



Denman Island Local Trust Committee Regular Meeting Agenda

Date: May 26, 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 April 21, 2015
– for adoption | | 4 - 16 |
| 6.2 | Section 26 Resolutions-without-meeting Report
Dated May 14, 2015 | | 17 - 17 |
| 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 May 14, 2015 | | 18 - 19 |
| 8. | DELEGATIONS | | |
| 9. | CORRESPONDENCE | | |
| | (Correspondence received concerning current applications
or projects is posted to the LTC webpage) | | |
| 10. | APPLICATIONS AND REFERRALS | 11:15 AM - 11:45 AM | |
| 10.1 | DE-RZ-2015.1 (PANDESIGN, Hermanutz, Innes -
2100 Crescent Road) | | |
| 10.1.1 | <u>Staff Report dated May 4, 2015</u> | | 20 - 35 |

10.1.2	<u>Email dated May 7, 2015 from Peter Thomsen</u>	
10.1.3	<u>Email May 14, 2015 from PANDESIGN INC. (Henning Neilsen)</u>	36 - 37
11.	LOCAL TRUST COMMITTEE PROJECTS	11:45 AM - 12:15 PM
11.1	Visitor Accommodation Review	
11.1.1	<u>Staff Report dated April 29, 2015</u>	38 - 45
12.	REPORTS	12:15 PM - 12:30 PM
12.1	Work Program Reports	
12.1.1	<u>Top Priorities Report Dated May 14, 2015</u>	46 - 46
12.1.2	<u>Projects List Report Dated May 7, 2015</u>	47 - 47
12.2	Applications Report Dated May 14, 2015	48 - 52
12.3	Trustee and Local Expense Report Dated March, 2015	53 - 53
12.4	Adopted Policies and Standing Resolutions	54 - 55
12.5	Local Trust Committee Webpage	
12.6	Chair's Report	
12.7	Trustee Reports	
12.8	Electoral Area Director's Report	
12.9	Trust Fund Board Report - none	
13.	BREAK	12:30 PM - 12:50 AM
14.	NEW BUSINESS	12:50 PM - 1:00 PM
14.1	Annual Meeting with Comox Valley Regional District - Request for Topics	
15.	UPCOMING MEETINGS	
15.1	Next Regular Meeting Scheduled for Tuesday, July 21, 2015 at 10:30 am at the Denman Seniors Centre, 1111 Northwest Road, Denman Island, BC	
16.	TOWN HALL	1:00 PM - 1:10 PM

17. CLOSED MEETING

1:10 PM - 1:35 PM

17.1 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)(d) for the purpose of Adoption of In-Camera Meeting Minutes dated April 21, 2015 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.

17.2 Recall to Order

17.3 Rise and Report

18. ADJOURNMENT

1:35 PM - 1:35 PM



Denman Island Local Trust Committee Minutes of Regular Meeting

Date: April 21, 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
 Vicky Bockman, Recorder

Others Present Approximately ten members of the public – am
 Approximately one member of the public - pm

1. CALL TO ORDER

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

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

- 7.2 Riparian Areas Regulation (RAR) Bylaws Discussion
- 9.3 Correspondence from Liz Johnston, Association for Denman Island Marine Stewards (ADIMS), dated April 13, 2015 Re: Bylaw Enactment for Protection of W1 Conservation Foreshore Areas
- 9.4 Email from Edina Johnston dated April 14, 2015 re: Unresolved Marine Issues
- 9.5 Email from Don Cadden, Regional Director, BC Parks dated April 16, 2015 Re: Addition to Denman Island Provincial Park and Transfer of Lands from Ministry of Environment
- 12.10 Communications Materials Report
- 13.3.2 Agenda for Southern Trustees Ad Hoc Meeting

By general consent the agenda was adopted as amended.

3. TOWN HALL AND QUESTIONS

Elizabeth Johnston, speaking on behalf of ADIMS, read the letter submitted as agenda late item 9.3 requesting that the Local Trust Committee (LTC) consider the creation of a new bylaw specifically designed to limit vehicle traffic access to protect W1 Conservation foreshore areas. She submitted the full Denman Island Residents Association (DIRA)

Guardians of Denman Shores Denman Island Public Input Survey results which illustrates community support for limiting vehicular access to Denman Island beaches.

Edi Johnston supported limiting vehicular driving on Denman Island beaches, citing a British Columbia land use policy that provides that a Prohibition of Use regulation may be applied in circumstances where a government's intent is to restrict a specific use or activity on Crown Land. She expressed concern that Denman Island has no public beaches and has confirmed that any foreshore can be tenured. She requested that the LTC consider options to address this concern, noting that the Comox Valley Regional District (CVRD) use of reserves might be an example of a possible approach.

Trustees asked follow-up questions regarding lease reserves and inquired whether Islands Trust has the ability to hold leases.

Planner Milne responded that it might be possible for an LTC to hold leases, however suggested that it might be a more appropriate function of CVRD Parks. He proposed that this might be a topic for discussion at a meeting he is currently organizing to include representatives from the CVRD, Denman Island and Hornby Island LTCs.

Elizabeth Johnston presented the LTC with an information handout: "The Core Values", addressing the impact of industrial seaweed harvesting occurring at Deep Bay.

4. COMMUNITY INFORMATION MEETING

None.

5. PUBLIC HEARING

None.

6. MINUTES

6.1. Local Trust Committee Minutes dated March 3, 2015 – for adoption

By general consent the Local Trust Committee meeting minutes of March 3, 2015 were adopted.

6.2. Local Trust Committee Special Meeting Minutes dated April 7, 2015 - for adoption

By general consent the Local Trust Committee Special Meeting minutes of April 7, 2015 were adopted.

6.3. Section 26 Resolutions-without-meeting

None.

6.4. Advisory Planning Commission Minutes

None.

6.5. Marine Advisory Planning Commission Draft Minutes

None.

7. BUSINESS ARISING FROM MINUTES

7.1. Follow-up Action List Dated April 9, 2015

Planner Milne presented the report, commenting on the status of on-going items.

7.2. Riparian Areas Regulation (RAR) Bylaws Discussion

Planner Milne provided background information including the Project Charter and draft bylaws. He reported that Gabriola Island's proposed RAR bylaws have now received Ministerial approval with the exemption provisions intact and noted that there had been no feed-back received on the proposed Denman Island RAR bylaw exceptions discussed at the Community Information Meeting.

He cautioned that exception 4.4.2 h) would have a detrimental effect on the environmental value on Denman Island given the lakes that exist here and recommended that Trustees consider the deletion of that exception prior to moving forward in the process.

Trustees requested clarification of RAR-related definitions as it applies to regulation 4.4.2 h) and protection of lakes. Discussion followed on process and next steps which would include first reading and requesting staff to proceed with statutory referrals to solicit further responses on the proposed bylaws.

DE-2015-020

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend draft Bylaw No. 213 Schedule 1 by removing 4.4.2 h) and renumbering subsequent items and request staff to proceed with statutory referrals on the amended bylaw.

CARRIED

DE-2015-021

It was MOVED and SECONDED,

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, 2015".

CARRIED

DE-2015-022

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee give first reading to Bylaw No. 213 cited as "Denman Island Land Use Bylaw 213, Amendment No. 2, 2015".

CARRIED

8. DELEGATIONS

None.

9. CORRESPONDENCE

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

9.1. Email March 19, 2015 from Mitra Prior regarding Gulf Island Issues

Received.

9.2. Email March 23, 2015 from Veronica Timmons of Denman Island Visitor Services Committee regarding Islands Trust Sign at Buckley Bay Ferry Terminal

Veronica Timmons, speaking on behalf of Denman Island Visitor Services Committee, requested that the LTC consider their proposal to rewrite, update and enlarge the Islands Trust sign at the Buckley Bay Ferry Terminal. She confirmed that funding would come from their budget and proposed changes would be presented to the LTC for review and approval.

Trustees discussed the proposal and supported the initiative, clarifying the need for the ownership of the new sign to remain with the Islands Trust and for any changes to be brought back to the LTC for review and approval.

9.3. Correspondence from Liz Johnston, Association for Denman Island Marine Stewards (ADIMS), dated April 13, 2015 Re: Bylaw Enactment for Protection of W1 Conservation Foreshore Areas

Received.

9.4. Email from Edina Johnston dated April 14, 2015 re: Unresolved Marine Issues

Received.

**9.5. Email from Don Cadden, Regional Director, BC Parks dated April 16, 2015
Re: Addition to Denman Island Provincial Park and Transfer of Lands from
Ministry of Environment**

Planner Milne summarized the correspondence that advises of transfer of the Denman Island Quarry, Morrison Marsh and McFarlane Road lands to the Ministry of Forests, Lands and Natural Resource Operations (FLNRO) to be administered under the Crown Land Conservation Lands program. He explained that a condition of the transfer is that FLNRO agrees to use the land only for conservation purposes.

10. APPLICATIONS AND REFERRALS

10.1. DE-RZ-2015.1 PANDESIGN, Hermanutz, Innes (2100 Crescent Road)

10.1.1. Staff Report dated March 30, 2015

Planner Milne presented the staff report that addresses the application to redesignate and rezone lands to facilitate the donation of lands and the transfer of density. He pointed out that the applicant and the consultant that completed the RAR environmental assessment were in attendance and available to answer any questions that might arise.

Planner Milne's explanation of the proposal included the following key points:

- the intent of this combined application is to transfer approximately 2.545 hectares to the Trust Fund Board to be protected as a nature reserve and transfer the two densities associated with that property to the receiving property. He advised that the transfer of density would be accomplished by a rezoning of the subject property from a combination of R2 (Rural Residential) and F (Forestry) to R2 and would allow for the possible future subdivision of the parcel and that the lands proposed for the nature reserve would be rezoned from R1 (Residential) to CN (Conservation). He confirmed that the Trust Fund Board approved the proposed transfer of density in return for a nature reserve dedication;
- the receiving property is affected by Development Permit Area No. 2 Steep Slopes and is identified as a Visually Sensitive Area on Schedule D, Sensitive Areas, as well as being the home of a Red-tailed Hawk nesting site and possible location of Turkey Vulture nesting site. He addressed potential procedures to address these issues;
- the applicant held a Community Open House and Planner Milne noted that there was good discussion at that event; and
- preparation of draft bylaws and subsequent agency referrals were identified as possible next steps.

A trustee noted that at the Open House a neighbour had expressed concern with the effect of increased density on his spouse who has

chemical sensitivities and he questioned whether there might be a way to mitigate this concern.

Planner Milne suggested that this concern might best be addressed through a conversation held between the property owners and advised that the subdivision process would provide a framework to address concerns.

The applicant reported that he met with the neighbour after the Open House to discuss proximities and possible house sites and subsequently sent him a map. He indicated that the distances involved should be far enough away to mitigate concerns.

The applicant also advised that the Red-tailed Hawk nesting tree was identified with a wildlife biologist and an assessment was completed that recommended protection of the tree with a covenant even though it had not been used for a number of years. He added that there were no signs of the Turkey Vulture nesting site.

Planner Milne indicated that restrictive covenants associated with rezonings are typically available for public consideration at the time of the Community Information Meeting.

DE-2015-023

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee direct staff to prepare draft bylaws for DE-RZ-2015.1.

CARRIED

10.2. DE-DVP-2015.1 Neilsen (Reda - 3000 North Central Road)

10.2.1. Staff Report dated March 30, 2015

Planner Milne outlined the staff report that addresses a Development Variance Permit (DVP) application to vary the setback on a stream to allow the location of a proposed bridge and driveway to a portion of the property that is otherwise landlocked. In addition, the applicant requires a Development Permit to construct the proposed bridge and driveway as the bridge is located within the Development Permit Area #4: Streams, Lakes and Wetlands (Major Stream).

He advised that the applicant retained a Qualified Environmental Professional to complete an environmental sensitivity assessment that identified potential issues and determined an appropriate site for a stream crossing on the property. He also noted that the proposed work has received approval from the Province for the Section 9 of the Provincial *Water Act* requirement and that there were no comments received from the public in response to notifications of the proposal.

Trustees discussed the applications, expressing concern that treated lumber not pollute the stream and that all aspects of the bridge construction plan be reviewed and monitored. Planner Milne explained the process that is in place to provide assurance that these concerns would be addressed.

Trustees observed that the wording in the DVP might be expanded to ensure that this variance is limited to the location of the proposed bridge and driveway.

DE-2015-024

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee amend DE-DVP-2015.1 Nielsen (Reda) as follows: by adding the word “only” after the word “driveway” at the end of point 2.

CARRIED

DE-2015-025

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee issue the Development Variance Permit for DE-DVP-2015.1 Nielsen (Reda) that authorizes the reduction of the minimum setback to the natural boundary of a stream from 15 metres to 0.0 metres to allow the location of a proposed bridge and driveway located on The West 20 Chains of the North 30 Chains of the South West ¼ of Fractional Section 23, Denman Island, Nanaimo District, PID 006-639-003, in accordance with Schedule “A” attached to and forming part of the permit.

CARRIED

DE-2015-026

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee issue the Development Permit DE-DP-2015.1 Nielsen (Reda) located on The West 20 Chains of the North 30 Chains of the South West ¼ of Fractional Section 23, Denman Island, Nanaimo District, PID 006-639-003 in accordance with Schedules “A”, “B”, “C”, “D”, and “E” attached to and forming part of the permit.

CARRIED

11. LOCAL TRUST COMMITTEE PROJECTS

11.1. Visitor Accommodation Review

11.1.1. Staff Report dated April 1, 2014

Planner Milne presented the staff report that included the Visitor Accommodation Regulations project scope and timeline as well as the Project Charter for review and possible endorsement.

Trustees considered the report and inquired as to the nature of the Public Open House listed in the Workplan Overview. Planner Milne clarified that this would be an opportunity for the public to learn about the project, to ask questions and provide comments. He added that given the limited scope of the project, the determination of a need for a formal Community Information Meeting (CIM) could be made after the Open House. The proposed timelines were discussed and Planner Milne confirmed that there is margin for flexibility if necessary.

DE-2015-027

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee endorse the Project Charter for the “Review of Visitor Accommodation Regulations” project; and that staff be requested to prepare a staff report and draft bylaw for the consideration of the Denman Island Local Trust Committee at their next meeting.

CARRIED

11.2. K'omoks First Nation Relationship

11.2.1. Memorandum of Understanding dated April 8, 2015

Planner Milne summarized the Memorandum regarding the K'omoks First Nation Relationship prepared by Courtney Simpson, Regional Planning Manager.

Trustees considered the memorandum and concurred with the staff suggestions for next steps.

DE-2015-028

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee request staff to draft a letter for the Chair's signature to the K'omoks Band Chief Councillor Robert Everson to introduce the new Local Trust Committee and follow up on the August 8, 2015 meeting and offer.

CARRIED

Trustee Critchley requested examples of Memorandum of Understanding templates that have been utilized in other jurisdictions and Trustee Busheikin offered to forward some information on this to the LTC.

Trustee Busheikin commented on a Community to Community event she learned of recently that had included representatives from several local and regional governments as well as First Nations; however, the Islands Trust had not been included in the opportunity to participate. She suggested that this might be a topic of discussion at the formal annual meeting with the Regional District. Planner Milne agreed and asked that Trustees provide him with suggestions for agenda items for that meeting.

12. REPORTS

12.1. Work Program Reports

12.1.1. Top Priorities Report Dated April 9, 2015

Planner Milne outlined the Top Priorities Report. Trustees discussed the fourth item “Marine Issues”, considering approaches to take to advance the item without involving staff time at this point, including but not limited to advocacy.

12.1.2. Projects List Report Dated April 9, 2015

Planner Milne presented the Projects List and suggested that Trustees give consideration to items that might be included in the Housekeeping Project for his attention. He indicated that the report that will be brought to the LTC for consideration will include background information on the subjects being addressed.

12.2. Applications Report Dated April 9, 2015

Planner Milne reported that the Applications Report is current and up-to-date.

12.3. Trustee and Local Expense Report Dated March, 2015

Received.

12.4. Adopted Policies and Standing Resolutions

Received.

12.5. Local Trust Committee Webpage

There were no changes, additions or deletions requested at this time.

12.6. Chair's Report

Chair Morrison reported that she will be attending an Executive Committee meeting in Victoria and that start times for these meetings has been changed in the hopes that an earlier start will allow more time to address all the items on the agendas. She commented that since the last LTC meeting, she attended both the Denman Island and Lasqueti Island RAR Community Information Meetings (CIMs). She remarked that she attended the Association of Vancouver Island Coastal Communities (AVICC) Annual General Meeting and Convention recently and appreciated the First Nations presentation at that event. She reported that she has attended meetings on Gambier Island concerning Official Community Plan (OCP), Green Shores and RAR work.

12.7. Trustee Reports

Trustee Busheikin reported on meetings she has attended including the applicant-sponsored Open House regarding property rezonings as well as both the Denman Island and Lasqueti Island RAR CIMs; and apologized for missing her appointed Trustee Office Hours recently. She commented on her attendance at the AVICC Convention noting that she found the First Nations presentation to have been impressive. She mentioned that she also attended a meeting on Denman Island of a working group of the "Walking with Our Sisters", a project concerning First Nations indigenous women.

Trustee Critchley reported on his attendance at two days of meetings relating to the Cowichan Valley Regional District South Sewer Project, noting that at this time attendees were unanimously in favour of selecting Cape Lazo as the discharge point. He commented that other meetings he has attended since the last LTC meeting have included holding Trustee Hours, attending Trust Council, the Open House for the Denman Island rezonings relating to Valens Brook, the Denman Island RAR CIM, and meeting with a property owner to discuss their desire to designate their property as RAR-applicable. He advised that he has been reviewing the issue of driving on beaches and that tomorrow he will be attending an all-day program on oil spill response.

12.8. Electoral Area Director's Report

None.

12.9. Trust Fund Board Report - April 2015

Chair Morrison presented the Trust Fund Board Report with an update on the Lasqueti Crown Land acquisition initiative and communications with First Nations on this matter.

12.10. Communications Materials Report

Trustee Busheikin reported on the progress being made on the brochure regarding Denman Island's new housing regulations and reviewed materials that have been gathered to be given to realtors for newcomers to Denman Island.

By general consent the meeting was adjourned at 12:30 pm and reconvened at 12:45 pm.

13. NEW BUSINESS

13.1. Denman Island Local Trust Committee Submission for 2014-2015 Annual Report

13.1.1. Request for Decision dated April 1, 2015

Planner Milne summarized the request for LTC approval of its section of the Annual Report. Trustees considered the suggested text and discussed an editorial change for clarity and addition of a paragraph to reflect the time spent on marine issues during the term.

The LTC requested the first paragraph, fourth line be changed as follows: delete the words "Local Trust Committee priorities of".

DE-2015-029

It was MOVED and SECONDED,

that the Denman Island Local Trust Committee Annual Report submission be amended by adding a paragraph at the end as follows: "Advocacy was undertaken to address the impacts of increased industrialization of shellfish aquaculture and the Local Trust Committee considered various regulatory initiatives to place controls on potential harmful practices."

CARRIED

13.2. Reschedule of June 2, 2015 Regular Business Meeting - for discussion

The LTC discussed the potential conflict for the June 2, 2015 meeting and determined that a decision for a new date might be made by Resolution Without Meeting if necessary.

13.3. Input to Strategic Plan

13.3.1. Request for Decision dated April 8, 2015

Planner Milne outlined the Request for Decision from Linda Adams, Chief Administrative Officer, advising that the Executive Committee is seeking input from LTCs into a Strategic Plan Discussion Draft with a focus on the objectives and strategies that LTCs believe to be priorities.

Trustees discussed possible additions to the plan and the following suggested changes were noted for consideration:

- objective 2.3 – add after "derelict vessels": "and increased industrialization and intensification of shellfish aquaculture and industrial activities";
- activity 4.3.3 – add after "yards": "Denman Island project re: visitor accommodation regulations review";

- add new Activity and Phases 5.1.3 – “Development of Memorandums of Understanding and other formal agreements (for instance Denman Island Memorandum of Understanding with K’omoks First Nation)”;
- move current objective 10 “improve internal operations” to be a subset of objective 6 “Improve organizational cost effectiveness and resilience”;
- replace existing objective 10 with a new objective as follows: “Strengthen Trust Council’s sense of a common vision, collective goals and a shared understanding of the Trust mandate, structure and work. “
- new objective 10 Activities: “increase opportunity for Trust Council to engage in in-depth discussion about its vision, goals, mandate, structure and activities, for instance a retreat or extra day at Trust Council”.

Trustees confirmed that this conversation could be continued at a future meeting to allow time to consider these suggestions as well as to explore and develop other ideas for inclusion, including those relating to marine issues.

13.3.2 Agenda for Southern Trustees Ad Hoc Meeting

Chair Morrison shared the agenda for the Southern Trustees Ad Hoc meeting held recently to assist trustees in their preparation for the Trust Council Strategic Planning session.

13.4. Bylaw Enforcement Report to Trust Council, March 2015

Received.

14. UPCOMING MEETINGS

14.1. Next Regular Meeting - to be determined

The LTC determined that the next regular meeting will be on June 2, 2015 or earlier with the date yet to be confirmed.

15. TOWN HALL

Edi Johnston asked for clarification of the draft Strategic Plan Strategy 7.1.

Chair Morrison responded that there is a current protocol agreement and Letter of Understanding with FLNRO and this strategy refers to the desire to update that protocol agreement.

Edi Johnston appreciated the completion of the eelgrass and forage fish mapping project and asked if there are any plans to use that information.

Chair Morrison responded that the Trust Fund Board would like to see these reports become a part of the OCP and Land Use Bylaw to be used to indicate sites for protection.

Edi Johnston asked if the LTC has approached Fisheries and Oceans Canada for a seat at the Fisheries & Oceans Shellfish Advisory Management Advisory Committee.

Trustees responded that they would review this opportunity and follow-up.

16. CLOSED MEETING:

16.1. Motion to Close the Meeting

DE-2015-030

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the *Community Charter*, Part 4, Division 3, s.90(1)(a) for the purpose of considering Appointment of APC Members and (d) Adoption of In-Camera Meeting Minutes dated March 3, 2015 and that the recorder and staff attend the meeting.

CARRIED

The meeting closed to the public at 1:27 pm.

16.2. Recall to Order

The meeting reopened to the public at 1:37 pm.

16.3. Rise and Report

Chair Morrison reported that in the closed meeting the LTC adopted minutes from the In-Camera meeting of March 3, 2015 and appointed Selwyn Jones, Perri Gorrara and Erika Bland to the Advisory Planning Commission.

17. ADJOURNMENT

By general consent the meeting was adjourned at 1:38 pm.

Susan Morrison, Chair

Certified Correct:

Vicky Bockman, Recorder

RWM From: January 09, 2015 To: May 14, 2015

Denman Island

Resolution #	Action	Resolution Description	Resolution Date
2015-01	In Favour	"THAT the Denman Island Local Trust Committee reschedule its Regular Business Meeting of Tuesday, June 2, 2015 to Tuesday, May 26, 2015."	May 07, 2015



Islands Trust

Print Date: May-14-2015

Follow Up Action Report w/ Target Date

Denman Island Jan-20-2015

No.	Activity	Responsibility	Target Date	Status
1	that staff work on the Housekeeping Project as their time permits	Rob Milne		On Going

Mar-03-2015

No.	Activity	Responsibility	Target Date	Status
1	Staff were directed to advertise for membership in a Board Of Variance appointed jointly with other local trust committees in the Northern Region.	Lisa Webster-Gibson		On Going

Apr-21-2015

No.	Activity	Responsibility	Target Date	Status
1	Bylaw No. 213 amended by the deletion of item 4.4.3(h) and renumbering subsequent points. Bylaws 212 and 213 given first reading and direction provided to staff to refer the bylaws out for agency and stakeholder review and comments.	Rob Milne Lisa Webster-Gibson		On Going
1	DE-RZ-2015.1 - Staff directed to prepare draft bylaws for the next LTC meeting.	Rob Milne		Done
1	DE-DVP-2015.1 - resolution to amend the last paragraph of condition 2 by the addition of the word, 'only' at the end of the sentence. Resolution to issue DE-DVP-2015.1 as amended. DE-DP-2015.1 - resolution to issue the development permit in accordance with Schedules 'A', 'B', 'C', 'D' and 'E' attached to and forming part of the permit.	Marnie Eggen Becky McErlean Lisa Webster-Gibson		Done
1	First Nations relations- staff directed to prepare a draft letter for the signature of the chair.	Rob Milne		On Going

1	Annual report submission approved with amendments. To be forwarded for inclusion in Islands Trust Annual Report.	Rob Milne	Done
1	Selwyn Jones, Perri Gorara and Erika Bland were appointed to the Denman Island Advisory Planning Commission	Becky McErlean Lisa Webster-Gibson	Done

STAFF REPORT

Date: May 4, 2015

File No.: DE-RZ-2015.1
(Pandesign)

To: Denman Island Local Trust Committee
For the meeting of May 26, 2015

From: Rob Milne, Island Planner

CC: Courtney Simpson, Regional Planning Manager

Re: **Application to Redesignate and Rezone Lands To Facilitate the Donation of Lands and the Transfer of Density**

Owners: Luise Anne Hermanutz & David James Innes (Donating property)

Applicant: Henning Nielsen

Location: Lot 17, Section 6, Denman Island, Nanaimo District, Plan 6404 (6080 Lacon Road)

Owners: Henning Nielsen (Receiving property)

Applicant: Henning Nielsen

Location: Lot A, Section 12, Denman Island, Nanaimo District, Plan VIP88949 (2100 Crescent Road)

THE PROPOSAL

It is the intent of this application to facilitate two outcomes. In the first instance it is the intent of the owners of Lot 17 to transfer approximately 2.545 hectares of land to the Trust Fund Board to be protected as a nature reserve. In the second instance it is intended to transfer the two densities associated with the 2.545 hectares to the receiving property owned by PanDesign (Nielsen).

BACKGROUND

At their April 21, 2015 regular meeting the LTC gave consideration to an initial report for the above noted application and passed the following resolution. This report responds to the direction in the resolution.

That the Denman Island Local Trust Committee direct staff to prepare draft bylaws for DE-RZ-2015.1

SITE CONTEXT:

Please see the initial staff report for a complete description.

CURRENT PLANNING STATUS OF SUBJECT LANDS:

Please see the initial staff report for a complete description.

COMMUNITY INFORMATION MEETING(S)

Given the nature of this particular application, which includes the need to develop a restrictive covenant to protect the existing environmental values of the receiving property, it is the view of staff that there would be a benefit in conducting a Community Information Meeting (CIM) once the comments from the bylaw referral process, and a draft restrictive covenant, have been received and considered by the LTC. This CIM would allow for a community review of the necessary restrictive covenant and draft bylaws prior to proceeding to the statutory public hearing stage and assist in identifying any community concerns that the LTC may wish to consider prior to scheduling the public hearing.

STAFF COMMENTS

At this stage in the application and review process there are no issues that would prevent the LTC from giving consideration to first reading of the draft amendment bylaws.

Giving first reading to the draft bylaws does not bind the LTC to a requirement for their ultimate approval. Rather, it can be considered the first step in the review and approval process which leads towards a potential approval. Should it be the decision of the LTC to give the bylaws first reading the next step in the process would be to refer the bylaws to relevant agencies, First Nations and the Advisory Planning Commission for comment. As well there is a need to develop the wording for the necessary conservation covenant to ensure that adequate environmental protection is provided for the receiving property in the density transfer application.

An environmental assessment prepared by a Qualified Environmental Professional (QEP) has been provided by the applicant and will be utilized as the foundation for the conditions contained within the covenant. This covenant, along with any comments received from the referral process, will be addressed in a subsequent staff report which will be presented for the review of the LTC at a future meeting.

First Nations and Agency Consultation

Pursuant to section 879(2) of the LGA, the LTC needs to consider consultation on OCP amendments. Staff proposes that should the bylaws receive first reading that they be referred to the following agencies and First Nations.

<u>Provincial Agencies</u> Ministry of Transportation and Infrastructure- Courtenay Vancouver Island Health Authority Ministry of Forestry Lands and Natural Resource Operations Ministry of Agriculture Agricultural Land Commission BC Assessment Authority	<u>First Nations</u> Cowichan Tribes Halalt First Nation H'ul'qumi'num Treaty Group K'omoks First Nation Laich-kwil-tach Treaty Society Lake Cowichan First Nation Lyackson First Nation Penelakut Tribe Qualicum First Nation	Sliammon First Nation Snaw'Naw'As Nation Nanwakolis First Nations Stz'uminus First Nation Te'Mexw Treaty Association We Wai Kai Nation Wei Wai Kum First Nation Xwemalhkwa (Homalco) First Nation
<u>Non-Agency Referrals</u> Denman Island Advisory Planning Commission	<u>Adjacent Local Trust Committees and Municipalities</u> Hornby Island Local Trust Committee Ballenas-Winchelsea Local Trust Committee (Executive-Committee)	

RECOMMENDATIONS

1. That the Denman Island Local Trust Committee review the Directives Only Policies and determine that Bylaw Nos. 219 and 220 are not contrary to or at variance with the Islands Trust Policy Statement;
2. That Denman Island Local Trust Committee Bylaw No. 219, cited as “Denman Island Official Community Plan, 2008, Amendment No. 2, 2015”, be read a first time;
3. That Denman Island Local Trust Committee Bylaw No. 220, cited as “Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015”, be read a first time; AND THAT
4. That Denman Island Local Trust Committee request staff to refer bylaw Nos. 219 and 220 to the agencies, organizations and First Nations listed in the staff report for review and comment.

Prepared and Submitted by:

Rob Milne

May 12, 2015

Island Planner

Date

Concurred in by:

Courtney Simpson

May 14, 2015

Courtney Simpson, RPP MCIP
Regional Planning Manager

Date

Attachments:

1. Draft Official Community Plan Bylaw No. 219
2. Draft Land Use Bylaw No. 220
3. Policy Statement Directives Only Checklist

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 219

A BYLAW TO AMEND DENMAN ISLAND OFFICIAL COMMUNITY PLAN, 2008

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

1. That Denman Island Local Trust Committee Bylaw No. 185 cited as “Denman Island Official Community Plan, 2008” is altered as shown on Schedule “A” of this amending bylaw.
2. This Bylaw may be cited as "Denman Island Official Community Plan, 2008, Amendment No. 2, 2015”.

READ A FIRST TIME THIS th DAY OF , 2015

PUBLIC HEARING HELD THIS th DAY OF , 2015

READ A SECOND TIME THIS st DAY OF , 2015

READ A THIRD TIME THIS st DAY OF , 2015

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____
th DAY OF _____, 2015

APPROVED BY THE MINISTER OF COMMUNITY AND RURAL DEVELOPMENT THIS
th DAY OF , 2015

ADOPTED THIS th DAY OF , 2015

SECRETARY

CHAIRPERSON

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 219

Schedule A

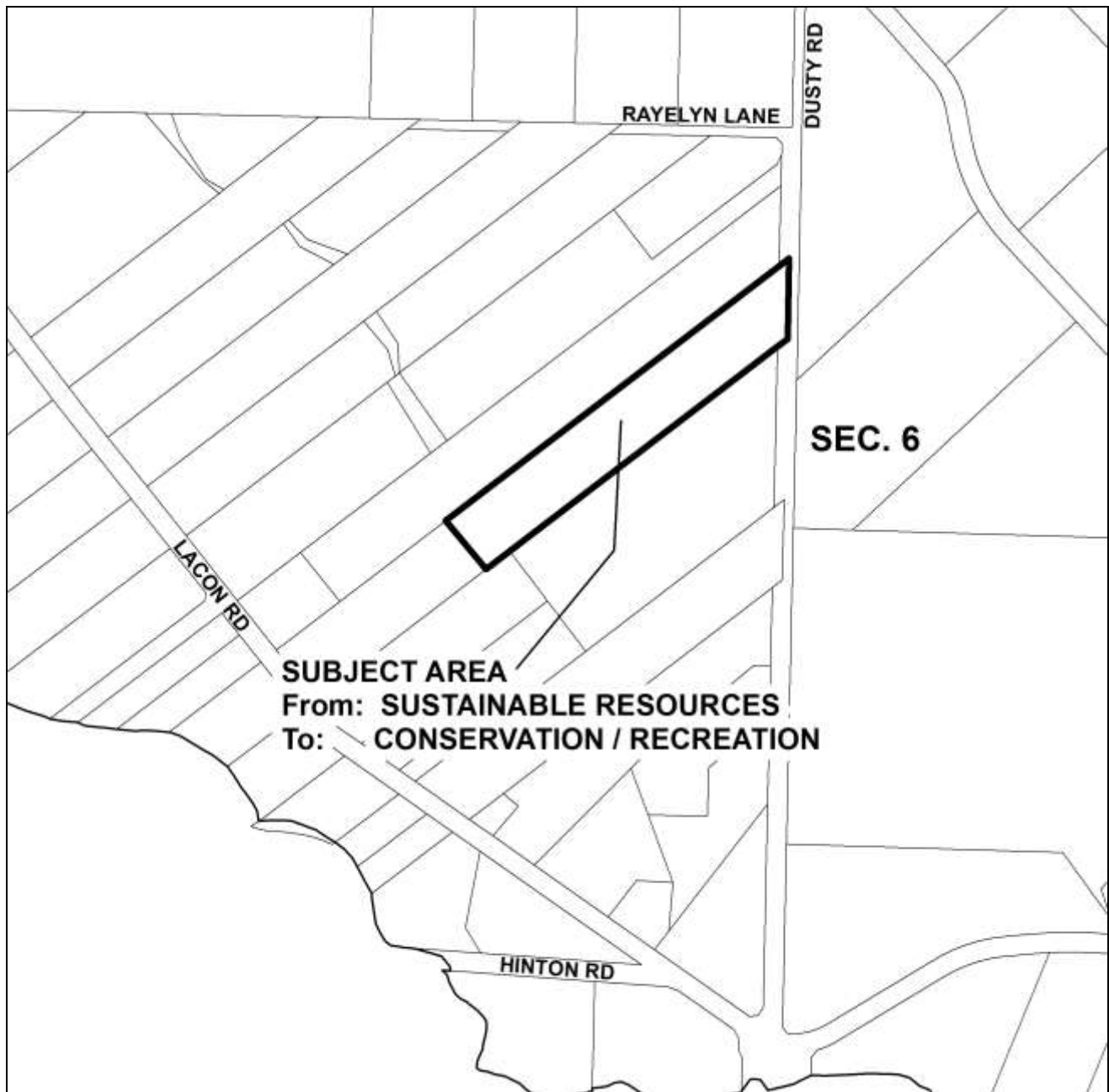
Denman Island Local Trust Committee Bylaw No. 185, cited as “Denman Island Official Community Plan, 2008” is amended as follows:

1. Schedule C [Land Use Designations] is amended by changing the land use designations as follows:
 - a) On portions of land legally described as LOT 17, SECTION 6, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 6404 the land use designation is changed:
from “Residential” to “Conservation/Recreation”;
as shown on Appendix No. 1 attached to and forming part of this bylaw.
 - b) On portions of land legally described as LOT A, SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, PLAN VIP88949 the land use designation is changed:
from a split “Sustainable Resources” and “Rural” designation to “Rural”;
as shown on Appendix No. 2 attached to and forming part of this bylaw.

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 219

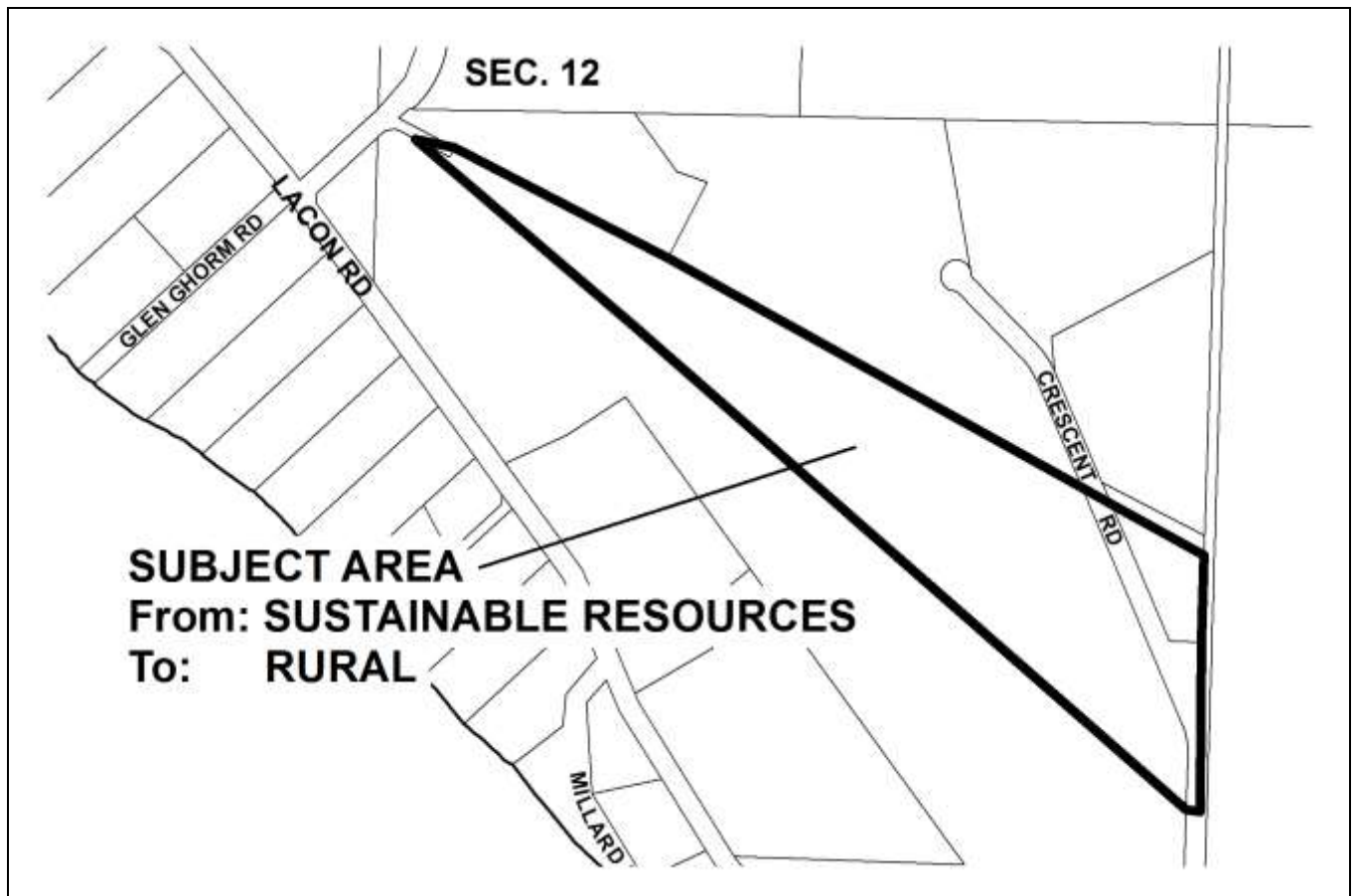
Appendix No. 1



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 219

Appendix No. 2



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 220

A BYLAW TO AMEND DENMAN ISLAND LAND USE BYLAW, 2008

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

1. That Denman Island Local Trust Committee Bylaw No. 186 cited as “Denman Island Land Use Bylaw, 2008” is altered as shown on Schedule “A” of this amending bylaw.
2. This Bylaw may be cited as "Denman Island Land Use Bylaw, 2008, Amendment No. 3, 2015”.

READ A FIRST TIME THIS th DAY OF , 2015

PUBLIC HEARING HELD THIS th DAY OF , 2015

READ A SECOND TIME THIS st DAY OF , 2015

READ A THIRD TIME THIS st DAY OF , 2015

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS _____
th DAY OF _____, 2015

ADOPTED THIS th DAY OF , 2015

SECRETARY

CHAIRPERSON

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 220

Schedule A

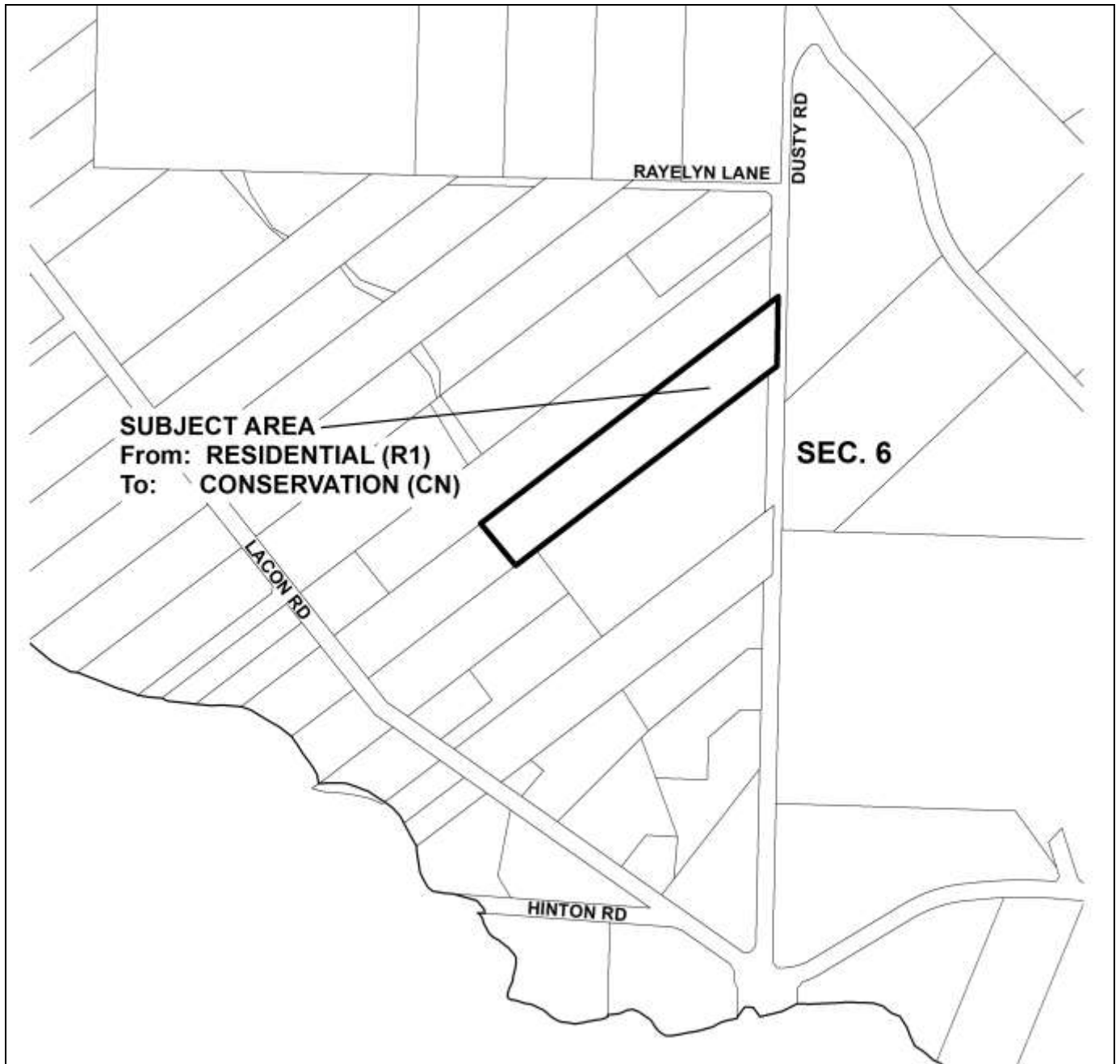
Denman Island Local Trust Committee Bylaw No. 186, cited as “Denman Island Land Use Bylaw, 2008” is amended as follows:

1. Schedule “B” [zoning map] is amended by changing the zoning classifications as follows:
 - a) On portions of land legally described as LOT 17, SECTION 6, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 6404 the zoning classification is changed:
from Residential (R-1) to Conservation (CN);
as shown on Appendix No. 1 attached to and forming part of this bylaw.
 - b) On portions of land legally described as LOT A, SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, PLAN VIP88949 the zoning classification is changed:
from a split zoning of Rural Residential (R2) and Forestry (F) to Rural Residential (R2);
as shown on Appendix No. 2 attached to and forming part of this bylaw.
 - c) On portions of land legally described as SOUTH EAST 1/4 OF SECTION 12, DENMAN ISLAND, NANAIMO DISTRICT, EXCEPT PART IN PLANS 15079, 19060, VIP60280, VIP79163 AND VIP88949 the zoning classification is changed from:
Forestry (F) to Agriculture (A)
as shown on Appendix No. 2 attached to and forming part of this bylaw.

DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 220

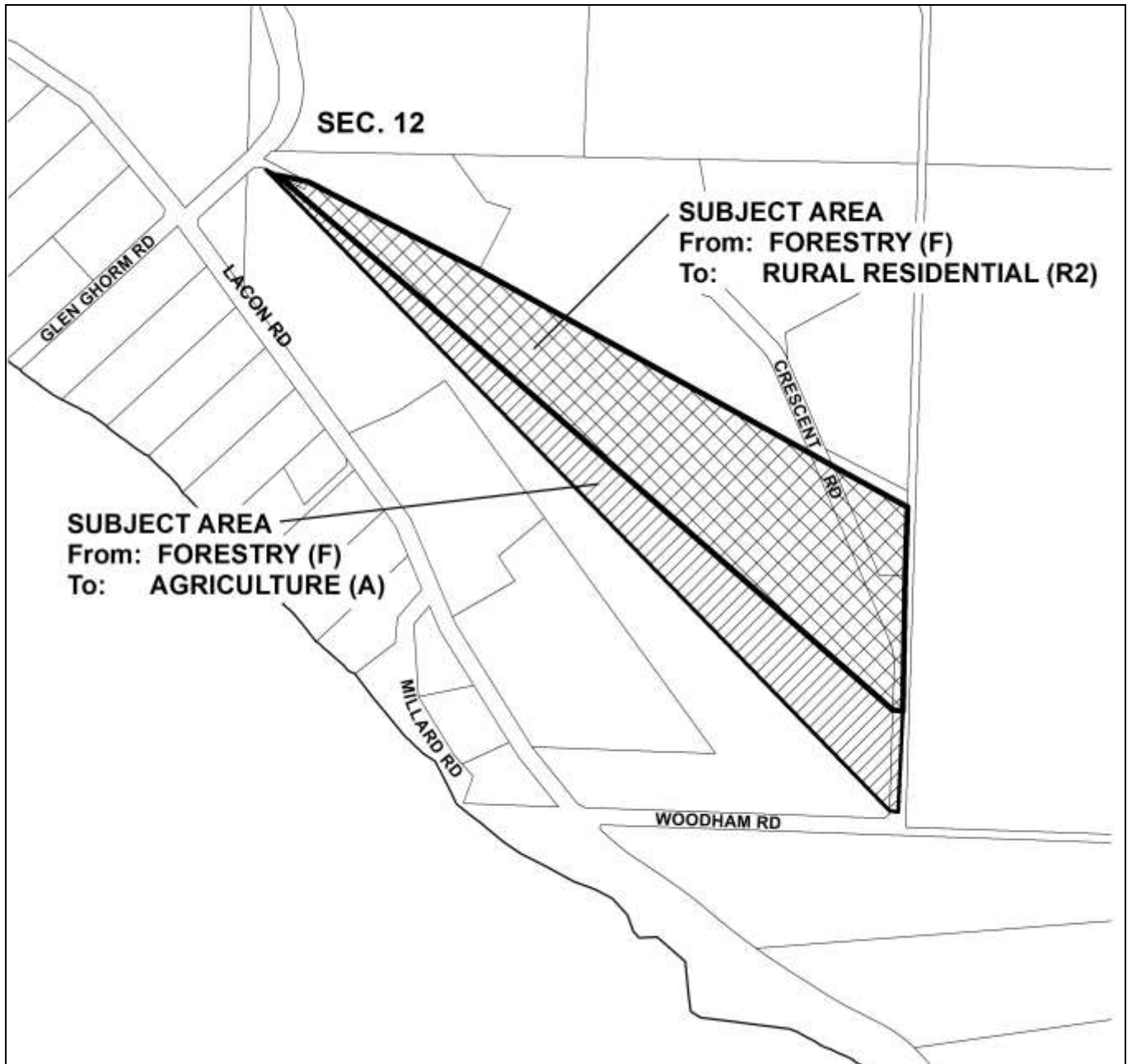
Appendix No. 1



DENMAN ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 200

Appendix No. 2





Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File Nos: 219 & 220 (DE-RZ-2015.1)

The following symbols in the table indicate:

- ✓ the bylaw is consistent with the policy from the Policy Statement, or
- ✗ **the bylaw is inconsistent (contrary or at variance) with a policy from the Policy Statement, or**
- N/A the policy is not applicable.

Explanatory notes are added in bold and italics text

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	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.
N/A	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.
N/A	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	3.3.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

	3.4	Coastal and Marine Ecosystems
N/A	3.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas
N/A	3.4.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.
CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
N/A	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation

	4.4	Freshwater Resources
N/A	4.4.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.
	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	5.2.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
✓	5.2.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
N/A	5.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities

N/A	5.7.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services
POLICY STATEMENT COMPLIANCE		
✓	COMPLIANCE WITH TRUST POLICY	
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:	

From: Henning Nielsen [<mailto:henning@pandesign.ca>]
Sent: Thursday, May 14, 2015 10:28 AM
To: Laura Busheikin; David Critchley
Cc: Rob Milne; Luise Hermanutz; David Innes; Anna Lin & Peter
Subject: DE-RZ-2015.1 Density transfer

Denman Island Local Trust Committee.

I am aware of the ongoing concern by the Thomsens over the potential impact of the proposed rezoning on the air quality of their property.

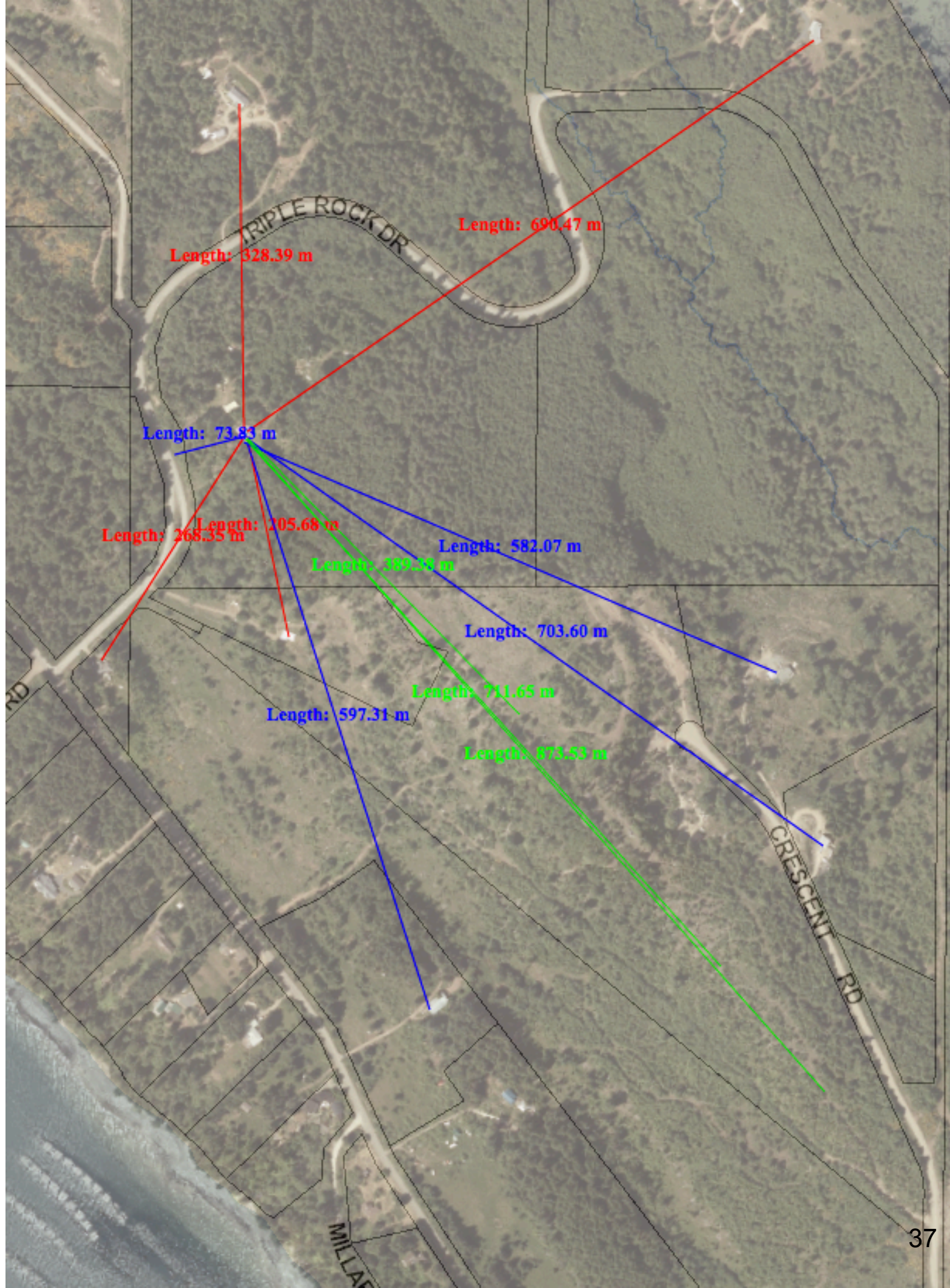
Immediately following the Open House hosted by the applicants, I forwarded information to Mr Thomsen regarding the distance from his home to the potential additional home sites created, should the application be successful.

I have attached this information re-created using MapIT. Red and blue indicate distances from the Thomsen Residence to adjacent homes and to Triple Rock Road, while the green are distances to potential building sites on the rezoned property.

This information might be helpful to the Local Trust Committee in considering the application. The closest additional building site is about 700 meters while the farthest site is over 850 meters from the Thomsen Residence.

Best regards,

Henning Nielsen
PANDESIGN INC.
Tel. 1 (250) 335-3226
Cel. 1 (250) 792-0553
www.pandesign.ca
henning@pandesign.ca



Date: April 29, 2015

File No.: 6500-20-[Visitor
Accommodation]

To: Denman Island Local Trust Committee
For the meeting of May 15, 2015

From: Rob Milne, Island Planner

CC: Courtney Simpson, Regional Planning Manager

Re: Review of Visitor Accommodation Regulations

Interim Report: introduction of draft bylaw

The purpose of this report is to provide a review of the current regulatory framework which guides the implementation of guest accommodation on Denman Island and to suggest possible amendments to the land use bylaw (LUB) to achieve the purpose and objectives of this Local Trust Committee (LTC) project.

Project Objectives

The objective of this project is to create the conditions which will allow for a second set of cooking facilities for the use of customers in association with a Home-based Guest Accommodation operation (often referred to as bed and breakfast home occupations) as permitted by the Denman Land Use Bylaw.

Project Background

The LTC first gave consideration to the implementation of this project at their March 3, 2015 meeting where they reviewed a staff memorandum dated January 29, 2015. Trustees discussed the scope of the project and concluded that keeping the focus on how to legalize cooking facilities in guest accommodations within the context of existing bylaws would be the preferred approach. It was the expectation that, as per the staff memorandum, staff would be presenting a project charter at their next LTC meeting.

At that next LTC meeting, which occurred on April 21, 2015, the LTC received a staff report dated April 1, 2015. Attached to that report was a draft project charter for the review of the LTC. That draft project charter contained objectives and a workplan timeline overview as well as sections on what would be considered to be “in-scope” as well as “out of scope”. In-scope activities were proposed to be limited to:

Changes which are necessary to allow for a second set of cooking facilities in associate with a Bed and Breakfast operation as permitted by the Land Use Bylaw”.

Upon the conclusion of their considerations of the staff report the LTC adopted the following motion:

That the Denman Island Local Trust Committee endorse the Project Charter for the “Review of Visitor Accommodation Regulations” project; and that staff be requested to prepare a staff report and draft bylaw for the consideration of the Denman Island Local Trust Committee at their next meeting.

Relevant Policy and Land Use Considerations

Trust Council Strategic Plan:

Goal “C”, Sustain Island Character and healthy Communities, includes the objective:

4. Enhance community economic sustainability and security; to be achieved in part through strategy 4.5:

- Use Land use planning tools to promote socio-economic diversity.

Trust Policy Statement:

5.7.2 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with the conservation of resources and protection of community character.

Official Community Plan:

Section E.2- “Economic Activities” of the Denman Island Official Community Plan, 2008 contains the following relevant Objectives:

- Objective 1 To encourage a variety of economic activities to support a diverse community and to provide an environment that supports creation and manufacture of local products and opportunities for self-employment and self-reliance
- Objective 5 To promote and support types and tourism that are low impact, environmentally sensitive and educational and that provide local employment

Section E.2 also provides the following relevant policy under the heading of “Tourism”:

- Policy 14 Tourist accommodation should be provided primarily in home-based guest accommodation.

Land Use Bylaw

The Definitions section 1.1 and the Home Occupations section 2.4 contain the following relevant information:

Guest accommodation means accommodation provided for a fee to the travelling public, for a total length of stay of not more than 6 consecutive weeks and a total of 45 days in any one calendar year.

2.4 Home-based Guest Accommodation

- 15 Despite Regulation 11 of this section, home-based guest accommodation must be contained within the principal dwelling.
- 16 Unless otherwise permitted in Part 3 of this bylaw, a home occupation providing home-based guest accommodation shall have no more than three bedrooms, with a maximum of two beds each, which may be rented to transient paying guests.
- 17 Meals may be served to transient paying guests in a home occupation providing home-based guest accommodation.

Information Note: The provisions of meals, other than breakfast as part of a Bed and Breakfast operation, must comply with the British Columbia Food Premises Regulation under the *Public Health Act*.

Other

BC Food Premises Act

"food premises" means any place where food intended for public consumption is sold, offered for sale, supplied, handled, prepared, packaged, displayed, served, processed, stored, transported or dispensed;

Application

2 This regulation applies to every food premises other than:

- (a) a bed and breakfast establishment operated in a private residence,

Bylaw Enforcement:

In discussions with the Bylaw Enforcement Manager regarding the implementation of this project concerns were received about the potential need for future enforcement actions. These concerns related to the possible use of cooking facilities permitted in association with a visitor accommodation use should the home occupation cease. The concern is understood to relate to the potential for creating unauthorized residential uses.

Analysis

As may be seen in the "Relevant Policy and Land Use Considerations" section review the official community plan (OCP) is supportive of tourist accommodation provided by home-based tourist accommodation.

As well Section 2.4, "Home Based Occupations" of the LUB is also supportive of home based guest accommodation contained within the principle dwelling and allows for the serving of meals to transient paying guests, with no limitation to breakfasts only.

It may be noted that Section 2.4 also includes an "information note" which advises that the provision of meals other than a breakfast provided as part of a bed and breakfast operation must do so in compliance with the British Columbia Food Premises Regulation. However, as may be seen in the "Other" portion of that section review, the regulation specifically exempts a Bed and Breakfast (B&B) operation of the need to comply with the regulation. Although the LUB doesn't use or define the term "Bed and Breakfast" it is reasonable to assume that the "home-based guest accommodation" the LUB allows and speaks to may be reasonably considered to

be a B&B use. What this tells us is that there is currently no limitation preventing the hosts of a B&B from providing meals beyond a breakfast to their guests.

Notwithstanding that permissibility, it is clear that there is a desire and need for paying guests to be able to prepare their own meals so as to provide a general stimulus for the island economy. The intent of this project is to create the conditions that allow for that to happen.

As noted in the “Scope” section of the project charter the intent of this project is to make the changes, “...which are necessary to allow for a second set of cooking facilities in association with a Bed and Breakfast operation *as permitted by the Land Use Bylaw*.” [emphasis added]

A review of the “Home-based Guest Accommodation” provisions of Section 2.4, “Home Occupation Regulations” shows that this intent can be achieved by that addition of a new Point 18 which would allow for a second set of cooking facilities for the use of transient paying guests for the purposes of preparing their own meals while a guest of a B&B as that use is currently permitted by the Land Use Bylaw.

The LTC may also wish to consider deleting the information note in that section as it does not appear to have any relevance to B&B operations.

Communications

As noted in the project charter it is proposed to hold a public open house to allow for community review and comments on a draft bylaw which, if adopted, would allow for a second set of cooking facilities in association with home-based guest accommodation as currently permitted by the land use bylaw.

Project Charter

As may be seen from the attached copy of the Project Charter this project is currently on schedule.

Next Steps

Should it be the decision of the LTC to accept the recommendation of staff and proceed with the draft amendment bylaw attached to this report the next step in the process, as per the Project Charter, would be to conduct a public open house to allow for community review and comments on the draft bylaw.

Summary of Planning Recommendations

As may be seen from the “Analysis” section the purpose of this project may be achieved by a relatively minor addition to the Home-based Guest Accommodation provisions of the Land Use Bylaw. The recommendations below address the required amendment and the next steps in moving this project forward. It is the recommendation of staff that:

1. The “Home-based Guest Accommodation” provisions of Section 2.4, “Home Occupation Regulations” be amended by the addition a new point “18” which reads as follows:
“18 A second set of cooking facilities may be provided in a residence which provides home-based guest accommodation, in accordance with the

provisions of this bylaw, to allow for transient paying guests to prepare their own meals.”

2. The “Home-based Guest Accommodation” provisions of Section 2.4, “Home Occupation Regulations” be amended by the deletion of the Information Note.

RECOMMENDATIONS:

It is the recommendation of staff the Denman Island Local Trust Committee:

1. Review the draft bylaw for the Review of Visitor Accommodation project, and provide any revisions to staff; and
2. Direct staff to schedule and conduct a public open house in late June or early July, 2015 regarding the draft bylaw for the Review of Visitor Accommodation project.

Prepared and Submitted by:

Rob Milne

April 30, 2015

Rob Milne, RPP, MCIP
Island Planner

Date

Concurred in by:

Courtney Simpson

May 14, 2015

Courtney Simpson, RPP, MCIP
Regional Planning Manager

Date

Attachments:

1. Project Charter
2. Draft Bylaw

Review of Visitor Accommodation Regulations- Charter v1.0

Denman Island

Date: March 17, 2015

Purpose *The purpose of this project is to create the conditions which will allow for a second set of cooking facilities for the use of customers in association with a Bed and Breakfast operation as permitted by the Denman Island Land Use Bylaw.*

Background *There has been ongoing community interest in moving this project forward; including a 200 signature petition; for some time. The lack of such cooking facilities has had a significant impact on the viability of such operations given the relative absence of dining alternatives on Denman Island. The provision of this option has the potential to provide a general stimulus for the Island economy.*

Objectives

- Effectively communicate the process and outcome to the community
- Engage the community and stakeholders and solicit feedback
- To provide a stimulus for the Island economy

In Scope

- Changes which are necessary to allow for a second set of cooking facilities in association with a visitor accommodation operation as permitted by the Land Use Bylaw.
- One open house

Out of Scope

- Expanding the scope of Bed and Breakfast operations to include accessory buildings.
- Amendments beyond the addition of secondary cooking facilities.
- Consultation beyond an open house

Workplan Overview

Deliverable/Milestone	Date
Adoption of Project charter	April 21, 2015
LTC review of draft bylaw	June 2, 2015
Public Open House	Late June/early July, 2015
First reading of LUB amending bylaw and referrals	July 21, 2015
Second reading	September 8, 2015
Public hearing and third reading	October 27, 2015
Executive Committee review and approval	November 25, 2015
Bylaw adoption	December 1, 2015
Development of communication materials to highlight implementation	January-February 2016

Project Team

Rob Milne, Island Planner	Project Manager
Lisa Webster-Gibson, Legislative Clerk	Referrals and PH

RPM Approval:

Courtney Simpson

Date: March 31, 2015

LTC Endorsement:

Resolution #:

Date:

Budget

Budget Source: LTC local expenses

Fiscal	Item	Cost
15/16	Advertising for open house and public hearing	\$500
15/16	Public hearing venue rental, recorder and additional advertising	\$1500
	Total	\$2000

DRAFT

Denman Island Local Trust Committee

BYLAW NO. ---

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. , 2015”

READ A FIRST TIME THIS	DAY OF	, 2015
READ A SECOND TIME THIS	DAY OF	, 2015
PUBLIC HEARING HELD THIS	DAY OF	, 2015
READ A THIRD TIME THIS	DAY OF	, 2015
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST		
THIS	DAY OF	, 2015
ADOPTED THIS	DAY OF	, 2015

SECRETARY

CHAIRPERSON

Denman Island Local Trust Committee

Bylaw No. ---

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. The addition a new point "18" to the "Home-based Guest Accommodation" provisions of Section 2.4, "Home Occupation Regulations" which reads as follows:

"18 A second set of cooking facilities may be provided in a residence which provides home-based guest accommodation, in accordance with the provisions of this bylaw, to allow for transient paying guests to prepare their own meals."
2. The deletion of the Information Note in the "Home-based Guest Accommodation" provisions of Section 2.4, "Home Occupation Regulations" .



Islands Trust

Print Date: May-14-2015

Top Priorities

Denman Island

No.	Description	Activity	Received/Initiated	Responsibility	Target Date	Status
1	Implementing Riparian Areas Regulation	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
4	Marine Issues		Mar-03-2015	Laura Busheikin David Critchley		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	Nov-12-2014	Application for vineyard and farm to be included in the ALR

Planner: Teresa Ritemann

Planning Status

Status Date: May-07-2015

No change in status.

Status Date: Apr-02-2015

No change in status.

Status Date: Mar-23-2015

Confirmation letter from the ALC that they received the complete application package on March 12 and would be in contact again within 2 months time with an estimated processing time.

Development Permit

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

Planner: Courtney Simpson

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

Development Variance Permit

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

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: Rob Milne

Planning Status

Status Date: Apr-21-2015

LTC consideration of staff report. Resolution for staff to prepare draft bylaws for May 26, 2015 LTC meeting.

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: Jan-05-2015

Final letter sent to MOTI.

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	Dec-24-2014	2201 Tristone Road S.946 (2 lot subdivision)

Planner: Teresa Rittemann

Planning Status

Status Date: May-07-2015

No change in status.

Status Date: Apr-01-2015

Subdivision Referral Report emailed to MOTI. Copied to DILTC and applicants. Applicants will be applying for a Development Permit in the interim.

Status Date: Mar-27-2015

Revised Subdivision Layout Plan submitted by applicant

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	Sep-29-2014	Residence, Garage, Chicken House, Beach Stairs, Woodshed

Planner: Rob Milne

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-2015.2	Denman Island Memorial Society Planner: Teresa Rittemann	Apr-15-2015	to build Kiosk, Memorial Walls - two structures, Main Entrance Gate, Second Entrance Gate

Planning Status

Status Date: Apr-30-2015

Additional covenant information received from applicant

Status Date: Apr-27-2015

Planner TR began review

Status Date: Apr-21-2015

File assigned to Planner TR

File Number	Applicant Name	Date Received	Purpose
DE-SUP-2015.3	Stephen HINTON Planner: Teresa Rittemann	Apr-28-2015	one single family dwelling; one garage/workshop; one boathouse

Planning Status

Status Date: Apr-28-2015

Application received and assigned to Planner TR for review.

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

615 Denman	Invoices posted to Month ending March 2015	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-615	LTC "Trustee Expenses"	500.00	1,737.97	-1,237.97
LTC Local				
65200-615	LTC - Local Exp - LTC Meeting Expenses	2,500.00	3,098.73	-598.73
65210-615	LTC - Local Exp - APC Meeting Expenses	750.00	315.08	434.92
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>3,413.81</u>	<u>886.19</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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