant re: further info required

Status Date: Nov-01-2011

Awaiting info from applicant

File Number	Applicant Name	Date Received	Purpose
DE-DP-2013.1	Daniel & Debra Stoneman Planner: Courtney Simpson	Jun-17-2013	

Planning Status

Status Date: Jul-16-2013

Staff report to July 16 LTC meeting. LTC resolved to not issue permit but to amend 1999 development permit.

Status Date: Jul-16-2013

Staff preparing development permit amendment

Status Date: Jun-24-2013

Planner Reviewing File

File Number	Applicant Name	Date Received	Purpose
DE-DP-2015.1	Henning Neilsen Planner: Marnie Eggen	Jan-12-2015	DP to build driveway and clear span bridge in Dev. Permit area

Planning Status

Development Variance Permit

File Number	Applicant Name	Date Received	Purpose
DE-DVP-2011.1	Ella Day	May-13-2011	Barn on property line

Planner: Marnie Eggen

Planning Status

Status Date: Jul-29-2013

no change; file passed on to bylaw enforcement

Status Date: Nov-09-2012

BCLS survey confirms barn sited on lot line; Applicant intends to apply for lot line adjustment

Status Date: Oct-05-2012

Letter sent to applicant requesting further information otherwise issue will be transferred over to bylaw enforcement

Rezoning

File Number	Applicant Name	Date Received	Purpose
DE-RZ-2015.1	Henning Neilsen	Jan-12-1900	To change Land Use Designation of a portion of the subject property from Residential to Conservation/recreation and that portion to be transferred to Islands Trust Fund - remainder to be used for residential

Planner: Marnie Eggen

Planning Status

Subdivision

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2013.2	Henning Nielsen	Dec-12-2013	

Planner: Marnie Eggen

Planning Status

Status Date: Jun-17-2014

Received final subdivisino plan and water reports. Final signoff sent to MOTI and applicant on June 17, 2014

Status Date: Jan-14-2014

PLA with conditions received January 14, 2014

Status Date: Dec-23-2013

Subdivision referral report sent to DILTC, MOTI and applicant.

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2014.1	Henning Nielsen	Feb-04-2014	Davidson Road 2 Lot subdivision

Planner: Marnie Eggen

Planning Status

Status Date: Mar-18-2014

Referral response emailed to MOTI

File Number	Applicant Name	Date Received	Purpose
DE-SUB-2015.1	Etienne & Louise De Villiers & Fraser Planner: Teresa Rittemann	Dec-24-2014	2201 Tristone Road 2 lot subdivision

Planning Status

Status Date: Feb-16-2015

Planner TR continuing with review and composing the Referral Report to MOTI

Status Date: Jan-29-2015

Planner TR began review of the subdivision file

Status Date: Jan-07-2015

File assigned to Planner TR

Siting and use Permit

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2006.7	Daniel/Debra Stoneman Planner: Courtney Simpson	Aug-31-2006	Agricultural (including buildings consistent with ALR legislation)

Planning Status

Status Date: Jan-08-2009

On hold pending outcome of court case

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2009.14	Jean Ella Day	Nov-02-2009	2900 SWAN RD One 26 foot high barn.

Planner: Marnie Eggen

Planning Status

Status Date: Jun-30-2011

On hold until outcome of DP and DVP.

Status Date: Mar-03-2011

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

Status Date: Jan-20-2011

Applicant submitted partial application

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

Planning Status

Status Date: Nov-03-2014

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

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2014.7	Thomas Provencal Planner: Teresa Rittemann	Jul-18-2014	1 residence; 1 storage shed; 1 workshop; 1 greenhouse-geodesic dome

Planning Status

Status Date: Feb-16-2015

No change in status.

Status Date: Oct-17-2014

File on hold. Applicant has received DVP application in the mail and will pursue a DVP when he has time.

Status Date: Oct-09-2014

File still on hold. Awaiting applicant to apply for a DVP.

Islands Trust
 LTC EXP SUMMARY REPORT F2015
 Invoices posted to Month ending January 2015

615 Denman	Invoices posted to Month ending January 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	500.00	905.86	-405.86
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	2,500.00	2,354.97	145.03
65210-615	LTC - Local Exp - APC Meeting Expenses	750.00	0.00	750.00
65220-615	LTC - Local Exp - Communications	300.00	0.00	300.00
65230-615	LTC - Local Exp - Special Projects	750.00	0.00	750.00
TOTAL LTC Local Expense		<u>4,300.00</u>	<u>2,354.97</u>	<u>1,945.03</u>
Projects				
73001-615-3001	Denman RAR	2,500.00	194.53	2,305.47
73001-615-4025	Denman Housing Review	2,500.00	670.87	1,829.13
TOTAL Project Expenses		<u>5,000.00</u>	<u>865.40</u>	<u>4,134.60</u>

Denman Island Local Trust Committee

POLICIES AND STANDING RESOLUTIONS

No	Meeting Date	Resolution No.	Issue	Policy
1.	May 1, 2012	DE-041-2012	Enforcement Policy on Guest accommodation	It was MOVED and SECONDED: 1. That as the Denman Island Local Trust Committee intends to review the home based guest accommodation regulations in Bylaw No. 186 bylaw enforcement activity is restricted where the guest accommodation provides the following unlawful facilities: 1. a second set of cooking facilities is provided in a lawful dwelling for the use of guests; 2. accessory buildings are used as bedrooms for guest accommodation provided that no more than three bedrooms exist in total; 2. That despite section 1 and 2 above bylaw enforcement activity will not be restricted if: 1. there are issues related to health, safety, or environmental damage; 2. there is a written complaint about bona fide serious nuisance issues such as noise or parking congestion related to the guest accommodation; 3. That nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Denman Island Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time without notice; 4. That unless the Denman Island Local Trust Committee extends the effective period on this enforcement policy it expires on December 31, 2012 or when the guest accommodation regulation review is complete, whichever is the sooner.
2.	October 22, 2013	DE-065-2013	Enforcement Policy on Guest accommodation	It was MOVED and SECONDED, that the Denman Island Local Trust Committee renew Standing Resolution No. DE-041-2012 to be extended to December 31, 2014.

3.	September 16, 2014	DE-2014-054	Enforcement Policy on Guest accommodation	It was MOVED and SECONDED , that the Denman Island Local Trust Committee renew Standing Resolution No. DE-065-2013 to be extended to December 31, 2015.
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Trust Fund Board Report to Local Trust Committees and BIM

– January 2015

Chair and FPC representative

At its first meeting of the term, the Trust Fund Board (TFB) re-elected Tony Law as chair and appointed Dereck Atha as TFB's representative on the Financial Planning Committee.

Regional Conservation Plan extended

The Board voted to extend our 2011-15 Regional Conservation Plan (RCP) to 2017. The RCP contains strategic goals and objectives which guide our work. Rather than preparing a new plan, the extension will allow us to focus resources on other priorities, including completing some outstanding actions in the RCP. The Board also felt that it would be more efficient and effective to develop a revised RCP alongside preparing our 2017-22 Five Year Plan, which is required by legislation.

Conservation Strategy for Coastal Douglas-fir and Associated Ecosystems

Islands Trust Fund (ITF) staff are participating in the multi-agency Coastal Douglas-fir and Associated Ecosystem Conservation Partnership (CDFCP) which is in the process of developing a Conservation Strategy. TFB has asked staff to look at integrating the completed strategy into our Regional Conservation Plan and report back to the board.

Eelgrass Mapping Complete

We are excited that our Eelgrass Mapping Project –covering the whole Trust Area – is now complete. This addresses one of the goals in our Regional Conservation Plan: to work with partners to conserve marine environments and habitat. Eelgrass is a critical near-shore habitat for numerous birds, mammals, invertebrates and commercial and non-commercial fish. Eelgrass beds are also an important carbon sink.

The mapping of eelgrass beds will help local trust committees, the Trust Fund Board and others to make science-based decisions around land use and conservation to prevent further habitat loss. We understand that the Ministry of Forests, Lands and Natural Resource Operations is welcoming this mapping as a tool to help assess dock and other shoreline applications. The report accompanying the mapping includes recommendations for restoring eelgrass habitat. The full report is available on ITF's website. The mapped data is also available on *MapIT [Shorelines](#)*. If your local trust committee would like to post the maps and recommendations relevant to your local trust area on your web page, please direct your planner to do so.

Eelgrass mapping was done by boat with the aid of a towed underwater camera. The Islands Trust area was mapped over three years through a partnership with SeaChange Marine Conservation Society. The Islands Trust contributed just over half of the total budget of this project with the remainder of the funds being secured by our project partner.

Conservation Planning and Official Community Plans

One of our Regional Conservation Plan goals is to work with the Islands Trust Council, local trust committees and island municipalities to implement conservation goals in Official Community Plans (OCPs). As your local trust committee strategizes your priorities for the term, you may want to consider how to advance conservation provisions in your OCPs, including using sensitive and nearshore

ecosystem mapping. One focus of attention might be Council's policy to establish protected area networks.

From the Policy Statement:

3.1.2 It is Trust Council's policy to work towards the establishment of a network of protected areas that preserves representative ecosystems in their natural state and in sufficient size and distribution to sustain their ecological¹⁴ integrity

3.1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.

3.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.

Updates Specific to Local Trust Areas

Hornby

ITF's Ecosystem Protection Specialist, Kate Emmings, continues to work with Hornby Island property owner Karin Fischer and Conservancy Hornby Island to establish a conservation covenant to protect Garry oak and Douglas-fir ecosystems on her property.

Denman

ITF's manager, Jennifer Eliason, is contacting Ministry of Environment staff to pursue an inter-agency meeting to address the disposition of Crown land with conservation values on Denman Island. ITF's Property Management Specialist, Nuala Murphy, is working with Denman Conservancy Association to address management issues on Denman's nature reserves, including rerouting of a trail at Morrison Marsh Nature Reserve in coordination communication with BC Parks , and planning a restoration project at Lindsay Dickson Nature Reserve.

Gabriola

ITF's Property Management Specialist, Nuala Murphy, is reviewing workable options to address safety issues on the Coats Millstone Nature Reserve.

Lasqueti

TFB has signed a covenant with Lasqueti Island Nature Conservancy and Nanaimo and Area Land Trust Society to ensure the continued protection of ecological values on the John Osland Nature Reserve.

TFB received a request to consider placement of a 911 relay installation on Mount Trematon. The Board has noted that such a request cannot be considered under existing land use regulations. TFB would also need to consult with the donors, and seek the approval of the covenant holders and Environment Canada because of their roles in protecting the values of this nature reserve.

Gambier

The board formally established the Gambier Island Acquisition Fund, created with funds from a significant bequest received in 2011. Restoration continues at Long Bay Wetlands Nature Reserve with work to protect naturally regenerating conifers by caging them from browsing deer.

Staff are currently working to develop a new nature reserve on Keats island, after the TFB approved a conservation proposal from the Convention of Baptist Churches in November.

Thetis

A special Thetis Island Acquisition Fund has been established following a significant donation provided to support land acquisition on Thetis Island.

Salt Spring

In November 2014, TFB approved a conservation proposal on Salt Spring Island and has directed staff to negotiate a conservation covenant on private land in the Reginald Hill area.

North Pender

Staff continue to work on two conservation covenants on North Pender Island, one for Wallace Point and one for the Clam Bay Farm property.

South Pender

ITF's Ecosystem Specialist, Kate Emmings, continues to work with partners to secure a new covenant over Brooks Point Regional Park, to include the recent acquisition. The covenant will be co-held with Habitat Acquisition Trust.

Mayne

A revised management plan for Horton Bayviary has begun which will involve public consultation for the property.

Galiano

TFB approved a new conservation covenant on Galiano Island and directed staff to negotiate a conservation covenant. ITF had provided a contribution from the "Opportunity Fund" to assist the Galiano Conservancy Association with appraisal costs associated with the acquisition of this property and approved funds to cover some necessary survey costs. Staff have also indicated a willingness to accept a conservation covenant for the Crystal Mountain property should the local trust committee choose to proceed with the Crystal Mountain rezoning application.

Bowen

Bowen Island Municipal Council have renewed discussions about the expansion of the NAPTEP program onto Bowen Island. Staff are providing information as requested to support decision making.

Ongoing property management activities, carried out in partnership with the Bowen Island Conservancy, include installing additional signage at the David Otter Nature Reserve, upgrading trails, removing invasive plant species, and planting and caging trees to protect them from browsing at Singing Woods Nature Reserve and continuing to monitor and work with the Ministry of Forests, Lands and Natural Resource Operations to address off-road vehicle use at Fairy Fen Nature Reserve.

Date: February 2, 2015

File No.: 3060-01

To: Executive Committee acting as a Local Trust Committee (*Ballenas – Winchelsea Islands*)

Denman Island Local Trust Committee
Gabriola Island Local Trust Committee
Gambier Island Local Trust Committee
Hornby Island Local Trust Committee
Lasqueti Island Local Trust Committee
Thetis Island Local Trust Committee

From: Lisa Webster-Gibson, Legislative Clerk

CC: Courtney Simpson, Regional Planning Manager

Re: Board of Variance

Preliminary Report

The purpose of this report is to present background information related to appointments to the Board of Variance (BOV) for Local Trust Committees (LTC) in the Northern Region, including appointments to a joint BOV, and what might be required of LTCs in relation to this initiative.

Project Objectives

The objective of this project is to ensure that each LTC has a current Board of Variance (BOV) in place as per the requirements of the Local Government Act (LGA), Islands Trust Act and other relevant legislation and policy.

Project Background

Under sec. 899 of the LGA, a local government that has adopted a zoning bylaw must, by bylaw, establish a BOV. A person may apply to the BOV for a minor variance if they feel compliance with the bylaw would cause them a hardship. For example, if a big rock in their yard made it a hardship to site the house in conformity with the normal setbacks, then that person could apply for a minor variance. The BOV may grant a variance if they have considered the following factors and are of the opinion that the variance does not result in inappropriate development of the site; adversely affect the natural environment; substantially affect the use and enjoyment of the adjacent land; or vary the permitted uses and densities or defeat the intent of the bylaw.

The BOV focuses primarily on hardship relating to matters such as siting, dimensions and size of buildings. A BOV order cannot conflict with other matters such as Land Title Act covenants, permits or land use contracts or floodplain bylaw specifications.

Of seven LTCs within the Northern Region of the Islands Trust, six LTCs (Denman, Gabriola, Gambier, Hornby, Lasqueti and Thetis) have adopted "*Board of Variance Establishment and Procedure Bylaws*" that are identical and allow for either the establishment of a BOV for each individual LTC or for a joint Board. The Executive Committee Acting as a Local Trust Committee (Ballenas – Winchelsea Islands) (EC as LTC (B-W)) has a much older bylaw and it is not consistent with the other bylaws. This bylaw does not allow for a joint BOV.

In the recent past a BOV was established for each of the Northern Local Trust Areas (LTA), with several of the appointments consisting of the same individuals to several Islands' BOVs. All member terms have expired. Under the LGA, sec 899(6), an appointment to a board is for the later of a) 3 years or b) if no successor has been appointed at the end of the 3 year period, until the time that a successor is appointed. However, some individuals are no longer available, nor interested in serving on the BOV. See attached table.

The seventh LTC, the EC as LTC (B-W) will need to establish a new bylaw as the current bylaws are outdated. A draft was proposed in 2010 but not adopted.

During the period 1993 until 2007, the Northern Region, received 17 applications to BOVs. These applications are broken down as follows: Denman Island – 4; Gabriola Island – 9; Gambier Island – 3; Hornby Island – 2 and Thetis Island – 1. From 2007 until 2014, no further applications to any BOV have been received.

Although there are very few applications to any of the BOVs, establishment of a BOV is a mandatory requirement of the LGA, as noted above.

As per the requirements of Section 899 of the LGA and the relevant "*Board of Variance Establishment and Procedure Bylaws*" a BOV must consist of three members and appointees must not be members of advisory planning commissions for the LTA and must not be an officer or employee of the Islands Trust. The LTC has a duty to appoint a new board under s. 899(5.1) of the LGA. Should any LTCs receive an application to their BOV at this time, a significant delay, at minimum, three months, would be experienced by the applicant as a result of an outdated BOV. This delay is anticipated based on the length of time required to advertise or recruit for Board members, evaluate applicants, and train those applicants selected. The LGA recognizes the burden this duty places on local governments and also indicates that a LTC could establish a joint BOV with any municipality, regional district, or with another LTC. In the past, the Islands Trust has established three BOV's – Northern, Southern, and Salt Spring Island.

Relevant Policy and Land Use Considerations

Trust Council Strategic Plan

N/A

Islands Trust Policy Statement

All administrative procedure bylaws are considered to be in compliance with the policy statement and the object of the Islands Trust.

Official Community Plan

N/A

Land Use Bylaw

A BOV is a mandatory requirement of any local government who has a zoning bylaw.

Islands Trust Fund

N/A

Bylaw Enforcement

N/A

Climate Change Mitigation and Adaptation

N/A

Analysis

LTCs are requested to discuss and decide whether they wish to pursue a joint BOV or to pursue an independent BOV for their LTA.

It can be quite a job to recruit and appoint members and manage BOVs for each island, especially those with a very small population. Finding three interested people and maintaining their interest when applications may be few is a challenge.

An issue that has arisen with the BOV system where each LTC has its own BOV is that there are an insufficient number of applications on most islands to permit board members to become familiar with the bylaws, the issues and the process. Establishing a joint board would allow members to become more experienced and effective. At the same time, a joint board can provide a degree of greater independence and objectivity in comparison to five separate boards appointed for each local trust area by each LTC.

The main challenge with establishing a joint board is in achieving consensus in appointments among the five LTCs.

Project Scope and Timeline

The scope of the project is as defined in the attached Project Charter. The timeline of the project is dependent on staff resources and requirement to adopt any potential bylaws or bylaw amendments that may be required. The proposed timeline is attached in the Project Charter; however, it is anticipated that members to a BOV could be appointed as soon as **May / June 2015**.

Resources and Roles

This initiative will be led by the Northern Office Legislative Clerk in conjunction with the Regional Planning Manager and Island Planners.

Outside of staff time, the only resources that may be required would fund advertisements intended to recruit new appointees.

Communications

Past members of each BOV will be contacted to thank them for their past service and to canvas them for interest in re-appointment.

Should advertisements be required they will be placed in relevant newspapers and posted at the Islands Trust notice locations on the Islands.

Project Charter

A Project Charter has been attached for endorsement.

Next Steps

Upon endorsement of the Project Charter, Staff will action the completion of this Staff Report, and the attached Project Charter.

Summary of Staff Recommendations

LTCs are requested to discuss and decide whether they wish to pursue a joint BOV or to pursue an independent BOV for their LTA. Staff recommends that LTC's agree to pursue a joint BOV in order to realize:

- efficiency of staff time in recruiting and monitoring membership;
- greater success in filling positions on the BOV; and
- greater effectiveness of the BOV as it will receive more applications as a joint board and will develop experience.

RECOMMENDATIONS:

That the _____ Local Trust Committee direct staff to advertise for membership in a Board of Variance appointed jointly with other local trust committees in the Northern Region.

Prepared and Submitted by:

Lisa Webster-Gibson

February 17, 2015

Lisa Webster-Gibson, Legislative
Clerk

Date

Concurred in by:

Courtney Simpson

February 17, 2015

Courtney Simpson, RPP MCIP,
Regional Planning Manager

Date

Attachments:

1. Board of Variance Membership Northern Region

Northern Region Board of Variance Membership

Report dated February 17, 2015

Local Trust Area	Member Name	Home Address	Member Term
Denman, Hornby & Lasqueti	George Buvyer	Hornby Island	2005-2008
	Leagh Farrell	Hornby Island	2005-2008
	Gillian Rambold	Victoria	2005-2008
Gabriola	George Buvyer	Hornby Island	2006-2009
	Gail Lund	Gabriola Island	2006-2009
	Barbara Williamson	Gabriola Island	2006-2009
Gambier	Ken White	Gibsons	2008-2011
	Wolf Wiedermann	Gambier Island	2008-2011
	Glen Young	Vancouver	2008-2011
Thetis	Roland Cook	Salt Spring Island	2006-2009
	Steve Frankel	Thetis Island	2006-2009
	Jack Woodward	Salt Spring Island	2006-2009